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PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, SECOND SESSION

SENATE—*Friday, May 1, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC., May 1, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 9:30 a.m. on Tuesday, May 5, 1992.

RECESS UNTIL 9:30 A.M., TUESDAY, MAY 5, 1992

Thereupon, at 11 o'clock and 30 seconds a.m., the Senate recessed, under the order of Thursday, April 30, 1992, until Tuesday, May 5, 1992, at 9:30 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, May 4, 1992*

The House met at 12 noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 4, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we bow our heads in prayer, O God, we pause to admit our weaknesses and confess our faults as individuals and as a people. We know that we have not lived with respect and understanding toward each other or with the unity of spirit that is Your will for us. We affirm that we are armed with the grace of forgiveness and the renewal of hope, and we seek to be good stewards of the responsibilities that have been given us. For Your good grace and promise of renewed hope, O God, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wyoming [Mr. THOMAS] please come forward and lead the House in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE HONORABLE WILBUR D. MILLS

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I deeply regret to inform my colleagues of the passing of one of the great former Members of Congress—the Honorable Wilbur Daigh Mills.

Chairman Mills died this past Saturday in Searcy, AR, after suffering an apparent heart attack at his home.

He is remembered as one of the most influential congressional leaders of the 20th century. As chairman of the Ways and Means Committee for almost 20 years, his imprint has been indelibly placed on our Nation's Tax Code. There are many who considered Chairman Mills the most knowledgeable individual in the country when it came to matters of tax, Medicare, Social Security, and trade. People from around the world sought his counsel and expertise long after he retired from Congress.

Chairman Mills represented the people of the Second District of Arkansas for 38 years. It was my privilege to serve with him from January 1967 to 1977. It was also my privilege to know him as a close friend. I'm sure many Members will want to remember and honor Chairman Mills at a later time for his prominent contribution to our Nation.

A memorial service will be held on Tuesday at 2 p.m. in Kensett, AR.

I extend my deepest sympathies to his wife, Clarine "Polly" Billingsley Mills; two daughters, Martha Sue Dixon of West Simsbury, CT, and Rebecca Ann Yates of Wayne, NJ; his brother, Rogers Mills of Kensett, AR; his sister, Emma Gene Yancy of Marianna, AR; six grandchildren and two great-grandchildren.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Friday, May 1, 1992:

S.J. Res. 174. Joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month"; and

S.J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and Non-Indians."

PROUD TO BE A MEMBER OF CONGRESS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today I am making a political announcement about my future in the House of Representatives. I am not retiring.

Mr. Speaker, I say this because great play has been given to many of our colleagues who are leaving the Congress, creating frustration, despair.

Two great Members retired last week, the gentleman from Florida, LARRY SMITH, and the gentleman from Michigan, BOB TRAXLER. I think those of us that are staying deserve a slight pat on the back. I was in Taos, NM, recently. And I had a constituent say, "Congressman RICHARDSON, don't let the negativism in Washington cramp your style. Only the Congress can make things better, and take credit for being in Congress."

Mr. Speaker, I am here to say that I am proud to be a Member of Congress. This is a good institution with a lot of good people, staff and Members, and we have got a job to do.

Yes, there are frustrating moments, but on the whole there is no job in the world where one can make a greater difference to help people.

Mr. Speaker, last week came and went with two more of our colleagues announcing they would be calling it quits after this current Congress. Florida's LARRY SMITH and Michigan's BOB TRAXLER adding their names to the growing list of Members who have decided to part ways with this House—52 so far, and the number is sure to grow.

I had the great fortune of working closely with both Congressman SMITH and Chairman TRAXLER—both men devoted to the public good truly interested in trying to make a difference. Their departure is a great loss for this institution.

It is unclear how many more of our colleagues will step down into this well and announce they too are going home for good. I, for one, will not join the parade of Members who are making the trek to this spot to say their goodbyes. My name will be on the ballot this November. God willing and with a few votes of support from my constituents, I will return to this House as a proud Member of the 103d Congress.

Despite the harsh criticisms that are thrust upon us, despite the efforts of some partisan thugs who attempt to destroy this institution, and despite the terribly nasty smell and taste of modern-day politics, I believe there is no higher calling than public service. Serving in this House, working together, we have the unique ability to make a positive difference in the lives of 250 million Americans and millions of our neighbors abroad.

I am not embarrassed to be here; I'm not ashamed to be a Member of the House. I am proud of the work we do and hope to return to this great institution to serve in the 103d Congress.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEALING WITH THE CRISIS IN LOS ANGELES

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I have sent today a letter to the President about the crisis in Los Angeles which I would like to share with the Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 1992.

Hon. GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Having watched with horror at the events in Los Angeles last week, I want to urge in the strongest possible way that Jack Kemp be delegated to aggressively represent the Administration in helping to rebuild the city and in dealing with similar problems facing the inner cities throughout the United States.

Jack's faith and experience give him the understanding and burden to address these issues. There is no better time for the Administration to demonstrate its ability to find positive solutions to the crises facing urban families and communities.

Mr. President, you appointed Jack Kemp to be secretary of the Department of Housing and Urban Development and it was a good appointment. Assigning him now to attack the problems in Los Angeles and in cities across our nation will show every American your Administration's continuing commitment to bringing people together and moving our country forward.

Sincerely,

FRANK R. WOLF,
Member of Congress.

This Congress has not been that receptive to what Secretary Kemp and the Bush administration has wanted to do, and Jack Kemp has come up with creative ideas on behalf of the administration, such as enterprise zones and elimination of capital gains for the inner cities. Now is the time to give Jack that ability to speak out whereby this Congress and the administration can come together in a bipartisan manner to solve these problems.

PAINFUL SITUATIONS ARE TESTS OF PRESIDENTIAL LEADERSHIP

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the test of leadership is to take sad and painful situations and make something constructive from them. The President faces such sad and painful situations, one of which is in Los Angeles.

As a result of the riots and the difficulties there, the President has the opportunity of taking that sad and painful situation and creating a whole new agenda for the cities of America. He has the opportunity of creating a whole new agenda to ensure the civil and human rights of every citizen of this Nation.

Another sad and painful situation the President faces, Mr. Speaker, has to do with the American political system, a system today driven by big money, by big special interests, by big political action committees, but not by the people who are meant to drive that system.

The President can take that sad and painful situation, Mr. Speaker, and make it better by signing the campaign finance reform bill that has been just sent to him this week by the other body, having first been passed in this body some weeks ago. I urge the President to make constructive situations from these two sad and painful situations, the situation in Los Angeles and the situation in the American political system.

THE NATIONAL GUARD IN LOS ANGELES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the California National Guard is doing a good job in a tough situation in Los Angeles. At 10 o'clock on Wednesday night, individual National Guardsmen were alerted to report for duty, and by 5 o'clock Thursday morning, more than 2,000 guardsmen were in their armories being briefed and getting equipment.

By noon on Thursday, the National Guard got its first mission from local law enforcement officials to go on the streets. At 1 o'clock Thursday afternoon the first units, an MP company from the 40th National Guard Division, were on security patrol in the Lakewood area of Los Angeles.

By Friday, more than 9,000 California National Guardsmen had been called up and federalized. Over 7,500 of that number are actually on the streets, patrolling and providing security.

Mr. Speaker, this situation shows how important the National Guard is in its State mission. The Guard is protecting human life and property as part of its dual role of serving the States and local governments in time of crisis.

□ 1210

NATIONAL AND INTERNATIONAL THIEVERY IN HIGH PLACES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I continue on the subject matters that I have been discussing for some years, but with particular relevancy on two major concerns as a Member and also now as the chairman of the House of Representatives Committee on Banking, Finance and Urban Affairs. This could be said to be about thievery in high places, national and international.

Before I go into that I want to sum up, for the sake of understanding and clarity, the limitations as well as the jurisdiction of the Committee on Banking, Finance and Urban Affairs. I also happen to be the chairman of the Subcommittee on Housing and Community Development.

The average citizen, and I would almost hazard to say the average Member of Congress, and not members of these committees in either the House or the Senate, would conclude that the Committee on Banking, Finance and Urban Affairs has jurisdiction on matters that would seem obvious and commonsense to have jurisdiction, but we do not. As a matter of fact, there are areas of activity that I think the average citizen who reads his Constitution would absolutely conclude that the Committee on Banking, Finance and Urban Affairs of the House had jurisdiction, but it does not. Such things, for instance, as the constitutional mandate—not a privilege, it is a mandate—that the Congress control the purse, Treasury; that it also set and determine the value of its coinage or currency, as we say nowadays.

However, that is not really so, through a variety of things that I have discussed on prior occasions and only will sum up; for example, in the matter of affixing the value of the money and coins thereof, that was long abdicated by the Congress after the passage of the Federal Reserve Board Act of 1913 and the creation within the activities of that board of such a thing as the Open Market Committee.

That was structured not unlike the set-up of our mother country, England, but today the operations of the Fed are actually of an epoch and an era that no longer reflects the activities in England or Great Britain.

For example, it used to be that the Chancellor of the Exchequer could, until actually not too long ago, determine the fall or rise of any cabinet or government in England by just the power to set the value of the bills, of notes, bills, so forth. Unfortunately, today the Federal Reserve, through its Open Market Committee, has that power.

It used to be, and for at least six different chairmen of the Federal Reserve Board that I have observed since I have been a member of the Committee on Banking, Finance and Urban Affairs, it repeatedly came up, as late as Chairman Volcker, to tell us that interest rates were something that was totally and completely out of their control. They could not control that. At one point I said, "What is it, an act of God?" And he looked at me rather condescendingly and did not say anything, just smiled and puffed on that cigar he used to puff.

The truth is that now we have had the last two chairmen repeatedly say, "Of course we can control interest rates. In fact, we are going to respond to the political pressure of our Republican conferees in power in the administration and we are going to reduce interest rates." Unfortunately, the last three years of Mr. Volcker's regime he lost that power as far as controlling it, in view of external forces, international forces, over which he was able to preside over the loss of that control, no matter what we do domestically, as is being proven today by the so-called control. But nowadays we have definition of interest rates. We have short-term interest rates, long-term interest rates.

The prime rate can mean at least three or four different things, depending on the definition. It did not used to be that way, and it certainly was not that way until the end of Volcker's regime.

The truth of the matter is that the Federal Reserve Board is totally independent of anything that Congress wants to do, or for that matter the executive branch, unless, as in 1972, the Chairman then, Mr. Burns, was sympathetic to Mr. Nixon's plight in the 1972 recession that summer, which incidentally coincided with Watergate, and did do a little bit about the so-called money supply.

They have all kinds of jargon to try to explain this, but the simple language that anybody can understand, these are not matters of esoteric or secret or magical things left to the high priests of finance, but they just happened to hide their thievery in this kind of secrecy where it is the secrecy to keep from the American people what is going on that has enabled it, not all of their jargon and gobbledygook and everything else that they enshroud whenever they went to their activities.

□ 1220

I wanted to make sure Members understand that the Federal Reserve Board is not a Federal agency. It is a creature of and responds to the commercial banking system, private, and the way it has worked its independence, it is totally independent even though it was not created from on high. It was the Congress that created the Federal Reserve. So the Congress though, for whatever good reason or bad, is, and has been very unwilling and probably will be.

The tragedy is that all of this seems to be waiting just for this whole house of cards to fall around our heads, and this time even beyond our shores, and ricocheting back and fourth. There are connections. I have been developing one aspect because of our responsibility in the Banking Committee where we at least can say that we attempted to provide a framework or a system whereby these men that the same Congresses have placed in charge of regulating the banking and financial industry will at least have no excuse to condone what has been going on, and continues to go on and is going on even now as I speak this morning. And that is international banking.

I have said this before. It was not until 1978, and that only after the 1975 hearings that I caused to bring then as a lower situated member of the committee, to my home city of San Antonio where we had a 2-day hearing showing this international and rather insidious velocity of moneys easily transported with no detection whatsoever in huge volumes across the international border, and its impact on some of the local banking institutions. Roughly, we have limitations and I explained one with respect to the fixing of money or the value thereof. Today it is the Federal Reserve Board that cranks the printing presses, it is not the politicians, it is not the Congress. It is the Federal Reserve Board, even though the Federal Reserve Board is defined in the Federal Reserve Board Act of 1913 as being the fiscal agent of the U.S. Treasury. But it has turned out to be the other way around, and we will go into that in a few minutes with respect to the domestic activities over which we also have little or no control, but on which I have introduced legislation in order to seek protection for the interests of the greatest number in our collective body known as the American society.

So, generally, contrary to the commonly held belief that the committee would have jurisdiction over such things as the heavy, you could say symbiotic or indissoluble link between banking and securities investment, or Wall Street speculation and gambling, but we do not. And the reason is very simple. Some time ago when my fellow Texan, the great Sam Rayburn was Speaker, he got angry at the then chairman of the Banking Committee. So he then placed the jurisdiction of such things as the Securities and Exchange Commission over in what used to be the Interstate and Foreign Commerce Committee but which is now known as the Energy and Commerce Committee. So we do not have jurisdiction of that.

But we have jurisdiction over some aspects of it, like the Federal Reserve Board, and that is crucial.

I have discussed the BNL, the Italian bank and its agency facility in Atlanta at great length. I have brought out some of its actual alliances and some of its henchmen involved in criminal exploitation and being conveniently used by our national leaders to do such things as provide letters of credit in the hundreds of millions and billions of dollars for Iraq, right up to the very point of the invasion of Kuwait. That was possible only because, as it is still pretty much the case even though there was that scandal, but more the BCCI scandal which was the one that seemed to gain the national attention and daily headlines, but we do not hear anything about it now. But BNL, we had been talking on BNL for almost a year before BCCI broke, and the BNL, from a certain standpoint as far as our national interests are concerned is far more insidious than the BCCI. But that is also tied in with another aspect that I have spoken out about with no seeming impact on anybody, including my fellows on the Banking Committee or those off the Banking Committee, and that has to do with the debauching or the fast approaching little value of our money and our currency. I have been speaking out on this since 1979, specifically in August 1979. Nobody seems to much care even now, even though it has everything to do with my colleagues constituents' jobs, and what their money is worth, which would be important even in the case of defense. What good does it do to have a highly touted defense system, No. 1 in the world today, if the value of the money is not worth much? The dollar has lost about 60-plus percent of its value just since 1986, and against gold it is over 1,000 percent loss of value.

I wanted to develop today two things that are linked and are interchangeable, and the BNL and the BCCI are just symptoms of the malaise and how the local corrupt setup domestically happens at a critical moment in the world's development to sync with the international corrupt system, criminally oriented, and which will be very difficult to have policed worldwide unless there is some new leadership, and I think it is a little too late for that, emanating to try to safeguard not now just this national interest but mostly the industrial nations' interest.

Domestically, the one thing I have discussed here at the time I introduced what is known as H.R. 4450, together with and in company with my distinguished colleague on the Banking Committee, Mr. STEPHEN NEAL of North Carolina, as an attempt to prevent what happened with the recent scandal, which incidentally has also been very much hushed up, of the so-called Salomon Bros. scandal. Let me explain about that, because I think that it never really has been. Since the Department of Treasury has been doing everything it can to hide its insolvency, it has to depend on such entities as the quote-unquote Salomon Bros. and others.

□ 1230

But the Treasury has been too deeply involved and intertwined with this very same financial entities or industry of our country. So that in order to try to regulate and prevent, and I do not think it has or is being prevented, the abuse reflected in the Salomon Bros., we introduced H.R. 4450 from the standpoint of the Federal Reserve Board, because after all, remember what I said awhile ago, the Federal Reserve Board is the creature and the maidservant of the private banking industry.

Treasury has to fund what we call, or try to sell pieces and chunks of the national debt in the market. Therefore, Salomon Bros. and their like are indispensable.

But the truth of the matter is that nowhere has it been brought out that the Treasury is actually in a way borrowing from Salomon Bros. and, therefore, is not going to be too anxious to try to regulate and clean up that aspect. So from the Federal Reserve Board where we have jurisdiction to legislate, H.R. 4450 would simply say this to the Fed: "You shall no longer have this exclusive secret private list of 39 prime dealers of which Salomon Bros. was king and prince"; until lately, they have not known what to do.

The bad part is that the international swings in then at that time, too, because the Japanese have been heavy purchasers of our debt, and they have begun to withdraw when they found out about this thievery on the part of Salomon Bros. They began to say, "Hey, wait awhile, you know, we want part of that gravy, too." So they have had Japanese securities which now are allowed in our marketplace also, but in a much lesser way, involved.

But what does it mean when Japanese investments in our debt amount to 35-plus percent of that debt? Does it not mean that we have sold our economic and financial freedom in the most vulnerable place which is our Treasury? Does it not mean it has been sold out, and with it, the economic and financial independence of America? That is exactly what it means.

Now, because Treasury risks involving insolvency allowed Salomon Bros. to fix the price, but in what an insidious way. Now, this has never really been brought out. Salomon Bros., as such, was caught. And why? They would get so greedy. They had the most privileged, and they had a credit card to steal from the Treasury, and yet they were so greedy that they overdid themselves to the point where not Treasury but competitors began to squeal, and that is how the pressure builds up to expose that one. It was not Treasury. How could Treasury?

In fact, what has happened since then? Oh, the Secretary of the Treasury announced that he was suspending Salomon Bros., but then a few days later, they got a new guy. They made a fall guy, and I forget his name. He goes out. Another one comes in. He says, "Oh, you know, he was insane."

In other words, he pled insanity. He was crazy; they do not know why he did it. "We are really puzzled." The tragedy is that the whole doggone securities industry has been involved in this kind of game, just not that much gravy though. That is what happened.

So now here comes the new guy at Salomon who picks up the phone and he calls his buddy, the Secretary of the Treasury, because our Secretaries of the Treasury, and I am not just talking about Republican administrations. It goes back to Democratic administrations. The overwhelming majority of them have come from the same stable, Wall Street. So what does our Secretary of Treasury, who is a former chief executive officer of what, Dillon, Read, say? He says, "Well, you know what, we are going to be lenient." Frankly he just could not afford to cut out the biggest source of borrowings for the Treasury.

But let me tell you how it works. There is no regulation of that market. If we get 4450, it will be the first time. It is in utter secrecy. It is not a surprise. It was not to me, but it seems to not even surprise some enough to write about it.

But I think some of our average American citizens who buy bonds or, for that matter, lend the Treasury should not be surprised to know that the Treasury borrows from Wall Street at a higher interest than it loans to Wall Street.

Our handling of the debt is so atrocious. Old Uncle Sam, and that means the taxpayers, are paying compound interest on that debt. It will never get out. The whole house of cards, I am afraid, as much as we have warned for 20 years, as much as we still have within this period of time, and even on these other manifestations, now social disturbances, we have been predicting this since 1982, but it just seems that we have reached a point until there is a crisis, and then the reaction is kneejerk and very disastrous in the environment which we find ourselves in this world today.

Anyway, is it not nice the way these big old boys can borrow, and the Treasury pays a higher rate when they borrow it back? I mentioned there were 39 primary dealers, but Salomon Bros. and these dealers, with only 1 percent downpayment, buy those Government IOU's. Those IOU's yield 7-percent interest. The Fed then loans the money back to Wall Street at 5.75 percent, and Salomon Bros. even used that debt paper to buy collateral and use it as collateral on the loans it purchased with them. Now, tell me if that is not a scam of the worst kind.

Why, these penny-ante loan sharks out here that are now legalized usurers and have been, and I have spoken against that since 1966, but are now legalized. Usury is legal. I remember how surprised so many citizens seemed to be in Virginia, Texas, wherever I went, to know that there are no national interest-rate caps. Why, on a national level those went out in the 1865 National Currency Act just about the time that President Lincoln was assassinated, and then, of course, it was not long before Gresham's Law began to operate, and then I happened to be here on this committee with great agony watching how the Federal Government's refusal to protect what human beings had been protected from ever since 7,000 years before Christ, and suddenly discover that those States like mine that did have usury laws or interest-rate controls, under the burden of the Federal Government saying, "Well, we are taking off interest-rate controls on VA loans for housing, mortgages, et cetera, et cetera."

□ 1240

What could they do, except under pressure? There are only about two or three states that still have some kind, and the bankers there and everybody else is complaining daily about how they cannot compete for capital.

So with 1 percent downpayment, old Salomon Bros., et al., and their ilk buy the Government IOU's, and they yield 7 percent. Then good old Treasury comes back and pays them 5.75 percent.

Now, I do not see how in the world old Jim Fisk, I bet he has turned over in his grave with envy, and all those big manipulators and thieves right after the Civil War, they must be just turning over their bones to see how slick it is done nowadays and getting away with it.

Now, what were the profits made by the five firms, chief firms, Salomon Bros., being the king of them all and then four others? Well, just one operation there, one year, a billion dollars plus.

Do you wonder that we have a debt that keeps increasing incrementally, where today just the interest on the debt amounts to the total amounts of money, my dear colleagues, what you vote for the national defense of this country?

I am asked, "Well, Henry, if you had your way, what would be the biggest single thing you would want?"

Well, it is very simple. Solvency, solvency, solvency. We are bankrupt. We are insolvent on every level of our national life, whether it is corporate, whether it is just plain you and I out here with the level of debt that we have piled up, private debt, credit cards and what not, or whether it is the Government. We are insolvent.

How long will it take before that nasty mega-truth is conveyed?

Now let us go to the international. I have been speaking on the BNL. I have spoke on the BCCI. We have had hearings. In fact, this coming Friday, God willing, the committee will have hearings on BNL and some of the related things that will give us a little more knowledge of what it is that can be done to synchronize our protective agencies or Departments. One of the prime guests will be the Director of the CIA, Mr. Gates, and that is this coming Friday.

Now, we also had hearings on the BCCI. We have not terminated them. We still have places to go; but in the meanwhile, the first evidence of this crumbling house of cards of our so-called insolvencies in the financial institutions, where we cannot even get the House to just lift the cap, the day cap of April 1, on the moneys that are necessary because you have got to close down and pay out the depositors of the defunct institutions that are out there. They are dead as a doornail.

And what happens if all of a sudden the Government cannot keep its pledge to pay out the full insurance of up to $100,000? Are we waiting to see what happened in Ohio, Nebraska first, in 1985? Then in Ohio and then in Maryland where you still have some 15,000 Marylanders who have not gotten their money back? I have talked to some who could not and did not get their money back that they had saved by dint of hard work to get their kids through college.

Now, if you think that has not been pathetic to me, you just do not understand what it is to feel this, when you have felt it in your bones and done more than just sit there. You have spoken out, to find it is like a coyote out in the brushwood in my country braying to the Moon at midnight.

Now, let us go to this international, the BCCI. Fortunately, the BCCI, as well as BNL, had not and did not get, I think it was accidental, full banking facilities; that is, where they could get unwitting Americans and take in deposits; but they did in England, where for the first time in 100 years they had the first bank failure of any size, a big bank.

What were the reasons? Why should this have happened when it did not even during the Depression, when we had our banking moratorium and Franklin Roosevelt closed the banks? Canada did not and neither did England, but all of a sudden, wham.

One of the biggest ones, well, the same reason that we had our problems here, deregulation under Maggie Thatcher. Remember? There was an affinity of interest between those two Tories known as Maggie Thatcher and Ronald Reagan, and they did the same thing and we had the same occurrence in the case of Great Britain, where for the first time in 100 years they had not had any big bank failure.

Well, those are just symptoms. What I have been trying to tell my committee colleagues, sure, we are going into this. Somehow or other, we called a meeting, we called a hearing, we cannot get too many Members. There are other things that have priority. I tell them that these are just symptoms, which means that we have a real task.

The reason is simply deregulation brought lack of surveillance, and it did so on the international level.

I want to refer to a very interesting article that appeared this last October in the publication known as World Press Review, entitled "The Dark Side of International Banking." It points out, among other things, that is with the lax international situation where all this money is supposedly going to the new middle Europe or East Europe can be so susceptible to be converted and used to do what has been done in countries like Luxembourg, and now all the Caribbean islands, the Cayman Islands.

Why would any corporate activity or financial activity go to these islands to get their charters? Obviously, they escape American taxes, and second they do not have to show their jerry-built very fragile, if existing, financial capitalization.

So can there be any BCCI? Of course, there will be many more, but even between BNL the Italian Bank and the BCCI, there is also a relationship.

I want to bring out that we have had in our investigative capacity a great wonderful relationship with the Roman Italian Senate investigating committee. As a matter of fact, they were the source of some information that was denied to us by our Federal departments and agencies.

Now, recently, you read about the scandals in Japan and about the drop in the Japanese stockmarket. Are these isolated? No, they are all interconnected.

I am going to quote:

□ 1250

"The problems of bank surveillance are posing themselves on an international scale. What, for example, do two recent financial scandals—the Nomura Securities scandal in Japan and the one involving the Atlanta branch of Italy's Banca Nazionale del Lavoro [BNL]—have in common? They are two cases that demonstrate the danger of situations where economic power is concentrated in a few hands," says Paolo Bernasconi, an expert on economic crime. In Japan, the shock of the scandals was very powerful: In the course of a few days, powerful institutions such as Nomura and the country's three other large brokerage companies, Daiwa, Yamaichi, and Nikko, appeared to international officials and local account holders to have been in business with the local Mafia and at the service of a few industrial groups and government industries. The BNL Atlanta affair is not as clear, although investigations have added new and important details. According to Gian Maria Sartoretti, who runs BNL's financial institutions department, the head of the Atlanta branch had set up a network of illegal activities involving suspicious Bulgarian, Turkish, and English companies to traffic arms and drugs.

I had tried to bring out the fact that we have $800 billion, although it is more than that now, around $1 trillion in this international financial activities area in the United States, with nobody, no Federal agency, no State agency—and remember these agencies are chartered by the individual States. In the case of BNL of Atlanta, it was the Georgia Banking Commission.

We had the commissioner before us, and he had not the slightest idea that this giant fraud had been going on right around him.

The Federal Reserve Board did not, either.

So, what do we have? Well, fortunately, because of those two scandals, BCCI and BNL, we had a minor addendum to the law known as the 1978 International Banking Act, but not enough.

I contend that, as I am speaking here today, I have a trillion high-velocity dollars in the country. But then, when you add the international flow, which I have also been speaking about—in fact, in the last appearance before Chairman Volcker of the Federal Reserve Board in the summer of 1987 before a committee, I asked him that one question. I said, "Mr. Chairman, what, if anything, do you still believe ought to be done, or do you believe anything ought to be done, about this more than half a trillion dollars that is running worldwide between Bonn, Germany, Paris, London, New York, Tokyo, transmitted instantaneously, and that is highly speculative and that it is not money following goods or commerce or interchange of commerce or values, but it is money speculating on money?"

And he looked at me, and he said, "Nothing. There is nothing we can do."

Well, that is a lot of nonsense. They sure could. At the same time he was reporting to us, having the Federal Reserve Board as the representative of the banking industry, not the Congress, entering into the so-called BIS agreements or the Cook Commission convergence on capital standards, which in effect made the big, big powers and has been ever since I can remember. As a matter of fact, the BIS, the Bank for International Settlements, even during World War II, when Franklin Roosevelt, our great President, said, "We are going to build 50,000 warplanes," he could not move one until the German cartel in the BIS released the right to magnesium which we needed.

So, this kind of money has no nationality, no allegiance, no loyalty to any particular country.

So, Mr. Speaker, time's awasting. If we had had any kind of leadership in our country, as I have been advocating for over 20 years, we would have taken the lead when we still had leverage. Rather than that, we meekly and supinely yielded to such things as BIS. Incidentally, the United States is not a voting member of BIS, the Bank for International Settlements, the real power.

It is not IMF, but BIS.

What did those standards do? This is what our bankers are complaining about. It imposed rigid capital standards, which means premiums. And what did the Federal Reserve Board do? It imposed them on all of the banks, not just those that are involved in that kind of international transactions; the overwhelming majority, 92, 92 percent, do not involve themselves in that kind of trade. But these others have to pay. In fact, that is what the real complaints have been about, not the fee increases because of the bailout now and the insolvency of the bank insurance fund. Let us not kid ourselves about that, either.

Mr. Speaker, if you cringe at even allowing the very facility that is in charge of resolving the remaining S&L's and just lifting the cap on the date, not giving any more money—and we appropriated that money last November—how in the world are you going to be ready when the next round comes and the bank insurance fund, known as BIF, which we still have not faced? All we did earlier, last year, was to tell the FDIC, which is the insurance arm, the insuring arm of the deposit insurance system, which incidentally is at the bottom of our problem; it has been corrupted, it has been diverted from the congressional intent. The Congress sat by supinely and so have the banking committees, despite some of our outcries, which have been marginalized, and protested that there is no congressional intent ever placed in law but that the decisions made by regulators like Volcker on his policies of "too big to fail," where they would pay out billions of dollars to those that had way more than the insured amount.

Now, the average citizen, the average American depositor, has no more than $8,750. So, where have all these billions of dollars gone previously?

But now, where they finally got them, where they are behaving like they should have, the Congress holds back on even doing the very minimal to prevent what I will call an uncontrollable crisis.

The fact remains that there are so many levels in which the people, that is, through their agents or their representatives, the Congress, the only national policymaking body that they must depend on, have lost any control and is now so multilayered, what can I do? In the words of the poet Audin, "I have but one voice to undo the folded lie."

I know that. We have also been wise enough to mark an observation made by another American writer, who said, "The day of the pamphleteer and the political oration is gone." We live in the day of the engineering. The spark gap is greater than the pen.

Well, being that our American people, at least in their name, our Government has gone out and slaughtered innocent victims in Panama with the most deadly weapons known to man, and over 200,000 Arab Moslems, is it not true the spark gap is greater than the pen?

□ 1300

But nevertheless, it is no excuse for anybody falling over. All I say is that, after last week's actions on the part of this great House, I hardly know what to say to my colleagues who, in the majority, ran helter-skelter and turned their back on the greatest threat that has ever been made to the independence, and the coequality and the separateness of this great body since the First Congress in 1789. I ask, "How can I expect you to stand up to defend the most vital, yes, difficult, yes, politically hazardous?" Big powerful people do not like to be antagonized. They never have. But we are charged with a duty, and it is not what you, the majority, ran away from, your most basic trust. Why?

As I said to the court, it is not my right, granted by way of privileges and immunities in the Constitution, from encroachment from the executive branch and, for that matter, the judiciary. It is the privileges and immunities belonging to the people who elect me. Not I. I am here transitorily. I will be gone, and somebody else will be here. But those inherent rights the Constitution has given, not us, temporaries, but the people who elect us, and that means that it will be most difficult to defend even that which I spoke of a while ago.

Now I am going to also close out by referring to a recently issued book entitled "The Money Bazaar" by Andrew J. Kreiger. This young man is like one young lady I read about who wrote a book called "Play Money" giving her experiences about how at 19 years of age she made over $2 million in a month or so on Wall Street. Now my colleagues know, if that happened, there is something wrong somewhere, and I was speaking about how the Wall Street activity, even today, does not reflect what it is supposed to.

Mr. Speaker, Wall Street is supposed to be reflecting the bonds, paper of corporate activity, producing, manufacturing, and it is not. What is now is: it is a manipulated market. Clearly the 1987 fiasco showed its manipulation.

That has not stopped. The handling of the Treasury, of its securities; I have just explained to my colleagues what a scam it is. That has not stopped.

So, here is a young man that now describes how he has made his millions as a recent graduate from the, I think, Wharton School of Business. But then he learned that with just a simple computer he did not have to work with Salmon Bros., which he started out with, or the others. He could do it at home with this trillion dollars-a-day internationally money chasing money; that is, currency speculation. What is that speculation on? It is on the value of our money.

And what I have said is, and I have said it repeatedly, and I keep on saying it even though it seems almost frustrating and hopeless: We are the only people who have had through history that great privilege of paying our debts in our currency. We continue the course we are on, we are and have been, and are immediately vulnerable to the dollar being replaced as the international reserve currency unit. If that happens, it means we will have to pay this enormous debt overhang in somebody else's currency, and, therefore, we will be as we were in the beginning when the founding leaders of this country were fighting in the mercantile system.

Mr. Speaker, on the verge of the 21st century we are going into a mercantile system where we no longer produce. We are not the producers. We are net importers, and we are dependent on somebody else's judgment and willingness, and I will guarantee that I would not bet a penny on it for the value of our money or currency.

Now that sounds remote, Mr. Speaker, I have been telling, and I have been saying, this, and it sounds, remote. But it means the jobs of our constituents, as they already have been affected. It is tied in. But how long? Oh, how long?

When it happens, it is not going to be like the 1987 stock market thing. It is going to be like not even the uprising in L.A.

Incidentally, I took the committee and the subcommittee to L.A. on February 11. We had our hearing right in the middle of where all this is taking place. We have written a report because we have gone to several States. I started out on January 7 in Bridgeport, CT. We went to South Carolina. We have been to Baltimore, MD, as well as Cleveland, OH, where they have lost over 30 percent of their industrial productive goods just in the last 10 to 15 years, and to Milwaukee, and then to L.A. The report at that time that we were preparing, it indicated the highly volatile situation that existed, not just in L.A., but particularly at the time.

Now, when this happens, that which I hope will not, but which I must report the possibility thereof, it is going to be more like the one we probably saw on TV described as the Oakland fire, where suddenly these citizens are saying, "Oh, what's happening to my house? There it is, up in flames. What do I do now?" But were any precautions taken? Was any anticipatory planning done? Of course not.

It just seems that, short of that, nobody wants to think about what can be done, and there are things that can be done in anticipation in order to attenuate, lessen, the disastrous consequences of sheer folly, greed, and thievery.

The articles referred to are as follows:

[From Il Mondo, Milan, Italy]

THE DARK SIDE OF INTERNATIONAL BANKING

(By Enzo D'Antona and Giuseppe Sarcina)

Non-existent controls, ignored warnings, permissive laws: Criminality has been given the green light. And new European Community (EC) directives to prevent money-laundering risk no longer being of any use.

The reason is that a no man's land now cuts Europe in two. This axis was unthinkable until recently. On one side is London, Europe's oldest and most solid financial city, and on the other is Luxembourg, with its banking-secrecy laws and reputation as a traditional financial haven.

The comfortable distinction between the "opaque" in banking—the financial havens—and the "transparent" banking systems that exist elsewhere no longer holds. A virus is in circulation, and any banking institution can be struck by it, especially as long as control mechanisms continue to follow different procedures from country to country and banks are regulated on the basis of sometimes-contrasting laws.

In June, after four years of investigations, Manhattan District Attorney Robert Morgenthau indicted Bank of Credit and Commerce International (BCCI) founder Aga Hassan Abedi and the bank's former chief operating officer, Swaleh Naqvi. Both are Pakistanis. According to the charges, BCCI has operated as a kind of parallel system since it was founded in 1972. It has engaged in money-laundering; clandestine financing, allegedly for the CIA; selling arms to the Iranian government; and opening coded accounts to which the likes of Abu Nidal, the head of the most extremist faction of the Palestinian terrorists, had access. All this happened amid the apathy of British monetary authorities, starting with Chancellor of the Exchequer John Major, before he assumed his current post of prime minister in 1990.

The failure of the British banking-control mechanisms is the circumstance that is seen as most astonishing at EC headquarters in Brussels. Few imagined that the banking swindle of the century, as the BCCI affair has been labeled by the Anglo-Saxon press, could occur outside of the restricted circle of traditional financial havens and cause the City of London—Europe's premier financial market—to quake. In the wake of the scandal, the telephone was almost always busy at the Bank of England. And for the bank's 48,500 British account holders, as well as their fellow account holders throughout the world, it was not easy to get in touch with a Bank of England official who could provide any information. All that one could get was a strong invitation to be patient and advice not to give too much credence to British newspapers, which have been saying that at least 10 years will be needed to unravel the BCCI muddle.

Was BCCI an isolated case? Or was it the first obvious sign of a change in the British banking system and, thus, in international banking? Under former British Prime Minister Margaret Thatcher, says Socialist European Parliament Member Enzo Mattina, "deregulation did not involve only social policies but also finance and the banks . . . In other times, [alarms] about BCCI would not have fallen on deaf ears. There would have been a thorough investigation, and we would not have come to this point."

Bewilderment about banking-control mechanisms in Europe is now emerging. In fact, every bank is supposed to respect the regulations set up by its country of origin. But some countries have, as is said, a "loose mesh." Among these is Luxembourg, the other side of the axis on which the BCCI story developed.

In the grand duchy, legal conditions are ideal for developing and carrying out illegal trafficking. New companies are not required to reveal the nationalities and places of residence of their shareholders and administrators, for example. Nor are they required to present their balance sheets. At the end of May, however, Luxembourgers had to accept the EC directive on money laundering.

Luxembourg is not alone. Even the bankers of Switzerland, the traditional stronghold against the fall of banking secrecy, have had to accept a compromise. Having abolished the mechanism that allowed trustees and lawyers to open accounts for unidentified clients, Switzerland has sanctioned the banks' obligation to denounce money that they suspect comes from illegal sources.

Yet, despite these regulations, the Swiss system is still under accusation. Swiss magistrate Michele Rusca, who recently presided over a major money-laundering trial, says that 5 percent of deposits in Swiss banks could be from illegal sources. "But the countries that are really at risk," he says, "are those whose governments are compliant. Cases such as that of BCCI occur where the links of the chain are weak."

Where could another BCCI case explode? Rusca has no doubts. The risk is in Eastern Europe: Hungary, Romania, Poland—countries that want to attract investment. They could find dirty money to launder or clients aiming to use their banks for the most indiscriminate operations.

The problems of bank surveillance are posing themselves on an international scale. What, for example, do two recent financial scandals—the Nomura Securities scandal in Japan and the one involving the Atlanta branch of Italy's Banca Nazionale del Lavoro (BNL)—have in common? "They are two cases that demonstrate the danger of situations where economic power is concentrated in a few hands," says Paolo Bernasconi, an expert on economic crime. In Japan, the shock of the scandals was very powerful: In the course of a few days, powerful institutions such as Nomura and the country's three other large brokerage companies, Daiwa, Yamaichi, and Nikko, appeared to international officials and local account holders to have been in business with the local mafia and at the service of a few industrial groups and government ministries. The BNL Atlanta affair is not as clear, although investigations have added new and important details. According to Gian Maria Sartoretti who runs BNL's Financial Institutions Department, the head of the Atlanta branch had set up a network of illegal activities involving suspicious Bulgarian, Turkish, and English companies to traffic arms and drugs.

Why are scandals such as that of Nomura, BNL Atlanta, and BCCI coming to light only now? One reason is that international détente seems to have favored a settling of accounts, so to speak: A general cleanup has been set in motion that has overrun the old pacts sealed by countries' secret services—especially those of the U.S.—and subversive organizations; guerrilla groups, such as Nicaragua's Contras; and governments, such as that of Iran. Moreover, the lack of uniformity in international controls has allowed the infiltration of organized criminals and terrorists into international finance.

In the end, what lessons can be drawn from the BCCI scandal? Obviously, the links between the banking world and secret of criminal organizations are growing closer. But there is more: The BCCI affair marks the passage of the criminal economy into a new phase of trafficking.

[From Dagens Naeringsliv, Oslo, Norway]

AROUND THE WORLD'S FINANCIAL HAVENS

(By Tom Marthinsen)

Sheltering one's capital in tax havens can quickly end in money lost these days. Shady, even criminal, people are thriving in many banking and financial sectors; so are drug money and other black-market funds. Panama was once considered a safe place to put funds. But when problems arose for General Manuel Noriega, money began flowing out of Panamanian banks to Barbados, the Netherlands Antilles, the Cayman Islands, Montserrat, and many other places. After the U.S. invasion in 1989, Panama had trouble getting back on its feet financially because, among other reasons, Noriega's bank contacts were not the only ones tainted by cocaine money. There are indications that, under current President Guillermo Endara, Panama has its share of cocaine-infected banks.

One also finds snakes in other tax paradises:

THE CARIBBEAN

Two years ago, possibly the largest tax-haven scandal of them all swept over Montserrat, a small British colony in the Caribbean. In 1989, 347 banks were licensed to operate in Montserrat; the number is now down to 40. This drastic development came as a result of the British governor general's order to the local police in July, 1989, to raid the Montserrat-based First American Bank. Scotland Yard's fraud department sent its experts, while the British government publicly warned against using the offshore banks on the island. The British government also commissioned Rodney Gallagher of the accounting firm Coopers and Lybrand to submit a detailed report on the banking sectors of Montserrat, Anguilla, the British Virgin Islands, the Turks and Caicos Islands, and the Cayman Islands.

Gallagher concluded that the many cases of fraud on Montserrat were due to a lack of regulations and the island's close connections with U.S.-based financial people of doubtful reputation. Responsibility for the offshore banking sector was transferred from the local minister of finance of the British governor. Gallagher now works for the British High Commission in Barbados and is responsible for bringing order to the British-Caribbean tax havens.

Most of the tax havens in the Caribbean are former or present British colonies, including the Bahamas, Bermuda, and the Cayman islands. The Caymans, in fact, are the most successful tax haven of them all. Just a one-hour flight from Miami, these islands have the world's greatest density of fax machines and, on paper, the world's fifth-largest banking sector, after the U.S., Japan, Great Britain, and France.

In contrast to many other places, the Caymans have kept their house tolerably clean of unsavory activities. Today, acknowledging their dependence on the U.S., the Caymans have an agreement that puts confidentiality aside when the American authorities believe that drug money has found its way to the banks there.

The banking sector in the British Virgin Islands is not highly developed, on the other hand, but there is already concern about meddling by the Colombian drug cartels. With only a small police force, one boat to control a gigantic archipelago, and one plane operated jointly with the police of the neighboring colony Turks and Caicos, many fear that the islands' attempt to become a serious tax haven may be strangled by the Colombian mafia's long tentacles.

There has been no scandal yet, but the British Virgin Islands' extremely liberal laws for setting up trust companies have resulted in suspicions that, among other things, the funds of the late Philippine President Ferdinand Marcos and money from a large American robbery have been channeled through the islands' companies.

Other Caribbean havens include the Turks and Caicos Islands, whose chief minister was arrested for drug trafficking in 1985; the Bahamas, which long ago put its faith in its flag of convenience for shippers and its tax advantages; and Anguilla, another British colony that has thus far managed to avoid scandal.

THE PACIFIC

The tax havens of the Pacific are more of an unknown quantity. Japanese, American, and Australian capital is now being lured to the region's mini-states.

In 1971, the British introduced liberal regulations in Vanuatu (then called the New Hebrides). When the islands became independent in 1980, Vanuatu hoped to become another, bigger Bahamas: There were no income taxes, foreign-exchange controls, inheritance taxes or taxes on profits from securities trading.

Elsewhere in the Pacific, the Cook Islands, which are in a so-called free association with New Zealand have attracted more than 500 foreign companies, while the kingdom of Tonga lures capital with liberal regulations and watertight bank accounts. Fiji is also attempting to attract capital, partly by rebuilding the confidence that was lost earlier this year after the military interfered with government operations.

Attempts to attract foreign capital are also under way in the Indian Ocean. There, it is South African capital that is being wooed. Mauritius has long had liberal laws and secrecy provisions for financial information.

EUROPE

In Luxembourg, people have been nervous about the establishment of a common European Community (EC) financial market because, in theory, this could destroy the country's financial strength. In practice, however, the opposite has occurred: Luxembourg has become stronger as a tax haven inside the EC. Removal of regulations in other EC countries have simply made it easier for rich people to channel money to Luxembourg. It has established itself as an alternative to Switzerland for not-so-rich people from Belgium, the Netherlands, Germany, and France.

Switzerland itself has long worried about trends in the EC. The increased competition from other tax havens has been blamed for the recent falling off of capital coming into the country. So has the fact Swiss banking-secrecy laws are no longer as strict as they used to be.

The smaller European havens are worth mentioning: Liechtenstein, Jersey, Guernsey, the Isle of Man, and Gibraltar. Less known to many are Malta, Cyprus, Madeira, Ireland, Andorra, Monaco, and, of all places, Hungary.

The Isle of Man and Gibraltar are both suffering from political crises and from the aftereffects of the 1988 financial crisis. Newcomers Ireland and Malta have had quick success. In Dublin, 150 companies are newly registered, resulting in 700 much-needed jobs. And in Malta, 300 companies were set up in the country's first year as a tax haven. The companies are from Great Britain, Hong Kong, Italy, the Soviet Union, and Arab countries. None of the world's largest insurance companies or banks has established itself in Malta thus far. But the possibility that Europe's newest tax haven will attract attention is absolutely at hand.

THE NEED FOR A COMMISSION TO STUDY AND REPORT ON THE QUALITY AND EQUALITY OF AMERICAN LIFE

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I was shocked at the verdict in the Rodney King suit and strongly support a new trial under the civil rights legislation. The American people strongly agree on this. We are also shocked at the deaths and the violence that came about upon the announcement of the verdict.

On the affirmative side, we are all confirmed in our belief that the quality of American life can be improved and that this should be done on the basis of equality among all our citizens.

To assist discussion of ways to improve the status quo, I have today introduced a measure designed to create a U.S. Commission on the Quality and Equality of American Life.

The purpose of the Commission would be to advise the executive and legislative branches of our Government on at least an annual basis, as to what is good in American life and as to what is not; and the extent to which there is an equal sharing among all segments of the American population. The bill has a 5-year sunset clause but if the Commission proves to be helpful it could be continued. It is a relatively inexpensive way to get underway improvements which obviously need to be made. Rodney King himself said it best when he looked to the future and said, "Let's try to work it out."

☐ 1310

THE L.A. RIOTS, WHAT WE NEED TO DO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 60 minutes.

Mr. RICHARDSON. Mr. Speaker, since I delivered the 1-minute speech about my not retiring from the Congress just this morning, two other Members of the House, the gentleman from New York, Representative MATT MCHUGH and the gentleman from Michigan, Representative BOB DAVIS have announced their retirements from the Congress, two outstanding Members, two hardworking Members, like many others that have retired, two very good friends of mine and many others in this Chamber.

Mr. Speaker, I want to talk today about the L.A. riots, and I want to talk to this country and my colleagues in the context of what I, as a Member of Congress from a rural State that does not have an urban area larger than 50,000, Santa Fe, my hometown, what I make of the L.A. riots, as every citizen in this country is trying to understand what they themselves make of these riots.

I am not going to review what has happened. I am simply going to state what I believe we need to conclude and what we need to do.

There are going to be a lot of solutions discussed. The President is meeting with his Cabinet this morning. Undoubtedly the Congress will investigate the riots and propose some dramatic legislation. But hopefully, every citizen and every individual will look deep inside and decide how he or she can deal with the problems of poverty, of racism, of moral values, of joblessness, and many other urban-related problems that affect our country.

First, what happened in Los Angeles was a cry for help. The last thing we can do and should do is to do nothing, to ignore the problem and basically state that now that much of the violence in Los Angeles is contained, that our job is done. The worst thing we can do is to do nothing.

Second, we have to conclude that our system of justice in the Rodney King trial failed, pure and simple. The police officers were guilty, but the jury did not see it.

Third, we must conclude that the looting and the violence is wrong and should be condemned. A mechanic who was outraged by these verdicts was killed by the mob. It did not matter that he was outraged. His death and all of the killings were so wrong and senseless.

We must conclude that millions in the inner cities, mostly blacks, have lost contact with the values and aspirations of the rest of the country. These millions are growing up without access to opportunity, without ever holding a job, being on welfare and never owning any property. It is clear the current economic policies have made these social problems in the cities worse. And we cannot go emphasizing just law and order, as we do every year with a crime bill. We have to also advance a social agenda, not just income redistribution, not just more money, but a social agenda that includes better schools, enhanced job training, better prenatal care, and full access to Head Start programs, not to mention a large jobs program for the cities.

Mr. Speaker, we have created a permanent underclass, a culture of poverty. We must take steps to redress this wrong. We cannot just emphasize the economic roots of crime and disorder, although they are relevant. We have to give great emphasis to moral values and not just more government programs. After all, the need to make our streets safer is a primary agenda item for black America, too.

Polls show blacks are most concerned with crime and are strong advocates of the death penalty. Urban disorders is not just a black or minority problem. It is a national problem.

The root of the Nation's racial problems or racial crisis is not just economic, but it lies in the disintegration of community and values and the decline of commonly accepted rules. People loot because they are not part of the system. They feel left out.

It is terribly wrong, but that is the fact. Gangs are the substitutes for community, for family. Guns, drugs, and gangs replace church, family, neighborhood, and work. And we have to acknowledge that many times race is at the root of the problem, and we have to face it.

Millions wake up every day without any hope. Many of those are young blacks.

Each one of us must decide how we can deal with this issue of race in a constructive way. Instead of thinking of a massive civil rights bill, let's think about how we can better understand each other. Let us not limit our thoughts to just blacks. It is Latinos. It is Asian-Americans, too.

By the year 2010, minorities are going to be among the largest work force numbers in this country. The city of Los Angeles, in the year 2010, will be primarily a minority community. We are all in this together. We need to deal with the issue of racism one on one.

There are many social factors, not just poverty, contributing to the problem. Part of the difficulty in the inner cities is a great decline of well-paying, low-skilled jobs. But the overall problems are social and moral, family breakdown, the rise of violent crime, and the decay of social institutions in the inner cities. But all of the money in the world is not going to make up for the loss of family values and accountability.

Our cities, nonetheless, need help. Unemployment, health care, education housing, and other substandard living conditions have gotten dramatically worse in the last 10 years. Although deep skepticism remains whether Government programs alone can do the job and make the difference, clearly less Government intervention and resources is not going to make things better. And our assistance to cities to deal with some of these problems in the last decade has declined. Between 1981 and 1992, spending adjusted for inflation declined as follows: 82 percent for subsidized housing, 63 percent for job training and employment services, 40 percent for community development, community service and social service: block grant programs, 82 percent for subsidized housing, 63 percent for job training, 40 percent for community development, and community service.

□ 1320

There is no question that the decline in Federal interest and in Federal programs, has been a significant factor. If we combine this declining involvement with the cities' losing population and political power as well as the fact that, less attention is given to urban problems as the Nation becomes suburban, there's little wonder why urban issues have largely disappeared from the debate of the Presidential candidates.

Think of the debates in the last 10 years on the problems of urban America, maybe one or two. They are not powerful issues that grab the electorate. They are not sexy, they are only made sexy when we have a tragedy of these proportions.

The Federal deficit is clearly a very serious problem. Today our Government is deeply in debt and the average family income adjusted for inflation has remained stagnant, so we cannot expect the middle class to be generous to the poor in the inner cities when they themselves are struggling to keep their heads above water.

Mr. Speaker, what do we need to do? Let us just forsake the analysis and figure out what we as Americans, black and white and yellow and red, need to do together, Congress, Democrat, Republican, President.

One, we have to stop fixing blame and focus on the solutions. The very first thing that should happen is the Justice Department should charge the officers with violations of civil rights laws. This has to be done as part of the solution. It is quite clear our legal system needs to be reinvigorated by the Justice Department taking this action on civil rights grounds. This should calm some of the unrest that exists today and that has produced over 50 deaths.

Second, it is important that the President and the Congress name a type of Kerner Commission that will try to understand the new set of problems that have emanated since the L.A. riots 27 years ago, since the riots that gripped our cities many, many years ago, taking into account that we have a deficit problem, but also taking into account that just throwing Government money at some of these problems did not work. Instead we need to focus on family values, the breakdown of the family, prenatal care, unwed mothers, crime, drugs, and a strategy, a policy, and new initiatives that we do not have.

We have to have an inner city jobs program in this country, and this is going to take money. We should earmark some of the money that we have cut from defense spending and other programs and channel the savings into a domestic city jobs program, not a massive one, but one with new directions tied to training, to work, to future employment, to education. We have to start somewhere with the young people that have lost hope, that feel despair, in these cities.

When Washington intervenes, we have to strengthen existing local institutions and neighborhoods, strengthen local neighborhood entities, go into the neighborhood, do what the new police chief in Los Angeles plans to do and set up police facilities in the neighborhoods, not just in one central station but where they can interact with families and community leaders, go deeply into the neighborhoods and talk to people and dialogue and come to mediation and understanding, instead of the extreme cynicism and lack of communication that exists in the city of Los Angeles among the police and their own people.

We have had no policy concerning our cities for 10 years, nothing. We have ignored them. We have simply said, "We will do it later after we get the deficit under control." We have to bring the deficit under control, but what has happened in Los Angeles is the crying of a Nation, the crying of an underclass that has been left behind and cannot defend itself.

Those young black males, those young black women, those minority communities do not have lobbyists here in Congress. They cannot speak up to us and say, "Come on, Congress and President Bush, address these problems." We, elected officials and the people of this country that obviously are outraged, have to take the initiative. We have to have initiatives in the areas of war on crime and drugs, war against poverty and despair, as I said, not just throwing money at them but getting our best minds to work together to try to resolve them.

We also want to make sure that our minority groups in this country that are growing need to work closer together. It is not just a conflict between black and white but it has become black against brown, black against yellow, brown against yellow, especially in urban areas where there is a white flight from the cities moving into the suburbs. We have minority communities that are young and growing and sometimes do not have jobs and do not have any hope for the future and do not have opportunity.

Minorities need to work just as much with each other. Look what happened with the Korean store owners who were looted. They have rights, too. They are part of the American melting pot and they are citizens that contribute to this country. They must be part of the solution.

We also have to bring white Americans and black Americans, including black professionals, and black entrepreneurs, together to help us resolve these issues. Too often it is black politicians and white politicians. We need common citizens, those that perhaps have not been living in urban areas, those that have already made it and have seen a part of the economic pie that is so important.

Mr. Speaker, this is just a limited perspective on my part. I do not have all the answers. I am a Member of Congress from New Mexico, where we have basically good race relations, although we have large Native American and Hispanic communities. We have a black community, too. Yes, we have problems, but I come as a Member of Congress totally open, that we have to act on what has happened in Los Angeles. The worst we can do is ignore the problem. The worst we can do is appoint a commission that will forget. The worst we can do is just to condemn the looting and the violence.

Yes, that is wrong, but that is also the easier thing to do. We have to deal with these problems of the underclass, a permanent underclass, a culture of poverty that has been created in our cities, men and women that live day to day on welfare without a job, without hope, their families breaking up. They never see any kind of opportunity. Government handouts alone will not help the. We need new and creative Government incentive policies with private sector involvement.

Mostly, Mr. Speaker, we as Americans need to look deep down into ourselves and see if we in effect can eliminate those little traces of bigotry and racism that we all have, and understand that all of those young people that are out there hopeless, many times not knowing where the next meal is coming from, relying on their gangs for any kind of social betterment and economic betterment, that we do care about them, that they are part of this country and that we as a Nation need to respond better than we have.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RICHARDSON, for 60 minutes, today and on May 5.

Ms. KAPTUR, for 5 minutes each day, on May 5, 6, and 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. COMBEST.

Mr. VANDER JAGT.

Mr. BROOMFIELD.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in 10 instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. SCHUMER.

Mr. LAUGHLIN.

Mr. KANJORSKI.

Mr. BORSKI.

Mr. SKELTON in two instances.

Mr. LEVINE of California.

Mr. FALEOMAVAEGA.

Mr. ASPIN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 174. Joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month," and

S.J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between America Indians and non-Indians."

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 5, 1992, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3436. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's 5th through 72nd special messages for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 120–326); to the Committee on Appropriations and ordered to be printed.

3437. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Czech and Slovak Federal Republic, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3438. A letter from the District of Columbia Retirement Board, transmitting financial disclosure statements of Board members for calendar year 1991, pursuant to D.C. Code, section 1–732, 1–734(a)(1)(A); to the Committee on the District of Columbia.

3439. A letter from the Secretary of Education, transmitting notice of Final Funding Priorities—Program for Children and Youth with Serious Emotional Disturbance, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3440. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled "Radon in Schools"; to the Committee on Energy and Commerce.

3441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Greece (Transmittal No. DTC–15–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3442. A letter from the Secretary of State, transmitting President Bush's determination that the Board of the International Fund is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland, and that disbursements from the International Fund are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and will address the needs of both communities in Northern Ireland, pursuant to Public Law 99–415, section 5(c) (100 Stat. 948); to the Committee on Foreign Affairs.

3443. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting the annual report on international terrorism for 1991, pursuant to 22 U.S.C. 2656f; to the Committee on Foreign Affairs.

3444. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 to March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3445. A letter from the Assistant Attorney General, transmitting a draft of proposed legislation to improve the admissions process at airports and other ports of entry; to the Committee on the Judiciary.

3446. A letter from the Chairman, U.S. Sentencing Commission, transmitting a report of amendments to the sentencing guidelines together with the reasons therefor, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

3447. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise the definitions of passenger in section 2101 of title 46, U.S. Code, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3448. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report entitled "Buy American Study Report"; to the Committee on Public Works and Transportation.

3449. A letter from the Chairman, U.S. International Trade Commission, transmitting the 69th quarterly report on trade between the United States and nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

3450. A letter from the Acting, Office of the U.S. Trade Representative, transmitting a report concerning eliminating or reducing foreign unfair trade practices for the period July through December 1991, pursuant to 19 U.S.C. 2416, 2413; to the Committee on ways and Means.

3451. A letter from the Secretary, Department of State, transmitting on behalf of the Secretary of State certification required under section 609(b) of Public Law 101–162, pursuant to Public Law 101–162, section 609(a)(5)(C) (103 Stat. 1038); jointly, to the Committees on Appropriations and Foreign Affairs.

3452. A letter from the Secretary of Interior, transmitting a copy of the April 1992 Proposed Final Comprehensive Outer Continental Shelf [OCS] Natural Gas and Oil Resource Management Program for 1992-97; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3453. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft or proposed legislation to reauthorize the Office of Justice Programs, and its components; jointly, to the Committees on the Judiciary and Education and Labor.

3454. A letter from the Secretary of Health and Human Services, transmitting the 1991 annual report of the Federal Advisory Committees which provided advice and consultation in carrying out his functions under the Social Security Act, pursuant to 42 U.S.C. 1314(f); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted May 1, 1992]

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102-474, Pt. 2). Ordered to be printed.

Mr. ROE: Committee on Public Works and Transportation. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102-474, Pt. 3). Ordered to be printed.

[Submitted May 4, 1992]

Mr. FASCELL: Committee on Foreign Affairs. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102-474, Pt. 4). Ordered to be printed.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3681. A bill to amend title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as "Democracy Day" (Rept. 102-510). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 4557. A bill to authorize appropriations to the Federal Aviation Administration for research, engineering, and development to increase the efficiency and safety of air transport; with an amendment (Rept. 102-511). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 776. Referral extended for a period ending not later than May 5, 1992.

H.R. 3247. The Committee on Science, Space, and Technology discharged. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY:

H.R. 5053. A bill to amend section 9(a) of the National Labor Relations Act to allow employees to enter into contracts with employers without the intervention of a bargaining representative; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 5054. A bill to establish a Commission on the Quality and Equality of American Life, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 261: Mr. MARTINEZ.

H.R. 727: Mr. KILDEE.

H.R. 840: Mr. RAY.

H.R. 1424: Mr. STEARNS, Mr. BILIRAKIS, Mr. CLINGER, Mr. MACHTLEY, and Mr. MCGRATH.

H.R. 1497: Mr. ALEXANDER.

H.R. 2463: Mr. MONTGOMERY and Mr. DANNEMEYER.

H.R. 2624: Mr. PERKINS.

H.R. 3918: Mr. GALLEGLY, Mr. GUARINI, and Mr. MANTON.

H.R. 4018: Mr. PETERSON of Minnesota.

H.R. 4076: Mr. GEREN of Texas and Mr. BLACKWELL.

H.R. 4083: Mr. RICHARDSON, Mr. POSHARD, Mr. THOMAS of Georgia, Mr. BONIOR, and Mr. SKAGGS.

H.R. 4268: Mr. COMBEST, Mr. FIELDS, Mr. NICHOLS, Mr. GALLEGLY, Mr. MARTIN, Mr. BARTON of Texas, and Mr. RIGGS.

H.R. 4293: Mrs. VUCANOVICH, Mr. COSTELLO, Mr. BUSTAMANTE, and Mr. PAYNE of New Jersey.

H.R. 4361: Mr. MRAZEK and Mrs. MEYERS of Kansas.

H.R. 4414: Mr. WILLIAMS.

H.R. 4419: Mr. FOGLIETTA, Mr. LEHMAN of California, and Mrs. UNSOELD.

H.R. 4461: Mr. INHOFE.

H.R. 4488: Mr. DUNCAN, Mr. BILIRAKIS, Mr. LAUGHLIN, Mrs. PATTERSON, Mr. STENHOLM, Mr. ARMEY, Mr. BURTON of Indiana, Mr. HAMMERSCHMIDT, Mr. EWING, Mr. JOHNSON of Texas, Mr. LENT, Mr. LIGHTFOOT, Mr. MCMILLAN of North Carolina, Mr. MOORHEAD, Mr. ROHRABACHER, Mr. SAXTON, Mr. SMITH of Texas, Mr. SCHAEFER, Mr. UPTON, Mr. SMITH of Oregon, Mr. LEWIS of California, Mr. CRANE, Mr. BREWSTER, Mr. DAVIS, Mr. WILSON, Mr. SKEEN, Mr. HEFNER, and Mr. MCEWEN.

H.R. 4536: Mr. BATEMAN, Mr. LANCASTER, Mr. DORNAN of California, Mr. PARKER, Mr. HERGER, and Mr. MCNULTY.

H.R. 4944: Mr. ERDREICH and Mr. MOORHEAD.

H.J. Res. 240: Mr. BAKER and Mr. DOOLITTLE.

H.J. Res. 406: Mr. LOWERY of California, Mr. OBERSTAR, Mr. GILCHREST, Mr. LIVINGSTON, Mrs. JOHNSON of Connecticut, Mr. HASTERT, Mr. HAMMERSCHMIDT, Mr. WASHINGTON, Mr. HOUGHTON, Mr. LEWIS of California, Mr. GILMAN, Mr. CAMP, Mr. PACKARD, Ms. DELAURO, Mr. WHEAT, Mr. DUNCAN, Mr. HUTTO, Mr. HANSEN, Mr. HAYES of Illinois, Mr. COBLE, Mr. CHANDLER, Mr. BOEHLERT, Ms. MOLINARI, Mr. WELDON, Mr. RICHARDSON, Mr. VALENTINE, Mr. PASTOR, Mr. CARR, Mr. HENRY, Mr. BALLENGER, Mr. GILLMOR, Mr. BATEMAN, and Mr. GALLEGLY.

H.J. Res. 407: Mr. SERRANO, Ms. SNOWE, and Mr. MORAN.

H.J. Res. 429: Mr. RHODES, Mr. BORSKI, Mr. MCCOLLUM, Mr. SPRATT, Mr. BATEMAN, Mr. MOODY, Mr. ABERCROMBIE, Mr. BLACKWELL, Mr. COUGHLIN, Mr. ANDERSON, Mr. DOWNEY, Mr. DYMALLY, Mr. WEISS, Mr. MFUME, Mr. ESPY, Mr. MOAKLEY, Mr. ASPIN, Mrs. UNSOELD, Mr. HOYER, Mr. NEAL of North Carolina, Mr. CONYERS, Mr. HAYES of Illinois, Mr. OXLEY, Mr. NATCHER, and Mr. KILDEE.

H.J. Res. 454: Mr. ANDREWS of Maine, Mr. EDWARDS of California, Mr. SPRATT, Mr. LIVINGSTON, Mr. GUARINI, Mr. VENTO, Mrs. BOXER, Mr. KLUG, Mr. FASCELL, Mr. LIPINSKI, Mr. GLICKMAN, Mr. CHANDLER, Mr. KOSTMAYER, Mr. SISISKY, Mr. SCHIFF, and Mr. PETERSON of Minnesota.

H.J. Res. 470: Mr. GINGRICH, Mr. ANDERSON, Mr. QUILLEN, Mr. RINALDO, Mr. WOLF, Mr. JONES of North Carolina, Mr. BROWDER, Mr. COYNE, Ms. PELOSI, and Mr. ROWLAND.

H. Con. Res. 282: Mr. HARRIS, Mr. GILMAN, Mr. GUARINI, Mr. NUSSLE, Mr. NAGLE, Mr. RAVENEL, Ms. LONG, Mr. KLUG, Mr. HAMILTON, Mr. DIXON, Mr. PERKINS, Ms. MOLINARI, Mr. HAYES of Illinois, Mr. GILLMOR, Mr. MILLER of Ohio, Mr. ALEXANDER, Mr. PETERSON of Minnesota, Mr. HENRY, and, Mr. MOLLOHAN.

H. Con. Res. 295: Mr. TORRES, Mr. BORSKI, Mr. EVANS, and Mr. TRAFICANT.

H. Con. Res. 297: Mr. FROST, Mr. ATKINS, amd Mr. BUSTAMANTE.

H. Con. Res. 305: Mr. GOSS, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. BEREUTER, Ms. MOLINARI, Mr. HORTON, Mr. LAGOMARSINO, Mr. ENGEL, and Mr. ZELIFF.

H. Res. 164: Mr. MCDERMOTT.

EXTENSIONS OF REMARKS

DESIGN PROTECTION: A GOOD IDEA, BUT A FLAWED BILL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to bring my colleagues' attention to an article in the current issue of Business Week. A commentary written by Mr. Paul Magnusson highlights some of the problems with H.R. 1970, the Design Protection Act.

On January 29 of this year, the House Subcommittee on Intellectual Property and Judicial Administration held the first in a series of hearings looking into this legislation. I offered some of my reservations about H.R. 1790 at that time. Mr. Magnusson clearly shares some of my concerns.

Design protection is probably a good idea, but there are difficulties with the present legislation. In my testimony before the subcommittee, I noted that H.R. 1790, which would give a 10-year monopoly to designers of everything from night-lights to fenders and doors, might very well hurt American workers and consumers.

I would like to submit for the RECORD my testimony before the Subcommittee on Intellectual Property as well as Mr. Magnusson's thoughtful article. I hope my colleagues will give this issue due consideration.

TESTIMONY OF HON. PAUL E. KANJORSKI ON H.R. 1790

Mr. Chairman, I am pleased to have this opportunity to testify before the Subcommittee on Intellectual Property and Judicial Administration. I want to begin by saying I agree with the principal intention of H.R. 1790—that of protecting American jobs—but I am not sure that, as currently drafted, this bill would have the intended effect. I would like to take a few moments to share my concerns with you.

As I read H.R. 1790, the legislation has the potential to create a monopoly in favor of manufacturers without offering any guarantees that will protect American workers. In fact, the bill may very well work to the advantage of foreign manufacturers.

H.R. 1790 may also have a built-in bias against American consumers. If manufacturers are granted design monopolies, they will have the power to dictate the price of repair parts, which as history has shown, strongly suggests we will see higher repair costs for automobiles and many other consumer products.

These shortcomings bring me to a more general concern. The Congress should not develop a whole new domain of intellectual property law without fully deliberating the implications.

Consider the problem of "crash parts"—bumpers, fenders, and doors. H.R. 1790 seems to inject monopoly powers into a competitive marketplace. If H.R. 1790 is enacted, auto companies will likely force competitors out of the crash-parts market, and consumers, in turn, would be forced to buy replacements from the original manufacturer. A simple fender-bender will cost whatever the auto-maker says it should cost. In these difficult times, when people already live under financial threat, it is tough to see how we can justify turning the family car into an economic time-bomb waiting to explode.

A monopoly for auto-makers might, just might, be understandable, if we knew we were saving American jobs. But H.R. 1790 does not guarantee that we will. Under this bill, protection will be available to foreign manufacturers on the same basis as American firms. This is a sobering thought at a time when 40 percent of the American market is already made up of automobiles and parts designed by foreign manufacturers. Forty percent and increasing, with a good deal of design innovation coming to the United States from overseas.

Even more importantly there is nothing in H.R. 1790 to ensure that American companies will manufacture protected articles within the United States. They could very well produce replacement parts, or any consumer products, at their foreign plants. For all we know, this legislation will end up protecting the importation of parts manufactured overseas, while at the same time preventing further development of a burgeoning American industry in competitive replacement parts.

I would like to hope that this legislation is a good mechanism for protecting American jobs—we all would—but without some way to guarantee that the protected goods will be manufactured here in the United States, I cannot be sure this legislation is wise policy.

The preeminent problem with this legislation, however, is that we may not be taking time to give it the consideration it deserves. Our present framework of intellectual property law has 200 years of history. It has been carefully and thoughtfully assembled. Indeed, the 1976 revision of copyright law was 15 years in the making, enacted only after dozens of exhaustive hearings. I am not suggesting that we spend decades on this bill, but it is clear that we need to take a serious look at what we are doing.

There are holes and ambiguities in H.R. 1790, odd exceptions that appear to be based on political expediency rather than legal principle. And in this new design right, we can sense the outlines of a full-blown litigation explosion. H.R. 1790 may create new jobs in the United States, but these jobs are more likely to be for lawyers and judges than for machinists and manufacturing workers.

Mr. Chairman, I am worried that H.R. 1790 does not live up to the constitutional foundations on which intellectual property law rests. Our Constitution provides for the protection of "Writings and Discoveries" where such protection will "promote the Progress of Science and the useful Arts." Any design protection we enact must work for the public good. I am concerned that H.R. 1790, as currently drafted, will simply grant 10 years of monopoly power to manufacturers, including foreign companies and domestic companies who manufacture their products overseas, without offering any great benefit to American workers or consumers.

We know that manufacturers will gain a monopoly over markets that are now competitive. We can be quite sure that prices will go up. What we do not know is whether this legislation will protect American jobs. It is important that we take time to give the idea of design protection careful consideration.

Thank you for granting me the opportunity to share my concerns with the Subcommittee. I hope that you will weigh these issues as you explore proposals for industrial design legislation.

[From Business Week, May 4, 1992]

THIS DESIGN-PROTECTION BILL NEEDS REMODELING

(By Paul Magnusson)

It's tough to argue with the idea. U.S. copyright law, crafted in the 19th century, simply can't protect the work America's industrial designers do today. So why not enact a law to stop the pirates who clone original designs and sell shoddy knockoffs to an unsuspecting public?

That's the concept behind to Design Innovation & Technology Act. With the support of its chief sponsor, Majority Leader Richard A. Gephardt (D-Mo.), as well as Minority Leader Robert H. Michel (R-Ill.), the legislation has been advancing in the House Judiciary Committee. The bill, which would give designers 10 years of patent protection, has gained bipartisan support based on claims that it would restore American jobs and balance trade accounts while rewarding consumers with higher-quality goods at lower prices.

But the Gephardt bill has mutated into something far less benign. Because the measure is so broad and ambiguously worded, what began as an effort to safeguard American designers has instead pitted the makers of autos, trucks, and farm and construction equipment against insurance companies and the independent vehicle parts industry. The result could mean higher prices for everything that the bill designates as "designed," from furniture to pharmaceuticals to fenders.

"TAIWAN TIN"

Take a look across the Potomac River, at Tony's Auto Services in Alexandria, Va. Owner Tony Damiani fears that the design act would hand a monopoly to carmakers and their original-equipment manufacturers. The last time he priced an electric fuel pump, the local Chrysler dealer wanted $262. A virtually identical replacement was $161 at an independent distributor. "This bill would force us to deal only with the dealership," says Damiani.

"Not true," replies Bruce Lehman, the attorney for a lobbying group called the Design Coalition, which drafted much of Gephardt's legislation. Among the members: U.S. auto and truck manufacturers, Caterpillar, furniture makers, the National Association of Manufacturers, the AFL–CIO, and the American Bar Association. He insists the bill, once properly amended, will specifically exempt generic internal parts for autos and light trucks.

But there's a catch. What the Design Innovation & Technology Act would stop, even its proponents agree, is the flood of "Taiwan

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tin," inexpensive parts such as fenders, bumpers, and quarter panels that replace originals damaged in collisions. The Big Three and the United Auto Workers—two constituencies long favored by Gephardt—want to see that market controlled by the car companies exclusively.

DEEPLY FLAWED

To the U.S. auto insurance industry and consumer groups, that is folly. Clarence M. Ditlow, a former patent examiner who now runs the Ralph Nader-founded Center for Automotive Safety, says the auto companies are merely responding to increased competition. "There is no inventiveness in the design of a muffler or a fender," Ditlow scoffs. "This is a blatant attempt to eliminate competition in the marketplace and to assess the buyers for the cost."

The design act would be deeply flawed even if internal car and lighttruck parts were exempt. Parts for large trucks and farm construction machinery would still be covered. That would award original-equipment makers an advantage that only the market-place should confer. If Tony Damiani installs shoddy fuel pumps, he'll lose customers. And if a foundry in Taiwan or Toledo can build a bumper that's as good as Detroit's for half the price, Detroit will lose customers—as it should. If Congress really wants to protect leading-edge design work, it can write a narrowly focused bill that won't let U.S. companies hide from competition.

A WAGONLOAD OF VALUE—A LIFE OF SERVICE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. VANDER JAGT. Mr. Speaker, for a sixth-grade youngster in the late 1940's, the proverbial "little red wagon" was a very special companion, a helpmate, and, with the right incline, a real boost along the road. For Tom DePree, whom the Ottawa County (MI) Republican Party will honor at its annual Tulip Time Breakfast on May 16 this year, it was all that—and the beginning of a relationship in which he has carried not only the values of the family which bestowed the wagon on him, but also a sense of dedication to community and service, and to the principles of our Republican Party, for more than 40 years.

You see, unlike some youngsters who see that little red wagon as a conveyance for "snips and snails and puppy dog tails," Tom found that bumper stickers, brochures, and bags fit just as well—and Tom found within himself the key to innovative campaigning, through package drops, voter identification, and tending to the man on the street which has made Ottawa County, MI, a model for grassroots get-out-the-vote campaigning and a leader in Republican voter participation.

After 30 years of working in the vineyard, with one brief tour at the helm in 1979–80, Tom assumed the chairmanship of the Ottawa County Republican Party in 1982 and this year, under the rules, must step down after a decade of aggressive, effective, and productive leadership. It is a pleasure to open these remarks with harking back to a young boy's "falling in love" with a sense of participation and activism which is the source of our own sense of service and commitment, in the face of so many criticisms of public service today.

Tom DePree is a living example of the very finest in an all-around man: husband and father, successful businessman, church and community leader, and political activist. Tom also demonstrates the place of the family as the source of values and the inspiration for life. My colleagues will understand as I note that Tom's mother was one of the earliest supporters of our dear friend and colleague, former minority leader, and President of the United States, Gerry Ford, when he ran for Congress from the area that then included Ottawa County.

But Tom is not all about politics—although it made a fine beginning for a life devoted to family and service. Tom married the former Deanna Black upon his graduation from the Maxwell School of Public Administration of Syracuse University with a masters degree in 1961. This after undergraduate studies at Michigan State University. Tom and Deanna are the proud parents of three fine children, daughters Dana of Holland, MI, and Dorie in Florida, and son, Todd, just graduated from college in California.

Upon graduation Tom accepted a position with the W.J. Olive Life Insurance Agency and, in 1964, a sign of his rapid growth, he assumed ownership of the agency upon the death of its founder and became a general agent for the Franklin Life Insurance Co., a position he holds to the present. In his successful business career Tom has also been politically active, serving as the legislative chairman for the Holland Area Association of Life Underwriters and as the key person for the Fourth and Ninth Michigan Congressional Districts for the National Association of Life Underwriters.

Tom's political activism was renewed upon his return to Holland to live and work, and he has been associated with the Ottawa County Republican Party since 1961. He was active in the political campaigns of formers Governors George Romney and William Milliken, and was the innovator of a grassroots "meet the people" event for the Governor which is associated with the Tulip Festival in Holland, one of the largest Dutch community celebrations in the Nation.

Building on his political interests Tom ran for, and was elected to, the Ottawa County Commission and served as chairman of its planning committee, and on the ways and means and building and grounds committees. In his 4 years on the commission, Tom was deeply involved in community, planning, particularly as regards recreational and environmental issues. It is a monument to his persistence and foresight that a cooperative effort between Muskegon County, immediately to the north, and Ottawa County collaborated on the development of what is still one of the most innovative sewage treatment facilities in the Nation, the Muskegon Wastewater Spray Irrigation Treatment Facility.

Following his service on the commission, in 1973 Tom accepted an appointment to the Kalamazoo, Black, Macatawa, and Paw Paw River Basin Committee, a ground-breaking effort on the part of the U.S. Department of Agriculture, the Michigan Extension Service, and the counties in the basin, to involve citizens in environmental evaluation and planning. The results of Tom's participation in, and contributions to, the committee continue to this day in environmental control efforts related to agricultural runoff and ground water improvement.

Tom's activism was contagious, and we cannot overlook the involvement of his lovely wife Deanna in local educational issues and her participation in legislative activities at the local and national level. They made a terrific duo as they visited here in Washington, and provided many fine ideas across a wide range of issues as they participated in the process of representative government—taking ideas from home, implementing those which were doable, and bringing to their congressional office in Washington those needs which involved a Federal interest. It was always a pleasure to work with them and to know of their genuine dedication to, and interest in, their community.

As Tom's period of dedicated service to our Grand Old Party draws to a close, as he has served his time in the community and with his business interests, as his children have left the nest and seek to carry into their own lives the values and lessons Tom has shared with them, I know that he looks forward to the future with the same enthusiasm and optimism that challenged the sixth grader who piled his little red wagon high—and, like a pied piper in his own little hamlet—not only carried the word, but lived the values he cherished. I know my colleagues share with me an admiration and respect for Tom. We congratulate him on being honored at this year's Tulip Time Breakfast, and we wish him all the very best for the future.

FARMINGTON, MI, RECREATES A MOMENT OF ITS HISTORY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. BROOMFIELD. Mr. Speaker, as Americans, we've always liked to think that we are a unique people. We have a political and cultural history that is both original and an inspiration to the peoples of many other nations throughout the world.

Our ancestors literally carved a nation and a civilization out of the wilderness. Yet, I suspect too few of our young people have a real appreciation of what America has accomplished in its brief history.

In early May, Farmington, MI, will do its part to rectify that situation by staging a 125th anniversary of its incorporation as a village.

As described by Shirley Richardson, the 125th celebration chair, the anniversary should serve to give many people in the Farmington area a greater appreciation of what their ancestors had to face in creating what has now become the thriving and prosperous city of Farmington. I ask that Shirley Richardson's letter about the celebration be printed in the RECORD:

There are some very exciting events happening this year in Farmington to commemorate the 125th anniversary of incorporation as a village in 1867.

On May 4th, the Mayor, City Council and staff will wear period costumes at the Farmington City Council Meeting. This should be a fun evening. The highlight of the evening will be the presentation of a beautiful handmade quilt. Hundreds of people of all ages (5 to 100 years old) have stitched on the Heritage Quilt over the past eight months.

May 6 will officially kick-off our yearlong celebration. This event will take place at the Farmington Historical Museum which was built in 1867. Philip Power, descendant of Arthur Power, founder of Farmington, will serve as our master of ceremonies. The program will feature and honor descendants. There are many community activities being planned, involving more than 50 different organizations, associations and businesses. A committee of well over 40 volunteers has been working over a year to plan for this historic celebration.

RETIREMENT OF JUDGE CHARLES B. BLACKMAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to a dedicated Missourian, Judge Charles B. Blackmar, who retired from the Missouri Supreme Court on April 1, 1992. Judge Blackmar was appointed to the Missouri Supreme Court in 1982 by Governor Christopher S. Bond and was retained in office for a 12-year term in 1984.

Born in Kansas City, he was educated in the Kansas City public schools before going on to attend both Princeton University and the University of Michigan Law School, where he served as the associate editor of the Michigan Law Review. Judge Blackmar received his A.B. degree summa cum laude in 1942, J.D. degree in 1948 and honorary LL.D degree from St. Louis University in 1991.

He served in the U.S. Army from 1942 to 1946, reaching the rank of first lieutenant. While in the military, he was awarded the Silver Star, Purple Heart, Bronze Star, and Combat Infantry Badge.

Judge Blackmar's accomplishments in the legal field are notable. He practiced law from 1948 to 1966 in Kansas City. During that time, he also worked as a professional lecturer at the Kansas City University of Missouri-Kansas City—School of Law from 1949 to 1957. In addition, he served as special assistant attorney general of Missouri, 1969–77; a professor of law at St. Louis University, 1966–82; professor emeritus at that institution, 1983; professional labor arbitrator, 1967–82; plus author and coauthor of numerous law books and articles. He also was the recipient of the Equal Justice Award for legal services of Eastern Missouri in 1983 and last year received a special award from the Missouri Bar in recognition of his efforts to encourage greater pro bono service by Missouri lawyers.

Active in church and community affairs, Judge Blackmar is a member of Central Christian Church, Moberly; Phi Beta Kappa; the Order of the Coif; the American Law Institute; the National Academy of Arbitrators; and Scribes, which he served as president in 1986–87. In addition, he is a former chairman of the Fair Public Accommodations Commission of Kansas City and a former member of the Kansas City Human Relations Commission.

Mr. Speaker, I know my colleagues in the House will want to join me in commending Judge Charles B. Blackmar for the outstanding public and legal service he has given to the State of Missouri.

TRIBUTE TO BOROUGH OF HELLERTOWN, PA ON ITS 250TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the Borough of Hellertown, PA, as the community celebrates its 250th anniversary. Hellertown boasts a diverse community filled with history, culture, and industry. On Sunday, May 3, 1992, the opening ceremonies will kick off a 6-month celebration of 2½ centuries of pride and spirit in Hellertown.

In the mid-18th century, Christopher Heller was deeded the land on which the town sits from William Penn in 1742. Most of the early settlers in Hellertown were of German descent. They fled their homeland to escape the persecution brought on by religious intolerance and the hardship caused by food shortages. Germany was no longer the bread basket of Europe, it was distraught and beaten as a result of years of neglect brought on by the 30 years war.

Their farms were destroyed and their futures looked dismal. So they came to America, where William Penn and his followers needed farmers and craftsmen to clear the woods and build new homes. Some spoke High German, others their Palatinate state dialect, perhaps a dozen different kinds.

As the years went by, more immigrants of many different nationalities came to Hellertown to settle near the beautiful and plentiful farms that spread across the Saucon Valley. It was a place in early America where people rode their horse and buggies down Main Street and where the entrepreneurs of yesterday began building the businesses and industries of today.

The community of Hellertown consisted of a distinct blend of skills and talents. There were farmers, merchants, and blacksmiths. Their entrepreneurial spirit developed businesses and industries which built bridges and buildings across the American landscape. The drive and the spirit of Hellertown was a key element to the guiding force behind America's evolution as a world leader in industry.

Main Street has changed throughout the years, but the work ethic has not. The entrepreneurs of today share a common goal with those before them. They have worked resiliently in a united effort to foster growth and prosperity in the Borough of Hellertown.

This celebration would not be possible without the cooperation and involvement of the entire community. Countless hours of planning and labor have gone into preparing the 250th anniversary. The schedule of events will not only be a joyous uniting of friends and family but a time for the citizens of today to appreciate the heritage of Hellertown and those who labored before them to make it the symbol of American pride that it is today.

The 250th anniversary has scheduled events that everyone will enjoy. The activities range from a road rally, garden tours, a family weekend at Hellertown's famous Grist Mill, to interfaith services, dinners, and parades.

The men and women of Hellertown have worked diligently to hail 250 years of family tradition. The spirit that has brought 250 years of success has shown through the community's efforts in planning this grand celebration.

Mr. Speaker, join with us in celebrating 250 years of history. I am honored to represent the people of Hellertown, and I congratulate them on their town's anniversary.

TRIBUTE TO THE HOCHHEIM PRAIRIE FARM MUTUAL INSURANCE ASSOCIATION

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to call your attention to the 100-year anniversary of the Hochheim Prairie Farm Mutual Insurance Association in the German community of Yoakum, TX.

This association's start in 1892 sprung from a genuine community desire to assist community members who experienced hardships.

Back when Texas was first being settled by European immigrants, the immigrants invested all they had in their homes, farms, and ranches. These pioneers faced many a hardship to get to the new country, and would face many more in the vast rural areas of Texas. Loss of a home due to fire wiped out an entire family's possession's, and bouncing back was not simple.

Of course, the community contributed money, food, clothing, or anything else to help neighbors who had lost their homes to fires or natural disasters. This outpouring of neighborly love is only a part of the reason the Hochheim Prairie Farm Mutual Insurance Association was founded.

Mr. Speaker, Germans are a proud group of people. While no one thought anything of helping out a fellow neighbor who was going through difficult times, many of the settlers did not want to burden their fellow countrymen with their own misfortunes. This neighborly act of assisting someone who had lost their home was often construed as charity—something the independent German settler did not like.

So the Hochheim Prairie Farm Mutual Insurance Association was born. For 100 years now, this group has been there for Texans from the mountains of the far west to the pines in the deep east; from the dust bowls of the panhandle, to the fertile soil in the South.

So Mr. Speaker, I encourage all Americans to join with me today in paying tribute to the Hochheim Prairie Farm Mutual Insurance Association on their centennial anniversary and the Texas spirit of independence and neighborliness which was as prevalent in Texas in 1892 as it is today. When we think of the unique Texas spirit recognized the world over, we also think of Hochheim Prairie Farm Mutual Insurance Association.

TUBERCULOSIS PREVENTION AND CONTROL AMENDMENTS OF 1992—H.R. 5052

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. SCHUMER. Mr. Speaker, this week my distinguished colleague, Mr. WAXMAN, and I introduced, along with our colleagues from New York, Messrs. SCHEUER and TOWNS, a bill to combat the recent outbreak of tuberculosis [TB]. This dreaded disease, which many people think of as a disease of the past, has reared its ugly head once again in this country. TB is back in epidemic proportions and, in addition, many individuals have contracted a strain that resists traditional medical treatment.

Nationwide the number of reported TB cases has exploded to almost 26,000 in 1990, up 9 percent over last year and the largest increase in reported new cases since the institution of nationwide reporting in 1953. In the last 2 years in New York City alone, we have seen a dramatic 44-percent increase in the number of TB cases. In addition, almost 150 cases of TB were detected in New York City's children in 1990, nearly double the number in 1989, and the majority of those cases were in children 4 years old or younger.

However, Mr. Speaker, this outbreak of TB is not just an urban problem. New cases have been reported in virtually every State of the Union, and in rural and suburban communities as well as urban. In fact, 58 percent of all TB cases occur in communities with populations of less than 250,000 people.

Even more ominously, this epidemic of TB has been accompanied by deadly strains of the bacterium that are resistant to traditional drug therapy. Arising mostly in patients who do not complete their drug therapy regimens, these multidrug resistant strains are very expensive to treat and have fatality rates of up to 75 percent.

While TB currently represents the greatest threat to a number of high risk groups, including the poor, homeless, and persons with HIV, the disease also poses a very real threat to workers in hospitals, homeless shelters, and other public service agencies. Children and the elderly are also at increased risk of TB because of their fragile immune systems.

Health officials warn us that the recent outbreaks in these most vulnerable segments of society are a signal—an advance warning of what the general population will soon face unless we confront this scourge now. Indeed, TB poses a threat to everyone if prudent prevention and control strategies are not undertaken quickly.

Despite all this bad news, there is reason to be optimistic. Fortunately, TB is a preventable and, in virtually all cases, treatable disease. For almost all TB cases, the cure is a regimen of up to four drugs taken daily for at least 6 to 9 months. It is critical, however, that patients adhere strictly to the drug therapy and complete it. Failure to follow and complete this therapy often results in the onset of multidrug resistant TB [MDR TB].

We need more public health workers to monitor and ensure the successful completion of each patient's drug therapy program—directly-observed therapy. This is a tried and true method of TB control that countries all over the world have continued to practice with great success, yet one we have imprudently neglected over the years.

We also need to shore up the infrastructure of many of our hospitals that treat the largest numbers of TB cases. These hospitals must install new ventilation systems or retrofit old ones to control the flow of bacteria-infected air. Hospitals also need to install UV lighting in all of the appropriate waiting rooms and hallways; studies have shown UV lighting to be effective in killing airborne bacteria.

Finally, we need to increase funds for research on new testing methods and new drugs. Currently, it takes weeks and even months to get results from TB tests. The turnaround time should be days, not weeks. We also need to conduct research to find drugs to cure MDR TB.

The legislation that Representative WAXMAN and I have introduced addresses these needs. This bill will provide increased funding for the Center for Disease Control TB prevention and control programs and for the National Institutes of Health TB research programs. It will also provide funds for TB-related renovations in hospitals. Finally, the bill will permit States to extend Medicaid eligibility to persons who test positive for TB and meet a State's poverty standards.

Mr. Speaker, we are experiencing a rise in TB cases because we have failed to maintain our vigilance against this terrible disease. This country, succeeded in steadily reducing the tuberculosis rate until the mid-1980's, when the Reagan/Bush healthcare budget cuts began to take their toll. This legislation will restore and reinvigorate the Federal TB programs canceled by the Reagan/Bush administration.

We know how to fight and beat this scourge, but shortsightedly have neglected to do so. It is imperative we act now to stem this outbreak. Delaying will only allow the problem to worsen, needlessly threatening thousands of lives and increasing health care costs exponentially.

Fortunately, these TB prevention programs are highly cost effective. HHS estimates that the Nation saves between $3 and $4 for every dollar of TB prevention and control funds expended. These savings are even greater when the increased costs of threatening MDR TB are taken into account.

I urge my colleagues to help halt the advance of this deadly disease by supporting this bill.

FIVE HUNDRED YEARS OF OPPRESSION OR A CHANCE FOR HEALING?

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342) Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States.

Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years.

In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an essay written by Bob Red Hawk and printed in the April 1992 edition of the American Indian Report published by the Falmouth Institute. The essay presents a glimpse of the difficulty encountered by Indians in trying to coexist in between two cultures.

500 YEARS SINCE COLUMBUS

(By Bob Red Hawk)

I am a Turtle Clan member of the Lenape Nation, also called by some, the Delawares. Our two cultures met on the eastern seaboard in 1524. I say ours because this isn't my history or even my people's, it's our common history.

Much has been written on the oppression and destruction that Indian people endured. Perhaps one of the most positive outcomes of the Columbus celebration is a chance to address these issues and bring about understanding and healing.

Everything has a good and bad side and the clash of our two cultures is no exception. A new world came into being. I know that for whatever reason, it is the will of the Creator.

I want to share with you a family story to show the personal effects this clash of cultures had on my people.

My father and uncle were born in the 1920s. They wore their hair long. When they were 12 years old, they started to get into fights at school. The non-native boys made fun of them and of course fighting was the outcome.

My grandfather said they would have to cut their hair. My grandmother was dead set against it. She wanted the boys to be traditional.

My grandfather said that they had to live in this society and if they had to fight every day, they would not be able to go to school. So off went their hair.

To this day, their hair is cut short, but you won't find any more traditional people.

You see, it's not the hair that makes the Indian, but what is in your heart.

Even though we live in this society, we have still managed to keep our traditions. I see this as one of the positive outcomes. What kind of people can still manage to keep their ways alive after so many years of oppression? It gives me cause to be proud.

My wish for all our people, and we are one people, is that we learn from history and go forward to a future where all people can be respected for their beliefs and their differences. Different is not bad, it's just different.

SYRIAN GOVERNMENT LIFTS DISCRIMINATORY RESTRICTIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. BROOMFIELD. Mr. Speaker, I was very pleased to learn yesterday that the Syrian Government has decided to lift its discriminatory restrictions against Syrian Jews regarding travel and property. Syrian Jews will now be allowed to travel abroad as families and to buy and sell property unhindered.

Syria's decision to grant new freedoms to its Jewish citizens, while long overdue, is a very positive step that I believe will help advance the peace process. The Syrian Government is finally recognizing that it cannot have peace with Israel or good relations with the United States if it violates the rights of its Jewish citizens.

I want to commend the Bush administration for its persistence in raising this issue with Syria. Although some have criticized the administration's high-level dialog with Syria, it has helped produce these very positive results. I hope that the administration will continue to press the Syrians to respect the human rights of its citizens.

I also want to commend my colleagues in the Congress for speaking out on this issue on the floor of the House and sending letters and other messages to the Syrian Government. By making clear to President Assad that his government's violations of the rights of Syrian citizens were not going unnoticed, Members of this body played an important role in bringing about yesterday's announcement.

I look forward to the day when all Syrians, whether Jewish or Arab, will enjoy all the rights that free people are entitled to. The Syrian Government should recognize that it does not have the power to grant or withhold these rights, but instead must acknowledge and respect them.

RESOLUTION ON THE DAYMED HEALTH PLAN IN DAYTON

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. FORD of Tennessee. Mr. Speaker, I reserve the right to object to the House resolution that the chairman of the congressional subcommittee on Health and the Environment, Mr. WAXMAN, is proposing. I will yield my right to object as long as my colleague, Mr. WAXMAN, recognizes his understanding that there are also other urban-centered health maintenance organizations that have the same inability to meet the 75/25 waiver requirement.

Currently, the U.S. Department of Health and Human Services and these health plans are also in need of waiver ability as it pertains to the now deemed inappropriate 75/25 legislation. I will yield my right to object to the House resolution providing that my colleague, Mr. WAXMAN, states his intention to sometime in the future look at the needs of specifically, D.C. Chartered Health Plan, Inc, (Chartered) in facilitating legislation that will enable Chartered to continue operations without any interruption of services.

As my colleague, Mr. WAXMAN, has indicated that the U.S. Department of Health and Human Services has stated that it has no intentions of interrupting the services of Chartered, which would result in a health care crisis in the city of Washington, DC, I will yield my right to object in that it is understood that the chairman will cause a review of policy by his committee.

It is hoped that he will find a way to establish a waiver specifically for Chartered and that it is his understanding that between him and the U.S. Department of Health and Human Services, Chartered does not have to consider any possibility of an interruption of services as a result of the 75/25 rule; that Chartered now can freely focus on providing the quality health care services that it currently provides in Washington, DC, and can continue to make the significant contribution to the community at large in Washington, DC; and that the District of Columbia is assured that Chartered can remain a viable managed care operation that is working so very hard to provide quality health care services to the Medicaid population in the District of Columbia which is helping to relieve the health care services burden faced by the District.

With this understanding, Mr. Speaker, I will state "no objection" to the House resolution concerning the Dayton area health maintenance organization per, again, this understanding of D.C. Chartered Health Plan, Inc., its relationship with the D.C. Department of Human Services, the U.S. Department of Health and Human Services. The future consideration of the operations of D.C. Chartered Health Plan, Inc., by the congressional committee with oversight of the legislation of the 75/25 rule is our understanding.

TRIBUTE TO SALLIE HAILEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. SKELTON. Mr. Speaker, over the Easter district work period, I was saddened to learn of the death of one of Missouri's outstanding people. I had grown up in the county adjacent to the home of Sallie Hailey and was privileged to know her and to witness her leadership and service to the community, her Democratic Party and her State.

Sallie Hailey was a tireless worker. She and her husband had owned an insurance agency in Marshall, MO. She was elected as county commissioner in Saline County, and as mayor of her beloved Arrow Rock. She was appointed director of the Missouri Department of Business and Administration. She was past president of the Missouri Federation of Women's Democratic Clubs and was past chairman of Missouri's Fourth Congressional District and the Saline County Democratic Central Committee. She was a member of the Daughters of the American Revolution, the Women's Jefferson Democratic Club, the Friends of Arrow Rock and the Arrow Rock Federated Church.

Sallie Hailey dedicated her life to the service of others. She was recognized as a leader in all of her endeavors, and was recognized by all who knew her as a truly great lady. She will be missed. I offer this record so it may serve as a model of service for others to emulate.

TRIBUTE TO VOLUNTEERS IN WISCONSIN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. ASPIN. Mr. Speaker, I rise today to commend the efforts of hundreds of volunteers in Wisconsin. As you know, Mr. Speaker, the week of April 26 through May 2 is National Volunteer Recognition Week. I would like to take this opportunity to honor the volunteers and staff at the AIDS Resource Center of Wisconsin [ARCW] of Milwaukee and the Southeast Wisconsin AIDS Project [SEWAP] of Kenosha.

Like everyone, I'm extremely concerned about the spread of HIV infections and AIDS. This devastating disease is affecting all areas of our community. AIDS touches everyone and we must find a way to stop it. Finding a cure, however, is a long and difficult process. While our Nation's best researchers are hard at work trying to find a cure, we need to do all we can to educate people about the disease, help those already infected, and work to protect people so they don't contract the HIV virus in the future.

That's why the men and women who volunteer at ARCW and SEWAP are so important. They dedicate their time and energy to help folks in Wisconsin's Kenosha, Racine, and Walworth Counties. They provide counseling and support to people with HIV infections and AIDS. In addition, they target high-risk groups with effective AIDS awareness and prevention programs. Since 1985, these organizations have helped several thousand people in Wisconsin.

I salute the dedication of the 50 SEWAP volunteers and 500 ARCW volunteers as well as Doug Nelson, ARCW's Executive Director, Lynn Syverson, director of volunteers, and Beverly Rautenberg, SEWAP's volunteer coordinator. These folks are on the frontline in America's war against AIDS and they deserve special acknowledgment during this, National Volunteers Recognition Week.

TRIBUTE TO LANCE CPL. KEVIN I. BECKER, 1ST MARINE DIVISION

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. BORSKI. Mr. Speaker, I rise today in tribute to Lance Cpl. Kevin Becker, who is to be commended for his service to the United States during Operation Desert Storm.

When Iraq invaded Kuwait on August 2, 1990, Kevin's division, the 1st Marine, was put on red alert immediately.

The 1st Marine Division is stationed in Twentynine Palms, CA, and trains in the Mohave Desert. The division was deployed to Saudi Arabia on August 13, 1990.

For 7 months Kevin and his fellow marines lived in the desert, withstanding extreme temperatures, scarce supplies, and Iraqi artillery fire. They slept in 6-foot ditches and were kept on constant alert for snipers and enemy fire.

When the ground war started, the 1st marine Division went right across the border into Kuwait. Kevin and his platoon secured the Kuwaiti airport during and after the war.

In one illustration of their heroic efforts, Kevin and a fellow Marine, sent out to scout an area, came across a bunker of Iraqi soldiers. Kevin entered the bunker armed only with a knife and pulled out five high-ranking Iraqi officers.

Kevin came to Philadelphia on March 27, 1992. He and other local Desert Storm veterans were honored at Pennsylvania State University, where he received commendations from both the university and the Pennsylvania House of Representatives.

Thank you, Mr. Speaker, for this opportunity to bring to the attention of the House the actions of Lance Corporal Becker and the 1st Marine Division in the service of the United States during Operation Desert Storm. I join his family, friends, and fellow Americans in saluting Lance Cpl. Kevin Becker.

REPRESENTATIVE RICK BOUCHER RECEIVES THE LEGISLATOR OF THE YEAR AWARD AT THE FOURTH ANNUAL NATIONAL FIRE AND EMERGENCY SERVICES DINNER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. BROWN. Mr. Speaker, on April 29, 1992, our colleague, RICK BOUCHER, was presented the Legislator of the Year Award by the Congressional Fire Services Institute at the Fourth Annual National Fire and Emergency Services Dinner in Washington, DC, before an audience of over 2,000 men and women of the fire services community.

The citation on the award, which was presented by Representative STENY HOYER, honorary chairman-elect of the Congressional Fire Services Institute, read:

> The Congressional Fire Services Institute Legislator of the Year Award is hereby awarded to U.S Representatives RICK BOUCHER for his leadership and dedicated service to the men and women of the American fire and emergency services.

Mr. BOUCHER, chairman of the Science Subcommittee, received this award for outstanding commitment to the men and women of the fire service and in promoting the use of technologies, such as automatic sprinklers and smoke detectors which have been proven to reduce loss of lives and property due to fire. He is the prime force behind H.R. 3360, the Federal Fire Safety Act of 1992. This bill would require the installation of smoke detectors and automatic sprinkler systems in most newly constructed and newly leased Federal high-rise office buildings and in newly constructed or renovated federally subsidized, high-rise multifamily housing. H.R. 3360 would, for the first time, require Federal agencies to follow a minimum threshold level of fire safety protection.

I congratulate Mr. BOUCHER on receiving this honor.

ETHEL McLEOD: OUTSTANDING ENTREPRENEUR

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1992

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to extend my sincerest congratulations to Ms. Ethel McLeod of Lubbock, TX, for being presented with the Outstanding Entrepreneur Award by Texas Tech Universiity's college of business administration.

Ethel has demonstrated her keen business abilities since she purchased her business, Stenocall/Lubbock Radio Paging Service, in 1954. She established her business at a time when women faced great obstacles in the business community. However, her business has prospered throughout the years due to her hard work and entrepreneurial spirit, starting with only one employee that has grown to 97. Stenocall has become an important part of the Lubbock community.

Our great Nation was founded on the notion of free enterprise and the will to succeed. This Nation needs more people like Ethel McLeod who have fulfilled the American dream. I salute her for her continuous dedication to this dream and wish her continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 5, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings to examine erosion of domestic funding.

SD–192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 2297, to enable the United States to maintain its leadership in land remote sensing by providing data continuity for the Landsat program, by establishing a new national land remote sensing policy.

SR–253

Energy and Natural Resources

To hold hearings on the science concerning global climate change.

SD–366

Rules and Administration

To hold hearings on S.J. Res. 221, providing for the appointment of Hanna Holborn Gray, of Illinois, as a citizen regent of the Smithsonian Institution, S.J. Res. 275, providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, and other pending regent appointments.

SR–301

Select on Indian Affairs

To resume oversight hearings on the implementation of the Indian Gaming Regulatory Act (IGRA).

SR–485

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings with the Committee on Appropriations' Subcommittee on Foreign Operations on proposed budget estimates for fiscal year 1993 for foreign assistance programs, focusing on aid to the former Soviet Union.

SD–628

Appropriations

Foreign Operations Subcommittee

To hold hearings with the Committee on Agriculture, Nutrition, and Forestry on proposed budget estimates for fiscal year 1993 for foreign assistance programs, focusing on aid to the former Soviet Union.

SD–628

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Coast Guard, Department of Transportation.

SD–138

Armed Services

Readiness, Sustainability and Support Subcommittee

To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on logistics programs.

SR–222

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings to examine nuclear waste and nuclear power plant safety in Russia.
SD-406

Finance
To hold hearings to examine proposals on comprehensive health care cost reform.
SD-215

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the role of children's educational television in the transformation of the former Soviet Union.
SD-419

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Labor and Human Resources
To resume hearings on S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees.
SD-430

10:30 a.m.
Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to examine retail gasoline marketing, focusing on gasoline company and station owner competition.
SD-226

12:15 p.m.
Environment and Public Works
To hold hearings on the nomination of Kenneth C. Rogers, of New Jersey, to be a Member of the Nuclear Regulatory Commission.
SD-406

2:00 p.m.
Armed Services
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on Department of Energy national security programs.
SR-222

Foreign Relations
To hold hearings on the Treaty Between the U.S. and the Republic of Panama on Mutual Assistance in Criminal Matters (Treaty Doc. 102-15).
SD-419

Labor and Human Resources
To hold hearings on S. 492, to revise the National Labor Relations Act to exempt employers engaged primarily in the live performing arts from certain unfair labor practice prohibitions relating to specified types of agreements with labor organizations.
SD-430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MAY 7

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1993 for defense programs, focusing on the National Foreign Intelligence Program, and tactical intelligence and related activities.
S-407, Capitol

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Veterans Affairs, and the Court of Veterans Affairs.
SD-124

Armed Services
To hold hearings on the Strategic Environmental Research and Development Program.
SR-222

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on the Export-Import Bank.
SD-538

Energy and Natural Resources
To hold hearings on the nomination of Linda G. Stuntz, of Virginia, to be Deputy Secretary of Energy.
SD-366

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Labor.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Supreme Court of the United States, the Legal Services Corporation, and the Federal Trade Commission.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1690, to authorize funds through fiscal year 1994 for activities under the Federal Fire Prevention and Control Act of 1974, and S. 1698, to establish a National Firefighters' Foundation.
SR-232A

Finance
To continue hearings to examine proposals on comprehensive health care cost reform.
SD-215

Foreign Relations
Business meeting, to mark up proposed legislation authorizing assistance to the former Soviet Union, and S. Con. Res. 107, condemning the involvement of the military regime in Burma in human rights abuses, drug trafficking and buildup of arms, and to consider the nominations of Roman Popadiuk, of New York, to be Ambassador to the Ukraine, and Sigmund A. Rogich, of Nevada, to be Ambassador to the Republic of Iceland, and pending treaties.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Joint Economic
To hold hearings to examine ways that Federal farm policy can promote methods of farming that are environmentally sound.
2359 Rayburn Building

1:30 p.m.
Conferees on S. 347, to revise the Defense Production Act of 1950 to revitalize the defense industrial base of the United States.
SD-538

2:00 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine U.S. security issues in Africa.
SD-419

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:15 p.m.
Labor and Human Resources
To hold hearings on health care reform for small employers.
SD-430

MAY 8

9:00 a.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on requirements and modernizations plans for tactical aircraft for the armed forces, and review plans for service cooperation and coordination.
SR-222

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for April.
SD-628

10:30 a.m.
Joint Economic
To hold hearings to examine the U.S. investment gap.
SD-628

MAY 11

9:30 a.m.
Governmental Affairs
To hold hearings on implementation of provisions of the Endangered Species Act relating to native Hawaiian wildlife.
SD-342

MAY 12

9:00 a.m.
Energy and Natural Resources
To hold hearings on energy policy implications of global climate change and international agreements regarding carbon dioxide emissions.
SD-366

Governmental Affairs
To hold hearings on S.J. Res. 282, to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.
SD-342

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Energy.
SD-116

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending transactions under the Exon-Florio Amendment.
SR-253

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2021, to designate a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, S. 2045, to authorize a study of the prehistoric Casas Grandes Culture in the State of New Mexico, S. 2178 and H.R. 2502, to establish the Jemez National Recreation Area in the State of New Mexico, and S. 2544, to establish in the Department of the Interior the Colonial New Mexico Preservation Commission.
SD-366

MAY 13

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
Business meeting, to consider pending calendar and administrative business.
SR-301

Select on Indian Affairs
To hold joint oversight hearings with the House Committee on Education and Labor to examine proposed budget requests by the Bureau of Indian Affairs for the Indian School Equalization Program.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Maritime Commission and the Maritime Administration, Department of Transportation.
SR-253

Veterans' Affairs
To hold hearings on proposed legislation relating to the education and employment of veterans.
SR-418

1:30 p.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine the conservation of the northern spotted owl and the ecosystem upon which it depends under the Endangered Species Act and other Federal laws.
SH-216

2:00 p.m.
Select on Indian Affairs
Business meeting, to mark up proposed legislation on improving native Hawaiian health care.
SR-485

MAY 14

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Emergency Management Agency.
SD-124

Energy and Natural Resources
To hold hearings on S. 2607, to authorize regional integrated resource planning by registered holding companies and state regulatory commissions.
SD-366

Governmental Affairs
To hold oversight hearings on S. 2624, authorizing funds for the Interagency Council on the Homeless and the Federal Emergency Management Food and Shelter Program.
SD-342

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation.
SD-138

10:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1624, to revise the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and S. 2321, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD-366

Governmental Affairs
To hold hearings on the nominations of Judith E. Retchin, Ann O'Regan Keary, William M. Jackson, and Stephanie Duncan-Peters, each to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

Select on Indian Affairs
To hold hearings on proposed legislation to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR-485

MAY 19

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Bureau of Indian Affairs, Department of the Interior.
SD-116

MAY 20

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the implementation of Court of Veterans Appeals decisions.
SR-418

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 2631, to promote energy production from used oil.
SD-366

MAY 21

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation.
SD-116

Armed Services
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology.
SD-G50

Energy and Natural Resources
To hold hearings on the Department of Energy's program for environmental restoration and waste management.
SD-366

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the General Accounting Office.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold oversight hearings on the Forest Service's proposed changes in the administrative appeals process.
SR-332

MAY 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.
SD-138

JUNE 4

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to examine issues relating to maritime reform.
SR-253

Veterans' Affairs
To hold oversight hearings on proposed legislation relating to veterans health issues.
SR-418

JUNE 9

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for the Department of the Interior.
S-128, Capitol

2:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.
S-128, Capitol

CANCELLATIONS

MAY 6

10:00 a.m.

Rules and Administration

To hold oversight hearings on the Smithsonian Institution.

SR-301

POSTPONEMENTS

MAY 5

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for defense programs, focusing on NATO issues.

SD-192

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the National Park Service, Department of the Interior.

S-128, Capitol

HOUSE OF REPRESENTATIVES—*Tuesday, May 5, 1992*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We offer our thanks and praise for the blessings of life and love. May Your spirit, gracious God, that sustains and nurtures, that corrects and forgives and heals, that provides direction and indicates the goals of life, that encourages reconciliation and peace, be with us and remain with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Mexico [Mr. RICHARDSON] please come forward and lead the House in the Pledge of Allegiance.

Mr. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center located in Northampton, Massachusetts, as the "Edward P. Boland Department of Veterans Affairs Medical Center".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3033) "An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mr. HATCH, and Mr. THURMOND to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2378. An act to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes;

S. 2641. An act to partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1992; and

S.J. Res. 166. Joint Resolution designating the week of October 4 through 10, 1992, as "National Customer Service Week."

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3), "An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes."

The message also announced that pursuant to Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, the Chair, on behalf of the Vice President, reappoints Mr. SARBANES to the National Historical Publications and Records Commission.

The message also announced that pursuant to Public Law 94-201, the Chair, on behalf of the Vice President, appoints Carolyn Hecker of Maine, to the Board of Trustees of the American Folklife Center.

STOP POINTING THE FINGER OF BLAME

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, if there is one thing George Bush has perfected as President it is the art of blameshifting.

Whenever something wrong happens on his watch, his convenient targets of blame are usually the Congress or Jimmy Carter. A President who preaches to others about personal responsibility rarely accepts any for himself.

Most recently, the President blamed the Great Society for the civil disturbances in Los Angeles. Is the President, who campaigned against the 1964 Civil Rights Act, blaming this legislation for the riots? Is he blaming Medicare, the Job Corps, or Head Start? Does he want this legislation repealed?

The President who governs by running negative campaigns is now running against the past. Yesterday, it was Willie Horton. Today, his negative campaign is against Jack, Bobby, Lyndon, and Martin.

President Bush must stop tearing us apart, and start figuring out how to make room at the table for everyone to share America's bounty. He might even emulate a President from Texas who lifted the burden of segregation from the shoulders of our country and tell us how, in the 1990's, we will overcome.

CORRECT RESPONSE TO THE LOS ANGELES RIOTS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, let me say to my good friend from Missouri [Mr. GEPHARDT], the majority leader, what happened in Los Angeles and to some lesser extent happened in Atlanta is a tragedy. All of us, I hope, condemn racism. All of us condemn police brutality. All of us condemn violence, violence of any kind.

The fact is, we have an enormous problem in many of our larger cities. Many of us have offered enterprise zone legislation to create jobs precisely to allow those young people to have a place to work. Many of us have offered educational reform, precisely to make sure that they know something and have the ability to work in a modern world. Many of us have offered criminal justice legislation to be able to drive out the drugs and the violent crime that is the backdrop to this looting.

Yet again and again, I say to my good friend, the Majority Leader, the Democratic Congress has not passed this legislation. I hope we can join together in the next few weeks, set as our goal to pass an urban reform bill before July 4, to work together with the President, with Peter Ueberroth, with the mayor of Los Angeles, together to pass an omnibus bill that affects crime, affects jobs, affects health, affects education, that gives us a chance with the leadership of the Federal Government to truly do something for Los Angeles as a test case and then to do it for the rest of the country. But to do that, let us work together. Let us try to actually pass a bill that can be signed and let us do it by the Fourth of July so we can truly put behind us the violence and the tragedy and create a better future and a better community for those people.

THE WHITE HOUSE ATTEMPT TO SHIFT ATTENTION FROM ITSELF

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, at a time when the Nation needs Presidential leadership and healing after Los Angeles, the White House is trying to divert attention from its lack of a response to the crisis by blaming the riots on Lyndon Johnson and the Great Society programs of the 1960's. Do they not get it? Our response should not be just to fix blame and send troops and hold meetings. We need a new urban policy that deals with the root causes of the riots: family breakdown, joblessness, economic despair, and drugs and gangs.

Mr. Speaker, let us pull together, Democrats and Republicans, black and white and deal with this problem instead of playing politics and doing nothing. We do not need another commission.

Let us try some Democratic initiatives from our side of the aisle. Let us look at Secretary Kemp's proposals. Let us get our heads out of the sand.

Mr. Speaker, for the record, the enterprise zones was in the tax bill that President Bush vetoed.

H.R. 4613, STATES AND LOCAL LEGISLATIVE PREROGATIVES PRESERVATIONS ACT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to ask my colleagues to cosponsor H.R. 4613, the States and Local Legislative Prerogatives Preservations Act. That is a mouthful, but the premise of the legislation is fairly simple.

For too long the Congress has enacted legislation that has preempted State and local laws. In some cases, of course, this has been overt and clearly the Congress has the authority to do this, but in too many cases it has been inadvertent. It has been an unintended consequence and it has been vague.

The Congress often makes a conscious decision to overcome these laws but too often we have had to go to court to determine them.

As a former State legislator, I have seen the results of Federal preemption too many times. I think we ought to make it very clear as to whether the Congress intends to preempt or whether it does not. This law simply requires that when Congress passes a bill that deals with preemption, it state clearly whether or not it is intended to do so. It also requires the Congressional Research Service to compile a list of congressional actions which would have the effect of preemption.

This is an open and honest way for the Congress to deal with the question of State law and State prerogatives. I ask my colleagues to join as cosponsors.

ACTIONS THE PRESIDENT SHOULD TAKE—LEADERSHIP IN DEVELOPING AN URBAN AGENDA FOR AMERICA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday I suggested in the well that the President, by taking two actions, could convert bad situations into positive situations. One is to sign the Campaign Finance Reform Act which will squeeze big money out of politics, and help restore the flagging support and flagging confidence of the American people in their political system.

Another action the President can and should take is to propose an urban agenda. In that urban agenda could very well be urban enterprise zone legislation, which we have found very helpful in Louisville and Jefferson County, KY, low-income housing tax credits, once again employed very beneficially back home, community development block grants, targeted job tax credits and the ready-to-go proposal of the urban infrastructure repair bill, which has been proposed and which is pending in the House.

One way or the other, Mr. Speaker, the test of leadership is to lead. The President now has the opportunity to lead not finger point.

I think he will find the House and the other body willing to cooperate with him in that leadership task.

PORKBUSTING

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, the time has come for Congress to be held accountable for its actions. If Congress is going to continue to fund local parking garages, arts and crafts centers, and community parks, then each and every Member of Congress has the obligation to go on record with a vote on these pet projects.

As a cosponsor of the bills demanding a vote on each of the projects returned to Congress by the President for rescission, I am simply demanding that each Member of this House act responsibly, and on the record, when spending the taxpayers' money. I believe, and my taxpaying constituents believe, that the Federal dollar should be spent for the good of all Americans, not just for the good of a few powerful Members of Congress.

I urge my colleagues to support my demands for separate votes on pork barrel spending. Congress must be held accountable to the voters.

THOUGHTS ON THE VIOLENCE IN LOS ANGELES

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, there is not one among us who has not reacted with regret to the extraordinary police violence followed by the extraordinary citizen violence in Los Angeles. It is easy to regret it, of course, but it is very, very difficult to understand it. What could possibly have caused the violence in either incident?

A myriad of causes, no doubt. Dr. Francis Wade, rector of St. Albans Church in Washington, DC, shared with members of his congregation this Sunday a poem about dreams deferred, which perhaps helps us a little bit to understand.

What happens to a dream deferred?
Does it dry up?
Like a raisin in the sun?
Or fester like a sore—and then run?
Does it stink like rotten meat?
Or crust and sugar over like a syrupy sweet?
Maybe it just sags like a heavy load
or does it explode?

—LANGSTON HUGHES.

□ 1210

HAPPY (?) TAX FREEDOM DAY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it's Tax Freedom Day for the average American. The good news is that as of today most working Americans have finally earned enough money to pay off their tax burden for the year. The bad news is that this year it took 3 days longer to pay off that obligation than last year and the trend suggests next year it'll take even longer. It's hard not to be cynical. We're heading in the wrong direction—collecting more taxes, spending too much, and watching as our budget deficits soar to obscene new heights. By some estimates, this year the average American will work longer to feed the Federal budget monster than they will to pay for their own housing. Worse still, with each bite, the monster gets hungrier while Congress responds by offering it more to chew on. But no more. The American people have lost their appetite for business as usual. Either the Congress has to exercise some discipline over the

Federal budget monster—or the American people will exercise discipline over the Congress. Both ideas are equally good.

THE RODNEY KING VERDICT

(Mr. DE LUGO asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, it is not enough to deplore the decision by a jury in the suburban town of Simi Valley, CA, that four Los Angeles policemen were not guilty of using excessive force in their merciless beating of Rodney King. That decision forces us to come to grips with a much broader and more fundamental issue, one that has been raised time and again by African-Americans and other minorities in our country. The question is: Are all Americans really treated as equal in the eyes of the law?

Many of us have known for much too long that the answer is "No."

One principle lies at the heart of the American ideal of democratic government. That principle is equality. As a nation, we have often fallen short of that ideal but men of good will have always held that standard of equality before them as a goal to be pursued relentlessly.

As a people, Americans have almost unquestioningly accepted the judicial system as the most important custodian of our democratic ideals. We have come to rely on the idea that all people are equal before the bar of justice as our strongest defence against all those who would ignore or subvert our democratic way of life. African-Americans and other non-Caucasians have lived in the grasp of different reality and for far too long they have been crying out for relief from the system that calls itself by the name of justice.

You and I and all the world saw the videotape of the brutalization of Rodney King by 4 officers of the law in the presence of at least 13 other officers of the law. We had no doubt that we were witnessing a grave injustice perpetrated in the name of the law.

And then it was the turn of the judicial system. What transpired in the courts was a disgrace. Under the protective cover of the system, the trial was removed to a community which could never have produced a jury of Rodney King's peers. In the event, it produced a jury which could see no evil in the beating of Rodney King and could find no fault with the police officers who took part in the beating. It was not 12 jurors who failed. The system failed. It was not just Rodney King who was victimized. The principles of our democracy were victimized.

It would be bad enough if this were an isolated incident. It was not—and African-Americans and other minorities know only too well that the only things unique to this event were that a citizen with a video camera recorded the beating and that the world was watching when the city of Los Angeles became a battlefield in the wake of the unjust verdict.

Let us at the very least be sure that the officers will be tried in Federal courts for what they did to Rodney King and to the laws they were sworn to uphold. But let us also take the time now to correct those flaws in our judicial system which made a senseless verdict possible.

Equality before the law is not a principle we can continue to postpone if we truly believe in the greatness of American democracy.

LISTEN TO THE TAXPAYERS AND CUT FEDERAL SPENDING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, this week we actually will have the opportunity to cut Federal spending.

Not just to move it around, or spend it later, but actually to cut spending.

The question will be what we can cut. Will we be able to vote to cut funding for the promotion of Hawaiian arts and crafts? What about the $1 million for the Sweet Auburn Curb Market in Georgia?

It's time to shine the light of day on pork barrel projects tucked away in the deep, dark recesses of appropriations bills.

The Federal budget is not Congress' money to pass out as favors. It is the public's money to be spent wisely.

The people who gave us our jobs and the money we spend deserve to know what we intend to do with it.

I hope Members of Congress are listening. I know the taxpayers are.

IT IS TIME FOR THE PRESIDENT TO BE A HEALER

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday the President lashed out at the policies of the 1960's as the cause of the Los Angeles riot. When he declared himself the erstwhile defender of American cities, he looked as awkward as an arsonist applying for the job of fire chief. He and Ronald Reagan have gutted the very programs they now say fed the fires of L.A., and they offered nothing in their place.

Mr. Speaker, no one is suggesting that support for urban development and welfare programs would have averted the L.A. riot. No one is suggesting that all of the programs of the sixties worked. They do not. But the President has done nothing except prey on the cities and pour gasoline on the flames of divisiveness for political purposes, and now that there are riots, and not the riots but the polls afterwards, that showed that the American people want a healer and someone who is going to do something real for the cities, the President comes out with this kind of tomfoolery, that the programs of the sixties caused the riots.

Mr. President, the chickens are coming home to roost. Your years of neglect and praying on the cities will cost you electorally unless you become a healer and start bringing us together.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise the Members that it is inappropriate under the House rules to address the President directly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4, rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 6, 1992.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT, FINANCE, TRADE AND MONETARY POLICY OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE ON TOMORROW

Mr. MORAN. Mr. Speaker, I ask unanimous consent that tomorrow, May 6, 1992, the Subcommittee on International Development, Finance, Trade and Monetary Policy of the Committee on Banking, Finance and Urban Affairs be permitted to sit while the House is proceeding under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mrs. BENTLEY. Mr. Speaker, reserving the right to object, I would ask the gentleman from Virginia if the request has been cleared with the Republicans.

Mr. MORAN. Mr. Speaker, in response I would say I have been asked by the chairman of the subcommittee, the gentlewoman from Ohio [Ms. OAKAR], to make this request to ensure that a previously scheduled hearing of the Subcommittee on International Development, Finance, Trade and Monetary Policy may be able to proceed tomorrow.

Mrs. BENTLEY. Mr. Speaker, I would request that the gentleman withdraw his request at this time so that we may verify if the Republican side had agreed on that.

Mr. MORAN. Mr. Speaker, I will withdraw my request at this time.

OVERSEAS FOREIGN VESSEL INSPECTION ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4485) to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels.

The Clerk read as follows:

H.R. 4485

Be it enacted by the Senate and House of representatives of the United States of America in Congress assembled, That section 3317(b) of title 46, United States Code is amended—

(1) by striking "chapter" and substituting "part"; and

(2) by inserting "or a foreign vessel" after "documented vessel".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4485, the Overseas Foreign Vessel Inspection Act introduced by Hon. WALTER B. JONES, of North Carolina and the chairman of the House Committee on Merchant Marine and Fisheries. The purpose of this legislation is to insure that the Coast Guard may conduct certain safety inspections of foreign vessels in foreign countries and may be reimbursed for expenses incurred in connection with inspections of vessels in foreign countries.

Currently, the Coast Guard inspects foreign vessels on their initial arrival in a U.S. port to insure full compliance with all applicable U.S. laws and regulations. If a vessel undergoes reconstruction or repair in a foreign port, it must also undergo certain reinspections. Obviously, if the Coast Guard can conduct its inspection of a vessel while it is in dry dock, it can do a more thorough job than if the vessel is afloat. Under current law, the Coast Guard may be reimbursed for its travel expenses in connection with an inspection of a U.S.-flag vessel, even if the vessel is in a foreign country. This will make the law consistent for foreign flag vessels. The practical impact is to insure more accurate inspections of all vessels while saving the taxpayers money.

Let me make it clear that this legislation in no way authorizes or encourages foreign construction or repair of vessels. However, for the sake of the safety of thousands of passengers on these foreign vessels, we must insure the most careful and thorough inspections possible. In that regard, this legislation is very simple and straightforward.

Mr. Speaker, I want to thank my chairman, Mr. JONES of North Carolina for his leadership on this issue. Mr. JONES of North Carolina as chairman of this committee has been in the forefront on issues relating to passenger vessel safety standards. I believe that his initiatives as chairman will mean that passengers on cruise ships will have greater confidence in the Coast Guard's ability to determine the safety of each vessel involved.

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Mr. Speaker, I reserve the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4485, a bill to allow the U.S. Coast Guard to seek reimbursement for the examination and inspection of a foreign-flag vessel outside the United States.

Under current law, an owner of a U.S.-flag vessel who requests the Coast Guard to inspect a ship in a foreign location is required to reimburse the Coast Guard for the cost of travel, lodging, meals, and certain incidentals. These costs do not include, however, inspector salaries or overtime pay.

Mr. Speaker, with the passage of H.R. 4485, we will simply extend this reimbursement authority to foreign-flag ships inspected by the Coast Guard at a foreign port. By so doing, the Coast Guard will recover some of its travel expenses and, more importantly, it will ensure the safety of these vessels.

Based upon conversations with the Coast Guard, it appears that an overseas inspection of most vessels, including passenger cruise ships and tankers, are often more thorough than those in the United States because the vessels are frequently in a dry dock or shipyard facility. Under these conditions, the Coast Guard can more easily identify problems or construction flaws and can recommend modifications to the vessel owner on how the ship can comply with the International Convention for Safety of Life at Sea and all other U.S. safety laws. By correcting these problems at an early stage, the owner of the vessel will save a great deal of time and money by eliminating the costly delays that usually occur when a vessel is first inspected in the United States.

Mr. Speaker, H.R. 4485 is a bipartisan, noncontroversial piece of legislation which should be supported by every Member of the House of Representatives. It will improve safety, it will not cost any taxpayer money, it will help the U.S. Coast Guard, and it is strongly supported by both the administration and all elements of the U.S. maritime industry.

Mr. Speaker, I too want to go on record as thanking the chairman of the committee and the ranking members, the gentleman from Michigan [Mr. DAVIS] and the gentleman from New York [Mr. LENT] for their work on this legislation.

Mr. Speaker, I urge adoption of H.R. 4485.

Mr. JONES of North Carolina. Mr. Speaker, today, we consider, under suspension of the rules, H.R. 4485, a bill that would enhance the safety of foreign vessels entering our waters.

My bill would allow the Coast Guard to inspect and examine a foreign vessel overseas when requested to do so by the vessel owner or operator, provided the Coast Guard is reimbursed for travel and subsistence costs. This authority currently exists for U.S.-flag vessels.

The Coast Guard examines foreign vessels when they arrive in the United States for compliance with the International Convention for the Safety of Life at Sea, other international conventions, and applicable U.S. laws. Vessels are also inspected after a rehabilitation, rebuilding, or significant modification.

Allowing the Coast Guard to inspect vessels while dry-docked would ensure a more thorough inspection; certainly, it would promote safety; and despite the fact that owners would pay for the privilege, it should save time and money.

The bill is supported by the Coast Guard and vessel owners, and, particularly important in these difficult times, it would pay for itself.

Mrs. BENTLEY. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I thank the gentlewoman from Maryland for her comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 4485.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on H.R. 4485, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NATIONAL UNDERSEA RESEARCH PROGRAM ACT OF 1992

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3247) to establish a National Undersea Research Program within the National Oceanic and Atmospheric Administration, as amended.

The Clerk read as follows:

H.R. 3247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL UNDERSEA RESEARCH PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "National Undersea Research Program Act of 1992".

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The world's oceans occupy 317,000,000 cubic miles, and constitute 71 percent of the surface of the earth.

(2) The Great Lakes comprise 20 percent of the world's freshwater and are a valuable, international, commercial, and recreational resource.

(3) The oceans and Great Lakes are inextricably linked to many important global processes, such as global temperature, weather patterns, and nutrient cycling.

(4) The oceans and Great Lakes hold many undiscovered or unexploited mineral and biological resources.

(5) A majority of invertebrate phyla and over half the vertebrate species inhabit the oceans.

(6) The genetic diversity of marine organisms makes the oceans a potentially important source of undiscovered medical agents.

(7) Understanding of the physical, chemical, geological, and biological processes which govern dynamics in the oceans and Great Lakes, particularly the deep ocean, is limited.

(8) Oceanic and limnological researchers require increasingly more advanced technologies and methodologies to accomplish complex research goals.

(9) Advanced underwater technology, including diving, underwater laboratories, research submersibles, and remotely operated vehicles, must be an integral part of the Nation's efforts to study, understand, utilize, conserve, and wisely manage the aquatic environment.

(b) PURPOSE.—The purpose of this title is to establish a program of research to better understand ocean and large lakes ecosystems and their role in global systems.

SEC. 103. DEFINITIONS.

For the purposes of this title, the term—

(1) "Administration" means the National Oceanic and Atmospheric Administration;

(2) "Center" means any National Undersea Research Center in existence prior to the date of enactment of this Act or established pursuant to section 106;

(3) "Center Director" means the Director of any National Undersea Research Center;

(4) "Committee" means the National Undersea Research Steering Committee established pursuant to section 105;

(5) "Office" means the Office of Undersea Research established under section 104(c)(1);

(6) "priority research area" means any of the priority research areas under section 104(f), as those areas may be revised by the Under Secretary under section 104(f)(2).

(7) "Program" means the National Undersea Research Program established under section 104;

(8) "Program Director" means the Director of the National Undersea Research Program appointed pursuant to section 104(c)(2);

(9) "undersea region" means each of—

(A) the North Atlantic region, comprised of the coastal and oceanic waters north of Montauk, New York, and off Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut;

(B) the Mid-Atlantic region, comprised of the coastal and oceanic waters south of Montauk, New York, and off New York, New Jersey, Delaware, Maryland, and Virginia;

(C) the South Atlantic region, comprised of the coastal and oceanic waters off North Carolina, South Carolina, Georgia, and the Atlantic coast of Florida (including the Florida Keys);

(D) the Gulf of Mexico region, comprised of the coastal and oceanic waters of the Gulf of Mexico off Florida, Alabama, Mississippi, Louisiana, and Texas;

(E) the Great Lakes region, comprised of the waters of the Great Lakes;

(F) the Southern Pacific region, comprised of the coastal and oceanic waters off California;

(G) the Northern Pacific region, comprised of the coastal and oceanic waters off Oregon and Washington;

(H) the Western Pacific region, comprised of the coastal and oceanic waters off Hawaii, Guam, American Samoa, and the Northern Mariana Islands;

(I) the Alaskan region, comprised of the coastal and oceanic waters off Alaska;

(J) the Caribbean region, comprised of the coastal and oceanic waters off Puerto Rico and the United States Virgin Islands; and

(K) any other undersea region resulting from an establishment, modification, or merger under section 106(f)(2);

(10) "undersea research" means scientific research carried out in the oceans or large lakes of the world, using underwater vehicles or techniques; and

(11) "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF NATIONAL UNDERSEA RESEARCH PROGRAM.

(a) PROGRAM ESTABLISHMENT AND MAINTENANCE.—The Under Secretary shall establish and maintain within the Administration a program to be known as the "National Undersea Research Program".

(b) PROGRAM PURPOSE.—The Program shall, for the purpose of enhancing scientific understanding of processes in the oceans and large lakes of the world—

(1) develop, maintain, and conduct scientific and engineering undersea research programs; and

(2) investigate, develop, and apply technology for undersea research.

(c) OFFICE OF UNDERSEA RESEARCH.—

(1) ESTABLISHMENT.—There is established in the Administration the Office of Undersea Research, which shall conduct the Program.

(2) PROGRAM DIRECTOR.—The head of the Office shall be the Director of the National Undersea Research Program, who shall be appointed by the Under Secretary from among individuals with extensive knowledge and expertise in undersea research, and having appropriate administrative experience.

(d) DUTIES OF PROGRAM DIRECTOR.—The Program Director shall administer the Program subject to the supervision of the Under Secretary. In addition to any other duty prescribed by law or assigned by the Under Secretary, the Program Director shall—

(1) establish and maintain a list for each priority research area of scientists who are actively conducting research in that area, for the purpose of—

(A) providing peer reviews of individual research proposals under the Program; and

(B) participating in site visits pursuant to section 107(c)(2); and

(2) develop guidelines for the submission and review of proposals from centers and individual researchers for research under the Program.

(e) SCIENCE ADVISOR.—

(1) APPOINTMENT.—The Under Secretary shall, pursuant to the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and by not later than 6 months after the date of the enactment of this Act, appoint to serve as a science advisor to the Director on the scientific needs of the Program, an individual who—

(A) is a scientist active in one or more priority research areas;

(B) is not employed by the Federal Government; and

(C) during the period of such service, is on leave of absence from an institution of higher education or oceanographic research.

(2) TERMS.—

(A) IN GENERAL.—The term of an individual as a science advisor under this subsection shall be one year.

(B) LIMITATION.—An individual may serve not more than 2 terms as a science advisor under this subsection.

(f) PRIORITY RESEARCH AREAS.—

(1) IN GENERAL.—The Under Secretary may use amounts appropriated for the Program to fund research, including long-term studies, within the following priority research areas:

(A) Oceanic, coastal, estuarine, and limnological processes.

(B) Pathways and fates of materials in the oceans and large lakes.

(C) Diversity, distribution, productivity, and recruitment of organisms with respect to habitat characteristics in the oceans and large lakes.

(D) Global change processes.

(E) Ocean lithosphere processes and mineral resources.

(F) Undersea research platform and instrument technology.

(G) Diving safety, physiology, and technology.

(2) REVISION OF PRIORITY AREAS.—Upon the recommendation of the Committee, the Under Secretary may, after public comment, revise the priority research areas under paragraph (1).

SEC. 105. STEERING COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—The Under Secretary shall establish an independent steering committee to be known as the "National Undersea Research Steering Committee".

(b) COMPOSITION.—

(1) IN GENERAL.—The Committee shall consist of 9 members appointed by the Under Secretary from individuals who are professional scientists or engineers and active in at least one priority research area, of whom 2 members shall be appointed from individuals nominated by Center Directors. The Under Secretary shall complete appointments under this paragraph by not later than 6 months after the date of the enactment of this Act.

(2) BALANCE.—In appointing members of the Committee, the Under Secretary shall seek to ensure balanced representation of priority research areas, disciplines related to those research areas, and geographic regions of the United States.

(3) PROHIBITION ON APPOINTMENT OF FEDERAL EMPLOYEES.—No member of the Committee may be an employee of the Federal

Government, except the Chief Scientist of the Administration.

(4) EX OFFICIO MEMBER.—The Chief Scientist of the Administration shall be a nonvoting ex officio member of the Committee.

(c) DUTIES.—The Committee shall advise the Under Secretary and the Program Director concerning—

(1) the quality of research performed with grants awarded under section 108, including the applicability of such research to the priority research areas;

(2) the designation, establishment, merger, and operation of Centers;

(3) the modification and merger of undersea regions;

(4) the need to revise the priority research areas;

(5) the process of responding to research proposal reviews, including making determinations and recommendations under section 107(a)(3)(B).

(6) any other matters the Under Secretary refers to the Committee for review and advice or the Committee considers appropriate.

(d) TERM OF MEMBERSHIP.—

(1) IN GENERAL.—Subject to paragraph (2), the term of membership on the Committee shall be 3 years.

(2) INITIAL APPOINTMENTS.—Of the members first appointed to the Committee—

(A) 3 members shall serve a term of one year;

(B) 3 members shall serve a term of 2 years; and

(C) 3 members shall serve a term of 3 years;

as specified by the Under Secretary at the time of appointment.

(3) TERM LIMITATION.—No Committee member may serve consecutive terms as a member of the Committee.

(e) COMPENSATION.—Members of the Committee, while performing official duties as members of the Committee, are entitled to receive compensation for travel and transportation expenses under section 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The members of the Committee shall select annually from among themselves an individual who shall serve as Chairperson of the Committee. No member of the Committee may serve more than 2 annual terms as a chairperson.

(g) CONDUCT OF BUSINESS.—The Committee shall conduct its business according to the majority vote of those members present at a meeting of the Committee.

(h) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 106. ESTABLISHMENT OF NATIONAL UNDERSEA RESEARCH CENTERS.

(a) ASSIGNMENT AND ESTABLISHMENT OF CENTERS.—

(1) ASSIGNMENT OF REGIONS TO EXISTING CENTERS.—The Under Secretary shall, in consultation with the Committee, assign one or more undersea regions to each Center in existence on the date of the enactment of this Act, by not later than 6 months after that date.

(2) ESTABLISHMENT OF NEW CENTERS.—The Under Secretary may establish a new Center to implement the Program for any undersea region at an institution of higher education or oceanographic research located in a State bordering the region—

(A) if there are adequate funds available for the establishment of the Center;

(B) after reviewing each proposal submitted under subsection (b) with respect to that region; and

(C) if the Committee concurs in the selection of that institution.

(3) LIMITATION.—The Under Secretary may not establish a new Center for an undersea region if the expenditure of amounts for that Center would result in any reduction of amounts available for expenditure for any existing Center.

(b) SOLICITATION OF PROPOSALS FOR NEW CENTERS.—

(1) IN GENERAL.—The Under Secretary may solicit proposals for the establishment of a new Center under subsection (a)(2) from institutions of higher education or oceanographic research.

(2) PROPOSAL REQUIREMENTS.—A proposal under this subsection shall consist of—

(A) a proposed science program;

(B) a program management plan;

(C) a description of the facilities of the institution submitting the proposal;

(D) a description of relevant institutional capabilities;

(E) an operational safety plan;

(F) mechanisms for information transfer;

(G) a budget for the Center; and

(H) any other information the Under Secretary considers necessary.

(c) REVIEW OF PROPOSALS.—The Under Secretary and the Committee shall review each proposal submitted under subsection (b) on the basis of—

(1) relevance of the proposal to priority research areas; and

(2) the capability of the applicant institution to administer and direct research in those areas.

(d) CENTER DIRECTOR.—Each institution at which a Center is established under this section may select an individual who shall be the Director for that Center.

(e) 5-YEAR REVIEW OF CENTERS.—

(1) IN GENERAL.—The Under Secretary and the Committee shall jointly review the operation of each Center every 5 years. The first review of a Center shall be completed—

(A) in the case of a Center in existence on the day before the date of the enactment of this Act, by not later than the date which is 5 years after that date of enactment; and

(B) in the case of a Center established on or after that date of enactment, by the date which is 5 years after the date of the establishment of the Center.

(2) CONTENT OF REVIEW.—A review under this subsection shall consist of—

(A) an evaluation of the quality of the research conducted at the Center under the Program and the applicability of the research to the priority research areas, including consideration of the annual reviews and site visits conducted under section 107(c);

(B) recommendations for changes in the scientific research program and operations of the Center, that are considered beneficial by the Committee and the Under Secretary; and

(C) a determination of whether the continued operation of the Center will increase knowledge in the priority research areas.

(3) ESTABLISHMENT OF NEW CENTER AT DIFFERENT INSTITUTION.—If the Under Secretary and the Committee determine as a result of a review under this subsection that continued operation of a Center is not warranted, the Under Secretary shall—

(A) provide notification of that determination to the Center, including a description of any changes in the operations of the Center the Under Secretary considers necessary for continued operation of the Center;

(B) after 18 months after providing that notice, and not later than 2 years after providing that notice, review the implementation of those changes by the Center; and

(C) establish, at a different institution of higher education or oceanographic research, a new Center for the same undersea region in accordance with this section, if the Under Secretary determines as a result of that review that those changes are not implemented.

(f) 5-YEAR REVIEW OF UNDERSEA REGIONS.—

(1) REVIEW BY COMMITTEE.—The Committee shall—

(A) review the configurations of undersea regions every 5 years following the date of the enactment of this Act to determine whether those regions meet scientific needs for research in priority research areas; and

(B) provide to the Under Secretary appropriate recommendations for meeting those needs, regarding—

(i) any modification or merger of existing undersea regions, or establishment of new undersea regions, and

(ii) the establishment of new Centers or merger of existing Centers for any undersea regions recommended to be established or merged.

(2) MODIFICATION, MERGER, OR ESTABLISHMENT OF REGIONS.—The Under Secretary may establish a new undersea region or modify or merge any existing undersea region or regions if, based on a recommendation by the Committee under paragraph (1)(B), the Under Secretary determines there is a scientific need for that establishment, modification, or merger.

(3) ESTABLISHMENT OR MERGER OF CENTERS.—If the Under Secretary establishes or merges any undersea region under paragraph (2), the Under Secretary may, in accordance with section 106 and any recommendations provided by the Committee under paragraph (1)(B), establish a new Center or merge existing Centers for the resulting undersea region.

(g) PROHIBITION.—Except as provided in subsections (a) and (f)(3), the Under Secretary may not establish or merge any Centers.

SEC. 107. NATIONAL UNDERSEA RESEARCH CENTER RESEARCH PROGRAMS.

(a) INDIVIDUAL RESEARCH PROPOSALS.—

(1) SOLICITATION.—Each Center Director shall annually solicit individual proposals from the scientific community for research to advance the priority research areas of the Program. Research under each proposal shall be primarily conducted within the undersea region of the Center, but may be conducted in another undersea region in cooperation with the Center for that region, or other geographic areas with the approval of the Program Director. Individual proposals shall adhere to guidelines established by the Program Director pursuant to section 104(d)(2). Proposals under this paragraph may be for multi-year research.

(2) INDIVIDUAL PROPOSAL REVIEW PROCESS.—Each individual proposal shall be reviewed by the Center Director or his or her designees and not less than 3 anonymous mail reviewers from the list of reviewers maintained by the Program Director pursuant to section 104(d)(1). Each review shall consider—

(A) the scientific merit of the proposal;

(B) the applicability of the proposal to the priority research areas; and

(C) the capability of the principal investigator to carry out the proposed research.

(3) ALLOWANCE FOR RESPONSE.—

(A) IN GENERAL.—Subject to any regulation that is issued by the Program Director under subparagraph (C), a Center Director shall provide to each person who submits a proposal under this section to the Center copies of all written reviews of the proposal conducted by the Center Director, his or her designees, and anonymous reviewers, and shall give the person not less than 14 days to respond to those reviews before rendering any final decision regarding funding for the proposal.

(B) REVIEW OF PROCESS BY COMMITTEE.—Not later than 3 years after the date of the enactment of this Act, the Committee shall—

(i) determine whether all Centers are implementing subparagraph (A);

(ii) determine whether the opportunity of persons who submit proposals to respond to reviews pursuant to subparagraph (A) has been utilized by those persons;

(iii) determine whether those responses have been effective in ensuring full and fair consideration of those proposals; and

(iv) recommend to the Program Director that the procedures established by subparagraph (A) be continued, terminated, or modified (including the specific modifications which should be made).

(C) ISSUANCE OF REGULATION.—Notwithstanding subparagraph (A), the Program Director may issue a regulation implementing any recommendation made by the Committee under subparagraph (B)(iv).

(b) PROPOSED CENTER PROGRAM.—Not later than October 31 of each year, each Center Director shall submit to the Program Director—

(1) a proposed program for the Center for that fiscal year, which shall adhere to guidelines established by the Program Director pursuant to section 104(d)(2) and shall include—

(A) a description of the activities performed and research funded by the Center in the previous fiscal year;

(B) those individual research proposals submitted under subsection (a) that the Center Director determines to be meritorious based on reviews conducted under that subsection;

(C) a proposed budget for operation of the Center for the current fiscal year; and

(D) any other materials requested by the Program Director to clarify the proposed program; and

(2) reviews (including responses under subsection (a)(3) to the reviews) of all individual research proposals submitted to the Center Director for the current fiscal year, including those research proposals not selected for inclusion in the proposed program of the Center.

(c) REVIEW OF PROPOSED CENTER PROGRAM.—

(1) IN GENERAL.—The Program Director, in consultation with the Committee, shall review the proposed program for the current fiscal year submitted by each Center Director under subsection (b).

(2) SITE VISITS.—At least once every 2 years, the review of a proposed program of a Center under this subsection shall include a formal inspection of the Center by a site visit team. The site visit team shall—

(A) be composed of not less than 4 individuals appointed by the Program Director with experience in undersea research, at least one of whom shall be a member of the Committee and 2 of whom are selected from the list maintained under section 104(d)(1);

(B) assess the quality of the individual research proposals included in the proposed program; and

(C) assess the ability of the Center to oversee the research included in the proposed program.

(d) REQUIRING ADDITIONAL PROPOSED PROGRAMS PROHIBITED.—Except as provided in this section, a center shall not be required to submit to the Program Director or the Under Secretary any program proposal.

(e) GIFTS, DEVISES, AND BEQUESTS.—Each Center may accept, solicit, and use the services of volunteers, and may accept, receive, hold, administer, and use gifts, devises, and bequests, to carry out the research program of the Center.

SEC. 108. REGIONAL UNDERSEA RESEARCH CENTER PROGRAM GRANTS.

(a) AUTHORIZATION.—The Under Secretary may use amounts appropriated to carry out the Program to make grants and enter into contracts under this subsection to fund any Center program if the Under Secretary finds that the program will advance knowledge in the priority research areas.

(b) ALLOCATION OF FUNDING.—

(1) IN GENERAL.—Not later than April 1 of each year and based on the reviews under section 107(c) of proposed programs, the Under Secretary shall—

(A) allocate among the Centers, in such manner as will best advance knowledge in the priority research areas, all amounts available for the current fiscal year for research to be conducted by, and administration of, the Centers; and

(B) notify each Center Director of the amount allocated to that Center under subparagraph (A) for the current fiscal year.

(2) LIMITATION ON ALLOCATION PER CENTER.—The total amount which may be allocated for any fiscal year for activities conducted by any one Center shall not exceed 20 percent of the total amounts available for the Program for that fiscal year, except that the Under Secretary may allocate a greater amount for a Center for the purpose of making major capital expenditures for the Center.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any grant made, or contract entered into, under this section shall be subject to paragraphs (2) and (3), and to any other terms, conditions, and requirements the Under Secretary considers necessary.

(2) LIMITATIONS ON USES.—

(A) LAND AND BUILDINGS.—No payment under any grant or contract under this section may be applied to—

(i) the purchase of any land; or

(ii) the purchase or construction of any building.

(B) ADMINISTRATION.—At least 60 percent of the amount of a grant or contract under this section shall be used to fund individual research proposals carried out with the grant or contract.

(3) MAINTENANCE OF RECORDS.—Any person who receives or utilizes any proceeds of any grant or contract under this section shall keep any records the Under Secretary prescribes as necessary to facilitate effective audit and evaluation, including reports which fully disclose the amount and disposition of funds received under this title, the total cost of activities for which those funds were used, and the amount, if any, of costs which were provided through other sources. The records shall be maintained for 3 years after the completion of the activity. The Under Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Under Secretary or of the Comptroller General, may be related or pertinent to the grants and contracts.

SEC. 109. FINANCIAL ASSISTANCE REVIEW BOARD.

After the date of the enactment of this Act, grants and contracts under the Program shall not be subject to review by the board in the Department of Commerce known as the Financial Assistance Review Board.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) CENTER PROGRAM FUNDING.—There is authorized to be appropriated to the Under Secretary for use for grants and contracts under section 108, to remain available until expended—

(1) $20,000,000, for fiscal year 1992,

(2) $25,000,000 for fiscal year 1993,

(3) $30,000,000 for fiscal year 1994,

(4) $35,000,000 for fiscal year 1995, and

(5) $40,000,000 for fiscal year 1996.

(b) MANAGEMENT, ADMINISTRATION, AND STUDIES.—There are authorized to be appropriated to the Under Secretary for management and administration of the Program (including administration of grants and contracts under section 108, the development of undersea research technology, and the conduct of studies of underwater diving techniques and equipment under section 21(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1347(c))), to remain available until expended—

(1) $4,000,000 for fiscal year 1992;

(2) $4,200,000 for fiscal year 1993;

(3) $4,400,000 for fiscal year 1994;

(4) $4,600,000 for fiscal year 1995; and

(5) $4,800,000 for fiscal year 1996.

(c) LIMITATION ON USE.—Amounts appropriated under the authority of subsection (a) shall not be available for administration of this Act by the Office, or for program or administrative expenses of the Administration.

(d) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, contract, or portion of a grant or contract, made under section 108 that is not obligated before the end of the third fiscal year in which it is authorized to be obligated shall revert to the Under Secretary. The Under Secretary shall add that reverted amount to the funds available for grants under section 108.

TITLE II—MISCELLANEOUS

SEC. 201. GREAT LAKES UNDERSEA RESEARCH CENTER.

(a) IN GENERAL.—Subject to the limitations in subsections (a)(2)(A) and (a)(3) of section 106, and not later than December 31, 1993, the Under Secretary of Commerce for Oceans and Atmosphere shall establish a National Undersea Research Center for the Great Lakes region in accordance with section 106 to implement the National Undersea Research Program established under section 104 for that region, at a qualified institution.

(b) DEFINITIONS.—For purposes of this section—

(1) "qualified institution" means an institution of higher education—

(A) located directly on the shoreline of one of the Great Lakes;

(B) with strong undergraduate and graduate programs in engineering, science, and technology as they may apply to undersea research;

(C) with facilities for maintaining research vessels appropriate for deployment of equipment necessary to conduct undersea research;

(D) with faculty and other personnel with expertise in undersea research;

(E) which has received funding from the National Undersea Research Program in the past; and

(F) which maintains cooperative institutional relationships with Federal agencies responsible for research work on the Great Lakes; and

(2) "undersea research" has the meaning that term has in section 103(10).

SEC. 202. PROCEDURES FOR JOINT REVIEW OF RESEARCH PROPOSALS.

The Under Secretary, in consultation with the Program Director, and jointly with the Director of the National Science Foundation and the Secretary of the Navy, shall—

(1) develop procedures for the submittal and joint review of proposals for research in priority research areas to be carried out with assistance from 2 or more agencies within the Department of Commerce, the National Science Foundation, or the Department of Defense; and

(2) issue final rules establishing those procedures by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House of Representatives is debating H.R. 3247, the National Undersea Research Program Act of 1992. This bill was introduced on August 2, 1991 and referred to the Merchant Marine and Fisheries Committee for consideration.

The Subcommittee on Oceanography, Great Lakes and the Outer Continental Shelf, chaired by Mr. HERTEL, and of which I am a member, has authority over civilian undersea research activities conducted through the National Oceanic and Atmospheric Administration [NOAA]. The subcommittee held a hearing on H.R. 3247 on October 15, 1991. At that hearing the subcommittee reviewed current civilian undersea research efforts and received recommendation on Federal statutory changes that could be made to improve coordination between NOAA, academic users, National Undersea Research Program center directors, and the research community in general.

Following this hearing, several recommendations from witnesses were incorporated into H.R. 3247 and these were voted upon in a full committee markup session held on January 29, 1992. The bill was then unanimously approved by the Merchant Marine and Fisheries Committee.

A substitute amendment brought to the House for consideration today is supported by the Merchant Marine and Fisheries Committee and the majority of the Committee on Science, Space, and Technology. The amendment makes three changes to the bill reported from the Merchant Marine and Fisheries Committee.

First, it establishes 10 research regions, and provides a procedure for assigning the existing six centers to each of those regions. Second, new language provides a 3-year trial time for researchers to respond to the comments by research proposal reviewers. Third, the bill does not specifically designate the Mid-Atlantic Bight Center, because it has been established since January when the bill was reported.

Mr. Speaker, allow me to summarize the effect of this legislation. The bill before us authorizes by Federal statute the administrative framework for civilian undersea research. The Federal Government has engaged in undersea research since the early 1970's, and NOAA received its first appropriation for underwater research laboratory programs in 1976. Since 1980, the National Undersea Research Program has been credited with a broad array of successful projects. Studies of the sea and sea floor are conducted in cooperation with academic centers throughout the United States.

However, during this time, there has never been a formal congressionally approved mechanism for coordinating undersea research. H.R. 3247 provides such a mechanism by establishing the Office of Under Sea Research within NOAA and giving it the responsibility for implementing projects based on seven specific national research priorities and selecting meritorious, results-oriented proposals based on those priorities. The priority areas include: ocean floor and mineral resource studies; undersea exploration technologies; coastal ecosystems research; ocean and lake monitoring; and studies of processes affecting climate change. Research projects will be selected and coordinated by the National Undersea Research Program Director appointed to administer the program with the advice of a non-Federal scientific adviser and steering committee.

The bill establishes ten undersea research regions and grants NOAA the responsibility for conducting research in these regions through the six National Undersea Research Centers. Existing centers located at several universities and institutions will continue to serve their corresponding regions. These regional assignments are as follows:

The Mid-Atlantic Bight Region—Rutgers University;

The North Atlantic and Great Lakes Regions—the University of Connecticut;

The South Atlantic and Gulf of Mexico Regions—the University of North Carolina;

The Alaska and West Coast Regions—the University of Alaska;

The Western Pacific Region—the University of Hawaii; and

The Caribbean Region—the Caribbean Marine Research Center.

All existing or new centers will be subjected to a 5-year review and sunset to ensure that quality research projects are fostered by the centers. Additional centers may be established, to include one for each region, given adequate appropriations. Centers can be established at institutions of higher education or oceanographic research, only in States bordering one of the designated regions.

Grant procedures for undersea research are standardized under H.R. 3247, and at least 60 percent of funds appropriated must be used for actual research projects under grants or contracts.

The bill provides an authorization for appropriations through fiscal year 1996 for the National Undersea Research Program. The amounts for each fiscal year are as follows: $24 million in 1992; $29.2 million in 1993; $34.4 million in 1994; $39.6 million in 1995; and $44.8 million in 1996. Appropriations in the current fiscal year amount to $15.2 million; the President's 1993 budget proposed to eliminate the program.

Given the wide-range of support for this legislation, as well as the modifications included in the substitute amendment offered today, I ask that the House approve H.R. 3247 under suspension of the rules.

□ 1230

Mr. Speaker, let me again congratulate the distinguished gentleman from Michigan [Mr. HERTEL], the chairman of the subcommittee, for his outstanding work; the gentleman from Virginia [Mr. BATEMAN], who, although not with us today, was very actively involved in crafting this bill; and the gentlewoman from Maryland [Mrs. BENTLEY], who will be acting on his behalf today; and also the Committee on Science, Space and Technology for their work in crafting this particular legislation.

It is a good bill, Mr. Speaker, and it warrants the Members' support.

Mr. Speaker, I reserve the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, which establishes in law an existing National Oceanic and Atmospheric Administration program. The bill makes several improvements by opening up and formalizing the National Undersea Research Program Center creation and grant making process, as has been outlined by the gentleman from New Jersey [Mr. HUGHES].

Mr. Speaker, I want to join in commending the chairman, the gentleman from North Carolina [Mr. JONES], the chairman, the gentleman from Michigan [Mr. HERTEL], and the gentleman from Virginia [Mr. BATEMAN] for their leadership on this matter.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, in a year Members of this Congress are looking for ways to cut spending—look no further—voting against this bill, H.R. 3247, provides just such an opportunity.

H.R. 3247 would increase spending for a program Presidents have been trying to eliminate for over a decade. In fact, H.R. 3247 doesn't just increase spending, it doubles it right away and nearly triples it in 3 more years. This legislation epitomizes what's wrong with Congress.

The administration opposes this bill and calls for undersea research to be paid for by the beneficiaries of its specializes results—private industry and the States. There is just no justification for the American taxpayer to foot the bill for marine materials, minerals and productivity studies, submersible technology development or new diving techniques. This is not a time to be deficit spending on submarines, robots, and scuba equipment.

Instead, this is a time to eliminate unneeded spending. And, be clear, voting against H.R. 3247 is a vote not to spend $172 million.

And NURP is truly a pork barrel program. Why, just this year, a $2 million grant was earmarked under the program to a university with absolutely no undersea research capability.

Now, Mr. Speaker, an amendment has been offered that was advertised as an improvement, but it addresses none of the fundamental issues. It was drafted totally without Science Committee Republican input, and was never even considered, or for that matter, even discussed in the committee. In this case, not only is the product totally flawed, but so is the process.

Mr. Speaker, I object to the substitute. The amendment Mr. HERTEL is offering is not a joint committee substitute because it was never considered by the Science Committee. In fact, it's not even a Merchant Marine and Fisheries Committee substitute as they did not approve it either. Instead, it is merely a deal between some staff that is now being forwarded as a grand compromise. It is a fraud in both form and substance. I object to its consideration and protest the process by which it was produced.

Vote against H.R. 3247.

Mr. Speaker, I would suggest to my colleagues that if they want to vote against something today, here is a good place to vote "no."

Mrs. BENTLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space and Technology.

Mr. BROWN. Mr. Speaker, I rise in support of this bill, but it is not based upon any lengthy consideration in the Science Committee, and the gentleman from Pennsylvania [Mr. WALKER], who has expressed his own dissatisfaction with the process, I think, has certain merit on his side.

The bill was jointly referred, but it was not the view of the relevant members of the Committee on Science, Space and Technology that this was a matter which required any input from the Committee on Science, Space and Technology, and there is, as a matter of fact, an overlap in the two committees. Certain members of the Committee on Merchant Marine and Fisheries also serve on the Committee on Science, Space and Technology. There was a process of consultation that took place in an effort to reconcile certain differences, but it was an informal process. In my opinion, the action of the Committee on Merchant Marine and Fisheries is a reasonable and prudent action.

There is some objection to this bill on the part of the administration, and, of course, the gentleman from Pennsylvania [Mr. WALKER] has expressed his objections on those grounds and procedural grounds also.

I am making this statement in order to put this matter in perspective to indicate that we have no formal position in our committee. I and a number of other members who have looked at the bill think it is a very valuable bill, but we are yielding to our friends on the Committee on Merchant Marine and Fisheries to perfect this legislation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Is it not true that the bill was modified to some extent, and the amendment being offered on the floor today was modified in order to take care of some Committee on Science, Space and Technology questions that were raised and so, therefore, it was a part of a deliberation process between the two committees? And that is really my objection here, that the minority was not included as those deliberations took place.

Mr. BROWN. As I indicated, the process was strictly an informal process. I do not really know who participated in it. I hope the minority were included either at the staff or Member level, but I cannot say of my own knowledge that did take place.

Mr. ROSE. Mr. Speaker, I rise in strong support of the amendment, and want to thank my colleagues on the Merchant Marine and Fisheries Committee for guiding this bill to the floor.

As we prepare to continue consideration of the NASA authorization bill later today, let me remind my colleagues that space is not our only unexplored frontier. Our vast oceans are among the most complex and least understood of all our natural resources. Only during the last 20 years has technology allowed us to begin studying our oceans and Great Lakes in detail. We still have much to learn, and we are increasingly aware that the ocean's idiosyncrasies can have a major bearing on our coastal communities.

Five years ago an algae bloom known as the red tide began circulating through South Atlantic waters, killing fish and poisoning shellfish throughout the area. Fishermen along the North Carolina coast were among the hardest hit. The Undersea Research Program has since provided answers to many of the questions raised at that time. The better we understand these processes, the better we can prepare for them in the future.

I am fortunate to represent one of the existing undersea research centers at the University of North Carolina in Wilmington, NC. The center has carried out an ambitious and well-respected science program in the South Atlantic region. We can send a strong signal of support for UNC-Wilmington and other centers by approving this authorization.

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that the bill was reported out of the full Committee on Merchant Marine and Fisheries. It enjoyed wide support on both the Democratic and the Republican side of the aisle. It is a good bill.

I am sorry that my colleague, the gentleman from Pennsylvania, is concerned about basically the failure to be consulted after it was sequentially referred by the Parliamentarian to the Committee on Science, Space and Technology, but that is not of our making. We do not do the referrals, and we do not do the consultation.

We acted in good faith in attempting to work out some compromises, which is the ordinary means in which we conduct business around here with another committee that has other sequential concerns.

Mr. Speaker, it is a good bill. Those that carry out undersea research are very competent professionals who have done an outstanding job.

The benefits from this legislation are limitless. We know still so little about the oceans, and in trying to develop a rational ocean policy, this is one of the few initiatives we have at the Federal level to provide that kind of leadership.

Mr. Speaker, let me just conclude by congratulating the gentleman from North Carolina [Mr. JONES], who is the author, as I understand it, of the legislation, for his work, and the gentleman from Michigan [Mr. DAVIS], for his work as ranking Republican, in crafting the legislation.

Mr. JONES of North Carolina. Mr. Speaker, I sponsored H.R. 3247, the National Undersea Research Program Act of 1992. This bill establishes the National Undersea Research Program [NURP] within the National Oceanic and Atmospheric Administration [NOAA]. An Office of Undersea Research, headed by a program director, is established to administer NURP.

The bill directs that a non-Federal science advisor be appointed to advise the program director on the scientific direction of the program. Additionally, a steering committee composed of outside scientists is established to advise the program director on the operation of NURP, the need to revise the research program, and the designation and operation of regional undersea research centers.

The bill also establishes procedures for the modification of undersea regions, establishment of centers, and for reviewing and funding research within the centers. Appropriations are authorized for program administration and for research conducted by the centers.

A substitute amendment is being offered today with the bipartisan support of the Committee on Merchant Marine and Fisheries and the majority of the Committee on Science, Space, and Technology. This amendment makes three major changes to the bill.

First, it defines 10 areas of the coast as undersea regions. Since there are only six undersea research centers in existence, the bill establishes a procedure for assigning regional research responsibilities to the existing centers.

I anticipate that the assignment will closely resemble existing practice: the University of Connecticut will have responsibility for the North Atlantic and the Great Lakes regions; Rutgers University, the Mid-Atlantic Bight Region; the University of North Carolina at Wilmington, the South Atlantic and Gulf of Mexico regions; the Caribbean Marine Research Center, the Caribbean region; the University of Alaska, the Alaska region and the west coast of the United States; and the University of Hawaii, the Western Pacific region.

Second, because of concerns expressed by NOAA, the provision which allows researchers to respond to reviews of their research proposals will undergo a 3-year trial period. The steering committee is directed to review the effectiveness of this provision and recommend whether it should be changed or abolished. NOAA is then allowed to implement the recommendation.

Finally, the amendment drops the designation of a Mid-Atlantic Bight Center because NOAA established this center after the bill was reported.

NURP was administratively established within NOAA in 1980. The program funds undersea scientific research through a network of six undersea research centers: the University of North Carolina at Wilmington; the University of Connecticut at Avery Point; the Caribbean Marine Research Center on Lee Stocking Island in the Bahamas; the University of Hawaii at Manoa; the University of Alaska at Fairbanks; and Rutgers University.

Since 1983, the Reagan and Bush administrations have tried to eliminate NURP. In spite of this shortsighted recommendation, Congress has continued to appropriate funds for the program. In fact, appropriations have increased from $3.9 million in 1983 to $17.2 million in 1992.

I believe that Congress supports this program because it recognizes the unique capabilities of NURP. NURP provides researchers with state of the art undersea equipment, such as remotely operated vehicles, submarines, and underwater laboratories, and the expertise to use it. These capabilities allow scientists to address the difficult research problems found in our coastal and oceanic waters.

Passage of H.R. 3247 will provide a framework for operation of the program and a continuity of funding which will allow NURP to continue its important role in oceanic and Great Lakes research. I urge all Members to support it.

Mr. SAXTON. Mr. Speaker, I rise today in support of H.R. 3247, the National Undersea Research Program Act of 1992. This program and its undersea technologies has allowed us to expand beyond the confines of conventional research methods and lift the veil of ignorance to better understand, discover, and protect the vast resources of our ocean environment.

Whether we are discussing ecology, economics, or technological advancements, NURP has proven to be vital on all three fronts.

In the past, the ecology of the ocean was often regarded as an infinite place to absorb our society's environmental quandries while at the same time supplying us with endless amounts of food and mineral resources.

For instance, conventional wisdom argued that the 8 million tons of sewage sludge being dumped off the coast of New Jersey each year never reached the ocean floor. Rather, it was hypothesized that the sludge dispersed long before it could ever accumulate on the seafloor. However, since the Mid-Altantic NURP Center, at Rutgers University in New Jersey, began studies on the fate of sewage sludge, we have learned that not only has it accumulated, but that many of the organisms and contaminants indicative of human waste remain within the ocean environment.

What impact is this having on the recruitment of economically valuable species? Can human viruses and pathogens contained in sludge pass on to humans through the food chain? What about the many munitions dumps off our coast line—can they still pose a threat to marine resources and human health? These are serious questions which need answers.

Economically, undersea technology and research have provided vital information regarding the health of fishery habitats and populations. In the mid-Atlantic region alone, new fisheries have been established as a result of a NURP investigation on habitat requirements. This has led to additional industry jobs throughout the region—including seafood harvesters, processors and marketers, not to mention the supporting industries for fishing vessels and gear. NURP can also assist in adjusting fishery management to better reflect the needs of the resource and its sustainability.

In addition, undersea research has lead to the discovery of new resources such as hydrothermal vent systems—a potential future source of minerals—and the mapping of cultural resources such as marine sanctuaries and historic shipwrecks. The research through NURP on the environmental impacts of ships goundings have also lead to cost recovery necessary for repairing damaged reefs in the Florida keys.

Lastly Mr. Speaker, and perhaps most important of all, are the international, as well as national, implications undersea technology offers for the management of our ocean resources.

The issue of natural resources and their sustainability on a global level will increasingly be the defining issues of international treaties in the future—as is evidenced by the up and coming June summit. The policies to be adopted by the nations of this world must be based on science and empirical knowledge and not the narrow focus of competing interest groups. As such, it is imperative that the United States invest and encourage the development of technologies capable of enabling sound policy decisions and effective enforcement tools for managing the global commons.

In this ever competitive world, I believe a primary factor for any healthy economy will depend on its technological and scientific competitiveness to address ecological issues of pollution and resource sustainability. The increasing clusters of private enterprise emerging around sciences such as undersea technology and pollution mitigation are evidence of this trend.

I urge my colleagues to join me in supporting the passage of H.R. 3247 and want to thank Chairman JONES and subcommittee Chairman HERTEL for the hard work they and their staffs committed in drafting this legislation.

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 3247 a bill to establish the National Undersea Research Program [NURP]. I have had a strong interest in NURP for several years and am very pleased that we are voting on the formal establishment of this program today.

The NURP program has been in effect for over a decade, yet, year after year, the administration either reduces or entirely eliminates the program from the budget and Congress is charged with the task of restoring funding through the appropriations process.

This program has consistently proven its important role in providing opportunities for the scientific community to conduct research not possible within the limits of traditional ship-based research and laboratories.

NURP assists leading scientists with research in the Great Lakes, the oceans, and on the sea floor using the most modern technology and undersea habitats. Undersea research has enhanced our knowledge of the dynamic processes governing our oceans increased our understanding of recruitment into the fisheries, and expanded our general knowledge of the deep sea environment.

NURP has also contributed to advances in biotechnology and gear design, advanced underwater technology, and fostered the development of small businesses.

I am pleased that this legislation expands the existing NURP program. Specifically, the bill defines 10 undersea regions and requires NOAA in consultation with a steering committee to designate the responsibility for conducting undersea research in these regions to individual national undersea research centers.

Today there are six centers in existence, including one at Rutgers University in New Jersey. Although it was created as the New York Bight Center, clearly the intent is that the Rutgers NURP Center retain the responsibility for the entire mid-Atlantic region as defined in H.R. 3247.

Indeed, the creation of the NURP Center at Rutgers was essential so that important undersea research in the mid-Atlantic region, particularly ocean dumping monitoring at the 106-mile site, could continue.

I am also happy to see that the bill calls for outside peer review of research proposals and the appointment of an independent science advisor to the program director. In addition, I believe that the nine member steering committee is appropriate to conduct oversight and periodic review of the undersea research centers throughout the country as long as the membership maintains objectivity and a representative balance between the priority research areas.

The NURP program provides the opportunity to study the processes governing our oceans and Great Lakes so that we may make the appropriate decisions regarding proper management and protection of these valuable resources.

The statutory establishment of the National Undersea Research Program within the Department of Commerce is essential to demonstrate not only the value and importance of the Undersea Research Program, but our intention to strengthen and expand it as well. I strongly urge my colleagues' support for this very important legislation.

Mr. GEJDENSON. Mr. Speaker, I rise today to express my strong support for H.R. 3247, legislation to authorize the National Undersea Research Program within the National Oceanic and Atmospheric Administration. I would also like to take this opportunity to commend Chairman WALTER JONES of the full Merchant Marine and Fisheries Committee and Chairman HERTEL of the Oceanography Subcommittee for their diligent work in bringing this important bill to the floor.

Mr. Speaker, the oceans of this planet make up more than 317 million cubic miles or seventy one percent of the surface of the planet. Oceans have a significant impact on global temperature and weather patterns, yet we know very little about this resource. Enactment of this legislation will enable our scientists to more fully understand the mysteries of the oceans and help us to protect the ocean and freshwater resources more effectively.

For several years, under the National Oceanic and Atmospheric Administration, National Undersea Research centers, including one at the University of Connecticut, have been sponsoring and conducting research to help us to understand the mysteries of the oceans. This legislation will recognize the importance of that work to our planet and will establish a clear administrative framework for those centers to operate. It is my belief that passage of this legislation will show that we are committed to understanding the oceans and managing the resources of this planet more effectively.

As I mentioned one of the existing NURP centers is based in my district at the University of Connecticut [NURC–UCAP]. For the past several years, it has been been my good fortune to know and work with Dr. Richard Cooper, director of NURC–UCAP. Dick Cooper, Lance Stewart, Ivar Babb, Douglas Lee and the other scientists at NURC–UCAP have been extremely important resources for me and my staff in understanding environmental and economic issues related to ocean dumping, sewage sludge, fisheries management, and the Georges Bank off the coast of Massachusetts, one of the richest fisheries in the world.

But more important than the advice they have provided me are the research and educational programs that NURP and NURC–UCAP have sponsored and will continue to initiate and expand with passage of this legislation.

Since their inception in 1983, NURC–UCAP's research efforts have focused on both basic and mission oriented activities providing a greater understanding of some of the most crucial environmental and economic issues facing our nation's coastal areas. In particular, NURC–UCAP provides oceanic and freshwater researchers the opportunity to use some of the most advanced underwater research technology that has been developed. A recent NOAA study reported that the biggest gaps in our understanding of oceanic processes are defined by the biases in traditional surface-based research techniques. NURC–UCAP is one of the world leaders in developing innovative undersea dive systems, including manned submersibles and unmanned undersea robotic vehicles that will help scientists to fill the gaps in our understanding. Passage of this legislation will enable that effort to move forward.

In 1984, NURC–UCAP conducted its first diving operation. Since that time, the robotic and manned submersible dive systems have provided support to more than 300 scientists from 16 States, 18 universities, numerous Government agencies and at least 6 countries.

In particular, their efforts on ocean dumping, zebra mussels in the Great Lakes, aquatic pollution, and fisheries management issues have been extremely timely, considering the economic importance of the management and protection of commercial and recreational fisheries of the Great Lakes and Northwestern Atlantic Ocean. These resources are estimated to be valued at more than $6 billion annually.

NURC–UCAP scientists have been studying the ocean disposal of sewage sludge, particularly at the 106-mile site off the coast of New Jersey. By taking core samples from the ocean floor, NURP scientists will be able to get a better understanding of the effects of ocean dumping and can advise policymakers at the Environmental Protection Agency, NOAA, and in Congress on the effects of this dumping method and whether better alternatives exist.

NURC–UCAP scientists, through the use of traditional methods and submersibles, have been conducting extensive multidisciplinary research throughout the Great Lakes and the North Atlantic Ocean on fisheries habitat and the impacts of gillnets, lobster traps, trawls, and scallop drag gear. This will provide much needed information on fisheries productivity that will help to make more realistic estimations of fisheries productivity, improve the efficiency of fishing practices and more effectively manage our fisheries resources.

Mr. Speaker, in addition to their research efforts, NURC–UCAP has established the High School Aquanauts Program, which is an innovative marine sciences education program. As the first such program of its kind in the Nation, the Aquanauts Program provides students the opportunity to experience the real scientific process. Scientists and educators develop specially designed marine sciences curriculum, the students then develop their own research project and during the summer have an opportunity to make deep sea and Great Lakes dives in a sophisticated submersible or work with unmanned underwater robots in the Long Island Sound. This program not only provides potential future scientists with some true hands on experience, it also promotes a greater understanding and appreciation for the ocean and for the need to protect it.

Mr. Speaker, the scientists working through the National Undersea Research Program, whether it be at NURC–UCAP or the NURP Center in Hawaii or in North Carolina, or Alaska, do extremely important research on probably the least well understood part of the earth, the oceans. passage of this legislation will enable not only current marine scientists but future scientists to unlock the mysteries of the oceans. The potential for new discoveries in the seas and more sustainable management practices are tremendous. However, in order to move in that direction, it will take new technologies, new research systems like those being developed at NURC–UCAP, and a greater commitment to that effort to enable us to more fully understand, utilize and manage the aquatic resources that are there.

Mr. SCHEUER. Mr. Speaker, I rise in support of H.R. 3247, the National Undersea Research Program Act of 1992, as amended.

This bill establishes and authorizes by statute the National Undersea Research Program.

The committee amendment presented today represents the cooperative efforts of the members of the Merchant Marine and Fisheries and the Science, Space, and Technology Committees.

I would like to thank Mr. Jones, chairman of Merchant Marine and Fisheries and Mr. Hertel, chairman of the Subcommittee on Oceanography, Great Lakes, and the Outer Continental Shelf for their help in moving this important legislation which will promote scientific research and development of new technologies in the oceanic frontier.

Both of our committees are committed to this common goal. For instance recently we held a joint hearing to evaluate the current research on the fragile ecosystems of endangered coral reefs.

These systems are threatened by extinction due to the increased amount of environmental stresses on the oceans. The coral reefs may be dying due to the effects of global physical changes such as increased temperatures, increased levels of ultraviolet radiation, and sea level changes, as well as the impact of human related activities including pollution and exploitation of fisheries.

The fate of our oceans and the environment are a concern of all of us as a nation and the integrated program of oceanic and Great Lakes studies that are conducted within the National Undersea Research Program furthers that goal.

With more understanding of how the biological, chemical, geological and physical systems integrate and control marine environments, we will be able to guide our decisions about the appropriate management and use of our oceans.

I urge my colleagues to support this bill which is a vital source of support for research initiatives on the oceans and Great Lakes.

Mr. PENNY. Mr. Speaker, I rise today to express my support for H.R. 3247, the Underseas Research Authorization bill. This legislation authorizes $172 million through fiscal year 1996 for the National Undersea Research Program—a program which provides funds for important research on various water and coastal ecosystems, ocean and lake organisms, processes that affect global climate changes, ocean floor and mineral resource studies, and undersea exploration technology. I should note that the Bush administration has once again refused to request funding for this program. I find it most interesting that this administration goes out of its way to urge funding for a multibillion dollar space station to enhance research in outer space, but ignores important research that is necessary to learn about the ecosystem here on the planet Earth. To claim—as the administration and others here in Congress are doing—that this $172 million program is fiscally irresponsible, while praising the $120 billion space station as fiscally responsible is very misleading.

Mr. HUGHES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 3247, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

□ 1240

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3247, the bill just considered.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FLEXIBILITY TO SECRETARY OF AGRICULTURE TO CARRY OUT FOOD ASSISTANCE PROGRAMS IN CERTAIN COUNTRIES

Mr. BROWN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4774) to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries.

The Clerk read as follows:

H.R. 4774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. USE OF FOREIGN CURRENCY PROCEEDS.

Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended—

(1) by striking "and (II)" and inserting "(II)"; and

(2) by striking the final period and inserting ", and (III) in a country other than the country of origin, if such proceeds are generated in a currency generally accepted in such other country.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. BROWN] will be recognized for 20 minutes and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to indicate that I am standing in for the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], who unfortunately could not be here today.

Mr. Speaker, H.R. 4774 amends section 416 of the Agricultural Act of 1949 to provide flexibility to the Secretary of Agriculture in carrying out the foreign donation of surplus agricultural commodities.

Current law requires, with minor exception, that the proceeds from the sale of these donated commodities by private voluntary organizations or cooperatives be expended in the country in which the commodities are sold. H.R. 4774 authorizes the use of local currencies generated in one country to be used in another developing country, if that currency is generally accepted in the second country.

H.R. 4774 is needed because sufficient currencies cannot be generated in the country of Nepal. To proceed with the anticipated assistance projects there which are aimed at increasing agricultural productivity and food self-sufficiency, it will be necessary to sell the commodities in India for rupees and then transfer the rupees to Nepal. The Committee on Agriculture and the Committee on Foreign Affairs, which share legislative jurisdiction in this area, both agree that this authority is intended to be used only in Nepal.

I wish to thank chairman DANTE FASCELL of the Committee on Foreign Affairs for his cooperation in helping the Committee on Agriculture to bring H.R. 4774 to the floor so expeditiously.

The Congressional Budget Office has notified the Committee on Agriculture that H.R. 4774 will not result in additional budgetary outlays.

Mr. Speaker, I am pleased to submit a statement in support of H.R. 4774 by the chairman of the Committee on Agriculture, my colleague, Congressman E (KIKA) DE LA GARZA, which will be included under general leave.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4774, a bill that provides flexibility to the Secretary of Agriculture to carry out food assistance programs in developing countries. The changes incorporated in this bill are designed to help small, landlocked countries where economic, social, and geographic conditions make the transportation of commodities difficult.

H.R. 4774 amends section 416 of the Agricultural Act of 1949. Section 416 allows USDA to provide surplus commodities to developing countries. The bill before the House includes a minor, technical amendment that will allow the Secretary of Agriculture to approve the use of local currencies generated in one country to be used in another developing country, if that currency is generally accepted in the second country.

The Committee of Agriculture anticipates that the amendment included in H.R. 4774 will be used only for programs in Nepal, using currencies generated in India.

Mr. Speaker, it is my understanding that the administration does not oppose this bill.

Mr. Speaker, I urge my colleagues to support H.R. 4774.

GENERAL LEAVE

Mr. BROWN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4774, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I am pleased to rise in support of H.R. 4774, a bill to provide the Secretary of Agriculture flexibility in carrying out the section 416 program of donation of surplus agricultural commodities to less developed countries.

My colleague, Congressman GEORGE BROWN, has very adequately explained that the purpose of this legislation is to assist the country of Nepal in implementing agricultural and food projects through the use of rupees generated in India through the sale of United States agricultural commodities. With passage of this legislation, private voluntary organizations working in Nepal can begin implementation of these needed projects.

Since the Committee on Agriculture did not have a report from the Congressional Budget Office on H.R. 4774 at the time the bill was reported by the committee, I am submitting a copy of CBO's subsequent letter to the Committee noting the no-cost provisions of the bill.

I want to also thank Chairman DANTE FASCELL of the Committee on Foreign Affairs for his usual good cooperation in ensuring prompt consideration of this bill by the House.

The administration advises me that it has no objection to the passage of this bill.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 9, 1992.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4774, a bill to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries, as ordered reported by the House Committee on Agriculture on April 8, 1992. CBO estimates that enactment of H.R. 4774 would result in no cost to the federal government or to state or local governments. Enactment of H.R. 4774 would affect a direct spending program, but would not change the amount of direct spending. The estimate required under clause 8 of House Rule XXI is attached.

H.R. 4774 would amend section 416 of the Agricultural Act of 1949. The amendment would allow nonprofit agencies receiving commodities as food aid to use the currencies generated from the sale of those commodities in a country other than the one where the commodities were sold, as long as the same currency was used in both countries. Thus, commodities in the inventory held by the Commodity Credit Corporation (CCC) and given as food aid under section 416 for Nepal could be sold in India and the rupees used to further the projects undertaken by the nonprofit agencies in Nepal.

CBO estimates that enactment of H.R. 4774 would result in no additional outlays because the bill would not affect the quantity of CCC commodities used under section 416 authority. Surplus commodities in the inventory are extremely limited, and we anticipate that only dairy products, especially nonfat dry milk and butter, will be allocated for use under section 416. While the bill would give nonprofit agencies more flexibility in the use of those commodities, we expect that CCC would not provide any additional commodities as a result of this change.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Eileen Manfredi, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Changes in outlays	0	0	0	0
Changes in receipts	(1)	(1)	(1)	(1)

(1) Not applicable.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield back the balance of my time.

Mr. BROWN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and pass the bill, H.R. 4774.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF BATTLE OF THE CORAL SEA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 311) recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region.

The Clerk read as follows:

H. CON. RES. 311

Whereas in 1992 the United States and Australia are commemorating the 50th anniversary of the Battle of the Coral Sea, during which a joint American and Australian naval force first began to turn back the tide of aggression thereby securing Australia from invasion and greatly enhancing allied morale and resolve;

Whereas the alliance between the United States and Australia during World War II was formalized in the 1951 Security Treaty commonly referred to as the "ANZUS Treaty", which provides that the United States and Australia will act to meet the common danger in the event of an armed attack in the Pacific against either country;

Whereas the alliance between the United States and Australia has been characterized by an extraordinary degree of cooperation that includes information sharing, combined exercises, joint training and educational programs, and joint facilities;

Whereas the relationship between the United States and Australia goes well beyond security cooperation, and is based on common values and beliefs, such as respect for international law, human rights, and the fundamental concepts underlying the democratic process;

Whereas this relationship is strengthened by a long tradition of friendship, as well as cultural and educational exchanges; and

Whereas the United States and Australia share a wide range of common interests in Asia and the Pacific, such as growth and liberalization of international trade, as well as regional cooperation on economic development, environmental protection, and the peaceful settlement of disputes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That on the occasion of the 50th anniversary of the Battle of the Coral Sea, the Congress—

(1) pays tribute to the relationship between the United States and Australia, and looks forward to the continued growth and development of this relationship;

(2) reaffirms the importance of security cooperation between the United States and Australia and the importance of their mutual security commitments; and

(3) expresses its strong support for continued close cooperation between Australia and the United States on economic and security issues in Asia and the Pacific.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 311, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to strongly urge our colleagues to adopt House Concurrent Resolution 311, a resolution having wide bipartisan support, which was introduced by the distinguished gentleman from New York, Mr. STEPHEN SOLARZ, and the distinguished gentleman from Iowa, Mr. JIM LEACH.

Mr. Speaker, this resolution commemorates the joining in arms of United States and Australian naval forces in one of the Allies' finest hours in the Pacific Theater of World War II.

On May 4, 1942, a joint force of American and Australian warships engaged the enemy's fearsome war machine—a victorious naval force consisting of 69 vessels and 313 aircraft that had never experienced defeat nor been stopped in its campaign to subjugate the Pacific.

This week marks 50th anniversary of the Allied victory in the Battle of the Coral Sea.

In this historic battle, the Axis armada was stymied in its planned invasion and bombing of Port Moresby, New Guinea, and Australia, as American and Australian warships stopped the tide of aggression at the Louisades Archipelago.

The victory was pivotal as it marked the first Allied strategic victory in the Pacific, pumping up morale for American and Australian forces and strengthening the resolve of our countries.

The Battle of the Coral Sea also ushered in a new era, in which the enemy was put on the defensive in the Pacific, a position from which they never recovered.

As a Member from the Pacific Islands, a veteran of the Vietnam conflict, and a citizen of this great country, I salute the 625 individuals from the United States and Australian military forces who in May of 1942 sacrificed their lives for the sake of freedom.

In the name of liberty and democracy, their spilled blood shall never be forgotten.

As we remember this battle of 50 years ago, I think it fitting that we honor the legacy of the sacrifice of these individuals by paying tribute to the extraordinarily deep friendship and close relationship that has endured between the United States and Australia.

In addition to the joint promotion of international trade and regional economic development, the security cooperation between our countries—the ANZUS Treaty, forged by bonds of blood in the heat of war—shall ensure that freedom shall always reign supreme in the Pacific.

Mr. Speaker, I cannot more urgently call upon our colleagues to support passage of this measure that honors our common heritage—the respect for human rights and international law, the trust in free market economies, and the fundamental belief in government by democratic rule—that intrinsically binds Australia together with our Nation.

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[1] An estimate of H.R. 4774 as ordered reported by the House Committee on Agriculture on April 8, 1992. This estimate was transmitted by the Congressional Budget Office on April 9, 1992.

Mr. Speaker, I include the following material on this subject:

Cheney Helps Mark 50th Anniversary of WWII Battle

(By Paul Alexander)

SYDNEY, AUSTRALIA, May 1, 1992.—U.S. warships arrived in Sydney today to help mark the 50th anniversary of the Battle of the Coral Sea, one of the turning points of the allies' World War II fight against Japan.

The May 4-9, 1942, clash of Australia's north coast marked the first setback for Japan's fleet in its dramatic takeover of the South Pacific.

The battle also was the first time in naval history that combatants fought out of eyesight of each other. The battle cost 543 American lives and the aircraft carrier USS Lexington. The Japanese lost 1,074 men and a carrier.

U.S. Defense Secretary Dick Cheney and Australian Prime Minister welcomed a flotilla of 11 U.S. and Australia warships into Sydney Harbor this morning, including the aircraft carrier USS Independence and its 4,500 crewmen. The ships have been conducting military exercises for four days.

Cheney, who arrived Thursday from Indonesia, called the Battle of the Coral Sea "a decisive moment * * * that marked the beginning of our long drive toward victory in the Pacific campaign."

As the Independence docked, about 60 protesters paddled around the ship in kayaks and rubber boats to protest possible nuclear weapons onboard. The United States neither confirms or denies the presence of such weapons. Police said 10 demonstrators were arrested.

Another 50 protesters onshore waved banners that criticized the United States for allegedly bringing nuclear weapons into the harbor and continuing nuclear testing.

The Battle of the Coral Sea came amidst a streak of allied failures in 1942. They had lost Singapore, the Philippines and the key town of Rabaul in New Guinea. the Japanese bombed Australia's northernmost city, Darwin, in a surprise attack surpassed only by the assault on Pearl Harbor.

On May 3, reconnaissance planes observed a large Japanese fleet heading south to try to capture Port Moresby, New Guinea, which Australia held.

Such a Japanese move would have cut off Australia from the allies and allowed the Japanese to raid Australia with land-based aircraft.

On May 6, allied B-17 bombers attacked, leading to the battle and to the Japanese withdrawal.

WWII Veterans Re-Enact Wartime Transport to Allied Staging Center

(By Paul Alexander)

ROCKHAMPTON, AUSTRALIA, May 4, 1992.—With memories of camaraderie and carnage, aging World War II veterans relived a train trip that marked the start of their voyage to the jungles of New Guinea or to naval ships heading to battle.

On the four-day trip that began Sunday, 113 former soldiers, nurses and their spouses were traveling from Brisbane to Townsville, a major staging center for Allied forces in the South Pacific.

The trip was one of a series of commemorations of the 50th anniversary of the pivotal Battle of the Coral Sea, which marked the first time that Japan's Navy might was blunted.

In the battle, 21 U.S. and Australian warships turned back a fleet of more than 50 Japanese ships heading to Port Moresby, New Guinea, a key base from which land-based bombers could have attacked Australia.

Defense Secretary Dick Cheney and Education Secretary Lamar Alexander were to represent President Bush at the 10 days of activities, mainly in Sydney and Townsville, to commemorate the May 7-8 battle.

Aboard the refurbished 1940s-era train, some veterans dressed in commemorative wool uniforms and carried their original .303-calibre rifles, or wore medals pinned to their shirt pockets and the hallmark Australian slouch hat, tilted at a rakish angle.

The decades melted away as the veterans described a war that many Australians feared would bring invading troops to their shores.

"Everybody was anxious, but you just accepted things in those days," said Oren Robinson of Sacramento, Calif., who edits a veterans newspaper and was one of two Americans making the trip. "There was a lot of work to be done. We worked around the clock."

Robinson went on to serve in Brisbane, Admiralty Island and New Guinea, repairing PT boats. "The jungle was so deep if you took two steps off you'd be lost," he recalled.

On the original transport, soldiers were packed in like sardines. One veteran demonstrated how some climbed onto the wire-mesh luggage racks to escape the crush and sleep.

"The last couple of weeks, we've gone back 50 years," said Charlie Carlow, 69, who looked younger than his age in a well-pressed olive-drab uniform. "This is one of the best times of my life since the war."

At stops along the way, the troop train veterans feted like the conquering heroes they once were.

Flag-waving crowds flooded each station. Along the route that winds through rolling countryside and sugar-cane plantations, a few people saluted. A fisherman took time from reeling in a catch to wave.

A group of U.S. Army jeep aficionados, their vehicles restored to near-mint condition, saw the train off in Brisbane on Sunday. Bagpipe troupes awaited in three towns, a brass band and shots of local rum in another.

Abroad, the veterans swapped tales of courage, romance and life under the threat of invasion. But most were anxious to put the darkest memories behind them.

"I was up in Bougainville, and I lost my friend there," Carlow said. "I think about it from time to time, but I can't let anything worry me."

[From the Washington Times, May 2, 1992]

U.S. Ships To Mark Battle of Coral Sea

SYDNEY, AUSTRALIA.—U.S. warships arrived in Sydney yesterday to help mark the 50th anniversary of the Battle of the Coral Sea, one of the turning points of the Allies' World War II fight against Japan.

The May 4-9, 1942, clash off Australia's north coast marked the first setback for Japan's fleet in its dramatic attempt to takeover the South Pacific.

The battle also was the first time in naval history that combatants fought out of eyesight of each other. The battle cost 543 American lives and the aircraft carrier USS Lexington. The Japanese lost 1,074 men and a carrier.

Parade Honors Coral Sea Veterans

SYDNEY, AUSTRALIA, May 2, 1992 (AP).—More than 10,000 people lined Sydney's main street Saturday to watch 4,000 American and Australian military personnel march to commemorate the 1942 Battle of the Coral Sea.

U.S. Defense Secretary Dick Cheney, who is in Australia for the Coral Sea anniversary, said Australia and the United States have developed a special bond.

"A partnership developed between the two countries deeply committed to liberty," said Cheney. "That relationship has grown over the years as Australia and the United States continue to join together to defend freedom."

The May 4-9, 1942 battle off Australia's north coast marked the first setback for Japan's fleet in its dramatic takeover of the South Pacific. World War II historians say it changed the course of the war in the Pacific.

"It was the first time the Japanese advance in the Pacific took a strategic backward step," Australian Prime Minister Paul Keating told a reception in Sydney's Town Hall following the parade.

Nine anti-nuclear protesters were arrested during the parade. A spokesman for the group said it was protesting the possible presence of nuclear arms on board the U.S.S. Independence aircraft carrier and other vessels in Sydney Harbor as part of the Coral Sea commemorations.

The United States neither confirms or denies the presence of nuclear weapons on its ships off Australia.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I make this statement on behalf of myself and the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican on the Committee on Foreign Affairs.

Mr. Speaker, 50 years ago, the United States was engaged in a terrible conflict against the Axis Powers. We had already suffered tremendous losses at Pearl Harbor, in the Philippines, and in other areas of the Pacific during the opening months of the war.

Although many years of war still lay ahead, the tide in the Pacific began to turn when the United States and Australian naval forces defeated the Japanese at the Battle of the Coral Sea. This victory secured Australia from invasion and greatly boosted the morale of the Allies.

The resolution before us commemorates the 50th anniversary of this famous battle. It also recognizes and reaffirms the strong ties of friendship between the United States and Australia that led to our alliance during World War II, and continue today.

The guns of war have long been silenced, and we count our former enemies among our friends today. This resolution, however, recalls another time. It also pays tribute to another friendship—with Australia—which has been long and enduring.

I would like to commend Delegate FALEOMAVAEGA, Chairman FASCELL, and Congressmen SOLARZ and LEACH for their efforts in bringing this resolution before us in this timely manner.

I urge my colleagues to support this resolution.

□ 1250

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I want to personally thank the distinguished gentleman from California [Mr. LAGOMARSINO] for his support and assistance in providing for the passage, hopefully, of this important resolution.

Mr. Speaker, I also want to express my appreciation again to the gentleman from New York [Mr. SOLARZ] and the gentleman from Iowa [Mr. LEACH] both of whom necessarily have had to be absent today in view of their meeting at this time at the White House with the President.

Again I want to thank the gentleman from California. This was a very important and historical battle that took place in World War II. The outcome of this battle literally saved Australia from further aggression by enemy forces. Currently, I believe, our Secretary of Defense, Mr. Cheney, and our Secretary of Education, Mr. Lamar Alexander, have both been appointed by our President to represent us at the proceedings in commemoration ceremonies now taking place in Australia. Certainly, we want to express our appreciation to the good people of Australia for maintaining such a lasting and good relationship with us for all these years.

Mr. Speaker, I would be remiss if I did not recognize the outstanding contributions made by our Asia-Pacific Subcommittee staff director, Mr. Stanley Roth and my legislative counsel, Mr. Enere Levi, for their research and thorough preparation made for this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN). The question is on the motion offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 311).

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TIME TO DECLARE A TRUCE AND GET BACK TO WORK: THE PRESIDENT SHOULD UNITE US, NOT DIVIDE US

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, we are a deeply troubled nation. The violence in Los Angeles, the dissatisfaction with our national leaders, are symptoms of that distress. This is a time when our leaders should unite our country, not divide us.

Therefore, I was disheartened when the President sent his press secretary out not to heal, not to propose solution, but to blame the tragedy in Los Angeles on, of all people, Lyndon Johnson.

My God, Mr. President, the time has come to stop trying to make excuses, stop blaming others, and assume responsibility. Lyndon Johnson has been dead nearly 20 years. In families, it's the children who blame each other for problems. Adults seek to bring peace, to work out solutions.

Mr. President and Mr. Speaker, let us be adults. Today, I am calling on the President and the leaders of Congress to declare a national truce—a political cease-fire—so that we can address the real issues in our family—the decline of our economy, health care, education, the budget deficit, and the deep divisions in our society.

After Labor Day, there will be plenty of time for a hard-fought campaign and a vigorous debate on the issues. But between now and then, let's put aside our partisan differences and put in 4 months of hard work together. Now is the time for our leaders to lead.

Mr. Speaker, we are a deeply troubled nation. The violence and hatred we have seen in Los Angeles is a symptom of our distress. But it is not the only symptom. The anger of the American people toward the Congress and the President, and their dissatisfaction with the current crop of Presidential candidates, are also symptoms, as are the surveys that show the public concerned about the entire direction in which the Nation is headed.

The problems causing wide discontent among Americans of all classes, of all races, of all geographic areas, are well known: The continued existence of a class of people mired in deep poverty, with little hope of success for themselves or future generations; an economy in long-range decline that is unable to lift the poor into the middle class or even to sustain the middle class it created; an educational system in which millions of parents can no longer have confidence; a health care system whose costs are out of control but that still leaves over 30 million Americans without access to care and most of the rest feeling inadequately protected; an infrastructure that is badly out of shape; a crime problem that adds an element of fear to the lives of millions of Americans; increasing global environmental threats; and racial divisions that seem to grow more complex and bitter with each passing year despite the successes of the past three decades.

The list goes on, and there is rarely any respite from the anxiety caused by these problems. The events in Los Angeles focused our attention for now on racial and economic injustice, as well as the crime issue, but soon the broader issue of economic growth, as well as education and health care will compete again for our attention.

There is one uniting theme to all of these problems. And that is the inability and perhaps the unwillingness of the President and the Congress to attack these problems head on. This inability to act is not just a public perception. It is a stark reality. And it is raising the question for many of whether our system of government works anymore.

I believe that is one of the reasons that Ross Perot has so much support. Here is a person whose only apparent qualification for President is that he is a self-made billionaire who says he will get things done. He tells us little of his views, his ideas. But he gets tremendous support. I see in that support a rejection of our system, because millions of people simply want one man to take office and solve the Nation's problems. When a large percentage of the public in a democracy is willing to abdicate to one individual that kind of power without even knowing his views, that democracy is in danger.

How have we reached this state of paralysis and despair? There are many causes.

First, since 1968, with the exception of 4 years, we have had divided government in Washington, with the Presidency controlled by Republicans and at least one but usually both Houses of Congress controlled by Democrats. We can spend as much time as we want analyzing why this has been the case, but it is a reality. At times, this has not stood in the way of accomplishments. But in recent years, cooperation has been rare. While there have been a few major achievements, the American people have mostly watched Congress and the President push and pull over critical issues and produce little or nothing, pushing the tough issues choices off to another day.

Under these circumstances, it takes great leadership, particularly from a President but also from the Congress, to produce real successes. With a few exceptions, that leadership simply has not been there.

Another problem has been the debasement of politics to the sound bite and the 30-second commercial. Today, the most important skill for a politician is the ability to simplify his thoughts into a 5-second sound bite or even less. Intelligence, thoughtfulness, courage, hard work, and the other qualities we used to associate with good legislators have less and less to do with success.

Meanwhile, our elections are dominated by the 30-second spot and raising the money that is needed to get it on the air. There is nothing inherently wrong with a campaign commercial.

But when campaigns are dominated by ads that are devoid of content, except to attack the opposing candidate, they are useless in terms of providing voters with the information they need to make their decision.

In the 1980's, Ronald Reagan was reelected on a "morning in America" theme. He won a huge victory by completely evading the real issues, and candidates have found it useful since then to steer farther and farther from the real issues. The other way candidates now avoid the real issues is the 30-second attack ad, in which one vote, or one relatively minor mistake or action, is trumped up into a cause celebre. The voter never has a chance to hear the candidates on the real issues, because they are doing everything they can to avoid them.

To finance these ever more expensive campaigns, candidates are raising more and more money from more and more special interests. Too often, that money carries with it unspoken obligations, which also can prevent necessary action by the President and the Congress.

Another reason we have been paralyzed by these issues is their sheer difficulty and complexity. A $4 trillion debt is incredibly intimidating. It stands before us like Mount Everest. The difference is that a mountain climber can take years to train and prepare to climb a mountain. But every year we wait to attack our fiscal problems, the debt just piles higher and higher. The same is true for most of our other problems. They are bad and only get more difficult with each passing year.

The more difficult it is to deal with real problems, the more the system relies on partisanship and false issues as a way of shifting blame and diverting the attention of the people. And we have seen little else around this institution over the past few months. It's like a matador waving his cape at a bull to divert its deadly horns away from his body. Every once in a while, though, it doesn't work, and the matador is gored by the bull. Today, that bull is the American people, and the fate of that matador will be the fate of the President and the Congress this November if we don't face up to the real issues now. And we will deserve that fate.

Today, I am calling for a national truce. I am calling on the President and the Congress, Democrats and Republicans, to work together now to address the difficult economic problems and other issues facing the American people. That is what the American people want, and it is what they deserve.

I don't mean a permanent truce. That would be unrealistic and probably not desirable. This is an election year, and a tough debate on the issues is both inevitable and necessary. But at a time when this Nation is facing its most serious long-term economic challenges in decades, we should make every effort to put partisanship aside to address the problems at hand.

I propose that from today until Labor Day, the traditional beginning of the Presidential campaign, we minimize the partisanship, we face up to our responsibilities, we tackle the hard choices. Four months—eighteen weeks—of hard work, cooperation, and accomplishment.

I am not asking for a miracle. I just think it's time to get past the false issues and do the work we were elected to do, the President and the Congress alike.

There is an ambitious agenda in front of us—completion of a 1993 budget and enactment of appropriations bills, health care reform, education reform, campaign reform, extension of unemployment benefits, and many others.

The American people are frustrated and angry. They are crying out for leadership to address the problems facing their Nation. Americans love their country, and they see it drifting in a direction from which there may be no return. They want us to turn it back in the right direction. We can do that, if we are willing to make the tough choices.

Mr. Speaker, I call on you and the minority leader to join with the majority and minority leaders in the Senate and the President in calling a national truce. The time has come for our leaders to lead.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MORAN). The gentleman will state it.

Mr. WALKER. Mr. Speaker, is it not a violation of the rules of the House for Members who speak in the well to address the President of the United States directly?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. Is the Chair prepared to remind Members of their obligation in this regard?

The SPEAKER pro tempore. The Chair earlier today reminded Members that they are not to address the President of the United States from the well, and the Chair regrets that he did not notice the apparent recurrence of that problem. Members are again admonished to address their remarks to the Chair.

PROVIDING FOR FURTHER CONSIDERATION AND POSTPONING OF VOTES ON H.R. 4364, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1992

Mr. BROWN. Mr. Speaker, on the assumption that we are now about to proceed to the Committee of the Whole for further consideration of H.R. 4364, I ask unanimous consent that during further consideration of H.R. 4364 pursuant to House Resolution 432 the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole on a subsequent legislative day any recorded votes that may be requested on amendments; further

That the Committee of the Whole may proceed to consider titles out of the order in which they appear in the text; and further

That the Committee of the Whole may proceed to later titles without prejudice to further proceedings in a title in which a question has been postponed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 432, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4364.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4364, with Mr. PANETTA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, April 29, 1992, title II was open to amendment at any point and we will return to title II at a later time. Pursuant to the order of the House of today, title III is now open to amendment. Any recorded votes on amendments that may be requested today will be postponed to a subsequent legislative day.

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. USE OF FUNDS FOR CERTAIN ITEMS AND GRANTS.

(a) Notwithstanding titles I and II, appropriations authorized in this Act for "Research and Development" and "Space Flight, Control, and Data Communications" may be used—

(1) for any items of a capital nature (other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities.

(b) Title to facilities described in subsection (a)(2) shall be vested in the United States unless

the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each grant under subsection (a)(2) shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant.

(c) None of the funds appropriated for "Research and Development" and "Space Flight, Control, and Data Communications" pursuant to this Act may be used in accordance with this section for the construction of any facility, the estimated cost of which, including collateral equipment, exceeds $750,000, unless the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

SEC. 302. AVAILABILITY OF APPROPRIATED AMOUNTS.

Appropriations authorized under this Act for "Research and Development", for "Space Flight, Control, and Data Communications", or for "Construction of Facilities" may remain available until expended. Appropriations authorized under this Act for "Research and Program Management" for maintenance and operation of facilities and for other services shall remain available through the next fiscal year following the fiscal year for which such amount is appropriated.

SEC. 303. USE OF FUNDS SCIENTIFIC CONSULTATIONS AND EXTRAORDINARY EXPENSES.

Appropriations authorized under this Act for "Research and Program Management" may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 304. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Appropriations authorized under this Act for "Construction of Facilities"—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward by 10 percent; or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward by 25 percent, to meet unusual cost variations.

The total amount authorized to be appropriated for "Construction of Facilities" shall not be increased as a result of actions authorized under paragraphs (1) and (2).

SEC. 305. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansions, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated for "Research and Development" and "Space Flight, Control, and Data Communications" to the "Construction of Facilities" appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized for "Construction of Facilities" for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 306. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by Congress from requests as originally made to either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by titles I and II of this Act; and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt, by each such committee, of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 307. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) Limitation.—Except as provided in subsection (d), no funds appropriated to the National Aeronautics and Space Administration for fiscal year 1993 may be obligated unless such funds are determined by the Administrator under subsection (b)(2) to be for programs, projects, or activities specifically authorized under this Act.

(b) Report to Congress.—Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1993 or the date of enactment of this Act, the Administrator shall submit a report to Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not specifically authorized under this Act, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(2) the portion of such appropriations which are specifically authorized under this Act.

(c) Comptroller General Review.—Within 30 days after the submission of the report required under subsection (b), the Comptroller General shall report to Congress on any specification made by the Administrator in the report submitted under subsection (b) that the Comptroller General considers incorrect.

(d) Continuing Authority.—If, at any time after September 30, 1992, appropriations have been made for the National Aeronautics and Space Administration for fiscal year 1993 but no report has been submitted under subsection (b), such appropriations may be obligated by the Administrator for programs, projects, or activities carried out by the National Aeronautics and Space Administration during fiscal year 1992, but at no greater than the lower of—

(1) the rate such programs, projects, or activities were funded during fiscal year 1992; or

(2) the rate such programs, projects, or activities are appropriated for in the fiscal year 1993 appropriations Act.

SEC. 308. TRANSMISSION OF BUDGET ESTIMATES.

The Administrator shall, at the time of submission of the President's annual budget, transmit to Congress—

(1) a 5-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

(2) an estimate of the lifecycle costs associated with each such program.

SEC. 309. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended to read as follows:

"AUTHORIZED APPROPRIATIONS

"Sec. 24. There are authorized to be appropriated to the Secretary for fiscal year 1993 $4,900,000 to carry out this Act. The Secretary may not collect any user fees for any regulatory or other services conducted pursuant to this Act, unless specifically authorized by this Act.".

SEC. 310. NATIONAL SPACE COUNCIL AUTHORIZATION.

There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), $1,598,000 for fiscal year 1993, of which not more than $1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

SEC. 311. OFFICE OF SPACE COMMERCE AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce $515,000 for fiscal year 1993.

SEC. 312. SPACE AGENCY FORUM ON INTERNATIONAL SPACE YEAR.

(a) Sense of Congress.—It is the sense of Congress—

(1) that it is in the national interest that the Space Agency Forum on International Space Year (in this section referred to as "SAFISY") maintain its facilitating role in the coordination of current and planned complementary Earth and space science research findings so as to maximize scientific return;

(2) that the initiatives for multilateral scientific cooperation among space agencies and international scientific organizations undertaken by SAFISY should continue beyond 1992, the International Space Year; and

(3) that the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration should pursue implementation of proposals for long-term multilateral scientific cooperation developed during the International Space Year, notably those contained in the report of the second Pacific ISY Conference.

(b) Report to Congress.—At the earliest practicable date, but not later than September 1,

1993, the National Aeronautics and Space Administration shall submit to Congress its plan for continuing SAFISY activities, with particular reference to planned coordination of current and future complementary Earth and space science research findings, and other acts of multilateral scientific cooperation.

SEC. 313. CRAF/CASSINI MISSION.

Section 103(a)(1)(S) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101–611; 104 Stat. 3192), is repealed.

SEC. 314. COOPERATION WITH THE FORMER SOVIET UNION.

It is the sense of Congress that—

(1) the collapse of the former Soviet Union and its replacement by a commonwealth of democratizing republics is one of the most profound changes to occur in world affairs in the 20th century;

(2) it is an event that will have a fundamental and lasting impact on the United States, both domestically and internationally;

(3) the domestic impact has already been seen in reduced defense budgets for both personnel and systems procurement, particularly in advanced technology;

(4) internationally, the impact has already enabled foreign competitors of United States industry to obtain unique advanced technology from the former Soviet Union's military, research, and industrial organizations for a tiny fraction of their development costs;

(5) these, together with other fundamental and long lasting effects, require that the United States thoroughly reexamine its policy regarding cooperation and trade with the former republics of the Soviet Union, particularly Russia;

(6) until broad new policies are implemented, the operating predisposition of relevant United States technology authorities shall be flexible, positive, and enabling;

(7) it is in the national interest that the National Aeronautics and Space Administration aggressively identify, examine, and where appropriate, import unique space hardware, technologies, and services available from former Soviet republics;

(8) furthermore, the President should develop a broad plan of technology procurement to identify and evaluate all unique hardware, technologies, and services available to the United States from the former Soviet republics' design bureaus, scientific production associations, and research institutes;

(9) at a minimum, the National Aeronautics and Space Administration should give careful attention to determining which of the technologies it has identified as high priority in its Space Research and Technology Integrated Technology Plan can be obtained from former Soviet sources and initiate steps to expeditiously acquire them;

(10) the process of acquiring and integrating former Soviet hardware, technology, and services by the United States can be expedited and enhanced by private sector involvement in identifying, evaluating, acquiring, and integrating such hardware, technology, and services for profitable use;

(11) the importance of United States private sector involvement in this activity cannot be overemphasized in order to create new American jobs, and to ensure that proceeds from acquisitions are reinvested by the seller in nonmilitary, profit-oriented applications for the commercial market;

(12) United States private sector partnerships and joint venture agreements with former Soviet design bureaus, scientific production associations, and research institutes should be encouraged wherever possible to conduct technology acquisition and integration; and

(13) in the course of pursuing trade opportunities with the former Soviet republics, the United States shall give due consideration to the effect of its actions on United States industry and technology programs.

SEC. 315. USE OF DOMESTIC PRODUCTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Administrator, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(b) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 316. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) GENERAL RULE.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall investigate the use of abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities and shall prioritize such uses where cost effective, as determined by the Administrator.

(b) DEFINITION.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

The CHAIRMAN pro tempore. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. BROWN

Mr. BROWN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN: Page 36, after line 20, insert the following new section:

"SEC. 317. LIMITATIONS ON APPROPRIATIONS.

"Appropriations for activities with respect to which specific amounts are authorized under this Act may not be made to the extent such appropriations provide for allocations of amounts not explicitly provided for in this Act."

Mr. BROWN. Mr. Chairman, this is a technical amendment I am offering on behalf of myself and the gentleman from Pennsylvania [Mr. WALKER]. This amendment is intended to complement the various provisions included already in the bill which attempt to insure that the committee's policies and prerogatives are respected.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a good amendment. It strengthens the bill and assures that the authorization committee's work will, in fact, be instituted by the agency involved.

Mr. Chairman, the minority certainly supports the chairman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BACCHUS

Mr. BACCHUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACCHUS: Page 30, strike lines 8 through 15 and insert in lieu thereof the following:

Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended—

(1) by striking "1992" and all that follows through "(2)" and inserting in lieu thereof "1992"; and

(2) by adding at the end the following: "There are authorized to be appropriated to the Secretary for fiscal year 1993 $4,900,000 to carry out this Act. The Secretary may not collect any user fees for any regulatory or other services conducted pursuant to this Act, unless specifically authorized by this Act.".

□ 1300

Mr. BACCHUS. Mr. Chairman, I have an amendment at the desk.

My amendment is a technical amendment to restore an authorization that is already in law and would be inadvertently deleted by H.R. 4364 in its current form. The amendment does not add to the total amount authorized in this bill, nor does it take authorized funds away from any other programs.

The Commercial Space Launch Act currently contains a fiscal year 1992 authorization of $20 million for improving space transportation infrastructure.

As the chairman of the Space Subcommittee and the chairman of the full Science Committee can attest, the intent of H.R. 4364 is to add a fiscal year 1993 authorization for the Office of Commercial Space Transportation to the existing law, but not disturb this prior authorization for another activity.

If the amendment is adopted, the new language in H.R. 4364 would simply authorize the 1993 budget for the Office of Commercial Space Transportation without deleting the 1992 authorization for space transportation infrastructure.

Let me emphasize again that this amendment does not represent a new authorization. It simply preserves an authorization in existing law.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. BACCHUS. I yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, I thank the gentleman from Florida [Mr. BACCHUS] for yielding to me, and I am in thorough agreement with what the gentleman has said.

Mr. Chairman, this merely restores an authorization that had been contained in previous bills. No funds were actually appropriated in prior year for this, and there is no guarantee that they will be appropriated in the future years, but we believe it is important to retain the authorization in the event that funds might become available.

Mr. BACCHUS. Mr. Chairman, I thank the gentleman from California [Mr. Brown] very much.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BACCHUS. I yield to the distinguished gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Chairman, I thank the gentleman from Florida [Mr. Bacchus], and I want to congratulate him on funding something here which was obviously inadvertent on the part of the drafters of the bill. There was not an intention here to defend in any way the commercial programs.

Mr. Chairman, the gentleman has found something that needed to be corrected, and his amendment does correct it, and I very much support what he is doing.

Mr. BACCHUS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. Walker] for his support.

The CHAIRMAN pro tempore (Mr. Mazzoli). The question is on the amendment offered by the gentleman from Florida [Mr. Bacchus].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN

Mr. BROWN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown: Page 36, after line 20, insert the following new sections:

SEC. 317. STUDY OF USES OF TECHNICAL INFORMATION.

The National Aeronautics and Space Administration shall undertake a study of the extent to which information developed by the Administration, by itself or in cooperation with industry, academic or other government partners or contractors, is brought to market by foreign aerospace firms or their subcontractors more quickly than by United States companies. NASA shall report the results of such study to the Congress no later than October 1, 1992.

Mr. BROWN. Mr. Chairman, this amendment was originally offered, or drafted, by the gentleman from Missouri [Mr. Gephardt] with the cooperation of the gentlewoman from California [Mrs. Boxer], and it was drafted in an effort to undertake to make NASA contractors more competitive, American contractors more competitive, with their European or other competitors. We have modified this to call for a study and a report by NASA so that we are in a position to make some policy judgments with regard to any action that might be necessary on this subject. However, it does not commit to any policy action at this time, and I think it probably is a satisfactory way to resolve the problem.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, in its original form, I had some concerns about the amendment because it appeared to be setting some policies that I thought would have unintended consequences. But, as the gentleman from California [Mr. Brown] has stated, this amendment is in a substantially redrafted form. It does constitute a study now to give us some information on which we might wish to act in the future.

Mr. Chairman, I see nothing wrong with this amendment, and we would be happy to accept it.

Mr. BROWN. Mr. Chairman, we appreciate the remarks of the distinguished gentleman, the ranking minority member of the Committee on Science, Space, and Technology, and, of course, we have always been sensitive to the need to accommodate him on any objections he might have to any legislation, and we, therefore, recommend that this amendment, as modified, be adopted.

Mrs. BOXER. Mr. Chairman, I would like to express my support for the Boxer-Gephardt amendment to H.R. 4364, the NASA Multiyear Authorization Act of 1992.

First of all, I would like to thank Chairman George Brown, my good friend, for his outstanding leadership on aerospace issues generally and for offering the Gephardt-Boxer amendment. I would also like to thank Mr. Gephardt, the distinguished majority leader, for his work on this amendment and for his leadership on the critical issue of U.S. competitiveness.

The amendment that Mr. Gephardt and I have drafted addresses the question of how NASA can better help a domestic aerospace industry beset by aggressively subsidized foreign competition.

The House Subcommittee on Government Activities and Transportation, which I chair, held a hearing on March 18 to look at the adequacy of NASA support for the aeronautics industry. One of the facts brought out at this hearing was that subsidized foreign competitors—principally Airbus—are often able to adopt technologies developed with American taxpayers' dollars faster than American companies.

In other words, American tax dollars wind up subsidizing foreign jobs.

To take some examples, foreign competitors have beaten our domestic aerospace companies to the punch in exploiting these NASA advances:

Supercritical wing aerodynamics, which reduce drag and result in better handling;

Composite primary structures, which are lighter weight materials that greatly increase fuel efficiency;

Natural laminar flow technology, which reduces friction with improved wing design, significantly decreasing operations costs;

Flight-by-wire, which substitutes electronic impulses for cumbersome hydraulics in controlling wing flaps; and

Winglets, an advanced wing design that reduces drag and save fuel costs.

It is clear from this list that we can maintain our lead in technology and innovation. The real challenge is to bring these innovations to market to create and maintain jobs for American workers.

The Gephardt-Boxer amendment calls on NASA to undertake a definitive study of NASA advances that are exploited by foreign aerospace firms more quickly than by our domestic firms. This study will be a critical tool in altering our aerospace policy to provide greater benefits to domestic firms.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. Brown].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, we will return to title II.

The Clerk will again designate title II.

The text of title II is as follows:

TITLE II—MULTIYEAR AUTHORIZATION FOR SPECIAL INITIATIVES

SEC. 201. FINDINGS.

Congress finds that—

(1) in addition to carrying out a core space program, international leadership, technological advancement, and expanded scientific knowledge will be enhanced by an expanded space program based on special initiatives in science, exploration, space transportation, space technology, and space applications;

(2) special initiatives carried out under an expanded space program should compete on an annual basis with other Federal discretionary programs, but not with core space programs;

(3) the orderly and phased transfer of funding from defense research and development to civilian research and development over the next 5 years will achieve a balance between defense and civilian investments and provide the necessary resources to undertake an expanded space program;

(4) it is in the national interest and of benefit to international agreements for the Space Station Freedom to plan for the completion of a permanent manned Space Station utilizing a crew of 8 and providing 75 kilowatts of power;

(5) the successful conduct of an aggressive yet affordable Space Exploration Initiative will critically depend on precursor demonstrations of innovative cost control measures and efficient management practices;

(6) the Administrator should undertake a focused Earth Observing System program responsive to policy needs; and

(7) inasmuch as civil launch requirements and launch rates will remain reasonably static over the next decade, the incremental improvement of current vehicles and facilities will provide a low-cost means to enhance United States launch capabilities.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) Limitation.—Appropriations may be made under subsections (b), (c), and (d) only to the extent that appropriations are made to the National Aeronautics and Space Administration in excess of $14,300,900,000 for fiscal year 1993, $15,090,800,000 for fiscal year 1994, and $15,724,900,000 for fiscal year 1995.

(b) Research and Development.—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Research and Development" for the following special initiatives:

(1) Space Station Freedom, $60,000,000 for fiscal year 1994, and $120,000,000 for fiscal year 1995, in order to provide for an Assured Crew

Return Vehicle by fiscal year 1999, a power level of 75 kilowatts, and a crew of 8.

(2) Earth Observing System, including the Earth Observing System Data Information System, $371,000,000 for fiscal year 1993, $695,000,000 for fiscal year 1994, and $1,000,000,000 for fiscal year 1995.

(A) PROGRAM OBJECTIVES.—The Administrator shall carry out an Earth Observing System program that addresses the highest priority international climate change research goals as defined by the Committee on Earth and Environmental Sciences and the Intergovernmental Panel on Climate Change.

(B) REPORTS TO CONGRESS.—(i) Within 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a Resiliency Plan which sets forth technical and programmatic contingencies for the Earth Observing System in the event that funding shortfalls occur, and which will ensure that the highest priority measurements are maintained on schedule to the greatest extent practicable while lower priority measurements are deferred, deleted, or obtained through other means. The report shall specifically identify what satellites and instrument complements would be launched under various funding profiles.

(ii) Within 30 days after the award of a contract for the Core System of the Earth Observing System Data and Information System, the Administrator shall submit to Congress a Development Plan which—

(I) identifies the highest risk elements of the development effort and the key advanced technologies required to significantly increase scientific productivity;

(II) provides a plan for the development of one or more prototype systems for use in reducing the development risk of critical system elements and obtaining feedback from scientific users;

(III) provides a plan for research into key advanced technologies; and

(IV) identifies sufficient resources for carrying out the Development Plan.

(C) DATA ACCESS STUDY.—Of the funds provided for in this paragraph, up to $34,100,000 in fiscal year 1993 may be made available for the Consortium for International Earth Science Information Network. As a condition of the receipt of such funds, the Consortium shall carry out a study, with the guidance of the Administrator and the Committee on Earth and Environmental Sciences, which—

(i) specifically identifies products of the Earth Observing System Data and Information System which will be directly useful to policymakers in Federal, State, and local government agencies, users in commercial firms and nonprofit institutions, and scientific users in fields other than Earth science;

(ii) identifies such users, their approximate numbers and institutional affiliations, and their specific data needs that can be satisfied by products of the Earth Observing System Data and Information System;

(iii) identifies existing and potential socio-economic data including information on land use, industrial activities, public health, and population, that are critical for understanding human interactions with the global environment, and identifies users who require such data; and

(iv) describes a range of options for making such socio-economic data and relevant products of the Earth Observing System Data and Information System easily accessible to the identified users and the relative costs associated with these options.

Such consortium shall provide a report to Congress by September 30, 1993, summarizing the findings of the study.

(3) Space Exploration, $31,800,000 for fiscal year 1993, $67,300,000 for fiscal year 1994, and $78,900,000 for fiscal year 1995, for the development and launch of the following 3 spacecraft: a robotic lunar geodetic scout spacecraft, a robotic lunar resource mapper spacecraft, and a robotic lunar lander spacecraft, as well as for the purchase of expendable launch vehicle services to launch the 3 spacecraft. The total cost of the development and launch of such missions shall not exceed $490,000,000.

(c) SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Space Flight, Control, and Data Communications" for the following special initiatives:

(1) Development of the Advanced Solid Rocket Motor, $440,000,000 for fiscal year 1993, $400,000,000 for fiscal year 1994, and $487,000,000 for fiscal year 1995. Notwithstanding the previous sentence, if less than $15,253,000,000 is appropriated to the National Aeronautics and Space Administration for fiscal year 1993, then—

(A) not more than $260,000,000 are authorized to be appropriated for the continued development of the Advanced Solid Rocket Motor; and

(B) the Administrator may not obligate in excess of $260,000,000 for the Advanced Solid Rocket Motor program.

(2) Space Transportation Enhancement, $7,000,0000 for fiscal year 1993, $87,500,000 for fiscal year 1994, and $175,000,000 for fiscal year 1995 for providing for the incremental improvement in the Space Shuttle fleet including—

(A) the extension of on-orbit duration;

(B) the development of unmanned Shuttle capabilities;

(C) the increase in lift performance; and

(D) the enhancement of existent Shuttle flight reliability.

By September 30, 1993, the Administrator shall submit to Congress a full report outlining the specific actions that are planned under this paragraph.

(3) Development and procurement of second-generation Tracking and Data Relay Satellites, $200,000,000 for fiscal year 1994 and $300,000,000 for fiscal year 1995.

(d) CONSTRUCTION OF FACILITIES.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1993 for "Construction of Facilities" for the following special initiatives:

(1) Construction of Earth Observing System Data Information System Facility at the Goddard Space Flight Center, $22,300,000.

(2) Construction of Advanced Solid Rocket Motor Facilities (various locations), $80,000,000.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: Page 21, lines 8 through 20, strike paragraph (1).

Page 21, line 21, and page 22, line 10, redesignate paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Mr. OWENS of Utah. Mr. Chairman, I would first like to commend the gentleman from California [Mr. BROWN] the chairman, and the gentleman from Pennsylvania [Mr. WALKER] the ranking member, for their tremendous effort on this bill.

My amendment is as simple as it is rational. I am proposing to my colleagues to cut an unneeded, expensive, and wasteful program from the NASA authorization bill.

The fiscal 1993–95 NASA authorization bill authorizes in excess of $1.3 billion over 3 years for the advanced solid rocket motor [ASRM]. The President deleted this unneeded and costly system from his budget request. This allocation, if appropriated, would threaten many of NASA's real priorities.

The ASRM is an add-on item, a program not designated as a priority in the Science, Space and Technology Committee's bill nor, as I just mentioned, included in NASA's budget request.

The ASRM duplicates an existing program, the redesigned solid rocket motor [RSRM], a project which meets or exceeds all safety, reliability, and performance specifications. NASA's own aerospace safety advisory panel recently certified that the RSRM is performing well. It is working; therefore, as the motto sometimes goes around here, let's fix it. It is to be fixed, of course, with a whole, new, unproven, and costly program.

Will the ASRM be superior to the RSRM? Who knows? The ASRM is still on the drawing board. It may or may not be better. Do we need it? Definitely not! One thing no one can dispute is the bottom line: The ASRM will cost more than $3 billion.

In the report accompanying the bill, the committee questions the wisdom of continuing the ASRM program saying: "The simple fact is that there are very few missions that actually require the availability of ASRM." In fact, NO mission requires the ASRM. Missions like the space station assembly and the Advanced X-ray Astrophysics Facility [AXAF] can be accomplished with other technologies that, while costing money, are already in existence and will be far cheaper than the ASRM.

Allow me briefly to explain the funding mechanism in the committee bill. The committee authorizes $260 million in fiscal year 1993 for the ASRM but would increase that to $440 million if the appropriators provide $15.250 billion for NASA.

That figure, $15¼ billion, is $1 billion more than the committee itself authorizes to meet NASA's core needs, nearly $300 million more than NASA's best case scenario request, and a lot more than this country can afford.

The ASRM Program is 2 years behind schedule and nearly $800 million over budget. Additionally, because it incorporates many untested features, it is a safe bet that the ASRM program will cost even more money and lag even farther behind schedule.

In its more recent testimony, the aerospace safety advisory panel, an objective agency associated with NASA, recommended that the ASRM be canceled because it diverts scarce resources from NASA's important safety programs. The panel went on to say that other components of the shuttle, like the turbo pumps providing the highly combustible fuel to the space shuttle's main engines, would be a wiser use of the limited funds available than the ASRM program.

The CBO suggested that terminating the ASRM program will save $2.2 billion over the next 5 fiscal years.

In addition, a report issued just last week by the reputable National Research Council [NRC], a scientific research group, urges NASA to rely on the existing rocket motor system and to reconsider the ASRM. An earlier NRC report raised serious questions about the design, manufacturing, and costs elements of the ASRM, all of which as experts have told me as recently as this morning, are likely to cause further delays and cost more money.

Look at the facts. NASA didn't ask for it, the President and OMB don't want it, CBO said we could save $2.2 billion by canceling it, two reputable NASA watchdogs declare it inadvisable, and even the committee placed it in title two, outside of its core programs. We here, today, must take the next logical step and cut the ASRM program out altogether.

That's not all. Citizens Against Government Waste, the National Taxpayers' Union, and Citizens for a Sound Economy have all three endorsed this amendment and support cutting the ASRM.

In this impossible budget climate, we must be even more scrupulous in reviewing and justifying each new expenditure. We cannot duplicate programs.

Finally, Mr. Chairman, my amendment does not delete the construction funds for the ASRM plant. These funds will continue to be available so that the committee, as stated in the report, can find a new or ongoing project to place in the facility.

Mr. Chairman, a vote against the ASRM is not a vote against the space station. It is a vote for common sense. It is a vote for making priorities and sticking with them. Support the Owens-Armey amendment to cut the $1.3 billion advanced solid rocket motor provision.

□ 1310

PERFECTING AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. HANSEN: Page 21, lines 14 through 20, strike ", then" and all that follows through "Rocket Motor program" and insert in lieu thereof "or if the Advanced Solid Rocket Motor will not be available for use on the sixth space station assembly mission or earlier, then—

(A) no funds are authorized to be appropriated for the continued development of the Advanced Solid Rocket Motor;

(B) the Administrator may not obligate any funds for the Advanced Solid Rocket Motor program; and

(C) the total amount that may be made available for "Space Shuttle Production and Operational Capability" under section 102(b)(1) shall be $1,001,800,000 for fiscal year 1993, $1,043,900,000 for fiscal year 1994, and $1,087,700,000 for fiscal year 1995.

Mr. HANSEN (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. OWENS of Utah. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OWENS of Utah. Mr. Chairman, my amendment is a striking amendment. Is that amendable?

The CHAIRMAN. Not directly. The Chair would announce his understanding that the Hansen amendment would perfect paragraph 1 and will be voted on first.

Mr. HANSEN. Mr. Chairman, the purpose of my amendment is to tie the ASRM to its first, if only, critical mission—the sixth space station assembly flight. Mr. OWENS has correctly given many reasons for canceling the ASRM Program, but the gentleman's amendment is premature and unwise. My substitute has the broadest consensus among Members. Moreover, the gentleman's amendment would delete the mission requirement that the ASRM be ready on time to assist with space station assembly. This requirement puts the burden of performance on the ASRM, not the Congress or the taxpayer. I also believe any funding for ASRM should be tied to its accomplishing space station assembly missions. I would urge adoption of my substitute amendment, which preserves the vital link between ASRM and space station *Freedom*.

PERFECTING AMENDMENT OFFERED BY MR. BROWN TO THE PERFECTING AMENDMENT OFFERED BY MR. HANSEN

Mr. BROWN. Mr. Chairman, I offer a perfecting amendment to the perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BROWN to the perfecting amendment offered by Mr. HANSEN: Strike the first three lines of the amendment and insert in lieu thereof the following:

Page 21, line 12, strike "sentence, if" and insert in lieu thereof "sentence—

"(A) if".

Page 21, lines 15 and 18, redesignate subparagraphs (A) and (B) as clauses (i) and (ii), respectively.

Page 21, line 20, strike the period and insert in lieu thereof "; and

"(B) if the Advanced Solid Rocket".

2. In the substitute amendment, redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), (iii), respectively.

Mr. BROWN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN. Mr. Chairman, the amendment that I have at the desk is actually an effort to seek a middle ground for the two proposals that we have here. It keeps the sixth space station flight as proposed by the gentleman from Utah [Mr. HANSEN], as a requirement for funding, but it preserves the authorization at the partial level contained in the bill. That is, the ASRM would receive at least half the funds it needs to stay on track and full funding if the appropriations meet the mark, which we have set forth in the bill, of $15.253 billion. The gentleman from Utah [Mr. HANSEN] has offered a constructive perfecting amendment, and I commend him for respecting the priorities of the committee bill.

Our committee's intent is to tie funding for the ASRM to its first important requirement, the space station assembly flight No. 6. If we find this requirement cannot be met, the committee would not want the program to go forward as presently planned.

On the other hand, we want to encourage the Committee on Appropriations to provide the necessary funding to keep the program on track.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think the gentleman has correctly described the situation. This is a useful program and is justified based upon the lift capacity to space station. If we have ASRM, it will reduce the number of flights needed for space station and will do a lot of things that will benefit us over the long haul.

However, if the ASRM is not going to be available to begin construction of the space station on the sixth flight, there is absolutely no justification for this program. We ought to cancel it and spend our money on other things. So it seems to me that the gentleman's approach is precisely the right approach here, that what we have to have is assurances that it is going to meet the test of the sixth flight.

If it cannot do that, then the program ought to be dropped. I support what the gentleman is attempting to do.

Mr. BROWN. Mr. Chairman, I thank the gentleman for his comment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I, too, would like to support the amendment of the gentleman from California. It seems to me one of the things that we have to guard against is to make sure that the station schedule does not get ahead of the ASRM schedule. Because if the ASRM schedule gets so far behind, then there is no use for this rocket. And the points that have been made by the gentleman from Utah [Mr. OWENS] are correct.

So by tying the mission with the timetable and the timetable with the funding, the taxpayers do get their money's worth from the ASRM.

If the timetable unravels, then there would be no funding that would be authorized under this bill. I think that this is a very sensible way of going about it.

Mr. BROWN. Mr. Chairman, I thank the gentleman for his comment.

I would point out, and I reiterate what was said during the debate on the space station itself, if at any point the space station is not funded, we do not need the ASRM either. I would join with the gentleman from Utah [Mr. OWENS] in stopping the program at that point.

□ 1320

Mr. HANSEN. Mr. Chairman, I would like to state that I accept the gentleman's perfecting amendment, and I thank him for it.

Mr. Chairman, I move the question on the amendment.

Mr. OWENS of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this must not be taken us a new vote, a new discussion of the merits of the space station. This amendment, which provides that ASRM would be funded only if NASA is able to certify that it will be available for the sixth assembly flight, really is an obfuscating amendment for the issue here. No one can disagree with this approach. Surely if it cannot be ready when it is needed, then it should be canceled. The problem is nobody knows today whether it can be ready, and a certification by NASA at this point is totally meaningless.

However, the committee amendment begs the question: Do we need the ASRM at all? Is it a priority program? Whether the ASRM is ready on time or not, the unequivocal answer to both key questions is no. ASRM is not a priority program. We do not need it at all.

The ASRM is already $800 million over cost and 2 years behind schedule. It will incorporate new techniques that will require testing, evaluation and fine-tuning. The ASRM is likely to be delayed even more and cost billions more.

How can NASA certify today, tomorrow or next year that the ASRM will be ready on time? No scientist, no program administrator is that prescient. This is a technologically impossible task. Of course NASA will certify that the ASRM will be available. And if in the end their certification turns out to be inaccurate, what then? ASRM will have been built, though it will be behind schedule, notwithstanding NASA's straight-faced certification that it would be ready on time.

More importantly, why should NASA have to certify anything? NASA did not even request the ASRM. NASA's own aerospace safety advisory panel recommended terminating the program.

But whether NASA can certify, with credibility, that ASRM will be ready begs and obfuscates the point at issue. The question is: Should ASRM be built at all?

Mr. Chairman, the facts speak for themselves:

CBO says canceling ASRM will save $2.2 billion.

The President does not want it.

NASA's safety advisory council says to cancel it.

The National Resource Council says to cancel it.

The committee does not call it a priority.

Existing technology has performed well and can safely fulfill the limited mission of the ASRM.

The ASRM is not required to support the space station.

The original Owens amendment is supported by citizens against government waste, citizens for a sound economy and the National Taxpayers' Union.

We have all, at one time or another, shaken our heads with disbelief after hearing of a certain program gone bust, wasting millions and even billions of dollars. We say to ourselves, how did this happen?

Mr. Chairman, we now have an opportunity to nip one such program in the bud. Let's cut our losses before they multiply. As the chairman states in the committee report, we can find a worthy program to put in the facility being constructed so that it is not wasted.

This is an ambiguous amendment. Our amendment, the Owens-Armey amendment, is not ambiguous. We are proposing to cut the ASRM because it is not needed, because it is expensive, and any resources it gets will only harm other important NASA programs.

If the Members want to kill ASRM, they should defeat this amendment. The litany of budget and operational reasons to oppose the ASRM still apply. If we do not think it deserves funding at $14.3 billion, why would we want to fully fund the ASRM if NASA gets over $15 billion? It does not make any sense if the program itself is bad, and I urge my colleagues to defeat this Hansen amendment and to support the Owens-Armey amendment.

Mr. BROWN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hansen amendment, as perfected by the Brown amendment, and in opposition to the Owens amendment.

Mr. Chairman, I was going to try to put this issue in perspective. We have a program now which has been going on for several years called the solid rocket booster program, which is aimed at increasing the efficiency of the shuttle flights and reducing the cost of shuttle flights. It allows for shuttles to launch a substantially higher payload with the advanced solid rocket motors, and if it can be used for the purpose of launching major components of the space station it will reduce the cost of the space station, and of course have other benefits in advancing the technology of solid rocket motors and so on.

The gentleman from Utah, Mr. OWENS, does not like for us to proceed to this kind of a development. It would have some adverse economic impact on his State, and there are some other problems that I think he has alluded to, but which we do not feel are convincing at this particular point.

What we do recognize, and have structured this bill in such a way as to recognize it, is that there may not be sufficient funds to proceed with the advanced solid rocket motor, and as a consequence we had originally put the funds for the advanced solid rocket motor in the second tier of funding, so that the base program would be funded before we would fund the advanced solid rocket motor.

Then, recognizing that considerable work has already been done and probably should be continued, we decided to put half the funding in the first tier and condition the second half on the reaching of the full appropriations provided in the second tier of the authorization. That is where we stand at this point.

We do not claim perfection for this approach, Mr. Chairman. It is obviously an effort to do several things, including proceed with a desirable upgrading of the shuttle, to reduce the cost of assembling the space station, and yet recognize the realities of the constrained budget that we suffer from. That is the context within which this situation exists, and as I say, not arguing that we have reached perfection, I still think we have reached the best compromise here that we can in the language of the bill as modified by the amendment proposed by the other gentleman from Utah, Mr. HANSEN, with the minor perfecting amendment that I have made to it.

So I urge the Members to oppose the Owens amendment and to support the modified Hansen amendment.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Owens amendment and in wonderment at the two perfecting amendments.

Mr. Chairman, I wonder if I could prevail upon my friend, the gentleman from Wisconsin [Mr. SENSENBRENNER], to help me through this? I came to the floor today to assist the gentleman from Utah [Mr. OWENS] in his amendment. My understanding is that ASRM is not desired by NASA, that in fact if ASRM is not developed, that the sixth assembly mission can take place and are likely to take place very well without this new propulsion device.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, we can put the station together without the advanced solid rocket motor, but it will take two or three additional space shuttle flights to do that, and that will be at a considerable additional cost.

Really what we are doing is a balancing act. The advanced solid rocket motor is a more powerful motor. As designed, it presumably will be a more reliable motor, so there will not be delays in repairs and things like that on the launch pad.

Mr. ARMEY. I appreciate that.

Mr. SENSENBRENNER. The cancellation of the advanced solid rocket motor is not the money-saver that the gentleman from Utah [Mr. OWENS] would say it would be. There might be some money that would be saved, but it would not be as much, and of course the gentleman does not put any closeout costs to his amendment, either.

□ 1330

Mr. ARMEY. I appreciate that. But my inquiry is predicated on my understanding that it is not at all demonstrated to anyone's satisfaction that the ASRM propulsion device would in fact be ready prior to the completion of the assembly.

Mr. SENSENBRENNER. If the gentleman from Texas will yield further, what the amendment of the gentleman from California [Mr. BROWN] to the amendment of the gentleman from Utah [Mr. HANSEN] says is that if it is not ready, then it is canceled out anyhow.

Mr. ARMEY. I appreciate that. And I think that is a very fine point in the perfecting amendment, as I understand it. We have curious protocols here in this body where we are very strict in our observation of the rule against legislating in an appropriation bill, and we tend to do de facto authorizing in an appropriation bill. The concern, as I understand it, of those who would try to perfect the Owens amendment is that we want to tie parameters around the possibilities of appropriating funds for this purpose, even though the ASRM program may not be fully authorized; is that correct? Is that the gentleman's understanding?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the appropriators would have an additional condition to meet under the approach that would eventually result in the Brown amendment, so that they would have to deal with ASRM as an unauthorized program should in fact it not be eligible or not be completed before that sixth flight.

So the fact is what we have done is we have assured that the appropriators cannot simply use a blanket endorsement of ASRM as a way to continue to appropriate this money if it does not fall into the parameters that would be outlined here. So, therefore, we have tied it down further.

Let me make one other point to the gentleman. Not only do we have these additional flights that would be an expense, and that is a considerable expense if we take the full cost of a space flight, not just the add-on costs I am told by staff probably are somewhere in the vicinity of $500 million.

So if, in fact, we were to take the gentleman from Utah's amendment here for a full defunding of the program, we would end out with closeout costs that the gentleman makes no provision for in his amendment for covering of these closeout costs, and so that those costs would come out of the hide of the rest of the program. This would be destructive to the core programs of NASA, because they would have to bear the burden of the costs out of the moneys that the gentleman does not allocate in his amendment.

So it would not only cost additional, but we are even talking about taking away from the fundamental programs such as the space station, the shuttle, and other things in order to fund a closeout for a program that we would never get a benefit from.

Mr. ARMEY. I thank the gentleman from Pennsylvania.

Mr. Chairman, I would like to turn my attention to the gentleman from California, who offers the perfecting amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(On request of Mr. BROWN and by unanimous consent, Mr. ARMEY was allowed to proceed for 3 additional minutes).

Mr. ARMEY. Mr. Chairman, I thank the gentleman for the additional time, and I am trying to remember this perfecting amendment. He retains some continuing authorization in his amendment to maintain the program under these more limited circumstances, with the caveat that if it is not ready in time and so forth. Can the gentleman tell me what the amount of money was then that is retained for the program under his perfecting amendment?

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, the amount of money is $260 million.

Mr. ARMEY. I thank the gentleman. If I can redirect my attention to the gentleman from Pennsylvania, could he remind me what was the amount of money that he had suggested would be necessary for the closeout?

Mr. WALKER. If the gentleman will yield, the closeout cost would be somewhere in the vicinity of half a billion dollars, $500 million. In fact, the closeout costs in the fiscal year cost us almost twice what the allocation is in this authorization bill.

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, I wonder though if the gentleman from Texas and the gentleman from Wisconsin [Mr. SENSENBRENNER] could respond to a question. The gentleman from Wisconsin has said that the savings would not be there that I have quoted the CBO as saying would be there. I think the gentleman from Pennsylvania has in essence raised the same issue. I have in front of me the CBO's report of February 1992 on "Reducing the Deficit," wherein it says, "Canceling the ASRM Program could save $2.2 billion from 1993 through 1997 relative to the CBO's baseline."

Was the gentleman aware of that when he made his response earlier?

Mr. SENSENBRENNER. If the gentleman from Texas will yield, the answer to the gentleman is yes, I was aware of that estimate, and I do not think it is a correct one because it does not take into account the closeout costs, and it does not take into account two or three additional space shuttle flights.

My estimate, based upon the material that NASA has supplied us, is that canceling out the ASRM is at best a wash at the present time, and at worst will actually cost the taxpayers money because of the additional flights and the closeout costs that have been previously discussed in this debate.

Mr. OWENS of Utah. If the gentleman from Texas will continue to yield, the math says that even deducting those contingency programs, those closeout programs, the savings still amount up to well over $1 billion, as I do the math here.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman from Texas yield?

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has again expired.

(On request of Mr. SENSENBRENNER and by unanimous consent Mr. ARMEY was allowed to proceed for 1 additional minute.)

Mr. ARMEY. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I think that the CBO only looked at one side of the ledger in coming up with its $2.2 million savings estimate. There are offsetting costs which the CBO did not take into account when it reached that conclusion.

I do not think it is possible to precisely quantify what those additional costs are, because the additional shuttle flights that would be necessary as a result of the ASRM's cancellation would be well out into the end of the decade, and nobody knows what the inflationary factor is going to be. The fact of the matter remains that I do not think the gentleman's amendment saves any money, and in fact, in the short run, with the closeout costs is going to actually cost the taxpayers money.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has again expired.

(By unanimous consent Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Mr. Chairman, I would like to have my word in at the end of all of this.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

There is one other factor in this that also has not been calculated into either the CBO estimate or some of the other discussions here yet. There are considerable upgrades that would have to be made on the present generation of solid rocket motors if we were going to go to the ASRM. For instance, there are asbestos problems, there are a series of things that have to be done in order to make these boosters more effective and more efficient and safer. So that those are additional costs which are not in any way put into our authorization for the next 3 years. So if we cancel this program we have got to look at that in order to preserve our ability to fly the shuttle for a period of some years.

In addition, we have some programs that are going to depend upon the solid rocket boosters beyond the space station. There is the x-ray facility, a major x-ray telescope which we are going to put into orbit which could not be boosted high enough if we do not have the solid rocket motors. So, therefore, on that telescope we would have to put an additional booster motor in the bay in order to boost that into orbit, which would be at considerable expense over and above what we now plan on for that mission. So the expenses of that mission will go up, which again adds costs over the next decade.

Mr. ARMEY. I want to thank all of the gentlemen here for their help in clarifying the impact of these perfecting amendments.

Mr. Chairman, I remain firmly in support of the Owens-Armey amendment, and since as I understand the perfecting amendments, they would wrap parameters around appropriations for this project that would prevent the appropriations from superseding the will of the authorizing committee, I think it is probably in the best interest of our efforts for us to support the perfecting amendments as well. And again I want to thank all of the gentlemen for helping me.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the Owens amendment.

Mr. Chairman, I oppose the gentleman's amendment to delete ASRM funding from the NASA authorization bill.

The advanced solid rocket motor was conceived following the tragic *Challenger* accident to produce a safer, more reliable solid rocket motor for the space shuttle. What could be a more worthy program than one that will reduce the chance of another catastrophic accident.

Not only will the ASRM reduce the likelihood of another shuttle accident, but it will provide a greater lift capability for shuttle. Shuttle payloads will be able to lift at least 12,000 pounds more payload, or a 30-percent increase.

This increased payload is vital to the space station program. The ASRM is required on several station assembly flights. The ASRM will allow the United States, European, and Japanese laboratory modules as well as the United States habitation module to be lifted to the station fully integrated.

Without ASRM these modules will have to be outfitted in space. This is precisely the type of activity this Congress insisted on eliminating when the station was restructured 2 years ago.

Opponents of the ASRM have suggested that canceling the program will save significant amounts of money. Nothing could be further from the truth.

We have already spent $1.2 billion on the ASRM. The completed program, which includes the first six flight sets, will require an additional $1.8 billion.

Lets look at the actual termination costs and associated expense to the taxpayer. Termination of the ASRM contract itself will require $300 million immediately. Fixing the redesigned solid rocket motor asbestos problem will take $70 million. Three additional space station assembly flights will be required at $50 million each. Space station deployment will be delayed 9 months, estimated to cost $1.5 billion. The total of these costs is in excess of $2 billion not $300 million.

We must also consider additional annual operating cost expense for NASA if the ASRM is not available. Each flight set of RSRM motors will cost NASA $15 million more than an ASRM set. With an average of 9 shuttle flights each year, NASA will spend $135 million more annually. An additional station logistics flight each year will be needed if the ASRM is not flying. This will cost another $50 million for a total operating cost increase for NASA every year of $185 million.

Clearly, it is more expensive to terminate the ASRM than to complete the program. This analysis indicates that the fiscally responsible approach is to fund ASRM and gain the benefits it will produce.

I urge my colleagues to oppose this irresponsible amendment to terminate the advanced solid rocket motor.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am happy to yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, I would just like to express my admiration to the gentleman for laying out so clearly the costs involved in termination here as did the gentleman from Pennsylvania and the gentleman from Wisconsin.

It is a complex subject, and there are areas which even highly capable economists such as the gentleman from Texas would have some variation of opinions on. But the fact is that if we were to terminate this program after having spent 40 percent of the total amount that would be required to bring it to completion, with all the economies and additional safety factors, that it would result in, and it would be a perfect example of, the kind of waste that attends so much of what we do here where we make decisions, we reverse those decisions, we cancel projects after having spent billions on them, get none of the benefits, and all of the costs, and this is precisely what the amendment of the gentleman from Utah [Mr. OWENS] would accomplish if it is successful.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I rise in opposition to the Owens amendment to delete funding for the advanced solid rocket motor from the NASA authorization bill.

Like many of my colleagues, I recognize the importance of the ASRM program. As you know, the ASRM was conceived to create a safer, more reliable motor with greater lift capability. That is exactly what it does. This capability is necessary for future shuttle flights which will carry space station *Freedom* into orbit.

Mr. Chairman, we have already spent $1.2 billion on the ASRM. To complete the program, another $1.8 billion is needed. I do not think any Member of this body believes it is good policy to start programs, spend $1 billion and then recommend termination. This bill emphasizes the importance of the ASRM program while recognizing today's fiscal realities. I commend my colleagues on the committee for the work they have done in assuring that this program is continued. I urge a "no" vote on the Owens amendment.

PARLIAMENTARY INQUIRIES

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. Mr. Chairman, I would just like to check parliamentarily, we are now working on the amendment to the perfecting amendment of the gentleman from Utah with respect to the initial amendment offered by the gentleman from Utah [Mr. OWENS] on behalf of himself and myself?

The CHAIRMAN. The Owens amendment is a motion to strike paragraph 1. The Hansen amendment and the Brown amendment thereto are perfecting amendments to a portion of paragraph 1 and will be voted on first. The Owens motion to strike the entire paragraph will be voted on thereafter.

Mr. ARMEY. As I understand it, the gentleman from Utah [Mr. HANSEN] offered an amendment as a perfecting amendment to the gentleman from Utah [Mr. OWENS], not as a substitute.

Mr. BROWN. No. That is not correct.

The CHAIRMAN. The gentleman from Texas is incorrect. The Hansen amendment is a perfecting amendment to a portion of paragraph 1.

Mr. ARMEY. Further parliamentary inquiry, Mr. Chairman, therefore, if the amendment offered by the gentleman from Utah [Mr. HANSEN] should pass, the amendment offered by the gentleman from Utah [Mr. OWENS] would not be voted on?

The CHAIRMAN. No. It would be voted on after that. The Committee will vote first on the Brown amendment to the Hansen amendment and then on the Hansen amendment as amended and then on the Owens motion to strike.

Mr. ARMEY. Mr. Chairman, again, I am not clear in my understanding of the parliamentary meaning. I clearly understood the gentleman from Utah [Mr. HANSEN] to offer a perfecting amendment to Owens, and now I believe I hear from the Chair that the Chair is saying that Hansen is a substitute for Ownes.

The CHAIRMAN. The Hansen amendment is a perfecting amendment to the bill, but does not rewrite the whole paragraph. It is a perfecting amendment to a portion of it. The Owens motion to strike would still be voted on.

Mr. BROWN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROWN. Mr. Chairman, is it not true that the Owens amendment, as a striking amendment, that a substitute cannot be offered to such an amendment?

The CHAIRMAN. The gentleman is correct.

Mr. BROWN. That is the reason why it is not a substitute. I hope that clarifies it for the gentleman from Texas [Mr. ARMEY].

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WALKER. So that we clarify it for my friend, the gentleman from Texas, is it not true that what we will be voting on is the Brown amendment to the Hansen perfecting amendment, and if the Brown amendment is adopted, we will then vote on the Hansen amendment as amended?

The CHAIRMAN. The gentleman is correct.

Mr. WALKER. And then we will vote on the Owens amendment, as amended, and the final vote then would be Owens, as amended by Brown and by Hansen

The CHAIRMAN. Technically, the vote would not then be on Owens, as amended. Owens is a motion to strike, and it will strike the whole paragraph. The perfecting amendment offered by the gentleman from California to the amendment offered by the gentleman from Utah only perfects a portion of what the gentleman from Utah [Mr. OWENS] seeks, to strike the entire paragraph.

Mr. WALKER. I thank the Chair. I think we have properly clarified the situation at the moment.

Mr. ARMEY. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his further parliamentary inquiry.

Mr. ARMEY. Mr. Chairman, I hate to prolong this debate over parliamentary procedures, but it seems to me then that, in fact, the amendment offered by the gentleman from Utah [Mr. HANSEN] was not accepted as a perfecting amendment to Owens, and that, in fact, if the rules of the House prohibit a substitute amendment for a striking amendment such as offered by the gentleman from Utah [Mr. OWENS], that the Chair should not have entertained the amendment offered by the gentleman from Utah [Mr. HANSEN] during the middle of the debate on the amendment offered by the gentleman from Utah [Mr. OWENS]. And I would suggest that perhaps a vote on the amendment offered by the gentleman from Utah [Mr. HANSEN] is not appropriate at this time and should never have been accepted, because it is, indeed, then a substitute amendment if it is not a perfecting amendment, and I would consider that the amendment offered by the gentleman from Utah [Mr. HANSEN], as much as I believe it to be a sound amendment, is, in fact, not in order and should have been ruled as such at the outset.

The CHAIRMAN. Under section 469 of Jefferson's Manual, when a motion to strike a paragraph is offered first, Members can first perfect the paragraph proposed to be stricken.

Mr. ARMEY. Again, further parliamentary inquiry, and I must apologize for taking the body's time, because the Chair had just told me that the amendment offered by the gentleman from Utah [Mr. HANSEN] is not a perfecting amendment for the amendment offered by the gentleman from Utah [Mr. OWENS].

The CHAIRMAN. It is a perfecting amendment to a portion of the bill, to a portion of paragraph 1, not to the Owens amendment.

□ 1350

Mr. ARMEY. Mr. Chairman, may I ask my final parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, if in fact we have a vote on the Brown amendment to the Hansen amendment and then subsequently on the Hansen amendment, and then should have passed the Hansen amendment, as amended by Brown, we would have amended the language of the bill which would then be subject to being struck by a vote on the Owens-Armey amendment?

The CHAIRMAN. The gentleman is absolutely right.

Mr. ARMEY. I knew I would get that right eventually, and I thank the Chair.

Mr. OWENS of Utah. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I see the handwriting and we knew it was there, writ large before we undertook to try to call the attention of the House to this.

This is a project which need not be built, which fundamentally, fiscally is unsound and unneeded.

And yes, the gentleman from Utah puts the amendment in part because it affects his State, 5,000 jobs in Utah are already at risk, to build the ASRM. That motor is doing an excellent job and certified as being adequate, safe and performing well. We do not need the ASRM. There are dozens of independent bodies, watchdogs to the Treasury and others, who point out that we do not need it. It is there because it is there, for reasons that Members know, but it is a bad program, and when the appropriations process comes up this fall that will be a more appropriate opportunity.

Mr. Chairman, what is the purpose of this amendment? The Hansen amendment is a mixed message. While appearing to kill the ASRM it actually would authorize full funding for the ASRM.

My amendment is unambiguous. I am proposing to cut the ASRM because it is not needed, it is expensive, and any resources it gets will only harm other important NASA programs. If you want to kill ASRM. You should defeat this amendment.

The litany of budget and operational reasons to oppose the ASRM still apply. If you think the ASRM doesn't deserve funding if the NASA appropriations is $14.3 billion, why would you want to fully fund the ASRM if NASA gets over $15 billion, as my colleague from Utah proposes? The President's request for NASA was at the $15 billion level and he deleted any request for the ASRM.

The Hansen amendment actually fully funds the ASRM. It flies in the face of three of the most prominent budget watchdogs, Citizens for a Sound Economy, the National Taxpayers Union and Citizens Against Government Waste, who view the ASRM program as wasteful and unnecessary. The Hansen amendment ignores the advice of the National Resource Council, a scientific research group which urges the termination of the ASRM because of design, manufacturing and cost questions that will result in expensive cost overruns and additional schedule slippage. My colleague's amendment disregards NASA's own aerospace safety advisory panel, which recommend that ASRM be canceled because it diverted scarce resources from important NASA safety projects.

I know that my colleague from Utah, like me, opposes ASRM being built. He is proceeding on the theory that the appropriators will not appropriate $15.253 billion. But the Hansen amendment sends a mixed message. By allowing full funding of the ASRM, he appears to be supporting the program and sending a challenge to the appropriators: Appropriate $15.253 billion or lose the program.

Mr. Chairman, this country cannot afford to spend over $15 billion for NASA. And we cannot afford to spend $3 billion for an unneeded, wasteful, duplicative program. Let's make our spending priorities crystal clear by defeating the Hansen amendment.

This fall or later in the summer we will try through the appropriations process to solve this problem.

We hope that we have spoken loud with a message that is very important and at the appropriate time that the House may act.

So at the appropriate time, Mr. Chairman, I will withdraw my amendment.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, I must say that the gentleman really has made a very eloquent argument in support of his position, that the ASRM is not necessary or desirable.

I happen to disagree with that position, but I can tell the gentleman that without the offering of his amendment, this matter will not have been explored. There would not have been the full facts laid out as to all the pluses and minuses here, which are still subject to interpretation, of course, and we would not have the understanding which the gentleman has facilitated by offering this amendment.

I regret that I must oppose the amendment. In saying that, I am still not sure that the appropriations process will be adequate to guarantee that it is ever completed. We will have to face that hurdle when we come to it.

I think the gentleman knows that in the past the Appropriations Committee has funded the program fairly generously, and as we have said several times here, we feel it would be a shame to waste this investment that has been made.

The matter is yet to be resolved. The gentleman's position is very clear and his arguments very forcibly presented, and I thank the gentleman for that.

Mr. OWENS of Utah. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. Does the gentleman from Utah ask unanimous consent to withdraw his motion to strike?

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

Mr. ARMEY. Reserving the right to object for a moment, Mr. Chairman, as I understand, if the gentleman from Utah withdraws his amendment, then we will proceed on the Hansen amendment and the Brown amendment to the Hansen amendment; is that correct?

The CHAIRMAN. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, may I ask a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, it is my understanding that I took my 5 minutes' worth of time on the Brown amendment to the Hansen amendment, so should the gentleman from Utah withdraw his amendment I would still be entitled to participate in the debate for 5 minutes on the Hansen amendment after we have voted on the Brown amendment; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. ARMEY. Mr. Chairman, I want to thank the gentleman from Utah for bringing this subject to the forefront of this debate, for leading us to this.

I think perhaps in the final analysis we will get the appropriate action in the best interests of the space program and the Nation's purse strings, and I want to thank the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, if the gentleman will yield, I thank my friend, the gentleman from Texas. He is a valiant crusader on these types of issues and has made an enormous contribution today, and I thank the gentleman very much.

Mr. ARMEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah [Mr. OWENS] to withdraw his amendment?

There was no objection.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from California [Mr. BROWN] to the perfecting amendment offered by the gentleman from Utah [Mr. HANSEN].

The perfecting amendment to the perfecting amendment was agreed to.

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should hope that we would not need to have a recorded vote. I think there is a very good consensus here, but just in the event that we may move to a record vote, let me just say that during these difficult budget times it is hard for any of us to muster sometimes the courage to support the space program; yet I do that and I do that quite often at the criticism of some people who ordinarily compliment me.

The space program is important, but like all programs, it should not be beleaguered and hampered by unnecessary, fruitless, wasteful spending.

I think the accord that has just been reached here by the two gentlemen from Utah and by the members of the committee gives us an enormous safeguard against wasteful and unnecessary spending, while still holding out the opportunity to enhance the space program should the technology develop.

So I would like to offer everybody in the body a chance, irrespective of their position on the space program in general or the space station in particular, to vote yes for the Hansen amendment.

If in fact you voted against the space station, and I did not, there is no reason to support the ASRM and you can then vote for the Hansen amendment, which guarantees that it will not be done needlessly.

If you voted for the station, then you will see the need for ASRM to be deployed and developed and you would want to vote for the Hansen amendment that assures that it will be deployed only under those circumstances.

If you are feeling guilty about voting for the station, as I am because I am so fiscally prudent and tightfisted with the taxpayers' money, you can now vote for the Hansen amendment and assure the opportunity that if we develop the technology of ASRM, we will get the space station up there in the cheapest of all possible fashions.

So if you fancy yourself a tightwad, stingy space explorer, like I fancy myself, then you have the best reason to vote yes on the Hansen amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Wisconsin, as long as the gentleman promises not to confuse me further.

Mr. SENSENBRENNER. Well, Mr. Chairman, I appreciate the gentleman yielding to me.

I would just like to point out that the National Taxpayers Union has called me stingier than the gentleman from Texas in last year's Roll Call.

Stingy in my opinion means that we want to try to give the taxpayers their money's worth for what we spend.

This bill by prioritizing NASA programs between the title I core program and the title II optional add-ons attempts to do just that, so that we can try to keep cost overruns to a minimum and we can bring some of the programs in on time and under budget.

This is the first time the House has had the opportunity to vote on such legislation, and I think this is a great feather in the cap of Chairman BROWN and ranking minority member WALKER that we were able to completely rewrite the NASA budget that was submitted to us from the administration in such a manner to reach such universal bipartisan agreement.

This is a stingy budget and the taxpayers are getting their money's worth.

Mr. ARMEY. Mr. Chairman, I thank the gentleman.

Let me also say the further development we get here is that the fate of the space program is held now in the hands of the authorizing committee, not left to the devices of the Appropriations Committee.

It is a good amendment. We should all vote yes.

I want to thank especially the two gentlemen from Utah for their leadership in this area and thank the committee for their diligent governance of the taxpayers' money.

□ 1400

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Utah [Mr. HANSEN], as amended.

The perfecting amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 21, lines 22 through 24, strike "$87,500,000" and all that follows through "1995 for" and insert in lieu thereof "for assessment of the mission need and cost justification of".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, last week we had a crucial vote on the funding for the space station *Freedom*. I strongly supported the space station, but that does not mean that I do not believe that there are places in this bill where we could exercise even a little bit more fiscal prudence. This amendment eliminates the out-year funding contained in the "Space Transportation Enhancement" line; in other words, the funding beyond fiscal year 1993 for the "Space Transportation Enhancement" line.

While I support the fiscal year 1992 funding for space transportation enhancement as a resource for assessing the need and cost justification for the elements outlined in the bill—extended duration, development of unmanned capabilities, increased lift performance, and enhancement of shuttle reliability—there is simply no indication that funding provided in the bill is a realistic way of dealing with one or more of these improvements. We have no figures before us which indicate the true cost of these improvements, and to put these arbitrary numbers in the bill as we have done for 1994 and 1995 simply does not make good fiscal sense, in my opinion.

I have heard the argument that since we have elected not to do the new launch system, we are then forced to put the same magnitude of funding into shuttle enhancements. This committee turned down the administration on the new launch system because it is too expensive and because we do not see a NASA mission for it, for that particular piece of space transportation.

But for all of its flaws, the new launch system is a real program with funding projections, and timelines, and everything else that goes into planning a program. The funding in the bill for space transportation enhancement has no spending plan at all, and has absolutely no focus.

It seems to me that once NASA had made a determination that it actually needs an unmanned orbiter kit or needs a 90-day orbiter, then it can come back to this committee and request the funding, and my guess is that we will be very sympathetic to a real program plan at that point.

I have no objection whatever to undertaking improvements to the space shuttle to make it safer and more reliable. There is always something more we can do at the margins. We have gone through this authorization process, though, with a constant reminder that funding is scarce. It is in this environment where we nickel-and-dime space exploration and space station enhancements and the EOS program, and every other program in this bill, that then we are contemplating spending over half-a-billion dollars on unspecified programs which the agency has not requested.

My amendment would say let us go with the money that is in there for this year, let us look at a plan, come back in future years and decide what should be done in this regard with a real program plan in place.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. BROWN. Mr. Chairman, I move to strike the last word, and I rise in respectful disagreement with my colleague, the gentleman from Pennsylvania [Mr. WALKER], and in opposition to his amendment.

Mr. Chairman, this amendment, as the gentleman indicates, strikes a provision which authorized funding for space transportation enhancement without delineating in specific detail what the nature of those enhancements would be. I personally feel that this item in our bill is aimed at giving the administration more flexibility in doing something that they have over the years seemed to feel that they wanted.

There have been any number of reviews and studies made by the NASA Advisory Council, the Air Space Safety Advisory Panel, OTA, National Research Council, the Augustine Committee, the Stafford Committee, the Payne Commission, which indicated the need for the continued enhancement of the space transportation system.

It is only common sense that we would recognize that this great system on which we have relied for so many years needs to be continually improved. The administration itself has proposed ambitious funding for a new launch system.

Now, it was the committee's feeling that this was an ambitious new start for which it was unlikely that there would be funds available in the outyears at the present time.

Nevertheless, we wanted to allow the Administration the leeway to make reasonable recommendations for improvements in the space transportation system, including, perhaps, more-detailed analyses of the mission requirements for a new launch system or other enhancements that might ultimately be needed.

Frankly, this provision in the bill is a place holder to accommodate the administration if they should seek to do this.

If they feel that they want neither to embark upon a new launch system and spell out to us the mission requirements to justify it, if they feel that they do not at this time want to propose any other enhancements in the space transportation system, we would understand that and we would be prepared to accommodate that and we would recommend to the Committee on Appropriations that this not be funded, as a matter of fact.

In an effort to conciliate Mr. WALKER, because I am always desirous of his support and cooperation, we offered to cut the amount in half. But it is his feeling that he wants to strike the whole thing.

I think he is wrong on this point, and I ask that the Members vote in opposition to the amendment.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken, and on a division (demanded by Mr. WALKER), there were—ayes 2, noes 1.

So the amendment was agree to.

The CHAIRMAN. Are there other amendments to title II?

If not, are there other amendments to the bill?

Mr. BROWN. Mr. Chairman, I know of no other amendments to the bill that are in order at this point. If it is appropriate, I move that the committee do now rise. But may I inquire of the Parliamentarian if he knows of any parliamentary objections as to rising at this point?

The CHAIRMAN. Does the gentleman expect the bill to go to final pasage at this point?

Mr. BROWN. This gentleman would anticipate that we vote, go to final passage, but that the vote be rolled over until tomorrow.

The CHAIRMAN. The Speaker will have to do that when the committee rises and reports the bill back to the House.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Chairman, if we rise at this point on a motion of the gentleman from California [Mr. BROWN], does that not prevent the House from voting on final passage of the bill?

The CHAIRMAN. The gentleman is correct.

Mr. SENSENBRENNER. So that way, if we just put the question on the option of the committee amendment in the nature of a substitute, the committee would rise automatically, and we would go to final passage?

The CHAIRMAN. The gentleman is absolutely correct.

Ms. PELOSI. Mr. Chairman, I rise today in support of the amendment to eliminate the $2.25 billion authorization for the space station.

While I support NASA and recognize the vast benefits that have been accrued from past space projects, I believe that it is careless to press forward on this immensely costly project that has only received lukewarm support from even the scientific community.

First presented as a project that would provide many unprecedented research opportunities, the goals for space station *Freedom* have since become much more narrow and much more modest.

The $2.25 billion requested for the space station is almost three times the amount of money that will go into AIDS research this year. How can we justify this when almost 300,000 Americans are already dead from the AIDS virus and 1 million more are expected to die.

This $2.25 billion is well over three times the amount that is proposed in the President's education reform proposals to improve our Nation's schools. With millions of illiterate children, increased violence in schools and decreased competitiveness internationally, how can we rationalize investing so much in space and so little in children?

Mr. Chairman, I urge my colleagues to listen to the voters across the country who are crying out for leadership that will improve their lives and their children's future. Leadership requires the establishment of priorities. We simply cannot afford to spend $2.25 billion on a project with questionable usefulness to the American people.

Mr. HOAGLAND. Mr. Chairman, I know that to my friend who is chairman of the Science and Technology Committee, I may seem to be the ant at the picnic today, but I hope you will each vote to defeat this bill.

Every time we vote to fund something we cannot afford, a space station that will cost $120 billion over 30 years, a Seawolf submarine that costs a total of $1.9 billion per ship, a superconducting super collider for $10 billion, we hurt America. We shove the knife into our economy just another millimeter, ever so slightly each time, until we kill it.

We commit dollars we don't have. We enrich the German and Japanese bankers that we borrow the money from at 7.8 percent. We further impoverish our Nation, our children, and our grandchildren by saddling them with additional debt that is becoming unimaginable.

This fiscal year alone we are incurring a deficit of $400 billion; $400 billion. Can you even fathom that amount of money? This year we are spending $212 billion on interest on the national debt, approximately $2,000 per taxpayer.

And we continue to fund projects like this? There is nothing wrong with the space station. It has many benefits, including, I suppose, increased morale for the country. The problem is, we cannot afford it. So let's just let the space station wait to a day when we can afford it.

There is nothing wrong with a lot of ways we might spend Federal money. The problem is we simply don't have the Federal money to spend.

So let's just say "no." Let's begin the sacrifice, let's begin the cutting, let's begin to put this country on the right track fiscally. It's not worth contributing to cause a declining standard of living over a project like this that we can easily do without.

I urge you to vote to kill this bill.

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise today in support of space station *Freedom*. I am pleased with the progress NASA has made in engineering design, hardware development, and overall management stability. I am especially pleased to hear that a level of management stability has come to the space station program and that the program is on schedule and within cost targets.

While I share the concerns of the proponents of this amendment about our Federal deficit and the need for difficult decisions and fiscal responsibility, I do not believe that the space station needs to be sacrificed to achieve these goals.

I support the space station because it is a responsible investment in our future. Space station *Freedom* is an investment in our future quality of life and American economic competitiveness with an annual cost of only one-tenth of 1 percent of our entire budget. In addition, as we are all aware, this is an authorization bill, not an appropriations bill, and the budget process does not allow dollars to be applied to the deficit.

I am also aware of the concerns raised by my fellow supporters of the Earth observatory system that the space station funding jeopardizes the EOS program. While I acknowledge their concerns, I strongly believe that the potential benefits of both of these programs are worthy of our continued funding support.

Space station *Freedom* has become the cornerstone of our future space program—providing the laboratory and training ground for future human exploration of the Moon and the planets, and for advancing our knowledge of new and emerging critical technologies.

In the area of biotechnology, space station *Freedom* will provide scientists with an unprecedented environment for the study of normal or cancerous human tissues outside the body. The potential medical applications could involve the growth of tissues for transplantation, cancer, and antiviral therapies, models for drug testing, and the study of disease models in human tissue.

Currently the space station contributes to the positive U.S. balance of trade in aerospace, which accounts for 10 percent of all U.S. exports. In 1990, the United States enjoyed a $27.3 billion trade surplus while that same year the United States suffered an overall trade deficit of $101 billion. Currently, the space station provides for 75,000 jobs—mostly high-skilled jobs, and the technology spin-offs from the space station could create even a far greater job boom.

We cannot let our dire budget situation hamper both our will and ability to make fiscally responsible investments in our future. The potential rewards to be reaped from NASA projects such as the space station are too important. I urge my colleagues vote against this amendment.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

☐ 1410

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. EDWARDS of California) having assumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, pursuant to House Resolution 432, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. EDWARDS of California). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT, FINANCE, TRADE AND MONETARY POLICY OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE ON TOMORROW

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that tomorrow, May 6, 1992, the Subcommittee on International Development, Finance, Trade and Monetary Policy of the Committee on Banking, Finance and Urban Affairs, be permitted to sit while the House is proceeding under the 5-minute rule.

Mr. Speaker, this has been cleared by the minority, and we look forward to the minority's active participation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3515

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3515.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

WHAT WE CAN DO FOR OUR MOTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Mr. Speaker, my colleagues and the American people, as you know, Sunday is Mothers Day, and I know we all have a special feeling in our hearts for our mothers. My own mother is deceased, but on that day our whole family bows their heads and thanks God that we had such a great mother. My mother, Margaret, was just wonderful, and I think most people feel that way about their mothers.

I think we always wonder what to get our mothers for Mothers Day, and I think one of the things we ought to do is to rededicate ourselves toward curing diseases that affect women. We need to dedicate ourselves toward finding a solution to the fact that the poorest people in the country are women over 65 who are female and poor. It is really a scandal that we still have discrimination in our various pensions, Social Security, no matter how nonmaliciously intended that discrimination is. If a woman is part of a two-earner couple and part of the 26 million women who work along with their husbands, her credits in Social Security do not count for anything, and so women who are working spouses are discriminated against. Homemakers who go in and out of the labor force to have children are discriminated against because it is the homemaker, the women of America, who are usually the caregivers who have the children, obviously, and take care of the sick parent. Even if a woman has paid all of her credits, that person is not able to be covered under disability if she has been out of the labor force for more than 5 years.

□ 1420

Then we have the discrimination against divorcees. Women who have been married less than 10 years have no access to the economic partnership that Social Security is supposed to guarantee.

For many years I have been working on a bill trying to get it passed and was happy to see a little small part of it passed a couple of weeks ago related to widowed women. I have been trying to get passed the comprehensive earnings sharing approach to one's credit, so that you take each spouse's credits, divide them in two between both men and women, and that family would have more spending power. So you would take care of the working spouse.

You would also cover the homemaker for disability and you would give credit to the woman for her economic partnership, irrespective of the number of years that she was married to the individual.

Canada does it, France does it, and England does it. It is just like national health insurance. We are the only industrialized country that does not have equity in pensions in our Social Security System, just as we are the only country that is industrialized, with the exception of South Africa, that does not have a right, not a privilege, to national health insurance.

I want to zero in on part of my bill that relates to health insurance, and it is the part about research. Today we had a press conference with the Breast Cancer Coalition attending.

This is a coalition of various organizations throughout the country that have organized to say we will no longer tolerate this epidemic in breast cancer. It is affecting the lives of one out of nine women in this country, and we want to do something about it.

What better gift can we give to the mothers and their daughters and grandmothers and sisters of this country, what better gift can this male-dominated body do for our mothers than to find a cure for breast cancer?

It really is an epidemic. Let me give you an example. During the Vietnam war when we lost 57,000 men and women so tragically, the fact is that during that same era we lost 330,000 women to breast cancer, and it is going up.

Two years ago when my mammography legislation that finally got covered under Medicare, and I was very grateful for the support, even though it was at first reluctant in this body, but the fact is we do have mammography coverage in Medicare, which I am told saves 4,000 lives of women every year because now we cover it. So I hope these Medicare recipients take advantage of that benefit.

But 2 years ago I said there were 175,000 women who every year found out they had breast cancer. Today it is 181,000, and it is going up.

Twenty years ago it was 1 out of 20 women who had breast cancer. Today it is one out of nine. So it is important for us to view breast cancer as an epidemic, one which disrupts the lives of our people.

Ask our colleague JIM OBERSTAR from Minnesota, who has been public about this. Ask him what it does to his family to have lost his wife Jo, in her fifties, to breast cancer. Ask what does it do to that 16-year-old daughter of his and the rest of his family.

It is extremely disruptive. It does so much to affect the American family.

Breast cancer affects everyone. We have had four out of our last five first ladies who have had some kind of breast surgery. I am very proud of Betty Ford, who was one of the first people to ever come forward and acknowledge publicly that she had a problem in breast cancer and was public about it. She is one of the most functional women, not only related to this disease, but in the whole area of alcohol and drug addiction and how functional she still is, even though she has had that cancer arrested some years ago.

So what is it that we want to do in honor of our mothers? What do we want to do?

Well, there are a few things we ought to do, and I have introduced some bills to do it. Then we want to go forward with some other new ideas.

First is a bill, H.R. 382, called the Breast Cancer Informed Decision Act. That act says that every woman who has a problem has a right to know exactly what options she has when dealing with her breast cancer.

We had a situation for years where radical surgery was performed, when in fact some women only needed the lump removed and they did not have to go through the disfiguring and all other kind of things that relate to more radical surgery.

So women ought to be informed. They can take it if doctors tell them the options. A simple thing like giving a woman the National Institutes of Health pamphlet is sufficient in terms of informed decision.

Some States have already passed that bill on a State level. The State of Maryland passed it, and we ought to do it nationally. So that is one thing.

The second thing we ought to do with respect to any disease, let alone breast cancer, which is an epidemic, is we ought to say that we want to find that breast cancer at an early stage, early detection, prevention.

All of our health policies, with very few exceptions, do little with respect to prevention. We will pay for strokes in public and private policies, but we will not pay to give a free blood pressure check.

We will pay for cirrhosis of the liver, which costs a lot of money to treat, but we will not pay for alcohol treatment.

We will pay for breast cancer surgery, chemotherapy, and radiation in our public and private policies for the most part, but we will not give as part of the policy, until we did it with Medicare, a mammogram.

My office had to do the proving of how much money it would save, let alone saving the lives of the individuals, when we were stuck with estimates from the Congressional Budget Office when I was a member of the Pepper Commission, the 15-member Pepper Commission. I happened to be the only woman. I wanted to put in all these preventive health care areas, like immunization for children, like mammography, and like cancer screening for men. Men are more likely to get prostate cancer, which is also somewhat epidemic for men. They kept telling me that it was too expensive.

Well, I have to tell you something: That is a bunch of baloney. You can save money if you have preventive health care in our public health policies and our private health policies, if you estimate what it costs over a 3-year period, and if you estimate what it will cost over an annual period. Of course, a lot of people will take advantage of the benefit.

We have found that when you catch breast cancer, as an example, at an early stage, let us say stage one, which is completely curable if you catch it at that early stage, when you catch it in stage one it costs $10,000 or less to treat the patient, and they are probably going to be cured.

If you catch it at a later stage it costs between $65,000 and $125,000. So you have to analyze what you save by arresting disease at an early stage.

Frankly, most public and private policies do not want to do that. They only want to do the quick fix, let us make the profit real fast in a year on an annual basis.

So prevention, all of the amendments that I put in the Pepper Commission report related to preventive health care, that are also in my bill for national health insurance, H.R. 8; saves the people $45 billion when you put prevention in.

So that is the second thing we want to do about this disease. We want to find it at an early stage or prevent it.

Finally what do we want to do? We want to find a cure for breast cancer. I am telling you, if there is ever a motivation, you know, we see all these people retiring and set up with the negative publicity and so on, with the fact we are not focused on issues in this body or we wish the press would focus on this, I will tell you one reason why I want to come back: I want to find a cure for breast cancer.

□ 1430

I can tell my colleagues one thing, I am not going to rest until we do that because we are not only going to save lives around here and in our country, we are going to save a lot of money as well.

How can we find a cure for it? My colleagues ought to know that 90 percent of all research in this country to find cures to diseases is Government-sponsored. It is sponsored by taxpayers' dollars at the National Institutes of Health. It is about 9 billion dollars' worth. We might think that is a lot of money to do research in health to find cures to diseases, all the diseases, not just breast cancer. But it is peanuts compared to what we spend for research in the military budget. We spend $35 billion in research in the military budget to find new ways to build missiles, more creative ways to create bombs, more ways to find avenues for better guns, and so on.

I think the American people would like us to transfer some of that $35 billion and give part of it, at least, to the National Institutes of Health to find cures for diseases. That will save the taxpayers a lot of money, and that will also save the taxpayers a lot of grief because of their loved ones' sicknesses.

Let me give the example of Alzheimer's disease, which is a classic example of how much money consumers pay, let alone the pain and stress that they go through when they have a loved one who has that terrible disease.

Americans spend $90 billion a year out of their pockets for Alzheimer's disease, $90 billion to care for their loved ones, to put them in nursing homes or to have congregate services that are not covered under any insurance policy. That is why in my policy that I am advocating we have long-term care. We want those services covered. They can hardly afford to care for their loved ones.

Yet we only spend about $300 million to $400 million on research, Dr. Bernadine Healy tells us, who is the excellent head of the National Institutes of Health—by the way, I am very proud of the fact that she came from one of my own institutions in my own city of Cleveland, the Cleveland Clinic; she was director of research there.

She tells us that within 5 years, if we really impacted on Alzheimer's disease, we would understand much better and possibly lead to some form of cure, if we only would dramatically impact on that disease and let the researchers really go at it. So why not transfer some of that $35 billion that we are spending on weaponry, that we are spending on NATO and other countries' research and why not spend it here to find cures for diseases? It is 3½ times less for health diseases in research than it is for the defense budget in research.

What we want to do for breast cancer, which has been underfunded like so many women's health problems are underfunded, we want to increase the research for breast cancer by $300 million. That may sound like a lot of money, but it is really very little.

Do my colleagues know that four out of five grants that are recommended by the National Cancer Institute to be funded, where these brilliant people want to work on the research to find a cure for this disease, cannot be funded because they do not have the funds for it? Last year, finally, we got, and we were happy that they did it, I introduced a bill to increase breast cancer research funding by $50 million. They gave us $42 million. I had the help of the women's caucus. There are 31 women out of 535 in this body. I am proud to be joined by my female colleagues in having a Health Equity Act to increase basic research and other areas for diseases like breast cancer.

We got $42 million, but we are still not funding all of these grants that will ultimately, I believe from the bottom of my heart, find a cure. And what is very, very interesting about that is that several years ago the women, with the help of the gentleman from California [Mr. WAXMAN] asked for a GAO report on how many grants, what type of research was done on female-dominated diseases like osteoporosis and cervical cancer and uterine cancer and breast cancer, et cetera, and women who have problems with alcoholism, and we found that only 13 percent of the whole budget was spent on women's diseases.

As a matter of fact, women were not even included in many clinical trials. For 20 years, as an example, for 20 years they did a study on aging diseases in the 1970's and 1980's. They did not find one woman to be part of the clinical trial. Yet two out of three elderly happen to be female. But they could not analyze any woman because they said somehow we had a different hormonal makeup than men.

How are we going to find a cure for osteoporosis, as an example, if we do not include women in clinical trials?

When they did that study on aspirin, they did a study of 21,000 people about 1½ or 2 years ago. Twenty-one thousand people took an aspirin a day, and what they found was that it appeared to have a good effect on preventing heart disease. The only problem with that was that they did not include one woman. So what are we supposed to say to the women of America? Are we supposed to say, Well, you do not count?

The fact is that one out of two heart attacks in this country happen to be female heart attacks.

It is not a male versus female issue. Men care about what happens to their grandmothers, and their mothers, and their sisters, and their daughters. They want the women of America to be healthy and they want their mothers to be healthy. This is the tribute that I am trying to pay to the mothers of America by giving this extemporaneous discussion of the whole issue of female-dominated diseases and how women are treated in this country with special focus on breast cancer.

The Breast Cancer Coalition wants to support the strategy that I have put forward that would have us fund a $300 million increase for comprehensive breast cancer research. We want to know why there is an epidemic in this country for breast cancer. There is not an epidemic in Japan, for example. They have a very, very small incidence of breast cancer. Yet America is the leader in this disease.

The other thing I want to do, and I have not even introduced the bill yet. And in fairness to my male colleagues, I have to say this, that I have not introduced the bill yet called the National Breast Cancer Strategy Act, which would give a comprehensive strategy on how we lick this terrible disease to detect, diagnose, treat, cure, and educate the public about breast cancer.

I have not introduced the act yet. I am going to do it either the end of this week or early next week. But I already have 32 Members who called our office, had heard about the bill, and want to cosponsor it. I think that is just terrific.

I really thank my colleagues, and I want to encourage any of my other colleagues to cosponsor it.

I would like to have a majority of Members cosponsor it. That would show, if we have a majority of the Members, we are going to have a majority being men because this is a male-dominated body, and it would show the great concern that men have about this terrible disease.

What would the bill that I am about to introduce do, called the National Breast Cancer Strategy Act?

□ 1440

I have already indicated that it is a comprehensive strategy on Federal efforts to detect, diagnose, treat, cure, and educate the public about breast cancer. It would set up a commission to study and coordinate the current efforts and to propose a national strategy, just as we do for AIDS.

I support AIDS research and all of the other areas related to AIDS. They get about $1.7 billion. Breast cancer, by the way, gets about $120 million, and yet it is much more of an epidemic than AIDS. I do not want to have any competition. I just want to raise what we do for breast cancer, because it is really underfunded and not on the front burner in the manner in which I would like to see it.

I want to create a National Institutes of Health office, just as we have for AIDS, on breast cancer. I want to establish a breast cancer commission, just as we did relative to the needs of our health care in this country, the Pepper Commission, of which I was proudly a member, and have some experts on that commission to relate and study the efforts we are doing to see if we have a national strategy.

I want to have scholarships given to our people who want to go into the field of research relative to breast cancer. I want to name it after one of the true heroines of this country, a woman originally from Maryland by the name of Rose Kushner who recently died of breast cancer, but she was a journalist—one of the journalists with great integrity, I might add—and she was a health journalist who found that she herself had this terrible disease. She was the one who pioneered this two-step method in treating breast cancer, so women did not have to be knocked out and not know what was going to happen to them once they had their surgery. They were never told in the past what the prognosis was, what was going to happen to them.

She was the one that said,

> Give a woman a biopsy first, tell her what her options are, and then if you have to proceed with surgery, proceed. But do not just give a woman an anesthetic and then expect her to wake up not knowing what would happen to her body.

What a terrible thing to go through.

Rose was the one that pioneered the effort to have women fully informed. She was the one that was a mentor to me in telling me what we ought to do and strategizing how to lick this disease and find a cure, so I have named the scholarship program after her.

One of the reasons we need scholarships—we need people to go into the field of research, particularly in this area—is because many individuals, because this disease is so underfunded, do not have options. All our brilliant people are leaving this field of research. We want doctors to be involved, we want biochemists to be involved, we want immunologists to be involved. Yes, we want nurses to be involved, and other health practitioners who want to really zero in on this terrible disease, this epidemic, called breast cancer. So part of the bill would provide scholarships.

There would also be a part of the bill that would have 10 additional specialized programs of research excellence on breast, lung, and prostate cancer. We call these SPORE's. There are about three of them around the country. We have some wonderful research being done throughout the country, and in my own city of Cleveland, at various centers: Mt. Sinai, Cleveland Clinic, University Hospital, St. John's, and the list goes on and on. We have dedicated individuals, not only in my area of greater Cleveland but throughout the country, who are doing terrific research.

We ought to establish an excellence in research, give them the tools to continue, so we can find the clues to how to arrest and immunize against breast, lung, and prostate cancer.

By the way, just so the men do not think I am not interested in diseases that afflict them, it is a great source of sadness to me that 1 out of 11 men in this country get prostate cancer. It is an epidemic for them. It is not as much of an epidemic as breast cancer is for women, but it is catching steam and it is a terrible disease.

Speaker Tip O'Neill, our own Speaker, has had prostate cancer. He is doing well, but he is lucky to have detected it sooner than some. Silvio Conte, the late-great Congressman from Massachusetts, died of prostate cancer, I am told. I understand some Members in our own body, along with the Senate, also. These men mirror America. They are the ones that are more afflicted with these types of diseases, so we want these SPORE's, these research areas, to impact on not only breast cancer but lung cancer and prostate cancer.

I want to say, for those who say, "We just cannot do it, we do not have the money to do it," I want to ask them to think about this, because it really is a devastating kind of piece of information. Listen to this. In the past 3 years our country—and remember, 90 percent of all research is Government-sponsored—in the last 3 years our country has spent more on defense-related research, that is, how to find more creative means, or research for weapons, in the past 3 years our Nation has spent more on defense-related research than on all biomedical and health research conducted since the turn of the century.

Then we wonder why we have not found cures for diseases. All of our ingenuity, or most of our ingenuity, our brilliance in this country in research, is done on the military and weaponry, as opposed to finding cures for disease.

We just heard from Dr. Broder, who is the very excellent, capable Director of the National Cancer Institute. We just heard from Dr. Broder this morning. They said to him, "Can we afford to fund breast cancer research by an additional $300 million?" He has to be careful. He cannot come out and say, "Yes, I wish you would." But what he does not want to see, I can bet on it, is he does not want to see the money I want for breast cancer research taken out of other research.

I do not want to do it, either. I want the money out of the military research budget. They have $35 billion to play around with to find more creative ways to build missiles and bombs and so on, and the whole National Institutes of Health, which is research for every disease imaginable, has three-and-a-half, four times less. They only have $9 billion.

Why not transfer $4 billion, they will never miss it, and put it in and invest in our country's future, invest in our country's health, and put it into research, like breast cancer, so we can find a cure? Would it not be wonderful if every little girl that is born can be immunized against breast cancer, just as we found a polio vaccine? Would it not be wonderful if every young boy, every baby boy, could be immunized against prostate cancer? Look at the effect on that person's life. That person could be healthy and immunized against that disease, and look at the money we would save by finding cures to diseases.

Mr. Speaker, on Mother's Day let us say "Happy Mother's Day" to each woman in America by finding cures to female-dominated diseases, and in particular let us find a cure to breast cancer and let us pass the legislation that I would be introducing.

FATE OF THE FORESTS OF THE PACIFIC NORTHWEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 15 minutes.

Mr. DEFAZIO. Mr. Speaker, I appreciate the Chair's generous grant of time in an attempt to discuss an issue here on which I could take several hours. It is often characterized unfortunately in 20-second sound bites or in 30-second radio ads. It is the fate of the forests of the Pacific Northwest region of the country. This has become an issue that is known across the Nation, the issue of the spotted owl, the controversy of a balance between the spotted owl, old-growth forest ecosystems and the communities, the timber-dependent communities, the loggers, the timber workers, the mill workers of the Pacific Northwest.

First we have to get straight exactly what it is that is at issue. That is confusing to begin with. The Wilderness Society has probably the best maps of what they call ancient forests for the Pacific Northwest. The Wilderness Society has found by their maps that there is 1.8 million acres of large, intact blocks of late successional old growth, or 1.8 million acres, as they say it simplistically of ancient forest left.

I have introduced legislation which would protect that 1.8 million acres and would set it off limits. In fact, most all of the bills that have been introduced on this issue would set off 1.8 million acres, those most choice and precious 1.8 million acres in the Pacific Northwest off limits to logging. If that were the issue I would not be standing before the House today, Mr. Speaker, nor would this issue have dragged on for 3 years in the courts, and now is becoming a very volatile issue before the U.S. Congress. The issue goes beyond those 1.8 million acres. It is easy to set aside those 1.8 million acres that would have a minimal economic impact on the Northwest, and all of us who enjoy all of the other values of the forests would be gratified by that.

But the issue now is the health of the whole forest ecosystem, the biodiversity of the entire Pacific Northwest and the species that are dependent on that ecosystem. In the past, Mr. Speaker, we have tried to resolve these conflicts with what is called "save and sacrifice." That is, we set aside some areas, we draw a line around them and we say those areas will stand for all time, or at least as long as the Congress of the United States and the Constitution stand, as wilderness, and those areas outside those lines, unless they are parks or other set-asides will be sacrificed or managed for general forests under what we consider to be the best science of the day.

Setting aside the 1.8 million acres of ancient forest is not enough to restore the diversity and productivity of the forests of the Pacific Northwest. That is why we have such an issue before us today.

A little history is in order. In the 1970's we had a major controversy over our forestlands across the entire United States. That controversy was settled finally with the adoption of the National Forest Management Act of 1974 which required our forests then to be managed on a sustained yield basis and have a wide diversity of wildlife dispersed throughout the land. The best science of the day was applied. Large, dispersed clearcut, in the Northwest approximately 40 acres because the terrain is very hilly, connected by an extraordinary extensive road network, a road network that has now more miles in it many times over than the entire interstate network of the United States, crisscrossing our forestlands. The verdict is in on the science of the 1970's. It did not work so well. The owl, the salmon, and other sensitive species have sent us a wake-up call. They have said the forest science and political science and the political compromise adopted in the 1970's in the Forest Management Act will not give us the certainty we need for the 1990's and beyond into the next century. They clearly will not give us, given the current controversy, the certainty we need for the biodiversity and the health of our forests, nor will they give us the certainty that we demand as citizens of the Northwest and citizens of the United States of America for those people dependent upon those forests for their livelihood. We need a solution of the 1990's applying the science of the 1990's to resolve this problem.

We can start with protection of that 1.8 million acres of late successional old growth, that 1.8 million acres of ancient forest. That is set aside. That is set aside in my bill and other bills, but we have to build on that base. There have been I believe 11 or 12 bills introduced now on this issue. It appears as we go to markup in the Committee on Interior and Insular Affairs the day after tomorrow that there will be two or three bills offered before the committee, my bill being one of those. Apparently Chairman MILLER and Chairman VENTO will offer an alternative and there may be others. I am going to focus on Chairman MILLER's and Chairman VENTO's bill and my bill.

The debate has become incredibly polarized. I am not certain that either extreme in this debate any longer wants a legislative solution. I have sat down with both sides within the last 2 weeks, representatives of the national environmental groups, representatives of the national industry trade associations and individual members of the industry to discuss whether or not they believe in their hearts that we need a legislative compromise to resolve this issue. I have heard some voices in the industry say no, let us wait for the administration. We have been waiting 3 years for President Bush and his administration to give us a coherent and a single policy on this issue, and they have failed. The Fish and Wildlife Service takes one position, Secretary Lujan is working on another, and the Forest Service has adopted yet another. They are all in conflict, and they cannot be because the laws are supposed to be uniform, and we are supposed to have one President who speaks for all of those agencies. He certainly names the people who head them up, but he does not seem to control their actions.

Strange management I find at the White House. Perhaps the President does not want to see a resolution.

These people in the industry say we can tough it out, we can wait for the administration. "We are going to wait for the whole loaf, Congressman DEFAZIO, because your bill will not give us the whole loaf, and we want the whole loaf."

That is not what I hear from the workers in my communities scattered throughout the rural parts of southwestern Oregon. One-half of the timber at issue is in my congressional district. One-half of the proposed set-asides are in my congressional district. If this is not handled sensitively and sensitive to the people of my district and the environment of my district, it could be a disaster. Either way I cannot let that happen.

Likewise, the environmental groups have moved to a further pole on their side. They have recently chosen to depict me with a lot more hair than I have in reality as Smokey the Bear with a chain saw. They have taken this debate about as far as they can take it. The Ancient Forest Alliance now supports what they call the only acceptable alternative, which was enumerated by a group of scientists, and I will get to that in a moment, as option 14-C of their plan. It would mean the practicable end of harvesting of any timber on all public lands, whether or not those public lands are second growth. Tree plantations recently cutover could not be replanted if they were under their proposal. They think that they are better off with no legislation. They think they can drive the debate further in their direction, and they too want the whole loaf.

So I have national environmental groups on one side and they want the whole loaf, and they are out there trashing me. I have the industry on the other side who are saying I am too much with the environmentalists, and saying that they want the whole loaf. Well, the forests, the owls, and salmon, the ancient forests, the communities and workers and residents of my district, and I think the residents of the United States are not demanding the whole loaf. They want to see a fair and equitable resolution of this issue.

□ 1500

The scientists came up with 12 options. They charted 12. They did not chart No. 14. They said No. 14 would make most merchantable timber stands off limits to timber harvest. That is now the official position of the Ancient Forest Alliance, put all public lands off-limits. That is not necessary to protect that 1.7 million acres of ancient forest. We do not need to put 14 million acres of land off-limits to protect 1.7 million acres, but we do need to do more than set aside those 1.7 million acres, and I grant that.

Yesterday chairmen MILLER and VENTO released a draft. They started at option 12 of the scientists of the Gang of Four, and that is about an 80- or 85-percent reduction in the harvest levels. But then they added a couple of little fillips to that. They said that any parcel of land, mixed growth, which meets their definition of old growth, which is incredibly broad, 80 acres or larger would also be set aside. That moves them to option 14 of the Gang of Four Scientists. Remember what they said about 14, make most merchantable timber stands off-limits to timber harvests. They also added provisions to restrict access to private lands and prohibit fighting forest fires. We are heading into the worst forest-fire season in the history of the Western United States, and they would prohibit fighting forest fires on 10 to 12 million acres of adjacent public lands to the most populated areas of the Pacific Northwest, and insect infestations on those lands. That would be a disaster. That could well be the end of the ancient forests.

I understand after conversations with one of the chairmen, Chairman VENTO, that they may remove a couple of those provisions. Another member of the committee intends to offer legislation to put them back in. He will do the bidding of the Ancient Forest Alliance and offer the no-harvest alternative.

Remember, there are 1.8 million acres of ancient forest left. I am willing to set that totally aside and set aside additional millions of acres, and then on other acres of land, I am going to revolutionize forest management for the U.S. Forest Service and the Bureau of Land Management. I am going to go to the science of the 1990's and the next century and discard the failed and bankrupt science of the 1970's, discard the political compromise of the 1970's. It is not doing the job. It is not giving us the diverse and healthy forests that we want. It is not going to assure that we will have those forests forever, that we will not have the problems that they are having in Germany and elsewhere with third and fourth and fifth generations of forests that are dying strangely.

I want to leave a legacy of more old growth when I leave Congress and when I leave this Earth rather than less, and more healthy forests rather than less. But I also want healthy communities and vibrant communities in my district.

I have sat through hundreds of hours of testimony, hearings, and I have sat through lectures, I have done innumerable tours, spent hundreds of hours reading on the subject, and I have crafted a unique and very thoughtful and extraordinarily complex alternative. It is nearly 80 pages long. It is impossible to describe it in 15 minutes on the floor of the House of Representatives. It is impossible to describe it in an hour to someone who does not fully understand the issues, someone who is not a forestry scientist or someone involved intimately in these issues.

It is a fair and reasonable compromise. It will provide for a set-aside of those 1.8 million acres of ancient forest. Additional millions of acres of land would be set aside during the interim period, and other millions of acres of land would be managed much more sensitively with riparian setbacks, more sensitively in critical watersheds, longer rotations; species tree diversity would be implemented on those lands, and lands outside that, my biodiversity area, would be managed according to the preferred alternatives of the forest plans.

It is a quantum leap forward for the ancient forests, but it has one little thing in there that the environmental groups do not want to accept. It also allows a reduced, but certain, supply of timber for my timber communities and the workers dependent upon that industry. They are not willing to accept any level of harvest any longer. They are saying none.

In fact, this draft that was introduced yesterday which the chairmen now say that perhaps they will remove the provision that would have restricted even harvest on private lands, because access would have been restricted.

It is easy to trash what I am doing in a 30-second radio ad. It is easy to trash what I am doing with cute phrases. It is easy and clever and fun to characterize me as some sort of extremist on one side or the other. It is not so easy to swallow your pride and say that there is some reasonable middle ground.

Well, I represent the Fourth Congressional District of the United States of America. By God, I am privileged to do that, and I am happy to do that.

It is my lot to try and resolve this issue. The facts lead me to the conclusions of my bill. A balance is possible despite what the industry says on one side and the environmental groups say on the other. A balance and a compromise that preserves the ancient forests and preserves the economy of the Pacific Northwest is possible, and I am going to do my damndest to legislate it.

INSTITUTIONAL CORRUPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, in recent days and in recent weeks, the House has suffered through a number of outrages both in terms of the running of the institution and in the way the institution is perceived by the American public.

We have found that the question of institutional corruption is not only a real question but is a devastatingly relevant question to the way the House now operates.

Throughout this period, there has been an attempt on the part of the majority party to try to cover up what is going on in the House of Representatives and to try, insofar as they can, to keep the American people from understanding the nature of the outrages in the Congress.

That particular move toward coverup was exacerbated again today in the House Committee on Rules. There was a decision made in the Committee on Rules today to throw out the rescission bill due to come to the floor this week. That is extremely disturbing.

There can be no excuse for denying the public the ability to witness the Congress in action and, in particular, to witness a hearing on a subject as vital as trying to take unwanted spending out of the Federal budget.

The fact is that what the Democrats are about to try to do is to put another closed rule on the House floor so that only their priorities can be addressed by the House of Representatives, and numerous amendments that might be proposed by other people to further reduce spending would not be allowed.

The President's options in attempting to reduce spending would not be permitted, and thereby we would have a situation where the American people's desire to see the budget deficit reduced may or may not be appropriately addressed by this House.

We now begin to think that maybe it will not be appropriately addressed when we find out that in the Committee on Rules today they did not want the public to see what really went on inside that committee. Now, understand in the Committee on Rules, the public can actually go and witness a hearing just like other places, but the room is so small that very few people can get in. Even very few press people can get in.

One of the ways of shining the light on what happens in the Committee on Rules when they are preparing their closed rules for consideration of the House is to have the C-SPAN cameras in place. C-SPAN had decided that this particular hearing merited coverage. They had contacted the Committee on Rules, as I understand it, on Monday and told them that they were going to cover this hearing. They had gone into the room. They had set up their cameras and set up the microphones. They were prepared to fully cover this hearing on the subject of budget rescissions.

A half an hour after the hearing was supposed to start, the Democrats came into the room. The gentleman from New York [Mr. SOLOMON], the ranking minority member of the committee, the ranking Republican, made the standard motion that TV cameras be permitted to cover the hearing. A member of the majority, a Democratic member of the committee, objected.

□ 1510

The matter was then put to a vote of the committee and on a party line vote, the Democrats decided to throw the C-SPAN cameras out of the room.

One has to wonder why. One has to wonder what it is in this issue that they are attempting to cover up. What is it about cutting spending from the Federal Government that the public cannot see?

The problem is that this is following a pattern that has been developing in this Congress over the last couple of months. We saw last week an attempt to quash subpoenas that had been issued by the special counsel wanting to look into the question of the House bank. The Democrats specifically came on to the floor with a leadership proposal that would have quashed those subpoenas, which would have said that we are not going to comply with the subpoenas until we get a court ruling. In other words, they would be taking a position into court, having an injunction in court to try to get rid of the subpoenas.

Now, they claim this is on constitutional grounds, but it is interesting to note that when individual Members of Congress went to court to try to quash those subpoenas and try to keep their records from being released, the court upheld the right of the special counsel to ask for that information. So it is now clear that what the Democrats were asking for had no constitutional grounds. It was clearly political. It was clearly an attempt by them to make certain that they did not have to comply with requests from the special counsel, even in the case where they are investigating criminal allegations. Most disturbing.

We have the question that was on the House floor just before we broke for the Easter recess, where a Member from California [Mr. RIGGS] brought to the House floor a proposal that we look into the problem of ghost employees in the House of Representatives. These are people who are on the payroll, but who are believed to be not doing the job for which they are paid. As a matter of fact, they may not even be showing up. No one may know exactly where they are. These are people being paid with taxpayer money.

There was a belief by at least some of us that that is a matter that ought to be investigated, that we ought to find out whether or not these ghost employees are on the payroll, and if so, what it is they are doing or not doing.

A resolution was brought to the floor for that kind of investigation. The majority leader offered a motion to table that resolution. The Democrats lined up overwhelmingly to vote to table the motion; in other words, keep us from looking into the problem of ghost employees. Only a handful of Democrats voted for that particular resolution. All Republicans did.

Now, it raises a serious question. I mean, why is it we cannot look into the matter of ghost employment in the House of Representatives? Why is it that we are trying to cover up that particular problem in the U.S. Congress?

But then the outrage today when in the Rules Committee they decide that not only does the public not have the right to have us investigate, they do not even have the right anymore to see what it is we do, and that is most disturbing.

You see, this is not the first time the Democrats have attempted to manipulate the C-SPAN coverage of the House politically. Those of us who watch the proceedings of the House on television know that during the regular session of the House, the camera focuses only on those people who are speaking and deliberating in the House of Representatives. That is an attempt to make certain that no one sees the Chamber as it really is during those periods of time, because the fact is there are very few, if any, people in the Chamber during those periods of time.

We had a vote on a bill that was out here a little while ago that I happened to be handling on the floor. We had a division vote on an amendment. The vote was 2 to 1, which meant that there were a total of three people on the floor when we had that division a little earlier today. So the House is not very often populated with large numbers of people listening to the debate. They really do not want you to see that, so they hold the cameras back and do not allow the House to be seen as it is during regular debate; but aha, when we get to special orders, like the one I am conducting right now, now the cameras sweep the Chamber. They show that again there is nobody in the Chamber.

I apologize. My colleague, the gentleman from Illinois, is over here intently listening to every word I have to say; but for the most part, there is nobody in the Chamber during these special orders. Members have lots of other things to do, just as they do during the times we are debating on the House floor.

Some years ago, Speaker O'Neill decided that it would be well to show the House during these special order periods and demonstrate that there was nobody out there really listening to the people who were speaking, so he made a political decision to begin sweeping the Chamber and showing that the Chamber was empty during special orders. It was a political decision, because at that time the special order time was being used mostly by the Republicans who were making what we thought at the time were telling points about national affairs. So the Speaker did this as kind of a retribution against a process that he did not like.

So the use of the C-SPAN cameras politically or the control of the C-SPAN cameras politically by the majority party is not a new issue. It has been something they have hammered on before, and now they are back doing it again.

I know my colleague, the gentleman from Illinois, was in the room earlier today when C-SPAN was not permitted to cover the hearings. I wonder if the gentleman has some guess as to what it was that the Democrats could not see or could not allow the public to see.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, my only comment on that is that I think it was very unfortunate that the C-Span cameras were not allowed to record what took place in the Rules Committee, because as far as I was concerned and as far as a group of pork busters who were there and who are bipartisan, we went to that hearing. It dealt with a rescission package that was presented to the Rules Committee by the Appropriations Committee in this House. That was quite proper. That was a $5.8 billion rescission package.

I must say that as I reviewed it and as I compared that rescission package with 2 rescission messages from the President which approximated $5.8 billion also, where the President set forth his suggestions for rescissions, that what the Appropriations Committee suggested was I thought a rather fair and concrete piece of legislation where the committee was actually incorporating roughly about 45 percent of the President's requested rescissions in his March 10 and March 20 rescissions, which totaled some 96 rescission messages, but roughly half of those were incorporated into the majority party's rescission package, H.R. 4990.

A group of us from both sides of the aisle were there with additional complementary amendments representing the balance, for instance, of the Presidential rescission messages which were not incorporated in the appropriations bill.

Mr. WALKER. So if I understand correctly, the gentleman was prepared to accept the work of the Appropriations Committee in large part because the gentleman thought what they did was put together some things that were substantial cuts in wasteful spending, but in addition what you wanted to do was offer some amendments that reflected some of the President's package that was not included, so that we would get even more spending cuts; is that correct?

Mr. FAWELL. Mr. Speaker, if the gentleman will yield further, yes; and in addition we had some cuts from the so-called pork buster bill which was filed in February of this year, which included 650 rescissions. A number of those rescissions were included in the Presidential rescissions, and some of those were incorporated into a majority party's rescission package.

So the gentleman is exactly right. We were approaching it and we still do approach it in a bipartisan fashion. We were looking forward to the opportunity, very frankly, of having our story told on national television, if you will, because the gentleman and I know that oftentimes spending programs are big news in this Nation; but when one sets about to try to cut spending in low-priority areas, and that is what we are talking about here, that does not end up being big news. So we were disappointed and we do not understand why that kind of a blackout, which normally speaking as the gentleman has pointed out is never done in this body, why it was done. It is frustrating, because I stand here lauding what the Democrat package was, because I really believe it was a good faith attempt. It did not have veto bait rescissions in there that they knew would cause the President to have to veto the bill.

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They were probing for, I think honestly, low-priority spending rescissions that would not hurt the Nation. So it was a disappointment.

I do not mean at this point to attack anybody on it, and I shall not. But I will say it was a real disappointment for all of us in the bipartisan coalition that was there ready to talk about not only that but, Congressman CARPER, for instance, a Democrat, was there to talk about his enhanced rescission bill, which would give greater or more diverse rescission powers to the President and to the Members of this House, because of course when the President files a rescission message, that gives to Members of the House, any Member, the ability to follow through as a sponsor of a Presidential rescission bill.

So it was unfortunate. I do not think whoever thought of the idea thought too deeply on the effect that it would have on stifling something in which I am convinced the people of this Nation are deeply, deeply interested, and that is meaningful cuts.

Mr. WALKER. I have here a statement here from our colleague, Mr. SOLOMON, who indicates that the only reason Democrats could give for denying television coverage was that the request had been made at the last minute, which evidently means making the request on Monday was at the last minute, and that they were not properly prepared for the hearing or for such coverage.

Now, if I understand correctly, the witnesses who were about to come before this committee were prepared for the fact that they would be appearing before the TV cameras and were not at all intimidated by the idea the cameras were going to be in the room.

Now, they should be the ones who would have the most concerns about the TV cameras. They are the ones who were on the firing line. It is not the committee that is on the firing line.

One wonders about that as an excuse. I mean I wonder what kind of preparation they thought they needed.

Mr. FAWELL. I am not sure. As I say, I am not going to draw any conclusions of why they did it. I simply want to express that it was a great disappointment to all of us who labored so darned hard to try to be fair, to try to have a bipartisan approach here.

We are absolutely elated to see that the executive branch and the majority party were coming together, were recognizing each other's rescissions of low-priority spending, and we were rejoicing in that, and we also had a bipartisan proposal in regard to enhanced rescission authority to help the rescission authority, which the executive branch has right now.

Of course, the executive has the power under the Budget Act, the statutory power, to partake in appropriations, and that is what the President was suggesting. And it is too bad, because I think, though, that nevertheless our bipartisanship is continuing, we want to talk to the leaders on both sides and make it very, very clear that we think that that is what the people of this Nation want.

The people of this Nation want a cessation of haggling between our political parties. I do not mean to say that one camp does not have a right to get up and object to something that happens. The gentleman from Pennsylvania [Mr. WALKER] is very adept and does an excellent job in bringing out points that should not have occurred.

So what occurred this morning should not have occurred. The blackout should not have occurred.

I think it is it was a misunderstanding, a feeling that there was going to be a deep, deep partisanship there. That was not the case. Of anybody who came up to testify here today, we were trying to put together a cooperative effort, which I think is making such more progress in this House than perhaps in that other body, where it is not proceeding on a bipartisan basis.

But I thank the gentleman for at least bringing it up. I think the public ought to know it. I hope it does not happen again. I hope we have the opportunity for ultimately presenting the amendments to which we made reference in the committee this morning.

Maybe we can put that behind us and say, "Let's proceed now to see if we can get together on a bipartisan package to bring about maybe as much as $11 billion or $12 billion of cuts," none of which would have any significant detriment upon the national programs of this Nation of ours.

Mr. WALKER. I think the public ought to recognize what we mean by rescission here. We talk so many words, and sometimes people do not understand it. Those in the public who think that line-item veto would be a good idea were essentially talking about that is not line-item veto, because what the President did was the President went down through the Federal spending and he found literally dozens of individual spending programs which he does not think we should spend any money on.

The gentleman from Illinois [Mr. FAWELL] has been very adept at finding some of those himself and, along with the porkbusters coalition, has pointed out not only individual spending items but also some process reforms that could stop some of this irresponsible and wasteful spending.

So what we were doing here was targeting individual line items for rescission, for withdrawal of funding, which would in fact then result in less spending of the Federal Government, bring down the size of the deficit. It is a very worthwhile effort. It is something which ought to be commanding a great deal of bipartisanship because I think on both sides of the aisle there are people who are concerned about the levels of deficit that this country is racking up.

But it is a great concern to me that, given the nature of what we were dealing with, that the Committee on Rules then decided this was not something that could be viewed by the C-SPAN audience, that they would remove the TV cameras from the room, and gave an explanation, at least according to Mr. SOLOMON'S release here, which almost defies understanding.

So I am concerned that this is a part of a pattern. It is a part of a pattern that we have now seen for several weeks, and it becomes increasingly more serious as the House becomes more and more insular.

It seems as though the greater the problem the more the House is attempting to retreat and keep out of public sight that which is going on within the House.

This is supposed to be the people's body. It is not supposed to be a scene where we engage in coverup and obfuscation.

Yet, this is very definitely a matter here where the House has made a determination which, in my view, is irresponsible and regretful.

MOTION TO ADJOURN

With that, Mr. Speaker, I yield back the balance of my time, and I move the House do now adjourn.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The time of the gentleman has expired.

The Chair inquires of the gentleman if he would withhold his motion to adjourn until the Chair finishes the list of Members entitled to special orders.

Mr. WALKER. Mr. Speaker, I would withdraw my motion.

BIPARTISAN EFFORT ON RESCISSIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FAWELL] is recognized for 60 minutes.

Mr. FAWELL. Mr. Speaker, I do not think I will take the full 60 minutes. But I did want to bring before this body, and I think perhaps some of my colleagues will be joining me, the importance of a bipartisan effort that is going on. As I mentioned before in my comments when the gentleman from Pennsylvania [Mr. WALKER] was presenting his special order, we were disappointed this morning when we did not have C-SPAN coverage.

Nevertheless, more important was the fact that we did have our chance before the Committee on Rules to present several amendments to the so-called rescission package that came from the Committee on Appropriations, which was House Resolution 4990.

That particular resolution suggested that there should be rescissions of any number of spending projects for fiscal year 1992, which was the previous fiscal year to this one, of course, and a number of rescissions of spending projects take place, and that the total would amount to $5.8 billion. Actually, the President on March 10 and on March 20 had sent rescission messages to this House also suggesting that there be 96 special rescissions, which would come to about $5.8 billion, too.

Now, I think the new and the novel and the unique occurrence of what is taking place right now is that the majority party, to their credit, rather than centering on just killing the President's rescissions, have gone to work as a Committee on Appropriations and, like every committee, you value your jurisdiction, and you do not like to necessarily have others involved in your jurisdiction.

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But the Committee on Appropriations went about suggesting their own rescissions, and, of course, they differed somewhat from the President, but, as I indicated before, the amazing thing is that almost 50 percent of the President's suggested rescissions are incorporated into the majority party's appropriation suggested rescissions, and to me that is progress. There are no rescissions that I see in the Democrat Appropriations Committee's rescissions which I would call veto bait; that is, to have a rescission, for instance, that would, when it ultimately got to the President, the President would have to veto it. But it seems to be an effort, a good-faith effort, to come up with low-priority spending.

Mr. Speaker, I know that is tough. It is easy to say, but it is awfully, awfully difficult to ever come up with low-priority-spending repeals. This is very, very difficult, and what this bipartisan group was doing this morning, and I happen to be the cochairman of the pork busters group, and the gentleman from Minnesota [Mr. PENNY], one of our brightest and most capable Members, is a cochairman of the porkbusters group, which is composed of about 50 Members, a bipartisan membership, and what we did was, when the President sent those 96 rescissions over to the House, he had to have someone who would obviously file the bills, the Presidential rescission bills, and our group undertook that.

In fact, Mr. Speaker, myself, as a cochief sponsor, and the gentleman from Minnesota [Mr. PENNY] as a co-chief sponsor, we took the responsibility of handling these rescission measures from the President. The President followed up with another rescission message of 28 rescissions on April 9, so that in all we have 96 rescissions, and it comes to in toto, with the April 9 rescission, we now have $7.9 billion worth of rescissions.

And we went to the Committee on Rules today and were ready and did announce the fact that we do accept what the Committee on Appropriations has suggested because we think it is a good, safe effort. But what we did then, what we wanted to be able to bring out, was the fact that we felt that the President, in exercising his right to file rescission bills, should be protected so that ultimately, because the President has to wait, or those who have sponsored his bill have to wait, 25 days after having filed the Presidential rescission bills before we can file a motion before this House where we need only one-fifth of the Members supporting us. We have to wait that 25-day period before we can begin to move our rescission package.

Well, in the meantime, the Committee on Appropriations came up with their package in answer to the President's first two rescission packages, and obviously they got to the Committee on Rules, therefore, ahead of time, which is their right. But we were concerned, and are concerned, that in the handling of the majority party's rescission measure that they do not, by rule, do what they theoretically cannot do. They can kill the President's rescission bills, and the law, the Budgetary Act of 1974, is very, very clear.

The President does not have any line item veto authority. He has what I call a wet noodle rescission authority because he can present these rescissions, and, if they are not enacted upon by Congress in 45 days, the President loses. So, he does not have much power. But the one power he does have is, after 25 days have gone by from the date that his rescission bills were filed, he does have the right, with only the support of 87 Members of this body, he does have the right to have his rescission projects, these spending cuts, he does have the right to have them placed before this body, project by project.

So, if we have, for instance, a bill that is going to spend $100,000 to study the sex habits of the tsetse fly, or to study manure, or asparagus, or so forth and so on, we can, as Members, partake with the executive branch, regardless of what party we may be a member of, and ask that each of those projects, project by project, be voted upon. These are projects that by and large never saw the light of day in the ordinary appropriation process. They were very, very deeply into a 2,000-page appropriation bill.

In other words, we in the porkbusters group, and we know we are not on the Committee on Appropriations—some of us are, but some of us are not—but we would have had the opportunity then by sponsoring the President's rescission bills at the end of 25 days with only the support of 87 Members of this body to debate project by project.

Now we are ready to say, by the way, we can limit debate to 5 minutes, 2 minutes, even to almost nothing. What we would like to have, very honestly, is a vote on all of these projects because we think, if somebody had to vote on these projects because we think, if somebody had to vote on these projects, they would not carry because an awful lot of them are not high priority. Some of them would, perhaps. I cannot say that, as I stand here, I am fully in support of all of the Presidential rescissions. But most of them seem very solid to me.

So, we hope that we do not lose that authority, and that was the first plea that we made to the Committee on Rules: "Whatever you may do, please do not take from us, as Members of the House, and please do not take from the President, the one power and authority that he has to partake in the appropriation process which was given to the President by the Budget Act of 1974 by means of his suggested rescissions. Please don't take that from us. You can do it by the issuance of a rule, I gather, from the Parliamentarian, but then, if you do that, the people of this Nation, the Members of this body, will never have the chance, project by project, to say whether we are or are not for that asparagus study or that manure study on the other bills." That we are asking for.

Second, we said to the Committee on Rules, "We endorse what the appropriation bill has done." As I said before, there is a lot of merit to what they have done. They are compromising with the President and saying, "We're taking almost 50 percent of your rescission bills, Mr. President, and we laud that, and we expect to support the Democrat Committee on Appropriations suggested cuts, but we also then had certain amendments which we felt brought forth more rescissions; that is, the rest of the President's rescissions we thought ought to be, if not at this point project by project, could be bundled up in a package and complementary to, not as a substitute to, but as an amendment to, to add $5.3 billion of more cuts, and then we took the porkbusters bill of 1992, which was filed in February this year, another 1.3 billion of suggested rescissions, and said, "We could add that, too, if this body is of a mind to do so."

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When you do that, you end up with approximately some 12 billion dollars' worth of rescissions. Or you can take part of that. You can add the President's balance of rescissions which were not incorporated in the appropriations bill and just add that, or you could just add the porkbuster rescissions and do no more than that. We had variations.

Mr. Speaker, there are other Members who want to comment on this issue. Just let me summarize my thoughts that what we are trying to do is at this point work with the Committee on Rules, to work with the Committee on Appropriations, to be able to have as many suggested rescissions of low-priority spending as can be reasonably prevented at this time, and we are completely open to the matters necessary preventing those rescissions. We feel there is a good chance that whatever happens to the majority party's appropriations bill, the suggested rescissions which are now in House Resolution 4990, that those measures may never make it through.

We would like to partake by adding amendments in the hopes that we can have good bipartisan suggested rescissions in this House, but we do not know if that will ultimately get to the President's house. In the meantime, we hope we can retain the right to proceed project by project with the Presidential rescissions.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. I would be happy to yield to the gentleman from New York [Mr. SOLOMON], the ranking member on the Committee on Rules, who I am sure has some insights into what we are trying to do here, also.

Mr. SOLOMON. Mr. Speaker, first of all I want to take my hat off to the gentleman from Illinois [Mr. FAWELL], because he certainly, since coming to this Congress a few years ago, has done more to bring about the public knowledge of these pork barrel projects than any Member of this House.

Mr. Speaker, let me just say one of the real problems back in the late sixties and early seventies, the President at that time, because we were under constraints, fiscal constraints at the time, had tried not to spend money when it was not necessary. In other words, as we neared the end of the Federal Government's fiscal year all of these Federal agencies would be running out trying to spend every nickel they had left.

At that time President Nixon tried to impound the money and save it, to carry it over until the following year.

This Congress, if the American people can believe this, took the President to Court, to the U.S. Supreme Court. The Supreme Court ruled that whoever the President is had to spend the money that the Congress told him to.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield on that point, would my friend repeat that one more time? Congress, which according to article I, section 7 of the Constitution is responsible for spending, in fact took President Nixon at that time to Court and did everything it could to ensure that no President could in any way slow up the spending process, is that correct?

Mr. SOLOMON. Mr. Speaker, that is exactly right. For example, in the House of Representatives today the gentleman from California [Mr. DREIER] and I receive an allowance for our personnel to operate our offices here in Washington and back in our districts. We receive office expenses to run those offices, the telephones and so forth.

I, for years, have tried to save some of that money and I turn it back to the Treasury.

Mr. DREIER of California. As do I.

Mr. SOLOMON. The President was trying to do the exact same thing. This Congress took him to Court.

Well, what came out of that was then the Congress in its benevolence said, to whoever the President is, "We are going to pass the Budget Impoundment Act of 1974, which says to you, Mr. President, if you don't want to spend the money, then you have to come to us on some individual items and ask for a rescission. In other words, you must ask for permission not to spend the money."

Now, that is all well and good. But this Congress, in looking out for its own skin again, these porkbarrelers, made the provision that they could cop out and not even vote.

Therefore, if the President, like he is doing today, has asked for $7 billion worth of rescissions, under the rule they passed the Congress does not have to vote. Simply by taking no action at all they will kill those rescissions and the President, whoever he is, has to go out and spend that money, whether it is necessary or not.

Mr. Speaker, I have been trying to pass an amendment since I came to this Congress 14 years ago which is called the line item veto rescission bill. It simply reverses that procedure. It simply says, "Mr. President, you give us your rescissions. If we want to disprove them, then we have to vote. In order words, we have to say to you no, Mr. President." This is instead of copping out.

Mr. Speaker, I have that amendment over in the Committee on Rules. We will be voting on it tomorrow. I am afraid it is going to be voted down and we will be right back to the old business as usual of having to cop out, like the gentleman from Illinois [Mr. FAWELL] explained so eloquently here today.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield, I thank my friend for his very cogent explanation. I was told earlier today when we were up in the Committee on Rules that of the 169 rescissions which have been submitted during the Bush Presidency, only eight of them have ultimately been adopted. Less than 5 percent of the requests for spending cuts which have been proposed by President Bush through the rescission process have been adopted, which again goes to show that this Congress, unfortunately, does not seem to have a desire to bring about some sort of reduction in spending.

Mr. Speaker, let me show Members how bad that is. Going back to 1974 when this rescission legislation rule was first adopted, this Congress has seen fit to approve only 0.165 percent of all of the rescissions that have been offered by all the Presidents that have served since 1974.

If one wants to dramatize that, that is a half-inch on the length of a football field that this Congress has seen fit to curtail spending. That is disgraceful.

Mr. FAWELL. Mr. Speaker, reclaiming my time, I think we all agree that because of the circumstances that exist right now, we are going to be receiving $.5 trillion of brand new debt in fiscal year 1992, and probably the same in fiscal year 1993. Whereas, now we have something like $300 billion of incurred interest per year on the national debt, obviously we are going to have to have within Congress a pulling togetherness on this, and that really does mean that we are going to have to have some bipartisanship such as we have never had before.

Mr. Speaker, I am at least encouraged and I think my colleagues are, too, by the fact that the group of members that were in the Committee on Rules today were both Republicans and Democrats who were suggesting that we ought to be able to get together in rescissions, that is in suggesting, not mandating cuts, but in suggesting that they be debated and voted upon, and that we ought to be able to take all of the suggestions which have been made.

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The Committee on Appropriations has suggested $5.8 billion of suggested rescissions. The President has suggested $7.9 billion of rescissions, and the porkbusters group, for lack of any better name for them or for us, have suggested $1.5 billion of rescissions.

None of these suggested rescissions are anything that is going to cause any terrible detriment to the national policies and programs of this country. In fact, they would free up $12 billion or more for that extra billion in Head Start, for the $6 or $7 billion we might need to be able to have Medicaid cover all of those under the poverty level or they could, horrors upon horrors, even reduce the deficit. And probably they would given an impetus even more than that.

I think they then would, we all would be recognizing that we are all in this together, but there are cuts, probably in most all of our districts, which we would have to suggest. And then maybe we would find that it would be possible to have the greatest of all congressional reform we could ever have, from my viewpoint, and that is to simply have a balanced budget amendment that would constitutionally mandate upon this august body that we must balance a budget.

It would not be overnight, like a lot of economists fret about. It would take 2, 3, or 4 years before we would finally have approval from all the State legislatures, but it would be a signal to this entire Nation, to all of the businessmen and women of this Nation that, yes, indeed, we are going to have a 5-year plan, that if the State legislatures will approve this, and I think there is no doubt that in the climate of today they will approve it, that we are really serious about, unlike the Gramm-Rudman law where we just amended laws when they pinched the foot, we would be constitutionally mandated to balance the budget. And we would have to set about doing that.

That means controlling entitlements as well as discretionary funds as well as defense and so forth and so on. We would have to be serious. And if we could just convince the people that we are capable of being serious on this and capable of having some kind of bipartisanship, then I think half the battle is done.

It would give some confidence to the business community out there that Congress can do this and can do it in the right way, not overnight, as I have said.

We have Senator SIMON with a balanced budget amendment ready to go over there in the Senate. We have a number right here in the House. Obviously as Republicans we cannot do it by ourselves because we are 101 votes behind. We cannot do it. We have to have the majority party cooperating with us.

The people of this Nation are just fed up with the Congress tripping over its shoes and bungling things up. We cannot run a bank. We cannot run a post office. We cannot run a dining room. We cannot much do anything. And if we cannot, the people ought to be concerned about overdrafts, but not so much the overdrafts of Members of this House. They ought to be concerned about overdrafts of the U.S. Treasury, $4 trillion.

I have eight grandchildren, and they have come one per year for the last 8 years, of which I am very proud. The last one that came along, and the several before, I said, congratulations, "you owe $18,900 just as you come out of the womb." There is something immoral about what we are doing to our grandchildren and our children. We are capable Members in this body, on both sides of the aisle. I have always been impressed with the caliber of the men and women who are here. But we are in lockstep. We cannot do anything about it while the country burns.

Mr. Speaker, I am pleased to yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I simply would like to have the gentleman repeat that figure. The gentleman now has eight grandchildren, one a year for the past 8 years, and the level is today $18,900?

Mr. FAWELL. I will not vouch for the exact level, but it is in that area, yes.

Mr. DREIER of California. How has it increased? Your first grandchild is not as debt-ridden as the most recent one, I presume.

Mr. FAWELL. Well, they all just gave me a big wail when they heard it.

The point is that we are passing our obligations off to posterity. It is like somebody passing away and taking the home and leaving the kids the mortgage. As Thomas Jefferson said, this is absolutely wrong. We all know it.

We all know we have to find a way to do it. And when we come in and suggest, for instance, well, the President started off, to his credit, he has not used his rescission power, as perhaps he ought to. But he did use it this time seriously. He sought out sponsors.

He said, "I really want to push it, but we want to keep it in the low priority areas. We are not going to necessarily injure this country, but we can at least knock off $10 billion or $12 billion or even more."

He has suggested he has 1,000 more rescissions he could send down of low priority if it does not disrupt this Congress too much. It seems to be disrupting the Senate much more than the House. The House is paying attention to it.

I just hope that as we, as the Committee on Rules meets tomorrow, for instance, I hope they can just simply say, look, let us give a shot to all of these rescissions. Let us do it by having it complementary to what our appropriations, what they have done.

They have done a good job, I think. Now let us have them go over the balance of the President's rescissions. Now let us also have them look at all of these rescissions in the porkbusters bill where those rescissions never procedurally followed the rules.

They circumvented the rules, and that is why they are in the porkbusters bill. Not because they deemed them to be pork but because they never saw the light of day. They never had authorizations, competitive bidding, peer review and things of this sort, things that we expect our local park districts or our cities or villages to always do, competitively, have peer review, analyze, have authorization before appropriating.

Well, we have made mistakes, but we can rectify it now. We can begin to move. It may be only the first step in a 1,000-mile journey.

I know that people oftentimes, in the news media, they get a big yawn out of cuts. They are not big news.

Big spending is big news. But I think cuts here are important and will lead to, if we address it correctly and if we work cooperatively together, as we are doing, as least in this porkbuster group, I think we will see the light of day. We will make some real progress.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2039, LEGAL SERVICES REAUTHORIZATION ACT

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102–512) on the resolution (H. Res. 444) providing for the consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1777

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1777.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Florida?

There was no objection.

NO TELEVISION CAMERAS FOR THE COMMITTEE ON RULES

The SPEAKER pro tempore (Mr. HAYES of Illinois). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken out this special order to talk about something that relates very closely to the remarks of the gentleman from Illinois, the leader of the porkbusters. As I said up in the Committee on Rules a few minutes ago, Bill Murray and those busters who were seeking the ghosts had tragically much more success than the gentleman from Illinois [Mr. FAWELL] and the gentleman from Minnesota [Mr. PENNY] and the gentleman from Texas [Mr. ARMEY] and the others who have been seeking pork. They found it. But unfortunately, here in the Congress, we have not been able to put together the votes to get right at it.

Just before the gentleman from Illinois [Mr. FAWELL] and others came to the Committee on Rules today, we began to proceed with a process which has been very standard, that being the invitation of the media, including C–SPAN, the Cable Satellite Public Affairs Network, to come in and provide coverage of the Committee on Rules process. We have had many, many occasions when television coverage has been provided for that committee. In every committee hearing that I have attended where cameras have been welcome, where cameras have wanted to come in and cover a committee hearing, they always allowed it in every committee.

Tragically, just a couple of hours ago, now about 5 hours ago, we saw the majority come in late on the Committee on Rules meeting and proceed to move that we prevent the C–SPAN cameras from providing coverage of the meeting on the rescission issue, which was just addressed by the gentleman from Illinois [Mr. FAWELL].

It is the process whereby we want to bring about major cuts in spending.

Our prime constitutional responsibility in the people's House, the House of Representatives, relates to spending. When the Committee on Rules was considering the different amendments which Members would like to offer on this measure, the majority, on a partisan 6 to 2 vote, party line, blocked the cameras from being able to cover this.

□ 1600

The cameras had already been set up. My office and other offices had been informed yesterday morning at 11 o'clock that C–SPAN wanted to come and provide coverage, as they have in the past, and I was absolutely stunned that we would have a member of the majority make this request, that we block the cameras.

Then we heard the arguments that were made as to why we should not have the cameras in the room. Mr. Speaker, the arguments were absolutely ludicrous. My very good friend, the gentleman from Texas [Mr. FROST], who was the one who launched the effort to remove the cameras, said, "The debate on the rescission issue is too technical to allow cameras to cover the hearing."

As I have gone back and looked at the rules that surround the coverage, media coverage, of different committee hearings, rules of the House, the process is as follows: When a committee deems that it is appropriate to have full coverage, meaning those in the print media and other forms of communication want to cover a hearing, they, along with those in the print media, allow television cameras and radio reporters to cover the proceedings of a hearing. But Mr. FROST said that this was too technical.

He also went so far as to say that sometimes when cameras are upstairs in the third floor, just above the Chamber here, cameras are there to cover the hearings that are going on, sometimes Members have a tendency to talk on and on. Mr. Speaker, the distinguished ranking member, the ranking Republican member of the committee, the gentleman from New York [Mr. SOLOMON], said, "If that is the case, then some would argue that we should prevent any kind of electronic media coverage of the activities on the floor of the House of Representatives."

We all know what a horrible mistake that would be. Why? Because it is the sunshine which has come into this institution which has led us to cries for reform. Tragically, we have not brought out the kind of reform which the American people want and which those of us in the minority want, but at least we have had full disclosure of this very poorly run House bank and we ultimately closed it down, and I believe that the fact that there has been wide media coverage, including the C–SPAN cameras, of the proceedings here, that is one of the reasons that we have been able to bring this issue to light.

Now when we are dealing with our major constitutional responsibility of spending, in the Committee on Rules, we unfortunately saw the majority say, "No way. We will cut off the cameras and not allow the American people to see what is going on here."

I think it is a very sad day for this institution, when people are crying out for reform and people are crying out for openness, to have this kind of process take place.

Mr. Speaker, I am very proud and honored to be joined by the first Member who asked me to serve on the Committee on Rules, the ranking Republican, the gentleman from Glens Falls, NY, my friend, Mr. SOLOMON.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to the gentleman.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California, a member of the Committee on Rules, for yielding to me.

Mr. Speaker, I was the ranking member that was carrying on the hearing this morning when the surprise took place and the Democrats voted by 6 to 2 to shut down the hearing as far as the broadcast media is concerned.

I think we need to review what happened when this House chose to publicly broadcast the proceedings of this House. Back in 1970, the House adopted a new rule which authorized the broadcast coverage of House committee hearings, and in the words of the rule at that time, "for the education, enlightenment, and information of the general public," regarding the operations, procedures, and practices of the House as a legislative and representative body, "and for the development of the perspective," and this is important to listen to why we chose to broadcast in the first place, "for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government."

Today the same Committee on Rules that gave us this rule back in 1970 said, as I have said before, by a 6 to 2 party line vote, "The public be damned, the media be damned, turn off the cameras," and they did. They shut it down.

Why did they do this? Was there a threatened filibuster or a sitin? Were we going to hear sensitive matters of personal privacy or national security, which is really the only reason ever to close the doors and shut out the public, when national security might be at stake, when classified information might be exposed? No, was the presence of the TV cameras considered to be obtrusive or disruptive? No, the answer to all these questions is no, no, no.

The simple fact is that the Committee on Rules Democrats do not have their act together on the pending bill to, listen to this, cut spending by $5.8 billion, stop the hemorrhaging of the national debt, which is going to be $400 billion this year, $400 billion. The debt service on that national debt alone will be bigger than the defense budget in the 1993 overall budget. So to avoid the embarrassment of not being prepared, they decided to deny TV coverage of that hearing.

In 1976, an ad hoc Subcommittee on Broadcasting of the same Committee on Rules, in a report arguing for the broadcast coverage of House floor proceedings, quoted James Madison as follows: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both."

Mr. DREIER of California. Mr. Speaker, if I could reclaim my time, I would ask the gentleman if he would repeat that famous Madison quote. I think our colleagues, most of whom are not here right now but may receive this by way of electronic media, should hear that quote of James Madison once again.

Mr. SOLOMON. James Madison said, "A popular government," and we should keep in mind how popular this body is; my questionnaires just came back, over 22,000 from my constituents in upstate New York, who said, and 90 percent of them said, that this Congress is not doing the job that we are sent here to do.

Let me repeat that quote: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both."

That bipartisan report went on to note, and I quote again, "Too often overlooked is Madison's injunction that the means of acquiring information is as important as the availability of that information. In our time those means have been vastly expanded by the medium of television." That is good for the American people. That report concluded, I will say to my friend in the well, "To deny broadcast media direct access to House floor proceedings, therefore, is to deprive the American people of a major means of acquiring significant information about public affairs."

Today, Mr. Speaker, the Committee on Rules turned its back on the Committee on Rules of 1970 and the Committee on Rules of 1976 by depriving the American people of a major means for acquiring significant information about public affairs. In my humble judgment, this decision is a prolog to a tragedy and a farce perpetrated by the Democratic Party. To begin selectively applying the first amendment to coverage of itself, the Congress, is a giant step backward for this democracy.

I will say to my colleague in the well, I served on the recently formed Congressional Leadership Task Force to look into the problems that brought about the bank scandal, the post office scandal, and there is more to come, and we tried to put together some administrative changes and some procedural changes dealing with things like this to help bring back the esteem and the prestige of this body, so that the Member and I could be proud to be Members of this body again. If this is a prolog to what is coming in the way of reform, then there is no future for this body. I am ashamed to say that.

Mr. DREIER of California. I thank my friend, the gentleman from New York, for his very helpful contribution.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to the gentleman from Georgia. We have just been joined by the distinguished Republican whip, my friend, Mr. GINGRICH.

Mr. GINGRICH. Mr. Speaker, I just wanted to check, because I had heard a rumor a few minutes ago that the C-SPAN was blocked by the Democrats on the Committee on Rules from even covering the proceedings, is that right?

Mr. DREIER of California. I should say to my friend that we have been talking about it for the last few minutes here, and obviously the gentleman has a busy schedule and cannot follow every single item that is being discussed on the floor, but I congratulate him for coming here to raise the question.

□ 1610

Yesterday our offices were contacted and told that C-SPAN would be covering this hearing in the Rules Committee which they have been doing for the last year-and-a-half on a pretty regular basis. They do not cover every hearing, but on a pretty regular basis they have been able to get their cameras into that tiny little room upstairs. And this morning at 11 o'clock the gentleman from New York [Mr. SOLOMON] and I arrived at the Rules Committee and waited longer than we normally do for an 11 o'clock meeting that started at about 11:20 or 11:25. And our friend from Texas, Mr. FROST, came in and said that he wanted to make sure that the cameras had not yet been turned on, and he was assured by the camera crew, which had already set up and was there prepared to provide this sunshine that is necessary to allow the American people to see what is going on on a very important issue, the spending issue, the line-item veto, the rescission package. And he moved, and it ended up having to be an affirmative motion from the gentleman from New York [Mr. SOLOMON], but he launched the effort to prevent the cameras from being able to cover the hearing, as they have done in the past.

Unfortunately, they made the case, which was I believe a very weak one. The gentleman from Texas [Mr. FROST] said that this was too technical an issue to be covered by the television cameras. He proceeded to say that when the cameras are in the room Members sometimes have a tendency to talk on a little too long, and for that reason we should not allow it.

I have just been given an expert staff interpretation of clause 3, rule XI which states that although it does not explicitly state so, the intent of this rule regarding the broadcasting of committee hearings is to ensure that media coverage is nonpartisan and noncommercial. The intent also was that when a committee meeting is open to the public, media coverage should be allowed within the decorum of this institution. The rule was not intended to be used as a tool of censorship, which was clearly the objective of the Rules Committee action today.

This was a meeting that was open to the public. The print media were there. No classified information or material was presented or discussed, and yet the fact that C-SPAN seems to have an ever growing number of viewers, it seemed that the majority did not want us to have the public witness or debate over the question of our prime constitutional responsibility, and that the spending issue.

It is the first time they have done it, and it was interestingly ironic that it was not over some small, procedural item, but was on the direct issue of spending which Ronald Reagan and George Bush have been pursuing for years. We have been talking about the line-item veto, and tragically the majority in this day of openness and reform, and remember we passed a reform package here in which we were trying to do everything that we could to encourage the American people to observe what is going on here, and they have blocked us.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I want to understand here for just a second. I assume that the Democratic leadership must have been supportive of censoring C–SPAN?

Mr. DREIER of California. I would say to my friend, the Rules Committee is historically an arm of the Democrat leadership. The distinguished whip, DAVID BONIOR, who is the third-ranking member of the leadership was there and voted against allowing the television cameras to be covering. So I could only surmise from that action that the Democrat leadership supports that.

Mr. GINGRICH. If the gentleman will yield one more time, I just want to make clear, and again, I am very willing if any of the Democrat leadership wanted to come to the floor to discuss this today or tomorrow we would be very willing to discuss this with them and find out what their reason was, but in effect the same Members who did not want the House post office scandal to become public, the same Members who did not want the House banking scandal to become public, the same Members who did not want to cooperate in the subpoena last week, if I understand it correctly what the gentleman is saying, what we have now is the same Democratic house party coming in and in effect kicking out the one, clear, unedited, consistent, nonpartisan coverage of, as I understand it, a $5.8 billion opportunity for the American taxpayer to be able to start the process of cutting spending and to help the President in effect with the legislative equivalent of a line-item veto. And so on a matter that involved $5.8 billion of the American people's money the House Democrats were blocking C–SPAN from being allowed to cover, and I just think it is part of what seems to be a pattern by which the Democratic leadership in the House is again and again trying to block the American people from seeing what goes on in the House of Representatives.

I want to thank my two colleagues, the gentleman from New York and the gentleman from California, for the courage they show in standing up to this kind of behavior.

Mr. DREIER of California. I was happy to yield to my friend. I would just say that I am not one who has traditionally come to this well to express outrage. I have been very frustrated over the treatment of the minority. But when I sat there and I saw the kind of dictatorial procedures that they are imposing on us I was really stunned. We had a clearly partisan recorded vote. By turning off the cameras, unfortunately very few of the American people will be aware of this, of what took place up there.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I think it is important to ask ourselves why did they turn it off? The entire debate was going to be structured in the Rules Committee upstairs this afternoon over obeying the law and obeying the rules of this House.

Back in 1974, as the gentleman knows, when the President of the United States was forced to spend all of the money that the Congress appropriates, they then made a provision in the law and in the rules of this House which give the President permission to then ask the Congress for permission not to spend money on individual and specific problems. It was called a line-item veto which the Congress had to approve, and by simply taking no action at all, the Congress could kill all of those requests to stop spending money. The debate was going to be on turning that around and requiring us to live by the law and live by the rules of this House and to let Congress vote on the floor of this House on each individual one of the 24 rescission requests of the President, totaling, incidentally, I would say to my Republican whip, $7.9 billion.

We are now going to be prevented from doing that, and the American people will not even be able to see why we were prevented from doing it, why we are going to continue with $7.9 billion in pork barrel projects.

Mr. DREIER of California. I would say to my friend that we do not know yet exactly what rule will be reported out of that committee. But we were scheduled today to report out the rule as it relates to spending, and I can only conclude that the fact that members of the majority did not want the television cameras to provide full coverage of this process, I can only conclude that they are planning to report out a rule which will not allow us the opportunity to bring about those cuts of $7.9 billion.

Am I correct in concluding that that is probably the case? I am happy to yield to my friend from New York.

Mr. SOLOMON. I do not think there is any question about it. We have a series of amendments that we wanted to offer which would have allowed these projects to be voted on individually, one by one. Certainly there are Members on both sides of the aisle who would like to do this. The gentleman from Minnesota [Mr. PENNY], who is a Democrat as well as the gentleman from Illinois [Mr. FAWELL], who is a Republican were there to make these amendments in order and to offer them on the floor. They are more than likely going to be denied because of the closed rule that we will get tomorrow.

Mr. DREIER of California. I would say to my friend that I am not going to conclude that it will be a closed rule at this point. I still, and I know my friend from New York also will do everything that we possibly can tomorrow when we mark up this bill to point out the fact that unfortunately the Democrat leadership prevented the American people from being able to witness—by way of television—the procedure, and that now they can begin to turn the process around by giving us an open rule. So I know that my friend from New York, and I certainly will join him, as will our friends from Tennessee and Ohio, the other two Republican members of the committee. By the way, again, we are outnumbered 2 to 1, plus 1. It is 9 to 4 on that committee. We will do everything that we can to offer every single one of these amendments, and we will try diligently to get an open rule, because I think that the majority leadership has concluded that if we have an open rule, and if these rescissions and opportunities to bring about cuts are brought to the floor of this House they are going to pass. They are going to pass because we have recorded votes on the screen behind us here, and the American people get to witness what transpires on the floor of the Congress.

□ 1620

So I know that I will look forward to working with my friend over the next several hours. We will try our darnedest to get that open rule.

Mr. WALKER. Mr. Speaker, do I understand that the explanation given at the committee for not allowing this matter to be televised was that the issue was too technical for the American people to understand?

Mr. DREIER of California. My friend is absolutely right. I was stunned when the gentleman from Texas [Mr. FROST], and I would be happy to yield to him if he would like to come down here and maybe expand on that explanation, but he said two things; he said that the problem that we have is that this issue is too technical, and also Members have a pattern of talking at length when the television cameras are covering them. He thought that the committee hearing might go on, and he also indicated in a meeting, I know, with my friend from New York that apparently the majority feels that they should be informed earlier as to when the television cameras are going to be in the room. We, of course, are never consulted. We are just informed that C-SPAN would like to come, and I welcome them, as I know my friend from New York does. Because the American people can see what transpires here, but he said that they were not informed or that the request was not made in a timely manner for Members to consider that.

Mr. WALKER. Does it strike the gentleman as slightly arrogant to suggest that the American people will not understand this, so, therefore, we should not allow them to see it?

Mr. DREIER of California. I was rather surprised that an explanation of technicality would be used to prevent cameras from covering it.

As I said, clause 3 of rule XI of the House makes it very clear that when you have material that is unclassified it should be open. Obviously, when we are dealing with national security questions, things like that.

Mr. WALKER. That was not the case here, of course.

Mr. DREIER of California. Of course not. The case here was very simply we wanted to be able to put into place amendments which would bring about a $7.9 billion reduction in spending, something the American people have been crying out for for years.

Mr. WALKER. I really am just stunned by the idea that we have gotten to the point in the arrogance of this body that Members are now claiming that there are certain things that we do which the American people will not understand, and so we ought not let them see it. I mean, one of the things that the American people are most disturbed about is that this body is totally out of touch. I will tell the gentleman that I think a lot of the American people are very intelligent and they can understand what we are doing exactly, and I think that is the real issue. I think the real fear is that they were afraid that the American people would understand what was going on there, that the budget deficit was being expanded, that an attempt to reduce it was going to be thrown out on procedural questions, and that technicalities were going to be used to keep the American people from getting something that they want, something akin to a line-item veto. They did not want them to see it.

But to use then the excuse that, well, we know what is good for them, and this is not something that they ought to see.

Mr. DREIER of California. Too technical.

Mr. WALKER. Yes, that this is too technical for them to see. I mean, this is an outrage. It shows the absolute arrogance and irresponsibility of a Congress that is totally out of touch with America.

Mr. SOLOMON. Let me respond to the gentleman from Pennsylvania who is certainly a watchdog for the House, and I was also outraged as he was.

My first impulse was to immediately walk out of the hearing this morning and to come down here and to start calling for votes on every procedural measure that we could. Unfortunately, today is a primary day in a number of States around the country, and as the gentleman knows, there were no recorded votes on the floor. So out of courtesy to those Members who were out of town, I did not come to this floor and call for votes.

But I can assure you that starting tomorrow morning, unless we have received word back from the Speaker or from the Democrats on the Committee on Rules that they will once again reinstate C-SPAN and broadcast all controversial issues that come before the Committee on Rules as it should be, that I am afraid there are going to have to be votes on every single item on this floor from now until the day we adjourn, and that is a shame.

Mr. DREIER of California. Let me just say to my friend that I have not checked this, but I would encourage people on our staff to call. I wonder if there has ever been another case when C-SPAN, the Cable Satellite Public Affairs Network, has been prevented from covering a hearing if they have set up cameras as they did today and basically moved ahead with the process, if they have ever been told, "Shut down your cameras and leave, because the committee has cast a vote to do that."

Mr. SOLOMON. In the 14 years that I have been here, and the gentleman from Pennsylvania has been here a few years more than that, there has never been a case where any member of the press, either broadcast or written news media, has been expelled from any committee meeting at any time other than meetings on the floor of the House when we would be considering national security or classified information.

Mr. WALKER. Or personal privacy questions, as I understand it and so on where people have been excluded from that, but this is an issue that goes to the heart of a debate in America, and the Democrats are behaving, as the gentleman described them a few minutes ago, like dictators. This is the way dictatorships work. This is the way that petty people decide to impose their will. They shut off the flow of information. This is censorship.

You know, it is amazing to me that a few weeks ago we had a debate on the floor about whether or not the American taxpayers should be forced to fund pornography, and, oh, my goodness, the Democrats came running to the floor, liberal Democrats, saying, "Oh, yes, the taxpayer ought to be forced to pay for the pornography, because to do anything less would be censorship." That is exactly what they did today. They censored. They took an immediate step. They censored. They acted like petty dictators.

Mr. DREIER of California. The sad thing for us is we have been told in the wake of the bank scandal, in the wake of the restaurant scandal, in the wake of the post office scandal that there was going to be this new openness. We passed a reform bill here. it was not a bill that brought out the kind of reform that the American people want, but at least they said it was a reform package which did do a few things, and to just days after passage of the reform bill to do something that was unprecedented, prevent the first-amendment rights of those people who want to provide coverage to the American people on this proceeding in the Committee on Rules, is reprehensible.

Mr. WALKER. One wonders how open the hearings are supposed to be. We are supposed to have open hearings on the post office scandal up in the Committee on House Administration, and one wonders how open those hearings are going to be in light of this, or whether or not we are going to have a coverup on this. I mean, we have covered up on subpoenas, we have covered up on ghost employees, we have covered up on the House restaurant, the House bank, you name it. Everything is being covered up, because dictators cannot afford to be exposed, and this is the latest incident in a very, very disturbing trend.

Mr. SOLOMON. If the gentleman will yield further, you know, the gentleman from Pennsylvania and myself both served on the congressional leadership task force for reform that was appointed by the Speaker right after the house bank scandal broke, and the post office scandal broke, and one of the things that he fought so hard for, and I did, was to not only try to get decent administerial reform dealing with problems like this, but procedural reforms as well.

Because this gets right to the gut of the problem. I do not have to tell the gentlemen that what has happened in progressive years, that more and more restrictive rules have come to this floor out of this meeting that we are talking about which provides for the debate on every piece of legislation coming on the floor; that is how we got these huge deficits today. That is why we have the hemorrhaging deficits today, because the Committee on Rules that has now been blacked out for the American people consistently waives the rules, waives the Budget Act, and lets this Congress say to heck with the laws of the land, just go about business as usual.

Mr. DREIER of California. An excellent point that my friend makes.

Mr. WALKER. If the gentleman will yield further, just to make a point, we had our first open rule of the year out here the last few days on the NASA bill, and it went, I thought, reasonably well. People got their chance to offer their amendments. We even had a couple of amendments that saved the taxpayers some money.

Good heavens, I mean, imagine that we came with the bill, and we had a couple of amendments adopted that actually saved the taxpayers some money, and had an open rule and an open debate. Everybody had their opportunity to come to the floor and make their point if they wanted to make it, and it did not work that bad.

□ 1630

Why can we not do more of that?

Mr. DREIER of California. I find it extraordinarily interesting and ironic and the first open rule of the year would come out on the floor to be managed on the minority side by the distinguished gentleman from Pennsylvania, the ranking member of the Committee on Science, Space, and Technology. The gentleman has been one who has been crying out for open rules, and the first open rule of the year comes from his committee.

I should say that when we look at the analysis of these rules, our crack chief of staff, Mr. Wolfensberger, has shown us that 64 percent of the rules which have come out of the Committee on Rules have been restrictive in the 102d Congress. That is a sad commentary on the process.

Mr. WALKER. That is also how dictators operate.

Mr. DREIER of California. Exactly. The other thing that we need to realize is that this committee, with a 9-to-4 ratio, demonstrates the most blatant kind of dictatorship imaginable.

I mean, they laugh when we call for recorded votes. I mean, there is snickering in the room when we call for a recorded vote, because we know that consistently we will see the majority vote to defeat the minority by a 9-to-4, 2-to-1, plus 1 ratio, when the ratio in this House is 40–60.

Mr. WALKER. I just want to correct the gentleman's figure. The crack staff here just told me that it is up to 65 percent now.

Mr. DREIER of California. Oh, my God. I was probably taking into consideration the open rule which was granted for the NASA bill under the gentleman's committee. So it is 65 percent.

Mr. WALKER. We had two other closed rules then, so between the two it has now gone from 64 percent to 65 percent, and it is climbing.

I mean, it is ratcheting up in ways that prove that Congress simply cannot operate without shutting down the process. Shut it down, clamp it down.

Mr. DREIER of California. Mr. Speaker, let me tell my friends of an interesting thing that happened to me just last week. SAM JOHNSON, the gentleman from Dallas who succeeded Steve Bartlett who was a very able Member, SAM JOHNSON was a prisoner of war in Southeast Asia for years. He stood with me on the debate on the NASA bill and he said, "I came here in May of last year. Gosh, I can't remember when Members have been able to stand up and be recognized under what is called the 5-minute rule. Is this the first or the second time this has happened?"

So this Member has served here for a year and it was difficult for him to recall when we last had an open rule. So that obviously demonstrates the kind of openness we want is not actually here.

Mr. WALKER. I actually had to explain the 5-minute rule to a couple of people who thought that I had to assign them time.

I said no, you can just stand up.

And they said, "I can do what?"

And I said, "You just stand up and you say I am for the amendment or against the amendment. They give you 5 minutes."

They said, "I never heard of a procedure like that."

Mr. DREIER of California. Exactly.

Mr. WALKER. Well, they had not, because we never had that kind of procedure on the floor for awhile.

Mr. DREIER of California. Well, Mr. Speaker, I thank my friend who was able to manage the first open rule in calendar year 1992.

I would also like to thank my friend, the gentleman from New York, for his contribution, and let me especially thank those Members of the porkbusters team, led by the gentleman from Illinois [Mr. FAWELL] who are trying to bring about the kinds of spending cuts which the American people want, and tragically may not be able to come tomorrow.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mrs. MEYERS of Kansas, for 60 minutes, on May 12.

Mr. DREIER of California, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 15 minutes, today.

Ms. OAKAR, for 60 minutes, today.

Mr. REED, for 60 minutes each day, on May 6 and 7.

Mrs. COLLINS of Illinois, for 5 minutes each day, on May 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 26, 27, 28, 29, June 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30.

(The following Member (at the request of Mr. DEFAZIO) to revise and extend his remarks and include extraneous material:)

Mr. WASHINGTON, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. SOLOMON.

Mr. GILMAN in two instances.

Mr. WALKER.

Mr. GOSS.

(The following Members (at the request of Ms. OAKAR) and to include extraneous matter:)

Mr. BOUCHER.

Mr. KILDEE.

Mr. KOSTMAYER.

Mr. HALL of Ohio.

Mr. ROE.

Mr. YATRON.

Mr. LANTOS in two instances.

Mr. TRAFICANT in two instances.

Mr. FAZIO.

Mr. FRANK of Massachusetts.

Mr. MATSUI.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 166. Joint resolution designating the week of October 4 through 10, 1992, as "National Customer Service Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center located in Northampton, Massachusetts, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

ADJOURNMENT

Mr. DREIER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Wednesday, May 6, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

3455. Under clause 2 of rule XXIV, a letter from the Chairman, Physician Payment Review Commission, transmitting the Commission's 1992 annual report on payment to physicians under the Medicare Program, pursuant to 42 U.S.C. 1395w-1(c)(1)(D), was taken from the Speaker's table and referred jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS. Committee on Government Operations. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 5). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 6). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 7). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 8). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 444. Resolution providing for the consideration of H.R. 2039, a bill to authorize appropriations for the Legal Services Corporation, and for other purposes (Rep. 102-512). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

The Committee on Agriculture discharged from further consideration of H.R. 776; H.R. 776 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. Jones of North Carolina, Mr. Studds, Mr. Davis, Mr. Fields, and Mr. Jefferson):

H.R. 5055. A bill to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ALLEN (for himself, Mr. Bliley, Mr. Moran, Mr. Bateman, Mr. Payne of Virginia, Mr. Wolf, Mr. Sisisky, Mr. Olin, Mr. Boucher, Mr. Pickett, Mr. Hubbard, Mr. Horton, Mr. Applegate, Mr. Jefferson, Mr. Skeen, Mr. Faleomavaega, Mr. Zimmer, Mr. DeFazio, Mr. Oberstar, Mr. Harris, Mr. Ford of Tennessee, Mr. Coyne, and Mr. Hughes):

H.R. 5056. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; to the Committee on Post Office and Civil Service.

By Mr. BROWN (for himself, Mrs. Morella, and Mr. Evans):

H.R. 5057. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 5058. A bill to authorize appropriations for the American Folklife Center for fiscal years 1993, 1994, 1995, 1996, and 1997; to the Committee on House Administration.

H.R. 5059. A bill to extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden; to the Committee on House Administration.

By Mr. DELLUMS (for himself, Mr. Abercrombie, Mr. Bonior, Mr. DeFazio, Mr. Evans, Mr. Hayes of Illinois, Mr. Markey, Mr. McDermott, Mr. Mfume, Ms. Norton, Ms. Pelosi, Mr. Sanders, Mrs. Schroeder, Mr. Serrano, Mr. Stark, Mr. Washington, Ms. Waters, and Mr. Weiss):

H.R. 5060. A bill to amend title 10, United States Code, to establish procedures for the determination of whether members of the Armed Forces should be discharged from military service or reassigned to other duties as conscientious objectors; to the Committee on Armed Services.

By Mr. FASCELL:

H.R. 5061. A bill to establish Dry Tortugas National Park in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. IRELAND:

H.R. 5062. A bill to amend title 10, United States Code, to strengthen the requirements with respect to the preparation of independent cost estimates for major defense acquisition programs; to the Committee on Armed Services.

H.R. 5063. A bill to abolish the centralized cost centers that were established by the military departments for the purpose of preparing independent cost estimates for major defense acquisition programs; to the Committee on Armed Services.

By Mr. KOSTMAYER (for himself and Mr. Miller of California):

H.R. 5064. A bill to amend the Land and Water Conservation Fund Act of 1965 to increase the ability of State and local governments to protect and enhance open spaces, enhance the capability of State and local governments to provide recreational opportunities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORRISON:

H.R. 5065. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Commission on Energy and Commerce.

By Mr. SCHEUER:

H.R. 5066. A bill to amend the Federal Water Pollution Control Act to expand the research of the Long Island Sound Office of the Environmental Protection Agency; jointly to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. SENSENBRENNER:

H.R. 5067. A bill to amend temporarily the Harmonized Tariff Schedule of the United States to correct the duty treatment of timing apparatus with opto-electronic display only; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself, Mr. Lagomarsino, and Mr. Gilman):

H.J. Res. 478. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag; jointly, to the Committees on Post Office and Civil Service and Veterans' Affairs.

By Mr. SOLOMON:

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress with respect to certain proposals of the Environmental Protection Agency to require centralized motor vehicle emissions inspection at facilities which provide no other services; to the Committee on Energy and Commerce.

By Mr. HOLLOWAY:

H. Res. 445. Resolution to terminate funding for certain select committees of the House of Representatives; to the Committee on House Administration.

H. Res. 446. Resolution to abolish certain select committees of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. OLIN introduced a bill (H.R. 5068) for the relief of Dallas M. Patterson; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 304: Mr. Ravenel.

H.R. 371: Mr. LaRocco.

H.R. 776: Mr. Ramstad.

H.R. 784: Mr. Nichols.

H.R. 845: Mr. Sikorski.

H.R. 875: Mr. Machtley.

H.R. 936: Mr. Fawell.

H.R. 1245: Mr. Bateman and Mr. Broomfield.

H.R. 1378: Mr. DeFazio.

H.R. 1393: Mr. Hochbrueckner.

H.R. 1406: Mr. Hopkins.

H.R. 1460: Mr. Durbin.

H.R. 1468: Mr. Callahan.

H.R. 1472: Mr. Kildee.

H.R. 1527: Mr. Pallone, Mr. McHugh, and Mr. Shays.

H.R. 1536: Mr. Franks of Connecticut.

H.R. 1566: Mr. Cramer, Mr. Neal of North Carolina, Mr. Valentine, Mr. McDade, Mr. Rowland, Mr. Gingrich, and Mr. Huckaby.

H.R. 1969: Mrs. Boxer and Mr. Serrano.

H.R. 2086: Mr. Abercrombie, Mr. Bilirakis, Ms. Molinari, Mr. Solomon, and Mr. DeFazio.

H.R. 2104: Mr. Gallo.

H.R. 2200: Mr. Doolittle.

H.R. 2363: Mr. Scheuer and Mr. Kennedy.

H.R. 2806: Mr. Ravenel and Mr. Quillen.

H.R. 2862: Mr. McMillan of North Carolina.

H.R. 2867: Mr. Bunning and Mr. Ramstad.

H.R. 2924: Mr. Perkins.

H.R. 3121: Mr. Brown.

H.R. 3122: Mr. Owens of Utah and Mr. Callahan.

H.R. 3150: Mr. Perkins.

H.R. 3164: Mr. AuCoin and Mr. Ravenel.

H.R. 3166: Mr. Dickinson, Mr. Roe, Mr. Tanner, Mr. Inhofe, Mr. Vander Jagt, Mrs. Meyers of Kansas, and Mr. Clement.

H.R. 3373: Mr. Morrison, Mr. Hefner, Mr. Camp, Mr. Allen, Mrs. Roukema, Mr. Gallegly, Mr. Matsui, and Mrs. Unsoeld.

H.R. 3517: Mr. Frost and Mr. Rose.

H.R. 3518: Mr. Bilbray, Mr. Jefferson, Mr. Penny, Mr. Beilenson, and Ms. Slaughter.

H.R. 3712: Mr. Burton of Indiana and Mr. Rhodes.

H.R. 3838: Mr. Vander Jagt, Mr. Dorgan of North Dakota, Mr. Donnelly, Mrs. Lloyd, Mr. Dooley, Mr. Ireland, Mr. Browder, Mr. Young of Alaska, Mr. Lewis of Florida, Mr. Slattery, Mr. Smith of Texas, Mr. Ramstad, Mr. Dreier of California, Mr. Jones of North Carolina, Mr. Cox of California, Mr. Barton of Texas, Mr. Doolittle, Mr. Hastert, Mr. McCloskey, and Mr. Armey.

H.R. 3937: Mr. Sanders.

H.R. 3986: Mr. Manton and Mr. Owens of New York.

H.R. 4002: Mr. Cardin.

H.R. 4178: Mr. Richardson, Mr. Gordon, Mrs. Morella, and Ms. Molinari.

H.R. 4234: Mr. Johnson of Texas.

H.R. 4304: Mr. Zeliff, Mr. Tanner, Mr. Evans, and Mr. Mazzoli.

H.R. 4316: Mrs. Lloyd, Mr. Kostmayer, Mr. Montgomery, Ms. Kaptur, Mr. Bateman, Mr. Abercrombie, and Mr. McCloskey.

H.R. 4361: Mr. Mollohan.

H.R. 4405: Mr. McDermott, Mr. AuCoin, Mr. Williams, Mr. Kostmayer, and Mr. Frank of Massachusetts.

H.R. 4406: Mr. Roth, Mr. Ford of Tennessee, and Mr. Oxley.

H.R. 4427: Mr. Gingrich, Mr. Manton, and Mr. Roe.

H.R. 4430: Mr. Bliley.

H.R. 4434: Mr. Mrazek.

H.R. 4446: Mr. Lancaster, Mr. Baker, Mr. Feighan, and Mr. Chapman.

H.R. 4490: Mr. Rangel, Mr. Lipinski, and Mr. Stallings.

H.R. 4507: Mr. Edwards of California, Mr. Hughes, Mr. Montgomery, Mr. Lancaster, Mr. Flake, Mr. McCurdy, Mr. Dwyer of New Jersey, Mr. Kleczka, Mr. Hutto, Mr. Taylor of North Carolina, Mrs. Byron, Mr. Mfume, Mrs. Morella, Mrs. Roukema, Mr. Evans, Mr. Moorhead, Mr. Gordon, Mr. Schaefer, Mr. Boehner, Mr. Stallings, Mr. AuCoin, Mr. Matsui, and Mr. Dicks.

H.R. 4513: Mr. Horton and Mr. Cunningham.

H.R. 4530: Mr. Armey and Mr. Zeliff.

H.R. 4536: Mr. Combest and Mr. Davis.

H.R. 4553: Mr. Evans.

H.R. 4587: Mr. LaRocco.

H.R. 4613: Mr. Zeliff.

H.R. 4725: Mr. LaFalce and Mr. Poshard.

H.R. 4754: Mr. Stearns and Mr. Lancaster.

H.R. 4775: Mr. Dellums, Mr. Sanders, Mrs. Unsoeld, Mr. Towns, Mrs. Mink, Mr. Sabo, Mr. Jefferson, Mr. Jontz, Mr. Owens of New York, and Mr. LaFalce.

H.R. 4821: Mr. Clement, Mr. Lent, Mr. McEwen, Mr. Gordon, Mr. Gilchrest, Mr. Shays, Mr. Kopetski, Mr. Combest, Mr. Hoyer, Mr. Darden, Mr. Hughes, Mr. Gejdenson, Mr. Parker, Mr. Saxton, Mr. Boehlert, Mr. Lehman of Florida, Mr. Costello, Ms. DeLauro, Mr. McMillen of Maryland, Mr. Gallo, Mr. Hyde, Mrs. Byron, Mr. Martin, Mr. McHugh, Mr. Goss, Mr. McDade, Mr. Roth, Mr. Hatcher, Mr. Broomfield, Mr. Payne of New Jersey, Mr. Rohrabacher, Mr. Ford of Tennessee, Mr. Hayes of Louisiana, Mr. Lightfoot, Mr. Rhodes, Mrs. Meyers of Kansas, Mr. Lipinski, Mr. Camp, Mr. Fish, Mr. Gunderson, Mr. Moran, Mr. Stearns, and Mr. Fascell.

H.R. 4829: Mr. Manton.

H.R. 4848: Mr. Gilman.

H.R. 4884: Mr. Manton and Mr. Green of New York.

H.R. 4902: Mr. Rinaldo and Mr. Zeliff.

H.R. 5000: Mr. Kasich and Mr. Murphy.

H.R. 5012: Mr. Mineta, Mr. Lehman of California, Mr. Gallegly, Mr. Tallon, Mr. Kopetski, Mr. Lewis of California, and Mr. de la Garza.

H.R. 5039: Mr. Stallings and Mr. Morrison.

H.J. Res. 271: Mr. Gilman.

H.J. Res. 353: Mr. Annunzio, Mr. Hunter, Mr. Inhofe, Mrs. Meyers of Kansas, and Mr. Weiss.

H.J. Res. 391: Mr. Paxon, Mr. Miller of Washington, Mrs. Meyers of Kansas, and Ms. Norton.

H.J. Res. 399: Mr. Lancaster, Mr. Owens of Utah, Mr. Orton, Mr. Martinez, Mr. Barnard, Mr. McEwen, Mr. Grandy, Mr. Hefner, Mr. Jones of North Carolina, Mr. Richardson, Mr. Leach, and Mr. Neal of North Carolina.

H.J. Res. 411: Mr. Machtley, Mr. Paxon, Mr. Peterson of Florida, Mrs. Collins of Michigan, Mr. Natcher, and Mr. Riggs.

H.J. Res. 426: Mr. Weldon, Mr. Ballenger, Mr. Alexander, Mr. Poshard, Mr. Spence, Mr. Moran, and Mr. Owens of New York.

H.J. Res. 429: Mr. Panetta, Mr. Nowak, Mr. Pursell, Mr. Geren of Texas, Mr. Washington, Mr. Roberts, Mr. Lewis of California, Mr. Coleman of Texas, Mr. Jones of North Carolina, Mr. AuCoin, Mr. Taylor of Mississippi, Mr. Hammerschmidt, Mr. Foglietta, Mr. Valentine, Mr. Weldon, Mr. Kanjorski, Mr. Annunzio, Mr. Applegate, Mrs. Johnson of Connecticut, Mr. LaFalce, Mrs. Bentley, Mr. Barnard, and Mr. Early.

H.J. Res. 435: Mr. Jefferson, Mr. Lent, Mr. Rangel, Mr. Pastor, Mrs. Collins of Michigan, Mr. Serrano, and Mr. Wilson.

H.J. Res. 442: Mr. Lewis of Florida, Mr. Ireland, Mr. Hastert, Mr. Leach, Mr. Smith of Florida, Mr. Bacchus, Mr. Evans, Mr. Hochbrueckner, Ms. Norton, Mr. Flake, Mr. Poshard, Mr. Ford of Michigan, Mr. Kopetski, Mr. Brown, Mr. Riggs, Mr. Berman, Mr. McCollum, and Mr. Owens of New York.

H.J. Res. 458: Mr. Ford of Michigan, Mr. Leach, Mr. Shaw, and Mr. Torres.

H.J. Res. 463: Mr. Frost and Mr. McDade.

H.J. Res. 470: Mr. Hayes of Louisiana, Mr. Hefner, Mr. Horton, Mr. Hyde, Mr. Jontz, Mr. Fascell, Mr. Chapman, Mr. Mrazek, Mr. Martin, Mr. Leach, Mr. Bevill, Mr. Oberstar, Mr. Solomon, Mrs. Johnson of Connecticut, Mr. Lehman of Florida, and Mr. Fazio.

H.J. Res. 476: Mr. Panetta, Mr. Quillen, Mr. McNulty, Mr. Walsh, Mr. Evans, and Mr. Frost.

H. Con. Res. 150: Mr. Perkins.

H. Con. Res. 192: Mr. LaRocco.

H. Con. Res. 203: Mr. Walsh, Mrs. Kennelly, and Mr. Reed.

H. Con. Res. 272: Mr. Kostmayer and Mr. Jontz.

H. Con. Res. 296: Mr. Alexander, Mr. Swett, Mr. Martinez, Mr. Ridge, Mr. Moakley, Mr. Neal of North Carolina, Mr. AuCoin, Mrs. Roukema, Mr. Traxler, Mr. Horton, Mr. Moran, Mr. Lancaster, Mr. Evans, and Mr. Towns.

H. Res. 204: Mr. Vander Jagt.

H. Res. 361: Mr. Kennedy.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1777: Mr. Peterson of Florida.

H.R. 3515: Ms. Oakar.

SENATE—*Tuesday, May 5, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, Gen. Eva Burrows, world leader of the Salvation Army.

PRAYER

Gen. Eva Burrows, world leader of the Salvation Army, offered the following prayer:

Great and gracious God, we turn to You at the commencement of this session and pause to acknowledge Your sovereignty over our lives, our Nation, our world.

We seek the inspiration of Your Holy Spirit in our deliberations, Your wisdom in our decisionmaking, Your love in our acceptance of another's point of view, Your graciousness when others may not accept ours.

We remind ourselves of the words of Holy Scripture, "A nation without God's guidance is a nation without order." There can be no lasting national greatness that ignores spiritual values, so we come seeking Your guidance as this assembly works to order the affairs of this Nation in such a way that its national life is identified by righteousness, integrity, and justice.

Lord God, I ask Your blessing on every Member of this Senate. Help each to see life from Your perspective:

With compassion for the weak and helpless;

With courage to dare to do the new thing;

With a vision that brings seeming impossibilities to reality; and

With a faith that always trusts, hopes, and perseveres.

Father God, I offer this prayer in the name of our Lord and Saviour Jesus Christ whose love, I pray, will fill our hearts and motivate our actions this and every day. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. It has.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning there will be a period for morning business, during which time Senators will be permitted to speak and following which the Senate will turn to consideration of S. 2403, the rescission legislation.

Under the rules governing consideration of that measure, it will be before the Senate for a maximum of 10 hours. It is subject to amendment. It is my hope that we can complete action on that measure as soon as possible, and in any event it cannot be before the Senate for a period longer than 10 hours. Senators should be aware that rollcall votes could occur at any time during the day today should amendments to the measure be offered.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oregon is recognized.

TRIBUTE TO GERRY FRANK

Mr. HATFIELD. Mr. President, some say that this is the year for changes in politics. Great attention is paid to the many elected officials who are choosing to leave Washington. Today, I take the Senate floor to pay tribute to yet another individual who has decided to take this leave. Gerry Frank, whom I consider a best friend, one of my strongest political allies, and a true public servant, is leaving his position as my chief of staff.

Gerry Frank has given his adult life to the public, especially the people of Oregon. In a culture which emphasizes personal wealth and absolute power, he operated always with his love of doing good as his guiding motivation.

For four generations the Frank family operated one of the premier department stores on the west coast. Gerry spent his youth learning the trade and, upon completing his education at Cambridge, England, undertook the management of the new Salem store in the family chain. Yet simply running a successful business was not enough to challenge Gerry. Every community in Oregon has been touched by this man through his philanthropy and leadership. Over the years, Gerry's list of interests has grown longer and broader and is unrivaled today by that of many full-time public servants.

Gerry Frank has served as a trusted advisor for most of my political life. He has guided me through five senatorial campaigns. He interviewed and hired hundreds of young people to serve as unpaid and paid staffers and built a legendary support network which includes thousands.

Gerry became a full time Senate employee in 1973. He undertook the assignment as my chief of staff because he believed that a Senator's office first and always must operate as a service to the constituent. Gerry's focus constantly and completely has been upon meeting the needs of people. And during his 19 years here he created an entirely new standard of excellence for

Senate offices at every level—from office design and automation to the last detail about a small-town ice cream social.

We have covered many miles together, Gerry and I. We have walked, driven or flown over what must be every square mile of the State we both cherish, spending thousands of hours talking with the people of Oregon. The miles are many and so are the milestones. Gerry Frank has had a role to play at every stage of my Senate career. He has been my adviser, my advocate and my surrogate.

Each of us in the Senate knows that the life in Washington is challenging. Politics is a profession of superstars who may have little understanding of the sacrifice which staff willingly make each day for every one of us. Some staff would say that it is difficult to have a life outside the job. It is a sad fact that the bright individuals producing incredible work on our behalf only can provide that assistance at a sacrifice to their own interests.

Gerry Frank never gave up his own activities, and I am pleased to see that the headlines reporting his departure read "Oregon's 'Third' Senator Retires." The news stories are testament to the fact that Gerry never allowed the hectic pace of the Senate to overtake his desire to pursue his own interests and his community involvement. His own efforts, which include a best-selling New York guidebook, a restaurant and positions on the boards of many national and State groups, never suffered from lack of energy and enthusiasm and are truly measures of his success.

I am grateful that he has agreed to continue serving as an unpaid counselor and as a volunteer representative of my office. There is still much to be done for the State and the Nation, and I am pleased that we will continue working together. I wish Gerald Frank all the best and express deepest appreciation for the indelible mark he has left upon me, my staff and the people of Oregon.

Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. GORE. I ask unanimous consent to speak for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL ENVIRONMENT

Mr. GORE. Mr. President, I rise today to announce to my colleagues and to serve notice to the Bush administration that I intend later this week to introduce legislation designed to accomplish what President Bush has failed to do; that is, to commit our country to a goal that can be a goal that is critical to our future and the future of the global environment.

On Thursday, I will introduce in this Chamber legislation to commit our Nation to stabilize emissions of carbon dioxide, a principal cause of global warming, at 1990 levels by the year 2000.

I spent a good deal of yesterday, Mr. President, observing the negotiations on, namely, climate change agreement at the United Nations. The majority leader and the Republican leader sometime ago appointed an observer group, and I have been taking my responsibilities as chairman of that group extremely seriously. I have been watching the negotiations quite closely, and keeping with the advice-and-consent clause of the Constitution I have been in touch with our negotiators and with many others who were involved in these talks.

I wish this morning in advance of my introduction on Thursday of the measure to which I have just referred to give a report to the Senate on the status of the negotiations.

There is a large discussion between the industrial countries, mostly in the Northern Hemisphere and the developing countries mostly in southern latitudes, about the relative responsibilities and commitments and obligations that these two groups of nations should undertake.

It is generally agreed that one of the principal obligations which should be incurred by the industrial nations is to limit—at least to stabilize—the emissions of greenhouse gases which are the principal culprit in the problem of global climate change. The lowest common denominator for such an agreement is the proposal that nations should stabilize their CO_2 emissions or greenhouse gas emissions, the larger category including many forms of methane emissions as well as CO_2, at 1990 levels by the year 2000.

For most of the 2-year negotiation, the position of the Bush administration has been that we cannot stop a commitment to stabilize our greenhouse gas emissions at the 1990 levels by the year 2000 because our economy is uniquely vulnerable to damage that might come from such a limitation.

The assertion that we could not meet that goal without incurring economic harm was based upon a study by the Department of Energy which was used as the basis for the national energy strategy. As extensive hearings before the Joint Economic Committee demonstrated last week, the study upon which the administration's assertions are based is fatally flawed.

The National Research Council of the National Academy of Sciences tore apart the computer model upon which their study is based, and indeed the administration itself has now rejected the conclusions of the Department of Energy because after a long internal debate, the White House introduced into the public record a document two Fridays ago entitled "U.S. Views on Global Climate Change" which essentially admits that the Department of Energy figures were wrong, and now the White House view is we can stabilize or very nearly stabilize not only at no cost but at a profit to this country with purely voluntary measures.

So now the White House says, yes, we can stabilize, we can meet this lowest common denominator goal, we can do so with purely voluntary measures, and we can do it at a profit.

One would be tempted to conclude that, the principal objection to this commitment now being removed, the White House would say, OK, now we can agree to it.

But, no, there is a brand new excuse. The new excuse for not making this commitment is that the new set of conclusions having demonstrated that we can stabilize without actually having to do anything other than recommend voluntary measures means that we do not need an international agreement because we can stabilize without an international agreement.

Mr. President, if you think you may be missing something here, I share that feeling. And I have tried hard to understand the logic upon which this new excuse is based. I think I have figured it out. It is rather like someone concluding that since he is presently not intending to rob a bank, that is proof that there is no necessity for laws against robbing banks.

The principal objection to an agreement to stop the destruction of the global atmosphere has been that this agreement worldwide would impose an undue burden on us. Now that we conclude that it will not impose an undue burden on us, we say, oh, well, now we do not need the agreement because we can meet our part of what would be the agreement without actually having the agreement. They have come up with the answer before they really know the question. They always say no and the fact that their excuses become ever more imaginative just demonstrates the extent to which they are torturing logic.

The question is not, Mr. President, what is the minimum that the United States can do with purely voluntary measures in order to stabilize greenhouse gas emissions in this country? The question is what can the United States of America do to lead the world toward a policy that avoids environmental catastrophe?

President Bush has utterly failed that test of leadership. What will the consequences be? Two weeks ago, one of our great cities, Chicago, was virtually paralyzed, because the infrastructure underneath the city for carrying water decayed, and inadvertently some construction was carried out which exposed a weakness in that decaying infrastructure, and as the waters rose, the city was shut down.

Last week, tragically, we saw the consequences that occur when the social infrastructure of one of our other great cities, Los Angeles, was allowed to decay and deteriorate, and the spark set the fire as the tensions rose, and the flames spread.

Many cities in the developing world are on the verge of shutting down, because the environmental infrastructure has been allowed to deteriorate and decay. Indeed, the ecological system of the entire Earth is now in jeopardy. Look first at Mexico City. They are closing factories there, not because of the economy, not because of the social infrastructure, not because of the water lines or the electricity lines, but because they are choking to death on the air pollution. Most cities in the developing world are no more than a half step behind Mexico City. We are seeing one of our great industries shut down because the environmental infrastructure is decaying—salmon fishing on the west coast is about to end because overfishing has destroyed the generativity of that species.

Mr. President, I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURENBERGER. Mr. President, I am not sure what business the Senate intends to conduct at 10 o'clock, but if there is no other business to be conducted at 10 o'clock, I would not have an objection. Otherwise, I have 10 minutes reserved.

EXTENSION OF MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent that I be allowed to speak for 5 additional minutes and that morning business be extended for those 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORE. We are at a critical turning point. Yesterday, a Gallup poll was released showing that throughout the developing world, the issue of protecting the global environment has risen dramatically in importance. We have the misconception that people in the developing world do not really care about the deterioration of our world's environment. This new poll shows that it is just a misconception.

In Mexico City, again, it is interesting that retailers there cannot sell spray cans that they have on their shelves if they are not labeled "ozone friendly." There is no law respecting that, but it is just that the consumers there refuse to buy it if they think it is going to hurt the environment. And they are desperately trying to buy the new machinery and processes and products that will allow the factories to reopen without adding to the burden of pollution. Who will sell it to them? Japan is eager to do so. So is Europe. Japan is now openly saying that the biggest new world market in the history of world business is in the products and processes which make environmental progress possible without environmental destruction.

The Keidandren, the largest Japanese business organization, has now announced a 100-year plan. They are now imposing much tougher environmental standards on their corporations than the ones embodied in U.S. law. Why? There are two possibilities. No. 1, it could be that the Japanese are just plain softheaded about international economic competition; or if you do not accept that premise, maybe it is because they know something that we do not. They say that this is a tremendous new business opportunity, and they say that in eliminating pollution they find new ways to improve productivity and efficiency.

Mr. President, at the United Nations this week, President Bush is very close to convincing the entire rest of the world to sign onto an agreement that does virtually nothing; no commitments, no targets, no timetables—simply rhetoric. President Bush is good at this. He is good at getting on the telephone to foreign leaders, and he is good at painting the appearance of action without actually doing anything. And now he is on the verge of convincing the other industrial nations that the option of actually doing something to combat this problem is unacceptable to the United States of America.

In that, I do not think he is speaking for the American people, but he is enunciating his policy. He has sent the message loudly and clearly to all of the other industrial nations that no agreement will be acceptable to him if it had any targets, or any timetables, or any commitment to actually do something.

I have talked with our officials, and I asked them: if this treaty is signed and ratified by the Senate, could it be possible that this statement put out a week ago Friday listing a set of voluntary measures with an estimate of what they might accomplish would satisfy the requirements of the treaty? I was told, "yes."

In other words, the language that is now about to be adopted will not require us to do a single thing, nor will it require other countries to do a single thing. Is it better than a catastrophic failure at Rio with the world leaving there embittered and hostile with an aversion to even reopening negotiations? Yes, if the choice is between bad and worse, you choose bad.

Why is there not a third option, a good treaty to actually do something? There is one reason: President George Bush and his utter failure of leadership on this question.

Consequently, Mr. President, I will be introducing this legislation on Thursday to put the U.S. Senate on record that our country should stabilize greenhouse gas emissions at 1990 levels by the year 2000, because the administration has already said we can do so with purely voluntary measures at a profit. I hope that my colleagues on both sides of the aisle will support this measure. It is also pending in the other body.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I ask unanimous consent to extend the time for morning business until 10:15.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX EXPENDITURES—HEALTH EXCLUSION

Mr. DURENBERGER. Mr. President, I have come to the floor again today to address another aspect of America's health care crisis.

This crisis is affecting the American people in many ways. It is radically changing the spending priorities of this Government and adding daily to the deficit. It is eating away at the bottom line of every business in America; as benefit costs soar, profits drop and so does competitiveness.

And it is eating away at the economic security of the American family. The best off among us are seeing their take-home pay eroded by health premium increases; the least fortunate live in constant fear a single hospitalization will wipe them out.

As we attack this pervasive and highly complex problem, the first thing we need to do is sort out what are the symptoms and what is the disease.

In my view, the system is in crisis for one fundamental reason: Its costs are out of control. Drug costs, hospital costs, and physicians' costs seem to be out of control. The prices that we pay to protect ourselves against the financial consequences of these costs are totally out of control. We are in a dangerous inflationary spiral where each increase leads to several others. We are on a path that leads to a U.S. medical bill by the end of the decade of $2 trillion, and that is simply unsustainable.

Mr. President, last week the Joint Committee on Taxation published a report that provided a rather disturbing view of the extent of this problem.

The joint committee does revenue estimates for the Finance Committee and House Ways and Means Committee. Each year, it calculates the cost of what are called tax expenditure—these are policy decisions made right here; we make them when we draw up the Tax Code—all of which reduce the amount of tax revenue raised from the American people.

It is the spending which each American or American corporation does that requires the financial assistance of all other Americans. It is the subsidy necessary to get each of us to make certain decisions about how we spend our earnings on the things that presumably we or the Nation needs.

The way the estimating process goes in the committee is that the committee figures out how much the basic elements of the code would raise—that is, the Tax Code would raise—if there were no deductions or exemptions, and it calculates how many taxpayers, corporate and individual, took advantage of various tax provisions and how much extra taxes they would have paid if they did not take advantage of them.

It is a very important process because as far as the deficit is concerned, a dollar not raised in the tax system is the same as a dollar spent. Unfortunately, we tend to pay far less attention to tax expenditures than we do to Federal spending, even though they have dramatic budgetary and policy implications that are very similar.

The joint committee just released tax expenditure estimates for fiscal years 1993 to 1997. In the area of health, in particular, we discover the largest, fastest growing tax expenditure or public expenditure on health care in this country, the exclusion from income for employer-provided health care, and the estimates are startling.

Last year, the joint committee projected that the 1993 income tax exclusion for employer-provided health insurance would cost the Treasury $41.3 billion. In 1994, they projected $45.1 billion. In 1995, $49 billion; in 1996, $53.2 billion. That reflects a growth rate in tax spending for employer-paid health insurance of 10 percent a year.

But those, Mr. President, were last year's estimates. The new estimates paint a far darker picture. According to the joint tax estimate, the 1993 tax cost of the tax exclusion will be $46.4 billion, 12 percent higher than was projected a year ago. For 1994, the exclusion will be $51.3 billion; for 1995, almost $57 billion; and for 1996, $63 billion.

And in 1997, the exclusion is estimated to cost $69.6 billion. That will make the employer exclusion for health care the No. 1 tax spending in the budget. That is more than will be spent for pensions, $66 billion; more than the cost of the home mortgage interest deduction, which is under $60 billion. Imagine that. We forgive more taxes for health premiums than we do all for all the home mortgage payers in America, a surprising figure.

But, Mr. President, those billions reflect only the individual income tax spending that results from the exclusion. They do not take into account the FICA tax or the Social Security tax savings, nor the savings to the employers from deducting the cost of health benefits from their corporate income tax. If you add in the FICA exclusion the 1993 cost will rise from $46.4 billion to $75 billion. And if you add in the corporate tax deduction, the total 1993 cost of the health exclusion jumps another $57 billion to $132 billion, and that is for a single year. That is more than we are going to spend on Medicare.

So if you worried about the Medicare cost increases and the Medicaid cost increases, I suggest you add in a third very disturbing figure: $132 billion in tax subsidies for employer-provided health insurance. It is the cost of the tax-paid portion of employers' spending on health insurance in 1 year.

So cost containment it is not. We need to face up to the dramatic impact that tax-free health benefits have on the cost spiral. Any service that is free is overused. The same is true for any service for which you do not pay the full cost. We are giving the system a reason and an encouragement to spend too much.

Mr. President, not only are these costs unsustainable, but they are fundamentally inequitable. The 100-percent unlimited exclusion for health insurance applies only to employees and executives of corporations. Self-employed small business operators, farmers, and individuals can only deduct 25 percent of their health insurance costs. For the past several years, I have introduced legislation that would end this inequity, and hopefully with the passage of S. 1872, which I introduced with Senator BENTSEN, we can abolish that particular inequity.

In addition, the unlimited tax exclusion for employer-provided health insurance fuels the health care cost spiral because it insulates individuals from the real cost of their health insurance. By allowing a 100-percent corporate deduction and a 100-percent income tax and FICA exclusion, there is little incentive to rein in costs or benefits. So equal access, it is not.

The income tax exclusion clearly benefits upper income executives more than average-paid employees. A person in the 15-percent bracket who received a $5,000 health plan receives a benefit worth $750 in income tax savings. For the executive in the 31-percent bracket, the value of the income tax savings is more than double: $1,550. The more expensive the health plan, the greater the tax savings to the high-income person.

So, Mr. President, the day is not far off when the Congress and President are going to reach the point where we are going to adopt and pass legislation to end the massive, unlimited tax subsidies for America's overinsured.

We worry about the 33 million, 35 million, 37 million uninsured. We worry about millions of Americans who are uninsurable. There is more than enough excess in the overinsurance paid for by the American taxpayers to resolve those inequities.

The dollar costs associated with this exclusion are unsustainable, and it is unconscionable to continue to subsidize the coverage of the best-off while millions have no coverage.

Yes, we have a crisis on our hands, Mr. President. And we start to attack it by addressing those factors which are driving the cost of health care out of the reach of most Americans. This report on our tax expenditure on health shows us a good place for us to start.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me at this time.

(The remarks of Mr. PRYOR pertaining to the introduction of Senate Joint Resolution 297 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HUMANITARIAN CRISIS IN SOMALIA

Mr. DURENBERGER. Mr. President, a terrible tragedy is occurring in Somalia. Lawlessness, anarchy, and seemingly random violence have conspired to create what many observers now consider the worst humanitarian disaster in the world today.

Conditions for the impoverished people of Somalia are very difficult under normal circumstances. With rival bands of roving gunmen now controlling parts of the capital Mogadishu and others simply shooting up the city, Somalis are faced with the daily desperate search for food and safety.

As the struggle for control and influence persists virtually unabated, rival factions debase themselves with the contemptible practice of using food as a weapon, not only against their rivals, but against innocent noncombatants—men, women, children, the elderly and infirmed.

Food is withheld from areas, groups, and individuals in order to exert influence, to extract concessions, and tragically, to inflict pain. Thus far, the international community's considerable effort to provide humanitarian relief has been thwarted.

Now, in what the Washington Post recently described as a desperate expedient, the Red Cross and UNICEF have resorted to paying off rival gunmen with food in order to secure permission for the groups to bring food to a population that is dying of starvation at alarming rates.

It is sad and shocking that the international community must resort to such means in order to get relief to those in desperate need. It is a bold and uncertain strategy, but a necessary one. Sadly, there appear to be few other plausible options at this point if we are to avoid a human tragedy of untold proportions.

Mr. President, I would urge our colleagues to remain attentive to the horrible situation playing out in Somalia. We should support the efforts of the Red Cross and UNICEF to get food to those in dire need, even it that requires buying off rival gunmen. It is, indeed, a risky strategy that has virtually no precedents. But the contemptible use of food as a weapon of war or the scale and in the manner occurring in Somalia is also virtually without precedent.

I commend my friend and colleague, Representative TONY HALL, for his tireless efforts to persuade the conflicted countries of this region to ensure adequate relief supplies reach the people most in need. He has led efforts to establish so-called arms control agreements pertaining to the weapon of food. It is an uphill battle. Representative HALL and others who have joined him deserve our support and encouragement.

Mr. President, before concluding, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks an editorial from the Washington Post on the tragedy of Somalia.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1992]

HORN OF MISERY

The relief agencies are having to resort to a desperate expedient in Somalia. There in the Horn of Africa the International Committee of the Red Cross and UNICEF, the children's agency, are paying off gunmen—rival gunmen—in kind in order to secure their permission for the groups to bring in food for starving people. Perhaps there is always some sort of implicit potential of extortion in war-zone relief operations, but it is particularly open and shocking in Somalia. The best that can be said is that it is a tactic improvised in the absence of any local authority or outside intervention force capable of seeing to the fair and expeditious delivery of vital supplies.

Rep. Tony Hall, chairman of the House select committee on hunger, observes that the Horn as a region has become uniquely associated with the use of food as a weapon. It is a sad distinction. Mr. Hall contributed to a recent effort to induce Sudan, Ethiopia, Kenya and Djibouti to ensure the provision of relief in conflict situations. This was billed as a first international "arms control" agreement centering on the "weapon" of food. No sooner had these African nations taken a broad pledge not to use food as an instrument of war, however, than a new Sudanese government offensive forced the U.N. to suspend its feeding of a million or more people in southern Sudan.

In the past 10 or 15 years the relief agencies and contributing governments have been called on for almost continuous surges of service in the war- and drought-induced famines of the Horn and of other points in sub-Saharan and southern Africa. It has been an uphill battle to keep the international public engaged in this essential but seemingly endless work. The combatants' use of starvation as a tactic in civil conflict—against their own citizens—has been especially dismaying and has prompted efforts to establish a "right to food."

Naturally this initiative comes more easily to donors and others who do not have much of an interest in the political outcome of a given dispute than to the participants in it. It is the mark of civilization, however, to put limits on the most terrifying weapons of war and especially on those that bear heavily on noncombatants. The deliberate starving and killing of masses of civilians have no justification whatever. Governments or insurgent factions that do this kind of thing deserve contempt.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,877,530,244,106.22, as of the close of business on Friday, May 1, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,095.95—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

TRIBUTE TO DARWIN SCHENDEL

Mr. KOHL. Mr. President, I rise today to pay tribute to Darwin Schendel of Oakdale, WI. Mr. Schendel is retiring this Friday as the general manager of the Oakdale Electric Cooperative, a member-owned organization which he has served over the past 33 years. Mr. Schendel is in Washington this week representing the Wisconsin Electrical Cooperative Association, and at this time I would like to take a moment to highlight the rich contributions that Mr. Schendel has made to his cooperative and to his community.

Mr. Schendel was born and raised in Monroe County, WI. After graduating from high school in 1948 he farmed for a year, then worked for 3 years as a mechanic for the Ford Motor Co.

In 1959, Mr. Schendel went to work for the Oakdale Electric Cooperative, where he has been employed ever since. He started as an appliance repairman, but over the years he has risen considerably within the cooperative. He served as appliance foreman, staff assistant, and assistant manager, and in 1980, he became general manager of the cooperative.

Mr. Schendel has served his community in many capacities. He is vice president and secretary of the Monroe County Agricultural Society, a board member of the Wisconsin Association of Fairs, a member of the Farmers & Merchants Bank board of directors, and chairman of the Monroe County Housing Authority Board. He has also served as fire chief of the Oakdale Fire Department, on the advisory board for the area vocational schools, and as a board member of St. Michael's Catholic Church.

Mr. Schendel and his wife Rosella have three daughters, Dianna, Sandra, and Sue, and three grandchildren. I join his family, his friends, and his colleagues in the Wisconsin Electrical Cooperative Association in wishing Mr. Schendel the happy retirement that he so richly deserves.

PROTECTIONISM—THE SCOURGE OF MARKETS IN THE NEW WORLD ORDER

Mr. GRAMM. Mr. President, last month Leo Melamed, chairman emeritus of the Chicago Mercantile Exchange [CME], spoke at the Fourth Annual International Finance Symposium in Tokyo. His speech, entitled "Protectionism—The Scourge of Markets in the New World Order," is one of the finest I have read on the subject of international trade and competitiveness.

Having pioneered the concept of financial futures, launched foreign currency futures and created the International Monetary Market in the 1970's, Leo Melamed transformed the CME from a secondary domestic agricultural exchange to the world's foremost financial futures exchange. In the 1980's, Leo Melamed instituted a global trading link between the CME and other financial exchanges by introducing GLOBEX, an electronic after-hours trading system which, beginning in 1992, became the unified electronic trading system for the Chicago Board of Trade and the CME.

Leo Melamed's expertise on international trade is abundantly demonstrated in his incisive analysis of the current international economic order. I commend his clear thinking to my colleagues as the trade debate continues on this floor and throughout the country.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PROTECTIONISM—THE SCOURGE OF MARKETS IN THE NEW WORLD ORDER

(By Leo Melamed)

(Presented at the Chicago Mercantile Exchange and Chicago Board of Trade Fourth Annual International Finance Symposium, Tokyo, Japan, Apr. 8, 1992)

It represents a paradox of unimaginable proportion. At the very moment in history when the triumph of free markets is nearly global—at the very moment in history when market-driven economic order is embraced in such unlikely places as Moscow, Sofia, and Prague—at the very moment in history when the Communist world has discarded the manifesto of Karl Marx in favor of the principles of Adam Smith—at this same moment in human history, some of the staunchest champions of a liberal world economy, free trade, and uninhibited competition have suddenly developed a severe case of second thoughts.

Even as the bust of Lenin unceremoniously disappears from every pedestal in the Communist world, even as endless teams of economists from Eastern Europe travel to America to study market-driven economic order, even as central planning becomes a ridiculed concept throughout the former Soviet Union, some within the bastions of free market economics in the United States and Europe are talking of industrial policies, protectionism, and tariffs. The philosophical incongruity of this phenomenon is difficult to comprehend. It would be comical were it not so tragic.

What happened? Have we lost our faith? Our nerve? Or have we simply lost our memory and are condemned, as Santayana suggested, to repeat past mistakes?

Surely our memory cannot be so short that we have forgotten Senator Reed Smoot of Utah and Congressman Willis Hawley of Oregon who together devised the so-called Smoot-Hawley Tariff Act of 1930, the Act that resulted in a trade war and according to most economists helped plunge the world into the great depression of that era.

Those who suddenly again question our liberal global economic philosophy suggest that the U.S. has been duped in a world that does not operate according to classic economic principles. That we are naive fools in a cutthroat competitive world that has few rules and that is ruthlessly unfair to nice guys. No question some of this has the ring of truth. There exist areas of unfair global competition. There exists a network of protected industries that take advantage of American good will. But there is nothing new about that, nor is the U.S. itself free from unfair trade practices. While we must be unrelenting in our efforts to erase such sins, they are meaningless in the sum total of our successful global course over the last half century. What has brought the protectionist voices to the fore has been the special economic circumstances of current vintage—principally the long and difficult American recession. It has created an emotional environment, one based on fear and distrust; it has created an atmosphere fertile for sophistry and demagogues.

Specifically, anti-liberal economic theorists advance two major myths to support their views: that protectionism is justified by U.S. trade imbalances and that protectionism saves jobs. Both myths are false. They have again come into fashion, as Daniel Oliver the former Chairman of the U.S. Federal Trade Commission observed a few years ago, by virtue of special interests in America; i.e., some industries adversely affected by foreign competition have invented a national problem in order to advance their own self interests.

That protectionism will create jobs is a claim that Herbert Stein, the American Enterprise Institute scholar, has characterized as "best selling fiction." While it is true that a protectionist policy will create jobs in the particular industry being protected, it is equally true that it will have a devastating effect and cost jobs in the economy as a whole. By saving jobs through trade protectionism in (say) the machine tool industry or the computer chip industry, it will be at the expense of jobs in manufacturing or jobs in electronics. Because when a foreign country cannot export its products to the protected country, it has less money to spend on imports from the protected country. The protected country will thus lose some other export market that will force some other corner of its industry to reduce its labor force. As Milton Friedman told us in Free to Choose, "The gains to some producers from tariffs and other restrictions are more than offset by the loss to other producers and especially to consumers in general." [1]

Similarly, the myth about the U.S. trade deficit negatively affecting the U.S. economy is simplistic and equally untrue. As should be obvious but is often misunderstood, a trade deficit (the so-called current account deficit) is not something that is good or bad per se. It is merely the counterpart to a capital account surplus. Exports are not by themselves good nor are imports bad. A favorable balance of trade basically means exporting more than we import; i.e., shipping goods abroad of greater total value than the goods we get from abroad. In other words, sending more than we receive. If the reverse occurs—when we receive more than we send—strange as it may seem, it creates an unfavorable balance of trade.

During the 1970s, for instance, the U.S. had a trade surplus and a deficit in the capital account, partly because of large U.S. investment overseas. Was that good? In the 1980s, the U.S. began running a surplus in its capital account; the favorable climate for investment in the U.S. was causing an influx of foreign capital. This was used to partially finance a major retooling of American production capacity. Is this bad? If the rest of the world is to invest—on net—in the U.S., the U.S. will necessarily run a trade deficit. As most economists and scholars will tell you this is neither good nor bad. Nor does the trade deficit take away jobs as protectionist rhetoric in guise of national concern will attempt to tell us. For instance, during the 1980s, even as our trade deficit continued to mount to record levels, the United States continued to produce new jobs at a very high rate.

As everyone in Japan is aware, the brunt of the current protectionism attack has been directed at this country. Japan's economic miracle of the past several decades has made the rest of the world envious. Thus, the tapestry of free trade is shamelessly being rewoven into something called fair trade a buzz word for protectionism; an America-first syndrome, the equivalent to a fortress-Europe mentality, is disgracefully trampling on the sacred precepts of global competition; the time-honored principles of a market-driven economy are outrageously attacked in favor of short-term solutions, political expediency, and emotional rhetoric. Japan has become the whipping boy for the world's economic problems.

Does anyone care to listen to the truth. For instance, although the U.S. 43 billion trade deficit with Japan is blamed for the American recession, in truth its impact on the American economy is relatively small—equal to 2 day's worth of U.S. output. Excluding autos, the U.S. deficit with Japan is not much more than it is with China. In fact, the U.S. total trade deficit—66.2 billion in 1991—fell below the 100 billion mark for the first time in 8 years. At the same time, U.S. exports surged to a record 422 billion and the U.S. captured a greater share of worldwide manufactured exports than Japan. Indeed, the U.S. exports more to Japan than it does to Germany, France, and Italy combined. Conversely, Japan imports more per capita from America and at a higher percentage of its gross national product than the U.S. imports from Japan.[2] In truth, the U.S. export picture has been the one bright spot in the American economy; if a recession or an economic slowdown is occasioned by U.S. trading partners or if protectionism has its way, the American economy will be hit even harder.

However, the rationale for protectionism and tariffs is unencumbered by the truth; it is built upon false assumptions, inaccurate impressions, and demagogic sentiments. For instance, Japan is said to be an unfair trader. This is an erroneous accusation. While Japan is not without guilt, it is on the whole no different than other industrial countries. In fact, on average, Japan trade barriers are lower than other industrial nations. Its average tariff for industrial products is 2.6%—compared with 3% for America—and its nontariff barriers, such as quotas and licenses, are similar to those in America.[3]

These facts are not well understood or publicized in the United States, nor are they sufficient to offset the frustrations resulting from our long and deep recession, unemployment in excess of 7%, and an ongoing U.S. election process. This combination of circumstances has created a climate ideal for those motivated by self-interests. Indeed, sophistry and demagogic polemics are very effective tools in times of economic stress, especially in a political year. Take the American auto industry as an example. Some of their executives would have us believe that the problems occasioned by their industry are not caused by competitive value comparisons on the part of U.S. consumers, but are the result of a Japanese government plot, one that has caused the current U.S. trade deficit. Consequently, the problem, they argue, is of national concern.

Of course there is nothing new about the use of such sophistry by merchants and manufacturers to advance their own special purposes in the guise of a national necessity. Sophistry in commerce has been applied throughout the ages. It was best described by Adam Smith in 1776, in The Wealth of Nations:

> In every country, it always is and must be the interest of the great body of the people to buy whatever they want of those who sell it cheapest. The proposition is so very manifest, that it seems ridiculous to take any pains to prove it; nor it could it ever have been called in question had not the interested sophistry of merchants and manufacturers confounded the common sense of mankind. Their interest is, in this respect, directly opposite to that of the great body of the people.[4]

As Milton Friedman will tell you, "These words are as true today as they were then." It is always in the best interests of the vast majority of the people to buy from the cheapest source and sell to the dearest.[5] Yet, sophistry, motivated by special interests, will attempt to tell you that this is not the case and that there are national priorities at stake. The national priorities just happen to coincide with the special interests of the merchants and manufacturers Adam Smith wrote about.

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[1] Milton and Rose Friedman, Free to Choose (1980).

[2] U.S. News & World Report, March 12, 1992.

[3] The Economist, January 11, 1992; World Bank.

[4] Adam Smith, The Wealth of Nations (1776).

[5] Free to Choose.

Nor is protectionism, sophistry and demagogic polemics exclusive to the United States or Europe. Such endeavors know no geographic boundaries. Here in Japan, the same or similar political expediencies, sentiments and actions are exercised covering a wide range of commercial enterprises including protecting domestic industries at the expense of international trade, exclusive arrangements among Japanese companies, keiretsu transactions, and even the blaming of the futures index market in Osaka for falling stock prices in Tokyo. Such actions are the cause of the unwarranted image Japan has earned. For instance, the proposed Japanese restrictions on derivative trading activities can be assessed by financial markets as an attempt to punish the profitability of foreign brokers—primarily U.S. institutions. Is this other than protectionism? Is it not sophistry to suggest that such measures will correct the perceived problems in Japanese markets? Similarly, when a Japanese official recently stated that American workers are "lazy and illiterate," his words were not only a disservice to the cause of free trade, they were blatantly false.

While Japanese do have more working hours than Americans—225 hours per year more than U.S. workers—American workers rank second in the number of work hours of any nation in the industrialized world. Americans work about 320 hours more per year than workers in Germany or France. Indeed, working hours in the U.S. have increased substantially over the past twenty years. From the end of the 1960s to the present, Americans' work hours have increased by about 160 hours (or nearly one month per year). This is true for women as well as men.[6]

Similarly, it is a fallacy that the productivity of American workers has fallen. The level of productivity of the U.S. worker has more than doubled since 1948. And as for leisure time, American and Japanese workers on average receive the same 10 days vacation time—well behind the thirty days of vacation for Swedish or Austrian workers, or the twenty-five days in France, or the twenty-two days in the U.K., Switzerland and Spain, or the eighteen days in Germany.[7]

And while the negative comments about American workers were probably made for domestic rather than foreign consumption—possibly to forestall the growing pressure from Japanese laborers to reduce working hours (just as many of our negative comments about Japan are made for domestic U.S. consumption)—they nevertheless can cause serious difficulties for the relations of our two nations. It therefore behooves public officials on both sides of the Pacific to bear this in mind. That particularly during times of recessions—as the U.S. has endured, as most of Europe is experiencing, and as may yet be felt here in Japan—it is imperative that the voices of our public officials be less shrill and that they not unwittingly lend ammunition to those who have a special protectionist agenda.

For we know that protectionism has popular appeal. We know that in times of economic strain protectionism can gain a following. But we also know that protectionism is the scourge of markets everywhere. We know its consequences are devastating and ubiquitous. Dare we allow the near global triumph achieved by free markets in recent years be diminished? Dare we endanger the new world order we have fought so long and valiantly to achieve? Dare we allow the protectionists of the 1990s to lead us down the Smoot-Hawley path of the 1930s? Sophistry and demagogic polemics can snatch for us defeat from the jaws of victory. We, of free markets, must not allow this to transpire.

Thank you.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Chair recognizes the distinguished President pro tempore of the Senate, the Senator from West Virginia, [Mr. BYRD].

RESCISSION OF CERTAIN BUDGET AUTHORITY

Mr. BYRD. Mr. President, I thank the Chair. Mr. President, I offer a privileged motion. I move that the Senate proceed to consideration of S. 2403.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2403) to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

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[6] Newsweek, February 17, 1992.

[7] Ibid.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98–473, Public Law 99–88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102–145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102–172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $367,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102–154, R92–34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101–511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101–161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101–511, and proposed for rescission in R92–111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101–511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101–511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101–511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101–165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102–172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced

Technology Development programs, $21,100,000 is from the NCMC-TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101–511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

The PRESIDING OFFICER. Under the previous order, the committee substitute is the pending question. Time for debate under the question is 2 hours, equally divided.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I have a unanimous-consent request which has been cleared on both sides.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that upon the receipt of H.R. 4990 from the House all after the enacting clause of that bill be stricken and that the text of S. 2403 as amended be inserted in lieu thereof, that H.R. 4990 be deemed to be read a third time and passed, that the motion to reconsider the vote be tabled, and that the title be amended with the amendment reported to the title of S. 2403; that the Senate insist on its amendments and request a conference with the House, and that the chair be authorized to appoint conferees on the part of the Senate; that S. 2403 be indefinitely postponed; that pending receipt of H.R. 4990, S. 2403 be returned to the calendar; and that the above actions take place without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED—S. 2402, S. 2551, S. 2570

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2402, S. 2551, and S. 2570 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, under the provisions of the Congressional Budget Act of 1974, the time on the bill, I believe, is controlled by the majority and minority leaders, or their designees; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that the time on the bill be controlled by Senator HATFIELD and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Under the Congressional Budget Act, is it not a fact that time from the bill may be yielded on any amendment or on debatable motions or other matter that is debatable?

The PRESIDING OFFICER. The Senator is again correct.

Mr. BYRD. I thank the Chair.

Mr. President, I yield myself time from the bill, such time as I may desire.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, S. 2403 was reported by the Appropriations Committee by a vote of 19 yeas to 9 nays on April 30, 1992, in the form of a substitute. The committee substitute addresses not only the President's March 20 rescission request, but those of March 10, April 8, and April 9, as well.

Title I of S. 2403 contains the committee's recommendations relative to the President's March 10 rescission requests. Title II of S. 2403 contains the committee's recommendations relative to the President's March 20 rescission requests. Title III of S. 2403 contains the committee's recommendations relative to the President's April 8 request. Title IV contains the committee's recommendations relative to the President's April 9 rescission requests.

The President's rescission requests would reduce defense spending by a total of $7,141,770,000. The committee recommendations would reduce defense spending by a total of $7,205,040,000 or $63,270,000 more than requested by the President. The President's requests would reduce domestic discretionary spending by a total of $721,002,690. The committee recommendations would reduce domestic discretionary by a total of $910,144,590, or a cut of $189,141,900 more than requested by the President.

For international spending—or as some would rather term it, foreign aid—the President requested no rescissions, but the committee recommends rescissions totaling $172,362,054.

The total amount of rescissions requested by the President for defense and domestic discretionary is $7,862,772,690. The committee has recommended rescissions for defense, domestic discretionary, and international spending, and the committee's recommendations total $8,287,546,644, or $424,773,950 more in cuts than the amount of the rescissions requested by the President.

In making these recommendations, the committee carefully scrutinized the President's requests and recommended many of those requests, modified some of them, and rejected others. In addition, the committee has reviewed all appropriations under its jurisdiction and recommends additional rescissions which were not requested by the President. These committee-initiated rescissions are made possible due to changed circumstances, delays in obligations and, in some instances, wasteful and unnecessary spending by the executive branch.

We took the President's rescission requests very seriously, even though they were accompanied by a lot of political background noise, including some rather silly suggestions that a vote be taken on each proposed rescission. This was a sophomoric idea and this idea was conceived by individuals who sought to gain some imagined election-year advantage by trotting out that old horse about wasteful spending by the Congress, and they got the President's ear. In spite of all this too-familiar rhetoric, the committee endeavored to take the matter seriously and cut what seemed to be unnecessary expenditures.

For example, the committee included a rescission of $500 million from the Department of Defense's inventory, which was not requested by the President. The President did not request this rescission. The committee held a hearing on this matter of excess Defense Department inventories, partly based on a "60 Minutes" piece which showed the magnitude of this problem. Senator GLENN, in his capacity as chairman of the Governmental Affairs Committee, and Senator LEVIN, who chairs the Subcommittee on Oversight of Government Management of the Governmental Affairs Committee, presented very compelling testimony to the Appropriations Committee on this important matter and recommended substantial reductions in appropriations for DOD inventories.

In addition, the committee took testimony from Mr. Frank Conahan, Assistant Comptroller General of the General Accounting Office. Mr. Conahan has been in charge of GAO audits of DOD inventories for a number of years. He testified that in 1989, the Pentagon had a 50-year supply for 1,241 items. There are clearly savings that can be obtained from a careful scrutiny of Defense Department inventory practices.

During Operation Desert Storm, the Defense Department purchased 60 railroad cars full of intravenous solution in anticipation of heavy casualties. No one would fault the department for preparing for such a scenario. But in drafting the pertinent contract, the DOD made no provision for the possibility that the IV solution might not be used. Since the war was mercifully brief and casualties mercifully light, the 60 boxcars went untouched and the Pentagon sold the solution back to the manufacturer at less than 45 cents on the dollar.

Of course the manufacturer then resold the product at its full value. It would have seemed to be a relatively simple matter to have structured this contract to take into account that the 60 boxcars of IV solution might not be needed, or at least a portion thereof. But this apparently was not the mindset at the Defense Department. One would think that if an individual were handling his own money, which in a sense he is, he would be more careful. He would be reflective, he would be more thoughtful, and he would likely foresee the possibility that there might be a need to return the supply and take that possibility into account in drafting the contract.

The motto of the Pentagon purchasing agents could well be: "If we might need it, buy it, buy lots of it, and buy it now."

Mr. President, this $500 million rescission is just a down payment in attacking the billions of dollars which can be saved in the coming years in this area of the DOD budget.

The committee substitute also includes a provision to reduce DOD Senior Executive Service personnel by 5 percent, not only for 1992, but also for 1993, 1994, and 1995. This cut in top management was not requested by the President, but it is commensurate with the cuts that will be necessary in the levels of enlisted men and women. It is entirely proper that top management be cut as well.

Mr. President, the unprecedented changes in the world situation and latest threat forecasts provide us with a historic opportunity to reevaluate how much of this country's precious resources we must devote to defense. The threat of global conflict is vanishing. The war in Afghanistan was the last battle of the cold war, and was won by the people of that country. The greatest threat now facing the United States is economic, not military. We must seize this opportunity to redirect our money and our energy into civilian programs that have a much greater impact on our economic situation.

I have always been a strong supporter of defense, including SDI, and have always favored using high technology to maintain our qualitative advantage. However, the military threats to the United States and its allies come increasingly from regional conflicts featuring short-range missiles like Scuds, not ICBM's. This rescission bill would cut $1.3 billion from the strategic defense initiative. Funds would be rescinded from those elements of SDI that focus on some nebulous long-term threat and exotic technologies, including space-based interceptors like Brilliant Pebbles, and the most abstract future-oriented research and development programs.

We have left in place the funds for theater missile defenses to protect our deployed forces and our allies from attack by short-range missiles such as the Scud. Funds to build the limited defense system at Grand Forks, ND, the first step in protecting the United States from limited ballistic missile attacks, also remain.

Last year, in the fiscal year 1992 Department of Defense authorization bill, we included the so-called Missile Defense Act provision, which sets out our policy on strategic defenses. The funding for SDI which we have preserved, $2.9 billion, fully funds that provision and is faithful to its policy and program thrust.

Current and future fiscal limits require that hard choices be made. With theater missile defense development and the Grand Forks system, we are meeting the existing military threat. At the same time, we should work to stem the proliferation of missile technology instead of simply seeking to counter it with expensive and grandiose concepts that rob the country of funds needed elsewhere.

Over $22 billion can be saved between 1992 and 2005 if the programs outlined in the rescission bill as reported by the Senate Appropriations Committee are ended. These are rescissions that are added by the Senate Appropriations Committee following the leadership of the able and distinguished Senator from Hawaii, the senior Senator, Senator INOUYE, chairman of the defense appropriations subcommittee.

I want to take this moment to congratulate Senator INOUYE and the other Senators on his subcommittee for the very capable work that they have done on this rescission bill. Every subcommittee took this bill seriously. Every subcommittee chairman took the President's message seriously, as did I, the chairman of the full Appropriations Committee.

I have working with me in a very fine way and very cooperative manner the distinguished ranking member of the full committee, the senior Senator from the State of Oregon, Senator HATFIELD. We work closely together.

As I sent the President's messages to all of the appropriations subcommittee chairmen, I urged them to take a serious look at the President's requests, and to approve the President's rescission requests where those requests were meritorious, but, at the same time, to scour other areas of appropriations, and to add rescissions which had not been included in the President's request where such rescissions would eliminate wasteful spending.

Senator INOUYE very faithfully followed my recommendations. Now under Senator INOUYE's recommendations, the ABM treaty would remain a cornerstone of international stability. Canceling the Brilliant Pebbles Program for orbiting space-based interceptors saves some $9 billion or more. Similarly, cutting funding for what is euphemistically called innovative technologies saves some $2 billion. And ending funding for directed energy weapons research and development, the follow-on to Brilliant Pebbles, saves another $11 billion over the years. Additional smaller savings would result from the reduction in the management and support segment, estimated by the General Accounting Office to consume 20 percent of all SDI funding between the years 1992 and 2005. This money can be better spent on programs that directly affect the economic health of the United States.

There are some who have suggested that these cuts in SDI were politically motivated—that they were a counterpunch intended to hit back at an administration move to cut the Seawolf submarine program. This is not the case. Portions of the SDI program are of dubious value in light of the collapse of the Soviet Union.

These are legitimate savings, they are serious savings, which can be made, which ought to be made, to reflect the altered defense needs of our Nation.

S. 2403, as reported, contains two rescissions that I recommended which will eliminate wasteful executive branch spending—wasteful executive branch spending by the National Science Foundation and by the National Institutes of Health.

As Members are aware, the Appropriations Committee approves funding for general categories of spending for various agencies, such as research, salaries and expenses, and so forth. These lump-sum appropriations are not administered by the Congress, but by the executive branch agencies, which are delegated that authority in Appropriations Acts. This is necessary because there are literally thousands of applicants for grants for many Government programs. Congress is in no position to review and act upon these thousands of grant requests. So we delegate this authority to the executive branch. We do our best to assure that the recipients of Federal funds, under the tight budgetary constraints that all agencies face, will be carefully selected on a prioritized basis.

Yet, an examination of a host of grants in the National Science Foundation led me to conclude that while there may be some theoretical value for these items, the American taxpayers may wonder why their hard-earned money is being spent on these items.

The committee substitute, therefore, will rescind, at my request, the unobligated balances of 31 National Science Foundation grants. The President when he announced his rescissions effort in the East Room of the White House on March 20, he made a rather interesting speech in which he attacked the "wasteful spending" of Congress. There is no doubt that all budgets contain waste to some degree, and there is no doubt that we ought to do what we can to eliminate wasteful expenditures. But there is enough on this platter to go around, enough wasteful spending to go around.

So to hear the Chief Executive speak on that occasion, to the effect that only Congress is guilty of wasteful spending—and the President singled out some examples of what he considered to be wasteful spending, and the Senate has gone along with some of them, but the President did not say anything about wasteful spending in the executive branch. Let me bring a few examples of wasteful spending by the executive branch to the attention of my colleagues, and to the attention of the American people.

First, a study of the sexual aggression in fish in Nicaragua; that is one of the wasteful expenditures that the executive branch was engaging in. Nothing was said about it in the East Room of the White House on March 20, but it is included in the Senate substitute, which eliminates that study of the sexual aggression in fish in Nicaragua. The importance of lawyers to the middle class; the personal identity of law school professors; the mating behavior of swordfish—these are other examples of executive branch programs that are rather exotic examples of wasteful spending. They were not mentioned in the East Room of the White House on March 20, but the Senate committee substitute will eliminate them all.

How the Chinese have sought employment in urban areas since 1949 is another wasteful expenditure. Another example of executive branch wasteful spending is: A comparison of the roles of intra and intersexual selection in the evolution of sex-limited mimicry of two swallowtail butterflies. The Senate Appropriations Committee has rescinded this wasteful executive branch funding.

Those in our research community might wonder why these particular executive projects received funding. Last year, the National Science Foundation received 52,880 proposals, totaling $11.9 billion. Of those, only 34 percent received funding, since the National Science Foundation budget is about $3 billion. Given the importance of the Foundation's work in manufacturing research, supercomputing, and biotechnology, which have direct ties to our future economic competitiveness, it is ludicrous that the National Science Foundation is spending limited resources on these unnecessary and wasteful items.

The committee recommends rescissions for three NIH grants totaling $367,000. These are rescissions that I offered by way of amendment to the bill when it came before the Appropriations Committee. The committee substitute rescinds $68,000 for a grant made by the National Institutes of Health to calibrate the amount of dental pain persons experience, by studying their facial expressions while in the dentist chair. That is a wasteful executive branch expenditure that was not mentioned in the East Room of the White House by the President on March 20, but it is included in this committee substitute at my insistence for elimination.

Another item in this bill that was not mentioned at the White House in the Oval Office on March 20 is: $205,000 for a grant that was made to study the incidence of dental fear in the population.

Well, common sense tells me that everybody fears going to the dentist. It is easy to save that $205,000. That is executive branch waste. I might go to the dentist two times a year, and I always fear going. So we do not need to waste money to study that. The Senator from Hawaii does not relish going to the dentist chair. The Senator from Oregon does not; we are all afraid to go there, but we have to go.

Another wasteful executive branch item that was not mentioned in the East Room of the White House on March 20—that eventful day when the President indicated he was going to send up all these rescissions and curtail wasteful spending in the Congress—was $94,000 for a grant to study why people fear the dentist.

Well, people have been fearing the dentist since Adam and Eve were driven from the garden for their sins, and people will continue to fear the dentist from now until kingdom come, and it will not require a $94,000 study to determine that.

I want to reemphasize that these items were not congressional earmarks; these items are not congressional "pork." Rather, they are grants made by the National Science Foundation and the National Institutes of Health—by the executive branch—under the general authority that is provided to those agencies in the appropriations acts. There are probably many more instances of wasteful spending that could be found as the committee continues to review executive branch spending policies and practices in the coming months. We do not have the staff resources that would be required to prevent or eliminate all the wasteful and unnecessary executive branch spending, but we do have a very dedicated and hardworking professional staff who will do their best to ferret out such profligacy and eliminate it.

We only have 82 staff people on the Senate Appropriations Committee. That is the whole shebang, from top to bottom, including our clerk typists—82. We have to survey the entire budget, whatever portions of the budget that come before the Appropriations Committee, and that certainly is less than half. And a great portion of that, the Appropriations Committee has no control over, because it is mandatory spending.

So we have a very dedicated, hardworking staff; 82 members. Yet, these 82 members have to face off the hundreds, the hundreds, of people who are working in the executive branch daily on the budget. There are over 500 persons in the Office of Management and Budget alone. That says nothing about the people who work on the budget in the various departments and agencies in this town. And yet we have only 82 here on the Senate Appropriations Committee—82 who have to match their brains with, and stand up against, this army of people in the executive branch.

The President talks a great deal about the growth of staff on Capitol Hill. We will go into that at a later date. The executive branch has experienced tremendous growth in staff.

The committee has also reported out a classified annex, which recommends certain rescissions in our intelligence budget. These recommendations are incorporated into the legislation, and are explained in a classified report which accompanies the annex. The annex and report are available for all Senators to review in the Defense Subcommittee office in the Dirksen Senate Office Building.

In conclusion, Mr. President, let me point out to Senators that rescissions are nothing new. All of the palaver about the President's attack on "wasteful spending" by the Congress and the idea that he was going to send up a lot of rescissions—someone on the Hill or downtown had discovered some language in the Congressional Budget Act that would permit them, they thought, to have a kind of a back door line-item veto. In other words, they would force a vote on every item that the President wanted rescinded. The truth of the matter is that the language has been there for all these years, since 1974. The President has listened to some wise guys who thought they were on to something and so the President let himself be tricked into throwing down the gauntlet.

The Congressional Budget and Impoundment Control Act of 1974 provides the authority for Presidents to request rescissions of appropriations. According to GAO, Presidents have, in fact, requested rescissions in every year since 1974 except for 1 year—1988. The total number of Presidential rescission requests for the period 1974 through April 14, 1992, is 1,012 for a total amount of $69,273,034,690. Of those numbers submitted by the President, Congress accepted 324 rescissions totaling $19,311,454,366. In addition, congressionally initiated and enacted rescissions for the period 1974 through March 9, 1992, totaled 378 rescissions for a total dollar amount of $43,798,239,022.

When one adds the total Presidential rescission requests which were approved by Congress over this period, $19,311,454,366, and the congressionally initiated rescissions of $43,798,239,022, one gets a total of $63,109,693,388 in rescissions that have been enacted since the enactment of the Congressional Budget and Impoundment Control Act of 1974, and prior to the President's March 10, March 20, April 8, and April 9 rescission requests.

When one adds to this total of $63,109,693,388, the total rescissions recommended in the pending measure, $8,287,546,644, one gets a total of $71,397,240,032 that will have been rescinded if the committee's recommendations in S. 2403 are enacted. That total is $2,124,205,342 more than the total of all rescissions that have been requested by all Presidents since 1974. So, again I say, rescissions are nothing new. The Committees on Appropriations of the House and Senate have approved rescissions in every year since enactment of the Congressional Budget and Impoundment Control Act. As I have stated, the total amount of enacted rescissions will exceed those requested by Presidents if, the amount of rescissions recommended in S. 2403 is enacted, by an amount of $2,124,205,342.

Now what is different about this particular rescission bill is the fact that the President chose to enter into a political battle with the Congress over rescissions. He listened to the advice that he was given, so he chose to do battle with the Congress over rescissions. On March 20, the President announced he intended to send Congress on that day—and I read from his statement, these are President Bush's words:

> * * * the first of a series of additional measures to cut federal spending now, this year. I have also directed all agency heads to look for further areas where spending cuts can be made now.
>
> The line item rescissions identified so far in total, will cancel out about $4 billion in unnecessary spending. Funds for local parking garages, $100,000 for asparagus yield declines, meat research, prickly pear research. The examples of wasteful spending destroys public confidence in the integrity of the government. And Americans have every right to be outraged and disgusted. It is their money. And I will work with the Republicans in the House to bring these items to a vote individually, forcing the Democratic leadership to allow line by line votes on items of pork will bring us a step closer to the accountability and the power that 43 governors have, the line item veto.

So there you have it, all on the President's word. He wants a line-item veto. But his own Attorney General, Attorney General Barr, has said that the line-item veto is not in the Constitution; the Constitution does not give to the President line-item veto power. And so this alternative course of action was decided on, I am sure, by the President's advisers, and perhaps some people on the Hill.

I do not charge the President with knowing all that much about the Senate rules or the Budget Impoundment Control Act of 1974. There is no reason why he should. But this was kind of a back-door way of getting something akin to, or perhaps a clone of, the line-item veto.

The President decided he was going to make the Congress vote on every item, and then the press indicated that we could expect quite a few of those rescission measures this summer. I am reading from UPI, one paragraph:

> White House Press Secretary Marlin Fitzwater told reporters Bush contemplates canceling some 1,300 other projects in the future.
>
> Bush cited several examples of his cancellation of what he called porkbarrel, items, which would be funny if the effect were not so serious.

I have included in the committee substitute some executive branch wasteful items that would also be funny if the effect were not so serious.

And there you have it. The White House, according to Marlin Fitzwater, was going to cancel some 1,300 other items and going to try to get a vote on every item. So we can count on a long, hot summer with vote after vote after vote after vote on 1,300 items.

Mr. President, Congress' record in responding to all Presidential rescission requests sine 1974 is excellent. We have approved and enacted more dollars in rescissions than the various Presidents have requested. The pending measure recommends $424,773,954 more in budget cuts than President Bush requested in his March 10 and March 20 and April 8 and April 9 messages.

Having said that, I hasten to add that rescissions have not been used in the past to reduce the deficit. Let me repeat that. This may come as a surprise to some of our colleagues and to some of our friends in the media: Rescissions have not been used in the past to reduce the deficit. Instead, under the tight budgetary constraints that have faced the Appropriations Committees for the past 12 years, rescissions have most often been made in annual and supplemental appropriations bills, and the savings then used to fund increases for higher priorities.

So when the President makes his speeches and asks for rescissions, and makes it sounds like this is the way to balance the Federal budget—bless his heart, I like him personally; I like him personally—he is playing petty partisan politics and pandering to the American people and to the insatiable appetite on the part of the press for material with which to engage in Congress-bashing. That is it: Congress-bashing.

I believe this type of rhetoric ultimately further undermines the credibility of the executive branch and of the Congress. The impression is left that this exercise in enacting rescissions will seriously cut the deficit, and then the American people are even more outraged to pick up the morning newspaper and discover that the deficit has not been significantly reduced. In short, this process can serve a useful purpose, but it is no panacea for getting our deficits under control. It should not be painted as such, and it should not be used as a political tool for election-year advantage.

The type of rhetoric that we have heard over this rescission matter only further polarizes the executive branch and the Congress, contributes to a lack of serious understanding about the cause of our budget deficits, and makes genuine steps toward a real solution to our massive budget problems more difficult.

The President's decision to join this battle by proposing that each and every item for which he requested a rescission be voted on individually was purely and simply a political decision. When the President threw down the gauntlet in the East Room of the White House and entered into a political battle on rescissions, he should have known that his battle is a battle that the administration cannot win. Under the law, the Congress can merely sit on the President's rescission requests for 45 days, and he is required under the law to proceed to obligate the moneys.

But we did not choose to sit on the President's request. We chose to be serious and to meet the President halfway, and to give his proposals careful study, and to go along with those that had merit; but also to add some, as I have indicated, that have merit, but which are examples of executive branch wasteful spending that can be done without.

The Congress had no choice other than to respond to the President's challenge. I hope that we will soon see the end of this ill-conceived strategy by the White House. I hope that the President's advisers will convince him that this strategy is counterproductive.

To those who say that the President will veto this rescission bill because it does not contain all of the rescissions he requested, or because it cuts more than he would like from the SDI or the B-2, my response is that the SDI is Presidential "pork" in the sky; it should be cut; it will cost billions and billions of dollars that we do not have, to defend ourselves from threats that are nonexistent. Our real threats are here at home; they are on the ground. They include the lack of Presidential leadership to reduce campaign reform; the Federal deficit, which will not be brought under control without Presidential leadership; our crumbling infrastructure, both human and physical, which has been devastated over the past 12 years and will continue to suffer real cuts under the administration's budget proposals for the coming 4 years; and comprehensive health care, for which the President will not even submit legislation.

If the President vetoes this bill, that is his right. But let him answer to the American people, then, as to why he vetoed a rescission bill. He started the fight. He sent up the rescission messages. Congress is giving these messages serious examination. Now, if he wants to veto a rescission bill, that is his right. But the rescissions he has requested will not go into effect if he vetos a rescission bill.

Senators should remember that the Congress did not provoke this exercise; the President did. We have included a number of rescissions which should be made, and which I hope will be enacted. We have carefully considered the President's proposals. To be fair, I believe the White House must carefully weigh our serious attempt to do what we have been asked to do. I hope that the President will sign this bill, if it is passed, and I hope it will pass.

Let me state again that we have exceeded the amount of rescission dollars which the President requested. We have acted in good faith, and we have made legitimate savings.

I hope that all Senators will support this bill. There are a number of rescissions which were requested by the President which the committee has not approved. But the committee has done its best to meet the President's challenge and to recommend its rescissions for items which were not requested by the President, but which the committee believes should be rescinded.

There will obviously be changes to S. 2403 in our conference with the House. There is always some give and take in appropriations conferences, and this bill will be no exception.

I urge Senators to vote for S. 2403 so that we can get to conference and quickly complete action on this rescission bill.

Let us not engage in any more political warfare. I believe that the American people are sick to death of charges, countercharges, finger pointing, gridlock, speechmaking, and tired rhetoric about who John and who is responsible for what. I hope that we can yet salvage some dignity out of this unfortunate rescission game and pass this responsible attempt to comply with the President's request.

Mr. President, I ask unanimous consent that a letter from the Comptroller General of the United States and tables regarding the rescissions enacted by Congress during the fiscal years 1974 to the present, to which I have alluded in my opening remarks, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, April 30, 1992.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: In the past we have informally provided a variety of statistical data concerning rescissions proposed and enacted from passage of the Impoundment Control Act of 1974 to the present. Given the level of interest in this data, we have decided to regularize our data collection and reporting processes with respect to rescission proposals. Accordingly, to keep the Congress apprised of the amount and frequency of rescissions proposed and enacted, we will, beginning with this report, submit periodically the following rescission information:

A table showing by fiscal year from 1974 to the present, (1) the aggregate number and amount of rescissions proposed by the President, (2) the aggregate number and amount of those proposals enacted by the Congress, and (3) the aggregate number and amount of rescissions initiated by the Congress, (4) the total number of rescissions enacted and the total amount of budget authority rescinded by Congress, with grand totals for each category (Attachment I);

A table showing by fiscal year from 1974 to the present, and by Presidential administration, the aggregate number and amount of rescissions proposed and enacted. The table also displays the number and amount of Congressional rescissions by Administration with grand totals for each category (Attachment II);

A list, by agency and program, of rescissions proposed by the President from 1974 to the present (Attachment III);

A list of rescissions proposed by the President and enacted by the Congress from 1974 to the present (Attachment IV); and,

A list of rescissions initiated and enacted by the Congress from 1974 to the present, i.e., rescissions which were not proposed in the Presidents' special impoundment messages (Attachment V).

We also wish to point out that the current product reflects a number of revisions and adjustments to previously submitted historical tables. For example, we have added several rescissions which were not styled as such in the applicable legislation; credited certain rescissions to a different fiscal year than we had previously credited them; and added rescissions which our initial search, for various reasons, did not discover. As we identify the need for further adjustments, if any, we shall include them in future submissions.

I trust you will find this information useful.

Sincerely yours,
MILTON J. SOCOLAR
(for the Comptroller General
of the United States).

SCOPE AND METHODOLOGY

We prepared the attached lists as follows. To identify Presidential rescission proposals, we reviewed each special message submitted by the Presidents pursuant to the Impoundment Control Act of 1974, 2 U.S.C. §683 (1988), from 1974 through April 14, 1992. To identify rescissions enacted, we analyzed appropriations, supplemental appropriations, and other acts of Congress enacted since 1974. In order to develop a list of all rescissions enacted during each fiscal year for the subject time period. Our computer-assisted research methodology focused on locating variations of the verb "to rescind" as the operative legislative language. We supplemented our computer-based research with manual searches of applicable laws, general discussions with other knowledgeable sources such as staff of the House Appropriations Committee, and other generally available information. The second step of our search served not only to check the accuracy of the results of our initial research step, but also to capture those rescissions of budget authority that are not so styled or denoted in the applicable legislation.[1]

On the basis of our research, we compiled a list of rescissions by fiscal year from 1974 to 1992. To identify Presidential rescission proposals that were enacted, we matched our list of rescissions against our list of rescission proposals submitted to the Congress by the President pursuant to the Impoundment Control Act.[2] We classified those rescissions that were not related to Presidential proposals as Congressionally initiated rescissions.

In order to confirm the accuracy of our statistics from fiscal years 1974 to the present, we consulted with the staff of the House Appropriations Committee (House Appropriations) which independently tracks all rescissions considered in the appropriations process.[3] For the most part, our rescission statistics and those of House Appropriations match. There were, however, some rescissions which, for various reasons, we did not discover in our initial search. Moreover, House Appropriations and our Office differed on whether some enactments should or should not be counted as rescissions. Following is a brief explanation of our treatment of certain types of rescissions as well as explanations of those items with which we disagreed with House Appropriations.

RESCISSIONS OF AN INDEFINITE OR UNCERTAIN AMOUNT OF BUDGET AUTHORITY

We have not counted what are legislatively denoted as "rescissions" unless and until we can establish the amount thereof. Once we ascertain the amount of budget authority rescinded as a result of an indefinite rescission, we adjust our historical data and tables accordingly.

For example, we did not count a routine annual rescission of contract authority provided to the Land and Water Conservation Fund which appears in the Department of Interior and Related Agencies Appropriations Acts. See, e.g., Pub. L. 102–154, 105 Stat. 998 (1991); Pub. L. 101–512, 104 Stat. 1922 (1990); Pub. L. 100–202, 101 Stat. 1329–221 (1987). The reason we initially excluded this rescission from our statistics was that we did not know the specific amount of budget authority rescinded when we compiled our statistics. We have confirmed, however, that the annual amount rescinded for fiscal years 1982 to 1992 is $30,000,000 and now have included these amounts for those fiscal years in our statistics.

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[1] Examples of this category of rescissions are $75,000,000 rescission in the Conservation Reserve Program, and a $600,000,000 rescission in the Hazardous Substance Response Fund.

[2] We counted the President's proposed rescissions as proposals enacted by Congress whenever the Congress approved those proposals, i.e., without regard to the 45-day period applicable to rescissions contained in the Impoundment Control Act. 2 U.S.C. §683(b). Hypothetically, if the President proposed a rescission in March 1989, the 45-day period would typically run in May 1989. Nonetheless, we would consider that rescission to be one proposed by the President and enacted or approved by the Congress, even if the Congress did not approve the proposed rescission until later in 1989.

[3] One difference between our statistics and those of House Appropriations is that we count rescissions that are contained both in appropriations and authorization acts. House Appropriations tracks only those rescissions that result from the appropriations process.

Our Office does not count as rescissions several routine annual rescissions in the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act. See, e.g., Pub. L. 102–139, 105 Stat. 745 (1991); Pub. L. 100–404, 102 Stat. 1015 (1988). The rescission for annual contributions for assisted housing typically provides that up to a certain amount (or an indefinite amount) of budget authority that is recaptured by the Department during the fiscal year is rescinded. However, since we have not determined what the specific amount of budget authority rescinded is, we have not, to date, included these rescissions in our statistics.[4] House Appropriations also does not count these as rescissions.

An exception occurred in fiscal year 1986 and involved a $5,250,000,000 rescission of HUD funds for Annual Contributions for Assisted Housing. Pub. L. 99–349, 100 Stat. 727 (1986). Originally, we viewed this as an indefinite rescission which, as already explained, we typically exclude from our rescission statistics until we can verify the amount of the rescission. This rescission, however, states that "not less than" $5.25 billion shall be rescinded. Since the language rescinds a specific, minimum amount, we have included this amount as rescinded in our statistics.

We also have not counted in previous fiscal years the rescissions contained in the rental housing assistance program or the rent supplement program. These rescissions typically state that limitations applicable to maximum payments are reduced by "not more than" a certain amount. See, e.g., Pub. L. 102–139, 105 Stat. 748 (1991). At the time we compiled our statistics, we did not determine the final amount rescinded, and accordingly we have routinely excluded such indefinite rescissions from our calculations. House Appropriations also does not count these rescissions.

Another rescission we did not include in our statistics occurred in fiscal year 1986. The Congress rescinded the unobligated balances of funds available to the U.S. Synthetic Fuels Corporation as of the date of enactment of the Department of Interior Appropriation for 1986. Pub. L. 99–190, 99 Stat. 1249 (1985) (appropriation accounts: Energy Security Reserve, Department of the Treasury). The statute did not identify the total amount of the rescission. In addition, the statute contained several provisions reserving funds from rescission and allowing them to be used for specified purposes. Although House Appropriations estimates the amount rescinded to be $6,900,000,000, neither we nor House Appropriations have included this rescission in our tables because we have not to date confirmed the amount rescinded.

OTHER ADJUSTMENTS—DRUG INITIATIVE APPROPRIATION RESCISSIONS

In fiscal year 1990, there were several rescissions and reductions of budget authority in the Department of Transportation Appropriations Act of fiscal year 1990. Pub. L. 101–164, 103 Stat. 1109, 1110 (1989). House Appropriations did not count these amounts as rescinded budget authority because, in their view, Congress was adjusting appropriations to permit funding of certain drug initiatives. We do not agree that these rescissions are merely adjustments. Rather, we have counted them as rescissions. We consider any legislation that eliminates previously enacted and currently available budget authority as a rescission.

In the Transportation Appropriation Act, signed into law on November 21, 1989, there were several rescissions and reductions that affect budget authority previously enacted. For example, we count a reduction of $46,000,000 in budget authority in the Nuclear Waste Disposal Fund account appropriated by the Energy and Water Development Appropriations Act, signed into law on September 29, 1989, as a rescission because it involves a cancellation of pre-existing budget authority. See id. 103 Stat. at 1108. Also, we count six rescissions involving the Department of the Treasury and GSA, id. 103 Stat. at 1109, 1110, as rescissions because they are reductions of currently available budget authority enacted on November 3, 1989, in the Treasury, Postal Service and General Government Appropriations Act, 1990. Pub. L. 101–136, 103 Stat. 783 (1989).

An example of a reduction that we did not consider to be a rescission occurred in the Transportation Act's across-the-board reduction of 0.43% of discretionary accounts in the Legislative Branch Appropriation Act, 1990. Both the Transportation and the Legislative appropriations acts were signed on the same day, November 21, 1989. Thus, the "reduction" was of budget authority that had not yet become effective. Therefore, we do not consider this reduction to be a rescission.

TIMING ADJUSTMENTS

There are a number of rescissions which we previously credited to one fiscal year, but upon further examination we conclude that they should have been credited to another fiscal year. For example, we moved eight rescissions previously counted as Presidentially proposed and enacted by the Congress in FY 1990 to the same column for FY 1991. This change requires some explanation. On June 28, in fiscal year 1990, the President proposed eight rescissions in DoD accounts for military construction and family housing. The Congress, however, did not complete action on the proposals within the 45 day period of continuous congressional session specified by the Impoundment Control Act and thus the budget authority was released for obligation on September 24, 1990. See GAO/OGC–90–12, October 4, 1990. On November 5, 1990, however, 41 days after the funds were released for obligation, Congress, in fiscal year 1991, enacted the Military Construction Appropriation Act for that fiscal year. Pub. L. 101–519, 104 Stat. 2240 (1990). The Act approved all of the rescissions proposed by the President on June 28, 1990, with the exception of rescissions proposed in 3 programs.[5] See H.R. Rep. No. 101–608, 101st Cong., 2nd Sess. 3 (1990) (recommending approval of rescissions requested by the President); Sen. Rep. No. 101–410, 101st Cong., 2nd Sess. 9 (1990) (recommending approval of rescissions requested by the President). Since the Congress did in fact approve the President's proposals, we have included the eight rescissions within the totals for rescissions Presidentially proposed and enacted by the Congress in the fiscal year 1991 column.[6] Neither OMB, in its cumulative reports, nor House Appropriations count the rescissions as approved by the Congress.

This type of misclassification also occurred in fiscal year 1978 for Presidential rescission proposals enacted by the Congress (R77–18 and R77–19). These proposals, totalling $463,400,000, were approved by the Congress for rescission in fiscal year 1978, not 1977.

We also made a timing adjustment for rescissions in HUD's Annual Contributions for Assisted Housing programs. We credited this rescission in our previous tables to fiscal year 1986. The statutory language of the rescission in Public Law 99–349, however, specifically states that the rescission is of budget authority becoming available "during fiscal year 1987" and the rescission is effective "on or after October 1, 1986 and before September 30, 1987." Pub. L. 99–349, 100 Stat. 727 (1986). Therefore, we now count this rescission in fiscal year 1987.

We also made timing adjustments with respect to a number of minor rescissions. See, e.g., Pub. L. 98–367, 98 Stat. 472 (1984); Pub. L. 97–102, 95 Stat. 1454 (1981); Pub. L. 95–96, 91 Stat. 802 (1977).

RESCISSIONS NOT DETECTED USING OPERATIVE TERM "RESCIND"

There were several rescissions that we did not detect in our initial search because although they had the effect of a rescission, they did not use the verb "to rescind" as the operative legislative language. For instance, a $75,000,000 reduction in funds appropriated for the Conservation Reserve Program did not use the term "rescind" or "rescission". Pub. L. 101–45, 103 Stat. 107 (1989). Instead, the statutory language deletes the sum previously appropriated and inserts another lesser sum which, in effect, rescinds previously appropriated budget authority. Two other examples are a $9,100,000 rescission in fiscal year 1974 of Grants to the National Railroad Passenger Corporation (Pub. L. 93–98, 87 Stat. 336) and a $1,188,000,000 rescission in fiscal year 1974 of Grants to States for Public Assistance (Pub. L. 93–305, 88 Stat. 203). In both cases, the statutes referred to the "rescissions" as "reductions" in appropriations.

Similarly, we did not initially detect a $600,000,000 rescission in the Hazardous Substance Response Trust Fund because the Act of Congress (Pub. L. 99–591, 100 Stat. 3341–242 (1986)) reducing the amount of budget authority available to the fund did not refer to any "rescission" in the account. Instead the Act appropriated funds "to the extent and in the manner provided for in the conference report and the joint explanatory statement of the committee on conference [House Report 99–977] * * * as if enacted into law." House Report 99–977 contained the rescission language. A $5,000,000 rescission of Alcohol Safety Incentive Grants was not detected for the same reasons. Id. 100 Stat. 3341–308.

The last example of this type of adjustment was a $203,312,000 rescission of GSA Construction funds in Pub. L. 93–143, 87 Stat. 518 (1973). This rescission used the phrase "shall revert to the Treasury" to achieve the reduction in appropriations; therefore, our initial computer search did not detect it.

OTHER RESCISSIONS

Following is a list of rescissions (identified by fiscal year) that were either not detected in our initial search pattern, or were not included, whether because of transcription or clerical error, in our previously submitted rescission statistics.

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[4] In some of the charts submitted in previous years the ceiling amounts for these rescissions were included in our statistics. However, we have deleted all references to these rescissions and adjusted our tables (Attachments I and II) accordingly.

[5] Budget authority for the following individual projects was not rescinded: Central District Center, Phase III, Red River, Texas, $39,000,000 in proposed rescission R90–4; Addition to Flight Simulator, Luke Air Force Base, Arizona $1,900,000 in proposed rescission R90–5; Installation of Fireplaces in SOQ, WPAFB, Ohio $56,000 in proposed rescission R90–10.

[6] We also note that the amount of budget authority approved for rescission is $286,419,000 and not $513,302,000 as previously stated.

Fiscal Year 1992: $3,190,000: two rescissions in the Legislative Appropriations Act for fiscal year 1992. Pub. L. 102–90, 105 Stat. 451, 470 (1991).

Fiscal Year 1991: $26,000,000: rescission of Military Construction, Air Force funds. Pub. L. 101–519, 104 Stat. 2241 (1990); $8,262,000: rescission of funds provided for the Judiciary. Pub. L. 102–55, 105 Stat. 294 (1991); $250,000; rescission in the Legislative Appropriations Act, fiscal year 1992, Pub. L. 102–90, 105 Stat. 451 (1991), but specifically retroactive to fiscal year 1991 appropriation; $23,000,000: rescission in an administrative provision for HUD Annual Contributions to Assisted Housing. Pub. L. 102–27, 105 Stat. 151 (1991).

Fiscal Year 1990: $47,700,000: rescission of budget authority for the Federal Water Pollution Control Act. Pub. L. 101–144, 103 Stat. 857 (1989);

Fiscal Year 1989: $10,600,000: rescission of fiscal year 1989 Research, Development, Test, and Evaluation, Navy, funds in the 1989 Act Implementing the Bipartisan Accord on Central America. Pub. L. 101–14, 103 Stat. 39 (1989).

Fiscal Year 1986: $210,000: rescission of Office of Surface Mining Reclamation and Enforcement budget authority. Pub. L. 99–349, 100 Stat. 732 (1986); $10,000,000: rescission of FBI funds for a relocation. Pub. L. 99–349, 100 Stat. 715 (1986).

Fiscal Year 1985: $1,287,000: this rescission (number R85–236) for ACTION was inadvertently deleted from our tables for Presidential rescission proposals enacted by Congress.

Fiscal Year 1982: $1,505,000: rescission in the Legislative Branch Appropriation Act, Pub. L. 97–51, 95 Stat. 958 (1981).

Fiscal Year 1981: $13,500,000: rescission of funds provided for Human Development Services. Pub. L. 97–12, 95 Stat. 55 (1981); $46,400,000: this was a rescission of Senate Funds. Pub. L. 97–12, 95 Stat. 61 (1981); in the table for Presidential rescission proposals enacted by the Congress, for rescission number R81–81, HUD Community Planning and Development, the amount approved by the Congress for rescission was $15,976,000 and not $34,976,000.

Fiscal Year 1980: $10,000,000: rescission of funds appropriated for the Mutual Self-Help Housing program. Pub. L. 96–304, 94 Stat. 858 (1980); $1,000,000: rescission of funds appropriated for contingent expenses of the Senate. Pub. L. 96–304, 94 Stat. 889 (1980); $220,000,000: rescission of funds appropriated for the purchase of government furniture. Pub. L. 96–304, 94 Stat. 927 (1980).

Fiscal Year 1977: $13,900,000: rescission of contract authority for Public Lands Development Roads and Trails. Pub. L. 94–373, 90 Stat. 1043 (1976); $118,995,000: rescission of contract authority for Road Construction. Pub. L. 94–373, 90 Stat. 1047 (1976); $39,827,943: rescission of contract authority for Roads and Trails. Pub. L. 94–373, 90 Stat. 1056 (1976).

SUMMARY OF RESCISSIONS ENACTED BY CONGRESS

[Fiscal years: 1974—Current]

	Number of rescissions proposed by President	Total amount proposed by President for rescission	Number of proposals accepted by Congress	Notes	Total amount of proposals enacted by Congress	Number of rescissions initiated by Congress	Total amount of rescissions initiated by Congress	Total rescissions enacted	Total amount of budgetary authority rescinded
Fiscal year:									
1992	128	$7,879,473,690	0	1	0	27	$1,415,567,000	27	$1,415,567,000
1991	30	4,859,251,000	8	2	$286,419,000	26	1,420,467,000	34	1,706,886,000
1990	11	554,258,000	0		0	71	2,304,986,000	71	2,304,986,000
1989	6	143,100,000	1		2,053,000	11	325,913,000	12	327,966,000
1988	0	0	0		0	61	3,888,663,000	61	3,888,663,000
1987	73	5,835,800,000	2		36,000,000	52	12,359,390,675	54	12,395,390,675
1986	83	10,126,900,000	4		143,210,000	7	5,409,410,000	11	5,552,620,000
1985	245	1,856,087,000	98		173,699,000	12	5,458,621,000	110	5,632,320,000
1984	9	636,400,000	3		55,375,000	7	2,188,689,000	10	2,244,064,000
1983	21	1,569,000,000	0		0	11	310,605,000	11	310,605,000
1982	32	7,907,400,000	5		4,365,486,000	5	48,432,000	10	4,413,918,000
1981	133	15,361,900,000	101	3	10,880,935,550	43	3,736,490,000	144	14,617,426,150
1980	59	1,618,100,000	34		777,698,446	33	3,238,206,100	67	4,015,902,546
1979	11	908,700,000	9		723,609,000	1	47,500,000	10	771,109,000
1978	12	1,290,100,000	5		518,655,000	4	67,164,000	9	585,819,000
1977	20	1,926,930,000	9		813,690,000	3	172,722,943	12	986,412,943
1976	50	3,582,000,000	7		148,331,000	0	0	7	148,331,000
1975	87	2,722,000,000	38		386,295,370	1	4,999,704	39	391,295,074
1974	2	495,635,000	0		0	3	1,400,412,000	3	1,400,412,000
Total: 1974–92	1,012	69,273,034,690	324	4	19,311,454,366	378	43,798,239,022	702	63,109,693,388
S. 2403									8,287,546,644
Total									71,397,240,032
Total rescissions enacted by Congress in excess of amounts requested by various Presidents (1974–1992), including rescissions contained in S. 2403									2,124,205,342

Notes.—As of April 14, 1992. These entries include 127 proposed rescissions in the total amount of $7,862,773,690 which the Congress is currently considering. The Military Construction Appropriations Act, Fiscal Year 1991, approved most of the rescissions proposed by the President in Fiscal Year 1990, 41 days after the funds were released for obligation under the Impoundment Control Act. The following individual projects were not "approved" for rescission: Central District Center, Phase III, Red River, Texas—$39,000,000 in proposed rescission R90–4; addition to Flight Simulator, Luke Air Force Base, Arizona—$1,900,000 in proposed rescission R90–5; installation of fireplaces in SOQ, WPAFB, Ohio—$56,000 in proposed rescission R90–10.Thirty-three rescission proposals for $1,142,364,000 proposed by President Carter in Fiscal Year 1981 have not been included in this table because the rescissions were converted to deferrals by President Reagan in his Fifth Special Message for Fiscal Year 1981, dated February 13, 1981. The total amount of budgetary authority rescinded is understated due to rescissions of indefinite amounts, as explained in the scope and methodology statement. (see enclosure).

RESCISSIONS BY PRESIDENTIAL ADMINISTRATION UNDER THE IMPOUNDMENT CONTROL ACT

	Rescissions proposed by President Bush		Presidential proposals accepted by Congress			Rescissions initiated by Congress during Bush administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1992	128	$7,879,473,690	0		0	27	$1,415,567,000
1991	30	4,859,251,000	8	$286,419,000	27	26	1,420,467,000
1990	11	554,258,000	0		0	71	2,304,986,000
1989	0	0	0		0	11	325,913,000
Total	169	13,292,982,690	8	286,419,000	5	135	5,466,933,000

	Rescissions proposed by President Reagan		Presidential proposals accepted by Congress			Rescissions initiated by Congress during Reagan administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1989	6	$143,100,000	1	$2,053,000	17	0	0
1988	0	0	0	0	0	61	$3,888,663,000
1987	73	5,835,800,000	2	36,000,000	3	52	12,359,390,675
1986	83	10,126,900,000	4	143,210,000	5	7	5,409,410,000
1985	245	1,856,087,000	98	173,699,000	40	12	5,458,621,000
1984	9	636,400,000	3	55,375,000	33	7	2,188,689,000
1983	21	1,569,000,000	0	0	0	11	310,605,000
1982	32	7,907,400,000	5	4,365,486,000	16	5	48,432,000
1981	133	15,361,900,000	101	10,880,935,550	76	43	3,736,490,600
Total	602	43,436,587,000	214	15,656,758,550	36	198	33,400,301,275

	Rescissions proposed by President Carter		Presidential proposals accepted by Congress			Rescissions initiated by Congress during the Carter administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1981	33	$1,142,364,000	0	0	0	0	0
1980	59	1,618,100,000	34	$777,696,446	58	33	$3,238,206,100
1979	11	908,700,000	9	723,609,000	82	1	47,500,000
1978	12	1,290,100,000	5	518,655,000	42	4	67,164,000
1977	7	791,552,000	2	96,090,000	29	3	172,722,943
Total	89	4,608,452,000	50	2,116,050,446	56	41	3,525,593,043

Note.—The 33 rescissions proposed in 1981 by President Carter were converted to deferrals by President Reagan in his fifth special message of fiscal year 1981, dated Feb. 13, 1981.

	Rescissions proposed by President Ford		Presidential proposals accepted by Congress			Rescissions initiated by Congress during the Ford administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1977	13	$1,135,378,000	7	$717,600,000	54	0	0
1976	50	3,582,000,000	7	148,331,000	14	0	0
1975	87	2,722,000,000	38	386,295,370	44	1	$4,999,704
1974	2	495,635,000	0	0	0	3	1,400,412,000
Total	152	7,935,013,000	52	1,252,226,370	34	4	1,405,411,704

Mr. BYRD. My colleague, Senator HATFIELD, is attending a meeting just now off the floor. I will yield the floor, and he will make whatever remarks he wishes to make upon his return.

I again congratulate my friend, Senator INOUYE, on the work that he has put into this effort, and I thank him for that work.

Mr. INOUYE. Mr. President, before I proceed, I wish to commend the chairman of the full committee, the Senator from West Virginia, for this most comprehensive and definitive presentation on this very complex issue. And, on a personal note, I thank my chairman for his very, very generous remarks.

Mr. BYRD. I thank the Senator, who is the ranking member on the Democratic side on the committee.

Mr. President, I yield such time as the Senator may require off the bill.

The PRESIDING OFFICER (Mr. GORE). The Senator may proceed.

Mr. INOUYE. Mr. President, the President proposed to rescind $7 billion from funds under the jurisdiction of the defense subcommittee. Thursday last, Mr. President, I presented a much more definitive statement on the issue before us but I believe that as chairman of the subcommittee on defense I am obligated to give this summary.

Of this amount, $2.9 billion was from the Navy's *Seawolf* submarine program. The second largest rescission of $1.1 billion was for equipment for our National Guard and Reserve Forces. Together these two areas account for more than $4 billion of the President's $7 billion defense rescission request.

In addition, the President proposed to rescind funds from several programs which were key to our overwhelming victory in Operation Desert Storm. These include $133 million from the Army's AHIP helicopter, $225 million to upgrade the M-1 tank, and $130 million from the Navy's smart missile, Slam. The recommendations included in the bills before the Senate reject virtually all of the President's proposals in these areas.

At the direction of the chairman of the committee, the recommended rescission of funds under the jurisdiction of the Defense Subcommittee contained in S. 2403 are equivalent to the amounts proposed by the President. In fact, the committee bill recommends rescissions of $7.068 billion, $63 million more than proposed by the President. The committee bill supports the construction of two *Seawolf* submarines, but rescinds $565 million from the *Seawolf* program for items which would have been for future *Seawolf* production.

To reach the total amount requested for rescission by the President, the committee recommends reductions of $1.3 billion from the Strategic Defense Initiative, $1 billion from the B-2 bomber and $131 million from the national aerospace plane. Even with this reduction in SDI, sufficient funds would remain in the program to safeguard all funds provided for the Theater Missile Defense Program proposed by the Congress last year. The funds from the B-2 program are available for rescission because of fencing language included in the Defense Authorization Act.

Under that act, this $1 billion cannot be obligated in fiscal year 1992. Therefore, the funds are not needed at this time. The Appropriations Committee will reconsider this matter in conjunction with the 1993 budget request.

In other matters of interest, the committee bill includes a general provision which would eliminate funds provided as grants to specific universities as proposed by the President.

The committee bill also proposes a provision to eliminate funds earmarked for museums. The provision goes further and denies the use of any funds for military museums. It seems fair if the museums proposed by Congress last year are not to be funded, then no museums should be funded.

Mr. President, the defense portion of this bill is very long and detailed. Some 120 programs are recommended for reductions. The specific recommendations are described in the reports, which have been made available to all Members. So I urge my colleagues to support the bill as proposed by the Senator from West Virginia, the chairman of the Appropriations Committee.

I yield the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Michigan [Mr. LEVIN]. How much time does he require?

Mr. LEVIN. May I have 15 minutes?

Mr. BYRD. I yield 15 minutes, then, off the amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. First, let me thank the chairman for yielding the time. I commend him and Senator INOUYE for the tremendous work they have put in on this subject. I support what they have done, and I want to focus on just one aspect of what they have done, which is the rescission relative to the inventory budget item that the Pentagon had in last year and does not need because they have so much excess. It is a subject Senator BYRD and Senator INOUYE and I have talked about at some length. I worked closely with them and their staffs on this subject, and I would like to spend some time on it this morning.

Mr. BYRD. Mr. President, I thank the Senator from Michigan for his generous remarks. I am sure I speak on behalf of Senator INOUYE, who is here as well. But I also want to thank the Senator for his leadership, his excellent leadership, and the great amount of study and the mountainous amount of work he has done on this matter as a member of the Senate Armed Services Committee. It was the Senator from Michigan who really opened the door, pointed the way, and led us in this direction. I thank him and congratulate him.

Mr. LEVIN. I thank my friend. I am most appreciative for those comments.

Mr. President, the committee is proposing about a $500 million reduction in appropriations for inventory spending. I believe this cut is an important step toward bringing wasteful inventory spending practices under control.

Several of us in the Senate have been investigating the Pentagon supply system for a number of years. We have uncovered waste and excess of significant proportions. Using GAO figures, as a matter of fact, I have concluded that about half of the supplies in the Pentagon's warehouse do not need to be there. That is about $50 billion worth of supplies that we should not be warehousing. That $50 billion in excess includes everything from standard-size triple A batteries, to aspirin, to automobile tires. It does not include in the excess that I have referred to, war reserves, and it does not include inventory that is required for peacetime operating purposes.

We have found items in warehouses that have been stored there, and again we are not talking war reserves, stored there for 40 years. We found items for which we have sometimes a 10- or a 15- or a 40-year supply. We have tried many approaches to limiting the Pentagon's purchase of excess inventory. Last year, I authored a successful amendment to prohibit the Pentagon from making any purchase which would result in more than a 2-year supply. This year the General Accounting Office has recommended that a $5 billion cut from last year's level in the authorization for appropriations for the purchase of inventory items. That proposal has given the Pentagon a major case of indigestion. It is a cut that they say they cannot swallow.

So what have they done? They have come before Congress and they fudged the numbers. They have done so repeatedly so that it not only takes that rocket scientist, that we all refer to, to understand what is going on in the Pentagon supply system, it takes a Sherlock Holmes as well because the Pentagon constantly changes the numbers on us.

Every year we get a different story from the Department of Defense. In 1990, we tried to cut the inventory budget. We were given one set of numbers to prove that it could not be done. In 1991, we tried again and were given a completely different set of numbers covering the same period to show that the budget was impossible to cut. And this year, when there is no doubt that the inventory budget will be cut and cut substantially, they have given us a third set of numbers.

Last year, they said there was no room in the budget for cuts, that it could not be done. This year they are telling us, we already did it.

The problem is that the numbers that the Department of Defense gave us this year, like the numbers they have given us in previous years, are erroneous. In the best case, the Department of Defense does not understand its own inventory accounting system. In the worst case, these numbers are intentionally misleading.

We have asked the Department of Defense three very basic questions about the secondary item inventory. We have asked: How much has total Department of Defense inventory been reduced? We have asked: How much has the excess portion of that inventory been reduced? And we have asked: How much has the Department of Defense's appropriation request been reduced from last year's level? In each case, the Department of Defense has given us answers that are wrong, significantly wrong.

The DOD accounting system is not a simple one, and these are not easy issues to explain on the Senate floor. But I believe that the distortions are too important to let pass without comment.

First, the size of the Department of Defense's overall inventory. The department came to the Governmental Affairs Committee last year and said that they had reduced their inventory by $8 billion in fiscal year 1990. We had the General Accounting Office look at that and it turned out that what they had done was to revalue existing inventory and just simply decide that it was worth $8 billion less then they previously said. Almost nothing came out of the warehouses. They just changed the valuation method to reduce the book value of the same inventory.

The Department of Defense then acknowledged that they had revalued the inventory and that the revaluation accounted for virtually all of the so-called inventory reduction that they had reported to.

This year the Department of Defense came back and testified before both the Senate Armed Services Committee and the Governmental Affairs Committee that they reduced inventory by roughly $15 billion in fiscal year 1991. I have charts that were used by the DOD Controller Sean O'Keefe and Defense Assistant Secretary McMillan to show these reductions. Here you see Mr. O'Keefe's chart showing that inventory was reduced from $101.8 billion to $87.7 billion in 1 year, from 1990 to 1991.

Next, we have Mr. McMillan's chart showing a greater reduction from $101 billion in 1990 to $84 billion in 1991.

This time we were on to them and we asked how much of this approximate $15 billion—it differed between O'Keefe and McMillan, but approximately $15 billion—so we said how much of that reduction was really due to revaluation of existing inventory rather than an actual physical reduction of inventory in the warehouses? Their answer repeated at least five times before my subcommittee was none. No revaluation they told us. That is real reduction, physical reduction in inventory.

Mr. McMillan stated on the record that the $15 billion reduction was an actual reduction in physical inventory; that none of it came from revaluation; that it was based on an apples-and-apples comparison of the fiscal year 1991 numbers to the fiscal year 1990 numbers.

There is only one problem with those repeated statements. Every one of them was untrue. In fact, there was another revaluation in 1991 and that revaluation reduced the book value of the Department of Defense inventory by more than $9 billion. So that if you value the inventory the same way in fiscal year 1991, as you did in fiscal year 1990, the inventory did not go from $101.8 billion to $87 billion, or $84 billion, as Mr. O'Keefe and Mr. McMillan claim respectively. It only went from $101.8 to $97.3 billion.

When confronted with detail post hearing questions from my subcommittee after several calls back and forth, the Department of Defense has acknowledged that the real apples-to-apples comparison, based on the same valuation method in both years, is between $101 billion in 1990 and $97 billion in 1991. Those are the real figures. These are the ones that they presented to the committee, 101 to 84. The real figures are 101 to 97.

So instead of the inventory being physically reduced by the $14 billion, as Mr. O'Keefe claimed, or by the $17 billion, as Mr. McMillan claimed, more than $9 billion of that amount was simply a result of revaluation on the Pentagon's books. The actual reduction in inventory was only about $4.5 billion in an apples-to-apples comparison.

What does that mean about this chart Mr. O'Keefe used at the Armed Services Committee hearing? It means they were flat wrong. It is wrong when it states that $96.9 billion was the total without revaluation for fiscal year 1991, because this total, $96.9, is after the 1990 revaluation. It is not without revaluation as represented on this chart; it is with revaluation. And it is wrong when it represents that the DOD reduced its inventory by 11 to 14 percent, 13.4 percent, between fiscal year 1990 and fiscal year 1991. In fact, the actual physical reduction of inventory was no more than one-third of that amount.

Now the second issue. What about the portion of the Department of Defense's inventory that is excess? So far we have been talking about the total inventory. What about the portion of the inventory of that total which is excess to their requirements?

They do not like to admit they have any excess inventory. They call it by all sorts of other names. They call it inactive inventory, inapplicable inventory, economic and contingency retention inventory or even, believe it or not, potential reuse inventory. The bottom line is the stuff exceeds current requirements and will not be used, if ever. Twelve years ago the Department of Defense acknowledged having $34 billion of inventory in that category, inventory that exceeds requirements. Now they claim dramatic progress. Excess inventory has been reduced by almost 40 percent they say, and not including the effects of any revaluation. It was $34 billion and now it is $21 billion they say.

We are talking about the excess portion of their total inventory. Here is a quote from this year's Department of Defense posture statement about reductions in inactive inventory.

> In terms of actual material * * * inactive inventory—items not expected to be used within the current budget cycle—was reduced (from the end of FY 1989 to the end of FY 1991) from $34.4 billion to $21.4 billion.

That is their report to the Congress. This is not some casual statement. This is the DOD's official Annual Report to the President and to the Congress. That is what we are supposed to rely on, what the President is supposed to rely on, and the country is supposed to rely on, in determining what the DOD budget requires.

By the way, when the Department of Defense says an item is "not expected to be used within the current budget cycle" they mean they have no requirement for it now, that they will not have a requirement for it for a year from now, and they do not expect to have a requirement 2 years from now. They may use up other stocks and develop a need for the items sometime after 2 years, but then again they may not.

So, has the Department of Defense reduced the excess inventory by the $13 billion, $34 billion to the $21 billion as they claim? The answer is no. That statement is false. Other Department of Defense documents, supplied later, show that the excess inventory has declined by far less.

Here is a chart that the Department of Defense provided us several weeks after that posture statement that I just read was issued. And you can see that it shows the excess inventory. This is a chart of excess inventory, dropping from $34.4 billion in fiscal year 1989, to $30.7 billion in fiscal year 1991.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. LEVIN. I wonder if the chairman might yield me 5 more minutes?

Mr. BYRD. I yield 5 additional minutes.

Mr. LEVIN. I thank the Chair.

Mr. BYRD. Off the bill.

Mr. LEVIN. Where did they get that $21 billion number that they used? Down here. That is the $21 billion they used. They just simply excluded this part of the excess inventory from their posture statement. They just simply left it out. They just simply decided not to include it. And $9 billion of the excess inventory, by their own chart which they had later supplied to us, was just simply ignored in their posture statement. They did not reduce the inventory by that $9 billion. They just simply left it out when it came to reporting to the Congress.

So how much progress has the DOD made in reducing excess inventory? About the same as their progress in reducing total inventory—not much. The Department of Defense figures show that excess inventory has been reduced, at most, from $34 billion to $31 billion, and even that reduction is exaggerated by the impact of the Department's fiscal year 1990 inventory revaluation. So in the case of excess inventory, as in the case of total inventory, the bottom line is the DOD has yet to make a substantial reduction.

That brings us to a third key question—the level of Department of Defense request for inventory appropriations. How much are they spending on inventory purchases now, and how much does the Department want for next year? Once we know that, we should be able to figure out how much we can reduce these purchases in order to reduce unneeded stocks and to start bring total inventory in line.

Back in January the General Accounting Office wrote us a letter saying that the Department of Defense inventory appropriations could be reduced by at least $5 billion from the previous levels without any adverse impact on the national defense. The GAO letter said:

> Based on our evaluations of past budget requests, we believe the amount budgeted for secondary items for fiscal year 1993 should be at least $5 billion less than the amount budgeted in fiscal year 1992. The potential cuts would be in the operations and maintenance appropriations and other appropriations * * * which are also used to fund secondary items.

The DOD Comptroller responded to this assessment—about as we have come to expect—by saying we should not cut the $5 billion, because (a) it would severely undermine the national defense, and believe it or not, (b) they had already done it. First he tells us it would undermine defense to do it, and then he says in the same letter they have already done it. Talk about arguments in the alternative.

The letter from the DOD Comptroller in response to the General Accounting Office said that:

> With respect to the funds budgeted for secondary items in the FY 1993 program, I'm sure you're pleased that the FY 1992/93 budgets are down approximately $6 billion from the budget levels submitted last year.

Then the Comptroller says, he tells the GAO "This exceeds your suggested reduction of $5 billion."

So, did the budget that the DOD submitted actually exceed the GAO's suggested $5 billion reduction in the funds available for the purchase of secondary items? No. Again, this statement is inaccurate: it is misleading.

In fact, the Department of Defense has asked for $3.5 billion less in inventory appropriations this year than it got last year—not $6 billion. And the $3.5 billion less includes the $2 billion in surplus funds that they want to spend for inventory items. So the real reduction is $1.5 billion from last year, not the $6 billion by which they said they had already reduced the budget request.

In short, the Department of Defense was wrong when it told us that the total inventory had been reduced by $15 billion. It had not. The DOD was wrong when they told us that excess inventory had been reduced by $13 billion. It had not. The DOD was wrong when it told us that they had reduced their budget request for inventory appropriations by $6 billion. That has not been done either.

DOD has provided Congress with inaccurate and misleading information on each of the key inventory issues—the overall size of the inventory, the size of the excess inventory, and the spending levels last year and the request for this year.

I am afraid, and I am sad to say, that we cannot rely on the key numbers that are provided by the DOD on that issue. We should be able to rely on those numbers. I wish we could. We have the responsibility to oversee that process. What the Department has done is to make that much more difficult.

So the substantial reductions which we are proposing and the first step in that regard is $500 million in this rescission bill that the chairman has brought to the floor is very appropriate. It is based on a sound assessment of what the real numbers are.

I commend both Senator BYRD and Senator INOUYE and their staffs for working so hard on this issue with us to do the right thing to get the excess inventory eliminated, to cut out the wasteful spending and the warehousing of all this excess inventory, and to try to reduce unnecessary spending in this area.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks, and I also thank him for his leadership on this issue.

Mr. President, I suggest the absence of a quorum. I ask that the time be equally charged against both sides on the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, the chairman of our committee, Senator BYRD, has given a very detailed explanation of the parliamentary procedure, as well as the substance, of our vehicle.

At this point, I ask unanimous consent that I be designated to control the time on the committee substitute, as the unanimous-consent agreement has already been arrived at, to control the time between the chairman and the ranking member on the committee bill.

The chairman has acquired the unanimous consent to control the time on the committee substitute for his side.

I, therefore, put the same request to control the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield myself such time as I may need for a few remarks on this bill.

As I said in our committee markup of this rescission bill, I regret that the Senate is here today considering this measure. I believe the Committee on Appropriations made sound recommendations to the Senate when it first considered the fiscal year 1992 appropriations bills. Those recommendations were supported, in the main, by this body in its consideration of our recommended amendments to appropriations bills passed by the other body and in its adoption of the conference reports on those bills.

We had those particular step-by-step opportunities to work the will of the Senate, and the Senate will was worked. The House will was worked, and we put together a conference report from those two vehicles.

Mr. President, it should be noted that all the regular 1992 appropriations bills presented to the President were eventually signed into law. That is another step. There were some vetoes by the President, but those were on the basis of legislative provisions, not funding levels. Once the objectionable provisions were dropped, the bills were signed into law by the President.

It should be noted that throughout the 1992 appropriations process, as well as those previous, and as well as today and the bills in the future, the administration was intimately involved with our deliberations. They were literally at our elbow through the committee hearings, through the committees markups, and certainly I represented the administration as the ranking Republican on that committee and its views and perspectives on different occasions as did other Republican ranking members of each of the 13 subcommittees.

We were successful in winning our support for many—indeed, for most—of the administration's priorities in the normal process of our committee.

So I am disappointed that now, fully 7 months into the fiscal year, we are considering a rescission bill to reverse ourselves on a number of our funding decisions. Nevertheless, while I wish the President had not proposed these rescissions, I completely understand his rights under title X of the Budget Act to do so, and I completely understand the committee's right to respond with this particular bill. In fact, I have often suggested this very course of action to my colleagues as an alternative to the more radical proposition and totally unacceptable proposition of the so-called enhanced rescissions.

And although a title X rescission bill, such as the one before us, may be very rare, rescissions themselves are not rare. The Congress has enacted rescissions of previously appropriated funds in every year since the Budget Act became law. Since 1974, the several Presidents have requested Congress to rescind $69 billion in the aggregate, and Congress has responded by enacting rescissions to only $63 billion in the aggregate.

So despite my reservation about the series of events that has brought us here today, I believe the committee's response to the President's proposal is appropriate, and we should proceed with the debate and any amendments.

Mr. President, for the benefit of my colleagues on this side of the aisle, I indicate that the parliamentary procedure which we have embarked upon preserves the right of every Senator on either side of the aisle to offer perfecting amendments to the product that the committee has worked out in conjunction with the majority and minority in each of the 13 subcommittees. I support the vehicle that is before us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I ask unanimous consent that the time be charged equally against both sides on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that 15 minutes of the time that I have charged against myself on the amendment be shifted to time off my side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. BYRD. Mr. President, it is my understanding that Senator ROTH wishes to speak for 10 minutes on a matter which is not related to the pending measure. I ask unanimous consent that the 10 minutes which will be consumed by Mr. ROTH be charged equally against both sides on the pending amendment.

By way of explanation, the quorum call is being so charged, so I think we might as well charge the time the Senator wishes to use in the same way.

The PRESIDING OFFICER. Is there objection? Hearing none, the time will be charged to both sides accordingly.

The Senator from Delaware is recognized for a time not to exceed 10 minutes.

Mr. ROTH. I thank the distinguished Senator from West Virginia for his courtesy.

(The remarks of Mr. ROTH pertaining to the submission of Senate Resolution 291 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. ROTH. Mr. President, I make a point of order that a quorum is not present.

Mr. BYRD. Mr. President, I ask unanimous consent that the time consumed in the quorum call be charged equally against both sides on the amendment.

The PRESIDING OFFICER. Without objection, the time of the quorum call will be charged to both sides.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time remains for each side on the bill and on the amendment?

The PRESIDING OFFICER. The Senator from West Virginia has 35½ minutes on the amendment; 3 hours and 43 minutes on the bill.

The Senator from Oregon has 32½ minutes on the amendment, 5 hours on the bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, if no Senator seeks recognition, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides on the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask the distinguished chairman of the Appropriations Committee whether, since it is my understanding the parliamentary procedure at this time is we are considering the substitute, he feels it would be appropriate at this time for me to propose my amendment in the form of an amendment to the substitute or to wait until the distinguished Appropriations Committee chairman has offered the substitute?

Mr. BYRD. Mr. President, under the act and under the rules of the Senate, I say to my distinguished friend, all time on the amendment must expire or be yielded back before another amendment would be in order.

Mr. MCCAIN. If the chairman would explain a little further, I would appreciate his advice as to how many hours we will remain in this condition?

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator may be speaking on time allotted to the other side controlled by Mr. HATFIELD.

The PRESIDING OFFICER. The Senator is recognized on Senator MCCAIN's time because he sought recognition and has the floor. So the time is running against the Senator from Oregon.

Mr. BYRD. I would say in response to the distinguished Senator that I plan to offer a substitute for the committee substitute at such time as the time on the committee substitute has expired. I would have to wait until that time has expired or yield back the time unless by unanimous consent we could consider that the time has expired. Then I could proceed to introduce the substitute. There will be a time during the afternoon when a perfecting amendment would certainly be in order and the Senator, if he gets recognition at that time, certainly would be able to present his amendment then.

Mr. MCCAIN. May I respectfully remind the distinguished chairman, that I approached him at approximately 12 o'clock and said that I would like to propose my amendment.

Mr. BYRD. Yes.

Mr. MCCAIN. At that time, I was told by the distinguished chairman that it would be appropriate after lunch for me to propose this amendment, and I thanked the chairman at that time. Did I misunderstand the distinguished chairman, or has something changed since I approached the distinguished chairman before lunch? If so, at what time would the distinguished chairman think it appropriate for my amendment to be offered on this very important issue?

Mr. BYRD. Is the Senator prepared now to yield to me for a response?

Mr. MCCAIN. The Senator is prepared to yield to the distinguished chairman for response to my question.

Mr. BYRD. Mr. President, I will remind the Senator that when he discussed this prior to lunch I told him it was my plan to lay down a substitute for the committee substitute and that I then intended to seek to lay down a substitute to the substitute to the committee substitute, after which, amendments in the way of perfecting amendments would be in order, and at that time, if he could get recognition, he could offer his amendment. Nothing has changed. But under the rules the time on the pending amendment must expire or be yielded back before another amendment is in order.

So I am not in a position at this point, until the time has expired on the pending committee substitute, to offer one of the substitutes therefor. Nothing has changed. Everything is precisely as I said it was before lunch and when I earlier responded to the Senator.

Mr. MCCAIN. I thank the chairman for his elaboration. That was not the impression I now receive from him before lunch. Perhaps I misunderstood him. But, I do not think it is unreasonable for me to ask the distinguished chairman, who is in charge of the legislation on the floor, as to what time would he think appropriate that I bring up an amendment.

Mr. BYRD. Mr. President, will the Senator yield.

Mr. MCCAIN. I will be glad to yield to the chairman for a response. But I do feel that I asked my question in good faith before lunch. I would ask again, at what point during the 10 hours of debate, I would be allowed to propose this amendment.

I also note with some interest there are at least 2 other Senators on the floor who are very vitally interested in this amendment, and several who wish to speak in opposition. So I would hope that we could ascertain at what point I could propose this amendment, an amendment which would have, according to the rules, 1 hour on each side equally divided and followed by a vote.

Mr. BYRD. Mr. President, I am a little nonpulsed at the mountain out of a mole hill which is being created here by the distinguished Senator. He has not been misled. He was told that after lunch he would be able to offer an amendment. It is after lunch. Obviously, the time on the committee substitute would not have run its course before lunch. Obviously, therefore, it would be after lunch when the time on the committee substitute would run its course. And it would be after lunch before the substitute amendment could be offered, and in view of the fact that under the law 1 hour is allowed on an amendment to an amendment, it would mean that 1 hour later an amendment to the amendment would be in order.

I informed the Senator that it was my intention to offer a substitute to the substitute to the committee substitute but that after that, perfecting amendments would be in order, at which time the Senator then, if he could get recognition, could offer his perfecting amendment. I do not know how I could make it any more clear than that. The law is here, which any Senator can read and determine what the rules are with respect to the offering of amendments. The Senator will have his opportunity to offer a perfecting amendment if he can get recognition at that time. And I do not intend to attempt in any way to prevent him from getting recognition.

Mr. MCCAIN. I am sorry that the distinguished chairman is unable to give me and the other Senators who are interested in this amendment an approximate time when this amendment might be considered. Because of that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF INDEPENDENT COUNSEL

Mr. MITCHELL. Mr. President, pursuant to Senate Resolution 202, the Republican leader and I have received the report of the special independent counsel. The resolution provided for his investigation of unauthorized disclosures of nonpublic confidential information from Senate documents in connection with the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court and the investigation of matters related to Charles Keating.

Section 7 of the resolution requires the two leaders or their designees to make a determination.

On referral to the appropriate law enforcement authority of any possible violation of Federal law;

On referral to the appropriate Senate committee for any disciplinary action that should be taken against any Senator, official, employee, or person engaged by contract to perform services for the Senate who may have violated any rule of the Senate or of any Senate committee;

On referral to the appropriate executive branch authority any questions involving the conduct of any official or employee of the executive branch responsible for the unauthorized disclosure; and,

To make recommendations for any changes in Federal law or in Senate rules that should be made to prevent similar unauthorized disclosures in the future.

Senator DOLE and I are in the process of studying and evaluating the special counsel's report. We expect to make determinations required by the resolution in the near future and will report those determinations to the Senate at that time.

The special independent counsel's report will be made available to each Senator and to the press and public immediately.

I thank the special independent counsel, Peter E. Fleming, Jr.; and his associate counsel, Mark O'Donoghue, Samuel Rosenthal, and Michelle Rice; and their staff for their diligent attention to this difficult assignment.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. Mr. President, I want to join the distinguished majority leader, Senator MITCHELL, in thanking the special independent counsel, Peter Fleming, and members of his staff that was cited by Senator MITCHELL for their very hard work and their diligence in this particular effort.

I might add that the issue of unauthorized disclosures does not end with the release of this report. Senator MITCHELL indicated he and I will continue to review the independent counsel's findings and make the determinations required by the resolution passed by this body.

Whatever those recommendations may be, Senator MITCHELL and I share a determination to do what we can to plug leaks of nonpublic confidential information.

So, the majority leader has indicated we are going to make public to the Members now and to the press, to the public, copies of the report. I hope everybody will read it carefully and objectively, and in the interim, I will be working with the majority leader consulting together on what if anything we may do in the future.

Mr. MITCHELL. Mr. President, I thank my colleague.

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that the time required by the distinguished majority leader and the distinguished Republican leader in the colloquy just had be charged against both sides equally on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I rise today in support of the President's rescissions and his overall mission to force Congress to live within the bounds of its financial means. Over the last decade, both President Bush and President Reagan have urged Congress to establish some sort of fiscal discipline in the Federal appropriations process. However, Congress has shunned the face of realism and continued its reckless spending habits, digging deeper and deeper into the pockets of working Americans. Clearly, it is time to map a new course and move away from the destructive fiscal path Congress has foolishly chosen to travel.

The working people of this country are tired—tired of Congress which has continued to attack their paychecks with an assault of new and higher taxes. They are tired of a Congress which has failed to address the problem of our Nation's growing Federal budget deficit, while cashing in on the wasteful porkbarrel spending that infects congressional appropriations bills. This is not good Government. This is Government based on partisan politics and self-interested personal gain. Congress has clearly abused its legislative power at the expense of the American taxpayer and the economic future of this Nation.

In an effort to reduce wasteful spending, the President proposed 224 rescission items totaling $7.879 billion. While the Appropriations Committee's bill exceeds the total level of rescissions proposed, the committee has taken an unnecessary, undesirable, and unproductive approach by targeting cuts in critical strategic and other defense programs.

The Defense budget rescissions recommended by the committee majority will, in my opinion, erode America's ability to meet the international security threats of the future while having a minimal effect on the critical need to reduce the Federal budget deficit. For this reason, I will vote against the Appropriation Committee's rescission bill.

Last month, President Bush submitted to Congress a list of national defense rescissions that exceeded $7 billion. He took this action on top of 3 fiscal years of slashing over 100 military programs, cutting the number of Air Force wings to 24 from 36, withdrawing entire Army divisions from central Europe, and capping the growth of our nuclear strategic forces.

This administration, therefore, has demonstrated leadership in balancing the evolving security requirements of this Nation with its desire to balance the Government's budget.

My argument today, therefore, does not revolve around whether defense spending has been reduced, but how and where we should do it. The Appropriations Committee rescissions with regard to the B-2 bomber and strategic defense initiative offer particularly shortsighted examples of making public policy choices with fewer available resources.

SDI and B-2, in addition to targeting ongoing military threats such as ballistic missile proliferation and Third World aggression, also constitute a humble investment of the taxpayers' money. Both of these efforts barely consume more than 1 percent of the total Department of Defense budget. The President funded these programs and still placed the overwhelming burden of rescission savings on national defense—$7 billion from the military versus $700 million from domestic programs.

And so I want to disabuse my colleagues of another myth: If this body votes to endorse the Appropriations Committee cuts of $2.3 billion from B-2 and SDI, it will not be voting to increase funding for vital domestic programs. It will not be voting to make reductions in a wildly growing defense budget.

It will not be voting to make a significant dent in the Federal deficit.

It will be voting, Mr. President, to prevent the credible deployment of ballistic missile defenses against chemical, nuclear, and biological weapons.

It will be voting to weaken America's ability to use its stealth technology to manufacture precision aircraft that save both civilian and pilot lives.

And it will be voting to preserve billions of dollars for weapons that the United States primarily built to deter the nonexistent Soviet threat so invoked by my colleagues on the other side of the aisle as a reason for lowering defense expenditures.

We cannot accept such tortured and hypocritical logic as standards for the investment of the people's money. I therefore urge all of my colleagues to soundly reject the Appropriations Committee rescission substitute bill.

Mr. BYRD. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from West Virginia has 32 minutes and 30 seconds, and the Senator from Oregon has 29 minutes and 30 seconds.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, as I understand the parliamentary situation at this moment, the Senator from Arizona [Mr. MCCAIN] is waiting to offer a perfecting amendment, and at this point, in order to trigger and accelerate that time in order to get to that perfecting amendment, I am ready to yield back the time that I have, the 29 minutes, on this current vehicle.

Mr. BYRD. Does the Senator yield his time back?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. The time of the Senator from Oregon is yielded back.

Mr. BYRD. Mr. President, I yield back the remainder of my time and send to the desk an amendment.

AMENDMENT NO. 1789

(Purpose: To rescind certain budget authority)

The PRESIDING OFFICER. The Senator from West Virginia yields back the remainder of his time and sends an amendment to the desk.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1789.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98–473, Public Law 99–88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102–145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102–172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obliga-

tion for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $366,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for *the Alaska Natural Gas Transportation System in Public Law 102-154, R92-34, $144,590 are rescinded.*

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101-511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101-161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101-511, and proposed for rescission in R92-111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101-511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101-511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101-511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101-165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102-172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC-TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101-511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

Mr. BYRD. Mr. President, it is my understanding that there is 1 hour on this amendment.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. And how is that time controlled?

The PRESIDING OFFICER. That time is equally divided between the Senator from West Virginia and the Senator from Oregon or his designee.

Mr. HATFIELD. Mr. President, I am ready to yield back the remaining part of the time that I control on this substitute amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HATFIELD. I so do.

The PRESIDING OFFICER. The time of the Senator from Oregon, the 30 minutes under this amendment, is yielded back.

Mr. BYRD. Mr. President, in order to expedite the action on this amendment, so that the distinguished Senator from Arizona may call up a perfecting amendment, I shall yield back the remainder of my time on this amendment and send an amendment to the desk.

First of all, however, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Now, Mr. President, I yield back my time and send an amendment to the desk.

AMENDMENT NO. 1790 TO AMENDMENT NO. 1789

(Purpose: To rescind certain budget authority)

The PRESIDING OFFICER. The Senator from West Virginia yields back the remainder of his time and sends an amendment to the desk.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1790 to amendment 1789.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert;

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98–473, Public Law 99–88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102–145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102–172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $365,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102–154, R92–34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101–511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101–161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101–511, and proposed for rescission in R92–111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101–511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101–511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101–511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101–165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102–172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC–TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101–511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

Mr. BYRD. Mr. President, how much time is there on this amendment, and under whose control?

The PRESIDING OFFICER. There is a period of 1 hour on this amendment. The time is equally divided between the Senator from West Virginia and the Senator from Oregon or his designees.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, I am prepared to yield back the half hour in my control, and if the chairman of the committee controlling the other half yields back his time under his control, does that then set the stage for a Senator to offer a perfecting amendment with a 1-hour time agreement?

The PRESIDING OFFICER. The Chair will state that if both Senators yield back their time, there will then be the original text with two substitute amendments, so that tree is closed.

The Senator from Arizona can offer a perfecting amendment to the original text at that point and that would be in order and that will have 1 hour of time equally divided.

If both yield back their time, and they already have on the first amendment to the text offered by the Senator from West Virginia, and if both yield back their time on the second amendment offered by the Senator from West Virginia, then all time has expired and those two amendments are in a position where the yeas and nays have been ordered.

I believe that the Senator asked for the yeas and nays on the second substitute; was that correct?

Mr. BYRD. This Senator has not yet requested the yeas and nays on the second substitute.

The PRESIDING OFFICER. The yeas and nays have been ordered on the first substitute. I apologize to the Senator.

So now if the time is yielded back, then the perfecting amendment to the original substitute text is in order.

Mr. HATFIELD. Mr. President, I yield back the remainder of the time I control under this substitute amendment.

The PRESIDING OFFICER. The Senator yields back his time on the second substitute that is offered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from West Virginia yields back his time.

All time on the two substitute amendments to the original substitute which is being read for the purposes of an amendment as original text has expired. So all time has expired on those two substitutes.

Mr. BYRD. Mr. President, the Senator from Arizona, if he gets recognition, may now offer a perfecting amendment; is that not correct?

The PRESIDING OFFICER. The Senator may offer a perfecting amendment to the original text.

Mr. MCCAIN addressed the Chair.

Mr. BYRD. Mr. President, the Senator is not limited to offering a perfecting amendment to the original text.

The PRESIDING OFFICER. The Senator is correct. There is the bill, there is the substitute to the bill, and there are two substitute amendments to the substitute of the bill. What the Chair was stating was that an amendment may not be offered to the two substitutes to the bill because that tree is closed. But an amendment may be offered to the original text or to the substitute that was offered by the committee.

It was the Chair's understanding that the substitute that was offered by the Senator from West Virginia was to the first substitute. If so, there are two amendments. There are two separate substitutes pending. So you have the original bill, the substitute to the original bill, the first substitute of the Senator from West Virginia and the second substitute of the Senator from West Virginia. You would have those alternatives. Was that the intention of the Senator from West Virginia?

Mr. BYRD. That is in accordance with the rules and the law. The original bill is open to a perfecting amendment. The committee substitute to the original bill is open to a perfecting amendment.

The PRESIDING OFFICER. The Senator is correct. So that the Senator offered a substitute to the substitute. That was the point I was trying to determine. I understand that now.

The PRESIDING OFFICER. Who seeks recognition.

Mr. McCAIN. The Senator from Arizona.

AMENDMENT NO. 1791

(Purpose: To fully rescind funds proposed for rescission in R92–101)

Mr. McCAIN. Mr. President, I have at the desk a perfecting amendment to the original text and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment to the original test offered by the Senator from Arizona.

Mr. McCAIN. Mr. President, that perfecting amendment is to the first Byrd substitute.

The PRESIDING OFFICER. Correction. The Senator is offering the amendment to the first Byrd substitute; is that correct?

Mr. McCAIN. Correct.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment to the first Byrd substitute.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. ROTH, proposes an amendment numbered 1791.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place:

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 101–511, $1,075,700,000 are rescinded; and of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, $1,690,200,000 are rescinded.

Mr. McCAIN. Mr. President, before I begin, I would like to ask, for the benefit of my colleagues, a parliamentary inquiry. How much time remains on the bill itself?

The PRESIDING OFFICER. There is approximately 8 hours and 13 minutes remaining on the original bill.

Mr. McCAIN. I thank the Chair.

Mr. President, before I continue I would like to extend my appreciation to both the chairman of the Appropriations Committee, Senator BYRD, and the ranking Republican member, Senator HATFIELD, for their courtesy in allowing me to bring this amendment to debate and to a vote.

Mr. President, the amendment that I am proposing would restore the President's rescission in the Seawolf program. It would cut $2.766 billion from the fiscal year 1992 budget in SSN–21 shipbuilding and conversion funds and $189.4 million in SSN–21 other procurement funds. This is a total of $2.955 billion. The effect of the amendment would be to limit construction of the Seawolf to the SSN–21 now being built and terminate the program. It would not fund either the second Seawolf, the SSN–22, or the third, the SSN–23. It also would not restore funding for any other item of defense activity. It is a straightforward restoration of the President's decision to cancel the Seawolf program after the first submarine.

Mr. President, before I turn to my reasons for proposing this amendment concerning the Seawolf submarine, I would like to put this amendment in context. We are not just debating individual rescissions, we are addressing a process which is clearly flawed and which violates the principles on which a workable rescission process should be based.

After vetoing the tax bill, President Bush sent over a package of rescissions that he wanted considered by the U.S. Senate. There were some, I believe, 130 rescissions in the President's package, and we are only considering a small number of these rescissions today.

What we are actually considering in this package is not the President's proposals, but the proposals of the Senate Appropriations Committee. We will not be voting today to address the rescissions proposed by the President. We will not be voting to rescind the expenditure of $2.7 million on a food marketing center in Pennsylvania. We will not be voting today to rescind $400,000 for cool-seasoned legume research. We will not be voting to rescind a $3.1 million poultry center. We will not even be voting to rescind $200,000 for the Vidalia onion storage research facility or the other projects which deserve to be rejected by this body and the American people because they are—and I use the word with some hesitancy—pork barrel spending.

We have not responded to President Bush, and he has made his views very clear about our lack of response. Mr. President, I ask unanimous consent that the statement of the administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 5, 1992.

STATEMENT OF ADMINISTRATION POLICY

(S. 2403—Rescission Bill, FY 1992—Sponsor: Byrd, West Virginia)

This Statement of Administration Policy provides the Administration's views on S. 2403, the rescission bill, as approved by the Appropriations Committee. For the reasons discussed below, the President's senior advisers would recommend veto of the substitute to S. 2403 reported by the Committee on April 30th.

In an effort to reduce wasteful spending, the President recently proposed 224 rescission items totaling $7,879 million. While the Appropriations Committee's Bill exceeds the total level of rescissions proposed, it is the Administration's view that the Committee has taken an unnecessary, undesirable, and unproductive approach by targeting outs in critical strategic and other defense programs.

In particular, the Administration strongly objects to the rescissions of: $1.3 billion for the Strategic Defense Initiative; $1.0 billion for the B–2; $0.18 billion for the National Aerospace Plane and National Launch System; and about $0.4 billion for unidentified classified programs.

The President proposed over $7 billion in defense rescissions by identifying those programs that are no longer needed as a result of changes in the external threat to national security. Cutting critical programs is not a viable alternative to eliminating unnecessary programs such as the Seawolf Submarine, M–1 tank conversion, F–14 aircraft modifications, and reducing unnecessary National Guard and Reserve Equipment funding. In addition, the Administration has not had an opportunity to review the Classified Annex for the classified programs and strongly objects to language that would incorporate the Annex by reference.

The Committee approved only $12 million of the $737 million in domestic program reductions proposed by the President, and substituted what the Administration believes is a gimmick. The Administration strongly opposes the $743 million rescission of section 8 certificate amendments because it would not result in any decrease in Federal spending. Instead, the rescission would only increase the unfunded liabilities for those long-term subsidies. The funds for these section 8 amendments are needed to cover the long-term requirements of subsidized rental housing contracts.

FY 1992 appropriations for International Affairs programs have already been cut substantially more in percentage terms than ei-

> ther domestic or defense programs, relative to the spending limits in the Budget Enforcement Act. Funding for foreign assistance is especially constrained under the Continuing Resolution and because of reprogramming of existing funds to the former Soviet Republics. The Administration believes that most of the reductions identified by the Committee would adversely affect the Administration's ability to support important foreign policy objectives.

(Mr. KOHL assumed the chair.)

Mr. McCAIN. I will quote from this statement very briefly.

> In an effort to reduce wasteful spending, the President recently proposed 224 rescission items totaling $7,879 million. While the Appropriations Committee's Bill exceeds the total level of rescissions proposed, it is the Administration's view that the committee has taken an unnecessary, undesirable, and unproductive approach by targeting cuts in critical strategic and other defense programs. * * *
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Mr. President, let me repeat a key point. We are not here today to consider the President's rescission package. We are here to consider a package of proposals made by the Senate Appropriations Committee. Now this is entirely within their authority. It is entirely within their authority under the Budget and Rescission Act of 1974. But what will happen, Mr. President—and I think the American people should know—is what happened on the tax bill, what is going to happen on campaign finance reform and what is going to happen with other bad legislation this year. The wrong kind of bill will be passed by this body, and will go to conference. There will be a House-Senate conference report which will also fail to meet the Nation's needs, which will be vetoed by the President, and the President's veto will be sustained.

The problem is that there will be no rescissions. There will be no reductions in the wasteful and pork barrel spending which has helped so enormously in giving us a $4 trillion deficit.

Mr. President, President Bush offered 130 rescissions and the Appropriations Committee rejected 97. It turned the entire rescission process into what appears to be congressional disregard for most of the President's rescission packages.

I am confident the voters are already angry about waste in the Congress and will become more angered after watching this debate. I am confident they are not interested in congressional turf wars; they are interested in results. It is this interest in results which explains why Americans hold Congress in increasingly low esteem.

Mr. President, let me now turn to the specific issue at hand. My amendment concerning the Seawolf submarine, involves complex issues and issues which are not easily fully debated in 1 short hour of time. I will restrict myself to summarizing my key points, and let others raise their arguments in amplification.

Let me start out by saying that I have the deepest sympathy, admiration, and respect for those who work at the Electric Boat Co. and make the finest submarines that the world has ever seen. They have a record of doing an outstanding job, for many years and there is no doubt that the Seawolf submarine is an advance in the state of the art.

But the time where we need to spend over one-fourth of this country's shipbuilding budget on one class of ship which is designed to fight a specific class of ships, that is, the Russian nuclear submarine fleet, is over. The Russian submarine construction effort is fading, and many Russian submarines are not leaving port.

The time when we needed a Seawolf designed to protect our sea lines of communications when there is no longer a threat to those sea lines of communications is over. The time we could fund submarines we don't need when there are other compelling national security requirements such as sealift, airlift, amphibious capability, rapidly deployable forces, communications, better intelligence is over. All of the lessons of the Persian Gulf war indicate that there are many other areas we need to spend more money. For example, the greatest threat to peace in the world today is the proliferation of weapons of mass destruction and the means to deliver them—a threat the Seawolf does nothing to counter.

The Seawolf simply does not have a priority which justifies the expenditure of the taxpayers' dollars at a time when defense is shrinking.

We literally cannot afford to live in the past. Today, we have very different defense budgets. Even if the President's fiscal year 1993 budget is fully funded, it will be 29 percent smaller in real terms than it was in 1985—at the height of the Reagan buildup. It will be 7 percent smaller than in fiscal year 1992. By fiscal year 1997, it will be 37 percent lower than it was in fiscal year 1985. The cold war is over and so are the cold war defense budgets. Even if the Bush 5-year defense program for fiscal year 1993–fiscal year 1997 is fully funded, defense spending will drop by an average of 4 percent per year, and be 37 percent lower in fiscal year 1997 than it was in fiscal year 1985.

Now this may sound like one more empty economic statistic, and we hear a lot of them upon this floor, but it does have a very practical meaning. We are not debating increases in the defense budget. We are not talking about increases in Federal spending. We are only talking about one thing: Transferring the taxpayers' money from one account to another.

What this means, in very simple terms, is that no action we take here today will keep more Americans at work. In fact, virtually every action we take that requires the Department of Defense to waste time and scarce resources in unnecessary purchases and other activities will increase overhead and cost jobs. The net impact of our actions—by encouraging wasteful spending—will really be fewer jobs for America.

If the Seawolf is continued for the second and third production model, we will indeed save jobs at the Electric Boat Co. in Groton, CT and in Rhode Island. But, since there is a fixed ceiling on the defense budget, we can only do so by forcing other Americans to lose jobs someplace else in our country. The money that will be spent on the Seawolf submarine will not be spent on other systems—other systems that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff too, are more critical to our national security needs.

Let me also point out that if the Seawolf submarine is continued and SSN–22 and SSN–23 are produced, we still will not have jobs in the long run. Buying two more Seawolves will not be enough to bridge the gap between the present shipbuilding effort at the Electric Boat Co. and the time when the Centurion submarine, which is the follow-on submarine to the Seawolf, will be ready for construction. We will only save part of the jobs involved and then only for a few short years.

Now let me talk about costs. The Comptroller's office of the Department of Defense has just given me its latest estimate of the true incremental cost to complete two Seawolf submarines. I will go with the judgment of the Comptroller's office, although others may use older and different figures.

The incremental cost of building two more Seawolves after all termination costs are paid, is $2.8 to $3.3 billion from 1992 to 1997. This is not the total incremental cost; it is simply the incremental cost of the program over the coming 5-year period when we can make reasonable predictions. It also assumes that the Seawolf will not be subject to further cost escalation, although such cost escalation is highly probable because of troubled subsystems in the Seawolf like to BSY–Z.

Now what does spending that $2.8 to $3.3 billion mean in terms of jobs lost to other people? A lot of people have talked about what this spending means to Electric Boat and its subcontractors, but this $2.8 billion to $3.3 billion only comes by taking jobs away from other people. It costs about $35,000 a year to keep one of the men and women who served in Desert Storm in service. This is also about the cost of keeping one ordinary worker employed in the defense industry. If we use this $35,000 measurement as the cost of labor, then providing this funding for the Seawolf submarine will displace the jobs of 80,000 other Americans.

I know those who favor the Seawolf can argue with the exact details of this calculation, but they cannot argue with the fundamental reality that what is good for Electric Boat is not good for our Armed Forces and is not good for the rest of the defense industry. We are talking about job displacement, not job creation. Someone in New England or in the Midwest or in the South or in the West will lose his or her job for every job retained at Electric Boat.

Let me be even more specific. Electric Boat has conveniently provided me with its estimates of the money that will be spent in Arizona on two more Seawolfs—$59,052,000. This money will go to several key firms in my State—Allied Signal, ITT, Cannon, and Sergeant Controls. I could make much the same argument for jobs as my colleagues in Connecticut and Rhode Island, and I am not rising to oppose the Seawolf because they are getting the money and Arizona is not. The problem is that providing that $59 million for the firms in my State has to come from somewhere else. It may well mean more defense industry employees, men and women in uniform, and Department of Defense civilians lose their jobs in Arizona than would be the case if we did not fund the Seawolf.

Let me now turn to the issue of Seawolf and our national defense needs. The plain truth is the arguments being made for Seawolf have little to do with our Nation's defense. As I noted earlier, the Seawolf class of submarines is a historic relic of the cold war. In fact, even when the cold war was underway, the SSN-21 was a source of intense controversy within the Navy. Many submariners felt the decision to construct the SSN-21 class submarine was wrong. They worried that the Seawolf was being built to justify a given reactor design rather than respond to a threat. They worried that the value of the Seawolf would be dependent on a class of advanced weapons like the Sea Lance that might never be fielded, and they were right. All of these weapons have now been canceled.

They felt the Seawolf would only make marginal war fighting improvements over the SSN-688, and they were far more right than they could ever have feared. We now have a world where we no longer plan to fight an aggressive and constantly modernized Soviet submarine threat. They felt each Seawolf would be so costly that its construction would force us to make major cuts in our total number of actively deployed submarine and surface forces, and they will probably be right here, too.

Finally, they also felt the decision to build the SSN-21 responded to the views of the Navy submarine technocracy, while many Navy war fighting studies indicated that what was needed was a much smaller and more flexibly designed submarine. In fact, the Centurion concept is just this smaller and more flexible submarine.

Mr. President, if the Seawolf will not bring jobs and will not bring added national security, what will it bring? Some advocates have argued that its construction will have a beneficial impact on our industrial base. But, Mr. President, the industrial base argument simply does not hold water. To begin with, we face the same basic problem of tradeoffs when we spend money to preserve Electric Boat's industrial base that we face when we spend money for Electric Boat's jobs. We only have a fixed amount of money. Everything we spend on Electric Boat's industrial base requires us to cut some other aspect of our defense industrial base. We also cannot argue for spending money to preserve just one part of our cold war industrial base. If we use the argument for the Seawolf industrial base, then what reason do we have for terminating the industrial base for strategic bombers? For small ICBM's? Or for all the other weapons systems which we have had to cancel.

We also must consider the fact that all the present arguments for the Seawolf assume that Congress will make no further cuts in President Bush's defense budget requests, that there will be no further cost escalation in the Seawolf submarine, and that the Navy's changing force requirements will not lead to still further cuts in the active nuclear submarine forces. Yet, none of these premises seem likely to prove valid.

Unless new threats emerge, Congress is likely to make still further cuts in defense spending, just as it is doing with this rescission package when it takes money away from the programs we really need. The Navy is reappraising the Soviet submarine threat and is highly likely to cut its total nuclear-powered submarine force to preserve its power projection capabilities. It may well turn out that we could suspend nuclear attack submarine construction for several years and focus a much smaller amount of resources on creating the kind of new submarine design and industrial base we really need to meet our new national security needs.

Let me conclude by reminding my colleagues that my amendments of the Seawolf only focus on the most visible problem we face in the rescission package. There are many other problems. The Appropriations Committee rescission bill finds a mysterious $500 million in excess inventory that it cannot really identify. It takes $86 million out of something called Pentagon travel. It kills $525 million in sealift, and naval support vessels, although our need for more sealift capability is a clear lesson of the Persian Gulf war.

The Appropriations Committee bill takes $38.5 million away from the F-15 and F-16 programs, which are a vital part of our power projection activity. It effectively kills the National Aerospace Plane Program. It takes $344 million away from a greatly reduced Strategic Nuclear Weapons Program before we have a START treaty, and it takes several hundred million dollars away from a wide range of research and development activities.

We also have to remember this bill will go to conference with the House bill, which may include different priorities and different special interests: It may include waste such as spending $61 million on unnecessary MRE's or meals ready to eat. It may include waste like spending $20 million on unwanted 2.5-ton truck engines of the wrong kind, spending $78 million on unwanted shipyard modernization, $32 million on a Fort Bragg Irwin educational demonstration project, $164 million on unrequested naval aircraft modifications, and $36 million on unneeded electronic buoys and total array sonars.

We also risk confronting a whole new list of House rescissions in military research and development, including some $366 million in Navy R&D programs, $5 million in Air Force R&D programs and $238 million in Army R&D programs.

In presenting my amendment, I deliberately avoided mentioning the damage that this rescission package will do to our SDI Program at a time when it is clear we face major uncertainties regarding the nuclear forces of the former Soviet Union and a growing risk of proliferation. I hope that by concentrating on one key issue of the expenditure of the taxpayers' dollars, then we can at least remove one major abuse from this exercise. The fact is, however, the appropriations bills would make massive changes in defense policy and strategy under the name of rescissions.

Mr. President, the process cries out for reform. I still think that, in all fairness to the American taxpayers, every one of the President's rescissions should have been considered by this body.

Yet, most of the President's rescissions that he requested will never even be voted on, and that is wrong. We must both reform this and learn we simply cannot afford to spend billions of dollars on weapons systems, that do not meet the priorities of our national security in these days of shrinking defense budgets.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the distinguished Senator need?

Mr. INOUYE. Fifteen minutes.

Mr. BYRD. I yield 15 minutes to the Senator from Hawaii [Mr. INOUYE].

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise with some reluctance because I find it necessary to speak against my dear friend and colleague from Arizona.

When the Seawolf program was first conceived, the Pentagon planned to produce 29 submarines. Then it was later reduced to 15, further reduced to 9 and last year concluded that three would suffice. Now the amendment is to further reduce that to one.

The major thrust of my friend from Arizona is that by following the President's rescission request, the taxpayers of the United States would save money. Mr. President, if that were true, I would not be standing here.

It just happens that whenever there is a contract of this magnitude, or for that matter even a smaller one, defense contractors almost always will include in the contract provisions a termination clause, a clause that would become operative if the United States should decide to cancel the contract. In this contract, there is such a termination clause. And so, when the President made his announcement on the rescission, naturally, the Armed Services Committee of this body convened a special meeting to question the Assistant Secretary for Acquisition. And a simple question was asked: What is the cost of termination? How much will it cost the people of the United States to terminate this contract? The answer was: We do not know.

Soon thereafter, the Department of Defense Comptroller came forth with a number, $450 million. Almost immediately after that, it was amended to $900 million. As of this moment, the latest number is $1.9 billion. And even at that, there are those who suggest that it could go higher than that.

But, Mr. President, let us assume that it is $1.9 billion. We should add to this amount $1 billion more because the contractor, in pursuance of the provisions of this contract, proceeded to procure equipment, parts, supplies—1 billion dollars' worth of supplies, equipment, and parts. In other words, $1 billion has already been sunk into these two submarines. So now we have, according to the Navy, termination and sunk costs of $2.9 billion, a sum which incidentally exceeds the amount that is supposed to be saved for taxpayers.

No one disagrees that if these two submarines are rescinded and the contract is canceled, the producer, Electric Boat Co., will go out of business. No one can contest this. Everyone knows that this Electric Boat Co. has been making submarines for nearly 100 years. That is all they have made all these years; they have provided the Armed Services of the United States with submarines. If we decide to do away with the Seawolf, that plant will close.

Then another provision comes into effect: The shutdown cost. According to the figures presented to the Armed Services Committee, that would be somewhere between $500 million and $1.5 billion. So the cost of termination, Mr. President, could be somewhere between $3.4 and $4.4 billion.

On one side of the ledger, the President says by following his rescission, we will save $2.9 billion. And yet if we add up all of the costs associated with termination, we would say to him: "But, Mr. President, to follow your advice would cost $3.4 to $4.4 billion." There is no savings whatsoever; none whatsoever.

We spoke of the industrial base. My friend from Arizona says that is not a valid argument. But this is the only shop that can make these submarines. We need to bridge the gap to construction of the next generation submarine, the Centurion. Otherwise, history will tell us manpower, personnel, management of Electric Boat will just scatter. No one will be sitting in Groton, CT, waiting for the next job without getting paid.

Why is this so important? Mr. President, we have the edge in nuclear propulsion. Our nuclear fleet has already sailed 90 million miles. It has also has had 4,000 years of operation without one mishap—without one mishap. So our technology is an advancement, a very important one, one that we should be very careful in not losing. In fact, when the Deputy Secretary of Defense was asked, do you know what the impact would be, if this is rescinded, the answer was no, because no studies had been made. The studies began after the decision was made, Mr. President. I cannot quite understand how they reached the decision to rescind these funds, not having made the appropriate studies.

Third, Seawolf is the new generation attack submarine. We are not talking about the Trident, the ones that have missiles that cross continents. These are the attack submarines. This submarine will carry cruise missiles. That was the smart bomb of the Persian Gulf war. The *Los Angeles* class, or the SN-688, will carry 12. This submarine will carry almost twice as many. It can respond to regional conflicts.

Yes, it is true that the Soviet Union is no more and the Warsaw Pact is no more, but we have regional problems. I doubt if anyone in this august body can tell us what will happen in the Middle East 6 months from now, or between India and Pakistan, or in the Korean Peninsula.

It might be well if we remind ourselves, Mr. President, that in January 1990, we, the people of the United States, were absolutely certain that Saddam Hussein was our friend. In fact, General Schwarzkopf was being groomed for retirement; his services were no longer needed. The Central Command was in the process of being dismantled, half sent to Europe, the other half to the Southern Command.

At the same time, our Department of Commerce was in the process of establishing a trade fair in Baghdad to sell the Iraqis aerospace technology and computer technology. He was the recipient, the major beneficiary of a $4 billion agricultural aid program. He had a $200 million line of credit with the Eximbank. On August 3, he became the second Hitler of this century.

Mr. President, if you recall, several of my colleagues visited Saddam Hussein and came back with very favorable comments to make of him. And so if you ask me will there be another situation where weapons of this nature can be used, I do not know. But all I know is that we thought Saddam Hussein was our friend in 1990 and look where it led us.

So I hope that from the standpoint of saving money, we will defeat this amendment; from the standpoint of saving our technological edge, we will defeat this amendment; and No. 3, from the standpoint of the uncertainty on this globe, we will defeat this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for 5 minutes.

Mr. GORTON. Mr. President, under normal circumstances, one would expect this amendment to be adopted almost unanimously by this body because it combines two elements in its decade-long debate over our national defense. It would normally be supported by those who simply think we are wasting far too much money on the national security of this country and should have more money for a peace dividend and who therefore, generally speaking, vote against any new weapons system. And of course it should be supported by those who can discern no significant purpose for the Seawolf submarine.

Nevertheless, by a set of steps of legislative legerdemain we now have a bill which is not only a rescission bill, which in the view of this Senator is a pork barrel bill, we are going to retain defense systems which the Secretary of Defense and the armed services believe, quite correctly to be unneeded. And we are going to do so by canceling defense systems which those same people feel have a real purpose.

This Senator recognizes that both the B-2 and the SDI programs are controversial. Nevertheless, in each case there is some realistic scenario of use for a Stealth bomber and for defense against rogue missile attacks against the United States.

There is, Mr. President, no purpose whatsoever for a Seawolf submarine. Proponents are reduced to arguing that we simply have to keep a company in business, paying it presumably billions of dollars a year just to be there even though the entire threat for which the Seawolf submarine was designed has totally and completely disappeared.

In addition, and just as an aside, all of the very real savings of millions of dollars in the original rescission bill have been canceled almost without exception and for them we substitute a housing program cancellation which is not a real cancellation and which will simply defer a bill to another year.

This bill, in the view of this Senator, Mr. President, is designed to be vetoed. It is designed to save all of the spending programs, both those nominally canceled in this bill because the bill will be vetoed but therefore saving all of the spending programs which the President proposed for rescission as well. The real goal is to save no money at all.

Mr. President, I am convinced that this bill, should it go to the President, will be vetoed because it misstates defense priorities, saving pork and reducing programs which can have some impact on the future of the United States.

I will further submit, Mr. President, that while this way of doing business will almost certainly be successful in this body, it will not be successful with the people of the United States or in the Presidential election.

Mr. President, I hope and believe, when he vetoes this proposal, will simply resubmit his original realistic proposal. This body can do what it is doing here over again if it wishes to do so, but the President of the United States will win the battle over the minds and hearts of the people of the United States on the proposition of whether or not this submarine without a purpose but with a huge cost ought to be integral to the future defense of the United States.

It should not be. This gimmick will not be successful. We should go ahead and vote on the proposals which the President submitted to us in the first place.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 6 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes Senator CHAFEE for 6 minutes.

Mr. CHAFEE. Mr. President, it is curious, is it not, that on the floor of the Senate, when we do not like a program, it is pork barrel. We have heard those accusations made this afternoon about different programs, particularly as regards the *Seawolf*, whereas if something is made within our State, whether it is a B-2 or whatever it is, that is not pork barrel, that is something quite different.

Well, we are used to those charges. But, Mr. President, I would just like to say that this argument in favor of the *Seawolf* this afternoon is not one based upon jobs. No matter what happens, whether the *Seawolf* second and third are built, the employment at Electric Boat will decline from the current level of 21,000 to less than 9,000 individuals. So that is a cut of some 60 percent.

Mr. President, we have heard some very strong arguments made by the distinguished Senator from Hawaii in favor of the *Seawolf* submarine.

Let me just say something about industrial base. Somehow that seems to be scorned here as another word for pork barrel. Electric Boat has built submarines since the 1890's, and indeed during the Depression, when they did not receive orders from the United States Navy, they received orders and were able to survive because of shipbuilding contracts, submarine building contracts from Peru, Australia, Great Britain, Brazil, and Canada and they were kept alive. In the peak of World War II, in 1942, Electric Boat was producing a submarine for the U.S. Navy every 2 weeks. That was the demand placed upon Electric Boat.

Now they are not permitted to sell submarines abroad, either nuclear-powered submarines, or they are not permitted to go into the market of diesel submarines. So their only customer is the U.S. Navy.

It is incredibly complicated to build a submarine. Indeed, it takes from 4 to 5 or 6 years in some instances and the skills of the welders and the electricians and the pipefitters and the engineers are not easily developed. People who talk about marking an industrial base say, well, we will have the same for the B-2 and we will have the same for aircraft construction.

There is a link between modern commercial aircraft and building bombers and building fighter aircraft, but there is no link between building submarines and anything else. Indeed, what will create the most sufferance will come from the suppliers to these two principal yards. We just do not have those subcontractors around that can build these intricate valves, built at extreme tolerances because of the nuclear demand. They are not building the same type of valves for the nuclear-powered cruisers or aircraft carriers. So these subcontractors will just plain go out of business.

If we do not build *Seawolf* two and three, there will not be a new submarine ordered by the U.S. Navy from either of these two yards for a gap of at least 7 years because nobody anticipates we are going to be ordering new submarines.

The *Centurion* at the last part of this century, probably in the year 1999, will be the first order to go out for a new submarine. So what we are talking about here is serious business.

I do not think we ought to denigrate the term "industrial base" because it is going to be gone. I am deeply concerned because, yes some 21,000 Rhode Islanders work for Electric Boat. There will not be 9,000 after this year because no matter what happens that will decrease by some 60 percent. But these individuals have incredible skills. They are going to be closed.

We build the first part of the submarine. Then it is shipped down to Groton. The balance of the hull is assembled there. The balance of our workers are gone. This great naval shipyard will be closed. So I believe at the very marginal extra cost that is going to be covered here, perhaps $2.7 billion additional, because there are some costs that have already taken place—they are not going to be recovered—some $2.5 billion is already spent or will be spent, needed to close these yards.

But there is another factor, Mr. President, I would like to mention. That is if these yards are closed, and if this base is lost, these subcontractors, the costs for the new submarine, the *Centurion*, at the last part of this century will be incredibly high. No one is able to calculate that. But it seems to me we ought to consider the costs of that additional submarine, those new submarines that we are going to build.

No one has suggested we are going to be without submarines in the U.S. Navy. So when we proceed to build that new class of submarine, the *Centurion*, at the last part of this century, the cost of that submarine will be astronomically high because we have lost that base. Can we create that base again? Yes, we can. Will it cost a tremendous sum? Unquestionably. Will those first submarines be of the quality they should have been? No. Because of the lost skills and techniques of those subcontractors.

So, Mr. President, I very strongly oppose this amendment by the Senator from Arizona and strongly hope that this Congress will reject that amendment, will proceed with the construction of the second and third *Seawolfs*. That will not have these yards flourishing. Once upon a time those yards were getting four attack submarines and one *Trident* submarine a year. And now it will be two submarines to last over 7 years. But, Mr. President, if we are going to maintain this essential base, it is absolutely important that this amendment be rejected.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. I yield 5 minutes to the Senator from Virginia [Mr. WARNER].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I join my distinguished colleague from Arizona, a fellow sailor from the U.S. Navy. I support his amendment.

I think he has shown great courage to come forth and advocate this position which in my judgment is clearly the correct position.

The word "pork" has been mentioned. I shall not use it because, as my good friend and colleague from Rhode Island, the former Secretary of the Navy, mentioned, there are times when we do look after our State's interests. In reality I may be speaking against my State's interests because shipyards in my State have fought tenaciously to be participants in this program. Should this amendment be defeated, allowing the *Seawolf* program to proceed to build three submarines, there is a strong possibility that firms in my State might benefit, for example the Newport News Shipbuilding & Dry Dock, by virtue of becoming subcontractors. So I speak against those contingent interests.

I also speak against my interests of long standing with the U.S. Navy. I know of no organization that has done more for this individual, more than my days with the Navy. Apart from fiscal considerations, the Navy would like this program to continue so that many new technologies can be tested under actual sea operations.

But I speak because this is the opening salvo on how we the Congress will construct this defense budget. Will we continue to follow the time-tested doctrine that there be a correlation, a direct correlation, between the threat, as best we can estimate it in the years to come, and those programs which we feel are in our interests and those of our allies to meet that threat? Or will we let the pork pressures addressed by Senator CHAFEE mold and shape, in some degree, the 1993 defense program. Maintaining our industrial base for submarines is in our national interest, but building three SSN-21 ships is not the only solution.

To prepare for my participation in this debate, Mr. President, I went back and examined the record before this Congress that once justified this program. I think it is fascinating because it clearly lends support to the position taken by the Senator from Arizona. It is here in black and white in the official records of the U.S. Senate.

Let me review for you some of the history of testimony received on this submarine program.

In March 1982, the Deputy Chief of Naval Operations for Surface Warfare, Admiral Walters, testified:

> It is imperative that we retain qualitative superiority in this critical area of naval warfare [attack submarines]. As the Soviets continue to construct new and increasingly sophisticated submarines, it becomes more difficult to maintain that qualitative edge. The Soviets are building fast, quiet, deep diving submarines. It will be a challenge to our technological competence to stay ahead of them in the future.

Watch that word "superiority," it appears time and time again. Watch that word.

In October 1983, Navy Secretary John Lehman wrote a letter to several committee chairmen, in which he stated:

> We can no longer be comfortable on the basis of technological superiority. Soviet submarines are becoming quieter at an alarming rate, much faster than previously predicted.* * *

The *Seawolf* is essential. Let me reinforce the fact that the principal basis for the *Seawolf* program was the threat from the Soviet Union. Defense Secretary Caspar Weinberger, in his annual report released in February 1984, stated:

> To meet the Soviet submarine threat of the 21st century, we have started designing a new attack submarine, the SSN-21. A key objective is to make improvements in sound quieting in order to preserve our acoustic advantage over a Soviet submarine force making major advances in quieting technology.

And in February 1985, Admiral Watkins, the Chief of Naval Operations, told the Congress:

> The new design submarine, SSN-21 * * * is absolutely essential to our continued qualitative superiority over the Soviets.

And testimony about the Soviet threat continued during the 1980's. In March 1987, the Director of Naval Nuclear Propulsion, Admiral McKee, testified:

> Today * * * we face an unprecedented challenge to our superiority from the Soviet Navy. We can successfully meet this challenge * * *. The SSN-21 Seawolf submarine * * * will be the foundation for far-term submarine superiority * * *. It will be highly superior to Soviet Submarines for the foreseeable future. If we are to maintain undersea superiority in the far-term, I see no alternative to Seawolf.

On that same date, the Deputy Chief of Naval Operations for Submarine Warfare, Admiral DeMars, stated:

> The Soviets know we have it [submarine superiority] and what it does for our country, and they want to wrest that away from us. That is why they are moving ahead so aggressively on so many different classes of submarines * * * They are learning with each one of their [new] submarines, and they are moving ahead, and they are continuing to close the gap. * * *

At that same hearing, the following exchange occurred between Senator EXON and Admiral DeMars:

> EXON. We continually hear about the situation that the Soviet Union is considered 9 or 11 feet tall, especially in the build-up along the line in NATO. But from my experience I would say, number one, and I want to know publicly if you agree, there is no window of vulnerability as far as our submarine force is concerned vis-a-vis the Soviet Union as of now.
>
> DEMARS. Yes, sir.
>
> EXON. I recognize there is a threat. Is that right?
>
> DEMARS. Yes, sir. We have a comfortable margin of superiority now. The concern is for the future.

Mr. President, that was the rationale for the *Seawolf* program. The Soviet Navy was advancing rapidly, and our country needed to plan for the future. We observed improvements in the Soviet submarine force; we had learned of the Walker spy ring, and how it motivated the Soviets to emphasize improvements in their own submarine capabilities. At that time, the *Seawolf* made sense.

But all that has changed. Our world has changed, and we must adjust. We should not engage in self-serving fantasy; instead, we should look at the truth squarely; and we should try to keep in mind the broadest possible perspective.

And that perspective means understanding that everything carries a cost. Resources are limited, and if we choose to do one thing, then we cannot do something else.

This *Seawolf* submarine program was based on meeting the threat. There were other presumptions as well. The other presumptions included:

An assumption of continued real growth in the Navy shipbuilding program;

An assumption that submarine funding would consume not more than about 25 percent of the total Navy shipbuilding program;

An assumption that the first five Seawolf submarines would cost not more than $1.5 billion—measured in fiscal year 1985 dollars—and that follow-on units would cost not more than $1 billion each.

Mr. President, we have enough submarines to meet our requirements. One *Seawolf* will be enough. Other priorities compete for limited defense budget resources, and the *Seawolf* is not a sufficiently high military priority.

Mr. President, I ask unanimous consent that two sets of documents be inserted into the RECORD. The first is a copy of a letter from Navy Secretary John Lehman, dated October 18, 1983, which describes the original rationale for the *Seawolf* program. The second is a set of papers provided by the DOD Comptroller, dated May 2, 1992, regarding the cost of terminating and the cost of not terminating the *Seawolf* program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washington, DC, October 18, 1983.

Hon. JOSEPH P. ADDABBO,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to put the need to start a new class of attack submarines in perspective.

In a shooting war at sea, attack submarines on both sides, with their covertness, mobility, endurance and fire power, will be a key factor in determining victory or defeat. The attack submarine is one of the most survivable offensive naval platforms. Relative invulnerability of submarines is well understood in the strategic world where the SSBN is recognized as the most secure leg of our triad.

The importance of attack submarines in naval warfare has not been lost on the Soviets. From a post WW II position of naval inferiority, they have built a formidable Navy around their submarine force. In the past 15 years they have developed 12 new classes of nuclear and diesel powered submarines compared to our two classes. Today, they have 286 attack submarines, 109 of which are nuclear powered. We have 91 nuclear attack submarines. This disparity is expected to continue in the future as their nuclear submarine shipbuilding capacity far exceeds ours.

While we have watched their force grow, we have enjoyed the security of knowing that our fewer submarines were more capable due to our advanced technology, particularly our acoustic advantage which is so essential to submarine survivability. We can no longer be comfortable on the basis of technological superiority. Soviet submarines are becoming quieter at an alarming rate, much faster than previously predicted. In addition, they have put to sea the fastest submarine and the deepest diving submarine, developed the cruise missile firing submarine concept, and effectively converted their SALT-excess strategic submarines to other missions, some of which are not yet fully understood.

The U.S. Navy last commissioned a new class of attack submarine in 1976 with essentially 1960's technology. Although they are excellent submarines, the 688 class was originally conceived as a battle group escort. Some degradation of multimission capability was accepted to enhance this mission. Steps have been taken to add capability is later ships of the class, but in the process available space and weight margins have been exhausted. To make the improvements in quieting, platform and combat system capability required to meet the Soviet submarine threat, a new class is necessary. The required improvements simply will not fit in a 688 hull.

Current and future cost constraints and the need for a balanced Navy are well recognized. The Navy is working hard to reduce cost and size—there is no gold plating. Of significance, most Soviet nuclear submarine classes are as large or larger than equivalent U.S. classes.

If we do not act now, we face the certainty of losing by inaction the submarine force superiority that we have for so long enjoyed. The loss of this edge will have the gravest consequences in deciding the outcome of any future war with the Soviets. The concept of air superiority has long been recognized as the SINE QUA NON of victory. That same principle must be applied to submarine warfare. Sustained operations of surface combatants, transports and even strategic submarines will be possible only for a Navy which can gain and hold undersea superiority. Our attack submarines will be among the first to fight, and they must be able to do so independently, anywhere in the world. These initial battles may well determine the outcome of the war.

Now is the time to start a new class of attack submarine. This is a critical issue of utmost importance to the defense of our country. I request your support on this vital issue.

I am also providing this information to the Chairman of the House of Representatives and Senate Committees on Armed Services and the Chairman of the Senate Subcommittee on Defense, Committee on Appropriations.

Sincerely,

JOHN LEHMAN,
Secretary of the Navy.

Q. If Congress approves the administration's rescission request for the SSN-22 and SSN-23, will sufficient funding remain to cover termination costs the government will be responsible for?

A. Yes. The following table displays the estimated amounts retained to cover sunk costs and termination costs.

[In billions of dollars]

	SSN–22	SSN–23
Appropriated end cost	2.0	2.0
Proposed rescission [1]	1.1	1.3
Estimated sunk/termination costs [2]	.9	.6
Remaining		

[1] Excludes $375M of FY 1992 advance procurement associated with SSN–24/25/26 hulls.

[2] Excludes $400M of prior year sunk costs associated with SSN–24/25 hulls.

The DoD estimate for termination was based on an assessment of program sunk cost and cancellation cost of ongoing procurements conducted shortly after the President's decision to terminate was announced. Because of the magnitude of the number of contractual actions associated with the SSN–21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, this estimate is susceptible to change, however, as later and more complete information becomes available.

The Department is currently in the process of reviewing the large number of contracts involved and awaiting information from the various contractors required after issuance of the program stop work order on the SSN–22 and follow ships.

We will, however, continue to refine our estimates as we are able to collect and analyze information from the numerous contractors involved in the program. However, similar to other large scale major weapon system terminations, such as the A–12, it will be many months, perhaps years, before the final cost can be precisely determined.

Q. What are the estimates for termination costs for the SSN–22? What are the estimates for completing the SSN–22?

A. The Department's estimate for terminating the SSN–22, including all SSN–22 related sunk costs, is $900 million. Because of the magnitude of the number of contractual actions associated with the SSN–21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, it must be understood that this estimate is susceptible to change as later and more complete information becomes available.

If the Congress restores the SSN–22 rescission at the original appropriated level, then funding is insufficient to complete the ship by approximately $200 to $300 million. The cost of completing the SSN–22 is higher than the amount originally appropriated due to the impact of program termination; i.e., delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (Government and EB share costs above contract target 80% government and 20% EB) and additional funding necessary for detail design efforts.

Q. If Congress disapproves the administration's rescission request, is there sufficient funding available to complete the three ship program?

A. This question must be addressed in terms of the SSN–21 lead ship and the SSN–22 and SSN–23 follow ships.

In terms of the lead ship, it is very likely there will be an increase in the estimated cost to complete. This ship was appropriated in FY 1989 and awarded under a fixed price shipbuilding contract, with a cost sharing (80/20–Govt/contractor radio) incentive for costs between the contract target and contract ceiling. The budget currently does not include any funding to cover government liability if shipbuilding costs exceed the contract target.

It is possible that the SSN–21 lead ship contract will go to ceiling due to a variety of reasons, foremost of which would be a projected increase in overhead at the Electric Boat shipyard due to a decline in future workload. If the estimate to complete this contract does go to ceiling, then the government would incur an estimated liability of approximately $350 million. The status of this contract will be reviewed during the annual Ship Cost Adjustment (SCA) review and any increased funding requirements will be addressed in the next update of the President's budget.

Similarly, if the Congress restores the SSN–22 and SSN–23 rescissions at the original appropriated levels, then funding is insufficient to complete these ships by approximately $200 to $500 million. The SSN–22 is estimated to increase by $200–$300 million and the SSN–23 is estimated to increase by anywhere from zero to $200 million. As indicated earlier, the cost of these ships will likely increase due to the uncertainty resulting from the impact of program termination; i.e. delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (for the SSN–22 only) and additional funding necessary for detail design efforts for the SSN–22 and SSN–23.

Q. What is the marginal cost associated with proceeding with the SSN–22?

A. As indicated earlier, the appropriated amount for the SSN–22 is $2.0 billion. If the rescission proposal is disapproved the cost to complete this ship is estimated to be $2.3 billion:

[In billions of dollars]	*SSN–22*
	SSN–22
Appropriated end cost	2.0
Proposed rescission	1.1
Estimated sunk/termination costs	.9
Current estimate to complete	2.3

In effect, the marginal cost of completing the SSN–22 involves a decision on whether or not to spend an additional $1.4 billion over what the government will incur for sunk and termination costs to terminate the contract for this ship. It must be understood that the sunk and termination costs associated with the SSN-23 ($.6B) and follow ships ($.48) will be incurred regardless of whether the SSN-22 is completed or not.

Q. Electric Boat (EB) contends that the cost of the rescission will equate to the cost of building the SSN-22 and SSN-23 and may in the final analysis result in additional federal expenditures beyond the cost of building these two ships. Explain why rescinding these funds will minimize federal expenditures and makes economic sense in light of a reduced threat environment.

A. EB's estimate of Seawolf termination cost includes "unobservable costs" which EB has designated as "Pay as You Go" costs. They define these costs to include liabilities for retiree medical benefits, worker's compensation expenses and environmental costs. Below is a comparison of DoD's and EB's estimates for Seawolf termination costs:

	DOD	Electric Boat
Estimated sunk/termination	1.5	1.5
Unobservable		
"Pay as you go" costs		1.5
Externality costs		1.0
Total	1.5	4.0

Estimated termination: DoD's estimate is included in the $1.5B of sunk/termination costs for the SSN-22/23. Detail of EB estimate is unknown.

Unobservable costs: EB contends that these costs are charged to shipbuilding contracts on a "Pay As You Go" basis and that if the government curtails its ship construction program at the yard, other arrangements would have to be made to pay these bills when they come due and "there are no shipbuilding contracts to absorb them." EB also considers that these costs would include the undepreciated cost of facilities constructed specifically to construct new submarines.

Externality costs. EB also believes that there will be non-beneficial externality costs associated with termination of the Seawolf that the government would incur. EB contends that the costs to the local, state and federal governments in lost taxes and increased transfer payments and medical cost add over $1 billion to the cancellation cost of terminating the Seawolf program.

EB's assumptions ignore the fact that it's current backlog of shipbuilding work will continue through the late 1990s and what is referred to as "Pay as You Go" costs will have to be absorbed within existing contracts. EB's assessment appears to be a worst case scenario that envisions the yard closing when Trident and SSN-688 work is completed. Since the Department is planning to initiate construction of a new lower cost submarine in FY 1998, such costs could continue to be absorbed by future contracts. However, since these costs will have to be paid regardless of whether the SSN-22 and SSN-23 are completed there is no basis for including these costs in any assessment of Seawolf termination costs.

Mr. WARNER. Mr. President, these papers from the DOD Comptroller explain that buying two more Seawolf submarines will cost at least $2.8 billion, which is the amount of the rescission. Moreover, our cost exposure—in excess of the rescission—on the Seawolf Program is an additional $500 million. That is a great deal of money.

The original military requirement for these submarines no longer exists. The Soviet threat no longer justifies this program. And we should not spend in excess of $2.8 billion on this program for which there is no military justification.

I say to my colleagues, the future of the Navy of the Russian Federation is most uncertain. And in the aftermath of the events we witnessed this week, the future of our own country has a measure of uncertainty. I as one individual, never anticipated, never imagined that such events, such lawlessness as we witnessed in California could take place in America. That bill, the bill to help deter similar problems in other cities, will come due soon. Some will look to the shrinking defense budget as the banker for these dollars, too.

Therefore, we had better continue to direct every single dollar of defense funding to those programs that are absolutely connected, linked, to the threat as we perceive it today, while recognizing that the future threat can never be accurately predicted.

This floor will reverberate in a matter of weeks with the debate on the package to aid the various Independent States of the former Soviet Union. I ask, how can we aid with one hand, and with the other hand build weapons systems which the very States we are aiding may perceive as a threat? Is this consistent policy? This program could well induce the C.I.S. to continue defense modernization programs they might otherwise abandon in view of their pressing domestic needs.

All signs today point to a steadily decreasing naval ship building program in the Russian Federation, based on a dramatic decrease in the need for naval power to protect Russia's security interests. Thus, there is a corresponding reduction in the threat posed by the former Soviet Navy to the United States and our allies.

We must be able to face the American people, and justify every single American dollar spent on this and other defense programs that are designed to respond to the threat as we perceive it now and as we are able to predict it in the future. And that threat in my judgment has substantially changed, changed to the extent where I will be among those supporting the package of assistance to the former Soviet republics.

Mr. President, the threat no longer exists to justify the Seawolf Program.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. I yield to the Senator from Connecticut, Mr. DODD, 6 minutes.

Mr. DODD. Mr. President, let me commend our distinguished colleague from Hawaii, Senator INOUYE; and the distinguished chairman of the full committee, Senator BYRD, for managing this difficult package and bringing it forward.

I rise to strongly oppose the amendment offered by the Senator from Arizona and I do so with all due respect.

Let me begin by addressing the last comment made by my colleague from Virginia, and ask unanimous consent, Mr. President, that a story appearing in last Friday's Wall Street Journal be included in the RECORD. I read from it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Latvia complains to the U.N. that Russian submarines being equipped at one of its seaports are destined for sale to Libya and Iran. The activity at the Russian-run "177th Ship Reconstruction Factory" in Boldaraja, a Baltic seaport, had been a mystery since 1988.

Mr. DODD. Latvia complains to the United Nations that Russian submarines being equipped at one of its seaports are destined for sale to Libya and Iran.

It is May 1, 1992.

I do not know what world other people are living in, but to assume somehow because the Soviet Union no longer exists as we know it, that there is no longer a threat posed to the United States interests anywhere in the world, is not borne out by the facts.

I add further, Mr. President, for the edification of some of our colleagues who have indicated that there is no longer a threat, that 41 countries, not including the former Soviet Union and the United States, possess a fleet of some 400 submarines; and 19 countries have built or are in the process of cobuilding, foreign submarine fleets.

The fifth largest submarine fleet in the world is in North Korea. The People's Republic of China has almost 100 in its arsenal. I suggest to those who imply somehow that we no longer face any kind of threat around the globe that they merely look at what is out there. Here we had, just last week, a report that our now new ally who we are preparing to authorize 13 billion dollars' worth of assistance to is still manufacturing submarines and selling or giving them to people who have us on their declared enemies list.

So I suggest that those who offer the argument that this is no longer needed technology, they ought to take a closer and better look at what in fact is occurring around the world as we speak here today.

The Senator from Hawaii has made the case. These are not his numbers. These are not my numbers. These are not the numbers of the distinguished Senator from West Virginia. These are the numbers from the Pentagon, Mr. President.

The termination costs of this program exceed the cost of completing this program. In January, in testimony before the Budget Committee, the Secretary of Defense stood and stated the termination costs of the two Seawolf programs would be $443 million. That was in January. Through a series of escalations over the last 4 months, concluding in statistics they offered us a few days ago, the number is now $1.9 billion to terminate this program, not including the industrial base loss which the Navy tells us they will report to us in June or July.

Does anybody in this Chamber believe for a single second that number is going to be lower than the $1.9 billion already invested in this program? So for those who argue that there is a cost savings for the taxpayers, that is just not the case, not based on the numbers that we are proposing to our colleagues, but the numbers being offered by the Pentagon, and their assessment.

If in fact there were the savings that they argue, Mr. President, then we would be in a most awkward position to ask our colleagues to support increased spending in a program at a time when we are watching the downsizing in defense dollars.

Third and it has been stated by the distinguished Senator from Rhode Island, and maybe others are unaware—10 years ago, there were six yards in this country that had the capacity of building a submarine technology for this Nation. Today, in all candor, there is one. There is one left that has the capacity and technology to design and build a modern nuclear submarine fleet.

Newport News in Virginia has contributed over the years, but primarily, they have been a surface ship contractor. The fact of the matter is that Electric Boat is a private company. The doors will not remain open. If you cannot make a case over the economic viability of that facility—it is not a Government yard, Mr. President, where you might sustain it for 6 or 7 years in hopes there might be future work. There is either an economic justification for this facility or not. If you terminate this program at one and not complete the second and third boats, then, as the Senator from Hawaii pointed out, the argument is that those doors ought to be shut and the result of that decision, Mr. President, is that this country will have lost its only contractor left with the capacity to provide the technology to deal, if you will, with the 400 submarines plowing the ocean floors and the 19 other nations that are in the business of contracting, exporting, and selling these submarines to some of our most intractable enemies.

Mr. President, this is more than a Connecticut or Rhode Island issue. I would never make the case to my colleagues that you want to save this particular program and complete it and the second and third boats if jobs were the only argument. I have to face that problem. My colleague, Senator LIEBERMAN, has to face that, and Senator CHAFEE has to face that problem. But I cannot ask the Senator from West Virginia or the Senator from Hawaii or others to support this program because I may lose some workers. That is not my argument.

My argument here is that this technology is critically important to this country. It is critically important to this country. It is critically important to the mix of our national defense. It is critically important to maintaining the industrial base and the collected wisdom and talent of the designers and engineers and people who have built this remarkable piece of technology that has contributed to our national security.

Mr. President, I urge our colleagues, with all due respect, to reject the amendment of the Senator from Arizona.

I yield the floor.

Mr. BYRD. How much time remains, Mr. President?

The PRESIDING OFFICER. The chairman has 6 minutes and 28 seconds. The sponsor has 2 minutes.

Mr. BYRD. I thank the Chair.

Mr. HATFIELD. I will yield 5 minutes off of the bill to the Senator from Arizona.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. Mr. President, I yield 6 minutes to the distinguished Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

Mr. President, in the rush to cut the defense budget, there is a danger that serious, even irreparable errors, will be made. Destroying major elements of our defense industrial base is one of those errors.

No one disputes that the Seawolf program is coming to an end, but what we are voting on here is not just the future of the Seawolf but rather the future of the entire submarine industrial base. For if we do not build the second and third Seawolfs—the very last submarines in the Seawolf program—before terminating the entire program, we will be forced to shut down Electric Boat by the middle of the decade. And that would be a grave mistake to close America's No. 1 submarine construction facility. Admiral Bruce DeMars, the director of Naval Nuclear Propulsion, has put it very succinctly in his report of the future of the submarine nuclear industrial capability: "Electric Boat provides engineering, planning, and logistical support for all classes (of submarines). By virtue of vast experience and innovation, the yard is, without question, the world's premier resource for submarine design and construction technology."

I realize that all defense industrial sectors are facing serious challenges today, but submarines are different. Defense production in the aerospace, electronics, and ground vehicle industries have alternative production possibilities in the civilian sectors. These alternatives are not easy, but they are feasible, and can sustain these defense industrial sectors. In contrast, submarine manufacturers can either produce submarines—sometimes at minimal levels—or go out of work definitively. That is why the United States has built submarines every year since before World War II. To preserve the industrial base, we have to build even if the construction rate is at a minimal level.

To grasp the true threat to Electric Boat if the second and third Seawolfs are not built, we have to compare production in the 1980's to production in the 1990's. During the 1980's, we authorized funding for three to five submarines a year. During the 1990's, we have only authorized two submarines, the second—fiscal year 1991—and the third—fiscal year 1992—Seawolfs. We may authorize funding for production of the Centurion, a smaller, cheaper submarine, but that will not occur until fiscal year 1998 at the earliest. So the submarine construction rate will be at the lowest level since the beginning of World War II, even if we build the second and third Seawolfs.

There are those who suggest that support for the second and third Seawolfs is a status quo ante stance, which does not recognize that the cold war is over. But even if we fund the second and third Seawolfs, Electric Boat will reduce its work force from 22,000 to 8,500 over the next 5 years. Electric Boat can go down to that level to survive but it cannot go further. Once its work force dips below this critical mass of employees, too many skilled workers and engineers will have left to seek work in more stable sectors of the economy. Skilled personnel and engineers will not stay at a facility whose entire future depends on the fate of a new submarine, which may or may not be funded toward the end of the decade.

Not only the existence of the Electric Boat facility is at stake. A gap in submarine construction would place enormous pressure on the 5,000 second- and third-tier contractors that fabricate vital components for our submarine fleet. These firms, which are located in 36 States, are small and specialized, and would not be able to survive a suspension of new orders. Their disappearance would either bring all submarine construction to a halt or force the Government to seek foreign suppliers—an unacceptable and impractical option for such a militarily sensitive technology.

A long halt in submarine production would have a particularly devastating impact on the nuclear power suppliers network. Whereas in the past this network could depend on a viable commercial nuclear power industry for alternative employment, today the Navy has become our sole purchaser of nuclear fuel materials. Without some minimal level of construction, this sector could disappear entirely. As Adm. Bruce DeMars said in his industrial base report: "the sudden cancellation of Seawolf orders, together with an apparent hiatus in submarine construction, has dealt the nuclear-powered submarine industrial base a potentially fatal blow."

Admiral DeMars has also spoken cogently on the overall fragility of the entire industrial base in his industrial base report: "A hiatus in the submarine construction program would make it virtually impossible to design or build Centurion." Skilled labor and sub-contractors would fade away.

Nor do we have the option of shutting down Electric Boat in the belief that it can easily be re-opened in the future. Once Electric Boat is forced to shut down, it will be very difficult to bring it back to life. Modern weapons are complex systems that depend on a large network of suppliers. Once an industrial complex of Electric Boat's dimensions closes, it can only be resuscitated at enormous cost. It makes much more sense to keep it going at a low level of production rather than trying to bring it back to life after it has died. No one—not the Navy, not, I believe, the Seawolf's opponents in this chamber—disputes the fact.

FINANCIAL FACTORS

There is also an important financial aspect to this debate, which Senator INOUYE described in his excellent speech last Thursday on the Senate floor. Contracts have been signed for the second and third Seawolfs and purchases have been made from venders. It has been difficult to obtain estimates of these contracts, but they are clearly substantial. The Department of Defense initially estimated that it would cost $450 million to terminate boats two and three. The estimate subsequently rose to $900 million. Then, on March 31, Assistant Secretary of the Navy for Acquisition, Gerald Cann, said before the House Armed Services Committee that it would cost $1.9 billion to terminate the program. But on the following day, before the Senate Armed Services Committee, Secretary Cann acknowledged that these costs could be higher.

Senator INOUYE has pointed out the folly in trying to save money from terminating the second and third Seawolfs. As mentioned previously, the Navy has acknowledged that it would cost at least $1.9 billion to terminate these boats. Moreover, according to Senator INOUYE, it would cost between $500 million and $1.5 billion in shutdown costs to close Electric Boat.

Senator INOUYE has read the Navy documents which show that "little or nothing will be saved in equipment contracts." Savings from the termination of the fire control system, for example, could be "negligible due to anticipated costs impact of remaining R7D efforts. In other words, we could terminate the ships and have a lot of parts lying around, but we would not save money."

In light of these cancellations, sunk, and close-down costs, a more reasonable financial approach would be to build the second and third Seawolfs and then terminate the program. The original program has been planned for 29 boats so we will be saving an estimated $15 billion in defense cuts after even if we do finish the second and third boats. Finishing the second and third boats preserves the submarine defense industrial base and makes significant financial savings.

THE CONTINUED THREAT

Any debate about the Seawolf and the submarine defense industrial base must ultimately depend not on jobs and finances, but on national security. Despite the end of the cold war, the submarine defense industrial base is still a vital element for our national security. While proliferation concerns in our country have focused on weapons of mass destruction, the defusion of submarines and submarine technology also constitutes a major challenge to our future security. Russia already has sold submarines to India, Algeria, Libya, and Syria, including the advance Kilo class, and is currently negotiating for the sale of five minisubmarines to Iran. Tehran could use the submarines to attempt to control access to the Persian Gulf.

West European countries, particularly Germany, have been exporting submarines to the Third World, and some Third World countries, including North Korea, have begun to manufacture their own submarines, which will eventually be exported.

Overall, more then 20 Third World countries have submarines that are greater than minisub size. The nonnuclear submarine, be it Soviet, Western, or Third World, is becoming the poor nation's answer to surface naval power because of these technological advances.

The implications of these developments are significant. In the Gulf War, more than 85 percent of America's military equipment and supplies were sent by sea. Even a handful of enemy submarines would have required a diversion of significant naval forces. That was the case during the Falklands war, when only one or two British submarines were able to bottle up the Argentinian surface fleet. These problems would be exacerbated in the crowded Persian Gulf because sonar frequencies easily bounce off the shallow bottom. In short, while the cold war has ended, there are still many dangers abroad, as the gulf war reminded us, and we need the silver bullet the three Seawolfs will give us to respond to these dangers.

I would like to conclude my remarks by reiterating some of the main points made by Senator INOUYE in his excellent speech last Thursday. First, because of the binding contracts that have been entered into for the second and third Seawolfs and plant shutdown costs, rescinding the funds will not necessarily save money. Second, rescinding the submarines would force closing "the world's premier resource for submarine design and construction technology," to repeat the words of Admiral DeMars.

Third, we would have to spend an inordinate amount of money to reconstitute Electric Boat at some point in the future. And finally, the military stakes are high because submarines still play a vital role in our Nation's national security. With the end of the cold war, we are entering a different world, but not necessarily, a safer one. A functioning submarine industrial base increases the chances that this new and different world will be a safer one, as well.

Mr. President, I want to thank my colleagues, the Senator from West Virginia and the Senator from Hawaii for their leadership on this issue. I congratulate them on the force of their argument, as I do my colleague from Rhode Island and my colleague and partner from Connecticut, the senior Senator, Mr. DODD.

Let me just try to summarize some of the key points here and add a point, if I may, here and there. The first point is financial. Let us just summarize what has been said. In the first place, the rescission package brought forth by the Appropriations Committee actually saves the taxpayers more money than the President's rescission package. Second, evidence has been submitted here that I find to be incontrovertible, that there is little or no money saved by canceling the second and third Seawolfs. It makes no sense at all economically.

Third, let me add this point: Seawolf is a sophisticated, modern piece of equipment. In fact, there is reason to believe that as years go by and some of the older submarines are retired, if we can replace them with three Seawolfs, it will cost less to operate Seawolfs on an annual basis than the older class of submarines. That is most important because the submarines today require, once in their 30-year life plan, a major nuclear refueling which costs approximately one quarter of a billion dollars. The Seawolf, this incredibly able, sophisticated piece of equipment, can probably run for that 30 years without refueling and will not cost a quarter of a billion dollars.

The second argument is about the defense industrial base. Obviously, as my colleague from Connecticut said, and my friend from Rhode Island, we care about those thousands of workers in Connecticut and Rhode Island who are going to lose their jobs. That is part of our responsibility here. But the defense industrial base is at the heart of what it means to protect America's security.

But I want to stress that the defense industrial base goes well beyond Electric Boat in Groton, CT, and Quonset Point, RI. There are 5,000 subcontractors who do work on the Seawolf submarine that exist in 36 States of this United States of America. They are hardworking small businesses, sophisticated—and let me tell you, Mr. President, they are going to have a very hard time surviving cuts in this program. They just do not have the strength to do it. We need to keep them alive for our security and for our economy.

Finally, the national security argument that has been made by some colleagues. Let me stress that we are a maritime nation. It is critical to our security, as well as to our commerce, to protect the safety of our ships on the seas.

Let us go back and remember that the second and third Seawolfs can be had at little or no incremental cost. What we get for it will be the finest submarine in the world that will last for 30 years and protect the security of the sea lanes and protect the American ships. In the case of the gulf war, more than 85 percent of our military materiel and equipment was brought to the Persian Gulf by sea. Imagine if we did not control the waters around the ships as they went to the gulf what difficulty they would have had.

Mr. President, right now we have approximately 85 submarines under water protecting our security. We know that number is going to go down. Admiral Kelso, the Chief of Naval Operations, said recently it could probably go down to the range of 50. Of those 50, in the 30 years ahead in which Seawolf will be alive and well, will it not be in our national security interest to have the silver bullet that those three Seawolfs will represent, stealthy, powerful, fast, carrying twice the number of cruise missiles than the 688, the earlier category of attack submarine, carries?

Mention was made earlier about the ability of the B-2 to arrive unseen by radar to hit a target. Mr. President, it is instructive to contemplate the feasibility of the Seawolf in the attack carried out against Libya in 1986 from the air. Today, we could bring a Seawolf submarine off the shore of Libya, invulnerable to enemy attack, risking no lives, firing cruise missiles which, as we saw in the Persian Gulf war, have a remarkable ability to hit a target right head on.

Three Seawolfs out of 50 submarines, in the next 30 years. Can any of us say that we will not need that sophisticated defense out there to protect America's national security? When we talk about the 30 years, we are talking not just about ourselves but our children. Mr. President, we won the cold war, and thank God for that. We were victorious. And one of the things which that enabled us to do is cut our defense spending. Let us not do it precipitously. Let us remember the echoes of history from the thirties when defense was forgotten and people thought they could disarm. We have an opportunity here, at little or no incremental cost, to protect the security of our country on into the next century. It is worth the small price. It is in our national interest. I ask my colleagues to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, who controls time on this side on the bill?

The PRESIDING OFFICER. The Senator from Arizona controls the time.

Mr. BYRD. The Senator from Oregon controls the time on the bill.

Mr. STEVENS. Mr. President, I would like to yield myself, with the consent of the manager here on our side, up to 30 minutes. I do not think I will use that time. I would like to speak at length on this matter.

The PRESIDING OFFICER. The Senator from Alaska may proceed.

Mr. STEVENS. Mr. President, I sadly rise here on the floor to oppose the rescission package and to oppose in particular the treatment of the Seawolf in this bill. I think the Senate realizes how long I have served with my two good friends, my friends from West Virginia and from Hawaii, as well as the ranking Republican member on our side. And I do not recall opposing in total a measure reported by the Appropriations Committee in my service in the Senate. But I must do so this time.

It is because of my great respect for my colleagues I work with on defense matters that I want to speak at length to explain my reasons for opposing this bill, the series of bills. The President sent these rescission bills to the Congress. I am particularly concerned with those rescissions that reflect the changes in national military strategy as the President articulated in his State of the Union Message in January. These new defense concepts, developed by Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, working with Secretary of Defense Dick Cheney, turns our defense posture away from the focus on Europe, to address our global defense commitments and needs. That is a massive change, Mr. President.

Not only did those gentlemen recommend a change in our policy, but they proposed a further cut of $50 billion from the level of defense spending adopted in the 1990 budget summit agreement. Based upon those changes under the 1990 agreement, the President had already proposed to strip $170 billion from our defense budgets. This means a total now of $220 billion will be eliminated from the defense budgets through 1997.

Responding to the bold, new directions that were outlined by the President, the Congress repeatedly rejected efforts to cut defense spending further or to shift savings from defense cuts to other domestic programs. I think, unfortunately, that what we are doing today is a part of that process that I have opposed in the past. The rescission bills forwarded by the President took us to task for some of the items that we submitted. I had supported them, along with other Members of the Congress. They were items that were not requested in the Department of Defense appropriations bill for 1992.

To the great credit of our chairman, Senator BYRD, this bill accepts many of the President's proposals, totaling about 25 percent, really, of the total package submitted by the President. One key item, however—and that is the Seawolf—has been changed so much that it completely diverges from the President's intentions, and now the committee proposal would cut into the strategic defense initiative and the B-2 Program.

Again, to the credit of the chairman and ranking member of the committee, they made a commitment to report rescission bills that corresponded to the level of budget authority proposed by the President, and that is reflected by the bills before us. But the decision to sustain the two Seawolf submarines proposed for rescission by the President, the SSN-22 and SSN-23, means that the committee faced a $2.3 billion funding gap in the bills before us. That gap was plugged with a $1.3 billion cut in the strategic defense initiative and elimination of the one B-2 aircraft approved for production in 1992.

Now, before I really talk about those cuts, though, I would like to further explain my position on the Seawolf. Mr. President, last year, our subcommittee reported to the full committee a bill that had deleted the Seawolf. They were totally deleted. I supported that bill in the subcommittee, and we planned to construct the SSN-688 class submarine instead of the Seawolf class. The difficulty was that when we got to the full committee, that decision was reversed.

Our Defense Subcommittee recommended the elimination of the Seawolf. In my judgment, what caught up with the Seawolf was the demise of the perceived threat that the Navy had to meet, and a significant investment had been made to fund a program to create the Seawolf.

There is considerable controversy that still exists and uncertainties that still exist about the threats we may face in the future and the technologies that our adversaries may be developing. But one thing appears clear to this

Senator, and that is that the threat that the Seawolf was designed to meet, the follow-on submarines to the *Akula* class of the Soviet Union, has diminished sufficiently so that we can safely cancel this program. It was canceled. The request was made by the Department of Defense and approved by the President that that class of submarine be canceled.

That, as I said, the Defense Subcommittee proposed last year.

Unfortunately, the approach of the Navy was sustained by the full committee. And then on the floor we did not pursue our initiative to terminate the production of the Seawolf and build instead the improved 688-class submarines, really a much lower-cost alternative. But within 75 days after the decision of the subcommittee was reversed, the Department of Defense itself terminated the Seawolf program, and I think that is the important thing here to note. While I am not given to rehashing past decisions, I do believe that had we stuck with the plan we started last year, we would not be here today. It was a basic decision made on economic and justifiable intelligence facts, and that is that there is no longer a threat that needs the production of the Seawolf.

I applaud my friends from Rhode Island and Connecticut, who are trying to preserve the industrial base in their communities. I think the decision we offered from the Subcommittee on Defense last year would have done more for their communities than this fight does now because it would have preserved a new and improved 688-class of submarines, and would have given us a transition program into the next century, so we could devise the submarine fleet as we will need it to meet the threat that survives, if there is one that survives after the dust settles down from the disillusion and destruction of the Soviet Union.

I do not agree with the comments that were just made—and I heard part of them concerning the estimates that have been produced by the shipyard, the Electric Boat Co., that the cost to complete the SSN-22 and -23 will be little more than the cost to terminate the program. I do not think that is the answer at all. After we finish the third one, we will be right back where we are, again with costs to terminate the program—and some will say, "Look, if you build number 24 and 25 and 26, guess what, the 6 of them will cost less than the first 3." Now we are saying these three will cost less than the first one. But you still keep putting billions and billions of dollars into a program that is not needed in the defense of this country. And since we are borrowing that money, Mr. President, it makes little sense to me to proceed and go against the recommendation of the Commander in Chief, the Secretary of Defense, the chairman of the Joint Chiefs, the Department of Defense as a whole, and say, "Notwithstanding all of you people, we are going to build the *Seawolf* class of submarines anyway."

Now, I simply do not believe that we are taking the right course to do that. I believe that we are not only incurring a substantial increased cost in these submarines, but we are going to increase the operating and maintenance cost of the submarine fleet with these new super submarines, super stealthy submarines that will eventually end up in reducing the numbers of submarines we have in the future.

To me these three submarines are like three gigantic icebergs. We are just looking at the tips of them. The cost over a period of years is the part we do not see that is beneath the water. Surely the size of that cost is going to destroy the Navy's submarine program if we let this happen.

I stood on this floor once before and objected, I objected to refloating the battleships. One of these days I am going to present to the Senate a report on the battleships. My colleagues will remember I fought the battleships. I was then chairman of the subcommittee and I opposed my own bill because the forces in the Senate wanted to refloat the battleships. There were four of them. We modernized those battleships. They cost us billions of dollars. They have not added to the Navy's capability to defend this country at all.

They were paraded around the world. They are a very symbolic thing to parade around the world. I visited a couple of them. I must say they are immense and enormous and magnificent pieces of equipment. But they cost the taxpayers a lot of money. And now we are parking all four of them, we are putting them back into mothballs.

They do not contribute to our defense at all. That is the way I see these three stealthy submarines. Who in the world is going to know we even have them? It is like a friend of mine used to tell me—I am not sure we ever sent people to the moon because how can you prove they were there.

How can we prove that these submarines are any addition to our defense? I cannot believe that we are going to put this kind of money into systems that the Department of Defense does not want.

I am particularly disturbed by the decision to go beyond that and to take the money from the B-2 bomber and the SDI. God knows the B-2 bomber has enough problems of its own. But it is the best bomber in the world today and it is operating efficiently and there is no threat that can meet it today in the world. It is a capable part of our defense system.

This series of bills now proposed to cut the bomber that we had authorized for 1992 as well as cut 31 percent of the total SDI program for 1992. That rescission will eliminate well over 50 percent of the remaining unobligated SDI funds for this year. Now if we had told the SDI managers at the beginning of the year that they would have only $2.8 billion to continue the research on that necessary system—and we are going into the system, as the Chair knows, which will provide us a "Patriot" type of defense for the United States itself—if we had really told them to do that, they could have lived within those constraints. It makes no sense for us now to come forward and undo the work we did last year with regard to our defense bill.

The cut in SDI and the B-2 bomber in order to sustain the Seawolf is really shooting ourselves in both feet at the same time. I cannot understand it. I really think it makes no sense militarily, it makes no sense fiscally, it makes no sense politically.

Each Seawolf costs 2½ times the price of a B-2 bomber, and it cannot perform the function of the B-2 bomber. It cannot be used for deterrence. It can only be used for offense. Now, what are we doing changing the system and putting into imbalance the deterrent system we have to prevent war and instead creating systems that are only capable of offensive action in war. We are trading perhaps the most versatile aircraft we have ever produced for a system that does very little more than existing submarines, and cannot be used in deterrence. There is no way in my mind that the Seawolf is part of a deterrent concept.

Now the President really, I think, canceled the Seawolf because, as I said, on intelligence and mission requirements.

I ask the proponents of the Seawolf, what will the Navy do with three submarines of this class? What can they possibly do with just three? It is a whole different function. It is going to require a networking to take care of three. We originally proposed 28. When you look at it, what are they going to do with three? What mission will they fulfill that cannot be done by existing submarines? What specific threats against this country requires the extraordinary investment in three new stealth submarines and the elimination of one Stealth bomber?

The bomber can go anywhere in the world. It can perform the function that the F-117 did during the Persian Gulf war. The F-117 was placed out there on the runways in Saudi Arabia. The world saw it on CNN. Everyone knew it was there. You can parade a bomber. You cannot parade a stealth submarine, but you can parade a Stealth bomber. And everybody will know they better look at their hole card if they see it out there in their area defending the United States. It is capable of versatility beyond anything a Seawolf can dream of.

The continued production of the second and third Seawolf subs, I think, will do nothing for the industrial base. I think the proponents will admit that two-thirds of the people employed by the Connecticut shipyard will be laid off without regard to our buying these three expensive submarines.

I have argued in support of industrial base issues for the country. I do believe we should maintain one for submarines. We could have done it with an SSN-688 program, but the Senate and the Congress decided not to do that.

But I ask my colleagues, where do we go from here if we provide three Seawolf submarines? The answer is to build more. We will have no alternative but to build more, because that will become the replacement class and we will not go into the next century with the capability of producing a submarine to meet threats that might develop in that time. I think we have the capability in the existing fleet of submarines to meet any known or perceived threat to this country, from a defense point of view.

Certainly, the new national military strategy established by the Department of Defense and reviewed by all concerned would confirm that.

Beyond that, I want to say very personally I trust this Chairman of the Joint Chiefs of Staff, Colin Powell. I trust Dick Cheney to have reviewed each of these things individually and made the tough decisions. I am troubled by the fact that, they having made these very difficult decisions, the Senate now is going to turn them around.

We are the ones who told them to spend less on defense and they agreed to do that. We are the ones who urged them to reduce the B-2 fleet. They have done that. We made deep cuts in SDI spending. They have complied with that. We are the ones who told them to cancel various programs, Navy programs, and they have done that. We have reduced some of the production lines to almost an inefficient rate of production. They have reduced the defense budget as much as can be done, based on certain conditions that exist in the world. They have answered all our calls. They have come and explained to us their program.

I can tell you, if I were the Senator from Rhode Island, there is no question I would be voting for the Seawolf. I can understand a person supporting his State's industrial base. I cannot understand the Senate as a whole deciding to pursue a new system like this. We do not need it. We cannot afford it. There is no justification for it. And it has been recommended to us by all the military leaders in this Nation that we not build any more.

I cannot state any more clearly my position. I hope I have not left anyone confused about my position on the Seawolf. I oppose the Seawolf. It is an unnecessary addition to the defense structure that I have tried to support, now, for almost a quarter of a century.

I urge the Senate to reconsider the concept here, that we must strip SDI, we must cancel the B-2 bomber, in order to proceed now with submarines we do not need, we cannot afford, and should never have proceeded with last year.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time? The Senator from Rhode Island?

Mr. PELL. Mr. President, may I have 6 minutes?

The PRESIDING OFFICER. The Senator from Hawaii?

Mr. INOUYE. Parliamentary inquiry. Am I authorized to yield time?

The PRESIDING OFFICER. The Senator is the presumed designee of the manager, as senior Member.

Mr. INOUYE. I am pleased to yield 30 seconds from the amendment and 5½ minutes from the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in opposition to the McCain amendment and in support of the rescission bill as reported by the Appropriations Committee, particularly with respect to the hard choices that were made in the area of defense spending.

The important point to recognize is that the committee bill would rescind more in defense spending than the President has proposed—$7.2 billion by the committee as opposed to $7.14 billion proposed by the President.

To reach this figure, the committee, I believe, has chosen wisely to make judicious rescissions in both the SDI and the B-2 programs. In SDI, the committee preserves emphasis on ground-based, theater missile defenses but would delete funding for space-based systems that do not have immediate priority. And the B-2 cut would touch only fiscal year 1992 funding for one bomber that has not yet been certified to standards set by Congress.

The Seawolf submarine, by contrast, is a weapons program that already has withstood many tests and already has been pared down to an irreducible minimum. The original plan for a fleet of 29 Seawolf submarines was reduced to 3—a decision which I might note has been accepted without question by all concerned. Congress in its wisdom has authorized and provided appropriations for all three vessels, and the President in his wisdom has signed those actions into law.

Moreover, with the first Seawolf nearing completion, the second ship has already been contracted for, after a protracted court challenge of the contract award. And substantial advance procurement has already gone forward for this boat and for the third Seawolf, particularly for long lead items such as the nuclear propulsion components.

All in all, it would cost between $2 and $3 billion to cancel these two boats, for which the public would receive nothing in return. So the rescissions proposed by the President simply do not make sense as I see it. And I am advised that even with retention of the second and third Seawolfs, 95 percent of the economies proposed by the President would still be realized.

There is another aspect to the problem which has received much deserved attention and that is the preservation of the unique industrial base assembled by Electric Boat Co. in Rhode Island and Connecticut. The skilled high-tech work force and the one-of-a-kind production facility at Quonset Point are national assets which can only be preserved by continued production, albeit at a much reduced pace. This point has been brought home to me only too clearly over the past 10 years as I joined those who were pleading for diversification of the former activities.

I would have vastly preferred a different path, but Electric Boat would simply go out of business if we did not have these submarines and that would cause great tragedy to many citizens in my State.

It is interesting, too, to realize one-third of the economies in the President's programs come out of the programs centered in the little States of Connecticut and Rhode Island. This is a hard figure and I leave it to my colleagues. It seems manifestly unfair that one-third the total cost would come out of programs centered in the little States of Connecticut and Rhode Island. That does not seem fair or balanced.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself whatever time remains.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, first I would like to start my wrap up of our debate over the Seawolf by reviewing the process we are going through here today. Again, let me state that such a rescission process simply is not acceptable when the President offers 130 items for rescission action and 97 of those are rejected by the Appropriations Committee before the Senate ever really votes on the issues involved. The American people will never see us consider the views of the Executive Branch or really try to eliminate waste and unnecessary spending.

The Secretary of Defense has made his views on the results of this process very clear. I ask unanimous consent, Mr. President, that the letter to Senator DOLE from the Acting Secretary of Defense be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, May 5, 1992.

Hon. BOB DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This letter provides our views on the defense-related portions of S.

2403 as reported by the Senate Appropriations Committee. The President's senior advisers would recommend that he veto the bill if it were presented to the President in the form it was reported by the Committee and that he then request legislation that would have the effect of rescinding funds consistent with the Nation's defense interests.

The Administration proposed several billion dollars in reductions to the defense budget to save taxpayers' money in a manner consistent with a strong national defense. The Committee bill proposes a similar dollar amount in reductions, but in a manner inconsistent with national security interests. In particular, the Administration strongly opposes the Committee bill's cuts in the vital Strategic Defense Initiative program for global protection against limited strikes and the B-2 bomber program. The Administration also strongly opposes the Committee bill's failure to rescind funds for unneeded Seawolf nuclear attack submarines.

The Committee bill rescinds funds that already have been obligated for needed programs. Such rescissions are inconsistent with defense needs and would necessitate costly terminations of contracts with American defense industries. The Committee bill also rescinds funds needed for orderly completion of Peacekeeper missile deliveries and senior executive communications support. The Committee bill also contains a number of reductions, not yet revealed to the Department of Defense, in classified programs. We object strongly to language in the Committee bill that would incorporate the classified annex into the bill by reference.

The Committee bill fails to terminate funding for M-1 tank conversion and for upgrades to the F-14 aircraft. The cost to the taxpayers for these programs far exceeds their military value, and we urge the Senate to rescind these funds.

To maintain the strong defense we need to protect America's interests, within the limits of the funding the taxpayers can afford, we must allocate defense funds only to those programs that contribute to our military capabilities. The Committee bill diverts scarce defense resources to projects of local interest, such as purchase of unneeded meals-ready-to-eat, combat boots, and Guard Reserve equipment. This is an unwise allocation of the taxpayers' money.

We urge the Senate to amend the Committee bill to enact the rescissions proposed by the Administration.

Sincerely,

DONALD J. ATWOOD,
Acting Secretary of Defense.

Mr. MCCAIN. Mr. President, there are, however, many smaller issues that the Secretary does not address, but provide very clear examples of the kind of waste we are not going to vote on today. For example, consider the appropriation of $61.4 million for the purchase of MRE's. For the benefit of my colleagues, MRE's are meals ready to eat. Someone in Congress added the $64 million to the defense appropriations bill, which pay for 68 million meals ready to eat being on hand in the inventory at the end of this year.

These are enough meals to feed the original 50,000 contingent of Desert Shield troops three meals a day for over a year. Given the contingent nature of MRE requirements—which usually are only required for a short period pending provision of normal messing arrangements—this large a supply is grossly excessive. We will never use procurements of this size and the MRE's will have to be disposed of for nothing, with no benefit derived for the national defense.

Mr. President, we are talking about $61.4 million—$61.4 million—and this is just one example of the incredible obscene spending that goes on and which we can no longer afford.

Let me take another example. The fiscal year 1992 defense appropriations bill added $20 million for Army 2½-ton-truck engines and spares. The Department of Defense included this line item rescission list because the Department has not identified any unfunded requirement for such truck engines and spares—indeed they are the wrong type of engine to meet future needs.

At the very same time we waste this money on trucks, we are telling tens of thousands of young men and women who volunteered for a career in the military that we cannot afford to keep them. We are telling them that their careers are over, but we can afford $61 million worth of meals ready to eat, 68.4 million MRE's, which no one will every eat. We can afford $20 million for truck engines and spares which will never be used. And, the list of waste goes on and on.

Mr. President, when this happens the rescission process is broken, and I say before this body, I will continue my efforts for enhanced rescission power for the President of the United States, known to many as the line-item veto. I will not give up. I will not quit. The American people demand an end to waste and useless spending, and they deserve it.

This rescission process we are going through is a dramatic example of the compelling requirement for a line-item veto. I have quoted two examples, but 97 of the 130 rescissions that were offered to this body by the President of the United States will never be voted on today. They will never be voted on at all, unless, as some of us urge, the President keep sending these rescissions back and sending them back and back until we do get to vote on them.

Now, I do not agree with all 130 of them. But, there should at least be a process where the President of the United States can have individual line items brought to a vote, especially when Congress added many of the expenditures without any hearing, without any legislation proposed, and without any authorization.

Mr. President, let me now turn back to the Seawolf. I think that my distinguished colleague from Alaska just described very well why there is no threat that requires the expenditure of such vast amounts of money—one-quarter of the entire Navy shipbuilding budget.

Mr. President, the letter sent to Senator DOLE by the Acting Secretary of Defense says very clearly what the administration will do in response to this waste of funds, and I will quote part of it:

> The administration also strongly opposes the committee bill's failure to rescind funds for unneeded Seawolf nuclear attack submarines. * * * The President's senior advisers would recommend that he veto the bill if it were presented to the President in the form it was reported by the committee and that he then request legislation that would have the effect of rescinding funds consistent with the Nation's defense interests.

Mr. President, I also want to get the true facts about this waste on the record. We have not heard the real story about the termination costs of the Seawolf, and how much we can save if we cancel the SSN-22 and SSN-23.

I have just received an update on these costs and savings from the Comptroller of the Department of Defense, and Mr. President, I ask unanimous consent that this information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Q. If Congress approves the administration's rescission request for the SSN-22 and SSN-23, will sufficient funding remain to cover termination costs the government will be responsible for?

A. Yes. The following table displays the estimated amounts retained to cover sunk costs and termination costs.

[In billions of dollars]

	SSN-22	SSN-23
Appropriated end cost	2.0	2.0
Proposed rescission [1]	1.1	1.3
Estimated sunk/termination costs [2]	.9	.6
Remaining		

[1] Exludes $375M of fiscal year 1992 advance procurement associated with SSN-24/25/26 hulls.

[2] Excludes $400M of prior year sunk costs associated with SSN-24/25 hulls.

The DoD estimate for termination was based on an assessment of program sunk cost and cancellation cost of ongoing procurements conducted shortly after the President's decision to terminate was announced. Because of the magnitude of the number of contractual actions associated with the SSN-21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, this estimate is susceptible to change, however, as later and more complete information becomes available.

The Department is currently in the process of reviewing the large number of contracts involved and awaiting information from the various contractors required after issuance of the program stop work order on the SSN-22 and follow ships.

We will, however, continue to refine our estimates as we are able to collect and analyze information from the numerous contractors involved in the program. However, similar to other large scale major weapon system terminations, such as the A-12, it will be many months, perhaps years, before the final cost can be precisely determined.

Q. What are the estimates for termination costs for the SSN-22? What are the estimates for completing the SSN-22?

A. The Department's estimate for terminating the SSN-22, including all SSN-22 related sunk costs, is $900 million. Because of the magnitude of the number of contractual actions associated with the SSN–21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, it must be understood that this estimate is susceptible to change as later and more complete information becomes available.

If the Congress restores the SSN–22 rescission at the original appropriated level, then funding is insufficient to complete the ship by approximately $200 to $300 million. The cost of completing the SSN–22 is higher than the amount originally appropriated due to the impact of program termination; i.e. delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (Government and EB share costs above contract target 80% government and 20% EB) and additional funding necessary for detail design efforts.

Q. If Congress disapproves the administration's rescission request, is there sufficient funding available to complete the three ship program?

A. This question must be addressed in terms of the SSN–21 lead ship and the SSN–22 and SSN–23 follow ships.

In terms of the lead ship, it is very likely there will be an increase in the estimated cost to complete. This ship was appropriated in FY 1989 and awarded under a fixed price shipbuilding contract with a cost sharing (80/20-Govt/contractor ratio) incentive for costs between the contract target and contract ceiling. The budget currently does not include any funding to cover government liability if shipbuilding costs exceed the contract target.

It is possible that the SSN–21 lead ship contract will go to ceiling due to a variety of reasons, foremost of which would be a projected increase in overhead at the Electric Boat shipyard due to a decline in future workload. If the estimate to complete this contract does go to ceiling, then the government would incur an estimated liability of approximately $350 million. The status of this contract will be reviewed during the annual Ship Cost Adjustment (SCA) review and any increased funding requirements will be addressed in the next update of the President's budget.

Similarly, if the Congress restores the SSN–22 and SSN–23 rescissions at the original appropriated levels, then funding is insufficient to complete these ships by approximately $200 to $500 million. The SSN–22 is estimated to increase by $200–$300 million and the SSN–23 is estimated to increase by anywhere from zero to $200 million. As indicated earlier, the cost of these ships will likely increase due to the uncertainty resulting from the impact of program termination; i.e. delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (for the SSN–22 only) and additional funding necessary for detail design efforts for the SSN–22 and SSN–23.

Q. What is the marginal cost associated with proceeding with the SSN–22?

A. As indicated earlier, the appropriated amount for the SSN–22 is $2.0 billion. If the rescission proposal is disapproved the cost to complete this ship is estimated to be $2.3 billion.

[In billions of dollars]

	SSN–22
	SSN–22
Appropriated end cost	2.0
Proposed rescission	1.1
Estimated sunk/termination costs	.9
Current estimate to complete	2.3

In effect, the marginal cost of completing the SSN–22 involves a decision on whether or not to spend an additional $1.4 billion over what the government will incur for sunk and termination costs to terminate the contract for this ship. It must be understood that the sunk and termination costs associated with the SSN–23 ($.6B) and follow ships ($.4B) will be incurred regardless of whether the SSN–22 is completed or not.

Q. Electric Boat (EB) contends that the cost of the rescission will equate to the cost of building the SSN–22 and SSN–23 and may in the final analysis result in additional federal expenditures beyond the cost of building these two ships. Explain why rescinding these funds will minimize federal expenditures and makes economic sense in light of a reduced threat environment.

A. EB's estimate of Seawolf termination cost includes "unobservable costs" which EB has designated as "Pay-As-You-Go" costs. They define these costs to include liabilities for retiree medical benefits, worker's compensation expenses and environmental costs. Below is a comparison of DoD's and EB's estimates for Seawolf termination costs:

[In billions of dollars]

	DOD	Electric Boat
Estimated sunk/termination	1.5	1.5
Unobservable		
"Pay-As-You-Go" costs		1.5
Externality costs		1.0
Total	1.5	4.0

Estimated termination: DoD's estimate is included in the $1.5B of sunk/termination costs for the SSN–22/23. Detail of EB estimate is unknown.

Unobservable costs: EB contends that these costs are charged to shipbuilding contracts on a "Pay-As-You-Go" basis and that if the government curtails its ship construction program at the yard, other arrangements would have to be made to pay these bills when they come due and "there are no shipbuilding contracts to absorb them." EB also considers that these costs would include the undepreciated cost of facilities constructed specifically to construct new submarines.

Externality costs: EB also believes that there will be non-beneficial externality costs associated with termination of the Seawolf that the government would incur. EB contends that the costs to the local, state and federal governments in lost taxes and increased transfer payments and medical cost add over $1 billion to the cancellation cost of terminating the Seawolf program.

EB's assumptions ignore the fact that it's current backlog of shipbuilding work will continue through the late 1990s and what is referred to as "Pay-As-You-Go" costs will have to be absorbed within existing contracts. EB's assessment appears to be a worst case scenario that envisions the yard closing when Trident and SSN–688 work is completed. Since the Department is planning to initiate construction of a new lower cost submarine in FY 1998, such costs could continue to be absorbed by future contracts. However, since these costs will have to be paid regardless of whether the SSN–22 and SSN–23 are completed there is no basis for including these costs in any assessment of Seawolf termination costs.

Mr. McCAIN. Mr. President, the Comptroller documents are written in their usual impenetrable style, the bottom line is easy to translate. They make it very, very clear that we will indeed save the taxpayer at least $2.8 to $3.3 billion over the next 5 years if the Seawolf submarine is terminated. That is the view of the Comptroller of the Department of Defense, the only group able to come up with official figures.

Mr. President, the Third World submarine threat is also something of a red herring. The Third World is not a new form of Soviet nuclear submarine threat. The Soviet submarines that are going to Libya and Iran are an old class of conventional submarine. A Seawolf submarine is clearly not required to counter that threat. North Korean submarines, as we know, are noisy, conventional submarines. The People's Republic of China conventional submarines are noisy, and the People's Republic of China is still a long way from building modern nuclear submarines. We have SSN–688's aircraft, and surface vessels to deal with these threats. None, Mr. President, require us to spend over one-fourth of the Navy shipbuilding budget on one weapons system.

The cold war is over. That does not mean that war is over. Wars unfortunately are going on all over the world as I speak in places whose names we never heard of a short time ago: Bosnia-Herzegovina is a name that is not exactly a household word, yet hundreds are dying there each day. These wars, however, are a case for the deterrent and power projection forces we really need and not for submarines we do not. The United States of America will not be militarily involved in most such wars, but the United States of America must be capable of intervening militarily. We have gone from a very unsafe but predictable world to a safer but much less predictable world, which requires a different strategy and different forces.

As the Persian Gulf war proved, we need to spend more money on some parts of our defense inventory—sealift, airlift, amphibious capability, rapid reaction forces, and some means of countering the spread and incredible proliferation of weapons of mass destruction and the means to deliver them. These are clear requirements that cry out for remedy and redress.

The Seawolf does not appear on this priority list.

In summary, I want to report that I have the greatest respect, regard, and admiration for the men and women who work on the Seawolf in Connecticut, Rhode Island, Arizona, and any other State. It is our obligation to do whatever we can as a nation to help them in their transition to new jobs and industrial activities and the pain of this transition.

The submarine that they have produced is the best that the world has ever seen, but when we cut the defense budget by as much as 40 percent over a 5-year period we must focus on key priorities. As a former Navy person, I take no pleasure in proposing this amendment, but it is my obligation to see that we prioritize our defense spending in a fashion that will secure the future of other generations of Americans.

Mr. President, I yield the remainder of my time.

Mr. BYRD. The amendment offered by Mr. McCAIN reinstates the administration's proposal to rescind funds for two of the three SSN-21 Seawolf submarines, raising important issues associated with the submarine industrial base, and the capabilities of the U.S. submarine fleet.

The President's rescission proposal was to rescind $3 billion of funds authorized and appropriated in fiscal years 1991 and 1992 for two Seawolf submarines.

I want to state at the outset that the repeated labelling by the President and others of the rescission list as "congressional pork" is wrong and misleading. The administration's proposal to rescind the Seawolf funding is not about cutting "congressional pork." It is about reversing the administration's previous successes in obtaining funding for the two Seawolf submarines.

The administration fought very hard to have Congress fund both of the Seawolf submarines it is now asking the Congress to kill. The Seawolf submarines are not congressional add-ons. They represent approval by the Congress of the administration's own budget request. In 1990, when the Armed Services Committee suggested delaying the second Seawolf, Secretary Cheney wrote a letter strongly opposing such an action. Navy Secretary Garrett, in a similar letter, stated, "The Navy must continue the Seawolf to maintain technological supremacy in undersea warfare. The Chief of Naval Operations joins me in strongly supporting the Seawolf program."

Last year, the administration vigorously opposed an attempt by the Defense Appropriations Subcommittee to substitute improved SSN-668 submarines for the third Seawolf in the fiscal year 1992 budget. Navy Secretary Garrett reiterated his position of strong support for the Seawolf program on September 25, 1991. He said, in a letter to the Armed Services Committee, "Seawolf is absolutely vital to maintain our Nation's technological superiority in undersea warfare." This letter was sent just 3 months before the President's Seawolf rescission announcement in the State of the Union Address and several months after the failed Soviet coup.

Those who are suggesting that Congress dreamed up the Seawolf program and foisted it upon an unwilling administration are ignoring reality. I think we should debate the rescission proposal on the merits. I hope the administration will avoid labeling the Seawolf debate as "pork." If it is pork, it is the President's "pork."

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

(Rollcall Vote No. 83 Leg.)

YEAS—46

Bentsen
Bingaman
Bond
Bradley
Brown
Burns
Coats
Cochran
Cohen
Conrad
Craig
Danforth
Dole
Domenici
Durenberger
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Kassebaum
Kohl
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Packwood
Pressler
Roth
Sasser
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—52

Adams
Akaka
Baucus
Biden
Boren
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Lautenberg
Levin
Lieberman
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Shelby
Simon
Specter

NOT VOTING—2

Cranston
Leahy

So the amendment (No. 1791) was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader has asked for recognition.

Mr. MITCHELL. Mr. President, I yield to the distinguished chairman.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield time from the bill to the distinguished majority leader. He has time reserved under the standing order, but I yield him time from the bill.

The PRESIDING OFFICER. The majority leader is recognition.

AFTERMATH OF THE LOS ANGELES RIOT

Mr. MITCHELL. Mr. President, the violent aftermath of the Rodney King case verdict has again shown how vulnerable our society is to sudden social breakdown.

The arson, riot and looting that devastated Los Angeles dramatized the economic and racial divisions that plague our society. An economy that has not created jobs enough for Americans of all races has dealt particularly harshly with the young men of our inner cities. An educational system that does not meet the needs of all of our children has especially failed inner-city children. The criminal justice system, overwhelmed by the plague of drugs and violence nationally, has most demonstrably failed to provide safety and security for the residents of inner cities.

The overwhelming majority of those living in inner cities are law-abiding people, who endure conditions of daily life that most other Americans would not tolerate.

Their personal safety has not been secured by the forces of law and order. Their economic security is not served by an economy that fails to provide them jobs that can support a family.

When a city cannot guarantee most of its people the fundamental right to be safe in their homes and their neighborhoods, when Government cannot assure that all citizens will be treated with justice, then the social contract between citizens and government is dangerously frayed.

We cannot permit America to become two separate societies—one the society of the secure and safe, and the other a society of fear. We must address directly the causes of the problem.

Yesterday, the President's spokesman tried to blame the riot on President Johnson and on failed policies of the 1960's and 1970's. With all due respect, his comments were most unfortunate. They represent precisely the wrong response—the politics of blame, rather than the policies of healing and building.

We can spend the rest of the year arguing about who is to blame for the past, or we can come together to work constructively for the future. I urge that we choose to work for the future. The first step to solving a problem is to recognize the problem. Race has been the most divisive issue in our Nation's history. It is still the most divisive issue confronting our country. It has proven to be a target for political exploitation. We must resist the temptation to political exploitation now.

This is a somber moment for our Nation. The challenge of remaking the American social contract demands leadership.

Our response to cities must be no more, but no less than our response to all Americans: To invest in the goal of realizing the American ideals of equal justice and equal economic opportunity.

We have taken some steps. The Federal tax obligation for the lowest-paid workers has been eliminated, the tax credits for families was enlarged, health insurance tax credits, jobs, and low-income tax credits have been passed.

The 1988 welfare reform requires able-bodied AFDC recipients to seek work or training to become employable; increases in the WIC, Head Start, and prenatal care programs for low-income families are designed to give the youngest generation a better start in life.

They are small steps in the economic struggle facing low-income Americans. They highlight the need for a renewed national commitment.

We must make it a reality that an American public school education will equip an American to earn a decent living. We must recognize that job training is like a bank account: The more you invest in it, the more dividends you earn in stable families and communities where every resident has a stake.

Economic development in the cities is essential. New businesses and expanding existing businesses are the tools of growth. Jobs are the key. Renewed economic growth is essential.

We must target funds to the problems, target tax incentives to the greatest need and recognize, as we do, that there is no one magic answer.

Finally, we must make good on the promise of law and order. It is time that the people of our inner cities got personal safety, security and justice under law. They deserve to be free of gang warfare, drug dealing, drive-by shootings, and the other things that destroy the concept of community in urban neighborhoods.

Justice is something that most Americans have taken for granted. But justice has been denied to those living in urban ghettos. Justice means personal safety as well as freedom from discrimination. Justice means security for small businesses as well as equal opportunity. Both civil rights and a civilized life are the right of all Americans. It is a myth, it is wrong to say you can only have one at the expense of the other.

There are provisions in the crime bill now pending on the calendar that go directly to the need for justice in our cities. The Police Corps Program would help lower income youth enter law-enforcement, instead of law-breaking.

The gang violence and community policing provisions of that bill are intended to make police a partner in deterring crime and promoting safety. The handgun control provision could begin to slow the relentless arms race that has helped make homicide the number one leading cause of death for young black American men. Drug treatment programs would reduce the market for drugs.

Our commitment to a single American society will be tested severely over time. It will be tested in part by our response to the needs of our cities. The political arguments of today will long be forgotten if the problems remain unresolved. We have already had enough finger pointing, enough blame laying, enough scapegoating.

It is time to recognize that a riot in any American city is not a political opportunity or a political liability. It is an American tragedy. It shames all of us.

And all of us—those in the inner cities and those outside—must share the work of correcting the problem.

Neighborhoods and community organizations that do not work against lawlessness, casual crime and gang warfare cannot expect the larger community to do it for them.

But a government that does not reciprocate with its part in the social contract cannot expect citizens to respect a system of justice that seems stacked against them.

There is a better way. That is to unify as one society a community of diverse but shared concerns in the goal of seeking equal justice, equal opportunity and broader economic opportunity for all Americans.

The problems of our inner cities ought not surprise Americans. They are the problems you can expect to see if you withdraw money, jobs, and services from any community. The claim that programs which put food in babies' mouths cause gang wars is wrong. The claim that marginally literate young mothers can compete for skilled jobs is wrong.

These arguments merely further the indifference, neglect and divisiveness which have sent all America the signal that government works only for the well-off, the comfortable, the secure. It should work for them, but not for them only. It should work for all Americans.

What we need, instead, is to heed the call from the mayors of all our cities, Democratic and Republican alike, who have warned for years that the continued neglect of urban America threatens the future and safety of all Americans.

I look forward to working with my colleagues in both parties to do our part in the badly needed process of healing and recovery in Los Angeles and all across the Nation.

Mr. President, I thank my colleague for his courtesy in yielding time to make this statement.

Mr. BYRD. I thank the majority leader.

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, it is my understanding from the majority leader that he would like to be able to terminate work on this particular bill by 6 o'clock or some such this afternoon.

Mr. MITCHELL. Mr. President, that is correct. It was my hope borne out of the excessive optimism that I usually bring to the Senate scheduling matters that we might even complete action on the bill by then. If it is possible I hope we will do so. The time is not inflexible but, as the distinguished chairman knows, there is an event that many people have planned for a long time this evening in which most Senators will be participating. Therefore, if we cannot finish by somewhere in the neighborhood of 6 or 6:30 I would suggest that we discontinue for the day and complete action tomorrow.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. There is a faint possibility then that the Senate could complete action. As I understand it, Senator BROWN has an amendment or two amendments. And does any other Senator on the other side have an amendment?

Mr. HATFIELD. Mr. President, if the majority leader will yield, I say to the chairman I am only aware of two amendments that Senator BROWN is expecting to offer but I do have knowledge of a number of Senators on our side who wish to make some comments before final passage.

Mr. BYRD. Very well. Perhaps we could at least get to third reading this evening and then make the final comments tomorrow. So 1 hour on each amendment, and Senators need not take the full time after they are disposed of.

I yield the floor so the distinguished Senator may proceed with offering his amendment.

Mr. BROWN. I thank the distinguished chairman.

It would certainly not be my intention to delay the proceedings. I would be happy to agree to a time limit, something in the neighborhood of 10 minutes on each side, or perhaps even less if that would expedite this measure.

Mr. BYRD. That would be fine. Does the Senator speak with reference to each of his two amendments?

Mr. BROWN. That is correct. It may be moved more quickly than that. Any time the chairman would like to propose a time limit I would be happy to agree to whatever he feels is appropriate with regard to both of these amendments.

Mr. BYRD. Is the Senator saying 10 minutes each equally divided for each amendment?

Mr. BROWN. I would be happy to agree to a 10-minute limit on each of the two amendments equally divided.

Mr. BYRD. Very well.

Madam President, I ask unanimous consent that on each of the two amendments which Mr. BROWN will shortly offer there be a time limitation of 10 minutes to be equally divided in accordance with the usual form.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 1792

(Purpose: To express the sense of the Senate that funds should not be appropriated for programs and projects that have not met objective criteria throughout the appropriations process)

Mr. BROWN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. KOHL, and Mr. SMITH, proposes an amendment numbered 1792.

Mr. BROWN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE THAT UNNECESSARY WASTEFUL SPENDING BE ELIMINATED.

It is the sense of the Senate that—

(1) all programs and projects for which funds are appropriated should adhere to objective criteria throughout the appropriations process; and

(2) money should not be appropriated for programs and projects unless—

(A) the programs and projects are a topic of an appropriations hearing;

(B) the programs and projects are authorized before funds are appropriated; and

(C) the programs and projects are not added on to appropriations bills in conference if they were not included in either the House or Senate-passed bill.

Mr. BROWN. Madam President, this is a straightforward amendment. It is presented on not only my behalf but on behalf of the Senator from Wisconsin. The amendment simply states that we ought to, in appropriating funds, make sure there is an appropriations hearing, so the voters are assured it is aired in public and reviewed. The amendment also states that these projects and programs should be authorized before funds are appropriated. This is the basis for having our authorization committees. Lastly, it requires that funds are in the Senate or the House version of an appropriations bill and are not added in conference. Funds must be in one of the appropriations bills.

Madam President, at this point I yield to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, after we pass an appropriation bill, people read it. And when they do read it, all too often they find what is called pork—programs and projects which were requested by a particular Member to benefit his or her State. These programs and projects often have some intrinsic value, but in the context of a $400 billion deficit, they are not necessary and cannot be justified.

These Member projects are usually simply inserted in a bill: they are rarely reviewed in a public hearing, usually not authorized, hardly ever subjected to the normal competitive process.

Now we all know that once such a provision is inserted in a bill, it is almost impossible to remove it. Policy disagreements may be professional, but pork is personal. If you take on a Senator's project, you are perceived as challenging his or her judgment, and threatening his or her ability to meet the needs of their State. Each of us thinks of our States as something of a fiefdom. We believe we know what projects will help our State and our people. And we are almost certain that helping them helps us—the political muscle we display when we deliver will help get us reelected.

The net result is that we feed the image of the Congress as pork dispensers and log rollers.

The rescission bill now before us attempts to do something about the problem. It eliminates a good deal of pork barrel spending. But it does so without acknowledging that pork barrel spending is wrong. It does so only selectively. And it does so only retroactively. Nothing in this legislation makes the sort of systemic changes we need to make if we are to reduce unnecessary and unjustified spending in the future.

Now I do not blame any Member for seeking to help his or her State get a project or a college get a grant. Under the rules of the game as we play it, that is what we are supposed to do.

So it is time to realize that this is not a game.

It is time to change the rules.

And that is what this amendment does.

It does that by saying that Congress should not appropriate funds for programs unless those programs meet a set of objective, bipartisan criteria. The amendment says that funds should be appropriated only for programs that have had a hearing about them, that are authorized, that were not added in conference, and that don't violate the spending limits we set during the budget process.

I cannot believe that any Senator would disagree with these simple requirements. These criteria, in my opinion, are the bare minimum that any spending bill should meet. These criteria are not political or partisan.

All they say is four simple things: Before we spend taxpayers' money, we ought to take the time to have a hearing about our spending. Before we spend taxpayers money, we ought to enact a law establishing the program on which we will spend money. Before we spend taxpayers' money, the entire Congress—and not just a small conference committee—ought to vote on the proposed spending. Before we spend taxpayers' money, we ought to make sure the spending is within the overall budget we set for ourselves.

These are not draconian requirements—they are common sense. In fact, I would guess that most Americans would be surprised that we do not always follow these simple rules.

Madam President, let me conclude with this point. Last year, when we passed the budget and the appropriation bills, we were continually told that this was it; this was the bottom line; all the fat had been trimmed away; we were now cutting into muscle and sinew. So we were told.

Until the President told us to cut another $7.8 billion. And made a public issue of it.

Then, suddenly, we found a new bottom line; we found some more fat; we found a way to make some cuts without damaging muscle or sinew. In fact, in a variation of the "in your face" strategy we know so well, we found more money than the President did. The Committee now recommends a cut of $8.2 billion.

But if the President had not challenged us, that money would have been spent—without a care; without a second thought; without anyone questioning it.

Well, I congratulate the President for making the request. And I congratulate the committee for responding to it.

But it is not enough to do this on an ad hoc basis in response to a political challenge.

In my judgment we have to do it on a regular basis in response to the fiscal crisis we face.

We have to do it to discharge our obligations to our country and our constituents.

We have to do it to improve the public attitude toward the Congress in particular and the Government in general.

We have to do it to properly do our jobs.

The amendment I offer with Senator BROWN is a step in these directions. I urge its adoption.

Thank you, Madam President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, on this issue of lack of authorization, as Senators are aware, there are many programs each year which lack authorization but for which funding must be provided. For example, salaries and expenses for the Department of the Treasury, Federal law enforcement training centers, the Bureau of Alcohol, Tobacco, and Firearms, U.S. Mint, U.S. Secret Service; within the Internal Revenue Service, administration management processing returns, tax law enforcement and information systems; many offices within the Executive Office of the President, including the Executive residence at the White House, special assistants to the President, Council of Economic Advisers, the Office of Management and Budget, the National Archives, the Federal Trade Commission, Federal Communications Commission, Securities and Exchange Commission, Minority Business Development Agency, U.S. Travel and Tourism Agency, the Export Administration, International Trade Administration, Federal Bureau of Investigation, Drug Enforcement Agency, salaries and expenses for the U.S. attorneys, Immigration and Naturalization Service, and so on and so on.

Also, Madam President, paragraph 7 of Senate rule XVI requires that committee reports on general appropriation bills identify each committee amendment to the House bill which proposes an item or appropriation which is not made to carry out the provisions of an existing law a trealy stipulation, or an act or resolution previously passed by the Senate during that session.

Appropriations Committee reports are required to comply with paragraph 7, rule XVI. In so doing, committee reports on all 13 regular appropriations bills identify unauthorized appropriations. And the Members of the Senate are then able to determine for themselves whether to offer amendments to modify or to strike such unauthorized items from each appropriation bill.

Now I call these things to the attention of Senators because apparently Senators are not aware of them. Senators need only be on this floor when the appropriations bills come before the Senate, and if those Senators will look at the committee reports and study the bill, those Senators will be able to offer amendments if they wish to do so to strike any item that is not previously authorized. That is a Senator's right. But a Senator should not sleep on his rights and then claim that these things are slipped by and that Senators do not have an opportunity to know what is in the bill, and that these items that are not authorized are passed. As I say, some of them are, but for good reasons.

So the committee reports accompanying these appropriation bills are required to set out such provisions for Senators to see. All Senators have available to them prior to Senate consideration the committee reports on every fiscal year 1992 appropriation bill and they had an opportunity to offer amendments to strike the items contained in the bills during Senate debate on each bill.

I will not go further into the matter, Madam President. I am ready to vote. And if the Senator is prepared for a voice vote, this Senator is also prepared.

The PRESIDING OFFICER. Is there any other Senator who wishes to speak on the amendment?

Mr. BYRD. I yield back my time if I have any to yield back.

The PRESIDING OFFICER. The Senator from West Virginia's time is yielded back.

The question then is on agreeing to the amendment.

The amendment (No. 1792) was rejected.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was rejected.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 1793

(Purpose: To make additional rescissions dropped by the committee but included in the President's bill)

Mr. BROWN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. SMITH, proposes an amendment numbered 1793.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 12, strike "$20,000,000 are rescinded." and insert the following: "$21,000,000 are rescinded.

"ADDITIONAL PORKBUSTER PROVISIONS FROM THE PRESIDENT'S BILL

"The funds proposed for rescission in R92-43, R92-45, R92-46, R92-47, R92-48, R92-50, R92-51, R92-54, R92-55, R92-57, R92-59, R92-61, R92-67, R92-97, R92-66, R92-68, R92-69, R92-70, R92-71, R92-72, R92-73, R92-74, R92-75, R92-76, R92-77, R92-78, R92-79, R92-80, R92-81, R92-82, R92-83, R92-84, R92-85, R92-86, R92-87, R92-95, R92-96, R92-98, R92-99, R92-100, R92-89, and R92-90 are rescinded.".

Mr. BROWN. Madam President, this is a very simple, straightforward amendment. It restores rescissions on 42 projects that were in the original rescission package presented by the President on March 20, 1992. It saves $60 million of taxpayers' money. These are items that were also included in the original pork buster bill (S. 2265). I hope we will have somebody come to the floor and tell us why it is essential to spend taxpayers' money on feeding mink squawfish; that is one of the studies here. The other one of national significance is mesquite and prickly pear. Let me read this project to you.

The project is to breed improved mesquite and prickly pear, to find new uses for the product. It has not been awarded competitively. It has not had peer review. It has no national significance. It did not require funding from direct beneficiaries.

Madam President, these 42 projects are pork barrel waste. This amendment gives the Members of this body an opportunity to eliminate $60 million of waste.

At this point I ask unanimous consent to have printed in the RECORD a letter of support for this amendment from the Citizens Against Government Waste.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, May 4, 1992.

DEAR SENATOR: On behalf of the Council for Citizens Against Government Waste (CCAGW), I am writing in reference to S. 2403, legislation to rescind certain funding in the fiscal year 1992 Appropriations bills which will be up for consideration on Tuesday, May 5th.

CCAGW strongly urges your support of an amendment to be offered by Grace Caucus Chairmen Hank Brown (R-CO) and Herbert Kohl (D-WI), expressing the sense of the Senate that unnecessary, wasteful spending be eliminated from the budget process. This resolution also calls for the denial of funds to projects which have circumvented the appropriation process by NOT being authorized or subject to hearings in the Appropriations Committees.

In addition, Sen. Brown will offer an amendment to substantially increase the dollar amount of rescissions by including the President's rescissions, which are also included in the Spending Priority Act of 1992.

As the nation faces skyrocketing deficits and unprecedented spending levels, one thing is clear: there is no room for pork in the federal budget. Your support of the Brown-Kohl sense of the Senate amendment, and the Brown amendment to increase the number of rescissions, will demonstrate your commitment to cutting wasteful, pork-barrel spending from the budget process.

Sincerely,

THOMAS A. SCHATZ,
Acting President.

Mr. BROWN. At this point I yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I thank the Senator from Colorado for yielding. I am pleased to be a coauthor of this amendment and rise in strong support. This is a great debate. We are talking about how much money to save, so the taxpayers are going to win, one way or the other. The distinguished chairman of the Appropriations Committee spent a good deal of time this morning discussing waste in the executive branch. That is good. It does not make a difference whether tax dollars are wasted by the administration or tax dollars are wasted by Members of Congress. Waste is waste. And it should all be cut. This amendment does just that.

I think we should look under every single stone, for every opportunity. The Appropriations Committee made some very important additions to the President's package, but they just could not resist protecting some of the pork. The bill does not touch, as Senator Brown mentioned, mink research. We are trying to take that out with this amendment: $46,000 worth of mink research; or $3 million for a poultry center in Arkansas; or perhaps $94,000 for asparagus yield decline in Michigan or $185,000 for lowbush blueberry research in Maine.

I ask my colleagues, are those projects as important as immunization of children in some ghetto? Are these as important as curing cancer or AIDS? I think not. I do not think the American people think they are either. I think it is outrageous.

You could ask any taxpayer on any street in America and say "Do you support these projects, given the fact that we have a $3.8 trillion national debt?" And you know what the answer would be: Absolutely not.

Why were these spending items preserved while others were cut? What do all of these items have in common? I, frankly, do not know. Do they all have a pressing national need? I do not know what that is. Were all of these projects authorized? No. Were the projects competitively awarded? No.

My point is that the Congress, and sometimes the administration, frankly, makes spending decisions subjectively and many of those spending decisions have not been very good. As a matter of fact, they have been very poor.

I think we need to reach a consensus on some objective criteria that can be used to determine whether or not a particular spending project should be approved.

There is a saying around this town that pork is always the other guy's project. I do not think it has to be that way. Last year I introduced a bill in the Senate, and Senator BROWN was one of the very few cosponsors of the legislation, that attempted to identify projects objectively. We identified a number of them, some good, some bad, that failed what you can call a pork litmus test. We used some of the criteria I mentioned earlier. Was the project authorized? Was it competitively awarded? Did the project go through the hearing process or was the project simply added in conference?

To this Senator it does not make a bit of difference whether it is spent in Arkansas, West Virginia, or New Hampshire. If we spend that money without first making a fair and objective analysis based on merit, need, and competition, we are not doing our job. It is as simple as that.

This year Senator BROWN and I introduced a similar bill, S. 2265, the Spending Priority Reform Act of 1992. This amendment adds an additional 42 rescissions that were contained in that legislation and in the President's rescission package, 60 million dollars' worth

The PRESIDING OFFICER. The time of the sponsor of the amendment has expired.

Mr. SMITH. Madam President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. In my opinion, the more we can save the better. We should rescind the congressional pork, the Presidential pork, and all the pork, Madam President. Let us rescind it all. Let us rise to the occasion.

Frankly, in conclusion, I wish every one of my days here in the Senate could be spent discussing not whether or not we would cut any pork, but how much pork. This is great progress, Madam President.

I thank the Senator from Colorado for yielding and yield back the remainder of my time.

Mr. MITCHELL. Madam President, the amendment before the Senate would rescind a $185,000 special grant under the Cooperative State Research Service for lowbush blueberry research in the State of Maine. This was among the projects recommended for rescission by President Bush earlier this year.

Opposition to this special grant is premised on three premises. Unfortunately, all three premises are flawed. I will address each one briefly.

The first premise is that the special grant for Maine is unnecessary because there is almost $1 million in other CSRS-sponsored blueberry research ongoing nationally already.

The problem with this argument is that only the Maine research is directed to lowbush blueberries. All other CSRS-sponsored blueberry research is directed to highbush blueberries, a point CSRS acknowledges in an April 30 letter to my office.

That is not an insignificant difference. The two plant species differ in many ways: plant structure, the nature of the soil in which they are grown, pruning practices, and harvesting schedule.

Correspondence I have received from the Maine Blueberry Commission; John Smagula, professor of horticulture at the University of Maine; and Dr. G.W. Wood, executive director of the Wild Blueberry Association of North America all point out that research conducted on highbush blueberries is not transferable to the lowbush blueberry. I ask unanimous consent for these letters to be printed in the RECORD at the conclusion of my remarks.

The second faulty premise upon which opposition to the special grant is based is that the research funded under the special grant is not valid because it is not peer reviewed or competitively awarded.

Again, quoting from the Maine Blueberry Commission,

> all research programs supported by the Maine Experimental Station go through several layers of review [that] begins at the Departmental level * * * through a Research Council of interdisciplinary peers who rigorously challenge the relevancy of projects, the soundness of the methodology, the availability of sufficient resources to ensure completion, the availability of expertise at all stages of the program to ensure success, and who apply other tests of attainment to ensure effective science is done.

In addition,

> * * * the Maine Blueberry Advisory Committee reviews all blueberry projects * * * and recommends those projects which best address industry needs * * * [and] challenges the researchers on their work. The Committee includes industry members with science and engineering backgrounds.

So, it should be understood that the merits of any research conducted under this special grant are rigorously reviewed.

The third faulty premise behind the amendment is the contention that the direct beneficiaries of the special grant do not contribute to the research.

The Cooperative State Research Service estimates it will support $1,006,000 for blueberry research in fiscal year 1992. Of that total, $185,000 is the subject of this amendment; $260,000 is a special research grant to Rutgers University; and $561,000 is anticipated to be spent under Hatch Act and Evans-Allen formula funding that goes to agricultural experiment stations and historically black colleges.

The fiscal year 1992 Hatch Act and Evans-Allen funding totals are based on fiscal year 1990 spending level, the latest complete year figures available to CSRS.

Madam President, in fiscal year 1990, total Hatch Act funding for blueberry research was $465,000. The Agricultural Experiment Station at the University of Maine contributed $148,000 or 31.8 percent of that total.

CSRS also says, using fiscal year 1990 figures as a base, that $2.87 million in non-Federal funding was available for blueberry research. Of that amount, State appropriations and industry support from Maine were $473,000 or 16.5 percent of the total.

So using the latest CSRS figures, Maine matched its special research grant with $621,000 of Hatch Act and non-Federal funds.

Madam President, Maine's lowbush blueberry industry is a growing source of employment and economic vitality in my State. The industry has grown from generating annual averages of $15 million in the 1980's to almost $100 million in 1990 and $56 million in 1991. Much of this industry is centered in the most rural and economically disadvantaged areas of the State.

Consistent high value, employment, and exports are possible if the industry is able to continue the research made possible, in part, by this special grant.

It would be penny wise and pound foolish to rescind the Federal component of that research, especially if the Senate was to do so on the basis of the faulty premises and the incorrect understanding of the unique nature of the Maine lowbush blueberry that has prompted much of the opposition to this special grant.

This amendment should be rejected by the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAINE BLUEBERRY COMMISSION,
Orono, ME, March 30, 1992.

Hon. GEORGE J. MITCHELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MITCHELL: In response to President Bush's call for rescission of funding for fiscal year 1992, Maine's blueberry industry asks for your help in correcting some misconceptions. Our specific concern is the President's inclusion of Cooperative State Research Service (CSRS) funding for lowbush blueberries ($200,000) in his call for budget reductions. This funding is essential to the health and future prospects of the industry. The reason for rescission outlined in the Washington Post misrepresent the CSRS program for lowbush blueberries. We hope you can help clear up these misconceptions.

Is this funding justified? To effectively answer this question we must review why we spend public tax dollars on any program. I believe one reason is to benefit our society through investment in the future. There are few better ways to invest public funds than to invest them in industries and businesses that provide jobs and generate positive cash flow into our economy. Every facet of human endeavor is dependent on a healthy economy. This kind of investment is particularly important in an area of our country which has been traditionally economically depressed. This is truly public investment, not public expenditure. These programs represent leadership and foresight rather than happenstance and hindsight.

The lowbush blueberry industry clearly demonstrates a positive return for this investment. The industry has grown from generating, on the average, approximately 15 million dollars annually in 1980 to over 56 million dollars annually in 1991. The blueberry industry in Maine generated about 100 million dollars in 1990. The advent of consistent 100 million dollar years is within reach if we continue to provide the quality research programs necessary to remain competitive in the world marketplace. This positive return on investment is highly correlated to the work being done at the Maine Agricultural Experiment Station.

Are these CSRS funds being requested in addition to the 1 million dollars already requested for blueberry research? Absolutely not. The funding requested from Maine is for the lowbush (wild) blueberry which is a distinct species of plant, unlike the highbush or rabbiteye blueberries supported by the 1 million dollars mentioned in the news article. The work being done on these other species is not transferable to the lowbush blueberry. The lowbush blueberry is unique in every stage, from its growth habit through harvesting. The only research being done in the U.S. to address the needs of the lowbush blueberry, is at the University of Maine. Unlike all other major agricultural crops in Maine, the lowbush blueberry industry is not able to take advantage of information from other research programs around the Nation. The lowbush blueberry industry can only look to University of Maine researchers for the necessary answers to disease control, insect control, plant nutrition, water management, etc.

These programs include many projects directed at protesting the environment. There are projects on developing Integrated Crop Management techniques, improving native pollinator habitat, developing mechanical field sanitation equipment, investigating alternative weed control methods, developing pesticide residue screening procedures, etc.—all with significant social benefits beyond the industry itself.

Are these programs subjected to peer review? Absolutely. All the research programs supported by the Maine Experiment Station go through several levels of review. Review begins at the Departmental level and continues through a Research Council of interdisciplinary peers who rigorously challenge the relevancy of projects, the soundness of the methodology, the availability of sufficient resources to insure completion, the availability of expertise at all stages of the program to insure success, and who apply other tests of attainment to ensure effective science is done.

In addition to internal review, the Maine Blueberry Advisory Committee also reviews all blueberry projects. This Committee, established by Maine law, advises the University on the needs and priorities of the industry. The Committee reviews each project and recommends those projects which best address industry needs. This is not a simple or quick process. The Committee holds numerous meetings (7 in 1991) and also challenges the researchers on their work. The Committee, which includes industry members with science and engineering backgrounds (one with an earned doctorate in horticultural science), reviews all proposals and requires periodic progress reports from the researchers. In one word there is accountability. I believe this accountability is on a level and sufficiency higher than most comparable programs.

Are there contributing funds from the direct beneficiaries? Absolutely! The Maine blueberry industry instituted an industry tax program in 1945 with the explicit purpose of funding research for the betterment of the industry and the State. For more than forty years the industry never asked for Federal dollars; we exercised the foresight to invest in our future. It was only after our recognition of the explosion in the industry's growth, the avalanche of new regulations, and the increasing world competition, that we realized we needed to do more—more than we could possibly fund on our own. Only then did the industry seek help, and rather than asking for a handout we asked for a partnership between our industry, the University, and our Federal government.

The blueberry industry contributes approximately $100,000 annually to help fund research at the University ($111,300 in 1992) and the University contributes approximately $300,000 in resources. This represents a 2:1 ratio of industry + University funds to Federal funds.

In summary, these Federal funds:

Have provided a positive return on investment.

Are not linked to the other Federal funds requested for blueberry research. Lowbush blueberries are a separate and distinct species from the other blueberry projects and we cannot use research information from these programs.

Will go to support research programs which undergo rigorous review by internal and external review committees before approval. This review is part of an on-going process leading to a high level of accountability.

Are matched by the lowbush blueberry industry and the University. This match to Federal funds is on a 2:1 ratio (industry + University : Federal).

Help support programs that are directed at protecting the environment and thus provide significant social benefits to the public.

Will help provide investment in the future of Maine's blueberry industry. This industry is a growth industry that will continue to create jobs, provide a positive cash flow into the economy, and is increasing its export trade which contributes positively to our trade balance.

I hope this background information helps clear up some of the misconceptions regarding the lowbush blueberry industry's funding request. Please let me know if you need additional information or if I can be of further assistance. Thank you for your consideration of this matter.

Respectfully,
EDWARD J. MCLAUGHLIN,
Executive Director.

DEPARTMENT OF AGRICULTURE,
COOPERATIVE STATE RESEARCH SERVICE,
Washington, DC, April 30, 1992.

Subject: Blueberry Research.
To: Steve Hart, Office of Senator Mitchell.

The Cooperative State Research Service (CSRS) supports blueberry research at State Agricultural Experiment Stations and other cooperating institutions. In Fiscal Year 1992, CSRS supported research on blueberries is estimated to be $1,006,000. This includes the $185,000 for lowbush blueberry research that the President has proposed for rescission. An estimated $563,000 will be available for blueberry research in the 1993 President's Budget. This decrease is due to the proposed elimination of CSRS Special Research Grants for lowbush blueberry and cranberry/blueberry research. In Fiscal Year 1993, an estimated $2,870,000 in non-federal funding will be available for blueberry research.

Lowbush blueberries are grown commercially in Maine and New Brunswick, and Nova Scotia, Canada. Highbush blueberries are grown in other parts of the United States with rabbiteye (a type of highbush) grown in the South since it is heat tolerant. Lowbush blueberries are a multimillion dollar industry for Maine. In the United States, essentially all production and research for lowbush blueberries is conducted in Maine.

If you have further questions about the CSRS budget or proposed rescissions, please contact Betty Lou Gilliland, CSRS Budget Officer, on 202/401-5787.

JOHN PATRICK JORDAN,
Administrator.

UNIVERSITY OF MAINE,
Orono, ME, May 1, 1992.

W. STEPHEN HART,
Legislative Assistant, Russell Senate Office Building, Washington, DC.

DEAR MR. HART: I have been asked to provide information about the differences between highbush blueberries (*Vaccinium corymbosum*) and lowbush blueberries (*Vaccinium angustifolium*). This information should indicate why research on highbush blueberry can not apply directly to lowbush blueberry production.

Both plants are called blueberries because both have blue colored fruit and are members of the same genus, *Vaccinium*. But here is where the similarities seem to end.

These two plant species differ in many ways including: plant structure, nature of soil on which they are grown, pruning practices and harvesting schedule.

1. PLANT STRUCTURE

The highbush blueberry is an upright growing plant that reaches about 12–15 feet in height.

The lowbush blueberry is a low growing shrub that spread laterally through an underground stem system called a rhizome. It is from the underground rhizome that upright shoots emerge and grow to only about 12 to 18 inches tall.

2. NATURE OF SOIL

The highbush blueberry grows in a plowed soil, which is why the highbush is also called the cultivated blueberry.

The lowbush blueberry grows in an undisturbed forest soil that has a layer of nutrient-rich organic matter (leaf litter from the forest trees) on the surface. Of course, the forest has now been cleared and the lowbush blueberries have become the predominant species. The lowbush blueberry is maintained as the predominant species by weed control techiques.

3. PRUNING PRACTICES

The highbush blueberry may receive yearly pruning of old and diseased wood.

All the lowbush blueberry growth above ground is pruned to the soil surface every other year. This stimulates a vigorous flush of growth which is vital to flower bud production and subsequent fruit yield.

4. HARVESTING SCHEDULE

The alternative year pruning of lowbush blueberries results in a crop of berries every other year. Highbush blueberry plants produce a crop every year.

The method of harvesting is also significantly different between the two crops. Most of the lowbush blueberries are hand harvested by metal rakes. Highbush blueberries are hand picked and also machine harvested by over-the-row picking machines that knock the berries off the bushes onto collection mechanisms.

I hope this brief description of some of the differences between highbush and lowbush blueberries will illustrate why research on highbush blueberries can not be easily transferred to our unique corp, the lowbush blueberry.

If additional information or clarification is required, don't hesitate to call me (207-581-2925) or Dr. David Yarborough, Lowbush Blueberry Specialist, Cooperative Extension (207-581-2923).

Sincerely,

JOHN M. SMAGULA,
Professor of Horticulture.

WILD BLUEBERRY ASSOCIATION
OF NORTH AMERICA,
Fredericton, N.B., May 1, 1992.

Mr. W. STEPHEN HART,
Legislative Assistant to Senator George Mitchell, Russell Senate Office Building, Washington, DC.

DEAR MR. HART: It has come to my attention that Federal funding for research on lowbush blueberry may not be authorized for the current year because of budgetary constraints. I was both surprised and disappointed that important ongoing projects are in jeopardy, and hope that every effort is being made to retain maximum support for them.

I am sure that you are aware of the importance of the blueberry industry to Eastern Maine, and the necessity of continuing improvements in production technology in order to maintain its competitive position. The management practices for lowbush blueberries are unique, and research findings for cultivated highbush blueberry and other related fruits are not applicable. Withdrawal of support for committed programs at this time can have serious consequences on the industry, and I would appreciate your fullest support for maintaining a high priority for lowbush blueberry research in Maine.

Yours truly,

DR. G.W. WOOD,
Executive Director.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. BYRD. Madam President, it is very easy for the President, or for any Senator, for that matter, to come up with a package of rescissions of the magnitude of the President's proposals. Such a package need only meet the litmus test, the priorities, of one individual. The form of government set forth in our Constitution contemplates that Congress act collectively, reflecting and representing the views of the people, not just one individual. Our Founders did not want a king.

Madam President, the amendment of the Senator from Colorado would restore 42 of those rescissions requested by the President, which the committee rejected.

My colleagues have never accepted every jot and tittle of any President's proposed budget. Likewise, I don't believe my colleagues want to accept, without question, every jot and tittle of the President's proposed rescissions.

The Congressional Budget and Impoundment Control Act of 1974, in fact, allows for germane amendments and the Appropriations Committee accepted the rescissions of the President where it thought they had merit, modified others, and rejected those that it felt should not be made.

We did take the President's proposals very seriously. That is why, as I said earlier, I asked each of the subcommittees to review carefully the President's proposed rescissions and to accept those that they found to have merit. To the extent that the subcommittees were unable to concur in the President's proposals, they were to recommend alternative rescissions that, at a minimum, matched and often exceeded the dollar amounts proposed by the President for that subcommittee.

We played no games. Every subcommittee for which the President recommended rescissions, has matched or exceeded the dollar amount proposed for rescission by the President. In title I, addressing rescissions proposed on March 10, 1992, the committee recommendation exceeds the President's proposed rescissions by $205,351,054. In title II, addressing rescissions proposed on March 20, 1992, the committee recommendation exceeds the President's proposed rescissions by $196,922,900. In title III, addressing a rescission proposed on April 8, 1992, the committee recommends concurrence in the President's proposal. In title IV, addressing rescissions proposed on April 9, 1992, the committee recommendation exceeds the President's proposals by $22,500,000.

Turning now to specific rescission requests of the President, which this amendment would restore, let us examine the committee's action as it relates to these individual programs, projects, and activities.

Mr. President, the amendment by the Senator from Colorado would rescind several agricultural research projects that were appropriated through the special research grants account of the Cooperative State Research Service of the Department of Agriculture. Contrary to the statement of the sponsor of the amendment, these grants are authorized and the authorization does not provide that they be competitively awarded.

The committee has reviewed these rescissions and has chosen not to rescind these research projects, for reasons which I shall state.

The $225,000 for alternatives to Dinoseb has important ramifications for nonprogram crops. The ban on the pesticide Dinoseb imposed by EPA has posed serious problems for Pacific Northwest snap bean, green pea, raspberry, and blackberry growers who have depended on this chemical for weed control for over 40 years. Progress toward finding an alternative has been made on caneberries, peas, and small-seeded clovers through research on alternatives.

Likewise, the rescissions that the amendment proposes for asparagus yield decline, celery fusarium, and cool season legume research are important projects for specialty crops and the associated diseases and pests that plague them. Each crop has its own special problems and the research is intended to assist farmers in finding methods to deal with these problems or develop new strains that are resistant to the diseases. Therefore, the committee chose not to rescind the $520,000 for these projects.

The eastern filbert blight continues to advance into the major hazelnut production areas of Oregon. Hazelnuts are a $45 million industry in Oregon. Current research efforts are focused on breeding resistant strains of filbert trees, replacing diseased trees, testing of fungicides, and the study of the biology of the blight. Thus, the committee has not rescinded $85,000 for this research.

Nor has the committee seen fit to rescind the $125,000 for leafy spurge biocontrol. This project is a joint effort by the Gros Ventre/Assiniboine Indian Tribe of the Fort Belknap Reservation and Montana State University. In the area of the Fort Belknap Reservation of north-central Montana, vast tracts of productive land are being lost to noxious weeds, especially leafy spurge. The project is studying the effectiveness of ruminants, particularly sheep, to check the spread of this weed. The preliminary results indicate that sheep will browse spurge to the point where native grasses begin to return. The university, working with the local weed control district, would like to continue the program on a broader scale.

This amendment would also rescind $85,000 for lowbush blueberry research in Maine. Lowbush blueberries are a crop unique to Maine among the 50 States. As such, the crop has growing, harvesting, and processing attributes different from other blueberry species and opportunity to transfer technologies from other crops or geographic areas is severely limited. The project has allowed the Maine Blueberry Commission to begin research with the Maine Agricultural Experiment Station in the areas of production practices, product quality, and new product development.

The research on mesquite and prickly pear is a project conducted by Texas A&I University in Kingsville, TX, with an appropriation of $100,000. It supports research on the commercial utilization of mesquite and prickly pear. Research on prickly pear is directed toward finding more cold tolerant and palatable varieties, and toward developing nonfood, nonfeed use. Research on mesquite is directed toward the improvement of cultivation and harvesting methods, and the development of commercially viable mesquite wood products.

The $46,000 provided for mink feeding and reproduction research is conducted by Oregon State University at its experimental fur farm and supports research to improve the health and welfare of domestically raised fur-bearing animals. OSU has achieved several breakthroughs which have reduced disease, improved animal health, cut farm costs, and strengthened the American fur-farming community. Fur farmers generate $9 million annually into Oregon's agricultural economy and more than $140 million nationwide.

The committee has not rescinded $250,000 for safflower research. Safflower represents a much needed cropping alternative for western North Dakota and Montana farmers. This joint North Dakota-Montana effort will develop a significant plant breeding program designed to improve crop yield, increase oil content and quality, and improve cultural practices. These advances are needed to make this crop a profitable alternative in the cropping systems of North Dakota and Montana producers.

The committee has also not rescinded $187,000 for small fruit research in Washington, Oregon, and Idaho. These States are major producers of berry and grape crops. This small fruits industry composes 2,800 growers and 240 processors with a processed value of $354,000,000. Most of the farms are small family-owned operations with an average size of 25 acres. The research seeks to develop, expand, and enhance berry and grape product quality through improved pest management, processing and packaging technology, and marketing.

Finally, in the agriculture area, the committee did not recommend the rescission of $76,000 for urban pest research in Georgia. The project, conducted at the University of Georgia, supports research assessing the biological activity of alternative and conventional control agents against household and structural pests. In addition, the study will evaluate the efficacy of control agents and monitor the environmental fate of control agents applied in household, industrial, and institutional settings to manage insect pests.

The amendment by the Senator from Colorado would eliminate funds for 22 community development projects. At a time when our economy is in distress, such projects are vitally needed. Further, each of these projects was approved by the Congress after careful consideration, and each of the projects meets the criteria of the Department of Housing and Urban Development's Community Development Block Grant Program. These criteria are: Benefit low- and moderate-income communities; aid in the prevention or the elimination of slums and blight; or, meet other particularly urgent community development needs.

In addition, it is important to note that funding for assisted housing was reduced from $30.1 billion in fiscal year 1981 to $7.9 billion in fiscal year 1990, a 74-percent reduction. These reductions occurred at a time when need remained substantial. The housing and community development projects approved by the Congress, and proposed for rescission by Senator BROWN, help meet the significant shortfall in this area. Currently, there is a backlog of $30 billion of eligible housing and community development projects which have not been funded due to budgetary constraints.

Included in the Brown amendment are important environmental projects. These include $70,000 to demonstrate the viability of biomass gasification, a potentially inexpensive and environmentally sound source of energy. The amendment would also rescind $1.45 million for a nonpoint source pollution control project in Kansas, Nebraska, and Iowa which will increase our understanding of the causes of, and means to control, nonpoint source water pollution, a major contributor to water quality degradation. The amendment would also rescind $116,000 for wetlands research projects which will increase the understanding of how land use practices affect wetlands. Given the current controversy over protection of wetlands, projects which increase the base of knowledge of wetlands should be supported.

The committee also rejected the administration's proposal to rescind $20,000,000 from a research and training facility in Bay City, MI. This facility will play a critical role in EPA's supercomputing program.

The committee recommendation rejected the two particular projects requested for rescission by the administration from within NASA because they are of vital importance to the State of Michigan. CIESIN is an educational and research consortium that will help policymakers understand the importance of findings in global change research in developing strategies to combat global warming. The Delta College Learning Center will help NASA better disseminate the value of the Nation's space program to our young people. And it is only through means such as these that we will be able to help the next generation see the value in selecting careers in math and science.

The administration's proposal to rescind $7,700,000 in funding for the Urban History Initiative was not accepted because progress is being made in fulfilling the purposes for which these funds were appropriated. The cities of Perth Amboy, Trenton, and Paterson have been working cooperatively with the National Park Service to complete planning so that these projects can move forward expeditiously. These sites are all located on the National Register of Historic Places, and eligible for funding under the authorities of the Historic Sites Act of 1935. An architectural historian is working to develop the request for proposals to renovate buildings in the historic district of Paterson.

The committee did not agree to the administration's proposed rescission of $1,975,000 for the Native Hawaiian Culture and Arts Program as the program is assisting in the revitalization of cultural and artistic practices which were on the verge of extinction. The funds are to be used for three different components of the program: The living traditions program, the research development program, and the Native Hawaiian Renewable Resources Program. Through cooperative efforts throughout Hawaii, many native practices are being taught and disseminated to younger generations so that these traditions can be perpetuated. As part of the program, a comprehensive assessment of native research materials and references is being compiled. Authorization for this program was contained in the Higher Education Act of 1986.

As I stated earlier, each subcommittee carefully considered all of the President's requests and rejected some, such as those I have discussed in this statement, for very good reasons. Having done so, the committee initiated rescissions of its own, so that the total amount of rescissions in the pending measure exceeds the President's requests by $424,773,954.

I urge Senators to support the committee and to vote against the amendment of the Senator from Colorado, which would restore certain rescissions proposed by the President, which, as I have just stated, were considered and rejected by the committee for the foregoing reasons.

Now, the distinguished Senator from Colorado [Mr. BROWN] made some remarks on the day that he introduced S. 2265, on February 26, 1992. He introduced S. 2265 on behalf of himself and Mr. SMITH. I read his remarks carefully and I asked the Appropriations Committee subcommittees to look at the statement and to prepare an explanation in response thereto.

So today I shall respond to the floor remarks of the distinguished Senator from Colorado [Mr. BROWN] on February 26, 1992, the day that he introduced S. 2265 on behalf of himself and Mr. SMITH of New Hampshire. Perhaps it will help to clarify some of the things that have been said by the able Senator.

I do not say this in a pejorative way. Sometimes we just have to take the time and look carefully at what is said and get the background, get the facts, and we find that things may appear to be a little different from what they are purported to be at a given moment by a Senator on this floor.

Senator BROWN's floor remarks on the day he introduced S. 2265, February 26, 1992—page 3583 in the CONGRESSIONAL RECORD—included the following statements:

> Mr. President, common sense tells us Congress should at least review a project before it is funded. The bill I am introducing today, the Spending Priority Reform Act of 1992, identifies 642 projects totaling more than $1.5 billion from the fiscal year 1992 appropriations bills. All these projects failed to follow the budget process, yet Congress funded them. * * *
>
> The projects included in this bill met at least three of the following seven criteria:
>
> Spending appropriated by Congress was never the topic of a congressional hearing;
>
> Spending was not authorized;
>
> Spending was added in conference;
>
> Spending was not awarded on a competitive basis;
>
> Appropriations do not relate to the legislation which funds it or the agency which administers the project;
>
> Appropriation earmarked in violation of established congressional procedure or the process prescribed by law; and
>
> Appropriation was for projects of purely local interest, without national or regional importance.
>
> The three criteria most often met were that the projects were not authorized, not subject to an authorization hearing, and not competitively awarded. This says something about the way Congress spends the taxpayers' money. It is time to curb the number of federally funded projects which receive funding although they do not follow the budget rules and procedures.

Madam President, I have examined each title of S. 2265, and I find that the claims made by the distinguished Senator from Colorado are just not accurate. First, the Senator's statement that "all these projects failed to follow the budget process * * *" is just not correct. The Senator did not specify what part of the budget process all of these projects failed to meet. Perhaps he would see fit to enlighten the Senate by providing more specificity as to what he meant. If the Senator meant that these projects failed to follow the budget process because they were not authorized, I disagree. In the first place, many of these projects were, in fact, authorized. I will lay in the RECORD, title by title, which of these projects were authorized and I will include the statutory authorization for them.

On this issue of "lack of authorization," as Senators are aware there are many programs each year which lack authorization, but for which funding must be provided. In fact, for fiscal year 1992, the following programs are among those that had no authorization. The President requested appropriations and the Congress responded, yet the Senator from Colorado does not include them in his proposed legislation. In the majority of the cases appropriations were required for the orderly functioning of the Government:

Salaries and expenses for the Department of the Treasury;

The Federal Law Enforcement Training Center;

The Bureau of Alcohol, Tobacco and Firearms;

The U.S. Mint;

The U.S. Secret Service;

Within the Internal Revenue Service: Administration and management, processing returns, tax law enforcement, and information systems;

Many offices within the Executive Office of the President—including the Executive Residence at the White House, Special Assistance to the President, the Council of Economic Advisors, and the Office of Management and Budget;

The National Archives;

The Federal Trade Commission;

The Federal Communications Commission;

The Securities and Exchange Commission;

The Minority Business Development Agency;

The U.S. Travel and Tourism Agency;

The Export Administration;

The International Trade Administration;

The Federal Bureau of Investigation;

The Drug Enforcement Agency;

Salaries and expenses for the U.S. attorneys; and

The Immigration and Naturalization Service.

Paragraph 7 of Senate Rule XVI requires that committee reports on general appropriations bills identify each committee amendment to the House bill "which proposes an item or appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

Appropriations Committee reports are required to comply with paragraph 7 of rule XVI. In so doing, committee reports on all 13 regular appropriation bills identify unauthorized appropriations. Members were then able to determine for themselves whether to offer amendments to modify or to strike such unauthorized items from each appropriation bill.

In addition, paragraph 12 of rule XXVI requires that committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

The point I am making is that the Senate Rules recognize that appropriations bills which come before the Senate may contain unauthorized items and may contain provisions which have the effect of repealing or modifying existing statutes. The committee reports accompanying these appropriations bills are required to set out such provision for Senators to see. All Senators had available to them, prior to Senate consideration, the committee reports on every fiscal year 1992 appropriation bill and had an opportunity to offer amendments to strike the items contained in S. 2265 during Senate debate on each bill.

An amendment was offered, for example, on the fiscal year 1992 Transportation appropriation bill by Senator SMITH, the distinguished Senator from New Hampshire, to strike the highway studies and demonstrations contained in the committee-reported bill and then redistribute the funds to the States by formula. His amendment was tabled by a vote of 84 yeas to 14 nays.

The proponents of S. 2265 could say—yes, we do have a chance to offer amendments during Senate debate on the Senate bill as reported by the Appropriations Committee, but when the bill comes out of conference, it often contains items which were not in the Senate-reported bill but were added in conference. To that argument, my response is that this is always the case on any legislation—not just appropriation bills. In conferences, the House insists on its positions and those issues in conference are worked out. Compromises are reached, and the House position prevails on some issues and the Senate position prevails on others. But, unlike conference agreements on most authorization bills, appropriation conference agreements almost always include amendments in disagreement which are taken up separately by the Senate and which, therefore, offer Senators an opportunity to offer amendments. Such amendments can be crafted to reach any item in the conference agreement.

Of the rescissions proposed in S. 2265, all except the DOD conference agreement were reported to the Senate with amendments in disagreement. Therefore, any Senator could have amended the conference agreements on Agriculture, Commerce/Justice/State, Energy and Water, Interior, Transportation, Treasury/Postal Service, and VA/HUD.

Contrary to the statements made by the distinguished Senator from Colorado [Mr. BROWN], the budget process was followed for the items contained in S. 2265. Senate Rules XVI and XXVI regarding lack of authorization or changes to authorizations were followed. Senators had available to them all of these projects and programs prior to Senate consideration of each of these appropriation bills and amendments could have been offered to all of these conference agreements, except defense, to strike any or all of these items.

Let us now look more closely at each of the titles of S. 2265.

Title I—Agriculture Appropriations. Pages 3 through 7 of S. 2265 list a large number of special research grants for which funds were provided in the conference agreement for fiscal year 1992. At the bottom of page 3, S. 2265 states that "the amounts listed in subsection (c) are set aside for special research grants provided by the Secretary of Agriculture under section 2(c) of the act of August 4, 1965 (7 U.S.C. 405i(c))." The top of page 4 of S. 2265 states that "the grants were (A) not authorized; (B) not awarded on a competitive basis and (C) not the subject of congressional committee or subcommittee hearings."

What I have just read is internally contradictory. The proposed legislation cites the authorizing statute in section 101(a)(1) and then in section 101(a)(2)(A) states that the programs are not authorized. To the contrary, these research grants are authorized—by the provisions of 7 U.S.C. 450i(c), which reads as follows:

> (c) SPECIAL GRANTS.—(1) The Secretary of Agriculture is authorized to make grants, for periods not to exceed five years—
>
> (A) to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States; and
>
> (B) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.) and accredited schools or colleges of veterinary medicine for the purpose of facilitating or expanding ongoing State-Federal food and agricultural research programs that—
>
> (i) promote excellence in research on a regional and national level;
>
> (ii) promote the development of regional research centers;
>
> (iii) promote the research partnership between the Department of Agriculture, colleges and universities, research foundations, and State agricultural experiment stations for regional research grants; and
>
> (iv) facilitate coordination and cooperation of research among States through regional research grants.

Furthermore, there is no requirement in the authorization statute that these special research grants be awarded on a competitive basis. Section 450i(b) authorizes competitive grants but subsection (c), which authorizes special grants contains no such requirement.

Finally, the amendment which appropriated the funds for all of these special research grants came out of conference as an amendment in disagreement. It was there for all to see; it was available for any Senator to move to strike any or all of these projects. Where was the Senator from Colorado when the Agriculture conference agreement was taken up and passed by the Senate? Why didn't he move to strike these projects at that time?

Title II—Commerce/Justice Appropriation—Subtitle A. This subtitle contains rescissions of two items under the heading "State and Local Law Enforcement Assistance Grants." One item is a $500,000 one-time grant to the National College of District Attorneys which will allow them to move into a permanent facility with the latest technology.

The other item in subtitle A of title II is a $700,000 rescission of an appropriation for a grant to SEARCH Group, Inc. for continued support to State and local criminal justice agencies to improve their use of computers and information technology.

The first item, namely the $500,000 appropriation for the National College of District Attorneys, came out of conference as an amendment in disagreement. Therefore, any Senator could have moved to strike this appropriation. The SEARCH grant was contained in the Senate committee-reported bill and was subject to amendment.

Subtitle B—Department of Commerce Appropriations. Pages 9 to 19 of S. 2265 contain a list of rescissions for various projects for which appropriations were provided to NOAA, to the National Ocean Service, the National Marine Fisheries Service, for oceanic and atmospheric research, and so forth. Without going over each item in this list, it should be noted that all items were reported out of conference as amendments in disagreement and, therefore, were subject to further amendment during Senate consideration of the conference agreement.

It is interesting to note that the distinguished Senator from Colorado [Mr. BROWN] did not include in his list of NOAA rescissions the $600,000 unbudgeted earmark which is set forth on page 43 of the Statement of Managers for the support of the NOAA "PROFS" weather research and development laboratory in Boulder, CO.

Similarly, the conference agreement contained a $3.4 million add on for the NOAA wind profiler radar network. This program is managed in Boulder, CO. That item is also listed on page 43 of the Statement of Managers.

Both of these unbudgeted increases which go to Colorado are set forth in the Statement of Managers on the same page as are the items that S. 2265 would rescind. Yet, these two items which benefit Colorado are not listed for rescission.

Subtitle C of title II of S. 2265 lists a number of rescissions of SBA grants, five of which first appeared in the Senate committee-reported bill. The others were included in conference at the insistence of House conferees. All of these items came out of conference as an amendment in disagreement and, therefore, were subject to amendment by any Senator.

Title III—Department of Defense Appropriations. Title III of S. 2265 contains rescissions of items which were funded in the fiscal year 1992 Department of Defense Appropriation Act. Since the DOD conference agreement included no amendments in disagreement, Senators had no opportunity to strike these items. The Senate did, however, debate at some length these same items during the debate on the adoption of the conference report, which ultimately passed by a vote of 66 to 29. So the Senate, in fact, worked its will on the Department of Defense conference report after having fully debated the issues.

Title IV—Energy and Water Development Appropriations. Title IV of S. 2265 lists a number of rescissions of appropriations funded by the fiscal year 1992 Energy and Water Development Appropriation Act. A number of these projects were, in fact, authorized and all of them came out of conference in a form that allowed any Senator to offer an amendment to strike them.

Title V—Interior and Related Agencies Appropriations. Title V of S. 2265 lists rescissions of projects and activities funded in the fiscal year 1992 Interior and Related Agencies Appropriation Act.

Section 501(a) reads as follows:

> FINDINGS.—Congress finds that—
>
> (1) the amounts listed in subsection (c) are set aside for projects for operation of, and construction in, the National Park system; and
>
> (2) the projects were—
>
> (A) not authorized;
>
> (B) not awarded on a competitive basis;
>
> (C) not the subject of congressional committee or subcommittee authorization hearings; * * *.

Contrary to the language just read, the projects identified in section

501(c)(1) as items (A) through (K) are for technical and cooperative assistance to various organizations throughout the country. The National Park Service is generally authorized to provide technical assistance to non-Federal entities for the purposes of enhancing historic preservation, recreation, tourism, and other matters. Consequently these specific studies are not required to be authorized. Much of this work is done cooperatively by the Park Service in conjunction with local sponsors.

In addition, items A, E, M, N, O, Q, R, S, T, U, V, and W are all either on the National Register or are included in a historic district. That being the case, they are authorized by the Historic Sites, Buildings, and Antiquities Act of 1935. Section 2(f) of that act authorizes the Secretary of the Interior to "* * * restore, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance," and where deemed desirable, establish and maintain museums in connection therewith.

With respect to the Fish and Wildlife Service projects identified in section 502, similar criticisms as used against the section 501 projects are levied. Namely, that the projects were not authorized, awarded on a competitive basis, the subject of hearings, or were first added in conference. The authorization for the FWS is rather broad, and construction of facilities, which is what all four projects in section 502 involve, is authorized "* * * for facilities required in the conservation, management, investigation, protection and utilization of sport fishery and wildlife resources * * *." The National Wetlands Center funds are to equip a newly constructed replacement FWS building—funded in prior appropriation acts—and conduct the move into the building.

Section 503 proposes to rescind funding earmarked for three different programs—one in Vermont for $100,000, one in Idaho for $90,000, and one in West Virginia for $150,000. All three earmarks are associated with the Forest Service's fulfillment of its statutory responsibilities under the National Forest Management Act, the Multiple Use Act, and the National Environmental Policy Act. Specific authorization is not needed on a study-by-study, or program-by-program basis.

The fiscal year 1992 Interior conference came to the Senate with 97 amendments in disagreement, any 1 of which could have been amended by any Senator to strike items or to modify the conference agreement.

Title VI—Transportation Appropriations. Title VI of S. 2265 contains rescissions of funds provided in the fiscal year 1992 Transportation Act. It should be pointed out that all of the Senate highway projects which S. 2265 would rescind were included in the Senate committee-reported bill and report, and, therefore, were subject to floor amendments to strike them. In fact, as I stated earlier, Senator SMITH of New Hampshire offered an amendment to strike the funding for all highway demonstrations and studies and redistribute those funds to the States by formula. His amendment was tabled by a vote of 84 yeas to 14 nays.

Title VII—Treasury/Postal Service Appropriations. Title VII of S. 2265 contains rescissions of funds provided by the fiscal year 1992 Treasury/Postal Service Appropriation Act. All of these items identified in title VII came back outside the conference report as one entire amendment in disagreement on GSA building projects and could have been further amended by any Member on the Senate floor. In addition, amendment No. 81, which also came back in disagreement, subject to amendment, contained legislative language exempting all of these projects from the prospectus approval process which is currently done by the authorizing committees. Therefore, an argument could be made that the bill funded and authorized these projects at the same time and that any Senator could have amended these provisions when the conference report was considered by the Senate.

Title VIII—VA/HUD and Independent Agencies Appropriations. Title VIII of S. 2265 proposes rescissions of items funded by the fiscal year 1992 VA/HUD and Independent Agencies Appropriation Act. Of these items, 127 are rescissions of appropriations for assisted housing. All of these items were set forth in the Statement of Managers and were incorporated by reference into the fiscal year 1992 VA/HUD Appropriations Act—Public Law 102-139. This was done by amendment No. 35, which was reported out of conference as an amendment in disagreement. This made it possible for the distinguished Senator from Colorado or for any other Senator to propose the elimination of these projects.

In closing, Madam President, I urge the Senator from Colorado [Mr. BROWN] to use a little more care in his preparation of rescission bills such as this one. To state that these programs and projects were not authorized is for the most part not accurate; to state that the budget process was not followed is not accurate; and as I have pointed out, the Senator from Colorado had ample opportunity to offer amendments to all of these conference agreements—except defense—to strike these items. I, therefore, urge my colleagues to see this measure for what it is—another opportunity for its proponents to demagog and to indulge in more self-flagellation. It is not a serious proposal and it deserves to be defeated.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BYRD. Madam President, this Senator is ready to vote.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SMITH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 43, nays 55, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—43

Bingaman
Bond
Brown
Bryan
Bumpers
Burns
Coats
Craig
Danforth
Dole
Domenici
Durenberger
Garn
Glenn
Gorton
Gramm
Hatch
Heflin
Helms
Jeffords
Kassebaum
Kasten
Kohl
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Nunn
Pressler
Reid
Rudman
Seymour
Simpson
Smith
Specter
Symms
Thurmond
Wallop
Warner

NAYS—55

Adams
Akaka
Baucus
Bentsen
Biden
Boren
Bradley
Breaux
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Gore
Graham
Grassley
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stevens
Wellstone
Wirth
Wofford

NOT VOTING—2

Cranston
Roth

So the amendment (No. 1793) was rejected.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. I ask unanimous consent that upon disposition of S.

2403, the rescission bill, that the Senate then proceed to the consideration of Calendar No. 380, S. 652, the Telephone Privacy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I am prepared to yield back my time, not on the bill. I ask unanimous consent that the Senate may now proceed to the vote on the substitute in the second degree, and on the substitute in the first degree, and I hope that Senators will allow us to do this by voice vote. This will leave before the Senate the committee substitute.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1790.

The amendment (No. 1790) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1789, as amended.

The amendment (No. 1789) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, it is my understanding that no other Senators wish to offer any amendments on either side. That being the case, I ask unanimous consent that no other amendments be in order, and this will leave only the committee substitute, and the bill as amended by the committee substitute, if it is so amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of S. 2403 at 11:30 a.m. tomorrow; that there then be 2 hours of debate remaining on the bill at that time; and that the Senate vote on the committee substitute, as amended, at 1:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Wednesday, May 6, 1992, at 11:30 a.m., the Senate resume consideration of S. 2403, a bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, and that there be 2 hours remaining on the bill at that time, to be equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from Oregon [Mr. HATFIELD].

Ordered further, That at 1:30 p.m. on Wednesday, May 6, 1992, the Senate proceed to vote on the committee substitute, as amended.

Ordered, That upon the receipt from the House of H.R. 4990, rescinding certain budget authority, all after the enacting clause of that bill be stricken and that the text of S. 2403, as amended, be inserted in lieu thereof; that H.R. 4990 be deemed to be read a third time and passed; that the motion to reconsider the vote be tabled; and that the title be amended with the amendment reported to the title of S. 2403.

Ordered further, That the Senate insist on its amendments and request a conference with the House; that the Chair be authorized to appoint conferees on the part of the Senate; that S. 2403 be indefinitely postponed; that pending receipt of H.R. 4990, S. 2403 be returned to the Calendar; and that the above actions take place without intervening action or debate.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished majority leader and the distinguished Republican leader.

Am I correct in that the time on the committee substitute is controlled by the Senator from Oregon [Mr. HATFIELD] and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 2656 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OFFICE OF THRIFT SUPERVISION NEW RULE ON INTERSTATE BRANCHING FOR FEDERAL SAVINGS ASSOCIATIONS

Mr. FORD. Mr. President, on Friday, the Conference of State Bank Supervisors and the Independent Bankers Association of America filed a lawsuit against the Office of Thrift Supervision challenging its new regulation to allow interested branching by Federal savings and loan institutions. A press conference was held yesterday to announce this action and to discuss the merits of the new regulation generally.

In my view, the OTS is out of line. They have initiated a major policy change by regulation, only after it became clear that it could not be obtained through legislation. The regulation ignores the interests of many small, well run thrifts across this country. It demonstrates a complete disregard by the OTS for the impact of its actions on other segments of the financial services industry. And even worse, it specifically preempts States' rights without any justification. I do not believe we have heard the last of this issue. I ask unanimous consent that a statement I circulated at yesterday's press conference be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WENDELL FORD ON THE OTS INTERSTATE BRANCHING RULES, MAY 4, 1992

The abuse of power exercised by the Office of Thrift Supervision in promulgating its recent interstate branching rule provides a good example of what is wrong with our regulatory process today. At the same time this Administration is extending its moratorium on new regulations, it is moving ahead with major policy changes for which little rationale or explanation is provided. It is inevitable that any agency regulation that is this far out-of-bounds and so unsupported by any evidence or facts will be met with legislative, legal, and other forms of opposition.

The timing of this rule was political. It has been obvious from the day the proposed rule was first published—in the middle of the holidays, with only a 30 day comment period—that the OTS anticipated the reaction it would receive. It is also obvious that OTS knew if it had proposed the rule during the consideration of comprehensive banking legislation last year, its efforts certainly would have failed. As the author of the interstate banking and branching amendment which passed the Senate during that debate, if this OTS rule had been proposed at that time, I would have made sure that it was nullified as part of my amendment. The debate at that time was over what type of burden should be placed upon states in exercising their rights to regulate interstate branching. It concerned whether states should have to "opt out" or "opt in" to interstate branching.

However, the OTS rule goes way beyond any of the parameters of the Congressional debate. It tramples over states' rights entirely, specifically stating that all state law is preempted. This power grab by the OTS radically shifts the status quo.

You do not have to be an opponent of interstate branching to oppose this rule. I am not such an opponent. In fact, branching was permissible under the previous regulations, which I supported, so long as it respected state law. However, I also believe that the evidence about the pros and cons of this activity is still unclear. I have seen recent studies which raise significant doubts about the benefits of interstate branching. They suggest that it may drain capital and resources from local communities, and that the largest financial institutions are not necessarily the most profitable. Branching must be analyzed closely for its impact on our insurance funds.

OTS has failed miserably to provide any evidence to counter these concerns. In explaining its rule, OTS simply makes mention of its theory that geographic diversity is beneficial, and makes a vague reference to unnamed "studies." OTS provides no facts or evidence from any study in support of its rule.

I believe states must be allowed to continue to operate as laboratories in experimenting with interstate branching. Each state must be allowed to assess risks and benefits for itself. It is primarily for this reason that I strongly oppose the OTS rule. It is a misguided proposal. Its timing was political. And its rationale is lacking.

Any federal savings association wishing to take advantage of the OTS rule surely knows it is taking a big risk. There will continue to be enormous costs and risks associated with any application to the OTS to branch without regard to existing state laws.

Mr. FORD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

LOS ANGELES AND BEYOND

Mr. KERRY. Mr. President, history teaches us that great events—even world wars—grow out of small incidents. The beating of Rodney King, one lonely spring night a year ago, has set in motion a process of national reexamination that could, and I emphasize could, provide some important and long-overdue lessons for our country.

The fact that Rodney King could be beaten so brutally; that those who beat him could laugh about it afterward; and that a jury could end up basically blaming the victim provides a breathtaking demonstration of racism's continued hold on America today.

Unrebutted, the message in that beating and that verdict would doom social progress in this country. To understand that, all a white American has to do is to imagine the events with racial roles reversed. I would suspect that no one could suggest to anybody that if a black police group beat a white person and then laughed about it, and then they were found innocent by an all-black jury, that you would not see a tidal wave of resentment expressed, and perhaps it would be manifested differently, but it would have certainly matched in intensity what we witnessed in Los Angeles this past week.

It is said that understanding is the beginning of wisdom. And I think the fact that what happened to Rodney King could happen in America is no surprise to black Americans; and it is no surprise to those who understand the grim realities of our cities today. But for the increasing numbers of our citizens who have chosen or who have felt literally forced, out of concern for family, to seek protection from the risks of city life—it is an important reminder that complaints about racial discrimination reflect not the concerns of a so-called special interest, but rather, they reflect something that remains real and ugly and brutal about our country today.

The second lesson of this past week concerns our cities. The retreat from responsibility must end. Murder and mayhem are not acts of political protest, certainly; they are acts of desperation, opportunism, and simple greed. But just as no police officer with pride in self or profession would have done what those L.A. police did to Rodney King, so no citizen with a real stake in his or her community would have participated in the riots and looting in Los Angeles that followed the verdict. For the past quarter century, we have seen developing in the heart of our cities a lethal spider web of poverty, drugs, crime, dependence, and despair.

Last week we learned, as we should have long before last week, that if we do not begin soon to disentangle this web, then the day will come when it ensnares us all.

I think we have to understand today that this is not a question of a few people in the city. It is not a question simply of minorities, people of color. It is a question that affects us all.

If you look at the projected American work force in the year 2000, it is very clear that the future of our productivity and competitiveness will depend on women, on immigrants, and on minorities far more than in the past. And unless we recognize the need to bring those people into the mainstream of America, we will be diminishing the opportunity to upgrade the well-being of the rest of the people of this country.

Now, from comments made yesterday, it appears that President Bush has decided that the blame for America's urban problems today rests primarily with Lyndon Johnson. I truly hope that we are not going to go down that road. To suggest that programs like Head Start or the Job Corps that were created to deal with urban problems and were slashed by this President's predecessor are somehow responsible for today's problems is absolute nonsense.

Mr. President, all you have to do is look at the statistics of what has happened in the late 1960's and 1970's. Now, I am not one who stands up to defend all of what happened in those years. If we do not have the courage to admit that there were excesses in that era, in and outside of Government, then we have a problem, too. But to suggest that the very programs that endeavored to help people somehow are responsible for the neglect of today is the worst kind of political opportunism and reversal. It is a craven kind of statement.

The fact is that we were making enormous progress. During the period of time when we had a commitment to the cities, between the start of the Kennedy administration and 1973, we cut the poverty rate in this country in half. Then we stopped. And the very people who never supported any of those programs and always wanted them dismantled are now trying to shift the blame, suggesting that the programs they hated are responsible for the negligence and the results of the negligence that came out of the cutting of those very programs in the first place. That is a catch-22. It is an Orwellian notion of the worst order and it is contrary to all the facts.

To suggest moreover, as I suspect the President means to do, that welfare is primarily responsible for the crisis in our cities is to trivialize something that is profoundly important and to politicize something in a very dangerous way, given what happened in the past days of Los Angeles.

We saw Willie Horton in the past. We may now see what I think PAT MOYNIHAN has referred to as Willie Welfare suddenly emerging as the political issue or demon of the 1990's, and the result of that will be to further inflame and engulf our cities rather than to lead them out of this morass.

Mr. President, we have been playing the blame game in America long enough. We have seen too many of our fellow citizens die, we have seen too many children suffer; we have seen the guts ripped out of too many of our neighborhoods to keep up the simplistic charade that all of our problems are the result either of Government spending on the one hand or of Government negligence on the other.

The people I know who have truly studied the cities and who truly care about them understand that if anything is clear it is that the growth of urban despair has not one but many roots: Racism; the loss of industrial jobs; a declining sense of personal responsibility; the broadening availability and affordability of drugs; a weakening of spiritual and family values; the upside-down budget priorities of the past dozen years—all have played a part, all have built one upon the other, and they have left us where we are today—sliding downward with one last chance to climb back out before we tumble into the abyss.

The question we face today, Mr. President, is which direction will we choose to go in the future not which direction we will choose to point in blame for past mistakes.

In making that future choice we should remember first how badly the riots of the 1960's divided us, some saying that it proved the need for law and order and others that it proved the need for social justice. Well I think we ought to acknowledge today that law and order without social justice is not worthy of America and that social justice without law and order is not possible in America. We need both and we must have both.

We must also understand that the problems of our cities are all of our responsibility—not just the police, not just the mayors, not just the leaders of the minority communities. These are not problems or responsibilities that can be escaped by suburban fences or locks or metal detectors or private schools.

We must care—truly care—about children other than our own. We must rise above the racial chauvinists on all sides and understand that what happens in the inner city is not of concern to a single race or group—it is the urgent business of us all. We must reach out to the heroes who have never stopped struggling within the cities to provide hope and meaning and opportunity. We must reach out to the heroes without whom the events of the past week around the country could have been and would have been an awful lot worse.

There is much about our urban crisis and much about the crisis of values in our society that Government alone cannot cure. Life has never been as simple as that. But, Mr. President, that is not a sufficient rationale for Government paralysis.

The instant partial rehabilitation of the Secretary for Housing and Urban Development, Jack Kemp, is a sign that even the administration has come to understand this. For a dozen years, we have had little urban policy other than neglect; little jobs policy other than laissez-faire; little crime policy other than politics; little education policy other than empty symbols; and little social policy other than further separating the wealthy few from the struggling many.

This is the year and this is the time when we have to choose. We have to move forward from here. We have to learn the right lessons from the tragedies that we have witnessed. We are too proud a Nation to continue turning to the world a face that reveals the bludgeoned features of Rodney King or the fears of Korean shop owners peering from behind shotguns or the terrible bruises of a truck driver simply caught in the wrong place at the wrong time. We have to begin, not after the next election, but now, Mr. President, to rebuild the social fabric of this Nation; and to restore meaning to the promise of equal opportunity; to provide hope in the inner city; and to see that good jobs are available for those who have the desire and the discipline to fill them; and to bring back to America its sense of common purpose and shared pride.

I have no doubt that can be done. But after the past week, I pray more urgently than ever that we are going to work to get it done and that this body will recognize its own responsibility to contribute to that goal.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I thank my colleague from Massachusetts for a most eloquent statement. My purpose, really, is to fill in a sense of the history that occurred from 1964 to this date. A number of us were there at that time and remember. We think it is absolutely outrageous to blame the poverty programs of the 1960's for what happened in Los Angeles.

I was a U.S. attorney under Bob Kennedy from 1962 through 1964, a time when we worked to see that black students had an opportunity to go to college, and when teams were sent into the South to make sure people could vote. There was action. There was hope. Our Nation was far behind where we are now. We have moved many miles from there, but we have many miles to go.

I was also Secretary of Transportation under President Carter before the Reagan administration sent this country into the darkness of no help for those who have little. During those early years we were trying programs in Watts, for example, where, instead of demolishing the houses that were being removed from the Century Freeway, we took those houses off the Century Freeway and put them on empty lots in Watts. People then had an opportunity to have houses.

No, all these programs did not work. But too many of us who were in Congress from 1965 through 1975 remember watching children with no teeth get off the bus from neighborhoods in the middle of our cities. These children had never had a toothbrush. The Bush administration obviously had no idea what Head Start or health programs meant to these children. They had no idea of why it was that we passed the poverty programs.

We made a lot of progress when a lot of these programs were cut off because of Vietnam war efforts, and then later when darkness fell with the beginning of the Reagan-Bush administrations which did not and do not believe in these programs. Maybe some mistakes were made in those poverty programs, but our attempt was to combine social justice with social responsibility and to prevent violence.

Rodney King said it very well. I hoped the President of the United States would start his speech by saying, "We are all in this together. We are all in this together, and we must help one another."

But it was the man who was beaten saying this. You do not start from law and order. Law and order is the result you have to apply when your program, your abilities to provide social justice and strengthen neighbors have failed.

It is the end result. And it is failing throughout this whole country. I speak now from living in these dark days, being in the U.S. Senate and chairman of the D.C. Appropriations Subcommittee. Of the time when we put money to fight drugs into the District of Columbia, and into the areas suggested by the administration. We appropriated money for 1,000 new policemen, for new prosecutors in the prosecutor's office, and a new jail. A new set of appellate judges were available. We made available the tools of law and order. And sadly that may be necessary—after you already have lost the war by giving assault weapons to children, weapons to children on these streets; by cutting funds for drug treatment programs; by removing research which allowed you to determine whether or not you were getting any results from these programs.

There has been a great shift in this country from what happened in the 1960's to now. The 1960's did not create what happened with Rodney King nor the violence in Los Angeles. These tragedies were created by an innate sense of social justice going awry.

Whoever changed the venue of that jury, changed it so that the jury of peers was a jury of people who had never seen an inner city or had any idea of what an inner city was like. To a suburban jury it was like moving from one world to another. The change of venue was an insensitivity of incredible proportions.

Those of us who have lived through this are outraged. We are outraged by people blaming those of us who tried in the 1960's and the 1970's to create a poverty program that gave people hope to have a home; hope to get a job; an opportunity for treatment programs to work; and mothers with enough so their children could be fed and their babies would not die.

The administration cut all of those programs, starting in the 1980's. But, those of us who lived through that period and have now lived through this more recent dark period, are willing to reach out. There may be new ideas. All of ours did not work, but did cut poverty in half. And now poverty has come back again full force under neglect.

If there is a new way and there is a better way, certainly this Senator, who was a Congressman and was a Cabinet official is willing to reach the hand out to do it.

Many successful things have happened as a result of the social reforms of the sixties and seventies. Remember, out of that we have helped create a magnificent middle class of black, Hispanic, Latino—all types of people in this multicultural country. Not enough—not enough—but a start; a movement that went around, but was stopped.

We have to put that back together. The private sector is involved, but so is the Government and so are the individual citizens. This is a great-hearted and a good-hearted country. But we lived through social unrest once before, Mr. President—on 14th street in the District of Columbia—just what you saw in the riots that took place. And the poverty programs of the sixties and seventies were a direct response to those earlier hard times.

And sadly, we have still not completed those programs. We did not ever finish and follow through what we started. We are very good in this country at doing certain things. But one of the things we do not seem to be very good at is taking care of our people who need real help. Too often, the people running the Government do not understand what kinds of help are really needed and do not understand there is a difference between people who have struggled and have no hope and those who have struggled and have great hopes and great expectations.

I really did not expect to make a speech on this subject at all, Mr. President, because there is too much pain involved—memory of the assassinations that took place, the hurt, the programs that did not work, the small successes that we had. But I was simply outraged, I was outraged that someone in a position in our Government could say that programs directed to helping people out of poverty had caused these recent incidences of violence. That is simply a rewriting of history. If we had finished and followed through with the programs we started rather than stopping them, maybe—just maybe—we could have prevented what happened. To a great extent we did lessen some of it.

I just hope that we do not turn our backs on a great portion of our population.

We are the first multicultural society to attempt to govern itself really in the history of the world. You can say the Romans had such a society, but theirs was based on slavery. Ours has been based on the consent of the ballot. All I ask is that those who govern today—those in all branches of government understand and reach out to others who may not have been as fortunate in the life that they have had to live. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

A TRIBUTE TO FORMER SENATOR GEORGE L. MURPHY

Mr. COCHRAN. Mr. President, I think Senators noticed today an article in the Washington Post telling us the bad news that former U.S. Senator from California, George L. Murphy, had passed away this past Sunday.

Senator Murphy was a person who really loved the U.S. Senate. He was elected to the Senate in 1964 on his first try to public office. He served with great distinction during his 6 years in the Senate. In 1966, he was selected to be the chairman of the National Republican Senatorial Committee, and in that year, he raised over $2 million to help finance the campaigns for Republican Senators and challengers, at that time quite a bit of money.

He often wore the gold replica on his watch chain of the Oscar that he won in 1950 from the Motion Picture Academy. The Academy Award was given to George Murphy for interpreting the movie industry correctly to the American public.

He was a person who was totally enjoyable to be with. He came by the Senate from time to time after he had left service in the Senate. We will all miss him. George Murphy was a wonderful man and was an inspiration to many.

I ask unanimous consent, Mr. President, that a copy of the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1992]

GEORGE L. MURPHY, 89, DIES; FORMER U.S. SENATOR, ACTOR

(By Bart Barnes)

George L. Murphy, 89, a former nightclub dancer and state and screen actor who served as a Republican senator from California from 1965 to 1971, died of leukemia May 3 at his home in Palm Beach, Fla.

Mr. Murphy's acting career included five Broadway plays and 55 motion pictures, but he retired from acting in 1952 to specialize in public relations for the motion picture industry. In 1950 he received a special Academy Award for "interpreting the motion picture industry correctly to the public at large."

In politics he was known as a skilled and tireless fund-raiser, and he served in 1966 as chairman of the Republican Senatorial Campaign Committee, raising $2.25 million for the party, a considerable sum for that period. He was chairman of entertainment for the 1953 and 1957 inaugurations of Dwight D. Eisenhower and served as program chairman for the 1956 and 1960 Republican national conventions.

Attractive, well-tailored and gracious, Mr. Murphy fit the stereotypical image of a senator. He appeared restrained and modest, and he spoke in a quiet voice, but he made his points forcefully. His formula for a political speech, he once said, was to scan the newspaper and make a few notes, then: "You point with pride and you view with alarm. You can say all sorts of things if you say them with a smile and you say them kindly."

Mr. Murphy won his Senate seat in his first bid for elective office in November 1964, defeating Democrat Pierre Salinger, the former press secretary to President Kennedy. Salinger had been appointed to fill out the term of Sen. Clair Engle (D-Calif.), who died July 30, 1964. In the 1970 election, Mr. Murphy lost his seat to Democrat John Tunney.

As a senator, Mr. Murphy served on the Labor and Public Welfare, Public Works and Armed Services committees. He argued for bigger defense budgets and worked on solutions to problems involving migrant farm labor for California's fruit and vegetable growers. He was author of a widely publicized and controversial amendment that would have given governors veto powers over activities of lawyers in the Office of Economic Opportunity's Legal Services Program. The amendment passed the Senate but never became law.

Mr. Murphy was born in New Haven, Conn., and he attended Yale University. While in college he worked summers in a coal mine in Portage, Pa., and he joined the United Mine Workers union. Later he was a messenger on Wall Street, and in the early 1920s he formed a dancing partnership with Juliette Henkel. They performed in cabarets on the nightclub circuit and at debutante parties. They were married in 1926. She died about 20 years ago.

In 1927 Mr. Murphy made his stage debut on Broadway in the musical comedy "Good News." Best known of his five plays was "Roberta," in which he starred with Bob Hope and Fred MacMurray. His movies included "This is the Army," with Ronald Reagan and Irving Berlin; "Little Miss Broadway," with Shirley Temple; "For Me and My Gal," with Judy Garland and Gene Kelly; and "Little Nelly Kelly."

Mr. Murphy was a founder and former president of the Screen Actors Guild, a vice president of Desilu Studios and later vice president of Technicolor Corp.

After his 1970 defeat for reelection to the Senate, Mr. Murphy was a business and political consultant in Washington. Taiwan was one of his clients. He also operated a speakers bureau for such well-known talent as Bob Hope and Gen. William C. Westmoreland, and he helped promote an organization called American Cause, a conservative-leaning answer to Common Cause. He moved to Florida about 10 years ago.

Mr. Murphy was a longtime supporter of the Boy Scouts and a recipient of the organization's highest adult award, the Silver Buffalo.

Survivors include his wife, the former Betty Blandi of Palm Beach, and two children from his first marriage, Dennis Murphy and Melissa Brown, both of California.

A TRIBUTE TO GEORGE COSSAR, SR.

Mr. COCHRAN. Mr. President, I would like to advise the Senate also of the unfortunate death in my State of Mississippi of George Payne Cossar, Sr. Mr. Cossar served for many years in the Mississippi House of Representatives. He was also president of the National Conference of State Legislative Leaders. He was widely recognized throughout the country as one of the preeminent legislators in the Nation. He was a very dear friend of mine. His sons, Bill Cossar, John Cossar, and George Cossar, Jr., all were classmates of mine at the University of Mississippi when I was there.

I ask unanimous consent, Mr. President, that copies of articles from the Jackson Clarion-Ledger and the Memphis Commercial Appeal describing his illustrious career be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, May 2, 1992]

GEORGE COSSAR SR., FORMER LEGISLATOR

(By Tracyl Brooke)

CHARLESTON.—George Payne Cossar Sr., 84, who served in the Mississippi House of Representatives for 32 years, died Friday of cancer at Tallahatchie General Hospital

Services are 3 p.m. today at First Methodist Church with burial in Charleston Cemetery. Newsome Funeral Home is handling arrangements.

A powerful member of the House from 1944–1948 and 1952–1979, Mr. Cossar once said his greatest disappointment was in never being elected Speaker of the House.

A Webb native, Mr. Cossar was chairman of the Rules Committee for 27 years. He also served for 28 years on the Highway and Highway Financing Committee. He once said he wanted to be remembered for building highways in Tallahatchie County and for supporting state universities and colleges.

"I was 'Mr. Everything' with universities and colleges," Mr. Cossar once said. He fought for the state's institutions of higher learning in every session.

Mr. Cossar was a graduate of the University of Mississippi, the Ole Miss Law School and was a past president of the Ole Miss Alumni Association and the Alumni Association Hall of Fame.

"He loved education and higher learning," said his son, Bill Cossar of Jackson.

He also served 20 years on the State Building Commission.

In March 1979, Gov. Cliff Finch signed a bill renaming Yocoan Ridge State Park in Mr. Cossar's honor.

"Daddy was a statesman, it was his whole life," his son said.

"A politician thinks of the next election, but a statesman thinks of the next generation," was Mr. Cossar's motto said his son.

In 1970 he was elected president of the National Conference of Legislative Leaders. He served on the executive committee of the Southern Legislative Conference and the National Executive Committee of the Council of State Governments.

Mr. Cossar suffered two setbacks in his career when Gov. Bill Waller fired him from the State Building Commission and did not reappoint him to the Southern Regional Education Board.

"He always did what he thought was best for the state of Mississippi," his son said.

Mr. Cossar attended Charleston High School and worked as a lawyer there after graduating from law school.

Mr. Cossar served as president of the Charleston Rotary Club and as a district governor for Rotary International. He was also president of the State Bar Association.

A Mason and a Shriner, he held memberships in Sigma Nu fraternity, Omicron Delta Kappa honorary society and Phi Alpha Delta legal fraternity. He was a Cub Scout master for 20 years.

He was a member of First Methodist Church for 50 years and served on its board, as a Sunday school teacher and a church trustee. "There's never a day that goes by when someone doesn't ask about my Daddy," his son said.

Other survivors include: wife, Finney; sons, George P. Cossar Jr., of Charleston and John Cossar of Jackson; sister, Elizabeth Becker of Brookhaven; brother, Lee Cossar of Leland; and nine grandchildren and two great-grandchildren.

Memorials may be made to the First United Methodist Church or the University of Mississippi.

[From the Commercial Appeal, May 2, 1992]

EX-LAWMAKER COSSAR DIES

CHARLESTON, MS.—Former longtime state representative George Payne Cossar of Charleston died Thursday at Tallahatchie General Hospital in Charleston of Complications with cancer. He was 84.

Mr. Cossar, a farmer and lawyer, served 32 years in the Mississippi House. He retired in 1980.

From 1960 to 1980, he was chairman of the powerful House Rules Committee, serving in that role under three speakers of the House. He was a past president of the Mississippi State Bar and past president of the National Conference of State Legislative Leaders.

The Charleston native was a graduate of the University of Mississippi and the law school.

Services will be at 3 p.m. today at First United Methodist Church with burial in Charleston Cemetery. Newsom Funeral Home has charge.

Mr. Cossar, the husband of Elizabeth Finney Cossar, also leaves three sons, John Cossar and Bill Cossar, both of Jackson, and George Payne Cossar Jr. of Charleston; a sister, Elizabeth Becker of Brookhaven; a brother, Lee Cossar of Leland, nine grandchildren and two great-grandchildren.

THE WEST RIVER REGIONAL MEDICAL CENTER IN HETTINGER, ND—A RURAL HOSPITAL SUCCESS STORY

Mr. CONRAD. Mr. President, I would like to draw the attention of the Senate to an article in the April 13, 1992, edition of the American Medical News, entitled "Staying Afloat, How Two Rural Hospitals Are Succeeding in Tough Times."

Rural Americans are confronting difficulties and challenges beyond the problems others encounter in our country's health care system. Rural America is home to a disproportionately large segment of older citizens who require greater care for their illnesses and disabilities. In addition, several million rural Americans face the increased occupational risks of farming. Yet, access to health care is becoming a greater obstacle due to a lack of health care professionals and the steady decline in the number of hospitals serving rural regions. Between 1980 and 1990, 330 rural hospitals closed their doors.

However, while other rural hospitals have closed, the West River Regional Medical Center in Hettinger, ND, has grown and turned a profit. West River has done this by emphasizing community-based health care services, maintaining flexibility in its operations and utilizing sound basic fiscal and organizational management practices.

West River is a six-clinic satellite system operating in rural and frontier southwestern North Dakota, providing a full range of medical services. Developed in the early 1960's, it serves approximately 30,000 people in an 18,000-square-mile area. West River has successfully changed with the times by accounting for area needs and being responsive to the population it serves, and because of the commitment of its health care professionals including physicians, physician's assistants, nurses, laboratory technicians, and administrators.

The emphasis on overhead cost reduction and efficiency in operations has yielded West River an average profit of 5 percent from operations over the past several years, providing capital for prudent investments in new technology and expansions. West River is meeting the challenge of bringing talented health care professionals to rural North Dakota through cooperation with the State's medical school and active physician recruiting supported by an outstanding foundation.

With the structure, emphasis on community, excellent personnel, and attention to efficiency, West River Regional Medical Center can serve as a model rural health facility.

I ask unanimous consent that the article from the April 13, 1992, issue of the American Medical News, "Staying Afloat," be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Medical News, Apr. 13, 1992]

STAYING AFLOAT—HOW TWO RURAL HOSPITALS ARE SUCCEEDING IN TOUGH TIMES

(By Deborah S. Pinkney)

It's been rough going of late for the nation's rural and small hospitals.

One in seven rural hospitals operating a decade ago is now closed, says the American Hospital Assn. About 250 went out of business in the 1980s, two-thirds of them shutting their doors in the last four years of the decade.

That troubling trend is spilling into the 1990s. While 1991 figures are not yet available, 28 more rural hospitals closed during 1990.

But sweet success can be found even in tough times. Some rural and small hospitals are successfully wading the troubled waters. Some actually are thriving in them.

Small and rural hospitals that do well look inward, determining what they do best and building on those strengths before trying to tackle external pressures, says Harold Brown, chairman of the National Rural Health Assn.'s hospital section.

"Traditionally, rural people are conservative. They are less responsive to change. They want things to stay as they are," Brown said. "But if you don't move, you stay in the same place. And if you stay in the same place, it's going to be your demise."

He cited examples of winning strategies from a recent AHA report on rural hospitals, Environmental Assessment of Rural Hospitals, 1992:

An Arkansas hospital transformed a $1.2 million loss into a $1.1 million gain in only a year by focusing on internal staff problems, such as turf battles, poor communication and low morale. A Mississippi medical center became a regional referral center by establishing collaborative agreements with neighboring facilities. And a 48-bed Washington state hospital bolstered its professional staff and tightened its relationship with the community's only physician group practice.

But a difficult future remains for most rural and small hospitals. Here's what they're up against:

Dwindling population. The 1990 census showed less than one in four people living in a rural area, a record low.

Shrinking agricultural and manufacturing base. From 1980 to 1989, the number of U.S. farms dropped from 2.5 million to 2.2 million, and more than 500,000 low wage, labor-intensive manufacturing jobs left rural areas.

A rising proportion of under- and uninsured, and a higher concentration of elderly, unemployed and poor people than in cities and suburbs. Thirteen percent of rural residents are elderly, compared with 11% of urban residents; and 16% live below the federal poverty line, compared with 13%.

A worsening shortage of physicians and allied professionals. In 1988, there were no primary care physicians in 176 rural counties, no pediatricians in 1,488 and no obstetrician-gynecologists in 1,473.

Falling inpatient utilization. From 1980 to 1990, rural admissions dropped 37%.

A widening technological gap and skyrocketing liability insurance rates add to the pressure. Rural hospitals also are more reliant on Medicare admissions—40%, compared with 33% for urbans.

A 1990 General Accounting Office study found that hospitals with under 50 beds were 12 times as likely to close as hospitals with 200 or more.

EXPERTS SAY ADAPT OR PERISH

But outside pressures are not totally to blame. Experts say rural hospitals exacerbate many of their problems.

"Very few of these institutions have grappled with the challenge of adapting to the changing environment in which they were trying to operate," said Roger A. Rosenblatt, MD, MPH, in a special issue of The Journal of Rural Health on rural hospitals. "And almost none has developed an approach to long-range planning of any kind.

Dr. Rosenblatt, vice chairman of the Dept. of Family Medicine at the University of Washington School of Medicine, says hospital boards, for example, have "ranged from uninvolved to misinformed to incompetent, and community input was often rare except when an individual used the facility or was called upon to vote on a levy."

Confronted with possible closure, many hospitals have chosen to downsize, diversify, convert, consolidate, merge or form alliances with other institutions. Others have left acute care for other kinds of health services.

"There are places and situations where limiting acute-care services and adopting an alternative delivery model makes sense," says Robert T. Van Hook, executive director of the National Rural Health Assn.

"There are [also] many strong, viable rural hospitals, and others that can become viable through a process of adaption and diversification."

That's certainly true in the case of Upper Valley Medical Centers in Troy, Ohio, and West River Regional Medical Center in Hettinger, N.D. Their strategies show how some rural hospitals are pushing to reinvent themselves.

CEO TARGETS CREATIVITY, RISK-TAKING

Charles H. Bair has an MBA and a finance degree, and he has spent 25 years turning around troubled hospitals. Now, as president and CEO of Upper Valley Medical Centers, he says creativity and risk-taking are key to transforming a losing venture.

Upper Valley has made $150 million in gross revenue from new services in the last five years, consistently exceeding its target. "Now, we're trying to develop $6 million in new business each year," Bair said.

To do that has required big changes. The biggest was the consolidation six years ago of three acute-care hospitals, each with about 125 beds.

The combined system, based about 30 miles outside Dayton, acquired four long-term-care facilities and developed 16 satellite facilities. Total beds have gone from about 150 to just under 1,000, including long-term, transitional and other.

Upper Valley's strategy has been aggressive niche marketing—identifying unmet health needs and developing services to fill them and generate new income. New services have generated about one-third of the center's revenue since the merger, says Anne B. Doll, vice president for marketing.

Gross revenue has gone from under $52 million in 1985 to $142 million in 1991; net, from less than $3 million to 6.5 million.

Upper Valley used consolidation, conversion and the kind of diversification usually identified with much larger hospitals to expand and profit.

Most of the new programs come from employee ideas; the best are selected for feasibility studies. Some 2,000 ideas are generated yearly, with 10 to 15 seen as "sterling."

"We try not to have anyone surprised," Bair said. "We want the new programs to be understood, embraced and supported" by the various constituencies.

But some among the medical staff have expressed reservations about their CEO's bottom-line approach.

"Clearly, there is a line you cross—when you are too concerned about the bottom line," said Mark Peters, MD, one of the center's three chiefs of staff. "And we may well get to that point. There is some concern that all programs be medically indicated, and not just a way to make money."

Still, physicians credit Bair for turning Upper Valley around, he said.

"Charlie sometimes gets criticized for being too bottom-line, business-directed. But at the same time, even his critics would admit that that's why this system has kept growing and why it's doing better than hospitals in the surrounding area."

Bair's vision of providing "layers of care" was first applied in substance abuse. Payers were increasingly concerned about length of stay, so the center developed a 15-day program, later converting it to variable length.

"We custom-built the program to the patients, rather than taking a rigid approach," Bair said.

The program was divided by gender, and later by age, when an adolescent program was created. Several outpatient centers also were placed closer to population centers to respond to payer desire for more accessible services.

The final refinement was developing a transitional-care unit—a dormitory-like setting for patients who have found jobs.

Bair is considering a regional center for pregnant substance abusers. It will provide education for older children; pediatric rehabilitation for newborns; and ob-gyn services, plus job training, for mothers. A goal is to eventually hire some of the women to fill jobs where there are persistent shortages.

The same concept of layered care is being applied to long-term care and services for coma patients.

"One of the very important concepts here is that the speciality services provide the additional revenues to keep the system viable," Doll said. "We're not getting out of the acute-care business."

Bair says his role is "to create the environment for generating new ideas and to keep them moving through the system."

"It take a certain type of board environment to be able to support this environment. This particular board is a wealth of self-made businessmen who are used to accepting risk. We're much more likely to gain acceptance of a solid idea from this board than from some other."

BUILDING FROM THE INSIDE OUT

Jim Long believes every community has the right to determine its own health care needs. He says his role, as CEO of West River Regional Medical Center in Hettinger, N.D., is to meet those needs in a fiscally prudent way.

"I don't want to sit here and make any other community's decision for them about what they need. That's their responsibility," he says. "I think the government's responsibility is to pay fairly so that they all have the equal tools for making the decision."

The problem, he concedes, is that the government doesn't do that. West River officials have long felt that they were on their own in terms of reimbursement and federal aid.

"We got aggressive," said Long, speaking of changes begun in 1983. "We knew it was going to get difficult in the future. Everyone could see it coming. We had to build some strength and get ready to take on the future."

What West River decided to do was build on relationships with area doctors, communities and the state's only medical school.

The hospital began repositioning itself. Bonds were refinanced and charges made more competitive. A CT scanner and other technology were added. Health care professionals were aggressively recruited.

Last year, to cut overhead and boost efficiency, the 46-bed hospital was merged into the six-clinic satellite system. The main campus now serves as the hub. Physicians travel at least two days a week to staff the clinics.

Long notes that there are huge coverage gaps in West River's 18,000-square-mile catchment area. There's a 150-mile gap directly to the east, he said. The area is so remote it is defined as frontier or wilderness.

Local physicians like family physician Gerald Sailer, MD, have been central to West River's efforts to expand its reach in troubled times. Dr. Sailer has been associated with West River since the early 1960s, when he began his practice in Hettinger, population 1,600.

Then, the hospital had 28 beds, virtually no technology and only one other doctor. There were no licensed lab technicians, and surgery had never been performed there. Serious cases and diagnostic work were handled in Bismarck, a three-hour drive away.

"We believed rural people deserved the same quality of care as urban people, and we recognized that we couldn't do that unless we had volume," Dr. Sailer said. "Without volume, we couldn't afford the staff and the technology needed for quality care."

But he added: "We have always been cognizant of the things we do well and those things that are beyond our capacity. The cases that are beyond our capacity we've been careful to refer to those who do it best."

He said the center uses personal networking and builds on relationships with physicians across southwest North Dakota, northwest South Dakota and eastern Montana.

"We've had better luck probably than in any other place in the state of North Dakota in recruiting rural doctors," said Robert E. Grossman, MD, head of the physician group practice.

"We work at it seven days a week. We had a spell of about five years when we didn't recruit a single doctor, and all of us were getting down in the mouth. Now we are at two or three a year."

Roger W. Schauer, MD, an associate professor at the University of North Dakota medical school, works closely with students who do their family medicine rotations at West River.

During an average year, he said, they get eight to 10 medical students. Several have decided to return.

With an infusion of new physicians and other professionals, the hospital has grown and turned a profit while three local hospital have down-sized.

"For the 8½ years that I've been here, we've budgeted for an average bottom-line of 5% from operations," Long said. "That was what we believed was necessary to provide . . . for purchasing of new technology and expansion of services. And we have been able to maintain that average.

Dr. Sailer says regionalization is the answer to many of the medical center's remaining woes.

"I think we would offer much better services and more economical services if we could regionalize more. No matter what tack the government takes or what kind of new medical programs are on the horizon, I think in frontier areas we're going to have to have some regionalization of technology."

The biggest future threat, Long said, is demographic. Adams County, where Hettinger is located, lost 10% to 15% of its population in the last 10 years, and the trend is expected to continue. Neighboring counties have experienced comparable decreases.

And while they have broadened the services they offer, hospital officials have taken a cautious approach.

"We're always looking at what we can add that makes sense," Long said. "Many hospitals in the past five or 10 years diversified and got into areas they shouldn't have. We're looking for areas that make sense to us—that's sticking to the knitting, that's still medically related and related to the work we do now.

"We'll always be looking, we'll always be changing.

RURALS MUST CHANGE WITH THE TIMES

Long's credo sums up what the experts are telling rural hospitals;

Rural communities vary widely in demographic and socioeconomic make-up and in health care needs. In changing with the times they also must take into account area needs.

"There is a need for good fiscal and organizational management of hospitals," says Thomas A. Bruce, MD, program director at the W.K. Kellogg Foundation. "But beyond that there is an even more fundamental requirement: to know the aspirations of the entire population being served and to be visibly responsive to those wishes whenever possible." Kellogg, based in Battle Creek, Mich., has funded a three-year program to improve rural health delivery in six northwestern states.

"Hospitals, like physicians, are in partnerships with the public," Dr. Bruce said. "These partnerships are like marriages. Both sides must contribute, or divorce becomes a possibility."

Dr. Rosenblatt said hospitals have been unclear about what services to provide and need better planning.

That's especially true, notes the rural health association's Harold Brown, given the impact of Medicare's prospective payment system.

Brown, CEO of Prairie du Chien Hospital in Wisconsin, said his facility had shrunk from 84 to 15 beds since the system began.

"That's pretty typical of most rural hospitals," he said. "What we have done is take those excess beds and put them to use doing other things."

Prairie du Chien has opened a hospice and a home health agency, moved into respite care and even started providing a diaper service, children's day care and meals for homebound elderly. "You've got to move on or die," Brown said.

Federal officials reject the notion that Medicare and Medicaid reimbursement rates are to blame for the woes of rural and small hospitals. More likely causes are declining patient occupancy rates and consequent lagging revenues, they say.

Regardless, experts like Kellogg's Dr. Bruce say smart hospitals won't wait around trying to fix blame. "There is a need to continue to evaluate what works over time, and to learn how dependability and stability can be built into the rural equation," he says.

But such advice often is easier to give than to follow. As West River's board Chairman Allen McIntyre notes, hard-pressed small and rural hospitals recognize the need to adapt, but also fear it.

"There's a feeling here that if we don't remain on the cutting edge, if we don't continue to move ahead, we will fall by the wayside like many other rural hospitals have and continue to do."

MAKE SERBIAN REGIME PAY FOR AGGRESSION

Mr. PRESSLER. Serbian Government officials are continuing to order their military forces to smash freedom and autonomy in neighboring states. After doing all in their power to destroy Croatia, Serbian butchery is now taking place in Bosnia and Hercegovina. Bosnia's elected political leaders are begging for international assistance to stop Belgrade's aggression.

The United States should respond forcefully to this appeal. Mr. President, more than a month ago, on March 20, I introduced S. 2376, the Former Yugoslavia Act of 1992. Two of its aims are to end military aggression by the Communist regime that runs Belgrade and to bring that rogue regime and its brutal military thugs to justice before international bodies.

Since March 20, the United States Government has made significant progress toward formal recognition of portions of the former Yugoslavia seeking independence from Communist-ruled Serbia. But no real progress has been made to end the Serbian aggression and bring violators of human rights before national and international tribunals.

In this morning's editions, the Washington Post contains an editorial and the New York Times two articles that could have been modeled on the Former Yugoslavia Act. As elected leaders of Bosnia and Hercegovina plead for an end to Serbia's wanton aggression, diplomatic fretting and frustrated hand-wringing have escalated to new levels of ineffective rhetoric.

Mr. President, Congress should support calls by elected leaders of Serbia's victims to act in concert with the United Nations and the European Community to do more than puzzle about Serbia's vicious attacks.

Senators D'AMATO, HELMS, and DOLE have joined me in sponsoring the "Former Yugoslavia Act." To my knowledge, it is the first and only congressional attempt to stop Serbian aggression.

There is no reason for the Serbian National Airline [JAT] to continue to enjoy landing rights in this country and no reason for American air carriers to continue service to Serbia. The President has considerable authority to declare Serbia a threat and impose a number of tough sanctions unilaterally.

On Thursday, America's new permanent Representative to the United Nations, Ambassador Ed Perkins, will be sworn in. Even before he moves to New York City, the United States should join in calling for a very tough resolution in the U.N. Security Council. Bosnians and other citizens of the former Yugoslavia, including the ethnic Albanians of Kosova, need the same protection against an aggressive neighbor as the Kurds need against the Government of Iraq.

I ask unanimous consent that the Washington Post editorial and the New York Times articles to which I referred, and a copy of the Former Yugoslavia Act be inserted in the RECORD. I urge Senators to consider cosponsoring this bill.

Finally, Mr. President, I know that thousands of anti-Communist Serbians year for an end of the Milosevic regime and its horrible military aggression. I urge the U.S. Government to support the Serbian people who wish to rise up and throw off the repression and aggression imposed by their Communist masters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1992]

SERBIA'S AGGRESSION

The unraveling of Yugoslavia has proceeded to the point where Serbia is committing raw aggression in Bosnia to "liberate" a local Serbian population that was not in danger and that, from all signs, was content with the existing multiethnic state of affairs. Serbia has displaced nearly a half-million of Bosnia's Muslim Slavs, terrorized communities settled for centuries and taken over perhaps two-thirds of the republic's territory (after having annexed one-third of Croatia's). It has done this while mouthing assurances of respect for negotiation and legal norms.

Rival Croatia has made a grab of its own in the western Hercegovina section of the republic. This power play is wrong, and there is no excuse for it, but it probably would not have been made except for Serbia's far larger and bloodier example. Bosnia's Muslim troops have also acted badly; over the weekend they reneged on a safe conduct offered to trapped Serbian garrison in return for release of Bosnia's president, whom, unconscionably, Serbia had kidnapped as he returned from peace talks. But again this probably would not have happened but for Serbia's provocation.

Bosnia's agony is unfolding essentially from internal strife in Yugoslavia and not from an external assault across a clear international frontier. This accounts for the general foreign reluctance to send in troops to save Bosnia. It seems there is no force available to keep Serbia from accomplishing its purpose of taking Bosnia's Serbs—as it earlier took Croatia's—under its rule.

But if others cannot stop Serbia's aggression, they can hold President Slobodan Milosevic's government accountable for it. It is out of the question, for instance, to grant him the great advantage he seeks in having Serbia anointed as the rump successor to the old Yugoslavia. Restoration of normal economic relations with Serbia must await its restoration of normal political relations with its former fellow citizens. Its diplomatic isolation becomes a minimal European and American requirement.

Mr. Milosevic is aggrandizing Serbia, and ruining it. He is making Serbia a citadel of ethnic hatred, wasting its economy and destroying its ties with old friends, including the United States.

[From the New York Times, May 5, 1992]

BOSNIA IS SEEKING FOREIGN MILITARY AID

(By Chuck Sudetic)

SARAJEVO, BOSNIA and HERZEGOVINA, May 4.—Government leaders here rushed to finish an appeal for foreign military assistance today as Yugoslav Army jets rocketed targets above Sarajevo and as Serbian forces stepped up attacks to break up this multiethnic republic, news reports and officials said.

The Government announced that its Foreign Minister would make the appeal at an emergency session of the Conference on Security and Cooperation in Europe that is schedule for this week in Helsinki, Finland.

"Many people here are ready to go to the defense of Bosnia and Herzegovina," said President Alija Izetbegovic. "But we haven't the weapons. We never prepared for a military struggle. We believed in a political solution. The integrity of the republic is not the only thing in question. The very survival of people here is in jeopardy."

Mr. Izetbegovic said that if appeals for the deployment of United Nations peacekeeping forces failed, his Government would seek intervention by other foreign peacemaking forces. "I have no indication that anyone is ready for this," he said.

U.N. OFFICIAL TO VISIT

Marrack Goulding, the United Nations Under Secretary for peacekeeping operations, is scheduled to arrive in Sarajevo on Tuesday for talks.

The Yugoslav Government announced today that it would end its military presence in Bosnia and Herzegovina within 15 days. But diplomats in Belgrade said the army might be planning merely to release Serbian soldiers, who are estimated to comprise 80 percent of the Yugoslav forces in Bosnia and Herzegovina, and allow them to fight on as members of local Serbian militias. Such a move could worsen the situation by reducing central control over Serbian forces in the republic.

"Much as we have condemned the army for its role in Bosnia," one diplomat said, "handing effective control of most of its troops to the militias could make things worse, since there'll now be even less likely to respond to appeals for a ceasefire.".

This afternoon in Sarajevo, Yugoslav Army jet fighters made at least four sorties over Sarajevo. Radio reports said two MIG–29's rocketed targets on Trebevic Mountain, which overlooks Sarajevo's old quarter.

Street clashes forced people from basement shelters in their high-rise apartments to seek safer havens in buildings farther from the fighting, carrying children, blankets and hastily packed bags of food.

Serbian artillery attacks were launched into the city center, and a direct hit on a transmission tower blacked out the Sarajevo television for about half an hour. At the same time, pro-Government militiamen with rifles and shoulder-launched rockets darted door to door through apartment blocks and fired into the Serb-occupied hills north and south of town.

News reports said the Government forces had driven Serbian guerrillas from a police academy and other positions they had held since Serb attacks began on Sarajevo early last month.

Tonight, pink tracer bullets streaked down Sarajevo's streets from Serb-fired anti-aircraft weapons aimed at land-based targets, and exploding shells sent golden sparks flying from the sides of apartment buildings.

Deep inside their basement shelters, residents in Sarajevo have been watching television broadcasts that include American cable television news reports.

WATCHING U.S. RIOTS ON TV

"I watched the rioters in Los Angeles carrying television sets from stores," said a middle-aged Croatian man holed up in a basement workshop. "It is really sad. We were the two Olympic cities of 1984."

Heavy Serbian attacks throughout Bosnia signaled a stepped-up effort to overrun Muslim-Slav towns inside corridors linking up Serb-dominated regions.

Early this morning, Serbian guerrillas fired mortar shells on the Muslim-Slav town of Gorazde, Sarajevo radio reported. The last major Government-controlled town on the Drina River, Gorazde has been swollen with about 20,000 refugees. Yugoslav Army units have surrounded the town for weeks and had pledged to protect it from locally assembled Serbian militias as well as from guerrilla groups from Serbia itself.

Serbian guerrillas backed by Yugoslav Army units also attacked the towns of Doboj and Modrica, creating new waves of refugees, local news reports said. Fighting was also reported in Bosanska Krupa, which controls access to an almost entirely Muslim-Slav populated county where the Yugoslav Army has a major air base.

TRUCE EFFORTS ARE SET BACK

The sharp increase in fighting has also short-circuited all European Community efforts to halt the violence, which has killed hundreds of people, wounded thousands more and forced about 500,000 from their homes.

A Western diplomat said, "It's obvious now that you need outside involvement to achieve a workable ceasefire," and added that "much depends on Marrack Goulding's visit.

This afternoon, President Izetbegovic said he had agreed to the release of about 180 Yugoslav army soldiers taken prisoner by Government militiamen as the soldiers were trying to evacuate the army's regional headquarters on Sunday night.

Several soldiers were killed in the attack, which came despite guarantees for the soldiers' safety by Mr. Izetbegovic and an escort by personnel attached to the United Nations peacekeeping headquarters in Sarajevo.

"Chances for negotiations for achieving an orderly movement of the Yugoslav Army out of Sarajevo were severely affected by the unjustifiable attack on the retreating army column on Sunday," the diplomat said.

The Yugoslav Army condemned the attack and blamed Mr. Izetbegovic. Government officials in Sarajevo, however, said the attack resulted because local commanders did not know about the guarantee of safe passage.

It was part of a deal with the army to release Mr. Izetbegovic on Sunday. He was seized Saturday evening by the army at Sarajevo's airport when he returned from Lisbon after the suspension of European community-sponsored peace talks on Bosnia and Herzegovina.

Serbian guerrillas backed by the Yugoslav Army have seized over half of Bosnia and Herzegovina's territory. Serbian leaders here claim 70 percent of Bosnia and Herzegovina territory for a Serb republic, although the republic's 1.4 million Serbs account for 31 percent of its population. Bosnia and Herzegovina's 1.9 million Muslim Slavs and most of its 750,000 Roman Catholic Croats favor the republic's independence.

[From the New York Times, Apr. 5, 1992]

UNITED STATES FRUSTRATED, BACKS OFF FROM THE CRISIS IN YUGOSLAVIA

(By David Binder)

WASHINGTON, May 4.—After assuming a leading role in trying to defuse the Yugoslav conflict three weeks ago, the Bush Administration has largely withdrawn from the issue "in anger and frustration," a senior Administration official has said.

This official and others remarked that Secretary of State James A. Baker 3d and his principal aides had been disappointed with the lack of success of earlier United States efforts to influence events in Yugoslavia.

"Bush feels the same way," a second official familiar with Yugoslav affairs said of the President.

Reiterating the United States' condemnation of "the perpetrators of violence in Bosnia on all sides" for the 10th time in as many working days, Margaret D. Tutwiler, the State Department spokeswoman, hinted at the Administration's frustration today.

"I'm not saying there's nothing else that anyone can do," she said. "Everyone will continue to try." But she said she was unaware of any major "or even, to be honest with you, minor overall policy review."

FIGHTING INCREASES

On April 7, President Bush declared that the United States was recognizing the independence of Bosnia and Herzegovina, Croatia and Slovenia. The Administration hoped this would help end the fighting there, especially the battles in Bosnia and Herzegovina, where Serbian forces had seized large chunks of territory.

Instead, the fighting increased, and a week later Mr. Baker proposed suspending Serbia from the 51-member Conference on Security and Cooperation in Europe, issuing a sharp protest to the Belgrade authorities, dispatching a senior assistant to Bosnia and Herzegovina to report on the situation and arranging six Air Force flights of emergency relief supplies there.

With assaults on Bosnia and Herzegovina by Serbian forces, including the Serb-dominated Yugoslav Army, continuing, Mr. Baker took the initiative again on April 20, calling West European allies to propose the joint breaking of diplomatic relations with Belgrade. Only Germany's Foreign Minister, Hans-Dietrich Genscher, voiced approval. Other officials in the Administration questioned the wisdom of such a radical move.

At that point, Mr. Baker's resolve began to sag, said Administration officials familiar with the evolution of policy on Yugoslavia.

"Secretary Baker has decided to disengage from the issue," a high ranking official said. "There is simply no solution. But there is a high level of frustration."

Although fighting is continuing in Bosnia and Herzegovina, the United States chose not to press for the suspension of Serbia from the Conference on Security and Cooperation in Europe at its meeting in Helsinki last Wednesday, Administration officials said. The only action taken at the meeting was to admit Bosnia and Herzegovina as a new member.

This is the second time in 10 months that Mr. Baker has plunged into the Yugoslav crisis and then withdrawn. Last June he visited Belgrade and conferred with all of the leaders of what were then the six federative republics of Yugoslavia, as well as its federal leadership.

He left believing he had extracted commitments from each not to take steps that might cause an outbreak of civil war. Five days later, Slovenia and Croatia declared independence from the Yugoslav federation and fighting broke out. Mr. Baker then decided that the United States should step back and permit the European Community to take the lead in trying to solve the Yugoslav crisis.

But a senior American diplomat contended recently that "there is no international institution with sufficient powers to deal with Yugoslavia."

Another high-ranking Administration official said, "There is no policy on Yugoslavia now, other than to follow the lead of the European Community."

But the 12-member community is split over how forcefully to deal with Serbia and over how to deal at all with the newly independent republic of Macedonia, which Greece opposes.

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Former Yugoslavia Act of 1992".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Constitution of the Federal People's Republic of Yugoslavia, adopted in 1946, was modeled on the 1936 Constitution of the Union of Soviet Socialist Republics.

(2) Of the six republics (Macedonia, Slovenia, Croatia, Serbia, Montenegro, and Bosnia-Hercegovina) and two autonomous regions (Kosovo and Vojvodina) that formerly comprised the Federal People's Republic of Yugoslavia, several have voluntarily disassociated themselves to varying degrees from the political structure created by the Constitution of 1946.

(3) As a result of these actions by its constituent republics and provinces, the Federal People's Republic of Yugoslavia has ceased to exist.

SEC. 3. POLICY.

It is the sense of the Congress that the policy of the United States should be to conduct diplomatic and other relations directly with each of the nations, republics, and regions that formerly comprised the Federal People's Republic of Yugoslavia or directly with any voluntary association or associations of any such nations, republics, and regions rather than indirectly through the central government of the former federal state.

SEC. 4. REPORT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a comprehensive report on United States policy toward the nations, republics, and autonomous regions that formerly comprised the Federal People's Republic of Yugoslavia.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) The advisable levels and timing of United States diplomatic recognition and representation regarding each nation, republic, and autonomous region that formerly comprised the Federal People's Republic of Yugoslavia, including the specific criteria for determining to grant that recognition and the justification for any determination not to recognize a nation, republic, or autonomous region that has received the diplomatic recognition of any member nation of the North Atlantic Treaty Organization.

(2) The actions the United States will undertake bilaterally and in appropriate international bodies to prevent military and police forces anywhere within the territory of the former Federal People's Republic of Yugoslavia from attacking any such nation, republic, or autonomous region.

(3) The actions the United States will undertake bilaterally and in appropriate international bodies to prevent military and police forces of the former Federal People's Republic of Yugoslavia from being stationed in any such nation, republic, or autonomous region against the will of any freely elected, representative government of that nation, republic, or autonomous region.

(4) The actions the United States will undertake bilaterally and in appropriate international bodies to bring to justice government authorities who ordered members of military and police forces of the former Federal People's Republic of Yugoslavia or any such nation, republic, or autonomous region to attack any other such nation, republic, or autonomous region.

(5) The actions the United States will undertake bilaterally or in appropriate international bodies to reduce the influence and size of military forces that have attacked any such nation, republic, or autonomous region and to reduce the funding and supplying of such military forces by any source.

(6) The actions the United States will take through the United Nations and other appropriate international bodies to assure security and peace in the former Federal People's Republic of Yugoslavia.

(7) The extent to which the United States has ceased to provide assistance directly or indirectly to the government of any such nation, republic, or autonomous region that has attacked or occupied any other such nation, republic, or autonomous region.

(8) The levels and types of assistance that are being provided or are to be provided by the United States, directly or indirectly, to those nations, republics, and autonomous regions that have had free, fair, internationally supervised elections and that have committed themselves to principles of democracy and human rights.

(9) Any other matters relating to the policy referred to in subsection (a) that the President considers appropriate.

GATEWAY 2000: SOUTH DAKOTA SUPERSTAR

Mr. PRESSLER. Despite America's recent economic difficulties, small business continues to be the driving force of our economy. In my home State, Gateway 2000 is truly a South Dakota superstar. Recently the Gateway 2000 assembly lines produced their 500,000th personal computer.

The success of this dynamic company is becoming apparent throughout the world. Recently I met with American and Dutch business leaders in the Netherlands. As soon as they learned I represent South Dakota, they immediately mentioned Gateway 2000.

Located in North Sioux City, SD, Gateway 2000 produces high-quality, low-cost personal computers which it sells directly to consumers. Because South Dakota enjoys a pro-business and pro-free-enterprise climate, Gateway 2000 found a hospitable home when it was founded in 1985.

Since then, Gateway 2000 has been on a steady, rapid growth path. In fact, first quarter sales for this year amounted to $200 million. Top quality products, ethical business practices, involved, dedicated, and hard-working employees, and enlightened hands-on management have skyrocketed Gateway 2000 to the top of the personal computer market through direct marketing sales.

Americans have heard a great deal in recent years about Japanese competition and business practices. One result has been a tendency toward Japan-bashing and a call for United States business to be protected against foreign competition. Gateway 2000 asked for no special favors and jumped into a highly competitive market with excellent products. That tried-and-true formula for business success has proven itself once again.

I am proud that Gateway 2000 is a South Dakota business. Like many States in the Midwest, some of South Dakota's most able young people regrettably feel they must leave the State or region to pursue a successful career. Companies like Gateway 2000 prove that entrepreneurship and small businesses also can provide outstanding career opportunities. Even more important, Gateway 2000 is an inspiration for South Dakota's young people that, with good ideas and hard work, they can succeed close to their families and homes.

On my recent visit to Europe, I was discouraged to find that many European governments are wedded to socialism and protection of local companies against competition. Inevitably, this archaic anti-free-enterprise approach depresses local initiative and makes it tougher for outstanding products, such as Gateway 2000 computers and software, from breaking into the world market.

Now that the former Soviet Union and several republics of the former Yugoslavia are free of communism, American know-how and innovation is the best form of encouragement we can give to promote economic growth and development. This is a far wiser investment than any amount of foreign aid.

Leading the way, Gateway 2000 inspires and encourages people at home and abroad. On the occasion of its 500,000th computer, I am delighted to commend this South Dakota superstar to consumers at home and abroad.

I ask unanimous consent that an article on Gateway 2000 from the Sioux city Journal of April 29, 1992, be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sioux City Journal, Apr. 29, 1992]

GATEWAY 2000 TURNS OUT ITS 500,000TH COMPUTER

(By Mark Reinders)

NORTH SIOUX CITY.—Personal computer "500,000" rolled across the assembly line early Tuesday morning at Gateway 2000.

Company officials celebrated the milestone production number at the direct market PC manufacturing company's production plant located in North Sioux City. Despite the company being founded just six years ago, Gateway officials predicted it will hit the one million milestone sometime in 1993.

Gateway's assembly workers pump out an average of 1,500 units a day.

"Our 500,000th system is a 25MHz 386SX, purchased by Kathy Tyler of rural Big Stone City, S.D.," said Mike Schmith, Gateway 2000 marketing manager, while conducting a tour of Gateway's production facilities Tuesday. Schmith said R.J. Reimer, the Gateway 2000 sales representative who sold Tyler the computer, will drive to Big Stone City this week to deliver the systems personally.

Ted Waitt, president of Gateway, founded the company with Mike Hammond in a small house in rural Sioux City in 1985. The business then relocated to offices at the Sioux City Stockyards and later Sergeant Bluff, before moving to North Sioux City two years ago. Employment now stands at more than 1,400.

Later this year, the production end of the company will be relocated to new facilities near the existing office headquarters in the Gateway Business Park.

Schmith said that Gateway 2000 currently sells more IBM-compatible personal computers through the direct market channel in this country than any other PC manufacturer. Sales for the first quarter of 1992 were $200 million.

Schmith said that to maintain its growth, Gateway plans to continue to "be the leader in the direct marketing sales end."

In addition to its present PC models, Gateway has recently begun production of a notebook computer—a version similar to a portable laptop model.

Tyler, the purchaser of the 500,000th model, will receive one of the new notebook computers, a Nomad 425DXL, as a gift.

In a written statement, Waitt said that his company's achievement is a tribute to the people of Siouxland.

"The secret's in the employees at Gateway. They are hard-working, dedicated and caring. When you combine this exceptional work force with our old-fashioned business philosophy of giving our customers the very best value, you have a winning combination," Waitt said.

TRIBUTE TO WILLIE L. WILLIAMS

Mr. SPECTER. Mr. President, on May 26, 1992, Philadelphia Police Commissioner Willie L. Williams will be honored at a dinner as he retires after 28 years of service. Starting on the bottom rung as a patrolman in 1964, Williams steadily climbed the ladder of success in his chosen profession until he reached the top in 1988 when he was appointed commissioner.

His success story is not unusual. It combines the indispensable ingredients of intelligence, hard work, ambition, and dedication. It includes those always-essential personal qualities: a willingness to do whatever is necessary in an appropriate manner to get the job done and a refusal to accept less than one's best in addressing any task, however great or small.

Willie Williams recognized, as all who strive for success must, that opportunity arrives most often for those who are prepared, who have readied themselves to seize it and to make the most of it.

His tenure as Philadelphia's top policeman has been remarkable for his efforts to sensitize his officers to the multiethnic and multicultural population they serve, efforts which have enjoyed considerable success. He has shown Philadelphians that their policemen can show restraint and forebearance in times of confrontation and stress and still get the job done. He has imbued in them a sense of community, a greater understanding of their capacity to perform and to serve.

For this, Commissioner William has won the praise of elected and community leaders and the gratitude of all Philadelphians.

Commissioner William is leaving his Philadelphia post but he is not abandoning his profession. Soon, he will assume the position of police commissioner in Los Angeles. As he departs, he carries with him the best wishes for success of all residents of the "City of Brotherly Love," a sobriquet he has done much to restore and embellish.

It is, therefore, fitting that the U.S. Senate take note of the excellent career of Willie Williams in the police department of the city of Philadelphia and that it wish him well as he continues his professional work in Los Angeles.

PETER JAY SHARP

Mr. MOYNIHAN. Mr. President, on April 17, New York City lost one of its leading citizens, and one of its treasures. Peter Jay Sharp was a successful man of business and a great philanthropist. In a city blessed by the leaders of its many cultural institutions, he stood out. The Julliard School of Music, the City Opera, City Center, and the Metropolitan Museum of Art were just a few of the beneficiaries of his generosity. But Peter Sharp's value to the city could hardly be measured by his gifts of money, though they were great. He cared deeply about New York, and gave much of his time to helping solve its common problems. Somewhere, the poet W.B. Yeats writes of a man who "was blessed and had the power to bless." Peter Sharp was such a man. He was my friend and I will miss him greatly. I ask unanimous consent that a tribute from the New York Post be printed in the CONGRESSIONAL RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the New York Post, Apr. 22, 1992]

PETER SHARP: 1991–1992

Peter Jay Sharp, who died late last week, was a New Yorker of the old school: His creed was excellence.

Excellence at the hotels he owned and ran—among them, the world-famous Carlyle. And excellence at the local cultural institutions to which he gave so generously of his time and personal wealth: the New York City Opera, Juilliard Lincoln Center, the Vivian Beaumont, City Center, the Met.

Lest these institutional attachments disguise his essential concern—that this town serve its residents and visitors as well as possible—it's also worth noting that Sharp sat on the board of the Fund for Better Subway Stations.

Peter Sharp, in short, cared—about those who enjoy the city's cultural riches and have the means to stay at the Carlyle, but also about the ordinary folks who make New York possible—the people, for example, who travel to and from work each day on the subway.

In his special, quiet way, Peter Sharp labored to make this city better. And, indeed, New York is a better place for his having spent his life here.

NATIONAL TAX FREEDOM DAY

Mr. GRASSLEY. Mr. President, as we are considering legislation to cut wasteful Government spending, I think it is a very appropriate time to recognize the significance of May 5, 1992. Today, is the day that all hard working Americans have been waiting for all year. Today is a tax freedom day, as calculated by the Tax Foundation, when Americans stop working for the Government and start working for themselves and their families. That is the good news. The bad news is that tax freedom day is 4 days later this year than last year. So, the tax burden on our people continues its unrelenting climb.

We in the Congress, and our legislative brethren in State and local governments, often act as though the

American taxpayer does not even exist. However, our governing bodies are never shy about deducting their share from our working men and women. That is why it is very important to recognize May 5, 1992, as National Tax Freedom Day, a date on which American workers finally begin to work for themselves instead of the enormous State apparatus they have spent over 4 months of the year working for. It is a worthy day to commemorate, but one which we ought to have already observed.

Monies raised through taxation are spent by government entities with little regard to the effort that hard-working Americans expend on a daily basis to produce them. We spend, then tax and spend again in Washington, with the result being massive budget deficits on the one hand and heavily taxed workers on the other. We are simply continuing to take too much from the paychecks of our workers and spending money like there is no tomorrow. Such spending practices are reckless and irresponsible on our part. I think we can and must do better. At least, our taxpayers deserve to know that their hard-earned dollars are being spent in a responsible manner. Ideally, we should pledge to bring our fiscal house in order and to lessen the burden that we have placed on our citizens. Taxpayers are angry, and for good reason.

Mr. President, the average American worker will spend 2 hours and 45 minutes out of each 8 hour workday to pay Federal, State, and local taxes. This is four minutes longer each day this year than in 1991.

The 4 day increase from last year is one of the largest increases on record. This is due to slower income growth combined with higher Federal, State and local taxes.

In light of the misguided $164 billion tax bill that congress passed in 1990, and an increase in social security taxes, can we truly look our constituents in the eye and state with conviction that they have received their money's worth? I do not think so, Mr. President. Instead, we can look at a Government awash in debt, too often spending its money for frivolous congressional pay raises or pork barrel spending, rather than for basic services that taxpayers are willing to pay for. It is easy to spend the taxpayer's money, Mr. President. It is much more difficult to say enough is enough. I can only hope that we have put a stop to any further Federal tax increases this year.

I thank the American taxpayer today on the floor of the United States Senate, and I urge my colleagues to show their appreciation as well. It is time we all recognized that the American taxpayer has had enough of Washington's tax and spending ways.

ORDER FOR STAR PRINT—S. 2514

Mr. KERRY. Mr. President, I ask unanimous consent that S. 2514, the Child Support Tax Equity Act of 1992, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF A BILL—S. 2625

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2625, designating the Mitchell Cohen Courthouse in Camden, NJ, and that the measure then be referred to the appropriate committee, Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

OLDER AMERICANS MONTH

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from further consideration of the following joint resolutions: Senate Joint Resolution 276, designating "Older Americans Month," and Senate Joint Resolution 251, designating "National Huntington's Disease Awareness Month," and that the Senate proceed, en bloc, to their immediate consideration; that the joint resolutions be deemed read three times, passed and the motion to reconsider laid upon the table, en bloc; that the preambles be agreed to; further, that the consideration of these joint resolutions appear individually in the RECORD; and that any statements regarding the joint resolutions be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 276) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 276

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions older Americans continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the traditional designation of the month of May as "Older Americans Month", and the repeated expression by the Congress of appreciation and respect for the achievements of older Americans and of a desire that older Americans continue to play an active role in the life of the Nation, the month of May, 1992, is designated as "Older Americans Month" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

So the joint resolution (S.J. Res. 251) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 251

Whereas twenty-five thousand Americans are victims of Huntington's disease, a fatal, hereditary, neurological disorder;

Whereas an additional one hundred and twenty-five thousand Americans have a 50-percent chance of inheriting the gene responsible for Huntington's disease from an affected parent and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gensite responsible for Huntington's disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's disease, manic depression, kidney cancer, and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992 is designated as "National Huntington's disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

PUBLIC SERVICE RECOGNITION WEEK

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following joint resolutions, just received from the House; House Joint Resolution 430, designating "Public Service Recognition Week," and House Joint Resolution 466, designating "Crime Victims' Rights Week"; that the joint resolutions be deemed read three times, passed, and the motion to reconsider be laid upon the table, en bloc; that the preambles be agreed to and that any statements relating to these measures be placed in the RECORD at the appropriate place; further, that consideration of these joint resolutions appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 430) was deemed read the third time and passed.

The premable was agreed to.

So the joint resolution (H.J. Res. 466) was deemed read the third time and passed.

The preamble was agreed to.

CERTAIN EMPLOYEES OF THE CAPITOL POLICE TO RECEIVE LUMP-SUM PAYMENTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 292, submitted earlier today by Senators FORD, STEVENS, and others; that the resolution be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 292) was agreed to, as follows:

S. RES. 292

Resolved, That (a) a member or employee of the Capitol Police whose pay is disbursed by the Secretary of the Senate and who is separated from service with the Capitol Police is entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which he is entitled, based solely on his service as a member or employee of the Capitol Police.

(b) The lump-sum payment is considered to be pay for taxation purposes only. The payment shall be made by the Secretary of the Senate when certification is made by the Sergeant at Arms of the Senate to the Financial Clerk of the Senate. The certification shall state the total of the accumulated and current accrued annual leave to the credit of the member or employee of the Capitol Police, and shall be made after such member's or employee's separation from service.

(c) The lump-sum payment shall be paid at the hourly rate of compensation to which the member or employee is entitled, multiplied by the number of hours certified in subsection (b). The hourly rate of compensation of such member or employee shall be determined by dividing the employee's annual rate of compensation by 2,080. The annual rate of compensation is that rate to which the member or employee is entitled, at the time of separation, based on the applicable Capitol Police step and position level.

(d) Lump-sum payments paid to members or employees of the Capitol Police under this section shall be paid by the Secretary of the Senate from funds appropriated to the Sergeant at Arms and Doorkeeper of the Senate in a legislative appropriation Act under the heading "Capitol Police Board" and the subheadings "Capitol Police" and "Salaries" for the fiscal year in which the member or employee separates. For purposes of appropriation Acts, payments under this section shall be made available for such funds as though such payments were salaries for a Capitol Police member or employee.

(e) The provisions of this section shall not be construed to authorize the transfer of leave between the Capitol Police and any other agency of the Federal Government.

(f) The provisions of this section shall cease to be effective and shall not apply to any separation from service occurring on or after 2 years after the date of enactment of this section.

Mr. FORD. Mr. President, the objective of this resolution is to authorize certain employees of the Capitol Police to receive lump-sum payments for accumulated or accrued annual leave upon separation from serivce.

The Senate Subcommittee on Legislative Branch Appropriations noted in the committee report for fiscal year 1991, that the Capitol Police lacked the authority to make lump sum payments to retirees for unused leave. The subcommittee requested that the Capitol Police Board develop a proposal to remedy this situation. That proposal is now before us.

Lump sum payments were funded in the Senate for fiscal year 1992, through the Legislative Branch Appropriations Subcommittee, which agreed with the House to provide funds for lump sum payments. We need merely to provide the authorization for the payment.

Mr. President, lump sum payment makes simple, good economic sense. The Capitol Police have researched what it would cost to pay personnel for their accumulated leave as opposed to allowing them to continue in a leave status with full pay. In short, by enacting this legislation, the Capitol Police project a salary savings of approximately $876,438.75 in calendar year 1992.

This savings occurs because currently when personnel are placed on terminal leave, an unmanned position occurs within the Department that cannot be filled by new personnel until the individual actually goes off the payroll. To cover that unmanned position, overtime must be worked by other officers. This overtime is paid at a rate of one and one-half times the hourly salary rate. Because of this, in 1992 overtime expenses will escalate as 96 persons are placed on terminal leave at various times between now and October 1992 when they mandatorily retire. This situation is readily addressed under the lump sum payment proposal.

Lump-sum payment would contribute to the financial savings and overall efficiency of the Department in several ways. First, with lump-sum payment, the Capitol Police will be able to fill vacancies immediately upon terminal leave payoff with an employee starting at the beginning of the pay scale versus the salary cost of a veteran officer on terminal leave, thus realizing a replacement savings. Second, an overtime savings will be realized on top of the replacement savings. With lump-sum payment, a new individual may be hired immediately, thereby negating the need to work another officer overtime. However, when an officer is hired, it requires approximately 4 months of training before they are placed on the streets.

Moreover, in addition to replacement and overtime savings, a benefit savings would be realized. When an officer is carried on terminal leave, the Department must continue to fund the Government's portion of benefits for retirement, health, and life insurance. Lump-sum payment would eliminate these costs. There would be no accrual of annual leave, sick leave, or holidays that occur during the period of time they are on terminal leave nor would the individuals continue to receive any scheduled longevities or COLA's.

Finally, personnel promoted as a result of vacancies created by retirements could be paid immediately, thereby eliminating acting positions.

Mr. President, terminal leave as it stands now will cost $1,934,361.96. This calculation is based on the 96 officers who are scheduled to retire by October 31, 1992. The cost for lump-sum payment is $1,057,923.21 which realizes an overall savings of $876,438.75.

The choice is clear. With lump-sum payments we have the opportunity to remedy the problems that the Capitol Police are facing as well as save over a half a million dollars. I commend the Capitol Police for their efforts to curb costs and urge adoption of this important legislation.

THE 1992 SPECIAL OLYMPICS TORCH RELAY THROUGH THE CAPITOL GROUNDS

Mr. KERRY. Mr. President, I ask unanimous consent that the Rules committee be discharged from further consideration of Senate Concurrent Resolution 111 regarding the 1992 Special Olympics torch relay and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 111) authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 111) was agreed to, as follows:

S. CON. RES. 111

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 15, 1992, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1992 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 1, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 174. Joint resolution designating the month of May 1992 as "National Amyotrophic Lateral Sclerosis Awareness Month"; and

S.J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

Under the authority of the order of the Senate of January 3, 1991, the enrolled joint resolutions were signed on May 1, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. LENT, and Mr. BLILEY as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center located in Northhampton, Massachusetts, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the following enrolled bills were signed on May 1, 1992, during the recess of the Senate by the President pro tempore [Mr. BYRD]:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3337. An act to authorize the Secretary of the Treasury to mint a coin in commemoration of the Two-hundredth Anniversary of the White House.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on May 1, 1992 he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 174. Joint resolution designating the month of May 1992 as "National Amyotrophic Lateral Sclerosis Awareness Month";

S.J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. 2342. A bill to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgement in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.) (Rept. No. 102–277).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3117. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on foreign investment in United States agricultural land for calendar year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3118. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on upgrading Mayport Naval State to service and serve as homeport for nuclear carriers; to the Committee on Armed Services.

EC–3119. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification of a weapons system that has breached its program unit acquisition cost; to the Committee on Armed Services.

EC–3120. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification of a weapons system that has breached its program unit acquisition cost; to the Committee on Armed Services.

EC–3121. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for delays of notice and customer challenges under the provisions of the Right to Financial Privacy Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–3122. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual report on enforcement actions and initiatives for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–3123. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to make certain programs of the Department of Housing and Urban Development more cost-effective, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3124. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Colorado River System Consumptive Uses and Losses Report for 1981-1985; to the Committee on Energy and Natural Resources.

EC-3125. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a recommendation for modifications to the authorized flood damage reduction project for the South Fork Zumbro River, Rochester, Minnesota; to the Committee on Environment and Public Works.

EC-3126. A communication from the Administrator of General Services, transmitting, pursuant to law, a proposed prospectus for the leasing of space for the Department of Agriculture in Greenbelt, Maryland; to the Committee on Environment and Public Works.

EC-3127. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of proposed prospectuses; to the Committee on Environment and Public Works.

EC-3128. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to April 23, 1992; to the Committee on Foreign Relations.

EC-3129. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-188 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3130. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-189 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3131. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-190 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3132. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-191 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3133. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-192 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-193 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3135. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-194 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3136. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-195 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-196 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-197 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-198 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3140. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3141. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3142. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Corporation during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3143. A communication from the Chief of Staff, Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Office during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3144. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3145. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during November 1991; to the Committee on Governmental Affairs.

EC-3146. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3147. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the health status and health care needs of American Indians in California; to the Select Committee on Indian Affairs.

EC-3148. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for court orders made to Federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1991; to the Committee on the Judiciary.

EC-3149. A communication from the Chairman of the National Commission for Employment Policy, transmitting, pursuant to law, a report entitled "The JTPA Education-Coordination Set-Aside: States' Implementation of the Program"; to the Committee on Labor and Human Resources.

EC-3150. A communication from the Secretary of Labor, transmitting, pursuant to law, a report of the Secretary's Commission on Achieving Necessary Skills entitled "Learning a Living: A Blueprint for High Performance"; to the Committee on Labor and Human Resources.

EC-3151. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for the Upward Bound Math and Science Initiative; to the Committee on Labor and Human Resources.

EC-3152. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, certification that the Russian Federation, Ukraine, and Byelarus are committed to the course of action described in the Soviet Nuclear Risk Reduction legislation adopted in December 1991; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON:

S. 2648. A bill to suspend temporarily the duty on 3,7,11,15, tetramethyl-1-hexadecen-3-01; to the Committee on Finance.

S. 2649. A bill to suspend temporarily the duty on 2,3,5-Trimethylhydroquinone; to the Committee on Finance.

S. 2650. A bill to suspend temporarily the duty on riboflavin; to the Committee on Finance.

By Mr. WOFFORD:

S. 2651. A bill to extend through December 31, 1994, the suspension of import duties on synthetic rutile; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. COHEN, Mr. DECONCINI, Mr. SASSER, Mr. ROCKEFELLER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 2652. A bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 2653. A bill to amend the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 2654. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SYMMS:

S. 2655. A bill to extend until January 1, 1995, the existing suspension of duty on certain yttrium bearing materials and compounds; to the Committee on Finance.

By Mr. FORD:

S. 2656. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2657. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, pursuant to the order of August 4, 1977, with instructions if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. BIDEN:

S. 2658. A bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself and Mr. BOREN):

S.J. Res. 297. A joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 291. A resolution on Japan's participation in United Nations' peacekeeping operations; to the Committee on Foreign Relations.

By Mr. FORD (for himself, Mr. STEVENS, Mr. REID, and Mr. GORTON):

S. Res. 292. A resolution to authorize certain employees of the Capitol Police to receive lump-sum payments for accumulated or accrued annual leave upon separation from service, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. COHEN, Mr. DECONCINI, Mr. SASSER, Mr. ROCKEFELLER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 2652. A bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary.

HEALTH CARE FRAUD PROSECUTION ACT OF 1992

Mr. BIDEN. Mr. President, today I am introducing a bill to address the serious problem of health care fraud in this country and to provide the Federal Government with the enforcement tools it needs to fight fraud in the health care system.

The health care industry consumes a significant portion of this nation's wealth—about $738 billion last year alone. Experts say that 10 percent of these costs—$74 billion a year—are caused by fraud and abuse in the health care system. Doctors, hospitals, and other health care providers are defrauding patients, the Government, and private health insurance companies of $200 million every day.

The exploding cost of health care is causing a crisis in this country. Americans are worried about their ability to find and pay for health insurance and adequate medical treatment; we often hear about the plight of the 35 million Americans who cannot afford any medical insurance at all.

But the fact is that the $74 billion that is lost to health care fraud each year could pay for health insurance for all of those who currently lack coverage. Fraud is diverting resources away from those who need them most—those without health insurance—and sending those billions of dollars to health care providers who are rigging the system.

I want to stress that the vast majority of doctors, pharmacists, and medical equipment suppliers are honest professionals. But a few dishonest manipulators are driving up rates and threatening the integrity of our nation's health care system. Some of these fraud schemes have involved as much as $1 billion in false claims for medical services. These fraudulent operators often prey upon health care dependent elderly Americans.

Both insurance companies and the Federal Government have not done enough to prevent and prosecute fraud in the health care industry. Insurance companies have just begun to devote significant resources to detecting fraud, and can certainly do more.

But the Federal Government must lead in fighting health care fraud, and right now, there is no Federal statute specifically aimed at this serious problem.

Patients and health care insiders have no incentive to come forward with information about health care fraud.

There is no criminal penalty aimed at doctors whose fraudulent activities actually endanger a patient's health, which occurs when a doctor charges for a necessary medical test but never performs that test.

And we don't require health care cheats to pay restitution.

So doctors and health care providers who defraud patients and insurance companies rest easy in the knowledge that the Federal Government has only limited ability to investigate, prosecute, and punish.

As a result, health care providers commit about $74 billion in health care fraud every year. They submit false bills for procedures that were never conducted. They request payment for the treatment of patients who are long since deceased. They pay kickbacks to lawyers and others who steer patients to them. And they write fraudulent prescriptions to patients who then sell the prescription drugs on the black market.

Health care fraud can be difficult to detect and time consuming to investigate. Current Federal penalties are not severe enough to deter this fraud. A dermatologist who submitted $170,000 in false claims received only a 6-month prison sentence. And the owner of an ambulance service who defrauded the Government of $85,000 received only probation. Health care providers who engage in fraud should know that they will be forced to spend a substantial period in prison.

While the majority of physicians and health care providers do not engage in any of this unethical behavior, the significant minority of health care providers who do engage in fraud are costing us tens of billions of dollars every year. They must be rooted out and punished severely.

The bill I am introducing today, the Health Care Fraud Prosecution Act of 1992, corrects those deficiencies. It will enable the Government to go after doctors and hospitals and other health care providers who defraud patients, the Government, and insurance companies.

This bill will:

Double the Federal penalties for major health care fraud from 5 to 10 years imprisonment;

Allow for imprisonment up to 20 years where the fraud endangered the life of a patient or caused serious physical injury;

Enable patients and health care insiders to receive rewards for providing information that leads to the prosecution of health care cheats;

Boost funding for FBI agents and Federal prosecutors to detect and prosecute health care fraud;

Require doctors who commit fraud to pay restitution; and

Expand the Federal mail fraud statute to include private mail carriers.

Health care fraud is a problem national in scope and of enormous proportions. We need a Federal response to address the problem. This bill is a major new initiative in the field, and with it the Federal Government will be able to take a leading role in deterring and prosecuting health care fraud nationwide.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD, along with a summary of the bill, the section-by-section analysis, a factsheet about health care fraud, and several letters of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Fraud Prosecution Act of 1992".

SEC. 2. INCREASED PENALTIES FOR HEALTH CARE FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended by inserting after chapter 50A the following new chapter:

"CHAPTER 50B—HEALTH CARE FRAUD

"Sec.
"1101. Health care fraud.
"1102. Penalties.
"1103. Restitution.

"§ 1101. Health care fraud

"(a) DEFINITION.—In this section, the term 'health care provider' means—

"(1) a physician, nurse, dentist, therapist, pharmacist, or other professional provider of health care; and

"(2) a hospital, health maintenance organization, pharmacy, laboratory, clinic, or other health care facility or a provider of medical services, medical devices, medical equipment, or other medical supplies.

"(b) OFFENSE.—A health care provider that engages in conduct constituting an offense under section 1341 or 1343 for the purpose of or in connection with the provision of health care services or supplies or the payment therefor or reimbursement of the costs thereof, when—

"(1) the amount of loss caused by the fraudulent conduct exceeds $10,000; or

"(2) the offender had previously been convicted of fraud in Federal or State court,

shall be fined under this title, imprisoned in accordance with section 1102, or both.

"§ 1102. Penalties

"(a) IN GENERAL.—In the case of an offense under section 1101 not described in subsection (b) or (c), the offender shall be sentenced to a term of imprisonment of not more than 10 years.

"(b) SERIOUS PHYSICAL INJURY OR ENDANGERMENT OF LIFE OF PATIENT.—In the case of an offense under section 1101 that—

"(1) caused serious physical injury to a patient; or

"(2) endangered the life of a patient,

the offender shall be sentenced to a term of imprisonment of not more than 20 years.

"(c) DEATH OF PATIENT.—In the case of an offense under section 1101 that caused the death of a patient, the offender shall be sentenced to a term of imprisonment of not more than life.

"§ 1103. Restitution

"In sentencing an offender convicted under section 1101, the court—

"(1) shall order the offender to pay restitution to the patient and, if the payor was the United States, to the payor, for loss sustained as a result of the offender's fraudulent activity; and

"(2) may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 50A the following new item:

"50B. Health care fraud.".

SEC. 3. CIVIL AND CRIMINAL FORFEITURE OF FRAUD PROCEEDS.

(a) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) Any real or personal property that constitutes or is derived from proceeds traceable to an offense under section 1101.".

(b) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) The court, in imposing sentence on a person convicted of an offense under section 1101, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as the result of the offense.".

SEC. 4. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 1101.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal or State government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of allegations or transactions that have been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in fiscal year 1993 for the purposes of carrying out the purposes of this Act and the amendments made by this Act—

(1) $22,500,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 225 special agents and support staff to investigate health-care fraud cases;

(2) $5,000,000 to hire, equip, and train no fewer than 50 assistant United States Attorneys and support staff to prosecute health-care fraud cases; and

(3) $2,500,000 to hire, equip, and train no fewer than 25 investigators in the Office of Inspector General, Department of Health and Human Services, to be devoted exclusively to health-care fraud cases.

SEC. 6. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SUMMARY OF THE HEALTH CARE FRAUD PROSECUTION ACT OF 1992

Creates new federal penalties for mail and wire fraud committed by doctors, pharmacists and other health-care providers, punishable by up to 10 years imprisonment and fines of up to $250,000.

Doubles the penalty—to a maximum of 20 years in prison—for health-care fraud that results in serious bodily injury to the patient (e.g., where a doctor charges for a medical test, the test is never performed, and the failure causes serious injury to the patient). If the fraudulent act results in death, the provider may be sentenced to life imprisonment.

Requires health-care cheats to pay mandatory restitution to patients and government agencies.

Authorizes federal law enforcement agencies to seize and forfeit the ill-gotten profits of health-care fraud.

Authorizes rewards of up to $10,000 to patients, health-care insiders, and others for information that leads to the arrest and prosecution of health-care fraud schemes.

Expands the federal mail fraud statute to include private mail carriers (e.g., Federal Express), which are frequently used to circumvent the mail fraud law.

Boosts funding for FBI agents, federal prosecutors, and other criminal investigators to detect and prosecute health-care fraud schemes.

TEN FACTS ABOUT HEALTH CARE FRAUD

In 1991 health care fraud cost this country over $70 billion: $300 stolen for every American man, woman and child.

The amount lost to health care fraud each year could pay for health insurance for the 35 million Americans who currently lack coverage.

Federal losses due to fraud in the Medicare and Medicaid programs are estimated at close to $17 billion, yet last year the government recovered less than 1% of that amount in civil and criminal fines and settlements from fraud prosecutions in those programs.

Doctors, hospitals, and other health care providers are defrauding patients, the government and private insurance companies at the rate of $200 million every day.

The federal and state governments spent over $300 billion on health care last year, $30 billion of which went to fraud.

If the government could cut its losses from health care fraud by just one third, the savings could pay for all of the following programs: health insurance for all children and pregnant women currently uninsured; doubling federal funding for AIDS research; and, food and nutrition education for all poor children and pregnant women who are eligible but who do not currently receive such services.

The federal agency that runs Medicare and Medicaid (the Department of Health and Human Services) has only 268 agents nationwide—to monitor over $400 billion in federal spending on health care, social security and other programs.

On average, 10% of each American's health insurance premiums goes to pay for fraudulent claims.

A single fraud scheme in California involved over $1 billion in false claims for medical services.

Investing in anti-fraud activities can produce four dollars in savings—recoveries from fraudulent crooks—for every dollar spent.

THE HEALTH-CARE FRAUD PROSECUTION ACT OF 1992

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

This section provides that the Act may be cited as the "Health Care Fraud Prosecution Act of 1992."

Section 2. Increased Penalties for Health Care Fraud.

Health-care fraud may cost as much as 50 billion dollars per year, according to the Health Insurance Association of America. The "Health Care Fraud Prosecution Act of 1992" (the "Act") addresses this problem on a number of fronts, including increased penalties, mandatory restitution, and new investigative tools for federal law enforcement agencies.

Section 2 of the Act would establish a new chapter in title 18 of the United States Code to increase penalties for serious health-care fraud schemes. The proposed section 1101 of title 18, United States Code, would establish a new criminal prohibition of major health care fraud and, in conjunction with the proposed 18 U.S.C. §1102, would increase penalties for such fraud. It would cover health care fraud where the cost of the fraud is greater than $10,000 or where the defendant health care provider has previously been convicted of fraud in state or federal court. The thresholds were established to limit the application of the enhanced penalties to the most serious cases of health care fraud.

This new criminal prohibition on health care fraud would not increase federal criminal jurisdiction because it requires that there be an underlying violation of the existing mail or wire fraud statutes. See 18 U.S.C. §§1341, 1343. Currently most health care fraud is prosecuted under these statutes.

The new section 1102 would set forth the penalties for various types of health-care fraud offenses. The mail fraud statute, under which most health care fraud currently is prosecuted, allows a maximum penalty of five years imprisonment. 18 U.S.C. §1341. The new section 1102 would increase the maximum penalty for major health care fraud to ten years imprisonment. If the fraud caused serious physical injury to a patient or endangered a patient's life, the maximum penalty would be twenty years. If the fraud caused the death of a patient, the maximum penalty would be life imprisonment. This provision is similar to federal penalties under the Controlled Substances Act (21 U.S.C. Sec. 801 et seq.), which provides for life imprisonment for drug trafficking where the offense causes the death of another person. See e.q., 21 U.S.C. §841(b)(1)(A). The maximum criminal fine for health care fraud would be $250,000. See 18 U.S.C. §3571(b)(3).

Under current law, sentencing courts have the discretion to decide whether to require restitution from criminal defendants. 18 U.S.C. §3556. The new section 1103 would require courts to order that individuals and corporations convicted of health care fraud pay restitution to patients and to the federal government for any losses due to the fraud. Sentencing courts would retain the discretion to decide whether to require convicted defendants to pay restitution to state governments, insurance companies and others harmed by the fraud.

Section 3. Civil and Criminal Forfeiture of Fraud Proceeds.

Health care fraud—illegally extracting payments from patients, the government and health insurance companies—is a crime motivated by greed. This provision would make it easier for law enforcement to seize that which motivated the crime: the proceeds from the fraud.

Section 3, subsection (a), of the Act would amend 18 U.S.C. §981 and allow the U.S. government to forfeit civilly the proceeds from health care fraud. This provision is narrower than the federal civil drug forfeiture law, 21 U.S.C. §881, which permits forfeiture of any real property which is used to facilitate a drug crime. Subsection (a) tracks the language for civil forfeiture of the proceeds of financial institution fraud. See 18 U.S.C. §981(a)(1)(C).

Subsection (b) would amend 18 U.S.C. §982 and allow the government to forfeit criminally the proceeds from health care fraud. This provision tracks the language for criminal forfeiture of the proceeds of financial institution fraud. See 18 U.S.C. §982(a)(2).

Section 4. Rewards for information leading to prosecution and conviction.

Law enforcement officials rely on tips from patients, health care insiders and others to discover much of the health care fraud that they prosecute. This provision would aid law enforcement by providing an incentive for informers to come forward with information about health care fraud. It would amend 18 U.S.C. §3059 and authorize the Attorney General to award up to $10,000 for information about health care fraud. Rewards could not be granted to those who knowingly participated in the illegal activity or to government employees who learned the information in the course of their employment. This provision generally tracks the language of 18 U.S.C. §3059A, which authorizes rewards for information about financial institution offenses.

Section 5. Authorization of Appropriations.

Section 5 of the Act would increase funding for prosecutors, FBI agents, and other federal investigators to investigate and prosecute health-care fraud cases.

The Act authorizes $22,500,000 to hire, equip, and train not less than 225 new FBI special agents and support staff. This level of funding would provide sufficient resources to establish a four-person health-care fraud "working group" in each of the FBI's 56 field offices. The authorization, however, gives the FBI Director discretion as to the actual allocation of FBI agents among field offices.

The Act authorizes an additional $5,000,000 to hire not less than 50 additional Assistant United States Attorneys (AUSA) to prosecute health-care fraud cases. This level of funding provides one additional AUSA for every 4–5 new FBI special agents.

Finally, the Act authorizes $2,500,000 to hire, equip, and train not less than 25 additional investigators in the Office of Inspector General in the Department of Health and Human Services. Numerous studies have documented that there are an insufficient number of HHS investigators to track down health-care fraud cases.

Section 6. Broadening Application of Mail Fraud Statute.

Businesses, including those involved in health care, are increasingly using private interstate carriers as an alternative to the postal service for the delivery of correspondence, documents and goods. This section would expand application of the mail fraud statute to include deliveries by private interstate carriers. This language is identical to that in section 2203 of the 1991 Crime Bill Conference Report.

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, DC, April 24, 1992.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: Thank you for the opportunity to comment on the Health Care Fraud Prosecution Act of 1992. The National Association for Home Care [NAHC] is the nation's largest professional association representing providers of in-home health care and supportive services to the ill and disabled. On behalf of our 6,000 member organizations we commend you on your efforts to prevent and prosecute health care fraud.

As health care costs skyrocket and as Congress looks to find the dollars to enact comprehensive health care reform and long-term care legislation, it is particularly crucial that the dollars that are being spent by the Federal government go to legitimate care of appropriate beneficiaries. Your legislation would go a long way to help to ensure this objective. We support and applaud your efforts and would be proud to work with you on this legislation.

Please call upon us for whatever assistance you might need.

Sincerely,

DAYLE BERKE,
Director of Government Affairs.

THE SENIORS COALITION,
April 28, 1992.

Senator JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN, we at the Seniors Coalition applaud your legislation "The Health Care Fraud Prosecution Act of 1992" which will punish those health care providers who commit fraud not only against the elderly, who are hurt most, but all American taxpayers.

It is critical that health care cost be brought under control and it makes a great deal of sense to begin by tackling issues such as health care fraud.

The Seniors Coalition believes that passage of this legislation will not only cut the cost of health care, but help restore integrity to, and faith in, the health care profession.

I might add that increasing prosecution of health care fraud is a key part of our own health care proposal put together with the help of our membership and recently published in our newspaper the Senior Class.

We pledge our support and hope that Congress will move quickly to approve "The Health Care Fraud Prosecution Act of 1992."

Sincerely,

JAKE HANSEN
Executive Director.

By Mr. BRADLEY:

S. 2653. A bill to amend the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, and for other purposes; to the Committee on Energy and Natural Resources.

DELAWARE RIVER WILD AND SCENIC RIVER ACT

• Mr. BRADLEY. Mr. President, I rise today to introduce legislation which could lead to the protection and preservation of much of the Delaware River between Washington Crossing, NJ, and the Delaware Water Gap. This legislation calls for the Park Service to initiate the process to designate this stretch of the river as an addition to the Nation's inventory of wild and scenic rivers.

The bill is intended to complement the work begun in the House of Representatives by Congressman KOSTMAYER. For over a decade, the Congressman has shown real leadership on the issue of river protection and, recently, his bill—H.R. 3457—was passed by the House. It is time for the Senate to act.

My bill is not identical to Congressman KOSTMAYER's. While the river segments referred to in both bills are similar, my bill considers a larger stretch of the Delaware River. This legislation includes parts of the river in northern Hunterdon and Warren Counties that are still relatively pristine and probably deserve additional protection. Additionally, the Kostmayer legislation calls for immediate designation of 31 miles of the river as wild and scenic. The bill I'm introducing reflects the comments of the New Jersey Department of Environmental Protection and Energy [NJDEPE] and calls for a study period prior to designation. This study will allow for an assessment of detailed data on the historic and ecological values. But, just as important, it will allow for the public meetings and comments that are so necessary to the development of a feasible and effective management plan. Such a plan, which forms the heart of an overall preservation effort, must be based in the understanding and commitment of the local citizens. It is on them that much of the responsibility for protection falls.

Today I am introducing legislation that accepts the recommendations of the NJDEPE. However, I have also talked with Congressman KOSTMAYER and find many of his arguments for a more ambitious strategy compelling. Mr. President, I will be urging my colleagues on the Senate Energy Committee to hold a hearing on this issue at the earliest opportunity. I will look closely at that hearing and the comments we receive for guidance as to what is ultimately the best path to proceed by.

These stretches of the Delaware River are within an hour or two drive of roughly 25 million Americans, and it must be considered in this context. This is not Idaho or Montana. People have been settled in the Delaware River valley for over 300 years. Yet it is hard to travel this riverway and not feel compelled by its lasting beauty and rustic nature. On its banks are still rolling hills and forests, farms, and sleepy country towns. It may not be completely undeveloped, but it is largely unspoiled.

This river should not be overlooked or disregarded because of its long history. On the contrary, its situation and history provide the rationale for preservation and protection.

Mr. President, I will push for hearings and action on this bill as soon as possible. I ask unanimous consent to print the text of the bill following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware River Wild and Scenic River Act of 1992".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(____) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—(A) The river segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System by the amendment made by section 3(a) of the Delaware River Wild and Scenic River Act of 1992 that are determined eligible by the Secretary of the Interior in accordance with the amendment made by section 3(b) of such Act, to be administered by the Secretary of the Interior.

"(B)(i) In preparing the comprehensive management plan for the segments and tributaries described in subparagraph (A), the Secretary of the Interior shall work in conjunction with appropriate Federal, State, regional, and local agencies, including—

"(I) the Pennsylvania Department of Environmental Resources;

"(II) the New Jersey Department of Environmental Protection and Energy;

"(III) the Delaware River Basin Commission; and

"(IV) the Delaware and Raritan Canal Commission.

"(ii) In preparing and implementing the comprehensive management plan for the segments and tributaries described in subparagraph (A), the Secretary of the Interior shall—

"(I) consider existing State and local regulation and avoid creating duplicative regulatory authority; and

"(II) consider public input from conservation organizations, watershed associations, and private landowners.

"(C) The designation of the segments and tributaries described in subparagraph (A), and any subsequent management or development plan prepared to implement the designation, shall not be used in a proceeding or otherwise to—

"(i) preclude, prevent, restrict, or interfere with—

"(I) the completion, continued or changed operation, maintenance, repair, reconstruction, replacement, or modification of—

"(aa) the Gilbert Generating Station and associated facilities;

"(bb) the Point Pleasant Pumping Station and associated facilities; or

"(cc) any other water supply intake, waste water outfall, or pipeline crossing in existence on the date of enactment of this paragraph; or

"(II) the licensing, permitting, relicensing, or repermitting of any station or associated facility described in item (aa) or (bb) of subclause (I); or

"(ii) preclude or interfere with the licensing, permitting, construction, operation, maintenance, repair, relicensing, or repermitting of any addition to any facility described in item (aa) or (bb) of clause (i)(I), if—

"(I) the addition is outside the boundaries of the segments and tributaries described in subparagraph (A);

"(II) impounded backwater from the addition does not intrude on a segment or tributary described in subparagraph (A); and

"(III) the recreational, geologic, fish and wildlife, historic, cultural, and other similar values present in the segments and tributaries described in subparagraph (A) on the date of enactment of this Act are not unreasonably diminished by the addition.

"(D)(i) Subject to clause (ii), the designation of the segments and tributaries described in subparagraph (A), and any subsequent management or development plan prepared to implement the designation, shall not be used in a proceeding or otherwise to preclude, prevent, restrict, or interfere with—

"(I) the present or future access to, or operation, maintenance, repair, reconstruction, replacement, or modification of, any electric or gas transmission or distribution line across the segments and tributaries described in subparagraph (A); or

"(II) the licensing, permitting, relicensing, or repermitting of any electric or gas transmission or distribution line across the segments and tributaries described in subparagraph (A).

"(ii) Each electric or gas transmission or distribution line constructed across a segment or tributary described in subparagraph (A) after the date of enactment of this paragraph shall be located no further than ½ mile from the centering of any transmission or distribution line across the segment or tributary as in existence on the date of enactment of this paragraph.".

SEC. 3. WILD AND SCENIC RIVER STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"(____) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—(A) The approximately 7.2-mile segment from the Erie Lackawanna Railroad Bridge to the northern border of the town of Belvidere, New Jersey.

"(B) The approximately 12.5-mile segment from the southern border of the town of Belvidere, New Jersey, to the northern border of the city of Easton, Pennsylvania.

"(C) The approximately 9.5-mile segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of the Gilbert Generating Station.

"(D) The approximately 14.2-mile segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station.

"(E) The approximately 6.5-mile segment from a point just south of the Point Pleasant Pumping Station to the north side of the Route 202 bridge.

"(F) The approximately 6-mile segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania.

"(G) The Cook's Creek tributary.

"(H) The Tinicum Creek tributary.

"(I) The Tohickon Creek tributary.".

(b) ELIGIBILITY STUDY AND REPORT.—Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"(____)(A) The study of the river segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System by the amendment made by section 3(a) of the Delaware River Wild and Scenic River Act of 1992 shall—

"(i) be completed and the report submitted to Congress not later than 1 year after the date of enactment of this paragraph; and

"(ii) include a determination of the eligibility (in accordance with subparagraph (B)) of each segment and tributary for designation as a component of the National Wild and Scenic Rivers System.

"(B) A segment or tributary described in subparagraph (A) shall be eligible for designation as a component of the National Wild and Scenic Rivers System if the segment or tributary—

"(i) is free-flowing;

"(ii) possesses in conjunction with related adjacent land areas at least one recreational, geologic, fish and wildlife, historic, cultural, or similar value that the Secretary of the Interior determines to be outstanding;

"(iii) is largely undeveloped; and

"(iv) meets such other criteria as the Secretary of the Interior determines to be appropriate.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.•

By Mr. DECONCINI:

S. 2654. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure efficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

LAND AND WATER CONSERVATION FUND AMENDMENTS

• Mr. DECONCINI. Mr. President, the events of the past week on the west coast have reinforced the conviction in my mind that there is a need for this country to reorder its own priorities. We in Congress must accept the responsibility of leading that change. Today, I propose a small step down that new road. I do not pretend that it will solve all our problems. I ask, however, that we begin.

Today, as a small, but significant step in that direction, I am introducing the Land and Water Conservation Fund Amendments of 1992. This legislation will require that we live up to the commitment we made to all of our citizens to provide outdoor recreation opportunities. While an unfortunate and tragic coincidence, what happened in Los Angeles last week points, at least in part, to the need for this legislation. We must refocus our attention to the needs of our cities.

The land and water conservation fund was established in 1964 to fund Federal and State programs for outdoor recreation. Sources of funding were provided, including user fees and surplus property sales. Most importantly, revenue from offshore oil and gas leasing activities was provided as a principal source of revenue for the land and water conservation fund. By doing this, Congress provided that the depletion of one nonrenewable public resource—offshore oil and gas deposits—would be earmarked as the means by which our most important and indefinitely renewable resource—our people—would receive opportunities for healthy, safe, outdoor recreation.

We can provide those opportunities and meet the needs of our citizens for recreation even in tough economic times. This year, it is estimated that revenue produced from all of the funding sources which support the land and water conservation fund activities will be nearly $880 million. Current law sets the annual appropriation ceiling for Federal and State purposes at $900 million. However, the President requested in his fiscal year 1993 budget only $366 million, and most of that is for Federal land acquisitions. The land and water conservation fund presently reflects a cumulative balance at the end of the year of $8.5 billion which should have been available for State and Federal outdoor recreation purposes.

The land and water conservation fund has been the principal source of funding for national parks, national recreation areas, wildlife refuges, wetlands protection, and other important Federal land acquisitions since 1964. No one, least of all this Senator, would deny that the fund has been of inestimable public benefit to our country. However, serious problems have crept into the process of administering the fund. Over the years, those problems have grown to a point where, in my opinion, legislation is required to fix them.

This legislation is not intended in any way to disparage our national goals of protecting wildlife habitat and wilderness areas; rather, it is intended to redress other areas of recreation opportunities that have been neglected in the recent past. To make my point, I need simply ask what we spent in inner-city Los Angeles or surrounding communities while we were spending millions in acquiring Federal land in the Santa Monica Mountains? There are lists of projects in that area for picnic tables, playgrounds, playing fields, and for improved handicapped access that went—and are going—unfulfilled. Could we have helped change the face of past days, even a little?

The problems can be very simply stated:

First, although the land and water conservation fund was originally created to respond to a clearly identified need to supply present and future outdoor recreational opportunities for our people and to meet those needs through a partnership between Federal, State, and local agencies, we have allowed ourselves to be diverted from the original goals and partnership. We have focussed almost solely on the Federal land acquisition side of that relationship. In recent years, virtually all the money was spent to buy land for Federal agencies to manage. Very little money since 1980, and less and less more recently, was channeled through the State grants program for State and local projects. That imbalance in the distribution of the funding has left the majority of our citizens with less real access to outdoor recreation than the original land and water conservation fund intended. We must correct that imbalance.

State projects are varied. Many, if not most, involve the purchase and development of parks. Some State park projects are large. Some park projects include large-scale facilities such as marinas or multiple playing fields. Some parks are specialized, protecting archeological or cultural sites or specific natural resources. Some projects are within or adjoining already established areas and are smaller in scale. These projects range from paved or graveled paths, seating, and lighting to providing picnic tables, restrooms, playgrounds, or updating playground equipment. Most State or local projects include more than one type of activity and incorporate not only needs for many kinds of human activities, but also environmental goals such as wetland protection, urban habitats for wildlife, or reintroduction of wildlife to areas. Projects may be targeted for urban areas now rundown or blighted and in need of restoration and revitalization. Small rural areas and communities in need of recreational resources for their children and older citizens also benefit from the stateside component of the land and water conservation fund. These projects are all a real investment in the basic infrastructure of our Nation and our communities.

Second, vast revenues are produced every year, primarily from depletion of the public resources in oil and gas on the Outer Continental Shelf. Those revenues were originally intended to fund our investment in public recreation. Literally billions of dollars are reported to have been collected from the sales or receipts of disposal of public property or resources. That money should have gone to alleviate the human needs for the public health and social benefits supplied from recreational opportunities furnished through the fund. We did not spend that money for the purposes which we, or our predecessors in Congress, had set for it. Instead, the President did not request and the Congress did not appropriate funds near the annual ceilings set for land and water conservation fund purposes. The result is that, although the Federal acquisition side received many times what the States did, neither Federal nor State agencies received what they could have—and were intended to receive. I am deeply troubled by the fact that, despite many hearings held on other legislation affecting the land and water conservation fund, it is still not clear exactly where all the nonappropriated funds were spent. We seem only to know that we did not spend them on the permanent investment in our people and their access to recreational resources. We have the obligation to correct that problem.

Third, although our native American and Alaska Native citizens are entitled to derive benefits from the fund, it has never been clear how tribal governments could participate in obtaining grant funding for the needs of their people. We must address that problem as well. We need to clearly set out a process by which our first citizens can receive funds for their programs without infringing on their right to express their inherent tribal sovereignty.

I would like now to provide the historical backdrop for the establishment of the land and water conservation fund.

In 1958, Congress enacted legislation authorizing the Outdoor Recreation Resources Review Commission. We charged it to determine needs of the United States for outdoor recreation through the year 2000. The Commission performed its work admirably and gave us its final report in 1962. The Commission found, among other things, a swift growth in demand for recreational opportunities after World War II which was not being met with adequate funding for the acquisition and development of recreational facilities. The Commission found outdoor recreation opportunities to be a public health requirement, and an essential public service deserving full consideration in the budget process. One of the recommendations made by the Commission was a Federal program of grants-in-aid to provide matching funds to States to stimulate recreation planning and to assist in the development of facilities and land for public outdoor recreation. In response to the Commission's report in 1964, Congress enacted the land and water conservation fund.

Since 1964, public needs for outdoor recreation have grown phenomenally, far beyond what anyone could have foreseen after World War II. In a society that spends most of its working life indoors, seated, outdoor recreation is not merely desirable, it is a real necessity of life. Health experts tell us that we will all die younger, sooner, if we do not exercise. We all need safe places to jog, to walk, to swim, or to row. Mentally and spiritually, we desperately need urban parks with trees and flowers and birds to restore the equilibrium of our spirits.

Today, even more than in 1964, we are a society that increasingly is bound to an urban, concrete existence. There are increasing numbers of children and young adults with nothing to do and no where to go in their leisure time. The energy level of these young bodies is as high as it has always been. Yet, there are fewer healthy, safe, and beneficial ways to use that energy. I do not say that outdoor recreation is a salvation alone in the face of drugs, depression, and despair. However, we can show that in cities where we offer meaningful outdoor recreational opportunities for their youth, gang-related activities go down, crimes of vandalism go down. Our youth need open space and recreation—and we owe it to them and to ourselves to provide it. If building a park or a playground or providing a swimming pool or a basketball court will keep youngsters off street corners and involve them in something better than gangs, I say—let's do it.

I am sure that there will be those people who will say that what I propose is frivolous. Some people will even say that what I propose cannot be done except at the expense of other very worthwhile projects. Well, I do not think that living up to the purpose of providing a permanent, long-term capital investment in the healthy environment of our country and the health of our citizens is frivolous. I believe that our people, our landscape, and our society are very serious topics, and I think they are worth the money. For the foreseeable future, the leasing of the public oil and gas resources offshore is going to continue and already leased lands are going to produce large amounts of money. Mr. President, I firmly believe that money produced from depletion of a resource belonging to all the people should be reinvested in outdoor recreation areas and developments which are a part of the permanent estate of this Nation. That money should buy assets for the use, benefit, and enjoyment of all its citizens now and in the future.

For those who say this cannot now be done, because in recent years that money has been diverted to other things and those other programs are now dependent on that money, I say, "what things," and "how much" are those programs receiving? It may very well be that the priorities should be changed. It is certainly true that until we know where the excess funds we left unappropriated for Federal, State, and local outdoor recreation uses were in fact used, we can make no good judgments on the priorities which should be met. In the meantime, we do know what we should have been doing, and what we did not do. I think it is appropriate to make a serious course correction now in favor of a healthy people and a healthy environment.

I also want to remind my colleagues of another fact—the mere acquisition of land does not ensure access or use. Land acquisition in and of itself does not create jobs. However, when land or water interests are acquired for a public recreation purpose, jobs are created. There is work in planning and appraising. Building parks and facilities employs construction workers, and running parks and facilities requires additional manpower for myriad other services. The existence of parks and recreation facilities in urban and suburban areas increases property values. In short, spending money to acquire lands and waters and to develop recreational facilities, especially near population centers, is good economics. Since State projects require matching funds to qualify for Federal funding under the land and conservation fund, this economic return is relatively quick. Jobs can be created within 2 to 5 months for a project receiving approval for funding. I do not say that increasing the State grants-in-aid program will solve our Nation's economic ills or eliminate unemployment. I can state that legislation increasing State grants can be a component of local economic recovery. Every job counts to the man or woman who needs one. Each job we create, even indirectly, is one more ray of hope for a person.

The preference for Federal expenditures over State grants exists despite the fact that States must provide matching funds on a 50/50 basis for their projects. Today, I can show you two thick documents which States have presented that list more than 1,000 recreational projects for which they have already guaranteed matching funding of $500 million. Those projects cannot be implemented because there is no matching Federal appropriated grant funding from the land and water conservation fund. These are projects which people need. They are often projects which would provide immediate local jobs as well as recreational opportunities. These are projects which State and local officials tell us could decrease crime in their cities. But, these State projects are not being funded, and they should be.

I want to be very clear. I am not proposing that we cease Federal land acquisitions. I am not proposing that we cut funding for Federal purposes. I do say, very bluntly, that we can make the pie bigger and we can be sure that all of our citizens and their representative interests have an equitable portion of that pie. If the pie is bigger, even if the State grants-in-aid program receives a larger proportion, the actual dollars going to the Federal side of the partnership will not be decreased. It is to solve the problems I have noted that I am today introducing the Land and Water Conservation Amendments of 1992.

My legislation requires us to spend from the steadily flowing revenues produced from the depletion of the public resources an amount of money each year equal to at least twice what we appropriated for the programs authorized under the land and water conservation fund this year. I suggest that we set for ourselves the goal of annually appropriating near the authorized ceiling, based upon the actual revenue which comes in. My legislation requires that we divide that larger sum equally between Federal land acquisitions and the State-grants-in-aid program. I have made provision for allowing our native American citizens to participate in the fund, and I have allowed the agencies who administer the funds a wider option of utilizing nonprofit organizations to plan and develop projects, provided title to lands and waters purchased are forever restricted for public use and benefit.

I introduce this legislation to correct existing problems and to return to the original intention of the land and water conservation fund. We can afford to do what we should have done for years, give all of our citizens chances for safe and healthy lives that include outdoor recreation. I hope that my colleagues will join me in passing this legislation.

Mr. President, I ask unanimous consent that letters of support from the National Recreation and Parks Association, the National Association of State Outdoor Recreation Liaison Officers, the Governor of my own State of Arizona, and the Governors of Arkansas, Florida, Idaho, Kansas, Montana, Nevada, Rhode Island, South Dakota, and Wyoming be included in the RECORD at this point.

Mr. President, I also ask unanimous consent to include in the RECORD a summary of my legislation and the full text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land and Water Conservation Fund Amendments of 1992".

SEC. 2. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) was enacted to assist in preserving, developing, and assuring accessibility to all citizens of the United States of the present and future generations, such quality and quantity of outdoor recreation resources as are desirable for individual active participation in recreation and to strengthen the health and vitality of the citizens.

(2) In order to accomplish the purposes of such Act, Congress authorized funding to assist variously in the planning, acquisition, and development of necessary land and water areas by government agencies.

(3) The States and local governments occupy a pivotal role in accomplishing the purposes of such Act.

(4) Restoration of the existing recreation infrastructure and expansion of State and local recreation resources to meet population increases and demographic changes require a secure and predictable base of funding.

(5) In order for adequate public recreation uses to continue, Federal, State, and local resources are in need of maintenance, rehabilitation, and construction.

(6) The continuing decay of public structures and systems necessary for recreation uses has now reached emergency proportions across the United States and necessitates immediate corrective action by Congress.

(7) Congress intended that outdoor recreation investments in public lands and waters and selected facilities be funded through the Land and Water Conservation Fund from—

(A) receipts produced from those investments;

(B) revenue produced from Outer Continental Shelf leases and royalties, which reflects the depletion of a nonrenewable natural resource; and

(C) proceeds from sales of surplus Federal property.

(8) Congress intended that the revenue produced from offshore oil and gas leases and royalties and the depletion of the nonrenewable natural resource result in a legacy of public places accessible for public recreation use and benefit from resources belonging to all people, of all generations, and the enhancement of the most precious and most renewable natural resource of any nation—healthy and active citizens.

(9) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) originally provided an equitable proportion of funds guaranteeing the States, and through the States, local governments, 60 percent of available funds in recognition of their pivotal role in providing realistically available public outdoor recreation.

(10) The original intention of such Act has not been carried forward in practice.

(11) Subsequent amendments to such Act have resulted in a significant reduction in the proportion of funds allocated to the States relative to the proportion available for Federal purposes.

(12) The States have not received an equitable proportion of funds sufficient to encourage the public recreational partnership envisioned by Congress or consistent with the State and local pivotal roles in providing public outdoor recreation.

(13) It is necessary to rectify apportionment of available funds in order to carry forward the original intention of such Act, for States to receive their full share, and to avoid a long-term national deficit of recreation investment.

(14) Sufficient revenue is produced annually from the sources identified for the Land and Water Conservation Fund to provide for equitably proportioned funds for the Federal, State, and local outdoor recreation uses originally intended by Congress without the need to resort to other funding or to impact one use at the expense of the others.

(15) In addition to the benefits of recreation to public health, recreation and the availability of recreation resources are effective in lowering vandalism and juvenile crime, and provide healthy environments for public accommodation, enjoyment, and exercise.

(16) Urban and land use planners urgently recommend the increased use of "green spaces" in urbanized areas in order to mitigate environmental and population impacts and to protect surface and subsurface waters and wetlands that occur in or near large populated areas.

(17) The population of the United States continues to expand while access to open space continues to decrease in many regions of the United States, especially in and near metropolitan areas.

(18) State governments and local communities are increasingly hard-pressed to provide adequate funds for recreation and for environmental protection and resource conservation.

(19) The recreation and open space needs of States and local communities represent a more dynamic and fluid environment that requires greater flexibility in the ways in which Federal funds can be used by States and communities.

(20) Sound environmental practices, urban planning and emergency preparedness, and recreation are compatible and consistent uses of public lands and resources and should be actively encouraged in the planning, development, and acquisition of lands and waters for public access and for recreation.

(b) PURPOSE.—The purposes of this Act are—

(1) to strengthen the dedication of the United States to the goal of providing adequate recreation opportunities to all citizens; and

(2) to ensure that—

(A) adequate facilities are created and maintained on public lands and waters to facilitate recreation opportunities consistent with the purposes for which the lands and waters are acquired;

(B) whenever possible multipurpose planning occurs to coordinate between the Federal Government and the States the expenditures of public funds for both wise acquisition and use of lands and waters for recreation uses and compliance with laws protecting the environment and public health; and

(C) the public lands and waters acquired for recreation are preserved, conserved, and maintained for present and future uses of citizens of the United States.

(c) POLICY.—It is the policy of Congress that—

(1) funds covered into the Land and Water Conservation Fund should to the extent possible be fully appropriated within the authorization for each fiscal year;

(2) all funds appropriated should be disbursed in accordance with the formula established in section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(b)) so that the State and local governments receive an equitable portion of funds in recognition of their pivotal role in establishing, maintaining, and preserving meaningful recreation opportunities for all citizens; and

(3) in expending funds for recreation purposes, both the Federal Government and the States should—

(A) to the greatest extent possible recognize that lands and waters appropriate for recreation can simultaneously serve other necessary and desirable environmental or public health or safety purposes; and

(B) accord a priority to the acquisition of lands and waters that serve these multipurpose uses.

SEC. 3. APPROPRIATIONS FROM AND ALLOCATION OF FUND.

Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–7) is amended—

(1) by designating the first and second sentences as subsection (a);

(2) by designating the third through last sentences as subsection (b); and

(3) by striking subsection (a) (as so designated) and inserting the following new subsection:

"(a)(1) There shall be submitted with the annual budget of the United States a comprehensive statement of the estimated requirements during the ensuing fiscal year for appropriations from the fund for land acquisition by eligible Federal agencies pursuant to section 7 and for land acquisition by States and local governments pursuant to section 6.

"(2) For each fiscal year, there shall be made available from the fund an amount that is not less than twice the amount that was made available to carry out section 7(a)(1) for fiscal year 1992.

"(3)(A) Subject to subparagraph (B), and in each fiscal year, 50 percent of the estimated requirements referred to in paragraph (1) shall be designated for, and 50 percent of the amounts made available from the fund shall be used to carry out Federal purposes as described in section 7.

"(B) If the requirement of subparagraph (A) with respect to amounts made available from the fund is not met, funds made available for Federal purposes as described in section 7 shall be reduced and funds made available for financial assistance to States pursuant to section 6 shall be increased so that the amounts are equal.".

SEC. 4. FUNDS FOR INDIAN TRIBES.

Section 6(b)(5) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(b)(5)) is amended—

(1) by inserting "(A)" after "(5)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i)(I) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Village Corporations (as defined in section 3(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(j)) (except for those tribes and Village Corporations that enter into agreements pursuant to clause (ii)) shall be treated collectively as one State and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule in accordance with subclause (II).

"(II) The rule shall ensure that in each fiscal year no single tribe or Village Corporation receives more than 10 percent of the total amount made available to all tribes and Village Corporations pursuant to the apportionment under paragraph (1).

"(III) Funds received by an Indian tribe or Village Corporation under this clause may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).

"(ii)(I) In each fiscal year, in lieu of receiving funds under clause (i), a tribe or Village Corporation may establish by written agreement with the State in which the tribe is located the right of the tribe or Village Corporation to compete for a portion of the funds made available to the State pursuant to this section.

"(II) Each State's comprehensive statewide outdoor recreation plan shall describe any agreement entered into pursuant to subclause (I).".

SEC. 5. MULTIPURPOSE ACQUISITIONS BY STATES.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking "Payments" and inserting "(1) Except as provided in paragraph (2), payments"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding subsection (f)(3), payments to a State shall cover not more than 80 percent of the cost of each acquisition project undertaken by the State that—

"(i) is a multipurpose project in that the lands or waters to be protected are identified in a State or local recreation resource plan prepared pursuant to subsection (d), or a comparable public document, as appropriate for multiple public purposes in accordance with subparagraph (B); and

"(ii) is granted a high priority in the State's comprehensive statewide outdoor recreation plan prepared pursuant to subsection (d).

"(B) A project is appropriate for multiple public purposes if the project provides public recreation use and—

"(i) provides a natural or landscaped alternative transportation route;

"(ii) provides wildlife habitat;

"(iii) results in the improvement of air and water quality;

"(iv) results in increased flood control;

"(v) results in enhanced social, aesthetic, or environmental conditions in a neighborhood or community;

"(vi) provides other attributes of recreation space important to human health and welfare;

"(vii) enables the State or unit of local government to comply with a Federal, State, or local law that serves an environmental, public health, or public safety purpose; or

"(viii) meets more than one of the conditions described in clauses (i) through (vii)."; and

(2) in subsection (e)(1)—

(A) by designating the first and second sentences as subparagraphs (A) and (C), respectively; and

(B) by inserting after subparagraph (A) (as so designated) the following new subparagraph:

"(B) Notwithstanding subsection (b)(2), in providing financial assistance for acquisitions, the Secretary shall give highest priority to projects described in subsection (c)(2).".

SEC. 6. MAINTENANCE AND SECURITY NEEDS AND SHELTERED FACILITIES FOR STATES.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended—

(1) in subsection (a), by striking "or (3) development" and inserting "(3) development, (4) maintenance, or (5) security"; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ": *Provided*," and all that follows through the end of the paragraph and inserting a period; and

(B) by adding at the end the following new paragraphs:

"(3) MAINTENANCE, SECURITY, AND SHELTERED FACILITIES.—(A) Subject to subparagraph (B)—

"(i) for maintenance of facilities acquired and developed with financial assistance provided pursuant to this section;

"(ii) for costs of law enforcement and security personnel and other security measures that are necessary to ensure safe public access to and recreation use of lands and waters acquired with financial assistance provided pursuant to this section, except that not more than 10 percent of the funds used to carry out this clause may be used for personnel costs; and

"(iii) for development of sheltered facilities for public health or safety in connection with projects otherwise eligible for assistance under this section, including facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use made possible by the facilities justifies the construction of the facilities.

"(B) In each fiscal year, the Secretary may allocate not more than 30 percent of the total amount of financial assistance provided to each State for the purposes described in subparagraph (A).".

SEC. 7. PAYMENTS TO PRIVATE NONPROFIT ORGANIZATIONS.

Section 6(f)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(2)) is amended—

(1) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

(2) by adding at the end the following new subparagraph:

"(C)(i) If consistent with an approved project, the State, political subdivision, or other appropriate public agency receiving funds pursuant to this paragraph may transfer funds to be used in accordance with clauses (ii) and (iii) to a private nonprofit organization that meets the requirements of clause (iv).

"(ii) Funds received pursuant to clause (i)—

"(I) may be used for projects approved in writing by the grantor of the funds and only in association with—

"(aa) the acquisition of lands or interests in lands; and

"(bb) the development of recreation facilities; and

"(II) may not be used for administrative expenses.

"(iii) A private nonprofit organization that uses funds for acquisition shall itself hold, or shall convey in perpetuity in a timely manner, for public benefit, such interest as it may acquire to a recipient determined to be appropriate by the grantor of the funds.

"(iv) A private nonprofit organization may receive funds pursuant to clause (i) if the organization—

"(I) is qualified for exemption from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986;

"(II) includes among its purposes the conservation of recreation resources or the providing of, or enhancement or protection of, outdoor recreation opportunities;

"(III) meets and complies with such guidelines for the receipt and use of the funds as are established by the Secretary; and

"(IV) provides full accountability for the use of the funds.

"(v) It is the intent of Congress that funds transferred and utilized by a private nonprofit organization pursuant to this subparagraph will result in a greater public benefit than would the utilization of the funds exclusively by a governmental entity.".

SEC. 8. MAINTENANCE OF EFFORT.

(a) STATES.—Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may not provide financial assistance to a State under this Act unless the State agrees to maintain the expenditures of the State for purposes other than acquisition at a level equal to not less than 80 percent of the average level of the expenditures maintained for the 5 fiscal years preceding the fiscal year for which the financial assistance is provided.".

(b) FEDERAL RECIPIENTS.—Section 7 of such Act (16 U.S.C. 460l–9) is amended by adding at the end the following new subsection:

"(d) MAINTENANCE OF EFFORT.—In utilizing funds received under this Act, each Federal recipient shall maintain the expenditures of the Federal recipient for purposes other than acquisition at a level equal to not less than the level of the expenditures maintained for the fiscal year preceding the fiscal year for which the funds are received.".

LEGISLATIVE SUMMARY OF THE LAND AND WATER CONSERVATION FUND AMENDMENTS OF 1992

SECTION-BY-SECTION ANALYSIS

Section 1. Section 1. is the Short Title for the legislation.

Section 2. Section 2. contains the findings which support the legislation, defines its purposes and states the policy served by the legislation.

Section 3. Section 3. amends the Land and Water Conservation Fund (LWCF) to eliminating the current formula apportioning the fund between Federal and State participants.

The legislation requires an annual report to be submitted with the budget request providing a comprehensive statement of the estimated needs and requests for appropriations from the fund. The Section enlarges the total funding available for both Federal and States to divide by requiring that at least twice the total funding allocated in FY 1992 be made available from the LWCF. A new formula is substituted and gives 50% to the Federal and 50% to State purposes. A special subsection requires that if the 50% division is not maintained, the amount allocated to the Federal share will be diminished by an equal amount allocated to the State apportionment until equality in the division of the total between the two purposes is achieved.

Section 4. Section 4. amends the existing legislation to clarify participation in the LWCF by Native Americans. The proposed legislation recognizes the principle of tribal sovereignty by providing a defined set of options for the participation of Native American tribal governments and Alaska native villages and corporations in the grant process for state outdoor recreation purposes.

The legislation provides as one option a process in which all Native American tribal governments and Alaska native villages and corporations are recognized collectively on a basis equivalent to that afforded the States and receive as a collective entity a proportion of all funding allocated to grants funding for State and local purposes. The Secretary of the Interior is required to provide a rule a method by which the National Park Service, which administers State and local grant program will award grants among the requests for funding received from the participating Native American tribal governments or Alaska native village or corporations.

A second option, to be used solely at the discretion of a tribe, village or corporation, allows the Native American entity to enter into an agreement with the State and to participate under State auspices on a footing similar to those of other local organizations which may receive funding under the State grant process within the allocation granted to that State. The options are exclusive alternatives and a tribe, village or corporation may not receive grant funding under both processes but must elect one or the other option when it seeks LWCF funding for its outdoor recreation programs.

Both options are subject to the preference priority in LWCF funding grants for multipurpose projects which is established by this amendment. No tribe, village or corporation when competing among themselves for collective grant funding may receive more than 10% of the total allocation for all tribes, villages or corporation outdoor recreational purposes in any one fiscal year.

Section 5. Section 5. amends the existing legislation to provide a new second formula for apportioning grant funding for State purposes. A preference is given to multipurpose acquisitions of lands and waters which allows 80% of such acquisitions to be funded through LWCF. The proposed legislation defines multipurpose acquisitions and includes greenways and open space preserves as well as lands and waters which have outdoor recreational potential and will also meet needs established by environmental or other conservation laws passed by Federal, State or local government bodies. Those areas are entitled to participation in the programs for LWCF funding by acquisition by either State or local agencies. These areas are specifically included in those areas to be afforded multi-purpose preference priority funding in grant applications under the state grant program when given a priority in the State Outdoor Recreation Plan.

Section 6. Section 6 amends existing law to allow agencies receiving state grant funds to use up to 30% LWCF funding for maintenance and development purposes which were previously prohibited. In addition the legislation clarifies that the funding from LWCF which is used for maintenance and development may also be used for the purpose of ensuring security on the acquired lands and waters. The security which may be provided may include both physical structures such as fencing or lighting and pay for personnel whether as police, guards or monitors so long as the personnel costs do not exceed 10% of the funding used from LWCF for the maintenance, development and security purposes. Similarly, States are also specifically allowed to use LWCF funds for development of sheltered facilities for outdoor recreation when climate and increased opportunities for public use warrant.

Section 7. Section 7 amends the existing legislation to allow private non-profit organizations which meet certain conditions to participate in obtaining matching fund grants from States which have received an allocation under the LWCF appropriation. Funds may not be used by a private non-profit organization for any administrative expenses. If the organization uses the funds for the purpose of acquiring interests in lands or waters, the interest must be conveyed in perpetuity to the State for public benefit or held by the organization for that purpose.

Section 8. Section 8 provides for implementation of the purpose and policy of the legislation by prohibiting the secretary from granting a State LWCF financial assistance unless the State agrees as a condition of receiving the funding to agree to maintain program expenditures at a level of 80% of the average of the five fiscal years preceding the year for which the grant is sought. Federal agencies receiving LWCF funding to be used for maintenance, development or security purposes on acquired lands or waters as well as for land or water acquisition are required to maintain the level of expenditures budgeted for program purposes other than acquisition in the preceding fiscal year.

NATIONAL ASSOCIATION OF STATE OUTDOOR RECREATION LIAISON OFFICERS,
Tallahassee, FL, May 1, 1992.

DEAR MEMBERS OF CONGRESS: Twenty five years ago, the federal government embarked on an incredible journey. The destination was the protection of our outdoor heritage. The fuel was the re-investment of the proceeds from the use of our depletable natural resources. The vehicle was the Land and Water Conservation Fund.

The journey was incredible because the front seat passengers included state and local governments. You decided that you wouldn't reach your destination unless these partners "chipped in" with their local resources for more fuel.

Some years ago, we made a wrong turn. State and local governments were put in the back seat. Perhaps, we went there too quietly.

The consequences were predictable. Our destination is further away and we are running out of fuel.

We applaud the DeConcini Amendment to the Land and Water Conservation Fund as the roadmap to put us back on course. We are ready to put hundreds of millions of dollars into the tank. We encourage you to join Senator DeConcini, our organization, and all of the others who seek a future that retains our heritage.

Sincerely,
KENNETH E. TRAVOUS,
President.

NATIONAL RECREATION AND PARK ASSOCIATION,
Arlington, VA, May 4, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: We commend you for your initiative to strengthen the Land and Water Conservation Fund public partnership so critical to recreation resource investment and access. We hope that the Congress will quickly consider the imperative for recreation opportunity of the highest quality for all people.

Investment in recreation and park resources, especially in local and state systems, must be an increasing priority for resource conservation, social equity and human well-being. In the context of resource conservation, for example, despite depressed economic conditions the rapid development of land continues without full consideration of long-term recreation resource and access needs. LWCF assistance is needed now to encourage conservation. Most critical the protection of resources in key locations in terms of recreation access and population density, and sites with specific sought-after features, including water.

In a social context, recreation opportunity is increasingly perceived—and is functioning—to alleviate stress and enhance the quality of life. In Phoenix, Arizona, for example, calls for police assistance dropped to 17 percent while special recreation opportunities were offered in selected neighborhoods. "At risk" youth in Olympia, Washington recently urged the city council to continue its support for "street counseling" through a recreation outreach initiative. Dallas, Texas' parks and recreation "gang intervention" program is credited with important progress in reducing violence. The Administration's 1990 Health Goals for a Nation recommended improved access and greater investment in community recreation resources, including aquatic facilities and places to safely walk, to prevent disease and promote health.

In a national context, research by our organization and others has indicated that state and local governments anticipate investment needs of about $37.27 billion for park and recreation systems in the 1990–1994 period. Of the total, local systems anticipated the larger needs—about $30.4 billion.

About 25 percent of the total was needed for land conservation; 50 percent for new construction; and 25 percent for rehabilitation. It is highly unlikely that these needs have changed in the context of the present recession. What has changed, however, is local and state governments' capacity to address them.

The fiscal resources to support Land and Water Conservation Fund local, state and federal strategies have been collected and should be committed to the program. The authorized but unappropriated LWCF balance is expected to total $8,944,587,000 at the end of the fiscal year, if the Administration's fiscal year 1993 recommended level is appropriated. Further, total Outer Continental Shelf rent, bonus and royalty receipts will be about $2,370,000,000, an estimated $812,190,000 of which would be credited to LWCF.

Public debate today increasingly uses the term "prevention": In the context of juvenile justice and delinquency prevention; in personal and public health; in substance abuse strategies; and in environmental maintenance. Public recreation agencies, resources, and services are often quiet but integral parts of public and private strategies to address these issues. Your proposal will bring increased recognition to the need for enlightened policy and public investment.

We look forward to contributing to this process.

Sincerely,

R. DEAN TICE,
Executive Director.

STATE OF ARIZONA,
Phoenix, AZ, May 1, 1992.
Hon. DENNIS DECONCINI,
U.S. Senator, Washington, DC.

DEAR SENATOR DECONCINI: Last year the Western Governor's Association passed a resolution calling for Congress to amend the Land and Water Conservation Fund. The amendment would re-establish the partnership between the Federal and State governments in providing outdoor recreation opportunities across this great land.

The states stand ready to match the federal government's allocation to this program at $500 million next year. The matching dollar requirement in the act, however, is but a small part of the value of this program. The legacy of the act is found in the areas that are protected through people at many levels of government working together.

I am pleased to hear that our request is the cornerstone of your proposed legislation. I call on your fellow congressman to join in your effort.

Sincerely,

FIFE SYMINGTON,
Governor.

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, AR, May 1, 1992.
Hon. DALE BUMPERS,
U.S. Senator, Washington, DC.

DEAR DALE: I am writing to ask for your help in support of an amendment to the Land and Water Conservation Fund (LWCF) Act. The proposed amendment would reestablish the formula by which annual LWCF appropriations are divided between federal and state governments. Use of this formula will help ensure larger stateside allocations.

Outdoor recreation development grants made possible through this fund have made great improvements to the quality of life enjoyed by many Arkansas communities. A higher level of allocation to the stateside portion of the fund would provide continued development of these valuable resources.

Your assistance in increasing the stateside allocation from the LWCF would be a great service to the State of Arkansas. If we can provide you with additional information or answer any questions, please call Richard W. Davies, Executive Director of the Department of Parks and Tourism at (501) 682-2535.

Sincerely,

BILL CLINTON.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, May 4, 1992.
Hon. DENNIS DECONCINI,
U.S. Senator, Washington, DC.

DEAR DENNIS: I am pleased to support your efforts to amend the Land and Water Conservation Fund Act to ensure that a greater portion of the total funds are appropriated for the stateside share. I recommend an amendment to the Act that allows the stateside share to receive 50 per cent of the total appropriation. This could be accomplished over a three-year period through incremental increases.

Over the years the stateside share of the Land and Water Conservation Fund Program has provided nearly $94 million to Florida for the acquisition and development of outdoor recreation areas at the State and local levels. Currently, Florida's entire annual appropriation is distributed to local governments.

Your effort to rebuild the stateside share is greatly appreciated.

With kind regards, I am

Sincerely,

LAWTON CHILES,
Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Boise, ID, April 30, 1992.
Mr. KENNETH E. TRAVOUS,
President, National Association of State Outdoor Recreation Liaison Officers, Phoenix, AZ.

DEAR MR. TRAVOUS: Since the early 1980's, I have been keenly aware of the eroding ability of state and local governments to provide trails, greenbelts, parks and natural—all essential aspects of our quality of life that had been commonly provided through the Land and Water Conservation Fund in conjunction with other governmental entities. These open spaces deeply affect the livability of our country, and it is frustrating to me to see us repeatedly lose—sometimes forever—the opportunities to provide these areas because the funding has been cut so drastically by the Fund.

I understand that the National Association of State Outdoor Recreation Liaison Officers is proposing an amendment to the Land and Water Conservation Fund Act that will provide a percentage of L&WCF monies specifically to the states formula in order to achieve a more equitable balance between state, local and federal acquisition sides. I testified in favor of such increased funding to state and local governments a few months ago before Senator Kostmayer's subcommittee, and I fully support this amendment.

Please let me know if there are other ways I can help in this worthwhile effort.

Sincerely,

CECIL D. ANDRUS,
Governor.

STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, KS, May 4, 1992.
Hon. DENNIS DECONCINI,
U.S. Senator,
Washington, DC.

DEAR SENATOR DECONCINI: This will confirm my support of the proposed amendment to the Land and Water Conservation Fund that would increase the state-side funding of the Program.

The state of Kansas and its governmental units have for years relied heavily on the Land and Water Conservation Fund Program to assist in the development of outdoor recreation facilities as well as the acquisition of land for future park development. The stateside of the Program has decreased significantly over the past ten years, resulting in the necessity for state and local units to finance their outdoor recreation endeavors solely on their own, or forgo totally any significant improvements or expansion in sorely needed facilities and the acquisition of future park sites.

We currently have applications totalling in excess of $2 million from local units of government to be considered for funding, which the state's fiscal year apportionments have averaged approximately $261,500 over the past five years. There is a genuine need for an increase in the fund for Kansas cities and counties and I wholeheartedly support your efforts in obtaining passage of the amendment that will increase the annual apportionment to the states for local park and outdoor recreational improvements.

Sincerely yours,

JOAN FINNEY,
Governor.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, May 4, 1992.
Hon. DENNIS DECONCINI,
Doubletree Hotel,
National Airport.

DEAR SENATOR DECONCINI: The State of Montana strongly supports the amendment to the Land and Water Conservation Fund Act which would increase funding for the state side of this valuable outdoor recreation program.

Montana State Parks has identified a $60 million long-range capital improvement need and the local communities, through a statewide survey, have recently identified an even greater need.

Sincerely,

STAN STEPHENS,
Governor.

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, NV, May 5, 1992.
Hon. DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: I appreciate your efforts to amend the Land & Water Conservation Fund in order to assure that the states retain a reasonable proportion of the funds appropriated. Accordingly, I fully support your efforts on the floor of the Senate, scheduled for the morning of May 5, to introduce this amendment.

This action will once again enable the L&WCF program to reclaim its status as one of the most successful federal-state partnerships in the history of our nation. As you are probably aware, funding for this important program has decreased almost 95 percent since its peak year in 1979. The substantial increase in federal matching funds your amendment would provide will give a tremendous boost to our efforts to address the increasing need for park and recreation facilities in Nevada, the fastest growing state in the nation.

Earlier this year, a National Recreation & Parks Association survey identified some 70 state and local projects in Nevada alone, totaling an estimated $48.5 million, that could potentially benefit from an expanded L&WCF program.

For the sake of our recreating public, I wish you every success.

Sincerely,

BOB MILLER
Governor.

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, RI, May 5, 1992.
Senator DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: I would like to express my strong support for an amendment to the Land and Water Conservation Act which will establish by law the proportion of funding for the state side of the program, with the state side share reaching and remaining at fifty percent in 1995. Such an amendment would insure that state and local governments, which provide the preponderance of recreational opportunities for our citizens, would have a reliable and reasonably-funded program.

Rhode Island is no different than any of the forty-nine other States, but a look at the numbers is compelling evidence of the loss of federal support for open space preservation and outdoor recreation. In 1978–1980, Rhode Island received over $2 million annually; when matched equally by state or local dollars, the state had a $4 million dollar annual program. In 1991, Rhode Island received $170,000 in Land and Water Conservation Funds, to be shared between the State and local governments. The state side share in 1991 was less than ten percent of the funds allocated to the National Park Service for the national parks.

I, therefore, urge the Congress to pass legislation to establish a more balanced program to address the outdoor recreation needs of the State and local governments as well as those of the country's national parks.

Best personal wishes.

Sincerely,

BRUCE SUNDLUN,
Governor.

DEPARTMENT OF GAME,
FISH AND PARKS,
Pierre, SD, May 4, 1992.

Hon. DENNIS DECONCINI,
Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: We would like to express our enthusiastic support for your amendment seeking an increase in the Land and Water Conservation Fund appropriation for state and local assistance. Your proposal to bring the state and local project funding into balance with federal agency funding by dedicating 50% of the annual LWCF appropriation makes good sense, given that the President's Commission on Americans Outdoors found that the overwhelming majority of outdoor recreation occurs within ten miles of home.

Certainly, this is the most cost effective way to serve the greatest number of people. In many cases, local investment in recreation facilities and resources averts the necessity for federal agency action to address these issues. High quality, national caliber opportunities are often protected or provided by those who live nearby, but only if funds are available.

It is worth noting that recreation opportunities close to home serve to improve public health and fitness, and also serve to create a sense of community for our citizens, strengthening our social fabric and improving the quality of life.

Increasing the Land and Water Conservation Fund appropriation for state and local assistance is clearly a wise investment in America.

Sincerely,

RICHARD BERINGSON,
Secretary.

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, WY, May 3, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DECONCINI: I am writing in support of your proposed amendment to increase the state side of the Land and Water Conservation Fund. I testified on behalf of the Western Governors' Association regarding the program this past February. Support for the stateside of the program was a major focus of my presentation.

An increase in funding of the stateside of the L&WCF program will provide a direct benefit to many communities in Wyoming. The benefits will be felt in the improved quality of life enjoyed by those residents using recreation and park facilities funded by allocations from the L&WCF program. They will also be felt by the growing number of tourists who visit this state to utilize and enjoy our beautiful natural resources. The latter will serve to enhance our burgeoning tourism industry.

I appreciate your support for the program and feel that the result of positive action on your proposed amendment will serve to directly benefit the citizens of Wyoming.

With best regards,

Very Truly Yours,

MIKE SULLIVAN,
Governor.●

By Mr. SYMMS:

S. 2655. A bill to extend until January 1, 1995, the existing suspension of duty on certain yttrium bearing materials and compounds; to the Committee on Finance.

SUSPENSION OF DUTY ON YTTRIUM BEARING MATERIALS AND COMPOUNDS

●Mr. SYMMS. Mr. President, today, I am introducing a bill that will extend the existing suspension of duty on certain yttrium bearing materials and compounds. Yttrium aluminum garnets and yttrium iron garnets are vital in classified military applications. Other applications of this material include lasers, refractory insulating materials, strategic superalloys, energy-saving fluorescent lights, superconductors, and all color televisions.

Currently, there is only one remaining refiner of high purity yttrium oxide remaining in the United States. The United States is dependent on imported yttrium concentrates for feedstocks as there are no significant domestic sources of yttrium feedstocks. Without the current suspension, a U.S. duty of 5 percent would be imposed on yttrium concentrates under classification 2620.90.90. This would add an additional cost that our foreign competitors do not have to bear.

The high-purity yttrium oxide refining business is very competitive. Profit margins are low and any further drop could force the only remaining U.S. refiner to cease productions. During the past 20 years, two other yttrium refiners permanently closed.

In the past the raw material sources have been Japan, China, and Canada. Recently, the Canadian sources shutdown due to competition from China. Yttrium concentrate enters the United States under the current tariff classification of 2620.90.90, "other ores, slags, and ash". Other low-purity yttrium compounds classified under 2846.90.50 could also be used as feedstock.

The current suspension of duty of yttrium feedstocks expires December 31, 1992. This bill would extend that suspension until December 31, 1994.●

By Mr. FORD:

S. 2656. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Natural Resources.

PETROLEUM MARKETING PRACTICES ACT AMENDMENTS OF 1992

Mr. FORD. Mr. President, I am pleased to introduce today the Petroleum Marketing Practices Act Amendments of 1992.

The Petroleum Marketing Practices Act was enacted in 1978 as a "dealer's day in court" bill, provide fairness and balance in negotiations between franchisors and franchisees involved in gasoline marketing. I have had an interest in this issue for several years now. It took nearly a decade to negotiate the original 1978 legislation. Since that time, a complex series of judicial decisions has led many to believe that the original statute is in need of fine tuning. In the 100th Congress, bills were introduced in both the House and Senate to achieve this purpose. In October 1988, we held hearings in the Senate Energy Committee on the need to reform the PMPA. Last Congress, a similar measure passed the House Energy and Commerce Subcommittee on Energy and Power. And in this Congress, companion bills were again introduced—S. 672 in the Senate and H.R. 2600 in the House—in an attempt to move this debate forward.

Since that time, a series of negotiations have taken place between all interested parties on this issue, including service station dealers, jobbers, and oil companies. I compliment my colleagues in the House for their efforts in these successful negotiations, which have led to the revised legislation being introduced in the House and the companion Senate bill I am introducing today.

The Petroleum Marketing Practices Act Amendments of 1992 essentially has four components. First, the legislation clarifies the grounds for nonrenewal of a franchise relationship. Current law sets forth the only permissible grounds for termination or nonrenewal of a gasoline marketing franchise agreement. Nonrenewal may occur if there is a failure to agree to changes or additions to the franchise, so long as the new conditions are negotiated in good faith and not for the purpose of preventing the franchise renewal. The interpretation of this section of current law has been somewhat subjective and confusing. The legislation which I introduce today clarifies one major area of uncertainty. It makes explicit that preventing renewal includes situations where new conditions are proposed for the purpose of converting a franchisee operation into one operated by a franchisor's employees. In other words, a gasoline marketer cannot force conditions upon an independently operated service station for the purpose of converting it into a company-owned station. This is an important clarification to existing law.

Second, the legislation tightens the current definition of preemption to make clear that Federal law is limited in scope. The grounds for nonrenewal or termination of a franchise specified in the PMPA are exclusive, and current law preempts States from imposing additional grounds or modifying those set forth in the act. However, States are still free to pass laws regulating the underlying contract provisions. State law may still have a direct bearing on which contract terms are reasonable or negotiated in good faith under the PMPA.

Third, the bill clarifies current law in situations where a franchisor leases the underlying premises from a third party, and the terms of the underlying lease may prevent the continuation of the franchise arrangement. The legislation makes clear that where a franchisor has an option to continue to lease or to buy the marketing premises but does not wish to do so, the franchisor must offer to assign the option to the franchisee. In other words, failure to exercise a lease option with a third party cannot be used to terminate a gasoline dealer. The dealer will receive the same option and may choose to continue the franchise relationship.

Fourth, the legislation clarifies that a franchisor cannot demand that any rights granted by Federal or State law be waived as a condition for entering into or terminating a franchise relationship.

While many of these changes are technical in nature, I believe that they will serve to bring a balance to the operation of the PMPA which will assure fairness in bargaining in the future. I am pleased by the support this legislation enjoys from all affected parties in the gasoline marketing industry, and look forward to working with my colleagues on the House side in enacting this measure during the current Congress. The efforts to achieve meaningful PMPA reform have been in motion for several years, and I believe we now have a compromise which will serve in the best interests of the entire industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petroleum Marketing Practices Act Amendments of 1992".

SEC. 2. CONVERSION TO COMPANY OPERATION.

Section 102(b)(3)(A)(ii) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(3)(A)(ii)) is amended by inserting after "purpose of" the following: "converting the leased marketing premises to operation by employees or agents of the franchisor for the franchisor's own account or otherwise".

SEC. 3. PREEMPTION.

Section 106 of the Petroleum Marketing Practices Act (15 U.S.C. 2806) is amended—

(1) by adding at the end of subsection (a) the following: "Nothing in this title shall be deemed to limit the ability of a State or any political subdivision thereof to regulate any specific provision of a franchise. No State or any political subdivision thereof may adopt, enforce or continue in effect any provision of any law or regulation requiring any payment for a franchisee's goodwill upon the occurrence of a termination of a franchise or nonrenewal of a franchise relationship authorized by this title."; and

(2) by adding at the end of subsection (b) the following: "Nothing in this title shall be deemed to prohibit any State from specifying the terms and conditions under which any franchise or franchise relationship may be transferred to a franchisee's designated successor upon the franchisee's death.".

SEC. 4. UNDERLYING LEASES.

Section 102(c)(4) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively and setting such clauses on a 6-em indention with a 2-em paragraph indention;

(2) by inserting "—" after "lease, if";

(3) by designating the text which follows "lease, if—" as subparagraph (A) and setting such subparagraph on a 4-em indention with a 2-em paragraph indention; and

(4) by adding at the end the following new subparagraphs:

"(B) during the 90-day period after notification was given pursuant to section 104 the franchisor offers to assign to the franchisee any options to extend the underlying lease or options to purchase the marketing premises which may be held by the franchisor: *Provided*, That the franchisor may condition any such assignment upon receipt by the franchisor of—

"(i) an unconditional release executed by both the landowner and the franchisee releasing the franchisor from any and all liability accruing after the date of the assignment for—

"(I) financial obligations under any such option (or the resulting extended lease or purchase agreement);

"(II) environmental contamination to (or originating from) the marketing premises; or

"(III) the operation or condition of the marketing premises; and

"(ii) an instrument executed by both the landowner and the franchisee assuring the franchisor and its contractors reasonable access to the marketing premises for the purpose of testing for and remediating any environmental contamination that may be present at such premises; and

"(C) in a situation in which the franchisee acquires possession of such leased marketing premises effective immediately after loss of the franchisor's right to grant possession (either through an assignment pursuant to subparagraph (B) above or by obtaining a new lease or purchasing the marketing premises from the landowner), the franchisor (if requested in writing by the franchisee within 30 days after notification was given pursuant to section 104), during the 90-day period after notification was given pursuant to section 104, either—

"(i) made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interest in any improvements or equipment located on such premises; or

"(ii) if applicable, offered the franchisee a right of first refusal of at least 45 days duration of an offer, made by another, to purchase such franchisor's interest in such improvements and equipment.".

SEC. 5. WAIVER OF RIGHTS.

Section 105 of the Petroleum Marketing Practices Act (15 U.S.A. 2805) is amended by adding at the end the following new subsection:

"(f)(1) No franchisor shall require, as a condition of entering into or renewing the franchise relationship, a franchisee to release or waive—

"(A) any rights under this title or other Federal law; or

"(B) any rights the franchisee may have under any valid and applicable State law.

"(2) No provision of any franchise shall be valid or enforceable which specifies that the interpretation or enforcement of the franchise shall be governed by the law of any State other than the State in which the franchisee has its principal place of business.".

By Mr. REID:

S. 2657. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

SPENDING CONTROL AND PROGRAMS EVALUATION ACT

Mr. REID. Mr. President, today I am introducing the Spending Control and Programs Evaluation Act of 1992.

It is an understatement to say that the Federal Government faces a budget and debt crisis. In this fiscal year, our budget deficit is expected to be $400 billion, and our national debt already stands at $3.5 trillion. None of the fixes we have tried in recent years to control deficit spending have worked, or appear to have any likelihood of working—not the ill-fated budget deal of 1990, not the mindless rush to surrender budget accountability to the private sector in the name of "privatization", not even the Gramm-Rudman-Hollings approach which I, and a large majority of Congress, supported.

It is time we take the tough steps that will be needed to eliminate our budget deficits and begin reducing the national debt. One step we can take, and should take, is to pass a constitutional amendment requiring a balanced Federal budget. I am a sponsor of such an amendment. However, even this action won't ensure that the Congress has the information needed to make the proper decisions on what spending is truly needed and what spending should be cut or eliminated. We need to know more about what we are doing when we make decisions on Federal spending programs, and we ought to revisit those decisions on a regular basis to see if they are still valid. Currently, we pass legislation authorizing Federal spending in a piecemeal fashion. Over time this is bound to create duplication of effort, and in some cases probably even contradictory efforts.

Let's take a minute to look at just the Federal agencies that administer agricultural related activities. These include: Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, Agricultural Cooperative Service, Agricultural Marketing Service, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, National Agricultural Library, Economic Research Service, National Agricultural Statistics Service, Soil Conservation Service, Economic Research Service, National Agricultural Statistics Service, World Agricultural Outlook Board, Federal Grain Inspection Service, Center for Veterinary Medicine, Center for Food Safety and Applied Nutrition, Food and Drug Administration, Packers and Stockyards Administration, Food and Nutrition Service, Human Nutrition Information Service, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, Foreign Agriculture Service, Office of International Cooperation and Development, Agricultural Research Service, Cooperative State Research Service, Extension Service, Farm Credit Administration, and the Commodity Future Trading Commission.

The questions are do we need all of these agencies to do the job? Is there overlap in their responsibilities? Do their activities ever contradict each other? How much money is wasted due to bureaucratic infighting? Would it be more efficient to consolidate some of these agencies?

Today, there is simply no way for us to answer these questions. We need to organize our review of these programs so that we know what each does compared to the others, and what priority those activities should have in comparison with the other responsibilities of the Federal Government.

I do not mean to single out only programs for agriculture. The same problem exists throughout the Federal Government. I have identified 43 different agencies with responsibilities over labor issues, 21 with environmental responsibilities, 25 that deal with transportation, and 20 with responsibilities for our energy programs. Even this is not the whole picture. I merely wish to point out that with agriculture, as with many other Federal programs, Congress' left hand often doesn't know what its right hand is doing. Congress is, in many cases, wasting the time of executive branch agencies and the money of taxpayers because we do not spend the time necessary to occasionally make a comprehensive examination of existing programs. In an era when every penny must be stretched to the limit, this state of affairs cannot be allowed to continue.

What the Senate needs to make intelligent decisions on its spending priorities is a comprehensive and organized evaluation of the various spending programs under our jurisdiction and a requirement that decisions on these programs be reviewed on a regular basis. A first step was taken in this direction during Senate consideration of this year's budget resolution when my amendment calling for a review or existing spending programs was approved by voice vote.

Mr. President, the legislation I am introducing today is a comprehensive budget reform package. With the exception of Social Security, Medicare, Federal pensions, and certain other programs, this legislation will force Congress to evaluate and reauthorize nearly every Federal spending program at least once every 10 years if these programs are to continue. The first step in this direction is to require our committees to review and evaluate the programs under their jurisdiction. I can't imagine anyone questioning the need for such review and evaluation. However, Congress, and in particular the Senate, has become a firehouse. Instead of proactive work we are performing reactive work. We have lost control over one of our most important responsibilities: managing the Nation's financial resources. In short, this body has become a legislative crisis management team. The Congress no longer seems to be able to put forward thoughtful, ordered, and comprehensive solutions to our national needs. Instead, we rush down here on the Senate floor day in and day out and vote on emergency, Band-Aid proposals to our serious national problems. Is it any wonder that several of our most reflective and productive members have chosen to leave this body in frustration.

I firmly believe that many of these legislative crises can be prevented by a systematic review and reauthorization of our major national policies. The bill I am introducing, by requiring a periodic comprehensive review of Federal spending programs, will enable Congress to become more proactive and a less reactive. It will allow us to return to enacting long-term policies.

Mr. President. I hope that my colleagues will join me in working to rationalize our spending process. The American people expect us to manage the Nation's affairs in an organized and efficient way. We have fallen short of that mandate and the judgment of the people is being reflected in the current low esteem in which Congress is held. I believe this legislation is a chance to bring real change to the way we do business—a change that will be cheered by the Nation's taxpayers.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Control and Programs Evaluation Act of 1992".

SEC. 2. PURPOSES OF ACT.

The purposes of this Act are—

(1) to require that most Government programs be reauthorized according to a schedule at least once every 10 years;

(2) to limit the length of time for which Government programs can be authorized to 10 years;

(3) to bar the expenditure of funds for Government programs which have not been provided for by a law enacted during the 10-year sunset reauthorization cycle; and

(4) to encourage the reexamination of selected Government programs each Congress.

SEC. 3. DEFINITIONS AND CONSTRUCTION.

(a) DEFINITIONS.—For purposes of this Act—

(1) The term "budget authority" has the meaning given to it by section 3(2) of the Congressional Budget Act of 1974.

(2) The term "permanent budget authority" means budget authority provided for an indefinite period of time or an unspecified number of fiscal years which does not require recurring action by the Congress, but does not include budget authority provided for a specified fiscal year which is available for obligation or expenditure in one or more succeeding fiscal years.

(3) The term "Comptroller General" means the Comptroller General of the United States.

(4) The term "agency" means an executive agency as defined in section 105 of title 5, United States Code, except that such term includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office.

(5) The term "sunset reauthorization cycle" means the period of 5 Congresses beginning with the One Hundred Third Congress and with each sixth Congress following the One Hundred Third Congress.

(b) TREATMENT OF PROGRAMS.—For purposes of this Act, each program (including any program exempted by a provision of law from inclusion in the Budget of the United States) shall be assigned to the functional and subfunctional categories to which it is assigned in the Budget of the United States Government, fiscal year 1993. Each committee of the Senate or the House of Representatives which reports any bill or resolution which authorizes the enactment of new budget authority for a program not included in the fiscal year 1993 budget shall include, in the committee report accompanying such bill or resolution (and, where appropriate, the conferees shall include in their joint statement on such bill or resolution), a statement as to the functional and subfunctional category to which such program is to be assigned.

(c) REAUTHORIZATION DATE.—For purposes of titles I, II, and III of this Act, the reauthorization date applicable to a program is the date specified for such program under section 101(b).

TITLE I—REAUTHORIZATION OF GOVERNMENT PROGRAMS

SEC. 101. REAUTHORIZATION CYCLE.

(a) GENERAL RULE.—Each Government program (except those listed in section 103) shall be reauthorized at least once during each sunset reauthorization cycle during the Congress in which the reauthorization date applicable to such program (pursuant to subsection (b)) occurs.

(b) FIRST REAUTHORIZATION DATE.—The first reauthorization date applicable to a Government program is the date specified in the following table, and each subsequent reauthorization date applicable to a program is the date ten years following the preceding reauthorization date:

Programs included within subfunctional category	First reauthorization date
254 Space, Science, Applications and Technology.	September 30, 1995.
272 Energy Conservation.	
301 Water Resources.	
352 Agriculture and Research Services.	
371 Mortgage Credit and Thrift Insurance.	
376 Other Advancement and Regulation of Commerce.	
501 Elementary, Secondary, and Vocational Education.	
601 General Retirement and Disability Insurance.	
602 Federal Employment Retirement and Disability.	
703 Hospital and Medical Care for Veterans.	
806 Other General Government.	
851 General Revenue Sharing.	
051 Department of Defense—Military.	September 30, 1997.
053 Atomic Energy Defense Activities.	
154 Foreign Information and Exchange Act.	
251 General Science and Basic Research.	
306 Other Natural Resources.	
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
553 Education and Training of Health Care Work Force.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Director and Management.	
803 Central Fiscal Operations.	
054 Defense Related Activities.	September 30, 1999.
152 Military Assistance.	
155 International Financial Programs.	
253 Space Flight.	
255 Supporting Space Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Function.	
852 Other General Purpose Fiscal Assistance.	
153 Conduct of Foreign Affairs.	September 30, 2001.
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Public Assistance and Other Income Supplements.	
702 Veterans Education, Training, and Rehabilitation.	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
902 Other Interest.	
151 Foreign Economic and Financial Assistance.	September 30, 2003.
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt.	

(c) POINT OF ORDER TO PRESERVE SUNSET.—(1) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which authorizes the enactment of new budget authority for a program for a period of more than 10 fiscal years, for an indefinite period, or (except during the Congress in which such next reauthorization date occurs) for any fiscal year beginning after the next reauthorization date applicable to such program. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment to the bill or resolution which would make the authorization period conform to the requirement of such sentence.

(2)(A) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program for any fiscal year beginning after any reauthorization date applicable to such program under subsection (b), unless the provision of such new budget authority is specifically authorized by a law which constitutes a required authorization for such program.

(B) For the purposes of this title, the term "required authorization" means a law authorizing the enactment of new budget authority for a program, which complies with the provisions of paragraph (1).

(3) No new budget authority may be obligated or expended for a program for a fiscal year beginning after the last fiscal year in a sunset reauthorization cycle unless a provision of law providing for the expenditure of such funds has been enacted during such sunset reauthorization cycle.

(4) Any provision of law providing permanent budget authority for a program shall cease to be effective (for the purpose of providing such budget authority) on the first reauthorization date applicable to such program.

(5) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program unless the bill or resolution, or amendment thereto (or the report which accompanies such bill or resolution), includes a specific reference to the provision of law which constitutes a required authorization for such program. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which provides such reference to the appropriate provision of law.

SEC. 102. REAUTHORIZATION REVIEW.

(a) GENERAL RULE.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which has been reported by a committee and which authorizes the enactment of new budget authority for a program for a fiscal year beginning after the next reauthorization date applicable to such program, unless a reauthorization review of such program has been completed during the Congress in which the reauthorization date for such program occurs (or during a subsequent Congress when such required authorization is considered), and the report accompanying such bill or resolution includes a separate section entitled "Reauthorization Review" recommending, based on such review, whether the program or the laws affecting such program should be continued without change, continued with modifications, or terminated, and also includes, to the extent the committee or committees having jurisdiction deem appropriate, each of the following matters:

(1) Information and analysis on the organization, operation, costs, results, accomplishments, and effectiveness of the program.

(2) An identification of any other programs having similar objectives, and a justification of the need for the proposed program in comparison with those other programs which may be potentially conflicting or duplicative.

(3) An identification of the objectives intended for the program, and the problems or needs which the program is intended to address, including an analysis of the performance expected to be achieved, based on the bill or resolution as reported.

(4) A comparison of the amount of new budget authority which was authorized for the program in each of the previous four fiscal years and the amount of new budget authority provided in each such year.

(b) REVIEW OF NEW AUTHORITY.—It shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution, or amendment thereto, which authorizes the enactment of new budget authority for a program for which there previously has been no such authorization unless the report accompanying such bill or resolution sets forth, to the extent that the committee or committees having jurisdiction deem appropriate, the information specified in subsections (a)(2) and (a)(3).

(c) CONGRESSIONAL REVIEW BY AUTHORIZING COMMITTEES.—Each committee having legislative jurisdiction over a program referred to in section 103 shall conduct a review of such program of the type described in subsection (a) of this section at least once during each sunset reauthorization cycle, during the Congress in which the reauthorization date applicable to such program occurs, and shall submit to the Senate or the House of Representatives, as the case may be, a report containing its recommendations and other information of the type described in subsection (a). It shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution reported by the committee having legislative jurisdiction which authorizes the enactment of new budget authority for such program unless such report accompanies such bill or resolution, or has been submitted during the Congress in which the reauthorization date for such program occurred as provided in section 101(b), whichever first occurs.

SEC. 103. PROGRAMS NOT INCLUDED.

Section 101(c) shall not apply to the following:

(1) Programs included within functional category 900 (Interest).

(2) Any Federal programs or activities to enforce civil rights guaranteed by the Constitution of the United States or to enforce antidiscrimination laws of the United States, including but not limited to the investigation of violations of civil rights, civil or criminal litigation or the implementation or enforcement of judgments resulting from

such litigation, and administrative activities in support of the foregoing.

(3) Programs which are related to the administration of the Federal judiciary and which are classified in the fiscal year 1993 budget under subfunctional category 752 (Federal litigative and judicial activities).

(4) Payments of refunds of internal revenue collections as provided in title I of the Supplemental Treasury and Post Office Departments Appropriation Act of 1949 (62 Stat. 561), but not to include refunds to persons in excess of their tax payments.

(5) Programs included in the fiscal year 1993 budget in subfunctional categories 701 (Income security for veterans), 702 (Veterans education, training, and rehabilitation), 704 (Veterans housing), and programs for providing health care which are included in such budget in subfunctional category 703 (Hospital and medical care for veterans).

(6) Social Security and Federal employee retirement programs including the following:

(A) Programs funded through trust funds which are included with subfunctional categories 551 (Health care services), 601 (General retirement and disability insurance), or 602 (Federal employee retirement and disability).

(B) Retirement pay and retired pay of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the Reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve; and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code (survivor's benefits), classified in the fiscal year 1993 budget in subfunctional category 051 (Department of Defense—military).

(C) Retirement pay and medical benefits for retired commissioned officers of the Coast Guard, the Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Commissioned Corps and their survivors and dependents, classified in the fiscal year 1988 budget in subfunctional category 551 (Health care services) or in subfunctional category 306 (Other natural resources).

(D) Retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under the retired serviceman's family protection plan (10 U.S.C. 1431–1446) and survivor benefit plan (10 U.S.C. 1447–1455), classified in the fiscal year 1988 budget in subfunctional category 403 (Water transportation).

(E) Payments to the Central Intelligence Agency Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 054 (Defense-related activities).

(F) Payments to the Civil Service Retirement and Disability Fund for financing unfunded liabilities, classified in fiscal year 1993 budget in subfunctional category 805 (Central personnel management).

(G) Payments to the Foreign Service Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 153 (Conduct of foreign affairs).

(H) Payments to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, classified in fiscal year 1993 budget in various subfunctional categories.

(I) Administration of the retirement and disability programs set forth in this section.

SEC. 104. MISCELLANEOUS PROVISIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that all programs should be considered and reauthorized in program categories which constitute major areas of legislative policy. Such authorizations should be for sufficient periods of time to enhance oversight and the review and evaluation of Government programs.

(b) MODIFICATION OF SCHEDULE.—The reauthorization schedule contained in section 101(b) may be changed by concurrent resolution of the two Houses of the Congress (except that changes in the schedule affecting permanent appropriations may be made only by law).

(c) COMMITTEE REFERRAL.—All messages, petitions, memorials, concurrent resolutions, and bills proposing changes in section 101(b) and all bills proposing changes in section 103, shall be referred first to the committee with legislative jurisdiction over any program affected by the proposal and sequentially to the Committee on Rules in the House of Representatives or to the Committee on Rules and Administration in the Senate.

(d) COMMITTEE REPORTS.—Except as provided in subsection (f), the Committee on Rules in the House of Representatives or the Committee on Rules and Administration in the Senate shall report with its recommendations any concurrent resolution or bill referred to it under subsection (c) and which previously has been reported favorably by a committee of legislative jurisdiction within 30 days (not counting any day on which the Senate or the House of Representatives is not in session), beginning with the day following the day on which such resolution or bill is so referred.

(e) COMMITTEE RECOMMENDATIONS.—The recommendations of the Committee on Rules or the Committee on Rules and Administration pursuant to subsection (d) or (f) shall include a statement on each of the following matters:

(1) The effect the proposed change would have on the sunset reauthorization schedule.

(2) The effect the proposed change would have on the jurisdictional and reauthorization responsibilities and workloads of the authorizing committees of Congress.

(3) Any suggested grouping of similar programs which would further the goals of this Act to make more effective comparisons between programs having like objective.

(f) COMMITTEE REFERRAL AMENDMENTS TO THIS ACT.—Any concurrent resolution or bill proposing a change in section 101(b) or 103 shall be referred in the House to the Committee on Rules and in the Senate to the Committee on Rules and Administration. Such committee shall report an omnibus concurrent resolution or bill containing its recommendations regarding the proposed changes and consideration of such bill or resolution shall be highly privileged in the House of Representatives and privileged in the Senate. The provisions of subsections (c) and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to consideration of rescission bills, shall apply to the consideration of concurrent resolutions and bills proposing changes reported pursuant to this subsection, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

(g) POINT OF ORDER.—It shall not be in order in the Senate or the House of Representatives to consider a bill or resolution reported pursuant to subsection (b), (c), (d), or (f) which proposes a reauthorization date for a program beyond the final reauthorization date of the sunset reauthorization cycle then in progress. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which meets the requirements of this subsection.

TITLE II—PROGRAM INVENTORY

SEC. 201. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (hereafter in this title referred to as the "program inventory").

(b) PURPOSE.—The purpose of the program inventory is to advise and assist the Congress in carrying out the requirements of titles I and III. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under such titles and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory, and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) SUBMISSION DATE.—Not later than January 1, 1993, the Comptroller General, after consultation with the Director of the Congressional Budget Office and the Director of the Congressional Research Service, shall submit the program inventory to the Senate and House of Representatives.

(d) CATEGORIES IN REPORT.—In the report submitted under this section, the Comptroller General, after consultation and in cooperation with and consideration of the views and recommendations of the Director of the Congressional Budget Office, shall group programs into program areas appropriate for the exercise of the review and reexamination requirements of this Act. Such groupings shall identify program areas in a manner which classifies each program in only one functional and only one subfunctional category and which is consistent with the structure of national needs, agency missions, and basic programs developed pursuant to section 1105 of title 31, United States Code.

(e) PROGRAM ANALYSIS.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(f) UNAUTHORIZED PROGRAMS.—The inventory shall contain a separate tabular listing of programs which are not required to be reauthorized pursuant to section 101(c).

(g) ANALYSIS OF NEW BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(h) OTHER DATA.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 1993 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

SEC. 202. EXCHANGE OF INFORMATION.

The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

SEC. 203. AGENCY COOPERATION.

The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 204. CONGRESSIONAL REVIEW.

Each committee of the Senate and the House of Representatives, the Congressional Budget Office, and the Congressional Research Service shall review the program inventory as submitted under section 201 and not later than March 1, 1993, each shall advise the Comptroller General of any revisions in the composition or identification of programs and groups of programs which it recommends. After full consideration of the reports of all such committees and officials, the Comptroller General in consultation with the committees of the Senate and the House of Representatives shall report, not later than May 1, 1993, a revised program inventory to the Senate and the House of Representatives.

SEC. 205. REVISIONS OF INVENTORY.

(a) REVISIONS OF INVENTORY.—The Comptroller General, after the close of each session of the Congress, shall revise the program inventory and report the revisions to the Senate and the House of Representatives.

(b) CONGRESSIONAL REPORT.—After the close of each session of the Congress, the Director of the Congressional Budget Office shall prepare a report, for inclusion in the revised inventory, with respect to each program included in the program inventory and each program established by law during such session, which includes the amount of the new budget authority authorized and the amount of new budget authority provided for the current fiscal year and each of the 5 succeeding fiscal years. If new budget authority is not authorized or provided or is authorized or provided for an indefinite amount for any of such 5 succeeding fiscal years with respect to any program, the Director shall make projections of the amounts of such new budget authority necessary to be authorized or provided for any such fiscal year to maintain a current level of services.

(c) LIST OF PROGRAMS NOT REAUTHORIZED.—Not later than one year after the first or any subsequent reauthorization date, the Director of the Congressional Budget Office, in consultation with the Comptroller General and the Director of the Congressional Research Service, shall compile a list of the provisions of law related to all programs subject to such reauthorization date for which new budget authority was not authorized. The Director of the Congressional Budget Office shall include such a list in the report required by subsection (b). The committees with legislative jurisdiction over the affected programs shall study the affected provisions and make any recommendations they deem to be appropriate with regard to such provisions to the Senate and the House of Representatives.

SEC. 206. ADEQUACY ASSESSMENT.

The Director of the Congressional Budget Office and the Comptroller General shall include in their respective reports to the Congress pursuant to section 202(f) of the Congressional Budget Act of 1974 and section 719 of title 31, United States Code, an assessment of the adequacy of the functional and subfunctional categories contained in section 101(b) of this Act for grouping programs of like missions or objectives.

SEC. 207. REPORT ON PENDING LEGISLATION.

(a) ANNUAL REPORT.—The Director of the Congressional Budget Office shall tabulate and issue an annual report on the progress of congressional action on bills and resolutions reported by a committee of either House or passed by either House which authorize the enactment of new budget authority for programs.

(b) CONTENTS OF REPORT.—The report shall include an up-to-date tabulation for the fiscal year beginning October 1 and the succeeding four fiscal years of the amounts of budget authority—

(1) authorized by law or proposed to be authorized in any bill or resolution reported by any committee of the Senate or the House of Representatives; or

(2) if budget authority is not authorized or proposed to be authorized for any of the 5 fiscal years, the amounts necessary to maintain a current level of services for programs in the inventory.

(c) PROGRAMS SUBJECT TO REAUTHORIZATION.—The Director of the Congressional Budget Office shall issue periodic reports on the programs and the provisions of laws which are scheduled for reauthorization in each Congress pursuant to the reauthorization schedule in section 101(b). In these reports, the Director shall identify each provision of law which authorizes the enactment of new budget authority for programs scheduled for reauthorization and the title of the appropriation bill, or part thereof, which would provide new budget authority pursuant to each authorization.

TITLE III—PROGRAM REEXAMINATION

SEC. 301. REEXAMINATION BY CONGRESS.

(a) COMMITTEE REEXAMINATION.—Each committee of the Senate and the House of Representatives periodically shall provide through the procedures established in section 302, for the conduct of a comprehensive reexamination of selected programs or groups of programs over which it has jurisdiction.

(b) SELECTION CRITERIA.—In selecting programs and groups of programs for reexamination, each committee shall consider each of the following matters:

(1) The extent to which substantial time has passed since the program or group of programs has been in effect.

(2) The extent to which a program or group of programs appears to require significant change.

(3) The resources of the committee with a view toward undertaking reexaminations across a broad range of programs.

(4) The desirability of examining related programs concurrently.

SEC. 302. FUNDING RESOLUTION AND REPORT.

(a) FUNDING RESOLUTION AND REPORT.—(1) The funding resolution first reported by each committee of the Senate in 1994, and thereafter for the first session of each Congress, shall include, and the first funding resolution introduced by each committee of the House of Representatives (and referred to the Committee on House Administration) for such year and thereafter for the first session of each Congress shall include, a section setting forth the committee's plan for reexamination of programs under this title. Such plan shall include each of the following matters:

(A) The programs to be reexamined and the reasons for their selection.

(B) The scheduled completion date for each program reexamination, which date shall not be later than the end of the Congress preceding the Congress in which the reauthorization date applicable to a program occurs as provided in section 101(b), unless the committee explains in a statement in the report accompanying its proposed funding resolution (in the Senate), or in a statement supplied by the respective committee and included in the report of the Committee on House Administration (in the House of Representatives), the reasons for a later completion date, except that reports on programs scheduled for reauthorization during the 103d Congress and selected for reexamination in a committee's plan adopted in 1993 may be submitted at any time on or before February 15, 1994.

(C) The estimated cost for each reexamination.

(2) The report accompanying the funding resolution reported by each committee of the Senate in 1993 and thereafter for the first session of each Congress, shall include, and the report accompanying the funding resolution reported by the Committee on House Administration with respect to each committee of the House of Representatives shall include, a statement of that committee, with respect to each reexamination in its plan, of each of the following matters:

(A) A description of the components of the reexamination.

(B) A statement of whether the reexamination is to be conducted (i) by the committee, or (ii) at the request and under the direction of or under contract with the committee, as the case may be, by one or more instrumentalities of the legislative branch, one or more instrumentalities of the executive branch, or one or more nongovernmental organizations, or (iii) by a combination of the foregoing.

(3) It shall not be in order to consider a funding resolution with respect to a committee of the Senate or the House of Representatives in 1993, and thereafter for the first session of a Congress, unless—

(A) such resolution includes a section containing the information described in paragraph (1) and the report accompanying such resolution contains the information described in paragraph (2); and

(B) the report required by subsection (c) with respect to each program reexamination scheduled for completion during the preceding Congress by such committee has been submitted for printing.

(4) It shall not be in order to consider an amendment to the section of a funding resolution described in paragraph (1) reported by a committee of the Senate for a year, or reported by the Committee on House Administration with respect to a committee of the House of Representatives for a year—

(A) if such amendment would require reexamination of a program which has been reexamined by such committee under this section during any of the five preceding years;

(B) if such amendment would cause such section not to contain the information described in paragraph (1) with respect to each program to be reexamined by such committee; or

(C) if notice of intention to propose such amendment has not been given to such committee and, in the case of an amendment in the Senate, to the Committee on Rules and Administration of the Senate, or, in the case of an amendment in the House of Representatives, to the Committee on House Administration, not later than January 20 of the calendar year in which such year begins or the first day of the session of the Congress in which such year begins, whichever is later.

The notice required by subparagraph (C) shall include the substance of the amendment intended to be proposed and, if such amendment would add one or more programs to be reexamined, shall include the information described in paragraphs (1) and (2) with respect to each such program. Subparagraph (C) shall not apply to amendments proposed by such committee or by the Committee on Rules and Administration or House Administration, as the case may be.

(b) CONSULTATION WITH OTHER COMMITTEES.—In order to achieve coordination of program reexamination each committee shall, in preparing each reexamination plan required by subsection (a), consult with appropriate committees of the Senate or appropriate committees of the House of Representatives, as the case may be, and shall inform itself of related activities of and support or assistance that may be provided by (1) the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, and the Office of Technology Assessment, and (2) appropriate instrumentalities in the executive and judicial branches.

(c) COMMITTEE REPORTS.—Each committee shall prepare and have printed a report with respect to each reexamination completed under this title. Each such report shall be delivered to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, not later than the date specified in the resolution and printed as a Senate or House document, accordingly. To the extent permitted by law or regulation, such number of additional copies as the committee may order shall be printed for the use of the committee. If two or more committees have legislative jurisdiction over the same program or portions of the same program, such committees may reexamine such program jointly and submit a joint report with respect to such reexamination.

(d) CONTENTS OF COMMITTEE REPORT.—The report pursuant to subsection (c) shall set forth the findings, recommendations, and justifications with respect to the program, and shall include to the extent the committee deems appropriate, each of the following matters:

(1) An identification of the objectives intended for the program and the problem it was intended to address.

(2) An identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address and an assessment of the potential primary and secondary effects of the proposed program.

(3) An identification of any other program having potentially conflicting or duplicative objectives.

(4) A statement of the number and types of beneficiaries or persons served by the program.

(5) An assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

(6) An assessment of the cost effectiveness of the program, including where appropriate, a cost-benefit analysis of the operation of the program.

(7) An assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program.

(8) Information on the regulatory, privacy, and paperwork impacts of the program.

(e) TITLE I SATISFIED.—A report submitted pursuant to this section shall be deemed to satisfy the reauthorization review requirements of title I.

SEC. 303. EXECUTIVE REVIEW.

Each department or agency of the executive branch which is responsible for the administration of a program selected for reexamination pursuant to this title shall, not later than 6 months before the completion date specified for reexamination reports pursuant to section 302(a)(1)(B), submit to the Office of Management and Budget and to the appropriate committee or committees of the Senate and the House of Representatives a report of its findings, recommendations, and justifications with respect to each of the matters set forth in section 302(d), and the Office of Management and Budget shall submit to such committee or committees such comments as it deems appropriate.

SEC. 304. DEFINITIONS.

For the purposes of this title—

(1) The term "funding resolution" means, with respect to each committee of the House of Representatives, the primary funding resolution for such committee which is effective for the duration of a Congress.

(2) An amendment to a funding resolution includes a resolution of the Senate which amends such funding resolution.

TITLE IV—MISCELLANEOUS

SEC. 401. AGENCY APPROPRIATIONS REQUESTS.

Section 1108(e) of title 31, United States Code, is amended by inserting before the period a comma and "or at the request of a committee of either House of Congress presented after the day on which the President transmits the budget to the Congress under section 1105 of this title for the fiscal year".

SEC. 402. NONDISCLOSURE.

Nothing in this Act shall require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law.

SEC. 403. RULEMAKING.

The provisions of this section and sections 101(a), 101(b), 101(c)(1), 101(c)(2), 101(c)(5), 102, 104(a), 104(c), 104(d), 104(e), 104(f), 104(g), title III (except section 303), section 405, and section 406 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 404. EXECUTIVE ASSISTANCE AND REGULATORY DUPLICATION AND CONFLICTS REPORT.

(a) EXECUTIVE ASSISTANCE.—(1) To assist in the review or reexamination of a program, the head of an agency which administers such program and the head of any other agency, when requested, shall provide to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program such studies, information, analyses, reports, and assistance as the committee may request.

(2) Not later than 6 months before the first reauthorization date specified for a program in section 101(b) the head of the agency which administers such program or the head of any other agency, when requested by a committee of the Senate or the House of Representatives, shall conduct a review of those regulations currently promulgated and in use by that agency which the committee specifically has requested be reviewed and submit a report to the Senate or the House of Representatives as the case may be, setting forth the regulations that agency intends to retain, eliminate, or modify if the program is reauthorized and stating the basis for its decision.

(3) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the Comptroller General shall furnish to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program a listing of the prior audits and reviews of such program completed during the preceding 6 years.

(4) Consistent with the discharge of the duties and functions imposed by law on them or their respective Offices or Service, the Comptroller General, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Director of the Congressional Research Service shall furnish to each committee of the Senate and the House of Representatives such information, analyses, and reports as the committee may request to assist it in conducting reviews or evaluations of programs.

(b) REGULATORY DUPLICATION AND CONFLICT REPORT.—(1) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the President, with the cooperation of the head of each appropriate agency, shall submit to the Congress a "Regulatory Duplication and Conflict Report" for all such programs scheduled for reauthorization in the next Congress.

(2) Each such regulatory duplication and conflicts report shall—

(A) identify regulatory policies, including data collection requirements, of such programs or the agencies which administer them, which duplicate or conflict with each other or with rules or regulations or regulatory policies of other programs or agencies, and identify the provisions of law which authorize or require such duplicative or conflicting regulatory policies or the promulgation of such duplicative or conflicting rules or regulations;

(B) identify the regulatory policies, including data collection requirements, of such programs which are, or which tend to be, duplicative of or in conflict with rules or regulations or regulatory policies of State or local governments; and

(C) contain recommendations which address the conflicts or duplications identified in subparagraphs (A) and (B).

(3) The regulatory duplication and conflicts report submitted by the President pursuant to this subsection shall be referred to the committee or committees of the House of Representatives and the Senate with legislative jurisdiction over the programs affected by the reports.

SEC. 405. SUNSET REAUTHORIZATION BILL.

(a) COMMITTEE INTRODUCTION.—Not later than 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to a program under section 101(b), the chairmen of the committees of the Senate and the House of Representatives having legislative jurisdiction over such programs shall introduce, in their respective Houses, a bill which, if enacted into law, would constitute a required authorization (as defined in section 101(c)(1)(B)), and such a bill (hereafter in this section referred to as a "sunset reauthorization bill") shall be referred to the appropriate committee of the Senate or the House of Representatives, as the case may be. This subsection shall not apply in the case of a program which has been reauthorized by a required authorization which was signed into law by the President prior to 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to such program.

(b) DISCHARGE FOR FAILURE TO CONSIDER.—If the committee to which a sunset reauthorization bill for a program has not reported such bill by May 15 of the year in which the reauthorization date for such program occurs, and no other bill which would constitute a required authorization for such program has been enacted into law by that date, it is in order to move to discharge the committee from further consideration of the sunset reauthorization bill at any time thereafter.

(c) DISCHARGE PROCEDURES.—The provisions of section 912(a) of title 5, United States Code, as it relates to the discharge of resolutions of disapproval on reorganization plans, shall apply to motions to discharge sunset reauthorization bills, and the provisions of subsections (b)(2), (c) (2) through (5), and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to the consideration of rescission bills shall apply to the consideration of such sunset reauthorization bills, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

SEC. 406. COMMITTEE JURISDICTION OVER ACT.

The Committees on Governmental Affairs and on Rules and Administration of the Senate and the Committees on Government Operations and on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 1998, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years ending before October 1, 2003, such sums as may be necessary to carry out the review requirement of titles I and III and the requirements for the compilation of the inventory of Federal programs as set forth in title II.

By Mr. BIDEN:

S. 2658. A bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes; to the Committee on Environment and Public Works.

INFRASTRUCTURE GROWTH AND EMPLOYMENT ACT

• Mr. BIDEN. Mr. President, we are now taking the first steps back from a recession unique in the economic history of our country. Last year was the first in a decade in which our economy actually produced less than the year before. More troubling than this one-time shrinkage is the fact that during the preceding years, our country's economy failed to grow at a sufficient rate to create new jobs or sustain new businesses.

Despite understandable relief that the worst appears to be over, recent economic statistics do not obscure the fact that at best our economy is expected to grow at only half the rate of previous recoveries. Unlike our experience in earlier upswings, the economy is not getting better fast enough to bring down unemployment or to slow the pace of business failures.

Last year at this time, we were given reason to believe that recovery was imminent, only to find ourselves sliding back into the rut of economic activity barely sufficient to register in the statistics. The mixed signals of this upturn do not lend hope that we will finally see the vibrant recovery that we are all hoping for.

One of the reasons this recovery has been different from others is the extent of structural change in American industry. Unemployment in earlier recessions was largely due to temporary layoffs that would be reversed when the bottom of the business cycle was passed. But in recent years, many of the largest institutions in the American economy—General Motors, IBM, and in my own State of Delaware, DuPont—have undertaken major restructuring that will mean the permanent loss of the kind of middle-class jobs—skilled workers, managers, engineers—that signal fundamental change is taking place.

This latest recession has been an early warning of a bleak future for the American economy if we do not begin to take control of our destiny in an evolving world economic system. It is also a reminder of the weaknesses built into our system by more than a decade of accumulated public and private debt. As individuals and businesses have worked to pay off that accumulated load of debt, they have been reluctant to spend and invest at levels characteristic of earlier recoveries.

The debt burdens of this country have received much comment in recent years, but their consequences are subtle, showing up in ways that are difficult to associate directly with the abstract roots of their cause. And we have another deficit, one that has been growing quietly, and one that often breaks into our awareness in ways that are impossible to ignore.

That deficit is the accumulated neglect of our infrastructure. The recent Chicago flood is only the latest in a series of infrastructure failures. Too frequently, we see powerful images reminding us that under our homes and stores and factories, on our bridges and highways, the corrosion of neglect has been weakening our economy.

Today, I am introducing legislation that will support this fragile economic recovery and set American businesses and workers to the task of rebuilding our country's foundations. It will provide needed funds to our financially strapped State and local governments to start infrastructure investment projects that will create jobs now and that will make our economy more efficient and competitive in the future.

I have traveled extensively throughout my own State in recent weeks to discern the strength of the recovery and to test the need for this proposal. With no exceptions, business, labor, and civic leaders, agreed that the economic recovery needs support, and greeted this proposal with enthusiasm. It is a plan with which many of them were familiar; a similar program in the mid-1970's was successful in combating recession and rehabilitating public works. Hundreds of those projects are still standing and contributing to our economy today.

Across the economic and ideological spectrum, there is a consensus that we need increased economic activity now, and the best place to focus our efforts is in our long-neglected infrastructure.

My plan targets areas of the country with the highest levels of unemployment, funding construction projects that have been put on hold due to the financial strain on State and local governments in the recent recession. These are projects that are ready to go now, that have been studied for their merits, and are important for the economy. In my State and across the country, localities find that businesses cannot build new plants and create new jobs without improved and rehabilitated roads, bridges, and water systems.

To provide the widest distribution of infrastructure investment, my plan ensures that funds—and assistance to prepare and administer grants—are set aside for smaller local governments. Matching funds will be required to leverage local resources, weed out unnecessary projects, and ensure local commitment.

To assure appropriate timing of the investment stimulus, the program will terminate should national unemployment rates drop below 6 percent, or at the end of fiscal year 1993, whichever comes first. Based on current projections, even those of the administration, this recovery will need assistance creating jobs well into next year. That is what my bill will provide.

I hope that my colleagues will join me in this proposal, a tested plan to boost a fragile economic recovery and to rebuild the economic foundations of our country.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

Thre being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Infrastructure Growth and Employment Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the national economy has failed for several years to maintain sufficient levels of economic growth;

(2) the current inadequate levels of economic activity are anticipated to persist into the foreseeable future, even with the return of modest economic growth;

(3) this prospect will mean continued high rates of business failures and unemployment, increased Federal spending and reduced revenues, thereby deepening the Federal deficit;

(4) recovery of the economy and reduction of the Federal deficit depend on the creation of higher levels of employment and economic activity;

(5) in recent years all levels of government have neglected to add to or maintain existing public infrastructure essential to economic efficiency and the future prosperity of the country; and

(6) recovery from current economic problems and the future efficiency and competitiveness of the national economy will be substantially enhanced by a program of Federal Government assistance to State and local governments to construct and rehabilitate the Nation's economic infrastructure.

SEC. 3. DIRECT GRANTS.

(a) CONSTRUCTION.—The Secretary is authorized to make grants to any State or local government for the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of local public works projects, including those public works projects of State and local governments for which Federal financial assistance is authorized under provisions of law other than this Act. To the extent appropriate, the Secretary may coordinate with other federal agencies in assessing grant requests.

(b) FEDERAL SHARE.—The Federal share of any project for which a grant is made under this section shall be 80 percent of the cost of the project.

(c) TERMINATION OF GRANTS.—No grants shall be made pursuant to this Act after the expiration of any 3-consecutive-month period during which the national unemployment rate remained below 6 percent for each such month, or after September 30, 1993, whichever first occurs.

SEC. 4. ALLOCATION OF FUNDS; PREFERENCES.

(a) ALLOCATION OF FUNDS.—The Secretary shall allocate funds appropriated pursuant to section 8 of this Act as follows:

(1) INDIAN TRIBES.—Three-quarters of one percent of such funds shall be set aside and shall be expended only for grants for public works projects under this Act to Indian tribes and Alaska Native villages. None of the remainder of such funds shall be expended for such grants to such tribes and villages.

(2) OTHERS.—After the set-aside required by paragraphs (1), (3) and (4) of this subsection, 60 percent of such funds shall be allocated among the States on the basis of the ratio that the number of unemployed persons in each State bears to the total number of unemployed persons in all the States and 30 percent of such funds shall be allocated among those States with an average unemployment rate for the preceding 6-month period in excess of 6 percent on the basis of the relative severity of unemployment in each such State, except that no State shall be allocated less than three-quarters of one percent or more than twelve and one-half percent of such funds for local public works projects within such State, except that in the case of Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, not less than one-half of one percent in the aggregate shall be granted for such projects in all 4 of such territories.

(3) SET-ASIDE.—Not less than 10 percent of such funds shall be set aside and shall be expended only for grants for public work projects under this Act for local units of general government with populations under 10,000.

(4) DEVELOPMENT AND ADMINISTRATION.—Up to three-quarters of one percent of the total grant award will be available for project development and preparation, and for ongoing project administration. This allocation will be available for local units of government defined as nonentitlement under the Housing and Urban Development Community Development Block Grant Program. Such allocation shall not exceed $15,000 for any single grant award.

(b) PREFERENCES.—

(1) LOCAL GOVERNMENT PROJECTS.—In making grants under this Act, the Secretary shall give priority and preference to public works projects of local governments.

(2) LOCALLY ENDORSED PROJECTS.—In making grants under this Act, the Secretary shall also give priority and preference to any public works project requested by a State or by a special purpose unit of local government which is endorsed by a general purpose local government within such State.

(3) SCHOOL DISTRICT PROJECTS.—A project requested by a school district shall be accorded the full priority and preference to public works projects of local governments provided in this subsection.

(4) NEW BUSINESS PROJECTS.—A project that creates or adds to an industrial research or development park in which space is allocated for new business ventures shall be accorded full priority and preference. For the purposes of this section, new business ventures shall be limited to those with a capitalization of $10,000,000 or less.

(5) APPLIED INDUSTRIAL RESEARCH PROJECTS.—A project that creates or adds to an applied research facility at an institution of higher education, and that facility is intended to promote the development of new products and processes, or that the Secretary determines will improve the competitiveness of American industry shall be accorded full priority and preference. For projects under this section, matching funds requirements shall be waived if the company or companies and school involved commit, in the Secretary's determination, to undertake all future equipment and maintenance expenses.

(c) HIGH UNEMPLOYMENT RATES.—

(1) PRIORITY.—In making grants under this Act, if for the 12 most recent consecutive months, the average national unemployment rate is equal to or exceeds 6 percent, the Secretary shall (A) expedite and give priority to applications submitted by States or local governments having unemployment rates for the 12 most recent consecutive months in excess of the national unemployment rate, and (B) shall give priority thereafter to applications submitted by States or local governments having average unemployment rates for the 12 most recent consecutive months in excess of 6 percent, but less than the national unemployment rate.

(2) INFORMATION REGARDING UNEMPLOYMENT RATES.—Information regarding unemployment rates may be furnished either by the Federal Government, or by States or local governments, provided the Secretary (A) determines that the unemployment rates furnished by States or local governments are accurate, and (B) shall provide assistance to States or local governments in the calculation of such rates to ensure validity and standardization.

(3) LIMITATION ON APPLICABILITY.—Paragraph (1) of this subsection shall not apply to any State which receives a minimum allocation pursuant to paragraph (2) of subsection (a) of this section.

(d) STATE AND LOCAL PRIORITIZATION OF APPLICATIONS.—Whenever a State or local government submits applications for grants under this Act for 2 or more projects, such State or local government shall submit as part of such applications its priority for each such project.

(e) LOCALIZATION OF UNEMPLOYMENT DETERMINATIONS.—The unemployment rate of a local government may, for the purposes of this Act, and upon request of the applicant, be based upon the unemployment rate of any community or neighborhood (defined without regard to political or other subdivisions or boundaries) within the jurisdiction of such local government.

SEC. 5. RULES, REGULATIONS, AND PROCEDURES.

(a) IN GENERAL.—The Secretary shall, not later than 30 days after date of enactment of this Act, prescribe those rules, regulations, and procedures (including application forms) necessary to carry out this Act. Such rules, regulations, and procedures shall assure that adequate consideration is given to the relative needs of various sections of the country. The Secretary shall consider among other factors (1) the severity and duration of unemployment in proposed project areas, (2) the income levels and extent of underemployment in proposed project areas, and (3) the extent to which proposed projects will contribute to the reduction of unemployment.

(b) CONSIDERATION OF APPLICATIONS.—The Secretary shall make a final determination with respect to each application for a grant submitted to him under this Act not later than the 60th day after the date the Secretary receives such application.

(c) CONSIDERATION OF CONSTRUCTION INDUSTRY UNEMPLOYMENT.—For purposes of this section, in considering the extent of unemployment or underemployment, the Secretary shall consider the amount of unemployment or underemployment in the construction and construction-related industries.

SEC. 6. GENERAL LIMITATIONS.

(a) ACQUISITION OF LAND.—No part of any grant made under section 3 of this Act shall be used for the acquisition of any interest in real property.

(b) MAINTENANCE COSTS.—Nothing in this Act shall be construed to authorize the payment of maintenance costs in connection with any projects constructed (in whole or in part) with Federal financial assistance under this Act.

(c) ON-SITE LABOR.—Grants made by the Secretary under this Act shall be made only for projects for which the applicant gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that, if funds are available, on-site labor work can begin within 90 days of project approval.

(d) CONTRACTING.—

(1) CONTRACTING OUT REQUIRED.—No part of the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of any public works project for which a grant is made under this Act shall be performed directly by any department, agency, or instrumentality of any State or local government.

(2) COMPETITIVE BIDDING.—Construction of each project for which a grant is made under this Act shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, an alternative method is in the public interest.

(3) LOWEST RESPONSIVE BID.—Contracts for the construction of each project for which a grant is made under this Act shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility.

(4) ADVERTISING.—No requirement or obligation shall be imposed as a condition precedent to the award of a contract to a bidder for a project for which a grant is made under this Act, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

(e) ENVIRONMENTAL SAFEGUARDS.—All local public works projects carried out with Federal financial assistance under this Act shall comply with all relevant Federal, State, and local environmental laws and regulations.

(f) BUY AMERICAN.—If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to title III of the Act of March 3, 1933, popularly known as the Buy American Act, or similar requirements, such project shall be subject to such title of such Act of March 3, 1933, or such similar requirements under this Act in the same manner and to the same extent as such project would be subject to such title of such Act of March 3, 1933, or such similar requirements under such other provisions of law.

(g) MINORITY PARTICIPATION.—If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to any minority participation requirement, such project shall be subject to such requirement under this Act in the same manner and to the same extent as such project would be subject to such requirement under such other provisions of law.

(h) APPLICABILITY OF LAWS REGARDING INDIVIDUALS WITH DISABILITIES.—Sections 504 and 505 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 shall apply to local public works projects carried out under this Act.

SEC. 7. PREVAILING RATE OF WAGES.

If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a–276a–5), or similar requirements, such project shall be subject to such Act of March 3, 1931, or such similar requirements under this Act in the same manner and to the same extent as such project would be subject to such Act of March 3, 1931, or such similar requirements under such other provisions of law.

SEC. 8. FUNDING.

There is authorized to be appropriated $20,000,000,000 to carry out this Act. Moneys appropriated pursuant to this authorization shall remain available until expended.

SEC. 9. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Economic Development Administration.

(2) LOCAL GOVERNMENT.—The term "local government" means any city, county, town, parish, or other political subdivision of a State, and any Indian tribe.

(3) PUBLIC WORKS.—The term "public works" includes water and sewer lines, streets and roads, water and sewage treatment plants, port facilities, police and fire stations, detention centers, schools, health facilities, and industrial research or development parks, research facilities at institutions of higher education and other projects the Secretary determines to be appropriate.

(4) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.•

By Mr. PRYOR (for himself and Mr. BOREN):

S.J. Res. 297. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT POPULAR ELECTIONS OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. PRYOR. Mr. President, today in behalf of myself and Senator BOREN of Oklahoma, I am introducing a joint resolution to amend the Constitution of the United States to provide for the direct popular election of the President and Vice President of the United States.

Mr. President, the basic constitutional voting doctrine of one person, one vote applies to every election in America, from U.S. Senator to county clerk, local officials, school boards, and all the rest. This basic principle applies to every elected official in America except two: The President of the United States and the Vice President of the United States. Every single political official in the United States today is elected directly by the voters, except the President and the Vice President.

Mr. President, it is now time to trust the American voter with the power to directly elect our national leaders. It is time to close the doors on the electoral college.

One of the very first bills that I cosponsored after entering the Senate in 1979 was a resolution such as this, authored at that time by Birch Bayh, my good friend and then the Senator from Indiana.

I also have had the privilege of voting in favor of such a resolution as a House Member in 1969, when it passed the House of Representatives by a vote of 339 to 70; and again as a U.S. Senator in 1979, when it failed to achieve the necessary two-thirds majority. At that time the Senate, by a vote of 51 to 48, said that we need to abolish the electoral college and have the direct election for President and Vice President.

The passage of time has only increased my desire to see this legislation pass and let the American voters, not 538 mysterious electors, choose our President and Vice President. We are fast approaching the November Presidential election with the possibility of not two, but three, viable candidates: President George Bush, Governor Bill Clinton, and H. Ross Perot.

It is quite possible that we will awaken on the morning of November 4 facing a constitutional crisis that many of us have feared for several decades. If none of the Presidential candidates receives an electoral majority, 270 of the 538 electoral college votes, our Nation's leader will be chosen by the House of Representatives, and this body, the U.S. Senate, will be choosing the Vice President of the United States. With voter distrust of Congress at an all-time high, I can not begin to imagine the reaction of the American people when they realize that Congress—not the voters, but the Congress—would then select the President and Vice President.

The present electoral process also allows for the possible election of a so-called minority President. In 1824, 1876, and 1888, the electoral college awarded the Presidency to the candidate who received fewer popular votes than his opponent because of the winner-take-all rule, which is still used in 48 of our 50 States. The winner-take-all rule, or unit rule, simply means the candidate receiving a plurality of the State's votes receives all of that State's electoral votes. Winning a State by one vote is the same in the electoral college system as winning by a million votes.

Although over 100 years have passed since our last minority President was elected, but close calls in 1968 and 1976 present persuasive evidence this possibility could happen in modern times. In 1976 a shift of merely 10,000 votes in Hawaii and Ohio would have awarded the election to Gerald Ford, even though Jimmy Carter received nearly 2 million more popular votes nationwide. A shift of 15,000 votes in Ohio and Delaware would have led to a 269–269 electoral vote tie and thrown that election into the House of Representatives.

The near miss of 1968 presents the closest parallel with our election this year. In 1968, the Democratic candidate was Hubert Humphrey, the Republican candidate was Richard Nixon, and George Wallace ran as an Independent. In the final analysis, Governor Wallace came within 54,000 votes of denying either candidate an electoral majority, which would have thrown the election in 1968 into the House of Representatives. Even more frightening was what was allegedly going to happen. Governor Wallace, at that time—allegedly, I say, Mr. President—might have been prepared to sell his electors to the highest bidder to decide that election in the electoral college. That fact, Mr. President, is only an allegation. That may not be true. This possibility, however, exists because electors may vote for anyone they wish in the electoral college. They are not legally bound to vote for their designated candidate.

The electoral college has erred three times and come close to misfiring in numerous other elections. Albert Einstein once said, "God doesn't play dice with the universe," but our electoral college surely gambles with the highest office in the land. The American voters should not have to take that risk.

The answer to these problems lies with the direct election, which is so clear, simple, and honest way of electing the President.

The direct election of the President will give every person in our country an equal voice in the election of our two highest officials. Mr. President, it is time for our country, which believes in the equality of citizens, to adopt an election framework which ensures the same equality at the voting booth.

The electoral college arose out of fear—a fear of the uneducated, uninformed masses deciding the occupants of the highest offices in the land. The advent of television, radio, and daily newspapers enables every citizen in America to be well-informed about Presidential candidates and also the issues which are discussed in those Presidential and Vice Presidential campaigns. Times have changed since 1787, and the Constitution must now reflect those changes.

There have been seven constitutional amendments to expand the rights of our citizens to vote, including an amendment to provide for the direct election of every Member of this body back in 1913. It is time now to expand the right to vote for President and for Vice President of the United States to each citizen and to remove that power from a mere 538 electors.

In the coming weeks and months, I will summarize the various arguments in favor of a direct popular election for the Presidency in speeches on the Senate floor. Since 1979, the last time the Senate fully debated this matter, 51 new Members have joined this body. I encourage all my colleagues, especially those who have joined this body since 1979, to join me in this debate on this very important and needed reform in the Presidential election process. Mr. President, it is time for the people of America to choose our President and Vice President.

I send to the desk, a Senate joint resolution, and ask unanimous consent it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 297

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The people of the several States and the District constituting the seat of Government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joining of his or her name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the branch of the State legislature that has the greatest number of members, except that the legislature of a State may prescribe residence qualifications for the former electors that are less restrictive than the residence qualifications for the latter electors, and except that the residence qualifications for the former electors shall conform with any uniform residence qualifications that are enacted by Congress.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if that number constitutes at least 40 percent of the whole number of votes cast.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, a runoff election shall be held in which the choice of President and Vice President shall be made between the two pairs of persons joined as candidates for President and Vice President who received the highest number of votes cast in the election. The pair of persons joined as candidates for President and Vice President receiving the greater number of votes in the runoff election shall be elected President and Vice President.

"SEC 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature of the State, but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election, other than a runoff election, shall be held later than the first Tuesday after the first Monday in November, and the results of the election shall be declared no later than the thirtieth day after the date on which the election occurs.

"SEC. 5. The Congress may be law provide for the case of the death, inability, or withdrawal of a candidate for President, a candidate for Vice President, or both, before a President and Vice President have been elected.

"SEC. 6. Sections 1, 2, 3, and 4 of this article shall take effect two years after the ratification of this article.

"SEC. 7. The Congress shall have the power to implement and enforce this article by appropriate legislation.".

ADDITIONAL COSPONSORS

S. 225

At the request of Mr. WARNER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 225, a bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia.

S. 388

At the request of Mr. BAUCUS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 388, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 703

At the request of Mr. ROCKEFELLER, the name of the Senator from West

Virginia [Mr. BYRD] was added as a cosponsor of S. 703, a bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 761

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 761, a bill to reduce hazardous pollution.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1130

At the request of Mr. KASTEN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account.

S. 1178

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenditures for vehicles which may be fueled by clean-burning fuels, for converting vehicles so that such vehicles may be so fueled, or for facilities for the delivery of such fuels, and for other purposes.

S. 1240

At the request of Mr. CHAFEE, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1240, a bill to amend title XIX of the Social Security Act to provide criteria for making determinations of denial of payment to States under such Act.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1761

At the request of Mr. DASCHLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1761, a bill to regulate above ground storage tanks used to store regulated substances, and for other purposes.

S. 1850

At the request of Mr. BAUCUS, the names of the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1850, a bill to extend the period during which the U.S. Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 1852

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1852, a bill to amend the Social Security Act with respect to Medicare to protect the wage index for an urban area in a State if such wage index is below the rural wage index for such State for purposes of calculating payments to hospitals for inpatient hospital services, and for other purposes.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 1988

At the request of Mr. COHEN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1988, a bill to amend title XVIII of the Social Security Act to provide for improved standards to prevent fraud and abuse in the purchasing and rental of durable medical equipment and supplies, and prosthetics and orthotics, and prosthetic devices under the medicare program, and for other purposes.

S. 2027

At the request of Mr. CHAFEE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2027, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the medicare program.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2087

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2087, a bill to prohibit certain use of the terms "Visiting Nurse Association", "Visiting Nurse Service", "VNA", and "VNS".

S. 2328

At the request of Mr. BROWN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2335

At the request of Mr. HATFIELD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2335, a bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2374

At the request of Mr. SEYMOUR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2374, a bill to amend the Child Nutrition Act of 1966 to establish a breastfeeding promotion program.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2491

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2491, a bill to amend the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program, and for other purposes.

S. 2511

At the request of Mrs. KASSEBAUM, the names of the Senator from North

Dakota [Mr. CONRAD] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 2511, a bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977.

S. 2533

At the request of Mr. INOUYE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2533, a bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes.

S. 2542

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2542, a bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figurines.

S. 2543

At the request of Mr. MCCAIN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 2543, a bill to amend the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, to prevent the transfer of certain goods or technology to Iraq or Iran, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2627

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2627, a bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 182, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 241

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 241, designating October 1992 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 251

At the request of Mrs. KASSEBAUM, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 258, a joint resolution designating the week commencing May 3, 1992, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 260

At the request of Mr. COCHRAN, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 260, a joint resolution designating the week of October 18, 1992, through October 24, 1992, as "National School Bus Safety Week."

SENATE JOINT RESOLUTION 264

At the request of Mr. SEYMOUR, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 264, a joint resolution designating May 1992 as "National Community Residential Care Month."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. DIXON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Nebraska [Mr. EXON], the Senator from Virginia [Mr. ROBB], the Senator from Texas [Mr. GRAMM], the Senator from Indiana [Mr. LUGAR], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26–May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 268

At the request of Mr. GARN, the names of the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. NUNN], the Senator from North Carolina [Mr. SANFORD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 268, a joint resolution designating May 1992, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Virginia [Mr. ROBB], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 289

At the request of Mr. D'AMATO, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 289, a joint resolution designating the period beginning April 9, 1992, and ending May 6, 1992, as "Bataan-Corregidor Month."

SENATE JOINT RESOLUTION 293

At the request of Mr. SASSER, the names of the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. NUNN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. WELLSTONE], the Senator from West Virginia [Mr. BYRD], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 293, a joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week."

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. HELMS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Concurrent Resolution 107, a concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression.

SENATE RESOLUTION 270

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during WWII.

SENATE RESOLUTION 290

At the request of Mr. RIEGLE, his name was added as a cosponsor of Senate Resolution 290, a resolution regarding the aggression against Bosnia-Hercegovina and conditioning United States recognition of Serbia.

SENATE RESOLUTION 292—AUTHORIZING LUMP-SUM PAYMENTS FOR LEAVE ACCRUED BY CERTAIN MEMBERS OF THE CAPITOL POLICE

Mr. FORD (for himself, Mr. STEVENS, Mr. REID, and Mr. GORTON) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Resolved, That (a) a member or employee of the Capitol Police whose pay is disbursed by the Secretary of the Senate and who is separated from service with the Capitol Police is entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which he is entitled, based solely on his service as a member or employee of the Capitol Police.

(b) The lump-sum payment is considered to be pay for taxation purposes only. The payment shall be made by the Secretary of the Senate when certification is made by the Sergeant at Arms of the Senate to the Financial Clerk of the Senate. The certification shall state the total of the accumulated and current accrued annual leave to the credit of the member or employee of the Capitol Police, and shall be made after such member's or employee's separation from service.

(c) The lump-sum payment shall be paid at the hourly rate of compensation to which the member or employee is entitled, multiplied by the number of hours certified in subsection (b). The hourly rate of compensation of such member or employee shall be determined by dividing the employee's annual rate of compensation by 2,080. The annual rate of compensation is that rate to which the member or employee is entitled, at the time of separation, based on the applicable Capitol Police step and position level.

(d) Lump-sum payments paid to members or employees of the Capitol Police under this section shall be paid by the Secretary of the Senate from funds appropriated to the Sergeant at Arms and Doorkeeper of the Senate in a legislative appropriation Act under the heading "Capitol Police Board" and the subheadings "Capitol Police" and "Salaries" for the fiscal year in which the member or employee separates. For purposes of appropriation Acts, payments under this section shall be made available from such funds as though such payments were salaries for a Capitol Police member or employee.

(e) The provisions of this section shall not be construed to authorize the transfer of leave between the Capitol Police and any other agency of the Federal Government.

(f) The provisions of this section shall cease to be effective and shall not apply to any separation from service occurring on or after 2 years after the date of enactment of this section.

SENATE RESOLUTION 291—RELATING TO JAPAN'S PARTICIPATION IN UNITED NATIONS' PEACEKEEPING OPERATIONS

Mr. ROTH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 291

Whereas Japan's economic success has made it the world's second largest economy, endowing it with global economic influence,

Whereas such economic influence carries with it global responsibilities which require commitments of both financial resources and personnel,

Whereas the United Nations has launched nearly as many peacekeeping operations in the last four years as in the previous forty,

Whereas these operations lack money and specialists such as engineers, medics, and electricians,

Whereas Japan could alleviate personnel shortages by sending civilians and members of its Self-Defense Forces to participate in United Nations peacekeeping operations: Now, therefore, be it

Resolved, by the Senate that—

(1) Japan's participation in United Nations peacekeeping operations through not only financial support, but also through contributions of personnel, is in the interest of the United Nations and the countries that make up that body and should be encouraged; and

(2) The Senate of the United States should fully support the dispatch of Japanese personnel to United Nations peacekeeping operations.

Mr. ROTH. Mr. President, I rise today to submit a resolution encouraging Japan to contribute personnel to United Nations peacekeeping operations.

Over the years, Japan has achieved great success and realized enormous benefits from global institutional arrangements. The time has come for Japan—as the world's second largest economy, with influence and interests that stretch around the world—to assume greater global responsibilities, including responsibilities for helping maintain the peace.

With the end of the cold war has come a rash of ethnic and regional conflict. To quell the violence, the United Nations has authorized nearly as many peacekeeping operations in the past 4 years as in the previous 40. While Japan has been a willing financial contributor to these operations, Tokyo has been unable—for political and historical reasons, as well as reasons having to do with constitutional interpretation—to permit members of its self-defense forces to serve in such operations.

But in answer to the international criticism of Tokyo resulting from the country's slow—and to some observers, inadequate—response to the gulf war, Japan embarked on a great debate over its role in the world. A key part of that debate has centered around a bill currently before the Diet on Japan's participation in U.N. peacekeeping operations.

The resolution I am introducing today is not intended as an endorsement of that legislation. Rather, it is meant to demonstrate that Members of the Senate, and the American people they represent, believe it is in the interest of the United Nations and its member states, for Japan to participate in U.N. peacekeeping operations not only through financial support, but also through contributions of personnel. Japan must begin to do more than simply write checks in response to international crises; as a full and successful participant in the global economy, it is time for Japan to become a full participant in helping curb the tensions that threaten the peace.

In offering this resolution, I would like to make it clear that nothing in it should be construed as attenuating the Treaty of Mutual Cooperation and Security between the United States and Japan. That treaty has been the cornerstone of the American security presence in East Asia. It has provided the stability that has undergirded that region's phenomenal economic performance. It also remains critical for safeguarding American interests, and as such should be maintained.

I also want to reassure Japan's neighbors that I offer this resolution in full recognition of the concerns they may have over the dispatch of Japanese troops overseas. The terrible suffering that the peoples of those countries endured in the past will not be forgotten. But with Japan's increased economic status and the epochal changes in the global security situation, we must take a fresh look at the assumptions that have guided us in the past. The assumption that Japan cannot be trusted in sending troops overseas to participate in U.N. peacekeeping operations, I believe, is a faulty one. It relegates Japan to a special status in the international community that is neither justified nor sustainable. As the world's largest creditor nation, with investments and trade relationships around the globe, Japan—just as any nation—can be expected to conduct its affairs with its own interests in mind.

And now, depending on how one assesses Russian expenditures, Japan has either the second or third largest defense budget in the world. I believe the international community will be far better served if some of those resources are channeled into multilateral peacekeeping arrangements. Indeed, Japan's participation in such arrangements will provide an opportunity for Tokyo to build stronger bridges of trust to its neighbors. It will also help the citizens of Japan better understand the stake their country has in global affairs and the responsibility the Japanese people have in participating more openly and fully in the international community.

The Japanese Constitution itself gives clear voice to the responsibilities of the citizens of Japan in these matters. Speaking for the Japanese people, it says:

> We desire to occupy an honored place in an international society, striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all people of the world have the right to live in peace, free from fear and want * * * we, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

The time has come for Japan to fulfill this pledge by permitting its people to serve in U.N. peacekeeping operations.

AMENDMENTS SUBMITTED

RESCISSION OF CERTAIN BUDGET AUTHORITY

BYRD AMENDMENT NO. 1789

Mr. BYRD proposed an amendment to the reported amendment (in a nature of a substitute) to the bill (S. 2403) to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended, as follows:

In lieu of the matter proposed to be inserted, insert:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98–473, Public Law 99–88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102–145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for *laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.*

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102–172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $366,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in psychobiology in the twentieth century"; "Affective bases of person perception"; "The representation of attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds";

"American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN-21 attack submarine program" in Public Law 102-172, and proposed for rescission in R92-101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $1,000,000,000 are rescinded from funds for the B-2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102-154, R92-34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101-511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101-161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101-511, and proposed for rescission in R92-111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101-511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101-511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101-511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101-165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102-172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC-TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101-511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

BYRD AMENDMENT NO. 1790

Mr. BYRD proposed an amendment to amendment No. 1789 proposed by him to the reported amendment (in the nature of a substitute) to the bill S. 2403, supra, as follows:

In lieu of the matter proposed to be inserted, insert:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98-473, Public Law 99-88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101-513, and the corresponding authority provided in Public Law 102-145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101-513, and the corresponding authority provided in Public Law 102-145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102-145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102-172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $365,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102–154, R92–34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101–511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101–161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101–511, and proposed for rescission in R92–111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101–511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101–511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101–511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101–165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102–172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC–TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101–511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

McCAIN (AND ROTH) AMENDMENT NO. 1791

Mr. McCAIN (for himself and Mr. ROTH) proposed an amendment to the reported amendment (in the nature of a substitute) to the bill S. 2403, supra, as follows:

At the appropriate place insert the following:

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RECESSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 101–511, $1,075,700,000 are rescinded, and of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, $1,690,200,000 are rescinded.

BROWN (AND OTHERS) AMENDMENT NO. 1792

Mr. BROWN (for himself, Mr. KOHL, and Mr. SMITH) proposed an amendment to the bill S. 2403, supra, as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE THAT UNNECESSARY WASTEFUL SPENDING BE ELIMINATED

It is the sense of the Senate that—

(1) all programs and projects for which funds are appropriated should adhere to objective criteria throughout the appropriations process; and

(2) money should not be appropriated for programs and projects unless—

(A) the programs and projects are a topic of an appropriations hearing;

(B) the programs and projects are authorized before funds are appropriated;

(C) the programs and projects are not added on to appropriations bills in conference if they were not included in either the House or Senate-passed bill; and

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BROWN (AND SMITH) AMENDMENT NO. 1793

Mr. BROWN (for himself and Mr. SMITH) proposed an amendment to the bill S. 2403, supra, as follows:

On page 29, line 12, strike "$20,000,000 are rescinded." and insert the following: "$21,000,000 are rescinded.

"ADDITIONAL PORKBUSTER PROVISIONS FROM THE PRESIDENT'S BILL

"The funds proposed for rescission in R92–43, R92–45, R92–46, R92–47, R92–48, R92–50, R92–51, R92–54, R92–55, R92–57, R92–59, R92–61, R92–67, R92–97, R92–66, R92–68, R92–69, R92–70, R92–71, R92–72, R92–73, R92–74, R92–75, R92–76, R92–77, R92–78, R92–79, R92–80, R92–81, R92–82, R92–83, R92–84, R92–85, R92–86, R92–87, R92–95, R92–96, R92–98, R92–99, R92–100, R92–89, and R92–90 are rescinded.".

NOTICE OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on Wednesday, May 6, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the implementation of the Indian Gaming Regulatory Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on issues pertaining to the refining sector of the petroleum industry.

The hearing will take place on Tuesday, May 19, 1992, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Don Sana.

For further information, please contact Don Sana of the committee staff at 202–224–4820.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee On Armed Services be authorized to meet on Tuesday, May 5, 1992, at 9:30 a.m., in open session to receive testimony on the near- and long-term outlook for the U.S. Marine Corps in review of the amended Defense authorization request for fiscal year 1993 and the future years, Defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 5, 1992, at 9:30 a.m., on the FAA reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 5, 1992, at 9:30 a.m. The committee will hold a full committee hearing to consider the President's nomination of Thomas Kerester to be Chief Counsel for Advocacy for the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, May 5, for a hearing on the subject: performance measurement: toward more effective government.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 5, 1992, at 2 p.m., to hold a hearing on Stop Arming Felons [SAFE] Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 5, 1992, at 9:30 a.m. to hold a hearing on involuntary transfer of insurance policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 5, at 2 p.m. to conduct a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CINCO DE MAYO

• Mr. SIMON. Mr. President, today I would like to take a moment to honor one of our neighbors to the south, Mexico. Today is one of Mexico's most treasured holidays, Cinco de Mayo. On this day in 1862, Mexican forces successfully won the Battle of the Puebla. Their victory 130 years ago was a turning point in Mexican history. It was in this battle that Mexican forces overcame seemingly insurmountable obstacles to defeat the forces of Napoleon III.

In the last 10 years, Mexico has been a beacon of hope in Latin America. In 1982, Mexico was in serious financial trouble. After bold reforms by the Salinas government, Mexico has lowered inflation, is paying its external debt, has privatized most of its state-owned industries and is encouraging Mexicans, as well as foreigners, to invest in a country and a people. These financial reforms, as well as other governmental reforms, have given rise to an atmosphere of optimism in Mexico.

The United States has also been blessed with a large population of Mexican-Americans. In my home State of Illinois, Mexican-Americans have given our cities a rich diversity. Mexican-Americans have contributed to our heritage in literature, politics, art, religion, athletics, cuisine, and so many other aspects of American life. In addition, the Mexican sense of family has also been a model of all Americans.

As Mexicans in Mexico, the United States, and all over the world celebrate Cinco de Mayo, let us share in their joy and enthusiasm.•

IN RECOGNITION OF ENCINAL HIGH SCHOOL

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Encinal High School and the faculty, staff, students, and parents upon achieving excellence in education.

Arthur Andersen and the Alameda School District have developed a partnership between business and education that begins at the grassroots level—involving parents, teachers, administrators, and business and community representatives. Their concept is called visioning and involves workshops and action committees that chart a course for the ideal student for the 21st century. Arthur Andersen and Co. serves as a resource and a catalyst for change in this cooperative agreement.

Encinal High School is quickly becoming a model for their concept. Encinal is a progressive school that is currently restructuring their educational curriculum. They have won several grants and are currently applying for grants that allow them to give their teachers and staff additional training and for innovative projects.

They support interactive teaching and participation from students and parents. Beginning next fall, they will be one of eight high schools in California that will be participating in an interactive mathematics program developed by U.C. Berkeley that requires all sophomores, juniors, and seniors to take algebra, geometry, and trigonometry, simultaneously. These classes are college preparatory as well as bringing to light that in real life these subjects are interactive and are used jointly so it makes more sense to teach them together.

Encinal has also implemented a support structure to assist students in becoming better students. Every student and their family is assigned a counselor, psychologist, and administrator, and teacher to help them in dealing with their studies and the school situation.

Mr. President, I ask my colleagues to join me in commending Encinal High School for achieving excellence in education and to offer our best wishes for continued success in their future endeavors.•

OPERATION EIC FILE

• Mr. KOHL. Mr. President, I would like to thank the volunteers of Operation EIC File and commend them for their hard work. These volunteers are helping low-income families in the Milwaukee area fill out their tax forms to make sure that working families receive the tax benefits they have earned. The earned income credit campaign is the joint effort of Congress for a Working America, the Greater Milwaukee Committee, the city of Milwaukee, and the Social Development Commission, in cooperation with the Internal Revenue Service.

The need for outreach to low-income working families increased this year with the new, more complicated EIC tax forms. Because of a law which made the EIC more complicated, the EIC tax forms threatened to discourage many families from filling out the complex forms. The volunteers of Operation EIC File stepped in to respond to that increased need.

By providing tax advice and assistance to working families, they have saved many families money—money that might otherwise have gone to high-cost, tax preparation firms, or check-cashing establishments—that will now be kept by the worker who earned it. I am grateful to the volunteers who made this project possible and who provided assistance to Wisconsin families. In this time of hardship, they should be especially proud of their work. I certainly am.

Mr. President, I would like to thank the following volunteers for their efforts and most importantly, I would like to thank them for caring:

Sara Ackley, Jodi Amend, Gita Amilinene, Laura Arnow, Dianne Baas, Eloisa Balderas, Jerry Baldwin, Rhoda Baumgarten, Kathy Bayer, Terri Behling, Michael Blau, Stacey Bodi, Allen Boyle, Jeane Brousseau, Pam Cleereman, Gershia Coggs, David Corwin, Curtis Craig, Scott Craine, David DaLey, Jeff Danihel, Barbara Ecklond, Sarah Evans, Debra Fenzl, Heidi Fleck, David Fohr.

Mark Gelhaus, Sean Goggin, Rachel Grenier, Lea Grunig, Kevin Hablewitz, Steven Heicher, David Hilker, Andy Holman, Steve Holt, Laura Horton, Cindy Hulen, Judy Isom, Christine Jensen, Greg Jeske, Kathleen Jokisch, Kevin Kalnins, Vernon Keszler, Gail King, Kelly, Kirtley, Andy Komisar, Dave Laske, Gary Lau, Lynn Ludke, Tom Maloney, Andy Mohrfeld, Jeffrey Paro.

Doug Patch, Jamie Payton, Cheryl Pfundtner, Christy Plautz, Kerry Quigley, Darci Rodas, Sean Rutter, John Sablan, Peter Schimmel, Craig Schmitter, Christopher Schrantz, Jennie Schwister, Peter Sledzik, Kurt Sowle, Sue Stanton, Toni Straughter, Jean Trompeter, Kurt Vaaler, Mike Verveer, Betty White, Roderick Wilson, Sun Yoon, Carl Zaar, Josh Zepnick.●

LUJAN ALTERNATIVE

● Mr. GORTON. Mr. President, I recently wrote people in Washington State asking them their opinion on Secretary of the Interior Manuel Lujan's decision to reduce spotted owl set asides in the Northwest in order to save jobs and protect families. The majority of those who responded felt that the Secretary was doing the right thing and that they support his efforts. I agree. We in Congress have done nothing for the past 3 years while workers, families, and communities have been threatened with devastation due to spotted owl set asides. Finally, someone has come forward and proposed a solution that takes into consideration the lives of people.

Make no mistake, even Secretary Lujan's alternative will be painful. It will still result in thousands of job losses. But when compared with the recovery plan as proposed by the Fish and Wildlife Service, Secretary Lujan's proposal will cut job losses in the Northwest in half. I think it's important that we support the Secretary's alternative and prevent any further attempts to lock up more land in the Northwest.●

WIESEL OFFERS INSIGHTS ON FANATICISM

● Mr. SIMON. Mr. President, in the Washington Post on April 19, 1992, there was an intriguing article by Nobel peace prize-winning humanitarian Elie Wiesel exploring the roots of growing fanatical hate movements.

I ask that this article, entitled "When Passion Is Dangerous" be printed in the RECORD.

The article follows:

WHEN PASSION IS DANGEROUS

(By Elie Wiesel)

(At a time when extremist groups and individuals are increasingly active both at home and abroad, we thought it would be useful to ask a famous victim—and survivor—of hatred and prejudice for his views on the nature and perils of fanaticism. Elie Wiesel, winner of the Nobel Prize in 1986 and currently Professor of Humanities at Boston University, is one of the world's foremost authorities on the subject, by reason both of his scholarly researches and his own personal experiences. A native of Transylvania, he was captured by the Nazis at the age of 15 and imprisoned in the Auschwitz and Buchenwald concentration camps, where nearly all of his family died.

(The author of some 30 books, including "Night" and "The Jews of Silence," Wiesel has spoken on behalf of Southeast Asian Refugees, South African blacks, The Miskito Indians of Nicaragua and other oppressed and persecuted groups. His newest book, a novel titled "The Forgotten," is being published this month by Summit Books. Elie Wiesel has been a U.S. citizen since 1963 and is a recipient of the Congressional Gold Medal.)

Fanaticism is all around us, and only we ourselves can stem it. That is because the hatred that underlies this ancient scourge is of human origin, and only human beings can trace its contours, measure its depth and realize its dangers before disarming it.

It flourishes today in lands near and far, and its victims are counted by the tens of thousands. Riots in Armenia and Azerbaijan, bloodshed in Yugoslavia, political convulsions in India, depredations against the Kurds in Iraq—all of these must be seen in the horrible context of a rising fanaticism.

Paradoxically, the current decade—the last of this century and this millennium—started rather well. A contagious current of liberty ran across much of the world, bringing glasnos and perestroika in the Soviet Union, the victory of Vaclav Havel in Czechoslovakia, the courageous student demonstration in China, the fall of the Berlin Wall, the growing strength of intellectual voices in Poland, Hungary, Bulgaria and Yugoslavia, the fall of dictatorships in Latin America.

Then came the disenchantment and the reversion to old patterns, reflected in the bloody repression in Beijing (which was accepted too fast by the so-called civilized world); the disturbing turnabouts in Soviet politics; the pardons of war criminals in Lithuania; the resurgence of anti-Semitism in Poland, Romania and Hungary; and the stirrings of racism in Germany, in France, in England and even in Scandinavia. What has become of the rising hope shared by so many? Was it, too, the victim of fanaticism on an international scale?

Forgive me if I expand a bit on the phenomenon of anti-Semitism—the oldest collective prejudice in history, one I've known since childhood. Anti-Semitic fanaticism has passed through various phases over the centuries. The religious anti-Judaism of the Middle Ages has given way to a political anti-Semitism aimed at the State of Israel—although those who mount the attack may claim to be "merely" anti-Zionist. This political anti-Semitism is followed in its turn by an historical anti-Semitism that seems to me the most vicious and injurious of all. For historical anti-Semitism assaults the memory Jews hold of their own past suffering, as in the Holocaust. Its practitioners almost seem to become envious of those sufferings, first crying out, "The Jews are not the only ones who have suffered"; then, "Others have suffered more than the Jews"; and finally, "Others have been made to suffer by the Jews." Thus we are advised to speak more softly, to de-Judaize Jewish experience. If these new anti-Semites succeed in imposing their will, a Jew will no longer be able to speak of the Jewish tragedy.

Let us return to the problem of fanaticism in general by considering the question of whether fanaticism is nothing but a conviction pushed to excess—whether there exists a precise point at which the one is allowed to overflow into the other.

I would say that an idea becomes fanatical the moment it minimizes or excludes all the ideas that confront or oppose it. In religion, it is dogmatism; in politics, totalitarianism. The fanatic deforms and pollutes reality. He never sees things and people as they are; his hatred makes him fabricate idols and images so ugly that he can become indignant about them. In his eyes, he, and only he, has the right to put his ideas into action, which he will do at the first opportunity.

One can encounter fanaticism in the framework of all monotheistic religions—Christian, Jewish, Moslem—and extremism in any form revolts me. I turn away from persons who declare that they know better than anyone else the only true road to God. If they try to force me to follow their road, I fight them. Whatever the fanatic's religion, I wish to be his adversary, his opponent.

Does that mean I want to debate with him? My experience is that the fanatic hides from true debate. The concept of dialogue is alien to him. He is afraid of pluralism and diversity; he abhors learning. He knows how to speak in monologues only, so debate is superfluous to him.

Yes, the fanatic is passionate. But his passions can be dangerous. In religion, love is neither the problem nor the solution. The problem is exaggerated love, fanatical love, which turns religion into a personal battlefield that is dangerous to others and demeaning to the very faith it professes to cherish.

If religious fanaticism hides the face of God, so does political fanaticism destroy human liberty. In fact, there are some who, seeking to combat religious fanaticism, battle it with another kind of fanaticism that is equally evil. We cannot yield to fanaticism of any type. Fanaticism is a basic element of every dictatorship. In science, it serves death; in literature, it twists truth; in history, it tells lies; in art, it creates ugliness.

The fanatic never rests and never quits; the more he conquers, the more he seeks new conquests. For him to feel free, he must put everyone else into prison—if not physically, at least mentally. In doing so, he never realizes that he himself is in jail, as a guard if not as a prisoner. A fanatic has answers, not questions; certainties, not hesitations. In dictatorial regimes, doubts were considered crimes against the state. The philosopher Friedrich Nietzsche expressed it this way: Madness is the result not of uncertainty but certainty. Substitute the word fanaticism for madness, and the equation holds.

Now, on the threshold of the 21st century, it is our responsibility to combat the spreading cancer of fanaticism, which blocks the future of our children and ourselves. It must be constantly fought, because it leads to dehumanizing, degrading and contagious hatred. Nothing good, nothing worthy, nothing creative can be born of hatred. Hatred begets hatred. That is why we must keep it from our doors, send it away, repel it, disarm it—vanquish it before we even see the shadow of its shadow.

How can we do this? By celebrating, cherishing, defending the liberty of others—of all others. At stake is our cultural, ethical and moral future.

Let me conclude with a Midrashic story (of Rabbi Shimon bar Yokai), retold by the great Hasidic storyteller Rabbi Nahman of Bratslav:

A man is on a boat. He is not alone but acts as if he were. One night, he begins to cut a hole under his seat. His neighbors shriek: "Have you gone mad? Do you want to sink us all?" Calmly he answers them: "I don't understand what you want. What I'm doing is none of your business, I paid my way. I'm only cutting under my own seat."

What the fanatic will not accept, what you and I cannot forget, is that all of us are in the same boat.•

ENDANGERED SPECIES ACT

• Mr. PACKWOOD. Mr. President, the citizens of Oregon are concerned about the loss of jobs and economic devastation resulting from the Endangered Species Act. The idea behind the Endangered Species Act is a good one, but when it threatens to shut down entire communities, it has gone too far. Oregon's workers want Congress to amend the Endangered Species Act to take into account its effect on people, and I support them.

During my last visit to Oregon, I received a letter and a petition from workers at the Avison Lumber Co. in Molalla. It was signed by over 100 Oregonians from Salem, Portland, Estacada, Silverton, Molalla, and other towns where timber is a vital part of the economic base.

The letter reads:

> DEAR SENATOR PACKWOOD: The Endangered Species Act is a prime example of a good idea gone bad.
>
> The original intention, while admirable, has been lost. Efforts by extremists to overturn the multiple use concept has had a devastating effect.
>
> Our families and our communities are suffering. Without proper management our natural resources will suffer as well. We must seek a balance in the environmental equation and remember that man is a part of nature, not separate from it. Our environment can profit from man's superior intellect.
>
> Man is now able to travel to the moon and beyond. Shouldn't this vast amount of science and technology allow man to more effectively balance the needs of humans with the needs of all plants and animals?
>
> The answer, of course, is "Yes!"
>
> We, the undersigned, petition the Congress of the United States to amend the Endangered Species Act and put people back into the environmental equation.

Congress' primary responsibility is to people, not animals, and the Endangered Species Act should be amended to show that.•

FOREIGN OPERATIONS FUNDING

• Mr. INOUYE. Mr. President, last month, the Congress enacted House Joint Resolution 456 which will continue to provide funding for U.S. foreign aid programs for the remainder of fiscal year 1992. This resolution continues funding the foreign operations programs, with certain very limited exceptions, at the fiscal year 1991 rate or the level in H.R. 2621, the House passed foreign aid measure, whichever is lower.

Mr. President, there was, of course, no Senate report to accompany House Joint Resolution 456. However, if there had been one, I would have wanted it to contain language similar to that in Senate Report 101-519 which accompanied the last freestanding foreign aid appropriations bill, H.R. 5114, which was enacted for fiscal year 1991. In that report, the Senate Appropriations Committee expressed its approval of the financial support the Agency for International Development and other Government agencies gave to the U.S. Telecommunications Training Institute [USTTI].

Specifically, the report read as follows:

> U.S. Telecommunications Training Institute.—The Committee notes with approval the financial support AID and other Government agencies have given to the U.S. Telecommunications Training Institute (USTTI) since it was established in 1982. The Committee recommends that $500,000 be provided to support worthy applicants from the least developed countries of the world so that they may participate in this program. The Committee believes that USTTI's programs benefit the United States in establishing relationships with foreign administrators; leads to business opportunities for U.S. companies abroad; and helps our Government in international negotiations.

Mr. President, I am pleased to report that USTTI continues to justify the confidence the committee expressed in that report.•

IN RECOGNITION OF GATEWAY HIGH SCHOOL

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Gateway High School and the faculty, staff, student body, and parents upon achieving excellence in education.

Gateway High School began its existence in an old gymnasium. In 1973, plans were laid to build what was then known as a small necessary high school. Unlike other districts who continue to use abandoned buildings and unused classrooms, the Clovis Unified School District made a commitment to alternative education by financing the construction of a new facility expressly made for the kinds of programs needed by the continuation high school student.

What was needed was a small campus with modern, attractive, well-lighted classrooms complete with libraries, science rooms, business and computer rooms, a small shop, home economics laboratories, and adequate space for counseling and other support services. This facility has made the statement, "we care about you, too!" With the guidance of Dr. Floyd Buchanan, a new and unique facility was designed. The first phase of this project was completed in 1975 and for the next 13 years served as an outstanding example of what, with proper planning and support, a continuation high school could look like.

The growth of the Clovis School District made it apparent that the existing facility would not continue to service the needs of the growing student population. Once again, Dr. Buchanan took another positive step in providing needed services for alternative education. A plan was developed, a proposal was made and adopted by the school board to apply for additional facilities using State funding. The new project would almost double the size of the existing facility, provide much needed space for student activities, modernize rooms to make computer services available and, most of all, reiterate the concept of "we care about you, too!" Increased office space for better student services, a new and larger library, an activity center for students, improved athletic facilities and new classrooms capable of handling state of the art technology are all incorporated into the new facility.

At any one time at least 10 percent of the secondary school population of the

Clovis Unified School District is housed on the Gateway High School campus. This facility is concrete evidence of the commitment of the taxpayers, school board and administration of the Clovis unified schools to provide service to all of their students according to their needs.

Mr. President, I ask my colleagues to join me in commending Gateway High School for achieving excellence in education and to offer our best wishes for continued success in their future endeavors.•

THE IMPORTANCE OF PUBLIC TELEVISION

• Mr. WIRTH. Mr. President, our public broadcasting system is a national treasure and I support S. 1504, legislation to reauthorize Federal support for the system. Unfortunately, the Senate was unable to complete action on this legislation earlier this year. I hope we will return to this legislation very soon and encourage my colleagues to support public broadcasting when we do so.

Today, I would like to call Senators' attention to two articles that discuss the importance of public television to our Nation and culture. The first is an article written by Marshall Turner, the former chairman of the Corporation for Public Broadcasting, outlining the importance of public broadcasting as a national service that seeks to bring a diverse range of important educational and entertainment programming to a broad audience. The second article is a response to a recent George Will column critical of public television. That response appeared in the Washington Post last week and was written by Sharon Percy Rockefeller, a former member of the corporation's board.

I hope my colleagues will read both of these thoughtful articles before we take final action on S. 1504 and ask unanimous consent that they be printed in the RECORD. In addition, I would like to insert into the RECORD some remarks I had prepared earlier this year concerning S. 1504.

The material follows:

BIG BIRD: SOMEONE DIDN'T DO HIS HOMEWORK

(By Sharon Percy Rockefeller)

George Will's column "Who Would Kill Big Bird?" [op-ed, April 19] portrays public television as an example of the "welfare state gone awry"—a vehicle for entertaining the rich and powerful at the expense of the ordinary taxpayer. While it is refreshing to see Mr. Will in his guise of a populist, he has neglected to do his homework. His statements about public television are often distorted, often just plain wrong. Some examples:

Citing "The Civil War" to point out the "ample cable, broadcast and home video markets . . ." available to public television is like using Thomas Alva Edison as an example of why all inventors should make money. It is also 20/20 hindsight. Where were all those potential investors when a young, unknown filmmaker came to public television and proposed 11 hours of photographs buttressed by music and voice? They were salivating over "Roseanne." WETA—and public television—believed in "The Civil War" and Ken Burns, and supported him from the moment he began his research. Furthermore, we supported him not because his program looked good on a financial forecast but because we felt that what he had to say was important. Our yardstick was good programming, not profit.

A more apt question for Mr. Will to consider: Would private investors fund the hundreds of hours of extraordinary television on PBS that are *not* potential blockbusters but nonetheless inform, enrich, educate and delight viewers? Of course not.

Is WETA's audience "an advertiser's dream"? Perhaps, if we sold advertising; but we don't. We tried once: In the early 1980s, public television conducted an FCC and congressionally authorized 10-market advertising experiment. It confirmed that our programming could not generate enough advertising revenue to support the system, and concluded that continued government funding was essential.

The fact is that public television remains the only place a viewer can watch operas, ballets, symphonies or public affairs documentaries the way they were designed to be watched—without commercial interruption. Public television stations need public support precisely because their value lies in producing and broadcasting high-risk programs of quality that do not necessarily make money. Just ask the networks.

Mr. Will believes that because of cable television, the audiences once served by public television will be served by the expanding marketplace. He is wrong. More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality.

Radio offers an example. Dozens of stations dot the dial; yet they compete for audiences within a few formats: talk, news, rock and roll, country, some classical. There is nothing like National Public Radio's "All Things Considered" or "Morning Edition" anywhere in commercial radio. Why does Mr. Will assume that the television environment without PBS would be any different? Perhaps he should examine the British system, where recent efforts to force broadcasters to rely on advertising for funding threaten to push documentaries and cultural programming right off the air.

Mr. Will selectively quotes statistics to imply that public television is an elitist activity. In fact, the demographics of public television closely mirror the demographics of the American population. A third of public television households have annual incomes of less than $20,000, and 60 percent earn less than $40,000. Recent surveys of the "Sesame Street" audience show that the program reaches nearly a quarter of all U.S. households with incomes under $10,000, over half of the Hispanic households that have children, and over 40 percent of African-American households with children. "Sesame Street" is also shown in thousands of day care centers. This is elitist?

Mr. Will's statistics are distorted partly because he fails to distinguish between *viewers* and *members*—between those who watch and those who contribute to public television. His failure is disingenuous: It stands to reason that members are most likely to be drawn from the more affluent viewers. Like all other institutions that rely on contributions, public television has a *membership* that is more skewed to the higher income groups that its *viewership.*

But the most troubling part of Mr. Will's column is his extraordinarily crabbed view of the role of our government. He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace.

Yet, as he has often reminded us, our government was formed to promote not just life and liberty but also "the pursuit of happiness." In this effort it assists all sorts of institutions: public schools, universities, libraries, hospitals, museums, symphonies and national parks. Historically the province of the elite, these institutions has now become available to everyone. We spend a tiny portion of the federal budget on them; in fact, only 6.2 percent of WETA's $43 million budget comes directly from the federal government via the Corporation for Public Broadcasting.

The idea behind this support is always the same—that promoting access to education, the arts and the outdoors enriches the whole society. Far from being elitist, it is one of the great unifying themes of our country. By giving everyone access to Beethoven and Dickens, Alvin Ailey and Leonard Bernstein—and, yes, to Ken Burns and Big Bird too—we improve ourselves.

Is Mr. Will against *all* such support—or just that for public television? Does he deny that government has a role in perpetuating the cultural vitality of society? If so, he should come out and say it. If so, we differ.

THE DIFFERENCE IS THAT PUBLIC TV SERVES A COUNTRY, NOT A MARKET

(By Marshall Turner)

Some say that the advent of new media—in particular, the challenge of cable television—has decreased the need for public broadcasting and its partial federal support. The opposite is true. Such suggestions miss the point of public television's enduring potential. Our opportunities to serve the American public are growing as a result of changes in the broadcasting environment. We should welcome discussions of public broadcasting, with the confidence that a clearer understanding of our purpose, and perhaps some adjustments of our structure or tasks, will strengthen our service. If anything, the need for public television and federal support of it is stronger now than in 1967, when the Public Broadcasting Act was passed.

It should be noted that federal support is not the heart of public television: member support is. Federal money makes up about 17 percent of total public TV revenues. In 1990, individuals contributed to public TV stations a larger percentage of revenues—22 percent—than any other category of supporter.

Public television originally was conceived as a voice of quality in what former FCC Chairman Newton Minow called "a vast wasteland." For the third of us who do not have or cannot afford cable, including many with the greatest need for educational programs, broadcast television is even less distinguished than it was then.

For viewers with access to many channels, television may not be a wasteland, but it is a thick jungle of largely undistinguished programs. To be heard in a noisy jungle, one needs to have a distinctive voice. Public television has that voice.

Personally, I have never felt that "noncommercial" is a good adjective to apply to public broadcasting. We raise most of our money from noncommercial sources, but an important part of our financing comes from corporate underwriting. And at least some of a corporation's desire to identify itself on public television comes from what anyone would consider a commercial motivation.

So what makes public broadcasting "public"? Is it just a matter of degree? Is it just "less commercial" than other television? Is commercial television just "less public" because it airs high-quality programs less often and interrupts them with commercials instead of running underwriter credits at beginning and end?

I think the answer to this question, and the key to the purpose of public broadcasting, relates to the difference between a country and a market.

The geographic United States and its population are a market. So is every other place and people. But we are also—very importantly for those of us who live here—a country. I think we all understand the difference.

A country is a body politic and a culture that, if successful, enables a people to make good collective decisions, express their purposes, share some common values, protect themselves, develop to their full potential, and enhance their lives.

"Markets" are vigorous, challenging, flexible and ultimately truthful. Their ability to learn, react and satisfy inspires admiration. But markets have no thoughts, values or higher purposes beyond their reflexive response to needs. Few people have knowingly fought or died for a market.

A people needs to nurture those things that help it be a country. Common experiences, such as wars, elections, art, music, drama and sports events are examples of things that help us to be country-like. A common language and a common analogy base, rooted in knowledge of the shared history and literature that define us, are critical to our ability to discuss issues and make decisions as a body politic.

We are not thrown into as much oral communication as we once were. Newspapers, town meetings, neighborhood bars and even schools have faded in quality or importance for this purpose. For good or ill, most Americans today rely on television as their principal source of information about their country, other Americans and subcultures with which they have little contact. They also rely on television for knowledge of their leaders and potential leaders, for most of the theater and opera they will see, for too much of the American history and literature they will learn and for much of the information, education and individual expectations that help us work as a country.

Only public television—non-market-driven television, excellence-driven television—has as its sole purpose the education and development of the American community. Public television's best programs such as The Civil War, MacNeil/Lehrer NewsHour, Sesame Street and Eyes on the Prize, exemplify its service commitment and raise the hurdle for our performance in the future.

These lofty ambitions, and public TV's acceptance of federal funds, are great responsibilities, with great obligations. Public television must never be "government" television. It must never sacrifice its quality or educational goals to build audience numbers. It must never become a service available only to those who can afford cable or direct satellite services. It must not narrow the breadth of opinion it expresses or of financial support it receives. It must not advocate, even by implication, positions on partisan political issues, and must be equally accessible to the broad spectrum of mainstream political views. It must always work hard to preserve the characteristics that made it "public."

INTRODUCTION—PUBLIC TELEVISION AS AN IMPORTANT NATIONAL TREASURE

Mr. President, I rise in support of S. 1504, legislation to reauthorize the Corporation for Public Broadcasting for fiscal years 1994–96.

Public broadcasting has been making significant contributions to our cultural life for decades. Public broadcasting is a national treasure, showcasing the best of American culture and history, providing a valuable source of entertainment and information, and filling a true need for educational programming on television.

Public broadcasting helps fill the gaps that exist in our commercial broadcasting system, targeting audiences whose needs are not met by commercial broadcasters.

Commercial television does not broadcast a wide variety of documentaries about our history and culture. Public television does give viewers access to that kind of programming.

One of the areas where Americans have made the greatest cultural contributions is in music. Our popular music has spread around the world. That music grew out of the many varieties of American music—jazz, blues, bluegrass, etc.—that developed in different regions of our country. Those music forms remain vital today and the millions of Americans who enjoy them turn to our public radio stations for that type of programming.

In the early 1970s, public television grew significantly. Programs that began in those years are still with us today and have made significant contributions to our culture. I wonder how many of us have enjoyed Masterpiece Theatre, NOVA, Frontline, Wall Street Week, or Washington Week in Review over the years or encouraged our children to watch Sesame Street.

Sesame Street has had perhaps the greatest impact of any public television program. It is as much a part of the collective memory of a generation as any program offered on commercial television. Big Bird, the Cookie Monster, and the other residents of Sesame Street continue to teach and entertain our children today.

That kind of educational programming is one of public broadcasting's greatest achievements and builds on the educational channels that our public television system spawned out of years ago.

The near universal familiarity with Big Bird illustrates one of the most important reasons for a viable public broadcasting system. It can give us a common unifying experience.

This is particularly important today when we are seeing the development of a growing number of television channels that offer specific types of programming.

We are seeing a fragmentation of the television audience. The weakening dominance of the networks, the explosive growth of cable, and the increase in the number of television channels available to the average viewer have all helped divide the audience into a variety of market niches.

Some argue that this means we no longer need a public television system, that viewers who want a type of programming offered on public television can now find a cable channel that specializes in their area of interest.

We have to recognize that we are losing something in this process. Like it or not, television is our primary source of information about what is happening in our country. We don't communicate through other media or common gatherings as we did in the past. If we fragment the television audience into a collection of market niches, we will lose one of the remaining common cultural bonds that help unite us.

Public television helps us look at ourselves as one people, not a collection of groups with little in common but a shared geographic area. It does not exist to serve a market and does not face pressure to develop a niche to attract advertisers. Instead, it can focus on serving all of us.

It's also available to all of us. Public television reaches 96 percent of the population. Not all of those people have, or can afford, the option of subscribing to cable to obtain access to programming unavailable through commercial broadcasters.

Public television brings us programs like The Civil War or Eyes on the Prize that allow us to recall some of the events that have made us the country we are today. Programs like those simply would not have the same impact if they were only available on a "history channel" which only a handful of viewers ever turn to.

That's why it's important that we have a strong public television system even as alternative programming becomes available through niche channels. Public broadcasting stations will provide a greater variety of programming on one channel. Viewers who tune in for a historical documentary may be drawn to a cultural program that they would be unlikely to seek out on a separate channel.

It's important that we have channels that provide a wide variety of programming that appeals to Americans with very different tastes, backgrounds, and interests. Public television introduces viewers to elements of our culture and history that they might not otherwise be exposed to. It broadens our common understanding to our diverse country and culture in a way that a package of niche channels can never match.

Marshall Turner, the Chairman of the Corporation for Public Broadcasting, has written an article on the national role of public television that appears in this month's issue of Current, public television's magazine. I think it is a thoughtful piece and encourage Senators to read it. I ask unanimous consent that this article be included in the Record.

EDUCATION

I would like to turn to an area of longstanding interest to me; children's television and the important role television can play in education.

We all know that the media is a powerful influence in our society. Parents, commentators, educators, psychologists, law enforcement professionals, child care specialists, clergymen, and many others constantly decry the negative influence of the commercial media, especially television, on our youth and our culture in general.

A recent report by the Carnegie Foundation for the Advancement of Teaching cited the corrosive effects of commercial television on very young children.

Just last week, the American Psychological Association released a report on the subject. The report argued poor viewing habits can lead to antisocial behavior, gender and racial stereotyping, and diminished academic performance.

While both of these organizations lament the influence of television in general, they hold out public television as an oasis of excellence in the "vast wasteland." In fact both organizations call for increased funding of public television.

Television is a unique medium that offers incredible opportunities to enrich the lives of America's children. Virtually every developed country in the world devotes more resources than we do on educational television for children.

Unfortunately, we don't make very good use of television's educational potential. If anything, we may have gone backwards. It's ironic that, in a very real sense, the more we know about the educational potential of television, the less we do to use it.

Our commercial broadcasters often ignore the child audience or offer cartoon programs that are principally designed to promote toys to children. We can do better than this. Indeed, we must do better if we expect America's youth to enjoy the same opportunities to learn from television as children from countries where television is used more wisely as an educational resource.

I hope that the situation will soon improve. Last Congress, I worked closely with Senator Inouye and others to enact the Children's Television Act of 1990. This legislation should help bring more educational programming to commercial television in the future.

But public broadcasting already does do better. Indeed, it's likely that more people know public broadcasting through children's shows such as Sesame Street, WonderWorks, Newton's Apple, and Degrassi Junior High than through any other programs.

Public broadcasting's educational role, moreover, goes far beyond what most of us see on television or hear on the radio.

Every school day, public television reaches 27 million students; hundreds of thousands of working adults receive higher education through college courses distributed by public television; public television brings courses in Japanese and Russian, advanced placement math and science to rural and other underserved students across the country; public television will soon be training Head Start teachers in remote Alaskan villages, Indian reservations, and migrant labor populations via satellite.

We can use the power of television to expand preschool and K-12 education, improve teacher training, advance adult literacy, and build community partnerships to solve problems.

We've built the public telecommunications infrastructure to serve our country. We're just beginning to realize our potential to harness that infrastructure for education.

We should be finding ways to develop that potential rather than tearing the system down because you don't like a few hours of programming.

It's true that cable television offers many valuable educational programs as well. But good programming is useless if viewers don't have access to it. And many more people have access to public television than to cable.

In addition, cable viewers have to pay for programming. The families that are least able to afford educational material and entertainment alternatives are the most likely to have children who spend the bulk of their free time watching television. They are also the least able to afford cable and the educational programs offered by cable systems.

These families and their children will only be able to benefit from television's educational potential through broadcast television. Commercial broadcasters simply haven't done as good a job of providing educational and children's programming as public broadcasters have done. It's important we keep a viable public television system in order to meet those needs.

INDEPENDENCE

The final theme I want to touch on is independence. Public television is independent, independent of government guidance and independent of advertiser guidance.

That independence was very carefully provided when the Corporation was established. The Corporation receives some federal funds but it is required to obtain other funds in order to support programming. It is not a part of the government and the vast majority of its funds—more than 80 percent—come from non-government sources.

Public broadcast stations are themselves independent. The Public Broadcasting System and National Public Radio are not umbrella organizations that control member stations. Rather they are owned by the stations.

The result is a system that is not dependent on any one funding source. Nobody's agenda drives programming.

Public television is public television; the system is rooted in the fertile ground of its individual stations and the public that watches and supports them, not in an overarching bureaucracy that develops programming from the top down.

That's the way it should be. Television is a very powerful medium. We shouldn't allow the government of dictate the content of broadcasts, to determine what should be our official culture.

The current system is a hybrid of public and private funding. The public funding provides seed capital that stations use to leverage additional private resources. In this way, the government encourages a system that offers significant public benefits yet avoids the pitfalls of official government broadcasting.

We should remember that we support commercial broadcasting as well by providing spectrum free of charge. We impose some responsibilities in exchange for that but we do not go so far as to dictate what broadcasters can or cannot say. We shouldn't go that far with public television either.

I would think that conservatives who mistrust government would be worried about government restrictions on programming, not advocating it.

And yet, Mr. President, we find public broadcasting under attack today. Some of our colleagues are apparently unhappy with an hour here, a half hour there. They reportedly don't like that an independent producer would take a point of view they disagree with.

These Senators are willing to drag public broadcasting through the mud because it won't conform to their own views and opinions.

Tearing down public broadcasting would be a tragic mistake. We have public broadcasting because the American people want public broadcasting. They know that public television and radio are positive influences on the quality of life in their communities.

It's true that the current system may produce programming that some individuals will dislike; after all, you can't please everyone and if you try, you're likely to come up with something that pleases no one.

Diversity is an important goal. And diversity means that we should expect to be able to find programs we like and programs we don't like when we turn on our TV or radio.

It's legitimate to criticize such programs and to look at the quality and direction of public broadcasting as a whole. That kind of feedback can only help public broadcasters better serve the public. But I hardly think that we should move onto the slippery slope of government restriction of programming.

Today, public broadcasting revenue from all federal sources is about 16 percent of the total. This means that matching funds from individuals, corporations and state and local governments are much higher than called for in earlier authorizing legislation.

I think that's good because it means that public television is not official state television. We shouldn't move in that direction in response to a few isolated programs that are not popular.

If we do move in that direction today what's the next step, disallow tax deductions for non-profit groups that we disapprove of because that is a form of indirect government support that leverages private support?

If one of us were to offer such an amendment, many of those critical of public broadcasting today would hit the roof. And rightly so.

However, they do want to tell a public broadcasting station that it cannot put money into a particular program because some of its funding comes from the government.

The independence of CPB and its public/private nature exists for a reason. Public broadcasting would not exist on the scale it does today without government support; but it would not serve the public nearly as well as it does today if we begin to subject it to government control.

With the relatively small amount of funding received each year, the public broadcasting community has done an excellent job of serving the American people.

Despite this record, the Reagan Administration repeatedly sought to eliminate the Corporation for Public Broadcasting.

I stood guard for six years as Chairman of the House Telecommunications Subcommittee against this effort. Many of those supporting the legislation today led the same fight on this side of the Capitol.

I would hope we don't need to do so again.

We will apparently have a number of amendments. We should debate them. But in the end, we should pass legislation that ensures we will continue to have viable and vibrant public television and radio.•

AMEND THE ESA

• Mr. GORTON. Mr. President, the Endangered Species Act needs to be amended. In its current form, the Endangered Species Act provides insufficient balance between species and people. When species are listed, people, jobs, and communities no longer count. Decisions made to help recover species run roughshod over families and communities with no consideration for their wellbeing. That is what has happened in the case of the spotted owl, where job losses are estimated to be from 40,000 to 100,000. This is Government run amok.

We must amend the ESA to take people into consideration. I am not alone in this viewpoint. I recently contacted people in the areas most affected by these salom recovery actions and asked their opinion about the ESA. They overwhelmingly supported efforts to amend the Endangered Species Act. These people are very worried about what this act will mean for their future. And they feel helpless to do anything about it.

A government that they have been raised to honor and respect is now telling them that they don't matter, that the only thing that matters is protecting endangered species and subspecies. These people want to protect species just as much as anyone else. But they want to protect their families and their way of life as well.

It is imperative that we amend the Endangered Species Act to take families and communities into consideration and provide some balance to a process that is out of control.•

THE SCIENCE 60 PRUNE BOOK

• Mr. GORE. Mr. President, as chair of the Commerce Committee's Science Subcommittee, and as a Senator who is deeply concerned about America's ability to address the compelling scientific and technical challenges that face us, I commend to my colleagues in the Senate and to anyone interested in Government excellence, an important new book entitled, "The Prune Book: The 60 Toughest Science and Technology Jobs in Washington."

The "Science 60 Prune Book" looks at what it takes to fill 62 high level, mostly presidentially appointed Federal S&T positions—everything from the assistant to the President for Science and Technology, to Director of the National Institutes of Health, to the chiefs of the Nuclear Regulatory Commission. The book examines the range of responsibilities of the job holders, the policy issues they face, the management problems they must grapple with, and the personal credentials they need to be most successful.

I am certain that this book will be of great value to those concerned with nominating the best people to fill these jobs. I also recommend the Prune Book to journalists, teachers, and members of the national science and technology community who seek insight into the Government's place and role in science and technology.

I applaud the Council for Excellence in Government for its recognition that superior science and technology leadership is a critical contributor to effective Government. I trust that future Prune Book volumes will turn an equally comprehensive eye on other areas of concern to those of us charged with appointing and confirming the most highly qualified leaders to fill key Government posts.•

IN RECOGNITION OF POWAY HIGH SCHOOL

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Poway High School and the faculty, staff, students, and parents upon achieving excellence in education.

Last year, Poway High School was 1 of 222 schools nationwide to receive the 1991 National Secondary School Recognition Award. The Poway Unified School District was the only district in the Nation with three schools so honored. With only an enrollment of just under 25,000, the district received as many awards as all of Los Angeles County whose enrollment is 1.37 million.

The remarkable achievements of Poway High School have come about through a remarkable system of management, which keeps the decision-making process with the principal, teachers, and staff. By keeping the process at the schoolsite, with the involvement of parents and the community, rather than in the hands of a far-off bureaucracy, Poway High School has been able to direct resources where they will most benefit the students.

The results of this management system are clear. Poway High School features new technology labs, a television studio/classroom as well as a small animal care facility, which is the first of its kind to be built in California. Of course, Poway High School's more traditional curriculum of mathematics, history, English and foreign languages are, in terms of quality, second to none.

Free strategies, flexibility, and reform are the key to achieving excellence in education. Poway High School stands as a sterling example of achievement.

More than 70 percent of Poway's graduates go on to college, many of which are accepted at the best universities in the Nation. Simply put, when a parent sends their child off to Poway High School, they can take great comfort in knowing of the tremendous educational opportunities that will be available to them.

Mr. President, I ask my colleagues to join me in commending Poway High School for achieving excellence in education and to offer our best wishes for continued success in their future endeavors.•

OPPOSE S. 906

• Mr. GORTON. Mr. President, I recently contacted constituents in my home State to get their opinion on S. 906. This bill would allow State and local governments to borrow money from the Social Security trust fund for projects in their area. I felt this bill was a bad idea but thought it was important to see how my constituents felt. By an overwhelming margin the people who wrote me back felt it would be dangerous and ill advised to loan Social Security trust funds to State and local governments. I agree with them and would like to take this opportunity to voice their strong opposition to this bill. It is a bad idea and I will vote against it if it reaches the Senate floor.

America's seniors are very worried about the solvency of the Social Security trust fund. They see record Federal deficits year after year and are very concerned that those deficits will jeopardize the solvency of the trust fund. We must do everything we can to ensure that the trust fund remains solvent and available for our seniors who have spent a lifetime paying into the System. I believe S. 906 poses an unnecessary threat to America's seniors and I will oppose the bill with all my efforts.•

M-1A1 UPGRADES

• Mr. D'AMATO. Mr. President, I am deeply suspicious of a report in the trade press concerning M-1A1 upgrades. If accurate, we have come full circle in the struggle to preserve the tank industrial base.

Two years ago, when new tank production was slated for cancellation and upgrade proposals first began to surface, the tank building community found itself very much at cross purposes. Aware that the M-1A2, then in development, promised the greatest profit per tank, the prime contractor promoted a plan for upgrading M-1A1's to the M-1A2 configuration. This plan neatly eliminated the backbone of the tank industrial base from participation in the modification program, and pooled benefits in the hands of the prime and a few electronics manufacturers producing black boxes more commonly found in aircraft cockpits.

The rest of the tank industrial base, centered around the depots and arsenals, developed an M-1 to M-1A1 upgrade that had the virtue of addressing some of the known deficiencies of early M-1's, such as an inadequate main gun and insufficient armor protection, at considerably less than cost than the M-1A1 to M-1A2 plan. In the eyes of many, it was a debate over gold-plating versus modernizing the force.

After a wrangle of rare intensity, advocates of maintaining the tank industrial base compromised. The M-1 was accepted at the starting point for any upgrade program; however, on the question of the end point, the authorizers and appropriators agreed to disagree. The authorizers supported an M-1 and M-1A2 modification plan. The appropriators, noting the rapidly declining Army procurement budget and the high price and uncertain benefits of the M-1A2, chose the significantly less costly M-1 to M-1A1 option.

The Development of Defense, taking advantage of the confusion, refused to spend the money.

In the interim, U.S. forces were sent to the Persian Gulf. It was not lost on congressional observers that the Army traded M-1 tanks for M-1A1's prior to the initiation of Desert Storm, and that Iraq's Soviet-built tanks were decisively outmatched by the M-1A1 in every important category. This, combined with the dissolution of the Soviet Union, eased pressure to pace what was revealed to be wildly exaggerated estimates of the capability of Soviet armor and the rate of its armor modernization program.

Desert Storm aside, the prime contractor, still seeking maximum profit, stepped up its efforts to ram a M-1A2 upgrade through Congress last year. The Army, of mixed mind on tanks, allowed the contractor to formulate policy on Capitol Hill. By year's end, to avoid Pentagon exploitation of congressional disagreement, M-1A1 champions bowed to those favoring M-1A2 to form a united front.

The cost of the M-1A2, by now exorbitant as compared to the Army's allocation of procurement dollars, provided a convenient excuse for the Pentagon to again refuse to spend the money.

This year, faced between the choice of upgrading tanks or funding the rest of the weapons and tracked combat vehicles account, the Army understandably chose not to pursue a tank upgrade program. The Senate Appropriations Committee, bowing to the inevitable, has offered these funds up for rescission.

Now I read that the Army is developing a modest plan to digitize M-1A1's. This is nothing more than a Trojan horse, a means of funding of a M-1A1 to M-1A2 upgrade. Some smart briefer in the Army, or, more likely, with the prime contractor, has simply carved up the M-1A2 into its constituent parts, to be funded incrementally. Mr. President, I am not fooled, and the American public should not be fooled, either. The proposed installation of a data bus is little more than a pricey bailout that fattens the prime contractor while allowing the core elements of the industrial base that has produced tanks in this country for most of this century to wither away. As a data bus is useless without black boxes, digitizing the M-1A1 would create a sweet little product improvement market for electronics firms. Meanwhile, thousands of older M-1's, most destined for National Guard units, will remain unable to match even the current threat. Arguably, this is a subtle way of keeping Guard combat arms units out of any future frays.

Congress must not allow this to happen. The contractor tail has wagged the Government dog for far too long. If modernization is essential, if the industrial base is worth saving, then the Army must say so, fully fund its initiatives in the out years, justify its estimates, and withstand the scrutiny of congressional skeptics. Anything less betrays both our men and women in uniform and the taxpayer.

I ask that the "Inside the Army" article entitled, "Stone Lining Up Behind $200 Million Program for Limited Upgrades to M-1A1" be printed in the RECORD immediately after my remarks.

The article follows:

STONE LINING UP BEHIND $200 MILLION PROGRAM FOR LIMITED UPGRADES TO M1A1

Army Secretary Michael Stone is lining up behind the idea of a $200 million a year program for limited upgrades to the M1A1 tank, according to Pentagon sources. While the idea of a limited program to upgrade tanks has been discussed for some time in the Army, it has been resisted by the acquisition side of the service, where officials have argued that a full conversion of M1 tanks to M1A2s would yield a better buy for the money. But, given the fact that the Army has so far failed to come up with the money for a full M1 to M1A2 upgrade program, and hasn't been able to sell such a program to the Office of the Secretary of Defense, the idea of limited improvements to the M1A1 reportedly has been gaining ground lately. However, sources say that, before the Army submits such a program as part of its FY-94 to FY-99 program objective memorandum, service officials will want some kind of firm indication from Defense Secretary Dick Cheney and Deputy Defense Secretary Donald Atwood that they would approve the plan.

Sources say that there is growing consensus between acquisition officials and Army staff officials under the Deputy Chief of Staff for Operations and Plans that the limited upgrade plan makes sense. As one source puts it, the Army is asking, "what smart things can you do at a lower level so that [we] don't fall behind" other countries in terms of tank capability.

The improved M1A1 tank will carry a new data bus, one of the central features of the M1A2 tank, according to a number of Pentagon sources. They say that this will give the tank digital capability which will allow electronics and computer systems to be "plugged" into the tank in the future. Proponents of the new data bus say that it will allow the tank to make use of advanced night vision, communications and electronics capabilities. As one source puts it, "the data bus is essential to preserve options for the future."

Putting a digital turret on a tank is a complex business and it would probably have to be done by industry. This is a selling point with Army Acquisition Executive Stephen Conver is that it will send work in the direction of Army contractors. Conver has consistently voiced his concerns about the industrial base issue. He has fought hard for the full M1 to M1A2 upgrade, but sources say he will settle for the limited plan—for the moment.

Some sources say that other tank improvements under consideration might be split up between Army depots and contractors. It is not clear what work would be done at the depots. A new commanders independent thermal viewer has been one feature that many in the Army say an improved tank should have. But it is not clear if the CITV would be included in the improved M1A1.

In the initial stages of the proposed program, not all of the Army's M1A1 tanks will be improved, according to one Pentagon source. This source explains that the Army may start off with a modest program and work its way up. As part of a more robust effort, the older M1 tanks may be upgraded to the M1A1 configuration.

The reasoning behind targeting the M1A1s for improvement before the M1s, is that the M1A1s are the first to fight. Sources explain that the Army wants its first-line tanks to be the most advanced.

Sources say that the service is still working out the details of program that everyone can agree on.•

SENATOR PAUL DOUGLAS OF ILLINOIS

• Mr. SIMON. Mr. President, just a handful of our colleagues (Senators INOUYE, KENNEDY, BURDICK, BYRD, PELL, and THURMOND) here today served with Senator Paul Douglas of my State a quarter of a century ago.

I am certain each could tell you what a fine Senator and human being he was. In my weekly column, I have paid tribute to "the people's Senator," Senator Paul Douglas of Illinois, who would have recently celebrated his 100th birthday.

I ask this column be printed in the RECORD.

The column follows:

PAUL DOUGLAS OF ILLINOIS: "THE PEOPLE'S SENATOR"

We have recently—on March 26th—celebrated the 100th anniversary of the birth of one of the greatest senators in the history of our state, and certainly one of the finest senators of this century for the nation: Paul Douglas.

Colleagues, staff, family and friends of Paul Douglas celebrated this anniversary in Washington with a centennial dinner commemorating his life. Creation of the annual Paul H. Douglas Ethics in Government Award, to be administered by the University of Illinois, was announced at the dinner. The award will be given nationally to an elected or appointed government official, or a civil servant, or a writer, who has made a significant contribution to ethics in government.

Paul Douglas was born in New England, and his mother died of tuberculosis when he was four. His father was an alcoholic but had the good sense to marry a marvelous woman, Florence Young, before he abandoned the family. Paul Douglas's stepmother became his inspiration.

She taught Paul and a few others in a small, one-room school in the tiny village of Onawa, Maine. Our family visited Onawa one time, spending a weekend learning more about Paul Douglas's roots. There you get a sense of the great struggle he had when you see the tiny village where he lived in a log cabin.

He went 40 miles away to high school, doing odd jobs to pay his room and board. Eventually he became a professor of economics at the University of Chicago and one of the nation's most renowned economists.

Paul Douglas was elected to the Chicago City Council and became, many times, the lone vote of opposition. Frequently, the votes were 49-1. At age 50 during World War II, he convinced the Marines to waive their requirements, and he enlisted as a private. He served in the Pacific and was badly wounded, losing the use of his left arm.

His wife, Emily Taft Douglas, was elected to the U.S. House of Representatives while Paul was in the service, and she served one term.

In 1948, the team of Paul Douglas for senator and Adlai Stevenson for governor scored an upset victory, and both started their significant contributions to the nation.

Paul Douglas, before coming to the Senate, had already helped draft the Social Security laws, and in the Senate headed the efforts for civil rights laws, truth-in-lending (giving you notification of the interest rate you are charged on a loan), minimum wage laws, environmental laws and a host of other major initiatives.

What identified his record most were his persistent efforts for those who are powerless, for the least fortunate in our society.

Some people who succeed forget those who will struggle. They forget that the helping hand of some, plus some good breaks, plus hard work, got them where they are. They are indifferent, sometimes even hostile, to those who are still at the bottom economically.

Paul Douglas never forgot the struggle of his stepmother and others who had a hard time getting food and clothing.

Illinois and the nation were fortunate to have his services.•

McDONNELL PUTS C-17 OVERRUN AT $790 MILLION

• Mr. D'AMATO. Mr. President, it has been long in coming, but McDonnell Douglas has finally confessed to an overrun on the C-17, but only $790 million. That is a far cry better than the $850 million the Air Force continues to assert is the correct figure, which, in turn, is lower than some of the estimates bruited through the Office of the Secretary of Defense.

I ask that the full text of the Los Angeles Times article: "McDonnell Puts Jet Cost Overrun at $790 Million," be printed in the RECORD immediately after my remarks.

To put this overrun in perspective, the Army's weapons and combat tracked vehicles—tanks, armored personnel carriers, howitzers, et cetera—total request for 1993 is $623 million.

The article follows:

[From the Los Angeles Times, Apr. 24, 1992]

McDONNELL PUTS JET COST OVERRUN AT $790 MILLION

(By Ralph Vartabedian)

After denying for nearly two years that its C-17 cargo jet program was headed for a big cost overrun, as the Air Force was predicting, McDonnell Douglas acknowledged Thursday that the program will end up about $790 million over its contract ceiling.

The important revision in the cost estimate—representing about 3% of the value of the contract to develop the C-17 and produce the first six aircraft—came on the heels of an $80-million write-off against the cargo jet program, disclosed Wednesday in the firm's first-quarter results.

Until Thursday's cost revision, McDonnell was projecting that it would break even on the C-17 contract and that the cost overrun would amount to about $350 million—most of which it planned to recover by filling claims it expected the Air Force to pay.

Although the C-17 costs have risen relentlessly over the past several years—amid technical problems, production line snafus and a disruptive management reorganization—it now appears that the price tag has been stabilized and that huge additional overruns are unlikely, according to company executives, Air Force officials and securities analysts.

David O. Swain, McDonnell's C-17 program manager, said he was "unhappy" about the excess cost, which the company must bear.

Swain blamed the higher costs on plant disruptions caused by layoffs, additional engineering required on the aircraft, higher supplier prices and lack of investments needed to improve quality. He also cited the cost of fixing fuel leaks on the first C-17 test craft, which have caused the Air Force to ground the plane three times since Oct. 31.

But Swain said that 92% of the contract has been completed and that he was "quite confident" of the current cost projections.

"We are awfully close to topping out," Brig. Gen. Kenneth Miller said in a recent interview. Miller said that while McDonnell was making progress in its productivity on the C-17 program, it was not rapid enough to escape a big cost overrun on the contract.

Air Force spokesman Capt. George Sillia said Thursday that the service had examined claims submitted by McDonnell and "found them to be without merit." McDonnell has made hundreds of millions of dollars' worth of claims on the C-17, and said it expects to recover about $200 million from the Air Force.

McDonnell Douglas stock fell 1.875, to 59.25, in trading Thursday on the New York Stock Exchange.

"They have an embarrassing situation," Prudential Securities analyst Paul Nisbet said. "Their estimates were wrong. . . . They have had some sloppy management, that is what it is. It makes them look like they are devious, but they are not at all. They are just sloppy. They are cleaning it up."

McDonnell's contract to develop the C-17 and build the first six planes has a ceiling of $6.6 billion. On Thursday, the firm said it estimated the ultimate cost at $7.39 billion, for a cost overrun of $790 million. The Air Force still projects a slightly higher overrun of $850 million.

For accounting purposes, McDonnell has pooled all its C-17 contracts in the hope that profit from the most recent production contract will offset some of the $790-million cost overrun. That is why it wrote off only $80 million against the program in its quarterly report earlier this week.•

EXECUTIONS WILL NOT REDUCE CRIME RATE

• Mr. SIMON. Mr. President, the recent execution in California of Robert Harris simply underscores, once again, the senselessness of this process through which we execute others and brutalize our society. Only a few Western industrialized countries still have the death penalty. Among the major industrial nations of the world, only the United States, China, Russia, and South Africa retain the death penalty.

There is no evidence that the death penalty is a deterrent to murder. The statistical evidence would even indicate to the contrary, though I also believe that is flawed.

What we know beyond dispute is that if you have enough money to hire the best attorneys, you do not get the death penalty. The death penalty is one we reserve for people of modest means. It is the one penalty for which society has no way of expressing its regrets if later it is discovered that a mistake has been made.

One of my favorite columnists, as some of my colleagues know, is Carl Rowan. I suppose one of the reasons any of us like a particular columnist is that we agree with him or her though some with whom I find myself in frequent disagreement I still read regularly and with approval of their journalistic efforts, if not their views.

Carl Rowan has written a column on this subject that makes eminent good sense. Among other things, he says: "It ought to say something to thinking Americans that even as our numbers of executions climb, the homicide rate soars." I ask that the Carl Rowan column be printed in the RECORD.

The column follows:

EXECUTIONS WON'T REDUCE CRIME RATE

(By Carl T. Rowan)

The case of the long-delayed gas chamber murderer Robert Alton Harris in San Francisco is jut another bit of dismaying evidence of the extent to which fear of crime has warped the American mindset.

After 25 years of resisting the death penalty, California have joined other Americans in the belief that use of the gas chamber or the electric chair will deter people from committing the kinds of grotesque crimes that Harris carried out against two teenage boys in 1978.

It ought to say something to thinking Americans that even as our numbers of executions climb, the homicide rate soars.

It is clear beyond debate that the death penalty is no deterrent to any violent crime. The statistics make it more than plausible that states carrying out executions are only adding to the spirit of violence, to the rampant disregard for human life.

Despite the admonition in Romans 12:19 that "Vengeance is mine; I will repay, saith the Lord," this society and its Supreme Court have adopted a policy that says vengeance belongs to the relatives of crime victims.

Not just white leaders, but black mayors and cops, wallow in the illusion that they can stop black crime by locking up more and more young black men. In Washington, D.C., a predominantly black city with a black mayor and a black police chief, four out of every 10 young black males who are imprisoned is greater than the rate of South Africa.

A draconian spirit of mind and heart has taken over in America. Health care for the poorest families is virtually ignored. George Bush jokes mordantly when he calls himself the "education president." Welfare children are the subjects of brutal, mindless, heartless bashing. Yet the White House, the Pentagon and others continue to demand an absurdly high level of spending for arms on grounds that somewhere out there America has a scary foe to replace the Soviet Union.

We are cursed by rampant use of illicit drugs in this society, and our current government wants to delude us into believing that it is solving this problem by kidnapping foreigners, as in the case of Panama's Manuel Noriega, and putting them on trial in the United States. Who notices that Professor Mark Kleiman of Harvard University has just reported to the U.S. office of National Drug Control Policy that heroin use in this country has reached "pre-epidemic stage" and could soon overtake cocaine as America's destructive drug of choice?

Despite the new spirit of vengeance, the embrace of state executions, the almost mindless resort to jailings, the Justice Department tells us that 2,612,150 violent crimes were committed in 1991, up 7.9 percent from 1990; and that there were 207,610 rapes and attempted rapes in 1991, up 59 percent from the previous year.

With all of its fear-inspired budget increases, and its assaults on personal liberties having failed, the FBI offers us a new "solution" to the crime problem. It wants a law making it possible for FBI agents to use high-tech, sophisticated equipment to tap the telephones of just about anybody.

When will we find leaders who will tell Americans the truth: that letting Harris suffer six to 12 minutes before he died from poisonous gas in California, or increased use of the electric chair, or wiretaps, will not reduce crime?

Only those with the "bully pulpit" of the presidency, or of governor's mansions, can deliver Americans from the nation-destroying notion that state-ordered violence is the antidote to gruesome criminal behavior by Americans who are full of resentment and rage.●

LITERACY IN AFRICA

● Mr. SIMON. Mr. President, as my colleagues in the Senate know, I have pushed hard to improve literacy in the United States, and we still have a long way to go to get anywhere near where we should be.

I chair the African Affairs Subcommittee, which has responsibility for sub-Sahara Africa.

Recently, I received a report on literacy rates in African countries, and they are disheartening. Its estimates come from the U.S. Agency for International Development [AID].

What is particularly disheartening is the disparity between literacy opportunity for men and women.

This is even true for an enlightened country like Botswana, which has a surprisingly low literacy rate. I am confident the Government of Botswana must be working on this problem, and I am directing a letter to the United States Ambassador there to get information about that. But in Botswana, for example, if the figures are correct, the overall literacy rate is 23 percent, for men 32 percent, and for women 16 percent. That means the literacy rate for women is exactly half of what it is for men, and there are many countries where the figures are also startling. In Angola, it is 56 percent for men and 28 percent for women; Burkina, 28 percent for men and nine percent for women; Burundi, 61 percent for men and 40 percent for women; the Central African Republic, 33 percent for men and 15 percent for women; Chad, it is 42 percent for men and 18 percent for women; Congo, 70 percent for men and 44 percent for women; Djibouti, 63 percent for men and 34 percent for women; Gabon, 74 percent for men and 48 percent for women; Gambia, 39 percent for men and 16 percent for women; Guinea, 35 percent for men and 13 percent for women; Guinea-Bissau, 50 percent for men and 24 percent for women; Malawi, 34 percent for men and 12 percent for women; Mauritania, 47 percent for men and 21 percent for women; Niger, 62 percent for men and 40 percent for women; Rwanda, 64 percent for men and 37 percent for women; Sao Tome, 73 percent for men and 42 percent for women; Senegal, 52 percent for men and 25 percent for women; Tanzania, 62 percent for men and 31 percent for women; and, Uganda, 62 percent for men and 35 percent for women.

Some countries do appreciably better. In Zimbabwe, there is a 67 percent literacy rate, one of the highest in Africa—74 percent for men and 60 percent for women. That still leaves great room for progress, but it is much above average for Africa. South Africa, for all the deficiencies of apartheid—and there are many—shows that it has the base for turning things around if they can finally get rid of all the vestiges of apartheid. In South Africa, the overall literacy rate is 76 percent, with a 78 percent rate for men and 75 percent for women. In Swaziland, it is 57 percent for men and 54 percent for women. One of the more amazing statistics is Lesotho where it is 44 percent for men and 68 percent for women. There may be an error in those figures because it runs so contrary to the general pattern.

I ask that the totals that are 1990 estimates, based on those who are 15 years old and over, who can both read and write, be printed in the RECORD.

The table follows:

LITERACY IN AFRICA

Country	Percent—		
	Total	Men	Women
Angola	42	56	28
Botswana	23	32	15
Burkina	18	28	9
Burundi	50	61	40
Cape Verde	66	NA	NA
Central African Republic	27	33	15
Chad	30	42	18
Comoros	48	56	40
Congo	57	70	44
Djibouti	48	63	34
Equatorial Guinea	50	64	37
Ethiopia	62	NA	NA
Gabon	61	74	48
Gambia	27	39	16
Guinea	24	35	13
Guinea-Bissau	36	50	24
Lesotho	59	44	68
Liberia	40	50	29
Malawi	22	34	12
Mauritania	34	47	21
Mauritius	61	72	50
Mozambique	33	45	31
Namibia	38	45	31
Niger	51	62	40
Rwanda	50	64	37
Sao Tome	57	73	42
Senegal	38	52	25
Seychelles	58	56	60
Sierra Leone	21	31	11
Somalia	24	36	14
South Africa	76	78	75
Swaziland	55	57	54
Tanzania	46	62	31
Uganda	48	62	35
Zimbabwe	67	74	60

Note.—15 and over can read and write—1990 estimates.

Source: UNDP Human Development report.●

SENATE QUARTERLY MAIL COSTS

● Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101–520, I am submitting the summary tabulations of Senate mass mail costs for the second quarter of fiscal year 1992, that is the period of January 1, 1992, through March 31, 1992, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/92

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Adams	566,911	0.11649	$104,688.06	$0.02151
Akaka	0	0	0	0
Baucus	2,431	.00304	1,982.40	.00248
Bentsen	3,114,420	.18335	521,928.89	.03073
Biden	0	0	0	0
Bingaman	9,500	.00627	1,743.03	.00115
Bond	142,350	.02782	20,590.86	.00402
Boren	0	0	0	0
Bradley	171,050	.02213	24,338.67	.00315
Breaux	511,050	.12110	88,423.07	.02095
Brown	192,250	.05836	33,425.80	.01015
Bryan	110,802	.09219	18,477.63	.01537
Bumpers	83,237	.03541	15,392.14	.00655
Burdick	0	0	0	0
Burns	76,190	.09535	13,589.87	.01701
Byrd	0	0	0	0
Chafee	118,500	.11809	17,485.74	.01743
Coats	0	0	0	0
Cochran	1,950	.00076	416.95	.00016
Cohen	57,510	.04683	11,330.72	.00923
Conrad	195,200	.30557	27,833.06	.04357
Craig	21,180	.02104	3,104.89	.00308
Cranston	1,493,850	.05020	255,274.72	.00858
D'Amato	0	0	0	0
Danforth	0	0	0	0
Daschle	76,920	.11052	11,583.26	.01664
DeConcini	22,200	.00606	3,047.45	.00083
Dixon	425,350	.03721	80,849.74	.00707
Dodd	20,780	.00632	15,036.15	.00457
Dole	0	0	0	0
Domenici	5,600	.00370	1,106.70	.00073
Durenberger	186,375	.04260	28,977.71	.00662
Exon	0	0	0	0
Ford	681	.00018	219.95	.00006
Fowler	372,464	.05749	58,172.82	.00898
Garn	0	0	0	0
Glenn	0	0	0	0
Gore	44,450	.00911	6,270.71	.00129
Gorton	22,800	.00468	3,858.68	.00079
Graham	0	0	0	0
Gramm	1,698,890	.10001	291,217.06	.01714
Grassley	34,825	.01254	10,147.73	.00365
Harkin	0	0	0	0
Hatch	0	0	0	0
Hatfield	0	0	0	0
Heflin	2,700	.00067	595.86	.00015
Helms	0	0	0	0
Hollings	0	0	0	0
Inouye	0	0	0	0
Jeffords	256,200	.45526	39,779.31	.07069
Johnston	233,480	.05533	32,017.33	.00759
Kassebaum	0	0	0	0
Kasten	429,243	.08775	74,041.96	.01514
Kennedy	0	0	0	0
Kerrey	0	0	0	0
Kerry	0	0	0	0
Kohl	0	0	0	0
Lautenberg	1,797	.00023	1,617.28	.00021
Leahy	12,600	.02239	2,345.58	.00417
Levin	2,000	.00022	477.26	.00005
Lieberman	340,267	.10352	58,255.74	.01772
Lott	481,250	.18702	62,679.81	.02436
Lugar	185,650	.03349	30,816.45	.00556
Mack	198,130	.01531	40,050.66	.00310
McCain	42,641	.01163	11,990.20	.00327
McConnell	0	0	0	0
Metzenbaum	0	0	0	0
Mikulski	0	0	0	0
Mitchell	61,500	.05008	8,757.41	.00713
Moynihan	1,490,950	.08287	268,388.93	.01492
Murkowski	252,300	.45869	44,626.85	.08113
Nickles	145,650	.04630	40,830.90	.01298
Nunn	0	0	0	0
Packwood	293,698	.10333	50,154.62	.01765
Pell	435,000	.43350	68,440.43	.06820
Pressler	311,412	.44743	56,868.21	.08171
Pryor	464,818	.19773	68,115.53	.02898
Reid	2,064	.00172	1,539.74	.00128
Riegle	19,769	.00213	6,605.53	.00071
Robb	0	0	0	0
Rockefeller	92,530	.05159	15,486.81	.00864
Roth	299,500	.44959	46,235.18	.06940
Rudman	0	0	0	0
Sanford	0	0	0	0
Sarbanes	69,150	.01446	12,536.44	.00262
Sasser	112,200	.02301	15,469.87	.00317
Seymour	3,204,527	.10768	556,797.21	.01871
Shelby	1,080,000	.26729	157,899.02	.03908
Simon	4,143	.00036	1,221.78	.00011
Simpson	99,200	.21870	13,935.05	.03072
Smith	0	0	0	0
Specter	0	0	0	0
Stevens	0	0	0	0
Symms	4,560	.00453	960.38	.00095
Thurmond	0	0	0	0
Wallop	3,825	.00843	839.71	.00185
Warner	0	0	0	0
Wellstone	73,400	.01678	10,551.89	.00241

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/92—Continued

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Wirth	331,654	.10067	53,383.17	.01620
Wofford	0	0	0	0

Other offices	Pieces	Cost
The Vice President	0	0
The President Pro-Tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
Sec of Majority Conference	0	0
Sec of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	0	0
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	0	0
Governmental Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	20,515	$3,847.29
Veterans Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	1,195	1,305.38
Intelligence Committee	0	0
Aging Committee	0	0
Joint Economic Committee	0	0
Joint Committee on Printing	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	0	0
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics Caucus	0	0
SCMTE POW/MIA	3,450	1,548.96

U.S. POSTAL SERVICE,
DEPARTMENT OF THE CONTROLLER,
Washington, DC, April 23, 1992.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, Washington, DC.

DEAR MR. FORD: Detailed data on franked mail usage by the U.S. Senate for the second quarter, Fiscal Year 1992, is enclosed. Total postage and fees for the quarter is $4,606,029.

A summary of Senate franked mail usage based upon the first two quarters of actual data for Fiscal Year 1992 is as follows:

Volume	44,786,033
Revenue per piece	$0.1836
Revenue	$8,222,532.00
Provisional Payments to date	$8,000,000.00
Deficiency in provisional payments	$222,532.00

The first two Postal Quarter results, when projected to an annual figure based upon historical trends for Senate franked mail activity, provide the following estimates for FY 1992:

Volume	97,573,057
Revenue per piece	$0.1832
Total revenue	$17,875,070
Current appropriation	$32,000,000
Estimated surplus	$14,124,930

However, the validity of these projections does remain questionable due to substantial variances in Senate quarterly mailing patterns over the past several years.

FRANKED MAIL POSTAL QUARTER II, FISCAL YEAR 1992—SENATE

Subcategories	Pieces	Rate	Amount
1. Letters: 1st class	2,165,907	$0.2900	$628,113
Total	2,165,907	.2900	628,113
2. Flats: 1st class	103,748	1.1005	114,175
Total	103,748	1.1005	114,175
3. Parcels:			
Priority—up to 11 oz			
Priority—over 11 oz	16,907	4.9460	83,622
4th class—regular	27,282	3.9574	107,966
Total	44,189	4.3356	191,588
4. Orange bag pouches:			
1st class	80,181	.3777	30,284
Priority—up to 11 oz	1,462	2.9008	4,241
Priority—over 11 oz	8,628	4.4743	38,604
Total	90,271	.8101	73,129
5. Agriculture bulletins:			
1st class			
Priority—up to 11 oz			
Priority—over 11 oz	2	20.5000	41
3d-class			
4th-class special (bulk)	7	10.2857	72
4th-class regular	52	8.7308	454
Total	61	9.2951	567
6. Yearbooks: 4th-class special (bulk)	2,877	1.4800	4,258
Total	2,877	1.4800	4,258
7. Other (odd-size parcels):			
Priority—up to 11 oz			
Priority—over 11 oz	487	36.0246	17,544
4th-class special (bulk)			
4th-class regular	2,735	12.1960	33,356
Total	3,222	15.7976	50,900
Total outside DC (see attachment)	290,784	.5225	151,937
Permit imprint mailings:			
3d-class bulk rate	22,455,044	.1169	2,624,973
Parcel post—PI	1,074	14.0745	15,116
1st-class single piece—PI			
Address corrections (3547's)	595	.3496	208
Address corrections (3d class)	54,809	.2900	15,895
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams IPA—International priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			454
Permit fees			
Miscellaneous charges/adjustments			
Express mail service			734,716
Subtotal	25,212,581	.1827	4,606,029
Adjustments			
Grand total	25,212,581	.1827	4,606,029

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting, Washington, DC.●

FRIENDS OF YOUTH INSTITUTE

● Mr. COATS. Mr. President, last week, I was invited to attend a unique demonstration in front of the U.S. Botanical Gardens. It was held by Friends of Youth Institute, a newly founded nonprofit organization that gives young people experiences and opportunities to empower them to make wise decisions about such crucial issues as drinking and driving, AIDS, drug abuse, suicide and pregnancy.

FYI brought the problem of drunk driving to the attention of policymakers and the public with a dramatic demonstration of the dangers of drinking and driving. The group introduced the Dodge drunk driving simulator, a specially modified car that safely simulates drunk driving through the use of an on-board computer that causes the vehicle to brake and steer as though a drunk driver were behind the wheel.

The simulator is the feature in FYI's first initiative, "Zero by 2000." Zero by 2000 will be a major national effort aimed at achieving zero fatalities due to drunk driving by the year 2000. Not only will children be told the horrible consequences of drinking and driving, but through the simulator, will experience the danger that accompanies a person who is driving drunk.

Drunk driving is a problem that faces not only our children but everyone in society. Alcohol-related traffic deaths represent nearly one-half of all traffic deaths. Each year, 23,000 people die in drug and alcohol-related traffic accidents. Over 300,000 people are injured in alcohol-related traffic accidents each year.

Every alcohol-related accident is tragic since each one could have been prevented. As long as people do not drive after drinking, these accidents will not happen. The injuries and deaths will not happen. But it is much easier to say this than to have it done. A person's self-confidence and pride may make him or her feel in control. The influence of alcohol may cloud the person's judgment. All the stories about the horrors of drunk driving will not stop everyone from driving drunk.

One of the best ways to prevent drunk driving is to experience it through simulation. With the Dodge drunk driving simulator, this can be instilled in people without injury and death. Hopefully, with this experience, people who drink alcohol will think twice before driving and have someone sober take them home.

Friends of Youth Institute should be applauded for bringing to everyone's attention the dangers of drunk driving and for initiating Zero by 2000. The program not only addresses drunk driving but confronts the problem in an attempt to eliminate it.

FYI's goal to give young people the experiences that will help them make the tough decisions they face in life should be applauded. Experience is always stronger than words. It helps us in making our most important decisions. Friends of Youth Institute understands this and should be thanked by all of us for their fine work.●

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent that Senator DANFORTH be recognized to address the Senate, and at the conclusion of his remarks, the Senate then stand in recess, as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

FINDINGS BY MR. PETER FLEMING, TEMPORARY SPECIAL INDEPENDENT COUNSEL

Mr. DANFORTH. Mr. President, today Mr. Peter Fleming, the temporary special independent counsel, issued his report which included his findings with respect to the confirmation process.

The circumstances surrounding Justice Thomas' confirmation embarrassed the Senate in front of the Nation and the world. The damage to the Senate's credibility will last for years and perhaps decades. The confirmation process inflicted indescribable pain on Clarence Thomas, a good and decent person, and his family.

Mr. Fleming found, first, that a document containing the contents of Anita Hill's statement to the Senate was released to Nina Totenberg from the Senate. Second, Mr. Fleming stated that every Senator and staff member interviewed in the investigation understood that this information was confidential and that its disclosure by the Senate would be improper. Finally, although Mr. Fleming's authority does not extend to determining whether Senate rules were violated, his discussion of the history of Senate Rule 29.5 leads to the conclusion that the leak violated this rule. Such a violation is punishable by expulsion or a contempt citation.

With respect to interest groups, Mr. Fleming gives an excellent account of how partisans outside the Senate, committed to stopping the nomination, worked with allies inside and outside the Senate to accomplish their goal. They failed, but only after the effort to "Bork" Clarence Thomas damaged the Senate and brought discredit on American processes of government.

The attempt to stop the Thomas nomination with essentially any means at hand created an episode that was disgusting, lurid, and degrading. In frantic, superheated battles over ideology, ends quickly come to justify means. This is perhaps the most obvious lesson of the Thomas nomination.

Now, perhaps, the Senate's role on "Saturday Night Live," and Mr. Fleming's report, will convince us at long last that it is intolerable for judicial nominations to be handled as if they were political campaigns.

Mr. President, I yield the floor.

ORDERS FOR TOMORROW

Mr. KERRY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, May 6; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: The first hour of morning business under the control of the majority leader, or his designee; Senator BENTSEN for up to 15 minutes; Senator SIMPSON, or his designee, and Senator GORTON for up to 10 minutes each; Senator CRAIG for up to 5 minutes; and Senator COHEN for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. The next rollcall vote will occur at 1:30 p.m. tomorrow.

The Senate will come into session at 9 a.m. There will be a period of morning business until 11:30 a.m. Between 11:30 a.m. and 1:30 p.m., the Senate will complete debate on the pending measure with a vote on the committee substitute, as amended, at 1:30 p.m.

Immediately following that debate, the Senate will proceed to the Telephone Privacy Act pursuant to the previous order.

Mr. President, I thank my colleagues.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. tomorrow.

Whereupon, at 6:40 p.m. the Senate recessed until Wednesday, May 6, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 1992:

DEPARTMENT OF STATE

ROBERT L. BARRY, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

REGINALD BARTHOLOMEW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE THE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ADRIAN A. BASORA, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH AND SLOVAK FEDERAL REPUBLIC.

BOARD FOR INTERNATIONAL BROADCASTING

BARRY ZORTHIAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING MAY 20, 1995. (REAPPOINTMENT)

DEPARTMENT OF TRANSPORTATION

ARTHUR J. ROTHKOPF, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE JAMES BUCHANAN BUSEY IV, RESIGNED.

THOMAS C. RICHARDS, OF TEXAS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE JAMES BUCHANAN BUSEY IV.

MICHAEL JAMES TOOHEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE GALEN JOSEPH RESER, RESIGNED.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOSEPH J. DINUNNO, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 18, 1995, VICE EDSON G. CASE.

EXTENSIONS OF REMARKS

THOUGHTS ON HOW AMERICAN INDIANS MANAGED THE EARTH

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article by Samuel M. Wilson published in the May 1992 edition of Natural History magazine entitled "That Unmanned Wild Countrey." The article suggests that while American Indians did not leave their land untouched, they did manage it in such a way as not to destroy the local ecosystems.

[From Natural History, May 1992]

THAT UNMANNED WILD COUNTREY

(By Samuel M. Wilson)

In the mid-1600s, the English settlers who had gained a foothold along the eastern seaboard of North America began to make a profit by growing Native American tobacco and selling it in European markets. This kind of enterprise demanded farmland, and even more land was needed by the increasing tide of colonists arriving in the mid-Atlantic states and New England. But the land from Florida to Maine was occupied by American Indians—numbering in the hundreds of thousands—who lived in permanent villages, hunted wild game in well-defined hunting territories, and grew crops in fields that were shifted in a regular pattern as the fertility of the soil declined.

The English colonists came up with two justifications for taking the Native Americans' lands. First, they argued that colonists would civilize the Indians and "cover their naked miserie, with civill use of foode and cloathing." In royal charters given to the companies organizing the colonization, mention was always made of the obligation to bring Christianity to the "savages." The other part of the rationale was that Europeans could put the land to a "higher use," making it more productive by intensive cultivation and by bringing in livestock. In 1625 Samuel Purchas argued that God did not intend for the land to remain as "that unmanned wild Countrey, which [the savages] range rather than inhabite."

In early laws in Virginia and Massachusetts, and in many recorded sermons, biblical passages were quoted as justification for the appropriation of land: "Ask of me, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession" (Psalms 2:8); and, "Whosover, therefore, resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation" (Romans 13:2). A contemporary satirist (who wisely chose to remain anonymous) put it succinctly in a supposed summary of a Puritan town meeting: "Voted, that the earth is the Lord's and the fulness thereof; Voted, that the earth is given to the Saints; Voted, that we are the Saints."

The idea that land could be taken if it was not being used as the English would use it, or if the people on it were "uncivilized" or not of the proper religion, was not new. In the late 1500s, the English had conquered parts of Ireland on the same pretext. In 1978, Irish historian Nicholas Canny noted that even though England and Ireland were similar in terms of religion and land use, the Irish quickly came to be viewed as uncivilized people, even as cannibals (a charge that proved effective in mobilizing force against Indians as well): "Once it was established that the Irish were pagans, the first logical step had been taken toward declaring them barbarians."

The idea that Europeans might put the land to higher use required downplaying how the native people were using it. This was somewhat problematic because the land the settlers desired most was the best land, that which the Indians had already cleared for their own crops of beans, corn, pumpkins, squash, and tobacco. The English were able, however, to construct an image of the Indians as nomadic hunters who did not change the landscape. According to historian Francis Jennings, when the lawyer John Winthrop took control of an English company in the Atlantic colonies in 1630, he declared that "most land in America was vacuum domicilium—i.e., legally "waste"—because the Indians had not "subdued" it by methods recognized in English law and therefore had no "natural" right to it; the alternative of "civil" right was impossible for Indians because they did not have civil government. In operational terms civil government meant "European government" [The Invasion of America, 1976].

Later, in the eighteenth century, Enlightenment thinkers such as Rousseau saw the Indians as "nobel savages" who lived at one with nature, without want, greed, or possessiveness, untainted by contact with civilization. The eloquent and influential nineteenth-century historian Francis Parkman believed that the Indian was "a true child of the forest and the desert. the wastes and solitudes of nature are his congenial home." In this way, the Indians were nearly defined out of existence, allowing frontier historian Frederick Jackson Turner, in 1920, to say that the West had been "free land" and Walter Prescott Webb, in 1931, to refer to it as "land free to be taken."

But New World people had changed the landscape, often in ways the European colonists did not appreciate. Along the east coast of North America, the lands that the English sought for tobacco cultivation had been planted for thousands of years. As fertility declined in some fields, the Indians opened up others, leaving the older ones to lie fallow. Later they might return to previously used fields, whose overgrowth of brush and small trees was easier to clear than climax forest. By the time the colonists arrived, the eastern woodlands had become a mosaic of Indian fields, some in use, some overgrown with brush, some nearly forests again.

Fire was a useful tool for renovating farming plots: it not only cleared the undergrowth but it also returned nutrients from the vegetation to the soil. Indians used fire widely in eastern North America to change the nature of the forests. English settlers recorded a marked shift in the forest vegetation after the Indians retreated farther west. At first the forest was described as "parklands," with little vegetation at ground level. After the Indians died or moved away, the Europeans began to describe the forest as dense and scrubby, with impenetrable thickets of vegetation beneath the woodland canopy.

Native Americans had used controlled burning to limit the growth of the understory, thus making it easier to hunt, collect wild foods such as hickory nuts and acorns, and cultivate the land. They knew that deer and the other animals they hunted thrived on plants that grew after the forest floor was burned. Prehistoric land-use patterns can be reconstructed through archeological excavation and the analysis of preserved plant pollen. Archeologist Jefferson Chapman and paleoecologists Hazel Delcourt and Paul Delcourt, for example, have charted 10,000 years of human impact on the environments of eastern Tennessee (see "Strawberry Fields, Almost Forever," Natural History, September 1989).

Farther west, Native Americans used fires to turn forests into grasslands and, in drier areas, to keep prairies from becoming chaparral or scrub deserts. In "Indian Fires of Spring" (Natural History, January 1980), archaeologist Henry Lewis described how, for millennia, the Indians modified landscapes in Alberta, and how present-day environmental agencies are rediscovering the advantages of controlled burning. The catastrophic fires in Yellowstone National Park in the summer of 1988 showed that fire is an inherent part of the forest ecosystem, without which some species cannot survive or reproduce. They also showed the dangers of suppressing natural fires for decades.

In what is now the southwestern United States and northern Mexico, people rerouted the flow of rivers to create environments capable of supporting large populations. For example, in about A.D. 1000, Hohokam Indians built an elaborate system of canals and irrigated fields in the floodplains of the Gila and Salt rivers (south of modern Phoenix). On a larger scale, Middle and South American peoples, such as the Aztecs, the Incas, and their predecessors, transformed landscapes with thousands of miles of canals and extensive drained or irrigated fields.

The possibility that early Native Americans were responsible for the extinction of the large animals of the Western Hemisphere has been hotly debated by archeologists and vertebrate paleontologists for the past thirty years. Many of the animals that were around

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

at the end of the last glaciation 12,000 years ago—mastodons, giant sloths, camels, giant beavers, and many more—disappeared soon after the climate warmed. The weapons and butchering tools found with the bones of these animals make it hard to argue that humans played no role in these extinctions. In the Caribbean the extermination of such species as giant flightless owls can be more closely tied to the arrival of the first humans. Like the giant flightless birds of New Zealand, the owls had no defenses against human predation.

While some scholars have documented the effect New World peoples had on their environment, others have sought to cast them as primitive conservationists, people who knew the inner workings of ecosystems and lived without changing them. This view, which emerged in the nineteenth century, gained widespread favor in this century. For example, in "Aboriginal Conservators," a 1938 article in Birdlore, anthropologist Frank Speck wrote:

"Do uncivilized tribes know the virtues of conservation? The question would seem to require an answer in the negative in view of what is generally believed to represent the intelligence standard of peoples who have not reached the status of advanced civilization. Surprising though it may seem, the answer is, nevertheless, in the affirmative so far as the eastern and northern forests of the continent are concerned."

More recently, former Secretary of the Interior Stewart L. Udall declared that "the Indians were, in truth, the pioneer ecologists of this country." And a television spot makes use of this imagery: it shows an unidentified American Indian wearing a strange mixture of plains and woodland clothes, paddling a canoe (from yet another area), and beholding modern pollution with tears in his eyes.

People who call Native Americans conservationists probably intend this as a compliment to their sophistication. The ability to wreak havoc on the environment is no longer regarded as a measure of civilization. But this compliment retains a note of condescension, assuming that Europeans had the ability to subdue the land, even if unwisely, while native peoples merely adapted to it, finding ways of surviving without changing things. In other words, for the Indians, environments shaped cultures, but for Europeans, cultures shaped environments.

The disdainful argument that Native Americans did not destroy the land simply because they did not have the means to do so was put forward in 1968 by historian Peter Farb, who wrote:

"If the Northern Athabaskan and Northern Algonkian Indians husbanded the land and its wildlife in primeval times, it was only because they lacked both the technology to kill very many animals and the market for so many furs. But once White traders entered the picture, supplying the Indians with efficient guns and an apparently limitless market for furs beyond the Seas, the Indians went on an orgy of destruction" [Man's Rise to Civilization as Shown by the Indians of North America from Primeval Times to the Coming of the Industrial State].

This orgy of destruction, however, was introduced by European Americans; the Indian participation is strong evidence that the traditional cultural values of northern forest peoples had eroded by the eighteenth century. Historian Calvin Martin's Keepers of the Game (1978) provides a glimpse of the cultural mechanisms that prevented overexploitation even during the fur trade. "The single most important deterrent to excessive hunting . . . ," he argues, "was the fear of spiritual reprisal for indiscreet slaughter. Prior to European influence, these Indians of the Canadian forest were on amicable terms with the spirits of the game, including the game "bosses," or keepers of the game, and it was the vivid, daily awareness of this courteous relationship which more than anything else precluded overkill."

Throughout North America, a similar logic held. As the Ojibwa writer P. Jones observed of his own people in 1861, "They suppose that all animals, fish, trees, stones, etc., are endued with immortal spirits and that they possess supernatural power to punish any one who may dare despise or make any unnecessary waste of them."

Native Americans have been conceived of in many ways, as both savage and noble. The latest stereotype, as "ecological Indians," oversimplifies their interaction with their environment. The important lesson they offer is that they changed the New World continents in ways that made the land more productive, and yet they carefully avoided the destruction of the eco-systems of the Americas.

(Samuel M. Wilson teaches anthropology at the University of Texas at Austin.)

A CONGRESSIONAL SALUTE TO MS. JUANITA G. CHAVEZ IN HONOR OF HER SELECTION AS THE 1992 COMMUNITY CITIZEN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an exceptional woman whom I greatly admire, Ms. Juanita G. Chavez. Ms. Chavez, in recognition of her tireless efforts on behalf of the community has been chosen by the Zonta Club of South Bay Area as the 1992 "Community Citizen of the Year". On Friday, May 8, 1992, a dinner will be held in her honor and the award will be presented by the Zonta Club, a professional women's service organization. It is a pleasure to bring Juanita Chavez to your attention.

Born on March 6, 1935, in Coffeyville, KS, Juanita completed her undergraduate studies at the State University of Iowa and received her MA, in educational administration from California State University at Long Beach. In 1981, Juanita graduated summa cum laude from the Northrop University College of Law in Los Angeles. Before entering law school, Juanita logged 21 years of administrative, supervisory, and teaching experience with the Los Angeles Unified School District. Following her admittance to the State Bar of California in December 1981, Juanita set up practice specializing in family law, estate planning, employer/employee relations, landlord/tenant relations, and personal injury. Juanita Chavez is an outstanding attorney. She is a member of the Los Angeles County Bar Association and the Mexican American Bar Association. She provides pro bono legal services to many community organizations, including the Wilmington Senior Citizens' Center, Legal Aid Foundation of Long Beach, and the YWCA of the Harbor Area.

Juanita Chavez's dedication to her community is further enhanced by the number and type of community activities with which she is involved. She is the president of the San Pedro Peninsula Chamber of Commerce and the San Pedro Citizens' Committee—International Korean Veterans' Memorial. She is a member of the board of directors of the San Pedro Peninsula Hospital Foundation, Salvation Army advisory board and Seaman's Church Institute. Juanita also serves as the secretary of the Vincent Thomas Bridge Lighting Committee. In addition, she is a member of the Soroptimist Club of the Los Angeles Harbor, Rotary Club of San Pedro, Friends of the San Pedro Library, and Friends of the Cabrillo Marine Museum. Ms. Chavez is a past president of the American Association of University Women, past vice-president of the YWCA of the Harbor Area and Alpha Delta Kappa Educational Society. She has been a member of the board of directors for the Harbor Foundation for the Retarded and a pension plan trustee.

It is because of these and the many other accomplishments Juanita Chavez has achieved that I take great pride in joining with all those attending this special occasion in expressing the gratitude she so richly deserves.

My wife, Lee, joins me in extending this congressional salute to Ms. Juanita Chavez. We wish Juanita and her children, Deborah Wheatley Ferguson, Max D. Wheatley, III, and Jacolyn Wheatley Fellin, and grandchildren, Genevieve, Ryan, Aaron, Daniel, and Teresa all the best in the years to come.

NAUTILUS MIDDLE SCHOOL SEVENTH GRADERS LEARN ABOUT CONGRESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, three seventh grade civics classes at Nautilus Middle School held a mock Congress on March 10, 1992, appropriately coinciding with Super Tuesday. These students, numbering 110, executed many of the functions of Congress, including holding committee hearings, floor debate, and votes. The Miami Herald brought attention to this innovative learning activity in an article by staff writer S.A. Terilli. That article follows:

Timed with Super Tuesday, 110 students in three seventh-grade civics classes at Nautilus Middle School took over the government.

They formed committees, introduced bills, debated positions, elected leaders, took questions from the press, and counted their votes during a special congress. The congress, fashioned after the House of Representatives, was held Friday, Monday and Tuesday as a pioneering effort to teach students more about government.

"The students are very aware of what has been happening in our country," said Judyth Billig, the Nautilus teacher who turned her classes into congresses. "It's the kind of learning they need to do; it's participatory education."

Students picked their own political affiliation: Democrat, Republican, Independent.

Every student drafted one bill, which a committee of four debated and accepted or rejected. Each committee sent a bill to the entire congress for further debate and a final vote.

On Monday, Maria Betancourt, a 13-year-old Republican from Miami Beach, introduced a bill to promote treatment of parents who abuse children.

In true political form, Vida Resillez-Venture, a 12-year-old Independent, rose to oppose the bill. She feared it lacked a mechanism for deciding if a child's allegation was true.

Arms waved and desks were pounded as students stood and argued for or against the bill. Amendments were offered, rejected and adopted. In the end, the bill passed.

The Congress also banned the sale of alcohol and cigarettes to pregnant women and mandated seat belts on school buses.

But the students didn't confine themselves to student issues. They made murder a federal crime punishable by death and they prohibited any city from doing construction work on more than two roads at one time—a problem in evidence just two blocks from the school, at 4301 N. Michigan Ave.

"Every student came away from this believing he or she could be in Congress some day," Billig said. "I might even forward the road construction bill onto [Representatives] Bill Lehman and Ileana Ros-Lehtinen and suggest the other Congress think about it."

Mr. Speaker, I commend the innovation and creativity shown by Nautilus Middle School Civics teacher, Judi Billig. I also want to recognize Principal Martin Zigler and Assistant Principals George Nunez and Elfie O'Dell for making Nautilus Middle School a place where learning can happen.

KILDEE HONORS SUBSTITUTE TEACHERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to the outstanding contributions of this country's substitute teachers.

As we all know, it is only through a challenging and comprehensive educational experience that our country can expect to lead and thrive. Few realize the contributions substitute teachers make to this national effort or the unique challenges they face on a daily basis. Substitute teachers provide a valuable continuity in education that is necessary to ensure the success of this Nation's youth and future. In doing so, substitute teachers reinforce their students' sense of self-worth and value to the larger community.

Furthermore, substitute teachers are regularly called upon to adapt to new classroom situations and procedures, often having to teach a different topic from one day to the next. These duties require substitute teachers to be both focused and creative in their presentation of this material. On an almost daily basis, they are called upon to maintain order and an environment conducive to learning despite often being unfamiliar with the different backgrounds and personalities of their students. In short, substitute teachers must possess such skills as compassion, flexibility, intelligence, patience, and enthusiasm to successfully accomplish their job. With these traits, substitute teachers serve as prominent positive role models during a crucial stage in their students' social and academic development.

Mr. Speaker, it is indeed an honor and a pleasure to pay tribute to our Nation's substitute teachers. I would like to thank these dedicated professionals for the work they do. Their commitment is an inspiration to everyone who serves the public and they deserve our gratitude.

TRIBUTE TO CASEY CARTER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. TRAFICANT. Mr. Speaker, I wish to take this opportunity to congratulate a courageous young man from my 17th District of Ohio, Casey Carter.

Casey is graduating from Champion High School and certainly deserves hearty congratulations. Casey, with a learning disability, endured the struggles of high school and, in my eyes, triumphs this year like no other. His experience, I know, has been a rich one, including the fun times, I am told, he had at the prom with Cindy Drotleff.

I understand that Casey follows the Congress with great fervor, and it is also my understanding that he is one of my biggest fans. I would like Casey to know that after reading his mother's touching story about him, I am a fan of his.

Mr. Speaker, Casey at a young age had surgery to correct a disability discovered by a doctor in Philadelphia. Since then, he has progressed and can now tie his shoes, button his shirt, and zip his jacket. Though his mother says he has not mastered reading yet, I am confident that nothing is beyond this young man's reach.

Mr. Speaker, I wish Casey the best and may God bless him in all his endeavors.

WISE COUNSEL ON THE EARTH SUMMIT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. GILMAN. Mr. Speaker, in less than a month, the long-awaited United Nations Conference on Environment and Development will be held in Rio de Janeiro. For many, the upcoming Earth summit represents an important opportunity to lay the foundation for future international cooperation on some of the most pressing problems affecting all mankind—global environmental issues such as climate change, deforestation and loss of biodiversity.

With the largest industrial economy and traditional leadership in the environmental area, U.S. policies are at the center of the various negotiations leading up to the Earth summit. In particular, considerable attention has been directed to the reluctance of the U.S. Government to undertake far-reaching new domestic regulations, foreign aid programs and organizational initiatives.

Congressman BILL BROOMFIELD, the ranking Republican member of the Committee on Foreign Affairs, has surveyed these issues in a recent article that appeared April 28 on the op-ed page of the Christian Science Monitor. In this article, Congressman BROOMFIELD—who is also the senior Republican member of the official House delegation of observers to UNCED—lays out some of the key issues to be considered at the Earth summit.

Mr. BROOMFIELD has recently announced his retirement from Congress at the end of the 102d Congress. As second most senior member of the Republican caucus, commencing his congressional career in 1957, he has served on the Foreign Affairs Committee since 1961 and has been its ranking minority member since 1975. BILL BROOMFIELD's longstanding service to the House of Representatives and the Nation has been reflected in his steadfast support for reasonable foreign policies that contribute to U.S. leadership in the world while preserving an essential domestic consensus.

Congressman BROOMFIELD continues this theme in his current article. While recognizing the need for flexibility in U.S. policy, he also points out the importance of retaining our commitment to basic American values in helping to address global environmental issues. These include the overall importance of environmental protection, continued economic growth, reliance on market mechanisms, democratization and direct citizen participation, and self-reliance.

In order to share his views with my colleagues, I submit Congressman BROOMFIELD's remarks to be printed in the RECORD at this point:

CLIMBING TOWARD THE EARTH SUMMIT

(By William S. Broomfield)

This June in Rio de Janeiro, the nations of the world will gather for the United Nations Conference on Environment and Development (UNCED). Referred to by environmentalists as the "Earth Summit," this meeting may set the agenda for international discussion of environmental issues well into the next century.

The human threat to the environment goes beyond localized pollution and even such broader, regional problems as acid rain. The steady expansion of human activities is destroying the habitat of innumerable species of plants and animals. The depletion of natural resources around the world threatens the natural systems central to the economies of many countries.

Another issue is the probability of global climate change from the so-called greenhouse effect. There is still no scientifically valid evidence of global warming. Nevertheless, scientists believe that the large amounts of carbon dioxide (CO2) and other greenhouse gases released by the burning of fossil fuels and other activities will inevitably lead to warming as well as a range of other potentially harmful effects on climate.

These issues merit serious response. Unfortunately, the negotiations leading up to the Earth Summit have been characterized by squabbling among the major industrialized countries and unrealistic demands from the third world.

The chief issues are threefold: whether specific "targets and timetables" are needed for the reduction of greenhouse gases; whether "new and additional" funds must be made available for foreign aid; and whether poorer countries should gain access to environmentally beneficial technologies on a "preferential and noncommercial basis."

Public attention has primarily focused on the dispute between the United States and other industrialized countries over the need for specific reductions in CO2 emissions. Because of a number of factors, CO2 emissions in the US will probably stabilize at more-or-less current levels. Mandated cuts could nevertheless retard economic growth and affect competitiveness.

Meanwhile, some other industrialized countries could actually benefit from limits on CO2 emissions. In Europe, subsidies for the coal industry would be phased out; in Japan, there are unrealistic plans to expand nuclear power. At the same time, many poorer countries would find it nearly impossible to abide by similar restrictions.

It is also unlikely that the US and other industrialized countries will make much more foreign aid available anytime soon, even for environmental purposes. Weak economic conditions work against increased aid, and existing programs are already very costly. In addition, other priorities have arisen, such as the need to assist emerging democracies. With respect to sharing technology, the industrialized countries cannot give away technology which belongs to the private sector, although means could be devised to facilitate its transfer.

Still, sufficient progress can be made prior to June for the Earth Summit to be a success. Concrete measures, however, will probably not be ready for approval. For this reason, it is important that the conference be viewed primarily as the beginning of a new dialogue that will lead to better international cooperation in the future.

The Bush administration is being charged with dragging its feet on UNCED, preventing further progress. Since the departure of former White House chief of staff John Sununu, however, the administration has been reviewing its policy toward climate and the other issues included in UNCED. Some additional flexibility by the administration would improve the chances that UNCED will be a success.

At this point, however, the stage has been set for last minute concessions by the US that will neither truly benefit the world environment nor promote US interests.

Rather than allowing itself to be painted into the corner at UNCED, the administration should insist on some basic American values.

First, all nations are obliged to protect the environment, both inside and outside their borders, aided by the best scientific information. Second, economic expansion improves the quality of life and permits environmental issues to be addressed more effectively; sustained growth can only be based on free-market principles. Third, truly free markets are impossible without democratic institutions, and citizen participation is essential to protecting the environment. Finally, outside assistance without reciprocal obligations only creates dependency and will not result in true progress anywhere.

CONGRATULATIONS TO MICHAEL SMITH: STATE CHAMPION OF THE NATIONAL GEOGRAPHIC GEOGRAPHY BEE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. SWETT. Mr. Speaker, I would like to congratulate Michael Smith of Salem, NH. This is the second year in a row that Michael, a fifth grader at North Salem Elementary School, has won his school geographic competition. In addition, this year he won the State championship of the National Geographic Geography Bee.

He will now travel to Washington in order to compete on the national level with students from all across the United States, as well as the American territories.

Mr. Speaker, I ask my colleagues to join me in congratulating Michael on his outstanding achievement. I wish him the best of luck in the national competition, and I hope that his instinctive talent for this social science will encourage him to become involved in future geographic endeavors.

IN HONOR OF HOLLYWOOD WALK OF FAME INDUCTEE BROCK PETERS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. DIXON. Mr. Speaker, on April 23, 1992, a granite star bearing the name of Brock Peters was placed into the legendary Hollywood Walk of Fame. This was the latest of many prestigious honors accorded this talented actor, producer, and singer.

The son of a French-African father from Senegal and a West Indian mother, Brock Peters was born and raised in Harlem. After attending City College of New York, Brock embarked on a distinguished professional acting career, appearing in the first commercially successful revival of "Porgy and Bess."

During the ensuing four decades, Peters honed his skills as an actor, producer, and singer, displaying his range of talents in all manner of entertainment media—from film, television, and stage to concert appearances and recordings. Highlights of Brock's career include performances in the national tours of "The Great White Hope" and "Driving Miss Daisy," and producing the PBS successful documentary, "This Far by Faith." His many film appearances include "The Pawnbroker," "Two-Minute Warning," "Soylent Green," "Star Trek IV," and "Star Trek VI."

Along the way, Brock has received glowing accolades from prominent entertainment critics, guilds, and associations. Moreover, he has won the enduring admiration and respect of his peers, the media, and the entertainment public. His achievements have been recognized with numerous awards including: the National Film Society's Life Achievement Award; a Golden Globe Award for "To Kill a Mockingbird"; an Emmy for the PBS special, "Voices of Our People"; the L.A. Drama Critics Circle Best Actor Award for La Jolla Playhouse's production of "My Children, My Africa"; a Golden Globe nomination for "The L-Shaped Room"; a Tony nomination for "Lost in the Stars"; and honorary doctorates from the University of Michigan, University of Arizona, Sienna Fine Arts College, and a Ph.D. in fine arts from Otterbein College. In 1990, Brock received the prestigious Screen Actor's Guild Life Achievement Award.

Brock's longstanding commitment to community service and the arts is legendary. He is former chairman of the Dance Theater of Harlem, of Free Southern Theater, and Third World Cinema—which produced "Claudine." He is a former chairman of the California State Arts Commission and of the Brotherhood Crusade Black United Fund and is current chairman and cofounder of Maga Link, Inc. Brock's professional accomplishments and service are reflective of his immutable belief in the empowering effect of the African-American experience. With great integrity and talent, he has brought dignified and compelling portrayals of that experience to the stage and screen for audiences the world over. It gives me great pleasure to see Brock immortalized in granite alongside other great figures in the entertainment industry.

Mr. Speaker and colleagues, please join me today in extending congratulations to Brock Peters on a distinguished lifetime of achievement and community service, and in wishing Brock and his daughter, Lise, all the best the future can hold.

INTRODUCTION OF EDUCATION LEGISLATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. BROWN. Mr. Speaker, today I am introducing H.R. 5057, the House companion version of legislation introduced by Senator BURNS earlier this year. This bill would facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a satellite system used solely for communications among State and local instructional resource providers.

Certainly every student in America deserves equal access to quality education. Unfortunately, not every small rural or poor inner city school can afford to hire specialized instructors to provide the education for children the way that schools in larger and wealthier communities can.

One way to bridge this gap is through the use of satellite technology for distance learning. With the efficient use of an integrated, satellite based communications system linked by cable and telephone lines, distance learning can provide children access to vast educational resources, regardless of wealth or geographic location.

I have long been interested in helping to strengthen and improve the utilization of telecommunications in the U.S. economy and educational institutions. The idea for an education satellite was presented to President Bush by Governor Wilkinson of Kentucky and other governors at the education summit in Charlottesville, VA, in September 1989. At the request of Governor Wilkinson, the EDSAT Institute undertook the task of analyzing the current education satellite system. EDSAT issued a final report, "Analysis of a Proposal for an Education Satellite," in 1991.

The report found that under present practices, America's schools, colleges, universities and libraries are without predictable, low-cost and equitable access to satellite services. Despite the existing problems however, the EDSAT Institute found that the education sector is expanding and investing heavily in telecommunications systems.

According to the report, there are several problems with the current education satellite system:

First, education buyers of satellite time often are not able to commit to expensive long-term contracts with satellite providers. This puts them at a competitive disadvantage with other buyers of satellite time. One result of this is that the signal used by an education buyer is susceptible to "preemption," subject to change on short notice. In addition, as occasional users, the education sector is forced to pay high and variable prices for undependable services. Finally, the current system is set up so that educational programs are spread out among 12 to 15 satellites. Every time the user wants to switch to a different program, they have to adjust their satellite dish.

In addition to analyzing the current structure of the education satellite telecommunication system, the report provided educational leaders, elected officials and private sector representatives with several options for governing, managing, and paying for a dedicated education satellite. The EDSAT Institute held extensive meetings with various experts across the Nation to assess the feasibility of the proposals. The National Education Telecommunications Organization [NETO] was created in October 1991 to focus on the distribution of distance learning. NETO's members include former and current public officials, educators, telecommunications experts, State and education agencies, and private sector representatives. NETO's goal is to create the infrastructure necessary to establish an integrated telecommunications system at affordable costs to the education sector.

Senator BURNS took the lead on this issue and introduced legislation in March to help improve the current education satellite system. I am introducing it today in the House. This bill authorizes the Secretary of Education to carry out a loan guarantee program under which a non-Federal, public corporation can obtain loans in order to purchase or lease and operate one or more communications satellites dedicated to the transmission of instructional programming. The Secretary can guarantee loans up to $270 million to the organization. In order to receive the loan guarantees, the corporation must investigate all practical ways to acquire the communications satellite system, report to the Secretary their findings and recommend the most cost-effective, high-quality system. By providing loan guarantees, the Federal Government in effect takes the risk away from the private sector and encourages their involvement in the development of a dedicated satellite system.

This is just the first step and certainly not the only answer to solving the problems that schools face in using satellites. However, I believe that it is an important step for the Federal Government to take to help encourage the use of technology in the education sector. Improving the accessibility and quality of education will help our children and our national economy as a whole to become stronger and more competitive in the global marketplace.

KEYNOTE ADDRESS BY DANIEL S. GOLDIN, ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. WALKER. Mr. Speaker, I rise today to insert into the CONGRESSIONAL RECORD, a speech given by Mr. Goldin regarding the Nation's space program. It is a clear-sighted look into NASA's future, and I urge all of my colleagues to read it.

ADDRESS BY DANIEL S. GOLDIN

In response to Tom Stafford's introduction, let me say that I have the best job in Washington and the greatest staff in the world.

Ladies and Gentlemen, Distinguished Guests,

It is a great honor for me to stand on this podium tonight as the Administrator of NASA and to address this distinguished group.

In my short time at NASA, I already have discovered a dedicated and capable workforce who have what it takes to implement the challenging space programs of tomorrow.

I wish all of you could have been with me yesterday as I listened to the young engineers, scientists, and staff members at the Goddard Space Flight center. Each of these people were talented, enthusiastic and committed. They had America's future on their minds. You would have been proud—Robert Goddard would have been proud.

We have accomplished much as a people and as a nation in space and aeronautics. In only one lifetime, we traveled from the dunes of Kitty Hawk to the grey sands of the Moon.

But, some of us older, grayer folks forget that today's college seniors weren't even born when the Eagle landed at Tranquility Base.

For them, our journey is just beginning. What we accomplish in the next thirty years is how we will be judged and remembered by our children and our children's children.

I am convinced that America must start to prepare today for a new century in which aeronautics and space will play an even greater role in our national economy.

NASA must push the edge of technology to meet future government needs, and NASA must transfer these technologies to the private sector to ensure our competitive posture in the high technology marketplace of tomorrow.

We have only begun to utilize the assets of space and to reap the rewards of our national investment in space.

And, we certainly have the opportunity. President Bush and Vice President Quayle have given us that opportunity. They are intensely interested in America's space program and unbelievably supportive of NASA. They have a vision and they want us to make it a reality. Carpe Diem! Let's seize the day.

When I first spoke to NASA employees, I was asked, "With all the challenges facing you up front, what will be your first focus?" I said, "to listen." And that is exactly what I am going to do.

Of course, I have some preliminary thoughts about future goals for NASA which I will share with you. But let me emphasize, they are preliminary, they are not in a priority order.

We should establish our first permanent outpost in space. Towards that end, I am committed to the President's goal of deploying Space Station Freedom this decade.

Through space station operations, we will better understand the interaction of humans in the hostile environment of space, and the human body, itself, which could improve medical technologies and treatments here on Earth.

We are taking our first steps on what the President has called "a journey to tomorrow" by starting now to lay the foundation to go back to the Moon and onward to Mars.

Over the next few years, we will define architectures, initiate critical technology development work, and conduct small precursor missions.

We should continue to accelerate the pace of our activities that look inward at Planet Earth and provide the data required by scientists and policymakers to make prudent decisions based on facts. We owe it to future generations to take the time to look at our own planet and to better understand how human beings may be affecting it.

We should have an unparalleled Space Science program that looks out to the heavens and helps us better understand the fundamental mysteries of our solar system and the universe.

Just recently, NASA spacecraft completed a road trip to every planet in the solar system, except one. In the last two years, America has launched more science missions—13 to be exact—than it did in the 1980's.

And, in the decade of the nineties, American can look forward to more space science missions and a tremendous storehouse of new knowledge.

We should develop and maintain, in a balanced and cost-efficient manner, the infrastructure required for our space program.

We need to have the necessary communications, test facilities, research equipment, computational tools that access to space that make the space program of tomorrow possible.

In particular, we need to do everything necessary to maintain a safe and reliable Space Shuttle. The Space Shuttle will be the key vehicle for human space activities well into the next decade, and we must not compromise on our investment in this system or on our astronaut crew's safety.

These core activities must be achieved without allowing infrastructure or programmatic imbalance to consume the seed corn of the future.

In pursuing these activities, we need to work closely with our colleagues at DOD, DOE, industry, and our foreign partners. We need to avoid duplicative activities and to ensure a full range of capabilities.

I believe we can do this and still continue to maintain the appropriate and long-standing separation between military and civilian missions.

Finally, we must establish and maintain a first-class aeronautics technology program in cooperation with American industry. It should support American industry and serve to break down the technical barriers to economical, safe, speedy, and comfortable flight for passengers and cargo alike. We must do everything we can to help ensure America's competitive edge in aviation.

I am convinced that a balanced civil space and aeronautics program based on these building blocks represents a prudent investment strategy in America's future.

So what happens next?

As I said, first, I am going to listen. I am going to listen to the NASA employees, Members of Congress, the White House. And, I am going to listen to industry, to academia—both scholars and students—to our foreign partners, and to the American people. I am going to listen to all of you who are stakeholders in America's space program and establish a consensus on the vision of the civil space and aeronautics program and to formulate an integrated plan for execution of this vision. This plan will include clearly defined and measurable milestones. If you can't measure it, you can't manage it.

It also will clearly define the human resources, budget and technology requirements. This plan will permit us to pursue our missions in an orderly and cost-efficient manner and will provide the maximum near-term and long-term benefits to the American taxpayer. A vision without an integrated plan is a fantasy. A vision with an integrated plan is a reality. And we are going to have a dose of reality!

To make this planning process work, each of us will be required to think of the goals and objectives of the civil space program in terms of the national interests and priorities, not in terms of individual interests. Once this integrated plan is approved, everybody should lock arms, march forward, and support the execution of this plan. I am convinced that if we take this approach, it will revitalize our industry, lift the spirit and pride of America and the NASA team, and ensure U.S. leadership in space.

To implement this plan, each stakeholder will be empowered with the authority and responsibility needed to achieve their tasks. And, each will be responsible and accountable for his or her actions—just as I will be accountable and NASA will be accountable to the America people.

To start this process, tonight I would like to ask you to join the men and women of NASA and stretch a little for the space program.

I would like to ask each of you in industry and government to go back and look at your programs to see what you can do to reach a little higher, reach a little further for a little less. What are each of you willing to do in your areas to be more efficient?

Tonight throughout America, the first Martians are being tucked into bed after a tough week at school.

For these future explorers, who will someday leave their footprints on distant bodies, for the hope of our Nation, let us make a national commitment to reach for the stars, to maintain our leadership in space and aeronautics, to work with our friends and allies to improve the quality of life for all mankind, and to better understand our fragile planet Earth.

I believe in America.

I believe in the American dream.

I believe in America's future.

And, I believe the civil space program is the jewel in the crown of America's future.

With your active support and commitment, we will succeed in keeping the legacy of Robert Goddard alive—we will succeed in turning the dreams of yesterday into the hopes of today and the realities of tomorrow.

CLIMATE CHANGE POLICIES OF INDUSTRIALIZED NATIONS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. BOUCHER. Mr. Speaker, in considering the debate regarding whether the United States should unilaterally cap its emissions of carbon dioxide [CO_2], it is helpful to examine whether other industrial nations have limited or have agreed to limit their CO_2 emissions.

As the following chart indicates, few industrialized nations have binding CO_2 emission level targets.

As an example, Japan, our biggest trade competitor, plans to rely heavily on nuclear power. Japan promises best efforts to meet a target of per capita stabilization by the year 2000. This target is obviously not binding. Before the United States considers a unilateral; finding cap on CO_2 emissions, we should examine the effect this cap may have on our competitiveness with other nations which have not imposed binding caps on CO_2 emissions.

The chart follows:

	Target	Caveats/comments	Measures
Australia	Stabilize CO_2 emissions by year 2000 at 1988 level, reduce 20 percent by 2005.	New Prime Minister stresses original caveats that target was interim planning goal and cannot have net adverse impact on domestic economy or on external trade. Coal and oil are 84 percent of primary energy consumption. With highest unemployment since 1930s, resources industry, United Mine Workers, and independent studies are focusing public attention on economic and employment aspects of stabilization/reduction target.	Energy efficiency improvements are underway, including codes for new residential and commercial buildings, an information kit for every household, new energy auditing program, advisory services on motor fuel efficiency to the commercial market, and improved energy management within the government.
Austria	Reduce CO_2 emissions 20 percent from 1988 level by 2005.	Actions are still in planning stage; no supporting analyses publicly available.	Possible new tariff structures for electricity generation, vehicle registration tax linked to fuel efficiency, and promotion of renewable energy technologies are under review. Interministerial working group is considering carbon tax, energy efficiency standards for appliances, and changing mix of imported autos and trucks to reduce gasoline consumption.
Belgium	Reduce CO_2 emissions 5 percent from 1990 level by 2000.	Devolution of environmental regulations to regions complicates implementation of national target policy—the regions have jurisdiction over energy conservation.	National energy plan includes improved energy efficiency, using waste heat through industrial energy cogeneration, continued reliance on nuclear power for electricity, and reforestation.
Canada	Stabilize greenhouse gas emissions, including CO_2, by 2000 at 1990 level.	Energy-producing provinces are still wary of target. Green Plan measures aimed at emissions stabilization to be introduced gradually. Funding recently reduced for next two fiscal years.	Green Plan includes standards for appliances and building construction, improved fuel standards for new motor vehicles, educational packets for commercial truck and auto drivers, targets for each industrial sector, federal support for commercialization of biofuels and hydrogen fuel, and tree-planting.

	Target	Caveats/comments	Measures
Denmark	Reduce CO$_2$ emissions 20 percent from 1988 level by 2005. Reduce transport sector CO$_2$ emissions 25 percent from 1988 level before 2030.	Transport sector actions are still in planning stage. Chemical and transport industries are concerned about impact of carbon tax on Danish competitiveness.	New national carbon tax was planned for 1 March 1992 and is awaiting EC Commission review—will cost householders \$15.85 per metric ton of CO$_2$ each month this year, half that amount for industries starting next year. New standards have been adopted for appliances and buildings, energy efficiency financing, and expansion of industrial co-generation. The two electric utilities have signed agreement with government producer to switch from imported coal to natural gas. Additional 100 megawatts of wind energy capacity are planned for 1994. Investment in clean fuel buses and promotion of railways for freight transport is being considered.
Finland	Stabilize CO$_2$ emissions before year 2000	Most actions still in planning stage; no supporting analyses publicly available.	Carbon tax on non-transport fuels of \$6.25 per metric ton has been in place since 1990. Foreign Minister endorsed natural gas pipeline from Norwegian gas fields as alternative to fifth nuclear power plant.
France	Stabilize CO$_2$ emissions at 2 metric tons per capita by 2000.	National target allows for growth of emissions above current level of 1.8 metric tons per capita. Funding of ten-year Green Plan is stalled after earlier approval of Plan by parliament.	Adoption of EC-wide energy/carbon tax is priority goal. Nine additional nuclear power plants are under construction. The PSA Group—makers of Citroen, Peugeot—is marketing electric cars subsidized by government.
Germany	Reduce CO$_2$ emissions 25 percent from 1987 level by 2005.	Federal Cabinet reconfirmed target last December, but recent study by Economics Ministry shows only 10 percent reduction possible by 2005. Transport Ministry argues that politically feasible measures may result in reduction of CO$_2$ growth rate but not in absolute reduction of emissions. Government debating speed limits on autobahn—a measure that enjoys public support but is resisted by auto/truck industry.	If EC-wide energy/carbon tax is not in place by mid-1993, Environment Ministry plans to reconsider national surcharge on CO$_2$ emissions by end of next year. Leaders proceeding with improved insulation and heating technologies in existing buildings and higher standards for new buildings. Government recently signed accord with German coal companies to downsize subsidized coal industry—companies agreed to reduce current output 28.5 percent by 2005. Use of natural gas projected to increase.
Greece	No national target, but Greece has endorsed EC-wide target of CO$_2$ emissions stabilization by 2000 at 1990 level.	Greek emissions can rise under EC burden-sharing plan.	Government halts auto traffic in Athens on heavy pollution days and is considering plans for wind and geothermal energy alternatives to fossil fuels.
Iceland	No national target	Geothermal and hydro power take care of heating and electricity requirements; only transport sector offers opportunity for reducing emissions, but government considers alternative fuels impractical.	Energy efficiencies, further development of geothermal energy, and reforestation being considered.
Ireland	No national target, but Ireland endorsed EC-wide target of CO$_2$ emissions stabilization by 2000 at 1990 level.	Irish emissions can rise under EC burden-sharing plan.	National environmental action program includes energy conservation and energy efficiency improvements. Natural gas consumption projected to increase with pipeline connecting Ireland to UK natural gas infrastructure.
Italy	No national target, but Italy has endorsed EC-wide target of CO$_2$ emissions stabilization by 2000 at 1990 level.	Not clear whether Italian emissions can rise under EC burden-sharing plan. Italian parliament is opposed in principal to increased energy taxes without offsets. It prefers CO$_2$ stabilization through clean coal technologies, expanded natural gas imports from North Africa. Concerned about trade disadvantage from carbon tax unless non-EC OECD countries also adopt the tax.	Government is debating EC energy/carbon tax. National Energy Plan includes new energy efficient building codes and public transport plans. Environment Ministry recently announced 10 year environment plan including CO$_2$ emissions stabilization but plan lacks cost projections. Bologna and Milan halt auto traffic on heavy pollution days.

	Target	Caveats/comments	Measures
Japan	Stabilize per capita CO_2 emissions by 2000 at 1990 level.	Promises "best efforts" to meet target. Environment Agency study found CO_2 emissions rose 3.5 percent in 1990—the base year—suggesting difficulty of meeting target. Cabinet decided to lower energy taxes for 1992 fiscal year—special petroleum tax that had funded part of Japan's contribution to Gulf War expired in March. Recent nuclear power plant accident increased public pressure for alternative energy technologies and has posed problems for climate strategy heavily dependent on new nuclear plant construction.	Debate continues on national carbon tax. Finance Ministry is considering environment tax on oil—rate to be set by sliding scale according to level of CO_2 emissions produced by grades of oil. The Ministry of Industry and Trade is promoting energy conservation measures for Japanese buildings, appliance efficiency improvements, natural gas imports from Siberia, and 100-year plan for new technology alternatives to fossil fuels. Auto industry is improving motor vehicle efficiency.
Luxembourg	No national target, but Luxembourg has endorsed EC-wide target of CO_2 emissions stabilization by 2000 at 1990 level.	Opposes carbon tax because of high per capita energy consumption.	Campaign to increase consumer awareness of energy efficiency is underway. Government is encouraging direct grants to homeowners for efficiency improvements in existing buildings, to small businesses for financing energy audits, and to plants for installing heat pumps and systems for industrial energy co-generation.
Netherlands	Stabilize CO_2 emissions by 1995 at 1989–1990 level, reduce 3-5 percent by 2000.	Economics Ministry is concerned about risks of unilateral carbon tax for domestic industries on top of current fuel levy ($3 per barrel oil equivalent). Politicians and industry leaders have recently warned of need to avoid creating conditions that lead to export of industries and jobs when dealing with environmental problems. New report is expected on potential impacts of increased energy/carbon taxes for income distribution, purchasing power, and employment.	Government is still embroiled in carbon tax controversy. Environment Ministry proposes to offset tax by reducing income and business taxes. Ministry also wants to reduce coal consumption, tighten utility plant emissions, curb auto traffic, and negotiate environmental goals with chemical and metallurgical industries. Existing high fuel sales taxes and annual vehicle taxes encourage small car purchases. Government is introducing new building and appliance efficiency standards. Natural gas infrastructure drawing on large Dutch gas reserves facilitates fuel-switching.
New Zealand	Reduce CO_2 emissions 20 percent from 1990 level by 2005.	Government is keeping target but recently described target as ". . . goal to aim at".	Environment Ministry report is expected to focus on energy conservation and efficiency improvements.
Norway	Stablize CO_2 emissions by 2000 at 1989 level.	Government study last year showed unilateral action would significantly reduce GDP, non-oil exports, and industrial income. Energy-intensive industries oppose more energy taxes. Planned development of Heidrun oil field and associated methanol plant will add to CO_2 emissions.	Carbon tax on emissions from Norwegian North Sea oil and gas production platforms remains. Carbon tax was also added last year to existing taxes on gasoline and fuel oil. Conservation planned to reduce energy consumption in residential and commercial buildings. Recent energy law that deregulates electricity market is expected to increase energy efficiency.
Portugal	No national target, but Portugal has endorsed EC-wide target of CO_2 emissions stabilization by 2000 at 1990 level.	Portuguese emissions can rise under EC burden-sharing plan. New coal-fired power plant will boost emissions.	Energy policy objectives include government promotion of improved energy efficiency.
Spain	No national target, but Spain has endorsed EC-wide target of CO_2 emissions stabilization by 2000 at 1990 level.	Spanish emissions can rise under EC burden-sharing plan. Government has extended moratorium on new nuclear power plant construction. New coal-fired power plant will boost emissions.	Government adopted national energy plan last July calling for diversifying energy sources away from coal and oil to natural gas. Imports of Dutch and Algerian natural gas projected to double. Major effort is underway to develop clean coal technologies. Plan encourages energy savings through industrial energy co-generation.
Sweden	Restrict greenhouse gases in all sectors to reduce emissions by 2000 compared to current level.	New energy plan last year dropped earlier CO_2 emissions stabilization target. Industries oppose continuation of carbon tax on households, transport, and several industrial energy users, believing tax hurts trade competitiveness.	Carbon tax on consumer use of fossil fuels has been in place since January 1991; exempts large-scale electricity producers, but Environment Ministry recently proposed taxing electricity generation. Government has postponed timetable for dismantling nuclear power plants. Emphasis is on energy conservation, alcohol fuels for motor vehicles (using Swedish agricultural products), industrial energy co-generation, and large-scale wind power. Natural gas imports from Norway and Russia still an option.

	Target	Caveats/comments	Measures
Switzerland	Energy 2000 program adopted last year set goals for stabilization of CO_2 emissions from electricity and fossil fuel consumption by 2000 at 1990 level.	Only gradual curbing of growth in electricity sector emissions is expected even with reinforced conservation.	Government is debating national CO_2 tax proposed by Interior Ministry; Federal Council has not yet taken a position and a popular referendum may be needed to enact the tax. May 1991 Federal decree requires metering of hot water consumption, appliance and vehicle efficiencies, industrial energy co-generation, financial incentives for alternative energy technologies, and cantonal speed limits. While 10-year moratorium on new nuclear energy projects continues, Government wants existing nuclear power plants to increase output by 10 percent.
Turkey	No national target	Plans new coal-fired power plants	Sixth Five Year Plan includes policies that affect emissions such as increased emphasis on energy efficiency and more use of natural gas in electricity generation and residential heating.
United Kingdom.	Stabilize CO_2 emissions by 2005 at 1990 level.	Former Environment Secretary has indicated UK willingness to move target date "to aim at" forward to 2000 but achieving target depends on non-EC countries taking similar action. Recent update of environmental policy white paper said Government has no early plans for taxes to raise price of energy outside the transport sector.	Former Energy Secretary indicated two-fifths of target would be achieved through greater energy efficiency. Government has plans for reducing energy consumption in government buildings, industrial energy co-generation, grants to local authorities to improve energy efficiency in low-income housing, speed limiting devices to be installed in heavy trucks, and public information on vehicle fuel efficiency. Government is debating whether to emphasize Energy Conservation Trust or expanded natural gas consumption from North Sea reserves. Report on strategy for renewable energy is to be published in 1992.

MIAMI'S COLOMBIAN AMERICAN CHAMBER HIGHLIGHTS THE IMPORTANCE OF OUR TIES TO COLOMBIA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize the Colombian American Chamber of Commerce and Greater Miami which has greatly assisted both the United States and Colombia with its important effort to strengthen relations between our two nations during the last 15 years.

The chamber's membership includes representatives of government agencies which promote foreign trade, banking, manufacturing, airlines, and the shipping industry; as well as purchasing agents and professionals in other fields related to commerce. Among the chamber's objectives are the promotion of United States Colombian trade relations between its members and similar organizations, Colombia's reputation in the United States, and the principles of free enterprise and individuals rights.

The chamber has sponsored many events including a recent luncheon-conference at the Intercontinental Hotel in Miami last month. The conference featured Colombia's Minister of Foreign Trade, Juan Manuel Santos who spoke on "Colombia: Transformation toward the next century."

Another important project of the chamber was its study of Colombia's economic impact. The 1990 study of the 100 Colombian companies in Florida showed that they provided indirect employment to 168,000 individuals with a payroll of $277 million. The study also revealed that Colombia—after Brazil and Venezuela—is Florida's third largest trading partner, with more than 7 percent of the total exports shipped to 168 different countries. Colombia also contributes 5 percent of Florida's total imports to 167 different countries, placing fifth in imports to Florida after Japan, Brazil, Germany, and Venezuela.

I extend my sincere hope for the chamber's continued success, and special thanks to its president, Cesar Echeverri.

I would also like to take this opportunity to thank the following individuals on the chamber's board of directors: Eucario Bermudez, vice president; Julio Rojas, vice president; Eduardo Castro, vice president; Fernando Munera, secretary; Maria Clara Ospina; treasurer; Armando Jose Diaz, director; Hernan Navia, director; Mauricio Cano, director; Alvaro Diago, director; Eduardo Meia, director; Franciso Piedrahita, director; and Jacabo Tovar, director.

CONGRESSMAN KILDEE SALUTES SENATOR JOE AND MARY CONROY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to my dear friends, Senator Joe and Mary Conroy. It has been my pleasure to work with the Conroys over the years on the many crucial health issues effecting Michigan residents. Senator Conroy and his wife, Mary, have devoted many hours educating the community on the hazards of cigarette smoking. For this reason, on May 7, 1992, they will be recognized by the American Lung Association of Genesee Valley as the 1992 Health Advocates of the Year.

I have known Joe for many, many years through his outstanding service as a tireless elected official. He has served three terms in the State house of representatives and two terms in the senate. Ten of his fourteen years in the Michigan State Legislature have been spent as a member of the appropriations committee. This committee administers the budgets for K–12 education and social services, alone representing 80 percent of the State's budget, as well as other departmental budgets.

Joe is a member of the committee on higher education and technology and has served on several subcommittees including the mental health, public health, social services, State police and military affairs subcommittees, and most recently the K-12 school aid and education subcommittees. Senator Conroy is also a member of the human services committee and the health committee under the national conference of State legislatures. Of the many contributions Senator Conroy has made to the State of Michigan, he is probably best known for his tireless efforts, both on and off the senate floor, to protect the rights of nonsmokers.

Senator Conroy supported the Michigan Clean Indoor Air Act, which protects nonsmokers from the hazards of secondhand smoke. He is also a supporter of the Tobacco Youth Protection Act, which reduces youth access to tobacco products. Senator Conroy serves as a spokesperson for the American Lung Association on health issues. His wife Mary, currently serving her third term as the Secretary of the American Lung Association of Genesee Valley, is an equally strong advocate of nonsmokers rights.

A member of the American Lung Association board of directors since 1981, Mary Conroy has served continuously on the program committee and has chaired a variety of committees including the awards dinner, nominating, fund development, speakers bureau, and executive committees. She has been instrumental in greatly expanding program delivery, especially school health programs, over the past decade. Her remarkable achievements led to her recognition as the 1990 American Lung Association Board Member of the Year.

Mary Conroy is a graduate of Mercy College with a bachelor of science in nursing. She is the project coordinator in the office of health education at St. Joseph Hospital. She was the director of nursing at Genesee Memorial Hospital from 1978 to 1990 and was a faculty member at both the St. Joseph School of Nursing and Mott Community College from 1956 to 1978.

Senator Conroy and Mary have five children, Colleen, Kevin, Kelly, Tim, and Christine.

Mr. Speaker, it is my great honor to rise before you and my fellow Members of Congress to honor Senator Joe and Mary Conroy. Together they continue to work to protect the health of Americans today and in the years to come.

THE IMPACT OF THE RODNEY KING CASE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. GILMAN. Mr. Speaker, the domestic violence which rendered Los Angeles, CA, a bloody battleground over the past 5 days has left nearly 60 dead, over 2,000 injured, and thousands arrested—the worst domestic violence to take place in the United States during the 20th century. In addition, property losses may very well be measured in the billions.

Mr. Speaker, when our Nation was racked by racial riots during the 1960's, many of us asked: "Why"? Studies were made of the root causes of the unrest and we vowed as a people to rectify the situation and to remove the root causes of rioting, so that this lawlessness with the appalling and unforgivable destruction of lives and property would never recur. Yet it did indeed recur again this year, some 25 years later, with an outrage and a fury that surprised even the most pessimistic observers.

In 1967, in the wake of the violent disorder which rocked American cities and climaxed in the great Detroit riot that summer, President Lyndon Johnson appointed an advisory commission to explain what happened, why it happened, and what could be done to prevent it from happening again. The final report of the Kerner Commission, "The National Advisory Commission on Civil Disorders," advised us that "our Nation is moving toward two societies, one black, one white—separate and unequal * * *. Discrimination and segregation have long permeated much of American life; they now threaten the future of every American."

Mr. Speaker, for a quarter of a century, a full generation, many Americans have worked hard to bring our two societies closer together, to end the discrimination and segregation in our society and in our minds. The events of the past week have taught us all that little has in fact been accomplished.

Mr. Speaker, we all deplore the senseless rioting which has laid waste to major portions of Los Angeles, and has cost the lives of so many innocent people and such extensive destruction and looting of property. This spree of anarchy accomplished nothing positive and must be condemned as having no place in a civilized society. What is especially appalling is that members of other minority groups have been targeted by black racism, seeking a scapegoat to redress its own grievances. The 1930's in Germany have taught the world an indelible lesson where such scapegoatism can lead.

However, we also deplore those who cannot perceive the connection between the rioting and the Rodney King verdict. Those commentators who state that the King verdict was just an excuse for hooliganism have tragically missed the point.

For a quarter century, as our Nation has lurched toward its goal of equality for all under the law, we urged minorities who had been victimized by intolerance in the past to let the system work. We have revised our laws to afford equal opportunity and equal justice for all in an endeavor to make our system more workable.

When the sickening video of Rodney King's beating was released by the news media, the vast majority of Americans were appalled by the vicious inhumanity it depicted. However, there were no riots in the streets. Instead, the American people, with full confidence in our criminal justice system, waited for what we were confident would be a just verdict.

Regrettably, as we all know now, that appalling verdict was a travesty of justice. Inconceivably, the jury somehow had been convinced that Mr. King's actions and demeanor upon his apprehension somehow justified the cruel and unrestrained beating to which he was subjected.

Mr. Speaker, we recognize there may be instances when physical force is an unfortunate but necessary tool of law enforcement. But, Mr. Speaker, at the time the video camcorder was recording this event, Mr. King was lying face down on the ground. Whether or not he was previously a threat to the law enforcement officials is known only in their hearts and Mr. King's. But can there be any doubt that, during the duration of the time all America and the world viewed his beating on video tape, he was no threat? It was obvious to the viewer that the unrestrained police force was excessive and was criminal.

During the 1950's and 1960's, our Nation became accustomed to hearing local and State juries refusing to convict individuals who perpetrated crimes against minorities. It is for this very reason that Congress passed Federal civil rights laws allowing our Justice Department to prosecute such cases.

That is what should be done in this case. The President correctly pointed out during his address on Friday night that this process has not concluded. It is now incumbent upon our Justice Department to pursue the compelling national interest and prosecute the civil rights aspects of this case.

William Raspberry, a highly respected Afro-American columnist, draws a parallel between the Los Angeles rioters and "a berserk man whose rage is triggered by his having been reminded, once again, that he doesn't matter. Such a man is likely to do great damage, most of it close to home, not because he expects any good to come of it but because they only time he seems to matter is when he is violent."

It is crucial that all Americans understand the root causes of this outbreak of rioting this venting of anger. The violence in Los Angeles and, to a lesser degree, in many cities throughout our Nation was not triggered by any readily discernable set of demands or political agenda. Apparently, the flash point came when the Rodney King verdict was perceived by black Americans as a signal that they are simply unimportant—unimportant in the political spectrum, unimportant in the job market, unimportant in our system of justice.

Mr. Speaker, we must not allow the perception to prevail. We must provide more opportunities for our young people, a fair chance at the starting line, and a vested interest in our system. We must not only send a signal that black Americans, like all Americans, do matter, but we must also fulfill that promise.

For the day when we allow the perception that anyone in our Nation doesn't matter anymore, then our entire Nation doesn't matter.

Meg Greenfield, another highly respected journalist, articulates a ray of hope as she points out that "what is different now from 25 years ago is that, discouraging as our failures are, there is at least the opportunity now to reverse them. It will be an unspeakable travesty, if, for any reason, especially reasons of quick and dirty political exploitation and gain, the white political leadership of this country does not bolster, support and work with the growing cadre of black professionals, entrepreneurs, laborers, social workers and public officials who can help us begin to do what must be done."

Mr. Speaker, let us reach out to all Americans. Let us isolate the Rodney King verdict as the aberration that it is and let us move toward a society which believes in and implements our noble ideals of "liberty and justice for all."

H.R. 5066, THE LONG ISLAND SOUND WATER QUALITY RESEARCH ACT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. SCHEUER. Mr. Speaker, today I am introducing legislation authorizing the Long Island Sound Office of the Environmental Protection Administration to conduct research on unsolved issues impacting the health of the Long Island Sound.

Long Island Sound is an estuary of national importance. It is a place of great natural beauty, full of history and wildlife. Like the Chesapeake Bay and many of our Nation's magnificent, larger estuaries, it provides a place of recreation for swimming and boating. It is also the source of livelihood for the region's baymen. Yet, the sound's once pristine waters are struggling for survival. "No swimming signs" plague its shores and prime areas of its $30 million a year fishing industry are too contaminated to harvest.

This January, the Subcommittee on the Environment of the Science, Space, and Technology Committee, which I chair, held a field hearing on Long Island Sound to review the water quality and the research needs of the region. The witnesses at this hearing stressed that the most significant and obvious affliction in the sound is the annual loss of dissolved oxygen in bottom waters caused by an overload of nitrogen. The testimony revealed that although we know the major problem in the sound, we, unfortunately, do not yet know the best solution.

To indicate the difficulty of solving this problem, one only need look next door to the example of the Chesapeake Bay. In 1987, the States bordering the Bay pledged to reduce nitrogen loadings by 40 percent. Despite this pledge, levels of nitrogen for some unknown reason have actually increased in the Chesapeake Bay over the last 5 years. Obviously, the best solutions for reducing nitrogen in the Chesapeake Bay are complex.

Similarly, the policy committee of the Long Island Sound study recently voted to implement a freeze on discharges of nitrogen. This policy is a good one, but, as seen in the example of the Chesapeake, the effective implementation of just such a policy is difficult as well as costly. The legislation that I am introducing today will assist in developing the best methods for implementing a nitrogen freeze in the Long Island region and in the regions of our Nation's other major estuaries.

First, the bill authorizes demonstration projects to identify innovative "least-cost" technologies for the removal of nitrogen at sewage treatment plants. Presently, the removal of nitrogen at publicly owned treatment plants is incredibly expensive; yet, potentially significant innovations in such technology exist. The low-cost nutrient removal and water conservation technologies that will be tested under this legislation would prove beneficial not only in the sound but throughout the estuaries on the Atlantic and gulf coasts, as all of these regions similarly are plagued by the overenrichment of nitrogen.

The bill also authorizes a restoration program for degraded wetlands and mudflats. The restoration of wetlands is probably the most effective technique for reducing nitrogen on a broad scale and for maintaining a balanced ecosystem. In part for these reasons, the National Academy of Sciences recently called for the restoration of 10 million acres of wetlands in the United States in this decade. By establishing a pilot wetland restoration program, this bill would assist in meeting this goal as well as in furthering the cleanup of the Long Island Sound.

Additionally, the bill calls on the EPA to identify economically efficient cleanup methods for runoff sources which are not yet subject to pollution control measures. As part of its nonpoint source program, the bill further directs the Long Island Sound office of the EPA to undertake the creation of a Long Island Sound drainage area data base and land use model. This data base will evaluate foreseeable demographic trends in the region and will assist localities in planning both new developments and improvements in water quality.

In closing, this bill should be viewed as a companion piece of research legislation to the Long Island Sound demonstration bill, H.R. 3660. The Long Island Sound demonstration bill, which was introduced by Mr. MRAZEK and Mr. SHAYS, authorizes the remediation and cleanup of designated harbors and bays within the drainage area of the Long Island Sound. Both bills are vitally needed if we are to restore and maintain the health of the Long Island Sound and to restore and maintain the health of all of our Nation's major estuaries. I urge my colleagues to cosponsor this bill, together with H.R. 3660, in order to ensure the sensible implementation of a long-range restoration plan for the Long Island Sound.

IN MEMORY OF CHARLES ANDREW CHAPPELLE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. DIXON. Mr. Speaker, it is with sadness that I rise today to ask my colleagues to join me in acknowledging the passing of my dear friend, Charles Andrew Chappelle.

A native of St. Louis, MO, he was known affectionately to his friends as Chappie. He settled in the Los Angeles area during the 1940's where he worked as a mechanic and tow truck operator for Colliau Chevrolet Co. in Pasadena, where he ultimately became an extraordinarily successful sales manager until his retirement.

Above all, Chappie was a deeply committed family man who considered his community as his extended family. It was his devotion to his community that led him to take a special interest over the years in encouraging a number of young people, such as myself, to seek careers in public service. He was always there to offer sage advice; always there to roll up his sleeves and lend a hand; always there when you needed someone in your corner.

We are selfish at the death of a friend. We count our grief more than we consider their relief. We also recognize that we must endure, and it is that recognition that causes us to search for purpose or meaning in death.

Allow me to suggest that in Chappie's death we should rejoice and be happy; happy for Chappie's relief from pain; happy because he lead a rich and full life. A well traveled man for all seasons, he was respected in business, and possessed a zest for living that rewarded him with many loyal friends.

I believe that were Chappie consoling us today, he would do so by admonishing us to protect our friendships for they are a great treasure of life. There is a poem that says:

Around the corner I have a friend,
In this great city that has no end;
Yet days go by, and weeks rush on,
And before I know it a year is gone,
And I never see my old friend's face,
For life is a swift and terrible race.
He knows I like him just as well.

As in the days when I rang his bell
And he rang mine. We were younger then,
And now we are busy, tired men;
Tired with trying to make a name.
"Tomorrow," I say, "I will call on Jim,
Just to show that I'm thinking of him."
But tomorrow comes—and tomorrow goes,
And the distance between us grows and grows.
Around the corner—yet miles away . . .
"Here's a telegram, sir . . ."
And that's what we get, and deserve in the end;
Around the corner, a vanished friend."

Protecting friendships is a living tribute to Chappie's life. Let us rejoice, for Chappie Chappelle shall have eternal love from those he loved, and his soul has found peace.

Mr. Speaker, I know my colleagues join me in offering our sincere condolences to Chappie's wife, Karen; daughter, Arleta; sons, Charles Andrew and Gordon; brothers, Elder Leroy and David; sister, May; aunts, Willie and Gertrude; six grandchildren, four great grandchildren, a host of nieces and nephews, and many, many friends.

CLARKE C. "CASEY" NICKERSON NAMED NEW ENGLAND SMALL BUSINESS PERSON OF THE YEAR

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Clarke C. "Casey" Nickerson, of Gilford, NH, this year's winner of the New England Small Business Person of the Year award.

Mr. Nickerson, who owns and operate Nickerson Assembly Co. in Tilton, NH, was chosen to receive the award by a subcommittee of the New Hampshire Small Business Advisory Council.

Mr. Speaker, Mr. Nickerson founded his business in 1976 and it has prospered since, even during the recession that my region has suffered through during the last few years.

Nickerson Assembly Co. has earned its reputation as one of the top suppliers of cable assemblies in New England, employing 39 people and generating projected sales of $3 million in 1992.

Mr. Speaker, the Nickerson Assembly Co. was praised as "an excellent example of the strength, perseverance and quality of the small business sector in our state," by Small Business Administration District Director William Phillips.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Clarke C. "Casey" Nickerson, New England's Small Business Person of the Year.

THE UNITED BLACK FUND CELEBRATES 20 YEARS OF MEETING UNMET NEEDS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. DELLUMS. Mr. Speaker, I once again rise to enthusiastically salute the excellent service provided by the United Black Fund [UBF]. On June 19, 1992, the UBF will sponsor the 20th Annual Victory Luncheon.

Each year I commend UBF for its commitment to improve the quality of life for District of Columbia residents and African-Americans throughout the country. And each year, I attempt to tie the theme of your luncheon with the real situation facing African-Americans at the time. This year, because of the recent incidents surrounding the Rodney King verdict, I believe it is important to salute and honor what the UBF contributes to the African-American community.

I cannot get the recent pictures of burning buildings and the pain and agony of people affected by the disturbances in Los Angeles and other cities out of my mind. As I listened to pundits articulate their rationale for the so-called riots, I could not help but think that the policy of benign neglect is responsible for the recent disturbances. Calvin, you know, as I do, how the last three administrations have severely cut funds intended for programs in our communities.

In light of the above situation, the services of the UBF become even more critical. The fact that the UBF provides a beacon of hope for community organizations to receive funding with no strings attached, is very important. As national leaders look around for solutions to the critical problems in African-American communities, the UBF shines with great promise. It is my understanding that the UBF currently provides annual funds for over 70 community organizations and emergency funds for countless others in the Washington, DC, area. In addition, the UBF supports many programs in other cities. These funds help community groups provide valuable services to those in need.

I am asking that my colleagues join me in recognizing the valuable contributions of Dr. Rolark and the UBF. I am hopeful that in these sensitive times the UBF will continue to flourish and meet the unmet needs of those most deserving.

SAFER DRIVERS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. ANDERSON. Mr. Speaker, the issue of truck safety may be obscure to most Americans, but it is one in which I have long been interested and active. Throughout my long involvement with the trucking industry I have been impressed with the commitment of individual companies and drivers to safety. This commitment has paid off in an ever improving safety record. We have seen highway fatalities involving trucks decrease each year for a decade. As the article below states quite clearly, most accidents on the road are not due to poor maintenance or faulty equipment, but result from human error. While the overwhelming majority of truckers are excellent drivers, there are a few drivers who could stand some improvement or are not suited for this demanding profession. With this concern in mind, Congress passed the Commercial Motor Vehicle Safety Act in 1986. This law mandates that all commercial drivers must pass a written safety test. I enclose the following Journal of Commerce editorial from April 24 of this year because I think it correctly points out the importance of that act in improving safety on our Nation's roads. I want to salute the administration and the trucking industry for their commitment to and efforts toward making the roads a safer place. We can and must keep improving, but we're headed in the right direction.

[From the Journal of Commerce, Apr. 24, 1992]

SAFER DRIVERS

How safe are truck drivers? Safer, it seems than they've been, but not as safe as they're likely to be.

The reason for the optimism is an obscure 1986 law intended to rid the highways of dangerous truckers. By most measures, the law is working well—better, in fact than most thought it would. With Congress and the administration under attack for do-nothing policies, it's encouraging to see that on this issue, at least, they've done things right.

The six-year old Commercial Motor Vehicle Safety Act required the nation's 5 million truck drivers to pass written safety test—and in some cases a road test as well—by April 1 of this year. Those that couldn't would be told to find another job. The law also included stiff new penalties to ground drivers guilty of serious highway violations.

There was good reason to wonder if the law would work. Trucking is made up mostly of small, scattered businesses. Finding truckers, let alone testing them, figured to be difficult. But through April 11, 5.3 million drivers had been tested and issued a new, federally approved commercial driver's license.

Truck safety debates, which crop up every few years, tend to focus on two issues; the size of trucks, and how well they're maintained. As important as those issues are, they ignore the fact that only 5% to 10% of truck accidents are caused by mechanical defects. Driver error is more often the cause.

The states, which license car and truck drivers, had done a generally dismal job of certifying trucker safety through the mid-1980s. Twenty states essentially required nothing more than a passenger car license to drive a big rig. Only 12 states tested truckers in the type of vehicle they planned to drive. Beyond that, rogue drivers could easily obtain licenses from several states to spread out highway violations and conceal their records.

Congress began to change all of that in 1986. With the support of the administration, most states and the trucking industry, lawmakers required all truck drivers to obtain a state-issued, but federally certified, commercial driver's license. That meant all drivers had to pass a written test; those without recent experience and a clean driving record were ordered to take a road test as well.

It's difficult to know for sure how much of a difference the new licensing program has made, although truck safety overall seems to have improved in the 1980s. Data from the Department of Transportation's Fatal Accident Reporting System shows fatalities per 100 million truck miles traveled fell from 6 in 1977 to 3.7 in 1989. In fact, the fatality rate has dropped every year for the past decade.

Numbers aside, the law has done four things that will make highways safer; forced older drivers to re-learn rusty skills; squeezed some of the worst offenders out of the business; established tough but fair penalties for those who speed, tailgate, drive recklessly and use alcohol; and required both written and road tests for all new drivers.

Even the trucking industry's severest critics seem to think the new testing and licensing program is worthwhile. Citizens for Reliable and Safe Highways, a Joan Claybrook-led group, told Congress in February the program "can elevate truck operating safety to a new level through proper implementation." To make the program work better, the group is recommending tougher training and testing standards for those who drive double- and triple-trailer rigs.

The truck safety problem isn't going away. Over time, trucks have been getting longer and heavier as cars have become lighter. In 1990, medium-sized and larger trucks were involved in 4,761 fatal accidents. But the new licensing law is an important first step toward upgrading the skills of those who drive heavy rigs. If the states strictly enforce the new law, there's reason to believe highway safety will only improve.

TRIBUTE TO NATIONAL TEACHER DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to all the men and women who educate and guide our students. Today, May 5, is National Teacher Day, and I would like to recognize educators everywhere.

Mr. Speaker, teachers help to transform lives through their critical roles in the schools of this Nation. Without teachers, doors of opportunity would be closed, and students would never develop their full potential. The teachers of America try to make learning meaningful for students from all walks of life. Despite the rapidly changing world and increasingly competitive technological society, our teachers have been able to execute their jobs without fail.

Mr. Speaker, teachers inspire young minds to think and create. Everyone of us here today has had one teacher who played an important role in his or her own development. Today I want us all to remember those who sacrificed so much so that our impressionable minds would develop.

So it gives me great pleasure to rise here today, Mr. Speaker, to honor all those teachers who transform lives.

DAYTON COMPANY WINS MANUFACTURING AWARD

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. HALL of Ohio. Mr. Speaker, too often, we only hear about the poor quality of U.S. manufacturing, especially compared with our overseas competitors. However, many manufacturing companies in my district are second to none in quality. One of those companies, Crowe Industries, Inc., of Dayton, OH, recently received quality and delivery awards from Honda of America. Crowe Industries is one of about 200 original parts and material suppliers to Honda.

Crowe's attention to quality and customer satisfaction could be a model for improving competitiveness among U.S. manufacturing companies. For the benefit of my colleagues, I present an article on the award from the April 12, 1992 issue of the Dayton Daily News:

[Text follows]

[From the Dayton Daily News, Apr. 12, 1992]

DAYTON'S CROWE INDUSTRIES TURNS CONCEPT INTO BIG WIN

(By Greg Stricharchuk)

The men in bright white jumpsuits and caps moved through the East Dayton manufacturing plant like an amoeba.

From time-to-time this mass—actually representatives from Honda—poked into nooks and crannies to make calculations, to collect data, to check on this or that manufacturing process.

"They always come in gangs," said Jamie King, chief executive and president of Crowe industries Inc.

King, an accountant/consultant entrepreneur who purchased Crowe nearly four years ago, beamed as the Honda amoeba rolled by, and for good reason.

Honda of America Manufacturing Inc. had just named the small auto parts supplier (it has 40 employees and sales of about $3 million) a quality and delivery awards winner for 1992.

Crowe's distinctions are noteworthy. No other Dayton area company snared two awards; Honda said it picked its winners from its 246 North American suppliers.

The quality award alone meant that Crowe had a rejection rate of less than 80 parts per million and scored 100 percent on-time delivery.

The story behind Crowe Industries' success is a case study in what it will take to thrive as an automotive parts supplier in the 1990s and beyond, particularly as General Motors Corp. downsizes.

To survive, some regional auto suppliers to GM probably are going to be forced to establish relationships with Honda similar to the one King has nurtured.

Her company's GM orders have all but dried up, said King above the din of hammering and steel being cut.

What's the secret of Crowe's success?

Teamwork, said 38-year-old King as she escorted a visitor through her plant at 216 S. Torrence St.

Not everyone has bought into the team concept, King acknowledged. But the creation of teams has brought a healthy dose of tension to the plant.

"It's caused some competition between (manufacturing) lines," said Donna Sebastian, 31, a team leader. The shop's manufacturing lines, she said, compete on everything from the speed of shipments to safety and cleanliness.

Moreover, Crowe—partly because of its relationship with Honda—has re-emphasized customers' needs.

"We either do good workmanship or we won't be here," explained Ofelia Lopez, who assembles wheel hubs that Crowe makes for Honda. "We try not to make mistakes," she said, because they could lead to the loss of contracts and jobs.

King, previously a senior manager at the accounting firm Ernst & Young in Dayton, said working with Honda "is a constant reminder that you have to serve the customer."

It's easy, she said, for companies to become bogged down in day-to-day business decisions and to forget about the customer.

But Honda can't be ignored. There are days, King said, when she receives phone calls from up to seven Honda representatives. And that doesn't include on-site visits like the one on this particular day.

The calls and visits, however, are a sign of Honda's growing dependence on Crowe.

Just last week, for instance, Crowe put into production several more parts for Honda.

"Initially we felt we couldn't do it," said Ms. King. But Honda representatives "make you feel comfortable about talking, and they help with solutions."

Honda's hands-on relationship, she said, contrasts with some of the company's other customers who provide little feedback—except when there are complaints.

Crowe also has learned from Honda that the automaker isn't necessarily enthralled with a supplier's capacity or technological investments.

When Honda representatives first visited the company, King said they were more "interested in whether we had management in place that could be cooperative."

What Honda discovered, said King, "was that we're very open to suggestions. We try not to take anything personally. It's just business."

UNITED STATES VERSUS NEEDY STUDENTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most perverse policies being followed by this administration is the effort to penalize colleges for trying to maximize the extent to which scholarship funds can be channeled to needy students. Many in the administration have argued against race-based policies for helping students get into college, arguing with some force that it is far better to concentrate on economic circumstances as a basis for providing aid.

Ironically, one of the few initiatives this administration has taken in the antitrust field recently is to punish colleges for trying to do exactly what the administration says it wants done. Colleges have sought to work together to avoid engaging in a bidding war with scholarship funds for very talented students who come from family backgrounds which would allow them to pay for college on their own. Colleges do this so that the maximum amount of scholarship funds can be saved to be made available for people who would not otherwise be able to afford the particular school in question. And this is not just a matter of aiding the very poor—indeed, scholarship funds have become essential for large numbers of middle-class students if they are to attend the Nation's most expensive colleges.

The administration argues that this is an antitrust violation, and is moving to impose sanctions against colleges which seek to work cooperatively to maximize the amount of funds available for students with genuine financial need.

In a recent editorial, the New York Times made clear the legal, social, and economic flaws in this administration vendetta against colleges seeking to provide financial aid to those in need. I believe that this editorial should be reprinted here in the hopes that it will help influence the administration to drop this ill-advised crusade against social equity.

U.S. VS. NEEDY STUDENTS

One would think the Administration of the self-styled Education President would embrace ways to help needy students get through college. Instead, the Bush Administration has gone to court to block the way the Massachusetts Institute of Technology spends $20 million a year on scholarships. Why? Because the Justice Department thinks M.I.T. is violating antitrust laws.

It's a destructive claim, unworthy of litigation. At least it warrants being contested. But Justice now wants to deny even a fair hearing; it asks for summary judgment. That risks turning the unwarranted into the outrageous.

The Justice Department says M.I.T. and eight other premier universities have been engaged in a conspiracy. They agree to offer students only enough aid to meet their need. Justice thinks that's price-fixing—despicable, automatically illegal and therefore undeserving of a trial.

M.I.T. admits that an agreement existed. The purpose was to prevent a bidding war that would deplete the funds available for needy students. But so what, according to the Justice logic; the letter of the antitrust laws should be upheld.

The argument fails on the merits. The antitrust laws are designed to stop price-fixing by commercial enterprises that exploits consumers. They are not intended to stop nonprofit organizations from cooperating in charitable endeavors. Giving scholarship aid to needy students is surely a charitable activity. At the very least, the Government is obliged to prove the cooperative agreements somehow aided a commercial purpose.

At the crux of the dispute is a simple question: What did M.I.T. do with the money it saved by avoiding a bidding war? The Government assumes that it went to improve faculty salaries. If that were so, the suit would be justified.

But the assumption appears to be dead wrong. Dennis Carlton, a University of Chicago economist, in a study commissioned by M.I.T., shows that the universities that agreed to provide aid only to meet financial need used the savings for more financial aid. Needy students, not faculty, benefited. Indeed, Congress uses the same policy to dispense Federal financial aid.

Meanwhile, the very filing of the suit in May 1991 has done grievous damage. Colleges, under threat of suit, have abandoned cooperation. Forced to bid for students, many can no longer afford a "need-blind" admissions policy—the practice of admitting academically qualified applicants regardless of need.

Several M.I.T. trustees grew up on the wrong side of the tracks themselves and owe their scientific education to generous scholarships. They believe in need-blind admissions, which is why they have refused to capitulate to Justice and are fighting this bizarre case. They deserve the support of all who care about scholarship and scholarships.

A TRIBUTE TO BILL BROOMFIELD, A GOOD FRIEND

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. YATRON. Mr. Speaker, I want to share with my colleagues an editorial from a Greek-American newspaper commending the good work of my friend and colleague, BILL BROOMFIELD from Michigan.

I was saddened when BILL announced his retirement last week from this institution, which he has proudly served for 36 years. I have worked closely with BILL for a long time on the Foreign Affairs Committee on a number of key issues, including the Cyprus problem and related matters concerning United States-Greek relations.

I can honestly say that BILL BROOMFIELD diligently sought our Nation's interests in our dealings with foreign governments. Early on he realized that calling for the withdrawal of Turkish occupation troops from northern Cyprus would promote both justice and our relationship with the Greek Cypriots as well as mainland Greeks. BILL and I worked closely together to ensure evenhandedness in our Nation's dealings with Ankara and Athens—both NATO allies—and we strongly supported legislation requiring a ratio in United States military assistance levels to both Greece and Turkey.

BILL can leave Congress with his head held high, having served the people of Michigan and the United States with honesty, decency, and professionalism. His wisdom and dedication have earned him deep respect as he has stood up for what makes this Nation great.

I commend the following article from the Hellenic Chronicle to my friends in the House who share my high regard for BILL BROOMFIELD.

GOOD FRIEND NO. 3

Over the last several weeks, you have read two editorials stating our sorrow over the retirement of two of the most staunch supporters of Cyprus and Greek issues in the U.S. House of Representatives: Gus Yatron of Pennsylvania and Edward F. Feighan of Ohio. Well, they say things come in threes.

We learned this week of the retirement of Rep. William S. Broomfield, Republican of Michigan, ranking minority member of the House Foreign Affairs Committee, and one of the most dogged supporters of Greek issues that has ever passed through the hallowed halls of Congress.

Bill Broomfield, a good friend and supporter of President Bush, has had no trouble departing from the ranks of his party on this issue and has given this administration (and each one previous to it for the last 18 years) a good piece of his mind about where U.S. policy is lacking with regards to Cyprus.

We were glad to see that Ahepa had chosen him as this year's recipient of their coveted Periclean Award at the 30th Biennial Congressional Banquet.

Together, Bill Broomfield, Gus Yatron and Ed Feighan have made up most of the forward line of the Greek-Cypriot offense in the House Foreign Affairs Committee over the last decade or more. While other stalwarts, like Ben Gilman (R-NY) and Olympia Snowe (R-ME) remain, our causes have taken a serious blow with the loss of these good friends.

We hear through the grapevine that the supporters of Turkey are already counting heads on the committee. With the loss of others who have always voted in support of Cyprus and the 10:7 ratio on aid to Turkey and Greece—like Howard Wolpe (D-MI), Wayne Owens (D-UT) and Mervyn Dymnally (D-CA)—we could face serious defeat on these issues in the next Congress.

The time is now for Ahepa, AHI and other Greek-American organizations that lobby Congress to begin to look at other Members of the House that have been sympathetic to our interests who could be persuaded to seek a post on the Committee.

If we don't protect our own interests, no one will.

In the meantime, we say thanks to Cong. Broomfield for all his efforts on behalf of our homeland and Cyprus and we wish him continued good health and a retirement full of all that he desires. He will certainly be missed.

THE MILITARY CONSCIENTIOUS OBJECTOR ACT OF 1992

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. DELLUMS. Mr. Speaker, today I introduce the Military Conscientious Objector Act of 1992 along with 17 of my colleagues as original cosponsors. It is with a sense of urgency, and not without some sadness, that I am introducing this bill.

The right to refuse military service as a result of profound conviction has been protected by this country and is recognized by the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In keeping with our democratic tradition, conscientious objection to military service is considered a legitimate exercise of the right to freedom of thought, conscience, and religion. Unfortunately, recognition and protection of this right has not translated clearly into action.

The period leading up to, during, and since the Persian Gulf war has been a time of great reflection on the issues of war and peace in our country. There were some members of the military service who felt that, for reasons of conscience, they could not participate in the war, and requested that they be granted conscientious objector [CO] status by the military.

The history of the conscientious objector's treatment before, during, and after applying for CO status has been uneven at best, and has resulted in a great hardship for many of them. Some military personnel have reported receiving false and misleading information regarding the CO application process while others have confronted a lack of available information regarding their rights as CO applicants. In addition, many instances of harassment and abuse have been brought to light, and several applicants have been charged and tried on ancillary Uniform Code of Military Justice violations stemming from situations related to their making known their conscientious objection to continued military service. Some have served or are serving prison terms, others have received bad paper discharges.

The fact that the process has failed to protect the legitimate rights of the conscientious objector has not gone unnoticed. For the first time in recent history, Amnesty International has declared several U.S. citizens as prisoners of conscience. These 29 individuals are conscientious objectors who were jailed as a result of circumstances surrounding their objection to serving in the Persian Gulf war.

It is my intent that this bill will provide a statutory basis for a more effective process in dealing with conscientious objector applications and serve to protect the individuals who apply for CO status from mistreatment in that process. Briefly, Mr. Speaker, the highlights of the Military Conscientious Objector Act of 1992 are as follows:

The procedures for handling conscientious objector claims by military personnel will be put into statute. This would eliminate the variations found in the different service branches and would evaluate the protections afforded to applicants from regulation to law.

The bill would bring the definition of conscientious objector in line with the United Nations definition by allowing individuals, who are conscientiously opposed to a specific war or conflict on the basis of a sincerely held moral, ethical, or religious belief to apply for conscientious objector status.

The applicant will be protected from having to perform duties in violation of their conscience while claim is pending. Once a Notice of Intent to file a claim, or a claim has been filed, the applicant is relieved of duties which conflict with their stated conscientious beliefs. Active duty soldiers at home bases could not be deployed; active duty soldiers in areas of combat would be relieved of combat duties, and reserve soldiers would not be called to active duty, while their claim is pending.

After a prima facie case has been made by the applicant, the burden of proof is shifted from the individual to the military. After an application which complies with the definitions and requirements of this law has been submitted, the military is to investigate the claim and make a determination on its merit. If the military claims that the applicant does not deserve CO status, they must supply clear and convincing evidence which supports their determination.

The applicants may apply for a discharge or for reassignment on the basis of their conscientious objection at any time and would be provided with assistance in the preparation of their claim. Information regarding the provisions for CO status is to be supplied by the military upon request.

The process of determination of claims is modified. Once a Notice of Intent to file a claim, or a claim for conscientious objector status is filed, an investigating officer from outside the command is appointed to determine the validity of the claim. If the IO determines there is no clear and convincing evidence that the applicant is not a conscientious objector, the applicant is rapidly discharged or reassigned, depending on his or her request. If the IO does not recommend approval, the claim goes to a 3-member panel for a decision. The panel consists of a military officer, an administrative law judge, and a person who holds a graduate degree in one of the disciplines of ethics, religion, or philosophy. Should this panel not recommend approval, the applicant has the option of filing for judicial review in the Federal courts.

Mr. Speaker, I am proud to say that several of my colleagues have signed on as original cosponsors. They are the Honorable NEIL ABERCROMBIE of Hawaii, the Honorable DAVID E. BONIOR of Michigan, the Honorable PETER A. DEFAZIO of Oregon, the Honorable LANE EVANS of Illinois, the Honorable CHARLES A. HAYES of Illinois, the Honorable EDWARD J. MARKEY of Massachusetts, the Honorable JIM MCDERMOTT of Washington, the Honorable KWEISI MFUME of Maryland, the Honorable ELEANOR HOLMES NORTON of the District of Columbia, the Honorable NANCY PELOSI of California, the Honorable BERNARD SANDERS of Vermont, the Honorable PATRICIA SCHROEDER of Colorado, the Honorable JOSE SERRANO of New York, the Honorable H. FORTNEY STARK of California, the Honorable CRAIG A. WASHINGTON of Texas, the Honorable MAXINE WATERS of California, and the Honorable TED WEISS of New York.

The text of the bill follows:

H.R. 5060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Conscientious Objector Act of 1992".

SEC. 2. PROCEDURES FOR DETERMINATION OF CONSCIENTIOUS OBJECTOR STATUS.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1057. Conscientious objectors: procedures for application and adjudication

"(a) GENERAL RULE.—Members of the armed forces who are conscientiously opposed to military service may apply for discharge from the armed forces or for reassignment from certain duties in accordance with this section.

"(b) MEMBERS COVERED.—This section applies to all members of the armed forces, including members in a retired status and members not on active duty.

"(c) STANDARD FOR DISCHARGE.—A member of the armed forces who on the basis of sincerely held moral, ethical, or religious beliefs, is conscientiously opposed to any participation in war in any form or to any participation in a particular conflict is entitled upon application in accordance with this section to be discharged from the armed forces.

"(d) STANDARD FOR REASSIGNMENT.—A member of the armed forces who on the basis of sincerely held moral, ethical, or religious beliefs, is conscientiously opposed to the performance of certain duties in the armed forces is entitled upon application in accordance with this section to be reassigned to other duties that are identified by that member as not inconsistent with those sincerely held moral, ethical, or religious beliefs.

"(e) BURDEN AND STANDARD OF PROOF.—Upon submission of an application in accordance with subsection (i) stating an applicant's conscientious objection and requesting a discharge under subsection (c) or reassignment to other duties under subsection (d), the burden of proof that the applicant does not have a sincerely held conscientious objection shall lie with the armed forces. An application submitted in accordance with subsection (i) may not be rejected unless the Secretary concerned demonstrates by clear and convincing evidence in accordance with this section that the applicant does not have such a sincerely held conscientious objection.

"(f) AVAILABILITY OF INFORMATION.—(1) A description of the process of applying for a discharge or reassignment under this section shall be made available to any member of the armed forces upon request. The description shall include a statement of the legal standard for conscientious objection for the purposes of this section and a description of the rights, protections, and obligations afforded members applying for treatment as a conscientious objector under this section.

"(2) Such information shall be available to members through a military personnel office, chaplain's office, or other office outside the chain of command and shall also be available through the chain of command.

"(g) NOTICE OF INTENT.—(1) A member of the armed forces who desires a discharge or reassignment under this section may file a Notice of Intent to file a claim for conscientious objector status. Upon filing such a Notice of Intent, the member shall be relieved from any duties involving the handling, training, and shipment of weapons and ammunition and shall be assigned to duties that conflict as little as possible with the member's stated beliefs.

"(2)(A) If a Notice of Intent is filed while the member is at the member's home training site or base, the member may not be assigned to duties away from that site or base until the member's application is finally decided.

"(b) If a Notice of Intent is filed while the member is away from the member's home training site or base, the member shall be deployed back to that site or base as soon as practicable for the processing of the member's application, except that the member may choose to remain at the member's current location, and have the application processed there, subject to the approval of the member's unit commander. The member may not be deployed to any other location without the member's consent.

"(3) A member of the armed forces who is not on active duty and who files a Notice of Intent may not be called or ordered to active duty until the member's application is finally decided.

"(4) Upon the filing of a Notice of Intent, the member shall have 45 days to file a formal application for discharge or reassignment to other duties under this section.

"(h) LEGAL ASSISTANCE.—A member seeking a discharge or reassignment under this section shall be provided legal counsel and assistance in the preparation of the applicant's Notice of Intent and application for discharge or reassignment and at all other stages through the decision on the application. A member may retain private counsel to assist and represent the member. The member may use such private counsel alone or in conjunction with assigned counsel.

"(i) FILING OF APPLICATION.—(1) An application filed under this section shall include a detailed statement describing the basis for the application. The applicant may include any information that the applicant believes would be helpful in establishing the validity of the claimed conscientious objection, including a statement from a military chaplain or a psychiatrist.

"(2) If the application sets forth a claim that meets the requirements established by this section, the applicant shall be considered to have established a *prima facie* case for discharge from the armed forces or for reassignment to other duties, as the case may be.

"(3) The application shall be filed with the applicant's commanding officer.

"(j) INVESTIGATING OFFICER.—(1) Upon the filing of an application under this section, the Secretary concerned shall appoint a commissioned officer on active duty to serve as investigating officer to investigate the claim stated in the application. Each investigating officer shall be in a grade not lower than captain or, in the case of the Navy or the Coast Guard, lieutenant and shall be appointed from outside the command in which the applicant is serving. If the applicant is an officer, the investigating officer must be a grade higher than the applicant.

"(2) The investigating officer for an application under this section shall investigate the validity of the claim stated in the application. The investigation shall be completed and the investigating officer shall issue a decision on the matter not later than 45 days after the date on which the application is filed.

"(3) If the investigating officer finds that there is not clear and convincing evidence that could be presented to disapprove the applicant's claim, the application shall be considered approved and the applicant shall be discharged, or reassigned to duties not inconsistent with the claimed objection, as the case may be, as rapidly as possible.

"(4) If the investigating officer finds that there is clear and convincing evidence that could be presented to show that the applicant is not a conscientious objector as stated in the application, the investigating officer shall forward the case for consideration by an adjudication panel.

"(k) ADJUDICATION PANEL.—(1) Upon submission of a case from an investigating officer for consideration by an adjudication panel, the Secretary concerned shall convene a panel to consider the case.

"(2) Each such panel shall have three members, appointed by the Secretary concerned as follows:

"(A) An officer of the armed forces on active duty in a grade higher than that of the applicant, but not lower than the grade of captain or, in the case of the Navy or Coast Guard, lieutenant.

11(B) A civilian who is a member of the clergy or who holds a graduate degree in one of the disciplines of religion, ethics, or philosophy.

"(C) A civilian attorney who is an administrative law judge, who shall act as chair of the panel.

"(3) Of the members of a panel appointed under subparagraphs (B) and (C) of paragraph (2), only one may have at any time served on active duty in the armed forces, and in that case for not more than one period of enlistment or obligated service, and such a member may not have been a member of the armed forces for a period of 5 years before the convening of the panel.

"(4) The Secretary concerned shall maintain lists of qualified persons who are available to serve on panels under subparagraphs (B) and (C) of paragraph (2). The Secretary of Defense shall submit to Congress an annual report on the number of persons on those lists.

"(5) When a case is referred to a panel under this subsection, the panel shall hold a hearing on the case not later than 45 days after the date on which the case is forwarded by the investigating officer. The applicant shall have the right to appear before the panel and may be accompanied by counsel furnished by the government or by counsel of the applicant's choosing, or both. The applicant may make a statement to the panel. After the panel hears the evidence presented by the investigating officer, the applicant shall have the right to submit a written rebuttal within 15 days of the date of the hearing.

"(6) After the hearing is concluded, the panel shall issue a decision on the application within 30 days of receiving a rebuttal under paragraph (5) or the applicant's written waiver of the right to submit a rebuttal. The decision of the panel shall be the final administration decision on the matter.

"(7) Information received by a panel may not be used against an applicant in any forum, including a court martial.

"(l) JUDICIAL REVIEW.—(1) A decision of the panel is reviewable by a court of the United States exercising habeas corpus jurisdiction pursuant to section 2241(a) of title 28.

"(2) In the exercise of the review power under this subsection, the Federal Rules of Civil Procedure shall govern the service of process and the pleadings, except that the respondent shall answer or otherwise plead to the petition within 20 days of service of process.

"(3) Except as otherwise provided in this subsection, proceedings upon review of a decision of a panel shall be governed by chapter 7 of title 5.

"(4) The court exercising judicial review under this subsection shall not conduct a trial de novo, but may conduct a supplemental hearing if the court finds that in the proceedings under subsections (j) and (k)—

"(A) the merits of the application for discharge were not resolved;

"(B) the factfinding procedure used was not adequate to afford a full and fair hearing;

"(C) the material facts were not adequately developed;

"(D) the procedural rights guaranteed by subsections (j) and (k) were not observed;

"(E) the applicant did not receive a full, fair, and adequate hearing; or

"(F) the applicant was denied due process of law.

"(m) COORDINATION WITH COURT MARTIAL PROCEEDINGS.—In the case of a member who files an application under this section and with respect to whom court martial proceedings are pending under chapter 47 of this title (the Uniform Code of Military Justice) arising out of the member's objection to participation in war—

"(1) the member shall have the right to elect that all such court martial proceedings be held in abeyance pending final determination of the application under this subsection;

"(2) if the application is approved, the court martial charges shall be dismissed in conjunction with the discharge of the member; and

"(3) if the application is denied, the stay of the court martial proceedings shall be lifted.

"(n) APPLICABILITY AT ALL TIMES.—The provisions of this section apply at all times and, notwithstanding any other provision of law, many not be suspended or superseded.

"(o) CHARACTERIZATION OF DISCHARGES.—A discharge issued under this section may not be made with a characterization of service other than the characterization of discharge a member would have received without reference to the conscientious objection claim under this section. The separation document issued to a member discharged under this section may not include any notation that would provide the basis for discrimination against the conscientious objector or which would otherwise in any way differentiate that person from members discharged under other provisions of law. The reenlistment code for a person discharged under this section shall be R-2, unless a lesser designation is warranted by the character of the member's service without respect to the conscientious objection application.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1057. Conscientious objectors: procedures for application and adjudication.".

(b) EFFECTIVE DATE.—Section 1057 of title 10, United States Code, as added by subsection (a), shall take effect 90 days after the date of the enactment of this Act.

H.R. 3090—TITLE X REAUTHORIZATION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. SMITH of Florida. Mr. Speaker, on April 30, I was absent for vote No. 95, for H.R. 3090. If I was present, I would have voted "yes."

The title X reauthorization bill provides much needed support for American women everywhere. Under the regulations offered by the Reagan administration, family planning clinics will not be allowed to provide honest, sound medical advice to their clients as they have since the title X program began in 1970. Under the gag, medical doctors will be forced to abandon the standard ethical medical policy of telling patients about all medical options; and instead doctors must tell a pregnant woman that she may have her child and keep it or give it up for adoption. The gag rule is a slanted, awful attempt to silence federally funded family planning clinics. Let's face it: Clinics will no longer take Federal funds and in many areas safe abortions will be impossible to find.

We owe it to the poor women of this country to pass this bill, thus providing necessary services to the needy, and overturn the gag of the Reagan administration.

AMBASSADOR PER ANGER ON THE PRESENT STATUS OF THE SEARCH FOR RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. LANTOS. Mr. Speaker, few individuals have been as committed to human rights and to the search for Raoul Wallenberg—the Swedish humanitarian who repeatedly risked his life to save the lives of as many as 100,000 Hungarian Jews during the height of World War II—as Ambassador Per Anger, the career Swedish diplomat who worked with Wallenberg in Budapest in 1944.

Recently, Ambassador Anger granted an interview which appeared recently in the Los Angeles Times, and discussed the current status of the ongoing search for Raoul Wallenberg. Since Wallenberg disappeared into the Soviet gulag on January 17, 1945, there has been a continuing effort to find the Swedish hero and secure his release from Soviet prisons.

The search for Raoul Wallenberg has taken on a new and unfamiliar course because of the dramatic changes that have taken place over the past few years in the Soviet Union. There is a new openness and freedom of expression and the Soviet Union itself has now collapsed, which raises a host of new questions about the fate of Raoul Wallenberg.

As Ambassador Anger so accurately expressed it, "as long as they haven't proved that he's dead, we take it that he could still be alive."

Mr. Speaker, Ambassador Anger's interview provides an excellent summary of the current status of efforts to establish the truth about Raoul Wallenberg. I ask that it be placed in the RECORD, and I urge my colleagues to read it thoughtfully.

PER ANGER—STILL HUNTING FOR THE TRUTH ABOUT HIS OLD FRIEND WALLENBERG

(By Dan Fisher)

For a persistent collection of people determined to learn the fate of Raoul Wallenberg, working amid the upheaval since 1989 in the former Soviet Bloc has been a bit like turning on a long-closed water tap. The rusty pipes have banged and coughed, and occasionally even spit out interesting, but unsatisfying material, the main impact of which is only to whet the appetite.

Wallenberg is the Swedish diplomat assigned at U.S. request to Stockholm's embassy in Budapest in July, 1944, to help rescue Jews from the Nazis. He distributed Swedish identity papers to at least 20,000 and sheltered many in buildings with diplomatic protection before disappearing into Soviet captivity when Red Army troops reached the Hungarian capital in January, 1945.

A dozen years later, Soviet authorities produced a note written by the Lubyanka prison doctor, saying Wallenberg had died July 17, 1947, at age 34. But witnesses in prison with him reported seeing Wallenberg alive into at least the early 1950s, and other reported sightings have occurred since then.

In late 1989, in a burst of *glasnost*, Soviet officials handed Wallenberg's passport, notebooks and identity cards to a delegation of his relatives and friends, including Per

Anger, a retired Swedish diplomat who served with Wallenberg in Budapest and is chairman of Sweden's Raoul Wallenberg Assn.

If the Soviets hoped their apology for falsely arresting Wallenberg would end the matter, they were wrong. Anger—an old school and military mate of Wallenberg—only took this as proof that there was more to learn.

After last August's unsuccessful coup attempt in Moscow, and the wholesale overhaul of the KGB that followed, the Soviets and Swedes announced a new bilateral commission to carry on the Wallenberg investigation—and more facts dribbled out. In December, just before the Soviet Union was formally dissolved, old logs and other materials were produced, revealing "absolutely secret" communications between the KGB and top Soviet Foreign Ministry officials about Wallenberg. But are there more logs? And what do Wallenberg's interrogators know? Is the KGB still covering up? Might Wallenberg be alive?

The upheaval in Moscow means another new cast of characters. It's frustrating, Anger, 78, said, but imperative that the search goes on.

Question: When is the next meeting of the bilateral commission?

Answer: Now we don't know when they will meet again. They said it will be in May, but the situation is very uncertain. We never know who's going to be the next person we're going to talk to. Every day there's something new.

Q: Isn't that frustrating, to seem to be getting so close to learning the truth and then have everything change again?

A: You have to start from scratch again, yes. That's fantastic. But then, I think that our committee, and all the other committees in the world—here in the United States and so on—can be very satisfied that, thanks to our hard work—thanks to all the interventions by your [former] President [Jimmy] Carter and [Ronald] Reagan, by [former British Prime Minister Margaret] Thatcher, and [German Chancellor] Helmut Kohl, and to all this publicity all over the world about Raoul Wallenberg—it has led to where we are now. If we hadn't done anything, even during the period of perestroika, they wouldn't have done anything. It was the combination of this perestroika and our pushing it all the time that led to the situation where we can, in a way, say "Mission Accomplished"—because now the [Swedish] government takes over.

Q: What is the official story from the Soviet side, as you understand it?

A: They don't have any official viewpoint. One member of their delegation said in an interview that, "I think he was executed." [But] there is no evidence of it. There is one important mention in the [logs of KGB and Foreign Ministry communications] that, on July 17, 1947, when he supposedly died by heart attack, there was an exchange of letters between [then Soviet Foreign Minister Vyacheslav M.] Molotov and [the head of security for] the KGB about him. Some historians say it proves that he died then. But we say perhaps that the KGB man asked for instructions—let's send him into the gulag under another name, or let's transfer him to another prison. Anything could have happened. So our stand, and the [Swedish] government's also, is that so long as they haven't proved he's dead, we take it he could still be alive.

Q: What do you think happened to him?

A: It's a very difficult question. We have, during the years, gotten so many signs—people coming from there, hinting that they had heard from someone that he's somewhere under complete isolation. That leads me to one alternative—namely, the sort of Solzhenitsyn "First Circle," when they gave these scientists their "freedom" within four walls, under complete isolation, to do work. Nobody knew if they were alive, or where they were.

Raoul Wallenberg is a very talented person—he's an architect, he's an economist, he speaks languages. So that could be one alternative—that he is still sitting there. Another alternative is that they just let him disappear in the gulag under another name—and they can't find him. A third alternative would be that he died a natural death by illness or in prison, or that he was brought to a mental hospital.

[You can] think of all these possibilities. So, I think, what one has to concentrate on now is to find any deportation orders—that he was deported to the gulag, that he was sent to mental hospital. Anything of that type. It's very important to go through the [logs] just following 1947 * * * the Foreign Officers archives, the Ministry of Interior archives, the military archives and the KGB archives. * * * I would be astonished if we wouldn't find there something [from after 1947]. I say to myself, "We have had patience for 47 years; we must have patience for another couple of months."

Q: Why would the government in Moscow still be trying to withhold information about Raoul Wallenberg?

A: I am not quite sure that they are doing that. It's possible that they can't find it. Of course, there could be another explanation to this, and that's * * * that something has happened to him relatively recently—that they have been aware, say, that he's sitting in a mental hospital after torture. They can't send him back. But, I think, that if they had found something that was during Stalin's period, they would gladly show that.

Q: You were said to be the last person to see Wallenberg before he was taken by the Soviet troops. Is that correct.

A: Not exactly. The last time I saw him was the 10th of January, 1945, when he came over to the Buda side, where all of us were hiding because the Nazis had attacked the embassy and were trying to take prisoners and all that.

Q: Did you participate with him in saving Jews?

A: Sometimes he telephoned me and said, "I can't now—I have to go in another direction. Could you go to the [train] station and try to save people?" So I copied his sort of approach and managed to save a couple of hundred people.

Q: What was his approach?

A: Toward the end of the war, it was very important for the Germans to continue their relations with Sweden. And especially the Germans were very anxious not to violate his diplomatic status. So, he went, say, to the railroad station. He'd have a report that trains were leaving for Auschwitz. Sometimes, they would have already nailed the [box car] doors closed. He'd say to the German officer: "I'm a Swedish diplomat and there are people in here, I know, that have Swedish passports. Open the doors!"

Looking at him, an ordinary person would see an intellectual person, professor-type clothes. But he was an actor, so when he met the Nazis he changed his attitude completely—became brutal. He yelled at them and spoke the same language as they.

The officer would start to be very nervous, and he'd open the doors. [Wallenberg] would go in and say: "Are there any people here with Swedish passports?" Perhaps there would be two or three out of hundreds. So he'd say: "Have you forgotten? You were at the office the other day. Where are your passports? Have you forgotten them somewhere?" And they understood and showed receipts or anything—drivers licenses in the Hungarian language, which the Germans didn't understand. "That's enough" [Wallenberg would say]. "That proves you got the passport the other day. Come with me." And [he would] march out with 100 people like that and take them into those houses.

I was with him and I copied that sometimes.

Q: Do you think more could have been done by the U.S. or other countries to save Jews, if this had been repeated elsewhere?

A: Elie Wiesel, who wrote the foreword to my book, asks in that foreword why there were not more Wallenbergs around in Europe at that time. I like him very much, but I don't agree with him. It would have been impossible to have that, because in no time the Germans occupied all of Europe. Like that [snapping his fingers]. How could a Wallenberg operate under that situation in Poland, for instance? Impossible. But Budapest—Hungary was an ally to Germany. The Germans were eager to have this illusion that it was a completely independent country. "Let them work and act for themselves." The Germans let us have this deal with the Hungarian government at that time.

Q: Assuming that Wallenberg is indeed dead, there are those who say, why keep up the campaign? What's the point now?

A: The point is to get the truth. We can't live in this uncertainty of what happened to him. [One former Soviet official] said, "Look here—we have so many who died or who have disappeared. My son was killed in action. We don't know where they are. Why do you make such a fuss about this man?" I think the great difference is that here was a man who was a great humanitarian—who became a symbol of the fight for human rights in the whole world. So he is not only Raoul Wallenberg, but the symbol of Raoul Wallenberg. I think we ought to know what happened to him.

Q: Do we need symbols like that today?

A: Absolutely, I think it's necessary for young people to know that there could be persons like Raoul Wallenberg. It's very important to tell everybody what he did and how he did it. It gives hope.

Q: When will the truth of what happened to Wallenberg come out?

A: That is a good question. I hope in a couple of months, if it goes on as it has. The problem is that today we don't know exactly what is happening there. But suppose that there will be a relatively normal situation and they could go on working as they did before. Then, I think, we will get to know the truth. There is also not only the documents, but also there is at least one KGB officer who we know was one of those that interrogated Raoul Wallenberg. And he has, until now, still not said so much. I think they are trying to get the truth out of him, to find out what he knows. So it's a combination of the documents and all the people who have something to say.

REPORT AND LEGISLATION ON DOD COST ESTIMATING

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. IRELAND. Mr. Speaker, I rise to introduce legislation designed to inject a greater degree of independence into cost estimates for major acquisition programs at the Department of Defense [DOD].

The introduction of this legislation is the culmination of 3 years of review and investigation—mainly by the DOD inspector general [IG] but by others as well.

Before I describe the substance of my legislation, I would like to review some pertinent history and other important factors that led me to the conclusion that this was an area needing legislative attention.

ORIGINAL REQUEST—1989

On January 23, 1989, I wrote to the inspector general: First, to express concern about the lack of independence in cost estimates for major weapons systems; second, to request the results of the inspector general's ongoing audit on cost estimating; and third, to raise a series of questions about the performance of the cost analysis improvement group [CAIG] within the Office of the Secretary of Defense [OSD].

The OSD CAIG is the principal advisory body within the Department on matters relating to cost.

My letter of January 23, 1989, marked the beginning of extended discussions with the DOD IG, Secretary of Defense, DOD general counsel, and House and Senate Armed Services Committees regarding the form and substance of cost estimating at the Pentagon.

INSPECTOR GENERAL'S 1989 AUDIT REPORT

The inspector general's audit report (No. 89-055)—"Independent Cost Estimating for Major Systems"—was issued on February 24, 1989.

The inspector general's audit report did nothing to allay my concerns. In fact, it heightened them.

After careful study of the audit results, I concluded that DOD was not complying with the law governing the preparation of independent cost estimates—10 U.S.C. 2434. In five of the seven cases reviewed, auditors found that cost estimates "were not independent * * * as intended by law" but instead were obtained, at least in part, from program offices and buying commands and, in some instances, were even altered by command influence.

Based on those findings, the inspector general made a series of recommendations for corrective action, including important revisions to DOD directive 5000.4. Senior officials at DOD nonconcurred with the report's findings and recommendations. Their response—or lack of it, in turn, was characterized by the inspector general as nonresponsive.

I felt that the negative attitude demonstrated by senior DOD officials did not augur well for a quick and reasoned solution to the problem. The Chairman of the OSD CAIG, Mr. D.L. McNicol, even went so far as to suggest that the result of the audit be withheld from Congress.

Because of the hostile reaction from the OSD CAIG, I concluded that a followup audit was essential. I then outlined my concerns in a letter to the IG on October 17, 1989, asking the inspector general to conduct a followup audit to determine how well the recommendations were being carried out and to what extent the law needed modification and clarification.

I concluded at this point that some remedial legislation was needed, but I was not prepared to move without more information.

INSPECTOR GENERAL AGREES TO CONDUCT FOLLOWUP REVIEW

On March 13, 1990, after more meetings and discussions, the inspector general finally agreed to my request to launch "a review of the organizations involved in generating independent cost estimates."

The inspector general subsequently agreed to expand the management review to include several case studies—in particular the cost work done in support of Secretary Cheney's major aircraft review, which covered the ATF, ATA, B2, C17, and LH, and to incorporate the results in the larger study.

WATERSHED EVENTS

Two events occurred in 1990–91 that crystallized my views on the issue: First, the major aircraft review [MAR]; and second, the Navy A-12 aircraft cost overrun.

These two events, taken together, proved beyond a shadow of doubt that the quality of cost estimates given to the Secretary of Defense is poor. Something had to be done.

MAJOR AIRCRAFT REVIEW

Secretary of Defense Cheney presented the results of the MAR to the House Armed Services Committee on April 26, 1990. It covered four major programs—the B-2 bomber, A-12 bomber, C-17 transport, and advance tactical fighter, now designated F-22.

While the MAR was touted as an exhaustive study designed to convince Congress that these very costly programs were healthy and necessary, the review was flawed from the start. Within 2 months of being presented to Congress, the cost estimates for three of the four programs literally came unglued.

The Senate Armed Services Committee was very critical of the quality of work underlying the MAR:

> The Committee believes that the various revelations so close upon completion of the MAR means that the staffs of the various military departments may not have taken the reviews seriously, but most certainly indicates that they provided inadequate support for the Secretary that calls into question many of the decisions he made. [See Report No. 101-384, pp. 72-73.]

This kind of criticism from the Senate Armed Services Committee is most unusual yet well deserved.

In plain and simple terms, the MAR was shoddy cost work. Yet Congress and the Secretary of Defense made important decisions based on the results. What went wrong? I wanted to know.

A-12 CONTRACT TERMINATION

Then on January 7, 1991, Secretary Cheney terminated the A-12 aircraft contract for default.

In announcing his decision, he made a most revealing statement about the value of the cost estimating apparatus in the Pentagon. He said: "No one can tell me exactly how much more it will cost to keep this program going."

Now, that was a red warning flag—if I ever saw one. What does it say about cost estimating at DOD? I think it is a real indictment. If Secretary Cheney does not trust his cost analysts enough to provide a reasonable answer to the question, then what useful function do DOD cost organizations perform? Should they all be abolished?

So I began to dig into that debacle in depth, and I was appalled by what I found.

First, I discovered that the OSD CAIG did not conduct an independent assessment of the A-12. Instead, the OSD CAIG asked the Navy Center for Cost Analysis to do the job. Second, we found that the A-12 program manager, Capt. L.G. Elberfeld, was cooking the books. He openly admitted in testimony that the cost estimates he sent up the chain of command to the Under Secretary of Defense for Acquisition has no analytical underpinning whatsoever. They were fabricated. Those estimates were based on political considerations, according to the A-12 business and finance manager, Cmdr. Curtis Coy.

And how were responsible DOD officials held accountable for these two debacles?

I was appalled to discover that most of the culprits involved in the MAR and A-12 cost fiascoes had received cash bonuses—up to $20,000, awards, and even promotions. That discovery convinced me that sanctions were needed, and that's how I came up with the idea for a reverse or negative bonus—a civil penalty—amounting to a $20,000 fine.

IMPORTANCE OF INDEPENDENT COST ESTIMATES

I think there is general agreement that DOD's ability to estimate the cost of major weapons programs is poor.

Mr. David Packard, who headed the famous Packard Commission, has identified underestimated costs as one of five top DOD management deficiencies. Similarly, GAO issued a report—NSIAD-84-70—in 1984, on "need for more credible weapon systems cost estimates," and urged DOD to "make fuller use of independent cost estimating groups." And Mr. Milt Margolis, who headed the OSD CAIG from 1974 to 1988, admitted on the public record that he lied about the cost of the AMRAAM missile—one of the programs cited in the IG's 1989 audit as failing to measure up to the legal standards for independent cost estimates. From a cost estimating standpoint, AMRAAM remains an embarrassment to this day.

The lack of reliable information on weapon system costs has been a problem at the Pentagon for a long time. It is a fundamental management problem that undermines the credibility of the Department.

As Comptroller General Bowsher testified before the Senate Armed Services Committee on July 25, 1990: "You simply can not manage effectively without accurate cost information." But valid cost information must be coupled with cost control. As the GAO pointed out in the 1984 report, however, there is no control over costs at the Pentagon. Total program costs increase year after year. The GAO concluded that "these increases in total program costs have become the accepted pattern—no one is held accountable for them."

Honest and accurate cost estimates are the foundation of a fiscally responsible multiyear defense program. Without reliable cost data early on reinforced with cost control, it is impossible to evaluate program alternatives and thus to make rational decisions about the budget and long-range program. And a credible multiyear plan must be the foundation of a coherent policy and strategy for protecting our national security.

The leadership at the Pentagon must have access to truly independent cost estimates before making decisions on major acquisition programs. Cost estimates presented to senior DOD officials should be independent—without exception.

CORE ISSUE

The first step in producing better cost estimates is to make sure they are truly independent. What constitutes an independent cost estimate? This is the central issue in the debate over how cost estimates should be prepared. Who must prepare them, and how should they be prepared?

I feel like the law is clear and simple, but differences of opinion over its meaning persist.

THE LAW

The law—10 U.S.C. 2434—provides a very specific legal definition of independent cost estimates in section 2434(c)(1) as follows:

> The term "independent estimate" means, with respect to a major defense acquisition program, an estimate of the cost of such program prepared by an office or other entity that is not under the supervision, direction, or control of the military department, defense agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program.

HOUSE ARMED SERVICES COMMITTEE

In my mind, section 2434(c)(1) means an independent cost estimate must be prepared by an office or other entity outside the military department carrying out the program. That is how the House Armed Services Committee interprets the law—first affirmed in its fiscal year 1991 report (No. 101–665, p. 336) and subsequently reaffirmed in its fiscal year 1992 report (No. 102–60, p. 263).

The committee was concerned, because the IG's 1989 report had exposed many inconsistencies and deficiencies in the department's implementation of the law and raised doubts about the department's compliance with section 2434.

In order to clarify the interpretation of section 2434(c)(1), I asked the American Law Division to revise the law and prepare a legal opinion. That legal opinion was completed on April 18, 1991.

Under the interpretation rendered by the American Law Division, an assessment prepared by the OSD CAIG would comply with the law.

An assessment prepared by one of the service cost centers, by comparison, would not comply with the law.

OTHER INTERPRETATIONS

The DOD has its own interpretation of the law.

The guiding regulation in force today is DOD directive 5000.4, entitled the "OSD Cost Analysis Improvement Group." The pertinent section of DOD directive 5000.4 reads as follows:

> The independent analysis should be prepared by an organization separate from the control and direction of the program or project office that is directly responsible for the acquisition of the defense system being reviewed.

DOD has substituted the concept of independence from the program office—a much less stringent requirement—for the requirement mandating independence from the military department. This interpretation provides a quasi-legal underpinning for the service cost centers.

A related regulation, DOD instruction 5000.2, helps to clarify the role of the CAIG. It says the CAIG is supposed to "prepare its own independent cost estimate."

On October 8, 1991, DOD general counsel O'Donnell rendered a legal opinion regarding the role of the OSD CAIG. O'Donnell states the requirements of 10 U.S.C. 2434 would be met: "So long as the CAIG reaches its own conclusions regarding the cost estimate, even though the CAIG reviews the material presented by the military department and uses that material in arriving at the CAIG's conclusions."

The Senate Armed Services Committee report on the 1992 Defense authorization bill contained almost identical language as follows:

> The Committee believes that the essential requirements of 10 USC 2434(c)(1) are met as long as the Office of the Secretary of Defense (OSD) Cost Analysis Improvement Group (CAIG) independently reaches its own conclusions regarding the accuracy and completeness of a weapon system's cost data, and the CAIG communicates its findings to those responsible for the acquisition decision." [See Report No. 102–113, page 86.]

The interpretations rendered by the DOD general counsel and Senate Armed Services Committee, on the surface, appear to be innocuous. They seem to reinforce the need for independent estimates. But they also suggest that data may be obtained from a non-independent source, like the service cost centers. Thus, the CAIG may make its estimate based upon data supplied by the military branch responsible for the program. I can't disagree with that. Drawing data from non-independent sources is unavoidable, but it must then be weighed and analyzed against data obtained from other sources.

NEW REGULATIONS

But I fear the general counsel's cryptic wording has another meaning. I fear it is designed to provide legal justification for the existence of the service cost centers. I fear it gives the OSD CAIG authority to treat service cost estimates as independent.

My worst fears may indeed be justified.

Major revisions to DOD regulations 5000.2 and 5000.4 are now under consideration, and they all clearly point to further erosion of objectivity and impartiality in cost estimates.

Under proposed rule changes, the requirement that the CAIG prepare a separate assessment is to be stricken from the books. Under the new rules, the CAIG will merely review and validate the independent cost estimates prepared by service cost centers. It sounds like the role of the OSD CAIG could be relegated to "nothing more than a sophisticated 'math check' of the program office estimate," the DOD IG has warned.

ROLE OF SERVICE—RUN COST CENTERS

Under proposed rule changes, the power and influence of the service cost centers could be on the upswing.

There are three cost centers operated by the military departments as follows: The Army Cost and Economic Analysis Center, the Navy Center for Cost Analysis, and the Air Force Cost Center.

Together, these organizations consume roughly 576 workyears annually, including associated R&D and contractor support. Of the total, the bulk—78 percent—is taken by the Air Force. More than half of the total workload is performed by contractors. The IG estimates that the service-run cost centers cost the taxpayer about $30 million annually.

What function do these organizations perform? Why do they exist?

The service cost centers prepare cost estimates, using the notorious pass-through method. Under the pass-through method, the service cost centers incorporate cost estimates provided by the program offices—and contractors—directly into the independent cost estimates used by the OSD CAIG and presented to senior DOD officials—without challenge.

The IG has documented case after case of pass-through." The problem persists today. In fact, pass-through is to be specifically authorized by planned revisions to DOD regulations.

These offices are clearly under the control and supervision of their respective departments. They could not—under the terms of the statute—prepare a cost estimate that could be characterized as independent—so long as the weapons system under review was being acquired by their respective service or department. However, the Air Force Cost Center, for instance, might conceivably prepare an independent estimate for a weapons system being acquired by the Navy, but that would probably never happen, because of intense rivalry between the military services.

I believe these organizations serve no useful purpose. They are the primary vehicle for producing estimates that are camouflaged under the independent net but which are not independent under the law. Their pass-through products could be easily obtained by the OSD CAIG directly from the contractors and program offices. They should be abolished.

If the service-run cost centers were abolished, the IG estimates that a total of 576 DOD workyears, including contractor support, could be saved annually—74 in the Army; 53 in the Navy; 450 the Air Force. This would not save big bucks—$30 million annually maybe, but billions could be saved if the quality of DOD cost estimates were improved just slightly by this move. If DOD knew the true cost of weapons systems up front, many would be canceled and alternatives selected.

FUTURE OPTIONS

From the very start, I have made it absolutely clear that I was not interested in creating an organizational monster at the Pentagon. Instead, I have consistently asked the inspector general to help Congress find ways to make modest improvements in the quality of DOD cost estimates.

There are a number of proposals floating around to overhaul the OSD CAIG.

During the markup of the Defense authorization bill last year, Mr. Hertel offered an amendment to place the CAIG under the acquisition secretariat. That proposal was rejected in favor of report language that was advisory in nature. The language directed the Secretary of Defense "to develop a mechanism for generating independent cost estimates." The committee also directed that "such cost estimates." The committee also directed that "such cost estimates be provided directly to the Secretary of Defense." [See House Report No. 102–60, p. 263.]

In the coming months, other proposals will be advanced. One would place the CAIG under the Comptroller, while others would abolish the CAIG entirely and in its place would create a truly separate cost entity—a super CAIG—like the IG or test office.

Quite frankly, Mr. Speaker, I think the CAIG could function perfectly well right where it is—provided the CAIG has the right kind of leadership and direction. Those qualities are lacking today. Poor cost work can jeopardize the strength and readiness of our Armed Forces over time. Cost estimating is too important to be left to someone who is afraid to confront the military services with the facts.

NEW IG REPORT

The IG's long-awaited report was issued on February 5, 1992. It is entitled "Independent Cost Estimating for Major Defense Acquisition Programs, No. 92–OIG–01."

This is not an excellent piece of work. In fact, it is somewhat of a disappointment. I had expected a hard-hitting report—up to the IG's usual standards. Unfortunately, that didn't happen. Nonetheless, the report contains some important and useful information that can be used to amend the laws governing DOD cost estimating.

OVERALL IG CONCLUSIONS

The IG places a great deal of stock in planned revisions to DOD regulations. The IG bases its entire case and assessment on the projected impact of the new regulations. The IG plans to use the new guidelines as a standard of measurement in future audits.

I remain skeptical about the importance of DOD regulations.

Planned revisions to DOD procedures and regulations, including 5000.2 and 5000.4, if put into practice, in the IG's opinion, "will enhance the effectiveness and efficiency of the cost estimating processes * * * and extend beyond the requirements found in 10 U.S.C. 2434." The IG believes that these changes in policies and procedures would satisfactorily address the concerns raised in its 1989 report as well as the deficiencies addressed in the new report.

MAJOR PROBLEMS IDENTIFIED BY IG

STAFFING ISSUES

Of the total workyears expended in DOD cost analysis community, only 108 or 5 per cent were expended in developing independent cost estimates [independent cost estimates are prepared by the military services].

Only 50 per cent of OSD CAIG manhours are dedicated to the preparation of independent cost estimates; balance is consumed by program analysis and evaluation—PA&E functions—program and budget reviews.

OSD CAIG has insufficient staff resources to perform PA&E responsibilities and at the same time to meet independent cost estimating responsibilities.

OSD CAIG staff requires augmentation.

Air Force expends five times more staffing and budgetary resources annually in support of independent cost estimating than other services.

EXEMPTION FOR "BLACK" PROGRAMS

10 U.S.C. 2430 exempts special access programs like A–12 and F–22 from the independent cost estimating requirements of 10 U.S.C. 2434.

Under revised DOD regulation (5000.2) issued in February 1991, requirements of 10 U.S.C. 2434 were extended to all special access programs—despite continued exclusion authorized by 10 U.S.C. 2430.

AIR FORCE DEFICIENCIES

STRUCTURE

Air Force independent estimating structure and process do not adequately safeguard the credibility and independence of cost estimates.

Air Force structure does not promote independent and forthright cost estimates.

Air Force is the only service to require acquisition or buying commands to develop the program office estimates and to assume primary responsibility for preparation of independent estimates.

Air Force program managers control all financial resources needed to develop independent estimates .

IG recommends that Air Force independent estimating resources be consolidated within centralized cost center.

CONTRACTOR SUPPORT

While Army and Navy do not use contractors to develop cost estimates, Air Force relies heavily on contractor assistance in the preparation of cost estimates.

Principal contractors to the various program offices, such as Mitre and aerospace corporations, are assisting in the preparation of independent Air Force cost estimates—even though each company has a direct and continuing interest in the program for which the estimates are prepared.

Current Air Force situation with Mitre and aerospace Corporation is unacceptable.

IG recommends that regulations must be developed to preclude such conflicts of interest.

LEGISLATION

Consistent with the findings and recommendations of the inspector general on these matters, I am proposing remedial legislation.

The purpose of the proposed legislation is to bring a greater degree of independence and discipline to DOD cost estimates.

PROPOSED AMENDMENTS

Proposal No. 1: Amend 10 U.S.C. 2434 to specify that the Secretary of Defense may not approve the development, production, or deployment of a major defense acquisition program unless all requirements specified in DOD regulations governing independent cost estimates and supporting documentation have been met.

Purpose: IG maintains that planned revisions to DOD regulations, including 5000.2 and 5000.4, will correct the deficiencies identified in 1989 and 1992 reports; amendment would codify regulatory requirements promoted by IG.

Proposal No. 2: Amend 10 U.S.C. 2434 to prohibit the use of contractors to prepare or assist in the preparation of cost estimates—unless the contractor is not under the control of the military department that is responsible for the program for which the estimate is to be made.

Purpose: DOD has no policy or regulations governing use of contractors for independent cost estimating; IG has identified flagrant conflict of interest relationships involving contractor support in the preparation of independent cost estimates; amendment would allow contractor support but would preclude conflict of interest situations.

Proposal No. 3: Amend 10 U.S.C. 2434, extending law to all special access programs.

Purpose: Under 10 U.S.C. 2430, special access programs, like A–12 and F–22, are excluded from the requirements of 10 U.S.C. 2434; DOD regulations have extended 10 U.S.C. 2434 to all special access programs; amendment would codify regulatory requirements; OSD CAIG analysts are routinely cleared to review special access programs.

Proposal No. 4: Amend 10 U.S.C. 2434 to specify that the office that prepares independent cost estimates for the Secretary of Defense shall perform no PA&E functions.

Purpose: IG found that only 50 percent of manhours consumed annually by OSD CAIG are dedicated to the preparation of independent cost estimates; other 50 percent of manhours are consumed by PA&E functions; there is nothing in OSD CAIG charter—DOD direction 5000.4—that authorizes CAIG to become deeply involved in PA&E functions; amendment would dedicate CAIG, manpower exclusively to CAIG functions, in effect, augmenting personnel resources are recommended by IG and to fill void created by elimination of service cost centers.

Proposal No. 5: Amend 10 U.S.C. 2434 to impose a $20,000 civil penalty on any employee who provides the Secretary of Defense with a cost estimate on a major program that is not an independent assessment as defined by the statute.

Purpose: Significant numbers of personnel received large cash bonuses, awards, and promotions for shoddy cost work on the A–12 and in support of MAR; Those responsible should have been held accountable and demoted, fined, and/or fired; to discourage such practices in the future, amendment would authorize the imposition of fine of $20,000.

Proposal No. 6: Separate provisions would abolish the centralized cost centers established by the military departments to prepare independent cost estimates; service cost centers would be phased out by September 30, 1993.

Purpose: These organizations are under the control of their respective military departments; they cannot—under the terms of the statute—prepare a cost estimate that could be characterized as independent—so long as the program under review was being acquired by that organization's parent service; IG found that these organizations consistently use the pass-through method, that is, they simply incorporate cost estimates by the program office directly into the independent cost estimate without challenge; OSD CAIG can easily obtain cost estimates from the program managers and contractors without the help of the service cost centers; pass-through organizations are duplicative, cost $30 million annually to operate, and should be abolished as proposed

Mr. Speaker, I don't believe that I am offering the final or definitive solution to the problem. I do believe that these measures will help to bring a greater degree of discipline, integrity, and independence to DOD cost estimating. That is my purpose. This is my hope.

I urge all my colleagues to support this legislation.

H.R. 5062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434 of title 10, United States Code, is amended—

(1) by striking out the period at the end of subsection (a) and inserting in lieu thereof the following: "and all the requirements specified in Department of Defense regulations with respect to independent cost estimates under this section and supporting documentation that are applicable to the program have been met.";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) LIMITATIONS ON USE OF CONTRACTORS.—And independent cost estimate prepared with respect to a major defense acquisition program for the purposes of this section may not be prepared by, or with the assistance of, a contractor that is under the supervision, direction, or control of the military department or Defense Agency that is responsible for the program.

"(c) APPLICABILITY TO HIGHLY SENSITIVE CLASSIFIED PROGRAMS.—For the purposes of this section, a highly sensitive classified program shall be considered to be a major defense acquisition program if it meets the criteria specified in paragraph (1) or (2) of section 2430 of this title.

"(d) LIMITATION ON OSD OFFICE FUNCTIONS.—The office (or other entity) within the Office of the Secretary of Defense that has responsibility for the preparation of cost estimates for the Secretary of Defense may not be assigned any program analysis and evaluation functions.

"(e) CIVIL PENALTY.—Any civilian officer or employee of the Department of Defense who provides to the Secretary of Defense a cost estimate for the purposes of this section that is not an independent cost estimate shall be subject to a civil penalty of $20,000.".

H.R. 5063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABOLITION OF MILITARY DEPARTMENT CENTRALIZED COST CENTERS.

The Secretary of Defense shall, not later than September 30, 1993, abolish the following entities of the Department of Defense:

(1) The Army Cost and Economic Analysis Center, Department of the Army.

(2) The Naval Center for Cost Analysis, Department of the Navy.

(3) The Air Force Cost Center and Independent Cost Analysis Program, Department of the Air Force.

TRIBUTE TO WINNIE KOUKOL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Winnie Koukol of Lyons, IL. Mrs. Koukol has dedicated the past 13 years to the Lyons Public Library and will be retiring this month.

Winnie Koukol served as library director from 1979 to 1982 and in the 10 years since, she has worked as head librarian of the Lyons Public Library. Throughout her career with the library, Mrs. Koukol has concentrated on increasing the library's accessibility and value to each citizen of Lyons, young and old.

During her tenure at the library, Mrs. Koukol increased the library's material collection by adding video tapes, compact discs, and cassettes as well as increasing the library's book collection. In addition, she has developed an outstanding genealogy collection. Winnie Koukol also automated the library and added a parking lot. In every aspect of her work, Mrs. Koukol's efforts have been directed at serving the community in every way possible.

Winnie Koukol should be a model for the Nation to emulate. I respect and admire her service to her community and commitment to education. I hope my colleagues will join me in congratulating her on this special occasion and wishing her all the best in the years to come.

INTRODUCING H.R. 5055, THE COAST GUARD AUTHORIZATION ACT OF 1992

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. TAUZIN. Mr. Speaker, I rise today to introduce H.R. 5055 the Coast Guard Authorization Act of 1992. On behalf of Mr. JONES of North Carolina, Mr. STUDDS, Mr. DAVIS, Mr. FIELDS, and Mr. JEFFERSON, I would like to explain the bill.

H.R. 5055 authorizes $3.6 billion in appropriations for the Coast Guard to operate in 1993. Before we look at the bill, allow me to quickly tell you what we can expect from the Coast Guard on a typical day. On a typical day the Coast Guard will:

Save 13 lives and assist 339 people;

Save $2 million in property;

Conduct 232 search and rescue missions;

Respond to 33 oil or hazardous chemical spills;

Inspect 82 commercial vessels;

Investigate 18 marine accidents;

Service 119 buoys and lighthouses; and

Seize 84 pounds of marijuana and 92 pounds of cocaine.

That's quite a day. But, those are just some of the services the Coast Guard provides on any given day. We get all this and more from a service of less than 40,000 dedicated men and women who proudly wear the Coast Guard uniform. In exchange for the personal sacrifices coasties gladly make for their country, we have an obligation to provide them with the best equipment, a quality standard of living, and reliable family and health care services.

The good news is, we are beginning to see the results of the Commandant's efforts to improve the standards of the organization and to bring about a better quality of life for those enlisted in the Coast Guard's service. Adm. Bill Kime is doing a tremendous job, and this bill recognizes his priorities.

H.R. 5055 authorizes $419 million for acquisition, construction, and investment [AC&I] in the Coast Guard capital plant. This year the administration requested $414 million for the AC&I account—$9 million less than last year. Although we have made progress, the Coast Guard continues to operate 50-year-old ships and 75-year-old shore stations. We must invest in the Coast Guard's infrastructure at a steady, predictable pace if we expect the men and women of the Coast Guard to meet the operational demands Congress has placed on them.

The Coast Guard has shown assertive leadership in its international efforts to protect our environment through the IMO—International Maritime Organization. The activities of the IMO are increasingly shaping our own laws and standards. As a leader in the world maritime community, the Coast Guard needs our support to promote safer, more efficient commerce and to protect the marine environment through the development and enforcement of IMO treaties. This bill fully supports the Coast Guard's marine safety-environmental protection missions.

I also want to recognize the Coast Guard's fine efforts in completing the port needs study. If we are to truly reduce the potential for damage to our waterways from spills of oil or hazardous materials, we must be committed to the concept of pollution prevention. The report is completed. We must not hesitate to fund the new vessel traffic systems which the report calls for. This bill will authorize several VTS projects.

The Coast Guard is an outstanding organization composed of some of the finest men and women our country has produced. We in Congress who understand the Coast Guard and its missions must continue to fight to ensure that its needs are met so that the Coast Guard can continue in its tradition of excellence in service to the citizens of this country. I ask you to support H.R. 5055.

SPACE STATION FREEDOM: NOW AND FOR THE FUTURE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. ANDERSON. Mr. Speaker, since Neil Armstrong made his first historic steps on the Moon, each new generation of Americans has yearned to be astronauts, to float weightless above our atmosphere, and to explore what lies beyond our known universe. Books, movies, and television excite young minds with the adventure of space travel and the joy of discovery. Are these mysteries of space only to be found in the world of make-believe, or can ingenuity and hard work make real what was once only imagined? I believe we have an opportunity to make a dream reality by voting to support the space station.

Opponents of the space station argue that we cannot afford to build it. I would argue that we can't afford not to. What value can be placed on the information and inspiration provided by the space station? How do you measure the benefit of the 75,000 jobs currently related to the station, or the thousands of future jobs sure to result from its production and deployment? Beyond these economic benefits, the station will also be a unique and unprecedented scientific research laboratory. Our space program has generated innumerable technological breakthroughs and spin-off applications that have resulted in tremendous advances in medicine, satellites, and composite materials. The permanently manned orbiting laboratory also promises a whole host of new technologies and applications, the scope and impact of which we can only imagine. An advanced observation platform like the space station will be invaluable to continued research in space.

Our commercial industries have also benefited from our strong space program. The United States is the world leader in space and aerospace-related products. Aerospace products currently provide a healthy trade surplus, and the international applications of the space station will only increase our leadership in these critical industries. Slashing our space program would be a grave mistake that would have dramatic negative impacts on our trade deficit and national economy. Furthermore, in light of the predicted growth in fields such as high-speed computers, communications, and health care, a strong space science program is needed to continue our technological leadership in these areas.

Civilian aerospace also provides the most direct technology and skilled worker transfers from our currently shrinking defense industry. With our economy still suffering, a smooth transition from defense-related to civilian-related jobs is essential. The defense drawdown is already costing thousands of jobs in my southern California district. To simultaneously make severe cuts in the space program is shockingly irresponsible. Growth in the satellite, composite materials, electronics, or other civilian aerospace industries would greatly lessen the blow of defense cuts. A strong space program not only preserves jobs today, but it promises to ensure more jobs for the future.

The space station's wide range of capabilities make it central to our entire space program. Cutting the station would be counterproductive to much of the research and development currently underway, and would undermine the reorganization efforts of NASA's new chief, Daniel Goldin. This is a time to show support for NASA and to encourage an atmosphere of renewed vigor and efficiency, not to handcuff the new Administrator with drastic funding cuts.

My views on a robust space program are shared by scientists, industry leaders, many of my colleagues on both sides of the aisle, and by the vast majority of the American people. Space station *Freedom* represents the centerpiece of our forward-looking program, and may be the next "giant leap" for the United States, and indeed, all mankind. I encourage my colleagues to reject the Roemer amendment and support space station *Freedom.*

CONGRESSMAN DALE KILDEE PAYS TRIBUTE TO GENESEE COUNTY MEDICAL SOCIETY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the Genesee County Medical Society on the occasion of the 150th anniversary of its founding in Genesee County, MI.

Organized as the area's first medical society by four physicians, Drs. Robert Lamond, John King, John Hoyes, and George Fish, the Genesee County Medical Society has been known by several names and experienced several reorganizations, but the primary commitment has remained the same. The society has held as its highest goal the promotion and enhancement of the health of the community. The members of the society maintain high standards for medical practice, education, community awareness, professional ethics, and responsible health care delivery.

From that beginning in 1841 with 4 physicians to the current organization with 518 physicians, the Genesee County Medical Society has been an instrument of change. During the 1870's the society advocated for improved medical licensing procedures by the State of Michigan, warned against the use of tobacco, and urged the formation of a municipal board of health. These are just a few examples of the exemplary work done by the members of the medical society over the past 150 years.

The Genesee County Medical Society is recognized both nationally and on the State level for its effectiveness in changing health care policy. In 1991 the society introduced 10 percent of the resolutions acted upon by the Michigan State Medical Society and 3 of the 10 resolutions sponsored by the State Medical Society at the American Medical Association House of Delegates. This year the "Health Care Weekly Review" cited Peter Levine, executive director, and the Genesee County Medical Society as one of the eight individuals or organizations that made a difference in health care policy.

The members of the society are also recognized for their work. Last Sunday, Dr. Marigowda Nagaraju received the Michigan State Medical Society Community Service Award for his work in creating the Burton Free Medical Clinic. This is the most recent example of the outstanding service the Genesee County Medical Society members contribute to the welfare of their community.

Mr. Speaker, I ask my colleagues in Congress to join me in congratulating the Genesee County Medical Society on its 150th anniversary. The Medical Society has a long, outstanding tradition of providing quality health care to the residents of Genesee County. The membership is renowned for its compassion, commitment, and innovative skills. It is a privilege to be able to work with the physicians of Genesee County. I look forward to a continued fruitful relationship as the medical society moves into its second 150 years.

SIX MIAMI AREA EDUCATORS NOMINATED FOR 1992 READER'S DIGEST HEROES IN EDUCATION AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize six Miami area educators who were recently nominated for the 1992 Reader's Digest Heroes in Education Award. Among them are two administrators from one of Dade County's newest schools, Bowman Foster Ashe Elementary, which was recently featured in the Miami Herald. The article, "New School Has Two Among Nominees as Top Educators," by Jon O'Neill, tells how the 5-month-old west Dade elementary school is already receiving national recognition:

> After being open for only five months, Bowman Foster Ashe Elementary is already getting national recognition.
>
> Principal Frazier Cheyney and Saturn Coordinator William Koch have been nominated for the 1992 Reader's Digest "Heroes in Education" Award, which recognizes educators for outstanding contributions.
>
> They are two of six area educators vying for the award which is sponsored by The Reader's Digest Association, the National Association of Secondary School Principals, the National Education Association, the National Association of Elementary School Principals and the American Federation of Teachers.
>
> The other Dade nominees are Steven Bachmeyer, a graphics teacher at South Dade High; Dianne Culmer, an English teacher at Palmetto High School; and two teachers from Our Lady of Lourdes Academy, social studies and English teacher Anne Brown and religion teacher Sister William Mariam Gurner.
>
> The award was created four years ago. Out of about 800 nominations, judges will select 10 national winners in mid-April. They will receive $10,000 for their individual schools and $5,000 for themselves.
>
> "We're finding a lot of good things are going on out there," said Bruce Trachtenberg, a Reader's Digest spokesman. "The idea of the contest is to show people at their best and illustrate the power of individuals to make a difference."
>
> Those who work with Cheyney and Koch at Ashe, 6601 SW 152nd Ave., say they are a deserving duo.
>
> "There is so much electricity and enthusiasm here. They support us in whatever we want to do and I love working here," said kindergarten teacher Cristina Helfand.
>
> Cheyney and Koch both worked for a year developing the school's curriculum.
>
> "Actually, things have gone a lot better than we ever thought they would," said Cheyney. "We're pleased with it."
>
> The school, named after a former president of the University of Miami, has an ongoing partnership with UM. The college has an office there and three graduate assistants supervise UM student teachers and help run the school's five computer labs.

Kindergartners at Ashe stay an hour longer than at most Dade public elementaries and use the time for art, music and physical education.

"It sounds hokey, but this is the best place I've ever worked," said kindergarten teacher Bonnie Sheil. "This is how you always dreamed things would be when you were studying to be a teacher."

Said Koch: "It felt good to get the recognition, but we've still got a lot to do."

I am happy to pay tribute to the school's principal, Frazier Cheyney, and Saturn Coordinator William Koch who were nominated for their work in beginning this model school. I am also proud to recognize the four other Dade County teachers who were also nominated for this, prestigious award, including Steven Bachmeyer of South Dade High, Dianne Culmer of Palmetto High School, and Anne Brown and Sister William Mariam Gurner of Our Lady of Lourdes Academy. The staff and students of these fine schools should also be proud of their success in achieving this important recognition.

THE 1992 ELLIS ISLAND MEDALS OF HONOR

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. GUARINI. Mr. Speaker, on Sunday, April 26, 1992, the National Ethnic Coalition of Organizations awarded the Ellis Island Medal of Honor to over 100 distinguished Americans in a ceremony on Ellis Island.

The Ellis Island Medal of Honor commemorates and recognizes Americans of different ethnic backgrounds who have made significant contributions to our society. These medals have been aptly named, for Ellis Island is a symbol of the immigrant roots and the diversity that characterizes our Nation's people.

Over 17 million Americans arrived in the United States through Ellis Island when it operated as an immigrant processing center from 1892 to 1954.

Today, over 40 million Americans can trace their roots to ancestors who took their first footsteps on American soil at Ellis Island.

This year's awards ceremony, which has held in the great hall of the recently restored Ellis Island complex, was dedicated to Alex Haley. As the author or "Roots," Mr. Haley has had a profound and deep impact on millions of Americans, encouraging them to discover their ethnic and cultural origins. He inspired millions of Americans to ask questions about their family's history and to renew their connections with their family's heritage.

The ceremony on April 26 paid tribute to the spirit of integration and cooperation. It was a time to reflect on immigrant roots of Americans and the rich ethnic mosaic that makes up our Nation.

The recipients of this year's awards were Americans of different background and occupations who, through their work, have helped to make our Nation a better place in which to live. They were artists, musicians, community leaders, business people, journalists, religious leaders, labor leaders, athletes, publishers, educators, attorneys, military leaders, and medical professionals.

Among those leading Americans honored were Gen. H. Norman Schwarzkopf; Senator STROM THURMOND; Nobel Prize winner Elie Wiesel; Cardinal Anthony Bevilacqua, Archbishop of Philadelphia; television host Phil Donahue; businessman Eugene Freedman; former New Jersey Gov. Thomas H. Kean; Rev. William J. Byron, president of Catholic University; author Gay Talese; actor Keith Carradine; labor leader Ronald Carey; civil rights leader Roy Innis; journalist Pierre Salinger; former FBI Director William Sessions; U.S. Secretary of State James Baker III; former Federal Reserve head Paul A. Volcker; former hostage Terry Anderson; baseball great Mickey Mantle; authoress Ivana Trump; and musician Itzhak Perlman.

The fabric of our Nation is made up of people with diverse backgrounds, cultures, and heritage. The common thread that holds us together is a shared belief in the ideals and principles embodied in our Constitution and the Bill of Rights.

Our Nation has been a haven for immigrants from all over the world who have come with a common desire to forge a new life in a land of opportunity, liberty, and freedom—free from religious, economic, and political persecution. The strength and determination that has accompanied each new wave of immigration has been a contributing force in our Nation's success.

At a time when the multicultured fabric of our Nation's society is showing some wear and seeming to fray, the spirit of integration and the need for better understanding between different groups in our society is more essential than ever. The National Ethnic Coalition of Organizations is an invaluable group which seeks to bring people together—to teach Americans of different backgrounds about the cultures and history of other Americans.

Mr. Chairman, I ask you and my distinguished colleagues to join me in recognizing the Ellis Island Medals of Honor recipients and to commend the National Ethnic Coalition of Organizations—its chairman of the board, William Denis Fugazy; its honorary chairman and secretary, Richard A. Grace; and Arnold I. Burns, its president—for their tireless efforts to foster dialogue and forge bridges between different ethnic groups and promote unity and a sense of common purpose in our Nation.

JOHNSTOWN-CAMBRIA COUNTY BUSINESS HALL OF FAME INDUCTS FIRST MEMBERS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. MURTHA. Mr. Speaker, baseball has its Cooperstown; football has its Canton; basketball has its Springfield. Until now, however the business community in Cambria County, PA, had no exhibit to celebrate the extraordinary achievements of its outstanding business leaders. This is all about to change, as the Greater Johnstown-Cambria County Business Hall of Fame will induct its six charter members on May 7.

The six initial inductees for the hall of fame will be John Crichton, Charles Kunkle, Jr., Howard Picking, Jr., and the late Louis W. Glosser, Arthur J. Morrell, and Daniel J. Moxham.

The committee who selected the inductees chose to honor three industrialists from the past. Glosser, Morrell, and Moxham were instrumental in helping Johnstown recover from the devastating 1889 flood, and make it a thriving industrial center in the early 20th century.

The three other inductees, John Crichton, Charles Kunkle, Jr., Howard Picking, Jr., have been important figures in bringing our area back from the economic difficulties we have faced in recent years. Their vision and community involvement have made a huge difference in helping the Greater Johnstown area to diversify its economy and attract a wide range of businesses. I've been fortunate in being able to work with these individuals, and although they are no longer involved in day-to-day business responsibilities, their concern and efforts on behalf of our area continue to play an important part in their lives. A large part of this award is based on community involvement, and all three of these gentlemen have given much of their time to make the Greater Johnstown area a better place to live for everyone.

I look forward to the establishment of the Greater Johnstown-Cambria County Business Hall of Fame. It has set a high standard with the initial six inductees, and I'd like to congratulate these individuals and their families on this memorable occasion for an honor that is very well deserved.

DESCRIPTION OF THOMAS JEFFERSON COMMEMORATION COMMISSION ACT

HON. GEORGE ALLEN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. ALLEN. Mr. Speaker, today I am introducing legislation to establish a commission commemorating the 250th anniversary of the birth of Thomas Jefferson on April 13, 1993. I would like to thank the entire Virginia delegation and all my colleagues who have joined me in sponsoring this legislation. Furthermore, I appreciate Chairman THOMAS SAWYER and ranking member THOMAS RIDGE of the Subcommittee on Census and Population and their staffs for their tremendous help in drafting the bill.

Last year, Senator JOHN WARNER and Congressman D. French Slaughter, Jr., introduced legislation to create a commission to commemorate this occasion. Senator WARNER's bill, S. 959, passed the Senate unanimously.

Taking up where Congressman Slaughter left off upon his retirement, I am reintroducing the bill with reduced funding levels and increased accountability for the use of Federal funds. In this regard, I have worked closely with the Subcommittee on Census and Population, the General Accounting Office, and

Senator WARNER to craft a consensus bill which I hope will receive unanimous support in the House.

The 18-member Commission would commemorate this internationally significant occasion by coordinating activities such as a lecture series, symposiums, films, and educational programs to recognize Jefferson's diverse contributions to Virginia and the Nation. Additionally, the Commission will collect and return many of his personal possessions to his homes in Virginia, particularly Monticello in Charlottesville.

Among his many achievements, Thomas Jefferson was the third President of the United States; Vice President to John Adams; our first Secretary of State; Ambassador to France; author of the Declaration of Independence and Virginia's Statute of Religious Freedom; Governor of Virginia; architect of the Virginia State Capitol; and founder and architect of the University of Virginia. His talents were multifaceted including government, art, literature, law, science, music, mathematics, architecture, and agriculture.

The diverse accomplishments of Thomas Jefferson continue to influence the lives of all Americans and it is fitting for Congress to recognize Thomas Jefferson's legacy of excellence.

IN CELEBRATION OF CINCO DE MAYO

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. GOSS. Mr. Speaker, this past weekend I had an opportunity to join in a unique and inspirational celebration with many of my friends in Immokalee in southwest Florida in honor of Cinco De Mayo. As the local newspaper described it, it was "a celebration of tradition. A celebration of community * * * they did it with bands, dancers and lots of tacos, tamales and fajitas." It was good, family fun and it underscored the simple but powerful fact that the spirit of our communities is the true spirit of this great Nation. This is an especially good time to remember that.

It was my privilege to participate in the Third Annual Cinco De Mayo Festival of Collier County, FL, where thousands of people of all ages came together to recall the past and to build for a future of common purpose and peace. It was a day of wonderful food, friendly hospitality, lively music and dancing—a day designed to promote awareness and understanding of Hispanic culture and traditions.

On May 5, 1862 a small band of Mexican "Guerrillas" led by a young farmer-turned-general stood up to the powerful and numerically superior army of Napoleon III at the city of Puebla. This battle stands as a strong reminder of what can be accomplished—even against long odds—when courage, conviction and spirit come together toward a common purpose. This is the tradition of Cinco De Mayo—and that tradition continues to live in countless communities across the Nation.

Mr. Speaker, I remain very proud of the Hispanic people of southwest Florida who have made it a priority to bring people together, at a time when there is so much divisiveness threatening the fabric of America. Where there is understanding of our differences—then there will be respect for our differences. Congratulations to Ed Aguila, the president of the Collier County Cinco De Mayo organizing committee, and to all those who participated in a teriffic event. It was a rousing success for Immokalee and a model for our Nation.

TRIBUTE TO GLADYS HERNANDEZ

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mrs. KENNELLY. Mr. Speaker, I rise today to honor a very special and personal friend, Mrs. Gladys Hernandez who will retire from Bernard Brown Elementary School in Hartford, CT, in June 1992. Because of her dedication and exemplary service, teachers, family, and friends will gather on May 16, 1992 to pay tribute to this remarkable bilingual teacher.

Since settling in Hartford in 1952, Gladys Hernandez has dedicated 24 years of her life to educating our children—the most important task in our society. She is highly respected and admired by her peers, principal, friends, and most importantly, her students. Last year, she was one of the bilingual teachers elected as the "Educator of the Year" from La Casa de PR, one of the oldest organizations in Hartford.

In addition to her outstanding teaching, Mrs. Hernandez is well known as a community leader. She has been the recipient of numerous awards such as: "Celebrating the Leadership of Women for 120 Years," from the Hartford Region of the YWCA; "Educator and Leader," from the Connecticut Valley Girl Scouts, Hartford, CT; and for her "Devoted Service," from the National Conference of Puerto Rican Women, Hartford chapter. She has also been recognized by many organizations in Hartford, such as the Hartford Multi-National Lions Club and others, for her commitment and participation as president, member, or board of director. The Center Church is just one example of an organization that has benefited from her kindness.

Mrs. Hernandez is very special to her colleagues. She is a great mother, teacher, leader, role model, and most of all, a true friend to all of us. My best wishes to Gladys as she accepts new challenges and enjoys some leisure time. She will be sorely missed.

COMMUNITY RECREATION ENHANCEMENT ACT OF 1992

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. KOSTMAYER. Mr. Speaker, today I am introducing a bill for myself and Mr. MILLER of California which amends the Land and Water Conservation Fund Act of 1965 [LWCF]. This bill, the Community Recreation Enhancement Act of 1992, will amend section 6 of LWCF, which provides financial assistance to the States to purchase park lands and fund the development of recreational facilities, and in addition will create two new titles; title III and title IV.

A new title III will expand projects eligible for the consideration of Congress to include recreational open space and related projects in four new categories. Title IV will create an emergency loan program at the State and local level for recreational land acquisition and facility rehabilitation.

Mr. Speaker, in 1964 Congress made a strong commitment to assuring that every citizen of this country, present and future, had access to parks and recreational opportunities near their homes. Congress again underscored this commitment in 1976 when it authorized that receipts from offshore oil and gas leases should be used to fund the program at a level of $900,000 each year. Congress felt that as the Nation depleted the nonrenewable resources of the outer continental shelf, some of the receipts should be dedicated to creating a lasting park and recreation legacy for the citizens who collectively own these resources.

Over time, State and local recreation programs have received more than $3.5 billion in matching grants. A third of this money has gone to purchase parklands, while the remaining two-thirds has been used to develop visitor facilities. Virtually every community in America has benefited from this program.

Mr. Speaker, until 1980, these grants were increasingly spent in urban areas, those places in which the demand continues to grow and the financial resources to meet that demand continues to decline. The last two administrations have ignored the recreational needs close to every American's home. Worse than that, Congress has forgotten the commitment it made. Last year the State side of the Land and Water Conservation Fund received an appropriation of $20 million—$20 million to be split 56 ways between qualifying States.

In these difficult economic times, many say the Federal Government cannot afford to help fund State parks and recreational programs. Facing funding crises for police and schools, many State and local governments have cut recreation programs first. I say, that in these difficult times, this Federal program is one of the best investments Congress can make in our cities.

We have reached a crisis point in land conservation and recreational opportunity in this country. Our growing population and the development trends it brings threaten what little open space remains in and near our cities. The lack of recreational programs and facilities in our urban centers contributes to personal and societal stress. This past week we saw this stress explode in places like Los Angeles and Atlanta. Though the problems that underlay these explosions are multifaceted, no one questions that the availability of quality open space and good recreational opportunities in our urban centers can be a large part of the solution.

Through this bill Congress can restore the initial purpose of the Land and Water Conservation Fund—that is, to provide its citizens with green and open spaces near their homes, where children can play safely, with facilities where minds and bodies can grow strong, with programs where our youth can find alternatives to gangs and drugs.

Mr. Speaker, I urge you and all my colleagues to join Mr. MILLER and myself in this rededication to the original intent of the Land and Water Conservation Fund.

A TRIBUTE TO MARTIN MATICH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Martin Matich of San Bernardino, CA. Martin, president of the Matich Corp., a major Inland Empire construction firm, will be recognized on May 8 for his outstanding leadership in the business community as the recipient of the Arrowhead Distinguished Chief Executive Officer Lecture Series Award. The award is bestowed annually at California State University, San Bernardino.

Martin has run the family-owned business first founded by his father in 1918 for 40 years. Headquartered in Colton, the Matich Corp. is one of the oldest family operations in the State and has made tremendous contributions to the development of highways, airfields, dams, and flood control projects in the western portion of the United States. Among other projects, Matich's company has constructed flood control projects in southern California, the sites for the Titan missiles at Vandenberg Air Force Base, and emergency fire mobilization efforts for the Los Angeles and San Bernardino national forests.

As a businessman and community leader, Martin Matich is among our finest. Among his priorities is providing jobs and boosting the southern California economy. As president of the highly successful Matich Corp., he operates a $60 million company while employing up to 600 people at any given time.

Since 1984, Martin has served as a gubernatorial appointee to the Advisory Council on Economic Development for the State of California. He is also a third-term appointee and the present chairman of the California State Water Commission. Through his work, Martin has devoted a great amount of time and energy to economic development at the local, State, and national levels. I especially want to note the important work he has been doing as a member of the private advisory council for the redevelopment of Norton Air Force Base and the Inland Empire Economic Council of San Bernardino.

Martin is also very active in local community organizations serving on the board of directors of the San Bernardine Medical Center, the board of governors of the National Orange Show, and the advisory board of the Security Pacific National Bank.

Mr. Speaker, I ask that you join me, Martin's wife, Evelyn, family and friends in recognizing the outstanding contributions of this fine man. His dedication to business, our community, and our State is certainly worthy of recognition by the House of Representatives.

TRIBUTE TO JIM FORDYCE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, I want to take this opportunity to tell my colleagues about a very special person and long-time friend, Jim Fordyce. As a Gloucester City tavern owner and two-term president of the New Jersey Licensed Beverage Association, Jim has been an outstanding contributor to our community.

Jim founded Gloucester City's chamber of commerce and served as the original president. He has been an NJLBA member for two decades, and an officer for 16 years. He recently decided to retire as president, leaving behind a legacy of service.

Jim is known for his strong and continued support for video lottery regulation and alcohol management. His own efforts to reduce alcohol-related accidents through research and education include encouraging more than 50,000 New Jersey and 500,000 national beverage servers and barkeepers to take a course in techniques in alcohol management. As owner of the Highland Tavern, he has sponsored an annual golf tournament for 20 years, which benefits the retarded citizens of Camden County. These efforts constitute only a small portion of Jim's contribution to our community.

I hope that Jim will enjoy his retirement. I would like to assure him on behalf of his many friends and colleagues in New Jersey that his accomplishments have not gone unnoticed, and will not be forgotten.

THE PEOPLE AND THE CONGRESS WANT CLEAN AIR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. SOLOMON. Mr. Speaker, today I am introducing a concurrent resolution expressing the disapproval of the Congress with respect to the EPA's intent to promulgate a rule under the Clean Air Act that would allow automobile emissions testing only at a centralized testing facility that provides that one service.

It is impractical to think that there are only two ways for areas to comply with the emissions provisions of the Clean Air Act. I strongly feel that emissions testing can take place through a variety of ways and still provide the quality necessary to comply with the act. Simply put, I believe the States should be allowed to determine how they will come into compliance with the provisions and the EPA should monitor the results, just as the Congress intended.

If the EPA is allowed to implement emissions testing through only the very limited arrangements they have suggested, hundreds of gas stations and car inspection stations will be put out of business. As a direct result people will lose jobs and local economies will be hurt. Not to mention the inconvenience it will cause many citizens who want to reduce air pollution, but will have to drive heaven knows where to accomplish this.

Also, contrary to the EPA, emissions testing is not a complex scientific field that requires a high level of training and expertise. So who says a facility that provides emissions testing, can't provide other automotive services as well?

Mr. Speaker, the people and the Congress want clean air and I have no doubt that the States are capable of complying with the Clean Air Act amendments. So, I would urge my fellow colleagues to support this important resolution.

ON THE OCCASION OF BISHOP PATRICK ZIEMANN'S 25TH ANNIVERSARY AS AN ORDAINED PRIEST IN THE ROMAN CATHOLIC CHURCH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Bishop Patrick Ziemann, auxiliary bishop for the Santa Barbara Pastoral Region of the Roman Catholic Archdiocese of Los Angeles, on the occasion of his 25th anniversary as an ordained priest.

In the 25 years that Bishop Ziemann has served the priesthood, Church and Girls High School in Huntington Park, CA; at Mater Dei High School in Santa Ana, CA; at our Lady Queen of the Angels Seminary in Mission Hills, CA, as dean of studies and vice rector; and as bishop of the Santa Barbara Patoral Region of the Archdiocese of Los Angeles since 1987.

Throughout his career, Bishop Ziemann has devoted his time and energies not only to the significant work of the church, but also to the education of our country's youth. As charter secretary to the Los Angeles Priests' Council, secretary to the Archdiocesan Placement Board, secretary to the Archdiocesan Youth Commission and retreat leader for numerous groups of students, clergy, and lay persons, he has assumed a responsible role in the church that has stood as a model of leadership for youths and adults alike.

As the Representative for Santa Barbara County in the House of Representatives, it has been my distinct privilege to have known and worked with Bishop Patrick Ziemann. He is an outstanding leader and asset in our community, a good friend of mine, and is to be commended on the anniversary of his 25 years of service as a priest in the Roman Catholic Church. It is my pleasure to join the citizens of Greater Santa Barbara County in wishing him continued happiness and success.

IN HONOR OF PAUL MORENO'S SERVICE OF 25 YEARS IN THE TEXAS LEGISLATURE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to pay tribute to State representative Paul Moreno, who is celebrating his 25th year of legislative service to the residents of west Texas. It takes a special kind of people to survive the grind of the State House for that many years, and, by reaching this pinnacle, Paul has exhibited his strength and perseverance to make a difference to those who elected him to the Texas Legislature.

Representative Moreno's political aspirations began in his youth, at 16 he became president of the Tepeyac Youth Club and the next year he became president of the affiliated Catholic Youth Clubs in El Paso.

He received his law degree from the University of Texas School of Law, and was first elected to the Texas Legislature in 1967. He is now in his 13th term as representative for District 72 in El Paso.

During his 25 years as a representative, Mr. Moreno has been an advocate for the rights of the handicapped and disabled, coauthoring the first Texas statute dealing with architectural barriers and the white cane law, founder of the Hispanic Committee Against Police Brutality, a founder of the International Hispanic committee, a former member of the Chicano National Ad Hoc committee for Foundation Fund Procurement and the Mexican American Legal Defense and Education Fund [MALDEF]. Because of his work in support of the handicapped, disabled, and disenfranchised, he received the PUSH-EXCEL National Award for excellence and achieving the best against all odds.

Mr. Speaker, I ask my colleagues to join me, and the residents of the 16th Congressional District of Texas, in honoring this important public servant. These honors are deserved to this friend—a great Texan, Democrat, and most importantly, a great American who makes a difference everyday he serves the community.

TRIBUTE TO EDGAR A. IMHOFF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. FAZIO. Mr. Speaker, I rise today to recognize my constituent, Edgar A. Imhoff, as he receives the Distinguished Service Award from the Secretary of the Interior.

The Distinguished Service Award is the highest honorary recognition an employee can receive in the Department of the Interior. It is granted for an outstanding contribution to science, outstanding skill or ability in the performance of duty, outstanding contributions made during an eminent career in the Department, or any other exceptional contribution to public service.

Mr. Imhoff is being honored today for his exceptional contributions to the Geological Survey in the field of water resources management. As manager of the San Joaquin Valley Drainage Program, he molded the diverse project staff into a highly efficient technical team and balanced competing agricultural and environmental interests, resulting in a landmark regional management plan developed for controlling the problems of toxic substances in agricultural drainage in the San Joaquin Valley.

This award comes at the end of a long and distinguished career. After many years of experience in resource management, he joined the Department of the Interior in 1974 as a senior planner in the Geological Survey's Resource and Land Investigation Program. He was principally involved with assisting State and local governments in planning for the impact of increased development of coal resources in the West.

In 1978, he became regional director for the office of surface mining in Indiana, where he directed the implementation of mine reclamation law in the Midwest. Mr. Imhoff returned to the Geological Survey in 1982 as chief of the office of water data coordination and was recognized in 1984 for his outstanding contributions to coordination of Federal and non-Federal water resources data collections and planning. Finally, in 1986, he was selected as manager of the strategically important San Joaquin Valley Drainage Program, a cooperative effort by the Department of the Interior and the State of California to investigate environmental problems caused by irrigation drainage in the San Joaquin Valley and to develop and execute an interagency action plan that would produce a long-term resolution to the problems. The efforts of Mr. Imhoff were recognized and he was granted the Meritorious Service Award in 1988.

Mr. Speaker, I am honored to have the opportunity to recognize the achievements of Mr. Imhoff, and I know my colleagues join me today in thanking him for his outstanding service to the Department of the Interior and the Nation.

TRIBUTE TO BILL WHITE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the many achievements of an outstanding State administrator, educator, and Sacramento citizen, Mr. Bill White. Mr. White is retiring after 37 years of service with the State of California, the last 30 of which have been with the California Department of Justice. It is a special honor to pay tribute to such an outstanding administrator who has endeavored to become a shining example of community involvement in the Sacramento area.

Bill White has distinguished himself since his first appointment as an administrative assistant to the California Attorney General in 1961. He became the manager of the Sacramento Law Office, established the San Diego Office and then became the first statewide administrator for the attorney general's offices. He has participated in the budgeting, training, and policy aspects of the Department of Justice, as well as advising several Attorneys General on legislation, awards programs, and affirmative action.

In 1990, Bill White was awarded the Attorney General's Award of Excellence in a surprise ceremony recognizing his successful efforts to develop employee training, welfare, and wellness programs. Mr. White will be retiring from his most recent position as the director of human resources development and internal management consultant.

Mr. White has also served on many community and charitable committees and task forces, most notably as the former chairman of the Sacramento Human Rights/Fair Housing Commission and the Sacramento Employment and Training Advisory Council. He is currently on the board of directors of the Sacramento Area United Way and is president of the Sacramento City Civil Service Board.

In addition to these community and professional endeavors, Bill White has spent the last 10 years sharing his wisdom and experience with students as a professor of business and public administration at the University of San Francisco, Chapman College, Sacramento City College, and the Department of Justice Advanced Training Center. It is in this effort that he will continue to contribute his energy, skills, and most importantly, his passion for improving people by allowing them to improve themselves.

Mr. Speaker, it is with the greatest pride and enthusiasm that I speak on behalf of Mr. Bill White. His contributions to the citizens of Sacramento and the State of California, which have spanned four decades have truly been an inspiration to others in public service, and will not soon be forgotten. I ask my colleagues to join me now in congratulating him and wishing him continued success and happiness in his retirement.

GLENCLIFF HIGH SCHOOL SCORES HIGH IN NATIONAL COMPETITION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1992

Mr. CLEMENT. Mr. Speaker, I want to take this opportunity to commend the students and teachers of Glencliff High School in Nashville, TN, who participated in the National Bicentennial Competition on the Constitution and Bill of Rights. This competition took place last week in Washington, DC, and I'm proud to say that the students from Glencliff High represented the people of Tennessee with excellence.

These students have worked very hard and spent many hours of intensive study on the Constitution and the Bill of Rights in order to achieve their goal of representing the State of Tennessee in the national finals in Washington. And I'm proud to say that not only did they compete, but they competed well. The results have shown that the Glencliff students are able not only to compete well on a statewide level but also very difficult to beat on a national level. I am proud that all Tennesseans were represented by these fine young people.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Tennessee, and all Tennesseans, I salute all of the members of the Glencliff team—Cynthia Beard, Krista Kingston, Laura Lidyard, Kimberly Meeks, Amber Noga, Moty Phandanouvong, Christy Prince, Carrie Pyle, Amanda Reed, Gabriel Sanchez, Sean Viryasiri, and Denise Williams, as well as their teacher, Jeff Hudgins. All of them sacrificed a great deal of their own personal time to achieve the goal of representing their school, their State, and indeed their Nation. I congratulate each and every one of them.

SENATE—*Wednesday, May 6, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*God that made the world and all things therein * * * hath made of one blood all nations of men for to dwell on the face of the Earth, and hath determined the times before appointed, and the bounds of their habitation; That they should seek the Lord * * *.*—Acts 17:24, 26, 27.

Almighty God, our hearts are heavy and sad at the injustice of racism and its tragic violation of love and law. We beg Your forgiveness for the human propensity to exalt self or race while demeaning others, failing to accept that we are all created, in the image of God, as equals. We pray that Thou wilt do what we cannot do, that Thou wilt overrule pride and greed; that Thou wilt minister to those who suffer the evil of racism; that Thou wilt deliver us from the secular, godless materialism that binds us to the Earth and limits our thinking, our expectation, our vision.

Mighty God, Light of the world and infinite love, help us in our helplessness, in our weakness, in our sin, to seek the Lord and His truth and His righteousness, lest we perish.

We pray in the name of Him whose love is boundless, unconditional, universal, and eternal. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, morning business will extend until 11:30 a.m., at which time the Senate will resume consideration of S. 2403, the rescission bill, with 2 hours remaining for debate on that bill.

At 1:30 p.m. today, the Senate will vote on the committee substitute to that bill, as amended.

Upon disposition of the rescission bill, the Senate will then proceed to the consideration of S. 652, the telephone privacy bill.

Therefore, Mr. President, Senators should be aware that a vote will occur on the committee substitute to S. 2403 at 1:30 p.m. today, and other votes are possible thereafter once the Senate begins consideration of S. 652.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the majority leader or his designee.

HEALTH CARE COST CONTAINMENT

Mr. MITCHELL. Mr. President, this is the second in a series of statements I intend to make on the subject of health care reform. Today I will focus on the need for cost containment as a critical part of any comprehensive health care reform proposal.

Several weeks ago, during debate on the budget, an amendment was offered which would have effectively capped all entitlement programs, including Medicare and Medicaid. I opposed this amendment because it did not address the fundamental problem of health care costs—in fact its enactment would have exacerbated the underlying problem by further cost-shifting to private payers.

We cannot solve the rising health care cost problem just by capping payments to Federal health programs. The Office of Management and Budget estimated that 60 percent of the rise in Medicaid costs between 1980 and 1990 were attributable to overall health care inflation—not to additional services or beneficiaries. Clearly, we must address spending in the overall health care system if we are going to succeed in limiting the rising costs in Federal health programs.

Comprehensive health care reform must achieve three major objectives: it must control cost, it must provide access to care for all Americans, and it must emphasize preventive care.

It is becoming increasingly more evident that the crisis in our Nation's health care system is being fueled by the rapidly escalating cost of providing quality care to all of our citizens. More and more Americans are finding it impossible to afford to buy health insurance policies, either through their employers or as individuals.

An increasing number of American businesses—particularly small businesses—cannot afford to offer health insurance to their employees. More dependents—particularly more children—are being dropped from their parent's health insurance policies.

The United States spends more of its gross national product on health care than any other industrialized nation in the world—and at the same time fails to provide access to care for millions of its citizens.

In 1992, our Nation will spend an estimated $817 billion on health care, up from $738 billion in 1991. In 1991, national health expenditures consumed 13 percent of the gross national product.

In testimony to the House Ways and Means Committee in October of last year, OMB Director Darman said:

> Total public and private health spending is on a growth path that would take over the Gross National Product. Total health spending has grown from less than 6% of GNP three decades ago to about 13% today. It is currently projected to reach 16% by the year 2000 and 26% of GNP by 2030.

The rapidly rising costs of health care cannot be sustained by American families, by businesses, or by the Nation as a whole.

According to a recent Families USA study, in 1991, on average, each American family spent $4,296 out-of-pocket, on health care—nearly 12 percent of family income. In 1980, the average American family paid a total of $1,742 for health care. By the end of this decade that same family will be paying $9,397 for health, an increase of 439 percent.

The average cost of providing traditional medical coverage for an em-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ployee rose 13 percent in 1991, from $3,161 per employee in 1990 to $3,573 per employee in 1991. In 1991, employers spent an estimated $171 billion to provide benefits to workers and dependents. Costs are rising 15 to 20 percent annually for large companies and as much as 20 to 50 percent for some small firms. As a result, an increasing number of businesses are dropping health coverage for their employees and their families.

Part of this increase in health care spending has paid for widely acclaimed improvements in procedures and technology. But higher spending has not prevented reductions in coverage nor significantly increased health status relative to that of people in other countries.

Americans demand the most up-to-date and sophisticated treatment available. We value speed and accuracy of diagnosis and a short length of time between diagnosis and treatment. Many Americans would find some of the delays in treatment experienced by Canadians or British unacceptable. Yet we, as a society and as individuals, pay for this access to care.

Over the last two decades many strategies for controlling health care costs have been attempted. Managed care and utilization review requirements have been implemented in both the public and private sectors. Controls have been placed on physician payment reform under the Medicare Program. Medicare implemented a prospective payment system for hospitals to create incentives for greater efficiency. Competition among providers and insurers increased. However, according to the Congressional Budget Office, while it is difficult to quantify the overall effects of each change separately, it appears that these efforts to contain costs have had little impact on total health care spending.

Evidence from other industrialized nations suggests that it may be possible to achieve greater control over health care spending in the United States than has been achieved in the past decade. It would be necessary, however, to make significant changes in the financing and delivery of health care. Several policies used in combination could, in my judgment, substantially increase our ability to control health care spending.

Among these policies are the following: Elimination of first-dollar coverage under insurance policies; uniform payment levels for services that apply to all payers; prohibition of balanced billing; health planning that establishes capital and technology targets relative to population at national and regional levels; and effective national and regional budgets for overall spending, or expenditure targets for specific types of spending. These policy changes would require difficult and controversial tradeoffs.

However, in the absence of these significant changes in the structure of the health care system, the Congressional Budget Office asserts that it is unlikely that the United States will be able to achieve much greater control over health care spending than was evident in the 1980's.

The consequences of failure to obtain the benefits from effective cost containment are many. Health care spending will grow as a share of national income. Workers will receive a greater share of compensation as health insurance coverage, and less in the form of direct wages and salaries. As health care costs continue to rise at a rate that exceeds the rate of increase in wages and salaries, fewer workers—particularly lower-wage workers—will have employment-based group insurance.

Governments, both Federal and State, will spend a larger amount in order to maintain current health programs, exerting pressure on Government budgets and potentially crowding out funds for other programs. Finally, not controlling health care spending will make it more difficult to address the other major failure of the health care system—the large and growing number of people in the United States without health insurance coverage.

It is clear that other industrialized nations have had more success than the United States in controlling health care spending while at the same time assuring access to care for all of their citizens. Contrary to popular belief, these nations do not all have a government-financed health care system. In fact, several of the industrialized nations of the world—including Germany, France, and Japan—have mixed public-private health care systems which share several major traits with the health care system in the United States.

In each of these nations, medical care is provided by private physicians and by both private and public hospitals, and patients have free choice of physicians. Most people in Germany, France, and Japan receive health insurance coverage through their workplace, and health insurance is provided by multiple third-party payers.

However, the health care systems of Germany, France, and Japan differ from the United States in several fundamental aspects. First, insurers—who are predominantly nonprofit—are required to provide minimum coverage that includes a wide range of health care benefits. Second, insurance enrollment is compulsory for all residents, and there is little or no choice of insurers.

Third, workplace-based insurance is financed not by premiums that reflect each individual group's expected costs of care, but largely by employer and employee payroll contributions that reflect the average cost of a larger cross section of the population.

All three countries standardize reimbursement rates for providers, which are negotiated among physicians, hospitals, third-party payers and, in France and Japan, the Government. All three countries establish global budgeting which set limits on overall health spending as national goals.

Each country sets limits on overall health spending as national goals, but only France and Germany have added policies to achieve compliance with the limits.

Overall, these budget controls have been successful in reducing real health care spending below levels that would have been expected had they not been in place. The most successful caps were those accompanied by a mechanism to achieve compliance.

I do not advocate that the United States adopt a German model or a Canadian model. I believe that health care reform in the United States must be designed in a way that is uniquely American—that builds upon our own system, our own customs, and our own practices.

Last year, I joined with a number of my colleagues in introducing legislation to reform the Nation's health care system. My bill contains a number of important cost containment provisions which are intended to eliminate payment for unnecessary procedures, reduce administrative costs in the system, and move toward a single payer system with global budgeting and negotiated payment rates for providers.

Many of the cost containment provisions incorporated in my legislation are similar to concepts which exist in other national systems. Some say they go too far and threaten quality of care. Some say they do not go far enough to control the rate of health care inflation.

I believe these provisions are well-balanced and deserve serious consideration in the health care reform debate. I urge my colleagues to examine these proposals carefully. We must control the amount the Nation spends on health care. It must be our highest priority.

Mr. President, I yield the floor, and I designate the Senator from Massachusetts to be in control of the time for the remainder of the hour.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts.

HEALTH CARE CRISIS

Mr. KENNEDY. Mr. President, America's health care crisis has been worsening for more than a decade. Year after year of soaring costs threaten to price health care out of the reach of the average family. Rising costs are eating up wages, harming our competitive position in the world, and denying accessible and affordable health care to millions of families.

Between 1980 and 1991, health payments by the average family rose 150 percent, to $4,300 a year. By the year 2000, if present trends continue, these costs will top $9,000. Businesses increasingly are cutting back or dropping coverage as exploding health care costs eat away at the bottom line.

America's health care system is the most expensive in the world, but all our spending has not brought adequate protection for the average family.

Thirty-six million of our fellow citizens are uninsured, and the number grew by more than 1 million in the past year alone. Even those who have insurance today cannot be confident that it will be there to protect them tomorrow. If your employer decides your coverage is too expensive, he can cut it back or eliminate it entirely.

If you lose your job or change jobs, you can lose your health insurance. If you develop a chronic illness, your insurance company can cancel your coverage when you need it the most.

No health reform is worthy of the name unless it meets two basic tests: It must guarantee coverage for every American, and it must put reasonable limits on health care costs.

Majority Leader MITCHELL, and Senators DON RIEGLE, JAY ROCKEFELLER, and I have introduced a legislative program called HealthAmerica that meets these tests.

It establishes a tough, comprehensive program to control costs that is directed at all four parts of the cost problem: cost shifting, unnecessary care, excessive redtape, and administrative costs; and open ended, blank-check reimbursement for health care providers.

The independent consulting firm of Lewin-ICF has estimated that 5-year savings from the plan could be as much as $215 billion, even after taking account of the additional costs of covering the uninsured.

At the same time that HealthAmerica brings soaring health care costs under control, it guarantees every American affordable health insurance coverage. It requires every business to either provide coverage for its employees and their families directly, or else contribute to their coverage under a new public plan, like Medicare.

The new public plan will also cover the unemployed, with premiums based on ability to pay. When the plan is fully implemented, every American will be assured of coverage from one of three sources: A plan sponsored by an employer, the new public plan, or, for senior citizens and the disabled, the current Medicare Program.

At long last, the United States will guarantee the fundamental right to health care for all its citizens.

The Bush administration's proposal also claims to be comprehensive, but the fact is that it cannot pass the truth-in-advertising test.

It will not guarantee affordable coverage for all Americans, and it does not control costs.

The heart of the administration's plan is a system of tax credits for the poor and tax deductions for the middle class.

The tax credits will help many of the poor, but they are not large enough to do the job in some States. In addition, they are financed by cuts in the existing Medicaid Program for the poor. Once you strip away the rhetoric, it's the same old shell game. It looks good at first, but once you turn over the shell, you cannot find the pea.

The program for the middle class is even more inadequate. Under the administration's plan, middle-income families can deduct the cost of their health plan, up to a maximum deduction of $3,750 per family. For the average family in a 15-percent tax bracket, the tax deduction will save a maximum of 15 percent of $3,750, a mere $563.

At current prices, that is only enough to buy 6 weeks of health care. A family that loses a job, whose employer drops or cuts back coverage, or that works for a business that does not offer insurance will simply not be able to afford the premiums.

The administration's attempt to control costs is equally half-hearted. It adopts some of the proposals in our HealthAmerica plan, such as administrative simplification, steps to reduce unnecessary care, and small business insurance reform. But it is unwilling to take the tough steps necessary to solve this problem.

To have an effective program to control costs and guarantee coverage, the administration must be willing to take on powerful entrenched interests. Businesses that will not insure their workers have to be told that the free ride is over. Doctors and hospitals must face up to the fact that they cannot charge whatever the market will bear.

But the administration has not been willing to challenge these powerful interest groups. Instead of requiring businesses to insure their workers or contribute to public coverage, the program squanders billions of dollars on tax deductions that are too small to buy a decent health insurance policy for the average family.

Instead of offering a plan guaranteeing coverage to the middle class and poor alike, the administration plans to fund coverage for the uninsured poor by taking from Medicaid.

Instead of putting reasonable limits on what doctors and hospitals can charge, the administration avoids the hard choices necessary to hold costs down.

Will the administration program guarantee you coverage if you lose your job? No. You will get a tax credit that may be large enough to help you buy coverage, but only if you are destitute.

Will the administration program guarantee you coverage if your employer does not provide it? No. The tax savings to the average family that tries to purchase its own plan is only a small fraction of the cost—and you have to wait a year before you can even collect this inadequate help.

Will the administration plan guarantee protection if your employer decides to reduce your coverage or cancel it? No. The administration does not believe that any business has any obligation to cover its workers, or even make a contribution to public coverage on their behalf.

The administration plan simply does not measure up. It does not meet the needs of the American people. And even more troubling than the specifics of the plan is the failure of the administration to follow through on its own proposal. When Secretary Sullivan testified before the Labor Committee 2 months ago, he was unwilling to commit the administration even to submitting legislation to implement the proposal. Senator MITCHELL has challenged the administration to submit their legislation by today, the date the Finance Committee will begin hearings on the various proposals.

In response to this challenge, the Bush administration is finally submitting at least a part of its plan today. The Reagan-Bush and Bush-Quayle administrations have had 11 years to come up with a plan. The President announced that he would have a plan in his State of the Union Message.

I hope the administration has finally become serious about health care reform, and that it will promptly submit its entire plan.

The time is long overdue for the administration to demonstrate that it is serious about solving the health care crisis that affects millions of our citizens.

Democrats in Congress are serious about responding to the needs of the American people.

We introduced comprehensive legislation a year ago; we have reported the bill out of the Committee on Labor and Human Resources; and we are committed to bringing this issue before the full Senate.

The American people deserve action and they deserve it now.

Mr. President, I yield such time as the majority leader yielded to me to my friend and colleague, the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Pennsylvania.

LEADERSHIP IN THE HEALTH CARE CRISIS

Mr. WOFFORD. Mr. President, it has been 3 years since George Bush said he would get to work on the Nation's health care crisis, 6 months since he reacted to our Pennsylvania election by promising a health care proposal before the 1992 election—not afterwards, as he had said before—and now 3 months since he finally made his big health care speech in Cleveland. But Mr. Bush still has not sent this Congress a draft of his own health care reform legislation.

Today marks another day of no leadership, another day of health care reform held hostage by this administration. By contrast, today marks an important step by the Senate majority toward comprehensive action to control the skyrocketing costs and expand access to health care for every American.

Senator BENTSEN's Finance Committee begins hearings this morning on legislation to accomplish these vital goals.

But as with every other issue pressing down on the American people that calls for real change, for hard choices and real leadership, this President's response is to give a quick speech and then do nothing. That is not the kind of leadership we need to turn this country around—on health care, on our stagnant economy, our neglected cities.

Each day that George Bush sits back and does nothing, Americans spend more than $2 billion on health care. That adds up to some $185 billion since he gave his health care speech in February.

And perhaps even more than that. The violence in Los Angeles and elsewhere was not sparked by the lack of health care coverage for more than 35 million Americans. But one thing I learned when I walked the streets of south central Los Angeles and talked with the people involved in the confirguration—I learned on Sunday was that our health care system will be yet another casualty of the rioting.

At least two-thirds of the injured and dying brought into hospital emergency rooms do not have health insurance. The cost of caring for them is estimated to be $500,000 a day—cost shifted onto those who do have insurance, onto the taxpayers, onto our economy.

Those costs are already staggering our families, our companies, our international competitiveness. When I started campaigning for national health insurance last spring, the United States was estimated to have spent some $666 billion—more than 12 percent of our gross national product—on health care in 1990. A few months later, the estimates for 1991 put that number at $738 billion—13 percent of GNP. In 1992, Americans will spend some $817 billion—up to 14 percent of our otherwise stagnant economy, and still climbing every day.

Without fundamental reform to control costs and expand access—especially to the kind of lower-cost primary and preventive care that is so lacking for millions of Americans—it is estimated that health care spending in the United States will grow to nearly $2 trillion by the end of the decade.

The fuse has been lit on our health care crisis. It is burning faster and faster. But instead of taking action to stop the explosion, this administration tells us it is too complex, too difficult a problem to do anything about right now.

We know the problem is complex. We know it is difficult. We know there are competing plans, different approaches, and that hard bargaining lies ahead to hammer out of a good, unique, American plan for comprehensive health care.

But we also know that complexity is no excuse for doing nothing.

After waiting for more than a year to even admit there was a recession, President Bush gave Congress a deadline to act on economic legislation which he promptly vetoed. It's time for the American people to give the President a deadline to present his bill for health care reform.

Before the holiday recess, Majority Leader MITCHELL issued a deadline for today, May 6, for George Bush to put his plan on the table. The day has come, the hour is here. Where is our President? Where is his plan? And where is his leadership?

Before the recess, 47 Democratic Senators joined me in a letter to Majority Leader MITCHELL committing ourselves to action on comprehensive health care reform this year. With our leaders' affirmative response, more than half the Senate has declared itself in agreement on the basic principles of cost control and universal coverage that are essential for comprehensive health care reform.

Mr. President, for too long, the health care debate has been a symbol of the political gridlock among parties and special interest groups that frustrates our people with Government's inability to take action. As with so many issues on our national agenda, our ability to break that gridlock and take action will depend on a President truly committed to change. George Bush did not meet our deadline this morning. His next deadline comes from the American people on November 3.

Until then I look forward to working with my colleagues on both sides of the aisle in shaping a uniquely American plan that will turn the right to affordable health care from a privilege for some into a reality for every American. Today, that work begins anew and I commend Senator BENTSEN and the Finance Committee for their efforts.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2659 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RESCISSION PROCEDURE

Mr. ADAMS. Mr. President, I am taking this time in morning business rather than during the time of the debate on the rescission package because I feel it is necessary to put into some perspective the overall policy debate that is taking place on this issue.

I was the first chairman of the House Budget Committee that took a bill through in 1974, and along with Dick Bolling, Al Ullman, and many others, drafted this provision that deals with rescissions. It is not a provision to be dealt with lightly and certainly not to be used, as is being attempted by the President, to tie the Congress into knots.

Mr. President, I may not agree with every point listed in this appropriations bill that has come as a rescission package, but it is a very important and significant separation of powers issue. I support it completely and wholeheartedly on that basis, as well as many of its provisions.

I am in strong support of the Appropriations Committee's rescission package for fiscal year 1993, and I want to pay my compliments to the chairman of that committee for accepting a challenge that was given to him by the administration on three separate occasions where literally dozens of rescission requests were sent forth in an attempt to stop the appropriations process and really to almost use the rescission process as a line item veto—in other words, item by item.

The President has attempted to portray the rescission procedures as something new. They are not at all new. They were part of the original package in 1974 and involved a very hotly contested tradeoff between the President of the United States and the Congress of the United States after President Nixon had impounded funds appropriated by Congress during his administration. It was a very bitter fight, because the President had simply stated that no matter what funds were appropriated by Congress, he would spend what he wanted to spend simply by impounding those funds he chose not to spend.

This power goes far beyond any constitutional power ever granted to the President and was the reason that the Congress and the administration worked together to pass the Budget Reform Act of 1974.

As I mentioned before, I had the honor of being the first chairman of the House Budget Committee to carry that act clear through. Representative Al Ullman, who is no longer with us, was the first chairman, But he chaired Ways and Means during the course of that year, Carl Albert was the Speaker of the House, and the Budget Act fell to me to implement. The section of the Budget Reform Act of 1974 which dealt with rescissions was not designed with the idea in mind that such change numbers of rescissions would be sent to Congress with an attempt to obtain a vote on each one. This type of process could literally take all of Congress' time between now and the end of the session.

Since 1974, to indicate that this is not something new, there have been over 974 rescissions sent up by Presidents. This rescission procedure was carefully drafted, and each of these rescissions was considered. Some rescissions were accepted; some were rejected. It became a part of the regular functioning procedure of the U.S. Senate and the House of Representatives to rescind funding of certain appropriated items. We have a procedure where we will proceed just as though we had passed a bill, and redo what we had done, but in an expedited manor, that being the rescission. This process allows the Appropriations Committee to consider the item. In a limited amount of time and discharge it very quickly. There is a very short time limit on debate and amendments.

This was carefully structured by statute, not with the idea that this was something strange, but that it was to fit within the 1974 Budget and Impoundment Act. They were to be handled very quickly as corrections to the appropriations process. They were not meant to be major line-item vetoes or major issues to be considered by individual authorizing or appropriating committees.

That process has worked very well. And it also has been firmly established that the Congress can establish rescissions as well as the President. I have read the act carefully, as one of its drafters. It was always contemplated that the House and Senate would operate on it in a slightly different way, but each would have the opportunity to amend rescissions as they came up. This was an attempt to implement rescission power, and it succeeded in doing away with and outlawing impoundments. It stopped the Nixon administration from using impoundment procedures to usurp congressional power.

The President's attempt now to shift the blame for budget woes from the White House to Capitol Hill is not new. But this attempt by President Bush to tie the Congress into knots by threatening, through members of his administration, to send up 1,300 separate rescissions, and demanding a separate vote on each one, was simply never contemplated by the act and is very destructive to the manner in which the Congress and the administration should operate. We revolted against King George and Government was deliberately created so there would never be another king. The Founders ensured this change by creating our Government's system of the separation of so that no one person, no one group could control everything that happened in the Government, so that the people could not be oppressed. It does slow the process down at times, because power is separated, and compromises must be made between the branches, and they should be made. But it was never contemplated that the administration should have the power of the purse; they should have the power to administer only after the Congress has acted.

If the President persists in this game of sending up rescission after rescission, it is a game he will lose. If the Congress were to follow the President's wish and have a separate vote on each rescission, the Congress would spend 750 legislative hours voting only on these rescissions. If this is the President's idea of leadership, I reject it. Is this what the American people really want? Or would they rather see the Congress spend its time attempting to enact legislation to revive economic growth, to reform health care, or strengthen the schools?

If we were to allow this to go through without the fight we had yesterday and will have later today, President Bush's rescissions would become a line-item veto placebo. That is not what was contemplated, For example, although the fiscal year 1992 Defense Department authorization prevents the release of $1 billion for the B-2 bomber in the current fiscal year because certain statutory flight and other tests have not been met, the President opposes the rescission of that program. The chairman of the full committee considered this, and that is the reason that that $1 billion was not placed in the rescission bill.

The SDI Program has in it Brilliant Pebbles, which no one says at this point has the possibility of working. So the committee took that part out and left in the part involving land-based missiles.

This process allowed the committee to retain the option of having two Seawolf submarines. This is a congressional decision worked through committees, worked through the administration, and attempted to be changed by a quick procedural rescission opportunity. The money would not have been released for the B-2 in any event and should not have been spent for the B-1. President Bush pretended that it would be. President Bush should take the message sent to him last week By Senator BYRD, the distinguished chairman of the Appropriations Committee: Stop playing games and carefully consider the implications of sending us more than 1,000 additional rescissions.

I hope that the Congress will pass the appropriations bill today with the rescission package intact as it is. It is a good package. It rescinds more money than the President rescinded. It carefully considers the programs that can go forward and those which will not go forward. It leaves in place the opportunity, in fiscal year 1993, for the committees to continue to work on the structure of the Defense Department. I am very hopeful, Mr. President, that my words this morning about where this all started, and how the rescission fit into the total appropriations package, will be heard by the administration, and that we will go about the business of solving America's problems.

I stated yesterday afternoon on the floor that I had been part of the historical pattern of the sixties and the seventies. I was a U.S. attorney when we were admitting blacks for the first time in the South in the Department of Justice; and I was a Congressman during the riots that occurred in the sixties. I was here during the Vietnam war; and I was later Secretary of Transportation when we attempted to go forward with additional programs to take houses from the freeway and place them in Watts, so that there would not be a lack of hope. I think that we should stretch out our hands—the Congress and the administration—to meet our urban problems, not threaten one another, not try to make this a thee and thou type proposition. If the administration has a private enterprise program that will work, let them couple that with the programs we have attempted to place in these areas with housing, education, and drug treatment. Let us have some successes.

I have also been chairman of the Appropriations Subcommittee for the District of Columbia. I have seen the destruction of these streets. We cannot continue the path we have started, and I hope the President will reconsider it. This is not just a law and order problem. I have supported putting 1,000 additional policemen on the streets of Washington, DC. We did this 2 years ago. We approved additional prosecutors, the building of a new jail, and additional courts. All of this has gone through the Congress. But these measures are only the answer when all else has failed. The use of force is necessary only when hope has been abandoned, and when the choice of those living there becomes so limited that there is no other option.

So I plead with the administration to forget this game playing with rescissions. Use them for the purpose they were created. We will take them up and pass them. Do not try to bash the Congress. Reach out with your hands and let us try to solve the urban problem; let us try to solve our health problem; let us try to solve our social justice problem in this country, and let us get jobs for our people. These are the kind of things that we can agree upon and that we should be moving forward with.

No more rhetoric, no more stamping of feet, no more trying to put a spin on things, but let us enact a few good programs.

I expressed my outrage yesterday concerning the administration's placing of blame on the social programs of the 1960's and 1970's for the riots in Los Angeles. That is absolutely false. Those programs were our attempts—and many successes came out of them—to respond to the riots that had happened in Watts and that had happened in Washington, DC, and that were occurring in our country, as we became deeply divided over a terrifying war in Vietnam. These efforts by the Congress, and the Presidents, two Democrats, two Republicans, up until 1980 were all attempts to try to alleviate the problem. The darkness fell in 1980 when we began to neglect these programs and we stopped them. Let us turn the lights back on. Let us see if we cannot make America a place where people not only want to live but have a chance to live. Let us, once again, be the light of the world, as we should be.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of Senate Joint Resolution 298 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACISM IN AMERICA

Mr. COHEN. Mr. President, one simply cannot read a magazine or a newspaper or turn on a television set without feeling a sense of anger, revulsion, and frustration. These emotions may erupt for entirely different reasons: The sight of uniformed police officers savagely beating a black man; the injustice of a nearly all-white jury concluding that the officers were simply doing what they were trained to do, or that the victim of the beating was in complete control of the circumstances and responsible for the ferocity with which the police batons shattered his arm and cheek bones and bruised his brain; the equally horrifying spectacle of a group of black men dragging a white trucker from his cab, kicking and clubbing and indeed even shooting him until he was rescued by several other black men—and I might add his life saved by a team of doctors consisting of two blacks and one Asian; the photographs of fires burning throughout Los Angeles, looters leaping with boxes in their arms and anarchy in their hearts, make our hearts go cold with anger and fury.

There is no one in this country or, indeed, Canada—not here or abroad—who can condone the violence that has scarred the city of Los Angeles and left at least 58 people dead, most of whom were black, and family businesses burned out and dreams destroyed. And those who first called for understanding the basis of this inner-city rage find a counterreaction and a counterrage at what appears to be a condonation of mob violence, and it should come at no surprise. Order and public safety must be restored before we can begin to sift through the rubble and debris that is all around us.

Mr. President, battle lines have been drawn over this tragedy; political advantage is being sought. Polls are being conducted and they will no doubt tell us that the overwhelming weight of public opinion falls on the side of those who stand tall for law and order. And the few who speak about the need for hearing are certain to have their voices drowned out by the many who will believe that their tax dollars are simply being used as a reward for anarchy and plunder.

Already, every program conceived or carried out under the rubric of the Great Society has been deemed a failure. Conversely, every initiative proposed by President Bush or HUD Secretary Jack Kemp has been labeled a gimmick.

We are engaged in a dangerous, dangling conversation, without rhyme and with very little reason. Our opinions, much like our races, have become irrationally polarized and driven by the arrogance of absolutists. Order must be restored. Laws must be respected. No excuses can be offered or condoned. Those who robbed and plundered and ransacked Los Angeles and other cities have to be punished.

But we must also be willing to insist that all forms of lawlessness be condemned with equal vigor and passion.

Some years ago Justice Louis Brandeis warned us. He said:

> When government becomes a lawbreaker it breeds contempt for the law. It invites every man to become a law unto himself; it invites anarchy.

So we must condemn governmental lawbreakers, whether they wear pinstriped suites in Washington or wear badges and carry police batons on the streets. If we expect people to be guided by the rule of law and the hand of justice, then justice must be done. We can never return to that time when those of African-American descent are forced to drink from the fountains of justice at the rear of the courtroom while whites line up at those in the front.

In spite of the landmark case Brown versus Board of Education, the Civil Rights Act of 1964 and that of 1991, of the soaring Michael Jordan and the singing Michael Jackson, of Oprah and Cosby and Gumbel and, yes, even Clarence Thomas, the fires of racial hatred still burn in our hearts and in our deeds. And there is a sad, pathetic and I suggest dangerous discrepancy between what we profess and what we practice as a people who claim the Judeo-Christian faith as our heritage.

By invidious design or callous neglect, we have erected invisible barriers to black people and other minorities and we have locked them in a ghetto from which only a fortunate few can ever hope to escape. We call them names. We consign them to the animal kingdom. At Rodney King's trial the jury was told he grunted like a bull when he was being struck and, by another account, he was no more than a gorilla in the mist. We deny them access to capital, to credit, to homes and jobs and dreams, and them dismiss them as lazy and slothful and drug-filled wastrels who are genetically predisposed to committing violent crimes. We deprive them of their sense of dignity, humanity, and self-worth and then shake our heads in disgust as they find their rainbows at the end of a needle.

One cannot read the words of Richard Wright or James Baldwin or Gordon Parks and remain indifferent to the pain and humiliation and the injustice they have suffered because of the color of their skin.

These are not the fantasies or the whimperings of literate men. They are the facts of ghetto life and of racist attitudes and actions.

Back last fall when we were debating whether we were going to pass a Civil

Rights Act, I called to my colleagues' attention a segment that appeared on "Primetime Live" on ABC television. The producers of that show took two equally attractive, articulate, male college graduates; one was white and one black. They sent them out into the world. They had a hidden camera that followed them for a day.

How was the black man treated? He went into one store and immediately he became the object of suspicion. He was well dressed. He posed no threat to those in the store. Yet he was followed by a security guard the moment that he walked into that store.

He went to an auto dealership and he waited and waited and waited and no one waited on him.

He went to another auto dealership and they charged him a higher price than they charged his colleague who followed him shortly thereafter.

When he went to look for an apartment he was told the last apartment had just been leased.

Needless to say, his white colleague received a much warmer and a much different welcome in each of these settings. And the camera never blinked. And neither did any of the unwitting participants in that film. They either denied they had engaged in acts of racism or discrimination or they reacted with anger at the exposure of their behavior.

It is frequently said that morality cannot be legislated and it may well be that laws can never purge private resentments or hatreds. But we who hold positions of honor and responsibility as lawmakers have an absolute duty to see to it that the laws that we pass are carried out with fairness and with complete impartiality.

I am taking the floor this morning to alert my colleagues to a GAO report that will be released within several days. The report concludes that there appears to be a pattern of racial discrimination in the laws which apply to our Social Security Disability and Supplemental Security Income Programs. The GAO has found that in the adjudicatory process, and at other points in the process, there appears to be about an 8-percent differentiation, an unexplained differentiation between the treatment of whites and blacks, in favor of whites.

Let me say initially that perhaps 8 percent does not seem like a large amount to some of the people who might be watching or who will read that particular report. Calculations of averages are deceptive. I need only remind my colleagues that one can drown in a body of water that on an average is only 3 feet deep.

But let me also add that any racially biased difference is devastating to any individual who has waited months and perhaps years to obtain the benefits to which he or she is entitled, only to find at the long end of that appellate process that right is going to be denied on the basis of the color of his or her skin.

GAO has recommended that the Commissioner of the Social Security Administration conduct a further investigation and take steps to correct whatever bias currently exists within our system, and I am pleased to alert my colleagues that Commissioner Gwendolyn King is very eager and enthusiastic about doing precisely that. She has pledged to do that, and I have complete confidence that she will.

Mr. President, I want to return to my initial remarks. There is no doubt that a significant criminal element lurks in the underclass of our major cities, waiting for the opportunity to engage in acts of violence and nihilism. But there are far more law-abiding minorities who are trapped in neighborhood ghettos, and they are destined to become the victims of that violence.

The resolution of this crisis in our cities does not lie in condemning all past attempts to deal with poverty or deprivation or discrimination, and it surely does not lie in condemning proposals that involve something other than billions of Federal dollars.

We are not going to remain history's greatest experiment in self-government and serve as a beacon to the rest of the world if our only answer is to line the streets of our cities with National Guardsmen and Federal troops. Bayonets will not solve teenage pregnancies, the birth of crack babies, unemployment, poverty, drug addiction, and violent crime.

So, Mr. President, in a spirit that is worthy of a Nation that exists under God and under the rule of law, I think we need to call forth the best in our heads and the best in our hearts, and not succumb to the worst of our passions.

Mr. President, I yield the floor.

GEORGE E. EVANS, JR.

Mr. FORD. Mr. President, George E. Evans, Jr., of Lexington, KY, is a longtime friend of mine. He recently announced his retirement as special assistant to the Governor of Kentucky. Mr. Evans has played a prominent role in the coal industry for many years. He has been a strong, vocal proponent of a national energy policy. He has been active in civic affairs and public service.

A short review of George Evans' biography quickly reveals a man who has contributed much to the Commonwealth of Kentucky. He came to Kentucky for a summer job in June 1939, and returned after he graduated from Notre Dame in 1940 to work for Central Elkhorn Coal Co. In 1942 he started Evans Elkhorn Coal. He stayed active in coal mining until he sold his company to Island Creek in 1966. George also served as president of National Mines and president of the Coal Development Division of National Steel Corp.

As Governor of Kentucky, I appointed George Evans to the Kentucky Racing Commission. In 1983 Gov. Martha Layne Collins appointed him Secretary of the Kentucky Energy Cabinet; Governor Wilkinson reappointed him to that position in 1988. The following year he was made special assistant for coal and energy policy in the Wilkinson administration.

George Evans is a member of the National Coal Council, the Southern States Energy Board, the board of directors of the Mississippi Valley Coal Exporters Association, the Association for the Development of Inland Navigation in America's Ohio Valley [DINAMO], Clean Coal Technology Coalition, the Atmospheric Fluidized Bed Development Corp., the executive committee of the East Kentucky Corp., and the University of Kentucky Mining Engineering Foundation. He also is a past director and chairman of the Kentucky Coal Association, past president of the Kentucky Mining Institute, and a past member of the American Mining Congress. Because of his many contributions to the coal industry, he was named Coal Man of the Year for 1985 by Coal Age magazine.

He also is chairman of the board of Liberty National Bank of Lexington, curator and member of the executive committee of Transylvania University, and trustee of Ephriam McDowell Cancer Research Foundation. He served as a trustee of the Appalachian Regional Hospital, a trustee of Alice Lloyd College and Prestonsburg Community College, a trustee of the Lexington School, and trustee of St. Joseph Hospital in Lexington.

Mr. President, George E. Evans, Jr., has made a valuable contribution to Kentucky. He is a distinguished public servant, and I am proud to say that he is my friend. I extend to him and his wonderful family my very best wishes. I wish him a long, healthy, and successful retirement.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,878,577,969,805.24, as of the close of business on Monday, May 4, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,100.03—

thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

SHREVEPORT SENDS AID TO EKATERINBURG

Mr. JOHNSTON. Mr. President, those of us who have been so heartened by political changes throughout the world that have advanced the cause of democracy, must also feel deeply troubled by the price that so many men and women and children are paying for the freedom they have won.

In the former Soviet Union particularly, this period of political and economic transition has also been a time of enormous human suffering.

Eight months ago, Rev. Dwight Ramsey, pastor of Broadmoor United Methodist Church, and a group of residents in my hometown of Shreveport, LA, began asking how they, as private citizens, could reach out to the people of these emerging democracies with a hand of friendship and support.

What followed was a massive humanitarian relief effort involving an airlift of tons of food and medical supplies from Shreveport, LA to a sister community in the former Soviet Union, Ekaterinburg.

The fascinating story of this community-based effort and the individuals who contributed to its success, has been chronicled by the Times of Shreveport. I ask that a series of articles from the Times be printed in the RECORD, along with my nomination of Reverend Ramsey for the Presidential Point of Light Award, and I commend this material to the attention of my colleagues.

I am especially pleased that my office could be of assistance in making this project a success. I would like to acknowledge the help of Mr. Gregory Touma, logistics officer in the Office of the Secretary of Defense, and Ms. Heather Bomberger, special assistant to Ambassador Richard L. Armitage and Deputy Coordinator for U.S. Assistance to the New Independent States. Their assistance was invaluable in securing air transportation for the relief.

The success of this remarkable project is a testament to the generous nature and industrious character of the people of Shreveport, who were the guiding force behind this noble effort, and of the charitable spirit of countless others throughout Louisiana and other States who became a part of it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Shreveport (LA) Times, Apr. 19, 1992]

RESURRECTING OUR POSITIVE IMAGE—FROM RUSSIA

(By Frank May)

World image makers, take notice.

This Easter Sunday Shreveport is writing, as the old marching hymn goes, "a story to tell to the nations."

It's a story about homespun generosity, about international brotherhood and about visionary people who have thrust Shreveport upon the world stage with positive images. It's the kind of story that, if given its due, could "turn their hearts to the right," as the hymn says. Worldwide critics who hear this tale might, finally, forget our political and social fiascoes and look upon us without premonition.

As part of a cultural exchange program in 1990, Shreveport minister Dwight Ramsey traveled to Moscow and the historic Russian city of Ekaterinburg, formerly named Sverdlovsk after one of Communist revolutionary Vladimir Lenin's generals.

Ramsey called the industrial city of 1.5 million people the one-time "heart of the Soviet military complex." It's where Soviets developed nuclear and chemical weapons and Scud missiles and where Francis Gary Powers was shot down in his U2 spy plane in June 1960.

But what Ramsey saw upon his visit in July 1990 and in a return trip in March 1991 was the domestic wreckage that the Soviet military machine had wrought on the Russian people.

"We saw Russia in the raw," the softspoken, persevering pastor of Broadmoor United Methodist Church told a fellow Shreveport congregation recently. Homes had little or no plumbing and electricity; women hauled wood on their backs to their kitchen stoves; oxen pulled plows through fields and gardens.

"I'm nowhere close to having the grace these people have in living in those conditions," Ramsey said.

Turning that inner grace into abounding faith has been Ramsey's mission ever since. And he has not been denied.

Though he received an official "nyet" when he asked to organize a Methodist church in Ekaterinburg, he later gained permission to form a Methodist "society"—societies of engineers, craftsmen, etc., are routinely recognized by government authorities. He also received 20 acres of land on which to build his Russian rock, a church filled with many Communists and atheists-turned-Christians.

Last year, Ramsey's efforts led to formal organization of a Methodist church, the first legally sanctioned Protestant church in Russia since the Communist revolution of 1918. Since last spring, Ramsey has kept in contact with Russian officials and, of course, watched the miraculous emergence of Boris Yeltsin and his reformist movement last year.

Yeltsin's roots, it turns out, are in the city about 1,000 miles east of Moscow: Ekaterinburg. It's the Russian president's hometown. And he welcomes its visitors from Shreveport.

In January, Yeltsin granted the 500-member, Ramsey-founded church permission to use a large building until a sanctuary could be built on the designated 20-acre property. Ramsey's plans call for a food distribution center, medical outpatient clinic, school classrooms and worship services in the building's 1,500-seat auditorium.

Ironically—and this story is full of remarkable ironies—the building formerly served as the Communist Party's headquarters in Ekaterinburg.

The rest, in a sense, is history.

Last month's community wide and statewide food drive that raised 131 tons for Ekaterinburg residents drew widespread publicity, and local reporters traveled with Ramsey and fellow Shreveporter David Stone on their return trip to Russia last week.

Today's historic Easter service from Moscow is slated for broadcast internationally, and delivery of the Louisiana-sent food to Ekaterinburg also will attract intense news coverage.

Behind it all remains Ramsey's resolve. "Unless we do something to help the people of Russia, there'll be bloodshed," he said. "It would only take a few bullets to change the situation dramatically."

And who could get the call to arms if war breaks out in Russia? Would U.S. forces from Louisiana have to go, as they did in the Persian Gulf War?

We all hope that we'll never have to answer those questions. But a Shreveport minister—with his community's support—is upholding that hope through his peace-promoting, faith-finding mission.

That's a story to tell the nations, and community leaders should start singing it. It's something worthy of pride and promotion, because it definitely reflects something that's right—right here in Shreveport.

World image makers, take notice.

[From the Shreveport (LA) Times, Apr. 25, 1992]

RUSSIAN TRANSPORT ARRIVES, LOADS UP

(By John Andrew Prime)

If one ever needed proof the Cold War is over, it happened at Barksdale Air Force Base just after 1 a.m. Friday.

A Russian Antonov-124 cargo plane, one of the largest and heaviest now flying, landed there and parked within a softball-toss of U.S. bombers.

"This is unbelievable!" said Capt. Steve Hess, radar-navigator of a B-52 that visited the Russian Air Base of Dyagilevo in an historic visit in early March. "It's parked right next to the B-52s. You can't see it in the dark, but they're sitting wing to wing."

That was history: Russian military planes have visited U.S. airfields and some military bases, but none with the national security import of Barksdale.

Just after the plane nosed into position near the south end of Barksdale's huge parking apron, Lt. Gen. Martin J. Ryan Jr., commander of the Eight Air Force, and Brig. Gen. George P. Cole Jr., in charge of the base's 2nd Wing less than a day, walked to the huge gray, blue and white airplane to make the official welcome.

Less than an hour later, the Russian crew and a team of site inspection officers piled onto buses to drive to visitor's quarters, passing parked and silent B-52s and KC-10 tankers.

"They're beat," said Capt. Joey Hickox, a Dover AFB-based C-5 pilot with the flight after a stopover in Alaska. "They left Moscow this morning. They've been airborne about 24 hours."

But there wouldn't be much time for sleep. For the green-suited officers, the day would be spent inspecting the bases's suitability for a reciprocal visit by Russian bombers in coming months.

For the blue-suiters, the job would be more complex: loading 170,000 pounds of non-perishable food and medical supplies collected by Methodists from North Louisiana under the leadership of Shreveport's own Broadmoor United Methodist Church, followed by refueling. Takeoff will be between 8 a.m. and 9 a.m. today. "Plans are for a quick refueling and loading," said Jim Waddle, chairman of the Broadmoor church's Mission's Committee, on hand with his wife, Mary, to welcome the airplane. "We plan to end the loading by noon."

Waddle said food boxes consisting of rice, powdered milk, pasta, shortening, canned meat and other items filled 135 pallets—24 boxes per pallet. Each box could feed a family of four for two weeks, he said. An additional 8,500 pounds of bulk food also was loaded onto the cargo plane. In all, Waddle estimated, enough food was loaded to feed more then 15,000 people.

The loading was actually finished by 9 a.m., a six-hour process that saw a half-dozen Russian loadmasters working with a slightly larger number of personnel from Barksdale's 2nd Transportation Squadron. Airmen who'd completed their duty crowded around the gaping opening of the hold, pointing a things that were similar to, or different from, the U.S.'s equivalent airplane, the C-5 Galaxy. Other airmen worked forklifts, easing loaded pallets of plastic-wrapped medical gear.

"There's a lot of excitement," said Tech. Sgt. Ken Cantor. "The guys are really proud to be doing it. They consider it an honor to be on the team."

The crowd member with perhaps the most expertise in dealing with Russians on peaceful terms was Hess. He was on hand to greet members of the Russian site-inspection team, several of whom he met and got to know well during his March visit. He wanted to make sure they saw at least one familiar face Friday.

"I saw them every day for five days, and had breakfast, lunch and dinner with these gentlemen. I spent a lot of time with them. I'd like to go back and visit them again some day."

Hess wants to make sure the Russians are treated as well as he was in March.

"They gave us the best of what they had when we were over there," Hess said. "They flew food into the base, from what I understand. We had the best of what they had to offer."

[From the Shreveport (LA) Times, Apr. 26, 1992]

RUSSIANS GO, NOT EMPTY-HANDED

(By John Andrew Prime)

The Russians—with a few friends and tokens of Louisiana aboard—are up, up and away, and heading for home.

With a cascade of dust kicked up by its four huge turbofan jets, a Russian An-124 transport sped northward on the runway at Barksdale Air Force Base early Saturday and headed for home.

Aboard the aircraft were two dozen Russian airmen and soldiers, who arrived early Friday morning for an historic visit to Barksdale. The closely guarded facility is headquarters of the Eighth Air Force and the 2nd Wing, the largest bomber-tanker unit in the Strategic Air Command.

Also aboard: 170,000 pounds of non-perishable food, medical supplies and educational materials collected by members of the Broadmoor United Methodist Church and other Louisiana Methodists.

Finally, the flight included three members of the church, Dr. Larry Hiller, James Gillespie and David Hochstetler. They will travel with the plane and crew to its destination, Ekaterinburg, in Russia, to assist Broadmoor's pastor, the Rev. Dwight Ramsey, in distribution of the food and the medical supplies.

"We're just happy its finally on its way to Ekaterinburg," said Jim Waddle, a church member and head of the its missions committee. He and a group of about three dozen church members were on hand to watch the plane leave.

He said his thoughts are with Ramsey and other church members awaiting the plane's safe arrival. "I don't think the total impact of the quantity of it has hit him yet."

Also among those on hand to watch the huge plane take off just after 8 a.m. was Beverly Parault of the perfusion department of Schumpert Medical Center.

She said Hiller was to accompany and assist in the use of a brand-new intra-aortic balloon pump Schumpert donated for use in Ekaterinburg. The device is used in open-heart surgical procedures.

Hochstetler, also with Schumpert, will assist in placement and use of medical equipment.

He will also assist in the installation of transformers that will convert electricity in Russia to the same cycles and voltage necessary for operation of the U.S. equipment.

Gillespie, principal of George P. Hendrix Elementary School, is on the flight to assist at a private school Broadmoor has opened in Ekaterinburg, Waddle said.

The airplane's trip from Russia to Barksdale took 24 hours and involved one refueling stop in Alaska. The return visit may take longer, said Maj. Dave Turner, head of the 2nd Wing's public affairs office, since it now has a load of cargo and may thus require additional refueling stops.

[From the Shreveport (LA) Times, Apr. 26, 1992]

EKATERINBURG: FOOD FROM SHREVEPORT LANDS IN A BREWING STORM OF CHANGE

(By David Westerfield)

EKATERINBURG, RUSSIA.—They're people with patience, these mothers and fathers standing in a late-April snow for bread and milk.

Wool scarves and fur caps are pulled tight against somber faces. Gloved hands clutch shopping bags. No one talks, no one laughs.

At least 30 stand on the ice in one line as flurries swirl about them like the political changes that have so altered their lives. They're waiting to buy bread. Across the way, another 20 or so wait to buy milk. At other stores they walk past empty shelves in search of canned fish, sausage and butter. Across town, some 100 drivers wait to fill their compact cars with fuel.

This is the world a Russian cargo plane flew into from Shreveport last week with 84 tons of food and medical supplies. In this city of 1.5 million the economic revolution now raging in Russia has stormed into every home. The cost of bread, for instance, has gone from 20 kopeks a loaf to four rubles and 80 kopeks—a 2,400-percent increase—in just four months.

Ekaterinburg, once closed to outsiders because of its secret military production of weaponry from Scud missiles to satellite components, is now openly worried about its future. And some wonder how long the patience can last.

"In two months we have become beggars. In the university my students are always hungry, especially the boys. But how can they eat?" said Violetta Brizgalova, 60, a professor at the Ural Polytechnical Institute.

"Some people think we should go back to the past. I think it is impossible to return. It's like for me to return to the first grade; it is the same. It is impossible."

Pride is as strong as the ruble is weak. The food and medical supplies that arrived here from Shreveport were accepted with half-open arms. Some even denied the obvious need.

"It is humiliating," said Ivan Burlakov, a 40-year-old artist. "I think this is only a picture that we have no food. We have food."

But it's limited. Sugar has not been available for more than three months; fruit is rare. When a local woman ate with a group of Shreveporters last week at a hotel that imports food, it was the first time in three years she had eaten an orange.

Most residents tended to feel grateful for the aid, but ashamed—of their past as well as their current plight.

"Maybe it's not only real help we can touch, it's part of them, part of their heart. They see we are not animals," said Dr. Vladimir Uporov, 44, of those who sent food boxes.

"But we want not to take, but to give. I very like for you to help me, but I feel bad. I only take. I cannot give."

This is a place of historic events. Czar Nicholas II and his family were murdered here in 1918. Russian President Boris Yeltsin was born here. The first Methodist church in Russia was started here by Shreveport's Broadmoor Methodist.

Ekaterinburg has been an industrial city ever since Joseph Stalin's government built the Uralmash plant here in the hills of the Ural Mountains. Thousands of workers now face possible layoffs at the factory, which has been a producer of tanks, oil rigs and heavy machinery.

That concerns Tonia Malikbayeva, who directs the Methodist church's outreach program to the needy, which assists about 150 people a week. On Fridays, a free meal is served to the elderly in a local cafeteria. Some of the food sent by Shreveporters will go toward those meals.

"We were told promises by Communism and they weren't true. Never," she said. "We tried to build a just society with unjust means. We ignored common sense, but I believe Russia will revive.

"After 70 years we must cure our wounds. Your help is good, but food must be produced here. When people only get and not give, it is immoral."

Vladimir Borovsky, economic advisor to the governor of the region, is trying to help the Methodist church secure land for growing crops. He used a familiar saying to explain: "If you would like to help a friend to eat, give him a fish. If you want him to survive, teach him to fish."

Yet there are those like Clava Jalashmanova, and 89-year-old widow who brings out a small dish of eight pieces of hard candy and two sugar cubes when guests arrive. "This is from previous times," she said.

She gets a pension of 460 rubles a month—not even enough to buy two pounds of coffee. Roses bloomed in her two-room apartment, books bound by string sat on the shelves.

"I can't buy meat or fish. I can't buy butter. Only vegetables and milk. I live alone. I have nobody," she said.

The prospect of receiving free food from Shreveport made her smile.

"Americans are very clever. They can foresee everything and they can share," she said. "I'm glad we're becoming friends."

[From the Shreveport Times, Apr. 28, 1992]

FOOD ARRIVES TO HELP RUSSIANS

(By David Westerfield)

EKATERINBURG, RUSSIA.—Maria-Maryina, 78, didn't hear the thunder roaring from the Russian cargo plane that landed here Monday after a two-day trip from Shreveport.

All she heard in her two-room flat was the hungry cry of her black-and-white cat—a pet she feeds before she feeds herself.

"I was a victim of the Leningrad siege. I am in my second siege now," said the thin, white-haired widow. She gets a pension of about $3 a month and is one of those getting a small part of the 84 tons of food and medical supplies aboard the plane.

"Until now, I have never gotten anything," she said. "I am very thankful. It's a shame for us that we are asking."

The plane arrived at 4:30 p.m. here—5:30 a.m. Monday in Shreveport. It was delayed overnight at a Russian base near the Chinese border because of a lack of fuel at the base.

Food distribution begins today by 12 teams of volunteers from the United Methodist Church here. They have already identified those persons with the greatest needs.

The Rev. Dwight Ramsey, organizer of the food drive, decided earlier in the day what he would say when the plane arrived: "Eight months of work and prayer just landed." But when the plane finally landed, he was too choked up to speak.

Said a grateful Lydia Istomina, pastor of the church here: "This is a great symbol of love from the American people."

Ten trucks owned by a church member's road-paving firm hauled the food boxes to a world-renowned eye institute here and the medical supplies to a diagnostic center, where it was secured by church members.

Uniformed student firefighters, also part of the church, unloaded the plane. One student wrote "thanks" on one truck.

Three Shreveporters made the trip to help ensure the safety of the shipment and help with church projects, including a health clinic and school.

They were Dr. Larry Hiller, cardiac surgeon; David Hochstetler, of Schumpert Medical Center, and James Gillespie, principal at George P. Hendrix Elementary.

Local church leaders, aware of concerns about food ending up on the black market, stayed with the trucks as they left the airport. Persons receiving food will sign receipts. "We realize this is a token gift," Ramsey said, "But it will make a difference for families who are living off crumbs."

U.S. SENATE,
Washington, DC, May 5, 1992.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Eight months ago a group of Citizens in Shreveport, Louisiana, led by The Reverend Dwight Ramsey, Pastor of Broadmoor United Methodist Church, launched a community effort to deliver humanitarian aid to citizens of a sister community in the former Soviet Union, Ekaterinburg.

As you will see from the enclosed newspaper articles, this project was recently concluded with the successful delivery of tons of food and other urgently needed supplies.

I am confident you will agree that the efforts of Reverend Ramsey and his group exemplify a spirit of charity and goodwill that brings credit to the citizens of Shreveport and to all of the American people.

I am proud to recommend Reverend Ramsey for the Presidential Point of Light Award as a fitting tribute to his leadership in this remarkable humanitarian effort.

With kindest personal regards, I am

Sincerely,

J. BENNETT JOHNSTON,
U.S. Senator.

SCHUMPERT MEDICAL CENTER,
Shreveport, LA, April 27, 1992.

Senator J. BENNETT JOHNSTON, Jr.,
U.S. Senate, Washington, DC.

DEAR BENNETT: Shreveport is basking in the emotional uplift produced by its humanitarian help to the Russian city of Ekaterinburg. It was an incredible dream—to bring a Russian transport plane into Barksdale to be loaded with food and medical supplies—a seemingly far-fetched plan that required the help of many people to be successful.

Bennett, perhaps the most valuable assistance was provided through your office. Patsy Guyer was the key person in the success of the project. We appreciate her courtesy, perseverance, and know how more than we can express. She was great!

Thanks for your continuing support of our church's Russian project. It has grown far beyond our expectations, and has gained world wide praise. Your staff's assistance has been invaluable.

Enclosed is a recent article written by Frank May that speaks kindly of the project and what it means to Shreveport.

Yours sincerely,

ROBERT E. HALEY, M.D.

SENATOR BIDEN WRITES ON AMERICA'S ROLE IN THE NEW WORLD ORDER

Mr. PELL. Mr. President, I would like to call my colleagues' attention to an op-ed piece written by Senator BIDEN. The piece, entitled "How I Learned To Love the New World Order," appeared in the Wall Street Journal on April 23, 1992.

Senator BIDEN contends that as America seeks to define its place in a new world order, it must avoid the extremes. Specifically, he argues that it would be pennywise and pound-foolish for the United States to withdraw into a neoisolationist, "America First" posture. On the other hand, it would be equally wrong for the United States to attempt to assume the role of globocop, a role in which a hegemonic United States would attempt to establish a Pax Americana without regard to the consequences.

In a thoughtful critique of the America as globocop mentality, Senator BIDEN proves an articulate spokesman for the utility of collective security in the new world order. As Senator BIDEN notes:

> Rather than denigrating collective security, we should regularize the kind of multilateral response we assembled for the Gulf war. Why not breathe life into the United Nations Charter? It envisages a permanent commitment of forces, for use by the Security Council. That means a presumption of collective action—but with a U.S. veto.

I heartily endorse Senator BIDEN's point of view. I was, in fact, present at the San Francisco conference in 1945, when the U.N. Charter was chiseled out. I worked specifically on some of the chapter 7 articles of the charter—those dealing with threats to the peace and acts of aggression. I can well recall the atmosphere of hope and excitement that surrounded the San Francisco conference. There was a real sense among the delegations that we were reshaping the world, introducing new standards of civility, normalcy, and order into the conduct of interstate relations.

For me that sense of hope was rekindled during the Security Council's consideration of the Persian Gulf war resolutions. The chapter 7 articles played a crucial part in United Nations response to Iraq's aggression, a response that the President characterized as a shining example of what the United Nations founders intended. To me, the Security Council's actions demonstrate that the charter is a viable document, capable of being adapted to present-day crises 47 years after it was adopted. They also demonstrate that the United States is capable of pursuing a collective response to aggression without diminishing our sovereignty or hurting our national interests.

That is why I join Senator BIDEN in calling for a renewed commitment to the charter and its principle of collective security. I commend Senator BIDEN's piece to my colleagues, and I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 23, 1992]

HOW I LEARNED TO LOVE THE NEW WORLD ORDER

(By Joseph R. Biden, Jr.)

Imagine my surprise when a Wall Street Journal editorial appointed me dean of the Pat Buchanan school of neo-isolationism. My credentials? Believing that the Pentagon's new strategy—America as "Globocop"—could render the United States a hollow superpower.

All agree we need the military capacity to defend our vital interests—by ourselves when need be. The question is grand strategy. With the Journal's endorsement, the Pentagon has called for a Pax Americana: The U.S. should cast so large a military shadow that no rival dare emerge.

American hegemony might be a pleasant idea, but is it economically, politically or even militarily wise? Bristling with weapons, we would continue our economic decline, while rising industrial and financial giants in Europe and Asia viewed our military pretensions with indifference or contempt.

Defense Secretary Dick Cheney outdid even the Journal, dipping deep into the well of Cold War argumentation to accuse Pax Americana critics of thinking "America's world presence is somehow immoral and dangerous."

Why doesn't the Journal stop the name-calling, get its schools sorted out, and court an honest debate over America's proper role in the new world order?

Pat Buchanan's "America First" preaches martyrdom: We've been suckered into fighting "other" people's battles and defending "other" people's interests. With our dismal economy, this siren song holds some appeal.

But most Americans, myself included, reject 1930s-style isolationism. They expect to see the strong hand of American leadership in world affairs, and they know that economic retreat would yield nothing other than a lower standard of living. They understand further that many security threats—the spread of high-tech weapons, environmental degradation, overpopulation, narcotics trafficking, migration—require global solutions.

What about America as globocop? First, our 21st-century strategy has to be a shade more clever than Mao's axiom that power comes from the barrel of a gun. Power also emanates from a solid bank balance, the ability to dominate and penetrate markets, and the economic leverage to wield diplomatic clout.

Second, the plan is passive where it needs to be aggressive. The Journal endorses a global security system in which we destroy rogue-state threats as they arise. Fine, but let's prevent such problems early rather than curing them late. Having contained Soviet communism until it dissolved, we need a new strategy of "containment"—based, like NATO, on collective action, but directed against weapons proliferation.

The reality is that we can slow proliferation to a snail's pace if we stop irresponsible technology transfers. Fortunately, nearly all suppliers are finally showing restraint. The maverick is China, which persists in hawking sensitive weapons and technology to the likes of Syria, Iran, Libya, Algeria and Pakistan—even while pledging otherwise.

The Senate has tried to force China's leaders to choose between Third World arms sales (1991 profits of $500 million) and open trade with the U.S. (a $12.5 billion annual Chinese surplus). Even though we have convincing intelligence that China's leaders fear the use of this leverage, the president inexplicably refuses to challenge Beijing.

Weapons containment can't be fool-proof; and against a nuclear-armed North Korea, I would support pre-emptive military action if necessary. But let's do our best—using supplier restraint and sanctions against outlaw sellers and buyers—to avoid having to round up the posse. Why not an anti-proliferation "czar" in the cabinet to give this objective the prominence it urgently needs?

Third, Pax Americana is a direct slap at two of our closest allies—Japan and Germany—and a repudiation of one of our great postwar triumphs. For years, American leaders argued that building democracy in Europe and Asia would guarantee stability because democracies don't start wars. Now the Pentagon says we must keep our military large enough to persuade Japan and Germany "not to aspire to a greater role [even] to protect their legitimate interests."

How has our success suddenly become a threat? It hasn't, but the Pentagon plan could become a self-fulfilling prophecy. By insulting Tokyo and Berlin, and arrogating to ourselves military stewardship of the world, we may spark the revival no one wants.

Secretary Cheney says he wants the allies to share the burden on defense matters. But Pax Americana puts us on the wrong end of a paradox: Hegemony means that even our allies can force ever greater U.S. defense spending the more they try to share the burden!

Fourth, collective security doesn't rule out unilateral action. The Journal says I'm among those who want "Americans . . . to trust their security to a global committee." But no one advocates that we appeal the "inherent" right of self-defense enshrined in Article 51 of the United Nations Charter.

Secretary Cheney says this plan wouldn't undermine support for the U.N. Who would know better than the U.N.'s usually understated secretary general? If implemented, says Boutros Boutros-Ghali, the Pentagon's strategy would spell "the end of the U.N."

Rather than denigrating collective security, we should regularize the kind of multilateral response we assembled for the Gulf War. Why not breathe life into the U.N. Charter? It envisages a permanent commitment of forces, for use by the Security Council. That means a presumption of collective action—but with a U.S. veto.

Rather than defending military extravagance, the Bush administration should be reallocating Pentagon funds to meet more urgent security needs: sustaining democracy in the former Soviet empire's supporting U.N. peace keepers in Yugoslavia, Cambodia and El Salvador; and rebuilding a weakened and debt-burdened America.

If Pentagon strategists and their knee-jerk supporters could broaden their horizons, they would see how our superpower status is best assured. We must get lean militarily, revitalize American economic strength, and exercise a diplomatic leadership that put new muscle into institutions of collective security.

THE REAL MESSAGE FROM THE LOS ANGELES CRISIS

Mr. KASTEN. Mr. President, like all Americans I watched on television last week as the streets of Los Angeles erupted in an inferno of anger and hopelessness.

There are no easy answers to these problems. It took America a long time to get in the mess we are in today when it comes to race relations—and it will take some time before we get out.

But we will never get out if we refuse to take the first small steps toward full empowerment of minorities and poor people in this country. We cannot afford to divide America between a class of property owners and a class of the dispossessed.

It has been America's unique role in history to assert the dignity of working people. We are not supposed to be a classed-based society—but the violence in L.A. indicates that we are on the way toward becoming one.

We have to start reversing this—and fast.

We need to let the people in the inner cities know that they are first-class citizens—people who have rights and dignity. They need hope, they need jobs, and they need economic opportunities to succeed.

That is why Senator JOE LIEBERMAN and I are renewing our effort to target economic growth where it is needed the most through our enterprise zone legislation, S. 1032. Enterprise zones are the key to empowering the people of these blighted areas.

The people of inner-city Los Angeles—inner city Milwaukee—inner-city Bridgeport—need to become a working part of America. We can get the ball rolling by encouraging small businesses to invest in these areas through enterprise zone tax incentives. New plants, factories, and stores mean a new kind of life for inner-city residents—a life that includes a better standard of living and a future to look forward to.

The goal of the Danforth-Lieberman-Kasten enterprise zone bill is to make sure that each individual has a full-time, private sector job. A job with a future, not a dead-end, make-work Government job.

Specifically, S. 1032, the Enterprise Zones Jobs Creation Act includes the following:

First, the designation of 50 economically distressed urban and rural regions as Federal enterprise zones;

Second, a zero capital gains tax rate for the sale of a business that has been held for at least 2 years in an enterprise zone;

Third, a deduction of up to $50,000 a year for the purchase of stock in companies located in an enterprise zone, with a lifetime cap of $250,000; and

Fourth, a 5-percent tax credit to enterprise zone employees for the first $10,000 in wages, up to $525 per worker.

Enterprise zones will help us create those jobs. For as long as I have been in the Senate, I have been pressing for enactment of enterprise zone legislation. On the Republican side, then-Congressman Jack Kemp was a leader in the effort back in the early 1980's—and he is still a leader today.

But there is already broad bipartisan support for enterprise zones. Both Democrats and Republicans who appreciate the problem of the inner cities know that economic growth—economic empowerment—is the answer. Talk to Mayor Tom Bradley in Los Angeles. Talk to inner-city people in Wisconsin, where State enterprise zones are already showing promise. They will tell you that those communities need to be greenlined for growth—and that means enterprise zones. Now more than ever before, it is time to give new approaches a chance.

That is why Senator LIEBERMAN and I will be offering enterprise zones as an amendment to the next available legislative vehicle—whether it is the unemployment compensation bill, or the tax extenders bill, or whatever it might be.

The saddest legacy of the L.A. riots would be if white America were to retreat into a self-protective shell, as if it is a question of defending a peaceful us against a rioting them.

In America, there is no us versus them. There is only us. And we need to do all we can to start including those who are excluded from prosperity under the current system.

The only long-term prescription for prosperity, racial harmony, and social peace is economic empowerment at the neighborhood level. Today, we are throwing away far too many human resources in the inner city. It is time for a serious and fundamental change is how we look at this resource. And that's what the enterprise zone proposal is all about.

I would also like to call to the attention of my colleagues an important article on how to empower the poor by HUD Secretary Jack Kemp that appeared in Sunday's edition of the Washington Post.

Since 1989, Secretary Kemp has championed the Bush administration's antipoverty and homeownership agenda in Congress. But so far, the Congress has failed to act on it. In the wake of the L.A. riots, I think it is high time for the leadership in the Congress to set partisan politics aside, and pass President Bush's empowerment agenda.

Mr. President, I ask unanimous consent that Secretary Kemp's article be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1992]

A NEW AGENDA FOR ENDING POVERTY

(By Jack Kemp)

Like all Americans watching television this week, I was stunned by the tragedy in the streets of Los Angeles. The first thing I did was to call Los Angeles Mayor Tom Bradley. I was fascinated by his first words in response to the riots: "Now maybe Congress will pass the enterprise zone bill and get some jobs into the inner city."

Of course, it's true that enterprise zones alone are not the whole cure. But Mayor Bradley's statement struck the theme for the broader and deeper message emerging from the streets of America's inner cities. When people lack jobs, opportunity and ownership of property, they have little or no stake in their communities. This is precisely what undermines respect for the law and encourages disregard for other people's property.

There can be no excusing wanton violence, lawlessness and destruction of life and property, and the president has acted decisively to end the anarchy. He has empowered a federal grand jury to investigate a potential miscarriage of justice in the beating of Rodney King. But once peace is restored, we must go beyond just ending the violence by adopting a dramatic new agenda for ending the poverty that keeps too many inner city residents locked in hopelessness and despair. We can't permanently rely on police, troops and the National Guard to defend communities where people have no stake in their neighborhoods and nothing to lose but the shirts off their backs.

Eliminating the tax on capital gains in enterprise zones would flood the inner cities with capital and help create ownership, entrepreneurship and jobs.

In the "State of Black America," John Jacobs points out that of the more than 14 million small businesses nationwide, blacks own only about 450,000. Black Americans represent more than 12 percent of the population, yet control only one-half of one percent of the nation's capital stock. A zero capital gains rate for those who live, work and invest in inner cities cannot by itself erase poverty, but it can create growth, opportunity and prosperity where today there is virtually none.

We cannot afford to resort to the bureaucratic, government redistributionist solutions that followed Watts in the 1960s. Instead, government must break down the barriers to ownership, job creation and entrepreneurship from East Harlem to East Los Angeles. Ultimately, it's not the amount of money we spend, but how we spend it; it's not government that creates economic growth, but individual workers, savers and entrepreneurs.

I was equally impressed to hear resident leaders in some of the poorest L.A. neighborhoods tell me that in public housing where residents are managing their own communities and homesteading toward ownership, there was no property damage. that should come as no surprise. When people have a stake in their neighborhoods, they will not only defend their homes and property, but their neighborhoods as well.

Since the Watts riots of 1965, we've spent more than $2.5 trillion fighting poverty at all levels of government. But the tragic truth is that after urban riots galvanized the first "war on poverty," inner-city poverty has gotten worse, not better; unemployment has risen, not fallen; homeownership has dwindled, not grown; and the pathologies of crime, drugs and family breakup have accelerated.

Today our welfare system provides millions of Americans with just enough cash to keep their heads barely above water. But it prevents them from saving, stops them from owning their homes and acquiring assets, discourages work and, worst of all, subsidizes family breakup. The combination of tax disincentives and a flawed welfare system has shattered the link between human effort and reward. It stifles incentives and suffocates the human spirit of upward mobility. As Mayor Unita Blackwell of Mayersville, Miss., outgoing president of the National Conference of Black Mayors, said to me in Kansas City last week, we must "get our people off the plantation" of government welfare and dependency.

We need emergency congressional action on several key urban initiatives:

Eliminating the capital gains tax for those people who work, save and invest in our inner cities.

Reducing taxes on the wages of the poor by increasing the earned-income tax credit.

Rewarding, not penalizing, poor people who take jobs to work their way off welfare. Existing rules often reduce benefits for recipients who join the work force.

Repealing the law that prohibits poor people from saving their way out of poverty. We should raise the savings limit to $10,000 for poor people who are saving for a home, to send their children to college or to start a business.

Stop subsidizing family breakup and reward families that stay together.

Expanding homesteading in urban areas as embodied in the president's HOPE initiative—Homeownership and Opportunity for People Everywhere. HOPE would allow public housing residents to recapture the American Dream of homeownership by managing their own communities and ultimately owning their own homes.

Immediately implementing the kind of program advanced by Polly Williams in Milwaukee and in President Bush's America 2,000 initiative to provide educational choice for all Americans, especially in the inner cities.

Our ghettos and barrios reflect a welfare model that is deeply, systemically flawed. The Great Society—however well-intentioned—was predicated on a mistaken understanding of the nature and causes of the wealth of families and the wealth of cities. We must discard the failed bureaucratic model for fighting poverty and instead empower individuals to control their lives through the power of property ownership and entrepreneurship.

The critics ask, "Where are the president's ideas and solutions?" The answer is: on Congress's desk, in the president's budget. It is time for Congress to act on a bipartisan agenda for immediate reform.

As a nation, we must make a fundamental change in course to begin to heal our divisions and bring Americans together. Only then can we hope for a return to what Abraham Lincoln called the "better angels of our nature."

HONORING JOHNSON C. SMITH UNIVERSITY FOR 125 YEARS OF EXCELLENCE

Mr. SANFORD. Mr. President, I rise today to congratulate Johnson C. Smith University on its 125th anniversary.

Since its founding in 1867, this historically black institution has sought to develop young minds for the challenge and responsibility of Christian citizenship. Samuel Caruthers Alexander, the university's founder, first saw the need for this mission as a Presbyterian missionary during the difficult years after the close of the Civil War. Finally free from their years of bondage, the thousands of slaves from the Mecklenberg County area knew little about how one lived a freedman's life. Many were without direction, literally wandering through the countryside confused and unsure. Despite their newfound freedom, these people had much to learn before they would be truly liberated.

Alexander was determined to help them. With the assistance of the Reverend Willis Miller, a fellow missionary, Alexander obtained funds from the Northern Presbyterian Church for a school for freedmen in Charlotte, NC. In memory of a Union officer whose widow had given $1,900 to the effort, the new school was named the Henry J. Biddle Memorial Institute.

For the next 50 years, the institute grew in size and stature, earning the respect and support of the community. When fire swept through much of the campus in 1921, another widow came to the school's aid. Ms. Mary Jane Smith, wife of the late Johnson C. Smith, a Pennsylvania druggist, gave a total of nearly $700,000 to repair existing facilities and expand into new ones. In recognition of her generosity, President Henry McCrorey renamed the Biddle Institute the Johnson C. Smith University in 1922. Two years later, North Carolina benefactor James Buchanan Duke granted J.C. Smith ongoing support from the Duke endowment.

Boosted by this financial strength, Johnson C. Smith continued to grow and prosper. Throughout this time, the school remained true to its calling to nurture and develop the minds and characters of America's future black leaders. The university not only teaches its students to take pride in their African-American history but also works to focus minds on the future, where they may translate the determination of this tradition into a new era of accomplishment. Squarely situated in the banking capitol of the South, Johnson C. Smith has developed a strong banking and finance program to prepare students for management in area businesses. In an effort to ensure a minority presence in the technical and scientific fields, Johnson C. Smith has also shown a particular dedication to the sciences, seeking to pave the way for contributions from the black leaders of tomorrow. The strategy is working. Armed with lessons learned at JCSU, graduates of the university have moved on to distinguished careers as businesspeople, educators, politicians, doctors, lawyers, and professional athletes.

From the beginning, Samuel Alexander's goal was to educate the entire student—to teach the lessons of compassion, honesty, and responsibility in addition to math, science, and English. This spirit lives on today in the university's commitment to service and community outreach programs. An example of this involvement is the Kiddie Kollege Program begun by the university's current president, Robert L. Albright. Instead of lamenting the poor showing of urban black children in math and science, JCSU Kiddie Kollege attacks the problem head on. Spending weekends and summers learning to appreciate and excel in math and science, the young participants in this innovative program are known as Bumblebees. As Albright explains it, logic tells us that a bumblebee has too large a body and too small a wingspan to fly. Although flight may seem impossible on the surface, no one bothered to tell the bumblebee that it could not do it.

The moral of the story is obvious, as is the translation into human experience. Albright's program takes young black children and gets them excited about learning. There is no talk of structural impossibilities, of underprivileged minorities born into immediate disadvantage. JCSU teaches these children that with work and determination, there is nothing they cannot do.

This is the contribution that Johnson C. Smith University has made, is making, and will continue to make in the lives of North Carolinians, both black and white. From the first freed slaves that sat in a borrowed classroom of Biddle Institute to the bright young African-American students that teach the Bumblebees to fly, Johnson C. Smith University has made this world a better place.

And so, on behalf of the U.S. Senate, I commend the Johnson C. Smith University for 125 years of distinguished history, thank the institution for the contribution it is making today, and wish JCSU many more years of success.

I thank the Chair, and I yield the floor.

WOMEN'S ARMY CORPS 50TH ANNIVERSARY

Mr. HEFLIN. Mr. President, the 50th anniversary of the Women's Army Corps [WAC] will be celebrated May 13–16, 1992, at Fort McClellan, AL, by former members and current women soldiers in the Army. This reunion will focus on the contributions of all the women who have served since 1942. The historic firsts of these women have led to the integrated position of women in today's Army, so evident in recent military engagements in Grenada, Panama, and especially the Persian Gulf.

The Women's Army Corps Foundation has coordinated biennial WAC reunions at Fort McClellan since 1977. These reunions give participants a chance to meet old friends, rekindle memories, and, most importantly, help recognize WAC's place in history as pioneers for all women in the U.S. Armed Forces. As many as 1,000 attendees are expected for this year's event. As the Women's Army Corps approaches the 50th anniversary of its establishment, it is important for us to reflect upon the history and groundbreaking contributions of this elite group of military pioneers. I am proud to join my colleagues and other defense leaders in paying tribute to their service.

The first of the U.S. women's wartime services, the Women's Army Auxiliary Corps [WAAC] was established on May 14, 1942. The following year, the corps developed from a civilian auxiliary into the integral part of the Army of the United States—the expanded wartime Army—and the word auxiliary was dropped from its title. Its peak wartime strength was reached in April 1945, with over 99,000 women.

The first WAC director was Col. Oveta Culp Hobby, who served from its inception until July 1945. Women served in virtually all military occupational specialties during the war, except those associated with combat duties. Beginning in 1943, WAC's were assigned in every overseas theater of war. WAC was awarded Regular Army status in 1948, and by 1978, women were so integrated into the Army that it was dissolved.

The Women's Army Corps Museum at Fort McClellan, the setting for its biennial reunions, exhibits the history and role of women in the Army from the creation of WAC to the present. The museum, located at WAC's permanent home from 1952 through 1978, is a comprehensive showcase of exhibits, artifacts, research material, and audiovisual tapes.

One of the museum's most interesting displays is a special clock exhibit, which shows copies of key legislation in the history of the Women's Army Corps. The May 1942 establishment of the WAAC; the July 1943 transition to the Women's Army Corps; the 1948 integration act; the 1967 bill which removed promotion restrictions of female officers; and the termination of WAC in 1978 are all depicted on the clock exhibit. Also popular is the replica Pentagon office of its director, featuring a talking mannequin and the furniture used by all directors. Photos of each of the nine directors are displayed, and their biographies are accessible in a revolving holder.

Yes, we know the textbook history of the Women's Army Corps, but what we celebrate during this milestone year is not only their patriotic service, but the legacy they leave for the military of today. One only has to look at the rosters of the Armed Forces of the 1990's to know that we owe the WAC's our gratitude and deep respect for opening doors for others.

Today, more than 400,000 women are active duty, Reserve, or National Guard members of the Army, Navy, Air Force, Marine Corps, and Coast Guard. Women comprise over 10 percent of the total force structure in the country's Armed Forces. Amazingly, it is estimated that there are more than 1.2 million living women veterans, many of whom were WAC members.

The 50th anniversary of the Women's Army Corps provides us an opportunity to publicly recognize a significant part of our collective heritage that has often been neglected. I am a cosponsor of Senate Joint Resolution 230, which calls upon the U.S. Postal Service to issue a first-class postage stamp commemorating their outstanding service. Of course, this resolution is a small gesture, but it would promote awareness of a special group whose ranks were far more than glorified secretaries to their male counterparts.

WAC members were trained in operating advanced communications and signals equipment, instructed in repairing and maintaining weapons, and given responsibility for organizing the vital supply lines to American troops in the theaters of operation.

I congratulate and commend all the former members of the Women's Army Corps as they come together in Fort McClellan to celebrate their 50th anniversary. I hope that all Americans will use this occasion to learn of the dedication, commitment, and sacrifice of women in partnership with men in service to their Nation. Likewise, I hope that this knowledge will inspire other young women to emulate them and follow their example.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

THE PROBLEM OF CRIME

Mr. MOYNIHAN. Mr. President, a week ago Sunday, on the widely regarded, widely viewed television program "This Week With David Brinkley," the Attorney General of the United States, discussing the problem of crime in the context of the new preliminary FBI report of last year, made one of the most depraved statements I have ever heard from an American official. He said, in so many words, that the problem of crime was the problem of family structure, illegitimacy, and instability in our inner cities. And he said that this problem of family structure, of the socialization of children, illegitimacy, can be ascribed to the programs of the Great Society.

He thus took one of the most profoundly serious issues this country faces and, with a reckless disregard for vehicle, truth, and history, said it was the work of a group of persons, in Government, 30 years ago. That this would come from a candidate for office in some kind of extremity is, I suppose, believable. But it comes from the Attorney General: an untruth, a lie. The Attorney General is lying.

And then, just 2 days ago, the President's spokesman repeated the lie, ascribing the situation in our country which Lyndon Johnson—President Kennedy before him, President Nixon after him—really did seek to address, saying that because they recognized that those problems existed they are somehow responsible for their existence. If our public discourse descends to that level, public life becomes impossible, as in some ways it has been becoming.

In order to be quite specific as to what I am addressing, this is what Attorney General William P. Barr said on April 26 on "This Week With David Brinkley." He said:

> What we are seeing in the inner city is essentially the grim harvest of the Great Society * * * because we are seeing the breakdown of the family structure, largely contributed to by welfare policies.
>
> We now have a situation in the inner cities where 64 percent of the children are illegitimate, and there's a very small wonder that we have trouble instilling values and educating children when they have their home life so disrupted.

In his view this begins in the period of the Great Society. When, in fact, sir, it was first recognized in that period. Recognized by an administration of extraordinary openness and courage.

This morning, the Washington Post, with an unmistakable disdain for the corruption of language, for the depravity of thought—such as in the statements by the Attorney General and the President's spokesman—chose to reprint on its editorial page one of the great speeches by an American President in our time. It was President Lyndon Johnson's address at Howard University, which was given on June 4, 1965. The Post printed it under a quotation from the President in which he said, "Freedom Is Not Enough." And then there follows this editorial comment by the editors of the Post:

> The Great Society is back in the news. The White House says the programs it spawned a quarter of a century ago helped cause the Los Angeles riots. Others cite the opposite cause—in recent years a turning-away from such programs. Here, as a reminder of what the Great Society was about, and of how another President approached the issues that recurred last week in Los Angeles, are extensive excerpts from a commencement address entitled "To Fulfill These Rights," which Lyndon Johnson delivered at Howard University on June 4, 1965.

To fulfill these rights. I would like, sir, at this point to ask unanimous consent the excerpts as printed in the Post be printed in the RECORD.

The being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 1992]

"FREEDOM IS NOT ENOUGH"

(The Great Society is back in the news. The White House says the program it spawned a quarter of a century ago helped cause the Los Angeles riots. Others cite the opposite cause—in recent years a turning-away from such programs. Here, as a reminder of what the Great Society was about, and of how another president approached the issues that recurred last week in Los Angeles, are extensive excerpts from a commencement speech entitled "To Fulfill These Rights," which Lyndon Johnson delivered at Howard University on June 4, 1965.)

In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.

In our time change has come to this Nation, too. The American Negro, acting with impressive restraint, has peacefully protested and marched, entered the courtrooms and the seats of government, demanding a justice that has long been denied. The voice of the Negro was the call to action. But it is a tribute to America that, once aroused, the courts and the Congress, the president and most of the people, have been the allies of progress.

Thus we have seen the high court of the country declare that discrimination based on race was repugnant to the Constitution, and therefore void. We have seen in 1956, and 1960, and again in 1964, the first civil rights legislation in the Nation in almost an entire century . . .

And now very soon we will have . . . a new law guaranteeing every American the right to vote . . .

The voting rights bill will be the latest, and among the most important, in a long series of victories. But his victory—as Winston Churchill said of another triumph for freedom—"is not the end of the beginning."

That beginning is freedom; and the barriers to that freedom are tumbling down. Freedom is the right to share, share fully and equally in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, "you are free to compete with all the others". . .

This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.

To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.

Thirty-five years ago the rate of unemployment for Negroes and whites was about the same. Tonight the Negro rate is twice as high.

In 1948 the 8 percent unemployment rate for Negro teenage boys was actually less than that of whites. By last year that rate had grown to 23 percent, as against 13 percent to 53 percent . . .

Between 1949 and 1959, the income of Negro men relative to white men declined in every section of this country. From 1952 to 1963 the median income of Negro families compared to white actually dropped from 57 percent to 53 percent . . .

The infant mortality of nonwhites in 1940 was 70 percent greater than whites. Twenty-two years later it was 90 percent greater.

Moreover the isolation of Negro from white communities is increasing rather than decreasing as Negroes crowd into the central cities and become a city within a city.

Of course Negro Americans as well as white Americans have shared in our rising national abundance. But the harsh fact of the matter is that in the battle for true equality too many—far too many—are losing ground every day.

We are not completely sure why this is. We know the causes are complex and subtle. But we do know the two broad basic reasons. And we do know that we have to act.

First, Negroes are trapped—as many whites are trapped—in inherited, gateless poverty. They lack training and skills. They are shut in, in slums, without decent medical care and our other health programs, and a dozen more of the Great Society programs that are aimed at the root causes of this poverty.

We will increase, and we will accelerate, and we will broaden this attack in years to come until this most enduring of foes finally yields to our unyielding will.

But there is a second cause—much more difficult to explain, more deeply grounded,

> more desperate in its force. It is the devastating heritage of long years of slavery, and a century of oppression, hatred and injustice.
>
> For Negro poverty is not white poverty. Many of its causes and many of its cures are the same. But there are different—deep, corrosive, obstinate differences—radiating painful roots into the community, and into the family, and the nature of the individual.
>
> These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and present prejudice. They are anguishing to observe. For the Negro they are a constant reminder of oppression. For the white they are a constant reminder of guilt. But they must be faced and they must be dealt with.
>
> . . . Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice.
>
> The Negro, like these others, will have to rely mostly upon his own efforts. But he just cannot do it alone. For they did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded—these others—because of race of color—a feeling whose dark intensity is matched by no other prejudice in our society.
>
> Nor can these differences be understood as isolated infirmities. They are a seamless web. They cause each other. They result from each other. They reinforce each other.
>
> Much of the Negro community is buried under a blanket of history and circumstance. It is not a lasting solution to lift just one corner of that blanket. We must stand on all sides, and we must raise the entire cover if we are to liberate our fellow citizens.
>
> One of the differences is the increased concentration of Negroes in our cities. More than 73 percent of all Negroes live in urban areas compared with less than 70 percent of the whites. Most of these Negroes live in slums. Most of these Negroes live together—a separated people.
>
> Men are shaped by their world. When it is a world of decay, ringed by an invisible wall, when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown, it can cripple the youth and it can desolate the men.
>
> There is also the burden that a dark skin can add to the search for a productive place in our society. Unemployment strikes most swiftly and broadly at the Negro, and this burden erodes hope. Blighted hope breeds despair. Despair brings indifference to the learning which offers a way out. And despair, coupled with indifference, is often the source of destructive rebellion against the fabric of society.
>
> There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They do not change the color of a man's skin. . . .
>
> Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.
>
> This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans. . . .
>
> The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the values of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled. . . .
>
> There is no single easy answer to all of these problems.
>
> Jobs are part of the answer. They bring the income which permits a man to provide for his family.
>
> Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.
>
> Welfare and social programs better designed to hold families together are part of the answer.
>
> Care for the sick is part of the answer.
>
> An understanding heart by all Americans is another big part of the answer.
>
> And to all of these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.
>
> But there are other answers that are still to be found. . . .

Mr. MOYNIHAN. Mr. President, I would like to acknowledge that I wrote the first draft of this speech. I wrote it on June 2, 1965. I have a copy here of that draft. In those days, it was a carbon copy. Written in the Department of Labor. I was then Assistant Secretary of Labor for Policy Planning, and sent the draft to Mr. Bill Moyers at the White House.

The next day, June 3, Mr. Richard Goodwin, the President's speechwriter, took the first draft and with his magic, his catalytic magic with words, turned it overnight into the speech that was given late in the afternoon of the 4th of June. A very short compass for an address of this kind. The address had one central theme. We were at the height of the civil rights movement in our country, and we were talking about rights. The Civil Rights Act of 1964 had passed in this Senate after an agonizing decade. And in a few weeks from that point in June 1965 the Voting Rights Act would pass.

President Johnson wanted to go beyond that, to seize that moment of hope and opportunity and say, very well, rights are important but they have to be fulfilled. There has to be the substance of like circumstance, that rights ought to provide. And that is the neat and higher stage of the effort we were then engaged in.

His sub-theme was the problem of family structure, which is not an issue of race but of class. I had prepared a report, and Secretary Wirtz, the Secretary of Labor, had sent it to the President on the 4th of May. It was from the 4th of May 1965 to the 4th of June, that this policy decision was made.

The theme of the report to the President on family structure was that something critical was happening in our inner cities, that the number of children being born out of wedlock, the amount of crime, the amount of disorganized behavior, was going up; and that if it continued to go up, we were going to have a genuine crisis.

I would say to you, sir, at that time, 75 percent of black children living in the United States lived in a household where their mother and father were present. Last year, this had declined to about 37.4 percent, dropped in half in a generation.

The rate of illegitimacy, which was about 24 percent, is now at 64 percent, as Mr. Barr said. The only accurate thing he did say, albeit he said it was the inner city rate which is often 80 percent.

But we are not talking about a racial issue. We are talking about a class issue which I, at about that time, described in an article in America magazine, which I think tells you something of what I was thinking, and what I believe Lyndon Johnson was agreeing to, when Harry McPherson, Bill Moyers, and Dick Goodwin brought this argument to him. I wrote this in America magazine, a publication of the Society of Jesus, which is to say the Jesuits. I wrote:

> From the wild Irish slums of the nineteenth-century Eastern seaboard, to the riot-torn sections of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rationale expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected, it is very near to inevitable. And it is richly deserved.

This is how President Johnson addressed the matter. After describing the bitter experience of black Americans in our country, a past of oppression, cruelty, deprivation unlike any other group that came to this country had known—he said we can get back beyond this but we have another issue. He said, and I quote him from the passage in this morning's Post:

> There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They could not change the color of a man's skin. * * *
>
> Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.
>
> This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans. * * *
>
> The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions and the values of the child. And when the family col-

> lapses it is the children that are usually damaged. When it happens on a massive scale, the community itself is crippled. * * *
>
> There is no single easy answer to all of these problems.
>
> Jobs are part of the answer. They bring the income which permits a man to provide for his family.
>
> Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.
>
> Welfare and social programs better designed to hold families together are part of the answer.
>
> Care for the sick is part of the answer. An understanding heart by all Americans is another big part of the answer.
>
> And to all these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.
>
> But there are other answers that are still to be found. * * *

Other answers still to be found, looked for with an understanding heart.

Would you describe, sir, the remarks of the Attorney General or the press spokesman as those of an understanding heart? But in 1965 President was persuaded. We offered the proposition that we had to deal with this, and he said we would. He called a White House Conference "to fulfill these rights." He later sent word to me to say that he thought his speech at Howard University, the commencement address, was the greatest civil rights speech he had ever made. It had a curious aftermath. The original response was wonderfully positive. And then, a few months later on August 11 the riot in Watts broke out, a riot of exactly the kind we were talking about, the disorder, the lashing out, the unrest and instability. It was what he said was coming. It came too soon.

The next day his press secretary, Mr. Moyers, addressed a White House press corps asking: What is happening? What is going on? He handed out the policy paper that we had produced. Roland Evans and Robert Novak, who were very much on top of events, then as now, published a column the next day that described the policy paper behind the President's thesis of family stability. And that proved unacceptable to the civil rights movement of the time. They were talking about rights. We were talking about fulfilling those rights. That is a historic loss, a very hard one. Even President Johnson, in the end, had to abandon the effort.

But those problems did not begin with him and are not caused by things he did. You could say some of them were brought about by things that were not done. But to say, as Mr. Fitzwater said, and I am quoting now from the Associated Press of 2 days ago, "We believe that many of the root problems that have resulted in inner city difficulties were started in the 1960's and 1970's and that they have failed," is depraved. It is a slander on a great President, and a fine moment in our history, as moments go. Twenty-seven years ago this June 4, Lyndon Johnson stood up and laid out what was coming to the country. The country did not respond, and it has come. But to blame him is to lower the politics of race to a degree I have not seen in my time.

Lyndon Johnson is owed an apology. He will not get one. People who do this have so little sense of their history and, perhaps, an insufficient degree of honor that no apology will be forthcoming. But the record should be straight.

Our very able and learned friend and colleague, JOHN KERRY, spoke at Yale University on these matters just a short while ago, on March 30, in which he goes back to this history and says what we did not do. He cites that passage which I just read about any society that allows a large number of young men to grow up in broken families, never acquiring any stable relationship to authority, never requiring any rational expectation, asks for and gets choas, crime, violence, unrest.

Those are the records, sir, of the black children born in 1967, 1968, and 1969. Seventy-two percent were on welfare before they reached age 18. That meant they not only lived in a single-parent family, but they were paupers—not a pretty word, not a pretty condition. A family on welfare can have $1,000 in resources, plus a home, a car worth less than $1,500. Pots and pans, a television set, and a few couches. That is the childhood of what is approaching probably over four-fifths of these children—four-fifths.

But we saw it coming. Many denied it when it came. Many denied it was going to come. That is what Senator KERRY and Senator BRADLEY have been talking about.

On our side, we have a responsibility as Democrats. We have become very good at denial. In an address on this subject at the University of Chicago on Saturday, the very able professor of Sociology, William Julius Wilson, spoke at some length about that. Professor Wilson is the author of "The Truly Disadvantaged." We picked up some of the research which we had been doing into this field in the early 1960's, he and Katherine Neckerman began to explore the aftermath of this data series and found things that are important.

He said on Saturday in a paper at the Dean's Forum, University of Chicago, on the subject of social science and the making of public policy, and I quote him:

> * * * sociologists working in the field of urban poverty have felt pressure from their colleagues to consider the political and/or social implications of their work, even to the point of suppressing results or of avoiding certain research topics. The vitriolic attacks and acrimonious debates that characterized the controversy over the Daniel Patrick Moynihan report on the Negro family in the late 1960s and early 1970, a controversy which emerged because his ideas were seriously misrepresented in the media and the work of some social scientists, is a case in point. The controversy following the point. The controversy following the report intimidated many socialists and other social scientists conducting research on poverty and family structure. Indeed, in the aftermath of this controversy and in an effort to protect their work from the charge of racism or "blaming the victim," socialists, like other liberal social scientists tended to avoid describing any behavior that could be construed as unflattering or stigmatizing to racial minorities. Accordingly, for a period of several years, and well after the controversy had subsided, the problems of social dislocation in the inner-city ghetto did not attract serious research attention. From the early 1970s to the mid-1980s, there was minimal contribution from sociology in particular and the social scientists in general to the public-policy agenda on combatting inner-city poverty.

That is William Julius Wilson of the University of Chicago saying on our side the people who care about these issues, we have dropped it 25 years ago in the aftermath of that controversy and only just now start picking it up as his words very ably demonstrate from the point of view of a professional social scientist and as the addresses of Senators KERRY and BRADLEY demonstrate from the point of view of people who have to carry forward public policy as legislators.

We are past that period of denial. We are also, however, with a problem far worse today than it was a generation ago, and no nearer any true understanding. It is perhaps useful to point out that if we avoided discussing the matter for 25 years it is not surprising we do not understand it any better than we did when we first encountered it.

And no one is more firm on this matter than James Q. Wilson, who is the president of the American Political Science Association this year, a man of great commitment and understanding of urban problems. He was the second director of the Joint Center of Urban Studies of MIT and Harvard. His first book published at the University of Chicago, "Negro Politics," is a classic. He has since gone on to become the leading student of crime in America and of bureaucratic organizations. His book "Bureaucracy" is the harvest of a long career and a classic already. He is acknowledged by his peers as a man to be president of the American Political Science Association.

He writes in this morning's Wall Street Journal a tough-minded, necessary article about the way in which the onset of that behavior I was talking about earlier, the onset, of crime and disorder, has been absorbed by Americans in the way Lyndon Johnson anticipated. It is class behavior. It is the wild Irish slums of the 19th century eastern seaboard to the riot-torn Watts section of Los Angeles. The one lesson in American history. A class lesson.

But in America today, this class behavior has a black face. And that behavior is so destructive, not just to the communities involved—most black crime is committed against blacks, as we know—but the fear of black crime extends and passes over to the white side.

Senator BRADLEY in a speech on this floor spoke of fear covering the cities like a sheet of ice. We have to address it. The stability of this society is at stake.

Here is what James Q. Wilson concludes in his article this morning in the Wall Street Journal. He says:

> The best way to reduce racism real or imagined is to reduce the black crime rate to equal the white crime rate which God knows is high enough. * * *
>
> To do this may require changing, in far more profound and all encompassing ways than anything we now contemplate, the lives of black infants, especially boys from birth to age 8 to 10. We have not yet begun to think seriously about this, and perhaps never will. Those who must think about it the hardest are those decent black people who must accept, and ideally should develop and run, whatever is done.

That is James Q. Wilson in this morning's Wall Street Journal saying exactly what Lyndon Johnson said 27 years ago come June 4. That we must seek not just equality but equality as a fact and as a result.

There are many who have objected to the term, the idea of equality of results, and I can understand it. I know that if you want to have equality of results just by decreeing them you get all kinds of problems.

But, Mr. President, seeing it as a necessary objective is a very different thing than decreeing it. I will conclude, sir—I see the very able Senator from Oregon is here and I know he wished to speak as well. But I would conclude thus: We are in a defining moment in the present age. We may have another opportunity to look reality in the face as Lyndon Johnson did 27 years ago. It may slip away.

Twenty-seven years ago it was people who favored racial progress and harmony who denied reality. This time it is being denied by those who have yet to prove their bona fides.

It harms and hurts us all to demean the memory of a President who at very least tried, tried to understand, tried to make people understand, committed himself to equality as a fact and as a result. Surely, we can address that problem again. Possibly we can. But not by the Orwellian rewriting of history which is going on in this administration today. The President should say stop it. Those who will not stop should be asked to resign out of the decent respect for the history of their own country and of the Presidency which they served in their brief authority.

Mr. President, I thank you for your kindness in allowing me to speak in extended morning business.

I thank my friend from Oregon for his patience as well. And I yield the floor.

RESCISSION OF CERTAIN BUDGET AUTHORITY

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2403, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2403) to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

The PRESIDING OFFICER. There will now be 2 hours on the bill, to be equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, there are colleagues who have indicated a desire to speak on the bill and on this measure pending before the Senate. I believe that a number of them are on their way now to the floor.

COMMENDING REMARKS OF SENATOR MOYNIHAN

Until they arrive, I would like to merely say I regret that I was not able to hear the full statement of the Senator from New York [Mr. MOYNIHAN]. But even in the flavor one gets from just a few sentences, one cannot help to be mindful again that we have a very unique colleague, one who has not only been a student of history, but one who has written history, one who has made history, one who is a critic of history, one who thinks historically. I know few if any of our colleagues who match the multifaceted personality and intellect of Senator MOYNIHAN, particularly as it relates to those moments and those parallels from history from which we should learn many lessons and which are always so relevant to the issue of the day.

I suppose, as an amateur history buff, I have a very special appreciation for his role here in the Senate. I think one must also recognize that the history that he has helped make has been in both Republican and Democratic administrations, which gives it another very unique dimension of understanding and comprehension.

I look forward to reading, as I read most all of his writings that have taken book form, the RECORD for tomorrow as it recites his statements here today in the context of a very important time in our history and one where it is most especially important to take stock of our history in order to learn from that history and have greater wisdom to apply to the issues of the day.

I commend the Senator from New York.

Mr. MOYNIHAN. Would the Senator yield just to allow me to thank him for the remarks, more generous than are in order. There is no one I value more or for whom I have greater respect. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the quorum call will be charged equally. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. BYRD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The President pro tempore [Mr. BYRD] is recognized for up to 1 minute.

Mr. BYRD. The following request has been cleared on both sides by both leaders and the distinguished ranking member of the Appropriations Committee is here and he confirms that.

I ask unanimous consent that the vote that was scheduled to occur at 1:30 p.m. on adoption of the substitute amendment to S. 2403 be delayed until 3 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, the vote is set for 3 p.m.

Mr. BYRD. I ask unanimous consent that the 2 hours which was understood to be allotted for debate not be considered to have begun running time.

The PRESIDING OFFICER. Without objection, the entire allocation will remain.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent the Senate stand in recess until the hour of 12:30 p.m. today.

There being no objection, the Senate, at 12:04 p.m., recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SIMON].

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate resumes its business. The pending question is the committee substitute to S. 2403.

The President pro tempore is recognized.

Mr. BYRD. I thank the Chair.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the 2 hours on the measure begin running at 1 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that I have up to 15 minutes at this point, although I may have used some by not being here promptly. So how much time do I have?

The PRESIDING OFFICER. There is no limit on debate until 1 o'clock.

Mr. DOMENICI. Mr. President, this is the first time the Senate has considered a rescission bill under the Budget Act expedited procedures. We have had rescission bills but this is the first time we have had this kind of expedited procedure.

As the Senate should note, there are a number of hours, 5 on each side, during which a rescission bill can be considered. When that 10 hours is over with, that is the end of the time to consider the bill.

A couple of questions under the new procedure may remain unanswered, but essentially the process lends itself to getting a rescission bill out of the Senate kind of quickly. It also might be noted that the procedure lends itself to what the distinguished chairman did quite properly under the procedures. He loaded the parliamentary "tree" on the side of the substantive law, such that essentially once his second-degree substitute passed it would wipe out anything that we might have agreed to in the form of a perfecting amendment.

That does not bother the Senator from New Mexico. I understand all of that process. I think the rule is if you do not know the rules, you get stuck by them. If you know the rules, you play by them. So for those who wonder about that, when we were in the majority we also found these rules to use, as the distinguished chairman might remember.

So I commend the chairman for setting a precedent here that if you are going to do rescissions under the Budget Act's expedited procedures, the test is rigorous and tough. We do not want to get the institution in the position that we dilly-dally around about rescissions.

Nonetheless, having said that, I must oppose the omnibus rescission bill for fiscal year 1992 which is now pending before the Senate.

The more I look at rescissions this late in the fiscal year, the more I come down on the side that if we want to rescind in a large measure, we must begin earlier in the year. If the President found something that really was out of line, or if Congress needed to save some money, and it found some things that were not needed, that might be different. If we just want to put a rescission package together under these expedited rules, however, I clearly join with the distinguished chairman who has implicitly indicated that it is too late in the year to try that.

In fact, one of my concerns about the omnibus bill, which is a substitution for the President's proposals, is the lateness of the year to be taking $1.3 billion out of SDI. Frankly, in the name of something good—cutting Government spending—I believe we do something very, very wrong. And if the shoe fits, and I have not looked at the President's rescission package in specific detail, but if it fits he ought to understand this, as well.

It is very difficult to take an annual program, such as SDI, appropriate it, put the budget authority in for $4.2 billion, and then come along and tell those administering it: You keep on doing things right. You get your program lined up. You get all of these experiments lined up. You get these thousands of scientists moving in the right direction on things, and then come along 7 months into the fiscal year and say: We just decided to take $1.3 billion away from you right now. In a week the rescission is effective, and you no longer have $1.3 billion to spend this year.

We do not put in here how the SDI people are supposed to get their job done. That is not anywhere in here; we just say we took the money away.

So I frankly believe one of the problems with the bill from the standpoint of defense is simply the following: first, the chairman of the Appropriations Committee, Senator BYRD, in our markup, clearly indicated that he perceived that the President had politicized the process.

I have not been on the floor all the time while he spoke since the bill was laid down, but he is not a person that speaks one thing over in the committee room and another thing over on the Senate floor. So I assume he has made it very clear that in his opinion the President went to the Rose Garden and politicized the process.

However, the chairman has also made it eminently clear that since that is the case, the distinguished chairman will politicize the process. There again, I do not think I am accusing anybody. He said that. Actually, what happens is that there is frustration on both sides, and you end up with a product, in this case, which I am absolutely convinced would never get signed into law, and a veto by the President would be sustained. I have a sneaking suspicion that the experience of the chairman and those who work with him on the committee might clearly have expected that.

If that is the case, then we will be back to square one with reference to this rescission bill. The President sends rescission proposals to the Congress, the committee reports a bill out, knowing full well that it is not going to get the President's signature, and so we do not have any recessions enacted.

I am not suggesting that Democrats and Republicans on that committee, including our distinguished chairman, do not want a rescission bill. I believe it would have been very difficult, once the President laid out that we ought to save some money, to end up not saving some money. Nonetheless, it is very, very extra ordinary, as I see it, in this rescission bill not to include rescissions of almost $3 billion for two new Seawolf submarines when I do not think anybody is contending—maybe some are—but I do not think any military experts are continuing that we need them.

There may be other arguments as to why we ought to build them. Probably the most practical one that I have heard—and not that I agree with it—but believe it or not, there is substantial evidence, say some that it will cost as much to cancel these two submarines as it will to build them. I think that may be as practical a reason as there is for building two new enormously modern, complex submarines, costing over $1 billion each, that we do not need. However the Defense Department says that is not the case.

It is most ironic that the Senate is producing a bill which is going to save money in defense, but it is failing to cancel spending for two submarines we do not need.

But that is not the only problem, because in not rescinding funding for the two Seawolfs, Mr. President, you have to find the money to pay for them within the Defense Department, as we have currently structured this bill. We have to find other savings in the Defense Department, or we will not have a rescission package equal to the amount of money the President proposed to save.

So in order to do that, for whatever the reason, other defense savings had to be found. I heard one distinguished Republican say that we do not save any money if you cancel the two submarines. The other side of the coin is: How did you pick up the money to continue funding those two?

Frankly, the B-2 rescission in this bill is kind of a strange situation, because one B-2 bomber is deferred, in a sense; the budget authority is taken away, so that if you were ready to start building that B-2 bomber tomorrow, there would not be any money for it—tomorrow, meaning when this rescission bill becomes law.

However, there is an underlying opinion of sorts that if we wait until next year, we will add back the B-2 bomber we are rescinding today so we have not changed the overall B-2 program.

That is strange. How do you save money when you have not cancelled one?

So you are not quite as sure you got the money. We will take it away for now, but all intents are to put it back later.

That is an interesting question on whether we should vote for this bill or not. It might be enough all by itself to vote no. But, then, essentially keeping each of these submarines requires that we find other savings to continue spending a little over $1 billion for each one.

The ongoing SDI program was agreed to last year after enormous conflicts between certain Members here, some arguing for less money, and certain Members for more; the House having less; weeks in conference; and finally the agreement on a new number and a new program.

To offset continued funding for that second Seawolf, you just go in there and take $1.3 billion out of the ongoing SDI program. I have expressed my concerns that I do not think that is the way to do things.

While I was discussing that with a person very informed about our procedures, who did not necessarily agree with my premise on this bill, a very good point was made: If, Senator DOMENICI, you oppose terminating a big piece of a program almost midyear, then would you not agree that the President shouldn't rescind programs midyear, even if they are not SDI? There are hundreds of small programs and projects that are proposed to be terminated almost midyear. Let me say, I have already answered that. I do not think it is a good practice in either case.

The lesson learned from this whole process, in my opinion, is twofold: One, you ought to sit down and work with the chairman of the Appropriations Committee, at least in the U.S. Senate, because you might find that you do not have to be at partisan loggerheads to get some money saved. There is nothing lost if you try. In this case, I understand it was not tried, from everything I heard in committee. So that is the first lesson.

Second, you ought to make up your mind right after the appropriations bills are done, pass them all in October, and between then and January, make up your mind how many hundreds of millions or billions of dollars you want to rescind to change the priorities of spending. I think if you do, you have an awful lot better chance of excising ongoing programs and projects, because you clearly do not let them mature to the point where it is almost embarrassing to stop a project that is half funded.

Having made these two points on the defense part of the bill, I want to state in the RECORD that I almost always agree with the distinguished chairman of the Defense Appropriations Subcommittee, Senator DANIEL INOUYE, of Hawaii. I have tried, as a new member of the subcommittee, to be helpful while I learn, to support the chairman where I can, and I regret on this one, for the two reasons stated, that I cannot.

The pending bill also includes rescissions totaling $159.9 million in budget authority and $21.7 million in outlays from foreign aid and other international programs.

While the President did not request these rescissions, if such reductions make sense, then it would be right to make them in a way that makes sense.

I have my own reservations, however, about the constraints that have been placed on foreign operations programs this year. We all know that there are significant demands on the State Department to respond to new requirements in the former Soviet Union and elsewhere that could appropriately be paid for with such savings.

I am not going to talk too much about the discretionary rescissions recommended by the committee, but I thought I would talk a minute about something that bothers me in the HUD-Independent Agencies sections of the bill.

First, there is no appropriation bill that, over the last 10, 12, 14 years, is subject to more misinterpretation and more abuse than this one. I will tell you why.

First of all, the housing programs of this country, under our budget process—and it has not changed, even with things we have done in the last 5 or 6 years—the process requires that you fund the entire Government obligation for 15- or 5-year rental subsidy commitments.

So if you have section 8 housing and you assume the subsidy is going to be $220 a year on a unit that the Government committed for, you put the budget authority in for 15 years upfront. Believe it or not. So the budget authority is a big, big number.

On the one hand, there are many who run around the country saying Ronald Reagan dismantled the housing programs. This isn't the case. These people are looking at budget authority figures, which represent contract lengths of 15 years. Well, Congress in an attempt to save budget authority switched to a 5-year contract length.

First, Congress went along easily on that. It was an easy way to save money and claim you were cutting the budget without cutting the number of people from the section 8 program. The shift from 15- to 5-year contracts was a bipartisan decision. The record will reflect that a bipartisan Congress said OK.

However, that does not reveal the whole story. If you cut budget authority in housing and do housing that costs less such as vouchers, or housing that you do not finance over 15 years, you may deliver the same or more units for the public by using less money. Thus you cannot conclude that by reducing budget authority, you have reduced the housing program.

Section 8 amendment money is filling in the hole for existing commitments. CBO's baseline assumes this commitment will be fulfilled. Only budget authority is scored with section 8 amendment money. No outlays are scored because they are assumed in the baseline. This rescission is thus a paper savings.

In this case, $743 million in budget authority is put in a rescission bill and counted as new savings when there is not one nickel of outlays associated with this reduction.

The reason the committee looked at section 8 assistance is that the Inspector General for HUD supposedly has given evidence that we have too much budget authority for the current fiscal year. This is not necessarily the case, however, over the long term. Congress may well have to appropriate these funds at a later time to fund contract renewals for section 8 housing units.

Frankly, I have not looked at the reality of matching up the estimated cost versus the budget authority provided, but I can tell you what it was a few years ago. A few years ago we weren't ever putting in enough budget authority because we were underestimating our long-term commitments as they accrued annually. While the Inspector General concluded the estimates were off for fiscal year 1992, he did not say they would not need this money to cover future commitments. This is no year money.

So I am going to guess that this is nothing more than a paper savings. I am going to guess that down the line at some point the Congress will need to provide these funds. At the request of the Appropriations Committee, the HUD Inspector General was required to estimate the section 8 assistance needs. I would be interested in having OMB's or CBO's assessment. But I understand the inspector general may have said in a report that a statistical analysis of the debt commitment was using an improper formula.

I even wonder whether this is the inspector general's jurisdiction. I thought the Inspectors General were supposed to look at management decisions that might border on mismanagement or the like.

Assuming there is jurisdiction, I stand on the proposition that we will need this budget authority in the future and HUD will be back. The need is there for this money. This bill appears to say we are not going to need the budget authority in the future, so let us cancel it.

I am not one who leaves arguments all my way where there may be another argument coming. One might say if you did not cancel it, someone else may use it. I am not versed enough on what you could do with this budget authority if you did not cancel it, so let me just leave the issue. That might be a bit of the rationale to rescind these funds. But I am not so sure that we are not kind of overstating the case when we stand on the floor of the Senate, presumably before everybody in the country, to say we saved more than the President in domestic discretionary accounts. He proposed to rescind some housing money too—not as much—and it may be more directly related to the cost of a program than an estimate of housing funding requirements.

Having said that, let me suggest that this first experience with rescission bills under expedited procedures is important. In the Senate particularly a first use of these special procedures is very, very important. In the House, the Rules Committee governs all this, but here the process is established under the Budget Act provisions for so-called expedited procedures and the precedents of the Senate. It is very important for the future, because it seems to the Senator from New Mexico that things are not going to get better fiscally in this country. We are not going to find it easier to spend money. We are going to find it far more difficult to get toward balanced budgets, and we probably—and at least I hope—will scrutinize expenditures even to the extent of looking very quickly for possible rescissions where we may be able to agree with the President or at least agree to proceed in an effort to save some money that we might not really need early in a year.

Now, having said that, my last observation on the process is first, I really hope we get an agreement at some point in time with a rescission bill comparable in size that the President can sign because if in the exercise, as it has wound its way through the Senate, the President calls our bluff, and we call his bluff, we get no bill.

If that becomes a process through the House, and I pray it does not, that we actually compromise with the House and get a bill the President cannot sign, then we will get nothing. I submit to all those Senators who have taken the floor and in strong vigorous language suggested we should cut defense more in fiscal year 1993, fiscal year 1994, and fiscal year 1995, I submit that failure to make these rescissions in defense makes it far more difficult to get additional savings in fiscal year 1993 and fiscal year 1994. If we do not make these savings in fiscal year 1992, and they are real savings, the fact that these expenditures will again appear with footprints in fiscal year 1993 and fiscal year 1994 and will result in budget expenditures. It will thus be more difficult to make larger defense savings for those who want to.

Equally, as important, in fiscal year 1994 and fiscal year 1995, under the budget agreement, failure to enact this bill—which will result in a failure to reduce defense expenditures, will necessarily affect the expectation that there might be some room for more domestic spending, under the overall discretionary spending cap. The chairman addressed this issue at the 1990 budget summit when we put those numbers and targets together, and he has spoken to the Senate at least twice about the need for certain kinds of funds to be increased within that discretionary pot of money. Additional moneys for that will be more difficult to find in the next few years if we are still looking to make defense savings proposed by the President, and which might allow more domestic spending under the budget agreement.

That is about the best I can do in explaining my position. To the extent that I have improperly given anyone advice here, let me just suggest it is not intended as such. And if I have not so indicated, this is simply my opinion on the bill. If it is worth anything, it becomes advice; if it is not worth anything, it is good print.

Having said that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished President pro tempore, is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, at this time I yield 10 minutes to the Senator from Georgia [Mr. NUNN] and 10 minutes to the Senator from Montana [Mr. BAUCUS].

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, rescission bills are generally not very popular bills and, of course, this rescission bill is no exception. It rescinds money for programs and activities in most of the departments and agencies of the Federal Government which many people support.

I want to commend the chairman of the Appropriations Committee, Senator BYRD, and the ranking minority member of the Committee, Senator HATFIELD, for bringing this bill to the floor. I am sure that they and the rest of the members of the Appropriations Committee prefer to appropriate rather than rescind money, but in the current budgetary climate these rescissions are an absolute necessity—particularly the rescissions of Defense Department funds—in getting the overall number down.

The large majority of the rescissions in this bill—and in the administration's own rescission proposals—comes from the Defense budget. To date, the administration has proposed $7.9 billion in rescissions, and $7.1 billion of this total represents rescissions of Defense Department funds. The bill before us today rescinds a total of $8.3 billion, of which $7.2 billion represents rescissions of Defense Department funds.

In my view, Mr. President, it is essential that Congress pass—and the President sign—rescissions of Defense Department budget authority equal to the amount in this bill. Unless we rescind this amount of money, we will face the unpleasant prospect of making even deeper cuts in the fiscal year 1993 defense budget, which has already been reduced substantially from previously planned levels.

The administration's fiscal year 1993 defense budget included rescission proposals of $7.7 billion in Defense Department funds. The outlay savings from this $7.7 billion in rescissions were estimated by the administration to be $1.9 billion in fiscal year 1993. These outlay savings are assumed by the administration in their fiscal year 1993 defense budget.

If rescission proposals of the amount contained in this bill are not enacted, Congress will have to make up this $1.9 billion in fiscal year 1993 outlay savings with reductions to programs in this year's defense budget just to meet the outlay target in the administration's budget and the fiscal year 1993 budget resolution. It could take $5 to $7 billion in fiscal year 1993 budget authority reductions to make up these outlay savings.

In other words, without these rescissions or the equivalent amount of rescissions coming out of some package and signed into law by the President, we will be $5 to $7 billion in the hole even before we start marking up the fiscal year 1993 defense budget and before we take into account the other cuts that are coming because of our budgetary process.

We already face the problem of making reductions to defense programs in fiscal year 1993 in order to find money for important initiatives that are not funded in the administration's fiscal year 1993 defense budget, including defense conversion programs; increased environmental cleanup requirements; National Guard and Reserve programs; and transition programs to assist military and civilian personnel in the Department of Defense who are losing their jobs in the drawdown of the Defense Establishment. Having to find an additional $5 to $7 billion budget cuts to make up for not enacting these rescissions of lower priority will be extremely difficult and will put substantial pressure on many of the key defense programs.

There are a number of rescissions in this bill which I strongly support. There are some that I do not support and that I am very dubious about. Overall, however, I think the package is a package we should pass.

I am very glad the Appropriations Committee has recommended rescissions of $105.9 million in research grants that were earmarked for specific colleges and universities in last year's fiscal year 1992 Defense Appropriations Act. I applaud Senator BYRD and Senator INOUYE's leadership and willingness to bite a very tough bullet in this respect, as well as Senator HATFIELD and others on the committee.

Mr. President, I think Defense Department research and university research should be one of our top priorities. I do not, however, believe that we in the Congress ought to say which university gets which project. We are not the people who are capable of judging the merits of these projects, nor are we capable of judging the relative merits of the universities. That is why we have competition. That is why we have merit selection. The more we get away from that, the more we not only, in my view, risk wasting defense dollars, but we also undermine he credibility of the whole process.

Defense Department research grants should be awarded on the basis of competition and merit and peer review and capability, not on the basis of who happens to be in a meeting on the appropriations bill at a specific time.

Last year, I objected to the university research earmarks in the fiscal year 1992 defense appropriations conference report. The Appropriations Committee has gone along with the administration and the House Appropriations Committee in recommending rescission of the funds for these earmarks.

Mr. President, I am also glad to see the Appropriations Committee join the administration and the House Appropriations Committee in recommending rescissions of $11.35 million that was designated in the fiscal year 1992 Defense Appropriations Act for the development of four museums. None of these museums was requested by the military services. In my opinion, they should not be built with taxpayer or appropriated funds.

Mr. President, every base I know of in the country—I know every base in the State of Georgia—wants a museum. Eleven point thirty-five million dollars is a small amount of money compared to the overall scope of this bill, but believe me, there is a multiplier here. If these projects stick, you can multiply that by hundreds in terms of what is going to be coming down the pike.

Mr. President, the university earmarks and the university funding and the museum funding in the fiscal year 1992 Defense Appropriations Act have now been identified for rescission both by the executive branch and by the two appropriations committees, and, of course, if we pass this bill, by the Senate itself. This is one area where there is total agreement between the House and the Senate and the executive branch.

I hope this position will be sustained through the conference process. And it is my hope that we will not repeat these kinds of projects in this year's defense appropriations bill. I have 20 members on the Armed Services Committee, the authorization committee. We are not putting these projects in our bill. I will say that if these rescissions go through, that will help hold back the urge of putting projects in our bill for members on our committee who also have an awful lot of needs back in their own States.

On the other hand, if we begin this pattern, then everyone in the U.S. Senate eventually is going to want to want a piece of the pie, and we can multiply again by many fold the amount of money this is going to cost for what I think everybody would recognize are low priorities.

I know there has been a great deal of interest in the Seawolf submarine rescission. The administration proposed terminating the Seawolf Program after one submarine, and rescinding $3 billion that they requested and that has been authorized and appropriated for construction of the second and third subs.

In my view, the central issue in this rescission is the future of our submarine industrial base, particularly since the administration plans call for building a follow-on submarine, the Centurion, at the end of the 1990's. On April 1 of this year, the Armed Services Committee held a hearing to review the Seawolf rescission proposal and to examine the impact of this proposal on our submarine industrial base. Unfortunately, what we learned in this hearing was not encouraging.

As incredible as it may sound, this hearing showed that the Defense Department only began to review the impact of the Seawolf termination on the submarine production base after terminating the program. We asked Assistance Secretary of the Navy Gerald Cann for his assessment of what should be done to protect the submarine industrial base. His response, 2 months after the decision to terminate the Seawolf Program, was:

> At the present time, I am not trying to be facetious, but there are so many different options on the table that I have not formed a position yet.

My own conclusion at this time is that the real impact of the decision to terminate the Seawolf on the submarine and nuclear propulsion industrial base was not thoroughly analyzed by the administration. It is clear that this decision was opposed by the principal Navy official in charge of overseeing the nuclear propulsion industrial base. When asked for his personal and professional assessment of whether the Senate should vote to sustain the Seawolf rescission, Adm. Bruce Demars, the Director of Naval Nuclear Propulsion, said: "I would not vote to sustain it."

Terminating the Seawolf Program at this time risks unilaterally ceding our technological edge by giving up the capability of our industrial base to design and build attack submarines. If we never wanted to build another submarine in the future, that might be acceptable. However, I do not think we are ready to make that decision yet.

The estimates of termination costs may understate the downside to canceling the Seawolf, since there are other termination costs that have not been estimated at all. Because the administration made the decision to terminate the Seawolf before doing a thorough and systematic cost analysis, no one knows, for example, what it would cost to rebuild this critical industrial capability if we throw it away.

Knowledgeable experts have estimated that the total immediate cost of terminating the Seawolf Program would exceed the cost of completing these two submarines, when all of the costs to the Government—including unemployment and worker retraining costs—are calculated. If these estimates are correct, terminating the Seawolf submarine now and rescinding this $3 billion would mean that the American taxpayers would have had to pay these costs in contract termination and unemployment benefits, but would have nothing to show for their investment. If, however, these funds are applied to completing these two Seawolf submarines, the country will get two more of the world's finest attack submarines.

On balance, Mr. President, I have concluded that the immediate and abrupt termination of the Seawolf Program as proposed by the administration would seriously damage our Nation's capability to produce submarines in the future.

There are several rescissions in the committee bill which concern me.

Mr. President, I understand the Appropriations Committee's position that the rescission of $1 billion in fiscal year 1992 B-2 procurement funds will not have an impact on the B-2 program this year. Last year, in the National Defense Authorization Act for fiscal years 1992 and 1993, we established a series of criteria, or some people would call gates, that must be met in the B-2 test program before these funds can be obligated. It now appears that the criteria will not be met before at least the middle of fiscal year 1993. The committee report accompanying this rescission bill makes clear that the rescission of B-2 funds is made without prejudice to the possibility of purchasing additional B-2's in the future.

This is not a vote on the future of the B-2, as I view it. Members should understand that if we decide to build the full 20 B-2's requested by the administration, and I hope we will, then this money will have to be restored to the B-2 program in the future, but it cannot be spent this year. Therefore, although I do not like the symbolism associated with it, I understand the Appropriations Committee's moving to put this money in this bill.

I also have reservations about the $1.3 billion rescission of fiscal year 1992 SDI funds. Last year, Congress adopted the Missile Defense Act, which included early deployment of an ABM Treaty-compliant missile defense system and continued work to deploy tactical missile defense capabilities. Congress appropriated $4.15 billion for the SDI Program in fiscal year 1992, of which $2.45 billion was to the Grand Forks ABM Program and ATBM defenses.

Outside of these two widely supported SDI programs, there is $1.7 billion to support other SDI projects, including space-based interceptors and other follow-on technologies. Rescinding $1.3 billion on this amount this late in the fiscal year inevitably will result in terminations or cancellations of some ongoing projects and contracts. It could well jeopardize our ability to begin overall deploying of these missiles in 1997 unless it is very carefully administered with a sense of real priorities as to where our priorities must lie.

I must say that the strong bipartisan congressional support for the Missile Defense Act and the limited defense against third-country attacks and against accidental or unauthorized launches is apparently not matched by SDIO. They continue to shift funds to the long-term GPALS Program, as if nothing has really changed.

Mr. President, while I am concerned about the B-2 and SDI rescissions, the Members of this body and the administration must understand that if we do not make rescissions in this package or some similar package that can be signed into law, we could be forced to make larger and even more damaging cuts to the B-2 and SDI and other defense programs in fiscal year 1993 because of the impact on the budget.

The President asked Congress to bite some tough bullets. In this package, we will be biting some tough bullets, including some of those I named. Now the President will have to bite some bullets himself since his own defense budget assumes savings from rescissions.

Mr. President, I know there are some significant differences between the administration and the Congress over specific programs in this rescission package. That is inevitable. This bill can be improved, and I hope and expect there will be some changes made to the bill in conference with the House, particularly the B-2 and SDI areas. I am heavily influenced by the fact that failure to enact any rescissions will require deeper cuts in the fiscal year 1993 defense budget. Both the President and the Congress must be willing to rescind money for programs that do not have as high a priority, even programs that may be of keen interest to people in this bill. I believe overall, even though there are some parts of it I do not like, that this bill meets that test.

With that background, Mr. President, I will be voting for and supporting this bill on final passage. I thank the Senator from Oregon, and I yield my time back, to the extent I have any.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECTION 301 AND THE JAPANESE AUTO MARKET

Mr. BAUCUS. Mr. President, I rise to discuss the trade of automobiles between the United States and Japan.

Over the Easter recess, I traveled around the United States reviewing the competitive position of a variety of U.S. industries, including automobile manufacturing, electronic manufacturing, and biotechnology.

I was greatly impressed by what I saw and plan to pursue several initiatives based upon my observations during the trip.

But the first issue I want to address is the competitive position of the United States industry and its trade concerns with Japan.

STATE OF THE U.S. AUTO INDUSTRY

As most of us are aware, the U.S. automotive industry is a critical component of the U.S. economy. Approximately 5 percent of American GNP is directly linked to the automotive industry. One out of every seven jobs is tied directly or indirectly to the auto sector.

The U.S. automotive industry is a major consumer of steel, glass, and electronic products. About 40 percent of the machine tools in the United States are used by the auto industry. One out of every five semiconductors made in this country is consumed by the Big Three auto makers. We often think that semiconductors are used in electronics products, but one out of every five semiconductors produced in the United States is now consumed by the auto industry. These micro-processors and semiconductors go into our cars.

I do not represent a major auto producing State. Still, as an American concerned about the future strength of the American economy, I am convinced that we must maintain a U.S. auto industry.

But this is not to say I am a defender of the Big Three. The U.S. auto industry has made its mistakes. A large part of the decline in market share the U.S. automakers experienced in the 1970's and 1980's is their own fault. U.S. automakers did not focus on quality and did not produce autos that Americans wanted to buy.

Too much attention was paid to boosting executive salaries and too little was paid to building good, solid, high quality cars. But the U.S. automakers seemed to have learned from their mistakes, at least based upon my experience and deeply probing, asking the toughest questions I could of the Big Three executives when I spent several days in Detroit.

All of the Big Three are striving to adopt new lean manufacturing techniques that are pioneered by the Japanese. The quality and reliability of cars has improved and increasingly the names of American cars like Taurus, Saturn, and Le Baron are appearing on automotive magazines lists of best buys. I can say from my own recent personal experience in shopping for a new American car that there are good American cars on the market. I just bought one last week. Of course, more needs to be done. Foreign competition—Japan, Germany—is not standing still and the Big Three must continue to invest and they must continue to improve.

THE TRADE PROBLEM

Unfortunately, building competitive products is not always enough to succeed. For years, United States automakers have faced competition from Japan, for example, and this competition has not taken place on a level playing field. Although Japan has largely unfettered access to the American auto market, American cars in return have barely cracked the Japanese market.

Last year, Japan exported to the United States about 2 million cars and light trucks. Japan claimed more than a third of the United States market. The United States automakers, on the other hand, were able to export to Japan only about 30,000 units. All told, imports to the country of Japan from all sources claimed only 3 percent of the total Japanese market.

The temptation is to declare that this imbalance is due to the fact that the U.S. automakers did not produce competitive products for export. In the past, that has been somewhat true. But U.S. automakers have been highly successful in Europe. They have been very successful in other export markets, although not in Japan. For example, GM exported nearly 133,000 vehicles in 1991. Ford and Chrysler have also exported around the world. In fact, United States automakers have exported to all major markets except Japan.

United States automakers cite a number of trade barriers in Japan. For example, Japan still requires that each shipment of automobiles from the United States and from other countries to Japan be individually inspected in Japan to ensure that they meet Japanese emission and safety standards. The individual inspections cause long delays in shipments. The United States, on the other hand, requires no individual inspections of Japanese cars coming to America.

United States automakers also have great difficulty penetrating the Japanese distribution system. Virtually all Japanese auto dealers have exclusive relationships with Japanese auto companies. This effectively bars American cars from Japanese showrooms.

But the dealerships are only the final link in the distribution chain. At every link in this complex chain extra costs are added. In the case of a Jeep Cherokee, the trip through the distribution system in Japan adds as much as 53 percent to the sticker price.

Interestingly, Japanese companies avoid many of these distribution problems. For example, a United States-made Honda Accord, that is a Honda Accord made in the United States, is able to reach Japanese consumers with only a 14-percent markup.

Understandably, these barriers greatly limit U.S. auto exports. A similar web of barriers limits U.S. auto parts exports.

Again, this is not to say the entire competitive problem faced by United States companies is not a result of Japanese trade barriers.

But because they are free from barriers at home, Japanese auto companies are able to sell the same product at considerably higher prices in their own market than they sell that same car for abroad. This allows them to build large profits at home to finance their exports.

According to figures supplied by a major U.S. bank, Japanese auto companies piled up $37 billion in profits in Japan between 1986 and 1990. These profits supported operations in the United States that lost $9 billion over the same period and operations in Europe that lost $6 billion.

United States companies cannot hope to compete with Japanese automakers as long as they have this secure and profitable home base to finance their export operations at a loss.

SECTION 301

Mr. President, despite my serious concerns about extending import protection, I have proposed a temporary VRA to give the U.S. automakers a chance to rebuild and compete.

But now that the economic strength of the industry seems to be increasing, we must also consider addressing the core international trade problem, the lack of access to the Japanese market.

I believe the United States should immediately initiate a broad section 301 case aimed at eliminating major Japanese barriers to United States auto exports. This should build upon the initial steps taken by the President on his recent trip to Japan and address the range of Japanese regulatory and distribution barriers.

In addition to the normal threat of retaliation under section 301, the United States could offer Japan an additional incentive. If Japan were truly to eliminate its barriers to auto exports, the United States could agree not to seek any export constraints on autos in the future.

In return, the U.S. auto industry must agree to do its part. It must agree to continue to build quality vehicles, limit executive compensation, and refrain from raising prices beyond the Consumer Price Index. More importantly, it must redouble its efforts to make vehicles that are attractive to the Japanese consumer. This should include producing more right-hand drive vehicles.

CONCLUSION

The trade barriers faced by the U.S. auto and auto parts industries are exactly the kind of problem that section 301 was written to address.

On his trip to Japan, the President conceded that Japanese market access barriers were a serious problem, very serious, and I hope that the administration can build upon this first step and work with the Congress and work with the industry to open Japanese markets to United States automobiles and auto parts.

I stand ready to work with my colleagues in Congress, with the administration and the U.S. auto industry to address this critical trade challenge because we must all work together to accomplish the result we intend.

CENTENNIAL CELEBRATION OF FORT HARRISON

Mr. BAUCUS. Mr. President, I rise today to pay tribute to Fort William Henry Harrison on the occasion of its centennial celebration, which will be held on May 12, and to honor these men and women who have served their country at this great site.

In the late 1880's, the citizens of Montana, concerned about their safety and security, petitioned Congress for a permanent military presence in the state. In 1892, those efforts bore fruit when Congress authorized that a fort should be established near Helena, the capital city of Montana.

Four years and $214,000 later, Fort Benjamin Harrison was completed. It was not until ten years later that the name was changed to Fort William Henry Harrison in honor of our ninth President.

Since then, Fort Harrison has been used as a military post and training facility for our armed services and Montana National Guard, and also as a site for medical care. During the world wars the active military utilized Fort Harrison as a training base for combat and support units such as Special Forces groups, infantry units conducting winter training, Army communications and logistics units, the Navy Seabees, and psychological warfare units.

Fort Harrison has also been the home of the Montana National Guard. During World War I, the Montana National Guard was twice mobilized; once serving on the United States-Mexico border and once to protect the railroads and major industrial sites in Montana. Between the wars, the Montana National Guard used the fort for their normal summer encampments. During World War II the National Guard was again mobilized, and upon their return from the war, utilized this site for their annual training.

Fort Harrison's medical services date back to World War I. At the end of that war, the lack of medical facilities and demand for hospital beds led to the use of this military installation for medical purposes. By 1921, all buildings at Fort Harrison had been made suitable for hospital purposes. The facility was then taken over by the Veterans' Administration, used as a TB hospital for a few years, and finally changed to a general medical and surgical hospital.

In the early 1960's, the Fort Harrison medical facilities were remodeled and improved, including construction of a new physical plant and 160-bed hospital. Today this Veterans' Administration hospital facility has the largest service area of any VA hospital in the continental United States. Each year it offers inpatient, outpatient and other services to thousands of Montana veterans. During the recent Persian Gulf war, the fort was designated as a secondary casualty care facility, and nine VA employees were mobilized.

Fort Harrison was established during a time of a shrinking military budget. It seems somewhat fitting that we celebrate its 100th anniversary in the same climate. But let us learn from our ancestors who fought for the establishment of this fort—let us work together to ensure that the VA hospital and Montana National Guard units do not get gutted in this process of reducing our military. Just as our veterans fought to protect our nation, I am prepared to fight to protect their medical care, and, in the case of the Montana National Guard, their continued existence.

In conclusion, I think I speak for all Montanans when I say that we are honored to have Fort Harrison located within our State. I congratulate those who have organized a terrific centennial.

I am sure the next 100 years will continue the fort's tradition of service to the people of Montana and the country.

BUDGET AUTHORITY

Mr. McCAIN. Mr. President, I ask unanimous consent to take whatever time that I may consume off the bill for the purpose of speaking about the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, in about 1½ hours, we will be voting on this rescission package. I spent a great deal of time yesterday concerning one particular part of the rescission package that I felt was of critical importance. That was the Seawolf submarine. Since I addressed that particular issue in depth yesterday, I will not pursue it again today.

I think it is important to discuss what we are doing, what will result, a little bit about the problems, and what might be the solutions to these problems.

Mr. President, unfortunately, because we have a divided Government and different philosophies and views, this bill, like the tax bill, like the campaign finance reform bill, and other major pieces of legislation, will be passed by both bodies, and then will be vetoed by the President.

The President's veto will be sustained and we will, therefore, again do nothing, again disappointing the American people. This will only increase their understandable frustration with Congress and reinforce the view that their elected representatives both in the executive and legislative branch are not functioning as our Constitution dictates. And, clearly not as their hopes and aspirations dictate.

This legislation clearly, in my view, is terribly flawed. It is a violation of a process which should allow the executive branch to put certain rescission items before the Congress for a vote.

Mr. President, this year the President of the United States has sent 128 rescissions for consideration by the Congress according to the 1974 Budget Act. Of those 128 rescissions, the Appropriations Committee has refused to report 95 of them out so that those of us who are not on the Appropriations Committee have no way of considering those rescissions.

In fact, this process is so broken and so flawed that in a so-called rescission package, we find items that the President did not want rescinded. It has become bizarre and Orwellian to an incredible degree. In fact, what is happening is that we have ignored sensible spending cuts while protecting crucial projects, at least crucial in the viewpoint of the Appropriations Committee, such as an asparagus yield decline grant, eastern filbert blight research, safflower research, urban pest research, a multibillion dollar submarine with no real mission which I talked about yesterday, and 68,400,000 for meals ready to eat which no one will ever consume. To too many in Congress that is only $61 million of the taxpayers' money.

When will we be allowed to vote whether to save or waste $61 million of the taxpayers' money on meals ready to eat? No. Mr. President, we are not able to because the President requested that the $61 million worth of 68,400,000 meals ready to eat be cut, not the Congress. The Appropriations Committee simply will not allow us to have a vote on that because of the very flawed system we have today.

Up until 1974, the President of the United States could exercise his broad powers to impound funds. And, unless the Congress of the United States voted to override his impoundment of funds, they were not spent.

As we know, with the Congressional Budget and Impoundment Control Act of 1974, the shoe is on the other foot now. We have seen billions of dollars of rescissions requested by the President simply ignored by Congress. Rarely, if ever, were there votes on these spending cuts.

Mr. President, I might remind you that in 1974 the public debt was $483 billion. Now it is $3.7 trillion. By the end of this year, it will be over $4 trillion and that amounts to $16,000 of debt for every man, woman and child in America. It is an unconscionable situation. Yet, we continue to waste.

We do not even have the intestinal fortitude to cut $61 million worth of meals ready to eat, 21 million dollars' worth of truck engines that the Department of Defense can never use, the incredible grants of millions of dollars to universities, and some millions of dollars for military museums. This is not acceptable, especially when I focus on the military, Mr. President.

The sharp cuts in defense spending already make it difficult to meet the national security needs of America. Wasting more money on meals ready to eat and other unnecessary projects makes it that much more difficult.

It also becomes sad when we have to tell tens of thousands of young men and women who are in the military that we cannot afford to keep them. They will have to get out, men and women who joined the military for a career, many of them minorities who saw this as an opportunity to better themselves. We are saying "We cannot keep you. We cannot afford to keep you in the military." But yet we can afford to spend $6.3 billion on things like truck engines, on things like meals ready to eat, on grants for military museums, and other unnecessary and wasteful spending items.

Mr. President, it does not compute. It does not figure. The process is broken. It prevents the orderly consideration of our spending priorities.

Clearly, this process has become more egregious over the years.

What has happened is that we have more and more unauthorized projects that are appropriated without hearing, without specific legislation, and even many times these funds are appropriated in conference when neither body has appropriated the money. But then in conference additional tens, millions, and sometimes billions of dollars are appropriated during the conference.

Anyone who is not a member of the Appropriations Committee and is not a member of the conference has no way of knowing about that appropriation.

The members who are not on the appropriations conference have two choices when they vote: up or down. Most of the time, tragically—and the American people are beginning to realize this—when we vote on these appropriations bills we do not know what is in them. We find out after the fact because some diligent journalist digs into these very obtuse documents and finds out that we are spending millions of dollars of the taxpayers' money without ever holding a hearing, without authorization, and often outside the legislative process as it is designed. The system is broken. It has to be fixed.

There are ways of doing it. Let us start with a balanced budget amendment to the Constitution. I am told that this body and the other one will soon consider a balanced budget amendment to the Constitution. I hope it passes. I, for one, will support it in almost any form. There are colleagues who want to announce that means an automatic tax increase. I do not think so. Nonetheless, I think a balanced budget amendment to the Constitution is of critical importance.

I also think it is of obvious and equal importance that we give the President of the United States the line-item veto. A few months ago, we had a vote on the line-item veto as we have had several times. We lost. I did note then with interest, and with all due respect to my friend and colleague who is occupying the chair, who was interested.

I found it interesting that every single Presidential candidate with the exception of two supported the line-item veto, including the likely Democratic nominee for President, including the former Senator from the State of Massachusetts, including Mr. Buchanan, and even including a former Governor of the State of California. All have issued statements or announced their support of the line-item veto.

Why would former Governors support it so much? Because 43 of 50 Governors have the line-item veto. Many Governors have come forward and said they cannot balance their budget, which many are required by law to do, without a line-item veto. It is time to give the President the line-item veto.

I would point out to my friends that a line-item veto can be overridden with a two-thirds vote of both bodies. That is clearly the same with any other veto.

I am often asked the question by my constituents and others: Would you support the line-item veto if there was a member of the Democratic Party, who was liberal in philosophy, serving as the President of the United States?

I say yes. If you do not say yes, you really do not support a line-item veto. You then are just supporting partisan politics because it is the system that needs to be repaired. Let the American people choose who should faithfully administer that system.

I believe that we are sitting here today and only 17 percent of the American people express their approval of Congress. And I have concluded, by the way, after careful study, that the 17 percent is comprised of blood relatives of Members of Congress and their staff members. I have met no others who now approve of Congress. We must change the way we do business in Congress. A Congress held in contempt, is a Congress without a public mandate.

There is a gridlock in this town and what we are going through right now with this rescission package is an example. This is almost a charade because we all know the eventual outcome of this process.

The President proposed a rescission package. The rescission package is changed in both House. It goes to the President. The President vetoes the bill. Nothing happens and we end up with tens of billions of dollars of wasteful pork barrel spending. And finally, we continue to waste the America taxpayers' dollars.

So I would suggest, Mr. President, that after the passage of this legislation without a veto proof majority, that we either go back and try to repair a broken system, or we continue to work to eliminate wasteful spending within the present, but flawed, process. The President said that he will continue to send Congress rescissions. He should. He has an obligation to the American people to try to do whatever he can to eliminate unnecessary wasteful spending.

Is he always right? No. But at least the Chief Executive, the President of the United States, should have the right to have his rescissions considered. As I mentioned, of the 128 rescission proposals made so far this year, by the President of the United States, 95 were not even considered, nor will they be.

And why are we even considering this package? The reason, obviously, is because when the President vetoed the tax package, he made it a very big issue. He also made an issue of wasteful spending. Otherwise, we would not even be acting as we are. All 128 rescissions would be among the 95 that were not even considered.

So my point here, Mr. President, is simple: The American people are sick and tired of being sick and tired. They deserve better. It is time we sat down and figured out what reforms need to be made so that we can act, rather than remaining mired in stalemate, which has characterized the behavior of this body for too long. Yes, a line-item veto is important, a balanced budget amendment to the Constitution is important, and just maybe some new and different personalities in the legislative branch, or even the executive branch, may finally bring about change.

I spend a lot of time in my State of Arizona, Mr. President. It is a very lovely place to be. It is getting a little warm, but it is a very lovely State. I must tell you that, every place I go, frustration is at the highest level that I have ever seen in my 10 years of service in Congress. We see that frustration reflected in the strong support for an independent candidate for President. I think it is of the utmost importance that we either reform the system now, or expect reforms to be forced upon Congress and the American people to their detriment and maybe to the detriment of the Constitution of the United States.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. SANFORD]. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for a period of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. If the Senator will yield, how much time remains under the controlled time?

The PRESIDING OFFICER. The Senator from Oregon has 7 minutes, and the Senator from West Virginia has 52 minutes.

Mr. HATFIELD. Mr. President, I yield 2 minutes from my time control, leaving myself 5 minutes for the leader to close. And then on behalf of Senator BYRD, I yield the remaining 8 minutes, for a total of 10 minutes, to the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. KERREY. I thank the Chair, and thank my friend from Oregon.

AID TO THE FORMER SOVIET UNION

Mr. KERREY. Mr. President, this morning the administration sent up their representative for designing the aid package to the Soviet Union, Ambassador Richard Armitage, to a joint hearing of the Senate Appropriations Committee and the Senate Agriculture Committee. I believe it is the first consideration by the Senate of the so-called Freedom Support Act that the administration described approximately 5 weeks ago.

Mr. President, this is an unprecedented venture for the United States of America. Notwithstanding a considerable amount of concern about any foreign aid at this particular time, it is literally unchartered waters and it is a very important moment for this country.

Many of the assumptions that we had over the past 45 years have literally been turned upside down, and we are now trying to design in a rather critical period of time some kind of aid package for the Soviet Union to help the former Soviet Union to make its transition to free markets and democracy.

It is an interesting hearing, Mr. President. Senator LUGAR, the ranking member of the committee, went through, I think, a rather accurate description of the history of this particular package, going back to the special election that was held in Pennsylvania for the Senate seat that Senator WOFFORD won last fall, saying that after that election—I think quite accurately—the so-called jaws of consent having anything to do with foreign aid closed rather dramatically.

The President got the message and began, in response to other criticism, to stop paying attention to foreign affairs and put his attention into domestic events, canceling a couple of trips. All of a sudden, it was a domestic agenda that counted.

As a consequence of a rather heroic act by the distinguished Senator from Georgia [Mr. NUNN]; the senior Senator from Nebraska [Mr. EXON]; Senator LEVIN; Senator LUGAR, on the other side of the aisle; and others, this Senate took the rather extraordinary action of appropriating $500 million to assist the Soviet Union to dismantle their nuclear weapons.

The House of Representatives yielded and provided the $500 million. The administration did not even acknowledge that $500 million package until 30 days later, when it appeared it was going to be popular enough to talk about. That was Senator LUGAR's description—I believe accurately—of what happened last year and early this year.

And former President Nixon gave a speech describing the possibility of losing Russia if the President does not respond to the $25 million aid package. I give that as background because I think there is apt to be a considerable amount of partisan dickering back and forth whether or not this was politically motivated. I believe in many ways it was politically motivated.

Nonetheless, we have a proposal to change in a dramatic fashion the nature and relations of the former Soviet Union and the United States, and I believe it is perhaps one of the most important things for this body to consider.

Mr. President, I ask unanimous consent that the full statement by Ambassador Richard Armitage be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF AMBASSADOR RICHARD L. ARMITAGE, SENATE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS, MAY 6, 1992

I am very grateful for the opportunity to appear before this particular subcommittee, whose work is so central to the successful conduct of foreign policy. I have benefited from your wisdom and advice in previous incarnations and will no doubt so benefit again.

Permit me at the outset to identify, as I see it, the nub of the challenge we Americans now face in the wake of communism's collapse. Our central task is to unite, in an election year which finds many Americans worried about their own economic prospects, behind a strategy designed to bury forever the Cold War; a gameplan which can survive the turbulence of a partisan political campaign and prevail as a matter of bipartisan national consensus irrespective of November's verdict.

It seems to me that the beginning of wisdom in this matter is to have a sense of the parameters likely to be set by the American people for this endeavor. The Members of this subcommittee are far more expert than I on this score, but for what it is worth I believe that Americans in general would agree on the following:

That the downfall of communism does indeed represent, as President Bush has said, "a defining moment of history;"

That having won the Cold War at a cost of tens of thousands of lives and trillions of dollars, we should not simply turn our backs on 280 million people who are willing to bury communism once and for all;

That this predisposition to help stems partly from genuine, humanitarian impulses, and partly from the sense that it will be less expensive for us in the long run if former enemies actually become allies;

But that this country is in no position to embark on an open-ended foreign aid program designed to use taxpayer funds to compensate for 70 years of communist malfeasance and mismanagement.

I believe that within these parameters we can achieve a strategic consensus that transcends partisan politics here in this country. I believe that the Freedom Support Act announced by the President five weeks ago encapsulates this consensus. I believe the Freedom Support Act should be enacted prior to the arrival of President Yeltsin on June 16.

Each of you has read this bill. With the aid of your capable committee staff you have parsed it line-by-line. You have undoubtedly found language you could have drafted better. No doubt you have uncovered provisions you would have written differently.

I will be very frank with you. There are many things contained in the Freedom Support Act which we could (and if necessary, will) accomplish without the formal authorization that would be conveyed by its passage. But to proceed very far into this process without your explicit, conscious and willing collaboration would rob us of the single greatest accomplishment we could attain: the creation of a national strategic consensus that will transcend the vicissitudes of partisan political fortunes.

Let's be clear about what it is we want, both as a general matter and in terms of the Freedom Support Act: we want to preempt a new Cold War and bury the old one by channeling the creative energies of our former enemies away from trying to sustain an economy dominated and driven by the production of military weaponry and equipment.

The process of helping to wean our prospective allies away from a command economy devoted to militarism will take years and decades. Even though our own security will be decisively affected by the outcome of this process, our ability to shape the outcome through expenditures of public funds is finite. We can help and we can make a difference, but only in concert with the other industrial democracies and only by making the way clear for the American private sector to become, if it chooses, fully engaged. I would hasten to add that we will not wean away from authoritarianism, statism or militarism anyone who does not wish to be so weaned. I cannot imagine any sustained Western assistance effort to any state resisting the imperatives of democratization and economic reform. This will entail great sacrifice and great patience in the new independent states. Setbacks and temporary back-tracking are inevitable. In the end, however, no matter how unfair this may seem, it is the victims of communism's rapacity who bear the burden of achieving success or failure. "Russia" is not ours to "win" or "lose."

Instead of reciting the provisions of the Freedom Support Act, I would like simply to highlight those features of it which strike me as key. In terms of our own security,

It would authorize a broader use of the $500 million appropriated last fall to DoD for denuclearization and the transport of humanitarian aid. The Act would authorize the use of these funds for demilitarization, defense conversion, the withdrawal and relocation of military forces and non-proliferation.

It would authorize the establishment of a science and technology center in Ukraine comparable to the one being established in Moscow. These centers will seek to employ, for peaceful purposes, weapons scientists who might otherwise contribute to the proliferation of the systems and devices they have created.

These activities will have direct and measurable effects on our national security. Our longer-term objective, however, is to help foster the development of economies no longer dependent on military spending. U.S. involvement in this transformation presents unparalleled opportunities for American businesses and workers to benefit by helping Russians and others develop, in environmentally sound ways, what may well be the world's largest untapped market, one based on an extraordinarily impressive repository of human talents and natural resources.

We want American companies to be able to compete all across the Eurasian landmass. Not only can we develop markets for U.S. exports, but in partnership with indigenous enterprises we can develop alternatives to military production; alternatives which redirect the enormous talents of Russians, Ukrainians and others toward peaceful, productive purposes. We are working hard with the governments of these new states to create laws and procedures which will facilitate and protect trade and investment. Although we cannot force U.S. businesses to compete with others to profit from these emerging opportunities, we can make it easier for them to do so. The Freedom Support Act would authorize:

Expanded increases in export and investment guarantees and insurance through the Export-Import Bank and the Overseas Private Investment Corporation. Additional U.S. exports mean additional U.S. jobs;

Support for continued U.S. food exports under the Commodity Credit Corporation;

The removal of Cold War obstacles and bars to U.S. investment;

The creation of a resident program of U.S. business advisors through America Houses and American Business and Management Centers; and

U.S. participation in international efforts to stabilize the ruble and make IMF loans available, all subject to continuing democratization and reform.

The Freedom Support Act also calls upon the U.S. to provide cost-effective technical assistance in the form of people-to-people know-how for the creation of democratic institutions and free markets. I will return to a more detailed account of our technical assistance initiatives, but permit me to say that none of this adds up to an old-style foreign aid program. All of it encourages, but ultimately depends upon the leaders and citizens of these new states reforming in ways which attract international partners who will work with them to convert military-based economy to one which is peaceful and productive. Nothing in this Act commits the U.S. taxpayer to massive, up-front capital investments in infrastructure projects. The Freedom Support Act is *not* a $24 billion foreign aid bill.

In sum it seems to me that the Freedom Support Act provides a sound basis for a national consensus in the face of communism's collapse. It does so by striking balances in four areas:

By reflecting the inclination of the American people to be *helpful*, for reasons rooted in our own national security, but *fiscally prudent* in support of reformers in the new states;

By codifying a dynamic balance between reform in the new states and assistance from the U.S.;

By establishing an international division of labor among the industrial democracies for macroeconomic support, all of which is contingent on sustained reform processes in the new states; and

By targeting official U.S. technical assistance at democratization and the opening of opportunities for our private sector.

Although humanitarianism runs strong and deep in this country, I believe it is important for Americans, Russians, Ukrainians, Armenians and others to understand that our approach has nothing to do with charity or giveaways. In concert with private voluntary organizations we are indeed engaged in humanitarian activities designed to help these new states preserve social safety nets for the elderly, for children and for the infirm during a period of great upheaval. The peoples of these new states are, however, eager to provide for themselves and anxious to get on with the business of building democracies and free economies. With this in mind I would like to describe our approach to technical assistance.

Although we had to focus at the outset on meeting humanitarian needs, we also saw a requirement to provide the expertise and know-how required to help those in need today to be able to help themselves tomorrow. As we provide food and medicine, we must also help create the infrastructure of a democratic, free market society.

This is exactly what we are doing. While Operation Provide Hope, the President's Medical Initiative, the USDA grant food aid, and other emergency programs are underway, we are also working on developing and implementing technical assistance programs. These programs represent our effort to teach the fishermen to fish rather than providing the fish. Through these programs, we hope to create—or recreate—the indigenous capacity to carry forward in a prosperous, democratic society.

I am quite proud of our progress to date in this area. Our humanitarian assistance has received quite a lot of press coverage—and I am happy about that. But our technical assistance programs have gone relatively unnoticed to date. Let me cite a few examples of the programs that are moving ahead quickly:

We have already sent two defense conversion advisers to Nizhniy Novgorod and will be sending two more to Kharkov by the middle of this month;

We have placed a housing adviser in Moscow and expect to have long-term advisers in Moscow, Yekaterinburg, Novosibirsk, Alma Ata, Kharkov and Yerevan by the end of August;

Our energy efficiency teams have completed audits in six cities and will be installing energy-saving equipment in district heating plants before the onset of winter;

The Norfolk/Moscow Childrens Health Center partnership will begin its first activities later this month;

The first agricultural extension team will arrive in Armenia in June;

Our first wholesale market teams will arrive in Moscow and Kiev in mid-May; and

The first batch of loaned executives under the USDA program are due to go out in June.

As you can see, we have made considerable progress in beginning to implement our initial technical assistance programs. We will continue to have these programs come on line as quickly and effectively as possible. We are pushing all agencies to implement their programs as a matter of top priority. This does not mean that we are not thinking through each of the programs, but that we are driving the process as quickly and as prudently as we can.

Placing Americans on the ground to help promote reform strengthens the position of today's democratic leaders and shapes the thinking of coming generations of leaders; it also creates a new foundation for enduring political and economic ties. We firmly believe that we can best support our diplomatic efforts by having in place assistance programs that are visible.

Technical assistance should be aimed at creating conditions in which the private sector can thrive. This paves the way for increased private investment—the real engine of growth for these new market economies. We will devote significant resources to programs that will promote U.S. trade and investment which, in turn, will help restart these crippled economies and transfer know-how and resources.

An extremely important part of the USG technical assistance program focuses on fostering U.S. private sector investment and participation in the privatization of the economies in the NIS. The U.S. Government offers a range of programs to provide incentives for potential U.S. investors. Among the most effective of these programs are those run by the Overseas Private Investment Corporation, the Export-Import Bank and the Trade Development Program. Each of these entities is in the process of implementing programs newly developed for the new independent states. It is important to note that the most important factor in encouraging Western investment is the commitment of the new governments to put in place the legislation and regulations which create an environment acceptable to Western investors.

U.S. Government activities through the Trade Development Program provide funding for feasibility studies for potential U.S. investment projects.

The Export Import Bank provides credits for U.S. companies interested in investing in the FSU.

The Overseas Private Investment Corporation provides insurance and financing coverage that increases the incentive for U.S. business participation.

In addition, the Department of Commerce is planning and executing a series of programs updating Eastern European data bases of potential investors and companies in the host country to cover the NIS and providing internships for managers of NIS companies in American companies through the Special American Business Initiative (SABIT). The managers are provided a 3-6 month internship at appropriate host U.S. companies, and the U.S. Government pays the airfare and a small stipend for each NIS intern while the host American company pays other costs, including insurance and training. This program has been expanded to include scientists from the NIS who will intern with American scientific and research companies.

Finally, it is important to note that the decision of Congress to repeal the Byrd-Stevenson restrictions in the FY-92 Continuing Resolution will prove critical in removing obstacles to EXIM's provision of export credits essential to encouraging U.S. trade and investment in the NIS. The participation of EXIM is a crucial part of the overall focus and the ultimate success of our assistance program.

In designing our technical assistance programs we seek to promote "islands of success" that can serve as models for cities and regions in the new independent states. Our choice of target areas for our problems will depend in part on the local leadership's commitment to reform. By concentrating our efforts—both geographically and by sector—we can demonstrate that leaders who support democracy and market reform can deliver. In particular, we are concentrating technical assistance on eradicating the underlying causes of current shortages, such as production, distribution, and transportation bottlenecks.

At the Washington Coordinating Conference in January all agreed that each donor should focus on areas where it has a comparative advantage. U.S. technical assistance will focus primarily on the private sector, with emphasis placed on needs which are critical and returns can be quickly achieved; this includes agriculture and food distribution, energy efficiency and oil and gas extraction, and restarting the pharmaceutical industry.

U.S. assistance must focus on our strategic interests: dismantling weapons of mass destruction, converting the defense industry to civilian production in the private sector, and combating the "brain drain" of scientists who could proliferate nuclear, biological, and chemical weapons.

In this connection permit me to mention briefly the science and technology centers we are establishing in Russia and Ukraine. These centers will serve as clearinghouses for projects to help weapons scientists and engineers redirect their talents to peaceful, civilian pursuits.

Later this month, the founding members—U.S., Japan, the E.C. and Russia—will sign the agreement establishing the International Science and Technology Center in Russia. At that time, the members of the initial governing board will also be meeting informally for the first time. The Board will discuss the expansion of board membership, approve a site for the center and adopt project-proposal format and guidelines. We will publicize the proposal guidelines and format as soon as possible so that we can solicit high-quality, well-focused project proposals from government agencies, private and non-profit firms. We have already received close to 200 unsolicited proposals.

We have identified senior executive staff for the international center and those candidates will be part of these meetings in Moscow. Because of the urgency of the center's mission, we are taking action to have it operational by June.

We are also moving quickly to establish a separate independent science and technology center in Ukraine. Robert Gallucci will be heading a U.S. delegation which will travel to Kiev again this month for substantive negotiations on an international agreement establishing this center. Representatives of other nations, including Japan and Canada so far, plan to participate in these negotiations as founding members. We expect the center in Ukraine to be open by early summer.

As part of our overall assistance program, the Administration proposes to establish an independent Eurasia Foundation for Democracy, Free Enterprise, and Training in Leadership and Management. This Foundation would promote and strengthen market economies and institutions concerned with representative government and the protection of human rights. Working with U.S. private voluntary and non-governmental organizations, the Foundation will provide help in privatization and management training.

In the meantime, we must not miss this opportunity to consolidate our democratic and market values in the new independent states of Eurasia. As the President stated in his opening remarks to the Coordinating Conference, we must "commit ourselves, individually and collectively, to an opportunity that may not come our way again in our lifetime. The prospect that our former adversaries may become our friends and our partners—this is in the national interest of every country . . ."

The most important contribution the U.S. Government can make to enabling the former Soviet Union to shift a significant portion of its resources from defense to civilian production is to encourage the flow of American private capital and know-how into the former Soviet Union. The transition of the economies of these new states from command to market will require that state-owned enterprises, and especially defense facilities, restructure their operations to focus on production of civilian goods for which there is a clear market either domestically or internationally. In addition to the funding required for such a shift, technical assistance will also be needed in areas such as marketing, accounting, management and production efficiency.

The U.S. Government is undertaking several projects to address these needs. The first, which I alluded to briefly in my overall description of the program, involves the placement of defense conversion advisors—retired U.S. executives from defense-related fields—into several key cities. These executives will serve as advisors to the local governments and to factory managers on issues related to defense conversion and investment promotion. The first two teams of advisors will go to Nizhny Novgorod, Russia and Kharkov, Ukraine. They will be in place by the middle of May. We are in the process of selecting additional cities for advisors, including one in Central Asia.

In addition to the advisors, the U.S. Government will be establishing western-style business centers in several cities throughout the new independent states to provide facilitation services for American businessmen. We will also be calling on several existing AID contracts with American accounting and consulting firms to provide assistance in discreet activities relating to privatization, such as asset valuation and management consulting.

Another fundamentally important area requiring major reform is the financial sector and, especially, the banking systems of the new states. Without a capability for western businesses to transfer hard currency into and out of these places, commercial promotion efforts will meet only minimal success. We are addressing this issue through an activity with the Department of Treasury aimed at providing advisors to the Central Banks and Ministries of Finance in several of the new republics. These advisors will provide assistance in areas including budget management, banking reform, and tax policy.

In the general area of privatization, we have begun discussions with the International Finance Corporation to support auctions of small and medium-sized retail facilities in several cities throughout the new independent states. These auctions will be modeled after the very successful auction effort recently completed in Nizhny Novgorod, which have already transferred 50 retail enterprises from state to private ownership.

I would like to conclude by reiterating my gratitude for having been afforded the opportunity to appear before this body. I cannot overstate my strong belief that passage of the Freedom Support Act is absolutely essential. We need to chart a basic course for a journey of many miles and many years. We need to do it together, because this journey will see Presidents and Congresses, Republicans and Democrats, come and go. I believe the Freedom Support Act charts a course which the American people support. Its passage will not only codify our own national consensus, but it will make it clear to the leaders and peoples of the new independent states that democracy and economic reform are the prerequisites for a lasting partnership.

Mr. KERREY. Mr. President, Ambassador Armitage says that the presentation of the previous Support Act represents the sounds basis for a national consensus. I do not believe it does. With respect to the Ambassador, there are many parts of his presentation with which I do not agree.

In fact, the ranking member of the Foreign Operations Appropriations Subcommittee, Senator KASTEN of Wisconsin, said that the Freedom Support Act was in deep trouble; that unless there are major changes; that it was unlikely to pass; that the proposal was a mess because it has no specific cost attached to it; that the proposal itself was woefully short of the kind of detail that was necessary to get enacted.

Again, I say with emphasis, there is urgency for this body to consider and begin to argue what kind of an aid package we are going to provide to the Soviet Union.

I am prepared to argue, Mr. President, there should be three things to guide us. One long-term aid program will work better than individual exchange programs with Russia, Ukraine, Kazakh, and the other republics that are now independent nations. Those exchange programs should be increased by a significant amount with the expectation that they may not yield benefits for a full generation. Those kinds of benefits are the ones that I believe are most likely to get positive return for taxpayers' investment.

Second, Mr. President, I believe we need to prioritize our effort. Behind me, although I will not go through all of it, are the European Community's efforts in 1991. For Americans who are wondering why we should get involved, look at what the European Community has done in 1991, making not only significant investment in the development of Russia and other republics, but the kind of specific investments, prioritized investments, that will yield economic return for European businesses.

It is in our economic interest to get engaged in this project. And, Mr. President, it is in the taxpayers' interests, as well, because the more successful the other republics are of making this great transition to democracy and to free markets—the more successful they are—the greater the size of the vaunted peace dividend will be.

It is a very crucial debate, and I hope it is just beginning. The priorities—for me, it does not take a great wizard to figure them out, and I do not believe the administration has established these priorities.

The priority, to me, is to say to the former Soviet Union, first of all: You have to develop a set of systems, although the debate about the nature of the Constitution of each one of these new nations is of critical importance.

Second, because you are going to need hard currency to make purchases, we should establish a priority both for the republics and for us, in the area of oil and energy.

And third, our priorities should be in the area of private agriculture, and not collective and state farms. It would be difficult to hold to those priorities. The people that are involved in the decisionmaking in Russia and the Ukraine and other republics may have a different list. In the short term, they may say: We need help with steel; we need help with automobiles.

We need to keep to a list of priorities. Otherwise, not only will it be a disappointment for taxpayers, but I believe there will be failure for the Russian people and Ukrainian people and others.

Finally, I believe one of the things we should hold fast to is to say: This is going to be—our taxpayer effort is going to be—driven by a desire to produce profit and growth in the American economy, and profit and growth in the Russian economy and other republics' economy, as well.

If we encourage Government-to-Government transactions, as this administration, unfortunately, at times seems willing to do, we will both not provide the kind of growth Americans want here at home and, I believe, we will reinforce the status quo in the Soviet Union.

Mr. President, I appreciate the time granted to me by the distinguished Senator from Oregon, and I yield the floor.

Mr. President, I suggest the absence of a quorum and ask that the time used be equally charged to both sides.

Mr. HATFIELD. Mr. President, prior to the calling of the quorum, I ask unanimous consent that all of the time used be charged against the time controlled by Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk to call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask permission of the Chair to introduce two guest members of the Russian Parliament, who are visiting today.

The PRESIDING OFFICER. The Senator may proceed.

VISIT TO THE SENATE BY MEMBERS OF THE SUPREME SOVIET OF THE RUSSIAN FEDERATION

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I would like to introduce People's Deputy Gasparyan, who is chairman of the Subcommittee on Radiation and Safety, Committee on Ecology and the National Use of Natural Resources, Supreme Soviet of the Russian Federation.

I would also like to introduce his colleague, People's Deputy Nesterov, deputy chairman of the Subcommittee on Radiation and Safety, Committee on Ecology and the Rational Use of Natural Resources, Supreme Soviet of the Russian Federation.

I introduce these two Deputies to the U.S. Senate.

[Applause, Senators rising.]

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, it is my understanding that the distinguished Senator from Oregon [Mr. HATFIELD] has 5 minutes remaining.

The PRESIDING OFFICER. Six minutes, actually.

Mr. BYRD. Six minutes.

Mr. President, I ask that the time now running be charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, legislation is the art of compromise. Never is that more true than when the executive branch is in the hands of one political party and the legislative branch is in the hands of the other major political party. When control of the Government is divided in this way, to refuse to compromise is to abdicate leadership. To refuse to compromise is to doom the American people to witness the spectacle of gridlock which they have seen so often over the past several years.

When we have divided government, to steadfastly refuse to consider compromise, to insist on getting everything one wants, to condemn every other point of view but one's own, condemns any attempt to deal with the festering problems of this Nation to limbo.

Dante, in his "Divine Comedy," and particularly with reference to the "Inferno," spoke of the first circle of hell as "Limbo."

Milton, in "Paradise Lost," spoke of the "Limbo of Vanity."

In this instance, I would prefer to take Dante's reference to Limbo, the first circle of hell. That is where those souls went who had not committed serious sins, but because they had not been baptized they were not eligible to enjoy the bliss of paradise.

So, to condemn every other point of view but one's own concerns relegates any attempt to deal with the festering problems of this Nation to limbo. And, in the kind of financial situation we are in, I am not sure that the first circle of hell would not be an appropriate reference. To refuse to be able to bend, or to give, or to yield, in order to allow for some higher purpose to be accomplished for the Nation, certainly constitutes a disservice to the Nation.

Mr. President, the Appropriations Committee has compromised. We have compromised. Admittedly, we were disturbed by this new approach to the usual rescissions process and deeply angered by the political rhetoric which emanated from the East Room of the White House on March 20 and which accompanied the President's request. Nevertheless, the committee approached the matter forthrightly, acted expeditiously, and brought forth a product which exceeds the dollar amount of the President's rescission requests, and which includes many of the specifics of his requests. There was no attempt to gain partisan advantage—no effort to play games.

The Appropriations Committee staff is a staff, on both sides of the aisle, of professional, analytical people whose job it is to evaluate and fund programs which are worthwhile and which will be of some benefit to the Nation. My instructions to the Appropriations Committee staff director and, in turn, to the clerks of the various appropriations subcommittees, were to take a hard look at the President's requests and retain those that were warranted. Go along with those rescission requests that were warranted. Make the cuts that the President had recommended, if those cuts were warranted. And then see if the appropriations staff, working with our ranking members of the subcommittees and on the full committee, independently could find other areas which appeared to be wasteful and which had not appeared on the President's list.

At no time did I say to the staff to stick it to the White House. At no time did I say to the staff, "Let's embarrass some Republican members for partisan advantage." We could have tried that. Never did I suggest that we should be irresponsible, political, cute, or vindictive. That tone was set by the speechmaking from the White House, which accompanied this exercise. But the members and staff—the members and staff, members on both sides of the aisle and the staff—of the Appropriations Committee did not take that bait.

This process has been hyped and peddled as a way to cut the deficit and stop some wasteful spending. I have stated that the rescissions process and the backdoor, line-item veto approach of this particular rescission—request exercise, are not a panacea for deficit reduction.

Our deficits are so mammoth, so enormous, so colossal, that rescissions and even a full-blown line-item veto would make hardly a dent in the size of the deficits.

Mr. President, the CBO tells us that the deficits for fiscal year 1993 will amount to $391 billion. OMB says the deficits for fiscal year 1993 will be $20 billion higher: $411 billion. Yes. $391 billion, by the CBO; OMB says $20 billion higher—$411 billion.

The cap for domestic discretionary spending in fiscal year 1993 is $206 billion. So, if one were to take a veto pen—if a President had a line-item veto—and just lined out the entire domestic discretionary budget, for fiscal year 1993, of $206 billion, it would not even come close—it would not even come close to eliminating the deficit: $206 billion from $391 billion, if we take the CBO estimate of the deficit; or $206 billion of domestic discretionary from the deficit of $411 billion, if we take OMB's figures, would not even come close to eliminating the deficits.

So, our deficits are so enormous that common sense—the common sense of any rustic boob—would tell anyone, if he knew anything about math, the old or new, that this is no way to eliminate the deficit. If we eliminated the entire $206 billion in domestic discretionary funding, we would close the Government down, lock, stock and barrel—the judiciary, the executive and the legislative—but the fiscal year 1993 deficit would not be eliminated.

So it is silly to make those statements. And it is misleading, to try to make the American people believe that these deficits can be eliminated through the rescissions process. That is the unvarnished truth. The things that we could do, however, that would make a serious difference in the size of the deficits are excruciating, painful, actions such as cutting the growth in entitlements, investing huge dollar amounts in our crumbling infrastructure to create jobs and increase productivity, cutting defense to meet changed world challenges, and raising some additional revenues.

These would be painful. At least some of them would be.

However, we will not do any of those things in any significant way this year; but those are answers to the deficit crisis, and we professional politicians all know in our heart of hearts—we all know that.

Nevertheless, I have said that, although this exercise is not a solution, not the panacea that it has been hyped to be by the White House and by some people on Capitol Hill in both Houses, it can nevertheless be useful. That is why we have it in the law governing the rescissions process.

It is always useful to try to cut waste. It is always responsible to review programs and make corrections and cancellations that save tax dollars. No bill we write here is perfect. Often, a second look, after some time has passed, can serve a constructive purpose. So, that is what the Appropriations Committee endeavored to do in this bill.

The White House hyped the process. The President called in a very friendly audience on March 20 and made his statement. His speech was interrupted many times by applause. His picked audience loved it.

So the White House hyped this process and told the American people that we ought to do this to cut some "pork." The White House fed them the line that the process was essential, rattled the bully pulpit, and shook the big stick. We on the Appropriations Committee of the Senate, Republicans and Democrats, responded responsibly. The trouble with labeling something as "pork" is that it may not be pork. A curious name, or a cute name, or a funny one, does not mean that a project or a program is worthless. It is easy to attack programs like that, but it is not always or necessarily responsible to do so.

This committee, the Appropriations Committee—which I chair, and which has in the past been chaired by my dear colleague on the other side of the aisle, the senior Senator from Oregon [Mr. HATFIELD] and the members of that committee on both sides—tried to be responsible. I urge all Members of the Senate to carefully review the work of this committee.

We have reduced defense spending by a total of $7,205,040,000 or $63,270,000 more than the President asked that the defense spending be cut.

We reduced domestic discretionary spending by $910,144,590 or $189,141,900 more than the President requested. We cut it more deeply than the President requested.

We did not take every suggestion that the White House sent up, but we did take many of the suggestions, and we did even better than the White House did by cutting funds for some absolutely ridiculous studies that the executive branch had approved. And we also found $172,362,054 in foreign aid to cut when the White House could not find one thin dime in foreign aid to cut.

The rescissions in this bill are all absolutely defensible. Many would reduce the deficit. They are all wasteful spending. They are a contribution, albeit a modest one, toward the effort of being fiscally responsible. This is what the White House demanded that we do. This is what the President took the bully pulpit to tell the American people to demand that we in the Congress do.

Is he now going to veto this bill? I have heard that he may veto it if it passes. Is he now going to veto this bill just because it is not exactly as he and his advisers would like?

After demanding that Congress cut waste and rescind $7,862,772,690, is the President now going to tell the American people that he cannot support cutting $424.7 million more than he asked that we cut? Is he going to say to the American people that he can support canceling prickly pear research, but that he cannot possibly go along with canceling studies to determine why people fear their dentists? For $94,000, I can tell you why people fear dentists. I can tell you for a nickel. I can tell you for one penny. I can tell you for no money at all. It does not take one red cent. I can tell you why they fear the dentist: Because of pain. It hurts to go to the dentist.

Why does the executive branch need a Government study at a cost of $94,000 to tell us that? We can ask any child. A child will answer that question. The executive branch does not need $94,000 for a study as to why people fear to go to the dentist. Any child who has to go to the dentist will tell you why he fears the dentist. It hurts.

Is the President going to tell the American people that after he hyped and bullied the Congress and told the American people that these rescissions had to be made, is he going to tell them he cannot now agree and he is, therefore, going to let this waste go forward? Or is he going to say that he cannot support this worthwhile deficit reduction effort because of the *Seawolf* submarine?

The *Seawolf* submarine was a great favorite of the administration's only last year, and the action that the Appropriations Committee has taken to retain it simply endorses the President's budget request to the Congress. The Appropriations Committee seriously considered terminating submarines 2 and 3, now in various stages of completion, but after considering all factors—including vociferous arguments in support of *Seawolf* by the administration last year—agreed that it is better to go forward.

Why is it better? What are the factors? They have been cited persuasively on this floor. First, we should be preserving the most advanced technologies in our submarine systems of the future because there would be fewer of them and the inventory of even those that we retain will be smaller. We will be retiring submarines at a faster rate in the future. The size of our force would drop from some 90 boats to 50. If we are to retain mastery under the seas with smaller numbers, it only makes sense to have the most advanced technology we have developed in those platforms, and second, the economics of defense are a major factor.

What are the economics? First, essentially we have already paid for the submarines, since the reality of their contracts means that the Government would pay about the same to terminate the boats as it would to go ahead and manufacture them. What makes more sense: To get something that we paid for or to get nothing for our money? Any housewife can answer that question. The question answers itself.

Second, the administration is pushing hard for the smaller follow-on Centurion submarine to be built toward the end of the century. We cannot build any kind of submarine—Centurions or otherwise—if we do not have a manufacturing ability to produce them. We cannot produce Centurions without a submarine building industry. So, are we to accept the proposition that when it comes time to build Centurions, we would then recreate Electric Boat? That is just plain nonsense. Hence, having already paid for the three *Seawolfs*, in essence, we should build them, because it will also keep our submarine manufacturing base alive for the future.

These are pretty elementary realities, Mr. President, and I think they are persuasive.

Or is the bill's SDI rescission enough to cause a veto?

The overreaching nature of the current SDI strategy is the biggest single extravagance in the defense budget. It is the ultimate in "pork." It is "pork" pie in the sky. It is a keep-well program for contractors, national laboratories, and other participants in this big cash cow. The program has been so spoiled that it is crying "poorman" after still getting $2.8 billion for next year. It is time to drive the laboratories and contractors off this dependency and ask them to start participating in producing value for our economy. They can do it if they try. They really can.

The military threats to the United States and its allies come increasingly from regional conflicts featuring short-range missiles like Scuds, and not ICBM's. This rescission bill would cut $1.3 billion from the strategic defense initiative. Funds would be rescinded from those elements of SDI that focus on some nebulous long-term threat and exotic technologies, including space-based interceptors like Brilliant Pebbles and the most abstract future-oriented research and development programs. We have left in place funds for theater missile defenses to protect our deployed forces and our allies from attack by short-range missiles such as the Scud. Funds to build the Limited Defense System at Grand Forks, ND, the first step in protecting the United States from limited ballistic missile attacks, also remain. Last year, in the fiscal year 1992 Department of Defense authorization bill, we included the so-called Missile Defense Act provision, which sets out our policy on strategic defenses. The funding for SDI which we have preserved, $2.9 billion, fully funds that provision and is faithful to its policy and program thrust.

Current and future fiscal limits require that hard choices be made. With theater missile defense development and the Grand Forks system, we are meeting the existing military threat. At the same time, we must work to stem the proliferation of missile technology instead of simply seeking to counter it with expensive and grandiose concepts that rob the country of funds needed elsewhere. Over $22 billion can be saved between 1992 and 2005 if the programs outlined in the rescission bill are ended. Canceling the Brilliant Pebbles Program for orbiting space-based interceptors saves $9 billion or more. Similarly, cutting funding for what is euphemistically called innovative technologies saves some $2 billion, and ending funding for directed energy weapons research and development, the follow-on to Brilliant Pebbles, saves another $11 billion over the years. Additional smaller savings would result from the reduction in the management and support segment, estimated by the General Accounting Office to consume some 20 percent of all SDI funding between 1992 and 2005. This money can be better spent on programs that directly affect the economic health of the United States.

These are sane and sound savings that can and should be made in the SDI program. If it is waste that the White House wants cut, this committee has, therefore, cut obvious waste.

We have also eliminated other wasteful executive branch spending in this legislation—wasteful executive branch spending, I repeat. Is the President going to veto this bill and then tell the American people that he thinks every dollar spent on the following list is a dollar we ought to spend? Remember, these items now that I am about to name are executive branch projects. To use the President's word, "pork," these are executive branch "pork" projects.

Is the President going to endorse this type of spending?

For example, a study of the significance of holism as a scientific and cultural phenomenon in the German-speaking life and mind sciences between the two world wars.

Another example: A study of ways in which Protestant Pentecostalism and more traditional or Catholic forms of religion are involved in the creation of new cultural models of gender, family, and definitions of personhood in southern Italy.

Another example of executive waste: A study of economics of auction markets.

Another example: A study of how the Chinese search for jobs by conducting a survey of 2,000 employed males and females between the ages of 18 and 60 who have entered the labor force since 1949.

Another example of executive waste: A study to analyze the formation and evolution of political alliances in Soviet legislatures.

A study of the tendency of decisionmakers to incline their action toward some group norm.

A study of how people process irrelevant information.

A study of how various factors affect wages, employment and firm performance in France. Why does the executive branch want to spend money on that?

A study of how people's attitudes toward risk evolve by studying how they play certain games. Why does the executive branch want to spend money on that?

A study of how the nonconscious emotional state of someone affects the way they perceive others.

A study of how attitudes are expressed by other means than words, in particular facial expressions and voice quality.

A study of the possible relationship between the age of a firm and the relative salaries of its employees.

The American people did not hear any of these wasteful items mentioned when the President made his televised appearance before the American people in the East Room of the White House on March 20 when he excoriated the Congress for wasteful spending and got all of that applause. The speech was interrupted many times. He did not mention any of these items. Why? Because these are executive branch initiatives.

Another example of executive branch pork: a mathematical study into factors that affect the mating behavior and subsequent evolution of swordfish.

A study of transformations that occurred in the political economy of the Wanka societies as a result of imperial occupation—whatever that is.

An exotic example of executive branch pork: a comparison of the roles of intra and intersexual selection in the evolution of sex-limited mimicry of two swallowtail butterflies.

A study of song production in freely behaving birds of various species.

This piece of executive pork reminds me of Agesilaus when he was asked by a friend to go and listen to a fellow Spartan who had perfected mimicking the nightingale. Agesilaus said, "I don't have to listen to him, my friend. I have heard the nightingale itself."

I suggest that the administration might read Plutarch's "Lives" and concentrate on Agesilaus rather than spend the taxpayer's money for a study of song production in freely behaving birds of various species.

Yesterday, President Bush laid the blame for the recent riots and violence in Los Angeles at the feet of congressionally enacted programs. He and his advisers implied that as a branch of Government, Congress had failed to provide the funds necessary for low-income families to achieve home ownership in urban areas like Los Angeles. And that this alleged shortcoming was a key reason why conditions are not better in Los Angeles and other urban areas today.

I respectfully regret to inform my colleagues that the President's advisers have decided to play fast and loose with the truth—not only in assessing the record of this body, but more importantly, the conditions which exist today in South-Central Los Angeles.

One of the President's rescission requests which the committee rejected, was a request to rescind approximately $547,000,000 which was appropriated to construct public housing units in the most severely stressed areas of America's largest urban centers, including Los Angeles.

At a time when our economy is in distress, such projects are vitally needed. Further, each of these projects was approved by the Congress after careful consideration, and each of the projects meets the criteria of the Department of Housing and Urban Development's Community Development Block Grant Program. These criteria are: benefit low- and moderate-income communities; aid in the prevention or the elimination of slums and blight; or, meet other particularly urgent community development needs.

In addition, it is important to note that funding for assisting housing was reduced from $30.1 billion in fiscal year 1981 to $7.9 billion in fiscal year 1990, a 74-percent reduction. These reductions occurred at a time when need remained substantial. The housing and community development projects approved by the Congress help meet the significant shortfall in this area. Currently, there is a backlog of $30 billion of eligible housing and community development projects which have not been funded due to budgetary constraints. These housing moneys are vitally needed and they have been restored in this measure, as they should be.

Is the membership of this body prepared to vote against this bill and, therefore, endorse what amounts to insane inventory practices by the Department of Defense? Is the Senate prepared, and is the President, to explain why the Department of Defense should be allowed to continue to stack 50-year supplies of Maalox, hospital gowns, tires, and spare parts for weapons systems which have been discontinued, in rented warehouses all over this country at tremendous taxpayer expense? A vote against this measure endorses that waste because this measure rescinds $500 million in those inventory accounts. We must begin to stop this ridiculous, obscene piling up of items we do not need by the Defense Department.

A vote against this measure lets the Department of Defense off the hook. It says, "Go ahead, spend all you want, waste all you wish." This type of mindless inventory hoarding is abuse of the American tax dollar of the worst sort. This scandalous abuse was ferreted out by the Congress and the General Accounting Office, and the administration ought to join our efforts to stop it.

There are many Members on both sides of the aisle who view this bill as constructive. The American people have been led to believe that we are going to engage in a serious effort at cutting waste. Let us all stop now and think about the message we are sending if we cannot get together and rescind this modest amount of money. Let us think about what a vote against this measure will say to the people in terms of the waste we will be endorsing. Can't we all end the brinkmanship, the petty squabbling, the endless playing for political advantage, the irresponsible immaturity of each of us insisting on getting exactly his own way? Can't we deliver to the American people a responsible rescission package, and just once let it go at that? I implore Senators to support this compromise package. With a strong enough vote, the President will reconsider his veto threat. It would be wise for him to reconsider that veto threat anyway.

A vote against the committee substitute is a vote to continue the wasteful spending which will be eliminated in the committee substitute, and it will be a vote against reducing Federal spending by more than $8.2 billion. A veto by the President of the United States will amount to a vote against reducing the Federal budget by more than $8.2 billion.

The hand of compromise has been offered by this committee. We ignored the saber rattling from downtown and set dutifully about our task. We retained many of the President's requests. We have produced a balanced, thoughtful product that does the job the President told the American people we ought to do. President Bush will have a tough time explaining why this product is now not acceptable to him, and I hope he will not try.

I hope he will rethink this course of confrontation and choose to do the right thing. I hope that he will take a step to restore the confidence of the American people in their government's ability to function, even though it is a divided Government. If he does not take that course, if he vetoes this balanced, responsible bill, his reasons will be transparent to the American people. They will cynically conclude that they are simply watching more election year politics—and, sadly, they will be right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has 7 minutes remaining.

Mr. HATFIELD. Mr. President, I yield the remaining part of my time to the chairman of the committee, Senator BYRD.

Mr. BYRD. Mr. President, I thank my friend.

Mr. President, there are some Senators who say that the President's rescissions were not even considered by the Senate. Each and every one of the President's rescission requests was considered by the Appropriations Committee, by the various subcommittees. All of the President's requests are in the underlying bills reported from the committee. They are all there. The committee substitutes strike them out, insert in lieu thereof some of those same rescissions, and puts additional rescissions in.

So they were all considered. Not one of the President's rescission requests was ignored by the committee and subcommittees.

Then there are those Senators who say that they do not have an opportunity during floor action on appropriations bills to offer amendments to delete so-called wasteful items. Mr. President, every Senator, when an appropriations bill comes to the floor, has an opportunity to offer an amendment to strike whatever he wants to strike from that bill. We have a 2-day rule that requires that Senators have at least 2 days to study the committee report and the bill. That is ample time for Senators to find out what is in the bill. They can inquire of the Appropriations Committee staff what is in the bill. They have time to read the bill in 2 days. They have time to read the committee report. They can offer amendments to strike items from the bill if they deem them to be wasteful.

Where are those Senators? Are they sitting on their rights when appropriation bills are being debated in the Senate, and then crying because they did not utilize the opportunity to study the bills and to offer amendments? They say, well, things are put in at the conference. "We do not know what is in the conference report."

Mr. President, let it be known that in many instances the items that are inserted in conferences are requested by the administration downtown. Many times the conferences, which are made up of Republicans and Democrats in both Houses, consider requests by the administration, whether it is Democratic or Republican, and some of the items that are put in in conference are at the request of the administration itself.

Let it also be said that when the Senate amends House appropriations bills—and by custom the bills have to start in the House. That is not according to the Constitution, not with respect to appropriations bills but by custom. They start in the House. If the Senate amends those appropriations bills that come over from the House, which it almost always does, then many of those Senate amendments are taken back by the House conferees in disagreement to the House. And those same items in disagreement come back to this body. Yes, we do have to vote up or down on the conference report. But after that is done, if the conference report is not rejected, then the Senate votes on amendments in disagreement.

And any Senator who is worth his salt, who has been here long enough to read the rules—if he is too lazy to read the rules, there sits the Parliamentarian, and any Senator can go up and ask the Parliamentarian about the rules—any Senator can offer to amend the amendments in disagreement. And he can get at anything in that bill that he wants.

So I get a little bemused at all of this crying, wailing, weeping, and gnashing of teeth saying, "We do not have a chance," when these appropriations measures come back from conference. As to conference reports, amendments in disagreement will give any Senator an opportunity to offer any amendment that he wants to offer with respect to anything that is in that conference report.

Let us have done with all of this poppycock by those who say, "Well, these conference reports come back, and we do not have any opportunity to get at items." Those Senators who say that simply do not know what they are saying; they do not know what the rules are; they do not know what their rights are; and they ought to quit crying and complaining about it. They can have their votes.

Mr. President, I close by thanking all of the members of the Appropriations Committee, on both sides of the aisle. I am very proud of this Appropriations Committee. I am very proud of the way Senators work together on it. I am proud of the Republicans and the Democrats on that committee. We do not play party politics on that committee. We could do that, but we do not do that. I could not ask for better cooperation out of the Republican members of that committee than is given to me, generously, and given to all of us on the Democratic side by the Republicans of that committee. They are responsible members. They are responsible people. They understand what their duties are. We do not always disagree, but we disagree amicably. And whatever my Republican friends want in that committee by way of amendments, we all consider those amendments.

I thank the subcommittee chairmen. They have been responsible, and they have worked hard, and they have tried to rise to the needs of the moment, and to consider the President's requests.

I also thank, in closing, the staff people on both sides of the Appropriations Committee. We could not have better staff. We only have 82 staff members.

That is the whole kit and caboodle, for Democratic and Republican Senators. I again thank Senator HATFIELD, and I urge Senators to vote for the committee substitute.

Mr. MITCHELL. Mr. President, I support the rescission bill reported to the Senate by the Appropriations Committee. This bill would reduce the Federal budget deficit by $8.3 billion. The President's rescission proposals would reduce the deficit by a total of $7.9 billion, $425 million less than the bill we are considering today.

This bill recommends rescissions of $910 million in domestic accounts and $7.2 billion in defense accounts. The President proposes to make fewer reductions in each of these categories.

A major element of the President's rescission package is a reduction of funds for the *Seawolf* submarine program, while preserving funds for more costly defense programs such as the strategic defense initiative and the B-2 bomber program. The rescission bill we are considering takes a more informed and reasonable approach. It makes appropriate reductions in the *Seawolf* program to eliminate excess spending, and eliminates funds in SDI and the B-2 bomber programs that are not needed. Of these approaches, I prefer the one taken by the Appropriations Committee.

In his rescission announcement, the President hailed the *Seawolf* rescission and others as an attack on congressional pork-barrel projects. However, just 6 months earlier, members of the administration were appealing to Congress to provide funding for the *Seawolf* submarine. Much had changed in those 6 months, most notably the demise of the Soviet Union. But for the President to call funding for the *Seawolf* pork-barrel spending is inaccurate and disingenuous. First, he himself proposed and pushed for the spending he now proposes to cut; second, one could just as easily respond that the President's proposed high level of spending for SDI and the B-2 bomber is pork-barrel spending. This is a highly complex issue that involves U.S. national security and the future of our Nation's submarine-building capabilities.

The President hailed the fact that his *Seawolf* rescission would save $2.8 billion in fiscal years 1991-92 and $17 billion overall, making it a major component of his proposed $50 billion in DOD reductions through fiscal year 1997. However, the President failed to acknowledge or account for costs that will be incurred by the Federal Government to close down the *Seawolf* program or sustain our Nation's ability to build submarines in the future. It was only after the President's decision to rescind *Seawolf* funding that the Defense Department initiated a study of how it plans to sustain the submarine industrial base, a study that will not be completed until the summer. To propose such a rescission without understanding the consequences beforehand was clearly an irresponsible action by the President.

The *Seawolf* was designed to meet the threat posed by the most modern submarines of other nations. With the demise of the Soviet Union, some have argued that the *Seawolf*'s mission is now obsolete and it is therefore no longer needed. We must recognize, however, that other nations are enhancing their submarine capabilities. Today, over 400 submarines are being operated by 40 nations throughout the world, including Iran, China, and North Korea. In order to maintain U.S. technological superiority in submarine warfare and ensure continued protection of American naval operations and sea lanes, a more advanced submarine will be needed. The SSN-688 *Los Angeles* class submarine cannot accommodate the most modern technology, but the *Seawolf* can and will have three times the capabilities of the SSN-688.

According to the navy, termination of the *Seawolf* program after a single submarine is built would cost $1.9 billion. In addition, the Navy and General Dynamics' Electric Boat Division have already committed $1 billion for advance long-lead procurement of *Seawolf* components that cannot be recouped. With the termination of the *Seawolf* program, Electric Boat is expected to go out of business, which is likely to result in additional shutdown costs to the Federal Government estimated at between $½ billion to $1.5 billion. Therefore, at this point it may cost the Federal Government as much as $4.4 billion to build one *Seawolf* and terminate the program.

Alternatively, the Navy has stated that the incremental cost to build the second and third *Seawolf* submarines would be $2.9 billion. The Senate Appropriations Committee has proposed to rescind $565 million of this amount, which would have gone to advance procurement of later *Seawolfs*, nonessential training equipment, and related items. Therefore, the cost to finish the *Seawolf* after three ships would cost $2.3 billion. This would not require any new budget authority, while the costs to shut down Electric Boat would require new appropriations.

Whatever action is taken on the *Seawolf*, the United States will need to build submarines at some point in the future. For this to be possible, we must take into account the U.S. submarine industrial base and its future ability to provide the specialized skills and components required by the Navy for its submarines. Otherwise, it would take many years and considerable funding to revive this industrial base.

The *Seawolf* was intended to be the Navy's only submarine program between now and 1998, when the Centurion-class submarine is expected to begin production. With the *Seawolf* rescission, Electric Boat—the preeminent submarine builder in the United States—would be forced to close down.

Another important industrial base consideration is the ability of submarine subcontractors to remain in business with no submarine work available. Admiral DeMars, director of the Navy's Nuclear Propulsion Program, stated recently that this supplier base would erode very quickly without new submarine construction, and that it could not be revived easily.

Last month, Admiral DeMars testified before the Armed Services Committee that in order to meet the Navy's submarine needs and preserve the submarine industrial base, he would recommend preserving funding for the second and third *Seawolf* submarines. Former Chief of Naval Operations Carlisle Trost agreed that construction of the second and third *Seawolf* submarines should proceed.

The alternatives to continued *Seawolf* production proposed thus far would be costly and would not capitalize on the most advanced submarine technology. Only a complete analysis of our Nation's future submarine needs will allow us to make the appropriate decision on this matter. The President's decision to rescind *Seawolf* funding was made without the benefit of such an analysis. I look forward to reviewing the Defense Department's report on this issue, and will work to ensure that our Nation's national security needs are adequately met.

Among the defense reductions proposed by this rescission bill, the most notable are those in the SDI and B-2 bomber programs. The bill rescinds $1.3 billion in unobligated fiscal year 1992 funds from the SDI program. This rescission would reduce SDI accounts for space-based interceptors—such as Brilliant Pebbles—and other follow-on systems. Funding for the limited defense system and theater missile defenses called for by the Missile Defense Act of 1991 would not be affected by this rescission.

The 1991 Missile Defense Act requires emphasis on limited, near-term, ground-based defenses and theater missile defense systems. While funds were provided in fiscal year 1992 for research on space-based interceptors and other follow-on systems, these efforts were secondary to the goal of a limited defense system. Also, at this time their deployment would violate the 1972 Antiballistic Missile [ABM] Treaty. Regardless, the President continues to direct enormous amounts of money into these follow-on systems.

The SDI rescission proposed in this bill makes prudent reductions to the SDI program. It allows for continued research on space-based and other follow-on systems, but clearly acknowledges the priority of limited and theater defense systems.

The bill also rescinds $1 billion from the B-2 program. Congress appropriated these funds in fiscal year 1992 for procurement of one B-2 bomber, but prohibited their obligation until DOD certified that certain performance milestones and low-observability requirements had been met, and Congress enacted new legislation authorizing procurement of a new B-2 bomber.

The Defense Department will not be able to fulfill the above requirements in fiscal year 1992. Under the law, new B-2 procurement would therefore not be possible in fiscal year 1992. Thus, funding provided for this purpose is unnecessary. The President failed to recognize this reality and did not propose any rescission in the B-2 bomber program.

Mr. President, from both a fiscal and programmatic standpoint, the rescission bill we are considering today is highly preferable to the rescissions proposed by the President. It provides for greater deficit reduction than the President's proposals, and cuts spending for certain programs that do not require the level of funding previously appropriated. I urge my colleagues to support this rescission bill.

Mr. HEFLIN. Mr. President, I rise in opposition to the Rescission package. It appears that because the administration's rescission totaled $7 billion, some felt our bill should also total $7 billion, lest we appear to favor smaller cuts. Therefore when the *Seawolf* was taken off the rescission, SDI and the B-2 were added. Had it been up to me, I too would have removed the *Seawolf* from the list. I would not however have cut other vital, necessary programs just to have a total equal to the President's. I want to cut defense as much as any other Senator, but I will not sacrifice our national security for the sake of appearances.

SDI SPENDING

Our spending on the strategic defense initiative can certainly be justified, now more than ever before. I don't know if all my colleagues are aware of it, but the Russians have announced that they will sell SS-19 missile boosters on the open market. The Russians claim this booster is excellent for launching satellites, but they actually designed it to launch nuclear warheads at the United States. There is no more need to worry about Third World nations developing their own ballistic missiles, now they can simply buy the very best long range ICBMs from the Russians. They can purchase these missiles and arm them with nuclear warheads designed by hired Russian engineers, using stolen fissionable materials. They may in the not too distant future be able to buy outright complete nuclear warheads.

Certainly there has never been a clearer, stronger case for the deployment of strategic defenses. SDI was the only program the President spoke in support of in his State of the Union Address, and I believe his priorities could not be better placed. While I understand and share the committee's concern over the direction of the program and the large amount of money being spent on space-based assets, I feel we should address this with more restrictive language, not a funding cut.

B-2 SPENDING

Though many stand ready to debate it, the B-2 bomber will play a central role in the conflicts of the future. The B-52 was designed to fight a nuclear war, but it has proved its worth for conventional mission many times. Similarly, the B-2 was designed for a nuclear war, but is likely to become the most capable conventional bomber ever built. The B-2 was designed to penetrate airspace protected by Soviet radar and hit targets that could not be effectively targeted by stand-off missiles. If it would have been available during the Persian Gulf war, we would have used it to penetrate airspace protected by Soviet radar and hit targets our standoff missiles could not. The B-2's mission has not changed, only now it will carry the smart weapons that proved so devastating during the gulf war rather than nuclear weapons. As for cost, B-2's are approximately $300 million at the margin cost, which compares quite favorably with $2 billion for a *Seawolf*.

Some would have the American people believe that defense spending is not a necessity, but a luxury. They seem to believe that the only time we should spend money on defense is when we are at war, during peacetime such spending is low priority. I agree the world does appear to be a safer place now. The Soviet Union has fallen, and the United States is not involved in any of the 36 wars currently being fought around the world.

But Mr. President, we have an obligation to tell the American people the truth. Defense spending is not a luxury, it is an insurance policy and every dollar we spend today will save lives in the future. Perhaps Congress has received the mistaken impression that the American people are against Government spending, when the truth is that they only insist that we spend their tax dollars wisely.

Mr. President, I feel funds for the strategic defense initiative and the B-2 bomber are wisely spent, and I therefore encourage my colleagues to vote against this rescission.

Thank you, Mr. President.

Mr. SEYMOUR. Mr. President, I am greatly concerned the rescission package now before the Senate contains a rescission of $5 million from the Pesticide Data Program. The specific language rescinds $2 million from the National Agricultural Statistics Service and $3 million from the Agricultural Marketing Service.

Mr. President, in the short time I have been in the U.S. Senate, I have sought to reduce Federal spending, and I will continue to do so, however, I strongly oppose the proposed rescission of the Pesticide Data Program.

The proposed rescission jeopardizes a program which provides USDA, the Environmental Protection Agency, and the Food and Drug Administration with scientific data regarding pesticide use and residues. These data are instrumental in making critical decisions regarding the safety of our food. It is unconscionable Congress would cut a program that provides this service for the American people.

This administration is committed to ensuring the safety of our Nation's food supply. The Pesticide Data Program, which compliments the President's 1989 Food Safety Initiative, was designed to meet the actual pesticide data requirements for risk assessment activities of the EPA for reregistration and special reviews of pesticides. USDA and EPA anticipate that this program will provide the data necessary to determine the safety of food.

The committee report notes this rescission is in response to concerns raised by the General Accounting Office [GAO] about the Pesticide Data Program regarding the coordination of data with other Federal agencies and the reliability of the data. In January, GAO released a report "Food Safety; USDA Data Program Not Supporting Critical Pesticide Decisions." USDA maintains this report was so premature that its overall value is highly questionable. In fact, the report was initiated 2 months before USDA received appropriations for the program. USDA maintains the report is "replete with inaccuracies, incorrectly assessed data requirements, and misrepresentations of the intent of the program."

The Senate's proposal to rescind $5 million from this program, if adopted, would immediately stop all activities associated with the National Agricultural Statistical Service Pesticide Data Program. This would include production of the report "Chemical Usage on Fruit and Nut Crops" scheduled for release on June 25, 1992. This survey, which included interviews with over 10,500 fruits and nut producers, is currently in the final edit stages.

The availability of pesticide use data affects not only USDA programs, but also the success of other agencies' programs, including: the Environmental Protection Agency's pesticide risk and benefit assessment, endangered species, and water programs; U.S. Geological Survey ground and surface water quality programs, and the National Oceanic and Atmospheric Association's coastal zone management program.

Many States that have pesticide residue monitoring programs have been forced to reduce their operations due to fiscal cutbacks at the State level. The Pesticide Data Program has been used by many of these States to effectively supplement their monitoring capabilities will be curtailed.

In California, the proposed rescission would eliminate 11 professional scientists from California's Department of Food and Agriculture and prevent the analysis of approximately 7,000 agricultural samples. This rescission also threatens California's agricultural exports, which last year amounted to almost $4 billion.

As long as there are gaps in our nation's pesticide data base, incidents such as the Alar apple scare could occur again. The millions of dollars spent on incidents such as this could have been better spent on efforts for all agricultural commodities, thus better serving the general public.

Mr. President, the Pesticide Data Program benefits American consumers. This rescission will suspend the program and jeopardize our ability to continue to make accurate and reliable decisions regarding the safety of our Nation's food supply.

RED RIVER CHLORIDE CONTROL PROJECT

Mr. BENTSEN. Mr. President, I shall vote for the committee's report on the rescission bill. I do differ with the bill, however, where the committee recommended approval of the President's rescission request in the amount of $3 million for the Red River chloride control project in Texas and Oklahoma. In the President's own rescission recommendation, he recognizes the project has a laudable goal of reducing the salts, but yet he cannot agree to fund the project—a project that was agreed to by the Federal Government and the States of Texas and Oklahoma more than 30 years ago.

Mr. President, the committee report even points out how significant the control of chloride pollution would be with this project. The water quality in some areas would improve from poor quality 78 percent of the time to good quality 98 percent of the time. The agreement is that the States would eliminate any man-made sources of salt pollution in the Red River Basin and the Federal Government would deal with naturally occurring pollution. Texas and Oklahoma have so far spent over $100 million to reduce the amount of salt in the Red River, and I believe we should keep our end of the agreement. In 1986, I fought to keep funding for the removal of naturally occurring salts 100 percent federally funded and it should remain that way.

Mr. President, I hope that during conference consideration, the Senate will fund this project and keep it on track. Completion of this project is essential to the economic well being of the region, and the benefits to the area are long overdue.

Mr. SIMPSON. Mr. President, I rise to declare my opposition to the pending legislation as it is currently written, and to state my disappointment that we were unable to amend this legislation to eliminate, among other items, funding for the *Seawolf* submarine.

Mr. President, the administration has sent to us four packages of rescission requests for our consideration, totaling $7.9 billion in proposed cuts. These requested rescissions represent an attempt to get unnecessary Government spending somewhat under control. They would not complete that arduous and eternal task, but they would be a start at least—eliminating some programs of the type which, either because they are unauthorized, not competitively selected, or they simply do not meet a pressing national priority, are so often cited by frustrated taxpayers as examples of our lack of fiscal discipline.

It has often been said on this floor that this President refuses to cut the defense budget down to a size commensurate with the ending of the cold war. I ask my colleagues to note that, of the $7.9 billion in spending the President proposes to eliminate, over $7 billion of that is in defense. One of the items cut would have been the *Seawolf* submarine.

Mr. President, the *Seawolf* submarine is certainly a technologically advanced, remarkable system which is the result of the dedicated efforts of many skilled Americans. But it is a cold war submarine, which the Chairman of the Joint Chiefs believes no longer represents a significant national security priority.

The rescission package before us would restore the funding for this submarine, making instead cuts in the strategic defense initiative, the B-2 bomber, and other cuts known to be unpalatable to the administration. These are programs which not only have the support of the administration, but also in recent votes, the support of the majority of this Senate. To substitute these cuts for the elimination of the *Seawolf* and other programs serves only to discourage future attempts to pursue rescissions of wasteful or unnecessary spending.

Yesterday I supported an effort to amend this legislation to put at least some of these defense cuts back in the form requested by the administration, eliminating programs which are no longer deemed by our defense experts as being of significant use.

Because we have been unable to put this rescission package back into a form which can become law, and thus enact real cuts, I will oppose this rescission package and urge my colleagues to do the same. I would also hope that, should the bill pass, that the views of the House on the *Seawolf* issue would prevail in conference.

I do hope that the rescissions proposed by the administration, and advanced yesterday by my able friend, the Senator from Arizona, JOHN MCCAIN, can still be passed into law. I understand fully that there is no requirement for Congress to simply enact the President's proposals in the exact form that they were received. Certainly it is proper for the Appropriations Committee to consider these and to modify them as they deem appropriate. But this particular language is, as we know, unacceptable to the administration and cannot become law, on the other hand, I do believe that a package could still be passed that a majority of the Senate could support, as could the administration. We ought to yet turn this bill into something we know will be signed into law, and put the resultant savings back in the Treasury. I hope we can do that and I yield the door.

Mr. GORTON. Mr. President, when President Bush indicated that he would submit to Congress a list of appropriations items to be rescinded, I fully supported his efforts. Though I knew that funding for some items beneficial to the State of Washington benefits might be cut, my support was unwavering. I firmly believe that for the greater good of the country, the deficit must be brought under control. And that means that spending must be reduced.

I spoke with several of my constituents about the rescission plan, even some whose items were targeted to be cut. Among those who were directly affected was Mr. Harvey Beck, a mink rancher from Granite Falls, WA. Mr. Beck was facing a cut of $46,000 to a program studying the use of squawfish, a predator of the endangered Red Fish Lake Sockeye salmon, as feed for mink. Though mink ranchers across Washington would benefit from this program, Mr. Beck supported my position and encouraged me to reduce the deficit. I appreciate Mr. Beck's support.

That is not to say that Mr. Beck's project is unimportant. It is, and so are the two other Washington State agricultural items included in the President's rescission package, cool season legume research and small fruit research. I support these research programs and believe that Congress was correct to fund them.

Fortunately, none of these programs were included in the rescission package introduced by the Appropriations Committee. In spite of this, I am voting against the rescission package of the Appropriations Committee. It is a purely political attempt to further a Democratic agenda not geared at lowering the deficit. One agricultural item cited for cuts illustrates this particularly well, the USDA Pesticide Data Program [PDP]. A total of $5 million is directly and indirectly being taken from this important program.

The Pesticide Data Program was initiated to collect actual pesticide residue data on fresh fruits and vegetables. This data is then used to form the basis for conducting realistic risk assessments and setting pesticide tolerances. In addition, the program assists the Environmental Protection Agency in addressing pesticide reregistration issues and removing troublesome pesticides from the market in a timely and effective manner. In the end, both farmers and consumers benefit.

The cuts in this program will be felt in Washington State well beyond the $600,000 that went directly to State agricultural research labs. Washington State farmers, as well as those across the nation, will feel the effects of this rescission. The deadline for reregistering pesticides manufactured prior to 1984 is 1997. Many of the pesticides requiring reregistration are vital to production. Yet, without funding for this program, much of the data necessary for reregistration will not be collected, and those pesticides will be lost. The results could be devastating to farm communities everywhere.

Despite the importance of this program to the farmer and consumer, it is targeted for cuts. There is no practical benefit to curtailing this program, only minor political gains at the expense of many. I strongly oppose the inclusion of this item in the rescission package.

Mr. LOTT. Mr. President, in a few moments, we will resume debate on the rescission bill for fiscal year 1992 and, frankly, I think that is good news. Anytime you have the President suggesting there are programs that we do not need to fund, or maybe have outlived their usefulness, or perhaps programs that should never have been funded in the first place, I think that is good.

I commend the President for sending a rescission bill to the Congress, and I urge my colleagues in the House and the Senate to find a way to pass a rescission bill that the President can sign.

I also think it is important that we commend the Appropriations Committee members for the efforts that they have made. I do not agree with all of it. But we will never get 435 House Members and 100 Senators and the President of the United States to agree on every detail. At least, they made an effort.

Unfortunately, I think in the case of the Senate Appropriations Committee proposal, they took out some rescissions that clearly should have been left in, programs that we do not need. We voted yesterday to put several of them back in. That failed. Why, I am not quite sure.

Also, the priorities within the defense category that the committee came up with are wrong. But I want to emphasize again, I think this effort is good. When was the last time we heard the Senate really talking about trying to make a few cuts, a few rescissions? If we learn anything from this exercise, let's understand that the world does not end if we try to cut old, unneeded programs.

We are talking about a very few billion dollars and a Government that is $4 trillion in debt. So when you talk about rescissions that would save us $7, $8 or $9 billion, it is small potatoes, but it is a beginning. And for the Senate, I think it is a small step in the right direction. So I want to begin by being positive in saying that this is a good process, and I am glad we are going through with it.

Beyond that, I am very much worried about what we are doing. I think, again, that we are involved in playing games, if you will. We wonder why the American people have a low regard for Congress. In March, a Gallup Poll of congressional job approval found that 78 percent of Americans disapprove of the job Congress is doing. Why is that? A lot of reasons.

There is always going to be friction between the executive and the legislative branch. That is as it should be. But I think it is also because of the gamesmanship, the brinksmanship that we have been engaged in all year long.

We had campaign finance reform last week. It was a farce. It was a joke. The President is not going to sign it. There was no real effort to make it bipartisan. We need campaign finance reform. That bill was not really campaign finance reform. It was a bill that was totally partisan and is a bill the President is not going to sign. But yet, we insisted on going forward, shoving it down and saying: Go ahead, Mr. President; veto it.

Earlier this year, we had a bill that started out to be a tax growth incentive for the economy, but ended up a spending bill. The President said: Do not send it up here; I will veto it. The Congress had their way. We sent it to him and he did veto it.

What are we accomplishing? The process is not working; it is broken. It is gamesmanship; brinksmanship. Why? Here we go again. The argument is the President had his Rose Garden announcement about the rescissions, and we will teach him a lesson. We are going to send him a bill he will not sign. If I were the President, I would send it back down here over and over again, saying: Congress, until you get this right, I am going to keep sending it back. It is a matter of priorities, and we can disagree, but we need to find some ways to agree.

This bill is headed for a veto. It is not necessary. We are doing the right thing talking about rescissions, but we are getting the priorities wrong.

For instance, as a member of the Armed Services Committee, I am worried about a rescission package. In the categories of operation and maintenance, the Senate package significantly increases the cuts over what the President asked for, or even what the House has in its package. And in several instances, it is double or triple. It goes from $92 million, in the case of what the President asked for the Army; the Senate package is $190 million in cuts. It goes right down every branch: Navy, Army—the Marines are not included—the Air Force. So we are cutting more in operation and maintenance, the one place we should not be cutting.

Conversely, the committee reduced the number of cuts in procurement. This is a place where clearly priorities do make a difference. The debate yesterday on the *Seawolf* submarine was: Look, we understand industrial base problems. We understand there are jobs at stake. But the question is, what do we need in view of the threat? Where is the threat that would cause us to need more very large, heavily laden submarines? I do not think it is there.

Is there a threat, though, that would cause us to have a need, perhaps, for the long-range, manned B-2 bomber? I could suggest several points around the world where we might need that.

Do we need to go forward with the strategic defense initiative? When you look at some of the people around the world who are working on developing a nuclear capability, who are seeking to acquire multiwarhead nuclear missiles, and where they would be fired from and to, we begin to say: Strategic defenses make good sense.

But what does this package do? It takes another B-2 bomber out; it takes a lot of money out of SDI and puts it over in not one, not two, but a third *Seawolf* submarine. I do not understand the judgment there.

Last year, we will remember in the armed services authorization bill and in the appropriations bill, we labored mightily over the numbers and the compromise that produced the numbers of aircraft and the money for the B-2 bomber. We also had protracted, good debate on the strategic defense initiative.

We came to an agreement between the Members of this body, the House and the Senate, and the administration on a very carefully, well-thought-out, well-crafted package that was developed with the efforts of the chairman of the Armed Services Committee, the chairman of the Defense Appropriations Subcommittee, and so on down the line; very carefully crafted.

We came to a conclusion, which I think is what we need to do, and yet because of what we are going through with the rescissions, we are going to change that. We are going to change that formula on the B-2 and change it on SDI, and we are going to move it all over in the *Seawolf* submarine.

Mr. President, I think we have our priorities tangled up. I hope that the Senate will not go forward with this package, but if it should pass the Senate, I urge the conferees to correct the errors that have been made in this package. Perhaps the House and Senate conferees can develop a package that will be good for the country, that will cut spending some, that the President can sign, and we can stop the brinksmanship and the gamesmanship. The American people would like it. They do not understand when we say we cannot get together, Republicans, Democrats, Congress, and the President. They say, "Forget all of that. Find a way to do what is necessary to cut Federal spending. Find a way to do what is necessary in a bipartisan way, working congressionally and in the executive branch to deal with problems like health care. Stop this stuff and do your job."

Do you know who will be rewarded? We will, if we find a way to work together and do the responsible thing. That is the best politics, to do the right thing in cutting spending.

Yesterday was the National Taxpayer Freedom Day. Is that not interesting? You have to pay taxes up to that point to pay what you owe Uncle Sam. Let us give the people a bonus this year. Let us come up with a rescission that can save some money we do not need to spend. Let us not play games with this. Let us either change this package, beat this package, correct it in the conference, but in the end let us do something that will save money, that the President can sign. That is the right thing to do.

I thank the Chair.

Mr. WIRTH. Mr. President, before we finish debate on this bill, I want to discuss briefly an issue that apparently will have to be resolved in the House-Senate conference on this legislation. The House Appropriations Committee has included in the bill it has reported a provision that will have the effect of extending noncompetitively a major health contract of the Department of Defense. The contract, generally referred to as the CHAMPUS Reform Initiative Contract, is a multibillion-dollar demonstration program for managed health care services for CHAMPUS beneficiaries. The contract is scheduled to terminate in July 1993.

For some time now, the current contractor has been seeking a legislated extension of the contract. Any such extension of course would preclude competitive bidding, thus denying various competitors the opportunity to bid on a replacement contract and denying the public the cost savings that normally accompany competition in contracting. The contractor has found a receptive audience in the House Appropriations Committee, which last year was able to include in the Department of Defense Appropriations Act a specific noncompetitive extension. That extension was ultimately defeated only because: First, the Defense Authorization Act included contradictory language; second, the President signed the Authorization Act after the Appropriations Act; and third, the GAO determined that in such circumstances the authorization language must be considered controlling.

The issue has now been presented again in the context of the current rescission legislation. Since there is no accompanying authorization measure before Congress at this time, however, the advocates of a noncompetitive extension find themselves in a stronger position procedurally. Those advocates are sponsoring a provision that while not explicitly extending the contract would have the effect of doing so. The provision would withdraw funding for the bidding process to replace the current contract until a study of the Department's proposed new contract can be completed. The study must be detailed, it must be performed by an independent organization not yet designated, it must compare the costs and benefits of all the currently competing managed health care approaches being tested by the Department, and it must address the issues of beneficiary satisfaction, access to care, patient convenience, local versus regional control, and positive versus negative incentives. Bidding cannot resume until all of these issues have been resolved, presumably a very long time from now during which the current contract necessarily will have to be extended noncompetitively.

The provision has emerged from the House Appropriations Committee and undoubtedly will be included in the rescission bill that passes the House. Unless the Senate conferees are able to reject the provision in conference, a serious injustice will result. The current contractor will benefit, but only at the expense of the general public and general principles favoring competitive bidding.

I take this opportunity, therefore, to urge the Senators who will be conferees on this bill to reject the House provision in the strongest possible terms. Legislation of this sort not only harms taxpayers and health insurance beneficiaries, it demeans the system. The Congress simply ought not to countenance such measures no matter how strongly—or frequently—they are advocated. I am convinced that last year's outcome was the right one. It should be reaffirmed.

Mr. SHELBY. Mr. President, I find this exercise that the Senate is going through today extremely frustrating. we are being asked to decide between cuts to appropriations enacted into law for fiscal year 1992—rescissions of $7.83 billion submitted to Congress by the President on March 10, and 20, April 8, and 9 or alternatives cuts of $8.27 billion proposed by the Appropriations Committee.

In the case of the President's rescission package, it has been proposed as cuts to programs that Congress added on to fiscal year 1992 appropriations that the administration has deemed unnecessary. The vast majority of the rescission package, $7.14 billion, is in defense programs. The most controversial rescission is the President's request to delete $2.76 billion in past appropriations for the *Seawolf* attack submarine. This rescission was not a congressional add-on, but funds that had been requested by the administration and supported by Congress. There is also a cut of $1.5 billion in National Guard and Reserve equipment requested by the administration.

Reacting to what I believe to be a blatant political maneuver by the President, the Appropriations Committee has reported out a political package of its own. Instead of congressional add-ons and the *Seawolf*, the substitute amendment offered by the distinguished chairman of the Appropriations Committee contains a number of programs for rescission that are important to the administration including $1.3 billion for the strategic defense initiative, $1 billion for the B-2 bomber, $131 million for the National Aerospace Plane, $49 million for the Asat Program and $47.5 million for the advance launch system.

Mr. President, what we have before this body is dueling rescissions.

More importantly, why are we debating a package or packages of cuts more than half-way through fiscal year 1992? I thought that this process had already occurred. Did we not debate these issues last year? The Senate and the entire Congress voted on these programs. We voted to support the $4.15 billion in SDI. We voted to support the *Seawolf*. We voted to include funding for NASP and Asat and ALS. And the President signed the Defense appropriations bill for fiscal year 1992 into law.

I am especially worried about what a $1.3 billion cut will do to the SDI Program. Last year, under the leadership of Chairman of the Senate Armed Services Committee and its ranking member, we hammered-out a bipartisan consensus on the direction of the SDI Program. The Missile Defense Act of 1991 called for the initial deployment of an ABM Treaty compliant, antiballistic missile defense at Grand Forks, ND. It placed considerable emphasis on the near-term fielding of theater missile defenses and urged the President to pursue immediate discussions with the then Soviet Union on negotiating changes to the ABM Treaty. Additionally, we determined that space-based interceptors would not be included in the initial plan for the limited defense architecture.

Mr. President, I read with interest the provision in committee report accompanying S. 2403 dealing with the $1.3 billion cut in SDI. The report reads, and I quote, "* * * The recommendation retains full funding for the limited defense system programs and theater missile defense programs contemplated in the Missile Defense Act of 1991." The reports continues, stating, "* * * The Committee retains sufficient funds to support the limited defense system and theater missile defense programs and would rescind funds which emphasize the space defenses and other follow-on systems efforts."

While this report language sounds as if funds have been earmarked for programs emphasized in the Missile Defense Act of 1991, S. 2403 is silent on this issue. The bill simply rescinds $1.3 billion from the strategic defense initiative.

I have spoken with the chairman of the Defense Subcommittee and he has assured me that in conference with the House of Representatives it is his intention to write language specifically ensuring that funds intended for the theater missile and limited defense system elements of the strategic defense initiative are protected. I thank the chairman for his efforts.

Mr. President, despite these assurances I cannot vote for legislation that cuts $1.3 billion from the strategic defense initiative. A cut of this magnitude, should it become law, could destroy all the good work that was accomplished last year. I find this committee amendment to be an unsatisfactory response to an unsound initiative by the administration. I urge my colleagues to reject this amendment.

Mr. DURENBERGER. Mr. President, I rise to oppose this appropriations rescission bill. While I believe the President, in good faith, selected 224 projects for rescission, the Appropriations Committee has substituted its judgment for that of the President, and has made inappropriate selections.

In particular, the President proposed over $7 billion in defense rescissions based on Defense Department analyses of programs that are no longer needed in the post-cold war era. The bulk of the President's cuts came in the *Seawolf* submarine, M–1 tank conversion and F-14 aircraft modifications. These decisions were made after a careful analysis of the Nation's security needs in this era.

By contrast, the Appropriations Committee has rejected many of these defense cuts and instead has substituted funding for projects that are no longer necessary. In particular, the Appropriations Committee has determined that funding should continue for the *Seawolf* submarine.

Mr. President, what is the threat that the *Seawolf* is intended to counter? The submarine modernization program of the former Soviet Union? There is no such program. Quite the contrary. The governments of the former Soviet Union have committed to reducing their submarine force and do not have the resources to decommission nuclear submarines, no less build new advanced versions. The *Seawolf* is simply a jobs program for Connecticut, not a project that is needed to enhance our Nation's security.

Moreover, the Appropriations Committee approved only $12 million of the $737 million in domestic program reductions proposed by the President and substituted what the administration has labeled a gimmick. What the Appropriations Committee has done is to rescind $742 million of section 8 subsidized housing certificate amendments. But this does not result in any decrease in Federal spending. Instead, the rescission would only increase the unfunded liabilities for these long-term subsidies.

Mr. President, we ought to stop playing fiscal politics with the American people. We should have adopted the President's rescission package for it contained cuts that were rational, not political.

Mr. ROTH. Mr. President, I rise to express opposition to the committee substitute and express support for the underlying bill incorporating the president's rescissions. I support the domestic and international rescissions in both packages, but feel constrained to vote against the committee substitute because of its failure to rescind one of the biggest port-barrel projects in our history. Is it not ironic that as the Senate considers this rescission package, it maintains spending for unnecessary, wasteful projects. Yesterday the Senate defeated the McCain-Roth amendment to incorporate the rescission of the *Seawolf* submarine into the committee substitute. Because of this, I will vote against the committee package—it simply fails to go far enough.

As one who consistently votes "no" on spending bills which pass this Chamber with 90 and 95 vote majorities, I was cheered by the President's decision to send a package of rescissions to the Congress. Unfortunately, the committee substitute is vastly different than the rescissions the President proposed.

I support every rescission the President proposed and every domestic and international rescission contained in the committee substitute. But by failing to incorporate the *Seawolf* into the package, the Senate continues to fund unnecessary and wasteful items—in this case—$3 billion worth of wasteful spending. This substitute, as it now stands before the Senate, simply protects too many pork barrel programs. The committee substitute misses an important opportunity to save money that the President and Secretary of Defense defined, programs where cuts could be made without harming our ability to respond to threats that may emerge in the post-cold war era.

Simply put, the administration presented the Congress with a list of programs that are no longer necessary in light of the rapid disintegration of the Soviet Union. These programs had been approved by the Senate prior to the failed coup attempt and the dissolution of the Soviet Union.

Last September, when the Senate debated the fiscal year 1992 Defense appropriations bill, I was 1 of only 10 members of this body who recognized that the *Seawolf* submarine was no longer needed. I joined with Senator McCAIN in calling for its termination then, as I did yesterday.

Last fall, I also supported termination of the B–2 bomber. However, when the appropriation and authorization conferees reported to the Congress, I found that three B–2 bombers had been deleted, but not the $2.5 billion that should have been saved. Now the Senate appears to have found the missing B–2 savings and a use for that money—to maintain projects established during the cold war that are no longer necessary. Mr. President, we must get rid of the weapon systems that are no longer needed—not turn them into pork barrels that put our Nation deeper in debt.

We must give credit to the President for recognizing the end of the cold war and criticize the Senate for failing to make a similar recognition. Today, the Senate has voted to restore funding for cold war programs that clearly have no value for our national security.

The budget deficit is expected to exceed $350 billion this year. The 1990 budget agreement was supposed to get the deficit under control once and for all. I voted against that agreement because I believed it would hurt the economy and do nothing to limit Government spending. Unfortunately, that assessment has turned out to be all too true.

I completely support the domestic and international rescission in the committee substitute and the President's package. I support rescissions of $9.2 million in the Economic Development Administration, $6 million in the Bureau of Indian Affairs, $15 million in study evaluations by the Public Health Service, $8 million in unused administrative funds of the Health Care Financing Administration, and $1 million in the Bureau of Mines.

I could go on to list all of the domestic and international rescissions proposed by both the President and the Committee, and I support them all. Unfortunately, this bill is being held hostage for unnecessary and wasteful defense programs, and I refuse to lend my support. I just hope the conference committee on this bill comes back with a more sensible approach, and we can rescind all of these unnecessary programs in one batch.

We have been engaged in a sham here in recent years as the Congress has justified real tax increases with promises of spending control. The taxes are enacted but the spending is never controlled. The President's rescission package was a strong attempt to get at more than $7 billion in wasteful, unnecessary spending. I support the President's package. But I cannot support the committee substitute.

Mr. DOLE. Mr. President, in an effort to reduce wasteful spending, the administration has sent to Congress 224 proposed rescissions totaling $7.8 billion. The President's list was not meant to be political. It contained items supported by both Democrats and Republicans. There were even a number of items that had been proposed by the senior Senator from Kansas.

I do not believe the President expected his entire package, or even a large portion of his package, would be approved by Congress. But the one thing he did expect was that Congress would give each item on his list a serious second look.

Well, after reviewing this bill and watching the floor debate, I do not think Congress has given the President's rescission proposals fair and adequate consideration. Out of the President's $737 million proposed domestic reductions, the Appropriations Committee only approved $12 million in cuts.

While I have not had the chance to review the President's proposed rescissions line by line, it is difficult for me to believe that less than 2 percent of the President's domestic reductions were worthwhile.

While the Appropriations Committee may claim the difference has been more than made up by a $743 million rescission of section 8 certificate amendments, this rescission will not decrease Federal spending—It is a gimmick that merely postpones spending 1 and 2 years into the future. That is not exactly what the President had in mind when he sent up his list of budget cuts in March.

Instead of bickering over gimmicks, this debate should have been about facing up to the tough choices. If we are going to cut the defense budget—if the world is changed and the threat is diminished—and if we are going to build down our forces—then something has to give.

The key question is whether we in the Congress can make the tough choices based upon legitimate national security needs or whether the only thing that matters is what State is involved. It is getting to the point that we in the Congress are choosing up sides and picking Democrat and Republican weapons systems. Make no mistake. The debate over these rescissions is about politics. And I must confess that the irony is a little hard to ignore.

Some are just now discovering what defense cuts really mean. Yes, lower defense spending will cost jobs. Defense cuts will cost us technology, and lower defense spending will cut into our industrial base. If we are going to have fewer ships, then we need fewer shipyards. If our Army is going to be smaller, then fewer bases are necessary. Fewer procurement dollars means that some industries will lose markets or even go out of business. Anyone who did not understand this before now just was not paying attention.

It is easy to criticize President Bush for not cutting defense fast enough. And it is easy to express outrage when tighter defense dollars force cancellation of major weapons systems, submarines, or base closings. But this kind of political gamesmanship does not take the place of the tough choices necessary to maintain our security—especially at lower spending levels.

I realize I am walking a difficult line here. No one, including myself, wants to see their appropriations projects or home State defense industries eliminated. But, I believe in fair play, and fair play is not what we have here.

Instead of a serious attempt to cut the budget, we have a political poison pill, laced with lethal cuts in the strategic defense initiative, the B-2 bomber program, and dangerous budget gimmickry. If the Senate's goal has been to give the President the royal brush off, we have succeeded and succeeded well. But in our attempt to one up the President, we have once again given up another opportunity to make serious cuts in the deficit. Is it any wonder the public is growing increasingly cynical about Congress' ability to move beyond politics and get something accomplished?

Mr. KASTEN. Mr. President, I rise today to oppose this rescission bill. I am not opposed to cutting wasteful spending, but I do oppose making cuts in critical strategic programs and other defense-related programs.

I strongly object to the rescissions of $1.3 billion for the strategic defense initiative, and $1 billion for the B-2. Last year on the floor of the Senate, we debated for long hours the merits and demerits of funding these to important defense programs. We reached a consensus, and decided to proceed with both SDI and the B-2. We made that decision based upon a rational judgment of our national security priorities.

However, this bill virtually cuts both systems by 50 percent contradicting our considered judgment we made when we voted last fall. This cut is totally unacceptable and incompatible with our defense needs. Yet, if this bill passes these cuts will have been accepted by default and not debate.

The real issue for the American taxpayer is how much more money do I have to pay for Washington's mess? The President sent to Congress a real rescission bill, but unfortunately it has been replaced by this irresponsible defense slashing bill.

During the Senate appropriations Committee markup, I opposed the committee bill. The committee approved only $12 million of the $737 million in domestic program reductions proposed by the President, and substituted this gimmick.

This is not a responsible solution to a fiscal mess. I am ready to support a real rescission bill that cuts wasteful spending and keeps our national security strong. It is time that we stop using money from the defense budget to fund ridiculous programs that need to be stopped outright. We must eliminate both useless defense programs and useless domestic programs. No program should be immune from the fiscal ax if it cannot be justified.

The question this Congress has to ask itself when spending for useless programs is this: If you had to pay for this program out of your own pocket—would you? Let's treat the American taxpayer with the same level of respect.

This rescission bill does very little to curb excessive Federal spending. Therefore, it is not worth my support.

Mr. McCAIN. Mr. President, we have debated at length today the actions of this body regarding the rescission legislation now before us. I would like to speak briefly at this time, however, about one particular action of the House that concerns the legislation. As was the case last year, the House Appropriations Committee has again reported a proposal—this time as an amendment to the rescission bill—under which one contractor would have the opportunity to extend an extremely lucrative contract beyond its termination date without competitive bidding. The committee's initiatives in this area have been consistently opposed by the Senate Appropriations Committee, the House and Senate Armed Services Committees, and the Department of Defense, whose combined support of competitive bidding principles last year defeated the committee's effort. Since the effort is being pursued again, however, and since this matter will no doubt become an issue in the upcoming House-Senate conference on this bill, I wish to say a few words about it.

The contract, the CHAMPUS reform initiative or CRI contract, is the largest health contract in history. It has produced government payments over the past few years of approximately $3 billion. By its terms, the House Appropriations Committee's proposal of last year would have extended the 5-year contract for 1 additional year. Effectively, however, it would have required a 3-year extension. As I indicated, the committee's efforts in support of this proposal ultimately did not succeed.

This year, the committee's amendment to the pending rescission legislation would bring about the extension in a different manner. Instead of specifically mandating a noncompetitive extension, the committee has proposed a study that inevitably would result in such an extension. Three months ago, the Department of Defense issued an RFP for its coordinated care program or CCP contract, the contract that is intended to replace the current CRI contract on August 1, 1993. While I will speak further about the coordinated care program at a later date, I would like to focus for a minute on the committee's amendment. It would halt the bidding process under that RFP until a detailed and comprehensive study is conducted by an independent organization evaluating the costs and benefits of all the currently competing managed health care approaches being tested by the Department and addressing the issues of beneficiary satisfaction, access to care, patient inconvenience, local versus regional control, and positive versus negative incentives. While I do not disagree with the desire to obtain information regarding managed care approaches, the measure appears to be aimed at prohibiting competition. That concerns me. Any such study will take a substantial period of time to complete, during which time the bidding process now under way will not be able to proceed further. The consequences will be a substantial delay in the award and start work dates of the new contract and, thus, a substantial noncompetitive extension of the CRI contract.

The committee's stated purpose in requiring the study is to subject the Department's CCP contract, which the committee opposes on policy grounds, to a rigorous analysis. The committee has indicated a strong preference for the current CRI contract, a preference that is shared by many CRI beneficiaries. I do not doubt that the committee's members sincerely oppose the Department's program, or that different members have different orientations with regard to the proposed study. It is simply too much to attribute to coincidence, however, that each proposed action of the committee on this issue invariably pushes in the direction of a noncompetitive extension of the current contract. Different rationales are given, and different proposals are offered, but the result is always the same. While there are means to address the committee's policy concerns without sacrificing the benefits of competition, it is notable that these means are never chosen.

I raise this issue simply to express my strong view that the Congress ought to insist on competitive bidding except in extraordinary circumstances—which are not present here. I urge those who will be conferees on the bill to firmly resist the House Appropriations Committee's position to the contrary.

Mr. BURNS. Mr. President, I rise to speak in opposition of this so-called rescission bill as reported from the Appropriations Committee.

I am disappointed to have to do so on this particular day—the day after Tax Freedom Day 1992.

I bet most people didn't even know that yesterday was Tax Freedom Day—meaning that today is the first day that average Americans are earning a paycheck for themselves, rather than to pay their tax bill.

This year Tax Freedom Day was the latest date ever, falling 4 days later than last year.

The average American now works 126 days a year just to pay the tax bill. The tax bill that keeps going up because Congress keeps on spending.

The President forwarded to the Congress a true rescission package aimed at cutting what is commonly known as pork-barrel spending. This was a small, but significant step, to get some control of Federal spending so that we can stop the rapid progression of Tax Freedom Day into June.

Congress has responded with pure politics.

The President's package was a tough package. It affected projects in my State that I had supported. It would have been a tough vote.

But now I don't have to cast that tough vote.

This package is not aimed at pork-barrel spending—the kind of special interest funding that outrages many Americans. The kind of spending that prompts papers like the Missoulian in Missoula, MT, to call on us to "Just Say No to Pork" saying that "it's time for Congress to cut all special interest spending."

No; this package is just another attempt by the other side to slash Defense spending. And it cuts at the heart of one of the most important Defense programs of the post-cold war era, the strategic defense initiative.

The contrast between important defense programs and pork-barrel spending could not be more stark.

First of all, we debate and vote on contentious strategic programs at length. Last year alone, the Senate voted deeper cuts in the SDI budget three times. We debated the issue at length.

In contrast, most pork barrel projects are never debated and never voted on individually. Many of them are slipped in during conference—never having been considered by either body.

A decision to cut SDI by $1.3 billion is more than a rescission—it is an important policy decision.

A cut of this magnitude will deal a serious blow to the SDI Program. It will leave our Nation without any ballistic missile defense this century, and contrary to what some might believe, we are not a nation immune from the risk of a nuclear launch.

The proliferation of nuclear weapons continues. Saddam Hussein is still in power and is fighting hard to maintain his long-range nuclear weapons development plan.

The former Soviet Union is still in the process of restructuring their military. We're not even sure who controls their long-range ICBM's aimed at us.

Hundreds of former Soviet scientists are in the market possibly selling their wares—their knowledge of nuclear weapons—to other countries.

The risk is there, if not for an intentional launch by some madman, for an accidental launch. I think the American people expect us to protect them from that risk.

I hope my colleagues will vote against this bill—that they will vote against playing politics with the money and the safety of our citizens.

It is not easy to cut pork-barrel spending, Mr. President. It requires us to exercise some leadership. Leadership being the willingness to abandon narrow self-interest for the good of the Nation.

This bill does not start us on that road of leadership, Mr. President, it continues business-as-usual and for that reason, I will vote against it.

Mr. GRASSLEY. Mr. President, today the Senate takes a somewhat historic step as it acts on a free-standing rescission package. Of course we've dealt with rescissions before, but this marks the first occasion since adoption of the Congressional Budget Act of 1974 that rescissions have come before us without cover of some other piece of legislation.

Today, we truly vote on deficit reduction, plain and simple.

I do have some regret about the manner in which this body and the House of Representatives have gone about the rescission task. Upon receiving the rescission orders sent to Capitol Hill over the last 2 months, I believe it is accurate to state that Congress has engaged in a game of one-upmanship with the administration.

From the outset, the rescission process has more resembled a multibillion-dollar partisan battle of sacred cow goring rather than the process which the crafters of the Budget Act likely envisioned.

This has been regrettable.

Those disappointments notwithstanding, the fact remains that before us we have a proposal to trim some $8.3 billion from the fiscal year 1992 budget, and as I see the matter, wasteful spending is wasteful spending, regardless of who can claim authorship rights.

Last fall, I supported amendments to the defense authorization and appropriation bills to reduce our fiscal year 1992 expenditures for SDI and the B-2. While each of those amendments failed, the continuing evolution of the world in this post-cold war era has made such reductions more timely than ever.

I am disappointed that we failed yesterday to make the rescissions the President called for with respect to the *Seawolf* submarine. The termination of this program was the first step in President Bush's proposal to cut $50 billion from the Pentagon over 5 years.

Therefore, I must admit to a degree of confusion in seeing so many individuals in this body who advocated defense cuts of two and three times the President's mark failing to support the very first specific defense cut to come before us. If those advocates cannot find it in themselves to cut the first $2.8 billion, it defies me to determine how they will find the conviction to cut the next $100-plus billion.

I supported the deeper defense cuts proposed in the Senate budget resolution, I remained true to that position in voting to rescind funding from the *Seawolf*, and I intend to further exhibit my willingness to make the necessary cuts by voting to rescind funds from the B-2 as well as from the strategic defense initiative.

Mr. President, while I recognize that partisan handling of this legislation by the Congress has placed it at odds with the administration and raised the probability of a Presidential veto, I am also a realist.

At this time, the Senate does not appear ready to approve a rescission measure more closely resembling the President's package, and I fear that the defeat of the Appropriations Committee substitute will result in the death of this bill.

Again, unnecessary spending is unnecessary spending, and our $4 trillion national debt cannot support the continued escalation of spending without justification. Therefore, I will support this substitute in hope of keeping the rescission process alive, and upon the appointment of conferees for this legislation, I will encourage them to work toward a package which will meet with White House approval, and result in true deficit reduction.

I suggest the adoption of the committee substitute.

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the committee substitute, as amended.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—61

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth
Wofford

NAYS—38

Bond
Brown
Burns
Coats
Cochran
Craig
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Hatch
Heflin
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Packwood
Pressler
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Cranston

So the committee substitute, as amended, was agreed to.

Mr. BYRD. Mr. President I move to reconsider the vote by which the substitute as amended, was adopted.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, S. 2403 will be placed on the calendar pending the receipt of H.R. 4990, at which time all after the enacting clause of H.R. 4990 will be stricken and the text of S. 2403, as amended, will be inserted in lieu thereof, H.R. 4990 will be deemed read the third time and passed, a motion to reconsider laid on the table, the title amendment reported with S. 2403 will be substituted for the title of H.R. 4990, and S. 2403 will be indefinitely postponed.

TELEPHONE PRIVACY ACT OF 1991

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of S. 652, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 652) to protect the privacy of telephone users by amending section 3121 of title 18, United States Code.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing; and

(2) to encourage the use of new services such as call trace, call reject, and call return, which operate to discourage harassing and obscene telephone calls even though information identifying the caller may be blocked.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) The prohibition of subsection (a) does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or

"(iii) if the provider of the electronic or wire communication service permits the originator of a communication to a recipient to block caller identification—

"(I) on a per call basis without charge;

"(II) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(III) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A)(iii) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a State or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) to a recipient of a communication that uses call return service in connection with billing information associated with returned communications.

"(2) Notwithstanding paragraph (1), the prohibition of subsection (a) applies with respect to the use of a pen register or a trap and trace device in connection with all communications to governmental entities except a communication on the emergency assistance telephone line of a State or municipal police or fire department or on a 911 emergency line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that is made available to a recipient through an automatic number identification service, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating

telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously purchased from the recipient of the communication; or

"(D) use for any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsections (b)(1)(A)(iii), (b)(1)(B), and (b)(2) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) PENALTY.—Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) INTENT OF CONGRESS.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) the term 'automatic number identification service' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers.

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call; and

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a communication to the recipient of the communication.".

THE URBAN CRISIS AND THE HEALING OF AMERICA

Mr. KENNEDY. Mr. President, the events of the past week have been a sad time for our country and a sad commentary on how far we still have to go to achieve the fundamental ideals at the heart of the promise of America—respect and opportunity for each individual and equal justice for all.

I believe I speak for the vast majority of Americans of all races when I say that the verdict in the Rodney King case was a stunning miscarriage of justice. The Federal Government now has the obligation to see to it that the rogue police officers who inflicted that savage, senseless, almost unbelievable beating are punished for their crime. I commend the Justice Department for expediting its investigation.

There are many precedents for Federal action where State justice has failed, and this is plainly a case where Federal intervention is needed. The Federal criminal civil rights statutes were enacted a century ago, precisely for application where State officials refuse to obey the law or State juries nullify the law.

I fully expect that there will be a Federal prosecution if the Federal Government is true to its Federal responsibility. America could not stomach the beating we witnessed on television, the lawless official violence that widens the war in our streets instead of controlling it.

The vast majority of law enforcement officers are law-abiding and dedicated to their work. In conditions of great stress and danger, they perform with superb professionalism of the highest order. But we also know that there are thousands of other Rodney Kings, in hundreds of other communities, who have suffered similar violence, who have been bullied and beaten badly, but where there were no video cameras to record the lawbreaking of those sworn to uphold the law. Who among us believes that black victims of any crime suffer less and therefore deserve less justice?

At the same time, we must reaffirm with equal vigor that violence is not the proper response to injustice. Appalling as the King verdict was, it was no excuse, none whatever, for resorting to the crime, murder, arson, destruction, and devastation that convulsed Los Angeles and threatened to shatter so many other streets and neighborhoods across the Nation. My family, too, has suffered, and suffered deeply, from the pervasive violence that has become a hallmark of our time. So I feel a sense of kinship with those who suffer from it too—and a sense of urgency that we act wisely to prevent it in the future.

The pressing challenge we face together is to direct our concern and outrage into constructive paths. It is time, it is long past time, to address the serious issues that divide our society and deny hope to so many of our citizens.

For 200 years, resolving the profound question of race has been the great unfinished business of America. Our inability to resolve it peacefully in the 19th century led to the most painful war that America has ever fought, a war between ourselves. The beating of Rodney King—the trial, the verdict, and the aftermath—represent the latest explosion of the worsening racial tensions in our society. Too often, whites and blacks view one another with suspicion, with fear, and even with hatred.

The prejudice that blots our land has had many manifestations. It was not very long ago that young Irish men and women growing up in Boston met the sting and the scorn of help-wanted signs in street windows saying "No Irish Need Apply." Those days are gone for Irish-Americans, and if we keep the faith today, they can be banished as well for all Americans, so that we shall overcome, once and for all time, the even deeper bigotry based on the color of our neighbor's skin.

In the recent days of rage, men and women of good will have joined together to condemn violence. And the sooner we summon the wisdom to condemn bigotry with equal strength and conviction, the sooner we will conquer the temptation to violence that is tearing the fabric of our society.

We have to prove to our citizens—all of them, especially those who have the least—that there is reason for hope, that peaceful change is possible. What President Kennedy said in the 1960's is equally valid in the 1990's: "Those who make peaceful revolution impossible will make violent revolution inevitable."

The civil rights movement of the past half century has been called the second American revolution. And its greatest strength is that it has been peaceful. Black and white talked together and walked together. They marched together and sometimes died together, to break down the most visible barriers of racism that divided America against itself. The integration of the Armed Forces, the end of segregation in the public schools, the right to eat at a lunch counter, to sit in the front of a bus, to stay in a hotel, to buy a home, to hold a job—and above all, because it is the basis of all other rights, the right to vote in an election—these are the monumental achievements of an America that honored the best of its heritage and sought to live up to the historic promise of the Declaration of Independence that all of us are created equal.

But those were the achievements of a past generation. The fire and the flames of the past week were a warning signal to our generation. The momentum of justice must not stop. Ideas like opportunity and progress must not become alien concepts that have no meaning to whole areas of our cities, and whole segments of our population. From south-central Los Angeles to Roxbury, despairing faces are pressed against the windows of our affluence. But all they see is hopelessness, because for too many, the American dream has become a daily nightmare of crime and drugs, of unemployment, of schools that do not teach and communities that do not care.

It is a measure of our pain and our failure that during the decade of the 1980's, the Federal Government's prison building program exceeded its public housing program.

We must try harder to understand. We must show black America—we must show all the disadvantaged and dispossessed—that they can have hope for their future too, that government at every level is their government, too, that America is their America too, or else America will never be America.

We must return to basic principles that make a difference in people's lives—education, jobs, opportunity, justice.

We may never completely eradicate racism as we know it in America. But it is our responsibility to teach every child of every race to turn to each other, instead of against each other. Only then will we have hope for a peaceful coexistence.

To begin the racial healing, to reach for racial harmony, we must talk to each other, all of us, with a new candor and commitment, across all the traditional barriers of race and class and party, of public pursuit and private life.

We must work together, Republicans and Democrats, Governors and mayors, Congress and the administration. This is not a time to be casting blame. To do so will only further poison the wellsprings of society, rub salt in its open wounds, and guarantee that the flames will burn again.

The generations who came through the civil rights struggles of the 1950's and 1960's know how far we have come in moving toward equality. But the younger generation in our inner cities needs to see and hear from us that there is leadership in our government that sees and senses their condition and their anger.

The pictures of last week were not just of black anger, but of white anger, Latino anger, Asian anger—anger of all types.

We must offer hope to those who feel forgotten. We must reach out to black Americans who think white America does not comprehend or care or respect their rights. We must meet with community leaders and address their concerns, and ask their help in seeking shared solutions.

In my view, there are two immediate responses that Congress should make to the King verdict and its aftermath.

First, we must find new ways to bring Americans together. That means new lines of communication among citizens and between citizens and government. We need much more extensive forms of community service. The people who spontaneously came out in Los Angeles to clean the debris, and cleanse that city's spirit, should be the vanguard of many different efforts, public and private, to make our country whole. Our diversity must be our strength, not our weakness. We must prove that "E pluribus unum" is not just an empty slogan but a founding truth that still has vital meaning for modern America.

Second, Congress must launch specific initiatives equal to the challenge. I favor a legislative response, with action as soon as possible in the coming weeks.

In social programs, the emphasis should be on doing more in areas where Federal action can make an immediate difference, such as summer jobs and other job-creating and job-training programs, as well as health care and Head Start—which all of us know will work, and will work immediately to ease the need and suffering.

On education, a major reform of Federal aid to public schools has passed the Senate and will be taken up by the House in June. Enactment of that legislation will be the clearest possible demonstration that our goal is to improve the public schools, not abandon them.

We know that if we give our schools the chance, they can make a difference in the success of even the poorest children. In conversations with school principals in Massachusetts, it is clear that they are desperately concerned about their pupils' worsening lives. School principals cite the deprivations, not to excuse their schools for not doing enough, but to describe their starting point. Many children, perhaps the majority, do not have the security and stability they need to learn and develop. They have had to deal with staggering issues of personal violence, drugs, death, hunger, dirt, depression, and hopelessness, before they even learn to count from one to ten.

Each of the principals says that conditions have become far worse in the 5 years. As the economy declines, as more parents are out work, as more social services are cut, the severity and number of the problems brought to school have soared, and the schools have suffered, too.

Federal chapter 1 funds can make difference here. The dollars go specifically to disadvantaged students. When well used, they make it possible to identify and devise strategies to teach the neediest, to rearrange some of their instruction to give them personal attention and unlock their potential.

Let me describe two cases I have heard in recent days that show in human terms what our answer can be to the tragedy of the riots.

An Hispanic second grade boy from Dorchester, the oldest of six children, had a poor attendance record. His school, the Mason in Boston which I visited two weeks ago, uses chapter 1 funds so that each child is in a class of 15 and teachers are able to watch each student carefully. The teacher visited the boy's home, and learned that his mother, a single parent, often made him stay home to take care of the younger children.

The teacher pushed the parent to let her son come to school, and his attendance improved. The teacher also put him into the after-school chapter 1 program and assigned a Boston University mentor to him. The mentor discovered that he has an extraordinary capacity to use images in writing. His school performance has soared. He was the first third-grader this year to recite all 50 States. He routinely brings in extra work, his own writing, and now he wants to be a writer. The Hispanic male dropout rate is 43 percent nationwide, and 53 percent in Boston. But this young man is the way to beat those odds.

Or take the case of a 13-old black seventh-grade young man who came to the Timilty School in Roxbury from Georgia, where he had been expelled from his previous classroom and had a criminal record. His first months at the Timilty were difficult. He did little work, usually failed, and frequently disrupted events.

The Timilty uses its chapter 1 funds to lengthen the school day, so that teachers can work with very small groups of students on special projects. One of the young man's teachers recognized that he had an unusually strong and appealing voice. She started using tape recorders with her small group, having them read from work they had written. The young man stood out in this activity. Eventually, the work turned into a full-scale black history presentation for the entire school, featuring him as the star.

Everyone was impressed by how he had memorized his lines, by his eloquence, his inflections, his posture—all were superb. He became serious about all his work, and he succeeded and graduated. The production also had an effect on the teachers and other students in the school. No one had believed that this young man could be turned around.

Daily small miracles like these are taking place in Boston and across America. They do not make headlines like the riots, but they show us the way out of the despair that breeds alienation and violence. Education has always been the cornerstone of the American dream, and it will continue to be, if we are wise enough to make the investments that all our schools so urgently need.

In law enforcement, the emphasis should be on additional aid to State and local authorities. We should insist on the enactment of clear nationwide policy training standards and Federal enforcement authority, to reduce the likelihood of excessive use of force, and to root out the negative effects of race discrimination in all aspects of the criminal justice system. The Police Corps is an excellent idea; it can bring new recruits and new perspectives to police departments across the country.

To begin to address the crisis, I am calling today for action by Congress, as soon as possible, and certainly before the end of June, on an urban emergency supplemental appropriations bill. The goal is to help meet the most pressing unmet needs our cities face, by supporting proven programs that can put new funds to work immediately.

I therefore propose a $5 billion appropriation for the following 11 initiatives:

Community development block grants, $1.45 billion;

Community Development Corporations, $100 million;

Summer youth jobs, $700 million;

National and community service, $150 million;

Head Start Summer Program, $500 million;

Chapter I Summer Program, $1 billion;

Community health centers, $100 million;

National Health Service Corps, $100 million;

Emergency food and shelter, $100 million;

Police corps, $100 million; and

Aid to law enforcement, $700 million.

This is not a lot of money; it is one-half of one percent of the total Federal budget. It is a small, essential down payment on the future of America.

As I have emphasized, all of this must be done with and through the community. The communities themselves must set their own priorities. Critical resources must come from the Nation, but most of the most critical decisions must come from the neighborhoods.

Those who always oppose progress will say that we should not reward the rioters. This proposal is nothing of the kind. Its goal is to begin to rescue the millions of law-abiding parents and children who are as appalled by the riots as we are, but who are equally appalled at the way their country has forgotten them.

Some will ask, how will you pay for this? My reply is that the budget law specifically authorizes Congress to declare an emergency, and make expenditures such as this without requiring cuts in other vital programs or raising taxes on already hard-pressed families.

We have declared emergency spending on several occasions in recent years. Kuwait was one of them. Now the fires have come home to America. For us, this emergency is even greater.

Mr. President, I ask unanimous consent that a more detailed summary of these proposals may be printed in the RECORD.

SUMMARY OF EMERGENCY, SHORT-TERM ASSISTANCE PLAN FOR AMERICA'S CITIES

The riots in Los Angeles demand an immediate national response which speaks directly to the underlying causes of the disturbances and provides federal assistance through community-based organizations to meet them:

Lack of jobs, especially for young adults, and assistance for the small businesses that create jobs;

Insufficient educational resources for younger children, which lead to inadequate job skills;

Inaccessibility of basic health services;

Lack of basic food and shelter for the poorest in our communities; and

Inadequate training of police and lack of involvement with distressed neighborhoods.

This plan will provide immediate relief to our cities and lay the foundation for more far-reaching action in the coming years. $5 billion would be made available, through a supplemental appropriation on an emergency basis, to provide the following supplemental funds:

I. Job Creation and Small Business Development, $2.4 billion.

A. Community Development Block Grants, $1.45 billion.

B. Community Development Corporations, $100 million.

C. Summer Youth (JTPA), $700 million.

D. National and Community Service, $150 million.

II. Educational Investment, $1.5 billion.

A. Head Start, Summer Program, $500 million.

B. Chapter I, Summer Program, $1 billion.

III. Improved Availability of Basic Health Services, $200 million.

A. Community Health Centers, $100 million.

B. National Health Service Corps, $100 million.

IV. FEMA Emergency Food and Shelter Assistance, $100 million.

V. Police Training and Anti-Crime Initiative, $800 million.

A. Police Corps, $100 million.

B. State and Local Grants for Law Enforcement—$700 million.

Total Funding, $5 billion.

I. JOB CREATION AND SMALL BUSINESS DEVELOPMENT

A. COMMUNITY DEVELOPMENT BLOCK GRANTS

Community Development Block Grants are a flexible resource for creating jobs and revitalizing cities of all sizes. The funds can be used for an array of economic development, community facilities and housing rehabilitation projects. Funds under this program are targeted both to the neediest cities and the most distressed neighborhoods within these cities.

The Block Grant program is funded at $3.2 billion this year, or half a billion dollars below funding in 1981, a cut of nearly 40% after adjusting for inflation.

In October, a Conference of Mayors survey of 62 cities found that three out of four city Mayors were postponing capital improvements, or had accumulated a backlog of capital improvements, because of the recession. If these capital projects are funded now, they are capable of putting thousands of Americans back to work immediately.

Increased funding of $1.45 billion will create approximately 75,000 new construction and related service jobs. In order to expedite spending of the new money, the 15% cap on social services would be raised to 20%. In addition, cities would be required to identify off-the-shelf projects prior to receiving these funds.

B. COMMUNITY DEVELOPMENT CORPORATIONS

Community Development Corporations (CDCs) are on the front line of economic development in our cities. There are currently over 2000 CDCs operating nationwide. One of the first will soon celebrate its 25th anniversary—the Bedford-Stuyvesant Redevelopment Corporation in New York City, which was founded by Senators Robert Kennedy and Jacob Javits. Another of the most successful and largest CDCs is The East Los Angeles Community Union, which will play a major role in the redevelopment of the riot corridor.

America's CDCs have developed over 225,000 units of housing, with over 90% going to low income occupants. They have developed over 17,000,000 square feet of business space in economically distressed communities. They are responsible for the creation and retention of nearly 90,000 jobs in the past five years.

CDCs provide not only job training and job opportunities, but also lasting stability by ensuring that impoverished areas develop the anchors that middle class areas take for granted—including strong community organizations, well-stocked stores, corner banks, thriving local businesses, safe parks and decent housing.

After substantial cuts in 1981, annual funding for CDCs has stagnated at $30 million. An increase of $100 million for fiscal year 1992 will more than quadruple this worthwhile and severely underfunded program.

C. SUMMER YOUTH (JTPA)

The unemployment effects of the recession have had a harsh impact on young people, particularly disadvantaged youth in the nation's cities. In many urban centers, the unemployment rate among black youth is almost 50%. Some studies have shown a relationship between early work experience and future labor market success.

Job training opportunities for youth have dramatically diminished during the 1980s, with a FY93 appropriation that is less than 75% of the 1981 appropriation in nominal dollars. With the cost of inflation, we are currently serving only half as many young people—about 530,000 annually—as a decade ago. (There are approximately 4 million young people who meet the eligibility criteria for the Summer Youth Program.)

This proposal would double the size of the current program and provide desperately needed job opportunities to an additional 675,000 inner city youth. It is a substantial down-payment on the promise of a summer job for every eligible youth.

D. NATIONAL AND COMMUNITY SERVICE

National and Community Service is an easily expandable program that can provide thousands of quality meaningful employment opportunities in cities for youth aged 15 to 25. Such opportunities provide a unique double-benefit. They restore a sense of purpose and civic responsibility in the lives of young people who serve—a sense of purpose and responsibility that studies have shown will stay with them for the rest of their lives. They also generate millions of hours of service in needy communities.

The National Service Commission already awards grants to applicants seeking to involve youth from diverse backgrounds in community service. In 1992, the Commission received nearly 500 applications from 48 states. However, due to its extremely limited resources, the Commission was forced to deny funding to two-thirds of the high-quality proposals it received. These applications represent untapped blueprints—ready for immediate implementation—for engaging young Americans in jobs, and addressing critical needs in communities that have been unmet for the past decades.

These kinds of programs already have an excellent track record in a challenging urban environment. By providing an additional $150 million, thousands of opportunities will be created immediately for young people to meaningfully serve their neglected, overlooked communities.

II. EDUCATIONAL INVESTMENT

A. HEAD START, SUMMER PROGRAM

The Head Start program has a longstanding undisputed track record of success. Currently more than 625,000 low-income children (28% of eligibles) and their families benefit from receiving these critically important comprehensive Head Start services. However, most Head Start children do not receive either full day or full year services. During the 1980's, the Head Start cost-per-child was reduced by 15% in order to serve more with less.

The plan includes $500 million to enable the Head Start program to continue to offer comprehensive services through the summer months. These funds would be available to currently operating Head Start programs which are able to extend their operations, and would serve approximately 400,000 low-income children. In addition, Head Start programs which receive these funds would be required to extend their family literacy projects and agree to employ participants in the summer youth employment program as apprentices in each of their classrooms.

B. CHAPTER I, SUMMER PROGRAM

Chapter 1 education funds currently serve five million students in 14,000 local school systems across the country. They provide smaller classes in reading and math for low-achieving students in poor neighborhoods. Nearly 10% of the current $6.6 billion appropriation is set aside for concentration grants to counties with higher numbers of low income students.

National evaluations show achievement gains in all grades, especially in the early grades. The gap between disadvantaged students and more advantaged students also has narrowed.

A chronic problem among low-achieving students is the losses they suffer in reading during the summer. Too many students spend the early school months relearning last year's work.

The plan includes an additional $1 billion of Chapter 1 funding to run programs, beginning in the summer, for children in Chapter I concentration districts. Once appropriated, the funds will be available until expended. To target the most disadvantaged students, 25% of grants should go to Local Education Agencies (LEAs) with enrollments of 100,000 or more students, 50% of LEAs with enrollments of 200,000 to 100,000 students, and 25% to LEAs with enrollment below 20,000.

III. IMPROVED AVAILABILITY OF BASIC HEALTH SERVICES

A. COMMUNITY HEALTH CENTERS

The dramatic rise in the uninsured, Medicaid cutbacks, and the financially strained condition of inner-city hospitals have made timely health care increasingly unavailable to inner-city residents. This initiative will add $100 million to the current $530 million budget of the Community Health Centers programs, enough to provide services to 800,000 people. This program delivers comprehensive out-patient health services through a network of more than 600 clinics nationwide.

B. NATIONAL HEALTH SERVICE CORPS

The National Health Service Corps places primary care physicians, nurses, and other health professionals in "medically underserved" areas, including inner-cities. The additional $100 million funds will continue the restoration of the cuts that were made during the Reagan-Bush years and assures a steady supply of health personnel to needy areas.

IV. FEMA EMERGENCY FOOD AND SHELTER PROGRAM

The FEMA emergency assistance program was established by the 1983 JOBS bill as a temporary measure. Nearly, a decade later the program is serving ever growing numbers of the homeless and hungry.

Assistance under this program is delivered through local coalitions of human services agencies. Cities receive these funds based on their unemployment rates. Administrative expenses cannot exceed 1%. As a result, the dollars get out quickly and find their way directly to the neediest citizens.

This program is currently funded at $175 million dollars. An additional $100 million should be appropriated to meet immediate needs for food and shelter.

V. POLICE TRAINING AND ANTI-CRIME INITIATIVE

A. POLICE CORPS

The plan proposes to authorize and appropriate funding for the Police Corps, starting at $100 million for the coming summer. This program will allow college graduates to pay off their federal student loans by serving in local police departments for four years. More police will be put on the streets in local communities, and the program will bring increased diversity and more college-educated recruits directly into state and local police departments.

B. STATE AND LOCAL GRANTS FOR LAW ENFORCEMENT

This funding will assist state and local law enforcement through the Edward Byrne Memorial Program, administered by the Department of Justice. 95% of the funds under the program are distributed through formula block grants, with the remaining funds distributed through Justice Department discretionary grants. The current appropriations level is $704 million. The Bush Administration has requested $588 million for next year, and the plan will provide an additional $700 million. Particular emphasis will be placed on ensuring that each state or local agency receiving funds has appropriate police conduct training in place that focuses on reducing excessive force and enhancing cultural understanding among law enforcement officers and employees.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. The Senator from Wisconsin and the Senator from Colorado were kind enough to give me a few minutes.

I thank Senator KENNEDY from Massachusetts for his statement. I am proud to serve in the Senate with him because I think he has been a giant in this whole struggle for civil rights and human rights and opportunities for all our citizens. It was an eloquent statement and I think it was very important. I certainly wish to be included as an original cosponsor of his proposal.

Mr. President, let me follow up on the statement of the Senator from Massachusetts with one Minnesota story, and a report on a meeting I went to today that I think is relevant and should be reported on the floor.

Minnesota's story, phoned to me here from my office in Minnesota: One young white girl, age 9, went out in her block and, with chalk, wrote on a sidewalk about what is happening in our country: "Without justice there can be no peace." Her neighbor, an African-American black girl, age 9, could not read what was on the sidewalk. That tells us so much about our country and how much we still have to do.

Mr. President, I want to report to you on a meeting I attended today on M Street here in Washington, DC, at the Metropolitan AME Church, which, interestingly enough, the great black abolitionist Frederick Douglass actually attended. This was a gathering that Mayor Kelly hosted. Rev. Jesse Jackson brought people together from around the country. And the interesting thing is that the focus was in two areas. No. 1, the focus was on voter registration, on people, young people especially, exerting their political rights in behalf of their economic rights. And No. 2, a very positive focus, was really on the kinds of things Senator KENNEDY was talking about. The focus was on jobs; it was on education; it was on opportunity; and it was on investing in our own communities.

Mr. President, I have to tell you I am committed one way or another to bringing back the whole question of whether or not we are going to waive the budget agreement, not spend more as a Nation but at least redirect some of our resources into our own communities. I think it is time we understand that part of the definition of real national security is going to be the security of local communities where there are jobs, where there is housing, where there is education and where there is opportunity.

There are some people from Rushford, MN, here today and I have to tell you that these economic issues are also real, compelling rural issues.

The fact that poor people and people who are struggling in rural areas might be more hidden does not make the poverty any less real.

I want to just make it clear. We have much to do in our country by way of investment in rural America, as well.

A final point, Mr. President, because I promised that I would be brief.

The interesting thing about this gathering today at the Metropolitan A.M.E. Church was there was a focus on a call to action. The mayors' march on May 16, is going to be so important, and will follow up by events on June 19, which will be a national day of protest, with massive efforts on voter registration, massive focus on these domestic issues, saying to people in our country, especially the people that live in the cities that do not have the hope: There are alternatives.

St Augustine said: Hope has two lovely daughters: Anger and Courage. The anger at what is wrong, and the courage to know that we can change it.

I think that is what we need in our country today—the politics of courage, the politics of caring, and the politics of investment in our communities and in our people.

I thank you, Mr. President. I yield the floor.

TELEPHONE PRIVACY ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. LIEBERMAN). The pending business before the Senate is S. 652.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. KOHL].

Mr. KOHL. Mr. President, I am delighted that S. 652, the Telephone Privacy Act of 1991, is finally before the Senate. I want to express my appreciation to the majority leader and his staff for helping us get to it.

AMENDMENT NO. 1794

Mr. KOHL. Mr. President, at this point, I send a committee substitute to the desk, and ask unanimous consent that it be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 1794.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing;

(2) to encourage the use of new services which discourage harassing and obscene telephone calls even though information identifying the caller may be blocked; and

(3) to require government entities to give public notice of their use of caller identification service.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) Subject to paragraph (2), the prohibition of subsection (a) does not apply with respect to the installation or use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, or testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service;

"(iii) with the prior consent of the recipient of the communication when the communication may be relevant to an ongoing criminal or counterintelligence investigation;

"(iv) in connection with the provision of call return service; or

"(v) in connection with the provision of caller identification service to a user of that service, if the service provider—

"(I) permits the recipient of a communication to use call trace; and

"(II) permits the originator of a communication to block caller identification—

"(aa) on a per call basis without charge;

"(bb) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(cc) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A) (iv) and (v) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a Federal, State, or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) of a communication made from a public pay telephone.

"(2) The exception afforded by paragraph (1) does not apply to a communication to a governmental entity on a line that is publicized or represented as ensuring the confidentiality of the originator of a communication, such as an anonymous tip line or a confidential information line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that a subscriber to an automatic number identification service or charge number service receives, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously obtained from the recipient of the communication; or

"(D) use of any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(4) Nothing in paragraph (3) affects the provision or use of automatic number identification or charge number information by a provider of electronic or wire communication service.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsection (b)(1)(A)(v) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) CRIMINAL PENALTY.—(1) Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(2) Paragraph (1) does not apply to the use of information that is made available to the recipient of a communication through an automatic number identification or charge number service.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) Intent of Congress.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) Definitions.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) the term 'automatic number identification or charge number' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers;

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call;

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a wire communication to the recipient of the communication;

"(10) the term 'call return service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to initiate a return communication to the originator without disclosing to the recipient the identity of the originator (except in connection with the provider's regular billing process; and

"(11) the term 'call trace service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to cause the identity of the originator of the communication to be disclosed to the service provider's security personnel and to law enforcement officials without disclosing to the recipient the identity of the originator.".

SEC. 4. NOTICE BY GOVERNMENT ENTITIES OF USE OF CALLER IDENTIFICATION SERVICE.

"(a) Federal Entities.—A Federal Government entity that uses caller identification service shall publish in the Federal Register and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of the government entity's use of caller identification service within a reasonable time after initiating that use. The Federal Register notice shall describe the scope and purpose of that use.

"(b) State and Local Entities.—A State or local government entity that uses caller identification service shall make available and publish in the official publication of that State or local government entity and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of that government entity's use of caller identification service within a reasonable time after initiating that use. The official publication notice shall describe the scope and purpose of that use.

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that my legal fellow, Geraldine Pamela Welikson, a distinguished and celebrated third-year law student at Washington University, be granted privileges of the floor during the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, once again, American ingenuity has developed new technology. This new device is known as caller ID. It will change the way we use the telephone.

Caller ID is really very simple. When your phone rings, caller ID displays on the screen the number of the person placing the call. If you recognize the number, then you obviously know who is calling. Based on that information, you can decide whether or not to answer the telephone.

Caller ID is already being offered in a variety of jurisdictions, including Maryland, Virginia, and the District of Columbia. It will soon be in place in many more States. Indeed, this technology is developing so rapidly that some telephone companies soon expect to offer caller ID services that display the name of the person calling you, as well as their telephone number.

In my judgment, caller ID is a welcome development. It can tell us who is calling without requiring us to talk to the caller, and it can allow people to decide if they want to take the call before picking up the telephone. As a result of this feature, caller ID will enhance our privacy.

But in my view, caller ID has the potential to invade our privacy. Telephone companies will be able to force our phone numbers to be displayed every time we make a call, even if we have an unlisted number or if we do not want people to know from where we are calling.

In addition, since recipients of calls know the numbers of the persons calling them, they can use a device known as a "reverse directory" and easily obtain the caller's name and address. Forced caller ID without any restriction, therefore, can give the person you are calling your name, your phone number, and your address, whether you want them to have it or not.

Mr. President, I believe that this unrestricted caller ID violates our fundamental right to privacy. For example, people have the right to call a crisis hot line or a telephone marketer or even the IRS to ask for help without saying who they are and where they live. Senators and other public figures should be able to call the Washington Post, whose reporters have caller ID on all of their phones, without revealing their home phone numbers and addresses. And consumers should be able to call a business and ask for information without being compelled to identify themselves. In my judgment, there is no justification for such forced disclosure.

Yet, every time—with unrestricted caller ID—every time you place a call to any person or organization for any reason, you will disclose a lot of information about yourself, whether you wanted to or not.

In addition to privacy concerns, there are practical problems with caller ID without restriction. It can be dangerous. Consider just a few examples. Undercover officers sometimes call drug dealers from precincts to arrange buys. If a target recognizes where the call comes from, it could ruin the bust, or even worse, result in the death of an agent. And battered women often take refuge with friends, but call home to check on things. If their spouses know where they are staying, then further abuse could result.

The point is simply this: Phone companies cannot determine when it is safe to reveal our numbers and addresses. There are too many variables that even phone companies cannot perceive.

Fortunately, I believe there is a simple way to realize the benefits of caller ID and avoid its potential problems: Just allow consumers to retain their freedom of choice; let us decide when we want to reveal our phone numbers and when we do not.

The technology exists to give us that choice. It is known as per-call blocking. Per-call blocking works this way. When you want to make a call without revealing your number, you simply press a few digits on the phone and the display of your number is blocked. With this per-call blocking option, people can display their numbers when calling friends and family, and they can keep their phone number confidential when they want to.

A growing number of phone companies and a growing number of States have recognized the importance of protecting their caller's right to privacy, and offer a blocking option.

But in order to ensure that all telephone customers retain this crucial freedom of choice, we introduced the Telephone Privacy Act of 1991. It would require that telephone companies that offer caller ID give callers, at a minimum, the option of free per-call blocking. In that way, consumers can block the display of their telephone numbers.

To accommodate States which have already considered this issue, the bill "grandfathers in" State laws and regulations which authorize per-line blocking if a State has such a system in place at the time that S. 652 is enacted.

To address the special problems of battered women shelters, the bill requires telephone companies to offer additional privacy safeguards for them.

In addition, this legislation will prevent potential abuses by 800 and 900 phone services. As a result of these simple steps, the bill protects the privacy of callers, while ensuring the value of the caller ID service.

It would also move the caller ID technology toward a uniform Federal standard rather than a patchwork of inconsistent State laws.

Mr. President, our approach, centered on requiring free per-call blocking, makes sense. It balances our desire for privacy with our desire to see the caller ID technology developed.

Just as important, Mr. President, is the fact that per-call blocking does not reduce the value of caller ID. Let me give you a few examples. First, blocking will not reduce law enforcement's ability to deter obscene and harassing phone calls.

In fact, the telephone technology that makes caller ID possible also makes it possible to stop telephone terrorists without in any way undermining the privacy of law-abiding citizens.

We all know that a few telephone companies market caller ID as the only way to reduce obscene and harassing phone calls, but that is false advertising. The truth is that we have the technology and, with this bill, the ability to protect victims and ensure privacy at the same time. And here is how: Built into the software which makes caller ID operate are other capabilities. For example, there is "call trace," which allows a victim of an abusive call to automatically forward the number of the call to the authorities merely by dialing a three-digit code.

Then, there is "call return," which allows the recipient to automatically redial the number of the person who just called.

Finally, there is "call reject," which allows an individual to block all calls to his or her phone from a particular line, forever preventing calls from a telephone harasser.

So with the use of these three services—call trace, call reject, and call return—harassing phone callers will be caught. Best of all, Mr. President, these protective services work even when a number is blocked, and you do not have to subscribe to caller ID to use them. In virtually every State in which caller ID is available, telephone companies offer these services to everyone, whether they have caller ID or not.

Second, far from reducing the value of caller ID, this legislation is essential to securing its future. Right now, there are serious questions being raised about the legality of caller ID. Most experts, including the Congressional Research Service, concluded that caller ID is a "trap and trace device that violates Federal law." Last month, the Pennsylvania Supreme Court agreed. The court ruled that caller ID violated a provision in the Pennsylvania wiretap statute, which is identical to a provision in the Federal version. At least one State PUC may go a step further by banning the service entirely.

This legislation would resolve the ambiguities in our statutes and ensure the legality of caller ID. It would prohibit States from making caller ID illegal.

Finally, there is one more reason to pass this legislation. Per-call blocking already exists, but only for the wealthy. There is a new 900 service that charges people a few dollars a minute and allows them to place their calls through a third-party intermediary. It is the intermediary's number which is displayed. The recipient of the call never gets to see the phone number of the person actually making the call. The existence of such a service supports the essential thrust of this bill. There are times when you do not want someone you are calling to have your number. But the existence of such a service is also wrong, because blocking should be a matter of equity as well as privacy. Phone companies should make it available to everyone, rich and poor alike.

Mr. President, the Judiciary Committee favorably reported this measure by a 10-to-1 vote. That is not surprising, because it is a joint product of the committee. Senators LEAHY, BROWN, and BIDEN have all contributed to it and deserve special praise.

But since that time, we have made, I believe, several important improvements. At the request of Senator THURMOND, we have authorized the use of caller ID by most governmental entities, so that they can receive the benefits of this valuable technology. We have also removed the requirement that telephone companies provide blocking from pay phones in order to deter harassing calls from phone booths. At the suggestion of Senator METZENBAUM, we have provided consumers with greater flexibility by requiring telephone companies to offer call trace for a charge wherever they offer caller ID. Before this debate concludes, I will place a more detailed statement describing these modifications in the RECORD.

The final legislation now before the Senate is clearly a compromise, but it is a fair and a balanced compromise. Simply put, without compromise, we would not have legislation, and without Federal legislation, we would not protect telephone privacy at all in States like New Jersey, Virginia, Indiana, Mississippi, as well as other States that permit caller ID but do not permit blocking.

In conclusion, Mr. President, our bill allows us to expand the use of caller ID while protecting the privacy rights of individuals. We ensure caller ID can expand by making it clear that it is legal under Federal wiretap laws. We protect privacy by ensuring that callers, when they want, will have the right to withhold their numbers, and we allow vigorous pursuit of obscene and harassing phone callers.

Mr. President, a wide variety of groups endorse this legislation. We have endorsements from the Consumer Federation of America, the American Civil Liberties Union, and Public Citizen. We have endorsements from Ameritech and the Fraternal Order of Police. While AT&T, MCI, and Sprint may still have a few concerns about the bill, they are not opposing the substitute we are offering today.

It is, Mr. President, a balanced bill. It is a bill that we need, and I hope very much it is a bill that we will pass.

Now, before I yield to my colleague from Colorado, Senator BROWN, I want to say what a pleasure it has been working with him and how much I appreciate the special efforts he has put into this legislation.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be agreed to and that the reported committee substitute, as thus amended, remain amendable in two degrees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I am pleased to join the distinguished Senator from Wisconsin [Mr. KOHL] in cosponsoring the Telephone Privacy Act of 1991. I congratulate Senator KOHL and his staff on the fine job they have done on this important and necessary legislation.

S. 652 governs the use of caller ID and similar services. It amends the Federal wiretap statute to ensure that caller ID service will not be found to be an illegal trap and trace device within the meaning of that statute.

The bill strikes a balance between the uses of new technology like caller ID and similar services and the privacy interest of persons making calls to prevent disclosure of their numbers.

This legislation is necessary. A recent decision by the Pennsylvania Supreme Court found that caller ID was an illegal wiretap under the State wiretap statute. The Pennsylvania law is based on the Federal statute.

This is a difficult area and one subject to continued technological advances, but I believe the bill succeeds in striking an appropriate balance between the interests involved.

The bill exempts caller ID from the prohibition on trap and trace devices contained in section 3121 of title 18 provided certain conditions are met.

The bill requires phone companies offering caller ID to also provide the originator of a call with free per-call blocking. This is a service which permits the caller to prevent his number from being revealed to a recipient of a call who has caller ID.

The bill requires phone companies to provide per-line blocking at no charge in States which have acted to require free per-line blocking to the enactment of this legislation.

Phone companies are also required to provide per line blocking at no charge and upon request to victims of domestic violence that are protected by a court order, battered women's shelters or other organizations providing safe haven for victims of domestic violence.

The bill does not require a telephone company to provide the blocking feature on calls made to emergency assistance lines, calls within private systems or calls from public telephones. This feature of the bill ensures that emergency lines will be able to provide immediate responses where a call might otherwise be inadvertently blocked.

The second condition requires phone companies to permit the recipient of a phone call to use call trace. This is a service which permits the recipient of an obscene or harassing phone call to refer the number of the caller to the phone company's security department for further action in conjunction with the appropriate law enforcement authorities.

The call trace service cannot be blocked, so even if a harassing caller has tried to block his number when placing the call, his number will be revealed to the authorities. This feature should go a long way to discourage obscene and harassing phone calls.

Further in this regard, the bill specifically notes that it is not the intent of the Senate to either endorse or facilitate the use of blocking of caller ID by originators of obscene or harassing telephone calls, nor is it the Senate's intent to limit the enforcement of laws prohibiting these types of phone calls.

The third condition permits governmental entities to use caller ID except on lines publicized or represented as providing confidentiality as to the identity of the caller. Governmental entities must also publish notice that they are using caller ID and describe the intent and scope of their use of the service.

This aspect of the bill serves to protect the identity of those calling medical hot lines, tax compliance lines or other lines where the caller generally does not want their identity revealed. We have drawn the exception to governmental use narrowly. We wanted to protect privacy interests while at the same time ensuring that governmental entities may make use of these new technologies to improve the delivery of their services to the public.

As a fourth condition, S. 652 also exempts from the wiretap statute the so-called automatic number identification service or ANI. ANI functions similarly to caller ID but on 800 and 900 lines only. ANI subscribers, such as mail order houses, may use the information they obtain on callers for internal billing, routing and other similar purposes. But these ANI subscribers may not resell or distribute the information they compile without the prior consent of the caller.

In this respect, the privacy of callers is protected and the information regarding their purchasing habits is maintaining only by those companies with which they have done business. This feature of the bill is intended to provide callers with an enhanced degree of control over the distribution of private and sometimes sensitive information to tele-marketers and other similar entities.

The bill provides for a civil private right of action where: First, the phone company fails to provide caller ID as required in the bill; second, caller ID is provided on a government line which is publicized as being confidential; or third, ANI subscribers are found to have misused the ANI information.

This bill represents important legislation. It is the result of intensive negotiations between the local telephone companies, the long distance carriers, State public utility commissions and public interest and privacy advocates.

Passage of this bill will ensure that caller ID and related services are provided throughout the States in a manner that ensures for the consumer a predictable and uniform expectation of privacy.

Mr. President, to summarize, this is a good bill, because it is a well-thought-out, well-reasoned measure. Senator KOHL has led the effort to develop thoughtful legislation in this area. I want to share briefly with the body why we need a bill. I think, as Members watch these deliberations, the first question they may inquire about is why in the world do we have to fix this when we are not sure it is broken? I will share my view on that particular subject. First of all, the reason we need this is that there is an enormous amount of new technology in this area that simply has not been dealt with under current law. The distinguished Senator from Wisconsin, Senator KOHL, has alluded to these new technologies in his opening statement. Let me outline them again very quickly.

Caller ID is now available in several States. It was not available in the past. Call blocking is now available, both per call and per line. Call return is now available. Call trace is now available. Call reject is now available.

Mr. President, our Federal statutes need to take these new and emerging technologies and services into account and interrelate them, so you can treat people fairly and deal with the existing prohibitions that now stand on the books.

Mr. President, the second reason we need this bill is the Pennsylvania Supreme Court decision on this subject. What the Pennsylvania decision has done is interpret a Pennsylvania statute that also is similar to the Federal wire tap statute. That decision simply deemed caller ID to be an illegal tap and trace device under the Pennsylvania wiretap statute. Mr. President, caller ID is a valuable service. We must ensure that it remains lawful. Therefore, we must take the Pennsylvania decision into account in adjusting the Federal wiretap statute. For these two reasons, Mr. President, this is necessary legislation.

The second question I would like to address very briefly—and it may occur to some Members as they listen to this—is why in the world a person would want to be able to withhold his or her number from the called party? If you are going to call somebody, why would you not be willing to let the called party identify your number if he or she chooses to? Let us look at that. Let us say, if you call a store to find out when it closes, or an airplane to find out if you can get a ticket, do you really want the store or the airline to have your name and phone number on a junk mail list? Well, some may not mind that, but some may, and we—and not the phone company—ought to have the right to make that decision. Let us say you are a doctor, or an attorney, or another that provides professional services. If a patient or client can find out your home phone number and your home address when you return his or her call, you may not be willing to call every time that you may be needed. Thus, call blocking simply provides a useful privacy option. Or let us say you want to call a crisis hot line for help, you do not necessarily want them to know who you are; or, let us say you are a reporter who calls a source from home, you may not want that source to know the way to your own doorstep; or, let us say you are an undercover narcotics agent who arranges a drug buy over the phone, you may not want the target to know your true identify. The simple fact is these new technologies provide enormous options that we have not always had in the past. We need to think them through carefully.

Mr. President, I think that is the value of this bill. Mr. President, this legislation reflects Senator KOHL's willingness to listen to a broad spectrum of interested parties. It is thoughtful, reasonable legislation that strikes a reasonable balance between the uses of new technology like caller ID and similar services and the privacy interest of persons making calls to prevent disclosure of their numbers.

The measure was reported out of the subcommittee unanimously. It was reported out of the Judiciary Committee on a 10 to 1 vote. While not everyone is an endorser or enthusiastic supporter of this measure, frankly, I think those who have taken a great deal of time to think about it and look at it will find their reasonable concerns and objectives have been addressed and incorporated into the bill.

Mr. President, I am proud to join with Senator KOHL as a cosponsor of this measure.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I rise to express some concerns I have about this legislation that is before the Senate. I, first of all, want to compliment the distinguished managers of the bill for trying to craft a compromise to deal with some of the objections to the legislation as reported by the Judiciary Committee.

There are still serious concerns about the bill: For example, whether or not legislation in this form is necessary to put before the Senate today. The Federal Communications Commission is given authority by law to regulate interstate communications services that are offered by telephone companies throughout the United States. At the present time I understand that the Federal Communications Commission is undertaking a rulemaking to deal with the very issues addressed in this legislation. My inclination is to permit the FCC to proceed without obstructing or trying to impede or direct or mandate the direction in which that rulemaking proceeds.

The reason we create an agency like the FCC to begin with recognizes that this Congress does not have the staffing, expertise, the procedures that enable it to make decisions of this kind that are very technical, that require an awful lot of research of technology, or understanding of technology, and the countrywide impact on the competitive relationships between industries, the impact on consumers, and those who use the services, to be sure that their rights are safeguarded in every possible respect.

Senators are not experts in the communications field. Senators would have a very difficult time trying to make a correct decision on technical issues of this kind and still discharge the other duties and responsibilities that we each have in a wide range of other subject matter areas. That is why the FCC is entrusted with the power to make rules, make determinations, and issue regulations on questions of this kind.

So I would urge the Senate to refrain from enacting a law on this subject at this time. It is premature for the Senate to legislate on this issue in the detail and in the area of communications minutia that we are being asked to do today in this bill.

There is one other concern that I have and it is a serious concern that has already been shared with the committee, and that is the fact that State regulatory agencies have the responsibility under our Federal system to regulate intrastate communications services. These public service commissions or regulatory bodies in every State have been reviewing this technology, have been hearing witnesses, have been trying to come to grips with how best to protect the interest both of consumers and customers, to be sure that privacy is protected, and to be sure that we are able to take advantage of new technologies like caller ID.

Twenty-three States have, through their regulatory agencies, authorized the providing of caller ID services. Some have elected to require the call-blocking service as well. That was described by the distinguished Senator from Wisconsin.

Some have not provided the call-blocking service. I am advised that in my State of Mississippi, for example, the caller ID service is available but the call-blocking service is not required to be made available. Few complaints by the Public Service Commission have been received in our State, I am told. In the committee report a letter or a copy of the letter addressed to the Senator from Vermont [Mr. LEAHY] was printed at his request as a part of his additional views on this subject. The chairman of the Vermont Public Service Board, the State regulatory agency, had this to say about this legislation.

> States have taken their responsibilities seriously on this question. The various State commissions have been able to benefit from each other's investigations into the privacy and public safety aspects of caller ID services. This is not an issue that requires or suggests the need for Federal preemption of State legislative or regulatory actions. Federal preemption of State authority for caller ID's blocking capability is clearly unnecessary at this time. It is also unwise both as a matter of federalism and as a matter of service and technology deployment.

It seems to me, Mr. President, that the legislation before us is symptomatic of a problem we have in Congress at this time. Some see every instance when we perceive a need or a problem it must be solved by Federal regulation or Federal legislation. I disagree with that precept.

I really think we are making a big mistake, particularly in the scientific and technological areas, if we as an institution presume to be experts in every instance and to be capable and competent to legislate an answer to every question that arises in the use of new technologies, particularly communications, and telecommunications technology. We position ourselves as both judge, and jury, high and mighty arbiters over every dispute that arises between competing forces in our society, between consumers and business interests, and industries like this, the telephone industry and its customers.

There are already established regulatory procedures and bodies entrusted with the authority of law to do these things that we today are being asked to do in the U.S. Senate. I really feel that we are making a mistake to continue to intrude into these areas already under the jurisdiction of some other competent body, much more competent in terms of experience, knowledge of the subject matter, closeness to the situation and to the people affected by the law or regulation that will be enacted or promulgated, than we are here in the U.S. Senate.

So here we are in a situation where Senators are not prepared, on the basis of background, experience, or knowledge, to make a decision of this kind, and we are being asked to legislate, enact a statute that directs, in effect, the Federal Communications Commission and State regulatory bodies how to judge issues now before them which are being dealt with and have been dealt with, in many instances already, in what may prove to be a perfectly satisfactory way.

I have talked to some Senators about their knowledge of this caller ID issue and how it has been handled in their various States. In some States already, such as Virginia, steps have been taken by the local telephone companies to provide the very services that we are legislating now be required nationwide. Why do we need to legislate what already is being done?

I just saw in the paper here in a Washington Post article, "C&P Offers Virginia Caller ID Users an Unbeatable Block." And the article describes the service that this legislation requires to be made available. Well, now why do we need the law? If the companies are doing what the law suggests they ought to do, I do not see why we need to clutter up the Federal statute books with judgments that we are being asked to make on how a telephone company should provide service to its customers.

Obviously, there is a need for this kind of service, there is a demand for this kind of service, and it is being made available. And in States where it is not being made available, the pressures on the local regulatory bodies and on the local service providers will become such that those services will be made available.

I noticed in the Legislative Notice made available to all Republican Senators describing the Telephone Privacy Act, the summary of the bill, and a notation that the administration opposes the passage of S. 652. I am going to read from this notice.

> Federal legislation on Caller ID is unnecessary. * * * For interstate service, the Federal Communications Commission (FCC) already has authority to regulate Caller ID. In fact, the FCC is now conducting a rulemaking on Caller ID that addresses the concerns underlying S. 652. On the local level, the States are using a variety of approaches in determining the conditions under which Caller ID should be offered in their jurisdictions. These different approaches are providing valuable information and experience in developing this service and should be permitted to continue.

I am persuaded that it is premature for the Senate to act today on this legislation.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1992]

C&P OFFERS VIRGINIA CALLER ID USERS AN UNBEATABLE BLOCK

(By Mark Potts)

If a telephone call is the next best thing to being there, then Chesapeake & Potomac Co. has come up with the next best thing to not calling at all.

Closing a loophole in its Caller ID service, C&P yesterday introduced a service in Virginia that will automatically hang up on any caller who tries to circumvent Caller ID. The new service known as anonymous call rejection, also could be available to C&P customers in Maryland and the District within a few months, pending regulatory approval.

Caller ID, which has been available locally for about two years, provides a customer with an electronic display that shows the phone number of the person making a call to the customer.

C&P Telephone and other phone companies have marketed the service as a way to screen unwanted calls or learn the identity of prank or obscene callers. About 341,000 of the 17.9 million East Coast customers of C&P's parent company, Bell Atlantic Corp., subscribe to Caller ID, for which they are charged a $6.50 monthly fee, plus the cost of the display device.

But Caller ID can be overridden by the caller by pressing *67 before dialing the number. Instead of displaying the number at the other end of the line, the Caller ID device then shows a message saying the call is "private." Some critics have seen this service as defeating the purpose of Caller ID, since it allows unwanted callers to hide under this "private"guise.

But not anymore. Caller ID users or any other C&P customers in Virginia who want to block such "private" calls can dial *77 to subscribe to the anonymous call rejection service. The service will automatically screen calls and disconnect any made using the "private" prefix; the caller will hear a message saying that the party being called does not accept such calls.

The service, which can also be activated on a rotary phone by dialing 1177, is free for any Caller ID customer and will cost other customers $3 a month.

C&P of Virginia is one of the first phone companies in the nation to offer anonymous call rejection. State regulators approved the service last week, and C&P officials say they will ask for approval by Maryland and District regulators.

There is some irony to Virginia's approval of the system: State regulators have not allowed C&P of Virginia to give customers the option of making "private" calls to Caller ID users in the first place, although Virginia customers still can receive such calls from elsewhere.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I have great respect for the Senator from Mississippi. However, in this case, I believe that he is not on the right track.

The fact is that neither the FCC nor the State can adequately regulate caller ID for at least two reasons. On the one hand, the FCC can only regulate interstate calls and not intrastate calls. So it cannot protect the telephone privacy of people in States like New Jersey and Indiana which do not permit any sort of blocking by the caller and it cannot move the States toward more uniform privacy protections as our bill does.

And on the other hand, the States cannot protect the privacy of interstate callers. Travelers therefore would have to carry a list of which States recognize telephone privacy and which do not. And because not every State will require blocking, we need to ensure that callers in every State have their privacy protected.

More than that, before we go any further with caller ID, we have to make sure that it is legal under Federal law. Neither the FCC nor the States can do that. In fact, last month the Pennsylvania Supreme Court ruled that caller ID violates a provision of that State's wiretap statutes which is identical to the Federal wiretap statute. This proposal would resolve the ambiguities in our Federal wiretap statutes and ensure the legality of caller ID and move us toward a uniform national privacy policy in this area.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I wonder if I might have the attention of the managers of the bill on one provision? There is in the substitute amendment per-call blocking on each individual call contrasted with the House version which has per-line blocking. I believe the provision of the Senate bill is far preferable to the provision in the House bill.

I would inquire of the managers of the bill on my own behalf, but I would represent at the same time that I think there are many other Senators who are interested in seeing to it that the Senate version on this issue stands in conference.

My inquiry of the distinguished managers would be their statement as to how important they feel this is and their own statement of firmness in conference on standing by this particular point in the Senate bill.

Mr. KOHL. Well, I personally feel that per-call blocking is a very important part of this legislation. I myself would feel very uneasy about per-line blocking, and I would intend to fight just as strongly as I can for per-call blocking as I think that is an essential part of the legislation.

Mr. SPECTER. I would agree with the distinguished principal sponsor of the bill, and I am glad to hear those assurances of his own firmness and determination to see that per-call blocking survives the conference in contrast with the House version.

If I might have the attention of the distinguished manager on the Republican side as to the same line of inquiry, the degree of firmness you have, Senator BROWN, as to the per-call blocking as opposed to per-line blocking.

Mr. BROWN. I want to assure the distinguished Senator from Pennsylvania that I share the view that has just been announced by the distinguished Senator from Wisconsin. As manager of the bill for this side, I share the sentiment of the distinguished floor manager for the majority, that we should hold firm in conference on these important issues.

Mr. SPECTER. I thank the distinguished Senator from Colorado and the distinguished Senator from Wisconsin for those assurances.

It seems to me that if we are going to have a national standard, aside from the limited grandfathering which is present here, and if we are going to have caller identification be meaningful, it has to be exercised when the caller wants to have his or her identity concealed on an individual basis. I concur with the managers that that is a good compromise. The recipient will know who is calling unless there is a specific exercise of privacy on an individual call basis.

But, given that value, the Senate version, I believe, has the appropriate approach: if the caller, the person placing the call, wishes to exercise his or her confidentiality, it must be made on a per-call basis and not per line. Therefore, the Senate version ought to prevail in conference, there ought to be this statement, and I think others may add their comments to the RECORD before consideration of the bill is concluded.

I thank my colleagues.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President I wanted to address just briefly the very thoughtful comments by the Senator from Mississippi. He, I think, has made an argument that I long thought had great validity and applies to many areas—not simply telephones—and that is a concern that we not necessarily try and regulate everything from Washington, DC.

It is an appropriate argument. It is appropriate to bring it up. I think it is a valid concern.

In this particular circumstance, however, I am convinced there is some need for a uniform rule here. Let me share why. We are dealing with a wide variety of interdependent technologies. Caller ID in my view, is inextricably linked to call blocking, which involves the ability to decide not to pick up the phone when you see whoever is calling has blocked your identification. This is not simple. It is quite involved. It is a difficult area in which to ensure all options to individuals.

For example, let us assume this. The caller ID might be invalid in one State, might be illegal, might be thought of as wiretapping. An adjacent State may think it is just fine. What could happen? A paradoxical and disparate result could result. Even if it is illegal to use caller ID in one State—thus precluding access to the phone number information of the calling party—the same information could be available to the recipient of phone calls made on 1–800 or 1–900 lines through the service known as automatic number identification ID. This service is already available.

The simple fact is, this is truly interstate commerce in the most direct, in the most logical sense of the word. We cannot hope to give total State sovereignty. To begin with, the FCC regulates part of this in the interstate calls. Calls within the State indeed could be regulated by the State. But because we have interdependent technology, because we have options for the various people providing phone services as to where they locate, to have a wide variety of rules in this area invites a simple nightmare with regard to the rights of the individuals.

For those who have that concern, I would hope they would take the time to go through the details of the bill and evaluate for themselves the manner in which we have reasonably balanced, I believe, the competing privacy interests of the calling and called parties.

This measure is quite creative. It goes to significant lengths in an effort to protect individual rights and individual options. The miraculous thing is the tremendous ability of technology to protect those rights. I think anyone who goes through this in detail will be immediately impressed with how the rights of the individual caller are protected to a maximum degree.

So, are there problems to going to the one rule and trying to make uniform standards? Absolutely. But this is an area where I think most Members, as they take a look at the technologies involved and the rules involved, will agree that the only logical conclusion is that you have to come up with some common way of dealing with these issues.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1795

(Purpose: To restore an enforceable Federal death penalty, to curb the abuse of habeas corpus, to reform the exclusionary rule, to combat criminal violence involving firearms, and for other purposes)

Mr. GRAMM. Mr. President, on behalf of myself, Senator THURMOND, Senator DOLE, and others I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] (for himself, Mr. THURMOND, and Mr. DOLE) proposes an amendment numbered 1795.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 1796 TO AMENDMENT NO. 1795

Mr. KOHL. Mr. President, on behalf of Senator BIDEN, I would like to send this amendment to the desk please.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. BIDEN, proposes an amendment numbered 1796 to amendment 1795.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Mr. GRAMM. Mr. President, 1,049 days ago, President Bush sent to the Congress a comprehensive anticrime bill and 1,049 days later that comprehensive crime bill is still stuck in a partisan gridlock denying the American people something that they desperately want.

Mr. President, we all know that the American Government is caught in the grips of partisanship which exists today at a level that is unprecedented in the postwar period. But nowhere is that partisanship more in evidence than on the President's crime bill.

Let me remind my colleagues what happened when the bill was considered in the House and Senate. Let me explain what I have sent to the desk, what has been sent to the desk as a second-degree amendment, and what the basic issue is that we face here.

Last year, we considered a crime bill in both the House and the Senate. Both the House and the Senate adopted very strong provisions that strengthened law enforcement, that provided stiff, minimum mandatory sentencing, and that provided the President with the strong piece of legislation he sought in order to deal with the crisis facing our bleeding Nation.

The problem was that when the bill went to conference where a very small number of Members from the House and Senate sat down together and the decisions were made by Democrats in the House and Democrats in the Senate, they dropped out all the strong provisions of the bill, the weakest provisions in most areas were adopted, and in some cases where the same provision had been adopted by both Houses of Congress, it ended up not being part of the final bill.

The crime language we ended up with after the conference, is a bill that overturns 20 Supreme Court decisions which strengthened law enforcement. A bill which, in the words of the President and 25 States attorneys general, both Republicans and Democrats, strengthens criminals' rights and weakens law enforcement.

Now, the proponents of this bill say it authorizes money for law enforcement, but not 1 penny of money is actually provided by the bill. A critic would say that in an effort to say something good about the bill, it is very cynical to say we are authorizing all this money even though the Congress underfunded the President's request for law enforcement in the last appropriations cycle.

Now, let me just review some of the provisions adopted by the Senate but that are not in the conference report.

One provision was 10 years in prison without parole for selling drugs to a minor or using a minor in drug trafficking.

Basically, the position that the Senate adopted on a voice vote said, if you sell drugs to a minor, no matter who your daddy is or how society has done you wrong, if you are arrested and convicted in the Federal system, you are going to serve 10 years in prison without parole. And if you get out of jail and you do it a second time, you are going to get life imprisonment. That provision was adopted in the Senate, but when the bill came out of conference the provision was dropped.

The Senate adopted the so-called three-time loser provision that said when a person is convicted of a violent crime or a drug felony in the Federal system on the third conviction, that person gets a mandatory sentence of life in prison without parole. That provision was adopted in the Senate, strongly supported here, but when it went to conference the provision was dropped.

The Senate adopted a provision that said if you use a firearm during the commission of a violent crime or a drug felony, and you are convicted in the Federal system, you get 10 years in prison without parole for the gun violation alone. If you discharge the firearm in the commission of a violent crime or drug felony you get 20 years in prison without parole. And if you kill somebody you get a minimum mandatory sentence of life in prison, or in aggravated cases you are subject to the death penalty. That provision was adopted in the Senate. Similar provisions were adopted in the House. But when the bill was written in conference at the end of last year, those provisions were dropped.

Basically, what was done in the conference committee, was all of the provisions supported by the President that were aimed at grabbing criminals and drug thugs by the throat and not letting them go to get a better grip, ended up being dropped. We ended up with a bill that overturned at least 20 Supreme Court decisions that strengthened law enforcement.

Basically, the conference report was a hollow shell of what we had adopted in the Senate, a hollow shell as compared to what had been adopted in the

House. The will of the majority in both houses ended up being circumvented.

I have tried to facilitate this debate. I want to make it clear that we notified our colleagues over a month ago that when we had an opportunity to offer this amendment, we intended to do so.

We have taken the strongest provisions from the House bill and the Senate bill and brought together the provisions either adopted by the House or adopted by the Senate that would strengthen law enforcement and that would send a very clear signal that we intend to do something about violent crime and about drug trafficking in America. That bill was introduced earlier this year as S. 2305 by Senators THURMOND, DOLE, myself, and many of our colleagues.

There is no provision in the amendment that I have sent to the desk that was not adopted last year by at least one of the two Houses of Congress except for the prison construction money. Many of these provisions have been adopted by both Houses.

The proposal that I have sent to the desk authorizes not only the funds that were in the conference report, but additionally authorizes funds for prison construction, something that is desperately needed. But let me make it clear that we are talking about authorizing money. We are not shooting with real bullets in either bill on money because appropriations provide money; authorizations represent wishful dreams.

We have been trying now for over a month to get Congress to go back to the crime bill. What has happened is that the majority has decided to drag this old dead cat conference report back out on the floor. The conference report overturns 20 Supreme Court decisions, and the U.S. Attorney General and 25 States' attorneys general of both parties have said it is a bill that strengthens criminal rights rather than strengthening law enforcement.

So what we have is the phony crime bill now as a substitute for a proposal which I have offered and which was intoduced earlier this year by Senator THURMOND and Senator DOLE and others and which is composed of the strongest provision from the House and the Senate versions of the bill.

Mr. President, it is clear to me that there is a determination by the majority to not allow us to deal with this issue. So I want to try to make it clear again that it is not my objective to try to slow up the flow of legislation. I am going to continue to offer this bill until we address this important issue.

We have the conference report which the President has said he will veto. The House passed this bill by a vote that clearly is insufficient to override that veto. The majority has not been able to get cloture on this bill and it is not going to become the law of the land because the Attorney General and 25 States' attorneys general say that it weakens the position of law enforcement.

So if that substitute is clotured or is accepted, I want my colleagues to know that this issue is not going to go away because the underlying bill is still amendable and what I would do in that case is simply allow, if we do cloture and do adopt the crime conference report, in its amendment form, if the majority, using its numbers, is able to adopt it, then it would simply become part of this bill; but at another point in the bill, I would send the same amendment to the desk and we would start the process over.

I am not going anywhere. I have the time to do this if we want to engage in it. But I do not think it is a good use of our time. I believe the time has come for us to be debating a tough anticrime bill. It is clear that the conference report which has been rejected by law enforcement officials all over the country, and which the President says he will veto, is not going to become the law of the land. So I am hopeful that we can put aside the conference report and get down to the issue of writing a real crime bill which is on the side of law enforcement and not on the side of the criminal.

I remind my colleagues that it has been 1,049 days since the President sent the crime bill to Congress. I think the time has come to act, and I urge my colleagues to reject the conference report, which the President will veto, which we have debated on many other occasions and which is offered today for one and only one purpose, and that is to try to kill the amendment that I have offered.

I want to repeat one final time. If this conference report which is offered for the purpose of killing the amendment is adopted, I will simply offer the amendment again, and if it is killed with another amendment, I will simply offer it again. I think my colleagues have the drift of what I am saying.

The basic bottom line is this: We are not going to allow the U.S. Senate to be denied to make fundamental decisions about crime and punishment in America, I hope my colleagues will support this effort. I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to speak in opposition to the pending amendment.

The underlying bill, S. 652, would protect people's telephone privacy by giving them the ability to block the display of their telephone number, thereby preventing the unauthorized use of that information. It is a simple, straightforward, and effective proposal, and one that is needed.

But at a time when the Senate is scheduled to debate legislation which insures people's telephone privacy, we find ourselves considering yet another crime bill.

Mr. President, the Senate has already debated the merits of a crime bill. And that crime bill was approved in a House-Senate conference last October. The House adopted the conference report on November 27 of last year. Since then the Senate has been unable to garner enough votes to overcome a Republican filibuster and send a crime bill to the President. In the meantime, Republicans have introduced another crime bill.

This latest crime bill today—except for the absence of the Brady bill and a difference in habeas language—is very similar to the House and Senate versions already passed. It is clear that the real motivation behind offering this amendment, and in filibustering the conference report, is not the desire to pass an effective crime bill. The true motivation—the real reason for shifting the focus of this body from a privacy bill to a crime bill—is hard and fast partisan politics.

This debate is not a debate on the merits of a crime bill, it is a sound bite debate. What we hear today will be repeated over and over until November has come and gone. And it is the public who suffers from this gamesmanship as we bicker on the Senate floor. But this is no surprise—or at least it should not be. It is an election year and this is the way things are done in an election year.

Yet, this is the type of political jousting that the American people have said they have had enough of. Partisanship does little more than ensure that public disdain for Congress will continue to grow.

Mr. President, this is not the time for debating the crime issue. The Senate has before it an important piece of legislation addressing people's privacy. The crime issue is equally important, but it is evident that we are a long way from agreeing on a crime bill. Consequently, I urge my colleagues to oppose the Gramm amendment and get on with the business at hand—passing the caller ID bill.

I thank the Chair.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand our colleague's interest in the bill that is before us. I guess there are just a couple of responses I want to make. First of all, for over a month, we have asked for an opportunity to debate the crime bill and this is the first opportunity we have had with this amendment. I know my colleague thinks that this issue of setting out telephone rules concerning the ability of people to detect the number of the person who is calling them is of great moment but, quite frankly, I think it is kind of insignificant as compared to the crime problem that faces America.

I think, quite frankly, if you do not want somebody to know your number, there is a simple way not to let them know it: Do not call them up. Listening to the whole logic of this very complicated bill, it sounds to me like people are arguing that if somebody comes and knocks on your door and you say who is it? They can say: "Wait a minute. You don't have a right to know who I am. Just let me in your house."

There is one sure way not to let people know your telephone number and that is do not call them up. So we can fix the problem they are trying to deal with very simply. If you do not want your number known by a particular individual, do not call them. But to say that somehow this is such an important bill that we cannot consider mandatory sentencing for selling drugs to minors, mandatory sentencing for using guns in violent crimes, I think is just outrageous on its face.

So, again, I am ready to debate the crime bill. I hope that we will have an opportunity to do that. If the conference report is clotured and adopted, I simply intend to offer this again and to continue the process until ultimately we debate a bill that is a legitimate bill that the President will sign into law to deal with the problem.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in a Senate in which transparent political ploys are customary, rarely have we seen a more transparent, more political ploy than that which has just occurred.

The Senator from Texas and his colleagues have filibustered to prevent a comprehensive crime bill from passing this Chamber, going to the President, and becoming law.

A majority of the House have approved it. A majority of the Senate favor it. But because the Senate rules are such that permit a minority to prevent the will of the majority from being effected, that permits a minority to stop the Senate from acting on comprehensive crime control legislation that within hours would do something meaningful about the serious problem of crime confronting people in urban areas all across the country.

Now, they recognize the political vulnerability of filibustering and preventing a comprehensive crime bill from being enacted into law, and so to create confusion, to obscure what is really happening, we have this transparent political ploy of bringing this yet another new Republican crime bill here, as though it is the only crime bill, as though fighting crime is a franchise, a monopoly of our colleagues.

The reality is, Mr. President, if anyone here is serious about crime, they will stop filibustering, stop using these tactics, and permit this comprehensive crime control legislation, that has already been approved by the House and now only needs final action by the Senate at this time, and it could be on the President's desk in a matter of hours—it is that which is occurring here, and it is that of which every American should be aware. A determined minority, unwilling to deal seriously with the problem, now engages in a transparent political ploy to give the impression that someone else is responsible, that someone else is preventing action.

So, Mr. President, we are going to debate crime. We ought to be debating crime. We have debated it hundreds of hours, and it is our colleagues on the Republican side who have filibustered to prevent action from occurring. That is what has happened. That is what has happened right until now.

Now, we have on the calendar crime legislation that has already passed the House, and all it takes is a vote here in the Senate. We could vote at 5:30 tonight, within one-half hour, and it would be on the President's desk in one-half hour. If anybody is serious about acting, that is what we ought to do, and we are going to have that opportunity momentarily.

The legislation proposed here in the form of an amendment has no chance of being enacted. Everybody knows that. It has not even been considered in the House of Representatives. It is a brand new bill. So it is an obvious, transparent political ploy. If we want to debate crime, let us debate something that will happen in a matter of hours.

MOTION TO PROCEED TO THE CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 3371

Mr. MITCHELL. Mr. President, I move that the Senate proceed to the consideration of the conference report on H.R. 3371, the Omnibus Crime Control Act.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I understand that there is now a nondebatable motion before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I ask unanimous consent I be permitted to proceed on a subject unrelated to that motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF MOST-FAVORED-NATION STATUS FOR COMMUNIST CHINA

Mr. HELMS. Mr. President, during my nearly 20 years in the Senate I have dealt with literally scores of Federal officials on issues of great importance to the American people. Almost always, like other Senators, I have been given assurances that total cooperation and unflagging efforts to resolve whatever issue was at hand. And in some cases, sad to say, that was the last I ever heard of the commitments made to me.

But in other cases there were, indeed, efforts to resolve the issues. In other words, as Senators know around this place, you win some, you lose some, and some are rained out when you deal with the Federal bureaucracy.

My purpose today, Mr. President, is to pay my genuine, sincere, respects to a lady who came to my office last year and made a commitment to me; a commitment which she is clearly this day in the process of fulfilling. I have in mind the Honorable Carol Hallett, the U.S. Commissioner of Customs.

Mr. President, Commissioner Hallett came to my office last year. She came at my request to discuss the deluge of textile imports flowing into the United States from Communist China, textile products manufactured in large measure in Communist China by slave labor.

Commissioner Hallett reviewed the investigation then in process by the Customs Service, which she heads, and after discussing this flood of textiles flowing into the United States from Communist China she looked at me and she said: "Senator, I give you my word; we are going to get to the bottom of this."

This morning, a call came from Commissioner Hallett's office. She just wanted me to know that she was in New York where indictments were today being filed in Federal court in New York against, guess who—the Chinese Government.

The Associated Press later in the morning began a lengthy story this way:

> NEW YORK.—The Chinese Government is involved in a scheme to avoid paying millions of dollars in duties and taxes on textiles and clothing exported into the United States, Federal officials said Wednesday.
>
> The charge was made as authorities unveiled the first indictment to result from a massive Federal investigation into the alleged fraud.
>
> "All of the evidence indicates that there is a direct involvement" by Chinese trade officials, said U.S. Customs Service Commissioner, Carol Hallett.

I quote that part of the AP story. Later on I will have printed in the RECORD the entire story from the Associated Press earlier today.

These Chinese-controlled companies, and at least four individuals, are charged with criminally defrauding the United States in connection with massive textile imports sent into this country. And for the purpose of emphasis I will say again, in large measure these textile products are manufactured by slave labor in Communist China. This is a subject that I have discussed on this floor countless times; also in the Foreign Relations Committee of which I am the ranking member.

Communist Chinese government officials are clearly involved and at least one government official has been indicted. The reason I say "at least" is because there is at least one indictment that is not yet unsealed and we do not know the contents of that indictment. And perhaps there will be others. But we will learn as time goes by.

A Chinese trade official, Zhang Jina Jhong, Deputy Chief of the Trade Agency in the Chinese Province of Jiangsu, and his trade agency, are charged in Federal court in New York City with fraud, conspiracy, and smuggling.

That raises a question, Mr. President, about all these people who say, "You ought not bring this up, Jesse. We have to get along with the Chinese." My answer has been we do not need to get along with a bunch of crooks.

I must say, this did not go over so well with people down at the State Department—at least some of them.

One of the indicted corporations that has, of all things, the name of Sunlight International, Inc. is, in fact, owned by the Chinese Government. Its officers, who are in fact employees of the Chinese Government, were also indicted today.

Mr. President, I have been protesting for years this arrogant, outrageous conduct by the Chinese Communists. I have long been persuaded that the Communist Chinese will lie and cheat and use every underhanded trick in the book to defraud the United States. But this time, thanks to Carol Hallett and her associates at the Customs Service, they got caught—I am tempted to say with their pants down but I am not sure whether they had them up or down. It does not matter.

The Chinese scheme exposed this morning defrauded the United States Government of tens of millions of dollars. More important, it has destroyed thousands of American textile jobs. This is a point that some of us have been making for years on the Senate floor.

Industry experts estimate that as many as a half million United States textile jobs may have been lost because of the double dealing and the deceit by the Chinese Communist trade policies and activities.

But, as for this particular scheme, one part of the operations involved the transshipment of Chinese slave-made goods through other countries. In other words, China would ship them to another country and that country would ship them to the United States.

This enabled the Chinese to get around the textile quotas. It is estimated that the Communist Chinese are transshipping more than $2 billion worth of textile products into the United States every year.

Another part of the scheme involves understating the value of the textiles being shipped into the United States, again defrauding the United States of tens of millions of dollars. This is probably only the tip of the iceberg. I have learned that there are more than 50 investigations going on at this time. I knew there were some, but I did not know that there were as many as 50.

The Chinese-controlled companies have been selling the Chinese quotas—now get this—to potential importers, and when the textiles were imported, clearly as a bribe, that bribe, of course, was never included in the customs declaration form that is required by law. In fact, this is more an act of distortion than of a bribe.

In other words, anyone who wanted to deal in textiles with Communist China had to pay off the Government first. Anybody who wanted to trade in Chinese textiles has been required to go to the Chinese Government—controlled entity called China National, and they would be referred to an importer, such as Sunlight, which just happens to be owned by—guess whom—the Chinese Government.

I have a few charts that I will try to interpret. Here is what has happened. Mofert is the Commerce Department of China. China National, which I have already referred to, is controlled by the Government. Then there is the Knitwear & Home Textiles Co. in Nanjing and under it is Sunlight International, that is their New York subsidiary.

I cannot discuss this sealed indictment, but it will be unsealed, and you had better hold your nose when it is opened. And there is C&H West Merchandising, another one of these importer outfits, out in Los Angeles.

Here are the names of various people involved. Li Ping, who is vice president of Sunlight International. Guess what? He is a fugitive today. They do not know where he is. Then there is Wu Yimin, who is vice president. He was arrested. Then a fellow named Robert Hsu, who is president of C&H West Merchandising of Los Angeles, and he, too, is a fugitive.

This next chart simply demonstrates some of the MO, modus operandi, of how the Chinese Government has been hoodwinking the United States Government while Members of this Senate were saying: Oh, we have to get along with the Chinese; we must not say anything about these type of things.

Thank the Lord for Carol Hallett. She went to New York this morning and she, as they say, stuck it to them. In any case, Mr. President, I believe I mentioned an important part of the scheme involves the understatement of values of the textiles being shippped into this country, costing the United States tens of millions of dollars. Nobody knows how much.

These Chinese-controlled companies that I mentioned and demonstrated on this chart have been selling the Chinese quotas to potential importers. And when the textiles were imported, clearly a bribe, that bribe was never included in the customs declaration form.

And that is the reason Carol Hallett and her great associates, the Customs Service, hauled these people into court with indictments today in New York.

To ensure that the imported textiles would be delivered into the United States, these good people in Red China make you buy and pay money for, a portion of China's textile quotas. I think I made that clear earlier, but I wanted to repeat it for purposes of emphasis. This is like reserving your quota allocation.

Obviously, since it was an under-the-table deal, a raw deal, a dishonest deal, the importer would not mention one syllable to the Customs Service that it had paid this extra price for a portion of the Communist Chinese imports. Therefore, the prices paid for the imported textiles were tremendously undervalued and that, Mr. President, is where the Customs Service of the United States nailed them.

Mr. President, I come here today to applaud Carol Hallett and her associates at the Customs Service. We have been working with these folks for a long time. I do not know how many hours I spent on the telephone with them. I have been down there; they have been up here. We have consulted. We kept quiet about what each of us has known. We compared notes. And I was convinced from the very beginning, when Carol Hallett told me, looked me right in the eye, and said: We are going to get to the bottom of this.

The bottom line, Mr. President, is that I long ago concluded that the United States Government should stop this sorry business of playing economic footsie with the Chinese Communists. Therefore, this afternoon, I sat down and drafted an amendment in the nature of a sense-of-the-Senate resolution in this regard. It is drafted for possible consideration during the debate on S. 652, the pending legislation.

AMENDMENT NO. 1797

Mr. HELMS. Mr. President, I ask unanimous consent that I be permitted to send this amendment to the desk for the purpose of having the distinguished clerk read it into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I want it read in its entirety. I thank the Chair.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

AMENDMENT NO. 1797

(Purpose: To call for a suspension of Most Favored Nation status for Communist China until the President determines and certifies that high level Chinese officials are under indictment in the United States for criminal activities in connection with the export of textiles to the United States)

At the appropriate place, add the following:

SEC. . CRIMINAL TEXTILE TRADE PRACTICES BY COMMUNIST CHINA.—It is the sense of the Senate that the President should immediately suspend nondiscriminatory trade treatment (commonly referred to as "most-favored-nation status") for the People's Republic of China until the President determines and certifies to Congress that no senior-level official of the Government of the People's Republic of China, nor any senior-level official of a provincial government of the People's Republic of China are under indictment in the United States for criminal activities in connection with the export of textiles to the United States.

Mr. HELMS. I thank the clerk, and I ask that the amendment be held at the desk for possible calling up later today or tomorrow, whichever the case may be.

The PRESIDING OFFICER. The amendment will be held at the desk.

Mr. HELMS. Mr. President, I believe it is essential that the RECORD be made clear by the inclusion of the Associated Press story to which I alluded earlier, and which moved on the AP wire earlier this afternoon.

I am going to read part of it, and I ask unanimous consent that the remainder of it be printed in the RECORD as one story by the Associated Press.

The head on the AP story: "Indictment Brought in Massive Import Fraud Investigation," written by Paul Geitner, Associated Press writer.

Here is the way it goes:

NEW YORK (AP).—The Chinese government is involved in a scheme to avoid paying millions of dollars in duties and taxes on textiles and clothing exported to the United States, federal officials said Wednesday.

The charge was made as authorities unveiled the first indictment to result from a massive federal investigation into the alleged fraud.

"All of our evidence indicates that there is direct involvement" by Chinese trade officials, said U.S. Customs Service Commissioner Carol Hallett.

The provincial trade office in Nanjing, China, and its commissioner, Zhang Jian Zhong, were charged with fraud, conspiracy and smuggling. Also indicted on similar charges were two import companies in the United States and three U.S. residents.

As a result of the investigation, the Chinese government has threatened to retaliate against U.S. businesses operating in China, possibly by closing plants or interfering in their shipment of goods, Hallett said.

But she said she knew of no actions taken so far, adding that her conversations with at least one major U.S. company operating there indicated they were not worried.

"We are certainly not going to stand down or in any way retreat from this important investigation," Hallett said.

Official figures show China exported nearly $3.9 billion in textiles to the United States last year.

Federal officials believe another $2 billion was imported illegally, including textiles made in China but shipped through other countries to avoid quotas. The most common way-stations are Pakistan, Malaysia, Taiwan, Panama and Honduras, Hallett said.

Some 50 investigations are currently under way involving millions of dollars in lost revenues to the U.S. Treasury, authorities said. Nearly 200 search and seizure warrants were executed last year by federal agents nationwide.

The companies and individuals already charged allegedly cheated Customs and the Internal Revenue Service of $120,000, Hallett said. They were charged with fraud and conspiracy for under-reporting the value of the goods they brought into the country.

Named along with Zhang and the China Jiangsu Knitwear and Home Textiles Import and Export Corp. were: Sunlight International Inc. of Manhattan; its two vice presidents, Li Ping and Wu Yimin, both of Fort Lee, N.J.; and C&H West Merchandising Inc. of Gardena, Calif. and its president, Robert Hsu of Palos Verde Estate, Calif.

Zhang is also president of Sunlight, which is owned by the Chinese government.

Wu was arrested Tuesday in New York, Hsu was expected to surrender in California and Li is a fugitive, U.S. Attorney Otto Obermaier said.

The United States has lost thousands of textile industry jobs because of the influx of cheap clothing from abroad, where wages are usually low and working conditions poor.

"In an ever increasing international marketplace, it is imperative that the customs laws and the income tax laws of the United States be scrupulously observed," Obermaier said.

That is the conclusion of the story.

I also have at hand a story from Reuter's, and I am going to ask unanimous consent that that story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ACCUSES CHINA FOR ROLE IN EXPORT SCHEME

(By Gail Appleson)

NEW YORK, May 6 (Reuter).—Federal authorities on Wednesday announced the first indictment growing out of a major investigation into an export scheme involving alleged efforts by the People's Republic of China to avoid paying millions of dollars in U.S. textile duties.

As a result of the prosecution, the Chinese government is threatening to retaliate, said Carol Hallett, commissioner of the U.S. Customs Service.

"The Chinese government has already indicated publicly it would take action against U.S. companies operating in China," she said at a news conference.

"We are certainly not going to stand down or in any way retreat," she said.

Although the indictment involves only a relatively small amount of money—underpayment of $120,000 in duties—Hallett said it was a key case that will lead to other prosecutions.

She said there were 50 separate ongoing investigations as part of the government's Operation Q-Tip probe into alleged fraudulent imports by China that could uncover underpayments running into many millions of dollars.

In 1990 total imports from China reached about $15 billion, making it the eighth largest supplier to the U.S. market, she said.

Textile imports from China were $3.7 billion in 1990 and $3.89 billion in 1991.

Hallett said the Customs Service believed China had illegally transshipped at least another $2 billion worth of goods into the United States through other countries including Pakistan, Panama, Taiwan and Honduras.

The indictment charges four individuals and three companies with participating in a scheme that began in 1988 to undervalue textiles and wearing apparel imported from China and to defraud the U.S. Internal Revenue Service (IRS).

Import duties for Chinese-made goods are assessed by the Customs Service in part based on the sale price of the items. The indictment charges that the defendants created false documents that understated these prices in order to evade payment of import duties.

Two of the individuals, Li Ping and Wu Yimin, are principals of Sunlight International, a New York sales agent that represents a Chinese textile manufacturer China Jiangsu Knitwear & Home Textiles of Nanjing, China.

Hallett said China Jiangsu is a provincial branch office of the Chinese government agency that oversees textile exports. It owns 52 percent of Sunlight and controls its operations.

"There is a direct link (with the Chinese government)," Hallett said.

The indictment charges Sunlight, China Jiangsu and Zhang Jian Zhong, a former principal of China Jiangsu and president of Sunlight, in 17 counts with conspiring to defraud the U.S. Customs Service and the IRS and importing goods from China to illegally evade the payment of U.S. import duties.

Also indicted was C & H West Merchandising Inc., a Gardona, California-based company involved in importing Chinese-made apparel from China Jiangsu and other companies, and its president Robert Hsu.

Hsu, who lives in Palos Verdes Estate, California, and the company were included in 10 counts of the indictment.

Wu Yimin, 31, of Fort Lee, New Jersey, was arrested on Tuesday in New York and Hsu was expected to surrender later on Wednesday in California. Li Ping, 37, also of Fort Lee, has not yet been arrested.

Zhang Jian Zhong, a commissioner with China's foreign trade office in Nanjing, is also a fugitive, authorities said.

Mr. HELMS. Mr. President, that is about it. I am not sure at this moment whether I shall call up the amendment that I had the clerk read, which is at the desk and available to be called up at the appropriate time. I want to see what the officials of the State Department have to say about this. I want them to try to persuade this Senator—perhaps some other Senators may be equally interested—that we should continue to do business with people like this. I am far from persuaded. As a matter of fact, I am absolutely persuaded that when you lie down with dogs, you get fleas.

Mr. President, I thank you, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

WAIVER OF CERTAIN ASPECTS OF THE TRADE ACT WITH RESPECT TO AZERBAIJAN, GEORGIA, KAZAKHSTAN, MOLDOVA, UKRAINE, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT—PM 234

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan required by section 402(c)(2)(B) of the act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the act with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING AND FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES—MESSAGE FROM THE PRESIDENT—PM 235

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1991 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2763. An act to enhance geological mapping of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

The President pro tempore [Mr. BYRD] reported that on today, May 6, 1992, he had signed the following enrolled bill which had previously been signed by the Speaker of the House:

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center in Northampton, Massachusetts, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3153. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on specific information with regard to four rescissions submitted on March 20, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Banking, Housing and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Select Committee on Indian Affairs.

EC-3154. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the quarterly report on Program Activities for Facilitation of Weapons Destruction and Nonproliferation in the Former Soviet Union; to the Committee on Appropriations.

EC-3155. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on Air Force programmed actions affecting Air Force installations and activities; to the Committee on Armed Services.

EC-3156. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving a long-term financial guarantee to support U.S. exports to the Czech and Slovak Federal Republic; to the Committee on Banking, Housing and Urban Affairs.

EC-3157. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report of certificates regarding the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science and Transportation.

EC-3158. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3159. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3160. A communication from the Secretary of the Interior, transmitting, pursuant to law, the April 1992 proposed Final Comprehensive Outer Continental Shelf Natural Gas and Oil Resource Management Program for 1992–1997; to the Committee on Energy and Natural Resources.

EC-3161. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on assistance related to international terrorism provided by the United States government to foreign countries; to the Committee on Foreign Relations.

EC-3162. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a monthly report of the General Accounting Office reports; to the Committee on Governmental Affairs.

EC-3163. A communication from the Director of the United States Office of Personal Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3164. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the National Transportation Safety Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3165. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report of amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC-3166. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to improve the admissions process at airports and other ports of entry; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following report of a committee was submitted on May 5, 1992:

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 914. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (with additional and minority views) (Rept. No. 102–278).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business:

Thomas P. Kerester, of Virginia, to be Chief Counsel for Advocacy, Small Business Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 2659. A bill to contribute to the conservation of the northern spotted owl and the protection of old growth resources through support for an experimental management program on State-owned trust lands on the western Olympic Peninsula of the State of Washington; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S. 2660. A bill to amend the Agriculture Trade Act of 1978 to make modifications in the Market Promotion Program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN (for himself, Mr. RIEGLE, Mr. CRANSTON, Mr. SPECTER, Mr. WOFFORD, Mr. PELL, Mr. BRADLEY, Mr. BURDICK, Mr. SIMON, Mr. DIXON, and Mr. JEFFORDS):

S. 2661. A bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 2662. A bill entitled the "Irwin Rutman Retired Safety Officers Benefits Act"; to the Committee on the Judiciary.

By Mr. SEYMOUR:

S. 2663. A bill to increase the accountability of the executive branch and Congress; to the Committee on Governmental Affairs.

By Mr. DIXON:

S. 2664. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. GORE):

S. 2665. A bill to establish a program to increase the level of science and technology cooperation between the United States and Latin America; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL:

S. 2666. A bill to shift Impact Aid funding responsibility for military connected children from the Department of Education to the Department of Defense; to the Committee on Labor and Human Resources.

By Mr. HEFLIN (for himself, Mr. ADAMS, Mr. BOREN, Mr. CRAIG, Mr. DASCHLE, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. GORTON, Mr. GRASSLEY, Mr. JOHNSTON, Mr. MCCONNELL, Mr. PRESSLER, Mr. PRYOR, and Mr. SHELBY):

S. 2667. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use; to the Committee on Labor and Human Resources.

By Mr. CRAIG (for himself, Mr. GRAMM, Mr. SYMMS, and Mr. HATCH):

S.J. Res. 298. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SEYMOUR:

S. Res. 293. A resolution to amend the Standing Rules of the Senate to establish a point of order against consideration of any measure containing a provision increasing the pay of Senators unless the Congress has passed a balanced budget; to the Committee on Rules and Administration.

By Mr. MOYNIHAN (for himself and Mr. PACKWOOD):

S. Con. Res. 113. A concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem; to the Committee on Foreign Relations.

By Mr. NICKLES:

S. Con. Res. 114. A concurrent resolution expressing the sense of the Congress relating to the ratification of an amendment to the Constitution of the United States which varies compensation of Members of Congress until after the next election of Representatives; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2659. A bill to contribute to the conservation of the northern spotted owl and the protection of old growth resources through support for an experimental management program on State-owned trust lands on the western Olympic Peninsula of the State of Washington; to the Committee on Environment and Public Works.

OLYMPIC EXPERIMENTAL FOREST

Mr. GORTON. Mr. President, today I am introducing legislation that will, if passed, end 3 years of dispute over the Olympic Experimental Forest.

In 1989, a group of environmentalists, industry leaders, and community representatives came together to form the Commission on Old Growth Alternatives for Washington's Forest Trust Lands. That consensus group recommended, among other things, that a 260,000-acre experimental forest be established on the Olympic Peninsula and that its purpose be to "produce a level of timber harvest comparable with contemporary forest practices and simultaneously to provide for ecological values."

The same year, the northern spotted owl was listed as a threatened species and the dream of creating an experimental forest was placed on hold. Neither the Washington State Department of Natural Resources in its management capacity, nor the U.S. Fish and Wildlife Service in its regulatory capacity, has been willing to move forward with the experimental forest. The legislation I introduce today will free up the Olympic Experimental Forest to be the forest laboratory the commission intended.

Today's legislation would require the Secretary of Interior to review the commission's 1989 recommendations for the experimental forest and the Olympic Natural Resource Center and for the Secretary to make recommendations regarding the implementation of those recommendations. More importantly, the bill would require the State to submit an overall management plan for the Olympic Experimental Forest to the Secretary. If it does so, and if the Secretary determines that the plan is sufficient to provide for the conservation of the northern spotted owl, he must accept the plan in lieu of enforcing any regulations on the forest pursuant to section 4(d) of the Endangered Species Act.

The Olympic Experimental Forest is not only an ecological laboratory. It will also be laboratory for experiments in commercial output. The Washington State Commissioner of Public Lands, Brian Boyle, estimates that under today's legislation the experimental forest will produce 143 million board feet of timber per year. This would provide a significant boost to a forest that produced just 81 million board feet last year as a result of spotted owl restrictions. This legislation will not return the area to pre-spotted owl harvest levels, but it will allow the forest in that area to produce a reasonably certain level of timber production.

Similar legislation has been introduced in the House by Representatives JOLENE UNSOELD, AL SWIFT, NORM DICKS, and SID MORRISON. This is a bipartisan effort to provide a balanced approach to the management of the

Olympic Experimental Forest. I hope that Congress can, at the least, see the benefit of this legislative proposal and pass it this year.

The people of Washington State, and particularly the Olympic Peninsula, have been waiting 3 years for Congress to solve a timber supply crisis in the Pacific Northwest. Today's legislation will not solve that crisis, but it is one part of the solution.

Congress must recognize that a balanced solution involves management. We cannot lock up our forests and expect them to provide for the country's various needs. Whether those needs involve recreation, wildlife, aesthetic, or commercial use, the forests must be managed. We must be active managers of our natural resources, or they will be ravaged by disease, fire, or general mismanagement. The Olympic Experimental Forest will give us all some insight into management of our forests. It was developed through consensus and I sincerely hope that it will guide us to further consensus on the difficult issues that confront us.

I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to assist the experimental management program being conducted by the State of Washington on State-owned trust lands on the western Olympic Peninsula in order to contribute to the conservation of the northern spotted owl and old growth resources by protecting suitable owl habitat, accelerating the development of additional suitable habitat, and developing and applying new knowledge about ecosystem management and owl conservation, while still providing a sustainable supply of timber and stable trust income.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In June 1989, a group of environmentalists, timber industry representatives, and other community leaders known as the Commission on Old Growth Alternatives for Washington's Forest Trust Lands reached consensus on a comprehensive set of recommendations for the management of old growth and associated forests in a newly created 260,000 acre Olympic Experimental State Forest. The experimental forest is bounded on the north by the Strait of Juan de Fuca, the west by the Pacific Ocean, the east by the range line between townships 9 and 10, and the South by the Queets River.

(2) The Commission recommended that the State of Washington—

(A) Adopt an ecosystem approach to management of the forest lands in the experimental forest;

(B) provide a systematic research program in conjunction with the Olympic Natural Resources Center;

(C) implement innovative forest management methods in the experimental forest, such as new forestry;

(D) continue to provide a sustainable, stable flow of timber from the experimental forest to local communities;

(E) defer harvest on 15,000 acres of old growth and spotted owl habitat in the experimental forest; and

(F) provide for greater coordination with adjacent Federal and private landowners.

(3) The Olympic Natural Resources Center has received State and Federal funding and is developing a research program involving State and other lands in the area.

(4) The listing of the northern spotted owl as threatened under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) has led to discretionary decisions by the Secretary of the Interior which have constrained the ability of the State of Washington to implement many of the Commission's recommendations.

(5) It is likely that the full implementation of the Commission's recommendations, under the supervision of the Secretary of the Interior, would satisfy the purpose of section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)).

SEC. 3. REVIEW OF IMPLEMENTATION OF THE COMMISSION'S RECOMMENDATIONS.

(a) REVIEW REQUIRED.—Upon the request of the State of Washington, the Secretary of the Interior shall determine the extent to which the State has adopted and is implementing the following recommendations of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands contained in the June 1989 final report of the Commission:

(1) Recommendation B, to establish an Olympic Experimental State Forest on Department of Natural Resources trust lands on the west side of the Olympic Peninsula to experiment with harvest and regeneration methods intended to sustain key elements of ecological diversity and habitat while producing commodities from a managed commercial forest.

(2) Recommendation C, to establish an Olympic Natural Resource Center to develop research and education programs in support of the management of natural resources, ecosystems, and riparian areas of the Olympic Peninsula for both the production of commodities and the maintenance of ecological values.

(3) Recommendation D, to establish an independent sustained yield unit on the Olympic Experimental State Forest after a stepped-down conversion period of 10 years.

(4) Recommendation E, to defer harvest for at least 15 years on 15,000 acres of mature, natural stands identified by wildlife biologists as most critical for the northern spotted owl.

(b) INFORMING STATE OF RESULTS OF REVIEW.—The Secretary shall submit to the State of Washington the results of the review conducted under subsection (a). The Secretary shall include such recommendations regarding the implementation of the Commission's recommendations as the Secretary considers to be appropriate.

SEC. 4. SUBMISSION AND REVIEW OF STATE MANAGEMENT AND RESEARCH PLANS FOR THE EXPERIMENTAL FOREST.

(a) SUBMISSION OF PLANS.—After completion of the review required by section 3, the State of Washington may submit to the Secretary of the Interior—

(1) an overall management plan for the Olympic Experimental State Forest that—

(A) is based on the recommendations of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands referred to in section 3; and

(B) contains a framework for coordinated decision making between the State land management agency and the Olympic Natural Resources Center or a comparable research institution; and

(2) a scientific research plan mutually developed and agreed on by the State land management agency and the Olympic Natural Resources Center or a comparable research institution.

(b) REVIEW OF ADEQUACY OF PLAN.—Upon submission of the management and research plans for the Olympic Experimental State Forest, the Secretary shall determine whether the plans are sufficient to provide for the conservation of the northern spotted owl in the experimental forest and are consistent with the objectives for the Olympic Peninsula contained in the final northern spotted owl recovery plan, or, if no final plan exists, then the draft recovery plan. The Secretary shall complete the review of the management and research plans within 60 days after the submission of applicable documentation by the State of Washington under subsection (a).

(c) EFFECT OF SUFFICIENT PLANS.—If the Secretary determines that the management and research plans for the Olympic Experimental State Forest satisfy the requirements specified in subsection (b), the Secretary shall accept the plans for the experimental forest in lieu of enforcing any regulations adopted pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) to provide for the conservation of the northern spotted owl. Before accepting the plans, the Secretary shall require the State of Washington to make a formal commitment to follow the plans.

(d) CONTINUING OVERSIGHT.—The Secretary shall periodically review the implementation of the management and research plans by the State of Washington. The Secretary shall continue to accept the plans unless the Secretary determines that the State no longer complies with the plans or that the requirements specified in subsection (b) are no longer satisfied.

By Mr. WOFFORD:

S. 2660. A bill to amend the Agricultural Trade Act of 1978 to make modifications in the Market Promotion Program; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MARKET PROMOTION PROGRAM AMENDMENTS ACT

Mr. WOFFORD. Mr. President, as our Nation continues to linger in this recession, it has become increasingly clear that our Nation must develop an economic strategy to create jobs for American workers and American families by ensuring our competitiveness abroad and creating long-term economic growth. As we formulate that strategy, it is critical that any Government assistance we provide to improve competitiveness goes to the segment of our economy which is most needy and also represents the best opportunity for growth—small- and medium-sized enterprises—and not to corporate welfare programs for our Nation's wealthiest companies.

Toward that end, I rise today to introduce a bill to help small- to medium-sized agricultural companies establish a foothold in foreign markets by making it easier for them to utilize the Market Promotion Program. Equally important, this proposal would eliminate the corporate welfare that this program is currently providing to many of our country's largest agricultural exporters.

The Market Promotion Program has been the subject of widespread criticism—and the public has a right to be upset when they hear stories of companies with sales exceeding half a billion dollars, companies such as Gallo Wines, receiving over $10 million in Government funds to promote their wines in foreign markets. Or Blue Diamond receiving over $31 million the last 5 years to sell almonds abroad. Or Sunkist Growers receiving $48 million from the taxpayers over the past 5 years to promote their citrus fruit overseas. The Market Promotion Program was not intended to provide a permanent handout for successful agricultural corporations—rather, it was intended to provide financial assistance to agricultural producers to enter new export markets or improve their export sales.

In spite of these and other well-documented abuses, the Market Promotion Program has helped many companies gain a foothold in a foreign market. In my State of Pennsylvania, for example, the Goldenberg Candy Co. of Philadelphia has made inroads into markets in Europe and the Middle East and Zeigler Bros. of Adams County has begun exporting grain-based bird food to Japan. This is exactly the type of assistance the program was designed to provide and that should be available to more companies.

While the Market Promotion Program has had notable and laudable successes, it has been widely criticized. These criticisms are focused in three areas:

That the program is now dominated by large and wealthy corporations that receive large amounts of money year after year;

That there is no domestic processing requirement for receiving the assistance; and

That due to ineffective Government oversight efforts some companies may be using MPP funds in lieu of, rather than as a supplement to, their own marketing funds.

The General Accounting Office has made a series of recommendations to the Foreign Agricultural Service to improve the Market Promotion Program. This legislation contains provisions to address each of the three main areas of concern and incorporates many of the GAO's recommendations.

First, by limiting the size of companies eligible to participate, this legislation will free up funds for small- and medium-sized companies that genuinely need financial assistance to enter foreign markets. Specifically, this legislation would bar from participation any commercial entity with sales exceeding $500 million per year. In addition, it would place a 5-year limit per product per market on all branded participants. Together these provisions will make the large corporations such as Gallo Wines and Sunkist Growers ineligible. The legislation also caps at $500,000 the amount any branded participant could receive in any single year. This means Blue Diamond, while still eligible to participate in the program, could have received no more than $500,000 in 1990 instead of the $7.7 million it actually received.

Second, there is a domestic processing requirement for any product receiving money as a branded promotion. No branded product with less than 50-percent domestic processing would be allowed to participate in the program and products with the greatest amount of processing would be given preference when money is disbursed. Keeping the processing in the United States will create manufacturing jobs and increase tax revenues at all levels—local, State, and Federal.

Third, this legislation would ensure that the Market Promotion Program remains a public-private partnership. Any company seeking funds must demonstrate that the Government's money will be used as a supplement to the company's own export promotion efforts. A company would have to disclose to the Foreign Agricultural Service, on a confidential basis, what it spent on market promotion in the previous year and would then be required to use the Market Promotion Program money in addition to money the company previously allotted to marketing.

I am proposing other safeguards to ensure this money is not wasted. This legislation will change the current spending floor of $200 million to a spending ceiling. The Foreign Agricultural Service will not have to seek out groups to take funds because it is required to distribute all of the $200 million; instead, they can provide funds to the organizations that design the best plans to utilize them. And to monitor the success of the Market Promotion Program, this legislation requires the GAO to report to Congress 1 year from enactment on the success or failure of these reforms.

Mr. President, I believe that the original purpose of the Market Promotion Program serves an important role in helping U.S. agriculture producers increase exports of domestic products. However, we have to halt the practice of providing assistance to our largest and wealthiest corporations who do not need the help, yet receive the lion's share year after year. Instead, we must return this program to its intended mission to help small- and medium-sized agricultural producers and processors expand into foreign markets.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

BILL SUMMARY—AGRICULTURAL MARKET PROMOTION PROGRAM AMENDMENTS ACT OF 1992 (S. 2660)

BACKGROUND

The Foreign Agricultural Service (FAS) of the U.S. Department of Agriculture administers the Market Promotion Program (MPP) to promote the export of U.S. agricultural commodities. Program participants include nonprofit, agricultural trade organizations, state-related organizations and private profit-making companies. Program funds are used for both the generic promotion of U.S. commodities and promotion of branded products containing U.S. commodities.

BILL PROVISIONS

Broaden Objectives of the Program

The program's objectives are broadened to include not only expanding export markets for U.S. agricultural commodities, but expanding export markets for companies that use U.S. agricultural commodities in their products, and that manufacture those products in the United States.

Means-Testing for Companies

Only companies with less than $500,000,000 in annual gross sales (foreign and domestic) will be eligible for assistance under the MPP for branded promotions.

Cap on annual funding for any individual company

For branded participants, a $500,000 cap per company on annual funding is established.

Minimum U.S. content and processing requirement, and incentives to encourage more U.S. content and processing

For branded participants, a minimum U.S. commodity content and U.S. processing requirement of 50 percent is established. Any branded product containing less than 50 percent U.S. agricultural commodities or less than 50 percent domestic processing is not eligible for MPP assistance.

Priority funding is given to those products with the highest percentage of U.S. commodity content and U.S. processing.

U.S. agricultural commodity is defined as being 100 percent U.S. in origin.

MPP funds allowed only as supplement not replacement of company expenditures on marketing

For branded participants, MPP funds can only be used to finance market development above and beyond what was spent on market development the previous year, excluding MPP funds.

This will require a certification to FAS by each participating company, on a business-confidential basis, of their total marketing budget (foreign and domestic) for the previous year—to ensure that MPP funds do not simply replace marketing funds that the company would have spent anyway.

Reimbursement for branded participants is set at 50 percent of the additional (the increase over the previous year) eligible promotional expenses, not to exceed $500,000.

Limit on program participation

For branded promotions, a 5-year time limit on a company's participation, per market, per product, is established.

For generic promotions (for specified commodities), criteria, based on market penetration, are to be established to determine a cap on the use of MPP funds, per commodity, per market, once a certain penetration level is reached.

Miscellaneous provisions

MPP's $200 million annual funding level is changed from a floor to a ceiling.

Under the TEA program, some participants received higher reimbursement rates than currently provided for under the MPP program. The 1990 Farm Bill phased down these higher reimbursement rates to current reimbursement rates over a 5-year period. This legislation eliminates the phase down and requires current reimbursement rates for all MPP participants.

GAO is required to report to Congress one year from the enactment of this legislation on FAS' progress in implementing this legislation.

By Mr. MOYNIHAN (for himself, Mr. RIEGLE, Mr. CRANSTON, Mr. SPECTER, Mr. WOFFORD, Mr. PELL, Mr. BRADLEY, Mr. BURDICK, Mr. SIMON, Mr. DIXON, and Mr. JEFFORDS):

S. 2661. A bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson; to the Committee on Banking, Housing, and Urban Affairs.

STRIKING OF MEDAL TO COMMEMORATE THE FOUNDING OF THE AMERICAN PHILOSOPHICAL SOCIETY AND THE BIRTH OF THOMAS JEFFERSON

Mr. MOYNIHAN. Mr. President, the American Philosophical Society will celebrate its 250th anniversary in April 1993. In 1743, Benjamin Franklin, one of the society's principal founders, wrote "the first drudgery of settling new colonies is now pretty well over and there are many in every province in circumstances that set them at ease, and afford leisure to cultivate the finer arts, and improve the common stock of knowledge." Thus was the country's first learned society born. Its early members included most of the great Founders of the Republic; Washington, Adams, Hamilton, Paine. Membership was not limited to Americans, however. European scientists also proudly proclaimed membership in the society on title pages of their books.

The society's contribution to the young Nation cannot be overlooked. Such were its resources and great influence that it served many functions; National Academy of Science, National Library and Museum, even Patent Office. Then as today, most anyone of great scholarly accomplishment was included among its ranks. In 1780, Pennsylvania granted a charter which guaranteed that the APS might correspond with learned individuals and institutions "of any nation or country." The State also deeded a portion of Independence Square to the society, on which it erected a hall in 1785–89.

The American Philosophical Society promotes useful knowledge in the sciences and humanities through excellence in scholarly research, professional meetings, publications, library resources, and community service. Its members are elected for their scholarly and scientific accomplishments in all fields of learning, including mathematical and physical sciences, biological and medial sciences, social sciences, humanities, and public affairs.

The society's library is a major national center of research. It holds some 180,000 volumes and 6,000,000 manuscripts specializing in the history of science in America and its European background. It also houses a vast biographical archives and an outstanding collection of maps and prints. Its rare collection is among the finest in the world.

As important is the role the society plays in promoting research. It bestows awards upon those accomplished in such fields as jurisprudence, astronomy, and navigation. It also sponsors major research grant programs, and has over the years given some $14 million to 11,000 individual scholars and scientists. More than $30 million has gone to other scholarly projects.

In short, Mr. President, we owe an incalculable debt to the American Philosophical Society. It is more than a learned society; it is a national treasure. Next year's anniversary coincides with the 250th anniversary of the birth of Thomas Jefferson, both member and third president of the society. The APS plans to commemorate both of these historic dates with special events in Philadelphia. I rise today to introduce a bill authorizing the striking of a gold medal to present to the society as Congress' contribution to this lofty occasion. The society will present bronze duplicates of the medal, hereafter to be known as the "Thomas Jefferson Medal," to persons of scholarly achievement in annual ceremonies, the first of which will take place next year. I trust my colleagues will concur that this is fitting recognition for an organization which has contributed so mightily to the cultural and intellectual life of this Nation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the American Philosophical Society was founded in 1743 as the American Philosophical Society held at Philadelphia for Promoting Useful Knowledge;

(2) the American Philosophical Society was founded by Benjamin Franklin and today it is the oldest learned society in the United States and one of the principal scholarly and scientific bodies in the world;

(3) the American Philosophical Society plans to celebrate its 250th anniversary and the 250th anniversary of the birth of Thomas Jefferson with programs and activities to be held in Philadelphia, Pennsylvania, in April 1993;

(4) Thomas Jefferson served as the third president of the American Philosophical Society at the same time as he served as President of the United States; and

(5) it is proper and desirable to pay tribute to the American Philosophical Society and to Thomas Jefferson's devotion to learning as exemplified in the principles and programs of the American Philosophical Society.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—In commemoration of the 250th anniversary of the founding of the American Philosophical Society and the 250th anniversary of the birth of Thomas Jefferson, the President is authorized to present, on behalf of the Congress, to a duly authorized representative of the American Philosophical Society, a gold medal of appropriate design which shall be known as the "Thomas Jefferson Medal".

(b) DESIGN AND STRIKING.—The Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") is authorized and directed to strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary in consolation with representatives of the American Philosophical Society.

SEC. 3. DUPLICATE MEDALS.

(a) AUTHORIZATION AND DIRECTION TO THE SECRETARY OF THE TREASURY.—The Secretary is authorized and directed to strike 50 bronze duplicates of the gold medal struck pursuant to section 2 and deliver the bronze duplicates to the American Philosophical Society.

(b) PRESENTATION OF DUPLICATE MEDALS.—the American Philosophical Society shall present the bronze duplicates to persons of scholarly achievement in connection with annual ceremonies.

SEC. 4. PAYMENT FOR MEDALS.

The Secretary shall take such actions as may be necessary to ensure that striking the gold medal and the bronze medals under this Act will not result in any net cost of the United States Government. Medals shall not be struck pursuant to this Act unless the Secretary has received full payment for the medals from the American Philosophical Society.

SEC. 5. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

(b) EXCEPTIONS.—Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

By Mr. D'AMATO:

S. 2662. A bill entitled the "Irwin Rutman Retired Safety Officers Benefits Act"; to the Committee on the Judiciary.

IRWIN RUTMAN RETIRED SAFETY OFFICERS BENEFITS ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Irwin Rutman Retired Safety Officers Benefits Act. This bill extends death and disability benefits to retired public safety officers who are killed or disabled in the course of attempting to rescue or in responding to a fire or police emergency. These benefits are currently only available to those officers who had been on active duty.

In October 1990, Irwin Rutman, a retired 23-year veteran of the New York City Police Department, witnessed a mugging in a dark Manhattan subway train. Mr. Rutman immediately attempted to intervene and aid the crime victim when a struggle ensued between Mr. Rutman and the mugger. Mr. Rutman was brutally shot in the head.

He left behind a wife and four young sons. Two sons were in college at the time of his death. Because Mr. Rutman was retired, his family was ineligible to apply for the death benefit funds available under the Public Safety Officers' Benefits Act. If Mr. Rutman had been on active duty, his family would have been eligible for up to $100,000 in death benefits.

Last year, Congresswoman MOLINARI introduced a similar bill in the House. It was reviewed by the House Judiciary Committee and was eventually incorporated into the House crime bill. I am introducing the same provision that was passed as part of the House crime bill. At the time of its introduction, there was considerable support from police and firefighting professional organizations.

The cost of this provision is negligible. The House Budget Committee did not characterize the budgetary impact as significant. The Congressional Budget Office advised the House Judiciary Committee that this expansion of benefits would result in direct spending of under $500,000 annually. Even though the expense of this bill is minimal, it appropriately honors those heroes and their families who deserve our support.

During the initial House Judiciary Committee review, a number of changes were made to Congresswoman MOLINARI's original bill. One change eliminated a provision concerning retroactivity. Consequently, Irwin Rutman's family will not derive any financial benefit from the passage of this bill.

Nevertheless, Mr. Rutman's widow, Elaine, believes that, in order to help other families whose loved ones died or were maimed in acts of bravery, we should name and pass a bill in Mr. Rutman's honor. I agree. Irwin Rutman made the ultimate sacrifice in the battle against crime. This would be a living memorial to a concerned citizen, a good Samaritan, and a police officer who never shed his duty even though retired.

Mr. President, I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irwin Rutman Retired Safety Officers Benefits Act."

SEC. 2. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a) by inserting after "line of duty" the following "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency";

(2) in subsection (b) by inserting after "line of duty" the following "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency"; and

(3) in subsections (c), (1), and (j) by inserting after "public safety officer" every place it occurs the following "or a retired public safety officer".

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "and" after paragraph (6);

(2) by inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following:

"(8) 'retired public safety officer' means a former public safety officer, as defined in paragraph (7), who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of the enactment of this section.

By Mr. SEYMOUR:

S. 2663. A bill to increase the accountability of the executive branch and Congress; to the Committee on Governmental Affairs.

OMNIBUS CONGRESSIONAL AND PRESIDENTIAL COVERAGE AND ACCOUNTABILITY ACT

• Mr. SEYMOUR. Mr. President, it is no secret that the American people are not happy with the U.S. Congress. In poll after poll, a large majority of Americans believe that Congress is out of touch with the Americans they represent. But there's more than just dissatisfaction. The American people are angry. They are angry because they believe Congress has become an ivory tower of government: It sees but does not feel or reach out to the average American. It rules rather than represents the people. And it is out-of-touch because its own day-to-day operations is beyond reality and the law.

Let me describe what I mean, Mr. President:

Americans don't understand how a Member of Congress could once write checks that never bounced.

Americans aren't pleased that their tax dollars go to provide Members of Congress gourmet meals, fitness services, medicinal services, and other posh privileges free or at discount prices.

Americans can't believe that a Member of Congress needn't fear that his or her wages will be garnished because of failure to pay bills.

Americans are amazed that Congress can evade full compliance with worker safety, wage or age discrimination laws.

This is not the kind of Congress the founders of this nation envisioned. This is not the kind of Congress the American people expect. This is not the kind of Congress the American people are proud of.

It's about time that Members of Congress have only one privilege: the privilege to serve the people.

It's about time that Congress be no less accountable than the average law-abiding guy on the street.

Yes; it's easy to make fun of Congress. But I'm not going to poke fun or bash Congress. I'll leave that to Leno and Letterman. Joking about Congress won't change it. Congress needs to be reformed.

Reform means term limits on Members of Congress. I strongly believe that the longer a member stays in Congress the more out-of-touch that member becomes. That's why, as a California State senator, I supported proposition 140, which limits the length of service for members of the California Legislature. And that's why I cosponsored the constitutional amendment offered by the distinguished Senator from Indiana [Mr. COATS] to limit a Member's stay in Congress to 12 years—2 terms for a Senator, 6 for a Member of the House. Only with term limits are we going to put an end to Congress simply being a generational ruling class.

Reform means more than limiting terms. It means offering proposals that put an end to questionable practices within Congress. And that is what I intend to do. Today, I am introducing a legislative package that makes several needed changes to restore Congress as an accountable institution—accountable to the law and to all Americans.

First and foremost, I intend to put an end to unmeritorious efforts to inflate congressional pay.

I was strongly opposed to last year's late night Senate pay raise. Federal spending remains out of control. Our economy remains stagnant. Millions of people still remain out of work. But we raised our pay. Like everyone else, we at least should raise our pay for a job well done. And no future accomplishment will be worth anything unless Congress finally bites the bullet and balances the Federal budget.

And that's what I propose we do. Today, I am submitting a Senate resolution that prohibits any measure to raise a Senator's pay unless we've passed a balanced budget. Whether it's a pay hike or a simple cost of living adjustment, the Senate can't consider it until we've earned it.

Why do I make future pay increases contingent on a balanced budget? Because it's the one true element of government that we can control. It is our responsibility to pass a balanced budget, and put an end to paying for Federal programs out of the pockets of the next generation of Americans. And if we fail to live up to this responsibility, then we don't deserve to reward ourselves.

It's time we raise our pay the old fashioned way. It's time to earn it.

But my reform proposal takes pay raise control a step further. The ultimate judges of a Congressman's merits are the people. So I am introducing legislation which includes a provision that requires any congressional pay raise to not take affect until after a general election has occurred. In short, if a Member of Congress deserves a raise, then the people will send him back to Washington to collect it.

But we must not stop at controlling congressional pay. In a decade supposedly dedicated to reduce government spending, one of the greatest failures of Congress was to control spending for itself. In just 11 years, from 1981 to 1992, the cost of running Congress to the American taxpayer has doubled.

Leading this growth in the cost of Congress is the U.S. Senate. In 1981, the cost of running the U.S. Senate was $160 million. This year, it hit an all-time high of $488 million—nearly half a billion dollars.

In short, the nominal cost of running the U.S. Senate has tripled. But what's even more amazing is that the growth in the cost of the Senate exceeded the cost growth of Medicare, Social Security, food stamps, veterans benefits, and other programs to assist the poor, the elderly, the jobless, and at-risk youth.

If we intend to control Federal spending, if we intend to no longer mortgage the future of your children and grandchildren, then we must lead by example. Congress must learn to tighten its own belt.

While Congress begins to make real reductions in defense spending, it must make some real reductions in its own spending. A message must be sent that Congress is not immune from spending control.

As my colleagues know, I successfully amended the Senate's budget resolution to reduce the already excessive budget of the Congress by 25 percent over 2 years—a reduction that will save the American taxpayer $2 billion over 5 years.

I don't intend to rest on this issue. The legislation I am introducing today not only slashes spending in the Senate by 25 percent, it will keep the Senate from becoming spendthrifts in the future.

When it comes to controlling excessive spending, Congress must lead by example. But just as important, Congress must no longer hide by exemption. We in Congress must be made accountable to the very laws it passes for others. It just makes sense to do so.

After all, when businesses are required to comply with Federal worker safety laws, shouldn't we expect Congress to provide the same degree of safety for its workers?

If a Member of Congress discriminates on the basis of race, sex, or age, shouldn't we expect that Member to face the same penalties that are applied against private sector employers?

Employees in the private sector and in the civil service have the right to form unions if they choose. Shouldn't congressional employees be given the same right to make those choices?

Businesses across the Nation are making major changes in the workplace to accommodate and meet the needs of disabled Americans. Shouldn't the entire Congress be required to make the same accommodations?

Of course they should. In fact, simple fairness demands it.

That being the case, why is the entire Congress exempt from virtually every major labor, equal pay, and worker safety law that we impose on private citizens? Why has Congress made itself above the law?

Well, some have argued that Congress is special. But we in Congress are no more special than the largest corporation or the smallest mom and pop shop. We are the people's representatives. Not their rulers. What's best for the workplace, what's best for each American, is best for Congress.

Fortunately, we are on the road to accountability. Last year, the distinguished Senator from Iowa [Mr. GRASSLEY] offered an amendment to the civil rights bill that applies Federal race, sex, age, and disabled discrimination laws to the Senate. I was proud to support that amendment.

But it was a partial victory. A complete victory is when every exemption from Federal law is removed and Congress operates under the same conditions imposed on the private sector.

When we debated the Grassley amendment last year, I stated that Congress suffers from a cancer of unaccountability. And making the Senate operate under civil rights laws was simply the first step in curing Congress of this cancer. I called that first step legislative chemotherapy.

My congressional reform package represents the next phase of treatment. Under the legislation I am introducing today, both House and Senate no longer will be exempt from every Federal labor, civil rights, and worker safety law on the books.

Furthermore, my legislation also brings Congress under Federal wage garnishment laws. If we fail to pay our debts, we should face the same conditions and treatment that any debt violator faces.

That is the essence of my congressional reform package. A number of similar bills from a number of my distinguished colleagues have already been introduced on similar subjects, and my package, in part, represents a combination of the best proposals out there that can do the most to reform Congress.

I have been in public service for more than 15 years, but as one of the Senate's new kids on the block, I must confess that public service takes on a whole new meaning when one becomes a Member of Congress. Throughout my career in State and local government, my former colleagues and I balanced our budgets. This year is the first time that I have been a part of a legislative body that passed a budget with a deficit—a deficit roughly five times the size of the State of California's entire budget for 1 year.

I supported proposition 140, which reduced the budget of the California Legislature by 40 percent. And now I'm trying to apply similar fiscal medicine to Congress.

But more important, I am proud and honored to be a public servant. I was proud to serve the citizens of Orange County as both mayor of Anaheim and a State senator. And I am enormously proud to serve the entire State of California as a U.S. Senator. And I just can't stand and allow my pride and my honor as a public servant to be tarnished by the events of the past year that have occurred in Congress. I want to do more than simply identify the problems of Congress. I want to change them.

I truly believe that if democracy is to succeed, the people must have faith in Government. I've heard from many Californians, and they have expectations of how Congress should perform. They expect Congress to be no better, no different and no less accountable to the law than the law-abiding citizens it represents. And rightly so.

Americans must be able to see Congress as a symbol not just of Government, but of the ideals at the heart of our system—the ideal that no man is above the law; the ideal that to serve the people in the ultimate privilege of public office; the ideal that this is a Government not to the people, but by, for, and of the people.

I believe my reform package, if enacted, will bring Congress closer to the people, and restore the people's confidence, the people's faith, the people's trust in the Congress—the people's body.

Mr. President, I ask unanimous consent that the text of the resolution and legislation be printed in the appropriate place in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Congressional and Presidential Coverage and Accountability Act".

TITLE I—SENATE SPENDING REDUCTION AND CONTROL

SEC. 101. REDUCTION OF 25 PERCENT IN THE OPERATIONAL EXPENSES OF THE SENATE OF THE UNITED STATES.

Notwithstanding any other provision of law—

(1) the amount appropriated for the Senate for fiscal year 1993 may not exceed 87 percent of the budget authority for the Senate in fiscal year 1992; and

(2) the amount appropriated for the Senate for fiscal year 1994 may not exceed 75 percent of the budget authority for the Senate in fiscal year 1992.

SEC. 102. LIMITATIONS ON FUTURE SPENDING INCREASES.

Notwithstanding any other law, any annual increase in the amounts appropriated for the Senate for any fiscal year after fiscal year 1994 may not exceed the cost of living adjustment for that fiscal year.

TITLE II—CONGRESSIONAL AND PRESIDENTIAL ACCOUNTABILITY

SEC. 201. COVERAGE OF CONGRESS AND PRESIDENTIAL APPOINTEES.

(a) CONGRESSIONAL EMPLOYMENT.—

(1) APPLICATION.—

(A) IN GENERAL.—The rights and protections provided pursuant to the provisions specified in subparagraph (B) shall apply with respect to employment by Congress.

(B) PROVISIONS.—The provisions that shall apply with respect to employment by Congress shall be—

(i) the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(ii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(iii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iv) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(v) section 1977 of the Revised Statutes (42 U.S.C. 1981);

(vi) section 1977A of the Revised Statutes (42 U.S.C. 1981a);

(vii) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(viii) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(ix) the Equal Pay Act of 1963 (29 U.S.C. 206);

(x) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(xi) the Indoor Air Quality Act of 1991, if enacted.

(2) ENFORCEMENT BY CIVIL ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring a civil action to enforce a provision of law referred to in paragraph (1) in a court specified in subparagraph (C) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action.

(B) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—

(i) IN GENERAL.—Except as provided in clause (ii), a civil action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(ii) ADMINISTRATIVE REQUIREMENTS.—No congressional employee or congressional employer shall be required to comply with an administrative requirement issued by an executive agency, or be subject to administrative review by such an agency.

(C) VENUE.—An action may be brought under this paragraph to enforce a provision of law referred to in paragraph (1) in any court of competent jurisdiction in which a similarly situated complaining party may otherwise bring an action to enforce the provision.

(D) RELIEF.—In any civil action brought under this paragraph to enforce a provision of law referred to in paragraph (1), the court—

(i) may grant as relief against Congress or the congressional employer any equitable relief otherwise available to a similarly situated complaining party bringing an action to enforce the provision;

(ii) may grant as relief against Congress any damages that would otherwise be available to such a complaining party; and

(iii) shall allow such fees and costs as would be allowed in such an action.

(b) CONDUCT REGARDING MATTERS OTHER THAN EMPLOYMENT.—

(1) APPLICATION.—In accordance with section 509(a)(2) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to such Act shall apply with respect to the conduct of Congress regarding matters other than employment.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection, against Congress or a congressional employer, to enforce paragraph (1).

(c) INFORMATION.—

(1) APPLICATION.—The rights and protections provided pursuant to section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974) shall apply with respect to information in the possession of the Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection, against Congress, or the congressional employer in possession of the information, to enforce paragraph (1).

(d) ETHICS IN GOVERNMENT.—

(1) APPLICATION.—The rights and protections provided pursuant to chapter 40 of title 28, United States Code (commonly known as title VI of the Ethics in Government Act of 1978) shall apply with respect to investigation of congressional improprieties.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection against any party with a duty under chapter 40 of title 28, to enforce paragraph (1).

(e) INDOOR AIR.—

(1) APPLICATION.—The requirements of the Indoor Air Quality Act of 1991 set forth in section 9 of S. 455, 102d Congress, as reported in the Senate, shall, if enacted, apply with respect to any building that is—

(A)(i) used primarily as an office building;

(ii) owned, leased, or operated by any entity of Congress; and

(iii) over ten thousand square feet in area; or

(B) occupied by the Library of Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, if such a requirement is enacted, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection, against any party with a duty to carry out the requirement, to enforce the requirement.

(f) ADMINISTRATION.—

(1) SENATE.—The Committee on Rules and Administration of the Senate shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (e) to the Senate.

(2) HOUSE OF REPRESENTATIVES.—The Committee on House Administration of the House of Representatives shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (e) to the House of Representatives.

(3) INSTRUMENTALITIES.—Each congressional employer described in subsection (i)(1)(C) shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (e) to the employees of the employer.

(g) PRESIDENTIAL APPOINTEES.—

(1) APPLICATION.—The rights and protections provided pursuant to the provisions described in clauses (i) through (xi) of subsection (a)(1)(B) shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, a Presidential appointee or any person, including a class or organization on behalf of a Presidential appointee, may bring a civil action described in subsection (a)(2) in accordance with such subsection, against the United States to enforce paragraph (1), if a similarly situated complaining party may bring such a civil action before the agency.

(h) OTHER ENFORCEMENT.—Notwithstanding any other provision of law, no congressional employee or Presidential appointee may commence a proceeding or action to enforce a provision of law specified in subsection (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), or (f)(1) except as provided in this section.

(i) DEFINITIONS.—As used in this section:

(1) CONGRESSIONAL EMPLOYER.—The term "congressional employer" means—

(A) a supervisor, as described in paragraph 12 of rule XXXVII of the Standing Rules of the Senate;

(B)(i) a Member of the House of Representatives, with respect to the administrative, clerical, or other assistants of the Member;

(ii)(I) a Member who is the chairman of a committee, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the committee; and

(II) the ranking minority Member on a committee, with respect to the minority staff members of the committee;

(iii)(I) a Member who is a chairman of a subcommittee which has its own staff and financial authorization, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the subcommittee; and

(II) the ranking minority Member on the subcommittee, with respect to the minority staff members of the committee;

(iv) the Majority and Minority Leaders and the Majority and Minority Whips, with respect to the research, clerical, or other assistants assigned to their respective offices; and

(v) the other officers of the House of Representatives, with respect to the employees of the officers; and

(C)(i) the Architect of the Capitol, with respect to the employees of the Architect of the Capitol;

(ii) the Director of the Congressional Budget Office, with respect to the employees of the Office;

(iii) the Comptroller General, with respect to the employees of the General Accounting Office;

(iv) the Public Printer, with respect to the employees of the Government Printing Office;

(v) the Librarian of Congress, with respect to the employees of the Library of Congress;

(vi) the Director of the Office of Technology Assessment, with respect to the employees of the Office; and

(vii) the Director of the United States Botanic Garden, with respect to the employees of the United States Botanic Garden.

(2) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means an employee who is employed by, or an applicant for employment with, a congressional employer.

(3) PRESIDENTIAL APPOINTEE.—The term "Presidential appointee" means an employee, or an applicant seeking to become an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policymaking, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

(iii) the President or head of an agency for a position excepted from the competitive service by statute.

(4) SIMILARLY SITUATED COMPLAINING PARTY.—The term "similarly situated complaining party" means—

(A) in the case of a party seeking to enforce a provision with a separate enforcement mechanism for governmental complaining parties, a governmental complaining party; or

(B) in the case of a party seeking to enforce a provision with no such separate mechanism, a complaining party.

(j) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.

TITLE III—WAGE GARNISHMENT EQUALIZATION

SEC. 301. FEDERAL PAY TO BE TREATED IN SAME MANNER AS NON-FEDERAL PAY WITH RESPECT TO GARNISHMENT AND SIMILAR LEGAL PROCESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the pay of any elected officer of the United States, person employed by the United States, Presidential appointee, congressional official, or congressional employee shall be subject to garnishment in the manner applicable to the pay of any person employed by a nongovernmental entity.

(b) ADMINISTRATIVE COSTS.—The administrative costs of executing any garnishment to which the provisions of subsection (a) apply may be included in such garnishment.

SEC. 302. DEFINITIONS.

As used in this Act—

(1) the term "elected officer of the United States" means the President, Vice President, and any Member of the Senate and the House of Representatives;

(2) the term "person employed by the United States" means a member of the civil service or of a uniformed service (as such terms are defined in section 2101 of title 5, United States Code);

(3) the term "Presidential appointee" means an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service, and any person employed by; and

(iii) the President or head of an agency for a position excepted from the competitive service by statute;

(4) the term "congressional official" means—

(A) an officer of the Senate and the House of Representatives;

(B) the Architect of the Capitol;

(C) the Director of the Congressional Budget Office;

(D) the Comptroller General of the General Accounting Office;

(E) the Librarian of Congress;

(F) the Director of the Office of Technology Assessment; and

(G) the Director of the United States Botanic Garden;

(5) the term "congressional employee" means an employee who is employed by or for—

(A) a Member of Congress;

(B) a committee or subcommittee of the Senate or the House of Representatives; or

(C) a congressional official as defined in paragraph (4) of this subsection; and

(6) the term "garnishment" means garnishment, execution, levy, attachment, and any similar legal process.

SEC. 303. EFFECTIVE DATE.

This title shall apply to any garnishment order served after the date of the enactment of this Act.

TITLE IV—INCOME TAX DISCLOSURE

SEC. 401. DISCLOSURE OF FEDERAL TAX RETURNS BY ELECTED FEDERAL OFFICIALS.

Section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subsection:

"(j) Notwithstanding any other provision of this title, the President, the Vice President, a Member of Congress, and a candidate for the office of President, Vice President, or Member of Congress shall include a copy of his or her most recent Federal income tax return with each report required to be filed under this title.".

TITLE V—CONGRESSIONAL PAY ACCOUNTABILITY

SEC. 501. CONGRESSIONAL PAY ACCOUNTABILITY.

Notwithstanding any other provision of law, any adjustment in the rates of pay of Members of Congress which is not made in accordance with the provisions of section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) shall take effect on the first day of the first applicable pay period beginning on or after the election of the House of Representatives following the date of enactment of the law making such adjustment. For purposes of this section the term "election of the House of Representatives" means an election held on the Tuesday following the first Monday of November in any even numbered calendar year.•

By Mr. DIXON:

S. 2664. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CERTAIN CHEMICALS

• Mr. DIXON. Mr. President, I am introducing legislation today to temporarily suspend the duty on three chemicals that are used to produce new pharmaceutical drugs. This bill is simple and noncontroversial. It eliminates the duty on chemicals that are not produced in the United States, so they can be imported to produce unique drugs for domestic and foreign sale. All of the chemicals in the legislation are part of proprietary, highly specific chemical conversion processes for which substitute chemicals cannot be used.

Cyclohexane, 1,1-bis(1-methylethoxy) is used in the production of clarithromycin, which is used in the treatment of community-acquired respiratory infections. Clarithromycin is an effective antibiotic against the organism hemophilus influenza, which causes upper and lower respiratory tract infections.

Benzenepropanoic acid, 2-chloro-4,5-difluoro-beta-oxo-ethyl ester is a chemical used in the production of Temafloxacin. Temafloxacin is a quinolone antibiotic that is very effective in combating the primary cause of community-acquired respiratory tract infections. The use of benzenepropanoic acid to produce Temafloxacin is unique and a process patent application is pending in the United States.

2-acetylbenzo(b)thiophene is a chemical used to produce zileuton, a drug currently undergoing clinical testing. Zileuton is the first of a new class of drugs used primarily to treat asthma, and conditions such as ulcerative colitis, rhinitis, and rheumatoid arthritis. There are no other known drugs which provide beneficial effects in the same manner as zileuton.

Abbott Laboratories, the U.S. firm that produces these drugs, anticipates that the benefits from the duty suspension would contribute to its research and development efforts in the pharmaceutical field, an area where the United States is still a leader. In addition, increased U.S. export sales is expected.

I understand that the Finance Committee is considering putting together another miscellaneous trade and tariff bill; I strongly believe this provision should be included in that measure.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY SUSPENSION FOR CERTAIN CHEMICALS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.31.12	Cyclohexane, 1,1-bis(1-methylethoxy) (CAS No. 1132–95–2) (provided for in subheading 2911.00.00)	Free	No change	No change	On or before 12/31/94
9902.31.13	Benzenepropanoic acid, 2-chloro-4,5-difluoro-betaoxo-ethyl ester (CAS No. 121872–97–7) (provided for in subheading 2918.30.20	Free	No change	No change	On or before 12/31/94
9902.31.14	2-Acetylbenzo(b)-thiophane (CAS No. 22720–75–8) (provided for in subheading 2934.90.40)	Free	No change	No change	On or before 12/31/94".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. BINGAMAN (for himself and Mr. GORE):

S. 2665. A bill to establish a program to increase the level of science and technology cooperation between the United States and Latin America; to the Committee on Commerce, Science and Transportation.

INTER-AMERICAN SCIENTIFIC COOPERATION ACT OF 1992

● Mr. BINGAMAN. Mr. President, today I rise to introduce the Inter-American Scientific Cooperation Act of 1992. This legislation is aimed at increasing our scientific and technological ties with the nations of Latin America. The United States is known as a world leader in science and technology. In order to maintain and strengthen our leadership, the United States needs to reevaluate our current process for science and technology cooperation. Unfortunately, cooperative efforts between the United States and one of our most important partners, Latin America, have declined in the past 20 years. This bill seeks to reverse this trend by establishing a strong alliance in joint research and education between Latin America and the United States.

As scientific cooperation between Latin America and the United States has declined, Latin America has looked increasingly to Europe and Japan for scientific and technological training. This trend, in conjunction with the increased emphasis on science and technology in the national development plans of many Latin American nations, will mean a loss of United States influence if we do not act to reassert our interest in this area. Such a reawakening of United States-Latin American cooperation is not only possible but imperative. The bill I am introducing today is but one step, albeit an important step, towards reinvigorating cooperation between the United States and Latin America.

We need to develop policies with our Latin American neighbors which are consistent and which support common interests in science and technology. As the Latin American nations strive to increase the standard of living for their people and as we strive to become more economically competitive with other industrialized nations in Europe and Asia, the need for cooperation between the nations of Latin America and the United States becomes evident. It is good policy for us to forge scientific and technological partnerships with Latin America now, as a basis for establishing economic markets later. The United States would not only aid Latin America but would also benefit from expanded trade and investment opportunities.

As a result of the political and economic turmoil in Latin America in recent years, these nations have had an extremely difficult time in developing their scientific and technological resources. In addition, a new generation of advanced technologies, microelectronics, biotechnologies, new materials, and new energy technologies, present a new set of challenges and problems for science and technology activities all over the world. Hence, the rapid rate of advancement has made it difficult for some Latin American countries to keep abreast of the latest global scientific developments.

Increased science and technical cooperation would not only aid Latin America but would also benefit the United States. Unique natural environments and conditions make Latin America a critical area for research opportunities for U.S. scientists. For example, to thoroughly investigate such topics as the deforestation of the Amazon Basin and its contribution to global climate change and species diversity, U.S. scientists need stable working relationships with Latin American scientists as well as access to these environments.

The new Inter-American scientific cooperation program within the NSF would consist of several elements. The first is an expansion of funds. At present, NSF funds joint research projects between the United States and Latin America through its international division, with funding under $1 million. This bill would expand the scope of joint research activities with an authorization of $10 million in FY 1993 and up to $10 million in FY 1994.

The bill would also increase the number of Latin American exchange students eligible to study in the United States. Since the peak year of 1982, enrollment of Latin American students in the United States has dropped by 31 percent and more Latin American students have elected to study in Europe and in Japan. This trend has been fostered by several factors including the Latin American debt crisis, devaluation of currencies, decline of oil revenues, rise in the cost of education in the United States, improvement in indigenous opportunities, and increased opportunities in other Latin American countries, Europe, and Japan.

In order to reverse these trends, this bill establishes the Inter-American Scientific Educational Development Exchange to provide graduate and postdoctoral fellowships, both for Latin Americans studying in the United States and for all U.S. students who wish to study in Latin America. There will also be an exchange of information and technical assistance between the scientists and engineers of both countries interested in establishing data bases and computer linkages.

These exchanges are both political and economic investments for the United States. As part of the future leadership in their homelands, these students will play key roles in determining the political and economic alliances that the region will forge in the next century. This type of communication link is critical for strengthening the Latin American scientific infrastructure as well as for regional and global cooperation.

Mr. President, the viability of the U.S. economy is inescapably linked to the world economy. A successful Latin America will be fundamental to world economic growth and thus to our own. Increased cooperation by the United States and Latin America in the areas of science and technology will provide new research and development opportunities and, as a consequence, positively impact economic growth. It is my sincere hope that my colleagues will support this legislation.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inter-American Scientific Cooperation Act of 1992".

SEC. 2. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—The Congress finds that—

(1) Latin America shares a wide range of scientific and technological concerns with the United States, and the diversity of Latin American countries and their needs in science and technology are significant;

(2) the need for science and technology cooperation with Latin America has increased significantly since the 1970's, but mechanisms for cooperation have decreased since many countries in Latin America graduated from programs sponsored by the Agency for International Development;

(3) Latin American scientists and engineers have increasingly looked to Europe and Japan for advanced training and research, and this trend, in conjunction with the emphasis on science and technology in Latin American national development plans and the increase in science and technology cooperation among Latin American nations, may result in a loss of mutually beneficial commerce and scientific cooperation between Latin America and the United States;

(4) investment by the United States in the Latin American science and technology infrastructure and participation of United States scientists and engineers in short-term and long-term assignments in Latin America can further improve relations between the United States and Latin America, and bring many benefits to the United States, including scientific access, enhanced trade and investment relations, and the opportunity to contribute to economic growth and democratization in the hemisphere;

(5) science and technology cooperation with the United States and advanced training and research in the United States can bring many benefits to Latin America, for example, in developing Latin American countries cooperation can contribute to the strengthening of basic science and technology infrastructure, and in industrially advanced Latin American countries, cooperation can increase opportunities in many scientific disciplines and in the frontier scientific fields;

(6) considerable progress in science and technology cooperation can be made with relatively modest investments; and

(7) the return to democracy in a number of Latin American countries provides renewed vigor for freedom of scientific inquiry, cooperation, and progress, as well as a focus for the reversal of the decline in science and technology cooperation between the United States and Latin America.

(b) DEFINITIONS.—For the purpose of this Act—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "Latin America" means Mexico, the Caribbean basin, Central America, and South America; and

(3) the term "Program" means the Inter-American Scientific Cooperation Program established under section 3.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

The National Science Foundation shall establish an Inter-American Scientific Cooperation Program aimed at increasing the level of science and technology cooperation between the United States and Latin America. The National Science Foundation, in establishing this Program, shall identify and cooperate with private and governmental funding bodies, both in Latin America and in the United States. The Program shall include the following elements:

(1) ENCOURAGEMENT AND FUNDING.—Encouragement and funding of project development interchanges and joint research projects between United States and Latin American scientists and engineers. Interchanges and joint projects funded by the National Science Foundation shall, whenever possible, include cost sharing from sources within the Latin American countries whose citizens participate in such interchanges and projects. The Director shall determine the amount of cost sharing which is required.

(2) INTER-AMERICAN SCIENTIFIC EDUCATIONAL DEVELOPMENT EXCHANGE.—(A) Establishment in accordance with section 13 of the National Science Foundation Act of 1950 (42 U.S.C. 1872) of an Inter-American Scientific Educational Development Exchange (hereafter in this paragraph referred to as the "Exchange"). The Exchange's activities shall include—

(i) graduate and postdoctoral fellowships in science and technology for Latin Americans to study in the United States and for United States citizens to study in Latin America;

(ii) collection and dissemination of information to Latin Americans on other avenues for advanced study in science and technology in the United States; and

(iii) United States assistance to Latin American institutions, at the institutions' request, for development of courses, seminars, and curriculum in science and technology.

(B) In awarding fellowships under this paragraph, the Exchange shall give priority to candidates who are professionally active scientists or engineers and whose institutions give assurance that a position will be available to such individuals after completion of the fellowship. Fellowships for Latin Americans shall, whenever possible, include cost sharing from sources within the country of origin of the recipient. The amount of cost sharing required shall be determined by the Director.

(3) INFORMATION AND TECHNICAL ASSISTANCE.—Exchanging information and technical assistance between United States and Latin American scientists and engineers interested in establishing data bases and computer linkages.

(4) EQUIPMENT.—Providing information to enable the routing of scientific equipment between the United States and Latin America, including information with respect to matching equipment with need, identifying technical maintenance requirements, and meeting customs regulations.

(5) RESEARCH PROGRAMS.—Promotion of research programs which utilize unique natural environments or existing or potential centers of scientific research excellence in Latin America.

SEC. 4. REPORT.

(a) IN GENERAL.—Beginning on March 1, 1994 and each year thereafter through March 1, 1999, the Director shall submit to the Congress a report which—

(1) details activities conducted pursuant to this Act during the preceding fiscal year;

(2) includes a description of how activities of the Program relate to other ongoing and prospective National Science Foundation activities in Latin America;

(3) describes plans for the current and upcoming fiscal years' activities;

(4) recommends priorities for cooperation in terms of scientific disciplines and geographic regions; and

(5) recommends necessary legislative or administrative changes in the Program.

(b) SPECIAL RULE.—Every two years, the report described in subsection (a) shall include a description, analysis, and compilation of funding data for all federally funded research and development activities carried out in, or in cooperation with, Latin American nations.

SEC. 5. FUNDING.

(a) IN GENERAL.—The Director is authorized to make available not more than $10,000,000 of the funds authorized to be appropriated pursuant to section 101 of the National Science Foundation Authorization Act of 1988 for each of the fiscal years 1993 and 1994 to carry out this Act.

(b) SPECIAL RULE.—From amounts made available pursuant to subsection (a), the Director shall make available to carry out this Act $400,000 in each of the fiscal years 1993 through 1998 to universities, institutions or centers that have a comprehensive bilateral linkage program in the field of science or technology with a Latin American university, institution or center.●

By Mr. PELL:

S. 2666. A bill to shift Impact Aid funding responsibility for military connected children from the Department of Education to the Department of Defense; to the Committee on Labor and Human Resources.

FUNDING RESPONSIBILITY FOR MILITARY CONNECTED CHILDREN

Mr. PELL. Mr. President, on the Federal level we have established the Impact Aid Program to provide financial assistance to school districts where a Federal activity, such as the operation of a military base, results in an increased number of children to be educated and a depleted local tax base from which to draw support for their education. Schools are left in a double-bind and often utterly dependent on impact aid dollars.

The reality today, though, is that the Impact Aid Program is underfunded and our children are underserved. Local communities have been forced to absorb the costs of educating military children, and too often the result is a diminished education for all children in a district.

As we approach reauthorization of the Impact Aid Program in the 103d Congress, the Department of Defense's responsibility for the education of military dependents is something we need to carefully reconsider. Today, I am introducing legislation aimed at reducing the school finance inequity that plagues communities which support military installations. The bill, which is primarily a discussion piece, takes several steps to require the military to pay its fair share.

First, the bill would transfer impact aid funding responsibility for children of military dependents from the Department of Education to the Department of Defense, where it belongs. And second, the bill would require the Department of Defense to provide school districts with the financial capacity to adequately serve disabled students.

This second aspect of the legislation addresses an area with which I am particularly concerned—the effects of personnel assignments by the Department of Defense on behalf of military families with severely handicapped children. Often the military confers special compassionate post-assignments for these personnel to areas with school districts that have outstanding special needs programs.

For example, in the State of Rhode Island, the Middletown school district, which has an excellent special needs program, absorbs the cost of educating a handful of special needs children. Middletown is compensated with a few extra dollars in Impact Aid funding for special needs children, but it is saddled with a crippling per pupil cost that has reached as high as $100,000.

Like many communities across the nation, Middletown welcomes these children into its schools. It is critical, however, that the Department of Defense take greater responsibility for the financial burden they bring.

With a budget 10 times as large as the Department of Education, the Department of Defense is more able to assure military families of our collective gratitude and support for their sacrifices. It should begin in showing that appreciation with the full funding of the education costs of all military children.

Mr. President, Impact Aid is a very complex program that focuses far too often not on the education of the children involved, but on the impact those children have on a local school district. We do not examine the needs of the children. Instead, we attempt to measure how their presence affects a school district. This stems from the fact federally connected parents often do not pay local taxes and yet local school district's are asked to educate their children.

Even worse, we inadequately compensate the local education agencies for the burden they are asked to carry. For far too many years, appropriations have been insufficient to meet the task at hand. Perhaps it is time to change the process even further and place the program at the Department of Defense where it might be fashioned to meet the needs of these children directly, and not simply recognize their existence.

The Department of Defense takes responsibility for the housing of our soldiers and their families, and for their health care. It should, to my mind, assume responsibility for their education as well.

By Mr. HEFLIN (for himself, Mr. ADAMS, Mr. BOREN, Mr. CRAIG, Mr. DASCHLE, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. GORTON, Mr. GRASSLEY, Mr. JOHNSTON, Mr. MCCONNELL, Mr. PRESSLER, Mr. PRYOR, and Mr. SHELBY):

S. 2667. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use; to the Committee on Labor and Human Resources.

ALTERNATE USES OF CERTAIN DRUGS

Mr. HEFLIN. Mr. President, I rise today to induce a bill that will rectify a serious problem facing America's veterinarians and the animals they treat. If the FDA were to strictly enforce the Federal Food, Drug, and Cosmetic Act as it is written today, the act would prevent the relief of pain and the prevention of suffering in a host of animal species from cattle to pet birds for which there are no FDA approved drugs for these purposes. The legislation I am introducing today would correct this problem by codifying current veterinary practices.

Unique to the practice of veterinary medicine is the abundance of species that the veterinarian encounters in the clinical setting. New animal drugs have been approved for only the most common of domestic species. Few, if any, new animal drugs are approved for species of animals which are used extensively in most of the Nation's research facilities such as mice, rats, hamsters, gerbils, guinea pigs, and rabbits. No other profession is forced to practice under a law which is contrary to and defeats the purpose of the professional's oath.

Current veterinary practices permit extra-label drug use because insufficient therapies are approved to treat the conditions that veterinarians routinely face in practice. Examples for companion animals include insulin to treat diabetes, cardiac, and chemotherapeutic drugs that bear a human drug label; anesthetic, analgesic, and sedative agents for food animals; and effective antibiotics for food and companion animals to name just a few.

Veterinarians use drugs in an extra-label manner to save animal lives, prevent suffering and to protect human health. Treatment of sick food-producing animals results in increased levels of food safety because sick animals will not be shipped to market. If legal therapies are not available to veterinarians, producers may feel compelled to ship sick animals to market, rather than watch them suffer and perhaps die, or take a chance that they may infect the remainder of the herd.

This legislation which would permit extra-label drug use will transform this section of the FD&C Act from a non-enforceable, confusing law into a clear and easily enforceable statute. Violators who cause the presence of illegal residues in food can then be prosecuted appropriately.

This bill codifies current FDA policy and authorizes extra-label drug use by veterinarians only, under carefully controlled supervision and will not result in increased violative residues in food products. It will not increase or alter overall patterns of drug usage by veterinarians.

The law as it exists today is contrary to its own basic purpose of protecting the public health. For example, chlamydiosis—a disease which is transmitted from birds to man—is most effectively treated in birds with an antibiotic known as doxycycline. This drug presently is only approved for use in humans. The only FDA approved animal drug for the treatment of chlamydiosis in birds is no longer marketed. Without the ability of the veterinarian to use a human label drug on a non-food producing animal, there will be an increased risk of transmission of this disease between bird and man.

Mr. President, I urge my colleagues to move expeditiously on this urgently needed legislation.

Mr. PRESSLER. Mr. President, today I join Senator HEFLIN and others in introducing legislation clarifying Food and Drug Administration [FDA] procedures regarding extra-label use of animal drugs. The bill is a simple and straightforward approach to resolving the current conflict between modern veterinary medicine and the law.

The issue is extra-label drug use of animal drugs. This is an important issue for South Dakota's 36,000 farmers and ranchers and my State's veterinarians and consumers as well. After visiting with several veterinarians and discussing their daily routines and practices, I became convinced that extra-label drug use is necessary. This is because currently approved therapies are insufficient to treat the conditions veterinarians routinely face in practice. All too often, veterinarians face situations in which an animal's health is immediately threatened and suffering or death would result from failure to provide prompt and effective treatment.

The problem in existing law is that it prohibits the use of an animal drug for purposes other than those listed on the drug's label. The reality is that it is not economically feasible under the present animal drug approval process to seek an approved label for all species and uses for which a drug is beneficial and safe. If a veterinarian is working to save the life of a cow or calf and the only effective treatment is a drug labeled only for horses, the letter of the law says a veterinarian cannot use the drug to save the cow or calf. This bill rectifies that situation and would allow the veterinarian to save the life of the animal without being in conflict with the law.

Mr. President, the FDA recognizes the fact that a veterinarian, on occasion, will find it necessary to use an approved drug in a manner that does not appear on the label. In fact, the FDA has gone so far as to state it will not institute regulatory action against licensed veterinarians for using or prescribing any drugs legally obtained. Thus, this bill simply codifies existing FDA practice.

This Nation's veterinarians use drugs in an extra-label manner to save animals' lives, prevent suffering and to protect human health. This bill would provide the FDA a clear, easily enforceable statute. The bill would allow the FDA to develop practical and constructive regulations to enhance its ability to define violations of the Food, Drug and Cosmetic Act. It also would resolve existing conflicts between modern veterinary medicine and the law.

Mr. President, I urge my colleagues to take a close look at this bill and support its passage. The bill has the support of veterinarians in South Dakota and the American Veterinary Medical Association.

By Mr. CRAIG (for himself, Mr. GRAMM, Mr. SYMMS, and Mr. HATCH):

S.J. Res. 298. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT PROVIDING FOR A BALANCED FEDERAL BUDGET

Mr. CRAIG. Mr. President, this morning during morning business it is my intent to introduce an amendment to the U.S. Constitution, an amendment that I have worked on with a good many others for a long while, an amendment to our Constitution that would require the Congress of the United States to provide a balanced budget on an annual basis.

The gross Federal debt today tops $4 trillion. Yesterday was tax freedom day for the American taxpayer, in other words, if you used all of your money up until yesterday you would have paid your taxes, and starting today you are no longer working for the Federal Government, you are working for yourself. That statement along with a $4 trillion debt means that $45,000 is owed by every American household as a debt in response to the debt of this Nation. Federal interest payments in 1992 are $201 billion; 40 percent of all personal income tax this year was dedicated to that, all of the personal income tax collected west of the Mississippi dedicated to interest on that debt structure.

Three weeks ago in a budget resolution debate here on the floor, we recognized that $297 billion would be used for interest on debt structure in this coming fiscal year. The 1992 deficit as projected per CBO figures would be about $350 billion assuming that we comply with the caps, about $400 billion on off-budget.

Does anybody even question why I and others would want to see our Federal budget balanced? Starting 8 years ago when I was a Member of the other body, I, along with a Congressman from Texas, CHARLIE STENHOLM, began a crusade nationwide for a balanced budget. The work product that I am introducing today is the effort of years and years of involvement by citizens, by legal scholars, to attempt to craft an amendment that in fact would work, that would recognize all of the frailties and the importance of writing the right language for the citizens of this country and the States to review and respond to and ratify as a legitimate and functioning amendment of our Constitution.

While we were working over there, and prior to my election to this body, Senators like Senator THURMOND, Senator SIMON, Senator HATCH, and others were working here. I am a cosponsor of those work efforts here. Senate Joint Resolution 18 by Senator SIMON and Senator THURMOND that was reported out of the Judiciary Committee, and as we know this body and its leadership has now suggested by late month or early next month we will have a vote on this amendment.

But the reason I am introducing the amendment that I have worked on and others is because I think it is important that all of these issues be on the floor, that all of this body have an opportunity to look at the variations and the ideas that their fellow legislators have come up with as it relates to this most important and critical issue of a balanced budget amendment to our Constitution.

The one that I am introducing today will be the vehicle of debate. It will be the final work product that is voted on by the House, and I would believe to be voted on by possibly during this month. It now has over 275 cosponsors. There is an enthusiasm and excitement growing over there, over in the House, that that vote will occur, even the Speaker himself has said that it more than likely will occur sometime this spring.

I am one of those who, unlike many of the critics, believe it will work. I believe it is time that this Congress recognizes that it cannot solve its own problems, that it is individually and collectively too committed to programs, systems, Government departments that dedicate or ensure that a majority of this body will work to perpetuate the status quo which represents that $320-plus billion deficit and $4 trillion debt. It is not a surprise that well over 75 percent of the American people, for better than a decade, have argued that this Congress must balance its budget, and they as citizens are demanding it.

Now I would have to say that in the process of amending the Constitution it is not that we the Congress will amend it, not at all. Article V of the Constitution provides two approaches. One that allows the Congress to recommend or propose to the citizenry of this country an amendment. The other is to allow the citizens collectively to convene a constitutional convention for the purpose of proposing and developing an amendment.

I prefer the first route. I believe it is a responsible and reasonable effort on the part of this Congress to propose that amendment, and that is what I hope we will do this year, 1992, propose a working and functional amendment to the citizens of this country and then allow the debate to go on in the some 50 States that it must go on in across this country to require the necessary three-fourths or 38 States through their legislatures to review it and ultimately to ratify it.

That debate that will be going on once we have sent forth the proposed amendment will be in my opinion one of the most important national debates that could go on. The average citizen for the first time can truly become engaged in why this Government is spending like it is spending, why there are programs of the nature that this Congress, the House and the Senate, have collectively devised, and why we cannot at this time, by all appearances, control a budget. It is now important that the citizens become directly involved by making the structural change necessary in our system of Government to reinstate the political will to be fiscally responsible.

Many citizens say out there, "Why don't you do it; just do it?"

I think if they watched us closely they will find there are too many in this body and the other that are incapable of making those kinds of tough decisions, because of all the interest groups, private and public, that apply the pressures that they can in the decisionmaking process on the budgets that fund the systems of Government that are now driving us towards an all-time high debt and an all-time high deficit, and clearly endangering the economy of this country and the vitality of that economy to produce the job base that our free and private citizenry demands.

So today I am introducing a Senate joint resolution, a constitutional amendment to balance the Federal budget that will do a variety of things that I think are important. It will, by its nature, require recorded votes by a constitutional majority—in other words, not just a majority of this body assembled, but 50 percent plus 1 of this body's total number—in increasing taxes.

My amendment would also require that the legislative and the executive branch come together by a majority vote each year on a revenue statement as to the revenues that would be collected and therefore spent by the Government.

My amendment also requires a three-fifths vote to lift the debt ceiling or, in essence, to allow increased borrowing capability of the Federal Government.

So it is clearly one that recognizes the importance of putting checks and limitations on the process itself because I am one of those who believes that we will not resort to taxes to balance the budget. We will resort to reductions in growth rates of spending.

In the some 20 to 24 months that the States will be reviewing this amendment and moving toward its ratification, it will become the responsibilities of the Senate and the House, working with the executive branch of Government, to build a process that will bring our budget into balance by fiscal 1997 if this amendment or one like it is passed this year.

It also does exactly what I and Senator BYRD debated on this floor some 3 to 4 weeks ago—that the executive branch of Government must clearly be engaged in this process; that the President of the United States must be a direct participant, and the executive branch, like the legislative branch, must shoulder the burden of balancing the Federal budget, and from that point forward, submitting balanced budgets consistent with the constitutional requirement that would be provided by this amendment.

I believe the time is now. I think the American people are speaking more loudly than they have ever spoken before about the issue of fiscal responsibility and the impact of debt and deficit on the economy of this country, the well-being of its citizens and the vitality of the workplace.

If we do not act this year, Mr. President, we will be sending forth a message to future generations that while we will bask in the largess of the Public Treasury, the uncontrolled spending of this Government, we will ask young people to shoulder the burden of payment of that debt. I do not want to leave that legacy for my children and I cannot believe that any responsible adult, whether he or she be private citizen or elected public official, would likewise want to leave that legacy to theirs.

It is a national responsibility but it is a responsibility that starts here on the floor of this Senate and on the floor of the House in the collective Congress to allow the citizens of this country to effect a change in their Constitution and therefore in the structuring of their Government that will require this body, as it must annually do, to put forth a budget to run this Government that is in balance to the best of the capability and the talents of the agencies and the systems involved consistent with the Constitution of the United States.

So I challenge all Senators to become engaged with us, those who will be leading the debate on the balanced budget amendment in the coming days on the floor or this Senate.

And I would ask the leader of the Senate, as he has spoken to the issue before, to honor his commitment to the parties involved and to honor the sense-of-the-Senate resolution that passed just a few weeks ago that we should debate this issue and vote it up or down, the issue of a constitutional amendment to balance the Federal budget.

I submit that amendment to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 298

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the Senate for ratification:

"ARTICLE—

SECTION 1. Prior to each fiscal year, an estimate of total receipts for that fiscal year shall be determined by enactment of a law devoted solely to that subject.

Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The provisions of this article may be waived for any fiscal year in which a declaration of war is in effect.

SECTION 6. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 7. This article shall take effect beginning with fiscal year 1997 or with the second fiscal year beginning after its ratification, whichever is later.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. FOWLER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 684, a bill to amend the National Historic Preservation Act and the National Historic Preservation Act Amendments of 1980 to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 1002

At the request of Mr. SHELBY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1032

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1159

At the request of Mr. GORE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1159, a bill to provide for the labeling or marking of tropical wood and tropical wood products sold in the United States.

S. 1294

At the request of Mr. FOWLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1294, a bill to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Oklahoma [Mr. BOREN], the Senator from Montana [Mr. BAUCUS], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1834

At the request of Mr. LOTT, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1834, a bill to amend the Social Security Act to clarify the medicare geographic classification adjacency requirements.

S. 2062

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Missouri

[Mr. DANFORTH] was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2123

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2123, a bill to provide for enhanced reporting to the public of release of toxic chemicals, and for other purposes.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2373

At the request of Mr. BOREN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2373, a bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs.

S. 2394

At the request of Mr. HARKIN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2394, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2517

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2517, a bill to amend title 10, United States Code, to rename the Defense Advanced Research Projects Agency as the National Advanced Research Projects Agency, to expand the mission of that Agency, and for other purposes.

S. 2528

At the request of Mr. AKAKA, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2528, a bill to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes.

S. 2608

At the request of Mr. EXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2608, a bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2636

At the request of Mr. THURMOND, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2636, a bill to amend title 10, United States Code, to provide the Secretary of the Army with the same employment authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is provided regarding civilian faculty members of the Army War College and the United States Army Command and General Staff College.

SENATE JOINT RESOLUTION 227

At the request of Mr. COATS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. GRASSLEY, the names of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. RIEGLE], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 281, a joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. GORE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 290, a joint resolution calling for the Secretary of the Interior, in cooperation with the Secretary of State, to enter into agreements with Canada to protect the Alsek and Tatshenshini Rivers, for the Secretary of the Interior to ensure that Glacier Bay National Park and Reserve is not degraded by potential mine developments in Canada, and for other purposes.

SENATE CONCURRENT RESOLUTION 110

At the request of Mr. SYMMS, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 110, a concurrent resolution to authorize the construction of a monument on the U.S. Capitol Grounds to honor Thomas Paine.

SENATE RESOLUTION 236

At the request of Mr. ADAMS, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Resolution 236, a resolution expressing the sense of the Senate that the President rescind Department of Defense Directive 1332.14, section H.1, which bans gay, lesbian, and bisexual Americans from serving in the Armed Forces of the United States.

SENATE RESOLUTION 280

At the request of Mr. GORE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Connecticut [Mr. DODD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 280, a resolution to express the sense of the Senate concerning the tropical rain forests of Malaysia.

SENATE CONCURRENT RESOLUTION 113—RELATING TO THE 25TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MOYNIHAN (for himself and for Mr. PACKWOOD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

SENATE CONCURRENT RESOLUTION 113

Whereas, for 3,000 years Jerusalem has been the focal point of Jewish religious devotion;

Whereas, Jerusalem is also considered a holy city by the members of other religious faiths;

Whereas, the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas, from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas, in 1967 Jerusalem was reunited during the conflict known as the Six Day War;

Whereas, since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas, this year marks the twenty-fifth year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas, in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capitol of Israel, "must remain an undivided city";

Whereas, subsequent statements by the Government of the United States, including support for United Nations Security Council Resolutions 681 and 726, have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states;

Whereas, such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the twenty-fifth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 25 years; and,

(3) call upon the President and the Secretary of State to issue an unequivocal statement in support of these principles.

Mr. MOYNIHAN. Mr. President, today the distinguished Senator from Oregon [Mr. PACKWOOD] and I are submitting a concurrent resolution which congratulates the residents of Jerusalem and the citizens of Israel on the 25th anniversary of the reunification of Jerusalem during the Six-Day War. The resolution also contains the elemental proposition that Jerusalem must never be divided again.

In January 1990, I traveled to the Middle East in my capacity as chairman of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. While I was in Israel, I met with a broad cross-section of Israeli political and communal leaders and found that they had many different views on the peace process. There were, however, two things on which they all agreed: Their desire to see a meaningful and secure peace between Israel and her Arab neighbors and their anguish over the continued confusion of American policy concerning the city of Jerusalem.

Since that time, events have only served, I fear, to heighten the legitimate concern in Israel over United States policy toward Jerusalem. Despite Israel's staunch support during the Persian Gulf war—a war unrelated to Israel's disputes with its neighbors which nonetheless brought terror pouring down from the skies on the innocent civilians of Israel—the United States supported not one but two Security Council resolutions—Resolution 681 and Resolution 726—which describe Jerusalem as "occupied Palestinian territory." Resolution 726 also strongly condemns Israel, language which is considerably stronger than any used by the Security Council to condemn Iraq's invasion of Kuwait. In fact, only once during the entire Persian Gulf crisis did the Security Council use such language to condemn Saddam Hussein, and that only when he committed gross crimes against humanity by rounding up human shield hostages and besieging diplomatic facilities.

We were far too passive in May 1948, when the Jordanian Arab Legion drove the once flourishing Jewish majority out of the Old City at gunpoint. We were too passive when Jerusalem was divided by barbed wire, mine fields, and cinder block walls. I declared 2 years ago that President Bush's statements and policies "raise the frightful irony that a President who only 4 months ago celebrated the collapse of the Berlin Wall and the opening of the Brandenberg Gate might encourage the redivision of Jerusalem and the reimposition of the infamous Mandelbaum Gate."

Israel must make sacrifices for there to be peace in the Middle East. Yet no Israeli Government will continue to participate in a process which it believes might end with the dismemberment of Jerusalem.

We would do well to remember that the Jewish presence in Jerusalem is not new. No people on earth are as inexorably linked to any city as the Jewish people are to the city of Jerusalem. For more than three millennia, ever since King David declared it the capital of his Jewish Kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's Temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the Patriarchs, dreamt of a ladder connecting Heaven and Earth.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily payers and thrice at grace—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers: "Next Year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religious practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusader, Mongol, and Turk—but the Jewish community, despite depravation and persecution, remained in Jerusalem. Indeed, the first authoritative Turkish census of the city, in 1884 discovered that 7,120 of Jerusalem's 12,510 inhabitants were Jewish—and this before there was a "west" or "new" Jerusalem. Thus even the Old City of Jerusalem had a Jewish majority well over a century ago.

Likewise, the city of Jerusalem has a powerful religious significance for persons of other religions. These attachments—themselves stretching back over the millennia—make Jerusalem a unique and treasured city to persons around the world.

Thus, the division of Jerusalem after the 1948 war in which Israel's Arab neighbors determined to wipe out the fledgling Jewish state and drove the Jewish population of Jerusalem out of the city at gunpoint was especially painful. The subsequent years of Jordanian desecration of holy sites and adamant refusal to permit access to sacred places under Jordanian control was a sorry period indeed. Thus it is that we celebrate the reunification of this holy city and its magnanimous administration by the Government of Israel. This is not just a moment for the people of Israel, or Jews around the world, to celebrate. Everyone who believes that the rights of persons of all faiths should be respected have good reason to celebrate 25 years of Israeli governance and to congratulate the residents of Jerusalem on the fact that their city is no longer divided by barbed wire.

It is interesting to note that in 1980 President Bush criticized the Carter administration for sending mixed signals about Jerusalem. He claimed that they "undermined confidence in America's policy and purpose in the Middle East." Specifically, in a campaign speech delivered on October 19, 1980, he told the Zionist Organization of America that "I need to detail the recent history of mixed signals delivered in the United Nations and elsewhere around the world concerning the Carter administration's policy on such issues as the PLO and the status of Jerusalem. They are only too well known. Nor need I stress that though these signals are mixed, they assume a pattern that has undermined confidence in America's policy and purpose in the Middle East."

Mr. President, I call upon the administration to embrace the principles of this resolution: To celebrate the reunification of Jerusalem and to pledge that it will never again be divided and I invite my colleagues to join with me and the Senator from Oregon as cosponsor of the concurrent resolution.

Mr. PACKWOOD. Mr. President, 25 years ago, a holy city to three great religions became accessible to the people of those religions. As a result of the Six-Day War in 1967, the gates of Jerusalem were opened to Moslems, Christians, and Jews from all over the world. This stands in contrast to the years of Jordanian control which lasted from 1948 to 1967, when free access to the holy sites of these religions was only a dream.

Since 1967, Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected. The 25th anniversary also marks a time of great hope. It is a year when Israel and its neighbors are working toward a real and lasting peace in the region. As the world watches this complicated process, one can only sense that returning to the divisions and restrictions of pre-1967 Jerusalem will inhibit the search for peace.

The resolution we submit today recognizes the citizens who have made a unified Jerusalem a place for people of all faiths. These citizens include the 1967 Golani brigade soldiers who fought in the corridors of the ancient city, as well as the 1992 social workers who teach Jewish and Arab children to respect and understand their similarities and differences.

The resolution also states that Jerusalem should remain an undivided city, and urges the President and Secretary of State to support these principles. As the peace talks continue, many people fear that the world is encouraging a peace which includes a redivided Jerusalem—and with it, a return to the restrictions of 25 years ago. To me, this doesn't sound like progress. A lasting peace will come by cooperation, not further division.

I hope my colleagues will join us in supporting this resolution.

SENATE CONCURRENT RESOLUTION 114—RELATIVE TO CONGRESSIONAL PAY

Mr. NICKLES submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 114

Whereas on September 25, 1789, the Congress sent to the States for ratification a proposed amendment designed to limit the power of the Congress to raise the salaries of its Members;

Whereas this proposed amendment was introduced by James Madison as the 2nd of 12 amendments, 10 of which eventually became the Bill of Rights;

Whereas this amendment reads as follows: "Article II. No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened";

Whereas this amendment failed to be adopted by the necessary 11 States and become part of the Constitution;

Whereas more than 200 years later, 37 States have ratified this amendment to the Constitution (Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming); and

Whereas this amendment to the Constitution was proposed without a deadline for ratification and is therefore still pending before the States: Now, therefore, be it

Resolved by the Senate (The House of Representatives concurring), That it is the sense of the Congress that at least 1 of the remaining 13 states should ratify the proposed 2nd amendment to the Constitution which would delay the effect of any law which varies the compensation of Members of Congress until after the next election of Representatives (these States being California, Hawaii, Illinois, Kentucky, Massachusetts, Michigan, Mississippi, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, and Washington).

Mr. NICKLES. Mr. President, yesterday, the States of Missouri and Alabama became the 36th and 37th States to ratify the original second amendment to the Constitution. That amendment, one of the original 12, reads as follows:

Article II. No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Thirty-eight States are required to ratify an amendment before it becomes part of the Constitution. Currently, the States of New Jersey, Illinois, and Michigan have resolutions of ratification under consideration.

This is a fair and equitable approach in handling congressional pay. This is attested to by the fact that the framers of our Constitution seriously considered its inclusion. Today, Congress faces a tremendous credibility gap and this is one reform that can help bridge that gap.

By requiring a pay increase to go into effect after the ensuing election of Representatives, Members will not benefit from that raise until the voters have spoken.

This so-called Madison amendment was first introduced on September 25, 1789 along with 11 other amendments that were proposed for inclusion in the just-created Constitution. Ten of these amendments were adopted and are known as the Bill of Rights.

When the amendment was first considered by the States, it fell four states short needed for inclusion in the Constitution. We now have the opportunity to see this amendment added as part of the Constitution and restore some of the integrity to our representative form of government.

I also ask that the resolution adopted by the Oklahoma State Legislature and transmitted to the U.S. Senate Judiciary Committee on October 17, 1985, be inserted in the RECORD at this point.

"RESOLUTION NO. 1016

"Whereas, a resolution of the First Congress of the United States, proposing an amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, was approved by the Congress, two-thirds (⅔) of each house concurring therein, in the following words:

"(An ARTICLE) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

"Now, therefore, be it resolved by the House of Representatives and the Senate of the 1st session of the 40th Oklahoma Legislature:

"Section 1. The amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, proposed by a resolution of the First Congress of the United States, is hereby ratified.

"Section 2. Pursuant to 75 O.S. 1981, Section 26.42, this resolution shall expire on December 31, 1995.

"Section 3. Duly authenticated copies of this resolution shall be transmitted to the Governor of the State of Oklahoma, to the President of the United States, to the Administrator of General Services of the United States, to the President Pro Tempore of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

SENATE RESOLUTION 293—RESOLUTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. SEYMOUR submitted the following resolution; which was referred to the Committee on Rules an Administration:

S. RES. 293

Resolved, That the Standing Rules of the Senate are amended by inserting after rule XXXV the following new rule:

"RULE XXXVI

"PAY OF SENATORS

"1. It shall not be in order in the Senate to consider a measure containing a provision increasing the pay of Senators, the President pro tempore of the Senate, the majority leader of the Senate, or the minority leader of the Senate unless the Committee on the Budget has determined that the most recent Federal budget passed by the Congress will be balanced for the applicable fiscal year.

"2. As soon as practicable after the Congress has passed a fiscal year Federal budget, the chairman of the Committee on the Budget shall submit to the Parliamentarian of the Senate a determination by the committee as to whether that Federal budget will be balanced for the applicable fiscal year, and that determination shall be conclusive for the purposes of this rule.".

AMENDMENTS SUBMITTED

TELEPHONE PRIVACY ACT

KOHL AMENDMENT NO. 1794

Mr. KOHL proposed an amendment to the bill (S. 652) to protect the privacy of telephone users by amending section 3121 of title 18, United States Code, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing;

(2) to encourage the use of new services which discourage harassing and obscene telephone calls even though information identifying the caller may be blocked; and

(3) to require government entities to give public notice of their use of caller identification service.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) Subject to paragraph (2), the prohibition of subsection (a) does not apply with respect to the installation or use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, or testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service;

"(iii) with the prior consent of the recipient of the communication when the communication may be relevant to an ongoing criminal or counterintelligence investigation;

"(iv) in connection with the provision of call return service; or

"(v) in connection with the provision of caller identification service to a user of that service, if the service provider—

"(I) permits the recipient of a communication to use call trace; and

"(II) permits the originator of a communication to block caller identification—

"(aa) on a per call basis without charge;

"(bb) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(cc) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A) (iv) and (v) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a Federal, State, or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) of a communication made from a public pay telephone.

"(2) The exception afforded by paragraph (1) does not apply to a communication to a governmental entity on a line that is publicized or represented as ensuring the confidentiality of the originator of a communication, such as an anonymous tip line or a confidential information line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that a subscriber to an automatic number identification service or charge number service receives, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously obtained from the recipient of the communication; or

"(D) use of any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(4) Nothing in paragraph (3) affects the provision or use of automatic number identification or charge number information by a provider of electronic or wire communication service.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsection (b)(1)(A)(v) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) CRIMINAL PENALTY.—(1) Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(2) Paragraph (1) does not apply to the use of information that is made available to the recipient of a communication through an automatic number identification or charge number service.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) INTENT OF CONGRESS.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) the term 'automatic number identification or charge number' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers;

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call;

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a wire communication to the recipient of the communication;

"(10) the term 'call return service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to initiate a return communication to the originator without disclosing to the recipient the identity of the originator (except in connection with the provider's regular billing process; and

"(11) the term 'call trace service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to cause the identity of the originator of the communication to be disclosed to the service provider's security personnel and to law enforcement officials without disclosing to the recipient the identity of the originator.".

SEC. 4. NOTICE BY GOVERNMENT ENTITIES OF USE OF CALLER IDENTIFICATION SERVICE.

"(a) FEDERAL ENTITIES.—A Federal Government entity that uses caller identification service shall publish in the Federal Register and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of the government entity's use of caller identification service within a reasonable time after initiating that use. The Federal Register notice shall describe the scope and purpose of that use.

"(b) STATE AND LOCAL ENTITIES.—A State or local government entity that uses caller identification service shall make available and publish in the official publication of that State or local government entity and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of that government entity's use of caller identification service within a reasonable time after initiating that use. The official publication notice shall describe the scope and purpose of that use.

GRAMM (AND OTHERS) AMENDMENTS NO 1795

Mr. GRAMM (for himself, Mr. THURMOND and Mr. DOLE proposed an amendment to the bill S. 652, supra, as follows:

On page 10, line 19 of the pending substitute, strike "use," and insert in lieu thereof the following:

"Use

DIVISION B—THE "CRIME CONTROL ACT OF 1992"

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Crime Control Act of 1992".

(b) TABLE OF CONTENTS.—The following is the table of contents for this division:

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short Title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Crime Control Act of 1992".

(b) TABLE OF CONTENTS.—The following is the table of contents for this Act:

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short title.
Sec. 102. Death penalty procedures.
Sec. 103. Conforming amendment relating to destruction of aircraft or aircraft facilities.
Sec. 104. Conforming amendment relating to espionage.
Sec. 105. Conforming amendment relating to transporting explosives.
Sec. 106. Conforming amendment relating to malicious destruction of Federal property by explosives.
Sec. 107. Conforming amendment relating to malicious destruction of interstate property by explosives.
Sec. 108. Conforming amendment relating to murder.
Sec. 109. Conforming amendment relating to killing official guests or internationally protected persons.
Sec. 110. Murder by Federal prisoner.
Sec. 111. Conforming amendment relating to kidnapping.
Sec. 112. Conforming amendment relating to hostage taking.
Sec. 113. Conforming amendment relating to mailability of injurious articles.
Sec. 114. Conforming amendment relating to presidential assassination.
Sec. 115. Conforming amendment relating to murder for hire.
Sec. 116. Conforming amendment relating to violent crimes in aid of racketeering activity.
Sec. 117. Conforming amendment relating to wrecking trains.
Sec. 118. Conforming amendment relating to bank robbery.
Sec. 119. Conforming amendment relating to terrorist acts.
Sec. 120. Conforming amendment relating to aircraft hijacking.
Sec. 121. Conforming amendment to Controlled Substances Act.
Sec. 122. Conforming amendment relating to genocide.
Sec. 123. Protection of court officers and jurors.
Sec. 124. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 125. Death penalty for murder of Federal law enforcement officers.
Sec. 126. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
Sec. 127. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 128. Amendment to Federal Aviation Act.
Sec. 129. Offenses of violence against maritime navigation or fixed platforms.
Sec. 130. Torture.
Sec. 131. Weapons of mass destruction.
Sec. 132. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 133. Death penalty for civil rights murders.
Sec. 134. Death penalty for murder of Federal witnesses.
Sec. 135. Drive-by shootings.
Sec. 136. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 137. Death penalty for rape and child molestation murders.
Sec. 138. Protection of jurors and witnesses in capital cases.
Sec. 139. Inapplicability to Uniform Code of Military Justice.
Sec. 140. Death penalty for causing death in the sexual exploitation of children.
Sec. 141. Murder by escaped prisoners.
Sec. 142. Death penalty for murders in the District of Columbia.

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

Sec. 201. Short title.
Sec. 202. Period of limitation.
Sec. 203. Appeal.
Sec. 204. Amendment of Federal Rules of Appellate Procedure.
Sec. 205. Section 2254 amendments.
Sec. 206. Section 2255 amendments.

Subtitle B—Death Penalty Litigation Procedures

Sec. 211. Short title for subtitle B.
Sec. 212. Death penalty litigation procedures.

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

Sec. 221. Funding for death penalty prosecutions.

TITLE III—EXCLUSIONARY RULE

Sec. 301. Admissibility of certain evidence.

TITLE IV—FIREARMS AND RELATED AMENDMENTS

Sec. 401. Increased mandatory minimum sentences for criminals using firearms.
Sec. 402. Increased penalty for second offense of using an explosive to commit a felony.
Sec. 403. Smuggling firearms in aid of drug trafficking.
Sec. 404. Prohibition against theft of firearms or explosives.
Sec. 405. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 406. Summary destruction of explosives subject to forfeiture.
Sec. 407. Elimination of outmoded language relating to parole.
Sec. 408. Enhanced penalties for use of a firearm in the commission of counterfeiting or forgery.
Sec. 409. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
Sec. 410. Receipt of firearms by nonresident.
Sec. 411. Prohibition against conspiracy to violate Federal firearms or explosives laws.
Sec. 412. Prohibition against theft of firearms or explosives from licensee.
Sec. 413. Prohibition against disposing of explosives to prohibited persons.
Sec. 414. Increased penalty for interstate gun trafficking.
Sec. 415. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 416. Possession of explosives by felons and others.
Sec. 417. Possession of an explosive during the commission of a felony.

Sec. 418. Disposition of forfeited firearms.
Sec. 419. Definition of serious drug offense.
Sec. 420. Definition of burglary under the armed career criminal statute.

TITLE V—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children To Distribute Drugs Near Schools and Playgrounds

Sec. 501. Strengthened Federal penalties.

Subtitle B—Antigang Provisions

Sec. 511. Grant program.
Sec. 512. Conforming repealer and amendments.
Sec. 513. Criminal street gangs.

Subtitle C—Juvenile Penalties

Sec. 521. Treatment of violent juveniles as adults.
Sec. 522. Serious drug offenses by juveniles as armed career criminal act predicates.
Sec. 523. Certainty of punishment for young offenders.

Subtitle D—Other Provisions

Sec. 531. Bindover system for certain violent juveniles.
Sec. 532. Gang investigation coordination and information collection.
Sec. 533. Clarification of requirement that any prior record of a juvenile be produced before the commencement of juvenile proceedings.

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

Sec. 601. Terrorism civil remedy.
Sec. 602. Providing material support to terrorists.
Sec. 603. Forfeiture of assets used to support terrorists.
Sec. 604. Alien witness cooperation.
Sec. 605. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
Sec. 606. Assimilated crimes in extended territorial sea.
Sec. 607. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 608. Penalties for international terrorist acts.
Sec. 609. Authorization of appropriations.
Sec. 610. Enhanced penalties for certain offenses.
Sec. 611. Sentencing guidelines increase for terrorist crimes.
Sec. 612. Extension of the statute of limitations for certain terrorism offenses.
Sec. 613. International parental kidnapping.
Sec. 614. State court programs regarding interstate and international parental child abduction.
Sec. 615. Foreign murder of United States nationals.
Sec. 616. Extradition.
Sec. 617. Gambling devices on United States ships.
Sec. 618. FBI access to telephone subscriber information.

TITLE VII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

Sec. 701. Definition of sexual act for victims below 16 years of age.
Sec. 702. Increased penalties for recidivist sex offenders.
Sec. 703. Restitution for victims of sex offenses.
Sec. 704. HIV testing and penalty enhancement in sexual abuse cases.
Sec. 705. Payment of cost of HIV testing for victim.

Subtitle B—Victims' Rights

Sec. 711. Restitution amendments.
Sec. 712. Victim's right of allocution in sentencing.
Sec. 713. Right of the victim to an impartial jury.
Sec. 714. Mandatory restitution and other provisions.

Subtitle C—Crime Victims Fund

Sec. 721. Crime victims fund.
Sec. 722. Percentage change in crime victim compensation formula.
Sec. 723. Administrative costs for crime victim compensation.
Sec. 724. Relationship of crime victim compensation to certain Federal programs.
Sec. 725. Use of unspent section 1403 money.
Sec. 726. Underserved victims.
Sec. 727. Grants for demonstration projects.
Sec. 728. Administrative costs for crime victim assistance.
Sec. 729. Change of due date for required report.
Sec. 730. Maintenance of effort.
Sec. 731. Delayed effective date for certain provisions.

Subtitle D—National Child Protection Act

Sec. 741. Short title.
Sec. 742. Findings and purposes.
Sec. 743. Definitions.
Sec. 744. Reporting by the States.
Sec. 745. Background checks.
Sec. 746. Funding for improvement of child abuse crime information.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

Sec. 751. Short title.
Sec. 752. Establishment of program.
Sec. 753. State compliance.

Subtitle F—Domestic Violence

Sec. 761. Domestic violence grants.
Sec. 762. Report on battered women's syndrome.

Subtitle G—Other Provisions

Sec. 771. Inducement of minor to commit an offense.
Sec. 772. Disclosure of records of arrests by campus police.
Sec. 773. National baseline study on campus sexual assault.
Sec. 774. Sense of Congress concerning child custody and visitation rights.

TITLE VIII—EQUAL JUSTICE ACT

Sec. 801. Short title.
Sec. 802. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
Sec. 803. General safeguards against racial prejudice or bias in the tribunal.
Sec. 804. Federal capital cases.
Sec. 805. Extension of protection of civil rights statutes.

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

Sec. 901. Short title.
Sec. 902. Grants to State and local agencies.
Sec. 903. Continuation of Federal-State funding formula.
Sec. 904. Grants for multi-jurisdictional drug task forces.

Subtitle B—Retired Public Safety Officer Death Benefit

Sec. 911. Retired public safety officer death benefit.

Subtitle C—Study on Police Officers' Rights

Sec. 921. Study on police officers' rights.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

Sec. 931. Short title.
Sec. 932. Purposes.
Sec. 933. Establishment of Office of the Police Corps and Law Enforcement Education.
Sec. 934. Designation of lead agency and submission of State plan.

Subchapter A—Police Corps Program

Sec. 935. Definitions.
Sec. 936. Scholarship assistance.
Sec. 937. Selection of participants.
Sec. 938. Police corps training.
Sec. 939. Service obligation.
Sec. 940. State plan requirements.
Sec. 941. Authorization of appropriations.

Subchapter B—Law Enforcement Scholarship Program

Sec. 942. Short title.
Sec. 943. Definitions.
Sec. 944. Allotment.
Sec. 945. Program established.
Sec. 946. Scholarships.
Sec. 947. Eligibility.
Sec. 948. State application.
Sec. 949. Local application.
Sec. 950. Scholarship agreement.
Sec. 951. Authorization of appropriations.

Subchapter C—Reports

Sec. 952. Reports to Congress.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

Sec. 961. Short title.
Sec. 962. Cop-on-the-beat grants.

Subtitle E—Rural Crime Prevention Strategy

Sec. 971. Findings.
Sec. 972. Strategy to address rural crime.
Sec. 973. National Institute of Justice national assessment.
Sec. 974. Pilot programs.
Sec. 975. Funding.

Subtitle F—National Commission to Support Law Enforcement

Sec. 981. Short title.
Sec. 982. Findings.
Sec. 983. Establishment of commission.
Sec. 984. Duties.
Sec. 985. Membership.
Sec. 986. Experts and consultants.
Sec. 987. Powers of commission.
Sec. 988. Report.
Sec. 989. Termination.
Sec. 989A. Repeals.

Subtitle G—Other Provisions

Sec. 991. Missing Alzheimer's disease patient alert program.
Sec. 992. Authorization of appropriations for Bureau of Justice Assistance discretionary grants.
Sec. 993. Law enforcement family support.
Sec. 994. Mandatory literacy program.
Sec. 995. Trauma centers and crime-related violence.
Sec. 996. Study and assessment of alcohol use and treatment.
Sec. 997. Notice of release of prisoners.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

Sec. 1001. Drug testing of Federal offenders on post-conviction release.
Sec. 1002. Drug testing in State criminal justice systems.

Subtitle B—Precursor Chemicals

Sec. 1011. Short title.
Sec. 1012. Definition amendments.
Sec. 1013. Registration requirement.
Sec. 1014. Reporting of listed chemical manufacturing.

Sec. 1015. Reports by brokers and traders; criminal penalties.
Sec. 1016. Exemption authority; additional penalties.
Sec. 1017. Amendments to list I.
Sec. 1018. Elimination of regular supplier status and creation of regular importer status.
Sec. 1019. Administrative inspections and authority.
Sec. 1020. Threshold amounts.
Sec. 1021. Management of listed chemicals.
Sec. 1022. Attorney General access to the National Practitioner Data Bank.
Sec. 1023. Regulations and effective date.

Subtitle C—Interdiction

Sec. 1031. Sanctions for failure to land or to bring to.
Sec. 1032. FAA revocation authority.
Sec. 1033. Coast Guard air interdiction authority.
Sec. 1034. Coast Guard civil penalty provisions.
Sec. 1035. Customs orders.
Sec. 1036. Customs civil penalty provisions.
Sec. 1037. Information exchange and assistance.
Sec. 1038. Assistance to foreign governments and international organizations.
Sec. 1039. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.

Subtitle D—Rural Drug Crime

Sec. 1051. Rural drug enforcement task forces.
Sec. 1052. Cross-designation of Federal officers.
Sec. 1053. Rural drug enforcement training.
Sec. 1054. Authorization of appropriations for rural law enforcement agencies.
Sec. 1055. Rural substance abuse treatment and education grants.
Sec. 1056. Clearinghouse program.

Subtitle E—Grant Programs

Sec. 1061. Drug emergency areas.
Sec. 1062. Department of Justice community substance abuse prevention.
Sec. 1063. Grants for substance abuse treatment.
Sec. 1064. Drug testing upon arrest.

Subtitle F—Other Provisions

Sec. 1071. Strengthened Federal penalties relating to crystalline methamphetamine.
Sec. 1072. Advertisements of controlled substances.
Sec. 1073. Increased penalties for distribution of controlled substances at truck stops and rest areas.
Sec. 1074. Enhancement of penalties for drug trafficking in prisons.
Sec. 1075. Seizure of vehicles with concealed compartments.
Sec. 1076. Closing of loophole for illegal importation of small drug quantities.
Sec. 1077. Undercover operations—churning.
Sec. 1078. Drug paraphernalia amendment.
Sec. 1079. Conforming amendments concerning marijuana.
Sec. 1080. Conforming amendment adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles.
Sec. 1081. Clarification of narcotic or other dangerous drugs under RICO.
Sec. 1082. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
Sec. 1083. Elimination of outmoded language relating to parole.
Sec. 1084. Conforming amendment to provision punishing a second offense of distributing drugs to a minor.
Sec. 1085. Life imprisonment without release for criminals convicted a third time.
Sec. 1086. Longer prison sentences for those who sell illegal drugs to minors or for use of minors in drug trafficking activities.
Sec. 1087. Drug paraphernalia.
Sec. 1088. Mandatory penalties for illegal drug use in Federal prisons.
Sec. 1089. Drug distribution to pregnant women.
Sec. 1090. Drugged or drunk driving child protection.
Sec. 1091. Penalties for drug dealing in public housing authority facilities.
Sec. 1092. Eviction from places maintained for manufacturing, distributing, or using controlled substances.
Sec. 1093. Increased penalties for drug dealing in "drug-free" zones.
Sec. 1094. Anabolic steroids penalties.
Sec. 1095. Program to provide public awareness of the provisions of law that condition portions of a State's Federal highway funding on the State's enactment of legislation requiring the revocation of the driver's licenses of convicted drug abusers.
Sec. 1096. Drug abuse resistance education programs.
Sec. 1097. Misuse of the words "Drug Enforcement Administration" or the initials "DEA".

TITLE XI—PUBLIC CORRUPTION

Sec. 1101. Short title.
Sec. 1102. Public corruption.
Sec. 1103. Interstate commerce.
Sec. 1104. Narcotics-related public corruption.

TITLE XII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

Sec. 1201. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
Sec. 1202. Increase in maximum penalty for assault.
Sec. 1203. Increased maximum penalty for manslaughter.
Sec. 1204. Violent felonies against the elderly.
Sec. 1205. Increased penalty for Travel Act violations.
Sec. 1206. Increased penalty for conspiracy to commit murder for hire.

Subtitle B—Civil Rights Offenses

Sec. 1211. Increased maximum penalties for civil rights violations.

Subtitle C—White Collar and Property Crimes

Sec. 1221. Receipt of proceeds of a postal robbery.
Sec. 1222. Receipt of proceeds of extortion or kidnapping.
Sec. 1223. Conforming addition to obstruction of civil investigative demand statute.
Sec. 1224. Conforming addition of predicate offenses to financial institutions rewards statute.
Sec. 1225. Definition of savings and loan association in bank robbery statute.
Sec. 1226. Conforming definition of "1 year period" in 18 U.S.C. 1516.
Sec. 1227. Professional and amateur sports protection.
Sec. 1228. Criminal sanctions for violation of software copyright.
Sec. 1229. Financial institutions fraud.
Sec. 1230. Wiretaps.
Sec. 1231. Thefts of major art works.
Sec. 1232. Military medals and decorations.
Sec. 1233. Motor Vehicle Theft Prevention Act.
Sec. 1234. Knowledge requirement for stolen or counterfeit property.
Sec. 1235. Mail fraud.
Sec. 1236. Fraud and related activity in connection with access devices.
Sec. 1237. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
Sec. 1238. Increased penalties for trafficking in counterfeit goods and services.
Sec. 1239. Computer Abuse Amendments Act of 1992.
Sec. 1239A. Notification of law enforcement officers of discoveries of controlled substances or large amounts of cash in weapons screening.

Subtitle D—Sentencing and Procedure

Sec. 1241. Imposition of sentence.
Sec. 1242. Technical amendment to mandatory conditions of probation.
Sec. 1243. Revocation of probation.
Sec. 1244. Supervised release after imprisonment.
Sec. 1245. Authorization of probation for petty offenses in certain cases.
Sec. 1246. Trial by a magistrate in petty offense cases.
Sec. 1247. Conforming authority for magistrates to revoke supervised release in addition to probation in misdemeanor cases in which the magistrate imposed sentence.
Sec. 1248. Availability of supervised release for juvenile offenders.
Sec. 1249. Immunity.
Sec. 1250. Extended service of members of the Sentencing Commission.

Subtitle E—Immigration-Related Offenses

Sec. 1251. Exploitation of aliens.
Sec. 1252. Criminal alien identification and removal fund.
Sec. 1253. Aliens convicted of felony drunk driving.

Subtitle F—United States Marshals

Sec. 1261. Short title.
Sec. 1262. Establishment and purpose of association.
Sec. 1263. Board of directors of the association.
Sec. 1264. Membership.
Sec. 1265. Rights and obligations of the association.
Sec. 1266. Administrative services and support.
Sec. 1267. Volunteer status.
Sec. 1268. Restrictions.
Sec. 1269. Audits, report requirements, and petition of Attorney General for equitable relief.
Sec. 1270. Liability of the United States.
Sec. 1271. Nondiscrimination.
Sec. 1272. Acquisition of assets and liabilities of existing association.
Sec. 1273. Amendment and repeal.

Subtitle G—Other Provisions

Sec. 1281. Optional venue for espionage and related offenses.

Sec. 1282. Definition of livestock.
Sec. 1283. Court to be held at Lancaster.
Sec. 1284. Authorization of funds for construction of a United States Attorney's Office in Philadelphia, Pennsylvania.
Sec. 1285. Award of attorney's fees for employees of Department of Justice.
Sec. 1286. Required reporting by criminal court clerks.
Sec. 1287. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds and report to Congress on administrative expenses.
Sec. 1288. DNA identification.
Sec. 1289. Safe schools.

TITLE XIII—TECHNICAL CORRECTIONS

Sec. 1301. Amendments relating to Federal financial assistance for law enforcement.
Sec. 1302. General title 18 corrections.
Sec. 1303. Corrections of erroneous cross references and misdesignations.
Sec. 1304. Obsolete provisions in title 18.
Sec. 1305. Correction of drafting error in the Foreign Corrupt Practices Act.
Sec. 1306. Elimination of redundant penalty.
Sec. 1307. Corrections of misspellings and grammatical errors.

TITLE XIV—FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 1401. Short title.
Sec. 1402. Authorization of appropriations for Federal law enforcement agencies.

TITLE XV—FEDERAL PRISONS

Sec. 1501. Authorization of appropriations for new prison construction.

TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1992".

SEC. 102. DEATH PENALTY PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c) if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President;

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

"(6) any other offense for which a sentence of death is provided if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339A (use of weapons of mass destruction), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in section 921), against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with sections 1 and 2 of title 3; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591 (3), (4), or (5), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm (as defined in section 921) to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) Return of Special Findings.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) Return of a Finding Concerning a Sentence of Death.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591 (2) or (6), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591 (3), (4), or (5), an aggravating factor required to be considered under section 3592(d) is found to exist,

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) Special Precaution To Assure Against Discrimination.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§ 3595. Review of a sentence of death

"(a) Appeal.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) Review.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) Decision and Disposition.—

"(1) Affirmance.—If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

it shall affirm the sentence.

"(2) Remand.—In a case in which the sentence is not affirmed under paragraph (1), the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) Statement of Reasons.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) In General.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) Special Bars To Execution.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) Employees May Decline To Participate.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) Representation of Indigent Defendants.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q) (4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q) (4), (5), (6), (7), (8), (9), and (10)).

"(b) Representation Before Finality of Judgment.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) Representation After Finality of Judgment.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation.

Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) Standards for Competence of Counsel.—In relation to a defendant who is entitled to appointment of counsel under this section, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet the standards prescribed in the 2 preceding sentences, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) Applicability of Criminal Justice Act.—Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(f) Claims of Ineffectiveness of Counsel.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) Time for Making Section 2255 Motion.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) Stay of Execution.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) Finality of Decision on Review.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 3600. Application in Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) Technical Amendment.—The part analysis for part II of title 18, United States Code, is amended by adding after the item relating to chapter 227 the following new item:

"228. Death penalty procedures .... 3591.".

SEC. 103. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 104. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by striking the period at the end and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 that the offense directly concerned—

"(1) nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(2) war plans;

"(3) communications intelligence or cryptographic information;

"(4) sources or methods of intelligence or counterintelligence operations; or

"(5) any other major weapons system or major element of defense strategy.".

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 106. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 107. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 108. CONFORMING AMENDMENT RELATING TO MURDER.

Section 1111(b) of title 18, United States Code, is amended to read as follows:

"(b) Within the special maritime and territorial jurisdiction of the United States—

"(1) whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; and

"(2) whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life".

SEC. 109. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18, United States Code, is amended by striking the comma after "title" and all that follows through "years".

SEC. 110. MURDER BY FEDERAL PRISONER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) DEFINITIONS.—For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least 15 years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 111. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 112. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 113. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 114. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Section 1751(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

SEC. 115. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

SEC. 116. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both, and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 117. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The penultimate paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 118. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

SEC. 119. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Section 2332(a)(1) of title 18, United States Code, as redesignated by section 601(b)(2), is amended to read as follows:

"(1) if the killing is murder as defined in section 1111(a), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 120. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473) is amended by striking subsection (c).

SEC. 121. CONFORMING AMENDMENT TO CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) (1), (2), and (3), and (r).

SEC. 122. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 and imprisonment for life" and inserting "death or imprisonment for life and a fine of not more than $1,000,000".

SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "commissioner" each place it appears and inserting "magistrate judge"; and

(B) by striking "fined not more than $5,000 or imprisoned not more than five years, or both" and inserting "punished as provided in subsection (b)"; and

(3) by adding at the end the following new subsection:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 124. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by striking "be punished as provided under sections 1111 and 1112 of this title, except that" and inserting ", in the case of murder (as defined in section 1111), be punished by death or imprisonment for life, and, in the case of manslaughter (as defined in section 1112), be punished as provided in section 1112, and".

SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS ASSISTING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by inserting ", or any State or local law enforcement officer while assisting, or on account of his or her assistance of, any Federal officer or employee covered by this section in the performance of duties," after "other statutory authority".

SEC. 127. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at the airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 128. AMENDMENT TO FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 129. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 2280. Violence against maritime navigation

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of an offense described in paragraph (1), (2), (3), (4), (5), or (6); or

"(8) attempts to commit any act prohibited under paragraph (1), (2), (3), (4), (5), (6), or (7),

shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to commit any act prohibited under subsection (a) (2), (3), or (5), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) DELIVERY OF PROBABLE OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he or she has on board the ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action the master should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his or her intention to deliver such person and the reason therefor. If the master delivers such person, the master shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—As used in this section—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship that has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.

"§ 2281. Violence against maritime fixed platforms

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance that is likely to destroy the fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or attempted commission of an offense described in paragraph (1), (2), (3), or (4); or

"(6) attempts to do anything prohibited under paragraphs (1), (2), (3), (4), or (5);

shall be fined under this title, imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to do anything prohibited under subsection (a) (2) or (3), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) DEFINITIONS.—As used in this section—

"(1) 'continental shelf' means the seabed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United

States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date on which the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date on which the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 130. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§ 2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"§ 2340A. Torture

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§ 2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 131. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in the amendment made by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as amended by section 601(b), is amended by adding at the end the following new section:

"§ 2339A. Use of weapons of mass destruction

"(a) OFFENSE.—Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—As used in this section—

"(1) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(A) a destructive device (as defined in section 921);

"(B) poison gas;

"(C) a weapon involving a disease organism; and

"(D) a weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(c), is amended by adding at the end the following new item:

"2339A. Use of weapons of mass destruction.".

SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (a), by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder (as defined in section 1111(a)), be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113.".

SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

SEC. 135. DRIVE-BY SHOOTINGS.

(a) OFFENSE.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 931. Drive-by shootings

"(a) OFFENSE.—Whoever knowingly discharges a firearm at a person—

"(1) in the course of or in furtherance of drug trafficking activity; or

"(2) from a motor vehicle,

shall be punished by imprisonment for not more than 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) DEFINITION.—As used in this section, the term 'drug trafficking activity' means a drug trafficking crime (as defined in section 929(a)(2)), or a pattern or series of acts involving one or more drug trafficking crimes.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

"931. Drive-by shootings.".

SEC. 136. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) Whoever, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.".

SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item relating to section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 138. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by striking the period and inserting: ", except that the list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person.".

SEC. 139. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

SEC. 140. DEATH PENALTY FOR CAUSING DEATH IN THE SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following new sentence: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 141. MURDER BY ESCAPED PRISONERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, as amended by section 110, is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) OFFENSE.—A person who, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another person, shall be punished as provided in sections 1111 and 1112.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 142. DEATH PENALTY FOR MURDERS IN THE DISTRICT OF COLUMBIA.

Title 18 of the United States Code is amended—

(a) by adding the following new section at the end of chapter 51:

"§ 1118. Capital punishment for murders in the District of Columbia

"(a) OFFENSE.— It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or to cause the death of a person through the intentional infliction of serious bodily injury.

"(b) FEDERAL JURISDICTION.—There is a federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the District of Columbia.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d)-(l).

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors—

"(1) KILLING IN FURTHERANCE OF DRUG TRAFFICKING.—The defendant engaged in the conduct resulting in death in the course of or in furtherance of drug trafficking activity.

"(2) KILLING IN THE COURSE OF OTHER SERIOUS VIOLENT CRIMES.—The defendant engaged in the conduct resulting in death in the course of committing or attempting to commit an offense involving robbery, burglary, sexual abuse, kidnaping, or arson.

"(3) MULTIPLE KILLINGS OR ENDANGERMENT OF OTHERS.—The defendant committed more than one offense under this section, or in committing the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(4) INVOLVEMENT OF FIREARM.—During and in relation to the commission of the offense, the defendant used or possessed a firearm as defined in section 921 of this title.

"(5) PREVIOUS CONVICTION OF VIOLENT FELONY.—The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year that involved the use or attempted or threatened use of force against a person or that involved sexual abuse.

(6) KILLING WHILE INCARCERATED OR UNDER SUPERVISION.—The defendant at the time of the offense was confined in or had escaped from a jail, prison, or other correctional or detention facility, was on pre-trial release, or was on probation, parole, supervised release, or other post-conviction conditional release.

"(7) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(8) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(9) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for receiving, or in the expectation of receiving or obtaining, anything of pecuniary value.

"(10) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) KILLING OF PUBLIC SERVANT.—The defendant committed the offense against a public servant—

"(i) while such public servant was engaged in the performance of his or her official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

"(13) KILLING TO INTERFERE WITH OR RETALIATE AGAINST WITNESS.—The defendant committed the offense in order to prevent or inhibit any person from testifying or providing information concerning an offense, or to retaliate against any person for testifying or providing such information.

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, the attorney for the government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to "the jury" in this section, where applicable, shall be understood as referring to the judge.

"(h) Proof of Mitigating and Aggravating Factors.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument, the defendant shall be permitted to reply, and the government shall then be permitted to reply in rebuttal.

"(i) Findings of Aggravating and Mitigating Factors.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) Finding Concerning a Sentence of Death.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) Special Precaution To Assure Against Discrimination.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) Imposition of a Sentence of Death.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(m) Review of a Sentence of Death.—

"(1) The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated within an appeal of the judgment of conviction and shall have priority over all noncapital matters in the court of appeals.

"(2) The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for review.

"(3) In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor described in subsection (e) remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) Implementation of Sentence of Death.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of a State designated by the court. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) Special Bar To Execution.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) Conscientious Objection To Participation in Execution.—No employee of any State department of corrections, the United States Marshals Service, or the Federal Bureau of Prisons, and no person providing services to that department, service, or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) Appointment of Counsel For Indigent Capital Defendants.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) Representation After Finality of Judgment.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) Standards For Competence of Counsel.—In relation to a defendant who is entitled to appointment of counsel under subsections (q)–(r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least three years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) Claims of Ineffectiveness of Counsel in Collateral Proceedings.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) TIME FOR COLLATERAL ATTACK ON DEATH SENTENCE.—A motion under section 2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(v) STAY OF EXECUTION.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(w) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) DEFINITIONS.—For purposes of this section—

"(1) 'State' has the meaning given in section 513 of this title, including the District of Columbia;

"(2) 'Offense', as used in paragraphs (2), (5), and (13) of subsection (e), and in paragraph (5) of this subsection, means an offense under the law of the District of Columbia, another State, or the United States;

"(3) 'Drug trafficking activity' means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes;

"(4) 'Robbery' means obtaining the property of another by force or threat of force;

"(5) 'Burglary' means entering or remaining in a building or structure in violation of the law of the District of Columbia, another State, or the United States, with the intent to commit an offense in the building or structure;

"(6) 'Sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States;

"(7) 'Arson' means damaging or destroying a building or structure through the use of fire or explosives;

"(8) 'Kidnapping' means seizing, confining, or abducting a person, or transporting a person without his or her consent;

"(9) 'Pre-trial release', 'probation', 'parole', 'supervised release', and 'other post-conviction conditional release', as used in subsection (e)(6), mean any such release, imposed in relation to a charge or conviction for an offense under the law of the District of Columbia, another State, or the United States; and

"(10) 'Public servant' means an employee, agent, officer, or official of the District of Columbia, another State, or the United States, or an employee, agent, officer, or official of a foreign government who is within the scope of section 1116 of this title.

"(y) When an offense is charged under this section, the government may join any charge under the District of Columbia Code that arises from the same incident."; and

"(b) by adding the following at the end of the table of sections for chapter 51:

"1118. Capital punishment for murders in the District of Columbia.".

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1992".

SEC. 202. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 203. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 204. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(*a*) *Application for an Original Writ of Habeas Corpus.*—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(*b*) *Necessity of Certificate of Probable Cause for Appeal.*—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate or probable cause is not required.".

SEC. 205. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(5) by adding at the end the following new subsection:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

SEC. 206. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second paragraph and the penultimate paragraph; and

(2) by adding at the end the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

Subtitle B—Death Penalty Litigation Procedures

SEC. 211. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1992".

SEC. 212. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Application to state unitary review procedures.
"2262. Limitation periods for determining petitions.
"2263. Rule of construction.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) APPLICATION OF CHAPTER.—This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) ESTABLISHMENT OF APPOINTMENT MECHANISM.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) OFFER OF COUNSEL.—Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing 1 or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) PREVIOUS REPRESENTATION.—No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) NO GROUND FOR RELIEF.—The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) STAY.—Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) EXPIRATION OF STAY.—A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) LIMITATION ON FURTHER STAY.—If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 60 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) Review of Record; Hearing.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Adjudication.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§ 2261. Application to State unitary review procedure

"(a) In General.—For purposes of this section, the term 'unitary review procedure' means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) Offer of Counsel.—A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Application of Other Sections.—Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

"§ 2262. Limitation periods for determining petitions

"(a) In General.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

"(1) A Federal district court shall determine such a petition or motion within 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of the application unless a responsive pleading is required, in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) Application of Section.—The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the redetermination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

"(c) Rule of Construction.—The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

"(d) No Ground for Relief.—The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

"(e) Report.—The Administrative Office of the United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

"§ 2263. Rule of construction

"This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.".

(b) Technical Amendment.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2256.".

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

SEC. 221. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after section 511 the following new section:

"FUNDING FOR DEATH PENALTY PROSECUTIONS

"Sec. 511A. Notwithstanding any other provision of this part, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

TITLE III—EXCLUSIONARY RULE

SEC. 301. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) In General.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3509. Admissibility of evidence obtained by search or seizure

"(a) Evidence Obtained by Objectively Reasonable Search or Seizure.—Evidence that is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

"(b) Evidence Not Excludable by Statute or Rule.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(c) Rule of Construction.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.".

(b) Technical Amendment.—The chapter analysis for chapter 223 of title 28, United

States Code, is amended by adding at the end the following new item:

"3509. Admissibility of evidence obtained by search or seizure.".

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—

"(i) knowingly uses, carries, or otherwise possesses a firearm, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 10 years;

"(ii) discharges a firearm with intent to injure another person, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years; or

"(iii) knowingly uses, carries, or otherwise possesses a firearm that is a machinegun or destructive device, or that is equipped with a firearm silencer or firearm muffler, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 30 years.

"(B)(i) In the case of a second conviction under this subsection, a person shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years for a violation of subparagraph (A)(i), to imprisonment for 30 years for a violation of subparagraph (A)(ii), and life imprisonment for a violation of subparagraph (A)(iii).

"(ii) In the case of a third or subsequent conviction under this subsection, or a conviction for a violation of subparagraph (A)(ii) that results in the death of another person, a person shall be sentenced to life imprisonment.

"(C) Notwithstanding any other law, a term of imprisonment under this subsection shall not run concurrently with any other term of imprisonment imposed for the underlying crime.

"(D) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if the person has a firearm readily available at the scene of the crime during the commission of the crime.".

SEC. 402. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking "ten" and inserting "20".

SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 136, is amended by adding at the end the following new subsection:

"(j) Whoever, with the intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3) of this section), smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 404. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 403, is amended by adding at the end the following new subsection:

"(k) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

SEC. 405. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B) by striking "(a)(6),"; and

(2) in paragraph (2) by inserting "(a)(6)," after "subsection".

SEC. 406. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness, the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 407. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."; and

(2) in subsection (e)(1) by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

SEC. 408. ENHANCED PENALTIES FOR USE OF A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, as amended by section 401, is amended in subparagraph (A) by inserting "or during and in relation to any felony punishable under chapter 25" after "United States,".

SEC. 409. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) ONE PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsections (e)(2) (A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than 5 years" before the period.

(b) TWO PRIOR CONVICTIONS.—Section 924 of title 18, United States Code, as amended by section 404, is amended by adding at the end the following new subsection:

"(l)(1) Notwithstanding subsection (a)(2), any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) with respect to the conviction under section 922(g).".

SEC. 410. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C) by striking "and";

(2) in paragraph (8)(C) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 411. PROHIBITION AGAINST CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 409(b), is amended by adding at the end the following new subsection:

"(m) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 404(b), is amended by adding at the end the following new subsection:

"(l) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 412. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 411(a), is amended by adding at the end the following new subsection:

"(n) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 411(b), is amended by adding at the end the following new subsection:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

SEC. 413. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 414. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 412(a), is amended by adding at the end the following new subsection:

"(o) Whoever, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 415. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 416. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 417. POSSESSION OF AN EXPLOSIVE DURING THE COMMISSION OF A FELONY.

Section 844(h) of title 18, United States Code, is amended—

(1) by striking "carries an explosive during" and inserting "uses, carries, or otherwise possesses an explosive during"; and

(2) by striking "used or carried" and inserting "used, carried, or possessed".

SEC. 418. DISPOSITION OF FORFEITED FIREARMS.

Subsection 5872(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

"(1) the Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

"(2) if the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machinegun or firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel or rare or because of its association with some historical figure, period, or event, the Secretary may sell the firearm, after public notice, at public sale to a dealer licensed under chapter 44 of title 18, United States Code;

"(3) if the firearm has not been disposed or pursuant to paragraph (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, who shall destroy or provide for the destruction of such firearm; and

"(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 419. DEFINITION OF SERIOUS DRUG OFFENSE.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by adding "or" at the end of clause (ii); and

(3) by adding at the end the following new clause:

"(iii) an offense under State law that, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) as that Act provided at the time of the offense, would have been punishable by a maximum term of 10 years or more;".

SEC. 420. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the term 'burglary' means a crime that—

"(i) consists of entering or remaining surreptitiously within a building that is the property of another person with intent to engage in conduct constituting a Federal or State offense; and

"(ii) is punishable by a term of imprisonment exceeding 1 year.".

TITLE V—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

SEC. 501. STRENGTHENED FEDERAL PENALTIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

Subtitle B—Antigang Provisions

SEC. 511. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs"; and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PARTICULAR PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(10) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"(c) USE OF FUNDS.—Of the funds made available to each State under this section in any fiscal year, 50 percent shall be used for juvenile drug supply reduction programs and 50 percent shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) PURPOSE.—(1) The purpose of this section is to—

"(A) provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs;

"(B) replicate and demonstrate such programs to serve as national, regional, or local models that could be used, in whole or in part, by other public and private juvenile justice programs; and

"(C) provide technical assistance and training to public or private organizations to implement similar programs.

"(2) In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 20 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) PURPOSE.—The purpose of this section is to—

"(1) provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime-, drug-, and alcohol-related challenges faced by juveniles residing at or near ports of entry into the United States and in other international border communities, including rural localities;

"(2) replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) provide technical assistance and training to public and private organizations to implement similar programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles residing at or near ports of entry into the United States or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 5 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 234. There are authorized to be appropriated $100,000,000 for fiscal year 1992 and such sums as are necessary for fiscal year 1993 to carry out this subpart.

"ALLOCATION OF FUNDS

"SEC. 235. Of the amounts appropriated for this subpart for any fiscal year, the amount remaining after setting aside the amounts required to be reserved to carry out sections 232 and 233 shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"SEC. 236. (a) IN GENERAL.—Each State applying for a grant under section 231 and each public or private entity applying for grants under section 232 or 233 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) REGULATIONS.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.

"(c) COORDINATION OF ASSISTANCE.—Each application described in subsection (a) shall include a detailed description of how the funds received under this subpart will be coordinated with assistance provided under subpart I of this part and part C of this title and assistance provided by the Bureau of Justice Assistance under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Programs (42 U.S.C. 3750 et seq.).

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State governments under sections 505 and 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755 and 3758) relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

SEC. 512. CONFORMING REPEALER AND AMENDMENTS.

(a) REPEAL OF PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

SEC. 513. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.
"521. Criminal street gangs.

"§ 521. Criminal street gangs

"(a) ENHANCED PENALTY.—Whoever, under the circumstances described in subsection (c), commits an offense described in subsection (b), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. A sentence of imprisonment imposed under this subsection shall run consecutively to any other sentence that is imposed.

"(b) OFFENSES.—The offenses referred to in subsection (a) are—

"(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(2) a Federal felony crime of violence;

"(3) a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.); and

"(4) a conspiracy to commit an offense described in paragraph (1), (2), or (3).

"(c) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

"(1) that the offense described in subsection (b) was committed by a member of, on behalf of, or in association with a criminal street gang; and

"(2) within 5 years prior to the date of the offense, the offender had been convicted of—

"(A) an offense described in subsection (b);

"(B) a State offense that—

"(i) involves a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(ii) is a crime of violence for which the maximum penalty is more than 1 year's imprisonment;

"(C) a Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'criminal street gang' means a group, club, organization, or association of 5 or more persons—

"(A) whose members engage, or have engaged within the past 5 years, in a continuing series of any of the offenses described in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent felony or controlled substances felony.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs .... 521".

Subtitle C—Juvenile Penalties

SEC. 521. TREATMENT OF VIOLENT JUVENILES AS ADULTS.

(a) Designation of Undesignated Paragraphs.—Section 5032 of title 18, United States Code, is amended by designating the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh undesignated paragraphs as subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(b) Jurisdiction Over Certain Firearms Offenses.—Section 5032(a) of title 18, United States Code, as designated by subsection (a), is amended by striking "922(p)" and inserting "924 (b), (g), or (h)".

(c) Adult Status of Juveniles Who Commit Firearms Offenses.—Section 5032(d) of title 18, United States Code, as designated by subsection (a), is amended to read as follows:

"(d)(1) Except as provided in paragraphs (2) and (3), a juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless the juvenile has requested in writing upon advice of counsel to be proceeded against as an adult.

"(2) With respect to a juvenile 15 years and older alleged to have committed an act after his or her 15th birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 924 (b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, that such a transfer would be in the interest of justice.

"(3) A juvenile who is alleged to have committed an act after his or her 16th birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), and (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.".

(d) Factors for Transferring a Juvenile to Adult Status.—Section 5032(e) of title 18, United States Code, as designated by subsection (a), is amended—

(1) by inserting "(1)" before "Evidence";

(2) by striking "intellectual development and psychological maturity;" and inserting "level of intellectual development and maturity; and";

(3) by inserting ", such as rehabilitation and substance abuse treatment," after "past treatment efforts";

(4) by striking "; the availability of programs designed to treat the juvenile's behavioral problems"; and

(5) by adding at the end the following new paragraph:

"(2) In considering the nature of the offense, as required by this subsection, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such factors, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of such factors shall not preclude a transfer to adult status.".

SEC. 522. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

(a) Act of Juvenile Delinquency.—Section 924(e)(2)(A) of title 18, United States Code, as amended by section 422, is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking "and" at the end of clause (iii) and inserting "or"; and

(3) by adding at the end the following new clause:

"(iv) any act of juvenile delinquency that, if it were committed by an adult, would be punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)); and".

(b) Serious Drug Offense.—Section 924(e)(2)(C) of title 18, United States Code, is amended by adding "or serious drug offense" after "violent felony".

SEC. 523. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) Amendment of the Omnibus Crime Control and Safe Streets Act of 1968.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following new part:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) In General.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) Alternative Methods.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1602. STATE APPLICATIONS.

"(a) In General.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) State Office.—The office designated under section 507 of title I—

"(1) shall prepare the application required under section 1602; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1603. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1601(b) for young offenders.

"(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1604. LOCAL APPLICATIONS.

"(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1602(b).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 1601 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

"SEC. 1605. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated for this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders in the State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified under section 1601 the portion of those funds that bears the same ratio to the aggregate amount of those funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified under section 1601.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for the fiscal year will not be used by the State or that a State is not eligible to receive funds under section 1601, the Director shall award such funds to units of local government in the State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1606. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1601. Grant authorization.
"Sec. 1602. State applications.
"Sec. 1603. Review of State applications.
"Sec. 1604. Local applications.
"Sec. 1605. Allocation and distribution of funds.
"Sec. 1606. Evaluation.

"PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) The term 'young offender' means an individual 18 years of age or younger.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1054(a), is amended by adding at the end the following new paragraph:

"(10) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part P.".

Subtitle D—Other Provisions

SEC. 531. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code.".

SEC. 532. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by July 1, 1993.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1992 such sums as are necessary to carry out this section.

SEC. 533. CLARIFICATION OF REQUIREMENT THAT ANY PRIOR RECORD OF A JUVENILE BE PRODUCED BEFORE THE COMMENCEMENT OF JUVENILE PROCEEDINGS.

Section 5032(j) of title 18, United States Code, as designated by section 521(a), is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 until".

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

SEC. 601. TERRORISM CIVIL REMEDY.

(a) REINSTATEMENT OF LAW.—The amendments made by section 132 of the Military Construction Appropriations Act, 1991 (104 Stat. 2250), are repealed effective as of April 10, 1991.

(b) TERRORISM.—Chapter 113A of title 18, United States Code, as amended by subsection (a), is amended—

(1) in section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) as section 2332 and amending the heading for section 2332, as redesignated, to read as follows:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332, as redesignated by paragraph (2), the following new section:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin;

"(2) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act; and

"(4) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property."; and

(4) by inserting after section 2332, as redesignated, the following new sections:

"§ 2333. Civil remedies

"(a) Action and Jurisdiction.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

"(b) Estoppel Under United States Law.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 902 (i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i), (k), (l), (n), and (r)) shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) Estoppel Under Foreign Law.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) General Venue.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) Special Maritime or Territorial Jurisdiction.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, any civil action under section 2333 against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) Service on Witnesses.—A witness in a civil action brought under section 2333 may be served in any other district where the defendant resides, is found, or has an agent.

"(d) Convenience of the Forum.—The district court shall not dismiss any action brought under section 2333 on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy that is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) In General.—Subject to subsection (b), a suit for recovery of damages under section 2333 shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) Calculation of Period.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of the defendant's whereabouts, shall not be counted for the purposes of the period of limitation prescribed by subsection (a).

"§ 2336. Other limitations

"(a) Acts of War.—No action shall be maintained under section 2333 for injury or loss by reason of an act of war.

"(b) Limitation on Discovery.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the attorney for the Government may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any objections raised by the Government in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

"(c) Stay of Action for Civil Remedies.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

"(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

"§ 2337. Suits against Government officials

"No action shall be maintained under section 2333 against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within the officer's or employee's official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within the officer's or employee's official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.".

(c) Technical Amendments.—(1) The chapter analysis for chapter 113A of title 18, United States Code is amended to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(2) The item relating to chapter 113A in the part analysis for part 1 of title 18, United States Code, is amended to read as follows:

"113A. Terrorism .... 2331".

(d) Effective Date.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

SEC. 602. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) Offense.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2339. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or to facilitate the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.".

(b) Technical Amendment.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists.".

SEC. 603. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

(a) Civil Forfeiture.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any property, real or personal—

"(i) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(ii) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

(b) Criminal Forfeiture.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) Any property, real or personal—

"(A) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(B) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

SEC. 604. ALIEN WITNESS COOPERATION.

(a) Amendment of Chapter 224 of Title 18.—Chapter 224 of title 18, United States Code, is amended—

(1) by redesignating section 3528 as section 3529; and

(2) by inserting after section 3527 the following new section:

"§ 3528. Aliens; waiver of admission requirements

"(a) In General.—Upon authorizing protection to any alien under this chapter, the

United States shall provide the alien with appropriate immigration visas and allow the alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) ALIEN WITH FELONY CONVICTIONS.—Notwithstanding any other provision of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of 2 years. Upon a showing that the alien is still being provided protection, or that protection remains available to the alien in accordance with this chapter, or that the alien is still cooperating with the Government and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be ganted to an alien who would be excluded because of felony convictions unless the Attorney General determines, pursuant to regulations which shall be prescribed by the Attorney General, that granting permanent residence status to the alien is necessary in the interests of justice and comports with safety of the community.

"(c) LIMIT ON NUMBER OF ALIENS.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed 200 persons in any fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.

"(d) DEFINITIONS.—As used in this section, the terms 'alien' and 'United States' have the meanings stated in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 224 of title 18, United States Code, is amended by striking the item relating to section 3528 and inserting the following:

"3528. Aliens; waiver of admission requirements.
"3529. Definition.".

SEC. 605. TERRITORIAL SEA EXTENDING TO 12 MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 606. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code is amended—

(1) in subsection (a), by inserting after "title" the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, territory, possession, or district"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of the State, territory, possession, or district within which it would lie if the boundaries of the State, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 607. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code, is amended by inserting at the end the following new paragraph:

"(8) Any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 608. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2332 of title 18, United States Code, as redesignated by section 601(a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting "20"; and

(B) in paragraph (3) by striking "three" and inserting "10"; and

(2) in subsection (c) by striking "five" and inserting "10".

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in each of the fiscal years 1992, 1993, and 1994, in addition to any other amounts specified in appropriations Acts, for counterterrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco, and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000; and

(7) for grants to State and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

SEC. 610. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) INTERNATIONAL ECONOMIC EMERGENCY POWERS ACT.—(1) Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(2) Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1541 OF TITLE 18.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "5 years".

(c) CHAPTER 75 OF TITLE 18.—Sections 1542, 1543, 1544, and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(d) SECTION 1545 OF TITLE 18.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "10 years".

SEC. 611. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than 3 levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 612. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32, 36, 112, 351, 1116, 1203, 1361, 1751, 2280, 2281, 2332, 2339A, or 2340A of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l), and (n)), unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 613. INTERNATIONAL PARENTAL KIDNAPPING.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1204. International parental kidnapping

"(a) OFFENSE.—Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping.".

SEC. 614. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

SEC. 615. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 141(a), is amended by adding at the end the following new section:

"§ 1120. Foreign murder of United States nationals

"(a) OFFENSE.—Whoever kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(b) APPROVAL OF PROSECUTION.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) CRITERIA FOR APPROVAL.—No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) ASSISTANCE FROM OTHER AGENCIES.—In the course of the enforcement of this section and notwithstanding any other law, the Attorney General may request assistance from any Federal, State, local, or foreign agency, including the Army, Navy, and Air Force.

"(e) DEFINITION.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1120".

(2) The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 141(b), is amended by adding at the end the following new item:

"1120. Foreign murder of United States nationals.".

SEC. 616. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The provisions of this chapter"; and

(2) by adding at the end the following new subsections:

"(b) SURRENDER WITHOUT REGARD TO EXISTENCE OF EXTRADITION TREATY.—This chapter shall be construed to permit, in the exercise of comity, the surrender of persons who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies in writing that—

"(1) evidence has been presented by the foreign government that indicates that, if the offenses had been committed in the United States, they would constitute crimes of violence (as defined under section 16); and

"(2) the offenses charged are not of a political nature.

"(c) DEFINITION.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 617. GAMBLING DEVICES ON UNITED STATES SHIPS.

Section 5 of the Act of January 2, 1951 (commonly known as the "Johnson Act") (15 U.S.C. 1175), is amended—

(1) by inserting "(a) IN GENERAL.—" before "It shall be unlawful"; and

(2) by adding at the end the following new subsection:

"(b) APPLICATION OF SUBSECTION (a).—

"(1) EXCEPTION.—Except as provided in paragraph (2), subsection (a) does not apply to the repair, transportation, use, or possession of a gambling device on a vessel documented under chapter 121 of title 46, United States Code, when the vessel is on a voyage—

"(A) on the high seas; or

"(B) on waters that are within the admiralty and maritime jurisdiction of the United States but out of the jurisdiction of any State.

"(2) VOYAGES AND SEGMENTS BEGINNING AND ENDING IN THE SAME STATE OR POSSESSION.—The exception stated in paragraph (1) does not apply to the repair, transportation, possession, or use of a gambling device on a vessel that is on a voyage or segment of a voyage—

"(A) that begins and ends in the same State or possession of the United States,

"(B) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country,

if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute that prohibits such repair, transportation, possession, or use.".

SEC. 618. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—

"(1) NAME, ADDRESS, AND LENGTH OF SERVICE ONLY.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, and length of service of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of the provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section) under circumstances giving reason to believe that the communication concerned international terrorism (as defined in that section) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.

"(2) NAME, ADDRESS, LENGTH OF SERVICE, AND TOLL BILLING RECORDS.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, length of service, and toll billing records of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section).".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

TITLE VII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

SEC. 701. DEFINITION OF SEXUAL ACT FOR VICTIMS BELOW 16 YEARS OF AGE.

Section 2246(2) of title 18, United States Code, as redesignated by section 137(a)(1), is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or to arouse or gratify the sexual desire of, any person;".

SEC. 702. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) PENALTY.—Chapter 109A of title 18, United States Code, as amended by section 137(a), is amended—

(1) by redesignating section 2246 as section 2247; and

(2) by inserting after section 2245 the following new section:

"§ 2246. Penalties for subsequent offenses

"Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513) for conduct proscribed by this chapter has become final is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 137(b), is amended by striking the item relating to section 2246 and inserting the following:

"2246. Penalties for subsequent offenses.
"2247. Definitions for chapter.".

SEC. 703. RESTITUTION FOR VICTIMS OF SEX OFFENSES.

Section 3663(b)(2) of title 18, United States Code, is amended by inserting "or an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim".

SEC. 704. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, as amended by section 702(a), is amended—

(1) by redesignating section 2247 as section 2248; and

(2) by inserting after section 2246 the following new section:

"§ 2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) TESTING AT TIME OF PRE-TRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed 6 months and 12 months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as is feasible. The person shall not be released from custody until the test is performed.

"(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed 6 months and 12 months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend the sentencing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that the offender was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 702(b), is amended by striking the item relating to section 2247 and inserting the following:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.
"2248. Definitions for chapter.".

SEC. 705. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by inserting before the period at the end "and the cost of up to 2 tests of the victim for the human immunodeficiency virus during the 12 months following the assault".

Subtitle B—Victims' Rights

SEC. 711. RESTITUTION AMENDMENTS.

Section 3663(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

(b) SUSPENSION OF FEDERAL BENEFITS.—Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) For purposes of this subsection—

"(A) the term 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

"(B) the term 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 712. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1) by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before ", or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code; and

"(2) 'victim' means an individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian if the victim is below the age of 18 years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.".

SEC. 713. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges".

SEC. 714. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (h), and (i), as redesignated by section 711(b)(1);

(6) by redesignating subsection (g), as added by section 711(b)(2), as subsection (d); and

(7) by adding at the end the following new subsections:

"(e)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(f) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(g) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(h)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(i) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(j) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(k) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(l) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive restitution, in the same manner as a judgment in a civil action.

"(m) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

Subtitle C—Crime Victims Fund

SEC. 721. CRIME VICTIMS FUND.

(a) ELIMINATION OF FUND CEILINGS AND SUNSET PROVISION.—Section 1402 (c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is repealed.

(b) ALLOCATIONS.—

(1) GENERALLY.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended to read as follows:

"(2) The Fund shall be available as follows:

"(A) Of the total deposited in the Fund during a particular fiscal year—

"(i) the first $10,000,000 shall be available for grants under section 1404A;

"(ii) the next sums deposited, up to the reserved portion (as described in subparagraph (C)), shall be made available to the judicial branch for administrative costs to carry out the functions of that branch under sections 3611 and 3612 of title 18, United States Code; and

"(iii) of the sums remaining after the allocations under clauses (i) and (ii)—

"(I) 4 percent shall be available for grants under section 1404(c)(1); and

"(II) 96 percent shall be available in equal amounts for grants under sections 1403 and 1404(a).

"(B) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000.

"(C) The reserved portion referred to in subparagraph (A) is $6,200,000 in each of fiscal years 1992 through 1995 and $3,000,000 in each fiscal year thereafter.".

(2) CONFORMING CROSS-REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(iv)" and inserting "(i)".

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Except as provided in paragraph (2), any" and inserting "Any";

(B) by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years";

(C) by striking "which year" and inserting "which period"; and

(D) by striking "the general fund of the Treasury" and inserting "the Fund"; and

(2) by striking paragraph (2).

SEC. 722. PERCENTAGE CHANGE IN CRIME VICTIM COMPENSATION FORMULA.

Section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "40 percent" and inserting "45 percent".

SEC. 723. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The last sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting

"Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) The Director may permit not more than 5 percent of a grant made under this section to be used for the administration of the crime victim compensation program receiving the grant.".

SEC. 724. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 725. USE OF UNSPENT SECTION 1403 MONEY.

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose,"; and

(2) by adding at the end the following: "The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.".

SEC. 726. UNDERSERVED VICTIMS.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following new paragraph:

"(6) In making the certification required by paragraph (2)(B), the chief executive shall give particular attention to children who are victims of violent street crime.".

SEC. 727. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 728. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(A)), as amended by section 726, is amended—

(1) in paragraph (1) by inserting ", except as provided in paragraph (7)" after "programs"; and

(2) by adding at the end the following new paragraph:

"(7) The Director may permit not more than 5 percent of sums provided under this subsection to be used by the chief executive of each State for the administration of such sums.".

SEC. 729. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended—

(1) by striking "December 31, 1990" and inserting "May 31, 1993"; and

(2) by striking "December 31" the second place it appears and inserting "May 31".

SEC. 730. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 731. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.

Sections 721(b), 722, 723, and 728, and the amendments made by those sections, shall take effect with respect to the first fiscal year that begins after the date of enactment of this Act for which the Director certifies that there are sufficient sums in the Victim Assistance Fund and the Victims Compensation Fund, as of the end of the previous fiscal year, to make the allocations required under such sections and amendments without reducing the then current funding levels of programs supported by such Funds.

Subtitle D—National Child Protection Act

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1992".

SEC. 742. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) more than 2,500,000 reports of suspected child abuse and neglect are made each year, and increases have occurred in recent years in the abuse of children by persons who have previously committed crimes of child abuse or other serious crimes;

(2) although the great majority of child care providers are caring and dedicated professionals, child abusers and others who harm or prey on children frequently seek employment in or volunteer for positions that give them access to children;

(3) nearly 6,000,000 children received day care in 1990, and this total is growing rapidly to an estimated 8,000,000 children by 1995;

(4) exposure to child abusers and others who harm or prey on children is harmful to the physical and emotional well-being of children;

(5) there is no reliable, centralized national source through which child care organizations may obtain the benefit of a nationwide criminal background check on persons who provide or seek to provide child care;

(6) some States maintain automated criminal background files and provide criminal history information to child care organizations on persons who provide or seek to provide child care; and

(7) because State and national criminal justice databases are inadequate to permit effective national background checks, persons convicted of crimes of child abuse or other serious crimes may gain employment at a child care organization.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 743. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, legal residence address, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system of information and identification relating to

convicted and accused child abuse offenders that is maintained by the Attorney General under this subtitle;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 744. REPORTING BY THE STATES.

(a) In General.—An authorized agency of a State shall report child abuse crime information to the national criminal background check system.

(b) Provision of State Child Abuse Crime Records to the National Criminal Background Check System.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis to the national criminal background check system;

(B) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this subtitle; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of child abuse crime case dispositions in computerized criminal history files for all child abuse crime cases in which there has been an entry of activity within the last 5 years; and

(B) continue to maintain such a system.

(c) Exchange of Information.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) Annual Summary.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) Annual Report.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) Study of Child Abuse Offenders.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 743, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 745. BACKGROUND CHECKS.

(a) In General.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice recordkeeping systems and shall respond promptly to the inquiry.

(b) Guidelines.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) at a minimum, state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this subtitle;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care, on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge;

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this subtitle, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this subtitle and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) REGULATIONS.—(1) The Attorney General shall by regulation prescribe such other measures as may be required to carry out the purposes of this subtitle, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 746. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 744 of the National Child Protection Act of 1992 with the Attorney General for the purpose of implementing the National Child Protection Act of 1992.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history records in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 744 of this Act.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

SEC. 751. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 752. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months' imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 753. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

Subtitle F—Domestic Violence

SEC. 761. DOMESTIC VIOLENCE GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 523(a), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"Part Q—Domestic Violence Intervention

"SEC. 1701. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance may make grants to 10 States for the purpose of assisting States in implementing a civil and criminal response to domestic violence.

"SEC. 1702. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to encourage increased prosecutions for domestic violence crimes;

"(2) to report more accurately the incidences of domestic violence;

"(3) to facilitate arrests and aggressive prosecution policies;

"(4) to provide legal advocacy services for victims of domestic violence; and

"(5) to improve the knowledge of health professionals regarding domestic violence and facilitate cooperation between health professionals, social service providers, and law enforcement personnel to better assist victims of domestic violence.".

"SEC. 1703. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 1702;

"(2) a description of the programs already in place to combat domestic violence;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information, if available, in such form and containing such information that the Director may require regarding domestic violence within that State.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the domestic violence problem within the State targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the State to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill those gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce domestic violence.

"SEC. 1704. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) STATE MAXIMUM.—No State shall receive more than $2,500,000 under this part for any fiscal year.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 1703(c).

"SEC. 1705. AWARD OF GRANTS.

"The Director shall consider the following factors in awarding grants to States and shall give preference to States that have—

"(1) a law or policy that requires the arrest of a person who police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated a civil protection order;

"(2) a law or policy that discourages dual arrests;

"(3) laws or statewide prosecution policies that authorize and encourage prosecutors to pursue domestic violence cases in which a criminal case can be proved, including proceeding without the active involvement of the victim if necessary;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only 1 spouse has sought a restraining or protective order;

"(B) require any history of abuse against a child or against a parent to be considered when making child custody determinations; and

"(C) require judicial training on domestic violence and related civil and criminal court issues;

"(5) policies that provide for the coordination of court and legal victim advocacy services; and

"(6) policies that make existing remedies to domestic violence easily available to victims of domestic violence, including elimination of court fees and the provision of simple court forms.

"SEC. 1706. REPORTS.

"(a) REPORT TO DIRECTOR.—Each State that receives funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 1703(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 1703(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 1707. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'domestic violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

"(A) results or threatens to result in physical injury; and

"(B) is committed by an individual against another individual (including an elderly individual) to whom the individual is or was related by blood or marriage or otherwise legally related or with whom the individual is or was lawfully residing.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 523(b), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—DOMESTIC VIOLENCE INTERVENTION

"Sec. 1701. Grant authorization.
"Sec. 1702. Use of funds.
"Sec. 1703. Applications.
"Sec. 1704. Allocation of funds; limitations on grants.
"Sec. 1705. Award of grants.
"Sec. 1706. Reports.
"Sec. 1707. Definitions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 523(d), is amended by adding at the end the following new paragraph:

"(11) There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out projects under part Q.".

SEC. 762. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of battered women's syndrome and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

Subtitle G—Other Provisions

SEC. 771. INDUCEMENT OF MINOR TO COMMIT AN OFFENSE.

(a) FINDINGS.—The Congress finds that—

(1) children are our most important and yet most fragile human resource;

(2) too many young people are induced or forced into performing criminal acts by adults;

(3) the greatest effort must be taken to eliminate crime in our neighborhoods and our schools;

(4) an equal resolve must be taken to punish individuals who attempt to use America's youth as pawns in their criminal enterprises; and

(5) adequate penalties can be implemented to eradicate the exploitation of minors to commit offenses.

(b) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§21. Inducement of minor to commit an offense

"(a) IN GENERAL.—Except to the extent that a greater minimum sentence is provided by other law, a person 18 years of age or older who, in any voluntary manner, solicits, counsels, encourages, commands, intimidates, or procures any minor with the intent that the minor shall commit an offense against the United States shall be imprisoned not less than 3 and not more than 10 years, to be served consecutively with any other sentences that are imposed.

"(b) LIMITATION.—In the case of an offense under subsection (a) involving a minor who is 16 years of age or older at the time of the offense, subsection (a) shall apply only when the offender is at least 5 years older than the minor at the time the offense is committed.

"(c) SENTENCING.—In imposing a sentence under subsection (a), the court shall consider as a circumstance in aggravation the severity of the offense sought by the adult.

"(d) DEFINITION.—For the purposes of this section the term 'minor' means a person less than 18 years of age.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Inducement of minor to commit an offense.".

SEC. 772. DISCLOSURE OF RECORDS OF ARRESTS BY CAMPUS POLICE.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 773. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Education, shall, by contract with an appropriate entity with expertise in college campus security, provide for a national baseline study to research the effectiveness of campus sexual assault policies for institutions of postsecondary education.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of sexual assault occurring on college and university campuses, and to whom the allegations are reported (including campus authorities, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to campus authorities which are reported to criminal authorities;

(3) the percentage of campus sexual assault allegations compared to noncampus sexual assault allegations which result in eventual criminal prosecution;

(4) State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of campus policies and practices in protecting the legal rights and interests of sexual assault victims and the accused, including consideration of—

(A) practices that might discourage the reporting of sexual assaults to local criminal authorities, or result in any form of obstruction of justice, and thus undermine the public interest in prosecuting perpetrators of sexual assault; and

(B) the ability of campus disciplinary hearings to properly address allegations of sexual assault;

(6) whether colleges and universities take adequate measures to ensure that victims are free of unwanted contact with alleged assailants;

(7) the grounds on which colleges and universities are sued in civil court regarding sexual assaults, the resolution of these cases, and measures that can be taken to prevent future lawsuits;

(8) the ways in which colleges and universities respond to allegations of sexual assault, including an assessment of which programs work the best;

(9) recommendations to redress concerns raised in the report; and

(10) any other issues or questions the Attorney General, with the concurrence of the Secretary of Education, deems to be appropriate to the study.

(c) REPORT.—The Secretary of Education shall review the results of the research required by this section and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate by September 1, 1995, coordinating that report with the report and dissemination required under section 485(f)(4) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(4)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 for the contract required by subsection (a).

SEC. 774. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE VIII—EQUAL JUSTICE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Equal Justice Act".

SEC. 802. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this title—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 513 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 803. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 804. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

SEC. 805. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in", and by striking "such inhabitant" and inserting "such person".

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1992".

SEC. 902. GRANTS TO STATE AND LOCAL AGENCIES.

Section 1001(a)(5) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 903. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1991" and inserting "1992".

SEC. 904. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by striking "No" and inserting "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

Subtitle B—Retired Public Safety Officer Death Benefit

SEC. 911. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in subsection (a) by inserting "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency" after "line of duty";

(2) in subsection (b) by inserting "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency" after "line of duty"; and

(3) in subsections (c), (i), and (j) by inserting "or a retired public safety officer" after "public safety officer" each place it appears.

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a-1) is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by striking "and" after paragraph (6);

(2) by inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following new paragraph:

"(8) 'retired public safety officer' means a former public safety officer who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of enactment of this Act.

(f) IRWIN RUTMAN PROGRAM.—Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by inserting before section 1201 the following new section:

"NAME OF PROGRAM

"SEC. 1200. The program established under this part shall be known as the 'Irwin Rutman Retired Safety Officer's Benefit Program'.".

Subtitle C—Study on Police Officers' Rights

SEC. 921. STUDY ON POLICE OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

SEC. 931. SHORT TITLE.

This chapter may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 932. PURPOSES.

The purposes of this chapter are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 933. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subchapter A and the Law Enforcement Scholarship program established in subchapter B and shall have authority to promulgate regulations to implement this subtitle.

SEC. 934. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subchapter A or the Law Enforcement Scholarship program under subchapter B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this chapter;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subchapter A, meet the requirements of section 940; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subchapter B, meet the requirements of section 948.

Subchapter A—Police Corps Program

SEC. 935. DEFINITIONS.

For the purposes of this subchapter—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 937;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 940.

SEC. 936. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to pay educational expenses incurred while in attendance at an institution of higher education—

(1) in a course of education leading to the award of a baccalaureate degree, including attendance at such an institution that does not itself award such a degree if the courses taken there are acceptable for credit toward a degree at an institution that does award such a degree, and including, in the discretion of the Director, such expenses incurred prior to enrollment in the Police Corps program; and

(2) for graduate and professional study.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 938, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 938; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (C) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or dependent child's gross income shall not include any amount paid as scholarship assistance under this section or as a stipend under section 938.

(g) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(h) DEFINITION.—For the purposes of this section, the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 937. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to the State Police Corps plan, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 939, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 939, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subchapter that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education—

(A) as a full-time student in an undergraduate program leading to the award of a baccalaureate degree; or

(B) for purposes of taking a graduate or professional course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) Leave of Absence.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) Admission of Applicants.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 938. POLICE CORPS TRAINING.

(a) In General.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subchapter.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) Training Sessions.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) Further Training.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 940 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) Course of Training.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) Evaluation of Participants.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) Stipend.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 939. SERVICE OBLIGATION.

(a) Swearing In.—Upon satisfactory completion of the participant's course of education and training program established in section 938 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) Rights and Responsibilities.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) Discipline.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

(d) Layoffs.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

SEC. 940. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 937;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since July 10, 1991; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 941. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

Subchapter B—Law Enforcement Scholarship Program

SEC. 942. SHORT TITLE.

This subchapter may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 943. DEFINITIONS.

As used in this subchapter—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the meaning stated in the first

sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 944. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 951, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this chapter in the State compared to the shortage of law enforcement personnel and the need for assistance under this subchapter in all States.

SEC. 945. PROGRAM ESTABLISHED.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—Each State receiving an allotment pursuant to section 944 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) EMPLOYMENT.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State receiving an allotment under section 944 the Federal share of the cost of the activities described in the application submitted pursuant to section 948.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subchapter shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 944 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subchapter.

(d) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subchapter and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subchapter.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 944 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 944 shall ensure that each scholarship recipient under this subchapter be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this subchapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 946. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this chapter shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subchapter may use such scholarship for educational expenses at any institution of higher education.

SEC. 947. ELIGIBILITY.

(a) SCHOLARSHIPS.—An individual shall be eligible to receive a scholarship under this subchapter if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subchapter.

SEC. 948. STATE APPLICATION.

Each State desiring an allotment under section 944 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subchapter is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subchapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subchapter and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subchapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subchapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 949. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual who desires a scholarship or employment under this subchapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) PRIORITY.—In awarding scholarships and providing student employment under this subchapter, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 950. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual who receives a scholarship under this subchapter shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this chapter in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this chapter may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subchapter.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.— Except as provided in paragraph (2), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for

not less than 6 months nor more than 2 years.

SEC. 951. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subchapter.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 945(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 945(a)(1)(B) and (2).

Subchapter C—Reports

SEC. 952. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subchapter A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subchapter B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subchapter B; and

(5) describe the progress of the programs authorized by this chapter and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subchapter B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

SEC. 961. SHORT TITLE.

This chapter may be cited as "The Cop-on-the-Beat Act of 1992".

SEC. 962. COP-ON-THE-BEAT GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 761(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"SEC. 1801. GRANT AUTHORIZATION.

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities that have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in the community.

"SEC. 1802. APPLICATION.

"(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In an application under paragraph (1), a single office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1801;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1802(c).

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1804. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1802(c).

"(2) COMMUNITY-WIDE RESPONSE.—Evidence of the ability to coordinate community-wide response to crime.

"(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 1805. REPORTS.

"(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1802(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients; and

"(2) an evaluation of projects established under this part.

"SEC. 1806. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.

3711 et seq.), as amended by section 761(b), is amended by striking the matter relating to part R and inserting the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"Sec. 1801. Grant authorization.
"Sec. 1802. Application.
"Sec. 1803. Allocation of funds; limitation on grants.
"Sec. 1804. Award of grants.
"Sec. 1805. Reports.
"Sec. 1806. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 761(c), is amended by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated $150,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out projects under part R.".

Subtitle E—Rural Crime Prevention Strategy

SEC. 971. FINDINGS.

The Congress makes the following findings:

(1) The traditional supportive roles of the family, church, school, and community have declined in importance as a positive social factor influencing the prevention and control of crime in rural areas. As a result in recent years rural areas have experienced a marked increase in crime rates. This increase is taking its toll on rural law enforcement practitioners who are already encumbered by numerous characteristics that are unique to their rural circumstances.

(2) Compounding the increase in crime rates, rural police unlike their urban counterparts, are likely to encounter a multitude of nontraditional police tasks such as fire and railroad emergencies, search and rescue missions, animal control problems, livestock theft, wildlife enforcement, illegal distilleries, illegal crop farming and drug manufacturing, rural drug trafficking, and toxic dumping.

(3) These problems are further exacerbated by the rural officer's distinct disadvantage with respect to the lack of adequate training to manage these varied assignments, the low degree of specialization of job tasks, unique job stress factors, and inadequate data resources. Inadequate rural crime statistics and data analysis capabilities further frustrate the rural police organization's ability to cope with the nature, extent, and trends of rural crime.

(4) Rural law enforcement agencies are at a critical juncture, and strategic planning and action are imperative. The Domestic Chemical Action Group convened by the National Institute of Justice in October 1990 has recommended that rural police receive training in various safety issues related to the identification, investigation, and seizure of illicit drug and chemical laboratories located in rural areas. Without such specialized training officials will face a high probability of explosions endangering police personnel and the community. National Institute of Justice sponsored research of environmental crime in major urban areas, including Los Angeles, has revealed the lack of police training in the identification, investigation, and clean-up of toxic and hazardous waste areas. It can be said with certainty that this recognized need for hazardous materials training is equally critical for rural police organizations.

SEC. 972. STRATEGY TO ADDRESS RURAL CRIME.

The purpose of this subtitle is to address the growing problems of rural crime in a systematic and effective manner with a program of practical and focused research, development, and dissemination designed to assist States and units of local government in rural areas throughout the country in implementing specific programs and strategies which offer a high probability of improving the functioning of their criminal justice systems.

SEC. 973. NATIONAL INSTITUTE OF JUSTICE NATIONAL ASSESSMENT.

(a) IN GENERAL.—The Director of the National Institute of Justice (referred to in this subtitle as the "Director") shall conduct a national assessment of the nature and extent of rural crime in the United States, the needs of law enforcement and criminal justice professionals in rural States and communities, and promising strategies to respond effectively to those challenges, including—

(1) the problem of clandestine drug laboratories; changing patterns in their location and operation; safety and liability issues for both law enforcement officers and the community in the identification, investigation, seizure, and clean-up of clandestine laboratories;

(2) other environmental crimes, such as the dumping of hazardous and toxic wastes; the pollution of streams, rivers, and ground water; and access of rural communities to the expertise necessary to successfully identify, investigate, and prosecute such crimes;

(3) the cultivation of illegal crops, such as marijuana, including changing patterns in location and techniques for identification, investigation, and destruction;

(4) the problems of drug and alcohol abuse in rural communities, including law enforcement and criminal justice response and access to treatment services;

(5) the problems of family violence and child abuse, including law enforcement and criminal justice response and access to services for victims of such crimes;

(6) the problems of juvenile delinquency and vandalism as they affect rural communities;

(7) the access of law enforcement and criminal justice professionals in rural communities to the services of crime laboratories, the Automated Fingerprint Identification System, and other technological support;

(8) the access of law enforcement and criminal justice professionals in rural communities to professional training and development and the identification of models for the delivery of such training; and

(9) the special problems of drug abuse in jurisdictions with populations of 50,000 or less.

(b) FINAL REPORT.—The Director shall submit the national assessment to the President and Congress not later than 12 months after the date of enactment of this Act.

(c) DISSEMINATION OF REPORT.—Based on the results of the national assessment and analysis of successful and promising strategies in these areas, the Director shall disseminate the results not only through reports, publications, and clearinghouse services, but also through programs of training and technical assistance, designed to address the realities and challenges of rural law enforcement.

SEC. 974. PILOT PROGRAMS.

(a) IN GENERAL.—The Director may make grants to local law enforcement agencies for pilot programs and field tests of particularly promising strategies and models, which could then serve as the basis for demonstration and education programs under the Bureau of Justice Assistance Discretionary Grant Program.

(b) TYPES OF PROGRAMS.—Pilot programs funded under this section may include—

(1) programs to develop and demonstrate new or improved approaches or techniques for rural criminal justice systems;

(2) programs of training and technical assistance to meet the needs of rural law enforcement and criminal justice professionals including safety;

(3) a rural initiative to study and improve the response to traffic safety problems and drug interdiction;

(4) an ongoing program to assist law enforcement professionals in dealing with the hazards of clandestine drug laboratories;

(5) victim assistance information to assist departments in beginning and maintaining strong programs to assist victims and witnesses of crime;

(6) emergency preparedness information for community groups concerned about disaster preparedness on the family and community level; and

(7) a program targeted at communities of less than 50,000 stressing the need for production of public safety through extensive partnership efforts between law enforcement, other local government agencies, businesses, schools, community and social organizations, and citizens.

SEC. 975. FUNDING.

There are authorized to be appropriated $5,000,000 to carry out the national assessment and pilot programs required by this subtitle.

Subtitle F—National Commission to Support Law Enforcement

SEC. 981. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act.".

SEC. 982. FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 983. ESTABLISHMENT OF COMMISSION.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

SEC. 984. DUTIES.

(a) In General.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) Funding.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) Employment.—The conditions of law enforcement employment.

(3) Information.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) Research and training.—The status of law enforcement research and education and training.

(5) Equipment and resources.—The adequacy of equipment, physical resources, and human resources.

(6) Cooperation.—The cooperation among Federal, State, and local law enforcement agencies.

(7) Responsibility.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) Impact.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) Consultation.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 985. MEMBERSHIP.

(a) Number and Appointment.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from among national law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) One shall be appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the Minority Leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the Majority Leader and the Minority Leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) The Comptroller General of the United States, who shall serve as the chairperson of the Commission.

(b) Compensation.—

(1) In general.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) Travel expenses.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Appointment Dates.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 986. EXPERTS AND CONSULTANTS.

(a) Experts and Consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) Staff of Federal Agencies.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(c) Administrative Support.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 987. POWERS OF COMMISSION.

(a) Hearings.—The Commission may, for purposes of this subtitle, hold hearings, sit and act at the time and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) Delegation of Authority.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) Information.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this subtitle. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) Gifts and Donations.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 988. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 989. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 988.

SEC. 989A. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (42 U.S.C. 3721 note) and section 211(B) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (42 U.S.C. 3721 note; 104 Stat. 2122) are repealed.

Subtitle G—Other Provisions

SEC. 991. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) Grant.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, aggressive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) Application.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) Eligible Organization.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 992. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF JUSTICE ASSISTANCE DISCRETIONARY GRANTS.

Section 1001(a)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(6)), as amended by section 1054, is amended to read as follows:

"(7) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 993. LAW ENFORCEMENT FAMILY SUPPORT.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(a), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following new part:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) In General.—A State or local law enforcement agency that receives a grant under this part shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) Required Activities.—A law enforcement agency that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) Optional Activities.—A law enforcement agency that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) Grant Distribution.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) Duration.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) Limitation.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) Report From Grant Recipients.—A State or local law enforcement agency that receives a grant under this part shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) Report From Director.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) A report under paragraph (1) shall contain—

"(A) a description of the types of projects developed or improved through funds received under this part;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) a statement of the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(b), is amended by striking the matter relating to part S and inserting the following:

"Part S—Family Support

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"Part T—Transition; Effective Date; Repeals

"Sec. 2001. Continuation of rules, authorities, and privileges.".

(c) Authorization of Appropriations.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 962(c), is amended by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out part S, of which not more than 20 percent may be used to accomplish the duties of the Director under section 1901, including administrative costs, research, and training programs.".

SEC. 994. MANDATORY LITERACY PROGRAM.

(a) Establishment.—The chief correctional officer of each State correctional system may establish a demonstration or systemwide functional literacy program.

(b) Program Requirements.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) Annual Report.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) Compliance Grants.—(1) The Attorney General shall make grants to State correctional agencies that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General may make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 995. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

(a) AMENDMENT OF PUBLIC HEALTH SERVICE ACT.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

"(d) CONSULTATION.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

(b) TECHNICAL AMENDMENTS.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

SEC. 996. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State; and

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 997. NOTICE OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1)—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime (as defined in section 924(c)(2)); or

"(B) a crime of violence (as defined in section 924(c)(3)).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

(b) APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.—In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

SEC. 1001. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).".

(2) The chapter analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2) by striking "and";

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition for any individual defendant, if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant. A defendant who tests positive may be detained pending verification of a drug test result.".

(2) DRUG TESTING FOR SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 3563(a)(4), the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(3) DRUG TESTING IN CONNECTION WITH PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4), the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(c) REVOCATION OF PAROLE.—Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,".

SEC. 1002. DRUG TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) is amended by adding at the end the following new section:

"DRUG TESTING PROGRAMS

"SEC. 523. (a) PROGRAM REQUIRED.—It is a condition of eligibility for funding under this part that a State formulate and implement a drug testing program for targeted classes of persons confined in, or subject to supervision in, the criminal justice systems of the State. Such a program must meet criteria specified in regulations promulgated by the Attorney General under subsection (b). Notwithstanding the preceding sentence, no State shall be required to expend an amount for drug testing pursuant to this section in excess of 10 percent of the minimum amount that the State is eligible to receive under subpart 1.

"(b) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate regulations to implement this section to ensure reliability and accuracy of drug testing programs. The regulations shall include such other guidelines for drug testing programs in State criminal justice systems as the Attorney General determines are appropriate, and shall include provisions by which a State may apply to the Attorney General for a waiver of the requirements imposed by this section, on grounds that compliance would impose excessive financial or other burdens on such State or would otherwise be impracticable or contrary to State policy.

"(c) EFFECTIVE DATE.—This section shall take effect with respect to any State at a time specified by the Attorney General, but not earlier than the promulgation of the regulations required under subsection (b).".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 522 the following new item:

"Sec. 523. Drug testing programs.".

Subtitle B—Precursor Chemicals

SEC. 1011. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1992".

SEC. 1012. DEFINITION AMENDMENTS.

(a) REFERENCES TO LISTED CHEMICALS IN SECTION 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and inserting "list I chemical" and by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting "list II chemical" and by striking "that is used as a solvent, reagent or catalyst" and inserting ", which is not a list I chemical, that is used"; and

(4) in paragraph (40) by striking the phrase "listed precursor chemical or a listed essential chemical" and inserting "list I chemical or a list II chemical" both places it appears.

(b) REFERENCES TO LISTED CHEMICALS IN SECTION 310.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting "a list II chemical"; and

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

(c) OTHER AMENDMENTS TO SECTION 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine";

(3) in paragraph (39)(A) by striking "or exportation" and inserting ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semicolon and inserting "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

(7) by adding at the end the following new paragraph:

"(42) The terms 'broker' and 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing together a buyer and a seller, or a buyer or seller and a transporter.".

SEC. 1013. REGISTRATION REQUIREMENT.

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) PERSONS REQUIRED TO REGISTER.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemicals" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) REGISTRATION REQUIREMENTS IN CONTROLLED SUBSTANCES ACT.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that the registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) Maintenance of effective controls against diversion of listed chemicals into other than legitimate channels.

"(2) Compliance with applicable Federal, State and local law.

"(3) Prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law.

"(4) Past experience in the manufacture and distribution of chemicals.

"(5) Such other factors as may be relevant to and consistent with the public health and safety.".

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) REGISTRATION REQUIREMENTS IN CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by striking "(c) The" and inserting "(c)(1) The"; and

(B) by adding at the end the following new paragraph:

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in section 303(h) shall be considered.";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting ", 827, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(9) in the case of a person who is a regulated person, to distribute, import, or export a list I chemical without the registration required by this title.".

SEC. 1014. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each regulated person" and inserting "(b)(1) Each regulated person";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

(6) by adding at the end the following new paragraph:

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person.".

SEC. 1015. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, REPORTING, RECORDKEEPING, AND OTHER REQUIREMENTS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and by title II.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) PENALTY FOR IMPORTATION OR EXPORTATION.—Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 10 years, or both.".

SEC. 1016. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) ADVANCE NOTICE.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 1015(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day advance notice requirement of subsection (a) apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as regular customers if the Attorney General finds that the action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day advance notice requirement for exports of specific listed chemicals to specified countries if the Attorney General determines that the advance notice is not required for effective chemical control. If the advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day advance notice requirement for the importation of specific listed chemicals if the Attorney General determines that the requirement is not necessary for effective chemical control. If the advance notice requirement is waived, importers of such listed chemicals shall be required to submit either reports of individual importations or periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 1015(b), is amended by—

(1) striking "or" at the end of paragraph (3);

(2) striking the comma at the end of paragraph (4) and inserting "; or"; and

(3) by adding after paragraph (4) the following new paragraph:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d) (1) or (2) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported,".

SEC. 1017. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P), (Q), (R), (S), (T), (V), (X), and (Y) as subparagraphs (O), (P), (Q), (R), (S), (T), (U), and (X), respectively;

(3) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane."; and

(4) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)".

SEC. 1018. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer";

(2) in subsection (b)(2)—

(A) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(B) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 1019. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where a person registered under section 303 (or exempt from such registration under section 302(d) or by regulation of the Attorney General) or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such an activity are maintained.".

SEC. 1020. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 1012, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1021. MANAGEMENT OF LISTED CHEMICALS.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less than 5 years, or less than 10 years in the case of a willful violation.

"(4) The court may order that all or a portion of the earnings from work performed by a convicted offender in prison be withheld for payment of costs assessed under paragraph (2).

"(c) SHARING OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) AMENDMENT OF TITLE 11, UNITED STATES CODE.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

SEC. 1022. ATTORNEY GENERAL ACCESS TO THE NATIONAL PRACTITIONER DATA BANK.

Part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) is amended by adding at the end the following new section:

"SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTORNEY GENERAL.

"Information respecting physicians or other licensed health care practitioners reported to the Secretary (or to the agency designated under section 424(b)) under this part or section 1921 of the Social Security Act (42 U.S.C. 1396r–2) shall be provided to the Attorney General. The Secretary shall—

"(1) transmit to the Attorney General such information as the Attorney General may designate or request to assist the Drug Enforcement Administration in the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) and other laws enforced by the Drug Enforcement Administration; and

"(2) transmit such information related to health care providers as the Attorney General may designate or request to assist the Federal Bureau of Investigation in the enforcement of title 18, the Act entitled 'An Act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China', approved March 3, 1915 (21 U.S.C. 201 et seq.), and chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).".

SEC. 1023. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the enactment of this Act, issue regulations necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—The amendments made by this subtitle shall become effective on the date that is 120 days after the date of enactment of this Act.

Subtitle C—Interdiction

SEC. 1031. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2237. Order to land or bring to

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation where the nation of registry has consented or waived objection to the enforcement of United States law by the United States;

"(2) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state;

"(3) the term 'Federal law enforcement officer' has the meaning stated in section 115; and

"(4) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings stated in the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

"(b) FAILURE TO LAND AIRCRAFT.—(1) It is unlawful for the pilot, operator, or person in charge of an aircraft that has crossed the border of the United States or an aircraft subject to the jurisdiction of the United States that is being operated outside the United States to refuse to obey the order to land made by an authorized Federal law enforcement officer who is enforcing—

"(A) the laws of the United States relating to controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(B) chapter 27 or section 1956 or 1957 of this title.

"(2) The Administrator of the Federal Aviation Administration and the Commissioner of Customs, after consultation with the Attorney General, shall prescribe regulations governing the means by which an order to land may be communicated by Federal law enforcement officers to the pilot, operator, or person in charge of an aircraft.

"(c) FAILURE TO BRING VESSEL TO.—It is unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States to fail to bring the vessel to on being ordered to do so by a Federal law enforcement officer authorized to issue such an order.

"(d) RULE OF CONSTRUCTION.—This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other law that the Customs Service enforces or administers or the authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(e) CONSENT OR WAIVER OF OBJECTION.—Consent or waiver of objection by a foreign nation to the enforcement by the United States of its laws under this section may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

"(f) PENALTY.—A person who intentionally violates this section shall be fined under this title, imprisoned not more than 3 years, or both.

"(g) FORFEITURE.—Any vessel or aircraft that is used in a violation of this section may be seized and forfeited. The law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred or alleged to have been incurred under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. Any vessel or aircraft that is used in a violation of this section is also liable in rem for any fine or civil penalty imposed under this section.

"(h) DELEGATION OF AUTHORITY.—The Secretary of the Treasury and the Secretary of Transportation may delegate Federal law enforcement officer seizure and forfeiture responsibilities under this section to other law enforcement officers.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land or to bring to.".

SEC. 1032. FAA REVOCATION AUTHORITY.

(a) IMMEDIATE REVOCATION OF REGISTRATION.—Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by adding at the end the following new paragraph:

"(3)(A) The registration of the aircraft shall be immediately revoked upon the failure of the operator of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft as provided in section 2237 of title 18, United States Code. The Administrator shall notify forthwith the owner of the aircraft that the owner of the aircraft no longer holds United States registration for the aircraft.

"(B) The Administrator shall establish procedures for the owner of the aircraft to show cause—

"(i) why the registration was not revoked, as a matter of law, by operation of subparagraph (A); or

"(ii) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subparagraph (A), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subparagraph (A).".

(b) REVOCATION OF AIRMAN CERTIFICATE.—Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(e)) is amended by adding at the end the following new subsection:

"(d)(1) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

"(A) the person, while acting as the operator of an aircraft, failed to follow the order of a law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code; and

"(B) the person knew or had reason to know that the person had been ordered to land the aircraft.

"(2) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, paragraph (1) shall not apply.

"(3) Subsection (c)(3) shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.".

SEC. 1033. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) AIR INTERDICTION AUTHORITY.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States over the high seas and waters over which the United States has jurisdiction. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

"96. Air interdiction authority.".

SEC. 1034. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) CIVIL PENALTY.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 667. Civil penalty for failure to comply with a lawful boarding or order to land

"(a) INTENTIONAL FAILURE TO COMPLY.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who intentionally fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $25,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(b) NEGLIGENT FAILURE TO COMPLY.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who negligently fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $5,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(c) LIABILITY IN REM.—A vessel or aircraft used in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable in rem for a civil penalty assessed under this section.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"667. Civil penalty for failure to comply with a lawful boarding or order to land.".

SEC. 1035. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes—

"(1) with respect to a vehicle, any location in a foreign country at which United States Customs Officers are permitted to conduct inspections, examinations, or searches; and

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act or regulations issued thereunder or section 2237 of title 18, United States Code, any location outside the United States, including a foreign country location at which United States Customs Officers are permitted to conduct inspections, examinations, or searches.".

SEC. 1036. CUSTOMS CIVIL PENALTY PROVISIONS.

The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by inserting after section 590 the following new section:

"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND OR TO BRING TO.

"(a) Intentional Failure To Comply.—The pilot or operator of an aircraft who intentionally fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $25,000, which may be assessed by the appropriate customs officer.

"(b) Negligent Failure To Comply.—The pilot or operator of an aircraft who negligently fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $5,000, which may be assessed by the appropriate customs officer.".

SEC. 1037. INFORMATION EXCHANGE AND ASSISTANCE.

Section 142 of title 14, United States Code, is amended—

(1) by inserting "(a) Exchange of Information.—" before "The";

(2) in subsection (a), as designated by paragraph (1)—

(A) by inserting "and international organizations" after "with foreign governments"; and

(B) by inserting "maritime law enforcement, maritime environmental protection, and" after "matters dealing with"; and

(3) by adding at the end the following new subsection:

"(b) Use of Personnel and Facilities.—The Coast Guard may, when so requested by the Secretary of State, use its personnel and facilities to assist any foreign government or international organization to perform any activity for which such personnel and facilities are especially qualified.".

SEC. 1038. ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) In General.—Section 149 of title 14, United States Code is amended to read as follows:

"§ 149. Assistance to foreign governments and international organizations

"(a) In General.—The President may, upon application from the foreign governments or international organizations concerned, and whenever in the President's discretion the public interest renders such a course advisable, utilize officers and enlisted members of the Coast Guard to assist foreign governments or international organizations in matters concerning which the Coast Guard may be of assistance.

"(b) Detail of Personnel.—(1) Utilization of members may include the detail of such members.

"(2) Arrangements may be made by the Secretary with countries to which such officers and enlisted members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions.

"(3) While detailed under this subsection, officers and enlisted members of the Coast Guard shall receive the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for all service while so detailed, as if serving with the Coast Guard.".

(b) Technical Amendment.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by amending the item relating to section 149 to read as follows:

"149. Assistance to foreign governments and international organizations.".

SEC. 1039. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

Subtitle D—Rural Drug Crime

SEC. 1051. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) Task Force Membership.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1052. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1051(b)(5) with jurisdiction to enforce the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this subtitle.

SEC. 1053. RURAL DRUG ENFORCEMENT TRAINING.

(a) Specialized Training for Rural Officers.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) Authorization of Appropriations.—There is authorized to be appropriated $1,000,000 in each of the fiscal years 1992, 1993, and 1994 to carry out subsection (a).

SEC. 1054. AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) by redesignating paragraph (6), relating to part N of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as paragraph (8) and removing it to follow paragraph (7), relating to part M of that title I; and

(2) by redesignating paragraph (7), relating to part O of that title, as paragraph (9) and amending the paragraph to read as follows:

"(9) There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O.".

(b) Amendment of Base Allocation.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(a)(2)(A)) is amended by striking "$100,000" and inserting "$250,000".

SEC. 1055. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) In General.—The Director of the Office for Treatment Improvement (referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) Requirements.—To receive a grant under this section, a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) Application.—

"(1) In general.—To be eligible to receive a grant under this section, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) Coordinated applications.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) Prevention Programs.—

"(1) In general.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) Regulations.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) Special Consideration.—In awarding grants under this section, the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) Duration.—Grants awarded under subsection (a) shall be for a period of not to exceed 3 years, except that the Director may establish a procedure for the renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1056. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle E—Grant Programs

SEC. 1061. DRUG EMERGENCY AREAS.

Section 1005(c) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(c)) is amended by striking subsection (c) and inserting the following new subsection:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) If a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare the State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or by any other law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, to protect property and public health, and to promote safety.

"(2) PROCEDURE FOR DECLARATION.—(A) A request for a declaration by the President designating an area to be a drug emergency area shall be made in writing by the Governor of a State or the chief executive officer of a local government and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) A request under subparagraph (A) shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that Federal assistance is necessary for an effective response to save lives, protect property and public health, and promote safety.

"(C) The President shall not limit declarations under this subsection to highly populated centers of drug trafficking, drug use or drug-related violence, but shall consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor or chief executive officer shall—

"(i) take appropriate responsive action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State or local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (quantitative goals, where possible) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review a request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving the application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President may make grants to State or local governments of up to $50,000,000 in the aggregate for any single major drug-related emergency.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year, except that the President, on application of a Governor of a State or chief executive officer of a local government, and, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) A State or local government that receives Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as are necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of the assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, 1994, 1995, and 1996 $300,000,000 to carry out this subsection.".

SEC. 1062. DEPARTMENT OF JUSTICE COMMUNITY SUBSTANCE ABUSE PREVENTION.

(a) COMMUNITY PARTNERSHIPS.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that includes—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such an application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan described in subsection (b)(5) and to report on the plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—(1) Each coalition that receives Federal funds under this section shall submit an annual report to the Attorney General and the appropriate State agency that evaluates the effectiveness of the plan described in subsection (b)(5) and contains such additional information as the Attorney General or the appropriate State agency may prescribe.

"(2)(A) The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(B) The review described in subparagraph (A) shall—

"(i) evaluate the grant program established in this section to determine its effectiveness;

"(ii) implement necessary changes to the program that can be done by the Attorney General; and

"(iii) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new item:

"Subpart 4—Community Coalition on
Substance Abuse".

SEC. 1063. GRANTS FOR SUBSTANCE ABUSE TREATMENT.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following new part:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency.

"(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) STATE OFFICE.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 2002; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 2001 to carry out the projects described in the application submitted under section 2002 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 2002 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(b), is amended by striking the matter relating to part T and inserting the following:

"PART T—RESIDENTIAL SUBSTANCE ABUSE
TREATMENT FOR PRISONERS

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.

"PART U—TRANSITION; EFFECTIVE DATE;
REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 523(c), is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(25) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between

9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 993(c), is amended by adding at the end the following new paragraph:

"(14) There are authorized to be appropriated $100,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1064. DRUG TESTING UPON ARREST.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following new part:

"PART U—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 2101. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 2102. STATE APPLICATIONS.

"(a) General Requirements.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) Mandatory Assurances.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) Central Office.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2103. LOCAL APPLICATIONS.

"(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2102(c).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested in the application.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in the State bears to the number of individuals arrested in all the participating States.

"(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in the State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award the funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102 for the fiscal year for which the projects receive assistance under this part.

"(d) Geographic Distribution.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 2105. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year in which funds are received under this part regarding the effectiveness of the drug testing project.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(b), is amended by striking the matter relating to part U and inserting the following:

"Part U—Drug Testing for Individuals Arrested

"Sec. 2101. Grant authorization.

"Sec. 2102. State applications.

"Sec. 2103. Local applications.

"Sec. 2104. Allocation and distribution of funds.

"Sec. 2105. Report.

"Part V—Transition; Effective Date; Repealer

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

(c) Authorization of Appropriations.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1063(d), is amended by adding at the end the following new paragraph:

"(15) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out projects under part U.".

Subtitle F—Other Provisions

SEC. 1071. STRENGTHENED FEDERAL PENALTIES RELATING TO CRYSTALLINE METHAMPHETAMINE.

(a) Large Amount.—The first sentence of section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 25 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

(b) Smaller Amount.—The first sentence of section 401(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is amended as follows:

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

SEC. 1072. ADVERTISEMENTS OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publication, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, but does not include material that—

"(1) merely advocates the use of a similar material or advocates a position or practice; and

"(2) does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 1073. INCREASED PENALTIES FOR DISTRIBUTION OF CONTROLLED SUBSTANCES AT TRUCK STOPS AND REST AREAS.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) punishable—

"(1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 1 year.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of—

"(A) a term of imprisonment of not less than 3 years and not more than life imprisonment; or

"(B) a term of imprisonment of up to 3 times that authorized by section 401(b) for a first offense, or a fine up to 3 times that authorized by section 401(b) for a first offense, or both; and

"(2) at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) Probation shall not be granted in the case of a sentence imposed under subsection (b).

"(d) For purposes of this section—

"(1) the term 'safety rest area' has the meaning stated in part 752 of title 23, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) with the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(6))) operating in commerce (as defined in section 12019(3) of that Act (49 U.S.C. App. 2716(3)) and located adjacent to or within 2,500 feet of a highway on the National System of Interstate and Defense Highways or the Federal-aid primary system.".

(b) TECHNICAL AMENDMENTS.—(1) Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(2) The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by inserting after the item relating to section 408 the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING COMMISSION GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (a), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) 2 levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(d) IMPLEMENTATION OF SUBSECTION (c).—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (c) so as to achieve a comparable result.

(e) OFFENSES THAT COULD BE SUBJECT TO MULTIPLE ENHANCEMENTS.—The guidelines referred to in subsection (d), as promulgated or amended under that subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to that subsection is subject to not more than 1 such enhancement.

SEC. 1074. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791(c) of title 18, United States Code, is amended—

(1) in subsection (c) by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A) by inserting "or a controlled substance in Schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C)" after "a firearm or destructive device";

(3) in subsection (d)(1)(B) by inserting "marijuana or a controlled substance in Schedule III, other than a controlled substance referred to in subparagraph (C)," before "ammunition,";

(4) in subsection (d)(1)(C) by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,"; and

(5) in subsection (d)(1)(D) by inserting "(A), (B), or" before "(C)".

SEC. 1075. SEIZURE OF VEHICLES WITH CONCEALED COMPARTMENTS.

(a) HEADING FOR SECTION 3.—The Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended by inserting the following new heading for section 3:

"SEIZURE AND FORFEITURE OF VESSELS, VEHICLES AND OTHER CONVEYANCES".

(b) AMENDMENT OF SECTION 3.—Section 3 of the Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended—

(1) by striking "(a) Whenever" and inserting "(a) VESSELS, VEHICLES, AND OTHER CONVEYANCES SUBJECT TO SEIZURE AND FORFEITURE.—Whenever";

(2) by striking "(b) Every" and inserting "(b) VESSELS, VEHICLES AND OTHER CONVEYANCES, DEFINED.—Every";

(3) in subsections (a) and (b) by inserting ", vehicle, or other conveyance" after "vessel" each place it appears; and

(4) by amending subsection (c) to read as follows:

"(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a vessel, vehicle, or other conveyance is being, has been, or is being attempting to be employed in smuggling or to be employed to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, that a vessel has become subject to pursuit under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or is a hovering vessel, or that a vessel fails at any place within the customs waters of the United States or within a customs-enforcement area to display lights as required by law; and

"(2) in the case of a vehicle or other conveyance, that a vehicle or other conveyance has any compartment or equipment that is built or fitted out for smuggling.".

SEC. 1076. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1077. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (26 U.S.C. 7608 note) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 1078. DRUG PARAPHERNALIA AMENDMENT.

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding at the end the following new subsection:

"(g) CIVIL ENFORCEMENT.—The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. The court in which such action is brought shall determine the existence of any violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1079. CONFORMING AMENDMENTS CONCERNING MARIJUANA.

(a) LESS THAN 50 KILOGRAMS.—(1) Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking "less than 50 kilograms of marihuana" and inserting "less than 50 kilograms of a mixture or substance containing a detectable amount of marihuana".

(2) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "with respect to less than 50 kilograms of marihuana" and inserting "with respect to less than 50 kilograms of a mixture or substance containing a detectable amount of marihuana".

(b) 100 OR MORE PLANTS.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "except in the case of 100 or more marihuana plants" and inserting "except in the case of 50 or more marihuana plants".

SEC. 1080. CONFORMING AMENDMENT ADDING CERTAIN DRUG OFFENSES AS REQUIRING FINGERPRINTING AND RECORDS FOR RECIDIVIST JUVENILES.

Subsections (d) and (f) of section 5038 of title 18, United States Code, are amended by striking "or an offense described in section 841, 952(a), 955, or 959, of title 21," and inserting "or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, or 960(b) (1), (2), and (3)).".

SEC. 1081. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

SEC. 1082. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) SECTION 401(b)(1) (B), (C), AND (D) OF THE CONTROLLED SUBSTANCES ACT.—Subparagraphs (B), (C), and (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) SECTION 1010(b) (1), (2), AND (3) OF THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Paragraphs (1), (2), and (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(c) SECTION 1012(b) OF THE CONTROLLED IMPORT AND EXPORT ACT.—Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony drug offense have become final".

(d) SECTION 401(b)(1)(A) OF THE CONTROLLED SUBSTANCES ACT.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For the purposes of this subparagraph, the term 'felony drug offense' means".

(e) SECTION 102 OF THE CONTROLLED SUBSTANCES ACT.—Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by section 1012(c)(7), is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than 1 year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1083. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) SECTION 401(b)(1) OF THE CONTROLLED SUBSTANCES ACT.—Subparagraphs (A) and (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are amended by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.".

(b) SECTION 1010(b) OF THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Paragraphs (1) and (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) are amended by striking "No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.".

(c) SECTION 419(d) OF THE CONTROLLED SUBSTANCES ACT.—Section 419(d) of the Controlled Substances Act (21 U.S.C. 860(c)), as redesignated by section 501(1), is amended by striking "An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.".

(d) SECTION 420(e) OF THE CONTROLLED SUBSTANCES ACT.—Section 420(e) of the Controlled Substances Act (21 U.S.C. 861(a)) is amended by striking "An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 until the individual has served the mandatory term of imprisonment as enhanced by this section.".

SEC. 1084. CONFORMING AMENDMENT TO PROVISION PUNISHING A SECOND OFFENSE OF DISTRIBUTING DRUGS TO A MINOR.

Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking "one year" and inserting "3 years".

SEC. 1085. LIFE IMPRISONMENT WITHOUT RELEASE FOR CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 or a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SEC. 1086. LONGER PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR FOR USE OF MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (b) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (c) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

SEC. 1087. DRUG PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended to read as follows:

"(d) The term 'drug paraphernalia' means any equipment, product, or material of any kind that is intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, weighing, testing, analyzing, packaging, repackaging, storing, containing, planting, propagating, cultivating, growing, harvesting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this title, including—

"(1) kits designed for use or intended for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

"(2) kits designed for use or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

"(3) isomerization devices designed or intended for use in increasing the potency of any species of plant that is a controlled substance;

"(4) testing equipment designed or intended for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances;

"(5) scales and balances designed for use in weighing or measuring controlled substances;

"(6) containers and other objects designed or intended for use in storing or concealing controlled substances;

"(7) hypodermic syringes, needles, and other objects designed or intended for use in parenterally injecting controlled substances into the human body; and

"(8) objects intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, crack cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as—

"(A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

"(B) water pipes;

"(C) carburetion tubes and devices;

"(D) smoking and carburetion masks;

"(E) roach clips (that is, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand);

"(F) miniature spoons with level capacities of one-tenth cubic centimeter or less;

"(G) champer pipes;

"(H) carburetor pipes;

"(I) electric pipes;

"(J) air-driven pipes;

"(K) chillums;

"(L) bongs;

"(M) ice pipes or chillers;

"(N) wired or extra-width cigarette papers; and

"(O) cocaine freebase kits.".

SEC. 1088. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph.

SEC. 1089. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Subsections (a) and (b) of section 418 of the Controlled Substances Act (21 U.S.C. 859 (a) and (b)) are amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age".

SEC. 1090. DRUGGED OR DRUNK DRIVING CHILD PROTECTION.

(a) APPLICATION OF STATE LAW IN AREAS WITHIN FEDERAL JURISDICTION.—Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, commonwealth, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

(b) COMMON CARRIERS.—Section 342 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following new subsection:

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age.".

SEC. 1091. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1092. EVICTION FROM PLACES MAINTAINED FOR MANUFACTURING, DISTRIBUTING, OR USING CONTROLLED SUBSTANCES.

Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking place. The court in which such action is brought shall determine the existence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief including injunctions and evictions as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1093. INCREASED PENALTIES FOR DRUG DEALING IN "DRUG-FREE" ZONES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "one year" and inserting "3 years"; and

(2) in subsection (b) by striking "three years" each place it appears and inserting "5 years".

SEC. 1094. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) Whoever, being a physical trainer or adviser to a person, attempts to persuade or induce the person to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, imprisoned not more than 2 years (or if the person attempted to be persuaded or induced was less than 18 years of age at the time of the offense, 5 years), or both.

"(2) As used in this subsection, the term 'physical trainer or adviser' means a professional or amateur coach, manager, trainer, instructor, or other such person who provides athletic or physical instruction, training, advice, assistance, or any other such service to any person.".

SEC. 1095. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISIONS OF LAW THAT CONDITION PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101-516 (104 Stat. 2184) and section 104(a)(3) of title 23, United States Code, which shall notify the Governors and State Representatives of the requirements of those sections.

SEC. 1096. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Section 5122(c) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192(c)) is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

SEC. 1097. MISUSE OF THE WORDS "DRUG ENFORCEMENT ADMINISTRATION" OR THE INITIALS "DEA".

Section 709 of title 18, United States Code, is amended by inserting the following new paragraph before the paragraph beginning "Shall be punished":

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration,".

TITLE XI—PUBLIC CORRUPTION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 1102. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 1103. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 1104. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) Circumstances in Which Offense Occurs.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) Definitions.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) Technical Amendments.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

TITLE XII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

SEC. 1201. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) Robbery and Burglary.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) Kidnapping.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) Smuggling.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) Malicious Mischief.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 1202. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) Certain Officers and Employees.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title, imprisoned not more than 1 year, or both, and in all other cases," after "shall"; and

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) Foreign Officials, Official Guests, and Internationally Protected Persons.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) Maritime and Territorial Jurisdiction.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "10"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "6".

(d) Congress, Cabinet, or Supreme Court.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) President and President's Staff.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," each place it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 1203. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "6".

SEC. 1204. VIOLENT FELONIES AGAINST THE ELDERLY.

(a) Offense.—Subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new section:

"§3587. Mandatory sentence for felony against individual of age 65 or over

"(a) Penalty.—Upon any plea of guilty or nolo contendere or verdict or finding of guilty of a defendant of a crime of violence under this title, if any victim of the crime is an individual who had attained age 65 on or before the date that the offense was committed, the court shall sentence the defendant to imprisonment—

"(1) for a term of not less than one-half of the maximum term of imprisonment provided for the crime under this title, in the case of a first offense to which this section applies; and

"(2) for a term of not less than three-fourths of the maximum term of imprisonment provided for the crime under this title, in the case of a second or subsequent offense to which this section applies.

"(b) Terms of Punishment.—Notwithstanding any other law, with respect to a sentence imposed under subsection (a)—

"(1) the court shall not give the defendant a probationary sentence;

"(2) the sentence shall be served consecutively to any other sentence imposed under this title; and

"(3) the court shall reject any plea agreement that would result in the imposition of a term of imprisonment less than that which would have been imposed under subsection (a) in connection with any charged offense.

"(c) Definitions.—As used in this section—

"(1) the term 'crime of violence' means—

"(A) a felony that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) a felony that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

"(2) the term 'victim' means an individual against whom an offense has been or is being committed.".

(b) Technical Amendments.—(1) The subchapter analysis for subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

"3587. Mandatory sentence for felony against individual of age 65 or over.".

(2)(A) Rule 32(c) of the Federal Rules of Criminal Procedure is amended—

(i) by adding at the end of the first paragraph in paragraph (1) (after "record.") the following new sentence: "Neither the defendant nor the court may waive a presentence investigation and report unless there is in the record information sufficient for the court to determine whether a mandatory sentence must be imposed pursuant to title 18, United States Code, section 3581."; and

(ii) in paragraph (2)(D) by inserting "and information relating to whether any victim of the offense had attained age 65 on the date that the offense was committed" after "offense".

(B) Rule 11(e)(1) of the Federal Rules of Criminal Procedure is amended by striking "*In General.*—The" and inserting "*In General.*—Except as provided in title 18, United States Code, section 3581, the".

SEC. 1205. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both" and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

SEC. 1206. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

Subtitle B—Civil Rights Offenses

SEC. 1211. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results"; and

(3) by inserting "and may be fined under this title, or both" before the period.

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(4) by inserting "and may be fined under this title, or both" before the period.

(c) FEDERALLY PROTECTED ACTIVITIES.—The first sentence of section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(5) by inserting "and may be fined under this title, or both" before the period.

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) by striking "not more than $1,000," and inserting "under title 18, United States Code,";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(3) by striking "not more than $10,000," and inserting "under title 18, United States Code,";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under title 18, United States Code, or imprisoned"; and

(6) by inserting ", or both" after "life".

Subtitle C—White Collar and Property Crimes

SEC. 1221. RECEIPT OF PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) ROBBERY.—Whoever"; and

(2) by adding at the end the following new subsection:

"(b) RECEIPT OF PROCEEDS.—Whoever receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 1222. RECEIPT OF PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receipt of proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property that was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the chapter analysis, by adding at the end the following new item:

"880. Receipt of proceeds of extortion.".

(b) KIDNAPPING.—Section 1202 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) VIOLATION OF SECTION 1201.—Whoever"; and

(2) by adding at the end the following new subsections:

"(b) VIOLATION OF STATE LAW.—Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) DEFINITION.—For purposes of this section, the term 'State' has the meaning stated in section 245(d).".

SEC. 1223. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code, or" before "the Antitrust Civil Process Act".

SEC. 1224. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 1225. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'savings and loan association' means—

"(1) any Federal saving association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation; and

"(2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.".

SEC. 1226. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666.".

SEC. 1227. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A);

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4));

"(3) the term 'person' has the meaning given that term in section 1 of title 1;

"(4) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which 1 or more professional athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A); and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It is unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact; or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on 1 or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on 1 or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of the violation.

"§ 3704. Applicability

"(a) Exceptions.—Section 3702 does not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme actually was conducted by that State or other governmental entity prior to August 31, 1990;

"(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity if—

"(A) the scheme is authorized by law; and

"(B) a scheme described in section 3702 (other than parimutuel animal racing or jai alai) actually was conducted in that State or other governmental entity during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of the State or other governmental entity; or

"(3) parimutuel animal racing or jai alai.

"(b) Indian Lands.—Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) Technical Amendments.—The part analysis for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001";

and

(2) by adding at the end the following new item:

"178. Professional and Amateur Sports Protection .... 3701".

SEC. 1228. CRIMINAL SANCTIONS FOR VIOLATION OF SOFTWARE COPYRIGHT.

(a) Criminal Infringement.—Section 2319(b)(1) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); or"; and

(4) in subparagraph (D), as redesignated by paragraph (2)—

(A) by striking "or" after "recording,"; and

(B) by inserting ", or a computer program" before the semicolon.

(b) Penalties.—Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A) by striking "or" after the semicolon;

(2) in subparagraph (B) by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 49 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) Definitions.—Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the term 'computer program' has the meaning stated in section 101 of title 17, United States Code.".

SEC. 1229. FINANCIAL INSTITUTIONS FRAUD.

(a) Federal Deposit Insurance Act.—Section 19(a)(2)(A)(i)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(2)(A)(i)(I)) is amended by striking "or 1956" and inserting "1517, 1956, or 1957".

(b) Federal Credit Union Act.—Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) Prohibition.—

"(1) In general.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) Minimum 10-year prohibition period for certain offenses.—

"(A) In general.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) Exception by order of sentencing court.—

"(i) In general.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) Period for filing.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) Penalty.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

(c) Crime Control Act of 1990.—Section 2546 of the Crime Control Act of 1990 (28 U.S.C. 522 note; 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) Fraud Task Forces Report.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

SEC. 1230. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by adding "or" at the end of paragraph (d); and

(3) by inserting after paragraph (d) the following new paragraph:

"(e) intentionally uses, discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511 (b) and (c), 2511(e), 2516, and 2518, knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, having obtained or received the information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 1231. THEFTS OF MAJOR ART WORKS.

(a) Offense.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 668. Theft of a major art work

"(a) THEFT FROM MUSEUM.—Whoever steals or obtains by fraud any object of cultural heritage held in a museum commits a class C felony.

"(b) EXHIBITION OR STORAGE BY MUSEUM.—A museum that exhibits to the public or holds in storage any stolen object of cultural heritage knowing that such object is stolen commits a class C felony.

"(c) LIMITATIONS.—Notwithstanding section 3282, the statute of limitations for an offense under this section is 20 years.

"(d) FORFEITURE.—The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'museum' means an organized and permanent institution, essentially educational or aesthetic in purpose with professional staff, that owns and utilizes tangible objects, cares for them, and exhibits them to the public during a regularly scheduled period; and

"(2) the term 'stolen object of cultural heritage' means a stolen object that is—

"(A) registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry; and

"(B) reported to law enforcement authorities as having been stolen.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of a major art work.".

SEC. 1232. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking "not more than $250" and inserting "under this title"; and

(2) by adding at the end "For the purposes of this section, the term 'sells' includes trades, barters, or exchanges for anything of value.".

SEC. 1233. MOTOR VEHICLE THEFT PREVENTION ACT.

(a) SHORT TITLE.—This section may be cited as the "Motor Vehicle Theft Prevention Act".

(b) MOTOR VEHICLE THEFT PREVENTION PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 160. Motor vehicle theft prevention program

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with States and localities, a national voluntary motor vehicle theft prevention program (in this section referred to as the 'program') under which—

"(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

"(A) states that the vehicle is not normally operated under certain specified conditions; and

"(B) agrees to—

"(i) display program decals or devices on the owner's vehicle; and

"(ii) permit law enforcement officials in any State or locality to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions;

"(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner; and

"(3) Federal law enforcement officials are authorized to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

"(b) UNIFORM DECAL OR DEVICE DESIGNS.—

"(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

"(2) TYPE OF DESIGN.—The uniform design shall—

"(A) be highly visible; and

"(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

"(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

"(1) clearly state that participation in the program is voluntary;

"(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

"(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

"(4) include any additional information that the Attorney General may reasonably require.

"(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may include—

"(A) the operation of the vehicle during certain hours of the day; or

"(B) the operation of the vehicle under other circumstances or by such a person that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner or with the consent of the owner.

"(2) MORE THAN 1 SET OF CONDITIONS.—The Attorney General may establish more than 1 set of conditions under which participating motor vehicles may be stopped. If more than 1 set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

"(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

"(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

"(e) MOTOR VEHICLES FOR HIRE.—

"(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

"(2) TYPE OF NOTICE.—The notice required by this subsection shall—

"(A) be in writing;

"(B) be in a prominent format to be determined by the Attorney General; and

"(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

"(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

"(f) PARTICIPATING STATE OR LOCALITY.—A State or locality may participate in the program by filing an agreement to comply with the terms and conditions of the program with the Attorney General.

"(g) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality shall agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program and with the conditions under which motor vehicles may be stopped under the program.

"(h) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"160. Motor vehicle theft prevention program.".

(c) ALTERATION OR REMOVAL OF MOTOR VEHICLE IDENTIFICATION NUMBERS.—

(1) BASIC OFFENSE.—Section 511(a) of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 shall be fined not more than $10,000, imprisoned not more than 5 years, or both.".

(2) EXCEPTED PERSONS.—Section 511(b)(2) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 if that person is the owner of the motor vehicle or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or the owner's authorized agent;

"(ii) State or local law; or

"(iii) regulations promulgated by the Attorney General to implement section 160 of title 23.".

(3) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For purposes of subsection (a), the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to section 160 of title 23 for the purpose of obstructing its visibility.".

(4) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(A) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 511 the following new section:

"§ 511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, without authorization under section 160 of title 23 shall be fined not more than $5,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to section 160 of title 23.".

(B) TECHNICAL AMENDMENT.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item for section 511 the following new item:

"511A. Unauthorized application of theft prevention decal or device.".

SEC. 1234. KNOWLEDGE REQUIREMENT FOR STOLEN OR COUNTERFEIT PROPERTY.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 771(b), is amended by adding at the end the following new section:

"§ 22. Stolen or counterfeit nature of property for certain crimes defined

"(a) ESTABLISHMENT OF ELEMENT OF OFFENSE.—Wherever in this title it is an element of an offense that any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and that the defendant knew that the property was of such character, the element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) DEFINITION.—For purposes of this section, the term 'official representation' means a representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 771(c), is amended by adding at the end thereof the following new item:

"22. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 1235. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 1236. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly, and with intent to defraud, effects transactions, with 1 or more access devices issued to another person, to receive anything of value aggregating $1,000 or more during any 1-year period;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 1237. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) OFFENSES.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a) FALSE STATEMENT OR REPORT.—(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully overvalues any land, property or security—

"(A) in connection with reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person; and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b) MISUSE OF MONEY.—(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined under this title, imprisoned not more than 1 year, or both.

"(c) FALSE ENTRY OF FACT.—(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business; or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, insurance regulatory official or agency, or agent or examiner appointed by such official or agency to examine the affairs of such person,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years.

"(d) INFLUENCING, OBSTRUCTING, OR IMPEDING ADMINISTRATION OF LAW.—Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined under this title, imprisoned not more than 10 years, or both.

"(e) ENGAGING IN INSURANCE BUSINESS AFTER CONVICTION.—(1)(A) A person who has been convicted of an offense under this section, or of a felony involving dishonesty or a breach of trust, who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if the person has the written consent of an insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) Definitions.—As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance; or

"(B) the reinsuring of risks underwritten by insurance companies,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who are or who act as officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia or any territory or possession of the United States;

"(B) commerce between any point in a State and any point outside the State;

"(C) commerce between points within a State through any place outside the State; and

"(D) all other commerce over which the United States has jurisdiction;

"(3) the term 'insurer' means—

"(A) a business that is organized as an insurance company under the laws of a State, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to supervision by the insurance official or agency of a State; or

"(B) a receiver or similar official or any liquidating agent for such a company, in his or her capacity as such,

and includes any person who is or acts as an officer, director, agent, or employee of that business; and

"(4) the term 'State' includes a State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"§ 1034. Civil penalties and injunctions for violations of section 1033

"(a) Civil Penalty.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation that the person received or offered for the prohibited conduct, whichever amount is greater. If the offense contributed to the insolvency of an insurer that has been placed under the control of a State insurance regulatory agency or official, such penalty shall be remitted to the regulatory official of the insurer's State of domicile for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person.

"(b) Injunction.—If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy that is available by law to the United States or any other person.".

(b) Technical Amendment.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) Miscellaneous Amendments to Title 18, United States Code.—

(1) Tampering with insurance regulatory proceedings.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) Limitations.—Section 3293(1) of title 18, United States Code, is amended by inserting "1033," after "1014,".

(3) Obstruction of criminal investigations.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person of the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033.".

SEC. 1238. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) In General.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000, imprisoned not more than 10 years"; and

(B) by striking "not more than $1,000,000" and inserting "not more than $5,000,000"; and

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000, imprisoned not more than 20 years"; and

(B) by striking "not more than $5,000,000" and inserting "not more than $15,000,000".

(b) Laundering Monetary Instruments.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services).".

SEC. 1239. COMPUTER ABUSE AMENDMENTS ACT OF 1992.

(a) Short Title.—This section may be cited as the "Computer Abuse Amendments Act of 1992".

(b) Prohibition.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of or in a manner affecting a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of or in a manner affecting a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a fine under this title, imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(g) A person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless the action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, as amended by subsection (d), is amended by adding at the end the following new subsection:

"(h) The Attorney General shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning prosecutions under subsection (a)(5).".

(f) DEFINITION.—Section 1030(e)(1) of title 18 United States Code, is amended by striking ", but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device".

(g) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

SEC. 1239A. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE AMOUNTS OF CASH IN WEAPONS SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations requiring employees and agents described in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers—

"(1) a controlled substance the possession of which may be a violation of Federal or State law; or

"(2) an amount of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

Subtitle D—Sentencing and Procedure

SEC. 1241. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 1242. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 1243. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 1244. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d) by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place it appears and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm (as defined in section 921) in violation of Federal law or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

SEC. 1245. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) PETTY OFFENSES.—Subsection (a)(3) does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 1246. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403.".

SEC. 1247. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: "A magistrate who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.".

SEC. 1248. AVAILABILITY OF SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in the second sentence by striking "place him on probation, or commit him to official detention" and inserting "place the juvenile on probation, or commit the juvenile to official detention (including the possibility of a term of supervised release)";

(2) by redesignating subsection (d) as subsection (e); and

(3) by adding after subsection (c) the following new subsection:

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than 18 years old, beyond the earlier of—

"(A) the date on which the juvenile becomes 21 years old; or

"(B) the maximum term that would be authorized by section 3583(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between 18 and 21 years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond 5 years; or

"(B) in any other case beyond the lesser of—

"(i) 3 years; or

"(ii) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult.".

SEC. 1249. IMMUNITY.

Section 6003(b) of title 18, United States Code, is amended—

(1) by striking "or" before "Deputy Assistant Attorney General" and inserting a comma; and

(2) by inserting "or one other officer or employee of the Criminal Division designated by the Attorney General" after "Deputy Assistant Attorney General,".

SEC. 1250. EXTENDED SERVICE OF MEMBERS OF THE SENTENCING COMMISSION.

Section 992(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Subject to paragraph (2)—

"(A) no voting member of the Commission may serve more than 2 full terms; and

"(B) a voting member appointed to fill a vacancy that occurs before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of that term.

"(2) A voting member of the Commission whose term has expired may continue to serve until the earlier of—

"(A) the date on which a successor has taken office; or

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.".

Subtitle E—Immigration-Related Offenses

SEC. 1251. EXPLOITATION OF ALIENS.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 1234(a), is amended by adding at the end the following new section:

"§ 23. Exploitation of aliens

"(a) INDUCEMENT OF ALIENS.—A person who is 18 years of age or older who voluntarily solicits, counsels, encourages, commands, intimidates, or procures any alien with the intent that the alien commit an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(b) COMMISSION OF CRIME BY ALIEN.—An alien who is induced by another person to commit and subsequently commits an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(c) CONSIDERATIONS.—In imposing a fine under subsection (a) or (b), the court shall consider the severity of the offense sought or committed by the offender as a circumstance in aggravation.

"(d) ENFORCEMENT.—(1) A proceeding for assessment of a civil fine under subsection (a) or (b) may be brought by the Attorney General in a civil action before a United States district court.

"(2) A person affected by a final order under this subsection may, not later than 45 days after the date on which the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 1234(b), is amended by adding at the end the following new item:

"23. Exploitation of aliens.".

SEC. 1252. CRIMINAL ALIEN IDENTIFICATION AND REMOVAL FUND.

(a) ESTABLISHMENT.—(1) There is established in the Treasury of the United States the Criminal Alien Identification and Removal Fund (referred to as the "Fund").

(2) All fines collected pursuant to section 1251 shall be covered into the Fund and shall be used for the purposes of this section.

(b) DISTRIBUTION OF MONIES IN THE FUND.—(1) Ninety percent of the monies covered into the Fund in any fiscal year may be used by the Attorney General—

(A) to assist the Immigration and Naturalization Service to identify, investigate, apprehend, detain, and deport aliens who have committed an aggravated felony; and

(B) to fund any of the 20 additional immigration judge positions authorized by section 512 of the Immigration Act of 1990 (104 Stat. 5052) that have not been funded.

(2) Ten percent of the monies covered into the Fund in any fiscal year may be distributed in the form of grants to the States by the Attorney General for the purposes of—

(A) assisting the States in implementing section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)); and

(B) modifying a plan described in section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)) to identify aliens—

(i) as they are processed for admission into State prisons; and

(ii) when they enter probation programs.

(c) TECHNICAL AMENDMENT.—Section 280(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1330) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 1253. ALIENS CONVICTED OF FELONY DRUNK DRIVING.

Section 241(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)) is amended—

(1) by redesignating clause (iv) as clause (v);

(2) by inserting after clause (iii) the following new clause:

"(iv) DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An alien who is convicted of operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance arising in connection with a fatal traffic accident or traffic accident resulting in serious bodily injury to an innocent party is deportable."; and

(3) in clause (v), as redesignated by paragraph (1), by striking "and (iii)" and inserting "(iii), and (iv)".

Subtitle F—United States Marshals

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "United States Marshals Association Establishment Act".

SEC. 1262. ESTABLISHMENT AND PURPOSE OF ASSOCIATION.

(a) ESTABLISHMENT.—There is established the United States Marshals Association (referred to in this subtitle as the "Association"). The Association is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Association are—

(1) to elevate and strengthen public knowledge of law enforcement in general, and the United States Marshals Service in particular;

(2) to promote the exchange of information among private and public institutions and individuals about law enforcement and justice systems issues;

(3) to organize symposia, studies, and research in carrying out paragraphs (1) and (2);

(4) to study the history of law enforcement;

(5) to produce, sell, and distribute educational materials on law enforcement and justice systems issues;

(6) to accept and administer private gifts or property for the benefit of, or in connection with, the activities and services of the United States Marshals Service; and

(7) to promote law enforcement.

SEC. 1263. BOARD OF DIRECTORS OF THE ASSOCIATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Association shall have a governing Board of Directors (referred to in this subtitle as the "Board"), which shall consist of not less than 3 nor more than 20 members, each of whom shall be a United States citizen and be knowledgeable or experienced in law enforcement matters. The Director of the United States Marshals Service shall be a nonvoting member of the Board, ex officio. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(b) APPOINTMENT AND TERMS.—

(1) INITIAL APPOINTMENT.—The members of the Board first appointed shall be appointed by the United States Marshals Association, a nonprofit corporation in existence before the enactment of this Act, which is organized under the laws of the State of Virginia.

(2) SUBSEQUENT APPOINTMENT.—The members of the Board appointed after the appointment of Directors under paragraph (1) shall be appointed in the manner provided in the bylaws of the Association.

(3) ADVICE OF DIRECTOR.—A member of the Board may be appointed with the advice of the Director of the United States Marshals Service (referred to in this subtitle as the "Director").

(4) TERMS.—The members of the Board shall be appointed for terms of 4 years. A vacancy on the Board shall be filled in the manner in which the original appointment was made. No person may serve for more than 2 consecutive terms as a member of the Board.

(c) CHAIR.—The chair of the Board shall be elected by the Board from its members to a 2-year term.

(d) QUORUM.—A majority of the membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the chair at least twice each year. If a member of the Board misses 3 consecutive regularly scheduled meetings, the member may be removed from the Board as provided in the bylaws of the Association, and that vacancy may be filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Association.

(g) GENERAL POWERS.—(1) The Board may complete the organization of the Association by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Association and the provisions of this subtitle; and

(C) carrying out such other actions as may be necessary to carry out this subtitle.

(2) The following limitations apply with respect to the appointment of officers and employees of the Association:

(A) Officers and employees may not be appointed until the Association has sufficient funds to pay them for their services. Officers and employees of the Association shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the maximum rate of pay payable under section 5376 of title 5, United States Code, for a position classified above grade GS-15 of the General Schedule.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board, who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to law enforcement.

(h) ADVISORY COUNCIL.—The chair of the Board may appoint an Advisory Council of up to 15 members to advise the Association on its activities under this subtitle. Members of the advisory council have no vote in matters before the Association.

SEC. 1264. MEMBERSHIP.

(a) ELIGIBILITY.—Eligibility for membership in the Association shall be limited to persons and organizations demonstrating support of the stated purpose, goals, and functions of the Association. Categories of membership shall be as follows:

(1) Regular member, which shall be limited to individuals actively or formerly employed in the United States Marshals Service.

(2) Associate member, which shall be limited to individuals who are qualified by training or experience in Federal, State, local, or foreign law enforcement.

(3) Honorary member, which shall be limited to individuals who have an outstanding record of service in the public or private sector.

(4) Corporate member, which shall be limited to nongovernmental public, private, or nonprofit organizations which support the purposes of the United States Marshals Association.

(5) Sponsoring member, which shall be limited to Federal or State government entities.

(b) APPLICATION.—Persons may apply or be nominated for membership in the Association. Any such application shall be made in writing on the form provided by the Association.

(c) SPONSORSHIP.—Applicants or nominees for membership in any category except that of sponsoring member must be proposed by a regular member. Acceptance of applicants or nominees for membership shall be determined by a majority vote of the Board.

(d) DUES FOR MEMBERS.—Membership dues shall be established by the Board. Dues must accompany a prospective member's application. No dues shall be required in the case of honorary members or sponsoring members.

(e) VOTING.—A member may vote in matters for which the vote of the Association is required, and may serve on the Board.

(f) SUSPENSION OR EXPULSION OF MEMBERS.—A member of the Association may be suspended or expelled for nonpayment of dues in arrears for at least 60 days, for good cause, or for other reasons by a vote of two-thirds of the Board in accordance with procedures prescribed in Robert's Rules of Order. No member who has been suspended or expelled from the Association may be readmitted to membership for a period of 1 year, and readmission thereafter shall require the consent of two-thirds of the Board.

SEC. 1265. RIGHTS AND OBLIGATIONS OF THE ASSOCIATION.

(a) IN GENERAL.—The Association—

(1) shall have perpetual existence;

(2) may conduct business throughout the States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Virginia or such other place as may be determined by the Board; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Association.

(b) SERVICE OF PROCESS.—Service of process on the agent required under subsection (a)(4) or the mailing of process to the business address of the agent shall constitute service on the Association.

(c) SEAL.—The Association may use the seal, insignia, or badge of the United States Marshals Service, and other materials unique to the United States Marshals Service, only with the express written permission of the Director.

(d) POWERS.—To carry out its purposes under section 1262, the Association shall have, in addition to the powers otherwise given it under this subtitle, the usual powers of a corporation acting as a trustee in the State of Virginia or wherever else the Association is incorporated. The Association shall have the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Association.

(e) ACCEPTANCE OF GIFTS.—A gift, devise, or bequest may be accepted by the Association even though it is encumbered, restricted, or subject to the beneficial interests of private persons if any current or future interest therein is for the benefit of the Association.

SEC. 1266. ADMINISTRATIVE SERVICES AND SUPPORT.

The Director may provide personnel, facilities, and other administrative services to the Association, including reimbursement of expenses under section 1262, not to exceed the then current Federal Government per diem rates, until the date that is 5 years after the date of the enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 1267. VOLUNTEER STATUS.

The Director may, notwithstanding section 1342 of title 31, United States Code, accept voluntary services of the Association in the performance of the functions of the Association under this subtitle.

SEC. 1268. RESTRICTIONS.

(a) FINANCIAL INTERESTS.—No part of the income or assets of the Association shall inure to any member or officer of the Association or member of the Board or be distributed to any such person. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers or the Association or reimbursement for actual necessary expenses in amounts approved by the Board.

(b) PROHIBITION ON LOANS.—The Association shall not make any loan to any member of the Board or to any officer or employee of the Association.

(c) PROHIBITION ON STOCK.—The Association shall have no power to issue any shares of stock or to declare or pay any dividends.

SEC. 1269. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Association shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Association shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during the year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN ASSOCIATION ACTS OR FAILURES TO ACT.—If the Association—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 1262(b); or

(2) refuses, fails, or neglects to discharge its obligations under this subtitle, or threatens to do so,

the Attorney General of the United States may petition the appropriate court for such equitable relief as may be necessary or appropriate.

SEC. 1270. LIABILITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Association, nor shall the full faith and credit of the United States extend to any obligation of the Association.

SEC. 1271. NONDISCRIMINATION.

(a) EMPLOYMENT PRACTICES.—Notwithstanding section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) or section 101(5)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(5)(B)), the Association and any agent of the Association shall be considered to be an employer for purposes of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 if the Association is engaged in an industry affecting commerce and meets the minimum employee requirements set forth in those Acts.

(b) MEMBERSHIP PRACTICES.—

(1) PROHIBITED PRACTICES.—It shall be unlawful for the Association, on the basis of the race, color, religion, sex, national origin, age, or disability of an individual, to—

(A) fail or refuse to accept the individual into membership;

(B) expel the individual from membership;

(C) suspend the membership of the individual; or

(D) discriminate against the individual with respect to any of the benefits or obligations of membership.

(2) ENFORCEMENT.—

(A) RIGHT OF ACTION.—Any person may bring a civil action to enforce paragraph (1) in any appropriate United States district court. Any such action may be dismissed for just cause.

(B) INJUNCTIVE RELIEF.—In any civil action brought under this paragraph, the court may grant as relief any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

SEC. 1272. ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING ASSOCIATION.

The Association may acquire the assets of the United States Marshals Association, a nonprofit organization organized under the laws of the State of Virginia before the enactment of this Act.

SEC. 1273. AMENDMENT AND REPEAL.

The Congress expressly reserves the right to repeal or amend this subtitle at any time.

Subtitle G—Other Provisions

SEC. 1281. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4 (b) or (c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) and (c)),

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 211 of title 18, United States Code, is amended by inserting after the item relating to section 3238 the following new item:

"3239. Optional venue for espionage and related offense.".

SEC. 1282. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, and the carcasses thereof;".

SEC. 1283. COURT TO BE HELD AT LANCASTER.

Section 118(a) of title 28, United States Code, is amended by inserting "Lancaster," before "Reading".

SEC. 1284. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEY'S OFFICE IN PHILADELPHIA, PENNSYLVANIA.

(a) AUTHORIZATION.—There is authorized to be appropriated $35,000,000, to remain available until expended, to plan, acquire a site for, design, construct, build out, equip, and prepare for use an office building to house the United States Attorney's Office in Philadelphia, Pennsylvania, notwithstanding any other law.

(b) SITE SELECTION.—The site of the office building constructed pursuant to subsection (a) shall be at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center and shall be approved by the Attorney General after notification submitted to the Congress as required by law.

SEC. 1285. AWARD OF ATTORNEY'S FEES FOR EMPLOYEES OF DEPARTMENT OF JUSTICE.

Section 519 of title 28, United States Code, is amended—

(1) by striking "Except" and inserting "(a) IN GENERAL.—Except"; and

(2) by adding at the end the following new subsection:

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such an inquiry, the Attorney General shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 1286. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of this section—

(1) the term "criminal offense" means—

(A) any Federal criminal offense involving a controlled substance;

(B) racketeering;

(C) money laundering; and

(D) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs;

(2) the term "money laundering" means an offense under section 1956 or 1957 of title 18, United States Code; and

(3) the term "racketeering" means an offense under section 1951, 1952, or 1955 of title 18, United States Code.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary to implement this section within 90 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective on the date that is 60 days after the date of the promulgation of regulations under subsection (d).

SEC. 1287. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS AND REPORT TO CONGRESS ON ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) REPORT TO CONGRESS.—Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ", which report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under paragraph (7)(B)."; and

(3) by adding at the end the following new subparagraph:

"(D) a report for the fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1288. DNA IDENTIFICATION.

(a) FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)), as amended by section 531, is amended—

(A) by striking "and" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(23) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (referred to in this title as 'DNA') for identification purposes.".

(2) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

"(B) DNA samples obtained by and DNA analyses performed at the laboratory will be made available only—

"(i) to criminal justice agencies, for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992.".

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

(b) QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—

(1) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(B) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(C) The standards described in subparagraphs (A) and (B) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(D) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(2) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under paragraph (1) shall be considered to be an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date that is 5 years after the date on which initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(A) DNA identification records of persons convicted of crimes;

(B) analyses of DNA samples recovered from crime scenes; and

(C) analyses of DNA samples recovered from unidentified human remains.

(2) CONTENTS.—The index established under paragraph (1) shall include only information on DNA identification records and DNA analyses that are—

(A) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

(B) prepared by laboratories and DNA analysts that undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992; and

(C) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(i) to criminal justice agencies, for law enforcement identification purposes;

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) FAILURE TO MEET REQUIREMENTS.—The exchange of records authorized by this subsection is subject to cancellation if the quality control and privacy requirements described in paragraph (2) are not met.

(d) FEDERAL BUREAU OF INVESTIGATION.—

(1) PROFICIENCY TESTING REQUIREMENTS.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b). Not later than 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this subparagraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(B) For each of the 5 years following the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate an annual report on the results of each of the tests described in subparagraph (A).

(2) PRIVACY PROTECTION STANDARDS.—(A) Except as provided in subparagraph (B), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(i) to criminal justice agencies for law enforcement identification purposes; or

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged.

(B) If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) CRIMINAL PENALTIES.—(A) Whoever—

(i) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(ii) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than $100,000.

(B) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsections (b), (c), and (d).

SEC. 1289. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

"PART V—SAFE SCHOOLS ASSISTANCE

"SEC. 2201. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2202. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2203. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2202;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within the schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce crime problems.

"SEC. 2204. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2203(c).

"SEC. 2205. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2203(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2203(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 2206. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2203(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part, which report shall contain—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 2203(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 2207. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(b), is amended by striking the matter relating to part V and inserting the following:

"PART V—SAFE SCHOOLS ASSISTANCE

"Sec. 2201. Grant authorization.
"Sec. 2202. Use of funds.
"Sec. 2203. Applications.
"Sec. 2204. Allocation of funds; limitations on grants.
"Sec. 2205. Award of grants.
"Sec. 2206. Reports.
"Sec. 2207. Definitions.

"PART W—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1064(c), is amended by adding at the end the following new paragraph:

"(16) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part V.".

TITLE XIII—TECHNICAL CORRECTIONS

SEC. 1301. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) TESTING OF CERTAIN SEX OFFENDERS FOR HUMAN IMMUNE DEFICIENCY VIRUS.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a(b)) is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "subsection (a) (1) and (2)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "section 515(a) (1) or (3)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)), as amended by section 902, is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(3)) is amended by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) (42 U.S.C. 3796b(3)) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) (42 U.S.C. 3722(c)(2)(E)) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) (42 U.S.C. 3732(c)) by striking the period at the end and inserting a semicolon;

(3) in section 602(a)(1) (42 U.S.C. 3769a(a)(1)) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) (42 U.S.C. 3769b(a)(6)) by striking "605" and inserting "606";

(5) in section 605 (42 U.S.C. 3769c) by striking "this section" and inserting "this part";

(6) in section 606(b) (42 U.S.C. 3769d(b)) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b) (42 U.S.C. 3782(b))—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) (42 U.S.C. 3783(b)) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) (42 U.S.C. 3785(b)) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 (42 U.S.C. 3789) by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) (42 U.S.C. 3789d(c)(2)(H)) by striking "805" and inserting "804";

(12) in section 811(e) (42 U.S.C. 3789f(e)) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) (42 U.S.C. 3791(a)(3)) by striking "and," and inserting ", and"; and

(14) in section 1001(c) (42 U.S.C. 3793(c)) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 1302. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031 of title 18, United States Code, is amended—

(1) by redesignating subsection (g), as added by Public Law 101–123, as subsection (h) and removing it to the end of the section; and

(2) in subsection (h), as redesignated by paragraph (1), by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293(1) of title 18, United States Code, is amended by striking "1008,".

(f) PART I PART ANALYSIS.—The item relating to chapter 33 in the part analysis for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

SEC. 1303. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) CONTRABAND IN PRISON.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) REQUIREMENTS FOR GOVERNMENTAL ACCESS.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) PROGRAMS RECEIVING FEDERAL FUNDS.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) OFFENDERS WITH MENTAL DISEASE OR DEFECT.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "section 4241(e), 4243(f), 4244(e), 4245(e), or 4246(e),".

(f) CONTINUING CRIMINAL ENTERPRISES.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) SENTENCING COMMISSION.—Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) FIREARMS.—Section 924(e)(2)(A)(i) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(i) ERRONEOUS CITATION IN CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 (104 Stat. 4908) is amended, effective as of the date of enactment of that Act, by striking "951(c)(1)" and inserting "951(c)(2)".

SEC. 1304. OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and by striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analyses for chapters 105 and 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking subsections (f) and (g) that were enacted by Public Law 100–690 (102 Stat. 4488);

(15) in section 3113 by striking the third paragraph; and

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939".

SEC. 1305. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)(3)) is amended by striking "issuer" and inserting "domestic concern".

SEC. 1306. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 1307. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking the quotation marks; and

(B) in subsection (d) by striking "provider for" and inserting "provider of"; and

(4) in section 3731, in the second undesignated paragraph, by striking "order of a district courts" and inserting "order of a district court".

TITLE XIV—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1992".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated $345,500,000 for fiscal year 1992 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include—

(A) not to exceed $45,000,000 to hire, equip, and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of State and local overtime, equipment, and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip, and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations.

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train, and equip no fewer than 500 full-time equivalent Border Patrol officer positions.

(B) $20,000,000 to hire, train, and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses.

(5) For the United States Marshals Service, $10,000,000.

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip, and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs.

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel, and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title.

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

TITLE XV—FEDERAL PRISONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS FOR NEW PRISON CONSTRUCTION.

There is authorized to be appropriated for fiscal year 1993 to the buildings and facilities account, Federal Prison System, Department of Justice, $500,000,000 for the planning of, acquisition of sites for, and the construction of new penal and correctional facilities, such appropriations to be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for that fiscal year.

BIDEN AMENDMENT NO. 1796

Mr. KOHL (for Mr. BIDEN) proposed an amendment to amendment No. 1795 proposed by Mr. GRAMM (and others) to the bill S. 652, supra, as follows:

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1991".

SEC. 2. TABLE OF TITLES.

The following is the table of titles for this Act:

TITLE I—DEATH PENALTY
TITLE II—HABEAS CORPUS REFORM
TITLE III—EXCLUSIONARY RULE
TITLE IV—COERCED CONFESSIONS
TITLE V—FIREARMS
TITLE VI—OBSTRUCTION OF JUSTICE
TITLE VII—YOUTH VIOLENCE
TITLE VIII—TERRORISM
TITLE IX—SEXUAL VIOLENCE AND CHILD ABUSE
TITLE X—CRIME VICTIMS
TITLE XI—STATE AND LOCAL LAW ENFORCEMENT
TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS
TITLE XIII—FEDERAL LAW ENFORCEMENT AGENCIES
TITLE XIV—PRISONS
TITLE XV—RURAL CRIME
TITLE XVI—DRUG CONTROL
TITLE XVII—DRUNK DRIVING PROVISIONS
TITLE XVIII—COMMISSIONS
TITLE XIX—BAIL POSTING REPORTING
TITLE XX—MOTOR VEHICLE THEFT PREVENTION
TITLE XXI—PROTECTIONS FOR THE ELDERLY
TITLE XXII—CONSUMER PROTECTION
TITLE XXIII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS
TITLE XXIV—SAVINGS AND LOAN PROSECUTION TASK FORCE
TITLE XXV—SENTENCING PROVISIONS
TITLE XXVI—SENTENCING AND MAGISTRATES AMENDMENT
TITLE XXVII—COMPUTER CRIME
TITLE XXVIII—PARENTAL KIDNAPPING
TITLE XXIX—SAFE SCHOOLS
TITLE XXX—MISCELLANEOUS
TITLE XXXI—TECHNICALS

TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 102. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c) of this title, if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) FORSEEABILITY.—The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, the defendant—

(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm as defined in section 921 of this title; or

(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use of attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of such Act.

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant

to a mitigating factor. The government may present any information relevant to an aggravating factor. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether a sentence of death shall be imposed rather than a lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§3598. Special provisions for Indian country.

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence .... 3591".

SEC. 103. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFTS AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(6) MURDER.—(A) The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(B) Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(7) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(8) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(9) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) by death or imprisonment for any term of years or for life.".

(10) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(11) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(12) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(13) RACKETEERING.—(A) Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(B) Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

SEC. 104. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 105. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murder' means a first degree or second degree murder as defined by section 1111 of this title.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The table of sections at the beginnng of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

SEC. 106. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 107. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, a sentence as provided under section 1112 of this title,".

SEC. 108. DEATH PENALTY FOR DRUG KINGPINS.

(a) SHORT TITLE. This section may be cited as the "Death Penalty for Drug Kingpins Act of 1991".

(b) IN GENERAL.—Title 18, chapter 228, section 3591 of the United States Code (as created by this Act), is further amended by—

(1) striking the "(3)" before the words "any other offense for which" and inserting a "(6)";

(2) inserting after the words "death of the President; or", the following:

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section, which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B).

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, acting with a state of mind described in subsection (6), engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or"; and

(3) at the end of section 3592, title 18, United States Code, add the following:

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591(3)–(6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist—

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant. The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.".

SEC. 109. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) SHORT TITLE.—This section may be cited as the "Drive-By Shooting Prevention Act of 1991".

(b) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Drive-by shooting

"(a) OFFENSE AND PENALTIES.—

"(1) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, or by fine as provided under this title, or both.

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both: or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both.

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

"(1) a continuing criminal enterprise, punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or punishable under section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).".

(c) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Drive-by shooting.".

SEC. 110. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1118. Foreign murder of United States nationals

"(a) Whoever, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113 of this title.

"(b) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) CONFORMING AMENDMENT.—Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign Murder of United States Nationals.".

SEC. 111. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by adding the following new section:

"§2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following:

"2245. Sexual abuse resulting in death
"2246. Definitions for chapter.".

SEC. 112. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 113. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1120. Murder by escaped prisoners

"(a) IN GENERAL.—Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1118 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1120. Murder by escaped prisoners.".

SEC. 114. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by subtitle B of title V of this Act the following:

"(o) Whoever, in the course of a violation of subsection (c) of this section, causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder as defined in section 1111 of this title, be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter as defined in section 1112 of this title, be punished as provided in that section.".

SEC. 115. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended by—

(a) redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g) respectively;

(b) in subsection (a), striking "(c)" and inserting "(d)"; and

(c) inserting after subsection (b) the following:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder as defined in section 1111(a) of this title, be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113 of this title.".

TITLE II—HABEAS CORPUS REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 202. STATUTE OF LIMITATIONS.

Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court not later than one year after—

"(A) the date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the Supreme Court;

"(B) the date of issuance of the mandate of the highest court of the State on direct appeal or unitary review of the conviction and sentence, if a petition for a writ of certiorari is not filed, within the time limits established by law, in the Supreme Court; or

"(C) the date of issuance of the mandate of the Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ, and disposes of the case in a manner that leaves the capital sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the State has failed to provide counsel as required in section 2257 of this chapter;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts, if all filing deadlines are met; and

"(C) during an additional period not to exceed 90 days, if counsel moves for an extension in the district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.".

SEC. 203. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this chapter;

"(2) upon completion of district court and court of appeals review under section 2254 of this chapter, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this chapter and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 204. LAW APPLICABLE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2256. Law applicable

"In an action filed under this chapter, the court shall not apply a new rule. For purposes of this section, the term 'new rule' means a clear break from precedent, announced by the Supreme Court of the United States, that could not reasonably have been anticipated at the time the claimant's sentence became final in State court.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable.".

SEC. 205. COUNSEL IN CAPITAL CASES; STATE COURT.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2257. Counsel in capital cases; State court

"(a) A State in which capital punishment may be imposed shall provide legal services to—

"(1) indigents charged with offenses for which capital punishment is sought;

"(2) indigents who have been sentenced to death and who seek appellate, collateral, or unitary review in State court; and

"(3) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(b) The State shall establish an appointing authority, which shall be—

"(1) a statewide defender organization;

"(2) a resource center; or

"(3) a committee appointed by the highest State court, comprised of members of the bar with substantial experience in, or commitment to, criminal justice.

"(c) The appointing authority shall—

"(1) publish a roster of attorneys qualified to be appointed in capital cases, procedures by which attorneys are appointed, and standards governing qualifications and performance of counsel, which shall include—

"(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

"(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(C) in the case of counsel appointed for the trial or sentencing stages, 5 years of experience as a prosecutor or defense counsel in criminal felony cases; and

"(D) in the case of counsel appointed for the appellate, postconviction, or unitary review stages, 3 years of experience as a prosecutor or defense counsel in criminal felony cases;

"(2) monitor the performance of attorneys appointed and delete from the roster any attorney who fails to meet qualification and performance standards; and

"(3) appoint a defense team, which shall include at least 2 attorneys, to represent a client at the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant State court.

"(d) An attorney who is not listed on the roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with quality legal representation.

"(e) No counsel appointed pursuant to this section to represent a prisoner in State postconviction proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made, unless the prisoner and counsel expressly request continued representation.

"(f) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal postconviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal postconviction proceedings.

"(g) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline the appointment, and whether the individual has knowingly and intelligently declined it.

"(h) Attorneys appointed from the private bar shall be compensated on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases and shall be reimbursed for expenses reasonably incurred in representing the client, including the costs of law clerks, paralegals, investigators, experts, or other support services.

"(i) Support services for staff attorneys of a defender organization or resource center shall be equal to the services listed in subsection (h).

"(j) If a State fails to provide counsel in a proceeding specified in subsection (a), or counsel appointed for such a proceeding fails substantially to meet the qualification standards specified in subsections (c)(1) or (d), or the performance standards established by the appointing authority, the court, in an action under this chapter, shall neither presume findings of fact made in such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2257. Counsel in capital cases; State court.".

SEC 206. SUCCESSIVE FEDERAL PETITIONS.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting ", in the case of an applicant not under sentence of death," after "When"; and

(3) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a claim presented in a second or successive application, that was not presented in a prior application under this chapter, shall be dismissed unless—

"(A) the applicant shows that—

"(i) the basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant filed the prior application; or

"(ii) the failure to raise the claim in the prior application was due to action by State officials in violation of the Constitution of the United States; and

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed, or in the validity of that sentence under Federal law.".

SEC. 207. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended to read as follows:

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certification of probable cause, except after denial of a second or successive application.".

SEC. 208. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

"SEC. 515. Notwithstanding any other provision of this subpart, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

TITLE III—EXCLUSIONARY RULE

SEC. 301. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§2237. Evidence obtained by invalid warrant

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure *was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—*

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.".

(b) Amendment to Chapter Analysis.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following:

"2237. Evidence obtained by invalid warrant."

TITLE IV—COERCED CONFESSIONS

SEC. 401. COERCED CONFESSIONS.

The admission into evidence of a coerced confession shall not be considered harmless error. For the purposes of this section, a confession is coerced if it is elicited in violation of the fifth or fourteenth articles of amendment to the Constitution of the United States.

TITLE V—FIREARMS

Subtitle A—Brady Handgun Violence Prevention Act

SEC. 501. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) Interim Provision.—

(1) In general.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 512(d)(1) of the Violent Crime Control and Law Enforcement Act of 1991 that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, except that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 502(d) of the Violent Crime Control and Law Enforcement Act of 1991, is not in compliance with the timetable established pursuant to section 502(c) of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) Handgun defined.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(t)(1) Beginning on the date that the Attorney General certifies under section 502(d)(1) of the Violent Crime Control and Law Enforcement Act of 1991 that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 503 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (u)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 502. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—The Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system;

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of 5 years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years and continue to maintain such a system.

(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the date that is 30 months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c),

and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information that to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the

error to any Federal department or agency or any State that was the source of such erroneous records.

(h) Regulations.—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) Prohibitions Relating to Establishment of Registration Systems with Respect to Firearms.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited by section 922(g) or (n) of title 18, United States Code, from receiving a firearm.

(j) Definitions.—As used in this section:

(1) Licensee.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title 18, United States Code.

(2) Other terms.—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 503. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) Improvements in State Records.—

(1) Use of formula grants.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 502 of the Violent Crime Control and Law Enforcement Act of 1991, for the purpose of implementing such Act.".

(2) Additional funding.—

(A) Grants for the improvement of criminal records.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) Authorization of appropriations.—There are authorized to be appropriated for grants under subparagraph (A) a total of $100,000,000 for fiscal year 1992 and all fiscal years thereafter.

(b) Withholding State Funds.—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section 502(c) of this Act.

(c) Withholding of Department of Justice Funds.—If the Attorney General does not certify the national instant criminal background check system pursuant to section 502(d)(1) by—

(1) 30 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 30 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 42 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 42 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

Subtitle B—Gun Crime Penalties

SEC. 511. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) In General.—Section 924(c)(1) of title 18, United States Code, is amended by striking "and if the firearm is a short-barreled rifle, short-barreled shotgun" and inserting "if the firearm is a semiautomatic firearm, a short-barreled rifle, or a short-barreled shotgun,".

(b) Semiautomatic Firearm.—Section 921(a) of such title is amended by adding after the paragraph added by section 501(a)(2) of this Act the following:

"(30) The term 'semiautomatic firearm' means any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.".

SEC. 512. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking "ten" and inserting "twenty".

SEC. 513. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(i) Whoever, with the intent to engage in or to promote conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than ten years, fined under this title, or both.".

SEC. 514. THEFT OF FIREARMS AND EXPLOSIVES.

(a) Firearms.—Section 924 of title 18, United States Code, is amended by adding after the subsection added by section 513 of this Act the following:

"(j) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than 2 nor more than 10 years, and may be fined under this title, or both.".

(b) Explosives.—Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(k) Whoever steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not less than 2 or more than 10 years, or fined under this title, or both.".

SEC. 515. CONFORMING AMENDMENT PROVIDING MANDATORY REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM.

Section 3583 of title 18, United States Code is amended by adding at the end the following:

"(h) Mandatory Revocation for Possession of a Firearm.—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant is in actual possession of a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, revoke the term of supervised release and, subject to the limitations of paragraph (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision.".

SEC. 516. REVOCATION OF PROBATION.

(a) Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) Mandatory Revocation for Possession of Controlled Substance or Firearm.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3); or

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm,

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 517. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (a)(1)(B), by striking out "(a)(6),"; and

(2) in subsection (a)(2), by inserting "(a)(6)," after "subsections".

SEC. 518. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 519. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended by redesignating subsection (c) as subsection (c)(1) and by adding paragraphs (2) and (3) as follows:

"(2) Notwithstanding the provisions of paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer is authorized to destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within sixty days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 520. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section 924(e)(1) of title 18, United States Code, is amended by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

(b) Section 924(c)(1) of title 18, United States Code, is amended by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. 521. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 522. USING A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, is amended by inserting "or during and in relation to any felony punishable under chapter 25 (relating to counterfeiting and forgery) of this title" after "for which he may be prosecuted in a court of the United States,".

SEC. 523. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) 1 PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsections (e)(2) (A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than five years" before the period.

(b) 2 PRIOR CONVICTIONS.—Section 924 of such title is amended by adding after the subsections added by sections 513 and 514(a) of this Act the following:

"(k)(1) Notwithstanding subsection (a)(2) of this section, any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).".

SEC. 524. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 525. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), and 523(b) of this Act the following:

"(l) Whoever conspires to commit any offense defined in this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding after the subsection added by section 514(b) of this Act the following:

"(l) Whoever conspires to commit any offense defined in this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 526. STUDY OF INCENDIARY AMMUNITION; REPORT TO CONGRESS.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name "Dragon's Breath" and also known as the "Three Second Flame Thrower", and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on the Judiciary of the House of Representatives a report containing the results of the study required by subsection (a) and recommendations for such legislative or administrative action, with respect to the ammunition referred to in subsection (a), as the Secretary deems appropriate.

SEC. 527. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), 523(b), and 525(a) of this Act the following:

"(m) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer or licensed collector shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding after the subsections added by sections 514(b) and 525(b) of this Act the following:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer or licensed dealer, or from any permittee shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

SEC. 528. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 529. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and " at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) the term 'burglary' means any crime punishable by a term of imprisonment exceeding one year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

SEC. 530. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), 523(b), 525(a), and 527(a) of this Act the following:

"(n) Whoever, with the intent to engage in conduct which constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

TITLE VI—OBSTRUCTION OF JUSTICE

SEC. 601. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting "punished as provided in subsection (b).";

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years; and

"(3) in any other case, imprisonment for not more than ten years."; and

"(4) in subsection (a), as so designated by this section, by striking "commissioner" each place it appears and inserting "magistrate judge".

SEC. 602. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading a new subsection (a) as follows:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer; shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years.".

SEC. 603. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 205 of this Act, is amended by adding at the end the following:

"§ 1119. Killing persons aiding Federal investigations

"Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111 of title 18, United States Code, including by sentence of death or by imprisonment for life.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1119. Killing persons aiding Federal investigations.".

SEC. 604. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder as defined in section 1111 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title;".

TITLE VII—YOUTH VIOLENCE

SEC. 701. STRENGTHENING FEDERAL PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended as follows:

(1) at the end of subsection (b) by adding the following:

"(c) Notwithstanding any other provision of law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to violate any provision of this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to assist in avoiding detection or apprehension for any offense of this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, or fine, or both, up to triple that authorized by section 841(b) of this title.";

(2) in subsection (c) by—

(A) striking "(c)" and inserting in lieu thereof "(d)";

(B) inserting "or (c)" after "imposed under subsection (b)"; and

(C) inserting "or (c)" after "convicted under subsection (b)";

(3) in subsection (d) by striking "(d)" and inserting in lieu thereof "(e)".

SEC. 702. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both" and inserting "and thereafter performs or attempts to perform (A) any of the acts specified in subparagraphs (1) and (3) shall be fined under this title or imprisoned for not more than 5 years, or both or (B) any of the acts specified in subparagraph (2) shall be fined under this title or imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life".

SEC. 703. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§521. Criminal street gangs

"(a) Whoever, under the circumstances described in subsection (c) of this section, commits an offense described in subsection (b) of this section, shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. Such sentence of imprisonment shall run consecutively to any other sentence imposed.

"(b) The offenses referred to in subsection (a) of this section are—

"(1) any Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the maximum penalty is not less than five years;

"(2) any Federal felony crime of violence;

"(3) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(c) The circumstances referred to in subsection (a) of this section are that the offense described in subsection (b) was committed as a member of, or on behalf of, a criminal street gang and that person has been convicted, within the past 5 years for—

"(1) any offense listed in subsection (b) of this section;

"(2) any State offense—

"(A) involving a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the maximum penalty is not less than one year after imprisonment; or

"(B) that is a crime of violence; for which the maximum penalty is more than 1 year's imprisonment; or

"(3) any Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(4) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(d) For purposes of this section—

"(1) the term 'criminal street gang' means any group, club, organization, or association of 5 or more persons—

"(A) whose members engage or have engaged within the past 5 years, in a continuing series of violations of any offense treated in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

"26. Criminal street gangs .... 521".

TITLE VIII—TERRORISM

Subtitle A—Terrorism: Civil Remedy

SEC. 801. SHORT TITLE.

This subtitle may be cited as the "Antiterrorism Act of 1991".

SEC. 802. TERRORISM.

(a) TERRORISM.—Chapter 113A of title 18, United States Code, as amended by subsection (d) of this section, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2332, and striking the heading for section 2332 as so redesignated and inserting the following:

"§2332. Criminal penalties";

(3) by inserting before section 2332 as so redesignated the following:

"§2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.";

(4) by adding immediately after section 2332 as redesignated the following new sections:

"§2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPED UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (i), (k), (l), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) Estopped Under Foreign Law.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§2334. Jurisdiction and venue

"(a) General Venue.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) Special Maritime or Territorial Jurisdiction.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) Service on Witnesses.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

"(d) Convenience of the Forum.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§2335. Limitation of actions

"(a) In General.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) Calculation of Period.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

"§2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"§2337. Suits against Government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

"§2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections at the beginning of the chapter to read as follows:

"Chapter 113A—Terrorism

"Sec.
"2331. Definitions
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(b) Table of Contents.—The table of chapters at the beginning of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals .... 2331"

and inserting in lieu thereof:

"113A. Terrorism .... 2331".

(c) Effective Date.—This subtitle and the amendments made by this subtitle shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

Subtitle B—Maritime Navigation and Fixed Platforms

SEC. 803. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§2280. Violence against maritime navigation

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (6); or

"(8) attempts to do any act prohibited under paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results, from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do any act prohibited under paragraphs (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group;

"(ii) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(iii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iv) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) As used in this section, the term—

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft; but such term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) the term 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do anything prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States, if—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group; or

"(ii) if the activity is not prohibited as a crime by the State in which the activity takes place;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) As used in this section, the term—

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.".

SEC. 804. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

SEC. 805. EFFECTIVE DATES.

This subtitle and the amendments made by this subtitle shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

Subtitle C—General Provisions

SEC. 819. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction, as defined in the statute enacted by subsection (b) of this section, gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as added by the preceding section, is amended by inserting after section 2332 the following new section:

"§2332a. Use of weapons of mass destruction

"(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(a) any destructive device as defined in section 921 of this title;

"(b) poison gas;

"(c) any weapon involving a disease organism; or

"(d) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following:

"2332a. Use of weapons of mass destruction.".

SEC. 804. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "five years".

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "ten years".

(e) SECTION 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "ten years".

SEC. 821. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress hereby declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 822. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended by—

(1) inserting after "title" in subsection (a) the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District"; and

(2) inserting at the end thereof the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 823. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 824. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from: (a) the intentional infliction or threatened infliction of severe physical pain or suffering; (b) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (c) the threat of imminent death; or (d) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

"§2340A. Torture

"(a) Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than

twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if: (1) the alleged offender is a national of the United States; or (2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 825. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following:

"§3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 is amended by inserting below the item for:

"3285. Criminal contempt."

the following:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 826. F.B.I. ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

SEC. 827. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"§36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious bodily injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States and—

"(A) the perpetrator of the prohibited activity engages in terrorism or acts on behalf of a terrorist group;

"(B) the activity violates subsection (a)(1) and the person against whom the violence is directed is engaged in international air travel;

"(C) the activity violates subsection (a)(2) and the facility or aircraft destroyed or damaged is owned by or leased by a foreign flag carrier or the services disrupted are primarily for the benefit of such a carrier; or

"(D) the activity is not prohibited as a crime by the law of the State in which the airport is located; or

"(2) the prohibited activity takes place outside of the United States and the offender is later found in the United States.

"(c) For the purposes of this section, the terms 'terrorism' and 'terrorist group' have, respectively, the meanings given those terms in section 140 of Public Law 100-204 (22 U.S.C. 2656f).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 828. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 37. Violations of Federal aviation security regulations

"Whoever willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 1356 and 1357 of title 49, United States Code, shall be fined under this title or imprisoned for not more than one year, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"37. Violation of Federal aviation security regulations.

SEC. 829. COUNTERFEITING UNITED STATES CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States

"Whoever, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 of this title if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following:

"471. Counterfeit acts committed outside the United States.".

(c) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item for chapter 25 and inserting the following:

"25. Counterfeiting and forgery .... 470".

SEC. 830. ECONOMIC TERRORISM TASK FORCE.

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or his designee, and consist of the following members:

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The provisions of the Federal Advisory Committee Act shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

SEC. 831. TERRORIST DEATH PENALTY ACT.

Section 2332(a)(1) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is murder as defined in section 1111(a) of this title, be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 832. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than three levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 833. ALIEN WITNESS COOPERATION.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(S) subject to section 214(j), an alien—

"(i) who the Attorney General determines (I) is in possession of critical reliable information concerning a criminal organization or enterprise, and (II) is willing to supply such information to Federal or State law enforcement authorities or a Federal or State court of law, and

"(ii) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise,

and the spouse and minor children of the alien if accompanying, or following to join, the alien.".

(b) CONDITIONS OF ENTRY.—

(1) WAIVER OF GROUNDS FOR EXCLUSION.—Section 212(d) of such Act (8 U.S.C. 1182(d)) is amended by inserting at the beginning the following new paragraph:

"(1) The Attorney General may, in his discretion, waive the application of subsection (a) (other than paragraph (3)(E) thereof) in the case of a nonimmigrant described in section 101(a)(15)(S), if the Attorney General deems it in the national interest. Any such waiver shall be deemed a waiver of any comparable ground for deportation under section 241(a)(1)(A).".

(2) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC..—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 100.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant (A) shall report not less often than quarterly to the Commissioner such information concerning the alien's whereabouts and activities as the Attorney General may require, (B) may not be convicted of any criminal offense in the United States after the date of such admission, and (C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status.

"(5) The Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning (A) the number of such nonimmigrants admitted, (B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens, (C) the number of such nonimmigrants whose admission has not resulted in successful criminal prosecution or investigation, and (D) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.".

(3) PROHIBITION OF CHANGE OF STATUS.—Section 248(1) of such Act (8 U.S.C. 1258(1)) is amended by striking "or (K)" and inserting "(K), or (S)".

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of such Act (8 U.S.C. 1255), as amended by section 2(c) of the Armed Forces Immigration Adjustment Act of 1991, is amended by adding at the end the following new subsection:

"(h)(1) If, in the opinion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S) has supplied information described in clauses (i) and (ii) of such section, and

"(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the successful prosecution of an individual described in clause (ii) of such section,

the Attorney General may adjust the status of the alien (and the spouse and child of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under section 201(d) and 203(b)(4) for the fiscal year then current.".

(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)".

(d) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of such Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))" after "five years".

SEC. 834. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

"§ 2339A. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title, or section 902(i) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472(i)), or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both. For purposes of this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by adding the following:

"2339A. Providing material support to terrorists.".

TITLE IX—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A—Sexual Abuse

SEC. 901. SEXUAL ABUSE AMENDMENTS.

(a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CONTACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting in lieu thereof "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

Subtitle B—Child Protection

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1991".

SEC. 912. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 913. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the child abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 914. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized criminal justice agency of a State shall report child abuse crime information to, or index child abuse crime information in, the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis through the national criminal background check system;

(B) establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of final case dispositions in computerized criminal history files for all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain at least 80 percent currency of final case dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) LIAISON.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 3, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 915. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background

check procedures established under subsection (a), which guidelines shall include the requirements and protections of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime; and

(ii) may not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a) be limited to the conviction or pending indictment information reasonably required to accomplish the purposes of this Act;

(F) that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the provider who is the subject of a background check;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check;

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis a background check; and

(K) that a State or Federal provider of criminal history records, and any employee thereof, shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a criminal background check, or due to a criminal history record's being incomplete.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) REGULATIONS.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 916. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 914 of the National Child Protection Act of 1991 with the Attorney General for the purpose of implementing the National Child Protection Act of 1991.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 914 of this Act.

Subtitle C—Crimes Against Children

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 922. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the convic-

tion data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 923. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE X—CRIME VICTIMS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Victims' Rights and Restitution Act of 1991".

SEC. 1002. AVAILABILITY OF FUNDS.

Section 1402 of the Victims of Crime Act of 1984, as amended, is amended—

(a) by striking subsection (c) and redesignating (d), (e), (f) and (g) as subsections (c), (d), (e), and (f), respective; and

(b) by adding a new subsection (c) to read as follows:

"(c) Availability of funds for expenditure; grant program percentages

"(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

"(2) The Fund shall be available as follows:

"(A) The first $6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first $3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18, United States Code.

"(B) Of the first $100,000,000 deposited in the Fund in a particular fiscal year—

"(i) 49.5 percent shall be available for grants under section 10602 of this title;

"(ii) 45 percent shall be available for grants under section 10603(a) of this title;

"(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

"(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

"(C) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

"(D) The next $4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603(a) of this title.

"(E) Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under subparagraphs (A) through (D) shall be available as follows:

"(i) 47.5 percent shall be available for grants under section 10602 of this title;

"(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

"(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.".

SEC. 1003. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 1004. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

TITLE XI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Safer Streets and Neighborhoods

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1991".

SEC. 1102. GRANTS TO STATE AND LOCAL AGENCIES.

Paragraph (5) of section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 1103. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 211 of the Department of Justice Appropriations Act, 1990 (Public Law 101–162) and section 601 of the Crime Control Act of 1990 (Public Law 101–647), is amended by striking "1991" and inserting "1992".

SEC. 1104. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)), is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

SEC. 1105. FEDERAL SHARE.

Section 504(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)) is amended by striking "not—" and all that follows through "per centum;" the last place it appears, and inserting the following: "not for any fiscal year be expended for more than 75 percent".

SEC. 1106. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) as redesignated by section 1153 of this Act and inserting the following:

"(7) There are authorized to be appropriated such sums as may be necessary for fiscal year 1991 and $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 1107. LIMITATION ON GRANT DISTRIBUTION.

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

Subtitle B—DNA Identification

SEC. 1121. SHORT TITLE.

This subtitle may be cited as the "DNA Identification Act of 1991".

SEC. 1122. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1991;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1991.".

(c) AUTHORIZATION OF APPROPRIATION.—For each of the fiscal years 1992 through 1996, there are authorized to be appropriated $10 million for grants to the states for DNA analysis.

SEC. 1123. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1124. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION

(a) The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1991;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1991; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1125. FEDERAL BUREAU OF INVESTIGATION

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123(b). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1126. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992 through 1996 to carry out sections 1123, 1124, and 1125 of this Act.

Subtitle C—Department of Justice Community Substance Abuse Prevention

SEC. 1131. SHORT TITLE.

This section may be cited as the "Department of Justice Community Substance Abuse Prevention Act of 1991".

SEC. 1132. COMMUNITY PARTNERSHIPS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end thereof the following:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that shall include—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan referred to in subsection (b)(5) and to report on such plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—Each coalition receiving money pursuant to the provisions of this section shall submit an annual report to the Attorney General, and the appropriate State agency, evaluating the effectiveness of the plan described in subsection (b)(5) and containing such additional information as the Attorney General, or the appropriate State agency, may prescribe. The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Such review shall—

"(1) evaluate the grant program established in this section to determine its effectiveness;

"(2) implement necessary changes to the program that can be done by the Attorney General; and

"(3) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(c) AMENDMENT TO TABLE OF SECTIONS.—The table of sections of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end thereof the following:

"SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

"Sec. 531. Grants to combat substance abuse.".

Subtitle D—Bindover System for Certain Violent Juveniles

SEC. 1141. BINDOVER SYSTEM.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 1002, is amended—

(1) in paragraph (21) by striking "and" at the end;

(2) in paragraph (22) by striking the period at the end and inserting "; and"; and

(3) inserting after paragraph (22) the following:

"(23) programs which address the need for effective bindover systems for the prosecution of violent 16- and 17-year olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code." effective April 10, 1991.

Subtitle E—Community Policing; Cop on the Beat

SEC. 1151. SHORT TITLE.

This title may be cited as "The Community Policing; Cop on the Beat Act of 1991".

SEC. 1152. COMMUNITY POLICING; COP ON THE BEAT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following:

"PART P—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities which have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in such community.

"SEC. 1602. APPLICATION.

"(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In such application, one office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1601;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan which contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall col-

lect to measure progress toward meeting project goals.

"SEC. 1603. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1602(c).

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1604. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1602(c).

"(2) COMMUNITY-WIDE RESPONSE.—Evidence of the ability to coordinate community-wide response to crime.

"(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1605. REPORTS.

"(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1602(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year that shall contain a detailed statement regarding grant awards, activities of grant recipients, and an evaluation of projects established under this part.

"SEC. 1606. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"PART P—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"Sec. 1601. Grant authorization.
"Sec. 1602. Application.
"Sec. 1603. Allocation of funds; limitation on grants.
"Sec. 1604. Award of grants.
"Sec. 1605. Reports.
"Sec. 1606. Definitions.

"PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

SEC. 1153. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) by redesignating the last 3 paragraphs as paragraphs (7), (8), and (9); and

(2) by adding after paragraph (9) the following:

"(10) There are authorized to be appropriated $150,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part P.".

Subtitle F—Drug Testing of Arrested Individuals

SEC. 1161. DRUG TESTING UPON ARREST.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1151 of this Act, is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

"PART Q—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 1701. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 1702. STATE APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) CENTRAL OFFICE.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1703. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1702(c).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1701 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified in such State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1701, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

"(d) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1705. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year that funds are received under this part regarding the effectiveness of the drug testing project.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1152 of this Act, is amended by striking the matter relating to part Q and inserting the following:

"PART Q—DRUG TESTING FOR INDIVIDUALS ARRESTED

"Sec. 1701. Grant authorization.
"Sec. 1702. State applications.
"Sec. 1703. Local applications.
"Sec. 1704. Allocation and distribution of funds.
"Sec. 1705. Report.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 1162. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1153 of this Act, is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out the projects under part Q.".

Subtitle G—Racial and Ethnic Bias Study Grants

SEC. 1171. STUDY GRANTS.

(a) FINDINGS.—The Congress finds that—

(1) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the criminal justice system; and

(2) States should examine their criminal justice systems in order to ensure that racial and ethnic bias has no part in such criminal justice systems.

(b) AUTHORIZATION OF GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, is authorized to make grants to States that have established by State law or by the court of last resort a plan for analyzing the role of race in that State's criminal justice system. Such plan shall include recommendations designed to correct any findings that racial and ethnic bias plays such a role.

(2) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded based upon criteria established by the Attorney General. In establishing the criteria, the Attorney General shall take into consideration the population of the respective States, the racial and ethnic composition of the population of the States, and the crime rates of the States.

(3) REPORTS BY STATES.—Recipients of grants under this subsection shall report the findings and recommendations of studies funded by grants under this subsection to the Congress within reasonable time limits established by the Attorney General.

(4) REIMBURSEMENT OF STATES.—Grants may be made to reimburse States for work started prior to the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of this section.

Subtitle H—Midnight Basketball

SEC. 1181. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE ANTICRIME PROGRAMS.

(a) AUTHORITY.—The Attorney General of the United States, in consultation with the Secretary of Housing and Urban Development, shall make grants, to the extent that amounts are approved in appropriations Acts under subsection (m) to—

(1) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of subsection (d); and

(2) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Subject to paragraph (2), grants under subsection (a)(1) may be made only to the following eligible entities:

(A) Entities eligible under section 520(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(b)) for a grant under section 520(a) of such Act.

(B) Nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services.

(C) Nonprofit organizations providing federally-assisted low-income housing.

(2) PROHIBITION ON SECOND GRANTS.—A grant under subsection (a)(1) may not be made to an eligible entity if the entity has previously received a grant under such subsection, except that the Attorney General may exempt an eligible advisory entity from the prohibition under this paragraph in extraordinary circumstances.

(c) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under subsection (a)(1) may use such amounts only—

(1) to establish or carry out a midnight basketball league program under subsection (d);

(2) for salaries for administrators and staff of the program;

(3) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

(4) for costs of training and assistance provided under subsection (d)(9).

(d) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under subsection (a)(1) shall establish a midnight basketball league program as follows:

(1) The program shall establish a basketball league of not less than 8 teams having 10 players each.

(2) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing.

(3) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

(A) A substantial problem regarding use or sale of illegal drugs.

(B) A high incidence of crimes committed by youths or young adults.

(C) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

(D) A high incidence of pregnancy or a high birth rate, among adolescents.

(E) A high unemployment rate for youths and young adults.

(F) A high rate of high school drop-outs.

(4) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held at or near the site of the games.

(5) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Attorney General in consultation with the Secretary of Housing and Urban Development and the Secretary of Labor, and with the Advisory Committee.

(6) Basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

(7) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(8) The program shall comply with any criteria established by the Attorney General in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee established under subsection (i).

(9) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under subsection (h).

(e) GRANT AMOUNT LIMITATIONS.—

(1) PRIVATE CONTRIBUTIONS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to an eligible entity that applies for a grant under subsection (f) unless the applicant entity certifies to the Attorney General and the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

(A) In each of the first 2 years that amounts from the grant are disbursed (under paragraph (4)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)(1)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under subsection (a)(1) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Amounts provided under a grant under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a)(1), an eligible entity shall submit to the Attorney General an application in the form and manner required by the Attorney General (after consultation the Secretary of Housing and Urban Development and with the Advisory Committee), which shall include—

(1) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for basketball games and counseling, training,

and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall select eligible entities that have submitted applications under subsection (f) to receive grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

(h) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under subsection (a)(2) shall be made as follows:

(1) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

(A) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under subsection (d); and

(B) have provided technical assistance to other entities regarding establishment and operation of such programs.

(2) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under subsection (a)(1) of this section and section 520(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(a)) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection.

(3) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under subsection (m)(2) in each fiscal year, the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make technical assistance grants under subsection (a)(2). In each fiscal year that such amounts are available the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make 2 such grants, as follows:

(A) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in public housing projects.

(B) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $50,000.

(i) ADVISORY COMMITTEE.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall appoint an Advisory Committee to assist in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

(1) Not fewer than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under subsection (a)(2).

(2) A representative of the Office for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

(3) A representative of the Department of Education, who shall be selected by the Secretary of Education.

(4) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

(5) A representative of the Department of Labor, who shall be selected by the Secretary of Labor.

(j) REPORTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require each eligible entity receiving a grant under subsection (a)(1) and each eligible advisory entity receiving a grant under subsection (a)(2) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(k) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (m)(3), the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant amounts to carry out a study of the effectiveness of midnight basketball league programs at reducing crime and increasing employability under subsection (d) of eligible entities receiving grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Attorney General and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

(l) DEFINITIONS.—For purposes of this section:

(1) The term "Advisory Committee" means the Advisory Committee established under subsection (i).

(2) The term "eligible advisory entity" means an entity meeting the requirements under subsection (h)(1).

(3) The term "eligible entity" means an entity described under subsection (b)(1).

(4) The term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a)(1), $2,500,000 in each of fiscal years 1992 and 1993;

(2) for technical assistance grants under subsection (a)(2), $100,000 in each of fiscal years 1992 and 1993; and

(3) for a study grant under subsection (k), $250,000 in fiscal year 1992.

SEC. 1191. GRANT PROGRAM.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended in part B by—

(1) inserting after the heading for such part the following:

"Subpart I—General Grant Programs";

and

(2) adding at the end thereof a new subpart II, as follows:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) To develop within the juvenile justice system, including the juvenile corrections system, new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) To reduce juvenile drug and gang-related activity in public housing projects;

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic or artistic enrichment that also teach that drug and gang involvement are wrong;

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in the drug trafficking, drug use or gang-related activities;

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers; and

"(10) To provide education and treatment programs for youth exposed to severe violence in their homes, schools or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(c) Of the funds made available to each State under this section (Formula Grants) 50 per centum of the funds made available to each State in any fiscal year shall be used for juvenile drug supply reduction programs and 50 per centum shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) The purpose of this section is to provide additional Federal assistance and support to identify promising new juvenile drug de-

mand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs. In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this subchapter.

"(c) Of the total amount appropriated for this subchapter, 20 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 232(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) The purpose of this section is—

"(1) to provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime and drug and alcohol related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(2) to replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles living at or near International Port of Entry or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) Of the total amount appropriated for this subchapter, 5 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 233(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs.

"AUTHORIZATION

"SEC. 234. There is authorized to be appropriated $100,000,000 in fiscal year 1992 and such sums as may be necessary in fiscal year 1993 to carry out the purposes of this subpart.

"ALLOCATION OF FUND

"SEC. 235. Of the total amounts appropriated under this subpart in any fiscal year the amount remaining after setting aside the amounts required to be reserved to carry out section 232 (Discretionary Grants) shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States;

"(2) Of the total funds remaining after the allocation under paragraph (a), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles of such State bears to the population of juveniles of all the participating States.

"APPLICATION

"SEC. 236. (a) Each State applying for grants under section 231 (Formula Grants) and each public or private entity applying for grants under section 232 (Discretionary Grants) shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) To the extent practical, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the applications required under part I (general juvenile justice formula grant) and part C (special emphasis prevention and treatment grants), including the procedures relating to competition.

"(c) In addition to the requirements prescribed in subsection (b), each State application submitted under section 231 shall include a detailed description of how the funds made available shall be coordinated with Federal assistance provided in parts B and C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 and by the Bureau of Justice Assistance under the Drug Control and System Improvement Grant program.

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State Governments under sections 505 and 508, respectively, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

Subtitle I—Trauma Centers

SEC. 1195. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

''(d) Consultation.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.''.

SEC. 1196. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101–590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting ''Regarding Parts A and B'' after ''Provisions'';

(2) in section 1231, in the matter preceding paragraph (1), by striking ''this title'' and inserting ''this part and parts A and B''; and

(3) in section 1232(a), by striking ''this title'' and inserting ''parts A and B''.

Subtitle J—Certainty of Punishment for Young Offenders

SEC. 1198. SHORT TITLE.

This subtitle may be cited as the ''Certainty of Punishment for Young Offenders Act of 1991''.

SEC. 1199. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1161 of this Act, is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following:

"PART R—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1801. GRANT AUTHORIZATION.

''(a) In General.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

''(b) Alternative Methods.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

''(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

''(2) boot camp prison programs;

''(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

''(4) innovative projects;

''(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

''(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

''(7) demonstration restitution projects that are evaluated for effectiveness; and

''(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1802. STATE APPLICATIONS.

''(a) In General.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

''(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

''(b) State Office.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

''(1) shall prepare the application as required under section 1802; and

''(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1803. REVIEW OF STATE APPLICATIONS.

''(a) In General.—The Bureau shall make a grant under section 1801(a) to carry out the projects described in the application submitted by such applicant under section 1802 upon determining that—

''(1) the application is consistent with the requirements of this part; and

''(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

''(b) Approval.—Each application submitted under section 1802 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

''(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1801(b) for young offenders.

''(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1804. LOCAL APPLICATIONS.

''(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1802(b).

''(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

''(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

''(4) If such application is approved, the unit of local government is eligible to receive such funds.

''(b) Distribution to Units of Local Government.—A State that receives funds under section 1801 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1805. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) State Distribution.—Of the total amount appropriated under this part in any fiscal year—

''(1) 0.4 percent shall be allocated to each of the participating States; and

''(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

''(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1801 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

''(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1801.

''(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1801, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

''(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1806. EVALUATION.

''(a) In General.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

''(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

''(b) Distribution.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

''(c) Administrative Costs.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.''.

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1162 of this Act, is amended by striking the matter relating to part R and inserting the following:

''Part R—Alternative Punishments for Young Offenders

''Sec. 1801. Grant authorization.
''Sec. 1802. State applications.
''Sec. 1803. Review of State applications.
''Sec. 1804. Local applications.
''Sec. 1805. Allocation and distribution of funds.
''Sec. 1806. Evaluation.

''Part S—Transition; Effective Date; Repealer

''Sec. 1901. Continuation of rules, authorities, and proceedings.''.

(c) Definition.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3791(a)), as amended by section 1421 of this Act, is amended by adding after paragraph (24) the following:

"(25) The term 'young offender' means an individual 28 years of age or younger.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part R.".

TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Law Enforcement Family Support

SEC. 1201. LAW ENFORCEMENT FAMILY SUPPORT.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency that receives funds under this Act shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency that receives funds under this Act may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this Act.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency that receives a grant under this Act shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) Such report shall contain—

"(A) a description of the types of projects developed or improved through funds received under this Act;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act, is amended by striking the matter relating to part V and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act, is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under section 1901 in part S of this Act, including administrative costs, research, and training programs.".

Subtitle B—Police Pattern or Practice

SEC. 1211. PATTERN OR PRACTICE CASES; CAUSE OF ACTION.

Chapter 21 of title 42, United States Code, is amended by adding the following new section:

"SECTION 1998. PATTERN OR PRACTICE CASES.

"(a) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities, secured or protected by the Constitution or laws of the United States.

"(b) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.".

SEC. 1212. DATA ON USE OF EXCESSIVE FORCE.

(a) ATTORNEY GENERAL TO COLLECT.—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

(b) LIMITATION ON USE OF DATA.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) ANNUAL SUMMARY.—The Attorney general shall publish an annual summary of the data acquired under this section.

Subtitle C—Police Corps and Law Enforcement Officers Training and Education

SEC. 1221. SHORT TITLE.

This title may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 1222. PURPOSES.

The purposes of this title are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 1223. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subtitle A and the Law Enforcement Scholarship program established in subtitle B and shall have authority to promulgate regulations to implement this title.

SEC. 1224. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subtitle A or the Law Enforcement Scholarship program under subtitle B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this title;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subtitle A, meet the requirements of section 1236; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subtitle B, meet the requirements of section 826.

CHAPTER 1—POLICE CORPS PROGRAM

SEC. 1231. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 1233;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 1236.

SEC. 1232. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(4) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(5)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study, and

(2) where a participant has enrolled in the program upon or after transfer to a four-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 1234, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 1234; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (B) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(g) DEFINITION.—For the purposes of this section the term "institution of higher education" has the meaning given that term in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1233. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 1235(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this title, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 1235, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 1235, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this Act that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 1234. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 1236 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 1235. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 1234 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1232, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1232(d)(1)(C) shall not apply.

(d) LAY-OFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1232, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1232(d)(1)(C) shall not apply.

SEC. 1236. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 1233;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10

percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 1237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 1242. DEFINITIONS.

As used in this subtitle—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 1243. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 11, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 1244. PROGRAM ESTABLISHED.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—Each State receiving an allotment pursuant to section 823 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) EMPLOYMENT.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an accredited institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State receiving an allotment under section 823 the Federal share of the cost of the activities described in the application submitted pursuant to section 827.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 823 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subtitle.

(d) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subtitle.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 823 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 823 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 1245. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 1246. ELIGIBILITY.

(a) SCHOLARSHIPS.—An individual shall be eligible to receive a scholarship under this subtitle if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 1247. STATE APPLICATION.

Each State desiring an allotment under section 823 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subtitle;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 1248. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such

information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 1249. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this subtitle in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this subtitle may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subtitle.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

SEC. 1250. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subtitle.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 824(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 1244(a)(1)(B) and 1244(a)(2).

CHAPTER 3—REPORTS

SEC. 1261. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subtitle A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subtitle B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subtitle B; and

(5) describe the progress of the programs authorized by this title and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subtitle B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

Subtitle D—Study Rights of Police Officers

SEC. 1271. STUDY ON OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than one year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

TITLE XIII—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1991".

SEC. 1302. AUTHORIZATION FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated for fiscal year 1992, $345,500,000 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include:

(A) not to exceed $45,000,000 to hire, equip and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of state and local overtime, equipment and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations;

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train and equip no fewer than 500 full-time equivalent Border Patrol officer positions;

(B) $20,000,000 to hire, train and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses;

(5) For the United States Marshals Service, $10,000,000;

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs;

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title; and

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

SEC. 1303. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEYS' OFFICE IN PHILADELPHIA, PENNSYLVANIA.

There is hereby authorized to be appropriated $35,000,000 to remain available until expended, to plan, acquire a site, design, construct, buildout, equip, and prepare for use an office building to house the United States Attorneys Office in Philadelphia, Pennsylvania, notwithstanding any other provision of law: Provided, That the site is at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center: Provided further, That the site selected for the Philadelphia United States Attorneys Office shall be approved by the Attorney General and notification submitted to the Congress as required by law.

TITLE XIV—PRISONS

Subtitle A—Federal Prisons

SEC. 1401. PRISONER'S PLACE OF IMPRISONMENT.

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after subsection (5) the following: "However, the bureau may not consider the social or economic status of the prisoner in designating the place of the prisoner's imprisonment.".

SEC. 1402. PRISON IMPACT ASSESSMENTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§4047. Prison impact assessments

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defend-

ants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 7 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments.".

SEC. 1403. FEDERAL PRISONER DRUG TESTING.

(a) SHORT TITLE.—This title may be cited as the "Federal Prisoner Drug Testing Act of 1991".

(b) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title.".

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release.".

(c) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and";

(3) by adding at the end the following new paragraph:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4). ".

(d) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

(e) CONDITIONS OF PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the Commission for any individual parolee if it determines that there is good cause for doing so. The results of a drug test administered in accordance with the provisions of the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The Commission shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

SEC. 1404. DRUG TREATMENT IN FEDERAL PRISONS.

(a) SHORT TITLE.—This section may be cited as the "Drug Treatment in Federal Prisons Act of 1991".

(b) DEFINITIONS.—

As used in this section—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term "eligible prisoner" means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

(c) IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.—

(1) In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide residential substance abuse treatment—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1993;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1994; and

(C) for all eligible prisoners by the end of fiscal year 1995 and thereafter.

(2) Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(d) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(1) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue such conditions on determining that drug abuse has recurred.

"(2) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.".

(d) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1991 and each fiscal year thereafter such sums as may be necessary to carry out this title.

SEC. 1405. PRISON FOR VIOLENT DRUG OFFENDERS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The total population of Federal, State, and local prisons and jails increased by 84 percent

between 1980 and 1988 and currently numbers more than 900,000 people.

(2) More than 60 percent of all prisoners have a history of drug abuse or are regularly using drugs while in prison, but only 11 percent of State prison inmates and 7 percent of Federal prisoners are enrolled in drug treatment programs. Hundreds of thousands of prisoners are not receiving needed drug treatment while incarcerated, and the number of such persons is increasing rapidly.

(3) Drug-abusing prisoners are highly likely to return to crime upon release, but the recidivism rate is much lower for those who successfully complete treatment programs. Providing drug treatment to prisoners during incarceration therefore provides an opportunity to break the cycle of recidivism, reducing the crime rate and future prison overcrowding.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the fiscal year ending September 30, 1992, the following amounts:

(1) $600,000,000 for the construction of 10 regional prisons; and

(2) $100,000,000 for the operation of such regional prisons for one year.

Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

(c) LOCATION AND POPULATION.—The regional prisons authorized by this section shall be located in places chosen by the Director of the Bureau of Prisons, after consulting with the Director of National Drug Control Policy, not less than 6 months after the effective date of this section. Each such facility shall be used to accommodate a population consisting of State and Federal prisoners in proportions of 20 percent Federal and 80 percent State.

(d) ELIGIBILITY OF PRISONERS.—The regional prisons authorized by this section shall be used to incarcerate State and Federal prisoners who have release dates of not more than 2 years from the date of assignment to the prison and who have been found to have substance abuse problems requiring long-term treatment.

(e) STATE RESPONSIBILITIES.—(1) The States shall select prisoners for assignment to the regional prisons who, in addition to satisfying eligibility criteria otherwise specified in this section, have long-term drug abuse problems and serious criminal histories. Selection of such persons is necessary for the regional prison program to have the maximum impact on the crime rate and future prison overcrowding, since such persons are the ones most likely to commit new crimes following release. Prisoners selected for assignment to a regional prison must agree to the assignment.

(2) Any State seeking to refer a State prisoner to a regional prison shall submit to the Director of the Bureau of Prisons (referred to as the "Director") an aftercare plan setting forth the provisions that the State will make for the continued treatment of the prisoner in a therapeutic community following release. The aftercare plan shall also contain provisions for vocational job training where appropriate.

(3) The State referring the prisoner to the regional prison (referred to as the "sending State") shall reimburse the Bureau of Prisons for the full cost of the incarceration and treatment of the prisoner, except that if the prisoner successfully completes the treatment program, the Director shall return to the sending State 25 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare treatment required by paragraph (2).

(f) POWERS OF THE DIRECTOR.—(1) The Director shall have the exclusive right to determine whether or not a State or Federal prisoner satisfies the eligibility requirements of this section, and whether the prisoner is to be accepted into the regional prison program. The Director shall have the right to make this determination after the staff of the regional prison has had an opportunity to interview the prisoner in person.

(2) The Director shall have the exclusive right to determine if a prisoner in the regional treatment program is complying with all of the conditions and requirements of the program. The Director shall have the authority to return any prisoner not complying with the conditions and requirements of the program to the sending State at any time. The Director shall notify the sending State whenever such prisoner is returned that the prisoner has not successfully completed the treatment program.

SEC. 1406. BOOT CAMPS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this section as "boot camps"). The boot camps will be located on closed military installations on sites to be chosen by the Director of the Bureau of Prisons, after consultation with the Director of National Drug Control Policy, and will provide a highly regimented schedule of strict discipline, physical training, work, drill, and ceremony characteristic of military basic training as well as remedial education and treatment for substance abuse.

(b) CAPACITY.—Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days. Not more than 20 percent of the inmates shall be Federal prisoners. The remaining inmates shall be State prisoners who are accepted for participation in the boot camp program pursuant to subsection (d).

(c) FEDERAL PRISONERS.—Section 3582 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) BOOT CAMP PRISON AS A SENTENCING ALTERNATIVE.—(1) The court, in imposing sentence in the circumstances described in paragraph (2), may designate the defendant as eligible for placement in a boot camp prison. The Bureau of Prisons shall determine whether a defendant so designated will be assigned to a boot camp prison.

"(2) A defendant may be designated as eligible for placement in boot camp prison if—

"(A) the defendant—

"(i) is under 25 years of age;

"(ii) has no prior conviction for which he or she has served more than 10 days incarceration; and

"(iii) has been convicted of an offense involving a controlled substance punishable under the Controlled Substances Act or the Controlled Substances Export and Import Act, or any other offense if the defendant, at the time of arrest or at any time thereafter, tested positive for the presence of a controlled substance in his or her blood or urine; and

"(B) the sentencing court finds that the defendant's total offense level under the Federal sentencing guidelines is level 15 or less.

"(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate to any other correctional facility in the Federal prison system.

"(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of active incarceration, but shall not affect any aspect of a sentence relating to a fine, restitution, or supervised release.".

(d) STATE PRISONERS.—(1) The head of a State corrections department or the head's designee may apply for boot camp placement for any person who has been convicted of a criminal offense in that State, or who anticipates entering a plea of guilty of such offense, but who has not yet been sentenced. Such application shall be made to the Bureau of Prisons and shall be in the form designated by the Director of the Bureau of Prisons and shall contain a statement certified by the head of the State corrections department or the head's designee that at the time of sentencing the applicant is likely to be eligible for assignment to a boot camp pursuant to paragraph (2). The Bureau of Prisons shall respond to such applications within 30 days so that the sentencing court is aware of the result of the application at the time of sentencing. In responding to such applications, the Bureau of Prisons shall determine, on the basis of the availability of space, whether a defendant who becomes eligible for assignment to a boot camp prison at the time of sentencing will be so assigned.

(2) A person convicted of a State criminal offense shall be eligible for assignment to a boot camp if he or she—

(A) is under 25 years of age;

(B) has no prior conviction for which he or she has served more than 10 days incarceration;

(C) has been sentenced to a term of imprisonment that will be satisfied under the law of the sentencing State if the defendant successfully completes a term of not less than 90 days nor more than 120 days in a boot camp;

(D) has been designated by the sentencing court as eligible for assignment to a boot camp; and

(E) has been convicted of an offense involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or any other offense if the defendant is eligible for assignment to a boot camp under State law.

(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate back to the jurisdiction of the State sentencing court.

(4) Any State referring a prisoner to a boot camp shall reimburse the Bureau of Prisons for the full cost of the incarceration of the prisoner, except that if the prisoner successfully completes the boot camp program, the Bureau of Prisons shall return to the State 20 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare supervision and services required by paragraph (e).

(e) POST-RELEASE SUPERVISION.—(1) Any State seeking to refer a State prisoner to a boot camp prison shall submit to the Director of the Bureau of Prisons an aftercare plan setting forth the provisions that the State will make for the continued supervision of the prisoner following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(2) The Bureau of Prisons shall develop an aftercare plan setting forth the provisions that will be made for the continued supervision of Federal prisoners following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000,000 for fiscal year 1992, available until expended, of which not more than $12,500,000 shall be used to convert each closed military base to a boot camp prison and not more than $2,500,000 shall be used to operate each boot

camp for one fiscal year. Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

Subtitle B—State Prisons

SEC. 1421. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.

This section may be cited as the "Substance Abuse Treatment in State Prisons Act of 1991".

(a) Residential Substance Abuse Treatment for Prisoners.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1201 of this Act, is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following:

"PART U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) In General.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency.

"(b) Drug Testing Requirement.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) Eligibility for Preference With After Care Component.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, halfway house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) State Office.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 1902; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Bureau shall make a grant under section 1901 to carry out the projects described in the application submitted under section 1902 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—Each application submitted under section 1902 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) Allocation.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1902 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1201 of this Act, is amended by striking the matter relating to part T and inserting the following:

"Part T—Residential Substance Abuse Treatment for Prisoners

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.

"Part U—Transition; Effective Date; Repealer

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) Definitions.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (25) the following:

"(26) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202 of this Act, is amended by adding after paragraph (10) the following:

"(14) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1422. MANDATORY LITERACY PROGRAM.

(a) Establishment.—The chief correctional officer of each State correctional system may establish a demonstration, or statewide functional literacy program.

(b) Program Requirements.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) Annual Report.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as re-

quired by subsection (b), and if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General is authorized to make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" shall include, but not be limited to, self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 1423. NATIONAL INSTITUTE OF JUSTICE STUDY.

(a) FEASIBILITY STUDY.—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) REPORT TO CONGRESS.—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 1424. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State.

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 1425. NOTIFICATION OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection, the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1) of this subsection, the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence, as that term is defined in section 924(c)(3).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

SEC. 1426. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE XV—RURAL CRIME

Subtitle A—Fighting Drug Trafficking in Rural Areas

SEC. 1501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—The second paragraph (7) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "(7)" and inserting "(8)"; and

(2) by striking "and such" and all that follows through "part O" and inserting "$50,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O of this title".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 1502. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1503. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

SEC. 1504. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1992, 1993 and 1994 to carry out the purposes of subsection (a) of this section.

Subtitle B—Rural Drug Prevention and Treatment

SEC. 1511. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (hereafter referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health cen-

ters, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) REQUIREMENTS.—To receive a grant under this section a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) DURATION.—Grants awarded under subsection (a) shall be for a period not to exceed 3 years, except that the Director may establish a procedure for renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1512. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa–7) is amended—

(1) in paragraph (3), by striking "and" at the end thereof;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs—

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle C—Drug Free Truck Stops and Safety Rest Areas

SEC. 1521. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of (A) a term of imprisonment of not less than 3 years and not more than life imprisonment or (B) 3 times the maximum punishment authorized by section 401(b); and

"(2) by at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under chapter 311 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.

"(d) For purposes of this section—

"(1) the term 'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) that has the capacity to provide fuel or service, or both, to any commercial motor vehicle as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986, operating in commerce as defined in section 12019(3) of such Act and that is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.".

(2) CONFORMING AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "409," immediately before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409, the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—

(1) PROMULGATION OF GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (c), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(A) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(B) in no event less than level 26.

(2) IMPLEMENTATION BY SENTENCING COMMISSION.—If the sentencing guidelines are amended after the date of enactment of this Act, the Sentencing Commission shall implement the instruction set forth in paragraph (1) so as to achieve a comparable result.

(3) LIMITATION.—The guidelines described in paragraph (1), as promulgated or amended under this subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to this subsection is subject to not more than one such enhancement.

TITLE XVI—DRUG CONTROL

Subtitle A—Drug Emergency Areas

SEC. 1601. DRUG EMERGENCY AREAS.

Section 1005 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504) is amended by adding at the end the following:

"(e) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State or where the threat of a drug-related emergency exists to part of a State bordering part of a foreign country where a drug-related emergency is known to exist, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug smuggling, drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) PROCEDURE FOR DECLARATION.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under subparagraph (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude, that Federal assistance is necessary to assure an effective response to save lives, and to protect property and public health and safety.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug smuggling, drug use or drug-related violence, but shall also

consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) or chief executive officer(s) shall—

"(i) take appropriate action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining that government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review any request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—Assistance under this subsection shall be subject to annual audit by the Comptroller General.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994, $300,000,000 to carry out this subsection.".

Subtitle B—Precursor Chemicals

SEC. 1611. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1991".

SEC. 1612. DEFINITION AMENDMENTS.

(a) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and by inserting in lieu thereof "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and by inserting in lieu thereof "list I chemical" and by striking "critical to the creation" and by inserting in lieu thereof "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting in lieu thereof "list II chemical" and by striking "that is used as a solvent, reagent, or catalyst" and by inserting in lieu thereof ", which is not a list I chemical, that is used";

(4) in paragraph (40) by striking "listed precursor chemical or a listed essential chemical" and by inserting in lieu thereof "list I chemical or a list II chemical" in both places it appears.

(b) Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting in lieu thereof "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting in lieu thereof "a list II chemical";

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting in lieu thereof "chemical control".

(c) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting in lieu thereof "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine.";

(3) in paragraph (39)(A) by striking "or exportation" and inserting in lieu thereof ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semi-colon and inserting in lieu thereof "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semi-colon and inserting in lieu thereof "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

(7) by adding a new paragraph as follows:

"(42) the terms 'broker' or 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing a buyer, seller and/or transporter together.".

SEC. 1613. REGISTRATION REQUIREMENT.

(a) Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting in lieu thereof "and to the registration and control of regulated persons and of regulated transactions.".

(b) Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" in each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance with applicable Federal, State and local law;

"(3) prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) past experience in the manufacture and distribution of chemicals; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

(d) Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" in each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) by redesignating subsection (c) as subsection (c)(1);

(2) by adding at the end the following:

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in paragraphs (1) through (5) of section 303(h) shall be considered.";

(3) in subsection (d)(3) by inserting "or list I chemical or chemicals," after "substances,";

(4) in subsection (d)(6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(5) in subsection (e) by striking "and 307" and inserting "307, and 310"; and

(6) in subsections (f), (g) and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(9) who is a regulated person to distribute, import or export a list I chemical without the registration required by this title.".

SEC. 1614. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each" and inserting "(b)(1) Each";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" each place it appears and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" each place it appears and inserting "subparagraph (C)"; and

(6) by adding at the end the following:

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by him.".

SEC. 1615. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding the follow new subsection:

"(e) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical which is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, record keeping, and other requirements placed upon exporters of listed chemicals by this title and title II.".

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this chapter;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this chapter;

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

SEC. 1616. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding the following new subsection:

"(f)(1) The Attorney General may by regulation require that the 15 day advance notice requirement of subsection (a) of this section apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as "regular customers" if he finds that such action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party;

"(2) The Attorney General may by regulation waive the 15 day advance notice requirement for exports of specific listed chemicals to specified countries if he determines that such advance notice is not required for effective chemical control. If such advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15 day advance notice requirement for the importation of specific listed chemicals if he determines that such requirement is not necessary for effective chemical control. If such advance notice requirement is waived, importers of such listed chemicals shall be required to either submit reports of individual importations or to submit periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) (as amended by section 1615(b)) is amended by—

(1) inserting "or" after the semicolon at the end of paragraph (4); and

(2) adding a new paragraph (5) as follows:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 of this title applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d)(1) or (2) of this title by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported;".

SEC. 1617. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraph (X) as (U), respectively;

(3) by inserting after subparagraph (U), as so redesignated by paragraph (2), the following:

"(V) benzaldehyde.

"(W) nitroethane.";

(4) by redesignating subparagraph (Y) as (X); and

(5) by striking "(M) through (X)" in redesignated subparagraph (X) and inserting in lieu thereof "(M) through (U)".

SEC. 1618. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person." and inserting in lieu thereof "to an importation by a regular importer.";

(2) in subsection (b)(2) by striking "a customer or supplier of a regulated person" and inserting in lieu thereof "a customer of a regulated person or to an importer" and by striking "regular supplier" and inserting in lieu thereof "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting in lieu thereof "regular importer".

SEC. 1619. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where persons registered under section 303 of this title (or exempt from such registration under section 302(d) of this title or by regulation of the Attorney General), or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such activity are maintained.".

SEC. 1620. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)) is amended by inserting "a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1621. MANAGEMENT OF LISTED CHEMICALS.

(a) Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 310 the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001 through 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921–6925).

"(b)(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property; and

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less

than 5 years, nor less than 10 years in the case of a willful violation.

"(4) The Court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

"(c) The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

(3) by adding the following new paragraph at the end thereof:

"(11) for costs assessed under section 311(b) of the Controlled Substances Act.".

Subtitle C—General Provisions

SEC. 1631. CRIMINAL PENALTY FOR FAILURE TO OBEY ORDER TO LAND.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

"§2237. Order to land

"(a)(1) A pilot or operator of an aircraft that has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, who intentionally fails to obey an order to land issued by an authorized Federal law enforcement officer who has observed conduct or is otherwise in possession of information establishing reasonable suspicion that the aircraft is being used unlawfully in violation of the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act, or section 1956 or 1957 of this title (relating to money laundering), shall be fined under this title, or imprisoned not more than two years, or both.

"(2) The Secretary of the Treasury and the Secretary of Transportation, in consultation with the Attorney General, shall make rules governing the means by which a Federal law enforcement officer may communicate an order to land to a pilot or operator of an aircraft.

"(3) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 or another law the Customs Service enforces or administers, or the authority of a Federal law enforcement officer under a law of the United States to order an aircraft to land.

"(b) A foreign nation may consent or waive objection to the United States enforcing the laws of the United States by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(c) For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, when that nation consents to United States enforcement of United States law; and

"(C) over the high seas, an aircraft without nationality, an aircraft of the United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the United States enforcement of United States law; and

"(2) the term 'Federal law enforcement officer' has the same meaning that term has in section 115 of this title.

"(d) An aircraft that is used in violation of this section is liable in rem for a fine imposed under this section.

"(e) An aircraft that is used in violation of this section may be seized and forfeited. The laws relating to seizure and forfeiture for violation of the customs laws, including available defenses such as innocent owner provisions, apply to aircraft seized or forfeited under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land.".

SEC. 1632. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of Public Law 87–195 (22 U.S.C. 2291(c)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

SEC. 1633. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the following: "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting in lieu thereof "(d)".

SEC. 1634. CLOSE LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1635. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER THE RICO STATUTE.

Section 1961(l) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting in lieu thereof "a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act".

SEC. 1636. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(1) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting in lieu thereof "a prior conviction for a felony drug offense has become final";

(2) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony for a felony drug offense have become final".

(3) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For purposes of this subparagraph, the term 'felony drug offense' means";

(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1637. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1638. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following:

"(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18 years, the maximum imprisonment shall be 5 years.

"(2) As used in this subsection, the term 'physical trainer or adviser' means any professional or amateur coach, manager, trainer, instructor, or other such person, who provides any athletic or physical instruction, training, advice, assistance, or other such service to any person.".

SEC. 1639. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF PUBLIC LAW 101–516 WHICH CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THAT STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of Public Law 101–516, section 333. This program shall notify the Governors and State Representatives of the requirements of Public Law 101–516, section 333.

SEC. 1640. ADVERTISING.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by inserting after subsection (b) the following:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in ad-

dition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term 'advertisement' does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."; and

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively.

SEC. 1641. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place it appears and inserting "5 years".

SEC. 1642. NATIONAL DRUG CONTROL STRATEGY.

(a) IN GENERAL.—Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is amended by adding at the end the following:

"(5) Beginning with the first submission of a National Drug Control Strategy to Congress after the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1991, the goals, objectives, and priorities of such Strategy shall include a goal for expanding the availability of treatment for drug addiction.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who are in need of such treatment.

SEC. 1643. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE SUMS OF CASH IN EXCESS OF $10,000 IN WEAPON SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.

SEC. 1644. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding the following new paragraph at the end thereof:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed under this paragraph.".

TITLE XVII—DRUNK DRIVING PROVISIONS

SEC. 1701. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1991".

SEC. 1702. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

SEC. 1703. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE XVIII—COMMISSIONS

Subtitle A—Commission on Crime and Violence

SEC. 1801. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the majority leader of the Senate and two of whom shall be appointed on the recommendation of the minority leader of the Senate.

SEC. 1802. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990's. The report shall include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors lending to or contributing to crime and specific proposals for legislative and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a reasonable prospect of equal or better crime control at equal or less cost.

SEC. 1802. RESPONSIBILITIES OF THE COMMISSION.

The Commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth.

(4) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(7) Review all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States

SEC. 1821. SHORT TITLE.

This subtitle may be cited as the "National Commission to Study the Causes of the Demand for Drugs in the United States".

SEC. 1822. ESTABLISHMENT.

There is established a National Commission to Study the Causes of the Demand for Drugs in the United States (hereinafter in this Act referred to as the "Commission").

SEC. 1823. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) examine the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes;

(2) evaluate the efforts being made to prevent drug abuse;

(3) identify the existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse;

(4) assess the needs of Government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs; and

(5) make recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(b) EXAMINATION.—Matters examined by the Commission under this section shall include the following:

(1) CHARACTERISTICS.—The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(2) ENVIRONMENT.—Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness on drug experimentation and abuse.

(3) ASSOCIATIONS AND SOCIAL RELATIONSHIPS.—The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(4) CULTURE.—Aspects of, and changes in, philosophical or religious beliefs, cultural values, attitudes toward authority, status of basic social units (such as families), and traditions that contribute to illicit drug use and abuse.

(5) PHYSIOLOGICAL AND PSYCHOLOGICAL FACTORS.—The physiological and psychological factors that contribute to the desire for illicit drugs.

(6) EFFORTS OF GOVERNMENTS.—The current status of Federal, State, and local efforts regarding the causes of illicit drug use and abuse, including a review of drug strategies being promoted by Federal, State, and local authorities to address the causes of illicit drug use and abuse.

SEC. 1824. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 13 members, as follows:

(A) PRESIDENT.—Three individuals appointed by the President.

(B) SENATE.—Five individuals appointed jointly by the majority and minority leaders of the Senate. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug user.

(C) HOUSE OF REPRESENTATIVES.—Five individuals appointed jointly by the Speaker, majority leader, and minority leader of the House of Representatives. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug abuser.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology,

(ii) psychology,

(iii) law,

(iv) bio-medicine,

(v) addiction, and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(b) PROHIBITION AGAINST OFFICER OR EMPLOYEE.—Each individual appointed under subsection (a) shall not be an officer or employee of any government and shall be qualified to serve the Commission by virtue of education, training, or experience.

(c) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(d) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(g) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(h) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(i) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1825. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1826. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1827. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1828. TERMINATION.

The Commission shall terminate on the date which is 2 years after the Members of the Commission have met and designated a Chairperson and Vice Chairperson.

Subtitle C—National Commission to Support Law Enforcement

SEC. 1831. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act".

SEC. 1832. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of

1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 1833. ESTABLISHMENT.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this title as the "Commission").

SEC. 1834. DUTIES.

(a) IN GENERAL. —The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 1835. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from national law enforcement organizations representing law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate.

(B) One shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Majority Leader of the Senate.

(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Speaker of the House of Representatives.

(10) One individual representing a State or local governmental entity, such as a governor, mayor, or State attorney general, to be appointed by the President.

(b) COMPTROLLER GENERAL.—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approach of the Commission's study.

(c) CHAIRPERSON.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 1836. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 1837. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1838. REPORT.

Not later than the expiration of the eighteen-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 1839. TERMINATION.

The Commission shall cease to exist upon the expiration of the sixty-day period beginning on the date on which the Commission submits its report under section 1838.

SEC. 1840. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (Public Law 101-647; 104 Stat. 4918) and title II, section 211B of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2122) are repealed.

TITLE XIX—BAIL POSTING REPORTING

SEC. 1901. SHORT TITLE.

This title may be cited as the "Illegal Drug Profits Act of 1991".

SEC. 1902. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000, and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of subsection (a), the term "criminal offense" means—

(1) any Federal criminal offense involving a controlled substance,

(2) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code),

(3) money laundering (as defined in section 1956 or 1957 of title 18, United States Code), or

(4) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney, and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the enactment of this title.

(e) EFFECTIVE DATE.—This section shall become effective 60 days after the date of the promulgation of regulations under subsection (c).

TITLE XX—MOTOR VEHICLE THEFT PREVENTION

SEC. 2001. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

SEC. 2002. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) UNIFORM DECAL OR DEVICE DESIGNS.—

(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) TYPE OF DESIGN.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) MORE THAN ONE SET OF CONDITIONS.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) MOTOR VEHICLES FOR HIRE.—

(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) TYPE OF NOTICE.—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

(f) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

SEC. 2002. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) BASIC OFFENSE.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) Whoever, with intent to further the theft of a vehicle, knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined under this title or imprisoned not more than five years, or both.".

(b) EXCEPTED PERSONS.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended by—

(1) striking "and" after the semicolon in subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) adding at the end thereof the following:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or his authorized agent;

"(ii) applicable State or local law; or

"(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.".

(c) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.".

(d) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

"§511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 25 of title 18, United States Code, is amended by adding immediately after the item for section 511 the following:

"511A. Unauthorized application of theft prevention decal or device.".

TITLE XXI—PROTECTIONS FOR THE ELDERLY

SEC. 2101. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 2102. CRIMES AGAINST THE ELDERLY.

(a) IN GENERAL.—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.

(b) CRITERIA.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of whether the conviction occurred in Federal or State court.

(c) DEFINITIONS.—As used in this section—

(1) the term "crime of violence" means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code; and

(2) the term "elderly victim" means a victim who is 65 years of age or older at the time of an offense.

TITLE XXII—CONSUMER PROTECTION

SEC. 2201. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully and materially overvalues any land, property or security—

"(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business, or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person about the financial condition or solvency of such business,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks or any receiver or similar official or any liquidating agent for such an entity, in his or her capacity as such, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the

business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

SEC. 2202. CONSUMER PROTECTION AGAINST CREDIT CARD FRAUD ACT OF 1991.

(a) Short Title.—This section may be cited as the "Consumer Protection Against Credit Card Fraud Act of 1991".

(b) Fraud and Related Activity in Connection with Access Devices.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device;".

(c) Technical Amendments.—Section 1029 of title 18, United States Code, as amended by subsection (b), is amended—

(1) in subsection (a) by striking "or" at the end of paragraph (3);

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e) by—

(A) striking "and" at the end of paragraph (5);

(B) adding "and" at the end of paragraph (6); and

(C) adding at the end thereof the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether it is affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 2203. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

TITLE XXIII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

SEC. 2301. SHORT TITLE.

This title may be cited as the "Financial Institutions Fraud Prosecution Act of 1991".

SEC. 2302. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

(1) by striking "or 1956"; and

(2) by inserting "1517, 1956, or 1957".

SEC. 2303. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) Prohibition.—

"(1) In general.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) Minimum 10-year prohibition period for certain offenses.—

"(A) In general.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) Exception by order of sentencing court.—

"(i) In general.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) Period for filing.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) Penalty.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

SEC. 2304. CRIME CONTROL ACT AMENDMENT.

Section 2546 of the Crime Control Act of 1990 (Public Law 101-647, 104 Stat. 4885) is amended by adding at the end the following:

"(c) Fraud Task Forces Report.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

TITLE XXIV—SAVINGS AND LOAN PROSECUTION TASK FORCE

SEC. 2401. SAVINGS AND LOAN PROSECUTION TASK FORCE.

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

TITLE XXV—SENTENCING PROVISIONS

SEC. 2501. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 2502. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 2503. REVOCATION OF PROBATION.

(a) In General.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) Mandatory Revocation.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) Mandatory Revocation for Possession of Controlled Substance or Firearm or Refusal to Cooperate in Drug Testing.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 2504. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place such term appears in such subsection and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease super-

vision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or''; and

(3) by striking subsection (g) and inserting the following:

''(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

''(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

''(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

''(3) refuses to cooperate in drug testing imposed as a condition of supervised release;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

''(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

''(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.''.

TITLE XXVI—SENTENCING AND MAGISTRATES AMENDMENTS

SEC. 2601. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: ''However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.''.

SEC. 2602. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding ''other than a petty offense'' after ''misdemeanor''; and

(2) in subsection (g) by amending the first sentence to read as follows: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.''.

SEC. 2603. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: ''A magistrate judge who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.''.

TITLE XXVII—COMPUTER CRIME

SEC. 2701. COMPUTER ABUSE AMENDMENTS ACT OF 1991.

(a) SHORT TITLE.—This title may be cited as the ''Computer Abuse Amendments Act of 1991''.

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

''(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

''(i) the person causing the transmission intends that such transmission will—

''(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

''(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

''(ii) the transmission of the harmful component of the program, information, code, or command—

''(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

''(II)(aa) causes loss or damage to one or more other persons of value aggregating $1,000 or more during any 1-year period; or

''(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

''(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

''(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

''(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

''(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

''(ii) if the transmission of the harmful component of the program, information, code, or command—

''(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

''(II)(aa) causes loss or damage to one or more other persons of a value aggregating $1,000 or more during any 1-year period; or

''(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals;''.

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking ''and'' after the semicolon;

(2) in paragraph (3)(A) by inserting ''(A)'' after ''(a)(5)''; and

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting ''; and''; and

(4) by adding at the end thereof the following:

''(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).''.

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

''(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.''.

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, is amended by adding at the end thereof the following new subsection:

''(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code.''.

(f) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting ''adversely'' before ''affects the use of the Government's operation of such computer''.

TITLE XXVIII—PARENTAL KIDNAPPING

SEC. 2801. SHORT TITLE.

This subtitle may be cited as the ''International Parental Kidnapping Crime Act of 1991''.

SEC. 2802. TITLE 18 AMENDMENT.

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

''§1204. International parental kidnapping

''(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

''(b) As used in this section—

''(1) the term 'child' means a person who has not attained the age of 16 years; and

''(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

''(A) whether joint or sole (and includes visiting rights); and

''(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

''(c) It shall be an affirmative defense under this section that—

''(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

''(2) the defendant was fleeing an incidence or pattern of domestic violence;

''(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

"1204. International parental kidnapping.".

SEC. 2803. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

TITLE XXIX—SAFE SCHOOLS

Subtitle A—Safe Schools

SEC. 2901. SHORT TITLE.

This title may be cited as the "Safe Schools Act of 1991".

SEC. 2902. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1421 of this Act, is amended—

(1) by redesignating part U as part Y;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following:

"PART U—SAFE SCHOOLS ASSISTANCE

"SEC. 2101. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in English and in Spanish in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2102. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2103. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2002;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filed with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps;

"(5) a description of the system the applicant will establish to prevent and reduce crime problems; and

"(6) a description of educational materials to be developed in Spanish.

"SEC. 2104. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2003(c).

"SEC. 2105. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2003(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2003(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 2106. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2003(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Committee on Education and Labor and the Committee on the Judiciary a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2003(b)(4), and an evaluation of programs established under this part.

"SEC. 2107. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1421 of this Act, is amended by striking the matter relating to part U and inserting the following:

"PART U—SAFE SCHOOLS ASSISTANCE

"Sec. 2101. Grant authorization.
"Sec. 2102. Use of funds.
"Sec. 2103. Applications.
"Sec. 2104. Allocation of funds; limitations on grants.
"Sec. 2105. Award of grants.
"Sec. 2106. Reports.
"Sec. 2107. Definitions.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1421 of this Act, is amended by adding after paragraph (14) the following:

"(15) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part U.".

Subtitle B—Miscellaneous Provisions

SEC. 2912. RECORDS.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 2913. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Subsection (c) of section 5122 of the Drug-Free Schools and Communities Act of 1986, as amended by section 1504(3) of Public Law 101-647, is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

TITLE XXX—MISCELLANEOUS

Subtitle A—Increases in Penalties

SEC. 3001. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall";

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "ten"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "six".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved in the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," both places it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 3002. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "six".

SEC. 3003. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results";

(3) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(4) by inserting ", or both" after "life".

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "more more than $1,000" an inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or" after "death results";

(4) by striking "shall be subject to imprisonment" and inserting "imprisoned"; and

(5) by inserting ", or both" after "life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(6) by inserting ", or both" after "life".

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking "bodily injury; death;";

(2) by striking "not more than $1,000," and inserting "under this title";

(3) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(4) by striking "not more than $10,000," and inserting "under this title";

(5) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(6) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(7) by inserting ", or both" after "life".

Subtitle B—Extension of Protection of Civil Rights Statutes

SEC. 3011. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

Subtitle C—Audit and Report

SEC. 3021. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: "The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).".

SEC. 3022. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

Subtitle D—Counterfeit Goods Traffic

SEC. 3031. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence by striking "imprisoned not more than five years" and inserting "imprisoned not more than 10 years"; and

(2) in the second sentence by striking "imprisoned not more than fifteen years" and inserting "imprisoned not more than 20 years".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),".

Subtitle E—Gambling

SEC. 3041. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.

"3701. Definitions.

"3702. Unlawful sports gambling.

"3703. Injunctions.

"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization (including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))) that has governmental authority within the territorial boundaries of the United States (including on lands described in section 4(4) of such Act (25 U.S.C. 2703(4))),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographic references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery in operation in a State or subdivision of a State, to the extent that such a lottery actually was conducted by that State or subdivision at any time during the period beginning January 1, 1976 and ending August 31, 1990;

"(2) a betting, gambling, or wagering scheme in operation in a State or subdivision of a State, other than a lottery described in paragraph (1), where both—

"(A) such scheme was authorized by a statute as in effect on August 31, 1990; and

"(B) any scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or subdivision at any time during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of that State or subdivision;

"(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

"(A) such scheme or a similar scheme was in operation in that municipality not later than one year after the effective date of this chapter; and

"(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

"(4) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001";

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection .... 3701".

SEC. 3042. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

SEC. 3043. CLARIFYING AMENDMENTS REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.

(a) DEFINITION OF GAMBLING SHIP IN TITLE 18.—The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986).".

(b) CLARIFICATIONS OF, AND LIMITATIONS ON, GAMBLING DEVICES PROHIBITIONS.—

(1) TRANSPORT TO A PLACE IN A STATE, ETC..—Section 2 of the Act of January 2, 1951 (15 U.S.C. 1172; commonly referred to as the "Johnson Act"), is amended—

(A) by inserting before the first paragraph the following: "(a) GENERAL RULE.—";

(B) in subsection (a) (as so designated) by striking ", District of Columbia,";

(C) by inserting before the second paragraph the following: "(b) AUTHORITY OF FEDERAL TRADE COMMISSION.—"; and

(D) by adding at the end the following:

"(c) EXCEPTION.—This section does not prohibit the transport of a gambling device to a place in a State or a possession of the United States on a vessel on a voyage, if—

"(1) use of the gambling device on a portion of that voyage is, by reason of subsection (b) of section 5, not a violation of that section; and

"(2) the gambling device remains on board that vessel while in that State.".

(2) REPAIR, OTHER TRANSPORT, ETC.—Section 5 of that Act (15 U.S.C. 1175) is amended—

(A) by inserting before "It shall be unlawful" the following: "(a) GENERAL RULE.—";

(B) by inserting before the period at the end the following: ", including on a vessel documented under chapter 121 of title 46, United States Code, or documented under the laws of a foreign country"; and

(C) by adding at the end the following:

"(d) EXCEPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section does not prohibit—

"(A) the repair, transport, possession, or use of a gambling device on a vessel that is on waters that are not within the boundaries of any State or possession of the United States; or

"(B) the transport or possession, on a voyage, of a gambling device on a vessel in waters that are within the boundaries of any State or possession of the United States, if—

"(i) use of the gambling device on a portion of that voyage is, by reason of subparagraph (A), not a violation of this section; and

"(ii) the gambling device remains on board that vessel while within the boundaries of that State or possession.

"(2) APPLICATION TO CERTAIN VOYAGES.—

"(A) GENERAL RULE.—Paragraph (1)(A) does not apply to the repair or use of a gambling device on a vessel that is on a voyage or segment of a voyage described in subparagraph (B) of this paragraph if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute the terms of which prohibit that repair or use on that voyage or segment.

"(B) VOYAGE AND SEGMENT DESCRIBED.—A voyage or segment of a voyage referred to in subparagraph (A) is a voyage or segment, respectively—

"(i) that begins and ends in the same State or possession of the United States, and

"(ii) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country.".

(3) BOUNDARIES DEFINED.—The first section of that Act (15 U.S.C. 1171) is amended by adding at the end the following:

"(f) The term 'boundaries' has the same meaning given that term in section 2 of the Submerged Lands Act (43 U.S.C. 1301).".

Subtitle F—White Collar Crime Amendments

SEC. 3051. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receiving the proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than one year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than three years, fined under this title, or both."; and

(2) in the table of sections, by adding at the end the following new item:

"880. Receiving the proceeds of extortion.".

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding the following new subsections:

"(b) Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than one year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than ten years, fined under this title, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.".

SEC. 3052. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) Whoever receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than ten years, fined under this title, or both.".

SEC. 3053. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code or" before "the Antitrust Civil Process Act".

SEC. 3054. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 3055. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

"(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States.".

SEC. 3056. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666 of this title.".

Subtitle G—Other Provisions

SEC. 3061. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 3062. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offense.".

SEC. 3063. UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§21. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 3064. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 3065. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 3066. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by inserting "or" at the end of paragraph (d); and

(3) by adding after paragraph (d) the following new paragraph:

"(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e), 2516, and 2518 of this subchapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 3067. THEFTS OF MAJOR ART WORKS.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"§668. Theft of a major art work

"(a) Whoever steals or obtains by fraud any object of cultural heritage held in a museum, or knowing the same to have been stolen, converted, or taken by fraud receives, conceals, stores, sells, exhibits, or disposes of such goods, shall be fined under this title, imprisoned for not more than the maximum term of imprisonment for a class C felony, or both.

"(b) Notwithstanding section 3282 of this title, the statute of limitations for an offense under this section shall be 20 years.

"(c) The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982 of this title.

"(d) For purposes of this section—

"(1) The term 'museum' means an organized and permanent institution, situated in the United States, essentially educational or aesthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public on some regularly scheduled period.

"(2) The term 'stolen object of cultural heritage' means an object stolen from a museum after the effective date of this title reported to law enforcement authorities as stolen and registered with the International Foundation for Art Research, or any equivalent registry.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"668. Theft of a major art work.".

SEC. 3068. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) an adequately supported Federal judiciary is essential to the enforcement of law and order in the United States, and

(2) section 331 of title 28 provides in pertinent part that the Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation, and

(3) in 1990, in response to the recommendations of the Judicial Conference for additional judgeships, Congress enacted legislation creating 85 additional judgeships with an effective date of December 1, 1990, and

(4) only one of these vacancies has been filled, and

(5) during the current administration, it has taken an average of 502 days from the time a judgeship becomes vacant until such vacancy is filled, and

(6) the enactment of legislation providing additional funding for the investigation and prosecution facets of the criminal justice system has a direct and positive impact on the needs and workload of the Judiciary, which is already severely overloaded with criminal cases, and

(7) recommendations by the Judicial Conference for the filling of judicial vacancies are currently made on the basis of historical data alone, and

(8) the General Accounting Office, pursuant to the 1988 Anti-Drug Abuse Act, has developed a computer model that measures the potential effect of fiscal increases on one or more parts of the criminal justice system on the Judiciary, and

(9) the General Accounting Office has established that an increase in the resources allocated to the investigative and prosecutorial parts of the criminal justice system, brings about an increase in the number of criminal cases filed, which in turn adds to the need for additional judgeships, and

(10) the allocation of resources to portions of the Federal criminal justice system other than the Judiciary contributes to the need for additional judgeships that cannot be anticipated by the use of historical data alone, and

(11) the use of historical data alone, because of its inability to project the need for additional judgeships attributable to the increase in crimi-

nal caseload adds to the delay in meeting the needs of the Judiciary.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Judicial Conference should be encouraged to make its recommendations to Congress for additional judgeships utilizing historical data and a workload estimate model designed to anticipate an increase in criminal filings resulting from increased funding in one or more components of the Federal criminal justice system, and to take into account the time expended in the appointive and confirmation process.

SEC. 3069. AWARD OF ATTORNEY'S FEES.

Section 519 of title 28, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

(2) by adding at the end the following new subsection:

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice or of any Federal public defender's office who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice or of any Federal public defender's office who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such inquiry the Attorney General shall consider:

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 3070. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 3071. MISUSE OF INITIALS "DEA".

(a) AMENDMENT.—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking "words—" and inserting "words; or"; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

SEC. 3072. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 3073. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof;".

TITLE XXXI—TECHNICAL CORRECTIONS

SEC. 3101. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) CROSS REFERENCE CORRECTIONS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of",

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)",

(3) in subsection (e) by striking "or (e)" and inserting "or (f)",

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but", and

(ii) by striking "this subsection," and inserting "this subsection", and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)", and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section", and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended in paragraph (3) by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),", and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)",

(ii) by striking "personal", and

(iii) in the first proviso by striking "section" and inserting "subsection", and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant",

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications", and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,",

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319",

(4) in section 603(a)(6) by striking "605" and inserting "606",

(5) in section 605 by striking "this section" and inserting "this part",

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics",

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts",

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E",

(C) by striking "403(a)" and inserting "501", and

(D) by striking "403" and inserting "503",

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part",

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or",

(10) in section 808 by striking "408, 1308," and inserting "507",

(11) in section 809(c)(2)(H) by striking "805" and inserting "804",

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance",

(13) in section 901(a)(3) by striking "and," and inserting ", and",

(14) in section 1001(c) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 3102. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions" in lieu thereof.

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) CLERICAL AMENDMENT TO PART I TABLE OF CHAPTERS.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) AMENDMENT TO SECTION 924(a)(1)(b).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) AMENDMENT TO SECTION 3143.—The last sentence of section 3143(b) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

(j) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to the chapter 113A added by section 132 of Public Law 102–27, but subsequently repealed.

(k) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(l) TABLE OF CONTENTS CORRECTION.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights.".

(m) ELIMINATION OF SUPERFLUOUS COMMA.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

SEC. 3103. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) SECTION 1956 OF TITLE 18.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(f) SECTION 408 OF THE CONTROLLED SUBSTANCE.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(i) SECTION 3143 OF TITLE 18.—The last sentence of section 3143(b)(1) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

SEC. 3104. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212, by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213, by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking "Reconstruction Finance Corporation,", and by striking "Farmers' Home Corporation,";

(7) in section 658, by striking "Farmers' Home Corporation,";

(8) in section 1013, by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160, by striking "white person" and inserting "non-Indian";

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113, by striking the third paragraph;

(16) in section 3281, by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443, by striking "or (3) five years after 12 o'clock noon of December 31, 1946,"; and

(18) in sections 542, 544, and 545, by striking "the Philippine Islands,".

SEC. 3105. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended, in subsection (a)(3), by striking "issuer" and inserting in lieu thereof "domestic concern".

SEC. 3106. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 3107. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting in lieu thereof "(b)(5)".

SEC. 3108. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking "association or persons" and inserting in lieu thereof "association of persons";

(2) in section 1956(e), by striking "Evironmental" and inserting in lieu thereof "Environmental";

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking "provider for" and inserting in lieu thereof "provider of" in subsection (d);

(4) in section 3731, by striking "order of a district courts" and inserting in lieu thereof "order of a district court" in the second undesignated paragraph; and

(5) in section 151, by striking "mean" and inserting "means".

(6) in section 208(b), by inserting "if" after "(4)";

(7) in section 209(d), by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014, by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291, by striking "the afore-mentioned" and inserting "such".

SEC. 3109. OTHER TECHNICAL AMENDMENTS.

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Sub-

stances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title.".

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) SECTION 408 OF CONTROLLED SUBSTANCES ACT.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

SEC. 3110. CORRECTIONS OF ERRORS FOUND DURING CODIFICATION

Title 18, United States Code, is amended—

(1) in section 212, by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the table of sections for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

"§ 1170. Illegal trafficking in Native American human remains and cultural items";

(5) so that the item relating to section 1170 in the table of sections at the beginning of chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a), by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking out "subdivision" each place it appears and inserting "subsection"; and

(B) by striking out "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B), by striking "materails" and inserting " materials";

(9) in section 14, by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b), by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c), by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the table of sections at the beginning of chapter 11—

(A) in the item relating to section 203, by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204, by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the table of sections at the beginning of chapter 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the table of sections at the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3), by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176, by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii), by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the table of sections at the beginning of chapter 203.

SEC. 3111. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) INCORRECT REFERENCE AND PUNCTUATION CORRECTION.—(1) Section 2587(b) of the Crime Control Act of 1990 is repealed, effective on the date such section took effect.

(2) Section 2587(b) of Public Law 101–647 is amended, effective the date such section took effect, by striking "The chapter heading for" and inserting "The table of sections at the beginning of".

(3) The item relating to section 3059A in the table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding a period at the end.

(b) LACK OF PUNCTUATION IN STRICKEN LANGUAGE.—Section 46(b) of Public Law 99–646 is amended, effective on the date such section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of such title.

(c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective on the date such section took effect in subsection (b), by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the table of chapters for part I of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) PLACEMENT OF NEW SECTION.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.—Section 225(a) of Public Law 101–674 is amended, effective on the date such section took effect, by striking "new rule".

(f) CLARIFICATION OF PLACEMENT OF AMENDMENT.—Section 1205(c) of Public Law 101–647 is amended, effective the date such section took effect, by inserting "at the end" after "adding".

(g) ELIMINATION OF DUPLICATE AMENDMENT.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective the date of the enactment of such section.

(h) ERROR IN AMENDMENT PHRASING.—Section 3502 of Public Law 101–647 is amended, effective the date such section took effect, by striking "10" and inserting "ten".

(i) CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective the date such sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) CORRECTION OF PARAGRAPH REFERENCE.—Section 3527 of Public Law 101–647 is amended, effective the date such section took effect, by striking "4th" and inserting "5th".

(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.—Section 3542 of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(m) CLARIFICATION OF PLACEMENT OF AMENDMENTS.—Public Law 101–647 is amended, effective the date of the enactment of such Public Law—

(1) in section 3564(1), by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A), by inserting "each place it appears" after the quotation mark following "subchapter".

(n) CORRECTION OF WORD QUOTED IN AMENDMENT.—Section 3586(1) of Public Law 101–647 is amended, effective the date such section took effect, by striking "fines" and inserting "fine".

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101–647 is repealed, effective the date of the enactment of such Public Law.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101–647 is amended, effective the date such section took effect, by striking "not more than".

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101–647 is repealed, effective the date such section took effect.

(2) Section 1213 of Public Law 101–647 is repealed, effective the date such section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101–647 is amended, effective the date such section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) FORFEITURE.—(1) Section 1401 of Public Law 101–647 is amended, effective the date such section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101–647 is amended, effective the date such section took effect, by striking "108(3)" and inserting "2508(3)".

SEC. 3115. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.

Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(D), by striking "section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),";

(2) in subsection (a)(2) and in subsection (b), by striking "transportation" each place it appears and inserting "transportation, transmission, or transfer";

(3) in subsection (a)(3), by striking "represented by a law enforcement officer" and inserting "represented"; and

(4) in subsection (c)(7)(E), by striking the period that follows a period.

SEC. 3116. AMENDMENTS TO PART V OF TITLE 18.

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for such part the following:

"CHAPTER 601—IMMUNITY OF WITNESSES";

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

HELMS AMENDMENT NO. 1797

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 652, supra, as follows:

At the appropriate place, add the following:

SEC.—. CRIMINAL TEXTILE TRADE PRACTICES BY COMMUNIST CHINA.—It is the sense of the Senate that the President should immediately suspend nondiscriminatory trade treatment (commonly referred to as "most-favored-nation status") for the People's Republic of China until the President determines and certifies to Congress that no senior-level official of the Government of the People's Republic of China, nor any senior-level official of a provincial government of the People's Republic of China are under indictment in the United States for criminal activities in connection with the export of textiles to the United States.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 2656, the Petroleum Marketing Practices Act Amendments of 1992.

The hearing will take place on Wednesday, May 13, 1992, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at (202) 224-4820.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 21, 1992, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee. The bills are:

S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes;

S. 2101, to amend the Wild and Scenic Rivers Act by designating the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 2572, to authorize an exchange of lands in the States of Arkansas and Idaho; and

H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 9:30 a.m., to hold a hearing. The committee will receive testimony on Senate Joint Resolution 221 and Senate Joint Resolution 275, providing for the appointments of Hanna H. Gray and Wesley S. Williams, Jr., respectively, as citizen regents of the Smithsonian Institution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commit tee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 6, at 2 p.m., to conduct a hearing on "Treaty Between the United States and the Republic of Panama on Mutual Assistance in Criminal Matters."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 10 a.m., for a hearing on S. 1622, "Comprehensive OSHA Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee. on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 6, at 10 a.m., to conduct a hearing on the role of children's educational television in the transformation of the former Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 6, 1992, at 10 a.m., to hold a hearing on "Comprehensive Reform of Health Care Costs."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 10:30 a.m., to hold a hearing on "Retail Gasoline Marketing."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, May 6, 1992, at 2 p.m., in open and closed sessions, to receive testimony on Department of Energy national security programs in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 9:30 a.m., May 6, 1992, to receive testimony on the science concerning global climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUNGER RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 2 p.m. for a hearing on "Live Performing Arts Labor Relations Amendments."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services be authorized to meet on Wednesday, May 6, 1992, at 10 a.m., in open session, to receive testimony on logistics programs in review of the amended Defense authorization request for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 6, beginning at 12:15 p.m., to conduct a hearing to receive testimony from Kenneth C. Rogers, nominated by the President to be a member of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 6, 1992, at 9:30 a.m. on S. 2297 and the Land Remote Sensing Program.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE SUBCOMMITTEE ON FOREIGN OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations Subcommittee on Foreign Operations be allowed to meet during the session of the Senate on Wednesday, May 6, 1992, at 10 a.m. in SD–628, to hold a joint hearing on aid to the former Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 6, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on the implementation of the Indian Gaming Regulatory Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 6, beginning at 10 a.m., to conduct a hearing on nuclear waste and nuclear powerplant safety in Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL TEACHER APPRECIATION WEEK

• Mr. AKAKA. Mr. President, I rise today to recognize National Teacher Appreciation Week. During this week, May 3 through 9, students, parents, and communities across the country will be taking the opportunity to acknowledge the dedication and commitment of our country's teachers to this most noble of professions.

Being a good teacher requires one to possess a multitude of attributes—among them an infinite degree of patience and perseverance. As a teacher, one is not merely expected to impart facts and figures to youngsters. Especially in these very troubled times, the critical responsibilities of a teacher include providing insight, much-needed counsel, and all too often, solace.

For those faced with classes of 20-plus students and course loads well beyond that in which one has been versed, it can sometimes be an almost impossible task to call up the reserves of energy, find the 25th hour in the day, and summon the inner wisdom to do what must be done.

Yet, the vast majority of teachers in our public school system do just that and more. They make that time, and they extend that effort. They are available to their students before and after school. They give up their own extracurricular activities to volunteer to help out with those of their charges. They spend their own money when proper resources are lacking—or when they just feel that it is needed to do a better job.

Mr. President, today we have the opportunity to honor these keystones of our society. They toil day after day to ensure the very future of the United States—a truth that too many fail to realize in their blind criticism and lack of support. The awesome duty of seeing that our leaders and citizens of tomorrow are fully prepared, in both their minds and hearts, is one that we have all placed on our Nation's teachers.

Today, I am here to applaud each and every one of them, especially those in my home State of Hawaii, for their unselfish, unparalleled devotion to the most honored of professions. I ask my colleagues to join me in paying our highest tribute to the efforts of our Nation's teachers during National Teacher Appreciation Week.•

NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 425

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the National Association of Letter Carriers Branch 425. On May 13, the NALC Branch 425 will be presented the National Association of Letter Carriers' Branch Service Award in recognition of its outstanding community services.

The men and women of NALC Branch 425 are well deserving of this honor. Despite long hours at work, NALC Branch 425 has consistently devoted considerable effort to meet the needs of the less fortunate individuals and families of the Hackensack community.

Branch 425 is dedicated to aiding those who need clothes and food. Using different community resources to collect and distribute these items, they were successful in providing community wide access to individuals and families in need. For example, the men and women of branch 425 collected food for a local church's area food bank and distributed supermarket vouchers.

In addition, the letter carriers have recognized the need for AIDS research and have been supportive in this cause. They are committed to women's rights and are working on establishing a women's forum for women to discuss their problems within community.

During the Persian Gulf war, the letter carriers of branch 425 took over the Marines' shorthanded Toys for Tots Program, assuring holiday toys for the needy children of Hackensack. In addition, they collected toys for distribution by the Salvation Army, a local YMCA day care center for lower income children and to individual needy postal patrons.

Mr. President, the National Association of Letter Carriers Branch 425 has committed much of their time and effort to the betterment of the Hackensack community and to providing the less fortunate with food, clothes, and toys. I commend the men and women of branch 425 for their outstanding contributions to their community.•

VETERANS' COMMITTEE HEARING ON HOMELESS VETERANS

• Mr. ROCKEFELLER. Mr. President, the Senate Veterans' Affairs Committee held a hearing on homeless veterans on April 9, 1992. I was proud to have the opportunity to cochair part of this hearing, and gather testimony from formerly homeless veterans. These men had compelling stories to tell, and I wanted to take this opportunity to share their testimony with my colleagues.

It is a tragedy that so many men and women who bravely served our country in the Armed Forces are homeless—between 200,000 and 330,000 veterans are homeless. An evaluation of one of the VA's residential treatment programs a few years ago revealed that demand for treatment exceeded availability at every one of the 45 program sites.

The VA and other Federal organizations have programs for homeless veterans, but the needs are overwhelming. We must find better ways to coordinate Federal resources and reach out to homeless veterans. During the hearing, we gathered testimony on Senator CRANSTON's bill, S. 2512, that will continue and expand the successful Homeless Veterans Reintegration Program, and modify the VA Acquired Properties Program to make it easier for nonprofits and veterans' service organizations to obtain VA property and convert it into transitional housing for homeless veterans. I am proud to be an original cosponsor of this legislation.

At the hearing, leaders from veterans' service organizations testified about private efforts to help the homeless, and some projects were exceptional and deserve our support and admiration. But the most important words at the hearing came from the veterans themselves who had been homeless and are struggling to rebuild their lives with assistance from Federal programs. These men are finally getting the help they deserve, but countless others remain on the streets, unaware of assistance programs or unable to access help.

Mr. President, in conclusion, I believe that our country owes tremendous gratitude to the men and women who have served in our Armed Forces. It is tragic that over a quarter of a million veterans may be homeless. We need to find ways to reach out to them and offer our support, health care, and opportunities they need to get back on their feet.

It took a great deal of courage for these veterans to testify before the committee. But thanks to them, we have new insights into the needs and concerns of homeless veterans.

Mr. President, I ask that the following statements be printed in the RECORD at this time:

STATEMENT OF STANLEY JORDAN

None of us sets out to be homeless. I don't think no vet wants to be in the predicament that I was put in. I didn't ask to be homeless, it was an unfortunate incident that I thought I was being a good citizen. I came to the aid of a person that was murdered here in the city where I was born and raised and paid taxes, went and served my country and I was diagnosed with Delayed Stress Syndrome. I worked here in this very same building. I had a home, had a family that I was taking care of.

This one particular night, that was the beginning of my fall into this black hole of homelessness. I figured that by me being a good citizen, had served on juries, foreman of two juries, that somebody would come to my aid or would understand what I was dealing with. I had no idea what I was dealing with my own self, this Delayed Stress Syndrome. I had carried it around in me for twenty years. This one particular incident set it off.

Everywhere I turned, there was no help. The District Government, I'm sorry but—our Police Chief gets on and says, well, come forward and be a good citizen, and I did this, served the country, I did my time in Vietnam, but when it came time for me to get help, there was no help.

I remember when I was inducted into the military, within eight hours, I was tested mentally, physically, head to toe examination, on a bus from Washington, D.C. to Fort Bragg, North Carolina in eight hours. I was in the military from a civilian to a soldier in eight hours. I expected this same kind of expediency when I went to VA, but it was the total opposite. It was ridiculously slow service and not knowing, nobody would seem to know what your needs were. It was just like, well, you wait.

Fortunately, by me being persistent, I continued to march, I kept on, I persisted, and now I'm currently no longer homeless, but I'm still living below the poverty level, I'm still unemployed. I worked in this very building. These very chairs and tables you're sitting in, apparently I carried them into this room.

Once this disease or illness—it was like another stigma or door shut—came back and I wanted to return to work. I don't want handouts. All my life I've earned what I had or accumulated and I watched my accumulation, my life-long work and struggles disintegrate. I wanted somebody to help me to hold my life together, my sanity together.

Nobody told me that I would be affected the way I was from my career in the military or in Vietnam. We are all sitting here today with bills in front of us and there are thousands and thousands of other veterans that are in more precarious situations than I am. They don't know what the hell is going on. These people that sleep on grates, push carts, sleep under bridges, in cars, the guy that has a crack habit, alcohol problem, mental, somebody has to reach these people.

I was the fortunate one. I had a very nice man from the VA by the name of Mr. Jim Fisher. He took an interest and in this way he showed me what was available to me but for years and years, nothing was available to me—no plan or Stanley, you need this and this is available for you, no housing or so forth. It's no map for veterans. All of us have our own unique problems and we can all talk in a broad sense, but something has to be done in some kind of way to reach each individual.

All of us can't be saved but the ones that want to be saved, the ones that want to work, who want a home, I think regardless of what it costs. Everybody says it's a recession, the [Department of Defense] wants to close military bases. Take these veterans and let these veterans rehabilitate these military bases or installations. They say teachers are out of work, doctors are out of work, put these people there. Teach the veterans. Everybody is into the recycling thing, plastic, glass and newspaper. What about the human? Are we expendable? Throw us away? There's still a lot of good left in us. I just wanted people to recognize that we can be recyclable, too. Thank you.

STATEMENT OF MR. WILLIAM SHERMAN

I'm thankful for this program which I didn't know existed. I was homeless. I'm recovering from being homeless, a substance abuser. I stayed in a shelter for six months and the VA paid for that. If it wasn't for that, I don't know where I'd be.

I have an appointment next month on the 20th for vocational rehabilitation and like I said, I didn't know a program like this existed. It's nice to know that a program like this exists. It makes it worthwhile being a veteran* * *.

I'm just grateful that I have a chance now to start my life over and be productive to society and to myself as a veteran. I'm looking forward to this vocational rehabilitation and maybe possibly get on my feet one day and some young guy might ask me about the military and I can tell him, man, it's a nice try to go in there and you come out and you can have some benefits. Like I said, I have benefits I don't even know about. I'm glad I have this one. It's given me another chance to start my life over again. It makes it worthwhile to be a veteran of the United States.

STATEMENT OF MR. RAYMOND TRACEY

When I came to Project PLASE with Mary, I had two what I call tragedies. I'd just lost my wife last year of nineteen years and had to deal with that, and helped me get through that. And I was chemically addicted. I didn't go to Vietnam, but I was in the Vietnam era through 1966 to 1968 and I was stationed out in California during the time of the hippie generation of sex, drugs, and rock and roll. So I've been addicted for quite a while. I kind of killed the marriage.

A week before my wife passed, I called Fort Howard to see what I could do to stop using the chemicals I was using, and through Fort Howard I found out a lot about the VA that I didn't know about, a lot things that they offered.

After my wife passed [away] and I started to get myself together. During my addiction time, I had killed a lot of places where I could stay, so I was basically homeless. I went to another house called Fayette House which they offer bed and rooms to veterans but the house there, our personalities clashed, but I had to back to 1C to help deal with my wife's issue.

After I left there I was taken to Project PLASE, and there I've been receiving open arms, the helpful hand that a fellow would need if he's homeless and in need of just support to help him back in his life. I just got there. I've only been there about three weeks, but they have been encouraging me to keep up with the federal building aftercare program, the 12-step program, and they have really been helpful.

I think there are some other vets that I do know that's out there in the street that really don't know the advantages that they have now or what may come out of this committee. Hopefully, there will be more, but right now I have a brighter future than I had, say, a month ago.•

SENATE CONCURRENT RESOLUTION 110—ADDITIONAL COSPONSORS

• Mr. SYMMS. Mr. President, I rise today in appreciation for the support of two more of our colleagues who support Senate Concurrent Resolution 110, my legislation to allow the private sector to honor the great patriot Thomas Paine at the intersection of Pennsylvania and Constitution Avenues.

I ask unanimous consent that the Senator from Massachusetts [Mr. KERRY] and the Senator from New Jersey [Mr. LAUTENBERG] be added as cosponsors to Senate Concurrent Resolution 110.

Incidentally, Thomas Paine wrote one of his most famous works "The American Crisis I," while in New Jersey.

It is an honor to add my friends from New Jersey and Massachusetts to the 71 original cosponsors, bringing the total to 73 cosponsors.•

CASA

• Mr. ROCKEFELLER. Mr. President, today I rise to speak in support of

CASA, Court Appointed Special Advocates for Children. These trained community volunteers are appointed by a judge to speak for the best interests of abused, neglected, and dependent children in court.

Tragically, each year there is a growing number of children displaced from their homes who are trapped within the system. In order to enhance family preservation efforts and fully protect children, it is crucial to fully examine each case to determine what is best for the child. At a time when the average caseworker has 40 to 60 cases concurrently, it is difficult to give each individual child special consideration. This is where the CASA volunteers play a very significant role. They only work with one or two children at a time so that they can concentrate on the best interests of that child and serve as a special advocate as the judge decides the future of the child.

The CASA Program was created in 1977 by Judge David W. Soukup during his tenure as a superior court judge in the State of Washington. He saw the need for a children's advocate who could devote the time necessary to investigate and make an independent recommendation to the judge on the well-being of the child. Thus, CASA was created with the commitment that "every child has the right to a safe, permanent home." Since its founding, CASA has built a membership of over 19,000 volunteers, affecting the lives of thousands of children in need and struggling in the court system.

As Chairman of the National Commission on Children, I had the opportunity to observe court proceedings in Los Angeles where I was witness to judges having 5 to 10 minutes to decide whether a child was better off remaining in a distressed family, or being placed in foster care. It's a traumatic experience, but it emphasizes the necessity of such an organization as CASA.

The National Commission on Children is committed to promoting the well-being of children and the best way to do so is to support families. Our child protection system must be strengthened dramatically, with greater emphasis on prevention and family preservation. But for those children at risk, we need an efficient court system and a compassionate network for foster care.

Mr. President, I am proud to say that West Virginia has recently become the 48th State to participate in this wonderful program. Last fall, Judge L.D. Egnor appointed the first West Virginia volunteers in Cabell County after the intensive 6-week, 40-hour training period. These first 8 volunteers are currently involved in 12 child abuse cases, and extensive screening for 10 new volunteers is now being conducted. The project is presently coordinated by Laurie McKeown, of the Cabell County Child Protection Team, who has set a good example for future CASA's in West Virginia. She has found the CASA volunteers to be very successful in filling the gaps in our established legal system concerning children.

West Virginia has joined the total of 49 States in attempting to reach the CASA goal: by the year 2000, having a CASA volunteer available for every child needing one. Now, only about a quarter of children are served. I applaud the CASA volunteers and the program for providing compassionate support for children facing intimidating circumstances. The help of a CASA volunteer is invaluable to judges, caseworkers, and others struggling to meet the needs of children at risk. But most important, a CASA volunteer serves as the advocate for the child. CASA deserves our deep admiration and support.•

STUDENTS AT YSLETA HIGH SCHOOL, EL PASO, TX

• Mr. DOMENICI. Mr. President, we spend a lot of time down here on the floor talking about education. We ask ourselves over and over what in the world is wrong with our schools. We worry that we're not paying our teachers well enough, and wring our hands wondering where our kids have gone so wrong.

Frankly, Mr. President, while I will acknowledge that we certainly have some problems we need to resolve, I'm not quite as pessimistic about the education of our children and the kind of job our teachers are doing as some of us are. I think it's important to remember that many of our children are succeeding marvelously. Resourceful and innovative students working together with dedicated and innovative educators can accomplish some wonderful things.

With that in mind, I would like to call to your attention the accomplishments of five students at Ysleta High School in New Mexico's close neighbor to the south, El Paso, TX. This school is situated only 3 miles from the Mexican border. More than 68 percent of the school's 2,500 students live at or below the poverty line. Many could not speak English when they started school.

Some would call this combination a recipe for certain failure. However, don't tell that to Robert Parks, the principal of Ysleta. Five seniors at his school have recently been accepted to the Massachusetts Institute of Technology. These five students—Enrique E. Arzaga, Alicia Ayala, Jesus A. Martinez, Liliana Ramirez, and David Villarreal—are believed to constitute the single largest group of students ever admitted to MIT from a general public high school.

I share Principal Parks' pride in the accomplishments of Enrique, Alicia, Jesus, Liliana, and David. I know the students, teachers, and faculty at Ysleta are very proud of these five special students. They have a right to be. Having one student from a school accepted at MIT, one of our country's most prestigious institutions, is a noteworthy accomplishment in itself; but five students from a single school is unprecedented.

Even without this honor, Ysleta's academic achievements would be equally as impressive. Its students have been finalists in state and city academic competitions, and its agriculture program is one of the best in the country.

What is Ysleta's secret? I think some of us might find the answer a bit surprising. Ysleta doesn't rely on gimmicks or fancy equipment or expensive facilities to educate its students—in fact, its per pupil expenditure is only a little more than $2,500 per academic year. What Ysleta's students have is far more valuable than anything with a price tag—they have reliance on each other, their parents, and their teachers.

Let me read you a quote from an article discussing Ysleta in the Albuquerque Journal. This is a quote from David Villarreal, one of the five students admitted to MIT:

> When I walk through the halls, everyone congratulates me. I have all kinds of friends here—athletes, really smart kids, and I even get along with gang members. No one has ever offered me drugs and no one makes fun of me for being smart.

"No one makes fun of me for being smart." Mr. President, I think David's words speak volumes. Rather than wringing our hands, as I mentioned earlier, we need to encourage, not discourage, our students. We need to let them know that it's okay to be smart, that smart people get ahead, and that they're good for our communities and our country.

We too often stereotype negatively our smartest students as antisocial eggheads, when, in fact, intelligence comes in all shapes, sizes, sexes and races. It transcends financial and social barriers.

Another quote that caught my attention was a statement by Jesus regarding the school's struggling financial situation. "We don't use money as an excuse to fail like other schools," he says. "We just learn how to do things without money. We've become very resourceful."

Again, I think we could learn a thing or two from the students at Ysleta. We talk a lot about how we're not spending enough on education, but I think these students show us that money is not an ends in itself. It certainly plays a role in how well we educate our students, but it alone does not solve all of our problems. Creativity, self-discipline, and support—these are elements that don't equate with dollars, yet they are as precious in achieving academic success. Jesus cites resourcefulness as a key element in his success, and I think the Congress should take his advice to heart. We need to start being a bit more resourceful ourselves when we look at educational reform.

It's also important to stress the role that the parents and teachers of these students have played in their academic success. Without support and encouragement at home, academic excellence is difficult. I'm certain their parents are very pleased with all that they have accomplished, and I'm equally as certain that some credit for the success of these students belongs with the parents.

Further, as teachers at Ysleta have obviously proven, dedicated and innovative teachers and educators who care about their students and their profession are priceless. I think this makes it clear that we need to continue to take the steps necessary to give teachers the freedom and flexibility they need to provide our students with a top-notch education. I commend the teachers and administrators at Ysleta High School for their work. They obviously put important time and effort into their work, and it shows.

Mr. President, I think Ysleta serves as a shining example of what is right with American schools. We don't think we stop to point this out often enough. I would once again like to commend Enrique, Alicia, Jesus, Lilian, and David for their remarkable accomplishments. The students, teachers, and administrators at Ysleta deserve our praise and warmest congratulations for making their school the very best it can be. They have taken advantage of an endowment that no one can pay for—their hearts, heads, and individual gifts.•

COMMENDING SANDRA MIMS OF THE CHICOT ELEMENTARY SCHOOL, LITTLE ROCK, AR

• Mr. PRYOR. Mr. President, recently Sandra Mims of Chocot Elementary School in Little Rock, AR, was named Teacher of the Year by the Arkansas State PTA.

This outstanding elementary teacher began her teaching career in 1967 in Louisiana. In 1983 she came to Arkansas and taught at the elementary level at Geyer Springs First Baptist Church Kindergarten. She then taught for 3 years at Wakefield Elementary in the Pulaski County Special School District until 1987 when she jointed the faculty at Chicot Elementary.

Nominated by her local PTA where she has also been an officer, Sandra was selected Teacher of the Year in a statewide competition of nominees by Parent-Teacher Associations.

A dedicated wife and mother, Sandra is also active in her church and community. She has the kind of commitment to teaching that we need more of in our schools today. She considers teaching, next to motherhood, as the noblest of professions.

I join her many students and their parents, friends, and fellow faculty members in saluting Sandra Mims as Arkansas State PTA Teacher of the Year.•

NATIONAL TAX FREEDOM DAY

• Mr. BROWN. Mr. President, yesterday marked Tax Freedom Day for American taxpayers—the latest date ever, according to the Tax Foundation. The average American must work 126 days, until May 5, to pay his Federal, State, and local tax bills. Starting today, many taxpayers finally begin to work for themselves and their families. In my own State of Colorado, Tax Freedom Day came last week, earlier than the national average. Taxpayers in 14 other States however, must wait another 18 or more days before they begin working for themselves than their families.

Based on 350 days in a work year, the 126 days translates to 36 percent, over one-third, of the year that the average taxpayer must work to meet his tax obligations. These obligations work out to be:

	Days
Personal income taxes	43
Social Security taxes	39
Sales and excise taxes	17
Property taxes	15
Corporate income taxes	9
All other taxes	3
Grand total	126

How many days will these obligations rise to next year? When will taxpayers be required to work 50 percent of their time to pay taxes?

The tax bite in an 8-hour day is that portion of the workday required to earn money to pay one's taxes. For 1992, that works out to 2 hours and 45 minutes—almost half the day. Of that, 1 hour and 46 minutes goes toward Federal taxes, and 59 minutes to work to pay State and local taxes.

The reality that people spend more of their workday to pay Federal taxes than they do to pay for anything else including housing and household expenses is sobering. State and local government taxes rank third above the amount of time required to work each day for such necessities as food, clothing, and medical expenses.

Mr. President, the problem is not that taxpayers are undertaxed. Congress overspends. Today taxpayers pay 113 percent more in taxes to the Federal Government than they did in 1980. The trouble is Federal spending has risen by 146 percent and is clearly out of control.

The trend toward taxpayers working longer and harder to support bigger, more costly government is not the direction in which this country should be headed. Doing more with less has become a way of life for many individuals and families throughout this country. Perhaps Government should learn this lesson as well.•

NATIONAL TOURISM WEEK

• Mr. McCAIN. Mr. President, the week of May 3 to May 9, 1992, is National Tourism Week. As a member of the U.S. Senate tourism caucus, and a proud Senator from one of the Nation's most dramatic and inspiring States, I am especially moved to speak today in recognition of this important occasion.

Tourism in the United States is of great importance to people all over the world. It offers people of different cultures an opportunity to see the natural beauty of our country, to experience first-hand how we live, and how we enjoy the freedoms other nations are still struggling for today. Tourism promotes global multiculturalism in a world which needs the constant reminder that people of all cultures can live peacefully side-by-side and learn from, and respect, one another.

In my State of Arizona, tourism offers the opportunity to share both the beauty of nature and that of its people with the rest of the country and the world. In 1990 alone, Arizona warmly received over 2.6 million foreign visitors. Arizona ranked 6th out of the 50 States in terms of popularity among foreign visitors.

These foreign visitors were treated to some of the many exciting sights of the State. The Grand Canyon, for example, stands regally as the crown jewel of the National Parks System, and remains a popular tourist attraction as one of the seven natural wonders of the world. Arizonans proudly point to the towering red rocks of Sedona, the haunting beauty of the Arizona desert, and the exciting white water of the Colorado River as further testimony to the State's wondrous attractions.

Arizona offers visitors a dynamic venue for combining both business and pleasure. Phoenix and Tucson are excellent examples of energetic environments for conducting and exploring business opportunities while providing a wide variety of activities for leisure time year round.

The people of Arizona offer visitors the greatest experience of all. The age-old traditions of the Native American, and the colorful excitement of the Mexican-American community are only two examples of the diverse, multicultural community that Arizona enjoys.

Tourism has had such a strong impact on my State that the industry has become a dynamic economic enterprise. Tourism is ranked first among industries providing the most jobs in the State. It is estimated that one in six Arizonans are employed in tourism-related jobs. This amounts to approximately 270,000 jobs in Arizona alone.

Tourism is also the second highest revenue-raising industry in Arizona. In 1990, the tourism industry raised over $6.8 billion in revenue for the State. The industry also raised approximately $250 million in State tax revenue in the same year.

We in the United States should recognize the importance of tourism and its impact in all areas. The economic and social impact worldwide highlights the importance of recognizing this industry, and we welcome tourists from all over the world to visit and enjoy this great Nation, and the great State of Arizona.•

TRIBUTE TO ROSALIND McCLELLAN

• Mr. WIRTH. Mr. President, I would like to take a moment to recognize a distinguished environmental leader in Colorado. Her name is Rosalind McClellan and she is leaving her post as the director of the University of Colorado's Environmental Center in Boulder, CO. I trust and hope her decision to leave the center does not signify a waning interest in environmental issues; expecting instead that she will continue to champion environmental causes and continue to be an advocate for the environment here in Colorado and beyond.

Roz, as she is affectionately called by her friends, has been an active participant in environmental matters for most of her professional life. She became director of the center in 1984. The center is the creation of the University of Colorado's [CU] student government in Boulder. It is designed to promote environmental awareness on the CU campus. It possesses one of the foremost campus recycling operations in the Nation, which is seen as a leader in organized recycling efforts by business and local governments. The center also houses an extensive environmental library complete with current environmental periodicals for use by the CU student body.

Not only does the center function as an environmental information clearinghouse, the center also hosts a number of highly professional and well-attended conferences. Since becoming director of the center, Roz has been instrumental in developing and coordinating a number of outstanding conferences on subjects ranging from the fate of the grizzly bear to the economics of wilderness preservation. She has an uncanny ability to motivate the students at the center to develop these programs, and she insists on a high standard of excellence. Under her leadership, the center has expanded to become an important contributor in addressing our pressing environmental issues.

Roz has been especially interested in protecting our forest ecosystems—particularly old growth forests. She is leaving the center so that she can contribute to the protection of old growth forests throughout the Nation, helping to survey and map old growth forests on vast stretches of our public lands. I am sure that her work will help draw attention to the plight of our old growth forests and will provide the critical information needed in developing policies that will protect this precious resource.

I have known Roz for a long time. We have worked together to help increase awareness of important environmental issues and she has been instrumental in promoting positive changes. I know she will be deeply missed at the center and the university, but that she will continue her environmental passion for our collective benefit. We wish her well.•

RECYCLED PAPER PROGRAM

• Mr. FORD. Mr. President, we are making slow but sure progress in the recycled paper program that I put in place nearly 4 years ago. In the first quarter of this calendar year the Government paid 25 percent less—$2 million less—than we did the first 3 months of last year. And we got more paper and envelopes. My second quarterly report on the Federal use of recycled printing and publishing papers shows 800,000 more pounds of paper in use, 6 million more recycled envelopes, and 600,000 more recycled cartons than were used between January 1 and March 30 of last year. These statistics argue well for the theory I began with, that if the U.S. Government becomes a significant user of recycled printing papers, the U.S. paper industry will respond. And that if the Government holds the price line and competes its needs aggressively, costs will come down. If we are to meet our stated objectives of reducing the massive and costly glut of waste paper in our landfills and further our Government's use of recycled paper, we need to have a market out there to complete the process. Mr. President, I offer this second report on the use of recycled paper as more evidence of our success. The statistics have been prepared and compiled by the Government Printing Office and submitted to me by the Public Printer.

The report follows:

FEDERAL USE OF RECYCLED PAPER

Total amount paper and envelopes used by the federal government in this quarter (Jan., Feb. and Mar. 1992):

Paper (pounds)[1,2,3]	24,034,883
Envelopes (each)[1]	27,905,550
Cartons (each)[1]	963,154
Cost	$10,357,903

Amount of recycled paper and envelopes used by the federal government in this quarter (Jan., Feb., Mar. 1992):

Paper (pounds)[1,3]	15,247,736
Envelopes (each)[1]	27,068,384
Cartons (each)[1]	963,154
Cost	$6,546,057

FEDERAL USE OF RECYCLED PAPER 1 YEAR AGO

Total amount of paper and envelopes used by the federal government in this quarter (Jan., Feb. and Mar. 1991):

Paper (pounds)[1,2,3]	22,660,899
Envelopes (each)[1]	21,919,400
Cartons (each)[1]	267,489
Cost	$11,191,953

Amount of recycled paper and envelopes used by the federal government in this quarter (Jan., Feb. and Mar. 1991):

Paper (pounds)[1,3]	14,407,273
Envelopes (each)[1]	21,261,818
Cartons (each)[1]	267,489
Cost	$8,567,575

QUARTERLY PAPER INVENTORY (JAN., FEB., MAR. 1992):

Amount of paper GPO currently has on hand:

Paper (pounds)	21,060,422
Envelopes (each)	20,765,350
Cartons (each)	293,467
Cost	$9,572,813

Amount of recycled paper on hand:

Paper (pounds)[3]	18,753,026
Envelopes (each)	20,142,390
Cartons (each)	293,467
Cost	$8,686,860

[1] Includes direct shipments.

[2] Includes xerographic paper.

[3] Includes recycled xerographic.

NOTE.—The amount of recycled usage does not include virgin xerographic paper or virgin newsprint. The above data does not include figures for Printing Procurement.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

The report shows that current level spending exceeds the budget resolution by $6.5 billion in budget authority and by $6.1 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992–96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $354.4 billion, $3.2 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 5, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through May 1, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H.Con.Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 28, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102 CONGRESS, 2d SESSION, AS OF MAY 1, 1992

[In billions of dollars]

	Budget resolution (H.Con.Res. 121)	Current level [1]	Current level +/– resolution
On budget:			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992–96	4,836.2	4,835.5	–.7
Maximum deficit amount	351.2	354.4	+3.2
Debt subject to limit	3,982.2	3,794.2	– 188.0
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS. SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 1, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,314	1,199,389	853,364
ENACTED THIS SESSION			
Emergency Unemployment Compensation Extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			(3)
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Further continuing appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	
Total enacted this session	16,884	8,430	(3)
Total current level	1,277,199	1,270,820	853,364
Total budget resolution [5]	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,486	6,119	2,863
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for Public Law 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[5] Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.●

SALUTE TO WISCONSIN'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. KASTEN. Mr. President, I rise today to recognize the achievements of Otto Rusch from Washburn, WI, who has been selected as Wisconsin's 1992 Small Business Person of the Year by the U.S. Small Business Administration.

Otto has traveled a long road to become president of Washburn Iron Works, Inc. He started his foundry career in 1949 as an industrial engineer and foreman. Over the years he rose up the ranks of different foundries—along the way learning valuable knowledge which would one day pay off.

His moment came in 1976 when he was able to purchase his own foundry. Like thousands of other successful small business owners across the country, Otto saw his opportunity, risked everything he had, and seized the moment. That year he started operations with only nine employees and no standing contracts. Otto carved out his niche by doing small jobs which were ignored by the larger foundries. As business picked up, Otto made important adjustments to modernize his foundry which ensured its survival during tough times.

Otto made his business work through foresight and tenacity. Washburn Iron Works now employs over 41 people, and he has plans to expand in the near future.

As ranking member of the Senate Small Business Committee, I applaud the efforts of Otto who is a symbol of thousands of other small business owners whose stories are similar to his. I am pleased today to recognize Otto Rusch, he is very deserving of the award of Wisconsin's 1992 Small Business Person of the Year.●

THE 100TH ANNIVERSARY OF THE TUCSON SALVATION ARMY

● Mr. MCCAIN. Mr. President, today marks the 100th anniversary of the Tucson Salvation Army. For one century, the citizens of Tucson, AZ, have benefited from the hard, selfless work of the Tucson Salvation Army.

The Salvation Army works to foster a love of God and to provide for the needy. It offers its services to all people, regardless of color, creed, sex, or age. These services provided by the Salvation Army are invaluable, and have served to make Tucson a better place to live.

I want to offer my personal thanks for all the tireless work of the Tucson Salvation Army. As I noted, for 100 years the Tucson Salvation Army has given the very best to the community. I wish it all the best during the next 100 years.●

NEW MEXICO MAGAZINE

● Mr. DOMENICI. Mr. President, this year, the oldest State magazine in the United States will celebrate 70 years of bringing to the world the beauty, culture and history of the State of New Mexico. In July, the New Mexico magazine will mark its 70th year of showcasing New Mexico and its people.

The great State of New Mexico is unique, and its distinctive characteristics provide the New Mexico magazine with a wealth of material to feature on its pages. New Mexico's landscapes are beautiful. Its people are distinctive. Its history is rich. And each month, New Mexico magazine displays this land of enchantment for New Mexicans, Americans, and people all over the world.

New Mexico magazine is different from other State magazines. Jon Bowman, editor of New Mexico magazine, says that if an article is fit to be in any other State magazine, then it is not right for New Mexico magazine. The magazine is more than a travel log. It is more than a topical publication. It features New Mexico's colorful people, as well as its glorious scenery. The magazine focuses on the artists, the writers, the scientists, the Native Americans, the cowboys, and the many other people who add to New Mexico's unique cultural montage.

New Mexico magazine is the oldest State magazine in the country, coming into existence as the New Mexico Highway Journal in 1923. The name was changed to New Mexico magazine in 1931 after the Highway Journal and the Conservationist, published by the State Game and Fish Department, were merged.

New Mexico magazine is the third-largest State magazine in the Nation, trailing behind only Arizona Highways, and Texas Highways. The publication currently has over 125,000 readers, spread throughout all 50 States of our country, and 74 foreign countries. The number is increasing every day.

By employing an informative and entertaining style over the past 7 decades, New Mexico magazine has increased the awareness and understanding of New Mexico's culture, history, art, architecture, and people. Its pages have brought to readers such New Mexico greats as Georgia O'Keeffe, Frank Waters, Tony Hillerman, Ernie Pyle, and potter Maria Martinez. The magazine has showcased New Mexico with a beauty, dignity and style that New Mexico is happy to claim as its own.

And so, Mr. President, I encourage my colleagues to join me in extending heartiest congratulations to New Mexico magazine as it celebrates 70 years of excellence. I commend those with the magazine now, and honor their forebears. I salute New Mexico magazine with the very best of wishes as it continues the legacy of presenting the best of New Mexico.●

SMALL BUSINESSES SUPPORT BALANCED BUDGET/TAX LIMITATION AMENDMENT

• Mr. KASTEN. Mr. President, when we begin debate on a balanced budget amendment to the U.S. Constitution next month I plan to offer Senate Joint Resolution 182, one balanced budget/tax limitation amendment. Presently, Senators BROWN, LOTT, DOLE, COATS, SYMMS, BURNS, SMITH, HELMS, D'AMATO, SPECTER, MACK, GARN, MURKOWSKI, MCCAIN, PRESSLER, ROTH, SEYMOUR, NICKLES, GRASSLEY, and GRAMM are cosponsoring this constitutional amendment. The amendment requires a three-fifths supermajority vote of both the House and Senate in order to deficit spend. However, to prevent Congress from balancing the budget on the backs of taxpayers, it also requires a three-fifths vote of both Houses of Congress in order to increase taxes above the rate of economic growth.

A strong provision is needed to limit tax increases, otherwise a balanced budget amendment could give Congress an excuse to continually raise taxes rather than reduce the growth rate of Government spending. Moreover, history shows that each $1 in higher taxes generates $1.59 in congressional spending. Today, the Federal Government will spend more than 25 percent of the Nation's annual wealth, the highest since the Second World War. Higher levels of government taxes and spending as a percentage of GNP would lead to an unbalanced economy with higher unemployment, lower productivity, and reduced private sector activity.

My balanced budget/tax limitation amendment has the support of broad-based coalition of small business, farm and taxpayer organizations including Citizens for a Sound Economy, National Tax Limitation Committee, U.S. Chamber of Commerce, U.S. Business and Industrial Council, American Legislative Exchange Council, National Federation of Independent Business, American Farm Bureau Federation, National Cattleman's Association, Council for Citizens Against Government Waste, Americans for Tax Reform, Americans for a Balanced Budget, and Consumer Alert Advocate.

In my position as ranking member of the Small Business Committee, I have heard from the small business community about the need for a balanced budget amendment with a strong tax limitation provision. I would like to call to the attention of the Senate a letter to President Bush from the National Federation of Independent Business in support of a balanced budget/tax limitation amendment. I ask that this letter be printed in the RECORD immediately following my remarks.

The letter follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, May 5, 1992.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I understand that your Administration will soon be testifying on the issue of attaching a balanced budget amendment to the Constitution. I wanted to let you know how the small business community views this issue.

In April, the National Federation of Independent Business (NFIB) conducted an informal poll of our membership on the balanced budget amendment issue. They strongly support a balanced budget amendment which includes tax limitation language. Small business owners are very concerned that without the Kasten/Barton tax limitation language, Congress will balance the budget on the backs of small businesses. It is important that your Administration take a position in strong support of the Kasten/Barton tax limitation language.

Over the last decade, NFIB members have repeatedly expressed their concern over the inability of the federal government to live within its means. Their concern over the budget deficit was made extremely clear during a poll we did in January of this year. When NFIB members were asked whether Congress should cut taxes or focus on reducing the deficit, 72% responded that Congress should focus on reducing the deficit.

The federal deficit is severely impairing our competitiveness and limiting our ability to respond to economic downturns. In prior recessions, the federal government has been able to boost its spending to soften the blow of a recession. unfortunately, it is hard to boost spending when we are already spending $400 billion more than we have.

Purely legislative attempts to curb federal spending have failed miserably. The federal deficit has continued to skyrocket. Interest payments on the national debt now exceed what we pay for national defense.

The federal deficit is not a result to too little taxation. The deficit is a result of federal spending that is out of control. Tax limitation language forces both Congress and the Administration to make the tough spending choices that have been repeatedly put off for the last decade.

I urge you to strongly support the Kasten/Barton version of the balanced budget amendment.

Sincerely,

S. JACKSON FARIS,
President and CEO.•

THE 50TH ANNIVERSARY, 14TH EVACUATION HOSPITAL

• Mr. D'AMATO. Mr. President, I rise today to commemorate the 50th anniversary of the 14th Evacuation Hospital. A reunion to observe this auspicious occasion is being held in Watertown, NY, from June 25 to 28, 1992. Veterans who served with the unit in India and Burma during World War II are expected to attend. Lt. Marion Massaro, who was a nurse at the hospital, and her husband, Lt. Col. Pat Massaro, retired, are hosting the visitors who will be coming from all over the country to observe this event.

The "14th" was activated at Camp Claiborne, LA, on August 15, 1942. Many of the medical staff came from New York's City Hospital. The draftees who had been farmers, bank tellers, artists, students, and musicians suddenly became medical technicians, orderlies, cooks, and supply clerks. After intensive training and maneuvers, the unit was assigned to the China Burma India theater of operations and left Staten Island in an overcrowded troopship on July 9, 1943, sailing around Capetown and arriving in Bombay, 35 days later. The medical personnel then traveled 11 days by railroad cars on narrow-gauge rails to the jungles of Assam, India, under orders to erect and operate an evacuation hospital. They arrived at the site to find a muddy area covered by dense undergrowth and foliage and no buildings.

With the capture of the Burma Road by the Japanese, American engineers were building the Ledo Road to establish a supply line between Burma and China, and forces were fighting in Burma. Many soldiers were desperately in need of hospital care. In record time a hospital consisting of bamboo wards, surgical operating rooms, clinics, and laboratories was built. Many hardships were overcome in constructing the hospital including working through the monsoon season and using crude equipment and primitive tools.

The hospital wards soon overflowed with American and Chinese battle casualties and victims of typhus and malaria. Many American, Chinese, and Indian lives were saved thanks to the dedication and commitment of the personel of the hospital. The 14th Evacuation Hospital deserves recognition for their exemplary contributions to the war effort. As such, I rise today to ask my colleagues to remember the "14th" during June 25 to 28 this year as the survivors, friends, and families come together to celebrate their 50th anniversary.•

PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2507.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2507) entitled "An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Waxman, Mr. Wyden, Mr. Lent, and Mr. Bliley.

As additional conferees from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference: Mr. Ford of Michigan, Mr. Gaydos, and Mr. Ballenger.

Mr. MITCHELL. Mr. President, I move that the Senate insist on its amendment and agree to the request for a conference and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer [Mr. WOFFORD] appointed Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mr. DURENBERGER conferees on the part of the Senate.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Thursday, May 7; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each; that during morning business, the following Senators be recognized to speak for the time limits specified: That immediately following the Chair's announcement, Senator GORE be recognized for up to 20 minutes; Senator GORTON for up to 10 minutes; that there then be 1 hour under the control of the Republican leader, or his designee, with an additional 40 minutes thereafter under the control of Senator GORE, or his designee; that Senators DODD and GRAHAM be recognized for up to 20 minutes each; and that Senator SIMPSON, or his designee, be recognized for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:14 p.m., recessed until Thursday, May 7, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1992:

DEPARTMENT OF STATE

PETER BARRY TEELEY, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES TO CANADA.

PETER JON DE VOS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

ROBERT E. GRIBBIN III, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. DANIEL W. BECK, [redacted] 1 FEB. 92
MAJ. THOMAS M. CALLAN [redacted], 24 FEB. 92
MAJ. TIMOTHY J. CARROLL [redacted], 12 FEB. 92
MAJ. EDWARD C. FAGER [redacted], 3 FEB. 92
MAJ. ROBERT J. GLITZ [redacted], 18 FEB. 92
MAJ. EARL G. JAQUES, JR. [redacted], 31 JAN. 92
MAJ. ROBERT P. JONES [redacted], 29 JAN. 92
MAJ. EDWIN W. KING JR. [redacted], 12 JAN. 92
MAJ. ALAN J. LECZNAR [redacted], 27 JAN. 92
MAJ. ROBERT S. LINNELL JR. [redacted], 8 FEB. 92
MAJ. STEVEN F. LOERAKKER [redacted], 1 FEB. 92
MAJ. ROBERT J. MURPHY [redacted], 18 FEB. 92
MAJ. HARVEY D. PERKINS [redacted], 7 JAN. 92
MAJ. KENNETH L. PULLEN [redacted], 5 FEB. 92
MAJ. ANDREW M. QUILLOPE [redacted], 12 FEB. 92
MAJ. THOMAS A. REIS [redacted], 8 FEB. 92
MAJ. RICHARD E. RENDER [redacted], 2 FEB. 92
MAJ. MICHAEL R. STANTON [redacted], 30 JAN. 92
MAJ. RICHARD L. SIMPSON [redacted], 1 FEB. 92
MAJ. THOMAS W. TOLMAN [redacted], 19 FEB. 92
MAJ. BRIAN A. TRUMAN [redacted], 19 FEB. 92
MAJ. LEWIS F. WOLF [redacted], 15 FEB. 92

BIOMEDICAL SCIENCES CORPS

MAJ. ROBERT E. HEPKER [redacted], 2 FEB. 92

MEDICAL CORPS

MAJ. VICTOR G. ONUFREY [redacted] 1 FEB. 92
MAJ. THOMAS F. PRENGER [redacted], 2 FEB. 92
MAJ. KENNETH A. ZOLLO [redacted], 2 FEB. 92

NURSE CORPS

MAJ. PATRICIA U. MEHMKEN [redacted] 8 FEB. 92
MAJ. SUE E. ROYER, [redacted] 9 FEB. 92

HOUSE OF REPRESENTATIVES—*Wednesday, May 6 1992*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are in Your presence, gracious God, with our words of thanksgiving for Your gifts to us and to all people and with our petitions for healing in our communities and in our land. With gratitude we celebrate our experience of being created as one people and in our hearts we know that You would have us live together in mutual respect. May the bonds of unity and honor bring us together, O God, and endow us with the gifts of solidarity and respect one for another. May Your blessing be upon us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 106, not voting 69, as follows:

[Roll No. 96]

YEAS—259

Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Livingston
Lloyd
Long
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Traxler
Unsoeld
Vento
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Wylie
Yates

NAYS—106

Allen
Armey
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Chandler
Clay
Coble
Coleman (MO)
Crane
Cunningham
Dannemeyer
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCrery
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Nussle
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—69

Abercrombie
Alexander
Allard
Archer
AuCoin
Baker
Barton
Boxer
Brewster
Byron
Callahan
Campbell (CA)
Carr
Chapman
Coughlin
Cox (CA)
DeLay
Dellums
Dingell
Dixon
Donnelly
Dooley
Dymally
Eckart
Engel
Ewing
Feighan
Foglietta
Ford (MI)
Ford (TN)
Hall (OH)
Hastert
Jefferson
Jones (NC)
Kolter
Lehman (CA)
Lipinski
Lowery (CA)
Lowey (NY)
Mavroules
McDade
Meyers
Mfume
Moakley
Mollohan
Mrazek
Neal (MA)
Nowak
Payne (NJ)
Rangel
Riggs
Roberts
Roe
Roemer
Sanders
Savage
Schaefer
Sikorski
Sundquist
Torres
Towns
Valentine
Vander Jagt
Visclosky
Waters
Weber
Whitten
Wilson
Yatron

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire [Mr. ZELIFF] come forward and lead the House in the Pledge of Allegiance.

Mr. ZELIFF led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS TO COMMISSION TO PROMOTE INVESTMENT IN AMERICA'S INFRASTRUCTURE

The SPEAKER. Pursuant to the provisions of section 1081(c) of Public Law 102–240, the Chair appoints the following Members to the Commission to Promote Investment in America's Infrastructure on the part of the House:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Neil Goldschmidt of Portland, OR, and

Mr. Daniel V. Flanagan, Jr., of Arlington, VA.

APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION

The SPEAKER. Pursuant to the provisions of section 5005(d)(1) of Public Law 102-240, the Chair appoints the following Members to the National Commission on Intermodal Transportation on the part of the House:

Mr. John W. Snow of Richmond, VA, and

Mr. John G. Roach of St. Louis, MO.

APPOINTMENT AS MEMBER TO NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

The SPEAKER. Pursuant to the provisions of section 201(b)(i) of Public Law 101-445, the Chair appoints Miss Sheryl L. Lee of Mesa, AZ, to the National Nutrition Monitoring Advisory Council on the part of the House.

APPOINTMENT AS MEMBERS TO CONGRESSIONAL AWARD BOARD

The SPEAKER. Pursuant to the provisions of the Congressional Award Act, section 803 of title 2, United States Code, as amended by Public Law 101-525, the Chair appoints the following individuals to the Congressional Award Board on the Part of the House:

From the U.S. House of Representatives: Mr. PAYNE of New Jersey; and from private life: Mr. Eugene Moos of Washington, DC.

APPOINTMENT AS MEMBER TO TASK FORCE ON AGING RESEARCH

The SPEAKER. Pursuant to the provisions of section 302(a)(12) of Public Law 101-557, the Chair appoints the following Member of the House to the Task Force on Aging Research:

Mr. WYDEN of Oregon.

REAPPOINTMENT AS MEMBER OF FEDERAL COUNCIL ON THE AGING

The SPEAKER. Pursuant to section 204 of Public Law 98-459, the Chair reappoints as a member of the Federal Council on the Aging on the part of the House the following person from the Private sector:

Mrs. Josephine K. Oblinger of Williamsville, IL.

APPOINTMENT AS MEMBERS TO U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Chair appoints the following Members of the House to the U.S. Holocaust Memorial Council on the part of the House:

Mr. YATES of IL;

Mr. LEHMAN of FL;

Mr. SOLARZ of NY;

Mr. LANTOS of CA; and

Mr. GREEN of NY.

APPOINTMENT OF MEMBERS AS OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of section 2211 of title 19, United States Code, and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 102d Congress:

Mr. ROSTENKOWSKI of IL;

Mr. GIBBONS of FL;

Mr. JENKINS of GA;

Mr. ARCHER of TX; and

Mr. CRANE of IL.

NATIONAL UNDERSEA RESEARCH PROGRAM ACT OF 1992

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3247, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 3247, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 133, not voting 46, as follows:

[Roll No. 97]

YEAS—255

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bustamante
Camp
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dooley
Downey
Durbin
Dwyer
Early
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Fazio
Fish
Flake
Ford (MI)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hyde
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Miller (WA)
Mineta
Mink
Moody
Moran
Morella
Morrison
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Pursell
Rangel
Ravenel
Ray
Reed
Richardson
Ridge
Rinaldo
Roe
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Sawyer
Saxton
Scheuer
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Young (AK)
Young (FL)

NAYS—133

Allen
Archer
Armey
Ballenger
Barrett
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bruce
Bunning
Burton
Chandler
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (IL)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Espy
Fields
Franks (CT)
Gallegly
Gaydos
Gekas
Gillmor
Gingrich
Glickman
Goodling
Gradison
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Hobson
Holloway
Hopkins
Hubbard
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Marlenee
McCandless
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Patterson
Petri
Porter
Poshard
Quillen

Rahall
Ramstad
Regula
Rhodes
Ritter
Rogers
Roth
Roukema
Santorum
Sarpalius
Schiff
Schroeder
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Swett
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Zeliff
Zimmer

NOT VOTING—46

Abercrombie
Allard
AuCoin
Baker
Boxer
Byron
Callahan
Campbell (CA)
Chapman
Cox (CA)
Dellums
Dixon
Donnelly
Dymally
Eckart
Ewing
Fawell
Feighan
Foglietta
Ford (TN)
Hastert
Jefferson
Jones (NC)
McDade
Mfume
Moakley
Mollohan
Mrazek
Neal (MA)
Nowak
Riggs
Roberts
Roemer
Sanders
Savage
Schaefer
Sharp
Sundquist
Torres
Valentine
Vander Jagt
Waters
Weber
Whitten
Wilson
Yatron

□ 1048

Mr. RITTER changed his vote from "yea" to "nay."

Mr. KOLTER changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week", and

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week."

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month";

S.J. Res. 276. Joint resolution to designate May 1992, as "Older Americans Month"; and

S. Con. Res. 111. Concurrent resolution authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds.

PERMISSION FOR SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY, OF THE COMMITTEE ON AGRICULTURE TO SIT DURING 5-MINUTE RULE TODAY

Mr. JONTZ. Mr. Speaker, I ask unanimous consent that the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture be allowed to sit under the 5-minute rule today.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from Indiana?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, it is my understanding that our ranking member of the Committee on Agriculture objects to this, so I would respectfully object on their behalf until we can get it cleared up.

The SPEAKER pro tempore. Does the gentleman from Indiana insist on his request?

Mr. JONTZ. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair would note that 10 objections are required.

(Messrs. WALKER, SOLOMON, DELAY, UPTON, MILLER of Ohio, HOUGHTON, PAXON, RHODES, RITTER, and ZELIFF also objected.)

The SPEAKER pro tempore. A sufficient number has objected.

Objection is heard.

□ 1050

ANNOUNCING THE DEATH OF THE HONORABLE WILBUR MILLS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker and my colleagues, I have the sad duty as dean of the Arkansas delegation to announce the death of the late Wilbur Mills. On Saturday evening, May 2, Mr. Mills died in his sleep, and he was buried yesterday in his hometown of Kensett, AR.

Those of us who had the privilege of serving with Mr. Mills remember him as the powerful and legendary chairman of the Committee on Ways and Means.

Mr. Speaker, I will join with other Members who remember Mr. Mills to take a special order some time next week in order to memorialize the great chairman. The time of the special order will be announced.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SKAGGS). The Chair will announce that 1 minutes will be limited to 10 per side.

NOT SO FAST, MR. PRESIDENT

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, the President has announced he has a comprehensive plan for billions of dollars in aid. And we wants it immediately.

To help the 170 workers at United Technologies in Port Huron, MI, who, as we speak, have gotten their pink slips? To help our crumbling cities?

To help our families who are in need of aid? No; to help the former republics of the Soviet Union.

This week, over 100 of my colleagues have joined in sending the President a message: "Not so fast, Mr. President." Americans are tired of being told to wait our turn, to go to the back of the line.

For over a decade, Republican administrations have had just one domestic policy: neglect.

We have a different idea. If we can put aid to the former Soviet Union on a fast track, we can move aid on a fast track for Americans. The scrambling at the White House today to try to figure out what is happening in America, where have they been for the past 12 years? For the President, the problems of Americans have been put on a back burner and the pilot light has gone out.

This country needs a pilot, and we need a leader, and we need it now.

THE DEMOCRATS HAVE BECOME PRETTY GOOD CENSORS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, some months ago when the issue was on the floor about whether or not taxpayer money should be spent for pornography, we had lots of Democrats come to the floor at that time saying it was censorship not to spend taxpayer money for pornographic art and literature and a number of other things. Now we find out the Democrats have become pretty good censors themselves.

Yesterday they threw out of the committee room the C-SPAN cameras that wanted to cover a Committee on Rules meeting, and denied them the ability to cover that.

Now we learn today that they have also thrown out of the Rayburn room a gentleman who wanted to talk about a book he has written which just happens to be critical of the House Democrats. The Democrats today told him he couldn't explain his book and talk about his book in a room on Capitol Hill.

So we are finding the Democrats are pretty good censors themselves when it comes to questions that protect their political fortunes.

VIETNAM VETERANS MEMORIAL 10TH ANNIVERSARY DAY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, November 13, 1992, will be the 10th anniversary of the dedication of the Vietnam Veterans Memorial here in Washington. To mark this very important occasion, my colleague from Arizona, BOB STUMP and I are introducing a joint resolution today which designates November 13 as "Vietnam Veterans

Memorial 10th Anniversary Day" and calls on the President to issue a proclamation requesting that all citizens observe this milestone with appropriate activities.

Now the most-visited monument in the Nation's Capital, the Vietnam Veterans Memorial stands as a powerful tribute to some of our best and bravest. It honors those who served, those who died, and those who remain listed as missing in action.

None of us could have imagined the impact that this memorial would have on veterans and American society in general. It has helped heal the wounds that divided our Nation during and after the Vietnam war.

I invite each of my colleagues to cosponsor this resolution as we honor this magnificent monument, the Vietnam Memorial.

DEPARTMENT OF EDUCATION'S BUDGET SHOULD BE CUT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the Federal Government needs to set priorities in spending and it is high time action be taken to downsize bureaucracy in favor of actual delivery of service out in the field.

I will soon introduce legislation to increase and improve the education resources and priorities of local school districts. Taxpayers are not impressed to learn that there are 4,600 bureaucrats on the $300 million payroll at the Federal Department of Education. They believe this enormous bureaucracy has no direct impact on the actual education of their children.

Mr. Speaker, my legislation will reduce the bureaucracy by calling for a 10-percent cut in the Department of Education's personnel budget by $56 million over a 2-year period. Ninety percent of these savings will be sent directly to the local schools where real education takes place, and the remaining 10 percent would be used for deficit reduction.

Local school boards and communities can best determine their education spending needs; be it textbooks, buildings or teacher salaries.

I ask my colleagues to join me in turning back the bureaucracy by signing on to my bill as an original sponsor. The choice is simple, would you rather spend this money in your local schools or in the Federal bureaucracy? This bill can put you on record in support of your local schools and in support of some deficit reduction, rather than keeping funds in Washington to feed a generally irrelevant Federal bureaucracy.

PERSONAL EXPLANATION

Mrs. COLLINS of Michigan. Mr. Speaker, I was called away to Detroit on urgent business on the evening of Thursday, April 30, 1952 and was unable to place my vote on H.R. 3090, the Public Health Service Act. Had I been present, I would have voted in favor of this measure.

15,000 CENTRAL FLORIDIANS SAY "CORRECT THE NOTCH"

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am proud to rise today and show you these petitions with the names of 15,000 Central Floridians. They want their Federal Government to correct the Social Security notch.

Legislation to correct the notch inequity has been languishing before the House Committee on Ways and Means for months now—despite having 283 cosponsors.

There is every reason to bring notch reform legislation to the House floor for a fair and open debate.

A byproduct of this matter for Florida is the benefit it would bring the State's economy. The Bureau of Economic and Business Research at the University of Florida estimates that passage of notch reform legislation would result in almost $900 million of disposable income for Florida. This would boost the State's tax base by more than $51 million from the State's sales tax alone.

Passing notch reform legislation would result in more activity for local businesses and more revenues for State, local and Federal governments.

Mr. Speaker, I urge you and other Members of the House leadership to bring H.R. 917, the notch reform bill, to the House floor. These 15,000 central Floridians deserve this action and so do the 283 Members who cosponsored it.

ARMORED CAR INDUSTRY RECIPROCITY ACT

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing the Armored Car Industry Reciprocity Act to ensure that States provide recognition for weapons licenses of armored car guards when they cross State lines delivering valuables.

The Federal Government ships billions of dollars' worth of currency, coins, food stamps, and precious metals across the country using armored car companies.

I was therefore surprised to learn that an armored car guard's license to carry a weapon in one State is not honored in other States. Under the current system, a guard would have to obtain a separate license in each State.

Unfortunately, what all too often happens is that the crews simply drive through the States without proper licenses. When they are stopped by authorities, the crew can face criminal charges and the valuables in the car may be placed in jeopardy.

The simplest solution to the problem of interstate commerce for valuable property is to require States to provide reciprocity for out-of-State weapons permits, solely for the purposes of armored car crews engaged in interstate commerce.

The Armored Car Industry Reciprocity Act provides such reciprocity, and is endorsed not only by the industry, but the users of armored cars, including the Federal Government. The bill is supported by the Fraternal Order of Police and the International Association of Chiefs of Police.

I want to stress that this is not an issue of gun control. The bill neither takes guns away from those armored car personnel with licenses nor puts them into the hands of those without licenses. The bill is strictly limited to the narrow situation of interstate travel by armored car crews.

For this reason, the bill has been reviewed both by the National Rifle Association and Handgun Control, and neither group raised any problems.

This is a short and commonsense bill that resolves a problem of interstate commerce. Its broad support is further proof of this fact.

There are many examples of armored car companies carrying shipments of valuables across State lines for the Federal Government. For example, the American Bank Note Co. prints food stamps in Pennsylvania, which are shipped by armored car to 3,500 distribution points across the country. A typical vehicle carries about $75 million worth of food stamps.

The U.S. Mints in Philadelphia, Denver, and San Francisco ship coins across the country by armored car. A typical shipment might take the coin from Philadelphia to Florida, passing through Delaware, Maryland Virginia, North Carolina, South Carolina, and Georgia. The return route could include a completely different set of States.

There are also problems for private companies. Problems particularly arise for companies operating in metropolitan areas near States lines. For example, companies carry currency between Gary, IN and Chicago, IL. Small, independent companies are placed at a distinct disadvantage because of the cost of obtaining multiple licenses.

There have been numerous examples of armored cars being stopped and their crew and cargo placed in jeopardy. For example, recently, an armored car company was moving $50 million in food stamps from Pennsylvania to upstate New York. When stopped at a weigh station, police asked to see the guard and drivers weapons permits. When they produced New Jersey permits, the driver was arrested and placed in jail, while the guard was left unarmed with the truck containing the $50 million. The next day charges were dismissed.

In Louisiana, another armored car containing food stamps was stopped on a routine traffic check. The armed guards, who had licenses from Pennsylvania were arrested and taken to jail while the truck was left along the side of the road. The charges were later dismissed.

In Virginia, an armored car transporting currency from the Bureau of Engraving to North Carolina was stopped by the police and their weapons confiscated, leaving them to proceed with their multi-million dollar cargo without weapons.

As I stated earlier, there is support for the bill from the Federal agencies involved in this matter. There have been expressions of support from the Bureau of Alcohol, Tobacco and Firearms, the Bureau of the Mint, the Bureau of Engraving and Printing, the Department of Agriculture, the Interstate Commerce Commission, the FBI, and the U.S. Marshal Service.

The bill establishes minimum State standards for the granting of weapons licenses to armored car crews in order to qualify for reciprocity. These minimum standards require criminal background checks and annual classroom and range training. While States are in no way required to adopt these minimum standards—and most States already have such requirements—the attraction of reciprocity will likely encourage armored car companies and the States to adopt such standards, if they do not already exist.

□ 1100

"AMERICA'S CHALLENGE" BREAST CANCER AWARENESS IN FLORIDA

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, on May 9, thousands of Floridians will unite to fight a killer that will claim the lives of nearly 45,000 women nationwide this year. They will gather together in the streets, schools, parks, and on the beaches of 32 Florida towns and cities to send a message aimed at saving women's lives.

That message is America's challenge: To inform the public that every woman is at risk for breast cancer and every woman has the power to fight back by taking action.

The American Cancer Society's Florida division established the Mother's Day weekend event "America's Challenge" to help women save themselves from breast cancer. The event will occur simultaneously throughout the State and will offer participants a chance to learn more about breast cancer, as well as offer one another support by simply uniting in a common cause. The highlight of the event is an opening ceremony followed by a symbolic walk toward action on breast cancer.

This weekend, Floridian women will be taking action to have a voice in the medical and legislative processes that directly affect their lives; they will have the most visible opportunity yet to demonstrate their commitment to fighting breast cancer.

URGING THE PRESIDENT TO TAKE A LOOK AT OUR CITIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the British and the French have blamed the Reagan-Bush policies for the riots in Los Angeles. President Bush said, "Hogwash." He said, "It's all the fault of LBJ." That is right, Lyndon Baines Johnson, and to prove it, now that John Sununu is gone and the plane is available, he is going to fly to Los Angeles.

Mr. Speaker, the President should stop in Miami and Cleveland, Philadelphia and New York, Boston, Chicago, Newark, because the truth of the matter is America is on fire, and the American people are fed up, fed up with a White House that spends more time on the Mideast than the Midwest, more time on job creation in Mexico than in our own country.

Mr. Speaker, Congress and the White House better read the graffiti on all these abandoned factories in the inner city. I think it is time to take a look at our cities and at the people in America who cannot pursue life, liberty, and happiness without a job.

WHAT ARE YOU AFRAID OF, MR. SPEAKER?

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, it is no wonder Mr. Speaker, that the American people are upset with Congress. Almost every Member talks about cutting the budget, or balancing the budget, when they are back home.

Yet when the President proposes specific places to cut the budget called rescissions we are now being told that it is against Congresses rules to allow individual votes on these specific budget cuts.

People are out of work, Mr. Speaker. There is rioting in the streets. The people want jobs. The American people want us to cut the budget, to stimulate economic growth, and to create good high-paying jobs.

The American people are sick of these partisan political games. Democrats and Republicans can disagree on whether or not these budget cuts should be made.

But it is inexcusable not to let us vote on these individual proposed budget cuts. No wonder that over 50 Members are quitting Congress, when heavy-handed rules will not even let them vote, "Yes" or "No," on specific budget cuts.

Let us vote on these individual budget cuts, Mr. Speaker. Let the voices of the peoples representatives be heard. What are you afraid of, Mr. Speaker?

URGING THE PRESIDENT NOT TO VETO THE CAMPAIGN FINANCE REFORM BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last week I talked about the brave 33, those 33 Republican challengers for Congress, who wrote the President urging him not to veto the campaign finance reform bill. I am pleased to note in this morning's Post that these brave 33 are joined by 15 cohorts, 15 former Members of Congress of the Republican Party, who have also urged the President not to veto this bill.

Mr. Speaker, for weeks I have been urging the President to sign this bill into law. It is a modest step forward. It puts limits on campaign spending, reduces the influence and clout of political action committees. It balances campaigns. It makes them more competitive.

But if not for me, Mr. Speaker, certainly for these brave Republicans, now 48, I hope that the President will, in fact, not veto that bill, but proudly sign it into law.

NATIONAL TOURIST APPRECIATION DAY

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, as the author of the original National Tourism Week in 1984, I am pleased to take to the floor today to call attention to this ninth National Tourism Week and, more specifically, to today as we celebrate National Tourist Appreciation Day.

So much is happening to build our jobs and our economy through the industry of tourism. So many public-private partnerships are out there. I am proud that my home State of Pennsylvania joined recently with the State of Rhode Island to cooperatively market our States as destinations for the citizens of Germany, a very lucrative market for the United States tourism industry. There is so much German heritage in Pennsylvania, and this regional market development plan, put together by the U.S. Travel and Tourism Administration [USTTA] is a means of pooling our resources and attracting German tourists to some of the very special places that America has to offer. USTTA has done a fine job in stimulating these public-private partnerships.

In 1990, the Keystone State was visited by over 1.3 million foreign travelers, and in 1989, the last year for which we have financial data, generated over a half a billion dollars in revenues for our State and its communities.

Mr. Speaker, this is a positive story of seeking positive trade balance for our Nation. Tourism's growth has provided needed impetus for American economic development and so it is only fitting that we celebrate National Tourism Appreciation Day and National Tourism Week.

GOOD ENVIRONMENTAL POLICY IS GOOD ECONOMICS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, many people believe that there is a fundamental conflict between caring for our environment and building a healthy economy. Nothing could be further from the truth, and today I am introducing a bill with my colleague from New York, NITA LOWEY, that proves this point.

Our bill, the Water Pollution Control and Estuary Restoration Financing Act, has received the support of a remarkable coalition of business, labor, and environmental groups—groups who understand that unless we clean up our waterways and estuaries we will lose an important economic resource that generates millions of jobs.

In my State of Connecticut, the Long Island Sound is dying—literally choking to death. Without our help, not only will the Sound be destroyed, but so will the economy of Connecticut's shoreline communities. This is true in many other States with estuaries whose delicate ecological balance is being threatened, and with it the jobs and businesses that depend on those waterways.

Our bill would reauthorize essential components of the Clean Water Act and reaffirm the Federal commitment to clean water—and it gives voice to the increasing calls for action on the Clean Water Act.

Good environmental policy is good economics. It is time we understood this simple fact before both our natural and economic resources become hopelessly damaged.

WE NEED TO PROMOTE TOURISM IN THE UNITED STATES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, one of the unfortunate side effects of the Los Angeles riots, and there were many side effects, was a cancellation by major tourist firms in Japan and elsewhere on planned trips to that area which would have netted for that area millions of dollars and boosted the economy. It pointed out to many of us how important tourism is to the United States in this cycle of our economy, as in any other time. So, we want to make special effort to reemphasize how important it is to promote tourism and to make sure that we in our various several States point out the attributes of our own areas for visiting people from outside our country and within our country.

Mr. Speaker, we in Pennsylvania, as the previous speaker from Pennsylvania has noted, we have Independence Hall, and Hershey, and a lot of Revolutionary and Civil War monuments and places, like Gettysburg and Valley Forge. Tourism is alive and well, and we ought to promote it within our country and beyond its borders.

SOUTH CAROLINA ATTRACTING TOURISTS THROUGH PROMOTIONAL CAMPAIGN

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, as we celebrate National Tourism Week this week, I am pleased to note that my State of South Carolina has been involved with Delta Airlines in a new marketing campaign to bring visitors from the United Kingdom to South Carolina.

This has been done in conjunction with the United States Travel and Tourism Administration which just completed their historic promotional campaign in the United Kingdom featuring a video invitation from President Bush inviting the Brits to our shores.

USTTA's calculations are that British requests for information about American tourist destinations are already up by 5 percent over 1990 levels. This is good news for promotion efforts in South Carolina and nationwide.

□ 1110

THE DISTRICT DOMESTIC PARTNERSHIP ACT

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, tomorrow I am introducing a resolution of disapproval of the District's Domestic Partnership Act. I was sought out by about 100 pastors here in the D.C. area who lobbied the council not to aprove this bill.

If there ever was an attack on the family in this country, it is this Domestic Partnership Act. The ministers here see the problems that come from it.

As a member of the Select Committee on Children, Youth, and Families, I have always sought to build the family and not to destroy the family in this country. To me, this bill totally destroys the families of this country.

Just to tell my colleagues how ridiculous this bill is, to qualify for insurance as an employee of the District of Columbia, all one has to do is go down, like getting a parking permit, and sign up and say, "This is my domestic partner." One has to have no ties, no binds.

It is good for 6 months. It is good for people who live together whether it is for 1 day or if they never live together.

If one has a problem, all one has to do is go down and sign up, find a partner, and they are good.

I hope that Members will join me in cosponsoring this bill to where we can defeat it in committee.

THE RODNEY KING VERDICT

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, about a week has passed since the verdict in the Rodney King Los Angeles police brutality case was rendered, and I am still disappointed, angered, and shocked. I am outraged by this travesty of justice. We all saw on tape, in living color, these officers kick, stomp, and strike Rodney King some 50 times. Yet a jury, clearly influenced and swayed by the racist ills of this society, found the officers not guilty.

Mr. Speaker, I am dismayed today not only because justice did not prevail in this case, but also because the leaders of this country have chosen to politicize an incident which requires real solutions and not 1-minute sound bites. Mr. Speaker, I can see it now. The focus on the 1992 election has been defined. Willie Horton has been set aside, and now Rodney King and the Los Angles riots have taken his place. Instead of speaking the truth and acknowledging the fact that the Government's total and callous disregard for the poor and minority throughout the Reagan-Bush era has produced an environment where race hate and violence have been able to cultivate. We cannot stand by and merely accept the outcome of this very uneven and unfair system of justice.

There is a national, multiracial outcry for justice, and we must respond. I challenge the Attorney General William Barr to conduct a thorough and unbiased investigation of this matter. Rodney King's, as well as all Americans', civil rights are at stake. However, more importantly, we as a nation must reflect on the direction that we are moving in this country. The Rodney King incident is not an isolated case and such violent behavior cannot be accepted by so-called peacekeepers in our communities. We have come too far to turn back now, and we must not accept a return to the time when a black man can be beaten and lynched without retribution. I certainly know that I fear the message that has been sent by last week's verdict.

A CASE OF INACTION BY THE SERBIAN GOVERNMENT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, Shayna Lazarevich is a bright young American mother, with two small American children. She has not been able to see these children on any type of long-term basis since October 1989, when her ex-husband fled with her two small children to Serbia.

I personally have been involved in this case for over 2 years. I have written multiple letters to Serbian President Slobodan Milosevic, traveled to Belgrade to meet with him and other officials on this case, made countless telephone calls, and arranged appeals signed by more than 30 fellow Members.

Other people involved in this case include Representative ANTHONY BEILENSON, Secretary of State James Baker, and United States Ambassador to Yugoslavia, Warren Zimmerman.

Four years ago, her ex-husband's final custody appeal in the Serbian courts was denied. We were all relieved that Shayna would get her children back.

Just to be sure, I sent an appeal signed by 14 Members to President Milosevic to ensure that the children be placed in protective custody until Shayna could get them back.

Shayna called yesterday, her children were not in school. Warren Zimmerman called this morning: the Ministry of Justice told him that Shayna's ex-husband once again had fled with the children, and that she should hire a private detective to find him.

Mr. Speaker, there simply is no excuse for the inaction of the Serbian Government in this case. I stand today to condemn the inability of the Serbian Government to come to a resolution of this case, and its callousness in its response to protect the rights of these Americans.

THE ADMINISTRATION'S SCANDAL IN IRAQ

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, recent press reports indicate that President Bush and his operatives at the State, Justice, and Agriculture Departments repeatedly authorized food loans to Iraq, backed by taxpayer dollars, even when it is alleged that they knew, back in 1989, that the food and money were being diverted, possibly for the Iraqis to obtain weapons. Over a period of 7 years, up until 1990, the U.S. Government provided Iraq nearly $5 billion in loans, supposedly to purchase food through the Commodity Credit Corporation.

On July 28, during the floor debate on the 1990 farm bill, and 5 days before Iraq's invasion of Kuwait, I offered an amendment to cut these loans off to Iraq because the scandal started to leak to me, to other Members, and to the press. What did the administration do? They strongly lobbied against my amendment for fear it would hurt United States relations with Iraq.

The expression "hindsight is 20/20" does not apply in the case of Iraq. This misguided, ill-conceived, and obsequitous policy toward Iraq and the resulting war and lost lives may have been avoided if the administration had taken a stand against fraud and abuse the minute his advisers suspected Iraq's wrongdoing.

I urge my colleagues, including the gentleman from Texas, Congressman GONZALEZ, and the gentleman from North Carolina, Congressman ROSE, to follow up on this matter, as they have been doing in the past.

DO-NOTHING NEW WORLD ORDER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I would prefer the New Frontier of President John F. Kennedy, the Beloved Community of Martin Luther King, Jr, the Better World of Robert F. Kennedy, and the Great Society of Lyndon Johnson over the do-nothing New World Order of the present administration.

For too long, we have had an administration in Washington that has been out of step and out of tune. It has shown great insensitivity to the lives of minorities and low-income Americans. Too many people have been left out and left behind during the past 12 years.

We need an administration that understands the frustrations and the problems that led to the destruction and violence in Los Angeles. We need presidential leadership that understand the lives of poor and minority Americans.

Mr. Speaker, we don't have that leadership. We don't have an administration with a sense of vision or a commitment to the common good.

PROVIDING FOR CONSIDERATION OF H.R. 2039, LEGAL SERVICES REAUTHORIZATION ACT OF 1991

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes. An additional period of general debate, which shall be confined to the bill and which shall not exceed thirty minutes, to be equally divided and controlled by the chairman and ranking minority member of the Judiciary, shall be in order. Following the additional period of general debate, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report of the Committee on Rules. It shall be in order at any time for the chairman of the Committee on the Judiciary to offer amendments en bloc consisting of amendments, and modifications in the text of any amendments which are germane thereto, printed in the report of the Committee on Rules. Such amendments en bloc shall be considered as having been read and shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The original proponents of the amendments en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc. Such amendments en bloc shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House or any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.

The previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1120

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. Madam Speaker, during consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, House Resolution 444 is the second rule providing for the consideration of the bill, H.R. 2039, the Legal Services Authorization Act. As my colleagues are aware, the first rule for this legislation provided only for general debate. This rule we have before us today provides for additional general debate and for the consideration and disposition of amendments.

As I previously stated, House Resolution 444 provides for 30 additional minutes of general debate to be equally divided between and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

Madam Speaker, the rule makes in order only the amendments printed in the report to accompany the rule. The amendments are to be considered in the order and manner specified in the report and shall be debatable for the period specified in the report, the amendments are not subject to amendment, except as specified in the report.

The rule further provides the Judiciary Committee chairman the authority, at any time, to offer amendments en bloc consisting of the text of the amendments printed in the report, and germane modifications to those amendments. Madam Speaker, the amendments en bloc are debatable for 20 minutes equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

The rule also provides the original proponents of the amendments en bloc the authority to insert statements in the CONGRESSIONAL RECORD. The amendments en bloc are not subject to amendment, or to a demand for a division.

Finally, Madam Speaker, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, the bill would authorize for 5 years the Legal Services Corporation, which provides Federal funds for legal aid to the poor. The bill keeps intact the existing restrictions on lobbying, on class action suits, and on the representation of aliens.

During consideration of this bill in the Judiciary Committee, the committee added several new restrictive provisions, including those that prevent LSC funds from being used in redistricting cases and that would restrict representation of individuals convicted of the illegal sale or possession of drugs in public housing eviction cases.

Madam Speaker, I urge my colleagues to adopt House Resolution 444 and support the passage of H.R. 2039.

Madam Speaker, I reserve the balance of my time.

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I stated a few weeks ago when I handled the first rule on Legal Services, I am opposed to having a two-part rule. This is a habit we seem to be getting into around here and one that should be broken. The first rule provided for an hour of general debate, and now we are back with the second rule which provides for additional general debate. The first rule was a complete waste of our time.

Madam Speaker, the Legal Services Corporation is an independent, not-for-profit organization that provides free civil legal assistance to the poor. It was established in 1974 through the Legal Services Corporation Act; as I stated, free civil legal assistance to the poor.

That is not always the case. I am not a great fan of Legal Services, and I hope that the members of this body will take into consideration the poor job they have done in an overall manner.

The bill authorizes appropriations for the corporation for the next 5 years. As we all know, the Legal Services Corporation has not been without controversy, as I mentioned. Since the beginning, debate over the organization has always boiled down to whether it should represent only the poor or also engage in political and social causes through class action lawsuits and lobbying. It has not been reauthorized by Congress in more than 10 years, receiving its funding through the annual appropriations process.

Madam Speaker, there are many problems with this legislation. There remain concerns over federally funded Legal Service activities, such as lobbying, redistricting, circumvention of congressional intent through the use of non-Legal Services Corporation funds, and the lack of a competitive system.

The administration's statement of policy states that if this bill were presented to the President in its current form, his senior advisors would recommend a veto. It finds that one of the most critical issues is the bill's restriction on redistricting-related activities. The bill prohibits such activity only with respect to a congressional or State legislative district.

Madam Speaker, again, I am opposed to this closed rule, even though it does not make in order some of the amendments submitted to the Committee on Rules. I urge a no vote on the rule, and I hope the membership will follow my vote and vote it down, because we should not be discussing this matter at this time or at any time.

Mr. DERRICK. Madam Speaker, for purposes of debate only, I yield 1 minute and 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Madam Speaker, I rise in support of the rule. I would like to commend the committee for its inclusion of provisions addressing concerns raised by farm producer organizations. I know, for instance, that my food growers in West Virginia are upset about the costs of litigation and their impact on the costs of doing business.

One grower, for instance, has told me that he faced bankruptcy in part because of high legal costs. These growers have also testified that the Legal Services organizations initiate frivolous and costly litigation. This bill's provision that a defendant can recover attorneys' fees from the Legal Services Corporation in cases in which a court finds that a plaintiff's lawsuit was "frivolous, unreasonable, or without foundation"; was brought to harass or retaliate against the defendant; or the lawsuit "maliciously abused the legal process" is a very, very important addition.

This language will provide redress for any grower who may be the target of frivolous lawsuits, while allowing Legal Aid lawyers to fulfill their obligations to clients whose employers do not comply with Federal standards.

I believe that the mere inclusion of this language serves as a brake on overzealous Legal Services lawyers, and that they must now seriously weigh the financial consequences of filing these unjustified lawsuits.

I am also delighted that the committee has assured me that it will continue to conduct continuing oversight to ensure that these provisions have the desired effect. I think these are very positive additions to this bill, and I thank the committee for including them.

Mr. QUILLEN. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I thank the distinguished gentleman from Tennessee [Mr. QUILLEN] for yielding time to me. I rise to support the opposition of the gentleman to the rule, and urge my colleagues to defeat the rule.

Madam Speaker, this is the 40th restrictive rule reported by the Committee on Rules in this Congress. That means that 66 percent of the 61 total rules have limited the amendment process. That compares with just 15 percent worth of restrictive rules back in the 95th Congress in 1977 and 1978.

I would recall to my colleagues who was the Speaker at that time. The Speaker at that time in 1977 and in 1978 was a man revered by this body and by me in particular. He was a tough, partisan Democrat, but he was fair and he was a man who we could depend on when he gave us his word.

□ 1130

Only 15 percent of the rules were restrictive under his rule during the 1977–78 period.

The increasing number of closed rules since that time are symbolic of a House that is becoming more and more removed from the public and less democratic.

Whereas back in the seventies we prided ourselves on bringing sunshine to this Government, today, by contrast, the Capitol dome has a huge cloud hanging over it; and there are those in this House who seem to want to wrap the entire Congress in clouds of secrecy and exclusion.

Yesterday brought home a stark example of this when the Committee on Rules was to consider rules on this legal services bill we are debating now and on the omnibus rescission bill. The majority Democrats convened our meeting a half hour late and proceeded to vote against my motion to allow broadcast coverage of our hearings by C–SPAN. The only reasons we were given were that the majority was not prepared for the coverage of the meeting and that the issues involved were, listen to this, and this is a quote now, "too technical for the American people to understand anyway."

Madam Speaker, this is the first time in my 14 years in this Congress that I have witnessed such an arbitrary and politically motivated shutdown of the TV cameras. In fact, it is the only time I have witnessed this kind of lockout for other than personal privacy or national security reasons. I can recall once or twice as a member of the Foreign Affairs Committee for 6 years that we had a closed meeting for those reasons.

But, Madam Speaker, this institution is under enough of a cloud already without these new attempts at coverup and exclusion. If we begin to determine selectively what can and cannot be covered by the broadcast media, we will clearly be engaging in political censorship of the coverage of this institution, and that is wrong. That is foreign to our country and to our system of government, and it clearly violates the first amendment freedoms on which we in this body should and do ordinarily pride ourselves in protecting.

So I would urge the Rules Committee in the future not to pull the blinds of its hearing room on the video window of this world. I would also urge that we return to a policy of open rules, as under the previous speakership of Tip O'Neill, whereby all Members will be full participants in the legislative process. Our constituents will receive the full representation that they deserve.

I urge every Member to defeat this restrictive rule, and let us open up this body the way it should be.

Mr. QUILLEN. Madam Speaker, I yield 5 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Madam Speaker, I thank the gentleman for yielding time to me for the purposes of this debate. I too rise in opposition to this rule.

Frankly, this is an outrageous rule in the sense that it restricts some very important opportunities to amend this bill on the floor today, parts of this bill which really gut the opportunity for the Legal Services Corporation Board of Directors to monitor the grantees that we issue Federal money to who operate the services for the poor. I find it sad that an amendment I requested in this regard was not allowed. Only a minor amendment, which I certainly support by the gentleman from New York [Mr. FISH] in this area was allowed. I think the gentleman from New York [Mr. HORTON] also requested an amendment pertaining to this. We are concerned that the inspector general of the Legal Services Corporation and those in the Legal Services home office will not be able to go out and do their job to monitor Federal funds.

Under the present law established by court before this bill or this supposed bill out here today is adopted, under present law the Legal Services Corporation is entitled to review and have access to all of the recipient, all of the grantee documents of all of these nonprofits that we run this through throughout the country, so long as the corporation's purpose is to ensure the recipient's compliance with the Legal Services Act and the grant agreement. The rule is clear, it is bright, it is workable. However, under the bill that is out here today that we are not allowed to amend in any way we are not allowed to get into this record. There are provisions that would totally cripple the ability of the Legal Services Corporation to do its job of monitoring the use of Federal funds.

For example, all of the monitoring would be suspended completely, their entire monitoring powers until regulations are promulgated. Currently they do this administratively. They will have to promulgate formal regulations. After this bill goes into effect and after those regulations are adopted, I am sure they will be debated and litigated. Can Members imagine the kind of hamstringing that will be?

We currently protect the rights of attorney-client privilege. There has been no debate or no question over that. There have been no substantive reports of abuse of that. Nonetheless, we are going to have to promulgate regulations, and once adopted by regulation the procedures could only be changed by regulation, a cumbersome process.

The fact of the matter is the corporation will be required, under areas we are not allowed to amend, to negotiate any and all standards. The corporation home office will be required to negotiate any and all standards over the conduct of the monitoring, and that is flatly inconsistent with the nature of monitoring in the first place.

The corporation will be required to observe the privacy protections of all 50 States' privacy laws. In a State like California where they have a new constitutional privacy requirement, we do not know that this means yet, and, in fact, we do not know whether in the interpretations that may come down whether the inspector general will any longer be allowed to look at even the salaries being paid to the grantees, and that consists of the use of about 70 percent of the corporation's funds.

The bill goes on and on with these kinds of oppressive regulations. It requires that the local ethics, not Federal National American Bar ethnics rules apply in every case with regard to the access of the corporation to the records of an individual grantee. It is simply an obstructive provision in this bill that means that this bill will be vetoed by the President if it is not modified, and there is no way, save a motion to instruct when we go and move to return this to committee at the end of the bill that we can possibly raise this issue, and that is not likely to be successful.

I want all Members to understand that the President has a strong statement of policy issued on this bill saying that if a number of key amendments are not adopted, and if changes are not made in this monitoring that we are now restricted by the rule that does not allow us to make changes in the monitoring restrictions, that there will be a Presidential veto. This is an outrageous situation. It is sad. All of us on this side support continued legal services for the poor, but we cannot have a Legal Services Corporation that is emasculated and unable to monitor the Federal funds that are going out and the processes by which they are doing it, and it saddens me that the Rules Committee did not allow it.

I urge in the strongest possible terms a defeat of this rule, and if this is not done then a defeat of this bill must take place, unfortunately.

Mr. DERRICK. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Madam Speaker, as a long-time advocate of Legal Services, I would normally be inclined to support this measure we have before us today. However, due to a recent Supreme Court decision, Adams-Fruit Co. versus Barrett, the workers compensation system benefiting farmworkers is in jeopardy and a negotiated settlement on this issue is necessary if the Legal Services Program is to be effective.

In 1985, 19 migrant workers employed by the Adams Fruit Farm departed for the fields in an overloaded van. An accident resulted, and the company was liable for a violation of the Migrant and Seasonal Agricultural Worker Protection Act. The injured received damages under the workers compensation system. Under workers compensation, the employer assumes all responsibility for any injuries with the assumption that the workers compensation program is the exclusive remedy for damages. However, in Adams-Fruit, the Supreme Court rules that the worker could also sue the employer for damages in addition to collecting workers compensation benefits.

This decision removes any incentive for employerso the workers compensation system. Without the exclusive remedy protection, there is no reason for an employer to pay into the system and then face the additional risk of being sued. The original intent of the migrant protection law was to protect farmworkers, not to provide them with additional remedies which undermines the workers compensation system.

Many individuals have worked hard to seek a solution to this problem. I would like to commend my colleagues Mr. LEON PANETTA, Mr. HOWARD BERMAN, and Mr. GEORGE MILLER, as well as the representatives from the Agricultural and Legal Services community who have participated in lengthy negotiations to get this resolved. I believe that some agreement on this issue is key to the Legal Services debate that we are having today. A good faith effort must be made on both sides to find a solution to the Adams-Fruit dilemma in a timely fashion.

As we proceed today there will be several amendments offered which would substantially alter the way Legal Services has traditionally operated. As part of this debate, I think it is necessary that some commitment be made to bring the negotiations on Adams-Fruit to a positive conclusion. While these issues may not be directly related, they are part of the overall context of reform of the Legal Services Program. I urge my colleagues who have expressed an interest in the Adams-Fruit decision to keep in mind the chilling impact of this decision during today's debate. Without a settlement, protracted litigation, unsustainable losses, and an undermining of the workers compensation system will result. My inclination is to support key amendment and oppose funding until this issue is resolved.

Madam Speaker, I appreciate the opportunity to bring this important issue to the attention of my colleagues.

□ 1140

Mr. QUILLEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the resolution.

The question was taken.

Mr. QUILLEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 167, answered "present" 1, not voting 28, as follows:

[Roll No. 98]

YEAS—238

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fazio
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

NAYS—167

Allard
Allen
Archer
Armey
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—28

Abercrombie
AuCoin
Baker
Boxer
Byron
Campbell (CA)
Conyers
Donnelly
Dymally
Eckart
Fascell
Feighan
Ford (TN)
Jefferson
Jones (NC)
Kolter
McDade
Moakley
Neal (MA)
Nowak
Roemer
Sanders

Torres
Valentine
Vander Jagt
Waters
Wilson
Yatron

☐ 1202

Messrs. GILMAN, KYL, and FISH changed their vote from "yea" to "nay."

Mr. PICKLE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROEMER. Mr. Chairman, yesterday, the State of Indiana held its Presidential and congressional primaries. Because the polls did not close until evening, and my return flight to Washington was delayed this morning, regrettably I missed the three rollcall votes that were held earlier today.

If I had been present, I would have voted "aye" on rollcall No. 96, approving the Journal; "aye" on rollcall No. 97, a motion to suspend the rules and pass the bill, H.R. 3247, the undersea research authorization; and "aye" on rollcall No. 98, the rule for the Legal Services Corporation authorization.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, I was unavoidably detained and was unable to be present for rollcall votes 96, 97, and 98.

I wish it to be recorded that I would have voted "aye" on all three measures.

COMMUNICATION FROM HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. UNSOELD) laid before the House the following communication from the Honorable J. DENNIS HASTERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1992.

Hon. THOMAS FOLEY,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of Kane County, Illinois, in the case of Roger X. Baker vs. Osco Drug Company (American Drugstores).

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

LEGAL SERVICES REAUTHORIZATION ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2039.

☐ 1203

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes with Mr. MFUME, chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, April 2, 1992, all time for general debate pursuant to House Resolution 413 had expired.

Pursuant to House Resolution 444, the gentleman from Texas [Mr. BROOKS] will be recognized for 15 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, during general debate on H.R. 2039 last month, I noted how important it is to the American people that all of its citizens have access to those instruments of government that affect them, and particularly to our Nation's legal system. The events of the past few weeks have sorely tested the trust that many Americans have in that system. This week, by reauthorizing the Legal Services Corporation, the House can show its resolve that the legal system will be available to all of our citizens, regardless of their economic circumstances.

We have a number of important amendments to the Legal Services Reauthorization Act to consider. They will enable the House to work its will on the bill in an open and constructive manner. It is my hope that we will be able to move this vital piece of legislation through the process quickly, and to approve a bill that gives renewed meaning to the phrase "justice for all."

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are eager to begin the debate on Legal Services and its reauthorization.

Mr. Chairman, I must say some of the euphoria we felt when this issue was first joined and when it first came out of committee, where many of us felt that we were way ahead of the impasse that has occurred over the years with respect to individual and collective duties and responsibilities of the Legal Services Corporation, many of us felt, and the gentleman from Massachusetts [Mr. FRANK] so articulated that we are poised with a greater amount, greater degree of unanimity on most of the provisions than we ever have been before.

But since that time, since we have had this vacuum in time from the original general debate, certain things have happened, and certain positions are now being rearticulated that will make it more uncomfortable for us in the debate that is yet to come than we first thought might be the case.

So, with that in mind, we ask Members to review very carefully what is going to occur with respect to the individual positions on many of these amendments and to be circumspect in weighing what the real purpose of Legal Services Corporation is, namely to provide legal services for the poor in our country.

If that be the gauge by which we will proceed on this debate, I am certain that some of these amendments and substitutes and counteramendments, et cetera, will have to fall by the wayside, or it will be adopted based on that theme, the real purpose of the Legal Services Corporation.

Mr. Chairman, I reserve the balanced of my time.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. STAGGERS] who has worked hard and long on this bill.

Mr. STAGGERS. Mr. Chairman, I want to take this opportunity to thank Chairman BROOKS for his hard work in this area and for allowing me to make a statement.

Mr. Chairman, I rise in support of the Legal Services reauthorization bill as reported by the Judiciary Committee. Chairman FRANK is to be commended for his diligent work in addressing so many of the concerns which have plagued this issue in the past and have prevented us from moving a reauthorization bill since 1977.

It is true that the bill is not perfect and will not satisfy the program's most ardent critics. However, as a Member who has worked for legal services reform for many years, this bill represents a successful reform effort by those of us who wanted to address criticisms of the legal services program, while maintaining the integrity of its mission—to provide low-income Americans access to justice.

Chairman FRANK personally worked with me on including important provisions to address agricultural industry concerns in the bill. Most importantly, the bill contains several provisions which will increase the accountability of the program to taxpayers. It also includes provisions which will guard against meritless litigation being pursued by Legal Services lawyers, and language which will increase the ability of farmers to defend against such suits. Moreover, the bill requires legal services programs to attempt negotiation and utilize alternative dispute resolution where appropriate. In response to complaints by farmers of phantom plaintiffs, a provision was added to require a plaintiff to sign a retainer agreement outlining the facts on which the claim is based. This agreement will be kept on file by the legal services programs for review.

On another farmer-driven provision, the bill includes a right for defendants to recover attorneys' fees from the Legal Services Corporation when they have been the victims of harassment, retaliation, or malicious abuse of the legal process, or when the action was frivolous, unreasonable, or without foundation. This provision is in direct response to complaints from farmers that they should be compensated for attorneys' fees and costs in such instances of LSC abuse. Yet another concern of farmers which was addressed in the bill is the prohibition of solicitation of potential clients by Legal Services attorneys outside of appropriate outreach activities. An important program accountability provision was added to the bill, as well, which requires strict timekeeping and recordkeeping by legal services programs.

All of these provisions combine to address the key concerns of agricultural employers. As a Member who has been deeply involved in ensuring that farmers' concerns were addressed, I urge you to support this bill.

At a time when surveys show that 80 percent of low-income Americans who are in need of legal representation do not receive it, we must move forward with legislation which balances the necessity for program accountability with effective and fair representation. Do not allow the spurious rhetoric of the Reagan years to prevent passage of this important legislation aimed at providing access to justice for those in our society who often are in the greatest need, but have the fewest resources for redress.

□ 1210

Mr. GEKAS. Mr. Chairman, I yield 7 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GEKAS] very much for yielding this time to me.

Mr. Chairman, all of us today are in support of reauthorizing the Legal Services Corporation. We may not all, however, be in support of this bill when it comes down to a final vote, and we will have a great and spirited debate over a number of amendments, I am sure.

For many years we have not been able to provide adequate resources for the poor to have true access to legal justice in this country in the civil side, the noncriminal side. We have provided inadequate resources in large measure because we simply do not have enough to go around nationwide at the Federal level. We also have not necessarily set the right priorities for that. We have gone through a grant system to States. That grant system has not, and to various nonprofit organizations, I should say, and the States and local communities; that grant system to nonprofits has not functioned as well as it should.

We have had problems of accountability. We have had instances where those organizations over the years have had attorneys that have gone out and caused disruption in the local community by filing class action suits, and raising cain, and getting involved in redistricting activities, and lots of things that are highly political, taking away from the focus of the real need of the poor, which is to provide everyday legal services on a day-to-day basis for needs that they have in all kinds of matters related to rent, and domestic relations, and so on and so forth.

Mr. Chairman, we have an opportunity with this bill to correct some of those deficiencies of the past, to set a framework in the future that we will be able to follow. However, unfortunately, and whatever happens, unless there is a motion to recommit with instructions passed, one area will remain unaddressed, and, therefore, I would submit, without that area getting addressed, without the key amendments being voted on, this bill will have to be defeated. The Legal Services Corporation Act, the President said, the authorization bill out here today in its present form, he will veto. There will be amendments today that we will call for votes on simply because we want to see the opportunity for those amendments to be heard and thought about by the Members.

The most important failure that is in this bill that we do not have a chance to remedy, except by that motion to recommit, is in the area of monitored. The current Legal Services Corporation sends its inspector general out, and gets paperwork from the individual grantees, and looks at almost anything it wants to; that is, except those things that have attorney-client privilege. We do not think though, under the kind of restrictions that are in the bill before us today, that that is going to be possible in the future.

The bill would require regulations to be promulgated that will be very time sensitive, and in the meantime, while those regulations on monitoring are being promulgated, all monitoring will be suspended. During the interval there could be chaos in the system, but beyond that fact there is no need for regulations in the first place. There has been no complaint that they are doing a bad job of monitoring or that somebody's privileges are being abused.

And in addition to that, this bill would provide that the ethics and individual rules of law of every State that every State bar has, every supreme court of every State applies to the access of these documents to be monitored by the Legal Services national board, and that does not make sense, to have 50 different State rules apply.

We are not going to be able to see the corporation get at the records they need to get at, and we have no ability, because the Committee on Rules did not grant it, to get an amendment to change that, and, unless these areas get changed to allow the Legal Services to monitor the Federal funds that are out there, then we should vote against this bill, and the President has said he will veto it, and I believe he will.

However, in the meantime we have a chance to do some constructive things. There are amendments that will be coming down that several of us will be offering today that are critical to improving the services, to efficiency, to accountability, to fairness. One of those is to put competition in the grant awards into the system. Right now all grantees, these nonprofits around the country, are presumptively re-funded. If another group wants to come forward and seek to get the funds, they cannot do that as a practical matter, and what we seek to do is to simply put into law what this Congress has sanctioned and supported in all appropriations bills since 1988, and that is to set up an implementation of a competitive bid system that would be phased in over a 3-year period after a 2-year test. The Legal Services Corporation would base this on high quality, economical, and effective legal assistance, not the cheapest program, but the most effective program.

We do not need to study it anymore. That is what is in the bill, and I urge adoption of amendment to allow the implementation of this to go forward.

We also need to close loopholes on the non-Federal funds being used to circumvent all the restrictions we have currently in the law. Right now there are a number of restrictions. We will have more today on lobbying. We will have a big debate over that, I am sure, over what the jurisdictions will actually be, but today, unless we pass an amendment in this bill that I am going to offer, we will not be able to see the restrictions that we have actually effectuated because Legal Services may now use non-Federal funds donated by bar associations or local governments to do anything that we say they cannot do.

They can circumvent completely the restrictions of Congress, and, as long as the Congress is the one that is passing the laws, and it is the Federal program, and that is what Legal Services is, it is a Federal program, we Congress men and women are held accountable for what goes on. We expect our auditing trail to be accountable for all of this and be able to know what is going on out there. The public expects that of us, and, if we pass restrictions saying they cannot do X, Y and Z, we do not want them in those areas, then why should we allow them our hat, the Federal hat, to go out and use non-Federal money and do that? They want to do these things, let the other sources of money find other organizational structures to do it and not use the Federal imprimatur and color of doing it.

We also have the lobbying question itself. The gentleman from Pennsylvania is going to offer an amendment that will go far more than this bill does or than the gentleman from Massachusetts does to completely bar lobbying by these folks, these attorneys. Get them out of the political arena. Get them away from issues like abortion. Get them away from redistricting, which the gentleman from Texas will do totally.

There will be lots of opportunities to get politics out of the system, to focus and refocus the direction of Legal Services to the everyday legal problems of the poor, to build more confidence in the system, and to put competition in there so that we can get accountability and get a respect for it. There will be an opportunity in the agriculture and other areas to have their problems and concerns addressed by allowing disclosure of the names of those who are plaintiffs in these class action suits so the defendants can go out and find out if the cases are truly cases against them, or they may be made up in some way, as many times they suspect.

There is a lot of opportunity to put fairness, accountability, and efficiency, and take the politics out through amendments today, and I urge the Members to support most of the amendments being offered today. Do not be fooled by the substitutes. Go for the gold, go for the bottom line, go to the basic fundamentals. There are a lot of good amendments being offered today, but the bottom line is that we do not have the chance to offer one of the best ones, and, if we cannot offer one to clean up these monitoring restrictions that are placed in the bill, I would not recommend voting for this bill, and I would recommend the President veto it.

Mr. BROOKS. Mr. Chairman, I yield myself half a minute to say that I am then going to yield very shortly to the distinguished chairman of the Subcommittee on Administrative Law and Governmental Relations, the gentleman from Massachusetts [Mr. FRANK], who has done an outstanding job on this bill. It is a complicated bill, but we have worked it out. We have a few amendments, some of them good, some of them bad. We have worked with all of the parties I think we have a good bill, and we ought to recognize the outstanding work that has been done in this effort.

Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK], chairman of the Subcommittee on Administrative Law and Governmental Relations.

□ 1220

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS] for his very, very kind words and for his leadership. I also want to thank the ranking minority member. I have no disagreement with the way he describes the situation. We were able in subcommittee and committee I think with the ranking member of the subcommittee and then with the ranking member of the full committee substantially to narrow our differences. But it would not have been appropriate to have abolished them altogether. There are issues that ought to be decided by the full membership. The House has a right to make certain basic ones.

We have I think done our job as a committee. I would have written the rule a little differently if I was writing it, but I do believe with the inclusion of the motion to recommit, we will have every major issue presented. Not in the ideal form, I appreciate that.

I would also note that there are, as the gentleman from Florida [Mr. McCOLLUM] pointed out, a number of other issues which will be voted on in amendments and with substitutes.

What I want to do here is just make two points. First, the issue of abortion is a very difficult and troubling one. I want to make that clear to Members, because I think Members have two sets of concerns here. Members have their concerns about abortion. They also have other concerns about the way in which the legal services system functions.

I believe we have a rule which, by putting in order an amendment by my friend, the gentleman from Pennsylvania [Mr. GEKAS], would substantially reduce abortion-related activity, whether it was pro or anti, as the gentleman has noted, by the Legal Services Corporation. The gentleman gives Members a chance to focus in his amendment on that abortion issue.

I believe in the other amendments we will have a chance to focus on questions of how the Legal Services Corporation ought to be functioning. But I do want to say to Members, we do have an amendment that will be coming up later in the process in which there will be a "yes" or "no" vote on the extent to which Legal Services ought to be litigating in the abortion area.

The second thing I want to note is that we will debate other issues. Part of the problem with the process is that debate inevitably tends to focus on areas of disagreement, and we have some. But I would not want to lead people to overlook the areas of agreement we have achieved.

For instance, one debate we had in the past was should it be a criminal Federal violation if someone steals funds of the Legal Services Corporation. There was ambiguity in that. It was not clear. The U.S. attorneys were not clear.

This bill unambiguously makes it a Federal criminal violation if you steal Legal Services funds.

We have put in provisions which severely restrict redistricting. They may be restricted further.

We have provisions in here which institute for the first time legitimate requirements of timekeeping and recordkeeping, so where there are different funding sources, different issues Legal Services can work on, we avoid the problem of cross-subsidy.

We have an amendment that is going to be offered, on which I have worked with the chairman of the full committee and the ranking member of the Committee on Government Operations who are experts on the inspector general. I believe we will have a very strong inspector general in this bill in an area that is not controversial.

We will be dealing with the right, as the gentleman from West Virginia [Mr. STAGGERS] pointed out, of people unfairly sued to recover fees.

I would say parenthetically that a lot of the problems that have arisen in the past came from two places, the left wing and the right wing. We had grantees who were not prepared to live by the rules and board members appointed who were not prepared to live by the rules. I think we have made substantial improvements in both areas and that this bill takes it a step further.

Mr. Chairman, finally I want to note that the gentleman from West Virginia [Mr. WISE] who spoke earlier has spoken to me and has made clear his concern, particularly in the agricultural area, about the need not simply to legislate, but to followup those legislative provisions with very serious oversight. I want to acknowledge that I have committed that to the extent I have any say over that, we will have that.

Mr. Chairman, I look forward to our debating those issues that are remaining between us. I did want to note first that abortion will be presented for people who asked about that in a very clear-cut way, and, second, there are going to be a number of areas that you will hear debated where we have acted, for instance in requiring that there be criminal penalties for misuse, that will, in fact, improve the situation.

Mr. Chairman, I once again thank the gentleman from Texas [Mr. BROOKS], the chairman of the full committee, for his leadership and assistance and guidance in this matter.

Mr. HORTON. Mr. Chairman, I was very pleased to hear the comments made a few minutes ago by my good friend from Texas, Chairman BROOKS regarding the LSC inspector general.

I initially had a number of concerns about the potential impact H.R. 2039 might have on the operations of the inspector general. I brought my concerns to the attention of Chairman BROOKS, and he immediately responded and worked with me in an effort to address those issues.

The development, introduction, and enactment of the Inspector General Act of 1978 was one of the most significant steps ever taken by Congress to control spending, cut waste, and eliminate fraud. The enactment of the IG Act amendments of 1988 built upon the 1978 act by establishing inspectors general at 32 designated Federal entities. I am proud to have been a coauthor with JACK BROOKS of that legislation and I am proud of the work the inspectors general have done in serving as independent watchdogs.

I remain committed to the inspectors general concept and am pleased that Chairman BROOKS, Mr. FRANK, and others on the Judiciary Committee have been willing to help ensure that the LSC inspector general is not inappropriately constrained in his ability to perform his duties.

I fully support amendment 7 offered as part of the en bloc amendment introduced by Chairman BROOKS, and applaud the leadership shown by Chairman BROOKS in addressing this issue.

Mr. MILLER of California. Mr. Chairman, I rise today in opposition to the amendment proposed by my colleague, Representative BYRON. In lieu of her amendment, I urge this body to support the provisions of the committee bill, with the addition of the amendment proposed by Mr. FRANK.

Both of these amendments address the issue raised by critics of legal services advocates who represent migrant farmworkers against agricultural interests. Those critics claim that they are subject to spurious suits brought by legal services lawyers on behalf of farmworkers who either do not exist or who never worked for the defendants. I have heard these allegations on many occasions, but I have never seen any evidence whatsoever to suggest that there is any truth to them.

I do, however, understand that legal services attorneys are effective and successful advocates on behalf of migrant farmworkers who are among the most exploited and least protected workers in this country. I believe that the Byron amendment is just one more effort by the agricultural community to thwart the efforts of legal services attorneys to enforce the rights of farmworkers under the Agricultural Workers Protection Act and other statutes enacted to give these workers some modicum of protection against exploitation and deprivation.

Mr. FRANK'S amendment would restate the presumption that exists in our courts that plaintiffs in litigation would reveal their identities, so that defendants can adequately respond to the allegations against them. I believe that such a presumption is fundamentally fair. But I also believe that there are situations where plaintiffs should be permitted by a court to bring John Doe complaints. For example, numerous courts have found that farmworkers have been subject to harassment, blacklisting, retaliation, and discrimination when they pursued their legal rights against agricultural employers. When such circumstances exist where farmworkers have legitimate fears of harassment or retaliation or where the personal safety or that of their families would be compromised by revelation of their identities, they may well need to precede without revealing their identities.

Mrs. BYRON'S amendment would go much further than would Mr. FRANK. She would involve the courts at the precomplaint stage, when the issues are much more appropriately resolved by the parties themselves. She would waste the court's resources on a matter that would never even be before the court if the parties were able to resolve their differences. She would permit client identity to be protected from disclosure to the defendant only after the court held a hearing and issued a formal injunction which was found to be necessary to prevent serious harm to the potential plaintiff.

Even if the court did issue such an injunction, it would not fully protect the plaintiff's identity from disclosure. The court still would be obligated to disclose the plaintiff's identity to the defendant's attorney. If the attorney disclosed the identity to anyone except his own investigators or paralegals, he would be subject to contempt of court. This is an unprecedented requirement—it would obligate the court to reveal information that it has already determined should be protected. It would force the defendant's attorney into an impossible conflict of interest between his own desire to be free of punishment for contempt and his obligation to fully represent his client. Even If the attorney did not directly disclose the plaintiff's identity to his client, there is nothing to ensure that the attorney would not use the information to the detriment of the plaintiff. And all this takes place before there is even a lawsuit filed.

This amendment is simply one more example of the lengths that opponents of legal services will go to erect barriers to effective representation of poor people. We should not be party to efforts to single out the poor and their attorneys for additional burdens that are not shouldered by any other litigants in our society. And we should certainly not require the courts to intervene in private disputes long before a complaint is filed.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 2039, the Legal Services Corporation Authorization Act.

For nearly 20 years, the Legal Services Corporation [LSC] has been invaluable in providing legal representation and advice to Americans who do not otherwise have the means to afford a private attorney. Recent events in Los Angeles have served to highlight the tremendous disenfranchisement felt by many low-income Americans who believe the legal system does not and cannot work on their behalf. In fact, it has long been evident that, often times, the law is only as fair as your wallet is thick.

It is that very fact, or perception thereof, which the Legal Services Corporation seeks to combat. By providing funds to local legal aid programs, the Legal Services Corporation assures that those low-income Americans, who need legal counsel in civil matters, will receive it. These moneys are not used to defend criminals and, to the greatest extent possible, are to be used in a nonpartisan and nonpolitical manner.

Some of my colleagues, however, want to inject their own rightwing agenda into the debate by offering mischievous amendments in an attempt to limit some of the important work performed by the Legal Services Corporation on behalf of the Nation's poor, and I want to just highlight a few of these amendments.

One such amendment would prohibit any group receiving Legal Services funding from representing women in abortion-related cases. This is, however, simply another backdoor attempt by the administration to prevent women from learning about their legal reproductive rights. Mr. Chairman, the Congress has already voted down the title X gag rule and I urge my colleagues to do the same with this attempt at gagging LSC attorneys.

Another amendment seeks to curtail Legal Services Corporation funds from being used for local redistricting activities. However, it is often only through the assistance of Legal Services attorneys that minorities and the poor can gain appropriate representation in local governing bodies. This is not meant to help or hinder either political party, Mr. Chairman, but to simply again assure that low-income Americans have the same opportunities to participate in the decisionmaking process as wealthier Americans have. Again, I urge my colleagues to reject these restrictions on local redistricting counseling.

Finally, some would like to further restrict the LSC from lobbying Government bodies on behalf of the poor. As we all know, however, the legal process does not simply take place within the courtroom, but is a continuous process between all three branches of Government. While wealthy Americans can afford high-priced attorneys to do their bidding, the poor can neither afford proper representation, nor can they gain access to appropriate channels for legislative or regulatory action. You will recall, Mr. Chairman, that the Reagan administration took great pride in dismantling the Community Services Administration which was an effective avenue through which needs of the poor could be advocated. Now this Bush administration wants to eliminate this last bastion of advocacy for our Nation's poor. Let us in this House not close and lock the door on the right of all Americans to petition their Government for action and let us vote down this unjust amendment.

Mr. Chairman, we have all become aware in recent days of the tragic consequences when one group in society believes that the institutions of Government are working against them rather than for them. The Legal Services Corporation seeks to assure that all Americans receive proper legal counseling and representation and I urge my colleagues to support H.R. 2039 and to strike down the amendments which would further erode our democratic system.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 2039, the Legal Services Corporation authorization. Although this program has not been properly authorized for 12 years, Legal Services Corporation [LSC] attorneys have provided a tremendous service to this country by protecting the rights of the most vulnerable in our society. As with even the best of programs, a few problems have arisen, and H.R. 2039 addresses these issues in a fair, balanced manner.

I would like to commend my colleagues, Mr. BROOKS, chairman of the House Judiciary

Committee, and Mr. FRANK, chairman of the Subcommittee on Administrative Law and Governmental Relations, for their work in crafting this legislation. For poorer Americans, the access to the legal system provided by the Legal Services Corporation is essential to protect their rights and to ensure that they are not victimized simply because they lack financial resources.

The bill as approved by the House Judiciary Committee, with a few correcting amendments to be offered by Mr. BROOKS, makes several important changes in the current Legal Services guidelines. In addition to the current restrictions on the use of Federal LSC funds, the bill restricts what activities LSC attorneys can pursue with private funds, including bans on political activities and representing persons convicted of drug crimes in drug-related housing eviction proceedings.

The bill bans the use of Federal funds to represent illegal aliens and permits defendants to win attorney's fees from the LSC if an LSC plaintiff's suit is found to be "frivolous," to be intended to harass or retaliate against the defendant, or to maliciously abuse the legal process.

The bill also provides for a study on whether competitive bidding should be used to select LSC grantees. While this study may lead to future savings, we must be careful that we do not head toward a day when the rich receive the best legal representation money can buy while the poor receive the cheapest, regardless of quality.

Given the long hours and low pay that are standard for most Legal Services attorneys, I find it hard to believe that similar quality representation can be found at a significant savings. Competitive bidding should be carefully examined before it is considered, and it would be a mistake to adopt a competitive bidding amendment before the study has been completed and thoroughly reviewed.

In closing, Mr. Chairman, H.R. 2039 is a good bill, one that addresses the legitimate concerns brought to the Judiciary Committee's attention and strikes a proper balance between ensuring access to the legal system and limiting LSC activities to protect defendants from meritless litigation. We need to move forward with this legislation, and I urge my colleagues to support it.

Mr. WEISS. Mr. Chairman, I am in strong support of H.R. 2039, the Legal Services Corporation authorization for fiscal years 1992–96.

For close to 20 years the Legal Services Corporation has provided essential legal services and representation to those persons financially unable to afford them. During this time it has served an extraordinarily broad array of American society; the elderly, the inner city poor, migrant farm workers and many others, who sadly, do not have the resources to obtain essential legal services. Without the legal representation provided by the local LSC supported agencies there are many people in our society who would be effectively locked out of the country's legal system.

Founded in 1974, the Legal Services Corporation was last authorized by Congress for the 3-year period 1977–80. For the last dozen years it has been forced to survive, due in large part to administration opposition, on year to year funding through Commerce-Justice-State Appropriations Acts. We have the opportunity today to provide long-term stability to the program.

The foundation of this country's freedoms are the liberties guaranteed us by the Constitution. If, however, all Americans are not granted equal access to these laws, then the cause of equality, for which these laws were established, is undermined. Tragically, there are many people in our country who are locked out of our legal system. Because of limited financial resources many are unable to gain access to the legal counsel necessary to work through a complicated and difficult legal system that has become impossible to navigate without professional assistance. This bill supports the means by which the poor and financially disadvantaged can obtain the legal assistance and protection that should be guaranteed to all Americans.

The law is not the domain of the rich, access to it is the right of all Americans. I urge my colleagues to join me in supporting this legislation which keeps the doors to the American legal system open to all citizens.

Mr. GEKAS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MFUME). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute is considered as having been read for amendment under the 5-minute rule.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Legal Services Reauthorization Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Reference to the Legal Services Corporation Act.
Sec. 3. Authorization of appropriations.
Sec. 4. Protection against theft and fraud.
Sec. 5. Prohibitions on lobbying.
Sec. 6. Enforcement, sanctions, and monitoring.
Sec. 7. Class actions.
Sec. 8. Negotiation requirement.
Sec. 9. Prohibition on use of funds for redistricting.
Sec. 10. Restrictions on use of funds for legal assistance to aliens.
Sec. 11. Governing bodies of recipients.
Sec. 12. Professional responsibilities.
Sec. 13. Solicitation.
Sec. 14. Certain eviction proceedings.
Sec. 15. Procedural safeguards for litigation.
Sec. 16. Competition study.
Sec. 17. Training.
Sec. 18. Limitation on use amendments.
Sec. 19. Recordkeeping and noncorporation funds.
Sec. 20. Evasion.
Sec. 21. Fee-generating case provisions.
Sec. 22. Attorneys' fees provisions.
Sec. 23. Corporation board control over policy.
Sec. 24. Reprogramming provisions.
Sec. 25. 12-month grants.
Sec. 26. Establishment of local priorities.
Sec. 27. Study on legal assistance to older Americans.

SEC. 2. REFERENCE TO THE LEGAL SERVICES CORPORATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Legal Services Corporation Act (42 U.S.C. 2996 and following).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 1010(a) (42 U.S.C. 2996i(a)) is amended by striking the first three sentences and inserting the following: "There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation such sums as may be necessary for each of fiscal years 1992, 1993, 1994, 1995, and 1996."

SEC. 4. PROTECTION AGAINST THEFT AND FRAUD.

Section 1005 (42 U.S.C. 2996d) is amended by adding at the end the following:

"(h) For purposes of sections 286, 287, 641, 1001, and 1002 of title 18, United States Code, the Corporation shall be considered to be a department or agency of the United States Government.

"(i) For purposes of sections 3729 through 3733 of title 31, United States Code, the term 'United States Government' shall include the Corporation, except that actions that are authorized by section 3730(b) of such title to be brought by persons may not be brought against the Corporation, any recipient, other grantee or contractor of the Corporation, subgrantee or subcontractor of any such entity, or employee thereof.

"(j) For purposes of section 1516 of title 18, United States Code—

"(1) the term 'Federal auditor' shall include any auditor employed or retained on a contractual basis by the Corporation,

"(2) the term 'contract' shall include any grant or contract made by the Corporation, and

"(3) the term 'person', as used in subsection (a) of such section, shall include any recipient or other grantee or contractor receiving financial assistance under section 1006(a)(1) or 1006(a)(3).

"(k) Funds provided by the Corporation under section 1006 shall be deemed to be Federal appropriations for the purpose of all Federal criminal laws when used by a recipient, another grantee or contractor of the Corporation, or any subgrantee or subcontractor of any such entity.

"(l) For purposes of section 666 of title 18, United States Code, funds provided by the Corporation shall be deemed to be benefits under a Federal program involving a grant or contract.".

SEC. 5. PROHIBITIONS ON LOBBYING.

Section 1007(a)(5) (42 U.S.C. 2996f(a)(5)) is amended to read as follows:

"(5) ensure that no funds made available by the Corporation to any recipient or other grantee or contractor are used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, or to pay for any publicity or propaganda, intended or designed—

"(A) to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient or other grantee or contractor of the Corporation to an eligible client on a particular application, claim, case, or other matter, which directly involves the client's legal rights or responsibilities, or

"(B) to influence any Member of Congress or any other Federal, State, or local elected official

to favor or oppose any Act, bill, resolution, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body,

except that this paragraph shall not preclude such funds from being used in connection with—

"(i) any communication made in response to any Federal, State, or local agency or elected official,

"(ii) any communication to a Federal, State, or local elected official pertaining to the authorization or appropriation of funds or any other measure affecting the authority, functions, or funding of the recipient, grantee, or contractor, or the Corporation or pertaining to oversight measures directly affecting the recipient, grantee, or contractor, or the Corporation, if the project director or designee of the recipient, grantee, or contractor has expressly determined that the legislative body involved is considering such authorization, appropriation, or other measure, or is conducting oversight of the recipient, grantee, or contractor, or the Corporation, or

"(iii) any communication on behalf of an eligible client in the course of representation of that client before a legislative body, if the project director or designee of the recipient, grantee, or contractor has expressly approved such representation in accordance with policy established by the governing or policy body of the recipient, grantee, or contractor, and if such project director or designee has determined, before approving the undertaking of such representation, that—

"(I) the client seeks representation to protect the client's existing legal rights or interests or is in need of relief which can be provided by the legislative body involved, and

"(II) documentation specifically authorizing such representation has been secured from the eligible client by a recipient or other grantee or contractor,

but nothing in this paragraph shall be construed to permit an attorney or an employee of a recipient or other grantee or contractor of the Corporation to engage in any publicity or propaganda intended or designed to support or defeat legislation pending before the Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency or to solicit a client, in violation of professional responsibilities, for the purpose of making possible any activity permitted by this paragraph;".

SEC. 6. ENFORCEMENT, SANCTIONS, AND MONITORING.

(a) ENFORCEMENT.—Section 1006(b)(1)(A) (42 U.S.C. 2996e(b)(1)(A)) is amended to read as follows:

"(b)(1)(A)(i) The Corporation shall have the authority to ensure the compliance of recipients, other grantees and contractors of the Corporation, and their respective employees with the provisions of this title. The Corporation may issue rules, regulations, guidelines, and instructions to interpret the provisions of this title, but may not impose, by regulation or otherwise, restrictions or limitations on types of cases or forms of representation of clients unless such restrictions or limitations are explicitly authorized by this title or other applicable law, and may not impose, by regulation or otherwise, restrictions or requirements on such recipients, grantees, or contractors that are in addition to or inconsistent with the provisions of this title and other applicable law.

"(ii) The Corporation shall have the authority to enforce the rules, regulations, guidelines, and instructions issued under this title, and to terminate, in accordance with the standards described in paragraph (5) of this subsection, financial support to a recipient or other grantee or contractor of the Corporation. Pursuant to regulations adopted by the Corporation under section 1008(e), the Corporation shall—

"(I) arrange for independent evaluations to determine whether recipients and other grantees and contractors of the Corporation are providing comprehensive, economical, and effective legal assistance of high quality to eligible clients, and

"(II) conduct reasonable monitoring and investigations into allegations that a recipient or other grantee or contractor has violated this title, the rules, regulations, guidelines, or instructions issued under this title, or other laws.

"(iii) Not later than 30 days after receiving a written request by any person to investigate an allegation that a recipient or other grantee or contractor has violated this title, the rules, regulations, guidelines, or instructions issued under this title, or other laws, the Corporation shall either reject the request as groundless or commence such investigation and shall notify the recipient, grantee, or contractor of the allegations and of any such rejection or investigation. Such notification shall specify the case, event, or circumstances involved and those provisions of this title, the rules, regulations, guidelines, or instructions, or other laws that are alleged to have been violated. The Corporation shall provide to the recipient, grantee, or contractor a reasonable opportunity to respond to the allegations. The Corporation shall complete such investigation not later than 90 days after its commencement, and shall inform the recipient, grantee, or contractor of the findings of such investigation. Without the consent of the recipient, grantee, or contractor under investigation, the Corporation, unless required by law, shall not disclose, until the Corporation issues a final report on the investigation, the findings of its investigation with respect to the allegations to any person other than the staff of the Corporation, consultants working on the investigation, or the recipient, grantee, or contractor under investigation. If the Corporation determines, after the investigation, that it will take an action requiring a hearing under paragraph (5) of this subsection, the Corporation shall notify the recipient, grantee, or contractor of its option to request a hearing. Not later than 30 days after such notification, the recipient, grantee, or contractor may request such a hearing.".

(b) REGULATIONS FOR ENFORCEMENT.—Section 1006(b)(5) (42 U.S.C. 2996e(b)(5)) is amended to read as follows:

"(5)(A) The Board shall issue regulations to provide for the enforcement of this title. Such regulations may include, among available remedies, provisions for the immediate suspension of financial assistance under this title, suspension or termination of an employee of the Corporation, or of any employee of a recipient or other grantee or contractor by such recipient, grantee, or contractor, the reduction or termination of such financial assistance or employment, and denial of an application for refunding. The Corporation may suspend, reduce, or terminate financial assistance under this title, or deny an application for refunding under this title—

"(i) when there has been a substantial failure to comply with the provisions of this title, or rules, regulations, guidelines, or instructions issued under this title, or of other laws, and after notice and an opportunity to correct such failure has been provided to the recipient, grantee, or contractor involved; or

"(ii) when independent evaluations demonstrate that a recipient or other grantee or contractor has consistently failed to use its resources to provide economical and effective legal assistance of high quality as measured by generally accepted professional standards, and after notice and an opportunity to correct such failure has been provided to such recipient, grantee, or contractor.

The Corporation may deny an application for refunding of a recipient or other grantee or contractor when the Corporation has identified an applicant for financial assistance under this title that is better able to provide high quality, comprehensive, economical, and effective legal assistance for the geographic area served by such recipient, grantee, or contractor, consistent with the provisions of sections 1007(a)(2) and 1007(c) of this title.

"(B) Financial assistance under this title may not be terminated or suspended, an application for refunding under this title may not be denied, and the annual level of financial assistance under this title may not be reduced by more than 5 percent or $20,000, whichever is less, unless the recipient or other grantee or contractor involved has been afforded reasonable notice and, at the request of the recipient, grantee, or contractor, a timely and fair hearing before an independent hearing examiner pursuant to regulations issued by the Corporation. Such regulations shall provide for commencement of the hearing before an independent hearing examiner at the earliest appropriate date, but in no case more than 45 days after a request for such a hearing is received. As soon as practical after the hearing, but in no case more than 60 days after its conclusion, the independent hearing examiner shall make a recommended decision on the matter involved. A copy of the recommended decision shall be sent to the Corporation and the recipient, grantee, or contractor involved. If neither the Corporation nor the recipient, grantee, or contractor involved requests review by the president of the Corporation of that recommended decision within 10 days after the date the recipient, grantee, or contractor receives a copy of the decision, that decision shall become final. Within 30 days after receipt of a request for a review of a recommended decision, the president of the Corporation shall make a final decision with respect to that recommended decision. In addition to other remedies provided by law, the recipient, grantee, or contractor may appeal the final decision to the Board.".

(c) MONITORING AND INDEPENDENT EVALUATIONS OF PROGRAMS.—Section 1007(d) (42 U.S.C. 2996f(d)) is amended to read as follows:

"(d)(1) The Corporation shall monitor recipients and other grantees and contractors of the Corporation in order to ensure that the provisions of this title, the rules, regulations, guidelines, and instructions issued under this title, and other laws are carried out by such recipients, grantees, and contractors, and shall provide for independent evaluations to determine whether such recipients, grantees, and contractors are providing economical and effective legal assistance of high quality to eligible clients. The Corporation shall adopt standards and procedures to implement the provisions of section 1006(b)(1)(A) and this subsection as regulations under section 1008(e).

"(2) The standards and procedures adopted under paragraph (1) shall take into account—

"(A) that the responsibility of the Corporation with regard to monitoring and evaluation is to ensure compliance with this title, the rules, regulations, guidelines, and instructions issued under this title, and any other laws and to provide for independent evaluations to assess the extent to which the overall delivery of legal assistance by a recipient or other grantee or contractor is economical, effective, and of high quality and not to manage the day-to-day operations of recipients and other grantees and contractors;

"(B) that each recipient or other grantee or contractor has the responsibility to manage its

day-to-day operations and to assure that its employees comply with all applicable law and deliver high quality legal assistance in an effective and economical manner;

"(C) the requirements of section 552a of title 5, United States Code, the privacy protections of State law, and the principle that matters and records that are personal or private and that relate to an individual employee should be protected from examination by the Corporation, and

"(D) the rules of ethics and professional responsibility that are applicable in the jurisdiction where a recipient or other grantee or contractor delivers legal assistance.

The Corporation may not require disclosure of records described in subparagraph (C) except to the extent such records can be expected to contain information directly pertinent and necessary to an investigation of a likely pattern of discrimination, lack of compliance with the law, or poor performance by a recipient or other grantee or contractor which is indicated by other external evidence.

"(3) The Corporation shall ensure that the monitoring process is fair and conducted in a manner that does not cause more than necessary disruption to the provision of legal services provided by the recipient or other grantee or contractor being monitored, and provides—

"(A) sufficient notice before monitoring is conducted;

"(B) flexibility to negotiate with the Corporation when disagreements arise over the timing and conduct of monitoring;

"(C) reasonable opportunity to respond and comment on draft reports on monitoring;

"(D) protection from disclosure to third parties of the results of monitoring and the contents of any draft reports on monitoring before a final report on the monitoring is issued; and

"(E) protection from disclosure to third parties of any documents obtained during monitoring except to the extent necessary to carry out the monitoring, consistent with the laws and the rules of ethics and professional responsibility applicable to the jurisdiction where such documents are maintained, except that the Corporation shall at all times have the authority to make evidence of criminal conduct available to the appropriate legal authority.

The Corporation shall ensure that the monitoring process is reasonably related to the purposes which the monitoring is intended to accomplish.

"(4) The Corporation, in cooperation with recipients and other appropriate groups, shall develop criteria for evaluating the capability and performance of recipients and other grantees and contractors of the Corporation. Such criteria shall provide for the assessment of—

"(A) the degree to which any such recipient, grantee, or contractor provides a comprehensive range of legal assistance to eligible clients, including, in the case of support entities, a comprehensive range of appropriate support services;

"(B) the past demonstrated record of any such recipient, grantee, or contractor in providing effective, economical, and high quality legal services to poor individuals and in developing additional resources, including pro bono services from the private bar;

"(C) the ability of any such recipient, grantee, or contractor to determine and address the needs of eligible clients for particular services, including, in the case of support entities, the range of support services needed in the geographical or subject matter area served;

"(D) the adherence by any such recipient, grantee, or contractor to accepted norms of performance to guide the provision of legal assistance to poor individuals; and

"(E) the adherence by any such recipient, grantee, or contractor to applicable rules of professional responsibility for attorneys providing legal assistance to poor individuals.".

(d) TECHNICAL AMENDMENTS.—

(1) Section 1006(b) (42 U.S.C. 2996e(b)) is amended by adding at the end the following:

"(7) The Corporation shall ensure that—

"(A) no employee of the Corporation or of any recipient or other grantee or contractor of the Corporation (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities supported under this title, engages in, or encourages others to engage in, any public demonstration or picketing, boycott, or strike; and

"(B) no such employee, at any time, engages in, or encourages others to engage in—

"(i) any rioting or civil disturbance,

"(ii) any activity which is in violation of an outstanding injunction of any court of competent jurisdiction,

"(iii) any other illegal activity, or

"(iv) any intentional identification of the Corporation or any recipient or other grantee or contractor of the Corporation with any political activity prohibited by section 1007(a)(6).".

(2) Section 1006(b)(2) (42 U.S.C. 2996e(b)(2)) is amended by striking "provisions of section 1011" and inserting "regulations issued under paragraph (5) of this subsection".

(3) Section 1007(a)(9) (42 U.S.C. 2996f(a)(9)) is amended by striking "1011" and inserting "1006(b)(5)".

(4) Section 1011 (42 U.S.C. 2996j) is repealed.

SEC. 7. CLASS ACTIONS.

Section 1006(d)(5) is amended—

(1) by striking "No" and inserting "(A) Subject to subparagraph (B), no"; and

(2) by adding at the end the following:

"(B) No recipient, other grantee or contractor of the Corporation, or employee of any such recipient, grantee, or contractor may bring a class action suit against the Federal Government or any State or local government unless—

"(i) the project director of the recipient, grantee, or contractor has expressly approved the filing of such an action in accordance with policies established by the governing or policy body of the recipient, grantee, or contractor and the filing of such action has not been expressly disapproved by such governing or policy body;

"(ii) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance under this title; and

"(iii) before filing such an action, the project director of the recipient, grantee, or contractor determines that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient, grantee, or contractor has given notice of its intention to seek class relief, and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients.".

SEC. 8. NEGOTIATION REQUIREMENT.

Section 1007(a) (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (9) by striking "and" after the semicolon; and

(2) by adding at the end the following:

"(11) require recipients and other grantees and contractors of the Corporation to adopt policies, consistent with the rules of ethics and professional responsibility that apply in the jurisdiction in which legal assistance is to be provided, which require employees of the recipients, grantees, and contractors to attempt to negotiate settlements and to use alternative dispute resolution mechanisms, where appropriate and available, before filing suit, except that nothing in this paragraph shall be construed to permit the Corporation—

"(A) to require policies which restrict representation of clients to matters where the clients agree to such negotiation or use of alternative dispute resolution mechanisms; or

"(B) to preclude an attorney from filing suit where the attorney's professional responsibility to the client requires that litigation be commenced without notice to or negotiations with the opposing parties.".

SEC. 9. PROHIBITION ON USE OF FUNDS FOR REDISTRICTING.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended—

(1) in paragraph (10) by striking the period and inserting "; or"; and

(2) by adding at the end the following:

"(11) to—

"(A) advocate or oppose, or contribute or make available any funds, personnel, or equipment for use in advocating or opposing, any plan or proposal, or

"(B) represent any party or participate in any other way in litigation,

that is intended to or has the effect of altering, revising, or reapportioning a Congressional or State legislative district.".

SEC. 10. RESTRICTIONS ON USE OF FUNDS FOR LEGAL ASSISTANCE TO ALIENS.

Section 1007 (42 U.S.C. 2996(f)) is amended by adding at the end the following:

"(i) No funds appropriated to the Legal Services Corporation may be used to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

"(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)), including aliens who acquire the status of lawful permanent resident aliens under the provisions of section 216 or 245A of that Act (8 U.S.C. 1186a, 1255a);

"(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under 21 years of age of such citizen and who has filed an application to adjust status to lawful permanent resident under the Immigration and Nationality Act, and such application has not been finally adjudicated;

"(3)(A) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), who has been granted suspension of deportation under section 244 of the Immigration and Nationality Act, or who has been granted asylum by the Attorney General under such Act, or

"(B) an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity;

"(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

"(5) an alien whose employment to perform temporary agricultural labor or services is authorized by the Immigration and Naturalization Service;

"(6) an alien who is permanently residing in the United States under color of law; or

"(7) an alien who is eligible for medical assistance for treatment of an emergency medical condition under title XIX of the Social Security Act, if the legal assistance to be provided is needed in order to help obtain such medical assistance.".

SEC. 11. GOVERNING BODIES OF RECIPIENTS.

Section 1007(c) (42 U.S.C. 2996f(c)) is amended to read as follows:

"(c)(1) In making grants or entering into contracts for legal assistance, the Corporation shall ensure that—

"(A) any recipient which has as one of its purposes the provision of legal assistance to eligible clients is governed by a body—

"(i) the majority of which is comprised of attorneys who are appointed by the governing bodies of State, county, or local bar associations the memberships of which represent a majority of the attorneys practicing law in the locality in which the recipient is to provide legal assistance or, in the case of programs providing service in more than one State, in the State or locality in which the principal office of the recipient is located;

"(ii) at least 60 percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation may grant, pursuant to regulations issued by the Corporation, a waiver of the requirements of this clause for recipients which, because of the nature of the population they serve, are unable to comply with such requirement); and

"(iii) at least one-third of which consists of persons who are, when selected, eligible clients who may also be representatives of associations or organizations of eligible clients; and

"(B) any other recipient, grantee, or contractor of the Corporation is governed by a body that meets the requirements of subparagraph (A) or has established a policy body, whose membership is selected consistent with such requirements, to establish policy with respect to the administration of any grant or contract under this title.

Any attorney serving on a governing body or policy body of a recipient, grantee, or contractor described in this paragraph may not, while so serving, receive compensation from such recipient, grantee, or contractor.

"(2) Consistent with the provisions of this title, the rules, regulations, guidelines, and instructions issued under this title, and any other laws, each recipient or other grantee or contractor of the Corporation, pursuant to the direction and control of its governing or policy body, and not the Corporation, shall determine all broad policies concerning its provision of legal assistance and other activities of the recipient, grantee, or contractor, including—

"(A) financial eligibility criteria of clients represented, consistent with the guidelines established pursuant to section 1007(a)(2);

"(B) the services that the recipient, grantee, or contractor will make available;

"(C) the policies that will govern the fiscal, administrative, and representational activities of the recipient, grantee, or contractor, in compliance with the provisions of this title and regulations issued under this title, other applicable law, or requirements imposed by grantors of resources to the recipient, grantee, or contractor;

"(D) subject to the prohibitions contained in this title, the priorities of the recipient, grantee, or contractor for the use of all available resources, including the policies regarding the types of cases or matters attorneys, paralegal staff, and other staff may undertake using such resources; and

"(E) significant policy decisions concerning the use of staff attorneys and other available and appropriate staff and nonstaff resources, including private attorneys and others, to provide legal assistance to eligible clients and to carry out activities relating to the delivery of legal assistance.

"(3) The governing or policy body of a recipient or other grantee or contractor of the Corporation shall—

"(A) not interfere with the lawyer-client relationship in the representation of specific clients by the recipient, grantee, or contractor;

"(B) comply with the legal and ethical requirements on conflicts of interest that apply in the jurisdiction where the recipient, grantee, or contractor is located;

"(C) not act on a case-by-case basis in setting priorities, except that the governing or policy body may reconsider priorities at any time for future applications for services in light of changing legal needs of clients or in light of an emergency; and

"(D) ensure that activities under this title are carried out in a manner consistent with attorneys' professional responsibilities to a client as established in the rules of ethics and professional responsibility that apply in the jurisdiction where the legal assistance is provided.

"(4) The Corporation shall not—

"(A) interfere with the governing or policy bodies described in paragraph (1) in their determinations of the broad policy matters described in paragraph (2),

"(B) impose requirements or limitations on the types of cases or representation of clients unless those requirements or limitations are explicitly authorized by this title or other applicable law; or

"(C) impose requirements or limitations on the governing or policy bodies of recipients and other grantees or contractors of the Corporation that are additional to, or more restrictive than, the provisions of this subsection, including requirements or limitations with respect to—

"(i) the procedures of appointment, the political affiliations, or the length of terms of board members,

"(ii) the size, quorum requirements, and committee operations of such governing or policy bodies;

"(iii) the content of the bylaws of such recipients, grantees, or contractors; or

"(iv) the communications between governing or policy bodies and appointing authorities specified in paragraph (1).".

SEC. 12. PROFESSIONAL RESPONSIBILITIES.

(a) STATEMENT OF FINDINGS.—Section 1001(6) (42 U.S.C. 2996(6)) is amended to read as follows:

"(6) attorneys providing legal assistance must have full freedom to protect the best interests of their clients in keeping with the rules of ethics and professional responsibility that apply in the jurisdiction where the legal assistance is provided and the high standards of the legal profession.".

(b) RESPONSIBILITIES OF THE CORPORATION.—Section 1006(b)(3) (42 U.S.C. 2996e(b)(3)) is amended to read as follows:

"(3) The Corporation shall not, under any provision of this title, interfere with any attorney in carrying out his or her ethical or professional responsibilities to a client as established in the rules of ethics and professional responsibility that apply in the jurisdiction where the legal assistance is provided or abrogate as to attorneys in programs assisted under this title the authority of a State or other jurisdiction to enforce the standards of professional responsibility generally applicable to attorneys in such jurisdiction.".

(c) GRANTS AND CONTRACTS.—Section 1007(a)(10) (42 U.S.C. 2996f(a)(10)) is amended to read as follows:

"(10) ensure that all attorneys, while engaged in legal assistance activities supported, in whole or in part, by the Corporation, refrain from the persistent incitement of litigation and any other activity prohibited by the rules of ethics or professional responsibility that apply in the jurisdiction where the legal assistance is provided, and ensure that such attorneys refrain from personal representation for a private fee in any cases in which they were involved while engaged in such legal assistance activities; and"

(d) ACCESS TO RECORDS.—Section 1009(d) (42 U.S.C. 2996h(d)) is amended by inserting before the period at the end the following: "or protected from disclosure by the laws or the rules of ethics or professional responsibility that apply in the jurisdiction where such reports or records are maintained".

SEC. 13. SOLICITATION.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(j) Any recipient or other grantee or contractor of the Corporation, and any employee of any such recipient, grantee, or contractor, who has given in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action shall not accept employment resulting from that advice, or refer that nonattorney to another such recipient, grantee, contractor, or employee, except that—

"(1) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor may accept employment by a close friend, relative, former client (if the advice given is germane to the previous employment by the client), or person whom the recipient, grantee, contractor, or employee reasonably believes to be a client because the recipient, grantee, contractor, or employee is currently handling an active legal matter or case for that specific person;

"(2) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor may accept employment or refer a nonattorney to another such recipient, grantee, contractor, or employee when the employment or referral (as the case may be) results from the participation of the recipient, grantee, contractor, or employee in activities designed to educate nonattorneys about their legal rights, to recognize legal problems, to make intelligent selection of counsel, or to utilize available legal services if such outreach activities are conducted or sponsored by the recipient, grantee, contractor, or other legal assistance organization; and

"(3) without affecting the right of a recipient, other grantee or contractor of the Corporation, or employee of any such recipient, grantee, or contractor to accept employment, any such recipient, grantee, contractor, or employee may speak publicly or write for publication on legal topics so long as such recipient, grantee, contractor, or employee does not emphasize his, her, or its own professional experience or reputation and does not undertake to give individual advice in such speech or publication.".

SEC. 14. CERTAIN EVICTION PROCEEDINGS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(k)(1) No funds made available by or through the Corporation may be used for initiating the defense of a person in a proceeding to evict that person from a public housing project if the person has been convicted of the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency.

"(2) As used in this subsection—

"(A) the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

"(B) the terms 'public housing project' and 'public housing agency' have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).".

SEC. 15. PROCEDURAL SAFEGUARDS FOR LITIGATION.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(l) No recipient, other grantee or contractor of the Corporation, or employee of such recipient, grantee, or contractor may engage in

precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless a written retainer agreement which enumerates the particular facts on which the claim or controversy is initially based has been signed by the plaintiffs (including named plaintiffs in a class action). Such retainer agreement shall be executed when representation commences or, if not possible at that time because of an emergency situation, then as soon thereafter as is practicable. Such retainer agreement—

"(1) shall be kept on file by the recipient, grantee, or contractor, in a manner that does not disclose information protected by the attorney-client privilege or by the rules of ethics or professional responsibility that apply in the jurisdiction in which the legal assistance is provided, and

"(2) shall be made available—

"(A) to any Federal department or agency that is auditing the activities of the Corporation or of any such recipient, grantee, or contractor, and

"(B) to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation.

Other parties shall have access to such agreement only through the applicable rules of discovery after litigation has begun. Claims of attorney-client privilege shall not protect information contained in such agreement which, after the agreement is signed, is disclosed by the plaintiff or the plaintiff's counsel to third parties during precomplaint settlement negotiations or litigation. The recipient, grantee, or contractor is not required to execute a written retainer agreement under this subsection when the only service to be provided is brief advice and consultation.".

SEC. 16. COMPETITION STUDY.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(m)(1) The Corporation shall study the feasibility of a system of competition in the awarding of some or all grants or contracts for legal assistance and related activities under section 1006 (a)(1) and (a)(3) of this title. The Corporation shall, within 3 years after the date of the enactment of the Legal Services Reauthorization Act of 1991, report to the Congress the results of this study, based on independent evaluation. Such study shall be conducted in conjunction with an advisory committee which includes project directors, attorneys providing legal assistance, the organized bar, and eligible clients, who are selected by appropriate representatives of these groups.

"(2) The study under paragraph (1) shall examine how a system of competition would—

"(A) ensure access to, and the continued provision of, high-quality, economical, and effective legal services to resolve problems of clients, consistent with section 1001,

"(B) take into account locally determined needs for particular kinds of cases or services,

"(C) take into account the ongoing ethical and professional responsibilities of recipients, other grantees or contractors of the Corporation, and their attorneys for existing cases, the potential disruption in client services, and loss of experienced staff, pro bono services, funds from sources other than the Corporation, and other resources if an existing recipient or other grantee or contractor were replaced,

"(D) ensure that every recipient or other grantee or contractor seeking a grant or contract through a competitive bidding process will comply with all provisions of this title and the rules, regulations, guidelines, and instructions issued under this title that are applicable to those recipients and other grantees and contractors organized for the purpose of providing legal services to eligible clients; and

"(E) ensure that a new recipient or other grantee or contractor selected would provide a sufficient level of quality, economy, and effectiveness to justify the burdens of replacing the current recipient, grantee, or contractor, using the criteria set forth in this paragraph and those developed by the Corporation in accordance with section 1007(d)(4).".

SEC. 17. TRAINING.

Section 1007(b)(6) (42 U.S.C. 2996f(b)(6)) is amended to read as follows:

"(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients, to advise any eligible client as to the nature of the legislative process, or to inform any eligible client of his or her rights under any statute, order, or regulation;".

SEC. 18. LIMITATION ON USE AMENDMENTS.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (9) and redesignating paragraph (10) and paragraph (11) (as added by section 9 of this Act) as paragraphs (9) and (10), respectively.

SEC. 19. RECORDKEEPING AND NONCORPORATION FUNDS.

(a) NON-CORPORATION FUNDS.—Section 1010(c) (42 U.S.C. 2996i(c)) is amended to read as follows:

"(c) Private funds received by a recipient or other grantee or contractor of the Corporation for the provision of legal assistance shall not be used to engage in publicity or propaganda as restricted by section 1007(a)(5) or in activities prohibited by section 1006(b)(7), section 1007(a)(10), paragraph (2), (3), (4), (6), (7), or (9) of section 1007(b), or section 1007(k). This subsection shall not be construed to prevent recipients and other grantees and contractors of the Corporation from receiving tribal funds (including foundation funds benefiting Indians or Indian tribes) and expending them in accordance with the purposes for which they are provided or to prevent contracting or making other arrangements with private attorneys, private law firms, or other State or local entities of attorneys or with legal aid societies having separate public defender programs for the provision of legal assistance to eligible clients under this title.".

(b) TIMEKEEPING.—Section 1008(b) (42 U.S.C. 2996g(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The Corporation, by regulation adopted pursuant to section 1008(e), shall require each recipient or other grantee or contractor of the Corporation to maintain records of time spent on the cases or matters with respect to which that recipient, grantee, or contractor is engaged in activities and to maintain a recordkeeping system that discloses the source of funds to be charged for each such case or matter. The specific time and recordkeeping system to be employed shall be determined by the recipient or other grantee or contractor in a manner that meets the requirements of a recordkeeping system as set forth in the preceding sentence and meets obligations that are imposed by other funding sources. Pursuant to regulations adopted under this paragraph, each employee of such recipient, grantee, or contractor, who is an attorney or paralegal, shall be required to keep contemporaneous records of the time spent by case or matter and the type of case or matter.".

SEC. 20. EVASION.

The Legal Services Corporation Act is amended—

(1) by redesignating sections 1013 and 1014 as sections 1014 and 1015, respectively; and

(2) by inserting after section 1012 the following new section:

"EVASION

"SEC. 1013. The use of 'alternative corporations' to avoid or otherwise evade the provisions of this title or the Legal Services Reauthorization Act of 1991 is prohibited. The term 'alternative corporation' means any corporation, law firm, business association, group, entity, or enterprise which, through shared staff or control over workload or interlocking boards of directors, has a single identity of interest with a recipient or other grantee or contractor of the Corporation. Any recipient or other grantee or contractor of the Corporation which shares employees with any other corporation, law firm, business association, group, entity, or enterprise shall specify with particularity the use of any funds by such employees in accordance with the timekeeping and recordkeeping requirements established under section 1008(b).".

SEC. 21. FEE-GENERATING CASE PROVISIONS.

Section 1007(b)(1) (42 U.S.C. 2996f(b)(1)) is amended by striking "(which guidelines" and all that follows through the end of the paragraph and inserting the following: ", except that—

"(A) such guidelines shall not preclude the provision of legal assistance in cases in which a client seeks only statutory benefits and appropriate private representation is not available; and

"(B) the Corporation may not—

"(i) prevent recipients or other grantees or contractors of the Corporation from seeking, receiving, or retaining attorneys' fees awarded or approved by a court or administrative body or included in a settlement in any matter that may be appropriately undertaken under the guidelines promulgated under this paragraph, or

"(ii) offset attorneys' fees against grant amounts or take into account the amount of any such attorneys' fees in establishing funding levels, fund balances, or distributing funds appropriated under this title;".

SEC. 22. ATTORNEYS' FEES PROVISIONS.

Section 1006(f) (42 U.S.C. 2996e(f)) is amended to read as follows:

"(f) If any court finds, based on substantial evidence, that a recipient or other grantee or contractor of the Corporation commenced an action for the purpose of harassment or retaliation or maliciously abused legal process, or that the plaintiff's action was frivolous, unreasonable, or without foundation, the court may award reasonable costs and attorneys' fees incurred by the defendant in defending the action. Any such costs and fees shall be paid directly by the Corporation. The Corporation may recover the amount of any costs and fees paid by the Corporation from the recipient, grantee, or contractor against whom the award was made by offsetting that amount against future grant awards made by the Corporation to such recipient, grantee, or contractor. Unless otherwise agreed by the Corporation and the recipient, grantee, or contractor, the Corporation, in any one grant year, may not deduct more than 5 percent of a grant for purposes of recoupment of such costs and fees.".

SEC. 23. CORPORATION BOARD CONTROL OVER POLICY.

Section 1006 (42 U.S.C. 2996e) is amended by adding at the end the following:

"(g) All rules, regulations, guidelines, instructions, and grant conditions under this title, and all policies or changes in policy directly affecting recipients or other grantees or contractors of the Corporation, shall be adopted by the Board of the Corporation after notice and comment. For purposes of this subsection, policies or changes in policies include, but are not limited to, increasing or decreasing funding to, imposing new terms and conditions on, or making

changes in the classes of recipients or other grantees or contractors which provide and support the delivery of legal assistance. This subsection shall not preclude the staff of the Corporation from imposing, without notice and comment, specific conditions on a grant to an individual recipient or other grantee, or on a contract with a recipient or other contractor, that are not applicable to other such recipients, grantees, or contractors if the conditions relate specifically to a prior determination that the recipient, grantee, or contractor has not complied with the provisions of this title or the rules, regulations, guidelines, or instructions issued under this title.".

SEC. 24. REPROGRAMMING PROVISIONS.

Section 1008 (42 U.S.C. 2996h) is amended by adding at the end the following:

"(f) The Corporation may not promulgate rules, regulations, guidelines, or instructions under this title unless the Corporation has so notified the Committees on Appropriations and on the Judiciary of the House of Representatives and the Committees on Appropriations and on Labor and Human Resources of the Senate at least 15 days before final publication of the rules, regulations, guidelines, or instructions, and has given such committees an opportunity to comment on such rules, regulations, guidelines or instructions.".

SEC. 25. 12-MONTH GRANTS.

Section 1010 (42 U.S.C. 2996i) is amended by adding to the end the following:

"(e) All grants and contracts made pursuant to sections 1006(a) (1) and (3) for calendar years 1992, 1993, 1994, 1995, and 1996 shall be made for a period of at least 12 months.".

SEC. 26. ESTABLISHMENT OF LOCAL PRIORITIES.

Section 1007(a) (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (2)(C)(i) by striking "goals established by the Corporation" and inserting "the principles of section 1001 of this title and any goals established by law"; and

(2) by adding after paragraph (11) (as added by section 8(2) of this Act) the following:

"The procedures adopted pursuant to paragraph (2)(C)(i) shall require the governing or policy bodies of recipients and other grantees and contractors of the Corporation to review annually the priorities that are determined in accordance with such procedures, and periodically analyze the legal needs of clients in the area served by each such recipient, grantee, or contractor to take into account new or changing circumstances of such clients. As part of such analysis, each such recipient, grantee, or contractor shall seek comments and information from clients, the organized bar, and program staff, as well as other parties with relevant information concerning client needs, including community groups, private attorneys participating in the private attorney involvement plans of the recipient, grantee, or contractor, and human services agencies. In the case of support entities, their governing or policy bodies shall also periodically analyze the advocacy, support, and coordination needs of recipients served by the support entity.".

SEC. 27. STUDY ON LEGAL ASSISTANCE TO OLDER AMERICANS.

The Legal Services Corporation shall conduct a study to determine the extent and effectiveness of legal assistance provided to older Americans by recipients and other grantees and contractors under the Legal Services Corporation Act. The Corporation shall submit to the Congress, not later than 6 months after the date of the enactment of this Act, a report on the study, together with any recommendations that the Corporation has on ways to improve the provision of such legal assistance to older Americans.

The CHAIRMAN pro tempore. No amendments to the amendment in the nature of a substitute are in order except the amendments printed in House Report 102-512. Said amendments shall be considered in the order and manner specified, shall be considered as having been read and shall not be subject to amendment, except as specified in House Report 102-512. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order for the chairman of the Committee on the Judiciary to offer amendments en bloc, consisting of amendments and modifications in the text of any amendment which is germane thereto, printed in House Report 102-512. Said amendments en bloc are considered as having been read and are not subject to amendment or to a demand for a division of the question.

Said amendments en bloc shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

It is now in order to consider amendment No. 1 printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BROOKS:

Page 31, line 11, strike "legal assistance".

2. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 24, strike lines 14 through 19 and insert the following:

"except that the Corporation—

"(I) shall, upon application, grant waivers of the requirements of this clause for a legal services program, supported under section 222(a)(3) of the Economic Opportunity Act of 1964, which on the date of the enactment of this title has a majority of persons who are not attorneys on its policymaking board, and

"(II) may grant, pursuant to regulations issued by the Corporation, a waiver of the requirements of this clause for recipients which, because of the nature of the population they serve, are unable to comply with such requirements; and

21. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 20 minutes:

Page 17, line 8, strike the quotation marks and second period.

Page 17, insert the following after line 8:

"(5) Notwithstanding the preceding provisions of this subsection, the Inspector General of the Corporation shall not, in carrying out his or her functions, be subject to any restriction that—

"(A) is contained in the standards and procedures adopted by the Corporation under this subsection; and

"(B) limits access by the Corporation to documents or other information.".

Modification to the amendment offered by Mr. FRANK to H.R. 2039, As Reported:

Add at the end of the amendment the following:

In section 1007(d)(2) of the Legal Services Corporation Act, as contained in section 6(c) of the bill, in the last sentence strike "an investigation" and insert "an audit, or to an investigation".

3. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 42, line 22, insert after "12 months" the following: ", except for any grant to a new program commencing operation after the beginning of the applicable calendar year."

10. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 43, add the following after line 24 and redesignate the succeeding section accordingly:

SEC. 27. STAFF ATTORNEYS.

Section 1002(7) (42 U.S.C. 2996a(7)) is amended to read as follows:

"(7) 'staff attorney' means an attorney who—

"(A) is employed by a recipient organized in whole or in part for the provision of legal assistance to eligible clients under this title, and

"(B) receives more than one-half of his or her annual professional salary from the proceeds of a grant or contract from the Corporation to such recipient.".

4. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 10, line 18, insert the following after "application for refunding.": "Any such employee may be terminated only after consideration of other remedial measures and only after the employee has been affordable reasonable notice and opportunity for a timely, full, and fair hearing. When requested, such hearing shall be conducted by an independent hearing examiner."

5. The amendments en bloc to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes. The amendments en bloc are not subject to a demand for a division of the question in the House or in the Committee of the Whole:

Strike "Legal Services Reauthorization Act of 1991" each place it appears in the bill and insert "Legal Services Reauthorization Act of 1992"

Page 14, line 12, strike the comma after "Corporation" and insert a semicolon.

Page 42, lines 14 and 15, strike "guidelines or instructions" and insert "guidelines, or instructions".

6. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 37, line 1, insert after "(c)" the following: "Non-Federal funds received by the Corporation, and funds received by any recipient or other grantee or contractor of the Corporation from a source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.".

———

7. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 25, line 9, add the following after the period: "Subparagraph (A)(i) shall not be construed to prevent the governing body of a bar association from appointing members of the governing or policy bodies of more than one recipient or other grantee or contractor of the Corporation.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of the many amendments filed on H.R. 2039 and in order on the floor today, there are a number by Chairman FRANK that I believe are noncontroversial. As we have a lot of work ahead of us, I am now offering those amendments en bloc to help speed up our evaluation on the other amendments.

Concern has been expressed that the bill's present section 6(c)—which deals with monitoring—might impact the work of the Legal Services Corporation's inspector general in some way. This was never intended, and amendment No. 7 ensures that there is absolutely no impact on the inspector general from section 6(c) of this bill.

During my tenure as chairman of the House Committee on Government Operations, I had the distinct honor and pleasure of working closely with our distinguished colleague, Mr. FRANK HORTON of New York—was then, and is now, the ranking minority member. Together, we developed and introduced the Inspector General Act of 1978.

Based on our years of experience with the Inspector General Act at the Government Operations Committee, Mr. HORTON, the ranking minority member of the committee, and I together worked out amendment No. 7. He and I are in complete agreement that this amendment is consistent with the Inspector General Act, and that it fully addresses any legitimate concerns raised by the inspector general of the Legal Services Corporation with regard to section 6(c).

On another issue, amendment No. 12 addresses another concern of our colleague from Florida, Mr. McCOLLUM. A provision in current law which prohibits the commingling of Legal Services Corporation funds and non-LSC funds was inadvertently dropped by a Republican amendment offered during the Judiciary Committee's markup of H.R. 2039. Amendment No. 12 completely restores the requirement in current law that non-Legal Services Corporation funds be specifically "accounted for and reported as receipts and disbursements separate and distinct from Federal funds."

Amendment No. 9 dealing with the definition of staff attorney and No. 13 dealing with the appointment of members to governing bodies also resolve concerns raised by our colleague from Florida, Mr. McCOLLUM. The other amendments are technical, and I urge our colleagues to support this en bloc amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take it that the chairman of the full Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], is representing that these noncontroversial amendments have been cleared by the minority side. If that be so, I just want to let the gentleman know that I personally did not assent to them.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I did not say that they had been cleared by the minority. I am proposing that we consider them en bloc because of my conviction that they either answer minority concerns in the bill or are technical, and that they have been given to Members to evaluate. I do not say that the gentleman has read them and cleared them. I want the gentleman to read them and look at them. I have no problems with them.

□ 1230

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say in some cases amendments that the committee or subcommittee offered were in conflict with the members of the minority. In all those cases they stayed out of the en bloc, to my understanding. That is, where there were different ways of doing things as between us, those will be debated on the floor.

My understanding was that these were all areas where we had frankly agreed, during committee debate, to accommodate some of the concerns that had been raised to further tighten up some provisions. And these were relatively noncontroversial ways of doing this.

There were, with regard to inspector general, some different approaches, but as the chairman had said, we worked this one out with the approval of the ranking minority member of the Committee on Government Operations, who we frankly had felt to be one of the great experts on inspector general, the gentleman from New York [Mr. HORTON].

But that is the genesis of these. These were areas where we made commitments in committee debate to go a couple of steps further and where, as we looked at the list of amendments, there were no competing ways of doing it.

Where there were competing ways of doing it, with regard to privacy of names or attorney fees, we got them out of the en bloc. And we will be offering them as specific substitutes to competing ways of doing this.

Mr. GEKAS. Mr. Chairman, I do not question any of the representations made by either the chairman of the full committee or the chairman of the subcommittee. I simply want to make sure that we are going to be finally adopting the same kind of language, if we agree to these.

I would suggest, before yielding to the gentleman from Florida to see if he would concur, that we pose some questions to the chairman on what he has presented to us here. And then afterwards, I may want to request, perhaps by agreement, that we postpone the final vote on this amendment, perhaps to the end of the process, if that can be done parliamentarily, without any great harm.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding to me.

Those that I have been able to look at here do not look like they are egregious or bad. They are fairly noncontroversial.

I would say, with regard to the amendment with regard to the inspector general, it is a fine amendment, nothing wrong with it at all. It does embrace what I believe was an agreed-upon understanding with the gentleman from New York [Mr. HORTON].

I would point out that it does not go as far as this Member and others would like, which was why the debate on the rules and opening here about how we did not get to go to our monitoring, because there still would be restrictions on what could be seen based upon State and local bar rules that are now being adopted in the bill.

So there are still problems. The amendment itself that is being offered is not a problem.

I would like to ask a couple questions, if I could. One of them, if I could ask, has to do with the very first one, the so-called No. 3, originally dealing with the outreach programs.

The gentleman from Massachusetts crafted one to apparently, if I read this right, allow any organization to conduct an outreach program, not just the Legal Services grantees and not just the recipients or whatever.

The language looks like recipient, grantee, or contractor, or other organization.

Would the gentleman explain what he has in mind with that?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, would the gentleman repeat the question?

Mr. McCOLLUM. If the gentleman will continue to yield, I am curious, there was a slip that went out originally saying that the people who would be able to do outreach programs would include church organizations, but I read this as any organization.

In other words, it would not just be a grantee, just a recipient of money, but it would be, it could be any. I do not know what the gentleman has in mind by that, whether it is the local Kiwanis Club or who is going to be conducting the outreach programs under the proposal of this amendment.

I just want clarification.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman, the gentleman from West Virginia [Mr. STAGGERS] had been approached by people who wanted to make these grants. And what we decided was that if someone wanted to make the grant available, we would accept it as long as it did not transgress any specific prohibition.

And what we were told was that we might, if we tried to write too specific a definition, we would be perhaps inadvertently excluding someone to which no one had an objection.

We did want to make it clear that nothing in here overrides any specific prohibitions to the contrary.

Mr. McCOLLUM. Mr. Chairman, then my understanding is correct that any organization could conduct the outreach.

Mr. FRANK of Massachusetts. Mr. Chairman, that is correct.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will continue to yield, maybe we will want to work toward perfecting that because that is pretty broad.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say this, at the conference stage, if we reach that, if we do not it is not relevant, I would be delighted to work to narrow that if they thought that was a reasonable thing.

I would ask that we include the gentleman from West Virginia.

Mr. McCOLLUM. Mr. Chairman, we would be glad to.

There is one other question I wanted to ask. On No. 10, No. 10 has to do with the question regarding the Corporation's due process on firing employees. There is some representation we have seen out in some of the paperwork that this is nothing more than codifying existing rights.

My understanding is that presently the Corporation is not a Federal agency and, therefore, Federal personnel policies do not apply and that the due process procedures we are setting up here are new.

Am I correct, they are completely new? They do not exist presently?

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, my understanding is that this provision is in the current law that governs Legal Services and that it was just inadvertently dropped out.

Mr. McCOLLUM. Mr. Chairman, if that is true for us, we do not have a problem with it. But our research over here indicated that right now DC laws were applicable and after this law it no longer would be the DC laws that applied to this area.

Mr. FRANK of Massachusetts. Mr. Chairman, our intention was simply, if the gentleman has the pamphlet, the Legal Service Corporation Act, as amended 1977, it was section 1006(b) under rules and regulations, we were simply trying to reincorporate that which had been in an editing error dropped out.

Mr. McCOLLUM. Would the gentleman and the chairman consider removing that one amendment from the en bloc so we could take a look at it and study that?

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I have been informed by counsel that this section 10 would restore the current law. The current law in Legal Services provided for this. It was left out inadvertently when we rewrote the law.

If we do not put that in, it is not going to be part of the Legal Services operation at all. That is what it is.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will continue to yield, I understand the gentleman.

I just want to comment that I believe the gentleman's counsel is giving credible advice to us. If that is the intent, I have no objection to it.

But our reading of it was that it went further than that. I guess the best I can say is that if it is not going to be separated out for further looking at, then we will look at it with the gentleman and maybe if we go into a situation where we have a conference on it, we can straighten it out, if it is a problem.

What the gentleman is stating is not a problem for us, if that is, indeed, the way it really reads.

I do not think there are any other amendments I have a problem with except to comment that the commingling of funds amendment, straightening that out does not resolve my problems over the non-Federal funds. I do not think they ought to be used for going around the restrictions.

We will have an amendment to discuss that later on.

I think the gentleman has done a good thing by squaring away the fact that we do not want to commingle our funds, and I do support that.

Mr. BROOKS. Mr. Chairman, we take these things one step at a time.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, these outreach programs that we are going to give to everybody in sight now, what are they?

Mr. GEKAS. Mr. Chairman, if the gentleman will take the explanation that I have, which is very hazy at this moment, that this is still to be restricted and that the general prohibitions that we have for other kinds of activities, such as church-related and others, would still be the law.

This one would allow that simple extension, and it is very hazy to me.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, does this mean that, for instance in farming communities, that we could have a lot of these groups now deciding that they were going to become involved in migrant worker types of questions and thereby stir up the community in order to get Legal Services lawyers on the backs of local farmers and so on?

Mr. GEKAS. Mr. Chairman, I must say to the gentleman that when the chairman of the full committee began to explain these provisions, then the further statements made by the gentleman from Massachusetts, I began to see a gigantic loophole opening up to allow all kinds of pressure groups to become involved.

Mr. WALKER. So we could literally form an organization that would then become an outreach organization under this that would then have the ability to influence decisionmaking?

□ 1240

Mr. GEKAS. Presumably so, I would have to say to the gentleman.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WALKER. Mr. Chairman, the amendments were put en bloc. Each of the amendments was assigned an amount of time. It seems to me that the time, then, was reduced considerably by putting them en bloc. Can we not have debate time equaling the amount of time of the amendments that were included in the en bloc amendment?

The CHAIRMAN. Under the rule, amendments offered en bloc by the chairman of the Committee on the Judiciary, who holds that option, are debatable for 20 minutes, equally divided.

Mr. WALKER. And further inquiring, Mr. Chairman, this side has now used its 10 minutes?

The CHAIRMAN. The gentleman is correct. The gentleman from Pennsylvania [Mr. GEKAS] has used the 10 minutes allotted to him.

Mr. BROOKS. Mr. Chairman, could I yield the gentleman from Pennsylvania [Mr. GEKAS] some of my time?

The CHAIRMAN. The gentleman may certainly do that.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] yields 5 minutes to the gentleman from Pennsylvania. Without objection, the gentleman from Pennsylvania may control that time.

There was no objection.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the matter stands now, I am so, how shall I say, puzzled by the possibilities of mischief in this amendment that I am constrained to urge my colleagues to vote against it. Even though it started out as an en bloc amendment that seemed to satisfy both sides, I am not satisfied, I must say.

Mr. WALKER. Mr. Chairman, would the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, will the gentleman give us an idea of what the outreach activities include?

Mr. GEKAS. I cannot.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts [Mr. FRANK] again to reiterate his definition of outreach.

Mr. FRANK of Massachusetts. Mr. Chairman, what we have, the problem is that we want to be clear that Legal Services should not engage in solicitation of clients. They are allowed under this to work with organizations that approach them. I am told that the specific reason that the word "legal assistance" was stricken was concern that church groups would thereby be excluded. This is one of the areas we were told where Legal Services people are approached by church groups that say, "We have been hearing about this problem."

The way it works is that other groups would set up a meeting, invite a Legal Services lawyer, it would have to be another organization, they would set up a meeting and invite a Legal Services lawyer and say, "These people are concerned about rents, these people are concerned about what they think might be an environmental problem," et cetera, "and we would like you to explain to them what their rights are and then see if any of them would want to be legally represented."

The original word said if it was a legal assistance organization the concern was that this might ban church groups. That is as I understand it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield further to the gentleman.

Mr. WALKER. That explanation then becomes very worrisome, because it sounds to me what they could literally do is set up advocacy groups that would then take on these issues.

Mr. GEKAS. Yes.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would yield further, if the gentleman would allow me to put the words "legal assistance" back in.

Mr. WALKER. Mr. Chairman, I would ask the gentleman what this means.

Mr. GEKAS. Mr. Chairman, maybe it is because I am befuddled, but I cannot envision anything but the possibilities of mischief here, unintended, but to create another loophole where we on this side have been trying valiantly for many years to close loopholes.

I would have to urge my colleagues to vote against this, unless the gentleman would entertain withdrawing the amendment for now. If the gentleman will withdraw the amendment en bloc for now and allow our staffs to brief each other on it.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Yes, I will yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. If this is a major problem for the gentleman and he needs a little time to consider it, we can do that. We can go over it again with his staff. There is a communication problem with his staff, sometimes, I am afraid, because we have been over all these with my staff backward and forward. I think they told somebody over there.

At any rate, to resolve this and get this thing moving, I would ask unanimous consent that that amendment be withdrawn from the en bloc amendments and considered later as an individual amendment.

The CHAIRMAN. Could the gentleman state, by number in the report of the Committee on Rules, which amendment the gentleman makes reference to?

Mr. BROOKS. No. 10.

The CHAIRMAN. No. 10?

Mr. BROOKS. No. 10, by the gentleman from Massachusetts [Mr. FRANK].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GEKAS. No. 1, we believe, is it not?

Mr. BROOKS. No. No. 1, pardon me. No. 3.

The CHAIRMAN. The committee will suspend for just a moment.

Mr. BROOKS. Pardon me, Mr. Chairman. Let me restate that. Under the rule the amendment that we are asking to be postponed and reconsidered later is No. 1.

The CHAIRMAN. Amendment No. 1.

Mr. WALKER. Mr. Chairman, reserving the right to object, just to assure ourselves this amendment No. 1 referred to is the amendment which allows outreach activities to be supported by church groups and, as we have now found out, all organizations, is that the Chair's understanding?

The CHAIRMAN. That is the understanding of the Chair.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

Mr. GEKAS. Mr. Chairman, we have no objection.

The CHAIRMAN. Is there objection to the proposed modification?

There was no objection.

The CHAIRMAN. The amendment relating to page 31, line 11, is redacted from the en bloc amendments as originally proposed by the chairman of the Committee on the Judiciary.

Mr. GEKAS. There is no objection to that.

Mr. BROOKS. Mr. Chairman, the Chair has already withdrawn it by unanimous consent, the one amendment. The en bloc amendment resolved, I think, that the gentleman from Pennsylvania [Mr. GEKAS] has no further time.

I will state it again. The unanimous consent request is to withdraw from the en bloc amendments and to consider it later under the rule in the bill with other amendments individually when called up.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time on the en bloc amendments.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. BROOKS], as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 3, answered "present" 1, not voting 20, as follows:

[Roll No. 99]

AYES—410

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell

Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Whitten
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—3

Armey
Cox (CA)
Crane

ANSWERED "PRESENT"—1

James

NOT VOTING—20

AuCoin
Barnard
Boxer
Byron
Campbell (CA)
Davis
Dymally
Eckart
Ford (TN)
Hertel
Ireland
Jones (GA)
McDade
Moakley
Sanders
Valentine
Waters
Wheat
Wise
Yatron

☐ 1310

Mr. ARMEY and Mr. CRANE changed their vote from "aye" to "no."

Mr. ORTIZ changed his vote from "no" to "aye."

So the amendment en bloc, as modified, were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 1 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOKS: Page 31, line 11, strike "legal assistance".

MODIFICATION OF AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the amendment be modified to read that after the words "legal assistance," we add the words "or church."

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. BROOKS: Page 31, line 11, after the words "legal assistance", all the words "or church".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas to modify the amendment?

Mr. GEKAS. Reserving the right to object, Mr. Chairman, and I do not intend to object, but I want the chairman to know that we are in accord with the language change, the modification that the committee chairman has offered here. We are not going to object to that.

What we want to try to do is to expand on the rationale on that for a moment, because we anticipate there might be some objection to the amendment, even though we have no opposition to the modification, if the gentleman would understand.

Under the language that the gentleman is adding now, the gentleman is in effect expanding legal assistance simply by putting one other activity in it that is permissible that would be church related. Is that not the purport of the modification?

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, I believe that is a fair interpretation.

Mr. GEKAS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The modification to the amendment is agreed to.

Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. I reserve the balance of my time, Mr. Chairman.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

I understand that the nature of the modified amendment now is to substantially narrow the number of organizations that might be characterized as providing outreach. However, I am still somewhat disturbed by the language of this amendment.

As I understand it, what we are doing is creating an outreach scenario that first of all in this particular case by adding the word "church" does strike some of us as kind of odd coming from a party who for years has told us that we have to have absolute separation of church and State. Whenever we have discussed school prayer and some of these kinds of issues, it has been suggested that we have to have absolute separation; but of course, when they want to go out and do political activity, using the church as a basis, then they put it into the bill.

Second, I am concerned about the realities of what we are seeing happen in Legal Services. The churches are already being used as a place to bring, for instance, migrant workers in to tell them of their legal rights and tell them how they can take action against the farmer that they work for. It seems to me that if you have some looney left minister who is essentially the pastor of a conservative church that has been having trouble getting his church to go along with some of this kind of activity, he can now point to the law and say, "Oh, the law requires that we do this. Here is carte blanche authority for these kinds of activities."

I will tell you, coming from someone who represents a farming community, I think there is room for untold mischief in this particular amendment. I think it is exactly the kind of thing that we do not want to see happening in the Legal Services framework.

So I would suggest that while the amendment may be narrower than what was originally contemplated, it is in fact an amendment which is unacceptable to those of us who have seen the kinds of problems that have been created by the Legal Services in the agricultural community, and I would suggest that Members may want to vote "no" on this particular amendment.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK], the chairman of the subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I just wanted to say publicly about a conversation we had privately, namely, that obviously none of us like to totally legislate on the floor. I would just like to say that if we can work out, and I think we probably can, some further narrowing and further clarification of this, I would be glad to agree to it.

I offered to the minority that we will continue to work on this, and I would be glad to abide by any further suggestions they would have as this bill goes through conference and later on to be even more specific about what we meant.

Mr. GEKAS. Mr. Chairman, I am glad to hear that the gentleman from Massachusetts is continuing to be willing to do that. I intend to take the gentleman up on that, because I am not satisfied that we are not, as the gentleman from Pennsylvania is saying, creating a new possibility for mischief here.

I, too, am worried about the impact in the agricultural and farming community here, and I have got to sort that out. Pending that, I must vote "no" on this.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to reassure my friend that I am not, and I do not think any of us on this side are in this particular amendment trying to create any new mischief.

I would like to note that outreach now goes on. As I understand it, this would narrow it some, but I would reiterate my agreement to work with the gentleman to further narrow this.

Mr. GEKAS. Mr. Chairman, we want to do that.

Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS], as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 150, answered "present" 1, not voting 20, as follows:

[Roll No. 100]

AYES—263

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bereuter
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hyde
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Moody
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates

NOES—150

Allard
Allen
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goss
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hutto
Inhofe
Ireland
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pursell
Quillen
Ray
Regula
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skelton
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—20

AuCoin
Barnard
Boxer
Byron
Campbell (CA)
Ewing
Ford (TN)
Goodling
Hancock
Kolter
Kopetski
McDade
Moakley
Moran
Sanders
Spratt
Torres
Valentine
Waters
Yatron

□ 1339

Messers. DICKINSON, RAY, and MILLER of Washington changed their vote from "aye" to "no."

Mr. McMILLAN of North Carolina changed his vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I was unexpectedly detained with some of my constituents and missed a vote on the amendment offered by Mr. BROOKS of Texas to the Legal Services Reauthorization Act (H.R. 2039), rollcall No. 100. Had I been present, however, I would have voted "no" on the amendment.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Chairman, during rollcall vote No. 100 on H.R. 2039 I was unavoidably detained. Had I been present I would have voted "aye."

□ 1340

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 8 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. McCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCOLLUM: Strike section 16 (page 34, line 7, through page 36, line 2) and insert the following:

SEC. 16. PHASED IMPLEMENTATION OF COMPETITION; DISTRIBUTION OF GRANTS AND CONTRACTS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(m)(1)(A) Ten percent of all grants and contracts awarded by the Corporation for the provision or support of legal assistance to eligible clients under this title shall be awarded under a competitive bidding system developed by the Corporation to test the use of competition in providing effective and efficient legal services of high quality. This competitive system shall—

"(i) ensure access to high-quality, economical, and effective legal services for eligible clients, consistent with section 1001,

"(ii) minimize disruption of client services, and

"(iii) ensure that every recipient or other grantee or contractor seeking a grant or contract through this competitive bidding process complies with all provisions of this title and the applicable rules, regulations, guidelines, and instructions issued under this title.

"(B) The competitive bidding system developed under subparagraph (A) shall be implemented in fiscal years 1993 and 1994.

"(C) The Corporation shall, not later than 18 months after implementation of the competitive bidding system under subparagraph (A), report to the Congress on the effectiveness of the system.

"(D) If at the end of fiscal year 1994 the Corporation determines that the competitive bidding system has met the requirements of subparagraph (A), the Corporation shall so notify the Congress and shall proceed to phase in, during the next 3 fiscal years, the implementation, for all grants and contracts awarded by the Corporation, of a competitive bidding system that meets the requirements of subparagraph (A).

"(2) Rights under sections 1007(a)(9) and 1006(b)(5) shall not apply to the termination or denial of financial resistance under this title as a result of the competitive award of any grant or contract under paragraph (1), and the expiration of any grant or contract under this title as a result of such competitive award shall not be treated as a termination or denial of refunding under section 1007(a)(9) or 1006(b)(5).

"(n)(1) Funds appropriated to the Corporation shall be distributed to each grantee or contractor on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, in accordance with paragraphs (2) and (3).

"(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation under section 1006(a)(1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code, regardless of the level of funding for any geographic area before the enactment of the Legal Services Reauthorization Act of 1991.

"(3) Beginning with the fiscal year beginning after the results of the most recent decennial census have been reported to the President under section 141(b) of title 13, United States Code, funding of geographic areas served by recipients shall be redetermined, in accordance with paragraph (2), based on the per capita poverty population in each such geographic area under that decennial census.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is in my judgment one of the more important amendments this body will consider to the Legal Services Corporation bill today. It provides for the implementation of a competitive bid process for the awarding of legal services grants.

Around the country today, the way we dispense the money and the way this program operates is by the Legal Services Corporation Board taking the federally appropriated dollars and awarding grants to various nonprofit organizations in the State and local communities to do the job of providing legal services to the poor.

For quite a number of years, at least 10 or 12 years, there has been presumptive refunding of all of these organizations. As a practical matter that has meant that all of these folks that have an exclusive franchise for a given geographical area to do the work are going to get the Federal money. The Legal Services Board has no real discretion in deciding that they do not get it any more, that maybe if somebody wanted to come forward and provide services, another nonprofit group that would say "We could do that, we would like to have the franchise to do legal services for the poor in this area," they have not been able to grant them that privilege. They have not had a mechanism to do that.

Over the years we have asked them to study that issue and they have studied it quite extensively at the national board level.

Since 1988 our appropriations bills that we have passed without the authorization having been there have contained provisions that have asked for the implementation of this. The only reason that it has not is that there has been a trigger mechanism that said the Board cannot implement it.

The only drawback or restriction was a trigger mechanism in those appropriations bills that said that the Board could not proceed with the implementation of the competitive bid process until such time as a board was confirmed by the Senate. Because of the great dispute through the Reagan era over the existence of Legal Services, for whatever reason it has carried on, even though there is not a controversial board presently. It is a very bipartisan, noncontroversial board.

For whatever reason, the Senate has never confirmed the Board as such and they are operating as Presidential appointees as they have the power to do in the interim. But I think it is certainly appropriate that we take that appropriations lead and put it in the authorization bill. Now after 14 years of not having an authorization bill we are going to do that.

That is really all my amendment does. It provides that a competitive bid process for the grantees will be implemented over a 5-year period, a 2-year test period with 10 percent of the grants going for that purpose, and then a phasein period for 3 years.

At the end of the test of the 10-percent grant period, there must be a report to Congress. Actually the report has to come at the end of 18 months to let us know what they are doing. They have to go ahead and do it.

In the bill right now there is no requirement they go forward. There is just a study. Since it has been so many years since we have had an authorization bill, and who knows when we are going to get another one, the way this thing has gone, it seems to me to make a lot of sense, since this is not controversial, to go ahead and put the final touches on this and make sure we do get a competitive bid process worked out.

The exact form of it is left to the Legal Services Board to describe and work out. But we do give them the guidance in the amendment that they must consider the three basic things of high-quality, economical, and effective legal assistance as the criteria.

This is not a lowest cost bidder scheme. This is not like a defense contract bid scheme. This is designed for them to look at others who might apply for legal assistance franchises on the basis of the highest quality service that they can provide, the most effective service they can provide, not the lowest cost bidder.

Mr. Chairman, if we do put this in, it seems to me we will have a far better system than we have right now. There is no way that anybody can be assured that we are getting better services if we do not have the opportunity for others to come forward and apply.

May I remind my colleagues that under this proposal all the restrictions on the composition of the local boards remain so that they still have to have the 60 percent attorneys and they still have to have the representation of the poor on whatever competitive bid group that comes forward, and the local bar still has control over the majority of the boards and so forth. So whatever other organizations came forward would still have to be out of that same mold. Nobody is making a change there, and there might not be any that come forward in most of the jurisdictions.

What it does is it opens the opportunity. It gives the kinds of flexibility that we need if we are going to have accountability and we are going to have efficiency in the legal services delivery system. It is long overdue.

Again, as I said, my proposal is essentially what has been in every appropriations bill since 1988, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when companies compete against each other in any given market, it generally results in better products and better prices for consumers. For many years I have encouraged Federal agencies to increase competition in their procurement processes. I am for competition. But, looking for a good lawyer is entirely different from shopping for a television set.

Awarding contracts for professional services is a complicated and difficult process. In the architect and engineering services area, we have an entirely separate law which governs the acquisition process. That law—which took years to develop—takes into account the unique nature of professional services and the needs to be met by them.

Based on my experience in this area, I caution Members that we need to tread carefully in this area of professional services. Past competitive contracting for delivery of criminal defense for the poor was an acknowledged failure. The successful bids came in very low, but over time the quality of presentation deteriorated dramatically; costs rose to a level exceeding that of both public defenders and assigned counsel; and substantial administrative costs were incurred.

No one has questioned the high quality of the work done by these legal services attorneys. Indeed, the complaint heard by the committee is that these lawyers may be doing their work too well to suit some opponents of the program.

We have to be very careful before we take all of legal services and put them out to the lowest bidders. The committee bill requires a study on the feasibility of competitive bidding for legal service grants and a report back to us within 3 years. That study is a positive step which will give us sufficient empirical evidence on which to base future decisions in this area.

I believe the study presently in H.R. 2039 should be retained, and I strongly urge the rejection of this amendment—just as it was rejected in the Judiciary Committee on a bipartisan vote of 23 to 10.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, unlike other Federal grant programs, grantees of the Legal Services Corporation enjoy presumptive refunding simply because a program received a grant to provide legal services 15 to 20 years ago, that program is virtually assured of receiving an annual grant regardless of the program's competence or effectiveness. It is almost impossible to terminate any legal services grantee regardless of the grantee's ineffectiveness or unrefuted evidence that the grantee has violated the Legal Services Corporation Act and its regulations. Even if the corporation is successful in terminating a grantee, the process is lengthy and expensive. Without a doubt, presumptive funding has had a negative impact on the entire program's performance.

Guaranteed funding has adversely affected productivity as well as accountability. Several scholars have documented the impact that a lack of competition has had on the Federal Legal Services Program. For example, in a recent study of the Legal Services Program by the American Enterprise Institute, Douglas Besharov finds that the productivity of legal services programs has declined as much as 20 percent in the last 18 years. He cited the lack of competition as the major cause. In another study, Stephen Cox found that legal services attorneys took longer to service routine cases, and had a higher cost per case compared to private attorneys.

Of course, legal services programs protest the suggestion that legal services programs should be submitted to the ordinary grant-making procedures of competitive bidding. Normally parties which benefit from a monopoly do not welcome competition.

H.R. 2039 would delay progress in carrying through on implementation of competition by requiring a study. Further study is not needed. What is needed is competitive bidding for Federal legal services grants. The McCollum amendment directs the Legal Services Corporation to institute a limited 2-year test, followed by a 3-year phase-in, of a competitive system for awarding legal services grants. Under this system, grantees would compete based on their delivery of high-quality, economical, and effective legal services. The Legal Services Corporation would report to Congress on the program after 18 months. I urge my colleagues to support the McCollum amendment.

□ 1350

I listened very carefully to the chairman's remarks and found myself in much agreement, but by the same token, we have a program that has taken us 10 years to get to the reauthorization process, of which I commend the chairman and the gentleman from Massachusetts [Mr. FRANK] for the work of the bill.

We have made major progress today, but I do believe that we could, in fact, make this Legal Services Corporation system a much better institution for those that it is intended to serve, the poor of this Nation, by providing competition, by providing that those who have the responsibility of providing that legal services have that opportunity to compete.

I think it would, in fact, make for a better system.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. REED], a distinguished member of the full committee.

Mr. REED. Mr. Chairman, I rise in opposition to the amendment.

The first point that we should recognize is that the committee bill does include a very capital study designed to assess the effective implementation of competition in the legal services system. It also is sensitive to the need to preserve local control and also to maintain the highest state of ethical conduct in the delivery of legal services. It is this approach that, I think, is the better approach.

The amendment that is offered by the gentleman from Florida, although purporting to produce efficiency or quality, I think may very well lead to chaos. First, it would require frequent changes in the delivery of the system of legal services. There are no real statements as far as awards to be made, and it would lead perhaps to arbitrary, ideological decisions rather than decisions based upon the highest quality of legal services to the poor.

Indeed, the proposal would virtually eliminate all procedural safeguards in the determination of a Legal Services Corporation under the rubric of competition, and this, I think, would be chaotic and detrimental to the program. The other effect it would have would be to dismantle the existing locally based and specialized, coordinated and integrated delivery system. The possibility exists of stripping off various functions, disseminating throughout the community so that some people would skim the system. The effect would be for those poor people with limited resources looking for legal services is that they could be shuttled from pillar to post looking for one specific type of advice or another, and that would be wrong. Indeed, although there is some genuflection to quality, perhaps the overriding criterion would be cost. A system that is driven by cost, a legal system driven by cost has serious potential ethical problems.

Furthermore, the proposal could very well undermine existing pro bono efforts; 12.5 percent of Legal Services funds are used to provide a catalyst for voluntary legal services by private attorneys. If these private attorneys were suddenly allowed to compete directly for funds, this pro bono effort may be severely diminished, and that would be a detrimental effect to the system overall.

It would, I believe, undermine local controls and private attorneys are no longer answerable directly to the local boards which govern Legal Services Corporation and which affect the community-based policy to deliver the best possible services in their community.

Finally, the amendment fails to recognize that competitive bidding has not worked in the area of criminal defense or civil legal aid. In fact, these experiments have resulted in rising costs, deterioration of quality and instability increasing.

Indeed, these proposals are not germane to the delivery of legal services. The proposal, I think, should be rejected. We should, in fact, study carefully and clearly, with articulated standards, whether or not competition is adaptable to this particular model. If we do that, if we follow the committee print, we will make a step forward.

I urge that this amendment be rejected.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I respect very much what the gentleman was saying and most of the points he has made of concern about what might happen in certain cases. I, too, would share that concern if I really thought that was the case. But I have far more confidence in our Legal Services Board that is now in operation than perhaps the gentleman does.

I have watched them operate. They are a balanced board. They have good disputes among themselves.

There is no desire to end the system. I also have confidence in something this Congress adopted of mine that was passed as an amendment years ago, the last time an authorization bill came up here. It never became the law as an authorization bill, but we passed it in the House only. It has been adopted in each appropriations bill thereafter.

That is the local checks that are required that say that local bar associations control the majority of the boards of directors of every one of the Legal Services Corporation granteees. I think that is a very important piece of legislation that was adopted. I think it needs to stand.

My proposal today in no way would detract from that. I authored that back then. I am proud of how it has worked. I have had high compliments from the field and people who are out there today about it.

I would assure the gentleman who just spoke and all others who are concerned about my proposal today that that provides a check on the concerns they are expressing. No proposed grantee could come forward seeking to bid instead of the one that has the money right now and the grant that was not comprised exactly the same way.

We have to have the local bar sanctions. We have to have the same composition, and we have a tremendous check in our local bar associations on that, any kind of mischief that one might envision in that regard.

What my proposal does offer is the opportunity for the National Board to do its job, to be able to have the opportunity to pick and choose among maybe two or three groups that might provide for efficiency, not lower cost but more efficiency in the way to deliver the service. And they would be able to provide what is not provided. That is a check on the quality of that service, a discretion that I think above all else they need to have, not over the individual everyday cases but over the quality of the attorney performances that are there, generally, over the general services being delivered.

If we had a bidding system, that could occur.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the cooperative spirit in which we have worked here. My problem is that I see that this is creating potentially some transaction costs without some of the benefits for this reason.

The gentleman just affirmed that his amendment, which he deserves credit for, which requires, I think he misspoke, not a majority but every single grantee must be approved by, must have a board, a majority of which is approved by the local bar association, every single grantee.

Mr. McCOLLUM. Mr. Chairman, that is correct.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, as the gentleman points out, he keeps that in this amendment. So what we have is the local bar association must approve a majority of the existing board, and one could not be eligible to take the grant in the future unless one were also approved by the bar association.

So the question is, Are we expecting the local bar association simultaneously to approve one board and then empower another to compete with it? Because as the gentleman from Florida knows, under the operation of his amendment, I could tell him as chairman of the subcommittee, I have insisted on full enforcement of that when it has ever been questioned.

If the local bar association withdraws its confidence from the grantee, they have the effective power to terminate the grant.

□ 1400

So what have we gained except a lot of transaction costs if the local bar association is then going to be empowered to name several competitors?

Mr. McCOLLUM. Reclaiming my time, the point of the gentleman from Massachusetts [Mr. FRANK] is not valid because, quite frankly, I used to sit on boards of the bar locally. We have in my own hometown area over 2,000 attorneys in our bar. There are many diverse views. The board, the council there that governs it, might well promote two or three and say, "OK, they are all fine folks. You decide, Legal Services Corporation."

I am not expecting that we are going to see a lot of competitive bids, but my amendment would allow that to go forward, something this body sanctioned, as I said, in every appropriations bill since 1988. All that is in the bill now is to study it some more. It has been studied to death. What we need to do now is to give the charge to the national board, put the confidence in them that I think they deserve to have at this point, and say, "Go ahead and develop that system. We trust you to do that. We have given you broad guidelines to do it. Where there is an appropriate competitive situation, then you choose, and if not, continue with the grant that is there now." There is no real harm in it. There is a 2-year test involved in it, and after it is implemented, an 18-month report required to us so we can review it and kick it out if we do not agree to it.

I honestly believe, and I respect the gentleman greatly, but I believe that what we need to have is the opportunity for competition to come into the system. It is a mild proposal that I am offering. Again, it is a proposal that has been offered several times.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN (Mr. MFUME). The Chair would advise Members controlling the debate that the gentleman from Texas [Mr. BROOKS] has 9 minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 2 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I want to thank the gentleman from Texas [Mr. BROOKS] for yielding me this time, and congratulate the Committee on the Judiciary for bringing forward this very important bill to reauthorize the Legal Services programs in our country.

Mr. Chairman, I rise in opposition to the McCollum amendment. I think it is important to point out that poor people start out at a disadvantage in our civil legal system. A study that was done in Maryland, that I had the opportunity to chair a couple of years ago, pointed out that very few people who need legal services—poor people—have the opportunity of even getting legal help today. As a result, for poor people in our judicial system, our civil judicial system is not as favorable as to those who have greater access to lawyers.

This amendment will make the circumstances worse. Rest assured that the law firm that is on the other side of the person, the poor person who has legal help, will not have been selected through a competitive bid process. When people go out to hire private attorneys, they do not shop through competitive bid. They look for a law firm that specializes and has a reputation in the field that is important for the need for which that person seeks legal help. This amendment removes the parity, and I think that is very important.

Yes, it is important that we provide legal help to people who otherwise could not afford it, but it is equally important that we provide that lawyer on the same parity as the opponent lawyer would be. The competitive bid procedure that the gentleman from Florida [Mr. McCOLLUM] is suggesting would diminish that equality and deny the type of representation that is important.

We are developing specialties in poverty law advocates in this country. The Legal Services Corporation grants help us to get law firms that will specialize in this type of legal work. The McCollum amendment takes a giant step backward in allowing law firms to be able to become expert in poverty law matters. I urge my colleagues to defeat the McCollum amendment.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], the chairman of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I urge Members to vote against this amendment. First let us make one thing very clear when we talk about competition. Competition is often used as a way to increase efficiency. Legal Services indisputably is one of the great bargains the Federal Government gets. The people who work for the Legal Services Corporation are the lowest paid lawyers working for the Federal Government. One FDIC or RTC case probably contains far more than the budget for most States for legal services for a year.

Mr. Chairman, we are talking about people with an average salary, my staff informs me, for a staff attorney of $26,000 for a lawyer, and $837. I do not want to understate. If one has been there more than 15 years, the average is $39,079. Competition, if it worked at all, would probably boost those costs.

Yes, we should regulate how the Legal Services attorneys work; yes, we should restrain the excessive zeal that has from time to time led, I believe, well-intentioned people into error and into ignoring the rules. But the notion that we should introduce what would be substantial transaction costs for very little change, and the gentleman from Florida [Mr. McCOLLUM] acknowledged he was not looking for enormous change, but the transaction costs, the uncertainty, they are great.

This is one other reason for continuity. We are talking about cases, and cases do not begin and expire nearly according to a Federal contract. Cases do not come and go according to the Federal contract cycle. At any given time if we were to stop a contract there would be a very substantial number of ongoing cases, negotiations, litigation, et cetera.

In the interests of efficiency I would hope we would reject this amendment, reminding Members again that every grantee is subject to rules, new rules here, and the approval of a majority of the local bar association at all times.

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. I especially thank him because I am probably going to vote no on this amendment.

I was not even sure when I asked him for time exactly what my vote was going to be, but I am convinced that I must vote no, I believe, for this reason. All of us have consulted from time to time not with just our Legal Services attorneys back home but also with the lawyers in the bar association and others who watch carefully the workings of the Legal Services entities in our particular regions. All of them feel that some modification has to be made, some reforms have to be put in place, and including many of those that the gentleman from Florida and I are espousing here today, none of them sees any benefit to injecting into this process a competition mode.

So conceding to them and deferring to them on this issue, I would oppose the position of the gentleman from Florida.

One saving grace, however, for the McCollum amendment, which, if I had thought about more fully earlier, may have changed my already changing mind, and that is that it is a proposition which phases in this proposition, which allows a trial to take place, a trial mode, for the establishment of this competition. On that basis, those who feel that it might be a good idea should vote for it, keeping it clear for them.

If there is anything more ambiguous I can say about this, I cannot think of it, but I do feel strongly about the competitive angle.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I have only 30 seconds and I yield that to myself.

Mr. Chairman, I simply want to point out that all we are doing in this amendment is providing a test opportunity, a field opportunity, but we are requiring it to be implemented, instead of having to come back here again. We are doing exactly the same thing on competition that anybody else would do. Competition is a good idea. It is important if we are going to have accountability in this system. We cannot let Legal Services grantees run rampant around the country and not be checked by the national corporation.

Let us put the power in the hands of the board that is designed to run this organization to decide who gets the money, and not let them be having to give it every time to the same group who might be abusing the process. Let us vote for competition, vote for the McCollum amendment, vote for implementation of competition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 251, answered "present" 1, not voting 12, as follows:

[Roll No. 101]

AYES—170

Allard
Allen
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)

Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gilchrest
Gillmor
Gingrich
Goodling
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Hunter
Hutto
Hyde
Inhofe
Ireland

Jenkins
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickle
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge

Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—251

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello

Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon

Goss
Green
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski

Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)

Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski

Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

ANSWERED "PRESENT"—1

James

NOT VOTING—12

AuCoin
Boxer
Byron
Campbell (CA)

Ford (TN)
Kolter
McDade
Moakley

Torres
Valentine
Waters
Yatron

□ 1420

The Clerk announced the following pair:

On this vote:

Mrs. Byron for, with Mr. AuCoin against.

Mr. DERRICK changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Chairman, due to an emergency meeting on the urban crisis in America, I was absent earlier today during rollcall votes 96, 97, 98, 99, 100, and 101. If I had been present, I would have voted "yes" on each of these rollcalls.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 102–512.

AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STENHOLM: Page 40, strike line 11 and insert the following:

"(f)(1) A recipient, or any client of such recipient, may not claim or collect attorneys' fees from non-governmental parties to litigation initiated by such client with the assistance of such recipient.

"(2) If any court finds, based on a preponderance of the evidence,

Page 40, line 16, strike "may award" and insert "shall award".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes and a member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering to H.R. 2039 prohibits Federal Legal Services' recipients from collecting attorneys fees from nongovernmental defendants. Private parties who are sued by federally funded attorneys pay four times: First, their taxes, second, their own attorney's fees; third, a money judgment; and fourth, the attorney's fees for taxpayer funded attorneys who sued them. I don't think this is fair.

Opponents of my amendment might ask why I am treating Legal Services' attorneys differently than those practicing in the private sector. Simply put, because they are different. Attorneys practicing in the private sector are not federally subsidized. Unlike a lawyer in his own practice, a Federal Legal Services attorney has less incentive to carefully assess the merits of a case because his legal fees are paid regardless of the outcome.

A better example would be to compare a Federal prosecutor to a Legal Services' attorney. If a U.S. attorney prosecutes a case, they do not sue the defendant for fees. It should be no different for federally funded Legal Services' attorneys.

There are many excellent examples of the need for this amendment. I know of a case in the Panhandle of Texas. The case grew out of a 1980 attempt by the Texas Farm Workers Union to organize workers in two counties during onion harvest. The judge in the case acknowledges that Legal Services' attorneys were on the picket lines almost every day during the strike to lend assistance.

Seventeen grower companies and organizations filed suit under Texas State law to stop the union and Legal Services' organizing activities. Growers also alleged widespread instances of trespassing, blocking entrances to fields, and other activities. The trial judge issued a temporary restraining order banning activities illegal under Texas law and it barred the Legal Services' attorneys from participating in the strike.

The Legal Services Program and union organizers filed a counterclaim in Federal court alleging that their civil rights and freedom of speech had been violated by the temporary restraining order. The Legal Service Program acted as counsel for the entire case, on its own behalf as plaintiff as well as representing the union.

In 1985, the Federal district court dismissed the case with regard to all plaintiffs except one individual union organizer, and awarded him $500, significantly less than the $150,000 demanded in the lawsuit. In the process, the judge also overturned seven Texas right-to-work statutes.

In 1988, both the union and the Legal Services Program sued to recover attorneys' fees from the growers organizations. Even though the union organizer received only a minimal damage award and the Legal Services Program was dismissed from the case, the judge awarded $250,000 to the federally funded Legal Services Program. She compensated the taxpayer-funded Legal Services attorneys at $175 an hour, even though affidavits filed in the case showed that during the nearly one decade the case took to wind through the courts, local attorneys billed on the average of $50 to $75 dollars an hour. She also awarded generous sums for study time and travel time.

Altogether, growers spent $250,000 to $300,000 on their attorney fees, plus $250,000 in fee awards to the LSC-funded attorneys. This half-million plus expenditure recovered only the $500 for a union organizer.

Interestingly, the union organizer has since countersued the Legal Services Program to recover some of the $250,000 attorney fee award, which he claims he is owed for his participation in the suit.

This particular suit is directly attributable to the demise of the fruit and vegetable industry in the High Plains area of Texas. Of the 19 growers in the area in 1980, only 2 remain. The $12 million payroll in 1980 declined to a negligible amount by 1990.

This is just one example of the need for this amendment. I urge my colleagues to support it.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I oppose this amendment.

This amendment prohibits local programs or their clients from recovering costs or attorney fees from non-Government defendants under any circumstances. If this amendment were adopted, only poor people would be denied the benefit of fee-shifting statutes such as the Federal Civil Rights Attorneys' Fee Award Act and other Federal and State fee-shifting statutes.

Those existing statutes are designed not just to reimburse plaintiff costs and attorneys' fee, but also to deter the defendant's illegal conduct. It should be remembered that attorneys' fees are only awarded to Legal Services when the case is proven against culpable defendants.

By seeking to remove the salutary deterrent effects of fee-shifting statutes, this amendment would deny to the poor the same litigation options and incentives afforded others under Federal and State law. It further makes it easier for defendants—defendants alone—to collect costs and attorney fees from the Legal Services Program without allowing courts the discretion to consider the fairness of such awards.

H.R. 2039 already substantially expands the circumstances under which a court, using its discretion, can award costs and fees to a defendant. I think the committee bill strikes the right balance, and I strongly urge the rejection of this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think this is one of those critical amendments out here today that we really need to pass, because the Corporation does not have to get money back. We provide that resource through the process of collecting attorneys' fees in cases like this.

I find it to be rather egregious when you really think about it to sue to recover attorney fees. The clients themselves are not put out of pocket one dime. This is not the type of case where you have a client who has to shell out X-amount of dollars to hire the attorney. This is the kind of a case we are dealing with here today where the Legal Services lawyers are representing the poor in case after case, and they are getting paid. They are getting paid the amount of money that they are going to get from the grant services that are here, not from some client who is out there.

We are encouraging lawsuits and litigation and actually causing an unnecessary burden on lots of defense out there by having attorneys' fees recovered.

The whole purpose of the recovery of attorneys' fees in law and the recovery of cost is to keep somebody from being out of pocket.

□ 1440

We are not doing that in this case. We are not fining the individual client out of pocket. And the Government, who is paying for these attorneys it seems to me should not be going out and trying to recover attorneys' fees which add on to the burden of the whole process.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman concede that if other governmental entities, like a local district attorney in their consumer fraud division or environmental division or civil rights division, or a county counsel or an attorney general, brought actions under a statute providing attorneys' fees, that even though those lawyers are paid for by taxpayer funds, that they would be eligible for collection of attorneys' fees?

Mr. McCOLLUM. If I may reclaim my time, there are cases where some of this does go on, but that does not mean that two wrongs will make a right. The fact of the matter is that we have sometimes thousands of dollars of attorneys' fees being collected for a piddly case that is only $50 or $500 or whatever, by Legal Services lawyers representing the poor. We are driving the cost of litigation up. It is a good amendment. I urge an "aye" vote for it.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HOAGLAND], a distinguished member of the committee.

Mr. HOAGLAND. Mr. Chairman and colleagues, I rise today in opposition to the amendment of my colleague, the gentleman from Texas [Mr. STENHOLM]. It is clearly well meaning, but I think it is a serious mistake for us to adapt this standard.

You know, we in America have had a traditional standard for the awarding of attorneys fees. Unlike the British, we have always attempted to open access to the courts in accordance with other traditions of our constitutional statutory history by saying that at the end of a lawsuit both sides have to pay for their own attorney fees.

Now, in England, where the opposite is true, access to the courts is significantly deterred for the poor or for others who simply cannot withstand the possibility of being saddled by the other side's attorneys fees. But we do, in America, make specific exceptions.

In our legislatures around the country and in this body, the U.S. Congress, they have through the years developed a number of exceptions to the rule. Those exceptions are always where it is very much in the interest of public policy to enforce broader statutes out there, to allow private causes of action, to allow people to recover attorneys fees. In the case of the sort of cases, the lawsuits we are talking about that might be represented by a Legal Aid attorney where the rights of the poor are at stake.

Now, the truth of the matter is that the State legislatures have created many more attorney fee award situations than the Federal Government has.

In the Nebraska Legislature, for instance, we allow attorneys fees to enforce our Consumer Protection Act, to enforce our truth-in-lending laws, and so forth. Now, the problem with the Stenholm amendment is it takes away this opportunity for attorneys to represent the poor in enforcing these statutory mandates at the Federal or State level. It takes those rights away only for a particular class of Americans, and that is the poor and the very poor who seek assistance through legal aid agencies around the country.

As it is, legal aid agencies only have the resources to represent 20 percent to 30 percent of the poor who really need their services. And if we take away this opportunity, why, then, many other poor individuals will go unrepresented and, more important, many of these important Federal and State statutes will go unenforced.

So I think it is a mistake.

Mr. Chairman, I would urge opposition to the amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the LSC reform amendment offered by my esteemed colleague, Mr. STENHOLM, to prohibit the recovery of attorney fees from nongovernmental defendants. Under current law, Government attorneys can sue to recover attorneys' fees from nongovernmental defendants. This is fundamentally unfair, and it distorts the purpose of the recovery of attorneys' fees in the first place.

When private litigants go to court, the plaintiff foots the bill of all of the up-front expenses. If the suit is successful, part of the plaintiff's recovery will effectively pay for those expenses. Usually, also, the plaintiff's attorney will take anywhere from one-third to 40 percent of the award as a fee. The net effect is a smaller award for the plaintiff. Therefore, when private plaintiffs recover attorneys' fees, the purpose is to allow the plaintiff to keep all of the funds to which he or she is entitled.

When LSC attorneys go to court, however, their fees and expenses are paid by the Government. Plaintiffs don't pay them any fees. We all pay their fees through our taxes. The plaintiffs already keep their entire award; they don't have to fork over one-third to their lawyers. Attorneys' fees are available to make plaintiffs whole, and when the plaintiffs are already whole, there is no need for them to recover attorneys' fees.

It is an admirable goal to provide legal services to the poor. I believe that we, as a society, should assist those folks who cannot afford to assert their legal rights. This is why we have a Legal Services Corporation in the first place, and why we support it with our tax dollars. When private defendants are forced to pay attorneys' fees on behalf of plaintiffs who don't pay them in the first place, we are shifting the burden of representing the poor from all of us to those few who are defendants in the cases. This means that defendants pay taxes for attorneys to attack them; they pay their own attorneys; if they are liable, they pay the judgment to the plaintiffs; and under current law, they pay more money to the Government attorneys to generate more lawsuits. Once these defendants have paid the judgment, they've paid their due, and the plaintiffs are made whole. It is fundamentally unfair to place society's burden squarely on the shoulders of a few defendants. I urge my colleagues to support the Stenholm amendment.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED], a distinguished member of the committee.

Mr. REED. I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the amendment. The amendment would effectively deny the Legal Services Corporation and its clients from receiving awards of attorneys' fees under various fee-shifting statutes, both Federal and State. This amendment would undercut strongly held and long-recognized public policy positions of the United States.

These fee-shifting statutes are designed to promote enforcement of fundamental rights, to deter illegal conduct, and to provide resources to encourage attorneys to handle these difficult cases.

The effect of this amendment would be to undercut seriously these important objectives of our criminal justice system and our justice system overall.

The other thing that is most disturbing about the amendment is that it truly treats clients of Legal Services as second-class citizens. Other citizens could avail themselves of this measure, but Legal Services lawyers or their clients could not. Indeed, the irony of this amendment, as I read it, is that those very nongovernmental parties protected in this suit could, in a proper situation, claim these legal fees under the fee-shifting statutes. That, it seems to me, is unjust, unfair, and unwise.

If there is a complaint here today by the gentleman from Texas [Mr. STENHOLM] or the gentleman from Florida [Mr. MCCOLLUM], it is not against the Legal Services Corporation, it is against the judges who award these fees, because you have to recognize that it is at the discretion of the judge that these fees are awarded. It is not an automatic consequence of succeeding at trial by a Legal Services Corporation attorney. And if there is an attempt to remedy this situation, it is not here in the Legal Services Corporation Act, it is in looking at other acts and looking at the discretion we give to judges.

So I think the amendment indeed is inappropriate at this juncture in our deliberations.

Finally, there is a perception being circulated and promoted that the defendants in these cases, generally business companies or business enterprises, are not without some type of public subsidy. Indeed, they are publicly subsidized because, by and large, they deduct their legal expenses from their income taxes.

So, to suggest that it is the poor, downtrodden individual being oppressed by Legal Services Corporation is, I think, unfair and wrong.

Mr. Chairman, I oppose the amendment.

Mr. STENHOLM. Mr. Chairman, I have no remaining speakers. Do I have the privilege to close on my amendment, or does the chairman?

The CHAIRMAN pro tempore (Mr. MFUME). The chairman has the right to close debate.

Mr. STENHOLM. Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. I thank the gentleman from Texas for allowing me this time.

Mr. Chairman, I rise today in opposition to the amendment proposed by my good friend, the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, I come to this issue with a degree of experience because my first job out of law school was working in my hometown as a legal services attorney. So I have worked with poor clients, I have worked in a poor environment, and I know how valuable legal services can be and how much they depend on those services.

In our system of justice, statutes that provide for attorneys' fees are not just to reimburse clients for legal fees; they are enacted to promote the enforcement of fundamental rights, to deter and to punish illegal conduct that violates those rights. Mr. Chairman, finally, to ensure that the victims of illegal conduct can find legal help to vindicate those rights.

□ 1450

Simply put, I believe that this particular amendment, although well meaning, will put these poor clients in the status of second-class citizens. We are being asked to ratify a separate system for citizens who cannot afford private counsel. We are being asked to implement or do a system of justice, and that, in and of itself, would be an injustice, and that simply is wrong.

Mr. Chairman, I know from experience that most attorney fee awards against private parties are made in individual cases and are in very modest amounts. They are awarded in cases where the courts have found serious violation of poor people's rights under State or Federal antidiscrimination laws. They are awarded where the courts have found serious violations of consumer protection laws, violations of landlord-tenant statutes and under domestic violence statutes. These awards are made against unscrupulous landlords, against crooked car dealers, and phony home improvement contractors. They are made against finance companies that illegally take advantage of poor people, against abusive spouses who are rarely criminally charged for beating their wives or their children. These awards are made against real estate agents who steer minorities and others away from white neighborhoods, against local businesses who illegally discriminate, and the list goes on and on.

All I am saying is that few of these cases produce large damage awards, and, without the deterrent effect of a possible attorneys fee award, these private parties would feel free to continue to violate the rights of the poor with impunity. The fee awards in these cases are relatively small, but they often have a large impact in deterring defendants from repeating their illegal actions.

And finally I would say this in summation: Let me point out something that every Member of this House already knows, that resources available for legal services for the poor is already woefully inadequate. While most attorneys fee awards are modest, when pooled together they are an important source of additional funds that enable legal services programs to provide more legal assistance to the poor than they otherwise do.

So, I urge my colleagues to reject this dual system of justice that this amendment implies, and I urge my colleagues to ensure that the poor have the same rights to legal representation as everyone else. Vote against this amendment.

Mr. STENHOLM. Mr. Chairman, I do not quarrel with the gentleman from Mississippi [Mr. ESPY] and the remarks that he has made, and that is certainly not my intent, and to all of those who have referred to my amendment as causing poor people to be made second-class citizens, I would respectfully ask them to take a real good look at, not only the amendment, as it is written, but the practical effect of the amendment, and that is the money that we are talking about go to the attorneys, the Legal Services Corporation, not to the people that we are talking about who have been aggrieved.

I would not be here offering any amendments today if we had been successful in totally removing the Legal Services Corporation from social activism, from politics. As I have made very clear in my remarks, and I will repeat it again, I commend the gentleman from Texas [Mr. BROOKS] and the gentleman from Massachusetts [Mr. FRANK] for the work they have done in bringing this bill to the floor in the manner in which they have brought it. My part in this amending process is not to destroy. It is to improve upon a system that I support.

I believe, as it has already been stated, that 20 or 30 percent of those people in America who need legal assistance are unable to get it because there is not enough money, and the fight that I have brought on this for 10 years in the belief that if the Legal Services Corporation, their attendees, et cetera, would spend more time delivering legal services for poor people, there would be more of them receiving that which they need, and in this case I sincerely ask my colleagues to answer this question: "Do you believe that it is appropriate for a government-funded organization to sue private enterprise on a social activism program and then to receive compensation for the attorney fees that the taxpayers have already paid for?"

I say to my colleagues, "If you do, vote 'no'." Very simple. But I also ask my colleagues to consider how in the world can that affect those people who are supposedly being wronged.

What we would like to see is the Legal Services attorneys do what the gentleman from Mississippi [Mr. ESPY] has done, and others have done, and the program is working great in those areas where they stay out of politics and social activism. But what we are proposing here is to put a little bit of a break on those who participate in the system on a wrong basis.

I ask for an aye vote on my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield such time as may be remaining to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], for yielding this time to me.

My friend, the gentleman from Texas [Mr. STENHOLM], in his sincere attempt to change this law makes the argument that he does not begrudge legal services for poor people, that huge numbers of poor people do not have the resources because of the limitations on Legal Services, and he wants to see less politics and less social activism. But this amendment has nothing to do with politics or social activism. It has to do with whether or not poor people who retain a Legal Services attorney have the same kind of deterrent effect in their actions as any other plaintiff in society would. This is not about whether taxpayers are funding Legal Services. Otherwise the gentleman and the other supporters of the amendment would be prohibiting the Attorney General, the U.S. attorney, the local DA's, every other public entity that sues based on consumer fraud, or RICO cases, or civil rights or the other statutes which provide attorney fees. They would be prohibiting the Government from collecting attorney fees in those cases.

It also comes from a failure to understand what attorney fees are about. The gentleman from Mississippi [Mr. ESPY] made reference to it. One element in the awarding of attorney fees is deterrence and punishment, and why a defendant who has committed wrongdoing, who has been judged by an independent judge and jury to have violated the law, that defendant should have that particular deterrent removed and, therefore, less disincentive to commit the same activity again because the attorney for the client comes from a legal services program I cannot understand. The fact is any recoveries for attorneys' fees go just for the purpose that the gentleman from Texas [Mr. STENHOLM] has indicated that he supports. That is it adds the resources to serve more people who are not able to retain counsel on their own because of a lack of income.

Mr. Chairman, I urge that this amendment be rejected.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to an amendment proposed by my colleague from Maryland, Representative BYRON, that would prohibit Legal Services attorneys from concealing their clients' identity. The names of litigants would have to be revealed not just in litigation but in negotiations conducted prior to litigation, a requirement that no other litigant is required to endure. This is a perfect example of how the so-called reformers of legal services are attempting to weaken the legal service programs into a provider of second-class justice to the poor people it was established to serve.

This amendment had its genesis in unsubstantiated claims that legal services programs were representing fictional farmworkers with imagined claims against farmers. As has been amply demonstrated in the recent report of the Select Committee on Aging, farmworkers, more than almost any other group of people, receive second-class treatment from virtually every person and institution with which they come in contact.

I do not believe that Legal Services attorneys should, as a matter of course, be permitted to conceal their client's identify in precomplaint negotiations or lawsuits. But this protection must be readily available in that very limited number of situations where a farmworker, or other poor person, has a legitimate fear of retaliation if their identify is disclosed. Unfortunately, experience has shown that these fears are not imaginary and that retaliation is not uncommon. In some cases, the retaliation has included beatings, physical threats, loss of job, eviction from employer-supplied housing, blacklisting from future jobs, and threats against friends and family.

Many disputes can be easily resolved without resort to litigation when the client's identity can be protected. This amendment would virtually assure that this kind of pretrial resolution would never happen, because it would escalate the conflict long before suit was filed. Disputes often affect large groups of farmworkers; if an individual's identity cannot be protected, it is unlikely that one individual will step forward to complain on behalf of the group. Even with a Federal court order, this amendment would require that the identity be revealed to the defendant's lawyer. There is little reason for an exploited farmworker to trust the information will go no further.

Attorneys must be able to determine whether a client's interest would be well served by revealing the identity. In most cases, there is little reason to conceal it, but in those few situations where it is critically important to do so, the option must be preserved, especially at the precomplaint stage where the issue can often be resolved quickly and cheaply with a few phone calls and a little cooperation by all concerned. Please let us not further subject farmworkers to second-class treatment. We should be doing all we can to help improve the lot of the poor, rather than singling them out for further limitation on their access to justice. I urge my colleagues to vote against the Byron amendment.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 240, answered "present" 1, not voting 15, as follows:

[Roll No. 102]

AYES—178

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Crane
Cunningham
Dannemeyer
de la Garza
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Gradison
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (TX)
Kanjorski
Kasich
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Wylie
Young (FL)
Zeliff

NOES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Goss
Green
Guarini
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Rinaldo
Roe
Roemer
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Young (AK)
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—15

AuCoin
Boxer
Browder
Byron
Campbell (CA)
Ford (TN)
Kleczka
Kolter
Manton
McDade
Moakley
Torres
Valentine
Waters
Yatron

☐ 1519

The Clerk announced the following pair:

On this vote:

Mrs. Byron for, with Mr. AuCoin against.

Mr. GONZALEZ changed his vote from "aye" to "no."

Messrs. SMITH of Oregon, McHUGH, ENGLISH, and APPLEGATE changed their vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 11, printed in House Report 102–512.

AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, as the designee of the gentlewoman from Maryland [Mrs. BYRON] I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STENHOLM:

Page 32, line 21, insert "(1)" after "(1)".

Page 33, line 8, strike "(1)" and insert "(A)".

Page 33, line 14, strike "(2)" and insert "(B)".

Page 33, line 15, strike "(A)" and insert "(i)".

Page 33, line 19, strike "(B)" and insert "(ii)".

Page 34, line 6, strike the quotation marks and second period.

Page 34, insert the following after line 6:

"(2) No recipient or employee of a recipient may engage in precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless all plaintiffs have been specifically identified, by name, for purposes of such negotiations or litigation, except to the extent that a court of competent jurisdiction has granted leave to protect the identity of any plaintiff.

"(3)(A) Subject to subparagraph (B), any Federal district court of competent jurisdiction, after notice to potential parties to negotiations or litigation referred to in paragraph (1) and after an opportunity for a hearing, may enjoin the disclosure of the identify of any potential plaintiff pending the outcome of such negotiations or litigation, upon the establishment of reasonable cause to believe that such an injunction is necessary to prevent probable, serious harm to such potential plaintiff.

"(B) Notwithstanding subparagraph (A), the court shall, in a case in which subparagraph (A) applies, order the disclosure of the identity of any potential plaintiff to counsel for potential defendants upon the condition that counsel for potential defendants not disclose the identity of such potential plaintiff (other than to investigators or paralegals hired by such counsel), unless authorized in writing by such potential plaintiff's counsel or the court.

"(C) Counsel for potential defendants and the recipient or employee counsel of the recipient may execute an agreement, in lieu of seeking a court order under subparagraph (A), governing disclosure of the identify of any potential plaintiff.

"(D) The court may punish as a contempt of court any violation of an order of the court under subparagraph (A) or (B) or of an agreement under subparagraph (C).".

□ 1520

The CHAIRMAN pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 10 minutes, and a Member opposed to the amendment will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, I have a substitute amendment made in order by the rule. At what point is it appropriate for me to offer the substitute?

The CHAIRMAN pro tempore. The gentleman may offer it at any time.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS AS A SUBSTITUTE FOR THE AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM OF TEXAS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment as a substitute for the amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts as a substitute for the amendments en bloc offered by Mr. STENHOLM:

Page 34, line 6, insert after "consultation." the following: "Unless authorized by a court of competent jurisdiction, no recipient, grantee, or contractor of the Corporation or employee of such recipient, grantee, or contractor may file a complaint or petition in a court until all plaintiffs known to plaintiff's counsel at the time have been specifically identified in the complaint or petition.".

The CHAIRMAN pro tempore. The Chair will treat the time as fungible under the two amendments. The gentleman from Texas [Mr. STENHOLM] will be recognized for 20 minutes and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I have an amendment at the desk. It is amendment number 18 and I am the designee under the rule. This amendment requires identification of all plaintiffs for purposes of negotiation or litigation. If the legal services' attorney believes that it is necessary for his clients protection not to disclose his name to the defendant, a Federal district judge may allow the plaintiffs name to remain confidential. However, disclosure must still be made to the defendant's counsel.

This is a simple, straightforward amendment. It is not directed at the majority of legal services programs, who are doing a good job in representing the civil legal needs of this Nation's poor. Rather, it is aimed at the handful of federally funded attorneys who unscrupulously use their resources to harass and extort settlements from taxpaying defendants, who in many cases are agricultural producers.

One of the reasons I first became interested in reform of the Federal Legal Services Program was because of the large number of cases of abuse related to me by the agriculture community. I want to share an excerpt from a letter by one producer who is experiencing such a problem.

> We seem to continually be subject to one or two harassment or new precedent setting lawsuits, despite our best efforts to be good and far above average farm labor employers. Currently, we are working toward settlement (estimated at $20,000 plus my $15,000 legal fees) over wage payments and MISWAPA (Migrant Seasonal Worker Agriculture Protection Act) violations on employees that never, we believe, worked for either us or our labor contractor. We survived wage and housing scrutiny during the season and yet two years later without any notification we are sent a copy of a suit filed against us by a group of people who claim they worked for us and were not properly paid. Naturally they claim record keeping violation because how can we have payroll records on people who didn't work. Why did it take two years for a group to "remember" they worked and were not paid? * * * We will be forced to take the "rational" choice and settle $70,000 worth of allegations. * * * The big lesson we learned was not to operate where legal services is militant.

Another example of the need for this particular reform is the recent case in New Jersey. A Florida Legal Services' attorney claimed that approximately 150 plaintiffs were employed on a New Jersey blueberry farm during the 1986, 1987, 1988, and 1989 crop years during the blueberry harvest. This case was brought in the U.S. District Court for the District of New Jersey as a class action lawsuit in June 1990.

The same Legal Services' attorney filed a similar suit against two other farms in the same court in June 1990, claiming that 140 plaintiffs were employed in 1986, 1987, and 1988.

Growers knew that fewer than one-third of the named plaintiffs represented by the legal services attorney had ever worked on any of the farms. Grower records showed that only 45 of the 150 plaintiffs in the former case worked on that farm, and only 16 of the 140 plaintiffs in the latter case had been employed on those farms. In fact, many had never worked in New Jersey at all during the 4-year period. Grower attorneys advised the legal services attorney repeatedly of these facts and recommended that they drop the bogus plaintiffs and settle the case on the basis of legitimate plaintiffs. The federally funded attorney refused and proceeded with the case.

The Legal Services' attorney subsequently refused to produce the 150 and 140 plaintiffs for depositions and interrogatories during the discovery phase of the trial, which lasted well into 1991. Finally, the grower attorney filed a motion to dismiss plaintiffs together with a rule 11 sanctions motion against both plaintiffs and counsel in February 1991. Eventually, in June 1991, the federally funded Legal Services attorney moved to dismiss 67 plaintiffs in the first farm case, and dropped 82 and 94 plaintiffs in the suit against the other farms.

How could a federally funded Legal Services attorney have brought suit against these growers so lacking in basic knowledge of the true facts? The plain truth was that the Florida Legal Services attorney knew, and had known from the beginning of the cases, that most of the workers had never been in New Jersey, much less worked for any of the individual farms. It was engineered from the start.

During discovery, one worker attested that in 1989 the Legal Services attorney held a meeting in Florida to solicit plaintiffs for the New Jersey cases. During the meeting, the Legal Services' attorney said that he would "get them money" if they joined the suits, and that the growers couldn't prove they hadn't worked there, and that the workers "would not go to jail for joining the lawsuit."

Further, New Jersey attorneys for the growers compared notes with Florida growers' attorneys. They discovered that many of the workers in the New Jersey cases were named plaintiffs against growers in Florida, Georgia, Alabama, and Maryland during 1986, 1987, 1988, and 1989. In these cases, the workers provided detailed information on their employment history and residences between 1986 and 1989. The Florida federally funded Legal Services' attorneys managed and actively participated in all aspects of the cases, including pleadings, motions, and discovery.

The cost to the growers of unraveling the complexity of this case, and defending themselves against patently false claims, has been enormous. To date, over six figures in legal fees have been incurred by the farms. Settlement of the case is still pending.

Again, this is a simple, straightforward amendment. I am not an attorney, but many of my colleagues are. Tell me would it be difficult, if not near impossible, to defend a case if you didn't know who was suing you?

This amendment is about fairness and attempts to eliminate some of the abuse that can and does occur in the Federal Legal Services Program. I urge my colleagues to support this much-needed reform.

Is it so unreasonable to expect this House to demand one simple thing of our Legal Services Corporation, that we know who is suing us? It is a fundamental right of our legal system. I do not understand how anybody could oppose this amendment.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to try to answer the question, but I am sure my friend, the gentleman from Texas, recognizes that this, if it were adopted, would only apply to this area of the law. What about in private litigation? Let us remove the question of Legal Services altogether. Can the gentleman not think of situations where, because of the unequal position of the parties, this may have a chilling effect on the rights of plaintiffs?

Mr. STENHOLM. Our amendment provides that where there is a question of the rights, that a judge may intervene, and certainly the secrecy of the plaintiff may be determined by a judge in this case, and certainly in the case that you mention, absolutely.

Mr. WASHINGTON. If the gentleman will continue to yield, the sense difference between your amendment and I think the amendment of the gentleman from Massachusetts [Mr. FRANK]—and I am not going to take up all the gentleman's time with this—is that he at least allows a complaint to be filed, and then upon a showing of good cause a judge would make the decision.

The primary objection I have to the amendment of the gentleman from Texas [Mr. STENHOLM] is that it would take up valuable time of the court to make that decision, and the parties may end up settling without even filing a lawsuit.

Mr. STENHOLM. Again, what I am trying to avoid is some of the extremely bad situations that I think my friend from Texas would agree have been egregious abuses of the law. That is what we think our amendment does. I believe it does. I certainly do not have the intent of doing the things that the gentleman suggests might happen as a result of this. This is not the purpose.

Mr. WASHINGTON. If the gentleman will yield further, no one condones those kinds of egregious situations, because they breed disrespect for the law. The lawyer who does that ought to be disbarred, in my opinion. We are not trying to protect those lawyers.

Mr. STENHOLM. Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have offered a substitute which says that at the time you go to court you have to name the plaintiffs unless you can get a court to give you permission to keep them unnamed.

Now I would note that the amendment offered by my friend from Texas, on behalf of the gentlewoman from Maryland [Mrs. BYRON], also would allow a court to do that. We all recognize there are circumstances. But there is one very big difference right away. I am the States rights player in this game as opposed to my federalizing friend from Texas, because in the amendment of the gentlewoman from Maryland, if Legal Services brings a State court complaint and they have a reason to keep private the names of the plaintiffs, under the amendment of the gentlewoman from Maryland they would have to go to Federal court for permission to do that. So a Federal judge would have to step in and say OK, State of Texas, we will decide whether or not this will happen. And it does seem to me it makes much more sense, as it does in the amendment I offer, to leave the whole proceeding in State court.

The question then is why must you name the names early on. It is clear that there are good reasons, sometimes, for keeping the plaintiffs private, and in fairness to my friend from Texas and the gentlewoman from Maryland, they acknowledge that. We all agree that in certain circumstances you can keep the names private.

I read from a case, Gomez against Buckeye Sugars in which Federal District Judge Young says, "Suits have been brought by the Secretary of Labor on behalf of unnamed persons for violation of the Fair Labor Standards Act. The Secretary, relying upon his Government privilege," now hers, "need not divulge the names of the real plaintiffs and protect them from possible reprisal."

Let me say with regard to the gentleman from Texas, the statements he made about abuses are outrageous. Under the bill we have brought forward, in other provisions the Legal Services Corporation could be sanctioned and should be sanctioned if its grantees did this, and it would come out of the hides of those grantees. That is, lawyers who brought a case with no basis under the bill we have brought forward would be subject to penalties from the court, as they should be, and the grantees would have to pay them.

Whether or not you keep the name of a plaintiff quiet does not deal with those abuses. Remember, if you are a defendant and you believe that you are being assailed on behalf of ghost plaintiffs, you have a very easy response. You say, "Fine, I'll see you in court. I'll see you in court and you will have to name those plaintiffs." And if someone then proceeds to court with ghost plaintiffs, not only should he or she be subject to the disciplinary action my friend from Texas mentioned of disbarment, but the legal services grantee could be sanctioned. That is, any Legal Services grantee who brings a complaint on behalf of nonexistent employees, if you are the defendant, you say under our bill, "I'll see you in court, and when you get to court be ready to pay me if you cannot show me some real live employees."

So I believe that the proposal we have, which says you can threaten me, you can tell me you are going to file a suit, and if I do not believe you have a real plaintiff I will ignore you, and the day you take me to court you have the burden of either producing those names or persuading a judge that you have to keep them secret. I do not think you will be able to persuade many judges to keep nonexistent people secret. Then if you have brought such a case I am going to get recovery from you.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, the gentleman from Massachusetts obviously was very persuasive with the States rights argument. I concede that point.

I guess the only question that I have in this is why do we have to go to court to settle some of the problems that we have all agreed should never be occurring. That is the fundamental problem that I have with this and why we believe that our amendment was in a positive light.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to respond. In fairness, I say to my friend that the reason to go to court is this: If there is a legitimate dispute we both agree that there will be circumstances in which you ought to keep the name secret, but we need an arbiter to do that. At the complaint stage there is none, and obviously it would not make sense if I have to give you the names at the complaint stage. What am I going to do at the court stage, make you forget them? So that is the reason that there is no neutral arbiter to do that until we reach the complaint stage. But I would add, thanks in part to the prodding the gentleman from Texas has given me and others, we now have very clearly for any defendant wrongfully sued a right to recover, as my friend acknowledges, and he should take credit for that. And I think together, that is the protection.

Mr. Chairman, I yield back the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] as a substitute for the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM].

The amendment offered as a substitute for the amendments en bloc was agreed to.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM], as amended.

The amendments en bloc, as amended, were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Strike section 5 (page 4, line 16 through page 7, line 15) and insert the following:

SEC. 5. LOBBYING.

Section 1007(a)(5) (42 U.S.C. 2996f(a)(5)) is amended to read as follows:

"(5) ensure that no funds made available to recipients are used at any time, directly or indirectly—

"(A) to pay for any publicity or propaganda intended or designed—

"(i) to support or defeat legislation pending before the Congress or State or local legislative bodies,

"(ii) to influence any decision by a Federal, State, or local agency, or

"(iii) to influence the passage or defeat of any State proposal made by initiative petition or referendum;

"(B) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities and which does not involve the issuance, amendment, or revocation of any Executive order or similar promulgation by any Federal, State, or local agency; or

"(C) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, or intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

"(i) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedures of the Congress, any State legislature, any local council, or any similar governing body acting in a legislative capacity,

"(ii) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation,

"(iii) to influence the conduct of oversight proceedings of a recipient or the Corporation, or

"(iv) to favor or oppose any Act, bill, resolution, or similar legislation;

and ensure that no funds made available to recipients are used to pay for any administrative or related costs associated with an activity prohibited in subparagraph (A), (B), or (C);".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

AMENDMENT OFFERED BY MR. FRANK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STENHOLM

Mr. FRANK of Massachusetts. Mr. Chairman, pursuant to the rule, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. FRANK as a substitute for the amendment offered by Mr. GEKAS: Page 37, line 17, insert after "title." the following: "Public funds received by any recipient or other grantee or contractor of the Corporation, including funds from Interest on Lawyer Trust Account (IOLTA) programs, shall not be used to engage in publicity or propaganda as restricted by section 1007(a)(5).".

The CHAIRMAN. Pursuant to the rule, the Chair announces that the time will be fungible, and the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, when Legal Services was first established in this country, everyone applauded who felt that this was intended to do, and in the large measure did, fill the tremendous gap that had arisen between access to the courts for the poor and access for everyone else. And it was determined, as time went on, that we were going to do as a Congress what was necessary to do, not only to fund but to create a structure that would facilitate the flow of Legal Services to the poor.

An unfortunate thing grew out of all of this, unfortunate in the eyes of many, and I share that view that it was and is unfortunate when Legal Services entities in our various communities began using their now considerable power to begin to lobby. When I say lobby I mean to veer away from the stated purposes of Legal Services; namely, to offer legal representation in the courts, in front of district justices and of magistrates for cases that have arisen by reason of a poor person's inability to deal with his or her landlord and inability to deal with some domestic situation that grew out of child abuse, or spousal abuse, or some domestic difficulty, veer away from all of that, which was why we instituted Legal Services in the first place. And all of a sudden to see attorneys from Legal Services appearing to lobby in front of the legislatures, in front of groups who have the power to change the law, or to change regulations, or to change guidelines in the way governmental entities would conduct their business.

☐ 1540

Then one modification came up after another, and pretty soon it became clear that many times—and this really grated some of the Members of Congress—that the lobbying efforts were actually used to move against the U.S. Government which was in itself funding, and espousing, and posturing Legal Services, so we saw the whole matter convoluted.

Who were suffering, in our judgment, at that time while this gigantic battle was teeming? The poor people who wanted to fight a rental problem had to wait their turn while the tremendous debate was going on on the Federal Government's policy, general policy nationwide, on this subject or that subject. This, whether actual or perceived, was militating against the stated purposes indicated for the establishment of Legal Services in the first place.

My amendment simply makes it clear once and for all that lobbying services will no longer be permitted or granted by or to Legal Services entities in our country. This is not to say that in our pursuit of a case in representing a poor person that the Legal Services attorney cannot contact a State government agency or even a Federal Government agency to determine what are the informational background materials that are required to pursue a case on behalf of a poor person. But no longer, after my amendment is adopted, which I hope it will be, will the poor people's services be diverted for some gigantic theme that the Legal Services entity wishes to foment in front of a legislative body.

I ask that there be support for my amendment, and naturally a vote in opposition to the Frank amendment which is being offered as a substitute.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman's amendment, among many other things, seeks to prohibit Legal Services programs from lobbying Congress regarding funding of Legal Services programs. Is that an accurate conclusion of that part of the gentleman's amendment?

Mr. GEKAS. If it is not, I want it to be.

Mr. BERMAN. All right. It does. Does the gentleman know how much the Department of Defense, the Department of Transportation, the Department of State, the cities, and the counties spend of their funds to lobby Congress on programs and funding directly affecting their departments?

Mr. GEKAS. No. And I do not care.

Mr. BERMAN. Could the gentleman care to tell us why this one group of governmentally funded people should not be able to approach us about their funding?

Mr. GEKAS. If the gentleman were listening, and I am willing to provide him a transcript of the remarks I just made, I have tried, and I will try again, to make it abundantly clear that for every effort that the Legal Services Corporation mounts in a generic lobbying effort in front of a legislative body, or an administrative agency, or the Congress—which, of course, is a legislative body, to that extent—they are robbing the poor people who have individual pressing personal, emotional problems, many, many times from attending to that kind of duty which we prescribe for them in the first place, and if we allow to continue some of the things that we have seen where another total industry has grown up for money being provided and activity being fomented for lobbying services, we see that we could probably, if we took any accounting, that most of the Legal Services activity is vented in one way rather than in the way that we intended, rental problems, spouse problems, domestic problems, landlord problems, garbage collection problems. Those are the kinds of things that we want to make sure poor people will have the ability to have access to the courts to provide.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. What the gentleman's amendment does is it says, first of all, if a Legal Services program wants to spend a dime of its LSC, congressionally appropriated funds, to lobby for a dollar so it can serve more people, the kind that the gentleman spoke so eloquently to, they cannot do it. But, secondly, it says if a State wants to provide funding or if the State bar in a State wants to provide funding so they can lobby on the level of Federal funding of Legal Services programs, they cannot. If a private philanthropic foundation wants to provide money so that no taxpayers' money at the State level, no compelled funding is being used to lobby on something that every other Federal, State, and local agency can lobby about regarding their programs, and when the Department of Defense lobbies, they say, "We are spending some taxpayer moneys because we think what we are lobbying about, that is, us getting more money, helps our national security," and the Department of Transportation says, "It helps our roads," and all of this, and I cannot fathom what the gentleman's justification for that kind of a distinction is.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. That is true. You cannot.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I would like to invite the gentleman from Pennsylvania to engage in the 3 minutes allotted to me.

As the gentleman well knows, section 5 that is in the bill severely restricts the ability, I believe we would agree, the possibility of Legal Services Corporation attorneys from participating in that activity we call lobbying.

To begin with, as I understand it, it precludes communication with Federal, State, or local officials except upon the request of such an official. It prohibits them from lobbying where the measure under consideration affects appropriation to the functioning of the Legal Services Corporation or where the communication is on behalf of an eligible client affected by a measure who has retained the recipient to represent his or her interest therein. So there are only two or three situations that I can think of, and I am not saying that I can think of all of them, but the instances are so very limited now, the question then arises: Who then will allow the poor people to redress their grievances? With the gentleman's amendment adopted, who then, what lawyer, where, will be able to come before a committee of the Congress?

Sometimes these people have good ideas. I say to the gentleman from Pennsylvania [Mr. GEKAS], and the gentleman and I both know that, and that as many minds as we can put on any problem, in a sense they deal hands-on with the people who are affected by some of the laws that we try to pass on a regular basis. Why do we take away the only person who is in a position in the capacity of a lawyer to be able to assist them?

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WASHINGTON. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, that does not, in my judgment, I respectfully submit, deprive them at all.

There are legislators, there are representatives on the school board, there are other representatives on legal entities and governmental bodies that will always be available. I meet, and I know the gentleman does, with the poor people all the time and try to translate their needs, legislative needs, into broad policy changes and into other changes that reflect their needs. But when they have a rent problem with their landlord, they do not want Representative WASHINGTON or Representative GEKAS, they want immediate service to determine what the outcome will be of their rental future. And if we are going to allow the Legal Services entity to get involved in what CRAIG WASHINGTON ought to be involved in, and GEKAS, we are keeping them away from their remedy.

Mr. WASHINGTON. Two quick points: Let us use the gentleman's example about the rent. Suppose you, as a conscientious Congressman that you are, get out there among the poor people in your district or wherever, and that you find a problem that, in your judgment, requires Federal intervention, and you want to introduce a bill, you are preventing the very people that you are trying to help from having Legal Services lawyers represent them to help you persuade the rest of the Members to pass such a bill, sir.

Mr. GEKAS. If the gentleman will yield further, I would be glad, and have done so in the past, to promise, and to then produce and introduce a bill. I just did so on eviction of the elderly based on something very similar that the gentleman is discussing, and do not need the Legal Services attorney to advise me how to do it. They do not need to lobby me to tell me. I have already been lobbied.

□ 1550

The CHAIRMAN pro tempore (Mr. MFUME). The time of the gentleman from Texas [Mr. WASHINGTON] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to conclude the question and I will give the gentleman from Pennsylvania the balance of the minute. It will take me about 45 seconds to answer the question.

If we follow what the gentleman says to its logical conclusion, there should not be any lobbyists. Rich people should not get any lobbyists. Middle-income people should not get any lobbyists, because if we carry what the gentleman has said to its logical conclusion, the gentleman has said that if we do our jobs right and if we go out and investigate and all, we do not need any lobbyists. If that is true, then I meet with rich people and middle-income people and poor people. If poor people do not need lobbyists to help me since I go out and talk to them and the gentleman goes out and talks to them, all we have to do as Members of Congress is go out and talk to all the different strata of people in our communities and we do not need all these high-powered paid lobbyists who line the Halls around here.

Mr. GEKAS. But does the gentleman not see, the nonpoor do not need legal assistance to promote their problems or to promote solutions to their problems.

Mr. WASHINGTON. The poor people do?

Mr. GEKAS. The poor people do, and we are providing an entity for them. We do not have to provide anything else for them while we are trying to concentrate on their needs as poor people, not as engines of change in policy which we as legislators must be the engines.

Mr. WASHINGTON. If we were really taking care of the business of poor people, there would not be so many of them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will advise those persons in the gallery that they are here as guests of the House of Representatives and that there should not be any displays of emotion, either for or against legislation or debate.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I think the debate now has degenerated a little bit on this issue. The gentleman from Massachusetts [Mr. FRANK] has one proposal. The gentleman from Pennsylvania [Mr. GEKAS] has another.

The proposal of the gentleman from Massachusetts [Mr. FRANK] honestly, I am sure in his judgment, says we are going to ban lobbying at the grass roots and so forth, for the same reasons, I presume, that I support banning lobbying, and that is trying to take some of the politics out of this whole process in order to get more support for Legal Services, and because we all believe, and we have only about $350 million in resources, and we simply cannot afford to be spending that on all kinds of things. We have to narrow the scope of where it is spent.

But there is a big difference between what the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Massachusetts [Mr. FRANK] propose, despite their basic approach in similarities, and that is that the gentleman from Massachusetts [Mr. FRANK] makes exceptions, and big railroad engine type exceptions, one of them being to allow for lobbying in situations where there is an eligible client and there is approval for it by the project director, or his designee.

I would submit to my colleagues that means, practically speaking, that you are going to have all the lobbying up here or in Tallahassee, in my home capital, or anybody else's State capital that we have always had, or maybe even more so, and that is going to be self-defeating. That is not doing the job.

The only way we can prohibit and restrict lobbying, which I do not think most Members in this body want to see Legal Services lawyers do, is by adopting the Gekas proposal, not the Frank proposal. That is the only way, because the exceptions are too great in here.

Now, why do we not want to do lobbying? Lobbying is, first of all, not the primary purpose of the Legal Services Corporation lawyers. They are out there to provide everyday Legal Services in the courtroom, in litigation, in domestic relations cases, in landlord-tenant problems, in things that we do not have enough money to get enough lawyers to do as it is to provide those services and that kind of relief. Instead, too many lawyers historically, which has given Legal Services such a bad name and why we had so many other problems. We are debating over monitoring and so on today, we have had these lawyers representing themselves to be on behalf of their clients, many of whom do not have a very strong relationship, they are class action groups, that they go out and get. They have been going up to the State capitals. They have been coming up to Washington. They have been trying to change poverty law. They have been trying to eradicate things in the broad picture of solving the problems of the poor, instead of spending their time working on the everyday legal problems that poor people have plenty of and do not have lawyers to represent them on.

So our purpose and why the Gekas proposal is so important is to narrow that back down, take some of the politics out of this, get them out of the business of lobbying and get them back to the business of using the minimum resources available to do the job they were intended to do and always have the resources to get them to do, and that is to provide poor people access to the courts and to handle their everyday litigation matters and their everyday contract matters, and not to be sending them up to the capitols to be involved in the process of politicking for some cause or celeb of a broad nature that many of these lawyers want.

So Mr. Chairman, I urge defeat of the Frank proposal that does not prohibit lobbying at all, because it has railroad train size, engine size holes in it, and I urge the adoption of the Gekas antilobbying proposal.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR], one of the leading members of the Committee on the Judiciary.

Mr. SYNAR. Mr. Chairman, I rise to urge my colleagues to support the Frank amendment to the Gekas amendment. While I am not totally satisfied with the restriction, I am willing to agree that it may be a necessary compromise.

There are absolutely no grounds, however, on which to support the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] and it should be rejected.

The amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] purports to limit my ability and right as a Member of Congress to speak to and request information from local Legal Services programs in my State of Oklahoma at any time and in any manner I so choose.

Let me give you an example of the absurdity of this amendment. I was the original sponsor of chapter 12, the Family Farmer Bankruptcy Act. This act is set to sunset in 1993.

For the past few months I have been holding meetings to gather information from farmers, bankers, bankruptcy judges, trustees, and bankruptcy practitioners in order to make an informed decision about the possible extension of this bankruptcy section.

Family farmers involved in bankruptcy are sometimes represented by Legal Services attorneys. These attorneys have been contacted both in writing and by telephone to discuss particular aspects of the farm bankruptcy issue.

Since they are practitioners they have been asked, as all others have been asked to comment on the value of the statute. They may not have a specific client directly.

This is democracy in action. I have received valuable assistance and information critical to my job as a legislator and representative of my district.

In many instances Congress considers legislation that has a direct impact on the rights and responsibilities of low-income clients involving such issues as Medicare/Medicaid, food stamps, child support, and adequate low-income housing.

Often Legal Services attorneys know the law better than the agency personnel and may be the only ones in the legal community who may represent these clients. Thus, only they will have the relevant information.

The gentleman from Pennsylvania [Mr. GEKAS] suggests that I should not have the right to obtain such information. There is a suggestion that it is somehow tainted because it is federally funded.

If that is the case I would like to eliminate every White House and Federal agency lobbyist/personnel that comes up here to inform me or my staff about that particular agency's views or wishes on a certain bill.

Much more disturbing is that, once again, that side of the aisle wants to perpetuate the dual system of justice and representation in this country for the poor.

They have continually attacked the poor in the criminal justice system and now want to squeeze the poor out of full representation on the civil side.

Why is it that Members see no problem subsidizing the lobbying, rulemaking intervention or administrative representation done on behalf of the rich and powerful corporations in this country through tax deductions and yet are eager to deny the poor the right to have even a limited voice in their own democratic government?

In fact the Federal Government, through the auspices of Vice President QUAYLE subsidizes direct corporate interference in Government rulemaking through his secret meetings on competitiveness.

Unless any of you have forgotten, one of the prime moving forces behind the creation of legal services was to provide an entry into the judicial system for the poor and disadvantaged so that other more violent means of protest could be forestalled.

Access to the system of Government and a feeling that there is true participation is essential to curbing the rising feeling of alienation felt by the low-income citizens of this country.

The amendment proposed by the gentleman from Pennsylvania [Mr. GEKAS] directly and intentionally interferes with my responsibilities as a representative and is unduly restrictive on my rights as a Member of this House.

I will not put up with the continuing assault on my rights as a Member of this House.

I suggest that this amendment is unwarranted and unconscionable and urge Members to not further the gap between the rich and the poor. The amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] must be rejected.

☐ 1600

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Member of Congress who ought to look at this—the gentleman from Oklahoma says Members of Congress ought to look at this—is the gentleman from Oklahoma. There is nothing in the Gekas amendment that prohibits this very groundroots, grassroots kind of information seeking to which the gentleman refers. His bankruptcy hearings, et cetera, even when the Gekas amendment should be adopted, would not prevent the gentleman from Oklahoma from contacting legal aid to determine what procedures are available, what informational background there might be, what materials there might be to help in determining what change in policy he, the gentleman from Oklahoma, as a Member of Congress, wants to try to bring about in the Halls of Congress. We are simply saying information seeking which the Gekas amendment permits is not lobbying and lobbying is what we seek to prohibit and, therefore, implicit, and with a studied review by lawyer like the gentleman from Oklahoma or California or Massachusetts or Texas or any place, would lead to that conclusion.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I must disagree with my friend as to what his own amendment will do. I will read from the gentleman's amendment. He says, "No funds made available to recipients are used at any time"——

Mr. GEKAS. Mr. Chairman, where is the gentleman reading from?

Mr. FRANK of Massachusetts. The first page. No. 5, "Insure that no funds made available to recipients are used at any time to directly or indirectly," and then I skip down, "to influence the passage or defeat of any decision by a Federal, State or local agency, to support or defeat legislation pending in Congress." Then let us go to page 2: "To pay for any oral or written communication, personal service, advertisement, telegram, letter or other device, written matter intended or designed to influence any decision by a Federal, State or local agency."

Now, in other words, on C, and this is very relevant to the comments of the gentleman from Oklahoma, it is most relevant—and I will yield time to the gentleman later.

Mr. GEKAS. Mr. Chairman, I will take back my time and reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, what the gentleman's amendment says is, "No funds made available at any time may directly or indirectly," and I will move down to line 15, "to pay for any oral or written communication," et cetera, "intended or designed to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, or intended or designed to influence any Member of Congress or any other Federal, State or local elected official."

In other words, when the gentleman from Oklahoma asks a Legal Services attorney under this amendment, "What do you think the impact of that will be on the poor?", the Legal Services attorney may not answer, because the gentleman says, "No funds may be used directly or indirectly to try to influence a legislator."

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. SYNAR. I thank the gentleman for yielding.

Mr. Chairman, let me say that it is even worse than that because the gentleman from Pennsylvania in committee had this language, which said, "except that nothing in this paragraph shall prevent any response to a specific written request by a Federal, State or local agency or an elected official for information," and they took that out. That means legal aid cannot even respond if I a U.S. Congressman asked them their thoughts.

Mr. FRANK of Massachusetts. Or if the gentleman from Pennsylvania [Mr. GEKAS] asks them, which is even worse/worse.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield from my time to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

The gentleman from Massachusetts quotes the exact language that this lawyer says, that this lawyer from Massachusetts is erroneously interpreting. The language that he quotes is the language that specifically, or by reading into it as intended, says the gentleman from Massachusetts says that this is the pertinent language, "intended or designed to influence any decision."

Now, that is what I am saying. If the gentleman from Oklahoma calls the Legal Services entity in Oklahoma and asks for information as to bankruptcy, unless the information there is intended to influence, it is innocuous and only helpful to the legislator.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. Chairman, we are at the nub of this. What the gentleman says is you can talk to the gentleman from Oklahoma as long as it is your sworn intention to have no impact whatsoever on anything he does. What are you going to say, "Good morning, MIKE, how are you doing? Great boots," but you cannot talk about legislation?

The gentleman misread his own amendment. It does not just say you cannot try to influence a decision; it says you cannot pay for a telephone call, any communication, of the time of the employee, you may not communicate with him if what you are doing is "intended or designed to influence any Member of Congress," or any other Federal, State, or local official. In other words, you may not discuss public policy if you work for Legal Services with any Federal, State, or local official unless you are absolutely guaranteed to try to have no impact on him whatsoever.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I add to what the gentleman just said, and you cannot do that even if you are paid 100 percent by private foundation money, by State grants for this purpose, regardless of what a local or State decision is or what a private party contributes. This is the most incredible reach I have seen in any legislation.

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to my friend from Oklahoma, and then I will yield to the gentleman from Pennsylvania.

Mr. SYNAR. I thank the gentleman for yielding.

Mr. Chairman, I would ask the gentleman from Pennsylvania why he struck this paragraph that legal aid cannot even respond to a U.S. Congressman's request if it was such a good thing in committee?

Mr. FRANK of Massachusetts. I yield to my friend from Pennsylvania, as long as he does not try to influence the gentleman from Oklahoma.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I do not know which one to answer. I have only limited time. But if the gentleman from Oklahoma is saying that when he makes an inquiry of the legal services entity about the bankruptcy seminars which he is holding, under my amendment the information that he seeks, the information that he asks for and would receive can be interpreted not to intend and not designed to influence the passage or defeat of any legislation.

Mr. FRANK of Massachusetts. Let me say to my friend—and I will yield myself 2 additional minutes—the gentleman from Oklahoma goes to a Legal Services attorney and says, "I want to do the right thing in bankruptcy. I do not want to cheat the creditor, but I don't want to unduly oppress the debtor. What is the best thing to do?" What the gentleman from Pennsylvania says in his amendment, I say to my friend, is you cannot respond in a way that would try to influence not a decision of the legislative body but that of the gentleman. The gentleman's language on lines 22, 23, and 24 say you may not engage in any communication if you are being paid by any source "intended or designed to influence any Member of Congress," any Federal, State, or local official. You may not, therefore, give your views on public policies to any local official, any State official, or any Federal official. That goes way too far.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman.

Mr. Chairman, I ought to hesitate for getting into this legal argument, because the last discussion sort of left me out in the cold. I have read the same law, I have read the same language that the attorneys are arguing. For the life of me, I do not see how anybody who has a Legal Services attorney is precluded from having that attorney advise me regarding the specifics in this legislation.

What I read when I read this amendment is very clear; section 5, lobbying, A, "to pay for any publicity or propaganda intended." Now, that is why I support the Gekas amendment. I am not talking about precluding an individual poor person from having the opportunity to have legal counsel from legal services to deal with those legitimate ideas of the client that are specified in section B, in which it says, "an exception, when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim or case which directly involves the client's legal rights or responsibilities."

That is what the amendment says.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, would my friend look at lines 22, 23, and 24 on page 2 of the Gekas amendment?

Mr. STENHOLM. I do not have the numbers on mine.

Mr. FRANK of Massachusetts. The last three lines, page 2. There is additional language.

By the way, I also in my amendment say, in my substitute, "no publicity or propaganda."

But here is the language that bothers the gentleman from Oklahoma and me—and I will yield the gentleman an additional minute when we re-do the time.

□ 1610

Mr. Chairman, the amendment of the gentleman from Pennsylvania [Mr. GEKAS] says, "You cannot have any oral or written communication, et cetera, intended or designed to influence any Member of Congress, or Federal, State or local official."

A local legal services person may not talk to the gentleman from Texas under this amendment if there is a chance that it would influence his views on public policy, and, frankly, a lot of people would not want to talk to us, charming as we may be, if they could not influence our views on public policy.

Mr. STENHOLM. Except when legal assistance is provided by any employee of a recipient to an eligible client on a particular application, claim or case.

Mr. FRANK of Massachusetts. I would say to the gentleman——

Mr. STENHOLM. It is all the same amendment.

Mr. FRANK of Massachusetts. But that is not bankruptcy law in general. Yes, the gentleman is correct, but the example of the gentleman from Oklahoma was not a particular claim, it was not a particular case from a particular client. In this case there was not a special client. The gentleman from Oklahoma was asking for expertise about public policy in general, and the exception that my friend, the gentleman from Texas [Mr. STENHOLM] has mentioned would not work in the case of the gentleman from Oklahoma.

Mr. STENHOLM. Boy, that is where the lawyers lose me. I mean the English is plain in this amendment.

Let me just say in conclusion my support of the amendment of the gentleman from Pennsylvania [Mr. GEKAS] is very simply this:

Last year, 1991, 361-plus legal services spent 14,437 hours lobbying. Now we cannot have it both ways. We have limited resources, and that is my total interest.

I do not quarrel with the gentleman from Oklahoma in what he said. That makes good sense. I do not read the amendment to do all of those things.

The CHAIRMAN pro tempore (Mr. MFUME). The time of the gentleman from Texas [Mr. STENHOLM] has expired.

Mr. GEKAS. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. STENHOLM. But the bottom line is, unless we can go somehow a little bit further in tightening some of the loopholes and some of the things that allow some, some of the Legal Services Corporations, around the country from doing these things, we cannot be concerned about the lack of legal care for poor people and at the same time not want to tighten up further the restrictions on those who want to stretch this language and do things that this Member does not read that it is doing. Part of it says yes. Part of it says no. We either support lobbying, or not, and I think we can get all kinds of organizations to lobby. My support of the Gekas amendment is that we do not need to have the Legal Services Corporation involved in lobbying. Yes, providing legal services if they need to talk to this Member or any other Member, and I read the amendment that it permits that. Others say no.

Mr. Chairman, I urge support of the amendment of the gentleman from Pennsylvania [Mr. GEKAS].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania, which would prevent the poor from having legal representation in administrative rulemaking and before legislative bodies. The Gekas amendment ignores the fact that legal problems are not always best addressed in the courts.

Legislative and administrative rulemaking representation is frequently the more appropriate and effective means of resolving the legal problem of an eligible client. Rules of professional responsibility require lawyers to consult with their clients about the means that are to be used to pursue a solution to their problems. If the client were a fee-paying client, and the most effective approach to the problem would be seeking a legislative clarification or change, that option certainly would be presented to the client. Clearly, low income people should have access to the same full range of legal options.

Also, as a former practicing attorney, I know that such representation is cost effective. Eligible clients often require legal services attorneys to effectively influence legislatures to protect existing legal rights or obtain relief which can often only be provided by a legislative body. Other legal problems arise from administrative agency policies that affect the poor and benefits to which they are entitled. Representation is essential to protect existing rights, assure conformity with legislation, and inform agency officials of the impact which the proposed policies will have on indigent people.

The bottom line here is this: By denying access to legislative bodies and in administrative rulemaking, the Gekas amendment encourages protracted and expensive litigation on matters that are best resolved by these bodies, and thus will waste scarce program dollars and judicial resources.

The Gekas amendment also bars grantees from responding to requests of elected officials. Clearly, there is no justification to deny legislators unfettered access to critical information they need to effectively legislate. When it comes to legislation affecting the poor, obviously legal services attorneys possess a certain expertise that should not be off-limits to elected officials.

In Minnesota, less than 2 percent of the work of legal services programs is devoted to this kind of client representation. But Minnesota's programs have benefited many thousands of low-income people through legislative and administrative representation in such areas as public benefits, child custody and support, consumer protection, farm programs, health care, social services, landlord-tenant relations, housing, and special education. The value of this representation is great and would be sorely missed.

Mr. Chairman, H.R. 2039 correctly prohibits grassroots lobbying. There is no justification, however, to ban all legal representation before legislative bodies and in administrative rulemaking. I urge my colleagues to support the Frank substitute to the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Minnesota [Mr. RAMSTAD] has really outlined in his very strong opposition to the Gekas amendment what the problem is, which we owe it to ourselves to reiterate; namely, what is the basic and foremost purpose of the Legal Services entity in the first place? The gentleman from Minnesota says that we must allow for full implementation of whatever Legal Services wants to do I support of administrative agencies and full lobbying efforts. Yet even the amendment of the gentleman from Massachusetts [Mr. FRANK] purports to prohibit lobbying. The same amendment that the gentleman from Oklahoma supports, the Frank amendment, prohibits lobbying, at least in its original cited purpose, and then goes on to allow certain exceptions. It is in this field where we are trying to narrow the debate.

Mr. Chairman, the Gekas amendment makes it abundantly clear that lobbying shall not be the chief rationale for the existence of the legal services entity. That is what the gentleman from Minnesota wishes to see accomplished. He would like to see, from what his remarks are, a full ability of the Legal Services clients to go before legislatures and administrative agencies. Well, that was not the original purpose. Now, if he says that that should be the purpose, well, that is a different argument. But he also states only 2 percent, or something like that, have in the past, of the resources of the Legal Services, have been devoted to this type of activity. We have information that says that in the year 1988, with less than half of the Legal Services Corporation's grantees completely reporting their lobbying activities, the report showed that 128 grantees hired 603 lobbyists, dedicated 55,000 and some hours, and spent over $2 million for legislative and administrative lobbying efforts. We are saying the amendment of the gentleman from Massachusetts [Mr. FRANK] prohibits lobbying. The Gekas amendment prohibits lobbying, but the Gekas amendment makes it clear that there is an absolute division between lobbying and the pure purpose of the Legal Services Corporation.

Mr. Chairman, the amendment of the gentleman from Massachusetts [Mr. FRANK] fudges it, allows loopholes to exist, and, by a convolution of language, does not prohibit lobbying.

□ 1620

I say reject the Frank amendment and give yourself a chance to support the Gekas amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN] to fudge further.

Mr. BERMAN. Mr. Chairman, the gentleman's amendment is a very strange one when it is fully understood. This distinction that came up in the colloquy that the gentleman from Pennsylvania [Mr. GEKAS] had with the gentleman from Massachusetts [Mr. FRANK] and others seeks to differentiate between some detached arm's length providing of information and the design to influence a result. It is an effort to sanitize a process that cannot be sanitized. It is an effort that ignores the fundamental pluralistic nature of our society. It is an effort I might expect to see from some people on this side saying "How do we keep big business from influencing Congress," or "How do we keep polluters from influencing Congress," or "How do we keep people who are milking consumers from influencing Congress."

It is an effort that essentially says that we, listening to different sides of a question, cannot make intelligent judgments. It is a fundamental rejection of this entire process.

But it is only done for one group. It is not done for the polluters, not done for the big businessmen, not the bankers, and not the insurance industry. It is done for issues that have direct impact on poor people. It is a very bizarre way to start the process of insulating us from inappropriate pressures or contacts by people who want to influence the process.

Under the immigration law there is a provision that says growers in Pennsylvania who cannot find enough domestic farm workers can bring in temporary labor to pick their crops. It says but the growers who want to take advantage of that special program have to provide certain kinds of farm labor housing. The Congress passes that law. Now, the Secretary of Labor has to promulgate regulations.

Tell me how the Secretary of Labor should engage in that process of finding out what kind of housing that grower must provide or what kind of transportation that grower must provide without getting input from all sides?

Under the process the gentleman suggests through his amendment, the Secretary of Labor is essentially an administerial function through delegated authority to set up standards for housing will get massive briefs from the Farm Bureau, from the Pennsylvania Growers Association, from the chambers of commerce to which the growers are members, massive briefs seeking to have as low and as least costly standards as possible. Understandably, this is part of the process.

But the people who are best able to martial the interests of the farm workers because they have been working with them and communicate in a way that the process encourages through briefings, through public comments, through the discussions that will come on behalf of the growers, not only through the open and formal processes, but through all the formal processes, through the White House, through the

Senators, through the Members of Congress seeking meetings with their leaders, all of that will be allowed. But even at the request of the Congressmen, even at the request of the Secretary of Labor, even with money not paid for through the Legal Services Corporation, the Legal Services attorneys will not be allowed, who are specialists and who know about these standards and farm labor housing, will not be able to bring forth the perspective of farm labor. That is just not fair.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, the gentleman from California [Mr. BERMAN] supports the Frank amendment. Will the gentleman tell me which section of the Frank amendment, which prohibits lobbying, does the gentleman support, and what kind of lobbying is the gentleman from California willing to vote to prohibit? If that is so, all I want to say is the Gekas amendment clarifies whatever the gentleman supports in the Frank amendment. Mine clarifies and makes it easier for you to support it.

Mr. BERMAN. Mr. Chairman, reclaiming my time, here is the distinction: I am not one of the great fans of the Frank amendment, because the Frank amendment seeks to prohibit certain activities that I think go beyond what I would want to prohibit. It prohibits any activities on behalf of grassroots organizing through the Legal Services Corporation. It prohibits involving one's self in electoral ballot initiatives. It prohibits coming up not in response to congressional inquires and seeking to influence the process. It goes too far.

It codifies in many respects and goes beyond in the areas of grassroots lobbying the restrictions which have been attached to appropriation riders for all these years. I did not like the riders then and I do not like them now.

But what it does not do is to so completely isolate the interests of these people, the people who are least able to find alternative ways of organizing and marshaling their positions to the policymakers, the executives, regulatory, Federal, State and local, it does not put them in those kinds of shackles, and, therefore, is a fairer approach.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will inform Members engaged in the debate that although the time for both the amendment and the substitute is fungible, it is the right of the gentleman from Massachusetts [Mr. FRANK] to close debate.

Mr. GEKAS. Mr. Chairman, might I inquire how much time is remaining on the Gekas amendment?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. GEKAS] has 11½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 4 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California [Mr. BERMAN] is therefore willing to say to the gentleman from Texas [Mr. WASHINGTON] that in our original colloquy the grassroots type of lobbying that the Frank amendment prohibits, that kind of ability on the part of poor people is going to be prohibited? That is prohibited by the Frank amendment, and why is the gentleman from California willing to embrace it?

The gentleman from California is willing to embrace the Frank amendment, which prohibits grassroots organizations from having the legal entity or legal services lobby.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say on behalf of my friend, the gentleman from Texas [Mr. WASHINGTON], I think I got a handshake from him, but it was not an embrace.

Mr. GEKAS. Mr. Chairman, reclaiming my time, if the gentleman from California [Mr. BERMAN] is willing to prohibit lobbying on a grassroots level, then the gentleman from Texas [Mr. WASHINGTON], or the gentleman from Oklahoma [Mr. SYNAR], are going to be caught in a little bit of a trap, because their interest in grassroots organizations for rental control or for bankruptcy control or whatever is going to be limited. But the gentleman from California is willing to support the Frank amendment, which prohibits lobbying in that accord.

Mr. Chairman, I am saying that what the gentleman from California [Mr. BERMAN] is saying in supporting the Frank amendment is that he understands for the first time and is saying on the floor that he understands that there is a tremendous delineation between the original purpose of Legal Services to provide individual poor clients with help where they need it most, and this wild area of endeavor that has started unintentionally, never intended by the Congress when they established Legal Services, of a lobbying effort on so many different subjects that actually draw resources away and attention away from the public and everything else, to the detriment of that individual that the gentleman from Texas [Mr. WASHINGTON] wants to help and the gentleman from Oklahoma [Mr. SYNAR] wants to help and the gentleman from California [Mr. BERMAN] wants to help, and where they agree with the Frank amendment should not be involved in lobbying efforts.

That, to me, is unfathomable. The lobbying efforts to which the gentleman refers on the private sector are funded by our fellow American citizens with nontax dollars.

What the gentleman from California [Mr. BERMAN] is saying is that what they can do by raising private funds, we ought to allow Legal Services to be victimized on taxpayer funds where we are trying to serve poor people, to allow those resources to be used for lobbying efforts.

Mr. Chairman, I submit that we ought to reject the Frank amendment and do a little better thing, support the Gekas amendment. Both of them support lobbying.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, let us talk about these wild endeavors. Let us talk about this diverting of resources to the detriment of clients. Let me give you three examples from my own State of Oklahoma.

First, juvenile justice reform. For decades, regrettably, my State had a very troubled youth program where we locked away youth that were very seriously physically abused.

☐ 1630

The Oklahoma Legislature started considering sweeping juvenile justice reform. Because many of the abused children were represented by Legal Services, they asked the Legal Aid of western Oklahoma to help them draft that legislation. That would not be allowed under the Gekas amendment.

Second, the garnishment of exempted funds. Many elderly in my State should enjoy the same basic rights as any other elderly throughout the country; that is, to have their disability benefits exempted from State and Federal garnishment. But our Oklahoma law did not provide that. Because of that, there was a change in the law.

That law was written by a Legal Aid attorney in western Oklahoma at the request of the legislature following a court decision.

Finally, remedies to domestic violence. A State legislator in Oklahoma was concerned about the plight of the domestic violence victims and, since a lot of our Legal Aid lawyers represent those people, he asked that person to come and draft the legislation to solve that problem. That would not be permitted under the Gekas amendment.

What we are talking about here are two basic things: First, allowing us to go to the people who are the best experts many times, better than the agencies themselves, to give us the information to make good decisions. Second, for us to perform our job as U.S. Congressmen, and not to limit the access of information that we get from one source so that we can make better legislation, so that we can make the laws work properly. That is what this is all about.

I do not like the Frank amendment. The gentleman from California [Mr. BERMAN] does not like the Frank amendment. We would not have the Frank amendment if we did not have this absurd Gekas amendment, which would take away from the basic rights of Members of Congress and the members of our society to provide input to Members of this institution. I ask for a "no" vote on the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I have been here for some time listening to this round robin and I must tell my colleagues, it is a little difficult. I think we have a distinction here without a difference.

I simply would want to say that I am willing to vote and willing to support legal help for poor people. I am not willing to support political organizing.

I support the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the risk of grating on my colleagues, I simply want to repeat, because I think again, we have to try to focus on the elements of the debate as in their purist sense.

If the Frank amendment prohibits lobbying and the Gekas amendment prohibits lobbying, then we have only to determine a policy decision. Should the Legal Services Corporation be engaged in lobbying?

If so, we vote against both and allow a full range of lobbying activities to be carried on by the Legal Services Corporation.

If Members feel strongly that they should not be involved in Legal Services, adopt the Gekas amendment and reject the Frank amendment, because the Frank amendment, while it purports to and says that it prohibits certain lobbying efforts, has so many exceptions in it that they engulf the proposition of prohibition against lobbying, while the Gekas amendment very succinctly and very absurdly, in the eyes of one, but one which works, makes that delineation so clear that the original policy of preserving Legal Services for aid to the poor will be preserved.

Vote for the Gekas amendment and against the Frank amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I speak in favor of my substitute. There are differences between the amendment I offer and the amendment of the gentleman from Pennsylvania.

He is right. Many would allow the Legal Services people unrestricted lobbying. Let me point out that most of the restrictions on lobbying are in neither my amendment nor in the amendment of the gentleman from Pennsylvania [Mr. GEKAS], but in the bill which we have presented. My amendment would add one further restriction. It basically keeps the Legal Services people entirely out of what has been known as grassroots lobbying.

That is, they will not be in the business of organizing politically, no matter who asks them.

Here is the difference, as I think it was made clear in the colloquies with myself, the gentleman from Texas, the gentleman from Oklahoma, and the gentleman from California.

As written, the amendment of the gentleman from Pennsylvania says, and I will read it, and there is no saving clause, no money can be used from any source that goes to Legal Services "to pay for any oral or written communication, letter, printed or written matter, telegram, telephone communication," among other things, "intended or designed to influence any Member of Congress or any other Federal, State, or local elected official."

As the gentleman from Oklahoma pointed out, an earlier draft of the amendment of the gentleman from Pennsylvania said, "You can answer a question from a Member of Congress." That was removed and, as written, we would have to advise the Legal Services Corporation that if a Member of Congress or member of a State legislature or mayor said to a Legal Services official "What is your opinion of this public policy," that official could not answer.

Yes, one can represent, as the gentlemen from Texas noted, someone in the case before an administrative agency. But this amendment of the gentleman from Pennsylvania goes further than the gentleman's rhetoric, it goes further than good sense.

Yes, my friends have made it clear. They think I have gone too far. But the gentleman from Pennsylvania has made me into a moderate.

We say, one cannot engage in unrestricted lobbying. One cannot do grassroots organizing. But if one is asked one's opinion by members of legislative bodies or others, one may answer.

I ask for a vote in favor of that restriction and then for the amendment as amended.

The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of clause 2(c) of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the Gekas amendment, as amended by the Frank substitute.

The vote was taken by electronic device, and there were—ayes 222, noes 196, answered "present" 1, not voting 15, as follows:

[Roll No. 103]

AYES—222

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Beilenson
Berman
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Goss
Green
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOES—196

Allard
Allen
Archer
Armey
Baker
Ballenger

Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Broomfield
Browder
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Panetta
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickle
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—15

AuCoin
Boxer
Byron
Campbell (CA)
Ford (TN)
Kolter
Levine (CA)
McDade
Moakley
Valentine
Waters
Weber
Whitten
Yatron
Young (AK)

□ 1657

The Clerk announced the following pair:

On this vote:

Mr. AuCoin for, with Mrs. Byron against.

Mr. HERGER changed his vote from "aye" to "no."

Mr. ROSE and Mr. MARTINEZ changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS], as amended.

The question was taken.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, that is premature. The Chair did not announce the vote.

The CHAIRMAN pro tempore. The gentleman will repeat himself.

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, I did not hear the Chair announce the yeas and nays, the result.

The CHAIRMAN pro tempore. The Chair is in doubt on the voice vote.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 196, answered "present" 1, not voting 16, as follows:

[Roll No. 104]

AYES—221

Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Bateman
Bennett
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (MI)
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Darden
de la Garza
DeLauro
Derrick
Dicks
Dingell
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Flake
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mineta
Mollohan
Montgomery
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Pallone
Panetta
Parker
Patterson
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rahall
Ramstad
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Russo
Sabo
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (OR)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Tallon
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Traxler
Upton
Vento
Visclosky
Volkmer
Williams
Wilson
Wise
Wolpe
Yates

NOES—196

Abercrombie
Allard
Allen
Andrews (ME)
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Beilenson
Bentley
Bereuter
Berman
Bilirakis
Blackwell
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Cardin
Chandler
Clay
Coble
Coleman (MO)
Collins (IL)
Combest
Conyers
Coughlin
Cunningham
Dannemeyer
Davis
DeFazio
DeLay
Dellums
Dickinson
Dixon
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Ewing
Fawell
Feighan
Fields
Fish
Foglietta
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Herger
Hoagland
Hobson
Holloway
Hopkins
Houghton
Inhofe
Ireland
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kopetski
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mink
Molinari
Moody
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pastor
Paxon
Payne (NJ)
Pease
Pelosi
Perkins
Petri
Pickle
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal
Sanders
Sangmeister
Santorum
Savage
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Serrano
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stokes
Stump
Sundquist
Synar
Tanner
Taylor (NC)
Thomas (CA)
Torres
Towns
Unsoeld
Vander Jagt
Vucanovich
Walker
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Wolf
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—16

AuCoin
Boxer
Byron
Campbell (CA)
Ford (TN)
Hunter
Kolter
Levine (CA)
McDade
Moakley
Nowak
Valentine
Waters
Weber
Whitten
Yatron

☐ 1709

Messrs. DORGAN of North Dakota, WYDEN, KOPETSKI, and WHEAT changed their vote from "aye" to "no."

Mr. HUBBARD changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 15, printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. FISH:

Page 9, strike line 1 and all that follows through page 10, line 6, and insert the following:

"(iii) Not later than 30 days after receiving a written request alleging that a recipient, other grantee, or contractor has violated the provisions of this title, or any rule, regulation, guideline, or instruction issued under this title, or any other law, the Corporation may initiate an investigation. A recipient, grantee, or contractor that is the subject of such investigation shall be notified by the Corporation and, prior to the completion of the investigation, provided with a reasonable opportunity to respond to the allegations either in writing or in person, as determined by the Corporation. Unless required by law, the Corporation shall not make the findings of its investigation public until a final report is issued or unless such disclosure is made with the consent of such recipient, grantee, or contractor. If, at the conclusion of the investigation, the Corporation determines that it will take action under paragraph (5) of this subsection, it shall notify the recipient, grantee, or contractor of its right to request a hearing. A hearing must be requested not later than 30 days after receiving the notification.".

Page 14, strike lines 7 through 12 and insert the following:

"(C) that the personal privacy of eligible clients could be adversely affected by the public disclosure of records or documents obtained in connection with monitoring under paragraph (1) or an investigation pursuant to section 1006(b)(1)(A); and".

Page 36, strike line 23 and all that follows through page 37, line 17.

Page 37, line 18, strike "(b) TIMEKEEPING.—".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New York [Mr. FISH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment seeks to remedy a number of problems that are presented by the Judiciary Committee-approved version of H.R. 2039. Specifically, my intent is to ensure that the Legal Services Corporation [LSC]—through its Office of Monitoring, Audit and Compliance and its Office of Inspector General—will be able to effectively oversee the activities of Legal Services recipients and grantees. The purpose is to assure grantee compliance with applicable LSC regulations and guidelines as well as provisions of Federal law, and should not be controversial.

Mr. Chairman, I have been a supporter of the Legal Services Program since its inception. It is important that we are here today to take action on a Legal Services Corporation reauthorization bill. As my colleagues know, it has been many, many years since the Legal Services Corporation has been reauthorized. Unfortunately, over the years we have turned to the appropriations process as the means of extending the life of the Legal Services Corporation and its activities. I am pleased that we are here today prepared to deal with this in the appropriate, policy-making fashion.

Turning again to my amendment, allow me to further explain its purposes. As reported by the Judiciary Committee, H.R. 2039 would impose rigid, time-based deadlines on investigations conducted by the monitoring and compliance section of LSC and the inspector general's office. Specifically, the bill requires that such investigations be completed no later than 90 days after their commencement. To place such an unrealistic and unnecessary deadline on the lifespan of investigations is impractical and counterproductive. My amendment would eliminate the arbitrary 90-day limit on such investigations. At the same time, it assures that recipients, other grantees and contractors will receive due process during the course of such investigations.

Second, the proposed bill before us would allow Legal Services Corporation recipients and grantees to co-mingle LSC funds with funds from other Federal sources and, most notably, non-Federal funds. Under current law, however, grantees are required to maintain separate records and accounts for those funds. Thus, the LSC is able to track Federal funds and identify their use in connection with certain activities, thereby insuring that such moneys are not used for activities that are prohibited by Federal law.

Under my amendment, the language of H.R. 2039 would simply return to the language of the current law. Specifically, section 1010(c) of the Legal Services Corporation Act would remain in effect. This provision (codified at 42 U.S.C. section 2996i) requires that the corporation and its grant recipients keep separate accounts for Federal funds and non-Federal funds. Thus, the corporation will be able to continue to assure full compliance with the law.

Finally, my amendment would eliminate language contained in H.R. 2039 that would arbitrarily restrict LSC and IG access to recipient-grantee payroll records, attendance records, and other relevant documents which are now subject to review and audit. This is achieved by eliminating certain language contained in section 6(c) of H.R. 2039.

Mr. Chairman, Federal Privacy Act (5 U.S.C. 552a) is designed to control the release of information by Federal agencies. It does not govern entities such as grantees and contractors separately from a Federal agency. It was not intended to prevent access by responsible Federal officials. It is a protection against disclosure by such officials. Similarly, State privacy laws were not intended to impede the ability of Federal agencies to assure that fraud, waste, and abuse do not occur in connection with the use of Federal funds. The language of my amendment, however, does make clear that monitoring by the corporation or the inspector general shall take into account the personal privacy rights of eligible clients and protects records and other documents in connection with such activities from public disclosure.

Recent Federal court decisions have upheld the right of access of the Legal Services Corporation to recipient program documents and records. *Multnomah Legal Services Worker's Union* v. *Legal Services Corporation*, 936 F.2d 1547 (9th Cir., 1991); *Lawyer's Union of Rural California* v. *Legal Services Corporation*, N.D. Calif. Case No. C-91-0442 (February 18, 1992). The case law lays down a bright-line rule: except for matters explicitly protected by the attorney-client privilege, the LSC is entitled to access to all recipient documents, so long as the Corporation's purpose is to ensure the recipient's compliance with the LSC act and the terms of the grant agreement. The rule is clear, simple, and workable.

Again, under my amendment the attorney-client privilege is respected. That is, the identity and personal privacy of Legal Services clients would be protected against needless public disclosure. But, at the same time both the inspector general's office and the Office of Monitoring, Audit, and Compliance would have the necessary access to grantee records to ensure legal compliance.

Mr. Chairman, as a supporter of the Legal Services Program, I believe in its goals and that it is needed. Poor and underprivileged individuals need assistance with legal problems they may face in areas such as divorce, child support, child custody, landlord-tenant, consumer protection, and so forth. Nevertheless, Congress must ensure that the Federal funds that are funneled through the Legal Services Corporation to the various recipients/grantees throughout the United States are used appropriately and fully consistent with legal requirements.

Mr. Chairman, I urge the adoption of my amendment.

The CHAIRMAN pro tempore. The committee will rise informally in order that the House may receive a message.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 96, No. 97, No. 98, No. 100, No. 101, and No. 102 on Wednesday, May 6, 1992. Had I been present on the House floor I would have cast my vote as follows:

Rollcall, No. 96—"yea" on the Chair's approval of the journal.

Rollcall, No. 97—"yea" on Mr. HUGHES' motion to suspend the rules and pass H.R. 3247.

Rollcall, No. 98—"yea" on agreeing to House Resolution 444 to provide for consideration of H.R. 2039, the Legal Services Reauthorization Act of 1991.

Rollcall, No. 100—"aye" on Mr. BROOKS' amendment to H.R. 2039.

Rollcall, No. 101—"no" on Mr. MCCOLLUM'S amendment to H.R. 2039.

Rollcall, No. 102—"no" on Mr. STENHOLM'S amendment to H.R. 2039.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. GIBBONS) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The committee will resume its sitting.

LEGAL SERVICES REAUTHORIZATION ACT OF 1991

The Committee resumed its sitting.

Mr. FISH. Mr. Chairman, I yield to the gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. Chairman, I am prepared to accept this amendment from the gentleman from New York [Mr. FISH], the distinguished ranking minority member of the Committee on the Judiciary, who has done so much to fashion and craft this legislation.

The amendment, reflecting the qualities of its author, makes moderate modifications to the investigations provisions in the committee bill. Unlike the broad sweep of the McCollum amendment of the use of funds, which we will be considering—and I will be opposing—next, the amendment of the gentleman from New York [Mr. FISH] makes moderate changes in the use of private funds, actually restoring the current law on this issue. The Legal Services programs have been able to live with that current law.

The amendment provision on privacy is also quite acceptable.

In the interests of achieving a middle ground, I urge my colleagues to accept this amendment.

Mr. FISH. Mr. Chairman, I thank my committee chairman very much for his graciousness.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Florida [Mr. MCCOLLUM] a member of the committee.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to rise to support this amendment. I am glad to see the committee chairman is accepting it. It is a very critical amendment. It does improve the bill; albeit it does not go as far as I would like to see or as we have discussed earlier, was not allowed to be offered as my amendment.

But what the gentleman from New York [Mr. FISH] is doing in part does restrict the problems we would have with privacy laws in States. I was very concerned, I still am concerned about the restrictions on monitoring. The fact is that the inspector general is worried about where you get 50 different States and 50 different laws out there involved in the process, what that is going to do to the ability of the organization, the national organization, to be able to look at these grantees and their paperwork in order to know if there is waste, fraud or abuse, or anything else.

□ 1730

So to the degree that Mr. FISH's amendment goes further than that, and one of the major things it does, to the degree it addresses that problem by exempting the inspector general from the onerous burden put on in the bill for compliance with the privacy acts of every State, I think it is a very, very good amendment.

However, I want to remind my colleagues that the inspector general still has problems, and has issued a letter to us saying that he does, because there are provisions in the bill that are not addressed by this amendment, that we have no amendment allowed out here on the floor to address, that apply all of the rules and ethics procedures of every State bar association to restrictions on privilege to get at these documents, instead of having the canons of ethics apply nationally which do right now. We are going to wind up, probably, with an inability of the inspector general of the Legal Services Corporation from looking at materials even with this amendment.

But it is a good amendment, as far as it goes. I am very much for it. I am glad the gentleman from New York [Mr. FISH] offers it. I certainly think it improves the bill, at least in the areas he has addressed, and I thank him for offering it, and I appreciate it.

Mr. FISH. Mr. Chairman, if there are no other requests for time, I yield back the balance of my time.

The CHAIRMAN pro tempore. (Mr. MFUME). Is there a Member in opposition to the amendment?

If not, the Chair will put the question.

The question is on the amendments en bloc offered by the gentleman from New York [Mr. FISH].

The question was taken; and the chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 410, noes 2, answered "present" 1, not voting 21, as follows:

[Roll No. 105]

AYES—410

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clay
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Coble
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Collins (IL)
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McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McMillan (NC)
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Moody
Moorhead
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Morella
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
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Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
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Porter
Poshard
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Ramstad
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Ray
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Richardson
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Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
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Rowland
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Sanders
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Santorum
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Saxton
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Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
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Sikorski
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Slattery
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Smith (FL)
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Taylor (MS)
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Thomas (CA)
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Thomas (WY)
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Upton
Vander Jagt
Vento
Visclosky
Volkmer
Walker
Walsh
Waxman
Weiss
Weldon
Wheat
Williams
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Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Cardin
Washington

ANSWERED "PRESENT"—1

James

NOT VOTING—21

AuCoin
Boxer
Broomfield
Brown
Byron
Campbell (CA)
Conyers
Kolter
Levine (CA)
McDade
McHugh
Moakley
Mrazek
Murtha
Rangel
Valentine
Vucanovich
Waters
Weber
Whitten
Yatron

□ 1742

Mr. GRANDY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 16 printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. McCOLLUM: Page 37, strike lines 1 through 17 and insert the following:

"(c)(1) Any non-Federal funds received by the Corporation, and any funds received by any recipient from any source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds. Any funds so received, including funds derived from Interest on Lawyers Trust Accounts (IOLTA), may not be expended by recipients for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1991. The Corporation shall not accept any non-Federal funds, and any recipient shall not accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of such funds that the funds may not be expended for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1991.

"(2) Paragraph (1) shall not prevent recipients from—

"(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending them in accordance with the specific purposes for which they are provided; or

"(B) using funds received from a source other than the Corporation to provide legal assistance to a client who is not an eligible client if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1991 (other than any requirement regarding the eligibility of clients).".

Page 39, line 2, strike "has a single identity" and insert "or otherwise, has a significant identity".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, this is an amendment dealing with the use of non-Federal funds to circumvent the restrictions that we have placed in the law on the activities of Legal Service Corporation lawyers. It does not probably appear to many people as to what these circumventions are all about, but the fact is that we pass restrictions here in this body and have over the years and are doing it today, and they are frankly worthless, they are meaningless, unless we come in with something that will keep these lawyers from using non-Federal funds from either bar associations or cities or counties or wherever they are getting the money to go out and do the very things we say they cannot do. This make no sense to me.

That is what my amendment is all about, is to just say, "Hey, look: for anything that this Congress says you can't do with Federal money, then you, as long as you are a Legal Services grantee of the Federal program, you cannot take outside money and go do the same thing wearing that hat. If you want to go under another hat and under another nonprofit corporation or whatever and do those activities, fine. But don't wear our hat, don't do what the public has and expects us to uphold in the way of restricted activities."

I would like to read my colleagues the broad areas which we have restricted.

Right now under law, and we may have variations on it, but these are the things that are restricted, the types of cases where Federal involvement of Legal Services lawyers is restricted by Federal law: Criminal cases, redistricting cases, certain restrictions on class-action cases, restrictions on abortion cases, restrictions on fee-generating cases, they cannot take them. Restrictions on handling cases on eviction of convicted drug offenders in public housing.

We also have restrictions on the activities for which the funds may be used. We cannot have activities involving partisan polities, voter registration, certain lobbying activities, solicitations, inciting litigation, political training, picketing, boycotts, the recovery of attorney's fees, and so on.

Now, all of those are logical restrictions we placed in the law already. I am not talking about anything today that we may have been debating, amendments that might have been proposed, ideas I might have generated out here today to try to add to those restrictions.

These are the restrictions that exist today. These are what were in the law either in the form of the last time we authorized this bill years ago, or through the process of the riders that have gone on the appropriation bills through the intervening years.

These are the restrictions. These are what we say. Many of them, many restrictions that we do not want Legal Services lawyers doing. We do not want them doing these things for varying reasons of public policy.

Now, why should we be allowing them to escape that. Why should we be allowing these Legal Services lawyers under our program, a Federal program we created, why should we be allowing them to do all of those things?

Mr. Chairman, why should we be allowing these attorneys that are our attorneys out there in the field representing our Federal program, we created with Federal money, why should we be allowing them to completely circumvent all of the restrictions we have passed in law by using non-Federal moneys and saying, "Well, we are just going to go do that?"

I have no problem with iota bar funds being used by the local organizations that are out there, as long as they are doing things which we have not said you cannot do.

I have no problem with the iota bar funds or municipal moneys being used to do things we said you cannot do, as long as they are doing it under somebody else's name. Set up another organization.

In my home county we have a fine legal aid society of the Orange County Bar, which operates side by side with the Legal Services Corporation. They do the bidding of the Orange County Bar Association, some 2,000-plus attorneys. They do a fine job. Both of them do great jobs and complement each other.

If you want to have lawyers doing things that we have said do not do, then set up another structure to do it. It is not very costly to do, and it certainly is a more responsible method than this one, which makes a sham out of the restrictions we have on all these things we restrict.

It is absolutely a sham to have the same lawyers wearing the Legal Services hat of X, Y, or Z Legal Services Corporation going out and doing the very things we have said you cannot do, and then saying, "Oh, but I did them because I had some other source of funds that allowed me to do that."

I could go lobby all that I wanted to lobby in Washington or Tallahassee for whatever purpose, even though I am restricted on it, it does not matter, because I am using dollars I got somewhere else while I am wearing this hat.

That is an absurdity. My amendment simply corrects this absurdity and loophole and makes the restrictions we have meaningful. Otherwise there is no point in any of the restrictions we have passed.

It is nice to say we do not want Federal funds used for this. This is a Federal program. This was a federally created program. It would not exist but for the Federal Government.

Where it is a Federal program that is involved, we have every right to monitor it and hold people accountable for it. They are using the color of our name. When I go to a town meeting or you go to a town meeting, the public has every right to demand us to explain why an attorney wearing the name of the Federal Government is out doing something we have said they cannot do.

□ 1750

I submit to my colleagues, we cannot explain that because there is money from somewhere else.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to make sure I understand.

I know how the gentleman defines this because the words define themselves, but how does the gentleman conceptualize significant identity of interest between what would be prohibited and what would not be prohibited?

I am concerned, and I do not think the gentleman from Florida wants to do that. I want to make sure that part of the colloquy would satisfy me, that that is not the intent of the gentleman.

For instance, if we have a church, and a large law firm and several other organizations out in the community that all adopted different programs on behalf of the poor and one had a breakfast program or lunch program for senior citizens, one had pro bono lawyers, significant interests?

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, what we are talking about is a mirror corporation. They should not be allowed to set up another corporation, same board of directors, everything, and then have a mirror corporation in the sense that we have in corporate law.

We are not talking in terms of anything else.

I am glad the gentleman asked me so we can have a colloquy defining that so there is a history on the floor of that.

That is all we are talking about in terms of that.

The main thrust of my amendment is not to do with mirror corporations.

I want to be sure everybody understands that. That is an adjunct to this to make sure we do not have something out there trying to circumvent it through that type of thing.

The main thrust is what I have stated it is. I do not want to see the main corporation using other moneys to do the things we have restricted. That is the purpose of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. MFUME). Is there a Member in opposition to the amendment?

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment, which the Committee on the Judiciary rejected by a vote of 12 to 21.

Congress has placed restrictions on how moneys it appropriates can be spent by Legal Services Corporation programs. These restrictions do not mean that other legal activities by the programs are somehow unimportant, improper, or inappropriate. They do not mean that eligible poor people have no other claims worthy of legal assistance. They merely reflect the priorities that Congress has set for its dollars to this program.

Just as we in Congress have the right to say how scarce Federal resources will be spent by Legal Services programs, our colleagues in State and local governments should have that same right—they may have different priorities than we do here at the Federal level—priorities that also deserve to be served.

The same holds true for private funds. Private funding sources are often quite willing—I am glad to say—to lend assistance to providing for the legal needs of indigents in their communities. There is no Government expenditure involved in the donation of these funds; and we should not be tying their hands. At a time when more and more people are falling below the poverty line through no fault of their own, there is no reasonable explanation why we should not allow private donors to help in meeting the fundamental need to provide legal representation to the poor.

There are plenty of protections in H.R. 2039—strict accounting requirements, timekeeping, recordkeeping—to ensure that restricted Federal LSC funds will not be misspent or somehow mixed up with other sources of funds. In addition, we've already adopted the Fish amendment which restores current law on use of private funds. That current law has worked well, and we should draw the line here. I strongly urge the rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of the McCollum amendment.

Mr. Chairman—In establishing the Legal Services Corporation in 1974, Congress included prohibitions in the Legal Services Act that prohibit Legal Services grantees from engaging in various controversial activities. Because Congress recognized that recipients might use private funds as a way of circumventing the restrictions on certain activities, Congress explicitly applied the same restrictions on the use of non Legal Services funds.

Many local Legal Services programs currently, however, use Federal funds received from the Legal Services Corporation to raise additional private funds, or funds from private, nongovernmental sources. These Legal Services programs then use the private funds for their own purposes, including purposes that are forbidden by the Congress.

The McCollum amendment would maintain the current prohibition on private funds being used for prohibited activities and extend this prohibition to cover all public, non-LSC funds. Furthermore, the amendment makes it clear that people are free to set up financially and physically separate organizations that do not receive Federal subsidies that would not be subject to the limitations under the Legal Services Act.

The McCollum amendment is about good government. I urge my colleagues to support it.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. WASHINGTON], a member of the committee.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

A problem that I have with the amendment of the gentleman from Florida [Mr. McCOLLUM], I listened carefully to what he said. I think that he makes good points in terms of where he is attempting to direct us. But I think the analogy that we should use is that he is killing a mosquito with a shotgun.

This is too broad and it goes too far for the very reasons that I attempted to elicit in the question that I asked of the gentleman. I am glad the gentleman from Texas is also listening.

There are people out there that we have already prohibited from having the services that are available. Let us say some refugees that are taken in by a church and the church wants to support them. What this amendment does is require duplicity of effort rather than, say, that the Legal Services attorneys representing these people on a matter that is identical to the matter the church wants to represent them. The gentleman requires them to go get another lawyer to duplicate the effort, when it is cheaper to take the scarce resources that are available.

We know down in Texas how scarce the resources are. What is wrong, since we have already prohibited, we have become the board of directors for the Legal Services Corporation by the Congress' action. We have taken away most of the authority of the board that we created to make these decisions. But just use that example.

So we have some refugees from Timbuktu, and they have a claim because of some problems that legitimately—if they were not refugees, if they were not aliens—they would be within the confines of what we have said, whether it is eviction from some old rickety, worn-down apartments. We require the Legal Services attorney to take on certain people who fit within the definition of what we think ought to be their clients. We require the duplication of effort, instead of that church money going into the same pot to help fund the whole resources, which really helps us make up for the shortcoming of the resources the Federal Government is now providing. What we are doing is dividing the resources down and requiring two lawyers to do the work of one, that one lawyer could do.

I think that with the scarce resources we have available, we should not be doing that in this day and time.

□ 1800

Mr. WASHINGTON. Mr. Chairman, I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I think the gentleman probably misunderstands part of my amendment. I want to make sure he does not misunderstand it. My amendment does not prohibit the use of non-Federal funds or Legal Services lawyers to represent ineligible clients. It is an interesting twist involved in this, but we have made a big effort here to make sure we can still use these other IOLTA Bar funds, or whatever, to go represent the refugees or people who are not eligible under our laws as individuals to be represented.

The only thing my proposal does is restrict them from doing activities, representing the types of cases that are restricted, but they can represent the illegal aliens, for example, with IOLTA Bar moneys—or whatever else—and go and do a joint case like the gentleman has suggested.

Mr. WASHINGTON. Mr. Chairman, reclaiming the time that the gentleman gave me, if I understand correctly, and perhaps I do misunderstand, if they prohibit the use of private funds to do what they could not do with public funds, that is what the amendment does, is that correct?

Mr. McCOLLUM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman for yielding. I understood the thrust of his amendment to be that he was prohibiting the use by an LSC attorney with private funds to do that which he could not do with governmental funds. Is that correct?

Mr. McCOLLUM. Mr. Chairman, except, if I may reclaim my time, the restriction with regard to representing ineligible clients. They may still represent otherwise ineligible clients. They are simply restricted from doing the kinds of activities, the types of lobbying, or the activities that we prohibit, that we restrict, not the clients. That is a big difference.

Mr. WASHINGTON. If the gentleman will yield further, I see what he means. My example was inappropriate. Let me change the example to be one where the activity rather than the services rendered as a lawyer is considered, and would not the same example then be true with respect to the activity?

I am not quarreling with our right as a Congress to limit the activity of people that we hire, but I am quarreling with the fact that we are requiring a duplication of effort when there are good Samaritans out there in the community, such as church organizations. Why do we not let them supplement the fund, since we all agree we do not have enough resources to go around?

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, I understand the efficiency argument the gentleman is arguing, but it is because of the color of our law where we have restricted this, and I think that is paramount to the questions the gentleman raises of efficiency, because I think the problem is we do not want Legal Services lawyers doing this. We say they cannot, and the public thinks they are all ours. They think every time they go out they are wearing the imprimatur of Congress and they are Federal Government, and the public does not distinguish the difference.

My amendment is to protect that and to try to protect us from those accusations that have caused us so much trouble in funding Legal Services, to truly keep them out of those activities and keep the appearance, the appearance of impropriety, which is really what we are talking about here, from imbuing to these Legal Services lawyers in the eyes of the public, so we can get a better credibility to this system. That is the reason.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would advise those Members controlling the debate that the gentleman from Texas [Mr. BROOKS] has 10½ minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 3 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I rise in reluctant opposition to the amendment offered by my friend, neighbor, and colleague, Mr. McCOLLUM.

Recent events in Los Angeles have reminded us that much more must be done in America to secure and assure equal justice before the law.

As a fiscal conservative, I believe it is altogether appropriate that we try, whenever we can, to help provide such assurance without Federal tax dollars.

We do so in Florida through the Florida Bar Foundation, which supplements the resources provided for needed legal services by the Federal Government.

In many ways, these added resources have helped further the cause of equal justice for all. This has been especially so in the case of aliens who are not eligible for legal aid paid for with Federal funds.

Recently, in Lake County, in Mr. MCCOLLUM's district, a couple asked for help from legal services. Although they were not U.S. citizens, their daughter was. The daughter was severely retarded. She had been raped and was pregnant. She bore the child, a baby boy, but was unable to care for him. With non-Federal funds, legal services lawyers filed a guardianship motion on behalf of the grandparents, kept the family together, and kept the daughter and the child from becoming wards of the State. This could not have been done under the McCollum amendment.

Recently, too, in nearby Osceola County, in my district, a pregnant illegal alien asked for help from Legal Services. She needed prenatal health care. With non-Federal funds, legal services lawyers found a place for her in a local clinic and she had a healthy baby, an American citizen. This could not have been done under the McCollum amendment.

And recently as well, in Osceola County, another woman who was not a citizen asked for help from Legal Services. She and her children needed protection from a violent and abusive husband, with non-Federal funds, legal services lawyers secured a temporary restraining order. This could not have been done under the McCollum amendment.

I believe that we have every right to determine how Legal Service lawyers in Florida and elsewhere use Federal funds. I do not believe that we should impose the restrictions of the McCollum amendment on the use of non-Federal funds. And I do not believe that the cause of equal justice under the law in America would be served at all by such restrictions.

Vote "no" on the McCollum amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to simply say that as much as I respect the gentleman from Florida, the point I was making to the gentleman from Texas [Mr. WASHINGTON] is en point to what was just said, and I hope the gentleman from Florida [Mr. BACCHUS] would listen to me on this because every one of the case examples he gave, as I understand his giving them to me, would be eligible under the McCollum amendment.

If one has an ineligible client, Mr. BACCHUS, they could still under the McCollum amendment be able to use non-Federal funds and be able to do the things described, like in the divorce case. I do not prohibit the use of non-Federal moneys.

Mr. BACCHUS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I am glad to yield to the gentleman from Florida.

Mr. BACCHUS. I would say to the gentleman that I have consulted with our staff on that very issue and asked them that question, and they have told me that despite the assurances of the gentleman from Florida [Mr. MCCOLLUM] to the contrary, his amendment would prohibit such activities.

Mr. MCCOLLUM. I am sorry the gentleman feels that way, or his staff does. They obviously have not read this properly. We have been very careful in how we have crafted it. I would be glad to sit down with him or his counsel and go over the details. We have made sure that every person who is not eligible, particularly illegal aliens, will continue to be able to be represented by Legal Services lawyers with non-Federal funds. It is just a question of their not being able to do abortion cases or doing lobbying cases or doing those kinds of things and activities that we have said are not permissible. I think that is exceedingly important. We have not delved into the other activities in representing noneligible clients. So every example the gentleman gave, unfortunately, is inapplicable to my case.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I rise in support of H.R. 2039 and in opposition to the McCollum amendment, and any other amendment that attempts to restrict how local and State governments use their own non-Federal funds to provide legal services for the poor.

This amendment would be a radical departure from both H.R. 2039 and the current law, which impose no restrictions on public funds so long as they are used for the purposes for which they are provided. Neither we in Congress nor the Legal Services Corporation should be permitted to tell other public funders how to spend their resources.

In my State of Florida, the largest source of non-LSC public funds for civil legal assistance comes from interest on lawyers' trust accounts, or IOLTA. In 1981, led by the organized bar, and I am proud to say that I was one of the original petitioners to the Supreme Court, Florida became the pioneer in developing these resources. It implemented the first program in the Nation that permitted attorneys to place trust funds into a pooled interest-bearing account. The pooled interest is remitted by the banks to the Florida Bar Foundation, which allocates funds to 44 different programs.

I believe the Fish amendment takes care of the accounting procedures and segregates these funds. Between 1981 and 1990, the Florida IOLTA program raised almost $22 million, allocating over $18 million to support legal services for the poor. During 1991, IOLTA raised an additional $19.8 million, and building on Florida's success, the District of Columbia and 48 other States now have their programs, and it has raised over $280 million.

Because LSC funds meet only a small fraction of the acknowledged legal needs of our Nation's poor, we should encourage, not curtail, their further development. I strongly urge that we defeat the McCollum amendment.

□ 1810

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment. It seems to me that at a time in our history when the funds for support of so many laudable public projects is so limited, and faced with so many problems with regard to our deficit and our national debt that we would want to do so much to help people in this country supporting programs like Legal Services. We have in so many instances reached out our hands and said to the community at large, both the State and local government and the private sector, "Come, join in the enterprises that are going to strengthen our communities and provide the basic services that people are entitled to have."

In so doing, in creating the Legal Services Corporation we have invited the bar associations, the private attorneys to create special programs like the interest-bearing trust accounts which have been committed to the services of legal programs for the poor. In doing that, we would want to invite the widest latitude of participation.

If we begin to start limiting how these programs that are to be joined together with the Legal Services Corporation, then we will cut them out, we will discourage them. This is not an attempt to circumvent the laws and the restrictions that have been put on the program by the Congress or by the Appropriations Committee. That is certainly not the intent. The intent is to make this program grow, double and triple, and to get all of the private funds and all of the bar associations and all of the State funds that can possibly be put in to service the poor.

The restrictions that are in the legislation are not intended to be standing out there as things that lawyers ought not to do. It is only that the Congress has seen fit to restrict and to confine the activities of the lawyers, and these restrictions have no bearing whatsoever on the practice of law and the entitlement of the poor to legal services in our community. And I hope that

Members will vote down this amendment.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would state as a point of clarification and advise the Members that although the amendment under discussion is that of the gentleman from Florida [Mr. MCCOLLUM], the right to close debate is reserved by the gentleman from Texas [Mr. BROOKS], as the manager of the bill.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me the time and for his leadership in bringing this legislation to the floor.

Mr. Chairman, I rise in opposition to this amendment. Let us be clear what this amendment proposes to do. This amendment would extend prohibitions on the use of Legal Services Corporation [LSC] funds to cover non-Federal funds, so that LSC agencies would be prohibited from handling certain kinds of cases, funded. In other words, we would be telling these agencies which are trying to provide poor individuals with legal assistance what they can do with the money they obtain from non-Federal sources.

Mr. Chairman, Congress should not interfere in decisions by those willing to give private financial support to attorneys working for the poor on how to allocate their funds and with whom to contract.

Members who believe that the Federal Government must do more to encourage private and local funding for all types of community activity should oppose this amendment. If this amendment were to pass, public and private sources would be discouraged from making any donations to LSC agencies.

Members who argue that the Federal Government should interfere less with programs at the local level should also oppose this amendment. By dictating what can be done with their money, this amendment would constitute an unacceptable infringement on the prerogatives of public funders, such as the interest on lawyers trust accounts funds [IOLTA], which are willing to give financial support to lawyers working for the poor.

Other public funders should be free to adopt goals and purposes that are different from those adopted by Congress. Indeed, it can be argued that dictating how non-Federal monies are spent abridges the free speech of the legal services agency, by restricting what it can do and how it can advocate with those non-Federal funds.

Mr. Chairman, one type of case that this amendment would prevent legal services agencies from pursuing is the fee-generating case. Fee generating cases from non-Federal sources fulfill two worthy goals: Enforcement of civil rights laws, and a source of revenue used to expand services for the poor and indigent. The major civil rights statutes have fee clauses in them. They are the Federal Government's incentive to encourage private enforcement of the Civil Rights Act. To deny legal services agencies this right is to deny access to competent legal counsel for those who seek to remedy discrimination.

Mr. Chairman, why should Congress single out legal services and the poor that they serve for these severe restrictions, denying them the use of private and public funds that it has permitted other organizations receiving Federal funds to use without any restriction? If the non-Federal sources are dissatisfied with the way that money is spent, let them take that up with legal services agencies—do not make the Federal Government do their job.

Again, I urge my colleagues to vote against the McCollum amendment.

Mr. BROOKS. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I want to thank the chairman of the committee for yielding me this time.

Mr. Chairman, I rise in opposition to the McCollum amendment. The Federal help for poor people legal services has been diminishing since 1981. The gentleman from Florida properly points out that this is a Federal program, but it has been a reduced Federal program since 1981.

In many States, including my State of Maryland, the amount of non-LSC funds exceeds the amount of LSC funds in providing legal services to our poor people. So we are actually doing better with our private poor funding sources than with the Federal Government. This amendment, if it were adopted, would have a very chilling effect on the locals' ability to raise funds to help poor people, and we do not want to do that.

There is already protection in this bill, as amended, to protect against misuse of Federal funds. We make sure that that is included in the bill. But this amendment goes a lot further.

I am surprised to see so many Members ready to stand up about undue regulation against business, but this amendment would have undue regulation on our States, on the use of their own funds.

I urge the Members of this Committee to reject the gentleman's amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself my remaining time to close the debate on my side.

Mr. Chairman, this debate has certainly become a little confused, and I think we ought to straighten it out right here and now.

There is nothing about my amendment, absolutely nothing that would prohibit or restrict Legal Services Corporation grantees from accepting IOLTA bar funds or funds from municipalities or any other sources to do the activities that they normally would do in representing clients, and it is wonderful that Florida and other States have adopted the process to get all of these new moneys into the services of the poor.

But let me tell Members something else. If they do not vote for the McCollum amendment, a "no" vote on the McCollum amendment is a vote to allow Legal Services lawyers to engage in partisan politics, it is a vote to allow Legal Services lawyers to engage in political training, it is a vote to allow Legal Services lawyers to engage in reapportionment, redistricting activities, and it is a vote allowing Legal Services attorneys to engage in abortion cases. It is all of those things. A vote against the McCollum amendment will allow that. Members must vote "yes" on the McCollum amendment if they want to prohibit Legal Services lawyers from doing those things that we traditionally have prohibited them from doing. Otherwise they will be free to do it, and any other language in this bill is a mockery about restricting them from those activities.

So, I urge my colleagues, think about it a minute. If Members are opposed to letting Legal Services lawyers be engaged in politics, in political training, in picketing, and boycotting, in redistricting activities, and in abortion, then by all means if they are opposed to that they must vote for the McCollum amendment. Otherwise they will be in the streets doing exactly that. They have a free hand to do it, and I urge a "yes" vote for those restrictions to be enforced.

Mr. BROOKS. Mr. Chairman, I yield my remaining 1 minute and 45 seconds to the distinguished gentleman from Minnesota [Mr. RAMSTAD] to conclude the debate on our side.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, as a member of the Administrative Law Subcommittee, which has jurisdiction over the Legal Services Corporation, I rise to offer my opposition to the amendment.

Mr. Chairman, appropriations riders currently prohibit using Legal Services Corporation dollars to provide legal representation for indigent refugees and other aliens. However, an amendment I authored that was adopted by the Judiciary Committee, will continue the current practice of allowing private funds to be used for representation of these individuals.

This provision ensures that many needy people will be provided quality legal representation, while protecting the freedom of local United Ways, foundations, and other private funding sources to decide how funds are to be used.

These immigrant and refugee clients have presented some of the most desperate and heart-wrenching cases seen by Legal Services attorneys.

In Minnesota, for example, Southern Minnesota Regional Legal Services has received $500,000 from a consortium of eight foundations and corporations to provide civil legal services to Cambodian families who have settled in our State. Approximately one-half of these cases involve representation of Cambodian families currently living in refugee camps in Thailand who seek to reunite with Cambodians living in Minnesota.

There is strong support in the State of Minnesota for legal assistance to these refugees. This is demonstrated by the broad base of financial support from foundations, corporations, churches, private agencies such as Catholic Charities and United Ways, State and local governments, as well as the Minnesota State Bar Association.

While I recognize that fiscal realities require us to prioritize the use of Federal Legal Services dollars, we should not turn down refugees who desperately need representation when private groups are willing to provide funding to represent these individuals.

As now drafted, H.R. 2039 will ensure that many needy people who are ineligible for Legal Services Corporation funds will be provided quality legal representation through the generosity of local United Ways, foundations, and other private funding sources.

Mr. Chairman, this is a sound bill to provide responsible funding for Legal Services, while ensuring accountability on the part of local Legal Services programs.

I urge my colleagues to reject the McCollum amendment.

The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendments en bloc offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 257, answered "present" 1, not voting 20, as follows:

[Roll No. 106]

AYES—156

Allard
Allen
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kanjorski
Kasich
Kolbe
Kyl
LaFalce
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Porter
Pursell
Quillen
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mink
Molinari
Mollohan
Moody
Moran
Morella
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—20

AuCoin
Beilenson
Boxer
Broomfield
Byron
Campbell (CA)
Kennedy
Kolter
Levine (CA)
McCurdy
McDade
Mineta
Moakley
Murtha
Ortiz
Valentine
Waters
Weber
Whitten
Yatron

□ 1842

The Clerk announced the following pair:

On this vote.

Mrs. Byron for, with Mr. AuCoin against.

Messrs. GALLO, DE LA GARZA, and WILSON changed their vote from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BROOKS. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LEWIS of Georgia) having assumed the chair, Mr. MFUME, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 429

Mr. GUARINI. Mr. Speaker, I ask unanimous consent that the name of the gentleman from North Carolina [Mr. McMILLAN] be taken off as a cosponsor of House Joint Resolution 429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION. 287, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1993

Mr. PANETTA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GRADISON

Mr. GRADISON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. GRADISON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on House Concurrent Resolution 287, the current budget resolution for fiscal year 1993, be instructed to include in the conference report the provision in section 14 of the Senate amendment (relating to the adoption of a joint resolution to amend the U.S. Constitution to require a balanced budget).

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GRADISON] will be recognized for 30 minutes, and the gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion instructs the House conferees to agree to language contained in the Senate budget resolution recommending adoption of an amendment to the Constitution regarding a balanced budget and requiring the President to submit balanced budgets.

My motion does not embrace any particular resolution or proposal. Several competing plans have garnered substantial support in both Houses. The motion to instruct simply offers an opportunity—the first opportunity in the 102d Congress—for Members to vote on the general proposition of a balanced budget amendment to the Constitution.

This is a propitious time to consider a balanced budget amendment. A conference agreement on the fiscal year 1993 budget will soon be brought back for a final vote. It will recommend total Government spending that exceeds recommended total revenues by about $330 billion, give or take a couple of billion. As a result, by the end of fiscal year 1993, the public debt will stand at a staggering $4½ trillion. Just paying the interest on this debt will consume one out of every six dollars spent by the Federal Government.

This simply must not be allowed to continue. Any mainstream economist will tell you that deficit spending drives up interest rates, saps private investment, and creates balance of trade problems. Over the long term, chronic budget deficits retard the growth in productivity essential to improve living standards. Ultimately, deficits foist the obligation of paying for our current consumption onto the shoulders of future generations.

A balanced budget amendment would fundamentally change the calculus by which Congress makes spending decisions. It would counter the natural tendency to vote for spending increases in individual programs benefiting parochial interests that, taken together, undermine the general economic welfare.

I do not lightly support amending the Constitution. I share James Madison's aversion to trivial amendments to the Constitution. But the dangers inherent in amending the Constitution must be weighed against those of large and continuing deficits. The dangers of deficit spending are truly Madisonian in proportion; continual large deficits undermine the very social contract the Constitution sought to preserve.

This motion to instruct will serve as a test vote on the generic notion of whether the House will support a balanced budget amendment. I urge my colleagues to vote "yes."

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

Mr. GRADISON. Mr. Speaker, I am happy to yield to the gentleman from Texas, the distinguished chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Speaker, I would like to have a little bit more elaboration on the Senate language. Is that a sense-of-the-Congress?

Mr. GRADISON. Mr. Speaker, it is a sense-of-the-Senate. The essence of the language—let me read it, just one sentence.

I quote from section 14 of the Senate budget resolution:

> It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and requiring the President of the United States to annually submit a balanced budget and that the adoption of such joint resolutions should occur on or before June 5, 1992.

Mr. GONZALEZ. I thank the gentleman.

Mr. GRADISON. I thank the gentleman for his inquiry.

□ 1850

Mr. PANETTA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this instruction deals with language that the Senate inserted in the budget resolution. It is sense-of-the-Senate language, and the Senate should adopt a joint resolution proposing an amendment to the Constitution, and the adoption of such joint resolution should occur on or before June 5, 1992. Frankly, I anticipated that it would be the position of the House conferees to yield to the Senate so that they could decide what language they wanted to include with regards to this sense-of-the-Senate language. We normally, with deference to the other body, allow them to insert whatever sense-of-the-Senate language they wish to insert.

So, Mr. Speaker, it is not my intention to oppose this motion to instruct. Let me just say though, on behalf of the House, that we are, in fact, engaged in hearings now in the Committee on the Budget, looking at the issue of a potential balanced budget. We have had hearings that involve economists. We have had representatives from OMB. We had Director Darman from OMB today. We have had CBO. We will have academics, we will have Members, we will have Governors, and we will have legal experts. This is an issue that needs to be carefully considered. This is a serious step, and we need to evaluate its implications for the Constitution, as well as for this body.

It is very likely that, with regards to the House, we will also face a similar vote with regards to a constitutional amendment early this summer, but this specific language, just so everyone understands, applies to a sense-of-the-Senate language.

Mr. Speaker, I yield back the balance of my time.

Mr. GRADISON. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. LEWIS of Georgia). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. GRADISON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 66, answered "present" 1, not voting 45, as follows:

[Roll No. 107]

YEAS—322

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bennett
Bentley
Bereuter
Bilbray
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fawell
Fazio
Feighan
Fields
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—66

Abercrombie
Alexander
Andrews (ME)
Berman
Blackwell
Bonior
Brooks
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Dixon
Downey
Edwards (CA)
Evans
Fascell
Foglietta
Ford (MI)
Frank (MA)
Gonzalez
Green
Hayes (IL)
Hertel
Hughes
Jefferson
Kanjorski
Matsui
McHugh
Miller (CA)
Mineta
Mink
Mrazek
Nagle
Oberstar
Owens (NY)
Payne (NJ)
Pease
Pelosi
Perkins
Rahall
Rangel
Roybal
Russo
Sabo
Sanders
Savage
Scheuer
Schumer
Serrano
Smith (FL)
Smith (IA)
Solarz
Stark
Stokes
Towns
Unsoeld
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Wolpe

ANSWERED "PRESENT"—1

Cardin

NOT VOTING—45

Ackerman
Annunzio
AuCoin
Bateman
Beilenson
Bevill
Bilirakis
Boxer
Broomfield
Brown
Byron
Campbell (CA)
Coughlin
Darden
Davis
Dymally
Fish
Flake
Gekas
Hayes (LA)
Horton
Jenkins
Kennedy
Kolter
Lehman (FL)
Lent
Levine (CA)
Lewis (FL)
Mavroules
McCurdy
McDade
Michel
Moakley
Moran
Murtha
Olin
Roe
Tallon
Valentine
Waters
Weber
Weldon
Whitten
Yates
Yatron

□ 1916

Messrs. SERRANO, FOGLIETTA, NAGLE, OWENS of New York, SOLARZ, SCHUMER, and CONYERS changed their vote from "yea" to "nay."

Mr. EWING changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER (Mr. LEWIS of Georgia). Without objection, the Chair appoints the following conferees: Messrs. PANETTA, GEPHARDT, OBERSTAR, GUARINI, DURBIN, ESPY, KILDEE, BEILENSON, HUCKABY, SABO, GRADISON, MCMILLAN of North Carolina, THOMAS of California, ROGERS, HOUGHTON, and MCCRERY.

There was no objection.

PERSONAL EXPLANATION

Mr. MAVROULES. Mr. Speaker, unfortunately, I was misinformed as to when the House would be taking rollcall No. 107. Had I been present for that vote, I would have cast my vote in the affirmative.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, due to the events in Los Angeles, and in particular the 29th Congressional District, I was unavoidably detained during regular business on May 6. Had I been present for the votes I missed I would have voted as follows:

Rollcall vote 96: "Yes."
Rollcall vote 97: "Yes."
Rollcall vote 98: "Yes."
Rollcall vote 99: "Yes."
Rollcall vote 100: "Yes."
Rollcall vote 101: "No."
Rollcall vote 102: "No."
Rollcall vote 103: "Yes."
Rollcall vote 104: "No."
Rollcall vote 105: "Yes."
Rollcall vote 106: "No."
Rollcall vote 107: "No."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-514) on the resolution (H. Res. 447) providing for the consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1991 AND INVENTORY OF FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES BY FEDERAL DEPARTMENTS AND AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1991 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

WAIVER OF APPLICATION OF SUBSECTIONS (a) AND (b) OF SECTION 402 OF TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–327)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan required by section 402(c)(2)(B) of the Act. This message constitutes the reports to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

MR. PRESIDENT, HELP US HEAL

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NAGLE. Mr. Speaker, at this time of national anguish, America needs its President to help us heal, to help us get over the pain, and begin to rebuild a community of opportunity, hope, and peace.

But President Bush seems incapable of rising above politics, even now. Reflexively, after 12 years of neglect from the White House, he points the finger at Congress.

The President must be listening to the wrong advisers again. He should listen to the Chairman of the Joint Chiefs, Colin Powell, who spoke movingly of the unrest during Fisk University's commencement Monday.

General Powell spoke about his pain, but he also spoke about his hope, and about community.

He said:

> We have an American problem. It can only be solved by all Americans working together.

He articulated the truth clearly:

> Divided, fighting amongst ourselves, walking separate lines of diversity, we are as weak as newborn babies.

And he called forth the best in us:

> We must work it out. We must believe we can work it out. If I didn't believe to the depths of my heart that we could work it out, I wouldn't be able to call myself an American.

Mr. President, stop listening to the attack men. Listen to the wisdom of General Powell. Help us heal.

I am inserting Mr. Powell's remarks in the RECORD. I commend them to your attention.

REMARKS OF GEN. COLIN POWELL

Thank you, Mr. President, for that most kind introduction. It's a great pleasure to be with you all on this beautiful May morning.

Mr. President, Trustees of Fisk University, distinguished guests, platform guests, alumni, faculty, parents, family and, yes, graduates of the Class of 1992—it is a great day for you, isn't it! (applause)

Now, as you heard my biography being read, you know why I'm here today: I'm Alma Vivian's husband. (laughter)

I graduated after she did. I graduated from City College of New York in 1958. Before you start wondering about this, I'm older, she's smarter. (laughter)

The first issue I want to deal with this morning has to do with what's in the minds of the graduating seniors—the question that's in the mind of graduating seniors around this country at commencement time. And that is—How long is this guy going to talk? (laughter)

How long are we stuck here before we can get this on and be graduated and be on our way.

They want it short. Get it done. Let's go.

The parents however have a different view. That's right. They travelled a long way. (laughter) They waited for four years. They want their money's worth! (laughter). As far as they are concerned, I ought to be here an hour or two! (laughter)

Faculty members have a different idea. One of the faculty members surely was responsible for thinking up the idea of asking General Powell to come here. And he wants me to speak long enough so it looks like sensible decision, but not so long that he has to leave town before the next faculty meeting. (laughter)

Meanwhile, I'm stuck with the paradox of how long to speak. And it's going to be a function of how well you receive my remarks, students. So, if you are nice and receptive and if I hear a lot of applause, we'll be out of here quickly. (laughter and applause)

Coming here on the airplane, my staff showed me a little clipping out of the weekend newspaper. There was a picture of me next to this clipping.

The little article—it was in USA Today Magazine—and it said, "General Powell we know you're speaking at Fisk University. Don't worry about what you say because no one is going to remember what you say anyway."

I couldn't believe this!

So I asked Alma, "What did your commencement speaker say 35 years ago?" And she said, "Say what?" (laughter)

I said Alma, "Who was your commencement speaker 35 years ago?" (laughter) And she didn't have a clue.

Now, you are not going to embarrass me 35 years from now when I come back. So my name again is General Powell—P. O. W. E. L. L. (laughter and applause)

Alma may not have remembered who her commencement speaker was, but she certainly remembered other things about Fisk:

She told me how, as a 16 year-old when she arrived here she had never seen Fisk, so of course she was worried when she arrived on campus. But her worry and her concern disappeared at once because she fell in love with Fisk the moment she saw it. And the marvelous teachers and the superb education that they delivered increased her affection over the years.

And she told me about the way it was 35 years ago, about the dresses and the high heels the ladies wore to class, and about the handbook for the ladies which Fisk issued and which laid down the dress code.

She told me about the Oval and how it was the center of campus life, and about Jubilee Hall and about the Jubilee Singers touring all over the world.

She told me about the soldiers from Fort Campbell (laughter) and the medical students from Meharry—she said she had never seen so many good-looking men in one place at one time. (Laughter)

And finally, in her recollection of her college days, Alma Vivian let me know that she was utterly charmed by Fisk, and that the passage of 35 years had not dimmed the warm glow of love she feels for this wonderful place. I know your memories 35 years from now will be the same.

To the faculty and administration of Fisk University, my congratulations to you for having done it again, for having performed this magic one more time. The results of your work and the evidence of the talent and dedication that you brought to that work are sitting here before us. You must feel a great sense of pride along with the pride that the graduates and their families feel.

To the families—mothers, fathers, wives, husbands, children, sisters, brothers, grandparents, aunts and uncles, all assembled here today—I know what is in your hearts: love, pride—and relief! (Laughter)

Alma and I have attended two such commencements of our own and this coming Sunday we will go to our final commencement—for our daughter, Annemarie.

I'm proud to say—and very happy to say—that earlier this year I wrote the last check to a college after ten years of writing checks. Amen! (Laughter)

And of course to the graduates, my heartiest congratulations. Your accomplishments are soon to be rewarded. Your hard work, commitment, and perseverance have paid off. You can take enormous pride in your achievement. I know this will be a redletter day in your memories, a very, very special day for the rest of your lives.

This is a very special day for me also.

It's special because I get to look out over some of the most talented young people in America getting ready to march off and tackle the toughest problems this world can throw at them.

I have to marvel as I think back over the last 35 years at what an incredible world you are entering compared to the world Alma and I faced.

We graduated as the Cold War was heating up. Its lethal arsenals of nuclear weapons were growing ever more ominous. The world at that time seemed full of gloom and despair.

You graduate as that Cold War has ended and as finally we step back from nuclear Armageddon and cut those nuclear arsenals. You enter a bright, hopeful world full of promise and excitement.

We graduated as the shadow of Communism darkened whole sections of the globe.

You graduate as Communism lies dying. Its few remaining disciples are international basket cases.

We graduated as the chains enslaving Eastern and Central Europe were drawing ever tighter. They had even built a terrible wall in Germany.

You graduate as the power of the people has swept away the chains, torn down the wall, unified Germany, and put the dictators in Moscow out of business.

You graduate as democracy and the rule of law are sweeping more and more of the world into their embrace.

We graduated as Nelson Mandela stood trial for treason in South Africa. In 1964, he would be put in jail for what they thought was life.

You graduate with Nelson Mandela a free man! (applause) And he and President de Klerk and other enlightened leaders are working together to destroy apartheid once and for all.

I graduated to join an Army that was very large and getting ready to grow even larger. It was a Cold War Army.

You graduate as we are taking America's Army and Armed Forces to the lowest level in fifty years. This will be a post-Cold War force. We will spend less money on defense. We are going to pay a peace dividend to benefit other parts of our society.

Yes, the contrasts between the world you enter today and the world Alma and I entered many years ago, are stark indeed.

But perhaps nowhere is the contrast more stark than in the lives of African-Americans, then and now.

Alma and I graduated as the Civil Rights movement was beginning to gather steam under the forceful leadership of Dr. Martin Luther King, Jr. and others. African-Americans, lviing separate and unequal lives, were setting out to change the American scene.

You graduate as their efforts have resulted in a thousand successes—in legal rights, in housing rights, in education, in government and, yes, in my beloved Armed Forces.

The young black Captain just back from Vietnam 30 years ago who couldn't get a hamburger at a Georgia restaurant unless he went to the back window has become Chairman of the Joint Chiefs of Staff of America's Armed Forces. (Applause.)

Alma and I, and so many others here, lived through this struggle in which African-Americans finally began to win their full legal rights as citizens of America. We watched it happen. We were young adults like you when all of this change began.

And how did this change in the lives of black Americans, African-Americans come about?

It came about through the sweat and tears and sacrifice of thousands of African-Americans. It came about on the strong backs of black men and women who struggled mightily for our future.

As a member of America's Armed Forces, I climbed on those strong backs. I climbed on the backs of the Tuskegee Airmen, the Buffalo Soldiers, and other black military units, and on the backs of strong men, famous men like Benjamin O. Davis, Jr. and Chappie James.

Alma climbed on the strong backs she found right here on this inspired campus. And your President climbed on the strong backs he found in the fields of education, economics, and business and corporate management.

We all climbed hard. And all of us have to remember the brave people who went before and upon whose backs we climbed. All of us have to remember where we came from and what it was like then if we are to understand where we are heading and how to get there.

We also must remember that it could only have happened in America. America is the only country in the world that strives incessantly to make the dream of America the reality of America.

Last week's scenes from Los Angeles and a dozen other cities tell us vividly that we still have a long way to go before that dream becomes reality. (applause)

As I saw those pictures on my television set, my heart hurt. I know that your hearts hurt. I didn't want to believe what I was seeing.

Violence—by the police or by the mob—is not the answer. Our hearts hurt because of that violence. And our hearts hurt because as we watched the tragic events in Los Angeles unfold, we were thinking: No, not again. We can't let this happen again. It shouldn't be, we've come too far for this.

But it did happen. And we see once again what a long way we still have to go.

Because the problem goes beyond Rodney King. The problem goes beyond Los Angeles. It goes beyond the trial of those four officers.

The problem goes to the despair that still exists in the black community over the inability of black Americans to share fully in the American dream. (applause)

Too many African-Americans are still trapped in a cycle where poverty, violence, drugs, bad housing, inadequate education, lack of jobs, and loss of faith combine to create a sad human condition. A human condition that cannot be allowed to continue if this nation is to hold its rightful place in the world.

We have an American problem. It can only be solved by all Americans working together.

As Rodney King himself said so powerfully the other day:

"Please, we can get along here. * * * We've just got to. * * * We're all stuck here for a while. * * * Let's try to work it out. * * * Let's try to beat it. * * *"

Ladies and gentlemen, I say to you we must beat it. We must work it out. We must believe we can work it out. If I didn't believe to the depths of my heart that we could work it out, I wouldn't be able to call myself an American.

We've gotten through tough times like this before:

In 1963, John F. Kennedy was assassinated. In April, 1968 Martin Luther King was gunned down in Memphis and our cities were in flames. Two months later, Bobby Kennedy was murdered.

The reason we were able then to overcome such tragedies is that we have a political system that can respond, that accommodates change, that is always moving forward.

The resilience of our system, our ability to change, our respect for human rights and respect for the rule of law help us to weather any storm, to overcome any difficulty. We can bounce back.

What we must never lose is faith. Faith that in the end right will prevail. Faith in the basic goodness of America and in the basic goodness of Americans.

We must remember that America is a family. There may be differences and disputes in our family but we must not allow the family to be broken into warring factions. (Applause)

In a few moments you will become members of that family. Here's what I want you to do:

First, I want you to believe in yourself. You have to know that you are capable, that you are competent, that you are good. Your family and Fisk University have seen to that. But you have to believe it. I want you to believe that there is nothing—nothing—you cannot accomplish by hard work and commitment. Let nothing or no one ever destroy that belief you have in yourself.

Second, I want you to believe in America with all your heart, with all your mind, with all your soul and with all your body. I've travelled around this world and I've seen a hundred countries and I've got to tell you there is no better place or system on earth than that which we enjoy here in America.

America is the hope and promise of the world. We are still, as Abraham Lincoln said, "the last, best hope of earth."

Third, I want you to find strength in your diversity. Let the fact that you are black or yellow or white be a source of pride and inspiration to you. Draw strength from it. Let it be someone else's problem, but never yours. (Applause) Never hide behind it or use it as an excuse for not doing your best.

We all have to live here together—Asian-Americans, African-Americans, Hispanic-Americans, all of us.

Divided, fighting amongst ourselves, walking separate lines of diversity, we are as weak as newborn babies.

Together, intertwining our many differences and diversities into a mosaic of strength, we will prevail over the darkness of racism. I want you to love one another, I want you to respect one another, see the best in each other. Share each other's pain and joy.

I want you to fight racism. I want you to rail against it. We have to make sure that it bleeds to death in this country once and for all. (Applause)

As you move forward, I want you to remember those who are still struggling. We must all reach back, we must all reach down, we must all work together to pull our people, to pull all Americans out of the violence, out of the dank and soul-damning world of drugs, out of the turmoil of our inner cities. As we climbed on the backs of others, so must we allow our backs to be used for others to go even higher than we have. (Applause)

Finally, I want you to raise strong families. I want you to create families and raise children who are God-fearing, who are loving, who are clean, and who are determined to do even better than their parents.

As you raise your families, remember the worst kind of poverty is not economic poverty, it is the poverty of values. It is the poverty of caring. It is the poverty of love. (Applause)

The other evening, Alma and I were privileged to be with Maya Angelou. She talked about her upbringing in Stamp, Arkansas. She told us something her grandmother had said to her many years ago. Her grandmother had said, "Girl, when you cross this threshold you're going to be raised."

So raise your children. Treasure them. Love them. They are our future. We cannot let the generation in front of us go to waste.

To look out at you gives me enormous hope. You look so competent, so strong, so young, so committed, so ready to take on the future, difficult times and all.

Looking at you gives me the same feeling of pride that I get when I look at our soldiers, our sailors, our airmen and Marines and Coast Guardsmen. I know when I see them that there is nothing they can't handle, no difficulty they can't overcome, no challenge they don't relish, no mission they can't perform.

Very soon you too will be soldiers. Soldiers in the exciting struggle of life. Soldiers for education. Soldiers for business. Soldiers for science. And, above all, soldiers for a better America.

I believe in this great land that God blessed and called America—because it is full of young men and women like you. Men and women who will keep this nation moving on down the road to glory, its beacon of freedom lighting up all the dark places of the world until there is no darkness left.

We're counting on you! We're counting on you!

Thank you so very much for letting me share this special day of your lives.

Congratulations, good luck, God bless you, and remember Fisk! (Applause)

□ 1920

F-15 SALE TO SAUDI ARABIA: GOOD FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 5 minutes.

Mr. INHOFE. Mr. Speaker, I rise today to address an issue that is sparking a fire of controversy in this Congress and in some parts of America. A few months ago, the Government of Saudi Arabia requested from the Bush administration the opportunity to purchase 72 United States built F-15 Eagle Fighters from the McDonnell Douglas Corp. That request has been held up by the administration because of opposition here in Congress—opposition which I feel is detrimental to our foreign policy interests, detrimental to our long-range economic interests, and detrimental to our employment interests in the United States.

Unfortunately the F-15 sale has thus far been pitting workers of America and the McDonnell Douglas Corp against the Jewish community. This is to some extent, leading to a degree of anti-Jewish sentiment among those workers who are anxious about their jobs.

As a long-time supporter of Israel I find that unfortunate. I want to assure this body that there are many in the Israeli community who agree with the sale. They feel that the only way to control the use of arms in the Middle East, is to be able to provide the arms and then control the parts necessary to operate those arms. Our European counterparts in Great Britain, France, and the Commonwealth of Independent States are more than willing to pick up were we leave off.

King Fahd of Saudi Arabia has said that "The kingdom of Saudi Arabia will develop its armed forces, whether the land forces, the air force or the navy as far as it can, and to the extent it believes it is adequate to stand up to any aggressor." Saudi Arabia could just as easily have asked for British Tornadoes, England's premiere fighter aircraft, but they ask for F-15's because they are superior.

A refusal to sell the aircraft will decrease our influence over other events in the region because aircraft supplied by other countries are not subject to the restrictions that we put on their use. In the same manner, only if we supply the planes will we be able to control the parts. Gen. H. Norman Schwarzkopf said on June 12, 1991 that "The Iranians had F-14's but they were totally ineffective in the Iran-Iraq war because the United States simply didn't supply the spare parts."

F-15's are different than older model fighters because many of the most critical components are made only in the United States. While there are many countries who could supply parts for planes like the F-4, only the United States could provide Saudi Arabia with the advanced semi-conductor technology and avionics needed to operate the radar equipment. Likewise, only the United States can provide the crucial engine technology needed to make the F-15 as maneuverable as it is.

McDonnell Douglas experts estimate that if the United States were to cut off the pipeline for parts to Saudi Arabia, their F-15's would be reduced to mere surveillance craft within 30 days. They would not be able to perform their fighter role for which they were purchased without U.S. assistance.

In the same way, many of the weapons used on the F-15's are manufactured and maintained solely by U.S. firms. The Saudis rely on contract maintenance. United States intelligence reports clearly confirm the size of the Saudi stockpile and the quality of those weapons and we can pull the plug on their use rather quickly. The impact of terminating their maintenance schedules would be clear and dramatic within 30 to 60 days.

On the domestic side, the sale of 72 F-15's would add $5 billion to the U.S. economy and keep the eagle production line up and running for at least another 5 years. In my district of Tulsa, OK we produce conformal fuel tanks, the Aft fuselage, and the AIM 120 launchers for the F-15's, products which are responsible for the employment of 750 people.

Nationwide we would lose 40,000 aerospace jobs in 2 years if we were to lose this sale to Great Britain, and let me assure the Members of this body that they are waiting. Ninety percent of all British built aerospace products go overseas and most of them to Saudi Arabia. They want nothing more than to keep that going.

Unfortunately, their interests are not always our interests. It is well known that the European philosophy toward arms sales is much different than ours here in the United States. There has been much documentation on recent European nuclear arms sales in the Middle East and the sales of high technology components to Iraq. So I urge Members of this body to be very cautious before making up their minds on this issue. I urge Members to consider the foreign policy impacts, the long-term economic impacts and employment impacts of not supporting the U.S. aerospace industry.

And, finally, I urge all who are concerned with the potential sale to recognize our only consistent friend in the Middle East—Israel. Many supporters of Israel agree that this sale offers the greatest protection of our security interest in the Middle East.

OPPOSITION TO THE ADMINISTRATION'S PROPOSED CUTS IN THE FEDERAL CRIME INSURANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise today to oppose the administration's proposed cuts in the Federal Crime Insurance Program. Since 1981, the Reagan and Bush administrations have repeatedly called for the elimination of this program which has provided affordable criminal insurance to tens of thousands of businesses and residences across the country since its inception in 1970.

On January 30, 1992, the Federal Emergency Management Association's Administrator for the Federal Crime Insurance Program proposed to eliminate Illinois from participating in the program. Illinois is the fifth largest participant in the plan and its inner city revitalization would be severely handicapped by the program's elimination.

As recent events have clearly proven, we can never anticipate when social unrest, such as that resulting from the Rodney King verdict, or a natural disaster, such as the 1989 earthquake in San Francisco, will lead to increased violence, looting, and arson. Although these criminal actions are inexcusable, they cannot be ignored.

The path of destruction must be replaced with the pavement of construction. Many times this can only be accomplished with the assistance of the Federal Crime Insurance Program. The program has historically provided much of the bricks and mortar for reconstructing those areas hardest hit by disasters.

The program helps rebuild our streets and revitalize our economy. Without this program, businesses and residents in cities like Los Angeles would be powerless and penniless to raise their offices and homes from the ashes and rubble left behind.

The Federal Crime Insurance Program has been a success story and source of strength for over 20 years. Now, more than ever before, I urge my colleagues to prevent the administration from jeopardizing its future.

THE CONTINUING PATTERN OF ENFORCED CENSORSHIP IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania [Mr. WALKER] is recognized for 10 minutes.

Mr. WALKER. Mr. Speaker, the pattern of enforced censorship continues in the House of Representatives. Yesterday we found out that the House Committee on Rules was unwilling to allow C-SPAN to cover a hearing concerned with the rescission package before it. We discovered then, after that incident, that earlier the Committee on Energy and Commerce had not allowed C-SPAN to cover one of their hearings, and then we found out later on that the House had taken upon itself to deny the author of a book, which book is critical of the Democratic majority in this House, to have a session in a room in the Rayburn Building where he was going to talk about the particular book.

Additionally, I think I properly understand that just a few minutes ago the House Committee on Rules again voted to keep the C-SPAN cameras outside of the House Committee on Rules, and did so on a party line vote, and did so for the entire next week.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, I am the ranking Republican on the Committee on Rules. I would say to the gentleman from Pennsylvania that I was outraged at what just happened upstairs, because yes, once again the Democrat majority on a party line vote has kicked C-SPAN off the air for these vital issues that might come before our committee next week.

We have 45 legislative days left before adjournment sometime in early October. That means that all of these critical issues can be coming before us next week and the week after. For example, the Resolution Trust Corporation bailout that is going to probably be in the neighborhood of $12 to $25 billion, those are things that the people want to see in that Committee on Rules.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, yesterday we had the explanation that some of these issues were too technical for people to understand. Maybe that is one that would be too technical for people to understand, as well.

Mr. SOLOMON. It is technical, but when it comes to tax dollars, the American people understand better than Members of Congress do.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I think that is a very important point which my friend, the gentleman from New York, has made. It seems that the point that was made is that the legislation is a highly technical matter. I think it is important for us to underscore that what we are talking about are spending and tax increases. And every single American can relate very closely to that.

□ 1930

We are not talking about some national security issue in the Intelligence Committee, we are not talking about some great, detailed secretive process which occasionally has to take place in this House. We are talking about tax increases and spending increases, and I thank my friend for yielding.

Mr. WALKER. Were there any Republicans who supported throwing the C-SPAN cameras out of the Rules Committee?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, we are outnumbered 9 to 4 on that committee, 4 Republicans, only 4 Republicans, and all 4 Republicans voted unanimously to open up the proceedings to the entire news media, not just the written news media, but the broadcast media as well.

Mr. WALKER. Were there any Democrats who opposed this kind of censorship?

Mr. SOLOMON. There were none. It was a unanimous party vote in the affirmative of the Democrat Party.

I could just read the votes.

Mr. DRIER of California. Mr. Speaker, will the gentleman yield just for a moment before he does that?

Mr. WALKER. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I think that it is very important for us to recognize that while the distinguished ranking Republican has said that the ratio is 9-to-4, we should point out that the ratio in the House of Representatives is roughly 60 percent Democrat, 40 percent Republican.

Mr. WALKER. So that is a stacked committee.

Mr. DREIER of California. Yet in this committee it is a 2 to 1 plus 1 majority 9-to-4 vote against us, and this committee is the vehicle through which every piece of major legislation must go before its get to the floor.

Mr. WALKER. Just so we understand, they are now using that super majority in order to keep the American people from finding out what the shenanigans are that are going on in the House of Representatives.

Mr. DREIER of California. Exactly.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding, because the gentleman is now getting to the nugget of the matter. The truth of the matter is the American people believe that when you are elected to Congress that somehow or another you ought to play a part in the direction of the legislation; that is, that you ought to be able to make an amendment, you ought to be able to be heard on the floor on a particular issue. The truth and the facts are, however, that the Rules Committee literally writes rules for consideration of the bill, and the rule will say that the House shall consider such and such legislation for 1 hour or for 2 hours, and there shall be one amendment, or there shall be no amendments, and it shall go on line 14, 6, 9, or it shall be by the gentleman from Montana, or whatever, and that denies other Members of Congress the right to say or do anything.

Now that is where the power is. And as the gentleman from California just mentioned on the makeup of the committee, the Rules Committee is the committee that decides what happens here, and it is made up of a ratio of 2 to 1 plus 1; that is, 4 Republicans to 8 plus 1 is 9 Democrats, so they write the rules the way they want them.

And the reason that we are here tonight is because the only time a Member of Congress, having been elected by a half million people to serve in this august body, the only time that that Member is permitted to speak is in what is called special orders, and that is why the Speaker of the House has ordered the C-SPAN cameras roam the Chamber during this time, because the rest of the time it is strictly controlled by the Rules Committee as to who can speak, and for how long, and what amendments can be made. This is the only time at which we can actually have a voice for all of the nearly 130 million Americans who have voted for us in the general election. So the reason that we are here is to say that we want the American people to know what is going on. We want the Rules Committee, which is the one that decides what happens here on the floor, to be open to the people, and if anyone has any respect for democracy, has any respect for the people who vote on and pay the taxes, if they have any appreciation for the fact that, as Thomas Jefferson said, a democracy has to be an enlightened electorate, in order for us to proceed and have the people know what is going on it is essential for the Rules Committee, the one that decides what happens here on the floor, to be open to the public. And that is why the time has come that the Speaker moved first of all to have the cameras roam during special orders in order to deny the Republicans the right to have their voice heard even after a session, and now they have moved for the final squashing, the final cutting off, the final blackout of what happens here in the Congress by denying cable to operate in coverage of the Rules Committee.

Mr. WALKER. What I suspect is the reason for this is that they have looked so bad the last couple of times that they have appeared on television; that is, the Democrats in the Rules Committee.

Mr. McEWEN. In the eyes of the public.

Mr. WALKER. In the eyes of the public, and the taxpayers, that they are unwilling to put themselves through that exercise anymore.

I have watched a couple of the proceedings on television. We do not get to go to the meetings, but I have watched them on television. They looked awful. They looked like people who were literally trying to shutdown democracy. When you would raise the question of open rules they would say, "No way," and so on. They looked terrible. They had to hear from the country that they looked terrible, and so I guess what is happening now is that they simply have decided to remove the cameras from the room.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield on that point?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say to both gentlemen, you know, from what the gentleman has viewed of the Rules Committee proceedings that have been carried on C-SPAN for the last year-and-a-half now there have been people writing in from all over the country outraged at what they are seeing up there. Just to give an example, the reason, the real reason that they shut down the Rules Committee from being shown on C-SPAN last week was because of the President's request.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

NATIONAL TOURISM WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize "National Tourism Week" and the importance of the visitor industry to our Nation's economy.

The travel and tourism industry is the Nation's third largest employer. It provides billions of dollars in travel tax dollars for local, State, and Federal public services.

Over 10 million travelers will be traveling in America today. Those travelers will be spending over $897 million on transportation, lodging, meals, and other goods and services—all before midnight tonight.

Day in, day out, tourism spurs economic growth. It preserves our Nation's history. It helps promote cultural understanding.

In my home State of Hawaii, over $10 billion in economic activity was generated by visitor-related expenditures in 1990. Hawaii's visitor industry feeds over 227,000 workers and their families.

I echo the National Travel and Tourism Awareness Council in exclaiming, "Tourism works for America!" National Tourism Week is an excellent opportunity to recognize that truth, and I ask my colleagues to join me in observing National Tourism Week.

THE CONTINUOUS PATTERN OF FORCED CENSORSHIP IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, as I was saying, the real reason that the Democrat majority wanted to kick C-SPAN out of the Rules Committee meeting is because the President of the United States has asked for a rescission of 224 so-called pork barrel projects. These are things that aggravate the American people. And under the rules of this House we have the right to vote on each one of those rescissions. Yet, under the rule after the press was kicked out we are now being prevented from voting on any one of those 224 pork barrel projects.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. There was a manure study in there, was there not? Was there not a manure study in there that the President wants to knockout of the spending? And what they are doing is preventing us from having a vote on whether or not we ought to spend taxpayer money studying manure.

Mr. MCEWEN. If the gentleman will yield, $120,000 for studying the disposal of manure, along with $200,000 for a study of Vidalia onion storage.

Mr. SOLOMON. Of what?

Mr. MCEWEN. Vidalia onion storage, and $100,000 for mesquite and prickly pear research, and the list goes on.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield, we are not going to be able to have the opportunity to vote on those because of action taken in the Rules Committee, is that correct?

Mr. MCEWEN. If the gentleman would yield, that is the way the rules are written. You write the rules, and one would think you would only have rules that are written at the beginning of the year, but we write rules every day, so they have written the rule so that we cannot vote on that. And the rule was until George Washington to Richard Nixon that Presidents could impound the funds. That is, they just flatly did not spend the money. John Kennedy did not spend money for the B-52. He and Robert McNamara just said that is enough, we are not going to build any more, period, even though Congress, the Appropriations Committee had decided that, they decided that they were not going to do it. And in 1974, under Richard Nixon, over the veto they passed the Impoundment Act, and the Impoundment Act said that the President would send rescissions and identify them, and then the Congress would vote, and the President would not be able to say. But the Congress would then vote on the rescissions; hence, the fact that when Congress did not act, the deficit continued to rise, and to rise and to rise. And then the Congress runs for reelection pointing their finger and saying that the devil made me do it, and it has got to be Ronald Reagan's fault. And so what has happened here is that George Bush has sent up some rescissions which under the Impoundment Act of 1974 the Congress is supposed to vote on them. And we have within the last hour written the rule in the House of Representatives to say that on these various rescissions that are now a very watered-down position for the presidency where since the Impoundment Act of 1974 things that were denied every President up until Nixon, even though with this little weak-kneed, little lily-livered approach to trying to control spending, now they have written a rule so that we will not even be allowed to vote on those. And the same Members who voted on a party line basis to deny the right to vote on the floor, I guarantee it, mark my word, put it down in your book, they are going to run for reelection this year and they are going to say that it is George Bush's fault, and it is Ronald Reagan's fault, you know, that has caused these actions.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from California.

□ 1940

Mr. DREIER of California. I wanted to add to that and say that tragically the Members who voted against giving us the opportunity to vote on those spending cuts also voted yesterday and today to kick the C-SPAN cameras out of the room. I would like to ask the distinguished ranking Member to read that list of those Members who voted against allowing the television cameras from being in the Committee on Rules hearing room.

Mr. SOLOMON. I think the public ought to know, in the vote that kicked them out on these pork-barrel projects, which is a very critical vote which included the line-item veto, is Mr. DERRICK of South Carolina, Mr. BEILENSON of California, Mr. FROST of Texas, Mr. BONIOR of Michigan, Mr. GORDON of Tennessee.

Mr. WALKER. Wait a minute. The majority whip voted to censor the committee?

Mr. SOLOMON. His own members as well. That is the point I wanted to make. Just let me read the other name, which is Ms. SLAUGHTER of New York, and the list is basically the same on the vote that kicked them out for next week, too.

But let me just say this: They were not only gagging. Now, the gentleman from Michigan [Mr. BONIOR], who is a Member of the Democrat leadership, was not only gagging Republicans on this side of the aisle like the gentleman from Illinois [Mr. FAWELL], who is the cochairman of the pork busters task force, but they gagged the Democrat, his cochairman, the gentleman from Minnesota [Mr. PENNY]. They gagged him, too. So they are gagging their own members, and the gentleman from Delaware [Mr. CARPER].

Mr. WALKER. And they are not letting the public see it?

Mr. SOLOMON. Right. The same thing with the gentleman from Delaware [Mr. CARPER], a very respected Democrat. They gagged him from offering his line-item rescission veto.

Mr. DREIER of California. I think that we should point to the fact that our friend, the gentleman from Ohio [Mr. MCEWEN], bent over backward and offered the amendment of the gentleman from Delaware [Mr. CARPER], trying to give him the chance to have his amendment on this rescission package considered on the floor after we went through the Republican and the bipartisan package, the Fawell-Penny amendments; even the one that was standing alone by a Member of the majority party was thrown out by the majority party in that committee.

I think we should also say, and I took down notes.

CENSORSHIP IN THE COMMITTEE ON RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, if I could proceed and just briefly state that the gentleman from Texas [Mr. FROST] is the one who raised the issue yesterday of kicking the television cameras out of the room. He really stated three basic reasons as to why this should be done, and I wrote these down yesterday. He said, "No. 1, the legislation is a highly technical matter," and as we said earlier, it seems to me that the issue of bringing about spending cuts which virtually every Member of Congress talks about in campaigns is one which is really not of a highly technical matter and should be considered here on the House floor, and the Committee on Rules should allow it, and the American people should be able to see the process by which we bring that measure to the floor. Yet our good friend, the gentleman from Texas [Mr. FROST], said that the rescission and the line-item-veto issue was a very highly technical matter.

The second thing he said was, and I quote, "Committee sessions have gone on an extraordinary length of time partly because of the presence of TV cameras."

Mr. WALKER. This is the same group that never shows up on time for their meetings? Is that not right?

Mr. DREIER of California. Well, we started our meeting almost an hour late today.

Mr. WALKER. I have been up there to testify on several occasions, and I have been left sitting in the room while they never bothered to come in.

Mr. MCEWEN. If the gentleman will yield, that is exactly the point. I was originally with a group of people, and they said, "Do not you Republicans have to take some responsibility for this? I mean, you have been Members of Congress and all." The truth of the matter is that we stand up here, and anybody who watches C-SPAN knows that we stand up here on Thursday afternoons and beg to find out not what is going to be up, and that is too much to ask for, we just want to know when we are going to go in session, and we cannot even find out when they are going to be in the next day or the day after. Anybody who watches knows that goes on.

In the Committee on Rules they have a nice lounge up there, and they will sit off there in that lounge, and we sit there in our chairs waiting for them to come back. It can be at all hours of the morning or night. We have no idea when they are going to show up.

Mr. DREIER of California. Reclaiming my time, it is a very good point that my friend raises, and I feel awkward being here doing this, as I know my friends do, because there are many people who see this by way of C-SPAN and say, "Why is it you Republicans continue to bicker with the Democrats? It is so petty that you want television cameras to cover something like the Committee on Rules hearing."

You know, the thing I point to is that this is a question of censorship, and many people try to categorize Members of Congress as one monolithic bloc, Republicans and Democrats alike. I talked to a man in Sierra Madre, CA, twice over the last month, who said, "Things would be no different under Republican control than it is under Democratic control. You all are all one solid group," and the fact of the matter is that we are at a point where we have seen this kind of hegemony imposed on the minority, and it has been a very, very difficult situation for us, and that is what has led me and others to come here.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to my friend, the gentleman from Illinois.

Mr. FAWELL. The gentleman mentioned people being concerned about the bickering that apparently goes on. The thing that bothers me so very much, and I said this last night also, we had a bipartisan approach. We came to the Committee on Rules with a program of three amendments. We had one that actually would add about $6.6 billion in cuts by simply taking the rescission measures in the President's rescission bill that were not included in the appropriation bill, and also $1.3 billion from the porkbusters measure. We got shut out there.

I thought to myself that if we had had the C-SPAN cameras, at least we would have had more of the Members of the majority party that would be there listening to us. As it was, that was not the case. We felt we were more or less talking to ourselves most of the time.

Then today, to see us completely shut out, all of the amendments which we requested which simply asked that this body consider, not necessarily to have to vote for it, but just consider $5.3 billion in the Presidential rescission bills which were not included in the Appropriation Committee's bills, and $1.3 billion in rescissions in the porkbusters, just consider it, and they blank you out, and then they give us, what, a half an hour to debate.

Mr. DREIER of California. Total debate. And I want to extend my appreciation to the gentleman from Illinois. I say that because he has tried and tried and tried to work with our Democrat colleague, the gentleman from Minnesota [Mr. PENNY] and our friend, the gentleman from Delaware [Mr. CARPER] and other Democrats, because there are thoughtful Democrats who do want to bring about spending reductions, but it is tragic that the majority has imposed this kind of constraint not only on those of us in the minority but on some Members of the majority party who have tried to bring about these spending reductions.

I know that this has got to be extraordinarily frustrating, because the gentleman from Illinois has had meeting after meeting in a bipartisan way to try and resolve this.

Mr. MCEWEN. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to the gentleman from Ohio.

Mr. MCEWEN. The whole point of this discussion can be centered to just the colloquy we have had here, and that the question is, and I was asked on the steps of the House just yesterday by a young couple, they said, "Can you not put the interest of the country first, regardless, Democrat or Republican, can you not just put the interests of the country first? Why does it have to be partisan?"

There is the case in point as to why the Congress is in the condition it is. It does not make any difference what happens in committee. It does not matter necessarily what is said here on the floor. Everything that goes on in the House is controlled by the Speaker and the Committee on Rules, and so the fact is you have got 230 Members of Congress, and there are only 170 Republicans, so you have got a whole boatload of Democrats to support this. They all go back home and say, "We support it." And they stand together.

RULES COMMITTEE STACKED IN A PARTISAN MANNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. So here we are, we have a Democratic-Republican bipartisan package for the good of the country, and for the good of the country, you have got to go to the Committee on Rules, and the Committee on Rules is stacked in a partisan manner 2 to 1 plus 1.

How does that happen? It happens on the first day of the session on January 3 of odd-numbered years. You come in here and you have a vote, and you choose the leadership of the House. Ladies and gentlemen, after that, then you can go do whatever you want, because you have set the rules of the game for the 2 years.

When you vote in that election for the Speaker of the House, the Speaker appoints the Committee on Rules, and they set the rules from then on day after day after day.

The Democrats say it would not be any different under the Republicans. How do we know that? At no time in the lifetime of 82 percent of all of the people living in America, never in the lifetime of 82 percent of all the people living in America have they ever voted in an election in which the Republicans controlled the House of Representatives.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Would my friend, the gentleman from Ohio, repeat that again? I have heard that figure before, but I think it would be important for our colleagues to hear it.

Mr. McEWEN. Eighty-two percent of all the people in America have never voted in an election in which Republicans controlled the House of Representatives, elected the Speaker, or controlled the rules.

□ 1950

So you can say, well, you are all the same, and besides, you all voted for Reagan. None of that makes any difference.

The fact is that the laws are passed here. The Constitution of the United States, and I just had a nice little debate with a press person who wanted to lecture about how you had the Presidency for 12 years and so on. The Constitution of the United States says that the spending measures shall begin and taxing measures shall begin in the House of Representatives; so the President can wish only once and can write only once, and speak only once, but the Constitution says that it is controlled here.

We have for 58 of the last 62 years been under control of one political party and one political philosophy. If we want to change America, if we want to change the direction of America, we have got to change the Rules Committee. How do you change the Rules Committee? By the choice that you make on January 3 of the odd-numbered years. That is a partisan vote.

Do you wish it were not? Of course, we do. Would you like it to be different? Of course.

The fact of the matter is that it is a partisan vote, and when we chose the rules on the third day of 1981, 1983, 1985, 1987, and 1991, we decided which direction this country is going to go.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I am pleased to yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I know in my recent campaign whenever I would tell people that I do not have the right in a given debate on the floor to rise and present an amendment, they believe that basically that is a right that all Members of Congress have. I explain to them, I have to go to the Rules Committee.

They say, "Well, what is the Rules Committee?"

I explain that is controlled by the majority party and they determine whether any amendments can be presented, who can present them many times, and can completely shut you off, and this is a perfect example.

Mr. McEWEN. Not only they can, but they do consistently.

Mr. FAWELL. I think the most important issue on the debt and the deficit problem has its tentacles in the Government with all the problems we have is the basic concept of asking that this body have the opportunity of simply debating whether or not we would like to add $6 billion of additional rescissions to what the Appropriations Committee has brought before this body, and they basically say no, you have no right to a vote on it.

Mr. McEWEN. You cannot vote on it.

Mr. FAWELL. You have no opportunity. You cannot even have a motion to recommit with specific instructions that name these particular amendments.

Mr. McEWEN. Let me just follow up very quickly on that point.

The Republicans, the minority, the Republicans used to be given one vote on a bill, just one, and it was at the tail end. You could say that we would like to send it back to the committee to change this one thing. That was called a motion to recommit with instructions. It was just a little eyedropper of fairness. We could not decide who would speak. We could not set up our amendments. We could not control what came to the floor. We could not decide when it came to the floor. They controlled the committee. But just as an eyedropper of fairness, we were given at the last moment a motion to recommit with instructions, which of course they would overrun. It was just kind of like an act of fairness, a little genuflection toward democracy.

In this Congress, in this Congress that has been virtually universally denied.

A meeting was held just today up in the Rules Committee in which it was discussed, and again this afternoon just an hour ago they decided to deny us on this bill that we are talking about that inherent right throughout the history of the United States, that little token of democracy, is now being denied in the 102d Congress.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. McEWEN. I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just want to refocus this for a moment, because we started this off pointing out that the C-SPAN cameras have been denied up in the Rules Committee.

I think what we are talking about is why, because what they have found out is that when the light begins to shine into the Rules Committee and the American people begin to see what really goes on in there, they find that it is pretty slimy and pretty seamy, and they are not about to allow it to happen anymore. They begin to get in touch with the Rules Committee and they begin to think that you cannot continue to operate this way and the Rules Committee says, "Oh, had we ought to respond to this?"

No, they say, shut off the TV cameras so nobody can see this anymore.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield to me?

Mr. McEWEN. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding to me, and I thank the gentleman from New York for understanding this.

The gentleman from Pennsylvania has raised a very good point. I never quite got to the third reason that was outlined earlier by our friend, the gentleman from Texas [Mr. FROST] when he was making the case for kicking the cameras out of the Rules Committee room. He said along with the fact that this is a highly technical matter, the issue of cutting spending, a highly technical matter; No. 2, committee sessions have gone on an extraordinary length of time partly because of the presence of TV cameras.

The third reason was that Members did not have "sufficient notice for the committee to adequately consider this matter."

Now, Mr. Speaker, we have regularly had the television cameras in the Rules Committee hearing this session of Congress, in the first session in this 102d Congress. We have had television cameras covering a lot of things in this House. Most of the cameras have been taking pictures of the Bank downstairs that I have seen lately. But it seems to me that for the committee to have to adequately consider this matter, that being allowing the television cameras to be in the Rules Committee room, is absolutely ludicrous as an argument for preventing the American people from having the opportunity to see what was going on there.

Mr. McEWEN. Mr. Speaker, I thank my colleague on the Rules Committee for his leadership.

I thank the gentleman from Pennsylvania [Mr. WALKER] for his participation.

I thank the gentleman from Illinois [Mr. FAWELL] for his leadership in trying to cut spending.

And I thank the gentleman from New York [Mr. OWENS] for being so kind to allow us to proceed.

FOREIGN AID

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Washington [Mr. MILLER] is recognized for 60 minutes.

Mr. MILLER of Washington. Mr. Speaker, the subject that I want to address, with the help of some of my colleagues this evening, is the subject of foreign aid.

Now, I am a Congressman who has supported foreign aid, because I believe that it is important to the United States playing a leadership role in the world, but support for foreign aid is eroding. It is eroding not just because of criticism from isolationists who do not want us to have anything to do with other countries. It is eroding more and more because thoughtful people who have supported foreign aid are becoming increasingly frustrated and concerned about the ineffectiveness of our aid programs.

It is for that reason that my colleague, the gentleman from Ohio [Mr. KASICH] is here with me, the gentleman from Texas [Mr. DELAY], the gentleman from Pennsylvania [Mr. SANTORUM], and I undertook an effort last year to look at our foreign aid programs and see what could be done to make these programs more effective and to save money, to reduce if possible the budget at the same time.

Now, I want to spend a little time looking at three major parts of our foreign aid program, looking at what is wrong with them, looking at what can be done to correct them and make them work better.

First of all, let us look at the multilateral development banks that we help with American taxpayer dollars. The most notable example is the World Bank. The objective for which the World Bank was set up is a noble one, to lift developing nations out of poverty and by so doing not only improve their economy, but the economies of the rest of the world, including our own Nation.

It was assumed the way to do this was for the developed nations to provide underdeveloped nations through the World Bank with capital, since they were too poor to provide it themselves.

But let us look at what has happened with this World Bank program. Unfortunately, in all too many cases, that capital which has been made available was wasted.

A professor from Ghana told us that the World Bank there provided funds for conference halls, show airports for new capitols, amid institutional decay, deteriorating infrastructure, and environmental degradation.

A gentleman from India writes us and talks about his town, which had an excellent network of private buses, giving efficient, good, punctual service, and then the Government took it over with a World Bank loan.

□ 2000

Now, the gentleman from India writes, "We have a nationalized transport which is continuously running at a loss and giving extremely poor service."

Well, the point here is that all too often the World Bank has not given loans to businesses in developing countries, it has not given loans that help alleviate poverty or promote free enterprise; it has given loans to nationalized government-owned businesses that are failures, that failed in Eastern Europe, failed all over the world.

Even worse, since the money that the World Bank distributes, in large part, to a large extent our money, is fungible, what these loans underwrite is all too often an arms race in many poor nations. And all too often the World Bank projects have led to the forced displacement and resettlement of tens of thousands of people.

In 1989, a representative from the Environmental Defense Fund reports that the Bank funded 21 projects in India alone, "involving the displacement of more than 400,000 people and another eight projects which will involve the displacement of another 100,000 people are in the pipeline."

So you have big-government businesses getting loans, you have large capital projects getting loans that just cause the displacement of people.

In addition, all too often these World Bank loans are extended to some of the world's biggest enemies of freedom and human rights: the People's Republic of China, which a couple of years ago was No. 2 or No. 3 on the World Bank list; Kenya, Tanzania, Uganda, all recipients of World Bank loans. And we are putting up 20 percent of the capital.

The situation concerning environmental destruction that arises from World Bank loans is equally discouraging. Those loans have provided for the destruction of rainforests, irrigation schemes which destroy farmland. An official from the Canadian Environmental Organization reported to us that there exists "a blatant attempt to buy environmental respectability by the Bank while it continues to spend its current $20 billion annual budget on environmentally destructive budgets."

To sum up, what is wrong with the billions that go from the United States through the World Bank to less-developed countries, what is wrong? Big capital projects, projects too often involving government businesses, all too often in dictatorships, environmental disasters, and very little alleviation of poverty or support for free enterprise.

We are going to talk later about what we can do to reform the World Bank program and to reduce the amount of money contributed by the United States.

Mr. Speaker, I see my colleague, the gentleman from Ohio, is here, and I yield to him.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Speaker, maybe we should just spend a moment on this. If the gentleman from Washington would explain how the World Bank is supposed to function and, again, maybe underscore how these problems can come about. This sounds like one of those bizarre "can you believe it's" in the newspaper. What is the World Bank? What is it supposed to do? How does it get into funding these projects that the gentleman has talked about?

Mr. MILLER of Washington. I think it was supposed to help with the intelligent development of undercapitalized countries. These programs start with noble purposes.

It was thought that the developed nations would put in capital, that this capital would then be an ongoing source of funds. But, of course, what happens here——

Mr. KASICH. Who is the money supposed to be loaned to? If the powerful, wealthy countries of the world put money in the World Bank to be loaned to a Third World country, such as Nigeria, Somalia, or somebody, how is it supposed to flow and how does it in actually flow?

Mr. MILLER of Washington. Well, I think the idea of those involved originally was that people, businesses, enterprises would benefit. But unfortunately all too often that has not been the case. What I was going to mention to the gentleman from Ohio was that the World Bank was supposed to get its money back. So it was supposed to be an ongoing enterprise. Once you put in a certain amount of capital, it would keep flowing back. But, of course, when you have programs such as I have described, they are obviously not financially self-sustaining.

So, the countries that are recipients do not pay the loans back. In fact, the last time I looked, between a quarter and a third of the World Bank's current loans are going to countries not for projects but to help them pay back loans on other projects that they cannot meet.

Now, that, if you just look at it, I think, is pretty good evidence that the World Bank has not been funding cost-effective projects with our tax dollars.

Mr. KASICH. Let me ask the gentleman further, are there other criteria presently supposed to be followed in terms of whom funds are loaned to, and are those, themselves, being violated?

Mr. MILLER of Washington. I think there is a lack of criteria, there is a lack of criteria that focuses on free enterprise, alleviation of poverty.

But I will tell you it is also very hard to get information on how the World Bank works. You just cannot go in there and have an audit or a GAO inspection. There is no inspector general who looks at the World Bank's activities. The public cannot get access to their records like they can to U.S. Government agencies'.

I mean we get frustrated in Congress, as the gentleman knows, with a lot of our own agencies; but I will tell you, in terms of control, in terms of access, we have got far more control and access with U.S. Government agencies, far more openness than there is with the World Bank. That is one of the things I think we have to change. That is one of the things we have to reform.

Mr. KASICH. Let me ask the gentleman, because people who may be watching this special order would say, "That is probably not possible, and this guy from Washington has picked out two or three examples that are blatant." But does the gentleman have any sense of what we are looking at in terms of the percentage of World Bank loans that make sense, that go to private-sector individuals or businesses, versus through these governments?

Mr. MILLER of Washington. That is a good question.

Mr. Speaker, I am not able to give you the answer, but I will tell you, in the research that we have done, it is hard to find examples of those kinds of loans, it is hard to find examples.

I was trying to find an example of a large-scale capital project, World Bank capital project that had not resulted in environmental disaster or huge displacement of people. I was looking for a successful one. They are hard to find. And this is why we have to take a look at this.

Originally, I was going to lay out what is wrong with the World Bank Program, what is wrong with the Food for Peace program, what is wrong with AID, and what we can do to change it. But maybe, since we are talking about the World Bank, let us shift from the negative to the positive: What can we do to improve this program? OK? I think we ought to insist on changing the focus of these multilateral development banks.

Originally, that focus was on serving the public sectors of the developing nations. OK? But, as developing nations privatize inefficient state-run industries—we see that happening in Eastern Europe and other countries now, Africa, Asia, as well—as that goes on, the practice of large-scale loans to finance nationalized industries does not make any sense anymore.

So, I think unless this changes, Congress can simply withhold future capital increases to the Bank. The Bank could still make new loans equal to the cash reflows it receives as the developing nations repay their outstanding loans. This concept was discussed in a 1991 Wall Street Journal article, which I will submit for the RECORD. Now, if that is too radical, we should, at a minimum, define guidelines so that individual projects could be evaluated on their merits. But based on these guidelines, we could, for example, withhold our share of funds for any program which is deemed to be environmentally destructive or where basic human rights are being violated or where free enterprise is stifled.

□ 2010

Currently the way it works, loans are approved by the World Bank despite our objections. I asked two individuals from the Treasury Department whether our opposition to particular projects actually influenced bank policies, and they stated it did not. The money continues to flow, as my colleagues know, otherwise how could we explain why the People's Republic of China is such a major recipient of World Bank loans?

So, it seems to me there have to be these clear criterion guidelines, and our just voting no or abstaining is not enough. That is not effecting reform at all.

We have to, with our capital contribution, this Congress without capital contribution, or the threat of withholding our capital contribution, or continuing our capital contribution, has to push for reforms in the World Bank, and, if we cannot get those reforms, then we should get out.

And lastly, in terms of reform, I think we should try to remove the secrecy from the World Bank. Documents associated with these development projects, the Bank's lending cycle, all of that should be made available to the public. They are available, and I think we ought to establish an independent inspector general to audit the World Bank. Let us look at the performance, not the intentions. Let us look at the results. And I think, if we do, as my colleagues know, we do take that clear luck, we are going to find out that this is an institution that is broken and it needs to be fixed, and, if we can fix it, fine. If we cannot, then let us direct our resources in a more productive, efficient manner.

Mr. KASICH. Mr. Speaker, I ask the gentleman from Washington, "Why don't we move on to the other two areas?"

I think it is helpful that in this World Bank—well, I would like to come back, and, if we could, the gentleman may summarize all three, but let us see if we can get through all three programs, the World Bank, and the second foreign aid program that the gentleman has reform for is Food for Peace.

Mr. MILLER of Washington. Yes, let us take Food for Peace.

Now this truly reflects our humanitarian tradition. As my colleagues know, since the founding of our Republic, I think our hearts have gone out to human suffering, whether it was from repression, acts of war, national disasters, droughts, famines. We take pride in helping the needy, whether at home or abroad, and I think the American people have always been generous and supported disaster relief, famine relief.

But when my colleagues look at this program, roughly half of the approximately $1½ billion every year goes for those good purposes for which this program was set up. But unfortunately approximately 50 percent does not go, as near as I can tell, to famine or disaster relief. What it does, and we have looked at cases in Jamaica, Somalia, Brazil, El Salvador, and Egypt, and what it does is dump, continually dumps, food on the local economies, and in such cases undermines agricultural production by lowering the price at which local farmers can sell their crops, making it harder, harder, for poor countries to feed themselves in the long run.

As my colleagues know, if we dump dried milk on El Salvador, and it is all right to send some if there is an emergency, but, if we keep dumping it, we are going to destroy a growing dairy industry, which is what happened. If we give wheat to people in Africa, various African nations that are starving, that is a wonderful thing. But after the emergency passes, if we keep dumping that wheat, we are going to keep the wheat farmers in those countries from prospering.

All too often this Food for Peace Program produces unintended consequences. During the 1985 Ethiopian famine, to take another example, American-donated food was used to lure hungry peasants who were then forcibly resettled. Much of the food was then allowed to rot—forcibly resettled by that dictatorship over there. In several instances the residents have neglected their own farms in order to collect the generous amounts of food, and of course in Ethiopia and in the Congo the Government sold the donated food and used the proceeds to buy weapons.

So, this program is not all bad. As my colleagues know, this program still retains some of its noble purposes. We still do give genuine disaster and famine relief, but too often that is not what happened.

Mr. KASICH. What do we do about this program? What are the kinds of things we can put in place? Take El Salvador, for example. I mean they are just really an incredibly struggling country. They have made some very bold decisions here within the period of the last 6 months, and integral to their success, without any question, is for them to bring some prosperity to that country.

Now, if we are going to work to use a plan designed to help during emergencies, and we destroy their ability to have a dairy industry that can be a functional dairy industry within El Salvador, we have hurt the dairy farmers. We have prevented them from being able to develop part of their agriculture sector which they desperately want to do.

So, we are using a Food for Peace Program which is designed to take care of famine and natural disasters, or maybe some kind of a temporary problem that would set a country back, and we use that to undermine the ability of the local economy to grow.

How do we get back to what this program was designed to do, because the gentleman from Washington [Mr. MILLER] is right. It does do some wonderful things, and we are a generous country, but we should not dilute the original purpose of the program.

So, what do we put into place that can allow us to get this thing back to where it was?

Mr. MILLER of Washington. Well, I think this Congress has to take legislative action, just as earlier we talked about possible legislative actions conditioning our contributions to the World Bank. I think we have to take legislative action here.

I think it is very simple. As the gentleman knows, return this program to its original intent, restrict the Food for Peace Program to humanitarian relief for droughts and disasters. Stop the food dumping. I mean I think we need to send a message because, as the gentleman knows, with what is going on, and one expert said that we address the primary cause of the inability of Third World countries to feed themselves, and the primary cause of their inability to feed themselves is too often government economic repression of farmers, and many of these countries are still controlling food prices for short-term political gain. Their farmers must sell their crops to government marketing boards, which sometimes establishes prices below the cost of production.

Let us work with these countries. Let us give them technical assistance, not only on food production, but on marketing.

That would help, but, when it comes to our Food for Peace Program, let us be sure it goes for genuine emergencies.

Mr. KASICH. How about the third area of reform which the gentleman from Washington touched on earlier?

Mr. MILLER of Washington. Well, I saved the biggest area of reform for last because the key player in our foreign assistance, or foreign aid program, is AID, Agency for International Development. Now that is a U.S. agency, and I say to the gentleman, "When you look at this agency, it has 8 offices, 50 bureaus, hundreds of different units. The latest information I have is it may have as many as one supervisor for every three employees."

□ 2020

The official data says that AID spends 15 percent of its budget on administration. Now, that is probably too high and they have way too many consultants, but that is the official data.

But in fact we have had reported to us that AID may well spend 50 percent of its funds on administration. That has been told to us by former employees.

So you have got an agency which has excessive bureaucracy, a lot of administration, and, I regret to say, also suffers from corruption. In the last couple of years 45 AID employees have been indicted or arrested. This is not exactly the picture of what we would like to see as a well-governed, well-run part of the American Government.

But leaving all that aside, AID for decades has been providing assistance to developing countries. The question is, has it been effective?

Without going into all the different projects, some which have worked, some which have not worked, here is what the former Director of AID, the man who was Director just 2 or 3 years ago, in a very thoughtful report just before he died, assessed AID:

"No country receiving U.S. economic aid in the past 20 years has graduated from less developed to developed status."

That is what he identified as the problem. We have been giving aid to all these developing countries, and we could not point to one case where our aid has succeeded in elevating that country from less developed to developed status.

Why is this? Well, let us just take a few examples. Again, tremendous emphasis is on big capital projects. In fact, they are trying to have even more emphasis now.

They want to set up and formalize a new Office of Capital Projects. Big capital projects seem to please AID administrators. They seem to please the dictators and some of the leaders of the recipient countries.

But there is a great reluctance to give assistance to micro enterprises, to small businesses. Maybe in Bangladesh instead of a big dam costing millions and millions, maybe $50 loans to women would help them weave goods and sell products. That idea is shocking, but this is something that has been resisted for years and years.

Occasinally we put in amendments about microenterprises, but it is a slow process getting to do this.

Now we have Eastern Europe coming along. A Fulbright scholar recently reported what our bilateral aid through AID has done in Eastern Europe. It has basically hurt our own image.

She refers to the so-called AID Marriott Brigade. Do you know what the Marriott Brigade is? It is consultants who fill up five-star hotels as the primary recipients of the assistance, and are "unfamiliar with institutions peculiar to post-Communist economies."

This is the reputation that AID is developing with its emphasis on consultants and administrations in Eastern Europe. So there it is. There is AID.

Now, what can we do about AID? We probably should be concerned with that more than anything. I think what we can do here is again take a look at the purposes and finally let us just have a thorough, thorough reorganization. We should reorganize AID exclusively to provide grants to private organizations which work directly with local entrepreneurs, small businesses, indigenous private voluntary organizations. Operate it like the National Science Foundation.

The National Science Foundation has administrative costs of only 5 percent. We should make grants contingent on the recipient nation's progress toward encouraging free enterprise and alleviating poverty.

There are measurements and criteria you can use to see what progress is being made. In countries which are not making the progress, they should receive less assistance, and then, if necessary, no assistance.

So I think if we were to undertake some of these reforms, it would take several years to restructure AID. They could not spend anywhere near the money that we give them now. We would have a reduction. We could probably reduce their budget $1.5 billion, certainly while this restructuring was talking place and they shifted their focus.

But if we did that, then I think everyone would benefit. The recipient nations and their people would benefit. We would benefit, too. We would start getting some developing nations to graduate to developed status. They would become trading partners with us. They would help our economy. They would be less unstable, less a threat to peace, less a threat to our own security.

We would get plenty of benefits. The only people that would not get benefits from restructuring and reforming these programs are the bureaucrats, too many of the bureaucrats, who presently administer the programs.

Mr. KASICH. Mr. Speaker, let me ask the gentleman from Washington [Mr. MILLER], as a Member who serves on the Committee on Foreign Affairs, these things are ridiculous. Let us put it in simple terms. People who are watching this special order, I do not know how they can watch these things every night and not just pull all of their hair out. Maybe they do.

So we have these goofy things going on now, one at the World Bank. We do not even know who they are making loans to. We cannot even check it out. We are giving them 20 percent of the money. The loans are going to things that are counterproductive.

We have a Food for Peace Program that is supposed to give food to people in time of emergency, and what we are doing is dumping food on local economies and destroying their ability to be productive.

Then the AID program, where you have a former administrator that says that we give money to undeveloped countries, and no country has ever developed out of the criteria by which we aided them.

Then on top of this, some of the employees are saying that 50 percent of the costs are administrative.

My question, of course, is what are you doing about it? What are we going to do about it? What are you doing about it? What is holding us up? Why can we not get this fixed? This is a ripoff.

Mr. MILLER of Washington. The gentleman from Ohio [Mr. KASICH] has asked the ultimate question. My colleague from Ohio has a way of cutting to the quick of the matter.

You know what several Republicans on the House Committee on the Budget tried to do about this. We proposed the reforms that I have talked about. It would have resulted in a $3 billion savings. But more than that, it would have resulted in a more perfect foreign aid program.

Mr. KASICH. And you got shot down.

Mr. MILLER of Washington. We got shot down.

Mr. KASICH. Why did we get shot down?

Mr. MILLER of Washington. Well, I am reluctant to say, but one of the reasons we got shot down is that we did not get support from the administration.

You know, it is amazing. Yes, I know, it is amazing when you are trying to restructure something, there are so many institutions in place and there is such an interest in seeing that the program not be touched, and there is such a fear that if you touch something, something else will unravel.

But it was a party line vote. We Republicans voted for these reforms, and the Democrats voted them down.

But the question is now, and I put the question back to the gentleman, what do we do now?

Mr. KASICH. The problem we have is, first of all, that the administration did not wait for us, although there were some in the administration who were sympathetic to what we want and it was a matter, they claim, of timing. So I think what we need to do is demand another meeting with that high administration official, and we ought to ask him what his timetable is for moving these reforms along.

□ 2030

Mr. MILLER of Washington. I would like to see the President take the lead on this. I think we should urge the President to do what he can administratively. If people think that our assessment is off base, if they think our reforms are off base, I would be happy to have the President appoint a commission to look at these proposals, provided there was a clear, immediate timetable so it just does not end up as a report on somebody's shelf.

In addition, we have bills coming along in the Congress. We have got authorization and appropriation bills coming up.

Mr. KASICH. I was going to say, I think the first step is we have to move forward and try to get some of these administration officials to join us in our effort. We know their heart is there. We just have to get them marching with us.

Then the other problem is, the majority party, at least in the Committee on the Budget, objected to all of our reforms. I do not want to party-bash. We get enough of that in these special orders.

I do not think the problem is only the Democrat majority. I think we probably would find Republicans who serve on these committees of jurisdiction who would object to some of these reforms just because we are not doing it the way we did it for the last 50 years. So we have got to find the appropriate vehicles, the authorization bills and the appropriation bills to impact some change in the House.

I understand that the Foreign Affairs authorization bill has been held up. Will that provide us with an opportunity with which to try to attach some of these reforms at some point?

Mr. MILLER of Washington. Well, if it comes to the floor, it may provide such an opportunity. Right now it has not been brought to the floor. It does not show any signs it will come to the floor.

They will just continue foreign aid next fall with some continuing resolution. I think we have to look at the foreign assistance appropriation and authorization bills.

I think with regard to the World Bank, we have to look at the banking bills. Maybe with regard to Food for Peace Program, we have to look at the agriculture bills. Somehow we have to get these amendments before our colleagues, explain our case, explain what is wrong, propose our reforms and let them vote on these reforms.

Mr. KASICH. I would say to the gentleman, I think that we have really an excellent case here. I think part of the problem is that these areas, the Food for Peace Program, the AID program and the World Bank program, are something that people do not understand.

Let us face it, people all over this country are demanding that we focus more attention on this country.

Mr. MILLER of Washington. Absolutely.

Mr. KASICH. The time really is ripe for reforms that still allow us to be an international player. But at the same time that we start to squeeze the nickels that we are going to pass out to those around the world, we are going to continue to have an international role.

If we are going to stop thoughtful reforms like the gentleman is suggesting, which anybody with any common sense would approve, if we are going to stop that, how can we continue to vote to send money overseas? We are just literally throwing taxpayers' money down a rathole, if we do not get these reforms in place.

I say to the gentleman from Washington, most Members are unaware of these problems. They do not know about these programs and where their faults are, and they do not understand the reforms. It is going to take us time to educate Members, and it is going to take us time to convince Members this needs to be done.

I want to very much compliment the gentleman from Washington. I am sad that he will not be with us next year because I am not convinced that we can get this done within the next 6 months. I think it is going to take us into next year.

We have to be diligent on this. This is an area where the gentleman clearly is right, clearly has reasonable reforms.

We owe the American taxpayers improvements in these areas because it is just not fair. It is not right to continue to have programs that do not work.

I say to the gentleman from Washington, is this not just typical of what happens in this city all the time? Any time we come up with a reform effort, any time we want to do something differently than the way we have done it for the last 10 years, we have got a whole host of naysayers telling us why we cannot do something differently. It gets to be a frustrating experience up here.

Mr. MILLER of Washington. The gentleman is so right. Just going back to where I started, looking back over the last 40 or 50 years, we had a bipartisan consensus on foreign policy. There was a bipartisan consensus behind a premise.

The premise was that peace and freedom could only be achieved if the United States assumed a position of leadership in international affairs. We sought to assume this position of leadership by supporting freedom and democracy through international trade, by resisting foreign aggression, by forcefully advocating human rights and by providing economic, military and humanitarian assistance.

Those policies, as a whole, were successful. They brought to the point where the world today is further from the brink of nuclear war than at any time since World War II. But today the consensus behind those policies, particularly the foreign assistance part of that policy, is eroding, as we have been talking about.

If we are going to justify foreign assistance to the American people, we have to be able to explain clearly what it is, what it is doing, why the American taxpayer is getting a fair return on his dollar. If we can do that, then I believe the American taxpayer will support a foreign assistance program. But if we cannot, if the American taxpayer over the next several years continues to read about AID employees being indicted or arrested, World Bank projects causing thousands of people in India to flee their homes, Food for Peace programs that destroy dairy industries in recipient nations, there is not going to be support for those programs.

I know there are people that would say not one cent for foreign aid, not one cent. Never mind that foreign assistance and promoting trade and advocating human rights and resisting aggression has helped our peace and security and economy. They would say, not one cent. We want to come home America. We do not want to be part of the world.

There was a candidate for President who used that phrase a decade or two ago.

I believe the American people want to be part of the world. They understand the interconnecting links. They understand the United States has played a key role for peace and democracy. They understand it is in our interests to do that. But they want it done effectively and efficiently.

If foreign aid is going to be part, one of our tools, we have got to really take this program and, as I said, restructure it. We need to shake it up.

I want to thank the gentleman from Ohio [Mr. KASICH] for joining me in this special order. He has made a tremendous contribution to proposing budget reforms, not only in the area of foreign assistance but many other areas of our budget. He has been an advocate of budget reform. I want to thank him for joining me, and I want to thank the Speaker for providing me this time.

This is a subject that we are going to have to continue to address over the months ahead.

Mr. KASICH. Mr. Speaker, if the gentleman will continue to yield, I want to compliment him and also say that perhaps in this Chamber, as we did this special order, we have in the chair a distinguished, outstanding, successful businessman who is now in the Congress. If he listened to this special order, and he also serves with us on the Committee on the Budget, I know we will have his vote the next time around.

I want to thank the gentleman from Washington for his efforts.

Mr. MILLER of Washington. Mr. Speaker, I include for the RECORD a copy of a Wall Street Journal article.

[From the Wall Street Journal, May 17, 1991]

PRIVATIZE THE WORLD BANK

(By Melanie Tammen)

The World Bank, designed to serve the nationalized industries and state sectors of developing nations, is being made obsolete by privatization in the Third World. The World Bank's sponsors in Washington have reacted by urging it to direct more attention to private industry in developing countries. But the World Bank has a record of decades of botched lending for private enterprise. The Bush administration should not waste its time—and taxpayers' money—trying to "privatize" merely the World Bank's lending side. It should do the job right by privatizing the bank's fund-raising side as well.

U.S. Treasury Undersecretary David Mulford told the Senate Foreign Relations committee last month that the Bush administration wants the World Bank to be directing half of its loans to the private sector by 1995, lest the bank be left without a role to play as its borrower nations increasingly privatize their state firms.

Opportunities for loans to finance state enterprise, the reasons for being of the World Bank and of other multilateral developing nation governments continue to sell state companies. Argentina has sold its telephone company. So has Mexico. So will Venezuela. Governments across the globe are also selling (or allowing private-sector creation of) airports, bridges, highways, tunnels, ports, railroads, water systems and more.

LENDING TO PRIORITY SECTORS

Since the 1970s the World Bank has lent more than $30 billion to private sector borrowers. But since the bank's charter permits it to lend only to governments, it has had to create lending intermediaries—called development finance institutions (DFIs)—run by local governments, to relend World Bank funds to private borrowers. Lending to DFIs originated in the 1950s, but it expanded immensely in the 1970s, as the World Bank sought to promote growth in "priority sectors," such as manufacturing.

During the mid-1980s, World Bank officials began documenting the sorry state of its DFIs. A 1989 World Bank report found that among a sample of DFIs world-wide, on average nearly 50% of loans are in areas. A 1985 bank report had produced similarly dismal findings; "Few DFIs have become financially viable, autonomous institutions capable of mobilizing resources from commercial markets at home and abroad," it concluded.

In the words of the bank's 1989 review of DFIs: "It is clear [that DFIs] have damaged financial systems. . . . Acquiring subsidized credit could sometimes add more to profits than producing goods. . . . The ability to borrow at cheap rates encouraged less productive investment."

DFIs "by encouraging firms to borrow from [development] banks, have impeded the development of capital markets. . . . equity finance is a more appropriate way to finance risky ventures than bank loans.

If governments establish the conditions necessary for equity finance, intervention will not be necessary."

Despite its own embarrassing analysis, the World Bank has continued to extend $2 billion in new loans to DFIs annually. In 1990, Polish state banks received $360 million from the World Bank to relend to priority private sector projects. Part of that sum funded the creation of a new development bank, which the Polish government directed to manage a public sale of shares of several state firms. When there was nearly no interest in the shares of two particular firms—no doubt because the public perceived them as worthless—the development bank bought up the shares instead. In short, that DFI took valuable investment capital made available by Western taxpayers and jettisoned it into a black hole.

The Bush administration aims to get beyond the discredited DFI model by having the World Bank lend directly to the private sector. That would require not only a renegotiation of the World Bank's charter, but a total reconfiguration of the complex dynamics that allow the World Bank to combine donor governments guarantees (on the money it borrows in international markets) with borrower government guarantees (when it lends that money in developing nations) to maintain its AAA credit rating and keep the whole exercise rolling. It would be just as easy, and a far more sensible reform, to privatize the World Bank entirely.

U.S. taxpayers support the World Bank with billions of dollars of unfunded guarantees in the same way they unwittingly backed the savings-and-loan insurance fund. Most of the money the World Bank lends it raises by issuing bonds in international capital markets. Each year the World Bank floats about $12 billion in new bond issues supported by $12 billion in new unfunded "callable capital" pledges from the U.S. and other industrial nations. Privatizing the fund-raising side of the World Bank would mean cutting it loose from U.S. taxpayers' annual cash infusions and their $30 billion in accumulated guarantees.

Is that a pie-in-the-sky scenario? Not if the World Bank would begin to distribute some of its sizable annual profit as dividends to shareholders. In recent years, the bank has recorded annual net income (profit) of around $1 billion. What has it done with that money? In nearly every year since 1964, it made a grant of $100 million to $150 million to its "soft loan" affiliate, the International Development Association. (IDA makes zero-interest loans at 35- and 40-year maturities to the most mismanaged economies, such as Ethiopia, India and China.) The World Bank gifts to IDA total more than $2.5 billion to date. In one recent year, the bank gave another $150 million as a grant to its Special Facility for Subsaharan Africa. It also frequently gives out small grants to agricultural research facilities around the globe. The rest, the lion's share, is added to the World Bank's general reserves, which now total over $9 billion.

Instead of playing Santa to itself, the bank could begin to distribute much of its net income to its shareholder-governments. Once a track record of declaring and delivering dividends is established, the bank's member governments could credibly craft a plan to privatize the World Bank by selling their shares in the private marketplace. And once the World Bank and other multilateral development banks have to answer to private stockholders instead of national governments, the politicized, unsustainable lending will end. The new shareholders will demand it.

An alternative privatization scenario—if you prefer, consider it a "Plan B" in the event that the public offering flops—was proposed by former Treasury official Paul Craig Roberts on this page in 1989. The World Bank would swap all its outstanding loans for equity in enterprises in the borrower nations, then resell those equity holdings to private investors, domestic or foreign. The funds raised from the sale of equity would be used to redeem outstanding World Bank bonds. To the extent that the World Bank cannot fully retire all its outstanding bonds with the funds raised, the rich donor countries would assume the liability by taking the residual bonds and exchanging them for their own government bonds. Thus, the scheme might involve some further expenditures on the part of the rich countries, but it would be worth it to clear away what Mr. Roberts rightly terms the "entrenched institutional debris" of the World Bank.

MORGAN GUARANTY'S NEAT EXIT

And who better to engineer and direct a debt-equity swap closeout of the World Bank than its incoming president, Preston Lewis. As chairman of J.P. Morgan and Co., Mr. Lewis presided over Morgan Guaranty's innovative 1986 Mexican debt-for-bonds swap. Mr. Lewis also presided over Morgan Guaranty's September 1989 move to set aside in loan loss reserves 100% of the value of its outstanding medium- and long-term loans to troubled debtors. With that, J.P. Morgan fully exited the unproductive game of lending to developing country governments. Could Mr. Lewis now do for U.S. taxpayers what he did for Morgan's shareholders?

□ 2040

UNFINISHED BUSINESS ON THE AMERICAN AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the tragic events of Los Angeles are on the minds and hearts of most Americans. By the flames of Los Angeles we can see some of the shortcomings and unfinished business on the American agenda. Those flames expose some distortions and terrible, tragic vacuums that exist in our system.

Many of us are frustrated and feel paralyzed. We wish we could do something to help the situation. In the case of elected officials like myself, we are confronted by our constituents with questions of "Why don't you do something? Why haven't you done more? Why hasn't the system worked to prevent this kind of situation?"

In many instances those of us who are elected officials and those who work within the system are left with only one recourse. We cannot do very much. We cannot do much more than we have been trying to do for years, but we can speak. To speak, at least, is to act in this case, and I think in the case of most elected officials they should realize that speaking is part of their job. To state a position, to indicate where you stand, to indicate where you stand, to indicate where you think we ought to be going, to offer some kind of leadership and vision merely in terms of statements is important.

To speak is sometimes the only action we can take. The frustration we feel as part of a larger body which has failed to pass legislation which would have helped to remedy some of the situations that we are faced with in our inner cities, which in many instances are merely replicas and duplicates of Los Angeles, that frustration can only be relieved by being able to speak, being able to enunciate what it is we did propose.

We are confronted with the situation where the awful question is asked, "Why aren't black leaders speaking out more forcefully against the violence in Los Angeles?" I do not know what we could say that is much more forceful than an immediate statement by the Congressional Black Caucus last week deploring the violence and insisting violence was not the way to get changes. At the same time, we condemn the kind of trickery, the kind of manipulation of the judicial process that led to the verdict to acquit the policemen in the case of the beating of Rodney King.

We condemned that. We felt that the system has failed. The system had allowed itself to be corrupted. That had to be condemned at the same time we condemn violence, but certainly we condemn violence. Black leaders are against violence. Black elected officials are not the kinds of people who want violence to occur.

The very fact that we are in the system and have gone through all the travails of trying to make the system work means that we are not interested in seeking solutions that are not part of the system. We are not against the system. Black leaders want the system to work. We are very frustrated by the fact that the system does not work, but the fact that the system does not work does not mean that black leaders have not been trying to make the system work. We want the system to work.

We understand when we have outbreaks and outbursts and violent reactions like the one in Los Angeles, that we are not doing our jobs. We need to escalate our demands on the system. We need to intensify our efforts to end the stagnation of the system; the system; the Government, the executive branch, the legislative branch, the President, the Congress.

Why have we not done more about housing, an obvious need in our society, with greater and greater amounts of people being rendered homeless? Why have we not done more? It is not because we as leaders, black leaders, have not been fighting to try to get legislation passed in the Congress of the United States here to deal with the problem of housing.

Why have we not done more about unemployment and joblessness? It is not because we have not seen answers within changes in the system. We have proposed reforms in the system. We have fought hard to deal with the immediate problem of unemployment by providing more unemployment benefits for people who are immediately thrown out of work. We had to labor mightily for a long time to get the system to produce that. The obstacle in the system was the executive branch for many, many months, but finally we get some relief and were able to at least deal with the immediate problem of unemployment benefits for those who have recently been thrown out of work.

With the long-term joblessness, we have been laboring for many years to try to get a program which would deal with job training, deal with the creation of jobs by the government as the last resort, when there is high unemployment. While the rest of the Nation has enjoyed relatively low unemployment levels, most of the inner city communities, like the 12th Congressional District which I represent, which is very similar to the area in Los Angeles where the violence erupted recently, and very similar to areas like that in Chicago and Detroit and Philadelphia, Boston, all over the country in inner city communities can be found unemployment levels that are far higher than they are in the country as a whole.

Right now in the Borough of Brooklyn we have 12 percent unemployment, while New York City has a little lower level of 10 percent unemployment. These State of New York as a whole has an even lower level of 9 percent unemployment. As we know, the Nation as a whole has an even lower level of 7-percent unemployment, so the unemployment level of the Nation as a whole does not reflect that intense level of unemployment that exists within our inner cities.

Why haven't we done more? Why has the system not been more responsive to the basic duty of government to guarantee an opportunity for every individual to earn a living? We have tried. We have made proposals. The Congressional Black Caucus year after year has brought proposals in its alternative budget to the floor of this House, and we have indicated what needs to be done and how it can be done.

We want the system to work. We are not in favor of violence. We are against violence on the international level, against violence on the national level, and we are against violence at all times, if we just look at the record whenever violence has been an issue in this House.

Black leadership, the Congressional Black Caucus, was against the invasion of Granada. Black leadership, the Congressional Black Caucus, was against the invasion of Panama. Black leadership in this House, members of the Congressional Black Caucus, were overwhelmingly against the use of force in the Middle East before we had a chance to apply sanctions. We are consistently against violence.

Black leaders have fought for years to try to lower the level of preparation of nuclear war, lower the level of preparation, that same level of preparation for nuclear war that drained off the money necessary to meet these domestic needs that have caused so much distress and generated an atmosphere where one incident like the Rodney King verdict could set off a chain reaction of violence.

It is not unusual, incidentally, for a matter related to the police or the justice system to set off a chain reaction of violence. This was the pattern in the sixties. We have the benefits of the

Kerner report. The Kerner Commission report made it clear, after studying all the riots that took place in the sixties, they made it clear that in situation after situation the incident that set off the conflagration was something related to the police and the justice system.

□ 2050

It is not that they are incidents that affect people more. People were hungry. People had no jobs. Living conditions were bad.

It is just that it seems that when conditions are bad, the kerosene and the gasoline are thrown all around. The dry pine needles are there. The thing that is the match that sets off the problem is always something related to the police, so this is nothing new.

The pattern that has developed, started anew here in Los Angeles, was a pattern throughout the 1960's. We are against that approach to solving problems. We are in favor of making the system work.

Black leaders in the Congressional Black Caucus here on the floor of the House have offered a vision of the future that did not involve violence, a vision of the future that did not offer violence as a means of accomplishing any of the ends that needed to be accomplished.

The black leadership on the floor of this House has offered concrete proposals for the new world order. We see the new world order as a wonderful thing that could happen. It could go in either direction. The new world order we envision would be a new world order where the benefits of our know-how, our extreme high level of civilization, the benefits of technology, the benefits of wealth, and that so much more is available than what we need in order to survive, in order to eat, to have shelter, be able to travel; there is so much more left over after you meet all of the basic needs that you can take that wealth and put it into the development of new kinds of technology which, in the final analysis, make it easier to produce those basic needs of food, clothing, shelter, medical care, transportation for people all over the world. We see a new world order where we can provide the basics, enough to eat for everybody, decent housing for everybody throughout the whole world. That kind of new world order we look forward to, and certainly we look forward to the United States of America offering leadership in that new world order.

We have a vision of that, and it is related to the Congressional Black Caucus alternative budget which was presented on the floor of this House about 2 months ago. We insisted that this time our alternative budget should be presented and given an opportunity for the fullest possible discussion on the floor of the House, so we spent 8 hours on the floor of this House discussing the alternative budget prepared by the Congressional Black Caucus which was a statement of the black leaders of this House of how the system could be made to work to meet the needs of the people of America, not just black people, not just African-Americans, not just minorities, not just poor people. Our Congressional Black Caucus dealt with the totality of what the budget of the United States should be doing for the American people.

You know, it is nothing unusual for most parts of the world to have lengthy discussions of the budget. In England, now, the BBC, the British television spend a whole day or two just discussing the budget when the budget is presented. You know, there are places in the world where they understand the importance of the budget and its impact on the life of the people. So to ask for 8 hours to discuss the budget was not a radical proposal. It was a sensible proposal.

All too little time in this House is spent in discussing the budget. So we wanted to present our vision of the new world order. We wanted time to present our statement as to how the system can be made to work for the people on the bottom, for the poorest people, for the minorities, for people without jobs. The system can be made to work.

Unfortunately, the system is violent. The system is irrational. The system is out of control. The system is destructive. The system is manipulative. The system is conspiratorial.

How irrational this system is can be illustrated by the fact that the administration made a statement recently that the cause of the riots, the cause of the violence in Los Angeles was the Great Society programs of the 1960's. I can think of no more irrational, no more ridiculous, no more absurd statement than that statement.

What were the programs of the 1960's? Head Start was a program of the 1960's. Medicaid was a program of the 1960's. The Job Corps was a program of the 1960's. Extensive building of public housing was a program of the 1960's. Numerous food stamps originated in the 1960's. Numerous programs of the 1960's of that kind are now being blamed and labeled as a cause of the riots.

Which one, Mr. Fitzwater? Which one, administration, would you tell us was the cause of the riots in Los Angeles? Was it Head Start, or was it Job Corps, or was it food stamps?

The spokesmen for the system, the leaders of the system, the people who have the most authority in the system, the people who are responsible for implementing the laws that are developed by the system, in the administration, in the executive branch of government, they make irrational statements like the Great Society programs of the 1960's caused the riot.

The system is violent. The system advocates violent solutions to problems that could be solved peaceably.

What is Panama all about now? Is Panama any better off now after we violently invaded Panama? Are there fewer drugs being run through Panama? Are fewer drugs coming from Panama into the United States since we, with our system, forced a violent solution on that problem? Did Noriega's leaving really accomplish anything of substance in terms of saving our cities and the children and families of our cities from the drugs that flow through Panama?

"The system is violent. The system went to war on a little country called Grenada, no bigger than a neighborhood in New York, less than 100,000 people. I represent 516,000 people and will soon represent 580,000 people. Grenada had less than 100,000 people.

We went to war against Grenada.

The system is violent. The system is out of control. The system allowed the savings and loans debacle. They allowed billions of dollars to flow out of banks that were regulated by the system, regulated by the Government.

Billions of dollars flowed out into the hands of crooked bankers and accountants and lawyers. The system allowed obvious kinds of stealing to take place, and the system has not punished most of those men and women who looted the banks whose deposits were guaranteed by the American people.

The system is out of control.

They could not deal with the situation where obvious thievery was taking place, and even today, that obvious thievery is not punished.

People bought pieces of land. Most American people cannot understand what we are talking about when we speak of thievery taking place through the banking system. Most of them cannot understand why punishment does not take place if there have been crimes committed. They get excited about the so-called scandal in the House bank because that is simple, somebody had some overdrafts, specific amounts of money can be pinpointed, but they cannot understand what we are talking about when we are talking about billions of dollars being stolen, looted from our savings and loan banks.

Little games, conspiracies, like the following took place: People would go in and buy a parcel of land, pay a few thousand dollars for it, get a mortgage from the bank, sell it to a friend a few months later for $1 million, get a mortgage from a bank or another bank. A piece of land that is worth only a few thousand dollars suddenly has a mortgage on it for $1 million. Then they would sell it for $10 million eventually to some other friend, passing it on from one to the other, and then they would say, "The market has collapsed," and tell the banks, "You can take the land back. You can have it." Yes, $10 million gone, and the bank can have the land. That kind of scheme was done repeatedly over and over again.

And they have not punished anybody for it, because they said there was no crime committed. It was poor judgment.

Entire shopping centers, shopping malls, were laid out, and the financing was set forth for shopping malls that the people who planned knew never were going to be built. Construction contracts were let to contractors who knew they would never have to put forth any labor. The deals were all set. The financing was put in place. The banks made the payments. Something was gerrymanderedly thrown together, looked like a building, looked like a set of buildings, but everybody knew would never come to fruition.

□ 2100

It all collapsed. The banks were left holding the mortgage and eventually the taxpayers were left holding that same mortgage.

Conspiracies, obvious conspiracies, not punished. The system allowed this. The system allowed the crooks within it to manipulate the money out of the pockets of the American taxpayers. People sitting on the boards of banks, like the one in Silverado, making loans to their business partners for projects of questionable value. When those projects went bankrupt, the bank was left holding the bag.

In Denver, the Silverado bank bought a building. The building was bought, they purchased the building after it had been evaluated at $13 million. Everybody agreed the building was worth $13 million. Nevertheless, the bank gave the purchasers a loan for $26 million, twice the amount, and the purchasers in order to get that loan had to agree to put the extra $13 million back to the bank so that when the auditors came, the bank's books would look good. That is a conspiracy, but nobody went to jail. The system allowed that.

Is it any wonder that the system would manipulate Rodney King's trial, a change of venue, a situation where nobody on the jury was Afro-American? The system would move the trial into a position that would help guarantee a distorted verdict.

Is it any wonder that dirty tricks are played in the courtroom, when dirty tricks are played in political campaigns and dirty tricks are played in the savings and loan banks and the regular banks?

Dirty tricks are played right in the basement of the White House. The system was out of control when Oliver North set up his operation in the basement of the White House. Treason was taking place right in the basement of the White House. The intent of Congress was being thwarted right in the basement of the White House. The system allowed this, its manipulative aspects, its destructiveness, its conspiratorial tendencies have been multiplied since Watergate. Watergate was just the beginning.

Now we have regular everyday conspiracies orchestrated by people within government. It is not what happens. It is not what the facts are. It is what kind of spin you put on it.

They were tempted to put a spin on the violence in Los Angeles that says that the programs of the sixties, the welfare programs, the social programs, they are the cause of the violence. That is an attempt to put a spin on it, to conspire, to turn it into a kind of Willie Horton situation for the present election. That is the way of the system at this point.

Nevertheless, black leaders attempt to work within the system. We are constantly struggling to correct the system. We are constantly struggling to eliminate the conspiracies within the system, to eliminate the irrational aspects of the system. The system is irrational when we spend more than $30 billion and go halfway across the world to fight for freedom in Kuwait, and Haiti which is a little more than 90 miles from the shores of Florida, Haiti had a democratically elected President, a President elected by 70 percent of the people, and when that President is deposed, we cannot find a clear voice to speak forcefully against the conspirators.

The people who opposed that democratically elected President are members of the military who were trained in the United States, who were funded by the United States, who for most of their military careers have been on the payroll of the United States in terms of being paid by aid supplied by this Government. That is irrational to have freedom be such an issue halfway across the world and we jeopardize and risk the lives of hundreds of thousands, that we spent billions of dollars in the cause of freedom, in the cause of promoting a new world order where democratic government is of the greatest importance; and yet in Haiti this same system will not take a few small steps to enforce an embargo to cut off trade and to force the conspirators, the bandits in Haiti, to allow the democratically elected president to come back and resume his rightful place.

This is the kind of system the black leaders are struggling against at all times. Do not ask us to speak out against violence. We are against violence. Do not ask why we do not say more about the need not to be violent. Our whole lives are examples of the need not to be violent.

We are setting examples of how to do the right thing, how to work within the system. We conduct voter registration campaigns. We work hard to get people to turn out at election time. We fight hard to stop the trickery related to the reapportionment which draws districts so that minorities are put into various kinds of difficult situations and used and manipulated. The Voting Rights Act has turned into a way to manipulate the system in favor of one party or the other, while diluting the voting strength of minorities. We fight that. We fight hard to try to get the Voting Rights Act, which was a creation of the system, to be implemented as it was supposed to be. We have begged, we have pleaded for the system to do the right thing.

As I said before, the most glaring and comprehensive example of black leadership in the House of Representatives trying to make the system work is the Black Caucus alternative budget, the recent budget which we presented on the floor of this House in an 8-hour debate. That budget made it quite clear that there are savings that could be realized as a result of the ending of the cold war. Those savings could start this year, right away.

We called for the closing of overseas bases immediately. You could save as much as $50 billion in this budget year. You could save enough to be able to begin to tackle many of the domestic problem that we face as the result of years of neglect while we built up our military to come back against the Soviet superpower.

The Soviet superpower is no more. Therefore, why do we still need overseas bases in Germany? Why do we still need overseas bases in Japan? Why are we spending billions of dollars to protect people who do not need to be protected? The system is irrational.

The Congressional Black Caucus budget said the system is irrational, and we can pinpoint exactly where it is irrational. We have members of the caucus, the gentleman for California [Mr. DELLUMS] is one, who have sat on the Committee on Armed Services for years and watched the irrationality. They can point exactly to where you can save money.

We have members who are on the Budget Committee who can point to exactly the places where money can be saved.

Oh, yes, there are people who worry about moving too fast to reduce the defense budget and dislocating workers and throwing our economy into an even greater tailspin than it is now; but I ask you, how does it impact on our economy if we close overseas bases? If you close bases in Germany, it impacts on the economy of Germany perhaps. If you close bases in Japan and in Korea, it impacts on those economies. But why does closing bases overseas have an impact on our economy?

We did not propose to immediately close bases in this country, in communities in this country. We did not propose that before you have a conversion plan in place where you can retrain workers and refit industries that you rush into closing down parts of our own economy; but we do not understand why we cannot close bases in Germany.

The Soviet Union as a result of the collapse of their economy were forced to withdraw their troops immediately out of Eastern Europe. They withdrew large numbers of troops from Germany. They were forced by economic necessity. The superpower spending money on and on for years and years to build up more and more armaments to have a greater, a larger and larger army, the superpower spending money for space exploration and for space weapons, doing a very good job of it, highly advanced technologically, some of the best scientists in the world, and yet they collapsed. Their economy collapsed.

Are we not afraid that the same kind of irrationality in America, the same kind of irrationality no matter how wealthy we are and how stable our government is, if the system keeps moving in this irrational way, it faces the same danger with respect to the economy and even possible collapse.

If you have the impact of a savings and loan disaster and a commercial banking disaster at the same time you are continuing to spend money for the military, it is possible that you could move into a situation of dire consequence with respect to the economy, far greater than those we are faced now with the present recession.

The Black Caucus alternative budget calls for immediate action to deal with some of these problems.

□ 2110

The trillion-dollar peace dividend that we identified is money that would be saved starting this year and moving to the year 2000. Between now and the year 2000 we showed how you can save a trillion dollars. The administration has insisted there is no peace dividend. The President made a statement that the only peace dividend we can ever hope for is more peace. That is cute, but it is not true. The peace dividend can be more dollars.

As a result of the collapse of the Soviet Union, we have no continued competition with the superpowers with nuclear weapons, we can realize a real peace dividend, a real savings of a trillion dollars.

The Congressional Black Caucus budget is an indication of how black leaders working within the system confront the system. It took a lot of homework, it took a lot of extra time to deal with structuring a document that could not be thrown aside lightly. But the system in its irrationality, the system in its callousness did throw aside our presentation of the Congressional Black Caucus alternative budget. It threw it aside in a quite callous manner.

In league with the media, television, radio, the press, the system totally wiped out the presentation. It is almost as if it did not happen. No newspapers of any consequence reported it, no television stations reported it. The presentation of the Congressional Black Caucus alternative budget was a non-event. It was like a nonhappening.

Is it any wonder that young African-Americans in all of the communities represented by members of the Congressional Black Caucus confront them with the statement, "You have not done anything to deal with the situation. You have not done anything to help us in our plight." What they mean is that, "We have not read about anything you have done, we have not seen anything you have done on television." It is all a nonevent for them.

But the truth of the matter is we have been working to make the system work. We do not countenance violence, but we do insist that the system can be made to produce for our people, although we have very little to show for it.

Just last week we called for the system to be responsive to the needs of the America people at this moment instead of contemplating $6 billion in cuts for domestic program as we move toward the finalization of the budget, the reconciliation of the budget.

The appropriation committees are faced with this task of having to scale back $6 billion that may be cut from existing programs. Instead of facing this kind of phenomenon, we joined with others, not just the members of the Congressional Black Caucus but there are many others who saw the logic of scaling back the size of the space program in order to save money.

You know, we tried first to save it through the military cutbacks. Savings in defense would be applied to domestic programs, if you bring down the walls. You would have to change the budget agreement in order to do that. So, we failed.

We tried that, we had a vote on the floor, and the system, the majority of the Members of Congress and the administration said, "No, under no circumstances will we take the money saved from military cutbacks to finance domestic programs." We lost that battle. But we struggled, and we lost.

The space program is in the same area as the other domestic programs. Why must we move so rapidly to build a space station and to do other things in outer space? Have we not learned anything from the collapse of the Soviet Union? They were the leader in space, the leader in space research, the leader in space technology; they have had astronauts up there for more than a year. There are people living in space. One man was there so long until the government of his country changed, not just the government changed but the entire country was wiped out while he was out there in space.

They have achieved miracles in outer space, the Soviet Union. Did that help the Soviet Union's economy? Did it keep the economy from collapsing? Did it save the Soviet Union from disintegration?

What did space have to do for those numerous members of the Soviet Union constituency, the Citizens of the Soviet Union standing in long lines to buy food that did not exist? The misery that the Soviets, the former Soviet Union citizens now face is not in any way helped by the space program. And yet we insist on plowing ahead.

We are going to cut back on domestic programs, we are going to cut back on heating programs, we are going to cut back on programs for the elderly, we are going to cut back on education programs, in order to go ahead at the same rapid pace into space, building a space station. Is that rational? Are the representatives of the system who voted down a proposed cut in the space program rational? Are those people who care about the right priorities?

Mr. Speaker, we have struggled, along with our colleagues, the black leaders have struggled to make the system work by dealing with specific kinds of situations, specific kinds of actions, like the cutting of the space programs, not to eliminate it but just to slow it down.

Let us go into outer space at a slower rate. Let us wait a little while and save money. Probably much of that we are trying for and doing research on, what we are developing in space, we can buy from the Soviet Union anyhow. They already have many of the kinds of technological gadgets, technological instruments that we want to develop in outer space. They have done many of the experiments.

Mr. Speaker, a union of the space effort of the former Soviet Union and the Untied States would be a great idea for all mankind. It would save money for the American taxpayers, it would save money that could be put into buying food and clothing and shelter for the people of the world. That makes sense. That shows vision.

But, no we cannot get the irrational system to respond to such a rational request.

We have begged, we have pleaded for the system to do the right thing. We do not countenance violence. We think the savings that could come from spending less for outer space, the savings that could come from spending less on defense can be used to jump-start the economy.

Why should people feel insecure? In wealthy America, why should be feel insecure about the future? Why should there be some people out of jobs, just a year ago, and in my district people have been out of work for 5, 6, 7 years. That is a major problem that we never addressed. Now we have new people entering the ranks of the unemployed. Why should this happen when we do not have a cold war?

We could cut back. Every dollar cut back by saving on defense can be spent on the domestic economy to yield more jobs. Several studies have showed that you could purchase more jobs when you spend money to build roads or when you spend money to build bridges or when you spend money to buy equipment for laboratories in schools or books for schools or when you spend money for hospitals.

The dollars you spend will create a greater chain reaction in the economy than dollars that are spent for defense. This is not a theory that I offer out of thin air. Most economists agree on it.

Studies have shown that that is the case. So why do we not use the savings from defense to jump-start the economy? We do not know what the future is really going to be like. We have a whole new world order coming in terms of the economy. We ought to get ready for the long haul and the competition with other nations.

But in the meantime we do know if you spend money on public sector activities, like the building of bridges, the building of roads, the building of schools, et cetera, it will help us through the next 4 or 5 years and create an economy which would mean that people do not have to worry about job security.

We proposed that kind of jump-start in the Congressional Black Caucus alternative budget. The system heard us, but would not listen.

Education is everybody's priority. The President wants to be the education President. The Democratic Party leadership says that we Democrats have always been leaders in education. We are so far out ahead as leaders until we do not bother to offer any concrete proposals anymore. We just declare that the Democratic Party is a leader in the area of education. The Republican President, the administration, offers America 2000. Education is everybody's priority. But we proposed in the Congressional Black Caucus alternative budget to spend some money to show education is everybody's priority. We challenged the fact that the budget of the Federal Government expended for education has been going down for the last 10 years. When Jimmy Carter left as President, 8 percent of the total education expenditure for the Nation was Federal money, 8 percent of the amount of money being spent for education came from Federal money. Now it is 6 percent. We are down in all the years and talk about a nation at risk, America 2000, and the education President. As the rhetoric goes up, the amount of money available goes down.

□ 2120

Mr. Speaker, we had concrete proposals to present. We think you need to spend more money on research and development in education. We think you need to spend more money to deal with the budget cuts that are faced by most of the school districts across America. There are devastating budget cuts taking place. Some systems do not know how they are going to get through the school year. If we stop building Seawolf submarines, if we stop building nuclear aircraft carriers, one or two Seawolf submarines could end all the budget cuts throughout all the school systems in America for one year. A Seawolf submarine costs $2 billion; two Seawolf submarines, $4 billion. We do not need $4 billion to plug up the budget gaps for all of the school systems, all of the school districts, throughout America. They could be spending at the same level that they were spending last year if they got $4 billion from the Seawolf submarine saving.

Think about it; $3.5 billion we spend to build a nuclear aircraft carrier. One nuclear aircraft carrier could wipe out a lot of budget cuts in schools, in hospitals.

We want the system to work. Black leaders have insisted every time a vote came up on the S&L's, we have given over $150 billion to the S&L's. The most conservative estimates now are that before the bailout of the saving and loan associations is completed, it will cost the American taxpayers $500 billion. That is at least $5,000 out of the pockets of every family in taxes; $5,000 in taxes will come out of the pockets of every family to pay for this scandal of all scandals, the scandal that is unparalleled anywhere throughout American history, probably throughout human history. Never have so many people stolen so much money and gotten away without being prosecuted or punished as in the case of the savings and loans. So, $500 billion it is going to cost us eventually.

Mr. Speaker, we have been insisting that the system punish the perpetrators, that the system collect more money from the perpetrators. The gentleman from Illinois [Mr. ANNUNZIO] who is on the Committee on Banking, Finance and Urban Affairs, has released a report which shows that, even when they had prosecutions and even when the judges have ordered the members of a savings and loan association board, or the staff, or whoever was found guilty of fraud or conspiracy, and part of their sentence was to pay back the money, even when it has been ordered by a court, only a tiny fraction has been collected by the U.S. Justice Department.

This is the same Justice Department which acts irrationally about the House bank, and it wants to give the American people the impression that a major threat exists in the House of Representatives bank, the former bank, the Sergeant at Arms payroll office. This is the Justice Department which refuses to prosecute vigorously most of the savings and loans thieves, and, when they do get prosecutions and do get sentences involving restitution and repayment of fines, they collect only a tiny percentage of the money that the courts have ruled must be returned—this Justice Department.

So, we have, as black leaders, as members of the Congressional Black Caucus, pushed hard to get the system to do the right thing and punish the looters of the S&Ls, the looters who staged a quiet riot for several years and ran off with the Treasury. Those looters have not been punished, and we insist that the system work, that justice be done, and that they be punished and that the money, as much as possible, be returned to the American people. We have insisted that the system work and do justice.

We have insisted that the system work by promoting national health insurance. The gentleman from California [Mr. DELLUMS] has for years introduced a national health insurance bill, legislation calling for the creation of national health insurance. It is nothing new. It has been on the books for quite a while.

Now we have several proposals before us. When polls are taken among the American people, they show that national health insurance ranks very high as a priority. At least two-thirds of the American people want national health insurance because those who have insurance now feel much of it is inadequate. Forty million people are totally uncovered. We are the only industrialized nation, other than South Africa, that does not have national health insurance.

We have tried to make the system work by calling for immediate enactment of a national health insurance program which, first of all, provides protection for every American citizen. We are not for violence. We want a national health insurance enacted using the Congress, using the legislative process. We want the executive branch to stop its tricks, its conspiracies, against national health insurance, its disinformation campaign about a trivialized Canadian system.

Mr. Speaker, Canada, right next to us for 20 years, has had national health insurance. Canada is a democracy. Canada is a capitalist economy. Canada has made national health insurance work for the Canadians. If someone tried to take national health insurance away from Canadian citizens, we would see a revolution, I assure my colleagues. They would get violent if anybody tried to take away their national health insurance system.

The nuts and bolts of how that system works can be studied. We can produce an even more effective national health insurance system. Our present health care system spends twice as much per capita as the Canadian system. We spend more on health care, twice as much as the Canadians, and yet the Canadians cover every citizen. I ask my colleagues, why can't we have national health insurance? Why can't the people in Los Angeles at least know that their Government cares enough about them to guarantee that their lives are going to be treated the same as the life of any other person in America when it is time for health care to be provided? Why can't the people of Los Angeles understand that their Government is behind them with more than just words when they talk about education, more than just rhetoric, that the opportunity to get a first-rate education and to be able to compete in our society for jobs is going to be there, that our Federal Government is going to play a major role in guaranteeing this? Why can't the system work? Why can't the system be more honest? Why can't the system use its resources to help all of the people instead of making the rich richer? Why can't the same system, which found billions of dollars for the S&L's overnight, why can't that system find money to provide the unemployment benefits for the unemployed? Why can't that same system provide money to create new jobs for the unemployed? Why can't the same system find a way to convert the military plants and the military economy so that it can be channeled into, or converted into, providing the kinds of programs for the domestic economy that are necessary?

Now is the time to show all of the American people that the system does work. As I said before, as a Member of Congress I feel quite ineffective, quite paralyzed, when it comes to doing something about the immediate situation faced by the people of Los Angeles and by similar communities across the country, including the 12th Congressional District which I represent. I have tried as hard as possible as the chairman of the Select Committee on Education, as a member of the Congressional Black Caucus, as a Member of this Congress, whenever possible. We have got to make the system work. The fact that the system does not work is not because we have not struggled to make the system work. We are left only with the alternative of being able to speak, so I am here to speak and let the people know that we have tried to make the system work.

We are against violence. We are against violence in Grenada, in Kuwait, in Panama. We are against violence. On the other hand, we recognize that the system is doing great violence to the people of America. Unnecessary violence is being wrought upon the people of America. When a society refuses to provide jobs, when a society refuses to provide an opportunity to earn a living, then that society is committing a crime against its own citizens. Black leaders are struggling to correct this system. We are against violence. We want the system to work. We demand that the system produce for all the people of America.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 5 minutes, today.

Mr. INHOFE, for 60 minutes each day, on May 12 and 13.

Mr. MILLER of Washington, for 60 minutes, on May 12.

Mr. BURTON of Indiana, for 60 minutes each day, on June 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30.

Mr. DORNAN of California, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes each day, on May 12, 13, 19, 20, 27, 28, June 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, and July 1.

Mr. DREIER of California, for 60 minutes each day, on May 12, 13, 19, 20, 27, 28, June 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, and 30.

Mr. WALKER, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. SARPALIUS, for 60 minutes, on May 7.

Mr. MORAN, for 5 minutes, on May 7.

Mr. HOYER, for 5 minutes, on May 7.

Mr. GONZALEZ, for 60 minutes, on May 7 and 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. IRELAND.
Mr. GINGRICH.
Mr. DAVIS.
Mr. BILIRAKIS in two instances.
Ms. MOLINARI.
Mr. FAWELL.
Mr. BEREUTER.
Mr. HYDE.
Mr. GOODLING.
Mr. WALKER.
Mr. GREEN of New York.
Mr. STUMP.
Mr. HOUGHTON.
Mr. FRANKS of Connecticut.
Mr. MARLENEE.
Mr. DOOLITTLE.
Mr. BURTON of Indiana.
Mr. YOUNG of Florida.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. THOMAS of Georgia.
Mr. MCMILLEN of Maryland.
Mr. ROE.
Mr. HAMILTON in two instances.
Mr. SWETT.
Mr. MOAKLEY.
Mr. OLVER.
Mr. STOKES.
Mr. HAMILTON.
Ms. DELAURO.
Mr. KLECZKA.
Mr. VENTO.
Mr. BORSKI.
Mr. OWENS of New York.
Mr. KOSTMAYER.
Mr. MORAN.
Mr. CONYERS.
Mr. LANTOS.
Mr. ANDREWS of Texas.
Mr. ROEMER.
Mr. EVANS.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 276. Joint resolution to designate May 1992, as "Older Americans Month"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2763. An act to enhance geologic mapping of the United States, and for other purposes.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 31 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, May 7, 1992 at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3456. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Japan (Transmittal No. OTC-13-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. OTC-92-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3458. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on assistance related to international terrorism provided by the United States to foreign countries, pursuant to 22 U.S.C. 2349aa-7; to the Committee on Foreign Affairs.

3459. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Trading with the Enemy Act, and for other purposes; to the Committee on Foreign Affairs.

3460. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of H.R. 4572, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3461. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled, "Health Benefits for Self-Employed Individuals Act of 1992"; to the Committee on Ways and Means.

3462. A letter from the Comptroller of the Department of Defense, transmitting the quarterly report on program activities for facilitation of weapons destruction and nonproliferation in the former Soviet Union; jointly, to the Committees on Appropriations and Foreign Affairs.

3463. A letter from the Administrator, Agency for International Development, transmitting a report on the origin, contents, destination, and disposition of humanitarian goods and supplies transported by the Department of Defense for fiscal year 1991, pursuant to 10 U.S.C. 402 note; jointly, to the Committees on Foreign Affairs and Armed Services.

3464. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled, "National Marine Sanctuaries Program Amendments Act 1992"; jointly, to the Committees on Merchant Marine and Fisheries, the Judiciary, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 5, 1992]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102-474, Pt. 9). Ordered to be printed.

[Submitted May 6, 1992]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4250. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; with an amendment (Rept. 102-513). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 447. Resolution providing for the consideration of H.R. 4990, a bill rescinding certain budget authority, and for other purposes (Rept. 102-514). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN (for himself, Mr. NATCHER, Mr. YATES, Mr. ROYBAL, Mr. TRAXLER, Mr. DIXON, Mr. STOKES, Mr. FAZIO, Mr. LEWIS of California, Mr. LOWERY of California, Ms. PELOSI, Mr. ANDERSON, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. CONDIT, Mr. DELLUMS, Mr. DOOLEY, Mr. DYMALLY, Mr. EDWARDS of California, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. MOORHEAD, Mr. STARK, Mr. TORRES, Ms. WATERS, Mr. WAXMAN, Mr. BLACKWELL, Mr. CLAY, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. ESPY, Mr. FLAKE, Mr. FORD of Tennessee, Mr. FRANKS of Connecticut, Mr. HAYES of Illinois, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MFUME, Ms. NORTON, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. SAVAGE, Mr. TOWNS, Mr. WASHINGTON, and Mr. WHEAT):

H.R. 5069. A bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mrs. LOWEY of New York (for herself, Ms. DELAURO, Mr. JONES of North Carolina, Mr. WAXMAN, Mr. MILLER of California, Mr. BONIOR, Mrs. KENNELLY, Mr. SHAYS, Mr. MARKEY, Mr. BACCHUS, Mr. GEJDENSON, Mr. ENGEL, Mr. MCDERMOTT, Mr. GUARINI, Mr. SOLARZ, Mrs. COLLINS of Michigan, Mr. SERRANO, Mr. GIBBONS, Mr. REED, and Mr. MANTON):

H.R. 5070. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. ABERCROMBIE (for himself and Mrs. MINK):

H.R. 5071. A bill to suspend until January 1, 1995, the duty on prepared seaweed; to the Committee on Ways and Means.

By Mr. ANDREWS of Maine (for himself and Mr. TAYLOR of Mississippi):

H.R. 5072. A bill to assist in the revitalization of the commercial shipbuilding industry in the United States; to the Committee on Armed Services.

By Mrs. COLLINS of Illinois (for herself, Mr. MCMILLAN of North Carolina, and Mr. OXLEY):

H.R. 5073. A bill to entitle certain armored car crewmembers to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 5074. A bill to protect civil rights; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. BUSTAMANTE):

H.R. 5075. A bill to improve the delivery of employment training services to members of the Armed Forces who are involuntarily separated from active duty in the Armed Forces or accept separation under one of the separation incentive programs; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. CONYERS:

H.R. 5076. A bill to amend title 18, United States Code, with respect to civil rights related crimes; to the Committee on the Judiciary.

By Mr. ERDREICH:

H.R. 5077. A bill to amend the Solid Waste Disposal Act to require financial responsibility requirements to be based on risk, and to require the collection and maintenance of information relating to financial responsibility; to the Committee on Energy and Commerce.

By Mr. GINGRICH:

H.R. 5078. A bill to amend the Internal Revenue Code of 1986 to exempt from tax 100 percent of the net capital gain of certain low-income individuals; to the Committee on Ways and Means.

By Mr. KOSTMAYER (for himself, Mr. MURTHA, Ms. HORN, Mr. NAGLE, Mr. WISE, Mr. GORDON, Mr. PENNY, and Mr. STARK):

H.R. 5079. A bill to amend the Agricultural Trade Act of 1978 to make modifications in the Market Promotion Program; to the Committee on Agriculture.

By Mr. KOSTMAYER:

H.R. 5080. A bill to amend the National Historic Preservation Act to provide for the rehabilitation of certain religious properties, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCMILLAN of North Carolina:

H.R. 5081. A bill to suspend until January 1, 1995, the duty on 2,4-dichloro-3,5-dinitrobenzotrifluoride; to the Committee on Ways and Means.

By Mr. MCMILLEN of Maryland:

H.R. 5082. A bill to promote the use of telecommuting; to the Committee on Energy and Commerce.

By Mrs. MINK:

H.R. 5083. A bill to amend the act of September 30, 1950, to provide that amounts appropriated under such act for purposes of making payments to local educational agencies on behalf of children who are dependents of a parent or parents on active duty in the Armed Forces shall be considered national defense functions for budget purposes; to the Committee on Education and Labor.

By Mr. MONTGOMERY:

H.R. 5084. A bill to amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who will receive voluntary separation incentives upon separation from active duty in the Armed Forces, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. ORTIZ:

H.R. 5085. A bill to amend title 10, United States Code, with respect to the Junior Reserve Officers' Training Corps Program; to the Committee on Armed Services.

By Mr. PENNY (for himself and Mr. SMITH of New Jersey):

H.R. 5086. A bill to designate a portion of defense funds for fiscal year 1993 that are made available for economic conversion or reinvestment to be available for certain defense-related personnel transition assistance programs; jointly, to the Committee on Armed Services and Veterans' Affairs.

By Mr. PENNY (for himself, Mr. Smith of New Jersey, Mr. Montgomery, and Mr. Stump):

H.R. 5087. A bill to amend title 38, United States Code, with respect to veterans' education assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REGULA:

H.R. 5088. A bill to amend the Tariff Act of 1930 to make technical improvements to the U.S. antidumping and countervailing duty laws; to express the sense of Congress regarding the scope and standard of review of GATT dispute settlement panels; to express the sense of Congress for the extension of the specialty steel voluntary restraint agreement; and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 5089. A bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 5090. A bill to amend the Voting Rights Act of 1965 to eliminate certain provisions relating to bilingual voting requirements; to the Committee on the Judiciary.

By Mr. TANNER (for himself and Mr. Browder):

H.R. 5091. A bill to amend the National Defense Authorization Act for fiscal year 1991 to provide for counterdrug related training of civilian law enforcement personnel at Fort McClellan, AL.; to the Committee on Armed Services.

By Mr. TANNER:

H.R. 5092. A bill to provide for a pilot program to use National Guard medical personnel in areas containing medically underserved populations; jointly, to the Committee on Armed Services and Energy and Commerce.

By Mr. MONTGOMERY (for himself and Mr. Stump):

H.J. Res. 479. Joint resolution to designate November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself and Mr. Gilman):

H. Con. Res. 316. Concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself, Mr. Broomfield, Mr. Gilman, Ms. Molinari, Mr. Sensenbrenner, Mr. Swett, Mr. Towns, and Mr. Vander Jagt):

H. Res. 448. Resolution regarding the aggression against Bosnia-Hercegovina and conditioning United States recognition of Serbia, Montenegro, or the Yugoslav Republic; to the Committee on Foreign Affairs.

By Mr. STEARNS:

H. Res. 449. Resolution congratulating the people of India on the occasion of the 45th anniversary of their nation's independence; to the Committee on Foreign Affairs.

By Mr. STENHOLM (for himself, Mr. Smith of Oregon, Mr. Carper, and Ms. Snowe):

H. Res. 450. Resolution providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

H. Res. 451. Resolution providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

411. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to the National Defense Authorization Act of 1991; to the Committee on Armed Services.

412. Also, memorial of the Senate of the State of Louisiana, relative to the Louisiana Army National Guard; to the Committee on Armed Services.

413. Also, memorial of the Senate of the State of Louisiana, relative to building a veteran's nursing care facility and domiciliary in St. Bernard Parish; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERTEL:

H.R. 5093. A bill to clear certain impediments to the documentation of the vessel *Sea Hawk III* for employment in the coastwise and Great Lakes trade of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. McMILLEN of Maryland:

H.R. 5094. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *A Weigh of Life*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Gejdenson.

H.R. 53: Mrs. Collins of Michigan, Mr. Saxton, Mr. Matsui, Mr. Weldon, Mr. James, Mr. McDade, and Mr. DeFazio.

H.R. 110: Mr. DeFazio.

H.R. 431: Mr. Rinaldo, Mr. Walsh, Mr. Gibbons, Mr. Ortiz, and Mr. Nichols.

H.R. 608: Mr. Allard, Mr. Spratt, Mr. Grandy, Mr. Toricelli, Mr. Kostmayer, Mr. Hoagland, and Mr. Gunderson.

H.R. 747: Mr. Coleman of Missouri.

H.R. 786: Mr. Wyden.

H.R. 911: Mr. Morrison, Mr. Tauzin, and Mr. Annunzio.

H.R. 1218: Mr. Bacchus, Mr. Fazio, and Mr. Brown.

H.R. 1254: Mr. Martinez, Mr. Guarini, and Mr. Kopetski.

H.R. 1456: Mr. Mollohan.

H.R. 1497: Mr. Schumer.

H.R. 1557: Mr. Fawell, Mr. Yatron, Ms. Norton, Mr. Richardson, Mr. Ritter, Mr. Andrews of Maine, Mr. Ravenel, and Mr. Price.

H.R. 1882: Mr. Lipinski, Mr. DeLay, and Mr. Jontz.

H.R. 1969: Mr. Blackwell.

H.R. 2070: Mr. Johnson of South Dakota, Mr. English, Mr. Doolittle, Mr. Kildee, Mr. Schaefer, and Mr. Miller of Washington.

H.R. 2248: Mr. Moakley.

H.R. 2333: Mr. Harris.

H.R. 2336: Mr. Ritter.

H.R. 2380: Mr. Durbin.

H.R. 2650: Mr. Evans.

H.R. 2798: Mr. Gilchrest.

H.R. 2872: Ms. Horn.

H.R. 2936: Mrs. Lloyd, Mr. Alexander, and Mr. Skeen.

H.R. 3035: Mr. Atkins and Mr. Cooper.

H.R. 3236: Mr. Smith of New Jersey.

H.R. 3518: Mr. Sikorski, Mr. Zeliff, Mr. Lagomarsino, and Mr. Solomon.

H.R. 3545: Mr. Fields.

H.R. 3603: Mr. Rahall, Mr. Studds, Mr. Rose, Mr. Sabo, Mrs. Unsoeld, Mr. Hubbard, and Mrs. Collins of Michigan.

H.R. 3625: Mr. Serrano.

H.R. 3763: Mr. Stark and Mr. Packard.

H.R. 3785: Mr. Poshard and Mr. Lagomarsino.

H.R. 3803: Mr. Machtley.

H.R. 3836: Mrs. Schroeder, Ms. DeLauro, and Mr. Shays.

H.R. 3908: Mr. LaRocco.

H.R. 3920: Mrs. Unsoeld, Mr. Frost, Ms. Pelosi, and Mr. Owens of New York.

H.R. 3937: Mr. Perkins.

H.R. 3949: Mr. Washington, Mr. Hughes, Mr. Feighan, Mr. Bryant, and Mr. Reed.

H.R. 3961: Mr. Andrews of Maine and Mr. Kopetski.

H.R. 3998: Mr. Moran and Mr. Jones of Georgia.

H.R. 4045: Mr. Lantos, Mr. Lewis of Georgia, Mr. Rangel, Mr. Gilman, Mr. Carper, and Mr. Torres.

H.R. 4100: Mr. Swett and Mr. Pastor.

H.R. 4155: Mr. Shays and Mr. Boehner.

H.R. 4169: Mr. Bereuter.

H.R. 4178: Mr. Fazio and Mrs. Boxer.

H.R. 4226: Mr. Zeliff, Mr. Jontz, Ms. Kaptur, and Mr. Nagle.

H.R. 4255: Mr. Andrews of Maine, Mr. Gilman, Ms. Horn, Mr. Lewis of Georgia, Ms. Norton, Mr. Owens of Utah, Mr. Rangel, Ms. Slaughter, Mr. Smith of Florida, and Mr. Weiss.

H.R. 4275: Mr. Pallone, Mrs. Collins of Michigan, Mr. Stearns, Mr. Klug, Mr. Bliley, and Mr. Zeliff.

H.R. 4278: Mr. Peterson of Minnesota.

H.R. 4300: Mr. DeFazio and Mr. Traficant.

H.R. 4310: Mr. McDermott and Mr. Manton.

H.R. 4383: Mr. Atkins, Mr. Blackwell, Mr. Mrazek, and Mrs. Johnson of Connecticut.

H.R. 4399: Mr. Bonior, Mr. Neal of North Carolina, and Mrs. Bentley.

H.R. 4420: Mr. Andrews of Maine and Mr. Zeliff.

H.R. 4430: Mr. Herger.

H.R. 4432: Mrs. Morella, Mr. Murphy, Mr. Murtha, and Mr. Olin.

H.R. 4447: Mr. Perkins.

H.R. 4453: Mr. Zeliff, Ms. Kaptur, and Mr. Geren of Texas.

H.R. 4472: Mrs. Johnson of Connecticut, Mr. Zeliff, Mr. Lewis of Georgia, Mr. Henry, and Mr. Lancaster.

H.R. 4482: Mr. Eckart.

H.R. 4488: Mr. Payne of Virginia, Mr. Sarpalius, Mr. Doolittle, Mr. Roberts, Mr. Marlenee, Mr. Ortiz, Mr. Bustamante, Mr. Packard, Mr. Zeliff, Mr. Wolf, Mr. Tanner, Mr. Gallegly, Mr. Callahan, Mr. Thomas of Wyoming, Mr. McCollum, Mr. Stump, Mr. Olin, Mr. Sundquist, Mr. Al-

LARD, Mr. MCCANDLESS, Mr. QUILLEN, Mr. ARCHER, Mr. THOMAS of Georgia, Mr. ROWLAND, Mr. COMBEST, Mr. DORNAN of California, Mr. GINGRICH, Mr. INHOFE, and Mr. THOMAS of California.

H.R. 4542: Mr. ATKINS, Mr. BEILENSON, Mr. BERMAN, Mr. DEFAZIO, Mr. GREEN of New York, Mr. HORTON, Mr. LAFALCE, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MOORHEAD, Mr. ROE, Mr. SCHIFF, Mr. TOWNS, Mr. HYDE, Mr. PERKINS, Mr. WASHINGTON, Mr. BRYANT, and Mr. FASCELL.

H.R. 4571: Ms. SLAUGHTER and Mr. FOGLIETTA.

H.R. 4613: Mr. BOEHNER.

H.R. 4713: Mr. SCHIFF and Mr. SPENCE.

H.R. 4727: Mr. BORSKI, Mr. STARK, Mr. MCDERMOTT, and Mr. OLVER.

H.R. 4738: Mr. ANNUNZIO.

H.R. 4761: Mr. ENGEL.

H.R. 4779: Mr. OWENS of New York.

H.R. 4849: Mr. BLILEY.

H.R. 4851: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4852: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4853: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4854: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4855: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4856: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4857: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4858: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4859: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4860: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4861: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4862: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4863: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4864: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4865: Mr. BOEHNER and Mr. ALLARD.

H.R. 4866: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4867: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4868: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4869: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4870: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4871: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4872: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4873: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4874: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4875: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4876: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4877: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4878: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4906: Mr. SARPALIUS.

H.R. 4961: Mr. ZELIFF.

H.R. 5002: Mr. GOSS and Mr. DONNELLY.

H.R. 5013: Mr. WISE.

H.J. Res. 152: Mr. GEKAS and Mr. FROST.

H.J. Res. 378: Mr. EVANS, Mr. DELLUMS, and Mr. ROE.

H.J. Res. 394: Mr. JONTZ.

H.J. Res. 399: Mr. JENKINS, Mr. MOLLOHAN, and Mr. HENRY.

H.J. Res. 408: Mr. VENTO, Mr. QUILLEN, Ms. KAPTUR, and Ms. OAKAR.

H.J. Res. 409: Mr. QUILLEN, Mr. SERRANO, and Mr. VISCLOSKY.

H.J. Res. 426: Mr. LAGOMARSINO and Mr. MCNULTY.

H.J. Res. 429: Mr. SABO, Mr. MARKEY, Mr. SAXTON, Mr. MATSUI, Mr. SAWYER, Mr. RAY, Mr. GONZALEZ, Mr. CHAPMAN, and Mrs. LLOYD.

H.J. Res. 441: Mr. BALLENGER, Mr. BOEHLERT, Mr. FIELDS, Mr. MCGRATH, Mrs. MORELLA, Mr. ANTHONY, Mr. BEILENSON, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. BREWSTER, Mr. ECKART, Mr. HALL of Texas, Mr. LEHMAN of California, Mrs. LOWEY of New York, Mr. MANTON, Mr. MAVROULES, Mr. OWENS of New York, Mr. ROSE, Mr. SIKORSKI, Mr. SWIFT, Mr. TANNER, Mr. WAXMAN, Mr. RITTER, Mr. DICKINSON, Mr. DORNAN of California, Mr. WYLIE, Mr. LEACH, Mr. LEHMAN of Florida, Mr. MOORHEAD, Mr. BOUCHER, Mr. ROE, Mr. SISISKY, Mr. MARTIN, and Mr. LANTOS.

H.J. Res. 444: Mr. PASTOR, Mr. BORSKI, Mr. SISISKY, Mr. COOPER, Mr. BILBRAY, Mr. HORTON, Mr. STOKES, Mr. GEJDENSON, Mr. SERRANO, Mr. CRAMER, Mr. PICKLE, and Ms. KAPTUR.

H.J. Res. 447: Mr. SOLOMON, Mr. YOUNG of Alaska, Mr. WALSH, and Mr. SKEEN.

H.J. Res. 459: Mr. ALEXANDER, Mr. ANDREWS of Maine, Mr. AUCOIN, Mr. BEVILL, Mr. BILBRAY, Mr. CLEMENT, Mr. CARDIN, Mr. BENNETT, Mrs. BENTLEY, Mr. CLINGER, Mr. CONYERS, Mr. DORNAN of California, Mr. DREIER of California, Mr. FOGLIETTA, Mr. GILCHREST, Mr. GILMAN, Mr. GRANDY, Mr. GUNDERSON, Mr. HARRIS, Ms. HORN, Mr. HUTTO, Mr. HYDE, Mr. JONTZ, Mr. LIPINSKI, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MOAKLEY, Mr. MRAZEK, Mr. MURTHA, Mr. OBERSTAR, Mr. OWENS of New York, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROE, Mr. SAVAGE, Mr. STAGGERS, Mr. STUDDS, Mr. TALLON, Mr. DOWNEY, Mr. KASICH, Mr. KENNEDY, Mr. KOPETSKI, Mr. LEVINE of California, Mr. MARKEY, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. SABO, and Mr. SAWYER.

H.J. Res. 470: Mr. TRAFICANT, Mr. JEFFERSON, Mr. LANTOS, Mr. SOLARZ, Mr. PAYNE of Virginia, Mr. RAVENEL, Mr. RANGEL, Mr. LANCASTER, Mr. MILLER of California, Mr. MONTGOMERY, Mr. TALLON, Mr. MOORHEAD, Mr. DUNCAN, Ms. MOLINARI, Mr. MCGRATH, Mr. SCHEUER, Mr. DOWNEY, Mr. LEWIS of California, Mr. BLILEY, Mr. BURTON of Indiana, Mr. DANNEMEYER, Mr. ROHRABACHER, Mr. COUGHLIN, Mr. GOODLING, Mr. MCCANDLESS, Mr. ACKERMAN, Mr. SHAW, Mr. FISH, Mr. SCHUMER, Mr. FORD of Michigan, Mr. HALL of Ohio, Mr. RITTER, Mr. BATEMAN, Mr. MCEWEN, Mr. HOUGHTON, Mr. SMITH of New Jersey, Mr. UPTON, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. ROTH, Mr. SPENCE, Mr. WYLIE, Mr. PURSELL, Mr. KASICH, and Mr. SKEEN.

H.J. Res. 475: Mr. ROHRABACHER, Mrs. BENTLEY, Mr. GUARINI, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. TOWNS, and Mr. POSHARD.

H. Con. Res. 248: Mr. DELLUMS and Mr. SKAGGS.

H. Con. Res. 257: Mr. ANDREWS of New Jersey, Mr. BROWN, Mr. GALLO, Ms. KAPTUR, Mr. LANTOS, Mr. MOORHEAD, Mr. PERKINS, Mr. SABO, Mr. SERRANO, Mrs. UNSOELD, and Mr. WALSH.

H. Con. Res. 279: Mr. SANDERS.

H. Con. Res. 298: Mr. WYDEN, Mr. GEJDENSON, Mr. CARDIN, Mr. VENTO, Mr. BLACKWELL, and Mr. SIKORSKI.

H. Con. Res. 301: Mr. EMERSON, Mrs. MEYERS of Kansas, and Mr. SOLOMON.

H. Con. Res. 304: Mr. WEISS, Mr. BORSKI, Mr. JONTZ, Mr. KOSTMAYER, Ms. PELOSI, Mr. LAFALCE, and Mr. OWENS of New York.

H. Con. Res. 309: Mr. EMERSON, Mr. WILSON, and Mr. NEAL of North Carolina.

H. Res. 372: Mr. HORTON.

H. Res. 399: Mr. ALLEN, Mr. BLAZ, Mr. BILIRAKIS, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. LANCASTER, Mr. LENT, Mr. MOLLOHAN, Mr. PAXON, Mr. RAY, Mr. ROE, Mr. ROGERS, Mrs. ROUKEMA, and Mr. SWETT.

H. Res. 404: Mr. TAYLOR of Mississippi, Mr. SCHAEFER, and Mr. OXLEY.

H. Res. 422: Mr. BROOMFIELD.

H. Res. 428: Mrs. MEYERS of Kansas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 429: Mr. MCMILLAN of North Carolina.

EXTENSIONS OF REMARKS

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 6, 1992, into the CONGRESSIONAL RECORD:

WELFARE REFORM

Most Americans dislike the welfare system. They think it costs too much and encourages prolonged dependence on public assistance, single-parent households, and out-of-wedlock births. This widespread dissatisfaction with the current system, combined with rising welfare caseloads, is pushing reform forward. The encouraging development in welfare reform is a gradually emerging consensus that able-bodied recipients should be expected to contribute to their well-being, either by working or training for a job; that government has a responsibility to make job training and child care available to them; that parents should be expected to help support their children; and that all funds spent on the poor should strengthen the family rather than tear it apart. There is less agreement on how best to achieve these goals.

HOW WELFARE WORKS

Aid to Families with Dependent Children (AFDC) is the major cash welfare program for families. Established in 1935, it provides assistance to needy families in which one parent is either absent, disabled, deceased, or unemployed.

States administer AFDC and set eligibility standards and benefit levels. The federal government pays at least 50 percent of each state's benefits and administrative costs. In 1992, the federal government spent $12.4 billion—less than 1 percent of total federal spending—for AFDC benefits. States contributed $10.8 billion. In 1991, family AFDC benefits averaged $384/month. In Indiana, a one-parent family of three persons could receive a maximum of $288/month. The real value of AFDC benefits has declined more than 20 percent since 1971.

After showing little growth for almost two decades, the nation's welfare rolls are surging. Currently, AFDC benefits go to a record 4.7 million families—a 22 percent increase over 1990. Everyone agrees that the sagging economy is a main cause of this surge, but there are other causes as well: more households headed by women, some expansions of eligibility, and an amnesty program for illegal immigrants which qualified some of them for welfare. Although 98 percent of AFDC children have two living parents, 88 percent live with only one, usually the mother. Most AFDC mothers stay on welfare for at least 8 years.

RECENT WELFARE REFORMS

The most recent federal welfare reform law is the Family Support Act of 1988. Its cornerstone is a requirement that all states operate a Job Opportunities and Basic Skills (JOBS) program. The federal government provides funds for the program, which must be matched by state funds. Each state designs its own JOBS program, which must include educational services, job skills training, and help in finding a job. Participation is required, to the extent funding is available, for all unemployed welfare recipients with no child under age 3. AFDC teenage mothers without a high school diploma must attend school to receive benefits.

The law also places more responsibility on noncustodial parents of AFDC children by withholding child support payments from their wages. States provide child care to JOBS participants, and temporarily continue child care and Medicaid benefits to those who leave AFDC for work.

A recent study of the law found that it is too soon to know whether it has been successful in moving people off welfare. Some parts of the law are not yet in effect, and many observers recognized when the law was enacted that we might not be able to assess it until the year 2000. The study also found that the JOBS program is offering better educational and training opportunities to welfare recipients. It concluded that the main problem with the law is recession-pinched state budgets. Unable to come up with matching funds for the JOBS program, states are only spending about 60 percent of the $1 billion in available federal money, thereby limiting the number of participants. In addition, states are not targeting those most reluctant to enter the JOBS program—the very people who may need the program most.

THE OUTLOOK FOR REFORM

While state governments are today more actively engaged in the task of welfare reform, a variety of proposals has been put forth by both federal and state legislators. These generally take one of two approaches, though they are not mutually exclusive. The first approach moves away from uniform benefits towards a system of penalties and rewards. For example, Wisconsin will soon begin a project that will enable more teenage parents to marry and still qualify for AFDC; limit additional benefit payments for additional children; allow families to earn more before becoming ineligible for AFDC; and help unemployed noncustodial parents find jobs so that they can pay child support. Elements of this proposal are under consideration in several other states, including California, and have been enacted in New Jersey.

In the second approach, the focus is on moving recipients off the welfare rolls by requiring them to find work and preparing them for it. This is the approach of the Family Support Act, and of congressional proposals to double federal funding for JOBS and to pay a portion of the salaries of working welfare recipients. The experience with this approach thus far is that wage income goes up a little for those persons enrolled in the program, and that welfare costs go down.

Both approaches want to chip away at those aspects of welfare that breed dependency. Nothing in all of these changes suggests that welfare will disappear, or that the costs of the welfare system will sharply diminish in the short term. But they give us some hope that progress can be made. I doubt if any welfare reform can counteract the influence of broken families, disintegrating neighborhoods, and major social ills. But while some humility is in order, we still have to try to improve a system that is not working and there is some hope we can.

Welfare reform will occupy a prominent place in this year's presidential debate. Many will want to champion welfare reform. I am afraid that debate will try to exploit the issue, and the racial cast that goes with it. My hope is that we will have a serious and necessary discussion on a difficult issue, and that we will move this intractable problem closer to a broadly supported solution.

IS THE PEACE DIVIDEND BEING SACRIFICED?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. BEREUTER. Mr. Speaker, the ending of the cold war and the easing of East-West tensions had led Americans to assume that defense spending could be substantially reduced. Indeed, Secretary of Defense Richard Cheney proposed sharp reductions in outlays, and termination of a number of high-priced weapons systems. The termination of these major systems was a healthy recognition that defense procurement should be driven by national security requirements, and not be dictated by the domestic jobs these procurements provide.

But a recent editorial in the Daily Nebraskan noted with regret that there is a congressional effort to preserve many of the defense programs that Secretary Cheney has slated for termination. The editorial observed that in an effort to save jobs, unnecessary defense programs continue to be advanced. The Daily Nebraskan stated that:

> When cuts first were proposed . . . earlier in the year, Members of Congress weren't too concerned about the manufacturing plants shutting down. It was painfully apparent that national defense no longer depended on the technology these weapons could provide. But, apparently, the end of the cold war matters little in an election year when the jobs of Members of Congress are at stake.

Mr. Speaker, I insert into the RECORD an April 28, 1992, editorial of the student newspaper of the University of Nebraska-Lincoln, the Daily Nebraskan, entitled "Up in Smoke: Peace Dividend Nothing More Than Pipedream." I commend this insightful editorial to my colleagues.

[From the Daily Nebraskan, Apr. 28, 1992]

UP IN SMOKE—PEACE DIVIDEND NOTHING MORE THAN PIPEDREAM

Hopes that eased superpower tensions would lead to a budgetary "peace dividend" from reduced defense department expendi-

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• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tures have turned out to be little more than a pipe dream this year.

When Defense Secretary Dick Cheney in January proposed a defense cut of just $10 billion (of a nearly $300 billion budget) for the next fiscal year, members of Congress were quick to come up with their own plans to increase the size of defense department cuts.

But now it looks as if all those politicians were just blowing smoke.

When it came right down to it, politicians had too much trouble accepting specific defense department cuts. Jobs were at stake—not only within the armed services themselves but also through defense department contractors and small business in communities where bases would be closed. In a time of economic uncertainty, such cuts could have led to larger problems.

Perhaps most importantly, the cuts also could have cost politicians their jobs. In an election year already plagued by economic woes, voters would be more unhappy to see any cuts come to projects in their areas.

So, instead of doing the proper, painful deed of cutting defense spending, senators and representatives decided to back off.

Now they are showing willingness to accept Cheney's budget almost intact. The same senators who balked at Cheney's proposal when it first was announced now are advocating pushing back more dramatic cuts at least for a year.

Of course it's essential to scrutinize all decisions that could harm the economy, but even Pentagon officials admit exagerations in early reports that up to 300,000 troops would be laid off if cuts were made.

And when talk of other cuts came up, the strongest support for preserving the B-2 Stealth bomber came from California, where the B-2 assembly plant is. Twenty more bombers now are scheduled for production.

After complaints from New England that plans to stop production of the Seawolf attack submarine could cause thousands of lost jobs, a House subcommittee restored $2 billion to the program.

The Stealth is designed specifically to avoid Soviet radar. The Seawolf is designed specifically to attack Soviet submarines.

When cuts first were proposed in both of these areas earlier in the year, members of Congress weren't too concerned about the manufacturing plants shutting down. It was painfully apparent that national defense no longer depended on the technology these weapons could provide.

But, apparently, the end of the Cold War matters little in an election year when the jobs of members of Congress are at stake.

CONGRATULATIONS TO JOHNSTON CITY HIGH SCHOOL STUDENTS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. POSHARD. Mr. Speaker, I rise to congratulate the math team at Johnston City High School for winning the 1992 Illinois class A championship.

This outstanding group of students recently took on the best and brightest in the entire State, including participants from elite private schools, and came out on top. Their equation for victory included wins in algebra I, geometry, algebra II, and came through with strong performances in a number of other categories. That adds up to a first place finish.

Success is multiplying for coach Ron Nagrodski and his talented group, which previously won top honors in 1990 and finished second last year.

Math is not always listed at the top of favorite subjects for high school students. But the way these young people have applied their talents and made learning fun is an inspiration to us all. They are our best and brightest, and I expect to hear great things from them in the future.

The ongoing scholastic success here is also evident in the accomplishments of Steve Essary, a junior at Johnston City High School. Steve carried home first place in the Illinois Machine Drafting competition held at Illinois State University. His attention to detail and dedication to excellence are qualities which will serve him well in the future. Steve and his coach, Bob Thornton, deserve our congratulations as well.

I am honored to represent these fine students and educators of Johnston City in the U.S. House of Representatives.

1992 JOHNSTON CITY HIGH SCHOOL MATH TEAM

Principal, Kenneth W. Lewis. Coach, Ron Nagrodski. Team members: Monique Schwartz, Melissa Hayes, Patricia Curtis, Jodi Henry, Heath Blumenstock, Jamie Tolbert, Shanna Tolbert, Stephanie Henshaw, Bryan DeNosky, April DuClos, Ryan Lewis, Ryan Davis, Seth Stallings, Holli Smith, Keenan Clerk, Curt Thompson, Jimmie McReynolds, Amanda Trill, Amanda Becker, Katie Pritchett, Jessica Coleman, Ron Robinson, Dennis Russell, Trent Cockburn, Brityn Zanotti, Scott Kissinger, Matt Cox, Matt Leitzen, Amanda Hill, Teresa Dascotte, Kevin Woolard, Shawn Taylor, Tim Moulton, Chrissy Marlow, Amy Gaddis, Cliff McReynolds, Jennifer Vieceli, Justin Todd, David Stewart, Amanda Curtis, Heather Miles, and Jeff Huntsman.

TRIBUTE TO DETECTIVE SGT. RONALD A. PENNINGTON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to salute Detective Sgt. Ronald A. Pennington for his years of loyalty and dedication to the Woonsocket Police Department. Detective Pennington will be retiring, after 21 years with the department.

Since his appointment on March 21, 1971, Detective Pennington has proven himself as a hard-working member of the Woonsocket Police Department. He has received commendations for his efforts on many occasions, most recently, his action at Tarklin Pond, in which he saved a nurse from a trapped vehicle.

He was promoted to sergeant in January 1978, by then Chief Joseph G. Baillargeon. In April 1979, he was transferred from the Night Uniform Division to the Detective Bureau of the department. His commendations for his detective work are many. In March 1982, he received a commendation for his work from the town of North Smithfield for his apprehension of an armed man who had barricaded himself inside a house.

His crowning achievement was the investigation into the death of Doreen Picard. After almost 10 years, Detective Sergeant Pennington had finally solved one of Rhode Island's most puzzling murder cases. Eligible for retirement, Detective Sergeant Pennington refused to retire until he had successfully solved the case. With a much-needed break in the case, Detective Pennington solved the case with the arrest of Raymond "Beaver" Tempest which resulted in a charge of second degree murder.

I recommend Detective Sgt. Ronald Pennington for all the dedication, honor, and hardwork while a member of the Woonsocket Police Department. I wish you success in all your future endeavors.

TRIBUTE TO THE BOROUGH OF HELLERTOWN, PA, ON ITS 250TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the Borough of Hellertown, PA, as the community celebrates its 250th anniversary. Hellertown boasts of a diverse community filled with history, culture, and industry. On Sunday, May 3, 1992, the opening ceremonies kicked off a 6-month celebration of 2½ centuries of pride and spirit in Hellertown.

I was pleased to attend and share this CONGRESSIONAL RECORD statement with the assembled celebrants.

In 1742, Christopher Heller was deeded the land on which the town sits from William Penn. Most of the early settlers in Hellertown were of German descent. They fled their homeland to escape the persecution brought on by religious intolerance and the hardship caused by food shortages. Germany was no longer the bread basket of Europe, it was distraught and beaten as a result of years of neglect brought on by the 30-years war.

Their farms were destroyed and their futures looked dismal. So they came to America, where William Penn and his followers needed farmers and craftsman to clear the woods and build new homes. Some spoke High German, others their Palatinate state dialect, perhaps a dozen different kinds.

As the years went by, more immigrants of many different nationalities came to Hellertown to settle near the beautiful and plentiful farms that spread across the Saucon Valley. It was a place in early America where people rode their horse and buggies down Main Street and where the entrepreneurs of yesterday began building the businesses and industries of today.

The community of Hellertown consisted of a distinct blend of skills and talents. There were farmers, merchants, and blacksmiths. Their entrepreneurial spirit developed businesses and industries which built bridges and buildings across the American landscape. The drive and the spirit of the people of Hellertown contributed to America's evolution as a world leader in industry.

As big steel provided the muscle for America's industrialization and wartime success, Hellertown was home to generations of workers whose labor and sweat made it all happen. Now with I–78 putting Hellertown on a much larger map, Hellertown readies itself for new opportunities and challenges.

Main Street and Hellertown have changed throughout the years, particularly as big steel has gotten smaller, but the work ethic of it's people and it's community spirit have not. The entrepreneurs and concerned citizens of today share a common goal with those before them. They have worked resiliently in a united effort to foster prosperity in the borough.

There is quality of life and work in Hellertown. As a neighbor, a little to the southwest, atop Flint Hill, my family and I grew up shopping in Hellertown, enjoying the activities of its social clubs like the Kiwanis and Lions and the American Legion Post, shopping at Carson's and Rauscher's Hardware, the IGA, the A&P, now the SuperFresh and Stehley's and Prosser's and Pondelek's, and breakfasts at the Dewey and Leithsville Fire Companies and so much more.

This 250th celebration would not be possible without the cooperation and involvement of the entire community led by Mayor Don Zimpfer, executive committee chairman David J. Heintzelman, and members Mary Ann Ackerman, Meade Black, Gary Horvath and Keith Zweifel. Countless hours of planning and labor have gone into preparing for the 250th anniversary. The schedule of events will not only be a joyous uniting of friends and family but a time for the citizens of today to appreciate the heritage of Hellertown and those who labored before them.

The 250th anniversary has scheduled events that everyone can enjoy. The activities range from a road rally to garden tours to a family picnic-recreation weekend at Hellertown's famous Grist Mill, to interfaith services, dinners, and parades.

The men and women of Hellertown have worked diligently to hail 250 years of family and community tradition. The spirit that has brought Hellertown through 250 years of smalltown history—the joys, the passions and the pain has shown itself through the community's efforts in planning this grand celebration.

Mr. Speaker, join with us in celebrating 250 years of history. I am honored to represent the people of Hellertown in the U.S. Congress, and I congratulate them on their anniversary. I invite all of my colleagues to visit Hellertown in the Lehigh Valley during this 250th year. You will find that history, hospitality and friendship awaits you.

ST. FRANCIS VETERAN'S MEMORIAL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. KLECZKA. Mr. Speaker, on Memorial Day the citizens of St. Francis, WI, will dedicate the St. Francis Veteran's Memorial.

On Memorial Day we remember the generations of men and women who gave unselfish service to defend our Nation and the freedom it represents. We also salute the families these brave Americans left behind. All these individuals gave so much to our country. The St. Francis Veteran's Memorial is a fitting monument to each of them.

At this monument, families can gather to share memories of loved ones they lost. Veterans of past wars can pause in private reflection for friends who did not return. Children can learn the value of freedom by realizing the high price prior generations paid to guarantee the rights they enjoy today.

The St. Francis Veteran's Memorial Committee, Inc., and all residents who contributed to the memorial, also deserve recognition. Their devoted efforts ensure the contributions of fallen soldiers, and their families, will live on in our hearts.

I would like to share with my colleagues a description of the St. Francis Veteran's Memorial, and a list of the major donors, who helped make this important project possible.

PROPOSED PROJECT

The project consists of a red "V" made of brick pavers (the color red is to represent the blood spilt) that will be 60 feet long on each side. Starting at the apex of the "V" there will be a twenty-one white steel tube colonade (to represent a 21 gun salute), spaced ten pairs on each side of the "V" with a flag pole flying the American flag and one single tube at the apex point.

Inside the "V" will be a star shaped monument, which will be made out of black granite. It will be a two dimensional star. The star will be 12′ from point to point and will raise to about 24″ at the center. Surrounding the star will be a plaza area of poured white concrete with various types of metal chips inside to help reflect light. There will also be two more flag poles flying the Wisconsin and St. Francis flags, they will be located between two of the points of the star.

The tubes and monument will be illuminated at night. The area surrounding the memorial will be landscaped and also have a couple of areas with benches for people to sit and meditate.

Our memorial will be built across the street and down about ½ block from the city hall and just north of our city library and the city park.

At this time the cost is somewhere around $70,000.

MAJOR DONORS

City of St. Francis, Paragon Cable Television, St. Francis Lions, Waste Management, St. Francis Lions Auxiliary, St. Francis Jaycees, Advance Screw Products, EZ Painter Corp., Miller Brewing Co., Vretenar Construction, and Treweek Family.

TRIBUTE TO LAWRENCE L. THOMAS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Ms. NORTON. Mr. Speaker, I ask you and my distinguished colleagues to join me in saluting one of Washington's most devoted civic leaders, Mr. Lawrence L. Thomas, founder and director of the Shaw-Terrell Community Center.

Mr. Thomas has served as the director of the Shaw-Terrell Community Center for 20 years. Throughout this time he has maintained the highest standards for serving the needs of the Shaw community. Mr. Thomas started the program in the basement of his home because of his concerns for the youth of the Shaw area.

The Shaw Community Center is the last of the original recreation programs that were instituted under former Mayor Walter Washington. Its scope has been expanded over the years from providing recreational activities for the children of the Shaw area to encompass a broad range of outreach programs intended to facilitate the needs of the entire community.

Mr. Thomas has been the recipient of over 400 community service awards and is presently serving his sixth term as an advisory neighborhood commissioner.

Mr. Speaker, it is with great pride that I recognize a distinguished constituent and valued friend, Mr. Lawrence L. Thomas, for his civic leadership and his untiring commitment to the District of Columbia constituency which he so unselfishly serves.

TRIBUTE TO CHRISTOPHER McCREA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Christopher McCrea of Montpelier, OH, who recently accepted an appointment to the U.S. Military Academy as a member of the class of 1996.

When I nominated Christopher McCrea for admission to West Point, I knew I was nominating a young man with great potential for leadership. Whether as the No. 1 student in his class, class president, or as a talented athlete, Christopher McCrea has demonstrated repeatedly the ability to achieve excellence in all that he does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting his appointment to West Point, Christopher McCrea is preparing to make a valued contribution to that tradition. I congratulate him, and wish him and his family all the best.

ESCALATING THE PORK BARREL WARS

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. FAWELL. Mr. Speaker, I would like to commend to my colleagues the following article, written by Scott A. Hodge, a fellow at the Heritage Foundation. Mr. Hodge takes a strong stance against spending taxpayers' hard-earned money on parochial projects, arguing the funds should instead be used for middle-class tax relief or to finance programs which serve the national, rather than parochial interests.

ESCALATING THE PORK BARREL WARS: USING RESCISSIONS TO HELP OVERTAXED AMERICANS

(By Scott A. Hodge)

Faced with an electorate angry to the boiling point over Washington's wasteful spending habits, Congress this week will consider George Bush's request to rescind nearly $6 billion of spending approved last year for 68 mostly pork barrel projects. Compared to the $400 billion federal budget deficit, $6 billion in savings may seem too puny to console furious taxpayers. Yet taxpayers' fury and election-year politics have turned this traditionally dull presidential rescission request into a game of anti-pork one-upmanship. Democrats will offer their own list of proposed spending for recessions.

SLABS OF PORK

Taxpayers thus may witness a rare occurrence in Congress: Lawmakers outbidding each other to cut larger slabs of pork from the budget. If the rescission debate escalates into a war of cutting pork, the Administration's proposals, which save only $88 per American Family, could grow to meaningful proportions. Bush should not retreat from an escalated anti-pork barrel war—even if he must accept rescission of pork barrel projects favored by the Administration. Rather, the President should champion the cause of overtaxed Americans over the beneficiaries of political largess and support a bipartisan package of spending rescissions.

The current fight in Congress began when President Bush, on March 20, challenged Congress to rescind, or cancel, funding for 68 federal projects totaling some $5.7 billion. The bulk of these savings, roughly $5 billion, is defense related. For example, eliminating two *Seawolf* submarines saves nearly $3 billion alone. However, the 65 domestic projects identified by the Administration, totaling more than $700 million, are just the type of federal waste that most infuriates cash-strapped taxpayers.

Such projects include: $100,000 for blackbird control in North Dakota; $375,000 for a facility to process and promote the use of oilseed; $3 million for the Poultry Center of Excellence in Arkansas; $225,000 for a storage facility for Vidalia onions; $750,000 for Appalachian hardwood research; and $46,000 to study aspects of mink feeding and reproduction.

Congressional supporters of this White House effort, calling themselves the "Porkbusters," and led in the House by Representatives Harris Fawell, the Illinois Republican, and Timothy Penny, the Minnesota Democrat, and in the Senate by John McCain, the Arizona Republican, have introduced 68 distinct bills (H.R. 4617–4684, S.2411–2480) to force separate rescission votes on each of these programs. The bills' backers argue that most of these projects would fail the test of public scrutiny if they were judged individually on their merits. But since these projects are hidden within massive appropriations bills that must be approved to keep the government running they are voted on without review or debate.

Leading members of the Appropriations Committee in both Houses, who control the pork barrel purse, are trying to block these rescissions. In the House appropriators plan to replace some of Bush's rescission items with projects from the Porkbusters' districts. This is an attempt to punish lawmakers currently working to eliminate pork and send a message to those who may attempt to do so in the future. For example, Congressman Fawell could lose over $3 million in funding for the Fermi National Accelerator Laboratory located in his district as punishment for sponsoring Bush's rescission request.

Senate appropriators plan to keep all of Bush's requests, but add to this list projects from Porkbusters' states as well as projects dear to the Administration. They wish to bundle all of these projects into one omnibus rescission package for an up-or-down vote, forcing Bush and the Porkbusters either to support or to eliminate their own projects or to allow continuing pork barrel spending.

This attempt to embarrass Bush by attaching Republican pork barrel projects to the rescission list demonstrates that all sides in Congress are guilty of wasteful spending and that the Administration has indeed only scratched the surface of a very deep problem.

CAPITALIZE ON ANGER

Bush now has the opportunity to escalate the anti-pork battle in a manner that directly benefits those who bear the real cost of this wasteful spending—working Americans. Rather than being scared off by the appropriators' tactics, Bush should call their bluff. He should review the additional proposed cuts to determine which ones really target pork projects that serve parochial rather than national interests. He then should endorse bundling his recommendations together with theirs into an omnibus porkcutting bill. Bush then should capitalize on taxpayers' anger by linking cuts in pork barrel spending to tax relief for working Americans, thus creating a so-called "waste dividend." Bush can point out that every $1 billion of pork eliminated from the budget can put $1,000 back into the pockets of one million working families.

To allow such tax relief, the current budget rules, which apply savings from rescissions to be applied to deficit reduction, would have to be amended. But Bush can point out that American families will benefit far more directly from putting cash in their pockets than by lowering the budget deficit by little more than 1 percent. And allowing taxpayers to keep the waste dividend certainly is preferable to allowing Congress to spend the funds on other wasteful projects. Bush should leave it to Congress's big spenders to explain why pork barrel spending is more important than money in the pockets of working Americans.

George Bush claims that the 1990 budget agreement, with its record tax increase, was a political mistake. And he also should understand that most American families are suffering under a crushing tax burden. This year, Tax Freedom Day, the day Americans cease working to pay the government's bills and begin working for themselves, has arrived later in the year, May 5, than any previous year. Bush can atone in small part for his tax mistake by becoming the taxpayers' President. Escalating the war against pork barrel spending by creating a waste dividend for working families would be a great beginning.

RECOGNITION OF LOUIE WILKINS ON HIS RETIREMENT FROM THE PRACTICE OF MEDICINE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a great citizen of my district, Dr. Louie Wilkins.

Dr. Wilkins has lived and practiced medicine in my hometown of Brookhaven for over 30 years. He graduated from Hinds Community College and was enrolled at Mississippi College when he entered the U.S. Air Force during World War II. After the war, he returned to school and finished at the Louisiana State University Medical School in 1950. He practiced medicine in Morton, MS, then continued his studies, in surgery, in Shreveport, LA. He then moved to Brookhaven and established his practice as a general surgeon.

Dr. Wilkins officially began his retirement from the medical profession on February 1, 1992, ending a 32-year practice in Brookhaven, MS. Dr. Wilkins has earned a long and enjoyable retirement. Many in Brookhaven, including my family and I, will miss him as a doctor, but we look forward to our continued friendship.

I am pleased to honor Dr. Wilkins as he completes his medical career and wish him every joy in the next phase of his distinguished life.

TRIBUTE TO KATHRINE RILEY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Kathrine Riley, of Portsmouth, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Portsmouth High School in Portsmouth, RI.

This award is presented to the student, chosen by Portsmouth High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Kathrine Riley has more than fulfilled this criteria. She ranks No. 1 in her class, and is a member of the National, Rhode Island, and French Honor Societies. She is also active in extracurricular activities. She is president of Amnesty International, the debate team, and captain of the academic decathlon team. She is a member of the yearbook and literary magazine staff.

I commend Kathrine Riley for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO LANCE CPL. KEVIN I. BECKER, 1ST MARINE DIVISION

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. BORSKI. Mr. Speaker, I rise today in tribute to Lance Cpl. Kevin Becker, who is to be commended for his service to the United States during Operation Desert Storm.

When Iraq invaded Kuwait on August 2, 1990, Kevin's division, the 1st Marine, was put on red alert immediately.

The 1st Marine Division is stationed in Twenty-nine Palms, CA, and trains in the Mojave Desert. The division was deployed to Saudi Arabia on August 13, 1990.

For 7 months, Kevin and his fellow marines lived in the desert, withstanding extreme temperatures, scarce supplies, and Iraqi artillery fire. They slept in 6-foot ditches and were kept on constant alert for snipers and enemy fire.

When the ground war started the 1st Marine Division went right across the border into Kuwait. Kevin and his platoon secured the Kuwaiti airport during and after the war.

In one illustration of their heroic efforts, Kevin and a fellow marine, sent out to scout an area, came across a bunker of Iraqi soldiers. Kevin entered the bunker armed only with a knife and pulled out five high-ranking Iraqi officers.

Kevin came home to Philadelphia on March 27, 1992. He and other local Desert Storm veterans were honored at Pennsylvania State University, where he received commendations from both the university and the Pennsylvania House of Representatives.

Thank you, Mr. Speaker, for this opportunity to bring to the attention of the House the actions of Lance Corporal Becker and the 1st Marine Division in the service of the United States during Operation Desert Storm. I join his family, friends, and fellow Americans in saluting Lance Cpl. Kevin Becker.

HUMAN RIGHTS SITUATION IN TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. HAMILTON. Mr. Speaker, I wish once again to draw the attention of my colleagues to the latest in a series of letters with United States and Turkish officials regarding the human rights situation in Turkey. Two earlier exchanges with the Department of State appeared in the CONGRESSIONAL RECORD on Tuesday, November 26, 1991, and Monday, October 7, 1991. The current exchange is with Turkish Ambassador to the United States, Nuzhet Kandemir.

While several months have passed since this exchange with the Turkish Ambassador, I believe the Ambassador's comments will still be of interest to Members. Concerns over human rights practices in Turkey have not diminished since December. There have been a number of violent incidents between Turkish authorities and the local population in southeastern Turkey in recent months. The United States continues to maintain an enhanced military presence in this region as part of Operation Provide Comfort. For this and other reasons, I believe we have a special responsibility to work with Turkey to improve its human rights record in this and other areas.

The correspondence follows:

TURKISH EMBASSY,
Washington, DC, October 15, 1991.

Hon. LEE HAMILTON,
Chairman, Subcommittee on Europe and Middle East, Washington, DC.

DEAR MR. CHAIRMAN: Having become aware of your interest in human rights practices in Turkey through your remarks in the Congressional Record of October 7, 1991, detailing your correspondence with the Department of State on that subject, I am taking the liberty of providing you further information on democracy and human rights in my country.

In Turkey, we have a relatively young democracy. But our experience dates back to 1946, when we had the first multi-party free elections. The road travelled in the last decades has not been without difficulties, not even without interruptions. However, the Turkish people was not deterred from its determination to live in a domestic society.

Turkey's democratic evolution is unique; in fact, Turkey is the only preponderantly Muslim country where democracy has flourished. Turkey has compressed into mere decades a democratization process that, in the west, spanned at least two countries and gestated centuries before that.

The establishment of the Turkish Republic 68 years ago, and the initiation of Ataturk's revolutionary reforms, set in motion a strong wave of political modernization, which continues unabated in Turkey today. Ataturk, the founder of modern Turkey, established the foundations of a modern state and society. The Turkish governmental system rests firmly on the twin pillars of justice and the supremacy of law, both of which guarantee the free and peaceful exercise of human rights and ensure human dignity.

We know from experience that free and fair elections are not sufficient to sustain democracy and ensure the protection of human rights. We are aware that democracy is a continuous process, that laws need to be revised and updated, that the implementation of legislation and administrative actions require constant vigilance.

In recent years, Turkey has become party to various international control mechanisms in the field of human rights. In 1987, we recognized the individual right of application to the European Commission on Human Rights. In 1988, Turkey became party to the European Convention Against Torture. The following year she became party to the UN Convention Against Torture. The same year Turkey ratified the European Social Charter. Last year we recognized the compulsory jurisdiction of the European Court of Human Rights. Less than a year ago Turkey signed the 9th Additional Protocol to the European Convention on Human Rights which provides for the right of individual petition to the European Court of Justice. And we signed the European Social Code.

These actions, which involve greater international controls, reflect the determination and the openness of the policy of the Turkish Government in fighting human rights violations and abuses.

Parallel to international control mechanisms, new national legislation was enacted to provide additional safeguards for the protection of human rights. The Penal Code reform of this year lifted restrictions on the freedom of expression, conscience, and assembly. In another legislative act, the Turkish Parliament abrogated the law banning publications in languages other than Turkish. Thus publication and other forms of cultural expression in Kurdish as well as in other regional and local languages and dialects are now free.

The death penalty has been de facto abolished. In fact, there has been no implementation of the death penalty since 1984.

The Turkish legal system guarantees that defendants have access to their lawyers at all times. Detention periods may extend from one to 15 days only in specific instances of collective crimes against state security involving 10 or more individuals. This is done to prevent the destruction of evidence. Nevertheless, police are not authorized to prolong custody beyond 24 hours without the written authorization of the prosecutor of competent magistrate.

A draft bill to reduce the period of detention for collective crimes from 15 days to 4 days has been presented to the parliament. The new parliament, which will be formed following this month's general elections, will take up this issue and enact new legislation. As most cases of alleged torture and other abuses of human rights take place during the period of detention, a significant shortening of the detention period, coupled with continuous access to defense attorneys will, we hope, be a major contribution to combatting human rights violations.

A human rights commission was established in the Turkish Parliament last March. It monitors human rights practices in Turkey and the world, investigates allegations and complaints, and introduces amendments to existing legislation. The commission receives petitions from individuals and organizations. It carries out visits to prisons and police stations to supervise the conditions of detainees and imprisoned persons. The commission shall also examine existing legislation and draft bills with a view to determining their conformity to human rights standards.

Recently, through a law enacted by Parliament, more than 20,000 prisoners were released.

Additionally, human rights classes have been introduced in the curricula of police colleges and academies.

The new Minister of Justice, in his first public statement on the 3rd of September, announced his plan to organize regional human rights seminars for judges and prosecutors to update them on Turkey's human rights commitments.

Mr. Chairman, these changes and reforms will, we hope, lead to further improvements in the area of human rights. We still have persisting problems and difficulties in this area. Despite governmental policy, sporadic violations of human rights occur in Turkey. I can assure you that we are determined to reduce such occurrences and we believe that we will succeed. Because Turkey is a democratic society based on rule of law with an independent judiciary. The Turkish public is increasingly sensitive to human rights violations. The Turkish press is an important means of revealing and reporting abuses. The transparency of Turkish society, both to Turks and non-Turks, provides the best guarantee for the protection of human rights. Such transparency can, however, occasionally lead to exaggeration of the abuses that take place.

We take no offense from criticism of Turkey's human rights record, provided that such criticism is fair and objective; that is, that it take into account the progress achieved as well as those problems that remain.

Finally, Mr. Chairman, I would like to mention one factor that is a direct challenge to basic human rights—that is the persistence of terrorism in southeastern Turkey.

The activities of foreign-based terrorism are directed against the territorial integrity of our country and to the most basic rights of the individual—the right to life. But we are determined to combat terrorism with rule of law and democracy.

Mr. Chairman, we are determined to continue to improve the human rights situation in Turkey. It is gratifying that a consensus on this issue has emerged among the eight political parties competing in this month's general elections.

Turkey, in full cooperation with its partners in democracy, is firmly committed to raising the standards of human rights in the country.

With my best personal regards,

Sincerely,

NUZHET KANDEMIR,
Ambassador.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 28, 1991.

His Excellency NUZHET KANDEMIR,
Embassy of the Republic of Turkey, Washington, DC.

DEAR MR. AMBASSADOR: Thank you for your letter of October 15, 1991 regarding my October 7, 1991 insert in the Congressional Record on the human rights situation in Turkey. I appreciate hearing from you and receiving your further comments regarding democracy and human rights in Turkey.

Your letter makes many good points and I am pleased to learn about the steps you mention. As you point out, Turkey stands virtually alone in the Muslim world as a country where free elections, free press and rule of law have taken root.

Turkey has made important progress in improving its democratic institutions and practices in the last forty years, but many people consider your democracy to continue to be young and in some respects fragile.

I appreciate the fact that Turkey lives in a tough neighborhood and that you face special challenges from internal terrorist groups and Kurdish separatist groups operating in the southeastern part of the country. Nevertheless, I remain concerned by the information I receive regarding continued and persistent violations of human rights in Turkey. Specifically, let me raise a few issues of most concern:

Despite the fact that Turkey is now party to the European and U.N. Conventions Against Torture, I am informed that some 95 percent of all political detainees are believed to be subject to torture in Turkey today;

One of the most common methods of torture is reportedly electric shock treatment—which requires special equipment and is clearly a premeditated, not an accidental, part of an interrogation process;

There has been a significant increase in deaths in detention in 1991, with 12 political prisoners dying in detention under suspicious circumstances since January 1, 1991;

There has also been an increase in deaths of individuals as a result of excessive police force. Nineteen people have died in house-to-house police raids and 10 demonstrators have died as a result of indiscriminate use of live ammunition by Turkish security forces since June, 1991;

Restrictions on freedom of expression persist and the recent enactment of a broad anti-terror law represents a step backward in this area; and

Human rights violations against the Kurdish minority continue. Despite the publicized repeal of the ban on the Kurdish language, it continues to be a crime to use the Kurdish language in official settings, including in family visits to prison detainees and in prisoner-lawyer consultations.

I applaud the Turkish Government's encouraging public statements regarding the need to end torture in Turkey and improve human rights practices, but I must also admit that, to my knowledge, there have been no legal or other action taken against individuals alleged to have tortured detainees. I have no information to indicate that police or prison personnel have been sentenced, dismissed or punished as a result of any of the abuses mentioned above. This is difficult for many Members to understand, and it stands in contrast to the sort of record and commitment you outline in your letter.

I appreciated hearing from you, and I would welcome any additional comments you have in response to the concerns I have outlined.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

TURKISH EMBASSY,
Washington, DC, December 3, 1991.

Hon. LEE HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Washington, DC.

DEAR MR. CHAIRMAN: In my letter dated October 15, 1991, I tried to give you some information on democracy and human rights reforms in Turkey. Your response of October 28, 1991 was indeed gratifying, in that a distinguished member of Congress has acknowledged that human rights reforms have taken root in my country.

As I have stated in my previous letter, Turkish Governments are dedicated to the promotion of human rights standards in Turkey. We are fully aware of our shortcomings. Despite governmental policy, sporadic human rights violations occur. We are determined to reduce such occurrences and firmly believe that we will succeed.

In this context, I would like to draw your attention, Mr. Chairman, to the package of wide ranging reforms recently unveiled by the new Government, formed following the October general elections in Turkey, which addresses many of the concerns voiced by human rights observers.

The "democratization package," as it is called, would do the following:

All legal documents, including the Constitution, will be further reformed to ensure that their provisions irrevocably meet the principles embodied in the Paris Charter and other international documents, thereby broadening the existing democratic political atmosphere for all levels of state and society.

Freedom of the press and people's right to have access to true and reliable information will be reinforced.

Without waiting for the constitution to be redrafted, all of its provisional articles that impede the lawful nature of the state will be abolished.

The voting age will be reduced to eighteen and the eligible age to be elected to Parliament will be reduced to twenty-five years.

Educational staff of universities will be permitted to enroll in political parties and to take part in their governing bodies.

All restrictions preventing leaders of trade unions and other professional organizations from being elected to Parliament in that capacity will be removed.

All restrictions that prevent students from becoming members of political parties will be abolished.

Labor and trade union rights will be expanded.

All members of Turkey's work force, including civil servants, will be permitted to set up unions.

The independence of the judiciary and the guarantee that members of the judiciary will be free from all considerations in discharging their duties will be truly safeguarded. The principle of "natural judge" will be established throughout the judicial system. The High Council of Judges and Prosecutors will be rearranged according to the principle of the independence of the judiciary.

All restrictions on political parties to establish women, youth and professional branches will be removed.

Police forces will be further educated on individual rights and liberties and their authority will be reorganized.

Amendments to the Penal Code and related laws will be made to guarantee individuals who are under arrest the right to refuse to testify in the absence of their lawyers. Persons under arrest or in detention will have the right to confer with their lawyers at any stage of the proceedings. As a result, torture allegations will be eliminated and testimonies made in the preparatory stage of an investigation will be credible and valid.

Pre-trial detention periods will be reduced.

Martial law and emergency rule powers will be limited and put in compliance with the rule of law.

The Anti-terrorism Act will be radically modified in order to bring its provisions in line with the basic principles of fundamental freedom and human rights.

The legal and practical obstacles and restrictions that citizens face in the free expression, preservation and development of their ethnic, cultural and linguistic identities will be eliminated within the concept of national unity and in accordance with the spirit of the Paris Charter, to which Turkey is also a signatory.

Mr. Chairman, Prime Minister Demirel stated publicly on November 25, 1991, and it is clearly underlined in the Government Programme, that "torture is a crime against humanity and it is a Government's duty to prevent torture."

The coalition Government's encouraging democratization package attests to Turkey's determination to eradicate the sources of problems in the human rights field. With 48 percent of the vote, the coalition has the strongest public mandate of any Government formed in the last 11 years. Therefore, we hope that these reforms will lead to further improvements in human rights.

Please do not hesitate to contact me, Mr. Chairman, if you have any further questions in this respect.

Yours sincerely,

NUZHET KANDEMIR,
Ambassador.

IN MEMORIAM: MORRIS LEIBMAN

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. HYDE. Mr. Speaker, the term "Great American" is tossed around a lot in referring to people in a complimentary way. But occasionally a truly great American comes along, who, in terms of public service, contributions to his country and community and largeness of heart deserves the highest and most enduring praise. Such a rare citizen was Morris Leibman, who recently passed away.

Georgie Anne Geyer has written a moving article about Morry that I would like to share with my colleagues:

[From the Washington Times, May 1, 1992]

FOND RECOLLECTIONS OF A RARE WISE MAN

(By Georgie Anne Geyer)

In the unharmonious tumult of our public life today, we tend to think of "great men" as men of extremes—warriors who espouse the ultimate battles or pugnacious politicians eternally fighting some "system" we can't even locate.

But the truly great men are very different indeed from that unfortunately fashionable perception. In my 33 years as a journalist, I have seen over and over how the truly great men are those who speak strongly of balance, of patience, of evolutionary change. Such a man was Morris Leibman.

The last time I saw "Morry," as just about everyone called him, he was typically talking of two symbolic themes that were typical of all of his thinking: the management of conflict and the overwhelming consequence of human nature in everything we plan and do.

"Basically, if you want to start with some philosophical principle or viewpoint that is the background to your thought, what it's all about is the management of the normal conflicts of human nature," he said that day in early April as we were having lunch in the beloved Chicago we both called home.

"We start out with the assumption that everyone has conflict, that it is normal and not abnormal, if only between man's animal nature and his soul."

This is terribly important, Morry went on in that impassionedly common-sensical manner of his, because many Americans today believe that man's innate aggressiveness—and thus human conflict—is not natural. This causes them to embrace utopian causes and "solutions," which, unable to be implemented because they are unnatural, lead only to a fashionable but unbased pessimism.

"We are not looking for solutions" this ultimate anti-utopian summed up, "but for the management of conflict. In life there are not solutions, but there are alternatives. You have to have both processes—and goals. Processes are not an end in themselves."

When Morris Leibman died in Chicago on April 21, he left many things, some things, some public and some more shrouded. He left his sterling legal reputation as senior partner at Sidney and Austin and as arguably the greatest lawyer in the country. He left his beautiful grieving wife, Mary.

But the other "professional" side of Morry, less known outside of his own circles, was even more interesting. He was our age's Bernard Baruch, that rare wise man who listened to and advised at least three presidents. In 1981 this work behind the scenes of power—as well as civic and intellectual works so numerous we cannot even begin to mention them—earned him the country's highest honor when President Reagan awarded him the Presidential Medal of Freedom.

He became fascinated with strategic thinking. But above all he believed fervently in the law and in America.

Morry's patriotism was not dour or judgmental, as with so many patriots; it was joyous. Last Christmas, he asked me why we still had so much sheer fun out of life, and he immediately decided that it was because we hadn't lost our "childlike wonder" at life. Another time, talking about the ethical intricacies of the law, he Socratically posed the question of how a man could deal with differing and perhaps contradictory commitments, and he decided it was really quite simple: one's personal integrity.

"My father came from a small village near Kiev," he said some years ago, explaining his joy in life, "where Jews and peasants were treated as third-class humans. And now I—a son of peasants—have sat at the White House and served as an adviser to presidents and Cabinet members."

"Only in America," he said often, "can the ordinary man be a king!"

But Morry, who had observed the world for 81 years when he died, was always worried that his fellow Americans did not understand the blessings they had. He worried they did not see that it was the law that was "the basis for the miracle of America"—but only so long as it was based upon a correct analysis of human nature.

Men like Morris Leibman, you see, protected us as well as they could from a real danger in American thinking. This is the danger of utopian thinking: the idea that men can spring to perfect bloom as in a social immaculate conception; the assurance that there are perfect solutions and, if there are not, then it is we who are evil.

It is those ideas, Morry knew in his soul and in his mind, that are driving America to cynicism and despair. It is those ideas that created the anti-hero in place of the traditional American hero.

And now, one of those rare remaining heroes is gone, just at the time we need him most.

AMERICANS WALK ACROSS AMERICA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article in the midwinter 1992 edition of the "Akwesasne Notes," the official publication of the Mohawk Nation. The article provides yet another prospective on the 500th anniversary of the arrival of Christopher Columbus.

WALK ACROSS AMERICA FOR MOTHER EARTH 1992

It is always the winners who are writing history. So we were taught that the 12th of October is a legendary date, as Columbus is said to have discovered America that day, back in 1492. Next year many people are prepared to celebrate the 500th anniversary of this event.

But isn't the euphoria around this event misplaced? Columbus may have become a hero for the white people, but for many thousands of black people it was the beginning of being shipped across the Atlantic Ocean as slaves. Columbus also led the way to the newly discovered world where many white people behaved as barbarians towards the indigenous people and started what may be the largest genocide in human history.

For the Indians the celebration of this Quincentenary would be like the Jews rendering homage to Hitler, or the Japanese revering Truman for the atomic bombing of the cities of Hiroshima and Nagasaki.

But the atrocities done to Native Americans are not only in the past. Today Native Americans continue to be oppressed and exploited. For example, the Western Shoshone Nation is located in Nevada, and is the most heavily bombed land on this planet. Since 1951, the United States and British governments have exploded over 700 nuclear bombs on what is still Western Shoshone land according to the terms of the Ruby Valley Treaty, signed "in peace and friendship" with the U.S. government. And nuclear testing is still going on today on their land!

The same is happening to many other tribes in the United States: the Hopi, Navajo, Havasupai, Zuni, Acoma, Lakota, and many others are threatened by the precious yet deadly uranium ore. According to Prof. Nietschman of the University of Berkeley, 80 to 90 percent of all uranium mining is done on Indian lands. And this is only one facet of the many issues now threatening the Native people. The fact is that the 378 treaties once signed between Native Nations and the U.S. Government have been broken and continue to be violated. Native people are still considered as second-rate citizens on what was once their homeland.

To counter the planned celebrations around the Quincentenary of Columbus in 1992, and to draw attention to the contemporary situations of Native people, Europeans have taken the initiative to organize several Walks which will cross the U.S.A.

One of these walks, the Walk across America for Mother Earth, will begin February 1st 1992 in New York City. The walk will cover over 3000 miles, going through Washington D.C., Columbus (Ohio), Saint Louis, Kansas City, Colorado Springs, Santa Fe, Albuquerque, through the Navajo Nation and along the Grand Canyon, on to Las Vegas. We will finally arrive at the Nevada Test Site on October 12, 1992. Other walks will convene at the same place and time, and an encampment will take place.

With these walks we wish to have the courage to look at all the misfortune that people's greed and feelings of superiority has brought to the Aboriginal population of America. We wish to apologize, but also to look towards the future to develop an attitude of openness and respect for Native people who's knowledge of the fragile eco-system could help secure the future of all life.

THE 87TH INTERPARLIAMENTARY CONFERENCE OF THE INTERPARLIAMENTARY UNION

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. FEIGHAN. Mr. Speaker, the Interparliamentary Union [IPU] is the world's oldest and most representative parliamentary organization. Established in 1889, the IPU now draws participation from 117 countries. Its purpose is to promote personal contacts between members of all parliaments. Through its activities, the IPU strives to support the establishment and development of representative institutions around the globe and to support the work of the United Nations.

The IPU concluded its 87th Interparliamentary Conference in Yaounde, Cameroon, earlier this month. As President of the U.S. Interparliamentary Group, I would like to share with my colleagues two open letters—one addressed to President Bush and one addressed to Members of Congress—which were approved by the conference attendees and concern the upcoming United Nations Conference on the Environment and Development [UNCED].

Open Letter Addressed to Mr. George Bush, President of the United States of America, by the 87th Inter-Parliamentary Conference [1]

(Unanimously adopted by the Committee on Education, Science, Culture and Environment)

With this letter, we the parliamentarians representing 89 of the world's Parliaments, attending the 87th Inter-Parliamentary Conference in Yaoundé, would like to express our concern about the outcome of the Preparatory Committee's work for the UNCED Conference held in New York in March of this year. Specifically, we would like to register our deeply felt disappointment with respect to the following decisions:

1. The Earth Charter has been replaced by a non-binding declaration written in the style of the 1972 Stockholm Conference and as such would have very little impact, if any.

2. Agenda 21 was watered down not so much in concept but with respect to funding. It is thus unclear how the agenda can be implemented.

3. The Convention on Climate Change, as proposed by your officials, would contain neither targets nor timetables and would therefore be meaningless.

As a result, if such decisions are not re-examined, the global community will be denied a substantial climate change convention. In addition, the population in the southern hemisphere will continue to suffer because of the lack of equity in capital flows from the poorer to the richer countries. In addition, you will appreciate the fact that the implementation of Agenda 21 is seriously endangered without the provision of adequate funding, the lack of which would make it virtually impossible for the global community to achieve sustainable development. We are sure you would not want this to happen.

The United States of America is a key nation in determining the success of UNCED in Rio; by success, we mean an event of substance which would reflect the expectations of the global community.

With this in mind, we would like to remind you that in 1987 the United Nations General Assembly, including the United States delegation, decided to approve the Brundtland Report by the World Commission on Environment and Development. Such support indicates clearly that the United States of America shares the sense of urgency contained in this report and in the recommended course of action. We therefore urge you, as President, to consider your policy on (1) the Earth Charter; (2) funding of Agenda 21; and (3) the climate change convention.

We are taking this action as parliamentarians because of the widespread public concern for matters related to global security, including in the United States of America. The population increase expected on this planet makes it imperative for development policies to be guided firmly by environmental principles.

We sincerely hope that you will find it possible to reconsider your policy regarding UNCED and make urgently needed changes which would ensure the success of UNCED in Rio. We also hope you share our belief that the Rio Conference should be remembered as an important milestone in the achievement of global security, from both an environmental and a developmental perspective.

In conclusion, we look forward to a positive contribution by your Government in ensuring a substantive success of the UNCED Conference next June in Rio.

Open Letter Addressed to the Members of the Congress of the United States of America by the 87th Inter-Parliamentary Conference

(Unanimously adopted by the Committee on Education, Science, Culture and Environment

DEAR MEMBERS OF CONGRESS: As parliamentary colleagues of yours we are writing you this letter to bring to your attention the concern which emerged at Yaoundé, Cameroon, on the occasion of the 87th Inter-Parliamentary Conference with respect to the UNCED Preparatory Committee work as concluded in new York a few days ago.

As you can see from the attached letter, we have urged President Bush to reconsider his policy on the Earth Charter, Agenda 21 funding and the climate change Convention.

We sincerely hope you will find it possible to exert the necessary pressures with respect to the changes in the Administration policies which are urgently needed to ensure the success of UNCED.

Environment and Development: The Views of Parliamentarians on the Main Directions of the United Nations Conference on Environment and Development and Its Prospects

(Statement adopted without a vote)

I. STATEMENT OF PRINCIPLES FOR A SUSTAINABLE PLANET

(1) Twenty years after the Stockholm Conference, the United Nations Conference on Environment and Development (UNCED), to be held in Rio de Janeiro, has been entrusted with the job of tackling ecological questions in the perspective of sustainable development, defined by the Brundtland Commission as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs."

(2) The United Nations Conference on Environment and Development (UNCED) provides an excellent opportunity to address some of the world's most pressing problems. For the first time in history, political leaders from all countries of the world will assemble in an effort to ensure sustainable development, which is defined as "improving the quality of human life while living within the carrying capacity of supporting ecosystems" in "Caring for the Earth, a strategy for sustainable living" (IUCN, UNEP, WWF, 1991).

(3) UNCED will therefore have to place the notion of Interdependence at the heart of its discussions: interdependence in time between present and future generations; geographical interdependence between continents, regions and States; interdependence between the major problems of mankind and the environment (population growth, health, poverty, uncontrolled urbanization); and lastly, interdependence between the countries of the North, whose development has been accompanied by wasted resources and an unchecked accumulation of wastes and which are responsible for nearly two-thirds of all pollution worldwide, and the countries of the South, which for lack of means find themselves forced to compromise their assets and their environment and yet are unable to produce the bare essentials of a satisfactory life.

(4) In addition to seeking ways of tackling sectoral environmental problems, UNCED should set overall objectives which make sustainable development possible: integration of environmental and developmental considerations at the earliest stage of economic decision-making, stabilization of population growth and reduction of waste, respect for nature and the geographical and cultural environment as well as the elimination of poverty, equitable distribution of wealth, rejection of the consumerist system and the adoption of new values on which to base development.

(5) These objectives are the business of States but also and above all of individuals. Accordingly, education must play a key role as an essential vehicle for collective awareness-building without which policies will remain a dead letter.

(6) But success will not come easily. Reconciling concerns of development with those of environment and concerns of equity with those of efficiency are both formidable tasks. The continuing economic decline of the majority of developing countries, which is mainly due to the unjust nature of present international economic relations and the resultant problems relating to debt, financing of trade and development, transfer of technology and the activities of transnational corporations, exacerbates the degradation of the environment in these countries. The principle of sufficient economic growth to meet human needs and aspirations without excessive and wasteful consumption should be pursued together with policies to reduce high rates of population growth. Such policies and principles, together with the search for a more equitable international economic system, are essential objectives in any strategy for the rational protection and improvement of the environment.

(7) To be fully successful, efforts for sustainable development must lead to a significant reordering of priorities in the management of the world's finite resources. At the same time, democratization should be encouraged at all levels and the role of women and the need for their full participation should be acknowledged and taken into account in national, regional and international initiatives and in the formulation of future strategies. These must be sustained by environmental education and broad participation in decision-making processes.

(8) The complex nature of the problems at hand calls for policies based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

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[1] Attended by more than 400 parliamentarians from 89 countries.

(9) Sustainable development requires an equitable distribution of the world's resources among today's societies, bearing in mind the requirements of future generations. Industrialized and developing countries therefore have a common but differentiated role to play in addressing environmental degradation. Having consumed a vastly disproportionate part of the world's resources, rich countries should take the lead by engaging in vigorous environmental action at home and making the necessary financial and technical resources available for sustainable development worldwide. At the same time, developing countries should critically examine domestic spending priorities to ensure that they are sustainable.

(10) The achievement of sustainable development will require thorough transformation of society. Action towards this end should be guided by the principles of economic efficiency and institutional flexibility. The overall aim must be to maximize developmental benefits at minimum environmental cost, making prices reflect the full environmental costs involved in any economic activity.

(11) The realization of sustainable development worldwide requires an imaginative and compelling vision of global governance. Political will has to be mobilized in order to reform and revitalize the existing system of global institutions. Of particular importance is the establishment of transparent monitoring mechanisms to ensure effective verification of universal compliance with international conventions and protocols.

II. MAIN DIRECTIONS ON THE BROAD ISSUES COVERED BY UNCED

(12) We call on all participating Governments to commit themselves fully to contributing to a successful outcome to UNCED. In the first place, the Earth Charter should be adopted. It should set out the governing principles of environmental action.

(13) Furthermore, we expect Governments participating in UNCED to sign and implement an effective framework convention on climate change with targets and timetables. A framework convention on biological diversity should also be adopted, together with a statement on the principles for the sustainable use and management of all types of forest. In addition to signing these conventions and accepting these principles, parties should agree on an ambitious strategy for the further negotiation of substantive protocols covering, for example, the need for further reductions of emissions of greenhouse gases. Domestic action to fulfill national commitments should be combined with international co-operation based on cost-effective and flexible approaches. Conventions and protocols must be universal in scope and take account of the different responsibilities of industrialized and developing countries.

(14) We emphasize the need for an ambitious, effective and adequately funded "Agenda 21" action plan with concrete provisions specifying measurable objectives, priorities, and targets within specified time horizons. It should cover national and regional action, as well as co-ordinated action by international institutions, and should make clear which party has the responsibility to deliver a given commitment. Since environment and development are inter-related, particular importance will have to be attached to environmental problems threatening ecosystems and thereby development priorities: these include land degradation, depletion and pollution of water resources, soil erosion, desertification, acid precipitation, ozone layer depletion, overfishing, overcutting of forests, coastal and marine pollution. Agenda 21 should also provide for a global management framework for land-based sources of marine pollution, lay down strict timetables for phasing out hazardous materials and encourage all industrialized countries to search for benign alternatives.

(15) We call on all Governments, especially those of coastal States, to pursue sustainable development of the resources of the sea by:

Adopting appropriate measures for the rational management of fish stocks and the protection of the marine environment;

Ensuring that fishing policies lay down rules for the management of straddling stocks;

Giving full effect to the rules of international law applying to the high seas, as reflected in the provisions of the United Nations Convention on the Law of the Sea, of which we urge the early ratification by at least 60 nations;

Paying particular attention to the requirements of developing nations with respect to their fisheries within and beyond the 200-mile limit.

(16) Severe financial constraints make it difficult to achieve sustainability in developing countries. At UNCED, industrialized countries should commit themselves to significantly increasing the transfer of financial resources to developing countries so as to improve living and working conditions by eradicating poverty and halting environmental degradation. Conventional aid for sustainable development should be made commensurate with the accepted target of 0.7 percent of GNP as soon as possible. Moreover, for developing countries to be able to play their part in caring for the global environment, additional resources should be provided. Guidelines and targets for increased debt relief and cancellation as well as financial concessions should be agreed on to reflect the need for equitable burden-sharing. The institutions hitherto responsible for debt crisis management should be called on to hammer out the necessary reforms.

(17) We draw the attention of developing countries to the fact that demographic pressure is draining natural resources and obstructing development. Rising and excessive population growth rates are largely responsible for environmental degradation, but urbanization, population density ratios, economic dependency ratios, the proportion of the population that is unemployed, illiteracy and negative social behaviour also affect both the environment and development. Demographic pressures could be reduced by providing better family planning and better mother and child care as foreseen in Agenda 21.

(18) We urge industrialized nations to cooperate with developing countries to develop environmentally sound technologies and to ensure access to them, in order to increase the transfer of such technologies on a fair basis. Commercial transactions will play an important part in technology transfer, and UNCED should encourage the formation of innovative partnerships between industry, Governments and NGOs to carry this process further, nationally as well as internationally. In designing technology transfer strategies, particular attention should be paid to the need for education, training, improved legislation and the development of management capabilities to ensure efficient adaptation and implementation of available technologies and to prevent any abuse of such technologies. Furthermore, the transfer of environmentally sound technologies should impose no unreasonable economic or financial burden on developing countries with regard to trademarks and copyrights. Finally, the capacity of developing countries to absorb technologies and develop their own indigenous technologies should be strengthened.

(19) Energy is an invaluable dynamo of economic development, but at the same time its production, distribution and use create some of the world's most pressing ecological and political problems. In addition, today's pattern of energy use is not sustainable, particularly in industrialized countries. We call on UNCED to develop a set of guidelines and priorities for the sustainable production and consumption of energy. The promotion of institutional reform, energy efficiency and a shift towards non-nuclear renewable sources of energy should make up the core of such a strategy.

(20) Existing international trade practices create an imbalance, since the needs of developing countries are not taken into full account and the ecological costs involved in production, transport and consumption of goods and services are not reflected. UNCED should accordingly encourage international economic co-operation with a view to modifying current global economic structures so as to establish an ecologically and socially acceptable form of market economy. The constructive shaping of international trade relations in which developing countries would be involved on an equal footing would provide an important basis for the future development of all countries and for the fight against poverty.

III. FOLLOW-UP AND IMPLEMENTATION

(21) We emphasize the need for visible, accountable mechanisms with effective authority to ensure continuity of the process initiated at UNCED. Governments should use UNCED as an opportunity to revitalize existing institutions dealing with environment and development. Consideration should also be given to the need for new institutions, but none should be established unless they respond to specific needs not covered by existing organizations. Due account should be taken of the fact that responsibility for every activity should be vested in the level closest to the people affected at which it can be managed most effectively. The UN Secretary-General should establish a mechanism accountable to the highest levels of the United Nations to assess needs, formulate policy, initiate and coordinate action for sustainable development and monitor and report on progress.

(22) Action at the national level will be crucial in the follow-up of UNCED decisions and priorities. We urge Governments to reexamine critically existing national policies, strategies and institutions for sustainable development and propose new ones as appropriate. The prompt adoption of national strategies for sustainable development as well as other national and regional measures is important to ensure the dynamism and flexibility of global conventions and protocols. National accounting systems should be adapted to reflect the values of natural resources in real terms. UNCED should receive from Governments firm commitments to submit annual performance reports to be reviewed by independent international panels under UNEP guidance and forwarded to the United Nations General Assembly.

(23) At the international level, environmental reform can succeed only if Governments display sufficient political will. In particular, we urge UNCED participants to improve environmental performance by un-

dertaking to establish mechanisms for effective monitoring of environmental quality and assessment of the costs and benefits of development. The results of such monitoring and assessment should be open to independent review.

(24) We attach high priority to making UNEP more meaningful and effective within the family of United Nations institutions. In addition, all UN institutions and multilateral development banks should have to publish regularly environmental targets and strategies compatible with sustainable development.

(25) As regards financial mechanisms, the first step should be to search for additional resources without adding to the number of funds.

(26) Local environmental questions fall within the scope of national development policies and, hence, bilateral and multilateral aid mechanisms. Dealing with worldwide environmental questions requires specific financing, particularly through the Global Environmental Facility (GEF). The operation of the GEF should be modified so as to involve the developing countries in the definition of its objectives, and its scope should be enlarged to cover desertification and water resources.

(27) At all levels, better co-ordination between donor countries, agencies and beneficiaries is essential to make assistance to sustainable development more effective.

(28) Commitments and obligations in respect of action at the national level should be the cornerstone of all treaties relating to sustainable development. But mechanisms should also be developed to facilitate co-operation across borders and regions to optimize cost-effectiveness, for example, clearing-house mechanisms to enable industrialized countries to invest in projects in developing countries which will lead to better environmental solutions at lower cost.

(29) Global governance reforms will need to go beyond changing institutional machinery. We urge Governments through UNCED to open up the structure of international co-operation to more public participation than is now allowed. Input from the scientific community and non-governmental organizations to treaties on environment and development should be encouraged and expanded, and be structured in such a way as to reconcile practical concerns with those of scientific legitimacy and popular participation.

(30) We reaffirm our commitment to a meaningful UNCED. We will note its achievements with interest and review fully its outcome and follow-up at the Inter-Parliamentary Conference on Environment and Development, to be held in Brasilia from 23 to 28 November 1992.

TRIBUTE TO KOFI O. GRAHAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Ms. NORTON. Mr. Speaker, far too often, lately, we seem to be hearing bad news about the young men and women of the District of Columbia. Today, I would like to spread the word about the outstanding accomplishment of a young resident of the District of Columbia, Kofi O. Graham, a student at Gonzaga High School. Kofi Graham is a top winner in the Voice of Democracy broadcast script-writing contest sponsored by the Veterans of Foreign Wars and its ladies auxiliary.

Kofi won seventh place honors, out of more than 147,000 entries from secondary school students from across the country. He will receive the $2,000 Daniel Sean Wallace Memorial Scholarship Award.

The successful results of Kofi's participation in high school debate and school and church oratory contests can clearly be seen in the eloquence of his script, but its value and importance go much deeper. His positive and caring approach to meeting our Nation's challenges in the coming years, and his desire and willingness to be a fun participant in creating a peaceful society bode well for his future—and for ours. I hope that my colleagues will take a few moments to read his impressive and moving words:

MEETING AMERICA'S CHALLENGE

(By Kofi O. Graham, District of Columbia winner, 1991-92 VFW Voice of Democracy Scholarship Program)

Five hundred years ago there landed a ship upon the strange shores of a new and unexplored land. Who would have ever imagined that a great country would have taken shape in the Americas? The United States of America was formed, and from this country emerged a strong sense of pride, love and togetherness. Five hundred years later, America's strong sense of pride love and togetherness has somewhat weakened. No longer is America the same country that was founded upon love and perseverance, which through much suffering, became a free nation.

We now stand on the brink of a challenge. It is a challenge rooted in every slum, urban and suburban community. It is a challenge that beckons us to do away with evil and therefore create a more loving and caring environment. It is a challenge that cries out to us from every suffering soul, begging for help and a simple chance, and it is a challenge that lies in the minds of the untaught. America's challenge is a somewhat simple yet abstract equation waiting to be solved . . . but how? How can America's challenge be met?

As I begin my journey I search and search, and I see a land whose founding fathers fought a revolution and founded a new nation and wrote a constitution. I see a country of valiant men and women who defended this nation all the way from the American Revolution to the Persian Gulf War. And I see a country that broke the chains of a socially unjust system and became a land of equal opportunity.

America's challenge is a hidden task lost in man's greed, and the only way to find the solutions for it is through love, hard work and togetherness. America's challenge is not just a challenge of drugs, crime, a deteriorating environment or racism. It is a challenge that calls us to develop a strong sense of pride and love for one's self, and for one's country. When one develops pride in one's self, in neighbor, and for one's country he or she will not seek to contaminate this society with poisons such as drugs, to hurt another human being, or even to oppress another because of race or sex. And when pride and love are established in all, America's challenges of drugs, crime, a deteriorating environment and racism shall be overcome.

Throughout much of America's history, challenges have been met and even conquered. But the road is rough and the battle is even harder, but it can be won. There once was a Christopher Columbus who faced an utterly impossible mission, but who through perseverance landed upon the shores of a new continent out of which came this great nation, the United States of America, was formed. There also was an Angelia and Sarah Grimke, a Soujourner Truth, and a Harriet Tubman who faced a racist and male dominated society, but who through love and dedication made a change. There was a General Douglas MacArthur, who faced the threat of two mighty aggressive powers in World War II, but who through pride and love for his country led his soldiers to triumph. There was a Dr. Martin Luther King, Jr. who stood face to face with a racially prejudiced society, but who through determination, togetherness and perseverance marched on to victory. And in our very own recent time, there is a General Colin Powell who developed the strategy for the defeat of Iraq in the Persian Gulf War. And the list of people who met and conquered America's challenges, goes on and on . . .

And now it is our turn—every man, woman, boy and girl must strive for love and togetherness, and begin to have pride in themselves and in our country, and when this happens, America's challenge will be met, and what a day that will be! Can you see it? There will be no crime! There will be no hate, just love, and happiness, and when this happens, allegiance truly will be pledged!

TRIBUTE TO STATE REPRESENTATIVE FRED DEERING

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to State representative Fred Deering, a respected legislator from my congressional district, who is retiring.

Fred Deering has served with distinction in the Ohio House of Representatives since 1973. But his tenure in the legislature does not tell the whole story of Fred Deering's commitment to public service. Prior to his election to the Ohio House, he served as a school board member and a county commissioner. In whatever capacity he has worked, Fred Deering has always given 100 percent to the people he has represented.

Fred Deering has given 4 decades to bettering his community, and he deserves the commendation of the U.S. Congress for all of his efforts. I hope he enjoys a retirement that is as fulfilling and rewarding as his career has been.

Mr. Speaker, I wish State representative Fred Deering and his family the very best in the years ahead. And as Fred Deering's Congressman, I want to thank him for his integrity and distinguished service.

TRIBUTE TO THE DESIGNERS AND DRAFTSMEN IN AMERICA

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the 360,000 who work as designers and draftsmen in America. This year, the week of April 20 through April 24 they celebrated National Drafting Week, which is sponsored by the American Design Drafting Association.

One institution heading the way in developing these skilled professions is the Hall Institute, located in Pawtucket, RI. While as an active student chapter in the American Design Drafting Association, 24 students have taken top awards in the National Drafting Contest, sponsored by the ADDA.

Draftsmen and designers are an important part of building the America of the future. Without these skilled men and women, dreams never become reality. They help create the places we live, work, and play. They help build the schools and universities which help educate our children. They help build the hospitals and clinics which help our sick.

As we prepare for the challenges of the 21st century, the highly skilled men and women will be a valuable asset in the years ahead. With the precision and skill they have demonstrated, America will continue to be a leader in the area of design and construction.

I am pleased to recognize these hard-working men and women for their dedication to building America. With schools such as the Hall Institute helping train today's draftsmen and designers, the future is bright. I wish you success in all your future endeavors.

RECIPE FOR ECONOMIC RECOVERY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. GONZALEZ. Mr. Speaker, despite rosy, election-year placations, the economy continues to languish in a crisis the breadth and longevity of which we have not seen in this country since the Great Depression. This crisis is the inevitable result of the shortsighted economics of the me-first decade of the 1980's. As Dr. Walter Adams, the Vernon F. Taylor Distinguished Professor at Trinity University in San Antonio, TX, so ably points out in a recent article printed in Challenge magazine, economic recovery will not come until the short-run gain of speculation is abandoned for long-term investment in the economy. Because he outlines sound policies for addressing our Nation's continuing economic woes, I include Dr. Adams' article at the conclusion of my remarks in order to share his suggestions with my colleagues.

1980s GIGANTOMANIA FOLLIES

(By Walter Adams and James W. Brock)

In the 1980s America lost sight of the critical distinction between productive capitalism and speculative capitalism. Now we must stop playing the short-run speculation game and start playing the long-run investment game.

The go-go eighties were to signal the rejuvenation of a somnolent American economy. After decades of bureaucratic meddling and interference, government would get off the backs of business. Massive deregulation would unleash the magic of the market. Tax cuts for upper-income groups and corporations would provide incentives for savings, investment, job creation, and growth. An enforcement moratorium on the antimonopoly and antimerger laws would not only permit but promote the kind of corporate restructuring and merger-induced size indispensable to international competitiveness. In short, a rebirth of untrammeled Darwinian laissez-faire would enable America to recapture its erstwhile preeminence in the world economy.

By the end of the decade, these fantasies had turned to dross:

The tax cut, contrary to the predictions of the Laffer curve, resulted in an escalation of the national debt from $908 billion to $3.2 trillion and transformed the United States from a creditor nation to the largest debtor nation in the world.

Annual federal budget deficits now hover around the $300 billion mark, and neither the President, nor Congress, nor both working together seem capable of bringing them under control. Deregulation, without the simultaneous enforcement of the antitrust laws, transformed the airline industry from a government-sanctioned cartel into a lusty, unregulated private oligopoly. It permitted hundreds of billions of federally insured deposits to fall into the hands of high-flying financial institutions run by rogues, charlatans, and outright thieves. But no amount of deregulation is enough to appease the entrenched interests. The auto moguls, for example, still clamor for further abatement of the regulations governing fuel economy, safety, air bags, and clean air standards—all this while demanding increased government protection from foreign competition.

Contrary to optimistic predictions, corporate giants invested only an anemic percentage of their cash flow in new factories, new equipment, new R&D, and the creation of new jobs. Instead, they frittered away their substance on a nonproductive M&A game—mergers, acquisitions, takeovers, leveraged buyouts.

The M&A game was financed by debt and the reckless issue of junk bonds—the fake wampum of the eighties. This triggered an increase in corporate debt from $829 billion in 1980 to $2 trillion by 1990. It has decimated corporate balance sheets, undermined safe debt/equity ratios, and plunged major corporations into bankruptcy at an unprecedented rate (1990 corporate assets in bankruptcy filings were fifty times those of a decade earlier). This burgeoning debt load, and the interest obligations it entails, have tightly curtailed the funds available for corporate investment in modernization and growth.

In short, the 1980s were guided by the California principle: "Whatever is not worth doing is worth doing to excess."

What are the lessons to be learned from the experiment with "gigantomania" in the 1980s?

GIGANTOMANIA IN KEY INDUSTRIES

Consider American automobiles: Here is an industry that is, and has long been, dominated by a triopoly of firms of mastodonic size. The Big Three—General Motors, Ford, Chrysler—traditionally have accounted for 90 percent or more of U.S. automobile production and, until recently, they have collectively controlled an equivalent share of U.S. auto sales. They currently rank as the first, third, and eighth largest industrial firms in the United States, and are the world's first, fourth, and sixteenth largest manufacturing concerns. Ford's annual revenues are one-third greater than those of the largest Japanese auto producer (Toyota), while GM's annual sales revenues exceed those of the two largest Japanese producers (Nissan, Toyota) combined. In fact, only nineteen nations have gross national products larger than GM's annual sales!

But private central planning in automobiles has scarcely been conducive to world-class competitiveness. Although GM is by far the world's very largest automotive firm, it is plagued by the industry's highest per-unit production costs—a disadvantage variously estimated at $200-$800 per car. Despite billions of dollars in investments, none of the big Three produces automobiles as efficiently as their Japanese counterparts: They suffer significantly longer times for die changes, require more dies and production time, and are bedeviled by higher scrap rates and more frequent downtimes. Their extensive vertical integration in parts and components production further exacerbates the inefficiency of their production, and additionally inflates their costs. And their productivity trails far behind their Japanese rivals.

Nor are the big Three marvels of technological innovation: They continue to lag behind foreign producers in product innovation, including fuel economy, four-wheel steering, continuously variable transmissions, and ceramic engine componentry. Stodgy bureaucracies, the U.S. oligopoly typically requires 45 percent longer lead time than Japanese firms to design and commercialize new models.

Nor is the record with respect to job creation more reassuring. Total employment at General Motors, for example, was already down by nearly 130,000 from its 1985 peak, when GM announced in late 1991 its plans to close twenty-one more factories, slash capital spending, and cut an additional 74,000 jobs.

Or consider the American steel giants, all products of mergers and consolidations, beginning in 1901 with the formation of the colossal United States Steel Corporation. In 1900, Charles Schwab, a leading architect of the U.S. Steel Corporation, extolled the virtues of "how America could dominate the steel trade of the entire world, if only the industry could be fully integrated for complete efficiency * * * and every cost cutting measure could be taken. Only a single corporation, which could carry the manufacture of steel through every stage from the mining of ore to the completion of the finished product could accomplish this."

What have ninety years of consolidation and corporate giantism produced in American steel? Inefficient, technologically backward, hidebound bureaucracies that have lost 400,000 jobs over the past thirty years, and that require sustained government protection from foreign competition and from their own incompetence in order to survive. The 1986 bankruptcy of the mega-merger between the Youngstown-Jones & Laughlin firm and Republic Steel (the nation's third and fourth largest steel producers)—only two years following its consummation—underscores the futility of centralized private planning in American steel. While Big Steel has floundered, however, vastly smaller American "minimill" steel producers (Nucor, Chaparral) have enjoyed spectacular success: They are profitable. They are hyperefficient. They are at the cutting edge of world steelmaking technology. And they have captured markets, not only from such supposedly invincible firms as "Japan Inc.," but from American steel giants as well.

In computers, IBM has struggled from one crisis to another during the 1980s—after having proclaimed itself America's best defense against foreign competition. It has fallen behind in personal computers. It was slow to exploit markets for workstations and laptop computers. Its massive software redevelopment effort has failed. And it has announced job layoffs that have now reached 70,000. "If bigger were better in research and development," says the Economist, "IBM would be the best. It spends $6 billion a year on R&D. Its researchers won two Nobel prizes in the 1980s, and thickened IBM's portfolio of patents to over 33,000. Yet, despite all that, IBM's new technologies have time and again been beaten to market by those of smaller, nimbler firms." According to Business Week, "Competition and technological innovation from upstarts such as Sun Microsystems Inc. and Microsoft Corp. are forcing an inefficient supplier—and an enormous one at that—to trim down, be more competitive, and serve its customers better." Ironically, IBM is doing precisely what the Justice Department originally sought in its 1969 monopolization suit against the firm—dismantling its counterproductive bureaucratic superstructure.

What about banking—a key field on the cusp of an epic merger movement designed, its promoters claim, to build world-class financial titans? The evidence is not reassuring: According to Federal Reserve Bank economists, the very largest American banks are significantly less profitable than smaller, medium-size banks. Once banks reach a modest size, no cost advantages accrue to further expansion. In fact, the evidence suggests that the nation's very largest banks suffer substantial diseconomies due to excessive size. Moreover, the failure rate for the largest banks over the past two decades has been double the failure rate recorded for small banks—evidence hardly suggestive that consolidation and bigness will create a robust American financial sector. Citicorp, the nation's largest bank, lost $885 million in the third quarter of 1991 alone.

Nor does the acquisition of financial operations by nonfinancial firms offer inspiration: Ford Motor Company and Westinghouse are suffering huge, billion-dollar losses from their diversification moves into financial operations. By the late-1980's, Armco Steel was suffering cumulative losses exceeding a half-billion dollars from insurance firms it acquired. Prudential-Bache's efforts to merge its way into a financial "supermarket" have foundered. Florida Power & Light Company has been forced to absorb write-downs of hundreds of millions of dollars as a result of its acquisition of the Colonial Penn insurance firm, while the Tucson Electric Power Company's ill-fated foray into savings and loan operations has pushed that firm to the brink of bankruptcy.

What about the giant American conglomerates, the brassy, self-proclaimed avant-garde of the 1960s and 1970s? These firms acquired and consolidated hundreds of firms and operations, in wildly unrelated fields, in order to administer them through vast superstructures of centralized corporate control. These were the firms anointed at the time as capitalism's ingenious conquest of what were called the wasteful inefficiencies of the market for allocating capital.

What became of the "synergies" these conglomerate bigness complexes were supposed to unleash? They never materialized. The Byzantine, ramshackle structures they created became organizational nightmares. They ran aground on the reefs of "reverse synergy." They became (according to Business Week) multiproduct, multidivisional, multilocational hydras. They discovered according to Fortune, that the costs of complexity outweigh the hypothetical cost savings anticipated from giant size.

In petroleum, Forbes points out, flush with cash from the energy crises of the 1970s, "oil companies handled the money badly, overpaying for fashionable diversification and overdosing on overhead. Mobile and Exxon and Chevron, Standard Oil and Atlantic Richfield wasted much of the fruits of the now vanished prosperity in buying into businesses their managements knew nothing about. Intoxicated with profits, they became victims of hubris" and dissipated their stockholders' funds "in overpriced and badly conceived diversification."

What bold new strategy have the conglomerates implemented lately? Deconglomeration! They are selling off scores of previously acquired businesses, streamlining their operations, and shrinking their size. Why? As the president of Gulf & Western (now Paramount Pictures) recently put it, "Bigness is not a sign of strength. In fact, just the opposite is true."

WESTERN EUROPE'S DISMAL EXPERIENCE

Western Europe's disastrous experience with "national champions" confirms these findings. Beginning in the 1950s, and reaching historic peaks in the 1960s, Western Europe embarked on a period of unprecedented corporate consolidation. The rationale was most forcefully articulated by Jean Jacques Servan-Schreiber in his best-seller "Le Defi Americain." The largest firms, he declared, "are the ones most likely to undertake the investment and research activities essential to successful competition." Large size "permits the development of an advanced scientific potential" and "pushes the firm into new areas and thereby places it in a position of leadership." If Europe deprived itself of the "dynamism, organization, innovation, and boldness that characterize the giant American corporations," he warned in 1968, it would "fall even further behind in the global competitive race." The challenge for European governments, he concluded, was clear: "Creation of large industrial units that are able both in size and management to compete with the American giants," and "choosing 50 to 100 firms which, once they are large enough, would be the most likely to become world leaders of modern technology in their field."

Corporate bigness was glorified. Consolidation and concentration proceeded apace. But the anticipated performance results never materialized. These putative national champions—including British Leyland in autos, British Steel, International Computers Ltd. (ICL), the CII-Bull computer group in France—became lame ducks (what the French now call canards boiteux). They have lost sizable market shares, have been perennial money-losers, and have required recurrent government subsidies of massive proportions in order to survive.

In the case of British Leyland, for example, the London Economist observes: "Merger after merger * * * was supposed to create a creature strong enough to stop the rot, to realise economies of scale and face up to foreign competition. Then another one was needed." The history of the firm, the magazine concludes, "is a parable of how such lumping together of good with bad is no match for winnowing out the bad and running the good competitively. Its successive mergers and reorganisations produced a ragbag range of cars that never settled down to win market share * * *."

The "new European super-firms did not give rise to a new competitive efficiency in Europe," European experts Paul A. Geroski and Alexis Jacquemin conclude in their evaluation of this "national champion" strategy. "Indeed, by creating a group of firms with sufficient market power to be considerably sheltered from the forces of market selection, the policy may have left Europe with a population of sleepy industrial giants who were ill-equipped to meet the challenge of the 1970s and 1980s."

Ironically—and significantly—small and medium-sized firms, not consolidated corporate giants, have sparked an industrial renaissance in Italy and Germany, and have proven to be potent engines for promoting economic growth and exports. In Germany, for example, small and medium-size firms ("Mittelstand") are boosting their R&D outlays by an astounding 21 percent per year. They are infusing German industry with their high technology. They are capturing leading positions in world export markets, including those of Asia and the Far East. Their innovativeness and lightning-quick capacity to detect and exploit markets enable them to operate profitably while paying their workers some of the highest wages in the industrialized world. Because of their stellar performance, these "Mittelstand" firms are coming to be viewed as a model for the industrial future of Europe—east and west alike.

THE OPPORTUNITY COST OF MERGER-MANIA

Corporate mergers and acquisitions inflict a massive opportunity cost on the nation's economy. The vast sums spent in futile pursuit of the Holy Grail of corporate giantism are, at the same time, vast sums that are not invested in new plants, new research and development, new product commercialization, new jobs, or the development and implementation of new state-of-the-art manufacturing techniques. In 1986, for example, corporate America spent more on mergers and acquisitions ($204 billion) than it did for R&D ($56 billion) and net new investment ($81 billion) combined. More generally, the approximately one trillion dollars spent shuffling corporate ownership shares during the eighties represents a trillion dollars not plowed directly into the nation's industrial base.

While corporate America played the unproductive and counterproductive M&A game, its fiercest global rivals poured their funds into new plants, new products, and new R&D. During the period 1985–1988, Japanese firms increased their expenditures for factories, equipment, and research and development by an estimated 150 percent—compared with an increase of only 23 percent recorded by American firms. In 1988, Japanese corporate investment exceeded that of American firms by an estimated $250 billion annually (despite the fact that the U.S. economy is some 40 percent larger than that of Japan). On a per capita basis, Japanese firms are out-investing American firms by a two-to-one margin.

Clearly, the challenge of closing this industrial-technological gap will be even more difficult, will require even more effort, and will take even longer—a legacy of the corporate feeding frenzy of the eighties.

THE RECESSION LEGACY OF DEAL-MANIA

The ongoing fallout of the merger-takeover-buyout binge of the 1980s also compounds the current recessionary malaise. Consumers—fearing further layoffs by corporations "restructuring" to atone for the follies of the eighties—are loath to spend. Banks and financial institutions, traumatized by the collapsing corporate deals in which they invested, are now paranoid about lending. And overleveraged corporations, saddled with staggering debt loads, and precluded from undertaking the new investment projects needed to pull the economy out of recession.

The facts are clear: Triggered by takeovers, mergers, and buyouts, the explosion of U.S. corporate debt by 350 percent over the 1980–1987 period has decimated the creditworthiness of American firms, rendering them far too leveraged to borrow for productive new investments in plant, equipment, or product development. At the same time, the ballooning payments required to service these debt loads have doubled their bite from pretax profits, siphoning off the internal corporate cash flows that otherwise would be available for funding new investment projects. And as record-high corporate bankruptcy rates attest, these debt burdens are simply unsustainable: Between 1986 and 1990, the annual assets of publicly held U.S. firms entering bankruptcy skyrocketed by 550 percent—from $12.7 billion to $82.7 billion.

Such evidence is scarcely indicative of an economy primed for recovery or girded for global competitive combat.

ADDITIONAL IMPLICATIONS

Corporate concentration and economic giantism are fraught with more than microeconomic structural problems. Once they are permitted to arise, corporate giants can exert political pressure on government to immunize them from the discipline of foreign competition, and to protect them from the self-inflicted consequences of their own failures—but at exorbitant expense to the public. In steel, for example, import protectionism has artificially inflated U.S. Steel prices 12–30 percent, handicapped steel-using American producers in international markets, and imposed costs on the American economy of as much as $6.8 billion—equivalent to $750,000 per steel job "saved" (while resulting in losses of thousands of jobs in steel-using sectors like appliances, farm equipment, and machinery).

Once permitted, corporate bigness complexes can capture the regulatory power of the state, and pervert it into an instrument of cartelization and monopolization. They can luxuriate in a cozy cost-plus milieu—as the nuclear power industry has done for years. Corporate giants can extract tax favors, tax write-offs and other privileges—as General Motors demonstrated in the early 1980s by deploying its Saturn project to whipsaw states and communities into granting a bonanza of free land, subsidized government loans, and tax holidays; and as the firm demonstrated again in late-1991 by announcing massive plant closings and job layoffs, without specifying which particular facilities would be shut down (thereby inviting another bidding war for tax favors from state and local governments anxious to keep GM plants open). United and Northwest airlines have proven adept at playing the same game with aircraft maintenance facilities in Colorado, Indiana, and Minnesota, as has food giant Conagra in Nebraska. Once they attain giant size, corporate bigness complexes are in a unique position "to disrupt or to stop the whole flow of social income" (Henry Simons). They can threaten to shut down their operations, and thus inflict economic catastrophe on society, if their demands are not met. They can sabotage efforts to resolve national problems, as the Big Three auto giants have done for years in their battle against fuel efficiency.

And if they are big enough and incompetent enough, corporate giants can obtain government bailouts—the ultimate perversion of private enterprise. They can do so because they are perceived to be too big to be allowed to fail. They confront a free society with a Hobson's choice between the principles of private enterprise and the principles of representative democracy: allow giant firms to collapse, while ignoring the economic harm to the citizenry, or avert economic disaster through bailouts, but destroy the economic discipline of the market. As the Chrysler, Lockheed, and Continental Illinois episodes illustrate, an insidious reverse Darwinism prevails. Corporate bigness complexes survive, not because they are better, but because they are bigger—not because they are fitter, but because they are fatter.

CONCLUSION

In its verdict on the deal-decade of the eighties, Fortune observed: "The battle cry sounded good. Down with tired management! Up with debt to wipe out waste [but] it all went wrong * * * and it's still hurting."

More fundamentally, we submit, America lost sight of the critical distinction between productive capitalism and speculative capitalism. One generates wealth; the other merely redistributes it. One builds factories; the other merely trades their ownership. One gives birth to new goods, services, and techniques; the other merely rearranges control over them. One contributes to economic growth and job creation; the other is an unproductive counterproductive zero-sum game.

Once we start playing the right game with the right rules; once we stop playing the short-run speculation game and start playing the long-run real investment game; once we stop scapegoating others (e.g., Washington, Tokyo) for our own shortcomings; once we abandon our infatuation with giantism as the elixir for our economic ills; once we rediscover the "can-do" attitude that once made American industry the marvel of the world; once we liberate our latent talent and creative imagination—American management can rise to the challenge and meet the test of international competitiveness.

This is the agenda for the 1990s.

THE PENNSYLVANIA STATE UNIVERSITY CENTER FOR CELL RESEARCH

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. WALKER. Mr. Speaker, the Pennsylvania State University, as a result of a competitive selection process, is home to one of NASA's Centers for the Commercial Development of Space. The focus of the Center for Cell Research is biotechnology, biomedicine, physiological testing, and bioseparations and bioprocessing. The Center has a number of major accomplishments to its credit which I would like to describe briefly.

In October 1990, the Center for Cell Research and one of its commercial partners conducted the first commercial physiological testing experiment aboard the space shuttle. This type of physiological testing involves using space-flown animals, tissues, or cells in research into health problems that occur on Earth. Exposing animals and humans to microgravity induces changes which parallel those of aging, osteoporosis, and a wide variety of other conditions of interest to the pharmaceutical industry. That commercial partner is currently scheduled to fly four more experiments with the Center for Cell Research. Another commercial partner is scheduled to fly for the first time later this year. In these flights, industry-driven experiments and experimenters collaborate with university scientists.

Last fall the Center began the U.S. Commercial Electrophoresis Program in space to help American companies use microgravity to enhance the separation and purification of cells, subcellular particles, proteins, growth factors, and other biological products. New bioseparation and bioprocessing techniques are essential to the biotechnology and pharmaceutical industries where innovative genetic engineering approaches have produced unique separation and processing problems. Every new biotechnology product must be removed or separated from the materials in which and from which it was produced.

Penn State experiments have flown three times on the space shuttle and unmanned vehicles. The flight results have yielded some important information. The Center's flight experiments have advanced research on osteoporosis, cancer, and other health problems by helping to more accurately define the effects of microgravity on animals, tissues, and cells so that they can serve as test subjects for new medicines, and by verifying that going to space for physiological testing can give rapid results because of the quick onset of biological microgravity effects. The research is also showing that microgravity causes significant alterations in tissue response to hormone stimulus; altered hormone stimuli play a pivotal role in osteoporosis and some cancers.

The Penn State Biomodule is an example of versatile, user-friendly equipment which can be used aboard sounding rockets, as well as the space shuttle. It is the only device of its type capable of providing for the automated addition of two different fluids to a test sample during space flight. This equipment keeps cost low by adapting to a broad range of biological materials. Economical experiments will encourage pharmaceutical companies to explore the advantage associated with the microgravity environment.

The Center for Cell Research has generated a number of publications in peer-reviewed journals to enable researchers around the world to use the information discovered in these studies.

THE 1862 EMANCIPATION OF DISTRICT OF COLUMBIA SLAVES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Ms. NORTON. Mr. Speaker, I come to the well today to call the attention of my colleagues to a significant date in the history of the District of Columbia—April 16, 1862. On this date, by an act of Congress which was signed by President Lincoln, slavery was abolished in Washington, DC. With the signing of this act, The District of Columbia became the first jurisdiction in the country to emancipate its slaves and the only area to have compensated emancipation.

A commission was appointed, and a Baltimore slave dealer was hired to appraise the value of each slave. The law provided for an average payment of about $300 for each slave. In all, the Federal Government paid nearly $1,000,000 for the freedom of over 3,000 slaves.

Emancipation in the District of Columbia set the stage for a much broader, more controversial act of emancipation. Throughout the summer of 1862, abolitionists pressured President Lincoln to proclaim emancipation for all slaves. On September 22, following the battle near Antietam Creek, MD, President Lincoln issued his preliminary Emancipation Proclamation. Finally, on January 1, 1863, all people held in bondage were declared to be forever free.

Washington became the magnet for freed people. Our city's black population celebrated freely and emotionally over this great decision. No longer could black families be separated and sold in the shadow of the Capitol. No longer would fugitives from slavery be forced to live in fear of captivity, as my own great-grandfather did, or fear of death because of their desire to live in freedom. People of color would be allowed to participate in enterprising businesses, own land, and meet openly without fear of retribution.

For many years, the black community in Washington celebrated Emancipation Day on April 16 with parades and festivals. Although they did not enjoy total freedom, they no longer suffered the degradation of total enslavement.

Today, the descendants of the freed slaves and the descendants of slave owners of the District have joined together to strive for another kind of freedom and equality with the statehood they now seek.

Thank you, Mr. Speaker, for allowing me to share this significant piece of Washington, DC, history with my colleagues.

RECOGNITION OF JIM C. BARNETT ON HIS RETIREMENT FROM THE PRACTICE OF MEDICINE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. PARKER. Mr. Speaker, today, I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a great citizen of my district, Dr. Jim C. Barnett.

Dr. Barnett was born in Edinburg, MS, and served as a family practitioner and surgeon in Brookhaven, MS. He graduated from Tylertown High School, and after attending Millsaps College in Jackson, MS, and Tulane University in New Orleans, LA, entered the University of Mississippi School of Medicine. Dr. Barnett received his M.D. from Southwestern Medical College, Dallas, TX, and later served as flight surgeon in the U.S. Navy. Dr. Barnett served as chief of staff at King's Daughters Hospital in Brookhaven and was very active in numerous professional organizations.

Dr. Barnett officially began his retirement from the medical profession on December 31, 1991, ending a 35-year practice of general medicine in Brookhaven, MS. Dr. Barnett is not content to rest upon the laurels of a long and noteworthy career in medicine. Last fall, he was elected to the Mississippi House of Representatives, a position that he is now devoting his energies to on a full-time basis. Although many in Brookhaven, including my family and I, will miss him as a doctor, we welcome him as our legislator.

Jim Barnett is a friend and a committed citizen. I am pleased to recognize him as he completes one career and begins another.

INTRODUCTION OF CAPITAL GAINS LEGISLATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. GINGRICH. Mr. Speaker, today I will introduce legislation to provide tax-free treatment of capital gains for lower income taxpayers. According to the Department of the Treasury, more than 50 percent of all taxpayers who realize capital gains would benefit from this legislation. Some 5 million lower income taxpayers would benefit from this plan.

It is unfortunate that the congressional debate over capital gains has been largely political. I hope that this bill will begin to shift the debate to more productive ground. Clearly, the only benefits reaped by this plan will be by lower income taxpayers.

My bill would provide for a 100-percent exclusion from income of capital gains realized by taxpayers in the 15-percent tax bracket. For married individuals filing joint tax returns, the top income in the 15-percent bracket will be approximately $35,800 for tax year 1992.

In order to safeguard against wealthy investors gaming the system to take advantage of this investment incentive designed for lower income taxpayers, my bill contains three additional provisions:

Excluded amounts of capital gains are capped per taxpayer per year at the sum of $25,000 plus any gain from the sale of a principal residence or closely held business;

Taxpayers would be deemed ineligible if their gross investment income for the current tax year exceeded twice the top 15-percent income level; and

Taxpayer eligibility would be premised on a 3-year rolling average in which the capital gains realized in the preceding 2 years would be included.

Mr. Speaker, I want to make clear that my introduction of this bill in no way lessens my commitment to enactment of several other major capital gains tax proposals, including the President's 15.4 percent top rate plan, Representative BILL ARCHER's inflation indexing proposal for capital assets, and proposals to index for inflation the one-time exclusion of gains realized from the sale of a principal residence.

I commend this legislation to my colleagues for their consideration and cosponsorship.

TRIBUTE TO KELLY GARGAC

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Kelly Gargac of Curtice, OH, who recently accepted an appointment to the U.S. Air Force Academy as a member of the class of 1996.

When I nominated Kelly Gargac for admission to the Air Force Academy, I knew I was nominating a young woman with great potential for leadership. Whether as the No. 1 student in her class, an all-city academic cross country runner, or as president of the school band, Kelly Gargac has demonstrated repeatedly the ability to achieve excellence in all that she does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting her appointment to the Air Force Academy, Kelly Gargac is preparing to make a valued contribution to that tradition. I congratulate her, and wish her and her family all the best.

TRIBUTE TO SANDRA NAVARO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Sandra Navaro, of Central Falls, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Bishop Keough High School in Pawtucket, RI.

This award is presented to the student, chosen by Bishop Keough High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Sandra Navaro has fulfilled this criteria. She ranks No. 1 in her class, and is a member of the National and Rhode Island Honor Societies. She is also the yearbook editor, active in student government, and a member of the Language Club. She has maintained a 94.8 grade point average.

I commend Sandra Navaro for her outstanding achievements and wish her all the best in her future endeavors.

THE RIOTS IN L.A.—A RESPONSE

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. THOMAS of Georgia. Mr. Speaker, there is much despair and anger in the wake of the racial violence that has shaken the Nation in recent days. But as we stir the cooling ashes of Los Angeles and other cities, we can find the early glimmer of hope that something good may yet come from this tragedy.

We have seen Americans of all colors—black, white, and brown—rally to peacefully express their commitment against racism. I sense a determination in the hearts of good men and women everywhere to take a stand, and chart a new course.

Also, in the pulpits of America, our ministers have raised their voices to give guidance to people of faith.

One of those voices recently was the Reverend Michael Bledsoe of the Riverside Baptist Church in Washington. This is a biracial church whose parishioners come from throughout the United States.

Mr. Speaker, I ask that Pastor Bledsoe's remarks delivered on May 3, 1992, be included in the RECORD at this point.

THE RIOTS IN L.A.: A RESPONSE

(Remarks by Pastor Michael Bledsoe)

One year ago, our President, our congress and our military led our nation into the desert sands of Saudi Arabia. The declared goal was the freeing of the Kuwaiti people from the tyranny of the Iraqi dictator, Saddam Hussein. Now, one year later, our President has sent troops into Los Angeles, not for the liberation of a people, but for the shoring up and defense of the status quo.

The events of this past week are heart rending and even maddening. Surely we can concur with the President that the brutal murder of people and the wanton destruction of property should end. But the Church of Jesus Christ pleads for something more: we ask that the same energy, commitment and resources pledged to a war far from our shores be expended upon the emancipation of our own people within our own cities. I am, like many clergy, confounded by our nation's seeming ability to create Marshall Plans for other nations, but when it comes to the economic and social well-being of minorities in our own country, somehow the energy dissipates. Like you, I am appalled by the murder of people who were innocent and simply in the wrong place at the wrong time. But I am equally appalled by a continued neglect of our inner cities and the racism which fuels much of that neglect.

Twenty-six years ago, the National Committee of Negro Churchmen, issued a statement on "Black Power." That statement noted something our President and Congress are apparently unable to grasp: "powerlessness breeds a race of beggars. We are faced now with a situation where conscienceless power meets powerless conscience, threatening the very foundations of our nation." That statement is, unfortunately, as accurate today as it was on July 31, 1996.

All of us know that the travesty of the inane verdicts handed down in the Rodney King beating case was and is simply the fuse. We are faced not only with the travesty of this particular case, but with racist injustice which continues to trap and enslave men, women and children. Yes, violence is wrong and it begets violence, but we as the Church must plead with our leaders to understand that you cannot, lest you be a hypocrit, denounce violence by the powerless while at the same time withholding condemnation of that violence which denies a people their past and a future.

We have our work and mission set out before us. Our particular church, Riverside Baptist Church, must reawaken to its historic purpose and mission, that we proclaim the Gospel of Christ knowing but one law, the love of God and the love of humanity. Were it not for such a Gospel, were it not for the power of Christ to break asunder the inhuman chains of racism and violence, we would be despairing indeed. But alas, we do have a hope greater than that which would crush us. Together let us in these coming days speak with courage, live in compassion and work passionately for justice. For Martin Luther King, Jr. has warned us, "Either we will live together as brothers and sisters or we will perish together as fools."

TRIBUTE TO THOMAS B. HARGRAVE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Ms. NORTON. Mr. Speaker, I rise today to pay tribute to Mr. Thomas B. Hargrave, Jr. Since 1973, the Washington metropolitan area has been privileged to have Thomas Hargrave serve as president of the Young Men's Christian Association; but, his affiliation with the YMCA dates back 41 years and through a variety of leadership positions he has held in the "Y".

Mr. Hargrave has been responsible for establishing many successful programs that have met the ever changing needs of our society. Some of his major accomplishments as president of the YMCA of Metropolitan Washington are: Leadership which resulted in the building of the YMCA's new headquarters, the National Capital Service Center; the elimination of the association's operating deficit of $1 million; leadership in securing and relocation of a permanent facility for the historic Anthony Bowen YMCA; and the development of partnerships with YMCA's in India, the Gambia, Costa Rica, China, and the Soviet Union Committee of Youth Organizations.

Mr. Speaker, during his illustrious career with the YMCA, Thomas Hargrave has been the recipient of awards and citations too numerous to list. Among the many are: A recognition honor from African-Alliance of YMCA's for service in the formation of the African Alliance of YMCA's, Nairobi, Kenya; a recognition honor, the Anchor Award, from Northeast Collegium of African-American YMCA professionals, for dedicated service to the YMCA; the District of Columbia Chamber of Commerce's Award for distinguished service to the community; the Association of Professional Directors' Distinguished Service Award for administrative excellence; Men of Tomorrow Service Club Award for outstanding service to Los Angeles; a citation by the Los Angeles City College for service on its Drug Action Advisory Council; the YMCA Silver Tray for outstanding service to the Central Community Branch YMCA in Pasadena, CA; honorary life membership in the California Parent Teachers Association for leadership in the Pasadena school system for service in the field of civil rights; the Urban League certificate for outstanding service, Jacksonville, FL; and the Bethune-Cookman College Alumni Award for outstanding community work in Jacksonville, FL.

Thomas B. Hargrave is a published author whose writings can be found in such magazines as The Forum and the Urban Action Newsletter. An accomplished public speaker, he has lectured on a variety of issues which confront our urban areas.

Therefore, Mr. Speaker, I ask that you and my distinguished colleagues join me in official recognition of Thomas B. Hargrave, Jr., for his outstanding record and his unwavering devotion to excellence in serving the social needs of the Washington metropolitan area, the Nation and, indeed, the world.

THE SHIPBUILDING PROMOTION ACT OF 1992

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ANDREWS of Maine. Mr. Speaker, I rise today to introduce the Shipbuilding Promotion Act of 1992.

The U.S. shipbuilding industry is in crisis. Commercial shipbuilding in the United States has virtually disappeared. As a member of the House Armed Services Committee's Seapower Subcommittee, I have heard representatives of the Department of Defense testify over and over again that our shipbuilding industrial base is essential to the national security of the United States. However, when they are asked what steps they are taking to preserve the shipbuilding industrial base, they have no answers.

Last year Secretary of the Navy Lawrence Garrett testified before the House Armed Services Committee that:

> A keystone of our ability to build and maintain a Navy is our infrastructure and our industrial base. America's strategic advantage, I submit, depends fundamentally on a healthy, productive, innovative and competitive national industry. We simply cannot afford to drive our defense industrial base—especially our vital shipbuilding industry—off shore.

Unfortunately, that is exactly what we have done for the past decade. Since 1981, when the United States unilaterally ended construction differential subsidy, the commercial sector of the U.S. shipbuilding industry has virtually disappeared. American shipbuilders simply could not compete against highly subsidized foreign competitors.

In the 1980's the U.S. shipbuilding industry was able to survive only because orders for naval ships increased. For the rest of this decade, however, the trend is in the opposite direction. Naval ships under construction will decline from a high of 96 in 1983 to only 20 in 1998. It has been projected that over 180,000 jobs will be lost in the shipbuilding industry before the end of the decade, if commercial shipbuilding is not revitalized over. This is in addition to the 120,000 jobs that have already been lost since 1981.

In early April 1992, negotiations at the Organization for Economic Cooperations and Development [OECD] aimed at eliminating subsidies and other trade-distorting measures in shipbuilding collapsed. The Office of the U.S. Trade Representative acknowledges that foreign subsidies remain very large and that European subsidies equal approximately $1 to $2 billion annually.

Last year the House required the Secretary of Defense to confer with the Department of Commerce and the Office of the U.S. Trade Representative and submit a plan to address the declining American shipbuilding industrial base with the fiscal year 1993 budget request. The Department failed to meet this requirement. It has made no indication that it intends to do so. Meanwhile, U.S. shipbuilders continue to lose work to foreign shipyards because of unfair trade practices.

We cannot wait any longer.

The Shipbuilding Promotion Act of 1992 requires the Secretary of Defense to convene an interagency working group to develop and implement a plan to ensure that our commercial shipbuilding industry can compete effectively in the international shipbuilding market. If the Secretary of Defense fails to submit a plan to the Congress with the submission of the fiscal year 1994 budget request, the Department of Defense will be prohibited from entering into a contract for the construction, repair, or purchase of any product or service with any company physically located or headquartered in any country which continues to subsidize its shipbuilding and repair industries or engages in ship dumping practices.

ROBERT POPE'S GOLD MEDAL AT THE INTERNATIONAL YOUTH SKILL OLYMPICS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. YOUNG of Florida. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues the extraordinary achievements of my constituent Robert Pope, who recently was awarded the gold medal for electric welding at the 31st International Youth Skill Olympics [IYSO] in Amsterdam.

Competition at the IYSO did not receive the international attention that the Winter Games in Albertville enjoyed, but Mr. Pope's gold medal in his event should mean as much to our Nation, if not more, than any Olympic Medal won by a U.S. athlete.

The IYSO is a biannual competition in which contestants under the age of 23 from around the world compete in a variety of skilled events. It provides an opportunity for individual nations to demonstrate the prowess of their future generation of workers. Mr. Pope's victory is a testament to the continuing quality of the U.S. worker, and the need for our Nation to focus more attention on the vocational education and training programs which teach critical job skills to our youth, so that we remain the world's industrial and manufacturing leader.

Mr. Speaker, the Washington Post article following my remarks highlights the importance of Mr. Pope's achievement. I comment it to my colleagues in hopes that they will join me in recognizing his outstanding skills and training which led to this international recognition.

OUR UNSUNG OLYMPIC HERO: WHY HAS ROBERT POPE'S ELECTRIFYING VICTORY GONE UNNOTICED?

(By William Kolberg and Foster Smith)

Robert E. Pope won a gold medal in his last olympics. But his event wasn't televised, he wasn't offered any endorsement contracts and he hasn't been drafted by a professional team. The only newspaper that noted his victory was in his home town of St. Petersburg, Fla.

As far as the public was concerned, Pope was in the wrong olympics. But as far as the future of the United States is concerned, he offers far more hope than the athletes who are representing the nation this year in France and Spain.

Pope won the gold medal for electric welding at the 31st International Youth Skill Olympics in Amsterdam last year. He scored 583 points out of a possible 600, more than any other contestant in any other IYSO event.

The 1992 Winter Olympics in Albertville are now all but history, but the hype will soon begin building for the summer games in Barcelona. Hundreds of American athletes are preparing for competition. Corporations will spend millions sponsoring the games on television. Millions of Americans will cheer our athletes day after day and fret if we don't "win" the games.

The contrast in attention given to the Olympics and Robert Pope's olympics reflects the priorities Americans have regarding the future of their children. Athletic skills are more important than job skills; athletes are more important than frontline workers. The United States may be the only industrialized country with such attitudes—an important reason why the nation's productivity rates and standard of living are not growing as fast as those of other countries.

The IYSO is held every two years. Entrants must be younger than 23 and can compete in a wide variety of skill events ranging from graphic design to welding. The United States first entered a team in 1975, finishing dead last that year and in the next four olympiads. In 1985, it reached its high point so far—11th out of 18 countries in the competition. It was 13th thereafter until last year, then finished 14th in a field of 26.

Although these competitions do not necessarily reflect the skills of an entire nation, they do illustrate dramatically a fact that is central to the declining economic vitality of the United States and its ability to compete economically. Other nations value their frontline workers, and the United States does not. For instance, only the United States enters a team in the IYSO competitions that is not sponsored by its government. Instead, the American team is sponsored by a private, non-profit organization, Vocational Industrial Clubs of America, using funds provided by 60 corporations and trade associations.

It might well be inappropriate for the U.S. government to sponsor teams in these competitions, but the contrast nonetheless illustrates an important cultural difference between us and other nations. Our competitors value these skills so much they have national policies, practices and programs to upgrade continuously the knowledge and skills of their workers. In Korea, which has won seven team titles, employers are assessed a payroll tax on their employers to provide the special preparation and cash awards that IYSO contestants receive.

In America, by contrast, we discourage our youth from seeking careers in so-called blue-collar vocations and insist that college educations are essential for happiness and success in life. Those who do not receive college degrees (about 70 percent of the population) are cast adrift to make their way—with little if any training in skills or preparation for work. Apprenticeship and vocational programs have fallen into disrepair, and a high school graduate typically drifts from job to job until he or she gains the maturity a company seeks before it is willing to spend money training a young worker for a specific skill or vocation.

It's not surprising that employers complain that new entrants to the workforce are not prepared. In a recent survey by the National Association of Manufacturers, employers said they had to interview six applicants to find one qualified employee; 25 percent of the companies said they could not improve their product quality because their employees were not capable of learning the appropriate skills, and 30 percent said they could not install modern work systems because their employees could not learn new jobs.

Productivity growth in the United States has been lower than that of our industrial competitors for the past two decades. Early in the next century America may be only the third or fourth most productive nation in the world, and its prized standard of living may be a thing of the past.

These trends will continue until the nation adopts a new attitude about work and jobs. Surely it is more important that we are a nation of educated and skilled people than a nation of athletes. We might hope to be both, of course, but we are not making the effort. We must regain our admiration for skilled people in our society. We must help our youth choose satisfying jobs and encourage them to take extensive training—and in return see that they are well paid. Then business must also get rid of the traditional mind-numbing assembly line and organize the workplace to take advantage of this new skill and intelligence.

Our problem is not with our young people. Young men and women in the Gulf War proved that well-trained Americans can operate the most sophisticated machines on earth. Our problem is with our priorities—and unless we begin to value the Robert Popes of this nation as highly as the Bonnie Blairs and Carl Lewises, it's unlikely that we will continue as the economic leader of the world.

William Kolberg and Foster Smith are the president and senior vice president respectively of the National Alliance of Business. Their book, "Rebuilding America's Workforce," was published in January by Business One Irwin.

THE TELECOMMUTING ACT OF 1992

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to introduce the Telecommuting Act of 1992. This legislation will create an office of telecommuting in the National Telecommunications and Information Administration [NTIA]. The office also will be responsible for supporting the implementation of telecommuting centers and other creative trade offs of communications for transportation services.

The legislation will also provide funding for five Federal satellite telecommuting centers in the greater Washington D.C. area. These centers would be based on the successful cooperative administrative support unit concept being implemented by the General Services Administration. The creation of centers to apply these concepts currently is being developed in the Washington, D.C. area, most notably in Hagerstown, MD.

Very briefly, telecommuting is the use of electronic communications to replace or reduce the trip from home to the traditional workplace. This includes various options, such as working out of the home or at satellite or "telework" centers, using computer modems, fax machines, telephones and other technologies to tie the employee into his central place of work. Telework means moving work to people instead of moving people to work.

The existence of fiber optics and other technologies allows vast quantities of electronic data to be conveyed over the telephone network. Such transmissions can include photographic images as well as voice and data. This provides employees with the freedom of moving work between alternative work sites (home and telework centers) and their traditional workplace through "telecommuting."

Since much of the activity in the modern workplace is done at a computer terminal, over the phone or by fax, the actual location of the individual becomes secondary. The idea embodied in this legislation is to begin developing alternative work sites in the form of satellite offices, away from congested urban cores. The concept of "telework" centers has been successfully implemented in Europe and in the Pacific Rim countries. Many States have already developed pilot projects and programs along similar lines, and a coordinated Federal effort will make a significant positive contribution to this effort.

The emphasis in the legislation on telecommuting centers is intended to complement the work-at-home approach supported by the Federal Flexiplace Program and other efforts. Traditional telecommuting has been characterized by employees working out of the home, and has proven to be successful. According to 1991 data from Link Resources, a New York based research firm, over 5.5 million public- and private-sector employees telecommute from their home.

The immediate benefits of telecommuting include: Decreases in traffic congestion, fuel consumption and the consequent air pollution; it would also enhance productivity, lower operating costs, provide a more efficient utilization of time and allow more time to be spent with one's family.

A study by Arthur D. Little estimates that a reasonable level of telecommunications substitution in this country of 10 to 20 percent would lead to an annual savings of over $23 billion, including productivity savings of $17.8 billion, energy savings of $3.7 billion, pollution savings of $1.2 billion and infrastructure savings of $0.5 billion.

Another study by a task force of government agencies in Virginia estimated that, for each 1 percent of work force growth, it would cost $580 million to keep traffic flowing at 1988 levels in northern Virginia. This analysis also found that by removing 1 percent of commuters from the roads would save this same amount in public expenditures. This figure did not include savings in fuel consumption and the decline in air pollution, nor does it include the intangible benefit to remaining commuters of eased traffic congestion.

These last points regarding air pollution and gasoline consumption are particularly important in light of the fact that cars cause 40 percent of the Nation's air pollution. Furthermore, the President's national energy strategy estimated that about 35 percent of passenger vehicle miles traveled is work related. It is clear that decreased commuter traffic—besides easing traffic flows—would have a significant environmental impact.

Aside from the fact that telecommuting is cost effective and that it will have a beneficial environmental impact, it also provides a higher quality of life for the employee. Less commuting time, more flexibility in working arrangements, lower costs of living, and greater personal time will all contribute to a less frenetic way of life and create a more productive employee.

The potential of telecommuting for rural America is staggering. The growing urbanization of the American population is due predominately to one factor: Jobs. By freeing the employee from working at a single specified site, and closing distances through technology, economic development is not bound by conventional means. The potential for job creation and the migration of employment with the aid of technology will breathe new life into rural America.

Particularly in a time when structural changes in the economy and a growing competition from overseas have left many rural areas struggling for survival, telecommuting offers a unique opportunity for sustained economic development. With the construction of "electronic highways" to access and move work, ideas, and information anywhere, the potential for future job development opens up exponentially.

While there are many State and community projects—both public and private—currently being developed across the country, there is no single focus to help coordinate these activities. The Office of Telecommuting created by the legislation will take on a role as an information clearinghouse and information resource for telecommuting. The establishment of prototype and demonstration "telework" centers funded under the legislation will raise the profile of telecommuting and demonstrate its benefits. The Washington, DC area is ideal for this type of demonstration owing to its somewhat unique status as an industry town, and also because it suffers from the traffic congestion and associate problems of any major urban center.

A prototype telework center such as the one being explored in Hagerstown, MD, would allow Federal employees to spend anywhere from 1 to 5 days a week working out of the center saving themselves what is currently a 150 mile daily commute. Avoiding the commute from Hagerstown frees up 3 to 4 hours a day for these employees. The telework centers envisioned by this legislation are based on this prototype, as well as on the European and domestic experiences.

Again, the specific proposal embodied in the legislation is not meant to undermine the validity of work-at-home or other approaches to telecommuting. Rather, in drafting the bill, I wanted to propose an initial step in a larger effort. We need to bolster existing endeavors, not re-inventing the wheel, but working with those already in the field, both public and private. The bill accomplishes these goals, and is a step in the right direction.

SUMMARY OF THE TELECOMMUTING ACT OF 1992

Establishes an office of Telecommuting as part of the National Telecommunications and Information Agency (NTIA) in the Department of Commerce. NTIA's role would be to act as a clearinghouse of information on telecommuting activities across the country; promote the idea of telecommuting; and coordinate with existing Federal efforts to help develop expertise in the nuts and bolts of developing telework centers.

Authorizes funding for five Federal Satellite Centers (telecommuting centers) in the Washington, DC area, overseen by NTIA, though operated in conjunction with the Office of Personal Management (OPM) and the General Services Administration (GSA). $5 million authorization for FY93.

Definition of the Federal Satellite Centers, and listing of eligibility requirements for funding. This includes:

Telecommuting Centers would be used primarily by Federal Agencies, though excess space could be leased to private interests (i.e. the primacy of the Federal function of these centers should not preclude private sector involvement).

Agencies would need to provide some equipment, and work out personnel and center management issues with OPM, GSA and the lead Agency for the center.

NTIA would decide on site locations, and provide their funding.

Location of sites would be required to be more than 20 miles outside the Washington beltway.

Sites currently under development would have preference for funding under this project.

Proposed sites in underdeveloped or in areas of high unemployment will have preference for funding.

Contribution requirements by States or localities will be determined. Non-Federal contributions could entail in-kind contributions such as job training or provision of facilities, and will be based on resources available and need.

FIGHT FOR DIGNITY CLAIMS A VICTIM

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. EVANS. Mr. Speaker, while it is my honor to pay tribute to David Butts, his death was a national disgrace. David was only 44 when he died earlier this year in Roxbury, MA. He also was a veteran who had served our country proudly during the Vietnam war.

We owe it to David and others like him to do everything possible to ensure that the circumstances that led to their deaths are not repeated. We must continue to work with advocates to create and strengthen the social programs that fight the silent killer that eats away at our society everyday—racism. Accordingly, I applaud the specific efforts of the Veterans' Benefits Clearinghouse and the William Joiner Center. While David Butts was alive, the Veterans' Benefits Clearinghouse provided him with the assistance and support that no one else was willing to give. Similarly, the William Joiner Center is holding its 11th Annual Conference on the Concerns of Veterans to increase our awareness of the problems facing veterans, particularly homeless and minority veterans.

[From the Boston Globe, Apr. 16, 1992]

FIGHT FOR DIGNITY CLAIMS A VICTIM

(By Mike Barnicle)

A flag was draped over David Butts' closed coffin the other night as it sat in the Floyd A. Williams Funeral Home in Dorchester. The mourning crowd sat with great dignity on folding chairs and those who could not find a seat spilled into the hallway where they stood quietly as Bishop Johnnie Anderson offered a eulogy for a man who died of being black.

Oh, the autopsy listed cause of death as heart attack but the heavy burden of David Butts' life was a silent killer that did just as much damage as any blocked artery. Medical examiners deal with what's on the table, though, and not with what happened in the years prior to a corpse's arrival at the morgue.

"He was a good guy with his hands," his friend, Ron Armistead, was saying. "He had a trade. He was a sheet metal worker. Had a union card. Went to Vietnam when his country called and part of the irony here is that in a time of economic prosperity in this state—during the 1980s—David had to go all the way to Rochester, N.Y., to find work."

"You can go to the union hall all you want," said Ralph Cooper, another friend. "You can go every single day and if you're black you might not get called out on a job."

David Butts died two weeks ago, all alone in a rented room. His body was on the floor for three days when another resident called Gunnsy Branch of the Veterans Benefits Clearinghouse about a smell coming from the apartment. Branel went over, kicked in the door and found his friend dead.

David Butts was 44. When he was 12, his parents were killed in a car crash. He and his two sisters survived the wreck and were raised by an aunt. He went to Patrick Campbell Junior High and graduated from Brighton High in 1965 and, boy-oh-boy, didn't Uncle Sam love his whole class.

In a faded photo, David is in the top row with a bunch of kids who later served—and some of whom died—in Vietnam. There was Willie Bufort killed at Con Thien in 1967. There was Dennis Lloyd and Ernie Washington who made it home. There were others who went, came back and died here on the streets, victims of newer enemies like heroin, men like Ralph Bowen.

Butts grew up by the corner of Howard and Blue Hill Avenue in Roxbury belonged to a gang called The Elgins. Of course, the very word—gang—had a different meaning then. There were no guns or drugs, merely kids running with the Lord Sociables, the Band of Angels or the Marseille Dukes, jamming once in a while with white boys from Lawrence Avenue who called themselves the Cherry Valley Road Gents. If you died on the street back then, it meant you got hit by a bus.

David Butts was nobody and he was everybody who is black, male and came out of Roxbury public schools and military service. In 1972, he got a union card but discovered quickly it wasn't more than a piece of paper, window dressing.

The city paid for his funeral. Floyd Williams made sure it was a good one, too. The crowd was out of his past; friends from his union local, guys from the Veterans Clearinghouse, a few homeless men and women, along with his sisters and his son who was brought up from jail to say goodbye to his father.

Before Butts' son went to prison, he was with a gang in the Franklin Hill project. The father was consumed with the boy's fate and blamed himself for the environment of violence that inevitably swallowed the child. He felt his failure to lead by example caused his only boy to head straight toward trouble.

"What is the message here?" Ron Armistead asked. "That's what he lived with. He talked all the time about his son and about how that boy read the message: That you can be a veteran. That you can have a high school education. That you can go to Vietnam. That you can be a tradesman and that there is still no level playing field if you're a black man. David thought that much of what happened to his son was predicated on what the son saw happening to him.

"That's the tragedy. That we can go to war, come home, get a trade and still not work and not become role models for our children who see us sometimes failing as we go through this madness. If David had died in the war, there would have been a big funeral and all the newspapers would have been there. But when we die fighting this war here everyday for social dignity, it's different and we die alone and our families suffer alone."

Only the friends of David Butts were graveside Tuesday morning in Mount Hope Cemetery: Ralph Cooper, Ron Armistead, Ernie Washington, and Gunney Branch helped fold the flag that had been draped across the coffin. Then, "The Gunney" stepped back and presented it to David's older sister, Betty Scott. Everyone saluted and the casket containing another sad life was lowered into the soil. Finally, David Butts was at peace.

TRIBUTE TO JENNIFER K. TURNER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer K. Turner, of East Providence, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for St. Mary Academy-Bay View in Riverside, RI.

This award is presented to the student, chosen by St. Mary Academy-Bay View, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer Turner has fulfilled this criteria. She has maintained an excellent grade point average while participating in a variety of extracurricular activities. A member of the Rhode Island Honor Society, she is also a member of the ski club, and indoor track team.

I commend Jennifer Turner for her outstanding achievements and wish her all the best in her future endeavors.

STRATEGIC PETROLEUM RESERVE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ANDREWS of Texas. Mr. Speaker, a little more than a year after our victory in the Persian Gulf, the United States still has not enacted a long-term energy policy capable of enhancing national energy security and promoting economic growth. Refusing to manage our energy usage and domestic production wisely over the past 10 years has left us—as Saddam Hussein demonstrated—at the mercy of foreign oil cartels, despots, and uncontrollable events in the Middle East. A continued laxity in energy policy will only increase that vulnerability.

What the United States needs as it heads into the next century is a truly integrated and comprehensive energy strategy. We must insist on increasing our use of domestic alternative and renewable fuels, demand aggressive efficiency and conservation standards, and prudently exploit our traditional domestic energy resources.

Filling the strategic petroleum reserve [SPR] is widely acknowledged as a key part of any real energy strategy. The question is not even the level to which we should fill the SPR, but instead who should finance its filling.

Last week, the Committee on Ways and Means agreed to my amendment to H.R. 776, the Comprehensive National Energy Policy Act, eliminating the mandatory inkind contribution to the SPR. By requiring all oil importers and purchasers of domestic crude to contribute a percentage of imports or purchases to the SPR, this provision would have amounted to a $15 billion tax on the oil and gas industry and ultimately consumers.

I believe the Houston Chronicle has accurately characterized the debate:

> The SPR was intended to be every bit as much an instrument of national security as an aircraft carrier or a wing of jet fighters. To our knowledge, no part of the private sector has ever been singled out and told to foot the bill for an aircraft carrier. It should be no different when it comes to the reserve: No private sector should be targeted to bear the burden for filling it.

If the Congress supports, like I do, filling the SPR to one billion barrels, then let us aggressively pursue that end, but let us not force one industry to shoulder the burden.

The editorial follows:

[From the Houston Chronicle, Apr. 29, 1992]

SINGLED OUT—NOT FAIR TO ASSESS OIL COMPANIES FOR STRATEGIC RESERVE

The Strategic Petroleum Reserve is so named because it was created as the cornerstone of a national strategy to protect the country from sudden shifts in the international petroleum markets.

From its beginnings in the wake of oil-price shocks in the 1970s, the SPR was intended to be every bit as much an instrument of national security as an aircraft carrier or a wing of jet fighters. To our knowledge, no part of the private sector has ever been singled out and told to foot the bill for an aircraft carrier. It should be no different when it comes to the reserve: No private sector should be targeted to bear the burden for filling it.

Yet, provisions of a bill in the U.S. House, HR 776, the Comprehensive National Energy Policy Act, would require purchasers and importers of domestic and foreign crude to set aside 1 percent of the crude oil they purchase to fill the SPR, or to send a cash equivalent to the Treasury. They would not be reimbursed until the oil is drawn out of the reserve, nor would they receive interest on the cash equivalent they put into the Treasury.

The net effect of this is a not-very-well-disguised excise tax on purchasers of crude oil. For the nation's largest oil companies, the amount would be far from small. For example, according to an industry study, it would cost Chevron about $90 million in any given year, with no guarantee of when the amount would be repaid, or at what price per barrel.

The House provision would unfairly single out a specific sector of a specific industry to pay for what is, essentially, a national security objective. That is patently unfair.

If the House believes that it is in the national interest to fill the SPR to 1 billion barrels, fine. That is a national policy decision its members are elected to participate in making. But it should be paid for out of general revenues, not by means of a unilateral assessment on oil companies and refiners.

TRIBUTE TO JACQUES LURIE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. BORSKI. Mr. Speaker, I rise today to honor Jacques Lurie, who will become president of the Greater Philadelphia Council of B'nai B'rith.

Jacques Lurie currently serves as the international chairman of the B'nai B'rith Soviet Jewry Committee and is a member of the B'nai B'rith International Board of Governors. He is also the B'nai B'rith international data processing chairman.

Well known as a catalyst in winning freedom for Soviet Jews, Mr. Lurie first became involved in the Soviet Jewry movement in 1978 while a student at Temple University. In 1987, he organized a B'nai B'rith Soviet Jewry Solidarity Day and arranged for the Governors of Pennsylvania, Delaware, New Jersey, and West Virginia to participate in a conference call to two refusenik families in the former Soviet Union.

Mr. Lurie met with the leadership of the Jewish community in Moscow in December 1988, together with B'nai B'rith president, Seymour Reich. In December 1989, he participated in the first Jewish Congress in the Soviet Union.

Mr. Lurie has also been an activist in the plight of Ethiopian Jewry, an issue which he describes as being "near and dear" to his heart. He is chairman of the Ethiopian Jewry Committee of the Public Affairs Department for B'nai B'rith International. Mr. Lurie also originated a campaign to collect clothing for 15,000 Ethiopian Jews living in the Ethiopian capital of Addis Ababa.

Mr. Lurie is a member of the Board of Hillel of Greater Philadelphia and is the youngest member of the Philadelphia School Board and serves on eight of its committees. He is a recipient of the B'nai B'rith International Label Katz Young Leadership Award for outstanding leadership and dedication.

Thank you, Mr. Speaker, for this opportunity to bring to the attention of the House some of the many accomplishments of Jacques Lurie, a truly remarkable man who continues to give so much of himself to the causes that are important to the Jewish community in Philadelphia and around the world.

TRIBUTE TO ARNOLD HIATT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MOAKLEY. Mr. Speaker, it is truly an honor and a privilege to take this opportunity to recognize the monumental achievements of a dear friend of mine, and of the Commonwealth of Massachusetts, as he announces his retirement as chairman of the Stride Rite Corp.

I feel privileged to have known and to have worked with Arnold Hiatt during his 24 year tenure as chairman. To find such a fine, honorable, and truly altruistic person is a rare thing. To find such a person in charge of a corporation such as Stride Rite, which has consistently been on the cutting edge of philanthropic and socially conscious programs, is rarer still. I am grateful for the opportunity to have done so.

I am pleased to hear that although Arnold is retiring as chairman of the Stride Rite Corp. itself, he will remain on board as chairman of the Stride Rite Charitable Foundation where he will, I am sure, continue to promote policies both inside and outside the corporation which will persist in advancing socially conscious programs. By remaining together, Stride Rite and Arnold Hiatt will be able to continue their history of achievements such as the Nation's first on-site day-care for both infants and elderly, the first nonsmoking policy in the Nation, the first on-site fitness center, and the most liberal family leave programs in the country. All of this funded by corporate contributions amounting to 5 percent of its pretax earnings. Mr. Hiatt is also a very astute business person.

John Fitzgerald Kennedy once observed, as he spoke to the Massachusetts State Senate in 1961, that in questioning whether we in our brief span of service, fulfilled our responsibilities in whatever office we held,

Our success or failure will be measured in the answers to four questions: First, were we truly men of courage * * * Second, were we truly men of judgement * * * Third, were we truly men of integrity * * * Finally, were we truly men of dedication?

I am certain that with no hesitation, anyone who has known, has worked with, or worked for Arnold Hiatt would agree that all of those questions would be met with a resounding yes.

I would like to submit the following article from the Boston Globe, Monday, April 20, 1992, which encapsulates Arnold Hiatt's truly outstanding career as a Massachusetts businessman and as an American who has spent his life working to improve the lives of others.

MORE THAN PROFITS—STRIDE RITE CHIEF LED FIRM IN GOOD WORKS

(By Mary Sit)

Ivan Boesky, the stock speculator who became Wall Street's archvillain of the 1980s, once claimed that greed is good.

Arnold Hiatt, the man who has managed Stride Rite Corp. for the past 24 years, says Boesky's statement needs a twist. "Self-enlightened interest is good," he says.

Hiatt has run the Cambridge-based shoe company by that philosophy, and the result has been a rare combination: a highly profitable company that is also one of the nation's most socially responsible.

Today the 64-year-old executive plans to announce his retirement as Stride Rite's chairman, effective in June. He will continue as a director and work full time as chairman of the Stride Rite Charitable Foundation. Ervin Shames, Stride Rite's chief executive, will succeed Hiatt as chairman.

Hiatt leaves a legacy that many blue chip firms would envy. The shoe company—famous for its children's shoes and Keds sneakers—has experienced 18 years of continued growth in sales and earnings, except for a blip in 1984 when the company acquired Keds. Stride Rite's market value was $36 million in 1968. Today it is $1.3 billion. The New York Stock Exchange recently ranked the company 12th out of its 1,600 companies for growth in per-share earnings over the last five years.

"The traditional role of corporate leadership is changing," the soft-spoken Hiatt said in an interview last week. "We would do well to become more responsible for our communities and our employees, and thereby serve our stockholders even better than we have in the past."

Hiatt, who never attended business school, has certainly not followed convention in his career. An innovator who says he simply uses common sense, Hiatt was responsible for a string of firsts: the nation's first no-smoking policy; the first on-site day care center; the first on-site fitness center for employees; the first intergenerational adult day care center where elders mix with kids; and one of the most liberal family leave policies in corporate America.

This year Stride Rite stated a mentoring program in which 30 employees tutor inner-city students two hours a week for a year on company time.

Although Hiatt says he has initiated these programs because he wants to do the right thing, that is not what sells in the boardroom. Hiatt tells directors that caring about one's community means a fatter bottom line.

"The well-being of society can't be separated from the well-being of companies," says Hiatt. "The only natural resource we have, particularly in Massachusetts * * * is people. And unless we continue to have a highly trained and educated work force, we're going to have increasing difficulty in competing."

Haitt has been an advocate of educational reform and of teaching young people the value of public service. He helped create the Stride Rite Scholars Program at Harvard, which offers scholarships to students who do volunteer work in the inner city. In addition, he serve on the board of Northeastern University and on a visiting committee at Harvards' Graduate School of Education.

As proof of how good works beget good profits, Hiatt point to Stride Rite's earnings, which have increased fifteenfold since 1984. The firm donates 5 percent of its pretax earnings to its foundation. In the last year, that has amounted to $5.3 million.

"As a business, you can assume responsibilities elsewhere, and you can still do well. It's been a wind to my back," explains. Hiatt. "It makes me try harder to perform financially because you can be sure if we didn't do well, I couldn't ask our board to fund a lot of the programs our foundation sponsors."

Analysts credit the company's success to its strong management team, which keeps both costs and inventories tight. "They were able to strike a balance between what was good for the company and what was good for the shareholders," says Steven B. Frankel at Adams, Harkness & Hill, a Boston brokerage firm. "One of the hallmarks of Arnold Hiatt's career is that he is one of the few CEOs that was able to do both."

COMPANY KEPT FOCUSED

Josie Esquivel, an analyst at Lehman Bros. in New York, says the company has remained focused on its speciality: active casual wear—principally its Keds line, based on the classic white sneaker with blue label on the heel. The shift away from its unprofitable retail boutiques of children's shoes and the emphasis on its popular Keds sneakers have been smart moves, say Esquivel.

"Rather than competing with the two giant athletic shoe makers—Nike and Reebok—they basically carved out their own niche in the marketplace, which has really propelled the sales growth," says Esquivel.

Esquivel and Hiatt both point to chief financial officer John J. Phelan as the man who holds tight reins on the firm—even to the point of frowning on some of Hiatt's social programs, at least in the past.

"To some extent, I do battle with [Hiatt] on the kind of money we spend on the social aspect," admits Phelan, who joined Stride Rite 25 years ago with Hiatt. "But I look at it today, and it was the right thing to do. If anything, it's helped us. We've been able to attract better people. I think we've been able to have investors take notice of Stride Rite for more than just what the earnings are."

Hiatt says the key to running Stride Rite successfully for the last quarter of a century is simple: Learn to listen.

"I try to listen to what our consumers are saying and doing. I try to be responsive to what our retailers expect of us. I don't really think about our stockholders, to be honest with you. Somehow, that falls out by itself," Hiatt says. "Any success in any company is the ability to listen. And maybe listening takes a certain amount of humility."

When Hiatt talks about listening, he means to real people—on the selling floor in department stores, in stockrooms, on elevators, on airplanes. He would often wander into shoe departments anonymously and chat with salesclerks.

Once, on a trip from Pusan to Seoul, South Korea, Hiatt noticed the unusual dress shoes of a 2-year-old child sitting on her mother's lap. Instead of buckles, the shoes fastened with a Velcro strap. And a piece of leather was fastened to the backs, giving the child a strap to pull her shoes on.

"It was dumb, obvious, and we weren't doing it," says Hiatt. When he arrived in Hong Kong, Hiatt asked his staff to locate that Korean-made style. Eight months later—too long, Hiatt says—Stride Rite had that design in its inventory.

"Our primary commitment is to develop products that are responsive to our consumers. If we do that well, we'll be successful," says Hiatt.

* * * *

FLAGRANT ABUSES OF TAXPAYER DOLLARS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MARLENEE. Mr. Speaker, at long last, my voice and the voices of countless numbers of taxpayers sponsors of the arts have been heard. The National Endowment for the Arts will finally stop their flagrant abuses of taxpayer dollars.

Yesterday, Anne-Imelda Radice, the acting chairwomen of the National Endowment for the Arts [NEA] expressed her position to curb NEA abuses in testimony before the appropriations subcommittee on Interior and Related Agencies. I applaud her position and her openness on this controversial issue. I include for the RECORD an article which appeared today in the Washington Post on this issue.

I have no objection to National Endowment for the Arts grants for symphonies or Shakespeare in the park, but I strongly object to taxpayer funding of pornographic art.

I am confident that she will work hard to save taxpayers the time and money of going to court to correct NEA funding abuses. I hope that she will continue to use common sense in administering scarce taxpayer dollars as sponsors of the arts.

However, there are some more continued controversial grants being considered for funding even as I speak. Last Friday, a grant for $10,000 for a work titled, "Corporate Politics," has been recommended by the National Council on the Arts. This so-called art is a collage of obscene and illicit material including depictions of genitalia that will be displayed at the Massachusetts Institute of Technology's List Visual Art Center.

As a protector of the taxpayers trust, Mr. Speaker, it is my sincere wish that Chairwoman Radice will stand on her laurels and disapprove this grant and any others with this type of graphic depictions so that the taxpayers will not have to pay out of their pocket the cost to recover this grant for the government through the court system.

Mr. Speaker, I and many other taxpayer sponsors of the arts, eagerly await her decision, which is expected 30 days from now.

[From the Washington Post, May 6, 1992]

ACTING ARTS CHIEF VOWS TO KEEP IT CLEAN

(By Kim Masters)

The acting chairman of the National Endowment for the Arts, told Congress yesterday that she is prepared to veto grants for sexually explicit art and other projects that deal with "difficult subject matter."

"If we find a proposal that does not have the widest audience * ** even though it may have been done very sincerely and with the highest intentions, we just can't afford to fund that," Anne-Imelda Radice told the House subcommittee on interior appropriations. "The concerns of the taxpayers, the concerns of the Congress * * * have as much weight" as artistic merit, she said.

Radice's testimony signals a fundamental shift in the workings of the endowment. Her predecessor, John Frohnmayer, defended NEA grant-review procedures and insisted that he would not become a "decency czar." He was reluctant to reject grants that had won approval from the NEA's peer-review panels and its advisory council. Conservatives attacked him for approving sexually explicit grants and he was forced from his job in February after Patrick Buchanan began to exploit the issue in his presidential campaign.

Radice, who served as Frohnmayer's senior deputy for a year, stands ready to absorb charges from some in the arts community that she is abrogating freedom of expression by rejecting potentially controversial grants. "The title 'decency czar' is a sad way to describe the role of the chairman of the arts endowment," she said yesterday. "[But] when a decision has to be made by the chairman, the decision will be made."

Her remarks won praise from Rep. Ralph Regula (R-Ohio), an influential subcommittee member who has criticized the endowment for some of its grants. Regula said he approves of Radice's theme that federally funded projects should have broad appeal. "It's the broad-appeal people that are paying the bills," he said.

Rep. Sid Yates (D-Ill.), a staunch endowment supporter, seemed prepared to accept Radice's approach. "This would seem to mark a change from the freedom and openness of John Frohnmayer and his predecessors to a restrictiveness," Yates said. "It may be necessary in view of the temper of the times."

Radice is now considering more than a thousand grants, totaling $66 million, that were recommended by the advisory council last week. One grant is for a potentially controversial exhibit, "Corporal Politics," planned by the Massachusetts Institute of Technology's List Visual Arts Center. The exhibit will include depictions of genitalia.

Radice declined to say whether she would veto the grant but said she is "troubled" by its sexual content.

Radice said she wants to consider grants on a case-by-case basis but offered clues to the standards she will apply. The homoerotic photographs by Robert Mapplethorpe that helped kindle the NEA controversy are unsuitable for federal support, she said. While the endowment might fund an exhibit of some Mapplethorpe portraits and still-lifes, she said, his "highly autobiographical" photographs of homosexual and sadomasochistic activities should have been displayed in "an archival addendum to that show [financed] with private funds."

She said she would not have been inclined to approved a grant for the publication of "Wild Thing," a poem that uses graphic language in an attempt to express the thoughts of a teenager who participated in the rape of the Central Park jogger. Frohnmayer was ousted in part because of his decision to support the journal that published the poem. Radice said the poem was not accessible "to the American public."

In an interview with The Washington Post, Radice elaborated on her views. "There's a difference between nude and naked," she said. "To me, when the obvious sexual nature, sexual message, is the only thing you see or the first thing you see or the overwhelming thing that you experience, the American public has given us a lot of guidance on this, and Congress has given us a lot of guidance, saying they don't want us to spend money on that particular type of art."

Radice, 44, former director of the National Museum of Women in the Arts, came to the NEA from the U.S. Information Agency, where she served as an adviser on cultural and arts affairs. She also has been architectural historian in the office of the Architect of the U.S. Capitol.

Radice said the NEA could help cutting-edge artists find private funding for their work. "We can't act as a shill or an advertiser, but we can help people know that there are places they can go and apply" for funding, she said. An applicant rejected for work that "a lot of people might find upsetting and not acceptable for federal money" could apply for "another project that deals with a difficult topic * * * in a way that is not so in-your-face."

Asked whether she would oppose congressional attempts to impose restrictions on the type of art that may be funded, Radice said such legislation is unnecessary. "We have the tools in place" to prevent funding of offensive grants, she said.

The arts community, not known for unity in the political battle over the endowment, had mixed reactions to Radices testimony. Olive Mosier of the National Association of Local Arts Agencies said Radice will do "a great job." Lee Kessler of the American Arts Alliance said Radice's testimony "raised a lot of questions," but said her group will reserve judgment.

Charlotte Murphy of the National Association of Artists Organizations, which represents presenters of cutting-edge artwork, said Radice's testimony is "outrageous" and signals that controversial work will be in "a no man's land of funding."

"Clearly, she is sacrificing challenging work, the First Amendment and the future of the arts to supposedly save the endowment," she said.

DOES DEMOCRACY HAVE A CHANCE?

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. BURTON of Indiana. Mr. Speaker, Ethiopia and Eritrea are emerging from decades of warfare with many problems but with a determined spirit to succeed. This determination is already showing results in the political and economic spheres. I would like to place into the RECORD for the benefit of my colleagues an article by Michael Johns, formerly of the Heritage Foundation, from a recent issue of the World and I regarding the situation in Eritrea and Ethiopia.

[From the World and I, August 1991]

DOES DEMOCRACY HAVE A CHANCE?

(By Michael Johns)

Does the ongoing demise of African autocrats mean that democracy will at last have a fighting chance in Africa? This may now be the central question facing the embattled, poverty-stricken nation of Ethiopia. Its autocratic leader, Mengistu Haile Mariam, fled for Zimbabwe on May 21, leaving behind a nation mired in political chaos and famine. Whether the country's nightmare conditions improve or not will depend largely on what that country's new government does next.

Mengistu's departure is significant for two reasons. First, should the new government, led by acting president Meles Zenawi, abandon Mengistu's 14-year failed experiment in autocratic, socialist policies, it could potentially signal the beginning of a new, more promising era for Ethiopia's 51 million people. (Since 1977, Ethiopians have suffered under Mengistu's Stalinist regime, one of the world's most horrific since Cambodia's Pol Pot.)

Second, combined with the promise of free and fair elections in Soviet-backed Angola next year, Mengistu's departure marks the end of Soviet client-states in Africa. Mengistu enjoyed, from 1977 until his recent departure, some $10 billion in Soviet military aid. The demise of Soviet-backed regimes in Angola and Ethiopia opens an opportunity for Washington to abandon its Cold War policies that were designed to contain and counter Moscow's geopolitical advance in Africa. Washington will now have an opportunity to rethink its policy toward the African continent, and to contribute constructively, should it so choose, to the potential emergence of political and economic liberty there.

How might the new Ethiopian government—a coalition known as the Ethiopian People's Revolutionary Democratic Front (EPRDF)— fit into this new agenda? So far, there are some modestly encouraging signs that the front intends to abandon Mengistu's autocratic practices. Washington, appropriately, has made it clear that without such a move, American foreign aid to Ethiopia will be jeopardized. Encouragingly, the new government is promising a meeting this summer to develop a transitional government and to discuss free and fair elections.

If these promises are kept and democracy arrives in Ethiopia, it would be among the most significant steps forward for political democratization on the African continent to date. Mengistu's departure from power is the latest in a series of political changes in Africa—Benin's Mathieu Kerekou, Guinea-Bissau's Joao Bernardo Vieira, Liberia's Samuel Doe, Mali's Moussa Traore, and Somalia's Mohammed Siad Barre have all been toppled within the past year. But, as in Ethiopia, it remains to be seen whether or not the departure of the autocrats does pave the ground for genuine political and economic liberalization or whether they will simply be replaced by other like-minded leaders.

Looking at the political chaos currently rocking countries like Liberia and Somalia, there is plenty of room for skepticism. Democratic promises have been made and broken before in Africa (recently in neighboring Sudan, Lt. Gen. Umar Hasan Ahmad al-Bashir took power in a coup, promised democratic change, and then took his nation still further in the direction of authoritarianism). Thus, there are no guarantees that Mengistu's successors will not fall to the same temptation.

Like many other African nations, Ethiopia also faces another challenge: deep ethnic and national divisions. Most of the resistance movements that fought Mengistu sought not a democratic Ethiopia, but the independence of their respective provinces. In one case, that of the northern province of Eritrea, this objective may now be in sight. For thirty years, the Eritreans fought Ethiopia's heavily armed army, which, under Mengistu, was sub-Saharan Africa's largest. Now, with Mengistu's forces defeated, the new Ethiopian government appears ready to grant the Eritreans the right to hold a referendum on independence. If held, it almost surely will be adopted and Eritrea will emerge as a new, independent nation.

Eritrea is not the only Ethiopian province seeking a greater distance from Addis Ababa. Similar movements also exist in Tigre, Oromo, and other provinces, but these movements seem more intent on achieving greater political and economic autonomy, not necessarily independence. However, if these movements do at some point succeed in breaking away from Ethiopia, it would spell the breakup of Ethiopia. This, in turn, could potentially lead other African nations to push for similar ethnic or nationalist dissolutions in their respective lands.

The managerial capabilities are also being questioned of the new Ethiopian leadership. Clifford Krauss, who has been writing from Ethiopia for the New York Times since the coup, observed in early June that the new government has "no administrative experience and [is] resented by much of the population." Having spent the vast majority of their professional lives as guerrilla fighters for the Tigrean People's Liberation. Front (TPLF) and other resistance forces, it remains to be seen whether the EPRDF will be up to the enormous challenges that await them. Furthermore, some analysts contend that the new regime contains factions from the far Left, some of whom have cited Albania's former Marxist government as their political and economic model.

There also are no signs that Mengistu's departure will signal the end of the famine that has struck Ethiopia with regularity since 1984. The severity of these famines were magnified by Mengistu's largely Stalinist political and economic programs. But, even with his departure, problems continue to linger. According to recent testimony by Bread for the World's Sharon Pauling, "at least 21 million people are at risk of starvation in the [Horn of Africa] region.

TAX FREEDOM DAY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. DREIER of California. Mr. Speaker, yesterday was emancipation day for the American work force. According to the Tax Foundation, yesterday the average American worker was released from the burden of supporting Government and was free to begin supporting himself. Unfortunately, the work force is losing ground—this year's Tax Freedom Day fell on the latest date ever.

This year, the average American worker labored 126 days—from January 1 to May 5—to satisfy all local, State, and Federal obligations. Total taxes collected by all levels of government now consume a larger share of taxpayer's incomes than ever before. Federal taxes take the largest bite, with State and local taxes close behind. In fact, American workers now spend more time working to pay their taxes than to meet any other single expense, including housing, food, clothing, transportation, and medical care.

The burden of unreasonably high taxes is a drain on American workers and our economy. I firmly believe the current economic downturn is largely the result of the tax increases of 1986, 1988 and the 1990 deficit reduction agreement, which increased the tax burden by a record $164 billion. To reverse the misguided tax increase in the 1990 budget agreement, I introduced H.R. 4565 to repeal $146 billion of the tax increase.

Clearly, the time has come to end confiscatory and recessionary tax policies so that we can get our economy moving again. That, Mr. Speaker, will never happen until the American people are allowed to invest their earnings, not in Government, but in themselves and our economy.

Mr. Speaker, I would like to have the foundation's report included in the RECORD:

TAX FREEDOM DAY 1992 IS MAY 5—STATE TAX FREEDOM DAYS RANGE FROM APRIL 13 TO MAY 23

[Figures and tables not reproducible in the Record]

(By Paul G. Merski, Director of Fiscal Affairs, Tax Foundation)

Tax Freedom Day for the American taxpayer will fall on May 5, 1992, the latest date ever. This means the average American will work 126 days—from January 1 to May 5—to satisfy all federal, state and local tax obligations, with every cent "earned" from the beginning of the year going to the tax collectors. Total taxes by all levels of government now commandeer a larger share of taxpayers' incomes than ever before. Furthermore, while May 5 is the national average, taxpayers in 14 states, including some of the most populous states, must work as much as 18 days longer than the average before their Tax Freedom Day arrives.

The 1992 date of May 5 is actually four days later than the 1991 date of May 2 due to the effect of leap year, which causes Tax Freedom Day to fall a calendar day earlier.

Figure 1 illustrates how Tax Freedom Day has fallen later and later on the calendar from year to year. It should be noted that the historic dates shown have been revised from previous releases due to comprehensive revisions in the basic tax and income data used in the computation of Tax Freedom Day.[1]

FREEDOM FROM EVERY TAX

Figure 2 and Table 1 indicate the relative impact of major taxes imposed on U.S. taxpayers. For most Americans, income taxes at both the state and federal levels contribute the most to the long wait for Tax Freedom Day. They take the average American over 6 weeks to pay. Additionally, the growing burden of Social Security taxes with have the average person working more than five weeks. Because these taxes are withheld by the government, taxpayers are reminded with each paycheck just how large they are. What many taxpayers may not realize is that the sales and excise taxes they routinely pay will consume more than two weeks' additional pay.

TAX FREEDOM DAY BY STATE

While national Tax Freedom Day provides an overall measure of the tax load on U.S. citizens, the actual burden that individuals must bear is closely related to the tax and economic climate in their own states and localities To bring Tax Freedom Day closer to home, the Tax Foundation expanded its Tax Freedom Day study in 1990 to include the specific Tax Freedom Days for each state and the District of Columbia.

The calculations of Tax Freedom Day by state are derived from state-specific income data and geographically accurate tax collection data, so that they yield a more accurate estimate of the tax burden for taxpayers within each state.

THE HEAVIEST TAX BURDENS

For 1992, New York continues in the unenviable position of having the latest Tax Freedom Day in the country (see Table 2). Its taxpayers will work until May 23 before their tax bills are satisfied. The new date is 3 days later than 1991 and 18 days later than the national average. The following list identifies the 10 states that have the latest Tax Freedom Days:

State	Tax Freedom Day	Rank
New York	May 23	1
Connecticut	May 19	2
Delaware	May 14	3
Minnesota	May 10	4
Rhode Island	May 10	5
New Jersey	May 8	6
California	May 8	7
Arizona	May 8	8
Alaska	May 7	9
Michigan	May 7	10

Recently, many of these states have had consistently low rates of income growth combined with annual tax increases. In particular, Arizona and Connecticut have experienced growth in tax revenues since 1988 on the order of 8 percent annually, while income growth has lagged behind at 4.5 to 5 percent. California, Connecticut, Delaware, and Rhode Island all enacted major tax increases in 1991, and are likely to remain in the top ten list in years to come.

THE LOW-TAX STATES

On the low-tax end, the residents of South Dakota and 9 other states, most of them in the Southeast, are all able to pay off the tax collectors by April 24—eleven or more days earlier than the national average (see Figure 3 on page 4).

State	Tax Freedom Day	Rank
South Dakota	Apr. 13	50
Mississippi	Apr. 20	49
Alabama	Apr. 20	48
Idaho	Apr. 23	47
Missouri	Apr. 23	46
Arkansas	Apr. 23	45
Tennessee	Apr. 24	44
Kentucky	Apr. 24	43
North Dakota	Apr. 24	42
South Carolina	Apr. 24	41

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[1] Details on the revisions and the Tax Freedom Day calculation are found under Tax Freedom Day Methodology at the end of this report.

A TRIBUTE TO JOHN T.C. FANG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. LANTOS. Mr. Speaker, on April 27, the San Francisco Bay Area and the Nation lost an exemplary and admired citizen when John Fang, the respected publisher of Asian Week, died of complications following surgery. He was 67.

In a career spanning some 40 years, Mr. Fang played a most pivotal role in the Asian American community. He was president of the Pan Asia Venture Capital Corp. which publishes not only Asian Week but also The San Francisco Independent, Chinese TV Guide, and Mission Life. Mr. Fang was also the founder and owner of Grant Printing, which prints dozens of minority newspapers and magazines.

John Fang was born in Shanghai in 1926 and studied journalism at National Chengchi University Chungking. When the Communists took power in 1949, he moved to the Republic of China on Taiwan and worked as a reporter for a leading newspaper. He came to the United States in 1952 to study journalism at the University of California at Berkeley and returned to Taiwan in 1960 for a visit. There he met Florence Lee, whom he subsequently married.

Mr. Fang's career was based on extremely strong ties with the Asian community. He was well known for his work to educate the English-speaking audience about Chinese and Asian American affairs. He published the Chinatown Handy Guide series of booklets in English, focusing on the customs and attraction of the Chinese communities in San Francisco and other major cities with high concentrations of Chinese Americans.

In the late 1970's, Mr. Fang identified a market for a publication that catered to the Asian community, a fast growing minority in our country. Asian Week was born. A highly respected English language newspaper covering Asian American communities throughout the country, Asian Week is one of the most influential publication of its kind.

In 1984, Mr. Fang prepared a special edition of the paper for the Democratic and Republican National Conventions. The edition focused on the issues of particular ethnic concern in the Presidential campaign and was distributed to every Republican and Democratic delegate attending the conventions. Asian Week was a unifying force within the Asian-American Community. It informed, educated, entertained and gave voice to Asian Americans throughout the country.

But the loss of Mr. Fang is not just a loss for the Asian Community. It is also a loss for the entire country. Hard working, kind, ethical, intelligent, and a man of strong convictions, Mr. Fang was a bridge builder who sought understanding among all citizens. He was an exemplary American, a man worthy of emulation.

Mr. Speaker, Mr. Fang's sudden passing was a great shock to those of us who knew him. He will be greatly missed. Through example he taught us what it means to be a good neighbor, a good citizen and an honorable member of a community. I ask my colleagues to join me today in paying tribute to John Fang and in expressing my deepest sympathies to Florence Fang and the entire Fang family.

REMEDIES FOR VIOLATIONS OF CIVIL RIGHTS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. CONYERS. Mr. Speaker, the Rodney King verdict and the ensuing riots in Los Angeles underscore once again that there are few effective remedies to protect the civil rights of all citizens. At a hearing of the Judiciary Subcommittee on Civil and Constitutional Rights yesterday, Judge Jon Newman, U.S. Court of Appeals for the Second Circuit, urged Congress to seize the opportunity to remedy this shortcoming by enacting legislation to permit civil lawsuits to enforce violations of civil rights. This is an excellent suggestion, which I have adopted by introducing H.R. 5074, the Civil Rights Protection Act of 1992. This bill makes several necessary changes in the current statute, 42 U.S.C. section 1983, that was enacted in 1871, in the post-Civil War Reconstruction era. Under the bill:

The United States would be authorized to bring civil suits. At present only private parties can sue.

Federal, State, and local governments would be liable for the constitutional violations that result from the conduct of their employees under the respondent superior principle. This is the standard that applies to all private employers in ordinary negligence tort actions. Under current law, suits are brought against individual employees but juries are reluctant to force them to pay damages.

The good faith defense will not be available when the suit is brought against the Government. If public officials deprive individuals of their constitutional rights, the Government should be liable whether or not the employees believed they were acting in good faith.

Compensatory as well as punitive damages will be available.

Another area which is ripe for change is the current Federal law that makes it a crime to deny an individual his or her constitutional rights. This law, 18 U.S.C. section 241, was also enacted in 1871. In 1945, the Supreme Court in Screws versus United States, severely restricted the applicability of this law by requiring that prosecutors must show that the accused acted with the specific intent to deprive the victim of his constitutional rights. In many cases, this requirement is simply impossible to prove, even when it is clear that the defendant's conduct deprived the victim of his or her civil rights.

To remedy this defect, I am introducing H.R. 5074, the Civil Rights Crimes Act of 1992, which makes it a Federal crime to engage in conduct that interferes with an individual's civil rights. Under the new law, the defendant's conduct is sufficient to establish a violation—regardless of the intent of the violator.

THE KILLING AND DEVASTATION IN BOSNIA CONTINUES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. OWENS of Utah. Mr. Speaker, the killing and devastation in Bosnia continues; 500,000 people are homeless, whole towns and villages destroyed, over 500 people have died. Sarajevo has been surrounded and subjected to round-the-clock shelling. Serbia's military power, which is far superior to that of its victims, is ruthless and indiscriminate.

Now, Serbia President Slobodan Milosevic will have us believe that Serbia does not control the forces that are laying waste to Bosnia. The truth is that Mr. Milosevic is in charge. If he wanted to stop the fighting he would give the order.

The world, while witnessing this carnage, is apparently able to do little to restore the territorial integrity of Bosnia-Hercegovina and Croatia or protect the innocent civilians who are the targets of Serbia aggression.

As the following editorials states, the United States can act to stop Serbia:

[From the New York Times, May 6, 1992]

BRAND THE AGGRESSOR IN BOSNIA

To complicated, says Lord Carrington, the European Community negotiator, as he refuses to fix blame for the bloodshed in Bosnia. Too complicated, says Lawrence Eagleburger, Deputy Secretary of State, finding fault with all sides. Too complicated, says aids to Secretary of State James Baker, who shies away from Bosnia after desultory efforts to stem the violence.

But what's so complicated? Serbia's strongman, Slobodan Milosevic, is responsible for the aggression in Bosnia. Why not isolate Serbia, politically and economically, until Mr. Milosevic calls off the aggression and withdraws?

To justify his depredations, Mr. Milosevic argues that the Serb minority is threatened by Muslim Slavs, the republic's largest ethnic group. But the only real threat comes from Serbia's grab for land from defenseless Bosnia.

If Serbia seeks to protect all the Serbs in Bosnia, and Croatia all the Croats, Bosnia will be gripped by war without end. Democracy, with rights for all, protected by United Nations monitors, can bring peace.

Washington acts as though it can't bring this about without military intervention. But there's a lot it can do short of that. It can push to suspend Serbia from the 51-member Conference on Security and Cooperation in Europe. It can encourage others to deny recognition to Serbia as Yugoslavia's legal heir, and to expel the Milosevic regime from other international institutions.

And it can urge the U.N. to brand Serbia as the aggressor in Bosnia, setting the stage for tough economic sanctions by the world community.

Such actions could put real meaning behind "collective engagement" to promote peace—Mr. Baker's well-chosen words to describe U.S. policy after the cold war. And such actions could give courage to other Serbs, in and out of Serbia, who oppose Mr. Milosevic's murderous ambitions.

[From the Washington Post, May 6, 1992]

SERBIA'S AGGRESSION

The unraveling of Yugoslavia has proceeded to the point where Serbia is committing raw aggression in Bosnia to "liberate" a local Serbian population that was not in danger and that, from all signs, was content with the existing multiethnic state of affairs. Serbia has displaced nearly a half-million of Bosnia's Muslim Slavs, terrorized communities settled for centuries and taken over perhaps two-thirds of the republic's territory (after having annexed one-third of Croatia's). It has done this while mouthing assurances of respect for negotiation and legal norms.

Rival Croatia has made a grab of its own in the western Hercegovina section of the republic. This power play is wrong, and there is no excuse for it, but it probably would not have been made except for Serbia's far larger and bloodier example. Bosnia's Muslim troops have also acted badly; over the weekend they reneged on a safe conduct offered to a trapped Serbian garrison in return for release of Bosnia's president, whom, unconscionably, Serbia had kidnapped as he returned from peace talks. But again this probably would not have happened but for Serbia's provocation.

Bosnia's agony is unfolding essentially from internal strife in Yugoslavia and not from an external assault across a clear international frontier. This accounts for the general foreign reluctance to send in troops to Bosnia. It seems there is no force available to keep Serbia from accomplishing its purpose of taking Bosnia's Serbs—as it earlier took Croatia's—under its rule.

But if others cannot stop Serbia's aggression, they can hold President Slobodan Milosevic's government accountable for it. It is out of the question, for instance, to grant him the great advantage he seeks in having Serbia anointed as the rump successor to the old Yugoslavia. Restoration of normal economic relations with Serbia must await its restoration of normal political relations with its former fellow citizens. Its diplomatic isolation becomes a minimal European and American requirement.

Mr. Milosevic is aggrandizing Serbia, and ruining it. He is making Serbia a citadel of ethnic hatred, wasting its economy and destroying its ties with old friends, including the United States.

IN HONOR OF MARIA FEDERICO AND JOSEPH CAPODIECI OF BRONX, NY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ENGEL. Mr. Speaker, I am honored, today, to recognize Ms. Maria Federico and Mr. Joseph Capodieci of the Our Lady of Mount Carmel Parish of Bronx, NY. Mr. Capodieci and Ms. Federico are being honored at the Our Lady of Mount Carmel Parish's 86th annual dinner-dance to be held on May 9, 1992.

Ms. Federico was born in Chieti, Abruzzi, Italy in 1901. She left Italy for America and came to Mount Carmel Parish on July 16, 1916. At Mount Caramel she has worked under every pastor, serving in the Sacro Cuore, Third Order of St. Francis, Padre Pio Group, Figlie di Maria, and the Pilgrim Madonna Group. She has given invaluable service during the many parish feasts, missions, and novenas.

Mr. Joseph Capodieci was born in Manhattan in 1903. He and his brother ran the Capodieci Bros. Grocery Store on Crotona Avenue for 44 years. Besides his membership in the Mount Carmel Ushers, Holy Name Society, and bowling league, Joe has been a very active man in physical fitness, having won numerous medals, trophies, and recognitions dating back to 1928.

Together, these two outstanding individuals have given 150 years of faithful service to the Mount Carmel Parish, and have been upstanding, honorable members of their proud community. They are a shining example of dedication, faith, and good citizenship. Mr. Joseph Capodieci and Ms. Maria Federico should serve as a great inspiration to us all. It also gives me great pleasure to recognize Msgr. John A. Ruvo, pastor of the Church of Our Lady of Mount Carmel. He is a great spiritual leader in the Belmont community. It is my honor to work with him to better the lives of the people of Belmont.

TWELVE HONORED AT OCA BANQUET

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize the outstanding achievements of the Organization of Chinese Americans [OCA] and the honorees of its Annual Asian American Corporate Employees Achievement Awards Banquet. The 12 honorees will be commended on Friday, May 22, 1992, at the Tavern on the Green Restaurant in New York City. Those individuals are being recognized by the corporate sector as Asian Americans who exemplify excellence in their business endeavors and commitment to their communities. I should like to thank the honorees of the Awards Banquet for their dedication.

I should also like to thank the many corporate sponsors of this distinguished event for their generosity. I especially should like to thank General Motors, the Premier Sponsor of the Awards Banquet, and Kraft Foods, Inc., the Glass Ceiling Issues Forum sponsor.

The Organization of Chinese Americans and its Business Advisory Council have long provided leadership in promoting cultural and economic benefits to Asian and Pacific Americans within corporate America. Through such events as its Awards Banquet, OCA has led efforts to assure that younger generations have proper role models.

I should like to offer my respect and admiration to all those associated with OCA and encourage my colleagues to join with me in saluting the achievements of the Awards Banquet honorees.

THE SAVINGS AND LOAN PROSECUTION TASK FORCE

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ECKART. Mr. Speaker, last week I joined Congressman BYRON DORGAN of North Dakota in introducing H.R. 4995, the Savings and Loan Prosecution Task Force Act.

There is hardly a week that goes by that I do not receive a letter from one of my constituents regarding the savings and loan debacle. These are the same constituents, the American taxpayers, who are getting stuck with the $500 billion tab for bailing out the S&L industry. A citizen of Chesterland, OH, for example, wrote me recently to ask: "What are you doing to prosecute those involved in this nightmare?"

What are we doing, Mr. Speaker? Unfortunately, the answer to that question seems to be "not much." It is estimated that up to 60 percent of the S&L failures involved fraud, but the U.S. Justice Department's Task Force on Institutional Fraud has simply failed to pursue these cases aggressively. During the period of October 1988 through December 1991, only 992 defendants were charged in major S&L cases, with fewer convictions and only modest asset recoveries. As of last June, only 21 percent or 879 of the major ongoing fraud cases were related to the savings and loan scandal. These numbers simply do not add up.

The legislation Mr. DORGAN and I have introduced would direct the Attorney General of the United States to establish a savings and loan prosecution task force. This separate, standalone task force would be charged solely with seeing that those criminally responsible for the S&L mess are prosecuted and put behind bars.

Mr. Speaker, the American taxpayers take the savings and loan issue very seriously and now it is time for the Justice Department to do the same. I urge my colleagues to support the Savings and Loan Fraud Prosecution Task Force Act.

A TRIBUTE TO THE ILLINOIS AREA 20/SOUTH COOK COUNTY SPECIAL OLYMPIC GAMES

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. SANGMEISTER. Mr. Speaker, I rise today to honor an organization that has provided fun, recreation, and competition for thousands of mentally and physically disadvantaged residents of the south suburbs, many of whom are my constituents.

On Thursday, May 7, the Illinois Area 20/South Cook County Special Olympics will hold its annual spring games competition at Marian Catholic High School in Chicago Heights, IL. More than 2,000 athletes representing 44 South Cook County communities will participate in this daylong event that includes many of the same track and field events we will see in the Olympic games later this summer. Under the tireless efforts of Director Jean Vitelli, Area 20 Special Olympics also sponsors many other competitions throughout the year, including winter games, basketball tournaments, aquatics competition, and equestrian events to name just a few.

The competition is always exciting at special olympics events as the participants are true sportsmen and women. They always bring honor to the special olympics oath: "Let me win, but if I cannot win, let me be brave in the attempt," a motto all of us might do well to live by.

Mr. Speaker, I commend the efforts of the organizers of the Illinois Area 20/South Cook County Special Olympics Spring Games, but, more importantly, I applaud the bravery of the olympians who participate.

OUR CHILDREN MUST BE THE BENEFICIARIES OF THE PEACE DIVIDEND

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mrs. MINK. Mr. Speaker, today I have introduced legislation which would transfer the budget authority for the portion of the Impact Aid Program which is attributable to military students from the Department of Education to the Department of Defense.

In the last decade, we have had to educate a whole generation of children on shrinking budgets, in neglected schools, with few materials and resources. This has got to stop.

With our military threats abroad on the decline, now is the time to combat the problems that threaten us on the homefront—unemployment, poverty, lack of health care, and at the top of the list, education. And the first step in establishing new priorities in this Nation is to redirect our spending.

Our children must be the beneficiaries of the peace dividend. The transfer of a portion of the impact aid budget from the Department of Education to the Department of Defense is a logical first step.

Established in 1950, the Impact Aid Program is designed to provide payments to local school districts for the cost of educating children of Federal employees who are exempt from contributing local property taxes.

Almost half of the impact aid payments made to local school districts, 46 percent, is due to military students in our local schools.

In the near future the number of military-connected children in our public schools will only increase. As the United States continues to downsize its forces in Europe and Asia, many military families are being reassigned to bases here in the United States. This will only increase the burden on local school districts which are already hard-pressed for education funds. While the number of overseas students decrease, the Department of Defense funds for overseas schools will be available for domestic use.

Mr. Speaker, it is the obligation, and indeed the responsibility of the Federal Government to see that it provides the full amount needed to educate federally connected students. And as we seek to address our growing needs here at home, the military budget is our only alternative.

Our challenge today in these tight fiscal times, is to find innovative ways to once again make education a priority in our Nation. I urge my colleagues to join me in this effort by cosponsoring this legislation.

CONGRESSMAN KILDEE HONORS HARRY CYBULSKI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to Mr. Harry Cybulski, a symbol of teaching excellence. Mr. Cybulski, a social studies teacher at Flint Southwestern Academy is retiring after nearly 30 years of exemplary service to the Flint community schools. Being a former teacher myself, I take pride in knowing this man who has dedicated his life to education.

Born in Paris, France in 1938, Mr. Cybulski earned his bachelor of arts and master of arts degrees at Indiana University. After teaching out-of-State for 4 years, Mr. Cybulski came to Flint in 1964 and began teaching social studies at Emerson Junior High School. He became chairman of the social studies department in 1970, remaining at Emerson until 1976. At that time he joined a group of bold and innovative educators to establish the heralded Flint Academy, now known as Flint Southwestern Academy. Throughout his tenure there, Harry has been chairman of the social studies department and has taught history, civics, and economics.

Harry Cybulski's commitment to education and learning extends far beyond his classroom. He was instrumental in establishing the United Teachers of Flint and has been consistently active in the organization, serving various capacities in the UTF. Mr. Cybulski also realized that in-class teaching can be accentuated with practical first-hand experience. That is why, for the last 13 years Harry Cybulski has chaperoned students to Washington, DC. He has done this so his students can see the theory of our democratic government put into actual practice. It has always been my pleasure to meet with Mr. Cybulski and his students because of his energy, eagerness, and devotion to learning.

Over the years of his service, Harry Cybulski has earned the respect of students, fellow teachers, administrators, and organizations who realize his dedication to his profession. In 1988, he was selected as social studies educator of the year by the Michigan Council for Social Studies and Mr. Cybulski is consistently recognized as one of the best and most popular teachers at Flint Southwestern Academy by both students and staff alike.

Mr. Speaker, it is an honor and a privilege for me to ask you any my fellow Members of the U.S. Congress to join me in honoring Mr. Harry Cybulski. He has and will continue to be a symbol of pride and commitment to educational excellence within the Flint community.

KIT MEHRTENS: ARIZONA REPUBLICAN NATIONAL COMMITTEEWOMAN

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. STUMP. Mr. Speaker, the Republican Party and the Arizona Republican Party owe a great debt of thanks to one of our most dedicated and influential women, Kit Mehrtens: Arizona's Republican national committeewoman for the past 12 years, an enthusiastic leader and a tireless worker.

Unfortunately, Kit is not running for reelection this year as Arizona's Republican national committeewoman, and she will be sorely missed by those who have had the privilege and opportunity of working with her.

I have always found Kit to be a woman of the highest integrity. She is a valuable, knowledgeable, and able individual who does not hesitate to offer assistance or advice on various matters of importance. Her standing in the community is very high indeed, and she has put in a good deal of time and work in the general interest of the Nation and the State. In addition, she is an outspoken woman of quiet charm and unfailing good humor.

Her years of unselfish and loyal service have contributed greatly to the successes of the Republican Party. I know the successes are due in large part to her hard work, perseverance, and a desire to be of help to the party with a winning, charming manner. Her remarkable ability to remember names and faces exemplifies a deep, genuine love for people. During her tenure, she untiringly and faithfully appeared on programs on behalf of Republican candidates, speaking for them and about them when the candidate's schedule conflicts precluded them making a personal appearance.

On a less formal note, everyone knows that part of Kit's value is that she understands all levels of campaigning and at times has been found on her hands and knees splattered with poster paint helping a candidate design banners and placards. Kit, your effervescent charm is a gift to all.

It is a personal pleasure to thank Kit, on behalf of the National and State Republican parties, for committed devotion to serving the interests of our party and State. Although her's will be difficult shoes to fill, her successor will certainly benefit from the exemplary leadership skills set by Kit.

TRIBUTE TO GEORGE HAINES, RANDY HAINES, AND MIKE GLEASON

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the heroic actions of George Haines, Randy Haines, and Mike Gleason. On July 16, 1990, Chad Stahl and Alison Malski were traveling in a car which struck a tree and rendered them both unconscious. Although the car was on fire, George, Randy, and Mike were able to pull Chad and Alison from the car only seconds before the entire car caught on fire. I choose this time to recognize these individuals because on June 1, 1992, Chad Stahl will graduate from high school. I join Chad's family and friends in thanking them for making this day possible.

IN HONOR OF JOE ARNOLD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Ms. DELAURO. Mr. Speaker, this week Joe Arnold's many friends and colleagues will honor someone who has been an important figure in Connecticut's public life for 40 years. As they gather to pay tribute to this outstanding individual, I would like to take this opportunity to recognize him for the enormous contributions he has made to our community.

Joe Arnold has been virtually synonymous with Guilford politics and public life for more than four decades. He exemplifies all that is best in public service through his caring, dedication, and deep-rooted integrity. In his quiet, dignified, and convincing manner, he brings out the best in people and inspires them to work toward a better future.

His strong and capable leadership has improved the lives of Guilford residents in many ways. In addition to his teaching and administrative responsibilities at the University of New Haven, he has devoted countless hours to public service. From housing the poor to protecting the environment, he has done it all and done it all well.

As founder of A Better Chance [ABC] in Guilford, Joe has played an especially important role in making educational opportunities available to inner-city youngsters. This program provides these high school girls with housing, education, and guidance that help prepare them to go on to college. Through this program, Joe has used his expertise as an educator to make a tremendous difference in these children's lives. All 125 of the young women who participated in ABC in Guilford have gone on to college. This outstanding success owes a great deal to Joe Arnold's personal commitment and dedication.

Joe Arnold has earned the admiration and gratitude of the people of Connecticut. As someone who knows Joe well, I am confident that he will continue to lend his abilities and wisdom to a wide variety of public service activities in the years to come.

HONORING EUGENE VIVINO, MEMBER OF WEST PATERSON, NJ, FIRE COMPANY NO. 1 FOR 50 YEARS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to a man of extraordinary dedication and commitment to his community. Mr. Eugene Vivino is being honored by his colleagues at a special dinner commemorating 50 years of volunteer service with the West Paterson, NJ, Fire Company No. 1. This is a remarkable accomplishment and is a positive example of citizenship and civic responsibility.

On Tuesday, May 5, 1992 at the West Paterson Fire Company No. 1 Headquarters, the family, friends, and colleagues of Mr. Vivino will gather to honor this man for his courage and conviction of purpose. In 1942, Eugene Vivino began his service with the fire company and has for 50 years diligently served the people of his community and the surrounding area, protecting their lives and property. For much of this time he has served as the president of the company.

Mr. Speaker, volunteer firemen have been the backbone of this country's fire protection service since colonial times. Often with little or no compensation they have risked life and limb to safeguard their neighbor's homes and businesses. It is particularly gratifying to bring recognition to an individual such as Eugene Vivino, who with his 50 years of service has certainly gone above and beyond the call of duty.

In addition to his service here, Mr. Vivino also sat as a councilman for the city of West Paterson. This is further evidence of his love and devotion to the community in which he resides. If every citizen took a fraction of the interest which this steadfast member of community has displayed there would be no limit to the good works which could be accomplished.

Mr. Speaker, I am sure that you and all my colleagues join with myself, Eugene's wife, the former Sally Rizzo, his two sons Eugene and Frank, and all his friends in honoring this good citizen.

U.S. POSTAL INSPECTION SERVICE: STAMPING OUT FRAUD

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. IRELAND. Mr. Speaker, I rise today to recognize a group of unsung heroes who are actively combating fraud at the Federal level, the men and women of the U.S. Postal Inspection Service. During fiscal year 1991, they conducted over 4,400 investigations and made over 1,800 arrests for mail fraud.

The Postal Inspection Service, as the investigative and audit arm of the U.S. Postal Service, explores fraudulent and deceptive practices under the Criminal Mail Fraud Statute and the Civil Postal False Representations Statute. If violations are found, administrative orders are sent to the perpetrator directing them to cease and desist from continuing the scheme.

This morning Assistant Chief Postal Inspector Mike Hearst made a presentation at my monthly small business breakfast that dealt with frauds that affect small businesses. Over half of all victims are businesses, and small entities are a particular target as they are always looking for opportunities to cut costs. Although there are an unending variety of schemes that con artists utilize, a few of the most common are: insurance fraud, telemarketing scams and employee embezzlement.

Mr. Speaker, we, as Members of Congress, need to help develop a strong relationship with the postal inspectors, the Small Business Administration and small business lobbyist groups. Together, we can educate the small business community on the prevalence of fraudulent schemes that are victimizing our Nation's hard-working entrepreneurs.

Inspector Hearst explained that companies need to train employees on the importance of sound business practices as a combatant to fraud schemes. Publications such as "Postal Crime Prevention: A Guide For Business" and a quarterly "Law Enforcement Report" provide valuable prevention information.

Finally, common sense is the best weapon against fraud schemes—be skeptical of advertising from unknown sources and accept as a fact that if an advertisement sounds too good to be true, it probably is.

A SALUTE TO THE SMITH ACADEMY STATE CHAMPIONSHIP BOYS BASKETBALL TEAM 1991–92

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. OLVER. Mr. Speaker, it is with great pleasure that I rise today to recognize the accomplishments of the coaches and players of the Smith Academy State Boys Basketball Championship Team.

Playing for the State championship has become a tradition in recent years for Coach Robert Pelis and his team. In the short 6 years that Coach Pelis, Ron Tatro and staff have been at Smith Academy of Hatfield, MA, they have guided the boys basketball team to two State championship and three appearances in the State championship game.

The members of this team have earned great team and individual accomplishments on the basketball court. On their march to the State championship the team compiled a 24–1 record while winning their league and western Massachusetts title. As for individual performances, I would like to recognize three players in particular that were selected as All-Western Massachusetts and all-league players: Kyle Cahill, Michael Theberge and Marc Mulherin. I would also like to congratulate Marc on becoming a 1,000-point scorer.

On Saturday, May 9, a banquet will be held in honor of the Smith Academy's Boys State Championship Basketball Team.

At this time, I wish to read into the Congressional Record the names of the coaches, players and staff of the 1991–92 Boys Basketball State Championship Team of Smith Academy of Hatfield: Head Coach Robert Pelis, Coach Ron Tatro, Captain Kyle Cahill, Captain Marc Mulherin, Andy Alves, Christopher Balise, Travis Daniels, Daniel LaValley, Michael Luekens, Amit Patel, Benjamin Skoglund, William Skorupski, Michael Strong, Henri Tetrault, Michael Theberge, David Wickles, Team Manager Alissa Wickles and Christopher Widelo.

Mr. Speaker, I would ask that you and my esteemed colleagues join me in saluting the 1991–92 Smith Academy of Hatfield Boys Basketball State Championship Team and wishing the school continued success on and off the court.

A BILL TO ELIMINATE WASTEFUL ADVERTISING SUBSIDIES

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. KOSTMAYER. Mr. Speaker, there is a little-known program in the U.S. Department of Agriculture which awards millions of dollars in advertising grants to some of the country's biggest companies and their foreign competitors.

The $200 million-a-year Market Promotion Program [MPP] is supposed to boost exports of U.S. farm products by helping private companies and industry associations advertise overseas. Unfortunately, recipients of the program's grants include many large corporations such as Campbell's Soup, General Mills, Gerber, Dole, and Pillsbury, which certainly have the resources to conduct such promotions on their own, and would likely do so anyway.

Worse yet, I have discovered that the MPP also subsidizes foreign companies, particularly Japanese, Korean, Taiwanese firms, at the expense of their United States competitors, and provides incentives for the export of United States jobs overseas.

One of our colleagues has introduced legislation to kill the MPP altogether. I believe that would throw the baby out with the bathwater. While I am very critical of the MPP, I don't want to ignore that the program has created new markets for U.S. farm products, and has induced many small- and medium-sized companies to export overseas. While the program is in desperate need of a shakeup, it has the potential to pay handsome dividends to our economy if it is run properly.

I have, therefore, introduced legislation to overhaul and reform the MPP. My bill, the Agricultural Market Promotion Program Amendments Act of 1992, introduced today, is designed to maximize the program's benefit to the U.S. economy, eliminate wasteful and counterproductive uses of MPP funds, and strengthen the program's effectiveness. This bill was recently endorsed by the General Accounting Office at a House hearing on the MPP.

Specifically, the bill includes:

Means testing of companies to determine eligibility, to target MPP's resources to those who need them most;

A $500,000 cap on annual funding for companies who participate, to prevent a limited number of companies from receiving a disproportionate share of program funds;

A minimum of 50-percent U.S. content and U.S. processing requirement, with priority funding going to those products with the highest U.S. content and the most U.S. processing;

An additionality requirement for companies who participate, to ensure that MPP funds are not simply replacing funds that would have been spent anyway, as well as an incentive for companies to maximize their additional marketing expenditures; and

A 5-year time limit on companies' participation per export market, per product, to transform the MPP into an export incentive program, rather than a corporate welfare program.

The Market Promotion Program is lining the pockets of some of the world's largest corporations, and subsidizing the export of U.S. jobs overseas. My legislation will put an end to this shameful abuse of taxpayer's dollars, but at the same time, use limited Government resources to maximize export promotion and job creation.

This bill is a slightly revised—and improved—version of my earlier MPP legislation, H.R. 4473, and I encourage my colleagues to support it.

IN HONOR OF THE SOLOFRANA SOCIETY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to alert you to upcoming events sponsored by the Solofrana Society from my district. On April 26 and 29, the Solofrana Society will host the mayor of Solofra, Dr. Elio Visone, the town pastor, the Reverend Francesco Petrone, and 50 athletes from the Rischiatutto di Solofra Club.

In commemoration of the 500th anniversary of the discovery of America by Christopher Columbus, the Solofra athletes will be participating in a historic event, the lighting of the

Torch of Peace in New York City. This torch will then be flown to Italy where it will be carried by hand from the Port of Genoa, birthplace of Christopher Columbus, to the town of Solofra. The Torch of Peace serves as an outward manifestation of the belief that there can be real peace only when it is founded on the principles of justice and respect for the dignity of man. The carrying of the torch serves as an example of how man, by working together, can achieve peace. In the past, the torch has been carried form Poland, France, Assisi and the Vatican City in Rome back to Solofra by these athletes.

On Sunday, April 26, at 4:00 p.m. a mass will be held at Our Lady of Mount Carmel Church, located at 627 E. 187th St., Bronx, NY, to pray for peace in the world. The concelebrants will be Father Francesco Petrone of Solofra, Italy and Monsignor John Ruvo, pastor of Our Lady of Mount Carmel Church. A dinner and dance in honor of these athletes will be held that evening at 6:00 p.m. at Maestro's, located at 1703 Bronxdale Avenue in the Bronx. On Wednesday, April 29, at 5:30 p.m. there will be a ceremony at the United Nations Building to light the Torch of Peace.

I am proud to say that the Solofrana Society is an organization from my district and would like to take this opportunity to congratulate the organization's president, Michele Trombetta, and recognize him for his dedication and devotion to the ideals of peace and justice.

NATIONAL TOURIST APPRECIATION DAY

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. KLUG. Mr. Speaker, as today is National Tourist Appreciation Day, my district in Madison, WI, boasts a number of magnificent tourist sites. Sites like the Wisconsin Dells and Frank Lloyd Wright's "House on the Rock" have attracted thousands to our beautiful community and, thus, generated millions of dollars in sales and tax revenue for my district and my State. Just in 1990, we attracted over 330,000 international tourists to the dairy State.

I am pleased that Wisconsin has been working with the U.S. Travel and Tourism Administration and a group of other States in the Mississippi River Region to market their tourist attractions cooperatively, to Japan. Japan is America's most lucrative tourist market, and this is really a new concept; Midwestern States collectively promoting their destinations to the Asian market.

It is this kind of innovative, cooperative work by the U.S. Travel and Tourism Administration that will spur economic development in the 1990's and it deserves our support.

THE USE OF TAXPAYER DOLLARS TO KEEP BANKS AND THRIFTS OPEN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. VENTO. Mr. Speaker, on Monday I received a letter from the Congressional Budget Office expressing concern over the use of open bank and open thrift assistance by the FDIC and the OTS. These practices are being promoted by the Bush administration regulators as cost-saving measures to deal with failed, and failing financial institutions. But the CBO warns that the evidence is not at all clear that such savings will result, and assistance which benefits the stockholders prior to failure of the institution may well set a precedent for the use of bank insurance and savings insurance funds, now made solvent by the American taxpayers, that the American people will come to regret. I have prepared a summary of the CBO's letter which I insert in the RECORD.

COSTS OF OPEN BANK AND OPEN THRIFT ASSISTANCE

(Statement of Bruce F. Vento)

The Congressional Budget Office (CBO) is concerned over the potential pricetag of the FDIC's open bank assistance device and the OTS's early resolution/assisted merger mechanism. Responding to questions raised by Congressman Bruce Vento and Subcommittee Chairman Frank Annunzio, the CBO noted that policies to expand the use of open bank assistance as a cost-saving measure assume the economy will improve greatly, that current problems in an institution will be temporary, and that closing the institution would create other economic problems. Ironically, such conditions are not present today nor are they likely to develop in the near future.

Data from the FDIC supposedly shows that open bank assistance results in the lowest average loss rate. But the CBO discovered that the FDIC had not factored in the losses on at least five open bank assistance transactions when the "rescued" institutions subsequently failed. Banks which received open bank assistance have been on average over 10 times larger than banks that were allowed to fail.

Since the FDIC has recently begun to use open bank assistance as an interim action before closing failed institutions, the CBO concluded that—"[t]here is no evidence * * * to conclude that open assistance could be provided successfully to banks that are typically put into receivership—that is, that such banks could be resolved at loss rates similar to the rates now experienced in open bank transactions."

Another difficulty with assessing the costs of open bank assistance is reliance on estimates of various classes of losses that cannot be confirmed until years after the resolution action. Estimates that bank regulators used to justify open bank assistance are highly conclusionary; the CBO regards the FDIC's estimates in the recent action against Crossland Savings Bank of New York, as essentially" * * * unverifiable and * * * an exercise in circular logic, where assumptions and conclusions are indistinguishable."

Open bank assistance and open thrift assistance are both investment gambles. If the institutions do not fail, then the FDIC or the OTS have been spared the expenditure of working capital and administrative costs. However, if the institutions do fail, then the costs may greatly exceed the cost of closing the institutions immediately.

The process of choosing which institutions will receive open bank assistance or open thrift assistance may also create controversy or raise suspicions of political motivation.

The OTS' early resolution/assisted merger device poses other gambles. The program contemplates compensating stockholders before the institution fails in order to secure their cooperation with early resolution regulatory actions. Such compensation creates a dangerous precedent in the use of taxpayer dollars to cover the defunct insurance fund. Furthermore, since the assistance is given before insolvency, the OTS is speculating or guessing that the institution is likely to fail. It its guess is wrong, then taxpayer dollars will have been expended on a "rescue" that was not necessary because the institution would have survived without the assistance. Conversely, if the institution fails notwithstanding the open thrift assistance, the gamble is lost and the taxpayer pays. Bank and thrift stockholders can be expected to act, protecting themselves and their resources throughout these regulatory machinations.

IN MEMORY OF OFFICER NANCY NICHOLS

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to honor the memory of Officer Nancy Nichols of the Naugatuck, CT, police force.

Last year, while helping a fellow officer on a traffic stop, Officer Nichols lost her life when she was accidentally struck by a passing automobile which had lost control.

Because of this tragic incident, Officer Nichols became the first female police officer from Connecticut to lose her life while in the line of duty.

Mr. Speaker, Officer Nancy Nichols is to be praised for her 7 years of service while wearing the badge of the Naugatuck Police Department. She performed her duties with a sense of honor and integrity which will always be remembered.

Mr. Speaker, I also rise to praise the community of Naugatuck and its police force for the steps they have taken to remember Officer Nichols. Christine DeSilva has created a $500 scholarship for a graduating Naugatuck High School senior who intends on making law enforcement or veterinary medicine a career in honor of her sister, Officer Nancy Nichols.

This past Christmas, Officer Nichols' colleagues on the Naugatuck police force bought her son, Todd, a new bicycle. Also, during the month of March, the community of Naugatuck held two Masses dedicated in honor of Officer Nichols. Mr. Speaker, acts such as these demonstrate the sense of family and bonds of friendship which have been embraced by those who knew Officer Nichols.

Mr. Speaker, Naugatuck, CT, had a good police officer in Nancy Nichols and the city is making sure that her record and service as a loyal public official will always endure.

TRIBUTE TO THE DANISH ATHLETIC CLUB, INC. ON THEIR 100TH ANNIVERSARY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Ms. MOLINARI. Mr. Speaker, I rise today to congratulate a special organization in my district. On April 25, 1992, the Danish Athletic Club, Inc., celebrated the occasion of their 100th anniversary.

In 1892, Danish immigrants united together and formed the Danish Athletic Club in Brooklyn, NY. At its inception, their aim was to promote and participate in sports activities. However, over the years, the Danish Club broadened its scope and objectives to promote and enhance not only sports activities but also humanitarianism and domestic brotherhood.

The early members recognized their social responsibility and were the principal force in founding the first Danish Old People's Home in New York State. While the Danish Club continues to sponsor the Old People's Home, the organization has branched out to include aiding the handicapped, the blind and other worthwhile causes.

Although the original membership was limited to those persons of Danish heritage, the Danish Athletic Club now has a membership consisting of people tracing their heritage to seventeen different nations.

Mr. Speaker, I would like to congratulate the Danish Athletic Club, Inc. on the occasion of their 100th anniversary, and commend them for their continued commitment and dedication to the community.

MONTGOMERY COUNTY, MD, VOLUNTEERS SET RECORD WITH HUNGER RELIEF DRIVE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mrs. MORELLA. Mr. Speaker, National Volunteer Week affords us an important opportunity to recognize outstanding volunteer efforts across the Nation.

I want to recognize one such effort—the Montgomery County Hunger Relief Drive—which has become one of the largest annual grassroots charity drives in my congressional district.

The Montgomery County Hunger Relief Drive's numbers are impressive. Over 1,600 volunteers canvassed door-to-door during the Hunger Relief's Thanksgiving weekend drive. These volunteers visited 25,000 homes and inspired nearly half—11,000 residents—to contribute a total of $152,000. This total set a new record for the relief drive, amounting to a 20-percent increase over last year's record collection.

Key to the success of the project were the effort and organizational skills of Bill Stokes of Bethesda, MD. Before the summer began, Bill was at work, thinking and planning for the 1991 effort. Both his diplomatic skills, fashioned in 40 years' experience in the foreign service, and his managerial know-how, developed in 12 years as a consultant, contributed to the tremendous task of involving dozens of different church groups, coordinating 1,600 volunteers, and winning the cooperation and support of community leaders, business corporations, and the media. He increased the number of churches and synagogues cooperating, the number of precincts covered, and the number of volunteers involved. He persuaded a community, hurting economically, that there were others who were hurting more who needed their help. Bill did a magnificent job, and it is my great satisfaction in this small way to bring that fact to public attention. Thanks also to Jadwiga Stokes who provided great support and encouragement.

The Montgomery County Hunger Relief Drive is unique because all of the collected money is applied directly toward hunger relief. All overhead materials, supplies and processing staff are donated; no deductions are made for overhead costs. The printing and supply of the tons of materials needed are donated by commercial firms such as Comsat, Crestar Bank, Giant Food, Sir Speedy Printers, and GEICO. The drive enjoyed good support from the local media. A county ecumenical social ministry, the Community Ministry of Montgomery County headed by Rev. Lon Dring, sponsors the drive and provides staff as well as financial support.

One-third of the collected funds are assigned to Montgomery County through the Manna Food Center; one-third to Washington, DC, through the Capital Area Community Food Bank; and one-third to five international hunger relief agencies—Africare, UNICEF, Catholic Relief Services, Church World Service, and the American Jewish Joint Distribution Committee. That works out to approximately $50,000 to the county, $50,000 to the District, and $10,000 to each of the international organizations.

These private contributions are critical in the fight against hunger, especially during these difficult economic times. Unfortunately, though the contributions have increased, the number of families referred to the local food agencies such as the Manna Food Center have continued to increase, as well. As a consequence, the availability of funds for local hunger relief on a per family basis threatens to be less this year than in 1991, despite the drive's success.

I am proud to serve on the Steering Committee along with local and State government leaders and to join the volunteers in door-knocking to raise contributions, as well as awareness throughout the community.

Throughout this year, as we recognize the efforts of volunteers, we acknowledge not only the men, women, and families who come together and volunteer as a community, but also the many courageous individuals who, alone, persevere to do good across our Nation.

When discussing antihunger campaigns, I cannot help but think of our late colleague Mickey Leland. He led by example; his commitment and determination were unparalleled. Mickey Leland imparted to us a message that hunger is violence against humanity, whether it occurs in a distant African village or among the homeless on the streets where we live.

UNACCOUNTABLE CONGRESS—PLASTIC CARD BUDGETING

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. DOOLITTLE. Mr. Speaker, how many Members in their campaign this year will tell their constituents that each of them owes the Federal Government $31,174.89?. That's the share of the accumulated debts run up by the irresponsible Democrat-controlled Congress which the average taxpayer owes. This is in addition to their annual Federal tax bill.

This $31,174.89 is the amount which former Congressman Joe DioGuardi, a certified public accountant by profession, wrote about in his new book, "Accountable Congress, It Doesn't Add Up." He reminds the American people of the following astounding facts from the budget in fiscal year 1991:

First, the Federal Government spent a total of $1.323 trillion. This Federal spending alone consumed 24.2 percent of the gross national product of $5.465 trillion.

Second, the Federal Government deficit last year was a huge $269 billion and in this fiscal year it is expected to be over $400 billion.

Mr. Speaker, this Democrat-controlled Congress last balanced a budget in 1969—during a Republican administration. Since then, we have had 22 unbroken years of deficits. The total of these 22 deficit years, counting off-budget activities, was an astounding $2.419 trillion.

Finally, Mr. Speaker, the total national debt after last year's fiscal year budget was a mind-boggling $3.662 trillion. As Mr. DioGuardi says in his book, the American people unwittingly gave an unlimited credit card to the wrong people—their representatives in the Democrat-controlled Congress. It is time for a change, now.

AMERICAN SHIPYARD WORKER PROTECTION ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to submit for the RECORD a document which was recently sent to my office by an anonymous source. The document is an unclassified, internal Navy memorandum which reports that the shipyard in Yokosuka, Japan, will not be able to complete the work which it is scheduled to perform in the coming years. This document is further evidence of why the House should pass my legislation, H.R. 4222, the American Shipyard Worker Protection Act.

YOKOSUKA, JAPAN,
April 1992.

To: CINCPACFLT Pearl Harbor, HI.
From: NAVSHIPREPFAC, YOKOSUKA, JAPAN.
Subject: Scheduled Workload.

1. This message is to alert alcon to our concerns regarding the projected overload of

scheduled work at NSRF Yokosuka for FY-93 and beyond.

2. Historically, NGRF Yokosuka has not worked in excess of 250k mandays per year since '89 but has not worked inexcess of 400K mandays a year since the USS *Midway's* blister installation in 1986. With less than 1,000 production employees; NSRF Yokosuka relies on local MSRA contractors to absorb overloads. This was an entirely satisfactory arrangement thru 1988 when the international shipping and shipbuilding markets were depressed. The current commercial marine market in Japan is booming. This bull market coupled with the abysmally short labor supply, means the ability to absorb overloads in 30th Yokosuka and Sasebo is critically limited.

3. Based upon the results of the recent cincpacflt scheduled maintenance conference, NSRF Yokosuka is current programmed for about, 4JJK mandays of work in FY-93, 4JJK mandays of work in FY-94, and 4JJK mandays of work in FY-95. The primary drivers are major alt packages (principally on the USS *Independence*) and the stack-up scheduled OFRP SRA's & OSRA's.

4. Comments on FY-93:

A. Request USS *Mobile Bay* (CG-53) SRA be delayed 3 weeks to an 8 Feb start. Completion would also move 3 weeks to 9 April.

B. With the exception of cancelling availabilities, this requested change in CG-53's SRA is the only significant improvement we can identify. All other scheduled availabilities will have their work packages screened tightly and constantly for funding problems, drawing availability problems and material delays. These issues will force deferment of poorly staffed/supported work to allow our limited resources to be applied to jobs that can be accomplished within the ship's schedule and to avoid adverse sked impact.

C. Remaining work on the mobile ship repair facility not completed in FY-92 will require future workload adjustment.

D. There will be no capacity to take scheduled MSC work during the year. Emergent RA/TA will be screened and accepted on an NOV basis and where current shop capacity exists.

5. Comments on FY-94:

A. USS *Independence* (CV-62) DSRA work package currently scheduled (start in May for 5 months) can not be accomplished. There are insufficient avail ship repair personnel in Japan to accomplish the 200K mandays of work concurrently with the other 6 scheduled Yokosuka OFRP availabilities.

B. Possible improvements include extending the 5 month CV-62 DSRA into first qtr '95 and rescheduling the four FFG SRA's, A DD SRA and an LCC SRA from third & fourth qtr into first & second quarter.

C. As noted for FY-93, all work packages will need to be tightly controlled to avoid wasting critical manpower in commonly experienced planning/execution "CHURN".

D. Do not expect any capacity to be available for MSC work.

6. Comments on FY-95 & beyond:

A. The FY-95 workload is marginally possible provided the carrier availabilities are not scheduled on top of existing workload peaks.

B. Schedules beyond FY-95 are considered to be too volatile for meaningful comment at this time.

7. The dialogue with our customers continues. We are striving to accomplish as much work on our ships as possible. Comments and suggestions are always welcome. It's great to be popular.

THE WATER POLLUTION CONTROL AND ESTUARY RESTORATION FINANCING ACT OF 1992

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mrs. LOWEY of New York. Mr. Speaker, today I rise to introduce legislation, which Congresswoman DELAURO and I co-authored, to restore the Federal Government's commitment to investing in water pollution control and economic growth. The Water Pollution Control and Estuary Restoration Financing Act recognizes the ties that bind the condition of our waters and the state of our economy and seeks to provide the means to invest in these vital resources.

The past 10 years have seen a dramatic decline in our Nation's commitment to investing in our environmental infrastructure, and we are paying the consequences. Long Island Sound, Puget Sound, Narragansett Bay, San Francisco Bay, and dozens of other vital waterways are at risk, due in part to that failure to act. This legislation will reverse the decline in our Nation's investment in water pollution control infrastructure. This bill recognizes that in Long Island Sound, and in waters across the Nation, the old boundary between the economy and the environment has been erased.

We built our cities and towns along the shores of these waterways because of the economic importance of these priceless natural resources. Over the years, our economy has become so intertwined with the condition of these resources that we have no choice but to protect them both, through investments in our infrastructure. We cannot save our waterways without a strong economy, and we will not have a strong economy unless we save these resources.

Americans want to know what the Federal Government can do to get our economy back on track. This bill represents one important approach. It is a call to action that says we must invest in our society, in our economic and natural resources, to provide a foundation for economic growth and to improve our quality of life. Through sensible investments in water pollution control, such as the carefully crafted estuary restoration plans under the National Estuary Program, we can help ensure our economic and environmental future.

This legislation will create jobs through expanded investment in pollution control projects. These projects will provide capacity for sustained economic growth in New York and Connecticut and across the country. A recent study conducted by Apogee Research, Inc. for the National Utility Contractors Association found that every $1 billion invested in water infrastructure produced 34,000 to 57,000 new jobs. This legislation provides a total of $26 billion over the next 7 years in funds to help States address point and nonpoint sources of water pollution. That could result in 800,000 to 1.4 million jobs over the life of the bill.

Mr. Speaker, I request that a copy of the report by apogee research be included in the RECORD at the conclusion of my printed remarks.

The demand for environmental infrastructure has outpaced existing capacity, threatening economic growth and the environment. This bill provides a way to make sensible investments in the environment that will pay dividends in economic growth for years to come.

The Water Pollution Control and Estuary Restoration Financing Act would reauthorize the Clean Water Act's State Revolving Loan Fund Program, which is the principal means by which the Federal Government now assists municipalities in meeting the cost of protecting and restoring the Nation's water quality. The program is designed to create a fund that States can use in perpetuity to pay for cleanup of their waterways.

Beginning in 1994, the bill increases to $4 billion per year Federal capitalization grants to State revolving loan funds. Current funding for this program stands at approximately $2 billion per year, but is set to expire after fiscal year 1994. In 1981 the Federal Government provided $4 billion to the States for upgrades of waste water treatment plants. After more than 10 years of declining investments in these facilities, it is time to restore our Nation's historic commitment to investing in water pollution control.

The condition of our Nation's most precious waterways also demands that we strengthen the Clean Water Act's ability to focus resources on severe pollution problems. In its present form, the Clean Water Act is not equipped to enable States and localities to take the steps needed to save our vital waterways. The CWA authorizes the Federal Government to support planning under the National Estuaries Program, but abandons State and local governments to spend the millions and even billions needed for implementation. We cannot let this happen to our estuaries or our taxpayers. The Water Pollution Control and Estuary Restoration Financing Act would give the CWA what has lacked: the ability to focus resources on severe pollution problems while meeting nationwide pollution control needs.

In addition to significantly increasing funding available to all States for water pollution control, this bill creates a set-aside within the State revolving loan fund [SRF] authorization for States implementing estuary conservation and management plans approved under the National Estuaries Program. Under the bill, States with approved conservation and management plans will qualify for funds, in addition to their normal SRF allocation, to be used solely for the implementation of these plans.

The National Estuaries Program [NEP] was conceived as a Federal-State-local partnership that is now at work developing management plans in 17 of the Nation's estuaries. A number of regions are about to begin new programs under the NEP. These management plans provide carefully developed strategies for restoring the environmental integrity of estuaries which are essential to the economic vitality of many regions.

Mr. Speaker, the time has come to put these strategies to work. The Federal-State-local partnerships working on these plans must be preserved, strengthened, and expanded as our States move to implement these plans. Without this commitment, our estuaries will die while the long-term economic growth of our economies withers.

Faced with the economic necessity of investing in our infrastructure, labor, business, and environmental groups have taken the bold step of setting aside historic differences to work together for increased water pollution control funding. This bill is an expression of their shared vision.

With the power of that coalition, which its members are working to expand across the country, and the commitment of my colleagues, I believe we can move this legislation forward and give our waters, our economy, and our people the support they need and deserve.

I want to conclude by thanking my colleagues who have joined Ms. DELAURO and me in introducing this legislation. The broad support this bill is receiving from diverse regions of the country testifies to the environmental and economic importance of our Nation's water quality. Working together, we can help reinvigorate our Nation's commitment to achieving the goals of the Clean Water Act.

VETERANS IN TRANSITION ACT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1992

Mr. MARTINEZ. Mr. Speaker, today I am introducing a bill to assist veterans entering the civilian labor force as a result of the recent downsizing required by budget cuts. The Veterans In Transition Act [VITA] will honor military veterans for their years of patriotism and service by creating employment options for veterans upon their departure from military service.

Mr. Speaker, we are in the midst of trying times for our Nation. As we reap the bitter fruit of economic despair in my hometown of Los Angeles, we see disorder, chaos, hatred and avoidance of responsibility. And yet in the midst of the urban war fought between citizens and authority, and between racial groups, we saw the steadying hand of the military troops called in to instill peace.

It is doubly sad, in the aftermath of the great victory fought by our Nation's soldiers, that many will soon be discharged and forced into the civilian ranks of unemployment.

The services are doing the best they can to meet the needs of these loyal servicemen. The Montgomery G.I. bill will help many get further education, and States provide services to help the soldier and his family get job referrals and other social services.

However, many service dischargees do not have the skills to match civilian job market needs. They lack the funds and skills to make the critical transition into a civilian economy. Moreover, many dischargees would like to enter private business, but lack the funds to start their own.

My bill seeks to help these individuals. Let me be frank, the services do not have the current capacity and services to deliver on the promise of vocational and placement help that were made to soldiers when they were being recruited. As a result, many soldiers face certain unemployment and deprivation when they leave the service.

The Veterans In Transition Act will assist them get job training with a training voucher to be used anywhere in the United States. It will provide funding to enhance vocational and financial counseling services to the departing soldiers. It will fund coordination of all support and transitional services at the State and Federal levels. It will assist the creation of jobs for veterans, and, it will provide assistance for employment in the public service sector.

Each service owes the minimal obligation to its service men and women to help them land on their feet in the civilian job market. Right now, the only assistance they receive are resumé writing and job search counseling. The existing job training systems cannot and will not adequately serve the new military dischargees—JTPA for instance only serves 3 to 7 percent of the eligible civilian population.

The cost of this 3-year program is modest, $150 million in the first year, with such sums as necessary in the final two. At a cost of $30 to $60 million per armed service, who must make some financial commitment to dischargees, the price is low. But we are asking the appropriations and budget committees, when they cut, to hold a small amount in reserve as investment in soldiers to assist their becoming productive, contributing civilians.

This bill is important for our military veterans. Your support for this legislation is appreciated.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 7, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:00 a.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on requirements and modernizations plans for tactical aircraft for the armed forces, and review plans for service cooperation and coordination.
SR-222

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for April.
SD-628

10:30 a.m.
Joint Economic
To hold hearings to examine the U.S. investment gap.
SD-628

MAY 11

9:30 a.m.
Governmental Affairs
To hold hearings on implementation of provisions of the Endangered Species Act relating to native Hawaiian wildlife.
SD-342

MAY 12

9:00 a.m.
Energy and Natural Resources
To hold hearings on energy policy implications of global climate change and international agreements regarding carbon dioxide emissions.
SD-366

Governmental Affairs
To hold hearings on S.J. Res. 282, to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.
SD-342

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Energy.
SD-116

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings on insurance guarantee funds and policy transfers involved in the case of Security Benefit Life Insurance Company annuities.
SD-226

10:00 a.m.
Finance
To hold hearings to examine ways to improve the competitiveness of U.S. industry and ensure fair and open competition in the global marketplace.
SD-215

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the proposed sale of the missile division of the LT Corporation, focusing on national security implications.
SR-253

2:30 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, and S. 2628, to authorize certain construction for fiscal year 1993 at military installa-

tions, focusing on the Department of Defense's environmental programs.
SR-222

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2021, to designate a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, S. 2045, to authorize a study of the prehistoric Casas Grandes Culture in the State of New Mexico, S. 2178 and H.R. 2502, to establish the Jemez National Recreation Area in the State of New Mexico, and S. 2544, to establish in the Department of the Interior the Colonial New Mexico Preservation Commission.
SD-366

MAY 13

9:00 a.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the medical programs of the Department of Defense.
SD-106

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
Business meeting, to consider pending calendar and administrative business.
SR-301

Select on Indian Affairs
To hold joint oversight hearings with the House Committee on Education and Labor to examine proposed budget requests by the Bureau of Indian Affairs for the Indian School Equalization Program.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Maritime Commission and the Maritime Administration, Department of Transportation.
SR-253

Foreign Relations
Business meeting, to mark up S. 2532, authorizing assistance to the former Soviet Union.
SD-419

Veterans' Affairs
To hold hearings on proposed legislation relating to the education and employment of veterans.
SR-418

1:30 p.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine the conservation of the northern spotted owl and the ecosystem upon which it depends under the Endangered Species Act and other Federal laws.
SH-216

2:00 p.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on providing long-term care for Americans suffering from disabling illnesses or conditions.
SD-215

Select on Indian Affairs
Business meeting, to mark up proposed legislation on improving native Hawaiian health care.
SR-485

MAY 14

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Emergency Management Agency.
SD-124

Energy and Natural Resources
To hold hearings on S. 2607, to authorize regional integrated resource planning by registered holding companies and state regulatory commissions.
SD-366

Governmental Affairs
To hold oversight hearings on S. 2624, authorizing funds for the Interagency Council on the Homeless and the Federal Emergency Management Food and Shelter Program.
SD-342

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1624, to revise the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and S. 2321, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD-366

Governmental Affairs
To hold hearings on the nominations of Judith E. Retchin, Ann O'Regan Keary, William M. Jackson, and Stephanie Duncan-Peters, each to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

Select on Indian Affairs
To hold hearings on proposed legislation to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR-485

2:30 p.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the impact of the defense build-down on the ability of the U.S. industrial and technology base to meet national security requirements.
SR-222

MAY 19

9:30 a.m.
Energy and Natural Resources
To hold hearings on issues pertaining to the refining sector of the petroleum industry.
SD-366

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Bureau of Indian Affairs, Department of the Interior.
SD-116

MAY 20

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the implementation of Court of Veterans Appeals decisions.
SR-418

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce.
SR-253

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 2631, to promote energy production from used oil.
SD-366

MAY 21

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation.
SD-116

Armed Services
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology.
SR-G50

Energy and Natural Resources
To hold hearings on the Department of Energy's program for environmental restoration and waste management.
SD-366

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the General Accounting Office.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold oversight hearings on the Forest Service's proposed changes in the administrative appeals process.
SR–332

Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings on the General Services Administration's management of Federal civilian aircraft.
SD–342

MAY 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.
SD–138

JUNE 4

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to examine issues relating to maritime reform.
SR–253

Veterans' Affairs
To hold oversight hearings on proposed legislation relating to veterans health issues.
SR–418

JUNE 9

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for the Department of the Interior.
S–128, Capitol

2:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.
S–128, Capitol

POSTPONEMENTS

MAY 7

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on the Export-Import Bank.
SD–538

10:00 a.m.
Small Business
Government Contracting and Paperwork Reduction Subcommittee
To hold oversight hearings on the Small Business Administration's small business competitive demonstration program.
SR–428A

1:30 p.m.
Conferees on S. 347, to revise the Defense Production Act of 1950 to revitalize the defense industrial base of the United States.
SD–538

HOUSE OF REPRESENTATIVES—*Thursday, May 7, 1992*

The House met at 10 a.m.

Rev. Thomas Kuhn, pastor, Church of the Incarnation, Centerville, OH, offered the following prayer:

Lord, on this National Day of Prayer we are reminded that we are not simply a country, but "one nation under God."

Your love for us is obvious. May our lives reflect that love.

Your love has made us a powerful people. May we always be gentle, to lift up the fallen, and strong, to protect those who cannot defend themselves.

Your love has given us an abundant land. May we always share our abundance with those who cannot care for themselves.

Your love for us has made us truly free. May we work so that all our brothers and sisters, enslaved by prejudice, may be free.

Leadership and vision have been entrusted to this House. May our Representatives work for the good of all Your children. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 122, answered "present" 1, not voting 49, as follows:

[Roll No. 108]

YEAS—262

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Clement
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coyne
Cramer
Darden
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spence
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yates

NAYS—122

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gingrich
Goodling
Goss
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Jacobs
James
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
Meyers
Michel
Molinari
Moody
Moorhead
Murphy
Nussle
Oxley
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Broomfield

NOT VOTING—49

AuCoin
Boxer
Bruce
Byron
Campbell (CA)
Carper
Chapman
Collins (IL)
Cox (IL)
Dannemeyer
de la Garza
Dellums
Edwards (OK)
Feighan
Flake
Gallo
Gaydos
Gilchrest
Guarini
Ireland
Jenkins
Johnson (TX)
Klug
Kolter
Leach
Lehman (FL)
Levine (CA)
McCurdy
McMillan (NC)
Miller (OH)
Miller (WA)
Moakley
Morella
Pastor
Payne (VA)
Rangel
Roe
Sanders
Savage
Spratt
Torres
Valentine
Washington
Waters
Weber
Williams
Wilson
Yatron
Young (AK)

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, earlier today, May 7, 1992, I was unavoidably detained for rollcall vote No. 108, approval of the Journal. I would like the RECORD to show that had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote No. 108 on Thursday, May 7, 1992. Had

I been present on the House floor I would have cast my vote as follows:

Rollcall, No. 108—"yea" on the Chair's apprval of the journal.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from Ohio [Mr. LUKEN] kindly come forward and lead the House in the Pledge of Allegiance.

Mr. LUKEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 2507) "An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes" disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mr. DURENBERGER to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce that he will take up to seven 1-minute statements from each side of the aisle. Other 1-minute statements will be entertained later in the legislative day.

THE REVEREND THOMAS KUHN

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, I rise for a moment today to welcome Father Tom Kuhn, our guest chaplain, to the Chamber. I came to know Father Kuhn when he was a principal at Elder High School in the western part of Hamilton County for about 8 years.

He has now moved a little north in Ohio to Centerville where he is pastor of the Incarnation Parish, and he leads a delegation of students from that school who are with us this morning.

I will put a more extensive history about Father Kuhn in the RECORD, but suffice it to say, Mr. Speaker, he has devoted his life to the service of God and to his fellow man.

I would also like to thank the Chaplain and the Speaker for making his trip here a memorable one.

Mr. Speaker, I would like to introduce Father Thomas Kuhn of Cincinnati, who has delivered today's invocation.

Father Kuhn, a Roman Catholic priest, has been pastor of Incarnation Parish in Centerville, OH, since 1989.

After his ordination in 1967, Father Kuhn began teaching religion and physics at Elder High School, a Catholic school for young men, in the archdiocese of Cincinnati, OH. In addition, he also served as chaplain for many of the athletic teams at the school. Because of his dedication to the school and his students, he was named vice principal of Elder in 1972.

In 1976, Father Kuhn was named copastor of St. Vincent DePaul Parish located along the Ohio River. He served in this capacity until 1982, when he departed to devote himself full time to Elder.

Having been named principal of Elder High school in 1981, Father Kuhn took over the daily operations of the school and its 1,200 students. Despite the demands of this role, he continued to serve as an associate pastor at St. John's Parish in Westchester, OH. He remained principal of Elder High School, as well as teacher of senior physics through the 1987–88 school year.

After a brief sabbatical in 1988, Father Kuhn was named to his present position as pastor of Incarnation Parish in Centerville, OH.

It is with great pleasure that I introduce to you Father Kuhn.

THE REVEREND THOMAS KUHN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, today I join my colleague from Cincinnati, Mr. LUKEN, in welcoming to the House, Father Tom Kuhn. While he was in Cincinnati and before he arrived in Centerville, OH, he spent several years living in our community in Westchester, OH, and was assistant pastor of our church.

Father Kuhn brought to our church, and I think can bring to a lot of churches in America a very unique quality, and that quality was to have a 5-minute sermon where Father Kuhn would bring a point to bear, and would relate it to a personal experience. In all of my years of going to church and listening to sermons, actually the next day I would remember his sermon.

He is a very dear friend. He has many friends in our community, and I join with my friend from Cincinnati in welcoming him here for the invocation that he gave this morning.

PROTECTING THE SOCIAL SECURITY TRUST FUND

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, as Members know, I have taken this time in the past to talk with our colleagues about the need for Congress to serve our constituents by ensuring that Federal agencies designed to help citizens have the resources to do so.

Last week, we were assured by various officials that Social Security trust funds are not in jeopardy, and that Americans need not worry about unfunded benefits.

We must do more than not worry, Mr. Speaker.

Just as Congress guarantees adequate funding for Social Security, we must also ensure that Social Security offices answer their telephones, meets with our constituents, and responds to their needs in a timely fashion.

Millions of our senior citizens depend upon Social Security to make ends meet here and now. When someone's Social Security payment gets hung up in bureaucracy, they cannot cash in an excuse—whether legitimate or not.

The promise of reliability rests at the core of our system. In other words, Mr. Speaker, there is nothing secure about Social Security unless we make the system live up to that promise.

With respect to disability claims, for example, people are waiting longer and longer to have their claims processed—people who desperately need these benefits to survive.

In my home State of California alone, the backlog of disability cases is so overwhelming that on average it takes 5 months just for an initial review.

At the same time, people who should be taken off disability support are still receiving benefits because of the lack of regular case review.

Mr. Speaker, the reality is that when we shortchange the implementation of our Social Security benefits, we waste taxpayers time and money.

For every dollar spent on reviewing claims, $4 would be returned to the trust fund in benefits paid out unnecessarily.

Mr. Speaker, it is our job in Congress to cut the fat from excessive Government spending—not vital constituent services.

Americans suffer every time we try to be penny-wise and pound-foolish.

□ 1030

GET TOUGH WITH MILOSEVIC

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, this is not the time for our Government to disengage from Yugoslavia. Those who want to build a new world order must work to end the tragedy of Bosnia, not run from the ongoing crisis there.

Slobodan Milosevic the last Marxist strongman in Europe, is destroying Bosnia the way he took apart Croatia. His raw aggression has resulted in hundreds of people killed, 600,000 refugees, and shameful destruction.

We should coordinate our efforts with our allies and do everything possible to isolate Milosevic and his regime both politically and economically.

Our Government must continue to work to exclude Serbia from the Conference on Security and Cooperation in Europe and other international institutions. We should strongly encourage other nations to deny recognition to the new Serbian state.

We must work with our friends to bring down the economic roof on Serbia by imposing serious international sanctions on that pariah state. We should restrict Serbia's access to its assets, and suspend loan guarantees.

Perhaps it is time to answer the Bosnian leader's pleas and send an armed U.N. force to stop the massacre of innocent people there. How will history judge us if we sit still while the Serbian army ravages that republic?

Mr. Speaker, we have no choice but to stay involved and get tough with Milosevic.

TIME FOR THE BLAME GAME IS OVER

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am announcing to the House today my intention to begin organizing a society to protect the name of our Founding Father, George Washington.

I noticed that the White House has been, for the last 12 years, blaming Jimmy Carter for all of the country's problems. They now, last week, blamed Lyndon Johnson for the problems associated with the Los Angeles riots, and I am sure before the election campaign is over, they will be finding fault with Andy Jackson, Thomas Jefferson, and George Washington. I think we probably need to start now organizing to protect the reputation of those gentlemen.

It also seems to me that we need to face the fact that the time for the blame game is over. If you want to know why Los Angeles happened, it happened, yes, because of a bad jury verdict; yes, it happened because of outright criminality; yes, it happened because of racism. But it also happened because this country, for the last 12 years or more, has seen the income of regular people in this country steadily decline, decline, decline.

Until we do something about economic growth, we are going to see this happen not just in Los Angeles but in a good many other places around the country.

WE SHOULD NOT BE FINGERPOINTING

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, a week ago today I stood in this well in the wake of the Rodney King verdict and said, among other things, that I was somewhat embarrassed to be a Representative from southern California.

Well, by Saturday, I was very proud, very proud because of a tremendous rebuilding effort which started in south central Los Angeles and the other areas that were hit.

We have seen Peter Ueberroth, Richard Riordan, and volunteer citizens from the San Gabriel Valley, the San Fernando Valley, and, yes, the Simi Valley come into south central Los Angeles and work on this rebuilding.

The gentleman from Wisconsin has just contended that what the President said should not exist; we should not be fingerpointing.

Yesterday afternoon the President, before he left for Los Angeles, said that we should not be pointing the finger. We should come together to work to rebuild.

We want to see a successful resolution to all of these problems that exist, and I congratulate those who worked so diligently to begin making it happen.

THE OHIO FREE TRADE AGREEMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Ohio free trade agreement would exempt Ohio from all Federal regs, laws, and taxes. Think about it. Ohio companies would have to pay no unemployment comp, no workmen's comp, no OSHA, no EPA, no bank regulations, no labor regulations, no minimum wage, no Social Security, no IRS. Think about it. Fat City in Ohio. Job Heaven in Ohio.

Companies from Indiana, West Virginia, Michigan, will be speeding across the border opening up manufacturing plants in Ohio. That is right. You have heard about NAFTA. I have submitted OFTA, folks, Ohio free trade agreement.

If you wonder why all of the jobs are moving to Mexico, look at my bill, and let me tell you something, Congress had better wake up, because the American people want a job, and they do not want to move to Mexico to get the damn thing.

IN SUPPORT OF H.J. RES. 430, DESIGNATING MAY 4-10, 1992 PUBLIC SERVICE RECOGNITION WEEK

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today, I am pleased to have the opportunity to recognize the thousands of dedicated, hard-working, Americans who unselfishly give of themselves in service to their neighbors, their communities, and their Nation—the men and women who compose our Nation's public service.

I sincerely believe that the American public is privileged to be served by the finest public servants in the world, and this fact should be remembered every day, not just during Public Service Recognition Week. From sewers to space shuttles, from sidewalks to subways, and from food inspection to border protection, public servants help make America work. It is through their efforts that we as citizens of this great Nation have the opportunity to enjoy and prosper from the protections, services, and resources that public servants provide.

Civil servants are the unsung heroes who maintain the necessary daily services that keep our Nation safe and sound. Civil engineers, teachers, and law enforcement personnel, just to name a few, build our roads and bridges, educate our children, and keep our streets secure. In a broader sense, public servants ensure our national security, provide relief to the needy, and protect our fragile environment. Without these vital services, the economic vitality of the United States would be at risk.

In addition to vital day-to-day services, public servants give U.S. industry an edge in the increasingly competitive global high technology marketplace. Public servants provide the vital research base for private industry to develop and apply new technologies in the areas of aerospace, environmental protection, health care, and nuclear energy. As a result of their contributions, American companies produce high technology products that are the envy of the world. Americans enjoy the modern conveniences of these spinoff technologies including lightweight metals and fabrics, computers, fiber optics, bar coding technology, and CAT scan machines to detect cancer.

More importantly, however, public servants play a vital role in ensuring the future of America and the American way of life. The integrity of a nation relies largely on the quality of its public service. As we turn to focus on the many challenges facing our cites and towns, civil servants will be called upon for leadership. It will take professionalism, creativity, and teamwork to meet this Nation's needs in education, housing, transportation, infrastructure, and the environment. In each of these areas public employees will play a major role. Without a quality civil service, the basic democratic and constitutional principles on which this Nation was founded would begin to unravel. I believe public servants are one of our Nation's most valuable national resources, and we must strive to ensure the United States is afforded a high quality, high performance public work force.

As a Representative of over 75,000 public employees, and a former Federal worker myself, I am proud to be a cosponsor of House Joint Resolution 430 to designate the week of May 4–10, 1992, as "Public Service Recognition Week." I believe it is important to raise awareness about the many important civic and national responsibilities associated with public service. I am hopeful this resolution, along with the many events and expositions planned across the country, will prompt citizens to reflect on the many contributions made by these individuals. I also hope that this week's festivities will generate interest in public service as a career opportunity for people looking to make a difference in their community and in their Nation.

BRING JOBS BACK TO THE UNITED STATES

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, President Bush now wants to level some more blame. The answers to the L.A. problems: He says that all the people want is a piece of the action.

Where has he been? His tax and trade policies have encouraged the action to leave the country for the very same reason that my friend, the gentleman from Ohio [Mr. TRAFICANT], just said, Jobs and businesses are on their way out of the country. But instead he wants to blame the liberal policies of the 1960's.

Now, which ones does he want to blame, problems helping the older Americans, our young, our sick, our poor, or the ones who want to get educated? Who is he kidding?

I think the President has to come out of his ivory tower and come down to see what the real world is all about and show the leadership he was elected to do.

The rich are getting richer, and the rest are getting stuck with the blame.

Yes, a piece of the action is what it is all about, my friends, but bring our jobs back to the United States, and I am sure that is going to solve a lot of problems.

INTRODUCTION OF LEGISLATION TO NAME NEW FEDERAL COURTHOUSE IN RENO, NV, AFTER LATE JUDGE BRUCE R. THOMPSON

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing a bill to name the new Federal courthouse and Federal building in Reno, NV, after the late Judge Bruce R. Thompson.

Judge Thompson, former senior U.S. district judge, died on February 10, 1992. Nominated to the Federal bench in 1963, Judge Thompson was appointed by President John F. Kennedy to the bench and assumed his duties on August 30, 1963. Admitted to the Nevada State Bar on October 2, 1936, he served as president of the bar from 1955 to 1956.

Judge Thompson served as the only active judge of the court in Reno until he assumed senior status on August 31, 1978. After taking senior status, and until the time of his death, Judge Thompson continued to maintain a civil caseload for the court.

The courthouse is currently in the design phase, and with funds being appropriated this year by Congress, construction is scheduled to begin within the year.

Judge Thompson, a lifelong resident of Reno with strong family roots, was a vital part of the legal and civic communities in the area. The absence of his presence is being sorely felt, and I believe that this tribute to his memory is most fitting.

THE PRESIDENT'S TRIP TO LOS ANGELES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, this morning the President is in Los Angeles for what I fear will be more of a photo opportunity than a factfinding mission.

It is regrettable that it took 58 deaths and millions of dollars of damage to get our President to finally focus on our cities.

In 4 years as President, George Bush has never bothered to tour the urban blight that lies a scant four blocks from his door. He has never visited rundown areas of my city, New York, to see firsthand the impact of a decade of neglect on America's cities.

Mr. Speaker, while simply throwing money at problems will not solve the cities' problems, neglect punctuated by an occasional photo opportunity surely will not either.

We have to give a hard look to education, jobs, and, most of all, to the deterioration of family and see what the solutions are. If the President thinks the problems of the 1960's are to blame, which programs would he have us repeal, and which ones would he put in their place?

Mr. Speaker, 58 people had to die before George Bush noticed our dying cities. I only hope that his hindsight interest will not fade when grass has grown over their graves and the fires of L.A. stop smoldering.

□ 1040

THE DEMOCRAT RESCISSION PACKAGE

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the Democratic rescission bill is proof positive, that we need individual votes on each proposed budget cut, Mr. Speaker.

The President, following the law and our House rules, proposed a large number of budget cutting rescissions. The House leadership, following its usual partisan political gamesmanship, will not even let us vote on the individual budget cuts, proposed by the President. The Democratic leadership want us to vote on a combined package of rescissions, in a kind of take it or leave it basis.

The great majority of the President's budget cuts make sense, and if the Democratic leadership would let them come to the floor, for individual votes, I would vote for them. Likewise many of the Democratic proposed rescissions make sense, and if we could cast individual votes on them, many would have my support.

Unfortunately, the Democratic rescission package, instead of focusing on pork barrel projects, continues their usual political games, and includes a $4 million dollar cut in the vital low-income home energy assistance program, that is so important to helping recession ridden New England get through each winter season. Let us have individual votes on these budget cuts, Mr. Speaker, so that we can separate the pork from the prime programs that have worked so well for so many in need of our assistance.

INTRODUCTION OF TELECOMMUTING ACT OF 1992

(Mr. MCMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCMILLEN of Maryland. Mr. Speaker, yesterday, I introduced the Telecommuting Act of 1992. This bill will create an Office of Telecommuting in NTIA, and will provide funding for five telecommuting centers in the greater Washington, DC, area.

Generally speaking, telecommuting includes working out of the home or at satellite telecommuting offices, using computer modems, fax machines, telephones, and other technologies to tie the employee into his central place of work.

The immediate benefits include reductions in traffic congestion, fuel consumption, and air pollution, while enhancing productivity, lowering operating costs, and allowing more time to be spent with one's family.

Furthermore, the potential of telecommunicating for rural America is staggering. By freeing the employee from working at a single specified site, and closing distances through technology, economic development is not bound by conventional means. This could breathe new life into rural America.

This bill is a necessary step in developing the use of telecommunicating locally and nationwide; it's an idea whose time has come.

INTRODUCTION OF BILL TO AMEND ENDANGERED SPECIES ACT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, today I am introducing a bill to amend the Endangered Species Act. The purpose is to restore balance in this very important law and to put people, families, and communities, an equal footing with our very legitimate concern for the environment.

In the Pacific Northwest, we have seen thousands of working people, men and women, thrown out of their jobs because of the Endangered Species Act.

There is potential for much more hardship to come.

The Endangered Species Act is inflexible. It largely ignores economics. It requires recovery efforts, even when it does not make sense, and it has become a tool for radicals.

My bill is balanced. It also includes jobs and people in the equation. It is flexible and it is based not on radical notions of what we ought to do with the environment, but rather on common-sense concern for plants, animals, and people.

INTRODUCTION OF DEFENSE DIVERSIFICATION AND COMMUNITY ADJUSTMENT ACT OF 1992

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, today, I am introducing the Defense Diversification and Community Adjustment Act of 1992 to help facilitate the diversification of defense-related business and assist dislocated defense workers. The changes in the former Soviet Union, Eastern Europe, and throughout the world, have forced Members of Congress and the President to reevaluate where the lines on defense spending will be drawn. There are Members of Congress who believe that all of the Defense moneys that we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a worker who is handed a pink slip because of a canceled contract or closed plant.

Mr. Speaker, I believe we need to utilize some of the projected savings to offset the hardships that businesses and workers involved in defense production will experience. This money would be better spent on these businesses and workers now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive.

My legislation takes a two-track approach to help businesses and workers. It would enhance the Pentagon's Office of Economic Adjustment by adding a new Assistant Secretary of Defense to spearhead the defense conversion process. My bill would also expand the eligibility requirements of the Job Training Partnership Act to assist in the retraining of highly skilled defense workers.

Mr. Speaker, the legislation I introduced today attempts to improve upon many programs which we already have in place. I believe this approach will be the most cost effective and also provide relief to dislocated workers in a timely manner. We need to act now to provide an effective response to any future cuts in defense. We have to act responsibly and constructively for our communities, our businesses, and our workers to provide appropriate diversification and adjustment assistance. I urge my colleagues to examine the issues involved and to lend their support to this urgently needed legislation.

REAPPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF AMERICAN FOLKLIFE CENTER IN LIBRARY OF CONGRESS

The SPEAKER. Pursuant to the provisions of section 4(b) of Public Law 94-201, the Chair reappoints from private life the following members to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House:

Mrs. Nina M. Archabal of St. Paul, MN; and

Mrs. Judith McCulloh of Champaign, IL.

PROVIDING FOR CONSIDERATION OF H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered as having been read for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted. No amendment to the bill shall be in order except the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report of the Committee on Rules, and shall be considered as having been read. Each shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. All points of order against the amendments printed in the report of the Committee on Rules are hereby waived. If both amendments in part 2 of the report of the Committee on Rules are adopted, only the latter amendment which is adopted shall be considered as finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which shall not contain instructions.

SEC. 2. The provisions of section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on March 10, 1992, March 20, 1992, or April 8, 1992.

POINT OF ORDER

Mr. SOLOMON. Mr. Speaker, I would respectfully make a point of order against the resolution on the grounds that it violates clause 4(b) of House rule XI, and I ask to be heard on my point of order.

The SPEAKER. The gentleman from New York is recognized.

Mr. SOLOMON. Mr. Speaker, House Resolution 447 provides in the last sentence of section 1:

> and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which—

And this is the point I wish to make—

> which shall not contain instructions.

Mr. Speaker, the language prohibiting any instructions in the motion to recommit clearly violates clause 4(b) of House rule 11 which prohibits the Rules Committee from reporting "any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule 16" of the rules that we live under in this House.

And clause 4 of rule 16 provides at the relevant part that—

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker—you—shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

Mr. Speaker, I will not take your time or the time of this House to recount the detailed history of these two rules and the precedents behind them. I have previously given that to you and to the Members of this House in the form of a 48-page, documented historical report, which you have, so I will not bother repeating it.

Suffice to say, prior to 1909, the House already had a motion to recommit, with or without instructions, contained in at that time rule 17. Clauses 4 of rule 11 and 16 were added to the rules by a minority party member, a Democrat from New York, my State, to give the minority a right to get a last vote on its proposition through recommittal instructions.

That is clear from the author of that amendment to the rules and numerous Speakers upholding that right in the following years.

The key phrase in clause 4(b) of rule XI is "as provided in clause 4 of rule 16," since what was being provided for in that new rule was the right of the minority to offer a final amendment in the form of instructions.

□ 1050

If the Speaker will consider logic alone, for the majority to dictate in a rule such as this what form the motion to recommit should take—in this case only a straight motion to recommit—is to truly deny the opponent of the bill recognized under the rule, a motion of his or her choosing. This now becomes a majority motion, and not a minority motion.

And that is what is happening here today.

When I previously raised similar points of order, the Chair has referred to a 1934 ruling of Speaker Rainey that the Rules Committee need only allow for a straight motion to recommit to satisfy that rule.

And as I previously argued, Mr. Speaker, and argue again today, that ruling, and all subsequent rulings of this and previous Speakers which relied on it, were wrongly decided.

And any logical person would come to that conclusion.

To limit the minority to a straight motion to recommit, to deny it the original intent of the rule, guts that right and nullifies the original intent of the rule. There is no longer a need for two motions to recommit under our rules.

It was my understanding that the Speaker was at least willing to consider that ruling and had agreed to have the Rules Committee—that I serve on—look into the matter further. Ironically, that long-promised hearing was held just yesterday, the very same day that this rule, this unfair rule depriving the minority, was reported. The Rules Committee has not yet issued a final report on its study, and yet here we are again today being denied our traditional right to offer instructions. We are being disenfranchised.

Mr. Speaker, instead of quoting Speaker Gillett or any number of other Speakers who have upheld our rights, or your rights if you were in the minority, to offer instructions in the past, let me close by quoting to you from Thomas Jefferson in his Manual, which is still a part of our rules. He said: "So far the maxim is certainly true and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons, the only weapon by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and are become the law of the House," the law of the House, "by a strict adherence to which the weaker party can only be protected from those irregularities and abuses," and I will repeat those words, "be protected from those irregularities and abuses which these forms were intended to check," and have been intended to check for over 200 years in this House, "and which the wantonness of power is but too often apt to suggest to large and successful majorities," which you have the privilege of having 101 more Members than we have on this side.

Mr. Speaker, the rule before us strips the minority of all of its rights and does not allow us to offer even one amendment which we had requested—not in the Committee of the Whole and not in the motion to recommit. This is exactly the kind of example against which Jefferson warned us in which the minority has been stripped of the only weapon and protections we have to defend against attempts by those in power, and I will repeat again, "irregularities and abuses," which in recent years seems to be the norm around here and is one of the reasons I am ashamed to say that this House is held in such low esteem by the American people. Ten percent approval or something like that in the latest polls.

If you take away this last ounce of protection that the minority has under our rules to offer even one amendment, even one amendment through the motion to recommit, you have rendered us helpless and you have rendered the value of any rules in this House absolutely meaningless.

Now, Mr. Speaker, you are the Speaker of this House, you represent the majority, and as you should because you are a Member of that party, but you also have an obligation, a constitutional obligation, to represent the minority as well, and I strongly urge you to take a courageous step, Mr. Speaker—we have great respect for you—and to rule in our favor under this point of order. It means a lot to the American people, and it certainly means a lot to minority interests around this country.

Thank you, Mr. Speaker. I am sorry to have taken so much time.

Mr. DERRICK. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, the gentleman from New York makes the point of order that the rule limits the motion to recommit and, therefore, according to the minority, the rule violates clause 4(b) of rule XI.

Mr. Speaker, I respectfully disagree. Rule XI prohibits the Rules Committee from reporting a rule that: "Would prevent the motion to recommit from being made as provided in clause 4 of rule XVI."

Clause 4 of rule XVI addresses the simple motion to recommit a bill or joint resolution and requires the Speaker to give preference in recognition to a Member of the minority who is opposed to the measure. Nowhere are instructions mentioned.

The Rules Committee, therefore, may report a rule that limits but does not prohibit the motion to recommit—without violating clause 4(b) of rule XI.

Mr. Speaker, so long as a simple motion to recommit can be offered, a rule does not "prevent the motion to recommit from being made as provided in clause 4 of rule XVI." This is a well-established parliamentary point since Speaker Rainey's decision in 1934.

In fact, Mr. Speaker, the parliamentary point was reaffirmed by recent rulings of the Chair on October 16, 1990, on June 4, 1991, on November 25, 1991, and on February 26, 1992. On those occasions certain Members sought to appeal the ruling of the Chair. The House then voted, on each occasion, to sustain the ruling by tabling the appeal. The House thereby strengthened the precedents in this interpretation of the rule.

Without an intervening change in the rule, there can be no question of the interpretation. Mr. Speaker, the precedents are clear and unequivocal. Moreover, the House has spoken on several recent occasions to reaffirm this position. I urge the point of order be overruled.

Mr. SOLOMON. Mr. Speaker, might I be heard in rebuttal?

The SPEAKER. The gentleman from New York is recognized.

Mr. SOLOMON. Mr. Speaker, without taking up a great deal of the committee's time, Mr. BUTLER DERRICK of South Carolina has really made the argument that I made, that, yes, those decisions were made, they were unjust at the time, and certainly we have the right to turn it around the same as our U.S. Supreme Court has that right, and we ought to do it here today. I would urge you to rule in favor of our point of order, Mr. Speaker.

Mr. DERRICK. Mr. Speaker, the precedents are clear, dating from 1934, from Speaker Rainey on forward, in a number of decisions that were made by this House in the last 2 years. Therefore, I would implore that the Speaker overrule.

The SPEAKER. The Chair is ready to rule.

The Chair notes that the gentleman from New York has pointed out that there have been repeated objections to rules which have not contained, as a matter of right, a motion to recommit with instructions, that the matter has been undertaken for review by the Committee on Rules, that a hearing has been held but a final study or report from the Committee on Rules has not yet been concluded.

Because of the pendency of such a review, but because of the lack of any other conclusion thereon which might recommend against the existing line of precedents, the Chair is constrained to rule, as he has ruled before, that under the precedents of October 16, 1990, and February 26, 1992, both of which the gentleman correctly points out stem from a precedent of January 11, 1934, by Speaker Rainey, the Chair is constrained to overrule the point of order.

Mr. SOLOMON. Mr. Speaker, you know of the great respect I have for you, and I am always constrained to ever appeal the ruling of the Chair because I personally think that you do try to be fair.

But, Mr. Speaker, this is unfair. We certainly are being deprived of our opportunity to even have a substitute of our own choosing, and because of that I just respectfully have to appeal the ruling of the Chair.

The SPEAKER. The gentleman from New York [Mr. SOLOMON] appeals the ruling of the Chair.

Mr. DERRICK. Mr. Speaker, I move to table the appeal of the ruling of the Speaker.

The SPEAKER. The question is on the motion to table the appeal of the ruling of the Chair offered by the gentleman from South Carolina [Mr. DERRICK].

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 161, not voting 20, as follows:

[Roll No. 109]

YEAS—253

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—161

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

AuCoin
Boxer
Byron
Campbell (CA)
Collins (IL)
Dannemeyer
Feighan
Flake
Holloway
Kolter
Lehman (FL)
Levine (CA)
Miller (WA)
Moakley
Pastor
Russo
Valentine
Waters
Weber
Yatron

☐ 1123

The Clerk announced the following pairs:

On this vote:

Mr. Pastor for, with Mr. Holloway against.

Mrs. Collins of Illinois for, with Mr. Miller of Washington against.

Mr. OLIN changed his vote from "nay" to "yea."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 447 is a modified rule-making in order the consideration of H.R. 4990, a bill to rescind certain budget authority for fiscal year 1992. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee. The rule waives all points of order against the bill and against its consideration.

The rule incorporates an amendment reported from the Appropriations Committee. This amendment approves the President's April 8 rescission proposal rescinding $144,000 for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

The rule makes in order two amendments printed in part 2 of the report of the Committee on Rules. Each amendment is debatable for 30 minutes, equally divided and controlled by the proponent and Member opposed, and is not subject to amendment. The rule waives all points of order against the amendments and provides that they will be considered under a "king-of-the-hill" procedure. Under king-of-the-hill, if more than one amendment in the nature of a substitute is adopted, only the last such amendment adopted shall be considered as finally adopted and reported back to the House.

The rule also provides for one motion to recommit without instructions. Finally the rule provides that section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that act of March 10, March 20, or April 8, 1992.

Mr. Speaker, this rule will allow the House to consider H.R. 4990, a bill to rescind certain budget authority for fiscal year 1992. On March 10, March 20, and April 8 the President submitted to Congress a total of 99 individual rescission messages proposing to reduce fiscal year 1992 budget authority by $5.662 billion.

On April 29 the Appropriations Committee reported a rescission bill taking into consideration the President's proposals as well as numerous proposals developed by Members of the House.

It has generally been the practice of the Appropriations Committee to address rescissions in its annual appropriations or supplemental appropriations bills rather than reporting single purpose rescission bills. In this case, however, the committee decided the current situation justified the reporting of a rescission bill.

H.R. 4990 would rescind $5.804 billion in 1992 budget authority, which is $142 million more than the President proposed. Of the $5.804 billion rescinded by H.R. 4990, $2.57 billion was proposed, in whole or in part, by the President. The bill rescinds $123 million in foreign affairs appropriations as well as $20 million from the legislative branch.

Mr. Speaker, House Resolution 447 is a carefully crafted rule that will speed consideration of this important rescission legislation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope my colleagues back in their offices, as well as the press, listen up. I have seen some blatantly partisan slam-dunk rules here in this Chamber over the last 14 years, but this one shatters the backboard. This is a disgrace. Not since 1981 has the majority stooped to such chicanery as is evidenced by this rule.

My colleagues will recall that in 1981, in the debate on the reconciliation bill, the Democrat leadership and their minions on the Committee on Rules wrote the minority substitute for the minority by picking and choosing from those various amendments the minority had actually requested. On that occasion this House had the good sense to defeat the previous question and adopt a fair rule. Forty good Democrats came over and voted against that unfairness, remember? Many of those Members are still here.

Today we have the exact same situation. The minority is not being allowed even one amendment which we requested, not one. As a matter of fact, not even one Democrat is being allowed any amendment that was requested.

□ 1130

Instead, the majority has written a substitute for someone who is not specified in the report to accompany this resolution that sets up some kind of king-of-the-hill procedure between the Appropriations Committee bill as one substitute and one substitute offering the President's rescissions. In other words, we cannot vote on both of them together, only separately.

I would repeat for the benefit of my colleagues back in their offices that nobody on our side of the aisle or from the bipartisan "pork busters" group, made up of Democrats and Republicans, even asked for such a substitute. Instead, the requests made in the Rules Committee were to add further rescission amendments to the committee bill, not to substitute anything for it.

My colleagues, if those amendments had been allowed to be offered, the House would have a change to vote for $12.2 billion in rescissions instead of being confronted with voting for either a $5.8 billion committee substitute or a $5.7 billion substitute offered by an anonymous Member.

In the Rules Committee, we offered amendments to this rule to implement the requests of our leadership and to implement the requests of the bipartisan pork busters group. Every one of those motions was defeated, Mr. Speaker, on a party line vote.

I really wish Members would listen carefully to this because it really is a disgrace. We offered an open rule to allow any and all germane amendments. That is the process called for under the Budget Act for Presidential rescission bills. The Democrats voted to disenfranchise every single Member of this House and the 250 million Americans they represent. The Democrats voted to disregard the Budget Act's amendment procedures and to totally disregard the rules of this House.

Second, we offered a motion to delete the provision in section 2 of this rule that removes the expedited consideration of each of the President's rescission bills. Preserving that right is important if we are to give conferees on this bill some kind of an incentive to reach an agreement on a bill that the President can sign. Once again, the Democrats voted to violate this important provision of the Congressional Budget and Impoundment Control Act. They voted to violate the law and to violate the rules of this House.

Third, we moved to make in order the bipartisan pork busters amendment to add both the $5.4 billion in Presidential rescissions and $1.3 billion in rescissions from the pork busters bill to the committee bill, for a total savings of $12.2 billion. The Democrats on the Rules Committee voted to deny the House a chance to more than double the savings and reduce the deficit by that amount.

Do Members know what happened? Six Democrats, only six Democrats, after having turned off the lights on C-SPAN, shutting them off the air and kicking out the broadcast news media, voted in the dark to gag the other 429 Members of this House, preventing them from voting on these key issues that mean so much to the American people. That is right. That is what six Democrats did to the other 429 of us, including 260 or so of the Speaker's Members.

Fourth, we moved to allow the offering of an amendment to add $1.5 billion from the pork busters bill to the committee bill. Now what is so unreasonable about that? But the same six Democrats in the same darkness blocked that amendment from reaching the floor for a vote. We are not going to vote on it today because we cannot.

Fifth, we moved to make in order the $5.4 billion from the President's rescission packages that were not included in the committee bill. What do Members think happened? I am ashamed to even stand up here and say this, but these same six Democrats in the same blackout blocked any consideration of that vote. So Members cannot even represent their people back home.

Sixth and seventh, we moved to make in order two amendments that I filed with the committee for the second time this year, amendments to give the President of the United States of America line item veto rescission authority either on a permanent basis or as a pilot program for the coming 1993 budget. Both of these amendments were shot down in flames as well. By whom? The same six Democrats who are afraid to let Members vote for the line-item veto on this floor because we all know what would happen. The American people want it, and this House would pass it, but six Democrats will not let it come to the floor.

Eighth, we moved to make in order amendments by Representative CARPER, a Democrat, and CHARLIE STENHOLM, a Democrat, to provide for expedited rescission procedures for the next 2 years, similar in concept to my line-item veto but watered down considerably. Still it is a strong step in the right direction. That Democrat amendment was rejected. By whom? The same six Democrats who are gagging the House.

Mr. Speaker, given this sequence of events, I know why the Rules Committee Democrats on Tuesday and again yesterday voted to deny my motions to televise our committee deliberations on this bill. They do not want the American people to see just how rotten things have gotten around here with this blatant demonstration of how the arrogance of power has corrupted this House.

The majority who runs this House still do not get it. They do not yet realize, despite all of the scandals that are taking place that have brought down contempt on this institution, just how bad things have become because of their 38-year control of this institution.

Mr. Speaker, anyone who pulls this kind of a stunt and votes for this rule does not deserve to be called a Democrat by a big D or a small d.

Mr. Speaker, I would ask my colleagues of both parties to step back for a minute, take a hard, objective look at this rule and do what is right. Do what is fair for the House and fair for the American people. Do what is right for the sake of fiscal sanity and responsibility around here. Let us at least give the House a chance to vote on these spending cuts, to vote individually on them, and to stand up and be counted.

Mr. Speaker, I urge Members to defeat the previous question so that we can make in order an amendment by the gentleman from Illinois [Mr. FAWELL], the cochairman of the "pork busters" task force, and the gentleman from Minnesota [Mr. PENNY], a Democrat, the cochairman of the same task force. Their amendment was properly filed with the Rules Committee and was requested in testimony before us yesterday. That amendment would eliminate this king-of-the-hill subterfuge nonsense in which the Democrats control all of the kings and their pawns, the American people. This rule is unconscionable. It is irresponsible on the part of this body.

And, Mr. Speaker, I want my colleagues to make no mistake about it. The previous question vote is a clear vote on whether Members want to at least give the House an opportunity to double the savings. Let me read this handout to Members. "Vote no on the previous question to allow an amendment to double the bill's savings and reduce the deficit." That is what Members are going to be voting on here in about 20 minutes. Put in those terms, my colleagues, as we face a $400 billion deficit, I think the choice is absolutely clear. We have got to vote down the previous question, and Members have to give this House a chance to work its will.

We are all good people. We have to stand up and be counted.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume so that I might address a question to the gentleman from New York. I do not know the answer because I was not a part of the meeting. But it was my understanding, at least it was told to me that the gentleman from New York [Mr. SOLOMON] as a part of the leadership meeting from his party and our party, was given the opportunity to have a motion to recommit with instructions, and he turned that down. I have heard that, and I was just wondering if that was correct.

Mr. SOLOMON. If the gentleman will yield, absolutely not. I am a part of the leadership committee, and nothing of what you have mentioned was offered to us.

Mr. DERRICK. In the negotiating sessions between both parties? I am glad for the answer and thank the gentleman for answering the question.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we have heard about the Magnificent Seven. Now we hear about the Marauding Six.

I am going to support the rule, and I am going to support the Democrat version of the cuts for the following reason, and I am going to talk about conscience: President Bush would cut Pentagon procurement $3.8 billion. President Bush would cut the Seawolf submarines $2.7 billion. He would also cut R&D $7.5 million, military construction $136 million.

□ 1140

President Bush would not stop there. He would cut domestic programs $721 million including $596 million for housing, $24 million for the National Park Service, $25 million from health services; he would cut NASA, he would cut EPA.

Ladies and gentlemen, the President of the United States is prepared to cut everything from toilet paper to submarines in America, but there is not one penny of cuts in foreign aid. There is not one dime in the President's cuts for international economic assistance or international military financing or international education and training. All of the cuts are for America.

Let me say this to the Members of Congress: If you do not stand here today with the Democrat version, then you should either retire or be defeated, because the country does not need those Members. Let me tell you, there is no wonder why there are fires in Los Angeles. Every city in America is going to be on fire, because people are getting tired of seeing the money go overseas and then cutting the opportunities for the American people and the American worker.

Let me say this: There can be no life, liberty, and pursuit of happiness without a damn job, and this is another example of it, folks. Whack out America, but do not touch those sacred cows overseas. I think that says it all.

I appreciate the time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the rule and the underlying appropriations rescission measure, H.R. 4990. This bill rescinds—cancels—over $5.8 billion in previously appropriated fiscal year 1992 spending. This is nearly $142 million more than recommended by the President. Of the amount rescinded by the bill, $4.95 billion is from military spending accounts, $123.8 million is from international affairs accounts, and $734 million is from domestic discretionary programs.

I commend the Appropriations Committee for their product, which is a solid step toward reducing the Federal budget deficit. Some of us would have preferred a larger rescission package and were prepared to offer amendments to H.R. 4990 to cancel additional fiscal year 1992 appropriations, but those amendments were not made in order. While I am disappointed that the Rules Committee would not grant an open rule allowing my amendments to be offered, we clearly are casting today one of the most important deficit reduction votes of the year.

The rule does allow a vote on the President's March 10, March 20, and April 8 rescission proposals. It is only fair that the President be allowed a floor vote on these measures.

For the last 2 fiscal years, Congressman HARRIS FAWELL and I have spent countless days pouring over appropriations bills, attempting to identify and then disclose wasteful spending projects. The product of that work has been 2 pork busters bills. This year's pork busters' effort, H.R. 4315, would rescind spending for 640 projects totaling over $1.5 billion. Many of those projects, colleagues, were in both President Bush's rescission messages and the reported committee bill currently before the House. And I certainly have every expectation that additional rescissions will be presented to the House in the coming weeks for floor votes. I have been assured by the leadership that on one of the next rescission bills we will have an opportunity to offer, as an amendment, our pork buster proposals. The President, for his part, has indicated he will continue to send rescissions to the Congress, and the Appropriations Committee, to their credit, will consider those and present their recommendations to the House. While some would prefer a different process, I favor any process that results in the elimination of unnecessary and wasteful Federal spending.

And let's not kid ourselves, our deficit problem is only getting worse. The 1992 deficit is estimated to exceed $416 billion; the national debt will top $4.080 trillion next year.

What does that kind of debt mean? A $4 trillion-plus debt means that every American owes some financier somewhere in the world $16,063, and just the interest on the 1992 deficit will add an additional $1,159 to the per-capita debt burden of every American. This level of debt means a smaller pool of potential wealth for future generations, and it means, simply, that our children and grandchildren will not enjoy the same standard of living we do today.

Fundamentally, the deficit is a moral question. It is my view that we should use the opportunity provided by H.R. 4990—and any other that may come along in the next few months—to reduce the Nation's dependence on borrowed money.

I again commend the Appropriations Committee for their good work and urge support for H.R. 4990.

Mr. SOLOMON. Mr. Speaker, we have just heard from one of the cochairs of the pork busters task force.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL], the other member of this committee who has done yeoman work on trying to get spending under control in this House.

Mr. FAWELL. Mr. Speaker, I am very much disappointed with this rule because, after months of bipartisan work by the pork busters group, every additional cut which the gentleman from Minnesota [Mr. PENNY] just referred to in that spending which the pork busters, in working with the administration, had tried to add to the appropriation rescission package was just summarily turned down by the Committee on Rules.

Our key amendment which we had worked on for so very long would add $6.6 billion for consideration on the floor of this House. Nobody can guarantee what the House might do, but we just asked for the consideration of the $6.6 billion in spending cuts to be added to the $5.8 billion in spending cuts by the Committee on Appropriations in what I felt was a good-faith effort by the Committee on Appropriations. That would be $12.4 billion in reduced low-priority spending.

Those additional cuts represent the balance of $5.3 billion in Presidential spending rescissions for March 10 and March 20 and April 9 that we presented to the Committee on Rules which were not included in the appropriation bill rescissions, and we included $1.3 billion in spending rescissions contained in the pork busters rescission bill of 1992—H.R. 4315. These additional spending cuts would have made the total spending rescissions to be considered today, as I have indicated, $12.4 billion in what is being presented to us in H.R. 4990, rather than the $5.8 billion of rescissions contained in that bill.

But the House is denied the right to even consider adding such spending cuts, and I do not understand that. We should be working toward bipartisanship, working together on this tremendously important question of debt and deficit.

The rule violates, too, the Budget Act of 1974 by killing the President's line-item-rescission right, and every Member's right in this body to rise and sponsor and cosponsor these rescission bills and to offer a privileged motion with only one-fifth of the Members voting for it. That is all killed and obliterated.

The President's part that he has to play, statutorily guaranteed to him, is just done away with. Once again, Congress says, "We do not have to abide by the laws we pass. We can just ignore them anytime that we want to."

Thus, you know, we are going to be voting today on whether or not we want $120,000 for studying the disposal of animal manure, $200,000 for Vidalia onion research. I could go on and on and on.

I support the Committee on Appropriations bill, as I said, as a first step toward cutting spending, but it seems to me the Committee on Rules does not want to support anything other than what the appropriators have passed upon.

And this is so important: This should not be an either/or choice between $7.9 billion in Presidential rescissions and $5.8 billion in Committee on Appropriations rescissions.

The pork busters did not ask for this kind of a choice. The membership of this House did not ask for this kind of a choice, nor did the administration ask for this choice.

□ 1150

The pork busters' view is that they do not in fact basically object to what the Appropriations Committee has suggested and given to them, nor do the taxpayers of this country ask for that kind of a "Sophie's choice". They do not want partisan wrangling. They want bipartisan agreement on cutting as much unnecessary spending as is possible, and that is precisely what we sought in in offering our bipartisan package of $12.4 billion in cuts to be considered.

No, only the leadership of the majority and its official arm, the Rules Committee, and not many of them were there to listen to our story which was blanked out from TV coverage, dictated this slick "Sophie's choice" of the twin rescissions of the President and of the House Appropriations Committee.

Take your pick, the majority's choice of $5.8 billion in rescissions, or slightly less than that were the President's March 10, March 20 and April 8 rescissions, and only those, because if you added more, the President's rescissions would have been greater than the Appropriations Committee rescissions, and heavens, we do not want that. You have to take one or the other; but of course, you cannot take both.

I mean, this is like a mother having to decide which twin she has to give up.

We ought to be working together. We ought to be complementing each other for this kind of rescission.

In addition, under this rule, with a king of the Hill arrangement, a Member can get credit for voting for both of these twin rescissions presented by the President and the Appropriations Committee, secure in the knowledge that the "Sophie's choice" provision combined with a "king of the Hill" provision will kill the President's spending cuts. The President does not have any chance whatsoever. I think that kind of Machiavellian talents which the Rules Committee is exhibiting is not wise.

Whatever the Rules Committee is, it certainly does not lack Machiavellian talents, when anyone outside the Appropriations Committee messes around with spending cuts. That is only for the Appropriations Committee.

Make no mistake about it. Anyone who votes for this rule is voting against the House having a chance—a chance to add $6.6 billion of spending cuts to what the Appropriations Committee has suggested. It is that simple. We do not even have a motion to recommit, for instance, where we could take these three amendments and we could have that as the question being submitted to the committee. We cannot even do that.

The tax groups in this country are looking at this vote on this rule. It is the only significant vote we have before us today in regard to these rescission packages.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I agree with the gentleman who spoke before me, in the sense that I think this is the most important vote we will take today. I am very pleased to support this rule, because I think it has been fashioned in a way that makes very clear the stark contrast in the way we go about handling rescissions.

There really is an untold story in this area. Many people focus all their attention in terms of cutting spending in the Federal sector on the discretionary appropriations, usually domestic appropriations, which are handled by the Appropriations Committee. I think we all know that to do this is to not look in the right places.

When I came to Congress 14 years ago, 28 percent of our budget was consumed with those annual discretionary appropriations. Today it is 14 percent.

Domestic appropriations have not been contributing to the problems of deficit spending and the additional burgeoning debt of this country. In fact, it is the only area of the budget that has been held in check. Part of the reason for that is that the response to the rescission package which you see here today is consistent with those that have been rendered to those submitted to us since the impoundment of President Nixon was countermanded by the enactment of the Budget Procedures Act back in 1974.

Since 1981, when President Reagan was elected, and we more clearly focused on this area of debate between the executive and the legislative branch, Congress has rescinded $54.7 billion, more than the amounts requested by Presidents Reagan and Bush.

This year we have in this first of probably three rescission packages exceeded the request of the administration by $142 million according to the GAO.

I say we will be back to this floor another time or two, because additional rescission messages have been or will be sent up.

The gentleman from Minnesota [Mr. PENNY] alluded to the fact that his group, the so-called pork busters group, will have a number of proposals made to the committee and we will consider them in the context of marking up the next and probably still the third round of budget reductions through the rescission process, and that is as it should be; but the Congress should set priorities in spending as long as it is responsible enough to deal with the general need that we can agree with the executive about, and that is to reduce spending wherever we can find waste, wherever we can find unworthy projects.

You know, the Congress has been typified as the big spenders, the root of all fiscal evil. The fact is very, very different. Since 1945, the end of the Second World War, during the entire cold war period, Congress actually appropriated $188 billion less than what was requested by the 10 Presidents who served during that period. We did not exceed the Executive's requests. We were short of them.

During the last 12 years, we come in below the requests of Presidents Reagan and Bush.

The Congress has done its job and it continues to do it here today. I hope we will adopt the rule and pass this rescission and prepare to study further to find additional savings that we will be required to make before the end of this session.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all due respect to the gentleman in the well who just spoke, and I have great respect for him, let me just read what a nonpartisan group thinks about what Congress has done with these rescissions. This is what the Citizens for a Sound Economy, a very respected think tank, says:

> Over the recent past, the record of Congress' fiscal responsibility has continued to sag. In the last five years Congress has approved only 0.01 percent of all rescissions submitted, which represents about a half inch gain on a hundred yard football field.

Now, you can say what you want, I can say what I want. This is a nonpartisan group speaking the truth.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I rise today in opposition to the rule.

The American people are sick and tired of politics as usual in Washington. At every town meeting I have held, and I have held a number of them lately, people ask me, "When will Congress get serious about cutting unnecessary Government spending?"

I ask you the same question. When will this body get serious about cutting unnecessary Government spending?

Congress has sown the seeds for economic disaster in this country by spending over $3 trillion it does not have. As a result, we are paying nearly $300 billion on interest on the debt alone, destroying American jobs and destroying American competitiveness.

Peter Grace, the very respected chairman of the Grace Commission and founder of Citizens Against Government Waste, predicts that by the year 2000, Federal interest payments alone will consume all Federal income tax revenues. In other words, our children and our grandchildren will be paying off tomorrow what Congress spends today.

So I ask you, when will Congress get serious about cutting unnecessary Government spending? How many more jobs must be lost before Congress passes a balanced budget amendment? How many dollars need to be squandered before Congress gives the President the line-item veto? How much longer must the American people wait before Congress gets serious about cutting Government waste?

As Senator RUDMAN said recently, "We don't have much time left."

The clock is ticking. It is time Congress cuts the pork. It is time Congress listens to the pork busters and at least considers the $12.2 billion in proposed rescissions.

Mr. Speaker, I urge the Members to vote for fiscal responsibility. Vote against this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, today I am going to quietly oppose this rule. I say quietly because I commend the Appropriations Committee for the job that they have done on this rule, but all of us know we have not gone far enough.

I, too, appeared before the Rules Committee and would have liked very much to have seen the modified rescission order process considered on the floor today. I am disappointed that it is not.

But, Mr. Speaker, I do believe that this House should and will consider in the regular legislative process this procedure.

Just as the gentleman from Minnesota [Mr. PENNY] spoke a moment ago, we all know that we are going to be back on this floor within a few weeks with some other additional very tough decisions.

☐ 1200

The pork busters have got a good idea. I commend the gentleman from Illinois [Mr. FAWELL] and the gentleman from Minnesota [Mr. PENNY] for the ideas and hard work they have put in to send a message to this body and through this body to the people that business as usual is not going to be tolerated.

You know, I get a little impatient sometimes with the criticisms that those of us who support the balanced-budget amendment are receiving from certain quarters, and I will quote the Washington Post that criticizes this as a gimmick. It is not a gimmick, it is not a gimmick. It is interesting that the same Washington Post, when we had the firewalls vote in here, which was a first step toward meaningful, tough decisions, they editorialized against that too.

You know, we have got some other tough decisions. I take this time on this rule, hopefully, to gain the support of a majority of my colleagues on both sides of the House when we consider committee funding; please do not bring a rule to this House that calls for an increase in funding for this branch of the Government because if you do, I will not quietly oppose it, and I believe the overwhelming majority of the Members of this body will not quietly oppose it. And when we begin to look at the budget conference that we are going into today, and the conferees were appointed, please let us understand, colleagues, that in this body this budget that we passed we call for a 5-percent cut from freeze in the legislative and executive branches of Government. The Senate called for a 25-percent cut. In the spirit of compromise, somewhere in between would be a good, solid, loud statement for this body to make to the American people that we are serious and that we are about to make some of those tough decisions.

So, today I quietly will vote against this rule, but I am saying this, I believe, on behalf of a large number of my colleagues on both sides of the aisle, that we understand business as usual is over. We have a $4 trillion debt, $400 billion this year, $352 billion next year. The balanced-budget amendment, constitutional amendment is a serious effort, and I hope that we will start today by passing this rescission and immediately set in stage those other necessary rescissions, including those day-to-day rescissions, like legislative funding, like the budget conference, and some of the other tough decisions that we are going to have to make to show that we truly are serious.

Mr. DERRICK. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from South Carolina [Mr. DERRICK] has 14½ minutes remaining, the gentleman from New York [Mr. SOLOMON] has 12 minutes remaining.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentleman for yielding.

Mr. Speaker, I regret that I am unable to vote for this rule today. And as Mr. STENHOLM, I will quietly oppose it.

I am pleased that we will have the opportunity to vote on the rescissions presented to us by the appropriations bill, rather the Appropriations Committee. I think for the most part they have done a very good job.

I am pleased we will have the opportunity to vote up or down on the rescissions proposed by the administration as well. I think that is how the process should work. I think when the President offers a rescission, a package of rescissions, we should have to vote on them.

In the last Congress, a number of us, Representative JOHNSON of South Dakota, Representative PATTERSON of South Carolina, the gentleman from Kansas, Mr. GLICKMAN, several of our Republican colleagues, Mr. ARMEY and Mrs. Martin, worked together to try to craft some change in the way that we approach the matter of rescissions. We had hoped to offer today an amendment that would incorporate somewhat, I think, our modest but, I think good, changes to the rescission process.

Here is basically how we think the process should work: We would like to take a 2-year test drive, something like enhanced or expedited rescission power, some call it statutory line item veto power. But it is just for 2 years. In the 103d Congress, 1993 and 1994, when the President signs an appropriation bill, he would send or could send a message to the Congress outlining the rescissions he would like to make, the cuts in that appropriation bill, to be introduced as legislation here, to affirm or approve those rescissions. We in the House of Representatives would have 10 days to vote on it, 10 days of continuous session to actually vote on that measure. We could vote it down, we could vote it down with a simple majority vote. But we would have to vote on it.

If you pass it and it goes to the Senate, then they would have, again, roughly 10 days to consider it. If they vote it down—they could vote it down, but they would have to consider it.

We tried to target in our proposal the major thrust of rescissions on unauthorized programs. To the extent that the President wants to rescind funding for programs that are not authorized, he would not be restricted. He could rescind up to 100 percent of funding for unauthorized programs.

To the extent that programs are fully authorized, the President could take the funding down to the freeze level that prevailed for the previous year. For newly authorized programs the President, under our proposal, could rescind up to 25 percent of the appropriated amount.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. CARPER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding.

Mr. Speaker, I simply want to commend the gentleman for the work that he is doing because I think it is efforts such as he is pioneering in regard to enhanced Presidential rescission power that will enable us all to get the job done, and we all so very much want to make some types of gains in regard to the tremendous debt and deficit.

So I simply want to commend the gentleman for his ideas and the concepts that he is espousing.

Mr. CARPER. I thank the gentleman. I regret we were unable to vote on the amendment Mr. PENNY was prepared to offer today. But it is my hope and expectation that we will have a chance to revisit that when we do address the issue of rescissions down the line.

Let me just close by saying one of my complaints or discomforts with today's vote is we are lumping together Seawolf submarines with section 8 housing. I would much prefer for us to be able to go appropriation bill by appropriation bill, and that would be part of our proposed changes.

My hope is that the next rescission that does come to the floor, that we will have the opportunity to consider as well the sorts of reforms we are working on on both sides of the aisle.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume before I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER]. Let me point out to the gentleman for whom I have great respect, the gentleman from Delaware, that if we defeat the previous question we will have the opportunity to vote individually on each one of these appropriation matters. That is the way the House ought to work.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I certainly rise in support of the idea of defeating the previous question. Also, if that is not done and the rule is not amended, we should defeat the rule, because, Mr. Speaker, to paraphrase the poet, "Oh, what tangled web we weave when our objective is to deceive." That is what this rule is really all about.

This rule is about deceiving the American public into believing that we are doing something serious about cutting spending. That is why the Committee on Rules could not debate this issue in front of the TV cameras. The deception would have become all too apparent to the American people if they had actually had to go before the TV cameras and show the American people exactly what was going on and tell the American people what was exactly going on.

Now, the fact is that at least there are some Democrats who are willing to quietly recognize that the deception is contained in this rule. They know that the rule is designed to deceive the public. They know that the rule is designed to evade the law. They know that there is no credible defense for what this rule proposes to do.

I only wish that, instead of being quiet about it, they would shout from the rooftops about it because the fact is that we are going to need a coalition of people who are willing to stand up and be counted if we are going to get the budget deficits under control.

The Committee on Rules is not going to cooperate with anything that really cuts spending. They are showing us this time after time. The Rules Committee is in the control of the leadership of this House, and they are going to try to continue to spend every dime they can get their hands on. And when they cannot get their hands on any more money, they are willing to spend deficit money and they are willing to spend $400 billion in deficits, they are willing to add to the $3 trillion debt. They are willing to have it go to a $4 trillion debt. And they are showing us that they are willing to do that in this rule today.

We ought to be mad, we ought to be shouting from the rooftops. We ought to be saying that this rule is unacceptable. We ought to be saying this rule should be turned down flatly. We ought to get on with the business of really cutting spending. Cut the spending the Appropriations Committee wants to cut, and then add the President's cuts to it.

The fact is what this rule does is denies us the opportunity to do that. We ought to get serious about cutting spending. We ought not go through these games of deception. I am sick and tired of rules coming to this floor that are simply designed to evade the rules, evade the law and to ultimately keep the American people from seeing real spending cuts.

Let us get mad, let us vote down this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule. And I want to thank the Committee on Appropriations for their hard work on these rescissions whereby the House is going to be voting on $142 million more rescissions than what President Bush submitted. So the Congress has different priorities clearly than what President Bush submitted, but that is part of the give and take of our democratic process.

I think we can hold our heads high. In fact, in cutting the budget $142 million more than was requested by President Bush and in fact I think over a period of time since 1974 Congress has rescinded around $2 billion more than has been requested by Presidents over that period of time. So I think those are the figures. But I do want to go on, if I may finish my statement and if I have time remaining, I will certainly yield to the gentleman.

But I think what we are in need of, however, is modifications in institutional mechanisms for dealing with rescissions. That is one of my key concerns and why I come to the floor today.

I have joined with the gentleman from Delaware [Mr. CARPER], the gentlewoman from South Carolina [Mrs. PATTERSON] and others in promoting an enhanced line item rescission idea.

□ 1210

Mr. Speaker, I oppose a line item veto. A two-thirds majority to override would simply grant enormous priority-making power to the executive branch, would allow the executive to virtually extort votes from Members of the House. But, on the other hand, I think that there is unjustified spending that goes on in the House, and we need a mechanism that allows more accountability, that automatically requires a vote from Members of Congress, and that is what our rescission legislation would do. It does not shift the balance of power between legislative and executive, does not change the balance that the founders of this Republic envisioned, but yet, at the same time, would require every Member of Congress to go home and say, "Yes, I voted for this," or, "I voted against this." They cannot go home with the excuse, "Well, this legislation, this spending, was in a larger bill that had to pass."

Mr. Speaker, this would require more accountability, and I think that that is a fair and reasonable reform. I think it is something to get at individual spending items.

Mr. SOLOMON. Mr. Speaker, in yielding 1 minute to the gentleman from California [Mr. PACKARD], I will say to the gentleman from South Dakota [Mr. JOHNSON] that we offered his and the gentleman from Delaware's [Mr. CARPER] amendment in the Rules Committee. It lost by a party line vote of 6 to 4. I wish it could have been on the floor, it was a step in the right direction.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise to express my strong opposition to the rule and to urge my colleagues to vote against it.

I support the proposed cuts in the Appropriations Committee's bill, H.R. 4990. This bill singles out prime cuts of pork. My colleagues who are members of the bipartisan coalition "congressional pork busters," announced their support of this bill. The administration also indicated support for this bill.

As you know, the rule governs the way this House considers legislation. It was our intent to cut pork from the Federal budget. I believe this is not only an admirable intention, it is a necessary one: We face a $400 billion dollar deficit this year. However, this rule skewers this admirable intention and stifles free and open debate in this House. The Rules Committee has denied us any amendments.

Instead, this rule forces us to consider the President's $5.4 billion rescission package as a substitute. By making these rescissions a substitute to the bill, the rule ensures defeat of the amendment and defeat of the additional savings in the budget. It also denies the porkbusters the opportunity to bring their $1.3 billion in savings before the House for a vote.

The rule denies our intention to add our cuts to those cuts in H.R. 4990. And who ultimately loses when we are denied the chance to cut pork from the budget? The American people.

I urge my colleagues to vote no on the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I appreciate the gentleman from South Carolina [Mr. DERRICK] yielding this time to me.

I would like to thank the leadership for allowing us the vote on rescission today. I think it is an important vote. But I regret that our amendment for the enhanced rescission of line item veto authority was not given, and, for that reason, I will vote against the rule.

Let me just say to the Members of Congress and to those people who might be listening today; Since coming to Congress I have done all that I can to deal with the deficit. I have taken some tough votes to restrain spending to deal with that deficit. I've also had a bill introduced into each Congress since I've been here to reform the process. One of the sections of that bill calls for the enhanced line item veto rescission. I think it's something we must do, and do quickly, or this deficit is going to continue to grow. I won't have the opportunity today because my amendment, and the amendment of the gentleman from Delaware [Mr. CARPER], the gentleman from South Dakota [Mr. JOHNSON], the gentleman from Texas [Mr. STENHOLM], is not a part of this rule. But believe me. I will be back on this floor with that bill every opportunity I get because I think it's an important process that we must deal with as we deal with budget reform.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the renowned pork buster, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

I ask my colleagues, "Do you ever wonder why the American people think we're unethical and slick politicians around here?" Well, today we have a perfect example. The President sent us a list of $5.7 billion in pork barrel spending cuts and asked us to vote on them. The people on the Committee on Appropriations did not want these cuts, so they cane up with cuts of their own. Well, that is OK. The more, the better, because spending is out of control.

However, Mr. Speaker, they will not allow the President's cuts to have a chance. Now how do they do this? They use a ruse procedure called king of the Hill, which means simply that the big spenders can vote. They can vote in favor of the President's cuts so they look good back home. But then, right after that, they vote on another spending cut bill or amendment which rescinds the previous vote. They know full well when they vote for the $5.7 billion in spending cuts that the President proposes that it will be overridden by their next vote. So, they can vote for both of them, and go home and say, "I voted for all this pork busting," when in fact they know darn well they did not vote for the $5.7 billion the President just sent up here.

Is it any wonder the American people do not trust us because we use procedures like this, because we use ruses like this? We have a $400 billion deficit staring us in the face this year, a $4 trillion national debt, $350 billion in interest, and we continue to do this kind of gamesmanship up here.

This has got to end. We have to set priorities on spending. If we do not, our kids are going to have a terrible future, and it is going to be our fault.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK] for yielding this time to me.

Mr. Speaker, I rise, obviously, in support of the rule. The rule provides a procedure whereby we can in fact respond to the suggestions of the President as the legislative process was meant to work, and that is to say that we consider his proposals. In fact, in this instance we adopt a large number of his proposals. The legislature, through the Committee on Appropriations, then added to that and, in fact, exceeded the President's request. The gentleman from California [Mr. FAZIO], one of the chairmen of the Subcommittees on Appropriations, has put together from the GAO report an excellent analysis of our response to requests for rescissions where in fact over the years, since 1974, the Congress of the United States, acting responsibly and in its effort to keep contained Government spending, has rescinded more collectively than the Presidents have asked and in fact, of course, has rescinded more than President Bush and President Reagan have asked for.

The gentleman from Pennsylvania talked about the light of day. My colleagues know full well that this is nibbling at the margins at best, at very best. What is the problem as it relates to deficits annually and the national debt? The problem is that the President has not led. The President has submitted fiscal programs to this Congress, and we put them on the floor, my colleagues, in 1985, 1986, 1987, 1988 and this year. And on the President's side of the aisle, he got, in 1985, one vote for his plan for overall spending in America, fiscal priorities. We did not do it in 1986. In 1987 he got 12 votes from his side of the aisle; in 1988, 27; and this year, approximately one-fourth of the Members of his party.

This is nibbling at the margins. The fact of the matter is the President is elected to lead this country and has not placed before the Congress of the United States a viable budgetary program, fiscal policies that his own party would support.

Now those are the figures. The gentleman from New York [Mr. SOLOMON] can rise and be outraged, but he cannot deny the numbers of his own party who supported the President's fiscal program.

Now I happen to believe that the gentleman from Delaware [Mr. CARPER], the gentleman from Texas [Mr. STENHOLM], the gentleman from South Carolina [Mr. DERRICK], and others are making positive contributions, and we are going to address those, and we ought to address those because this national debt and annual operating deficit will destroy our country and economy if we do not. But it is not on this bill or on these marginal, minuscule proposals that have been postured on as being meaningful.

☐ 1220

The fiscal program and the lack of leadership has been why we are where we are today, and the numbers clearly reflect that every time the President's budget has been on this floor for support or lack of support by his own party.

In fact, of course, President Bush's first budget, the ranking member of the Committee on the Budget, after having said he was going to offer it, refused to offer it.

Mr. SOLOMON. Mr. Speaker, in all my years on this floor, I have never heard a more inaccurate statement.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding to me.

I simply wanted to point out an error in two of the speeches that were made on the other side of the aisle; inadvertently, I am sure.

They said that the Presidential rescissions were less than the rescissions of the appropriating committee. That is just not true.

The President has submitted $7.9 billion worth of rescissions, but what the Committee on Rules does is to chop off the $2.2 billion of rescissions of April 9. They took the April 8 one, put a magic line, because, of course, they did not want anyone to say that the President is rescinding more than the Committee on Appropriations.

I just wanted to make that very, very clear.

I also want to make it clear that in regard to the initiating rescissions by the Congress, that since 1974, the President has requested $63 billion worth of rescissions. Congress has responded with $19 billion. An awful lot of what they responded with was rescissions of spending that would not take place anyway. They continued to protect their pork, you see.

Mr. COX of California. Mr. Speaker, reclaiming my time, responding briefly to the remarks of my colleague from California, who has made the case that Congress has year after year behaved responsibly, we are going to have a $400 billion deficit this year. That is not responsible. Ignorance is not truth; war is not peace, and Congress has not been behaving responsibly.

I urge a "no" vote on this coverup rule. I urge it, among other things, in my capacity as cochairman of the congressional Grace caucus. I have just received a letter from the president of the Council for Citizens Against Government Waste, and they are going to make this vote on the coverup rule a key vote in their ratings.

I call this the coverup rule because its purpose is to prevent separate votes on the individual rescission proposals made by the President, despite the clear requirement of the law. This rule is going to lump all of the President's proposed cuts together, subtract some, put in others the Congress wants and generally obfuscate.

In other words, the purpose of the coverup rule is to permit Congress to perpetuate its gross, flaccid, and wasteful deficit spending. It is to permit Congress to protect the privileges and prerogatives of the ruling class that has spent so much of our tax money in secret and without votes, and it is going to allow the Congress to hide the dirty secrets of this fraternity of ill-repute, this animal house of runaway overdrawn checkbooks.

It is going to permit the Washington, DC, bureaucracy and, yes, this Congress to continue to grow fat while American's savings, investment in jobs continue to grow lean.

I said the law requires separate votes. The law we are talking about is title II of the United States Code, section 688. The rule permits one-fifth of the Members to demand individual votes. Section 2 of this rule purports to waive the law. That law governs the rights not only of this Congress but of the President.

It will not work. It is illegal. Congress is breaking the law. Let us not take this institution further into disrepute.

Mr. HEFNER. Mr. Speaker, I ask that the words of the gentleman be taken down earlier. Could we review the gentleman's words earlier.

He seemed to cast some disparity among this House that is absolutely out of context and out of order. Would the gentleman's words be taken down? I would like to review the words. I did not hear them all.

Mr. SOLOMON. Mr. Speaker, I demand regular order. I think this is in line, Mr. Speaker.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair rules that the demand is too late and the gentleman's time has expired.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in very strong opposition because the rule turns this debate from how much and where to cut to who is going to get the credit. And it misses the opportunity for us to save $7 billion of identified waste.

Mr. Speaker, when I heard reports yesterday that the Rules Committee majority prohibited C-SPAN cameras from showing the American people the committee's deliberations, I was puzzled as to why, without warning, the Rules Committee was changing the rules. After seeing what the Rules Committee reported on this bill yesterday, I now know why they were so eager to keep the American people from seeing their work.

If you were still unsure about why the American people have so little faith in this House and believe that Congress is more interested in political gamesmanship than in economic common sense, just look at this rule. It's textbook congressional maneuvering, heavy-handed and bitingly partisan, and the American people will again be the losers.

The Rules Committee was presented with four amendments by the bipartisan pork busters group of which I am a member. Three of the amendments proposed additional rescissions—spending cuts over and above what the Appropriations Committee suggested, and the fourth enhanced the rescission process to pave the way for additional spending cuts. Please don't misunderstand—I do commend the Appropriations Committee on its rescission package, but I have to ask "Why stop there?" The cuts proposed by the President and the pork busters group were serious attempts to further reduce unnecessary Federal spending. However, the rules makes none of these amendments in order.

If these amendments had been allowed, Congress could be voting today on a total rescission package of over $12 billion—not enough to drastically reduce the budget deficit, but certainly a bigger step in that direction than the program we actually have on the floor. Only those rescissions offered by the Appropriations Committee are permitted under today's rule, with the President's rescissions relegated to substitute status. Mr. Chairman, cutting spending shouldn't be an either/or proposition. If the projects aren't necessary, they should be cut. Only in Washington does it seem to matter whether cutting vidalian onion storage or prickly pear research is the President's idea or one that originated with the Congress.

It appears that the majority has been successful in turning this debate away from how much and where to cut to who will get credit for the cuts. It doesn't matter to the American people where the cuts originate. They see a $400 billion deficit and rightfully demand action. What they are getting instead is more political bologna and yet another example of a Congress more interested in image than substance.

I strongly urge my colleagues to vote down this rule.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding time to me.

I simply wanted to respond to some of the responses that we heard from the other side. We have had waved around reports of various so-called bipartisan organizations that portend more information than the General Accounting Office has.

The GAO says that since 1974, when this particular Budget Act was enacted into law, we have evidence that shows that Congress has rescinded $63 billion, which is $1.6 billion more than the various Presidents have proposed. There is no question about that. It is on the record.

We do not include those that have been submitted this year, which are being acted on as we speak and will be acted on during the next few weeks.

After all, the President has sent several messages to Congress, and we will have to deal with all of them in time. This is only the first of several.

It is fair to say that in this bill we have actually $142 million more than the President has proposed in his March 10, 20, and April 8 rescission messages. So we are doing the job we have been asked to do, despite all the attempts to obfuscate.

There is no questions about it, and the GAO has confirmed it, not some organization that has no basis in fact, that has a partisan agenda to implement.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I know that the gentleman is a man of good will, and the only point I wanted to bring out, and I think I heard the gentleman correctly, is that no one disputes the fact that Congress goes ahead and initiates a lot of rescissions on their own. Many times it is part of the appropriations process.

Mr. FAZIO. Mr. Speaker, it is hardly noticed. It is hardly debated on this floor.

Mr. FAWELL. Mr. Speaker, if the gentleman will continue to yield, what we are pointing out here is that when the President tries to play his part, most, a high, high percentage of what he requests, is simply killed, ignored. And the Congress goes ahead and makes what rescissions they want to make.

Mr. FAZIO. Mr. Speaker, we have not ignored it. We have not always agreed to it. That is the traditional tension between both branches of Government. We set spending priorities and they rarely deviate in any fundamental way from the executive branch, only in the detail.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to attest and put my name with the comments of the gentleman from California [Mr. COX]. He said it exactly like it is.

This rule is an attempt to deceive the American people.

My friend, the gentleman from California [Mr. FAZIO] said that we would like to look at unworthy spending projects, and we agreed. But if we block the good and the bad in one, it is an attempt to hide and deceive.

Democrats will go home and say, "I tried to cut spending," when they know it is total deception.

We spent 8 hours the other day looking at whether we are going to separate our bank accounts and make them visible. We can spend 8 hours on individual cutting.

My friend, the gentleman from Ohio [Mr. TRAFICANT] talked about how we blocked foreign aid, and there is no cuts in foreign aid. That is wrong also, because we blocked those countries of giving aid, that does the United States benefit, and lump them in with the ones that are bad and that are political votes. That is also wrong, just like this rule.

We need to support and vote for individual items. Do not deceive the American public.

□ 1230

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. ALLEN], someone we are going to miss very much.

Mr. ALLEN. Mr. Speaker, I rise in opposition to this rule, and if the gentleman from Maryland [Mr. HOYER] is sincere in realizing we need reform, this whole debate here on this rule is an example of why we need a constitutional amendment to require a balanced budget and to clearly give to the President the power that 43 Governors have, which is the line-item veto.

I have introduced a measure, House Resolution 447, which would clearly do that. I would ask the gentleman from Maryland to sign on as a cosponsor.

The vote on this rule is clearly a vote to waste an additional $5 billion on projects such as disposal of animal manure studies. I like Vidalia onions, but the producers of those can pay for the study of storage. We do not need research on prickly pear cactus. We do not need to spend $1½ million for a theater in New York City. These and many projects which were part of the President's rescission proposal are not in the committee bill. We are avoiding a straight up or down vote.

I would hope we would oppose this House rule, require a balanced budget and a line-item veto, so we will avoid these sorts of charades being perpetrated on the American taxpayers in the future.

Mr. SOLOMON. Mr. Speaker, if the gentleman from South Carolina [Mr. DERRICK] only has one closing speaker, then I yield the balance of the time to the gentleman from California [Mr. DREIER], a distinguished member of the Committee on Rules, to close out our side.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from California is recognized for up 2 minutes.

Mr. DREIER of California. Mr. Speaker, as I listened to the remarks of the distinguished chairman of the Democratic caucus, the gentleman from Maryland [Mr. HOYER], he referred to the fact that this was nickeling at the margin, and I could not help but bring to mind that famous old line from the Senator from Illinois, Everett Dirksen, who said, "$1 billion here, $1 billion there, and before long you are talking about real money." So I think we should take the bold step that is necessary here.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I thank the gentleman for yielding.

I am thoroughly confused, as I am sure the American people are, Mr. Speaker. A question: Is it not true that for the past 38 years under the Democrat-controlled Congress that we had mandated spending programs which give the President no alternative but to ask for that money?

How do we propose to go about ever balancing the budget when the people that are screaming the loudest for the balancing of the budget, they want to balance the budget, from the President, but they never vote for budget decreases. They vote for more mandated spending, and then they criticize the President for not coming up with a balanced budget.

Mr. DREIER of California. Mr. Speaker, reclaiming my time, the gentleman makes a very good point. What we have done is, we have seen these kinds of programs imposed on the executive branch and then we criticize them for spending.

Let me say that we have another organization which is clearly bipartisan, not partisan, the National Taxpayers Union, which has criticized as many Members on this side of the aisle as they have on the other side of the aisle. This vote is going to be a test vote by the National Taxpayers Union.

Mr. Speaker, it is apparent that this is in fact a gag rule. It is a closed rule which is preventing us from having the opportunity to bring about the kinds of cuts which the President wants. If we had had C-SPAN upstairs in the Committee on Rues, the American people could see clearly what the majority is trying to do to us here. Tragically, they were shut out.

Mr. Speaker, I urge a no vote on the previous question so we can allow an amendment to double the bill's savings and reduce the deficit.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I just want to make the point that the answer to the gentleman's question of what the President has to send down is no, the President is not mandated. The President can send down any budget proposal he determines to be appropriate, and notwithstanding the fact that for the last 12 years the Presidents have said they are for a balanced budget, they have not sent one.

Mr. DERRICK. Mr. Speaker, I am sure those on the floor, and certainly those watching this out in TV land must be thoroughly disgusted.

The rule that we have before us allows us to consider legislation that will save the American taxpayers almost $6 billion.

There are obviously different ways to go about saving this money.

In fairness, the Committee on Rules has made the President's rescission proposal in order so everyone will have an opportunity to decide, whether Republican or Democrat, how we want to save this money. But the thing that must remain uppermost in our minds is that we are going to save almost $6 billion of the American taxpayers' money. That is a tremendous achievement.

We can debate whether it was President Reagan's fault, President Bush's fault, or who else's fault it might have been. The fact of the matter is that we have a deficit in this country that is entirely too large. Although the President chose to blame the situation in Los Angeles on the policies of the Democratic administrations of the 1960's, I want to tell our brothers and sisters across the Hall that we are not going to blame the current recession on Herbert Hoover.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong opposition to the weakening rule under which the House must consider important and needed cuts in Federal spending.

I represent taxpayers who do not want to spend their hard-earned money on manure disposal in Michigan or onion storage in Georgia. My constituents do not want to buy local parking garages in Kentucky or arts and crafts centers in Florida.

I believe, and my constituents believe, that their Federal taxes should be spent on projects that are good for all Americans. My constituents' taxes should not be spent for other people's pet projects.

This rule is designed to weaken our efforts to curb the deficit. This rule will protect over $6.6 billion in pet work projects, including the ones I mentioned, from being added to the committee bill.

Clearly and simply, a vote for this rule is a vote for pork barrel spending at its worst.

I urge my colleagues to oppose this weakening rule and join me in fighting for stronger deficit reduction.

Mr. MCEWEN. Mr. Speaker, the liberal Democrat majority in this House has hit rock bottom, and the American people need to know just how sad things have gotten here in Congress after nearly five decades of one-party domination.

Yes, in order to save programs of vital national interest such as: A $120,000 study of the disposal of animal manure; $200,000 for Vidalia onion storage; $100,000 for mesquite and prickly pear research; $2.5 million to expand an arts center in Florida; $1 million to build a parking garage in Kentucky; the Democrat House leadership is willing to violate the 1974 Budget and Impoundment Act, and flagrantly abuse the rights of every House Member.

This rule is just another example of the disgraceful procedural gymnastics that the liberal Democrat leadership must undertake in order to achieve their intended results. The liberal Democrat leadership, founded on big government, high taxes, pork-barrel special projects, and the economic stagnation that they cause, wastes the taxpayer's money while passing the blame to everyone else.

Facing a budget deficit of nearly $400 billion, the President exercised his rights under the 1974 Budget Act and asked Congress to approve $5.7 billion in rescissions. In other words, he requested that $5.7 billion be trimmed from the Federal deficit.

Section 1017 of the 1974 Budget Act, the law of the land, a law this House should live by, permits the President's rescission requests to be brought to the House floor under special procedures. This rule, in the sad tradition of the liberal Democrat leadership, waives that law. Once again, Congress exempts itself from the little fiscal discipline that Federal budget laws embody.

In the spirit of fiscal responsibility that was initiated by the President's rescission requests, the Appropriations Committee came up with a list of cuts of their own. As is their heritage, they found even more money to cut than the President. They have a bill that cuts $5.8 billion—and I applaud that effort.

With a $400 billion deficit, that's $5.8 billion less that our children will be responsible for.

This should have been a great day for the House. If the House operated in a way that even approximated a fair democratic body, we would vote, up or down, on the appropriator's cuts. We would vote, up or down, to add the cuts that the President requested, but with which the appropriators did not agree. In the spirit of fiscal responsibility, we should even vote, up or down, on the additional cuts that the pork buster coalition has identified and requested.

But, of course, if we voted on each of those cuts, we might save more money than the liberal leadership would like. Therefore, using their absolute control over the Rules Committee, they crafted a rule to minimize the budget cuts.

They put together a rule that protects as many of these wasteful projects as possible, but will let the Democrat leadership come to the floor and talk about how much they support fiscal responsibility. Their rule says we can make the President's cuts, or the committee's cuts, but never both. And by the way, don't even think about the pork busters cuts.

Those leadership words about fiscal responsibility, about cutting more than the President, ring hollow in the face of reality.

Today's charade is a classic example of why this House, run by the Democrats for five decades, does not work. This rule, like nearly every rule that comes out of the Rules Committee these days, is crafted to maximize political benefits for the Democrat leadership, and minimize benefits for our Nation.

The liberal leadership has their majority lined up to protect onion and manure research. They have some cuts to offer, because the President pushed them into a corner, and forced them to offer some cuts—but nothing more than the minimum.

Defeating this rule is the only vote that matters today. Defeating the rule will permit the House to vote on more program cuts. Some additional cuts may pass, some may fail, but for once this House would do its job, rather than pass on its responsibility.

Mr. Speaker, I only hope that the press and the American people see this exercise for what it really is, another effort by the liberal House leadership to avoid fiscal responsibility, save special pork projects, abuse House rules, and the law of the land, to confuse the issues enough to avoid responsibility for their actions. Vote "no" on this rule.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 160, not voting 17, as follows:

[Roll No. 110]

YEAS—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—160

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

AuCoin
Boxer
Brooks
Byron
Campbell (CA)
Dannemeyer
Flake
Kolter
Lehman (FL)
Levine (CA)
Moakley
Pastor
Staggers
Valentine
Waters
Weber
Yatron

□ 1258

Mr. EWING changed his vote from "yea" to "nay".

Mr. HUTTO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, is it true that if this rule, this upcoming vote, is defeated, that we are done with our work for the day and the week?

POINT OF ORDER

Mr. DERRICK. Mr. Speaker, I make a point of order that that is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair is not now aware of the further schedule of the House for the day.

Mr. SOLOMON. Mr. Speaker, I could not hear what the Chair said.

The SPEAKER pro tempore. The Chair is not aware of the further schedule of the House for the day after this vote.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A record vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 178, not voting 16, as follows:

[Roll No. 111]

AYES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
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Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
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Nowak
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Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
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Pelosi
Penny
Perkins
Peterson (FL)
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Pickle
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Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOES—178

Allard
Allen
Armey
Atkins
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
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Gingrich
Goodling
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Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
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Hansen
Harris
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Hefley
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Hubbard
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Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Jontz
Kasich
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Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
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McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
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Morella
Morrison
Myers
Nichols
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Olin
Orton
Oxley
Packard
Patterson
Paxon
Payne (VA)
Petri
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Archer
AuCoin
Boxer
Byron
Campbell (CA)
Dannemeyer
Flake
Kolter
Lehman (FL)
Levine (CA)
Moakley
Pastor
Valentine
Waters
Weber
Yatron

☐ 1319

Mr. JACOBS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 452 PROVIDING FOR CONSIDERATION OF H.R. 4111, SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-515) on the resolution (H. Res. 452) providing for the consideration of H.R. 4111 to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes which was referred to the House Calendar and ordered to be printed.

A COMPREHENSIVE TELECOMMUNICATIONS ANTITRUST POLICY

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, today I am introducing the Antitrust Reform Act of 1992, a bill that will establish in law a sound and broad-based competition policy that will guide the country's telecommunications industry into the 21st century.

Unfortunately, in this most important of industries, we are witnessing the piecemeal unraveling of the 1982 AT&T consent decree, also known as the modification of final judgment, or MFJ. That decree was the culmination of 8 years of antitrust litigation by the Department of Justice against AT&T's telecommunications monopoly. Under the terms of the MFJ, AT&T agreed to divest its competitive local monopoly phone service, while retaining its long distance and manufacturing operations. The local divested Bell companies reorganized into seven regional Bell operating companies [RBOCs]. In addition, under the terms of the MFJ, the monopoly RBOC companies were prohibited from entering competitive lines of business—information services, telecommunications equipment manufacturing and long distance services. This restriction was intended to assure that the RBOCs did not unfairly exploit their monopoly position in local telephone service. The MFJ prohibitions were intended to continue until there was no substantial possibility the RBOC could use its monopoly power to impede competition in a given line of business.

Recently, the comprehensive competitive framework of the MFJ has come under assault. The U.S. Court of Appeals rejected, on procedural grounds, application of the decree's competitive entry test to the information services restriction and instructed U.S. District Court Judge Greene to apply an entry test that, in Judge Greene's view, all but mandated that he remove that restriction. His decision removing the restriction is now on appeal. Meanwhile, the Senate has passed legislation which would remove the decree's manufacturing restriction. These activities are occurring against a backdrop of lax agency oversight and deregulation.

The legislation I am introducing is based on the competitive principles of the MFJ and takes a properly balanced approach in dealing with the Nation's crucial telecommunications industry. The bill recognizes the capabilities of the RBOCs to make significant and innovative contributions to our Nation's technological development by permitting them to seek orderly entry into competitive lines of business on a phased basis over the next several years. RBOCs would be granted the flexibility to seek entry with regard to a particular product or geographic market within a competitive line of business, or with regard to a line of business in its entirety. Because of concerns expressed that the MFJ prevents RBOCs from participating in the research and development sphere or from adequately providing products and services to the disabled where no one else is able to, the bill authorizes the RBOCs to seek entry with regard to these activities immediately upon the bill's enactment.

My bill will ensure that the robust competition that has developed in the telecommunications industry under the MFJ is protected against monopoly abuse. The bill requires that prior to entry into a competitive line of business, the RBOC must establish that there is no substantial possibility that it could use its monopoly power to impede competition in the market for which entry is sought. This competitive entry test is based on the entry test that lies at the heart of the MFJ. The bill would apply this test comprehensively to all new market entries. However, in order to avoid disruption of previously sanctioned RBOC activities, the bill includes a savings clause for waivers previously issued under the MFJ's own competitive entry test, as well as for the activities of the RBOC's research consortium, Bellcore.

Once an RBOC has been allowed into a line of business, the antitrust laws would, of course, continue to apply. There would also be specific antitrust safeguards, based on the principles and administration of the MFJ, against anticompetitive discrimination and cross-subsidization, and against the RBOC's recombining. The bill also requires the RBOC's to advise their officers and management personnel of their obligations under the act—and requires the RBOC CEO—or other responsible officer—to annually certify compliance to the Attorney General. The bill's protections would be enforced by the full array of traditional antitrust remedies, including criminal penalties, civil enforcement by the Department of Justice and private rights of action for treble damages or injunctive relief.

This bill is being introduced following extensive hearings conducted by the Judiciary Committee's Subcommittee on Economic and Commercial Law during the 102d Congress. The subcommittee has received testimony from a wide range of interested parties, including the RBOC's, information service providers, equipment manufacturers, long distance companies, labor and consumer groups, and Federal and State regulators and law enforcement officials.

I urge all of my colleagues to work for swift passage of this important and timely legislation.

VACATING 5-MINUTE SPECIAL ORDER AND SUBSTITUTING 15-MINUTE SPECIAL ORDER ON MAY 12, 1992

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order on Tuesday, May 12, 1992, and in lieu thereof ask permission to address the House for 15 minutes during special orders at the appropriate time on May 12.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, I regret that I was unavoidably detained this morning and was not present for rollcall votes 108 on the approval of the Journal, and 109 to table the motion to appeal the Speaker's ruling. Had I been present, I would have voted "yes" on both votes.

RESCINDING CERTAIN BUDGET AUTHORITY

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 447 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4990.

□ 1320

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the House faces an unusual situation today—one which concerns us all as it does the people of the Nation.

What we bring you today is from our Committee on Appropriations which I have the honor to head. In the preparation of this bill and the report, of course, we have had the benefit of the counsel of all the members of the committee and the very fine staff of our committee. I present it on behalf of the committee today after discussions by our committee with leaders of various agencies of the executive branch and based on our experience of years of service on the Committee on Appropriations.

Mr. Chairman, it is through our appropriations bills that we make the public investments in roads, bridges, harbors, airports, science, education, research and development, law enforcement, housing, environmental protection, and many other important areas that will keep our country growing and prospering into the 21st century.

Last year the committee in 13 separate appropriations bills appropriated $728,655,000,000 in over 1,200 appropriations accounts to fund the agencies which carry out programs vital to the nation in every area of the country. In preparing for those bills, the committee took testimony from over 5,200 witnesses in 271 hearing days of testimony.

Each one of those bills was presented to the full committee by the appropriate subcommittee. The committee took action on the subcommittee recommendations and reported those bills to the House.

Those bills were then considered in the House. Amendments were offered, some were adopted, some were defeated. Each bill passed the House and went to the Senate. The Senate passed 12 of those bills, and we brought back conference reports on those 12 bills, and those conference reports were debated. Amendments in disagreement were debated, and identical conference agreements were adopted by the House and by the Senate.

The bills were presented to the President. Ten of those bills were signed. Two of the bills were vetoed because of abortion language. Bills with the objectionable language removed passed the House, passed the Senate, and were signed by the President. The President did not veto a single appropriations bill last year because of the total funding amount or because of changes in priority that the Congress made to his proposals.

Now, for whatever reason, the President has proposed rescissions of $5,663,000,000 in messages transmitted March 10, March 20, and April 8. The committee, as it has when rescission proposals have been proposed by the President ever since 1975, carefully considered those proposals and, through the subcommittee process—the same process that produced the appropriations bills that the President signed less than 6 months ago—agreed to rescind more than the President proposed.

The President says we need to reduce Federal spending in order to reduce the deficit.

Mr. Chairman, the deficit is not caused by your Committee on Appropriations. Since 1945, the committee has reduced the Presidents' budget requests by $188,800,000,000. Since 1975, we have rescinded $1,608,000,000 more than the Presidents have proposed to be rescinded.

Mr. Chairman, you can eliminate all domestic discretionary spending in fiscal year 1992, and you will not eliminate the deficit for fiscal year 1992. The only way the deficit will be reduced, in my opinion, is to increase productive employment in the United States and in the process expand the revenue base.

In the last 10 years, our trade deficit has increased by over a trillion dollars. I know it is growing less now than last year, and I am glad of that, but the fact is, the trade deficit is still growing.

America needs to produce more and export more. We need to regain our normal domestic and foreign markets.

We need to make investments in America, investments in assets—education, highways, rivers, harbors, investments that will improve access to markets; investments that will rebuild our deteriorating highways, our deteriorating water systems, our deteriorating public structures. Investments that will help us compete.

This investment will stimulate private investment, and we need to make sure that those private investments are made in America.

Mr. Chairman, we have considered the rescission proposals before the committee, agreed to many of them and added some of our own based on what the committee, through its subcommittees, knows about changing priorities in programs administered in the executive branch.

Changing priorities and conditions always result in a chance to make rescissions. We do this every year, normally in our regular bills.

Mr. Chairman, I want to thank my good friends, BILL NATCHER, NEAL SMITH, SID YATES, DAVE OBEY, ED ROYBAL, TOM BEVILL, JACK MURTHA, BOB TRAXLER, BILL LEHMAN, JULIAN DIXON, VIC FAZIO, BILL HEFNER—our fine subcommittee chairmen—JOE MCDADE, JOHN MYERS, LARRY COUGHLIN, RALPH REGULA, CARL PURSELL, MICKEY EDWARDS, BILL GREEN, JERRY LEWIS, HAL ROGERS, JOE SKEEN, FRANK WOLF, BILL LOWERY, and DEAN GALLO—our ranking Republicans—along with all our other fine committee members who have held the hearings to produce our bills over the years. Their assistance has also been invaluable in the preparation of the bill we are considering today.

Mr. Chairman, the reported bill before the House is the product of 11 subcommittees including two areas the President didn't propose—legislative branch and foreign operations.

The bill includes many rescissions recommended by the President as well as others initiated by the subcommittees to reflect other priorities.

The bill rescinds a total of $5,804,621,975 comprising $4,946,859,000 from military spending; $123,813,975 from international affairs; and $733,949,000 from domestic programs.

The committee can be proud of its performance.

Since 1945 the total of appropriations bills has been $188.8 billion below the totals requested by Presidents.

The total of the fiscal year 1992 appropriations bills was below the budget caps and the President's budget request. We were consistent with the budget ceiling and no sequester was necessary.

The bill reported by the committee rescinds $141,649,285 more than the President proposed to rescind in his March 10, March 20, and April 8 rescission messages, and in each subcommittee we met or exceeded the President's dollar figures.

Since 1974, excluding the messages under consideration and the action recommended in this bill, the Congress has rescinded $1,607,770,488 more than the various President's have proposed.

Since the rescission process began in 1974 and through March 9, 1992, the GAO has certified the following:

Rescissions proposed by President	918
Total amount proposed by President for rescission	$61,408,560,900
Number of proposals enacted by Congress	324
Total amount of proposals enacted by Congress	$19,311,454,366
Number of new rescissions initiated by Congress	370
Total amount of rescissions initiated by Congress	$43,704,877,022
Grand total:	
Number of rescissions enacted	694
Amount of rescissions enacted	$63,016,331,388
Amount rescinded in excess of Presidents requests	$1,607,770,488

The bill does not address the $2.2 billion of defense rescissions proposed by the President on April 9. In developing the bill, our subcommittees had to complete their work prior to the recess in order to meet our full committee markup schedule. This did not permit the April 9 messages to be considered in this bill. We understand additional rescission messages may be proposed. A subsequent rescission bill will be developed to handle this situation.

The rescission process prescribes that if, after 45 calendar days of continuous session, enactment of any proposed rescission has not occurred then the funding for the proposed rescission should be made available. The time for that occurrence is mid May for some, for the President's proposals that are in this bill. Based on past occurrences, when a rescission bill is moving through the last stages and 45 days have expired, obligations of proposed rescission funding by the executive branch does not occur immediately on the proposed rescissions expired on May 17, and yet the bill was not enacted into law until July 5. If enactment of this bill has not occurred by mid May, we would expect the impact of funding obligations on amounts in this bill to be minimal, as we continue to move the bill toward enactment.

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think all of us recognize and realize why we are here today. The American people are demanding that we reduce spending.

During the last several months the President has sent a number of messages to the Congress and to the House of Representatives, particularly the Committee on Appropriations, totaling 224 rescissions. The Appropriations Committee has reviewed those rescissions and has adopted some of them in this bill, but they also made some of their own after careful analysis of where we were on spending for 1992 and the outreach years of 1993 and 1994. The President's message totaled $5,662,673,690. This bill, the committee bill, totals $5,804,621,975, about $142 million more than the President's request. Of this the committee would rescind in that proposal by the President $2,570,636,000. In the President's request there would be that amount of money rescinded from his request. We added more than $3 billion of our own reductions. Of the total amount contained in this bill, $142 million of this would be larger than the President's, but within that approximately $4,950,000,000 would come from national defense and military construction. Of that amount is $50 billion the President has asked to be reduced in spending in the next 5 years from defense, and this is all part of that package. However, the President recommended the cancellation of the construction of two submarines, the Seawolf class, nuclear powered, attack submarines. The committee found that we had already purchased a lot of equipment to build the first submarine, and some even to build a second submarine. We found that the termination costs in closing out the Seawolf Program would run as much, and maybe even more, and we would have nothing to show for it.

Your committee has recommended that we continue construction of one Seawolf class submarine now under construction, and terminate the second one, which would be the third one in the inventory.

□ 1330

One hundred ten million in this bill would come from foreign aid. The President made no request for any cuts in foreign aid. Your committee felt that we could cut $110 million from foreign aid.

We also included a $20 million reduction in the legislative branch which the President, by the rule of comity, did not include. The $20 million would come from mailing costs.

The bill also contains about a $600 million reduction in housing programs, in the HUD rescissions.

Mr. Chairman, this is a good bill. We have had a lot of debate on the rule, considering that the selection of what programs to be canceled or terminated was different. I have been around here for a long time. The President and the Congress have never agreed on very many rescissions. We have ours and we include some of his in this bill.

I do think we have a bill, a bill I think every Member here could defend and should support.

Mr. Chairman, I reserve the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, as you and the other members of the committee know, the authority for the bill, H.R. 4990, the rescission bill, is provided for in the Congressional Budget and Impoundment Control Act of 1974.

President Bush proposed in his March 10, March 20, and April 8 messages 99 rescissions, totaling $5,662,973,000 within the jurisdiction of 9 of our 13 subcommittees.

When our chairman, the gentleman from Mississippi [Mr. WHITTEN], and the other chairmen of the subcommittees finished their sections of the bill, 11 of our subcommittees made recommendations for rescissions that are now in this bill.

A reduction of $5,804,622,000 was approved in the full committee. This, Mr. Chairman, is $141,694,000 more than the amount requested by President Bush. We approved 66 rescissions out of President Bush's 99 requests.

Mr. Chairman, this bill rescinds $4,947,000,000 from military spending. It rescinds $123,814,000 from international affairs, and $733,949,000 from domestic programs.

As I pointed out, 11 of the 13 subcommittees are involved in this bill, 2 more than were requested by the President. The Subcommittee on Legislation, under the chairmanship of the gentleman from California [Mr. FAZIO], and the Subcommittee on Foreign Operations, under the chairmanship of the gentleman from Wisconsin [Mr. OBEY], both recommended additional reductions. In the case of the legislative branch, we have $20 million which was the amount saved as far as franking of the mail is concerned.

For the Subcommittee on Foreign Operations, Export Financing and Related Programs, we have rescissions added to the bill of $123,800,000.

Mr. Chairman, I support the committee bill presented by my chairman, JAMIE WHITTEN of Mississippi. Mr. WHITTEN, as the Members know, is the most senior Member of the House having set the all-time service record on January 6 of this year. Mr. WHITTEN has again used his 50 years of experience to put together a bill which addresses the needs of the country and the needs of this House. No Member of the Congress cares more about the House of Representatives than Mr. WHITTEN. With his leadership, the committee has produced a good bill which should be supported by both sides of the aisle. I am pleased to support my chairman on this legislation just as he has always supported the bills for labor, health and human services, and education which come from the subcommittee which I chair. He always helps us and we appreciate it.

Mr. Chairman, this is a good rescission bill, and we recommend it to the committee.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the chairman of the Committee on Appropriations a few minutes ago said that Americans need to produce more and export more so we can create more jobs here in America, and I agree with that.

The problem is because we spend too much and we tax too much and we add mandates onto the back of the business community, we are losing our competitive edge. When we tax more and spend more and the businessman and citizens of this country have to pay more in taxes, this means they have to make more in salaries, all of those additional taxes go onto the back of the product that the businessman produces.

Because of that, when he exports overseas he is no longer competitive because it costs more to produce a car or a refrigerator or all kinds of products, because we are taxing more than our competitors overseas.

So when we start talking about these spending bills like we are today, these rescissions, we are not just talking about making one cut today and that is the end of it. We are talking about something that has a pyramiding effect throughout our economy.

Today the President sent $5.7 billion in rescissions up to the Hill for us to act upon. Because of the rule we passed, we will not be able to pass that $5.7 billion in cuts, because the minute we vote on that, and it will pass, the next vote will negate that previous vote, because we have this king-of-the-hill provision.

So the American people will once again be hurt to the tune of $5.7 billion in rescissions that could be made today.

Mr. Chairman, the people across this country do not trust Congress very much. The last poll I saw showed that 17 percent of the American people hold this body in high regard. That means that 83 percent of the people question the integrity and ability of us to cope with the Nation's problems. One of the reasons they have this doubt is because of the antics that you are seeing here today.

Mr. Chairman, that rule obfuscates the issue. What we need to do is cut through all the muck and let the American people know where the real problems lie. The real problem lies with the big spenders in this body. We have been able to cover it up to date with this rule so nobody is going to be able to understand it, the average person out there. But there is one place you can find out, and that is from the National Taxpayers Union.

Mr. Chairman, the National Taxpayers Union puts out a rating chart each year on how Congressmen and Congresswomen vote. I want to tell you, of the 226 biggest spenders in the U.S. House of Representatives, according to the National Taxpayers Union, 5 were Republicans and 221 were Democrats. Five of the biggest spenders in the Congress were Republicans and 221 were Democrats.

Mr. Chairman, that is the problem, and that is something that the American people have to address this fall. We have one Member here from Vermont, a man who is a Socialist. He ran on the Socialist Party ticket and was elected. There are 226 Members that have a worse voting record than the only Socialist in this country, and the American people do not want socialism.

So if the American people want to change things around this Nation, they ought to elect people who are for fiscal responsibility and who are going to keep taxes in line and keep spending down so we can be competitive in the world market.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I support this bill, but I just want to point out what is happening here today because it is unique. We have each year had rescission proposals submitted by the President. He would package a number of ideas he had for rescissions into a special message.

This year we are dealing in this bill with 99 separate rescission messages that the President submitted. There are a total of 113 rescissions in the committee bill because we included some proposed by the President and added some more.

Now, there is nothing unusual about having a midyear correction in the budget. We usually require some supplementals and probably some rescissions. When you are dealing with the large amount of money that we deal with in the Federal budget, of course, in the midterm you need some kind of correction.

But what the President did was to submit 99 separate rescission messages. I understand OMB has a list down there of 360.

Now, what was the President's criteria for the rescission proposals? It was not necessarily elimination of pork barrel projects. The criteria was not what is bad or good. The criteria is were these items in the original fiscal year 1992 budget submitted to the Congress last year?

I asked some of the agency witnesses that came before my subcommittee what was the criteria. They indicated that was a criteria.

□ 1340

Now, that is not a criterion for determining what is needed or what should be a midyear correction at all. That is just a criterion for setting up the Congress so that we cannot get our work done.

Under the rules, each one of these rescissions could take in excess of 3 hours. If they could tie us up on 99 rescissions for that much time, we could not do anything until summer.

Then we would see stories on television that Congress can't get its work done, Congress can't get its work done.

What was done in this bill was to package these rescissions. That is the reason we had an argument on the rule. That is the only reason there was an argument on the rule. We packaged the rescissions into a bill so that we do not have to take 2 months to do what we can do here in a few hours.

This is a bill that packages some of the President's rescissions, substitutes some new ones in place of his proposals and adds others that the committee thought were needed or were justified. The committee bill then takes care of 113 rescissions all at one time. So I think this is the way to handle this matter.

I urge a "yes" vote on the bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise in support of the committee's appropriations bill. I applaud the President, who felt that as the world was changing, we needed to reduce our spending, particularly our defense spending.

We are going to reduce our defense spending. I think it has to be done in a way which permits us to make a transition from an economy in many States and parts of the world which was geared to defense to one which is geared to civilian technology.

As we make that transition, we cannot destroy an industrial base that has taken us in many cases decades to build. The President chose to eliminate the Seawolf submarine. Fortunately, we have had committee hearings in the Committee on Armed Services and the Committee on Appropriations has considered this decision, and new information has come up.

In fact, we now know that it would cost us $1.9 billion to terminate that contract, and we would have no additional Seawolf submarines. Or we could spend the $2.7 billion and get 2 additional submarines. It seems to make elementary, economic, reasonable sense that we could go forward and build additional Seawolf submarines. Not 10, 12, but the 2 that we have already authorized and appropriated.

This world is changing. We must recognize the changes. But as we are looking at how we are going to cut back in our budget, and we must cut back, we have a $400 billion deficit which my children and my colleagues' children are going to have to pay, we must reduce our deficit, but we must do it in a responsible manner.

I believe the Committee on Appropriations, the chairman and the leadership on both sides, have tried to work. We are not looking at a package that the Committee on Appropriations has put together which is less than the President's proposal. In fact, it cuts more. In fact, we are looking at a package which is $141 million more.

Every Member in this room, every Member can probably stand up and say, "I would like to see cuts in different areas." And frankly, that is not possible, to meet every Member's satisfaction.

I believe the committee has done a credible and outstanding job in recognizing the strategic needs of our Nation, looking at the economic impacts of the decisions and putting together a proposal which takes care of all of our needs.

Mr. Chairman, I rise today to express my extreme opposition to the proposed rescission of over $4 million for the Low Income Heating Assistance Program.

The Low Income Heating Assistance Program also known as LIHEAP, serves over 6 million families nationwide and nearly 60 percent of all LIHEAP recipients are families with incomes under $6,000 a year.

Mr. Chairman, it is important to consider the significant message a rescission of this sort will send to the States regarding Federal support for LIHEAP. The LIHEAP rescission in H.R. 4990 would deny States a portion of the promised Federal LIHEAP funds, leaving the States to make up the difference. Currently, States lend money to their LIHEAP with the understanding that they will receive Government assistance at the end of each fiscal year. Should this rescission occur, it will appear that the Federal Government has reneged on its promise of distributing specified money to the LIHEAP. With less Federal support, State programs will ultimately be forced to make further cuts in benefits and eligibility.

Mr. Chairman, reductions in LIHEAP will cause real pain for real people. Without this program, far too many families, disabled and elderly on a fixed income will have to choose between heating and eating. I urge my colleagues to join me in my strong opposition to the LIHEAP rescission and implore the eventual House conferees to work with their colleagues in the Senate to find alternatives to this rescission.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I just want to make the point that while the administration did not ask for any spending cuts in the area of foreign aid, that the committee, in its alternative, has produced a proposal which reduces foreign aid by $110 million. $32 million in IDA, withholding money that cannot be spent in China because of human rights problems, $56 million in military grant aid, including $39 million to Peru, a government which just threw its democratically elected politicians in jail, and a number of other miscellaneous items.

We provided these cuts because we felt it was simply not credible nor balanced to provide cuts in the domestic side of the ledger without doing the same thing in the area of foreign aid.

I would also like to make the point in response to the gentleman who commented three speakers ago that the fact is that this committee has more than met its obligations in terms of budget discipline.

I recognize there are some Members in this House who would rather play partisan or ideological games on virtually every bill in sight rather than simply dealing with the public's business in a sensible way, but the fact is that this proposal cuts more money than the President's original request.

In fact, as has been indicated previously, since the rescission process began in 1974, the GAO has certified that the Congress has cut $1.6 billion more in rescissions than Presidents during that time asked for.

It seems to me the record is clear. This committee has met its responsibility to respond to requests to rescind. We have exceeded the spending reductions recommended by the White House historically, as we do again today. And I think this package is much better balanced and much less political, frankly, than the original package.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, last summer my good friend and colleague, TIM PENNY, and I offered an amendment to cut $21 million in mail funds from the fiscal year 1992 legislative branch appropriations bill. We fell just 22 votes short of success. While this vote was considered a key vote by several congressional watchdog groups, I'll bet most Representatives' constituents were unaware of how their Congressperson voted.

Today, however, Congress is under stricter scrutiny than ever before. We're all under the intense magnifying glass of an angry public. The winds of change are blowing even more strongly around here. Our constituents are watching us more closely, expecting us to be responsible and accountable.

I am pleased that the members of the Appropriations Committee now agree with the supporters of the last summer's Penny-Upton amendment, that we did not need this $20 million for our mail. I am voting in favor of the rescission package, and consequently, supporting for the second time language that cuts $20 million from fiscal year 1992's House franking fund.

While this cut is a solid start, we need additional congressional franking reforms. I urge my colleagues not only to cut mail funds, but also to prohibit any excess funds from being recycled to other projects, as is currently allowed. I commend Congressman JERRY LEWIS for his efforts in this arena. Both Republicans and Democrats have signed up to cosponsor my bill, House Resolution 404, which would mandate any unused franking funds be returned to the Treasury.

We also must stop the practice of allowing Members to send mass mailings to residents of counties they don't yet represent. Congressman BILL THOMAS, another leader in House reform, has introduced H.R. 4104 to stop this practice, and I am pleased to be an original cosponsor of his bill.

Finally, let's kill both Seawolf submarines, which are what I call ill-begotten Groton goods. With the fall of communism, they are simply unneeded, and efforts to restore them by traditional defense budget cutters is a clear example of pork. We must be willing to make tough choices.

These actions will help us get our own fiscal house in order and help restore the faith of the American people in their government. I urge all of my colleagues to vote in favor of them.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I am also on the Legislative Branch Subcommittee. Even though I may have voted against the Lewis amendment at the time it was offered in full committee markup, I had one of the lowest mailings of any Member of the House.

I would say that many of the Members that voted for the Lewis amendment had much higher mailings than I had.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman's point. I think it really needs to be said that it was the Frenzel amendments which really restricted our mailing by each individual office in relation to our population differences by constituency that made it possible for us to provide this rescission today.

The vote that we were asked to make in a prior Congress really did not flow out of those reforms. So I think the gentleman can be satisfied that he has done the right thing, and we are all proceeding in the right direction on the frank.

Mr. MURTHA. Mr. Chairman, the details of the committee's Defense recommendations are in the report accompanying this bill.

At the time the Defense Subcommittee marked up the rescission bill, the subcommittee had received proposed rescissions totaling $4.8 billion.

The recommendations contained in this bill rescind $5 million more than the total requested by the administration.

In terms of the overall Defense chapter in this bill, the committee agreed with more than one-half of the funds requested for rescission by the Pentagon, and the committee provided alternative rescissions for the other half.

The alternative rescissions recommended by the committee are in a wide variety of programs and rerecommended for rescission for a variety of reasons including: unobligated balances; low priority; poor execution; and lack of support from the Office of the Secretary of Defense.

The bill before you does not recommend rescinding all of the funds requested for rescission regarding the Seawolf submarine.

The bill preserves the option of procuring two Seawolf submarines as opposed to one recommended by the DOD.

If we rescinded funds for the second Seawolf submarine, a total of $918 million would have been expended and we would have nothing to show for it.

Mr. Chairman, in conclusion, the Defense chapter: Rescinds more funds than the level of rescissions requested by the Department of Defense; preserves the option of constructing a second Seawolf submarine; and rescinds low priority programs.

I recommend approval of the committee's recommendations in the Defense chapter of the rescission bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, many of the Members are speaking very knowledgeably about the details of this issue, and I do not want to do that. I want to talk more about what I think is the policy direction and the commonsense approach to what we are doing here, and the broader question of what we are really dealing with.

Certainly most of us, all of us, I think, would admit there is nothing more important than effectively dealing with the deficit. That has been my view since I have been here for 3 years. It is my view every weekend when I go home to Wyoming. That is the issue that most people put as the highest priority.

The evidence, of course, is that we are unable to deal with the deficit without making some procedural changes that need to be made. One is the balanced budget amendment, so we have some constitutional discipline to do it. Another is to change the budget procedure so that we handle it differently.

The one we are talking about here today really is the line-item veto, and I wish we had a line-item veto, as most of us perceive it, where every issue has to come before this House that is vetoed by the President.

However, this is an approach to dealing with it. The bundling issue is the one that kills us, I believe. Many of the things that go through in these large bills would never stand scrutiny on their own, and that is what this bill is all about.

Mr. Chairman, I just really hope that we can put this thing as close as can be to a line-item veto, not to put one package together, leave out a bunch of other stuff, and say, "We have fixed it." That does not fix it. We need a procedural operation so we can do this and we can deal with those items that are hidden down in this budget.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I would like to commend the committee for the work that it has done. It has reached in. It has been able to save more tax dollars than the President's proposal, and it has done so in a far more rational process. I want the people who are watching this, both here and at home, to understand what the debate is about. The debate is whether elected Members of Congress make the determination on where we save the money or whether a handful of appointed, removed bureaucrats make those decisions, because if we make the decision based on what process saves more money, it is the committee that deserves the great credit of having saved more dollars at the end of the day, but it has done so in a process that I think takes into better accounting the value of the American tax dollars.

The gentleman from Pennsylvania mentioned the submarine program, the choice of spending $91.1 for a lot of parts that do not add up for anything, or spending slightly more in order to have a ship for the fleet.

Time and time again it seems to me the committee has made the right decisions. It has made the cost savings that will bring the deficit down, not as much as many of us would clearly like, but we need to do other things as well, not just within the appropriations process but in tax policy and in other places as well.

Therefore, I for one want to commend the committee for its great work in this budget process, and would hope that my colleagues will join with me in supporting it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I certainly thank the gentleman for this time.

First of all, Mr. Chairman, I want to make it very clear that I do support the rescission effort here of the Committee on Appropriations. I hope that what we have been debating today in regard to the total questions involved here are not construed to be deeply critical, at least insofar as what the Committee on Appropriations has done here, I believe in a good faith effort to try to answer the President when the President suggested that there ought to be, in his first two messages, on March 10 and March 20 about $5.8 billion of rescissions in some 68, I believe, rescission messages.

To the credit of the Committee on Appropriations, they addressed that question. I believe they incorporated $2.6 billion of the President's rescissions within the Committee on Appropriations' rescissions, so that is all, I think, a plus.

We in the pork busters group have not been criticizing what the House Committee on Appropriations has done to try to address this problem. Our real argument has been with the Committee on Rules, because what we have suggested or tried to suggest, considering the fact that we have been unable to balance the budget for 23 years in a row, and we are incurring about $300 billion this year just to pay interest on the national debt, we all agree that anything we can do to address ourselves to low priority spending, which is easy to say but tough to do, we should do that.

Thus, in a bipartisan fashion, Democrats and Republicans got together, went to the Committee on Rules, and we offered suggestions as to how we could add to and we could complement what the Committee on Appropriations was doing. At that time, by the way, and at this time, the President has suggested $7.9 billion in rescissions. That is more than what the Committee on Appropriations has suggested, but in all fairness, the Committee on Appropriations began their deliberations, I believe, when the President's rescissions were at about the $5.8 billion figure, so they addressed themselves to that.

At this time, however, we try to bring out that the President has $7.9 billion worth of rescissions, $2.6 billion have been incorporated into the Committee on Appropriations plan, and that is all to the good.

However, why not now let the President have at least an opportunity to have this body consider being able to, in a separate amendment, address ourselves to what the remaining balance of the President's rescissions are, even in a packaged plan where we do not have the project-by-project vote the President ought to have? That is all we are suggesting.

We did show we could add $6.6 billion to what the Committee on Appropriations has done, and we are being struck out completely in that regard. Our frustration is not with the Committee on Appropriations this time, our frustration is with the Committee on Rules.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, our Appropriations Committee considered the President's rescission requests.

The committee has given us a balanced, rational rescission list that incorporates many of the President's requests, substitutes others, and would cut even more than the President requested.

So let's not try to kid anyone that savings are the issue here.

Of particular concern to me is the mean-spirited political nature of some of the objections to items in this proposal.

I refer especially to $1.2 million for Hawaiian Homes lands infrastructure.

The Hawaiian Homes Program was established by Congress in 1921.

Its goal is housing for native Hawaiians and the reestablishment of Hawaiian communities.

In establishing the Hawaiian Homes Program, Congress attempted in some measure to ameliorate the injustice done to the Hawaiian people by the overthrow of the Hawaiian monarchy in 1893.

That overthrow was, to put it bluntly, an armed coup d'etat executed by American citizens backed by the armed crew and big guns of the U.S.S. *Boston*.

As we approach the centennial of that coup, the Hawaiian people are still suffering the aftershocks of that event.

They are overrepresented in nearly every index of social distress—lower life expectancy, illness, homelessness, unemployment.

Native Hawaiians are becoming strangers in their own land.

The Federal Government—the administration's claims to the contrary notwithstanding—does have a trust obligation here.

That trust obligation began with the enactment of the Hawaiian Homes Commission Act in 1921.

It was acknowledged by successive administrations throughout Hawaii's territorial period and long after Hawaii became a State.

It is only the Bush administration which refuses to acknowledge—much less honor—that relationship.

That rejection of Hawaii's native race is exemplified in this rescission.

I ask every Member to join me in rejecting this amendment and achieving—just this once—a small measure of justice for the Hawaiian people.

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Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, does anyone recall when former President Reagan ran for office on the need for a balanced budget and used to say things such as any President that submits a budget that is unbalanced ought to be impeached? Well, except for that original budget in January 1981, which was just a minor change from the Carter budget, the President of the United States never submitted a balanced budget, and yet it has been the Congress that year after year has appropriated less than the President has requested, cut taxes by $1.6 trillion, increased expenditures by $1 trillion. The fact is that the American public needs to know that the Congress has appropriated less and rescinded each year more than the White House has proposed, $17.23 billion in total. Even this legislation reduces the administration's request by $142 million, and beyond that, it is a thoughtful approach to budgeting. In fact, it addresses the changing needs of our Nation, puts the money where it needs to be, and reflects the American public's concern for fiscal integrity.

Mr. Chairman, I rise today in support of H.R. 4990, legislation introduced by Chairman WHITTEN which offers a thoughtful, constructive, and responsible alternative to the recision package offered by the administration.

Throughout the 1980's Congress has demonstrated more fiscal restraint and more fiscal responsibility than either Presidents Reagan or Bush. Since President Reagan took office, Congress has appropriated less and rescinded each year more than the White House proposed—$17.23 billion total. Even this legislation takes the administration one step further in decreasing the Federal budget—to the tune of $142 million.

But aside from the true track record of what branch of the Federal Government is controlling Federal spending, this legislation offered by Chairman WHITTEN is more reflective of the changing needs of our Nation. I support the increased recision of some unnecessary weapons programs such as procurement of MX missiles and advanced cruise missiles. I also support the necessary cuts made to the domestic side of the President's recision list. All these cuts demonstrate the willingness to make the hard choices which are necessary to bring our budget deficits under control.

I urge my colleagues to support this recision package.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the bill has been adequately discussed and explained here, but a few things still seem to be hanging out there. Some Members do not fully understand the bill.

The biggest difference between the President's recommendations for recisions and ours is the Seawolf submarine program. We can take the President's bill, knock the Seawolf program out and we save very few dollars and we would have absolutely nothing to show for it. If we go on and consider the Seawolf and build a second Seawolf, which would be from equipment most of which is already purchased, and there would be no termination costs on that, we will at least have an attack submarine to show for what we have invested.

But even more importantly, the military-industrial base that is represented in this program would be lost entirely if we terminate this program. Hopefully we will never need it, but it takes a long time to put all of those people together, the capability, the talents that are already there. So it is going to be reduced, but at least we will have that capability, that cadre of talent maintained by the committee's recommendation.

Lastly, if Members are just interested in saving money, the most dollars will be saved by the committee's recommendations, $141,649,285 more than the President recommended. So if that is your interest, support the committee bill.

We are going to have an opportunity shortly to hear about the President's program and what it will cut out, and that will be discussed later. But the most dollars will be saved by the committee program, and if Members are concerned about saving dollars, my guess is we will have this thing around again, and there will be more opportunities this year to vote on rescissions.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the best rescission bill that has been presented to the Congress since 1974 when the Budget Impoundment and Control Act was passed. Prior to this time when we received rescission requests from the President, those requests were considered by the subcommittee when the hearings were being held, and if approved they would be forwarded in the regular appropriations bill. This is a separate bill. It is the largest standalone rescission bill that has ever been considered Mr. Chairman, we recommend this bill to the Committee.

Mr. FRANKS of Connecticut. Mr. Chairman, I am pleased that today this body will vote on real spending cuts. H.R. 4990 represents the first time in my career that the House of Representatives is debating and voting a piece of legislation which will reduce Federal spending. This legislation contains funding cuts for many programs. However, the majority of the savings, about 85 percent of them, are made from cuts in Defense appropriations.

Mr. Chairman, as the ranking Republican on the Defense Industrial Base Panel I have examined closely the effect the proposed defense reductions will have on our defense industrial base. As you know, the conclusions we reached were complex and did not have simple solutions—to be frank, a Band-Aid approach not only won't work, but it is dangerous. Let's not repeat history and simply cut for the sake of a peace dividend.

Albeit, there are some industries that can make the transition despite the distinct difference between the commercial and defense industry. However, there are others that are unique and, therefore, require a unique approach. One of these is the shipbuilding industry—more specifically submarines. Simply put, it is not a technology that can be easily transferred to many other applications besides defense. As a result, we risk the possibility of not only losing the technological base, but also jeopardizing our countries' national security.

The skills that are needed to build submarines cannot be learned overnight. They have taken years to reach this level, a level which has given our country superiority on the seas unmatched by any other country. While communism may be gone, the weapons of mass destruction it produced are not—and that includes submarines. Our ability to deter aggression relies on our strengths and our ability to rapidly respond.

By halting production, even on a temporary basis, we cannot expect those skills to survive. People are not something you put on a shelf and take down next time they are needed. Not only will we lose the confidence of the people who design and produce submarines, but we also lose the ability to reconstitute in time of conflict. The loss of one shipyard will ensure that those abilities are lost.

Aside from my concerns with the defense industrial base, I am very supportive of this bill. I am, and have been, a supporter of the constitutional amendment to require a balanced budget. I hope that the House conferees will give serious consideration to including the Senate's provision on a balanced budget amendment in the legislation they report back to the House of Representatives.

I will vote for this bill which is the first opportunity I have had in Congress to further reduce the level of Federal spending, especially wasteful spending. I believe this is an important first step in regaining control of Federal spending levels.

Mr. MICHEL. Mr. Chairman, what is encouraging about the legislation before us today is that we are talking about cutting spending, rather than adding to it. It is a refreshing change around here.

The looting and burning of Los Angeles predictably has brought about calls for more Government spending.

The cry is heard in the land: "Don't just stand there—spend something!"

But rescissions remind us that spending more is not synonymous with doing more—at least not in government.

The true art of government consists not in how much is spent but in how effective government policy is.

Quality of ideas, not quantity of dollars, is the mark of good government. Let's keep that in mind in the weeks and months ahead.

With a deficit of nearly $400 billion staring us in the face, spending reductions ought to comprise 90 percent of our deliberations.

Of course, they do not, but the fact that we are considering any reductions at all is a significant breakthrough.

It is a breakthrough due completely to the President's leadership.

Had the President not proposed any rescissions, this legislation before us would never have existed. In fact, the majority seems to have tried to one-up the President by adding an extra amount to his original proposals.

To that I say, great. If we could keep the momentum flowing in this direction, we would not need a balanced budget amendment.

But I know better than to dream on for too long.

In fact, the rule prohibiting amendments designed to expand the reductions contained in the bill, no doubt, reflects the true sentiment on the other side of the aisle. Far be it for the majority to let this process get out of hand.

If the President's rescissions not included in the committee bill were added to it, we would be saving the taxpayers over $11 billion. What's wrong with allowing that to be offered? Why are we prohibited from undertaking further reductions on an appropriations bill?

Is the majority afraid that cost-cutting may prove contagious and that we might be hit by an epidemic of frugality? I fear some of us have long since proven to be immune to such a contagion, but you never can tell.

So I am glad we are following the President's lead in cutting excessive spending by nearly $6 billion. I think it would be good, however, if we went a step further by cutting $11 billion and really doing ourselves proud.

As they used to say: Try it, you'll like it.

Mr. OLVER. Mr. Chairman, I rise today to object to a provision in the appropriations rescissions bill, H.R. 4990, which would rescind 1 percent, $405 million, of the remaining fiscal year 1992 funds for the Low-Income Heating Assistance Program [LIHEAP].

It is hard to believe that I must speak about the importance of these funds and fight to have them preserved. Aside from having enough to eat, what is more fundamental than having heat in the winter?

This is the second time I have fought for this funding. Last year's Labor/HHS appropriations bill cut LIHEAP funding overall and delayed $405 million in funding until the final day of fiscal year 1992. However, the bill language urged States to go ahead and obligate the necessary funds under the assumption that the Federal Government would return the money on the final day of fiscal year 1992. Rescinding this $405 million would result in the elimination of these promised funds and leave the States to make up the difference.

It is now May. It is spring. Here in Washington it may be warm, but in Massachusetts they are still running the heat. Many of the households that received money from LIHEAP to supplement their heating bills this past winter had no other means for paying these bills. Most of them ran out of money for heat long before the LIHEAP season ended last month.

The only reason some of these households received LIHEAP money in the first place was because the States covered the expected Federal dollars. They are expecting payment on September 30, 1992.

This sends a clear message to the States. Which States are going to continue to spend money to cover LIHEAP now that they see the Federal funds being withdrawn? Without adequate funding from the Federal or State Governments, how is LIHEAP going to provide people with heat?

I am a cosponsor of House Concurrent Resolution 282, which expresses the belief that LIHEAP should be funded at a level greater than or equal to the fiscal year 1992 level of $1.6 billion. It has the bipartisan support of 170 Members which is encouraging.

This country spends a lot of money on a lot of things that are of questionable necessity. But in 1990, 46 percent of the elderly receiving fuel assistance in Massachusetts went an average of 4 days without heat. In fiscal year 1992, 25 percent of the LIHEAP caseload in Massachusetts consisted of first-time applicants.

The situation is bad and it is getting worse. I guarantee that if any person in this Chamber went home for 4 days and had no heat, I would no longer have to plead for money for LIHEAP.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4990 and in opposition to the amendment that would substitute the President's rescission package. My colleagues on the Appropriations Committee have responded to the deficit pressures we are facing and identified $5.8 billion to be cut—$142 million more than proposed by the President.

In the face of $1.5 trillion budgets, $400 billion deficits, and nearly $4 trillion of debt—three-fourths of which has been piled up since 1981—both of these rescission proposals are small change. Either package would only cut the deficit by 1.4 percent and reduce the national debt by an irrelevant 0.002 percent.

Once again, we have a President demanding that Congress upset the balance of powers as laid out in the Constitution by giving him a line-item veto, but when the time comes to actually put some serious spending cuts on the table, the results are far from impressive.

While neither package will solve our deficit problems, the differences between the two packages does illustrate the differences in priorities between Democrats in Congress and the President. Both proposals make roughly 85 percent of their cuts in defense programs, but the Democratic plan cuts $124 million from foreign aid while the President's plan would only cut domestic programs. In addition, the Democratic plan cuts $20 million from the House's own funds, but the President's proposal failed to offer any similar cuts in the growing White House budget.

The time has come for both parties to level with the American people about the deficit. The deficit is a tremendous drain on our economy, and there are no easy ways to balance the budget. While we frequently hear campaign pledges that we can balance the budgets simply by cutting waste, without either painful spending cuts or new taxes, these rescission packages only accomplish 1 percent of that tax. Similarly, during the 1990 budget debate, no one was willing and/or able to offer a detailed plan to cut spending by enough to reach the budget summit goal of $100 billion a year.

After so much rhetoric about cutting waste and so few results, I think the time has come to ask, "Where's the pork?" If no one can or will identify enough waste to reduce the deficit, we must we prepared to refocus the debate on choosing between cutting popular programs or raising unpopular taxes.

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the Defense Appropriations Subcommittee's decision to reinstate funding for the second *Seawolf* submarine.

Few will argue with the need to downsize defense. However, with our future Defense needs unclear, Defense cuts must be carried out with careful precision; not with blind swings of an ax. The *Seawolf* represents the finest submarine technology in the world. Canceling the program after one submarine will deal a critical blow to this country's ability to produce submarines and is unfair to the workers and communities affected.

By ending the program now, we would forfeit the industrial base which has taken years to assemble and threaten the construction of the next class of submarines later this decade. We cannot afford to dismantle our Defense infrastructure. It has taken decades to assemble such a wealth of skill and knowledge. If this brain trust is allowed to disperse, it will be difficult—if not impossible—to reassemble it. With the spread of submarine technology, including in such troublesome regions as the Persian Gulf, we cannot afford to relinquish our strategic advantage in this area.

Recently, comments from President Bush's own staff have suggested that canceling the *Seawolf* is a mistake. The subcommittee's decision turned the tide in favor of those who believe in the program. We must continue the fight. We must maintain our ability to build the next generation of submarines in the 1990's. Ending the *Seawolf* program prematurely would deal a near-fatal blow to that capability.

Mr. PANETTA. Mr. Chairman, I rise in strong support of H.R. 4990, rescinding certain budget authority for fiscal year 1992. I commend Chairman WHITTEN and his committee for their prompt action on H.R. 4990 which rescinds $5,805 million in budget authority, $118 million more than the President requested. The Congressional Budget Office [CBO] estimated outlay savings of $1,506 million in fiscal year 1992 and $1,346 million in fiscal year 1993. These 99 separate rescissions contained in 68 special messages were transmitted to Congress on March 10, March 20, and on April 8. Of this amount, $2,571 million was included in whole or part in the President's proposals, and $3,234 million was initiated by the Appropriations Committee.

H.R. 4990 includes $4.9 billion for Defense—almost the same amount as the President's request but reflecting different priorities. The bill rescinds $735 million in domestic spending and $124 million in foreign aid. This bill demonstrates a responsible action by the Appropriations Committee in a timely manner.

According to the General Accounting Office [GAO], the record of Congress in terms of passing rescissions during the Reagan and Bush administrations has been excellent. Congress has passed more rescissions in dollar terms than requested since 1980. I am attaching for the record a comparison of total congressional action on rescissions and total proposed rescissions requested by the President for fiscal years 1981 through 1992.

The total dollar amount of rescissions requested in fiscal years 1981 to 1992—as of February 26, 1992—was $48.9 billion. The total amount of rescissions enacted in those fiscal years totaled $49.3 billion.

I urge passage of H.R. 4990.

COMPARISON OF TOTAL CONGRESSIONAL ACTION ON RESCISSIONS AND TOTAL PROPOSED RESCISSIONS BY PRESIDENT

Fiscal year	Total dollar amount proposed by President for rescission	Total dollar amount of rescission enacted by Congress	Percentage enacted by Congress
1992[1]	$16,700,000	$1,382,377,000	8,278
1991	4,859,251,000	1,322,955,000	27
1990	554,258,000	2,835,447,000	512
1989	143,100,000	214,366,000	150
1988	0	3,860,653,067	....
1987	5,835,800,000	5,735,509,675	98
1986	10,126,900,000	6,811,660,000	67
1985	1,854,800,000	5,624,773,000	303
1984	636,400,000	2,236,890,000	351
1983	1,569,000,000	280,605,100	18
1982	7,907,400,000	4,382,413,000	55
1981	15,361,900,000	14,578,526,150	95
Total	48,865,509,000	49,276,174,992	101

[1] As of February 26, 1992.

Source: General Accounting Office.

Mr. MARKEY. Mr. Chairman, I rise in strong opposition to the proposed rescission of $7.677 million in funds for the Public Telecommunications Facilities Program [PTFP] for fiscal year 1992.

Administered by the National Telecommunications and Information Administration in the Department of Commerce, PTFP is a competitive matching grant program that supports the construction and maintenance of public television and radio facilities. Since its inception, the program has been extremely successful in extending the reach and quality of public broadcasting to underserved areas. PTFP grants enable applicants, many from rural and minority areas, to construct broadcast facilities to serve the needs and interests of their local communities. Moreover, PTFP has made grants specifically targeted to increasing the participation of minorities and women in public broadcasting. And as part of the House's most recent authorization legislation for public broadcasting, PTFP has been directed to enhance the provision of public telecommunications services to underserved audiences, including deaf and hearing-impaired and blind and visually impaired people.

Not only does PTFP work to extend the reach of public broadcasting, but the grant program also funds initiatives to develop innovative uses of educational telecommunications. In the past, PTFP has supported instructional telecommunications services for educational institutions and nonprofit organizations. And in 1992, PTFP began to solicit proposals for a major telecommunications educational program that would coordinate a wide array of technologies and services to link educational institutions on the local, State, and national level. As it becomes increasingly clear that America's international competitiveness is dependent on improving our educational system, the importance of PTFP's continued commitment to educational initiatives cannot be understated.

Despite the programs' enormous successes, PTFP's work is far from finished—today, fully 14 percent of the Nation is not yet served by public radio and 6 percent live beyond the reach of public television. And in 1991, a lack of available funds meant that some 66 percent of the total dollars requested by applicants were not granted.

Few in this body would dispute that extending the reach of public broadcasting and funding educational telecommunications initiatives are laudable goals. However, Mr. Chairman, the legislation before us today would greatly undermine the ability of PTFP to help realize these important objectives. The proposed $7.677 million rescission would cut PTFP's funding by one-third, which, according to some estimates, would prevent the funding of 46 projects in fiscal year 1992. Such attempts to cut PTFP funding are nothing new—throughout the 1980's and 1990's the Reagan and Bush administrations annually have attempted to zero out PTFP funding. Congress repeatedly has rejected these proposals and has demonstrated its steadfast support for public broadcasting by continuing to provide fair funding for this important program. The House again affirmed its commitment to PTFP and public broadcasting last November by passing unanimously H.R. 2977, the Public Telecommunications Act of 1991, which authorized funding for the PTFP at $42 million for fiscal years 1992, 1993, and 1994.

As chairman of the Subcommittee on Telecommunications and Finance, I have had a unique opportunity to witness the significant advances in public broadcasting made possible by PTFP funding. I am convinced that PTFP is deserving of its full $22.9 million appropriation for fiscal year 1992, and that this proposed rescission would be a devastating blow to this important program and to public broadcasting as a whole. For this reason, I urge my colleagues to oppose the PTFP budget rescission.

Mr. GRADISON. Mr. Chairman, I rise in support of this bill. The bill reported by the Appropriations Committee would rescind $5.8 billion in budget authority for fiscal year 1992. The associated outlay reduction will reduce the fiscal year 1992 deficit by $1.3 billion. With a fiscal year 1992 deficit now projected to be around $370 billion, every dollar of unnecessary spending that can be eliminated is important. The Appropriations Committees should be commended for their efforts to develop a responsible spending reduction bill.

This bill reduces spending slightly more than requested by the President in his rescission proposals considered by the committee, but even more could be saved. The committee did not consider the $2.2 billion in defense rescissions transmitted by the President which are not included in this bill, another $5.4 billion could be saved and the total BA reduction could be nearly doubled to $11.2 billion.

Despite the apparent good start at spending reduction, let us not feel ourselves into thinking that every dollar rescinded by this bill represents a real reduction in spending. In many instances, the Appropriations Committee has simply recognized reality and rescinded funds that are no longer needed for their intended purpose. There is nothing wrong with doing this, but it is certainly nothing to brag about.

Other reductions, such as the reduction in funds available for delayed obligations in the Labor/HHS appropriation, simply remove spending authority which should never have been provided in the first place. Unfortunately, this bill rescinds only $18 million of the $4 billion in delayed obligations contained in the fiscal year 1992 appropriation. The entire amount should be rescinded because there is not enough room under the fiscal year 1993 spending cap to meet both these delayed obligations and legitimate fiscal year 1993 spending needs.

Budgeting necessarily requires hard choices about spending priorities. The fact that we are returning after only a few months to rethink some of the choices made last autumn does not make our job any easier. I urge my colleagues to vote for this bill not because it is good politics, but because it is the responsible thing to do.

Ms. SNOWE. Mr. Chairman, I rise today to express my support for the rescission proposals offered by President Bush. I voted in favor of his proposals because I strongly believe in the importance and necessity of cutting unnecessary spending to reduce the Federal budget deficit, and I wish that the House had approved the President's rescission package.

Once the House rejected the President's proposals, I reluctantly voted in support of the Committee's package. However, due to my serious concern about the cuts in low-income home energy assistance and lowbush blueberry research, I will be working with the conference committee to draft a final version of this legislation that does not include these two ill-advised cuts.

Rather than targeting some of the most wasteful programs, the committee's package makes across-the-board cuts in many important programs. I cannot believe that we are willing to cut low-income energy assistance, financial aid for higher education, and compensatory education in order to save a submarine program that President Bush, Defense Secretary Cheney and the Chairman of the Joint Chiefs of Staff, Colin Powell, all believe is unnecessary.

In fact, the Appropriations Committee's proposals turns the so-called peace dividend on its head. According to the committee, we now need to cut low-income fuel assistance and some education programs in order to protect certain components of the defense budget.

The method by which these worthy programs were chosen for rescission while other low-priority projects were left untouched in the House package was irrational. It is obvious that the merits of each program considered for rescission were not analyzed carefully as part of a coherent plan to reduce spending.

Instead, political games were played. The House cut Senate-sponsored programs in its package and the Senate acted similarly. Each party tried to protect its own interests.

My colleagues, I ask you, is this the right way to reduce spending and the Federal deficit? We need to put an end to partisan bickering and politics as usual to protect American taxpayers and to halt the growth of the budget deficit. Only when we are willing to work together will truly meaningful cuts be made in Federal spending.

I was particularly distressed to see that the committee decided to rescind $4 million for the Low-Income Home Energy Assistance Program. With the inclusion of a cut in LIHEAP, Congress has pushed its scalpel past the fat to the vulnerable heart of meaningful Government programs.

The confusion generated by the committee's decision becomes more profound as one takes a short step back to examine recent LIHEAP funding history. As the House debated fiscal year 1992 funding for LIHEAP last year, it was pointed out that less than 25 percent of eligible households were served by the program. For those few receiving benefits, the Government payment amounted to less than 25 percent of the recipients' home energy bills. The majority of the people who received LIHEAP funds during fiscal year 1991 were families with incomes under $6,000 per year. Against this backdrop of sheer need, the Congress agreed last year to cut the amount of funds available to poor families in the winter of fiscal year 1992 by approximately $500 million.

As if this cut wasn't enough, the President, in his latest budget, proposed delaying nearly $800 million of a total $1 billion LIHEAP allocation until the last day of the fiscal year, meaning that less than $300 million would be available next winter, when, of course, people need heating assistance.

My colleagues, look at the numbers over the past 3 fiscal years—$1.6 billion, $1.1 billion, and if the President's budget holds, $300 million.

Now, it appears that some in this body would like to whittle an extra $4 million off the spare block of funding currently held in reserve for fiscal year 1992 until the last day of the fiscal year. It might appear that since these funds were not available this past winter, they have no real utility. On the contrary, they have been spent already. Oil dealers and utilities in Maine have extended credit to their poorer customers to help them get through the winter, in anticipation of upcoming LIHEAP payments. Being businesses, they need to cover their costs, however, and now they are looking for the money owed to them. The community action agencies which disburse LIHEAP payments on the local level receive frantic phone calls from LIHEAP recipients whose bills are now due. The State of Maine, in response to the urgent demand, is trying to take out a loan backed by the held-over reserve to meet payments already incurred throughout the winter. Because the State will have to pay interest on the loan, the poor citizens of Maine will receive less actual heating assistance for the money allotted them by the Federal Government.

Mr. Chairman, this body has once again entered the theater of the absurd. We are voting to cut a program for the desperately poor and for which demand has increased greatly during the rescission, but for which funding has steadily decreased over the past 2 years. We are voting to cut money that in many cases has already been spent. While I am pleased with most of the committee's choices on the rescission list, I am dumfounded by the inclusion of LIHEAP. LIHEAP isn't pork. It's not water subsidies to big farmers, or tobacco subsidies, or someone's favorite road project, or some other unauthorized budgetary goodie. LIHEAP helps to keep old, the young, and the destitute warm in winter, and when this body takes up legislation on LIHEAP in the Labor-HHS appropriations bill later this year, it must be strengthened.

By voting for both packages, I have been forced to make tough choices. Less than $200,000 in fiscal year 1992 appropriations for lowbush blueberry research has been proposed for rescission in both the President's and the committee's package. I fully believe that this program is deserving of the funds which it had been appropriated.

When proposing this project for rescission, the administration asserted that "This project on weed, insect and disease control, and remote sensing management of lowbush blueberries was not peer-reviewed or competitively awarded. It is not nationally significant, and direct beneficiaries were not required to contribute to the funding." Simply put: These claims are not true.

Before funding was requested, the proposed research was reviewed by many experts, specifically an interdisciplinary research council at the University of Maine and an industry advisory committee established by Maine law. These groups ensured that only the most needed studies were included in the research funded by these moneys.

Because the lowbush, or wild, blueberry is unique from other species, research done on blueberries in other parts of the country is not transferable to wild blueberries. While Maine produces 98 percent of wild blueberries in the United States, these berries represent 50 percent of the total North American crop, thus representing a significant portion of this Nation's supply.

In addition, the direct beneficiary of this funding, namely the wild blueberry industry, does contribute funding to the research. For fiscal year 1992, the industry will contribute $111,300 in funding, and in a measure of State support, the University of Maine will contribute approximately $300,000.

Furthermore, this program is a good investment for the Government. It aids an industry that is constantly growing and providing more jobs for an area which has had longstanding economic difficulties. The industry has grown from a $24 million industry in 1980 to a $86 million industry in 1990.

This growth is directly correlated to the research done at the Maine Agricultural Experiment Station. Additionally, it is clear from these facts that this research is peer-reviewed, nationally as well as regionally significant, and is supported financially by the beneficiaries. For these reasons, its funding should not be rescinded.

Mr. REED. Mr. Chairman, I will be supporting H.R. 4990, the appropriations rescission bill as passed by the House Appropriations Committee but I do so deeply regretting the committee's recommendation to rescind 1 percent of the remaining fiscal year 1992 funding for the Low-Income Home Energy Assistance Program [LIHEAP]. I understand that in these difficult times all programs must share equally in the budget cutbacks. But I also believe that the LIHEAP Program has already taken its share of cuts and to further reduce this funding would permanently weaken our ability to provide this necessary service.

Last year's Labor-HHS appropriations bill cut LIHEAP funding overall and delayed $405 million in funding until the final day of this fiscal year. The report to accompany that bill urged States to, in effect, make up this shortfall by obligating both the regular and the delayed funding. Many States did just that so as not to leave families without heat during that critical time. These States made this decision with the understanding that this funding would be available at the end of the year.

The proposed LIHEAP rescission we will be voting on today will leave these States holding the bag. Those States who borrowed money from other State accounts to make up the LIHEAP shortfall will be unable to repay those funds. And we will be unable to convince any State to once again make advance funding available for this critical program.

President Bush's proposal would continue this dangerous cycle by asking us to hold $800 million in LIHEAP funds until the last day of fiscal year 1993. That may make us feel better by making our budget numbers look better, but such a plan would just set a trap for next year.

I will not object to the Appropriations Committee LIHEAP proposal as part of this overall bill. However, I will strongly encourage my colleagues from the House to agree in conference with the Senate LIHEAP recommendation. And I will also urge for full funding for fiscal year 1993 with no delay in funding.

LIHEAP has proven successful in helping low-income and elderly citizens afford energy and energy savings improvements in their homes. It is one of the only grants available to the working poor and recently unemployed families.

To the estimated 25,000 families LIHEAP serves in Rhode Island, this program is a badly needed safety net that provides them with financial assistance in paying their utility bills.

The lack of adequate funding for LIHEAP affects all consumers. with the mandated moratorium in effect on utility service terminations during the winter months, these consumers continue to receive gas service at least through the winter. If consumers are unable to meet their bills, the cost of providing gas service is continued part of a utility's cost of service and that burden is then shared by all customers of that utility.

I urge all my colleagues to join me in demanding restoration of LIHEAP funding. This program is far too important for this type of smoke-and-mirror budget games.

Mr. NATCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

Pursuant to the rule, the amendment printed in part 1 of House Report 102-514 is considered as having been adopted.

The text of H.R. 4990 as amended, is as follows:

H.R. 4990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $100,000 are rescinded for cattail management in North Dakota.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $531,000 are rescinded for special research grants, as follows:

Integrated orchard management, $49,000;
Leafy spurge biocontrol, $125,000;
Lowbush blueberry research, $185,000;
Mink feeding and reproduction research, $46,000;
Seedless table grapes, $50,000; and
Urban pest research, $76,000.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $1,125,000 are rescinded for Buildings and Facilities, Cooperative State Research Service, as follows:

Animal care facility, $250,000;
Building consolidation, $500,000; and
Food processing plant, $375,000.

NATIONAL AGRICULTURAL LIBRARY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $462,000 are rescinded. Such funds were made available for a grant for agricultural law research and information at the Leflar School of Law.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $10,031,000 are rescinded. Such funds were made available for ADP related activities.

TITLE II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-140, $7,677,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-162, $13,748,000 are rescinded.

TITLE III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

General Defense Intelligence Program, $432,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $5,370,000;
Consolidated Cryptologic Program, $6,900,000;
Fort Riley Railroad Study, $6,800,000;

Airborne and Special Operations Museum, $4,000,000;

National D-Day Museum, $4,000,000; and

Manhattan, Kansas Airport Study, $250,000.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $8,361,000;

Consolidated Cryptologic Program, $8,300,000;

Naval Undersea Museum, $1,750,000;

U.S.S. Blueback Museum, $1,600,000; and

Greenbank Naval Observatory, $900,000.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $30,946,000; and

Consolidated Cryptologic Program, $6,400,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $14,970,000;

Consolidated Cryptologic Program, $3,000,000;

Coordinator for Drug Enforcement Policy and Support, $1,000,000;

Coordinated Care implementation, $50,000,000;

Charleston Harbor Management Plan, $500,000; and

Legacy Resource Management Program, $15,000,000.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amount:

Miscellaneous unobligated balances, $22,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

Miscellaneous unobligated balances, $7,270,000; and

MPLH deployment kits, $13,100,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

Miscellaneous unobligated balances, $21,800,000.

MISSILE PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

Miscellaneous unobligated balances, $23,500,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

Bradley Fighting Vehicle (advance procurement), $50,000,000.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–28, the following funds are hereby rescinded from the following program in the specified amount:

25mm M919, $23,300,000.

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

HMX, $1,000,000; and

ET fuze M762, $22,000,000.

OTHER PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

National Training Center Support, $5,900,000; and

General Defense Intelligence Program, $1,000,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

PSYOP Equipment (SOF), $1,300,000.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

E–2C advance procurement, $39,000,000; and

T–45 program, $40,000,000.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Personal defense weapon, $11,638,000; and

Allegheny Ballistics Lab, $13,200,000.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following program in the specified amount:

SSN–21 advance procurement, $179,400,000.

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

SSN–21 advance procurement, $375,500,000; and

SSN–21, $1,314,700,000.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

SSN–21, $189,400,000;

SURTASS, $4,000,000;

AN/SLQ–32(V), $1,300,000;

AN/SQR–18, $5,000,000; and

Intelligence Support Equipment, $2,453,000.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

155mm ADAM, $40,200,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

AAV7A1 product improvement, $6,500,000;

Telecommunications equipment, $5,500,000; and

Amphibious fuel system, $2,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

VC–137 Replacement aircraft, $7,012,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

AC–130U Gunship (SOF), $9,000,000.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Peacekeeper (M–X), $73,000,000;

Advanced Cruise Missile, $130,000,000;

Advanced Cruise Missile modifications, $12,000,000; and

Spares and Repair Parts, ACM, $22,642,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

SRAM II, $6,415,000.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Selected Activities, $140,100,000; and

Intelligence Production Activity, $2,124,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

Miscellaneous Equipment (SOF), $1,100,000.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

Classified Equipment, $13,900,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Medium Tactical Vehicles (Cab over HMMWV), $2,500,000;

Light Armed Scout Helicopter, $11,500,000;

Advanced Tank Cannon (ATAC), $6,000,000;

Tractor Jewel, $60,000,000;

Tractor Pull, $16,000,000;

Tractor Helm, $68,300,000;

Neuroscience Center, $10,000,000; and

Forward Area Air Defense (FAAD), $51,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

Anti-Satellite Weapon (ASAT), $10,000,000;

Combat Vehicle Improvement Program, $5,000,000;

Other Missile Product Improvement Program, $1,000,000; and

Fiber Optic Guided Missile (FOG–M), $10,000,000.

Research, Development, Test and Evaluation, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Centurion Submarine, $23,000,000;

Advanced Nuclear Reactor Component Systems, $18,000,000;

Trident II, $23,000,000;

EMPRESS II Testing, $10,000,000;

MK–30 Target, $10,000,000;

Advanced Submarine Systems, $10,000,000;

Retract Elm, $50,000,000;

Aegis Combat System Engineering, $10,000,000;

Submarine Sonar Development, $2,000,000;

Submarine Support Equipment, $10,000,000;

Anti-Air Warfare/Anti-Submarine Warfare Technology, $1,400,000;

Ship Towed Array, $6,100,000;

Industrial Preparedness (Acquisition Workforce Training), $5,000,000;

Industrial Preparedness (Metal Spray Forming), $9,000,000;

Industrial Preparedness (Submarine Propulsors), $3,000,000;

Joint Advanced Systems, $140,000,000; and

Tactical Reconnaissance and Surveillance, $3,656,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

Ship Development, $1,000,000;

Mine Countermeasures, $4,000,000;

Support Equipment, $6,000,000;

P–3, $20,000,000;

A–12, $20,000,000;

Consolidated Electronic Warfare, $4,000,000;

Ship Subsystem Development, $1,000,000;

Mine Countermeasures, $5,000,000;

Fixed Distributed System, $5,000,000; and

Target Systems Development, $3,000,000.

Research, Development, Test and Evaluation, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Advanced Tactical Fighter, $50,000,000;

Advanced Strategic Missile System, $10,000,000;

Special Projects, $157,000,000;

B–52 Squadrons, $3,000,000;

Night Precision Attack, $20,000,000;

Forest Green, $2,400,000;

Marywood College, $10,000,000;

Special Activities, $235,000,000; and

Range Improvements (Poker Flats), $10,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

Advanced Cruise Missile, $2,000,000;

SRAM II—Engineering Development, $4,000,000;

SRAM–T, $2,000,000; and

Special Activities, $16,000,000.

Research, Development, Test and Evaluation, Defense Agencies

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

CV–22, $9,900,000;

Defense Nuclear Agency, $30,000,000;

U.S. Japan Management Training, $9,700,000;

Non-AASERT Scientist and Engineer Training, $15,000,000;

Strategic Environmental R&D, $50,000,000;

AIM–9 Consolidated Program, $40,000,000;

Non-Acoustic ASW, $10,000,000;

Manufacturing Technology, $100,000,000;

OSD Support, $20,000,000;

NATO R&D, $28,000,000;

Cryptologic Activities, $5,700,000;

Selected Activities, $19,700,000;

Joint Simulation, $20,000,000;

Manufacturing Managers in the Classroom, $5,000,000;

Kansas State University, $7,700,000;

University of Wisconsin, $1,600,000;

Boston University, $29,000,000;

Medical College of Ohio, $250,000;

University of South Carolina, $500,000;

New Mexico State University, $3,000,000;

University of Texas at Austin, $6,000,000;

Northeastern University, $6,000,000;

Texas Regional Institute for Environmental Studies, $5,000,000;

George Mason University, $750,000;

Monmouth College, $2,300,000;

University of Minnesota, $10,000,000;

University of Saint Thomas, $500,000;

Brandeis University, $2,000,000;

Oregon Graduate Institute, $1,300,000; and

Institute for Advanced Science and Technology, $10,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

Critical Technologies Institute, $4,900,000;

Manufacturing Technology, $3,000,000;

Strategic Environmental R&D, $69,000,000;

Balanced Technology Initiative, $5,000,000;

Joint Standoff Weapons, $5,000,000; and

Management Headquarters, $1,000,000.

DEFENSE BUSINESS OPERATIONS FUND

Revolving and Management Funds

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

Pentagon Reservation Maintenance Revolving Fund, $82,900,000.

RELATED AGENCIES

Intelligence Community Staff

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following program in the specified amount:

Intelligence Community Staff, $5,000,000.

TITLE IV

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

General Expenses

(RESCISSION)

Of the funds made available under this heading in Public Law 102–104, $500,000 are rescinded.

DEPARTMENT OF ENERGY

General Science and Research Activities

(RESCISSION)

Of the funds made available under this heading in Public Law 102–104, $3,350,000 are rescinded: *Provided*, That the amount for project 92–G–302, Fermilab main injector, is reduced to $11,650,000.

Departmental Administration

(RESCISSION)

Of the funds made available under this heading in Public Law 102–104, $500,000 are rescinded.

TITLE V

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

International Financial Institutions

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading by Public Law 101–513, $32,500,000 are rescinded.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available by Public Law 102–145 as amended for the Inter-American Investment Corporation, $2,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading by Public Law 101–513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEOBLIGATION/REOBLIGATION AUTHORITY

(RESCISSION)

Of the funds made available by Public Law 102–145 as amended, and by prior Acts providing funding for foreign operations, export financing, and related programs for fiscal years prior to fiscal year 1992, under the following headings: "Agriculture, rural development, and nutrition, Development Assistance", "Private sector, environment, and energy, Development Assistance", "Sub-Saharan Africa, Development Assistance" and "Economic Support Fund", $6,320,000 are rescinded: *Provided*, That this rescission shall be made from funds deobligated but continued available by sections 515 or 517 of any such Act (or by any other provision of such Act providing "deobligation/reobligation authority" or "availability of funds"): *Provided further*, That the same proportion of the unobligated balance of the funds continued available for each such heading pursuant to this paragraph shall be rescinded.

Agency for International Development

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available by Public Law 102–145 as amended for "Operating Expenses of the Agency for International Development", $40,975 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available by Public Law 102–145 as amended for the Economic Support Fund which are not earmarked, $1,100,000 are rescinded.

MILITARY ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available by Public Law 102–145 as amended for "International Military Education and Training", $1,905,000 are rescinded.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the grant funds made available by Public Law 102–145 as amended for the "Foreign Military Financing Program", $56,100,000 are rescinded: *Provided*, That none of the funds made available by Public Law 102–145 as amended for the "Foreign Military Financing Program" shall be obligated or expended for Peru: *Provided further*, That no earmarked funds shall be rescinded except that up to $5,100,000 of the funds made available by Public Law 102–145 as amended by and earmarked only for Turkey through the provisions of Public Law 101–513 shall be available for rescission under this heading.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Notwithstanding any provision of Public Law 102–145 as amended, Public Law 101–513 or Public Law 101–167, not to exceed $235,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act during fiscal year 1992.

TITLE VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL RECREATION AND PRESERVATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $987,000 for the Calumet Historic District, MI, are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $11,365,000 are rescinded, of which $375,000 was made available for the Calumet Historic District, MI; and of which $1,540,000 was made available for the Lewis and Clark Trail Center, NE; and of which $1,750,000 was made available for the Council Bluffs National Trail Center, IA; and of which $7,700,000 was made available for historic restoration projects in Perth Amboy, Trenton, and Paterson, New Jersey.

Of the funds made available under this heading in Public Law 99–190, $7,705,000 for the engineering and construction of the Burr Trail National Rural Scenic Road are rescinded.

Bureau of Indian Affairs

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $8,593,000 for road sealing are rescinded.

DEPARTMENT OF ENERGY

Fossil Energy Research and Development

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $144,000 for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System are rescinded.

TITLE VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

General Provision

(RESCISSION)

Of the funds made available in Public Law 102–170 which do not become available for obligation until September 30, 1992, one percentum are hereby rescinded from each applicable appropriation account: *Provided*, That no reduction shall be made under the heading "Payments to States for Child Care Assistance".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

(RESCISSION)

Of the funds made available in Public Law 102–170 for personnel compensation and personnel benefits for the Public Health Service, $7,000,000 are rescinded.

TITLE VIII

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading, $20,000,000 are rescinded, as follows:

OFFICIAL MAIL COSTS

The funds available under this heading shall be reduced by $20,000,000.

TITLE IX

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

(RESCISSION)

Of the funds provided in Military Construction Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Navy, 1988/1992, $5,100,000;

Military Construction, Army National Guard, 1988/1992, $1,709,000;

Military Construction, Air Force, 1990/1994, $6,170,000;

Military Construction, Defense Agencies, 1990/1994, $10,000,000;

Military Construction, Army National Guard, 1990/1994, $2,552,000;

Military Construction, Army Reserve, 1990/1994, $649,000;

Military Construction, Army, 1991/1995, $9,000,000;

Military Construction, Air Force, 1991/1995, $6,300,000;

Military Construction, Defense Agencies, 1991/1995, $22,100,000;

Military Construction, Army Reserve, 1991/1995, $2,100,000;

Military Construction, Army, 1992/1996, $8,850,000;

Military Construction, Navy, 1992/1996, $5,400,000;

Military Construction, Air Force, 1992/1996, $5,500,000;

Military Construction, Defense Agencies, 1992/1996, $24,000,000;

Military Construction, Army National Guard, 1992/1996, $600,000;

Military Construction, Air National Guard, 1992/1996, $306,000;

Military Construction, Naval Reserve, 1992/1996, $10,900,000; and

North Atlantic Treaty Organization Infrastructure, 1992/1996, $14,834,000.

TITLE X

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

Bridges on Dams

(RESCISSION)

Of the funds made available under this heading in Public Law 95–599, $5,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

Local Rail Freight Assistance

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $5,000,000 are rescinded.

TITLE XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, $14,400,000 are rescinded, of which $6,600,000 is to be derived from funds made available for the HOPE for Public and Indian Housing Homeownership Program; $3,900,000 is to be derived from funds made available for the HOPE for Homeownership of Multifamily Units Program; and $3,900,000 is to be derived from funds made available for the HOPE for Homeownership of Single Family Homes Program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, $61,500,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139 and prior years, $509,400,000 are rescinded: *Provided*, That the amounts earmarked under such headings for expenditure (not including amounts transferred to another account), and other amounts under such heading for fiscal year 1992, shall all be reduced proportionally.

FLEXIBLE SUBSIDY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, $11,700,000 are rescinded.

INDEPENDENT AGENCIES

Environmental Protection Agency

CONSTRUCTION GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, $24,000,000 are rescinded.

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, $4,000,000 are rescinded.

Mr. CHAIRMAN. No amendments to the bill are in order except the amendments printed in part 2 of House Report 102–514. Said amendments shall be considered in the order and manner specified, shall be considered as having been read and shall not be subject to amendment. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

If both amendments printed in part 2 of House Report 102–514 are adopted, only the latter amendment adopted shall be considered as finally adopted and reported back to the House.

It is now in order to consider amendment No. 1 printed in House Report 102–514.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. FAWELL: Strike all after the enacting clause and insert the following:

SECTION 1. APPROVAL OF RESCISSIONS PROPOSED BY PRESIDENT

The budgetary resources specified in the following rescission proposals, transmitted to the Congress by the President pursuant to the Congressional Budget and Impoundment Control Act of 1974, are hereby rescinded:

(1) Rescission proposals R92–2 through R92–7, R92–9 through R92–16, and R92–18 through R92–33, transmitted on March 10, 1992.

(2) Rescission proposals R92–35 through R92–102, transmitted on March 20, 1992.

(3) Rescission proposal R92–34, transmitted on April 8, 1992.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] will be recognized for 15 minutes, and the gentleman from Kentucky [Mr. NATCHER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, obviously, I rise for the purpose of supporting the substitute amendment, which basically constitutes the Presidential rescissions which were submitted on March 10 and on March 20 coming to a total of slightly under $5.8 billion. That is to say, slightly less than what the Appropriations Committee submitted in their rescissions.

I do so with a great deal of frustration, not because I do not support the Presidential rescission requests. I most emphatically do support them. I would not say that I necessarily am wild about every one of them, but I certainly am wild about having the President have the right to be able to partake in the appropriations process which is guaranteed to him under the 1974 budgetary act. The only thing we gave to the executive branch was the right to submit a line-item rescission. That is all. It is a wet noodle, really, because if Congress does not do anything in 45 days, guess who loses? The President.

But he has one power there. He does have the right after 25 days have gone by, and 25 days have not gone by since the Presidential rescission bills were filed, but if he waits out the 25 days, the Members who have cosponsored—and I am the chief sponsor of the Presidential rescission bills—have a right to demand that there be a message-by-message vote. At this time there are 96 messages pending, and we can get that debate with only one-fifth of the Members supporting it.

That is the one and only power the President of the United States, representing all of this country, has; whereas we, of course, Members, represent various districts. And it is a very important right. Admittedly, I would say that the President has not seriously, no President has since 1974 seriously used that power. But President Bush is seriously using it because I think he is as frustrated as all of us are frustrated about the debt and the deficit—23 years in a row we have not balanced a budget—$300 billion just on the interest alone; half a trillion dollars of brand new debt this year.

□ 1410

That is why people like Senator RUDMAN and others are just giving up and going home. They are saying you cannot get there from here. Well, we are trying to get there from here in a very little way, and I laud, as I have said, the Committee on Appropriations for not taking the attitude that some in the other body have taken to fill their particular rescissions with veto bait so that we can be assured that we do not get anything at all.

We have a good start. But the Committee on Rules has killed the Presidential rescissions as a practical matter. They theoretically have not killed the April 9 rescissions which are another $2.2 billion, mostly defense rescissions, but they have killed the March 10, the March 20, and the April 8 ones, which mean the President no longer even has a right to come Monday, when I believe the 25 days have gone by; lo and behold, the Committee on Appropriations beat us to the punch. They not only beat us to the punch, they went to the Committee on Rules, and then the Committee on Rules did what I believe is an unbelievably dumb thing. They just said to the bipartisan group that in all sincerity presented to the Committee on Rules the possibility of also having an amendment which could be considered complementary to what the Committee on Appropriations had already done, to add to the $5.8 billion, $6.6 billion more.

We got that by simply determining, after deducting the $2.6 billion from the Presidential rescissions which were not in, and we were able to come up with $7.9 billion. We took away the $2.6 billion, and then we added another $1.3 billion in pork buster rescissions, which really refers to bills that never really saw the light of day and went through the appropriations process, and we said, "Here is $6.6 billion. You do not have to adopt them."

We did not get a project-by-project vote, because you have outmaneuvered us, because we had to wait that 25-day period. But, OK, package it all up, put them all together the good and the bad, but at least give us the opportunity when we consider the rescissions that the Committee on Appropriations is considering to also consider these. No; we did not say you had to even vote for it, just give us the chance to argue it, and we were denied that right.

Therefore, when I say that I am frustrated as I come here, I am frustrated because it is academic. If the people out in that listening land in America think that the President has any opportunity today to win, they are mistaken. We have got a Sophie's choice, and as a practical matter with the king-of-the-hill arrangement, which means that the last amendment to be presented which will be the Committee on Appropriations amendment, that is the one that prevails. In other words, if the President, or if we, have a majority of the people here go with the President, he still loses, because under the so-called king-of-the-hill arrangement, the last bill to be presented, which will be the Appropriations bill, if it gets a majority, and undoubtedly it will, even if the President's bill gets a majority, too, the President loses. It is what I call the Sophie's choice.

We have got twin rescissions here, both of them meritorious, and what we are forced to do is to make a decision between the two. We cannot have both. So no matter what we do it has been decreed that there will only be a $5.8 billion cut in spending. No more than that will be allowed. It is decreed by the Committee on Rules, and that is the frustration about standing up here and talking about the fact that one ought to support the President's rescission.

In fact, everybody on the other side of the aisle, you might as well, if it does not affect your district, because you know very well that the President's rescission bill cannot make it out of this House. The cards are stacked. The dice are loaded. There is no chance whatsoever that it can be done.

But I am here anyway, because I believe what the President is doing is meritorious. He is exercising the rights that this Congress gave to him back in 1974 when, in effect, they took the impoundment power away from an injured President Nixon, who was in no condition to try to ward that off.

Mr. Chairman, I reserve the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I want to commend the gentleman from Illinois [Mr. FAWELL] in the statements that he has made not only before the Committee today but also before the Committee on Rules. The gentleman before the Committee on Rules and also today has been extremely fair in his statements concerning our committee, and I want you to know that we appreciate it.

Mr. Chairman, we tried to do it right. We tried to do it right on our committee. Every one of the subcommittee chairmen who had the rescission before their subcommittees have tried to do it right and to bring out a good bill.

The gentleman from Illinois has, as the rule provided, the right to offer the President's proposals, 99 rescission requests. We approved 66 of those requests. The President's request, as has been pointed out in general debate this morning, was $5 billion, 662 million. The bill that we have before the committee is for $5 billion, $804 million. We ask the committee to rescind $141 million more than the President requested.

This, as I pointed out a few minutes ago, Mr. Chairman, is the best rescission bill that the Committee on Appropriations has presented since the Budget Act was passed in 1974.

Again, I want to commend the gentleman from Illinois. He has been extremely fair.

Our bill is better than the President's bill, and we recommend this to the Committee.

Mr. Chairman, I reserve the balance of my time.

□ 1420

Mr. FAWELL. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I want to respond to one of the points that the chairman has been making. I think it is a point with which all of us are concerned.

Obviously, there is a better way to go about cutting spending than through the rescissions that have been submitted, but that is the whole point here. The process has not worked very well, and I do not think there is anyone in the Chamber who would dispute the fact that the Congress could be saving money. We could be spending less money than we are, and the taxpayers of this country would be better off if we took that position; but political pressures and differing views of what is advisable cause this Congress to spend more money as a group than we need to be spending, and more than any one of us individually can really support.

So when the President says, "I will take the responsibility on my shoulders to send you a list of things I know individually are all popular with somebody," we ought to vote on these things as items. It is something to which the Congress needs to respond.

I supported a rule which would have enabled us to debate these items one by one to try to make individual determinations whether the programs were advisable or not. There are programs in the President's rescission list that I believe we should go forward with.

As a matter of fact, there are a couple that are of particular interest to me, and if I had my choice I would support some of these programs. The Impact Aid Program which is on the committee's list, is one of the most important, and I do not like to see reductions in that particular program; but because of the rule that was adopted by the majority we do not have the luxury of voting on each, as some of my colleagues here suggest. As a result, we have to take this blunt instrument approach, which either affirms or rejects the entire list.

By and large, the list submitted by the President is a very sound list of savings. We might all have objections to individual items, as I have indicated. However, particularly with respect to the military items, as a member of the Armed Services Committee, I can attest to my colleagues that, by and large, these are items that the administration did not request. In tough times we need to make priority decisions and these are items that could be eliminated.

So, Mr. Chairman, I urge my colleagues to support the President's rescission request and vote aye.

Mr. Chairman, it is a rare day in this Chamber when we have the opportunity to consider real cuts in Federal spending. But, fortunately for the American taxpayers, that is what the House is belatedly and finally doing today.

Over the last 5 years, Congress has approved only 0.0165 percent of all rescissions submitted by the President. But, the package before us today, I believe, which will save almost $6 billion, is the largest package of rescissions, or spending cuts, since 1974.

Of course, the House hasn't totally abandoned business as usual, despite the step forward. It is regrettable that the rule under which we are debating these spending cuts—a rule which I voted against—does not require House Members to cast recorded votes on each of the proposals—just up-or-down votes on the President's package versus the Appropriations Committee's package—or, more importantly, to add at least the 1.3 billion dollars worth of additional cuts identified by the bipartisan port busters group. That would have been even more of a victory for the taxpayers.

Mr. Chairman, I rise in strong support of the President's rescissions package which is being offered by the gentleman from Illinois [Mr. FAWELL]. It will end such wasteful spending as $120,000 for a study on the disposal of animal manure, $200,000 on Vidalia onion storage, $1.5 million on a theater in New York City, and another $1 million on a parking garage in Kentucky. These projects would not be killed by the committee's alternative.

There are bigger ticket items as well. For example, the President has proposed eliminating two Seawolf submarines to save nearly $3 billion. The President says the Seawolf is no longer needed as because of the changes in the external threat to our national security. You would think that, since Members of this body come to the well time after time to call for cuts in the Defense budget, they would take every cut the President proposes in the defense budget and add some more.

But, when push comes to shove, it always seems to be the military muscle that ends up being cut so that the military pork can be preserved. The committee alternative cuts just one Seawolf.

Now, I am not saying that there are no good ideas in the committee alternative. There are a number of good ideas, to be sure, and I wish we had the opportunity to add those to the President's package, rather than simply having to choose between the two. We don't have that opportunity today.

I would also point out that I don't think everything in these two packages deserves to be there. The committee, for example, proposes to cut impact aid. The President does not. And on that, I think the President is right.

Impact aid is essential to school districts serving Native American youth, and the need for it, I can attest, is great and growing. We're not talking luxuries. We're talking basics, about replacing condemned and decaying buildings with safe and decent schools and improving the quality of education in the most economically hard-pressed communities in the Nation.

Both the President's package and the committee alternative would also rescind $40 million for the Navy's T–45 alternative engine program. This is despite the fact that a Navy study and analysis resulted in a recommendation to proceed with the T–45 program, and more importantly, that the program could offer $170 million in life-time savings if it were to proceed.

The Apache C model modernization program, too, ought not to be included on the rescission list, in my view. The Army has incurred a $15 billion to $20 billion investment in the AH–64 Apache program and has a requirement to keep the aircraft as a fresh and viable front-line attack helicopter system. The Longbrow radar system to be installed under the Apache modernization program will multiply the combat effectiveness of the Apache.

Unfortunately, though, the only way to get the nearly $6 billion worth of savings in either package is to vote for the two packages in their entirety, and then try to come back and restore funds for the high-priority and justifiable programs later.

Had we been allowed the opportunity to make those adjustments today, we could preclude any disruption and increased costs associated with the delay that some of these rescissions may otherwise cause.

Mr. Chairman, this legislation will by no means solve our Nation's deficit program, but it does represent a significant first step in the direction of more responsible spending. I urge the adoption of the President's package.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I, too, want to join the gentleman from Kentucky [Mr. NATCHER] in commending the gentleman from Illinois [Mr. FAWELL] for submitting this amendment. It gives us an opportunity to see whether or not Members really want to support the President's package of rescissions. If you support the President's package of rescissions, you will vote "yes" on Mr. FAWELL's amendment. You will be voting at that point, for example, for all the reductions in public radio and television facilities grants, which the President proposed. The Appropriations Committee included about one-third of the prosposal. The President requested a rescission of all of the funds appropriated for these grants for fiscal year 1992.

I understand that the basis for the President's rescission requests was, "Were these items in the fiscal year 1992 budget request a year ago?" Today we are looking at the midpoint of fiscal year 1992 and saying we can make some midterm corrections, but we should not go back to the budget of a year ago and use that as a basis for rescissions.

If you vote for the amendment of the gentleman from Illinois [Mr. FAWELL], then you are voting also, for example, to eliminate the increases that were provided for fiscal year 1992 for nurses training, for health professions, for family and internal medicine, and for public health. Those are the kinds of reductions that you will be voting for if you vote for his amendment.

I think the gentleman has provided a service in giving us an opportunity here today to see whether or not you really support the President's package of rescissions.

Mr. FAWELL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me say that if, in fact, your whole decision about which amendment will command your vote, the Fawell amendment or the committee amendment, is a matter of parochial politics, you are going to find plenty of reasons to go one way or the other.

Let me shift the focus a little bit. What we see played out on the floor today and what we saw played out in the Rules Committee yesterday was an epilogue to the greatest power grab in fiscal policy in the history of this country. In 1974, when Congress passed the Budget Act of 1974, they dealt the President out of the process of determining what would be the command of the public's money in the expenditures of Congress and of this Government. The President has tried to project himself back into the process with the most meager prerogatives left to him under the Budget Act. To the extent that he has been able to do so, the Rules Committee has pre-empted that with this ingenious rule that takes away the little bit of rights the President has.

Now, the upshot of this Budget Act of 1974 was to give prerogatives and privileges to Congress and leave the President with accountability. Every parent in America knows when you separate accountability from prerogatives and privilege, you get a perfect formula for irresponsibility, and it is the irresponsibility that has been played out by Congress as they unilaterally commanded the expenditures of taxpayers' dollars since 1974 that has prompted the American people to vote and demand a line item veto.

Today they are seeing how far Congress will go to preserve its power and leave the President out of the equation. If, in fact, you believe the President should be a full participating partner, you ought to vote for his amendment today and signal that to the Congress.

Should we vote down the President's modified rescission package, I say modified by the Rules Committee as they left part of its rescissions out, if you do not want to vote for that today, if we do not pass that today, then I think the President of the United States ought to veto every appropriations bill in its entirety until at least this Congress is willing to live up to the law they wrote in 1974 and honor that only meager participation left to the President as they grabbed that power in 1974.

Let me say, Mr. Chairman, the Budget and Impoundment Reform Act of 1974 has inspired for me Armey's axiom, which is that any time Congress passes a law with the word reform in the title, you should ask yourselves what is being taken away from the American people.

Mr. Chairman, I say vote "yes" on this Presidential rescission. Vote "yes" for some balance of power and authority as our Founding Fathers intended.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am going to vote against this amendment. I will vote, if we have a vote, for the base bill.

But I wanted to rise because the previous speaker indicated that this is being exercised unilaterally. He then, however, did go on to say the Constitution of the United States gives to the President extraordinary powers.

As a matter of fact, the President of the United States and this one in particular has the authority of approximately two-thirds of the Members of this House. That is to say that not one nickel, not one nickel, can be spent in America without the President's signature.

Why do I say that? Because he has had 27 vetoes in a row. We have failed to override any of those vetoes. So, effectively, the President of the United States has a two-thirds vote in this body.

Therefore, it is absolutely incorrect to say that this is any kind of a unilateral process. As a matter of fact, it is a process in which the President of the United States has extraordinary authority.

He has now sent down a rescission pursuant to the Budget Act and the Congress is working its will. It is making decisions. It has in fact agreed with the President on about half, just a little short of half of what he proposed.

It has, on the other hand, said that we believe there are alternatives to his proposals which are more appropriate. That is the appropriate legislative process. That is the process the Founding Fathers envisioned in creating two coequal branches of Government, not a branch of Government that might be in the position of saying, well, if the President tells us to do it, then we must do it.

As a matter of fact, that is what the Revolutionary War was all about. We did away with kings. We have a democracy. It is working.

I suggest that we have made our judgments and ought to reject this amendment offered by the gentleman from Illinois.

Mr. Chairman, as to the authority of the President, the Supreme Court of the United States ruled against President Nixon, reasserting the constitutional requirement of the President to spend funds that the Congress enacted and that he had signed into law. The Supreme Court said he has no power to impound. Title X of the Budget Act established a procedure to allow Presidents to impound in partnership with the Congress—that is how the rescission process came into being. The Budget Act dealt the President in, it created a method to reduce Federal spending in consort with another coequal branch of the Government. My friends, that is what we are doing here today, we are letting the process go forward.

Mr. Chairman, what the Appropriations Committee has done is responsible and in the spirit of the title X rescission process. I hope we have put to rest these misapprehensions about the process.

Mr. AUCOIN. Mr. Chairman, I do not want my vote for this bill to be taken as a sign of support for the *Seawolf* attack submarine or any other particular program, and am, therefore, taking this opportunity to explain my position.

I support the House rescission package because it's far preferable to no rescission. In addition, there are a number of nuclear and space weapons in this bill that were designed under defective strategies and defective requirements, and I am pleased to support their rescission. These include the MX, SRAM–T, and ASAT.

At the same time, I believe fiscal year 1992 defense spending should be a great deal less than we have appropriated, and I therefore would have supported a much broader and deeper rescission package had it been offered. In particular, I regard star wars funding as greatly in excess of that program's use in defending us against third-party nuclear attack, and I wish we had cut this program substantially.

On the merits of the *Seawolf*, there is no doubt that attack submarines would dominate any high-intensity naval conflict in the foreseeable future. Nor is there any doubt that even the latest *Los Angeles* class attack submarines are well behind the state of the art, nor that *Seawolf* would be a great deal better.

But on this point the administration is right; the requirement for *Seawolf* is gone. The next generation, the post-Akula generation, of adversary submarines is never going to appear. The *Los Angeles* class is better and more numerous than the Akula or any other foreign attack sub. This means the *Los Angeles* class is all we'll need for a very long time, including for special operations.

Some have argued that cancellation on the Seawolf is greater than the cost of buying it. The best figures I have been able to obtain say this is not true, by a wide margin.

So, with all due credit to the creators of this excellent ship, I oppose it.

My vote for this rescission bill is not a vote for one *Seawolf*, but a vote against one *Seawolf*. If I had been given the opportunity, I would have voted against both.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I just want to respond to the comments of the gentleman from Texas.

A myth which is being promoted by a lot of people in this institution and elsewhere is that our Federal deficits have been caused because the Congress has not cooperated with the White House in passing their economic program.

The fact is that the deficits have been created because the Congress has rolled over and given the Presidents his budget and his tax bills lock, stock and barrel, throughout the eighties.

I defy the gentleman from Texas or any other Member of this House to name me 1 year since 1946 when the Congress has changed any President's budget by more than 3 percent.

□ 1430

The fact is you cannot do it. And that 3 percent difference represents, as the gentleman from Maryland [Mr. HOYER] has indicated, the difference between a President and a king.

We do not elect kings in this country, we elect Presidents. And the fact is that this committee, in the appropriations process, has cut more spending than we have been asked to cut by the President in the last decade.

The investment portion of the budget, which is part of the budget over which the Committee on Appropriations has control, has been cut as a share of the Federal budget by over 40 percent since the day that Ronald Reagan walked into the White House. That is the portion of the budget which must be strengthened if we want this economy to grow so that we can grow out of the recession and provide meaningful jobs for people who are going to be competing to keep their jobs in the international marketplace.

That is what we ought to be focusing on. And we should not be diverted by these smokescreens that suggest a fault which is not there. The fact is this committee's action exceeds the deficit reductions requested by the President; it ought to be adopted and it ought to be adopted without all of the baloney which is accompanying it.

Mr. NATCHER. Mr. Chairman, we have no additional speakers on this side.

The CHAIRMAN. The gentleman from Illinois [Mr. FAWELL] has 1 minute remaining.

Mr. FAWELL. I thank the chairman.

Mr. Chairman, I would like to add that as far as the Presidential requests are concerned, Congress has ignored him. And over the years since 1974, some $63 billion the President has requested in rescissions has been set forth and only about $18 billion has come. The Congress basically has, obviously, the final responsibility regardless of what the President does, regardless of what budget he presents. I think we are all beginning to realize that the Committee on Appropriations has that basic responsibility, but we also have it. And what we are suggesting, I think, in this body is that the Committee on Appropriations will have to open up just a bit and not take offense when people get up on the floor and do question some of your appropriations and do want a part to play because of the serious problems that we have in this Nation.

We just cannot take the viewpoint that an ordinary Member of Congress cannot participate.

Mr. Chairman, I do not think this is baloney, I think it is really serious stuff.

Mr. NATCHER. Mr. Chairman, we yield back the balance of our time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 150, noes 266, not voting 18, as follows:

[Roll No. 112]

AYES—150

Allard
Allen
Archer
Armey
Atkins
Baker
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Glickman
Goss
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Jontz
Kasich
Kennedy
Klug
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Nichols
Nussle
Orton
Packard
Patterson
Paxon
Penny
Petri
Pickett
Porter
Pursell
Ramstad
Ray
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Russo
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOES—266

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bacchus
Barrett
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Gradison
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolbe
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot

Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (FL)

NOT VOTING—18

AuCoin
Ballenger
Barnard
Boxer
Byron
Campbell (CA)
Campbell (CO)
Dannemeyer
Kolter
Lehman (FL)
Levine (CA)
Moakley
Oakar
Pastor
Valentine
Waters
Weber
Yatron

☐ 1452

Mr. FROST and Mr. DYMALLY changed their vote from "aye" to "no."

Messrs. MORRISON, HOBSON, ATKINS, and KENNEDY changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. NATCHER] wish to offer amendment No. 2?

Mr. NATCHER. Mr. Chairman, we do not, and respectfully request final passage.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BONIOR] having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, pursuant to House Resolution 447, he reported the bill back to the House.

The SPEAKER pro tempore. The amendment in part 1 of House Report 102–514 of the Committee on Rules is considered as having been adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NATCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 2, not voting 20, as follows:

[Roll No. 113]

AYES—412

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Davis
Kennedy

NOT VOTING—20

AuCoin
Ballenger
Barnard
Boxer
Broomfield
Byron
Campbell (CA)
Campbell (CO)
Dannemeyer
Kolter
Lehman (FL)
Levine (CA)
Livingston
Moakley
Oakar
Pastor
Valentine
Waters
Weber
Yatron

☐ 1514

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4990), rescinding certain budget authority, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mr. LIVINGSTON. Madam Speaker, I was unavoidably detained in a meeting with the President of Honduras a little while ago during rollcall vote No. 113, final passage of H.R. 4900, a bill to rescind $5.8 billion in spending programs. While I object, Madam Speaker, to the inclusion of three projects in the committee bill, had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. PASTOR. Madam Speaker, today this body will be considering an important piece of legislation. H.R. 4900 proposes to rescind a number of different budget authorities throughout our Government. In this time of runaway deficits, these rescissions are important in helping to reduce our Nation's debt and saving the taxpayer billions of dollars.

The bill goes beyond the President's proposal and calls for $142 million more in rescissions that was requested. In fact, since 1981 Congress has rescinded a total of $410 million more than requested by President Bush and Reagan.

Official business has required my presence back in my district. Had I been present however, I would like the RECORD to show my position on the following votes cast during today's consideration of H.R. 4990:

Rollcall No. 108 on the question of approving the Journal, I would have voted "aye."

Rollcall No. 109 on the motion to table, I would have voted "aye."

Rollcall No. 110 on moving the previous question on the rule, I would have voted "aye."

Rollcall No. 111 on agreeing to the rule, I would have voted "aye."

Rollcall No. 112 on agreeing to the Fawell amendment to H.R. 4990, I would have voted "nay."

Rollcall No. 113 on agreeing to final passage of H.R. 4990, I would voted "aye."

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent for rollcall votes 109 through 113. Had I been present during these votes, I would have voted "Nay" on rollcalls No. 109 through No. 111, and "Yea" on rollcalls No. 112 through No. 113.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, due to the events in Los Angeles, and in particular the 29th Congressional District, I was unavoidably detained during regular business on May 7. Had I been present for the votes I missed I would have voted as follows:

Rollcall vote 108: "Yes."
Rollcall vote 109: "Yes."
Rollcall vote 110: "Yes."
Rollcall vote 111: "Yes."
Rollcall vote 112: "No."
Rollcall vote 113: "Yes."

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute)

Mr. SOLOMON. Madam Speaker, I ask for this time for the purpose of engaging the majority leader in a colloquy about the remainder of the schedule for this week and next.

Mr. GEPHARDT. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Missouri for that purpose, if he could enlighten us.

Mr. GEPHARDT. Madam Speaker, I would say to the gentleman there will be no more votes today and no session tomorrow. On Monday, the House will meet at noon. There will not be legislative business. On Tuesday, the House will meet at noon to take up H.R. 2039, the Legal Services Reauthorization Act, the complete consideration, and then six bills on suspension:

First, S. 2344, Veterans' Health Program Amendments of 1992;

Second, S. 452, transfer of administrative authority over certain land to the Secretary of the Interior;

Third, S. 1182, Fishlake National Forest Enlargement Act;

Fourth, H.R. 1514, to disclaim all right to certain lands conditionally relinquished to the United States;

Fifth, H.R. 3681, to establish Democracy Day;

Sixth, H.R. 4384, appeal rights for certain employees of the Veterans' Health Administration.

On Wednesday, May 13, and Thursday, May 14, the House will meet at 2 on Wednesday and at 11 a.m. on Thursday to consider H.R. 2056, the Shipbuilding Trade Reform Act of 1992, H.R. 4111, the Small Business Credit Crunch Relief Act of 1992, and House Concurrent Resolution 287, the concurrent resolution on the budget for fiscal year 1993 conference report.

Mr. SOLOMON. Madam Speaker, if the majority leader would perhaps say again, it is my understanding that there will be no votes on Monday at all.

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. How early might votes occur on Tuesday, would the gentleman have any idea?

Mr. GEPHARDT. The House will meet at noon. There are a number of amendments, four or five, left on the Legal Services bill. They are timed under the rule. I would say about an hour or so after the business begins there is likely to be a vote. There could be, obviously, a vote right after noon, if a quorum call is held or a Journal vote is ordered.

Mr. SOLOMON. If the majority leader would also perhaps tell us, there is word, I am hearing, from the Committee on Rules upstairs that there is a possibility that we might consider the Los Angeles supplemental aid of some kind. Is that possible for next week?

Mr. GEPHARDT. There is no plan at this point, but if there is a decision to try to move with that legislation we will obviously consult with the minority before action is taken.

Mr. SOLOMON. I thank the majority leader.

Mr. GINGRICH. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia, the minority whip.

Mr. GINGRICH. Mr. Speaker, let me say first of all, on our side, we would look forward to working with the Democratic leadership when the President gets back, if, in fact, he does request some immediate action. I think we may have an opportunity to actually surprise the country and prove we can produce something on a bipartisan basis, and do it fairly quickly.

Let me say, second, I just want to raise the issue, and I do not mean to in any way put the majority leader on the spot, but I would hope that he would go back to his caucus and ask them if we might on Tuesday reach some kind of agreement on the Committee on Rules and C-SPAN. As the gentleman knows, this week has been sort of bizarre, and I think to some extent it got out of hand probably for reasons that are internal to the committee.

It just seemed to those of us, and I know that the majority leader has been one of those who has always been for openness, and those of us who are proud of the House's record over the last 14 years in being remarkably open to the entire planet would like to find some bipartisan way to go back and establish a pattern where, barring genuine secrecy requirements for national security or personnel records, normally committees would routinely accommodate C-SPAN's remarkable practice of coverage without editorial.

I do not mean to put the gentleman from Missouri on the spot, but if he has any comment, or if he might check back with his caucus and let us know next week, I just think it would be a healthy thing for us to reestablish that pattern.

Mr. GEPHARDT. Madam Speaker, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Madam Speaker, I thank the gentleman for his inquiry. I am not fully aware of the circumstances that surrounded that decision by the committee, but I will be happy to talk with the Members and to talk with the Members on the other side about it, including the minority whip, and see what can be agreed upon.

□ 1520

Mr. GINGRICH. I thank the gentleman.

Mr. SOLOMON. I thank the gentleman. Have a nice weekend.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 11, 1992

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4750

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. MURPHY] be removed as a cosponsor on H.R. 4750.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENDING CERTAIN AUTHORITIES RELATING TO ADMINISTRATION OF VETERANS' LAWS

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2378) to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. STUMP. Madam Speaker, reserving the right to object, I do not intend to object, but yield to the gentleman from Mississippi [Mr. MONTGOMERY] for an explanation of S. 2378, as amended.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman for yielding.

As the gentleman knows, last year the House passed and sent to the Senate, legislation that would have enhanced the ability of VA to deliver quality health care to veterans in several ways. In addition, the legislation would have provided authority for VA to continue several important benefit programs as well. We had thought the other body would accept the bill; however, the bill did not clear the other body prior to adjournment.

It was most unfortunate that we were unable to get the bill to the President. By failing to do so, the authority for VA to continue some very worthwhile programs has now expired. S. 2378 would extend VA's authority to continue these programs.

If enacted, the bill would allow VA to:

Operate and maintain the veterans benefits regional office in the Philippines;

Provide vocational training to certain non-service-connected disabled veterans through this calendar year;

Establish and operate nonprofit research corporations at some VA medical centers through this calendar year; and

Continue to collect data on whether veterans who apply are receiving medical care from the VA during the current fiscal year.

S. 2378 would not increase the deficit. In fact, the enactment of this legislation would save $3 million in fiscal year 1992 and $1 million in fiscal year 1993. At the end of my remarks, I am inserting for the RECORD a copy of the CBO estimate on the bill dated May 5, 1992.

These are all good programs and I urge my colleagues to support S. 2378.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 5, 1992.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has prepared the enclosed cost estimate for S. 2378, a bill to extend certain expiring veterans' programs, as passed in the Senate on April 30, 1992. The bill would affect direct spending and, thus, would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of House Rule XXI also is attached.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2378.
2. Bill title: None.
3. Bill status: As passed in the Senate, April 30, 1992.
4. Bill purpose: To extend certain expiring veterans' programs, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Direct spending:						
Budget authority	−3	−1	0	0	0	0
Outlays	−3	−1	0	0	0	0
Authorization:						
Estimated authorization level	3	3	2	0	0	0
Outlays	3	3	2	0	0	0

Basis of estimate: The following section-by-section cost analysis only those sections of the bill that could be expected to result in a significant budgetary impact.

Section 1: This section would extend through March 31, 1994, the authority of the Department of Veterans Affairs (VA) to maintain a regional office in the Philippines.

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Estimated authorization level	3	3	2	0	0	0
Outlays	3	3	2	0	0	0

According to VA $2.4 million in General Operating Expenses funds were spent in 1991 to operate the Manila regional office. This amount was increased in future years for anticipated inflation.

Section 2: This section would extend through December 31, 1992, the authority of the VA to conduct vocational rehabilitation programs for certain compensation and pension recipients.

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Budget authority	....	[1]	[1]	0	0	0
Outlays	....	[1]	[1]	0	0	0

[1] Less than $500,000.

Fewer than 300 individuals are expected to receive training through these programs during the extension period at a cost of slightly less than $500,000 in 1992 and around $100,000 in 1993.

Section 5: This section would authorize the VA to guaranty the real estate mortgage investment conduits (REMICs) that are used to market vendee loans. This authority would expire on December 31, 1992.

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Budget authority	−3	−1	0	0	0	0
Outlays	−3	−1	0	0	0	0

The loans that make up the REMICs affected by this provision are guaranteed against default under current law. In addition to the guaranty against default loss, this provision would authorize the guaranty of timely payment of principal and interest on the certificates issued by the REMIC. The effects of this provision are direct spending because the VA home loan program and all its component accounts are mandatory spending.

Cash reserves and other elements of the REMIC credit structure make the likelihood of delayed payments extremely remote under current law. Therefore, a timely payment guaranty would not significantly affect the government's risk on these loans. Nevertheless, it is estimated by First Boston Corporation, VA's current lead underwriter for REMIC sales, that a timely payment guaranty would reduce the yield that must be offered to investors by 5 to 15 basis points (One percentage point equals 100 basis points), primarily by making VA REMICs look more like other insured REMICs. Reducing the yield on the certificates would lower the payout to the certificate holders and, thereby, increase the sale proceeds to VA. In addition, certain costs related to the sale would be eliminated, such as Securities and Exchange Commission registration and credit rating.

The above estimate assumes that this legislation will be enacted before the next loan sale, scheduled for the end of May. If enactment is delayed beyond this date, the 1992 savings would fall to $1.5 million.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The spending increases that would result from sections 2 and 5 of S. 2378 would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995
Outlays	−3	−1	0	0
Receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

7. Estimated cost to state and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: On April 3, 1992, CBO issued a cost estimate of S. 2378 as introduced in the Senate. That estimate was identical to the above estimate with the exception of section 5, which was added in an amendment on the Senate floor.

10. Estimate prepared by: K.W. Shepherd.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	−3	−1	0	0
Change in receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

Mr. STUMP. Madam Speaker, I thank the gentleman from Mississippi for his explanation.

Madam Speaker, I support passage of S. 2378, as amended, a bill to extend certain necessary authorities relating to the administration of veterans laws. Our chairman, Mr. MONTGOMERY, has explained the bill and I associate myself with his remarks. Also, I want to commend Mr. MONTGOMERY for promptly moving this legislation after the Senate passed it. It seems hard to believe, but here we are in May, and we are still picking up loose ends from last year.

We ended the last session without Senate action on these veterans' authorizations which the House had passed. Hopefully, in this otherwise difficult year, we will be able to act more expeditiously on veterans' legislation.

I urge favorable consideration of these reauthorizations.

Mr. APPLEGATE. Madam Speaker, I thank Chairman SONNY MONTGOMERY for taking this timely action.

Madam Speaker, I simply want to indicate my support for this bill, as it contains provisions which will permit the Department of Veterans Affairs to operate its Manila Regional Office through March 1994. It also would extend through this calendar year the Secretary's authority to conduct two vocational rehabilitation programs benefiting severely disabled veterans, whether they are suffering from service-connected or non-service-connected disabilities. My Subcommittee on Compensation, Pension, and Insurance will conduct a hearing later this year on these programs with an eye toward making these programs permanent. There are good programs for disabled veterans and I am very pleased to support the bill.

Mr. STUMP. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO MAINTAIN THE REGIONAL OFFICE IN THE PHILIPPINES.

(a) EXTENSION.—Section 315(b) of title 38, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "March 31, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991.

(c) RATIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD.—Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act is hereby ratified with respect to that period.

SEC. 2. AUTHORITIES RELATIONS TO CERTAIN TEMPORARY PROGRAMS.

(a) PROGRAM FOR TRAIL WORK PERIODS AND VOCATIONAL REHABILITATION.—Section 1163(a)(2)(B) of title 38, United States Code, is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(b) PROGRAM OF VOCATIONAL TRAINING FOR NEW PENSION RECIPIENTS.—Section 1524(a)(4) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(c) PROTECTION OF HEALTH-CARE ELIGIBILITY.—Section 1525(b)(2) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) through (c) shall take effect as of January 31, 1992.

(e) RATIFICATION OF ACTIONS DURING LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act are hereby ratified with respect to that period:

(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.

SEC. 3. AUTHORITIES RELATING TO RESEARCH CORPORATIONS.

(a) PERIOD FOR OBTAINING RECOGNITION AS TAX-EXEMPT ENTITY.—Section 7361(b) of title 38, United States Code, is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) ESTABLISHMENT OF CORPORATION.—Section 7368 of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1991.

(d) RATIFICATION FOR LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act are hereby ratified:

(1) A failure to dissolve a nonprofit corporation established under section 7361(a) of title 38, United States Code, that, within the three-year period beginning on the date of the establishment of the corporation, was not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The establishment of a nonprofit corporation for approved research under section 7361(a) of title 38, United States Code.

SEC. 4. REQUIREMENT OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 1901(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal year 1992".

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992".

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting ", and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that all

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[1] An estimate of S. 2378, to extend certain expiring programs for veterans, as passed in the Senate on Apr. 30, 1992. This estimate was transmitted by the Congressional Budget Office on May 5, 1992.

Members may have 5 legislative days in which to revise and extend their remarks on S. 2378, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

NATIONAL HUNTINGTON'S DISEASE NATIONAL AWARENESS MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 251) to designate the month of May 1992 as "National Huntington's Disease Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. MEYERS of Kansas. Madam Speaker, reserving the right to object, as the chief sponsor of the House version of Senate Joint Resolution 251, I rise in support of this Senate joint resolution.

Huntington's disease is a hereditary neurological disorder which directly affects 1 in 10,000 Americans. The disease produces radical physical changes over a period of 10 to 20 years—affecting coordination, speech, and control of movement—as well as profound mental changes—diminishing the power to think, remember, or reason. The disease causes a very slow deterioration of a person's neurological functions, which is emotionally devastating and very costly for the victims and their families. There is at present no cure and it is a fatal disease.

Recent advances in genetic research have given those who are affected by Huntington's disease hope that an effective treatment and possible cure will soon be found. In 1983, scientists discovered a genetic flag known as a marker, indicating the nearby presence in a person's DNA of the gene which causes Huntington's disease. Dr. Francis Collins, the discoverer of the genes for cystic fibrosis and neurofibromatosis, is one of the many expert researchers around the country working to find the gene which causes the disease. Increased Federal funding of medical research would hasten the search for the Huntington's disease gene.

I firmly believe that the designation of May 1992 as National Huntington's Disease Awareness Month will generate the interest and momentum necessary to increase research funding for Huntington's disease, and to find a cure for this devastating disease.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 251

Whereas twenty-five thousand Americans are victims of Huntington's disease, a fatal, hereditary, neurological disorder;

Whereas an additional one hundred and twenty-five thousand Americans have a 50-percent change of inheriting the gene responsible for Huntington's disease from an affected parent and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's disease, manic depression, kidney cancer, and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992 is designated as "National Huntington's disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE CHILD SUPPORT ECONOMIC SECURITY ACT OF 1992

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, today I am pleased to introduce the Child Support Economic Security Act of 1992. This bill will strengthen the child support enforcement system to ensure that children have a regular, reliable source of income from their noncustodial parents.

This bill contains 16 distinct measures that tighten the child support enforcement program and close loopholes through which noncustodial parents are able to shirk their financial obligations to their children. It also includes amendments to title II of the United States Code that will make it more difficult for noncustodial parents who declare bankruptcy to avoid their financial obligations to their children and former spouses.

The failure to pay child support is a national disgrace. In 1989, the most recent year for which data are available, there was a $5 billion shortfall between the $16.3 billion owed and the actual amount collected. Each year, just one-half of child support obligations are paid in full, and 25 percent are never made. This bill help children and families owed these obligations.

The media are just beginning to understand what a pervasive problem child support enforcement is. Just recently, the Denver Post published a series of articles on this subject. Last week, Newsweek's cover story focused on deadbeat dads. This week, ABC's "Prime Time" will feature an investigative story on child support enforcement and the McNeil/Lehrer Program also has a story in the works.

But this is not a new story. It is, however, a story whose parameters continue to grow as the number of children living with just one parent continues to grow. Twenty-five percent of children now live in single-parent families, a figure that has doubled over the past 20 years. As a result, the need to improve the collection of child support has become more urgent.

Most children in single-parent families—87 percent—live with their mothers. Since women, on average, earn barely two-thirds of what men earn, most women who head single-parent households are at an economic disadvantage compared with their noncustodial exspouses, and they rely heavily on child support to ease their financial burdens.

In fact, a recent study from the U.S. Bureau of the Census that followed a set of nearly 52,000 children from October 1983 through May 1986, found that within 4 months of their parents' separation, the family income of children declined by 37 percent. Equally disturbing, the percent of children living in poverty increased from 19 to 36 percent in the first 4 months following their parents' separation. And the number of children relying on Aid to Families with Dependent Children [AFDC] doubled during this same timeframe, increasing from 9 to 18 percent. Similarly, the number of food recipients nearly tripled during the first year of parental separation.

What these disturbing facts tell us is that children rely heavily on their father's incomes for support while their parents are living together, and that ongoing support from the noncustodial parent is critical if children are to avoid poverty after their parents divorce.

Since 1975, Congress has been trying to improve the child support enforcement system to ensure that noncustodial parents continue their financial support responsibilities to their children and to keep so many children in single-parent families from tumbling into poverty. In order to expedite child support payments, Congress amended the Child Support Enforcement Program in 1984 and again in 1988. Our intent was to make child support payments a regular, reliable source of income.

But in spite of these reforms, the system still fails to make collections in too many cases.

Everyone, from child support administrators to child advocates, agrees that child support enforcement measures are not working well. Wage withholding of child support payments, the cornerstone of the Child Support Enforcement Program, is not working as well as we would have hoped. In part, this is due to the inability of the system to track missing noncustodial parents and initiate wage withholding procedures. Other nonpayors slip through the system because they do not receive regular wages from an employer.

I receive letters weekly from distraught parents from all over the country who are unable to make ends meet because of child support delinquencies. They write of endless delays, some longer than a year, before child support payments are withheld from the wages of a noncustodial parent. Others report the failure of the system to locate a parent who has moved without leaving a forwarding address. On average, it takes 1 year to locate an absent parent, and 2 years to establish a court order if a parent has deserted. In spite of the best efforts of IV–D agencies around the country, they are too understaffed and too underautomated to handle the volume of cases that pass through the system. This just won't so.

Children who live in a State other than that of the absent parent are in the greatest economic peril. A new study from the General Accounting Office on interstate child support collection found that 1-in-3 noncustodial parents who lives out-of-state has never made a child support payment, and another 232 percent fail to make regular payments. A major factor in nonpayment is the lack of timeliness in locating the noncustodial parent. In one out of four cases the noncustodial parent has left an employer by the time the order to withhold child support is served.

In July, after nearly 2 years of intensive work, the U.S. Commission on Interstate Child Support will present its recommendations for improving interstate child support enforcement to Congress. For some time, the Commission has been circulating drafts of its recommendations for review and comment. The legislation that I am introducing today is based on several of the Commission's recommendations, but in some cases goes further than the Commission in closing loopholes that noncustodial parents have used to avoid paying child support.

The Child Support Economic Security Act of 1992:

Mandates uniform, statewide systems of child support enforcement;

Mandates IV–D agency access to all State and local databases;

Mandates child support payments until the child reaches age 18, graduates from high school, marries, or is emancipated, and extends child support beyond the age of 18 if the child is disabled;

Mandates withholding of child support arrearages from all forms of income, including lottery winnings, insurance payments, and State court awards;

Prevents recording of property transactions unless arrearages have been paid;

Prohibits the provision, renewal, or reissuance of licenses unless provisions are made to pay current support and arrearages;

Mandates reporting to consumer credit reporting agencies of overdue support and allows such information to be reported upon request by consumer credit reporting agencies;

Eliminates the statute of limitation for the collection of arrearages;

Requires the recording of Social Security numbers on marriage licenses and child support orders;

Clarifies the separate treatment of issues related to visitation and child support;

Requires regulations for timely response to interstate locate requests, based on the state of available technology;

Requires States to adopt the Uniform Interstate Family Support Act as adopted by the National Conference of Commissioners on Uniform State Laws;

Establishes a national commission to research and draft national child support guidelines; and

Amends the Federal Bankruptcy Code to ensure that support owned to children and custodial parents is not discharged by a bankruptcy proceeding.

This legislation represents a major step forward to ensure a measure of economic security to children who are dependent on child support payments. The receipt of child support should be as automatic as Social Security benefits are for the elderly.

I urge my colleagues to join with me in cosponsoring this important legislation. As a nation, we must realize that paying child support is a fundamental civic responsibility, and should be as ingrained as paying taxes. While those with child support obligations may choose to run, they should not be allowed to hide. We owe this much to our children.

□ 1530

GALLEGLY BILL TO EXTEND TARGETED JOBS CREDIT TO DISLOCATED DEFENSE WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, I am pleased to introduce today a bill to make dislocated defense workers eligible for the targeted jobs tax credit.

We are fortunate to be living at a time when there are few serious threats to world peace, thanks in large part to the determination and military strength of the United States. We have heard repeatedly the promise of some sort of "peace dividend" as a result of the planned reductions in our defense spending and downsizing of our military forces. The sad truth is that, thanks to the huge budget deficit and outstanding domestic spending programs, whatever peace dividend there might be from projected defense cutbacks has already been committed. Moreover, as a consequence of cutbacks, many of our best-trained, most productive and most patriotic citizens are already paying a steep price for this dividend.

Over the next 5 years, one quarter of our Armed Forces—approximately 450,000 active duty personnel—is scheduled for displacement. In addition, some 150,000 civilians will be let go from their military jobs. According to Business Week magazine, if defense spending is slashed by $150 billion over the next 5 years, as proposed, over 3.3 million jobs will be lost in the private sector.

The Federal Government has an obligation to try to help the millions of Americans who will lose their jobs through no fault of their own, but as a direct result of reductions in defense expenditures that their own contributions to winning the cold war helped make possible. Americans from all walks of life have served their country with pride and distinction, out of patriotic duty and a commitment to fight for peace and freedom and to protect America from the threat of world communism. Many of them have come to look upon military service as a career. Despite promises of promotion and adventure, thousands of men and women in uniform are suddenly facing forced separation. Their dreams for the future have been dashed in our rush to downsize our military forces to fit the demands of a new world order and meet the needs of a peacetime defense.

Our Nation's defenses include not only the military services, the officers and enlisted men and women on active duty and in the National Guard and the Reserves. They also include the many industries and large and small businesses employing millions of civilian workers who produce the planes, ships, and weaponry, the machines and materials, and the aerospace and electronic tools that have enabled America to remain No. 1 in the world and meet its cold war defense needs. In our eagerness to cut back the defense budget overnight, we are contributing to the current economic recession by pushing many firms into bankruptcy and by throwing their employees out of work, into unemployment lines and onto welfare and forcing their families into anxiety and despair.

Under the circumstances, I believe that we have an obligation to help these victims of demobilization. These men and women have already paid their dues. They have proven that they can hold down a job and carry responsibility; that they have the education, training, experience, and the desire to make a positive contribution to work force productivity and to our Nation's global competitiveness. What these people need most of all is a new job, the opportunity to prove themselves and be productive members of society again. What I propose is the incentive for an employer to hire them and train them for that new job.

I propose that the targeted jobs tax credit [TJTC] be extended to cover dislocated defense workers who, because of reductions in defense expenditures, have lost their jobs through no fault of their own. The new members of this targeted group are all victims of defense cutbacks—those military personnel who are involuntarily separated, but honorably discharged; Defense Department civilian employees involuntarily terminated; and employees involuntarily terminated from defense-related jobs in the private sector. The credit would be available to an employer who hires a dislocated worker within 1 year of his or her separation from a previous defense-related job.

TJTC is a program that has already proven successful in promoting employment opportunities for economically disadvantaged youth, Vietnam-era veterans, cooperative education teenagers, ex-offenders, vocational rehabilitation referrals, and persons on AFDC, SSI, and other general assistance programs. The targeted jobs credit relies on the private sector, rather than Government, using a simple, straightforward fiscal mechanism now available to business. It requires no new Federal bureaucracy nor a welfare handout.

This legislation provides a practical, cost-effective approach to a pressing problem. Given the uncertain state of our economy and the lives that are involved, I urge immediate congressional consideration of this bill.

Mr. Speaker, the text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISLOCATED DEFENSE WORKERS TREATED AS MEMBERS OF TARGETED GROUP.

(a) *General Rule.*—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (defining members of a targeted group) is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J), and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(K) a dislocated defense worker."

(b) Dislocated Defense Worker.—Subsection (d) of section 51 of such Code is amended by redesignating paragraphs (13), (14), (15), and (16), as paragraphs (14), (15), (16), and (17), respectively, and by inserting after paragraph (12) the following new paragraph:

"(13) Dislocated defense worker.—The term 'dislocated defense worker' means any individual—

"(A) if—

"(i) the Secretary of Defense certifies that—

"(I) such individual had been involuntarily separated (within the meaning of section 1141 of title 10, United States Code) from the Armed Forces as the result of reductions in defense expenditures, or

"(II) such individual had been involuntarily terminated from civilian employment in the Defense Department as the result of reductions in defense expenditures, or

"(ii) the designated local agency certifies that such individual was involuntarily terminated from employment by an employer (other than a governmental body) as the result of reductions in such employer's business caused by reductions in defense expenditures, and

"(B) if the hiring date is during the 1-year period beginning on the date of the involuntary separation or termination (as the case may be) referred to in subparagraph (A).

For purposes of paragraph (17), any reference to the designated local agency shall, in the cae of individuals referred to in subparagraph (A)(i), include a reference to the Secretary of Defense."

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

THE SINEWS OF PEACE AND THE RIVER OF TIME AND THE IMPERATIVE OF ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, on March 5, 1946, the former Prime Minister of Great Britain, Winston Churchill, went to Missouri at the request of President Truman and delivered a speech at what was later to become my alma mater, Westminster College, entitled "The Sinews of Peace," otherwise known as "the Iron Curtain speech." It has been said of this speech that it may be regarded as the most important Churchill delivered as leader of the opposition during the period 1945 to 1951.

It contains certain phrases: "The special relationship," "the sinews of peace," which at once entered into general use and which have survived, but it is the passage on "the Iron Curtain" which attracted immediate international attention and had incalculable impact upon public opinion in the United States and in Western Europe.

Russian historians date the beginning of the cold war from this speech. In its phraseology, in its intricate drawing together of several themes to an electrifying climax, this speech may be regarded as a technical classic.

Yesterday, May 6, 1992, Mikhail Sergeyevich Gorbachev spoke from the very same podium Winston Churchill spoke from in 1946 and delivered an address entitled "The River of Time and the Imperative of Action."

Mr. Speaker, at this point in the Record I am enclosing Mr. Churchill's speech of March 5, 1946, and Mr. Gorbachev's speech of yesterday.

The Sinews of Peace

[By Winston Churchill]

I am glad to come to Westminster College this afternoon, and am complimented that you should give me a degree. The name "Westminster" is somehow familiar to me. I seem to have heard of it before. Indeed it was at Westminster that I received a very large part of my education in politics, dialectic, rhetoric, and one or two other things. In fact we have both been educated at the same, or similar, or, at any rate, kindred establishments.

It is also an honour, perhaps almost unique, for a private visitor to be introduced to an academic audience by the President of the United States. Amid his heavy burdens, duties, and responsibilities—unsought but not recoiled from—the President has travelled a thousand miles to dignify and magnify our meeting here today and to give me an opportunity of addressing this kindred nation, as well as my own countrymen across the ocean, and perhaps some other countries too. The President has told you that it is his wish, as I am sure it is yours, that I should have full liberty to give my true and faithful counsel in these anxious and baffling times. I shall certainly avail myself of this freedom, and feel the more right to do so because any private ambitions I may have cherished in my younger days have been satisfied beyond my wildest dreams. Let me, however, make it clear that I have no official mission or status of any kind, and that I speak only for myself. There is nothing here but what you see.

I can therefore allow my mind, with the experience of a lifetime, to play over the problems which beset us on the morrow of our absolute victory in arms, and to try to make sure with what strength I have that what has been gained with so much sacrifice and suffering shall be preserved for the future glory and safety of mankind.

The United States stands at this time at the pinnacle of world power. It is a solemn moment for the American Democracy. For with primacy in power is also joined an awe-inspiring accountability to the future. If you look around you, you must feel not only the sense of duty done but also you must feel anxiety lest you fall below the level of achievement. Opportunity is here now, clear and shining for both our countries. To reject it or ignore it or fritter it away will bring upon us all the long reproaches of the aftertime. It is necessary that constancy of mind, persistency of purpose, and the grand simplicity of decision shall guide and rule the conduct of the English-speaking peoples in peace as they did in war. We must, and I believe we shall, prove ourselves equal to this severe requirement.

When American military men approach some serious situation they are wont to write at the head of their directive the words "over-all strategic concept." There is wisdom in this, as it leads to clarity of thought. What then is the over-all strategic concept which we should inscribe today? It is nothing less than the safety and welfare, the freedom and progress, of all the homes and families of all the men and women in all the lands. And here I speak particularly of the myriad cottage or apartment homes where the wage-earner strives amid the accidents and difficulties of life to guard his wife and children from privation and bring the family up in the fear of the Lord, or upon ethical conceptions which often play their potent part.

To give security to these countless homes, they must be shielded from the two giant marauders, war and tyranny. We all know the frightful disturbances in which the ordinary family is plunged when the curse of war swoops down upon the bread-winner and those for whom he works and contrives. The awful ruin of Europe, with all its vanished glories, and of large parts of Asia glares us in the eyes. When the designs of wicked men or the aggressive urge of mighty States dissolve over large areas the frame of civilised society, humble folk are confronted with difficulties with which they cannot cope. For them all is distorted, all is broken, even ground to pulp.

When I stand here this quiet afternoon I shudder to visualise what is actually happening to millions now and what is going to happen in this period when famine stalks the earth. None can compute what has been called "the unestimated sum of human pain." Our supreme task and duty is to guard the homes of the common people from the horrors and miseries of another war. We are all agreed on that.

Our American military colleagues, after having proclaimed their "over-all strategic concept" and computed available resources, always proceed to the next step—namely, the method. Here again there is widespread agreement. A world organization has already been erected for the prime purpose of preventing war, UNO, the successor of the League of Nations, with the decisive addition of the United States and all that that means, is already at work. We must make sure that its work is fruitful, that it is a reality and not a sham, that it is a force for action, and not merely a frothing of words, that it is a true temple of peace in which the shields of many nations can some day be hung up, and not merely a cockpit in a Tower of Babel. Before we cast away the solid assurances of national armaments for self-preservation we must be certain that our temple is built, not upon shifting sands or quagmires, but upon the rock. Anyone can see with his eyes open that our path will be difficult and also long, but if we persevere together as we did in the two world wars—though not, alas, in the interval between them—I cannot doubt that we shall achieve our common purpose in the end.

I have, however, a definite and practical proposal to make for action. Courts and magistrates may be set up but they cannot function without sheriffs and constables. The United Nations organization must immediately begin to be equipped with an international armed force. In such a matter we can only go step by step, but we must begin now. I propose that each of the Powers and States should be invited to delegate a certain number of air squadrons to the service of the world organization. These squadrons would be trained and prepared in their own countries, but would move around in rotation from one country to another. They would wear the uniform of their own countries but with different badges. They would not be required to act against their own nation, but in other respects they would be directed by the world organization. This might be started on a modest scale and would grow as confidence grew. I wished to see this done after the first world war, and I devoutly trust it may be done forthwith.

It would nevertheless be wrong and imprudent to entrust the secret knowledge or experience of the atomic bomb, which the United States, Great Britain, and Canada now share, to the world organization, while it is still in its infancy. It would be criminal madness to cast it adrift in this still agitated and un-united world. No one in any country has slept less well in their beds because this knowledge and the method and the raw materials to apply it, are at present largely retained in American hands. I do not believe we should all have slept so soundly had the positions been reversed and if some Communist or neo-Fascist State monopolised for the time being these dread agencies. The fear of them alone might easily have been used to enforce totalitarian systems upon the free democratic world, with consequences appalling to human imagination. God has willed that this shall not be and we have at least a breathing space to set our house in order before this peril has to be encountered: and even then, if no effort is spared, we should still possess so formidable a superiority as to impose effective deterrents upon its employment, or threat of employment, by others. Ultimately, when the essential brotherhood of man is truly embodied and expressed in a world organization with all the necessary practical safeguards to make it effective, these powers would naturally be confided to that world organization.

Now I come to the second danger of these two marauders which threatens the cottage, the home, and the ordinary people—namely, tyranny. We cannot be blind to the fact that the liberties enjoyed by individual citizens throughout the British Empire are not valid in a considerable number of countries, some of which are very powerful. In these States control is enforced upon the common people by various kinds of all-embracing police governments. The power of the State is exercised without restraint, either by dictators or by compact oligarchies operating through a privileged party and a political police. It is not our duty at this time when difficulties are so numerous to interfere forcibly in the internal affairs of countries which we have not conquered in war. But we must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of Rights, the Habeas Corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence.

All this means that the people of any country have the right, and should have the power by constitutional action, by free unfettered elections, with secret ballot, to choose or change the character or form of government under which they dwell; that freedom of speech and thought should reign; that courts of justice, independent of the executive, unbiased by any party, should administer laws which have received the broad assent of large majorities or are consecrated by time and custom. Here are the title deeds of freedom which should lie in every cottage home. Here is the message of the British and American peoples to mankind. Let us preach what we practise—let us practise what we preach.

I have now stated the two great dangers which menace the homes of the people: War and Tyranny. I have not yet spoken of poverty and privation which are in many cases the prevailing anxiety. But if the dangers of war and tyranny are removed, there is no doubt that science and co-operation can bring in the next few years to the world, certainly in the next few decades newly taught in the sharpening school of war, an expansion of material well-being beyond anything that has yet occurred in human experience. Now, at this sad and breathless moment, we are plunged in the hunger and distress which are the aftermath of our stupendous struggle; but this will pass and may pass quickly, and there is no reason except human folly or sub-human crime which should deny to all the nations the inauguration and enjoyment of an age of plenty. I have often used words which I learned fifty years ago from a great Irish-American orator, a friend of mine, Mr. Bourke Cockran. "There is enough for all. The earth is a generous mother; she will provide in plentiful abundance food for all her children if they will but cultivate her soil in justice and in peace." So far I feel that we are in full agreement.

Now, while still pursuing the method of realising our overall strategic concept, I come to the crux of what I have traveled here to say. Neither the sure prevention of war, nor the continuous rise of world organization will be gained without what I have called the fraternal association of the English-speaking peoples. This means a special relationship between the British Commonwealth and Empire and the United States. This is no time for generalities, and I will venture to be precise. Fraternal association requires not only the growing friendship and mutual understanding between our two vast but kindred systems of society, but the continuance of the intimate relationship between our military advisers, leading to common study of potential dangers, the similarity of weapons and manuals of instructions, and to the interchange of officers and cadets at technical colleges. It should carry with it the continuance of the present facilities for mutual security by the joint use of all Naval and Air Force bases in the possession of either country all over the world. This would perhaps double the mobility of the American Navy and Air Force. It would greatly expand that of the British Empire Forces and it might well lead, if and as the world calms down, to important financial savings. Already we use together a large number of islands; more may well be entrusted to our joint care in the near future.

The United States has already a Permanent Defence Agreement with the Dominion of Canada, which is so devotedly attached to the British Commonwealth and Empire. This Agreement is more effective than many of those which have often been made under formal alliances. This principle should be extended to all British Commonwealths with full reciprocity. Thus, whatever happens, and thus only, shall we be secure ourselves and able to work together for the high and simple causes that are dear to us and bode no ill to any. Eventually there may come—I feel eventually there will come—the principle of common citizenship, but that we may be content to leave to destiny, whose outstretched arm many of us can already clearly see.

There is however an important question we must ask ourselves. Would a special relationship between the United States and the British Commonwealth be inconsistent with our over-riding loyalties to the World Organization? I reply that, on the contrary, it is probably the only means by which that organization will achieve its full stature and strength. There are already the special United States relations with Canada which I have just mentioned, and there are the special relations between the United States and the South American Republics. We British have our twenty years Treaty of Collaboration and Mutual Assistance with Soviet Russia. I agree with Mr. Bevin, the Foreign Secretary of Great Britain, that it might well be a fifty years Treaty so far as we are concerned. We aim at nothing but mutual assistance and collaboration. The British have an alliance with Portugal unbroken since 1384, and which produced fruitful results at critical moments in the late war. None of these clash with the general interest of a world agreement, or a world organization; on the contrary they help it. "In my father's house are many mansions." Special associations between members of the United Nations which have no aggressive point against any other country, which harbour no design incompatible with the Charter of the United Nations, far from being harmful, are beneficial and, as I believe, indispensable.

I spoke earlier of the Temple of Peace. Workmen from all countries must build that temple. If two of the workmen know each other particularly well and are old friends, if their families are inter-mingled, and if they have "faith in each other's purpose, hope in each other's future and charity towards each other's shortcomings"—to quote some good words I read here the other day—why cannot they work together at the common task as friends and partners? Why cannot they share their tools and thus increase each other's working powers? Indeed they must do so or else the temple may not be built, or, being built, it may collapse, and we shall all be proved again unteachable and have to go and try to learn again for a third time in a school of war, incomparably more rigorous than that from which we have just been released. The dark ages may return, the Stone Age may return on the gleaming wings of science, and what might now shower immeasurable material blessings upon mankind, may even bring about its total destruction. Beware, I say; time may be short. Do not let us take the course of allowing events to drift along until it is too late. If there is to be a fraternal association of the kind I have described, with all the extra strength and security which both our countries can derive from it, let us make sure that that great fact is known to the world, and that it plays its part in steadying and stabilizing the foundations of peace. There is the path of wisdom. Prevention is better than cure.

A shadow has fallen upon the scenes so lately lighted by the Allied victory. Nobody knows what Soviet Russia and its Communist international organization intends to do in the immediate future, or what are the limits, if any, to their expansive and proselytizing tendencies. I have a strong admiration and regard for the valiant Russian people and for my wartime comrade, Marshal Stalin. There is deep sympathy and goodwill in Britain—and I doubt not here also—towards the peoples of all the Russias and a resolve to persevere through many differences and rebuffs in establishing lasting friendships. We understand the Russian need to be secure on her western frontiers by the removal of all possibility of German aggression. We welcome Russia to her rightful place among the leading nations of the world. We welcome her flag upon the seas. Above all, we welcome constant, frequent and growing contacts between the Russian people and our own people on both sides of the Atlantic. It is my duty however, for I am sure you would wish me to state the facts as I see them to you, to place before you certain facts about the present position in Europe.

From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe. Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest and Sofia, all these famous cities and the populations around them lie in what I must call the Soviet sphere, and all are subject in one form or another, not only to Soviet influence but to a very high and, in many cases, increasing measure of control from Moscow. Athens alone—Greece with its immortal glories—is free to decide its future at an election under British, American and French observation. The Russian-dominated Polish Government has been encouraged to make enormous and wrongful inroads upon Germany, and mass expulsions of millions of Germans on a scale grievous and undreamed-of are now taking place. The Communist parties, which were very small in all these Eastern States of Europe, have been raised to pre-eminence and power far beyond their numbers and are seeking everywhere to obtain totalitarian control. Police governments are prevailing in nearly every case, and so far, except in Czechoslovakia, there is no true democracy.

Turkey and Persia are both profoundly alarmed and disturbed at the claims which are being made upon them and at the pressure being exerted by the Moscow Government. An attempt is being made by the Russians in Berlin to build up a quasi-Communist party in their zone of Occupied Germany by showing special favours to groups of left-wing German leaders. At the end of the fighting last June, the American and British Armies withdrew westwards, in accordance with an earlier agreement to a depth at some points of 150 miles upon a front of nearly four hundred miles, in order to allow our Russian allies to occupy this vast expanse of territory which the Western Democracies had conquered.

If now the Soviet Government tries, by separate action, to build up a pro-Communist Germany in their areas, this will cause new serious difficulties in the British and American zones, and will give the defeated Germans the power of putting themselves up to auction between the Soviets and the Western Democracies. Whatever conclusions may be drawn from these facts—and facts they are—this is certainly not the Liberated Europe we fought to build up. Nor is it one which contains the essentials of permanent peace.

The safety of the world requires a new unity in Europe, from which no nation should be permanently outcast. It is from the quarrels of the strong parent races in Europe that the world wars we have witnessed, or which occurred in former times, have sprung. Twice in our own lifetime we have seen the United States, against their wishes and their traditions, against arguments, the force of which it is impossible not to comprehend, drawn by-irresistible forces, into these wars in time to secure the victory of the good cause, but only after frightful slaughter and devastation had occurred. Twice the United States has had to send several million of its young men across the Atlantic to find the war; but now war can find any nation, wherever it may dwell between dusk and dawn. Surely we should work with conscious purpose for a grand pacification of Europe, within the structure of the United Nations and in accordance with its Charter. That I feel is an open cause of policy of very great importance.

In front of the iron curtain which lies across Europe are other causes for anxiety. In Italy the Communist Party is seriously hampered by having to support the Communist-trained Marshal Tito's claims to former Italian territory at the head of the Adriatic. Nevertheless the future of Italy hangs in the balance. Again one cannot imagine a regenerated Europe without a strong France. All my pubic life I have worked for a strong France and I never lost faith in her destiny, even in the darkest hours. I will not lose faith now. However, in a great number of countries, far from the Russian frontiers and throughout the world, Communist fifth columns are established and work in complete unity and absolute obedience to the directions they receive from the Communist center. Except in the British Commonwealth and in the United States where Communism is in its infancy, the Communist parties or fifth columns constitute a growing challenge and peril to Christian civilization. These are somber facts for anyone to have to recite on the narrow of a victory gained by so much splendid comradeship in arms and in the cause of freedom and democracy; but we should be most unwise not to face them squarely while time remains.

The outlook is also anxious in the Far East and especially in Manchuria. The Agreement which was made at Yalta, to which I was a party, was extremely favourable to Soviet Russia, but it was made at a time when no one could say that the German war might not extend all through the summer and autumn of 1945 and when the Japanese war was expected to last for a further 18 months from the end of the German war. In this country you are all so well informed about the Far East, and such devoted friends of China, that I do not need to expatiate on the situation there.

I have felt bound to portray the shadow which, alike in the west and in the east, falls upon the world. I was a high minister at the time of the Versailles Treaty and a close friend of Mr. Lloyd-George, who was the head of the British delegation at Versailles. I did not myself agree with many things that were done, but I have a very strong impression in my mind of that situation, and I find it painful to contrast it with that which prevails now. In those days there were high hopes and unbounded confidence that the wars were over, and that the League of Nations would become all-powerful. I do not see or feel that same confidence or even the same hopes in the haggard world at the present time.

On the other hand I repulse the idea that a new war is inevitable; still more that it is imminent. It is because I am sure that our fortunes are still in our own hands and that we hold the power to save the future, that I feel the duty to speak out now that I have the occasion and the opportunity to do so. I do not believe that Soviet Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines. But what we have to consider here today while time remains, is the permanent prevention of war and the establishment of conditions of freedom and democracy as rapidly as possible in all countries. Our difficulties and dangers will not be removed by closing our eyes to them. They will not be removed by mere waiting to see what happens; nor will they be removed by a policy of appeasement. What is needed is a settlement, and the longer this is delayed, the more difficult it will be and the greater our dangers will become.

From what I have seen of our Russian friends and Allies during the war, I am convinced that there is nothing they admire so much as strength, and there is nothing for which they have less respect than for weakness, especially military weakness. For that reason the old doctrine of a balance of power is unsound. We cannot afford, if we can help it, to work on narrow margins, offering temptations to a trial of strength. If the Western Democracies stand together in strict adherence to the principles of the United Nations Charter, their influence for furthering those principles will be immense and no one is likely to molest them. If however they become divided or falter in their duty and if these all-important years are allowed to slip away then indeed catastrophe may overwhelm us all.

Last time I saw it all coming and cried aloud to my own fellow-countrymen and to the world, but no one paid any attention. Up till the year 1933 or even 1935, Germany might have been saved from the awful fate which has overtaken her and we might all have been spared the miseries Hitler let loose upon mankind. There never was a war in all history easier to prevent by timely action than the one which has just desolated such great areas of the globe. It could have been prevented in my belief without the firing of a single shot, and Germany might be powerful, prosperous and honoured today; but no one would listen and one by one we were all sucked into the awful whirlpool. We surely must not let that happen again. This can only be achieved by reaching now, in 1946, a good understanding on all points with Russia under the general authority of the United Nations Organization and by the maintenance of that good understanding through many peaceful years, by the world instrument, supported by the whole strength of the English-speaking world and all its connections. There is the solution which I respectfully offer to you in this Address to which I have given the title "The Sinews of Peace."

Let no man underrate the abiding power of the British Empire and Commonwealth. Because you see the 46 millions in our island harassed about their food supply, of which they only grow one half, even in war-time, or because we have difficulty in restarting our industries and export trade after six years of passionate war effort, do not suppose that we shall not come through these dark years of privation as we have come through the glorious years of agony, or that half a century from now, you will not see 70 or 80 millions of Britons spread about the world and united in defense of our traditions, our way of life, and of the world causes which you and we espouse. If the population of the English-speaking Commonwealths be added to that of the United States with all that such cooperation implies in the air, on the sea, all over the globe and in science and in industry, and in moral force, there will be no quivering, precarious balance of power to offer its temptation to ambition or adventure. On the contrary, there will be an overwhelming assurance of security. If we adhere faithfully to the Charter of the United Nations and walk forward in sedate and sober strength seeking no one's land or treasure, seeking to lay no arbitrary control upon the thoughts of men; if all British moral and material forces and convictions are joined with your own in fraternal association, the high-roads of the future will be clear, not only for us but for all, not only for our time, but for a century to come.

THE RIVER OF TIME AND THE IMPERATIVE OF ACTION

(By Mikhail Sergeyevich Gorbachev)

I

Here we stand, before a sculpture in which the sculptor's imagination and fantasy, with remarkable expressiveness and laconism, convey the drama of the "Cold War," the irrepressible human striving to penetrate the barriers of alienation and confrontation. It is symbolic that this artist was the granddaughter of Winston Churchill and that this sculpture should be in Fulton.

More than 46 years ago Winston Churchill spoke in Fulton and in my country this speech was singled out as the formal declaration of the "Cold War." This was indeed the first time the words, "Iron Curtain," were pronounced, and the whole Western World was challenged to close ranks against the threat of tyranny in the form of the Soviet Union and Communist expansion. Everything else in this speech, including Churchill's analysis of the postwar situation in the world, his thoughts about the possibility of preventing a third world war, the prospects for progress, and methods of reconstructing the postwar world, remained unknown to the Soviet people.

Today, in paying tribute to this prominent statesman, we can evaluate more quietly and objectively both the merits of his speech and the limitations of the analysis which it included, his ideas and predictions, and his strategic principles.

Since that time the world in which we live has undergone tremendous changes. Even so, however paradoxical it may sound, there is a certain similarity between the situation then and today. Then, the prewar structure of international relations had virtually collapsed, a new pattern of forces had emerged along with a new set of interests and claims.

Different trends in world development could be discerned, but their prospects were not clearly outlined. New possibilities for progress had appeared. Answers had to be found to the challenges posed by new subjects of international law. The atmosphere was heavy—not only with hope, but also with suspicion, lack of understanding, unpredictability.

In other words, a situation had emerged in which a decision with universal implications had to be taken. Churchill's greatness is seen in the fact that he was the first among leading political figures to understand that.

Indeed, the world community which had at this time already established the United Nations, was faced with a unique opportunity to change the course of world development, fundamentally altering the role in it of force and of war. And, of course, this depended to a decisive degree on the Soviet Union and the United States—here I hardly need to explain why.

So I would like to commence my remarks by noting that the U.S.S.R. and the U.S. missed that chance—the chance to establish their relationship on a new basis of principle and thereby to initiate a world order different from that which existed before the war. I think it is clear that I am not suggesting that they should have established a sort of condominium over the rest of the world. The opportunity was on a different plane altogether.

If the United States and the Soviet Union had been capable of understanding their responsibility and sensibly correlating their national interests and strivings with the rights and interests of other states and peoples, the planet today would be a much more suitable and favorable place for human life. I have more than once criticized the foreign policy of the Stalinist leadership in those years. Not only was it incapable of reevaluating the historical logic of the interwar period, taking into account the experience and results of the war, and following a course which corresponded to the changed reality, it committed a major error in equating the victory of democracy over fascism with the victory of socialism and aiming to spread socialism throughout the world.

But the West, and the United States in particular, also committed an error. Its conclusion about the probability of open Soviet military aggression was unrealistic and dangerous. This could never have happened, not only because Stalin, as in 1939–1941, was afraid of war, did not want war, and never would have engaged in a major war. But primarily because the country was exhausted and destroyed; it had lost tens of millions of people, and the public hated war. Having won a victory, the army and the soldiers were dying to get home and get back to a normal life.

By including the "nuclear component" in world politics, and on this basis unleashing a monstrous arms race—and here the initiator was the United States, the West—"defense sufficiency was exceeded," as the lawyers say. This was a fateful error.

So I would be so bold as to affirm that the governing circles of the victorious powers lacked an adequate strategic vision of the possibilities for world development as they emerged after the war—and, consequently, a true understanding of their own countries' national interests. Hiding behind slogans of "love for peace" and defense of their people's interests, on both sides decisions were taken which split asunder the world which had just succeeded in overcoming fascism because it was united.

And on both sides this was justified ideologically. The conflict was presented as the inevitable opposition between good and evil—all the evil, of course, being attributed to the opponent. This continued for decades until it became evident that we were approaching the abyss. I am stating this because the world community has paid dearly for the errors committed at this turning-point in world history.

In the major centers of world politics the choice, it would seem, has today been made in favor of peace, cooperation, interaction, and overall security. And in pushing forward to a new civilization we should under no circumstances again make the intellectual, and consequently political, error of interpreting victory in the "Cold War" narrowly as a victory for oneself, one's own way of life, for one's own values and merits. This was a victory over a scheme for the development of humanity which was becoming slowly congealed and leading us to destruction. It was a shattering of the vicious circle into which we had driven ourselves. This was altogether a victory for common sense, reason, democracy, and common human values.

II

Churchill urged us to think "super-strategically," meaning by this the capacity to rise above the subsidiary problems and particularities of current realities, focusing on the major trends and being guided by them.

What are the characteristics of the world situation today? In thinking over the processes which we ourselves have witnessed, we are forced to conclude that humanity is at a major turning-point. Not only the peoples of the former U.S.S.R., but the whole world is living through this watershed situation. This is not just some ordinary stage of development, like many others in world history. This is a turning-point on a historic and worldwide scale and signifies the incipient substitution of one paradigm of civilization by another.

Since antiquity the progress of humanity has occurred within the framework of regional civilizations and relatively autonomous societies—autonomous in the sense that the interaction among them was not the determining factor in the development of a given state or a given people and did not turn into an all-encompassing interdependence. Before our eyes this pattern of relations is receding into the past. It is being overtaken by powerful global integrating trends due to the far-reaching scientific and technical revolution, the internationalization of economic processes, and the profound transformation of the conditions of human life.

All of this allows us to conclude that there has been a radical change in the very forms of social development which existed in the past—a change in the organization of social life and in virtually every area of human existence. What is more, there has been a change in people's internal world, in how they visualize moral values and social ideals.

These changes, of course, did not start today or yesterday. But it is today, before our eyes and with our participation, that they enter their decisive, watershed phase, when all spheres of human activity—production, economics, finance, the market, politics, science, culture and the like—become integrated on a world-wide scale. This existing and intensifying integration of the world reveals a broad spectrum of favorable opportunities for the future of mankind.

First and foremost, it signifies the possibility of creating a global international security system, thus preventing large-scale military conflicts like the world wars of the 20th century and facilitating a radical reduction in levels of armaments and reducing the burden of military expenditures. This signifies that the attention, and the resources, of the world community can be focussed on solving problems in non-military areas: demography, ecology, food production, energy sources, and the like. This means new opportunities for economic progress, ensuring normal conditions of life for the Earth's growing population and improved living conditions.

We have, in fact, already started moving in that direction. But the significance of these changes, while a great source of hope, should not blind us to the dangers—some of which we have already encountered. It would be a supreme tragedy if the world, having overcome the "1946 model," were to find itself once again in a "1914 model" world. A major international effort will be needed to render irreversible the shift in favor of a democratic world—and democratic for the whole of humanity, not just for half of it.

I am in full agreement with Secretary of State James Baker's formulation. The existing dangers are largely a function of the watershed character of the times we live in * * *. It is quite clear that the enhanced integration and interdependence of the world at the same time creates new tensions—both domestically and internationally—unleashing processes which earlier were hidden from view. The very fact that the two world blocks are no longer in confrontation and that the collapse of totalitarian regimes has released centrifugal forces which had been temporarily frozen—territorial and intergovernmental contradictions and claims—has encouraged an exaggerated nationalism. And this has already led to much bloodshed.

The ending of the global confrontation of nuclear superpowers, and of the ideological opposition between the two world systems, has rendered even more visible today's major contradiction—between the rich and poor countries, between "North" and "South". All these terms today are not merely conventional.

The essence of the situation is not altered by the fact that several countries of the "South" have shaken off poverty and backwardness, while some are treading on the heels of the old developed countries. Still the correlation between poverty and wealth in the modern world has not improved, but has actually deteriorated due to the profound crisis in the countries which have emerged from the USSR. The situation is made worse by the headlong development of world communications and the systematic transmission of information, inculcating in the less developed countries a more intense feeling of social deprivation and even of hopelessness and despair.

Turning now to the world economy, the increasingly close links between national economies and markets is accompanied by intensified international competition, leading to de facto trade wars and a threatened rebirth of protectionism. One of the worst of the new dangers is ecological. When Winston Churchill gave his speech here, most people on this planet did not even suspect a mortal threat from that direction.

But today, global climatic shifts, the greenhouse effect, the "ozone hole," acid rain, contamination of the atmosphere, soil, and water by industrial and household waste, the destruction of the forests, etc., all threaten the stability of the planet. Despite all the efforts being made to prevent ecological catastrophe, the destruction of nature is intensifying. And the effects of our poisoning of the spiritual sphere—drug addiction, alcoholism, terrorism, crime—become further ecological threats. All of this together heightens the probability of social, national, and international conflicts.

Not having understood the transitional character of the present international system, with all its inherent contradictions and conflicts, politicians again risk committing errors which would have the most baneful consequences for all. The prospect of catastrophic climatic changes, more frequent droughts, floods, hunger, epidemics, national-ethnic conflicts, and other similar catastrophes compels governments to adopt a world perspective and seek generally applicable solutions. The only alternative would be an intensification of conflicts throughout the world, instability of political systems, civil wars, i.e., ultimately, a threat to world peace.

This means that we need another understanding of the problems of international security, of national interest, and of the tasks which must be solved to guarantee the survival of humanity. We must explore various scenarios, including the most unfavorable, predicting their occurrence so as to be able to act accordingly. Some experience already exists in various areas: the Persian Gulf, Yugoslavia, Cambodia, Korea, the Caucasus, the Baltic region, the earthquake in Armenia, the Chernobyl disaster. What is important is that all these varied undertakings by the world community bear the imprint of the new atmosphere in the world, one which emerged, among other reasons, thanks to Perestroyka and the New Thinking.

One consequence of increasing world integration is the democratization of international relations. It would seem that all are agreed that the bipolar system has exhausted its potential. The view exists that it will be replaced by a monocentric one. But most people feel that the world will be multipolar. This would probably be acceptable if, of course, one bears in mind that this is not the type of redistribution of roles which was customary in the past.

No, the principle according to which certain states or groups of states could monopolize the international arena is no longer valid. What is emerging is a more complex global structure of international relations. An awareness of the need for some kind of global government is gaining ground, one in which all members of the world community would take part. Events should not be allowed to develop spontaneously. There must be an adequate response to global changes and challenges. If we are to eliminate force and prevent conflicts from developing into a worldwide conflagration, we must seek means of collective action by the world community.

There are chances for peace. This is confirmed by what has happened to the political views of the leaders of the Great Powers in the past few years. What is needed are principles and mechanisms for converting possibility into reality. The principles are generally known. I spoke of them in New York at the United Nations General Assembly in the end of 1988.

III

What has to be done is to create the necessary mechanisms? In my position it is not very appropriate to give them names. It is important that they should be authorized by the world community to deal with problems. Without that there is no point in talking about a new era or a new civilization. I will limit myself to designating the lines of activity and the competence of such mechanisms.

Nuclear and chemical weapons. Rigid controls must be instituted to prevent their dissemination, including measures of compulsion in cases of violation. An agreement must be concluded between all presently nuclear states on procedures for cutting back on such weapons and liquidating them. Finally a world convention on chemical weapons should be signed.

The peaceful use of nuclear energy. The powers of the IAEA must be strengthened, and it is imperative that all countries working in this area be included in the IAEA system. The procedures of the IAEA should be tightened up and the work performed in a more open and aboveboard manner. Under United Nations auspices a powerful consortium should be created to finance the modernization or liquidation of highly risky nuclear power stations, and also to store spent fuel. A set of world standards for nuclear power plants should be established. Work on nuclear fusion must be expanded and intensified.

The export of conventional weapons. Governmental exports of such weapons should be ended by the year 2000, and, in regions of armed conflict, it should be curtailed at once. The illegal trade in such arms must be equated with international terrorism and the drug trade. With respect to these questions the intelligence services of the states which are permanent members of the Security Council should be coordinated. And the Security Council itself must be slightly expanded, which I will mention in a moment.

Regional conflicts. Considering the impartially examined experience obtained in the Middle East, in Africa, in Southeast Asia, Korea, Yugoslavia, the Caucasus, and Afghanistan, a special body should be set up under the United Nations Security Council with the right to employ political, diplomatic, economic, and military means to settle and prevent such conflicts.

Human rights. The European process has officially recognized the universality of this common human value, i.e., the acceptability of international interference wherever human rights are being violated. This task is not easy even for states which signed the Paris Charter of 1990 and even less so for all states members of the United Nations. However, I believe that the new world order will not be fully realized unless the United Nations and its Security Council do not create structures (taking into consideration existing United Nations and regional structures) authorized to impose sanctions and to make use of other measures of compulsion.

Food, demography, economic assistance. It is no accident that these problems should be dealt with in this connection. Upon their solution depends the biological viability of the Earth's population and the minimal social stability needed for a civilized existence of states and peoples. Major scientific, financial, political, and public organizations—among them, the authoritative Club of Rome—have long been occupied with these problems. However, the newly emerging type of international interaction will make possible a breakthrough in our practical approach to them. I would propose that next year a world conference be held on this subject, one similar to the forthcoming ecological conference.

IV

Ladies and Gentlemen: All of these problems demand an enhanced level of organization of the international community. However, even now, at a time of sharply increased interdependence in the world, many countries are morbidly jealous of their sovereignty, and many peoples of their national independence and identify. This is one of the newest global contradictions, one which must be overcome by joint effort. That it can, in principle, be overcome can be seen from the experience of the European communities and, although still to only a slight degree, from the European process as a whole.

Here the decisive role may and must be played by the United Nations. Of course, it must be restructured, together with its component bodies, in order to be capable of confronting the new tasks. These ideas have long been under discussion, and many proposals have been put forward. I myself have no plan of my own for reorganizing the United Nations. I will just address the basic parameters of the changes which are ready for solution.

The United Nations, which emerged from the results and the lessons of the second World War, is still marked by the period of its creation. This is true both with respect to the makeup of its subsidiary bodies and auxiliary institutions and with respect to its functioning. Nothing, for instance, other than the division into victors and vanquished, explains why such countries as Germany and Japan do not figure among the permanent members of the Security Council.

In general, I feel Article 53 on "hostile states" should be immediately deleted from the UN Charter. Also, the criterion of possession of nuclear weapons would be archaic in the new era before us. The great country of India should be represented in the Security Council. The authority and potential of this Council would also be enhanced by incorporation on a permanent basis of Italy, Indonesia, Canada, Poland, Brazil, Mexico, and Egypt, even if initially they do not possess the veto.

The Security Council will require better support, more effective and more numerous peace-keeping forces. Under certain circumstances it will be desirable to put certain national armed forces at the disposal of the Security Council, making them subordinate to the United Nations military command.

The proposal, which I accept, has already been made that a global observation system be established for spotting emergencies. The United Nations Secretary-General should be authorize to put it into action even before a conflict becomes violent. Closer coordination of UN organs with regional structures would only enhance its capacity to settle disputes in the world.

Of course, the UN's contemporary role, and, first and foremost, an expanded and strengthened Security Council, will require substantial funding. The method adopted for financing at the founding of the United Nations revealed its weaknesses just as soon as, some years later, it became more active and came closer to actually carrying out the tasks assigned by its founders. This method must be supplemented by some mechanism tying the UN to the world economy.

My thoughts may, at first glance, appear somewhat unrealistic. But we will count on the fact that business is becoming more humane, that a powerful process of technical and political internationalization is taking place, and that business is achieving an increasingly organic relationship with contemporary world politics into which the seeds of the "new thinking" have been cast. Today democracy must prove that it can exist not only as the antithesis of totalitarianism. This means that it must move from the national arena to the international.

On today's agenda is not just a union of democratic states, but also a democratically organized world community. Thus, we live today in a watershed era. One epoch has ended, and a second is commencing. No one yet knows how concrete it will be. Having long been orthodox Marxists, we were sure we knew. But life once again refuted those who claimed to be know-it-alls and messiahs.

It is clear that the 20th century nurtured immense opportunities. And from it we are inheriting frightful, apocalyptic threats. But we have at our disposal a great science, one which will help us avoid crude miscalculations. Moral values have survived in this frightful century, and these will assist and support us in this, the most difficult, transition in the history of humanity—from one qualitative state to another.

In concluding I would like to return to my starting-point. From this tribune Churchill issued an appeal to the United Nations to rescue peace and progress, but primarily to Anglo-Saxon unity as the nucleus to which others could adhere. In the achievement of this goal the decisive role, in his view, was to be played by force, above all, by armed force. He even entitled his speech the "Musculature of Peace."

The goal today has not changed: peace and progress for all. But now we have the capacity to approach it without paying the heavy price we have been paying these past 50 years or so, without having to resort to means, which put the very goal itself in doubt, which even constitute a threat to civilization. And while continuing to recognize the outstanding role of the United States of America, and today of other rich and highly developed countries, we must not limit our appeal to the elect, but call upon the whole world community.

In a qualitatively new and different world situation the overwhelming majority of the United Nations will, I hope, be capable of organizing themselves and acting in concert on the principles of democracy, equality of rights, balance of interests, common sense, freedom of choice, and willingness to cooperate. Made wise by bitter experience, they will, I think, be capable of dispensing, when necessary, with egoistic considerations in order to arrive at the exalted goal which is man's destiny on earth.

Mr. Speaker, I would note that the Churchill speech of 1946, I believe, defined the world in which we have lived ever since, a world of superpower confrontation and classic competition between two very competitive systems of government and of economics.

I think that we all know that the cold war is now over and that we won. Mr. Gorbachev yesterday made some note of that fact.

I think his speech should bear extensive analysis before we pass judgment on it, but I think it was, indeed, a major speech and one that will be dissected, should be dissected, should be considered into the weeks and months ahead as we all look to the establishment of new structures in the world.

Just as Mr. Churchill's speech in 1946 had great bearing on the ensuing 45 years, I think the speech of Mr. Gorbachev yesterday will have some extensive bearing on the years that lie ahead.

Mr. Speaker, I am including in the RECORD at this point today's article from the New York Times titled "At Site of 'Iron Curtain' Speech, Gorbachev Buries the Cold War."

This is an article that compares the two speeches and describes the setting of the stage as to why Churchill came to Westminster and why Gorbachev came to Westminster.

I do all of this because I think Members would like the opportunity to read both speeches and to understand the significance and the importance of these two historic addresses.

AT SITE OF "IRON CURTAIN" SPEECH, GORBACHEV BURIES COLD WAR

(By Francis X. Clines)

FULTON, MO.—History came full cycle today as Mikhail S. Gorbachev added a postscript of global reconciliation to the "Iron Curtain" speech by Winston Churchill here 46 years ago, but pointedly contended that the United States was the "initiator" of the nuclear arms race.

Speaking at Westminster College, the scene of Churchill's warning in 1946 about Soviet imperialism, the former Soviet leader conceded the Kremlim's "major error" in equating the defeat of fascism in World War II with the inevitable triumph of Communism.

But he argued that the United States and other Western nations erred grievously in failing to realize that Stalin and the Soviet people were too exhausted from the war ever to indulge in fresh military aggression against the West.

"By including the 'nuclear component' in world politics, and on this basis unleashing a monstrous arms race—and here the initiator was the United States, the West—'defense sufficiency was exceeded,' as the lawyers say," Mr. Gorbachev declared. "This was a fateful error." [Excerpts, page A14.]

Speaking as the last President of the now defunct Soviet Union and the Kremlin leader who led the world back from nuclear confrontation, Mr. Gorbachev spent most of his speech looking ahead to a better world strengthened through his prescriptions for a stronger United Nations.

But he also presented a blunt critique of some cherished American underpinnings of the cold war and warned against "the intellectual, and consequently political error, of interpreting victory in the cold war narrowly as a victory for oneself."

Rather than a lopsided victory, Mr. Gorbachev described the end of the cold war as "a shattering of the vicious circle into which we had driven ourselves."

"This was altogether a victory for common sense, reason, democracy, and common human values," he said.

Examining the roots of the cold war, Mr. Gorbachev cited a critical Soviet error in Stalin's inability to grasp post-war politics. But he contended that "the West, and the United States in particular, also committed an error."

"Its conclusion about the probability of open Soviet military aggression was unrealistic and dangerous," he said, differing with the basis of the West's collective defensive strategy of the postwar decades.

"This could never have happened, not only because Stalin, as in 1939-41, was afraid of war, did not want war, and never would have engaged in a major war," he contended. "But primarily because the country was exhausted and destroyed."

Visiting, like Churchill, as a politician finally rebuffed at home but still outspoken in retirement, Mr. Gorbachev spoke to an outdoor gathering and offered a range of proposals for strengthening the United Nations, including the enlargement of the Security Council and the application of stronger sanctions and military force against wayward members.

But the audience, watching him on a sunny day in a simple American heartland setting, was clearly more interested in his pronouncements of the end of the cold war * * * Mr. Gorbachev was reflective and recanted a bit on his own. "Having long been orthodox Marxists, we were sure we knew," he said. "But life once again refuted those who claimed to be know-it-alls and messiahs."

A 'WATERSHED' MOMENT

Mr. Gorbachev's speech was titled "the River of Time and the Imperative of Action," an allusion to his sense that a "watershed" moment had arrived, comparable in its way to the 1946 moment and its need for concerted action. He was applauded repeatedly, particularly in hailing the world's retreat from the abyss, urging global efforts to protect the ecology and warning against trumphalist claims of cold war victory.

The Missouri countryside glistened, with a cluster of cold war nuclear missile silos all but forgotten hundreds of miles to the west. Mr. Gorbachev obviously enjoyed the day, offering Churchill's V for victory hand signal to pleading photographers and giving thanks for a lunch of baked ham and potato salad to the administrators of the 140-year-old liberal arts college of 750 undergraduates.

As in earlier speeches, Mr. Gorbachev warned against the excesses of nationalism reawakened at the end of the cold war, as well as against a "monocentric" view of post-cold-war politics in which one dominant nation, the United States, might prevail over a "multipolar" political world.

He was cheered as he arrived in the sunshine at the speaking platform set before a sculpture by Edwina Sandys, Churchill's granddaughter, celebrating the fall of the Berlin wall. He came as a pensioned politician looking for a foothold in the West on a fund-raising tour for his new Gorbachev Foundation. He spoke gratis and beamed and touched his chest to demonstrate his gratitude as a crowd estimated at 10,000 applauded the college's awarding of an honorary doctor of laws to him.

STRONGER U.N. URGED

The mood in Fulton was serene, considerably less ominous than the one conjured by Churchill.

"A shadow has fallen upon the scenes so lately lighted by the Allied victory," Churchill had declared here on March 5, 1946. "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the Continent."

Mr. Gorbachev stood in the Missouri sunshine to proclaim an end to Churchill's alarum, but also to press for a far more strengthened United Nations to deal with the complicated post-Soviet world. In particular, he called for creation of a "special body" to use economic and military means to prevent regional conflicts and for a greatly enlarged Security Council, with such nations as India, Japan, Poland, Mexico, Germany, Brazil, Canada, Indonesia and Egypt as member, even without veto power.

Churchill had declared here, "Nobody knows what Soviet Russia and its Communist international organization intends to do in the immediate future, or what are the limits, if any, to their expansive and proselytizing tendencies."

Today, Mr. Gorbachev stood at the same lectern as Churchill to symbolize the Soviet Union's peaceful demise and look no less uncertainly into the future, hoping this time that nations "made wise by bitter experience" might cast aside "egoistic considerations in order to arrive at the exalted goal which is man's destiny on earth."

PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, what do football coach Knute Rockne, Walt Whitman, Charles Lindburgh, Washington Irving, Nathaniel Hawthorne, and James Thurber have in common? In addition to being distinguished Americans, each was once a public employee. I believe our public employees today continue to distinguish themselves professionally and personally, and I am honored to participate in this special order for Public Service Recognition Week.

From the firefighters who protect our lives and property, to the customs agents fighting the distribution of illicit drugs in our country, to the teachers who help educate our children, the scientists who are working to create safer products and a safer environment for our families, public employees impact our lives in so many ways, but, often, receive little praise or attention for their work. That is wrong, and public service recognition week is an attempt to give all of our public employees the praise, attention, and respect they deserve. Not only from their employers in the administration or in the State and local governments, but from Congress and the American people.

In recognizing our public employees, we are also recognizing the extraordinary work they do. We are recognizing the effort of Neil Armstrong, a public employee, who was the first person on Earth to set foot on the Moon. We are recognizing the efforts of our scientists in the Agriculture Department who created flame-retardant clothing for firefighters. We are acknowledging the important work of Clara Barton, a public employee with the United States Patent Office, who created the American Red Cross. We are recognizing the work of our local government workers who inoculate our children and have helped almost completely wipe out polio and measles. We are giving thanks to our Armed Forces who protect this country with their lives, and who achieved such a stunning victory in Desert Storm. We thank the Naval Research Laboratories who discovered Teflon and plastic wrap. We recognize the individual efforts of Government employees who invented the plastic cornea, the CAT scan to measure brain waves and detect cancer, the first modern computer, the vaccine for meningitis and malaris, radar and sonar, and the bar code scanner now used in most supermarkets.

I could continue to list further contributions by our public sector, but we would be here all day.

□ 1540

Suffice it to say, our public servants impact almost every aspect of our lives. We are not only grateful for their work and professionalism, we are a better country for it.

Public employees were a critical component of our victory in Desert Storm, which I mentioned previously, and this Congress honored them for it. That was an event that we focused on as a Nation, and because we focused on it as a Nation, we saw the performance immediately before us on our television screens, on the front pages of our newspapers and we heard it on the radio; but it is the day-to-day, the week-to-week, the month-to-month, and indeed the year-to-year performance of our public employees that enhances our lives.

We as policymakers are not doing as well as we ought to. The American public have evidenced that very forcefully. They have indicated in poll after poll that we are not doing the job that needs to be done to solve the critical problems confronting our country. I think they are right on that. I think they have a right to be angry about the failure of the Congress and the President and indeed other public bodies to act decisively and effectively to solve the problems of education, health care, and law enforcement, infrastructure, the environment, and energy. The list of issues that we need to address is a long one. But they should not and hopefully will not confuse the day-today and month-to-month performance of our public employees who perform their duties assigned to them with dispatch, with effectiveness, with high morale, with the failure of policymakers.

I have as a member of the Subcommittee on Labor-Health and Human Service-Education of the Committee on Appropriations and as a member of the Subcommittee on Treasury-Postal Service-General Government of the Committee on Appropriations asked, Mr. Speaker, almost every leader who has been brought in by either the Reagan administration or the Bush administration into government to oversee the various Departments of our executive side of the government. I have asked them to compare the performance of the public employees who they then supervised with those they supervised before.

Uniformly, Mr. Speaker, they have said that their talents, their morale, their commitment, their energy was equal and in many cases surpasses that which they found in the private sector.

So I am proud to rise in behalf of public employees and point out that a recognition week is not enough. Every day we need to remember the service they give to this country.

Mrs. MORELLA. Mr. Speaker, I just simply want to recognize the fact that this is National Employee Recognition Week. Mr. Speaker, we take the services of our Federal employees for granted. There is not one of us in this House of Representatives or in the Senate or in the United States whose life is not touched every single day by the services of a Federal employee.

Mr. Speaker, I am very fortunate because my district in Maryland is home to a great number of Federal employees and Federal agencies, such as the National Institutes of Health, the National Institute of Standards and Technology, the Food and Drug Administration, Health and Human Services, National Oceanographic and Atmospheric Agency, and a whole litany.

Mr. Speaker, we depend on NASA for things that we do, we depend on Social Security and all of the agencies that touch our lives.

We sometimes tend to forget those people who go to their jobs every day, who serve us in so many ways and help us as Members of Congress with our constituencies, too.

So, Mr. Speaker, I want to point out today that it should not just be 1 week, it should not be just 1 day, it should be every day that we look to these human beings who have given their careers for public service.

In addition, it is a fact that they are not only involved in public service of their professions, but my experience has been that they are very generous with giving their time for community services.

In my area, as an example, many of them work during their own time in an organization called Inter-Generations, where the elderly are put together with very young people so they can combine the experience of old age with the excitement and wisdom of children, the joy of children.

They are involved in repairing houses, such as when we had Christmas in April just recently. They are involved in so many community service enterprises. Environmentally, they have done a lot of cleanup work.

But it is every day that these civil servants are there and they do in fact serve us. Money can be put into agencies, but if you do not have people running the agencies in a very diligent, committed manner, then we are not going to achieve that global competitiveness and the greatness that is America.

So, Mr. Speaker, I salute our Federal employees. I call it to the attention of this House that we really should recognize people who have devoted their lives to public service.

Mr. FAZIO. Mr. Speaker, I rise today, along with the other members of the bipartisan Federal Government Service Task Force to commemorate Public Service Recognition Week, and to pay tribute to the 20 million Americans who do the essential work of our Nation.

As Grover Cleveland said, when he accepted the nomination for Governor of New York back in 1882:

> Public officers are the servants and agents of the people, to execute the laws which the people have made.

And today, the American system of government is maintained by a public work force that serves us on all levels—Federal, State, and local.

This work force consists of managers, administrators, and workers in all functions of our government—from foreign service to internal revenue to Social Security. We are supported by teachers, firefighters, law enforcement personnel, postal workers, secretaries, health care workers, shipbuilders, Treasury workers, accountants, garbage collectors, engineers, and claims representatives—to name a few. These folks perform a wide range of services which sustain the framework of our government.

Our public work force tackles our environmental challenges and safeguards and enhances our lives and communities. More than 2 million public employees guard our Nation through service in our Armed Forces. Nearly every child in America is educated by public school teachers, and 95 percent of our children entering school are vaccinated by public employees, protecting them against major disease.

Public Service Recognition Week will raise public awareness of these contributions by informing the public of the nature and value of the efforts of our public work force. It will also serve to boost the morale of these employees, as we acknowledge and show our appreciation for their work and give them the high profile that they deserve.

This week, over 1,000 cities across the country will participate in festivities honoring our public work force, as well as its veterans and retirees. Major activities are planned here in Washington, DC this weekend, where government agency employees will transform the National Mall into a who's who and what's what of government.

Mr. Speaker, I am pleased to be an original cosponsor of the legislation designating May 4 through 10 of this year as Public Service Recognition Week, and would like to thank my colleagues, Congressman JIM MORAN and Senator PAUL SARBANES, for introducing this joint resolution. I would also like to acknowledge both the Public Employees Roundtable and the President's Council on Management Improvement for their sponsorship of this celebration.

I know that I speak for all of us here in Congress, and for all Americans, when I say that we truly appreciate the contributions that our public work force makes to our Nation.

Ms. NORTON. Mr. Speaker. I welcome this opportunity to pay tribute to millions of frontline public servants who work every day with too little recognition.

Public Service Recognition Week can help revive the declining attractiveness of public service at a time when the public and private sectors are in a fierce competition for the available pool of talent. Paul Volcker's National Commission on Public Service warned of the quiet crisis public service faces as skilled senior employees leave government and talented young people shun public service. To compete, the Federal Government must become competitive. It must be willing to adopt the prescriptions it urges on the private sector—from full equal opportunity to greater efficiency.

The Federal sector must certainly become competitive with wages and benefits. The new entrepreneurial generation shops before it buys and too often it passes by the government. Today's talent pool knows that the competition for Federal employment today are more often IBM, Ford, and AT&T than the States and cities.

As the Member from the District of Columbia, I have an especially strong appreciation for the value and the importance of public service. The Federal Government is not only the largest employer in the country, it is the largest in the District. Nearly 90,000 District residents work for the Federal Government and nearly 42,000 are retired from Federal Service.

We are proud to be a city of public service. The residents of the District of Columbia are our Nation's frontline public servants. Like public servants all over the country and at all levels of government, they are always there for us. We in the Congress must be there for them and for more like them.

Ms. PELOSI. Mr. Speaker, I rise to join my colleagues in designating the week of May 4–10, 1992 as "Public Service Recognition Week." I commend Congressman MORAN for introducing House Joint Resolution 430 on behalf of the Federal Government Service Task Force, and thank all of the Members who supported this resolution which has been sent to the White House for the President's signature.

Mr. Speaker, Public Service Recognition Week is a part of the annual nationwide celebration honoring the 20 million public employees at the Federal, State, and local levels. This week presents us with an opportunity to thank public employees for their hard work in keeping our cities, States, and Nation running smoothly.

Many Federal, State, and local workers have made special contributions to our country. Government employees have discovered the AIDS virus, invented the first modern computer, developed the vaccine for meningitis, created flame-retardant clothing for firefighters, and contributed to countless other societal developments.

Perhaps even more importantly, we would be unable to function as a nation without the day-to-day dedication of public employees who teach our children, protect our environment, help keep our cities safe, ensure our national security, conduct health research, and perform numerous other vital tasks for people throughout the United States. I want to take this opportunity to especially thank the government workers in the San Francisco Bay area who make it such a great place in which to work and live.

Mr. Speaker, public employees merit recognition for their daily contributions to the well being of our communities, and I join Americans throughout our Nation in thanking them for making this a better and stronger nation.

THE SALE OF F-15 AIRCRAFT TO SAUDI ARABIA

The SPEAKER pro tempore (Mr. KOSTMAYER). Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, I rise to speak for a few moments on the question of the proposed sale of F-15 aircraft by the United States to the Kingdom of Saudi Arabia.

Mr. Speaker, it was just barely over a year ago that the gulf war ended. When the gulf war ended, I made from this well suggestions that the United States, our Nation, should use this golden opportunity, this moment of respite, this hiatus, in order to install and impose a total embargo on arms sales to that troubled region of the world.

I suggested that the arms embargo should extend not just to our enemies or to countries with which we have had a tenuous and difficult relationship, but to fervent friends and allies as well throughout the entire region.

A very famous American speaking just a few feet from where I am standing on March 6, 1991, again just a bit over a year ago, made a very important statement in which that famous American said these following words:

> We must act to control the proliferation of weapons of mass destruction and the missiles used to deliver them. It would be tragic if the nations of the Middle East were now in the wake of war to embark on a new arms race.

Of course, Mr. Speaker, that famous American is our President, George Bush, who in March last year, signaling the end of the gulf war, stood on that rostrum and said those words, which I remember were reacted to by the general applause in this Chamber, and I am sure by all the viewing public in the United States and around the world, because it signaled a change of business.

But what has been the result in this year plus a month or so? Well, it has been business as usual, the arms business as usual, more of the same, increased, not decreased deliveries of weapons systems.

The United States, according to figures that I have seen, has in this year since the end of the gulf war sold at lest $15 billion worth of armaments to the Kingdom of Saudi Arabia.

Now the President, Mr. Speaker, is on the verge of sending up to the Hill for our approval or disapproval a request for the sale of 72 F-15 aircraft, again to the Kingdom of Saudi Arabia.

Mr. Speaker, I think this is a particularly inopportune, untimely, and I think unwise moment in the history of the world and in the history of the Middle East for this request to be made and for that request to be acceded to by this Congress. It seems to me that at this moment we ought not to be sending weapons of death and destruction, but we ought to be sending weapons, if you will, to correct the social ills, to correct the environmental problems left in the wake of the war, to educate the people, to give them health care, but not deliver weapons of destruction.

After all, the region is only still settling down. It is still in a state of flux. The post-war regional peace talks that were convened under the joint aegis of the United States and of the Soviet Union, now Russia, are now being pursued to an end, not as quickly as I would like, but there are some certain portents that peace could ensue.

It would be I think a jarring inconsistency with these peace talks to send destabilizing armaments into that very region.

Mr. Speaker, later this month there will be international arms control conferences, starting here in Washington, hoping to lead to a moment where the major nations of the world would not ship arms with abandon around the world.

And in June, 1 month hereafter, the Israeli Government will have its elections and, of course, those elections are looked at very carefully to be indications of the future from the standpoint of the peace talks and how they will be concluded.

Again, Mr. Speaker, these are not propitious times for the United States to consider selling arms in the region.

I would, therefore, Mr. Speaker, hope that the president will not send that request for 72 F-15's up to the Hill. But, if the President feels constrained to make that request, I hope that this Congress will, in the cause of peace, deny that request, reject it out of hand, and give peace a chance.

INTRODUCTION OF H.R. 5100, THE TRADE EXPANSION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 5100, the Trade Expansion Act of 1992, a bill to strengthen the international trade position of the United States. This bill reflects a sincere effort to bring all of us together, Democrats and Republicans, the Congress and the Administration, to tackle our Nation's trade problems in a bipartisan manner. I recognize that the administration and some of my colleagues may prefer not to consider a trade bill at all this year. They would prefer to have us wait until the Uruguay round of the GATT and a North American Free-Trade Agreement can be successfully negotiated. As a Member who supported the extension of fast-track authority to pursue such negotiations and who worked diligently for its passage, I say that is not good enough.

First of all, we all recognize that neither agreement, even if successfully negotiated, will fundamentally address our major trade problem. That is, our country's persistent trade deficit with Japan. As the round continues to bog down over an impasse with the European Community over agriculture, our economic situation continues to deteriorate. Increasing numbers of United States jobs are being lost due to layoffs and plant closings as the United States market continues to absorb more and more Japanese imports, while the Japanese market continues to be restricted to United States exports, particularly in the automotive sector.

While the United States trade deficit with the world has been cut in half in recent years, our deficit with Japan remains stubbornly high. The United States trade deficit with Japan was $57 billion in 1987, but it was still $43 billion last year. And most of that deficit was in autos and auto parts. Our trade deficit with Japan is expected to worsen again next year. Meanwhile, Japan's trade surplus with the rest of the world was $78 billion last year, up from $64 billion in 1990.

While I disagree with those who argue that a trade bill is unnecessary, I am also aware that some of my congressional colleagues would like to ignore our international obligations and pass a trade bill which restricts access to our market. Although such an approach might be politically popular particularly in this, an election year, we all know it would not be in the best long-term interests of our country. Exports are an essential component of economic growth in the United States. In fact, increased exports have been the one bright spot in the recession. Closing our market would inevitably lead to the closing of foreign markets to U.S. exports and the loss of U.S. jobs. On the other hand, the United States cannot continue to be a chump for the rest of the world. We must aggressively pursue the elimination of trade barriers around the world which restrict access to U.S. exports, and pursue the golden rule of trade: "Do unto others, as they do unto us."

Mr. Speaker, my bill is both responsive to the trade problems this country is facing and is responsible. Every provision in the bill is consistent with our international trade obligations.

The bill would extend the Super 301 authority which was enacted in the 1988 omnibus trade bill and proved effective in opening markets during its 2-year existence. Its extension will give the administration an important tool to pry open foreign markets which are now closed to U.S. exports. The bill also incorporates the provisions of Mr. Matsui's Trade Agreements Compliance Act, which provides an effective mechanism for private parties to work with the Government to insure that commitments made by our trading partners to open markets are fully carried out.

The bill provides a comprehensive scheme to address the trade problems we are experiencing with Japan in the automotive sector. It sets forth a two-pronged approach, aimed primarily at opening the Japanese market to United States exports of automobiles and automobile parts through the mandatory initiation of a section 301 investigation and negotiation of an access agreement. It also would allow some breathing space for United States manufacturers in the domestic market by mandating the negotiation of a voluntary restraint agreement between the United States and Japan to freeze the total number of Japanese vehicles which can be sold in the United States market to 1992 levels. Such an agreement, if successfully negotiated, would be in effect through 1999, and would allow for growth in the United States market to the same extent as United States exports of automobiles to Japan are allowed to grow. I want to emphasize that this provision asks nothing more of the administration than the European Community was able to deliver for its automobile manufacturers and workers in its voluntary restraint agreement with Japan concluded last year. Such an agreement would be consistent with our international obligations in light of the draft Dunkel text which would permit each GATT signatory to maintain a single voluntary restraint agreement, notwithstanding other GATT rules.

The bill also creates a more effective mechanism for preventing circumvention of outstanding antidumping and countervailing duty orders while further strengthening such laws in a GATT consistent manner. It also expresses the congressional position that the administration remain strong in resisting efforts to fundamentally weaken such laws in the Uruguay round.

Among the other important provisions in the bill is the Customs Modernization Act, which streamlines customs procedures for processing merchandise to the benefit of both the Government and the private sector; a mandate to negotiate international agreements to address the trade problems resulting from private anticompetitive behavior; and a provision to limit imports of machine tools from Taiwan to previously established levels pending an agreement to extend the expired voluntary restraint agreement with Taiwan. A detailed summary of the bill's provisions is appended to my statement.

Mr. Speaker, I strongly believe that this bill represents an important step forward in resolving our Nation's trade problems. I look forward to working with the administration and my colleagues on both sides of the aisle, to improve this legislation as it moves through the legislative process. We must work together to put our economic house in order and this legislation can contribute significantly to that end.

SUMMARY OF H.R. 5100, THE TRADE EXPANSION ACT OF 1992

TITLE I. MARKET ACCESS PROVISIONS

Subtitle A—Enforcement of United States rights under trade agreements and response to certain foreign trade practices

Section 101. Extension of "Super 301" Authority for 5 Years.

Extends "Super 301" authority under section 310, Trade Act of 1974 for 5 years, 1993–1997. "Super 301" requires the U.S. Trade Representative (USTR) to identify annually, based on specific criteria, priority foreign countries and priority practices, including major barriers and trade-distorting practices, for trade liberalization negotiations and initiation of "section 301" investigations.

Section 102. Sense of Congress Regarding the Implementation of "Super 301".

Expresses the sense of the Congress that foreign countries that have substantial and persistent trade surpluses with the United States and maintain acts, policies, or practices that are major barriers to, or distortions of, potential U.S. export trade should be identified as priority countries and the acts, policies, or practices as priority practices under "Super 301".

Section 103. Review of the Compliance by Foreign Countries with Bilateral Trade Agreements.

Incorporates the "Trade Agreements Compliance Act", H.R. 1115, as amended and reported by the Subcommittee on Trade, to provide procedures (as a new section 306A of the Trade Act of 1974) for annual USTR reviews upon private sector request of foreign compliance with bilateral trade agreements, except the U.S.-Israel and U.S.-Canada free trade agreements; affirmative findings within 90 days of noncompliance mandate "section 301" action.

Section 104. Increased Access of United States Rice and Rice Products to the Japanese, Korean, and Taiwanese Markets.

Requires the USTR, within 45 days after enactment, to self-initiate a "section 301" investigation of all acts, policies, and practices of Japan, Korea, and Taiwan that affect the access of U.S. rice and rice products to each of these markets. During the investigation, the USTR shall seek the elimination of these acts, policies, and practices either during the Uruguay Round of GATT Multilateral Trade Negotiations or on a bilateral basis. The USTR must report to the Congress by March 1, 1993, whether and to what extent the negotiations have been successful, or the reasons and proposed actions if they are not successful.

Subtitle B—International trade in motor vehicles and motor vehicle parts

Section 111. Increased Access of United States Motor Vehicles and Motor Vehicle Parts to the Japanese Market.

Requires the USTR, within 45 days after enactment, to self-initiate a "section 301" investigation of all acts, policies, and practices of Japan (including those used in the distribution system, the toleration of systematic anticompetitive activities by or among private firms, including Keiretsu relationships, exclusionary business practices, and government regulation and testing requirements) that affect access to the Japanese market for exports of motor vehicles and motor vehicle parts produced by U.S. manufacturers.

Requires the USTR, during the investigation, to seek a trade agreement with the Government of Japan that

Eliminates or modifies those aspects of the acts, policies, and practices that act as barriers to the Japanese market for U.S. exports of motor vehicles and motor vehicle parts;

Provides for prompt implementation and enforcement of prior commitments made by the Japanese Government with respect to trade in, and purchase of, U.S. motor vehicle and motor vehicle parts by Japanese vehicle manufacturers;

Establishes longer-term goals for the purchase by Japanese vehicle manufacturers of high value-added motor vehicle parts and accessories from U.S. manufacturers through immediate parts sourcing arrangements and "design-in" projects aimed at new model development; and

Establishes procedures for exchange of information between appropriate U.S. and Japanese Government agencies that will permit accurate assessment of bilateral trade in motor vehicles and motor vehicle parts, particularly the extent of Japanese purchase of parts produced by U.S. manufacturers.

The USTR should seek the support of other interested foreign governments in obtaining such an agreement.

If the negotiations are not successful, the USTR must submit to the Congress a report detailing the reasons why and setting forth the actions that will be taken or proposed.

Section 112. Voluntary Restraint Agreement Regarding the Exportation to the United States of Motor Vehicles From Japan.

Requires the President to negotiate a voluntary restraint arrangement (VRA) with Japan providing for the limitation by Japan of exports of automobiles and light trucks to the United States during each of the years 1993 through 1999:

In any restraint year, the number of vehicles exported from Japan to the United States plus the number of vehicles produced by U.S. subsidiaries of Japanese manufacturers cannot exceed that aggregate number in 1992;

Exports of vehicles from Japan to the United States in any restraint year cannot exceed the number exported to the United States in 1992, reduced by total production of vehicles by U.S. subsidiaries of Japanese manufacturers in the preceding year;

The export level and aggregate ceiling shall increase in 1994 by any increase in the number of vehicles imported by Japan from the United States in 1993, but in any year after 1994 only by the amount that were produced and exported by the Big Three manufacturers if not at least a majority of exported vehicles were produced by the Big Three manufacturers in the preceding year.

Authorizes the President to carry out such actions as may be necessary or appropriate to enforce any restriction, condition, or term of the VRA, including requirements that valid export licenses or other documentation issued by the Government of Japan be presented as a condition for entry of vehicles into the U.S. customs territory.

Conditions the implementation and continuation of the VRA on an annual determination by the President that each of the Big Three have made and are fulfilling satisfactory commitments to implement further specific measures (1) to be internationally competitive in the automotive sector (e.g., investment of earnings in production-process and management efficiencies); (2) production of cost-competitive and quality-competitive products; (3) exercise of price restraint; (4) payment of executive compensation commensurate with corporate performance; and (5) operation of programs for worker retraining and other adjustment assistance.

Determinations will take into account an annual report from the International Trade Commission (ITC) to the President and to the House Ways and Means and Senate Finance committees on industry fulfillment of the commitments; the ITC will also report on the economic effects of the VRA and the international trade performance of each motor vehicle manufacturer.

The President must submit a report to the Congress within 6 months after enactment on the status of the negotiations, and within 30 days if he determines negotiations are not successful.

Section 113. Consequential Action Regarding Other Japanese Anticompetitive Behavior Affecting the Domestic Motor Vehicle Parts Industry.

Expresses the sense of the Congress that the USTR should, during the course of its "section 301" investigation required under section 201, refer to appropriate U.S. Government agencies all applicable information obtained about the acts, policies, and practices of Japan that adversely affect access to the purchasing by Japanese motor vehicle manufacturers in the United States of motor vehicle parts produced by U.S.-owned or controlled parts manufacturers.

Section 114. Foreign-Trade Zone Operations of Producers in the Motor Vehicle and Motor Vehicle Parts Industry.

Requires the Board established under the Foreign Trade Zones Act to review the operations of U.S. and foreign producers in the motor vehicle and motor vehicle parts industry to determine whether their foreign-trade zones have a net positive economic effect on the United States, according to the standards set forth in the Act and regulations. On the basis of the review, the Board shall take appropriate action authorized by existing law and regulations, including possible revocation or modification of any grant, with respect to any producer whose operations in a zone are not having a net positive effect on the U.S. economy.

TITLE II. CUSTOMS MODERNIZATION

Incorporates H.R. 3935, the "Customs Modernization and Informed Compliance Act", as amended and ordered reported by the Subcommittee on Trade. This Act

Removes archaic statutory provisions requiring "paper" documentation and provides authority for full electronic processing of all customs related transactions; authorizes procedures for the establishment of a National Computer Automation Program for automated and electronic processing of commercial shipments.

Improves and clarifies Customs enforcement authority with respect to submission of documentation, recordkeeping and examination procedures, and penalty and seizure provisions.

Amends miscellaneous provisions of the Tariff Act of 1930 related to duty collection, vessel entry and clearance procedures, disposition of seized or other merchandise which remains in Customs custody and recourse to and by Customs for settlement of liabilities.

TITLE III. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS FOR FISCAL YEARS 1993 AND 1994

Incorporates a draft bill ordered reported by the Subcommittee on Trade that authorizes appropriations for the ITC, U.S. Customs Service, and the USTR for fiscal years 1993 and 1994 and repeals the East-West trade statistics monitoring system under section 410, Trade Act of 1974.

TITLE IV. MISCELLANEOUS TRADE PROVISIONS

Subtitle A—Nontariff Provisions

Section 401. Negotiations on Anticompetitive Practices.

Authorizes and urges the President to negotiate, as soon as practicable, trade agreements that (1) eliminate the adverse effects of private anticompetitive practices on international trade; (2) harmonize national laws on competition policy, and the implementation of those laws, as they relate to international trade; (3) establish mechanisms for the effective enforcement across national boundaries of national laws on competition policy as they relate to international trade; and (4) make the GATT compatible with these new agreements and U.S. law on competition policy. The President shall report to the Congress by March 1, 1993 on the status of such negotiations.

Section 402. Trade with Cuba.

Expresses the sense of the Congress that the President should take all feasible steps to ensure the effectiveness of the U.S. embargo of Cuba and should promptly seek negotiations with foreign countries that conduct trade with Cuba to obtain their agreement to restrict their trade relations with Cuba consistent with U.S. trade restrictions.

Section 403. Machine Tool Import Arrangements.

Requires enforcement of the quantitative limitations on machine tool imports under the previous bilateral arrangement with Taiwan, until extension of the bilateral arrangement is negotiated with Taiwan (H.R. 4756, introduced by Mrs. Johnson).

Section 404. Simplification of Certain United States International Trade Laws.

Requires the ITC to prepare and submit to the Congress by January 1, 1994, a report containing suggested legislative proposals for consolidating and simplifying U.S. international trade laws under which tariffs or quantitative or other restrictions may be imposed on imports (other than the Harmonized Tariff Schedule). The ITC should seek to achieve (1) the logical arrangement of these laws; (2) the elimination of anomalous, duplicative, and illogical provisions; (3) simplification of language; and (4) no substantive or procedural change from the existing provisions.

Section 405. Congressional Research Service Special Trade Unit.

Requires the Director of the Congressional Research Service (CRS) to make recommendations to the Congress concerning the establishment of a special unit that would (1) integrate the capabilities and resources of the CRS, the ITC, and other appropriate agencies; and (2) serve as a central and objective source of information and analysis for the Congress on data and trends in trade between the United States and foreign countries.

Subtitle B—Foreign Subsidies and Countervailing Duties and Antidumping Duties

Section 411. Administrative Review of Determinations.

Requires the Department of Commerce to complete administrative reviews with 270 days after receiving a request for a review.

Section 412. Material Injury.

Requires the ITC to take into account contracts with a long lead time in determining where there is material injury due to subsidized or dumped imports. It also specifies that the presence or absence of any factor which the Commission is required to evaluate shall not necessarily give decisive guidance with respect to the determination by the Commission of the threat of material injury.

Section 413. Dual Pricing of Inputs.

Precludes any adjustments in determination of foreign market value under the antidumping law for differences in input costs that are based on whether the end product made from the input is sold in the home market or exported.

Section 414. Report, and Access to Data, Regarding Countervailing and Antidumping Duty Collections.

Requires the U.S. Customs Service to prepare and transmit to the Department of Commerce an annual report setting forth the amount of duties collected during the preceding year under each countervailing and antidumping duty order. Commerce must then make that information available upon request to an interested party that initiated the petition.

(Sections 411–414 above are based on provisions contained in H.R. 3272)

Section 415. Prevention of Circumvention or Diversion of Antidumping and Countervailing Duty Orders.

Incorporates provisions of H.R. 5045, which is designed to strengthen current law with respect to circumvention of antidumping and countervailing duty orders. Among other things, these provisions would expand existing law to include within the scope of an original antidumping order parts and components supplied by a third country supplier who had historically supplied such parts and components to the original producer if such parts and components are included in products assembled in the United States or a third country, and have significant value. It would also expand existing law with respect to when imported merchandise from third countries may be included within the scope of an original antidumping duty order.

Section 416. Study by the Administering Authorities on Ways to Simplify Initiation of Countervailing and Antidumping Duty Actions.

Directs the Secretary of Commerce and the ITC to present to Congress no later than 180 days after enactment a study, including recommendations, on how the standards for initiating countervailing and antidumping duty cases could be modified so as to make initiation of such cases less costly and more accessible for domestic petitioners. Due consideration in this study should be given to U.S. obligations under international trade agreements.

Section 417. Reports by United States Trade Representative on Operation of Commercial Aircraft Agreement.

Incorporates Title II of H.R. 5021, which requires the USTR to submit a report to the Congress within 60 days and annually thereafter on the operation of the Agreement Concerning the Application of the GATT Agreement on Trade in Civil Aircraft between the United States and the European Community.

Section 418. International Trade Agreements on Antidumping.

Expresses the sense of Congress that the President should not enter into any international trade agreement on antidumping requiring changes in U.S. antidumping laws which would reduce their effectiveness as a remedy against injurious dumped imports. Urges the President to review carefully draft Uruguay Round provisions on antidumping and to seek changes necessary to maintain and to strengthen the effectiveness of U.S. antidumping laws, including cumulation of injury and dispute settlement provisions.

Section 419. Trade Distorting Subsidies by Foreign Governments.

Incorporates H. Res. 417, which expresses the sense of the House that the U.S. Government should not, as a matter of official policy, condone or legitimize the use of trade-distorting practices by foreign governments that cause material injury to U.S. industries.

Subtitle C—Other Tariff Provisions

Section 421. Treatment under the Generalized System of Preferences of the Republics Formerly within the Soviet Union.

Amends section 502(b) of the Trade Act of 1974 to remove the prohibition on eligibility of the former USSR for beneficiary status under the Generalized System of Preferences program.

Section 422. Miscellaneous Tariff Provisions.

Incorporates 12 sections of H.R. 4318, the "Miscellaneous Tariff Act of 1992", as reported by the Subcommittee on Trade, that raise revenue or are revenue-neutral:

Classification

Sec. 2002—Reclassifies certain motor fuel and motor fuel blending stock.

Classification and Duty Increase

Sec. 2003—Reclassifies and restores the duty on linear alkylbenzenesulfonates and linear alkylbenzenesulfonic acids.

Sec. 2004—Reclassifies and increases the duty on certain iron and steel pipes and tubes.

Customs and Other Non-tariff Matters

Sec. 2103—Alters the rebate procedures for wage certificates issued to certain producers of watches and watch movements.

Sec. 2104—Alters the personal exemption allowance relating to Bermuda.

Sec. 2105—Alters provisions relating to duty-free import of sweaters assembled in Guam.

Sec. 2110—Allows Customs to process certain refunds owed.

Sec. 2111—Reissues a Production Incentive Certificate.

Sec. 2113—Exempts semiconductors from the country of origin marking requirement.

Sec. 2114—Renews the exclusion provision in the Free Trade Zones Act.

Sec. 2117—Allows certain yards of fabric to be donated to charitable (nonprofit) organizations with specific restrictions stated.

Sec. 2119—Extends the time allowed for certain reexportations.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992–96

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the sixth report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report No. 102–69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

COMMITTEE ON THE BUDGET,
Washington, DC, May 6, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102–69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES, FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 121—REFLECTING COMPLETED ACTION AS OF MAY 5, 1992

[On-budget amounts, in millions of dollars]

	Fiscal years—1992	1992–96
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,277,082	NA
Outlays	1,207,718	NA
Revenues	853,364,	4,829,000
Current level over(+)/under(−) appropriate level:		
Budget authority	+7,782	NA
Outlays	+6,119	NA
Revenues	+2,964	−3,000

Note.—NA=Not applicable because annual appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1992 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121, to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and 2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121, to be exceeded.

REVENUES

Any measure that would result in a revenue loss, that is not included in the current level revenue estimate and exceeds $2,964 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in millions of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
House committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	−2	−2	−1	−1	−1	(1)

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	0	−7	−7	0	−83	−83
Difference		−7	−7		−83	−83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	0	0	0	0	4	0
Difference	0	0	−56	0	+4	−20,153
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	
Current level	0	0	0	0	0	
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−2	−2	0	5	5	0
Difference	−2	−2		+5	+5	
Judiciary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(1)	0	0	(1)
Difference			(1)			(1)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,514	0	0	113,048	0	0
Difference	+2,156	0	0	−4,751	0	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	0	5	378	0	19	2,182
Difference	0	+5	−106	0	+19	−4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	7,036	7,036	8,036	7,458	7,458	9,098

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Difference	+7,036	+7,036	+8,036	+7,458	+7,458	+8,478
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	(1)	(1)	(1)	(1)	(1)	(1)
Difference	(1)	(1)	(1)	(1)	(1)	+1

[1] Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-judiciary	21,070	20,714	21,029	20,708	−41	−6
Defense	270,244	275,222	269,860	275,038	−384	−184
District of Columbia	700	690	700	690	0	0
Energy and water development	21,875	20,770	21,875	20,720	0	−50
Foreign operations	15,285	13,556	14,448	13,470	−837	−86
Interior	13,102	12,050	13,105	12,198	3	148
Labor, Health and Human Services, and Education	59,087	57,797	59,096	57,843	9	46
Legislative	2,344	2,317	2,343	2,310	−1	−7
Military construction	8,564	8,482	8,563	8,433	−1	−49
Rural development, Agriculture, and related agencies	12,299	11,226	12,299	11,223	0	−3
Transportation	13,765	31,800	13,762	31,799	−3	−1
Treasury-Postal service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-independent agencies	63,953	61,714	63,942	61,711	−11	−3
Grand total	513,113	527,458	511,846	527,262	−1267	−196

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 1992.

HON. LEON E. PANETTA,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business May 5, 1992 and is summarized as follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget authority	1,277,082	1,269,300	+7,782
Outlays	1,207,718	1,201,600	+6,119
Revenues:			
1992	853,364	850,400	+2,964
1992–96	4,829,000	4,832,000	−3,000

Since my last report, dated April 8, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 5, 1992

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,617	727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American technology preeminence (Public Law 102–245)			(3)
Further continuing appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	
Total enacted this session	16,884	8,430	
MANDATORY ADJUSTMENTS [1]			
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Total current level	1,277,082	1,207,719	853,364
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution	7,782	6,119	2,964
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

RATIFICATION OF THE MADISON AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, today is a very historic day in the United States. Today the State of Michigan became the 38th State to ratify the original Madison amendment. Therefore, today we have the 27th amendment to the U.S. Constitution.

The Madison amendment says simply that no law that varies the compensation for the services of Senators and Representatives can become effective until an election of Representatives has intervened.

The House in the 1989 Ethics in Government Act inserted that same language. The House followed the words of Madison when it gave itself its last pay raise. Madison proposed these words in September in 1789.

The necessary States to ratify this amendment did not occur in 1791. For all these years this amendment was laying there, proposed without a deadline.

Since 1978, 31 States have ratified this amendment, three this week.

The reason I am here today is to thank my colleagues in the freshman class on both sides of the aisle who participated in this project. This class has been heavily involved in the reform movement. We agreed early on that we needed a project to help bond our class around reform. This was our project and we have worked with those 15 remaining States that have not ratified this amendment. Earlier this week on Tuesday, the States of Alabama and Missouri ratified the amendment, setting up the historic day today when Michigan at 11:13 this morning was the 38th State to ratify the Madison amendment.

This is a long process that has endured, and the long process of reform is underway in America.

□ 1550

This is one small step that Congress and the American people have taken so that Congress will again become more accountable to the people in America. Nobody in America can give themselves a pay raise without getting the boss' vote. And what this amendment does is it give the bosses, our bosses, the American voters, the right to judge whether we should have a pay increase or not.

Mr. Speaker, it is a responsible measure, and I hope and pray that it is certified by the Secretary of State and does in fact stay in effect.

UPDATE ON THE AIDS EPIDEMIC

The SPEAKER pro tempore (Mr. KOSTMAYER). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I will not use the whole 60 minutes. What I wanted to do today is to give my colleagues and anybody else who may be listening a little update on the AIDS crisis facing America.

Mr. Speaker, you know, AIDS has become, like a lot of things because we hear about them day in and day out, it has become something that we are sensitized to. We hear about somebody down the block or across town, they get AIDS, and we do not think it is ever going to happen to us.

So today I would like to give my colleagues and anyone in America who is paying attention the latest statistics on AIDS.

Mr. Speaker, the Centers for Disease Control say that we currently have 218,301 people in this country who are dead or dying of the AIDS virus. They have also said that they may have to upgrade their figures by about 50 percent because of the way they have been counting people who have active AIDS. That means that we probably have somewhere around 350,000 people dead or dying of this dread disease.

Now, about 5 years ago I became very interested in the AIDS pandemic, and I started working with leading scientists, doctors, statisticians, to try to keep track of the disease and try to come up with some answers.

We projected that by 1991, if we had the current rate of growth in the AIDS virus back 5 years ago, that we would have between 250,000 and 280,000 people dead or dying of the disease.

Based upon the projections we see right now, we are ahead of schedule. We are ahead of schedule. That means that if our projections are accurate, by the mid-1990's we are going to have between 1 million and 2 million Americans dead or dying of this disease.

Now, it costs $100,000 to $150,000 for each person who gets the disease, to take care of their medical costs between the time they get the disease and the time they die. Put a pencil to that and you can see this is going to be terribly draining on the American economy and the American health care system. And we are not really doing much about it.

The Centers for Disease Control tell us that 1 out of every 250 people in this country has the AIDS virus. How many people do you pass in a day? How many people do you see on the streets in a day?

One out of every 250 people, they say, has the AIDS virus. They say we have about 1.5 million people infected. That is what they told us 5 years ago, and they said it was doubling every year to 18 months.

The terrible thing about AIDS is that it is insidious. You do not know anybody has it, because they can carry it for up to 10 years without any manifestation of the disease being noticeable.

So what I think is that we probably have more like 4 to 6 million people infected, not 1.5 million, but 4 to 6 million.

What does that mean? If we have 4 million infected, that means 1 out of every 60 Americans is carrying the AIDS virus, 1 out of every 60.

Now, I see here in the Chamber today a lot of teenagers. The teenagers and college students of today are the ones most at risk, most at risk of the AIDS virus.

A few years ago, everybody said, well, it was the homosexual community that was causing the problem and they were the most at risk. But the fact of the matter is statistics now show us that it is at least into the heterosexual community and the most active people in our society are teenagers and our college-age students, and they are the ones who are most at risk.

I would like to give you some figures. AIDS is now the third leading cause of death among people between the ages of 25 and 44, and it is growing at an alarming rate.

Mr. Speaker, the World Health Organization predicts there is going to be a 10-fold increase in the number of AIDS cases in this country and in this world by the year 2000. They think there is going to be 30 to 40 million people around the world with the AIDS virus within the next 8 years, and I think that is a conservative figure.

Approximately 100,000 teenagers and adolescents now have the AIDS virus. About 2,000 have already contracted the disease, and I think that figure is low.

Now let us talk about the teenagers in this country. There have been some recent surveys that show that approximately 54 percent of the teenagers in this country are sexually active. And the vast majority of those are not using the safe-sex method that you see talked about on TV; the condoms, even if they do use them, there is still a 16- to 20-percent risk that they are going to get the infection anyhow if they are messing with somebody that has the AIDS virus.

But those who are not run an even greater risk.

We need to do more than just educate young people about the AIDS virus. We need to have a comprehensive program to deal with it. The future of the United States of America rests not with people of my generation but with the people of the teenage and college years of today. They are the ones who are going to produce the products that keep us competitive in the world tomorrow. Those are going to be the ones who will be the engine driving the economy of the United States in the year 2000 and beyond. And if we lose a large segment of the young people of this country to a terrible, dread disease like AIDS, it not only will cut short their lives but it will hurt dramatically the United States of America in many, many different ways.

□ 1600

Mr. Speaker, I had a committee hearing not long ago on the AIDS virus. I am the senior Republican on the Africa Subcommittee, and we had the President of Uganda's wife testify before our committee. Uganda has a terrible, terrible problem, and I would like to tell my colleagues about it because Uganda is about 5 years or 6 years ahead of us on the AIDS scale.

They find there that 7 percent of all the children in Uganda are orphaned because of the AIDS virus. Sixteen percent of the kids over there have at least one parent that has died of AIDS. There has been a terrible decline in the population, in the production, over there because of the AIDS virus, and the young are extremely hard hit.

They have been trying to deal with the problems of AIDS in Uganda from an education standpoint, like we have here in the United States, and it has not worked. She told us that they need a comprehensive program to deal with it, which they cannot really afford because it involves a lot of things that they do not have the money to deal with, like testing, contact tracing, and education, and scientific research. There are a lot of things that need to be done that they cannot do.

And they estimate that half of their population in Uganda, half, has the AIDS virus, and it is growing at a rapid rate. Go into the villages in Uganda, and Kenya, and Zaire, and Zimbabwe and elsewhere, and one will find villages where half of the population between the ages of, say, 15 and 40, are dead. The only people left are the very, very young and the very, very old.

And how are they dealing with it over there? They are trying to deal with it through the education process.

I have talked to my colleagues in this Chamber year in and year out for the last 5 years. We have our head in the sack. We are not dealing with this pandemic, and it is growing at a rapid rate, and now it is no longer considered to be just a homosexual disease. It is a heterosexual disease, and the hardest-hit segment of our population in the next 10 to 20 years are going to be the teenagers, the college-age students and the young adults that are the future of this Nation.

So, what is the answer? Well, first of all we should study what is going on in other countries that are ahead of us on the progression table as far as AIDS is concerned, like Uganda, and we ought to profit from the problems that they are having. We, in this country, are the wealthiest country in the world, and we have the wherewithal to come up with a comprehensive program to deal with AIDS, and we must do it because, if we do not, every one of us is going to be hurt, if not by losing a loved one, then because of the economic and health care problems that are going to ensue from the expansion of this disease.

We have 1.3 million hospital beds in America, and we are going to have another million people dead or dying of AIDS by the middle of this decade. Where are we going to put these people? How are we going to provide adequate health care? How are we going to do all the things that are necessary to make sure that everybody's health care is protected, not just those who have the AIDS virus?

We are going to have to come to grips with this, and we are going to have to come to grips with it quickly. You see, if we have 4 to 6 million people infected, as I believe we do right now, those people in the next decade will become active AIDS patients, and they will be dying from this disease, and each one of them is going to cost the taxpayers of this country and the health care system of this country about 100 to $150,000, and it is going to be a very, very difficult thing for us to deal with.

So, what is the answer? Well, I say to my colleagues again tonight, we need a comprehensive program to deal with it. The Centers for Disease Control, the Health and Human Services agency in this Government have said, "We need to attack this from the standpoint of educating the young people about safe sex." The fact is there is no such thing as safe sex outside of a monogamous, one-man one-woman relationship or abstinence. If someone has sex using a condom, the chances of someone getting AIDS, if that person is with someone that has the virus, is 15 to 20 percent because that is the failure rate of those devices, and of course it goes up much more rapidly by not using them, so the only safe sex is a monogamous relationship or abstinence.

But we are not dealing with the problem in a rational manner. We are just trying to educate people about this, so I would like to tell my colleagues tonight what I suggest we do, and I am going to read from this bill briefly so that the people know what we are trying to accomplish here. I have a House concurrent resolution expressing the sense of the Congress that the Federal Government should develop and implement a comprehensive program to deal with the AIDS virus and the transmission of it, and I would like to read it to my colleagues.

"Whereas the acquired immune deficiency syndrome is a fatal disease for which there currently is no known cure"; if someone gets it, they are going to die, and "Whereas, as of February 1992, the Centers for Disease Control had identified at least 213,641 individuals in the United States who had died or" are dying of the disease, and we believe it is about 150,000 more than that; "Whereas the Centers for Disease Control have proposed to revise their definition of the disease in a manner that would increase the number of individuals in the United States who are identified as having died or suffering from the disease to more than 370,000 by the end of" this year; "Whereas the number of individuals in the United States who are identified by the Centers for Disease Control as having died or suffering from the disease has more than doubled," doubled, "every two years since the Centers began identifying such individuals; Whereas certain projections from statistics of the Centers for Disease Control indicate that there will be," at least a million people dead or dying of the disease "by the mid-1990s; Whereas an individual who is infected with the human immunodeficiency virus may not demonstrate any symptoms of acquired immune deficiency syndrome for 10 years or more after the date the individual becomes infected; Whereas the Centers for Disease Control have for 5 years estimated that as many as 1.5 million people in the United States are infected," and I think that is way, way low, and "Whereas the Surgeon General of the Public Health Service, Antonia C. Novello, has stated that transmission of the virus through heterosexual contact is the mode of transmission that recently has shown the greatest percentage increase in certain parts of the United States; Whereas more than 75 percent of the individuals outside of the United States," with the AIDS virus, "contracted the disease through heterosexual contact; Whereas medical experts are still unsure about whether they have identified all of the" ways you can get the AIDS virus; "Whereas transmission of the virus between health care workers and patients during invasive procedures has been documented; Whereas at least a majority of teenagers and college age students in the United States are sexually active; Whereas, in 1988, the Centers for Disease Control made a conservative estimate that three out of every one thousand college students were infected with" HIV, and it is much higher than that now, "Whereas a study of teenagers in the District of Columbia between 1988 and 1990 documented a 300-percent increase in the number of teenagers infected with the virus; Whereas acquired immune deficiency syndrome is a preventable disease; Whereas the issues associated with the epidemic of human immunodeficiency virus infection have been treated like civil rights issues rather than public health issues," which it should not be. It should be treated as a public health issue first and foremost, and "Whereas the average cost of treating an individual who is infected with the human immunodeficiency virus is $100,000 over the individual's lifetime; Whereas the United States has the medical and financial resources to resolve the problems associated with the pandemic of human immunodeficiency virus infection; and Whereas the Congress has failed to develop a comprehensive," program to deal with it, "Now, therefore, be it resolved," and here is my program:

"That it is the sense of the Congress that, No. 1, the Federal Government should develop and implement a comprehensive program to prevent further transmission of the human immunodeficiency virus and provide treatment for individuals who are infected with the virus; and, No. 2, the program should include mandatory routine testing for infection with the human," HIV, "virus of all individuals between 14 and 55," who live "in the United States; tracing of any individual who has been in contact in a manner that gives rise to a risk of transmission of the virus with an individual who is infected with the virus; medical and psychological treatment," in part, "funded by the Federal Government," where health insurance is not involved for individuals who are infected with the virus, and we are doing that anyhow. When somebody has AIDS, and they do not have health insurance, we are taking care of them. We cannot leave them on the streets. So, we are doing that already. "Additional medical research concerning the virus and acquired immune deficiency syndrome," should be conducted; "protection of the civil rights of individuals who are infected with the virus, and national public education campaign concerning the effects and modes of transmission of the virus, and Federal criminal penalties for individuals," who have the virus and "knowingly transmit it." We have individuals in this country who have the HIV virus, know they are dying of AIDS, and they go out and give it to other people for a number of reasons, some to get drug money, some because they want to take revenge on other people because of their problem, and we need to get those people off the streets and restrict them from contaminating other individuals. I mean if someone holds up a bank with a gun, they go to jail. If someone shoots somebody, they go to jail. But if they know they have the AIDS virus and they go and infect 10, 20, 30 people, there is no penalty for that, and there should be. I believe that every day that we wait, hundreds more individuals, maybe thousands more individuals, are being infected, and it is going to cost all of us dearly.

□ 1610

So I say to my colleagues tonight, if you are watching in your offices, or listening on the radio, or in the Chamber, please pay attention to this. This is not going to go away. If we put our heads in the sand like an ostrich and think that this problem is going to be resolved, we are dead wrong. Every day that we wait, more people are being condemned to die.

I have three children, one 28, one 17, and one 19, and I worry every single day about their possible exposure to the HIV virus.

I talk to them about it so much, that every time I bring up the subject they say "Oh, Dad, you are not going to talk to me about that again?"

But I tell you, teenagers and college-age students believe that they are invincible. They believe that they are going to live forever, that nothing can hurt them. They do not worry about things. And that is the terrible thing about this virus. It is insidious. They can be going with someone who has the virus. They do not know they have it. The person that is going with them does not know they have it, and they become involved, and another person becomes a casualty and is going to die a horrible, horrible death because of AIDS.

That is why I say to my colleagues time and again, I have come down here over the past 5 years, year-in, year-out, month-in, month-out, week-in, week-out, saying not just education, but a comprehensive program to deal with it. Protect people's civil rights. Do not single out any segment of our society for persecution because of this disease.

The homosexual community should not be singled out, the heterosexual community should not be singled out. We are all in this thing together, and we need a comprehensive program to save America and to help save the world.

There are going to be 50 million people dead or dying of this disease in the next 5 to 10 years, 50 million people around the world.

The United States, like I said, is about 5 or 6 years behind Uganda, and half of the population in that country is already infected. We cannot let that happen to America. We need a comprehensive program to deal with this.

CHINESE QUILTERS SEWING AMERICAN HERITAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, today I am going to touch on two subjects. One concerns America's heritage, quilts from the Smithsonian that are now being produced in China, which we all object to.

In the other part of my presentation I am going to talk about the kidnaping of two American children in Yugoslavia by their father, and also a little bit about that unfortunate civil war fighting that is going on in that area.

Most of us have a quilt in our family that is a treasured possession because it was made with the loving hands of a family member or friend. For over 200 years, American women have invested time into creating quilts for their families and friends. So, I was dismayed to learn that the Smithsonian Institution is allowing our most heirloom quilts to be mass produced and sold like blankets.

It is outrageous that the Smithsonian Institution, which receives taxpayer's dollars, licensed American Pacific Co. to mass produce America's historical quilts, some of them one-of-a-kind. American Pacific has the material printed in the United States and then contracts with 20,000 Chinese workers to make the quilts.

One rare quilt, bearing the Great Seal of the United States, was made in 1830 by Susan Strong of Fredrick County, MD. Now it is being mass produced in China. According to some quilt experts, the very act of licensing these one-of-a-kind items has ruined the value of the original quilt.

Conversely, some of the fake quilts are being sold as antiques. One woman bought a fake quilt for the colors and later saw the identical quilt in an antique shop priced several hundred dollars higher and advertised as an American heirloom.

The licensing of these prized quilts for mass production as bedding will ultimately undermine the value of America's true antique quilts. Sotheby's recently auctioned an 1867 American pictorial Civil War quilt for $264,000. What will these fakes do to the value of the Smithsonian collection?

Last year the Smithsonian made $610,000 from royalties to 60 licensees for copying American artifacts. Counterfeit quilts are made in China, which has a wage rate as low as 25 cents an hour. Spiegel Catalogue is selling quilts made in China for $200 to $400. When asked about the copied quilts, Mr. Robert Longendyke, spokesperson for Spiegel, had the bad taste to say these Chinese quilts can be "the kind of item that will be passed along, that can become a family heirloom." That remark exhibits a total lack of knowledge of how women have poured their artistic efforts, heart and souls into designing and making quilts.

Quilters have reacted very strongly to the actions of the Smithsonian. The National Quilting Association of Ellicott City, MD, noted that "quilters are distressed to see American quilts placed in the same category as plastic toys, shoes and novelty items."

American quilters object to the foreign quilts being advertised as a "traditional heirloom" or an "American heritage" when they are actually mass produced counterfeits from China.

I agree with them that it is disgraceful that a quilt such as the "Great Seal" which symbolizes American freedom and democracy is made in sweat shop conditions under a repressive Communist regime. This action is a mockery of the Smithsonian charter to preserve the American heritage and traditions.

Quilting has become an American artform in which women have traditionally expressed themselves. No two handcrafted quilts are the same. Now instead of a grandmother, an aunt or family member making these quilts for the newborns, a Chinese worker in a mass production factory will be making quilted American heirlooms.

There are approximately 2 million quilters in the United States. The National Quilting Association, which is headquartered in Maryland, has 236 chapters nationwide. The Quilting Newsletter of Wheat Ridge, CO, was established in 1969 and it has a readership of 250,000. There is a growing interest in quilting in America.

Groups are quilting, just as they have been since this country was settled. Churches hold quilting bees, friends quilt together and classes are held to teach new generations of quilters. Men also are joining quilting circles. Special shops are selling handmade quilts.

Unfortunately, it is difficult to identify the true American quilt from the fake. Phony American quilts are coming in with flimsy labels identifying the country of origin but, the labels easily can be cut off. They should be stamped so the country of origin cannot be removed.

The Smithsonian should quit licensing those prized quilts which express the soul of America. Why should a museum using taxpayers dollars contribute to sending jobs off-shore when the country has over 9 million unemployed. The Smithsonian has abrogated its responsibility to the public by licensing companies to make fake quilts.

James Smithson, who left his fortune to the United States to create the Smithsonian would roll over in his grave if he knew what the museum is doing with these quilts.

□ 1620

A MOTHER'S NIGHTMARE (CONTINUED)

Mrs. BENTLEY. Mr. Speaker, I said that I was going to talk also about some of the events in Yugoslavia. One of the saddest is concerning two American children, and we call it the Shayna Lazarevich child custody case.

Mr. Speaker, I rise today to again attack the inaction of the Serbian Government in resolving the Shayna Lazarevich child custody case.

Ms. Lazarevich, an American national, has not seen her two small children on any regular basis since October of 1989. It was at this time that her ex-husband, a Serbian national, in defiance of a State of California decree awarding Ms. Lazarevich custody of the children, fled with them to his native land.

Ms. Lazarevich initially contacted Representative ANTHONY BEILENSON, her local Congressman, for help in retrieving her children from Serbia. She then was referred to my office for help.

Upon initiating action in this case, I was informed that the matter of custody had been referred to the Serbian courts. The Supreme Court of Serbia eventually awarded Ms. Lazarevich custody.

Despite the decrees of both the Serbian and U.S. courts, Dragisa Lazarevich retained custody of the children, openly flouting the law. He apparently had contacts in the police department in Nis, the town to which he had fled, that allowed him to avoid surrendering the children.

In addition, using a legal loophole, he had the case heard in a lower court in Serbia, in order to keep the children.

Over the last 2 years, I have written countless letters to Serbian President Slobodan Milosevic, travelled to Belgrade to meet with him and other officials on this case, made countless telephone calls, and arranged appeals signed by more than 30 fellow Members, all on Ms. Lazarevich's behalf.

In addition, Ms. Lazarevich has been working closely at the same time with Warren Zimmerman, Ambassador to Yugoslavia, trying to apply diplomatic pressure to get the Serbian Government to resolve the case. Even Secretary of State Jim Baker has been involved in the case, making a personal appeal to Mr. Milosevic in June of 1991.

In March, Dragisa Lazarevich's final appeal for custody of the children was exhausted. All of us involved in the case were relieved. However, the sticky problem of transfer of custody of the children to their mother still stood in the way of final resolution.

On March 24th, I wrote Slobodan Milosevic the following letter asking him to ensure that the children be placed in protective custody until Shayna could get them back:

Hon. SLOBODAN MILOSEVIC,
President, Republic of Serbia, Belgrade, Yugoslavia.

DEAR MR. PRESIDENT: It has come to my attention that final court in Serbia has acted on the Shayna Lazarevich custody case, and confirmed that custody of the children should be awarded to their mother.

I, therefore, am contacting you to urge that the children be placed in protective custody at the U.S. Embassy in Belgrade until the appeal is closed out, which I understand will take about two weeks.

By all accounts that have come to my attention, the children have been abused in their father's care, and I fear the worst if they remain in his custody during this critical period.

Having demonstrated abusive behavior in the past, Mr. Lazarevich once again could flee with the children, or resist attempts to transfer custody.

Please do all in your power to assure that this does not happen.

Sincerely,

HELEN DELICH BENTLEY,
Member of Congress.

To reinforce my first appeal, On April 1, I also sent the following appeal signed by 14 Members of Congress to President Milosevic:

Hon. SLOBODAN MILOSEVIC,
President, Republic of Serbia, Belgrade, Yugoslavia.

DEAR MR. PRESIDENT: It has come to our attention that final court in Serbia has acted on the Shayna Lazarevich custody case and confirmed that custody of the children should be awarded to their mother.

We, the undersigned Members of the United States House of Representatives, would urge you to do the following to ensure a safe return of the children to their mother:

1. Immediately place the children under police protection in the town of Nis, or deliver them to the United States Embassy until the appeal process is completed.

2. Arrange delivery of the children to their mother in Belgrade as quickly as possible, or arrange for her to take custody of them in Nis under full protection of your law enforcement officials.

3. Take any and all precautions that Mr. Lazarevich does not flee the Republic of Serbia or the country with the children in his custody.

We cannot stress enough that these actions be taken immediately, and appreciate your cooperation in this matter.

Sincerely,

Helen Delich Bentley, Barney Frank, Ronald K. Machtley, Bill Green, Stephen J. Solarz, William E. Dannemeyer, Randy "Duke" Cunningham, Peter H. Kostmayer, Dana Rohrabacher, Jolene Unsoeld, George W. Gekas, Barbara F. Vucanovich, Curt Weldon, William Lehman,
Members of Congress.

After sending these letters, I spoke with both President Milosevic and Deputy Speaker of the Serbian Parliament, Vukasim Jokanovic. Both assured me that the children were being taken care of.

Shayna called me on Monday; her children were not in school. Warren Zimmerman called yesterday morning; the Ministry of Justice told him that Shayna's ex-husband had once again fled with the children, and that she should hire a private detective to find him.

Mr. Speaker, I was shocked at this callous answer given by the Serbian Government. This case, involving two American nationals, which had been brought to their attention again and again, gets a simple "not our problem, hire a detective."

Mr. Speaker, I am incensed. Upon hearing that Ms. Lazarevich's ex-husband had fled once again, I wrote to President Milosevic and Deputy Speaker Jokanovic to voice my disapproval of their inability to act on the case. In addition, Ambassador Zimmerman has contacted President Milosevic and Minister of Justice Cetkovic criticizing their inaction and has also released a statement which I would like to read:

EMBASSY OF THE
UNITED STATES OF AMERICA,
May 7, 1992.

STATEMENT BY AMBASSADOR ZIMMERMAN

We are all devastated that the Lazarevich children, Sacha and Andre, have disappeared. The responsibility for this lies squarely on the Serbian Government.

Since the final court ruling in Shayna's favor, the Serbian Government has had 6 weeks in which to organize the recovery of the children.

We don't know if its failure to do so was the result of malice or incompetence. Either way, the Serbian Government will have thereby demonstrated to all Americans its callousness to both the legal and human sides of this tragedy.

Mr. Speaker, if Serbia ever wishes to regain favorable status with the United States, the resolution of this tragic case would be a positive step. I call on the Serbian Government immediately to locate the children and turn them over to their mother. Anything less is a slap in the face of the United States, and is simply unacceptable.

Mr. Speaker, as we all know, there has been a lot of fighting over in Yugoslavia, a lot of finger pointing, a lot of people accusing one another, but there are two pieces that I want to read in connection with that facet of it.

The first is a piece from the Associated Press today. It is datelined Semizovac, Bosnia-Herzegovina, and it is written by Tony Smith, an AP writer.

I guess we could describe this as how people can really get along despite conditions.

The AP article says that—

Nebojsa Spirovic made a screeching U-turn with his white Volkswagen and yelled out of the window: "Run for cover, truce has collapsed, Muslims are attacking."

Within minutes, gun and cannon fire erupted, sending houses up in smoke and Serb and Muslim townfolk scurrying for cover in cellars and barns.

Many found shelter across enemy lines, attesting to the reluctance with which Serbs and Muslims in this ethnically-mixed village of 5,000 have taken up arms against each other in the bloody dispute over Bosnia's independence.

"In half an hour this place will be chaos," said Spirovic, a 28-year-old Serb fighter known as Spiro.

He urged visitors into "a safe place" a hillside machine-gun nest made from logs and black plastic sheets that overlooked the small town just outside the embattled Bosnian capital of Sarajevo.

As the boom of cannon fire rumbled from the capital, mortar shells whistled into a Serb part of Semizovac from a Muslim district across a wooded valley.

A local truce had collapsed.

"I dare not say how stupid this all is," said Spiro, nestled down among half-empty plum brandy bottles and soiled blankets. "They have guns, we have guns, we shoot."

Members of Spiros' Serbian territorial defense unit said they were fighting to defend their town against "Muslim extremists."

More than 350 people have died in Bosnia since Slavic Muslims and Croats voted for independence on February 29. Serbs, who oppose independence, have been backed by the Serb-dominated federal army in battles for control of territory.

The Serb fighters in Semizovac insisted, however, that they would prefer to return to the tolerance that once characterized Bosnia's melting pot of nationalities and cultures than continue fighting their fellow villagers.

But the harmony that clearly once ruled in the village was abundantly evident, even as Serbs and Muslims fired at each other.

Muslims caught in the cross-fire sought shelter with Serbs and found it there.

"There should be a new referendum, new elections, so that we could all live together like before in our old Yugoslavia," said Milan Dragicevic, a Serb sheltering 35 Muslim refugees in his tiny farmhouse cellar further up the slopes.

"It's no longer a question of politics it's a question of life," he said. His Muslim guests nodded in agreement.

There were no signs of animosity as the gunfire eased and Serbs and Muslims emerged to chat among blossoming apple trees.

Muslim children stole sweets from a Serb granny. One-month-old baby, Milena, was brought from the farmhouse and passed among cooling women of both nationalities.

"Can you imagine anything crazier?" asked Spiro. "They were afraid we would attack them, but they run here for cover."

□ 1630

Mr. Speaker, I think that story says more than anything else we could talk about the sad situation that is taking place in the former Republic of Yugoslavia and the remnants of Yugoslavia.

With that, I am preparing a memo that I am going to send to the State Department. It reads somethings like this, because this story of Spiro's exemplifies how people really feel.

This memo says:

SPECIAL APPEAL TO THE STATE DEPARTMENT

The world, including the European Community, the United Nations, and the United States must realize that Yugoslavia is a mosaic—a conglomeration of ethnic and religious divisions.

These are powerful factors with tremendous impact, if not explosive.

The problems inherent to Yugoslavia are fomenting the current strife, and if not handled properly now, could expand into a catastrophe involving the whole of the Balkan peninsula.

Present actions that favor one group over another and give only lipservice to resolution of the rights of minorities offer a problem that merely festers.

This problem cannot be swept under the rug, nor should we believe that these problems will merely pass away. In addition, threats that serve as retaliatory measures against one group or another offer no solution, merely adding to the incentive to avoid a comprehensive solution rather than to stop and comply, especially in the face of policy that is perceived as biased and one-sided.

Therefore we should address the problem where it lies—among the parties, who know the situation better—and conversely—who know better what issues must be addressed for a permanent and lasting peace.

When the breakup of Yugoslavia began, everyone—the parties involved—thought that each could and would do better without the other. But economic conditions, playing havoc with each group, now have introduced another facet to the overwhelming problems of this area—and indicate that an opportunity exists for the groups to reflect again on the final form of the Balkan breakup.

The groups not only need a meeting of the parties, but they also need a fair arbitrator, extending equal and unbiased treatment to all.

All of the republics of Yugoslavia respect the United States, who has had no historical designs on the area, and therefore, the United States should act as mediator to such a summit.

Mediation will cost the United States nothing; aid, embargoes, sanctions, and peace-keeping forces will cost much more.

It is clear that the United States is the only entity that could facilitate such action to the acceptance of all parties involved.

Contain the problem. Keep it among the parties—at the table and not in the streets, where innocent citizens of all groups are losing their lives.

However, the rights of everyone concerned, without exception, must be addressed; any delay in negotiations will offer no solution.

This is a suggestion that requires immediate and concerted action on the part of the United States.

VACATING SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to vacate the 60-minute special order earlier agreed to for today for myself.

The SPEAKER pro tempore (Mr. KOSTMAYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

INTRODUCTION OF LEGISLATION TO PROVIDE EMERGENCY LOAN GUARANTEE ASSISTANCE TO THE CITY OF LOS ANGELES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I rise to announce to the Members and to print in the RECORD H.R. 5102, which has just been filed on behalf of the distinguished gentlewoman from California [Ms. WATERS] and myself, that has as its primary purpose to provide emergency loan guarantee assistance to the city of Los Angeles in helping it to reestablish business in the areas affected by the recent disturbances.

I want to mention that I also have available, and I will place it in the RECORD subsequently, a copy of the report that I printed as a committee and subcommittee document as a result of the hearings which, in the name of the Subcommittee on Housing and Community Development and the full Committee on Banking, Finance and Urban Affairs, we held in Los Angeles on February 10, right in the middle of the center of the storm now, in the building in which the disturbances have taken place all around it.

The report I had printed because what we had by way of testimony at the hearing was clearly very disturbing, and we reported that there was a likelihood of social problems and unrest. That was just February 10.

I am introducing legislation today on behalf of myself and Congresswoman MAXINE WATERS, that will begin to address some of the immediate steps needed to rebuild Los Angeles and other communities which have suffered destruction and unrest as a result of the violence fueled by the Rodney King verdict.

This legislation provides an immediate incentive for burned out and looted businesses to reopen, as well as to attract new businesses, in areas of the city that suffered destruction during protests over the not guilty verdict. Specifically, this legislation provides immediate credit for such business activity. It uses the existing section 108 Loan Guarantee Program to make business loans more affordable by lowering the cost of business loans in these areas through interest rate reductions. In addition, this legislation increases the borrowing authority for affected communities so that sufficient funds are available quickly.

This legislation is an immediate step toward addressing a larger and more fundamental problem. While the jury verdict of not guilty catalyzed these destructive protests, the fundamental cause of the violence goes far beyond Rodney King's beating.

Drastic Federal budget cuts during a decade of Reagan-Bush administrations have burdened municipalities so that they can no longer keep citizens from falling through the cracks.

Several field hearings held by the Banking Committee this year, including one in Los Angeles, examined the effects of the decade long neglect by the Federal Government to our inner cities. The situation is dire: families are desperate for good jobs, safe neighborhoods, good schools, and decent housing. Yet cities are unable to afford to provide these basic necessities.

Separate legislation that I introduced and which has been approved by the Committee on Banking, H.R. 4073, will be the next step to more fully address the root causes of the desperation and destruction. This legislation will provide permanent jobs through the rebuilding of critically needed infrastructure improvements.

I will be bringing H.R. 4073 to the floor in the near future. For now, I ask my colleagues to work with Congresswoman WATERS and me to provide this section 108 loan guarantee assistance as quickly as possible.

H.R. 5102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gonzalez-Waters Distressed Communities Assistance Act".

SEC. 2. GUARANTEE OF OBLIGATIONS AND NOTES.

Pursuant to the authority provided under section 108 of the Housing and Community Development Act of 1974 and this Act, the Secretary of Housing and Urban Development may guarantee and make commitments to guarantee the notes and other obligations issued by qualified public entities for the purposes under section 3. The provisions of section 108 and title I of the Housing and Community Development Act of 1974 shall apply to any guarantees and commitments for guarantees made pursuant to this Act except to the extent otherwise provided in this Act.

SEC. 3. ELIGIBLE ACTIVITIES.

Notwithstanding the first sentence of section 108(a) of the Housing Act of 1974, guarantees may be provided under this Act only for notes and other obligations issued for the purposes of financing activities for the establishment, development, and redevelopment of businesses in qualified areas, including acquisition of property located within qualified areas for businesses, providing working capital and capital for start-up costs and inventory, and acquisition, construction, reconstruction, and rehabilitation of structures located within qualified areas for businesses.

SEC. 4. QUALIFIED AREAS.

(a) IN GENERAL.—For purposes of this Act, the term "qualified area" means any area—

(1) in which a public disturbance involving acts of violence occurred on or after April 29, 1992, and before May 6, 1992;

(2) in which significant property damage was caused by such public disturbance; and

(3) that is described in a certification approved under subsection (b) by the Secretary.

(b) CERTIFICATION.—Any certification referred to in subsection (a)(3) shall be made by the chief executive officer of a unit of general local government in which the area described in the certification is located. The certification shall be submitted to the Secretary and shall describe the areas within the unit of general local government in which eligible activities financed with the proceeds of notes and obligations guaranteed under this Act are to be carried out, the public disturbance that occurred within the area, and the value or extent of damage resulting from the public disturbance. The Secretary shall approve each certification submitted under this subsection and notify the unit of general local government of such approval within 10 days after receipt (excluding Saturdays, Sundays, and legal public holidays), unless the Secretary determines that the certification is materially inaccurate.

SEC. 5. INAPPLICABLE PROVISIONS OF CDBG LOAN GUARANTEE PROGRAM.

(a) INAPPLICABLE PROVISIONS OF SECTION 108—Guarantees and commitments to guarantee made under this Act shall not be subject to the following provisions of section 108 of the Housing and Community Development Act:

(1) CREDIT AVAILABILITY TEST.—The second sentence of subsection (a).

(2) AGGREGATE AUTHORITY AND ALLOCATION RULES.—The last 2 sentences of subsection (a).

(3) LIMITATION BASED ON CDBG GRANT AMOUNTS.—Subsection (b).

(4) SECURITY.—Subparagraphs (B) and (C) of subsection (d)(1), subsection (d)(2), and subsection (e).

(5) AGGREGATE AND ENTITY LIMITATIONS.—Subsection (k).

(6) ELIGIBLE PUBLIC ENTITY.—Subsection (o).

(7) TRAINING.—Subsection (p).

(b) INAPPLICABILITY OF LOW- AND MODERATE-INCOME REQUIREMENT.—Guarantees and commitments to guarantee made under this Act shall not be subject to section 101(c) and 104(b)(3) of the Housing and Community Development Act of 1974.

SEC. 6. ASSISTANCE FOR REDUCTION OF INTEREST PAYMENTS.

Pursuant to the second sentence of section 108(h) and subject to the requirements of such section, there is authorized to be appropriated for grants to qualified public entities such sums as may be necessary to cover interest costs involved in financing activities under section 3.

SEC. 7. GUARANTEE AUTHORITY AND BUDGET COMPLIANCE.

Subject only to the absence of applications from qualified public entities or proposed activities and to the authority provided in this section, in addition to the amount provided under the 5th sentence of section 108(a) of the Housing and Community Development Act of 1974, the Secretary shall enter into commitments to guarantee notes and obligations pursuant to this Act with an aggregate principal amount of $500,000,000, without fiscal year limitation, to the extent approved or provided in appropriation Acts.

SEC. 8. OTHER DEFINITIONS.

For purposes of this Act:

(1) QUALIFIED PUBLIC ENTITY.—The term "qualified public entity" means any unit of general local government (as such term is defined in section 102 of the Housing and Community Development Act of 1974) within which a qualified area under section 4 is located, and such term includes any public agency designated by any such unit of general local government.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 9. IMPLEMENTATION.

Upon the enactment of any appropriation Act providing guarantee authority under section 7 and to the extent of such authority, the Secretary shall guarantee, and make commitments to guarantee, notes and obligations under this Act, whether or not regulations to carry out this Act have been issued.

AFTERMATH OF THE DISTURBANCE IN LOS ANGELES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. WASHINGTON] is recognized for 60 minutes.

Mr. WASHINGTON. Mr. Speaker, I take the well on this occasion to speak on a matter of some urgency to our Nation. I hope not to use the entire 60 minutes. I am mindful of the fact that it has been a long day for all of us, and particularly those who staff the House here, who of course have other important things to do.

Printed in the CONGRESSIONAL RECORD of April 28, 1992, I made a statement on what was then another occasion such as this, a special order, and on that occasion, Mr. Speaker, I made a promise. That promise was, and I quote from page H 2708,

> I am recommitted that between now and the end of the term to which the people of the 18th Congressional District have either fortunately or unfortunately elected me to hold, I will, with all the fiber in my body, bring to the attention of the American people on this microphone on a regular basis the problems that we confront as a country, not only as a Democrat, not as a Republican, but as a person who meant it when he held up his hand and took the oath that I would defend with my life the Constitution and the laws of the United States and the people who elected me.

□ 1640

I did not plan that this would be such an occasion so closely following that. But since that time we have had an unfortunate series of tragedies to occur in a part of our Nation which we call Los Angeles and its environs. And it seems to me, Mr. Speaker, that this is both the appropriate place and occasion to speak out on a matter that is important to the American people, for most of us have had the opportunity to on several occasions see the videotape that was providently taken by an amateur video photographer of the police misconduct that was visited upon the person of Rodney King on that fateful evening. And most of us watched with great anticipation, believing in our system of justice, and believing in our Constitution and laws and that justice would be done to one of several persons who in the opinion of most Americans and people throughout the world used more force than was necessary on that occasion to subdue Rodney King and reduce him to arrest.

We all of course know that the jury returned the verdict of not guilty, and that was of course within their province to do. Under the concept of ordered liberty we should not now criticize the verdict from that jury, but we ought to look beyond it, for I believe that much more important than how we feel about the verdict and the aftermath, we as citizens should condemn the violence that brought us to the point where police officers who wear our uniforms and our badges and carry our guns and nightsticks feel that they can, with impunity, be both judge, jury, and executioner for any person charged with crime in our society. It is tragic when police officers feel that way.

In my view, it is also tragic that the jury reached the conclusion that they did, although I do not quarrel with their verdict because only they had both the responsibility and the duty under our law to reach the decision that they did.

I also wish to condemn the violence of the thugs and villains and criminals who took the law into their own hands in Los Angeles, CA, after the verdict was rendered. I do not think, not speaking for other people because I do not know how other people feel really, I do not think that any of those who have attempted since that time, Mr. Speaker, to explain the frustration and feeling in the hearts of people who may have taken to the streets is an attempt on their part to rationalize or justify what is obviously criminal conduct. What happened in the streets of Los Angeles following the verdict in the Rodney King case was, at least in my view, as wrong as what happened to Rodney King. It was criminal, and it was wrong to beat innocent people, many of whom happened to have been white, who had done absolutely nothing to Rodney King or to cause the conditions that resulted in the verdict. And we as elected officials in this country must set the tone, because if we do not set the tone then the people have no leadership, and we leave it to others who perhaps may not be as thoughtful and perhaps not be as cautious as we should be in fashioning a remedy that comes out of the ashes of the several tragedies that have been visited upon California in the last year and a half, and I am not speaking of the earthquakes.

It was wrong, in my judgment, and criminal, as I say, for the citizens or some of the citizens in Los Angeles to take the law into their own hands and to take out their frustrations, and vent their hostilities on innocent people merely because they happened to have been of another race. And I think that people who are right-thinking people in our country find just as abhorrent the television sight of people pulling unarmed innocent motorists out of a vehicle and beating those people senseless as they were when they saw the videotape of Rodney King being beaten by the police officers.

It seems to me that we must have justice in our society, but it seems that we as a nation ought to look at where we are and where we should be going. And it seems to me, without attempting to lay the blame at the feet of anyone or all of us that the U.S. Government must provide leadership in these times, because I think these are critical times for our country. I do not believe that what happened in Los Angeles or any of the other cities where there was violence or the threat of violence should be fashioned as an isolated incident. As one of my colleagues said, I think it was a wakeup call for the United States of America, and it is time we heed the wakeup call. It is like when you set the clock for a certain time in the morning, and the alarm goes off, and you hit the snooze button, and you give yourself 6 minutes, or 10 minutes, or whatever your clock is programmed to provide of more time to crawl back in bed and snuggle up 1 more minute and sleep a few more minutes. Then the clock goes off again and you get up, and you hit the button again, and hopefully at some point you do get up, because otherwise you will be late for your responsibilities. And America is on the verge of being late in meeting its responsibilities, because as far back as 1968, the National Advisory Committee on Civil Disorder, called the Kerner Commission, has given us a blueprint for some of the things that led to the kind of violence that happened on the streets of Los Angeles.

This is not of course to mollify or justify people taking the law into their own hands. But one must understand the conditions of life in the ghetto to understand how a decent human being could be driven to the point of engaging in rioting and looting on the streets of a city where they live. Virtually every major episode of violence in this country has been followed by an accumulation of unresolved grievances and by widespread dissatisfaction of the people with the unwillingness or the inability of the government to properly respond. And there are many people in the Government, from the President of the United States on down, who are now attempting to fashion what is and ought to be our response to very troubling times in Los Angeles and in other American cities.

And it seems to me that we ought to talk to each other, not at each other about the problems that we face as a society. And it seems to me that we ought to look at the root causes not of the violence, because the cause of the violence in the streets of Los Angeles was criminal. The cause of the verdict by the jury in the Rodney King case was that we have allowed our police to become part of a siege mentality in which it is us against them. We who are law-abiding citizens have allowed ourselves to be separated from those who violate our laws, and therefore we have created an us-against-them mentality in which the police see it as their duty to protect us from them. And we reward the thin blue line of police by forgiving, forgiving on too many occasions their violations of our law.

It is not right for a police officer to violate the law, just as it is not right for a citizen to violate the law.

□ 1650

One does not justify the other. So it seems to me, Mr. Speaker, that we must engage in a dialog, not as Democrats and not as Republicans, but as Americans, on where we are to be heading as a nation and what should be our appropriate and proper response to the chagrin that we all feel from what we watched on television over the last 7 or 8 days.

In the concept of ordered liberty, we as a society must work together to solve our common problems, because the problem of police misconduct is not the problem of one community but the problem of our entire community, because as surely as what happened to Rodney King, that happened to him, it could happen to any person in the middle of the night who happens to be stopped by a police officer who, for whatever reason, feels that he needs to extract his pound of flesh from another individual. So we need to address, it seems, the underlying problems, not to suggest that those problems gave rise to the specific incident or to excuse or justify the conduct, once again, that has occurred. But if we do not begin now to address the problems, then it is my fear that they will happen again and again and again.

It is those of us who have been elected to public office upon whose watch these things have happened that bear the ultimate responsibility for what has happened and bear the ultimate responsibility for what I believe will happen in the future if we do not begin now the constructive process and the courageous process of addressing these problems in a forthright manner.

In our urban areas, as in our rural areas in this country, we suffer from benign neglect, and I intend to focus my remarks on this occasion on how we can address these problems without spending any more money than we are presently spending.

It is good to have a lot of ideas to throw out, and there are lots of people who have ideas. I am sure they are all worth merit, and I am not saying that mine are worth anything at all except perhaps to start other people with greater minds thinking about how we can address these problems.

We have a problem with the education of our young people in this country. I do not know the people who were rioting and looting on the streets of Los Angeles. I watched television, and they appeared to be of all racial and ethnic groups and of all ages, and it seems to me that if we had a composite of those people, it is my view, Mr. Speaker, that most of them would not have received the benefit of the educational opportunities that our society and our country have so richly provided to the fortunate few. It seems to me that if we are to ensure that there are no more Los Angeleses in our country that we must, as a Congress and as a country, be about the business of addressing in a forthright and direct manner answers to these questions.

How is it that we do not educate our young people? Why do we allow so many of our young people to drop out of school and be pushed out of school before they even get a high school education? What chance does a person without a high school education have of succeeding in our society? Most often they become a ward of the State, either as prisoners in our prison system or caught up in our welfare system. They become homeless because they do not have jobs and cannot provide housing for themselves and their families.

It seems to me the response of the Congress of the United States should be on this occasion to step back and look at these problems and attempt to address them in a forthright and direct manner, and it seems to me, Mr. Speaker, Members, that we must first look at how we spend our dollars and, once again, I reiterate that these proposals have nothing to do with new taxes upon our overly taxed people in our country already, but the reallocation of our priorities.

When the Congress passed our budget for the next fiscal year in which we outlined our budget as being $1.4 trillion, the verdict in Los Angeles has not occurred, and Simi Valley had not occurred, and the violence in Los Angeles had not taken place. So the question is: Do we have the courage to then reorder our priorities, having made a commitment for that budget, and is there an urgent necessity to do so?

It seems to me that there is an urgent necessity to do so, because conditions have changed. Mr. Speaker, I would liken it to the budget of a household or of a family or of a corporation. When you sit down and you think about the requirements of the budget for the following year, you take into consideration what your expectations are for the following year, not only for the expenditures but the happenstance of events then and in the future.

No one could project either the outcome of the criminal trial in Simi Valley nor the response from the community in Los Angeles and other places of this country at the time that the Congress in its wisdom decided that we would allocate the funds in the fashion that we did. Following that debate, as the Members of Congress and as the Nation will recall, we undertook a debate on whether the so-called firewalls should be removed.

The people in the country will recall that out of the budget summit of 1990 the Congress attempted to give itself the discipline to balance the budget in this country by the year 2000, and the method by which we accomplished that, or purported to accomplish that, was the bill, the so-called firewalls between domestic discretionary, domestic entitlement, and military spending.

Now, that may have been appropriate at the time, and I assume that it was, because the Congress, in its wisdom, decided that those would be our priorities.

But just as a household has to reorder its priorities in light of a tragedy that occurs in the household, it seems to me that now is the time for the Congress to reorder its priorities with respect to the budget of our Nation. We msut turn our attention to our American cities, not turn our back on our foreign friends and neighbors in South America and in Canada, in Europe and Japan, but to redirect our priorities to the places where it is clearly evident that our priorities ought to be focused.

A new world order must now include American cities. A new world order must include redeveloping the infrastructure of American cities not because of the events of the past week or so but because of what has been happening to this country for the last 30 years.

We have been in a steady decline and erosion of our American cities. As pointed out in the Kerner Commission report of 1968, "But for the precipitous causes of the summer of 1967," and the changing of the name of Newark and Detroit and a few other neighboring cities, and the changing of terminology from Negro to African-American or black, whichever a person chooses to use or some of the other matters that have been changed in our society, I suggest that anyone who reads either the excerpts or the full report from the Kerner Commission, merely by inserting Los Angeles instead of some of the other cities, we would think that this report was written within the last 7 days.

When are we going to wake up to the reality that every time we have a very great tragedy in America we do not need another study? We do not need to study what happened in Los Angeles. Mr. Speaker, we need to study the reports that we have already paid for that are gathering dust over on the shelves of the Library of Congress, because if we read those reports and heed the advice and wisdom contained therein by many scholars and experts who have put their minds to the task, then it seems to me that we would be directed toward what we ought to do as a nation.

From the summary, just let me read a part:

> Recommendations for national action: Employment: Pervasive unemployment and underemployment are the most persistent and serious grievances in minority areas. They are inexplicably linked to the problems of civil disorder. Despite growing Federal expenditures for manpower development and training programs and sustained general economic prosperity and increasing demand for skilled workers, about 2 million white and nonwhite are permanently unemployed; about 10 million are underemployed, of whom 6.5 million work full time for wages below the poverty line.

None of that has changed.

□ 1700

The 500,000 hardcore unemployed, that has changed. It is about 3 million hardcore unemployed now.

In the central cities, those who lack a basic education and are unable to hold a steady job are made up in large part of Negro males, now Afro-American males, many of whom are now in prison instead of on the streets of America between the ages of 18 and 25, I would add parenthetically, many of whom now experience the fact that the leading cause of death among that age group, that is 18 to 25, is now homicide.

In the large cities which we surveyed, Negros were three times as likely as whites to hold unskilled jobs, which were often part-time seasonal low-paying and dead-end jobs. Nothing has changed about those things.

This was 25 years ago, Mr. Speaker, that these things were brought to the attention of the Congress, of which most of us were not Members at the time, and of the American people.

Nothing has been done to move us in the direction in which we should now move.

If we had a household in which priorities in budget had been established and it was such that that budget had been put into action and all of a sudden that household experienced a catastrophe, such as little Johnny coming in from playing in the backyard on a swing set with his arm severed, and little Johnny went to the hospital, you would not need an x ray or an MRI to find out that little Johnny's arm was broken.

We do not need another study to know that little Johnny's arm is broken. Little Johnny is Los Angeles today, but it could be Chicago or Houston or Miami or Detroit or Washington or New York or any other major city in America tomorrow. We do not need another study, it seems to me, to know what is wrong with America.

America has spent too many of its resources, and with the benefit of hindsight, not so much in criticism of what we have done, but of where we are. We have spent our resources rebuilding Japan and Germany after World War II, and we did wonderful work there. There is nothing wrong with that; but in the budget of $1.4 trillion, we neither reduced the deficit to the point where we get to a balanced budget, nor do we address the fundamental underlying cancer that grows on the conscience of America.

It seems to me that we do not need an x ray or an MRI to look at the situation in Los Angeles under a microscope, Mr. Speaker, to know what the nature of the problem is. It is the same as it was in 1968 and in 1967 when we had riots all over this country.

We have too many people who are unemployed. We have too many people who are uneducated and undereducated. We have too many people with no health care. We have too many people with no housing or inadequate housing. We have too many people who subsist on welfare. We have too many people who understand the conditions of life in the ghettos in the United States. So we must redirect our priorities.

We ought to take the resources, or part of the resources that we are now spending and will spend through the year 2000, some $400 billion, that is $400,000 million that we will spend between now and the year 2000 protecting Germany and Europe from the Soviet Union that wants to join NATO, and protecting Japan from China, while our cities continue to deteriorate, while our cities come apart at the seams, while our young people start the first grade with three of their friends and neighbors from the community and find that of the three of those who graduate from high school, Mr. Speaker, one has a functional equivalency of an eighth grade education and the other dropped out of the eighth grade, while two of those four young people did not receive the value and benefit of the educational resources that we provide.

The Federal Government must provide leadership. The Federal Government is responsible if these problems continue to exist. No one can save us but us.

It is time now for the American people to make the Congress do its duty. The duty of the Congress is to address the problem not of Los Angeles; Los Angeles is only the tip of the iceberg. Los Angeles is only a symptom of the underlying problem. The underlying problem is that we have allowed our infrastructure to erode. We do not spend enough money developing our highways and our sidewalks and the infrastructure of our cities so that we can be proud of them, and as a result most of our citizens who can afford to move out of the cities and move into suburban and rural areas, and on the other end of the spectrum our citizens who live in rural areas find themselves without adequate health care because the doctors are moving from the rural areas into the suburban areas and into the urban areas because they cannot make a living in the rural areas; so rural hospitals are closing all over America and people who are unfortunate enough to need serious trauma care or other serious medical care in the rural areas find themselves having to be transported 200 miles by lifeflight helicopters, if they can find one, in order to get the appropriate medical attention.

We are allowing our country to die on the vine.

It does not require any new spending. It requires a new direction and new priorities. We must have the wisdom, we must have the courage to turn our country around. No one can do that but the Congress of the United States and no one can make the Congress of the United States do that but the American people.

It is time for the people who are sitting in their homes tonight, this evening, who are on their way home from work, who are troubled about what is happening in Los Angeles, to realize that there will not be a response from the mayors of the cities around the Nation or from the county commissioners or county supervisors or State legislators or from the Governors or from the President or from the Congress without some action on their part. They need to turn up the heat on all elected officials, because it is our responsibility to ensure that the new world order that they expect becomes a reality.

It seems to me, Mr. Speaker, that the way to accomplish that is to redirect our priorities so that we spend the $400 billion that we will spend between now and the year 2000 on the people in this country so that we can address the question of AIDS in a forthright and comprehensive manner. AIDS is not a gay disease. It never was. People who thought it was a gay disease are now finding their so-called straight mothers and fathers, sisters and brothers, being afflicted with this dread disease and they are now becoming involved. They should have been involved 6, 8, or 10 years ago, but that is of no moment.

We have low birth weight babies being born all over America, particularly in American cities, because young females do not get prenatal care, Mr. Speaker, they go four term pregnancies, and the first time they see a doctor is when they are in active labor going in to delivery the baby in the hospital.

We need a health care delivery system that addresses the needs of the American people. The people in Germany have a national health care system. The people in Japan have a national health care system and they have it at our expense, because they do not need a standing army to protect them from whatever enemy, real or imagined, exists for them, Mr. Speaker. They have the United States of America to do that for them; but while we do those things for the rest of the world, and there is nothing wrong with doing that, in times of prosperity and better times we can afford to do those things, but we have to tighten the belt. We have to look out for America first. We have to look out for the new world order that exists in this country, when we have frustrated and humiliated young people who have no education, who have no hope, who have no jobs or hopes of a job, who have no health care, who are sleeping on the streets at night. It is no wonder we have violence on the streets.

It seems to me that we need to follow the recommendations of the Kerner Commission. The Commission recommended in the area of education, and again it would seem as if this Commission was done in the last several days.

They recommended sharply increased efforts to eliminate de facto segregation in our schools through substantial Federal aid to the school systems seeking to desegregate either within the system or in cooperation with neighboring school systems.

They recommended elimination of racial discrimination in northern as well as southern schools by vigorous application of title VI of the Civil Rights Act of 1964.

They recommended extension of quality early childhood education to every disadvantaged child in the country.

They recommended efforts to improve dramatically schools serving disadvantaged children through substantial Federal funding of year-round quality compensatory education programs, improved teaching, and expanded experimentation and research.

They recommended elimination of illiteracy through greater Federal support of adult basic education.

They recommended enlarged opportunities for parents and community participation in public schools. They recommended reoriented vocational education, emphasizing work experience, training, and involvement of business and industry.

They recommended expended opportunities for higher education through increased Federal assistance to disadvantaged students.

□ 1710

They recommended revision of the State aid formulas to ensure more per student aid in districts having a higher proportion of disadvantaged school-age children. It is as if these things were reported on and studied in the last 7 days. Every recommendation mentioned here in 1968 has failed to come to fruition.

Every one of these recommendations could have avoided what happened in Los Angeles and what will happen in other American cities unless we do something about it.

In the area of welfare reform, the Kerner Commission recommended that we establish for recipients of existing welfare categories uniform national standards of assistance at least as high as the annual poverty level of income then set by the Social Security Administration at $3,335 per year for an urban family of four.

They recommended that we require all States receiving Federal welfare contributions to participate in aid to families with dependent children, unemployed parent programs which permits assistance to both fathers and mothers in the home, thus aiding the family while it is still intact. That is, rather than requiring that there be no father in the home in order to get the assistance, and therefore we wonder why there are so many one-adult-headed household families on AFDC? Because the Federal Government required them to be that way.

Mr. Speaker, there is no such thing as a fatherless child, there is no such thing as a fatherless child, not even in artificial insemination.

They recommended that the Federal Government bear a substantially greater portion of all welfare costs, at least 90 percent of the total payments. We have not done that. They recommended that we increase incentives for seeking employment and job training, but remove restrictions recently enacted by Congress that will compel mothers of young children to work. What they are talking about is the phenomenon in which mothers who presently receive aid to families with dependent children, Mr. Speaker, now have to make a choice, and it is a Hobson's choice; they have to choose between giving up the benefits of health care, which they have as long as they remain unemployed and on AFDC, and they have small children in the household, that of taking a low-wage job or a lower minimum-wage job for an employer who has no health care benefits.

It would seem to be almost criminal for a mother to do such a thing, knowing the frequency with which young children, especially those who do not receive immunizations—and most of these children are not immunized against the common, everyday childhood illnesses, such as measles and mumps, because they do not see a doctor between the age of 6 months when they lose their mother's natural immunity and the time that they are required to get vaccinated when they start the first grade.

These children are more prone to childhood illnesses, they are more prone to scrapes, and bumps, and broken arms, and things like that. So that the mother is then faced with the Hobson's choice of taking a job at a minimum wage for an employer who has no benefits, no health care benefits, and running the risk that if the child gets injured or has an illness that requires hospitalization or treatment—especially after the hours that the clinics in urban America close, which is about 5 in the afternoon in most urban areas—running the risk of sitting all night at the public hospital, in order that the child can be seen. But the child will not be prioritized above the people who come in with gunshot wounds, automobile accidents, knifing incidents. So it is likely, and it is a regular occurrence for most of these people, to have to spend sometimes all night and sometimes several days in the hospital waiting for the child to be seen. That is the choice when you do not have insurance or that of staying at home and at least having benefits of Medicaid and Medicare.

We, that is, the Federal Government, force them, women in particular, to make that choice. That is what the recommendation in 1968 said. We have done nothing, or very little, to improve upon those conditions since.

They also recommended that we provide more adequate social services through neighborhood centers and family planning programs. Oh, let us not talk about family planning; that is a verboten word around here.

Remove the freeze placed on the 1967 welfare amendment on the percentage of children in the State that can be covered by Federal assistance, eliminate residence requirements; these are recommendations that were made a quarter of a century ago that we have not needed.

These are recommendations that we ought to have been about with respect to housing for people, so that people are not called homeless. Homeless is a nice, kind word for saying to the people that they are not homeless, they are houseless. So we do not want to deal with those people.

So what we have is a situation in this country where we have allowed this sore to fester and grow. It is no wonder that we had the incident that we had in Los Angeles; that is not to condone, once again, for those who might be watching, I do not condone in any way what happened in Los Angeles. But I surely understand what it is like to have no hope.

The last thing we want to do in this country is to take hope away from a vast section of the American people.

So, for those who wish to know and understand what it is that we as a nation can do, what should be our proper response as a civilized society to the tragedies, several in nature, which occurred in Los Angeles, CA, on Wednesday last, and for several days thereafter? We must renew our faith and out dedication to our American values and principles. We must stand shoulder to shoulder to address these problems, and we must make our elected officials not give us lipservice and another study and spend 2 more years and a few dollars working on these programs, for within the budget that we already have we need to redirect our priorities from looking across the Atlantic Ocean and the Pacific Ocean to looking within the shores of this country from Seattle, WA, to Miami, FL, and from Bangor, ME, to San Diego, CA, crisscrossing this Nation. Mr. Speaker, those are people who need our help. We must provide that help. We must provide it now because the number of people who fit within the category of those who are underrepresented in the Congress of the United States and who are underserved by the resources available in the United States, continue to grow.

As our economy continues in its downward spiral, more and more people are out of work. People who were working 2 years ago are now without a job. They are sleeping in their cars. They sleep on the ground sometimes; they dig holes in the ground because there is not enough room in the shelter.

We must address these problems, and we must address them in a forthright manner. We do not need a study, we do not need a civil rights commission; we do not need any other commission to look at the problem to know what is wrong. We need action by the Congress, and we need it now.

It will not cost any more money than we were already planning to spend over the next biennium or the next 8 years between now and the year 2000. All it takes is the will and the courage to say that we will reduce the military budget and we will look carefully at all of the items currently in the budget because we did not know, we could not assume that what has happened in Los Angeles would happen, but it did.

Ours is the duty of ensuring that we do something about it. So, it seems to me the new world order must include a commitment to preserving peace as our first responsibility of Government. And there is no peace where there is no justice, and where there is no justice there will always be violence; there will be violence in American cities—and I hope I am wrong—unless we do something to address the underlying conditions that confront us as a nation.

Now, some will say that such remarks appear to be nothing more than whining, that one who is a part of the underclass is whining about what we have not accomplished in this country.

Mr. Speaker, we have to reform the education system and the health care system, not for people like myself but for those whom we saw on television on the streets of Los Angeles, because there are a lot of them.

You see, Mr. Speaker, they had crime in Los Angeles before the Rodney King verdict came in. The people in that community learned to live with crime on a daily basis, unfortunately. They continue to live with crime.

Mr. Speaker, the senior citizens locked themselves in their houses. Their houses became prisons for them because they have to lock the criminals out, so they end up locking themselves in with burglar bars on their houses.

We have not provided an adequate response. We have not provided an opportunity to improve the quality of life for the senior citizens in our country. We have not provided a Marshall plan for the American cities. We have not moved boldly to put funds into reducing crime in American cities. We pass a lot of criminal laws, a lot more people are in prison, ending up costing the American taxpayers more and more money, because it costs $40,000 a year to lock one of those criminals up in prison. But we do not spend that much money on the victim of the crime, Mr. Speaker.

□ 1720

Mr. Speaker, we need to be about the business of redirecting the priorities of this Nation, and we are the people who have the responsibility to do that. Unless we do, then we will always have conditions that lend themselves to the frustration and violence that we saw both in action to the police officers who visited their hostilities upon Rodney King and in the actions of the jury who felt afraid of the Rodney Kings of the world and felt it was us against them, and they wanted to protect the police officers to ensure that the police officers would do their duty on behalf of the American people. So, we give the police officers the benefit of the doubt even when we watch it on television and we see blow, after blow, after blow administered to this human being who is lying on the ground. We would not have allowed a citizen or a police officer to beat a German shepherd like Rodney King was beaten on the ground in Los Angeles.

Mr. Speaker, most good-thinking people in this country would have attempted to stop another citizen, or even a police officer, from beating a dog like they beat Rodney King, but Rodney King is not the problem. It is the mindset that we have in this country that is the problem that allows people to think that they can get away with doing that to another human being and allows a jury to think that we would justify, that American people would justify that, but they have been wrong because all the polls that have been taken have indicated that across this land people have spoken out against and feel very strongly about what happened in Los Angeles. And, if we allow it to be swept under the rug and allow that to be the end of it, then it will happen again tonight in some American city, and it will happen again tomorrow and the day after.

Mr. Speaker, we must have the courage as a Congress to stand up and do what is right, and what is right is to put money into law enforcement, put money into training law enforcement officers so that they will understand that they have the responsibility of arresting the criminals in the society, but they are not to be the judges, and the jury, and the executioners of the criminals they catch. We expect them to take them to jail. That is the end of their responsibility. We must infuse money into education, and health care, and employment, and preventing drugs from coming into this country, and reducing crime on our streets, and providing housing for all of our people, and cleaning up our environment, and redeveloping our infrastructure, and we can do that without spending one additional dollar over what we will spend between now and the year 2000, while at the same time significantly reducing the deficit.

If only we have the will and we have the courage to do that, then what we have to do in order to do that, Mr. Speaker, is to go back and take down the walls that exist between the budget, the discretionary spending, and the military spending. When we passed that budget in 1990, we did not know that the Berlin Wall would come down, but we erected another wall in its place. When we passed that budget in 1990, we did not know that the conditions would continue to fester as they have in American cities, such as they are reaching a boiling point. When we passed that budget in 1990, we did not know that the new world order was in this country and not in the rest of the world.

We need to be about the business of cleaning up our own house, Mr. Speaker, and we must begin by reorganizing our priorities, and our priorities must be to put America first. When we do that, when we address the findings of the Kerner Commission report, then we will be able to sleep well at night, and we will have done the best that we can for the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. GALLEGLY, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 60 minutes, on May 12.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. WASHINGTON, for 60 minutes, today.

Mr. ALEXANDER, for 60 minutes, on May 12.

Mr. THORNTON, for 60 minutes, on May 12.

Mr. SCHEUER, for 60 minutes, each day on May 12, 13, and 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. PURSELL.
Mr. MICHEL.
Mr. COUGHLIN.
Mr. GREEN of New York.
Mr. MCEWEN.
Mr. LEWIS of California.
Mr. GALLO.
Mr. GOODLING.
Mr. MOLINARI.
Mr. BILIRAKIS.
Mr. EMERSON.
Mr. GRADISON.
Mr. KOLBE in two instances.
Mr. MACHTLEY.
Mr. VANDER JAGT.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. HOYER.
Mr. ABERCROMBIE.
Mr. STARK.
Mr. KANJORSKI.
Mr. ROE.
Mr. CAMPBELL of Colorado.
Mr. WAXMAN.
Mr. ACKERMAN.
Mr. REED.
Mr. MONTGOMERY.
Mr. DWYER of New Jersey.
Mr. LANCASTER.
Mr. WYDEN.
Mrs. LOWEY of New York in six instances.
Mr. TRAXLER.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week"; and

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3. An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes.

ADJOURNMENT

Mr. WASHINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.) under its previous order the House adjourned until Monday, May 11, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3465. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the second half of October and all of November and December 1991, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

3466. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Peter Barry Teeley, of Virginia, to be Ambassador to Canada, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3467. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Robert L. Barry, of New Hampshire, to be Ambassador to the Republic of Indonesia; of Reginald Bartholomew, of the District of Columbia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization; of Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3468. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting the texts of ILO Convention No. 172 and Recommendation No. 179 concerning working conditions in hotels, restaurants, and similar establishments as adopted by the International Labor Conference at its 78th session, at Geneva, June 25, 1991, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

3469. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on claims for loss of property incident to service, pursuant to Public Law 101-138, section 154 (105 Stat. 674); to the Committee on Foreign Affairs.

3470. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3471. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3472. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3473. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3474. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3475. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3476. A letter from the Secretary of Energy, transmitting a report on the status of research and development activities during fiscal year 1991 and actual and anticipated obligation of funds in accordance with the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, pursuant to 15 U.S.C. 5107; to the Committee on Science, Space, and Technology.

3477. A letter from the Secretary of the Interior, transmitting a report on findings and recommendations of the North Carolina Environmental Sciences Review Panel, pursuant to Public law 101-380, section 6003; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. House Resolution 452. Resolution providing for the consideration of the bill (H.R. 4111) to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes (Rept. 102-515). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCURDY:

H.R. 5095. A bill to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BROOKS:

H.R. 5096. A bill to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States versus Western Electric, civil action No. 82-0192, U.S. District Court for the District of Columbia; and for other purposes; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 5097. A bill to amend title 38, United States Code, to improve benefits in certain education and employment programs for veterans, and for other purposes; jointly, to the Committees on Veterans' Affairs, Education and Labor, Banking, Finance and Urban Affairs, and Armed Services.

H.R. 5098. A bill to amend title 10, United States Code, to allow members of the Selected Reserve to use educational assistance for graduate programs; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. MILLER of California (for himself, Mr. HANSEN, Mr. MARKEY, Mr. MURPHY, Mr. RAHALL, Mr. DE LUGO, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. RICHARDSON, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. CAMPBELL of Colorado, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. SCHUMER, Mr. JONTZ, Mr. ABERCROMBIE, Mr. DARDEN, Mr. SHARP, Mr. WILLIAMS, Mr. DELLUMS, Mr. LANTOS, Ms. PELOSI, Mr. RIGGS, and Mr. JOHNSTON of Florida):

H.R. 5099. A bill to provide for the restoration of fish and wildlife and their habitat in the Central Valley of California, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI (for himself, Mr. GEPHARDT, Mr. LEVIN of Michigan, Mr. PEASE, Mr. MCGRATH, Mr. MATSUI, Mrs. KENNELLY, Mr. MAZZOLI, Mr. FAZIO, and Mr. ECKART):

H.R. 5100. A bill to strengthen the international trade position of the United States; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 5101. A bill to provide eligibility for small business concerns employing socially and economically disadvantaged individuals to participate in Federal procurement programs, and for other purposes; to the committee on Small business.

By Mr. GONZALEZ (for himself and Ms. WATERS):

H.R. 5102. A bill to authorize emergency loan guarantee assistance in connection with section 108 of the Housing and Community Development Act of 1974 for developing and reestablishing businesses in areas affected by certain civil disturbances during April and May of 1992, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMP:

H.R. 5103. A bill to amend the Internal Revenue Code of 1986 to exempt medical benefits from the restrictions on welfare benefit funds; to the Committee on Ways and Means.

By Mr. CAMPBELL of California:

H.R. 5104. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to defense contractors for expenses of retraining their employees; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. YOUNG of Alaska, Mr. MONTGOMERY, Mr. ROBERTS, Mr. STENHOLM, Mr. MARLENEE, Mr. HALL of Texas, Mr. SMITH of Oregon, Mr. PARKER, Mr. HERGER, and Mrs. VUCANOVICH):

H.R. 5105. A bill to amend the Endangered Species Act of 1973 to ensure adequate analysis before application of requirements and prohibitions under that act to a species, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNEY (for himself and Mr. MCGRATH):

H.R. 5106. A bill to amend title XVIII of the Social Security Act to disregard months during which a retiree is a former employee and covered under a group health plan of an employer for purposes of calculating the penalty for late enrollment under part B of such title; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FAZIO:

H.R. 5107. A bill to establish a program in the Department of Defense to promote electric vehicle and infrastructure development; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Mr. GALLEGLY:

H.R. 5108. A bill to amend the Internal Revenue of 1986 to provide that dislocated defense workers are eligible for the targeted jobs credit; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 5109. A bill to assist community, business, and worker readjustment required as a result of the closure of military installations and reductions in defense spending; jointly to the Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, and Small Business.

By Mr. HERGER (for himself, Mr. ROBERTS, Mr. CONDIT, Mr. STENHOLM, Mr. EMERSON, Mr. DOOLEY, Mr. LEWIS of Florida, Mr. BOEHNER, Mr. WALSH, and Mr. MORRISON):

H.R. 5110. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. KOLBE:

H.R. 5111. A bill to authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, AZ; to the Committee on Interior and Insular Affairs.

By Mr. LOWERY of California:

H.R. 5112. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee shall not be excluded from the minimum wage and maximum hour exemption for certain employees because the employee is not paid on a salary basis, and for other purposes; to the Committee on Education and Labor.

By Mr. LUKEN:

H.R. 5113. A bill to abolish the Temporary Emergency Court of Appeals; jointly, to the Committees on Banking, Finance and Urban Affairs, the Judiciary, and Energy and Commerce.

By Mr. MCCOLLUM:

H.R. 5114. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for a portion of child support payments, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. CARDIN, and Mr. MOODY):

H.R. 5115. A bill to amend title XVIII of the Social Security Act to require physicians not participating in the Medicare Program to refund amounts paid for physicians' services by individuals enrolled under part B of the program in excess of the limiting charges applicable to such services, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.R. 5116. A bill to continue and expand programs to assist defense workers and communities adversely affected by base closures or reductions in defense spending, promote the conversion of defense contractors, including defense contractors that are small businesses, and encourage exports of U.S. products and services; jointly, to the Committees on Armed Services, Education and Labor, Small Business, and Banking, Finance and Urban Affairs.

By Mr. OWENS of Utah (for himself and Mr. BROOMFIELD):

H.R. 5117. A bill to prohibit United States assistance to Serbia and Montenegro; to the Committee on Foreign Affairs.

By Mr. OWENS of Utah:

H.R. 5118. A bill to exchange lands within the State of Utah, between the United States and the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 5119. A bill to authorize the construction of the Cumberland Mountain Trail in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area in the States of Kentucky and Virginia, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. WEISS:

H.R. 5120. A bill to establish an Intergovernmental Commission on Health Care Fraud and Abuse; jointly, to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

By Mr. RICHARDSON:

H.R. 5121. A bill to amend the Solid Waste Disposal Act to establish citizens advisory boards for Department of Energy nuclear weapons facilities and to require the Administrator of the Agency for Toxic Substances and Disease Registry to conduct public health assessments of such facilities; to the Committee on Energy and Commerce.

H.R. 5122. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER:

H.R. 5123. A bill to improve the collection of child support; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. SCHUMER:

H.R. 5124. A bill to amend the Federal Trade Commission Act to provide for regulation by the Federal Trade Commission of advertisements by air carriers, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. SHAYS (for himself, Ms. SNOWE, Mrs. JOHNSON of Connecticut, Mr. PETRI, Mr. KLUG, Mr. PAXON, Mr. ZIMMER, Mr. GOODLING, Mr. FAWELL, Mr. FRANKS of Connecticut, Mr. ROHRABACHER, Mr. COMBEST, Mr. RIGGS, Mr. LEWIS of Florida, Mr. SENSENBRENNER, Mr. LEWIS of California, Mrs. VUCANOVICH, and Mr. VALENTINE):

H.R. 5125. A bill to amend the Congressional Budget Act of 1974 to expand the requirement that legislation be accompanied by cost estimates of its impact on State and local governments; jointly, to the Committees on Government Operations and Rules.

By Mr. VENTO (for himself, Mr. WYLIE, Mr. MRAZEK, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. HAMILTON, Mr. MCMILLAN of North Carolina, Mr. ROSE, Mr. SHAW, Mr. STUMP, Mr. TALLON, Mr. ORTIZ, and Mr. DOOLITTLE):

H.R. 5126. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War Battlefields, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. VUCANOVICH:

H.R. 5127. A bill to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building"; to the Committee on Public Works and Transportation.

By Mr. HOLLOWAY:

H.J. Res. 480. Joint resolution disapproving the action of the District of Columbia Council in approving the Health Care Benefits Expansion Act of 1992; to the Committee on the District of Columbia.

By Mr. MCCOLLUM:

H.J. Res. 481. Joint resolution designating May 1992 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. MCNULTY (for himself and Mr. HORTON):

H.J. Res. 482. Joint resolution designating June 14, 1992, as "National Pledge of Allegiance to the Flag Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. GLICKMAN:

H. Res. 453. Resolution to express the sense of the House of Representatives regarding the need to increase budget authority for the reduction of violent crime, the rehabilitation of American youth, and the revitalization of American cities; jointly, to the Committees on Armed Services, Foreign Affairs, Education and Labor, Banking, Finance and Urban Affairs, and the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

414. The SPEAKER presented a memorial of the Senate of the State of Maine, relative to the legal availability of RU-486 for appropriate research and, if indicated, clinical practice; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PICKETT:

H.R. 5128. A bill to authorize a certificate of documentation for the vessel *Reddy Jane*; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCOLLUM:

H.R. 5129. A bill for the relief of Thomas L. Bowers; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. ROEMER, Mr. WASHINGTON, and Mr. HAYES of Louisiana.

H.R. 23: Mr. DUNCAN, Mr. WEBER, Mr. GAYDOS, Mr. BOEHNER, Mr. OXLEY, Mr. LENT, and Mr. TOWNS.

H.R. 300: Mr. FRANKS of Connecticut.

H.R. 528: Mr. SANDERS and Mr. ATKINS.

H.R. 617: Mr. WISE.

H.R. 645: Mr. GOSS.

H.R. 784: Mr. NEAL of North Carolina.

H.R. 911: Mr. CARDIN.

H.R. 917: Mrs. KENNELLY.

H.R. 1126: Mr. TORRES.

H.R. 1181: Mr. ATKINS.

H.R. 1430: Mr. MACHTLEY.

H.R. 1468: Mr. ROGERS and Mr. FRANKS of Connecticut.

H.R. 1692: Mr. SOLOMON.

H.R. 1820: Mr. MANTON and Mr. CRAMER.

H.R. 2164: Mr. MORAN, Mr. HOAGLAND, Mr. BOEHNER, Mr. GLICKMAN, and Mr. ANDREWS of New Jersey.

H.R. 2200: Mr. MCMILLEN of Maryland.

H.R. 2255: Mr. SMITH of Texas.

H.R. 2258: Mr. ATKINS and Mr. LIPINSKI.

H.R. 2840: Mr. FAZIO.

H.R. 2966: Mrs. JOHNSON of Connecticut, and Mr. BEREUTER.

H.R. 3051: Mrs. LOWEY of New York and Mr. SERRANO.

H.R. 3082: Ms. HORN.

H.R. 3373: Mr. MCDERMOTT, Mr. SOLARZ, Mr. HOCHBRUECKNER, and Mr. NOWAK.

H.R. 3838: Mr. DEFAZIO, Mr. SENSENBRENNER, Mrs. VUCANOVICH, and Mr. STALLINGS.

H.R. 3864: Mr. JOHNSON of South Dakota.

H.R. 3871: Mr. MCNULTY, Mr. SERRANO, Mr. LEVINE of California, Mr. AUCOIN, Mr. TOWNS, Mr. FOGLIETTA, Mr. WOLF, Mr. OBERSTAR, and Mr. BACCHUS.

H.R. 3927: Mr. Dingell.

H.R. 3989: Ms. Oakar.

H.R. 3992: Ms. Oakar.

H.R. 4002: Mr. Richardson, Mr. Frank of Massachusetts, Mr. Pastor, and Mr. Lipinski.

H.R. 4008: Mrs. Bentley, Mr. Hamilton, Mr. Kleczka, Mr. Feighan, Mrs. Vucanovich, Mr. Visclosky, and Mr. Lipinski.

H.R. 4089: Mr. Kolbe, Mr. Faleomavaega, and Mr. Tauzin.

H.R. 4175: Mr. Rangel.

H.R. 4206: Mr. Weldon and Mr. Stark.

H.R. 4234: Ms. Kaptur.

H.R. 4272: Mr. Mazzoli, Mr. Goodling, and Mr. Owens of Utah.

H.R. 4399: Mr. Lehman of California and Mr. Lantos.

H.R. 4414: Ms. Kaptur, Mr. Towns, and Mr. Gejdenson.

H.R. 4416: Mr. Rose and Mrs. Collins of Michigan.

H.R. 4435: Mr. Engel, Mr. Barnard, and Mr. Moody.

H.R. 4476: Mr. Boehner.

H.R. 4537: Mr. Perkins.

H.R. 4542: Mr. Solarz, Mr. Nowak, Mr. Ramstad, and Mr. Levine of California.

H.R. 4613: Mr. Hancock and Mr. Stearns.

H.R. 4706: Mr. Stark.

H.R. 4725: Mr. McNulty, Mr. Blaz, Mr. Ritter, and Mr. Faleomavaega.

H.R. 4748: Mr. Owens of New York, Mr. Dellums, Mr. Towns, and Mr. Rangel.

H.R. 4750: Mr. Clay.

H.R. 4885: Mr. Young of Alaska.

H.R. 4902: Mr. Lancaster and Mr. Rogers.

H.R. 4905: Mr. Sikorski and Mr. Evans.

H.R. 4924: Mr. AuCoin.

H.R. 4957: Mr. Dannemeyer, Mr. Blackwell, Mr. Owens of Utah, Mr. Schiff, Mr. Jefferson, and Mr. Solomon.

H.R. 4991: Mr. McCloskey, Mr. Frank of Massachusetts, Mrs. Schroeder, Mr. McNulty, Mr. Evans, Mr. Horton, Mr. Moran, and Ms. Horn.

H.R. 5014: Mr. Synar, Mr. Perkins, Mr. Moody, and Mr. Lightfoot.

H.R. 5019: Mr. Zeliff, Mr. Boehner, and Mr. Livington.

H.R. 5069: Mr. Campbell of California.

H.J. Res. 81: Mr. McCrery.

H.J. Res. 271: Mr. Hubbard.

H.J. Res. 378: Mr. Ford of Michigan.

H.J. Res. 385: Mr. Engel.

H.J. Res. 411: Mr. Poshard.

H.J. Res. 426: Mr. Faleomavaega.

H.J. Res. 442: Mr. Bilirakis, Mr. Camp, Mr. Chandler, Mr. Kasich, Mr. Mollohan, Mr. Fazio, Mr. Hutto, Ms. Slaughter, Mr. Annunzio, Mr. Lipinski, Mr. Hayes of Illinois, Mr. McMillan of North Carolina, and Ms. Pelosi.

H.J. Res. 445: Mrs. Mink, Mr. Hansen, Ms. DeLauro, Mr. Manton, Mr. Lancaster, Ms. Norton, Mr. Jefferson, Mr. Price, and Mr. Mineta.

H.J. Res. 470: Mr. Dymally, Mr. Lipinski, Mr. Faleomavaega, and Mr. Schiff.

H.J. Res. 479: Mrs. Collins of Illinois, Mr. Mazzoli, Mr. Traficant, Ms. DeLauro, Mr. Parker, and Mr. Laughlin.

H. Con. Res. 42: Mr. Zeliff.

H. Con. Res. 180: Mr. Gejdenson and Mr. Sawyer.

H. Con. Res. 210: Mr. Herger.

H. Con. Res. 233: Mr. Bustamante, Mr. Manton, Mr. Schaefer, Mr. Sundquist, Mr. LaRocco, and Mr. Ravenel.

H. Con. Res. 246: Mr. Peterson of Florida, Mr. AuCoin, and Mr. Gaydos.

H. Con. Res. 299: Mr. Jones of Georgia and Mr. Swett.

H. Res. 370: Mr. Smith of Oregon, Mr. Walsh, Mr. AuCoin, Mr. Young of Florida, Mr. Oxley, and Mr. Zeliff.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under cluase 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4750: Mr. Murphy.

SENATE—*Thursday, May 7, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord * * *.—Psalm 33:12.

Almighty God, as 500 cities and 50 States join in this National Day of Prayer, grant to those who pray Your wisdom and will. May the words of President Lincoln, as he set aside April 30, 1863, as a day of "National Humiliation, Fasting and Prayer," speak to our hearts on this day.

"* * * It is the duty of nations, as well as of men, to owe their dependence upon the overruling power of God, to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentence will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord. * * * We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us, then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness * * * ."

Hear us, for the glory of God and the healing of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Tennessee [Mr. GORE] is recognized to speak up to 20 minutes. The Senator from Tennessee.

Mr. GORE. Mr. President, I thank the Chair.

ORDER OF PROCEDURE

Mr. GORE. Let me say that some of my colleagues who were planning to speak at this hour are now going to come to the floor at 10:30 for a continuation of a discussion about global climate change and remedies which we can adopt in the legislative branch of Government in the form of legislation that I am going to introduce today and that is pending in the other body as well.

Let me say that I am going to start off this debate this morning for the next 15 to 20 minutes, and then some of our colleagues who wish to address other subjects will be taking the floor. And then at 10:30, the Senate will return to the subject I am about to discuss now, and that is what I believe we can do and should do and must do about global climate change.

GLOBAL CLIMATE PROTECTION ACT

Mr. GORE. Mr. President, I rise at this point to introduce legislation that will do what President Bush has thus far failed to do, and that is to commit our country to a goal it can meet that is critical to our future and the future of the global environment.

I am very proud that the majority leader, Senator MITCHELL, is a cosponsor of this legislation. Let me also mention with pride and gratitude the other original cosponsors of this legislation: My distinguished friend and colleague and partner in all these efforts, the Senator from Colorado [Mr. WIRTH]; the Senator from Massachusetts [Mr. KERRY], who has been very active on these issues, as have all of these Senators I am about to mention; the Senator from Washington [Mr. ADAMS]; the distinguished occupant of the chair, the Senator from Hawaii [Mr. AKAKA]; the Senator from California [Mr. CRANSTON]; Senator DODD; Senator JEFFORDS; Senator BOB KERREY from Nebraska; Senator LAUTENBERG; Senator LEAHY; Senator LIEBERMAN; Senator WELLSTONE, who was just here a moment ago and will be returning to the floor; and Senator KENNEDY.

I will ask unanimous consent that the full text of my remarks appear after the text of the legislation as it is introduced.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Climate Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) manmade emissions of carbon dioxide (CO_2) are dramatically increasing the natural concentrations of this greenhouse gas in the Earth's atmosphere;

(2) the world's leading scientific experts, including the Intergovernmental Panel on Climate Change and the United States National Academy of Sciences, have concluded that continued emissions of CO_2 and other greenhouse gases will lead to a warming of the global climate;

(3) such a change in global climate could—

(A) increase the frequency and severity of hurricanes and droughts;

(B) have disastrous impacts on the planet's agricultural productivity;

(C) flood coastal areas and wetlands;

(D) inundate drinking water supplies with salt water;

(E) devastate many of the planet's natural ecosystems;

(F) cause serious human health impacts; and

(G) threaten the habitability of the Earth;

(4) an international agreement is needed soon to provide for the effective control of CO_2 and other greenhouse emissions globally;

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

(5) among the world's major industrialized nations, only the United States has failed to commit itself to stabilizing emissions of CO_2 at 1990 levels by the year 2000;

(6) numerous studies, including analyses by the National Academy of Sciences and the Congressional Office of Technology Assessment, show that CO_2 emissions in the United States can be stabilized at 1990 levels at little or no cost or even a substantial savings to the economy;

(7) a requirement for the stabilization of CO_2 emissions in the United States will be an important first step in responding effectively to the global climate problem and will constitute an important United States commitment towards assuming this country's share of responsibility for protection of the global environment; and

(8) a statutory requirement for the stabilization of CO_2 emissions in the United States will dramatically enhance the prospects for reaching an international agreement to control emissions of greenhouse gases before the United Nations Conference on Environment and Development in Rio de Janeiro in June 1992.

SEC. 3. STABILIZATION OF CO_2 EMISSIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President shall promulgate final regulations that will achieve the stabilization of CO_2 emissions by January 1, 2000.

(2) AUTHORITIES.—The regulations shall use the statutory and administrative authorities of the Environmental Protection Agency and other departments, agencies, and instrumentalities of the United States to achieve the stabilization.

(3) PROPOSAL OF REGULATIONS.—The regulations shall be proposed not later than 1 year after the date of enactment of this Act.

(b) PROGRESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act and every 2 years thereafter, the Administrator of the Environmental Protection Agency shall complete an evaluation of the progress made pursuant to the regulations promulgation under this section and to submit a report to Congress containing the results of the evaluation.

(2) DETERMINATION.—Each evaluation shall contain a determination as to whether the regulations promulgated under this section will achieve the stabilization required under subsection (a)(1).

(3) PROMULGATION OF ADDITIONAL REGULATIONS.—If the Administrator determines, pursuant to paragraph (2), that the regulations promulgated under this section will not achieve the stabilization required under subsection (a)(1), the President shall, not later than 1 year after the date of the evaluation containing the determination, promulgate additional regulations that will achieve the stabilization, using the authorities referred to in subsection (a)(2).

(c) CITIZEN ACTION.—

(1) IN GENERAL.—Any citizen of the United States may bring an action in the United States District Court for the District of Columbia against any officer of the United States alleging a failure by the officer to perform any act or duty under this section that is not discretionary with the officer.

(2) ISSUANCE OF ORDERS.—In an action brought pursuant to paragraph (1), the United States District Court for the District of Columbia shall issue such orders as are necessary to ensure that the officer performs the act or duty.

(d) DEFINITION.—As used in this section, the term "stabilization of CO_2 emissions" means the achievement and maintenance of a level of aggregate annual CO_2 emissions from all anthropogenic sources of the emissions in the United States at a level that does not exceed the aggregate level of the emissions in the United States from the sources in 1990.

Mr. GORE. Mr. President, this bill will be open to other original cosponsors all day. I want to invite any other Senators who wish to come to the floor to speak in favor of this measure to come at 10:30 this morning. We have some time to discuss it at that point, at the conclusion of an address on another subject by the distinguished Republican leader.

I also want to express my gratitude to the members of the Senate observer group, which has been working very hard in anticipation and in preparation for the Earth summit in Rio de Janeiro next month. The distinguished Senator from Rhode Island, Senator JOHN CHAFEE, who is the ranking Republican Member of that group, has done an extremely thorough and effective job. All members of the group have.

We have had a regular series of briefings, week in and week out, sometimes several each week. We have been meeting with those people within the administration and some from other countries who are busily preparing the Earth summit in Brazil, and we have learned a great deal about what is likely to take place there. We each have our opinions as to what should take place there, and our expectations of what is likely to take place there.

But this process is going to be a long, involved process. It is not going to stop with the Earth summit in Brazil. What happens there will result in agreements that will come to the Senate floor for debate and ratification. But, frankly, this task is barely beginning. I believe very deeply that the task of saving the Earth's environment will become the central organizing principle for the post-cold-war civilization that has now emerged.

The community of nations we now have in our world is largely committed to the proposition that self-government is the preferred form of political organization on this planet.

There are a few stragglers in China and in North Korea, and we could mention a few others. But even in those nations, the pressure is on to get with the program. The community of nations is now largely committed as well to the proposition that economic freedom—or what might be referred to as modified free markets—represent the chosen form of economic organization on this planet.

Again there are stragglers, but they are under enormous pressure to recognize the inherent advantages which come with economic freedom, and even the stragglers are experimenting with this superior system. North Korea just opened up a free trade zone where capitalism flourishes. Of course, in southern China, along the coast around Shanghai, the market economy is almost taking over already.

Although much work remains to be done, economic and political freedom are on the ascendancy. But the nations throughout the world look at the enormous pressure coming from the population explosion, and the increasingly violent assaults on the integrity of the global ecological system. And they wonder how can we cope with it? How can we maintain and improve the quality of life for the billions of people around the world, and allow economic progress without destroying the Earth's environment?

Earlier this week, the Gallop organization released an interesting public opinion pool taken in 22 countries around the world. Their conclusions were that concerns about the global environment have been increasing dramatically in developing countries, and in industrial countries all over the world. Indeed, a majority in these countries now say that it is more important to stop the destruction of the global environment than it is to avoid paying for the task of cleanup or stimulating more economic growth.

I happen to believe that a healthy economy and a healthy environment go hand in hand, and it is another reason why I believe that this task of saving the Earth's environment must become the central organizing principle to the post-cold-war world.

In the last few years, the organizing principle in the Western democracies has been the defeat of communism. Toward that end, we passed the interstate highway bill as the defense interstate highway bill. We passed Federal aid to education after the Russians launched Sputnik, and people from all points on the ideological spectrum agreed that we had to pay attention to the quality of education for the next generation, whether they became rocket scientists, valuable in the military struggle with the former Soviet Union at that point, or whether they contributed to the health and vitality of our Nation in other ways.

Now we have achieved the strategic goal of the last half-century, and communism has collapsed, and people in all nations, having adopted the premise that our ideas about economic and political freedom are valid and preferable to the system advocated by the former Soviet Union, are now looking to the United States of America for leadership in this new world. They are wondering what the new task integrating our cooperative efforts around the world will be, and what the new organizing principle will become.

Given the degradation of the Earth's environment, given the destruction of the integrity of the Earth's ecological system with the threat of climate change, stratospheric ozone depletion, destruction of an acre and a half of rain forest every second, loss of species at a rate 1,000 times greater than the natural background rate of extinction, threatening to kill off more than half of all the living creatures God put on Earth in the lifetimes of our children, given the poisoning of the oceans, the evidence coming in the form of mammals like dolphins floating up dead on the beaches near Corpus Christi and the Mediterranean seals on the North Sea and on the east coast of the United States, cancerous lesions the size of golf balls on sea turtles all over the world, toxic red tide appearing with increasing frequency in every single ocean of the world—these warning signals are unmistakably clear.

Some who are quite comfortable with the status quo, and wish to see no particular change, who are perhaps profiting from the continued emissions of these polluting gases at current rates, try to argue that there is no real reason for concern. In fact, there is. It reminds me—when I hear these self-interested skeptics who say we do not really need to do anything—of the long struggle by the tobacco industry to convince our country that there really is no connection between smoking and lung cancer for decades after the scientific community told us, yes, there is.

Now we have the same effort on the part of those who want to continue putting this pollution into the Earth's atmosphere at an unbelievable level. All of those oil well fires in Kuwait, on the very worst day when they were burning at maximum intensity, all 600 blackening the sky throughout the Middle East and over large regions of the Indian Ocean, that total amount of pollution represented less than 1 percent of what we are doing today. So it is great that we put those fires out. But we are doing 100 times that much today.

Just as there is a link between smoking and lung cancer, there is a link between our global civilization's 10-pack-a-day habit and what the scientists call global climate change and global warming, which is in turn only the most serious manifestation of the underlying ecological crisis which comes from a collision between industrial civilization as it is now constituted and the ecological system of the Earth.

In order to deal with this, in order to recognize it, confront it, and begin to prepare a plan for cooperative action to stop this destruction, the Earth summit is being held in Rio de Janeiro. As we meet this morning, representatives from 175 nations around the world are negotiating in New York City for the sixth and final time in preparation for a climate change convention that is due to be signed in Rio de Janeiro at the Earth summit.

Unfortunately, I must report to my colleagues, throughout these negotiations the Bush administration has been an obstacle, blocking progress. While the rest of the world has agreed on the need for specific targets and timetables, the Bush administration has protested and has made it clear that they would prefer no Earth summit and no treaty to any kind of binding commitment to actually do something about it.

Now the Bush administration has offered a weak substitute that, instead of moving forward, pulls the rest of the nations backwards. The language of the administration's proposal requires nobody to do anything ever. In fact, the list of voluntary measures put out a week ago Friday would satisfy the language that they are proposing as an international treaty.

The danger is that the rest of the world will get the impression that President Bush's retrograde view represents the view of the American people. That is not the case.

So the legislation I am introducing today with the majority leader and 13 other Senators thus far is designed to say in this body and in the legislative branch of our Government representing the people of this country that we believe the United States can meet the goal of stabilizing CO_2 emissions at 1990 levels by the year 2000.

We will be hearing more about this throughout the morning. Let me make one critical point: The Bush administration itself says we can do this with purely voluntary measures at a profit; we will benefit economically from doing it; voluntary measures alone can accomplish it, and by making this commitment, we can have our country show the kind of leadership that is so needed, as we prepare for our summit in Brazil.

Ideally, it would come from the President of the United States. I think that this legislation is needed to send a clear signal that the American people do believe this problem is real and serious and deserves a response, and that we are capable as a nation of giving our response.

Every other industrial nation in the world has been for some time prepared to agree to this commitment. The President, of course, has said he wanted to be the environmental President. That has long since begun to bring snickers from Republicans and Democrats alike. I will elaborate for the record exactly why it is profitable for us to make this commitment.

Why does the President not offer the kind of leadership that he should? Well, I think that he is influenced by some within the energy industry who fear an affect on their short-term profits. I think that is part of the problem. I think that he is really focused on the shortest of short-term considerations. About the longest-term consideration he has is the November election. It is almost week-to-week. They do overnight public opinion polls in the White House and seem at times to use that as a guide for policy. The only long-range vision he has is when he looks into the past to find somebody else to blame for problems that he does not want to accept responsibility for. We saw that with respect to the Los Angeles riots in his unseemly attempt to blame the late President Lyndon Johnson for the riots of 1992 in Los Angeles.

Let me say, Mr. President, that I wish to commend a colleague of mine in the other body, Representative HENRY WAXMAN, of California, for introducing similar legislation there. As many of my colleagues here will recall, during our debate on the energy bill earlier this year, I introduced a measure similar to this legislation in the form of an amendment to that bill. It was filibustered by a few on the Republican side of the aisle. I hope that that will not occur this time around.

This legislation is simple. It would require the United States to stabilize emissions of carbon dioxide at 1990 levels by the year 2000 and, by its enactment, would bring the United States into agreement with the targets and timetables accepted by nations around the world, targets and timetables opposed only by President Bush and his administration.

For a long time, the President said that the reason he was opposed to these targets and timetables is because they would have a uniquely harsh impact on our economy. Now that the studies within his own administration demonstrate that we can meet the target and timetable at a profit with purely voluntary measures, they have a new excuse for not adopting it. Incredibly enough, they say that since we now know we can adopt it without a treaty, we do not need a treaty. That is like saying that since I am not going to rob a bank, we do not need laws against robbing banks.

Where is the idea that the United States can provide leadership to the world? Where is the notion that a President of the United States can provide leadership in our country? We lost that idea in the overnight public opinion somehow? Did they forget to ask that question? If we concentrate only on a prediction of what will happen if we do nothing, and do not accept the task of providing some leadership in the world, then the prospects for the world as a whole to reach a successful climate-change agreement and begin moving into the direction that will lead to a successful confrontation with this issue, and a change in policy to heal our present relationship with the global ecological system, then the Earth summit would be a failure.

In closing, Mr. President, let me say again that several of my colleagues who support this measure will be coming to the floor at 10:30 to continue this discussion. The bill will be open for cosponsorship, for original cosponsorship throughout the day. I urge my colleagues on both sides of the aisle to support this legislation and improve the chances of a successful Earth summit.

Mr. JEFFORDS. Will the Senator yield for a question?

Mr. GORE. Yes.

Mr. JEFFORDS. Mr. President, I understand that others will be here at 10:30. I will not be able to be here then, but I will be speaking to that. In any event, I want to lend my support at this time and put my statement in the RECORD. I deeply appreciate the effort the Senator is putting into this issue and, hopefully, we will see some results.

Thank you, Mr. President.

Mr. GORE. I thank my colleague from Vermont for his very generous comments. Mr. President, may I say that the Senator from Vermont has been an outstanding leader on the issues related to the global environment, showing, as does the Senator from Rhode Island [Mr. CHAFEE] and others, that this is not partisan issue. It is an issue of conscience; it is an issue that separates those who have taken the time to really dig into an understanding of this crisis and those who have accepted the protestations of a few commercial interests, who are worried about short-term profits. I wish to really commend my colleague from Vermont.

I ask unanimous consent that I have 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORE. May I remind our colleagues that the real environmental President, if any President deserves that title, would be Teddy Roosevelt, who was a Republican President. The EPA was established during the administration of former President Nixon, and many environmental laws were passed during that era. The essence of conservatism is close to the proposition that important values should be protected and preserved. So there is really no basis for the view that there is some kind of ideological schism in our country between Democrats in favor of protecting the Earth's environment and Republicans being opposed to it.

My own personal view is that the Bush administration has betrayed that Republican legacy. I do not wish to lay that proposition out in the course of saying that it should not be partisan issue. Really what I want to do is to persuade more of my colleagues on the Republican side to listen carefully to the thoughtful comments of the Senator from Vermont and the Senator from Rhode Island, and the many thoughtful proponents on the Democratic side of the aisle of the idea that we can and must face this issue.

The ACTING PRESIDENT pro tempore. The Senator's time is up.

Mr. GORE. Mr. President, I am prepared to suggest the absence of a quorum.

Mr. JEFFORDS. Mr. President, since there is a little time waiting for the special orders, I ask unanimous consent that I may be recognized for 1 minute.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I thank my colleagues for their initiative in trying to cap the emissions of greenhouse gases. We must deal with this issue in a substantive way. Resolutions and speeches are fine, but we need more than words, we need action.

Mr. President, I will be brief. There has been a lot of controversy about whether global warming or climate change is a real, potential, or imaginary problem. Some would say that global warming is a hoax, a Third World plot against us. Well, in my opinion, this is rubbish. Yes, third world countries are very concerned about this problem. I believe that is because climate change of any kind is likely to hit them the hardest. These are countries that often cannot feed their own citizens; these are the countries most harmed by drought or by flood. It seems entirely reasonable to me that they would be very concerned about any climate change.

Now as to the probability that climate change will occur, I must express a certain amount of frustration to those that say climate change is unlikely, that we do not know when it will happen or how, and then who go on to conclude that since we do not if and when it will happen we should stop worrying about it. To me, this is like saying we do not know whether or not a building will catch fire, so why put in fire exits?

I believe global warming is a threat. It may be too late already to stop significant changes from occurring or it may not. We do not know with 100 percent certainty. But, we will never know with 100 percent certainty. The point is not whether we can afford to take action to stop climate change from occurring, the point is can we afford not to take action to ensure that climate change does not occur. The risk of significant climate change may be 1 in a 100 or 1 in 10, but even if it's 1 in a 1,000, can we afford the outcome if climate change does occur? I do not think so.

We have the means to address this problem. With voluntary measures we can make significant strides. There is no silver bullet answer. It will take action a lot of fronts. Earlier this year, I offered an amendment to begin the transition away from imported oil to better, renewable alternatives. Each barrel of oil releases over 800 pounds of carbon dioxide to the atmosphere, and every day we burn millions of barrels of oil. This amendment, if adopted, would have created thousands and thousands of jobs, reduced our trade deficit, and begun the transit away from fossil fuels. Instead of taking carbon out of the ground, we would have been recycling the existing carbon in the air.

I think this is an appropriate opportunity to stress that all carbon dioxide is not equal, at least in terms of global warming. Releasing the billions of tons of fossil fuel carbon dioxide is much more damaging that releasing present day biomass carbon dioxide. One major step toward protecting our planet from climate change is to begin to think in renewable terms. What we need is a sustainable carbon cycle. By using biomass at sustainable rates, we can take out as much carbon dioxide as we put in to the atmosphere. I hope that adequate consideration is given in the development of the regulations that would be required by this act to the benefits of renewable energy sources over fossil fuel sources.

There are other measures we could implement to stabilize greenhouse gas levels. Next week, for example, I will offer an amendment encouraging a national deposit system for beverage containers. A national deposit law would reduce our energy consumption by more than 100,000 barrels per day. And, this savings would not decrease jobs, it would increase jobs. Every state that has enacted a deposit law has seen an increase in jobs. Thus, the rhetoric about how action on global warming will cost jobs is just industry propaganda.

The bottlers will go on to say that bottle bills are just too expensive. Have we become so rich that we cannot afford to recycle? Furthermore, how can any CEO making over $80 million a year have the gall to say that their company cannot afford to recycle. I am very anxious for this debate to see how the opposition can respond to this question.

Opponents of responsible action, however, always like to point to any one contribution to the solution as meaningless. Whatever you propose they say, "Oh, but we're only 2 percent or 1 percent of the problem, don't pick on us." Because any one measure alone is not sufficient, they try to say that enacting such a measure would not be fair. Well, let me respond to this strategy in a way that at least my opponents on the bottle bill will understand: "A little sign here, a little sign there, and pretty soon everyone is drinking Budweiser."

Little actions add up. If advertisers did not think little actions did not add up to big sales, you would not see all the ubiquitous advertising.

We have seen the cumulative effects of small actions in the reductions of toxic substance emissions.

Environmental groups have been very effective at turning up the pressure on industries to reduce the releases of toxics. The releases from individual plants may be small compared to all of industry, but added together, these small reductions have lead to a large overall reduction. Maybe we should institute the same reporting system on greenhouse gases and see how public pressure can get us headed in the right direction. Let us see how the brewers compare with each other on greenhouse gas emissions. Let us see whether Coke is the real thing when it comes to the environment, or if the Pepsi generation wins hands down. Who really has the right thing?

We can take action on global warming. I am proud to support the effort of my colleagues and urge everyone to support this effort. It is time to see who else is serious about acting on this problem, and who is not. We have heard many speeches on global warming over the past few years. No more hiding behind accusations that someone else is preventing action on this matter. It is time to put your name on the dotted line.

Mr. President, I commend the Senator from Tennessee for his excellent remarks. I appreciate him pointing out that this is far from a bipartisan issue. I also recognize the Senator from Iowa, who will be seeking recognition shortly, who has worked with me on another part of the global warming puzzle, and that is how important it is that we find sources of energy that do not contribute at all to the addition of carbon dioxide to the atmosphere. Instead, ethanol, what we will be talking about next, is one of those which recycles a carbon already existing above the ground.

Thus, we have alternatives available now—and we will be discussing it for a considerable length of time in a few moments—that indicate that it is quite conceivable and possible for this Nation to go to alternatives that will not add to the global warming problem.

So I would urge all of those who are interested in this to stay tuned to the next 45 minutes or so when we will be discussing one of the most likely logical and sensible alternatives, and that is ethanol.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I am amazed at the total unwillingness of the Bush administration to deal seriously and effectively with the issue of global warming. President Bush's "vision" problem is very much in evidence when it comes to addressing global climate change.

The United States has now placed itself in the unjustifiable position of being the only industrialized nation refusing to sign an international agreement aimed at curbing CO_2 emissions to 1990 levels by the year 2000. As the largest contributor to the problem, this position insures that the agreement will fail and the opportunity to address the issue in a timely manner will be lost. Instead of being the leader, we have become the obstacle. We can't afford to allow that to happen.

There is a solid scientific consensus that global warming will occur due to the buildup of carbon dioxide and other greenhouse gases in the atmosphere. There is a solid scientific consensus that no matter what action is taken at this point—a certain amount of warming is inevitable and irreversible. And there is a strong scientific consensus that unless concrete and substantial steps are taken to address the the problem now, the consequences could be cataclysmic.

Unfortunately, we do not have the luxury of time on our side. This problem demands immediate attention and concrete action—neither of which the Bush administration is willing to give.

The financial sacrifices taken now to reduce and stabilize CO_2 emissions will pale in comparison to the costs that will be extracted later if we fail to act.

A recent report that came out of the administration indicated that because of already-enacted legislation the cost of meeting the timetables set forth in the agreement could be achieved at a relatively small cost—yet the Bush administration still insists that the further scientific study is needed.

Today, I am joining my colleagues, Senator MITCHELL, Senator GORE and others in introducing the Global Climate Protection Act. This legislation requires the administration to do what it has refused to do—take action to stabilize carbon dioxide emissions at 1990 levels by the year 2000. If President Bush has problems with the "vision thing," Congress does not.

ETHANOL AND THE REFORMULATED GASOLINE PROGRAM

Mr. DOLE. Mr. President, I am pleased that so many of my colleagues are here today to express the same concerns I have been raising for some time regarding EPA's implementation of the reformulated gasoline program under the Clean Air Act.

I commend my colleagues on both sides of the aisle. I know there will be additional speakers who will either be here or insert statements in the RECORD today: Senator SIMON, Senator KERREY of Nebraska, Senator EXON of Nebraska, and maybe others on the Democratic side, and I know there will be a number on this side, too. So there is a bipartisan, nonpartisan interest in this subject matter. And I hope EPA is listening.

It is clear to me and clearly the intent of Congress that all oxygenated fuels, including ethanol blends, be included in the program. Under the narrow interpretation by EPA, ethanol was shut out of the program, and the result will certainly be higher gasoline prices for consumers, a dangerous increased dependence on fuel imports, and a severe economic blow to rural economies.

Mr. President, EPA now seeks comments regarding their proposed final reformulated gasoline regulations on this subject and will hold a hearing May 18. Much of the debate has been technical in nature and involves a question of whether ethanol blends increase ozone formation and therefore would be excluded under the requirements of the Clean Air Act.

I am aware of a new comprehensive urban airshed modeling study involving the area around New York City. The results appear to be conclusive that ozone formation is not affected and may even be reduced by using ethanol-blended gasoline.

Mr. President, I do not claim to be a scientific expert on the Clean Air Act. However, I am satisfied by the results we are seeing from those who are.

For the Record, I am including a more comprehensive statement that lays out this problem in greater detail; a copy of a letter I recently received from the Renewable Fuels Association regarding the Airshed study in New York; a technical paper also from the Renewable Fuels Association detailing this issue; and a summary of the recently concluded study by the National Corn Growers Association that details their conclusions regarding the economic impact of not including ethanol in the program.

Mr. President, I ask unanimous consent that all of those statements be printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, I believe we have made the case, and I am working to organize a meeting between our Nation's leading corn growers, farmers, producers, rural people, and the President of the United States, President Bush, who, by the way, has told me many, many times that he supports ethanol. I want this meeting to occur with the President to underscore that this is a farmer's concern, a producer's concern, and I think we could also probably bring in a lot of consumers who would be very positive in their views on ethanol and what it may do with reference to ozone or other environmental areas. I want to underscore the importance of this problem and underscore the importance of the opportunities that have been expressed by the Senator from South Dakota [Mr. PRESSLER]; the Senator from Indiana [Mr. LUGAR]; and many others who have spoken this morning.

Based on the proven benefits of the air quality, increased domestic energy security, decreased farm costs, and increased rural income, I call upon the EPA to move immediately to resolve this situation, as Congress intended.

Obviously, we have a problem at EPA. I think they are antiethanol, at least they appear to be antiethanol. They have not been particularly cooperative. They are always looking for ways to put ethanol in a box. So if we cannot do it any other way, we will have to do it through legislation, through a technical amendment to the Clean Air Act. We believe it can be done administratively. We believe it can be accomplished by the President of the United States working with the Environmental Protection Agency. We also believe that former Secretary of Agriculture Clayton Yeutter, who is now counsel to the President in the White House, understands this issue very well and is working as hard as he can to make certain we clarify what we thought was the law in the first place. But needless to say, the Environmental Protection Agency is an unyielding bureaucracy in many cases, and this is certainly one.

EXHIBIT 1

ETHANOL AND THE REFORMULATED GASOLINE PROGRAM

Mr. President, as you know, I have taken a keen interest in the EPA's implementation of the Clean Air Act. I have sought to protect the very clear congressional intent that all oxygenates, including fuel ethanol, be allowed to compete fairly and effectively in the reformulated gasoline markets created by the Act.

I happen to believe that unless ethanol is allowed to participate in this important market, which could amount to as much as 70-percent of the total U.S. gasoline supply by the mid-90's, the program will end up costing consumers far more at the pump, increase our dependence on imported petroleum products, and have a devastating impact on rural economies.

Unfortunately, as proposed, the EPA's reformulated gasoline regulations effectively preclude the use of 10-percent ethanol blends. The problem is that EPA has narrowly interpreted the requirement to reduce mass-based ozone-forming volatile organic compounds (VOC's) as precluding the application of ethanol's volatility waiver to reformulated gasolines.

As a result, during the high ozone season (May 15 to September 30), marketers using ethanol to satisfy the oxygen content requirement of the Act will have to locate sub-RVP blendstocks in order to comply. Such a requirement imposes a prohibitive additional cost on ethanol blenders, and ignores the limitations of a fungible gasoline distribution system which severely restricts the availability or shipment of specially tailored gasoline blendstocks.

For their part, EPA has suggested that sub-RVP fuels will be economically available and that ethanol is not locked out of the market. Such statements, however, reveal a complete lack of understanding of gasoline production, ethanol blending practices, and the fuel distribution system. In short, EPA's projections of ethanol's likely marketshare in RFG markets are woefully inaccurate.

The fact is the regulations impose an economic penalty to marketers of ethanol blends, and that penalty, no matter how great or small, is not justified by environmental, energy, or marketplace considerations. Such an approach to the development of government regulation is counter-productive, contrary to congressional intent, and, frankly, no consistent with this Administration's deregulation philosophy.

EPA's enforcement mechanism for RFG focuses exclusively on the control of VOC's which are increased by the addition of ethanol, and wholly ignores the effect on ozone formation of reductions in Carbon Monoxide. Carbon Monoxide is a precursor to the atmospheric chemical reaction of Nitrogen Oxides and VOC's in the presence of sunlight that forms urban ozone. EPA has concluded that the reductions in Carbon Monoxide attributable to ethanol offsets the impact of ethanol's increased VOC emissions on ozone.

The critical issue, then, is determining a means of reconciling EPA's VOC-driven enforcement scheme, with ethanol's overall emissions benefits.

It is important to emphasize that utilizing any of the above options to assure that ethanol blends will be able to compete in reformulated gasoline markets without the need for a separate and distinct RFG blendstock production, distribution and storage system will not undermine the environmental objectives of the Act.

A comprehensive Urban Airshed Modeling study was recently completed for metropolitan New York City (including northern New Jersey and Connecticut). This study, which assumed a 100-percent market penetration of E-10 blends, concludes that ozone formation is not affected, and could, in fact, be reduced by the addition of ethanol to reformulated gasolines. The study, which verifies previous urban airshed modeling with the same results, demonstrates there is no advantage for MTBE over ethanol, the oxygenate given preference in EPA's regulatory framework.

In fact, EPA has long recognized that reductions in Carbon Monoxide exhaust emissions resulting from the higher oxygen content of ethanol blends always mitigates and can offset the increased hydrocarbon emissions attributable to the higher volatility of ethanol blends.

EPA's conclusion regarding ethanol's impact on ozone cannot be changed by the introduction of reformulated gasolines. The fact remains, that while ethanol may increase VOC's, the emissions from ethanol are less reactive than virtually any other component used in gasoline, and the reductions in Carbon Monoxide attributable to ethanol-blended gasolines assure that ozone will be reduced.

Allowing the use of ethanol in reformulated gasoline, without requiring specially-tailored blendstocks, would make the program more flexible for refiners, assure that the environmental objective of reducing ozone is preserved, and utilize an important domestic resource in future fuel formulations—pure-grain ethanol.

It is important to note that if ethanol is effectively precluded from competing in the RFG market, the result will be a mandate for MTBE, with much of it imported. Such a result will further exacerbate U.S. energy security concerns.

Published reports indicate that more than 70% of the planned MTBE production expansion is sited overseas, including the construction of the world's largest MTBE facility with a daily production capacity of 33,000 barrels to be built in the former Soviet Union. In fact, facilities to produce more than 288,000 barrels per day of MTBE are currently in either the construction or engineering phase and are anticipated to be on stream before the requirements of the Clean Air Act are fully implemented.

Moreover, industry analysts have stated that approximately one quarter of the world MTBE supply will come from Saudi Arabia by 1995. Facilities operated by SABIC (Saudi Government), and several major U.S. oil companies are expected to increase the Saudi MTBE capacity to more than 70,000 b/d. By 1995, non-U.S. MTBE capacity is expected to exceed 4.5 billion gallons annually, more than triple current U.S. capacity.

It is important to note that this rapid expansion of MTBE capacity will be financed largely by the investment of major U.S. and international oil companies. Using a conservative estimate of $1.30 per gallon of MTBE capacity, the total investment in non-U.S. MTBE production facilities will exceed $5.7 billion.

While U.S. MTBE capacity is also expected to grow, it is important to note that it will be sustained by increasing levels of imported methanol as the feedstock.

MTBE production is the largest consumer of methanol today, using more than 31% of total U.S. methanol supplies. In fact, total U.S. methanol production amounted to 1.1 billion gallons in 1988, with imports of 670 million gallons (40% of total U.S. methanol supplies). Imports of methanol in 1988 were up 71% from the 400 million gallons imported the previous year. Industry analysts indicate that the level of imported methanol for MTBE production is likely to continue to grow—to as much as 1.3 billion gallons by 1995, or more than three times the level of just four years ago.

In addition, if neat methanol fuel markets develop on a large scale as is proposed by the National Energy Security bill, the demand for imported methanol will be exponentially higher.

This approach maintains a dangerous dependence on Mideast oil, and could result in an equally dangerous dependence on Saudi methanol for our motor fuel and fuel additive needs of the future.

Finally, one cannot ignore the tremendous negative impact the exclusion of ethanol from RFG markets will have on rural economies. The National Corn Growers Association released the conclusions of an independent economic impact analysis at a Congressional hearing last week. The report demonstrates that the loss of the reformulated gasoline market for ethanol would have significant adverse impacts on the demand for corn, corn prices, government spending for support programs, net returns to corn farmers, and the American economy. The report's conclusion includes the following:

The loss of the reformulated gasoline market would reduce the price received by farmers for corn by an average of 24 cents per bushel.

The impact of lower corn prices would increase government expenditures for feed grain support programs by an average of $1.9 billion per year for the period 1992 through 2005.

The reduced value of corn output alone would cost the U.S. Economy $5.6 Billion per year in lower gross output. Total employment in the nation's economy would be reduced by as many as 134,694 jobs each year between 1992 and 2005.

There is simply no rational explanation for EPA's reluctance to resolve this issue favorably. Congressional intent is clear, ethanol is to compete effectively in reformulated gasoline. The President's instructions are clear, EPA must resolve this issue. The environmental effects are clear, allowing the use of ethanol may increase VOC's, but it will not exacerbate ozone and the reductions required by the Act will still be met. The energy security implications are clear, without ethanol we will exacerbate our growing dependence on imported oil. And the economic effects are abundantly clear, unless this regulation is changed, there will be a dramatically negative impact across rural America with lost jobs, lost economic growth, lost tax revenues across rural America. This regulation must be changed.

RENEWABLE FUELS ASSOCIATION,
Washington, DC, May 4, 1992.
Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: In order to keep you apprised of our ongoing effort to dissuade the Environmental Protection Agency (EPA) from promulgating final reformulated gasoline regulations that preclude the use of ethanol, I want to briefly summarize two recent reports which clearly demonstrate that the proposed regulations forfeit significant environmental benefits and will add to the economic distress of rural America.

First, a comprehensive Urban Airshed Modeling study was recently completed for metropolitan New York City (including northern New Jersey and Connecticut). This study, which assumed a 100-percent market penetration for E–10 blends, concludes that ozone formation is not affected, and could, in fact, be reduced, by the addition of ethanol to reformulated gasolines. The study, which verifies previous urban airshed modeling with the same results, demonstrates there is no advantage for MTBE over ethanol, the oxygenate given preference in EPA's regulatory framework. We intend to present the final urban airshed results at EPA's public hearing on May 18.

Second, the National Corn Growers Association released the conclusions of an independent economic impact analysis at a Congressional hearing last week. The report demonstrates that the loss of the reformulated gasoline market for ethanol would have a significant adverse impact on the demand for corn, corn prices, government spending for support programs, net returns to corn farmers, and the American economy. The report's conclusion include the following:

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The reduced value of corn output alone would cost the U.S. economy $5.6 billion per year in lower gross output. Total employment in the nation's economy would be reduced by as many as 134,694 jobs each year between 1992 and 2005.

Senator, these two reports—one environmental, one economic—provide dramatic support for the unrestricted use of ethanol in the reformulated gasoline program. Despite President Bush's directive that this issue be resolved, however, the EPA continues to resist the ethanol industry's effort to provide a more flexible approach to the certification of reformulated gasoline which would recognize ethanol's overall emissions benefits. As a result, ethanol continues to be locked out of this important future fuel market.

Thank you for your continued support and interest in assuring a viable role for ethanol in reformulated gasoline.

With warm regards, I am
Sincerely,

ERIC VAUGHN,
President.

[Presentation by the Renewable Fuels Association, Office of Mobile Sources Workshop, Environmental Protection Agency, Apr. 27, 1992, Ann Arbor, MI]

APPLYING A CARBON MASS EQUIVALENT TO THE EVAPORATIVE EMISSIONS FROM AN ETHANOL-BLENDED REFORMULATED GASOLINE

"Directionally, CO emission reductions from alternative fuels will assist in attaining the ozone NAAQS, but the strength of this effect has not yet been documented for the range of local conditions which affect ozone formation."—"Guidance on Estimating Motor Vehicle Emission Reductions From the Use of Alternative Fuels and Fuel Blends," 29 January 1988; Emission Control Technology Division, Office of Mobile Sources.

As part of EPA's fuel volatility rulemaking, the Renewable Fuels Association submitted a modeling study utilizing the Empirical Kinetic Modeling Approach (EKMA), with Carbon-Bond IV, which modeled the impact on ozone formation of splash-blended, 10-percent ethanol blends (base gasoline at 10.5 RVP), at 100-percent market penetration in seven cities (Chicago, Boston, Washington, St. Louis, Nashville, Tulsa, and Phoenix).

"Reductions in CO emissions resulting from automobiles using ethanol blends always mitigate and often reverse any increases in urban ozone that might result from the evaporative emission increases identified with the use of ethanol blends."—"Evaluation of the Impact of Ethanol/Gasoline Blends on Urban Ozone Formation," Revised Final Report, 12 February 1988; Systems Applications Inc., San Rafael, California.

"The other major area of comment related to the environmental impact of permitting gasohol to be sold at a higher RVP than gasoline. Ultimately, the issue is to what extent ozone levels are affected. Gasohol interests claim that several phenomena reduced the ozone impact of higher RVP gasohol relative to gasoline of similar higher RVP (e.g., the lesser tendency of ethanol emissions to produce ozone (reactivity) compared to hydrocarbons, and a reduction in carbon monoxide emissions and thus a reduction in CO's role in ozone production).

"As detailed in the Final RIA, recent studies have indicated that the ozone impact of gasohol at 1.0 RVP higher than gasoline is less then we earlier believed (i.e., a range of about zero to 1 percent increase in ozone levels based on the analysis referenced in the Final RIA). . . . The 1.0 psi RVP allowance for gasohol adopted in this final rule thus reflects the moderation in EPA's concern about negative air quality impact. * * *"—Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Years 1992 and Beyond," 55 Fed. Reg. 23658, 23665–23666; June 11, 1990.

"EPA recently commissioned a study by SAI which in addition to other fuel scenarios, attempted to quantify the ozone impact of oxygenated blends, taking into consideration both VOC and CO impacts. To combine all of the exhaust, evaporative, and running loss emission effects into a net effect, EPA provided SAI with MOBILE 3.9 based emissions. . . . [T]here is virtually no change in peak ozone levels for any oxygenated blend scenario when the urban airshed model is used. * * * Therefore, it appears that allowing a 1 psi RVP allowance for ethanol blends would not contribute to as significant of a change in ozone levels as EPA previously thought."—Final Regulatory Impact Analysis and Summary and Analysis of Comments, Phase II Gasoline Volatility Regulations, May 1990; Office of Mobile Sources.

The EPA-commissioned study referenced to in the FRIA is entitled "A Low-Cost Application of the Urban Airshed Model To the New York Metropolitan Area and the City of St. Louis (Five Cities UAM Study Phase I)," 15 May 1989, Systems Applications, Inc.

MOBILE 4.1 RESULTS

[1995 Fleet mix emissions, g/mi]

Category	Base gasoline, 7.2 RVP	Ethanol blend, 8.2 RVP
Exhaust	1.04	1.04
Evaporative	.24	.34
Running	.17	.29
Resting	.11	.11
Refueling	.06	.07
CO	12.92	9.01
NO_x	.93	.95
Total VOC	1.62	1.85

CARBON MASS EQUIVALENT

The "carbon mass equivalent" removes the weight of the molecular oxygen in the reduced carbon monoxide emissions due to 10-percent ethanol, and credits the remaining carbon against the VOC's increased by the 1.0 psi RVP volatility increase.

The molecular weight of carbon=12. The molecular weight of oxygen=16. Therefore, the carbon fraction of carbon monoxide is 12/(12+16), or, 0.4286 percent.

Carbon monoxide emissions of base gasoline from MOBILE 4.1 results=12.92 g/mi. Carbon monoxide emissions of 10-percent blend from MOBILE 4.1 results=9.01 g/mi.

Carbon mass equivalent=(12.92−9.01) 0.4286 or, 1.68 g/mi VOC credit for the ethanol blend.

EPA'S METHANOL-FUELED VEHICLE RULEMAKING A TECHNICAL PRECEDENT FOR THE CARBON MASS EQUIVALENT

EPA included in this rulemaking an "organic material hydrocarbon equivalent," which eliminates the mass of inert molecular oxygen from the overall mass of methanol exhaust emissions. The regulation dictates that an "organic material hydrocarbon equivalent" is to be used to calculate the mass exhaust emissions from methanol-fueled vehicles. EPA stated the environmental rationale for utilizing a "carbon-based standard" to determine the methanol mass exhaust emissions is that, "the photochemical oxidation process leading to ozone production is carbon dependent."—Standards For Emissions From Methanol-Fueled Motor Vehicles and Motor Vehicle Engines," (54 Fed. Reg. 14426, 14432; April 11, 1989).

PROVIDING A "GENERIC HYDROCARBON UNIT DEBIT" TO THE CARBON MASS EQUIVALENT

In the methanol-fueled vehicle rulemaking, the "organic material hydrocarbon equivalent" deleted the oxygen mass from the methanol mass, still leaving a "hydrocarbon" for purposes of determining mass emissions. EPA promulgated various emission factors to be utilized in determining the respective exhaust emission fraction and evaporative emission fraction from methanol-fueled vehicles.

Emission factors, designated in terms of molecular weight, are applied to exhaust hydrocarbon emissions (a factor of 13.87), and evaporative hydrocarbon emissions (a factor of 14.23). (These fractions are codified at 54 *Fed. Reg.* 14535 and 14571, respectively.) In essence, these factors reflect the view that hydrocarbons emitted from motor vehicles are comprised of "generic" units made up of one carbon molecule and two hydrogen molecules.

The carbon mass equivalent is derived from carbon monoxide, not a true hydrocarbon. The molecular weight difference between carbon and hydrogen is a factor of 6. As the photochemical importance of carbon and hydrogen is equal in the atmosphere, it is necessary to apply a "generic hydrocarbon unit debit" to the carbon mass equivalent; i.e., reduce it by a factor of 6 (0.1667).

MOBILE 4.1 RESULTS APPLYING THE CARBON MASS EQUIVALENT

[1995 fleet mix emissions, g/mi]

Category	Base gasoline, 7.2 RVP	Ethanol blend, 8.2 RVP
Exhaust	1.04	1.04
Evaporative	.24	.34
Running	.17	.29
Resting	.11	.11
Refueling	.06	.07
CO	12.92	9.01
Total VOC	1.62	1.85

Carbon Mass Equivalent Calculation:

1. 12.92 g/mi CO − 9.01 g.mi CO=3.91 g/mi CO.
2. 3.91 g/mi0.4286=1.68 g/mi VOC credit (w/o debit).
3. 1.68 g/mi credit0.1667=0.28 g/mi VOC credit.
4. 1.85 g/mi VOC (ethanol blend) − 0.28 g/mi "CME"=1.57 g/mi VOC.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, May 6, 1992

IMPLEMENTING THE CLEAN AIR ACT AMENDMENTS OF 1990: IMPLICATIONS FOR ETHANOL DEMAND AND THE CORN SECTOR

(By John M. Urbanchuk, Vice President, AUS Consultants)

EXECUTIVE SUMMARY

The Clean Air Act Amendments of 1990 (CAA) require selected U.S. cities and metropolitan areas to take definite steps to reduce carbon monoxide and ozone contamination of the atmosphere. One of the principal control mechanisms employed by the CAA is the requirement of increased oxygenate content of motor fuels. An increased level of oxygenate causes gasoline to burn more cleanly and reduces emissions of carbon monoxide and ozone creating compounds. The CAA mandates an average oxygenate level of 2.7% during the winter months in cities and metropolitan areas not in compliance with carbon monoxide (CO) standards, and requires areas not in compliance with ozone standards to achieve a 2.0 percent oxygenate level on a year-round basis.

Several alternative oxygenates are available for use in meeting the CAA mandates including MTBE (methyl tertiary butyl ether), TAME (tertiary amyl methyl ether), and ethanol. High levels of demand for MTBE and TAME would require significant imports which would increase our energy dependence on foreign suppliers. The U.S. agriculture sector could produce all of the ethanol we might require.

However, the reformulated gasoline regulations as proposed by EPA drastically limit the opportunity for ethanol. The purpose of this study is to examine the implications for the U.S. corn sector of a loss of the reformulated gasoline market for ethanol.

1. The base case of demand is predicated on full implementation of the CAA, 30% market share for ethanol blends in CO nonattainment areas, acceptance and use of ethanol in reformulated gasoline for use in the nine major ozone nonattainment areas, and maximum opt-ins by other areas not in compliance with ozone standards. Under this scenario, ethanol demand would increase to 3.5 billion gallons by 2005.

2. The alternative case is based on the loss of ethanol for use in reformulated gasoline in ozone nonattainment areas. Under this scenario, the CO program would be smaller and ethanol would receive a smaller share of the oxygenate market since most refiners and distributors would look to alternative oxygenates for full year use. Since no ethanol would be used in reformulated gasoline under this scenario, demand in CO markets would drop substantially in 1996 as the overlap ozone opt-in areas shift from ethanol to other oxygenates for most of their requirements. As a result, total ethanol demand would decline from current use of 975 million gallons to 845 million gallons in 2005.

The loss of the reformulated gasoline market for ethanol would have a significant impact on the demand for corn, corn prices, government spending for agricultural support programs, and net returns for American corn farmers.

The loss of the reformulated gasoline market would reduce the price received by farmers for corn by an average of $.23 per bushel (9.1 percent) over the 1992–2005 period scenario.

The impact of lower corn prices would increase government expenditures for feed grain support programs by $1.6 billion per year, or over $21.4 billion over the 1992–2005 period if the reformulated gasoline market were lost for ethanol.

Farmer profitability would be hurt. Despite higher direct government payments to compensate for lower prices, lower ethanol demand caused by a loss of the reformulated gasoline market would reduce net returns to corn farmers by an average of $6.85 per planted acre between 1992 and 2005.

The U.S. economy would suffer. Loss of the reformulated gasoline market for ethanol and reduced demand for corn to produce ethanol would cost the nation's economy $9.7 billion per year in lower gross output between 1992 and 2005. Personal income would fall by almost $3 billion per year, and over 130,000 jobs would be lost each year during this period throughout the entire economy.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself 5 minutes from the time allocated Senator DOLE.

The ACTING PRESIDENT pro tempore. The Senator from Iowa may proceed for 5 minutes.

ETHANOL AND THE REFORMULATED GASOLINE PROGRAM

Mr. GRASSLEY. Mr. President, I am thankful that several colleagues, both Republicans and Democrats, are going to join in a period of discussion on some of the very bad activities of the Environmental Protection Agency. This activity can be described quite simply as antiethanol and aborting a very clear intention of Congress during the debate of the clean air bill when we passed an amendment over the opposition of the big oil companies. This amendment very clearly laid out the intent of Congress that ethanol be a part of the reformulated fuels section of the Clean Air Act.

I do not like EPA turning a deaf ear to this congressional intent. Not only are the bureaucrats at EPA ignoring the will of Congress, they are also ignoring the wishes of many of our administration's highest officials, including President Bush himself. As everybody knows during the 1988 campaign for the Presidency, President Bush made ethanol a very important part of the national security strategy and energy strategy of this country. Now his own agency, EPA is thwarting that will of the electorate regarding the energy policy as expressed in the 1988 election for President Bush. It was very clear that both Congress and President Bush intended that ethanol could be certified as a reformulated gasoline. EPA, however, has taken us down a regulatory path that not only guarantees that ethnol will be absolutely cut out of this important clean air market but also it essentially mandates the use of MTBE.

The aim of this section is to reduce ozone by eliminating the emission of ozone-forming compounds.

Historically, Congress and EPA have recognized the additional benefits of ethanol, and have allowed a 1 pound per square inch variance for what is called Reid vapor pressure [RVP] which measures the likelihood of evaporation and emission of chemicals into the air.

For instance, carbon monoxide is recognized as a substance that contributes to the formation of ozone.

Furthermore, EPA has acknowledged that ethanol-blended fuels can reduce exhaust emissions of carbon monoxide by 25 to 35 percent. Yet, now all of a sudden EPA does not want to allow the variance for ethanol.

We have EPA officials talking out of both sides of their collective mouths. One official 1 week claims that these regulations would not preclude ethanol from the reformulated fuels program. The very next week another official admitted that if these rules are adopted, they will effectively cut ethanol out of the market.

If the latter is true, we will have destroyed the market for up to 600 million gallons of ethanol. Five thousand jobs are created for every 100 million gallons of ethanol produced. So we will be denying Americans nearly 30,000 jobs.

And what will we use for reformulated fuel? MTBE. Where will these world class MTBE plants be built? The answer is very simple. They are going to be built overseas. A vice president of a major oil company admitted as much when he stated that 85 percent of world class MTBE plants would be built in the very same countries that hold America's energy needs hostage.

Mr. President, today I join my colleagues in declaring that this country is not going to be controlled by unelected bureaucrats. The will of Congress and the President is not going to be undermined. EPA must follow the intent of Congress and the intent of President Bush.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE], is recognized.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be given 5 minutes under the standing order reserved for the Republican leader, Senator DOLE.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Iowa for his comments just now. I think he articulated the issue very well.

I join with him and many of my colleagues on both sides of the aisle in commenting on the current dispute between the ethanol industry and the Bush administration regarding the implementation of the Clean Air Act.

The whole controversy is deeply troubling for a variety of reasons, not only for its effect on the short-term growth of the domestic ethanol industry but also for the message it sends about our national priorities for the next decade.

There are two issues at play in the current dispute. First, whether the Administration will allow States with carbon monoxide nonattainment areas to limit the amount of oxygen in gasoline; and second, whether EPA will look at reduced tailpipe emissions in ethanol blends as an offset to their increased evaporative emissions in the reformulated gasoline program.

The first issue is very straightforward. There is no technical reason to cap oxygenates in CO nonattainment areas. In fact, according to EPA's own data, the more oxygen in the gasoline, the greater the CO reductions. Attempts to cap oxygen content are a blatant attempt by ethanol opponents to reduce the use of ethanol, which is the undisputed champ of CO reduction. Moreover, a cap is directly contrary to the intent of Congress, which specifically recognized the benefits of using 10 percent ethanol blends.

The second issue gets easily obscured in scientific rhetoric regarding mass emissions versus reactive emissions, carbon offsets, volatility and base fuel specifications. In reality, it is not this complicated. In face, it has little to do with clean air.

There is ample scientific data showing that offsets in reactive emissions do occur so that ethanol can be, and is, an effective ozone fighter. If NO_x is the issue, as EPA appeared to claim at last week's House hearing, then the simple model should adjust other gasoline components, such as sulphur or olefins, to prevent any miniscule NO_x increases. It should not be used as a rigid vehicle for blocking ethanol from the clean fuels market.

The Bush administration and EPA are hiding behind a veil of interpretive data to make it more difficult for ethanol to be a full participant in the reformulated gasoline program. As the sponsor of the reformulated gasoline amendment, along with the Republican leader and many other Members on the floor today, I can attest that it was the intent of Congress to let ethanol play a role in reformulated gasoline. As long as ozone pollution was reduced, our amendment sought to let a wide array of oxygenates compete for the market. The bill was designed to be fuel neutral.

I am confident that the final EPA rules will be written in such a way that ethanol will be able to compete. It would be too outrageous for anything else to happen.

The administration's entire approach to ethanol since enactment of the Clean Air Act amendments 2 years ago is very troubling. That history, which includes delays and the entire reg-neg process, raises questions about the administration's commitment to working with Congress to implement the intent of the bill. It also raises the larger question of our Nation's energy and economic goals.

To be honest, this whole dispute baffles me. I cannot fathom why rules were not drafted to ensure competition between oxygenates, as Congress had intended. I cannot fathom how the administration can even consider letting oxygen be capped. Finally, I cannot fathom how we are even having this debate considering the implications for our energy security and domestic economic development.

Because of the current debate, there is a chill on new ethanol investment in the United States. The largest American producer of ethanol has postponed its expansion plans, and many other investors are nervous.

No such chill exists in Saudi Arabia, nor in Iran, nor in Algeria, nor in any other Middle Eastern country. According to January 1992 statistics, 19 MTBE and methanol plants are in the final engineering stages or under study. This activity represents billions of dollars of investment and thousands of jobs, almost all geared to servicing the United States' clean air markets. All come at the expense of domestic ethanol producers, domestic methanol and MTBE producers, the domestic natural gas industry and, ultimately, our Nation's energy independence.

Is this what we really want? Do we want a flood of imported methanol and MTBE to displace imported crude and preclude domestic investment and jobs?

Without a strong signal from the administration on the clean air rules, and without something being done to block the anticipated flood of MTBE and methanol imports, OPEC will benefit as much from the Clean Air Act as farmers in my State or anybody's else's State. We hear talk from Secretary Watkins and President Bush that America's energy future will be imperiled if we do not open up the Arctic National Wildlife Refuge, and then we see this happening.

Mr. President, it is both frustrating and disheartening to see this scenario unfold. One way or another, we will see that this important issue is rectified.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader has 1 hour under his control. At this time the Chair recognizes Mr. DURENBERGER, the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes under the designation of the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, others have spoken to the genesis of the problem that brings us all to the floor today. I am going to try to just add some additional explanation to the seriousness of the EPA rule.

Mr. President, last month the Environmental Protection Agency issued its proposed rules for reformulated gasoline under the Clean Air Act. I believe that mandating the modifications to gasoline in the nine cities suffering the worst summertime smog problems is one of the most important air quality provisions in the 1990 amendments to the Clean Air Act.

Unfortunately, the way EPA has chosen to design its rule it will virtually exclude ethanol, an alcohol made principally from grain grown by American farmers, from any role in the reformulated gasoline marketplace. Because many cities will voluntarily participate in the reformulated gasoline program, as much as 60 percent of the gasoline sold after 1995 in the United States may be refined and sold according to EPA's reformulated gasoline standards. To unnecessarily exclude an American fuel from such a large portion of the market would be a serious blow to American farmers and to our economy.

I believe that ethanol can play a role in reformulated gasoline without any negative air quality consequences. In fact, it is the air quality benefits of ethanol which bring it to the marketplace in the first place.

When I came to the Senate in the late 1970's there was a great deal of interest in gasohol, a fuel that is 10 percent ethanol and 90 percent gasoline, because of the energy problems facing the Nation. But ethanol didn't really catch on as a substitute for imported oil. It was the phaseout of lead in gasoline in the early 1980's that gave ethanol a boost into the marketplace.

Lead was added to gasoline to increase its octane and improve engine performance. But lead pollution in the environment is a serious threat to young children and the unborn and has been virtually banned from gasoline as a result. Ethanol has helped fill the octane gap created by the lead phaseout. Ten percent ethanol in a gallon of gasohol restores the engine performance without adding any new toxic pollutants to the environment.

Ethanol has another clean-burning advantage. One of the most serious pollution problems in our northern cities in the winter time is carbon monoxide. When you start a car on a cold winter morning the fuel does not burn well and carbon monoxide is produced in enormous quantities, enough to be a threat to those with heart problems and to pregnant women. Ethanol reduces carbon monoxide pollution because it contains more oxygen molecules than other components of gasoline and can improve the combustion process even in cold engines. Many of the 40 cities that do not meet Federal carbon monoxide pollution standards are looking to ethanol as a partial solution to the problem.

When the Congress worked on the Clean Air Act in 1989 and 1990, we learned that we could also make big progress on smog, which is a summertime pollutant of serious concern in dozens of our cities, by changing our fuel. We learned that gasoline can be reformulated at relatively low cost, so that it emits much less of the pollutants that form smog.

The Clean Air Act requires EPA to issue regulations for gasoline that will reduce smog-forming emissions by 15 percent in 1995. That provision was strenuously opposed by the oil industry. They called it Government gas and said it would cost 25 cents a gallon more than regular costs. Now, less than 2 years later many oil companies are running TV ads saying their fuel already meets the 1995 EPA standards for reformulated gasoline and are encouraging consumers to drive into their stations, if they want to help protect the environment.

When we passed the reformulated gasoline requirement here on the floor of the Senate, I had every expectation that it would be a good program not just for the environment but for the farmers of my State as well. They grow the corn that makes a good portion of the Nation's ethanol, and they have invested in ethanol production facilities. I expected ethanol to be a big part of reformulated gasoline.

I think everyone here in the Senate recognizes that the reformulated gasoline amendment only passed because of the support of the American farm community.

So, it was a real surprise to learn that EPA's rule is designed to preclude the use of ethanol in reformulated gasoline. I have reviewed the proposed rule. It departs from the specific requirements of the Clean Air Act in many other ways, as well. The failure of EPA to carry out the intent of the Congress in this rulemaking is very troubling to me and should be to all the Members of the Senate.

EPA developed this rule through a process that is called negotiated rulemaking. Essentially, EPA invited all the interest groups that it felt might have an interest in the legislation to come to a series of meetings and draft the rule through a committee process. The oil industry was invited, so was the farm community, and the ethanol producers, and the environmentalists, and the States. Representatives of these groups met for several months and reached a consensus on a rule that all the special interests could support.

Unfortunately, the rule is not entirely consistent with the statute that the Congress enacted. It is contrary to the law in several respects. EPA is hoping that nobody will go to court and challenge the legality of the rule. In fact, that is a major reason for negotiated rulemakings, to prevent interest group litigation. Another reason is to exclude the Congress and the President from the regulatory process.

It is no secret that the White House is not happy with many of the rules that EPA has been writing under the Clean Air Act. EPA believes that it can keep the White House at bay by entering into these negotiated deals, allowing it to take refuge for the policy behind a consensus position of the interest groups. And the interest groups participate in these negotiations because they hope to get something they could not get when the legislation is before the Congress.

I am all for consensus in the policymaking process. And I believe that the regulatory agencies should work closely with the interest groups to assure that rules are sound and based on the best information available. But I am very much opposed to any procedure that is intended to circumvent the lawful requirements of a statute the Congress enacts and the President signs. However, accommodating the interest groups may be in a negotiation, they do not have the authority to change the law. That was done in this rulemaking on reformulated gasoline.

EPA needs to start over again on this rule and rebuild it on a sound legal foundation. And when it does, I urge that it give ethanol a fair chance to participate in the reformulated gasoline marketplace. Ethanol can be used in reformulated gasoline that meets the requirement for a 15-percent reduction in VOC's.

When it is used in that way the American public will be able to enjoy the other air quality and environmental benefits of ethanol and the American farmer will be able to contribute to the energy security of this Nation.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Thank you very much, Mr. President.

IMPORTANCE OF ETHANOL TO RURAL AREAS

Mr. BOND. Mr. President, I would echo and concur with the statements already made by my colleague from Minnesota and my colleague from South Dakota about the environmental benefits of ethanol. I want to focus on one aspect of the ethanol debate and that is its importance to rural areas throughout America.

The Clean Air Act Amendments of 1990 were viewed by corn farmers as a significant step toward creating an opportunity for corn-based ethanol to compete in the new oxygenate market for motor fuel.

Clearly, when Congress authorized the production and use of oxygenated fuels and reformulated gasoline in areas experiencing serious air pollution problems, the intent was to allow ethanol to compete fairly in this new market.

The law establishes a minimum oxygen level for gasoline in the 39 carbon monoxide nonattainment areas. This is because oxygenated fuels have been shown to reduce CO in these polluted areas.

Now, because of EPA delay, California and New York will try and place a lower cap on the amount of oxygen allowed in reformulated fuel sold in their State. These lower caps would preclude the blending of 10-percent ethanol, which provides a 3.5-percent oxygen level and reduces vehicle emissions of carbon monoxide by 25 to 30 percent.

Now, however, due to a perceived increase in nitrous oxide emissions [NO_x] resulting from use of ethanol, things are not so clear with ethanol. Because of the uncertainties surrounding the EPA's interpretation of the ozone provisions of the Clean Air Act, the ethanol industry has delayed construction of more than 350 million gallons of ethanol production which was slated to have started this year.

Currently, 1 billion gallons of ethanol are consumed per year. In 1990 approximately 400 million bushels of corn went into ethanol production.

In my home State of Missouri, although we do not currently have an operating ethanol plant, we are involved in serious negotiations with various companies regarding the building of ethanol plants. Projections indicate that Missourians could use 40 million gallons of ethanol in 1992.

If ethanol is not allowed to compete, these new rural economic development projects will not materialize. The jobs and economic benefits for our rural communities will disappear. Certainly we want to do everything to encourage rural economic development to take place, not discourage.

I call on the administration to look at all of the information concerning ethanol, to implement expeditiously the oxygenated fuel program in all carbon monoxide nonattainment areas, and to prohibit the imposition of cap by States on fuel oxygen content.

Mr. President, in summary, there are solutions to many of the cities' problems in the United States. Some of those solutions can be solved by the efforts of people in rural areas. The production of ethanol from corn grown in our rural areas changed into ethanol can be Godsends for areas experiencing economic difficulty. They, in turn, can significantly increase the quality of air and improve the lives of those in our cities.

I suggest, therefore, that the combination of the benefit to the communities where they are in nonattainment positions and the benefit to rural communities with a need for jobs is a compelling reason to move forward and to encourage rather than to discourage the use of ethanol.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. Mr. President, I have been allocated 5 minutes, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Vermont is recognized.

ETHANOL

Mr. JEFFORDS. Mr. President, not more than a few minutes ago I briefly spoke on the global warming issues which is one of the main environmental problems we have to address. At that time I advised people this is a connected subject, that is ethanol. Ethanol is one of those fuels that does not contribute to global warming but actually keeps us in the same situation we are in.

Our growing dependence on foreign oil is also another major problem crying out for action. There are jobs we need to create—more job opportunities. We hear over and over in this body how important it is to create new job opportunities. Ethanol and other homegrown fuels can provide an answer to all of these problems.

Ethanol and other biomass-based fuels provide an opportunity to develop a sustainable carbon cycle. There is no reason for our country to be taking tons and tons of carbon from below ground when we can continue to recycle tons of carbon that is already above ground. Our fossil fuel dependency is causing us to remove trillions and trillions of tons of carbon deposited over the millenium and put it back into the air over a period of mere decades. Unless we stop mining yesterday's carbon in huge quantities, we will never be able to get control of the climate change problem. That is the first reason why any environmentalist should strongly support moving away from fossil fuels and toward renewable fuels like ethanol.

Second, we are selling our country gallon by gallon to foreign interests. It is almost like we are being colonized. Over 200 years ago we waged a revolution against colonization, yet today we are headed right back where we started. Foreign interests are using our labors to increase their wealth. And we are letting them do it, pretending that we are protecting a nonexistent free market. This has to stop. Unlike other fuel alternatives, ethanol will be made here in America. Other components of cleaner fuels will not. For example, industry experts predict that 85 percent of the MTBE used in reformulated gasoline will come from other countries. Not only does the resulting transfer of wealth rob this country of the capital it needs for growth, it increases pollution. No other country has the environmental laws that we do. Thus, if we are truly interested in protecting the environment, the more fuels we make here the better. We will regulate air, water, and land discharges better than any other country in the world. But, we cannot do that if the fuels are being made in another country. For this reason, environmentalists should support biofuels, and should support their use in America.

We are not doing this, however, because of some misconception about free market economics, while this free market deception is leaving our country bankrupt. I would briefly like to tell a story I read that I think tells a great deal about the problems we are facing, both in terms of energy and the environment, as well as about the recent unrest. In the book "For the Common Good," the authors discuss an experiment which I believe is very important. Allow me to quote from this book:

> In these experiments, large groups of people are given tokens they can invest either in an individual exchange that returns 1 cent per token to the individual investing, or in a group exchange that returns 2.2 cents per token but divides these earnings among everyone in the group regardless of who invests. In other words, in the group exchange, the subject receives a share of the return on his own investment [if any] and the same share of the return of the investment in the group exchange made by the other group members. Most economists would predict that a self-interested individual would put nothing in the group exchange, because the group exchange would not maximize individual benefits. Most of the greater total benefits from investing in the group exchange would go to other members of the group. Moreover, those who do not invest in the group exchange nonetheless share in the proceeds from investments made in that exchange by others, i.e., they get a free ride. But, in fact, in a number of experiments people have voluntarily contributed substantial resources—usually between 40 and 60%—to the group exchange, that is, the public good. Many in the experiments have also said that a "fair" person would contribute even more than they did. The power of this experiment is particularly revealed when this same experiment is tried on a group of entering graduate students in economics. They, meaning the economists, contributed only 20 percent to the group exchange, found the concept of fairness alien, and were only half as likely to indicate that they were concerned with fairness in making their decision.

Economics can be used to maximize the public good or private wealth. Right now, a great many people in this country do not believe the current economic system is at all fair. Perhaps that is because we are enriching foreign individuals instead of investing in the group exchange called America. By investing in America everyone in this country gets a share of the investment. Americans get 2.2 cents per token, so to speak. Ethanol is one way to invest in the public good; continued reliance on other alternatives is tantamount to investing in the private exchange where only a few share in the rewards. That is the second reason efforts to thwart biomass fuels made here in this country is bad for this country.

Last, the issue of jobs. Jobs are very intimately tied into the above example. We cannot create jobs if the money to do so is going overseas. But aside from the economics, allow me to address a demographic side of this issue. The easiest way to keep the air in cities clean is to keep people out of the cities. And, the easiest way to keep people out of the cities is to create job opportunities in the rural areas. Ethanol is an agriculturally derived fuel. Fostering ethanol fosters jobs in rural America. Rural America is loosing thousands and thousands of residents as they head to the cities for jobs. By providing job opportunities closer to home, fewer rural residents will have to move to cities. It is as simple as that. Increasing the use of ethanol helps the agricultural sector, which helps the thousands of towns across this country. Furthermore, fostering the use of ethanol will also lower the Federal deficit as crop support payments will be down.

These are but a few of the reasons I believe ethanol and other biomass fuels are good not only for the environment, but also for America. Thus, I urge EPA to take a second look at its decisions with respect to the Clean Air Act. Are you really looking at the big picture, or focusing on one aspect of our environment? Would you rather we make clean fuels here, or import dirty fuels from the oil fields of the Middle East? Do not let the oil industry cloud your judgment with yet another oil smoke screen. We can clean up the air and make America stronger in the process. This sounds like a good deal to me, and I hope it does to you.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. LUGAR] is recognized.

OUR NATION'S FARM ECONOMY AND OUR ENVIRONMENT

Mr. LUGAR. Mr. President, I speak today on an issue which is important to our Nation's farm economy as well as to our environment.

In 1990, the Congress passed amendments to the Clean Air Act to clean up our Nation's airsheds. And these amendments were also designed to achieve their objectives through the use of renewable fuels. Projections were that the demand for ethanol could double by 1995.

Ethanol helps to clean up our air in two significant ways. First of all, 10 percent ethanol blends can play a major role in reducing harmful carbon monoxide emissions. It is important that States which must reduce their carbon monoxide emissions under the Clean Air Act should be able to opt-in to the use of ethanol in order to do so. I understand that EPA is in the process of giving proper instructions to the States so that this oxy-fuel program can be realized.

Second, ethanol as an oxygen enhancer reduces toxic emissions in reformulated gasoline. The use of ethanol blends in reformulated gasoline is now under examination. There is concern that evaporative emissions from ethanol splash blends might increase ozone. EPA has recognized that ethanol splash blends increase nitrogen oxide emissions only a slight amount relative to the MTBE-blended gasoline alternative. And since ethanol is far less reactive than other compounds, there may be a compensating effect—ethanol has lower reactivity than the substances it would replace and is therefore less likely to produce ozone. This compensating effect is under review in the New York City metropolitan area. Data has been collected and should be analyzed promptly.

I would ask that EPA make a timely decision on these technical issues so that ethanol can play a major role in cleaning up our Nation's air.

Why is this issue important? The issue is important because ethanol is a renewable resource important to our farm economy. Economist John Urbanchuk of AUS Consultants is analyzing the effect of the Clean Air Act Amendments of 1990 on ethanol demand and on corn prices during the 1990's. He found that a steady increase in demand for ethanol from the current level of almost 1 to 2 billion gallons by 1995 and up to 3 billion gallons by 2005 could be realized if the Clean Air Act is implemented as we intended. But if the Clean Air Act Amendments of 1990 are not fully implemented, ethanol use could actually fall to less than current levels.

The impacts on corn markets of the oxy-fuel and reformulated gasoline programs are highly significant. In 1991, 390 million bushels of corn were converted to fuel ethanol in this country. If the Clean Air Act provisions are fully implemented, the use of corn for ethanol production could double by 1995. If they are not, there could actually be a decline in the demand for corn between now and 1995. Loss of the reformulated gasoline market would lower corn prices by an estimated average of 24 cents a bushel and would significantly increase Federal Government feed grain support expenditures.

Mr. President, we are at a crossroads where the farmer, as well as the environment, will either prosper or suffer significantly. We must take the right course of action to assist both the farmers and the cleanliness of our environment. Prompt resolution of the technical issues and attention to congressional intent is imperative.

I thank the Chair.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from South Dakota.

ETHANOL'S FUTURE IS AT A CRITICAL STAGE

Mr. PRESSLER. Mr. President, this country's ethanol industry is at the most critical juncture of its young life. Decisions regarding the reformulated gasoline market will be reached soon by the Environmental Protection Agency [EPA]. Those decisions not only will determine the future growth of ethanol production in this country, but also will determine whether Clean Air Act standards will be met and our country's dependence on foreign energy sources lessened.

At issue are the EPA proposed regulations for the reformulated gasoline program [RFG]. The 1990 amendments to the Clean Air Act will result in more than one-half—60 billion gallons—of this Nation's fuel being reformulated to reduce emissions by the turn of the century. Unless amended to account for ethanol's overall emissions benefits, EPA's proposed RFG regulations could effectively preclude the use of ethanol blends.

Mr. President, the stakes are high. Precluding ethanol's participation in the reformulated gasoline market would reduce the price received by farmers for their corn by an average of 24 cents per bushel. South Dakota produces over 240,000,000 bushels of corn per year. A loss of 24 cents per bushel would cost South Dakota corn growers $57.6 million annually. Such a drop in the price of corn would cost the average South Dakota corn grower $10,000 each year.

Mr. President, these numbers are even more devastating when considered in a national context. Studies show that the reduced value of corn output alone would cost the U.S. economy $5.6 billion per year. Total employment in the Nation's economy would be reduced by as many as 134,694 jobs each year until 2005—a total of 1,751,022 jobs.

Studies also have concluded that lower corn prices would increase Government expenditures for feed grain support programs by an average of $1.9 billion per year between now and 2005—$24.7 billion. Thus, the loss of the reformulated gasoline market for ethanol would hinder economic growth, increase costs to the Government, adversely affect corn prices, and cause economic hardships for corn producers nationwide.

Mr. President, ethanol production for fuel has increased every year since 1976. In 1976 fuel ethanol production utilized 25 million bushels of corn. Today ethanol production for fuel utilizes nearly 400 million bushels of corn.

The adverse impact of the proposed regulations on the reformulated gasoline market would hit hardest in South Dakota. Earlier this year, ethanol blended gasoline achieved a 42-percent market share in South Dakota. That figure was up from 34 percent in 1991 and just 13 percent in 1990.

Just this week, ethanol blended gasoline achieved a 44-percent market share in South Dakota. These numbers clearly demonstrate a promising future for ethanol. If this trend continues, South Dakota soon will become the first State in the Nation to achieve a 50-percent market share for ethanol blended fuel—fuel which burns cleaner than straight gasoline.

The uncertainty regarding ethanol's role in the RFG program has placed more than 600 million gallons worth of planned ethanol production expansion in jeopardy. The proposed regulations effectively have frozen ethanol's future growth and potential.

The chilling effect on ethanol's future has resulted from EPA's very narrow interpretation of the Clean Air Act. The proposed regulations do not take into account the fact that ethanol use lowers carbon monoxide output. The proposed regulations erroneously have labeled ethanol a dirty fuel. This simply is not the case.

Mr. President, ethanol is one of the cleanest burning fuels available. On February 3, 1992, an EPA notice in the Federal Register stated that a volatility tolerance for ethanol blends should not adversely affect air quality overall. Also, EPA recognizes that reductions in carbon monoxide exhaust emissions resulting from the higher oxygen content of ethanol blends offset increased hydrocarbon emissions. The proposed regulations should use complex emission models and not simple emission models in measuring emissions.

The EPA repeatedly has concluded that when ethanol's total emissions benefits are accounted for, ethanol can help reduce carbon monoxide, toxins, and greenhouse gases that contribute to global warming. There is no more environmentally friendly fuel.

Mr. President, there is a solution to the dilemma in which the EPA has placed the ethanol industry. The EPA needs to reconcile its VOC-driven enforcement scheme with ethanol's overall emissions benefits. The VOC-driven evaluation system ignores the benefits of reducing carbon monoxide emissions. Available data demonstrates that reductions in carbon monoxide attributable to ethanol offset the effect on VOC's, which form ozone as a result of increased vapor pressure and increased volatility.

It is imperative that ethanol be allowed to effectively compete in the reformulated gasoline market. The ability to effectively compete in this market will determine the near-term growth and future development of the ethanol industry.

Increasing ethanol use will provide additional markets for South Dakota corn growers, benefit the State's agricultural economy and decrease the U.S. dependency on foreign oil. If other States follow South Dakota's lead, ethanol production and consumption will benefit the economies of communities nationwide.

There is a future for the ethanol industry. The ethanol industry should be permitted to have a role under the mandates of the Clean Air Act. Proper studies at the EPA can define that role and prevent the ethanol industry from being halted in its tracks.

I urge the EPA to consider my remarks and those made by my colleagues today concerning the reformulated gasoline market. Mr. President, the ethanol industry can play a significant role in our country's economic growth and in improving the quality of our environment. I will continue fighting as hard as I can to ensure that our ethanol industry continues to grow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE USE OF ETHANOL

Mr. SIMON. Mr. President, I am pleased to join Senator DOLE and others who are questioning regulations that come down on the use of ethanol, regulations that, frankly, appear to an outsider to be dictated by the big oil industry rather than clean air considerations.

The EPA recently published their guidelines for the implementation of the Clean Air Act's oxygenated fuels program and reformulated gasoline program. These guidelines as they are set up remove incentives, believe it or not, for cities in CO nonattainment areas to blend ethanol in their gasoline and to move in a direction that we ought to be moving.

I contrast the regulations that have come down with what Richard D. Wilson, Director of the Office of Mobile Sources of Air and Radiation at the U.S. Environmental Protection Agency testified to last June. Let me read his testimony:

> The car and truck population in this country is growing at a faster rate than the human population. The number of vehicle miles traveled has doubled from 1 trillion in 1970 to 2 trillion in 1990. As a result, motor vehicles account for about one-half of the hydrocarbon and nitrogen-oxide pollutants that form smog in our cities, up to 90 percent of the carbon monoxide, and over half of the toxic air pollutants. * * * Ethanol, methanol and their derivatives ETBE and MTBE are strong candidates to supply the extra oxygen needed in the Clean Air Acts reformulated and oxygenated fuels programs. * * * EPA believes that agriculturally derived renewable motor fuels will play a strong role in this innovation.

That is what the technical person, the technical expert, at EPA has to say.

But now they come down with the regulations, and lo and behold, they help the big oil companies rather than clean air. Let me add they hurt farmers.

Illinois is second only to Iowa in terms of corn production. The use of 340 million bushels of corn in ethanol has, among other things, raised the price of corn 15 to 20 cents a bushel and has reduced millions, tens of millions of dollars in farm subsidies, and has made us less dependent on the Middle East.

I speak from a State that produces ethanol. There are some who will say you have a conflict of interest. I come from a State with a lot of farmers. Archer Daniels Midland and Pekin Energy, two of the largest producers of ethanol in the Nation are in my State.

But listen to the technical experts. That is what we ought to be doing. We should not let big oil dictate what is happening. Let me just add—it has nothing to do directly with this and yet indirectly it does—I attended a subcommittee yesterday, the Antitrust Subcommittee, chaired yesterday by Senator DECONCINI where we had the small, independent gas stations testifying that Exxon, Amoco, the big companies, were selling at their company-owned stations gas at a lower price than they would sell to the independents.

We have, for example, in the last 2 years lost one-sixth of our service stations in the State of Illinois. The big oil companies are reaching out with their muscle to squeeze the independents. Here the big oil companies are reaching out to squeeze an opportunity for clean air, and squeeze America's farmers. I do not think we should let them get by with this.

My hope is that the EPA will reconsider its regulations, listen to the technical experts and not the big oil companies, and respond to the needs in this country. If they do not, then I think we have to pass legislation. My hope is we do not have to follow the legislative route.

Mr. President, EPA very recently published guidelines for the implementation of the Clean Air Act's oxygenated fuel program and reformulated gasoline program. These guidelines remove incentives for cities in CO nonattainment areas to blend ethanol in their gasolines. This could have a devastating effect on the whole ethanol industry and on many rural economies.

These guidelines come at a time when ethanol is one of the leading fuels of choice by environmental-conscious consumers. Consumers are requesting viable options to regular gasoline. They ask out of concern for the environment, out of fear of our dependence on foreign oil and from an awareness that the expansion of the ethanol industry strengthens rural economies.

Last June, representatives from the Department of Energy, Department of Agriculture, and the Environmental Protection Agency testified before the Subcommittee on Agricultural Research and General Legislation on the prospects of using agriculturally derived renewable fuels to meet standards mandated by the Clean Air Amendments of 1990.

Richard D. Wilson, Director of the office of Mobile Sources of Air and Radiation at the U.S. Environmental Protection Agency, testified at the June hearing. In his testimony, he stated that:

> The car and truck population in this country is growing at a faster rate than the human population. The number of vehicle miles traveled has doubled from 1 trillion in 1970 to 2 trillion in 1990. As a result, motor vehicles account for about one-half of the hydrocarbon and nitrogen-oxide pollutants that form smog in our cities, up to 90 percent of the carbon monoxide, and over half of the toxic air pollutants.* * * Ethanol, methanol and their derivatives ETBE and MTBE are strong candidates to supply the extra oxygen needed in the Clean Air Acts reformulated and oxygenated fuels programs.* * * EPA believes that agriculturally derived renewable motor fuels will play a strong role in this innovation.

Dr. Charles E. Hess, Assistant Secretary for Science and Education at the U.S. Department of Agriculture, at that same hearing stated:

> The Department of Agriculture is very much interested in the prospects for the ethanol industry. One of Secretary Madigan's goals is to provide additional sources of income for farmers by increasing demand for crops that have a commercial market. About 95 percent of the ethanol produced in the U.S. is made from corn—some 330 to 340 million bushels—which represents about four percent of the annual corn harvest.

It has been estimated that some 340 million bushels of corn per year are used for the nearly 1 billion gallons of domestically produced ethanol. This raises the price of corn 15 to 20 cents per bushel and save the Federal Government millions of dollars in farm subsidies.

Michael Davis, Assistant Secretary for Conservation and Renewable Energy at the U.S. Department of Energy stated, "Two-thirds of the world's proven oil reserves lie in the Middle East. * * * To reduce United States vulnerability to future market disruptions, the national energy strategy proposes a comprehensive set of initiatives aimed at increasing oil production capacity outside the Persian Gulf and at developing fuels and technologies that will reduce our dependence on oil." Mr. Davis went on to talk about the benefits of marketing alternative fuels, such as ethanol, methanol, compressed natural gas, electricity, et cetera, in an effort to reduce our dependence on foreign petroleum.

All three of these witnesses addressed important reasons why this country needs to promote the use of alternative fuels, and back in June, all three indicated that ethanol was an excellent choice as an alternative fuel. More than 40 cities across this country are having to comply with clear air standards laid out in the Clean Air Act Amendments of 1990. The want to choose a fuel that offers environmental and economic benefits to their State. Illinois and other Midwestern States have chosen ethanol.

Illinois could benefit greatly from a healthy ethanol industry. We are second only to Iowa in the production of corn and manufacture over 80 percent of the ethanol available on the market today. We are investing in an infrastructure for the distribution of ethanol. Many Midwestern States make ethanol and gasohol available at local gasoline stations. In fact, about one third of the gasoline sold in Illinois is blended with ethanol. Major cities, such as Chicago, are preparing to buy cars designed to run on ethanol for their fleets in order to comply with Clean Air Act standards. And, Archer Daniels Midland and Pekin Energy, the two largest ethanol producers in the country, have expansion plans for ethanol plants in the pipeline.

Congress intended for ethanol to be a component of reformulated gasolines, competing effectively with MTBE in this new market. And, those intentions were laid out in the Clean Air Act of 1990. EPA should consider ethanol's overall strengths as a clean fuel, rather than focusing exclusively on its drawbacks. While ethanol emits more volatile organic compounds that other fuels, it emits less carbon monoxide. Clearly, ethanol's benefits as a clean fuel offset its weaknesses. Ignoring this basic fact leads many of us to the conclusion that there are other motivations behind the promulgation of EPA's most recent guidelines, namely to promote the use of MTBE.

I join my friends and my colleagues in opposition to the EPA guidelines and ask that the administration submit regulations that reflect the original intent of the Clean Air Act amendments: to create a fair playing field for all alternative fuels.

Mr. President, I see the distinguished Senator from Nebraska on the floor, so I yield the floor.

A JOBS ISSUE

Mr. KERREY. Mr. President, I thank my friend from Illinois. This discussion is a rather important one, I think not only for the protection of our environment but also for the development of jobs here in America. Jobs are on the minds of every citizen in this country today. The word downsizing has cut through American confidence, and perhaps like no other time in the history of our Nation people are increasingly fearful that they are going to lose their jobs this year.

What the Environmental Protection Agency is doing with this regulation is promoting job growth outside of America. Most of these plants that will be used to produce methanol will be built outside the United States of America.

The regulations that EPA developed on the 31st of March I believe run contrary to the intent of Congress.

As proposed by the EPA, the regulations effectively preclude the use of 10 percent ethanol blends in the Clean Air Act's reformulated gasoline program. This action contradicts the clear intent of Congress and, as the distinguished Senator from Illinois has so eloquently stated, it also contradicts the evidence of science.

We are not asking for a change that would run against the conclusion of those who have examined the issue. It is clear that EPA has a bias toward methanol and a bias against ethanol. I do not believe that Secretary Reilly has that bias. He was before the Appropriations Committee hearings chaired by Senator MIKULSKI, from the State of Maryland, and I believe him when he says he is neutral on the question of whether or not we should have ethanol and methanol, and that he is allowing the science to guide him. But I do not believe his subordinates have a similar view.

My hope is, as the distinguished Senator from Illinois has said, EPA will modify their regulation rather than force us, to with legislation to make this change.

It is forecasted that by the late nineties more than half of the Nation's fuel will be reformulated to reduce air emissions. The ability of ethanol to compete is critical to its ability to participate in the reformulated gasoline market.

This is again a jobs issue for America. It is not a question of trying to provide favorite treatment to some narrow interest. This is part of a larger effort to increase economic opportunity, and jobs opportunity for the American people.

The EPA has focused exclusively on the control of volatile organic compounds, which are indeed increased by the use of ethanol. EPA has also ignored the effect on ozone formation that comes as a consequence of ethanol's reduction of carbon monoxide. EPA practically ignored the positive benefits of ethanol in their efforts to give almost exclusive attention to the impact upon volatile organic compounds.

Further, with regard to the oxygenated fuels program for carbon monoxide, EPA specifically must not allow oxygenated fuels programs to be implemented by States which preclude the use of ethanol blends. Not only would this violate the intent of Congress, but it would reduce consumer choice and it forfeits additional reductions of carbon monoxide emissions.

Mr. President, the critical issue facing EPA is whether or not they are going to be willing to develop a method of determination which reconciles their obvious VOC-driven approach with ethanol's overall emissions benefits.

Mr. President, I join my colleagues who have been here this morning in urging EPA to restore the promise of ethanol growth, which will contribute to economic development and job creation, which will improve air quality, and which will, as well, reduce our dependence upon imported oil. In resolving these issues, ethanol will have access to new market opportunities, as Congress intended. We will be able to say with confidence that we have worked in a way that demonstrates our capacity to protect our environment and to create economic opportunity at the same time.

Mr. President, I yield the floor.

ETHANOL

Mr. HARKIN. Mr. President, I would like to join with my colleagues this morning, in objecting to the EPA regulations regarding the use of ethanol as a fuel additive. During the debate on the Clean Air Act amendments, Senator DASCHLE and I, along with other Senators succeeded in passing an amendment that set a level playing field for ethanol.

Our amendment to the Clean Air Act called for an average oxygen content of 2.7 percent with a 1 pound per square inch [psi] offset in volatility for the use of ethanol. Our amendment passed overwhelmingly by a vote of 69 to 30. Although the oxygen level was reduced to 2 in the final bill, EPA is now ignoring the intent of Congress by permitting California to set a maximum of 2 percent oxygen content, instead of an average of 2.

This EPA failure to enforce congressional intent will eliminate ethanol as a fuel additive in the Nation's worst ozone nonattainment area, since gasohol, the mixture of 10 percent ethanol with gasoline, has an oxygen content of 3.5 percent. The law we passed specifies 2 percent average oxygen content, so that gasoline suppliers could offer gasohol at 3.5 percent oxygen to offset other gasoline with less or no oxygen. With the 2-percent cap, no one can sell gasohol.

The EPA decision is based on a concern that too much ethanol increases the volatility of gasoline. That is, more gasoline fumes will evaporate with the addition of ethanol, increasing the emissions of volatile organic compounds, or VOC's. But VOC's are not directly deleterious. The key ingredient of urban smog that most stresses our health is ozone, not VOC's. Ozone is formed in the atmosphere when sunlight combines various chemicals, including VOC's, NO_x, carbon monoxide, and other chemicals.

The key question is whether ozone creation is increased with the use of ethanol, not whether volatile organic compounds are increased. Studies have indicated that reducing carbon monoxide will reduce ozone formation. Ethanol dramatically reduces carbon monoxide. Thus the addition of ethanol, according to several analyses, actually reduces ozone even though VOC's may increase.

This is why Congress also passed the 1 psi waiver for volatility when ethanol is added to gasoline. But once again, EPA is ignoring the law. EPA is failing to permit the one psi waiver, to account for the carbon monoxide reductions created by ethanol.

Mr. President, we are not asking for an ethanol mandate. We are not asking EPA to rule that ethanol be guaranteed a certain percentage of the market for oxygenated fuels as we move to reformulated gasoline. We are only asking that the EPA regulations follow the law and permit gasoline blender to choose between ethanol and other additives such as MTBE, derived from fossil fuels.

Finally, let me add that the clean air amendments were designed to reduce carbon monoxide and ozone, but did not explicitly address the issue of global warming. But ethanol also contributes to the reduction of carbon dioxide, the primary greenhouse gas, since carbon dioxide is consumed when crops are grown to produce ethanol. Therefore regulations to allow the use of ethanol will reduce greenhouse gas emissions, as well as helping to clean up our air in carbon monoxide and ozone nonattainment areas.

CLEAN AIR ACT REGULATIONS RE: ETHANOL

Mr. EXON. Mr. President, I first want to thank my friend and colleague from Kansas, the distinguished minority leader, for asking several of us who have been in the forefront of ethanol promotions and programs over the years to come to the floor today to alert the Senate as a whole and the Nation to some continuing difficulties that we are having, surprisingly enough, with regard to ethanol and the role the role that ethanol can and should play in the energy independence of the United States of America, and clean air.

Mr. President, I join my colleagues in expressing continued disappointment in the Bush administration's handling of the Clean Air Act regulations as they relate to the ethanol program, ethanol should be become a basic component of our energy future instead we see roadblocks thrown in the way like many ethanol supporters in this body and throughout the Nation I am growing very tired of these administrative roadblocks.

Several weeks back I wrote to the President on this topic. In that letter I made two basic points. First, ethanol was indeed intended to become a meaningful component of reformulated gasoline under the Clean Air Act and second, the continued administrative delay runs contrary to one of the basic tenets of the President's State of the Union Address.

I hope and request at this time that a copy of my letter just referenced of March 20, 1992, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, I am sure my colleagues remember the President's much-heralded criticism of bureaucracy and unworkable regulations during his State of the Union Address. Judging from that speech, it appeared the President was about to wage war on bureaucracy which stymies economic growth and development.

Unfortunately, in this case, those words ring hollow, indeed. Ethanol is suffering from protracted administrative delays. This I say to you, Mr. President, that unless we can be more understanding and recognize the need for ethanol and the desire clearly expressed, in my view, in the Clean Air Act that ethanol should indeed play a key part, then ethanol and all of the investment that is made in ethanol, starting with the States, amplified on by the Federal Government through many legislative actions, unless we are better attuned to the proposition that is now confounding all of us who have advanced ethanol for so long by what we believe to be an unreasonable and ill-conceived concept by officials of the Bush administration in its antiethanol programs, this program that has held such great hope for all of us to help decrease the dependence on foreign oil, and also to clean up our air, could go by the wayside.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 20, 1992.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I was disappointed to learn of the collapse this week of White House negotiations on reformulated gasoline regulations. Such a delay appears to contradict one of the basic thrusts of your State of the Union Address—the economic necessity of streamlining and expediting federal regulations to promote economic growth.

As you know, ethanol supporters have been working with the Environmental Protection Agency in recent weeks to ensure that ethanol qualifies as a component of reformulated gasoline under last year's Clean Air Act amendments. I believe Congressional intent in this area is abundantly clear. Ethanol was indeed intended to become a meaningful component of reformulated gasoline.

Ethanol plant construction and expansion throughout the nation has been stopped dead in its tracks until this issue is resolved. Hundreds of new construction jobs have been put on hold. What's more, this delay means that the long-term agricultural and environmental benefits of clean-burning ethanol will not be realized in a timely fashion.

I encourage you to redouble your efforts on this front to ensure that expansion in the ethanol industry is not lost in a regulatory quagmire.

With best wishes.

Sincerely,

JIM EXON,
U.S. Senator.

Mr. EXON. Mr. President, I thank the Chair and I yield the floor.

Mr. COATS. Mr. President, I rise today to join my colleagues out of concern for regulations issued by the EPA which remove the incentive for ethanol use in the Clean Air Act's Reformulated Gasoline and Oxygenated Fuels Program. EPA has clearly steered away from the Senate's intent to ensure that ethanol is a viable component of reformulated gas.

Ethanol production is a large industry in Indiana, providing economic opportunity for the northern part of my State as well as an important market for some of the 700 million bushels of Hoosier corn produced annually. One facility in South Bend alone produces 8 percent of the Nation's ethanol. I have long supported the use of ethanol as a clean-burning, domestically produced, alternative fuel.

In 1990, with the strong support of President Bush, Congress passed important clean air legislation which created new opportunities for use of ethanol. The Clean Air Act amendments required the EPA to promulgate guidelines limiting the volatility of gasoline in ozone nonattainment areas. Congress also directed EPA to provide a 1-pound volatility tolerance from these regulations for ethanol blends.

EPA is interpreting the act narrowly to mean that the 1-pound volatility tolerance for ethanol blends will not be allowed in ozone nonattainment areas that are either required to use or that opt-in to the reformulated gasoline program. I am concerned that this interpretation will prevent future expansion in the ethanol industry, despite congressional intent to ensure that ethanol is a viable component of reformulated gasoline. Those of us from corn States know full well the importance of the compromise that was crafted to encourage ethanol use.

Ethanol is important not only to cleaning our air but also to guaranteeing our domestic energy security. It is also crucial that we, as a nation, continue to develop and advance alternative markets for U.S. farm commodities. I am committed to working with Senator DOLE and others to ensure that ethanol plays the role Congress intended for it in the Clean Air Act. I appreciate the administration's sensitivity to this issue. It is my hope that appropriate steps will soon be taken to ensure that EPA's regulations are consistent with congressional intent.

Mr. DIXON. Mr. President, I rise today to join my colleagues in expressing concern about EPA's proposed regulations for the Reformulated Gasoline and Oxygenated Fuels Programs. I am truly disturbed that, as proposed, the regulations will effectively preclude the use of 10-percent ethanol blends in clean air nonattainment areas. If allowed to take effect, these regulations will deal a serious blow to our domestic ethanol industry, threatening the growth and development in ethanol production, which was anticipated when the Clean Air Act amendments were passed.

As my colleagues have pointed out, the Reformulated Gasoline and Oxygenated Fuels Programs in the Clean Air Act amendments passed with overwhelming support. This was largely due to the clean legislative language assuring that ethanol blends would finally have a fair chance to help fill the market for oxygenated fuels. It is, therefore, inconceivable that EPA's proposed regulations would now be written to lock ethanol blends out of the market.

EPA has stated in the past that oxygen content in gasoline is the most efficient and cost effective means of reducing carbon monoxide. The oxygen content of ethanol blends is almost twice that of other oxygenated fuels, and its ability to reduce carbon monoxide levels is greater than any alternative oxygenated fuel. In fact, it has been estimated that the use of ethanol blends will reduce motor vehicle emissions of carbon monoxide approximately 25 to 30 percent.

In addition to its environmental advantages, ethanol provides an important stimulus for rural economic development, and a reduced dependence on imported oil:

Ethanol increases the domestic demand for corn, in 1988, 340 million bushels of corn were used to produce 850 gallons of fuel ethanol, and adds a minimum of 20 cents per bushel to the price of corn. This translates into less reliance on Government price support programs and more production independence.

Ethanol helped reduce oil imports by nearly 400 million barrels per year in 1990. If we blend half our gas with 10 percent ethanol, we can reduce our trade deficit by $4 billion annually.

It would truly be a travesty if such a valuable domestic resource were to be frozen out of contention for the important air pollution programs enacted as part of the Clean Air Act Amendments of 1990. I join my colleagues in urging that the necessary steps be taken to ensure that the Oxygenated Fuels Program and the Reformulated Gasoline Program permit ethanol-based fuels to fully participate, as intended by Congress.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the introduction of S. 2670 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business, and the Senator from Colorado may proceed under the time limit from the Senator from Tennessee for up to 40 minutes.

Mr. WIRTH. Mr. President, a number of us would like to speak in support of the resolution offered by the distinguished Senator from Tennessee. And just to get a sense of the order to those—we have 40 minutes remaining on this. I will be speaking on it. Senator WELLSTONE is here to speak on it. Senator BAUCUS is here to speak on it. We promised Senator LIEBERMAN, who will be in the chair at 11 o'clock, he can come and speak shortly before 11. Senator GORE will be over after 11. I will speak. And Senator WELLSTONE is here and Senator GORE will be over at 11. That is just to give a sense of the time to time on how we are going to control an and the time.

Mr. BAUCUS. Mr. President, if the Senator will yield, I want the Senator from Colorado to explain what he means. What is the order?

Mr. WIRTH. We had an agreement, as I understood it, under this that I was going to speak. Then Senator WELLSTONE was going to speak. Senator LIEBERMAN has to be in chair at 11, so he was going to speak right before 11. That was the understanding I was given.

Mr. BAUCUS. Could we work out a different understanding?

Mr. WIRTH. Why do we not proceed and see what we do before the time Senator GORE gets here, and I will explain. A lot of people wanted to speak in a limited period of time.

Thank you very much, Mr. President.

INTERNATIONAL EFFORTS TO ADDRESS GLOBAL WARMING

Mr. WIRTH. Mr. President, I rise this morning to speak about the negotiations of a convention to address global climate change and the legislation just introduced by the Senator from Tennessee. I do so with a deep sense of sadness and no small amount of disappointment.

As we meet this morning, representatives from more than 100 nations are in the final hours of negotiations in an attempt to reach final agreement on a global climate convention. Unfortunately, an air of underachievement hangs over the negotiations. After 2 years of work, little progress has been made toward a convention that would boldly address the enormous challenge of preventing global warming and global climate change.

I know about that air of underachievement because I went to the negotiations earlier this week spending time in New York with the Senator from Tennessee and others. It is hard to describe for my colleagues the tremendous disappointment that hangs over the United Nations. Negotiators are faced with a tragic choice: Nations can support an agreement that accomplishes little and is so painfully and purposely confusing as to be unintelligible, or they can refuse to be party to the only possible agreement and thus to allow the negotiations, and all that they represent for a new world order and global cooperation to fail.

And let there be no mistake in this chamber today, the United States created this dilemma. Our Government's willingness to address these negotiations forthrightly to look at the problem of global climate change and determine what we could do to contribute to an international effort to prevent climate change—that unwillingness and obstructionism created this situation.

Do not take my word for it. Listen to the words I heard spoken the other night by the chairman of the negotiations, Mr. Jean Ripert of France:

> The reason we have ambiguous text here is because there is a lack of agreement among the industrialized countries. The United States has not changed its position and is not going to change its position.

Only 2 weeks ago, there was reason to be hopeful that the United States might join the rest of the world in an ambitious effort to address the threat of global warming.

Two weeks ago, the administration released a document entitled "U.S. Views on Global Climate Change." This document is the only notable contribution made to the process from a nation that has said little and done even less throughout the negotiations.

In the document elaborating our views, the administration finally acknowledges the scientific consensus that so clearly exists on this issue. It is summed up in this statement, and I quote:

> The best scientific information indicates that if greenhouse gas concentrations in the atmosphere continue to increase as a result of human activities, significant changes in the climate system are likely.

That is an acknowledgement of the problem. That is a positive step for this administration.

The document goes on to detail how current initiatives—from the Clean Air Act, the Transportation bill and the President's national energy strategy recommendations—which include next to nothing on energy efficiency—could come close to stabilizing U.S. emissions of carbon dioxide at 1990 levels by the year 2000. Stabilization of carbon dioxide emissions, the target established by the European Community and others more than 1 year ago, could be achieved by doing virtually nothing, particularly if we assume passage of an energy bill this year. Nothing would have to be done. And that has been the position of our administration for so long, do nothing.

Unfortunately, the release of the U.S. views document 2 weeks ago was followed by the insistence of the United States that the final convention produce no legally binding target for nations to reduce emissions.

When I went to New York on Monday, I assumed that further negotiations would be underway on the text to clarify and firm up the commitments nations would enter into under the convention. Unfortunately, that was not the case.

The most striking feature of the negotiations in New York was the incredible, unsurpassed power of the United States. Our Nation can lead the world. Unfortunately, our leadership has been squandered on a confusing document. We exerted our influence to make the agreement confusing. And this administration has done a masterful job of it.

The abdication of leadership by the administration leaves us with the burden of explaining to future generations why we did not take aggressive steps to address the greatest political and environmental challenge of our time. Why did this administration not complete any basic analysis of our capability to reduce our disproportionate share of greenhouse gas emissions, or to lead the world in a global effort to protect the global commons? It is shameful, Mr. President. Shameful and sad. More importantly, it bodes ominously on our environmental and economic future.

The economic opportunities of the future lie ahead for those nations and those industries that can create the environmentally sound products and services that will be needed to protect the global environment: Japan recognizes this fact; Germany recognizes this fact, but not the United States. Our competitors are preparing for the future—establishing programs to build and export new energy and environmental technology to a world that wants to grow in an environmentally responsible manner. Will we yield or seize those markets? I fear the former.

With our great power, we could have used the analysis of the National Academy of Sciences, Government experts and others who have determined that we could stabilize and reduce our emissions at little or no cost. We could have used this as an opportunity to revitalize our economy, launch a major national effort to make our economy more efficient and develop the new technologies that will be in demand in the future. Just last week, the Alliance to Save Energy and the American Gas Association found that we could reduce 1990 emissions by 12 percent in the year 2000 and save consumers $137 billion. And there are any number of similar studies. Unfortunately, the administration did not even do their own analysis. They did nothing.

Instead, the administration appears to have latched on to the emerging new ideology which lacking a Communist under every bed, now sees a green behind every tree. It is my belief that the far right in this country has made efforts to protect the global environment a new litmus test. You are either with us or without us.

This new ideology is emerging in the shrill public statements of Patrick Buchanan and others about the "bead and sandal crowd" and the "new internationalists" who—they claim—want to give away money to the developing nations or who want to block economic development in our own country. In the most simplified terms, they seek to politicize and tear down those working to launch a cooperative venture to clean up and protect our basic ecological systems. That politicization and ideology is emerging. Beware the new litmus test.

These disturbing developments, Mr. President, leave us with little to be proud of, little to hope for as the largest international summit of all time approaches in 1 month. The centerpiece of the Rio Earth summit—a global warming convention—has been watered down to the point of being meaningless. The United States has succeeded in blocking this international effort. The eyes of the world are upon us.

In the face of these disturbing and painful developments, it is imperative that we in the U.S. Senate step up to the challenge and fill the void of a rudderless administration. And once again, we are in the debt of Senator GORE for providing that kind of leadership on the issue of global climate change.

I rise today to strongly support the legislation being offered by the Senator from Tennessee. He is putting before this body a proposal that should be contained in the treaty being negotiated in New York. We should have had the opportunity to support the stabilization objective when the treaty documents were sent to the Senate for advice and consent. That possibility has been blocked by our Government. Now it is incumbent upon us to take and pass this legislation as soon as possible.

Let us commit to sending a signal to the rest of the world that the U.S. Senate will right a ship that is seriously off course and off base.

Let us commit to placing into law an objective that can be accomplished at no cost and with no more action than passing the energy legislation that will be completed this year.

Let us tell our children that we responded to the challenge and initiated the battle to protect the global environment.

Let us raise our heads from the shame of scuttling international negotiations and look with pride to what we can do in this body to project an America that is not afraid to take on the special interests and new ideology that would compromise the future habitability of the planet.

Let us do what we were elected to do, and work together to address our common challenges with a vision toward building a better future for our Nation and the world.

I urge all of my colleagues to join me in supporting Senator GORE and the majority leader in passing this legislation. It is the most important contribution we can make to the future of our children and the future of our world. Thank you very much.

In early June, convening in Brazil, will be the so-called UNCED conference, probably the most important environmental conference ever held and maybe the most important conference of heads of state ever held in the history of mankind. This conference will be focusing on the potential for sustainable development and environmental protection in the future.

The world and this conference is asking what the United States is going to do. Is the United States going to exercise its responsibility to lead or is the United States going to drag its feet and be really a negative force or at best a neutral-to-negative force in the process of trying to develop a series of international agreements focused on the future of our environment and man's enormous destruction of the environment?

It is constructive, I think, to look at what the scientists say on the question of global climate change. We had a very good hearing yesterday in the Energy Committee, and I commend the record of that hearing to any of those interested in this.

We also have a very good paper put out by the administration, "U.S. Views on Global Climate Change," which I ask unanimous consent be printed in the RECORD after my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WIRTH. Mr. President, this paper outlines the administration's view and summary of the science, a relatively strong support for the overwhelming scientific evidence that we know that it is going to get warmer. We just do not know how fast or exactly where or when.

We also have a very good piece of testimony from the National Center of Atmospheric Research by Dr. Stephen H. Schneider outlining a clear analysis of where we are. And I also ask unanimous consent that be printed in the RECORD at the appropriate point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WIRTH. Mr. President, the world is going. What are we going to do in the United States?

The distinguished Senator from Tennessee and I were in New York on Monday and Tuesday as the negotiations there are drawing to a close and some things become absolutely clear.

First and foremost, the world is looking to the United States for leadership. We have incredible amounts of power and we are not exercising that leadership. The United States has the opportunities here and for reasons that are, I believe, purely political—not technical and not scientific—we have decided not to exercise this leadership in the way that we could and the way that the world expects of us. We have agreed on the science and yet we are unwilling to take the steps necessary to implement that agreement.

A second item that becomes absolutely clear, a theme that comes out of this is that there are enormous opportunities in Rio if the United States is willing to recognize those opportunities and not shirk them because of our fear of the politics of the sort of litmus test rightwing issue on global climate change.

Company after company are telling us there is an enormous amount we can be doing. There are huge economic opportunities for us in the United States acknowledged only earlier this week in a press conference that was held and a statement was issued by a whole series of businesses.

The Business Council for a Sustainable Energy Future issued a press release and put in on the record, the letter they were sending to President Bush, dated May 6, and I ask unanimous consent that also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. WIRTH. The U.S. leadership is very clear. We can exercise that. We are not doing it. The opportunities are enormous. We are not taking advantage of those opportunities.

And, finally, I believe what is going on here—and I am reluctant to say this—the politics have overtaken the science and overtaken the economics, and what is going on in global climate change is becoming clear, and the global climate change issue is that old right wing thought that used to see a Commie under every bed that had this sort of reflective attitude toward everything that was going on in the world as sort of a conspiracy and has now turned their guns and attention on the environmental movement, and it is now an eco-terrorist behind every tree, and this is driving a coalition of very conservative forces politically and economically to be leading an effort in exactly the wrong direction.

It is a minority of people, it is a dramatic minority of views that are driving and leading this issue, and the administration is caving in to them, just as we have seen the administration cave in on the arts, just as we have seen the administration cave in on civil rights legislation, just as we have seen the administration cave in for political reasons to these very narrow and very, very narrow interests. It is really a shame.

The American public ought to come to understand what is happening on this. On the one hand, we have all of these opportunities, the science is saying where to go, the world is asking of us for leadership. It is a great array of potential for the United States. And once again the administration is not reaching to that potential nor is it leading, and the reason for that is a kind of nasty, darkside politics. It is a shame to see this all happen.

We get a lukewarm agreement coming out of New York, we get something but a lukewarm agreement at best and at least we kept the door open, and I congratulate our negotiators being able to do that. It is a very difficult task for them given the orders they had and their understanding of reality.

Mr. President, I ask unanimous consent to print in the RECORD a paper from the Intergovernmental Negotiating Committee or a Framework Convention on Climate Change, an article by me entitled "U.N. Treaty on Global Warming Fizzles under U.S. Pressure," and an article entitled "U.S. Indicates Readiness To Accept Non-Binding 'Earth Summit' Goals on Gases."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

EXHIBIT 1

U.S. VIEWS ON GLOBAL CLIMATE CHANGE

THE SCIENCE

For some time the scientific community has warned us of the potential for human activities to contribute to global climate change, while recognizing that there is still much we do not know or understand about this issue. The United States has taken this warning to heart. Through both governmental and non-governmental activities we have invested heavily in scientific research to better understand the nature of the problem. The United States currently contributes roughly half of the world's climate research budget. Science, we believe, provides the cornerstone on which a sound response to the problem of climate change should be built. The following represents a consensus view of a broad range of scientists, including most U.S. scientists, who have participated actively in the international effort to understand the issue:

Climate Change: While scientists cannot yet establish that a human-induced warming has already occurred, best estimates indicate that increased concentrations of greenhouse gases are likely to increase atmospheric and ocean temperatures and alter their associated circulation and weather patterns. However, the magnitude, timing and regional details of these changes cannot be predicted with much certainty. Climate models predict changes in the average temperature of the globe's atmosphere as a consequence of a doubling of atmospheric concentrations of carbon dioxide are unlikely to lie outside the range of 1.5° to 4.5°C. (2.7 to 8.1°F), with a best estimate, based on model results and taking into account the observed climate record, of 2.5°C (4.5°F). Associated sea-level rise has been estimated to range between a few tens of centimeters and approximately 1 meter (less than 1 foot to approximately three feet). In addition, observed warming in recent years is of the same magnitude as that predicted by the models but also of the same magnitude as natural variability. Thus, the observed increase could be due predominately to natural variability or could be part of a larger warming offset by other human factors. Potential impacts of climate change are likely to vary considerably from region-to-region, with particular risks for drought-prone areas, irrigated agriculture, water resources, coastal zones and natural ecosystems. Precise evaluations of the impacts of climate change are not likely to be available for a decade or more.

Greenhouse Gases: The principal greenhouse gases are water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), chlorofluorocarbons (CFCs), and ozone (O_3). Of these, water vapor has the largest greenhouse effect; however, on a global scale, its concentrations in the atmosphere are not directly affected by human activities. With the exception of CFCs, the remainder of these gases occur naturally; human activities have contributed significantly to increases in all of their atmospheric concentrations. CO_2, principally from the burning of fossil fuels, constitutes approximately 60% of the total greenhouse effect of these anthropogenically produced gases. (This is based on estimates of the relative effects of each of these gases over time, expressed as "global warming potential" or GWP.) The economically developed world currently accounts for around half of global greenhouse gas emissions; by 2025, the contributions of different countries will shift, and developed countries are expected to account for as little as a quarter of the total as compared with the developing countries and those countries with economies in transition.

Mitigation and Adaptation: Some of the consequences of climate change can be reduced through mitigation or adaptation or by some combination of the two. Mitigation can be achieved by limiting greenhouse gas emissions from sources and protecting and enhancing greenhouse gas sinks and reservoirs such as oceans, soils and forests. Emissions from sources can be limited, for example, through increases in energy efficiency and conservation, and changes in agricultural practices. Greenhouse gas sinks can be enhanced through changes in land use patterns and practices, principally through new agricultural techniques and through afforestation and reforestation.

Adaptation can reduce vulnerability to projected climate change. A global adaptive response to reduce vulnerability will require such actions as re-examining water management systems and coastal zone protection, developing drought and heat tolerant crops, and developing techniques to protect risk-prone natural ecosystems.

Implications: The best scientific information indicates that if greenhouse gas concentrations in the atmosphere continue to increase as a result of human activities, significant changes in the climate system are likely. However, current analyses are unable to predict with confidence either costs or benefits or taking steps to control atmospheric concentrations so as to prevent dangerous human-caused interference in the climate system.

THE U.S. APPROACH

In light of these uncertainties, the United States favors a flexible, bottom-up approach with a long-term view that seeks to identify and implement actions justified for a variety of reasons, including responding to climate change. Such actions include activities aimed at mitigating or adapting to climate change and continued research on the science, impacts, technology, and economics of both impacts and response options. In light of the need for a global response to concerns about climate change, the United States also favors cooperative action (technical and financial) with developing countries and countries with economies in transition. Examples of some of the actions to which the U.S. is committed are listed below.

MITIGATION

The United States is firmly committed to taking economically-efficient actions to mitigate climate change—actions that reduce net emissions of greenhouse gases by reducing sources and enhancing sinks. We believe these actions and their effects on greenhouse gas emissions in the United States will compare favorably with those of other developed countries.

Since February 1991, the United States has begun implementing a National Energy Strategy which defines a new, more efficient energy path for the United States. We have also passed a new transportation law that will greatly improve the efficiency of moving people and goods by autos, rapid transit, and other means. Also, in 1990, the U.S. adopted the world's most stringent clean air legislation, which will also contribute to emissions reductions. These initiatives, combined with others, commit us to action in areas such as energy efficiency, transportation, the use of lower carbon emitting supply technologies, agriculture and natural resources, and technology research and development. These are actions we are taking now.

We have estimated that these actions will reduce projected net greenhouse gas emissions in the United States by approximately 125 to 200 million metric tons in the year 2000. These reductions represent 7 to 11 percent of projected emissions levels in the year 2000. We will continue to update and refine our national action strategy and the projected effects of that strategy as new information on science, economics, technology and policy becomes available.

Tables 1, 2, and 3 illustrate actions we are taking at the federal level and their impacts on greenhouse gas emissions. State and local governments in the U.S. are also taking actions that will have the effect of reducing greenhouse gas emissions. These actions are being carried out independently and/or cooperatively with the Federal Government. An inventory of State and local programs will be provided later, together with estimates of how these programs will affect greenhouse gas emissions.

ADAPTATION

The United States has embarked on an effort to both define and develop technologies and practices which, if implemented, could facilitate natural and societal adjustment to the environmental, social and economic consequences of climate change. While many of these programs are still in their embryonic stages, several are already underway. Areas of particular focus include sectors of the economy which deal with water resources, natural systems, forests, agriculture (both managed and natural) and human systems.

Coastal zones

Examination of and planning for impacts of sea-level rise on shore erosion, human-built infrastructure and natural systems; and

Development and promotion, in the context of the IPCC, of methodologies for assessing vulnerability to sea-level rise and the implementation of integrated coastal zone management plans to address this vulnerability.

Forestry and agriculture

Creation of forest health monitoring plots to assess regional scale environmental threats on an annual basis;

Enhancement of soil inventories in range, forest and cropland areas;

Development of forest and grazing land health indicators;

Research on and development of new crops and tree species that are heat and/or drought tolerant;

Programs to develop technologies to help manage natural system migration under conditions of climate change;

Research and development of technologies and practices to increase the productivity of agriculture and forestry; and

Research into the agricultural effects of increased atmospheric concentrations of CO_2.

TABLE 1.—ADDITIONAL U.S. ACTIONS TO CURB CARBON DIOXIDE EMISSIONS

Action/description	Potential technical improvement (percent)	Year 2000 market penetration (percent)	Electric energy savings (BKWH)	Year 2000 carbon reduction (MMTC)
DSM/green lights:				
Commercial/industrial	65	25–62	81–203	17.0–50.1
Residential	75	27	23.4	4.9
DSM/green computers	57	65	26.3	5.5
DSM/green industrial motors	30	16	39.5	8.3
DSM/green buildings (HVAC)	53	17	41.9	8.8
Golden carrot refrigerators	57	3	3.0	.6
Residential clothes washers	96	3	1.3	.3
Residential clothes dryers	65	3	1.2	.3
Low flow showerheads	58	11	10.2	3.4
Solar thermal water heaters	70	[1]2–[2]3.5	4.8	1.4
Advanced heat pumps	20	NA	1.8	2.5
Appliance standards	NA	NA	22.2	4.7
Residential space heating:				
New	20	8		
Old	10	10	2.4	.5
Residential central air conditioning	29	40	9.6	2.0
Residential room air conditioning	19	40	1.2	.3
Residential cooking	8	40	1.2	.3
Commercial cooking	20	30	1.8	.4
Industrial electrolytics	20	13	1.8	.4
Amorphous core transformers	70	25	9.0	1.9
Miscellaneous residential and commercial end uses	13	40	15.0	3.1
Better refrigerants	5	80	8.2	1.8
Tire inflation, auto inspection and maintenance, etc	NA		NA	3.0
1991 Transportation Act	NA	NA	NA	4.0
Subtotal: Gross additional carbon actions			306–429	75–108

[1] Homes with gas heaters.

[2] Homes with electric heaters.

TABLE 2.—ADDITIONAL ACTIONS TO CURB CARBON DIOXIDE EMISSIONS—SUBTOTALS

	Electric energy savings (Bkwh)	Year 2000 carbon reduction (MMTC)[1]
Gross additional carbon actions	306–429	75–108
Less:		
National energy strategy integrated resource planning	−116	−24
Consumer response to lower prices[2]	−38	−8
Additional carbon actions (net of national energy strategy (NES) and consumer response)	152–275	43–76
Plus:		
Actions in President Bush's NES proposals:		
Efficiency improvements and integrated resource planning		
Natural gas regulatory reform		
Expanded use of biofuels		
R&D for renewables, transportation and energy efficiency		
Provides framework for additional actions (previous pages)	128	45
Total carbon reductions	281–402	87–121
Carbon sinks: "America the Beautiful" and other forestry programs		5–9

[1] Reductions are in millions of metric tonnes of carbon equivalent in the year 2000. These projections are sensitive to assumptions regarding energy prices, economic growth, and technology penetration over the next decade. Future projections will change as the actions list is updated, as events effecting the energy markets and the economy unfold, and as the effects of current actions are seen.

[2] This value (12 percent to 20 percent of the electricity savings) is included as an adjustment for increases in demand for energy services that will result as the introduction of these efficient technologies lower consumer costs. The actual "rebound" effect may vary significantly from this value.

TABLE 3.—ADDITIONAL U.S. ACTIONS TO CURB OTHER GREENHOUSE GASES

	Year 2000 carbon equivalent reduction (MMTC)[1]	
	At CH_4 GWP=11	At CH_4 GWP=22
Methane:		
Methane capture/landfills	19	39
Methane capture/livestock waste lagoons	3	7
Methane capture/coal mines	3	6
Livestock Dietary Program	3	6
Total methane reduction	25–28	52–58
Nitrous oxide: Green Nylons Program	8–12	8–12
Total other gases	33–40	60–70
Total GHG reductions (carbon and other)	125–170	152–200

[1] Reductions are in millions of metric tonnes of carbon equivalent in the year 2000. These projections are sensitive to assumptions regarding energy prices, economic growth, and technology penetration over the next decade. Future projections will change as the actions list is updated, as events effecting the energy markets and the economy unfold, and as the effects of current actions are seen.

Natural and human systems

Creation of an integrated biosphere monitoring network using biosphere reserves to assess impacts on and responses to global change by natural and human systems;

Creation of detailed inventories of land use and point source pollution to be used in analysis of changes in meteorology;

Consideration of new techniques for geoengineering programs and projects (including research aimed at understanding the costs and benefits of such projects as ocean biomass stimulation, solar screening techniques); and

Promotion of research on human behavior, examining cultural adaption over time, psychological factors in adaptation to stress, and the development of attitudes and values.

Water resources

Development of climatological databases for water resources to assist with the prediction and modelling of local and regional climate changes;

Analyses of the susceptibility of the Tennessee Valley Authority (TVA) region to extremes in meteorology, looking at consequences for power systems, water availability and flooding; and

Examination, through Federal and State programs of changes in water availability as a consequence of climatic/hydrological shifts.

CONTINUING RESEARCH

The United States has been extremely active in promoting research essential to the understanding of the science and economics of climate change, including natural and human-induced changes and their implications. Toward this end, we will have spent more than $2.7 billion for global change research for the three Fiscal Years 1990–1992, and the President's FY 1993 Budget requests nearly $1.4 billion for global change research, an increase of $260 million (24%) over the FY 1992 level. The U.S. program represents approximately half of the world's research effort in the area of climate and climate change.

The goal of the research program is to respond to the most critical scientific uncertainties identified by the Science and Impacts Working Groups of the Intergovernmental Panel on Climate Change (IPCC). The U.S. Global Change Research Program (USGCRP) adopted four integrating themes for the conduct of research including (1) modelling and prediction, (2) the global water and energy cycles, (3) the global carbon cycle, and (4) ecological systems and population dynamics. In addition, the research program supports economics research related to global change.

The USGCRP has been developed through a comprehensive multi-year effort. The effort is intentionally broad, including in its scope not only U.S. government agencies, but also national and international scientific communities, and both formal and informal links to other governmental and non-governmental organizations.

TECHNOLOGY COOPERATION

The U.S. strongly supports technology cooperation with developing and other countries because it is these countries that will be the primary source of greenhouse gas emissions in the next century. Technology cooperation should address both "hard" and "soft" technology needs. It includes, in addition to technology transfer in the traditional sense of the phrase, priority concerns such as technology needs assessment, technology development, technical assistance, training, and institution or capacity building. In calling for a cooperative process, the United States recognizes that the successful transfer of knowledge, know-how, or equipment depends upon a two-way relationship based on mutual interests and benefits. Such a process also recognizes and relies heavily on the creativity and dynamism of the private sector.

The United States has already initiated a considerable range of activities involving technology cooperation related to climate change including the following areas: energy efficiency, energy supply, agriculture, forestry and natural resources, climate science and coastal zones. A sample survey of selected countries and government agencies indicates that in 1991 alone we invested more than $140 million in cooperating with developing countries and countries with economies in transition in these activities. A look at upcoming budgets makes clear that this amount will grow as we gain a clearer understanding of the science of climate change and the measures individual countries believe make sense for them to take in response.

To help countries assess their needs as they relate to developing sound responses to climate change in the context of overall development goals, the U.S. recently committed $25 million over two years to support country studies for developing and transitional countries. In addition, we have also committed $50 million to the core fund of the restructured Global Environment Facility (GEF) of the World Bank, UNDP and UNEP.

INTERNATIONAL PROCESS

The United States favors a framework convention that will establish a forum and a process to engage all countries in responding to climate change concerns over the long term.

We think this forum should consist of a Conference of the Parties, a Secretariat, and two subgroups under the Conference of the Parties; a Scientific Advisory Committee and an Implementation Committee. The scientific advisory committee would be the link to the IPCC and other international scientific and technical organizations. It would interpret and integrate the work of these organizations for the Conference of the Parties. The implementation committee would prepare technical assessments of reports submitted under the Convention for review by the Conference of the Parties.

We envision an international process focussed on actions. Industrialized countries would first develop emissions inventories using a common methodology. In addition, they would develop national climate action plans containing measures that would have the effect of mitigating and/or adapting to climate change. In addition, industrialized countries would indicate actions they will take consistent with national circumstances and provide estimates of the impacts of their actions over an agreed time period, relying on agreed methodologies for estimating these impacts. By reporting on actions in an open and transparent process, all parties would be able to share information and experience and learn from each other. Public scrutiny will provide a strong incentive for taking meaningful actions with maximum benefits for climate and other reasons. These reviews should take place at agreed upon intervals as soon as possible.

We think that developing countries and countries moving toward free market economies should also engage in this process by preparing national reports. Their reports would describe relevant national circumstances and assess their current emissions and vulnerability to climate change. Many of these countries may need assistance to prepare such reports, and for that reason we have proposed technology cooperation for this purpose. Specifically, we have committed $25 million over two years to help them assess the national situations and needs as a basis for preparing national reports. In those reports, countries would identify specific projects and programs with benefits for climate as well as their economic development. They would also identify technological and financial resource needs related to implementing such projects.

We think this process will begin a global response to what is clearly a global problem. Focusing on sound actions will produce meaningful results. Recognizing and respecting diverse national circumstances will help assure broad participation. Providing technology cooperation and support for countries in need will promote a cooperative approach, strengthening efforts to build the global partnership that is needed as we move toward the next century.

EXHIBIT 2

A PERSPECTIVE ON THE GLOBAL WARMING DEBATE

(Testimony of Stephen H. Schneider[1] National Center for Atmospheric Research[2] Boulder, CO)

THE MEDIA DEBATE

Several years after "global warming" hit the headlines in the wake of the heat wave and fires of 1988, so much misinformation about the 'greenhouse effect' has been circulated that public understanding is confused and public policymaking paralyzed. The airwaves and printed pages have been clogged with assertions and counterassertions of opposing advocates with charges and countercharges over the alleged seriousness or triviality of global warming.

As a climatologist identified with this subject, I am constantly asked to explain what is actually happening and how important it is. It has accelerated since then to the accompaniment of a surge of criticism, some well-intended, some pure vitriol (for example, Detroit News, 1989, see Appendix A). The experience since those hotter than usual summers of '87 and '88 has confirmed for me at least two crucial points:

The extent of public concern ought to be shaped by the scientific and economic knowledge about possible long-term climate change and its effects on, for example, farms, floods, sea levels, forest fires, ecosystems and tropical diseases.

But the extent of public concern is being shaped by the blurring of scientific and economic facts under the impact of political opinion, media miscommunication, and a debate among battling scientists themselves.

Scientists too often share responsibility with the media for not communicating complex science issues clearly to the public. Most members of the general public, as well as many officials in government, do not recognize that most scientists spend the bulk of their time arguing about what they don't know. Most scientists consider discussions of well-accepted, proven ideas as "old hat" and not worth our time. That attitude is not without merit, however, for the scientific method operates on the basis of constant questioning, particularly for those issues that are not yet well validated. But if the public and its representatives do not understand our process and its focus on not-yet-resolved issues, they will not easily be able to interpret what has been called the "dueling scientists" debate over global warming, regardless of whether the debating scientists are ideologically driven or not. We simply have to spend more time making clear the distinctions among (1) what is well known and accepted by most knowledgeable scientists, (2) what is known with some degree of reliability, and (3) what is highly speculative.

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[1] Any opinions, findings, conclusions or recommendations expressed in this article are those of the author and do not necessarily reflect the views of the National Science Foundation.

[2] The National Center for Atmospheric Research is sponsored by the National Science Foundation.

The public debate on global warming rarely separates those components, thereby leaving the false impression that somehow the scientific community is in overall intellectual disarray. In fact, the 15-year-old often-reaffirmed US National Academy of Sciences consensus estimate of 1.5 degrees C to 4.5 degrees C global average warming in the * * * if CO_2 were to double still reflects the best estimate from a wide range of current climate models (IPCC 1992) and ancient climatic eras (Lorius et al 1990). The earth has not been more than 1 to 2 degrees C warmer than now during the 10,000-year era of human civilization. The previous ice age, in which mile-high ice sheets stretched from New York to Chicago to the Arctic, was "only" 5 degrees C colder than the current 10,000 year old interglacial epoch we now enjoy. This 1.5-4.50 C warming range still includes those studies that recently halved the "best guess" on warming from over 4 degrees C to 2.5 degrees C. Perhaps some new discovery next week will push it back up again, but even if not, that enduring 1.5 to 4.5 degrees C warming consensus still remains.

Changes of this magnitude could dramatically alter accustomed climatic patterns, affecting agriculture, water supplies, disease patterns, ecosystems, endangered species, severe storms, sea level, and coastal flooding.

Unless scientists communicate what they know along with what they don't know, the public policy process is subverted in an endlessly confusing debate that inadequately represents the actual nature of informed opinion. It is difficult for the media to do what sometimes I wish they would: back off of their concept of "balance" in favor of the concept of "perspective". If an issue is complicated, it simply is not enough to give equal inches or minutes to "all sides"—a practice which often leaves the public more confused than before, particularly if the "sides" that are left out are the middle: the bulk of experts, i.e., the people who created the established consensus.

Moreover, that established consensus must be stated in terms of probabilities, as very few scientists, myself included, would say they believe the future climate "will" be in or out of the 1.5 to 4.5 degrees C warming range for certain. Rather, most believe this range to be reasonably probable. Therefore, if scientific opinion is to be communicated accurately, it must be by conveying issues in probabilistic terms and providing perspective on the range of views rather than by conducting an entertaining but misleading debate among the most extreme of the dueling scientists—or occasionally stretched beyond caricature in editorials or articles by polemicists and ideologues.

It is sad that the climate change debate recently has taken on a decidedly *ad hominum*, personal character, perhaps mirroring the lowering of the intellectual level of debate prevalent in so many political contests. The policy focus should not be, as the Detroit News once tried to argue, (Detroit News, 1989, Appendix A), on whether an individual scientist purportedly represents some complex issue fairly any more than whether some scientist believes the Detroit News to be biased (e.g., Schneider, 1989, Appendix A). Such personal attacks and defensive responses actually cloud, rather than clarify technically complex, controversial issues. What counts, then, is the nature of the evidence and the spectrum of opinions of a broadly representative group of experts (e.g., IPCC 1992 or NAS 1991), not a few highly visible debaters getting most of the media attention.

WHAT DOES COMPRISE A CONSENSUS ON GLOBAL WARMING?

Just to illustrate this point that much is known and accepted by the vast majority of the knowledgeable scientific community, I offer the following list of global warming related points accepted by a very large fraction of the relevant expert communities. One good source for discussions on the following points is the recent National Research Council's study on global warming and its implications (NAS 1991). (The parentheses after each of these statements is my own estimate of the likelihood of the statement being true.)

1. Greenhouse gases like H_2O, CO_2, CH_4, N_2O, CFCs trap infrared radiative energy in the lower atmosphere. (Certain)

2. The natural greenhouse effect from clouds, water vapor, CO_2 and methane is responsible for some 33°C (60°F) of natural surface temperature warming. (Certain)

3. Humans have altered the natural greenhouse effect by adding 25% more CO_2, 100% more methane and a host of other greenhouse gases such as N_2O and CFCs since the Industrial Revolution. (Certain)

4. Added greenhouse gases from human activities should have added some 2-3 watts of infrared radiative energy over every square meter of earth. This is well established based on our considerable knowledge of or structure of the atmosphere and extensive validation from satellites and other measurements even though the extra 2-3 watts cannot be directly reassured yet. (Virtually certain)

5. The earth has, in fits and starts, warmed up by about 0.5°C over the past century; the 1980s are the warmest decade on record and 1990, 1991 and 1988 were (in order) the warmest years on record. (Very likely)

6. Although no highly significant (i.e., at the often-cited 99% statistical confidence limit) correlations between the observed warming and the buildup of human-induced greenhouse gases can be asserted for at least another decade or two, the likelihood that the 0.5°C 20th Century warming trend is wholly a natural phenomenon is small (i.e., I would estimate perhaps a 20% chance). (Likely)

7. Most climatic models project a warming of several degrees or so in the next 50 years given standard greenhouse gas emission scenarios, and they portend a potential longterm (i.e., 2100-2200 AD) warming commitment as high as 5-10°C (e.g., IPCC, 1992). (Good chance, at least an even bet)

8. Natural, sustained, globally averaged rates of surface air temperature change (e.g. from the break up of the last ice age 15,000 years ago to the full establishment of our current interglacial age some 5,000-8,000 years ago) are about 1°C per 1000 years. On the other hand, even the minimum projected human-induced rates of climate change are on the order of 1°C per 100 years up to a potentially catastrophic rate of 5°C per 100 years—the latter being some 100 times faster than typical sustained globally-averaged rates of climate change to which human civilization evolved and the current distribution of species and ecosystems emerged. (Very likely)

9. Most forest species migrate at rates of at most 1 kilometer per year, and would not be able to "keep up" with temperature changes at rate of several degrees C per century without human intervention to transplant them (i.e., ecological engineering). (Very likely)

10. Different species (e.g., specific kinds of trees, insects, birds, mammals) would all respond differently to projected climatic changes. For example, birds can migrate rapidly but the vegetation some birds need for survival habitat would respond only very slowly (over centuries, e.g.). This implies a tearing apart of the structures of communities of plants, insects and animals (e.g., Root 1992) at rates which exceed clear preclude historic or geologic metaphors (Graham and Grimm 1990). (Very likely)

11. Current engineering and economic practices in terms of building standards, automobiles, power production or manufacturing are very retarded relative to the energy efficiency of best available technologies or techniques. Many studies show that from 10 to 40% reductions in (e.g., NAS 1991, OTA 1991) current Co_2 emissions in the U.S. could result with costs at or below current rates of expenditure for the equivalent energy services if current inefficient practices/infrastructures were replaced by state-of-the-art, proven efficient practices/equipment. (Very likely)

The uncertainties in temperature projections over the next century range over a factor of 10 and are well summarized by Figure 1. This is an attempt to include uncertainty from human behavioral activities that create greenhouse gas emissions, biological factors that influence the carbon cycle and physical factors such as the "feedback effects" of clouds or ice, all of which taken together lead to the wide differences seen on Figure 1 (Jager 1988).

WHAT IS KNOWN WITH SOME RELIABILITY

A major criticism of global warming has been the nonperfect match between the erratic warming of the earth and the relatively smooth increase in greenhouse gases over the past hundred years. It has been alleged that the temperature trends in the 20th century cannot be attributed to greenhouse gas buildup, because most of the warming in the 20th century took place between 1915 and the 1940s, followed by a cooling at the very time the global greenhouse gases began to build up rapidly. Then, from the mid-1970s to 1992 there has been a dramatic warming, with the past 12 years containing over a half dozen of the warmest years on record.

This problem of cause and effect is akin to a criminal investigation in which the whereabouts of one principal suspect is fairly well known, but the whereabouts of other possible secondary suspects were not carefully observed. In this case, of course, the "crime" is the 0.5 degree C warming trend of the 20th century and the known principal "suspect" is the known increase in greenhouse gases. Unfortunately, we can't rule out some possible role for the unwatched "suspects," since we do not have quantitatively accurate ways of measuring precisely what these suspects did—these other potential climatic influences or "forcings" as they are called. Among these suspects: sunspot activity or atmospheric particles from volcanic eruptions, industry, automobiles, and agriculture. it has long been known that most of these particles, for example, tend to cool the planet, counteracting any greenhouse effect, at least regionally.

Very recently, Charlson et al (1991) picked up on this old debate (e.g. Charlson and Pilat 1969; Schneider 1971; SMIC 1971) of the cooling potential of human emissions of SO_2 (largely from burning of sulfur contaminated oil or coal) and added some quantitative insights. They concluded that sulfuric aerosol particles (a form of smog) could both directly and indirectly (by brightening clouds) reflect enough sunlight away so as to nearly compensate the extra human-caused greenhouse effect surface-layer heating from CO_2, CH_4, and CFCs over most of the Northern

Hemisphere land masses since the 1960s. Since this reflection of sunlight is a daytime phenomenon but the addition of greenhouse gases is a day and night effect, scientists (for example see, Kerr 1992, Appendix B) recently have begun to project that the SO_2 effect combined with the anticipated global warming from greenhouse gas emissions would, at least over land in the Northern Hemisphere, result in a night-time warming trend. Recently, Karl et al (1992) noted that over the U.S., the former U.S.S.R. and China (precisely those places most affected by SO_2 emissions), recent (i.e., the past thirty years) warming trends were indeed largely at night. While thirty years is too short to lead to any confident conclusions, these latest results *add* (not subtract as some critics have contended) to the confidence that greenhouse gas buildup equivalent to a doubling of CO_2 would eventually warm the earth by some 1.5 to 4.5°C. This is all noted in the recent update of the Intergovernmental Panel on Climate Change (IPCC 1992) report.

One final aspect needs mention. We should take little comfort from the possibility that sulfuric acid particles will "save us" from global warming for two reasons. First, such chemicals are a principal ingredient of acid rain and health-threatening smog. Second, aerosols are, as many have noted for decades (e.g., Schneider and Mesirow 1976) a regional phenomenon, whereas "greenhouse" heat trapping effects are spread fairly uniformly over the globe. Thus, even if on a hemispheric average sulfur aerosols were to exactly reject as much extra solar heat to space as greenhouse gases trapped heat in the infrared wavelengths near the surface, this situation would not be a cancellation of climatic effects, since the cooling would be in very patterned half-continental sized patches whereas the heating would be relatively evenly distributed around the hempshere. The likely result would be a distortion of normal heating patterns, such as the land/ocean thermal contrast. Such distortions would likely lead to regional climatic anomalies (i.e., unanticipated local/regional climatic events) even if the net hemispheric temperature changes were small as a result of the hemispheric-scale heating/cooling compensations. In short, we cannot "cure" global warming with sulphur dioxide emissions and escape risk free.

An updated interim report of the IPCC acknowledged many uncertainties, while concluding once again that at 1.5 to 4.5 degree C warming is quite likely to cover what the actual long-term temperature response to CO_2 doubling will be over the next 50 years or so.

But most scientists still agree that without 10 to 20 more years of thermometer, solar, atmospheric pollution, and volcanic observations it's difficult to pin anything down to 99% certainty.

Fortunately, we are now measuring energy output of the sun, eruptions of volcanoes, and pollution-generated activities, and can thus account better for their individual effects. Finally, in short, we are watching the other "suspects." Thus, as greenhouse gases continue to build up in the future, if greenhouse warming does not take place at roughly the predicted rate during the 1990s and into the next century, then it will be possible to argue on the basis of some direct evidence that the effect predicted by current models is off base. Personally, I'll be surprised if our global "best guess" estimates prove to be off by more than 50%.

Indeed, speculative theory is not the principal reason that advocates of concern over the prospect of global warming—and I am unabashedly one of them—stand before groups such as congressional committees and take their time with our concern. Rather, our concern is based on the validation exercises for models that we have built of the present and past climate, since they can also be used to foreshadow the future. In fact, many aspects of these models have already been validated to a considerable degree, although not to the full satisfaction of any responsible scientist.

For example, we know from observations of nature that the last ice age, which was about 5 degrees C (9 degrees F) colder on a global average than the present era, had CO_2 levels about 25% less than over thousands of years before the Industrial Revolution. Methane, another very potent greenhouse gas, also was lower by about half relative to preindustrial levels.

Ice in Antarctica contains gas bubbles that are records of the atmospheric composition going back over 160,000 years. Cores drilled into the ice sheets show us that the previous interglacial warm age, some 120,000–130,000 years ago, had temperatures and CO_2 and methane levels comparable to those in the present interglacial period.

The well correlated change in these greenhouse gases and in planetary temperature over geological epochs is an empirical way to estimate the sensitivity of climate to greenhouse gas concentration changes. Such studies find geological-scale temperature changes from greenhouse gas variations roughly of the magnitude that one would expect based on projections from today's generation of computer models (Lorius et al 1990). However, we still cannot assert that this hydrocarbon gas/geological temperature coincidence is proof that our models are quantitatively correct, since other factors were operating during the ice age-interglacial cycles. The best we can say is that the evidence is strong but circumstantial.

One related point to the ice age/interglacial cycles may be useful here. It typically takes tens of thousands of years to buildup ice age glaciers, but only about 10,000 years to deglaciate; and each warm "interglacial epoch" also lasts typically 10,000 years. Since our current interglacial is now about 10,000 years old, some have suggested that global warming is a "good thing" as it will hold back the next ice age. What this view ignores is that the time frame for natural interglacial to glacial transitions is tens of thousands of years, whereas the potential for global warming is 2–10°C warming in only a century or two—a radical rate of climatic change relative to most sustained, natural global climate changes in geological history.

WHAT IS HIGHLY SPECULATIVE?

Any prediction of what climatologists call the detailed regional distribution of climatic anomalies is highly speculative. That is, it's still tough to be confident in projecting where and when it will be wetter and drier, how many floods might occur in the spring in California, or forest fires in Wyoming or Siberia in August—although some plausible scenarios can be given. How much sea level will change is also speculative (e.g., see Schneider 1992), with most estimates ranging from 0 to 1 meter rise by 2100.

Ecological impacts: The potentially most serious consequence

Since the projection of time evolving, regional climatic changes is still very speculative, so too is any confident assessment of the agricultural, hydrological, ecological or health consequences of global warming. However, we can construct a variety of plausible specific scenarios of climatic changes over space and time and then ask: "So what?" (e.g., Pearman 1988, Smith and Tirpak 1988). Indeed, such exercises have led to conflicting assessments of the agricultural consequences (e.g., NAS 1991), but greater concern for the hydrological consequences (e.g., Waggoner 1990) and very serious concern for the ecological implications of most global warming scenarios (Peters and Lovejoy 1992). Table 1 from NAS 1991 illustrates this point. Let us examine the latter issue in more detail.

Figure 2 (Davis and Zabinski 1992) show how two different climatic model's estimates of climatic changes would change the distribution of sugar maple trees. The authors of this study noted that their estimates of changes in the ranges of this species did not account for the time it might take for the trees to migrate or the obstacles they might encounter in migration (e.g., farms, cities, freeways, acid precipitation, air pollutants, etc.). Indeed, as University of Minnesota ecologist Margaret Davis (1990) noted: "The fossil record shows that most forest trees were able to disperse rapidly enough to keep up with most of the climatic changes that took place in recent millennia. These changes were much more gradual than the climatic changes projected for the future. Even so, there were occasional periods of disequilibrium between plant distributions or abundances, soils, and climate that lasted a century or more. The most rapid dispersal rates known from the fossil record, however, are an order of magnitude too slow to keep up with the temperature rise expected in the coming century."

Figure 3 from University of Michigan ecologist Terry Root, on the other hand, is for a species (the Eastern phoebe) of bird whose northern range limit has a very close association with mean minimum January temperature; but this winged animal could migrate very rapidly in response to climatic changes. On the other hand, Root, who studied the associations among over a hundred birds and environmental factors such as temperature or vegetation, discovered that many species of birds associate with *both* temperature and vegetation (Root 1988a, b). She further noted (Root 1992) that those birds which are physiologically constrained by low temperatures alone could migrate north when it warms, but those which are also restricted by habitat (e.g., vegetation patterns) may have to wait centuries for their required vegetation to migrate before they could shift. In the interim, then, what is likely to occur is a "tearing apart" of the structure of ecological communities, alteration of predator-prey interactions and the potential for "ecological chaos" during the few centuries of time it will take for climate to warm from a few up to 10°C and for the various individual species to respond. Such disruption to "natural balances" would likely enhance the probability of extinction, especially for the many species which have limited habitat ranges and are strongly associated with climatic variables.

It is already a formidable scientific challenge to try to explain the range limits and abundances of most species today, even though they have had thousands of years of very stable climate to adapt to. Therefore, to predict the highly transient response to biological communities faced with sustained global climatic changes at 10 to 100 times faster rates than natural rates of climatic change over the past 15,000 years is speculative at best! However, we do have some knowledge, as previously indicated, of what factors can affect individual species and roughly how rapidly they can respond to various disturbances. Therefore, statements such as "disruptions of ecosystems," "tearing apart of communities of species" or even "ecological chaos" are plausible "forecasts" should global warming materialize at typically projected rates of 1–5°C over the next 100 years.

Other aspects of the global warming issue that are highly speculative are the overall social or economic consequences of typical warming scenarios or the costs of actions to mitigate CO_2, CH_4, N_2O or CFC emissions or whether to use technological schemes to offset warming (i.e., so called "geoengineering"—see NAS 1991 from which Table 2 is taken).

Although climatic models are far from fully verified for future simulations, the seasonal and paleoclimatic (dealing with remote ages) validation exercises modelers perform are strong evidence that state-of-the-art climatic models already have considerable forecast skill. And, uncertainties are as likely to render current "best guesses" underestimates as overestimates.

An awareness of just what simulation models are and what they can and can't do is probably the best we can ask of the public, journalists, and political leaders. Then the tough policy problem is how to apply society's values in choosing to deal with the future given the wide range of possible outcomes that climatic models project.

IS IT TOO EXPENSIVE TO ACT NOW?

The final, and perhaps most important, criticism made against those proposing action to slow global warming is that the immediate policy steps to cut out CO_2 emissions are too expensive. For example, some newspaper ads by greenhouse critics suggest that if CO_2 emissions are cut the US will be bankrupt and the third world impoverished.

There is substantial third-world opposition to the prospect that developing countries may not be able to have their own industrial revolutions as the developed countries did in the Victorian period when those then-developing Western countries used unregulated amounts of cheap and dirty coal to foster their industrial growth.

Some now-developing countries, notably India and China, have abundant coal supplies. They would like to repeat Western history and use them as low-cost routes to industrialization. Of course, these countries in the 1990s have between them 2 billion people whereas the entire world didn't have 2 billion people in Victorian times. So the magnitude of the global impact of now-developing countries' use of coal—if they should use coal to produce even a quarter of the West's current industrial standard of living—would be greater than that of developing Western nations in the past. Needless to say, such arguments are not greeted sympathetically in China or India.

CAN CO_2 BE CUT 20%?

It is sensible, I believe, to argue that now-developing countries need not repeat the experience of Victorian industrialization with smog-choked cities, acid rain, and inefficient power production, given that modern technology has many better solutions. For example, electrical power generation efficiency today is near 50%, whereas it was half that at the turn of the century. Unfortunately, developing countries typically respond that high-technology, efficient power production is initially more expensive than the traditional options that are cheaper and more available to them. This dilemma sets up the obvious need for a bargain by which developed countries with technology and capital help to provide those resources to developing countries, which in turn develop their industries with the lowest polluting, most efficient technologies, even if they cost more cash up front.

There have been international efforts afoot to have each nation on earth commit itself to try to decrease its CO_2 emissions by, say, 20% by the year 2000. This has been strongly opposed by the United States, as well as some other countries. The Japanese were initially unhappy since they're already about twice as energy efficient as the U.S. They claimed it would cost them much more to cut their CO_2 emissions by 20% than the U.S., whose relative inefficiency gives it more opportunity to cut cheaply. Nonetheless, the Japanese have recently endorsed CO_2 emission limits in the context of the United Nations Conference on Environment and Development.

Developing countries, being even less energy efficient than the U.S., could, with modest investments, produce vastly less growth in carbon dioxide (the principal greenhouse gas) pollution if efficient, modern technologies were used rather than the older, cheaper, and readily available technologies, such as low-efficiency coal burning in China or India. The modern technologies that could be tapped by industrializing nations range from fluid-bed coal burning, nuclear, hydro, geothermal, natural gas, wind, biomass, solar, and possibly, in the very long term, fusion power. This circumstance sets up the possibility for creative international management that might not only eliminate third-world opposition to global emissions reductions but also get them to compete with each other to be the venue for future emissions limitations funded by developed countries. A developed nation could buy itself out of its 20% cut requirement by funding even larger CO_2 reductions in energy inefficient developing nations.

Critics of emissions reductions cite the supposed annual cost of 20% CO_2 reduction at tens of billions of dollars. But they often neglect the benefits of emissions reductions: reduced magnitude of global warming, reduced acid rain, reduced urban air pollution, reduced balance-of-payments deficits, and lower long-term operating costs of manufactured products, enhancing competitiveness. Such critics simply cite the potential upfront capital costs of CO_2 controls, write newspaper stories about how many billions each year or trillions over a century it's going to cost, and scare people away from anti-pollution action.

Some studies have suggested that carbon taxes to promote switching to less polluting energy systems could cost the U.S. "$800 billion, under optimistic scenarios of available fuel substitutes and increasing energy efficiency, to $3.6 trillion under pessimistic scenarios . . . to [the year] 2100." This quote from the February 1990 "Economic Report of the President" to Congress was based on the initial results of the first wave of economic model simulations.

Because of the controversy associated with such models, the National Academy of Sciences ran a debate among several economic forecasters and their critics. What came out was very revealing. First, over 110 years (i.e., 1990–2100) even a trillion dollars in accumulated CO_2 reduction costs, which sounds very expensive, is less than $10 billion each year—only a few percent of the annual US defense budget. Moreover, Robert Williams, an energy technology specialist from Princeton University, pointed out that the so-called "optimistic scenario" of $800 billion in costs to cut CO_2 emissions was based on very pessimistic assumptions about the rapidly decreasing costs of renewable energy systems like solar, wind, or biomass power.

Furthermore, with the exception of one heroic effort by Yale University economist William Nordhaus, the economists' simulations usually do not even attempt to estimate what direct environmental benefits America (or the world) gets for its supposed trillion-dollar investment in CO_2 emission controls. It is unconscionable that some critics of global warming action could cite these already very dubious economic models' cost estimates without so much as a word on the potential benefits of slowing CO_2 emissions. Nordhaus, on the other hand, by balancing costs and benefits in his model runs, argued that cutting annual CO_2 emissions by as little as 10% or as much as 47% would actually produce benefits greater than the costs. However, his model, too, is admittedly crude, laden with unprovable assumptions, and simply can't by itself provide quantitatively reliable information upon which to base policy choices.

Finally, cross-examination of the economists by National Academy committee members disclosed that their economic models had not even been tested to see how well they performed in predicting the economic consequences of historical events like the 1973 OPEC oil price hike. As a participant at that debate, I was concerned that such validation tests were yet to be performed, and dismayed that some global warming critics were actually citing these premature economic model results for costs of emission controls without weighing in benefits of such controls as an alleged rational basis for national policymaking.

Let us pursue the economic modeling issue a bit further. When only the supposed costs to the economy (typically measured as GNP loss from a hypothetical carbon tax—e.g., see Figure 4 from Nordhaus 1992) are shown, seemingly staggering figures emerge. The costs can be seen, for one econometric model used by Nordhaus (1992), to run into the trillions by 2105 (i.e., note black squares on Figure 5 which result from carbon taxes on Figure 4 imposed on Nordhaus's econometric model). The benefit of this "20% cut", Nordhaus calculates (see "+" symbols on Figure 6) are a 30% reduction in global warming by 2105, only "worth" a percent or so of GNP by Nordhaus' assumptions—since he assumes the primary negative economic consequence of warming to be an agricultural/water supply loss of up to 1% of GNP in the US (about $40 billion per year). He puts no value on the potential for catastrophic effects on ecosystems or the security implications of long term, very large climatic changes (perhaps up to 10°C in the 22nd century). Effects such as the tearing apart of communities of species or the impacts on the political stability of South Asia were tropical cyclone intensities to increase are not explicitly considered. But, to his credit, Nordhaus makes explicit in Figure 7 his underlying economic growth assumptions that drive his conclusions. This figure shows per capita consumption growing in all scenarios (his modest "optimal" scenario, the "uncontrolled" or business as usual scenario and the often labeled "draconian" scenario in which the carbon tax of Figure 4 leads to the equivalent of a 20% emissions cut). In fact, as Figure 7 shows, there is more than a 450% growth in per capita consumption from 1965 to 2105 in all his scenarios, and even the "draconian" 20% cut carbon tax scenario still allows 450% growth over this time period! In the value system of this analyst it is unconscionable to risk unabated, unpredictably rapid rates of climate change with potentially serious risks to agricultural, hydrological and (especially) ecological systems of the earth merely because it will reduce our per capita growth in consumption from some 460% to "only" 450%! To show Figure 5 with trillions of dollars of potential costs from carbon taxes without also looking at Figure 7 is to have no balanced perspective on the economics *and* ethics of measures which could mitigate CO_2 emissions.

In any event, while it is possible to use analytic methods and simulation models to investigate costs and benefits of different specific climate change or emission scenarios, these tools are even less well validated for long-term studies than climatic models and also do not include many significant factors the authors usually acknowledge. It is the opinion of this analyst that all physical, biological or economic analytic methods are primarily useful to help a decision maker to obtain a more complete knowledge of the potential benefits or risks of various alternative actions, so as to aid him or her in formulating a heuristic judgment that incorporates what is quantifiable with aspects that are not (e.g., the "value" of a species facing extinction). It is a gross misunderstanding of analytic methods, be they climatic, ecological or economic, to believe they provide the sole bases for arriving at "the answer" on either the effects, consequences or mitigation aspects of global change.

CLIMATIC INSURANCE

The global warming debate then is both science and politics. But it is essential for the public to understand that there are vastly greater disagreements over what to *do* about the prospect of global warming (i.e., a political value issue) than over the probability (i.e., a scientific debate) that unprecedented climate change is being built into the 21st-century climate. Estimates of climatic effects range from mildly beneficial (i.e., longer growing seasons) to highly catastrophic (i.e., more super hurricanes or mass extinctions). These uncertain impacts reflect the wide range of climate futures forecast by most assessment groups, such as those seen on Figure 1. Although accelerated research will undoubtedly bring more reliable answers sooner, thereby helping to place decision making on a firmer factual basis; this analyst does not believe it likely that any feasible level of research effort will pin down the detailed consequences of our continuing greenhouse gas emissions in less than a few decades—the time it will take the climate system itself to answer the question.

Slowing down the buildup rate of the greenhouse gases that threaten unprecedented global warming does not require economically catastrophic measures, nor must it bankrupt industrial nations or doom the poor countries to increasing poverty. Rather, prudent investments in energy-efficient equipment, houses, and power plants combined with sensible reforestation and population control programs, can both reduce the buildup rate of greenhouse gases and pay their own way. It is ludicrous simply to charge that greenhouse gas emission cuts are too costly without weighing in the economic, environmental, and strategic benefits of such investments. No individual or business ever got a return investment without making the investment first. That applies as well to societies and governments—the level at which global change problems occur and must be addressed.

Every insurance policy has a premium, of course. But these environmental investments not only buy "insurance" against the possibility of unprecedented, possibly dire, climatic change but also can pay large dividends in the form of lowered energy costs, lower balance-of-trade payments deficits, less local air pollution, and lowered acid rain. Therefore, such strategies make sense, even if global warming turns out to be as insignificant as the critics assert. In any case, since mild climatic effects are as probable as catastrophic ones, and since it will take many decades to resolve major uncertainties, we can take the most cost-effective steps now and then turn up or down the pressure to mitigate as new national and international scientific assessments report the latest findings of the scientific community every few years over the next several decades.

But if the warming turns out as bad as or worse than most current "best guess" projections, such climate insurance will have been very wise indeed. An insurance policy that pays big dividends on the premium even if the catastrophe never materializes, it seems to me, is the most rational response to the coin-flipping probabilities of unprecedented climate change and attendant ecological disarray that most knowledgeable scientists agree we are facing as we enter the next millennium. None of the noisy polemics of the past ten years has changed that basic consensus.

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TABLE 1.—THE SENSITIVITY AND ADAPTABILITY OF HUMAN ACTIVITIES AND NATURE

	Low sensitivity	Sensitive, but adaptation at some cost	Sensitive adaptation problematic
Industry and energy	X		
Health	X		
Farming		X	
Managed forests and grasslands		X	
Water resources		X	
Tourism and recreation		X	
Settlements and coastal structures		X	
Human migration		X	
Political tranquility		X	
Natural landscapes			X
Marine ecosystems			X

Note.—Sensitivity can be defined as the degree of change in the subject for each "unit" of change in climate. The impact (sensitivity times climate change) will thus be positive or negative depending on the direction of climate change. Many things can change sensitivity, including intentional adaptations and natural and social surprises, and so classifications might shift over time. For the gradual changes assumed in this study, the panel believes these classifications are justified for the United States and similar nations.

Source: Chapter 5 of the report of the Adaptation Panel.

TABLE 2.—COST-EFFECTIVENESS ORDERING OF GEOENGINEERING MITIGATION OPTIONS

Mitigation option	Net implementation cost	Potential emission mitigation (t CO_2 equivalent per year)
Low stratospheric soot	Low	8,000,000,000 to 25,000,000,000.
Low stratospheric dust, aircraft delivery.	do	8,000,000,000 to 80,000,000,000.
Stratospheric dust (guns or balloon lift).	do	4,000,000,000,000 or amount desired.
Cloud stimulated by provision of cloud condensation nuclei.	do	Do.
Stimulation of ocean biomass with iron.	Low to moderate	7,000,000,000 or amount desired.
Stratospheric bubbles (multiple balloons).	do	4,000,000,000,000 or amount desired.
Space mirrors	do	Do.
Atmospheric CFC removal	Unknown	Unknown.

Note.—The feasibility and possible side-effects of these geoengineering options are poorly understood. Their possible effects on the climate system and its chemistry need considerably more study and research. They should not be implemented without careful assessment of their direct and indirect consequences.

Cost-effectiveness estimates are categorized as either savings (for less than 0), low (0 to \$9/t CO_2 equivalent), moderate (\$10 to \$99/t CO_2 equivalent), or high (>\$100/t CO_2 equivalent). Potential emission savings (which in some cases include not only the annual emissions, but also changes in atmospheric concentrations already in the atmosphere—stock)—for the geoengineering options are also shown. These options do not reduce the flow of emissions into the atmosphere but rather alter the amount of warming resulting from those emissions. Mitigation options are placed in order of cost-effectiveness.

The CO_2-equivalent reductions are determined by calculating the equivalent reduction in radiative forcing.

Here and throughout this report, tons are metric.

Source: Chapter 11 of the report of the Mitigation Panel.

APPENDIX A

[From the Detroit News, Dec. 5, 1989]

REBUTTAL: NEWS PLAYS FAST AND LOOSE WITH THE FACTS

Playing "fast and loose not only with the truth, but with the public psyche" is a serious offense for any person in a position of public trust, but especially so for a scientist, someone honor-bound to seek truth. Nevertheless, that is precisely what The Detroit News accused me of in the Nov. 22 editorial "Loads of Media Coverage."

Most News readers would assume that such a serious attack on the integrity of a scientist would be based on exhaustive research to back up the charges. What The News offers instead is an out-of-context quote attributed to me from a secondary source (interview with Discover magazine) and a false statement of my views from the early 1970s, in which I purportedly was "among those actively warning of a returning ice age. He used many of the same arguments he now uses to support his thesis that the earth is heating up. Cold, hot, who cares?"

No source is given for the latter assertion of my supposed views.

What were my views in the 1970s? I opposed those arguing that a new ice age was imminent, and instead argued forcibly in my first book, *The Genesis Strategy*, that society needed to be prepared to deal with climatic variability in both directions, I called it the "genesis strategy" after Joseph's advice to the Pharaoh to store grain in the seven fat years for the seven lean years. Thus, The News premise of my "hot or cold, who cares" is blatantly false.

Since The News devoted several column inches in its editorial to partially quote what Discover magazine reported I had said, The News must feel this is important. Therefore, let me set the record straight by quoting the entire paragraph from Discover, since what The News left out (in italics below) seriously misrepresents the totality of my views:

"On the one hand, as scientists we are ethically bound to the scientific method, *in effect promising to tell the truth, the whole truth, and nothing but—which means that we must include all the doubts, the caveats, the ifs, ands and buts.* On the other hand, we are not just scientists but human beings as well. *And like most people we'd like to see the world a better place, which in this context translates into our working to reduce the risk of potentially disastrous climatic change.* To do that we need to get some broad based support, to capture the public's imagination. That, of course, means getting loads of media coverage. So we have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we might have. *This 'double ethical bind' we frequently find ourselves in cannot be solved by any formula.* Each of us has to decide what the right balance is between being effective and being honest. *I hope that means being both.*"

It is strange that The News should accuse me of trying to hide scientific uncertainty through this quote, when by the very nature of explaining the dilemma I am being unusually forthright in trying to show how all scientists face a bind when forced to communicate in short sound bites in the media what the essence of a controversial complex problem is.

It is hard to imagine how this constitutes hiding the truth when it's plainly stated. Obviously, the absence of the last sentence of the Discover magazine quote in the editorial totally misrepresents my views. Ironically, The Detroit News quoted me as the "good guy" several years ago in an editorial on "Nuclear Autumn" (June 30, 1986), a term I coined in toning down the nuclear winter debate.

In that editorial, Carl Sagan was portrayed by The News as the evil overstater, and Starley Thompson and I, the wise and circumspect cautious scientists. I never have, and still do not believe or say that ends justify the means or that truth should be abandoned for a good cause—and what cause is more compelling than making nuclear war and its horrors more publicly known?

What I mean by the "double ethical bind" was not *even represented* in the Discover quote, which only provided a partial snapshot of my views. The "bind" that scientists face is that it is impossible to expect a complicated issue to be fully elaborated on in the public and popular media and thus a scientist who tries to explain to non-specialists the nature of controversial science, particularly that with policy implications, has to find a means to communicate effectively and honestly. To me that means using familiar metaphors.

For example, I use the metaphor of loaded dice to illustrate why we couldn't attribute the very hot summer of 1988 to a century of greenhouse gas buildups in the atmosphere: That is, even if there were certain evidence of global warming this century (which I have never claimed), one year tells us nothing concrete about long-term trends.

The problem with secondary sources is that they often do not represent one's totality of views. The Discover quote did not present the context of the double ethical bind as described in my writings. Let me show what I really believe by quoting from a reliable source of my views, my own recent book, *Global Warming* (which, ironically, The Detroit News cited in its editorial but apparently never read). "There is no simple formula for resolving the dilemma of balancing effectiveness against full disclosure, for one scientist's clear simplification could well be another's irresponsible oversimplification. Each tries to find the best path across this treacherous ethical ground."

Finally, contrary to the impression in the editorial, the vast majority of atmospheric *researchers* are in agreement that substantial, even unprecedented, climatic changes are quite possible in the next century. This has been affirmed and re-affirmed by some half dozen U.S. National Academy of Sciences studies, as well as by a comparable number of studies by Canadians, Australians and United Nations groups.

For The Detroit News to cite a few recent anti-global warming articles that have yet to be published in strictly referred climatological journals and not to mention the many consensus statements made by responsible scientific assessment bodies such as the National Academy of Sciences is, frankly, sloppy at best and irresponsible journalism at worst. And by the way, all those studies, as in all my public statements or writings, are clear that many uncertainties remain over the timing, magnitude and detailed consequences of the unprecedented buildup of greenhouse gases.

Unfortunately, the only definitive proof of the detailed nature of future climatic change is to perform the experiment on the only "laboratory" we have; the earth itself. In my value system that is not a wise gamble, given the many steps that could be taken to slow down the rate of greenhouse pollution.

STEPHEN H. SCHNEIDER,
Head, Interdisciplinary Climate Systems, National Center for Atmospheric Research, Boulder, Colo.

[From the Detroit News, Nov. 22, 1989]

"LOADS OF MEDIA COVERAGE"

"On the one hand, as scientists we are ethically bound to the scientific method. . . . On the other hand, we are not just scientists but human beings as well. . . . To avert the risk (of potentially disastrous climate change) we need to get some broad based support, to capture the public imagination. That of course means getting loads of media coverage. So we have to offer up some scary scenarios, make simplified dramatic statements and little mention of any doubts one might have. . . . Each of us has to decide what the right balance is between being effective, and being honest."—Stephen H. Schneider, author of the book *Global Warming* (Sierra Club), in an interview in Discover Magazine, October 1989.

The next time you hear about some scary environmental horror on the nightly news, keep that quote in mind. It goes far to explain the debasement of American environmental science into cheap political theater. Apparently "being honest" is no longer the test of a good scientist. It must be "balanced" with "being effective."

Stephen Schneider is a government-funded climatologist who has become the lion of Capitol Hill. He is invited to most conferences and congressional hearings on the subject of global warming, and he does indeed receive "loads of media coverage" in stories about climate change. In his book he warns that the earth is heating up, creating a greenhouse effect of catastrophic proportions.

Yet two decades ago, Mr. Schneider was among those actively warning of a returning Ice Age. He used many of the same arguments he now uses to support his thesis that the earth is heating up. Cold, hot, who cares? Environmental extremists often seem more interested in scaring the bejabbers out of the American public than in getting at the real facts.

A growing body of research suggests that global warming may soon go the way of global cooling. Massachusetts Institute of Technology researchers Reginald Newell, Jane Hsiung and Wu Zhongxiang, have conducted a survey of the world's ocean temperature data since the mid-19th century. Their conclusion in the latest issue of Technology Review: "One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century."

The MIT study confirms the major 1988 study of the U.S. land-based record since 1893 by the National Oceanographic and Atmospheric Administration released last January. That showed their has been no warming trend in the 48 contiguous states in 100 years.

Serious climatologists, as opposed to the environmental fanatics who are given prominent play in newspapers and on television, are not surprised. As Andrew Solow of Woods Hole Oceanographic Institute told The News last summer, "based on what we know now, there is absolutely no hard evidence that the enhanced greenhouse effect has arrived." Mr. Solow represents the consensus of the 61 leading climatologists who make up the respected International Climate Trends Panel.

How then have we been sold such a bill of goods? One of the reasons is there are few scientists like Mr. Schneider prepared to play fast and loose not only with the truth but with the public psyche. He knows that the media's basic grist is fear and calamity. What is troubling is that Mr. Schneider is completely funded by your taxpayer dollars through the National Science Foundation which underwrites the National Center For Atmospheric Research in Boulder, Colo.

It's time for Congress to take a hard look at the manner in which those taxpayer dollars are being used. It's also time for the media to take a hard look at the sources for some of its more lurid stories about the environment.

The media is quick to suspect scientific bias when research is underwritten by corporations. It should be equally suspicious of science underwritten by government bureaucrats and scientists with a vested interests in a certain outcome.

If the scientific community isn't armed with a better moral compass than Mr. Schneider, it will soon find its credibility in serious trouble. Then, like the little boy who cried wolf too often, nobody will pay attention when a really scary scenario arrives on our doorsteps.

APPENDIX B

[From Science, Feb. 7, 1992]

POLLUTANT HAZE COOLS THE GREENHOUSE

(By Richard A. Kerr)

Individually, they are as small and invisible as viruses, and quite impotent. En masse they are another matter. The haze particles that blanket the eastern United States, Europe, and much of Asia carry acids that corrode statuary, poison lakes, and blight forests. And, based on a growing body of research, an international panel of experts has just concluded that hazes are probably having another effect on the environment—cooling it. Earth's protective umbrella of hazes may have reflected enough solar energy back into space, the United Nations' Intergovernmental Panel on Climate Change (IPCC) concluded last month, to counteract much of the warming caused so far by greenhouse gases.

But don't look for an easy way out of global warming. The cooling effects of manmade aerosols "are helping us understand why the climate isn't warning as much as the models call for," says climate modeler Michael MacCracken of Lawrence Livermore National Laboratory, but hazy skies won't hold back the warming indefinitely, MacCracken and other researchers say. "My belief is that, even in the most extreme case, the greenhouse gases will win out," says atmospheric chemist Robert Charlson of the University of Washington.

Atmospheric particles are reemerging as major players in climate after more than a decade in eclipse. Back in the early 1970s, the talk among climate experts was of global cooling, not warming. The global temperature had been falling since about 1940, and the prospect of another ice age was all the rage. Researchers in search of a likely cooling mechanism recalled Ben Franklin's proposed explanation for the unusual chill of 1783–84. Franklin blamed a persistent "dry fog" that hung over Europe that winter—debris, he thought, from the huge eruption of the Icelandic volcano Lakagigar.

The particles that were worrying climate experts in the 1970s were coming from the "human volcano"—the smokestacks, tailpipes, tilled fields, and burning forests that mark civilization. Studies of air pollution had shown that while air at the cleanest, most remote points in the world such as the South Pole might have 10 to 100 aerosol particles per cubic centimeter, on a bad day in Los Angeles more than 10,000 particles could be found. And researchers knew that the most persistent haze particles—those a few tenths of a micrometer in diameter—were also the best at scattering light back into space.

But little more than that was known about the global distribution or the optical properties of these aerosols—the key elements in establishing them as a factor in climate change. In fact, researchers even began to doubt whether aerosols really would have a net cooling effect. Many specialists came to assume that aerosols from human activities, such as transportation and industry, were darkened by so much soot and grime that they absorbed at least as much sunlight as they reflected back to space, yielding no cooling—or even a warming. Then, in the midst of all those uncertainties, the global temperature started to rise again, and greenhouse warming displaced aerosol cooling as the topic of the day. "There does seem to be a correlation [of scientists' concerns] with which way the global temperature is going," notes climate expert James Hansen of NASA's Goodard Institute for Space Studies.

But even though the temperature has continued to rise, global cooling by aerosols is back in vogue, at least as an adjunct to greenhouse warming. It might have made a comeback sooner if communication among atmospheric scientists had been better, says Charlson. "All the pieces have been available to us for at least a decade," he says. "What was missing was an integrated approach." By the early 1980s, for example, researchers studying eastern North America had concluded that aerosols there were dominated by bright sulfuric acid droplets, formed from sulfur emissions from industry. The researchers went on to calculate that aerosols over the Eastern Seabord were cutting out a whopping 7% of sunlight. But such regional findings were slow to affect the thinking of researchers who were studying global effects. "I'm just as guilty as anybody for not making the connection," says Charlson.

Quick to get over his guilt, Charlson joined with Swedish colleagues to make the best estimate yet of how sulfur pollution is affecting global temperature. They started with a computer model that simulates the fate of sulfur emitted as sulfur dioxide: its oxidation to sulfuric acid droplets, their distribution by the winds, and their eventual removal through precipitation and settling. Given the resulting density and distribution of the sulfate aerosols, the group calculated how much of the sun's 340 watts of radiation per square meter is being reflected back to outer space.

The model's answer, published last year in the Swedish journal Tellus, was 0.6 watt per square meter, with a factor of 2 uncertainty. That cooling effect may sound piddling, but it approaches the radiative energy trapped by all the carbon dioxide added to the atmosphere since pre-industrial times and half that trapped by all added greenhouse gases combined. According to this calculation, in other words, shading by the sulfate haze could be counteracting almost half of the global temperature increase that might otherwise have resulted.

And that's just part of the haze's impact on climate. An additional, indirect effect of aerosols became obvious during the 1980s from theoretical calculations and field studies. Aerosols from a source as small as a ship's smokestack can stricken and brighten the clouds overhead. The sulfate particles serve as centers for condensation of water, increasing the number of droplets in a cloud and thus increasing the surface area capable of scattering sunlight back to space.

Calculating the indirect cooling effect of pollution-brightened clouds is an even more uncertain business than estimating the direct effects of aerosols, so Charlson and colleagues did not include it in their model. But he and a half-dozen colleagues in a variety of fields attempted an estimate of its global impact in a recent paper in Science (24 January, p. 423). They concluded that aerosols' indirect effect through clouds could be roughly comparable to their direct effect. All told, then, the cooling due to manmade aerosols could conceivably equal—and thus largely cancel—the global warming by greenhouse gases, according to the calculations by Charlson and company.

Those theoretical calculations were enough to convince the UN's IPCC that sulfur emissions may have offset at least part of the greenhouse warming in recent decades. And though direct evidence is scarce, the greenhouse models may offer some corroboration: A countervailing cooling would help explain why the globe has so far warmed only half a much as the models—which don't take aerosols into account—have predicted. Then again, the models might simply be more sensitive than the real world to greenhouse gas.

The distribution of temperature change in recent decades also hints at a role for aerosols. Climatologist Tom Wigley of the University of East Anglia has compared the temperature trend in the hazy, industrial Northern Hemisphere with that in the relatively clean Southern Hemisphere. "If you're a believer," he says, you can see the Northern Hemisphere warming more slowly than models predict. But the differences, he points out, may simply reflect natural climate variation. And then there's the peculiar pattern of the Northern Hemisphere warming. Other workers have found that average nighttime temperatures have increased more than daytime temperatures, which is consistent with the theory that aerosols are moderating the warming trend by reflecting sunlight (see box).

Even if aerosols are giving the world a breather from a growing greenhouse effect, the long-term prognosis hasn't brightened much. In the long run, aerosols should lose out to the greenhouse effect, in part because they are so short-lived. Atmospheric carbon dioxide takes decades to a century to respond to changed inputs, while aerosols adjust in a week or two, so that at constant emission levels, carbon dioxide tends to build up, while aerosol concentrations stay constant. And efforts already under way to ameliorate the environmental damage caused by aerosols by reducing sulfur emissions would unleash even more warming.

What's more, the sulfate hazes are geographically spotty. Even if they could provide long-term cooling, greenhouse warming would go on apace in the Southern Hemisphere. And in northern latitudes the aerosol sunshade would be riddled with holes, producing uneven heating that might alter weather patterns, with disastrous results. All in all, the human volcano seems unlikely to shake its deserved reputation as an environmental villain.

[From Science, Feb. 7, 1992]

HOT NIGHT IN THE GREENHOUSE

Something strange is going on in the night. Greenhouse warming, according to the climate models, should be reflected nearly equally in daytime and nighttime temperatures. But that's not what researchers, led by Thomas Karl of the National Climatic Data Center in Asheville, North Carolina, found in records from the past 40 years.

Curiously, much of the warming in the regions they studied has come during the night. Something not accounted for in the greenhouse models—perhaps daytime cooling because of pollution haze (see main text)—seems to be skewing climate change. But whatever the cause, predicting the effects of future climate change on living things will be far more difficult if the trend continues.

Karl and colleagues in the United States, the former Soviet Union, and the People's Republic of China found the odd imbalance by screening reports of minimum (mostly nighttime) and maximum (mostly daytime) temperatures from the three countries, which cover 25% of the globe's land area. As they reported in the December Geophysical Research Letters, the group found that during the past 40 years, average annual maximum temperatures in all three countries remain unchanged or rose only slight. But minimum temperatures rose significantly.

Aerosol particles formed from the sulfur emitted by industry (see main story) might be part of the cause, says Karl. During the day they should reflect solar energy back into space, holding the greenhouse warming in check, but they have no effect at night when greenhouse gases continue to trap heat. But Karl doesn't think that's the whole story, at least in the United States. Sulfur emissions in the United States have decreased since 1970, he notes, but the daytime warming is still lagging behind the nighttime temperature increases. The continuing imbalance, he says, might reflect the observed increase in U.S. cloudiness over the same time, which in turn may have stemmed from natural variability or—by some feedback mechanism—from the warming climate itself.

Uncertainty about the cause of the nocturnal heating makes it hard to say whether it will continue. If it does, suggests climatologist Patrick Michaels of the University of Virginia, human society and the natural world will be getting a good deal. Compared to daytime warming, the trend would mean longer growing seasons but fewer droughts, less skin cancer (if cloudiness continues to increase), and a smaller sea level rise (because most polar ice melting occurs during the day).

Other researchers are not so snaguine. Karl notes that the heat wave that killed nearly 300 people in St. Louis in 1966 was so bad in part because it remained oppressively warm at night. And ecologist Herman Shugart of the University of Virginia worries that warmer nights might give an edge to insect pests while placing greater demands on plants' nocturnal energy consumption. Karl sums it up: Until a lot more research is done, "it's pretty hard to say whether this is a godsend or a curse."

EXHIBIT 3

BUSINESS COUNCIL FOR A
SUSTAINABLE ENERGY FUTURE,
Washington, DC, May 6, 1992.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to announce a U.S. goal for limiting the nation's emissions of carbon dioxide and other greenhouse gases not covered under the Montreal Protocol. We believe that the compromise treaty language now being discussed at the United Nations in New York is a first step toward stronger efforts to limit greenhouse gas emissions.

Global warming is now a real threat to the future of the world economy and to future generations. We cannot afford for the United States, the largest greenhouse gas producer, to lag behind other industrial nations in addressing this problem. Meaningful steps to limit carbon dioxide emissions will enable the United States to lead in shaping a new world order that includes a healthier global economy and environment.

As leaders of companies concerned about the impact of U.S. energy policy on the environment and on U.S. competitiveness, we have come to the conclusion that the U.S. can achieve substantial reductions in its carbon dioxide emissions with existing technologies by relying on market-based policies. Just as the United States led in the development and distribution of oil technology, we must once again become the leader in clean, sustainable, 21st century technologies.

U.S. industry has steadily reduced its emissions of carbon dioxide per unit of output during the past two decades, and can do even better in the years ahead. We believe that the shift to a more sustainable energy economy is now inevitable, and that the United States must move quickly to avoid missing one of the biggest investment opportunities in history. The three strategies that can help us stabilize the climate, reduce oil imports, and improve economic competitiveness are: improved energy efficiency; increased reliance on natural gas; and accelerated use of renewable energy resources.

As industry leaders, we plan to invest in cost-effective technology that will improve energy efficiency and minimize pollution, including carbon dioxide emissions. We will also work to build partnerships with state governments, non-government organizations, and the public to achieve environmental goals. However, we need to have your cooperation to be successful. We ask you to join us, demonstrating the kind of leadership you showed in introducing clean air legislation during your first year in office.

As you said in your National Energy Strategy announcement last year, improved energy efficiency is our cheapest and least environmentally damaging domestic energy source. We already have the insulation, lighting, heating, air conditioning, variable speed motor controls, and other technologies to greatly reduce U.S. energy use per unit of output. Similarly, we have the technologies to make automobiles and trucks far more efficient and less polluting. What we need is more aggressive federal research and development, government procurement of efficient technologies, and most importantly, market-based incentives for greater efficiency.

We also urge a major increase in the production and use of our cleanest fossil fuel—natural gas—which is already providing the country with more energy than domestic oil. Based on new resource estimates, we believe that the use of gas could be increased 50 percent during the next two decades, providing more energy for heating and cooling buildings, running power plants, and fueling automobiles. The private sector is ready to take the lead in using more natural gas, but we would like to see more federal research on technologies such as fuel cells and natural gas vehicles. This would not only help reduce pollution at relatively low cost, but will get more drilling rigs started in the southwest, boosting employment in that region.

Renewable energy technologies offer another abundant and increasingly economical domestic energy resource. Increased support for federal programs in solar (thermal, photovoltaic and passive), wind, biomass, and geothermal energy will help us harness the pollution-preventing, high-technology energy sources that our European and Japanese competitors are already pursuing aggressively. Renewable energy technologies have advanced to the point that they are being commercialized worldwide, but still face formidable market barriers in the United States. We urge you to respond to this challenge by launching an aggressive research and market development program, including federal incentives for renewable thermal and electric applications similar to those studied during the National Energy Strategy process. Such support can allow these new sources to provide a large share of the energy the country needs.

We believe that government and industry should adhere to two principles in devising a cost-effective sustainable energy strategy. First, all policy decisions must reflect the full-cycle economic and environmental costs and benefits of each technology. Second, we should rely on market-based incentives such as pollution taxes, feebate systems, or tradeable permits to achieve our objectives, avoiding where possible "command-and-control" regulation. We urge the Administration to examine options for offsetting taxes on carbon dioxide or other pollutants by reducing taxes on income, capital, or labor. This would help to internalize and ultimately reduce the environmental and national security costs associated with today's energy economy, while boosting incentives for capital formation and job creation.

We urge you to convene a working group of administration officials and industry, consumer, and environmental leaders, to report to you by the end of 1992 on how the above market-based policy options could best be incorporated into a cost-effective strategy for reducing U.S. carbon dioxide emissions.

A national strategy for stabilizing the climate by harnessing cleaner domestic energy sources could be a lasting legacy of your administration. Such a strategy would help reduce our dependence on imported oil, create jobs, and improve national competitiveness.

Equally important, it would provide leadership by example to other countries whose cooperation is essential in any long-term strategy to reduce the risks of global warming. In that respect, it could become the cornerstone of a truly sustainable new world order.

Respectfully yours,

Roger W. Sant, Chairman and CEO, The AES Corporation; Mervyn H. Siegel, President and CEO, Advanced Photovoltaic Systems Inc.; Steven K. Gorman, President, American Energy Technologies Inc.; Michael L.S. Bergey, President, Bergey Windpower.

Robert B. Catell, President and CEO, Brooklyn Union Gas Company; Walter J. Hesse, President, ENTECH Inc.; Robert A. Hefner III, Chairman, The GHK Company; Anthony J.F. O'Reilly, Chairman, President and CEO, H.J. Heinz Company; Irwin L. Gross, Chairman, ICC Technologies.

Harry R. Halloran, Jr., Chairman, Energy Unlimited Inc.; James A. Johnson, Chairman and CEO, Fannie Mae; Dean T. Langford, President, GTE Electrical Products Group, Michael R. Bonsignore, Executive Vice President and CEO, Honeywell Inc.; Theodore Blumenstock, Vice President, Business Development, Integrated Power Corporation.

Robert Lynette, President, R. Lynette & Associates Inc.; David Olsen, President, Peak Power Corporation; Charles T. Condy, Chairman, Proven Alternatives Inc.; Ben Bennett, Executive Vice President, Stirling Technology Company; Subhendu Guha, Vice President, Research & Technology, United Solar Systems Corporation.

David Blittersdorf, President, NRG Systems; Charles H. Percy, President, Charles Percy & Associates Inc.; Ed Smeloff, Chairman, Sacramento Municipal Utility District; S. Lynn Sutcliffe, President and CEO, SYCOM Enterprises; Kenneth C. Karas, President and CEO, Zond Systems Inc.

Exhibit 4

[Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, Fifth session, second part, New York, 30 April–8 May 1992, Agenda item 3]

COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

WORKING PAPERS BY THE CHAIRMAN

Addendum 2

This addendum contains material relevant to Article 4.

Article 4

Commitments

(See former para. 1)

In accordance with the Objective and the Principles stated in Articles 2 and 3, and particularly in accordance with their common but differentiated responsibilities, taking into account their specific national and regional development priorities, objectives and circumstances:

(New)

1. All Parties commit themselves to:

(See former para. (a)).

(a) Develop, periodically update, publish and make available to the Conference of the Parties national inventories of emissions from sources and removal by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;

(See former para. (b))

(b) Formulate, implement, publish, and regularly update national and, where appropriate, regional strategies and/or programmes containing measures to mitigate climate change by limiting their emissions of greenhouse gases not controlled by the Montreal Protocol and by enhancing sinks and reservoirs, and measures to facilitate adequate adaption to climate change;

(See former para. (c))

(c) Promote and cooperate in, and, as appropriate, adopt programmes related to the development, application and diffusion, including transfer, of technologies, practices and processes that reduce or eliminate greenhouse gas emissions in all sectors, particularly the energy, transport, industry, agriculture, forestry and waste management sectors;

(See former para. (d))

(d) Promote and cooperate in the conservation, sustainable management and enhancement, as appropriate, of all sinks and reservoirs of greenhouse gases, in particular biomass, forests and oceans;

(See former paras. (e) and (f))

(e) Cooperate in preparing for adaption to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, as well as for the protection and rehabilitation of areas affected by drought and desertification;

(See former para. (g))

(f) Take climate change considerations into account, to the extent possible, in their relevant social, economic and environmental policies and actions and employ appropriate methods formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

(See former para. (h))

(g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce and carry the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies;

(See former para. (f))

(h) Promote and cooperate in the full, open and timely exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of alternative response strategies.

(See former para. (j))

(i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations.

(See former para. (k))

(j) Develop and, as appropriate coordinate in order to avoid distortions in international trade, relevant economic and administrative instruments aimed at limiting net emissions of greenhouse gases;

(New)

(k) Make information available to the other Parties, through the Conference of the Parties, on the implementation of their obligations under the Convention.

(See former Article 4.2.3)

2. All Parties, particularly developed country Parties, commit themselves to take all practicable steps to promote, facilitate and finance, as appropriate, access to and the transfer of environmentally-sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to comply with the provisions of the Convention. In this process, the developed country Parties should enhance and support the endogenous capacities and technologies of developing country Parties.

(New)[1]

3. The Parties listed in Annex * * * commit themselves specifically as follows:

(a) Each developed country Party included in Annex—shall adopt national[2] policies and take corresponding measures on the mitigation of climate change, by limiting anthropogenic emissions of greenhouse gases and protecting and enhancing greenhouse gas sinks and reservoirs. These policies and measures will recognize that the return by the end of the decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol[3] would be an appropriate signal by developed countries that longer-term emission trends have been modified consistent with the Objective of this Convention, taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, and other individual circumstances, as well as the need for equitable and appropriate contributions to the global effort regarding that Objective as among these Parties;

(b) In order to promote progress to this end, each of these Parties shall, in accordance with Article 12, submit detailed information within six months of the entry into force of the Convention for it, on its projected emissions from sources and removal by sinks of greenhouse gases for the period referred to in subparagraph (a) above, taking into account the effort of its policies and measures on such projections, with the guideline of returning anthropogenic emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol to their 1990 levels. These Parties shall also report on actions taken to implement subparagraph (a) above jointly with other Parties or to assist other Parties in contributing to the achievement of the Objective of the Convention and, in particular, the aim of subparagraph (a) above. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

(c) Calculations of emissions from sources and removals by sinks of greenhouse gases should take into account the best available scientific knowledge, including the effective capacity of sinks and the respective global warming potentials of such gases, in accordance with methodologies to be agreed by the Conference of the Parties, where available;

(d) The Conference of the Parties shall, at its first session, review the adequacy and operation of this paragraph. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this information, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to existing commitments. A second review shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the Objective of this Convention is met;

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[1] The five subparagraphs 3(a)–(e) dealing with the specific commitments of developed country Parties related to emissions, sinks and reservoirs were drafted as a distinct element of text. It will be necessary, in reviewing them, to ensure proper concordance with other elements of the Convention, notably with certain of the commitments by all Parties and with Article 12 on communication of information. However, these subparagraphs are included in their present state so as to allow their early consideration.

[2] This term would also cover policies adopted by regional economic integration organizations.

[3] The relationship to the Montreal Protocol and in particular to its reduction schedules needs to be further clarified.

(e) Any Party not included in Annex . . . may, in its instrument of ratification, acceptance, approval, or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a)-(d) above. The Depositary shall inform the other Parties of any such notification. The Conference of the Parties shall review, not later than 31 December 1998, available information with a view of taking decisions regarding such changes in the list in the Annex . . . as may be appropriate;

(See former Article 4.2.2)

4. The Parties included in the list in Annex . . . further commit themselves to provide adequate, new and additional financial resources, separate from agreed Official Development Assistance, needed by the developing country Parties to meet the agreed incremental costs resulting from their compliance with the commitments under the Convention. Other Parties and organizations in a position to do so may also contribute resources.

(See former Article 4.3, para. 5)

5. In the implementation of their commitments under paragraphs 3 and 4, a certain degree of flexibility shall be allowed in those Parties with economies that are in transition from a centrally planned system to a market economy, in order to enhance the ability of those Parties to deal with climate change.

(See former Article 4.2.4, para. (b))

6. Compliance with the Convention by developing country Parties will be dependent upon the effective implementation of the provisions of the Convention related to financial resources and transfer of technology.

(See former Article 4.3 chapeau and Article 13)

7. In promoting the implementation of the commitments in this Article, the Conference of the Parties shall consider what action is necessary under the Convention, including action related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change, especially the needs and concerns of developing country Parties with ecosystems that are vulnerable to the adverse effects of climate change, including.

(See former Article 4.3, paras 1(a) and (b))

(a) small island countries and others with low lying coastal areas;

(See former Article 4.3, paras 1(c) and (e))

(b) countries with arid and semi-arid areas liable to drought and desertification, or with forested areas, liable to degradation;

(See former Article 4.3, paras 1(d) and (g))

(c) countries with mountainous ecosystems and with areas prone to natural disasters, and

(See former Article 4.3, para. 1(f))

(d) countries with areas of high urban atmospheric pollution.

(See former Article 4.3, para. 2)

8. The Parties shall take full account of the specific needs and special situations of the least developed countries in their action with regard to funding and transfer of technology.

(See former Article 4.3, para. 1(h))

9. The Parties shall take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economics that are vulnerable to the adverse effects of measures to respond to climate change. This applies notably to Parties with economics that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

[Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, Fifth session, second part, New York, 30 April–8 May 1992, Agenda item 3]

COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

WORKING PAPERS BY THE CHAIRMAN

Addendum 6

This addendum contains material relevant to Articles 11 and 12 (formerly Articles 12–14).

Article 11 (formerly Article 12)

Financial Mechanism

1. A mechanism for the provision of financial resources, including for the transfer of technology, is hereby established. It shall operate under the authority of the Conference of the Parties that shall decide on its overall policies. Its administration shall be entrusted to one or more existing international organizations.

2. The financial mechanism shall have a balanced representation of all Parties and a transparent system of governance.

3. The Conference of the Parties and the organization entrusted with the administration of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, that shall include the following:

(a) Modalities to ensure that the funded projects are in conformity with the priorities, programmes and eligibility criteria established by the Conference of the Parties;

(b) Modalities by which the Conference of the Parties may reconsider a particular funding decision in light of the criteria and priorities referred to in para. 3(a);

(c) Provision by the organization of regular reports to the Conference of the Parties on its funding operations;

(d) Determination of the amounts of funding necessary for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above mentioned provisions at its first session. It shall, within four years thereafter, review the mechanism and take the appropriate measures.

Article 12 (formerly Article 14)[1]

Communication of Information Related to Implementation

1. Each Party shall communicate to the Conference of Parties, through the secretarial, the following elements of information:

(a) A national inventory of emissions from sources, and of removals by sinks, of all greenhouse gases not controlled by the Montreal Protocol, and a general estimate of future trends regarding such emissions and removals, using in both cases comparable methodologies to be agreed upon by the Conference of the Parties and to be described in the submission by each Party;

(b) A general description of measures taken by it to fulfill its commitments under the Convention; and

(c) Any other information that the Party considers relevant to the achievement of the Objective of the Convention and suitable for inclusion in its communication.

2. In addition, each developed country Party included in the list in * * * shall incorporate in its communication the following elements of information:

(a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4 * * *; [insert number of paragraph relating to specific commitments on resources and sinks]

(b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) will have on emissions from sources, and removals by sinks, of greenhouse gases during the period referred to in Article 4 * * *; [specific commitments, para. 1]

(c) A description of its contributions to the financial mechanism established by Article 11.

3. Developing country Parties may, on a voluntary basis, identify in their communications proposed projects in need of investment, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of the costs and the reductions of greenhouse gas emissions associated with those projects.

4. Each developed country Party included in the list in . . . shall make an initial communication within one year of the entry into force of the Convention for that Party. Each Party not so listed shall make an initial communication within three years of the entry into force of the Convention for that Party, provided that Parties that are least developed countries may make their initial communications at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties.

5. Information communicated by Parties under this Article shall be transmitted by the secretariat, as soon as possible, to the Conference of the Parties, and to the subsidiary bodies concerned.

6. The Conference of the Parties shall, for an initial period after the entry into force of the Convention, promote the provision to developing country Parties of technical and financial assistance, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with projects proposed. Such assistance may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

7. Any group of Parties may, subject to prior notification of the Conference of the Parties and any guidelines adopted by the Conference of the Parties, make a joint communication in fulfillment of their obligations under this Article, provided that such a communication includes information on the fulfillment by each of these Parties of its individual obligations under this Convention.

8. Information designated by the supplying Party as confidential, in accordance with

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[1] It is proposed that former Article 13 (Insurance) be deleted and that its underlying concept be reflected in Article 4 (Commitments).

criteria to be established by the Conference of the Parties, shall not be disclosed by any of the bodies involved in the communication and review of information.

9. Subject to paragraph 8 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

10. The procedures for the communication of information related to implementation may be further elaborated by the Conference of the Parties.

[From the Denver Post, May 6, 1992]

U.N. TREATY ON GLOBAL WARMING FIZZLES UNDER U.S. PRESSURE

UNITED NATIONS.—The White House apparently has succeeded in gutting a U.N. treaty on global warming, drawing a barrage of criticism from diplomats, environmentalists and two Democratic senators.

"It looks like virtually all of the industrialized countries have caved in to the substance of the U.S. position," said T.J. Glauthier of the World Wildlife Fund.

Robert Reinstein who heads the U.S. delegation, had no comment on the negotiations.

The draft text of the treaty now calls on nations to assess their emissions without any requirement to stabilize or reduce those emissions.

Delegates met in informal sessions yesterday as they struggled to eliminate what some nations said were confusing and ambiguous passages in the text.

Late Monday night, developing countries raised objections to more than a dozen confusing passages in the text, prompting an outburst from Jean Ripert, the chairman of the negotiations.

"The reason we have an ambiguous text here is because there is a lack of agreement among the industrialized countries," he said. "The United States has not changed its position and is not going to change its position in the next four days." Negotiations are scheduled to end Friday.

Sen. Al Gore of Tennessee criticized President Bush for "conning the rest of the world to accept a treaty with no real commitments in it."

"I have utter contempt for the moral and political cowardice the president has shown on this issue," Gore said in an interview Monday at the United Nations.

Gore is chairman of the Senate delegation to the U.N. Earth Summit in Rio de Janeiro in June, where negotiators hope to sign some sort of global warming agreement.

"The fact that this confused document ends up receiving so much support is a commentary on the power of the United States," said Colorado U.S. Sen. Tim Wirth, who was also at the United Nations on Monday.

"Imagine what you could do on the upside, if we would only try—which we are not doing.

U.N. negotiators had hoped that the treaty would commit nations to reducing their emissions of the carbon dioxide and other greenhouse gases that can lead to global warming. The Europeans had proposed that emissions be reduced to 1990 levels by the year 2000. The U.S. flatly rejected that proposal.

Gore said he would introduce legislation in the Senate this week that would require the United States to adopt the European proposal.

[From the Washington Post, May 2, 1992]

U.S. INDICATES READINESS TO ACCEPT NONBINDING

(By Michael Weisskopf)

UNITED NATIONS, May 1.—The United States today signaled a new willingness to accept non-binding goals for reducing air-polluting emissions by the turn of the century, raising hopes for conclusion of an international treaty in time for the U.N. "Earth Summit" in Rio de Janeiro next month.

But as pre-summit negotiations began their final week here today, European diplomats cautioned that their governments will continue to press for firmer and longer-lasting commitments to reductions of the industrial gases.

Previously, the Bush administration had been opposed to any binding international "targets and timetables." But the shift by U.S. negotiators was seen as a possible turning point in the 15-month diplomatic effort to limit the "greenhouse" gases that, many scientists say, already have trapped enough solar radiation to heat up the planet at least three degrees by the middle of the next century. The United States accounts for more than a fifth of world emissions of the gases.

The United States has been the only industrialized nation unwilling to pledge reductions in the emissions of the principal warming gas—carbon dioxide—by the year 2000 and to commit itself to long-term stabilization of those emissions at 1990 levels. Carbon dioxide is produced when oil and coal are burned by cars and industrial plants, giving rise to administration fears that "targets and timetables" for curbing the gas would stunt U.S. economic growth.

Diplomats said the United States is now willing to endorse a treaty objective of reducing carbon dioxide to 1990 levels by 2000. The new approach, however, still falls short of binding commitments to specific emissions levels and deadlines.

The policy shift was reflected in new draft treaty language unveiled today by Jean Ripert, chairman of the U.N.'s Inter-governmental Negotiating Committee, which is coordinating the talks. Ripert said at a briefing that the language was acceptable to Washington. U.S. diplomats here refused to comment publicly, but privately some indicated that the language announced by Ripert would be acceptable.

Administration officials said in compromise language was worked out earlier this week during a visit by British Environment Minister Michael Howard to the State Department. Officials said the move was intended to salvage an agreement in time for signature by heads of state in Rio.

Officials said that treaty advocates within the administration gained strength in recent days by citing a new analysis that showed that carbon dioxide reductions were possible at relatively little cost to the economy.

The provision unveiled by Ripert calls on industrialized nations to adopt measures to limit greenhouse gases, including methane, nitrous oxide and chlorofluorocarbons (CFCs) as well as carbon dioxide. The measures would "recognize that the return by the end of the decade to earlier levels" of emissions would be "an appropriate signal" by developed countries.

Another paragraph better defines the target for carbon dioxide emissions. Governments are to submit plans within six months of the agreement showing how they would reduce emissions to 1990 levels.

Although European diplomats criticized the proposal as vague and too weak to head off the warming threat, they praised it as a good first step.

"We want more than a signal," said Odile Gauthier, the French minister of the environment. "There is still a lot of work to be done."

Fons Baede, the chief scientist of the Dutch delegation, said the proposal is "not concrete enough. We simply want clear commitments with timetables. This is so vague, we really don't know how to explain it to our minister or our public."

It is unclear whether there is more flexibility in the U.S. position. One U.S. negotiator said that while there may be "wiggle room" on the issue of long-term stabilization, the Ripert proposal is close to Washington's last word on the treaty. "We've already evolved quite a bit," he said.

Mr. WIRTH. Mr. President, the time available, I think that the Senator from Minnesota—the majority leader just came on to the floor. Does he wish to speak? The distinguished majority leader.

Mr. WELLSTONE. Mr. President, I am pleased to defer to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy. I did not mean to interrupt a statement.

Mr. WIRTH. I knew the majority leader was coming. I just finished. I heard him coming in the door.

Mr. MITCHELL. Mr. President, the Bush administration has refused to agree to any targets or timetables for controlling greenhouse gas emissions. As a result, this week international negotiators meeting in New York on a climate change convention may agree that a meaningless agreement is better than no agreement at all.

Consequently, the convention scheduled to be signed at the Earth summit next month may not control greenhouse gas emissions. Such a convention would do nothing to solve the problem it was designed to address. That would be an unfortunate outcome. I hope that will not be the outcome.

If it is, the planet Earth may continue to warm. Our children and grandchildren who will inherit the problems caused by global climate change will rightly ask why we did not act sooner.

I regret that the Bush administration has gone to such lengths to avoid the control of the emissions of gases that cause global warming. The United States emits 20 percent of the world's carbon dioxide emissions. Controlling carbon dioxide emissions is an important step because carbon dioxide is largely the result of manmade activity. It can be controlled. But the Bush administration opposes any limits on carbon dioxide emission.

The administration will not act, so Congress must. Senator GORE and I and others are today introducing legislation that calls for the United States to lead in the face of this threat to our planet. The legislation requires the

United States to avoid, by the year 2000, increases in carbon dioxide emissions above 1990 levels. The Bush administration shrinks from such a commitment based on an unfounded fear that the economy would suffer. But the administration's own analyses show that avoiding increases in carbon dioxide emissions will not be burdensome. In fact, stabilizing our carbon dioxide emissions would likely increase efficiency and may create jobs.

Not only is the administration unwilling to lead, it is also working to dissuade other nations from acting. Jean Ripert, chairman of the negotiations, explained late Monday night why the proposed climate change text was so hollow, so devoid of substance. He said: "The reason we have an ambiguous text here is because there is a lack of agreement among the industrialized countries. The United States has not changed its position and is not going to change its position in the next 4 days."

The administration's action forfeits American leadership on protection of the environment. It also will encourage other nations to step into the breach to find the growing trade and economic opportunities in environmental control. The organization for Economic Cooperation and Development estimates that worldwide about $200 billion annually is spent on environmental goods and services. The growth rate for this sector is projected to be about 5½ percent per year according to that organization.

The Congressional Office of Technology Assessment estimates that global environmental goods and services will grow to about $300 billion by the end of this decade. The United States share of this market is about 40 percent according to the U.S. Department of Commerce.

This is a potentially very lucrative market for America. This creates American jobs. We are now the world's leader in this area of economic activity. We should be furthering our advantage. The administration's policy pursues exactly the opposite approach—a wrong approach in the standpoint of the American economy and the global environment.

The legislation Senator GORE and I and others introduce today will protect the economy and the environment. It deserves the support of the Senate.

Mr. President, I yield the floor and I thank my colleagues for their courtesy.

Mr. WIRTH. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Colorado and the Senate majority leader.

I know the majority leader is busy, but I want to say one thing to him that he might be interested in. There is a wonderful organization called Kids for Saving the Earth started by a little boy, Clinton Hill, who, at the age of 11, passed away from cancer. And their whole commitment is to the environment. They have chapters all across the country. They gave me a suitcase. They called it a suitcase of dreams. And on the suitcase was a little tag that says, "messenger from the Earth." They want me to take the suitcase to the conference in Rio. What they are talking about is exactly what the majority leader talked about. They do not talk about "global climate change." They do not put it that way. But they see it as something that is going on outside. They do not want to see the destruction of agriculture or trees or land.

I just want to say that this particular piece of legislation introduced by the majority leader and Senator GORE and others is so important, and I thank him.

Mr. President, let me simply say that I join in cosponsoring this legislation. And I will not go through the figures. Other people have already spoken about that on the floor.

So let me just put it to you this way. I think the choice of the country is really simple. I think we are at a crossroads. Either we can continue to go down the path of more fossil fuels, more CO_2 emissions, we can dig more for coal or oil, and we can also generate and get more nuclear waste; or we can go down a different path.

I really think we are at a point in time in the history of our country where we have to make linkage between how we produce and consume energy, and the environment.

And there is another path, and that other path is the path of saved energy, efficient energy use, and renewables. There is all sorts of evidence to support that.

We introduced a bill with a wonderful number, 2020 as in 20-20 vision, which says what we have to do as a Nation is make a transition over the next 20 years to reduce the energy consumption and get serious about renewables.

The importance of making a commitment to doing something about global climate change has to do with whether or not we are going to have a different direction in our country that is going to be good for our children and good for our grandchildren and good for planet Earth.

Mr. President, in the few minutes I have, I just want to take on one argument, and that is the argument that if we get serious about global climate change it will somehow damage our economy. Quite to the contrary. This is a marriage that should be made in Heaven. If you focus on saved energy and efficient energy use, if you focus on wind and biomass and solar and all of the rest, then what you do is, No. 1, you protect our environment, which is our most precious resource; No. 2, you keep capital within our own country and our own communities that has to do with economic development; No. 3, since I have never heard anybody on the floor of the Senate say they are opposed to small businesses, this is small business intensive. This is real economic development both in the metro area, and I have to say, speaking about my own State of Minnesota, also in the rural areas.

Finally, Mr. President, let me just make the point that I think we have an enormous potential growth industry, and that is clean technologies. And that has to do with whether or not we really get serious about doing something about global climate changes and focus on what Senator WIRTH has been talking about for years: saved energy, renewables, and clean technologies.

Mr. President, I think that is very much the future for our country. The vast majority of the people are committed to it.

I read the news report in the New York Times today, under the headline "Bush Likely To Go To Ecology Talks."

Mr. President, I will make this point. I have been predicting that the President will go. It is an even-numbered year. I do not see how the President cannot go to the Earth summit talks. The question is whether or not there is going to be any commitment made to a clear target and time line for reducing CO^{22} emissions. Unfortunately, that commitment is not there. Unfortunately, as Senator WIRTH said, everything we hear is that the administration has essentially opposed that and put a lot of pressure on a lot of other countries to oppose it.

So rather than signing a treaty with a clear commitment, we will get just the opposite.

Mr. President, I do not want my country to be an international outlaw on the environment. I want my country to be leading the way. And I am very sad to say on the floor of the Senate that, so far, that leadership has not been there.

We still have some time to go. I hope the President will show the leadership, and I hope that this bill which is introduced in the Senate today will become the law of the land.

Mr. WIRTH. Mr. President, I ask unanimous consent Senator DASCHLE be added as a cosponsor, and I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, may I have 8 minutes?

Mr. WIRTH. Yes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. WIRTH. I yield 8 minutes.

EARTH SUMMIT

Mr. BAUCUS. Mr. President, with each passing day, it seems that George

Bush has forgotten his promise to the American people to be the environmental President. From clean air, to wetlands, to recycling, we see a President who does not understand what is really at stake. The most recent example is his continued indecision on whether to attend the Earth summit in Brazil next month.

This will be the largest gathering of environmental leaders in the world ever. The summit cries out for leadership on the very issues that threaten our planet. The heads of other industrialized nations made this meeting a priority months ago. But where is our environmental President?

Usually, this President is more than willing to jump on a plane to attend other summits. So his indecisiveness here is even more troubling.

Much attention has been focused on whether the President will stay or go. And rightly so. But let us not let his attendance obscure the fact that his administration is now engaging in far more destructive actions.

Earlier this week in New York, at a meeting to prepare for the summit, the President's representatives finally succeeded in effectively gutting an international agreement to control global warming.

That should come as no surprise. Because it is just another example of what has been happening closer to home. The environmental President has become the protector of special business interests.

Look at his commitment to clear air. The President proposed legislation soon after taking office. He worked with many of us in Congress to pass it. And he signed it with great fanfare nearly 18 months ago.

But once the camera lights went dark, the President started his retreat. He has already missed 35 deadlines established by the Clean Air Act.

And these are not just paper deadlines. Some of them have important public health implications. The President is putting public health in the backseat so he can curry favor with powerful business interests. Let me cite a few examples.

For nearly 5 months, the White House has been sitting on emission standards for hazardous chemicals. The Clean Air Act required these standards in order to control emissions of some 189 chemicals.

But by refusing to let EPA act, the President will allow some 545,000 tons of hazardous air pollutants to continue to pour into the air, where children and the elderly can be particularly susceptible to their effects.

Other delays are undermining the basis for implementing the entire Clean Air Act. For instance, the President has still not approved the rules for which industries must have operating permits, how they get them, and when they need to be renewed or revised. Without the permits, enforcement of the air pollution control becomes next to impossible.

The Clean Air Act is being eroded from the inside. It is being transformed into a hollow shell that gives industry a break and leaves the public breathing dirtier air.

It is important to remember that EPA was established as the Environmental Protection Agency. But the President apparently does not care enough about the environment to trust the agency to do its job. EPA rules are held up at the White House and its Council on Competitiveness, where staff with no experience with these issues can block decisions—and do in fact block decisions—by the Administrator of the EPA.

This is not government of the people, by the people, and for the people. It is a special interest haven government, where money and political influence override protection of public health and the environment. And it is wrong.

The irony is that delays and indecision actually cost money. States need the EPA rules so they will know how to implement the act.

If States are forced to delay action and the air is not cleaned up on time, industries in those States will be subject to even more stringent air pollution controls, a very shortsighted policy.

Jobs are also at stake. Implementation of the Clean Air Act creates jobs. That is right. It creates jobs. A recent study prepared for EPA estimates that 20,000 to 40,000 new jobs will be created due to clean air requirements.

And these are good jobs. They are in manufacturing high technology pollution control equipment. This industry is a growth industry, expected to increase sales by $4 to $6 billion annually in the next 3 years. And it is an industry in which American technology is still a world class leader.

By delaying implementation of the Clean Air Act, demand for these goods and services is reduced, both here and abroad. That hurts our economy and poisons our environment.

The President is missing a golden opportunity to improve our economy and clean up our environment. Moreover, he is shrinking from the leadership that he promised to exercise.

Frankly, his performance on environmental issues has been a real disappointment to me. I expected more from him. The American people expected more from him. I hoped he would become what he promised, the environmental President. But as it turned out, it is sad to say—I do not like saying this. But apparently, it was just another cynical campaign ploy to manipulate voters.

I do not think the American people want that. They certainly do not like that. And I think that our environment and our economy cannot and will not stand for it much longer.

Mr. WIRTH. Mr. President, I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I thank the Senators using the time from 10:30 on legislation I introduced earlier this morning. Because the Strategic Environmental Research and Development Program is up right now in the Armed Services Committee, I had to be absent. I appreciate my colleagues' managing this time. Let me close out this portion of it.

I hope others will speak. I know the distinguished Senator from Connecticut has some remarks he will make. I will be very brief in closing this portion of the debate.

I want to ask my colleagues on both sides of the aisle to support this legislation establishing a commitment by our country to stabilize CO_2 emissions at 1990 levels by the year 2000.

In evaluating your vote, please remember that the Bush administration itself has concluded, after lengthy internal debate and lengthy study, that our country can achieve the goal at a profit with purely voluntary measures. This is, in other words, the very least that we can do. It is the target and timetable the entire rest of the world has been prepared for some time to agree to.

The Nation which ought to be leading the world, our Nation, has, because of President Bush's obstinacy, refused to accept this target and timetable.

President Bush, in my opinion, is not representing the true views of the American people. So this legislation, in this body of the people made up of elected representatives of the American people from every State, has an opportunity to go on record and say we recognize our obligation to confront this problem and solve this problem.

Right now, in the negotiations in New York City, President Bush is undermining an international agreement that could make progress toward solving this problem.

What we have is a President who is an obstacle to progress. He is pulling the nations of the world backward as they are attempting to move forward. We are trying to put together a meaningful agreement to protect the Earth's environment. Everybody has said, "Will the President go to Rio or will the President not go to Rio?" I hope he goes to Rio.

Frankly, that is not the important question. The important question is whether or not he will provide leadership toward a meaningful agreement at Rio to protect the Earth's environment. That is what this debate is about. It is about far more than hopping on a plane for a quick photo opportunity on the tarmac in Brazil and then flying back with a meaningless treaty that has no commitments in it. That is the result the President is angling for. He has decided for a long time that he would love to go to Rio if two conditions could be met: If, No. 1, he could drain any meaning out of the treaties to be signed there, and No. 2, if he could avoid the blame for condition one.

His negotiators have been hard at work on those two objectives. Have they asked what can we do to save the Earth's environment? No. From all appearances, they do not seem to be asking that question. Their aim is at the November election.

It is not about a photo opportunity. It is not about trying to pull the wool over peoples' eyes and pretend to be doing something when actually nothing is being done. It is about leadership, it is about courage, and the President is exhibiting neither of those qualities. It is about embracing a perspective that extends well beyond the next election or the next public opinion poll. President Bush seems to be a lot more interested in making the easy choices than in making the right choices.

On this question, it is imperative that he faces up to his responsibilities for a change. Forget about the PR opportunities, the photo opportunities, the meaningless rhetoric, and start offering some leadership for a change. Here we are in the post-cold war world with an ecological system that is threatened more severely than at any point in all human history, and the entire world is looking to President Bush to provide some leadership. And what is he doing instead? He is saying, "Give us language that does not obligate me to do anything at all, but try to set up a nice photo opportunity for the campaign this November."

I think the American people are fed up with this kind of leadership. They see through the illusion. They see through the politics. They see through the President trying to primp and pose as an environmental President while at the same time instructing his assistants to gut the environmental laws and instructing his negotiators to gut the treaty designed to protect the Earth's environment.

We have an opportunity to deliver a different verdict. We can say to the American people: This body of elected Senators understands how high the stakes are, and we are going to vote on legislation that will do what President Bush refuses to do.

So again, in closing, I urge my colleagues on both sides of the aisle to vote for this legislation and deliver the verdict that President Bush refuses to deliver.

Mr. President, if we have time remaining, I would like to yield such time as he may require and as we have left to my friend and colleague, the Senator from Connecticut, who has been an outstanding leader on this question.

The PRESIDING OFFICER. The Senator from Tennessee has remaining 8 minutes, and the Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Tennessee. Mr. President, I congratulate him and congratulate the distinguished occupant of the chair, the Senator from Colorado, and congratulate the Senate majority leader, the Senator from Maine [Mr. MITCHELL] for their outstanding leadership in this area, which is truly in the interest of the public and in the interest of the health and safety, not just of the American people, but of the people of the world who are all equally threatened by the prospect of an Earth, a global system, that is warming and that will change life as we know it on this planet for ourselves and certainly for our children and their children who follow us.

Mr. President, it is regrettable that we are involved in this debate in the first instance. It really is. And it is regrettable that too much of this appears to be a Republican administration contending with the Democratic Congress because this ought to be an area of bipartisan, nonpolitical action. We used to have a proud tradition in this country, and it appears occasionally still, when America was threatened by foreign enemies, when dangers to America were clear on the horizon, when we reached the boundaries of this country, partisanship stopped. You no longer thought of the Congress or the White House, who was a Republican or who was a Democrat. What you thought about was the threat to the safety of the American people, and you got together and worked together to protect that safety.

Mr. President, we have reason to believe that the warming of the planet represents a profoundly serious threat to the health and safety of the people of this country. It is the kind of threat that ought to give birth to the kind of bipartisanship that we have shown in matters of foreign policy in the past, in our history. But sadly, it has not.

In fact, as we move from the cold war to this new era in world history, one of the issues that has not only reality but tremendous potential for bringing the world together in the global environmental threat. The forces of nationalism have been and remain very strong in our world, and they tended over history to divide us and, indeed, put us into conflict and create wars. The more we know about global environmental threats—and this knowledge is really very fresh and very recent in world history, the threat to us from the hole in the ozone layer which will create hundreds of thousands of cases of skin cancer, cataracts, deficiencies in immune systems, the global warming threat, we are all victims of that threat. The lines are not divided based on national boundaries. It gives us a new impetus to think globally.

I am not naive enough to think that the power of nationalism will diminish in the world today, but I am hopeful enough to think that the reality of these global environmental threats will give us a new perspective on the extent to which we share one planet with one another and the extent to which, at least on these global environmental issues, we should work together.

So all of us who have spoken this morning have a sense of disappointment that this administration, seeing there is a new world order, has failed nonetheless to lead this new world order in the one area where we have such profound and common mutual interest no matter where we live on the globe, and that is the environmental threat.

Mr. President, I want to make two basic points, responding to the administration and supporting this legislation. There are two questions: Is global warming a real problem? Does it really threaten us? And the second is, if it does, are we prepared to pay the price to avoid and diminish the threat?

I can cite scientific study after scientific study. The National Academy of Sciences concluded, despite the uncertainties, that greenhouse warming is a potential threat sufficient to justify action now.

An international panel of scientists convened by the United Nations predicted in 1990 that if nations continued to pour heat-trapping gases, like carbon dioxide, into the air at the current rate, they will cause the average surface temperature of the Earth to rise 3 to 8 degrees Fahrenheit by the end of the next century. That is a rate 10 times greater than the natural changes that have occurred over the last 10,000 years and would push the global temperatures higher than they have been in 150,000 years. We are living and facing changes that are unprecedented in modern history.

But let me go beyond those independent outside evaluations. Let us go to the administration itself, which now has adopted these scientific conclusions. In a study released on April 24, just a short while ago, titled "U.S. Views on Global Climate Change, " the administration reported that—

> The best estimates indicate that increased concentrations of greenhouse gases are likely to increase atmospheric and ocean temperatures and alter their associated circulation and weather patterns.

End of argument. Case made. The administration calculated that a doubling of atmospheric concentrations of greenhouse gases, which they say could occur as early as 2050, will most likely increase global temperatures by 4.5 degrees Fahrenheit. That is the Bush administration itself, and to me it is the end of the argument.

But the response to those facts which the administration now agrees to has been a reluctant, and apparent decision by the President to go to Rio to be part of this world conference, but no willingness to essentially put the administration's mouth where its mind is.

The administration has said in this report a few weeks ago that they agree global warming is a threat. They have concluded in their mind that it is a threat. Now the question is whether they have the courage, the guts to put their mouth where their mind is and come forward with a detailed specific program of dealing with global warming and protecting us from that threat. And that, in short, is what this legislation we are discussing today would do.

Second, can we afford the cost? Well, my colleagues have spoken this morning and I need not belabor the point. The threat to the world environment from global warming is hard for us to imagine and the cost will be enormous. Enormous is probably a mild word. I guess even allowing for the enormity of the costs of global warming and the damage it will bring to us, some might say it is still not worth spending enormous amounts of money to protect us from it. But the reality is that leading studies by experts that I have read, independent, nonpolitical experts conclude that carbon dioxide emissions can be cut at little or no cost to the economy.

So again what we are dealing with, in the administration's reluctance to lead in the fight against global warming, is an ideological haze, a haze which prevents them from accepting the facts.

Experts from around the world agree that climate changes might have devastating impacts on our ecosystems, our health, our plant and animal life, and our supply of food and drinking water. The potential effects of climate change include increased frequency and severity of droughts and hurricanes, reduced agricultural production, flooding of coastal areas and wetlands, elimination of many tree, and animal species, inundation of drinking water aquifers with saltwater and loss of important natural ecosystems. Thomas Lovejoy of the Smithsonian has stated:

> If the projected rates of climate change have any validity at all, then we have no historical evidence of species being able to disperse at that rate.

There are already a number of coastal communities and island nations that are threatened with being inundated from the rise in sea level. For example, four islands in the Maldives have been evacuated because they are being flooded by rising waters. These countries are coming to the international meetings and pleadings for their continued ability to exist.

Leading studies by experts conclude that carbon dioxide emissions can be cut at little or no cost to the economy.

The National Academy of Sciences report "Policy Implications of Global Warming," concludes that—

> The United States could reduce or offset its greenhouse gas emissions by between 10 and 40 percent of 1990 levels at low cost or some net savings.

Many of the control measures set forth by the National Academy of Sciences are those this Senate already has adopted in the energy and surface transportation legislation: improving the efficiency of buildings and appliances, reforming public utility regulation to encourage electrical utilities to promote efficiency and conservation, and strengthening Federal and State support of mass transit, among other measures. The National Academy finds that—

> The efficiency of practically every end use of energy can be improved relatively inexpensively.

According to the Congressional Office of Technology, carbon dioxide emissions can be stabilized in the United States at 1990 levels through at least 2005 at no net cost to the economy.

The administration's own April 24 study included a list of measures now being undertaken, many of them voluntarily, whose full implementation will nearly achieve stabilization. The list includes many measures identified by the National Academy of Sciences and OTA as saving money and resulting in a profit to those participating in the programs. State and local government reduction initiatives that will reduce greenhouse gas emissions were not even included in the administration report.

Recently, I learned about the Environmental Protection Agency's Green Lights Program. The program's goal is to prevent pollution by encouraging major U.S. institutions—businesses, governments and other organizations—to use energy-efficient lighting. Because lighting is such a large consumer of electricity—about 25 percent of the national total—and so wasteful—more than half the electricity used for lighting is wasted by inefficient technology and design practices, the EPA tells us that the Green Lights Program offers a substantial opportunity to prevent pollution and to do so at a profit. Under the program, EPA asks major institutions to sign a memorandum of understanding with the Agency, in which the signatory commits to install energy efficient lighting in 90 percent of their space nationwide over a 5-year period, but only where it is profitable and where lighting quality is maintained. EPA in turns, offers technical assistance. According to the EPA, if energy efficient lighting were used wherever profitable, the Nation's demand for electricity could be cut by more than 10 percent, leading to 4 to 7 percent reductions in the emissions of carbon dioxide.

Other individual companies have made firm commitments. Last spring, Mayor Bradley of Los Angeles announced that his Department of Water and Power and the Southern California Edison Co., had pledged to reduce carbon dioxide emissions by 20 percent by the year 2010 with at least half of those reductions to be achieved by the year 2000. That program would actually reduce carbon dioxide emissions by more than 40 percent when compared with projected levels.

The chairman of Southern California Edison stated in making this commitment:

> Taking prudent, reasonable economic steps to reduce CO_2 emissions are warranted by current scientific understanding of the potential for global warming. * * * We believe (our actions) make good environmental, scientific, and business sense.

Mr. President, these studies and commitments by industry show that this administration's adamant refusal to negotiate any concrete target or timetable for control of carbon dioxide not only may threaten the future of the entire planet but is irrational from an economic standpoint as well.

Mr. President, we can face the threat of global warming, if we are prepared to be leaders, at little or no cost to our economy and at a remarkable return for the generations that will inhabit this Earth after we are long gone. That is why this legislation is right on target. If the President will not lead, we, in the Congress, have what I would call a moral obligation to do so.

The PRESIDING OFFICER. The Senator from Oklahoma.

HUMAN RIGHTS ABUSES IN ANGOLA

Mr. BOREN. Mr. President, we have made remarkable progress over the course of the last decade in southern Africa. Namibia has gained independence. South Africa continues to progress toward the eradication of apartheid and a nonracial democracy based on one person, one vote. The recent referendum there is very encouraging.

Finally, the civil war in Angola has ended and the peace appears to be holding. It is my hope that free and fair elections will be held on September 29 and 30.

But I must be candid in stating that I have deep concerns about recently renewed allegations regarding human rights abuses in Angola and, in particular, the now widely reported deaths of Tito Chingunji, Wilson Dos Santos, and their families. Fred Bridgland's piece in the Washington Post on March 29, 1992, entitled "Angola's Secret Bloodbath" is certainly a chilling one, if true.

To be sure there have been charges and countercharges by both the MPLA and UNITA regarding the accuracy of Mr. Bridgland's article. There will be more debating points made by both sides. More attention will be raised in the coming days with the visit to the United States of Miguel N'Zau Puna formerly UNITA's Secretary General and Tony Fernandes, its Foreign Minister.

Let me be candid. We may never know who killed Mr. Chingunji, Mr. Dos Santos, and their families. But, it is unavoidable that as the leader of UNITA, Dr. Savimbi must accept responsibility for the fact that their deaths occurred in a jurisdiction controlled by his political and military organization.

This country must now move beyond the period of civil war in Angola and beyond those perspectives which might have been arguably more relevant during the cold war. The Cubans have departed Angola. The only stake we should have in the upcoming elections is to ensure their fairness. Our interests must be stated very clearly. These interests must be based upon the principles of democracy and respect for human rights.

To Dr. Savimbi, who has benefited from American support in the past, we have a right to expect that several actions will be taken. First, he should move immediately to release any and all political prisoners now being held by UNITA.

Second, the freedom of movement of all Angolans into and out of UNITA held territory must be assured.

Third, the direct access into UNITA territory and indeed into all of Angola by internationally recognized human rights organizations must be assured by both UNITA and the MPLA.

Fourth, the civilian authority of the Angolan Government must be allowed to extend into all parts of UNITA held territory immediately if elections are to have any hope of meeting the current timeable.

The current government of Angola also has an obligation to live up to their agreements. Incompetence and foot dragging in taking the measures necessary to ensure the current election schedule must end.

Second, the demobilization schedule of armed combatants, in particular the Angolan Army, called for by the peace accords must be met.

For free and fair elections to have a chance, both sides must end the paranoia and bickering.

The United States now has a moral responsibility to bring its full force and strength to ensure that free and fair elections are held. The United Nations, the European Community and other African states must be engaged and energized. This is no longer a question of impinging on the sovereignty of Angola. It is a question of allowing all of the people of Angola to express their will.

Finally, let me say that we cannot ignore the deaths of Tito Chingunji, Wilson Dos Santos, and their families. The Secretary of State should call on the appropriate international entity, whether under the auspices of the Secretary General of the United Nations or respected independent nongovernmental organizations to conduct an immediate inquiry.

Mr. President, I ask unanimous consent that Fred Bridgland's piece which appeared in the Washington Post on March 29, 1992, and the further report of the Secretary General of the U.N. Angola Verification Mission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 29, 1992]

ANGOLA'S SECRET BLOODBATH

(By Fred Bridgland)

JOHANNESBURG.—The time has come to reveal how a former high-ranking official and spokesman for UNITA, the U.S.-backed Angolan rebel movement, predicted he might be slain at the behest of his own leader, Jonas Savimbi.

The man in Pedro "Tito" Chingunji, well known in Washington and other Western capitals as a determined, effective advocate of the movement, which he enthusiastically portrayed to members of Congress and citizens and church groups in America as a democratic insurgency.

But now, it is certain that Chingunji is dead, killed by followers of Savimbi, who has led the movement, the National Union for the Total Unification of Angola, almost since its founding in 1964 to end Portugal's colonial rule. Chingunji is the best-known of scores of UNITA members killed in bloody leadership purges stretching over more than 15 years. The murders have long been hidden from the West, but the truth about what well-paid publicists continue to portray as a humanitarian movement is emerging.

The story of Chingunji and other victims is important because, with Angola's first-ever democratic elections due in six months—after nearly 30 years of civil war—Savimbi hopes to gain ultimate power in the country and be embraced by Western democracies as an African savior.

Grisly tales of UNITA torture, beatings and burnings at the stake have surfaced over the years, but until last week, UNITA always bitterly assailed those making the charges. I, myself, author of a laudatory biography of Savimbi and once a firm believer in him and UNITA, have been publicly denounced for reporting allegations of brutality from UNITA defectors.

But when two of Savimbi's closest confidantes defected recently in fear of their own lives and began recounting horrors from within the ruling circle, the wall of lies truly disintegrated. Last Wednesday, UNITA broke its habit of denial and issued a report admitting that serious abuses—including the presumed slaying of Chingunji—had occurred within the movement. The report blamed it all on the two high-level defectors, Miguel N'Zau Puna and Tony Fernandes. The report asserts that Chingunji "unaccountably disappeared."

However, four years ago, Chingunji gave me—a longtime close friend—a detailed account of what he concluded was Savimbi's ruthless elimination of anyone he thought a rival. Many of the victims were members of Chingunji's extended family.

It is a terrible irony that Chingunji concluded this even as he was reaching the height of his diplomatic success as a UNITA spokesman and propagandist in America and Western Europe. I, myself, once accepted the heroic image of Savimbi, as my 1986 book, "Jonas Savimbi: A Key to Africa," makes clear.

Chingunji's ties to UNITA—like Savimbi's—were unique. Although multitribalist in ideology, UNITA was always dominated by two great clans of Angola's biggest tribe, the Ovimbundu. The clans were the Savimbis—and the Chingunjis.

Savimbi and his branch of UNITA, trained by the Chinese, fought in the bush. The Chingunji clan organized the clandestine underground and penetrated from within. Tito Chingunji's parents, Jonatao and Violeta Chingunji, who were longtime UNITA activists, raised 10 children. All became UNITA activists; all but one have died in the violence.

Angola has been engulfed in fighting for almost 30 years. When the Portuguese left in 1975, a civil war erupted between the Marxist MPLA regime, backed by Moscow and Fidel Castro; and UNITA, backed by the United States and South Africa. Chingunjis parents were slain in 1979; Savimbi told Tito they had died during an MPLA offensive. At first, Tito accepted this.

Meanwhile, he rose in UNITA ruling circles. By 1983, he was a Politburo member and foreign secretary, ranked No. 3 behind Savimbi and Puna. But that year, he told me later, relatives smuggled startling information out of Angola: His parents had perished at the hands of Savimbi henchmen.

Tito gathered evidence and kept his own counsel. He advised me on my book and played a pivotal role in negotiations that culminated in the December 1988 New York Accords providing for the withdrawal of Cuban and Soviet forces from Angola and the South African Defense Force from neighboring Namibia.

In September 1988, Tito phoned me in London and asked me to fly to Washington to talk to him. He said it was a life-or-death matter that could not be discussed by phone.

Mystified but deeply concerned about a man I considered a brother, I flew to Washington. We met at a downtown hotel. He began by saying: "There are things I need to tell you because you are a man who understands African politics and because your family has loved me." I took careful notes as he talked.

Tito said things were more complicated within UNITA than he had ever told me. He went on: "Each time I return to Jamba [Savimbi's bush headquarters] I do not know whether or not I will come out again, or whether or not I will be killed."

"My parents [were] beaten to death on Savimbi's instructions," he said. "I have now confirmed that that is true. My sisters and brothers and their wives and husbands are under arrest and have been severely beaten. One of my sisters, Xila, has been executed."

"My father was a strong character and he never hesitated to criticize Savimbi," said Tito. "He became increasingly disapproving of Savimbi's callous treatment of women. Savimbi took 'wives' from everywhere and everyone, and his children from many women are scattered throughout southeastern Angola.

"For a long time there had been rumors that four of my brothers had been killed on Savimbi's orders," said Tito, but he had not believed them. He had lived through incredible adventures in the bush with Savimbi and genuinely admired him. "Then I learned that my surviving brothers and sisters had been arrested, and they got reports out to me saying that the strongarm men who surround Savimbi had beaten our parents to death."

He said his parents had died after confronting Savimbi with reports of the killings of several sons. Enraged, Savimbi jailed the parents with their surviving children and other relatives. The parents were tortured and beaten to death. (According to an account I was given by a senior UNITA representative still in Europe, the two were run over repeatedly by a truck.)

Despite the gravity of his accusations, Tito insisted out of fear for relatives still in prison that the information remain confidential. He would tell me when I could use it or, if something serious happened, I would know the time had come to make it public.

Tito said he had confronted Savimbi with his findings and the UNITA leader had admitted the killings and repented. Tito said he believed Savimbi was a "changed man." With peace near, the two had reached an understanding to get through the transition to free elections. Tito was also convinced that he was protected by his valuable diplomatic work and his strong religious faith.

In November 1988, Tito and all UNITA representatives abroad were called back to Jamba, ostensibly to confer prior to the signing of accords. Many people warned him not to go.

Tito ignored the advice. He went to Africa—and never returned.

The first overt sign of trouble came when UNITA announced he had been demoted from his leadership posts. Soon, I was inundated in London with calls from his friends in Europe and America asking me to go to Jamba to find out what had happened. I agreed—and stepped into one of the most bizarre and sad encounters of my life.

On the night of Dec. 21, 1988, I was ushered past guards toting AK-47 assault rifles into a circular conference hut in Jamba. Savimbi was sitting in a big red chair facing 13 pistol-packing members of his Politburo. Chingunji, his face a mask of fear, sat in the middle. We hardly dared look at each other, much less say anything. I said I had come to inquire about Tito on behalf of many other people and because, since the time I worked with him on my book, I had regarded him as a brother.

Savimbi suddenly exploded. His face contorted, he shouted and berated me. "You have come here to insult me! Do you think you can still come to Africa to patronize us, puffing yourself up and saying Tito is your brother and getting him into a lot of trouble?" He raged on and on.

"Our struggle is a big one, bigger than your book! Your book may be thick, but it is a very thin thing in the history of our struggle."

The harangue boomed for more than two hours. In a bizarre moment, Savimbi raised his left hand and said: "I can tell you there is not a spot of blood on my hand! Yes, it is true that Tito's parents were killed, but not by me. And these stories that Tito's brothers were also killed by me are lies * * *. You people are making it impossible for Tito to begin his new job. He is in a state of nervousness each day wondering what new story will be coming to divide him from his brothers."

Savimbi pointed to Chingunji and taunted: "There is your friend Tito. So what do you want to do with him now? Take him to a room where you can discuss alone? Or take him out altogether so that you can be the guarantor of his safety?"

Tito himself interrupted several times, mumbling disjointedly: "You, Fred Bridgland, must know that you and other people are creating big problems for me with these accounts, which are completely untrue * * *. You know yourself that in conversations with me that you have always asserted the brilliance, like a shining star, of Mr. President, who has taught me politically everything I know * * *." Tito was fighting for survival.

Information Secretary Jorge Valentim leaned across, tapped Tito's knee and said, "These imperialists not only spread all these lies about your family, but they were writing untrue things like 'Tito is the most intelligent man of UNITA, he is the cleverest one,' trying to divide us." Tito, near to tears, nodded agreement.

As the hideous session wound down, Savimbi in mercurial fashion changed mood, apologized if he had unsulted me and suggested I embrace each Politburo member. Like an actor in a surreal play, I did so.

I was escorted out. As I walked to my hut under millions of stars winking like diamonds in the African sky, I heard the sound of Politburo laughter mocking me. I began writing notes on the encounter.

When I got back to London, I worked with diplomats and human rights groups to save Chingunji. But I never saw him again. Now he, his wife and tiny children are dead, victims of a man of immense potential who has been overcome by megalomania. It is a tragic and disgusting waste of one of Africa's finest young men.

But it's curious: The dead Tito lives on vividly for his many friends in Angola and around the world, while Savimbi, who still lives physically, is now dead. When you are no longer worthy, power just evaporates like morning dew.

U.N. Security Council, March 3, 1992

FURTHER REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ANGOLA VERIFICATION MISSION (UNAVEM II)

INTRODUCTION

1. As members of the Security Council will recall, the Peace Accords for Angola signed by the Government of Angola and the National Union for the Total Independence of Angola (UNITA)[1] provide for the following:

"Free and fair elections for a new Government will take place following voter registration conducted under the supervision of international election observers, who will remain in Angola until they certify that the elections were free and fair and that the results have been officially announced."

2. On 30 May 1991, the Security Council adopted resolution 696 (1991) and approved the Secretary-General's report of 20 May 1991[2] with its recommendations for specific action by the United Nations to assist in implementation of the Peace Accords. Paragraph 9 of the report referred, in particular, to the possibility of United Nations involvement in the Angolan electoral process. It was understood, however, that the two sides had not yet decided which international organization or organizations they would request to provide technical advice on certain electoral matters, as well as supervision of the elections by international election observers.

3. As members of the Security Council were informed, on 5 December 1991, the Permanent Representative of Angola delivered to my predecessor two letters dated 8 November 1991, signed by the Minister for External Relations, H.E. Mr. Pedro de Castro Van-Dunem "Loy". One of the letters formally requested the Secretary-General to send United Nations observers in order to follow the Angolan electoral procedure until its completion in the fall of 1992. It specifically emphasized the full commitment of the Angolan Government to establish a multiparty democracy and to consolidate peace in that country. The other letter contained a request for United Nations technical assistance to help the Angolan Government to prepare for and conduct the forthcoming elections.

4. With regard to the second letter, I have already initiated the early provision of technical assistance on electoral matters to Angola. This is being organized and coordinated by the former Department of Technical Cooperation for Development and the United Nations Development Programme (UNDP) in the framework of their respective programmes, and voluntary contributions are being sought from prospective donors. In January 1992, the Angolan Government, UNDP and the Department of Technical Cooperation for Development signed a project covering such technical assistance. The project provides for assistance to the Angolan authorities through a small team of international and national consultants on election organization, logistics and communications, and emphasizes the coordination of at least part of the bilateral foreign assistance through UNDP.

5. As regards United Nations observation of the elections, the Secretary-General stated on 20 December 1991, at informal consulations of the Security Council, that the following considerations were particularly relevant to the Angolan request.

6. First, the request clearly pertained to a situation with an international dimension with which the Council had been seized since it established UNAVEM II to monitor the cease-fire arrangements agreed to in the Peace Accords. Second, the conduct of internationally supervised elections constituted the central element in the implementation of the Peace Accords. Third, in order to verify the fairness and impartiality of the elections in Angola, the monitoring should cover the entire electoral process, including voter registration. Fourth, the introduction of a United Nations presence in the electoral process had been officially requested by the Angolan Government at an important point in the peace process. And fifth, there was broad public support in Angola for the United Nations to assume such a role. Bearing these considerations in mind, the Secretary-General said, in the informal consultation on 20 December 1991, that he intended to recommend that the Security Council authorize a mission to observe the future elections in Angola. But first, it was his intention to send a preliminary survey team to Launda to prepare a comprehensive report on such a mission. On the basis of that report he would present his recommendations for the consideration of the Security Council.

7. Having consulted President dos Santos as well as Mr. Jonas Savimbi, President of UNITA, I addressed a letter on 6 February 1992 to the President of the Security Council[3] informing the Council of my decision to appoint Miss Margaret Joan Anstee, then Director-General of the United Nations Office in Vienna, to the post of my Special Representative for Angola, with effect from 7 February. The members of the Council welcomed this decision.[4] The Special Representative is to coordinate the current and projected activities of the United Nations in connection with the Angola Peace Accords. She is in overall charge of these activities and is also the Chief of UNAVEM II. I also indicated my intention to recommend that, in addition to its existing military observers, police monitors and civilian staff, UNAVEM II should be enlarged to include an Electoral

Division. it is intended to establish in March 1992 an office of the Special Representative in Luanda, with a staff of international civil servants, to assist my Special Representative in coordinating all United Nations activities related to the Angolan peace process.

8. I asked my Special Representative to make an immediate visit to Angola in order to assess developments in the peace process and to report to me with recommendations concerning the United Nations role in observing the forthcoming elections. Miss Anstee, accompanied by a small team, visited Angola from 17 to 20 February 1992. She was briefed by the Chief Military Observer of UNAVEM II and his staff and had extensive discussions with the heads of the government and UNITA delegations to the Joint Political-Military Commission (CCPM), as well as with the heads of the observer delegations to the CCPM (Portugal, Russian Federation and United States of America), the Minister for the Administration of the Territory who is currently in charge of preparations for the elections, and the UNDP Resident Representative and the representatives of several United Nations agencies. She was received by Mr. Savimbi, President of UNITA. The Special Representative also attended a CCPM meeting on 20 February 1992, as well as a conference, organized by the Ministry for the Administration of the Territory, bringing together donor countries that have indicated their willingness to provide some financial and material assistance for the electoral process. In addition to these consultations in Luanda, she visited the province of Uije to see the situation in the FAPLA assembly area at Negage and in the FALA assembly area at Quipedro.

I. THE CURRENT STATE OF THE PEACE PROCESS

9. There are several positive elements in the report on the current state of the peace process that my Special Representative presented to me following her visit to Angola. But there are also a number of matters which give cause for concern.

10. Nine months after the signing of the Peace Accords, a great deal has been achieved and the Angolan peace process is generally developing along the lines of the Accords, although there have been delays and gaps in the completion of some of the major tasks. Despite some incidents, there has been no major violation of the cease-fire, an outstanding achievement for which both the Government and UNITA deserve congratulation after 16 years of civil war. Both parties have repeatedly reaffirmed their commitment to the non-renewal of hostilities. The joint commissions composed of the Government, UNITA and the three observers (Portugal, Russian Federation and United States), with the participation of UNAVEM II, as well as the Government/UNITA monitoring groups, continue to function. The first phase of the training of the new armed forces (half of whose strength will come from the Government's forces and half from UNITA) was completed in February 1992.

11. However, after initial progress in the implementation of the Peace Accords, work on most of the deadlines provided for in the Lisbon documents or in the subsequent undertakings is well behind schedule. The most worrying matter concerns the confinement of troops in the 48 designated assembly areas. As at 26 February 1992, UNITA had confined 93 percent of the troops it is supposed to assemble, while the percentage of government troops accounted for by UNAVEM II had dropped to 54 percent of the already revised projected total. Despite efforts under a special programme, launched in September 1991 by the United Nations, to assist the soldiers and their dependents in assembly areas, the numbers of FAPLA forces in the assembly areas have decreased substantially, as a consequence of the scarcity of food, poor living conditions, lack of pay and lack of leadership. There is unrest in many FAPLA assembly areas and this only adds to the precarious security situation in many parts of the country. On 20 February, CCPM, in the presence of my Special Representative, took a decision on a precise timetable for demobilization, which aims to complete the process at the end of July 1992. However, the practical steps to implement this plan have yet to be finalized. Government and UNITA delegations are also working on a plan to collect and store all weapons, from both inside and outside the assembly areas, in regional armories.

12. After protracted delays, the Government and UNITA have designated their members for the joint police monitoring teams whose task is to monitor the neutrality of the national police in Angola's 18 provinces. Rules of procedure for the monitoring teams have been developed in the Political Commission and approved by CCPM. However, joint police monitoring has still not effectively started in many areas because of difficulties that both the Government and UNITA have encountered in providing transport, communications and office space for the teams.

13. In spite of these difficulties and delays, UNAVEM II military and police observers have continued to verify and assist in the implementation of the cease-fire arrangements, as well as the arrangements agreed by the two Angolan parties for monitoring the national police.

14. The Peace Accords stipulated that the Government's administration should be extended to the areas that were beyond the range of its authority. This process got under way in November 1991 but, notwithstanding renewed efforts by CCPM, the Government has not yet been able to extend its administration to a number of municipalities controlled by UNITA. This factor is still hampering another related element in the Peace Accords, which calls for the free circulation of people and goods throughout Angloa. It could also impede the early stages of the electoral process. Apart from the political problems, the extension of central administration has been made difficult by the fact that many bridges are destroyed and many roads are still mined. It is important that this problem should be resolved soon.

15. Under the Peace Accords, all civilian and military prisoners held by the Government and UNITA have to be released. At the end of February 1992, the Government has freed 904 prisoners registered with the International Committee of the Red Cross (ICRC), while UNITA had released 3,043 registered prisoners. Both parties have stated that they have completed the first phase of the release of prisoners, but they still have outstanding claims against each other, action on which will constitute the second phase.

16. Apart from the Movimento Popular para a Libertagao de Angola (MPLA) and UNITA, there are about 30 political parties and organizations established or emerging in Angola. The Government has conducted bilateral consultations with the political parties and forces and has also organized a multiparty conference to discuss matters including the draft electoral law, the law on the formation of political parties, the exact data for the elections, the simultaneity of the presidential and legislative elections and changes to the Constitution. UNITA did not participate in the multiparty conference but the Government subsequently discussed these matters with it separately, and a comprehensive plan for organizing the elections is emerging. However, specific preparations for these first free elections, which present a daunting challenge to the Angolan people, have barely begun. There are many logistical, administrative and financial problems that must be overcome for elections to be held in September 1992 as provided in the Peace Accords. Both parties made clear to my Special Representative their high hopes and expectations for major United Nations assistance in both organizing and supervising the elections.

17. As indicated in my letter of 6 February 1992 to the President of the Security Council,[3] I asked my Special Representative to give priority to finalizing a plan for the United Nations to observe the elections. She has accordingly prepared the plan described below.

II. OPERATIONAL PLAN FOR UNITED NATIONS OBSERVATION OF THE ELECTIONS AND THE ENLARGEMENT OF UNAVEM II

Main assumptions

18. The United Nations electoral mission will have the explicit agreement of the two parties to the Peace Accords, who will confirm their understanding and acceptance of the mission's terms of reference and mandate.

19. The mission will be an operation limited in scale, similar in approach to the United Nations Observer Mission for the Verification of the Elections in Nicaragua (ONUVEN) and the United Nations Observer Group for the Verification of the Elections in Haiti (ONUVEH).

20. The mission will rely on the logistic and communications systems established by UNAVEM II and by United Nations agencies operating in Angola to the maximum extent possible and in an integrated manner.

21. The legislative and presidential elections will be held simultaneously in the second half of September 1992.

Terms of reference

22. The terms of reference would be as follows:

(a) To verify the impartiality of the electoral authorities in all aspects and stages of the electoral process;

* * * * *

27. Three main phase of the electoral process are foreseen: the registration of voters (possibly starting in April 1992 and lasting until July or August); the electoral campaign (lasting for several weeks before the poll); and the poll itself (lasting for one or more days in the second half of September).

28. The UNAVEM electoral observers, during all three phases, would monitor and evaluate the operations and impartiality of the electoral authorities at all levels. UNAVEM would similarly evaluate the fairness of all significant decisions of the electoral authorities and would investigate disputed actions taken by them. The provincial terms would have regular contact with political parties and social organizations, and would visit municipalities and villages throughout the country; they would monitor registration by making random visits to key centers; they would observe important political rallies and other political activities; and they would verify compliance by parties with the electoral law and with the code of conduct. The mechanisms through which broadcasting time was allotted to the different

parties would also be observed and the content of information broadcasts and the fairness of tariffs would be analyzed. UNAVEM would also evaluate complaints received about the use of public resources as well as making its own observations. These activities would make an important contribution to confidence-building and would be accompanied by public information programs. It is expected that at least 95 per cent of the municipalities and main population centres would be visited at least once by UNAVEM teams and, for the more populated areas, there would be several visits.

29. A network would be created to receive complaints by political parties, analyses their relevance and transmit them to the electoral authorities and appropriate parties. The actions taken in relation to situations that might significantly affect the fairness of the elections would be carefully followed. A data bank at Luanda headquarters would incorporate the complaints received and periodic analyses of the evolution of the situation would be produced.

30. During the polling itself, the Electoral Division would field about 200 observation teams of two people each, i.e., a total of 400 people. These teams would have full access to monitor all stages of the poll, and would develop a projection of results for internal purposes. These 400 personnel would consist of the approximately 100 staff mentioned in paragraphs 24 and 25 above; about 100 additional observers to be selected from UNDP and other United Nations agency personnel in Angola, plus volunteers from selected non-governmental organizations (NGOs), about 100 additional observers from the Secretariat; and a further 100 contributed by member States.

31. It should be emphazised that this proposed operational plan and the preliminary cost estimates, which will be presented as an addendum to the present report are very modest for observing and verifying the first-ever elections is Angola, especially when compared with the costs currently projected for other recently initiated United Nations operations. Given the vast size of Angola, its difficult terrain and its degraded physical and administrative infrastructure, the allocation of an average of only five observers to each province (i.e.) approximately one United Nations observer per 100,000 inhabitants) would obviously allow for only sample observation.

32. There are at present many political, administrative and logistical imponderables and uncertainties, which could radically change the direction of the process. These factors argue in favor of making maximum use of the resources that UNAVEM II, UNDP and other United Nations agencies already have in Angola. The existing mandated strength of 350 United Nations military observers and 90 United Nations police observers, and existing support services, should be maintained. The requirements for additional administrative support staff will be detailed in the budget that I will present to the General Assembly and will be reflected in the preliminary cost estimates referred to above. Given the present uncertainties, further needs for personnel and equipment may emerge, and I will address the appropriate bodies again if the need should arise.

33. The current unsettled security situation in many areas of the country may make it necessary to provide UNAVEM II with security services for its election operation. These could be obtained on a contract basis from international security firms currently operating in Angola, which would be less expensive than deploying United Nations guards or additional military or police personnel from the troop-contributing countries for this task.

III. OBSERVATIONS

34. Much has been achieved in implementation of the Angolan peace process, but there remains much to be done to ensure that these gains are followed through to completion. The timetable for implementation of the Accords cannot be delay further. All Angolan parties and forces must join together urgently in making renewed commitments to realistic and workable timetables and methods for implementing the Peace Accords until achievement of the goal: free and fair elections in September 1992.

35. There is no reason to delay the demobilization of troops any longer. They should be able to begin returning to civilian life through an organized programme. Clarifications must be exchanged between the parties about their troops outside the assembly areas, so that they can be accounted for and monitored, as CCPM agreed on 30 January 1992. Establishment of a unified civilian police force, as well as the formation of joint military police units within the new national army, are high priorities. Every effort should be made to extend the Government's administration and to restore security throughout the country so that normal economic, social and political activities can be carried out without fear or intimidation. These are priority tasks that must be accomplished rapidly to ensure the success of the electoral process.

36. Moreover, there should be early national consensus on the essential elements for organizing the elections. These include agreement on the date for the elections and simultaneity of the legislative and presidential elections; the establishment of a workable National Electoral Council; the minimum voting age; and a comprehensive, detailed budget allocated by the Government.

37. As my Special Representative repeatedly emphasized during her visit, the Angolan elections are essentially a national, sovereign affair. The United Nations role is to observe and verify the elections, not to organize them. The Government must be seen clearly to be taking charge of their organization, especially concerning logistics. The Government and UNITA should make available as soon as possible all available resources, including accommodation, vehicles, aircraft, communications equipment and personnel. It is, however, unlikely that national resources, even if fully mobilized, will be adequate for this task and urgent supplements from the international community and bilateral donors are certain to be needed. It is also necessary that the registration of voters be practical and workable and not aim for a level of sophistication that is likely to be expensive, unnecessary and almost certainly unattainable, given the conditions existing in Angola. It is, moreover, essential that a strict schedule for the electoral process be maintained so that the elections can be held in September 1992. Unless the necessary political, legal, organizational and budgetary prerequisites are fulfilled very soon, the effectiveness of United Nations electoral observation as well as voter registration could be put in question.

38. While emphasizing the responsibility that lies with the Government, and with the Angolan political parties, to take now the steps necessary to ensure free and fair elections in September, I believe that the United Nations should make every possible effort, within the limits of its mandate and resources, to assist the process, in accordance with the request received from the Angolan Government. Accordingly, having considered the report that my Special Representative presented to me on her return from Angola, I recommend to the Security Council that UNAVEM's mandate, strength and composition be enlarged in the manner described above.

39. This new role for the United Nations in Angola, if approved by the Security Council, will be a daunting challenge, given the devastated condition of the country, the almost total lack of the infrastructure that will be necessary for the electoral process, and the major political, logistical and administrative uncertainties now evident. The efforts that will have to be undertaken, above all by the Angolan people themselves, in the organization of their first free and fair elections, which are an essential precondition for peace and political stability, deserve the support not only of the United Nations, but also of all those concerned with the future of Angola.

FOOTNOTES

[1] See S/22609.

[2] S/22627.

[3] S/23556.

[4] S/23557.

Mr. BOREN. Mr. President, I thank the Chair and I particularly thank my colleague from Florida for allowing me to proceed at this time.

The PRESIDING OFFICER (Mr. LIEBERMAN). Under the previous order, the Senator from Florida is recognized to speak for 20 minutes.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2671 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from Washington [Mr. GORTON] to speak for up to 10 minutes.

THE 50TH ANNIVERSARY OF FAIRCHILD AFB

Mr. GORTON. Mr. President, 1992 marks the 50th Anniversary of Fairchild Air Force Base. Since World War II, Fairchild has proven itself to be a friend to the community and a leader in strategic air defense. I would like to take a few moments to recognize the dedication of those who help to maintain this excellence, and to commend Fairchild for its loyalty to both the Spokane community and our Nation's defense.

For the most part, the decision to build a military base east of the Cascade Mountains can be attributed to the citizens of Spokane. In 1938, when the War Department expressed an interest in Washington State as a potential military site, the Spokane Chamber of Commerce began organizing efforts to convince the Government of Spokane's ideal military value. Specifically, Spokane's inland location east of the Cascade Mountains offered an ideal position away from enemy attacks.

In June of 1941 the Executive Chamber of Commerce met with Government officials to discuss the selection of Spokane as the site for a new air corps maintenance facility. Although the board was interested in the Spokane site, Congressman Scoop Jackson and Senator Mon Wallgren were actively lobbying the War Department to build an air field in Everett. The Spokane Chamber unanimously voted to match any offer made by Everett, and on September 10, 1941 the War Department selected Spokane as the air depot maintenance site.

Soon after the bombing of Pearl Harbor, the Secretary of War refused to publicize any ground breaking ceremonies for the Spokane Air Maintenance Depot. On March 1, 1942, the ground breaking took place with little or no ceremony. A few days later, the soon-to-be maintenance facility received its first commanding officer and in December 1942 the media caught its first glimpse of the new Spokane Air Depot.

Fairchild excelled from the very beginning. During its first full year in operation, the Spokane Air Depot repaired over 10,000 engines. Although it performed exceptional maintenance and repaired more aircraft than any other plant in the United States, the need for such a facility disappeared after World War II. When the Depot was deactivated in 1947, the 92d Bomber Group moved in, bringing with it 30 B-29's and 3,000 airmen.

From World War II to the Persian Gulf conflict, Fairchild Air Force Base has exceeded in every aspect of military, humanitarian and community achievement. In response to the Tonkin Gulf crisis, for example, Fairchild supplied 47 crews and 25 KC-135's for air refueling missions. By 1966, the B-52's had entered the battle and were deployed to Guam where they served until the end of the Vietnam conflict; 1991 proved to be the most significant year in the history of Fairchild. As it played a significant role in our decisive victory over Iraq. The 92d wing and the 141st Air National Guard Refueling Wing deployed a total of 1,350 personnel to Desert Shield and Desert Storm. In the end, the Fairchild squadrons flew an impressive 726 sorties.

Fairchild has been involved in a number of humanitarian efforts as well. In March of this year, Fairchild was successful in delivering food and medical supplies to Russia. Operation Northwest Neighbor was one of the first humanitarian efforts to be concluded with the former Soviet Union. The leaders at Fairchild were instrumental in making that program a success.

In addition to its military and humanitarian achievements, Fairchild has gone out of its way to work closely with the Spokane community. The Spokane Chamber of Commerce has unqualified praise for the cooperation it receives from the men and women stationed at Fairchild. The relationship between the two has been described by some as "a unique and wonderful relationship * * * one that is virtually without parallel elsewhere."

For five decades, Fairchild Air Force Base has contributed to the economic vitality of Spokane as well as to the military strength of the United States. It is an honor to thank and congratulate Fairchild for 50 years of dedicated and exemplary service and to look forward to at least another half century of such magnificent service.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I inquire as to the status of the Senate at the present time.

The PRESIDING OFFICER. The Senate is in morning business until 12:30. Under the previous order, a number of Senators have been allocated time. However, none of them are on the floor at this time.

The Senator from Montana is recognized for up to 5 minutes as in morning business.

Mr. BURNS. Mr. President, thank you very much.

GLOBAL WARMING

Mr. BURNS. I have been listening to a lot of debate this morning on issues that I think involve all of us all around the world.

Yesterday, in the Energy Committee, was probably the most interesting panel that I have ever listened to since I became a Member of this body, with regard to global warming and the efforts that we are trying to put forth to maybe deal with that.

I want to enter into the RECORD a list of those witnesses yesterday and the credentials that they bring to this Government, as we try to fashion an energy policy that would deal with the environment around us: Dr. Robert Watson, who is Director, Process Studies Program Office, National Aeronautics and Space Administration here in Washington, who has been involved in this debate, and involved in this issue for a long time; Dr. Richard Linsen, who is professor of meteorology, Massachusetts Institute of Technology from Cambridge, MA; Dr. Michael McCracken, Division Director for Atmospheric and Geophysical Sciences, Lawrence Livermore Laboratory, out of Livermore, CA; Dr. Stephen Schneider, who is a senior scientist, National Center for Atmospheric Research out of Boulder, CO.

We see a lot of things on C-SPAN and the different media that covers Washington, DC, but I did not see one television shot of the testimony that was offered in the give-and-take between the Senators involved on the Energy Committee and this panel anywhere in the media either last night or today. In fact, I did not see one television crew in that room as this dialog was being carried out in that committee. That is sad, because if there is one thing, as we go to the scientific community in order to make our decisions in policymaking here, we have to have that kind of scientific information that these people offered that committee yesterday.

People are fascinated about global problems, and sometimes we have to look at a global problem when we solve it on a regional basis, and we tend to answer some of the questions that are globally asked. There would be those who have not really taken a look at this issue called "global warming," because they only see what they want to see; they hear what they want to hear, and then they draw their conclusions from that. I do not think that is quite the way they make their decisions in their private lives.

Yesterday was the most balanced information I have received since I have been in the U.S. Senate. We were very, very fortunate yesterday to have those gentlemen on that panel. When we talk about the commitment of this administration or this Government to deal with the problem, or so-called problem, of global warming, we have to use a little bit of imagery, I guess.

As I had breakfast this morning and spoke to a group, I said, you know, there is a difference between dedication, commitment, and involvement. This country, to research and development, is spending as much money as the total rest of the world.

Let us get that very plain. I think the American people should know that. We are spending $1.2 billion a year on research and development into this subject. The rest of the world—everybody else put together—is only spending about $1.4 billion. That is the difference between commitment, dedication, and involvement. As I looked at that plate in front of me this morning, I remembered the old story—when I looked at those eggs, I could say that the old chicken, the old hen, was involved in that breakfast. But when I took a look at that bacon, I thought of that old hog and, baby, that is commitment. There is a difference.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. BURNS. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, yesterday, what came out of that hearing was this: CO_2 is not the only culprit that we have to deal with in this country; and is it a culprit? I do not think so. If it was not for it, plants or trees would not grow; they could not make oxygen that would sustain our lives. And scientists, right now, will agree on one thing, that there is not enough data, there is not enough information, to draw conclusions in which we can set policy. There is a broad range of disagreement in this field. And before we embark on any kind of a policy we have to understand what global warming is all about. I would suggest and conclude from that hearing yesterday that they only agree on one thing, and that is not to agree. But they all did agree on one thing and it was very clear in that hearing that we cannot draw any conclusions right now.

Do you realize—and I want to bring it to the attention of the American people—that water evaporation in this country contributes much more, in fact greatly more to the greenhouse effect and that would not go away if CO_2 was completely controlled and 80 percent of that emission in this country is stopped?

So when we all boil down on these issues and we wonder why people are not going hither and yon, we must ask our questions: Is this in the interest of science, science that we can place some confidence in and draw some conclusions from and develop policy and goals and policy to reach those goals; or is it strictly from the motivation of the political world?

It is time we stopped asking political questions and we start asking scientific questions to deal with this problem. I come from Montana and it is funny that we have probably the largest concentration of fossils up there of dinosaurs. Dinosaurs did not live in a cold region. Climate change is a natural evolution of this planet. And what we do can do very little to alter that natural evolution. It will change in another 2,000 years. This planet might not look as it does today. We know that 10,000 years ago it did not look as it does today.

So let us do not be going off here with only a half a sack of groceries and expect to feed the world when the information that we have right now is incomplete and more research is going to have to be done. And this administration and this Government has pledged to do that since we are the biggest contributors to research and development dealing with this issue.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Wyoming [Mr. SIMPSON] or his designee is recognized to speak for up to 15 minutes.

Mr. DOLE. Just yield me a minute.

Mr. SIMPSON. Mr. President, the Republican leader would like to introduce a bill and I yield to him for that purpose without relinquishing my time, if I may.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE and Mr. SIMPSON pertaining to the introduction of S. 2672 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A RECENT EXAMPLE OF HOW THE DEMOCRATS INJECT RACE INTO CAMPAIGNS

Mr. SIMPSON. Mr. President, a couple things have been on my mind with regard to statements made on this floor in recent days, and these matters were on my mind before the horror of the Los Angeles experience. But they in a sense dovetail because whether the topic is race or the environment, it seems to me there is a noticeably greater stepping up of the rhetorical heat on the President.

We are hearing the same old, searing President bashing from frustrated Members of the Senate who are not on the Environment and Public Works Committee who utter almost daily and continuous harangues about the administration policy and lack of leadership on the environment and harsh personal attacks on the President of the United States.

Several days ago one of the Members of the other faith spoke in the same breath of George Bush, Al Sharpton, and David Duke. That is such a repugnant and crude comparison. I spoke in response to that. The Member, who is a lovely friend and a fine Senator, said to me, "Yes, I should have rethought that, or could have said that differently." I said, "I think so" I have been involved in several of those in my public life. But those kinds of comments are coming fast and furious this election year, and now we even hear more and more about Willie Horton again. And once again, we are hearing about a President who has no commitment to the environment whatsoever.

I think that it would be well to do, during my time, to reflect on what I see happening as some of my distinguished colleague across the aisle say one intends to make this into a racist issue and then in the next breath, they say they would like to say just one thing. Plenty of my colleagues in the majority party in weeks and days past have taken to the floor and taken to the media to accuse the Republicans of unfair politics in originally raising the issue of Willie Horton. The phrase all too commonly used goes something like this: "The party—or fill in the blank—or the President who gave us Willie Horton is now doing this." And then they describe the terrible thing being advocated. I agree. The party who did first raise the issue of Willie Horton is doing some terrible things like indulging in panic politics, because that same party is trying to inject the very perverse theory of class warfare into the political dialog of the day.

So I just wanted to share with you here on the floor for a few minutes exactly who that party is. And I have before me a full and fair chronology of the Willie Horton issue. Anyone is welcome to check for themselves what really happened there. I also ask unanimous consent that an article from Time dated June 27, 1988, and an editorial from the Washington Post dated October 25, 1988, be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. In 1987, the Lawrence, MA, Eagle-Tribune investigated the State prison furlough policy and was awarded a Pulitzer Prize. A photo of Horton was printed. A citizens referendum campaign was launched to ban prison furloughs.

On April 12, 1988, the prison furlough issue was first raised in the national political Presidential campaign when a Democratic candidate running for the Presidency attacked Dukakis over weekend passes for first-degree murders. That was in a New York debate. That person still serves in the U.S. Senate.

On June 9, 1988, Bush, the Vice President, criticized Dukakis' furlough program for the first time. There was no mention of Willie Horton.

On June 20, 1988, Time magazine described how Willie Horton haunts the Dukakis campaign. In the June 27 issue a picture of Willie Horton was included.

On June 22, Bush renewed his attack on the furlough program. This was the first time that Willie Horton was mentioned by name.

And then, on June 30, 1988, Reader's Digest published the Willie Horton story, the first major nationwide exposure of the matter. There was no photo and no mention of race.

On July 31, the Washington Post said: "Horton's picture has appeared repeatedly on network television news."

In September 1988, Americans for Bush, an independent organization—those entities which we ought to really be paying attention to in our campaign reform efforts—aired an ad critical of Dukakis' furlough program. Horton's picture was prominently displayed. Network news programs repeatedly referred to the ad and misidentified it as a Bush ad.

At the same time, the Bush campaign was airing its revolving door ad and that had no mention of Horton and no picture. The Bush campaign never used Horton's photo in any way at any time.

And then, in October 1988, a Dukakis TV ad used the name and photo of a Hispanic murderer who escaped from a Federal halfway house.

On October 20, the Dukakis campaign chairman was asked if he thought the Bush campaign was racist. He responded: "I would not accuse the campaign of that." That is the statement of the Dukakis campaign manager.

Then, later in the month, October 23, various Senators, Democratic Senators, and Democratic Congressmen, all simultaneously accused the Bush campaign of being racist for using the furlough issue.

And then do not miss the Washington Post editorial of October 25, 1988, just a few days before the election. It said: "The Dukakis campaign's new charges that the Bush campaign is making racist appeals is a phony. We think it's a phony." This is the Washington Post.

The Post goes on: "Massachusetts is the only State that furloughed prisoners sentenced to life without parole, and for 11 years Mr. Dukakis supported that policy and resisted attempts to end it. It may or may not be relevant to stress that, but it isn't racist."

So it would appear from the facts that the Democrats themselves had two real firsts. Those firsts were: They were the first to raise the furlough issue, and the first to bring race into the debate. And the media took its lead from a Democratic candidate in the Presidential primary election and expended the issue.

The Bush campaign was the last to raise the furlough issue and never—never—referred to Willie Horton or injected race into the debate. All that hype came directly from the Democrats, and it blew right smack up in their faces, like it will again if they cannot begin to focus on issues and instead, only try to accuse Republicans, and a fine and decent man like George Bush, of their own Democrat political practices.

I ask unanimous consent that a chronology of the Willie Horton issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF WILLIE HORTON ISSUE

1987: Lawrence Eagle-Tribune investigates Massachusetts furlough policy and wins Pulitzer Prize. Photo of Horton is printed. Upset citizens in Massachusetts launch referendum drive to ban furloughs for murderers.

4/12/88: The first national political use of the issue occurs when Al Gore attacks Dukakis over "weekend passes for first-degree murderers" in a New York debate.

6/9/88: Bush criticizes Dukakis furlough program for first time. Does not mention Horton.

6/20/88: Time's 6/27 issue describes how Horton "haunts" Dukakis' campaign. The articles represents the first time Horton's photo is published nationally.

6/22/88: Bush renews his attack on furloughs and first mentions Horton by name.

6/30/88: Reader's Digest publishes the entire Horton story, its first major nationwide exposure. Horton's photo is not used, nor is his race mentioned.

7/31/88: A Washington Post article by Tom Edsall says: "Horton's picture has appeared repeatedly on network television news * * *."

9/88: Americans for Bush, an independent expenditure committee, airs an ad that criticizes Dukakis' furlough program. The ad prominently displays Horton's picture. This ad was then repeatedly mis-identified on network news as a "Bush ad." At the same time, the Bush campaign was running its "revolving door" ad, which neither mentioned Horton nor showed his face. The Bush campaign never used Horton's photo in any way at any time.

10/88: A Dukakis TV ad uses the name and photo of a Hispanic murderer who escaped from a federal half-way house.

10/20/88: Dukakis campaign chairman Paul Brountas is asked if he thought the Bush campaign was racist. He said, "I would not accuse the campaign of that."

10/23/88: Sen. Bentsen, Jesse Jackson, Paul Kirk, Rep. Mervyn Dymally, and Rep. Charles Rangel all simultaneously denounce the Bush campaign as racist for using the furlough issue.

10/25/88: A Washington Post editorial cites "the Dukakis campaign's new charge that the Bush campaign is making racist appeals. We think it's a phony * * * Massachusetts is the only state that furloughed prisoners sentenced to life without parole, and that for 11 years Mr. Dukakis supported that policy and resisted attempts to end it. It may or may not be relevant to stress that, but it isn't racist."

EXHIBIT 1

[From Time Magazine, June 27, 1988]

THE ONE THAT GOT AWAY: WHY AN ESCAPED MURDERER HAUNTS MICHAEL DUKAKIS

Willie Horton was supposed to be serving time for murder in Massachusetts in April 1986 when he invaded a home in Oxon Hill, Md. raped a woman and stabbed her companion. Horton had not broken out of prison. He had walked away from it ten months earlier while on a weekend furlough, an experiment that has been a cornerstone of Governor Michael Dukakis' criminal justice program.

Now the Horton case is being used to point Dukakis with that most damaging liberal stereotype: soft on crime. George Bush has taken to citing his differences with the Governor by saying. "I don't like the idea of letting murderers out of jail." One GOP strategist has proposed a bumper sticker reading: Dukakis to Rapist: Have a Nice Weekend.

Responding to public outrage over the Horton incident, Dukakis signed a new law last April banning furloughs for first-degree murderers. Explaining his turnaround. Dukakis said simply. "I try to listen. I try to learn." But the Governor still becomes testy when confronted with the question. During a debate in San Francisco, conservative Journalist John Mclaughlin charged that Massachusetts' program allowed convicts to commit more violent crimes "That's not true," Dukakis exclaimed. "That happened on one occasion."

Although Dukakis was considered too liberal on crime during his first term, he has worked hard to reverse that image. In the past four years, the violent-crime rate in Massachusetts has dropped 13.4% while the national rate has risen 1.8%. Today the state has the lowest homicide rate of any major industrial state in the country. In 1983 Dukakis formed a special anticrime task council, and he has chaired every one of the group's 58 meetings. "His record against crime now can't be disputed," says Ned Merrick, legislative representative of the state's police association. "It's too good."

Yet the furlough furor threatens to overshadow these impressive achievements. Massachusetts is among 45 states that allow prison leaves. Last fall state legislators published a report lambasting the supervision of the program by the Dukakis administration. Authorities had not properly screened Horton before his leaves, investigators found, and they did not keep thorough records of his behavior in the prison.

Defenders of furlough programs point out that weekend leaves offer relief at a time when prisons around the country are dangerously overcrowded. Behavior during furloughs can help determine how an inmate up for parole might function in society. According to John Larivee, executive director of Boston's Crime and Justice Foundation, the recidivision rate since 1972 has been just 10% for prisoners paroled after taking part in such a program. Among other prisoners, it was 25%.

Moreover, there were only 426 escapes among the 117,786 furloughs during the same period, and Horton's escape was the first among first-degree murderers from the program in nearly five years. "The failure was not the program," says Massachusetts Corrections Commissioner Michael Fair. "Willie Horton was the failure. Our evidence is the program was successful.

[From the Washington Post, Oct. 25, 1988]

A RACIST CAMPAIGN?

Add to the charges the presidential campaigns are hurling back and forth the Dukakis campaign's new charge that the Bush campaign is making racist appeals. We think it's a phony, no more credible than those vicious and baseless charges that the Bush campaign had been making about Gov. Dukakis' patriotism. Lloyd Bentsen, asked whether there is a racial element to the Bush campaign's emphasis on furloughs, replied, "When you add it up, I think there is." Jesse Jackson, speaking in Boston, said "There have been a number of rather ugly race-conscious signals sent from that campaign." Some have gone so far as to charge that Mr. Bush's assertion that Mr. Dukakis is a liberal also has racist undertones. If that term is out of bounds, what form of discourse is not?

The one serious question is this is whether the Bush campaign's attacks on the furlough program that freed prisoner Willie Horton, sentenced to life-without-parole, are an appeal to racism. You can believe that the importance of this topic was greatly overstated and that the "lessons" drawn from it were demagogic and extravagantly sinister without accepting its use as the basis for a charge of racism against Mr. Bush. To begin with, the Bush campaign wasn't the first to raise the furlough issue against Gov. Dukakis; Sen. Albert Gore was, in an April 1988 debate in New York. The Bush campaign has done some disgusting things in this campaign. But the facts are that Massachusetts is the only state that furloughed prisoners sentenced to life without parole, and that for 11 years Mr. Dukakis supported that policy and resisted attempts to end it. It may or may not be relevant to stress that, but it isn't racist.

On racial questions, what we find disturbing in this campaign is not appeals to racist feelings but the conspicuous failure of both candidates to address the particular needs and interests of black Americans. Any candid view of our history and our current situation cries out that blacks have a special claim on the attention of those who govern. But they are getting scarcely any at all from this year's nominees—one because he seems afraid to give it, the other because he seems uninterested.

Mr. Dukakis, speaking at the Neshoba County Fair in Philadelphia, Miss., this summer brushed past the murder of three civil rights workers in that county in 1964. You wonder what held him back. Mr. Bush has devoted almost no time or attention to the situation of black Americans. A certain amount of charge-and-countercharge is probably inevitable in a campaign, but it isn't inevitable or desirable for two candidates to ignore almost entirely one out of 10 of their fellow citizens.

RESPONSE TO STATEMENTS ON RIO SUMMIT

Mr. SIMPSON. Mr. President, today we have heard once again the President-bashing with regard to the environment. Frankly, I find it a bit tiresome to listen to the overblown and sometimes almost pathetic statements made by Democrats, who are consistently second-guessing the President on this issue, and of course many others. But that is politics, and we are all good at it.

I must say, though, that when I heard the distinguished Senator from Tennessee on the floor last Tuesday—and he is my friend; he and my father served together here in the U.S. Senate. And also this very day, our wives, Tipper Gore and Ann Simpson, are en route to Cody, WY, to actively participate in a mental health symposium, something they both have been deeply involved in for many years. The Gores are special, deeply committed people.

But again, either we are responsible for the things that our fine staff members put in front of us, or we have to say, "I guess I said that." But here is what was said:

Last Tuesday, speaking about the Rio summit, I was flabbergasted when my friend from Tennessee said that most of our big cities are only a half step behind Mexico City, which is choking on air pollution. That, my colleagues, is the most exaggerated and inaccurate claim made by our distinguished colleagues on the other side of the aisle in my recent memory.

I have always said everyone is entitled to their own opinions, but no one is entitled to their own facts. I am curious what empirical data the Senator from Tennessee has in his possession to back up this truly extraordinary and outrageous comparison.

Because it is very clear—and no one knows it better than the Senator from Tennessee, who has written on the subject and spoken eloquently on the subject for many years—that the United States of America has had clean air laws on its books for over 20 years. I doubt that anyone will tell you that our fine neighbor to the south has had any similar requirements of this nature during that time.

Congress recently passed a new version of the Clean Air Act which will ensure that the United States has the strongest clean air requirements of any country in the world. Now, with the possible exception of the junior Senator from Minnesota, all of us who have spoken on this issue today were all here and voted on that. The fact is that this country has been a world leader when it comes to environmental protection, and that fact seems to be ignored quite frequently as of late.

And why did we get this historic clean air legislation passed? Because President Bush initiated his own Clean Air Act which helped to break the legislative gridlock that had prevented us from passing a new clean air bill for 10 years. For 10 years, we did nothing. And yet, the Environment and Public Works Committee, which was under the control, most of that time by the majority party, would pass a bill out of committee. It would come to the desk, without any hope of its ever passing.

And so I guess those who would bash the President have had some memory lapses form time to time. Now, that is common. Or maybe some Democrats do not really want to acknowledge the very substantial role the White House played in getting the Clean Air Act passed.

And true credit must go to GEORGE MITCHELL, our majority leader, who worked doggedly in the small room off his office. He dealt with every single concern raised by every single person. Senator MAX BAUCUS of Montana and Senator JOHN CHAFEE also did yeomen's work. There were many of us that did. We worked hard to pass that law.

I find it a bit ironic that Senate Democrats would say that U.S. cities have pollution similar to Mexico when so many on that side were instrumental in getting the Clean Air Act legislation passed and worked on over the years. That is a slight on their own party. I am sure that former Senator Ed Muskie of Maine, who was one of my great tutors on the Environment and Public Works Committee, would certainly take issue with some of the comments made today by the Senator from Tennessee most recently.

I would hunch that those who bash the President for his commonsense policy on global warming are frustrated because they are not in the White House making policy. I understand that. With regard to global warming and carbon dioxide emissions—I can not understand the shrillness of these attacks because those who are making them had a chance to offer amendments to the energy bill which would have required the very things they advocate—drastic CO_2 reductions and specific timetables for reductions. But you know what? They did not have the support of key Democrats in the Senate or the support of a majority of Senators to do these things. And this Senate is in the control of their party. So now we hear this repetitive whining and carping about the administration not carrying out these unwise policies—and frankly I find it to be somewhat extraordinary; not very becoming.

President Bush recognizes this is a most complex issue and that the scientific evidence is not in. We all understand, I think, the difference between ozone depletion, which is a most serious international issue, and global warming, which does not have the same level of evidentiary accord among the science community. He does not want to base policy on some pseudo-reality, driven by emotion, that only exists in some fantasy computer model. He recognizes that other nations which advocate strict targets and timetables have some hidden agendas based on economic gain for themselves and economic loss for the United States. The President is proceeding wisely on this issue. And the American people should not be misled by these shrill critics and self-styled experts who would, like Chicken Little, try to convince us that the sky is falling when, in fact, it is not.

Mr. President, may I yield to myself an additional 2 minutes? I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. The Rio summit is a very important meeting. We all know that. And the administration will be a full participant. They will be there. So I can only conclude that all of these statements on the global environment and horror stories and stridency which we have been hearing for days now in almost an orchestrated approach is really nothing more than political opportunism and fear mongering.

The American people deserve the truth, not just trendy sound bites. And the truth is this: The new Clean Air Act—which many of us on both sides of the aisle worked to pass especially the majority leader and the minority leader—will result in even cleaner air in our cities and a significant reduction in ozone-destroying chemicals that are also greenhouse gases. In fact, that must be so because there are many people who think the timetable is too swift. I do not. I think we thought it over very carefully when we crafted the Clean Air Act.

So President Bush is proceeding with thoughtfulness, with genuine concern about the environment, but he will not be stampeded by hype and hyperbole.

We will hear a good deal of misinformation—we have already heard it—about what scientists think about global warming. I think it is useful to point out that there was a recent Gallop poll of the American Meteorological Society and the American Geophysical Union. Guess what! Roughly Two-thirds of those who were sampled felt our century's warming was not attributable to an enhanced greenhouse effect.

So I do not think it is a sin for the President to think that environmental policy should be based on common sense, on truth instead of emotion, and on sound science. And I think most thoughtful Americans will agree. For, at least on the issue of the greenhouse effect and global warming, many of the scientists who are telling us what they are telling us now, were the same ones telling us 20 years ago that we would be in an ice age within the next three decades.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, who has control of the time?

The PRESIDING OFFICER. We are in morning business. Time is not controlled. Senators may proceed for up to 5 minutes.

A COMMONSENSE APPROACH TO GLOBAL WARMING

Mr. SYMMS. Mr. President, I wish to continue the discussion that my distinguished colleague from Wyoming was just talking about. I share his view that it would be totally irresponsible for the President to rush headlong into agreeing to some kind of arbitrary and capricious standards that might be unattainable and that would put the United States in a competitively disadvantaged position with our trading partners.

This morning our colleague from Tennessee introduced a bill that, in my view, would put our country in a poor negotiating position. I hope that bill will not ever see the light of day here in this Senate. Presently, global climate negotiations are taking place in New York, and these negotiations should move forward without any interference in terms of legislation on the part of this Congress.

The President and his administration have outlined a strategy for reducing CO_2 emissions. I believe, along with many others, that this is the best approach to implement that strategy. Here are the reasons why I believe it to be true.

The strategy the administration has laid down steers away from rigid and arbitrary regimes of targets and timetables for the reduction of emissions and specific greenhouse gases. Instead, it outlines a commitment to adopt a national plan and policy to limit emissions and protect and enhance greenhouse gas sinks and reservoirs. It is a commonsense approach.

No. 2, human-caused emissions of carbon dioxides and other greenhouse gases are addressed jointly, not individually. The comprehensive treatment of net emissions of all greenhouse gases, taking account of available scientific knowledge, allows policies and measures to focus on the best opportunities for reducing sources and increasing the sinks in all gases.

Mr. President, yesterday the chairman of the Energy Committee had a hearing. I think Senator BURNS mentioned something about it earlier here this morning. At that hearing, scientists, holding a wide spectrum of views on global climate issues, all strongly favored a policy approach that would include a focus on actions and measures rather than on arbitrary goals—it makes sense—and two, the need to consider all greenhouse gases, not just CO_2. When we speak about the greenhouse effect, I think it is worthwhile to read a paragraph from a great book. I urge my colleagues, if they have not purchased it and have it, to get one. It is written by a Democrat, I might say, Mr. President, and a fellow Governor with the distinguished Presiding Officer, the Governor of Washington State, Dixy Lee Ray: "Trashing The Planet." It is an outstanding book. I want to read a paragraph from the book.

> Of course, the Earth with its enveloping blanket of atmosphere constitutes a greenhouse. This fact has never been at issue. Indeed, if it were not for the greenhouse function of air, the Earth's surface might be like that of the Moon: Bitterly cold, minus 270 degrees Fahrenheit, at night and unbearably hot, 212 degrees Fahrenheit, during the day. Although the amount of solar energy reaching the Moon is essentially the same as reaching the Earth, the Earth's surface acts like a filter of the incoming solar radiation. About 20 percent is absorbed in the atmosphere, about 50 percent reaches and warms the Earth's surface, and the rest is reflected back into space. As the Earth's surface is warmed, infrared radiation is emitted, and it is the presence of CO_2 and water vapor, methane, hydrocarbons, and other gases in the atmosphere that absorbs the long wavelength infrared radiation, thereby producing the warming greenhouse effect. It would be difficult to sustain life on this planet—

Mr. President, I will not go on and read the rest of the chapter, but I think it is important we put these things in perspective.

In the book, "Trashing the Planet," there is quite a case made by a substantial body of scientists, I say to my colleagues, that the impact that human beings have on the global climate is not as significant as the natural phenomena that take place. So I do think it is significant that there is a lot of uncertainty surrounding the science of climate change. It places a premium on flexibility.

President Bush and his negotiators realize this, and I believe it is imperative we not hamper that flexibility. That is why I cannot in good conscience support the legislation of the Senator from Tennessee.

I ask my fellow colleagues to withhold their support from it.

Mr. President, there is one other thing I would like to say. I do not know how much time I have remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMMS. I ask unanimous consent I might proceed for 3 more minutes if my colleague from Kentucky does not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. If we are going to continue to compare the United States, who refuses to sign targets and timetables, with some of the other industrial nations who are willing to sign, there are a couple of things I think Americans should think about.

No. 1, the CO_2 stabilization mandate ignores key differences between us and other countries. The United States has a huge resource base of low-cost coal and an efficient industry to extract it. Europe has a limited coal resource and has to subsidize its inefficient coal industry. Japan has almost no coal. Severely curtailing coal use, which is essential for a freeze on CO_2 emissions, removes one of the aces from the U.S. energy hand but takes only a low card from our competitors. In other words, they can freeze their CO_2 levels without giving much up competitively, and the United States of America has to give up a great deal in order to do this.

According to official projections, another fact about this country is the U.S. population will grow six times faster than the population of the European Community over the next two decades, putting us in a much worse position to fix emissions relative to a baseline based on current population standards.

So other countries' commitments—we hear a lot about them on the floor, about how they are so much committed. It is much less than meet the eye. The detailed proposals of other countries do not come close to matching their rhetoric, and we should not legislate their rhetoric. The European Community has adopted an EC-wide target of emissions stabilization by the year 2000. The EC's Environmental Commission has acknowledged that the EC is unlikely to pursue its energy carbon tax plans unilaterally. A unilateral EC move was ruled out because of slowing economic growth in the EC, and worldwide.

Japan has discussed a target for stabilizing CO_2 at the 1990 levels by the year 2000.

But it is not clear whether the commitment is per capita or absolute. The Japanese Government will implement only measures that become feasible.

Their scenario requires construction of 40 new nuclear powerplants before the year 2010, which is not very likely that will be able to happen. That is a lot of plants to build in the next 18 years. Energy demand in Japan grew at an annual rate of over 3 percent in the last 2 years. To hold year 2000 per capita CO_2 emissions at the 1990 level, the annual growth over the decade would be held to 1 percent.

Another one of our good friends and allies, Australia, speaks about a goal of stabilizing CO_2 at the 1988 levels by the year 2000, and a 20-percent cut by 2005, but notes, and I want to note this, Mr. President, they say this is an interim planning target and Australia will not proceed unilaterally.

Mr. President, what this tells me is this does not sound like all industrialized nations are so quick to sign on.

I think they are not. They are being reasonable, they are being sensible and that is exactly what President Bush is doing. I urge the President not to go to Rio. There is absolutely nothing the President can do in Rio short of signing some kind of an agreement that may or may not be in our best interest. I think it would be wise and prudent for us to find out what the impact is.

Our colleague from Wyoming mentioned what was going on in the seventies. I was on the House Agriculture Committee in the seventies and I can tell you that we had witness after witness who told us we would be starving in the Northern Hemisphere because we were going into an ice age. Some of these people are the same people who are now saying we are going into this extended period of cold weather. Record cold weather has been broken in Alaska since the so-called global warming has started and across the northern tier.

I yield the floor. I note my time is up.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

THE UNITED STATES MUST TAKE A CAUTIOUS APPROACH

Mr. McCONNELL. Mr. President, I want to take a moment to express my very serious concerns with the bill introduced this morning by the Senator from Tennessee, and the remarks of my colleagues on the other side of the aisle.

Listening to them, you would think that carbon dioxide was equivalent to mustard gas. They fail to mention that the vast majority of carbon dioxide in our atmosphere is from natural sources. You would think that global warming is a scientific certainty equivalent to the law of gravity. In truth, it is more like trying to grab a fistful of water. The United States and the world must take steps to mitigate the possibility of global climate change carefully calculated to produce the greatest environmental benefits with the least, I repeat, the least economic impact. We must focus our limited economic resources on addressing the most pressing environmental risks, not those which are unclear or remote.

In particular, the United States must continue to take a cautions approach before committing to binding agreements on carbon dioxide stabilization. Given the scientific uncertainties and enormous costs in jobs and competitiveness that such Government-mandated targets and timetables could exact, President Bush has acted prudently in his cautious approach to the UNCED conference. To commit ourselves to targets and timetables for carbon dioxide stabilization, without a complete understanding of the magnitude of its effect on global climate change, is a solution in search of a clearly defined problem. The United States has been harshly criticized for not committing to targets and timetables in the New York talks preceding the UNCED conference next month. What my colleagues on the other side of the aisle do not talk about is that the United States has proposed a plan for voluntary stabilization that would be revisited when more facts are known about global climate change.

I am troubled by critics of the administration who insist we should shackle our ecomony's energy use and determine later whether carbon dioxide emissions present substantial risks of potential climate change. I am also concerned that in this election year, our Nation's environmental policy will be undermined by partisan politics, short on facts, and long on rhetoric.

For these reasons, I will oppose Senator GORE'S legislation. I strongly believe it will have an adverse impact on American industry and result in the loss of American jobs. Based on risk assessment, we should not bind our Nation's industry with arbitrary, heavy-handed regulations based on sketchy, I repeat, sketchy science.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I understand we have had a lively debate this morning and that there are other Senators who wish to speak. Therefore, since the period for morning business is due to expire in less than 5 minutes and other Senators do wish to speak, I now ask unanimous consent that the period for morning business be extended until 1:15 p.m., during which time Senators be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

A BLUEPRINT FOR ECONOMIC DIVERSIFICATION

Mr. DODD. Mr. President, many times in the past number of months I have stood in this Chamber and spoken about the remarkable accomplishments of our Nation's defense industry. Most recently, of course, it was some 48 hours ago when we had a lively debate in this Chamber over whether or not the second and third Seawolfs, our modern attack submarines, ought to be completed at three rather than terminated at one boat.

Indeed, Mr. President, it was the men and women of our defense industries who allowed us to contain the Soviet threat, and contributed to those factors which caused the collapse of our four-decade-old adversary, the Soviet Union. Today, Mr. President, that defense industry and the working families that depend on it for their economic livelihood face a challenge almost as threatening as our former foe.

Over the coming years, particularly this next decade, cuts in defense budgets will reduce the work force—and in some cases, close the doors—of numerous defense plants around the country.

These budgets will alter the landscapes of hundreds of local communities as well, and they will leave millions of defense workers across every State in this Nation groping desperately for answers as to their own economic futures.

The problems raised by the decline in defense spending are surely not the most serious facing this Nation today. Indeed, as the civil unrest in Los Angeles and other cities around the Nation demonstrate, the difficulties confronting our society are deep, they are widespread, and they are highly diverse.

But, Mr. President, the cutbacks in defense spending and the pain those cuts will inflict on working Americans and their families go directly to the core of the economic debate. These cuts have exposed an underlying weakness in our economy that stems from nearly 12 years of neglect. They raise profound questions about our investment in the technologies and resources of tomorrow and our commitment to the working men and women of today.

Mr. President, 2 days ago, this body voted to preserve the funding for the second and third Seawolf submarines. I believe that was a critical vote, not just for the work force of southeastern New England, but for the industrial base of our Nation.

But Mr. President, even if that vote holds up through the rest of the budgeting process, let no one doubt that the reductions in the defense budget over the coming years will have a dramatic impact not only on the more than 18,000 men and women who work at Electric Boat but on defense workers everywhere. And let no one believe that the damage will be limited to defense industries and defense workers. In fact, under the budget estimates presented this year by President Bush, defense cuts will be felt in small businesses and local communities across the Nation.

Over 170,000 small businesses are involved in defense work, the same small businesses responsible for most of the job growth, I might add, during the 1980's. Many of these companies and the innovations that they represent will simply be lost. According to the Office of Technology Assessment, nearly 150 communities around the Nation are almost exclusively dependent on defense spending—Groton, CT; Lima, OH; Bath, ME; Pittsfield, MA;

Palmdale, CA; Wichita, KS and the list goes on and on.

Defense spending, Mr. President, is not just a matter of national security. Our defense spending represents a massive commitment to the materials and the technologies of tomorrow as well.

Ten percent of our Nation's manufacturing work force can be found within the defense industry; 18 percent of our Nation's engineers are involved in defense work; and 60 percent of our Federal research dollars are spent by the defense sector. The dramatic cuts in store for our defense budget will leave no sector of our economy untouched.

If we are going to take this step, Mr. President, and it appears we are, then I think we ought to know where we are going. We ought to have some idea as to how we can help workers and communities through this transition. We must have a national strategy, Mr. President, to develop the technologies of the next century. And we must have a vision of an economy that meets the challenge of global competition.

As of today, Mr. President, there has been little or no leadership on any of this by Washington.

The budget proposal that has been submitted by the President is full of sound and fury, with grandiose gestures, elegant prose and loud proclamations. But in the end it signifies little except higher unemployment and a weakened economic structure.

There is no assurance that our defense-industrial base will be maintained by these defense cuts. No guidelines for developing the technologies to keep us competitive in an aggressive world market, and no effort to retain the skills developed in the defense industries of our Nation.

In the last few months, Mr. President, some of us have taken it upon ourselves to present at least some ideas in this area. Under the direction of the majority leader, Senator MITCHELL, we have established the Defense/Economic Conversion Task Force in the Senate. Mr. President, I serve as a member of that task force.

That task force is due to present its final report in less than a month from now, on June 1 of this year. I hope that report will reflect some of the suggestions that I would like to make this morning.

SHORT-TERM ADJUSTMENT

If we are to provide some sort of transition policy, we will have to do it in two phases. At the outset, we have to start by helping the people in the communities hurt by plant closures and layoffs. At the same time, we need a forward-looking strategy of investment, so that economic growth is nurtured where it is needed most.

Let me start by addressing the short-term problem.

WORKERS

When a worker loses his or her job as a result of defense cuts, our goal as a nation should be clear and compelling. We ought to make it possible for that worker to get back in the labor force as quickly as possible. No social program, no matter how comprehensive, how sensitive, and how well meaning, can match the simple benefits of a steady, predictable job.

In the long run, Government policies must be aimed at encouraging business expansion and job growth. In the short term, laid-off defense workers must have adequate training for the challenges of today's and tomorrow's market.

Two years ago, in the 1991 defense authorization, Congress extended the Job Training Partnership Act to cover displaced defense workers. That was a crucial step but it ought not to be where we end our efforts. Today, that program should serve as a foundation for a much broader effort.

As one basic improvement, Mr. President, we should offer incentives for businesses that provide on-the-job training. There is no reason for a worker to be denied job training benefits just because the pink slip is in the mail.

Second, Mr. President, we must improve the delivery of job training funds to highly distressed areas. In many cases, Mr. President, these funds are too thinly spread to have any meaning, and too slow in arriving to make any difference. It is a true case of too little, too late.

Finally, Mr. President, we must increase the budget for job training activities so that the funding of this program meets the needs.

COMMUNITY DEVELOPMENT

The second phase of any adjustment program must be community assistance. The lesson of the Los Angeles riot should be clear: We can no longer ignore the plight of our communities and towns across this Nation.

Now is not the time to hold back on public works. Roadways, bridges, housing, sewage and waste water projects are the elements of a healthy, growing society. Over the short term, these projects will create some high-paying jobs for the benefit of employees that have been displaced as a result of downsizing the defense budget. Over the long run, however, these programs will create the kind of economic stability and structure for the benefit of entire communities.

CONCLUSION

Mr. DODD. Mr. President, once we have instituted what I have now described as a short-term plan, we also must turn our attention to the long-term challenge of American competitiveness.

Too often we hear a call for a modern-day conversion plan, not unlike the reconversion that took place after World War II. That idealistic scenario has no place, however, in today's modern economy. Even if there did exist a civilian counterpart for each defense firm, it certainly would not and should not be Government's responsibility to find it.

The irony is that today we need more than a conversion policy. We need a broader economic policy—an economic policy that recognizes the value of investment.

EXPORT PROMOTION

First, I think we should rededicate ourselves to the promotion of exports. Over the last decade, approximately two-thirds of our economic growth has come from exports. Exports are the key to new markets, open competition and business expansion.

Unfortunately, U.S. support for exports lags well behind that of our competitors.

Take the case of Japan, Mr. President. In 1990, the French Government had one commercial affairs officer in Tokyo for every six French businessmen who were trying to expand opportunities there. The Italian Government had one commercial officer for every two businessmen operating in Japan. The United States had one commercial officer for every 62 executives trying to expand business opportunities in that country.

If our Nation's defense manufacturers want to convert to commercial production, they must have top-notch assistance in finding broader export markets. We must increase funding for the foreign commercial service, and we must increase the amount available for export financing. Most important of all, we must make these programs available to a greater number of smaller manufacturers in this country—something that does not happen today.

SMALL BUSINESS

For small businesses, export financing is only the tip of the proverbial iceberg. The President's budget proposal for 1993 would cut $70 million out of the Small Business Administration and do away entirely with the Small Business Development Centers Program. With so many smaller enterprises about to lose the lifeline of defense spending, cutting back in this area is exactly the wrong approach. I believe that we should restore those funds and provide an increase, not a decrease, in small business assistance.

We should also support new efforts to double the size of the Small Business Innovation Research Program. Last year, this important program pumped nearly $500 million into some of the most innovative and creative small businesses across the country. Few programs, in my view, offer a better return on their investment.

In addition, Mr. President, I believe the time has come to take a hard look at direct loans to assist defense-dependent companies with conversion. A piece of legislation that I have sponsored with Senator LIEBERMAN, my colleague from Connecticut, would provide small businesses with $40,000 loans or grants—matched by the company—to do research into the possibility of conversion.

The 1991 defense authorization required the administration to study the feasibility of such a provision. However, that study, in my view, was woefully inadequate. The time has come for a real look at this initiative.

TECHNOLOGY INNOVATION

Finally, Mr. President, companies must have unfettered access to the critical technologies of today and the emerging technologies of tomorrow. An invention that remains in a Federal lab is an invention wasted. A nation that cannot make use of technology is a nation that cannot grow.

It is technology that allows companies to adapt to a changing world environment. And it is technology that allows the independent entrepreneur to race ahead of the competition. Finally, it is technology that will allow America to compete—and win—against a highly sophisticated international field.

The time for bold action in this area is now. The Government of Japan, one of our major competitors, maintains almost 200 federally funded technology centers for the benefit of Japanese manufacturers. The United States, by contrast, has just five in the entire Nation.

Of the 12 key emerging technologies, identified by the Commerce Department, we are told that we are going to lose market share in 10 of those 12. We should be leading the world. But we are in grave danger of falling further and further behind.

I think we can learn a great deal from the experience of our defense industry. Since the 1950's, the Defense Advanced Research Products Agency has supported the basic technologies necessary for our national defense. These efforts created the brilliant technology we all saw on display in the Persian Gulf conflict, few short months ago.

With the cold war over, it is time we let our civilian industries benefit from the same type of programs. We need to open up the Federal labs so that private researchers and Government scientists can work side by side on the technologies of tomorrow. We need to establish a network of manufacturing technology centers around this Nation. And we need to encourage States to establish technology programs of their own, each one tailored to their local needs.

FUNDAMENTAL QUESTIONS

These issues will not be resolved by any simple means. Indeed, the decline of the defense budget forces all of us to ask fundamental questions about the scope and direction of our economic policy.

Will we continue our trend away from manufacturing toward service sector jobs? Will we be world leaders in technologies of the future? Will we sell our products around the globe? Will we prepare our work force for the challenges and opportunities of the next generation?

Will we create a more prosperous society for all of our citizens? Or will we continue to squabble among ourselves for fewer and fewer resources?

Mr. President, we can approach these issues in the traditional way, with partisan bickering and relentless finger pointing. But some day Mr. President, we will realize what the American people have agreed on: If we want an economic policy that will work for all of us, then we have to work together, particularly here in this city, to create it.

Mr. President, I yield the floor.

POLLUTION IN CITIES

Mr. GORE. Mr. President, I wish to thank my colleague, the junior Senator from Wyoming, for his courtesy in allowing me this brief time to respond to comments made not long ago here by the senior Senator from Wyoming [Mr. SIMPSON].

Mr. President, there are many ways I could respond because of my personal fondness for both Senators from Wyoming, but in this connection the senior Senator from Wyoming who made the comments to which I refer.

Let me confine my response by simply pointing out that the premise upon which his attack was based is simply wrong. He apparently heard me say something that I did not hear, and that I did not say.

What I did say was that in Mexico City the pollution problems are enormous. Some factories are being shut down, and there is a desperate search for new products and processes to make it possible to reopen these factories and provide jobs without adding to the burden of choking pollution which is, I believe, killing people in Mexico City.

What the senior Senator from Wyoming thought he heard me say was our cities are only a half step behind Mexico City, and then he launched into a very strong attack on that statement. That is not what I said.

What I said—and let me quote from the CONGRESSIONAL RECORD—was "Most cities in the developing world are no more than a half step behind Mexico City."

Ninety-five percent of the population growth in the world is in developing countries. The megacities of the world are now emerging in the developing world. The burden of pollution is not only air pollution, but also is water pollution. Witness the spreading of cholera in South America right now, and Central America as well, directly related to water pollution. All of this serves to buttress the evidence to the truth of the statement I actually made. I had not made the statement which he thought that I made.

In conclusion, Mr. President, let me say I have deep respect for my colleagues on the other side of the aisle who are on the opposite side of this issue. I am going to stay on this very carefully and engage in a debate about the facts.

I think it is unfortunate that some on the Republican side of the aisle apparently do not want to see us take action to protect the global environment. The vast majority here and many on the Republican side think we should take action. We should have meaningful treaties signed at Rio.

I want to thank my colleague, the junior Senator from Wyoming, for his courtesy in allowing me to proceed out of order, notwithstanding the fact that he has been waiting.

I yield the floor.

Mr. WALLOP. Mr. President, yesterday, the Senate Energy Committee held a hearing on the science behind the global climate change debate. It was rare and, most importantly, Mr. President, an informative hearing devoid of rhetoric which is perhaps why there was an absence of television cameras, and an absolute commitment to avoid coverage in the national news media.

It is very unfortunate. The public perception about the possibility of global climate change has been distorted by emotional rhetoric attacking President Bush, misinterpreting the scientific investigation of climate change, and for a whole lot of other reasons. There has been a vigorous effort to substitute political agenda for scientific understanding.

Today, the promotion of politics over science has again occurred here in the Senate with the attacks on President Bush's negotiating strategy, on the international convention on global climate change. Legislation is even being introduced to force the United States to accept the European Community's proposal on global climate change.

Mr. President, how very convenient to pin America's decision on Europe's view. If it fails, it can then be blamed on Europe and not the sponsors. And it will be so, Mr. President, because of a couple of things.

One, Europe is not in the habit of committing itself to its signatures on treaties.

And, two, were they to commit themselves, Europe has the industrial world's most inefficient and dirty coal industry.

So their commitment to do something about that is something they have to do anyway. But whether they will be able to commit and achieve their commitment is something that is worth the understanding and skepticism of this body.

Mr. President, let us not embrace Europe's idea of what America ought to do. They do not have our interests at heart. It would have been very instructive for the sponsors of this legislation had they attended yesterday's Energy Committee hearing. There were two key conclusions by the panel of scientists, none of whom were traditionally known to be particularly in support of each other. They represented the diverse perspectives of the science on global climate change.

First, their first conclusion was that science cannot conclusively demonstrate that increases in atmospheric carbon dioxide will result in catastrophic climate change in the next century.

All of them agreed with this. Dr. Watson, Dr. Lindzen from MIT, who are poles apart in this debate, agreed that the science is very uncertain to date and that carbon dioxide is among the major uncertainties.

Second, all of the scientists present agreed that the most appropriate response to the potential threat of climate change is the policy proposed by President Bush. Mr. President, these are not people with a political agenda. These are people who, in the scientific community, argue with each other over the details of global climate change. Yet, they all agreed that the posture taken by the United States in these negotiations is the responsible posture.

I understand that this is not the message desired by those who want to expand the power of government to control our lives in the guise of combating the so-called global warming. Had they attended the hearing, their understanding of the real issues would have been vastly improved.

Those Members sponsoring the bill to impose the European solution will claim that there is a scientific consensus that global warming is occurring and that it will have catastrophic effects.

Mr. President, I was in the room with four of America's most eminent climatological, meteorological scientists. They did not have consensus, Mr. President. They were here giving witness to the Senate of the United States. The sponsors of this bill will cite the 1992 report by the International Panel on Climate Change, known as IPCC, supporting their argument.

Let me quote from yesterday's testimony by one of the scientists who was a leading participant in the IPCC work.

Mr. President, Dr. Robert Watson stated, "There are significant scientific uncertainties associated with the IPCC assessment of global climate change. Resolution of these scientific uncertainties will take years to decades, even with comprehensive research programs * * * that are focused on resolving the key IPCC scientific uncertainties."

Much of the scientific uncertainty reflects the inadequacies of current scientific models. Fifteen years ago, the climate models were busy investigating the possibility of a mini ice age. Eight years ago, the focus was on global winters caused by a nuclear war. In both instances, the models were wrong. For instance, the prediction that nuclear winter will reduce temperatures by 25 degrees was later corrected and reduced by a factor of 10 to 2½ degrees.

The scientific community is learning and improving its models. As they input more data and corrections into these models, the threat of global warming diminishes. This is anathema to those with a political agenda, so they continually cite old information which may be incomplete or simply wrong, but it is dramatic. In particular, the magnitude of temperature change resulting from global warming increases as the political rhetoric heats up. The scientific dispute is over the potential climate change. Some believe the range is from one-half degree Celsius to 1.2 degrees Celsius. Others believe the range is from 1.5 degrees to 4.5 degrees. While both positions are below what was predicted back in the middle 1980's, only some 6 years ago, the difference between these two positions is yet significant. Whichever position is more accurate would have profound economic and social impact.

In addition to scientific disagreement over models and temperature change, there is also uncertainty about the culprits in global climate change. The basic culprit is nature herself, because temperature fluctuates according to the whims of nature rather than the desires of man. Since the last ice age ended 10,000 years ago, there have been significant fluctuations in the global climate. In most of this period, temperature changes had nothing to do with the changes in carbon dioxide levels, which remained relatively steady. So many other factors were involved in global climate change.

Dr. Lindzen pointed out that water vapor is a major contributor to global greenhouse effects. It is a natural phenomenon. He said that removing in its entirety manmade carbon dioxide from the atmosphere would still leave 98 percent of greenhouse gases in the atmosphere, and the world cannot exist without them.

The scientific community is more cautious about prescribing remedies than the politicians. This caution and uncertainty drives us to only one political position. We should enact the National Energy Security Act rather than the European carbon dioxide cap. We should support the President's position supporting flexibility, cooperation, and mitigation, rather than mandatory targets and timetables. This is the position endorsed unanimously at yesterday's hearing by the science panel, including, may I say, one of the most pessimistic commentators, Dr. Steven Schneider, of Boulder, CO, who specifically endorsed, in response to my specific question, the position taken by the United States in these negotiations and by this administration. All of them rejected the European position; each of them decried the specific goals concept as neither environmentally sound nor practical.

Mr. President, I ask unanimous consent that the testimony by Dr. Richard Lindzen, Dr. Robert T. Watson, and Dr. Michael MacCracken be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On the Absence of a Scientific Basis for Global Warming Scenarios

(By Richard S. Lindzen, Alfred P. Sloan Professor of Meteorology, Massachusetts Institute of Technology)

(Statement Presented to the Senate Committee on Energy and Natural Resources, May 6, 1992)

SUMMARY

Given normal climate variability, we may reasonably expect that there will be future climates both warmer and colder than the present regime. This, however, hardly supports the current fear that increasingly greenhouse gases in the atmosphere will lead to catastrophic warming. The IPCC Scientific Assessment[1] as well as the current update (Houghton, et al., 1990, 1992) both recognize that temperature changes over the past century (a net warming of 0.45°C±0.15°C) are consistent with natural variability and smaller than what would be expected for models predicting over about 1.3°C equilibrium warming for a doubling of CO_2—assuming all the change over the past century were due to CO_2. This, of course, seems unlikely since the bulk of the warming occurred before 1940. Thus, the data neither suggest nor provide support for current warming scenarios. Neither do simple greenhouse considerations. All other factors remaining constant, the equilibrium greenhouse warming, resulting from a doubling of CO_2, is estimated to be between 0.5°C and 1.2°C (Ramanathan, 1981, Lindzen, et al, 1982, Sun and Lindzen, 1992a, Houghton, et al, 1990). These values may seem small, but CO_2 is only a *minor* greenhouse gas. If all CO_2 were removed from the atmosphere, water vapor and clouds would still provide over 98% of the present greenhouse effect. Predictions of larger equilibrium warming depend crucially on positive feedbacks from water vapor, cloud cover, and surface albedo (due to snowcover). Of these model feedbacks, water vapor is by far the largest. As it turns out, the physics of the water vapor budget is largely absent in current models. Indeed, in most (if not all) models the water vapor feedback is readily identifiable with a calculational error. Thus, there is no theoretical basis for the catastrophic warming scenario as well. Indeed, there are reasons to believe the feedbacks are negative, suggesting the equilibrium response to CO_2 doubling may well be much smaller than the direct response (Sun and Lindzen, 1992a,b). Finally, the term 'equilibrium' should be explained. It refers to the response achieved over an infinite time. In point of fact, the actual response time (largely determined by heat transport into the ocean) increases proportionally to the expected equilibrium response (Hansen, et al, 1985). In fact, a model predicting a 4.8°C equilibrium warming for a doubling of CO_2 would only have reached ⅔ of this warming in about 160 years. It is interesting, in this regard, to note that the models examined in the IPCC Scientific Assessment produce warming by 2100 almost equal to the equilibrium response of these to a doubling of CO_2; in these models, however, CO_2 has quadrupled by 2100. Had it only doubled, the predicted warming would have been much less. This is illustrated in Figure 1 where I show the expected warming for models with equilibrium responses to a doubling of CO_2 of 3.6°C and 4.8°C. Such models are at the very high end of the expected responses given by Houghton, et al (1990, 1992). Results are shown for scenario where CO_2 either doubles or quadruples by 2100. In the latter case, fossil fuel reserves will be nearly exhausted.

EXPANDED DISCUSSION

We will expand on some of these points in the remainder of this statement. However, before even discussing 'greenhouse theory', it may be helpful to begin with the issue that is almost always taken as a given: namely, that CO_2 will inevitably increase to values double and even quadruple present values. Figure 2 shows the behavior of CO_2 since about 1800. Before 1958, the record is based on the analysis of ice cores. After 1958, it is based on direct atmospheric sampling. Clearly, CO_2 has been increasing. Prior to 1800 the density was about 275 ppmv (parts per million by volume). Today it is about 355 ppmv. The increase is generally believed to be due to the combination of increased burning of fossil fuels and (mostly before 1905) to deforestation. The total source is estimated to have been increasing exponentially with a characteristic time of 45 years—at least until 1973. From 1973 until 1990 the rate of increase has been much slower. About half the production of CO_2 has appeared in the atmosphere.

Predicting what will happen to CO_2 over the next century is a rather uncertain matter. By assuming a shift toward coal, advances in the third world's standard of living, large population increases, and a reduction in nuclear and other non fossil fuels, one can generate an emissions scenario which will lead to an effective doubling of CO_2 by 2030—if one uses a particular model for the chemical response to CO_2 emissions. This was referred to as the 'business as usual' scenario by the Intergovernmental Panel on Climate Change Working Group I. As it turns out, the chemical model used was inconsistent with the past century's record; it would have predicted that we would already have about 400 ppmv. An improved model developed at the Max Planck Gesellschaft in Hamburg shows the so called 'business as usual' scenario does not even double CO_2 by the year 2100 (Heimann, 1991). As we see from Figure 3, their model shows that under other scenarios, we may not even get much more CO_2 than is already in the atmosphere. Personally speaking, it seems unlikely that the indefinite future of energy belongs to coal. I also find it difficult to believe that technology won't lead to improved nuclear reactors within 50 years. As the IPCC update notes, scenarios are not predictions. Given our present crystal ball technology, predictions for 50–100 years are more than anyone would rationally attempt.

Nevertheless, we have already seen a significant increase in CO_2 which has been accompanied by increases in other minor greenhouse gases as well (methane, chlorofluorocarbons, etc). Indeed, in terms of greenhouse potential, we have had the equivalent of a 50% increase in CO_2 over the past century (Hansen, et al., 1989). The effects of these increases are certainly worth studying—quite independent of any uncertain future scenarios.

Figure 4 shows the common popular presentation of the greenhouse effect. The crude idea is that the atmosphere is transparent to sunlight (apart from the very significant reflectivity of both clouds and the surface) which heats the Earth's surface. The surface attempts to balance this heating by radiating in the infrared. The infrared radiation increases with increasing surface temperature, and the temperature adjusts until balance is achieved. If the atmosphere were also transparent to infrared radiation, then the infrared radiation produced by an average surface temperature of −18°C would balance the incoming solar radiation (less that amount reflected back to space by clouds, etc.). However, the atmosphere is not transparent in the infrared, and so the Earth must heat up somewhat more in order to deliver the same flux of infrared radiation to space. This is what is called the greenhouse effect. The fact that the Earth's average surface temperature is 15°C rather than −18°C is attributed to this effect.[3] The main absorbers of infrared in the atmosphere are water vapor and clouds. As already noted, even if all other greenhouse gases (like carbon dioxide and methane) were to disappear, we would still be left with over 98% of the current greenhouse effect. Nevertheless, it is presumed that increases in carbon dioxide and other minor greenhouse gases will lead to significant increases in temperature. As we have seen, CO_2 is increasing. So are other minor greenhouse gases. A widely held, but (as we have seen) questionable, contention is that these increases will continue along the path they have followed for the past century.

It is worth noting immediately that the simple picture of the greenhouse mechanism is seriously oversimplified. Many of us were taught in elementary school that heat is transported by radiation, convection, and conduction. The above picture only refers to radiative transfer. As it turns out, if there were only radiative heat transfer, the greenhouse effect would warm the Earth to about 77°C rather than to 15°C. In fact, the greenhouse effect is only about 25% of what it would be in pure radiative situation (Lindzen, 1990). The reason for this is the presence of convection (heat transport by air motions), which bypasses much of the radiative absorption. What is really going on is schematically illustrated in Figure 5. The surface of the Earth is cooled in large measure by air currents (in various forms including deep clouds) which carry heat upward and poleward. One consequence of this picture is that it is the greenhouse gases well above the Earth's surface that are of primary importance in determining the temperature of the Earth. This is especially important for water vapor whose density decreases by about a factor of 1000 between the surface and 10 km. Another consequence is that one cannot even calulate the temperature of the Earth without models that accurately reproduce the motions of the atmosphere. Indeed, present models have large errors here (order 50%, Stone and Risbey, 1991, Geleyn, et al, 1983), and, not surprisingly, these models are unable to correctly calculate either the present average temperature of the Earth or the equator-pole temperature distibution. Rather, the models are adjusted (or 'tuned') to get these quantities approximately right.

Having said all this, it is still of interest to ask what we would expect a doubling of CO_2 to do. As already noted, if this is all that happened, we might expect a warming of from 0.5–1.2°C. The general consensus is that such warming would present few if any problems. More important, the climate is a complex system where it is impossible for all other factors to remain constant. In present models, these other factors (commonly referred to as feedbacks) act as destabilizing factors which amplify the effects of increasing CO_2, leading to predictions of warming in the neighborhood of 4–5°C. The most important of these factors in current climate models is due to water vapor. In all current models, upper tropospheric (3–12 km) water vapor, the major greenhouse gas, increases as surface temperatures increase. Without this feedback, no current model would predict warming in excess of 1.7°C—regardless of any other feedback (Arking, 1991). Unfortunately, the way these factors (like clouds and water vapor) are handled in present models is disturbingly arbitrary. In many instances the underlying physics is simply not known. In other instances there are identifiable errors. Even computational errors play a major role. For example, existing models have only 10–20 levels in the vertical, which is inadequate for predicting the behavior of a substance like water vapor which varies immensely with height. The difficulty leads to model predictions of negative water vapor in some parts of the atmosphere. The arbitrary filling routines used to correct this obviously unrealistic behavior play a major role in the model water vapor budgets (Rasch and Williamson, 1990). In fact, there is compelling evidence for all the known destabilizing feedbacks in the models to actually be stabilizing (negative) feedbacks. In that case, we would expect the response to CO_2 doubling alone to be diminished.

The issue of deep clouds (cumulonimbus towers) and water vapor is rather technical; it is also crucial to the issue. These towers are the main mechanism for surface air to communicate with the interior atmosphere. Moist air rises in these towers. As this air rises to levels of lower pressure, it expands and cools (as does refrigerator coolant). As air cools, its capacity to hold water vapor diminishes. The excess water vapor condenses into liquid water or ice (depending on the temperature). In the simplest models of cumulonimbus towers, all the condensed vapor falls out as rain. When the cloud reaches its top altitude (in this simple model), it merges into the atmosphere as saturated (100% relative humidity) air at the cloud top temperature. I had noted (Lindzen, 1990a,b) that as the surface warmed, cloud air would be more buoyant, and would reach higher top levels where the air would be colder and thus hold less water vapor. Hence, the supply of water vapor to the interior atmosphere would be diminished in a warmer climate. However, since water vapor is the main greenhouse gas in the atmosphere, this reduction would act to restrain the warming—i.e., provide a negative feedback. We then undertook two studies to check these ideas. In the first, we used some data showing the descent of the mountain snowlines during the last major glacial period (18,000 years ago, Broecker and Denton, 1989) to see whether the colder atmosphere of those times had more water vapor (Sun and Lindzen, 1992a). Our study showed that almost certainly it did, thus confirming the notion of a negative feedback. Our first study did not, however, tell us what mechanism was actually responsible for the negative feedback. Our second study undertook to examine the atmosphere's water vapor budget in greater detail (Sun and Lindzen, 1992b). Here we confirmed that our original mechanism had a significant problem (This had been noted by Betts, 1990). Saturated air from cloud tops constituted too small a source to maintain present levels of humidity. The problem, it turned out, was our assumption that all condensed water vapor in the cloud fell out as rain. Significant amounts are, in fact, carried aloft in the cloud and thrown out into the atmosphere mainly as ice crystals (leading to extensive cirrus cloud cover). The main source of water vapor for the atmosphere proves to be falling droplets and ice crystals which reevaporate into the environment. What causes a cloud to loft more water substance is not totally well known, but it appears to be related (not surprisingly) to how fast cloud air is rising. Our first study did, in fact, show why cloud air would rise faster in a colder climate. These results would appear to be in conflict with recent studies purporting to 'prove' positive water vapor feedback on the basis of satellite observations[4] (Raval and Ramanathan, 1989, Rind, et al, 1990). There are many serious problems with both these papers (Minschwammer and McElroy, 1992, Sun and Lindzen, 1992b); however, both share one problem which is fatal. They both assume that water vapor above the turbulent surface layer (approximately the bottom 2 kilometers) is uniquely determined by surface temperatures immediately below. They, therefore, take local surface temperatures determined by geometry and season as surrogates for climate. Unfortunately, over the bulk of the atmosphere (99.9% in the tropics) air is gently subsiding in order to compensate the rapid ascent in the active cumulus towers (which occupy about 0.1% of the area). Thus the air above the surface layer is decoupled from the surface immediately below.

It is commonly suggested that society should not depend on negative feedbacks to spare us from a "greenhouse catastrophe". What is omitted from such suggestions is that current models depend heavily on artificial positive feedbacks to predict high levels of warming. The positive feedback from clouds has been receiving the closest scrutiny. This is not unreasonable. Cloud cover in models is poorly treated and inaccurately predicted (Kiehl and Williamson, 1990). Yet clouds reflect about 75 watts per square meter. Given that a doubling of CO_2 will change the surface flux by only 2 watts per square meter, it is evident that a small change in cloud cover can strongly effect the response to CO_2. The situation is complicated by the fact that clouds at high altitudes can also supplement the greenhouse effect. Indeed, the effect of clouds in reflecting light and in enhancing the greenhouse effect are roughly in balance (Ramanathan, et al., 1989). Their actual effect on climate depends both on the response of clouds to warming, and on the possible imbalance of their cooling and heating effects.[5] Similarly, feedbacks involving the contribution of snow cover to reflectivity serve, in current models, to amplify warming due to increasing CO_2. What happens seems reasonable enough; warmer climates presumably are associated with less snow cover and less reflectivity—which, in turn, amplifies the warming. However, snow is associated with winter when incident sunlight is minimal. Moreover, clouds shield the sun from the surface and minimize the response to snow cover. Indeed, there is growing evidence that clouds accompany diminishing snow cover to such an extent as to turn this feedback negative (Cess, et al., 1990). If, however, one asks why current models predict large warming will accompany increasing CO_2, the answer is mostly the water vapor feedback. Current models all predict that warmer climates will be accompanied by increasing humidity at all levels. As already noted, this behavior is an artifact of the models since they have neither the physics nor the numerical accuracy to deal with water vapor. Recent studies of the physics of how deep clouds moisturize the atmosphere strongly suggest that this largest of the positive feedbacks is not only negative, but very large (Sun and Lindzen, 1992a).

Clearly there are major reasons to believe that models are exaggerating the response to increasing CO_2. Perhaps even more significant, the models' predictions for the past century incorrectly describe the pattern of warming and overestimate its magnitude. Figure 6 shows the global average temperature record for the past century or so. The record is irregular and not without problems. However, it does show an average increase in temperature of about 0.45°C±0.15°C with most of the increase occurring before 1940, followed by some cooling through the early 70's, and a rapid (but modest) temperature increase in the late 70's. Now, as we have noted, we have already seen an increase in "equivalent" CO_2 of 50%. Thus, on the basis of models which predict a 4°C warming for a doubling of CO_2 we might expect to have seen 2°C already. However, if the delay imposed by the oceans' heat capacity is included, the expectation is reduced to about 1°C. This is still twice what has been seen. Moreover, most of what has been seen occurred before the bulk of the minor greenhouse gases were added to the atmosphere. Figure 7 shows what might have been expected for models with differing equilibrium sensitivities to a doubling of CO_2. What we see is that the past record is most consistent with an equilibrium response to a doubling of about 1.3°C—assuming that all the observed warming was due to increasing CO_2. However, there is nothing in the record that can be distinguished from the natural variability of the climate. If one considers the tropics, the situation is even more disturbing. There is ample evidence that the average equatorial sea surface has remained within ±1°C of its present temperature for billions of years (Fairbridge, 1991), yet current models predict average warming of from 2-4°C even at the equator. It should be noted that for much of the Earth's history, the atmosphere has much more CO_2 than is currently anticipated for centuries to come.

In this brief statement, I have barely touched upon numerous and fundamental difficulties with present climate models (Stone, 1992). Rather, I have focussed on the specific reasons for current models to predict substantial global warming from increasing CO_2. It is clear that these reasons are essentially spurious. In addition, there is both observational and theoretical evidence that current predictions are substantially exaggerating the likely warming. None of this constitutes 'proof' that significant warming is impossible, but, in the unlikely event that it occurs, it most certainly will not be for the reasons currently put forth. Much of the debate on how society should respond to the purported danger of global warming hinges on one's interpretation of and response to 'uncertainty'. In point of fact, there is neither observational nor theoretical basis for expecting substantial warming.[6] However, the possibility has been suggested. Whether the absence of a rigorous disproof of the possibility is a sufficient basis for action is a political question. 'Action' under these circumstances does, however, present certain serious problems. Clearly, there will be no way to establish accountability for the effectiveness of any actions taken. Equally clearly, the inclination of society to respond to unfounded suggestions of alleged catastrophe cannot but impede its ability to respond to real problems.

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FOOTNOTES

[1] IPCC refers to the Intergovernmental Panel on Climate Change. This panel is sponsored by the UN's World Meteorological Organization and the UN Environmental Program. The panel consists in members posted by governments. University scientists tend to be very underrepresented—if only because most such scientists have neither the time nor the funds to participate. For example, the recent update involved meetings in Bristol, England, Guangzhou, China, New York and Geneva—all within a six month period.

[2] The update suggests that the expected warming was to some extent cancelled by cooling resulting from cloud brightening by sulfates. The update, therefore, suggests that the past record might be consistent with an equilibrium response to CO_2 doubling of almost 2 °C. While this is also not a catastrophically large warming, the IPCC estimate is based on the work of Charlson, et al (1992) which probably overestimates sulfate loading by a factor of 3-4 (Seinfeld, 1986). We are, therefore, sticking with the 'uncorrected' value of 1.3 °C from the original IPCC Scientific Assessment.

[3] It is interesting to note that these estimates of the greenhouse effect assume that in the absence of greenhouse gases we still have clouds to reflect sunlight. If we were to also assume that in the absence of water vapor there would be no clouds, then the resulting temperature would be approximately the same as it is now.

[4] There is a societal tendency to give credence to results obtained with sufficiently large instruments or computers. I would note that such a bias is totally unwarranted.

[5] Stephens, et al (1990) have noted a serious, and unexplained, difficulty with the contribution of layer clouds to greenhouse warming. Such warming involves heating the bottoms of these clouds leading to convective instability within the layer cloud. The resulting instability is incompatible with the observed lifetime of these clouds.

[6] It is sometimes suggested that the series of CO_2 and temperature obtained for the past 160,000 years from the Vostoc ice core 'proves' the relation between CO_2 and climate. It is clear from these time series that during a period of high CO_2 concentration, a major glaciation set on with CO_2 decreasing after several thousand years. How this serves to prove that CO_2 determines climate is a matter of great bafflement.

STATEMENT OF ROBERT T. WATSON, OFFICE OF SPACE SCIENCE AND APPLICATIONS, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, MAY 6, 1992

Dear Mr. Chairman and Members of the Subcommittee, it is a pleasure to be here today to discuss the current scientific understanding of global climate change. I will summarize the key findings of the Intergovernmental Panel on Climate Change (IPCC) 1992 Supplement: Scientific Assessment, which in my view represents the large majority opinion of the national and international scientific community.

There are two parts to the 1992 IPCC scientific assessments: (a) the IPCC (i.e., government) approved supplement of about 20 pages, and (b) a document of about 150 pages that provides the background scientific information for the IPCC supplement. The background document, which was co-authored by about 118 scientists from 22 countries (22 lead authors and 92 contributors), and peer-reviewed by 380 scientists from 63 countries and 18 UN or non-governmental organizations, has three main chapters: (i) Greenhouse Gases; (ii) Climate Modelling, Climate Prediction and Model Prediction; and (iii) Observed Climate Variability and Change. While every attempt was made by the 22 lead authors to incorporate the comments of the peer-reviewers into their chapters, in some cases these formed a minority opinion which could not be reconciled with the larger consensus. Therefore, there are some scientists who still have points of disagreement with areas of the background report. The IPCC 1992 Supplement: Scientific Assessment was prepared by the lead authors of the background document (Working Group I: Scientific Assessment of Climate Change), reviewed by several hundred scientists by mail, and then discussed and finalized at a three day meeting of 130 government representatives, lead authors and other experts from 47 countries and a number of UN and non-governmental organizations in Guangzhou, China in January, 1992.

This testimony has three parts: the major conclusions of the 1992 IPCC Scientific Supplement are reproduced verbatim (Part 1); a description of the current state of knowledge concerning greenhouse gases and their impact on the radiative budget (Part 2); and summary (Part 3).

PART 1: THE MAJOR CONCLUSIONS OF THE IPCC REPORT

Findings of scientific research since 1990 do not affect our fundamental understanding of the science of the greenhouse effect and either confirm or do not justify alteration of the major conclusions of the first IPCC Scientific Assessment, in particular the following:

Emissions resulting from human activities are substantially increasing the atmospheric concentrations of the greenhouse gases: carbon dioxide, methane, chlorofluorocarbons, and nitrous oxide;

The evidence from the modeling studies, from observations and the sensitivity analyses indicate that the sensitivity of global mean surface temperature to doubling CO_2 is unlikely to lie outside the range 1.5° to 4.5°C;

There are many uncertainties in our predictions particularly with regard to the timing, magnitude and regional patterns of climate change due to our incomplete understanding;

Global mean surface air temperature has increased by 0.3° to 0.6°C over the last 100 years;

The size of this warming is broadly consistent with predictions of climate models, but it is also of the same magnitude as natural climate variability. Thus the observed increase could be largely due to this natural variability; alternatively this variability and other human factors could have offset a still larger human-induced greenhouse warming;

The unequivocal detection of the enhanced greenhouse effect from observations is not likely for a decade or more.

There are also a number of significant new findings and conclusions which we summarize as follows:

Gases and aerosols

Depletion of ozone in the lower stratosphere in the middle and high latitudes results in a decrease in radiative forcing which is believed to be comparable in magnitude to the radiative forcing contribution of chlorofluorocarbons (CFCs) (globally-averaged) over the last decade or so.

The cooling effect of aerosols resulting from sulphur emissions may have offset a significant part of the greenhouse warming in the Northern Hemisphere (NH) during the past several decades. Although this phenomenon was recognized in the 1990 report, some progress has been made in quantifying its effect.

The Global Warming Potential (GWP) remains a useful concept but its practical utility for many gases depends on adequate quantification of the indirect effects as well as the direct. We now recognize that there is increased uncertainty in the calculation of GWPs, particularly in the indirect components and, whilst indirect GWPs are likely to be significant for some gases, the numerical estimates in this Supplementary Report are limited to direct GWPs.

Whilst the rates of increase in the atmospheric concentrations of many greenhouse gases have continued to grow or remain steady, those of methane and some halogen compounds have slowed.

Some data indicate that global emissions of methane from rice paddies may amount to less than previously estimated.

Scenarios

Steps have been taken towards a more comprehensive analysis of the dependence of future greenhouse gas emissions on socio-economic assumptions and projections. A set of updated scenarios have been developed for use in modelling studies which describe a wide range of possible future emissions in the absence of coordinated policy response to climate change.

Modeling

Climate models have continued to improve in respect of both their physical realism and their ability to simulate present climate on large scales, and new techniques are being developed for the simulation of regional climate.

Transient (time-dependent) simulations with coupled ocean-atmosphere models (CGCMs), in which neither aerosols nor ozone changes have been included, suggest a rate of global warming that is consistent, within the range of uncertainties, with the 0.3°C per decade warming rate quoted by IPCC (1990) for Scenario A of greenhouse gas emissions.

The large-scale geographical patterns of warming produced by the transient model runs with CGCMs are generally similar to the patterns produced by the earlier equilibrium models except that the transient simulations show reduced warming over the northern North Atlantic and the southern oceans near Antarctica.

CGCMs are capable of reproducing some features of atmospheric variability on intradecadal time-scales.

Our understanding of some climate feedbacks and their incorporation in the models has improved. In particular, there has been some clarification of the role of upper tropospheric water vapor. The role of other processes, in particular cloud effects, remains unresolved.

Climate observations

The anomalously high global mean surface temperatures of the late 1980s have continued into 1990 and 1991 which are the warmest years in the record.

Average warming over parts of the Northern Hemisphere mid-latitude continents has been found to be largely characterized by increases in minimum (night-time) rather than maximum (daytime) temperatures.

Radiosonde data indicate that the lower troposphere has warmed over recent decades. Since meaningful trends cannot be assessed over periods as short as a decade, the widely reported disagreements between decadal trends of air temperature from satellite and surface data cannot be confirmed because the trends are statistically indistinguishable.

The volcanic eruption of Mount Pinatubo in 1991 is expected to lead to transitory stratospheric warming. With less certainty, because of other natural influences, surface and tropospheric cooling may occur during the next few years.

Average warming over the Northern Hemisphere during the last four decades has not been uniform, with marked seasonal and geographic variations; this warming has been especially slow, or absent, over the extratropical north west Atlantic.

The consistency between observations of global temperature changes over the past century and model simulations of the warming due to greenhouse gases over the same period is improved if allowance is made for the increasing evidence of a cooling effect due to sulphate aerosols and stratospheric ozone depletion.

The above conclusions have implications for future projections of global warming and somewhat modify the estimated rate of warming of 0.3°C per decade for the greenhouse gas emissions Scenario A of the IPCC 1990 Report. If sulphur emissions continue to increase, this warming rate is likely to be reduced, significantly in the Northern Hemisphere, by an amount dependent on the future magnitude and regional distribution of the emissions. Because sulphate aerosols are very short-lived in the atmosphere their effect on global warming rapidly adjusts to increases or decreases in emissions. It should also be noted that while partially offsetting the greenhouse warming, the sulphur emissions are also responsible for acid rain and other environmental effects. There is a further small net reduction likely in the rate of global warming during the next few decades due to decreases in stratospheric ozone, partially offset by increases in tropospheric ozone.

Research carried out since the 1990 IPCC Assessment has served to improve our appreciation of key uncertainties. There is a continuing need for increased monitoring and research into climate processes and modelling. This must involve, in particular, strengthened international collaboration through the World Climate Research Programme (WCRP), the International Geosphere Biosphere Programme (IGBP) and the Global Climate Observing System (GCOS).

PART 2: CURRENT STATE OF KNOWLEDGE CONCERNING GREENHOUSE GASES

(i) Influence of greenhouse gases and aerosols on the Earth's climate system

Increases in the concentration of the greenhouse gases will reduce the efficiency with which the Earth cools to space and will tend to warm the lower atmosphere and surface. The amount of warming depends on the size of the increase in concentration of each greenhouse gas, the radiative properties of the gases involved, and the concentration of other greenhouse gases already present in the atmosphere. It also can depend on local effects such as the variation with height of the concentration of the greenhouse gas, a consideration that may be particularly germane to water vapor which is not uniformly mixed throughout the atmosphere. The effect is not a simple one and the balance which is struck between these factors depends on many aspects of the climate system.

Aerosols (small particles) from volcanoes, emissions of sulphates from industry and other sources can absorb and reflect radiation. Moreover, changes in aerosol concentrations can alter cloud reflectivity through their effect on cloud properties. In most cases aerosols tend to cool climate. In general, they have a much shorter lifetime than greenhouse gases so their concentrations respond much more quickly to changes in emissions.

Any changes in the radiative balance of the Earth, including those due to an increase in greenhouse gases or in aerosols, will tend to alter atmospheric and oceanic temperatures and the associated circulation and weather patterns. However climate varies naturally on all time-scales due to both external and internal factors. To distinguish man-made climate variations from those natural changes, it is necessary to identify the man-made "signal" against the background "noise" of natural climate variability.

A necessary starting point for the prediction of changes in climate due to increases in greenhouse gases and aerosols is an estimate of their future concentrations. This requires a knowledge of both the strengths of their sources (natural and man-made) and also the mechanisms of their eventual removal from the atmosphere (their sinks). The projections of future concentrations can then be used in climate models to estimate the climatic response. We also need to determine whether or not the predicted changes will be noticeable above the natural variations in climate. Finally, observations are essential in order to monitor climate, to study climatic processes and to help in the development and validation of models.

(ii) Recent improvements in scientific understanding of the sources and sinks of greenhouse gases and aerosols

During the last eighteen months there have been a number of important advances in our understanding of greenhouse gases and aerosols. These advances include an improved quantitative understanding of the atmospheric distributions, trends, sources and sinks of greenhouse gases, their precursors and aerosols, and an improved understanding of the processes controlling their global budgets.

Atmospheric Concentrations and Trends of Long-lived Greenhouse Gases

The atmospheric concentrations of the major long-lived greenhouse gases [carbon dioxide (CO_2), methane (CO_4), nitrous oxide (N_2O), chlorofluorocarbons (CFCs), and carbon tetrachloride (CCl_4)] continue to increase because of human activities. While the growth rates of most of these gases have been steady or increasing over the past decade, that of CH_4 and some of the halocarbons has been decreasing. The rate for CH_4 has declined from about 29 ppbv/yr in the late 1970s to possibly as low as 10 ppbv/yr in 1989. While a number of hypotheses have been forwarded to explain these observations, none is completely satisfactory.

Sources and Sinks of Carbon Dioxide: The two primary sources of the observed increase in atmospheric CO_2 are combustion of fossil fuels and land-use changes; cement production is a further important source.

The emission of CO_2 from the combustion of fossil fuels grew between 1987 and 1989. Preliminary data for 1990 indicate similar emissions to 1989. The best estimate for global fossil fuel emissions in 1989 and 1990 is 6.0± 0.5 GtC (1 GtC (gigatonne of carbon) equals one billion [one thousand million (19^9)] tonnes of carbon), compared to 5.7 0.5 GtC in 1987 (IPCC, 1990). The estimated total release of carbon in the form of CO_2 from oil well fires in Kuwait during 1991 was 0.065 GtC, about one percent of total annual anthropogenic emissions.

The direct net flux of CO_2 from land use changes (primarily deforestation), integrated over time, depends upon the area of land deforested, the rate of reforestation and afforestation, the carbon density of the original and replacement forests, and the fate of above-ground and soil carbon. These and other factors are needed to estimate annual net emissions but significant uncertainties exist in our quantitative knowledge of them. Since IPCC (1990) some progress has been made a reducing the uncertainties associated with the rate of deforestation, at least in Brazil. A comprehensive, multi-year, high spatial resolution satellite data set has been used to estimate that the average rate of deforestation in the Brazilian Amazonian forest between 1978 and 1989 was 2.1 million hectares (Mha) per year. The rate increased between 1978 and the mid-1980s, and has decreased to 1.4 Mha/yr in 1990. The Food and Agriculture Organization (FAO), using information supplied by individual countries, recently estimated that the rate of global tropical deforestation in closed and open canopy forests for the period 1981–1990 was about 17 Mha/yr, approximately 50 percent higher than in the period 1976–1980.

Despite the new information regarding rates of deforestation, the uncertainties in estimating CO_2 emissions are so large that there is no strong reason to revise the IPCC 1990 estimate of annual average net flux to the atmosphere of 1.6±1.0 GtC from land-use change during the decade of the 1980s.

Since IPCC (1990) particular attention has focused on understanding the processes controlling the release and uptake of CO_2 from both the terrestrial biosphere and the oceans, and on the quantification of the fluxes. Based on models and the atmospheric distribution of CO_2, it appears that there is a small net addition of carbon to the atmosphere from the equatorial region, a combination of outgassing of CO_2 from warm tropical waters and a terrestrial biospheric component that is the residual between large sources (including deforestation) and sinks. There appears to be a strong Northern Hemisphere sink, containing both oceanic and terrestrial biospheric components, and a weak Southern Hemisphere (SH) sink. The previous IPCC global estimate for an ocean sink of 2.0±0.8 GtC per year is still a reasonable one. The terrestrial biospheric processes which are suggested as contributing to the sinks are sequestration due to forest regeneration, and fertilization arising from the effects of both CO_2 and nitrogen (N), but none of these can be adequately quantified. This implies that the imbalance (of order 1–2 GtC/yr) between sources and sinks, i.e., "the missing sink," has not yet been resolved. This fact has significant consequences for estimates of future atmospheric CO_2 concentrations and the analysis of the concept of the Greenhouse Warming Potential.

Sources of Methane: A total (anthropogenic plus natural) annual emission of CH_4 of about 500Tg can be deduced from the magnitude of its sinks combined with its rate of accumulation in the atmosphere. While the sum of the individual sources is consistent with a total of 500Tg CH_4, there are still many uncertainties in accurately quantifying the magnitude of emissions from individual sources. Significant new information includes a revised rate of removal of CH_4 by atmospheric hydroxyl (OH) radicals (because of a lower rate constant), a new evaluation of some of the sources (e.g., from rice fields) and the addition of new sources (e.g., animal and domestic waste). Recent CH_4 isotopic studies suggest that approximately 100Tg CH_4 (20 percent of the total CH_4 source) is of fossil origin, largely from the coal, oil, and natural gas industries. Recent studies of CH_4 emissions from rice agriculture, in particular Japan, India, Australia, Thailand and China, show that the emissions depend on growing conditions, particularly soil characteristics, and vary significantly. While the overall uncertainty in the magnitude of global emissions from rice agriculture remains large, a detailed analysis now suggests significantly lower annual emissions than reported in IPCC 1990. The latest estimate of the atmospheric lifetime of CH_4 is about 11 years.

Sources of Nitrous Oxide: Adipic acid (nylon) poroduction, nitric acid production and automobiles with three-way catalysts have been identified as possibly significant anthropogenic global sources of nitrous oxide. However, the sum of all known anthropogenic and natural sources is still barely sufficient to balance the calculated atmospheric sink or to explain the observed increase in the atmospheric abundance of N_2O.

Sources of Halogenated Species: The worldwide consumption of CFCs 11, 12, and 113 is now 40 percent below 1986 levels, substantially below the amounts permitted under the Montreal Protocol. Further reductions are mandated by the 1990 London Amendments to the Montreal Protocol. As CFCs are phased out, HCFCs and HFCs will substitute, but at lower emission rates.

Atmospheric Concentrations and Trends of Other Gases That Influence the Radiative Budget

Ozone (O_3) is an effective greenhouse gas both in the stratosphere and in the troposphere. Significant decreases have been observed during the last one to two decades in total column O_3 at all latitudes—except the tropics—in spring, summer and winter. The downward trends were larger during the 1980s than in the 1970s. These decreases have occurred predominantly in the lower stratosphere (below 25km), where the rate of decrease has been up to 10 percent per decade depending on altitude. In addition, there is evidence to indicate that O_3 levels in the troposphere up to 10 km altitude above the few existing ozonesonde stations at northern middle latitudes have increased by about 10 percent per decade over the past two decades. Also, the abundance of carbon monoxide (CO) appears to be increasing in the NH at about 1 percent per year. However, there is little new information on the global trends of other tropospheric O_3 precursors, (non-methane hydrocarbons (NMHC) and oxides of nitrogen (NO_x)).

Stratospheric Ozone Depletion: Even if the control measures of the 1990 London amendments to the Montreal Protocol were to be implemented by all nations, the abundance of stratospheric chlorine and bromide will increase over the next several years. The Antarctic ozone hole, caused by industrial halocarbons, will therefore recur each spring. In addition, as the weight of evidence suggests that these gases are also responsible for the observed reductions in middle- and high latitude stratospheric O_3, the depletion at these latitudes is predicted to continue unabated through the 1990s.

Sources of Precursors of Tropospheric Ozone: Little new information is available regarding the tropospheric ozone precursors (CO, NMHC, and NO_x), all of which have significant natural and anthropogenic sources. Their detailed budgets therefore remain uncertain.

Source of Aerosols: Industrial activity, biomass burning, volcanic eruptions, and sub-sonic aircraft contribute substantially to the formation of tropospheric and stratospheric aerosols. Industrial activities are concentrated in the Northern Hemisphere where their impact on tropospheric sulphate aerosols is greatest. Sulphur emissions, which are due in large part to combustion effluents, have a similar emissions history to that of anthropogenic CO_2. Estimates of emissions of natural sulphur compounds have been reduced from previous figures, thereby placing more emphasis on the anthropogenic contribution.

(iii) Scenarios of future emissions

Scenarios of net greenhouse gas and aerosol precursor emissions for the next 100 years or more are necessary to support study of potential anthropogenic impacts on the climate system. The scenarios provide inputs to climate models and assist in the examination of the relative importance of relevant trace gases and aeorosol precursors in changing atmospheric composition and climate. Scenarios can also help in improving the understanding of key relationships among factors that drive future emissions.

Scenario outputs are not predictions of the future, and should not be used as such; they illustrate the effect of a wide range of economic, demographic and policy assumptions. They are inherently controversial because they reflect different views of the future. The results of scenarios can vary considerably from actual outcomes even over short time horizons. Confidence in scenario outputs decreases as the time horizon increases, because the basis for the underlying assumptions becomes increasingly speculative. Considerable uncertainties surround the evolution of the types and levels of human activities (including economic growth and structure), technological advances, and human responses to possible environmental, economic and institutional constraints. Consequently, emission scenarios must be constructed carefully and used with great caution.

Since completion of the 1990 IPCC Scenario A (SA90) events and new information have emerged which relate to that scenario's underlying assumptions. These developments include: the London Amendments to the Montreal Protocol; revision of population forecasts by the World Bank and United Nations; publication of the IPCC Energy and Industry Sub-group scenario of greenhouse gas emissions to 2025; political events and economic changes in the former USSR, Eastern Europe and the Middle East; re-estimation of sources and sinks of greenhouse gases (reviewed in this Assessment); revision of preliminary FAO data on tropical deforestation; and new scientific studies on forest biomass. There has also been recognition of considerable uncertainty regarding other important factors that drive future emissions.

These factors have led to an update of the SA90. Six alternative IPCC Scenarios (IS92a-f) now embody a wide array of assumptions, summarized in Table 1, affecting how future greenhouse gas emissions might evolve in the absence of climate policies beyond those already adopted. This constitutes a significant improvement over the previous methodology. However, the probability of any of the resulting emission paths has not been analyzed. IPCC WGI does not prefer any individual scenario. Other combinations of assumptions could illustrate a broader variety of emission trajectories. The different worlds which the new scenarios imply, in terms of economic, social and environmental conditions, vary widely. The current exercise provides an interim view and lays a basis for a more complete study of future emissions of greenhouse gas and aerosol precursors.

Scenario Results

The range of possible greenhouse gas futures is very wide, as the Figure below illustrates (showing only CO_2). All six scenarios can be compared to SA90. IS92a is slightly lower than SA90 due to modest and largely offsetting changes in the underlying assumptions. (For example, compared to SA90, higher population forecasts increase the emission estimates, while phaseout of halocarbons and more optimistic renewable energy costs reduce them.) The highest greenhouse gas levels result from the new scenario IS92e which combines, among other assumptions, moderate population growth, high economic growth, high fossil fuel availability and eventual hypothetical phaseout of nuclear power. The lowest greenhouse gas levels result from IS92c which assumes that population grows, then declines by the middle of the next century, that economic growth is low and that there are severe constraints on fossil fuel supplies. The results of all six scenarios appear in Table 2. Overall, the scenarios indicate that greenhouse gas emissions could rise substantially over the coming century in the absence of new measures explicitly intended to reduce their emission. However, IS92c has a CO_2 emission path which eventually falls below its starting 1990 level. IS92b, a modification of IS92a, suggests the current commitments by many OECD Member countries to stabilize or reduce CO_2 might have a small impact on greenhouse gas emissions over the next few decades, but would not offset substantial growth in possible emissions in the long run. IS92b does not take into account that such commitments could accelerate development and diffusion of low greenhouse gas technologies, nor possible resulting shifts in industrial mix.

Carbon Dioxide: The new emissions scenarios for CO_2 from the energy sector span a broad range of futures. Population and economic growth, structural changes in economies, energy prices, technological advance, fossil fuel supplies, nuclear and renewable energy availability are among the factors which could exert major influence on future levels of CO_2 emissions. Developments such as those in the republics of the former Soviet Union and in Eastern Europe, now incorporated into all the scenarios, have important implications for future fossil fuel carbon emissions, by affecting the levels of economic activities and the efficiency of energy production and use. Biotic carbon emissions in the early decades of the scenarios are higher than SA90, reflecting higher preliminary FAO estimates of current rates of deforestation in many—though not all—parts of the world, and higher estimates of forest biomass.

Halocarbons: The revised scenarios for CFCs and other substances which deplete stratospheric ozone are much lower than in SA90. This is consistent with wide participation in the controls under the 1990 London Amendments to the Montreal Protocol. However, the future production and composition of CFC substitutes (HCFCs and HFCs) could significantly affect the levels of radiative forcing from these compounds.

Methane, Nitrous Oxide, Ozone Precursors and Sulphur Gases: The distribution of CH_4 and N_2O emissions from the different sources has changed from the SA90 case. Methane from rice paddies are lower, and emissions from animal waste and domestic sewage have been added. N_2O emission factors for stationary sources and biomass burning have been revised downwards. Adipic and nitric acid have been included as additional sources of N_2O. Preliminary analysis of the emissions of volatile organic compounds and sulphur dioxide suggests that the global emissions of these substances are likely to grow in the coming century if no new limitation strategies are implemented.

(iv) Relationship between emissions and atmospheric concentrations and the influence on the radiative budget

A key issue is to relate emissions of greenhouse gases, greenhouse gas precursors and aerosol precursors to future concentrations of greenhouse gases and aerosols in order to assess their impact on the radiative balance. A number of different types of models have been developed.

Carbon Cycle Models

While there is a variety of carbon cycle models (including 3-D ocean-atmosphere models, 1-D ocean-atmosphere box-diffusion models, and box models that incorporate a terrestrial biospheric sink) all such models are subject to considerable uncertainty because of an inadequate understanding of the processes controlling the uptake and release of CO_2 from the oceans and terrestrial ecosystems. Some models assume a net neutral terrestrial biosphere, balancing fossil fuel emissions of CO_2 by oceanic uptake and atmospheric accumulation, others achieve balance by invoking additional assumptions regarding the effect of CO_2 fertilization on the different parts of the biosphere. However even models that balance the past and contemporary carbon cycle may not predict future atmospheric concentrations accurately because they do not necessarily represent the proper mix of processes on land and in the oceans. The differences in predicted changes in CO_2 concentrations are up to 30 percent. This does not represent the major uncertainty in the prediction of future climate change compared with uncertainties in estimating future patterns of trace gas emissions, and in quantifying climate feedback processes. A simple empirical estimate can be based on the assumption that the fraction of emissions which remains in the atmosphere is the same as that observed over the last decade; i.e., 46±7 percent.

Atmospheric Gas Phase Chemistry Models

Current tropospheric models exhibit substantial differences in their predictions of changes in O_3, in the hydroxyl radical (OH) and in other chemically active gases due to emissions of CH_4, non-methane hydrocarbons, CO and, in particular, NO_x. These arise from uncertainties in the knowledge of background chemical composition and our inability to represent small-scale processes occurring within the atmosphere. These deficiencies limit the accuracy of predicted changes in the abundance and distribution of tropospheric O_3, and in the lifetimes of a number of other greenhouse gases, including the HCFCs and HFCs, all of which depend upon the abundance of the OH radical. Increases in CH_4, NMHCs, and CO all lead to increases in O_3, and decreases in OH, thus leading to an increase in radiative forcing. On the other hand because increases in NO_x lead to an increase O_3 and OH, the net effect on radiative forcing is uncertain.

Atmospheric Sulphate Aerosol Models

The atmospheric chemistry of sulphate aerosols and their precursors has been extensively studied in relation to the acid rain issue. While our understanding of processes related to chemical transformations has increased significantly in recent years, substantial uncertainties remain, especially regarding the microphysics of aerosol formation, interaction of aerosols with clouds, and the removal of aerosol particles by precipitation.

(v) How has our understanding of changes in radiative forcing changed?

Since IPCC (1990), there have been significant advances in our understanding of the impact of ozone depletion and sulphate aerosols on radiative forcing and of the limitations of the concept of the Global Warming Potential.

Radiative Forcing due to Changes in Stratospheric Ozone

For the first time observed global depletions of O_3 in the lower stratosphere have been used to calculate changes in the radiative balance of the atmosphere. Although the results are sensitive to atmospheric adjustments, and no GCM studies of the implications of the O_3 changes on surface temperature have been performed, the radiative balance calculations indicate that the O_3 reductions observed during the 1980s have caused reductions in the radiative forcing of the surface-troposphere system at mid- and high- latitudes. This reduction in radiative forcing resulting from O_3 depletion could, averaged on a global scale and over the last decade, be approximately equal in magnitude and opposite in sign to the enhanced radiative forcing due to increased CFCs during the same time period. The effect at high latitudes is particularly pronounced and, because of these large variations with latitude and region, studies using GCMs are urgently required to further test these findings.

Radiative Forcing due to Changes in Tropospheric Ozone

While there are consistent observations of an increase in tropospheric ozone (up to 10 percent per decade) at a limited number of locations in Europe, there is not an adequate global set of observations to quantify the magnitude of the increase in radiative forcing. However, it has been calculated that a 10 percent uniform global increase in tropospheric ozone would increase radiative forcing by about a tenth of a watt per square metre.

Radiative Effects of Sulphur Emissions

Emissions of sulphur compounds from anthropogenic sources lead to the presence of sulphate aerosols which reflect solar radiation. This is likely to have a cooling influence on the Northern Hemisphere (there is negligible effect in the Southern Hemisphere). For clear-sky conditions alone, the cooling caused by current rates of emissions has been estimated to be about $1Wm^{-2}$ averaged over the Northern Hemisphere, a value which should be compared with the estimate of $2.5Wm^{-2}$ for the heating due to anthropogenic greenhouse gas emissions up to the present. The non-uniform distribution of anthropogenic sulphate aerosols coupled with their relatively short atmospheric residence time produce large regional variations in their effects. In addition, sulphate aerosols may affect the radiation budget through changes in cloud optical properties.

Global Warming Potentials

Gases can exert a radiative forcing both directly and indirectly: direct forcing occurs when the gas itself is a greenhouse gas; indirect forcing occurs when chemical transformation of the original gas produces a gas or gases which themselves are greenhouse gases. The concept of the Global Warming Potential (GWP) has been developed for policymakers as a measure of the possible warming effect on the surface-troposphere system arising from the emission of each gas relative to CO_2. The indices are calculated for the contemporary atmosphere and do not take into account possible changes in chemical composition of the atmosphere. Changes in radiative forcing due to CO_2, on a kg basis, are non-linear with changes in the atmospheric CO_2 concentrations. Hence, as CO_2 levels increase from present values, the GWPs of the non-CO_2 gases would be higher than those evaluated here. For the concept to be most useful, both the direct and indirect components of the GWP need to be quantified.

Direct Global Warming Potentials: The direct components of the Global Warming Potentials (GWPs) have been recalculated, taking into account revised estimated lifetimes, for a set of time horizons ranging from 20 to 500 years, with CO_2 as the reference gas. The same ocean-atmosphere carbon cycle model as in IPCC (1990) has been used to relate CO_2 emission to concentrations. Table 3 shows values for a selected set of key gases for the 100 year time horizon. While in most cases the values are similar to the previous IPCC (1990) values, the GWPs for some of the HCFCs and HFCs have increased by 20 to 50 percent because of revised estimates of their lifetimes. The direct GWP of CH_4 has been adjusted upward, correcting an error in the previous IPCC report. The carbon cycle model used in these calculations probably underestimates both the direct and indirect GWP values for all non-CO_2 gases. The magnitude of the bias depends on the atmospheric lifetime of the gas, and the GWP time horizon.

Indirect Global Warming Potentials: Because of our incomplete understanding of chemical processes, most of the indirect GWPs reported in IPCC (1990) are likely to be in substantial error, and none of them can be recommended. Although we are not yet in a position to recommend revised numerical values, we know, however, that the indirect GWP for methane is positive and could be comparable in magnitude to its direct value. In contrast, based on the sub-section above, the indirect GWPs for chlorine and bromine halocarbons are likely to be negative. The concept of a GWP for short-lived, inhomogeneously distributed constituents, such as CO, NMHC, and NOx may prove inapplicable, although, as noted above, we know that these constituents will affect the radiative balance of the atmosphere through changes in tropospheric ozone and OH. Similarly, a GWP for SO_2 is viewed to be inapplicable because of the non-uniform distribution of sulphate aerosols.

PART III: SUMMARY

It is clear in the 1992 IPCC supplement that these are significant scientific uncertainties associated with our assessment of global climate change. Resolution of these scientific uncertainties will take years to decades even with comprehensive research programs such as the U.S. Global Change Research Program (USGCRP) that are focused on resolving the key IPCC scientific uncertainties; i.e:

Clouds, which control the magnitude of climate change;

Sources and sinks of greenhouse gases and aerosols, which control future atmospheric concentrations, hence the magnitude of climate change;

Oceans, which control the timing and regional patterns of climate change;

Land-surface hydrological processes, which control water availability and regional patterns of climate change;

Cryosphere, which affects sea level rise and regional patterns of climate change; and

Ecological systems, which affect, and are affected by climate change.

The USGCRP will provide the scientific information needed to formulate mitigation and/or adaptation policies.

Consequently, near-term national and international policies will have to be formulated recognizing that these scientific uncertainties exist and that the magnitude and rate of global warming may have been overestimated or underestimated. The scientific evidence for global warming, coupled with the long atmospheric lifetimes of greenhouse gases like carbon dioxide, suggests that the U.S. approach of identifying and implementing energy conservation, energy efficiency, and reforestation measures that reduce net greenhouse gas emissions is prudent.

(Testimony of Michael C. MacCracken, Division Leader, Atmospheric and Geophysical Sciences Division, Lawrence Livermore National Laboratory)

KNOWNS AND UNCERTAINTIES FROM GLOBAL CLIMATE MODELING

Mr. Chairman, members of the Committee, my name is Michael MacCracken. I am Division Leader for Atmospheric and Geophysical Sciences at the Lawrence Livermore National Laboratory in Livermore, California. It is a pleasure and a challenge to be invited before you provide perspective on what is known and not known about the effects of human activities, particularly greenhouse gases, on climate and the environment. My oral presentation will be drawn from my written text, which I request be included in the record. Two written reports and two books of which I was an author or major contributor have also been submitted to the committee staff.[1,2,3]

As Division Leader at LLNL, I oversee a $20M per year research program supported by DOE, NASA, EPA, DOD and other governmental and private organizations, a program that has rather extensive collaborations with scientists in the university community and other laboratories. The primary focus of our efforts is to simulate, understand, and project the consequences to the climate and environment arising from the release of a wide range of substances into the atmosphere. Examples include radionuclides that might be released from accidents at a nuclear reactor or during weapons transport; aerosols released by the Kuwaiti oilfield fires, biomass burning or created by emissions of sulfur oxides; chlorofluorocarbon releases that affect the ozone layer; and emissions of carbon dioxide and other greenhouse gases that affect the climate.

As further background, I was one of the original promoters in 1975 of a carbon dioxide research program in the energy Research and Developmemt Administration (ERDA), the predecessor to the Department of Energy (DOE), and I have been an advisor to their program for about fifteen years, helping provide perspective, interpretation, and integration of scientific results. In 1990, I chaired a multi-laboratory committee of DOE laboratory scientists that prepared the review report Energy and Climate Change[3] at the request of DOE and in support of their preparation of the National Energy Strategy. I currently serve as chief scientist for the Department of Energy's Computer Hardware, advanced Mathematics, and Model Physics (CHAMMP) program[5] This program is working to develop, verify and apply a new generation of climate models that takes full advantage of the new massively parallel computers being developed and applied by the High Performance Computing and Communications Program. I also participated, as a scientific advisor to the U.S. delegation at the IPCC Working Group I meeting in Guangzhou, P.R.C., where I contributed to development of the latest in a series of improving efforts to state the scientific consensus on the climatic effects of greenhouse gases; I commend the report to your attention.[6]

With this background, I want to indicate that, while I have solicited comments on my draft statement from DOE and within LLNL, these views represent my own perspective on the status of scientific understanding of greenhouse gas induced climate change, and, very briefly, on consequent impacts and possible responses.

In thinking about the greenhouse gas issue, it is important to consider separately (1) the direct climatic and chemical effects; (2) the consequent impacts on the biosphere and on human activities; and (3) the possible responses and options to address the climatic effects and environmental impacts in the broader societal and economic context.

It is my belief that mixing of these three aspects of the issue has been an important contributor to the heated debate on this issue. For example, because the issue of impacts is so difficult, there has often been a tendency to jump from the clear indication that the climate is and will be changing to the consideration of policy options. Much of the controversy about the greenhouse issue arises because of differing perspectives among those who make the jump. Those who are cautious about endangering the environment focus on possible extrapolations from what is known. Those who are cautious about endangering the economy focus on the limitations of scientific understanding.[7] Both sides paint what the other side says in extremes (and there always seem to be apocalyptic statements that can be quoted): then each side takes devastating pot-shots at the opposing sides's positions. It should not be surprising then that discourse is filled with differing portrayals of the science or that surveys which ask questions with particular slants or phrasing get differing and divergent results.

In the few minutes that I have available I want to present what I view as the plausible middle ground, a centrist position that arises from our attempt, as one of several major modeling centers around the country, to provide a perspective that integrates across the research done at Livermore and elsewhere, both research and comments supportive and critical of this issue. I offer six tenets on which I believe there is broad agreement, even if there are differences on the quantitative details. For each of these statements, the attachment to my written testimony offers supporting points and appropriate qualifications. I would hope that these aspects could be discussed more fully in the questions and responses that follow. The six tenets on which I believe there is broad agreement are:

1. Atmospheric composition is changing as a result of human activities, with carbon dioxide levels up 25 percent and methane concentrations have doubled since the beginning of the Industrial Resolution and the expansion of agriculture.

2. Atmospheric composition is an important determinant of controls the Earth's temperature and the overall climate.

3. Despite their shortcomings computer models have many strengths and are the best tools available for understanding and projecting climatic change.

4. Model calculations indicate that past and anticipated changes in atmospheric composition are committing the world to significant climatic change. Regional details, however, remain quite uncertain.

5. Although global warming of 0.3 to 0.6°C has occurred, quantitative association of the observed warming with the greenhouse gas-induced climatic change is not yet sufficient to significantly reduce uncertainties about the details of future warming. With the improving quantification of the moderating effects of aerosols on global warming, however, the models and observations are no longer in troubling conflict.

6. Although future warming may be somewhat intermittent due to natural climatic variations induced by volcanic eruptions and air-sea interactions, the warming influences of greenhouse gases over the next several decades are likely to increasingly exceed the cooling influences of aerosols from fossil fuel combustion, of aerosols from biomass burning, and of ozone depletion.

Although not directly the subject of this hearing, what is known and uncertain about climatic effects is often invoked in statements about possible impacts and potential responses. With the set of stipulations about climatic results that I have just enumerated, I would add the following two points about impacts and options:

7. The potential environmental and societal impacts of changes in climate and atmospheric composition are relatively uncertain, due in part to uncertainties in climate model results, in part to poor understanding of impacts and limited development of impact methodologies, and in part to uncertainties about how future society and technology will evolve. Overall, although agricultural productivity may improve in some situations, there will be negative impacts in many regions on water resources, coastal habitats, ecological systems, health, and in many nations with one crop economies.

8. With fossil fuels supplying greater than 80 percent of the world's energy and with the global population growing rapidly, there is no single alternative energy system ready to take over as a global energy source. Developing approaches to energy supply that take advantage of the regional climate characteristics may be an important step in moving

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Footnotes at end of article.

toward a more environmentally sustainable energy system. Research that builds flexibility and a range of energy options would help prepare for the future, as well as being essential for U.S. competitiveness.

SUMMARY

In summary, when evaluations are not overly burdened by either economic or environmental biases, I believe that scientific understanding can be expressed in a way that can be widely supported and that properly express the importance of the problem. There is definitive evidence that human activities are altering atmospheric composition. Model results and paleoclimatic analyses are both consistent with the proposition that past and future changes in composition are and will continue to lead to alteration of the global climate and environment to an extent not experienced by human societies—a 3°C global warming, to which society may be committed by the middle of the next century, last prevailed about three million years ago. While the rate of warming will likely be moderated somewhat over the next few decades by the presence of aerosols, there has been no plausible set of changes proposed or implemented in the models that can make the warming go away.

The research program that has been initiated, which has emphasized a wide set of process studies and observations, will provide important information to help improve our understanding. To help pull all of these new results together, I believe there also needs to be accelerated modeling efforts that focus on development of Earth System models. This task can best be accomplished through expanding activities at major modeling centers where core teams of researchers can be coupled to the focused research conducted by individual scientists and small research groups. Such efforts are starting, but are not yet well funded. With such integrating efforts and with more research on environmental and economic impacts, statements concerning projected changes should become less contentious, assessments will become more complete, and the information base for considering and implementing response options will become increasingly more detailed and useful.

The dilemma that you face is that there is no doubt that the nearly 6 billion people on Earth will cause some climatic and environmental impacts and no doubt that energy and technology are essential to provision of vital services for society. It should not be surprising that these different priorities create controversy and difficulty in facing the challenge of choosing a long-term path that minimizes both environmental impacts and the economic costs. Viewing the development of a flexible set of technological options as an economic opportunity, as some nations are starting to do, may provide a win-win situation.

Thank you.

ATTACHMENT: GLOBAL CLIMATE CHANGE: OVERVIEW OF KNOWNS AND UNCERTAINTIES

1. Atmospheric composition is changing as a result of human activities, with carbon dioxide levels up 25% and methane concentrations having doubled since the beginning of the Industrial Revolution and the expansion of agriculture.

Strong observational evidence demonstrates that human activities are leading to increasing atmospheric concentrations of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and chlorofluorocarbons (CFC's) and their replacements.

Although details about the deforestation source and the vegetation, soil, and oceanic sinks of CO_2 are not well quantified, the largest uncertainty about future CO_2 concentrations arises due to uncertainties in forecasting future energy use and technologies. There is no doubt that the concentration of CO_2 will continue to increase unless future emissions are reduced by more than 60% below current levels and that the concentration of CH_4 will continue to increase unless future human-induced emissions are decreased 15–20%.[8] The cause of the N_2O increase is less certain, but may be due to increased use of fertilizers to stimulate agricultural productivity.

The best model simulations, which are in reasonable agreement with observations, indicate that the changing concentrations of CFC's, nitrogen oxides, methane, carbon monoxide, and other gases are affecting atmospheric chemistry. Induced changes include depletion of ozone (O_3) in the stratosphere (about 10–40 miles altitude) and enhancement in the troposphere in the Northern Hemisphere (below 7–10 miles altitude). In addition, the CFC's and methane exert a direct greenhouse effect. Sustaining the steady cutbacks in CFC production is essential to alleviating both ozone depletion and to prevent augmentation of greenhouse effects.

The sulfate aerosol concentration is enhanced in the Northern Hemisphere, particularly as a result of industrial and power-generating activities associated with fossil fuel combustion and the resulting sulfur dioxide (SO_2) emissions. These aerosols scatter sunlight back to space and may increase cloud reflectivity. Both of these effects tend to cool the climate (or to moderate warming).

The concentration of light-scattering aerosols in near equatorial latitudes is strongly influenced by emissions from biomass burning; these aerosols may also modify cloud radiative characteristics. Like sulfate aerosols, these apparently tend to cool the climate.

2. Atmospheric composition is an important determinant of the Earth's temperature and the overall climate.

Were there no atmosphere, the Earth's temperature would be like that of the Moon, with exceedingly cold temperatures at night and very warm temperatures during the day. Working with the oceans, the Earth's atmosphere transforms the climate to the much more moderate conditions to which society has become accustomed.

Satellite and laboratory data confirm the ability of water vapor,[9] CO_2, CH_4, CFC's, O_3, and other gases to absorb infrared (heat) radiation emitted from the surface and to reemit a significant fraction downward, creating a strong warming (greenhouse) effect at the surface. Because of the greenhouse effect, the surface receives about twice as much energy per day from downward infrared radiation as it does from incoming solar radiation.

Increases in the concentrations of these greenhouse gases will enhance the trapping of infrared radiation and its re-emission to the surface. The increased energy at the surface will lead to warming and increased evaporation of surface moisture and ocean waters. The enhanced atmospheric water vapor concentration will further enhance the trapping of infrared radiation and global warming.

Satellite data demonstrate that the ability of clouds to reflect solar radiation tends to moderate somewhat the strong trapping effect of these greenhouse gases. Small changes in cloud cover could contribute relatively large changes in radiative fluxes; such changes could be in either direction so could either amplify or moderate, but not reverse, greenhouse warming. Cloud changes are usually a result of changes in atmospheric circulation, and cloud cover does not simply increase due to increased water vapor in the atmosphere.

Changes in ozone concentration alter the Earth's radiative balance. The depletion in lower stratospheric ozone tends to reduce the greenhouse trapping effect, especially in high latitudes, thereby compensating for at least some of the greenhouse effect of the CFC's that contributed to the ozone depletion.

Light-colored sulfate and biogenic aerosols tend to scatter solar radiation back to space and may alter scattering characteristics or extent of clouds, generally tending to counter the trapping effect of greenhouse gases and moderating their warming effect.

Another human-induced factor that affects the climate is modification of the land surface (e.g., deforestation, agriculture, urbanization, etc.). Such effects have primarily local to regional scale effects.

3. Despite their shortcomings, computer models have many strengths and are the best tools available for understanding and projecting climate change.

There is no comparable or fully understood geological analog of the past that would help in projecting the effects of future changes in atmospheric composition on climate; climate models provide the only viable alternative. However, paleoclimate data do suggest that large variations in the atmospheric CO_2 concentration have been associated with large variations in the Earth's climate. If the climate models are overly sensitive to greenhouse gases, then it would be difficult to explain these large changes in climate, even accounting for changes in the Earth's orbit, in the extent and heights of mountain ranges, in the position and extent of continents, and in the circulation of the oceans.

Climate models are computer-based constructs that seek to encompass our fullest practical and theoretical understanding of the climate system, taking full advantage of the most advanced supercomputers (and soon, through DOE's CHAMMP program, of massively parallel computers). Even with such resources, utilizing the fastest computers, the leading climate models divide up the globe into boxes roughly the size of the states of Colorado or Wyoming and represent the weather within the state (or in a region from San Francisco to Reno) using one value of the temperature, one value of the windspeed, and one value for precipitation. Although clearly inadequate for simulating regional climate conditions, such models do seem to represent many important features of the global climate. Refining resolution is resource intensive: to double the spatial resolution requires about ten times more computer time.

The performance of climate models is checked using a wide variety of tests. For example, studies of critical processes under field and laboratory conditions provide important insights into the representations of atmospheric radiation, cloud interactions, etc. To carry out such verification tests, the U.S. Global Change Research Program sponsors a large number of coordinated field and modeling studies; for example, DOE's Atmospheric Radiation Measurement (ARM) program is set up to gather the needed data and to improve treatment of clouds and radiation. Tests are also made to evaluate model performance in simulating the seasonal cycle, interannual climate variations, and climatic changes evident in the geological record (e.g., ice age cycling). A series of model vs. model and model vs. data comparison efforts are underway to better understand various aspects of model performance. For example, with DOE support, scientists at LLNL are leading an international comparison of 30 atmospheric models from nine countries,[10] all attempting to simulate the decade 1979 to 1988, which exhibited large seasonal variations of drought, precipitation, etc. The results of this study and of many associated analyses of model performance should become increasingly available in 1993. However, there is no test that can fully and independently check all aspects of the models, so there can and will always be criticisms that the models remain incomplete. Deciding when verification will be sufficient is therefore a very difficult and controversial question.

When model results for the present climate are compared to observations, the climate models generally do well at stimulating large-scale climatic features, particularly during the winter season. The models do less well at simulating the summer season, especially the surface temperatures and the amount and distribution of precipitation. Unfortunately, it is usually regional, summertime climates where rainfall is most important that are of greatest importance in estimating agricultural and ecological impacts.

There has been only limited coupling of atmospheric and oceanic models, and virtually no accounting of the interactions between the climate and the biosphere. This incompleteness makes it difficult to represent adequately the interannual, interdecadal, and slowly changing nature of the climate. Thus, the models cannot yet be used to investigate changes in climate variability, and in the frequencies of extreme events (e.g., droughts, hurricanes), which is often where there is the tightest coupling between climate and society.

4. Model calculations indicate that past and anticipated changes in atmospheric composition are committing the world to significant climatic change. Regional details, however, remain quite uncertain.

Over the past 17 years, calculations with an increasingly comprehensive set of three-dimensional atmospheric and simple ocean models have indicated that a doubling of the reference CO_2 concentration would lead to a global warming of about 1.5 to 5°C (about 2.5 to 9 °F), once the oceans have had a chance to warm (a time of at least several decades). (The IPCC indicates a range of 1.5 to 4.5°C and a best guess value of 2.5°C). Based on paleoclimatic and historical climatic changes, the sensitivity to a CO_2 doubling cannot be significantly less than 1.5 °C or we cannot explain what could have caused past climatic changes; nor can the sensitivity be more than about 5°C or we cannot explain why the global climate is so stable in the face of volcanic eruptions and other changes. Thus, the model estimates are in the proper range if all factors influencing the climate are accounted for. There would also be an intensification of the global evaporation-precipitation cycle by about 5 to 15%.

An atmospheric model intercomparison effort led by scientists at SUNY/Stony Brook and LLNL has identified the representation of cloud-radiation interactions as a primary contributor to the wide range of model estimates of climate sensitivity results. DOE's Atmospheric Radiation Measurement (ARM) program and other agency programs are designed to acquire the data needed to improve representation of the critical cloud-radiation processes.

Despite the uncertainties acknowledged to be present in models, no plausible alternative set of parameterizations and approximations has been able to make significant global warming "go away".

Most models suggest an amplification of the global warming in high latitudes, with the melting back of sea ice disrupting the winter polar temperature inversion; this results in a larger than average, but shallow, warming. Amplified temperature changes in high latitudes are generally consistent with the large polar climatic changes seen in the paleoclimatic record. The recent record of temperature changes in high latitudes, however, does not now show this amplification, which may be pointing to a limitation in the use of equilibrium calculations from models rather than calculations with full, time-dependent models.

Most models suggest up to a few degree warming in a low latitudes. Paleoclimatic data, at least for climatic changes controlled primarily by changes in the Sun-Earth orbital parameters, suggest that low latitude temperatures have been very stable. Research is intensifying on this apparent discrepancy, with the primary focus being on whether models are inadequately representing cloud and convective processes. For this reason, the second ARM field site and other programs are focusing their attention on cloud-radiation processes in the western tropical Pacific. This uncertainty has important policy implications, because without warning in low latitudes (and with a monsoon intensification) the threat of climatic changes may be less of a priority to the large developing nations in those regions. However, other low-lying nations are also particularly concerned about rising sea level.

Although global climate models are not yet constructed to adequately represent regional features, even those as large as the Rocky Mountains and Great Lakes, much less the Sierra Mountains, suggestions have been drawn from the models that continental interiors like the North American corn belt will have more rainfall in winter and less in summer. While plausible, there will remain many significant uncertainties until process representations are improved and grid resolution is refined; model resolution experiments suggest, for example, that large scale atmospheric features are not robustly located until grid resolution is about half of typical values used at present. Thus, estimates of regional scale details should be viewed with considerable skepticism.[11]

5. Although global warming of 0.3 to 0.6°C has occurred, quantitative association of the observed warming with the greenhouse gas-induced climatic change is not yet sufficient to significantly reduce uncertainties about the details of future warming. With the improving quantification of the moderating effects of aerosols on global warming, however, the models and observations are no longer in troubling conflict.

Quantitative association of greenhouse-induced climatic change with observations (often referred to as "detection" of the greenhouse effect) requires both a comprehensive model calculation of the greenhouse effect since the beginning of the Industrial Revolution and a comparable and comprehensive data set. The analysis must then be able to distinguish the greenhouse effect with confidence from the effects induced by other human activities and from noise introduced by natural variations and oscillations.

It has not yet been possible to carry out the needed time-dependent model calculation for several reasons. First, we need to carry out calculation with a full Earth system model that includes the effects of each greenhouse gas individually, and such models are only now being developed and tested. We need to figure out how to represent the effects of other factors affecting the climate, including volcanic eruptions, solar variations, natural oscillations, and other human activities (e.g., SO_2 emissions, biomass burning, land use changes). In lieu of the desired time-dependent calculations with complete models, resort has often been made to interpolation based on the equilibrium sensitivity simulations described above. Preliminary time-dependent simulations have shown, however, that the interpolation approach can give quite misleading results in high latitudes, over ocean areas where deep mixing is occurring, and in estimating land-ocean differences. With such limitations, there has been only limited success in quantitatively relating observed and modeled changes.

The available data sets are generally uncertain and limited in spatial extent and quality before the early 1900's. Shorter data sets are usually not as useful as longer data sets due to the inability to average out natural variability and the effects of other short-term processes, regional variations, etc. it is also often difficult to filter out local inconsistencies introduced by station moves, urbanization, desertification, irrigation, changes in measurement technique, etc.

The global temperature record, as best it can be reconstructed, shows a warming of about 0.3 to 0.6°C since the mid 1800's. Whether some fraction of this warming may be a remaining result of recovery from the Little Ice Age (a cold period lasting roughly from 1450 to 1850 A.D.) to levels typical of the warmer period from about 900 to 1300 A.D. is not certain. The record has not been steady and increasing in intensity in a manner parallel with the changes in greenhouse gas concentrations, as models would suggest. Instead, the record shows relatively short term jumps of about 0.2 to 0.3°C in the 1910s/20s and 1970's/80's. Whether this intermittent warming pattern is indicative of how the real climate changes (this would indicate that our models are inadequate and that future climatic changes may appear as surprises), is indicative of multiple factors affecting the climate (including natural cooling or warming influences), or is due to limitations in the data sets or other factors is uncertain. There are, however, other less apparent changes (including meltback of mountain glaciers, stratospheric cooling, sea level rise, and a precipitation increase) that are generally consistent with there being a long-term global warming. An important difficulty, however, is that we do not adequately understand natural climatic variations, so some of the warming and of the other changes may be part of the natural fluctuations; of course, natural effects could also be of the other sign and temporarily hiding the greenhouse effect.

A simple best-fit reconciliation of the model results and the observational results suggests an equilibrium climate sensitivity to CO_2 doubling of about 1.3°C. It was thus somewhat surprising that the IPCC 1990 report proposed an uncertainty range for CO_2 doubling of 1.5° to 4.5°C such that the best fit through the data was not within their limits; this was done in recognition that some other factor must be acting to restrain the warming. Since the 1990 report, quantitative estimates of the cooling influence of sulfate aerosols from fossil fuel combustion and of lower stratospheric ozone depletion suggest that they may be playing this role. In fact, when consideration is taken of the potential cooling influences of aerosols from biomass burning and of potential cloud-aerosol interactions, reconciliation with past climate data suggests that the climate sensitivity to greenhouse gases must be near the high end of the IPCC range to explain the warming that has occurred. An aerosol effect of this magnitude would also explain why most of the warming over Northern Hemisphere land areas has been at night rather than during the day. Thus, while the quantitative comparison of model results and observations is only a little more quantitative than a few years ago, the model results and data are currently no longer is obvious troubling conflict.

6. Although future warming may be somewhat intermittent due to natural climatic variations induced by volcanic eruptions and air-sea interactions, the warming influences of greenhouse gases over the next several decades are likely to increasingly exceed the cooling influences of aerosols from fossil fuel combustion, of aerosols from biomass burnings, and of ozone depletion.

Making a prediction of future climatic conditions requires: (1) a prediction of societal energy and land use; (2) a comprehensive model tested against many past climatic situations and recent field experiments and observations; and (3) the ability to project and represent the climatic effects of all possible influences.

All aspects of this process present difficulties that bring to life Neils Bohr's reputed comment that prediction is very difficult, particularly of the future.

The IPCC 1990 report suggested a future rate of warming of 0.2° to 0.5°C per decade if greenhouse gas emissions continued to increase without restriction. The IPCC 1992 report clarifies that this is the expected climate sensitivity to greenhouse gases alone, and that this rate of warming will probably not be realized over the next few decades, and perhaps longer, especially in the Northern Hemisphere, if the emissions of sulfur dioxide continue to increase. Ozone depletion and aerosols from biomass burning may further depress the expected rate of warming from human activities, such that natural climatic variations may even lead to one decade being slightly cooler than the one before. Thus, considering all factors and presuming that natural climatic fluctuations are small, model results would suggest a more modest warming rate, perhaps 0.0 to 0.3.°C per decade averaged over the next few decades, although there is a commitment to the higher warming in the future.

Because the atmospheric lifetime of CO_2 will accumulate in the atmosphere and increasingly exert its warming influence, especially as aerosol precursor emissions from fossil fuel combustion and biomass burning are reduced for other environmental reasons. Thus, the slow global warming rate of recent decades and the limiting of warming to nighttime in the Northern Hemisphere are likely only transitory moderating influences and are dependent on continuing increases in aerosol loading. Depending on such a tradeoff is accepting a philosophy of advertently "geoengineering" the climate.[12]

Changes in precipitation and soil moisture will occur, but there is little agreement among model results. There are strong suggestions, however, that continental interiors may dry out and warm during the summer, and that summer monsoons may intensify. However, regional projections are extremely uncertain and range from changes below to well above the global average change, which itself is quite uncertain.

We cannot be confident that the climate will change slowly and steadily rather than in fits and jumps. Such sudden jumps occurred around 1920 and around 1975 and actually make up most of the warming that has occurred. We do not know if these sudden changes were an indication of a set of separate states of the climate system or resulted from coincident occurrence of two or more other factors. Thus, we should not be complacent that the relatively steady warm climate of the 1980's indicates that the long-term warming rate is low.

7. The potential environmental and societal impacts of changes in climate and atmospheric composition are relatively uncertain, due in part to uncertainties in climate model results, in part to poor understanding of impacts and limited development of impact methodologies, and in part to uncertainties about how future society and technology will evolve.

If that fossil fuel energy and agriculture provide essential life support for society, costs associated with changes in their supply and use would seem to require identification of comparably important costs or impacts from climatic change. Some economic estimates suggest impacts will be zero to a few percent of the U.S. GNP, but it is not clear how to extrapolate costs to other nations (i.e., as a % of GNP, on a per capita basis, etc.). Although uncertain, it is possible to identify major classes of potential impacts and to provide a general sense of potential consequences. It is much harder to put these in the context of the costs of altering or changing energy and agricultural systems and of evolving societal activities and tendencies (e.g., urbanization, technological development, population growth, etc.).

Human Health: The effects of changes in atmospheric composition and climate include increased exposure to warmer temperatures and perhaps increased a real extent of tropical diseases. While CFC's tend to deplete stratospheric ozone, the greenhouse gases together tend to cool the stratosphere, which would slow the gas phase reactions in the upper stratosphere that deplete ozone; at the same time, there may be increased particulate formation that could increase ozone depletion through surface reactions in the lower stratosphere. Overall health impacts are likely negative, but may be modest.

Food and Fiber: With proper soils and fertilizer use, the enhanced CO_2 concentration and longer growing seasons may enhance overall agricultural production, especially in technologically advanced countries, if summer moisture levels do not deteriorate significantly and if the crops can grow faster than the weeds and pests. There would over time, likely be significant changes in cropping patterns, and one-crop countries may suffer severe economic costs as they are forced to try to shift crops. Overall impacts may be positive, but the costs arising from local variations and indirect adaptation effects (e.g., farmers changing crops) may be a significant complication.

Water Resources: Although the global evaporation-precipitation cycle will intensify, it is not certain where and when the increased precipitation will fall and what shifts (involving increases and decreases) in precipitation will occur. Evaporation, however, is likely to increase everywhere. Changes of any kind can be detrimental until adaptation occurs. For example, a rising snowline in California would intensify winter runoff (requiring dams or reduced water retention in reservoirs to protect against flooding) and reduce summer runoff (allowing salt water intrusion and reducing water quality) at the same time warming increases summer demand by urban and agricultural users. The overall effect is likely negative in most areas, at least until management practices and water uses can be adapted.

Coastal Habitat: Sea level will likely rise at a slowly accelerating rate. On ocean islands and atolls, any rise is likely to be detrimental. Around high value property, dikes and levees can likely be built at modest cost, although the potential for damage from storms will rise substantially in low-lying areas. In addition, providing now for some future sea level rise could ameliorate later impacts at modest cost. The Netherlands estimated adaptation costs of about 1% of GNP, but costs might be a much higher fraction in Bangladesh and in island nations. Overall coastal impacts will be negative and generally concentrated in a relatively few hard hit areas.

Ecological Systems: Experience indicates that ecosystems are always changing slowly. Existing systems have adapted roughly to the present climate and an increased rate of climatic change and altered CO_2 concentration will start to induce increasing changes. We do not understand the complex linkages involved (EPA is initiating a program to explore these), but it is very unlikely that all species can adapt to rapid change. The overall effect is likely negative, but uncertain and will quite possibly occur in surprising ways.

In total, although the potential for increased agricultural productivity may suggest a beneficial consequence, impacts on health, water resources, coastal habitats, and ecological systems are almost certainly deleterious, especially if climate change is rapid. While there is no way that a world having a population of 5.5 billion (headed for a doubling) can have zero climate or environmental impact, efforts to slow the rate of climatic change and to reduce the eventual total climatic change could moderate negative environmental consequences.

8. Developing approaches for energy supply that take advantage of regional climate characteristics may be an important step in moving forward a more environmentally sustainable global energy system. Research that builds flexibility and a range of energy options would help prepare for the future, as well as being essential for U.S. competitiveness.

With fossil fuels supplying greater than 80% of the world's energy and with the global population growing rapidly, there is no single alternative energy system ready to take over as a global energy source. Fission, fusion and solar power satellites have major global potential, although they would require many decades and significant capital investment to serve for replacement of old systems and for new systems to handle growth in demand. A flexible and regionally adapted approach may prove most practical.

(a) Wet tropics: Replant deforested areas and encourage growth of a hardwood-based forestry system (reportedly made more practical by new forestry techniques); develop hydroelectric sources for electricity; develop biomass plantations for liquid fuels.

(b) Dry subtropics: Accelerate research, development, and deployment of wind energy systems and dispersed photovoltaic, focusing on an all-electric approach.

(c) Mid-latitude developed countries: Focus on conservation, efficiency improvements, natural gas as a transition fuel, biofuels, windpower, nuclear for baseload, etc. To go electric, battery and other storage and load shifting technologies are essential.

(d) Large developing countries (e.g., China, and India): These present a significant challenge where all available techniques will be needed. Because it will be very difficult to replace coal as the most economical fuel, promoting efficiency is very critical.

With a breadth of technologies being required, it is essential that the U.S. be investing in research to develop a wide set of alternatives in order to build resiliency and to broaden the set of economically-attractive options that are available. These options will work best if they can be made so cost-effective that they will be the option of choice. Such an effort presents a challenge and opportunity for U.S. industry and such an effort is essential if U.S. industry is to be competitive and hold a major share of the global market in energy technology.

WRITTEN STATEMENT OF MICHAEL C. MACCRACKEN, PH.D. TO U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, MAY 6, 1992

BIOGRAPHICAL SKETCH

Position

Division Leader for Atmospheric and Geophysical Sciences, University of California, Lawrence Livermore National Laboratory, P.O. Box 808 (L–262), Livermore, CA 94551, (Tel. 510–422–1801).

Current Scientific Leadership Responsibilities

Principal Investigator, LLNL Earth System Modeling Project (1991–present); Chief Scientist, DOE Computer Hardware, Advanced Mathematics, and Model Physics (CHAMMP) Program (1990–present).

Education

B.S. Engineering (1964)—Aerospace and Mechanical Sciences, Princeton University; Ph.D (1968)—Applied Science, University of California Davis/Livermore.

Selected Professional Activities

Member, Commission on Climate, International Association for Meteorology and Atmospheric Physics (1987–present).

Associate Editor, "Journal of Climate" (1988–present).

Member, science team, Climate System Modeling Program, University Corporation for Atmospheric Research (1990–present).

Member-at-large (elected), Section W on Atmospheric and Hydrospheric Sciences, American Association for the Advancement of Science (1991–1995).

Member, subpanel on climate effects, National Academy of Sciences COSEPUP study on "Policy Implications of the Greenhouse Effect" (1989–91).

U.S. Co-chairman, Project 11 (Climate and Climate Change) of U.S./U.S.S.R. Working Group VIII (Climate), (1984–90).

Member, Technical Advisory Panel on Global Climate Change, Environmental Protection Agency (1988–92).

Member, Advisory Panel on Global Change, Electric Power Research Institute (1992–).

Member, Committee on Global Change statement, ASHRAE (American Society of Heating, Refrigeration, and Air Conditioning Engineers), (1992).

FOOTNOTES

[1] "Ten Key Questions Indicating the Level of Current Uncertainty in Forecasting Climatic Change", LLNL report UCRL–ID–106243, February 1991.

[2] "The Environmental Dilemma of Fossil Fuels", LLNL report UCRL–106406, April 1992, copy attached.

[3] "Energy and Climate Change," Report of the DOE Multi-Laboratory Climate Change Committee, Lewis Publishers, Boca Raton, FL, 161 pp.

[4] "Prospects for Future Climate, A Special U.S./U.S.S.R. Report on Climate and Climate Change," Lewis Publishers, Boca Raton, FL, 270 pp.

[5] "Building an Advanced Climate Model, Program Plan for the CHAMMP Climate Modeling Program," DOE report DOE/ER–0479T, December 1990.

[6] Intergovernmental Panel on Climate Change, Working Group I 1992 Supplement, 1992.

[7] Kaula, W.M., and D.L. Anderson, 1991, "What is AGU's Proper Rule in Society?", "EOS, 72," 173.

[8] See Intergovernmental Panel on Climate Change 1990 report.

[9] The water vapor concentration of the atmosphere is determined by surface temperature and atmospheric transport and removal processes. Water vapor is the largest contributor to the greenhouse trapping of infrared radiation; without the trapping of the other gases, however, its concentration would be significantly lower.

[10] The DOE-sponsored Program for Climate Model Diagnosis and Intercomparison (PCMDI) project includes groups from 30 countries: U.S. (15, although some are variants of the same model), Australia (2), Canada (1), China (1), France (2), Germany (1), Japan (2), Russia (3), United Kingdom (2), and European Center for Medium-Range Weather Forecasts (1).

[11] As a consequence, mitigation measures focused on possible local climatic changes should generally be considered only if they are a means of building resiliency to a wide range of possible changes.

[12] M.C. MacCracken, "Geoengineering the Climate", LLNL report UCRL–JC–108014, June 1991.

Mr. WALLOP. Mr. President, Dr. Lindzen and Dr. Watson discuss the scientific disputes on global warming, and Dr. MacCracken discusses the uncertainties of global climate modeling.

I close with the observation I made in the past. The proponents of mandatory caps on carbon dioxide bring their focus on but one of the greenhouse gases. And they would also cap emissions only in industrialized nations.

Under their proposal, carbon dioxide emissions worldwide would still climb unabated, while the economies of the industrialized nations would be restrained by international mandatory controls. This is not only intellectually absurd, but would be politically and economically disastrous to both industrialized and developing countries.

I hope the Senate pays attention to the recommendations of the four eminent scientists, America's meteorological experts, and endorses the President's position in these negotiations.

I yield the floor, and I thank the Chair.

Mr. SIMPSON. Mr. President, Senator GORE rose today to correct my comments regarding what he had said earlier in the week. Two quick points—I note that he referred to my lifelong friend, Senator MALCOM WALLOP as the junior Senator from Wyoming. But I am the junior!

Second, he said the premise upon which I made the "attack" was simply wrong. I stated that Senator GORE had said that most of our big cities were only a half a step behind Mexico City, which was choking on air pollution.

What Senator GORE said was, "most cities in the developing world are no more than a half step behind Mexico City." I assume the confusion may have come about because he also said that most of the megacities of the world are now in the emerging or developing world.

I stand corrected on not quoting him verbatim.

But I do differ with him in characterizing the major premise of my statement. It was not simply Senator GORE's quote—but rather, how appalled and saddened most intelligent Americans must be, of hearing in a constant drum beat from disgruntled Democrats that George Bush has demonstrated a lack of leadership, and that he is somehow to be blamed for all of the present ills of the entire planet—including global warming, the demonstrable proof of which, as I indicated earlier today, is subject to substantial and diverse scientific dispute.

WITHDRAWAL OF MOTION TO PROCEED

Mr. MITCHELL. Mr. President, we have reached a point where we are not able to proceed with respect to the pending legislation. Accordingly, I now exercise my right to withdraw the motion to proceed to the conference report on the omnibus crime bill.

Mr. EXON. Mr. President, reserving the right to object, and inquiring of the majority leader, the Senator from Nebraska had been waiting to make brief remarks pursuant to the earlier statement by the majority leader extending, I believe, until 1:15 morning business. Do I understand that morning business is now being canceled, pursuant to the previous authority granted by the request of the majority leader; is that correct?

Mr. MITCHELL. That is not correct. I have no intention of canceling morning business. As soon as my motion to withdraw and my further statement is completed, morning business will resume and continue until 1:15.

Mr. EXON. Thank you. I have no objection.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, on October 25, 1991, the Senate, by unanimous consent, adopted Order No. 89, printed at page 2 of the Calendar of Business of the Senate. Under that order, I have the authority to set a vote on the cloture motion on the motion to proceed to the consideration of S. 250, the National Voter Registration Act, better known as the motor voter registration bill; and following consultation with the Republican leader, as the order requires, I now exercise my right under that order and set the vote on that cloture motion at 1:15 p.m. today.

The PRESIDING OFFICER. The majority leader has that right, and the vote will occur at 1:15.

Mr. MITCHELL. Mr. President, therefore, Senators should be aware that as a result of what has occurred with respect to the previously pending bill—unfortunately because I had hoped we could complete action on that bill—I have now exercised this right, and we will proceed to the vote on the motion to proceed to the motor voter bill at 1:15 p.m. A vote will begin in 20 minutes. Senators should be on notice of that and be present for that vote. We will then, of course, proceed to the consideration of that bill if the Senate votes to invoke cloture.

I thank my colleagues, the Senator from Wyoming and the Senator from Nebraska.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I ask unanimous consent that I may speak for not more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL CLIMATE CHANGE

Mr. MURKOWSKI. Mr. President, I think it is important to note, in the initial discussion as to what this administration and this Government is doing with regard to the climatic change, the U.S. Government is spending approximately $1.2 billion on research for global climatic change. That is almost as much as the rest of the whole world is spending, which I am told is about $1.4 billion.

Mr. President, I think we are caught in the quagmire of a catch 22. We cannot confront poverty and population increases without economic growth. However, the engine of economic growth—and that is conventional industrial production; the production of people and resources—could be the cause of pollution and greenhouse gases that may threaten our planet's future. But I want to emphasize "could."

And the expertise on this floor, the expertise of you and I and the rest of our colleagues to make these judgments, is lacking. Because what we need is sound, scientific knowledge from scientists who are willing to put their reputation behind their recommendations. There are too, too few of them, Mr. President; and far too many of us who simply do not know what we are talking about.

There are two sides to this emotional debate.

On one side, we have a group of aggressive, emotional so-called global environmentalists who contend that nothing less than a fundamental restructuring of our economic system, a global redistribution of wealth, a revolution in regulatory policies, lifestyles, and the like, can save us from the devastating realities of global climate change.

On the other side, we have many economists who contend that the tried and true forces, combined with new technological innovations, will curtail pollution and allow continued economic growth.

I do not pretend to know which one is right. I do not pretend to know the scope and extent of global change. I strongly believe this is an area where science must guide the policymakers.

I do know, in my own State of Alaska, we had some climate changes suggesting not global warming, Mr. President, but on the other hand, global freezing—colder temperatures than we have seen in many decades.

Be that as it may, I think it is fair to say we may be momentarily swayed by the emotional arguments of the interest groups on either side of this debate. But in the final analysis, we need hard, scientific information from leading scientists—those, again, who are willing to place their reputations on the line by subjecting their findings to the scrutiny of their peers—before we can transform national and international policy.

And I would beg the scientific communities to come forward and be held accountable, because they are students. They have the background; they have a commitment of a lifetime of study. And if we cannot depend on those recommendations, then who can we depend on? We need the scientific communities to explore the economic impact of global climate change with the emphasis of scientific research on that change.

There is a great deal that we do not know about our planet and its climate system. It is not a new problem. Back in 1981, I sponsored my first bill in the body with the assistance and cosponsorship of the late Senator Henry Jackson, from the State of Washington, a beloved member of the Energy Committee on which I serve. The act we wrote, known as the Arctic Research in Policy Act, contained one of the first statements of national policy related to global change. The act recognized that Arctic conditions "directly affect global weather patterns and must be understood" and that "industrial pollution not originating in the Arctic collects in the polar air mass [with the] potential to disrupt global weather patterns."

Even though Congress recognized this more than a decade ago, we have yet to develop a comprehensive climate model that illustrates how the Earth's climate system works both today and in the past. We have not yet determined the magnitude of observable climate change attributable to industrial production.

But, Mr. President, there is some hope. Good science is underway that is going to provide us with some of these answers. These are going to be scientific answers.

Let me share with you one example. There is an extremely important ice-coring project in Greenland under contract with scientists from the University of Alaska in Fairbanks. These scientists are drilling to the base of the Greenland ice sheet. They are going more than 11,000 feet deep through solid ice. Once completed, we are going to have a high-resolution, historical record of temperature, precipitation, atmospheric chemistry, and other climatic information dating back as far as 175,000 to 200,000 years.

Now, the theory of this is rather interesting because in this ice is the climatic history of the world, changes in the ozone, volcanic activity, El Nino, global-warming trends, and temperature changes that suggest a lower temperature as well. The ice core is like the rings of a tree. And when they sample this, they can tell what happened during each year. It is compressed in the ice. These scientific measurements are being taken at this time. They are approximately halfway through that drilling, and we will be able to go back and look at the analysis based on sound, scientific, factual history of what has happened in the world for the last 150,000 to 200,000 years.

As opposed to responding to whomever in this body or in a committee makes the most eloquent speech relative to supposition on what may or may not be happening, I encourage my colleagues to recognize the significance of going back and getting sound scientific knowledge to reinforce the decisions that we appropriately have to make in this body. But it should be made on the basis of those who know, who are students, and who make recommendations and back it up with their reputation.

In addition to this kind of open science, Mr. President, there is a potential to declassify and release information from intelligence and military assets that may provide scientists with new information related to global change.

As vice chairman of the Select Committee on Intelligence, I am working with Director Gates, Senator NUNN, Senator GORE, and others to accomplish this task to give the scientists all the tools they need to answer the questions we are asking them.

Mr. President, I think that, as a consequence of this science, we can and should look to this body of information for decisions relative to this area.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may speak for not more than 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI, pertaining to the introduction of S. 2676 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,880,040,440,844.90, as of the close of business on Tuesday, May 5, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capital basis, every man, woman, and child owes $15,105.72—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America, or to look at it another way, for each family of four, the tab—to pay the interest alone, comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

PRESIDENT'S ANNUAL POINTS OF LIGHT AWARD TO GALILEAN HOME MINISTRIES AND STUDENTS FOR APPALACHIA

Mr. FORD. Mr. President, I had the pleasure last week of sitting down with Jerry and Sandy Tucker of Liberty, KY, and David and Jennifer Sawyer of Berea, KY. These fine folks were in Washington to accept the President's Annual Points of Light Award on behalf of their respective organizations, Galilean Home Ministries and Students for Appalachia. Unfortunately, Stormy Otis, a Berea student selected by her peers to represent SFA at the awards ceremony, was unable to sit in on the meeting.

Galilean Home Ministries in Casey County got its start over 20 years ago when Jerry and Sandy Tucker adopted a child and then gave birth to two girls of their own. In the past two decades, their family has grown to include 23 other children whom they have legally adopted as well as 300 others whom they have cared for. Many of these children are handicapped or have come from abusive homes.

Recently, the Tuckers initiated Born Free to care for the children of women in the Lexington, KY, Federal Medical Center. Women there are not allowed to keep their babies with them, but because of the efforts of Galilean's Born Free project, they are able to spend time with their children twice a week. Galilean has cared for more than 25 babies under this program so far.

Students for Appalachia [SFA] is a student community service program of Berea College. As many of you may know, Berea has long been an innovator in higher education—students are charged no tuition, but they are expected to work for their education. And the college's emphasis on giving back one's gifts to the community has always been a top priority.

SFA is but one example of Berea's commitment to volunteerism. Approximately 100 of Berea's 1,500 students are involved with SFA projects, which are geared to address the needs of the people of southeastern Kentucky. Under the Partners in Prevention initiative, for example, black college students serve as mentors and tutors to black high school students in the inner city of Richmond. Through GO [Girls Only], 4 students provide group mentoring to 15 at-risk teenage community girls. A summer day camp provides 2-week camp programs for 12 weeks each summer. The list goes on.

David Sawyer's grandfather, Ed Warinner, a former State senator, was fond of saying, "What we do for ourselves alone dies with us. What we do for others and the world lives on and is immortal." Mr. President, Galilean Home Ministries and Students for Appalachia are perfect illustrations of that maxim—they have established traditions of selfless giving that will go on long after we are all gone. I know that I speak for all citizens of the Commonwealth when I say that we are proud of them and what they stand for.

TELEPHONE PRIVACY ACT OF 1991

Mr. ADAMS. Mr. President, I rise today in support of S. 625, the Telephone Privacy Act, introduced by the distinguished Senator from Wisconsin [Mr. KOHL].

As telecommunications technology continues to develop at a rapid pace, consumers benefit. Simply through the ownership of a telephone, an individual has access to innovative, high quality telecommunications services.

For example, a telephone service offered in the Seattle area enables individuals to shop for prospective homes by phone. This is an important service, especially for people who are confined to their homes or who are limited in their mobility. SureFind, which operates a fully interactive telephone classified advertising system, allows callers to obtain information on homes for sale that meet their specifications on location, price, and other criteria.

Caller ID is another telecommunications service recently made available to consumers. This service permits a call recipient to identify the number of the person placing the call. This service has substantial merit; however, I am concerned that its unrestricted implementation could invade the privacy of telephone callers.

S. 652, the Telephone Privacy Act of 1991, responds to my concern to protect callers from the release of their telephone number. With S. 652, callers are given the choice to determine whether their telephone number will be displayed on a caller ID box. Prior to placing a call, an individual may choose to block the caller ID system and, in doing so, would protect his or her privacy. This bill will allow phone users, including police, battered women, government whistleblowers, and others, to use the phone without fear that their phone numbers, identities or the location of where they live or work will be compromised.

S. 652 not only requires that consumers be given the option of blocking the caller ID system, it also mandates that this option be offered free of charge.

Mr. President, I would urge other members of this body to join me in supporting this legislation to establish important nationwide standards to protect the privacy of all telephone users.

ELECTIONS IN KURDISTAN

Mr. KERRY. Mr. President, May is a month of spring, of hope, and of rebirth. So too in Northern Iraq, the month of May holds promise for the birth of democracy. On May 17, the Kurdish people of northern Iraq will hold an election for a regional legislative assembly. This election will mark the first ever genuinely democratic election in the history of Iraq.

Sadly, this election represents only a small step forward, for the Kurdish people of northern Iraq still face a serious threat from Iraq's brutal dictator, Saddam Hussein. Saddam's military forces continue to impose a total economic blockade of the Kurdish areas of Iraq and have continued to engage in military attacks against Kurdish villages.

It may well be only the presence of United States, British, and French airpower and the establishment of a protection zone that has prevented Saddam Hussein from implementing a policy of virtual genocide against the Kurdish people in northern Iraq.

Despite this terrible situation, the Kurds in Iraq have not given up. They are seeking to hold the first ever democratic elections and establish a Kurdish legislative assembly. The government of Iraq has withdrawn all civil administration from northern Iraq, and the Kurds are seeking to establish a legitimate, elected government to handle civil administration, and other governmental responsibilities.

Mr. President, the election in Kurdistan, Iraq, is an important event and deserves the recognition and support of the United States and the international community. The Kurdish people in Iraq have seen their rights violated and their legitimate aspirations denied for far too long. They deserve our admiration for their courage, their willingness to embark upon the democratic path against great odds, and their determination to stand up against Saddam Hussein.

THE PASSING OF SENATOR GEORGE LLOYD MURPHY, 1902–92

Mr. MACK. Mr. President, I rise today in remembrance of a former Member of this body, a veteran, an entertainer, an actor, and most of all, a very dear friend of mine. On Sunday, George Lloyd Murphy, who served as a Senator from the State of California, died in Palm Beach, FL.

Before Senator Murphy served the people of California in the U.S. Senate, he had a distinguished career that included four Broadway productions and some 45 motion pictures. He was twice elected president of the Screen Actors Guild and organized entertainment personnel for the Armed Services during World War II. I guess you could also give him credit for paving the way for another California actor turned politician, who became President of the United States.

My friendship with Senator Murphy began when I decided to run for the U.S. Senate. During that election George gave me advice, lent me support, and offered me a helping hand. For this, I am truly grateful.

From his days on Broadway, in Hollywood, and on the floor of the U.S. Senate, George Murphy was a gentleman, a family man, a statesman, and a great American who richly contributed to American culture and history.

It has been said that everyone will eventually have 15 minutes of fame in his life. All Americans are blessed that George Murphy's moment in fame not only lasted 15 minutes, but an entire lifetime. For this we as a nation are truly blessed.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the Senate will momentarily vote on the motion to invoke cloture on the motion to proceed to the motor-voter bill. The time for morning business will expire in less than 1 minute. I simply want to announce that we will then, if cloture is invoked, proceed under the cloture rule with respect to that measure, and I will then later today, later this afternoon, following the vote, consult with the distinguished Republican leader and be prepared to announce to the Senate our schedule for the remainder of the week and thereafter if cloture is invoked.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL VOTER REGISTRATION ACT—CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

George Mitchell, Harry Reid, John Glenn, Terry Sanford, Wendell Ford, Richard Bryan, J. Lieberman, Herb Kohl, Carl Levin, Paul Wellstone, Frank Lautenberg, Howard Metzenbaum, Dennis DeConcini, Timothy E. Wirth, Daniel K. Akaka, Alan J. Dixon.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the call of the roll has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 250, the National Voter Registration Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—61

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wirth
Wofford

NAYS—38

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Seymour

The PRESIDING OFFICER. If no one else wishes to vote, on this vote the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which cloture was invoked.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I be permitted to speak on a subject matter not related to the bill but that the time run on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I thank the Chair.

THE LOS ANGELES VERDICT

Mr. DECONCINI. Mr. President, like most Americans, I am deeply saddened by the events that took place in Los Angeles over the past week. I am outraged at what happened. As people think about it more and more, that verdict was astounding based on what we knew, and what was pretty demonstrative evidence. The not guilty verdict simply did not square with what was seen across this land time after time after time over many, many months.

That videotape told what happened. We were not in the jury room to make that decision, and I do believe our judicial process normally works well. But in this case, certainly a mistake was made.

Fifty-six baton blows to Rodney King's body in a period of 81 seconds is not made-up evidence. It is factual. So what I cannot understand, and what most Americans cannot comprehend, is how 4 trained police officers could not have subdued a single suspect without resorting to 56 baton blows in a period of less than a minute and a half.

When an all-white jury of 12 pronounced that this brutality was acceptable behavior—that is what they said—it is incomprehensible and obviously raises rage in anybody's heart and mind.

I have been a strong supporter of the law enforcement community since being elected to the Senate. Before that I was a prosecutor. I come to the Senate to talk about this without bias toward the police. The vast majority of our law enforcement officers are honest, well trained, disciplined men and women who understand that they cannot and they do not abuse a citizen's right, even when the citizen has allegedly committed a crime.

Most of our law enforcement people are decent, honorable, professionals who feel as anybody else does, and as I do, that the four police officers who were indicted in Los Angeles brought dishonor to their profession.

Like most Americans, I was equally appalled by the events that transpired in Los Angeles and in the other cities around this country and even in Canada in the wake of the verdict. The wanton killings, beatings, lootings, and willful destruction of property cannot be justified by any rational standard, even an unjust verdict, in my eyes or in those of the majority of the public.

These actions were as reprehensible to decent, law abiding citizens as was the brutal beating of Rodney King. And it raises a real question why the Los Angeles Police Department did not respond sooner.

I watched one television show where Chief Gates was asked a question by residents as he was walking through the neighborhood with Leslie Stahl. They said, "Chief, how long would it have been had these people marched through Brentwood or Santa Monica? How many hours, how many days before we would have seen the force that finally came out 2½ days later in this neighborhood? Of course, there was no answer to that question. Something went wrong. The officials of Los Angeles, and of that State will have to deal with that. We also have to deal with it.

Acts of violence cannot be tolerated no matter why they are perpetrated or what verdict might come down. We are a society of law and order. We must and we will recognize people's rights. If they are not recognized, it is up to the law enforcement community to be there with whatever force is necessary.

Now that the dust is settling, and law and order appear to be restored, the finger pointing has begun.

President Bush, that is right, blames it on the past urban agenda of the 1960's. Give me a break. Enact his agenda? You know what this President and his predecessor have done to urban programs that affect the quality of life of people who live in the inner cities. He wants to blame the Great Society. I remember the Great Society. I was the first representative of the State of Arizona sent by the Governor of Arizona to come back here and get the first funds available under the War on Poverty for work-related training programs in the city of Phoenix.

How sad and ludicrous it is to point the finger at those programs today—almost 30 years later—and say this is the reason that lawlessness broke out; that this is the reason that close to 60 people have died so far, and that close to $1 billion in damage to property has occurred.

Why can we not admit that some of the Great Society's programs did not work as they were supposed to because they are administered by human beings? But they did not all fail. What happened in Los Angeles or may happen someplace else is not the fault of those programs. Head Start was one of those programs. It still is in effect. The President supports it. It works. The WIC Program works. We cannot blame this problem in Los Angeles on the Women, Infants, and Children Program. It just is not right.

Why is it so difficult for us to admit that we all share in the blame for the decay and the disintegration of the inner cities? We do. I do. We share in the blame by closing our eyes to the underlying cause of the poverty and despair in our inner cities. We share in the blame by closing our eyes to racism, by closing our eyes and being tolerant of things that we know in our heart are wrong.

We cannot do that. We share in the blame by not providing the health, education, housing, and job training services that those locked up in the inner city need so desperately to break the cycle of poverty and be productive citizens.

The President cannot abdicate all responsibility for the tragic events in Los Angeles. He cannot preach personal responsibility and exempt himself from accountability.

Since 1981, under the Reagan-Bush and the Bush-Quayle administrations, financial aid to our cities has been slashed by 63 percent. Can the President not admit that these reductions may, in fact, have had some impact on the deep feelings of neglect among citizens in the poverty areas?

Let me just list a few of the programs that have suffered since reductions over the last 11 years while President Bush was there. Subsidized housing that went primarily to inner-city poverty areas has been reduced over the last 11 years by 82.7 percent. Maternal and child health care funds have been reduced by 4.2 percent. Community development block grants have been reduced by 39.3 percent. Community service block grants reduced by 45 percent, social services block grants by 38 percent. Training and employment services, which train people for jobs so they can be productive, by 61.5 percent, and the National Service Corps by 30 percent. And revenue sharing has been eliminated.

I am sorry to have to admit that early on in the Reagan administration I voted for some of those reductions because we were told that cutting programs coupled with a tax cut, would provide an economic recovery plan for every American. The President asked for our support—and this Democrat said yes, I am going to support him—to give every American a chance to have an opportunity—lower taxes on everybody, but particularly the rich, and this will cause an economic growth and economic development. It did not.

As early as 1982, we were in a recession, and we have seen the disparity talked about on this floor, and written about in almost every major newspaper of how the rich have gotten richer, the middle class has shrunk, and the poor have gotten poorer. These figures demonstrate how bad it is.

These cuts would have been even larger had the administration had its way. The fact is that they were nevertheless reduced, with the concurrence of the majority of the Congress, which started us down this slippery slope. I plead guilty of supporting those reductions early on. I regret it. I take my share of the blame. But I will be darned if I am going to stand here and have the President of the United States get away with statements that say this problem goes back 25 years, when we were trying to help people help themselves.

Had these reductions not all been made, our urban areas might not be what they are today. Maybe they would not be perfect. I doubt that they would be. But maybe there would be some hope, instead of the despair that permeates these communities today.

Of course, they have poverty. Poverty has increased by 2 million in the past year alone. So people say, "Well, throwing money at problems, Senator, does not get you anything."

I am not talking about throwing money; I am talking about training programs, job programs, about housing for poor people. Yes, I am talking about a subsidy.

The President has asked us in the Congress to spend $12 billion of the American taxpayers' money to boost the currency of the Republic of Russia, so those people can have a better standard of living, so their currency can be convertible on the world market, so they can have some acceptability in the world economy. I am not going to vote for it, not until we see some responsibility with respect to our own people. Besides that, we cannot afford it; we are broke.

Tragically, one out of every five children now lives in poverty in this great land. Representing a State like Arizona, with the largest number of native Americans living on reservations, a

Hispanic population of almost 19 percent, and a black population of 3 percent, I am very acutely aware of the problems facing our minorities.

I am distressed when I see services to these hard-pressed communities diminishing year after year, and poverty levels increasing. Is it any wonder that these communities distrust the commitment of their Government in Washington, DC, to help solve their problems? That distrust should come as no surprise to any of us. We can do better.

We are Americans. We believe in helping other Americans. We even help people who are not Americans. How many times have we come to the rescue of people such as in Ethiopia in the mid-1980's when we saw on our television screens children and women and men dying of starvation at the rate of 80 per day? Before our Government responded, the people of the United States responded from their pockets, and through churches and nongovernmental organizations, and came up with over $350 million in assistance.

I was privileged to go to Ethiopia and see that aid being delivered, stamped "United States of America Food Products,"—distributed through Mother Teresa and World Vision and other nongovernmental organizations which is keeping people from dying, because we felt for those people. We should have that same feeling for Americans.

I submit that we do. The healing process must begin. We must first get beyond the rhetoric we are hearing from the President of the United States and his representatives who are speaking on television, trying to shift the blame toward Democratic programs of the sixties.

Rather than handouts, we must look at those programs that did work, and try to promote those and create new initiatives. We must consider these efforts as investments in human resources. That shift of attitude can only occur with leadership from the President and the White House. That change can only occur if the President and his campaign aides desist from the Willie-Horton-type ads.

The President cannot veto civil rights legislation, as he did twice in the last 6 months, and expect credibility within the communities that are affected by discrimination. You cannot have it both ways. You cannot veto, time and time again, minimum-wage legislation, which would help people rise out of poverty, and have credibility. If the healing is to begin, the President must cease from perpetuating negative stereotypes of our poor and our minority Americans.

It is the President who should be pointing out that many of our Government programs make good economic sense, and work. It is the President who should be educating the American public that for every $1 spent in Head Start, $6 in special education, public assistance, and crime costs are saved; that every $1 spent in the prenatal care of poor women and infants and children in the WIC Program saves $3.38 in health care costs for low-birth-weight babies. That is a fact; not something that the Senator from Arizona is making up. He should be pointing out that every $1 spent on immunizations saves $10 in treatment costs for those who did not receive immunization.

Why is the President not pointing out one or two programs that need more funding, like the WIC Program, which covers only about 55 percent of those eligible in this country? If we can talk about $12 billion to help the Republic of Russia, we ought to be talking about $2.8 billion to feed poor women, infants, and children, and give them prenatal care. Would anybody disagree with that?

Why is that not happening? Unfortunately, portraying recipients of public assistance as lazy, as welfare cheats, as moral misfits, and as criminals is politically popular. It has zero political risk. It provides simple-minded explanations for very serious problems. But it is not the truth. Rather than being a party to perpetuating these negative stereotypes, we ought to rise up and express moral indignation and outrage when we hear these unfounded attacks.

If the President chooses to lead, regardless of the political costs, I am convinced that the American public will follow. It will take political and moral courage to embark on this desperately needed course of action. But embark we must. If we do not, the racial and class divisions in this country will deepen and widen and violence in our cities will become more and more commonplace. We can and must avoid that outcome. Let the dialog begin. Let us listen to the angry voices in our inner cities. Let us hear what they say. Let us begin the task of restoring hope for the hopeless, jobs for the jobless, health care to the poor, better schools and teachers and parks to our inner city youth, and economic opportunity to the disadvantaged and disenfranchised.

Let the dialog begin about what are you going to suggest, Mr. President, to this country? I know we want a better moral standard for every American. We want greater family values. Mr. President, you have stood in the way of passing child care legislation, finally agreeing to it. You stood in the way of passing legislation on parental leave, minimum wage, and civil rights. Though you have agreed to some of those, a lot of people were hurt over the 2- or 3-year period that it took to pass such legislation.

So let us listen to those angry voices in the inner cities. Let us hear what they say. They are not looking for cash or handouts. They are looking for a fair, equal playing field, as every American is. They are looking for jobs. They are looking for training. They are looking for health care for their children and families. Where do you suppose those 37 million Americans live who have no health care? You can be darn sure that almost everyone in the inner cities falls into that category. They are looking for better schools, for higher paid teachers, for safe streets, for community centers, for clean streets. They are looking for opportunities, just as everyone else is.

Mr. President, it is a sad day for the United States, but I believe, as I think most people do, that we are a country of strength, a country of good moral character. We know when mistakes have been made here. And though it is a Presidential year and elections are not the best time to always be forthright and candid, but now this would be a good time for all the candidates, particularly the President of the United States, to come forward with some concrete proposals. And if they happen to cost a little money, let us talk about it, let us not be afraid. We can enter into a budget agreement and pretend, as we did last year, that we were going to reduce the deficit by $500 billion when, in fact, we have the deficit which is going to be $399 billion this year, the year it was supposed to go down. I think it is time the American people want it said straight and played straight. I challenge the President to challenge the Congress.

Let us talk about a bipartisan war on poverty. As to the success of the war in the Persian Gulf, the President deserves credit for mobilizing the entire country and the entire international community and winning a war against somebody that needed to be defeated. Now is the time for President Bush to come forward with a program that mobilizes this country to bring equality, to bring hope, and to bring some jobs and housing to our urban poor. Yes, we are going to have to spend some money, and I think it is important that we do that. I hope the President comes back from his trip to Los Angeles with a program instead of the famous Bush finger pointed at the 1960's.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS AND ORDER FOR RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators BIDEN and BREAUX permitted to speak therein, and that, upon the completion of Senator BREAUX's remarks, the Senate stand in recess until 3:30 p.m., and that all time between now and then count toward cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous agreement, the Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I seek only 5 minutes of the Senate's time.

THE CRIME BILL

Mr. BIDEN. Mr. President, I think that although the legislation we are considering now or attempting to consider is very important, there is an urgent problem that is facing this Nation. The most graphic example of the problem was what took place in Los Angeles in the violence that erupted by a small minority of people responsible for that violence in Los Angeles.

We have a serious crime problem in this Nation. We have at the desk a conference report, which is a fancy Senate term meaning that this is a crime bill that the House of Representatives has passed, and all it requires is for our Republican friends to allow us to get to a vote on that crime bill and, within probably 1 hour and 15 minutes, the President of the United States of America, who says he wants a crime bill, could have it on his desk, signed, and become law immediately. Significantly increasing the amount of assistance to local police forces, significantly increasing the organizational structure as well as the financing of antigang efforts, significantly increasing the power of the Attorney General to respond to police brutality, significantly changing the landscape in the criminal justice system, much of which is targeted specifically to the type of event that occurred in Los Angeles, although when we wrote the bill we did not have Los Angeles in mind because we wrote the bill last year. We passed it last year. The House of Representatives approved the conference report last year. And since last year, since last October, our Republican friends have not allowed us to vote on it.

Mr. President, yesterday our friend from Texas, Senator GRAMM, came to the floor and introduced a crime amendment to the caller identification bill that we were discussing and talked about the need for a crime bill. So, the leader immediately did what is privileged to the leader. He called from the desk, for our immediate consideration, this conference report that is sitting there that every police agency in America, every cop says we need and supports. Notwithstanding the extensive pressure put on them by the administration not to support it, they still support it. So, I figured at least finally everyone has come to their senses and we are going to get to vote.

Now we are back in a state of limbo. Are they going to let us vote on this conference report when we get back to the bill after we get off this one, or what are we going to do? I respectfully request all of my colleagues, Democrat and Republican alike, to take another look at that conference report and see how much in it is specifically tailored to and designed for circumstances that they are all coming to the floor speaking about right now. The police need help. They need more training. We need a police corps. We need to send more of them to college, the whole range of things that we need that the President says we need, that is sitting in the bill right now.

And so I hope when we dispose of this legislation, Mr. President, my friends on the Republican side will, when we get back to it—which I understand is the business we revert to when we get back to the conference report on crime—they would finally let us vote—and the votes are there, Mr. President; there are more than 50 Members of this Senate who are for that conference report including Republicans—let us vote on that crime bill so we can send to the President, 15 minutes after the rollcall is started, a comprehensive crime bill that has in it everything the President of the United States is asking for relative to the plight of police in our inner cities and, conversely, the plight of people who are victimized by the few unscrupulous police that are in some of the police forces in some of the cities.

I yield the floor Mr. President. I thank you for your indulgence.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Louisiana is recognized.

Mr. BREAUX. Thank you very much Mr. President.

I am very pleased to follow the distinguished chairman in his remarks about the need to take action. I think his advice to the Members of the Senate is well taken and we should heed it.

COMMUNITY POLICING PROGRAM

Mr. BREAUX. Mr. President, when American citizens fight American citizens in the streets and cities of America, all of America truly hurts!

When we see buildings, stores, and homes intentionally torched and looted, even citizens beaten unconscious, and watch it all reported worldwide on television, all of us know that something in America is very wrong.

When we watch over and over again, men who are sworn to protect citizens as police officers, beat a person unmercifully, and then have our judicial system say, "that's OK that's how it is done"—we know that something is very wrong.

When we then see our political leaders responding to these wrongs by seeking to blame everybody else without offering positive solutions to solve our problems, all America also knows that is wrong.

Today, when many citizens see police they have never met move into their neighborhoods, they see an enemy, not a friend. Rather than cooperate, they fight back; rather than side with the law enforcer, they side with the law violator.

In Los Angeles, too many otherwise uninvolved honest citizens became criminals themselves when they joined the rioters and looters rather than siding with police in protecting their own neighborhoods.

They viewed police as the enemy, not part of the solution. They viewed police not as protecting all Americans but as protecting the haves from the have nots.

Mr. President, the Democratic Leadership Conference [DLC], which I chair, held our annual conference in New Orleans this past weekend. Discussions were positive, even though we all were acutely aware of the depression that surrounded conditions in Los Angeles.

Let me suggest one idea the DLC has been promoting—the concept of community policing.

New York City's Police Commissioner Lee Brown has established an outstanding Community Policing Program, and it is working. It has produced, for the first time in 36 years, an across-the-board decrease in every major crime category in the Big Apple. Commissioner Brown's plan involves the people directly affected by crime in defining the problems, developing strategies, deploying resources and evaluating the results.

Commissioner Brown has made police part of the community, not the enemy of the people. His idea is a citizen-police partnership to prevent crime and improve the quality of life in America's neighborhoods.

Let me suggest that there is plenty of blame to go around. Many conservatives have argued that you stop crime by building more prisons and jails, appointing tougher judges, and imposing mandatory sentences.

Many liberals have suggested on the other hand, that we need to spend more money, start some new programs, go back to the old ideas and try them again.

Congress must respond, not with blame and old ideas and programs, but with new ideas and a new direction. We should immediately pass legislation creating a national police corps, a ROTC-style program to offer college scholarships and police training in return for a reciprocal commitment for 4 years of work with a police department in their neighborhood after graduation.

This innovative approach will not only create thousands of much-needed jobs for our youth, it will guarantee a better-educated and better-trained police force. This legislation aims at supplying State and local police forces with 100,000 college-educated police officers within 5 years—an increase of more than 20 percent of total force levels and 40 percent of total patrol units.

Focusing on community policing offers a progressive alternative to the dangerous irrelevance of traditional liberal excuse-making about crime and the equally dangerous inaccuracy of conservative myth-making about how to stop it.

Our solutions cannot be blame-driven. We must reject the us-against-them philosophy of the 1980's—the results have been disastrous.

The American people want to hear no more excuses from politicians. They want results.

Let us all join in a bipartisan effort. Let us all begin with the creation of a national community policing program and give our neighborhoods back to our American citizens.

RECESS UNTIL 3:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 2:28 p.m., recessed until 3:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Kentucky, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. BREAUX). Without objection it is so ordered.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

NATIONAL VOTER REGISTRATION ACT

MOTION TO PROCEED

Mr. FORD. Mr. President, once again, the Senate has the opportunity to consider S. 250, the National Voter Registration Act of 1991, a bill which I have sponsored with the senior Senator from Oregon [Mr. HATFIELD]. As many of my colleagues are aware, this is not the first time that the Senate has had the opportunity to consider this bill. In July 1991, we had two cloture votes on a motion to proceed to the bill. We fell short one vote necessary to invoke cloture. After those votes, I made a statement on the Senate floor that we would consider this bill again. I want to express my appreciation to the majority leader for his support to this bill and for giving us this opportunity.

What does this bill do?

REGISTRATION PROGRAMS

Establishes national voter registration procedures for elections for Federal office.

States shall establish procedures to permit voter registration:

First, simultaneously with application for a driver's license;

Second, by uniform mail application; and

Third, by application in person, either at an appropriate registration office, or at a Federal, State, or private sector location—agency-based registration.

This bill does not apply to States without registration or States with same day registration.

REGISTRATION ADMINISTRATION REQUIREMENTS

This bill prohibits purging for nonvoting, requires that the name of registrant may only be removed from the list of eligible voters at the request of the voter; by reason of criminal conviction, or mental incapacity, or by reason of death or change of residence.

The bill provides that any State program or activity to protect the integrity of electoral process by ensuring an accurate and current voter registration roll must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. The State must conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of death or a change of residence. The State must complete such a program at least 90 days before a Federal election.

No State may remove the name of a voter from the rolls due to a possible change of address unless the registrant confirms in writing or has failed to respond to a mail notice and has not appeared to vote in two Federal general elections following the date of the notice.

Where a registrant has failed to respond to such a notice, and the voter has moved to an address within the same polling place, the voter may correct the record and vote with oral or written affirmation of change of address. If the voter has moved to a new address in a new polling place, and within the same registrar's jurisdiction and congressional district, that voter may go to the former polling place and correct the record and vote with oral or written affirmation of new address or at a centrally designated location where a list of eligible voters is maintained with written affirmation. If permitted under State law, such a registrant may vote at the appropriate polling place and such a State would not be required to provide a centrally designated location.

Following the Senate's consideration of motor-voter in July, newspapers across the Nation called on the Senate to reconsider this bill. These editorials expressed support for the bill because they saw what I have always believed—that the motor-voter bill is good for democracy. Here is what a few of those editorials said:

The New York Times:

> * * * government ought to do all it can to fight voter apathy, not accept it as a given. The motor voter bill honors representative government.

The Los Angeles Times:

> It's not certain which side of the aisle would have the most to gain from the passage of this proposal. But one sure winner would be democracy.

And from the Pittsburgh Post-Gazette:

> This increasingly mobile nation has left too much to chance in enrolling people in the democratic process. In an era of fast food, instant gratification and see-it-now TV, it's appalling that government requires people to jump through hoops and scale ladders to register to vote. What the United States needs is an active voter-registration policy, one that is bent on including people rather than leaving certain ones out.

Mr. President, it is clear that the support for S. 250 is not based on whether this bill will support any particular political party or ideology. Rather, this support is based on the simple fact that this bill is good for democracy. S. 250 will open the way for millions of eligible citizens to have the opportunity to vote. It will not force them to vote. But will give them the opportunity to vote.

Mr. President, there are already a number of States which have made the change to motor-voter. And while the Senate has been considering motor-voter as a national policy, Montana, New Mexico, West Virginia, Oregon, and Texas have joined the growing list of States by adopting motor-voter this year. Today, 26 States and the District of Columbia have motor-voter. Fourteen other States have had or are currently considering similar legislation.

Mr. President, if there is one fact that should concern every American citizen who believes in the democratic process it is this: In the 1990 elections, only 36 percent of eligible citizens voted. This is the lowest voter turnout since 1942. Voter participation has been steadily declining since 1960. I am convinced that this decline can be reversed by removing the complicated barriers of registration. Turnout of registered voters in Presidential elections is about 80 percent—which demonstrates that eligible voters who are registered to vote, vote. That is why I introduced the motor-voter bill. Under this bill, you can register to vote at the same time you apply for or renew your drivers license, by mail, or at many public offices.

Motor-voter registration is cost efficient. The District of Columbia recently adopted motor-voter at the cost of 6 cents per registered voter. Critics argue that States will have to pay millions of dollars to computerize their registration lists. These cost estimates are outrageously inflated. The fact is that almost 92 percent of registration lists in the country are already computerized.

Some of my colleagues on the other side of the aisle argue that we shouldn't be concerned with low voter turnout because it is a sign of public contentment.

If anybody can tell me today that the public is content with what is going on in this country, that person has been disconnected from his or her constituency. The public is not content. We need to give them an opportunity to exercise their right under the Constitution of this great land of ours and make it easier.

But if you believe that, you must also believe every eligible citizen who wished to vote was registered but chose not to vote. The reality is that nearly 40 percent of eligible citizens are not registered. Low voter turnout is not an indication of contentment but is a result of restrictive registration practices.

But, Mr. President, the system supported by some of these same critics actually punishes registered voters—because if you don't vote, your name will be removed from the registration lists and you have to reregister. With motor-voter, almost 90 percent of all eligible citizens will be registered and able to vote. And under this bill, you remain registered even if you don't vote.

Citizens were once denied the right to vote by poll taxes and literacy tests. When those restrictions were removed, citizens were still prevented from voting because they were confronted by complicated registration procedures. But some people think it is a good idea to have those restrictions. I have heard it said in a number of statements that current registration procedures are good because only so-called informed voters get to vote. But who decides who is an informed voter? Is this not another form of a literacy test?

Is it the intent of the opponents of this legislation to achieve through archaic and confusing registration procedures that which they cannot achieve through outlawed practices such as poll taxes and literacy tests?

Mr. President, the purpose of elections in this country is to determine the will of the majority. This bill will knock down the confusing and restrictive registration practices which continue to frustrate the right to participate in our democracy.

Opponents of this legislation argue that this bill will increase voter fraud. Mr. President, this is just not true. If it was true, 26 States would not be participating in motor-voter. This bill includes procedures proven to prevent fraud and protect the integrity of the system. And, this bill makes voter fraud a Federal crime with stringent criminal penalties.

Motor-voter is not going to force people to vote if they are frustrated by the candidates or the issues. But, it will correct the problem by knocking down the registration procedures which are frustrating people from getting to the ballot box.

This bill will not guarantee an increase in voter participation, it will increase the pool of eligible voters and give those who wish to participate in our democracy every opportunity. Of that much, I believe we can be sure.

Mr. President, I urge my colleagues to join me in supporting democracy by supporting S. 250.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the junior Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, this is becoming a rather familiar scene: The Senate is about to waste its time on yet another lengthy debate, discussing an issue that hardly anyone in America cares one bit about, wrangling over a partisan bill that is destined to be vetoed by the President and that veto will be sustained.

One of the points that we have been trying to make on this side of the aisle is that we would hope the Senate might use its time on measures that are genuinely, clearly to the benefit of large numbers of Americans who would like for us to deal with legislation that they feel has a direct bearing on their future.

While crime and despair erode our inner cities, while our Federal budget deficit rages out of control, while families are holding down two or three jobs to make ends meet, while our tort liability system destroys U.S. competitiveness—what are we doing here?

The U.S. Senate is discussing whether to force States to adopt an expensive, complicated, fraud-promoting voter registration system.

I cannot think of any better analogy to Nero fiddling while Rome burns than this bill being on this floor at this time.

So why are we, Mr. President, spending our time on this bill?

The other side gave the answer in some closing remarks that accompanied passage of the conference report on S. 3—the Democrats' taxpayer financing bill—another partisan bill which the President will shortly veto, and the veto will be sustained.

In those remarks, the other side expressed shock, genuine shock that we perceived their campaign finance bill as part of a larger partisan agenda: a troika of Democrat-sponsored measures that would redraw the political playing field to their advantage. According to the other side's own analysis, the three legs of this troika were: taxpayer financing, motor-voter registration, and then destruction of the Hatch Act.

Yes, Mr. President, the "motor-voter" bill does have a lot in common with the other two legs of the so-called troika:

Its support divides mostly, once again, along party lines; it will cost the taxpayers a bundle; and it is just another one of the many politically motivated—but politically correct—measures that we have come to expect around here. In other words, they are frauds masquerading as reform.

As we have seen with the other side's campaign finance bill, these proposals are not merely worthless, but they actually pose considerable danger to cherished American freedoms and institutions: like the first amendment, the electoral process, and non-partisan Government.

Despite these dangers, however, and despite many more pressing issues facing this country, we continue to grind our gears and waste our time on these arcane, inside-the-beltway, highly divisive proposals.

Of course, we will hear speeches from the other side that motor-voter is the answer to all the problems that face America. Voter turnout? Motor-voter.

Disaffected public? Motor-voter.

Anti-incumbency? Motor-voter.

Global warming? Motor-voter.

Cannot find a parking place downtown? Motor-voter is the answer to all of that.

Obviously, Mr. President, that is ridiculous, but the most extreme suggestion of motor-voter is that it is a cure-all for everything happened the other day:

When the likely Democratic nominee for President was in riot-torn Los Angeles the other day, he offered his list of solutions and right near the top was motor-voter registration. Mr. President, what in the world does motor-voter registration have to do with riots in Los Angeles?

No, it was not dire unemployment or failed social programs or discrimination or rampant crime that produced the multiple tragedies in Los Angeles, it was the lack of motor-voter registration.

Perhaps this bill was mentioned because the likely Democratic nominee believes it will help his party rise from the ashes of national defeat in Presidential elections. It certainly is not going to help Los Angeles rise from the ashes of the riot.

But regardless of the partisan effects of motor-voter, there are many bipartisan reasons to oppose this bill, and I think we ought to go over several of them.

Excessive cost, election fraud, and perhaps most important of all, ineffectiveness.

What I am about to say may shock some tender ears, Mr. President. It is certainly not politically correct:

But the so-called motor-voter bill is a solution in search of a problem.

There are a few courageous people out there who have openly stated that relatively low voter turnout is a sign of a content democracy. Low voter turnout is not necessarily indicative of a Nation in decline or a democracy on the rocks.

Charles Krauthammer expressed this view eloquently last year in an editorial for Time magazine. Krauthammer said:

> * * * when almost every pundit wrings his hands in despair at low voter turnout—some even feel obliged to propose creative schemes to induce people to vote—I am left totally unmoved. Low voter turnout means that people see politics as quite marginal to their lives, as neither salvation nor ruin. That is healthy. For a country founded on the notion that that government is best that governs least, it seems entirely proper that Americans should register a preference against politics by staying home on Election Day.

Mr. Krauthammer went on to say the following:

> A few weeks ago, a producer from public television came to ask my advice about planning coverage for the 1992 elections. Toward the end, she raised a special problem: how to get young adults interested in political coverage. I offered the opinion that 19-year olds who sit in front of a television watching politics could use professional help. At that age they should be playing ball and looking for a date. They'll have time enough at my age to worry about the mortgage and choosing a candidate on the basis of his views on monetary policy.

He went on to say:

> To say that, of course, is to violate current League of Women Voters standards of good citizenship. Let others struggle valiantly to raise the political awareness of all citizens. They will fail, and when they do, relax. Remember that indifference to politics leaves all the more room for the things that really count: science, art, religion, family and play.

In another well-reasoned, intelligent article, James Kilpatrick argued:

> It seems to be taken for granted that a massive turnout of voters on election day is a good thing, a wholesome thing, an altogether splendid thing. Registering to vote is seen as a civic virtue. I view these assumptions as piffle.

Noted political analyst George Will observed in a Washington Post column on September 5:

> ***low turnouts often are signs of social health. Low political energy can be a consequence of consensus about basics. When society is not driven by deep fissures about fundamental questions, nonvoting may be passive consent, reflecting contentment.
>
> Many potential voters abstain because electoral outcomes do not determine the shape of their lives. Which is the way it should be: In a good society, politics is peripheral to happiness.

Mr. President, like those observers, I do not advocate low turnout, I just recognize it for what it is. And also what it is not. It is not the most pressing issue of our time.

There is considerable irony in the professed horror of my colleagues across the aisle at low political participation. The Democrat's campaign finance bill that recently passed Congress blocks citizens from participating in the process via limited and disclosed contributions to the candidates of their choice. To completely force individual citizens from campaigns, 39 Democrats voted last year for full taxpayer funding of general election campaigns.

Moreover, Mr. President, by killing the Democrat's campaign finance bill, Republicans have done more to preserve voter participation and turnout than this motor-voter bill could hope to create. The Democrat's campaign finance bill virtually shut down the political parties ability to conduct grassroots political activities like voter registration and get-out-the-vote drives—so-called soft money activities.

Mr. President, curiously, the Democrats bill did nothing about labor union soft money—the real sewer money in the system.

And Democrats ask what Republicans are afraid of?

I ask my colleagues across the aisle—what are Democrats afraid of? A fair fight?

If there is a sincere desire on the part of Democrats in increasing political participation by all Americans—not just those labor unions can cram into buses on election day—then they will join Republicans in passing a campaign finance reform bill that increases competition and public interest in politics.

You will join Republicans in strengthening the political parties ability to register voters and get them out to vote on election day. You will join Republicans in freeing up the political parties so that they can print and distribute millions of bumper stickers and run advertisements letting voters know there is a clear choice and a reason to vote on election day.

Mr. President, Samuel Popkin, a professor of political science at the University of California San Diego and author of "The Reasoning Voter: Communication and Persuasion in Presidential Campaigns" published an op-ed to this effect in the Washington Post of December 1, 1991. Mr. Popkin wrote:

> * * * critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.
>
> The fact is, our campaigns aren't broken, and don't need that kind of fixing. Voters are not passive victims of mass-media manipulators, and it is dangerous to assume that low-key 'politically correct' campaigns would somehow eliminate the power of the visceral image. Restricting television news to the MacNeil/Lehrer format—and requiring all the candidates to model speeches on the Lincoln-Douglas debates—won't solve America's problems.
>
> David Duke, loathsome and frightening though he may be, is neither an argument that campaigns don't work nor that campaign advertising should be restricted. In fact, Louisiana voters knew all about Duke's racist and antisemitic causes; Duke was able to communicate his message just as effectively—perhaps more effectively—in interviews and debates.
>
> Reformers say they want to turn down the volume, discuss more important issues and turn out more voters—worthy goals but also contradictory. Decorous campaigns will not raise more important issues. Neither will they mobilize more voters nor overcome offstage mutterings about race and other social issues. It was not worthiness and refinement that got 80 percent of Louisiana's voters to turn out.
>
> If government is going to be able to solve our problems, we need bigger and noisier campaigns to rouse voters.

(Ms. MIKULSKI assumed the chair.)

Mr. McCONNELL. I might say, Madam President, the Louisiana Governor's race is worth focusing on. An 80 percent turnout. Why did they turn out? Because the election made a difference. They were intensely interested in it, and voters will turn out when they think there is an election in which something is truly at stake.

Professor Popkin discusses at length the forces that campaigns must overcome to get their message out. Forces spawned by special interest politics, an array of media outlets, and an expanded primary system have complicated the task of conveying a coherent message.

Consequently, according to Professor Poplin:

> * * * if we really want to increase voter interest and participation—as well as the capacity of government to tackle our problems—the best strategy may well be to increase our spending on campaign activities that stimulate voter involvement.
>
> In this regard, it is important to note the clear relation that exists between turnout and social stimulation. There is, for example, a large gap between the turnout of educated and uneducated voters; married persons at all ages vote more than people of the same age who live alone; and much of the increase in likelihood of voting seen over one's life is due to increases in church attendance and community involvement.
>
> As for the argument that America already spends too much on elections, the fact is that American elections are not costly by comparison with those in other countries.

And in conclusion, he states:

> Before we attempt to take the passions and stimulation out of politics we ought to be sure that we are not removing the lifeblood as well. Ask not for more sobriety and piety from citizens, for they are voters, not judges; offer them instead cues and signals which connect their world with the world of politics. The challenge to the future of American campaigns—and hence to American democracy—is how to bring back the brass bands and excitement in an age of electronic campaigning.

Madam President, for the interest of Senators who support the taxpayer-funded spending limits bill and the motor-voter bill before us, I would like to make an observation about my State.

The 1986 and 1990 Kentucky Senate races show the correlation between spending and voter turnout. Both the 1986 and 1990 Kentucky Senate races were off-year elections, yet 239,000 more voters turned out in 1990 than in 1986—a 35-percent increase.

Madam President, it is not coincidence that the 1990 race was more expensive, competitive, and offered a clear choice between two ideologies.

Some of my colleagues will be pleased to know that 1996 may well be another lively election year in Kentucky as Ralph Nader recently vowed to pit his 501(c) groups against me in my next election. He is perturbed that I have fought his pet taxpayer-funded bill. Well, if he gets his way and the Democrats campaign finance bill ever becomes law, taxpayers may be paying for my campaign to counter his independent expenditures. Would that not be ironic?

OTHER COUNTRIES

In support of this bill, we hear passionate speeches about higher voter turnout in other countries. Voices boom: "Even the Soviet Union had a higher turnout in their Presidential election this summer than we did in '88."

Of course, in the Soviet Union and Eastern Europe, democratic elections are a novelty.

Penalties also are an effective incentive. Italy, Austria, and Belgium have the highest turnout among western democracies. They also punish non-voters. Americans have the right not to vote without fear of reprisal. It is very different.

I repeat, Madam President, in some of these democracies that are pointed to with interest, with envy, you are either participating in an election that is a novelty—because they have not had one in the case of the Soviet Union for maybe 1,000 years, if ever—or they are democracies in which you are penalized for not voting, which is quite common, by the way, in Central American countries.

The General Accounting Office studied this issue and noted that:

> The imposition of relatively small fines or other penalties can have a major impact on voter turnout. Austria, Belgium and Venezuela impose fines or other penalties for failure to vote.
>
> In Italy, the nonvoter may have his name posted outside the town hall, and his identification papers may be stamped: "Did not vote for five years."
>
> It is widely assumed that Italian nonvoters are subject to discrimination in employment and other benefits. Not surprisingly, Italy has the highest voter turnout among the industrialized democracies, even though it ranks very low in political satisfaction and other attitudinal variables that facilitate voting.

It is not because they are happy about politics in Italy that they vote, but they know they are going to get punished if they do not.

The average voter turnout is about 10 percent higher in countries with penalties for not voting. The casual relationship between penalties and voting is fairly well established. For example, when two nations changed their laws on penalties for failure to vote, their turnout changed accordingly. In 1960, Costa Rica introduced penalties for failure to vote, and voter turnout subsequently increased by 15 percent.

In 1971, the Netherlands eliminated all penalties for not voting. Participation then fell by 16 percent. So some of these countries that are being pointed to with envy are countries in which you get penalized if you do not vote. It has a remarkable impact on turnout.

In Australia and New Zealand, failure to vote is a misdemeanor. This is a great idea. Go after those nonvoters, make them subject to criminal penalties. If voter turnout is such a concern, it is pretty clear how they do it in other countries. They make criminals out of them when they do not vote. What a terrific idea.

Of interest to those who blame our campaign finance system and voter disgust for low turnout, GAO observed that:

> A popular explanation of our low and still declining voter turnout is that, unlike citizens of other democracies, Americans have become alienated from the political process. This argument assumes that Americans increasingly believe that politicians cannot be trusted and that the government is unresponsive, ineffectual, or even corrupt. Sometimes the alienation is attributed to historical events that have occurred since the mid-1960's, such as the Vietnam War and the Watergate scandal.
>
> While this is a plausible explanation, it is not supported by cross-national research on voting-related attitudes. Interest in politics, attention to political affairs in the media, and individual political efficacy are consistently higher in the United States than in the European democracies. Moreover, U.S. citizens are more likely than citizens of European democracies to engage in political activity such as working with others in their communities to solve problems, attending political meetings or rallies, and working in behalf of a party or candidate.

Madam President, there are two sure means of increasing turnout: Coercion and bribery. The motor-voter bill embodies yet another method, which is to make voting so extremely easy that even political couch potatoes will roll out and vote. The motor-voter bill seeks to make voting really easy, by requiring State and local governments to register voters through drivers' license applications, the mail, and public assistance offices.

To set up this uniform voter registration system will cost the States millions of dollars, money that might otherwise be spent on better health care, education, and child nutrition.

The motor-voter bill dumps this huge expense on State governments at a time when many States are being forced to shut down vital services, furlough workers, and raise taxes. Proponents of this bill say the cost is worth it because it will register more voters.

That is the proposition, Madam President—the cost is worth it because it will register more voters. Perhaps. However, it does not follow that those who register will drive to the polls and vote.

A study prepared by the bipartisan Committee for the Study of the American Electorate found that:

> Declining voter participation cannot be attributed to problems in registration and voting law, since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier.

There is no concrete evidence that the motor-voter bill will increase turnout; in fact, there is ample indication that it will not.

The committee noted that there are a number of reasons European nations tend to have higher turnouts that the United States: First, homogeneous rather than heterogeneous parties; second, parliamentary rather than presidential democracies; third, fewer elections; fourth, less complex systems of government; and fifth, stronger parties, "to name but a few."

The study goes on to say in regard to registration that:

> Declining voter participation cannot be attributed to problems in registration and voting law, since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier.

So you get my drift, Madam President. The easier we make it to vote, the less they are voting.

One of the factors cited by the study as the reason for declining turnout is decline of the Republican and Democratic parties. As I noted previously, the Democrats' recently passed campaign finances bill drove a stake through the heart of the political parties. I can tell you, Madam President, there is no enthusiasm for that bill that passed here last week over at the Democratic National Committee. That bill will further cripple their ability to mobilize citizens to register and to vote.

The study concludes that the motor-voter bill is misdirected:

> The nature and scope of the nonvoting problem in America is such that creating the will to participate is by far the larger enterprise, since the number and percentage of Americans who voluntarily eschew the ballot box is by far greater than those who are blocked by legal, procedural, or administrative impediments.

It went on to say:

> It has been argued by many academic experts in the field of voting behavior that registration is the primary obstacle to voter turnout—that once a person is registered there is a nearly 90 percent likelihood that he or she will vote. That conclusion is not supported by this study (nor by other studies which have been conducted by the Committee).
>
> In this study there was a positive correlation between increments in registration and

> increments in turnout in some elections (although never at or near the level of 90 percent) and no such positive correlation in other elections, clearly indicating that political factors rather than registration are more determinative of turnout.
>
> In addition, the study found that when the existing pool was expanded, the likelihood of those additional registrants voting decreased.

Madam President, the bill before us is sold as a means of increasing voter turnout. There is no concrete evidence that it will do so. In fact, there is ample indication that it will not. The very premise of this bill—increased participation—is seriously in doubt.

VOTE FRAUD

The most disturbing aspect of the motor-voter bill is its potential to foster election fraud and thus debase the entire political process in this country. Several provisions of this bill have caused alarm among State and Federal officials who are charged with ensuring the integrity of our electoral process. That is why the motor-voter bill is acquiring a new nickname: "autofraudo."

Madam President, at the point this bill threatens the integrity of the electoral process, it is too expensive.

Madam President, my home State of Kentucky has many traditions. Among the more infamous is election fraud. It is a persistent problem and one which certainly is not confined to Kentucky. This is one critical reason many States oppose this legislation mandating federally prescribed voter registration procedures.

One of the most dangerous provisions is the escape clause for States that cannot afford to comply with the bill. States that have election day registration would not be subject to the provisions of the bill.

The Justice Department has said that this escape clause "would greatly impair the ability of the Department and the states to combat voting and election fraud * * * [and] would totally preclude meaningful verification of voter eligibility, and thus allow easy corruption of the election process by the unscrupulous."

The Department delineated the dangers of this provision in a letter to the chairman of the Rules Committee last year:

> Of all the registration reforms which Congress has considered over recent years, from a law enforcement perspective this idea is by far the most troubling. Our objections to election-day registration rest on the following considerations:
>
> (1) Registering voters at the polls on election day totally eliminates the ability of election registrars to confirm a voter's identity, place of residence, citizenship status, felon status, and other material factors bearing on entitlement to the franchise.
>
> (2) Requiring voters who wish to register on election day to provide some form of identification before being permitted to vote does not respond to the fraud problem. Most commonly used identification can be used by the same voter to cast ballots under assumed names at numerous polling locations.
>
> (3) Merging into one simultaneous act both the registration process and the voting process dramatically increases the risk of voter-bribery, since corrupt political operatives interested in targeting prospective voters for payment will no longer be confined to the preexisting names on registration lists. This problem is exacerbated by the fact, as we have observed in prosecuting and supervising hundreds of vote-buying cases, that individuals who accept payment for their votes do not have a strong interest in candidates and issues, nor do they tend to see the act of voting as a civic duty. Thus, for a few dollars, they are easily manipulated into giving up their franchise.
>
> (4) The ballots of election-day registrants are liable to be tabulated before an irregularity can be ascertained. There is thus the realistic danger of irreversible damage to the integrity of the election, even in those instances where illegal registration and voting are later discovered.
>
> (5) Although election-day registration may work reasonably well in rural and sparsely populated states, it is extremely doubtful that it would be at all successful in many states with mobile and urbanized populations which have experienced significant levels of local and state governmental corruption.

Other provisions of this motor-voter bill invite fraud as well. As the Department of Justice has stated:

> * * * some of the registration techniques mandated by the bill are fraught with the potential for fraud if adequate methods are not used in light of local conditions, and because of the strict limitations on standard means of purging voting lists of state names, the bill would present a serious potential for increased voting fraud and electoral corruption. Voter registration laws are one of the principal protections against election fraud, and any changes to registration requirements must take into account the potential for increased fraud resulting from the changes.

Those who are concerned about election fraud are highly critical of the mail registration provisions of this bill. As the Department testified:

> Registration by mail is much more susceptible to misuse because a would-be registrant never has to appear in person before a registrar for verification of identity and eligibility. The Department's experience with voting fraud cases to date has not conclusively shown whether registration by mail has a substantial impact on the incidence of voting fraud or not—we simply don't know. Most of the states which already have registration by mail also have in place a variety of procedures for independently confirming the information provided in voter registration applications. These verification procedures, though clearly not perfect, at least help to minimize the opportunities for voting fraud.
>
> By contrast, S. 250 would impose a sweeping requirement to allow mail-in registration while simultaneously limiting significantly the ability of the states to use a variety of techniques to verify the applicant's identity and eligibility. For this reason, S. 250's provision for registration by mail would entail a substantial and perhaps prohibitive risk of enhancing the opportunities for fraudulent registration and voting.

Government agency-based registration also presents problems in combating election fraud. Social service and other Government employees are not experienced or trained in election procedures. Furthermore, as the Department wrote to Senator FORD, agency-based registration would:

> * * * risk various forms of intimidation of the public. In at least some circumstances, people seeking tax relief, public assistance benefits, building permits, etc. could easily be given the impression that they have to register, or register for a particular party, in order to please the administrator in whose hands the fate of their application rests. The Department's experience demonstrates that public officials sometimes abuse their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. S. 250 would increase substantially the opportunities for such intimidation and coercion of the public. While Section 5(a) of the bill would ostensibly require that personnel assisting applicants with the completion of their applications not display any political preference or party affiliation, we think it would be overly optimistic to expect that this prohibition will be sufficient to deter influence and intimidation.

Many State officials have expressed concern over election fraud under this bill. Governor Wilder of Virginia stated in a letter to Senator WARNER that S. 250 would "open the door to fraudulent voting." Even the Executive Director of the D.C. Board of Elections which currently has motor-voter pointed out that S. 250, which registers all driver's license applicants unless they stipulate they do not want to, would open up the possibility of "inadvertently and routinely bringing on underaged drivers, noncitizens, nonresidents, felons, and other persons not qualified to vote."

The Federal Election Commission's new role under this bill in regulating all State voter registration systems is not reassuring and does not alleviate concern over fraud. As the Center for Responsive Politic's FEC Watch project concluded in an April 24 letter to Senators, there are "serious deficiencies in the way the Federal Election Commission enforces the Federal campaign laws. * * *"

The center noted that the FEC ended 1990 with the highest number of unresolved enforcement cases in its history and has been woefully inadequate in auditing PAC's and campaign committees.

Madam President, it has taken 4 years to audit campaigns from the 1988 Presidential election. To do a credible job of regulating all State voter registration systems under this bill and regulate 535 congressional races under the taxpayer-funded spending limits recently passed by Democrats, the FEC would have to hire an army of auditors, accountants and lawyers. In downsizing the military and building up the FEC, we may as well have them switch buildings—give the Pentagon to the FEC army.

Madam President, political commentator George Will is among observers who have noted the futility and danger of the motor-voter bill:

> In 1963 President Kennedy appointed a commission to suggest reforms to increase voter turnout. Seventeen of its 18 recommendations to make voting easier were fully or partially adopted. Since then, turnout has declined steadily.
>
> Now in another exercise in missing the point, reformers are trying to pass S. 250, the "motor-voter" bill to require States to ease still further, voter registration. States would be required to register to vote anyone applying for or renewing a driver's license. Or to mail registration forms requiring neither notarization nor other formal witness. Or to have registration available at all offices that provide public assistance, unemployment compensation or related services and through state-funded programs to the disabled and to designate some other registration agencies, which may include libraries, schools, fishing, hunting and marriage license bureaus, revenue offices and some private sector locations.
>
> Well, now.
>
> Most states are running deficits and raising taxes. Another unfunded mandate from Washington will require still more cuts in education, health and other programs.

In 27 States it is possible to choose to register through driver's license offices. In seven of the ten States that have made that possible since 1972, voter turnout has declined. What has increased is voter fraud.

Let me say it again, Madam President, in 27 States it is possible to choose to register through driver's license offices today, something we are seeking to make all States do. In 7 of the 10 States that have made that possible since 1972, voter turnout has declined. What has increased is voter fraud.

Madam President, not only is this bill financially burdensome on States, and probably useless, completely useless in increasing turnout, it may also undermine the very integrity of the electoral process. For that reason alone it should be defeated.

Proponents of the bill say they just want to make it easier to vote. Leading us to ask ourselves: How easy should voting be? Is it too much to ask, Madam President, that people have a passing interest just some modicum of interest in the political process 10, 20, or 30 days prior to an election and that they go down to the courthouse, or the library, to register? That is all we are asking them to do today.

That is all we are asking them to do today. We have made great progress since the beginning of this country. You do not have to own property. There is no poll tax. Everybody over 18 is entitled to vote. The barriers have come down over the years in our country, giving everybody the chance to participate.

All they have to do in this day and age is just have some passing interest in the subject of voting, 10, 20, or 30 days prior to election and exert just a tiny bit of energy to get registered.

If we want to just make voting as easy as possible then technology may be the answer. Imagine, if you will, "Vote TV." Press the remote control button corresponding to the candidate of your choice shown on the screen and do your bit for democracy. You could get back to "Jeopardy" or "entertainment Tonight" before the commercial break ends.

"(900)" telephone numbers are used for a variety of purposes, including fundraising. Perhaps a new number is needed: "(900) VOTE-NOW." Dial for democracy!

To further stimulate turnout, voters could be eligible for a national lottery. We could just pay people to vote. Actually they have done that in Kentucky over the years.

These are extreme illustrations, obviously. But I wanted to make a point. How easy should it be? How easy should it be? It is awfully easy now.

Madam President, voting is already pretty easy in this country. It does not require an advanced degree or a great deal of initiative. What is missing is motivation.

Candidates, political parties, the media, and community organizations are the means by which we can motivate more people to vote. I asked earlier: "What are the Democrats afraid of?" Why do they want to continue to block campaign finance reform that would increase competition? Why do they propose gutting the political parties' ability to motivate people to vote?

There is not much enthusiasm for that bill we passed last week over at the Democratic National Committee. Take the gloves off the political parties and let them fight it out in every precinct in America. Let them fight it out on television. Stir things up. Give them clear choices. Empower the political parties to go out and show every American they have a stake in the process—a compelling reason to vote.

It is pretty clear that people vote when they think there is something on the line. You have an 80 percent turnout in Louisiana in the Governor's race last year. The people of Louisiana figured out something was on the line, something important was happening that could make a difference in their lives. When that happened they turned out.

The studies are pretty clear. We want to get the turnout up. You can do it like a lot of European countries, you can make them vote. You can fine them, penalize them, abuse them, and you get the turnout up. That is not what we want to do here.

People are free not to vote in this country if they want to. I do not applaud that, but I do not think the Federal Government ought to mandate programs that will enhance fraud, will clearly not increase turnout, nor improve the system.

States have the option today, and many of them have, to adopt a system similar to this. If they believe they can afford it, and some of them made that conclusion years ago and adopted it, then so be it. Nothing prevents them from doing it.

But for us at the Federal level at this particular juncture in our history in the total absence of any indication that mandating this program nationwide would do anything to increase turnout and could well enhance fraud, for us to do that, particularly at this time with great cynicism about Congress and great frustration in this country, seems to me to be the wrong move at this particular time.

So with all due respect to those who advocate this proposal it seems to me that it is something that should not pass. And even if it does pass of course it will be vetoed by the President.

And we will have engaged once again in using a considerable amount of the time of the Congress on an issue about which there is deep-seated agreement. I bet you, Madam President, if we took a survey of the American people and asked them to rate their list of priorities for what we ought to be doing here in Congress, I bet you they would say we ought to be doing something about the deficit, something about crime, or environment protection, or better education, or a whole lot of things before we went around passing mandates for the States that would cost them a lot in money in automatically registering everybody who has a driver's license.

Where is our sense of priority? What do we really think is important? I suggest that we get on with spending our time on issues that are vital to the American people and something they clearly feel is in their best interest.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Presiding Officer for recognizing me, and I will attempt to be brief on this subject.

Once again I think we are repeating how much democracy can America handle, or how much democracy can America stand. You know, voting, in my opinion, I think in the opinion of nearly all Americans, is not a privilege that should be reserved for just a few people. Voting in America is a right that should go to all Americans. And voting in America is also an obligation which all Americans should follow. That is not the current situation that we find ourselves in today.

I think the legislation that is brought to the floor is really an effort to try and expand democracy, to give more people the right to participate in the process, and to make it easier for them to do so.

You know in the past we debated probably on this very floor the question of whether only people who own property should vote. Congress wisely decided that was wrong and changed it.

We used to say you had to be a man in order to vote. If you were a woman you did not have that privilege, as if women's brains were smaller and they did not make as wise a judgment as perhaps the men could.

It used to be that you had to have money to be able to vote. If you could not afford to pay the poll tax you had no chance to exercise your right, your privilege, and your obligation unless you had enough money to pay your way into the voter registration office.

Those things are now behind us, Madam President, and I say thank goodness for it.

I would also suggest that what America needs now is not less democracy but more democracy. We need more involvement, participation, and more people with the feeling that if they do in fact participate they can make a difference. There is a sense of hopelessness now in the cities and streets and the farms and the rural areas of America that what they do does not make any difference; that we in this body and the other body just do not get it, so why participate?

Yet we are on the floor of this body today arguing about whether we should make it easier for Americans to participate or keep it more difficult. I suggest that what we need is to make it as easy as possible to recognize that it is not a privilege, that it is a right that all Americans are entitled to. I think the motor-voter registration would make a major move in that direction and help us with regard to making more democracy available for more Americans.

I cannot understand nor can I accept the arguments made by some that to make it too easy for people to vote is bad for this country. I suggest that making it easier to participate in a democracy is good for our country and our Nation, particularly in the difficult times in which we now find ourselves.

The junior Senator from Kentucky mentioned the fact about my State of Louisiana—and I want to make this point—having an 80-percent turnout, far higher than all of the other States, sometimes twice as high as some States and even more than that with regard to a few States. An 80-percent-turnout is indeed very, very high, a long way from what it used to be when we had a poll tax, when we only allowed people with property to be able to vote, when we said that women could not participate in democracy. That has changed. You see an 80-percent turnout because of those changes.

I suggest there is another reason in Louisiana and I would like to suggest that my colleagues in the Senate from the other 49 States consider it. It is a simple amendment and it deals with the day that we have elections. All elections in Louisiana are on Saturday. Most people—in fact, statistics show us that 75 percent of the people that work every day are off on Saturday.

People who see their elections on Tuesday, that is 75 percent that work, 100 percent that work, know that if they are going to vote on a Tuesday, they are going to have to get up before they go to work, maybe at 6 o'clock in the morning, tend to their duties in their home, and then find a way to get to the poll and get to work, to the shop, the plant, the factory, the office, maybe by 7 o'clock.

How many people have enough time in today's crowded society to do that? Or if they want to wait until after they finish work, when they get off at 5 or 6 or 7, they maybe have 30 minutes or at the maximum an hour to find the place they vote, rush out and exercise their responsibility, their obligation, and their right. Many people today, more than in the past, say I am not going to do that. I am going to go home, watch television, have dinner with my family, have a beer, or what have you, and I just do not have the time to participate.

Is there anything magical about voting on Tuesday? Have we ever thought about where Tuesday comes from as a day to vote in this country?

I looked at the Congressional Research Service's material on this and found out there is nothing magical about it. The Constitution gives Congress the authority to determine when elections are held in this country. And the Congress, exercising that responsibility, said, well, let us do it on Tuesday back in the early 1800's.

Do you know why? Basically, the debate shows that they were discussing Tuesday as a proper date to have elections because, well, everybody in most States came to the county courthouse on Monday, on the first Monday of the month, in order to transact business at the county courthouse. They came by horseback, they came in wagons, they came by buggies, spent the day and the night because they made the journey back to their respective homes the next day.

So Congress said, well, let us just keep them there the next day and we will have elections on Tuesdays, the next day.

So Congress passed laws that said Federal elections shall be held the first Tuesday of the month in November. Nothing magical about it. It fit the 1820's, but it does not fit the 1990's.

Some have suggested that we should make Tuesday a Federal holiday. Not a bad idea. But I would suggest it costs an awful lot of money to make a Federal holiday of a day of the week like Tuesday, which for no other reason would qualify as a holiday, and we do not have to do that to accomplish the same result.

The 80-percent turnout in Louisiana I would suggest was not just because of the candidates, but because of the day of the election. Being on Saturday, many people have that day off, as I have said. Fifty-seven percent of the people who work regularly are off on Saturdays. They have a whole day to find their way to the polling booth so that they do not have to rush between the hours of 6 and 7 in the morning or between the hours of 7 and 8 at night or they do not have to plead with their boss who may know that they are of the opposite party or who is of the same party and does not agree on the same candidate, and says, "I am not going to let my hundred workers go out and take time off."

I think the concept of Congress in 1992 addressing a statute that was essentially passed in the early 1800's and making the changes consistent to the demands and needs of the society and the type of families we have where everybody works—momma and daddy and maybe the children as well—is the right step.

It would cost us absolutely nothing to make Federal elections on Saturdays instead of Tuesdays; no money involved. And I would offer to my colleagues that this is a way to at least be one method that would make it a lot easier for people to find the time to exercise what is not just a right but is certainly also an obligation.

So I have had legislation introduced which does that. I ask my colleagues to take a look at it. I think that it would fit as an amendment to this legislation if we can get some people to consider it. I would be happy to offer it. It needs to be discussed and have people tell me why it is not a good idea if, in fact, it is not.

Most of my colleagues that I visited with when I suggest it, they say, "why don't we do it?" And we do not do it because we just have not done it. It only takes a statute or act of Congress in order to put it into effect.

When I ask people, everybody in my State, or any State for that matter, do you know why we vote on Tuesday, there is not 5 percent of the people that can give you an answer as to why we vote on Tuesday. They mostly say we vote on Tuesday because we vote on Tuesday, as did my father and grandfather. We always voted on Tuesday. I guess there must be something magical about Tuesday.

There is nothing magical about Tuesday. It is just a day of the week Congress picked because people came to their county seats by covered wagon on Monday and we kept them over to vote on Tuesday.

I would suggest the 1990's dictate that we should recognize the realities of life, change it to Saturdays, and also enact legislation like the chairman has presented to make it easier for people to vote and make it easier for people to participate in democracy, not more difficult.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Madam President, I have been sitting here listening to my colleague from Kentucky as he begins to take this bill apart. Some things about his statement disturb me.

He included Kentucky in his statement. Well, Kentucky has passed a campaign finance reform bill. Over his objection and his visit to Frankfort to encourage members of the Kentucky legislature not to impose that, we did it anyhow. And it goes into effect July 1. The people of my State say they want to put a cap on campaign spending. Why should it not apply to the country?

I do not understand. I guess just because you have so much money you want to spend and if you get so much money you kill everybody else with all that weight of advertising, television, and all that, you kill good ideas, you kill the ability to debate an issue. He says hardly anyone cares; waste of time.

Well, we better start caring about this country. We better start caring about democracy. If democracy fails, we fail. And we have to do everything we possibly can to see that democracy prevails. And one of those great attributes of democracy is the will of the people; the ability to vote.

Troika—I was blamed for it, Democrats were blamed for it—but it came from that side. They are the ones blaming Democrats for wanting to limit the expenditure in political campaigns. They want to criticize Democrats for helping people become registered to vote. And they also are criticizing Democrats who try to make those under the Hatch Act first-class citizens. That is troika. I am very proud that we are trying to do something.

You know, we had a filibuster on this, a filibuster just to take the legislation up and consider it. So we had to finally get 61 votes to invoke cloture and the bill up to consider it. We have been doing that all year. And the final vote is 87 to 7, in some, once we get cloture. Then everybody joins in, they want the legislation now, and it kind of wipes the slate clean. They were not trying to filibuster. We get it every day.

We get ready to take up a piece of legislation that I honestly believe in and they say, "Do not do that, Ford. You are just wasting your time. Nobody cares. If you send it to the White House the President is gong to veto it and 34 of us are going to follow the bell cow and we are going to sustain his veto."

It is about time we kept them here all night or do whatever is necessary to see that we start getting legislation through.

Talk about perpetrating a fraud on the people of this country—I do not think I am. I do not think I am a fraud. I believe in certain things. I believe in this institution. I believe in the Constitution. And I believe in keeping this country strong. And I do not believe this legislation is imposing a fraud on the American people. Twenty-six States now have it. They are not complaining about fraud. We talk about decreases in voting; that this will not increase votes. That is not what it is for. If you have an opportunity to vote maybe—just maybe—you will go exercise your prerogative.

Let us look at four States. In 1986 through 1990, Maine imposed motor-voter in their State. There was an increase of 13 percent in turnout.

North Carolina put in motor-voter; increased their turnout by 20 percent.

Minnesota—my distinguished colleague is here—increased their turnout by 25 percent.

And the District of Columbia increased 26 percent. That is because they had the right to vote.

It is a little bit, Madam President, like baseball season. We are all enthusiastic on opening day. The occupant of the chair, the distinguished Senator from Maryland, on opening day—it was great. Some of us do not follow baseball like others. We get really interested when it nears the World Series. We get real interested when the division playoffs start. And then we get an opportunity—maybe we take lunch late so we can watch the ball game. We want to watch it. We want to participate. That is a little bit like politics. We get out and we start working and talking and putting on bumper stickers and doing these things. There is not much interest. There is not much interest in what the Presidential candidates are doing right now, narrowly, in States. But once you get close to the election time, people get interested. They begin to look at the issues, begin to think about it.

What happens? They are not registered to vote. They cannot get a ticket to the ball game. They have a feeling they are informed citizens.

The other side said that if we keep the same system only the informed citizen will be able to vote. Well, who can judge who is an informed citizen? Who can judge, so that if they want to vote, then they ought to be able to vote. And this gives them that opportunity. There is no fraud. All you have to do is look at the letter from the distinguished secretary of State of Mississippi. In his letter to me he says:

> In my State of Mississippi, I am proud to say that July 1 we will begin voter registration by mail. During a heated public debate on the merits of mail-in registration, my office conducted an extensive nationwide study of voter registration with particular emphasis on determining the potential for fraud during registration.

And he underscores and underlines this next sentence:

> We could find no evidence of registration fraud. The U.S. Postal Service confirmed that it has had virtually no instances of registration fraud. In other words, mail-in voter registration is effective and safe.

Then he continues, Madam President:

> As my State's chief elections officer, I also believe a well-crafted "Motor Voter" system will be effective and safe. I have enclosed a copy of our study on voter registration for your review. Public officials such as you and I must search for ways to help Americans participate in their government. I believe mail-in and "Motor Voter" registration are two such ways.

Madam President, we heard about the snake oil groups. I heard that word—maybe you say things that you wish you had not said. But we heard about the snake oil groups that were supporting motor-voter. Let us just look at the snake oil groups that are supporting motor-voter.

Fifty-three organizations—53 organizations:

American Association of Retired Persons [AARP].
American Baptist Churches, USA.
American Civil Liberties Union.
American Council of the Blind.
American Ethical Union—Washington Ethical Action Office.
American Federation of State, County and Municipal Employees.
Americans for Democratic Action.
American Jewish Congress.
Association for Education & Rehabilitation of the Blind and Visually Impaired.
Central Conference of American Rabbis.
Church of the Brethren, Washington Office.
Citizen Action.
Citizen Education Fund.
Common Cause.
Commonwealth of Puerto Rico—Electorial Coordination and Orientation Division.
Disabled American Veterans.
Disabled AND Able to Vote.
Federally Employed Women.
Federation of Reconstructionist Congregations and Havurot.
Human Rights Campaign Fund.
100% VOTE/Human Serve.
INTERFAITH IMPACT for Justice and Peace.
International Ladies' Garment Workers' Union.
International Union, U.A.W.
League of Women Voters of the United States.
Lutheran Office for Governmental Affairs.
Mexican American Legal Defense and Educational Fund [MALDEF].
Midwest/Northeast Voter Registration Education Project.
NAACP Legal Defense and Educational Fund.
National Association for the Advancement of Colored People [NAACP].
National Association of Recording Merchandisers.
National Association of Rehabilitation Facilities.

And on and on.

Madam President, if these are snake oil groups then I have a different interpretation of snake oil groups.

Paralyzed Veterans of America, one that supports this.

United Methodist Church, United States Conference of Mayors, United States Public Interest Research Group, United States Student Association—young people.

The United Church of Christ. And so on and on.

Madam President, I ask unanimous consent that the names of these 53 organizations be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING S. 250

American Association of Retired Persons (AARP).

American Baptist Churches USA.

American Civil Liberties Union.

American Council of the Blind.

American Ethical Union—Washington Ethical Action Office.

American Federation of State, County and Municipal Employees.

Americans for Democratic Action.

American Jewish Congress.

Association for Education & Rehabilitation of the Blind and Visually Impaired.

Central Conference of American Rabbis.

Church of the Brethren, Washington Office.

Citizen Action.

Citizen Education Fund.

Common Cause.

Commonwealth of Puerto Rico—Electoral Coordination and Orientation Division.

Disabled American Veterans.

Disabled AND Able to Vote.

Federally Employed Women.

Federation of Reconstructionist Congregations and Havurot.

Human Rights Campaign Fund.

100% VOTE/Human Serve.

INTERFAITH IMPACT for Justice and Peace.

International Ladies' Garment Workers' Union.

International Union, U.A.W.

League of Women Voters of the United States.

Lutheran Office for Governmental Affairs.

Mexican American Legal Defense and Education Fund (MALDEF).

Midwest/Northeast Voter Registration Education Project.

NAACP Legal Defense and Educational Fund.

National Association for the Advancement of Colored People (NAACP).

National Association of Recording Merchandisers.

National Association of Rehabilitation Facilities.

National Center for Law and Deafness.

National Coalition for Black Voter Participation.

National Community Action Foundation.

National Council of Churches.

National Council of Senior Citizens.

National Education Association.

National Rainbow Coalition.

National Urban League.

Paralyzed Veterans of America.

People for the American Way Action Fund.

Rock the Vote.

Service Employees International Union.

The Friends Committee on National Legislation.

Union of American Hebrew Congregations.

Unitarian Universalist Association.

United Methodist Church—General Board of Church and Society.

United States Conference of Mayors.

United States Public Interest Research Group.

United States Student Association.

United Church of Christ—Office for Church and Society.

United Food & Commercial Workers Union.

Mr. FORD. This bill establishes national procedures for voting registration. But it does not supplant the traditional role of the States and local election officials from administering the electoral process. This bill will establish some novel methods of registration for some States. But these are systems of registration which already exist in a number of States—systems that have been operating efficiently. We have taken these tested registration programs and have tailored them to become universal throughout this country. At this same time, the States are permitted to use current practices for the overall administration of the voter rolls.

For example, the application process does not take away any authority from local election officials to determine the eligibility of any person who desires to register to vote. S. 250 makes the registration process simultaneous with an application for a drivers license or public benefits. But these applications must be forwarded to the appropriate election officials, who in turn will determine the applicant's eligibility to become a registered voter.

The bill requires that every applicant be given notice about the disposition of an application. Yet, we leave it to the States to determine how that notice is given. In some States, applicants receive a notification in the mail.

Madam President, every time we discuss this bill, opponents argue that opening the registration process will permit greater opportunities for fraud. Listening to these arguments about fraud is like listening to an old worn-out record, stuck on the same note.

This bill is a tough antifraud bill. It would make fraudulent registration a Federal crime, punishable by a fine and imprisonment. There are a number of other antifruad devices in the bill, such as the requirement that every application include an affirmation that the applicant meets all the requirements and requires a signature under penalty of perjury.

Madam President, I have sat through numerous hearings on this legislation. And a number of witnesses have come before the committee and argued that this bill will increase fraud opportunities. And yet, in every State that has motor-voter, mail or agency-based registration, none, I repeat, none of these States has reported any incidents of fraud.

The maintenance of accurate and up-to-date registration lists is the hallmark of a national system seeking to prevent voter fraud. The registration processes of the bill, together with the requirement that the States conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of death or a change in residence, will ensure the integrity of the electoral process.

Finally, Madam President, the Justice Department and the minority have taken the position that States could avoid the so-called burdens of this legislation by adopting election day registration—because the bill exempts States which have election day registration. I think that argument is absurd. I do not favor election day registration, and the majority of supporters of this legislation do not support election day registration.

I have no quarrel with any State which, based on its own experience and circumstances, has election day registration. In some States it has worked. But as a national policy, I would not support it. I, too, believe that the registration process is necessary to provide a meaningful verification of voter eligibility. That is what S. 250 is all about. Providing a convenient method of registration.

Madam President, let me conclude by saying that I think many of the concerns of the Justice Department are adequately addressed in this legislation. And a thorough reading of the bill and the committee report would demonstrate our concern for a secure electoral process.

Let us remember that the purpose of our election process is not to test the fortitude and determination of the voter, but to discern the will of the majority. Every effort has been made to produce a bill that balances the legitimate administrative concerns of the election administrators and the objectives of this legislation.

Just briefly, Madam President, there are five specific provisions in the bill which serve as protections against fraud: A written attestation clause on all applications that the applicant meets the eligibility requirements to vote; the signature of the applicant under penalty of perjury. The State may require by law that a first-time voter who registers by mail make a personal appearance to vote. The requirement that each applicant be given notice of the disposition of his or her voter registration application. Many States use the notice provision as a means of detecting fraudulent registrations. And Federal criminal penalties will apply to any person who knowingly and willfully engages in fraudulent conduct.

Mr. WELLSTONE. Will the Senator yield?

Mr. FORD. The Senator will be glad to yield.

Mr. WELLSTONE. I notice that one of the things the Senator from Kentucky focused on was the number of States—be mentioned Minnesota—who move forward with motor voter.

Is there any evidence at all that there has been a problem with fraud? What has the Senator heard from the States? Obviously, we have an example of the States leading the way.

Mr. FORD. I say to my good friend from Minnesota, there is absolutely none. We find in a lot of places that those who are in office are kind of, as we say in Kentucky, sot in their ways. They do not want any change. There was proof that there would be a more even flow of registrations with driver license renewals because states normally do it by month of birth.

So the drivers' licenses would come in January and February and March, and all through the year. They would not have to put on extra employees right at the end of the registration period, when everybody pushes and tries to get in. And so it would save on the employment of additional personnel. That is a savings. In the District of Columbia it will only cost 6 cents per registered voter.

So the fraud and the cost, we find not a problem, and we do not find otherwise from any of those who have participated in the process.

Mr. WELLSTONE. Madam President, I wonder whether the Senator will yield for another question?

Mr. FORD. I will be glad to.

Mr. WELLSTONE. I am just interested, as someone who has only served a year here—I want to say this to the Senator from Kentucky. I heard the senior Senator speak before, but he speaks about this with a tremendous amount of conviction. And I want to ask the Senator this question: Why, in the first place, did he introduce this legislation? Did he hear from people around the country, citizens?

The Senator talks about democracy, and he talks about it with a lot of feeling. I think it is very real; it is really obvious.

Did the Senator hear from a lot of people around our country that they have difficulties registering?

Mr. FORD. Madam President, we have hoops which people must jump through and ladders they have to climb, as I used in my statement earlier, in order to register. And as the distinguished Senator from Louisiana [Mr. BREAUX] said, people just do not have time to get off from work. The office opens at 8 in the morning and closes at 4:30 in the afternoon. Unless they stay open, then you have to get off from work or go on your lunch hour to register. So it makes it almost impossible.

Watching the voting pattern in my State, I found the harder it was to vote, the more frustration was developed. Not lack of desire, but frustration. And I have been trying most of my political career to have people participate. That is one of the reasons I am so concerned about putting caps on political campaigns. That is why I am so interested in giving people the opportunity to vote; making people subject to the Hatch Act first-class citizens; giving them an opportunity to participate.

I have seen and heard from numbers of people, groups—the League of Women Voters, for instance—and Ralph Munro, the secretary of state of the State of Washington. There is a fellow who, if you want to argue this, will take anybody on to say that we are doing the right thing.

And then I held hearings for days—for days People came in from all over the country and they told me, and they told the Senate, that: We need a change, and this bill is the way we ought to change.

I say to my good friend—let me just add one more item—that my original bill is not the bill that is here. Because after you work with NAACP, after you work with the Mexican-Americans, after you work with your secretaries of state, after you work with all these people, you begin to get a pattern. And it is now put together so that we have, virtually, endorsements from all of those people.

We can find a lot of people who do not want you to vote; want to keep it status quo. And I use the term my friend from Kentucky used: Just relax. I am not going to relax and let democracy fail.

Mr. WELLSTONE. Madam President, if the Senator will just yield for another question, and I want to make two comments about what the Senator just said, one of which is he is not going to let up on this.

First of all, I heard the junior Senator from Kentucky talk about fraud, and I just want to make it clear that there is another kind of fraud that I did not hear the junior Senator focus on. That is when so many people in this country, as the senior Senator from Kentucky, Senator FORD, just said, find it difficult to register to vote.

When people in many States cannot register by postcard; cannot do mail-in; have to travel so far; do not know exactly where they can go to register or how to do it; when we make it so difficult for people to register to vote, then I think what we have is an undercutting of democracy.

I just want to say to the Senator from Kentucky that I have a tremendous amount of appreciation for this piece of legislation and what the Senator is trying to do. My father was a Jewish immigrant from what used to be the Soviet Union, and I grew up in a family where we really felt democracy was important. I just want to make it very clear that I believe what the Senator has introduced today is vitally important for our country.

It does not make any sense when we make it so difficult for people to vote. That is a fraud, when it is so hard for people to vote.

My only other point, which I want to expand on later—and I do not want to take the Senator's time with questions—is I want the Senator from Kentucky to know that when he said he would not let up, and he listed the organizations, I think back to yesterday. I was at the AME Church in Washington, DC, and there was a large outpouring of people to talk about what is happening in the country. And everybody who was there—many were African Americans; whites, as well—were focusing on one point: That really what we want to see happen in our country is for people to be engaged in constructive action; for people to use their vote in behalf of their economic rights; for people to register to vote for what they believe in. That is what we want to encourage.

My understanding is this piece of legislation encourages just that.

(Mr. LAUTENBERG assumed the chair.)

Mr. FORD. Mr. President, the Senator is absolutely correct. We do not force anybody to do anything. We just give them a better opportunity to have a seat at the World Series, and that is the selection of the leadership of this country.

Mr. President, just a few more comments, and I will be glad to yield the floor. I heard my friend say that we have this kind of trouble with motor-voter; this kind of trouble with motor-voter; this kind of trouble with motor-voter. At least we are not trying to blame what happened in Los Angeles on Lyndon Johnson and the Great Society. Did you ever hear anything like that; that as you cut down on programs that help the inner city—it just does not seem right; the American people do not believe it—now, they are trying to do damage control; damage control.

The WIC—all the things we try to do to help people—I do not believe they have been improved in the last 11 years. In fact, it has been reduced by 63 percent. Preschool help, the WIC Program, all those things that help children, families, education, have been reduced 63 percent from what they were 11 years ago.

We are not advocating election-day registration. The Justice Department, I think, has made a statement, and I have my rebuttal in the RECORD. S. 250 does nothing to take away the role of registrars to verify the information on an application.

The bill specifically prohibits intimidation. That activity would be a Federal crime. The FEC role is not to regulate State voting registration systems. Agency-based registration provides flexibility for States to designate various agencies.

One thing disturbs me. I heard it said, and it is part of the RECORD, that one reason the other side is opposed to this bill is that they will never be in the majority again. That gives me enough incentive to be for it. It gives me enough incentive to be for it. But that is not my idea. That is not why I am for this. I just want people to have the opportunity to vote.

I understand young people today. They are turned off. Maybe we can turn them on because they know that when they become 18 they will be registered and they can go to vote. If they do not like me, if they do not like you, whatever it may be, they have a right to be against something, but they also have a right to be for something for a change. I think there is an opportunity for change, and this bill gives us that opportunity.

I am not afraid of the people. I am not afraid of their voice and what they think. I am not afraid of their not being informed because I believe they are. So I just think all the wrong arguments are here, all the wrong arguments against this. We are going to participate in democracy. We cannot relax and just enjoy it, because it will fail. We cannot allow it to fail.

Let me make one final statement of eight words: You cannot vote if you are not registered. You cannot exercise your voice if you are unable to go to the polls. As long as we continue with the hoops and ladders to make it harder for people, then we are not exercising what I feel is the proper role for us in the legislature.

I thank the Chair and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. May I ask the Senator from Kentucky if he would be kind enough to respond to some questions I may want to put to him as I go along? But for now I am fine.

Let me speak spontaneously about this, and later on I hope we will get a chance to debate specific points about this piece of legislation.

I smiled when the senior Senator from Kentucky said there are those who argue that if this bill is passed, it would be good for Democrats and that would be enough for him to want to support it. But is he going to support it for other reasons? I suspect the evidence is probably somewhat ambiguous as to who would benefit. In any case—and I am interested in the response of the Senator from Kentucky—it is amazing to me—I remember one night we had a debate on this; we have had to work so hard to get this bill on the floor—this piece of legislation has been filibustered. But it does strike me you cannot say to people with disabilities, you cannot say to people where you have two wage earners and people find it difficult to find the time to be able to go through all the hurdles that are before people or all the hoops they have to jump through to be able to register and vote that we are not going to pass a piece of legislation which will provide citizens the opportunity to be able to register and vote just because we think they might vote for Democrats.

Let me ask the Senator from Kentucky. He has been in politics longer than this Senator. That argument is obviously not a high-ground argument, but does the Senator think that argument makes any sense? Can someone on the floor of the Senate oppose a piece of legislation which would expand democracy, make it easier for citizens to be able to register and vote, which is our most precious right, because they are going to argue it is going to benefit a party? What is the point of this argument? Maybe the Senator can help me.

Mr. FORD. It is difficult for me as a citizen of the United States of America to deny people an easier way to register to vote. I guess you could say that you have had 12 years and you want 4 more and if we allow people to vote, if their theory is true, they may not make it this time.

But maybe it is time for a change. I do not know. But I would rather lose with a huge turnout than win with a small one. that may sound unusual. I want to win. There is no question about that. But if you have a huge turnout, the people of your State have voiced their opinion in overwhelming terms, and when you have that, then you cannot deny that the voice of the people has been heard. So I just think that is a horrible reason for being against the ability of Americans to register to vote.

Mr. WELLSTONE. Mr. President, let me suggest two things. First of all, if what some Senators on the other side of the aisle are arguing is that they do not want to pass this motor voter legislation, which I think is really critical—I think it is one of the most important pieces of legislation that has been brought to the floor of the Senate in recent years—that they do not want to pass this because they think this will mean new people might register and vote in their States, then they do not know what is going on in the country. Then everything people talk about about the Beltway, the inside-the-Beltway mentality, is true, and I do not want to believe it is true because I am a Senator in Washington. I believe in this institution and I believe in what we are doing. I do not believe in the denigration of public service. I think it is a high honor.

But this is just a ridiculous argument. You cannot oppose a piece of legislation because you are worried some people who have not been able to register and vote before now might start participating in our electoral process. That is an outrageous argument, it is an indefensible argument, and it is a profoundly antidemocratic—that is with a small "d"—argument. You cannot make the argument, I would insist, that it is good that we have Byzantine rules and regulations all across the country which depress voting turnout because the real hurdle is for people to be able to register. When people register, they vote. A vast majority, about 80 percent, of the people when registered vote in Presidential elections. It is outrageous to try to make the argument on the floor of the Senate that we do not want people able to do that because it is far better that people not register and vote because we only want the well informed to be able to register and vote. Who gets to define who is informed? That is a profoundly antidemocratic argument. We do not, in a democracy, get to decide who is able to register and vote.

Let me go on, Mr. President, and make another argument which I think is important. I believe I heard, as I was in my office, the argument made that this piece of legislation is not that important, it does not have much to do with what is going on in the country. What does it have to do with Los Angeles, for example?

Look, everybody that I know is talking about what happened in Los Angeles. People are trying to locate themselves personally in relation to what happened. People are trying to figure out the healing that needs to take place in our country. People are condemning the violence, but they are also trying to figure out how we can be a wholer nation, that we should not be so divided by race. I think all of us know that we have a real successful democracy and country when people have equal opportunity.

Now, I want to suggest that at every meeting I have been to in the past couple of weeks, I have heard citizens stand up and say we have to make sure we encourage those who are angry and those who believe there should be change in our country, that we say to them, "The way you do it in the United States of America is you exert your political rights in what you believe. You register and you vote for jobs. You register and vote for housing. You register and vote for schools. You register and vote for your communities. You register and vote for your families. You register and vote for what you believe."

That is what this legislation does. This is not subversive. This is all about democracy. This is what it is about.

In Minnesota, this is the Minnesota social services form. This is motor voter. This is what it is all about. A citizen comes in, fills out a driver's license form or an ID form so that he or she can cash checks, or a citizen comes in to a social service agency and right there on the spot that man or that women, never required to do so, but if she or he wants to do so, can fill out the form and can register to vote.

It sure beats the situation that we have in all too many communities in our country where in about half the States people cannot register by postcard. They have to figure out where to go.

I come from a rural community. In some cases, not in Minnesota, we have agency-based motor voter and same-day registration. In some cases you might have to drive 70 miles to register to vote. You probably do not know where to go. In any case, you might get there and it might not be open over the noon hour and, just simply to reinforce the remarks of the Senator from Louisiana, quite often you cannot register on the weekends.

So we make it difficult on all too many citizens to register to vote.

Even where you can register by postcard or form, those forms are not readily available. Then in all too many States you do not know whether you have to register 42 days before election day, or 26 days before election day, or 12 days before election day. It is bewildering.

Why do those on the other side of the aisle insist that we continue to depress voting participation at the very point in time when there is such widespread anger and despair in our country and we should be encouraging people to participate in the electoral process? Is that not the alternative to violence? Is that not what democracy is all about?

Mr. President, I want to provide some historical context that I think is pretty important. This is in many ways, this piece of legislation—and this is why I am so supportive of what Senator FORD has introduced today and so proud to be a cosponsor—this piece of legislation is a civil rights bill for African-Americans, black, white, Hispanic, Asian, native Americans, all the citizens in this country. That is what is so interesting. It is inclusive.

It used to be in the United States of America in the 1870's, and 1880's, there were high levels of turnout, not barely 50 percent in the Presidential elections. But post 1896 election, unfortunately, in all too many States around the country, we imposed requirements that depressed voting participation. That is where the poll tax comes from. That is where the literacy test comes from. That is where all of those really very unreasonable residency requirements came from.

I would ask my colleagues and everyone on the floor here to remember that it is a pretty long period of time between 1896 and the years thereafter and 1965 when we passed the voting rights bill. Remember, that is when we finally did away with those arbitrary rules and regulations.

Mr. President, I want to suggest today that this legislation, the motor voter legislation, is the next step, because we are the only country, the only advanced democracy in the world that has the system of personal periodic voter registration. That is what I have been talking about. We are the only advanced democracy in the world that has a system of personal periodic voter registration. In other words, it has to be periodic, it has to happen at regular intervals, and personal. You, as an individual, have to figure out when, where, and how to do it.

Let me tell you one more time for some of my colleagues who do not understand this. The rules and regulations for some of my colleagues who are opposed to bureaucracy are Byzantine and it is very, very difficult for all too many citizens to be able to register to vote given what we now have.

Belgium, Australia, Austria, Sweden, Italy, Iceland, New Zealand, West Germany, France, Portugal, Canada, Israel, United Kingdom, Japan, Spain, Ireland, you name the country, and we are way behind in terms of voting participation.

Why? There are some people who say, and apparently some of my colleagues believe this to be the case, it is because those people are of low and moderate income, working income, people of color because, by the way, they are disproportionately the citizens who find it most difficult to be able to register to vote given the economic conditions of their lives. It is not too easy.

It is easy for us. We can do it. It is not too easy for them to drive 70 miles and register only at a certain time, not too easy for them to figure out who exactly the registrar is when it is not well known, not too easy for them to register to vote when you cannot register on the weekend.

The question is why? Is it because those people who do not register to vote suffer from apathy? That is what we say. But how come that in these other countries like neighboring Canada, low-income people, the people of color, working-income people, register and they vote at the same level? How could it be that once upon a time in our country, before all of these onerous rules and regulations, we had higher levels of participation? How can it be that all the other democracies, and I think we are the greatest democracy in the world, but in those countries we do not have the same kind of discrimination, we do not impose the same difficulties on people? Because the Government has not played the following role.

There are some who say about this bill that Senator FORD has introduced, Government should not be involved. Mr. President, the Government is involved. We are involved in a system that is archaic, in a system that imposes enormous difficulties on our citizens so that they can register and vote. We are involved in a system that depresses voter participation.

If there ever was a time in the history of our country where we would want to pass a piece of legislation that would expand voting participation, that would expand democracy, and that would say to so many citizens in our country who feel left out, who do not feel well represented and who are angry, this is a piece of legislation that challenges you as citizens, this is piece of legislation that says for every citizen who wants to register and vote, for every citizen who wants to be active, for every citizen who wants to make this democracy work, for every citizen who wants to make America what America can be, we passed a piece of legislation that now moves our country forward.

This is hugely important. This is hugely important. I just simply want to say in this debate that I hope that I can actually say years from now that I was involved in a debate, and after the debate we passed a major piece of legislation which made our country more of a democracy, which led to greater levels of participation, which led to less alienation, which led to less anger, and which made this a better country.

I yield the rest of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, are we on a specific bill? Would it be appropriate for the Senator from New Mexico to speak to a subject unrelated to the measure?

The PRESIDING OFFICER. The Senate is debating a motion to proceed on S. 250, and that is where we stand at this moment. We are under a cloture rule.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for no longer than 5 minutes on another matter not within the purview of the cloture rule.

Mr. FORD. Mr. President, I will not object. The Senator can take some time. We are trying to eat up some time on this bill. Five minutes will not make any difference. I will not object.

Mr. DOMENICI. I will withdraw my request and just speak then.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM EXPANSION

Mr. DOMENICI. Mr. President, the tragic events of recent days illustrate the acute need for our Nation to encourage economic opportunity for minority groups in the United States.

Facing the grave reality of division, we are a nation searching for solutions—solutions for today, for yesterday, and for tomorrow.

In this regard, with optimism and the promise of hope, I am pleased to bring your attention to an expanding Federal program that will increase our Nation's minority and women-owned financial institutions' access to capital.

The Bank Deposit Financial Assistance Program, originated in 1980, is managed by the Department of Energy. The Bank Deposit Financial Assistance Program is not funded by the taxpayers. Rather, it is paid for with fees and settlements collected by the DOE. These funds are then steered to minority and women-owned lenders.

The program works like this: Once the funds are collected by the DOE, over time, they are deposited in 20 administrative banks, which in turn immediately transfer the funds to our Nation's 120 participating minority and women-owned financial institutions.

These funds will increase the minority institutions's capital by $2 million each. The lending power of these institutions may potentially increase by billions.

Consequently, these DOE deposits increase stability and growth of minority lenders, thereby benefiting minority businesses and individuals. I am told by one participating minority-owned lender in New Mexico that approximately 95 percent of their lending is to minority businesses and individuals. In New Mexico three minority institutions across the State participate in the program. They are located in Espanola, Taos, and Dona Ana.

Starting this month, the Bank Deposit Financial Assistance Program will be expanded from the previous 90 participating minority institutions. Under the expand program 120 minority and women-owned lenders and 20 administrative banks will participate in this successful initiative.

First National Bank in Albuquerque, NM, will be one of the first administrative banks to facilitate the transfer of the DOE funds to our Nation's minority and women-owned institutions. Eight participating minority lenders are located in the Los Angeles region.

I am pleased that in this way, New Mexico will lend a helping hand to the rebuilding of this wounded American city. The hearts of New Mexicans go out to all Americans, particularly those in Los Angeles who are facing loss—the loss of precious lives, the loss of property, and the loss of hope.

I feel that the Bank Deposit Financial Assistance Program is an effective tool for increasing hope through opportunity for Americans. Too often minority lenders, and consequently minority businesses and individuals, are disenfranchised—they have limited or no access to capital.

Capital creates opportunity—the kind of opportunity that builds businesses, creates jobs, raises standards of living, and bestows the promise of a bright tomorrow for future generations.

I wish to commend the Department of Energy for its success and the implementation of the Bank Deposit Financial Assistance Program. I am most hopeful that may Senate colleagues will continue to support your efforts.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2684 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, once again I am pleased that the Senate has the opportunity to bring the National Voter Registration Act of 1991, S. 250, to the floor of the Senate. This legislation failed on two cloture votes last July, albeit by very slim margins. As always, I respect the Senate's right to delay consideration of a piece of legislation. However, it should be obvious to this body that this bill is not going to go away. The vote we took earlier today is the third cloture vote this year on S. 250—I have to think back quite a few years to remember a bill that has come before this body so often in such a short time period.

The National Voter Registration Act, which my colleague from Kentucky and I introduced earlier this year, has strong support throughout all of this country. Champions for the motor-voter concept exist at the local, State, and Federal levels of government. Additionally, S. 250 is backed by a variety of civil rights, minority, and education groups. Most importantly, the concept of easing the voter registration process is rapidly gaining support at the grassroots level. The point, Mr. President, is that this bill's support has increased greatly since the last time it was considered by the Senate, indicating that it is now time for the Federal Government to act.

As we all know, the issue of dealing with low voter turnout has become extremely partisan. Frankly, Mr. President, I do not understand how registering more voters is going to help one political party more than another. I have seen studies that show both parties will benefit greatly from increased voter registration—if those who register actually vote.

I think we have to look at this as a two-part question. Merely being registered, in of itself, does not guarantee that eligible registered voters will actually turn out and vote on election day.

We, as policymakers, have a responsibility to expand the pool and the baseline of those who participate in the Democratic process and registration is the first step. It is the responsibility of political candidates and parties to win voter support; we can't put our heads in the sand and slow the registration of new voters. This constitutes a lack of accountability of all political candidates in the whole political party system.

Mr. President, let me just comment briefly as a Republican. My State of Oregon has motor-voter registration. The State of Washington, our neighbor, has motor-voter registration.

One of the most eloquent proponents, and one who appeared before our Rules Committee, in support of motor-voter registration was Mr. Ralph Munro, the Secretary of State of the State of Washington who is, by law, the State's chief voter registration official.

Mr. President, he is a Republican, he is an ardent Republican. And he has been able to satisfy, by his own experience in the State of Washington, that this is not a partisan matter that benefits the Democrats more than it benefits the Republicans.

I can say that my State in its first 4 months registered over 49,000 new voters by motor voter registration procedures. I am proud of the fact that Oregon has consistently had a higher voter turnout than the national average and we were in the upper seventies in the last cycle of elections in Oregon.

And I indicate that not only as a statistic but the fact that I, as a Republican, was elected in what is a more Democratic State, via registration numbers, than a Republican State. It is very interesting, with those greater Democratic registration numbers, that we have two Republican Senators from Oregon.

I feel, therefore, that to say that this benefits one party, as against another party, is without foundation. I would not be here today, Senator PACKWOOD would not be here today, if a lot of discerning Democrats did not vote for us in the November elections. But first they have to be registered.

I only make this personal in the sense that I want to allay the fears of any of my colleagues on the Republican side of the aisle that somehow this is a Democratic-sponsored bill that is going to benefit the Democrats of this country.

I think it is going to benefit the whole political process of this country, and if there are some regions of this country or some States in this country or some communities within the States of this country that are more Democratic oriented or more Republican oriented that is the diversity of this country.

We used to talk about the solid South. The South is not solid anymore, and if you were to take the registration numbers in the State of Mississippi, you would probably find an overwhelming number of Democrats registered, and yet we have two Republican Senators today from the State of Mississippi.

Mr. FORD. And a Republican Governor.

Mr. HATFIELD. And a Republican Governor, I am reminded by my colleague, also in the State of Mississippi.

There is not a southern State today that has not elected, in the last 10 years, a statewide official on the Republican ticket—Governor or U.S. Senator.

So I just do not believe that the evidence is present to say that this legislation benefits one party more than another.

Mr. President, let me say that I had reservations when Senator FORD first proposed this motor voter registration and invited me to be his chief cosponsor, which I am honored to be. My concern was how do you protect the integrity of the voters ballot? How do you protect the integrity of that ballot in a sense of maintaining a least possible degree of fraud and abuse?

I taught political science for a few years of my career and whenever we wanted to talk about political fraud and abuse, all we had to do was to cite some of the big city machines which consistently voted tombstones, and that was before the motor voter registration was ever thought of.

That happened on both the Republican and Democratic side. The Republicans used to control Philadelphia as a big city machine and we know how many times the tombstones were voted in Chicago under the Democratic-controlled machine.

So, I only illustrate here by saying that there is no full and 100 percent guarantee against fraud and abuse in the political system of this or any free country.

But let us be then the reasonable person, take the reasonable person's perspective. There is nothing in this bill, as I have seen it—and we have experienced it in practice in Oregon, Washington, and many other States—that would indicate that we have opened the door to fraud and abuse by this more simplified procedure of registration.

I just think it is a red herring. I just think it is an argument made when there is really a minimal of any argument that could be made against this proposal.

Senator FORD recognized my concerns, what I consider legitimate concerns and the concerns of most of my colleagues—I am sure there is not a colleague that I could think of that would want to open a system to fraud and abuse. And so there are some changes made in the bill as originally proposed. And I am very greatful that Senator FORD addressed my concerns which I feel I was expressing on behalf of 99 other colleagues, or 98 others, because Senator FORD himself is concerned about this. So these arguments I think have been adequately resolved.

Mr. President, I know this is a motion to proceed. I am not going to give all of my arguments and all my points at this time. I did want to come to the floor after hearing Senator FORD, the chairman of the Rules Committee and the chief sponsor of this bill, defend this bill for most of this afternoon, to indicate that this is a bipartisan approach.

I want to say I am happy to be a cosponsor of National Voter Registration Act, and I think it is an important step toward improving the perilous problem of dwindling voter turnout which plagues our country and our political system.

I strongly urge our colleagues to vote in favor of the motion to proceed to Senate bill, S. 250, and then let us get into a detailed debate and listen to the reservations and answer those reservations, and let us work this out in a consensus of the Senate because I believe it is a very important step forward.

I yield the floor.

Mr. SANFORD. Mr. President, I rise today in support of S. 250, the National Voter Registration Act of 1991.

One of the greatest barriers to voter participation is the confusing array of State and local registration practices for Federal elections. Voting registration procedures vary greatly from State to State and from locality to locality.

The present system of cumbersome voter registration practices is a substantial detriment to all but the most enthusiastic voters. These practices include registration at difficult-to-locate sites during inconvenient hours, frequent lack of deputy registrars, and the use of confusing registration forms. Many of these registration practices discourage participation by minorities, people with disabilities, and first time voters.

Mr. President, by passing S. 250, the Senate has an opportunity to promote greater access to the ballot box. It is clear that those who register to vote exercise their right to vote.

In addition to the much heralded motor voter registration, which allows voter registration as a part of the process of applying for a driver's license, this bill also provides for uniform mail registration. Of particular importance to State officials is the flexibility the bill provides by permitting States to develop and use their own mail registration form, as long as requirements of the bill are met. Mail registration will prove to be yet another convenient means for increasing voter registration.

A third approach in the bill is agency based registration. These agencies, designated by the States, include public assistance offices, as well as State offices that provide programs serving persons with disabilities. I am convinced that this approach will be particularly helpful in enabling disabled, low-income, and minority citizens to register to vote.

The declining number of voters in our national elections should be of concern to all of us. It is clear that democratic institutions function most effectively when the will of the people is accurately represented. The will of the people is difficult to represent, however, when, as in the congressional elections of 1990, voter turnout is a mere 36 percent.

Presidential elections generally fare somewhat better in terms of voter turnout, yet in 1988, only half of the voting-age population went to the polls. This represents the lowest voter participation rate since the election of Calvin Coolidge in 1924. More than 70 million citizens eligible to vote in 1988 did not even register.

In my home State of North Carolina, efforts have been made over the last decade to improve our voter registration program and to get more citizens on the voter rolls. We have recognized that cumbersome procedures have simply made it too difficult for our citizens to vote.

One positive step that North Carolina has taken along with 21 other States has been the enactment of its own motor voter registration system. There are encouraging results. Today, the department of motor vehicles is now the greatest single producer of new registrations.

A recent study by the North Carolina Center for Public Policy Research, an independent, nonprofit corporation created to study policy issues and evaluate State government programs, concluded that "we've made it too hard to register and too hard to vote. * * * We should be finding ways to make voting easier, not harder—and faster, not slower." The report also made several recommendations to increase voter registration and participation, many of which correspond directly to the approach taken by the National Voter Registration Act. This is a significant way for the Congress to encourage and collaborate with the States to continue improving voting procedures across the country.

I ask that an article that appeared in the Raleigh News and Observer be included at the end of my remarks. This article outlines the specific recommendations of the Commission on Methods to Improve Voter Participation. Many of those recommendations are a part of S. 250.

This bill serves to remind us that voting is not intended to measure the determination of the voter, but rather to reflect the will of the majority. Simply put, the easier it is to vote, the higher voter turnout will be and the more representative our system of government will become.

I commend Senators FORD and HATFIELD for their perseverance, and for their vision in spearheading this effort. And I urge my colleagues to join me in support of this important legislation.

I thank the Chair, and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA URGED TO MAKE VOTING EASIER

(By Ran Coble)

RALEIGH.—North Carolina should look for ways to get people to the polls after years of trailing the nation in voter turnout, a legislative committee was told Tuesday.

The Commission on Methods to Improve Voter Participation should be daring, said Ran Coble executive director of the N.C. Center for Public Policy Research.

"When you have the fourth worst voter turnout rate in the country, we at the center think you have a powerful reason to experiment and try things that have a good chance of improving North Carolina's record in this basic test of democracy," Coble said.

"We always trail most of the South in voter turnout," he added. "The South trails the rest of the country, and the United States trails almost all other democracies."

Coble said a nine-month study by the nonprofit group showed that from 1970 to 1990, the number of people registered to vote in North Carolina increased by nearly 42 percent, from 1,945,987 to 3,347,635, while the state's population increased 23 percent.

Still, fewer than four of every 10 registered voters go to the polls regularly, Coble said.

Many things set North Carolina apart from other states, he said. The state uses five different voting systems, including paper ballots in 17 counties and electronic devices in others. And recent elections have seen machine malfunctions, ballot shortages and claims of intimidation by political parties.

Among proposals Coble listed to turn things around:

Let voters register by mail. Twenty-four states do, including the top 10 in voter turnout in the 1988 elections.

Fully computerize voter-registration records.

Make voter registration an integral part of the motor vehicle licensing and permitting process in 1988, the top three states in voter turnout had that.

Allow registration within seven to 10 days of an election, instead of the current 21-day provision. Four of the top 10 voting states allowed registration as late as Election Day or had no registration.

Such sweeping changes might be difficult to enact, Coble said.

"The biggest problem is that most of the boards of elections and the supervisors are resistant to any change whatsoever," he said.

Jane Dittmann, North Carolina deputy director for People for the American Way, said her group might have another way to address the problem.

The non-partisan group has helped initiate high school students into the system through a program called First Vote, Dittmann said.

Studies have shown 18- to 21-year-olds have the lowest voter participation in the nation, with only a third participating even in presidential-election years. Dittmann said one reason may be that only 12 percent link the concept of citizenship with voting.

"While they viewed their rights in a democracy as inviolate, they viewed their duties pretty much as non-existent," she said.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for about 10 minutes at this time.

The PRESIDING OFFICER. There is no restriction on time. The Senator is recognized. The time will be charged to the motion that is on the floor at this point.

Mr. AKAKA. Thank you, Mr. President.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2679 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, this bill, S. 250, the National Voter Registration Act, is a good-faith effort to try to make registering to vote easier. The goal of the bill's proponents, to increase voter turnout, is a goal I think is shared by every Senator in this Chamber. Most States also share the goal of providing their citizens an opportunity to register to vote when applying for driver's licenses.

In fact, fully 27 States and the District of Columbia already provide citizens this opportunity to register at their departments of motor vehicles.

Furthermore, legislation was introduced in 17 other Statehouses last year to establish some form of motor-voter or agency-based registration system. I ask unanimous consent that a list of these States as prepared by the National Clearing House on Election Administration be printed in the RECORD, along with a definition of types of registration systems that accompanies that report. In addition to the States listed here, one can register at DMV offices in the States of New Jersey, Pennsylvania and Oklahoma.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TYPES OF REGISTRATION SYSTEMS BY STATE

	State central computer	Mail	Election Day	Agency	Motor voter	Deputized registrars
AL	No	No	No	No	No	No
AK	Yes	Yes#	For Pres	Yes	Yes	Yes
AZ	No	No	No	No	Yes	Yes
AR	No	No	No	No	No	Yes
CA	Yes	Yes	No	No	No	May
CO	Yes	No	No	No	Yes	No
CT	No	Yes*	No	Yes	No	May
DE	Yes	Yes	No	No	No	Yes
DC	Yes	Yes	No	Yes	Yes	No
FL	No	No	No	No	No	Yes
GA	No	No	No	No	No	Yes
HI	Yes	Yes	No	Yes	Yes	Yes
ID	No	No	No	No	Yes	Yes
IL	Yes	No	No	Yes	No	Yes
IN	No	No	No	No	No	Yes
IA	Yes	Yes	No	Yes	Yes	May
KS	Yes	Yes	No	No	No	Yes
KY	Yes	Yes	No	No	No	No
LA	Yes	No	No	No	Yes	Yes
ME	No	Yes*	Yes	No	Yes	Yes
MD	Yes**	Yes	No	Yes	Yes	No
MA	No	No	No	No	No	May
MI	No	No	No	No	Yes	Yes
MN	Yes	Yes	Yes	Yes	Yes	No
MS	No	Yes	No	Yes	Yes	Yes
MO	No	No	No	No	No	Yes
MT	No	Yes#	No	No	No	Yes
NE	No	Yes +	No	No	No	Yes
NV	No	No	No	No	Yes	Yes
NH	No	No	No	No	No	May
NJ	No	Yes	No	Yes	No	No
NM	Yes	No	No	No	Yes	Yes
NY	No	Yes	No	Yes	Yes*	No
NC	No	No	No	No	Yes	Yes
ND	N/A	N/A	N/A	N/A	N/A	N/A
OH	Yes	Yes	No	Yes	Yes	No
OK	Yes	No	No	No	No	Yes
OR	No	Yes	No	No	Yes	No
PA	No	Yes	No	No	No	May
RI	Yes	No	No	Yes##	Yes	Yes
SC	Yes	Yes+	No	No	No	Yes
SD	No	No	No	No	No	Yes*
TN	No	Yes#	No	No	No	No
TX	Yes	Yes	No	Yes	Yes	Yes
UT	No	Yes	No	No	No	No
VT	No	Yes	No	No	Yes	No
VA	Yes	No	No	No	No	May
WA	No	No	No	Yes	Yes	Yes
WV	No	Yes*	No	No	Yes	May
WI	No	Yes+	Yes	No	No	May
WY	Yes	No	(†)	No	No	No

* Requires notarization

+ Requires witness (WI requires 2)

# Option of either witness or notarization

** Serving 14 counties only

† Primaries.

Note—Compiled By: Brian Hancock, National Clearinghouse on Election Administration, Federal Election Commission, February 1992.

DEFINITIONS FOR TYPES OF REGISTRATION SYSTEMS

State Central Computer refers to whether or not the State operates some form of computerized voter registration file covering or serving some or all of the local election jurisdictions.

Mail refers to whether or not the State provides for mail registration by all eligible citizens of the State rather than just subpopulations such as absentee, disabled, or military citizens.

Election Day refers to whether or not the State provides for voter registration on election day either at the polls or otherwise.

Agency refers to whether or not the State has a specific and ongoing program which requires them to provide for voter registration, or at least to provide voter registration forms, at public agencies (other than just motor vehicle offices) that deal extensively with the citizenry—such as welfare offices and the like.

Motor Voter refers to whether or not the State has a specific and ongoing program which requires them to provide for voter registration, or at least to provide voter registration forms, at the public offices of the motor vehicle department.

Deputized Registrars refers to whether or not local jurisdictions officially deputize persons to serve as voter registrars. "May" implies that the power to deputize registrars is discretionary to the local election official while "Yes" implies that local officials are required to do so. "No" means that there is no official deputizing, although private individuals may nonetheless serve as unofficial registrars (as is so often the case in mail registration States when interest groups may obtain multiple forms for their own registration drives).

Compiled By: Brian Hancock, National Clearinghouse on Election Administration, Federal Election Commission, February 1992.

Mr. STEVENS. In other words, Mr. President, fully 44 States and the District of Columbia have already instituted the concepts in S. 250 or are considering doing so. States are enthusiastic about their programs. The enthusiasm of the States, however, does not translate into enthusiasm for this bill, S. 250. This is largely because of the cost that S. 250 entails.

A recent report of the National Governors Association documents that 35 States are facing a revenue shortfall of over a total of $5.7 billion. This is after States raised taxes by a total of $25.3

billion and cut spending in their States by $7.5 billion over these last 2 years.

Five States, Mr. President, have had to cut Aid to Families with Dependent Children. Another study shows that over 25 percent of all major cities face a deficit exceeding 5 percent this year.

State and local governments simply do not have the additional money for unfunded mandates such as are found in this bill, S. 250.

These mandates will be significant. Thirteen States with over 36 percent of the Nation's population told the Rules Committee that they have major problems with the financial burdens this bill will impose.

Eight of those States calculated the cost of S. 250. The calculation totals $80 million per year for those eight States alone.

My own State of Alaska estimated that these requirements will mean the equivalent of a 28-percent increase in the budget of our Election Division. This is despite the fact that Alaska already has all three forms of registration programs required by this bill.

Let me give you a list, Mr. President, of the State and local government organizations that have criticized the unfunded mandates contained in this bill: The Association of Motor Vehicle Administrators, the National Association of Counties, the National Association of Towns and Townships, the National Governors Association, and the National League of Cities.

These State and local government organizations are concerned because they know that programs like child nutrition or health care will have to be cut to pay the bill for this legislation.

It is not just increased spending States faced by this bill, S. 250, it is the very real threat of a host of other complications including costly Federal lawsuits under this bill.

The bill's proponents assume States will register 95 percent of their eligible voting-age population under this bill. If they do not, those State will find themselves in Federal court being sued by advocacy groups. This bill, for the first time, will give standing to sue in Federal court to any aggrieved "person." "Person," as defined, includes advocacy groups as well as individuals. And I tell the Senate it is a safe bet to say the States that fail to register 95 percent of their population are going to face costly Federal court litigation by a host of advocacy groups.

Senators should realize this will be a first. Today, States can only be sued in Federal court for voter registration violations if some form of discrimination contrary to the Voting Rights Act is alleged. Under S. 250, for the first time, allegations of discrimination will not be needed to present a case and win in a Federal court.

There should be no doubt about the willingness of some advocacy groups to sue under this bill. Here is a passage from a report of one advocacy group that is pushing for the enactment of this legislation. "The prudent approach, or so it seems to us, is to support passage of the Federal bill, and then litigate if the States fail to implement [it]."

Passing this bill means the Senate thinks the path to increased voter turnout runs through the door to the Federal courthouse. I seriously question any Senator would seriously believe that the appropriate response to low voter turnout is to unleash a torrent of Federal lawsuits against our States. Imposing these new costs and liabilities is particularly unjustified because S. 250 has been, I believe, falsely advertised: It simply will not do what it is designed to do. There is no evidence that registration programs required by S. 250 actually increase voter turnout. I asked the Congressional Research Service, CRS, to look at the States which had actually adopted motor-voter programs.

It reported that in 7 of the 10 States with motor-voter laws, turnout actually dropped. For all 10 States as a matter of fact, voter turnout went down by 2.68 percent.

For the 5 States that have the more active form of motor-voter somewhat similar requirement to that of S. 250, turnout in Presidential elections actually dropped 6.21 percent. For non-Presidential elections, those States experienced a small increase of about one-half of 1 percent. But in the major elections in this country, in the Presidential elections the turnout dropped over 6 percent.

I support the idea of providing an opportunity to register to vote when applying for a driver's license. But this bill goes far beyond that proposition.

The bill forces States to register anyone who applies for a driver's license unless they specifically state in writing they don't want to register.

This automatic registration procedure will be expensive because the population eligible to receive a driver's license is far larger than the population eligible to vote.

It will be expensive to sort out the large number of ineligible applicants who will inevitably attempt to register to vote.

People eligible to drive but not eligible to vote include everyone under 18 years old, convicted felons, and all out-of-State residents such as military personnel, students, temporary workers, and aliens.

Supporters claim sorting out ineligible applications is not a problem for the States who have motor-voter now.

The reason most States do not have this problem is because most States with motor-voter programs do not have the automatic registration feature required by this bill.

In fact, virtually all States that have motor-voter programs now would have to change them at tremendous expense to comply with this act.

The automatic registration requirement also increases the chances for inadvertent registration that could disqualify people for home State benefits.

For instance, students from Alaska that attend college in another State are often required to get a driver's license in that State.

If S. 250 is enacted and these students do not decline to register to vote, when they get a driver's license, they will be forfeiting their scholarships. Alaska requires residence in the State for scholarships. Students could also end up paying income taxes outside of Alaska.

The bill would require all States to accept and process voter registration cards sent through the mail.

Section 9(b)(3) of the bill also prohibits mail registration applications from including "any requirement for notarization or other formal authentication."

The Department of Justice warned the Rules Committee about mail registration under this bill. It wrote that S. 250:

> * * * would impose a sweeping requirement to allow mail-in registration while simultaneously limiting significantly the ability of the States to use a variety of techniques to verify the applicant's identify and eligibility.
>
> For this reason, S. 250's provision for registration by mail would entail a substantial and perhaps prohibitive risk of enhancing the opportunities of fraudulent registration and voting.

The Justice Department has good reason to fear the fraudulent effects of nationwide mail registration.

New York now has mail registration. After an investigation of systematic vote fraud in Kings County, NY, a grand jury concluded that mail registration, instituted in 1976, had become "the principal means of perpetrating election fraud" in New York.

The New York problem is so serious, that in 1988, Elizabeth Holtzman, then a district attorney, complained in the New York Times about " how easy it is to vote illegally" in that State.

Elizabeth Holtzman called for implementation of the grand jury recommendations which included a change in mail-in registration.

Unfortunately, her pleas cannot be answered if S. 250 is enacted. This is because the bill would specifically forbid the changes to New York's mail registration called for by the grant jury.

West Virginia now has mail registration. After a series of indictments for voting fraud just last summer, many election officials in that State want to get rid of mail-in registration.

This is a headline from a June, 1991 Charleston Gazette: "Official Criticize Postcard Registration; Voter Fraud Case Points to Misuse."

In this case, a special prosecutor said: "One of the conclusions of this grand jury was that the mail-in registration system should be abolished as soon as the legislature can take action."

If S. 250 is enacted, a decision by the West Virginia legislature to end mail-in registration will be in vain.

S. 250 means that we will void any action of the West Virginia Legislature and force that State to continue a system being used to steal elections.

Illinois is another example where mail registration will increase fraud. If this procedure existed in Illinois, one of the Justice Department's largest prosecutions of vote fraud would not have taken place.

Those who want to register today in Chicago must appear in front of registrars and may have to show identification.

With S. 250, such precautions would be against Federal law.

If this bill passes, it is likely that mail registration would quickly become the principal means of perpetrating election fraud in Chicago.

California experienced fraud with mail registration. In fact, it had to hire a full-time investigator to sort out bogus registration cards the State received through the mail.

Alaska requires postcard applications to be signed by two individuals over 18 years of age. Alaska's Governor wrote that this requirement is needed to heighten "the registrant's awareness of the serious nature of the voting laws."

Alaska's witness precaution would be specifically prohibited under the bill.

Alaska also requires out-of-State voter registration applicants to provide "identification or other documentation that supports * * * a claim to Alaska residency." This provision helps ensure that out-of-State nonresidents cannot bootstrap a claim to Alaskan State benefits from non-Alaska locations by filing phony registration applications through the mail.

This bill would specifically prohibit this Alaskan precaution.

Another election fraud problem is the case of illegal voting by aliens. The Immigration and Naturalization Service examined a sample of ballots cast by foreign-born voters in a 1989 U.S. House of Representatives special election.

Fully 11 percent of these sample ballots were cast illegally by noncitizens. INS also said the percentage of fraudulent ballots in the sample could be as high as 24 percent.

One way to prevent noncitizen voting in Federal elections would be to ask for documents establishing citizenship at the time of registration.

Unfortunately, under S. 250's mail registration requirement, it would be illegal under Federal law to ask for proof of citizenship during registration.

In an effort to counter the threat of increased opportunities for fraud from S. 250's mail registration requirement, the bill would permit States to require new voters who have registered by mail to vote in person when they cast their first ballot.

This is not an effective precaution. First time, in-person voting turns the purpose of voter registration requirements in advance of elections upside down.

The reason most States have such requirements is to determine eligibility to vote prior to an election when there is time available to check the qualifications of a voter.

S. 250 will mean States will have to determine a voter's eligibility on the day of election.

That verification would have to be done by poll workers who just would not have the qualifications to make the judgments required to determine eligibility to vote under the laws. That is the purpose of advanced registration: to give officials time to check the qualifications of those who claim to be voters.

The bill requires registration of applicants who use public assistance offices. The Justice Department wrote to the committee that its experience:

> * * * demonstrates that public officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. S. 250 would increase substantially the opportunities for such intimidation and coercion of the public.

This is not my statement. This is a quote from the Justice Department. The Justice Department is not writing about a hypothetical problem, incidentally.

Last year, the St. Louis-Post Dispatch reported on an investigation into allegations of political manipulation of public assistance recipients.

In the case reported, public employees allegedly were registering public assistance applicants for one political party and telling them who to vote for. The public employees also allegedly drove applicants to the polls. That abuse apparently has been going on for decades.

S. 250 would require public assistance employees across the Nation to become actively involved in the administration of elections, and the result will be more manipulation and abuse of public assistance seekers.

Even if we did not have evidence of manipulation of public assistance recipients, S. 250 creates the appearance that assistance is linked to participation in the political system.

To repeat: This bill creates the appearance that public assistance available under State and local government laws that exist already is linked to participation in our political system.

We have never done that before.

This violates the American tradition of voluntary political participation. To me, it is a bad idea, and the Senate should reject any connection between Federal or State assistance and voter eligibility.

We should reject this bill because it would federalize 18,000 separate election jurisdictions, in my opinion, without doing anything to really increase voter participation.

Such federalization of those jurisdictions will lead to unnecessary expenses and will greatly undermine the integrity of our American elections.

Senator DOLE and I have introduced a substitute which will provide for grants to States to help them set up motor-voter programs.

As I have indicated, many want to do that, but they do not need a Federal law to mandate it. More than 44 States have already proceeded down this road without this bill, and without the mandates and expense that this bill will incur.

Under our substitute, this motor voter concept would cost far less than S. 250, because the program would basically be flexible, much more flexible than S. 250.

Our substitute will not require mail registration and, therefore, will not increase the opportunities for fraud that I have discussed.

I urge my colleagues to oppose S. 250 and take a close look at the substitute that Senator DOLE and I hope to have the opportunity to offer at the appropriate time.

I cannot state too strongly my opposition to S. 250. As the members of the Rules Committee will note, I opposed it in committee, and I continue to oppose it based on the evidence that my State has demonstrated—that it will increase the cost of our elections substantially in our State. We just cannot afford that increased expense.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 250

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 89, S. 250, a bill to establish national voter registration procedures for Federal elections; that Senator FORD then be recognized to modify the committee-reported substitute amendment; that following the modification, Senator KASTEN be recognized to offer an amendment consisting of the substance of S. 640 and S. 645, relating to product liability; that following the offering of the Kasten amendment, Senator FORD be recognized to offer a cloture motion on the committee substitute as modified; that the vote on the cloture motion occur on Tuesday, May 12, at 4 p.m.; that no amendment may be offered other than the pending Kasten amendment prior to the vote on the cloture motion; that no other motions with relation to this bill be in order prior to the cloture vote at 4 p.m. on Tuesday; and that first-degree amendments may be filed until 10 a.m. on Tuesday, May 12.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Tuesday, May 12, 1992, at 4:00 p.m. the Senate proceed to vote on the cloture motion on the committee substitute, as modified, to S. 250, a Bill to Establish National Voter Registration Procedures for Federal Elections.

Ordered further, That no amendment may be offered, other than the pending Kasten amendment, prior to the vote on the cloture motion.

Ordered further, That no other motions with relation to this bill be in order prior to the cloture vote at 4:00 p.m.

Ordered further, That first degree amendments may be filed until 10:00 a.m., Tuesday, May 12, 1992.

NATIONAL VOTER REGISTRATION FOR FEDERAL ELECTIONS

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follow:

A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Rules and Administration, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) DECLINATION TO REGISTER.—(1) An applicant for a State motor vehicle driver's license may decline in writing to be registered by means of the motor vehicle driver's license application.

(2) No information relating to a declination pursuant to paragraph (1) may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) shall include a means by which an applicant may decline to register to vote pursuant to subsection (b);

(C) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(D) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(a)(2) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a local jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other law.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city

and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable first class mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 60 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by first class, forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the jurisdiction of the same reg-

istrar and who has failed to notify the registrar of the change of address prior to the date of an election shall be permitted to vote, at the option of the registrant—

(A) at the second polling place, with confirmation of the new address by such means as are required by law; or

(B) upon oral or written affirmation by the registrant of the new address before an election official—

(i) at the registrant's former polling place if that polling place is in the same congressional district as the second polling place; or

(ii) at any other location where a list of eligible voters is maintained and voting is conducted.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) Change of Voting Address Within a Jurisdiction.—In the case of a change of address, for voting purposes, of a registrant to another address within the jurisdiction of the same voting registrar, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) Conviction in Federal Court.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) Reduced Postal Rates.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing (including a return mailing to the official using a prepaid envelope supplied by the official) that the official certifies is required or authorized by the National Voter Registration Act of 1991.".

(2) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)–(h)" and inserting "3626(a)–(h), and 3629".

(3) Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) Public Disclosure of Voter Registration Activities.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) In General.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and representatives of nongovernmental entities, shall prescribe such regulations as are necessary to carry out this Act;

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) Contents of Mail Voter Registration Form.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury; and

(3) may not include any requirement for notarization or other formal authentication.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) Attorney General.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) Private Right of Action.—(1) An individual who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved individual may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved individual need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) Attorney's Fees.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) Relation to Other Laws.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1994; and

(2) with respect to any State not described in paragraph (1), on January 1, 1993.

Mr. MITCHELL. Mr. President, in view of this agreement, there will be no further rollcall votes this evening. The Senate will be in session on a pro forma basis only tomorrow. The Senate will not be in session on Monday. The Senate will be in session on Tuesday.

I anticipate debate on the subject of the pending bill and the prospective

Kasten amendment to occur throughout the day on Tuesday, interrupted only by the recess for the respective party caucuses and the vote on cloture on the bill will occur at 4 p.m. on Tuesday. So there will be no rollcall votes between now and 4 p.m. on Tuesday.

There will be debate during the day on Tuesday on the subject matter of the pending bill and the prospective Kasten amendment.

Mr. President, I thank my colleagues for their cooperation in working out this agreement. This will save the Senate a great deal of time and will enable us to proceed on this important piece of legislation in an expeditious manner, much more so than might otherwise have been the case.

I thank my colleagues.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, under the unanimous consent order, I now send a modification of the committee amendment to S. 250.

The PRESIDING OFFICER. The amendment is so modified.

The modification follows:

MODIFICATION OF COMMITTEE AMENDMENT TO S. 250

Mr. Ford (for himself and Mr. Hatfield), at the direction of the Committee on Rules and Administration, modifies the Committee amendment to S. 250 as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) DECLINATION TO REGISTER.—(1) An applicant for a State motor vehicle driver's license may decline in writing to be registered by means of the motor vehicle driver's license application.

(2) No information relating to a declination pursuant to paragraph (1) may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) shall include a means by which an applicant may decline to register to vote pursuant to subsection (b);

(C) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(D) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote at a polling place described in subparagraph (A)(ii)(II), voting at a central location described in subparagraph (A)(ii)(I) need not be provided as an alternative option.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1991."

(2) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)-(h)" and inserting "3626(a)-(h), and 3629".

(3) Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and representatives of nongovernmental entities, shall prescribe such regulations as are necessary to carry out this Act;

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury; and

(3) may not include any requirement for notarization or other formal authentication.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under para-

graph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1993.

Mr. FORD. Mr. President, the committee has authorized the modification of the committee amendment to make certain technical changes and to address the concerns of election officials.

Following the Rules Committee markup of S. 250, the committee heard from registrar's and other election officials who expressed concern on a provision in the committee amendment. That provision would permit a registrant who had changed addresses within the same registrar's jurisdiction and congressional district, to correct the record and vote at either their former polling place or the appropriate polling place for their new address. The registrars were concerned that the new polling place requirement would be difficult to administer in that it could require that every polling place have a complete list of eligible voters.

In response to these concerns, this modification provides that such a registrant could correct the record and vote at either the former polling place or a designated central location where a list of eligible voters is maintained. Permitting a voter to vote at his or her former polling place instead of requiring such a voter to reregister is consistent with the current practice in a number of States. It is the committee's intent that the "designated central location" should be accessible to voters and convenient, and should not be a location which could intimidate voters. An ideal site would be the office of the local register. However, another location may be appropriate if the local register's office is not accessible for voters.

This modification also provides that if a registrant appears at the appropriate polling place for their current address, the registrant must be permitted to update their address. If State law permits the registrant to vote at that polling place, the State need not designate a centrally located office.

The committee amendment permits States to require by law that new voters who register by mail vote in person the first time they vote, unless that person is guaranteed the right to vote by mail under certain laws. The modification would clarify that such exemption is for Federal laws only.

Some Members expressed concern that the effective date of 1994 for States which have constitutional obstacles to conforming their State statutes to avoid separate voting lists would not allow sufficient time for such a constitutional change. The modification would change the effective date to 1996 for such States. The effective date for all other States remains 1993.

The modification includes the definition of "registrar's jurisdiction" which was in the committee report. "Registrar's jurisdiction," for the purposes of the address correction provision, is defined as an incorporated city, town, borough, or other form of municipality; county, parish or other type of government unit, to which State law assigns voting registration responsibility.

The committee amendment required notices be sent by forwardable, first-class mail. Following the markup, the committee was made aware that registrars could take advantage of lower rates for other classes of mail which are also forwardable. Since the committee's concern is that such notices be forwardable, the modification would delete the first-class requirement. Due to the possible increase in time for delivery with other classes of mail, the modification would extend the period for States to complete their mail programs to 90 days before a Federal election.

Finally, the modification will permit organizations as well as individuals, and the Attorney General to bring civil actions under the act.

Mr. President, I ask unanimous consent that a summary of that modification be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 250, THE NATIONAL VOTER REGISTRATION ACT OF 1991

Amendment in the Nature of a Substitute, As Modified (Changes from S. 250 are indicated in *italics*)

To establish national voter registration procedures for elections for Federal office, and for other purposes.

States shall establish procedures to permit voter registration: i. Simultaneously with application for a driver's license; ii. by uniform mail application; and iii. by application in person, either at an appropriate registration office, or at a Federal, State or private sector location—agency registration.

The Act does not apply to States with *either or both of the following:* in a State in which there is no voter registration requirement for any voter in the State with respect to elections for Federal office or to a State in which all voters may register to vote at the polling place at the time of voting in a general election for Federal office; *the term "State" means a State of the United States and the District of Columbia.*

DRIVER'S LICENSE APPLICATION REGISTRATION

1. Unless a person declines in writing, an application for or the renewal of a driver's license shall serve as an application for voter registration.

2. The voter registration application shall be part of the driver's license application; shall not require information which duplicates the license portion of the form except such information as shall be required to prevent duplicate registration and to make an assessment of eligibility; shall include a means by which an applicant may decline to register in writing; shall include a statement that specifies each eligibility requirement, contains attestation clause that applicant meets each requirement and requires signature of applicant under penalty of perjury; and shall be made available to appropriate state election officials.

3. A driver's license change of address notice may serve as a voter registration change of address *unless the driver declines.*

MAIL REGISTRATION

1. Each State shall accept and use a mail voter registration application form promulgated by the FEC. In addition, a State may develop and use its own form which meets the criteria of the FEC form. Notarization or other formal authentication is not allowed. Forms shall be readily available for public and private distribution, and especially for organized registration programs.

2. A State may, by law, require a personal appearance to vote if the person was registered to vote in a local jurisdiction by mail and the person has not previously voted in

that jurisdiction. Individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act and those provided the right to vote other than in person by the Voting Accessibility for the Elderly and Handicapped Act are exempt.

AGENCY REGISTRATION

1. State, Federal and private sector locations shall be designated for the distribution and processing of voter registration applications. All offices providing public assistance, unemployment compensation, and related services, and all offices which provide State-funded programs primarily engaged in providing services to persons with disabilities, shall be included in the designated locations and shall provide same assistance in completion of registration application as is provided with regard to that agency's forms. States shall designate other agencies, such as libraries, schools, fishing/hunting license bureaus, marriage license offices, and any offices that provide services to persons with disabilities that are not included in the mandatory section, etc. to provide forms, assistance and processing of applications.

2. The Federal Government shall cooperate in this program.

3. An applicant for services may decline in writing to be registered to vote and no information relating to a declination may be used for any other purpose.

4. If a voter registration office designated by a State provides services to a person with disabilities at the person's home, the office shall provide the voting registration services at the person's home.

OTHER REQUIREMENTS

1. Registration cut-off is 30 days before election or such lesser period as State may provide.

2. State election officials will notify each applicant of the disposition of his or her registration application.

3. A voter's name may be removed from voter rolls only: (1) at the request of the voter; or (2) as provided by State law, by reason of criminal conviction or mental incapacity. The States shall conduct a general program that makes a reasonable *effort to remove the names of ineligible voters* by reason of (1) death; or (2) by reason of a change of residence of the voter. A voter's name may not be removed for non-voting.

4. Any State program or activity designed to ensure the maintenance of an accurate and current voter registration roll shall be uniform, nondiscriminatory, *and in compliance with the Voting Rights Act of 1965.*

5. *A State must complete a systematic procedure to confirm voting lists at least 90 days before a Federal election.*

6. *A State may use the National Change of Address [NCOA] program and be in full compliance with the requirements of the Act and may make the change of address on the registration rolls with a notification to the voter of such change.*

7. No State may remove the name of a voter from the rolls due to possible change of address unless the registrant confirms in writing having moved out of voting jurisdiction, or the voter fails to respond to a notice and does not appear to vote and correct the record during period between date of notice and second general election for Federal office. *Where the change of address is to an address covered by the same polling place, the voter shall be permitted to vote upon oral or written affirmation of the change of address. If a registrant has moved to a residence in a new polling place within the jurisdiction of the same voting registrar and the same congressional district, the registrant shall be permitted to vote in one of the following manners, at the option of the registrant: (1) with oral or written affirmation of the new address at the old polling place or, (2) upon written affirmation of the change of address at a designated central location where a list of eligible voters is maintained. Such a registrant may also appear at the appropriate polling place for the new address for the purposes of correcting the registration record, and shall vote, if permitted by State law. A State which permits voting at the new polling place is not required to designate a central location. If registration records indicate that a registrant has moved, the voter may vote upon oral or written affirmation that the voter continues to reside at the same address.*

8. The FEC will promulgate regulations, prescribe the mail registration application form for use by all States, and report to Congress its assessment of the Act's impact and its recommendations following each general Federal election.

9. Civil enforcement through injunction or declaratory relief may be brought by U.S. Attorney General, or a *person* with notice to the chief election official of the State. The rights and remedies established by the Act are in addition to any other rights and remedies provided by law and no provision shall supersede, restrict, or limit the application of the Voting Rights Act of 1965. *Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.*

10. Federal criminal penalties will apply for registration offenses which are knowing and willful.

11. State and local voting registration officials would be able to receive reduced postal rates for the purpose of making any mailing which is required *or* authorized by the Act. This reduced rate would be funded through a revenue foregone appropriation.

12. *Each State is required to maintain and make available for public inspection and copying upon payment of reasonable costs, all records concerning the implementation of programs and activities designed to ensure the accuracy of the voting rolls. These records shall include lists of the names and addresses of those individuals sent notices and information regarding whether or not these individuals have responded.*

13. The effective date of the Act is January 1, 1993 for all States; except those States that have constitutional obstacles to conforming state requirements of the Act, in which case, the effective date would be January 1, 1996.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

AMENDMENT NO. 1799

(Purpose: To regulate interstate commerce by providing for a uniform product liability law, and for other purposes)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself, Mr. DANFORTH, Mr. MCCONNELL, and Mr. BURNS, proposes an amendment numbered 1799.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment, add the following:

TITLE II—PRODUCT LIABILITY FAIRNESS

Subtitle A

SECTION 201. SHORT TITLE.

This title may be cited as the “Product Liability Fairness Act”.

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) “claimant” means any person who brings a civil action pursuant to this title, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) “clear and convincing evidence” is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt:

(3) “collateral benefits” means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) “any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) “any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) “commerce” means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) “commercial loss” means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) “economic loss” means any pecuniary loss resulting from harm which is allowed under State law;

(7) “exercise of reasonable care” means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) “harm” means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) “manufacturer” means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product)

which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 203. PREEMPTION.

(a) This title governs any civil action brought against a manufacturer or product seller, or any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this title and shall be governed by applicable commercial or contract law.

(b) This title supersedes any State law regarding recovery for harm caused by a product only to the extent that this title establishes a rule of law applicable to any such recovery. Any issue arising under this title that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This title shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

SEC. 204. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this title, based on section 1331 or 1337 of title 28, United States Code.

SEC. 205. EFFECTIVE DATE.

(a) This title shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this title commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this title.

(b) If any provision of this title would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this title within one year after the effective date of this title.

SUBTITLE B

SEC. 221. EXPEDITED PRODUCT LIABILITY SETTLEMENTS.

(a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this subtitle.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specified dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allowable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

SEC. 222. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) In lieu of or in addition to making an offer of settlement under section 221 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 221 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

SUBTITLE C

SEC. 231. CIVIL ACTIONS

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this title.

SEC. 232. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Notwithstanding the provisions of section 231 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate case of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this subtitle based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this subtitle except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 233. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this subtitle to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply (i) in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

SEC. 234. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) Any civil action subject to this subtitle shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this subtitle shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this title to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

SEC. 235. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a)(1) An employer or worker's compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this title. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right of subrogation to the court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employee.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. Neither the employee nor the employer shall make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the other and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose unless both employer and employee join therein. However, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact it shall provide notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though it were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller by the sum of the amount paid as workers' compensation benefits to which the employee is or would be entitled for such harm, and the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorneys' fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b)(1) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this title shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Any action other than as provided in paragraph (2) shall be prohibited, except that nothing in this title shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is entitled to receive compensation under any State of Federal workers' compensation law, the action shall, on application of the claimant made at the claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this subtitle shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) A claimant in a civil action subject to this subtitle who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEC. 236. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

(a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

SEC. 237. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) In any civil action subject to this title in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication of the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this title in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE III—GENERAL AVIATION ACCIDENT LIABILITY STANDARDS

SEC. 301. SHORT TITLE.

This title may be cited as the "General Aviation Accident Liability Standards Act of 1991".

SEC. 302. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) transportation by air of passengers continues to comprise an increasingly important component of the Nation's overall transportation system;

(2) although the incidence of injuries to passengers in general aviation accidents has decreased, the number of general aviation accident liability claims against general aviation aircraft manufacturers and the amount of damages sought in such claims is increasing at disproportionate rates, beyond any relationship to the quality of the aircraft manufactured and in use;

(3) the current system for determining liability and damages for compensating individuals injured in general aviation accidents is inadequate;

(4) competent general aviation manufacturers and component part manufacturers are ceasing or limiting production of general aviation aircraft or some models of such aircraft because of the increasing costs and unavailability of product liability insurance;

(5) the increase in the number of liability claims and the size of awards and settlements, and the excessive time and expense devoted to the resolution of such claims, impose a substantial economic burden on general aviation manufacturers and their dealers;

(6) the Federal Government has an interest in the general aviation accident liability system because the Federal Government has established a comprehensive system for regulating general aviation, including—

(A) establishing standards for design, construction, and certification of general aviation aircraft,

(B) establishing standards for maintenance of aircraft, licensing of repair facilities, and licensing of persons who may perform or approve maintenance, repairs, and inspections,

(C) establishing standards for training and licensing of pilots,

(D) establishing a comprehensive air control system,

(E) conducting investigations to determine the probable cause of aviation accidents and prevent future accidents, and

(F) conducting other activities necessary to assure a safe air transportation system;

and this Federal system is the exclusive legal authority for regulating aviation operations and safety;

(7) it is in the national interest to reduce unnecessary expenditures related to general aviation accident liability claims while providing more rapid and more efficient compensation for individuals harmed in general aviation accidents; and

(8) Federal action to reform the general aviation accident liability system will result in—

(A) the maintenance of airworthy general aviation aircraft; and

(B) a more rational general aviation accident liability system.

(b) It is the purpose of this title to establish standards for determining liability for harm arising out of general aviation accidents.

SEC. 303. DEFINITIONS.

As used in this title, the term—

(1) "Administrator" means the Administrator of the Federal Aviation Administration;

(2) "claimant" means any person who brings a general aviation accident liability action subject to this Act, and any person on whose behalf such an action is brought, including—

(A) the claimant's decedent; and

(B) the claimant's parent or guardian, if the action is brought through or on behalf of a minor or incompetent;

(3) "general aviation accident" means any accident which arises out of the operation of any general aviation aircraft and which results in harm:

(4) "general aviation aircraft" means any powered aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.) which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than twenty passengers, and which is not, at the time of the accident, engaged in scheduled passenger carrying operations as defined in regulations issued under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.);

(5) "general aviation manufacturer" means—

(A) the builder or manufacturer of the airframe of a general aviation aircraft;

(B) the manufacturer of the engine of a general aviation aircraft; and

(C) the manufacturer of any system, component, subassembly, or other part of a general aviation aircraft;

(6) "harm" means—

(A) property damage or bodily injury sustained by a person;

(B) death resulting from such bodily injury;

(C) pain and suffering which is caused by such bodily injury; and

(D) emotional harm (including bereavement and loss of affection, care, or society) which is caused by such bodily injury;

(7) "product" means a general aviation aircraft and any system, component, subassembly, or other part of a general aviation aircraft; and

(8) "property damage" means physical injury to tangible property, including loss of use of tangible property.

SEC. 304. PREEMPTION; APPLICABILITY.

(a) This title supersedes any State law regarding recovery, under any legal theory, for harm arising out of a general aviation accident, to the extent that this Act establishes a rule of law or procedure applicable to the claim.

(b) Nothing in this title shall be construed to supersede or to waive or affect any defense of sovereign immunity asserted by the United States or any State.

(c) Nothing in this title shall be construed to affect the liability of a manufacturer, owner, or operator of any aircraft that is not a general aviation aircraft, or a person who repairs, maintains, or provides any other support for any aircraft that is not a general aviation aircraft, for damages for harm arising out of the operation of an aircraft that is not a general aviation aircraft.

(d) No right of action for harm exists under this title if that right would be inconsistent with the provisions of any applicable workers' compensation law.

(e) The provisions of this title shall apply only to—

(1) any manufacturer, owner, or operator of any general aviation aircraft, and any person who repairs, maintains, or provides any other support for such an aircraft;

(2) any occupant of a general aviation aircraft at the time of a general aviation accident, and any person who brings an action for harm caused by such accident on behalf of such occupant; and

(3) any nonoccupant of a general aviation aircraft at the time of a general aviation accident, only if such nonoccupant is bringing an action for harm caused by such accident which arises out of the harm to an occupant of such aircraft at the time of such accident.

SEC. 305. UNIFORM STANDARDS OF LIABILITY FOR GENERAL AVIATION ACCIDENTS.

(a) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a party and may recover damages from such party, if such party was negligent and such negligence is a proximate cause of the claimant's harm.

(b)(1) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the product, when it left the control of the manufacturer, was in a defective condition unreasonably dangerous for its intended purpose, according to engineering and manufacturing practices which were reasonably feasible;

(B) the defective condition is a proximate cause of the claimant's harm; and

(C) the general aviation aircraft was being used at the time of the accident for a purpose and in a manner for which it was designed and manufactured.

(2) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) at the time the product left the control of the manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about a danger connected with the product that caused the claimant's harm; and

(ii) failed to provide the warnings or instructions that a person exercising reasonable care would have provided with respect to the danger which caused the harm alleged by the claimant, unless such warnings or instructions, if provided, would not have materially affected the conduct of the user of the product; or

(B) after the product left the control of the general aviation manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about the danger which caused the claimant's harm; and

(ii) failed to take reasonable steps to provide warnings or instructions, after the manufacture of the product, which would have been provided by a person exercising reasonable care, unless such warnings or instructions, if provided, would not have materially affected the conduct of the product user; and the failure to provide warnings or instructions described in subparagraph (A) or (B) of this paragraph is a proximate cause of the claimant's harm.

(3) Any person claiming damages for harm arising out of general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the manufacturer made an express warranty with respect to the product;

(B) such warranty relates to that aspect of the product which caused the harm;

(C) the product failed to conform to such warranty; and

(D) the failure of the product to confirm to such warranty is a proximate cause of the claimant's harm.

(c)(1) In an action governed by subsection (b) of this section, a general aviation manufacturer shall not be liable if such manufacturer proves, by a preponderance of the evidence, that—

(A) the defective condition could have been corrected by compliance with action described in an airworthiness directive issued by the Administrator; and

(B) such directive was issued by a reasonable time before the date of the accident and after the product left the control of the general aviation manufacturer.

(2) In any action governed by subsection (b) of this section, evidence of compliance with standards, conditions or specifications established, adopted or approved by the Federal Aviation Administration shall be admissible with regard to whether the product was defective and unreasonably dangerous for its intended purpose.

SEC. 306. COMPARATIVE RESPONSIBILITY.

(a) All actions for harm arising out of a general aviation accident shall be governed by the principles of comparative responsibility. Comparative responsibility attributed to the claimant's conduct shall not bar recovery in an action under this title, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant. The trier of fact shall determine comparative responsibility by making findings indicating the percentage of total responsibility for the claimant's harm attributable to the claimant, each defendant, each third-party defendant, and any other person not a party to the action.

(b) Except as provided in subsection (c) of this section, a defendant is severally but not jointly liable in any action for harm arising out of a general aviation accident, and the liability of any defendant in any such action shall be determined on the basis of such defendant's proportionate share of responsibility for the claimant's harm.

(c) In any action for harm arising out of a general aviation accident—

(1) a general aviation manufacturer who is the builder or manufacturer of the airframe of the general aviation aircraft involved is jointly and severally liable for harm caused by a defective system, component, subassembly, or other part of such aircraft that the manufacturer installed or certified as part of the original type design for such aircraft; and

(2) a general aviation manufacturer who is the manufacturer of a system or component of the general aviation aircraft involved is jointly and severally liable for damages caused by a defective subassembly or other part of such system or component.

(d) A general aviation manufacturer and any other person jointly liable under subsection (c) of this section shall have the right to bring on action for indemnity or contribution against any person with whom they are jointly liable under subsection (c) of this section.

SEC. 307. TIME LIMITATION OF LIABILITY.

(a) Except as provided in subsection (b) of this section, no civil action for harm arising out of a general aviation accident which is brought against a general aviation manufacturer may be brought for harm which is alleged to have been caused by an aircraft or a system, component, subassembly, or other part of an aircraft and which occurs more than—

(1) twenty years from—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such an aircraft; or

(2) with respect to any system, component, subassembly, or other part which replaced another product in, or which was added to, the aircraft, and which is alleged to have caused the claimant's harm, twenty years from the date of the replacement or addition.

(b) Subsection (a) of this section does not apply in the case of harm to a claimant which occurs after the period set forth in subsection (a) of this section if the general aviation manufacturer or the seller of the product that caused the claimant's harm gave an express warranty that the product would be suitable, for the purpose for which it was intended, for a longer period of time.

(c) Nothing in this section shall be construed to affect a person's duty to provide, after the sale or lease of an aircraft, to aircraft owners, and to repair facilities to which a license or certificate to perform repairs has been issued by the Administrator, additional or modified warnings or instructions regarding the use or maintenance of such aircraft or any system, component, or other part of such aircraft.

SEC. 308. SUBSEQUENT REMEDIAL MEASURES.

In any general aviation accident liability action governed by this title, evidence of any measure taken after an event which, if taken previously, would have made the event less likely to occur is not admissible to provide liability. Such evidence is admissible to the extent permitted under rule 407 of the Federal Rules of Evidence.

SEC. 309. ADMISSIBILITY OF CERTAIN EVIDENCE.

In an action governed by this title, evidence of Federal, State, or local income tax liability or any Social Security or other payroll tax liability attributable to past or future earnings, support, or profits and the present value of future earnings, support, or profits alleged to have been lost or diminished because of harm arising out of a general aviation accident is admissible regarding proof of the claimant's harm.

SEC. 310. PUNITIVE DAMAGES.

(a) Punitive damages may be awarded in an action under this title for harm arising out of a general aviation accident only if the claimant establishes by clear and convincing evidence that the harm suffered was the direct result of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(b) Evidence regarding the financial worth of a defendant or the defendant's profits or any other evidence relating solely to a claim for punitive damages under this Act is not admissible unless the claimant establishes, before any such evidence is offered, that the claimant can present evidence that will establish prima facie proof of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

SEC. 311. TIME LIMITATION ON BRINGING ACTIONS.

Any action for harm arising out of a general aviation accident shall be barred, notwithstanding any State law, unless—

(1) the complaint is filed within two years after the date on which the accident occurred which caused the claimant's harm; and

(2) the summons and complaint are properly served upon the defendant within one hundred and twenty days after the filing of such complaint, unless the party on whose behalf such service is required can show good cause why such service was not made within such one-hundred-and-twenty-day period.

Paragraph (2) of this subsection shall not apply to service of process in a foreign country pursuant to rule 4(i) of the Federal Rules of Civil Procedure or any similar State law.

SANCTIONS

SEC. 312.

It is the intent of Congress that, with respect to any action governed by this title, the sanctions for violation of rule 11 of the Federal Rules of Civil Procedure, including orders to pay to the other party or parties the amount of their reasonable expenses, including a reasonable attorney's fee, be strictly enforced.

JURISDICTION

SEC. 313.

(a) The district courts of the United States, concurrently with the State courts, shall have original jurisdiction, in all civil actions where the matter in controversy exceeds the sum or value of $50,000, exclusive of interest and costs, for harm arising out of a general aviation accident and in all actions for indemnity or contribution described in section 306(d) of this title.

(b) A civil action which is brought in a State court, and may be removed to the district court of the United States for the district embracing the place where the action is pending, without the consent of any other party, by any defendant against whom a claim in such action is asserted for harm arising out of a general aviation accident.

(c) In any case commenced in or removed to a district court of the United States under section (a) or (b) of this section, the court shall have jurisdiction to determine all claims under State law that arise out of the same general aviation accident, if a substantial question of fact is common to the claims under State law and to the Federal claim, defense or counterclaim.

(d)(1) A civil action in which the district courts of the United States have jurisdiction under subsection (a) of this section may be brought only in a district in which—

(A) the accident giving rise to the claim occurred; or

(B) any plaintiff or defendant resides.

(2) In an action pending in a district court of the United States under paragraph (a) of this subsection, a district court may, on motion of any party or its own motion, transfer the action of any other district for the convenience of parties and witnesses in the interest of justice

(3) For purposes of this subsection, a corporation shall be considered to be a resident of any State in which it is incorporated or licensed to do business or is doing business.

SEVERABILITY

SEC. 314

If any provision of this title or the application of the provision to any person or circumstance is held invalid, the remainder of this title and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

EFFECTIVE DATE

SEC. 315

(a) This title shall apply to any civil action for harm arising out of a general aviation accident which is filed on or after the date of enactment of this title.

(b) If an action governed by this title is filed within one hundred and eighty days after the date of enactment of this title, liberal leave shall be given to a party to amend any pleading, motion, statement of jurisdiction or venue, or other matter to conform to the provisions of this title.

Mr. KASTEN. Mr. President, S. 640, the Product Liability Fairness Act, is currently on the calendar as Order No. 321. It should be taken up by the Senate. This legislation is the same as that which was reported by the Senate Commerce Committee by a vote of 13–7, had a hearing before the Senate Judiciary Committee, and unfortunately was not acted upon before the last Congress adjourned.

I am joined by 39 of my colleagues, from both sides of the aisle, who have cosponsored S. 640 because they recognize the need for the reasonable, moderate reform of our product liability rules.

The amendment I sent to the desk includes the committee passed S. 640 language, corrective language to section 305 dealing with workers compensation, and the text of S. 645, the General Aviation Accident Standards Act.

The effort to enact product liability reform has been one which the Senate Commerce Committee has considered since 1981. We are bringing before the Senate a measure that is balanced, does not deprive injured victims of any causes of action, does not contain any limits, or caps, on damages, and has the cosponsorship of 40 Members of the Senate.

President Bush and his administration are strongly in support of this measure. The President again called for tort and product liability reform in his State of the Union Address this year. His Competitiveness Council, headed by Vice President Quayle, continues to make this issue its No. 1 priority. All of this is reflective of the concerns that large and small businesses alike have with our current system.

Our product liability reform measure is justified on several grounds. We have a system that is slow in compensating victims who deserve compensation, costly to all parties, and unpredictable due to the state-by-state patchwork that we have today. Above all, we seek a system based on fairness.

Provisions of our measure would address the costs imposed on all parties by the current system. The transaction costs see the lawyers of both the plaintiff and the defendants taking in as much, or more, than the injured parties. Recent data collected by the National Machine Tool Builders Association indicates that in cases involving their members in 1989, only 17 percent of the moneys paid out went to claimants.

However, it is important to note that our legislation would not reduce the costs by restricting the rights of persons to sue for damages, or by instituting caps on the amounts that could be recovered. There were understandable objections made by the organized consumer interests to these provisions in prior efforts. Thus, this amendment may not lower insurance rates or premiums the way former bills would have.

Rather, thanks to the establishment of some uniformity on certain matters, both parties should be able to better assess the nature of their cases, and even possibly take advantage of the expedited settlements or alternative dispute resolution systems in the bill. The uniformity we seek will make the assessment of risk easier, and thus help stabilize the insurance market.

It is important to note that we have a national problem that deserves a moderate, Federal approach. Though the current rules have developed through the judicial activism of the various State courts, the time has come for Congress to recognize the burdens our current system is imposing on interstate commerce, U.S. competitiveness, and American innovation.

Let me briefly describe the major provisions of our product liability package which will reduce unnecessary legal costs, provide incentives for the manufacture of safe products, and provide more fairness to all concerned:

This measure establishes procedures designed to expedite the settlement of product liability cases. The rules are based on rule 68 of the Federal Rules of Civil Procedure. This will help reduce the burgeoning and unnecessary legal costs that hamper the current system.

We encourage the States to make greater use of alternative dispute resolution procedures, to also help reduce the legal costs.

The product seller provision also addresses the unnecessary legal costs of the system. Today, product sellers are brought into almost every case, and yet liability is imposed on them in less than 5 percent of the cases. Under our bill, sellers are only to be held liable for their own negligence, for failing to provide warnings from the manufacturer, for breaching an express warranty, or when the manufacturer is unavailable.

Legal costs are also saved by the provision dealing with the interaction between the product liability system and the workers compensation system. We have taken steps to help keep these two systems separate, and avoid the excessive and unnecessary lawsuits between manufacturers and employers.

We create incentives for safety. Our joint and several liability provision maintains joint and several liability for economic damages. We only eliminate joint and several liability for noneconomic damages such as pain and suffering. Thus, plaintiffs can recover their full economic losses from any defendant, but defendants would only be responsible for those portions of the noneconomic damages—such as pain and suffering—which they caused.

Our package also encourages safety by barring the claims of individuals who are the cause of their own injuries because they were intoxicated or under the influence of illicit drugs.

The cause of fairness is advanced by the extremely proplaintiff statute of limitations. The time begins to run upon the claimants' discovery of the harm and the cause of that harm. This is a more proplaintiff standard than most current State standards now in existence.

Fairness is also provided for in our statute of repose, which sets an outer time limit for liability at 25 years for capital goods, where the injury is covered by workers compensation.

The punitive damages provision promotes fairness. We recognize the quasi-criminal aspect of these damages, which are intended to be awarded in egregious cases, not every case. Therefore we establish a national standard for their imposition and the burden of proof required. Thus, these damages are to be awarded where the claimant establishes by "clear and convincing" evidence that the harm evidenced a "conscious, flagrant indifference to the safety of those persons who may be harmed by the product." We have a burden of proof that falls between the normal civil standard of "preponderance of the evidence" and the criminal standard of "beyond a reasonable doubt." The punitive aspect of the cases may be heard separately from the case in chief if the defendant so elects.

No one wants manufacturers to introduce unsafe products or keep them in the marketplace. However, it is equally abhorrent when the uncertainties of our product liability system were to prevent new, useful, and safer products from being brought to market. The cost to society of innovations never pursued, or improvements never made, is not obvious at first blush—but it is nevertheless a cost that hurts American consumers, manufacturers, and workers.

There has been some research indicating that perhaps the rapid expansion of product liability law, which the courts were pursuing in the past, has slowed somewhat. The courts themselves may be moving the judge-made law to a more reasonable position.

Professor Henderson, of Cornell Law School, who has been conducting this research, cautions:

> However, to conclude that this trend will resolve all of the serious inequities and legal conundrums that still exist would be a misuse of the data collected in the study. * * * The better, more efficient way to address some of the profound problems product liability law has caused our legal system and society is through thoughtful, sparing and modest legislation at the federal level. * * * [S. 640] is a worthwhile attempt at some of the needed reforms.

It is our job to make this attempt a reality by enacting S. 640 soon so that the House, with 150 cosponsors on H.R. 3030, has time to act.

Another point was made in our hearings last year—that S. 640 is neither a proplaintiff, nor a prodefendant bill. And just because it is balanced between the rights of the parties, not favoring the plaintiffs, does not make S. 640 anticonsumer. The most anticonsumer effects which I have seen arise from the costs, inefficiencies and inequities of our present system.

The proponents of fair product liability reform recognize that this measure is not a panacea for all of the problems that have plagued our product liability system. It is, however, a sound, reasoned, and balanced piece of legislation that deserves to be enacted into law.

There are those who seem to want to impugn our motives in pursuing product liability reform. They assert that the basis for this legislation has changed over the years. In fact, what I have sought since 1981 are rules to assure product safety, to establish uniformity because of the interstate nature of the problem, and to reduce the costs borne by all Americans, not just manufacturers or sellers of products. There have been immediate concerns dealing with insurance, litigation and competitiveness—all growing out of a search for fairness.

Some witnesses before the Commerce Committee suggested that competitiveness was "the new buzzword" to justify reform. Anyone who researches or recalls the debates of some 10 years ago would also find the testimony of such parties as the American Textile Machinery Association and the National Machine Tool Builders Association concerned not only about their domestic situation, but also explaining their loss of international competitiveness as a result of American product liability laws that we have yet to reform.

We cannot have product liability insurance costs that are 20 to 50 times those of our competitors and remain viable. Product liability reform is not the only answer to our competitive predicament, but it is certainly one important element that we can address.

I am pleased that S. 640 has garnered more cosponsors than any of our previous efforts—40 at the present time—and has passed the Commerce Committee by a substantial 13–7 margin. In the last Congress, S. 1400, after one hearing in the Judiciary Committee, was returned to the Senate calendar. I believe the majority of the Senate agrees with the 40 of us who are cosponsors of S. 640 that it is time to enact this reasoned and moderate product liability reform measure. I am glad we will soon have the opportunity to vote on product liability reform.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now go into morning business and that Senators be permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 570, Thomas P. Kerester; all nominations filed by the Foreign Relations Committee today, including Foreign Services nominations on the Secretary's desk; I further ask unanimous consent that the nominees be confirmed en bloc; that any statement appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SMALL BUSINESS ADMINISTRATION

Thomas P. Kerester, of Virginia, to be Chief Counsel for Advocacy, Small Business Administration, vice Frank S. Swain, resigned.

DEPARTMENT OF STATE

Roman Popadiuk, of New York, a career member of the Foreign Service, class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Sigmund A. Rogich, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Anne H. Aarnes, of Washington.
Curtis W. Christensen, of Maryland.
Alfred M. Clavelli, of Nevada.
Michael S. Gould, of New Jersey.
Linda Rae Gregory, of Virginia.
Robert Paul Mathia, of Florida.
Louis Mundy, III, of Florida.
Willard J. Pearson, Jr., of Indiana.
Donald L. Pressley, of Virginia.
Howard J. Sumka, of Maryland.

For reappointment in the Foreign Service as a Foreign Service Officer of Class Two, a consular Officer and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

William A. Eaton, of Virginia.

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Stephen K. Craven, of North Carolina.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Hilda Marie Arellano, of Texas.
Thomas C. Asmus, of Texas.
Gerald Anthony Cashion, of Virginia.
James R. Cummiskey, of Maryland.
Anthony Nicholas Deleo, of Pennsylvania.
Corwin Vane Edwards, Jr., of Maryland.
Timothy J. Franchois, of Virginia.
Rodger D. Garner, of Oregon.
H. Paul Greenough, of Virginia.
David Hunter Stockton Hoelscher, of Maryland.
James L. Jerrell, of Ohio.
Drew William Luten, III, of Missouri.
Alfred Nakatsuma-Vaca, of California.
Robert Leonard George O'Leary, of Virginia.
Sally Jo Patton, of District of Columbia.
Sanath Kumar Reddy, of Alabama.
Curtis A. Reintsma, of Virginia.
John Wayne Schamper, of Nevada.
Marilynn Ann Schmidt, of Virginia.

U.S. INFORMATION AGENCY

Larry A. Moody, of California.

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Leanne Hogie, of South Dakota.
Alan Hrapsky, of Michigan.
Ross Kreamer, of Kentucky.
S. Rod McSherry, of New Mexico.
Wayne Molstad, of Wisconsin.
Eugene Philhower, of New Jersey.
John B. Reynolds, of Kentucky.
Scott R. Reynolds, of Pennsylvania.
Laura Scandurra, of Virginia.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mary Beth Allen, of Massachusetts.
Hawthorne Aida Mateo Angeles, of Virginia.
Denise A. Awad, of Pennsylvania.
Felix N. Awantang, of Maryland.
Terry G. Baskin, of Nevada.
Carol R. Becker, of California.
Dan William Blumhagen, of Washington.
Alfreda Mae Brewer, of Ohio.
Paula J. Bryan, of Pennsylvania.
Albert L. Cates, of New Mexico.
Enrique Francisco Celaya, of Florida.
Susan A. Clay, of Virginia.
Tully R. Cornick, V, of New York.
Charles J. Crane, of New Mexico.
Sharon L. Cromer, of New York.
Gerard M. Custer, of Nevada.
Kirk M. Dahlgren, of California.
Dulal C. Datta, of Texas.
Paul Davis, of New Hampshire.
Carl Brandon Derrick, of Florida.
Alexander Dickie, IV, of Texas
Brenda A. Doe, of Minnesota.
Virgulino L. Duarte, of Maine.
Jimmy D. Duvall, of Louisiana.
Patrick Chilion Fine, of New York.
Jana P. Gonson, of California.
Richard S. Greene, of California.
S. Elaine Grisgby-Arnade, of Florida.
Shankar Gupta, of Maryland.
Mathias Muza Gweshe, of Florida.
Karen Louise Ruffing Hilliard, of Florida.
Nancy L. Hoffman, of Pennsylvania
Penelope L. Hong, of Texas.
Nancy L. Hooff, of West Virginia.
Claire J. Johnson, of Florida.
Patricia L. Jordon, of Ohio.
Yashwant Kainth, of Virginia.
John L. Katt, Jr., of Florida.
Sheryl Keller, of Connecticut.
Robert Kirk, of Indiana.
S. Peter Klosky, IV, of Florida.
Barbara Jeanne Krell, of Louisiana.
Richard A. Lawrence, of Maryland.
Jon Daniel Lindborg, of Indiana.
James M. LoCaste, of Texas.
David J. Losk, of California.

Cecily L. Mango, of New Hampshire.
William B. Martin, of Florida.
Tej S. Mathur, of California.
Delbert N. McCluskey, of Oregon.
Christopher McDermott, of Maine.
Kathleen S. McDonald, of Wisconsin.
Raymond Herold Morton, of Virginia.
Randall G. Peterson, of Wisconsin.
Leonel T. Pizarro, of California.
Iqbal Qazi, of California.
Thomas Y. Quan, Jr., of Texas.
R. Thomas Ray, of New York.
Ray R. Reddy, of California.
Raymond Z.H. Renfro, of Oklahoma.
Kurt A. Rockeman, of Montana.
Denise Annette Rollins, of Michigan.
David H.A. Schroder, of Missouri.
Mary P. Selvaggio, of Illinois.
Carina L. Stover, of California.
Dawn A. Thomas, of New York.
Gary W. Vanderhoof, of California.
Dana Marie Vogel, of California.
Elzadia Washington, of Arkansas.
Leon Stephen Waskin, Jr., of Michigan.
Linda D. Whitlock, of New York.
Joseph Crawford Williams, of Tennessee.
Sarah W. Wines, of California.
Michael Louis Wise, of West Virginia.
Richard J. Womack, of Washington.
Andrea J. Yates, of Florida.

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Robert A. Armstrong, of Kansas.
Daniel P. Bellegarde, of New Hampshire.
Gregory Dean Chapman, of Georgia.
Edward John Fendley, of Illinois.
Lawrence J. Gumbiner, of California.
Russell J. Hanks, of New Mexico.
Robert F. Hannan, Jr., of Massachusetts.
Thomas J. Hushek, of Wisconsin.
Katherine Marie Ingmanson, of Washington.
Karen Elizabeth Johnson, of Texas.
James Marx Levy, of Washington.
Philip N. Lohre, of Colorado.
Martha L. Melzow, of California.
William F. Mooney, of Maryland.
R. Bruce Neuling, of California.
Lawrence Patterson Noyes, of New Jersey.
John Olson, of California.
Blossom N.S. Perry, of Virginia.
Richard G. Rosenman, of California.
Philip Nye Suter, of Massachusetts.

DEPARTMENT OF AGRICULTURE

Leslie Berger, of New Hampshire.

DEPARTMENT OF COMMERCE

Daniel Thompson, of California.

U.S. INFORMATION AGENCY

William Hinton Cook, of Tennessee.
John Andrew Cortez-Greig, of California.
Sophie L. Folly, of the District of Columbia.
Jennifer Zimdahl Galt, of Colorado.
Olivia P.L. Hilton, of New York.
Kelly Ann Keiderling, of California.
Barton William Marcois, of California.
Christopher Midura, of Tennessee.
Christopher F. Scharf, of New York.
Kennedy Lechman Veal, of Missouri.
Vivian S. Walker, of California.
Stacy E. White, of Texas.
Robert Anthony Wood, of New York.

The following-named members of the Foreign Service of the Departments of State and Commerce and the United States Information Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

C. Patricia Alsup, of Florida.
Kenneth R. Anderson, of Virginia.
Sandra L. Ashby, of Virginia.
Deborah A. Baribeau, of Virginia.
Antonia Joy Barry, of Pennsylvania.
Pamela Marie Bates, of Ohio.
Robert A. Baxter, of Virginia.
Don J. Bennett, of Virginia.
Marcia Patricia Bosshardt, of Texas.
Laura A. Buckwald, of Virginia.
Deborah M. Carney, of Virginia.
Theodore E. Carrick, of Virginia.
Michael S. Catt, of Ohio.
Mark A. Caudill, of Virginia.
Mark Daniel Clark, of Arizona.
Steven Coats, of Illinois.
David C. Connell, of the District of Columbia.
Ana Corona, of Virginia.
Gina M. Corteselli, of Virginia.
Kathleen L. Cunningham, of Iowa.
Elinor Ann de Mendonca, of Virginia.
Michael DeTar, of New York.
Rodger Jan Deuerlein, of California.
Daniel A. Donze, of Arizona.
William Huie Duncan, of Maryland.
Bradley James Dunn, of Virginia.
Scott L. Eder, of Florida.
Diane M. Egan, of Virginia.
Mark Christopher Elliott, of Maryland.
Jessica Ellis, of Washington.
Kimberly K. Everett, of Virginia.
Melissa G. Ford, of California.
Thomas F. Fort, of Virginia.
Jerry J. Fotheringill, of the District of Columbia.
Eleanore M. Fox, of California.
Susan H. Frost, of North Carolina.
Gregory D. S. Fukutomi, of New York.
Sanda Hamilton Gayton, of Arizona.
Mary F. Gerard, of California.
Joanne L. Giess, of Virginia.
Rebecca Eliza Gonzales, of Texas.
Stefan Granito, of Florida.
Peter X. Harding, of Massachusetts.
Susan Hebert-Cleary, of New York.
Gary Russell Hobin, of Georgia.
Jamie P. Horsley, of California.
Randall Warren Houston, of California.
Richard W. Huckaby, of South Carolina.
Colleen Elizabeth Hyland, of New Hampshire.
Jill Johnson, of California.
Leslie A. Johnson, of Virginia.
Margaret F. Judy, of Maryland.
Timothy B. Kane, of Virginia.
Diane M. Kauffmann, of Virginia.
Colleen M. Keeley, of Virginia.
Lisa C. Kennedy, of California.
Gregory S. Keough, of Maryland.
Eric R. Kettner, of Wisconsin.
Allen H. Kupetz, of Texas.
Frederick B. Kurtz, of New Jersey.
Randall J. LaBounty, of Missouri.
Brian Lieke, of Texas.
Nicole Lise, of New York.
Caroline B. Mangelsdorf, of California.
David H. Martinez, of Virginia.
James M. McCarthy, of Maryland.
Brian F. McCauley, of Virginia.
Fred C. McKinney, of Virginia.
Kathleen M. McQuaid, of Virginia.
David Slayton Meale, of Virginia.
Reginald A. Miller, of California.
Steven H. Miller, of Maryland.
Thomas E. Moore, of Texas.
Robert M. Murphy, of Washington.
Donald E. Muth, of Virginia.
Rosaleen A. O'Toole, of Virginia.
James M. Perez, of Florida.
Peter G. Piness, of Virginia.
Mira Piplani, of Virginia.
Sara Ellen Potter, of Virginia.
Emilia A. Puma, of Pennsylvania.
James E. Reese, of Virginia.
Richard T. Reiter, of California.
John D. Rubio, of Puerto Rico.
Susan Laura Ruffo, of Washington.
Julie Ann Ruterbories, of the District of Columbia.
Heidi Anne Scharadin, of Indiana.
Albert C. Schultz, of Indiana.
Millicent H. Schwenk, of Virginia.
Larry G. Seals, of Virginia.
Kent C. Shigetomi, of Washington.
Lillian A. Steele, of California.
Gregory D. Stolp, of Virginia.
Margaret L. Tams, of Colorado.
Lisa L. Tepper, of California.
Kenneth A. Thomas, of Oregon.
Katherine Van de Vate, of New Jersey.
Robert C. Ward, of Virginia.
Melissa A. Welch, of Virginia.
Jennifer K. Weston, of Virginia.
Wendy Fleming Wheeler, of Washington.
Lynn Marie Whitlock, of Pennsylvania.
Jock Whittlesey, of Florida.
Karen L. Williams, of Missouri.

The following-named person of the Department of State, previously appointed as Foreign Service Officer of Class Four, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America May 15, 1989, now to be effective April 28, 1988.

Daniel Richard Russel, of California.

STATEMENT ON THE NOMINATION OF SIGMUND A. ROGICH TO BE AMBASSADOR TO THE REPUBLIC OF ICELAND

Mr. REID. Mr. President, today we are considering the nomination of Sigmund A. Rogich to be Ambassador to the Republic of Iceland. Sig has been a friend of mine for many years. Though born in Iceland, we in Nevada consider him a native Nevadan.

He is currently Assistant to the President for Public Events and Initiatives. Previously, he served the State of Nevada as State Athletic Commissioner and as a member of the University of Nevada Board of Regents and owned his own advertising and marketing agency. Nevada is proud of his accomplishments.

I think I speak for all Nevadans when I say that we will be proud to see Sig become Ambassador to Iceland. We are confident he will well represent the interests of the United States.

On behalf of all Nevadans, I want to congratulate Sig on his latest accomplishment.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

FOOD FOR PEACE FOR NEPAL

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4774, Food for Peace for Nepal, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4774) was deemed read three times and passed.

THE 50TH ANNIVERSARY OF WORLD WAR II WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 371, designating a "Week for the National Observance of the 50th Anniversary of World War II," just received from the House, that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table, and the preamble agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I and my distinguished cosponsors of Senate Joint Resolution 269, fully support the passing of the House companion measure House Joint Resolution 371, now before the Senate. This resolution will commemorate the week of May 31 through June 6, 1992, as the National Observance of the 50th Anniversary of World War II. I ask that the cosponsors to the Senate resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. The incredible change that the world has recently witnessed makes this week of honor an especially appropriate event. Through their bravery, sacrifice, and productivity, the men and women of this pivotal time in our Nation's history laid the foundations for the rise of democracy unfolding in Europe today.

Mr. President, on December 7, 1941, our Nation was forced—untried and unprepared—into a war that had been raging for over 2 years. But with the entry of the United States into the war, the fate of those who had ignited the most destructive war in history was sealed.

With America's entry into the war, the American people were galvanized into action that would change the world. American victories on the battlefield were supported by the efforts of the American farmer and worker. The United States became the most productive Nation in industrial history, and American farmers produced enough food to feed the world.

But American industrial might produced more than weapons. American science and technology gave the world new products and techniques that would forever change the fields of electronics, health care, and manufacturing.

World War II was a time of great transition for the United States. Internationally—we became a superpower. Domestically—the war brought vast population shifts from the rural communities to create giant urban centers, and women took on new challenges in the workplace which would forever redefine their roles in society.

The week of May 31 to June 6 is especially significant to our Nation. During this first week of June in 1942 our naval forces dealt a devastating blow to the Japanese Navy at Midway. During this week in 1944, Americans liberated Rome from the fascists and stormed the beaches of Normandy to liberate Europe from the Nazis.

Mr. President, it is appropriate that we honor the men and women of our Nation who gave their all so that others could live in freedom. I, therefore, ask that the Senate pass House Resolution 371 to authorize the President of the United States to issue a proclamation establishing the week of May 31 to June 6, 1992, as the week of the National Observance of the 50th Anniversary of World War II.

EXHIBIT 1

COSPONSORS OF S.J. RES. 269

Mr. Adams, Bond, Boren, Bradley, Bryan, Bumpers, Burdick, Burns, Chafee, Coats, Cochran, Conrad, D'Amato, Danforth, DeConcini, Dixon, Dodd, Domenici, Garn, Gore, Grassley, Hatch, Hatfield, Heflin, Hollings, Inouye, Mrs. Kassebaum, Levin, Lieberman, Lugar, Mack, McCain, Murkowski, Packwood, Pell, Pressler, Reid, Roth, Sanford, Sasser, Seymour, Shelby, Simon, Simpson, Specter, Stevens, Symms, Thurmond, Wallop, Warner, Wofford.

The joint resolution (H.J. Res. 371) was deemed read the third time and passed.

The preamble was agreed to.

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 268, designating "Neurofibromatosis Awareness Month"; and that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table; and the preamble agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 268) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 268

Whereas neurofibromatosis is a genetic disorder that causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis leads to disfigurement, blindness, deafness, loss of limbs, scoliosis and brain and spinal tumors;

Whereas neurofibromatosis is a potentially debilitating disorder that strikes males and females of all races and ethnic groups;

Whereas an animal model for NF1 has recently been found;

Whereas a candidate gene for NF2 has also been discovered;

Whereas because the incidence of learning disabilities in the population of individuals suffering from neurofibromatosis is five times greater than in the general population, progress in neurofibromatosis research is important to achieving a better understanding of the causes of learning disabilities, which affect more than thirty million Americans; and

Whereas the National Neurofibromatosis Foundation, Incorporated, a voluntary health organization with chapters across the United States, was established to serve individuals with neurofibromatosis and their families, to promote and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1992 is designated as "Neurofibromatosis Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

FARM CREDIT SYSTEM FINANCIAL SAFETY AND SOUNDNESS ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 224, S. 1709, the Farm Credit System Financial Safety and Soundness Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1709) to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1800

(Purpose: To strike title III and to improve the Farm Credit System)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. LEAHY, proposes an amendment numbered 1800.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike the items relating to titles III, IV, and V and insert the following:

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Unallocated surplus accounts for preferred stock.

Sec. 303. System-wide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest.
Sec. 305. Clarification of obligation.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Conforming amendments.

TITLE IV—MISCELLANEOUS

Sec. 401. Valuation reserves for production credit associations.
Sec. 402. Risk management participation authority.
Sec. 403. Technical amendment.
Sec. 404. Installation, expansion, or improvement of water and waste disposal facilities.
Sec. 405. Eligibility to borrow from a bank for cooperatives.
Sec. 406. Non-voting representative on board of Funding Corporation.
Sec. 407. Sectional representation on System boards of directors.
Sec. 408. Compensation of bank directors.
Sec. 409. Powers of Farm Credit Administration.

On page 11, line 14, strike "Subsection (a) of section" and insert "Section".

Beginning on page 22, strike line 1 and all that follows through page 43, line 23.

On page 44, line 1, strike "IV" and insert "III".

On page 44, line 4, strike "401" and insert "301".

On page 47, line 6, strike "1991" and insert "1992".

On page 49, line 6, strike "402" and insert "302".

On page 52, line 9, strike "403" and insert "303".

On page 52, line 11, strike "402(a)(1)" and insert "302(a)(1)".

On page 57, line 4, strike "404" and insert "304".

On page 62, line 16, strike "405" and insert "305".

On page 64, line 17, strike "406" and insert "306".

On page 67, line 22, strike "407" and insert "307".

On page 68, line 12, strike "408" and insert "308".

On page 68, line 17, strike "V" and insert "IV".

On page 68, line 18, strike "501" and insert "401".

On page 69, line 10, strike "502" and insert "402".

On page 71, line 14, strike "503" and insert "403".

On page 71, between lines 18 and 19, insert the following new sections:

SEC. 404. INSTALLATION, EXPANSION, OR IMPROVEMENT OF WATER AND WASTE DISPOSAL FACILITIES.

The first sentence of section 3.7(f) (12 U.S.C. 2128(f)) is amended to read as follows: "The banks for cooperatives may make and participate in loans and commitments and extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating water or waste disposal facilities in rural areas; and

"(2) public and quasi-public agencies and bodies, and other public and private entities that, under authority of State or local law, establish or operate water or waste disposal facilities in rural areas.".

SEC. 405. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8 (12 U.S.C. 2129) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service cooperative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.".

SEC. 406. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.".

On page 71, line 19, strike "504" and insert "407".

On page 72, after line 25, add the following new sections:

SEC. 408. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"SEC. 4.21. COMPENSATION OF BANK DIRECTORS.

"The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not adversely affect the safety and soundness of the bank.".

SEC. 409. POWERS OF FARM CREDIT ADMINISTRATION.

Subsection (b) of section 5.17 (12 U.S.C. 2252(b)) is amended to read as follows:

"(b) The Farm Credit Administration shall not have authority, either directly or indirectly—

"(1) to approve bylaws, or any amendments, modifications, or changes to bylaws, of System institutions; or

"(2) to approve the salary scale, compensation, or benefit or retirement plans for employees of System institutions.".

Mr. LEAHY. Mr. President, I rise today to support S. 1709, the Farm Credit System Financial Safety and Soundness Act of 1991 and the manager's amendment. This bill culminates over a 2-year effort by the Committee on Agriculture, Nutrition and Forestry, the Department of the Treasury, the General Accounting Office, and the Congressional Budget Office. The bill responds to the concerns raised in FIRREA and OBRA of 1990 about the potential risk to the Federal Government posed by Government-sponsored enterprises [GSE's]. GSE's are federally chartered financial institutions established to achieve a public purpose. The Committee on Agriculture, Nutrition and Forestry has jurisdiction over three GSE's which provide reliable credit to our Nation's farmers and ranchers. They are the Farm Credit Banks, the Banks for Cooperatives, and the Federal Agricultural Mortgage Corporation.

The increased scrutiny of GSE's stems from the realization of the extent and amount of the liability incurred from the savings and loan bailout. Over the next 30 years the looting of the savings and loan system will cost taxpayers up to $500 billion.

While Treasury, GAO, and CBO report that none of the GSE's pose any immediate risk to the Government, it would prove costly and difficult to wait to take action until a financial disaster has already taken place. The sheer size of all these GSE's—representing almost $1 trillion in exposure—compels Congress to act before problems arise. We cannot afford another financial bailout. The only reasonable protection, other than abolishing the GSE's altogether and disregarding the public purposes they serve, is the implementation of policies which prevent financial problems. Congress must also provide safeguards in the event that a financial crisis does occur so that taxpayer dollars will not be needed.

I welcomed the opportunity to review and address concerns about GSE's. This was not a novel idea for this committee. One of the first initiatives that I pushed as the chairman of the committee in 1987 was the passage of the Agricultural Credit Act of 1987. This legislation put in place many reforms designed to put the Farm Credit System back on sound footing, create a secondary market entity to help lower credit costs to farmers, and establish the Farm Credit Administration [FCA] as an arms-length regulator. I think this committee should feel particularly proud of our efforts in 1987 to respond to the Farm Credit System emergency.

The reforms of 1987 laid the groundwork for our efforts today. In a report to the Administrative Conference of the United States, the farm credit reforms of 1987 are given as the one example where Congress showed it had learned the awful lessons of the S&L regulatory failures. The report pointed to strengthened FCA's regulatory authorities—to issue cease and desist orders, to remove FCS officers, to impose civil money penalties, and to appoint conservators. The 1987 act also required that the system fund its own insurance system as an added safeguard and it required the system regulator to set capital reserve standards to protect individual institutions.

A Washington Post article summed it up best. The 1987 Agricultural Credit Act's "sweeping changes" were designed to prevent future problems and "mend" the System without burdening taxpayers.

The legislation before us today expands on some of the reforms in the 1987 act and adds additional protections concerning the safety and soundness of the Farm Credit System. It also establishes a workable means for the

System to pay back the assistance it received under the 1987 act and the interest that the Treasury Department paid. The S&L bailout will cost taxpayers up to $500 billion—that money is gone. The FCS assistance package—$1.3 billion—will be paid back, with interest, by the Farm Credit System.

The members of this committee, especially Senator **RICHARD LUGAR**, who played a major role in the 1987 reform effort, deserve credit for a job well done. Senator **KENT CONRAD**, now chairman of the Subcommittee on Credit, worked diligently on this legislation and on the reforms in 1987. I also appreciate the efforts of Senator **GRASSLEY**, the ranking member on the Credit Subcommittee.

It is the responsibility of this committee to ensure that the mission of the FCS is carried out while protecting the taxpayers' interest and recognizing the special risks inherent in agricultural lending. In 1987 we gave the FCA and the Farm Credit System the tools to better manage that risk. This bill improves those tools. I urge my colleagues to support this bill.

Mr. FORD. Mr. President, I ask unanimous consent that a letter from Senator **FOWLER** and others to Chairman **LEAHY** regarding S. 1709 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 30, 1992.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on Agriculture, Nutrition, and Forestry, Washington, DC.

DEAR MR. CHAIRMAN: We are concerned with a provision in the Committee's GSE legislation relating to the Federal Farm Credit Banks Funding Corporation. The provision (Section 101) would significantly enhance the authority of the Funding Corporation by enabling it to promulgate risk management and performance standards for the Farm Credit System banks and associations, and impose penalties to encourage compliance. The provision effectively confers considerable regulatory authority upon the Funding Corporation, a non-government institution. This expansion of Funding Corporation authority would occur if System institutions fail to enter into an interbank agreement to establish, monitor and enforce such standards by a statutory deadline.

It is our understanding that System banks have signed an interbank agreement. Thus, there is at this time questionable necessity in mandating a statutory deadline, and the attendant expansion of the funding corporation authority in the event banks fail to meet it. Due to the possible far-reaching implications of Section 101 and the precedence it sets, we have considerable concerns and believe the language should be removed.

There is no doubt that establishment of acceptable risk management standards and their effective enforcement can enhance the safety and soundness of the Farm Credit System. However, System banks appear to have established a mechanism for policing risk management, and recognize that doing so is in their collective best interests.

We urge you to move Section 101 and its unnecessary legislative mandated deadline.

Sincerely,

Wyche Fowler, Jr., Mitch McConnell, Jesse Helms, Conrad Burns, Phil Gramm, John Breaux, Howell Heflin, Richard Shelby, Fritz Hollings, J. Bennett Johnston, Sam Nunn, Lloyd Bentsen.

Mr. LUGAR. Mr. President, today the Senate considers S. 1709, the Farm Credit System Financial Safety and Soundness Act of 1991. This bill is the result of actions set in motion by the 1990 Omnibus Budget Reconciliation Act, or OBRA.

OBRA required the U.S. Department of Treasury and the Congressional Budget Office to review the various Government-sponsored enterprises [GSE's] and make recommendations designed to further protect the taxpayer resources underpinning those enterprises. Mr. President, the Farm Credit System and the reforms undertaken by this body in 1987, received a solid endorsement in those reports. The Treasury Department in its report stated that the Farm Credit Administration, "has all of the necessary regulatory authorities and the stature to be an effective financial safety and soundness regulator of the Farm Credit System."

Today's action is important for a couple of reasons. In the first place, the bill reiterates the commitment the Senate has to ensuring the financial safety and soundness of the Farm Credit System. S. 1709 is a fine tuning of provisions that were carefully crafted in 1987 when the landmark Agricultural Credit Act was fashioned.

Second, contained in the legislation are provisions that demonstrate, without question, the willingness of the Farm Credit System to repay, in a timely and orderly fashion, the Federal assistance authorized in the 1987 act. I commend the farmer members and the management of the Farm Credit System for that far-reaching view and remind Senators that it is rather unique that entities that receive Federal assistance willingly meet their obligations.

As the Members of this body undoubtedly know, the Farm Credit System has made a dramatic turnaround in profitability since the 1987 act. Income is up and the level of nonaccruing loans is dropping in virtually every farm credit district. The System is slowly building up the level of its insurance fund. As a member of the Agriculture Committee, I am extremely proud of the positive results of the 1987 bill. Today's action simply is a continuation of our concern and stewardship toward the Farm Credit System.

Given the positive environment currently in agricultural lending, it is appropriate and timely to propose legislation that encourages a continuation into the future of the improved lending and management practices adopted by the System following the 1987 bill. I believe that this legislation accomplishes that objective.

I thank the chairman of the Agriculture Committee and the other members of the Agriculture Committee for their efforts on this bill.

Mr. President, I urge all Senators to support this measure.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is deemed agreed to and the bill is deemed as having been read the third time and is passed.

The amendment (No. 1800) was agreed to.

The bill (S. 1709), as amended, was deemed read the third time and passed, as follows:

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Farm Credit System Financial Safety and Soundness Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Farm Credit Act of 1971.

TITLE I—IMPROVEMENTS TO FARM CREDIT SYSTEM SAFETY AND SOUNDNESS

Sec. 101. Cooperative risk management and performance standards.
Sec. 102. Access to association capital.
Sec. 103. Qualifications of FCA board members.
Sec. 104. Chief executive officer of FCA board.
Sec. 105. Farm Credit System Insurance Corporation.

TITLE II—FARM CREDIT SYSTEM INSURANCE CORPORATION

Sec. 201. GAO reports on risk-based insurance premiums, access to association capital, supplemental premiums, and consolidation.
Sec. 202. Statutory successor to Assistance Board agreements.

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Unallocated surplus accounts for preferred stock.
Sec. 303. System-wide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest.
Sec. 305. Clarification of obligation.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Conforming amendments.

TITLE IV—MISCELLANEOUS

Sec. 401. Valuation reserves for production credit associations.
Sec. 402. Risk management participation authority.
Sec. 403. Technical amendment.
Sec. 404. Installation, expansion, or improvement of water and waste disposal facilities.
Sec. 405. Eligibility to borrow from a bank for cooperatives.
Sec. 406. Non-voting representative on board of Funding Corporation.

Sec. 407. Sectional representation on System boards of directors.
Sec. 408. Compensation of bank directors.
Sec. 409. Powers of Farm Credit Administration.

SEC. 2. REFERENCES TO THE FARM CREDIT ACT OF 1971.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), except to the extent otherwise specifically provided.

TITLE I—IMPROVEMENTS TO FARM CREDIT SYSTEM SAFETY AND SOUNDNESS

SEC. 101. COOPERATIVE RISK MANAGEMENT AND PERFORMANCE STANDARDS.

(a) IN GENERAL.—Title IV (12 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 4.40. LENDING AND RISK MANAGEMENT STANDARDS.

"(a) COOPERATIVE INTERBANK AGREEMENT.—Each of the banks of the System shall enter into a cooperative interbank agreement (hereafter in this section referred to as the 'Interbank Agreement'), with all the other banks of the System, that establishes for the banks, consistent with the policy and objectives of the System as contained in section 1.1—

"(1) risk management and performance standards;

"(2) an effective means of monitoring compliance with the standards;

"(3) an effective means of establishing and imposing incentives to ensure compliance with the standards; and

"(4) a means to adopt subsequent amendments to the Interbank Agreement.

"(b) NO REDUCTION OF OTHER AUTHORITY.—The Interbank Agreement or any incentive imposed under such Agreement shall not—

"(1) diminish any rulemaking, examination, enforcement, or any other statutory authority of the Farm Credit Administration; or

"(2) diminish the authority of the Funding Corporation as set forth in section 4.9(b).

"(c) FARM CREDIT ADMINISTRATION REVIEW.—After all of the banks of the System have entered into the Interbank Agreement, the Farm Credit Administration shall—

"(1) monitor the implementation of the Interbank Agreement, and amendments to the Agreement; and

"(2) report to Congress, whenever it determines that a standard or incentive may pose a safety and soundness concern.

"(d) AUTHORITY OF FUNDING CORPORATION IF BANKS FAIL TO REACH AGREEMENT.—

"(1) IN GENERAL.—If the banks of the System fail to enter into an Interbank Agreement in accordance with this section within 180 days after the date of enactment of this section, or thereafter terminate the Agreement, the Federal Farm Credit Banks Funding Corporation established under section 4.9 (hereafter in this section referred to as the 'Corporation') shall have the authority, in connection with its authority to determine conditions of participation pursuant to section 4.9(b)(2), to—

"(A) gather information;

"(B) establish risk management and performance standards acceptable to the Farm Credit Administration for System banks and their related associations;

"(C) monitor the risk management and performance of System banks and their related associations and compliance with the standards; and

"(D) establish and impose incentives acceptable to the Farm Credit Administration to encourage compliance by System banks and their related associations with risk management and performance standards established by the Corporation.

"(2) TYPES OF INCENTIVES.—The incentives established and imposed pursuant to this subsection may include—

"(A) differential pricing of joint, consolidated, or System-wide obligations to the individual banks of the System;

"(B) the imposition on premiums or penalties on banks that fail to meet established risk management and performance standards; or

"(C) such other incentives as may be determined appropriate by the Board of Directors of the Corporation.

"(3) USE OF INCENTIVES TO PAY TREASURY.—The Corporation shall pay all funds derived from incentives imposed under this subsection to the Farm Credit System Financial Assistance Corporation for the repayment of interest paid by the Secretary of the Treasury under section 6.26(c)(5).

"(4) USE OF INCENTIVES TO FUND THE INSURANCE FUND.—

"(A) IN GENERAL.—After the obligations to the Secretary of the Treasury referred to in paragraph (3) are satisfied, all remaining funds derived from incentives imposed under this subsection shall be paid into the Farm Credit Insurance Fund established under section 5.60.

"(B) NOT SECURE BASE AMOUNT.—Funds paid into the Insurance Fund under subparagraph (A) (including any earnings on the funds) shall not be counted toward the secure base amount (as defined in section 5.55(c)).

"(5) APPROVALS REQUIRED FOR IMPOSITION OF ECONOMIC INCENTIVES.—

"(A) IN GENERAL.—No incentive shall be imposed on any System bank or association under this subsection without the approval of—

"(i) the Board of Directors of the Corporation;

"(ii) the Farm Credit Administration; and

"(iii) the Farm Credit System Assistance Board or the Farm Credit System Insurance Corporation, if the bank has received assistance from such Board or Corporation, as the case may be.

"(B) CONFLICTS OF INTEREST.—A member of the Board of Directors of the Corporation, who is also a chief executive officer, president, director, or former director, of the bank that would be subject to the imposition of the proposed incentive, shall recuse himself or herself from voting regarding the imposition of an incentive by the Board of Directors of the Corporation.

"(C) FINANCIAL CONDITION OF BANKS.—The Farm Credit Administration and the Farm Credit System Insurance Corporation may disapprove the imposition of an incentive on a System bank or association if either determines that the imposition of the incentive would significantly weaken the financial condition of any such System bank or association.".

(b) COMPOSITION OF BOARD OF DIRECTORS OF FUNDING CORPORATION.—

(1) IN GENERAL.—Section 4.9(d)(1) (12 U.S.C. 2160(d)(1)) is amended—

(A) by striking "nine voting members" and all that follows through the end of subparagraph (B) and inserting "one voting representative from each bank of the System, two voting members appointed by the bank representatives, and one nonvoting member as follows:

"(A) At least two-thirds of the voting representatives from banks of the System shall be current or former directors of the System banks elected by the shareholders of the Corporation. The remaining voting representatives from banks of the System shall be chief executive officers or presidents of System banks elected by shareholders of the Corporation.";

(B) in subparagraph (C), by striking "and (B)"; and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(2) CONTINGENT EFFECTIVE DATE.—The amendment made by paragraph (1) shall become effective only if, and when, the Federal Farm Credit Banks Funding Corporation is granted additional authority under 4.40(d) of the Farm Credit Act of 1971 (as added by subsection (a) of this section).

SEC. 102. ACCESS TO ASSOCIATION CAPITAL.

(a) CONTRIBUTIONS TO CAPITAL.—Section 5.61(a)(2) (12 U.S.C. 2277a-10(a)(2)) is amended by adding at the end the following new subparagraph:

"(C) CONTRIBUTIONS TO CAPITAL.—

"(i) IN GENERAL.—If the amount in the Insurance Fund falls below 80 percent of the secure base amount (or falls below 80 percent of the prior year end balance until the secure base amount is reached), and a bank to which assistance has been provided by the Corporation under paragraph (1) or subparagraph (A) subsequently fails to meet its minimum level of capital established by the Farm Credit Administration under section 4.3, the Corporation may, in its sole discretion, require related associations of each such bank to subscribe to an amount of additional stock in the bank that is sufficient to enable the bank to meet the minimum level of capital established under section 4.3.

"(ii) LIMITATION.—An additional amount of stock shall not be required under clause (i) to the extent that subscribing to the additional stock would cause the capital of an association to fall below 120 percent of its minimum level established under section 4.3.".

(b) DEFINITION OF PERMANENT CAPITAL.—Paragraph (1) of section 4.3A(a) (12 U.S.C. 2154a(a)(1)) is amended to read as follows:

"(1) PERMANENT CAPITAL.—The term 'permanent capital' means—

"(A) current year retained earnings;

"(B) allocated and unallocated earnings (which, in the case of earnings allocated in any form by a System bank to any association or other recipient and retained by the bank, shall be considered, in whole or in part, permanent capital of the bank or of any such association or other recipient as provided under an agreement between the bank and each such association or other recipient);

"(C) all surplus (less allowances for losses);

"(D) stock issued by a System institution, except—

"(i) stock that may be retired by the holder of the stock on repayment of the holder's loan, or otherwise at the option or request of the holder; or

"(ii) stock that is protected under section 4.9A or is otherwise not at risk; and

"(E) any other debt or equity instruments or other accounts that the Farm Credit Administration determines appropriate to be considered permanent capital.".

SEC. 103. QUALIFICATIONS OF FCA BOARD MEMBERS.

Section 5.8 (12 U.S.C. 2242) is amended by adding at the end the following new subsection:

"(e) The members of the Board shall—

"(1) be experienced or knowledgeable in agricultural economics and financial reporting and disclosure;

"(2) experienced or knowledgeable in the regulation of financial entities; or

"(3) have a strong financial, legal, or regulatory background.".

SEC. 104. CHIEF EXECUTIVE OFFICER OF FCA BOARD.

(a) DUTIES OF CHAIRMAN AND CEO.—

(1) POWERS OF FCA BOARD.—Section 5.9 (12 U.S.C. 2243) is amended—

(A) by striking "The Board" and inserting "(a) The Board"; and

(B) by adding at the end the following new subsection:

"(b) The Board is authorized to delegate any of its powers, except rulemaking, to a panel of the Board, an individual Board member, or to the Chief Executive Officer. Any authority delegated to the Chief Executive Officer may, with approval of the Board, be redelegated to officers or employees of the Farm Credit Administration.".

(2) RESPONSIBILITIES.—Section 5.10 (12 U.S.C. 2244) is amended—

(A) in the section heading, by inserting "CHIEF EXECUTIVE OFFICER AND" before "CHAIRMAN";

(B) in subsection (a), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) A Chief Executive Officer shall be selected by the Board and shall serve at the pleasure of the Board. The Chief Executive Officer shall possess a strong financial, legal, or regulatory background and have previous management experience or strong management abilities.

"(2) The Chief Executive Officer shall be responsible for directing the implementation of policies and regulations adopted by the Board and the execution of the administrative functions and duties of the Farm Credit Administration.";

(C) in subsections (b) and (c), by striking "Chairman of the Board" each place it appears and inserting "Chief Executive Officer"; and

(D) in subsection (c), by striking "Chairman" each place it appears and inserting "Chief Executive Officer".

(3) ORGANIZATION OF FCA.—Section 5.11 (12 U.S.C. 2245) is amended—

(A) in subsection (a)—

(i) by striking "Chairman of the Farm Credit Administration Board" and inserting "Chief Executive Officer"; and

(ii) by striking "Chairman" and inserting "Chief Executive Officer";

(B) in subsection (b)—

(i) by striking "Chairman of the Board" and inserting "Chief Executive Officer, with approval of the Board,";

(ii) by striking "Chairman" and inserting "Chief Executive Officer"; and

(iii) by striking "under the Board" and inserting "of the Farm Credit Administration";

(C) in subsection (c)(2)(A)—

(i) in the first sentence, by striking "The" and inserting "Except as otherwise provided in section 8.11(a)(2), the";

(ii) by striking "Chairman" each place it appears (other than the last place it appears) and inserting "Chief Executive Officer, with approval of the Board,"; and

(iii) by striking "Chairman" the last place it appears and inserting "Chief Executive Officer"; and

(D) in subsection (c)(3)—

(i) by striking "Chairman as chief executive officer" and inserting "Chief Executive Officer";

(ii) by striking "Chairman" the second and third places it appears and inserting "Chief Executive Officer"; and

(iii) by striking ", except" and all that follows through "Board approval".

(4) ADVISORY COMMITTEES.—Section 5.12 (12 U.S.C. 2246) is amended—

(A) by striking "Chairman of the Board" and inserting "Chief Executive Officer"; and

(B) by striking "and may" and all that follows through "of 1985".

SEC. 105. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) CHIEF EXECUTIVE OFFICER.—Section 5.53 (12 U.S.C. 2277a–2) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", a Governor of the Federal Reserve who is skilled in agricultural economics, and the Vice Chairman of the Federal Deposit Insurance Corporation"; and

(2) by adding at the end the following new subsection:

"(c) POWERS OF THE BOARD.—The Board shall establish policies for the Farm Credit System Insurance Corporation. The Board shall—

"(1) provide for the performance of all the powers and duties vested in the Corporation, and

"(2) shall select and hire a Chief Executive Officer.".

(b) CHIEF EXECUTIVE OFFICER.—The Act is amended by inserting after section 5.53 (12 U.S.C. 2277a–2) the following new section:

"SEC. 5.53A. CHIEF EXECUTIVE OFFICER.

"(a) IN GENERAL.—The Chief Executive Officer of the Corporation shall serve at the pleasure of the Board and shall be charged with carrying out the general policies adopted by the Board.

"(b) RESPONSIBILITIES.—The Chief Executive Officer shall be responsible for directing the implementation of policies and regulations adopted by the Board and the execution of the daily administrative functions and duties of the Corporation.

"(c) QUALIFICATIONS.—The Chief Executive Officer shall possess a strong financial, legal or regulatory background and have previous management experience or strong management abilities.".

(c) USE OF FCA PERSONNEL.—Section 5.59 (12 U.S.C. 2277a–8) is amended by adding at the end the following new paragraph:

"(5) USE OF FCA PERSONNEL.—To the extent practicable, the Corporation shall use the personnel and resources of the Farm Credit Administration to minimize duplication of effort and to reduce costs.".

TITLE II—FARM CREDIT SYSTEM INSURANCE CORPORATION

SEC. 201. GAO REPORTS ON RISK-BASED INSURANCE PREMIUMS, ACCESS TO ASSOCIATION CAPITAL, SUPPLEMENTAL PREMIUMS, AND CONSOLIDATION.

(a) IN GENERAL.—The Comptroller General of the United States shall investigate, review, and evaluate the feasibility and appropriateness, and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the advantages and disadvantages of providing the Farm Credit System Insurance Corporation with—

(1) the authority to directly or indirectly assess associations to ensure that all System capital is available to prevent losses to investors, including a study of—

(A) the effects of direct assessments by the Insurance Corporation on associations, including interest rate charges to borrowers;

(B) the effects of requiring that banks pass along the cost of insurance premiums to owner associations and other financing institutions having a discount relationship with the bank;

(C) the effects of requiring owner associations to purchase stock in the district bank, if needed, to prevent a bank from having to return to the Insurance Corporation for financial assistance once the assistance has been given;

(D) the effects of the purchase of stock from funds of the association (through funds obtained from other than the district bank) or allowing the bank to increase the direct line of credit to the associations in order to fund the purchase; and

(E) the effect that authorizing the Insurance Corporation to assess associations could have on the association's incentives for building capital;

(2) the authority to collect supplemental insurance premiums under certain circumstances, including a study of—

(A) the possibility of the Insurance Fund being depleted more rapidly than it could be replenished under the current premium structure;

(B) the effects of the depletion under alternate economic scenarios and the probability of the occurrence of each of those scenarios;

(C) the effects on capital accumulation and interest rates, of levying a supplemental premium; and

(D) limitations on any authority to levy supplemental premiums and the underlying basis for the limitations; and

(3) the authority to establish an insurance premium rate structure that would take into account, on an institution-by-institution basis, asset quality risk, interest rate risk, earnings, and capital.

(b) REPORT ON CONSOLIDATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on whether there are likely to be benefits to farmer and rancher borrowers of the Farm Credit System institutions of merging the 11 district Farm Credit Banks (and the Intermediate Credit Bank of Jackson) into fewer regional Farm Credit Banks.

(2) FACTORS.—In preparing the report, the Comptroller General shall consider—

(A) the potential reduction in services to farmers and ranchers;

(B) the potential benefits of jointly providing services to farmers and ranchers among these proposed regional districts;

(C) any economy of scale effects on a district-by-district basis;

(D) the potential impact on the cooperative nature of the Farm Credit System;

(E) the potential impact on bank and association relationships; and

(F) the potential impact on Systemwide bond issuances.

(c) POTENTIAL SAVINGS.—The Comptroller General of the United States shall evaluate and report to the appropriate committees of Congress on the potential savings to the Farm Credit System and its shareholders that might occur if System institutions and the Farm Credit Administration were required to comply with General Services Administration standards for office space, furniture, and equipment.

(d) DEADLINE.—The reports required under this section shall be provided to Congress not later than 12 months after the date of enactment of this Act.

SEC. 202. STATUTORY SUCCESSOR TO ASSISTANCE BOARD AGREEMENTS.

(a) IN GENERAL.—Section 5.58(2) (12 U.S.C. 2277a–7(2)) is amended by adding at the end the following new sentence: "The Corporation shall succeed to the rights of the Farm Credit System Assistance Board under agreements between the Farm Credit System Assistance Board and System institutions certifying the institutions as eligible to issue preferred stock pursuant to title VI on the termination of the Assistance Board on the date provided in section 6.12.".

(b) Conforming Amendments.—Section 5.35(4) (12 U.S.C. 2271(4)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) after December 31, 1992, mean any significant noncompliance by a System institution (as determined by the Farm Credit Administration, in consultation with the Farm Credit System Insurance Corporation) with any term or condition imposed on the institution by the Farm Credit System Assistance Board under section 6.6 or by the Farm Credit System Insurance Corporation under section 5.61.".

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

SEC. 301. CAPITAL PRESERVATION.

Section 6.9(e)(3) (12 U.S.C. 2278a-9(e)(3)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) Payment of Principal.—

"(i) In general.—After the end of the 15-year period beginning on the date of the issuance of any obligation under this subsection, the banks operating under this Act shall pay to the Financial Assistance Corporation, on demand, an amount equal to the outstanding principal of the obligation. Each bank shall pay a proportion of the principal equal to—

"(I) the average accruing loan volume of the bank for the preceding 15 years; divided by

"(II) the average accruing loan volume of all banks of the System for the same period.

"(ii) Liability for banks terminating System status.—A bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation, the present value of such estimated future payment as would have been due had the bank remained in the System. A liability to the Financial Assistance Corporation for the amount shall be recognized as a claim in favor of the Financial Assistance Corporation against the bank.

"(iii) Liability for banks undergoing liquidation.—If a bank is undergoing liquidation under section 4.12, a liability to the Financial Assistance Corporation, calculated under clause (ii) as if the bank had terminated System status on the date it was placed in liquidation, shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(iv) No anticipatory reductions in other obligations.—The obligations of other banks shall not be reduced, in any year from the amount determined under subparagraph (D), in anticipation of any such recoveries from banks terminating System status or that are in liquidation, except that the Financial Assistance Corporation shall—

"(I) apply the recoveries and all earnings on the recoveries, to reduce the other banks' subsequent payment obligations proportionately; or

"(II) to the extent the recoveries exceed the amount necessary to reduce the other banks' subsequent payment obligations to zero (or if the other banks have no subsequent payment obligations), refund the recoveries when received, to the other banks in proportion to the other banks' payments received by the Financial Assistance Corporation under this subparagraph and subparagraph (D) prior to the recovery.

"(D) Annual Payments.—

"(i) In general.—In order to provide for the orderly funding and discharge over time of the obligation of each System bank to the Financial Assistance Corporation under subparagraph (C), each System bank shall enter into or continue in effect an agreement with the Financial Assistance Corporation under which—

"(I) the bank will make annual payments to the Financial Assistance Corporation, beginning no later than December 31, 1992 (except as provided in clause (ii)) in amounts designed to accumulate, in total, including earnings thereon, the obligation; and

"(II) the Financial Assistance Corporation will partially discharge the bank from its obligation under subparagraph (C) to the extent of each such payment and the earnings on the payment.

"(ii) Deadline for certain banks.—In the case of a bank that did not meet its interim capital requirement on December 31, 1990, the bank shall begin making payments under clause (i) no later than December 31, 1993.

"(iii) Permanent capital requirements.—The agreement shall not require payments to be made to the extent that making a particular payment or part of a payment would cause a bank to fail to satisfy applicable regulatory permanent capital requirements, but shall provide for recalculation of subsequent payments accordingly to ensure that the total of the bank's payments, plus earnings, are sufficient to discharge its obligations.

"(iv) Investment of funds.—The funds received by the Financial Assistance Corporation pursuant to agreements under this subparagraph shall be invested in eligible investments (as defined in section 6.25(a)(1)). The funds and the earnings on the funds shall be available only for the payment of the principal of the bonds issued by the Financial Assistance Corporation under this subsection.

"(E) Financial Reporting.—Until each obligation issued in accordance with this subsection reaches maturity, for all financial reporting purposes—

"(i) the obligation shall be considered to be the sole obligation of the Financial Assistance Corporation and shall not be considered a liability of any System bank; and

"(ii) an obligation to make future annuity payments to the Financial Assistance Corporation under subparagraph (D) shall not be considered a liability of any System bank.".

SEC. 302. UNALLOCATED SURPLUS ACCOUNTS FOR PREFERRED STOCK.

(a) In General.—Section 6.26(d)(1) (12 U.S.C. 2278b-6(d)(1)) is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) Unallocated surplus accounts for preferred stock.—

"(i) In general.—Effective beginning with calendar year 1992, as soon as practicable following the end of each prior year, except as provided in clause (ii), each such institution (other than an institution in receivership) shall appropriate from its earnings in the prior year to an unallocated surplus account for preferred stock an amount equal to—

"(I) the greater of—

"(aa) such amount as the institution may be required to appropriate under any assistance agreement it has with the Farm Credit System Assistance Board or the Farm Credit System Insurance Corporation; or

"(bb) the amount that, if appropriated to the account in equal amounts in each year thereafter until the maturity of the obligation referred to in subparagraph (A), would cause the amount in the account to equal the par value of the preferred stock issued by the institution with respect to the obligation; plus

"(II) any amount that had been appropriated to the account in a previous year but had thereafter been offset by losses.

"(ii) Limitation.—An annual appropriation less than or equal to the institution's net income (as determined pursuant to generally accepted accounting principles) shall be made pursuant to this subparagraph, except that any amount of such appropriation calculated under clause (i) that exceeds the institution's net income shall not be appropriated, nor shall an appropriation be made that would cause the institution's preferred stock to be impaired.

"(iii) Nonavailability for dividends.—The amount in such appropriated unallocated surplus account shall be unavailable to pay dividends or other allocations or distributions to shareholders or holders of participation certificates.

"(iv) Operating losses.—The account shall be senior to all other unallocated surplus accounts but junior to all preferred and common stock for purposes of the application of operating losses.

"(v) Permanent capital requirements.—The appropriations of surplus by an institution shall not affect the treatment of its preferred stock (and of the appropriated unallocated surplus) as equity for purposes of regulatory permanent capital requirements.".

(b) Conforming Amendments.—Section 6.26(d)(1) (as amended by subsection (a)(1) of this section) is further amended—

(1) in subparagraph (B), by striking "subparagraph (C)" and inserting "subparagraph (D)"; and

(2) in subparagraph (E), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)".

SEC. 303. SYSTEM-WIDE REPAYMENT OBLIGATION.

Subparagraph (D) of section 6.26(d)(1) (12 U.S.C. 2278b-6(d)(1)) (as redesignated by section 302(a)(1) of this Act) is further amended to read as follows:

"(D) System-wide repayment.—

"(i) In general.—In order to enable the Financial Assistance Corporation to repay the obligations issued to provide assistance under section 410(c) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note) and section 4.9A(c) of this Act, or issued to provide funds to cover the expenses of the Assistance Board or the Financial Assistance Corporation under sections 6.7(a) and 6.24, respectively, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the obligation equal to—

"(I) the average accruing retail loan volume of the bank and its affiliated associations for the preceding 15 years; divided by

"(II) the average accruing retail loan volume of all such banks and their affiliated associations for the same period.

"(ii) Increase in present value of estimated obligations.—The annual increase in the present value of the estimated obligation of each bank to the Financial Assistance Corporation under this subparagraph shall be recorded each year as an expense item, in accordance with generally accepted accounting principles, on the books of the bank. A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of the payment requirement to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding 15 years, but the bank shall remain primarily liable for the amount.

"(iii) LIABILITY.—

"(I) BANKS TERMINATING SYSTEM STATUS.—A bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the present value of such estimated future payment as would have been due had the bank remained in the System. A liability to the Financial Assistance Corporation for the amount shall be recognized as a claim in favor of the Financial Assistance Corporation against the bank.

"(II) BANKS UNDERGOING LIQUIDATION.—If a bank is undergoing liquidation under section 4.12, a liability to the Financial Assistance Corporation, calculated under subclause (I) as if the bank had terminated System status on the date it was placed in liquidation, shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(III) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks terminating System status or that are in liquidation, except that the Financial Assistance Corporation shall—

"(aa) apply the recoveries and all earnings on the recoveries, to reduce the other banks' subsequent payment obligations proportionately; or

"(bb) to the extent the recoveries exceed the amount necessary to reduce the other banks' subsequent payment obligations to zero (or if the other banks have no subsequent payment obligation), refund the recoveries when received, to the other banks in proportion to the other banks' payments received by the Financial Corporation under this subparagraph prior to the recovery.

"(iv) FUTURE PAYMENTS.—

"(I) ASSOCIATIONS TERMINATING SYSTEM STATUS.—An association terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the present value of the estimated future payment. A liability to the bank in the amount shall be recognized as a claim in favor of the bank against the association.

"(II) ASSOCIATIONS UNDERGOING LIQUIDATION.—If an association is undergoing liquidation under section 4.12, a liability to the association's supervising bank, calculated under subclause (I) as if the association had left the System on the date it was placed in liquidation, shall be recognized as a claim in favor of the association's supervising bank against the estate of the association.".

SEC. 304. REPAYMENT OF TREASURY-PAID INTEREST.

Paragraph (5) of section 6.26(c) (12 U.S.C. 2278b-6(c)(5)) is amended to read as follows:

"(5) REPAYMENT OF TREASURY-PAID INTEREST.—

"(A) IN GENERAL.—On the maturity date of the last-maturing debt obligation issued under subsection (a), the Financial Assistance Corporation shall repay to the Secretary of the Treasury the total amount of all annual interest charges on the debt obligations that Farm Credit System institutions (other than the Financial Assistance Corporation) have not previously paid. The Financial Assistance Corporation shall not be required to pay any additional interest charges on the payments.

"(B) ASSESSMENT.—In order to provide for the orderly funding by the banks of the System of the repayment by the Financial Assistance Corporation to the Secretary of the Treasury, the Financial Assistance Corporation shall assess each System bank on or about July 1 of each year beginning in 1992, and each System bank shall promptly pay to the Financial Assistance Corporation, an annual amount equal to .0004 times the bank's and its affiliated associations' average accruing retail loan volume for the preceding year, subject to—

"(i) upward or downward adjustment, as appropriate, by the Financial Assistance Corporation during each of the last 5 years prior to the date the Financial Assistance Corporation is obligated to make the repayment, in order to ensure that the Financial Assistance Corporation will have the amount of funds needed to make the repayment on the due date; and

"(ii) reduction or termination in any year when the funds paid to the Financial Assistance Corporation, including any anticipated future earnings on the funds, are sufficient to make the repayment on the due date.

"(C) INVESTMENT OF FUNDS.—The Financial Assistance Corporation shall invest funds derived from the assessment in eligible investments (as defined in section 6.25(a)(1)). The funds and the earnings on the funds shall be available only for the repayment to the Secretary of the Treasury provided for in subparagraph (A).

"(D) PASS THROUGH.—A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of the assessments to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding year, but the bank shall remain primarily liable for the amounts.

"(E) LIABILITY.—

"(i) BANKS TERMINATING SYSTEM STATUS.—A bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation, the present value of such estimated future assessments as would have been due had the bank remained in the System. A liability to the Financial Assistance Corporation in the amount shall be recognized as a claim in favor of the Financial Assistance Corporation against the bank.

"(ii) BANKS UNDERGOING LIQUIDATION.—If a bank is undergoing liquidation under section 4.12, a liability to the Financial Assistance Corporation, calculated under clause (i) as if the bank had terminated System status on the date it was placed in liquidation, shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(iii) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks leaving the System or in liquidation.

"(iv) REFUND OF RECOVERIES.—The Financial Assistance Corporation shall refund the recoveries, when received, to the other banks in proportion to the other banks' payments received by the Financial Assistance Corporation under this subparagraph prior to the recovery. If the recoveries exceed the payments received from the other banks prior to that time, the Financial Assistance Corporation shall apply the excess, and all earnings on the excess, to reduce the other banks' subsequent payment obligations proportionately.

"(F) FUTURE PAYMENTS.—

"(i) ASSOCIATIONS TERMINATING SYSTEM STATUS.—An association terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the present value of such estimated future assessments as would have been due had the association remained in the System. A liability to the bank in the amount shall be recognized as a claim in favor of the bank against the association.

"(ii) ASSOCIATIONS UNDERGOING LIQUIDATION.—If an association is undergoing liquidation under this Act, a liability to the association's supervising bank, calculated under clause (i) as if the association had left the System on the date it was placed in liquidation, shall be recognized as a claim in favor of the association's supervising bank against the estate of the association.

"(G) CAPITAL REQUIREMENTS.—Until the Financial Assistance Corporation has repaid the Secretary of the Treasury pursuant to subparagraph (A), all assessments paid by banks to the Financial Assistance Corporation pursuant to subparagraph (B), and any part of the obligation to pay future assessments to the Financial Assistance Corporation under subparagraph (B) that is recognized as an expense on the books of any System bank or association, shall nonetheless be included in the capital of the bank or association for purposes of determining its compliance with regulatory capital requirements.".

SEC. 305. CLARIFICATION OF OBLIGATION.

(a) IN GENERAL.—Section 6.26 (12 U.S.C. 2278b-6) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by striking "institutions" each place it appears and inserting "banks";

(B) in paragraph (2), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) ALLOCATION.—During each year of the second 5-year period, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the interest due from System banks under this paragraph equal to—

"(i) the amount of the average accruing retail loan volume of the bank and its affiliated associations for the preceding year; divided by

"(ii) the total average accruing retail loan volume of all such banks and their affiliated associations for the preceding year.";

(C) in paragraph (2), by striking subparagraph (D); and

(D) in paragraphs (3) and (4), by striking "institutions" each place it appears and inserting "banks"; and

(2) by adding at the end the following new subsection:

"(e) ADMINISTRATION.—

"(1) DEFINITION OF RETAIL LOAN VOLUME.—As used in this section, the term 'retail loan volume' means all loans (as defined in accordance with generally accepted accounting principles) by a System bank or association, excluding loans by the bank or association to another System institution.

"(2) CALCULATION OF AVERAGE ANNUAL LOAN VOLUMES.—For purposes of this section and section 6.9, average annual loan volumes shall be calculated using month-end balances.

"(3) EXCLUSION OF BANKS UNDERGOING LIQUIDATION.—For purposes of this section and section 6.9, the term 'bank' shall not include a bank that had entered liquidation prior to the date of enactment of this subsection.".

(b) CONFORMING AMENDMENT.—Section 6.9 (12 U.S.C. 2278a–9) is amended by adding at the end the following new subsection:

"(f) ADMINISTRATION.—This section shall be subject to paragraphs (2) and (3) of section 6.26(e).".

SEC. 306. DEFAULTS.

Section 6.26(d) (12 U.S.C. 2278b–6(d)) is amended—

(1) in paragraph (3)(A), by striking the subparagraph heading and inserting the following: "CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—";

(2) in paragraph (3)(A)(i)—

(A) by striking "institution" each place it appears and inserting "bank";

(B) by inserting before ", the Financial Assistance Corporation" the following: ", on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C), or on the payment of an assessment due under subsection (c)(5)(B)"; and

(C) by striking "of the interest" both places it appears; and

(3) in paragraph (3)(A)(ii)—

(A) by striking "of interest";

(B) by striking "institution" and inserting "bank"; and

(C) by striking "such uncollected interest" and inserting "any uncollected amount";

(4) in paragraph (3)(A)(iii), by striking "added" and all that follows through the period at the end and inserting "allocated to other System banks in accordance with the allocation mechanism applicable under this Act to the particular defaulted obligation.";

(5) in paragraph (3)(B), by striking the subparagraph heading and inserting the following: "PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—";

(6) in the first sentence of paragraph (3)(B)(iii), by adding before the period at the end the following: "to the extent that the redemption would impair the other stock or equities of the institution or render the institution incapable of meeting its capital adequacy standards";

(7) in paragraph (3)(C)—

(A) by striking "institution" and inserting "bank";

(B) by striking "institutions" each place it appears and inserting "banks"; and

(C) by striking "the amount of any interest" and inserting "any amounts";

(8) in paragraph (3), by adding at the end the following new subparagraph:

"(D) RECOURSE BY FARM CREDIT SYSTEM INSURANCE CORPORATION.—A defaulting bank shall be liable to the Farm Credit System Insurance Corporation for the amount of any interest or principal paid by the Corporation under this paragraph.";

(9) in paragraph (4)(A), by inserting before ", the Secretary" the following: "or section 6.9(e)(3)(A) after exhausting all funds in the Trust Fund";

(10) in paragraph (4)(B)(i)—

(A) by striking the clause heading and inserting the following: "CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—";

(B) by striking "institution" each place it appears and inserting "bank";

(C) by inserting before ", the Secretary of the Treasury" the following: ", on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C), or on the payment of an assessment due under subsection (c)(5)(B)"; and

(D) by adding at the end the following new sentence: "The defaulting bank shall be liable to the Farm Credit System Insurance Corporation for the amount paid to the Secretary from the Insurance Fund."; and

(11) in paragraph (4)(B)(ii), by striking the clause heading and inserting the following: "PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—".

SEC. 307. AUTHORITY OF FINANCIAL ASSISTANCE CORPORATION.

(a) PURPOSE.—Section 6.21 (12 U.S.C. 2278b–1) is amended by inserting before the period at the end the following: "and to assist, pursuant to section 6.9(e) and subsections (c) through (g) of section 6.26, in the repayment by System institutions to those who provided funds in connection with the program".

(b) TERMINATION.—Section 6.31(a) (12 U.S.C. 2278b–11(a)) is amended by inserting after "terminate on" the following: "the complete discharge by the Financial Assistance Corporation of its responsibilities under section 6.9(e) and subsections (c) through (g) of section 6.26 with regard to repayments by System institutions, but in no event later than 2 years following".

SEC. 308. CONFORMING AMENDMENTS.

Section 6.28 (12 U.S.C. 2278b–8) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

TITLE IV—MISCELLANEOUS

SEC. 401. VALUATION RESERVES FOR PRODUCTION CREDIT ASSOCIATIONS.

Subsection (b) of section 2.3 (12 U.S.C. 2074(b)) is amended to read as follows:

"(b) APPLICATION OF EARNINGS.—Each production credit association at the end of each fiscal year shall apply the amount of the earnings of the association for the year in excess of the operating expenses of the association (including provision for valuation reserves against loan assets in such amounts as are considered necessary under generally accepted accounting principles)—

"(1) first to the restoration of the impairment, if any, of capital; and

"(2) second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Farm Credit Bank.".

SEC. 402. RISK MANAGEMENT PARTICIPATION AUTHORITY.

Section 3.1(11) (12 U.S.C. 2122(11)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end the following new subparagraph:

"(B)(i) Participate in any loan of a type otherwise authorized under this title that is made to a similar entity by any institution in the business of extending credit, including purchases of participations in loans to finance international trade transactions involving the sale of agricultural commodities or the products thereof, except that—

"(I) a bank for cooperatives may not participate in a loan—

"(aa) if the participation would cause the total amount of all loan participations by the bank under this subparagraph involving a single credit risk to exceed 10 percent of the bank's total capital; or

"(bb) if the participation by the bank will itself equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by the other banks for cooperatives under this subparagraph, will cause the cumulative amount of the participations by all banks for cooperatives in the loan to equal or exceed 50 percent of the principal of the loan;

"(II) a bank for cooperatives may not participate in a loan to a similar entity under this subparagraph if the similar entity has a loan or loan commitment outstanding with a Farm Credit Bank or an association chartered under this Act, unless agreed to by the Bank or association; and

"(III) the cumulative amount of participations that a bank for cooperatives may have outstanding under this subparagraph at any time may not exceed 15 percent of the bank's total assets.

"(ii) For the purposes of this subparagraph, the term 'similar entity' means an entity that, while not eligible for a loan under section 3.8, is functionally similar to an entity eligible for a loan under section 3.8 in that it derives a majority of its income from, or has a majority of its assets invested in, the conduct of activities functionally similar to those conducted by the entity.

"(iii) With respect to similar entities that are eligible to borrow from a Farm Credit Bank or association under title I or II, the authority of a bank for cooperatives to participate in loans to the entities under this subparagraph shall be subject to the prior approval of the Farm Credit Bank or Banks in whose chartered territory the entity is eligible to borrow. The approval may be granted on an annual basis and under such terms and conditions as may be agreed on between the bank for cooperatives and the Farm Credit Bank or Banks that serve the territory.".

SEC. 403. TECHNICAL AMENDMENT.

The first sentence of section 3.7(a) (12 U.S.C. 2128(a)) is amended by inserting "at any time (whether or not they have a loan from the bank outstanding)" after "technical and financial assistance".

SEC. 404. INSTALLATION, EXPANSION, OR IMPROVEMENT OF WATER AND WASTE DISPOSAL FACILITIES.

The first sentence of section 3.7(f) (12 U.S.C. 2128(f)) is amended to read as follows: "The banks for cooperatives may make and participate in loans and commitments and extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating water or waste disposal facilities in rural areas; and

"(2) public and quasi-public agencies and bodies, and other public and private entities that, under authority of State or local law, establish or operate water or waste disposal facilities in rural areas.".

SEC. 405. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8 (12 U.S.C. 2129) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service cooperative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.''.

SEC. 406. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.''.

SEC. 407. SECTIONAL REPRESENTATION ON SYSTEM BOARDS OF DIRECTORS.

Section 4.15 (12 U.S.C. 2203) is amended—

(1) by striking "SEC. 4.15" and all that follows through "Each production association" and inserting:

"SEC. 4.15. NOMINATION AND ELECTION OF BANK AND ASSOCIATION DIRECTORS.

"(a) NOMINATION OF DIRECTORS.—Each production association"; and

(2) by adding at the end the following new subsection:

"(b) SECTIONAL REPRESENTATION ON BANK AND ASSOCIATION BOARDS.—

"(1) IN GENERAL.—In order to ensure representation of sections within the territory served by each bank or association of the System, each such bank (other than the National Bank for Cooperatives) and association may include in its bylaws providing for the election of its board of directors, provisions for election of one or more members of the board (other than the member of the board who is elected by the other members of the board) from designated sections within the territory served by the bank or association, rather than for the election of all of the members of the board on an at-large basis.

"(2) COMBINED BASES.—Nothing in this subsection shall be construed to prohibit any such bank or association from providing, in its bylaws, for the election of some of the members of its board on a sectional basis and others on an at-large basis.''.

SEC. 408. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"SEC. 4.21. COMPENSATION OF BANK DIRECTORS.

"The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not adversely affect the safety and soundness of the bank.''.

SEC. 409. POWERS OF FARM CREDIT ADMINISTRATION.

Subsection (b) of section 5.17 (12 U.S.C. 2252(b)) is amended to read as follows:

"(b) The Farm Credit Administration shall not have authority, either directly or indirectly—

"(1) to approve bylaws, or any amendments, modifications, or changes to bylaws, of System institutions; or

"(2) to approve the salary scale, compensation, or benefit or retirement plans for employees of System institutions.''.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT OF S. 838

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 116, a concurrent resolution correcting the enrollment of S. 838, the child abuse prevention and treatment bill, introduced earlier today by Senators DODD and COATS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) to authorize corrections in the enrollment of S. 838.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 116) was agreed to, as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 116(a)(4) of the bill—

(A) by adding "and" after the semicolon in subparagraph (C); and

(B) by striking out subparagraph (D) and all that follows and inserting in lieu thereof the following new subparagraph:

"(D) by striking out 'handicaps;' in subparagraph (F), and inserting in lieu thereof 'disabilities'.''.

(2) In section 117 of the bill—

(A) by inserting "(a) IN GENERAL.—" before "Section 114(a)"; and

(B) by adding at the end thereof the following new subsection:

"(b) DELAYED EFFECTIVE DATE.—Paragraph (2) of section 114(a), as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which $30,000,000 or more would be available under subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.''.

(3) In section 124(2)—

(A) by striking out subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFANT MORTALITY AWARENESS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 425, a joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day," just received from the House; that the joint resolution be deemed read three times and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 425) was deemed read the third time and passed.

The preamble was agreed to.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in consultation with the chairman and ranking member of the Committee on Finance, pursuant to provisions of Public Law 102-164, appoints the following individuals to the Advisory Council on Unemployment Compensation:

William Grossenbacher, of Texas, as a representative of the interests of State governments;

Owen Bieber, of Michigan, as a representative of the interests of labor; and

John J. Stephens, of Oregon, as a representative of the interests of business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years, 1993, 1994, 1995, 1996, and 1997; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints, Mr. PANETTA, Mr. GEPHARDT, Mr. OBERSTAR, Mr. GUARINI, Mr. DURBIN, Mr. ESPY, Mr. KILDEE, Mr. BEILENSON, Mr. HUCKABY, Mr. SABO, Mr. GRADISON, Mr. MCMILLAN of North Carolina, Mr. THOMAS of California, Mr. ROGERS, Mr. HOUGHTON, and Mr. MCCRERY as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4364. An act to authorize appropriations of the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes;

H.R. 4485. An act to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels; and

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 311. A concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region.

The message also announced that pursuant to the provisions of section 5005(d)(1) of Public Law 102–240, the Speaker appoints the following individuals from private life as members of the National Commission on Intermodal Transportation on the part of the House: Mr. John W. Snow, Richmond, VA; and Mr. John G. Roach, of St. Louis, MO.

The message further announced that pursuant to the provisions of section 1081(c) of Public Law 102–240, the Speaker appoints the following individuals from private life as members of the Commission to Promote Investment in America's Infrastructure on the part of the House: Mr. Neil Goldschmidt of Portland, OR, and Mr. Daniel V. Flanagan, Jr. of Arlington, VA.

The message also announced that pursuant to the provisions of section 201(B)(i) of Public Law 101–445, the Speaker appoints Miss Sheryl L. Lee of Mesa, AZ, to the National Nutrition Monitoring Advisory Council on the part of the House.

The message further announced that pursuant to the provisions of 19 United States Code 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers on the part of the House to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 102d Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. ARCHER, and Mr. CRANE.

The message also announced that pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84, the Speaker appoints Mr. YATES, Mr. LEHMAN of Florida, Mr. SOLARZ, Mr. LANTOS, and Mr. GREEN of New York to the United States Holocaust Memorial Council on the part of the House.

The message further announced that pursuant to section 204 of Public Law 98–459, the Speaker reappoints Mrs. Josephine K. Oblinger of Williamville, IL, from private life, as a member of the Federal Council on the Aging on the part of the House.

The message also announced that pursuant to the provisions of section 4(b) of Public Law 94–201, the Speaker reappoints the following individuals from private life as members of the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House: Mrs. Nina M. Archabal of St. Paul, MN, and Mrs. Judith McCulloh of Champaign, IL.

The message further announced that pursuant to the provisions of the Congressional Award Act (2 U.S.C. 803), as amended by Public Law 101–525, the Speaker appoints the following individuals to the Congressional Award Board on the part of the House:

From the U.S. House of Representatives: Mr. PAYNE of New Jersey; and

From private life: Mr. Eugene Moos of Washington, DC.

The message also announced that pursuant to the provisions of section 302(a)(12) of Public Law 101–557, the Speaker appoints Mr. WYDEN to the Task Force on Aging Research on the part of the House.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following bill and joint resolutions:

S. 3. An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes;

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week"; and

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week".

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4364. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4485. An act to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 311. A concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 7, 1992, he had presented to the President of the United States the following enrolled bill:

S. 3. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional campaigns, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1985. A bill to establish a commission to review the Bankruptcy Code, to amend the Bankruptcy Code in certain aspects of its application to cases involving commerce and credit and individual debtors and add a temporary chapter to govern reorganization of small businesses, and for other purposes (Rept. No. 102–279).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1216. A bill to provide for the deferral of enforced departure and the granting of lawful temporary resident status in the United States to certain classes of nonimmigrant aliens of the People's Republic of China.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 1731. A bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 107. A concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

John P. Walters, of Michigan, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Robert E. Payne, of Virginia, to be U.S. district judge for the Eastern District of Virginia.

Edward E. Carnes, of Alabama, to be U.S. circuit judge for the Eleventh Circuit.

Richard H. Kyle, of Minnesota, to be U.S. district judge for the District of Minnesota.

Joe Kendall, of Texas, to be U.S. district judge for the Northern District of Texas.

Lee H. Rosenthal, of Texas, to be U.S. district judge for the Southern District of Texas.

By Mr. PELL, from the Committee on Foreign Relations:

Roman Popadiuk, of New York, a career member of the Foreign Service, Class One, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Roman Popadiuk.

Post: Ambassador to Ukraine.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses Names: Gregory, none; Matthew, none; Catherne, none; Mary, none. (NOTE: All under the age of 12)

4. Parents names: Gregor Popadiuk (deceased), none, Paraskevia Popadiuk (deceased), none.

5. Grandparents names: Timko Popadiuk (deceased), none; Varvara Popadiuk (deceased), none Dmytro Shypka (deceased), none Note: All grandparents lived in Ukraine.

6. Brothers and spouses names: Sophia Shypka (deceased), none. Not applicable, no brothers.

Sisters and spouses names: Maria B. Popadiuk, none; Anna and John Baron, None.

Sigmund A. Rogich, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Sigmund A. Rogich.

Post: Ambassador to Iceland.

Contributions, amount, date, and donee:

1. Self: $1,000, March 19, 1991, Bill Schuette for U.S. Senate; $150, June 14, 1990, Lynn Martin for U.S. Senate.

2. Spouse: NA.

3. Children and spouses names: Britten & Erin Rogich, none.

4. Parents names: Edwin & Ranny Rogich, none.

5. Grandparents names: Steve & Juanita Rogich, none; Arni Sigfusson, Olavia Sigridur, all deceased.

6. Brothers and spouses names: Edwin & Kathy Rogich, none; Steve Rogich, none.

7. Sisters and spouses names: Ronnie & Martin Chestnut, none; Stephanie & Dennis O'Brien, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of April 28, 1992, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 101–12. Consular Convention With the Republic of Tunisia (Exec. Rept. No. 102–25).

Treaty Doc. 101–13. Consular Convention With the Democratic and Popular Republic of Algeria (Exec. Rept. No. 102–26).

Treaty Doc. 102–14. Consular Convention With the Mongolian People's Republic (Exec. Rept. No. 102–27).

Treaty Doc. 100–6. Supplementary Extradition Treaty With the Federal Republic of Germany (Exec. Rept. No. 102–28).

Treaty Doc. 102–17. Extradition Treaty With the Bahamas (Exec. Rept. No. 102–29).

Treaty Doc. 102–23. Protocol Amending the 1974 Extradition Treaty With Australia (Exec. Rept. No. 102–30).

Treaty Doc. 102–24. Second Supplementary Extradition Treaty With Spain (Exec. Rept. No. 102–31).

TEXTS OF REPORTED RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Republic of Tunisia, signed at Tunis on May 12, 1988.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Democratic and Popular Republic of Algeria, signed at Washington on January 12, 1989.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Mongolian People's Republic, signed at Ulaanbaatar on August 2, 1990.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition signed at Washington on October 21, 1986.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Commonwealth of the Bahamas signed at Nassau on March 9, 1990.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Treaty on Extradition between the United States of America and Australia, signed at Seoul on September 4, 1990.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Second Supplementary Extradition Treaty between the United States of America and the Kingdom of Spain, signed at Madrid on February 9, 1988.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORE (for himself, Mr. MITCHELL, Mr. WIRTH, Mr. KERRY, Mr. ADAMS, Mr. AKAKA, Mr. CRANSTON, Mr. DODD, Mr. JEFFORDS, Mr. KERREY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KENNEDY, Mr. DASCHLE, Mr. HARKIN, Mr. PELL, and Mr. SANFORD):

S. 2668. A bill to stabilize emissions of carbon dioxide to protect the global climate, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL:

S. 2669. A bill to authorize the Administrator of the Environmental Protection Agency to award grants to the St. Croix International Waterway Commission; to the Committee on Environment and Public Works.

By Mr. SANFORD (for himself, Mr. KERREY, and Mr. LIEBERMAN):

S. 2670. A bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. FOWLER):

S. 2671. A bill to amend title 23, United States Code, to make technical corrections; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself and Mr. SIMPSON):

S. 2672. A bill to amend title 38, United States Code, to improve benefits in certain education and employment programs for veterans, and for other purposes; to the Committee on Veterans Affairs.

By Ms. MIKULSKI (for herself and Mr. ROBB):

S. 2673. A bill to require the Director of the Office of Personnel Management to carry out a program of job placement for civilian employees of the Federal Government whose employment positions are eliminated by reason of reductions in the size of the Federal workforce; to the Committee on Governmental Affairs.

S. 2674. A bill to require the Director of the Office of Personnel Management to establish a toll-free information system to provide Federal employees whose positions are being eliminated due to reductions in the size of the Federal workforce with information relating to the employment-related opportunities and benefits available to such employees; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 2675. A bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2676. A bill for the relief of certain subcontractors that incurred losses resulting from the avoidable insufficiency of payment and performance bonds furnished in connection with Coast Guard contract DTC50-87-C-00096; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. DURENBERGER, Mr. BURDICK, Mr. PACKWOOD, Mr. AKAKA, Mr. SIMON, Mr. PELL, and Mr. HATFIELD):

S. 2677. A bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses; to the Committee on Finance.

By Mr. KASTEN:

S. 2678. A bill to provide assistance to communities to improve drug abuse resistance education programs, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2679. A bill to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. MOYNIHAN, Mr. SASSER, Mr. WALLOP, Mr. AKAKA, Mr. SHELBY, Mr. HOLLINGS, Mr. GRAMM, Mr. COHEN, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. SANFORD, and Mr. GRASSLEY):

S. 2680. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2681. A bill relating to Native Hawaiian Health Care, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BUMPERS (for himself and Mr. WARNER):

S. 2682. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, and Mr. GRASSLEY):

S. 2683. A bill to amend title XVIII of the Social Security Act to provide for refinement of the geographic adjustment factor used for purposes of reimbursing physicians' services under medicare, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2684. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Select Committee on Indian Affairs.

By Mr. RIEGLE:

S. 2685. A bill to extend and enhance the operation of the "Super 301" provisions of the Trade Act of 1974, to provide for "Super 301" action with respect to United States-produced motor vehicles and motor vehicle parts, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK:

S. Res. 294. A resolution expressing a sense of the Senate with respect to recent events in Los Angeles and regarding an urban renewal policy; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. Con. Res. 115. A concurrent resolution welcoming President Leonid Kravchuk of Ukraine on his visit to the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. COATS):

S. Con. Res. 116. A concurrent resolution to authorize corrections in the enrollment of S. 838; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORE (for himself, Mr. MITCHELL, Mr. WIRTH, Mr. KERRY, Mr. ADAMS, Mr. AKAKA, Mr. CRANSTON, Mr. DODD, Mr. JEFFORDS, Mr. KERREY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KENNEDY, Mr. HARKIN, Mr. DASCHLE, and Mr. PELL):

S. 2668. A bill to stabilize emissions of carbon dioxide to protect the global climate, and for other purposes; to the Committee on Environment and Public Works.

(The remarks of Senators and the text of the legislation appear earlier in today's RECORD.)

By Mr. MITCHELL:

S. 2669. A bill to authorize the Administrator of the Environmental Protection Agency to award grants to the St. Croix International Waterway Commission; to the Committee on Environment and Public Works.

ST. CROIX INTERNATIONAL WATERWAY ACT

Mr. MITCHELL. Mr. President, today I am introducing legislation to support an existing, cooperative effort by the State of Maine and the Province of New Brunswick to protect the environmental quality of the St. Croix River along the international boundary between the United States and Canada.

In 1987, the State of Maine and the Province of New Brunswick jointly established the St. Croix International Waterway Commission. The Commission is charged with developing and implementing plans for the cooperative and comprehensive management of resources along the 110 miles of the river which form the international boundary.

The Commission is an innovative response to the need for international cooperation to maintain the quality of a water resource that is important to both countries. The Commission, established by Maine statutes, includes four members appointed by the Governor of Maine and four members appointed by the Premier of New Brunswick.

With joint funding from Maine and New Brunswick, the Commission has developed a draft comprehensive plan for the waterway which it is beginning to implement. Some key elements of the plan call for agreement on high water quality goals and coordinated action to pursue them, retention of greenways along the waterway, coordinated economic development, and designation of segments of the waterway as outstanding natural and recreational assets.

Unfortunately, the continued operation of the Commission is now in question. Severe economic conditions in Maine preclude State funding for the Commission at this time. New Brunswick, however, is able to maintain funding and would match any funds provided by the United States. The Commission has not received Federal funding in the past, and there is not now authorization for such funding.

The legislation I am introducing today is intended to help assure that the valuable work of the Commission will continue. The bill authorizes funding of $100,000 per year for each of fiscal years 1993–1998. This Federal funding will be matched by the Province of New Brunswick or other eligible entities, including the State of Maine or local governments.

Mr. President, I ask unanimous consent that a copy of the bill be printed at an appropriate place in the RECORD.

I am confident that this modest investment in an existing effort for cooperative protection of these international boundary waters will result in tangible benefits to both countries, and I encourage my colleagues to support this proposal.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "St. Croix International Waterway Act of 1992".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The St. Croix River and Lakes System forms a common international boundary between the United States and Canada.

(2) The State of Maine and the Province of New Brunswick in Canada recognize the cultural, social, economic, and environmental significance of the St. Croix River.

(3) The State of Maine and the Province of New Brunswick have jointly established the St. Croix International Waterway Commission to preserve the unique natural and cultural heritage of the river.

(4) Since 1987, the Commission has implemented important and constructive activities to assure the coordinated and comprehensive management of shared heritage resources in the boundary area.

(5) The Commission has prepared a long-term cooperative management plan for the St. Croix International Waterway, and the effective implementation of the plan will benefit the boundary region.

(6) Successful operation of the Commission and effective implementation of the management plan requires sustained and reliable funding from the Federal Government.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Administrator shall award grants to the St. Croix International Waterway Commission (established under sections 991 et seq. of title 38 of the Maine State Statutes Annotated) to—

(1) support the activities of the Commission; and

(2) implement plans and programs developed by the Commission.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of any grant awarded under this section shall be 50 percent of the amount of the grant award.

(2) NON-FEDERAL SHARE.—(A) The non-Federal share of a grant awarded under this section shall be 50 percent of the amount of the grant award.

(B) Any person, including the State of Maine, the Province of New Brunswick, the Government of Canada, of any political subdivision thereof, may pay the non-Federal share.

(c) REPORTS.—

(1) SUBMISSION BY COMMISSION.—As a condition to receiving a grant award under this section, the St. Croix International Waterway Commission shall submit to the Administrator, by a date specified by the Administrator, an annual report on the activities of the Commission and the use by the Commission of the grant award.

(2) SUBMISSION BY ADMINISTRATOR.—As soon as is practicable after receipt of the report under paragraph (1), the Administrator shall submit a copy of the report and any written recommendations concerning the report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000 for each of the fiscal years 1993 through 1998 to carry out this Act.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency; and

(2) the term "Commission" means the St. Croix International Waterway Commission.

By Mr. SANFORD (for himself and Mr. KERREY):

S. 2670. A bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action; to the Committee on Governmental Affairs.

FEDERAL GOVERNMENT STREAMLINING ACT OF 1992

Mr. SANFORD. Mr. President, I am pleased today to introduce new legislation entitled the Federal Government Streamlining Act of 1992. I have given a great deal of thought to this possibility and this problem for the several years I have been here. This bill is designed to provide more than rhetoric. It is designed to offer an action plan to cut unnecessary and wasteful Government spending.

Every Member of Congress, every Member of the Senate and House, has talked about the need to reduce the deficit, the need to eliminate wasteful spending of taxpayers' dollars, and the need to make Government more efficient and more responsive to the real needs of all Americans.

Similarly, every Member of Congress has probably read reports prepared by advisory committees or boards promulgating new ideas or new approaches, which have been received with widespread public enthusiasm, only to be placed high on an obscure shelf in a dark bureaucratic closet to collect dust.

In contrast, this legislation is specifically designed to avoid those problems. It creates a bipartisan Federal Government Streamlining Commission of 12 members appointed by the President and the majority and minority leadership of both Houses of Congress. In today's world, membership on this commission would be equally divided between both parties, including four Members of Congress, one from each party from each House. So it is designed to the degree we can to take politics out of the decision that will be reached.

In further contrast to other Government commissions, the Streamlining Commission is not only charged with identifying opportunities to eliminate Government waste, but it is also charged with generating the legislation to implement those findings. This process is designed to elicit input from a wide variety of sources both within and outside of the Government for the preparation of an initial report. That report is to be made publicly available for comment, suggestions, and proposed amendments from the White House, from Congress, from the public, from which a final report and legislation will be submitted to Congress. That legislation is then subject to fast-track procedures requiring prompt action by Congress.

To keep partisanship, local protectionism, and the panoply of political pressures out of the process, the final report cannot be amended and is subject to an all-or-nothing vote by Congress. I might say that I came upon this idea by seeing how successful Congress has been in eliminating military bases. We could not do it one at a time, but when we did it as a package, we were successful. In other words, once the Commission submits its proposed legislation, the Congress must vote for the full package or for none of the package.

It is my sense that the issue of excessive Government spending is broad based and involves a wide range of problems. It covers agencies, programs, and activities which are outdated and should be abolished; are duplicated by or similar to other programs that could be consolidated; are no longer meeting, have met, or never met their mandated or original purpose and should be abolished; are providing benefits similar to benefits provided through tax incentives or other legislation and could be managed through a single legislative initiative; are providing benefits which are the opposite of initiatives in other programs which should be coordinated with a single guiding policy; and are operating in a manner to benefit the services provider more than the intended beneficiary.

Certainly, this is not intended to be an exhaustive list. But it should be a good start. And to make sure the process continues to pursue Government efficiency on an ongoing basis, the Commission is required to issue a new report to each Congress while the Commission itself is to be reconstituted every 4 years.

The assistance of all Government departments and agencies will be sought. The Commission is authorized to staff its operation with detailees from those most likely to know about the internal operations of the Federal Government: the Office of Management and Budget and the General Accounting Office. If the report is approved by Congress, the OMB has the primary responsibility for implementing the recommendations.

Given the wide reach of so many Federal programs, the bill provides that the Commission may examine the delivery of Government services in regions, States, and localities to determine whether multiple Federal programs could be delivered more efficiently and in a manner that makes the Government work better for those citizens seeking services.

I believe that we all agree that the budget deficits must be controlled and that significant savings can accrue through efficiency. Therefore, this legislation is intended to divorce itself from as many political considerations as possible, so that each Member of Congress can act to reduce Federal spending without facing the pressure to protect specific constituencies. I urge my colleagues to join this bipartisan effort to make the Federal Government more efficient, less costly, and more responsive to the American people.

Mr. President, I ask that an explanation of this legislation be printed following my remarks, and I now send forward a bill entitled as I have indicated.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Government Streamlining Act of 1992".

(b) PURPOSE.—The purpose of this Act is to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action.

SEC. 2. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Federal Government Streamlining Commission".

(b) DUTIES.—The Commission shall carry out the duties specified for it in this Act.

(c) APPOINTMENT.—

(1) IN GENERAL.—(A) The Commission shall be composed of 12 members.

(B) Appointments to the Commission shall be made by no later than February 28, 1993.

(2) MEMBERSHIP.—(A) The President shall appoint 2 members of the Commission who are not employed by the Federal Government or elected to Federal office (referred to as "citizen members").

(B) The Speaker of the House of Representatives shall appoint 3 members, 2 of whom shall be citizen members and 1 of whom shall be a Member of the House of Representatives.

(C) The Majority Leader of the Senate shall appoint 3 members, 2 of whom shall be citizen members and 1 of whom shall be a Senator.

(D) The Minority Leader of the House of Representatives shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Member of the House of Representatives.

(D) The Minority Leader of the Senate shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Senator.

(3) CHAIRMAN.—The President shall designate 1 member of the Commission, after consultation with the Senate Majority Leader and the Speaker of the House of Representatives, who shall serve as Chairman of the Commission.

(d) TERMS.—The terms of the first members of the Commission shall begin on March 1, 1993. Each member of the Commission shall serve for 4 years.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(2) PUBLIC ACCESS.—The provisions of section 552b of title 5, United States Code, shall apply to meetings held by the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—

(1) PAY.—(A) Each member, other than the Chairman and Members of Congress, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—

(1) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served in Congress or been employed by the executive branch during the 1-year period preceding the date of such appointment.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) APPOINTMENTS WITHOUT REGARD TO COMPETITIVE SERVICE LIMITS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the rate of basic pay payable for GS-15 of the General Schedule.

(3) DETAILEES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) OTHER AUTHORITY.—

(1) INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING AND PERSONAL PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this Act. Such funds shall remain available until expended.

(l) SUBSEQUENT COMMISSIONS.—New Commissions shall be appointed in the manner provided in subsection (c) by February 28th of each 4 year period beginning after February 28, 1992 and shall begin service on March 1st.

SEC. 3. DUTIES OF COMMISSION AND REPORT.

(a) DUTIES.—The Commission shall—

(1) identify Federal Government agencies and programs, including entitlement programs, which—

(A) are outdated;

(B) are not meeting their mandated or original purpose;

(C) have met their mandated or original purpose;

(D) are duplicated in different departments or agencies and could be combined or consolidated; and

(E) provide benefits identical or similar to benefits provided under the tax code or other legislation;

(2) make recommendations with respect to which—

(A) agencies and programs should be abolished or combined; and

(B) government services could be offered on a consolidated or one-stop shopping basis;

(3) separate recommendations into—

(A) short-term recommendations to be initiated or accomplished within 1 year indicating when such recommendations should be initiated and when such recommendations should be accomplished; and

(B) long-term recommendations to be initiated or accomplished beyond 1 year indicating when such recommendations should be initiated and when such recommendations should be accomplished; and

(4) prepare and transmit a report to the President and Congress no later than December 31 of each year which shall include—

(A) a description of the Commission's recommendations of agencies and programs to be terminated or to be combined into other programs and the reasons for such recommendations; and

(B) statutory language necessary to accomplish such terminations and combinations.

(b) ISSUES TO BE ADDRESSED.—The report required by subsection (a)(4) shall address the following issues:

(1) What programs, including entitlement programs, and agencies to abolish and when to terminate funding.

(2) What programs and agencies to combine, identify combined funding needs, when and how to adjust funding levels.

(3) Identify any necessary economic, environmental, and local community impact assistance for terminated programs and agencies.

(4) Proposed timing for implementation—when to begin, when to conclude, what governmental department is responsible for implementation.

(5) Government employment displacement and outplacement services that may be needed by dislocated employees.

(6) Identify agencies and programs which would operate more effectively in a new agency or program rather than being combined into an existing department or agency.

(c) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information within 30 days or such other time agreed upon by the requesting and requested parties.

SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT.

(a) INITIAL REPORT AND APPEAL PROCEDURE.—The report required by section 3(a)(4) shall be delivered to the President and Congress and made available to the public for 90 days after the date the plan is submitted. During the 90-day period, the Commission shall announce and hold public hearings for the purpose of receiving comments on the report and any amendments to the report.

(b) FINAL REPORT.—The Commission shall prepare and submit to the President a final report not later than 30 days after the conclusion of public hearings under subsection (a).

(c) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—Not later than 10 days after receipt of the final report pursuant to subsection (b), the President shall approve or disapprove the report.

(2) APPROVAL.—If the report is approved the President shall submit the report to the Congress for approval under section 5.

(3) DISAPPROVAL.—If the President disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and the Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report at its discretion based on such issues and objections. Not later than 30 days after receipt of the President's disapproval pursuant to paragraph (3), the Commission shall submit the final report (as modified if modified) to the Congress for approval pursuant to section 5.

SEC. 5. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "joint resolution" means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President or the Commission transmits the report to the Congress under section 4(c) (2) or (3), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is as follows: "That Congress approves the recommendations of the Federal Government Streamlining Commission as submitted by the President on __________ as follows:", the blank space being filled in with the appropriate date and the matter after the colon being the report; and

(C) the title of which is as follows: "Joint resolution approving the report of the Federal Government Streamlining Commission."; and

(2) the term "session day" means a day that both the Senate and the House of Representatives are in session.

(b) REFERRAL.—A joint resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Government Operations of the House of Representatives. A joint resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Governmental Affairs of the Senate.

(c) DISCHARGE.—If the committee to which a joint resolution described in subsection (a) is referred has not reported such joint resolution by the end of the 5-session day period beginning on the date of introduction of a joint resolution pursuant to subsection (a), such committee shall be, at the end of such period, discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the third session day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a joint resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Majority Leader and the Minority Leader or their designees. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(2) FINAL DISPOSITION.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report. The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program in which the program or agency is to be closed or consolidated shall be responsible for the act of implementation and shall proceed with the recommendations contained in the report as provided in subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the approval of the Commission's report under section 5, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule of closures and combinations to be carried out under the Commission's report for the fiscal year for which the closure or combination is to be accomplished. In addition, the Secretary's report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each closure along with the Secretary's assessment of the effect of the action. The report shall also include a report of the programs and agencies consolidated or transferred to another department as the result of the consolidations with an assessment of the effect of the action.

(c) GAO OVERSIGHT.—The Comptroller General shall have oversight responsibility over the implementation of the Commission's report. The Comptroller General shall periodically report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

SEC. 7. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency pursuant to the report of the Commission shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

FEDERAL GOVERNMENT STREAMLINING ACT OF 1992

PURPOSE

Senator Sanford's Federal Government Streamlining Act of 1992 was designed to identify and eliminate government waste that occurs through obsolete, duplicative, and unnecessary government programs and agencies. In contrast to most government commissions, the Federal Government Streamlining Commission established by this legislation is not only charged with identifying those programs, but it is also charged with issuing a report each Congress—every two years—containing specific legislation to eliminate the waste it identifies. The bill also provides that the commissions findings are subject to "fast-track" procedures which require prompt action by Congress by an "all or nothing" vote without amendment on the entire package of proposed reforms.

The 12 member Commission is bipartisan and is to be reappointed every four years.

Sec. 1.—Title.

Sec. 2.—The Federal Government Streamlining Commission.

This section creates a 12 member bipartisan commission composed of appointees by the President and the Majority and Minority Leaders of the Senate and House, including two Senators and two Representatives. The Commission is authorized to employ a staff and to seek assistance and detailees from OMB and GAO. The Commission shall be reappointed every four years so that the process of fine tuning government programs will be an on-going endeavor.

Sec. 3.—Duties of the Commission.

The Commission will hold hearings and use other investigative measures, with the cooperation of federal agencies and departments, to identify federal government programs and agencies which are obsolete, duplicative, or not meeting their intended purpose. Programs to be examined would likely include those which are: Outdated or obsolete; duplicated; no longer meeting or have met their mandated or original purpose; providing benefits identical or similar to benefits provided through tax incentives or other legislation; or benefitting the provider rather than the intended beneficiary.

After identifying those programs and agencies, the Commission is to submit one report for each Congress—or one report every two years—to the President and the Congress recommending the abolition or consolidation of various programs and agencies no longer meeting their legislated objectives.

Sec. 4.—Implementation of the Commission Report.

The initial report is to be submitted to the President and the Congress for a 90-day review period during which public hearings can be held for the purpose of receiving comment and proposed amendments to the report. After receiving comment from the President, the Congress, and the public, the Commission is to prepare a final report, including legislative language and action to be undertaken, for submission to Congress.

Sec. 5.—Congressional Consideration of the Commission Report.

The Commission's report shall be referred to the Government Affairs Committee which will have jurisdiction over the legislation and the report. Legislation implementing the report will be handled on a legislative "fast-track" under which Congress can only vote for or against the entire report without amendment.

Sec. 6.—Implementation.

If the report is approved by Congress, the OMB has primary responsibility for implementing the report. The GAO shall serve in an oversight function.

Mr. KERREY. Mr. President, I came to talk about another subject, obviously, but I listened to the Senator from North Carolina. I ask if it is possible to join as an original cosponsor of the legislation he just introduced.

Mr. SANFORD. Mr. President, I would certainly be highly pleased and honored to add the distinguished Senator from Nebraska as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I spent a fair amount of time as well examining this question, not just of Government inefficiency and waste at the Federal level, but the entire question of how our Federal Government is organized. We see almost daily instances where the Federal Government simply cannot do what the people would actually like it to do, let alone finding where it is doing something the people do not want it to do. There are instances every single day where the people actually wanted to do something and the Federal Government is incapable of doing it.

Yesterday, the administration sent, I must say, a rather pathetic proposal called the Freedom Support Act, with the President responding, regarding the electoral victory of the distinguished occupant of the chair, and he backed off of foreign policy last fall and came quickly after President Nixon got talking about losing Russia with the proposal that would be heard by six different committees of the Senate. The reason six different committees will hear it in the Senate is that there are six different Federal agencies that will have their hands on this proposal.

My guess, Mr. President, will be that we will be unable to produce a package of assistance to the Commonwealth of Independent States precisely because of what the distinguished Senator from North Carolina is describing.

There are 22 different Federal agencies with real responsibility over America's children.

I would argue that there is no greater problem in America than the status of America's children and our Federal Government struggling to organize itself in a fashion to be able to respond to the problem.

There are four Federal agencies that have real authority over America's wetlands and the regulation of them, and they work together to try to accomplish the regulatory objective and are struggling to get the job done.

It would not be difficult to add to this list. It might be difficult to maintain my friendship with the distinguished Senator from Colorado, who allowed me to speak a couple minutes, if I continue.

I say the problem that the distinguished Senator from North Carolina is addressing with this legislation is an urgent problem that we need to solve if we are going to be able to say to the people of this country we got this Federal Government organized so it can actually do what you want it to do.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2671. A bill to amend title 23, United States Code, to make technical corrections; to the Committee on Environment and Public Works.

UNITED STATES CODE TECHNICAL CORRECTIONS

Mr. GRAHAM. Mr. President, we have heard statements this morning of interest to many Americans, from the protection of our planet from global warming to the impacts of the failure to do so on this and future generations of inhabitants of the Earth, and the U.S. responsibilities around the world in this post cold-war era. These are extremely important issues appropriate to be discussed in the Senate.

The subject that I wish to bring to the attention of the Senate and introduce legislation upon relates to an issue that probably is near the top of the agenda of most American families, and that is jobs and the economic future of those families.

Mr. President, I am concerned that we have been in session since January, it now being May 7, and have yet to address in any systemic, comprehensive way what the Federal Government's response will be to the immediate economic recession and to rebuilding an American economy that will be competitive into the 21st century. A principal reason for this has been political and intellectual gridlock; political gridlock in the inability of the Congress and the President to agree on a strategy, an intellectual gridlock in that the discussion to date has focused on largely a single method of implementing that strategy, changes in the Tax Code.

It is my feeling that an economic recovery strategy to give some greater momentum to the anemic recovery that we are now experiencing from the recession and to contribute to a better long-term future must include many elements beyond just a tax bill as important as that might be—issues of how do we encourage greater access to capital. Our financial institutions in many places are not functioning as they had been intended to provide capital, particularly to small business, to housing, to other areas of the economy that have been the engines out of which we have emerged from past recessions.

Another area that I wish to speak to in more detail has been how do we utilize both existing and future public activities as a means of stimulating the economy? One of the most effective ways of generating jobs on an immediate basis is by accelerating currently authorized and funded highway maintenance and construction projects. The Federal Highway Administration estimates that for every additional $1 billion spent on highways, over 60,000 jobs in construction, construction supply, and induced employment are created.

On January 23, I introduced legislation, Mr. President, to accelerate spending under the newly enacted Intermodal Surface Transportation Efficiency Act of 1991. That bill would have increased obligations ceilings in the first 3 years of the legislation—that is, 1992 to 1994—by $2.3 billion in order to give some additional stimulus.

As you will recall, Mr. President, during the time that we were debating the tax bill there were proposals made to go beyond those limits in terms of attempting to provide additional spending on authorized projects during these years of the recession so that the Federal Government's public works program could play the most constructive role in moving us into a strong recovery.

Mr. President, speeding up surface transportation spending can be done through the method of increasing the annual obligation ceilings on spending set by the appropriations process. But I would like to bring to the attention of the Senate another way which prior to this year had been widely used to accelerate highway projects. That is, to authorize States to start work before Federal funding becomes available. This is an activity which has been known as advanced construction.

This provision has been included in Federal highway authorizations since the Federal Aid Highway Act of 1956. By oversight, advanced construction was omitted from the 1991 act.

States use their transportation funds to pay for initial outlays. When Federal funds become available the projects are converted to Federal funds and the States are reimbursed. Outlays are normally minimal during the first 4 to 6 months after a project has been let to contract. Thus with advanced construction, States can accelerate large volumes of projects—up to one-third annual program level—with relatively small investments of State funds. By revolving projects using advanced construction, States can continuously accelerate Federal highway projects.

For the Nation this legislation means that the economy will be stimulated and jobs created. Furthermore, it means that transportation systems will be built sooner and at a lower cost because State agencies will be able to take advantage of current low bids and inflation savings.

To use the specific example of my State of Florida, this legislation allows the State to continue to assume the level of advance construction already calculated into the 5-year work plan, and, as a result, assure that millions of dollars of projects will remain on schedule.

In the past, Florida has used advance construction category funding to fund such projects as the construction of an interchange on Interstate 595 in Broward County, which utilized over $36 million of advance construction funds; the resurfacing resulting from the bridge-widening project on Interstate 195 between Biscayne Bay and Alton Road in Dade County, utilizing almost $18 million in advance construction funds; and the addition and resurfacing of lanes on U.S. 19 in Pinellas County from south of Cross Bayou to north of 126th Avenue, expending almost $11 million in funds.

The proposal which I make today, Mr. President, will also allow for an initiative which is underway in many States including Florida to stimulate activity during this period of recession recovery. In Florida, Gov. Lawton Chiles and I have implemented a program called Jobs Florida. The Florida Secretary of Transportation, Mr. Ben Watts, has provided a list of 20 projects, amounting to $200 million, that will face delay without the enactment of this bill; $200 million in highway and bridge projects translates into over 12,000 jobs.

Secretary Watts, in a letter which I will later ask be included in the Record, explains that obtaining this capability will not only prevent these costly delays, but will also enable the department to accelerate some projects, such as the $32 million project on MacArthur Causeway in Miami from 1995 to 1992 fiscal year.

Mr. President, I hope my colleagues agree that this technical correction is an important contribution to what the Federal Government can do to accelerate economic activity at this time. It has been described by the experts in the Federal Highway Administration as fundamental to the workings of a shared Federal-State and local transportation plan.

This legislation is an essential component of a plan to revitalize our economy by creating jobs today, and a better transportation system in the future.

Mr. President, I send to the desk a bill and ask for its immediate referral to the appropriate committee. The bill is introduced with my colleague, Senator Mack.

I ask unanimous consent to enter into the Record a letter dated January 10, 1992, from Mr. T.D. Larson, Administrator of the Federal Highway Administration.

Finally, I ask unanimous consent to insert in the Record a list of Florida surface transportation projects which would benefit should this legislation be enacted.

There being no objection, the material was ordered to be printed in the Record, as follows:

FLORIDA SURFACE TRANSPORTATION PROJECTS DEPENDENT UPON "AC" ELIGIBILITY

Item No., location, and description	Fiscal year	Amount (millions)
1110153, Charlotte Co.: U.S. 41 from Peace River to West Tarpon Blvd. Add lanes and resurface	1992–93	$7.7
1114427, Lee Co.: SR 78 (Pine Island Rd.) from Del Prado Blvd. to .5 miles west of U.S. 41. Multilane reconst	1994–95	3.8
1114565, Lee Co.: U.S. 41 Bus. (SR 739) from S. of SR 82 to 1st. St. Add lanes and resurface	1992–93	4.6
1114604, Lee Co.: SR 78 (Pine Island Rd.) from Tamiami Trail (U.S. 41) to .2 Mi. E. of Piney St. Multilane reconst	1994–95	11.3
1114607, Lee Co.: U.S. 41 from Victoria Ave. to N. of 1st. Street. Interchange construction	1996–97	10.6
1114620, Lee Co.: U.S. 41 from Island Park Rd. to S. of Daniels Pkwy. Add lanes and resurface	1993–94	3.5
1114634, Lee Co.: SR 867 (McGregor Bl.) from San Carlos (SR 865) to Southdale Dr. Multilane reconst	1996–97	5.2
1115380, Manatee Co.: SR 684 (Cortez Rd.) from 119th St. to Independence Dr. Multilane reconst	1992–93	3.7
1115439, Manatee Co.: SR 70 (53rd. Ave.) from SR 683 (Old U.S. 301) to W. of U.S. 301. ROW acquisition	1992–93	5.1
1117934, Polk Co.: U.S. 17 from .4 Mi. S. of SR 655 to Cypress Gardens (SR 540). Multilane reconst	1991–92	7.7
1119224, Sarasota Co.: SR 72 (Clark Rd.) from Tamiami Trail (U.S. 41) to Sawyer Road. Multilane reconst	1992–93	7.2
1119262, Sarasota Co.: SR 776 from Keyway Road to S. of U.S. 41. Multilane reconst	1993–94	8.5
3111827, Escambia Co.: SR 742 (Creighton Rd.) from SR 291 (Davis Hwy.) to SR 289 (9th). Multilane reconst	1992–93	7.6
3118047, Santa Rosa Co.: U.S. 98 (SR 30) from Pensacola Bay Br. to Pav't change a 14.04. Resurface and repave	1992–93	6.1
4110332, Broward Co.: SR 810 (Hillsborough Blvd.) from SR 7/441 to SR 845 (Powerline Rd.). Add lanes and reconst	1993–94	4.9
4116211, Martin Co.: SR 76 (Kanner Hwy.) from 3 mi. E. of 710 to Fla. Turnpike. Add lanes and reconst	1992–93	4.5
4116280, Martin Co.: SR 710 from Okeechobee County line to Hale Dairy Rd. Add lanes and reconst	1992–93	4.3
5112835, Lake Co.: SR 25 (U.S. 27) from Polk County line to .2 mi. N. of SR 50. Resurfacing	1993–94	6.2
6113652, Dade Co.: SR A1A (MacArthur Causeway over Intercoastal Waterway) construct high-level bridge	1995–96	31.9
7113811, Hillsborough Co.: SR 580 (Hills Ave.) from Pinellas County line to E. Double Branch Rd. Multilane reconst	1994–95	5.3
Other STP projects throughout the state contingent upon AC eligibility		56.5
Total		206.30

Department of Transportation,
Federal Highway Administration,
Washington, DC, January 10, 1992.

Mr. Ben G. Watts,
Secretary, Florida Department of Transportation, Tallahassee, FL.

Dear Mr. Watts: From recent contacts with members of your staff, we have learned of your concern about the lack of a provision revising Section 115 of Title 23, United States Code ("Advance construction") in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. I understand your concern because the lack of a revision creates uncertainty for your efforts to prepare a long-range transportation plan that would include Advance Construction.

The ISTEA is a comprehensive, landmark restructuring of the Federal-aid highway program. However, in developing the legislation, the Congress neglected to amend Section 115 so authorization for Advance Construction would conform with the revised program structure. We believe this was an oversight, and are preparing technical amendments, at the request of the appropriate congressional committees, suggesting how they might correct Section 115, as well as several other provisions that were overlooked during development of the ISTEA.

We cannot guarantee that our technical amendments to the ISTEA will be passed, but we will make every effort to clarify this very important provision to the highway program.

Sincerely yours,

T.D. Larson,
Administrator.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

By Mr. DOLE (for himself and Mr. Simpson):

S. 2672. A bill to amend title 38, United States Code, to improve benefits in certain education and employment programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATION AND EMPLOYMENT PROGRAM BENEFITS

Mr. DOLE. Mr. President, today on behalf of myself and my distinguished colleague, Senator SIMPSON, I am introducing a bill to improve veterans benefits in education and employment programs. This veterans bill will focus on the Americans most affected by the projected defense manpower reductions. I am especially pleased that after consultation with Representative MONTGOMERY, he will be introducing a companion measure of this bill in the House.

This legislation is a comprehensive bill designed to afford a wide range of opportunities for veterans—it will increase the Montgomery GI bill benefits to those who need it now; it will increase the transition assistance programs for those who will soon be in the civilian job market; it will create a new veterans job training act, and give preference to veterans in the Job Training Partnership Program; and it will allow qualified veterans a greater opportunity to purchase a home.

Mr. President, since 1973, the U.S. armed services have been All-Volunteer Forces. All agree that the quality of the men and women who make up this force is as high as our Nation has ever seen. Their quality, and their sacrifice was a major factor in our victory in the cold war. It can even be argued that their outstanding performance of duty has now ended their careers. For with the end of the cold war, the Department of Defense projects a manpower reduction of over 20 percent through 1995. Many of these men and women will be involuntarily separated from the careers they have chosen. They will not get the benefits of a 20-year career retiree. The reductions will be especially hard on those who have given 10 to 15 years of their lives to our nation. I believe that it is also important to note that the U.S. military has a higher proportion of minorities and women in management positions than any other large organization in the Nation, and the projected reductions will shrink opportunities for them significantly.

In my view, it is in the national interest that these men and women use their talents and leadership skills in the private sector. It is in the national interest that these disciplined, responsible technicians and managers be provided with the opportunity for private sector employment as quickly as possible. These men and women are producers; they don't want handouts, they want a chance.

One of their top priorities is educational opportunities. The Montgomery GI bill has been successful at fulfilling that priority since its inception in 1984. But with the projected force reductions, many men and women with families to support—who had never planned to leave their chosen careers—are not in a position to return to school on the current GI bill. An increase in the Montgomery GI bill benefits is necessary. This legislation provides that increase in an affordable manner.

One of the most successful first steps in moving from the military to the private sector has been the transition assistance programs for active duty personnel. This program helps those soon to leave the service with counseling on job search and employment skills for the private sector. This legislation will expand this program through 1995 to meet the increased demands that the force reductions will have on it.

For those veterans who want immediate employment, this legislation will create a new Veterans Job Training Act and give veterans preference in the Job Training Partnership Act. These programs give employers incentives to hire veterans. They will open opportunities for veterans to receive job training as they transition their military expertise into the private sector.

Finally, many veterans are returning from all over the world; they never had the opportunity to own their own homes. This legislation will waive the VA home loan origination fee to qualified veterans involuntarily separated from active duty.

Mr. President, it is vital to remember that before the men and women of the armed services can have a chance in the private sector, we must have a strong economy. All legislation must offer opportunities that are within the fiscal constraints that we face today. In my view, this bill meets that criterion: It is necessary, it is feasible, and it is affordable.

Our Nation faces a future of dynamic change domestically and great challenges internationally. I believe that veterans have much to offer this future. Fiscally sound programs established now will ensure that the men and women of our Nation's armed services contribute to building a better Nation with the same patriotism and spirit that they gave in defending it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN BENEFITS UNDER THE MONTGOMERY GI BILL.

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$300" and inserting in lieu thereof "$500"; and

(2) in subsection (b)(1), by striking out "$250" and inserting in lieu thereof "$400".

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—Section 2131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking out "$140" and inserting in lieu thereof "$200";

(2) in subparagraph (B), by striking out "$105" and inserting in lieu thereof "$150"; and

(3) in subparagraph (C), by striking out "$70" and inserting in lieu thereof "$100".

(c) CONFORMING AMENDMENTS TO CHAPTER 30.—Subsection (f) of section 3015 of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) in paragraph (1), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "may"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subsections (a)(1) and (b)(1) of this section"; and

(3) in paragraph (2), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "such fiscal year," and inserting in lieu thereof "provide for"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subsections (a)(1) and (b)(1) of this section".

(d) CONFORMING AMENDMENTS TO SELECTED RESERVE PROGRAM.—Paragraph (2) of section 2131(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "may"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1)"; and

(3) in subparagraph (B), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "such fiscal year," and inserting in lieu thereof "provide for"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1)".

(e) FUNDING ACCOUNTS.—Those amounts that before the date of enactment of this Act are required to be paid from the Defense Cooperation Account pursuant to part G of title III of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (105 Stat. 99) for educational assistance benefits under chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, shall continue to be paid from the Defense Cooperation Account after the date of enactment of this Act in accordance with such part G, notwithstanding the amendments made by this section.

SEC. 2. EMPLOYMENT AND JOB TRAINING ASSISTANCE AND OTHER TRANSITIONAL SERVICES.

(a) DEPARTMENT OF LABOR.—Paragraph (1) of section 1144(e) of title 10, United States Code, is amended—

(1) by striking out "1991 and" and inserting in lieu thereof "1991,";

(2) by striking out "$9,000,000" and inserting in lieu thereof "$15,000,000"; and

(3) by inserting before the period at the end thereof the following: ", and $10,000,000 for each of fiscal years 1994 and 1995".

(b) DEPARTMENT OF VETERANS AFFAIRS.—Paragraph (2) of such section is amended—

(1) by striking out "1991 and" and inserting in lieu thereof "1991,"; and

(2) by inserting before the period at the end thereof the following: ", and $4,500,000 for each of fiscal years 1994 and 1995".

SEC. 3. VETERANS' JOB TRAINING.

(a) IN GENERAL.—Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—VETERANS' JOB TRAINING

"Sec.

"4401. Establishment of program.
"4402. Eligibility for program; duration of assistance.
"4403. Employer job training programs.
"4404. Approval of employer programs.
"4405. Payments to employers; overpayments.
"4406. Entry into program of job training.
"4407. Provision of training through educational institutions.
"4408. Discontinuance of approval of participation in certain employer programs.
"4409. Inspection of records; investigations.
"4410. Coordination with other programs.
"4411. Counseling.
"4412. Information and outreach; use of agency resources.
"4413. Authorization of appropriations.
"4414. Time periods for application and initiation of training.

"§ 4401. Establishment of program

"(a) The Secretary and, to the extent specifically provided by this Act, the Secretary of Labor shall carry out a program in accordance with this chapter to assist eligible veterans in obtaining employment through training for employment in stable and permanent positions that involve significant training. The program shall be carried out through payments to employers who employ and train eligible veterans in such jobs in order to assist such employers in defraying the costs of necessary training.

"(b) The Secretary of Labor shall carry out the Secretary's responsibilities under this chapter through the Assistant Secretary of Labor for Veterans' Employment and Training established under section 4102A of this title.

"§ 4402. Eligibility for program; duration of assistance

"(a)(1) To be eligible for participation in a job training program under this chapter, a veteran must be a veteran described in paragraph (2) who—

"(A) is unemployed at the time of applying for participation in a program under this chapter;

"(B) has been unemployed for at least 10 of the 15 weeks immediately preceding the date of such veteran's application for participation in a program under this chapter; and

"(C) submits an application under subsection (b) during the period ending four years after the date of the last discharge or the date of enactment of this chapter, whichever is later.

"(2) A veteran eligible to participate in a job training program under paragraph (1) is any veteran who was discharged on or after August 2, 1990, and—

"(A) served in the active military, naval, or air service for a period of more than 90 days; or

"(B)(i) served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary for a disability rated at 30 percent or more; or

"(ii) was discharged or released from active duty because of a service-connected disability.

"(3) For purposes of paragraph (1), a veteran shall be considered to be unemployed during any period the veteran is without a job and wants and is available for work.

"(b)(1) A veteran who desires to participate in a program of job training under this chapter shall submit to the Secretary an application for participation in such a program. Such an application—

"(A) shall include a certification by the veteran that the veteran is unemployed and meets the other criteria for eligibility prescribed by subsection (a); and

"(B) shall be in such form and contain such additional information as the Secretary may prescribe.

"(2)(A) Subject to subparagraph (B), the Secretary shall approve an application by a veteran for participation in a program of job training under this chapter unless the Secretary finds that the veteran is not eligible to participate in a program of job training under this chapter.

"(B) The Secretary may withhold approval of an application of a veteran under this chapter if the Secretary determines that, because of limited funds available for the purpose of making payments to employers under this chapter, it is necessary to limit the number of participants in programs under this chapter.

"(3)(A) Subject to section 4411(c) of this title, the Secretary shall certify as eligible for participation under this chapter a veteran whose application is approved under this subsection and shall furnish the veteran with a certificate of that veteran's eligibility for presentation to an employer offering a program of job training under this chapter. Any such certificate shall expire 90 days after it is furnished to the veteran. The date on which a certificate is furnished to a veteran under this paragraph shall be stated on the certificate.

"(B) A certificate furnished under this paragraph may, upon the veteran's application, be renewed in accordance with the terms and conditions of subparagraph (A).

"(c) The maximum period of training for which assistance may be provided on behalf of a veteran under this chapter is—

"(1) 21 months in the case of—

"(A) a veteran with a service-connected disability rated at 30 percent or more; or

"(B) a veteran with a service-connected disability rated at 10 percent or 20 percent who has been determined under section 3106 of this title to have a serious employment handicap; and

"(2) 15 months in the case of any other veteran.

"§ 4403. Employer job training programs

"(a)(1) Except as provided in paragraph (2), in order to be approved as a program of job training under this chapter, a program of job training of an employer approved under section 4404 of this title must provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills.

"(2) A program of job training providing training for a period of at least 6 months may be approved if the Secretary determines (in accordance with standards which the Secretary shall prescribe) that the purpose of this chapter would be met through that program.

"(b) Subject to section 4407 of this title and the other provisions of this chapter, a veteran who has been approved for participation in a program of job training under this chapter and has a current certificate of eligibility for such participation may enter a program of job training that has been approved under section 4404 of this title and that is offered to the veteran by the employer.

"§ 4404. Approval of employer programs

"(a)(1) An employer may be paid assistance under section 4405(a) of this title on behalf of an eligible veteran employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section and in accordance with such procedures as the Secretary may by regulation prescribe.

"(2) Except as provided in subsection (b), the Secretary shall approve a proposed program of job training of an employer unless the Secretary determines that the application does not contain a certification and other information meeting the requirements established under this chapter or that withholding of approval is warranted under subsection (g).

"(b) The Secretary may not approve a program of job training—

"(1) for employment which consists of seasonal, intermittent, or temporary jobs;

"(2) for employment under which commissions are the primary source of income;

"(3) for employment which involves political or religious activities;

"(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

"(5) if the training will not be carried out in a State.

"(c) An employer offering a program of job training that the employer desires to have approved for the purposes of this chapter shall submit to the Secretary a written application for such approval. Such application shall be in such form as the Secretary shall prescribe.

"(d) An application under subsection (c) shall include a certification by the employer of the following:

"(1) That the employer is planning that, upon a veteran's completion of the program of job training, the employer will employ the veteran in a position for which the veteran has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the veteran at the end of the training period.

"(2) That the wages and benefits to be paid to a veteran participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training.

"(3) That the employment of a veteran under the program—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

"(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring a veteran in such job under this chapter.

"(4) That the employer will not employ in the program of job training a veteran who is already qualified by training and experience for the job for which training is to be provided.

"(5) That the job which is the objective of the training program is one that involves significant training.

"(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

"(7) That each participating veteran will be employed full time in the program of job training.

"(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

"(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective certified under subsection (e)(2).

"(10) That the employer will keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements established under this chapter.

"(11) That the employer will furnish each participating veteran, before the veteran's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the veteran's signed acknowledgment of having received such certification.

"(12) That, as applicable, the employer will provide each participating veteran with the full opportunity to participate in a personal interview pursuant to section 4411(b)(1)(B) of this title during the veteran's normal workday.

"(13) That the program meets such other criteria as the Secretary may determine are essential for the effective implementation of the program established by this chapter.

"(e) A certification under subsection (d) shall include—

"(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered a veteran, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

"(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4407 of this title) and of the objective of the training.

"(f)(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this chapter.

"(2)(A) For the purposes of section 4405(c) of this title, only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

"(B) For the purposes of section 4408 of this title, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

"(g) In accordance with regulations which the Secretary shall prescribe, the Secretary may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4409 of this title and, based on the outcome of such an investigation, may disapprove such program.

"(h) For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of this title shall be considered to meet all requirements established under the provisions of this chapter (other than subsection (b) and (d)(3)) for approval of a program of job training.

"§ 4405. Payments to employers; overpayment

"(a)(1) Except as provided in paragraph (3) and subsection (b) and subject to the provisions of section 4406 of this title, the Secretary shall make quarterly payments to an employer of a veteran participating in an approved program of job training under this chapter. Subject to paragraph (2) and section 4402(c) of this title, the amount paid to an employer on behalf of a veteran for any period of time shall be 50 percent of the product of (A) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (B) the number of hours worked by the veteran during that period.

"(2) The total amount that may be paid to an employer on behalf of a veteran participating in a program of job training under this chapter is $12,000.

"(3) In order to relieve financial burdens on business enterprises with relatively few numbers of employees, the Secretary may make payments under this chapter on a monthly, rather than quarterly, basis to an employer with a number of employees less than a number which shall be specified in regulations which the Secretary shall prescribe for the purposes of this paragraph.

"(b)(1) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran until the Secretary has received—

"(A) from the veteran, a certification that the veteran was employed full time by the employer in a program of job training during such period; and

"(B) from the employer, a certification—

"(i) that the veteran was employed by the employer during that period and that the veteran's performance and progress during such period were satisfactory; and

"(ii) of the number of hours worked by the veteran during that period.

With respect to the first such certification by an employer with respect to a veteran, the certification shall indicate the date on which the employment of the veteran began and the starting hourly rate of wages paid to the veteran (without regard to overtime or premium pay).

"(2) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran for which a request for payment is made to the Secretary after two years after the date on which that period of training ends.

"(c)(1)(A) Whenever the Secretary finds that an overpayment under this chapter has been made to an employer on behalf of a veteran as a result of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

"(B) Whenever the Secretary finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this chapter (unless the employer's failure is the result of false or incomplete information provided by the veteran), each amount paid to the employer on behalf of a veteran for that period shall be considered to be an overpayment under this chapter, and the amount of such overpayment shall constitute a liability of the employer to the United States.

"(2) Whenever the Secretary finds that an overpayment under this chapter has been made to an employer on behalf of a veteran as a result of a certification by the veteran, or as a result of information provided to an employer or contained in an application submitted by the veteran, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the veteran to the United States.

"(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this chapter. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

"(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of this title.

"§ 4406. Entry into program of job training

"Notwithstanding any other provision of this chapter, the Secretary may withhold or deny approval of a veteran's entry into an approved program of job training if the Secretary determines that funds are not available to make payments under this chapter on behalf of the veteran to the employer offering that program. Before the entry of a veteran into an approved program of job training of an employer for purposes of assistance under this chapter, the employer shall notify the Secretary of the employer's intention to employ that veteran. The veteran may begin such program of job training with the employer two weeks after the notice is transmitted to the Secretary unless within that time the employer has received notice from the Secretary that approval of the veteran's entry into that program of job training must be withheld or denied in accordance with this section.

"§ 4407. Provision of training through educational institutions

"An employer may enter into an agreement with an educational institution that has been approved for the enrollment of veterans under this title in order that such institution may provide a program of job training (or a portion of such a program) under this chapter. When such an agreement has been entered into, the application of the employer under section 4404 of this title shall so state and shall include a description of the training to be provided under the agreement.

"§ 4408. Discontinuance of approval of participation in certain employer programs

"(a) If the Secretary finds at any time that a program of job training previously approved by the Secretary for the purposes of this chapter thereafter fails to meet any of the requirements established under this chapter, the Secretary may immediately disapprove further participation by veterans in that program. The Secretary shall provide to the employer concerned, and to each veteran participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such veteran shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

"(b)(1) If the Secretary determines that the rate of veterans' successful completion of an employer's programs of job training previously approved by the Secretary for the purposes of this chapter is disproportionately low because of deficiencies in the quality of such programs, the Secretary shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, the Secretary shall take into account appropriate data, including—

"(A) the quarterly data provided by the Secretary of Labor with respect to the number of veterans who receive counseling in connection with training under this chapter, are referred to employers under this chapter, participate in job training under this chapter, and complete such training or do not complete such training, and the reasons for noncompletion; and

"(B) data compiled through the particular employer's compliance surveys.

"(2) With respect to a disapproval under paragraph (1), the Secretary shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

"(3) A disapproval under paragraph (1) shall remain in effect until such time as the Secretary determines that adequate remedial action has been taken.

"§ 4409. Inspection of records; investigations

"(a) The records and accounts of employers pertaining to veterans on behalf of whom assistance has been paid under this chapter, as well as other records that the Secretary determines to be necessary to ascertain compliance with the requirements established under this chapter, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

"(b) The Secretary may monitor employers and veterans participating in programs of job training under this chapter to determine compliance with the requirements established under this chapter.

"(c) The Secretary may investigate any matter the Secretary considers necessary to determine compliance with the requirements established under this chapter. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this chapter, or where any of the records of the employer offering or providing such program are kept.

"(d) The Secretary may administer functions under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections, notwithstanding section 4401(b) of this title.

"§ 4410. Coordination with other programs

"(a)(1) Assistance may not be paid under this chapter to an employer on behalf of a veteran for any period of time described in paragraph (2) and to such veteran under chapter 30, 31, 32, 35, or 36 of this title, or chapter 106 of title 10, for the same period of time.

"(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the veteran enters into an approved program of job training of an employer for purposes of assistance under this chapter and ending on the last date for which such assistance is payable.

"(b) Assistance may not be paid under this chapter to an employer on behalf of an eligible veteran for any period if the employer receives for that period any other form of assistance on account of the training or employment of the veteran, including assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

"(c) Assistance may not be paid under this chapter on behalf of a veteran who has completed a program of job training under this chapter.

"(d)(1) In carrying out section 3116(b) of this title, the Secretary shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this chapter.

"(2) In carrying out this chapter, the Secretary shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both this chapter and section 3116(b) of this title, the authority under such section is utilized, to the maximum extent feasible and consistent with the veteran's best interests, to make payments to employers on behalf of such veterans.

"§ 4411. Counseling

"(a)(1) The Secretary and the Secretary of Labor may, upon request, provide employment counseling services to any veteran eligible to participate under this chapter in order to assist such veteran in selecting a suitable program of job training under this chapter.

"(2) The Secretary shall, in coordination with the Secretary of Labor, provide a program of job-readiness skills development and counseling services designed to assist veterans in need of such assistance in finding, applying for, and successfully participating in a suitable program of job training under this chapter. As part of providing such services, the Secretary shall coordinate activities, to the extent practicable, with the readjustment counseling program described in section 1712A of this title. The Secretary shall advise veterans participating under this chapter of the availability of such services and encourage them to request such services whenever appropriate.

"(b)(1) The Secretary of Labor shall provide for a program under which—

"(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of this title is assigned as a case manager for each veteran participating in a program of job training under this chapter;

"(B) the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this chapter; and

"(C) periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program.

"(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

"(A) for a veteran if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the Secretary of Labor determines that there is no need for a case manager for such veteran; or

"(B) in the case of the employees of an employer, if the Secretary of Labor determines that—

"(i) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this chapter; or

"(ii) the rate of veterans' successful completion of the employer's programs of job training under this chapter, either cumulatively or during the previous program year, is 60 percent or higher.

"(3) The Secretary of Labor and the Secretary shall jointly provide, to the extent feasible a program of counseling or other services (to be provided pursuant to chapter 77 of this title and sections 1712A, 4103A, and 4104 of this title) designed to resolve difficulties that may be encountered by veterans during their training under this chapter.

"(c) Before a veteran who voluntarily terminates from a program of job training under this chapter or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this chapter, such veteran must be provided by the Secretary of Labor, after consultation with the Secretary, with a case manager.

"§ 4412. Information and outreach; use of agency resources

"(a)(1) The Secretary and the Secretary of Labor shall jointly provide for an outreach and public information program—

"(A) to inform veterans about the employment and job training opportunities available under this chapter and under other provisions of law; and

"(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this chapter.

"(2) The Secretary of Labor, in consultation with the Secretary, shall promote the development of employment and job training opportunities for veterans by encouraging potential employers to make programs of job training under this chapter available for eligible veterans, by advising other appropriate Federal departments and agencies of the program established by this chapter, and by advising employers of applicable responsibilities under chapters 41 and 42 of this title with respect to veterans.

"(b) The Secretary and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of this title and with other similar services offered by other public agencies and organizations.

"(c)(1) The Secretary and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this chapter.

"(2) In carrying out the responsibilities of the Secretary of Labor under this chapter, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices appointed pursuant to sections 4103, 4103A, and 4104 of this title. The Secretary of Labor shall also use such resources as are available under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.). To the extent that the Secretary withholds approval of veterans' applications under this chapter pursuant to section 4402(b)(2)(B) of this title, the Secretary of Labor shall take steps to assist such veterans in taking advantage of opportunities that may be available to them under title III of that Act or under any other program carried out with funds provided by the Secretary of Labor.

"(d) The Secretary of Labor shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for veterans.

"(e) The Secretary and the Secretary of Labor shall assist veterans and employers desiring to participate under this chapter in making application and completing necessary certifications.

"(f) The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 4411 of this title, who are referred to employers participating under this chapter, who participate in programs of job training under this chapter, and who complete such programs, and the reasons for veterans' noncompletion.

"§ 4413. Authorization of appropriations

"(a)(1) There is authorized to be appropriated to the Department of Veterans Affairs $75,000,000 for each of the fiscal years 1993, 1994, and 1995 for the purpose of making payments to employers under this chapter. Amounts appropriated pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

"(2) Up to two percent of amounts appropriated under this subsection for a fiscal year may be used by the Secretary for the purpose of administering this chapter.

"(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 4405 of this title on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Secretary for obligation for such purpose. The further obligation of such funds by the Secretary for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

"§ 4414. Time periods for application and initiation of training

"Assistance may not be paid to an employer under this chapter—

"(1) on behalf of a veteran who initially applies for a program of job training under this chapter after September 30, 1995; or

"(2) for any such program which begins after March 31, 1996.".

(b) CONFORMING AMENDMENTS.—(1) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title is amended by inserting after the item relating to chapter 43 the following new chapter:

"44. Veterans' job training .... 4401".

(2) Section 3104(a)(7)(A) of such title is amended—

(A) by striking out "section 14(a)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4411(a)(2) of this title"; and

(B) by striking out "such Act" and inserting in lieu thereof "chapter 44 of this title".

(3) Section 4102A(b)(3) of such title is amended—

(A) by striking out "(A)";

(B) by striking out clause (B);

(C) by striking out "and rehabilitation" and inserting in lieu thereof "rehabilitation"; and

(D) by inserting at the end thereof the following: "job training programs carried out under chapter 44 of this title;".

(4) Section 4103(c)(1)(B) of such title is amended by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "chapter 44 of this title".

(5) Section 4103A(c) of such title is amended—

(A) in paragraph (6), by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "chapter 44 of this title"; and

(B) in paragraph (10), by striking out "section 14(b)(1)(A)" and all that follows and inserting in lieu thereof "section 4411(b)(1)(A) of this title.".

(6) Section 4104(b)(12) of such title is amended—

(A) by striking out "section 5(b)(3) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4402(b)(3) of this title"; and

(B) by striking out "under such Act" and inserting in lieu thereof "in job training programs under chapter 44 of this title".

(7) Section 4104A(a)(2)(C) of such title is amended—

(A) by striking out "section 14(b)(1)(A) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4411(b)(1)(A) of this title"; and

(B) by striking out "the Act" and inserting in lieu thereof "chapter 44 of this title".

(8) Section 4105(b) of such title is amended by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "chapter 44 of this title".

(9) Section 4108(b) of such title is amended by striking out "section 7 of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4404 of this title".

(10) Section 5303A(b)(3) of such title is amended—

(A) by striking out "or" at the end of subparagraph (E);

(B) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(C) by adding after subparagraph (F) the following:

"(G) to benefits under chapter 44 of this title.".

(10) Subparagraph (B) of section 402(d)(1) of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended to read as follows:

"(B) chapter 44 of title 38, United States Code (relating to veterans' job training).".

(c) ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.—Section 4213 of title 38, United States Code, is amended—

(1) by striking out "34,";

(2) by inserting "30" after "13,";

(3) by inserting ", and under chapter 106 of title 10," after "of this title"; and

(4) by striking out "such title" and inserting in lieu thereof "this title".

(d) APPLICATION.—Chapter 44 of title 38, United States Code, does not apply with respect to any activity under the Veterans' Job Training Act (29 U.S.C. 1721 note).

SEC. 4. VETERANS' PREFERENCE FOR JOB TRAINING PARTNERSHIP ACT PROGRAMS.

Section 141(a) of the Job Training Partnership Act (29 U.S.C. 1551(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each job training plan shall provide a preference in the provision of such employment and training opportunities to members of such eligible populations who are disabled veterans with service-connected disabilities, recently separated veterans, and homeless veterans.".

SEC. 5. REINTEGRATION PROJECTS FOR JOB TRAINING OF HOMELESS VETERANS.

Section 739 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449) is amended—

(1) in subsection (a)(3), by striking out all that follows "1993" and inserting in lieu thereof a period; and

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b) RESERVATION OF AMOUNTS FOR VETERANS' REINTEGRATION PROJECTS.—Beginning in fiscal year 1993, 25 percent of the amounts appropriated under subsection (a) shall be available only to carry out section 738.".

SEC. 6. WAIVER OF HOME LOAN ORIGINATION FEE FOR INVOLUNTARILY SEPARATED VETERANS WHO ARE FIRST-TIME HOME BUYERS.

Section 3729 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "subsection (c)(1)" and inserting in lieu thereof "paragraphs (1) and (4) of subsection (c)"; and

(2) in subsection (c), by adding at the end thereof the following:

"(4) A fee may not be collected under this section from a veteran who—

"(A) is involuntarily separated, as determined under section 1141 of title 10, before October 1, 1995,

"(B) prior to obtaining a loan subject to this paragraph, has not obtained housing loan benefits under section 3710 or section 3711 of this chapter, and

"(C) has never held a present ownership interest in the veteran's principal residence,

for a loan executed before the end of the three-year period beginning on the date the veteran is involuntarily separated. For the purposes of this paragraph, involuntarily separation shall be determined under section 1141 of title 10.''.

SEC. 7. WAIVER OF MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT FOR CERTAIN PERSONS WHO ARE INVOLUNTARILY DISCHARGED.

Section 5303A of title 38, United States Code, as amended by section 4(b)(10), is further amended—

(1) in subsection (b)(3)—

(A) by striking out ''or'' at the end of subparagraph (F);

(B) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ''; or''; and

(C) by inserting at the end thereof the following:

''(H) to a person who is involuntarily discharged, as determined under section 1141 of title 10.''; and

(2) in subsection (d)(3), by striking out ''or (C)'' and inserting in lieu thereof ''(C), or (H)''.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1992.

Mr. SIMPSON. Mr. President, I rise today to cosponsor and to offer my strongest support for this important piece of veterans legislation which was introduced by my friend, our fine and able Republican leader.

I also note that this bill is offered in concert with our House colleagues, chairman of the House Veterans' Affairs Committee, my old friend and ally, ''SONNY'' MONTGOMERY, and the conscientious ranking minority member, BOB STUMP, who in a truly bipartisan effort, introduced companion legislation in the House today.

This legislation addresses education, jobs, and transition assistance for those veterans recently discharged from the active duty military service.

This bill would increase the Montgomery GI bill educational assistance by raising the current payment from $300 per month to $500 per month; revive the Veterans Job Training Act Program; expand the Department of Labor's Veterans' Preference for Job Training Partnership Act programs; increase funding to the Veterans Homeless Assistance Act; and waive the home loan origination fee for involuntary separated veterans.

The cost of this bill is expensive—$1.8 billion over a 5-year period. But, let us make no mistake, these worthy improvements in veterans' benefits cannot come at a more appropriate time than now.

The Department of Defense expects to reduce the Armed Forces by 520,000 people by 1995. Many of these veterans, with families to support, never planned on leaving the active duty service and are not now in a financial position to obtain additional education under the current GI bill.

Through this enhanced GI bill, these veterans will have the opportunity to become a more qualified work force as our Nation transitions into fuller economic growth.

Finally, there is clearly a great need for transition assistance to the civilian world for these veterans. By reviving the Veterans Job Training Act and amending the Job Training Partnership Act, employers and veterans will both benefit.

Employers would receive Federal tax benefits for hiring veterans and veterans would be given preferential access to certain Federal grants.

Our message is directed toward jobs and opportunities for civilian transition for our Nation's deserving veterans. This legislation has been designed in accordance with the President's policy of peace dividends for the peacemakers.

I commend my colleague, the Republican leader, for his work and keen foresight in this area, and I am most pleased to introduce this legislation with him. I invite my colleagues on both sides of the aisle to cosponsor this important legislation.

By Ms. MIKULSKI (for herself and Mr. ROBB):

S. 2673. A bill to require the Director of the Office of Personnel Management to carry out a program of job placement for civilian employees of the Federal Government whose employment positions are eliminated by reason of reductions in the size of the Federal work force; to the Committee on Government Affairs.

S 2674. A bill to require the Director of the Office of Personnel Management to establish a toll-free information system to provide Federal employees whose positions are being eliminated due to reductions in the size of the Federal work force with information relating to the employment-related opportunities and benefits available to such employees; to the Committee on Governmental Affairs.

DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEE ASSISTANCE ACT

• Ms. MIKULSKI. Mr. President, today, along with Senator ROBB, I am introducing legislation that will assist Department of Defense civilian employees who will be affected by the downsizing of the defense budget.

It wasn't long ago that the entire Nation was celebrating our overwhelming victory in the Persian Gulf war—a victory that demonstrated our Armed Forces' vast technological and organizational superiority. That superiority was obtained in part by the dedicated and tireless efforts over the past few decades of the Defense Department's talented scientists and engineers, procurement officers, support staff, personnel clerks, and computer operators. Their efforts paid off—we won the gulf war, we won the cold war.

But now, the celebrations are over. The defense budget is on the decline, and our attention is turned to the many demands of our domestic economy. The same people who just last year were receiving accolades for their contributions to our victory in the gulf are now faced with an uncertain future.

Last year, Congress provided the Defense Department a program to assist the thousands of military personnel who are being released and must reenter civilian life. This program appears to be working well. But what about the thousands of civilians who are faced with the same fate—separation from their jobs, their livelihood, their career?

The two bills I am introducing today are one step toward helping these civilian defense department employees who, through no fault of their own, may be faced with loss of their jobs.

The first bill will expand the Defense Department's Priority Placement Program to a Government-wide program. What this means is that an engineer, computer programmer, or a secretary being displaced within DOD or any other Federal agency will be given first priority over non-Government employees for similar jobs within Commerce or Energy or NASA or any other Federal agency.

The second bill will direct the Office of Personnel Management to develop a 1-800 number—a one-stop shop—of information on employment-related opportunities and benefits available to displaced workers. This will enable displaced workers who may not be able to afford numerous, lengthy long-distance phone calls to find out what opportunities or benefits are available to them.

I believe both bills can be implemented at minimal cost while having far-reaching benefits for the people affected by the defense downsizing. I encourage my colleagues on both sides of the aisle, especially those on the DOD/Economic Conversion Task Force, to join me in support of these bills. This is the very least we all can do for the thousands of dedicated and hard-working civilians who have contributed so much to our Nation's security.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAM OF JOB PLACEMENT FOR CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) REQUIREMENT OF PROGRAM.—Notwithstanding any other provision of law and subject to subsections (b) and (c), the Director of the Office of Personnel Management shall carry out a program to provide employment referrals and priority in employment placement in the Federal Government to civilian employees of the Federal Government whose employment positions are abolished or eliminated by reason of any reduction in the size of the Federal Government work-force.

(b) PROGRAM MODEL.—(1) In implementing and carrying out the program required under subsection (a), the Director of the Office of Personnel Management shall, to the extent practicable, employ and adapt the methods and procedures relating to employment referrals and employment placement (including procedures for determining the eligibility of an employee for the receipt of such referrals or placement) that are employed by the Department of Defense under the Department of Defense Program for Stability of Civilian Employment implemented pursuant to Department of Defense Directive 1400.20.

(2) The Director shall implement and carry out the program required under subsection (a) in consultation with the Assistant Secretary of Defense for Force Management and Personnel.

(c) COMMENCEMENT DATE.—The Director of the Office of Personnel Management shall commence carrying out the program required under this section not later than 120 days after the date of the enactment of this Act.

S. 2674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYMENT-RELATED INFORMATION FOR DISPLACED FEDERAL EMPLOYEES.

(a) INFORMATION SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall commence the provision of the information referred to in subsection (b) to displaced Federal employees by means of a toll-free telephone number (commonly referred to as an 800 number).

(b) TYPES OF INFORMATION.—The information to be provided to displaced Federal employees by means of the toll-free telephone number referred to in subsection (a) shall include information relating to the following:

(1) Any employment opportunities that are available to such employees, including employment opportunities inside and outside of the Federal Government.

(2) Any benefits that are available to such employees by reason of their employment in employment positions in the Federal Government.

(3) Any programs that provide reemployment assistance to such employees or similarly situated employees and in which such employees may participate.

(c) DEFINITION.—In this Act, the term "displaced Federal employee" means any civilian employee of a department, agency, or instrumentality of the Federal Government whose employment position in that department, agency, or instrumentality is abolished or eliminated by reason of a reduction in the size of the work-force of that department, agency, or instrumentality.●

By Mr. BINGAMAN:

S. 2675. A bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH INSURANCE PURCHASING COOPERATIVES ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that represents one of the many steps needed to achieve comprehensive reform of our Nation's health care system. Before I go into the details of my bill, I want to talk more broadly about our health care system and some of the problems I believe we will encounter as we begin the process of reform.

I could spend a great deal of time reciting statistics on the shortcomings of our health care system, but every one knows the dilemma we face: We can no longer afford a health care system that fails more than half of us.

Forty million Americans, including 10 million children, have no health insurance and another 100 million of us are underinsured. Health care costs are rising so rapidly that none of us can have the peace of mind that we will be able to take care of our family's medical problems without losing our savings accounts or our homes.

Peace of mind will come only through change in our health care system, the most expensive system in the world. The United States spent $732 billion on health care last year, exceeding the gross national product of all but six of the world's countries. It is sobering to realize that modification of our health care system is comparable to changing the economy of a major nation.

It is the sheer magnitude of our health care system that makes it so difficult to reform. Yet, we cannot afford to delay the task any longer. I am convinced that major structural alterations must be the foundation of reform. Cosmetic changes are not good enough. Many of my colleagues apparently have reached the same conclusion. In fact, Mr. President, more than 100 comprehensive health care reform proposals are now pending in the Senate and the House. Almost all the bills advocate differing approaches to reform—proposals range from Canadian-style single-payer systems to recommendations for small changes in our current system.

What does it mean that so many bills with different approaches have been put forth? First, it signals a widespread recognition of the problems inherent in our current health care system. But the number of proposals also reflects the lack of consensus on how to solve the problems we face. Without consensus, it will be extremely difficult, if not impossible, to implement any type of comprehensive reform.

Mr. President, despite the lack of widespread consensus, I think it is possible for Congress to act on some aspects of health care reform. Careful examination of the proposals put forth by the administration, the Democratic leadership and the Republican leadership reveals that each group has identified three common problems:

First, the need to reform of the small group health insurance market;

Second, the need to create greater efficiency in health insurance billing and claims processing; and

Third, the need to create a common database or system of assessing effectiveness of health care interventions.

Mechanisms for addressing these problems are included in the President's health reform proposals; in S. 1936, the Senate Republican leadership bill; and in S. 1227, HealthAmerica, the Democratic leadership bill. Perhaps here, at this point of consensus, we should begin. It may not be comprehensive reform; but it is a step toward comprehensive reform; and as an old Chinese proverb says: "A journey of a thousand miles starts with a single step."

Over time, these steps will lead to a comprehensive overhaul of our health care system and will provide quality care, at an affordable price, for all of us. Proposing incremental reform is not as glamorous as proposing the type of comprehensive reform I, and many of my colleagues, support and have pledged to work to achieve. But it may be the wisest course for now, and the one least likely to get us in trouble down the road.

I believe we should begin our journey by taking steps to reform the small group insurance market. The insurance marketplace is replete with failings, but none is as egregious as the failure of the small group insurance market. Insurance for employees of small business has become a luxury few can afford. Insurers have found creative ways to cover healthy individuals, while increasing premiums for individuals who actually need or use their health insurance.

A curious form of natural selection has developed for employees of small business: The employee who becomes ill is dropped from the company's policy, to preserve lower prices for the remaining employees. The disparity in premiums can be enormous, depending on where a beneficiary lives and the type of work he or she performs. We have reached a point where no one who works for a small employer can be confident he or she will have health insurance next year.

Mr. President, when considering how to reform this particular system, an understanding of history—of how we got to this point—is useful:

For the past 100 years, we have pursued a pluralist health care system. Seeking checks and balances, we have allowed a combination of competing sectors to evolve. Driven by pressures from third-party payers and Government regulators, the system has contracted in some areas, but only in response to pressure. No overall direction or management of the system has been developed or encouraged. To the contrary, our health care system has proven resistent to comprehensive management.

Many other countries have sought a balanced, centralized approach to providing health services. In the United

States, suspicion of Government has lead us to eschew such remedies. Americans have struggled to define and distinguish adequate Government protection and undue meddling. Ambivalence to the role of charity and Government intrusion has created a pluralist health care system in which every individual has enormous freedom and no one person or entity can guide the direction of American health policy.

I believe our pluralist health care system needs management—management that can effectively channel market forces and allow disenfranchised groups, like employees of small businesses, to have a voice. But effective management requires information; and today, that is something we do not have. In fact, most of us in policymaking positions know very little about our health care. The pluralist system we have developed defies evaluation and has created a situation that can only be poorly described. If we ever expect to reach comprehensive reform, we need to know more about our system.

The three first steps to health care reform I have outlined—reform of the small group health insurance market; creating administrative efficiencies; and acquiring information for managing the system—will be most effective if linked with a fourth step: One that allows consumers to make choices on the basis of cost and quality.

Over the years, we have not been able to make many health care choices based on cost, and we have had access to only limited information with which to make decisions about quality. The bill I am introducing today addresses this problem, as well as the other three, by encouraging States to create large purchasing cooperatives for small employers, which will allow consumers to base decisions on cost and quality.

For some time, companies that have purchased large quantities of health care services have demonstrated that buying leverage can impact the health care system. Large buyers can demand discounts and quality services. Very few small employers enjoy this leverage. This bill will help give small business the buying power and leverage enjoyed by large companies.

The bill will establish a management model for the small employer health insurance market. It will restrict the wild fluctuations in insurance ratings that have been applied to individuals seeking insurance through small groups.

The bill will create administrative savings in two ways:

First, it mandates that insurers participating in the new system use electronic administration of claims and billing. Insurers will provide consumers with electronic credit cards, which summarize their medical benefits, treatment history, and health history.

Second, and more important, the bill will create a mechanism for consumers to make knowledgeable choices about quality and cost when choosing medical benefits.

My bill achieves these objectives by helping States create health insurance purchasing cooperatives, or HIPCs. A new Federal grant program will be authorized within the Department of Health and Human Services, through which States can apply for funding to help establish an HIPC system.

States participating in the program will assign exclusive regional franchises to each HIPC; and in participating States, HIPC's will be the exclusive mechanisms for small employers—under 50 employees—to purchase health insurance.

An independent National Health Board will be established by the President. This board will recommend several levels of health benefit packages, which will be offered through the HIPC's. Recommendations will be based on demonstrated efficacy of interventions, including cost effectiveness. The Board will also determine which outcome measures should be used in assessing the medical services delivered through HIPC's.

HIPC's will:

Seek bids from insurance carriers seeking to provide the care and benefits described in the bid request;

Act as a health benefit office for small employers;

Offer small employers and employees a range of health packages; and

Ensure that employees receive all appropriate services, including any mandated Federal benefits.

Mr. President, I ask that letters supporting this bill, along with a bill summary, be printed in the RECORD at the conclusion of my remarks.

Secretary Sullivan has estimated national implementation of steps like these will save between $4 and $20 billion annually—depending on the number of States implementing the program. My bill will authorize $25 million for the grant program for each of 4 years.

Mr. President, in closing, I am introducing the Health Insurance Purchasing Cooperatives Act today because I believe we are prepared—we have reached a consensus—to take the first 4 steps toward comprehensive health care reform. By taking these four steps, more than 40 million Americans working for small employers will finally have peace of mind. We will finally have a foundation for the many health reform steps we will need to take over the next several years.

It may be more glamorous to propose grand, comprehensive health care reform, but it simply is not realistic at this point. We need models that advance our system and ensure high-quality, affordable health care for all Americans. This proposal offers what we need most: a start in reforming our health care system.

There being objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH INSURANCE PURCHASING COOPERATIVE ACT

Purpose: While the debate continues on comprehensive health care reform, this bill enables us to begin taking action: it makes important, basic structural reforms in the small employer health insurance market. The bill helps states establish "Health Insurance Purchasing Cooperatives," which will manage competition among insurance carriers to: (1) streamline and reduce costs in the administration of health benefits; and (2) help employees select health benefits plans that compete in cost and quality.

NEED AND RATIONALE

Americans working in small firms are less likely to be insured: Only 25 percent of all self-employed workers and 31 percent of workers in firms with 25 employees or less have employer-sponsored health insurance. In firms of 1,000 or more, 71 percent of the workers are covered.

More Americans are losing health insurance: Between 1989 and 1990, two million Americans lost employer-based health insurance.

Administration of small firm health insurance is costly and ineffective: CRS estimates administrative costs exceed 35 cents per dollar for small health insurance policies. Larger plans spend less than 6 cents per health care dollar. Market restructuring could reduce premiums for small employers and their employees by 20 to 30 percent.

Electronic technology could save billions each year in medical billing costs: Reducing paperwork and increasing efficiency could save $4 billion to $20 billion annually. Universal beneficiary information cards, uniform claim forms, and electronic billing will move the health insurance industry into the 21st century.

THE PLAN

(1) Health Insurance Purchasing Cooperatives. Through a new DHHS program, states will apply for grants to establish "Health Insurance Purchasing Cooperatives" (HIPC) for small employers (less than 50 employees). Federal funds will be used to help cover HIPC start-up costs. Once operational, HIPCs will be fiscally self-sufficient.

(a) Key feature: HIPCs will be the exclusive health benefits agent for all small employers in states that adopt the program. In states opting for the program, all small employers will be required to use HIPCs for purchasing health benefits, if the employers choose to offer such benefits.

(b) HIPCs will:

Be established by states in districts, based on population and geography to achieve economy of scale;

Act as the exclusive purchasing agents for all small businesses within a district, soliciting bids for specific benefits packages and purchasing large blocks of insurance, thus motivating providers and carriers to provide high quality, cost-effective services and coverage; and

Act as a health benefits office for participating employers, providing comprehensive health services' purchasing, informing employees about their benefits, and operating annual "open enrollment seasons" for employees.

(c) Carriers will: submit bids on standardized benefit plans to HIPCs, using adjusted community ratings, assessing age, gender and geography to determine premiums; hold annual open enrollment periods; and limit exclusion of coverage for preexisting conditions to no more than six months.

(2) National Health Board: The President will appoint an 11-member "National Health Board"(NHB), representing the spectrum of participants in our health care system. The Board will:

Help states regulate HIPCs by establishing standards for qualified plans;

Develop model health insurance packages and periodically review the benefits packages; and

Establish data collection requirements for quality monitors, expense reporting, and health outcome and efficacy data, which will be the foundation of a national health insurance and outcomes data collection system.

(3) National Data System: The DHHS Secretary will establish a comprehensive national data base for health information, based on NHB recommendations:

(a) All HIPC carriers will issue standardized magnetic cards to their beneficiaries. The card will contain information on billing, eligibility, and health outcomes, which will be conveyed electronically to Regional data centers. The regional centers will, in turn, pass the information on to the Secretary, governments, and communities.

(b) Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing. Data will be provided in a standard format, to be established by the NHB.

Cost: Actual expenditures will be $133 million over four years. Estimates derived from CRS data indicate national implementation of HIPCs should save $5–$10 billion annually. Actual savings depends on the number of states adopting the program.

U.S. HEALTHCARE,
Blue Bell, PA, April 8, 1992.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of U.S. Healthcare, Inc., I would like to congratulate you on the introduction of the "Health Insurance Purchasing Cooperative Act of 1992". We support bills like this and look forward to working with you as the healthcare reform debate continues.

Sincerely,
MICHAEL A. STOCKER, M.D.,
Executive Vice President.

INTERSTUDY,
Excelslor, MN, April 7, 1992.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Your proposed legislation (the Health Insurance Purchasing Cooperatives Act) for small employer health insurance reform is on target. You've managed to include in a single piece of legislation administrative cost reduction through joint cooperative purchasing, avoidance of risk selection by requiring all small businesses who purchase health insurance to participate, and have established a new health outcome-based standard for competition based on quality and price.

If my colleagues and I can be of assistance in providing expert testimony on your proposal, please call on us.

Sincerely,
PAUL M. ELLWOOD, M.D.,
President & CEO.

Chevy Chase, MD, April 9, 1992.

Senator JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I appreciate the opportunity to become familiar with the details of your "Health Insurance Purchasing Cooperatives Act" legislation.

A full reform agenda is needed for our health system. But such systemic reform must build on solid foundations. I think the "Health Insurance Purchasing Cooperatives Act" is such a fundamental reform in building a better health care system, particularly in two major respects:

Restructuring the small group insurance market: The legislation establishes Health Insurance Purchasing Cooperatives (HIPCs) for management of health insurance benefits for small employers in each area. The HIPCs will greatly assist small employers, their workers and families by: (1) putting an end to the egregious underwriting and rating practices that now characterize this part of the insurance market, threatening tens of millions of working, middle-class Americans with "job lock", uncertain insurance protection, and unaffordable premiums; (2) reducing the excessive insurer administrative charges—up to 40%—for small insurers with an administrative system similar to that now enjoyed by large employers (with administrative costs of 5% or less) as well as by Federal employees in their own multi-choice health insurance programs; and (3) providing an effective consumer-oriented insurance marketplace, in which qualified insurers compete through offering standardized benefit packages which individuals are able to compare by cost and quality measures.

National data system with electronic billing and credit cards: The legislation also makes a major step toward a more efficient—and effective—national administrative system for health insurance benefits by using credit cards and electronic billing that are already the norm in handling many financial transactions. These reforms will reduce consumer costs and paperwork. They will also lay a base for a much-needed national data system on health care costs and quality. Such a data system is vitally important if communities, employers, consumers, state governments and public and private decision-makers are to be well-informed about the nature of health cost variations, cost increases, quality measures, and effectiveness of clinical procedures and able to formulate intelligent plans for dealing with them.

This legislation will benefit many millions of Americans and lay the basis for broader health system reforms. I hope it can be enacted as soon as possible.

Sincerely,
LYNN ETHEREDGE.

WASHINGTON BUSINESS
GROUP ON HEALTH,
Washington, DC, April 8, 1992.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The Washington Business Group on Health (WBGH) commends you for authoring the Health Insurance Purchasing Act of 1992. WBGH supports enactment of this important proposal into law.

As you know, adoption of the Health Insurance Purchasing Act will not solve all of our nation's health system problems. Much would remain to be done in the areas of access to care, cost management and quality improvement. However, as an organization which favors fundamental health system reform, we support the Act because it sets the stage for subsequent, more comprehensive health system changes while also effectively addressing some of the most immediate health insurance problems faced by many Americans.

The Act is designed to reestablish a functional small group health insurance market. Although most WBGH members are large employers, we have an important stake in small group market reform. First, WBGH's members pay more than their fair share of health costs, partly because small group market practices prevent some employees' dependents from obtaining coverage through their own jobs at small companies. Second, large corporations participate in the same health care system as small groups. The manner in which tens of millions of Americans insured through small groups obtain health services affects large employers' ability to manage costs and improve health care quality. Finally, WBGH's members deal with small businesses as customers, suppliers and franchisees. The productivity of these relationships is directly affected by small businesses' health insurance arrangements.

Like other small group reform proposals, the Health Insurance Purchasing Act includes much needed restrictions on insurers' rating and underwriting practices. However, the Act takes a bold step beyond other proposals by authorizing (though not requiring) states to establish not-for-profit Health Insurance Purchasing Cooperatives (HIPCs) that would be the exclusive health benefits purchasing agents for small employers in a given area. HIPCs would contract with multiple carriers selected through competitive bidding to offer several different standardized benefit packages to small employers.

For small businesses, a small group market reform plan structured around HIPCs has several important advantages over reforms limited to rating and underwriting restrictions. HIPCs will be able to provide small employers and their employees with: (1) the market clout needed to require that insurers and providers change their practices in order to provide more efficient, higher quality care, (2) an ability to negotiate favorable premiums and avoid cost-shifting, (3) in practical terms, a broader choice among insurance plans, (4) reduced administrative costs, and (5) professional benefits administration.

WBGH also supports the Act's strong emphasis on quality improvement. Only carriers able to meet cost-effectiveness and quality standards would be permitted to participate in the HIPC, and carriers would be required to report uniform data measuring quality of care. These are important and overdue steps toward bringing accountability to our health care system.

WBGH strongly urges you to consider several technical refinements to the Health Insurance Purchasing Act as it moves through the legislative process. First, we believe that effective management of mental health services rather than limits on the quantity of covered services is the most effective way to contain the cost of mental health care. This should be reflected in the HIPCs' minimum benefit package.

Second, we believe that the Act should specify an appropriate limit on maximum demographically-related premium variation between groups.

Third, we agree that some standardization of benefits is needed, to promote meaningful price and quality competition, avoid adverse selection and simplify administration of benefits. We believe that it would be useful to further evaluate the roles played by a minimum benefit package and the National Health Board in fostering standardization.

Fourth, groups with more than 50 employees are beginning to face many of the same problems with insurance market practices as groups with fewer than 50 employees. States should be authorized to establish HIPCs which encompass groups with up to 100 employees.

Finally, WBGH opposes mandatory reinsurance pools, which wholly or partly absolve carriers of their financial responsibility for high cost claims. This greatly weakens carriers' incentive to effectively manage care, resulting in higher costs and subsidies of inefficient carriers by efficient carriers. While the Act does not specify reinsurance arrangements, we do not believe that mandatory reinsurance should be an option in the context of a HIPC which would reduce selection effects by managing competition between carriers. Alternatives, such as prospective risk-based adjustment of premium revenue between carriers, should be vigorously explored.

Again, the Washington Business Group on Health commends you for introducing the Health Insurance Purchasing Act. We look forward to working with you and your staff on technical refinements to the Act, and on broader health system reform legislation in the future.

Sincerely,

MARY JANE ENGLAND,
President.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2676. A bill for the relief of certain subcontractors that incurred losses resulting from the avoidable insufficiency of payment and performance bonds furnished in connection with Coast Guard contract DTC50-87-C-00096; to the Committee on the Judiciary.

RELIEF OF CERTAIN SUBCONTRACTORS

Mr. MURKOWSKI. Mr. President, I rise today on behalf of my colleague, the senior Senator from Alaska [Mr. STEVENS] and myself to introduce a private-relief bill on behalf of Alaskan subcontractors and suppliers who were injured as a result of the default of the general contractor on the construction of the Coast Guard facility in Ketchikan, AK, and the failure of the Coast Guard to ensure that adequate sureties existed to protect those subcontractors and suppliers.

Mr. President, this is an unfortunate case where the U.S. Coast Guard contracted with a general contractor, relied on sureties provided by that general contractor, and the general contractor subcontracted to a group of small individual companies in the city of Ketchikan, AK, and those individual companies relied, obviously, on the Government for performance. But the contract was by the Government through the general, and, as a consequence, to make a long story short, the general was dishonest and saw fit to basically depart the country without paying the subcontractors, and, as a consequence, these people who performed the job and provided services were simply not paid, and the impact upon them individually and collectively has been a financial disaster, and, hence, the justification for the special private-relief bill introduced by Senator STEVENS and myself.

BACKGROUND

In 1987, the Coast Guard awarded this contract to MZP, Inc., as the prime contractor. Although MZP was paid by the Coast Guard, MZP failed to fully compensate its subcontractors and suppliers as required by the Coast Guard contract and the individual contracts of the subcontractors and suppliers. In an effort to collect moneys they were owned, several subcontractors and suppliers sued MZP and the individual sureties in Federal court under the Miller Act. Judgments against MZP and the sureties were awarded to these subcontractors and suppliers.

In spite of these judgments, the subcontractors and suppliers have been unable to collect against either MZP or the sureties because MZP had filed for bankruptcy and the individual surety bonds were not supported by collateral. The property and assets listed on the bonds approved by the Coast Guard are nonexistent.

The subcontractors and suppliers have expended considerable amounts in attorneys fees, time and effort in attempting to obtain payments that are rightfully due to them for their performance on the Coast Guard contract. Financial stability of many of the subcontractors has been threatened as a result.

The fundamental purpose of the Miller Act, the Federal Acquisition Regulations, and other applicable Federal regulations are to protect the Government and those who supply labor and materials on Government jobs by ensuring that adequate security exists for the bonds accepted by the Government. The Coast Guard had an obligation to ensure the adequacy of the individual sureties on this contract.

PROBLEM COULD HAVE BEEN PREVENTED

Mr. President, I believe that this problem could have been prevented had the Coast Guard made a more diligent effort to ensure that bonding and sureties on the project were legitimate. Early on in this process, at the inception of the project, serious questions were raised by other contractors and subcontractors as to the adequacy of the bonding and sureties put forth by MZP. These concerns were brought to the attention of Coast Guard personnel responsible for determining the acceptability of the individuals proposed as sureties and the bonds they were required to execute.

We have raised this issue on a number of occasions with Coast Guard personnel and I personally brought the issue to the attention of Admiral Kime. We recently had a meeting in Ketchikan with Coast Guard attorneys and affected subcontractors to discuss remedies which might be available to them. Throughout this process, the Coast Guard has maintained that its personnel complied with the regulations governing the investigation of the bonding and sureties in place at the time the contract was awarded. While this may be the case, the Coast Guard certainly did not seriously investigate any of the charges made about the adequacy of the sureties, warnings which if heeded could have prevented this unfortunate situation. Although Federal acquisition regulations have been strengthened in the last few years to prevent this damage to future subcontractors, it in no way provides any relief for those injured in the past. The only remedy available at this time appears to be the passage of private relief legislation, an equitable remedy which I believe fairness dictates.

CONCLUSION

These Alaskan subcontractors relied in good faith on the Coast Guard and the U.S. Government to protect their interests. The Coast Guard was most certainly aware that the subcontractors relied on their determination that the necessary safeguards were in place. These subcontractors were injured as a result of this reliance. Principles of equity and fairness demand that the subcontractors be provided with relief. My legislation would ensure that these subcontractors and suppliers are fully and fairly compensated for their performance under the contract. I would urge my colleagues to support this legislation.

By Mr. CRANSTON (for himself, Mr. DURENBERGER, Mr. BURDICK, Mr. PACKWOOD, Mr. AKAKA, Mr. SIMON, Mr. PELL, and Mr. HATFIELD):

S. 2677. A bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses; to the Committee on Finance.

ECONOMIC EQUITY ACT

• Mr. CRANSTON. Mr. President, on behalf of myself and the distinguished Senator from Minnesota [Mr. DURENBERGER] I am pleased to introduce today the Economic Equity Act of 1992 [EEA].

We are joined in cosponsoring this legislation by the Senator from North Dakota [Mr. BURDICK], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], and the Senator from Oregon [Mr. HATFIELD].

The EEA of 1992 is a package of individual legislative initiatives designed to improve the economic status of women. This is the sixth EEA introduced in the Congress since 1981, and like its predecessors it contains a blueprint for the Congress to follow to eliminate many of the roadblocks standing in the way of economic equity for millions and millions of American women. Last year, a similar EEA bill was introduced in the House by Representatives PATRICIA SCHROEDER and OLYMPIA SNOWE. I am pleased to report that two provisions of the House EEA bill Nontraditional Employment for Women Act and the Glass Ceiling Act—have already become law.

This bipartisan, bicameral bill is a vehicle for individual legislative initiatives that share one common goal; to improve the economic well-being of women. When an initiative is enacted, another initiative takes its place in a subsequent EEA. The EEA has and will continue to provide a congressional agenda for advancing economic equity for women.

It has given me great pleasure to note the successes of past EEA's. Beginning with some modest victories in the 97th Congress, the EEA's first year of introduction, we have made major strides in subsequent Congresses. In the 98th Congress we scored victories with private and public pension reform, child support enforcement, and two child care initiatives. The 99th Congress enacted into law six EEA provisions, including health insurance continuation, private and military pension reforms, child care for higher education students, and tax reforms. Four EEA provisions were enacted in the 100th Congress, including equal credit protection for women business owners, and funding for child care in public housing. In the 101st Congress, nine EEA bills became law. These bills involved issues such as vocational education, displaced homemakers, transitional housing child care services, public housing perinatal services, domestic violence, disabled widows and widowers, immigration reform for battered spouses and increased funding for the Social Security block grants and maternal and child health block grants.

The EEA of 1992, divided into five titles—Employment Opportunities; Women in Business; Economic Justice; Retirement Equity and Equal Remedies—represents a comprehensive, forward looking approach to improving the economic well-being of American women and families. It takes into account the differing needs of older women and younger women, wage earners and homemakers, and single heads-of-household as well as women who own their own businesses. It balances proposals for long-range, fundamental reforms with more immediate, incremental reforms. This diversity and universal applicability of the EEA to women in all walks of life is one of its greatest strengths.

Mr. President, the following is a summary of the EEA of 1992.

TITLE I. EMPLOYMENT OPPORTUNITIES

Women in Apprenticeship Occupations and Nontraditional Occupations Act

This provision would authorize community-based organizations to provide technical assistance to private employers wishing to recruit, train and retain women in apprenticeship programs. The bill would also provide for a study of barriers to the participation of women in apprenticeships and nontraditional occupations, and strategies for overcoming those barriers.

Women and Minorities in Science and Mathematics Act

This provision would amend the Higher Education Act to encourage women and minorities to enter the fields of science and math. It would provide training for faculty and staff to develop educational programs for encouraging the entry of women and minorities into these fields, authorize use of funds for model training for women and minorities who seek work in math and science, and provide counseling for high school girls and minorities to prepare them for entrance into these fields. This legislation would also provide for recruitment and retention efforts for women and minorities to teach math and science.

Advancement of Women in Science & Engineering WorkForce Act

This legislation would establish a commission to study the recruitment, retention, and advancement of professional women in science and engineering.

Worker Retraining Demonstration Project

This legislation would create a demonstration program of grants to states to provide literacy and skills training for workers currently in low-paying, dead-end jobs to prepare them for more highly skilled positions.

TITLE II—WOMEN IN BUSINESS

Act for Microenterprise

The Act for Microenterprise would assist low-income individuals who wish to establish microenterprises by ensuring that the receipt of a microenterprise loan does not bar someone from receiving welfare payments on the grounds of exceeding the asset limitation. The legislation would provide a one year transition period during which income derived from a microenterprise activity would not be counted toward eligibility for welfare. The legislation would also allow a person to start a microenterprise while they receive Unemployment Insurance.

Microlend for the Future Act

The Microlend for the Future Act would establish a new program within the Small Business Administration to provide funds to community-based organizations. These organizations would make loans available to individuals starting or expanding microenterprises who have been unable to obtain alternative financing. The legislation would also require these community-based organizations to provide appropriate technical assistance and business training to the individuals receiving microenterprise loans.

Women's Business Procurement Assistance Act

This legislation would require all federal agencies to establish goals for contracting and subcontracting with women-owned businesses, and would formally establish the Office of Women's Business Ownership at the Small Business Administration. In addition, it would require each agency to employ a women's business specialist who would assist women-owned businesses in obtaining federal contracts. This legislation, S. 1959, was introduced by my colleague from Maryland (Ms. Mikulski).

Equal Surety Bond Opportunity Act

The Equal Surety Bond Opportunity Act would create a federally-approved list of surety agencies and would make it unlawful for a federally-approved surety to discriminate against any applicant on the basis of race, color, religion, national origin, sex, or marital status. The legislation would also require a surety to notify bond applicants, upon request, about the status of their application within a reasonable time period and would entitle an applicant for a bond whose application has been denied to receive, upon request, a written statement of reasons for the denial. This legislation, S. 2611, was introduced by my colleagues from Illinois (Mr. Simon and Mr. Dixon).

Small Business Access to Surety Bonding Survey Act

The Surety Bonding bill would authorize a study to determine barriers that exist to women and minorities obtaining surety bonds and to recommend ways to overcome those barriers. This legislation, S. 2609, was introduced by my colleague from Pennsylvania (Mr. Wofford).

TITLE III—ECONOMIC JUSTICE

Pay Equity Technical Assistance Act

This provision would establish a clearinghouse within the Department of Labor (DOL) to disseminate information on pay equity efforts in the public and private sectors. Under the bill, DOL would undertake and promote research on job evaluation techniques that are free of bias and would provide technical assistance to persons or organizations voluntarily requesting assistance in eliminating discriminatory wage-setting practices. Earlier this session, I introduced this bill, S. 1856.

Legislative Pay Equity Study

This legislation would establish a bipartisan commission to select a private contractor to conduct a pilot study of the Library of Congress to determine whether workers are being paid according to the work they do—and not according to their sex or race. The commission would then report the study's findings and recommendations for a comprehensive plan to ensure pay equity within the entire legislative branch.

Assured Minimum Child Support Demonstration Projects

This bill would establish child support assurance demonstration projects which would be provided to six states to conduct projects for the purposes of establishing or improving a system of assured minimum child support payments.

Federal Council on Women Act

This bill would establish a 17 member council within the legislative branch to review, evaluate, and propose federal policy with respect to the economic problems of women, in particular women living in poverty, in the United States.

Title XX Social Services Block Grant Restoration Act

Title XX is the main source of federal funding for a wide range of increasingly needed social services such as child day care and protection from abuse or neglect. Title XX suffered a $600 million cut in OBRA 1981. This bill would restore $500 million to Title XX over the next three years and raise authorization to $3.3 billion by 1994. This bill, S. 1189, was introduced by my colleague from Michigan, (Mr. Riegle).

TITLE IV—RETIREMENT EQUITY

Former Military Spouses

This legislation would amend the 1991 Department of Defense Authorization Act to allow all eligible former military spouses access to the new definition of disposable retirement pay, which prohibits military retirees from deducting private taxes and personal debts from their retirement benefits. This provision will ensure that such spouses have full access to retirement benefits.

Social Security Equity Act

This legislation would amend Title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have Social Security protection in his or her own right. I and my colleague from Ohio (Mr. Metzenbaum) introduced this bill, S. 2635.

TITLE V—EQUAL REMEDIES

Equal Remedies Act

The Equal Remedies Act of 1991 would remove the limitations on damages in Section 1981A of the Civil Rights Act of 1991. This bill was introduced by my colleagues from Massachusetts (Mr. Kennedy) and Minnesota (Mr. Durenberger) as S. 2062.

CONCLUSION

Mr. President, I believe the focus of the EEA of 1992 on employment opportunities; women in business; economic justice; retirement equity and equal remedies will provide the attention needed to make significant progress during the 102d Congress on these issues which affect women. I am confident that, as in past years, major provisions of this session's EEA will be enacted and that we will succeed in moving closer to the goal of attaining economic equity for women and their families. Finally, I ask unanimous consent that a report on the background of EEA and the full text of the Economic Equity Act of 1992 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Equity Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—EMPLOYMENT OPPORTUNITIES

Subtitle A—Women in Apprenticeship Occupations and Nontraditional Occupations Act

Sec. 101. Short title.
Sec. 102. Findings; statement of purpose.
Sec. 103. Definitions.
Sec. 104. Technical assistance.
Sec. 105. Eligible recipients.
Sec. 106. Outreach to employers and labor unions.
Sec. 107. Liaison role of Department of Labor.
Sec. 108. Study of the barriers to the participation of women in apprenticeable occupations and nontraditional occupations.
Sec. 109. Program authorization.

Subtitle B—Commission on the Advancement of Women in the Science and Engineering Work Forces Act

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Establishment.
Sec. 114. Duty of Commission.
Sec. 115. Membership.
Sec. 116. Director and staff of Commission; experts and consultants.
Sec. 117. Powers of Commission.
Sec. 118. Authorization of appropriations.
Sec. 119. Termination.

Subtitle C—Women and Minorities in Science and Mathematics

Sec. 121. Short title; preferences.
Sec. 122. Findings.
Sec. 123. Postsecondary programs for nontraditional students.
Sec. 124. Trio programs.
Sec. 125. Educator recruitment, retention, and development.
Sec. 126. Cooperative education.
Sec. 127. Graduate programs.
Sec. 128. Postsecondary improvement programs.

Subtitle D—Worker Retraining

Sec. 131. Short title.
Sec. 132. Findings and purpose.
Sec. 133. Definitions.
Sec. 134. Establishment of grant program.
Sec. 135. Authorization of appropriations.

TITLE II—WOMEN IN BUSINESS

Subtitle A—Act for Microenterprise

Sec. 201. Short title.
Sec. 202. Public assistance provisions.
Sec. 203. Unemployment compensation for individuals starting microenterprises.
Sec. 204. Eligibility of assistance for microenterprises under community development block grants and urban development action grants.
Sec. 205. Business loans to microenterprises.
Sec. 206. Treatment of microenterprise loans of savings associations as qualified thrift investments.
Sec. 207. Establishment of microenterprise division in each Federal banking agency.

Subtitle B—Microlend for the Future Act

Sec. 221. Short title.
Sec. 222. Microenterprise assistance program.
Sec. 223. Reports.
Sec. 224. Authorization of appropriations.
Sec. 225. Definitions.

Subtitle C—Women's Business Procurement Assistance Act of 1992

Sec. 231 Short title.
Sec. 232. Goal setting.
Sec. 233. Reporting.
Sec. 234. Subcontracting.
Sec. 235. Women-in-business specialists.
Sec. 236. Outreach.
Sec. 237. Establishment of the office of women's business ownership.

Subtitle D—Equal Surety Bond Opportunity Act

Sec. 241. Short title.
Sec. 242. Additional requirements regarding approval of sureties.
Sec. 243. Information for bond applicants and nondiscrimination.
Sec. 244. Civil penalties.
Sec. 245. Regulations.
Sec. 246. Effective date.

Subtitle E—Small Business Access to Surety Bonding Survey Act of 1992

Sec. 251. Short title.
Sec. 252. Survey.
Sec. 253. Report.

TITLE III—ECONOMIC JUSTICE

Subtitle A—Pay Equity Technical Assistance Act

Sec. 301. Short title.
Sec. 302. Statement of purpose.
Sec. 303. Program specifications.
Sec. 304. Definition.

Subtitle B—Legislative Pay Equity Study

Sec. 311. Declaration of policy.
Sec. 312. Commission.
Sec. 313. Functions of Commission.
Sec. 314. Staff of Commission.
Sec. 315. Compensation of members.
Sec. 316. Powers of Commission.
Sec. 317. Reports.
Sec. 318. Administrative provisions.
Sec. 319. Termination.

Subtitle C—Federal Council on Women Act

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Establishment of Council.
Sec. 324. Duties.
Sec. 325. Membership.
Sec. 326. Executive Director and staff.
Sec. 327. Powers.
Sec. 328. Annual report.
Sec. 329. Authorization of appropriations.

Subtitle D—Assured Minimum Child Support Projects

Sec. 331. Short title.
Sec. 332. Findings and purpose.
Sec. 333. Establishment of assured minimum child support projects.

Subtitle E—Social Services Block Grants

Sec. 341. Short title.
Sec. 342. Findings.
Sec. 343. Increase in authorization for block grants to states for social services.

TITLE IV—RETIREMENT EQUITY

Subtitle A—Military Retired Pay

Sec. 401. Applicability to previous divorces of change in rules for computing maximum former spouse share of military retired pay.

Subtitle B—Social Security Equity

Sec. 411. Short title.
Sec. 412. Sharing of earnings by married couples.
Sec. 413. Effective date.

TITLE V—EQUAL REMEDIES ACT OF 1992

Sec. 501. Short title.
Sec. 502. Equalization of remedies.

TITLE I—EMPLOYMENT OPPORTUNITIES

Subtitle A—Women in Apprenticeship Occupations and Nontraditional Occupations Act

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Women in Apprenticeship Occupations and Nontraditional Occupations Act".

SEC. 102. FINDINGS; STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) United States businesses now and for the remainder of the 20th century will face a dramatically different labor market than the market to which the businesses have become accustomed;

(2) two in every three new entrants to the work force will be women, and to meet labor needs such women must work in all occupa-

tional areas, including apprenticeable occupations and nontraditional occupations;

(3) women face significant barriers to full and effective participation in apprenticeable occupations and nontraditional occupations;

(4) the business community must be prepared to address the barriers that women have to such jobs, in order to successfully integrate the women into the work force; and

(5) few resources are available to employers and unions who need assistance in recruiting, training, and retaining women in apprenticeable occupations and other nontraditional occupations.

(b) PURPOSE.—It is the purpose of this subtitle to establish a program to—

(1) provide technical assistance to employers and labor unions to—

(A) encourage employment of women in apprenticeable occupations and nontraditional occupations;

(B) enable business to meet the challenge of Workforce 2000 by preparing employers to successfully recruit, train, and retain women in apprenticeable occupations and nontraditional occupations; and

(C) expand the employment and self-sufficiency options of women;

(2) provide grants to community-based organizations to deliver the technical assistance to employers and labor unions;

(3) promote the program to employers and labor unions to inform the employers and unions of the availability of the technical assistance;

(4) authorize the Secretary to serve as a liaison between employers, labor, and the community-based organizations providing technical assistance, through the national office and regional administrators of the Department of Labor; and

(5) conduct a comprehensive study to examine the barriers to the participation of women in apprenticeable occupations and nontraditional occupations and to develop recommendations for the workplace to eliminate such barriers.

SEC. 103. DEFINITIONS.

As used in this subtitle:

(1) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1501(5)).

(2) NONTRADITIONAL OCCUPATION.—The term "nontraditional occupation" means an occupation in nontraditional employment, as defined in section 4(30) of the Job Training Partnership Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 104. TECHNICAL ASSISTANCE.

(a) GRANTS.—The Secretary shall establish and carry out a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations. In carrying out the program, the Secretary may award grants to eligible community-based organizations to deliver the technical assistance.

(b) USE OF GRANTS.—An eligible community-based organization may use a grant awarded under subsection (a) to—

(1) develop outreach and orientation sessions to recruit women into the apprenticeable occupations and nontraditional occupations of the employers;

(2) develop preapprenticeable occupations or nontraditional skills training to prepare women for apprenticeable occupations or nontraditional occupations;

(3) provide ongoing orientations for employers, labor unions, and workers on creating a successful environment for women in apprenticeable occupations or nontraditional occupations;

(4) set up support groups and facilitating networks for women in nontraditional occupations on or off a job site to improve the retention of the women;

(5) set up a local computerized data base referral system to maintain a current list of tradeswomen who are available for work;

(6) serve as a liaison between tradeswomen and employers and tradeswomen and labor unions to address workplace issues related to gender; and

(7) conduct exit interviews with tradeswomen to evaluate the on-the-job experience of the women and to assess the effectiveness of the technical assistance program.

(c) PRIORITY.—In awarding grants under this subtitle, the Secretary shall give priority to applications from community-based organizations that—

(1) demonstrate experience preparing women to gain employment in apprenticeable occupations or other nontraditional occupations;

(2) demonstrate experience working with the business community to prepare the business community to place women in apprenticeable occupations or other nontraditional occupations;

(3) have tradeswomen or women in nontraditional occupations as active members of the organization, as either employed staff or board members; and

(4) have experience delivering technical assistance.

(d) APPLICATION.—Each community-based organization desiring to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

SEC. 105. ELIGIBLE RECIPIENTS.

(a) SELECTION OF EMPLOYER AND LABOR UNIONS.—The Secretary shall select a total of 50 employers or labor unions to receive technical assistance under section 104.

(b) PRIORITY.—In selecting employers under subsection (a), the Secretary shall give priority to employers who are located in areas that have nontraditional employment and training programs specifically targeted to women.

(c) CONTENTS OF APPLICATION.—To be eligible to receive technical assistance under section 104, an employer or labor union requesting assistance shall submit an application for assistance to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. At a minimum, the application shall include—

(1) a description of the need for assistance;

(2) a description of the types of apprenticeable occupations or nontraditional occupations in which the employer or labor union would like to train or employ women;

(3) assurances that there are or will be suitable and appropriate positions available in the apprenticeable occupations program or in the nontraditional occupations being targeted; and

(4) commitments that all reasonable efforts shall be made to place women in apprenticeable occupations or nontraditional occupations.

SEC. 106. OUTREACH TO EMPLOYERS AND LABOR UNIONS.

(a) PROGRAM.—The Secretary shall establish an outreach program to inform employers and labor unions of the availability of technical assistance under section 104.

(b) EMPLOYERS.—The Secretary shall provide outreach to employers through organizations including the private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512) in each service delivery area established under section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

(c) LABOR UNIONS.—The Secretary shall provide outreach to labor unions through community-based organizations including building trade councils, joint apprenticeable occupations councils, and individual unions.

SEC. 107. LIAISON ROLE OF DEPARTMENT OF LABOR.

(a) IN GENERAL.—The Secretary shall serve as a liaison between employers, labor unions, and the community-based organizations.

(b) ACTIVITIES.—The liaison role may include—

(1) coordination of employers and labor unions with community-based organizations that have been certified to provide technical assistance;

(2) conducting regular assessment meetings with representatives of—

(A) the employers;

(B) labor unions (if applicable); and

(C) the community groups; and

(3) seeking employer and labor union input on technical assistance strategies and recommendations for improvement.

SEC. 108. STUDY OF THE BARRIERS TO THE PARTICIPATION OF WOMEN IN APPRENTICEABLE OCCUPATIONS AND NONTRADITIONAL OCCUPATIONS.

(a) STUDY.—The Secretary shall conduct a study of the participation of women in apprenticeable occupations and nontraditional occupations, which study shall examine—

(1) the barriers to participation of women in apprenticeable occupations and nontraditional occupations;

(2) strategies for overcoming such barriers;

(3) the retention rates for women in apprenticeable occupations and nontraditional occupations;

(4) strategies for retaining women in apprenticeable occupations and nontraditional occupations;

(5) the effectiveness of the technical assistance provided by the community-based organizations; and

(6) other relevant issues affecting the participation of women in apprenticeable occupations and nontraditional occupations.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report containing the study described in subsection (a) and such recommendations as the Secretary determines to be appropriate.

SEC. 109. PROGRAM AUTHORIZATION.

There are authorized to be appropriated to carry out this subtitle, $1,000,000 for fiscal year 1993.

Subtitle B—Commission on the Advancement of Women in the Science and Engineering Work Forces Act

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Commission on the Advancement of Women in the Science and Engineering Work Forces Act".

SEC. 112. FINDINGS.

Congress finds that—

(1) despite a consistently high presence of women in the professional and total work forces of the United States, women continue to be underrepresented in the science and engineering work forces;

(2) women scientists and engineers have higher rates of unemployment and underemployment than their male counterparts, although the number of women receiving degrees in scientific and engineering disciplines has increased since 1981;

(3) artificial barriers exist in the recruitment, retention, and advancement of women in the science and engineering work forces;

(4) academia, industry, and government are increasingly aware of the necessity of, and the advantages derived from, diverse science and engineering work forces;

(5) initiatives of the White House Task Force on Women, Minorities, and the Handicapped in Science and Technology and of the Federal Coordinating Council on Science, Engineering, and Technology have been instrumental in raising public awareness of—

(A) the underrepresentation of women in the science and engineering work forces; and

(B) the desirability of eliminating artificial barriers to the recruitment, retention, and advancement of women in such work forces; and

(6) the establishment of a commission to examine issues raised by these initiatives would help to—

(A) focus greater attention on the importance of eliminating artificial barriers to the recruitment, retention, and advancement of women in the science and engineering work forces and in all employment sectors of the United States;

(B) promote work force diversity;

(C) sensitize employers to the need to recruit and retain women scientists and engineers in order to overcome projected shortfalls within the science and engineering work forces of the United States during the next 20 years; and

(D) encourage the replication of successful recruitment and retention programs by universities, corporations, and Federal agencies having difficulties in employing women scientists and engineers.

SEC. 113. ESTABLISHMENT.

There is established a Commission on the Advancement of Women in the Science and Engineering Work Forces (referred to in this subtitle as the "Commission").

SEC. 114. DUTY OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study to—

(1) examine the need in the United States for women in the science and engineering work forces, the specific types of occupations in which women scientists and engineers are needed, and the number of women needed in each such occupation;

(2) examine the preparedness of women to—

(A) pursue careers in the science and engineering work forces; and

(B) advance to positions of greater responsibility within academia, industry, and government;

(3) research the practices, policies, and manner relating to the recruitment, retention, and advancement of women scientists and engineers;

(4) identify the opportunities for, and artificial barriers to, the recruitment, retention, and advancement of women scientists and engineers in academia, industry, and government;

(5) research the employment scenarios in which the recruitment and promotion of women scientists and engineers are comparable to their male counterparts, and identify scenarios in which such comparability does not exist;

(6) compile a synthesis of available research on programs and practices that have successfully led to the recruitment and retention of women in the science and engineering work forces, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(7) examine such other issues and information relating to the advancement of women in the science and engineering work forces as are determined by the Commission to be appropriate.

(b) REPORT.—Not later than 2 years after the date on which the initial appointments to the Commission are completed, the Commission shall submit to the President and the appropriate committees of the Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions referred to in paragraph (1).

SEC. 115. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 17 members, including—

(1) 5 members appointed by the President;

(2) 3 members appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(3) 1 member appointed by the Majority Leader of the House of Representatives;

(4) 1 member appointed by the Minority Leader of the House of Representatives;

(5) 1 member appointed by the Majority Leader of the Senate;

(6) 1 member appointed by the Minority Leader of the Senate;

(7) 2 Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(8) 2 Senators appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(9) the Director of the Office of Science and Technology Policy, in the Executive Office of the President.

(b) ADDITIONAL QUALIFICATIONS.—In making appointments under subsection (a), the appointing authority shall consider (among other factors) whether an individual—

(1) is a member of an organization representing women and minorities;

(2) holds executive management or senior decisionmaking positions in any business entity; and

(3) possesses academic expertise or other recognized abilities relating to employment and employment discrimination issues.

(c) POLITICAL AFFILIATION.—Not more than one-half of the members appointed under subsection (a) from individuals who are officers or employees of the United States may be of the same political party.

(d) CONTINUATION OF MEMBERSHIP.—If a member is appointed to the Commission because the member is an officer or employee of any government and later ceases to be such an officer or employee, the member may continue as a member of the Commission for not longer than the 60-day period beginning on the date the member ceases to be such an officer or employee.

(e) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) COMPENSATION.—

(1) RATES OF COMPENSATION.—Except as provided in paragraph (2), each member of the Commission shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Except as provided in subsection (g), members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of service on the Commission.

(g) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) CHAIRPERSON.—The Director of the Office of Science and Technology Policy shall serve as the Chairperson of the Commission.

(j) MEETINGS.—

(1) MEETINGS PRIOR TO COMPLETION OF REPORT.—The Commission shall meet not fewer than 5 times in connection with and pending the completion of the report described in section 114(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) MEETINGS AFTER COMPLETION OF REPORT.—The Commission shall meet at least once each year after the completion of the report described in section 114(b) for the purpose of conducting additional studies. The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(k) EMPLOYMENT STATUS.—A member of the Commission, who is not otherwise an officer or employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(1) the tort claims provisions of chapter 171 of title 28, United States Code; and

(2) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 116. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—Subject to rules prescribed by the Commission, the Chairperson may appoint, terminate, and determine the compensation of such additional personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

SEC. 117. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths or affirmations to witnesses appearing before the Commission, make such expenditures, and take such other actions as the Commission considers appropriate to carry out the duties of the Commission.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this subtitle. Upon request of the Chairperson of the Commission, the head of the department or agency shall furnish any information available under section 552 of title 5, United States Code, to the Commission.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this subtitle.

(g) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys, and for other services, necessary to enable the Commission to carry out the duties of the Commission under this subtitle.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

Amounts shall be made available to carry out this subtitle only to the extent such amounts are made available in advance in appropriations Acts.

SEC. 119. TERMINATION.

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to the termination of advisory committees, shall not apply to the Commission.

Subtitle C—Women and Minorities in Science and Mathematics

SEC. 121. SHORT TITLE; PREFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Women and Minorities in Science and Mathematics Act of 1992".

(b) REFERENCES.—References in this subtitle to "the Act" are references to the Higher Education Act of 1965.

SEC. 122. FINDINGS.

The Congress finds that—

(1) the United States is suffering from a severe and worsening shortage of scientists which threatens our Nation's ability to compete internationally, and if present patterns continue, the United States will experience a net shortfall of approximately 750,000 scientists and engineers by the year 2000;

(2) although women constitute approximately 50 percent of the total professional work force of the United States, women represent only 13 percent of our Nation's scientists and engineers, and although African-Americans constitute over 10 percent of the total United States work force, African-Americans represent only 2.6 percent of our Nation's scientists and engineers, indicating that women and African-Americans represent a vast untapped resource on which our Nation's future competitiveness depends; and

(3) in order to spur more women and minorities who are underrepresented in the fields of science and mathematics to enter and succeed in such fields, women and minorities must receive appropriate support in secondary, postsecondary, and graduate educational institutions, including counseling and student aid, and in addition, the United States must provide proper training for mathematics and science teachers and recruit such women and underrepresented minorities as teachers in such fields.

SEC. 123. POSTSECONDARY PROGRAMS FOR NONTRADITIONAL STUDENTS.

(a) PURPOSE.—Paragraph (2) of section 111(a) of the Act (20 U.S.C. 1011(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F); and

(2) by adding at the end the following new subparagraph:

"(H) who are women and minorities underrepresented in the fields of science and mathematics and are seeking entry into such fields; and".

(b) USE OF GRANT FUNDS.—Subsection (b) of section 111 of the Act (20 U.S.C. 1011(b)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(10) the creation or expansion of education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields.".

(c) OFF-CAMPUS PROGRAMS.—Paragraph (2) of section 112(c) of the Act (20 U.S.C. 1012(c)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) describe how the applicant will provide for the training of faculty and staff in order to enable such faculty and staff to develop off-campus education programs designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to enter such fields; and".

(d) ADULT AND CONTINUING EDUCATION STAFF DEVELOPMENT.—Subsection (b) of section 113 of the Act (20 U.S.C. 1013(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) programs designed to enhance the pedagogical skills of staff involved in programs offering education in the fields of science and mathematics for women and minorities who are underrepresented in such fields.".

(e) ADULT LEARNING.—Section 121 of the Act (20 U.S.C. 1016) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(9) supporting model training for women and minorities who are underrepresented in the fields of science and mathematics and are seeking work in such fields."; and

(2) in subsection (c)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) provide assurances that the institution of higher education has given consideration to providing assistance under this section to women and minorities who are underrepresented in the fields of science and mathematics.".

SEC. 124. TRIO PROGRAMS.

(a) TALENT SEARCH.—Subsection (a) of section 417B of the Act (20 U.S.C. 1070d-1(a)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to encourage women to enter the fields of science and mathematics.".

(b) UPWARD BOUND.—Subsection (b) of section 417C of the Act (20 U.S.C. 1070d-1a(b)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) academic advice and assistance in secondary school course selection for girls and minorities in order to prepare such girls and minorities to enter fields in which such girls and minorities have been underrepresented, such as science, mathematics, and technology;".

SEC. 125. EDUCATOR RECRUITMENT, RETENTION, AND DEVELOPMENT.

(a) PURPOSE.—Section 501 of the Act (20 U.S.C. 1101) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) to provide scholarship assistance to encourage women and minorities who are underrepresented in the fields of science and mathematics to teach in such fields.".

(b) MIDCAREER TEACHER TRAINING FOR NONTRADITIONAL STUDENTS.—

(1) PURPOSE.—Section 511 of the Act (20 U.S.C. 1103) is amended by inserting "particularly women and minorities who are moving to a career in education related to the fields of science and mathematics" before the period.

(2) APPLICATIONS.—Subsection (a) of section 513 of the Act (20 U.S.C. 1103b(a)) is amended—

(A) in paragraph (1), by inserting ", and science and mathematics" before the semicolon at the end thereof; and

(B) in paragraph (5), by inserting "and science and mathematics specialists" after "specialists".

(c) SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS.—Section 523 of the Act (20 U.S.C. 1105b) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) are designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue such fields."; and

(2) in subsection (c)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) programs which encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue such fields.".

(d) PROFESSIONAL DEVELOPMENT AND LEADERSHIP PROGRAMS.—

(1) PURPOSE.—Paragraph (4) of section 531(b) of the Act (20 U.S.C. 1107(b)(4)) is amended by inserting ", and science and mathematics instruction" after "development".

(2) USE OF FUNDS.—Subsection (c) of section 533 of the Act (20 U.S.C. 1107b(c)) is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) providing professional development opportunities for women and minorities who are underrepresented in the fields of science and mathematics.".

(e) APPLICATIONS.—Subsection (b) of section 535 of the Act (20 U.S.C. 1107d(b)) is amended—

(1) in paragraph (1), by inserting "and science and mathematics specialists" after "specialists"; and

(2) in paragraph (4), by inserting ", including an assessment of the participation in center activities of women and minorities who are underrepresented in the fields of science and mathematics" after "activities".

(f) CONGRESSIONAL TEACHER SCHOLARSHIPS.—

(1) PURPOSE.—Subsection (a) of section 551 of the Act (20 U.S.C. 1111(a)) is amended by inserting ", and to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue teaching careers in such fields" before the period.

(2) APPLICATIONS.—Section 553 of the Act (20 U.S.C. 1111b) is amended—

(A) in paragraph (8) of subsection (b)—

(i) by striking "or who" and inserting ", students who"; and

(ii) by inserting ", or students who show interest in pursuing teaching careers in science and mathematics, especially women and minorities who are underrepresented in such fields" before the semicolon; and

(B) in subparagraph (A) of subsection (d)(2), by inserting "and science and mathematics" after "development".

(g) SELECTION.—Subsection (b) of section 555 of the Act (20 U.S.C. 1111d(b)) is amended by inserting: "Such criteria shall include providing special consideration to women and minorities who are underrepresented in the fields of science and mathematics and are seeking to enter the teaching profession in such fields." before the last sentence.

SEC. 126. COOPERATIVE EDUCATION.

Paragraph (2) of section 803(a) of the Act (20 U.S.C. 1133b(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the comma at the end of subparagraph (E) and inserting "; and"; and

(3) by adding before the matter following subparagraph (E) the following new subparagraph:

"(F) encourage model and cooperative education in the fields of science and mathematics for women and minorities who are underrepresented in such fields,".

SEC. 127. GRADUATE PROGRAMS.

(a) PROGRAM AUTHORITY.—Section 901 of the Act (20 U.S.C. 1134) is amended by inserting "including minority women who are underrepresented in the fields of science and mathematics," after "graduate education,".

(b) CONTENTS OF APPLICATIONS.—Paragraph (2) of section 902(a) of the Act (20 U.S.C. 1134a(a)(2)) is amended by inserting ", and identifying and recruiting minority women who are underrepresented in the fields of mathematics and science" before the semicolon.

(c) HARRIS FELLOWSHIPS.—Section 922 of the Act (20 U.S.C 1134e) is amended—

(1) in paragraph (3) of subsection (d)—

(A) by inserting "women and" after "large number"; and

(B) by inserting "and specific academic and employment fields" after "colleges and universities"; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) women interested in entering the fields of science and mathematics.".

(d) AREAS OF NATIONAL NEED.—

(1) DESIGNATION OF AREAS.—Subsection (b) of section 943 of the Act (20 U.S.C. 1134n(b)) is amended by adding at the end the following new sentence: "In making such designations, the Secretary shall give special consideration to the fields of science and mathematics in which women and minorities are underrepresented.".

(2) CONTENTS OF APPLICATIONS.—Subsection (b) of section 944 of the Act (20 U.S.C. 1134o(b)) is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) set forth policies and procedures to assure that, in making fellowship awards under this part the institution will award such fellowships to talented women and minorities for study in the fields of science and mathematics;".

SEC. 128. POSTSECONDARY IMPROVEMENT PROGRAMS.

(a) MINORITY SCIENCE IMPROVEMENT PROGRAMS.—Subsection (b) of section 1021 of the Act (20 U.S.C. 1135b(b)) is amended by inserting "and minority women" after "ethnic minorities".

(b) SCIENCE AND ENGINEERING ACCESS.—Paragraph (5) of section 1033 of the Act (20 U.S.C. 1135c–2(5)) is amended by inserting ", particularly minority women," after "minority students".

Subtitle D—Worker Retraining

SEC. 131. SHORT TITLE.

This subtitle may be cited as the "Worker Retraining Act of 1992".

SEC. 132. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) by the year 2000—

(A) only 4 percent of new jobs in the United States will be available for individuals with low skill levels;

(B) 41 percent of such new jobs will require individuals with high skill levels;

(C) almost 86 percent of all jobs in the United States will require individuals who have at least a high school education; and

(D) the majority of all jobs in the United States will require individuals who have completed at least 2 years of postsecondary education;

(2) almost 70 percent of all businesses in the United States spend less than $2,000 annually on training for individuals hired at entry level positions and only 8 percent of such businesses undertake basic work skills training for such individuals; and

(3) more than 50 percent of the employees of such businesses are women and minorities, 2 groups that have traditionally received insufficient education and job training.

(b) PURPOSE.—The purpose of this subtitle Act is to provide grants to establish pilot programs to retrain individuals who are in low paying and low skill jobs in order to reduce unemployment and increase the pool of skilled workers in the United States.

SEC. 133. DEFINITIONS.

As used in this subtitle:

(1) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means, with respect to an individual employed by an industry in a region, an individual (including an individual employed part time) whose income attributable to performing services in such industry does not exceed 80 percent of the median income of all individuals attributable to performing services in such industry in the region (as the individual and median income are determined by the State agency for the State in which the individual is employed).

(2) REGION.—The term "region" means a region designated by the Secretary under section 134(b)(2).

(3) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(4) STATE AGENCY.—The term "State agency" means, with respect to a State, the agency carrying out the State worker retraining program described in section 134(d).

SEC. 134. ESTABLISHMENT OF GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall, for each fiscal year for which amounts are appropriated under section 135, provide grants to not more than 10 eligible States for the purpose of assisting such States in planning, establishing, and operating worker retraining initiatives to allow low-income individuals employed in an industry to advance from low skill positions to higher skill positions in the industry.

(b) SELECTION OF STATES.—

(1) SELECTION REQUIREMENTS.—In selecting States to receive grants under subsection (a), the Secretary shall—

(A) select States that the Secretary believes will administer the most appropriate worker retraining initiatives; and

(B) to the extent practicable, ensure that such States receiving grants are equitably distributed among the regions.

(2) REGIONAL DESIGNATION.—The Secretary shall designate areas as regions of the United States for purposes of this subtitle. In designating the regions, the Secretary shall consider the 10 regions of the United States that are used by the Bureau of Labor Statistics for purposes of establishing regional offices.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application that contains—

(1) a description of the activities of the proposed worker retraining initiative of the State, including assurances that such initiative will—

(A) train only low-income individuals for the purpose of improving the essential work skills needed by such individuals to advance from low skill positions to higher skill positions in the industry in which such individuals are employed; and

(B) be administered under the State worker retraining program;

(2) assurances satisfactory to the Secretary that such State—

(A) will provide funds from non-Federal sources for such initiative in an amount equal to not less than $1 for each $2 of Federal funds provided in such grant; and

(B) will not reduce the funding of State worker retraining programs in operation on the date of enactment of this Act; and

(3) such other information as the Secretary determines to be appropriate.

(d) ELIGIBILITY.—States eligible to receive a grant under subsection (a) shall be States that administer a State worker retraining program in operation on the date of enactment of this Act.

(e) STATE REPORT.—

(1) IN GENERAL.—Each State shall submit a report to the Secretary for each grant received by the State under subsection (a) containing such information as the Secretary determines to be appropriate, including—

(A) statistics relating to the sex, race, and age of the low-income individuals participating in the worker retraining initiative funded by such grant;

(B) an analysis of the different industries in which such individuals work and the positions held by such individuals; and

(C) a description of the extent to which the State believes the initiative to have been successful.

(2) TIME LIMIT.—The report required by paragraph (1) shall be submitted not later than 13 months after the date on which the grant (to which the report relates) is received.

(f) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress not later than January 1, 1996, containing—

(1) a compilation of the information contained in the annual State reports received by the Secretary in accordance with subsection (e); and

(2) an evaluation of the worker retraining initiative of each State.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $10,000,000 for each of the fiscal years 1993, 1994, and 1995.

(b) LIMITATION.—Amounts shall be available under this subtitle only to the extent the amounts are made available in advance in appropriations Acts.

TITLE II—WOMEN IN BUSINESS

Subtitle A—Act for Microenterprise

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Act for Microenterprise".

SEC. 202. PUBLIC ASSISTANCE PROVISIONS.

(a) BUSINESS ASSETS EXCLUDED FROM RESOURCES AND INCOME.—

(1) AFDC.—Section 402(a)(8)(A) of the Social Security Act (42 U.S.C. 602(a)(8)(A)) is amended—

(A) by striking "and" at the end of clause (vii); and

(B) by inserting after clause (viii) the following:

"(ix) shall disregard any asset of (including any amount received as a loan by) a child, relative, or other individual specified in clause (ii) which is primarily used in a trade or business carried on by such individual; and".

(2) SSI.—

(A) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(i) by striking "and" at the end of paragraph (18);

(ii) in paragraph (19), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(20) any asset of (including any amount received as a loan by) such individual (or such spouse) which is primarily used in a trade or business carried on by such individual.".

(B) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(i) by striking "and" at the end of paragraph (9);

(ii) in paragraph (10), the first place it appears, by striking the period at the end and inserting a semicolon;

(iii) by redesignating paragraph (10), the second place it appears, as paragraph (11);

(iv) in paragraph (11), as redesignated, by striking the period and inserting "; and"; and

(v) by inserting after paragraph (11), as redesignated, the following:

"(12) any asset of (including any amount received as a loan by) such individual (or such spouse) which is primarily used in a trade or business carried on by such individual.".

(b) PUBLIC ASSISTANCE BENEFITS EXTENDED FOR PERSONS WITH INCOME FROM OR RESOURCES IN A MICROENTERPRISE.—

(1) AFDC AND MEDICAID.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by inserting after paragraph (28) the following:

"(29) notwithstanding paragraphs (7) and (8), provide that, during the 1-year period beginning on the first day any member of a family eligible for benefits under the State plan sells any good or service as part of operating a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise, all income of such family member attributable to the enterprise and all resources in which such family member has a beneficial interest used primarily in the enterprise shall be disregarded in determining the amount of aid to which the family is entitled under the State plan;".

(2) SSI AND MEDICAID.—

(A) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)), as amended by subsection (a)(2)(A) of this section, is amended—

(i) by striking "and" at the end of paragraph (19);

(ii) in paragraph (20), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(21) during the 1-year period beginning on the first day such individual (or such spouse) sells any good or service as part of operating a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise, all income of such individual (or such spouse) attributable to the enterprise.".

(B) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)), as amended by subsection (a)(2)(B) of this section, is amended—

(i) by striking "and" at the end of paragraph (11);

(ii) in paragraph (12), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (12) the following:

"(13) during the 1-year period beginning on the first day such individual (or such spouse) sells any good or service as part of operating a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise, all resources of such individual (or such spouse) that are used primarily in the enterprise.".

SEC. 203. UNEMPLOYMENT COMPENSATION FOR INDIVIDUALS STARTING MICROENTERPRISES.

(a) STATE LAW REQUIREMENTS.—Subsection (a) of section 3304 of the Internal Revenue Code of 1986 (relating to State law requirements) is amended by striking "and" at the end of paragraph (17), by redesignating paragraph (18) as paragraph (19), and by inserting after paragraph (17) the following new paragraph:

"(18) compensation shall be payable to individuals starting microenterprises as provided in section 203(b) of the Act for Microenterprise; and".

(b) PAYMENT OF COMPENSATION TO INDIVIDUALS STARTING MICROENTERPRISES.—

(1) IN GENERAL.—For purposes of section 3304(a)(18) of the Internal Revenue Code of 1986, a State law shall provide that—

(A) each individual who is an eligible individual with respect to any benefit year shall be entitled to receive regular or extended unemployment compensation, as the case may be, without regard to any State or Federal requirements relating to availability for work, active search for work, or refusal to accept suitable work; and

(B) such individual shall be considered to be unemployed for purposes of the State and Federal laws applicable to unemployment compensation, as long as the individual performs services in the microenterprise.

(2) DEFINITIONS.—For purposes of this section—

(A) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to any benefit year, an individual who—

(i) is eligible to receive regular or extended compensation under the State law during such benefit year;

(ii) is starting a microenterprise; and

(iii) submits an application to the State agency for compensation under this subsection.

(B) MICROENTERPRISE.—The term "microenterprise" means any unincorporated trade or business with 5 or fewer employees, 1 or more of whom own the enterprise.

(C) OTHER TERMS.—The terms "compensation", "extended compensation", "regular compensation", "benefit year", "State", and "State law" have the respective meanings given to such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

SEC. 204. ELIGIBILITY OF ASSISTANCE FOR MICROENTERPRISES UNDER COMMUNITY DEVELOPMENT BLOCK GRANTS AND URBAN DEVELOPMENT ACTION GRANTS.

(a) IN GENERAL.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(21) provision of assistance—

"(A) to lending institutions and other organizations and agencies, in the form of amounts to be made available for loans to commercial enterprises with 5 or fewer employees, 1 or more of whom own the enterprise, such loans to be in amounts not less than $50 and not more than $5,000, the interest rate on which shall be comparable to the interest rate charged on secured commercial loans made in the county in which such enterprise is located; and

"(B) public and private organizations and agencies for providing counseling, technical assistance, educational programs, planning, and training to facilitate the development, establishment, and operation of commercial enterprises described in subparagraph (A).".

(b) APPLICABILITY.—The amendment made by this section shall apply to any amounts made available pursuant to sections 103 and 119 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303 and 5318) for fiscal year 1993 and any succeeding fiscal year.

SEC. 205. BUSINESS LOANS TO MICROENTERPRISES.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding after subsection (h) the following:

"(i) LOANS TO MICROENTERPRISES.—The Congress finds that in implementing business loan programs under section 7(a) of this Act and title V of the Small Business Investment Act of 1958, the Administrator should give due consideration to the needs of microenterprises and institutions which offer credit or services to microenterprises. For purposes of this subsection, the term 'microenterprises' means commercial enterprises with 5 or fewer employees, 1 or more of whom owns the enterprise.".

SEC. 206. TREATMENT OF MICROENTERPRISE LOANS OF SAVINGS ASSOCIATIONS AS QUALIFIED THRIFT INVESTMENTS.

(a) IN GENERAL.—Section 10(m)(4)(B)(i) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(i)) is amended by inserting ", or to microenterprise loans" before the semicolon.

(b) MICROENTERPRISE LOAN DEFINED.—Section 10(m)(4) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)) is amended by adding at the end the following:

"(D) MICROENTERPRISE LOAN.—The term 'microenterprise loan' means a loan—

"(i) to a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise;

"(ii) in an amount that is not less than $50 and not more than $5,000; and

"(iii) the interest rate on which is comparable to the interest rate charged on secured commercial loans made in the county in which such enterprise is located.".

SEC. 207. ESTABLISHMENT OF MICROENTERPRISE DIVISION IN EACH FEDERAL BANKING AGENCY.

(a) IN GENERAL.—Each appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, shall establish a division to be known as the "Microenterprise Technical and Operations Office" to promote microenterprises by offering technical assistance, training, outreach, and other support to groups and individuals engaged in or desiring to establish a microenterprise or an institution which offers credit or services to microenterprises.

(b) DUTIES OF MICROENTERPRISE DIVISION.—The Microenterprise Technical and Operations Office of each Federal banking agency shall—

(1) facilitate the creation and financing of microenterprises by collecting information relating to microenterprises and providing such information without charge to interested persons, and generally serving as a clearinghouse for information relating to microenterprises; and

(2) monitor and provide assistance to the microenterprises.

(c) MICROENTERPRISE DEFINED.—As used in this section, the term "microenterprise" means any commercial enterprise with 5 or fewer employees, 1 or more of whom owns the enterprise.

Subtitle B—Microlend for the Future Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Microlend for the Future Act".

SEC. 222. MICROENTERPRISE ASSISTANCE PROGRAM.

(a) AUTHORITY TO MAKE LOANS AND GRANTS.—

(1) IN GENERAL.—Subject to the requirements of this section, the Administrator is authorized to make loans and grants to community-based organizations for the purpose of assisting in the startup and expansion of microenterprises located in the United States.

(2) FINANCIAL INTERMEDIARIES.—The Administrator may make loans and grants to community-based organizations under this subsection, either directly or in cooperation with a financial intermediary, under an agreement entered into with the intermediary to carry out this section. Any such agreement shall contain terms limiting the interest rate and other fees which the intermediary may charge on a loan to a community-based organization under this subsection.

(b) LOANS TO COMMUNITY-BASED ORGANIZATIONS.—

(1) APPLICATIONS.—An application of a community-based organization for a loan under subsection (a) shall be in such form as the Administrator may require, and shall contain—

(A) a description of the organization's ability to conduct a lending and technical assistance program under this section;

(B) a description of the geographic area in which the organization plans to conduct such a program and the average household income of the residents of the area; and

(C) such other information as the Administrator may require.

(2) LENDING AGREEMENT.—Before making a loan to a community-based organization under subsection (a), the Administrator shall enter into an agreement with the organization under which the organization shall agree—

(A) to use all amounts of the loan to carry out a program for making loans to microenterprises in accordance with subsection (c);

(B) to make payments on the loan in accordance with a schedule contained in the agreement;

(C) to carry out a technical assistance program in accordance with subsection (d); and

(D) to transmit to the Administrator, on or before the last day of each of the first 6 fiscal years beginning after the date of the loan, an annual report containing a description of—

(i) the use of the loan funds by the organization,

(ii) the technical assistance program conducted by the organization pursuant to subsection (d), and

(iii) the progress made by microenterprises receiving financial and technical assistance from the organization under this section.

(3) MAXIMUM AMOUNT.—The aggregate amount received by a community-based organization under subsection (a) may not exceed $100,000 in any fiscal year.

(4) TERM AND INTEREST RATE.—A loan made to a community-based organization under subsection (a) shall—

(A) be for a term, including renewals, of not longer than 10 years, beginning on the date of the loan; and

(B) bear interest at an annual rate of 2 percent.

(c) LOANS TO MICROENTERPRISES.—

(1) IN GENERAL.—Loans made under subsection (a) to a community-based organization shall be used by the organization to carry out a program for making loans to microenterprises in accordance with this subsection.

(2) LENDING AGREEMENT.—Before making a loan to a microenterprise under this subsection, a community development organization shall enter into an agreement with the microenterprise under which the microenterprise shall agree—

(A) to use all amounts of the loan in accordance with criteria contained in the agreement;

(B) to make payments on the loan in accordance with a schedule contained in the agreement; and

(C) to participate, both before and after the date of the loan, in a technical assistance program carried out by the organization pursuant to subsection (d).

(3) MAXIMUM AMOUNT.—The total amount received by a microenterprise in loans under this subsection shall not exceed $10,000.

(4) TERM AND INTEREST RATE.—Loans made to a microenterprise under this subsection shall—

(A) be for a term, including renewals, of not longer than 10 years, beginning on the date of the loan, and

(B) bear interest at a rate equal to the current average market yield for similar loans made by banks and other financial institutions (adjusted to the nearest one-eighth of one percent), as determined by the Administrator.

(d) GRANTS TO COMMUNITY-BASED ORGANIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), a community-based organization which receives a loan under subsection (a) shall also receive a grant under subsection (a) on the date of the loan and in each of the 4 succeeding fiscal years.

(2) USE OF GRANTS.—Grants to a community-based organization under subsection (a) shall be used by the organization to carry out a program for providing technical assistance to microenterprises receiving loans from the organization under subsection (c). Such a program may include assistance for—

(A) remediation of basic mathematics, language, and writing skills,

(B) personal development, and

(C) the assessment, development, marketing, finance, sales, and business planning of the microenterprise.

(3) WITHHOLDING OF GRANT AMOUNTS.—The Administrator may withhold the award of a

grant to a community-based organization under paragraph (1) if the Administrator determines that the organization has violated a condition for receipt of a loan or grant under subsection (a).

(4) MAXIMUM AMOUNT.—The aggregate amount of grants made to a community-based organization under subsection (a) may not exceed $100,000 in any fiscal year.

SEC. 223. REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress an interim report on the results of programs carried out pursuant to this subtitle.

(b) FINAL REPORT.—Not later than 6½ years after the date of enactment of this Act, the Administrator shall transmit to Congress a final report on the results of programs carried out pursuant to this subtitle, including recommendations on whether or not to provide for the continuation of such programs.

SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of the first 5 fiscal years beginning after the date of enactment of this Act $20,000,000 per fiscal year for making loans under section 222 and $20,000,000 per fiscal year for making grants under section 222.

SEC. 225. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "community-based organization" means an entity which has demonstrated an ability to provide loans and technical assistance to microenterprises on a nonprofit basis for the benefit of the low-income residents of the community in which the entity is located;

(3) the term "financial intermediary" means a nonprofit entity organized for the purpose of improving the availability to community-based organizations of capital for making loans to microenterprises;

(4) the term "microenterprise" means a small business concern—

(A) which employs 5 or fewer full-time equivalent employees, 1 or more of whom own the concern; and

(B) none of the owners of which has a current household income equal to more than 200 percent of the most recent poverty threshold established by the Department of Commerce for the relevant family size;

(5) the term "small business concern" has the same meaning as in section 3 of the Small Business Act; and

(6) the term "United States" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subtitle C—Women's Business Procurement Assistance Act of 1992

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Women's Business Procurement Assistance Act of 1992".

SEC. 232. GOAL SETTING.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended—

(1) in paragraph (1), by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in the first sentence and the first place it appears in the fourth sentence;

(2) in the first sentence of paragraph (2), by inserting "by small business concerns owned and controlled by women," after "small business concerns,";

(3) in the second sentence of paragraph (2), by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears; and

(4) in the fourth sentence of paragraph (2), by inserting "small business concerns owned and controlled by women and" after "including participation by".

SEC. 233. REPORTING.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in paragraph (1), the first place it appears in paragraph (2)(A), and the first place it appears in paragraph (2)(D);

(2) in paragraph (1), by inserting "and subcontracts" after "contracts";

(3) by adding at the end of paragraph (1) the following new sentence: "The Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives information obtained from such reports, together with appropriate comments."; and

(4) in paragraph (2)(F), by striking "women-owned small business enterprises" and inserting "small business concerns owned and controlled by women".

SEC. 234. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(c)(1) of the Small Business Act (15 U.S.C. 637(c)(1)) is amended—

(1) in the first sentence by inserting "small business concerns owned and controlled by women," after "small business concerns,"; and

(2) in the second sentence by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(c)(3) of the Small Business Act (15 U.S.C. 637(c)(3)) is amended—

(1) in subparagraph (A), by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in the first sentence and the first place it appears in the second sentence; and

(2) by amending subparagraph (C) to read as follows:

"(C)(i) As used in this contract, the term 'small business concern' means a small business concern as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"(ii) As used in this contract, the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' means a small business concern—

"(I) which is at least 51 percent owned by 1 or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by 1 or more socially and economically disadvantaged individuals; and

"(II) whose management and daily business operations are controlled by 1 or more of such individuals.

The contractor shall presume that socially and economically disadvantaged individuals include black Americans, Hispanic-Americans, Native Americans, Asian [Pacific] Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act.

"(iii) As used in this contract, the term 'small business concern owned and controlled by women' means a small business concern—

"(I) which is at least 51 percent owned by 1 or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by 1 or more women; and

"(II) whose management and daily business operations are controlled by such women.

The contractor shall presume that women have been subjected to gender-based discrimination and may determine whether a small business concern meets the percentage requirements under subclause (I) without regard to the community property laws of any jurisdiction.".

(c) CONFORMING AMENDMENTS.—Section 8(c) of the Small Business Act (15 U.S.C. 637(c)) is amended by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in paragraphs (3)(D), (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), (10)(B), and (11).

(d) EXCLUSION.—No business concern shall be deemed eligible for any contract or other assistance pursuant to section 1207 of Public Law 99-661 due solely to the provisions of this section.

SEC. 235. WOMEN-IN-BUSINESS SPECIALISTS.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) designate an employee of such office to be a women-in-business specialist responsible for the implementation and execution of programs designed to assist small business concerns owned and controlled by women.".

SEC. 236. OUTREACH.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(p) Each Federal agency having procurement powers shall engage in affirmative efforts to identify and solicit offers from small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. To the maximum extent practicable, a representative number of such concerns shall receive solicitation packages for each proposed acquisition for which such concerns may be eligible to compete.".

SEC. 237. ESTABLISHMENT OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

"SEC. 30. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

"(a) ESTABLISHMENT.—There is established in the Small Business Administration the Office of Women's Business Ownership (hereafter in this section referred to as the 'Office').

"(b) DIRECTOR.—The Director of the Office (hereafter in this section referred to as the 'Director') shall be appointed by the Administrator not later than 60 days after the date of enactment of this section.

"(c) FUNCTIONS.—The Director shall perform the following functions:

"(1) Promote, coordinate, and monitor the plans, programs, and operations of Federal departments and agencies which may contribute to the establishment, preservation, and strengthening of small business concerns owned and controlled by women. The Director may, as appropriate, develop comprehensive interagency plans and specific program goals for small business concerns owned and controlled by women with the cooperation of the departments and agencies.

"(2) Establish policies, definitions, procedures, and guidelines to govern the implementation, interpretation, and application of this section, and generally perform such functions and take such steps as the Director may consider to be necessary or appropriate to carry out this section.

"(3) Promote the mobilization of activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and other groups toward the growth of small business concerns owned and controlled by women, and facilitate the coordination of the efforts of such groups with those of Federal departments and agencies.

"(4) Make an annual assessment of the progress made in the Federal Government toward assisting small business concerns owned and controlled by women to enter the mainstream of business ownership and provide recommendations for future actions to the Administrator.

"(5) Convene and consult (as necessary) with persons inside and outside of government to develop and promote new ideas concerning the development of small business concerns owned and controlled by women.

"(6) Consider the findings and recommendations of government and private sector investigations and studies of the problems of women entrepreneurs and promote further research into such problems.

"(7) Monitor the contracting and subcontracting performance of each department, agency, and business enterprise participating under this section.

"(8) Promote access and participation for small business concerns owned and controlled by women to a fair proportion of the broad array of purchases and contracts for property and services for the Federal Government.".

Subtitle D—Equal Surety Bond Opportunity Act

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Equal Surety Bond Opportunity Act of 1992".

SEC. 242. ADDITIONAL REQUIREMENTS REGARDING APPROVAL OF SURETIES.

(a) In General.—A company may not be approved as a surety by the Secretary of the Treasury under section 9304 of chapter 93 of title 31, United States Code, or provide any surety bond pursuant to such section unless such company maintains full compliance with the requirements of section 9310 of title 31, United States Code.

(b) Requirements Relating to Enforceability.—

(1) Signed statement of compliance with application.—Section 9305(a) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a statement of compliance with section 9310 which is signed under penalty of perjury by the president and the secretary of the corporation.".

(2) Compliance as a condition for approval of application.—Section 9305(b) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the corporation is in full compliance with section 9310.".

(3) Signed statement of compliance with quarterly reports.—Section 9305(c) of title 31, United States Code, is amended by inserting "and a statement of compliance with section 9310," before "signed and sworn".

(4) Enforcement authority of secretary of the treasury.—Section 9305(d) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking "9304 or 9306" and inserting "9304, 9306, or 9310"; and

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) may, after the end of the 1-year period beginning on the effective date of any revocation under paragraph (1) of the authority of a surety corporation for noncompliance with section 9310, reauthorize such corporation to provide surety bonds under section 9304.".

(5) Revocation for failure to pay certain judgments.—Section 9305(e) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the corporation does not pay a final judgment or order against the corporation for noncompliance with section 9310, or fails to comply with any order under that section; and".

(c) Technical and Conforming Amendment.—Section 9304(a)(3) of title 31, United States Code, is amended by striking "9305 and 9306" and inserting "9305, 9306, and 9310".

SEC. 243. INFORMATION FOR BOND APPLICANTS AND NONDISCRIMINATION.

(a) In General.—Chapter 93 of title 31, United States Code, is amended by adding at the end the following new section:

"SEC. 9310. INFORMATION FOR BOND APPLICANTS; NONDISCRIMINATION.

"(a) Reasons for Adverse Action; Procedure Applicable.—

"(1) Notice required.—Not later than 30 days after receipt of a completed application for a bond, any surety under section 9304 of title 31, United States Code, shall notify the applicant of its action on the application.

"(2) Statement of reasons.—

"(A) In general.—Each applicant against whom adverse action is taken shall be entitled to a statement of reasons for such action from the surety.

"(B) Acceptable forms of statement.—A surety satisfies the requirement established under subparagraph (A)—

"(i) by providing a statement of reasons in writing as a matter of course to applicants against whom adverse action is taken; or

"(ii) by giving written notification of adverse action which discloses—

"(I) the applicant's right to a statement of reasons not later than 30 days after receipt by the surety of a request made not later than 60 days after such notification; and

"(II) the identity of the person or office from which such statement may be obtained.

"(C) Oral statement permitted.—Such statement may be given orally if the written notification advises the applicant of the applicant's right to have the statement of reasons confirmed in writing upon written request.

"(3) Specificity of reasons.—A statement of reasons meets the requirements of this section only if it contains specific reasons for the adverse action taken.

"(4) Applicability in case of third party applications.—In the case of a request to a surety by a third party to issue a bond directly or indirectly to an applicant, the notification and statement of reasons required by this section may be made directly by such surety, or indirectly through the third party, if the identity of the surety is disclosed to the applicant.

"(5) Applicability in case of sureties which accept few applications.—The requirements of paragraphs (2), (3), and (4) may be satisfied by verbal statements or notifications in the case of any surety who did not act on more than 100 applications during the calendar year in which the adverse action is taken.

"(b) Nondiscrimination.—

"(1) Activities.—It shall be unlawful for any surety to discriminate against any applicant, with respect to any aspect of a surety bond transaction—

"(A) on the basis of race, color, religion, national origin, sex, marital status, disability, or age (if the applicant has the capacity to contract);

"(B) because the applicant has in good faith exercised any right under this chapter;

"(C) because the applicant previously obtained a bond through an individual or personal surety; or

"(D) because the applicant previously obtained a bond through—

"(i) any bonding assistance program expressly authorized by law;

"(ii) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iii) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(2) Activities not constituting discrimination.—It shall not constitute discrimination for purposes of this section for a surety—

"(A) to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the surety's rights and remedies applicable to the granting of a bond and not to discriminate in a determination of bondability;

"(B) to make an inquiry of the applicant's age if such inquiry is for the purpose of determining the amount and probable continuance of bondability; or

"(C) to make an inquiry as to where the applicant has previously obtained a bond, in order to determine bonding history, or other pertinent element of bondability, except that an applicant may not be assigned a negative factor or value because such applicant previously obtained a bond through—

"(i) an individual or personal surety;

"(ii) a bonding assistance program expressly authorized by law;

"(iii) any bonding program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iv) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(3) Additional activities not constituting discrimination.—It is not a violation of this section for a surety to refuse to issue a bond pursuant to—

"(A) any bonding assistance program authorized by law for an economically disadvantaged class of persons;

"(B) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(C) any special purpose bonding program offered by a profitmaking organization to meet special needs,

if such refusal is required by or made pursuant to such program.".

(b) DEFINITION OF ADVERSE ACTION.—Section 9301 of title 31, United States Code, is amended—

(1) by striking the period at the end of paragraph (1) and inserting a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) 'adverse action'—

"(A) means a denial of a bond, a change in the terms of an existing bonding arrangement, or a refusal to issue a bond in the amount or on substantially the terms requested; and

"(B) does not include any refusal to issue an additional bond under an existing bonding arrangement where the applicant is in default, or where such additional bond would exceed a previously established bonding limit.".

SEC. 244. CIVIL PENALTIES.

Section 9308 of title 31, United States Code, is amended—

(1) in the first sentence by striking "A surety corporation" and inserting the following:

"(a) LIABILITY TO THE UNITED STATES.—A surety corporation";

(2) in the second sentence by striking "A civil action" and inserting the following:

"(c) JURISDICTION.—A civil action";

(3) in the third sentence by striking "A penalty imposed" and inserting the following:

"(d) EFFECT OF PENALTIES ON CONTRACTS.—A penalty imposed"; and

(4) by inserting the following before subsection (c) (as designated by paragraph (2)):

"(b) LIABILITY FOR DISCRIMINATORY ACTION.—

"(1) IN GENERAL.—Any surety corporation that fails to comply with section 9310(b) shall be liable to the aggrieved applicant for—

"(A) any actual damage sustained by such applicant (individually or as a member of a class); and

"(B) in the case of any successful action under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court.

"(2) FACTORS TO BE CONSIDERED.—In determining the amount of any damages under paragraph (1), the factors considered by the court shall include—

"(A) the amount of any actual damages awardable under paragraph (1);

"(B) the frequency and persistence of the failures by the surety to comply with the requirements of section 9310;

"(C) the number of persons adversely affected by the failure of the surety to comply with such requirements; and

"(D) the extent to which such failure was intentional.".

SEC. 245. REGULATIONS.

The Secretary of the Treasury shall issue such proposed regulations as may be necessary to carry out this subtitle not later than 270 days after the date of its enactment. The final regulations shall become effective not later than 1 year after the date of enactment of this Act.

SEC. 246. EFFECTIVE DATE.

The amendments made by this subtitle shall become effective on the earlier of—

(1) the effective date of the final regulations promulgated pursuant to section 245; or

(2) the end of the 1-year period beginning on the date of enactment of this Act.

Subtitle E—Small Business Access to Surety Bonding Survey Act of 1992

SEC. 251. SHORT TITLE.

This subtitle may be referred to as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 252. SURVEY.

(a) IN GENERAL.—The Comptroller General shall conduct a comprehensive survey of business firms, including using a questionnaire described in subsection (b), to obtain data on the experiences of such firms, and especially the experiences of small business concerns in obtaining surety bonds from corporate surety firms.

(b) CONTENT OF SURVEY QUESTIONNAIRE.—The questionnaire used by the Comptroller General to conduct the survey under subsection (a) shall include such questions as the Comptroller General considers appropriate. To ensure a comprehensive review, such questions shall include questions to obtain information from a business firm on—

(1) the frequency with which the firm was requested to provide a corporate surety bond in fiscal year 1992;

(2) whether the frequency with which the firm was requested to provide a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(3) the frequency with which the firm provided a corporate surety bond in fiscal year 1992;

(4) whether the frequency with which the firm provided a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(5) the average size of corporate surety bonds provided by the firm in fiscal year 1992;

(6) whether the average size of the corporate surety bonds provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(7) the dollar amount of the largest corporate surety bond provided by the firm in fiscal year 1992;

(8) whether the dollar amount of the largest corporate surety bond provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(9) the dollar amount of work performed by the firm by type of construction owner, including the Federal Government, State and local governments, other public entities, and private entities, in each of fiscal years 1990, 1991, and 1992;

(10) the dollar amount of such work bonded by a corporate surety company for the firm by type of construction owner, including construction owners referred to in paragraph (9), for each of fiscal years 1990, 1991, and 1992;

(11) whether the firm purchased its corporate surety bonds through an insurance agent or directly from a surety company;

(12) the means used by the firm to identify its source for the purchase of corporate surety bonds;

(13) the average corporate surety bond premium (expressed as a percentage of contract amount) paid by the firm in fiscal year 1992;

(14) any increase or decrease in the average corporate surety bond premium (expressed as a percentage of the contract amount) paid by the firm in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(15) whether or not the underwriting requirements (including state of accounts receivable, financial procedures, need for personal indemnification, and requirements for collateral) changed in fiscal year 1990, 1991, or 1992;

(16) the nature of any changes in underwriting requirements experienced by the firm in fiscal years 1990, 1991, and 1992 and the reason for any such changes, if known;

(17) whether or not the source of surety bonds (a surety agent or company) provided reasons for such changes in underwriting requirements and whether these reasons were provided orally or in writing;

(18) whether or not the bonding capacity (total dollar amount and number of bonds) for the firm changed in fiscal year 1990, 1991, or 1992;

(19) whether or not the source of surety bonds (a surety agent or company) provided reasons for any changes in bonding capacity and whether these reasons were provided orally or in writing;

(20) the services provided and advice given by the firm's source of corporate surety bonds in fiscal years 1990, 1991, and 1992;

(21) whether or not the firm obtained a corporate surety bond with the assistance of a Federal program (such as the surety bond guarantee program of the Small Business Administration and the bonding assistance program of the Department of Transportation) or a State or local program in fiscal year 1990, 1991, or 1992;

(22) whether or not the firm used any alternative to corporate surety bonds (such as individual surety bonds, letters of credit, certificates of deposit, and government securities) in fiscal year 1990, 1991, or 1992;

(23) if the firm has not provided any corporate surety bonds in fiscal year 1990, 1991, or 1992, the reasons the firm has not done so;

(24) the number of times the firm has had an application for a corporate surety bond denied in fiscal years 1990, 1991, and 1992, and the reason for any such denial, if known;

(25) whether or not the proposed source for the corporate surety bond (a surety agent or company) provided the reasons for its denial of that application and whether that explanation was provided orally or in writing;

(26) the length of time the firm has been in business;

(27) the approximate annual sales volume of the firm in fiscal years 1990, 1991, and 1992;

(28) the net worth (total assets less total liabilities) of the firm at the close of the firm's most recent fiscal year;

(29) the working capital (current assets less current liabilities) of the firm at the close of the firm's most recent fiscal year;

(30) the average age of the firm's accounts receivable (the average number of days required to collect payments due);

(31) whether the firm made a profit in fiscal year 1990, 1991, or 1992; and

(32) the 4-digit standard industrial classification in which the firm performs the majority of its work.

(c) FIRMS TO BE SURVEYED.—The Comptroller General shall develop a statistically valid sample of business firms from the most recent list of construction firms maintained by the Dun and Bradstreet Company (identified as the "DUN Market Identifier" file) for which data regarding sales are available.

SEC. 253. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct an assessment of the data obtained in the survey conducted pursuant to section 252 and submit to the Committees on Small Business of the Senate and House of Representatives a report on the results of such assessment.

(b) CONTENTS OF THE REPORT.—

(1) IN GENERAL.—The report required by subsection (a) shall contain—

(A) a summary of responses of business firms to the survey conducted pursuant to section 252; and

(B) a description of any trends found by the Comptroller General in such responses.

(2) INFORMATION ON SMALL BUSINESS CONCERNS.—In presenting summaries of responses and descriptions of trends pursuant to paragraph (1), the Comptroller General shall provide specific information on the responses and trends of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.

SEC. 254. DEFINITIONS.

For purposes of this subtitle—

(1) the term "fiscal year" means the fiscal year of the business firm being surveyed;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)); and

(4) the term "small business concern owned and controlled by women" has the same meaning as in section 127(d) of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 637 note).

TITLE III—ECONOMIC JUSTICE

Subtitle A—Pay Equity Technical Assistance Act

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Pay Equity Technical Assistance Act".

SEC. 302. STATEMENT OF PURPOSE.

Congress recognizes that the identification and elimination of discriminatory wage-setting practices and discriminatory wage disparities are in the public interest. The purpose of this subtitle is to help eliminate such practices and disparities by—

(1) providing for the development and utilization of techniques that will promote the establishment of wage rates based on the work performed by an employee and other appropriate factors, rather than the sex, race, or national origin of the employee; and

(2) providing for the public dissemination of information relating to the techniques described in paragraph (1), thereby encouraging and stimulating public and private employers, through the use of such techniques, to correct wage-setting practices and eliminate wage disparities, to the extent that the practices and disparities are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors.

SEC. 303. PROGRAM SPECIFICATIONS.

In order to carry out the purpose of this subtitle, the Secretary of Labor shall develop and carry out a continuing program under which, among other things, the Secretary shall—

(1) develop and implement a program for the dissemination of information on efforts being made in the private and public sectors to reduce or eliminate wage disparities, to the extent that the disparities are based on the sex, race, or national origin of an employee, rather than the work performed and other appropriate factors;

(2) undertake and promote research into the development of techniques to reduce or eliminate wage disparities, to the extent that the practices or disparities are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors; and

(3) develop and implement a program for providing appropriate technical assistance to any public or private entity requesting such assistance to correct wage-setting practices or to eliminate wage disparities, to the extent that the practices or disparities are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors.

SEC. 304. DEFINITION.

For the purpose of this subtitle, the term "other appropriate factors" includes factors such as—

(1) the skill, effort, responsibilities, and qualification requirements for the work involved, taken in their totality;

(2) geographic location and working conditions; and

(3) seniority, merit, productivity, education, and work experience.

Subtitle B—Legislative Pay Equity Study

SEC. 311. DECLARATION OF POLICY.

Congress is committed to the elimination of all forms of discrimination that adversely affect pay or working conditions of any employee because of the race, color, religion, sex, or national origin of an employee. It is the policy of the Congress that persons employed in the legislative branch shall receive equal pay in cases in which the work performed is comparable, as measured by the composite of skill, effort, responsibility, and working conditions normally required in the performance of the job.

SEC. 312. COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on Employment Discrimination in the Legislative Branch (referred to in this subtitle as the "Commission").

(b) COMPOSITION.—The Commission shall consist of 13 members to be appointed for the life of the Commission as follows:

(1) MEMBERS.—Four shall be Members of the House of Representatives, appointed by the Speaker, two upon recommendation of the Majority Leader and two upon recommendation of the Minority Leader.

(2) SENATORS.—Four shall be Senators, appointed by the President pro tempore of the Senate, two upon recommendation of the Majority Leader and two upon recommendation of the Minority Leader.

(3) HOUSE OF REPRESENTATIVES APPOINTMENTS.—Two shall be persons other than Members of Congress, appointed by the Speaker of the House and shall, to the extent practicable, be persons with expertise in job evaluation. One such member shall be appointed upon recommendation of the Majority Leader and one upon recommendation of the Minority Leader.

(4) SENATE APPOINTMENTS.—Two shall be persons other than Members of Congress, appointed by the President pro tempore of the Senate and shall, to the extent practicable, be persons with expertise in job evaluation. One such member shall be appointed upon recommendation of the Majority Leader and one shall be appointed upon recommendation of the Minority Leader.

(5) JOINT APPOINTMENTS.—One shall be appointed by the Speaker of the House and the President pro tempore of the Senate, acting jointly, upon recommendation of—

(A) the Majority Leader and Minority Leader of the Senate and of the House of Representatives; and

(B) the members appointed under paragraphs (1) through (4).

(c) FURTHER QUALIFICATIONS.—

(1) HOUSE OF REPRESENTATIVES APPOINTMENTS.—Of the members of the Commission appointed under paragraph (3) of subsection (b)—

(A) one shall be a member of one of the two largest labor unions at the Library of Congress; and

(B) one shall be a manager at the Library of Congress.

(2) SENATE APPOINTMENTS.—Of the members of the Commission appointed under paragraph (4) of subsection (b)—

(A) one shall be a member of one of the two largest labor unions at the Library of Congress; and

(B) one shall be a manager at the Library of Congress.

(3) LABOR UNIONS.—The member appointed under paragraph (1)(A) shall not be from the same labor union as the member appointed under paragraph (2)(A).

(d) REMOVAL.—The appointing authority of a member of the Commission may remove the member for neglect of duty or malfeasance in office.

(e) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and a Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall not be of the same political party.

(g) QUORUM.—Seven members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number for holding hearings, taking testimony, and receiving evidence.

(h) COMMENCEMENT.—Members shall be appointed, and the Commission shall commence operation, not later than 4 weeks after the date of enactment of this Act.

SEC. 313. FUNCTIONS OF COMMISSION.

The Commission shall—

(1) employ a nongovernmental consultant with expertise in job evaluation to study and compare the compensation paid within and between job classifications in the Library of Congress and to analyze personnel policies and practices in the Library of Congress;

(2) evaluate the compensation system and personnel policies and practices in the Library of Congress for compliance with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) and make specific recommendations (other than any recommendation that, if implemented, would result in a reduction in the rate of pay payable for any position) to the Congress for such action as may be necessary to achieve that compliance; and

(3) develop a comprehensive plan for application of the principles of title VII of the Civil Rights Act of 1964 and title III of the Civil Rights Act of 1991 (2 U.S.C. 1201 et seq.) throughout the legislative branch.

SEC. 314. STAFF OF COMMISSION.

(a) STAFF DIRECTOR.—The Commission shall have a Staff Director who shall be appointed by the Chairman and who shall be paid at a rate not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL STAFF.—With the approval of the Commission, the Chairman may appoint, terminate, and determine the compensation of additional staff. The rate of compensation for each staff member shall not exceed the daily equivalent of the maximum annual rate of basic pay specified for grade GS-15 of the General Schedule, under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission.

SEC. 315. COMPENSATION OF MEMBERS.

(a) FEDERAL EMPLOYEES.—A member of the Commission who is a Member of Congress or a full-time officer or employee of the United States shall receive no additional compensation by reason of service on the Commission.

(b) OTHER MEMBERS.—A member of the Commission not described in subsection (a) shall receive compensation at a rate equal to the daily equivalent of the rate specified in level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day such member is engaged in the performance of duties of the Commission, including travel to conduct the duties.

SEC. 316. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths or affirmations to witnesses appearing before the Commission, enter into such contracts and other arrangements, make such expenditures, and take such other actions as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

SEC. 317. REPORTS.

The Commission may submit interim reports to the appropriate committees of Congress and shall submit a final report to the appropriate committees of Congress not later than 18 months after the date of enactment of this Act.

SEC. 318. ADMINISTRATIVE PROVISIONS.

(a) CONTINGENT FUNDS.—There shall be paid from the contingent fund of the House of Representatives and the contingent fund of the Senate such sums as may be necessary to carry out this subtitle. One-half of the total of such sums shall be paid from each such fund. Payment shall be upon vouchers submitted by the Chairman of the Commission and approved by the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, as appropriate.

(b) EMPLOYEE STATUS.—Members of the Commission (other than Members of Congress) and the staff of the Commission shall be treated as detailed employees, or as temporary or intermittent employees of the House or of the Senate, as appropriate.

(c) REGULATIONS.—The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall prescribe such regulations as may be necessary to carry out this subtitle. Employment of experts and consultants, travel, procurement of support services, procedures for securing information, and other administrative matters with respect to the Commission shall be in accordance with such regulations.

SEC. 319. TERMINATION.

The Commission shall terminate 30 days after submitting the final report required under section 317.

Subtitle C—Federal Council on Women Act

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Federal Council on Women Act".

SEC. 322. FINDINGS.

Congress finds that—

(1) women compose 51.3 percent of the total population and over one-half of the work force in the United States;

(2) the number of households headed by females has more than doubled in the last 27 years and a child who lives in such a household has a 50 percent chance of being poor;

(3) one-third of all women in the United States fail to receive adequate prenatal care and the number of births to teenage mothers has risen throughout the 1980s;

(4) a 1987 study found that only 13 percent of the total budget of the National Institutes of Health was spent for research on women's health;

(5) since 1980 rape rates have risen 4 times as fast as the national crime rate and nearly 3,000,000 women are battered each year;

(6) women at all levels of educational attainment earn less than men with comparable degrees;

(7) women continue to be enrolled in education and training programs that prepare the women for low-wage jobs in traditionally female occupations;

(8) women constitute 70 percent of the elderly poor;

(9) in 1980 the President's Commission on the Status of Women was discontinued;

(10) there is no Federal clearinghouse that focuses on issues and problems widely shared by women and that can develop recommendations for legislative remedies; and

(11) Federal policy and programs frequently fail to serve the needs and interests of women equitably with the needs and interests of men.

SEC. 323. ESTABLISHMENT OF COUNCIL.

There is established within the legislative branch a Federal Council on Women (referred to in this subtitle as the "Council").

SEC. 324. DUTIES.

The Council shall—

(1) collect and evaluate information on a wide range of issues and concerns relating to women in the United States, including poverty, health care, violence, employment, education, and aging;

(2) review and evaluate current and proposed Federal policy relating to the issues and concerns specified in paragraph (1) and the impact of such issues and concerns on women;

(3) coordinate the activities of the Council with any similar activities conducted by any State, political subdivision of any State, and concerned organizations, including State commissions on the status of women; and

(4) make recommendations to the Congress with respect to—

(A) actions that should be taken to alleviate problems studied by the Council; and

(B) the promotion of equal rights and opportunities for women.

SEC. 325. MEMBERSHIP.

(a) APPOINTMENT.—The Council shall be composed of 17 members appointed as follows:

(1) SENATE APPOINTMENTS.—Eight members shall be appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate. Not more than 4 individuals appointed by the Majority Leader may be of a single political party.

(2) HOUSE APPOINTMENTS.—Eight members shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives. Not more than 4 individuals appointed by the Speaker may be of a single political party.

(3) PRESIDENTIAL APPOINTMENT.—One member appointed by the President.

(b) CONSULTATION.—In making appointments under paragraphs (1) and (2) of subsection (a), the Speaker of the House of Representatives and the Majority Leader of the Senate shall consult with the Council of Presidents of the national women's groups.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for a term of 3 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the appointing authority at the time of appointment, of the members first appointed—

(A) 2 members appointed under subsection (a)(1) and 2 members appointed under subsection (a)(2) shall each serve a term of 1 year; and

(B) 1 member appointed under subsection (a)(1) and 1 member appointed under (a)(2) shall each serve a term of 2 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of the term of the member until a successor has taken office. A vacancy in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(d) REQUIREMENTS OF APPOINTMENTS.—In making appointments under this section, the Majority Leader of the Senate and Speaker of the House of Representatives shall—

(1) select individuals who have demonstrated a commitment to the promotion of equity for women; and

(2) select individuals from various age, ethnic, regional, and racial groups.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—A majority of the members of the Council shall elect a chairperson and a vice chairperson from among the members of the Council.

(f) QUORUM.—Nine members of the Council shall constitute a quorum for the transaction of business.

(g) MEETINGS.—The Council shall meet not less often than once every 3 months at the call of the chairperson, the vice chairperson, or a majority of the members of the Council.

(h) BASIC PAY.—Members of the Council shall serve without pay.

(i) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

SEC. 326. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—There shall be a full-time executive director of the Council appointed by the chairperson and subject to the approval of a majority of the members of the Council. The executive director shall be paid at a rate not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—The Council may appoint such other personnel as the Council determines to be advisable. The rate of compensation for each staff member shall not exceed the maximum annual rate of basic pay specified for grade GS–13 of the General Schedule under section 5332 of title 5, United States Code.

(c) DETAILED STAFF.—Upon request of the executive director, and with the approval of the chairperson, of the Council, the head of any Federal department or agency and the chairman of any committee of the Congress may detail, on a reimbursable basis, any of the personnel of the department or agency or committee to the Council to assist the Council in carrying out its duties under this subtitle.

SEC. 327. POWERS.

(a) IN GENERAL.—For the purpose of carrying out the duties of the Council, the Council may hold such hearings and undertake such other activities as the Council considers appropriate.

(b) USE OF MAILS.—The Council may send franked mail through the United States mail in accordance with section 3210 of title 39, United States Code.

(c) OBTAINING OFFICIAL INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this subtitle. Upon request of the Chairperson of the Council, the head of the department or agency shall furnish any information available under section 552 of title 5, United States Code, to the Council.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Clerk of the House of Representatives and the Secretary of the Senate shall provide to the Council, on an equal basis, any administrative support services determined by the Council to be necessary in carrying out its duties.

SEC. 328. ANNUAL REPORT.

The Council shall, not later than 1 year after the date of the enactment of this subtitle and annually thereafter, submit a report to the Congress containing a detailed statement of the findings, conclusions, and recommendations of the Council related to carrying out the duties of the Council under section 324.

SEC. 329. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $700,000 for each of fiscal years 1993 through 1997.

Subtitle D—Assured Minimum Child Support Projects

SEC. 331. SHORT TITLE.

This subtitle may be cited as the "Child Support Assurance Act of 1992".

SEC. 332. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households has increased significantly;

(2) there is a high correlation between childhood poverty and growing up in a single-parent household;

(3) family dissolution often brings the economic consequence of a lower standard of living for the custodian and children;

(4) children are nearly twice as likely to be in poverty after a family dissolution as before a family dissolution;

(5) one-fourth of the single mothers who are owed child support receive none and another one-fourth of such mothers receive only partial child support payments;

(6) single mothers above and below the poverty line are equally likely to receive none of the child support they are owed; and

(7) the failure of children to receive an adequate level of child support limits the ability of such children to thrive and to develop their potential and leads to long-term societal costs in terms of health care, welfare, and loss in labor force productivity.

(b) PURPOSE.—It is the purpose of this subtitle to enable participating States to establish assured minimum child support systems in order to improve the economic circumstances of children who do not receive a minimum level of child support from the noncustodial parents of such children and to strengthen the establishment and enforcement of child support awards. The assured minimum child support approach is structured on a demonstration basis in order to implement and evaluate different options with respect to the provision of intensive support services and mechanisms for administering the program on a national basis.

SEC. 333. ESTABLISHMENT OF ASSURED MINIMUM CHILD SUPPORT PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not more than 6 States to conduct projects for purposes of establishing or improving a system of assured minimum child support benefits in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application submitted by the Governor of a State shall—

(1) contain a description of the proposed assured minimum child support project to be established, implemented, or improved using amounts provided under this section, including the specific activities to be undertaken and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support benefits under the project, and the amounts to which they will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive years beginning with fiscal year 1993;

(6) contain assurances that the State—

(A) is currently at or above the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act),

(B) will improve the performance of the agency designated by the State to carry out the requirements under part D of title IV of the Social Security Act by at least 4 percent each year in which the State operates an assured minimum child support project under this section in—

(i) the number of cases in which paternity is established when required;

(ii) the number of cases in which child support orders are obtained; and

(iii) the number of cases with child support orders in which collections are made; and

(C) to the maximum extent possible under current law, will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(7) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the assured minimum child support project; and

(8) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out an assured minimum child support project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—

(1) IN GENERAL.—An assured minimum child support project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been sought (as defined in paragraph (3)) or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured minimum child support benefit;

(B) the assured minimum child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) a minimum of $3,000 per year for the first child, and a minimum of $1,000 per year for the second and each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the assured minimum child support benefit for the child or children of that particular noncustodial parent;

(C) for purposes of determining the need of a child or relative and the level of assistance, one-half of the amount received as a child support payment shall be disregarded from income until the total amount of child support and Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act equals the Federal poverty level for a family of comparable size;

(D) in the event that the family as a whole becomes ineligible for Aid to Families With Dependent Children under part A of the Social Security Act due to consideration of assured minimum child support benefits, the continuing eligibility of the caretaker for Aid to Families With Dependent Children under such title shall be calculated without consideration of the assured minimum child support benefit; and

(E) in order to participate in the assured minimum child support project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) CHILD.—For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) CHILD SUPPORT ORDER SOUGHT.—For purposes of this section, a child support order

shall be deemed to have been "sought" where an individual has applied for services from the State agency designated by the State to carry out the requirements of part D of title IV of the Social Security Act or has sought a child support order through representation by private or public counsel or pro se.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall consider all applications received from States desiring to conduct projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct projects under this section, the Secretary shall—

(A) consider the geographic dispersion and variation in population of the applicants;

(B) give priority to States the applications of which demonstrate—

(i) significant recent improvements in enforcement of child support awards and collection of child support payments; and

(ii) that efforts will be made to link child support systems with other service delivery systems; and

(C) ensure that, if feasible, the States selected use a variety of approaches for child support guidelines.

(2) INTEGRATION.—Of the States selected to participate in the projects conducted under this section, the Secretary shall require, if feasible—

(A) that at least 2 or more of such States provide intensive integrated social services for low-income participants in the assured minimum child support project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status; and

(B) that at least 2 or more such States plan to cooperate and to integrate interstate establishment and enforcement of child support awards.

(f) EVALUATION AND REPORTS.—

(1) IN GENERAL.—Each State that conducts a project under this section shall, as a part of such project, conduct an interim and a final evaluation of the effectiveness of the project and shall submit an interim and final report to the Secretary concerning the results of the evaluation and any improvements in child support enforcement.

(2) SUBJECTS.—The evaluation and report submitted by a State to the Secretary shall analyze and describe (in such a manner as prescribed by the Secretary)—

(A) the impact of the assured minimum child support project on the economic and noneconomic well-being of children and adults in both custodial and noncustodial households;

(B) the work force participation rates of both custodial and noncustodial parents as a result of participation in the assured minimum child support project;

(C) the impact of the assured minimum child support project on Aid to Families With Dependent Children participation rates, grants, and funding levels;

(D) a comparison of enforcement effectiveness in intrastate and interstate cases;

(E) the impact on custodial and noncustodial families of access to intensive integrated services for custodial families and to job training services for noncustodial parents;

(F) the impact of child support guidelines on the effectiveness of the assured minimum child support project and the economic well-being of children and adults in both custodial and noncustodial families;

(G) administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the collection of adequate child support payments from noncustodial parents;

(H) the measures that the State has taken or intends to take to eliminate or reduce impediments described in subparagraph (G) that are attributable to administrative policies and laws of the State or a political subdivision of the State; and

(I) any other relevant items as the Secretary may require.

(g) DURATION.—A project conducted under this section shall be commenced not later than fiscal year 1993 and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(h) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of an assured minimum child support project conducted under this subtitle. Any such savings realized as a result of the implementation of an assured minimum child support project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State, and Federal expenditures for such project within the State shall be reduced in proportion to any such savings.

(i) EVALUATION AND REPORT TO CONGRESS.—Three and 5 years after commencement of the first State assured minimum child support project, the Secretary shall conduct an evaluation of each such project and submit a report to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives concerning the effectiveness of the assured minimum child support projects funded under this section. Such report shall analyze the reports received by the Secretary under subsection (f) from each participating State and shall compare the effects of different types of child support guidelines.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—

(1) IN GENERAL.—A State conducting a project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section; and

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a project provided by this section.

(2) STATES MEETING IMPROVEMENT REQUIREMENTS.—A State participating in a project under this section may provide no less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in paragraph (6) of subsection (b).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937;

(2) title V of the Housing Act of 1949;

(3) section 101 of the Housing and Urban Development Act of 1965;

(4) sections 221(d)(3), 235, and 236 of the National Housing Act;

(5) the Food Stamp Act of 1977;

(6) title XIX of the Social Security Act; and

(7) child care assistance provided through part D of title IV of the Social Security Act, the Child Care and Development Block Grant, or title XX of the Social Security Act,

any payment made to an individual for child support up to the amount which an assured minimum child support benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT OF ASSURED MINIMUM CHILD SUPPORT BENEFIT.—Any assured minimum child support benefit received by an individual under this subtitle shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out the purposes of this section.

Subtitle E—Social Services Block Grants

SEC. 341. SHORT TITLE.

This subtitle may be cited as the "Social Services Block Grant Restoration Act of 1992".

SEC. 342. FINDINGS.

Congress finds that—

(1) since 1981, title XX of the Social Security Act (42 U.S.C. 1397 et seq.), regarding block grants to States for social services, has been the major source of Federal funding for a wide range of social services;

(2) in all States, block grants under title XX of the Social Security Act provide substantial support for vital human services programs that are indispensable in assisting millions of children, youth, adults, older adults, and people with disabilities;

(3) programs funded by block grants made available under title XX of the Social Security Act are cost-effective because the programs are required by law to furnish services directed at the goals of—

(A) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(B) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(C) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests; or preserving, rehabilitating, or reuniting families;

(D) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

(E) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions;

(4) funding for title XX of the Social Security Act has seriously eroded; and

(5) the program of block grants under title XX of the Social Security Act—

(A) has never recovered after suffering a $600,000,000 cut in the Omnibus Budget Reconciliation Act of 1981; and

(B) is currently funded at $2,800,000,000, nearly 45 percent less than the fiscal year 1977 value in inflation adjusted dollars.

SEC. 343. INCREASE IN AUTHORIZATION FOR BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.

Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) in paragraph (5) by striking "each fiscal year after fiscal year 1989." and inserting "each of the fiscal years 1989 through 1992;"; and

(3) by adding at the end the following new paragraphs:

"(6) $3,200,000,000 for the fiscal year 1993; and

"(7) $3,300,000,000 for the fiscal year 1994 and for each succeeding fiscal year.".

TITLE IV—RETIREMENT EQUITY

Subtitle A—Military Retired Pay

SEC. 401. APPLICABILITY TO PREVIOUS DIVORCES OF CHANGE IN RULES FOR COMPUTING MAXIMUM FORMER SPOUSE SHARE OF MILITARY RETIRED PAY.

(a) CHANGE IN EFFECTIVE DATE.—Paragraph (2) of section 555(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1570) is amended to read as follows:

"(2) The amendments made by subsections (b), (c), and (d) apply to divorces, dissolutions of marriage, annulments, and legal separations that become effective at any time, whether before, on, or after the date of the enactment of this Act.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect the amount of military retired or retainer pay payable to any person for months beginning on or before the date 90 days after the date of the enactment of this Act.

Subtitle B—Social Security Equity

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Social Security Equity Act of 1992".

SEC. 412. SHARING OF EARNINGS BY MARRIED COUPLES.

(a) IN GENERAL.—Title II of the Social Security Act is amended by adding at the end the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES

"SEC. 234. (a)(1) For purposes of determining the eligibility of an individual and the spouse of such individual for old-age and disability benefits and the amount of such benefits to which each is or may become separately entitled, the combined earnings of such individual and such spouse shall, to the extent that such earnings are attributable to the marriage period of such individual and such spouse (as determined under paragraph (2)), be divided equally between them and shared in accordance with this section.

"(2)(A) Except as provided in subparagraph (B), for purposes of this section, the term 'marriage period' means the period—

"(i) beginning with the first day of the calendar year in which the marriage of an individual and the spouse of such individual occurs, and

"(ii) ending with the last day of the calendar year preceding the earliest calendar year in which such individual or such spouse dies, they are divorced, or one of them files application for old-age or disability insurance benefits.

"(B)(i) No marriage period shall begin for any individual and the spouse of such individual if their marriage occurs after such individual or such spouse has filed an application for old-age insurance benefits.

"(ii) No marriage period shall include a period for which such individual or such spouse is entitled to disability insurance benefits or the waiting period (as defined in section 223(c)(2)) with respect to such benefits.

"(iii) A marriage period shall include the 'earliest calendar year' referred to in clause (ii) of subparagraph (A) for purposes of recomputations for that year under section 215(f)(2), in any case where an individual or the spouse of such individual dies or they are divorced, unless the survivor (where one of them dies) or either of them (where they are divorced) is remarried later in the same year.

"(b)(1) Except to the extent otherwise provided in subsections (c), (d), and (e), an individual and the spouse of such individual shall each be credited for all of the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during their marriage period, in an amount equal to—

"(A) 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year if (at the close of the month for which the benefit determinations involved are being made) they are both still living, or

"(B) 100 percent of such combined total, up to but not exceeding the maximum amount that may be counted for that year without exceeding the ceiling imposed for that year under section 215(e), if (at the close of such month) one of them has died.

"(2) Nothing in this section shall affect the crediting of wages and self-employment income to any individual for any calendar year not included in a marriage period of such individual; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not apply.

"(3) Except where the context requires otherwise, for purposes of this section, the term 'spouse' includes a divorced spouse, a surviving spouse, and a surviving divorced spouse.

"(c) Subsections (a) and (b) shall not apply with respect to the crediting of wages and self-employment income for any calendar year, in the case of any individual and the spouse of such individual, if—

"(1) as a result of the application of such subsections with respect to that year such individual or such spouse would cease to be a fully insured individual (as defined in section 214(a)); or

"(2) such individual or such spouse is applying for disability insurance benefits (or for the establishment of a period of disability) and as a result of the application of such subsections with respect to that year would cease to be insured for such benefits under section 223(c)(1) (or for such a period under section 216(i)(3)).

"(d) Subsections (a) and (b) shall not apply for purposes of determining the amount of the benefit payable to any individual for any month if—

"(1) the total amount of the wages and self-employment income credited to such individual for a marriage period, as determined without regard to this section, is higher than the total amount of the wages and self-employment income credited to such individual's spouse for that period, as so determined; and

"(2) such individual's spouse (taking subsections (a) and (b) into account) has not filed application for old-age or disability insurance benefits by the close of such month.

"(e) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f), or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a spouse who has shared in or been credited with a part of such individual's earnings under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if—

"(A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been; and

"(B) the crediting of wages and self-employment income to such individual and the spouse of such individual without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and the spouse of such individual was credited to them in accordance with this section, the primary insurance amount of such individual (and the crediting of such wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined without regard to this section.

"(f) Notwithstanding any other provision of this title, no wife's, husband's, widow's, or widower's insurance benefit shall be paid to any individual for any month under subsection (b), (c), (e), or (f) of section 202, and no individual shall be entitled to any such benefit, unless—

"(1) the period of such individual's marriage (to the spouse or former spouse on the basis of whose wages and self-employment income such benefit is payable) ended before the effective date of this section;

"(2) such individual is under the age of 62 (and is otherwise entitled to such benefit);

"(3) such benefit is payable without regard to age and solely by reason of such individual's having a child in his or her care; or

"(4) the application of this section to such individual is prevented by subsection (c) or (d) (or by clause (i) or (ii) of subsection (a)(2)(B)).

"(g) For purposes of subsections (a)(2) and (d), an individual's application for old-age or disability insurance benefits shall be deemed to have been filed on the first day of the first month for which (by reason of the operation of section 202(j) or 223(b)) such individual is entitled to such benefits.".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(1) of the Social Security Act is amended by striking out "The wife" and inserting in lieu thereof "To the extent permitted by section 234(g), the wife".

(2) Section 202(c)(1) of such Act is amended by striking out "The husband" and inserting in lieu thereof "To the extent permitted by section 234(g), the husband".

(3) Section 202(e)(1) of such Act is amended by striking out "The widow" and inserting in lieu thereof "To the extent permitted by section 234(g), the widow".

(4) Section 202(f)(1) of such Act is amended by striking out "The widower" and inserting in lieu thereof "To the extent permitted by section 234(g), the widower".

(5) Section 205(c)(5) of such Act is amended—

(A) by striking out "or" at the end of subclause (I);

(B) by striking out the period at the end of subclause (J) and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end the following new subclause:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 234.".

(6) Section 215(b) of such Act is amended by adding at the end the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 234.".

SEC. 413. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall apply only to wages and self-employment income payable after December 31, 1992, to an individual who has not attained age 50 on or before such date, and only if—

(1) the spouse of such individual has not attained age 50 on or before such date; and

(2)(A) in the case of a benefit based upon the attainment by the wage earner of age 62, such individual and such spouse attain age 62;

(B) in the case of a benefit based upon the death of the wage earner, such death occurs after December 31, 1992, and the individual claiming such benefit attains age 62; and

(C) in the case of a benefit described in subparagraph (A) or (B) with respect to a divorced individual and spouse, the divorce occurs after December 31, 2002.

(b) BENEFITS BASED ON DISABILITY.—In the case of a disability insurance benefit, and a widow's or widower's insurance benefit based upon disability—

(1) if an individual is entitled to such benefit before January 1, 1993, the provisions of this subtitle shall not apply—

(A) for the period for which such individual continues to be entitled to such benefit, and

(B) in the case of an individual who continues to be entitled to such benefit until age 62, for the period such individual is entitled to an old-age insurance benefit;

(2) if—

(A) an individual becomes entitled to such benefit after December 31, 1992, and before January 1, 2002; and

(B) the total benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based (determined without regard to the provisions of this subtitle) exceeds the total of benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based, and to the spouse of such individual, under the provisions of this subtitle, the provisions of this subtitle shall not apply for the period during which the conditions of subparagraph (B) continue to be met and during which such individual (i) continues to be eligible for such benefit, or (ii) in the case of such an individual who continued to be eligible for such benefit until age 62, is entitled to an old-age insurance benefit.

TITLE V—EQUAL REMEDIES ACT OF 1992

SEC. 501. SHORT TITLE.

This title may be cited as the "Equal Remedies Act of 1992".

SEC. 502. EQUALIZATION OF REMEDIES.

Section 1977A of the Revised Statutes, as added by section 102 of the Civil Rights Act of 1991, is amended—

(1) in subsection (b)—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (c), by striking "section—" and all that follows through the period and inserting "section, any party may demand a jury trial.". •

THE ECONOMIC EQUITY ACT OF 1992

The Economic Equity Act of 1992 (EEA) is a comprehensive, forward-looking agenda for improving the economic well-being of American women and their families. Introduced by the Congressional Caucus for Women's Issues in every Congress since 1981, their package of legislation is designed to respond to the changing needs of American society, and to promote equity for women in the workplace and at the home.

This year's EEA, while continuing its traditional focus on such bread-and-butter issues as pay equity, places new emphasis on the need to revitalize the American economy by developing the job skills of and opening up new opportunities for women in the workforce. The EEA seeks to break down barriers to women throughout the workplace for women trapped in dead-end, minimum wage jobs. The EEA also promotes another untapped economic resource—women business owners.

The EEA has become a Congressional hallmark, and during the 1980s many of the most sweeping reforms designed to benefit women—from child support enforcement to retirement equity and health insurance continuation—received their start as part of the EEA.

The EEA of 1992, is comprised of five titles: Employment opportunities, Women in Business, Economic Justice, Retirement Equity and Equal Remedies. Some of the bills in this session's package will be familiar while most are new to the EEA and address a broadening range of issues affecting women in the marketplace.

Representative Patricia Schroeder introduced in House bill, H.R. 3526, on October 8, 1991.

TITLE I—EMPLOYMENT OPPORTUNITIES

Women currently comprise close to half of the civilian work force. By the year 2000, more women than men will be entering the work force, dramatically and permanently altering the overall composition of labor in America.

"In 1989, 69 percent of all women were in the work force, accounting for 45 percent of all labor force participation." (U.S. Dept. of Labor. "Facts on Women," 1990).

"By the year 2000, 2 out of 3 new entrants into the work force will be women." ("Facts on Women," 1990).

U.S. productivity and competitiveness in the international marketplace will depend more and more upon the industry's ability to encourage, shape, incorporate, and nurture the skills, knowledge, creativity, and energy of women workers.

"By the year 2000, 86 percent of all jobs will require post secondary education or training." ("Work Force 2000," Towers, Perrin and Hudson Institute, 1990).

Despite the vastly increased number of women in the workforce and the need for more highly-skilled workers, women continue to face numerous barriers to a wide range of employment opportunities. Instead of being cultivated as highly productive participants in the workforce, women are often "tracked" away from lucrative male-dominated careers and instead are educated and trained for low-paying, dead-end, nonprofessional careers predominantly clerical and service occupations.

"74 percent of working women are in nonprofessional occupations." ("Women and Nontraditional Work," Wider Opportunities for Women, 1990).

Those women who are able to enter the workforce in higher-paying, mobile, professional positions often face lower salaries and slower promotion rates once employed, and receive less access to the education, training, and support necessary to help prepare them for advancement in the corporate world.

The failure to incorporate fully women into all areas of the workforce penalizes not only women, but the entire American economy, which is increasingly in need of skilled workers. Industry will need to rely on women to fill those skilled positions if it is to compete effectively both here at home and abroad.

A. Nontraditional Employment

Despite the influx of women into the workforce, women continue to be clustered in a small number of typically low-paying occupations, particularly clerical and service occupations. Women continue to have difficulty breaking into "nontraditional" jobs, which are defined as jobs in which 75 percent or more of those employed are men.

"Approximately 70 percent of female secondary vocational education students are enrolled in programs leading to traditional female, low-wage clerical and service jobs." ("Women and Work: Workforce 2000 Trends, "National Commission on Working Women of Wider Opportunities for Women, 1990).

"Since 1983, the number of women in nontraditional jobs has remained relatively unchanged at 4 percent of total workforce." (Women and Nontraditional Work," 1990).

Even programs specifically designed to provide individuals with job skills tend to track women into traditional, low-paying occupations. A study of 1986 enrollments in the Job Training Partnership Act (JTPA) showed that less than 9 percent of women in JTPA-supported classroom training were being trained in nontraditional occupations. In contrast, female participants were most often trained in clerical and caretaking occupations in which placements occured less often and at lower wages.

"Women in nontraditional occupations earned 20 to 30 percent more in average weekly salary than women in traditional occupations." (U.S. Dept. of Labor News Release, March 20, 1991).

B. Apprenticeships

One route to skilled employment is through apprenticeship programs. Apprenticeships are formal, structured programs, usually jointly operated by union and industry, combining on-the-job training with relevant classroom instruction designed to train individuals to be skilled craftworkers. Apprenticeships offer individuals a chance to learn a skilled trade while at the same time earning an income, and they prepare workers for high wage jobs with good fringe benefits and job security. However, jobs that have traditionally required apprenticeships have been among the most difficult for women to enter.

"Among all the better-paying occupational classifications, women have been least represented in skilled craft jobs." ("Apprenticeship: A Route to the High-Paying Skilled Trades for Women?" Robert W. Glover, 1989).

Women in Apprenticeship Occupations and Nontraditional Occupations Act

The Women in Apprenticeship Occupations and Nontraditional Occupations Act would authorize community-based organizations to provide technical assistance to private employers wishing to recruit, train and retain women in apprenticeship programs. The bill would also provide for a study of barriers to the participation of women in apprenticeships and nontraditional occupations, and strategies for overcoming those barriers.

C. Women in Science and Mathematics

There is a shortage of scientists and mathematicians in the U.S., one that is worsening and threatening the nation's ability to compete internationally. Not only will the next decade see fewer men entering the workforce and the sciences, but unless the recruitment and retention of women into science and mathematics is drastically improved, American industry will simply be unable to compete in world markets.

"Only 10 percent of 21- to 25-year-olds in the U.S. have mathematical competence for today's jobs." ("Playing to Win: A Marshall Plan for America," National Urban League, 1991).

"By the year 2000, the U.S. will need 25 percent more engineers, 19 percent more mathematicians, 53 percent more computer systems analysts, and almost 25 percent more scientists." ("Occupational Outlook Quarterly," Bureau of Labor Statistics, 1990).

Despite the desperate need for high quality scientists and mathematicians, college women having been discouraged systematically from entering the science fields in several ways, including lower salaries and slower promotion rates (Office of Technology Assessment, 1985) less financial aid and research assistantships for women graduate students, and few or no role models and mentors. The disincentives start early: girls are neither expected nor encouraged to do well in math and sciences by parents, teachers, or peers.

"By age 17, there is a large difference between men and women's performance in science and math; girls score an average of 45 points less on the math section of the Scholastic Aptitude (SAT) and boys tend to take an average of one more math class than girls do." (National Center for Education Statistics, 1988).

"Women make up 53 percent of all college students, yet they receive less than 15 percent of all engineering degrees." (National Center for Education Statistics, 1988).

1. Women and Minorities in Science and Mathematics Act—

The Women and Minorities in Science and Mathematics Act would amend the Higher Education Act to encourage women and minorities to enter the fields of science and math. It would provide training for faculty and staff to develop educational programs for encouraging the entry of women and minorities into these fields, authorize use of funds for model training for women and minorities who seek work in math and science, and provide counseling for high school girls and minorities to prepare them for entrance into these fields. This legislation would also provide for recruitment and retention efforts for women and minorities to teach math and science. The bill authorizes resource centers designed to encourage model and cooperative education in math and science for women and minorities, and provides grants to graduate institutions to encourage more women and minorities to enter these fields at the graduate level.

2. Advancement of Women in Science and Engineering Work Force Act

This legislation would establish a commission to study the recruitment, retention, and advancement of professional women in science and engineering.

3. Worker Retraining Demonstration Project

This legislation would create a demonstration program of grants to states to provide literacy and skills training for workers currently in low-paying, dead-end jobs to prepare them for more highly skilled positions.

TITLE II—WOMEN IN BUSINESS

The number of women-owned businesses in the United States continues to increase dramatically. Today, there are about six million women-owned businesses from two and a half million in 1982. Businesses owned by women constitute one of the fastest growing sectors of the American economy, with women starting businesses at twice the rate of men.

"Thirty-two percent of all small businesses are owned by women. By the year 2000, 40 percent of small businesses will be women-owned." (Small Business Administration, 1991)

"Women own 13.9 percent of all public 'C' corporations." (SBA, 1991).

"Gross receipts from women-owned businesses were $278.1 billion in 1987, greater than those of any single state in the nation." (National Women's Business Council, 1990).

Despite the high number of women-owned businesses and their impact on the economy, many women business owners, particularly those who own businesses in nontraditional areas such as construction and manufacturing, continue to face barriers. Of particular concern are the difficulties women have obtaining access to commercial credit and to federal procurement.

A 1990 survey by the National Foundation of Women Business Owners (NFWBO) found that 17 percent of its members had to prove their husbands' signatures in order to obtain a commercial loan.

Thirty-eight percent of women-business owners in the NFWBO survey lacked commercial credit entirely.

"In fiscal year 1988, women received only 0.9 percent of the $185.5 billion in federal contracts awarded in that year." ("Federal Programs for Minority and Women-Owned Businesses," CRS, 1990).

A. Microenterprise Development

Microenterprises are the smallest of businesses. Generally home-based, employing five or fewer people, one or more of whom is the owner, microenterprises usually need less than $5,000 to start or to expand. However, most banks refuse to make business loans for under $50,000. (Corporation for Enterprise Development, 1990).

While microenterprise owners are often poor women working from their homes, providing services and goods to the local community, many low-income women who see establishing a microenterprise as a route to self-sufficiency are hampered in their efforts. Low-income women seeking to start or expand a microenterprise face three major barriers to their entrepreneurial endeavors: severe difficulties obtaining capital, collateral, or credit; a lack of business-related skills; and loss of Aid for Families with Dependent Children (AFDC) and Medicaid benefits.

If a women owns a microenterprise worth over $1000 she is no longer eligible for AFDC, Medicaid, and other welfare benefits. (42 United States Code 602(a)(7))

Existing economic development and social programs aimed at poor communities have helped people maintain a basic standard of living, yet for the most part they do not offer ways in which people can rise out of poverty. Microenterprise development offers women with sound business ideas the means by which to enter the economic mainstream of self-sufficiency.

1. Act for Microenterprise

The Act for Microenterprise would assist low-income individuals who wish to establish microenterprises by ensuring that the receipt of a microenterprise loan does not bar someone from receiving welfare payments on the grounds of exceeding the asset limitation. The legislation would provide a one year transition period during which income derived from a microenterprise activity would not be counted toward eligibility for welfare. The legislation would also allow a person to start a microenterprise while they receive Unemployment Insurance.

2. Microlend for the Future Act

The Microlend for the Future Act would establish a new program within the Small Business Administration to provide funds to community-based organizations. These organizations would make loans available to individuals starting or expanding microenterprises who have been unable to obtain alternative financing. The legislation would also require these community-based organizations to provide appropriate technical assistance and business training to the individuals receiving microenterprise loans.

B. Access to Federal Procurement

One of the major obstacles faced by women business owners is the lack of access to federal procurement contracts. The U.S. government is the world's largest buyer of goods and services. Each year, the federal government contracts billions of dollars out to businesses, but women rarely are the recipients of these lucrative agreements.

A decade ago, the U.S. Civil Rights Commission identified this problem and declared, "Women-owned businesses are hampered in the procurement process by the unavailability of information and biases built into the procurement system." The situation remains little changed today.

In fiscal year 1988, women received only 0.9 percent of the $185.5 billion in federal contracts awarded in that year. ("Federal Programs for Minority and Women-Owned Businesses," 1990).

Thirteen percent of women business owners felt their unfamiliarity with the federal government procurement system impeded their ability to obtain federal contracts (Membership Survey, National Foundation of Women Business Owners, March 1991).

Currently, there are no programs specifically designed to assist women who own businesses in obtaining federal procurement contracts.

3. Women's Business Procurement Assistance Act of 1991, Senator Mikulski, S. 1959

This legislation would require all federal agencies to establish goals for contracting and subcontracting with women-owned businesses, and would formally establish the Office of Women's Business Ownership at the Small Business Administration. In addition, it would require each agency to employ a women's business specialist who would assist women-owned businesses in obtaining federal contracts.

C. Surety Bond Access

Small, new, and emerging contractors, especially those that have never been bonded before, often have trouble qualifying for and obtaining surety bonds. Anecdotal evidence suggests that businesses owned by women and minorities have particular difficulties obtaining surety bonds. A surety bond acts as insurance that work contracted for will be completed, and contractors must be bonded in order to be eligible to bid for or receive most government procurement contracts.

Although surety bonds are considered available to any contractor who reasonably qualifies for them, surety agencies are not required to inform contractors who do not qualify that they have been rejected. Hence, many firms attempting to improve their competitiveness in the bonding market may have little or no direction or hope of ever becoming bonded. In addition, no laws prohibit discrimination by surety bonders.

4. Equal Surety Bond Opportunity Act—Sen. Simon S. 2611

The Equal Surety Bond Opportunity Act would create a federally-approved list of surety agencies and would make it unlawful for a federally-approved surety to discriminate against any applicant on the basis of race, color, religion, national origin, sex, or marital status. The legislation would also require a surety to notify bond applicants, upon request, about the status of their application within a reasonable time period, and would entitle an applicant for a bond whose application has been denied to receive, upon request, a written statement of reasons for the denial.

5. Small Business Access to Surety Bonding Survey Act of 1992—Senator Wofford S. 2609

The Surety Bonding bill would authorize a study to determine barriers that exist to women and minorities obtaining surety.

TITLE III—ECONOMIC JUSTICE

Economic inequity is a fact of life for most women in America today. Nonetheless, the vast majority of women in the workforce are there because of economic need.

In 1987, nearly two-thirds of all women in the work force were either a family's sole wage earner or had husband whose 1986 earnings were less than $15,000. ("20 Facts on Women Workers," U.S. Department of Labor, Women's Bureau, No. 90-2, September 1990).

The failure to cultivate the skills of women as workers and as entrepreneurs has fueled the continuing economic inequities faced by women, leading to high rates of poverty for women and their children. Women are more likely to be underemployed, underpaid, and to have less access to benefits.

In 1988, women constituted 62 percent of the workforce with poverty level incomes. ("20 Facts on Working Women," 1990).

Almost 45 percent of families with children under 18 maintained by single women live in poverty. ("20 Facts on Working Women," 1990).

Women are most likely to work in the types of jobs that fail to offer even minimal benefits. In addition, as the lowest paid workers, they often do not qualify for benefits offered to other, higher paid workers.

Fourteen percent of all women workers have no health insurance benefits. ("Women and Work," 1990).

One-third of single parent families with a full-time worker are uninsured. ("Women and Work," 1990).

A. Pay Equity

Pay equity is a means of correcting the wage gap that currently exists between men and women. With a policy of pay equity, employers use gender- and race-neutral standards, such as responsibility, experiences, education and skill, to set wages.

The Equal Pay Act of 1963 requires that individuals who hold the same jobs be paid the same amount. However, this law has been unable to eliminate the wage gap for the simple reason that women and men do not usually hold the same types of jobs.

In 1990, full-time women workers earned, on average, 71 cents for every dollar men earned. (Spencer Rich, "US Poverty Rate Up; Median Income Falls," Washington Post, Sept. 27, 1991).

Female physicians earn 82 cents, female bus drivers earn 76 cents, and female secondary school teachers earn 94 cents for every dollar earned by a male counterpart. (Testimony of Heidi Hartmann, PhD, before the House Education and Labor Committee, February 27, 1991).

Female college graduates can expect to earn less than male high school graduates. Full-time female workers with college degrees earned, on average, $25,187 in 1988, while working male high school graduates earned $26,045. ("20 Facts on Women Workers," 1990).

A 1986 National Academy of Sciences report concluded that the "wage rates of women's jobs are depressed because women do them. Women are concentrated in low-paying jobs not solely out of choice—though choice may play some role—and not because these jobs would be low-paying regardless of who did them, but rather as a result of earlier traditions of discrimination against women that have become institutionalized—as well as, possibly, current intentional discrimination."

1. Pay Equity Technical Assistance Act—Sen. Cranston, S. 1856

The Pay Equity Technical Assistance Act would establish a clearinghouse within the Department of Labor (DOL) to disseminate information on pay equity efforts in the public and private sectors. Under the bill, DOL would undertake and promote research on job evaluation techniques that are free of bias and would provide technical assistance to persons or organizations voluntarily requesting assistance in eliminating discriminatory wage-setting practices.

2. Legislative Pay Equity Study

This legislation would establish a bipartisan commission to select a private contractor to conduct a pilot study of the Library of Congress to determine whether workers are being paid according to the work they do—and not according to their sex or race. The commission would then report the study's findings and recommendations for a comprehensive plan to ensure pay equity within the entire legislative branch.

B. Child Support Enforcement

For many single mothers and their dependent children, divorce is often the road to poverty, in large part because of the failure of noncustodial parents to pay child support. After their parents divorce or separate, children are almost twice as likely to be living in poverty as they were before the break-up ("Child Poverty Twice as Likely After Family Split, Study Says," New York Times, March 2, 1991).

Half of all children living with their mothers are living in poverty, compared to nine percent of children living with two parents. ("The American Woman 1990-1991," Women's Research and Education Institute, 1990).

Two-thirds of all women will support children outside marriage at some point in their lifetimes. (Testimony of Heidi Hartmann before the Senate Labor and Human Resources Committee, January 7, 1991).

The majority of women and children eligible for child support payments do not receive them, either because they lack a court order for such payments, or because the noncustodial parent refuses to pay.

In 1987, 41 percent of mothers eligible for child support payments did not have a judicial child support order. ("Child Support System Called 'Abysmal,'" Washington Post, April 6, 1991).

Of mothers who did have a child support order, 25 percent received only partial payment and another 25 percent received no payment at all. ("Child Support System Called 'Abysmal,'" April 6, 1991).

1. Assured Minimum Child Support Demonstration Projects—Senator Dodd S. 2343

This bill would establish child support assurance demonstration projects which would be provided to six states to conduct projects for the purposes of establishing or improving a system of assured minimum child support payments.

2. Title XX Social Services Block Grant Restoration Act—Senator Riegle S. 1189

Title XX is the main source of federal funding for a wide range of increasingly needed social services such as child day care and protection from abuse or neglect. Title XX suffered a $600 million cut in OBRA 1981. This bill would restore $500 million to Title XX over the next three years and raise authorization to $3.3 billion by 1994.

D. Federal Council on Women's Economic Issues

During the Carter Administration, the President's Advisory Committee for Women was established to focus on issues of concern to women. Since 1980, however, there has been no federal clearinghouse for discussing and evaluating women's issues; there is currently no legislatively-mandated body that collects and evaluates issues of importance to women, reviews federal policy and proposed policy its impact on women, and makes recommendations for future action to remedy the problems identified.

3. Federal Council on Women Act.

This bill would establish a 17 member council within the legislative branch to review, evaluate, and propose federal policy with respect to the economic problems of women, in particular women living in poverty, in the United States.

TITLE IV—RETIREMENT EQUITY

There is a misconception in our society about the golden years of our lives, when, after having contributed years of labor in the workforce, we may rest and enjoy friends, family, and hobbies without fear of economic destitution. The reality is that many elderly persons are living in poverty, and most of the elderly indigent are women.

Women's retirement income is less likely to be supplemented by pension income because women generally work at lower income jobs or move in and out of the labor force when family needs arise, making it difficult for them to accrue pension credit. Women are also more likely to be employed by smaller firms that do not offer comprehensive benefit packages. Lack of access to pensions and resulting reliance of Social Security add to the elderly's poverty.

While 58 percent of all elderly people are women, women account for 71 percent of all poor over age 65. ("Unlocking the Door," Women and Housing Task Force, 1990).

14 percent of all older women live below the poverty line, compared to 8 percent of older men. ("Money, Income and Poverty Status in the United States," U.S. Bureau of the Census, 1990). 41 percent of older women are poor or near-poor, compared to 17 percent of older men. ("Heading for Hardship," Older Women's League, 1990).

In 1988, the median yearly income for older women (including earnings, Social Security, pensions and assets) was $7,655 while for older men it was $13,107. ("A Profile of Older Americans," American Association of Retired Persons, 1990).

A. Social Security

The Social Security Act was designed to provide American workers and their dependents with protection against loss of wages due to retirement, disability, or death. While this program has been successful at reducing poverty among elderly men and married couples, it has been less successful at reducing the impoverishment of older, single women.

Women are working more without reaping rewards in retirement security. Recent studies show that increased labor force participation has not, for the most part, translated into larger Social Security benefits for women.

In 1990, women on average received $518 per month in Social Security benefits, 76 percent of men's average benefit of $679. (Social Security Administration, Estimated Figures for 1990).

70 percent of all unmarried older women rely on Social Security as their primary source of income. ("Heading for Hardship," Older Women's League, 1990).

The inability of Social Security to significantly reduce the poverty rate among older women results from a number of built-in biases in the way the program is structured. Although Social Security law is gender neutral, it was designed to to meet the needs of a once "traditional" family consisting of one spouse as lifelong breadwinner and the other as lifelong homemaker. Today, such families account for less than one-quarter of all American families.

Social Security particularly penalizes women who assume family caregiving responsibilities, such as, taking time off from the workforce to care for young, children, elderly spouses or parents. Workers born in 1929 or later will have their Social Security benefits calculated on their average earning over a period of 35 years. Workers with less than 35 years of earnings will have "zeroes" averaged into their benefit computation for each year they fall short of the required 35, dramatically and permanently lowering their Social Security benefits.

Women average 11.5 years out of the workforce, compared to 1.3 years for men. ("Mother's Day Report, "Older Women's League, 1990).

Even by the year 2030, fewer than four in 10 women age 62 to 69 will have worked 35 years or more in the paid labor force. The remaining 60 percent will have zeroes averaged into their earning record. ("Mother Day Report," 1990).

Many of these women are now over 60 years old and are left with scarce resources. Many were married and raised families when it was not the norm for women to work. Now, as they become older, they are often without job skills as they try to enter the labor market. Compounding their financial difficulties, these women are entitled to little, if any Social Security benefits .

1. Social Security Equity of 1992

This legislation would amend Title II of Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have Social Security protection in his or her own right.

B. Former Military Spouses

In the 1982, Congress passed legislation, the Uniform Services Former Spouses Protection Act (USFSPA), which was designed to provide former military spouses with a share of their husband's retirement benefits. The USFSPA was passed in response to a Supreme Court decision in McCarty v. McCarty, that held that military pensions could not be divided as part of a divorce settlement.

Military spouses face special hardships that often leave them without access to a pension of their own. Because military families move an average of every two years, most military spouses are unable to work in any job for the five years that is generally required for vesting in a pension plan. In addition, being part of a military family severely limits a woman's employment opportunities.

Military wives experience an unemployment rate more than twice that of civilian wives, are more concentrated in low-paying jobs, and earn substantially less overall. (Testimony of Sally Goldfarb, NOW Legal Defense and Education Fund, April 4, 1990).

A 1988 survey of former military spouses showed that, of women divorced before USFSPA, 23 percent were living on incomes between $500 and $800. (Testimony of Shirley Taft, Ex-Partners of Servicemen for Equality, April 4, 1990).

This legislation would amend the 1991 Department of Defense Authorization Act to allow all eligible former military spouses access to the new definition of disposable retirement pay, which prohibits military retirees from deducting private taxes and personal debts from their retirement benefits. This provision will ensure that such spouses have full access to retirement benefits.

TITLE V EQUAL REMEDIES

The Civil Rights Act of 1991 represents a significant step forward in the ongoing battle to overcome discrimination. Previously, victims of intentional discrimination based on sex could not recover damages. The Civil Rights Act of 1991 adds a new Section 1981A, under which victims of sex discrimination will be able to recover damages.

However, Section 1981A places an upper limit on the total amount of damages can be awarded. The cap creates a significant difference between discrimination based on sex and racial origin discrimination. These caps are unjustifiable. Discrimination on the basis of sex and race is equally abhorrent and victims of such discrimination should be allowed equally to recover damages without caps.

EQUAL REMEDIES ACT OF 1991

The Equal Remedies Act of 1991 would remove the limitations on damages in Section 1981A.

• Mr. DURENBURGER. Mr. President, I am proud to introduce the Economic Equity Act [EEA] today with the senior Senator from California, Senator ALAN CRANSTON. I have been involved with this legislative initiative for over 10 years now, and believe it constitutes an important step toward economic equality for women and minorities.

The Economic Equity Act is an omnibus bill consisting of five titles, including "Employment Opportunities, Women in Business, Economic Justice, Retirement Equity, and Equal Remedies." Each year, portions of the bill are passed in an attempt to diminish the institutional bias contained in our Federal laws, and I pledge to work this year, as I have in the past, to continue to diminish the discrimination contained in the Federal statutes.

Mr. President, before I describe what we have included in the Economic Equity Act this year, I would like to provide a brief historical context for the EEA. When I first ran for the Senate in 1978, I made a commitment to changing the role of Government. Although I believe that some Government services are best delivered at the State and local level, I have always believed that the Federal Government must maintain primary responsibility for securing fundamental human rights guaranteed by the U.S. Constitution.

At the heart of the Economic Equity Act is a Federal commitment toward assuring that our Government treat women, children, and minorities fairly. To that end, I have been a principal author of an omnibus bill each Congress since 1981 that seeks to eliminate discrimination in the law.

Since its introduction in the 97th Congress, the EEA has been an instrumental vehicle to enact socially progressive legislation. As each section in the omnibus bill is passed by Congress, we identify new inequities which must be addressed.

Mr. President, I would like to highlight some of the EEA's achievements. In the 97th Congress, we passed the former military spouse protection reform and the dependent care tax credit sliding scale, which increased daycare tax credits, especially for low-income women. Estate tax reforms recognized the role of women as an equal partner in building the family farm after her husband passed away. And we expanded individual retirement accounts to allow virtually every American, whether he or she earns an income or maintains the home, to be eligible for IRA contributions.

In 1983, during the 98th Congress, we reintroduced the EEA with several new sections. Again, we were successful in enacting major changes in Federal law. We lowered the age of participation and vesting for private pensions, increased the options for survivors' benefits, and allowed individuals to take time off from their jobs without losing their pension rights. Further, we improved our child support enforcement system.

In the 99th Congress, we enacted reforms in the private pension system, reducing the number of years a person must work to be vested from 10 years to 5. For many women who take time off to raise children, this change in the law makes the difference between financial security and financial inadequacy.

In addition, we reformed the military pension system by allowing divorced military spouses to claim a portion of retirement benefits based on years contributed to the career. In the Tax Reform Act of 1986, we increased the standard deduction for single head-of-household and expanded the earned income tax credit. For single parents, this was a major advance in tax fairness.

Two further EEA sections that were enacted during that session were noteworthy. First, we amended the Higher Education Act to establish a grant program to make child care available to low-income college students. And second, in the Consolidated Omnibus Budget Reconciliation Act [COBRA], we provided employment based continuation coverage for widows, divorced spouses, and their independent children.

Mr. President, I could go on and on with the improvements that the EEA has added to our Federal laws. We have attempted each year to identify and change those elements of our laws that work to the disadvantage of women and minorities. And even though we have come a long way, we still have a long way to go.

Today, Mr. President, Senator CRANSTON and I introduce the 1992 Economic Equity Act. The bill contains legislation that will improve the economic opportunities for women and minorities, and will help them to help themselves in a just society.

For example, in the Women and Minorities in Science and Mathematics Act, the EEA amends the Higher Education Act to encourage women and minorities to enter the fields of science and math. The legislation authorizes training for faculty and staff to develop educational programs for encouraging women and minorities to become scientists, and provides counseling and support services to high school girls to prepare them for entry into these fields.

In addition, the EEA promotes microenterprise opportunities for individuals wishing to establish small businesses. Through Small Business Administration loans, technical assistance, and assuring that surety agencies provide access to adequate bonding, the women in business section of the EEA provides an empowerment strategy so women can fight their economic battles on a level playing field.

In the economic justice title, the EEA establishes a clearinghouse within the Department of Labor to disseminate information on pay equity efforts by public and private employers. The bill also establishes a 17-member council within the legislative branch to review and evaluate Federal policy regarding the economic problems of women, particularly those living below the poverty line.

Finally, title V, equal remedies, removes the limitations on damages available to women under the 1991 Civil Rights Act. Those damages caps provide, perhaps, the best example of institutional inequity in our Federal laws. Under current law, all victims of racial discrimination are entitled to unlimited compensatory and punitive damages, but female victims of discrimination have their damages capped at an arbitrary amount, depending upon the size of their employer.

I am proud to be the lead Republican cosponsor of the mainstay of title V—the Equal Remedies Act—that provides for parity of remedies between all victims of discrimination. Our Federal laws, least of all those that seek to end workplace discrimination, should not on their face or as applied, distinguish between employees based upon their race or sex. That is why I support parity of civil rights remedies for all individuals.

Mr. President, I expect that, as in years past, portions of the Economic Equity Act will be passed during this legislative session. We will see real progress in achieving equity and empowerment of women in our society. I will continue to work to achieve that goal.●

By Mr. KASTEN:

S. 2678. A bill to provide assistance to communities to improve drug abuse resistance education programs, and for other purposes; to the Committee on the Judiciary.

ASSISTANCE FOR DRUG ABUSE EDUCATION PROGRAMS

Mr. KASTEN. Mr. President, I rise today to introduce legislation that would provide for a $50 million increase in the amount authorized for drug abuse resistance education or DARE Programs. My amendment would also expand the scope of current legislation so that Federal assistance for DARE and DARE related programming would not be limited for use only at certain grade levels, but for all children, grades K–12, and for parent training.

Having spent a major portion of last year's August recess visiting with local law enforcement and county board officials across Wisconsin, I agree with those front-line fighters, They believe that the DARE Program, and others like it, are the most valuable tool we have to educate our young people about the dangers of drug abuse. The continuation of the DARE Program ranked as one of the top concerns in each community.

I am convinced the Nation as a whole would benefit from the resources this program has to offer. The State of Wisconsin receives nearly $8 million annually from the Bureau of Justice Assistance's block grant program. The majority of that money is used to fight crime through multi-enforcement groups or MEG units. The MEG units key-in on drug-related crime throughout Wisconsin and are of great benefit to local and county law enforcement. Due to the success of these MEG-units, and their needs on the front-line battle versus crime, the State of Wisconsin has not been able to use any Justice Department grant funds on DARE and DARE-related programs since 1988.

My bill would provide $50 million in additional funding for the DARE Program. These funds would specifically help local communities, like those in Wisconsin, develop or continue DARE and DARE-related Programs by providing them with the opportunity to apply for a Federal matching-fund grant to pay the operating expenses incurred by placing a patrolman in the classroom.

The local police department could choose to place an existing officer in the classroom and use the Federal funds to replace that officer, or hire a new officer for the sole purpose of placing him/her in the classroom.

My bill would also enable States to use their funding to expand the reach of DARE and DARE-related programming beyond limited grade levels to children in all classes, K–12, as well as the use of funds for parent training.

I agree with our local law enforcement officials all around America: the education of our children is the key strategy to winning the war on drugs. I would further contend that a young American's first encounter with a law enforcement officer should be positive—within the classroom—otherwise we risk the negative implications of our youth meeting that officer for the first time down at the station or at the scene of a crime.

That is what DARE is all about. It's the winning strategy to help us win the war against drug abuse. It's a forum to bring together young people, law enforcement and their parents in a positive educational environment, as a preventive measure, not a punitive one.

This program is highly rewarding for the DARE-trained officer as well. In speaking with a number of DARE officers in the State of Wisconsin, they all made the point that their opportunity to serve as a DARE officer allowed them the chance to make an indelible impact on the lives of our children.

Every child in every town or village within this country deserves the same opportunity to grow up in a neighborhood and school district where they can learn, run and play—free of the scourge of crime and drugs.

We should do everything possible to begin providing the kind of guidance that will draw our attention to the young people of our Nation by concentrating more of our resources in the classroom, and not just in the courtroom.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2679. A bill to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

HAWAII TROPICAL FOREST RECOVERY ACT

Mr. AKAKA. Mr. President, today Senator INOUYE and I are introducing legislation designed to reverse the tragic decline of Hawaii's tropical forests and to restore these critical habitats to their rightful place—as the jewels in Hawaii's environmental crown.

The Hawaii Tropical Forest Recovery Act is the product of many months of planning and thought, with valuable input from the State of Hawaii's Division of Forestry and Wildlife, Federal agencies, Hawaii environmental and conservation groups, biologists and researchers at the University of Hawaii, and the Hawaii Forest Industry Association.

A CALL TO ACTION

Mr. President, this legislation is one of a number of steps we must take to halt the alarming decline of our biological heritage. Like the Alien Species Prevention and Enforcement Act (S. 2555), which we introduced several weeks ago, today's bill responds to the November 1991 report, "Hawaii's Extinction Crisis: A Call to Action." I urge my colleagues to read this study coauthored by the U.S. Fish and Wildlife Service, the State of Hawaii's Department of Land and Natural Resources, and the Nature Conservancy of Hawaii. This Federal-State-private report sets forth a thoughtful and cogent 10-point plan of action to halt the accelerating slide of extinction and pull back our plant and animal species from an ecological abyss.

INSTITUTE OF PACIFIC ISLANDS FORESTRY

The Hawaii Tropical Forest Recovery Act is a comprehensive bill to rejuvenate Hawaii's ailing native forests. This legislation offers the potential to greatly expand the level of expertise on proper management of Hawaii's tropical forests and to transfer this knowledge to other tropical forests in the United States and abroad.

The United States can hardly be a credible voice for stemming the decline of the world's tropical forests unless we first take steps to preserve tropical forests within our own borders. Fortunately, we do not have to begin this effort from scratch. For over 30 years, the Institute of Pacific Islands Forestry, or IPIF, has conducted valuable research and applied its expertise to the management of tropical forests of the United States. Based in Honolulu, IPIF has proved itself to be of great benefit to the island States and people of the Pacific Ocean.

Like its sister Institute of Tropical Forestry in Puerto Rico, IPIF is an arm of the U.S. Forest Service. These Institutes form the bedrock of our knowledge, expertise, and experience in managing and preserving tropical forests. Unfortunately, growing demands on IPIF's technical assistance have greatly outpaced the Institute's ability to respond. The United States will forfeit its leadership role in tropical forestry management if we do not give IPIF an expanded capability to meet the growing challenges which confront tropical forests worldwide.

Mr. President, 2 years ago an insightful editorial appeared in the New York Times entitled "Preaching Brazil from Hawaii." The editors wrote, and I quote:

> Americans lecture Brazil on the shameless destruction of its tropical forests. They would sound less sanctimonious if the United States took better care of its own tropical forests, in Hawaii and Puerto Rico."

The New York Times exposed the depths of the problems that exist in Hawaii's tropical forests. I will ask unanimous consent that the New York Times editorial of July 24, 1990, be reprinted in full at the conclusion of my remarks.

To empower IPIF to meet the challenges of the next century, this bill would authorize an expansion of activities at IPIF, including the establishment of a model center for research, training, and demonstration which would boost the transfer of scientific, technical, managerial, and administrative assistance to foreign governments and nongovernmental institutions addressing problems with their tropical forests. The Institute would have new authority to study and implement actions to recover endangered tropical wildlife, fish, and plant species, to research how tropical forests can moderate global climate change, and to promote responsible forest management and agroforestry.

FEDERAL-STATE-PRIVATE VENTURES

This bill also opens the way for a closer working relationship between Federal and State agencies and private entities by promoting joint ventures in several areas, including cooperative habitat preservation, forest management, the reintroduction of native plants, alien species control, and tropical forest health assessments.

HAWAII TROPICAL FOREST RECOVERY TASK FORCE

Mr. President, I should pause to point out that while we acknowledge the multitude of threats to tropical forest ecosystems, we cannot respond with a shotgun approach. My bill takes a measured and analytical approach by convening a Hawaii Tropical Forest Recovery Task Force. The 11 members of the task force would include some of the best minds within the U.S. Forest Service, the Soil Conservation Service, the U.S. Fish and Wildlife Service, the National Park Service, the State of Hawaii's Department of Land and Natural Resources, and various conservation organizations and private tropical forestry interests. The task force would identify the threats and their severity to tropical forests. The task force would submit an action plan to rejuvenate Hawaii's tropical forests, outline compatible uses, accelerate the identification and classification of numerous plant and animal species waiting to be discovered, promote public awareness, protect the forests from nonnative invasive species, and consider the traditional practices, needs, and uses of native Hawaiians in tropical forests.

HUMAN WELFARE AT STAKE

Mr. President, some of my colleagues may wonder why I have spent so much time and energy crafting this bill. Why, you may ask, are the needs of tropical forests so important? The answer is simple, the issue straightforward. The concern I address today is our role as caretakers of this planet. What is at stake is our welfare and the quality of life on Earth.

Several years ago, Dr. Thomas Lovejoy of the Smithsonian Institution wrote that "the tropical rain forest is where life reaches its fullest expression, where more forms of life are to be found than anywhere else on the globe." Dr. Lovejoy also observed that:

> The ability of the life sciences to contribute to human welfare . . . rests in large part on the knowledge waiting to be discovered in tropical forests. Our knowledge of these forests cannot be described as anything more than superficial; yet, at the same time, they are being obliterated at staggering rates.

How staggering, Mr. President? Well, every year our planet loses approximately 27 million acres of tropical forests. Imagine that, Mr. President: 27 million acres of prime forest land, roughly the size of Pennsylvania, are lost every year to logging, burning, clear cutting, and man's insatiable appetite to conquer and develop. But at what price? How much are we willing to lose? Imagine if the entire land mass of the continental United States were a vast tropical forest. Picture the loss of 27 million acres a year, or the size of Pennsylvania. At the current rate of deforestation, the United States would be delogged and denuded within 86 years.

But it is not just the trees and their aesthetic value we lose. When our tropical forests are destroyed, forest watersheds can no longer act as sponges, their roots, mosses, ferns, and leaves no longer able to collect rainfall to replenish our streams and aquifers. Also lost is the rain forest's ability to trap vast quantities of carbon dioxide from the air. Gone too is an incredible array of life forms, the vast majority of which have yet to be discovered and classified. In my home State of Hawaii, more than 90 percent of Hawaii's plants have yet to be surveyed for their medicinal values.

PHARMACOPOEIA LOST

Perhaps most tragic of all, Mr. President, are the medicinal uses and scientific knowledge that disappear with each passing species. It has been well documented that natural organisms provide approximately 75 percent of all the modern medicines and pharmaceutical products. And tropical forests contain at least 50 percent of the world's plant and animal species. They are, in effect, vast storehouses of pharmaceutical potential, medicines and cures waiting to be discovered. As forests disappear, so do cures for the ills that plague us. It is dangerous to assume that the loss of a handful of species a day is of no consequence to us and that our quality of life is not diminished in any way.

Let me point out one example of a plant species which has meant life and hope for cancer patients where before there was only despair. Within the Pacific Northwest growing amid towering conifers and ancient trees is the Pacific yew. The yew once thrived worldwide but was overharvested before the 16th century in the making of longbows. The yew has been further decimated in this century by loggers who considered them a nuisance. Today the yew struggles to survive in a few stands in Oregon, Washington, and Idaho. After centuries of abusing the yew, we are only now discovering chemicals within its tissues to treat ovarian cancer. The irony, Mr. President, is that this nuisance tree is now a potential source of salvation for thousands of cancer patients.

Dr. Lovejoy once pointed out that if you were to scoop a handful of soil containing just bacteria, fungi, some insects, and worms, the knowledge contained in these organisms' DNA would equal the information found in all 15 editions of the Encyclopedia Britannica combined. And that's just a handful of soil. Consider the vast storehouse of knowledge in a simple ecosystem, or even an entire tropical forest.

In short, Mr. President, what is at risk is a complex library of medicinal knowledge, a veritable pharmacopoeia. But that's not all we are losing. We stand to forfeit unimagined depths of biochemical, agricultural, biotechnological, and industrial know-how. When we reach into the molecular level of these diverse species, we unlock a storehouse of information and new sources of wealth. Biochemistry research and biotechnology are leading industries in the United States. Forensic and diagnostic medicine contribute immensely to our quality of life. The expanding field of environmental cleanup, such as through oil-consuming microorganisms, and U.S. leadership in agricultural technology also rely on the often forgotten benefits derived from the millions of species with which we share this planet. And consider our nation's economy: Industries which rely on biological diversity for innovative techniques and knowledge as sources of wealth contribute tens of billions of dollars to our gross national product.

Hawaii has already lost most of its original tropical forests, half of its original bird species, and untold numbers of other wildlife and plant species. Ten thousand species call Hawaii their home and are to be found nowhere else on Earth. And yet the forests continue to fall and their inhabitants disappear.

Time, it is clear, is not on our side. At least 25 percent of our Nation's endangered birds and plants are endemic to Hawaii, and that number is growing. Twelve endangered Hawaiian forest bird species sit on the verge of extinction, reduced to such low numbers that biologists doubt they may ever be saved. And for at least 93 Hawaiian plant species, fewer than 100 individuals survive. The disastrous decline of these species serves as a grave indicator that something is terribly awry in the Hawaiian Islands.

Mr. President, the Hawaii Tropical Forest Recovery Act will not guarantee that every species and subspecies will be saved. Nor does it guarantee that Hawaii's remaining tropical forests can be made right again overnight. But it is a beginning—and an affirmation of our commitment to halt the slide into extinction.

An anonymous scribe at the National Geographic Society asked some years ago, "Will future generations praise our foresight or look back in anger and dismay at what we had and what we lost forever?" I cannot look into my grandchildren's eyes for long without wincing at the tattered legacy we may be leaving them. Our determination to act must come from within. To answer the National Geographic question, I would paraphrase Shakespeare's Cassius: "The answer, dear Brutus, is not in our stars, but in ourselves." Certainly therein lies the answer to the kind of legacy we choose to leave our children, and the shape in which we wish to leave this planet we call home.

I ask unanimous consent that the text of my bill and the article mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (Public Law 101-513; 104 Stat. 2070) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 615, 616, and 617, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

"(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the 'Task Force') to advise the Secretary in carrying out this title.

"(b) ACTION PLAN.—Not later than 1 year after the date of its first meeting, the Task Force shall submit to the Committees referred to in subsection (k) and to the Secretary of Agriculture an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

"(1) the best methods of rejuvenating declining or degraded tropical forest land;

"(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods once common in Hawaii's tropical forests;

"(3) actions to encourage and accelerate the identification and classification of unidentified plant and animal species;

"(4) actions to promote public awareness of tropical forest preservation, protection of threatened and endangered species, and forest management planning;

"(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from feral ungulates and non-native species, including the identification and priorities for the areas where these activities are appropriate;

"(6) traditional practices, uses, and needs of native Hawaiians in tropical forests; and

"(7) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

"(c) COMPOSITION.—The Task Force shall be composed of 11 members, of which—

"(1) two members shall be appointed by the Secretary of Agriculture as representatives of the United States Forest Service and the Soil Conservation Service, respectively;

"(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

"(3) six members shall be appointed by the Governor of Hawaii, of which—

"(A) three members shall be private owners of tropical forest lands or experts in the field of tropical forestry; and

"(B) three members shall be representatives of Hawaii environmental organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control; and

"(4) one member shall be the chairperson of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the chairperson.

"(d) INITIAL APPOINTMENTS.—Appointments under section 605 to the Task Force shall be made not later than 90 days after the date of enactment of this section.

"(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

"(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

"(g) COMPENSATION.—

"(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

"(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

"(h) MEETINGS.—The Task Force shall meet within 180 days after the date of enactment of this section and shall meet at the call of the Chairperson.

"(i) VOTING.—The Task Force shall act and advise by majority vote.

"(j) ASSISTANCE.—

"(1) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall support the Task

Force and ensure that the Task Force complies with the Federal Advisory Committee Act (5 U.S.C. App. 2).

"(2) Secretary of the Interior.—The Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force.

"(k) Report.—Not later than 1 year after its first meeting, the Task Force shall submit a report on actions taken to carry out this section to—

"(1) the Committees on Agriculture and Interior of the House of Representatives;

"(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(3) the Secretary of Agriculture; and

"(4) the Secretary of the Interior.

"(l) Nonapplicability of Certain Provisions of Law.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

"(m) Termination.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (k).

"SEC. 606. HAWAII TROPICAL FORESTRY PLAN.

"(a) Expansion.—The Secretary shall expand the capabilities of and construct additional facilities at the Institute of Pacific Islands Forestry and at tropical forests in the State of Hawaii, as the Secretary determines necessary to carry out this title, and as funds are appropriated for the expansion and construction.

"(b) Tropical Forestry Plan.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Agriculture of the House of Representatives, and to the Committees on Appropriations of the Senate and House of Representatives, a tropical forestry plan for the expansion and construction of additional facilities under subsection (a).

"(2) Elements.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, and training activities suitable for transferring scientific, technical, managerial, and administrative assistance to foreign governmental and non-governmental institutions seeking to address problems associated with tropical forests;

"(B) the acquisition or construction of facilities for housing and classroom instruction near a tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean; and

"(E) the establishment of demonstration tropical forests in the State of Hawaii where techniques of natural forest management, plantation forestry, and agroforestry can be demonstrated.

"(3) Capability.—In preparing elements of the plan that address paragraph (2)(E), the Secretary shall identify the capability of the plan, within proposed demonstration tropical forests—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest recreation management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming degraded lands.

"SEC. 607. TROPICAL FOREST HEALTH ASSESSMENT.

"(a) In General.—The Secretary is authorized to provide grants to State foresters or their equivalents in States with tropical forests to—

"(1) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements that occur over time;

"(2) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, feral ungulates, non-native animal and plant species, and by the influence of people; and

"(3) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites.

"(b) Annual Reports.—The Secretary shall report annually on actions taken to carry out this section to the Committees on Agriculture and Interior of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 608. HABITAT PRESERVATION AND SPECIES PROTECTION OR RECOVERY IN TROPICAL FORESTS.

"The Secretary is authorized to provide matching Federal funds for State and private tropical forest programs that promote habitat preservation and species protection or recovery in tropical forests.

"SEC. 609. HAWAII HARDWOODS REVITALIZATION.

"The Secretary is authorized to provide grants to the State of Hawaii and to private individuals or organizations to initiate agroforestry and silviculture of hardwoods, including koa wood and sandalwood.

"SEC. 610. ALIEN SPECIES CONTROL.

"The Secretary is authorized to provide grants to State foresters or their equivalents and to private individuals or organizations in States with tropical forests for management activities, including the construction and maintenance of fences, to protect indigenous plant and animal species and essential watersheds from feral ungulates and other non-native animal and plant species.

"SEC. 611. TROPICAL FOREST STEWARDSHIP EXCELLENCE AWARDS.

"The Secretary shall make Tropical Forest Stewardship Excellence Awards to recognize the work, commitment, and achievements of individuals and organizations in the preservation, restoration, or wise stewardship of tropical forest ecosystems, resources, and watersheds.

"SEC. 612. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall prepare and submit to the Committees on Agriculture and Interior of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706).

"SEC. 613. COOPERATIVE AGREEMENTS.

"The Secretary is authorized to enter into cooperative agreements with State governments, private individuals, and institutions in order to carry out this title. The cooperative agreements may include tenancy arrangements for the siting of facilities and the establishment of demonstration tropical forests.

"SEC. 614. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) Institutes of tropical forestry.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) Secretary.—The term 'Secretary' means the Secretary of Agriculture.

"(3) State.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) Conforming Amendment.—Section 602(b) of the International Forestry Cooperation Act of 1990 (Public Law 101–513; 104 Stat. 2070) is amended by striking "(hereinafter referred to in this title as the Secretary)".

SEC. 3. INTERNATIONAL FORESTRY COOPERATION.

(a) Focus of Activities.—Section 602(a) of the International Forestry Cooperation Act of 1990 (Public Law 101–513; 104 Stat. 2070) is amended by adding at the end the following new sentence: "In carrying out this authority with respect to tropical forests, the Secretary may carry out research, demonstration, education, and training activities at the Institutes of Tropical Forestry.".

(b) Authority for Activities.—Section 602(b)(3) of such Act is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "and" at the end of the paragraph; and

(3) by adding at the end the following new subparagraph:

"(B) in the case of information or technologies with respect to tropical forests, carry out subparagraph (A) through foreign assistance or through research, demonstration, education, or training activities conducted at the Institutes of Tropical Forestry;".

(c) Scientific Exchange and Cooperative Research Activities.—Section 602(b) of such Act is amended by striking paragraph (4) and inserting the following new paragraph:

"(4)(A) engage in scientific exchange and cooperative research with foreign governmental, educational, technical, and research institutions; and

"(B) in the case of exchange or research with respect to tropical forests, use the Institutes of Tropical Forestry to carry out the exchange or research with the foreign institutions; and".

[From the New York Times, July 24, 1990]

Preaching to Brazil From Hawaii

Americans lecture Brazil on the shameless destruction of its tropical forests. They would sound less sanctimonious if the United States took better care of its own tropical forests, in Hawaii and Puerto Rico.

Less than a quarter of Hawaii's original forests remain. At lower levels, almost all its native plant communities have been destroyed by land-clearing. The loss of habitat has driven 40 percent of Hawaii's native bird species into extinction and threatens three-quarters of those that remain.

Predation by introduced species is another source of destruction. Imported vines and grasses suffocate the plants that evolved without competition. Rats prey on birds' nests. Mongooses were introduced in 1883 to control the rats, but instead have joined them in eating the birds' eggs. The extinction of bird species on Hawaii is a particular loss; they are a textbook example of evolution. The island's 47 species of honeycreeper all evolved from a single ancestor.

Hawaii has eight national wildlife refuges and four national parks. These include much of the habitat need to conserve its plants and animals. But neither the Fish and Wildlife Service nor the National Park Service has the necessary resources to do so. Their combined budget of $2 million needs to be $12 million, the National Resources Defense Council estimates in a new report.

Puerto Rico is also a story of lost opportunity. Most of the tropical forest seen by Columbus in 1493 has been cleared for farming and housing. But a large national forest and 14 forests managed by Puerto Rico still preserve 3,000 plant species and 232 species of birds These forests constitute only 4 percent of the island's area but are gradually expanding as agriculture diminishes.

The Federal Government has only a trivial budget for preserving the many threatened species, and the Commonwealth of Puerto Rico has neglected the chance to buy up critical habitat, despite a $2 million fund created for the purpose.

The world's ancient patrimony of tropical forests is now eroding at the rate of 40 to 50 million acres a year, according to an inventory recently published by the World Resources Institute. This is nearly 50 percent faster than earlier estimates.

Loss of the forests, a biological tragedy in itself, also spurs the danger of global warming as the burned trees shed their carbon dixode into the atmosphere. Because of the torching of its forests, Brazil is the world's third-largest creator of green-house gases, after the United States and the Soviet Union.

To preach respect for nature to Brazil, Americans need to practice it more assiduously in their own forests.

By Mr. PRYOR (for himself, Mr. MOYNIHAN, Mr. SASSER, Mr. WALLOP, Mr. AKAKA, Mr. SHELBY, Mr. HOLLINGS, Mr. GRAMM, Mr. COHEN, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. SANFORD, and Mr. GRASSLEY):

S. 2680. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the Medicare Program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes; to the Committee on Finance.

MEDICARE GEOGRAPHIC DATA ACCURACY ACT

Mr. PRYOR. Mr. President, I am pleased to be joined today by Senators MOYNIHAN, SASSER, SHELBY, WALLOP, AKAKA, HOLLINGS, GRAMM, and others in introducing the Medicare Geographic Data Accuracy Act of 1992. This legislation would reverse the Department of Health and Human Service's [HHS's] current practice of using old data in calculating differences in the costs of medical practice across the country for use in the Medicare part B fee schedule.

Although a goal of the Medicare Physician Payment Reform Act included in OBRA 89 was to even out some of the geographic differences in reimbursement, large discrepancies remain. Generally, the localities which have received the highest practice expense values are in the urban areas. The lowest practice expense values are largely in rural areas.

For example, physicians in my home Sate of Arkansas will be paid less than 90 percent of the national average payment for their services while doctors in Los Angeles will be paid over 110 percent of the national average. By requiring HHS to use accurate and updated data to calculate the geographic practice cost indices [GPCI's], this bill would take a small step toward addressing the geographic inequities in Medicare reimbursement for physicians.

OBRA 89 instructed the Secretary of HHS to develop indices for work, practice expenses, and malpractice expenses. Evidently, because of budget constraints, HHS decided to use only readily available data. Many physicians in my home State of Arkansas have voiced concerns about the data currently used by HHS.

My legislation will address the concerns about the data used by HHS. It will require HHS to use current, accurate, and regularly updated data when computing the geographic practice cost indices [GPCI's]. Also, it will require DHHS to consult with State medical societies in revising the geographic adjustment factors.

Mr. President, I would also like to take this opportunity to recognize Senator BENTSEN'S ongoing commitment to assuring a fair and equitable implementation of Medicare physician payment reform. In recent weeks, my staff has worked closely with the staff of the Senate Finance Committee. I would like to take this opportunity to offer my appreciation for their assistance.

I know this issue also concerns Chairman BENTSEN, and I look forward to working with him to address the problems faced by doctors in Arkansas and elsewhere. I would like to lend my support to the chairman by cosponsoring the bill he is introducing today that complements my legislation by providing for refinement of the geographic adjustment factor used in Medicare reimbursement.

Mr. President, I urge the rest of our colleagues to join us as cosponsors and in ensuring that these proposals are enacted into law. I request unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Geographic Data Accuracy Act of 1992".

SEC. 2. IMPROVING ACCURACY OF GEOGRAPHIC ADJUSTMENTS USED TO DETERMINE PAYMENT FOR PHYSICIANS' SERVICES UNDER MEDICARE.

(a) REQUIRING CONSULTATION WITH STATE MEDICAL SOCIETIES IN REVISION OF GEOGRAPHIC ADJUSTMENT FACTORS.—Section 1848(e)(1)(C) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(C)) is amended by striking "may revise" and inserting "shall, in consultation with each State medical society (or other appropriate organization representing the majority of the physicians who practice in a State), revise".

(b) BASING GEOGRAPHIC-COST-OF-PRACTICE INDICES ON MOST RECENT AVAILABLE DATA.—

(1) IN GENERAL.—Section 1848(e)(1) of such Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) DATA USED TO DETERMINE INDICES.—In establishing indices under subparagraph (A), the Secretary shall use the most recent available data relating to practice expenses, malpractice expenses, and physicians' work effort in the different fee schedule areas, and shall obtain and review the data in consultation with each State medical society (or other appropriate organization representing the majority of the physicians who practice in a State).".

(2) CONFORMING AMENDMENT.—Section 1848(e)(1)(A) of such Act (42 U.S.C. 1395w–4(e)(1)(A)) is amended in the matter preceding clause (i) by striking "and (C)" and inserting "and (D)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to payments for physicians' services furnished on or after January 1, 1993.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2681. A bill relating to Native Hawaiian Health Care, and for other purposes; to the Select Committee on Indian Affairs.

NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

• Mr. INOUYE. Mr. President, I rise today to propose the introduction of a bill to reauthorize the Native Hawaiian Health Care Improvement Act.

Mr. President, I would like to take this opportunity to review those actions that have brought us to this point.

In 1984, I was able to secure the inclusion of language in Public Law 98–396, the Supplemental Appropriations Act for that year, which directed the Department of Health and Human Services to conduct a comprehensive study of the health care needs of native Hawaiians.

The study was conducted under the AEGIS or region IX of the Department by a consortium of health care providers and professionals from the State of Hawaii in a predominantly volunteer effort, organized by Alu Like, Inc.

An island-wide conference was held in November 1985 in Honolulu to provide an opportunity for members of the native Hawaiian community to review the study's findings. Recommended changes were incorporated in the final report of the native Hawaiian health research consortium, and the study was formally submitted to the Department of Health and Human Services in December 1985.

The Department submitted the report to the Congress on July 21, 1986, and the report was referred to the Select Committee on Indian Affairs.

Because the consortium reportings, findings as to the Health status of native Hawaiians was compared only to other populations within the State of Hawaii, the select committee requested that the Office of Technology Assessment [OTA], an independent agency of the Congress, undertake an analysis of native Hawaiian health statistics as they compared to national data in other U.S. populations.

Using the same population projection model that was employed in O.T.A.'s April 1986 report on Indian Health Care to American Indian and Alaska Native populations, and based on additional information provided by the Department of Health and the office of Hawaiian affairs of the State of Hawaii, the Office of Technology, assessment report contains the following findings:

The native Hawaiian population living in Hawaii consists of two groups, Hawaiians and part-Hawaiians, who are distinctly different in both age distributions and mortality rates. Hawaiians comprise less than 5 percent of the total native Hawaiian population and are much older than the young and growing part-Hawaiian populations.

Overall, Native Hawaiians have a death rate that is 24 percent higher than the death rate for the United States all races, but this composite masks the great differences that exist between Hawaiians and part-Hawaiians.

Hawaiians have a death rate that is 146 percent higher than the U.S. all-races rate. Part-Hawaiians also have a higher death rate, but only 17 percent greater.

A comparison of age-adjusted death rates for Hawaiians and part-Hawaiians reveals that Hawaiians die at a rate 110 percent higher than part-Hawaiians, and this pattern persists for all except one of the 13 leading causes of death that are common to both groups.

As in the case of the U.S. all-races population, Hawaiian and part-Hawaiian males have higher death rates than their female counterparts. However, when Hawaiian and part-Hawaiian males and females are compared to their U.S. all-races counterparts, females are found to have more excess deaths than males. Most of these excess deaths are accounted for by diseases of the heart and cancers, with lesser contributions from cerbrovascular diseases and diabetes mellitus.

Diseases of the heart and cancers account for more than half of all deaths in the U.S. all-races population, and this pattern is also found in both the Hawaiian and part-Hawaiian populations, whether grouped by both sexes or by male or female.

However, Hawaiians and part-Hawaiians have significantly higher death rates than their U.S. all-races counterparts, with the exception of part-Hawaiian males, for whom the death rate from all causes is approximately equal to that of U.S. all-races males.

One disease that stands out is diabetes mellitus, for which even part-Hawaiian males have a death rate 128 percent higher than the rate for U.S. all-races males.

Overall, Native Hawaiians die from diabetes at a rate that is 222 percent higher than for the U.S. all-races. When compared to their U.S. all-races counterparts, deaths from diabetes mellitus range from 630 percent higher for Hawaiian females and 538 percent higher for Hawaiian males, to 127 percent higher for part-Hawaiian females and 128 percent higher for part-Hawaiian males.

There is thus little doubt that the health status of native Hawaiians is far below that of other U.S. population groups, and that in a number of areas, the evidence is compelling that native Hawaiians constitute a population group for whom the mortality rate associated with certain diseases exceed that for other U.S. populations in alarming proportions.

Native Hawaiians premise the high mortality rates and the incidence of disease that far exceed that of other populations in the United States upon the breakdown of the Hawaiian culture and belief systems, including traditional healing practices, that was brought about by western settlement, and the influx of western diseases to which the native people of the Hawaiian Islands lacked immune systems.

Further, native Hawaiians predicate the high incidence of mental illness and emotional disorders in the native Hawaiian population as evidence of the cultural isolation and alienation of the native peoples, in a statewide population in which they now constitute only 20 percent.

Settlement from both the East and the West not only brought new diseases which decimated the native Hawaiian population, but which devalued the customs and traditions of native Hawaiians, and which eventually resulted in native Hawaiians being prohibited from speaking their native tongue in school, and in many instances, at all.

The concepts embodied in the Native Hawaiian Health Care Act are the result of the committee's work with native Hawaiian health care professionals and others who dedicated to improving the health status of native Hawaiians.

It is based on the beliefs of those with whom the committee has consulted, that to ensure that native Hawaiians are able to achieve the healthful harmony of the self—body, mind, spirit—or Lokahi, with others and all of nature, and to assure that native Hawaiians are able to function effectively as citizens and leaders in their own homeland, there must be a restoration of cultural traditions, an integration of traditional healing methods in the health care delivery system, and a collective effort to restore to the native Hawaiian, a sense of self-esteem and self-worth, both for his or her culture, as well as for the individual.

A group of native Hawaiian health care professionals known as E Ola Mau, had proposed that this effort begin with the development of a health care master plan, based on bio-psycho-socio-cultural-political model that would be aimed at identifying significant events and factors related to specific health care needs and issues.

E Ola Mau proposed that this master plan be implemented at every societal level—individual, household, community, county, and State—in the Hawaiian Islands, and it is the goal of the act to have this native Hawaiian way of dealing with health, eventually become an institutional part of the State's health policy for both native Hawaiian and non-Hawaiians.

After much debate and careful consideration in the native Hawaiian community and amongst those concerned with the health status of native Hawaiians, a consensus was reached that Papa Ola Lokahi, a native Hawaiian health board, should be the mechanism through which native Hawaiian health care systems could be developed, coordinated, administered, monitored, and continually revised to meet the changing health care needs of the native Hawaiian population.

Papa Ola Lokahi is currently composed of five organizations: First, The Office of Hawaiian Affairs, an agency mandated in the constitution of the State of Hawaii to assure the well-being and interests of native Hawaiians; second, E Ola Mau, a nonprofit organization of native Hawaiian professionals dedicated to ensuring that native Hawaiians achieve a healthful harmony of self—body, mind, and spirit—with others and all of nature, and become productive citizens and leaders in their homeland; third, Alu Like, Inc., a federally funded native Hawaiian agency that promotes vocational training and the founding of community-based organizations that promote health, education and economic development for native Hawaiians; fourth, the University of Hawaii, which has become the institutional leader in affirmative action programs that train native Hawaiian physicians, is involved in cross-cultural and clinical training and research, and which sets the quality and standard of health care in the State's medical community; and fifth, The Office of Hawaiian Health within the State Department of Health.

Papa Ola Lokahi has assumed the primary responsibility of overseeing the development of a native Hawaiian comprehensive health care master plan, and is the entity responsible for certifying to the Secretary the qualifications and capabilities of native Hawaiian organizations that petition the Secretary to carry out, pursuant to contracts with the Secretary, the provisions of the Act.

Over the last 2 months, the committee has worked with the representatives the Papa Ola Lokahi board and the five native Hawaiian health care systems on a measure to reauthorize the native Hawaiian Health Care Act.

Mr. President, there can be no question that the health status of the native people of Hawaii must be improved, nor that the Federal Government has a role to play in this effort. I look forward to working with my colleagues in the Senate to assure expeditious action on this measure.•

By Mr. BUMPERS (for himself and Mr. WARNER):

S. 2682. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CIVIL WAR BATTLEFIELD COMMEMORATIVE COIN ACT

• Mr. BUMPERS. Mr. President, on more than one occasion I have made the statement on the floor of the Senate that I consider the Civil War to be the most momentous event in this republic's history. On October 7, 1988, I appealed to my colleagues to take action to prevent the building of a shopping mall on the spot that Gen. Robert E. Lee selected for his headquarters for the Second Battle of Manassas.

The amendment I offered that evening won the approval of the Senate and the battlefield was saved. I will always regard that vote as one of the highlights of my career in the Senate. At the same time, it is a victory that I hope never have to repeat, not because I don't enjoy winning, and not because I'm uninterested in saving more battlefields, but because we must take action to plan for strategic and cost effective preservation of the Civil War battlefields.

Battlefields memorialize the ideals, the courage, the character, and the sacrifices of the men and women who participated in our Nation's struggles for birth and freedom. They are hallowed ground and give us insight into the history we must respect and understand to build a future.

Less than 15 percent of the Civil War battlefield sites are protected by the Federal Government. Unprotected sites are threatened by unprecedented development pressures while land values have pushed land prices beyond the resources of Government and private land acquisition and protection programs. Most of the sites could be lost within the next 5 years but the reality of the Federal Government's fiscal situation is that there is not enough money to purchase these sites and preserve them.

I am introducing the Civil War Coin Act of 1992, along with my good friend and colleague, Senator WARNER. The issuance and sale of Civil War coins to commemorate the 100th anniversary of Civil War battlefield preservation will generate $10 to $30 million which would go to the Civil War Battlefield Foundation to be used for the preservation of our Civil War battlefield sites. I ask unanimous consent that a copy of the bill be printed following my remarks.

We cannot afford to wait until the bulldozers are poised to raze a battlefield before we take action. We owe it to generations of Americans to act responsibly to preserve the battlefields of the Civil War.•

• Mr. WARNER. Mr. President, I rise to bring to the attention of my colleagues the legislation which Senator BUMPERS and I are introducing today to commemorate the 100th anniversary of Civil War battlefield preservation. The bill is known as the Civil War Coin Act of 1992. The legislation would authorize the Secretary of the Treasury to mint coins in commemoration of the upcoming anniversary date.

The adoption of this legislation would encourage private sector funding for the preservation of the historical and cultural heritage that is our battlefield lands.

Protection of our battlefield heritage is undeniably a national purpose. Historically, Congress has shown its commitment to this endeavor. In times of budget austerity, it is clear that the private sector must bear more responsibility for saving our national battlefields. The Civil War Coin Act of 1992 provides the opportunity for the private sector to make the necessary contributions.

In 1988, the Congress saved 542 acres adjacent to Manassas National Battlefield from development. This land purchase expressed the support in our country and in the Congress for battlefield preservation. The Manassas experience inspired the creation of a public/private partnership. The partnership is spearheaded by the American Battlefield Protection Program of the National Park Service and the Civil War Battlefield Foundation, a private organization.

The primary role of the Civil War Battlefield Foundation is to lead a national campaign to raise the resources necessary to save America's endangered battlefields. The total surcharges received from the sale of coins under this act would go to the Foundation to be used for the preservation of our Civil War battlefield legacy.

Battlefields memorialize the ideals, the courage, the character and the sacrifices of the men and women who participated in our Nation's struggles for freedom. The battlefields give us insight into the history we must respect and understand to build a future.

Unprotected battlefield sites are now threatened by unprecedented development pressures. Escalating land values have pushed land prices beyond the resources of Federal, State, and local land acquisition and protection programs. Most of our battlefield legacy could be lost forever within the next few years. There is a need for coordinated public and private efforts to save our battlefield heritage. The Civil War Coin Act of 1992 would be one crucial means of seeking to preserve our battlefields.•

By Mr. BENTSEN (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, and Mr. GRASSLEY):

S. 2683. A bill to amend title XVIII of the Social Security Act to provide for refinement of the geographic adjustment factor used for purposes of reimbursing physicians' services under Medicare, and for other purposes; to the Committee on Finance.

MEDICARE GEOGRAPHIC DATA ACCURACY ACT

• Mr. BENTSEN. Mr. President, on January 1 of this year, Medicare began phasing in an entirely new system of paying physicians. Under this system, much—but not all—of the geographic variation in payments that existed in the past will be eliminated.

When it approved this new system, Congress agreed to retain some geographic variation in fees because organizations like the Physician Payment Review Commission [PPRC] and the American Medical Association [AMA] advised us that failure to adjust for costs over which the individual physician has no control would give practitioners in low-cost areas a "windfall," while penalizing practitioners in high-cost areas.

Even so, geographic variations in what Medicare pays for the same service will be greatly reduced under the new system. For example, the Health Care Financing Administration [HCFA] indicates that the amount paid for one type of office visit under the old system varied by as much as 955 percent, while the maximum variation for a similar visit in the future will be 29 percent. Likewise, in its 1992 report to Congress, the Physician Payment Review Commission [PPRC] notes that maximum variation in payment for the average service will be about 32 percent, while "three- and four-fold differences in charges were common" in the past.

The instrument of this change is the geographic practice cost index or GPCI, which will be used to adjust payments for each service when the new system is fully implemented. Occurring in tandem with Medicare's shift to a resource-based relative payment system, the phase in of this geographic adjuster will have nearly as great an effect on payments to physicians as the resource-based approach itself.

Unfortunately, although researchers used what was probably the best available data when they initially developed the GPCI, the adjuster is still far from perfect. Its most glaring deficiency is that estimates of variations in the wages paid to nurses and other physician-office employees were based on data drawn from the 1980 census. While HCFA is required to revise and update the GPCI at least every 3 years, the agency has indicated that it is unlikely to revise the index before 1995—when wage data that is already 5 years old will probably replace the 15-year-old census data.

Critics of the GPCI have raised other concerns as well, such as the representativeness of the premium data used to measure variations in malpractice expenses, and the appropriateness of using housing rents as a proxy for the costs of commercial office space.

Mr. President, I recognize that updating and refining the GPCI—or any geographic adjustment factor—is a thankless task in many ways. No matter how carefully and conscientiously the job is done, an index of this sort always creates winners and losers—and providers whose payments are reduced by it almost always conclude that some aspect of the index unfairly disadvantages them. Obviously, this doesn't provide a strong incentive for an agency to devote substantial time and effort to improve the product.

I also understand that HCFA has an enormous amount of work to do in order to keep up with the day-to-day challenges of administering a program as complex as Medicare.

In my view, however, refinement of the GPCI must be one of the agency's top priorities in the coming years because of the significant redistributional effects the index will have. I would note that Senator PRYOR, a cosponor of this bill, is today also introducing a separate measure designed to address this issue. During the 1989 debate over physician payment reform, I fought for a gradual, 5-year transition to the new system so that problems like this could be resolved along the way, and I would be deeply troubled if we arrive at the end of the transition without making substantial progress on this issue.

The bill I am introducing today would require HCFA to update the GPCI a year earlier than it currently plans to, and it would also require the agency to report to Congress on how it plans to comply with the current law requirement that it update the adjuster at least every 3 years thereafter.

It would also clarify HCFA's authority to compensate for inadequacies in the data for a particular area that are caused by unique local conditions, such as rent control legislation, State-mandated contributions to patient compensation funds, and other factors.

And it would require HCFA to report on the feasibility and desirability of making a special GPCI adjustment for physicians in isolated areas who have fewer patients over which to spread the costs of expensive medical equipment, as was recommended by PPRC in 1990.

Mr. President, in crafting this bill I have carefully avoided any provisions that would tell HCFA how to refine the GPCI. I have done this for two reasons. First, the issues involved are exceedingly complex and technical, matters that can be resolved better through the regulatory than the legislative process. Second, legislation designed to produce a particular outcome on this issue could politicize the new physician payment system and undermine confidence in its fairness and impartiality.

But failure to address the GPCI's most egregious problems could also undermine confidence in the new system, and I am concerned that unless HCFA moves expeditiously to refine the geographic adjuster, it may invite more restrictive legislation in the future. In my view, that would be unfortunate.

I ask unanimous consent that the full text of S. 2683 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFINEMENT OF GEOGRAPHIC ADJUSTMENT FACTOR FOR MEDICARE PHYSICIANS' SERVICES.

(a) DEADLINE FOR INITIAL REVIEW AND REVISION.—Section 1848(e)(1)(C) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(C)) is amended by adding at the end the following: "The first such review and revision shall apply to services furnished on or after January 1, 1994.".

(b) AUTHORITY TO ADJUST INDEX VALUE FOR INPUT COMPONENT UNDER CERTAIN CIRCUMSTANCES.—(1) Section 1948(e)(1) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)) is amended—

(A) in subparagraph (A), by striking "(B) and (C)" and inserting "(B), (C), and (D)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) SPECIAL ADJUSTMENT TO CORRECT FOR UNIQUE LOCAL CIRCUMSTANCES.—The Secretary may adjust the value assigned to an input component of an index in a fee schedule area if the Secretary determines that the value that would otherwise apply in such area does not accurately reflect the relative costs of such input for such area because of unique local circumstances.".

(2) Section 1848(i)(1)(D) of the Social Security Act (42 U.S.C. 1395w-4(i)(1)(D)) is amended by inserting "(including any adjustment under subparagraph (C) thereof)" after "subsection (e)".

(c) REPORT ON REVIEW PROCESS.—Not later than April 1, 1993, the Secretary of Health and Human Services in this section referred to as the "Secretary") shall study and report to the Committee on Finance of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives on—

(1) the data necessary to review and revise the indices established under section 1848(e)(1)(A) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(A)), including—

(A) the shares allocated to physicians' work effort, practice expenses (other than malpractice expenses), and malpractice expenses;

(B) the weights assigned to the input components of such shares; and

(C) the index values assigned to such components;

(2) any limitations on the availability of data necessary to review and revise such indices at least every three years;

(3) ways of addressing such limitations, with particular attention to the development of alternative data sources for input components for which current index values are based on data collected less frequently than every three years; and

(4) the costs of developing more accurate and timely data sources.

(d) STUDY ON LOW-VOLUME ADJUSTMENT IN ISOLATED AREAS.—(1) Not later than July 1, 1993, the Physician Payment Review Commission shall study and report to the Committee on Finance of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives on the feasibility and desirability of providing for a special adjustment to the index value of the medical equipment and supplies input component of the index used under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) with respect to services described in paragraph (2).

(2) Services described in this paragraph are services—

(A) furnished by a physician who practices in an isolated area;

(B) requiring the presence of expensive medical equipment and supplies in the physician's office; and

(C) with respect to which the cost per service of operating the equipment is increased because of the low volume of patients of such physician.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2684. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Select Committee on Indian Affairs.

JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

Mr. DOMENICI. Mr. President, the Jicarilla Apache Tribe of north-central New Mexico has completed a historic water settlement. I am most pleased to be joined by my colleague Senator JEFF BINGAMAN in introducing the legislation necessary to ratify this important settlement.

Enactment of this bill and its related settlement contract with the U.S. Department of the Interior will settle claims that the Jicarilla Apache Indian

Tribe has against the United States and will provide a perpetual water supply to the tribe.

The Jicarilla Apache Tribe resides on a reservation of approximately 823,000 acres straddling the Continental Divide. Their location has placed them between two major Federal water projects—the San Juan-Chama Transmountain Diversion Project on the east side and the Navajo Reservoir on the west.

While both projects have a direct impact on the tribe's water resources, the tribe has not been a participant to date in either water project even though upstream water had been diverted to other uses and downstream water has also been impounded. The tribe's location and historic use of water entitles it to claim water from both sides of the Continental Divide.

To protect their water rights, the tribe has filed two lawsuits against the Secretary of the Interior alleging injury resulting from the construction of those water projects.

Our proposed legislation, Mr. President, provides for "the full, fair and final resolution of the water right claims of the tribe," against all parties and secures "to the tribe a perpetual water supply for use on its reservation."

The Secretary of Interior has determined through hydrologic studies that there is sufficient water to fulfill the terms of this act and the related settlement contract. These waters are subject to the Upper Colorado River Basin compact, articles III and XIV. No change is made in that compact or any other water agreements by this legislation.

Approval of this legislation will ratify and incorporate the related contract. It will also "authorize the actions and appropriations necessary for the United States to fulfill its obligations under such contract and this Act." This legislation and settlement contract have the full support of the New Mexico Interstate Stream Commission.

This legislation enables the Jicarilla Apache Tribe to enter into stipulated final decrees with the State of New Mexico to quantify the tribe's water rights in two separate water basins. The tribe will be allowed to market water for off-reservation use consistent with State law until the tribe has an on-reservation use.

The tribe's federally reserved water rights are subordinated to its rights under the settlement contract. The contract will provide a supply of 40,000 acre-feet per year for a perpetual water supply. Of that amount, diversion from the Navajo Reservoir Supply or Navajo River will be 33,500 acre-feet per year and 6,500 acre-feet per year will be from the San Juan-Chama Project. The water depletions will not exceed the amounts in the settlement contract.

In executing this contract, our bill requires that the Secretary of the Interior "shall comply with all aspects of the National Environmental Policy Act of 1969, the Endangered Species Act, and other applicable environmental laws and regulations in fulfilling the terms of the Settlement Contract."

A water resource development trust fund is also created for the tribe in the U.S. Treasury in the amount of $6 million capitalized at $2 million per year for 3 years. These funds are to be used for "any water resource development costs, including costs associated with this settlement." No per capita distribution of this trust fund or its benefits will be allowed.

In summary, the Jicarilla Apache Tribe of northern New Mexico will be able to make use of valuable water rights in two key water systems in New Mexico for the first time since major diversion projects were constructed. No modifications of existing water agreements will be necessary, and none are required by this bill.

As stated in the bill's findings, "a full and final settlement of the water rights claims of the Jicarilla Apache Tribe will inure to the benefit of the tribe, the State of New Mexico, and the United States."

I ask unanimous consent that the bill be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. RIEGLE:

S. 2685. A bill to extend and enhance the operation of the Super 301 provisions of the Trade Act of 1974, to provide for Super 301 action with respect to U.S.-produced motor vehicles and motor vehicle parts, and for other purposes; to the Committee on Finance.

FAIR TRADE ASSURANCES ACT OF 1992

• Mr. RIEGLE. Mr. President, today I am introducing the Fair Trade Assurances Act of 1992 to reinvigorate the arsenal of trade tools available to our negotiators, our industries, and our workers. I understand Chairman ROSTENKOWSKI is introducing his plan for increased fair trade and more open markets today as well. It is important that Congress reassert its right to direct U.S. trade policy and encourage improvements in the enforcement of our trade laws.

My legislation responsibly melds together provisions to extend and reform Super 301, mandate 301 and antidumping cases on automobiles and auto parts, assure more stringent application of U.S. Internal Revenue laws, and clarify the classification of motor vehicles for the transport of goods. I believe these provisions, which are supported by a number of Senators, House Members, and representatives from industry and labor are realistic and should be passed by the Congress and signed by the President as soon as possible.

My bill permanently extends Super 301, which expired in June 1990. It also strengthens Super 301 by requiring the USTR to deal with those sectors which make up the largest portions of our trade and current account deficits, and continue to be severely devastated by persistent trade cheating.

Second, this bill mandates a 301 and antidumping cases on autos and auto parts. By doing this, Congress is acknowledging what USTR has ignored—unfair trade practices have injured these vital U.S. industries. Studying the devastation of our auto and auto parts industries does nothing for the U.S. economy or the 16 million unemployed Americans, many of whom are victims of unfair trade practices associated with these industries. My bill encourages the USTR to make the transition from the research and study mode to the act and get results made for these important sectors of our economy.

Third, my bill deals with enforcement of U.S. tax laws by the Internal Revenue Service [IRS] on foreign subsidiaries located in the United States. This issue has been an ongoing concern of the Congress, and it continues to make headline news. Congress included a provision in the 1990 budget agreement to give the IRS additional resources to recover this revenue through increased audits and investigations of foreign subsidiaries in the U.S. My legislation mandates that the IRS prepare a report detailing the use of these funds by the IRS with regard to foreign subsidiaries.

Finally, my legislation builds on the efforts of the Senate Finance committee to correct a gross error by the U.S. Treasury Department by including an MPV tariff reclassification provision in the tax bill, which passed the Senate in March 1992. Unfortunately, the provision was stripped out of the tax bill during conference on H.R. 4210. My new trade bill includes an MPV provision to properly classify, as the U.S. Customs Service ruled, two-door multipurpose vehicles [MPV's] as trucks and 4-door MPV's as trucks at a 25-percent tariff, not passenger cars at a 25-percent tariff. This provision will raise Federal revenues by $220 million in fiscal year 1992 and $1 billion over the next 5 years.

The Finance Committee held hearings on authorizations for the U.S. Trade Representative [USTR], the International Trade Commissions [ITC], and the U.S. Customs Service. These hearings revealed that our Government efforts to achieve real, measurable results in gaining market access and reducing nontariff trade barriers for U.S. industry have been sorely lacking—due, in part, to inadequate resources and in part to a lack of will to bring about significant change. This reality was reinforced in the 1992 National Trade Estimates Report which recounted the continued failures of our negotiators to do more than study the trade problems that many of our industries and workers face day after day.

Mr. President, there are dangerous situations on the horizon which have major trade implications that we should not ignore. Most notable is the slump in the Japanese stock market and Japan's economic slowdown. In the last month, the Banking Committee has held two hearings on the downturn in the Japanese economy and its relevance to the health of the United States economy.

The already struggling United States economy, and our exporters will be adversely affected by the policies that Japan implements to take care of its problems at home. If history is any indication of what Japan's internal policies will do to United States export performance and market access in Japan, then we should prepare now to meet the trade barriers that Japan will reinforce against exports, especially those from the United States. We must have some plan to counter expectations that Japan's global trade surplus could hit a record $100 billion in 1992.

In addition, as we await the completion of the North American Free-Trade Agreement [FTA], and possibly a Chilean FTA, sooner rather than later, it is essential that we preserve the rights of American industry to deal with the fallout that will inevitably come from such arrangements. As such, we must shore up the ability of the USTR to confront the challenges that will affect our environment and the standard of living of millions of Americans.

In this light, I propose using the $220 million raised by my bill from the reclassification of MPV's to increase the resources available to the U.S. Trade Representative [USTR] in fiscal year 1993. These resources should be properly apportioned, with emphasis given to the newly established offices for environmental and labor trade-related activities, especially as they relate to the NAFTA and the General Agreement on Tariffs and Trade [GATT].

We need an economic strategy for America that includes the negotiating tools and funding I have provided in this legislation to confront the challenges we will face on the trade front in the next couple of years. A U.S. trade policy without these results-oriented elements will be like some of the trade agreements we have signed more recently, like the Airbus and semiconductor agreements—useless and unenforceable.●

ADDITIONAL COSPONSORS

S. 781

At the request of Mr. SARBANES, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1126

At the request of Mr. BINGAMAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1126, a bill to amend title XVIII of the Social Security Act to provide for coverage of payment for home health services where an individual is absent from the home at an adult day center.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1537

At the request of Mr. BROWN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1537, a bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

S. 2062

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2106

At the request of Mr. CRANSTON, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2134

At the request of Mr. FOWLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2134, a bill to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee.

S. 2327

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2372

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2372, a bill to amend 1718 of title 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the purposes of calculating the pensions of such veterans.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2575

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2575, a bill to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes.

S. 2606

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2606, a bill to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2646

At the request of Mr. LUGAR, the names of the Senator from Indiana [Mr. COATS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2646, a bill to amend the Rural Electrification Act of 1936 to provide eligible rural electric borrowers with the means to secure necessary financing from private sources, and for other purposes.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Washington [Mr. ADAMS], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Tennessee [Mr. SASSER], the Senator from Kentucky [Mr. FORD], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the names of the Senator from Nevada [Mr. REID] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 284

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Colorado [Mr. BROWN], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 284, a joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. DODD, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during WWII.

SENATE CONCURRENT RESOLUTION 115—RELATING TO WELCOMING OF THE PRESIDENT OF THE UKRAINE, PRESIDENT LEONID KRAVCHUK, TO THE UNITED STATES

Mr. LIEBERMAN (for himself and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 115

Whereas the United States has always respected the right of self-determination of peoples and nations;

Whereas the United States supports the development of democracy throughout the world;

Whereas the United States supports the development of market-based economies;

Whereas the people of Ukraine have committed themselves to the establishment of a democracy;

Whereas the people of Ukraine have committed themselves to building a market-based economy; and

Whereas the United States recognizes the unique and distinct history of the Ukrainian people and nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress hereby applauds the heroic efforts of the Ukrainian people to establish their own nation.

(b) It is the sense of the Congress that—

(1) the United States should fully recognize and support the independence of Ukraine; and

(2) the United States should support the efforts of Ukraine to establish democracy and a market-based economy.

(c) The Congress hereby welcomes President Leonid Kravchuk of the Ukraine on his visit to the United States.

• Mr. LIEBERMAN. Mr. President, I am introducing today a resolution to indicate support for an independent Ukraine and to welcome Ukrainian President Leonid Kravchuk on his state visit to the United States.

Ukraine is a nation rich in history and culture. Although Ukraine literally means borderland, at one point in its long and rich history, Ukraine or Kievan Rus was the center of what became the Russian/Slavic empire. As the Russian empire grew, the center shifted from Kiev to Moscow and Russia eventually came to dominate Ukraine. By the end of the 18th century, Russia had control over all of Ukraine, except Galacia, which was part of the Austro-Hungarian empire. It was at this point that the Tsars began to clamp down on Ukrainian nationalism, doing their best to Russify Ukraine.

The great wave of Ukrainian immigrants to the United States occurred at the end of the 19th century and the beginning of the 20th century, as a result of economic hardships at home. By 1918, in the wake of the Russian Revolution, the first independent Ukrainian state combining East and West Ukraine was formed. Unfortunately, this was short-lived, and by 1924, Ukraine was again a part of the Soviet-Russian empire.

Ukrainians suffered under Soviet rule, particularly under Stalin. There was a great famine in the early 1930's in Ukraine, killing an estimated 5 million people. The kulaks, or middle class farmers, many of whom lived in Ukraine, were systematically liquidated by Stalin because he thought they were a threat to his collectivization program. As many as 10 million kulaks were murdered by Stalin. While Ukrainian nationalism never died completely, it was severely suppressed as a result of these actions by Stalin.

In 1986, yet another blow struck at the Chernobyl Nuclear Power Plant. That disaster further incensed Ukrainian nationalists, who were beginning to emerge under perestroika. President Kravchuk understood the anger and desire of Ukrainian people to be free and became an advocate for Ukrainian independence. His efforts, along with those of the leading nationalist movement, Rukh, have made it possible for Ukraine to become independent.

I know that all my colleagues want to join me in expressing support for the people of Ukraine in their struggle to create market-based economy and democracy, and to welcome President Kravchuk to the United States.•

SENATE CONCURRENT RESOLUTION 116—AUTHORIZING CORRECTIONS IN THE ENROLLMENT OF S. 838

Mr. DODD (for himself and Mr. COATS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 116(a)(4) of the bill—

(A) by adding "and" after the semicolon in subparagraph (C); and

(B) by striking out subparagraph (D) and all that follows and inserting in lieu thereof the following new subparagraph:

"(D) by striking out 'handicaps;' in subparagraph (F), and inserting in lieu thereof 'disabilities'.".

(2) In section 117 of the bill—

(A) by inserting "(a) IN GENERAL.—" before "Section 114(a)"; and

(B) by adding at the end thereof the following new subsection:

"(b) DELAYED EFFECTIVE DATE.—Paragraph (2) of section 114(a), as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which $30,000,000 or more would be available under subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.".

(3) In section 124(2)—

(A) by striking out subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SENATE RESOLUTION 294—RELATIVE TO RECENT EVENTS IN LOS ANGELES AND REGARDING AN URBAN RENEWAL POLICY

Mr. MACK submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 294

Whereas recent tragedies in Los Angeles, California have filled the hearts of all Americans with dismay and require the Congress to immediately consider policies which provide hope, economic growth and opportunities to the poor throughout this nation;

Whereas these events have highlighted the cry of the poor for such policies;

Whereas Federal policies must contribute to an environment in which job opportunities are created and sustained;

Whereas opportunities for economic independence promote the stability of the family, and therefore, of the community and the nation;

Whereas Federal policies must open educational choice to all families, without regard to family income;

Whereas homeownership and the accumulation of assets must be encouraged for every American, including the poor;

Whereas these assets create a stake in one's community;

Whereas America cannot be competitive without the participation of every segment of American society;

Whereas such Federal policies must have as a primary goal the creation of opportunities within which individuals may lift themselves from poverty: Now, therefore, be it

Resolved by the Senate, That the Senate must quickly act to bring about—

(1) the reform of social programs toward rewarding the working poor, rather than penalizing them, which will also lead to self-sufficiency

(2) creation of a tax code that provides incentives to the poor disadvantaged to work, save and invest and to keep families together;

(3) the expansion of homeownership opportunities which will open the door for the poor to take pride in private property;

(4) the reduction of taxes on the working poor which will encourage savings and accumulation of assets, promoting self-sufficiency;

(6) the elimination of the capital gains tax for investments in inner cities which will bring jobs and general economic growth to distressed areas;

(7) the creation of more educational choice for poor families which will give poor children the opportunity to break the barriers of poverty early in life, giving them the best hope for a bright future.

● Mr. MACK. Mr. President, today I am submitting a sense-of-the-Senate resolution which urges action by the Senate in the aftermath of the tragic events in Los Angeles.

There are three intertwined issues that have come into focus.

The first issue is the judicial question relating to the Rodney King verdict. Like so many Americans, I was shocked by the decision. Based on the video alone, I had thought the officers involved would be found guilty. I'm sure many if not most Americans felt the same way. The outrage felt by everyone, especially in the black community, is understandable. But turning that outrage into violence is simply unacceptable.

The second issue is the law and order question. No matter how shocking the verdict, violence is always wrong. There is no justification for senseless mayhem, for rioting, for murder. None. Laws reflect fundamental civil principles that cannot be compromised. Each of us bears an individual responsibility to respect the law that is not conditional on whether or not a particular verdict is right or wrong.

The third issue is the question of urban decay and the despair of the urban poor. It is not enough to wring our hands about either the verdict or the violence. We must forge ahead with new and effective solutions.

The liberals have given us counterproductive public assistance for decades. It is clear this approach has not worked. A system that would indict a welfare mother for setting aside money for her child's education is morally corrupt. The entrepreneurial spirit that made our Nation great is being undermined every day by a Federal Government more interested in pursuing a politically correct agenda than in helping men and women take control of their lives, be responsible for their actions and participate in the American dream.

Just as individuals have a responsibility to respect and honor the law, I believe all individuals must be afforded real opportunity—the freedom—to learn, to build a stake in society, and to prosper. Concern for human dignity compels us to enable the poor to improve their own lives and pass a better life on to their children and grandchildren.

The Government's obligation is both to protect the freedom and security of our people as well as to provide an economic environment in which individuals can flourish.

If we are to move forward positively from the Los Angeles experience, we must explicitly recognize this twin dimension of government's fundamental role—protector of security and promoter of opportunity.

The sense-of-the-Senate resolution I am offering today addresses how the Federal Government can foster individual initiative and economic independence. It responds to this third question of urban decay and the despair of the urban poor. It highlights the urgent cry of urban America and how the Federal Government ought to respond.

As an underlying and fundamental principle, Federal policies must provide more hope, economic growth, and opportunities to the poor throughout this Nation.

We must contribute to an environment in which job opportunities are created and sustained. Enterprise zone legislation has lingered in congressional committees for years without any real action. This is a travesty.

Home ownership and the accumulation of assets must be encouraged for every American, including the poor. In 1990, the Congress passed the National Affordable Housing Act which included a mere pittance for the HOPE proposal for which Department of Housing Secretary Kemp fought so forcefully. The HOPE Program merits full funding if we really want to give low-income families the ability to own their own homes.

We must open educational choice to all families, without regard to family income. Again, the Senate has found every reason not to open up real choice to disadvantaged children to attend the best schools, public or private. This is profound injustice.

America cannot be competitive without the participation of every segment of American society. Such Federal policies must have as a primary goal the creation of opportunities within which individuals may lift themselves from poverty and contribute to the stability of their families, their communities, and their Nation.

Achieving these goals of individual excellence and economic growth requires us to concentrate our attention on policy initiatives that truly focus on the people we are trying to help. The sense-of-the-Senate resolution calls for the adoption of the following policies:

First, the reform of social programs toward rewarding the working poor, rather than penalizing them, which would also lead to self-sufficiency;

Second, the creation of a tax code that provides incentives to the poor disadvantaged to work, save, and invest and to keep families together;

Third, the expansion of home ownership opportunities which would open the door for the poor to take pride in private property;

Fourth, the reduction of taxes on the working poor which would encourage savings and accumulation of assets, promoting self-sufficiency;

Fifth, the elimination of the capital gains tax for investments in inner cities which would bring jobs and general economic growth to distressed areas; and

Sixth, the creation of more educational choice for poor families which would give poor children the opportunity to break the barriers of poverty early in life, giving them their best hope for a bright future.

I have always believed it is fundamentally wrong to assume that poor people are unable to meet the challenges of individual economic success that lead to healthy and vital families and strong communities. Again, I urge my colleagues to carefully examine how these policies can bring true and lasting change to urban America. Only with such change can the American dream of economic and individual freedom be realized.●

AMENDMENTS SUBMITTED

TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

REID AMENDMENT NO. 1798

(Ordered referred to the Committee on Finance.)

Mr. REID submitted an amendment intended to be proposed by him to the bill (S. 1398) to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction, as follows:

On page 1, line 5, strike "Section 118" and insert "(a) IN GENERAL.—Section 118".

On page 1, line 6, strike "is" and insert "(relating to contributions to the capital of a corporation) is".

On page 5, strike lines 22 through 25 and insert the following:

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 2. INFORMATION REPORTING WITH RESPECT TO CERTAIN SELLER-PROVIDED FINANCING.

(a) GENERAL RULE.—Section 6109 of such Code (relating to identifying numbers) is amended by adding at the end the following new subsection:

"(h) IDENTIFYING INFORMATION REQUIRED WITH RESPECT TO CERTAIN SELLER-PROVIDED FINANCING.—

"(1) PAYOR.—If any taxpayer claims a deduction under section 163 for qualified residence interest on any seller-provided financing, such taxpayer shall include on the return claiming such deduction the name, address, and TIN of the person to whom such interest is paid or accrued.

"(2) RECIPIENT.—If any person receives or accrues interest referred to in paragraph (1), such person shall include on the return for the taxable year in which such interest is so received or accrued the name, address, and TIN of the person liable for such interest.

"(3) FURNISHING OF INFORMATION BETWEEN PAYOR AND RECIPIENT.—If any person is required to include the TIN of another person on a return under paragraph (1) or (2), such other person shall furnish his TIN to such person.

"(4) SELLER-PROVIDED FINANCING.—For purposes of this subsection, the term 'seller-provided financing' means any indebtedness incurred in acquiring any residence if the person to whom such indebtedness is owed is the person from whom such residence was acquired.".

(b) PENALTY.—

(1) EXERCISE OF DUE DILIGENCE.—Section 6724(a) of such Code (relating to reasonable cause waiver) is amended to read as follows:

"(a) REASONABLE CAUSE WAIVER; SPECIAL RULE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.

"(2) SPECIAL RULE.—No penalty shall be imposed under subsection (d)(3)(E) with respect to any failure if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required.".

(2) SPECIFIED INFORMATION REPORTING REQUIREMENT.—Paragraph (3) of section 6724(d) of such Code (relating to specified information reporting requirement) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) any requirement under section 6109(h) that—

"(i) a person include on his return the name, address, and TIN of another person, or

"(ii) a person furnish his TIN to another person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

Mr. REID. Mr. President, I rise today to offer an amendment to S. 1398, legislation that I introduced last year that would exclude from gross income of utility companies the contributions in aid of construction made by developers to the utility. These contributions, known as CIAC, were previously excluded from gross income by section 118(b) of the Internal Revenue Code which was deleted by the Tax Reform Act of 1986.

During the Senate's consideration of H.R. 4210 earlier this year I offered provisions of S. 1398 as an amendment to the tax bill. My amendment was agreed to; however, it was agreed to with an offset for the revenue loss that the passage of S. 1398 would create. The original legislation, as introduced, did not include the offset for various reasons. However, knowing the budget agreement of 1990 will not allow the passage of legislation that reduces revenues or increases expenditures of the Federal Government without corresponding offsets, I was diligent in finding an offset that would not increase taxes.

The offset included in the amendment dealt with the way seller-financed real estate transactions are reported to the IRS. It requires buyers and sellers using seller-financed mortgages to report each other's Social Security numbers on their respective returns along with the amount paid or received. The IRS has estimated that on 11 percent of seller-financed mortgages interest was not correctly reported.

While the provisions of my amendment that excluded CIAC from gross income were not included in the final version of H.R. 4210 that was sent to the President, I would like to formally introduce this offset as an amendment to my original bill. Passage of this legislation will reduce the price of new homes by as much as $2,000, and, with the addition of this amendment, will reduce that cost without placing undue burdens on the Federal deficit.

MOTOR-VOTER REGISTRATION ACT

KASTEN (AND OTHERS) AMENDMENT NO. 1799

Mr. KASTEN (for himself, Mr. DANFORTH, Mr. MCCONNELL, and Mr. BURNS) proposed an amendment to the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

At the end of the committee amendment, add the following:

TITLE II—PRODUCT LIABILITY FAIRNESS

Subtitle A

SECTION 201. SHORT TITLE.

This title may be cited as the "Product Liability Fairness Act".

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) "claimant" means any person who brings a civil action pursuant to this title, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt:

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) "any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) "any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place

in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 203. PREEMPTION.

(a) This title governs any civil action brought against a manufacturer or product seller, or any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this title and shall be governed by applicable commercial or contract law.

(b) This title supersedes any State law regarding recovery for harm caused by a product only to the extent that this title establishes a rule of law applicable to any such recovery. Any issue arising under this title that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This title shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

SEC. 204. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this title, based on section 1331 or 1337 of title 28, United States Code.

SEC. 205. EFFECTIVE DATE.

(a) This title shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this title commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this title.

(b) If any provision of this title would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this title within one year after the effective date of this title.

SUBTITLE B

SEC. 221. EXPEDITED PRODUCT LIABILITY SETTLEMENTS.

(a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this subtitle.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specified dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allowable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

SEC. 222. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(A) In lieu of or in addition to making an offer of settlement under section 221 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 221 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

SUBTITLE C

SEC. 231. CIVIL ACTIONS

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this title.

SEC. 232. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Notwithstanding the provisions of section 231 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate case of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this subtitle based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this subtitle except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 233. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this subtitle to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply (i) in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

SEC. 234. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) Any civil action subject to this subtitle shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this subtitle shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this title to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

SEC. 235. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a)(1) An employer or worker's compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this title. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right of subrogation to the court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employee.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. Neither the employee nor the employer shall make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the other and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose unless both employer and employee join therein. However, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact it shall provide notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though it were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller by the sum of the amount paid as workers' compensation benefits to which the employee is or would be entitled for such harm, and the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorneys' fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b)(1) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this title shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Any action other than as provided in paragraph (2) shall be prohibited, except that nothing in this title shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is entitled to receive compensation under any State of Federal workers' compensation law, the action shall, on application of the claimant made at the claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this subtitle shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) A claimant in a civil action subject to this subtitle who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEC. 236. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

(a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

SEC. 237. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) In any civil action subject to this title in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that he claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication of the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this title in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE III—GENERAL AVIATION ACCIDENT LIABILITY STANDARDS

SEC. 301. SHORT TITLE.

This title may be cited as the "General Aviation Accident Liability Standards Act of 1991".

SEC. 302. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) transportation by air of passengers continues to comprise an increasingly important component of the Nation's overall transportation system;

(2) although the incidence of injuries to passengers in general aviation accidents has decreased, the number of general aviation accident liability claims against general aviation aircraft manufacturers and the amount of damages sought in such claims is increasing at disproportionate rates, beyond any relationship to the quality of the aircraft manufactured and in use;

(3) the current system for determining liability and damages for compensating individuals injured in general aviation accidents is inadequate;

(4) competent general aviation manufacturers and component part manufacturers are ceasing or limiting production of general aviation aircraft or some models of such aircraft because of the increasing costs and unavailability of product liability insurance;

(5) the increase in the number of liability claims and the size of awards and settlements, and the excessive time and expense devoted to the resolution of such claims, impose a substantial economic burden on general aviation manufacturers and their dealers;

(6) the Federal Government has an interest in the general aviation accident liability system because the Federal Government has established a comprehensive system for regulating general aviation, including—

(A) establishing standards for design, construction, and certification of general aviation aircraft,

(B) establishing standards for maintenance of aircraft, licensing of repair facilities, and licensing of persons who may perform or approve maintenance, repairs, and inspections,

(C) establishing standards for training and licensing of pilots,

(D) establishing a comprehensive air control system,

(E) conducting investigations to determine the probable cause of aviation accidents and prevent future accidents, and

(F) conducting other activities necessary to assure a safe air transportation system;

and this Federal system is the exclusive legal authority for regulating aviation operations and safety;

(7) it is in the national interest to reduce unnecessary expenditures related to general aviation accident liability claims while providing more rapid and more efficient compensation for individuals harmed in general aviation accidents; and

(8) Federal action to reform the general aviation accident liability system will result in—

(A) the maintenance of airworthy general aviation aircraft; and

(B) a more rational general aviation accident liability system.

(b) It is the purpose of this title to establish standards for determining liability for harm arising out of general aviation accidents.

SEC. 303. DEFINITIONS.

As used in this title, the term—

(1) "Administrator" means the Administrator of the Federal Aviation Administration;

(2) "claimant" means any person who brings a general aviation accident liability action subject to this Act, and any person on whose behalf such an action is brought, including—

(A) the claimant's decedent; and

(B) the claimant's parent or guardian, if the action is brought through or on behalf of a minor or incompetent;

(3) "general aviation accident" means any accident which arises out of the operation of any general aviation aircraft and which results in harm:

(4) "general aviation aircraft" means any powered aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.) which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than twenty passengers, and which is, not at the time of the accident, engaged in scheduled passenger carrying operations as defined in regulations issued under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.);

(5) "general aviation manufacturer" means—

(A) the builder or manufacturer of the airframe of a general aviation aircraft;

(B) the manufacturer of the engine of a general aviation aircraft; and

(C) the manufacturer of any system, component, subassembly, or other part of a general aviation aircraft;

(6) "harm" means—

(A) property damage or bodily injury sustained by a person;

(B) death resulting from such bodily injury;

(C) pain and suffering which is caused by such bodily injury; and

(D) emotional harm (including bereavement and loss of affection, care, or society) which is caused by such bodily injury;

(7) "product" means a general aviation aircraft and any system, component, subassembly, or other part of a general aviation aircraft; and

(8) "property damage" means physical injury to tangible property, including loss of use of tangible property.

SEC. 304. PREEMPTION; APPLICABILITY.

(a) This title supersedes any State law regarding recovery, under any legal theory, for harm arising out of a general aviation accident, to the extent that this Act establishes a rule of law or procedure applicable to the claim.

(b) Nothing in this title shall be construed to supersede or to waive or affect any defense of sovereign immunity asserted by the United States or any State.

(c) Nothing in this title shall be construed to affect the liability of a manufacturer, owner, or operator of any aircraft that is not a general aviation aircraft, or a person who repairs, maintains, or provides any other support for any aircraft that is not a general aviation aircraft, for damages for harm arising out of the operation of an aircraft that is not a general aviation aircraft.

(d) No right of action for harm exists under this title if that right would be inconsistent with the provisions of any applicable workers' compensation law.

(e) The provisions of this title shall apply only to—

(1) any manufacturer, owner, or operator of any general aviation aircraft, and any person who repairs, maintains, or provides any other support for such an aircraft;

(2) any occupant of a general aviation aircraft at the time of a general aviation accident, and any person who brings an action for harm caused by such accident on behalf of such occupant; and

(3) any nonoccupant of a general aviation aircraft at the time of a general aviation accident, only if such nonoccupant is bringing an action for harm caused by such accident which arises out of the harm to an occupant of such aircraft at the time of such accident.

SEC. 305. UNIFORM STANDARDS OF LIABILITY FOR GENERAL AVIATION ACCIDENTS.

(a) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a party and may recover damages from such party, if such party was negligent and such negligence is a proximate cause of the claimant's harm.

(b)(1) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the product, when it left the control of the manufacturer, was in a defective condition unreasonably dangerous for its intended purpose, according to engineering and manufacturing practices which were reasonably feasible;

(B) the defective condition is a proximate cause of the claimant's harm; and

(C) the general aviation aircraft was being used at the time of the accident for a purpose and in a manner for which it was designed and manufactured.

(2) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) at the time the product left the control of the manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about a danger connected with the product that caused the claimant's harm; and

(ii) failed to provide the warnings or instructions that a person exercising reasonable care would have provided with respect to the danger which caused the harm alleged by the claimant, unless such warnings or instructions, if provided, would not have materially affected the conduct of the user of the product; or

(B) after the product left the control of the general aviation manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about the danger which caused the claimant's harm; and

(ii) failed to take reasonable steps to provide warnings or instructions, after the manufacture of the product, which would have been provided by a person exercising reasonable care, unless such warnings or instructions, if provided, would not have materially affected the conduct of the product user; and the failure to provide warnings or instructions described in subparagraph (A) or (B) of this paragraph is a proximate cause of the claimant's harm.

(3) Any person claiming damages for harm arising out of general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the manufacturer made an express warranty with respect to the product;

(B) such warranty relates to that aspect of the product which caused the harm;

(C) the product failed to conform to such warranty; and

(D) the failure of the product to conform to such warranty is a proximate cause of the claimant's harm.

(c)(1) In an action governed by subsection (b) of this section, a general aviation manufacturer shall not be liable if such manufacturer proves, by a preponderance of the evidence, that—

(A) the defective condition could have been corrected by compliance with action described in an airworthiness directive issued by the Administrator; and

(B) such directive was issued by a reasonable time before the date of the accident and after the product left the control of the general aviation manufacturer.

(2) In any action governed by subsection (b) of this section, evidence of compliance with standards, conditions or specifications established, adopted or approved by the Federal Aviation Administration shall be admissible with regard to whether the product was defective and unreasonably dangerous for its intended purpose.

SEC. 306. COMPARATIVE RESPONSIBILITY.

(a) All actions for harm arising out of a general aviation accident shall be governed by the principles of comparative responsibility. Comparative responsibility attributed to the claimant's conduct shall not bar recovery in an action under this title, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant. The trier of fact shall determine comparative responsibility by making findings indicating the percentage of total responsibility for the claimant's harm attributable to the claimant, each defendant, each third-party defendant, and any other person not a party to the action.

(b) Except as provided in subsection (c) of this section, a defendant is severally but not jointly liable in any action for harm arising out of a general aviation accident, and the liability of any defendant in any such action shall be determined on the basis of such defendant's proportionate share of responsibility for the claimant's harm.

(c) In any action for harm arising out of a general aviation accident—

(1) a general aviation manufacturer who is the builder or manufacturer of the airframe of the general aviation aircraft involved is jointly and severally liable for harm caused by a defective system, component, subassembly, or other part of such aircraft that the manufacturer installed or certified as part of the original type design for such aircraft; and

(2) a general aviation manufacturer who is the manufacturer of a system or component of the general aviation aircraft involved is jointly and severally liable for damages caused by a defective subassembly or other part of such system or component.

(d) A general aviation manufacturer and any other person jointly liable under subsection (c) of this section shall have the right to bring an action for indemnity or contribution against any person with whom they are jointly liable under subsection (c) of this section.

SEC. 307. TIME LIMITATION OF LIABILITY.

(a) Except as provided in subsection (b) of this section, no civil action for harm arising out of a general aviation accident which is brought against a general aviation manufacturer may be brought for harm which is alleged to have been caused by an aircraft or a system, component, subassembly, or other part of an aircraft and which occurs more than—

(1) twenty years from—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such an aircraft; or

(2) with respect to any system, component, subassembly, or other part which replaced another product in, or which was added to, the aircraft, and which is alleged to have caused the claimant's harm, twenty years from the date of the replacement or addition.

(b) Subsection (a) of this section does not apply in the case of harm to a claimant which occurs after the period set forth in subsection (a) of this section if the general aviation manufacturer or the seller of the product that caused the claimant's harm gave an express warranty that the product would be suitable, for the purpose for which it was intended, for a longer period of time.

(c) Nothing in this section shall be construed to affect a person's duty to provide, after the sale or lease of an aircraft, to aircraft owners, and to repair facilities to which a license or certificate to perform repairs has been issued by the Administrator, additional or modified warnings or instructions regarding the use or maintenance of such aircraft or any system, component, or other part of such aircraft.

SEC. 308. SUBSEQUENT REMEDIAL MEASURES.

In any general aviation accident liability action governed by this title, evidence of any measure taken after an event which, if taken previously, would have made the event less likely to occur is not admissible to provide liability. Such evidence is admissible to the extent permitted under rule 407 of the Federal Rules of Evidence.

SEC. 309. ADMISSIBILITY OF CERTAIN EVIDENCE.

In an action governed by this title, evidence of Federal, State, or local income tax liability or any Social Security or other payroll tax liability attributable to past or future earnings, support, or profits and the present value of future earnings, support, or profits alleged to have been lost or diminished because of harm arising out of a general aviation accident is admissible regarding proof of the claimant's harm.

SEC. 310. PUNITIVE DAMAGES.

(a) Punitive damages may be awarded in an action under this title for harm arising out of a general aviation accident only if the claimant establishes by clear and convincing evidence that the harm suffered was the direct result of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(b) Evidence regarding the financial worth of a defendant or the defendant's profits or any other evidence relating solely to a claim for punitive damages under this Act is not admissible unless the claimant establishes, before any such evidence is offered, that the claimant can present evidence that will establish prima facie proof of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

SEC. 311. TIME LIMITATION ON BRINGING ACTIONS.

Any action for harm arising out of a general aviation accident shall be barred, notwithstanding any State law, unless—

(1) the complaint is filed within two years after the date on which the accident occurred which caused the claimant's harm; and

(2) the summons and complaint are properly served upon the defendant within one hundred and twenty days after the filing of such complaint, unless the party on whose behalf such service is required can show good cause why such service was not made within such one-hundred-and-twenty-day period.

Paragraph (2) of this subsection shall not apply to service of process in a foreign country pursuant to rule 4(i) of the Federal Rules of Civil Procedure or any similar State law.

SEC. 312. SANCTIONS.

It is the intent of Congress that, with respect to any action governed by this title, the sanctions for violation of rule 11 of the Federal Rules of Civil Procedure, including orders to pay to the other party or parties the amount of their reasonable expenses, including a reasonable attorney's fee, be strictly enforced.

SEC. 313. JURISDICTION.

(a) The district courts of the United States, concurrently with the State courts, shall have original jurisdiction, in all civil actions where the matter in controversy exceeds the sum or value of $50,000, exclusive of interest and costs, for harm arising out of a general aviation accident and in all actions for indemnity or contribution described in section 306(d) of this title.

(b) A civil action which is brought in a State court, and may be removed to the district court of the United States for the district embracing the place where the action is pending, without the consent of any other party, by any defendant against whom a claim in such action is asserted for harm arising out of a general aviation accident.

(c) In any case commenced in or removed to a district court of the United States under section (a) or (b) of this section, the court shall have jurisdiction to determine all claims under State law that arise out of the same general aviation accident, if a substantial question of fact is common to the claims under State law and to the Federal claim, defense or counterclaim.

(d)(1) A civil action in which the district courts of the United States have jurisdiction under subsection (a) of this section may be brought only in a district in which—

(A) the accident giving rise to the claim occurred; or

(B) any plaintiff or defendant resides.

(2) In an action pending in a district court of the United States under paragraph (a) of this subsection, a district court may, on motion of any party or its own motion, transfer the action of any other district for the convenience of parties and witnesses in the interest of justice

(3) For purposes of this subsection, a corporation shall be considered to be a resident of any State in which it is incorporated or licensed to do business or is doing business.

SEC. 314. SEVERABILITY.

If any provision of this title or the application of the provision to any person or circumstance is held invalid, the remainder of this title and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

SEC. 315. EFFECTIVE DATE.

(a) This title shall apply to any civil action for harm arising out of a general aviation accident which is filed on or after the date of enactment of this title.

(b) If an action governed by this title is filed within one hundred and eighty days after the date of enactment of this title, liberal leave shall be given to a party to amend any pleading, motion, statement of jurisdiction or venue, or other matter to conform to the provisions of this title.

FARM CREDIT SYSTEM FINANCIAL SAFETY AND SOUNDNESS ACT

LEAHY AMENDMENT NO. 1800

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill (S. 1709) to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes, as follows:

On page 2, strike the items relating to titles III, IV, and V and insert the following:

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Unallocated surplus accounts for preferred stock.
Sec. 303. System-wide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest.
Sec. 305. Clarification of obligation.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Conforming amendments.

TITLE IV—MISCELLANEOUS

Sec. 401. Valuation reserves for production credit associations.
Sec. 402. Risk management participation authority.
Sec. 403. Technical amendment.
Sec. 404. Installation, expansion, or improvement of water and waste disposal facilities.
Sec. 405. Eligibility to borrow from a bank for cooperatives.
Sec. 406. Non-voting representative on board of Funding Corporation.
Sec. 407. Sectional representation on System boards of directors.
Sec. 408. Compensation of bank directors.
Sec. 409. Powers of Farm Credit Administration.

On page 11, line 14, strike "Subsection (a) of section" and insert "Section".

Beginning on page 22, strike line 1 and all that follows through page 43, line 23.

On page 44, line 1, strike "IV" and insert "III".

On page 44, line 4, strike "401" and insert "301".

On page 47, line 6, strike "1991" and insert "1992".

On page 49, line 6, strike "402" and insert "302".

On page 52, line 9, strike "403" and insert "303".

On page 52, line 11, strike "402(a)(1)" and insert "302(a)(1)".

On page 57, line 4, strike "404" and insert "304".

On page 62, line 16, strike "405" and insert "305".

On page 64, line 17, strike "406" and insert "306".

On page 67, line 22, strike "407" and insert "307".

On page 68, line 12, strike "408" and insert "308".

On page 68, line 17, strike "V" and insert "IV".

On page 68, line 18, strike "501" and insert "401".

On page 69, line 10, strike "502" and insert "402".

On page 71, line 14, strike "503" and insert "403".

On page 71, between lines 18 and 19, insert the following new sections:

SEC. 404. INSTALLATION, EXPANSION, OR IMPROVEMENT OF WATER AND WASTE DISPOSAL FACILITIES.

The first sentence of section 3.7(f) (12 U.S.C. 2128(f)) is amended to read as follows: "The banks for cooperatives may make and participate in loans and commitments and extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating water or waste disposal facilities in rural areas; and

"(2) public and quasi-public agencies and bodies, and other public and private entities that, under authority of State or local law, establish or operate water or waste disposal facilities in rural areas.".

SEC. 405. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8 (12 U.S.C. 2129) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service cooperative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.".

SEC. 406. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.".

On page 71, line 19, strike "504" and insert "407".

On page 72, after line 25, add the following new sections:

SEC. 408. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"**SEC. 4.21. COMPENSATION OF BANK DIRECTORS.**

"The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not adversely affect the safety and soundness of the bank.".

SEC. 409. POWERS OF FARM CREDIT ADMINISTRATION.

Subsection (b) of section 5.17 (12 U.S.C. 2252(b)) is amended to read as follows:

"(b) The Farm Credit Administration shall not have authority, either directly or indirectly—

"(1) to approve bylaws, or any amendments, modifications, or changes to bylaws, of System institutions; or

"(2) to approve the salary scale, compensation, or benefit or retirement plans for employees of System institutions.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 7, 1992, at 9:30 a.m. on the nomination of Carl W. Vogt of Maryland to be a member of the National Transportation Safety Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 7, at 2 p.m. to hold a hearing on United States security issues in Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 7, 1992, at 9:30 a.m., in open session, to receive testimony on the Strategic Environmental Research and Development Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 10 a.m., for a hearing on health care reform for small employers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 2:15 p.m., for a hearing on health care reform for small employers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Government Contracting and Paperwork Reduction be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 10 a.m. The subcommittee will hold a hearing to review the implementation of the Small Business Competitiveness Demonstration Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 7, 1992, to receive testimony from Linda Stuntz, nominee to be the Deputy Secretary of Energy, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 7, 1992, at 9:30 a.m., to hold a hearing on comprehensive reform of health care costs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 7, 1992, at 10 a.m. on S. 1690 and S. 1698, U.S. Fire Administration reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 7, 1992 at 10 a.m.

Agenda:

I. NOMINATIONS

U.S. Circuit Judges

Edward E. Carnes, to be U.S. circuit judge for the Eleventh Circuit.

U.S. District Judges

Robert E. Payne, to be U.S. district judge for the Eastern District of Virginia.

Richard H. Kyle, to be U.S. district judge for the District of Minnesota.

Lee H. Rosenthal, to be U.S. district judge for the Southern District of Texas.

Joe Kendall, to be U.S. district judge for the Northern District of Texas.

Department of Justice

John P. Walters, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

II. BILLS

S. 1521—A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material—McConnell.

S. 1941—A bill to amend the Immigration and Nationality Act for the purpose of reforming procedures for the resettlement of refugees of the United States—Kennedy.

S. 1096—A bill to ensure the protection of motion picture copyrights, and for other purposes—Kohl.

S. 2236—A bill, with an amendment, to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act—Simon.

H.R. 2324—A bill to amend Title 28, United States Code, with respect to witness fees—Hughes.

H.R. 2549—A bill to make technical corrections to Chapter 5 of Title 5, United States Code—Frank.

H.R. 3237—A bill to extend the terms of office of members of the foreign claims settlement commission from 3 to 6 years—Frank.

H.R. 3379—A bill to amend Section 574 of Title 5, United States Code, relating to the authorities of the Administration Conference—Frank.

S. 1569—A bill, in the nature of a substitute with an amendment, to implement the recommendations of the Federal Courts Committee, and for other purposes—Heflin.

S. 1216—A bill, in the nature of a substitute, to provide for the adjustment of status of certain Chinese nations if conditions do not permit their safe return to China—Gorton.

S. 2099—A bill, in the nature of a substitute, to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges—Kennedy.

S. 2087—A bill to prohibit certain use of the terms "Visiting Nurse Association", "Visiting Nurse Service", "VNA", and "VNS"—Simon.

S. 1697—A bill to amend Title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes—Specter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 7, at 10 a.m. to hold a business meeting on pending items.

NOMINATIONS

(1) Mr. Roman Popadiuk, of New York, to be Ambassador to Ukraine.

(2) Mr. Sigmund A. Rogich, of Nevada, to be Ambassador to the Republic of Iceland.

(3) Foreign Service Officers' Appointments and Promotions lists: Ms. Anne H. Aarnes, *et al.*, dated April 28, 1992.

TREATIES

(1) Basel Convention on Hazardous Wastes: Treaty Doc. 102-5

(2) Consular Conventions:

Treaty Doc. 101-12—Tunisia.

Treaty Doc. 101-13—Algeria.

Treaty Doc. 102-14—Mongolia.

(3) Extradition Treaties:

Treaty Doc. 100-6—Federal Republic of Germany.

Treaty Doc. 102-17—Bahamas.

Treaty Doc. 102-23—Australia.

Treaty Doc. 102-24—Spain.

(4) Treaties Relating to Mutual Legal Assistance in Criminal Matters (MLATS):

Treaty Doc. 102-16—Jamaica.

Treaty Doc. 102-18—Argentina.

Treaty Doc. 102-19—Uruguay.

Treaty Doc. 102-21—Spain.

LEGISLATION

(1) S. Con. Res. 107, Helms resolution condemning the involvement of the military regime in Burma in human rights abuses, drug trafficking and buildup of arms.

(2) S. 1731, McConnell-Simon, *et al.* bill setting forth U.S. policy toward Hong Kong post-1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PSYCHIATRIC TORTURE IN CUBA

• Mr. GRAHAM. Mr. President, I will consent to submit for the RECORD a Sunday, April 26, Miami Herald article documenting psychiatric torture in Cuba.

Herald reporters Pablo Alfonso, Mirta Ojito, and Alfonso Chardy have compiled a horrifying account of what passes for psychiatric treatment in Cuba. They conjure up a picture of the former Soviet gulags, Cuban style, where electric shock and other treatments are reserved for those who dare oppose the Castro regime.

For years many of us in the Senate have worked to keep the international spotlight on Castro's outrageous abuse of human rights. Those abuses continue to this day. In the last few weeks alone, eight dissidents have been arrested because of their support for the Cuban Democracy Act, which Congressman TORRICELLI and I have introduced.

This is the level to which Castro has sunk. Even the slightest criticism of his one-man rule results in retribution.

Mr. President, the abuses outlined in the Miami Herald are truly sickening. This is not pleasant reading. But unless we continue to confront squarely the cruel reality of Castro's rule, we will further postpone the day when a democratic government is elected by the Cuban people.

I ask that the article to which I earlier referred be printed in the RECORD.

The article follows:

[From the Miami Herald, Apr. 26, 1992]

HAVANA HOSPITAL NURSE EVOKES BRUTAL MEMORIES

(By Pablo Alfonso)

"He was the gang boss in the Castellanos and Carbo-Servia wards," is how Reemberto

Reyes remembers Heriberto Mederos. "He did great damage. It was he who gave the orders and tortured."

Reyes, 74, said he worked for 30 years as a helper at Havana's Psychiatric Hospital, where Mederos was assigned. He said he was also a neighbor of Mederos' for 40 years in the Havana neighborhood of Mazorra.

Like Reyes, others have come forth with painful memories of Mederos a week after his situation came to light. Their descriptions are full of words like "brutal" and "sadistic" and "torturer."

Mederos himself continues to insist his story is like that of any other Cuban psychiatric nurse.

To those who claim to know him, however, he is one of a kind.

Several former Cuban political prisoners have identified Mederos as the man who tortured them with electric shocks while they were at the hospital.

Last week, Mederos told The Herald he was not a torturer under orders of the Cuban state security. He insisted he was following doctors' orders in a professional manner.

Mederos, 69, is a widower who lives with a daughter in Hialeah. For four years he has been working as a nurse at Hialeah Convalescent Home. He has lived here since 1984.

"RIGHT THERE ON THE FLOOR"

Reyes recalled that in 1973 he was assigned to deliver meals to the Castellanos ward. For three months, he said, he witnessed how Mederos abused the detained.

"Once I was standing by a door with him," Reyes said. "A patient came by and tried to look through the door, but Mederos grabbed him, threw him to the floor, sent for some cables and right there on the floor gave him an electric shock."

Mederos rejected Reyes' charges and denied even knowing the man or his family. The truth, he said, is in the files of each patient.

"My story is like that of any other nurse at that hospital," he said. "The difference is that I worked in the prisoners' ward."

Mederos insisted he had no say in security decisions. "That was entirely up to state security," he said. "They trusted me as a professional, but that's all."

A PATIENT IN 1973

Reyes said two of his sons also worked at the hospital and knew Mederos. One of them, Jorge, got to know him better: He was one of his patients in 1973. At the time, Jorge was 19.

According to Reyes, Jorge and several others were accused of acts of sabotage. Police ordered Jorge to the Castellanos ward for evaluation.

"The doctors never saw him," said Jorge's older brother, Reemberto. "Mederos gave him 22 electroshocks and a cloropromacine treatment which never appeared in [Jorge's] file."

"Supposedly Jorge was sick, but eventually he was sentenced to six years in jail," his brother said.

He added that he believed Mederos enjoyed giving electric shocks. "The wards he supervised were waiting rooms to hell."

In 1984, the older brother learned that Mederos was in the United States. Reemberto Reyes said he called the FBI and reported Mederos' activities at the Havana hospital. But nothing happened.

AN APPEAL TO THE U.N.

Unhappy with the response of the U.S. agencies, Reyes met in late 1989 with Armando Valladares, then U.S. ambassador to the United Nations Commission on Human Rights. He also met with Luis Zuñiga, vice president of the Association for Continental Peace. Both Valladares and Zuñiga are former Cuban political prisoners.

"Valladares planned to have Mederos testify against the Cuban government in Geneva," before the U.N. human rights commission," Reyes said.

For reasons unknown to him, the plan never materialized and Reyes never heard again from Valladares or Zuñiga.

Zuñiga said this week that they were able to confirm Mederos' presence in Hialeah, "but we never proposed the plan to him. In the end we decided it would not be prudent."

[From the Miami Herald, Apr. 26, 1992]

A GULAG RECALLED IN CUBA—INMATES TELL OF TORTURE

(By Mirta Ojito and Alfonso Chardy)

The lawn was perfectly manicured, the walls white and immaculate.

In the yard, a few patients played volleyball without a ball, until a delegation of foreigners approached. Then an orderly threw them the ball. They played for a few minutes. When the delegation left, they went back to their rooms. Game over.

Welcome to Havana's Psychiatric Hospital, pride of Castro's Cuba, in 1978.

Before 1959 it had been called Mazorra, a name that still stirs feelings of dread and memories of patients screaming in the night, bound naked to their beds by shackles.

Castro promised to invest time, money and expertise to eliminate forever the horror of Mazorra.

Now, 33 years after his experiment began, new stories of horror reminiscent of the Soviet gulags are unfolding. This time, the stories are not about antiquated psychiatric treatment. They are mounting pieces of evidence about the use of shock therapy as a political tool.

"It was a sinister place," says Amaro Gomez Boix, a dissident who was kept there for two weeks in 1978. "I don't know why or how I survived. I guess I hadn't been targeted for destruction.

The memories of many former political prisoners have been painfully reawakened by the recent discoveries that a nurse who they said was a torturer now lives in Hialeah.

"ANGEL OF DEATH"

Ex-inmates say nurse enjoyed giving shocks

Heriberto Mederos, 69, who was a nurse at the Havana hospital from 1945 to 1980, is accused of being a sadist who took pleasure from administering electroshock to patients. Some former prisoners say he is the Cuban version of Dr. Josef Mengele, the Nazi "Angel of Death."

Mederos, who denies allegations of torture, has said that he was following the orders of doctors when he administered electroshocks.

Mederos' name is mentioned by 10 political prisoners and victims of psychiatric torture between 1969 and 1980. Their stories are among 37 told in "The Politics of Psychiatry in Revolutionary Cuba," a book published last year by Freedom House and Of Human Rights.

"They would come in at 3 in the morning, four men, who were crazy," Eugenio de Sosa Chabau, 75, remembered last week. "And they would start to call out names. The ones that weren't crazy, myself included, would run and be first. Because after that, the floor was covered with urine and excrement from the others. About six patients were grabbed. They were thrown to the floor, side by side. Right there, on the floor, the electrodes were applied to both sides of their heads. Six bodies contorted one by one. . . . To me they applied most of the shocks to the testicles."

He was sent to the hospital in 1977, after 17 years in prison, accused of conspiring against Castro.

De Sosa, who said he received 14 electroshock treatments in five months, is demanding that the nurse be deported.

Duke Austin, an Immigration and Naturalization Service spokesman, said deporting Mederos would take a special request by either the U.S. or Cuban government.

Such a special request has been raised only once since 1959. In 1982 a stowaway, a minor, was deported after the Cuban government and his father demanded his return.

"There is no agreement between the two countries, so we can't just deport him," Austin said. "Besides, he hasn't even been found deportable yet."

SUSPICIONS

Psychiatrists say they feared the worst

Former psychiatrists at the Havana hospital, now living in Miami, told The Herald they suspected what was going on but didn't do anything because they were either fearful or didn't have a way to prove the abuses.

Ramona Paneque, a Miami psychiatrist who worked in the hospital until 1970, said she remembered Mederos from the hospital but never talked to him until about a year ago.

"I confronted him in the street, and he said he was not guilty of anything," she said. "I knew that electroschocks were given without anesthesia, but at the time I didn't realize people were being tortured for political reasons."

Ricardo Jimenez Malgrad, a Miami Mental Health Care consultant, worked in the hospital over several periods, the last from 1970 to 1980. He said he knew of Mederos and his methods.

"The big scandal was that we knew people with no mental problems were admitted to the hospital," Jimenez said. "They were held as political hostages. The thing is that we never had clear evidence of torture and also, even if we had it, we were afraid that if we said anything we would end up as patients, too, in the same place."

According to Jimenez, political prisoners were taken to two wards, called Castellanos and Carbo-Servia, which were controlled not by the hospital but by the Ministry of the Interior, the agency for state security.

"What's more, our understanding was that everybody who worked there, including Mederos, was working for the Ministry of the Interior."

The two political wards, as described by former prisoners and dissidents:

Carbo-Servia, a dark place with no windows, housed from 80 to 120 patients.

A 25-watt single light bulb was stuck in the wall, behind protective bars.

The meaner, sicker patients were in control. They shaved the others once a month with the same razor. They held down patients for the electroshocks. They raped the young ones. And terrorized all.

Casetllanos was even worse. It was the punishment area for those who misbehaved in Carbo-Servia.

Doctors wouldn't go into that ward. Patients were confined to tiny cells with thick bars. There were no toilets or sanitary installations and the food was pushed under the bars.

"Those two places were so horrible that people used to beg, cry, to be taken to Villa Marista," Cuba's state security prison, a place were dissidents were usually taken first to be mercilessly interrogated, said Ricardo Bofill, leader of the Cuban Committee for Human Rights, who was taken to the hospital for about 30 hours in 1983. "I have never heard of anything like that before or since."

"A BLOODY MESS"

Electroshock applied in inhumane manner

Much of the outrage over the hospital revelations is focused on the barbaric manner in which electroshock was applied.

"The nurse, Mederos, was not in the habit of putting a rubber bit in the patients' mouth, so patients would bite down on their tongues," said Amaro Gomez Boix, a dissident. "It was a bloody mess. They would lie down on the cold cement floor. Many would urinate and everything else on top of the floor. And since liquid is a good conductor of electricity, the next one suffered even more."

Gomez did not receive electroshock, but he was administered psychotropic drugs.

His crime: After a nine-hour search of his home, police found books considered subversive in Cuba.

The way electroshock was applied by Mederos was "unsafe and inhumane," said Jeffrey Geller, professor of psychiatry at the University of Massachusetts medical school and a member of the American Psychiatric Association.

"What is described in the book is not usual practice under U.S. standards," he said. "In the U.S. ECT is administered following an anesthetic and muscle relaxant."

Ellen Mercer, the American Psychiatric Association's director of the Office of International Affairs, said the organization has received reports about alleged psychiatric abuses in Cuba.

"We found remarkable similarities [with the Soviet Union] on reports we receive from Cuba on this practice to use psychiatry to repress dissent," she said.

Mercer said the American Psychiatric Association wrote to the Cuban psychiatric organization about the abuses but has received no reply.

Frank Calzon, Of Human Rights' executive director and Freedom House representative in Washington, said cases of psychiatric abuses in Cuba were not easily identified because they fell under the general category of torture. But after psychiatric horrors in the Soviet Union became well publicized, attention was given to exploring such abuses on the island.

A RARE VISIT

Amnesty representative granted access in '88

Visitors to Cuba are frequently taken on tours of health facilities, including Havana's Psychiatric Hospital.

Missing from the usual itinerary are the Carbo-Servia and Castellanos wards. Xavier Zuñiga of Amnesty International is one of the few people not associated with the Cuban government to have visited one of them.

Zuniga, who is in charge of the Latin American division of Amnesty International, said he visited Carbo-Servia in March of 1988, the first time an outsider had been granted access.

"We have no reason to believe that political prisoners were taken there for reasons other than medical," Zuñiga said from London last week. "We haven't found a generalized practice, but undoubtedly these practices could have been used to pressure certain political prisoners."

Zuñiga said he asked to see "the other ward," Castellanos, "but I was told there wasn't anything else. That contradicted information we had."

Dissidents maintain that the Havana hospital is not the only place where prisoners are subjected to torture.

"They have created an infrastructure, where in each prison there are psychiatrists or psychologists that belong to the state security and whose only goal is to destroy people," said Andres Solares, who in 1982 spent three days in Carbo-Servia because he was organizing a dissident group.

Recently, the Liberal Cuban Union announced from Madrid that one of Cuba's better known dissidents, the poet Maria Elena Cruz Varela, was held with mentally ill women and was being given psychotropic drugs.

Of the 37 cases detailed in the book, five remain in prison in Cuba. Three are still held in Carbo-Servia, and a fourth one is in another psychiatric hospital.

NINE NEW CASES

Electroshock sessions continue, update says

An update to the book published this year detailed nine new cases. At least five of the prisoners were taken to psychiatric wards as recently as 1991 for "crimes" ranging from writing anti-Castro graffiti to attempting to meet with foreign journalists during the Pan-Am games in Havana last year.

Three of the new patients underwent electroshock sessions, and two others were administered psychotropic drugs.

"Our emphasis is not to persecute Mederos," Calzon said. "Obviously he is already here, and atrocities are still going on. What we want is for the Cuban government to put a stop to the abuses."

[From the Miami Herald, Apr. 26, 1992]

HAVANA HOSPITAL'S OWN REGULATIONS VIOLATED BY METHOD OF APPLYING ELECTROSHOCKS

Although Nurse Heriberto Mederos insists that he was only following the orders of doctors, the way he applied electroshocks was in direct violation of the hospital's own regulations, issued in 1974.

According to a copy of the regulation obtained by the Herald:

Anesthesia was to be used, unless the patient could not tolerate anesthesia.

In Carbo-Servia, it was never used.

The electroshocks had to be administered in an isolated area so that other patients couldn't see.

In Carbo-Servia, it was done in front of everybody.

Two beds had to be used for the treatment—one to apply the electric charge and another for recuperation.

In Carbo-Servia, everything was done on the dirty and wet floor.

Patients who were 50 or younger could receive a maximum of three electroshocks a week. Those who were older, only two.

At least on four occasions, ex-prisoners quoted in the book The Politics of Psychiatry in Revolutionary Cuba received an average of more than three a week.

A rubber bit had to be placed in the mouth.

It was seldom used, former prisoners have said.●

TRIBUTE TO PIMA COUNTRY CORRECTIONS ASSOCIATION MEMBERS AND OFFICERS

● Mr. DECONCINI. Mr. President, it is with great pride that I come to the floor to pay tribute to an invaluable group of citizens whose hard work is often overlooked. The Corrections Association Members of Pima County, in the spirit of National Correctional Officers Week, are deserving of recognition for their contributions to and sacrifices for the welfare of society.

Every day of the year, these individuals protect and serve the people of Pima County. They shoulder the responsibility of maintaining custody, care, and control of offenders of the law. These officers require patience and compassion in a career which can be stressful but also rewarding.

Correctional officers endeavor to provide a healthy, safe, and secure environment for those in their custody. It is through the efforts of these officers that programs, and ideas for new programs, are developed and made available to the incarcerated with the hope of reducing recidivism. They hope their work will result in returning law-abiding citizens to society who will make positive contributions to their communities.

The community of Pima County is appreciative of these courageous individuals' commitment and their desire to serve and protect. I am pleased to recognize and commend not only the exemplary correctional officers of Pima County, but all those who serve to protect the security of communities across the United States.●

MOTHER'S PEACE DAY

● Mr. LEVIN. Mr. President, today, May 7, Women's Action for New Directions [WAND] is holding its annual Mother's Peace Day Award Brunch in Birmingham, MI. Six very special women will be honored, and I want to tell you a little about each of them:

Agnes Bryant, active for years in consumer, union, and urban affairs, is a former director of the Human Rights Department of the city of Detroit and a past appointee to the Michigan Commission on Civil Rights.

Elizabeth Harris, executive director of Eastern Michigan Environmental Action Council, oversees an organization that promotes responsible action on issues of environmental concern.

Molly Tan Hayden, M.D., a very busy physician in private life, is a past president and still very active board member of Physicians for Social Responsibility.

Joan Israel is a past president of the metropolitan Detroit chapter of the National Organization of Women. She is a social worker and an activist for women's causes. As long ago as 1973, she planned the first conference on Women and Aging at the University of Michigan.

Ruth Driker Kroll founded Detroit Women's Forum; its purpose is to build coalitions between women of all races, classes, and ethnic backgrounds.

Peggy Posa is the director of the Coalition on Temporary Shelter, a 10-year-old emergency shelter serving 400 meals per day and providing approximately 50,000 shelter nights per year.

The accomplishments of these honorees are varied and demonstrate the interest that women have historically taken in matters of social justice and concern for the well-being of all people. I commend WAND for recognizing these exceptional women and I congratulate each of them and wish them well in all future endeavors.

I wish to also bring to the attention of this Chamber the fact that WAND, known since its founding as Women's Action for Nuclear Disarmament, has broadened its focus and changed its name to Women's Action for New Directions. Why? Because in its own words, "* * * women's concern for the future survival of the planet must be heard." WAND recognizes that hunger, homelessness, illness, economic deprivation, and environmental pollution are the real threats to our country. And WAND "* * * understands the connection between increasing women's political power and redirecting national priorities away from war and toward human and environmental needs."

WAND is a real force in our society, and we recognize the important part it plays in organizing, sensitizing, and educating the public to issues which affect all of us.•

THE INAUGURAL CELEBRATION OF DR. LEON D. FINNEY, JR.'S MINISTRY AT CHRIST APOSTOLIC CHURCH AND COMMUNITY

• Mr. SIMON. Mr. President, I am pleased to congratulate Dr. Leon D. Finney, Jr., of Chicago, IL, upon the inaugural celebration of his ministry at Christ Apostolic Church and community.

For over 30 years, Leon Finney has served the Woodlawn community on Chicago's South Side—and beyond—as a leader and as executive director of the Woodlawn Organization. He has dedicated himself to the fight for civil rights. He has been an organizer and a motivator, spurring others on to address social and economic ills.

On May 17, 1992, Leon Finney's many friends will join together to honor him as he begins his ministry at Christ Apostolic Church. His ministry will allow Leon to expand upon his already extensive record of service.

Dr. Finney was born in Mississippi and raised on Chicago's South Side. After serving for 3 years in the U.S. Marine Corps, he returned to Chicago where he enlisted in the struggle for civil rights. It was there, when Leon was just a young man, where we first met and worked together.

In 1964, Leon Finney joined the Woodlawn Organization [TWO], a community advocacy group committed to improving the quality of life for all the residents of Woodlawn. TWO developed housing, advocacy, and social service strategies to combat the problems faced by that community. Leon Finney served as TWO's executive director for 25 years. Under his leadership, TWO expanded and grew many times over, but remained faithful to its mission of serving the community Leon has always loved.

After retiring as Executive Director of TWO in 1988, Leon Finney, at the age of 50, entered McCormick Theological Seminary at the University of Chicago. There, he became the only person in the 156-year history of the Seminary to earn both a master of arts in theological studies and a doctorate of ministry in less than 2 years.

Through his ordination and call to the ministry, Dr. Finney will continue to contribute to Woodlawn and the larger community. The Christ Apostolic Church aims to support the church family and community through religious and spiritual teachings, and through assistance such as building a day care center to motivate children, establishing a Saturday School to offer an alternative to the streets and providing for the homeless.

I join in the inaugural celebration of Leon's ministry. It is a fitting tribute to him and to the Christ Apostolic Church and community. I am pleased that my longtime friend, Dr. Leon D. Finney, Jr., will continue his years of service to the community. In these challenging times, we commemorate his past achievements and await even greater accomplishments in the future.•

THE OCCASION OF ISRAEL'S 44TH BIRTHDAY

• Mr. D'AMATO. Mr. President, I rise today to congratulate the State of Israel on its 44th birthday. For 44 years, Israel has stood as a beacon of hope for millions of Jews fleeing oppression and seeking a homeland. During this time, Israel has served as our only true ally in the Middle East, a true democracy in a sea of dictatorships.

This Senator is not discouraged by the discord brought about by the events of the past year. Our relationship with Israel is strong enough to overcome any difficulties. What is important, however, is that we do not lose sight of the many contributions Israel has made to the United States.

The Middle East had long been a battleground for the cold war. Throughout the decades-long struggle there, Israel was at the forefront of the battle, defending itself against the Arab States, armed with Soviet weapons and a fanatical hatred for Israel and Jews alike. She shared information, captured equipment, and tactics with the United States. Yet the full range of Israel's contribution to the West's effort in the cold war and beyond is inestimable.

More recently, Israel withstood 39 Scud missile attacks from Iraq during the Persian Gulf war. She could have retaliated and entered the war against Iraq, but did not. On a request from the United States, Israel refrained from her natural right to retaliate for the unwarranted Iraqi attacks. No other nation would have done this for us.

Equally important has been the role Israel has played as a haven for the displaced and oppressed Jews of the world. Israel has committed itself to fully absorbing all Soviet and Ethiopian Jews that seek a home there. All it has asked from the United States is a guarantee to obtain vital commercial loans to build housing and infrastructure for these immigrants. We have a moral commitment to ensure that the very people whose freedom we fought so hard to obtain have a roof above their heads and food on their tables. We owe Israel more than the terrorist State of Syria or the backstabbing nation of Jordan.

In peace as well as war, Israel has been there for us. As Israel enters her 45th year, she will continue to be there. For all that we stand for, the United States must support our ally, Israel.•

THE ECONOMIC EQUITY ACT OF 1992

• Mr. HATFIELD. Mr. President, in 1981, Senator DURENBERGER and I, along with several other of our colleagues introduced the first Economic Equity Act [EEA] in the U.S. Senate. I rise today as a continued supporter of this legislative package.

The Economic Equity Act provides a blueprint for congressional action to eliminate many of the economic inequities facing women in the United States. Previous Economic Equity Acts have made great strides in addressing the economic concerns of women in our society. In each of the last five Congresses, pieces of this legislative package have been enacted into law. I would like to take a brief moment to summarize some of the provisions I have sponsored that have been included in Economic Equity Acts of the past.

The Economic Equity Acts of 1981 and 1983 outlawed several discriminatory practices in the insurance industry that were based on sex. These provisions addressed the many types of benefits available to men which were not available to women. Another provision that was included in early versions of the EEA permitted spouses of civil service and military personnel to share a part of their former husband's pension in case of divorce. Several private pension reforms were also introduced to grant widows the right to receive benefits if their spouses died before retirement.

In 1989, I introduced two bills that were included in the EEA. The first bill, the marriage fraud amendments, addressed the rights of battered spouses in immigration cases. That bill allowed a battered or mentally abused spouse to file for American citizenship without the concurrence of his or her American partner. Another provision in the 1989 EEA package, entitled "Long-Term Care Volunteers," amended the Older Americans Act to authorize a demonstration project which allowed senior citizen volunteers to work as aides in nursing homes.

Mr. President, these examples, and many others that have been contained in past Economic Equity packages, represent significant progress toward achieving the goal of economic equity for women. I believe we have taken important steps forward in extending equity among the sexes when it comes to wages, benefits and civil rights. However, I am fully aware of the fact that there is still much more work that needs to be done.

I rise to congratulate and commend Senators DURENBERGER and CRANSTON for their foresight in addressing this important issue. This package is not without controversial provisions, a few of which will require my further consideration. For example, I have serious concerns over the inclusion of title V, the Equal Remedies Act, in this bill. This title would overturn one of the compromises reached during passage of the Civil Rights Act last year that made it possible for women, the handicapped, and religious minorities to sue for damages in cases of intentional employment discrimination.

Under current law, these groups may recover full compensatory damages and punitive damages of anywhere from $50,000 to $300,000 depending on the size of the offending company. While I have strongly supported the need for any victim of discrimination to recover damages, I have also received letters from dozens of small businesses who are extremely concerned about the possibility of juries making devastating awards that could put them out of business entirely. In sum, I believe that the rise in enormous punitive damage awards, which close to half of the money often going to the lawyers involved, deserved further consideration by this Congress.

However, I feel that the Economic Equity Act in general is a good representation of the economic issues faced by women in America today. Many of the provisions of this act deserve swift passage into law.

Our work in this area is far from over. Although the disparity between men and women has narrowed dramatically in the last few decades, we must rekindle our commitment to providing a level playing field for all. I therefore support the concepts behind this package and urge my colleagues to do the same.●

SUPPORT GROWS FOR BALANCED BUDGET/TAX LIMITATION AMENDMENT

● Mr. KASTEN. Mr. President, in today's Washington Times there is an article highlighting Office of Management and Budget Director, Mr. Richard Darman's testimony before the House Budget Committee. Mr. Darman stated that the Bush administration supports a constitutional amendment that would require both a balanced budget and a three-fifths supermajority vote of Congress to raise taxes. Mr. Darman said, "I think that if we don't have that kind of protection, the temptation will be to solve the problem without solving the problem—to keep raising taxes." He went on to say that "[the administration] very, very, very strongly would prefer the supermajority vote to raise taxes."

I would also like to call to the attention of my colleagues a letter to Members of the Senate from the Coalition for Fiscal Restraint [COFIRE] which lists 40 taxpayer, business, and farm organizations that support a balanced budget/tax limitation amendment. I ask that this letter and the Washington Times article be printed in the RECORD immediately following my remarks.

The material follows:

[From the Washington Times, May 7, 1992]

WHITE HOUSE BACKS AMENDMENT ON BUDGET

(By Joan Lowy)

White House Budget Director Richard Darman yesterday threw the Bush administration's weight behind a constitutional amendment that would make it more difficult for Congress to raise taxes in addition to forcing a balanced budget.

In testimony before the House Budget Committee, Mr. Darman said the White House supports constitutional amendment proposals in the House and the Senate that would require both a balanced budget and a three-fifths "supermajority" vote of Congress to raise taxes.

"I think that if we don't have that kind of protection, the temptation will be to solve the problem without solving the problem—to keep raising taxes," Mr. Darman said.

The leading proposals for a balanced budget amendment do not include a requirement for a supermajority vote to raise taxes. Supporters believe that, for the first time, they have the necessary votes to pass a balanced budget amendment, but they worry the tax issue could sink the entire effort.

"It's my observation that while we can pass a balanced budget amendment, it would be very difficult to get the votes to pass a balanced budget amendment with a supermajority for a tax increase," said Rep. Lewis F. Payne Jr., Virginia Democrat.

Mr. Darman sidestepped questions from Mr. Payne on whether the administration would still support a constitutional amendment requiring a balanced federal budget if it doesn't include a provision making it more difficult to raise taxes.

"We very, very, very strongly would prefer the supermajority," Mr. Darman said. "I would say this: If in the effort to get that we do not succeed, then I think it becomes all the more important to assure" actions are taken to reduce spending so that a constitutional amendment doesn't "drive the system to go try to increase taxes."

He added: "I stand on what I said, which I know is not the world's clearest answer."

A two-thirds majority of Congress—67 votes in the Senate and 290 votes in the House—is required to approve a constitutional amendment.

Sen Paul Simon, Illinois Democrat and chief sponsor of the leading balanced budget amendment in the Senate, has said he believes he has the necessary votes for approval. But Mr. Simon has made it clear he will work to defeat any balanced budget amendment that also requires a three-fifths vote to raise taxes.

Sen. Robert Kasten, Wisconsin Republican, is sponsoring an alternative amendment that includes a requirement for a three-fifths vote to raise taxes. Mr. Kasten has said he will support Mr. Simon's proposal if his own fails.

But some supporters of Mr. Kasten's amendment have made it clear that if they can't make it more difficult to raise taxes, they'd rather see no balanced budget amendment at all.

In the House, there are 276 cosponsors for the leading balanced budget amendment proposal sponsored by Rep. Charles Stenholm, Texas Democrat. Another 20 or so members have privately told Mr. Stenholm they will vote for his proposal if it's brought to the floor.

An alternative amendment sponsored by Rep. Joe Barton, Texas Republican, that includes a three-fifths vote to raise taxes has also been introduced. But it doesn't appear to have enough support to supplant Mr. Stenholm's proposal.

A test of support for the issue is expected today, when the House is scheduled to vote on a motion by Rep. Willis Gradison Jr., Ohio Democrat, instructing House negotiators to accept Senate-approved language in the annual budget resolution urging adoption of a balanced budget amendment to the Constitution.

Any constitutional amendment approved by Congress would still need to be ratified by 38 states, a process most experts believe would take a minimum of two years.

COALITION FOR FISCAL RESTRAINT;
Washington, DC, May 6, 1992.

OPEN LETTER TO MEMBERS OF THE UNITED STATES SENATE

The undersigned members of the Coalition for Fiscal Restraint (COFIRE) understand that later this month the Senate may take up the subject of an amendment to the Constitution which would require a balanced federal budget.

As a result, we are writing to indicate our support for the balanced budget/tax limitation amendment (S. J. Res. 182) which will be offered by Senator Kasten.

To contain spending growth, the Kasten resolution would require a three-fifths vote in both houses of Congress in order to permit federal outlays to exceed receipts but with an escape clause in the event of a declaration of war.

In addition, it would require the same super-majority vote in both houses in order to increase taxes at a rate greater than the rate of increase in national income.

Continued growth of a national debt approaching $4 trillion caused by massive deficit spending is not only a threat to the nation's present and future economic strength but a legacy for future generations of debt unworthy of a responsible society.

For these reasons, we join together in this endorsement of S. J. Res. 182 when it comes before the Senate.

American Farm Bureau Federation.
American Furniture Manufacturers Association.
American Legislative Exchange Council.
American Rental Association.
Americans for Tax Reform.
Amway Corporation.
Automotive Service Association.
Baroid Corporation.
Chamber of Commerce of the United States.
Citizens Against Government Waste.
Citizens Against a National Sales Tax/VAT.
Citizens for a Sound Economy.
CNP Action, Inc.
Commercial Weather Services Association.
Committee for Private Offshore Rescue and Towing.
Consumer Alert Advocate.
Dairy and Food Industries Supply Association.
FMC Corporation.
Helicopter Association International.
International Ice Cream Association.
Koch Industries.
Marriott Corporation.
Milk Industry Foundation.
National-American Wholesale Grocers' Association.
National Association of Charterboat Operators.
National Association of Convenience Stores.
National Association of Manufacturers.
National Cattlemen's Association.
National Cheese Institute.
National Food Brokers Association.
National Grange.
National Independent Dairy-Foods Association.
National Tax Limitation Committee.
New England Machinery, Inc.
The Seniors Coalition.
Sybra Corporation.
Truck Renting and Leasing Association.
United States Business and Industrial Council.
United States Federation of Small Businesses.
Valhi, Inc.•

44TH ANNIVERSARY OF ISRAELI INDEPENDENCE

• Mr. RIEGLE. Mr. President, I rise to commemorate the 44th anniversary of Israeli independence. On this day of celebration, I would like to express my strong support for the State of Israel and my hope that the close friendship between our two countries remains strong.

On May 7, 1948, Israel was born out of the ashes of World War II. As soon as the new state was proclaimed, however, it was attacked by the combined armies of several surrounding Arab States. Overcoming all odds, Israel survived the 1948 war only to face its neighbors again on the battlefield in 1956, 1967, and 1973.

In less than 50 years since its creation, the Israeli people have applied advanced agricultural techniques to make its fields, once barren deserts, some of the most productive lands in the world. They have created excellent high-tech and textile industries. And, throughout the Jewish State's 44 years of existence, Israelis have maintained a firm commitment to Western values, preserving their nation as the only true democracy in the Middle East.

Furthermore, as guardian of sites holy to Jews, Christians, and Moslems, alike, Israel has consistently shown respect for the different religious faiths which share the historic land. It has ensured that individuals can visit their cherished places and practice their religious customs in safety. For this, the world is thankful.

Finally, on this 44th anniversary of Israeli independence, I would like to reiterate my personal commitment to Israel's right to live in secure, defensible borders. It was only slightly more than 1 year ago that Iraqi Scud missiles rained down upon Tel Aviv and Jerusalem. Demonstrating the strength of its friendship and alliance with the United States, at Washington's request, Israel did not retaliate against Iraq. On this important day, therefore, let us once again pledge to not only maintain, but to enhance the warm relationship between Israel and the United States.•

"THE NEXT WAR IN VIETNAM"

• Mr. SIMON. Mr. President, our foreign policy toward Vietnam has grown out of emotion rather than common sense and is hurting the United States economically. We are going to be paying for this for some time in the future.

I do not, for a moment, condone the human rights violations that have taken place in Vietnam, nor do I suggest that we should not continue to press for full cooperation on servicemen who may be missing in action.

A recent article written by Stephen Brookes appeared in Insight magazine, which is a publication of the Washington Times. The Washington Times is not, as my colleagues know, a liberal, radical, left-wing publication. Brookes points out that other countries are making substantial gains in preparing themselves for huge trade opportunities in Vietnam, while we have been harming our economic future in order to salvage a few political points domestically.

The policy of the United States is gradually shifting, but the pace has been much too slow. If Harry Truman had taken the same attitude toward Germany and Japan that we have taken toward Vietnam, Germany, and Japan would be in much worse shape today, and so would the United States.

While we do not let American business people develop opportunities in Vietnam, the Japanese, the Taiwanese, and others are taking advantage of the situation. American companies like Caterpillar, in my own State, say that our policy is irrational and incomprehensible.

I agree with them completely.

Mr. President, I ask to insert into the RECORD the article titled, "The Next War in Vietnam," written by Stephen Brookes. The article suggests this is a war we are losing because of our own foolish policies.

The article follows:

[From Insight (Washington Times), Jan. 19, 1992]

THE NEXT WAR IN VIETNAM

(By Stephen Brookes)

It's just after dusk on a Thursday evening in Saigon, and the rooftop terrace of the Rex Hotel—a favorite watering hole for foreign businessmen—is starting to fill up. A warm breeze ruffles the animal topiary scattered around the edge of the roof, carrying snatches of conversation from table to table. "They want two and a half million, can you believe it? Up front, yes, in dollars!"

The Vietnamese waiters bustle back and forth with glasses of Heineken beer, Suntory whiskey and Johnny Walker Black Label, skirting the two 10-foot-high plaster elephants, the hanging parrot cages and the statues of naked maidens.

"Sure, sure, but you've got to figure in packaging costs." The accents are Australian, French, German, Chinese. A moth-eaten stuffed bear, rearing on its hind legs, bares its fangs over by the bar as a cluster of Japanese businessmen, chattering happily, find a table and sit down.

Michael Gebbie, the director of a Hong Kong-based investment company called Pacific Transactions, takes a long swig of his Tiger beer. "It's become a cliche, but it's true: Vietnam is the last frontier," he says. "And it's filling up with cowboys."

After 16 years of economic stagnation, archaic politics and global isolation, Vietnam is taking a headfirst leap into capitalism, determined to claw its way into the global economy. With a per capita income of only $200 a year, Vietnam is still one of the poorest countries in the world. But trade with the West is surging, and with its mostly unplundered natural resources, cheap labor force, stable and pragmatic government, fantastic beaches, about 68.5 million consumers, prime geographic locations and unexplored opportunities, the country is being overrun by a stampede of foreign investors, advisers, traders, oil explorers, real estate developers and entrepreneurial adventurers of every stripe who think they've discovered the world's next money-making hot spot.

Forget about Eastern Europe, they say—strictly a basket case, and going to stay that way. The fastest growing part of the world is Asia—and in Asia, the place to be is Vietnam. It's starting from point zero, which means it could grow much faster than overheated economies like Thailand's, and while big profits may still be years away, long-term investors will make out handsomely. With the big capital deposits in Hong Kong, Tokyo and Taipei looking for somewhere to flow, Vietnam is dangling as many lures as it can. And some people are hooked.

"Given where it is, what it's doing and what it has," says Gebbie, "this place can't lose."

There's just one hitch: The United States clamped an almost total embargo on trade and investment in Vietnam in 1975, and it has pressured other countries to abide by the embargo since 1978, when Vietnam invaded Cambodia to kick out the Khmer Rouge. The embargo has squelched large-scale investment from countries that don't want to alienate the United States and has kept Vietnam cut off from development aid from the International Monetary Fund, the World Bank and the Asian Development Bank.

Washington drew up a road map for normalizing relations in April, calling for Hanoi to bring its client government in Cambodia to the negotiating table and to provide more information on American soldiers still unaccounted for, and there are indications that the embargo may be lifted soon.

But even if it were lifted tomorrow, say some investors in Vietnam, an opportunity has been squandered. With Japanese, Australian, Hong Kong, Taiwanese and European investors already poised over the juiciest investments, Washington may have dealt U.S. business out of the hottest new game in town.

To walk through the streets of Saigon (only party hacks call it Ho Chi Minh City anymore) is to walk through a caldron of change. By 8 in the morning, the old colonial tree-lined avenues, virtually empty just a few years ago, are clogged with a raucous, nonstop sea of traffic: Young men on Japanese motorcycles bluster their way through intersections, oblivious to stoplights, while groups of gray-suited Japanese businessmen dodge minivans packed with German tourists.

Decades-old Peugeots and Chevys, kept up with meticulous care, vie for road space with Russian Volgas, while peddlers with carts of bananas and peeled coconuts push past the ubiquitous pedicabs called "cyclos." Bicycles piled high with sacks of rice and bundles of fabric jostle along unsteadily. From time to time, like visitors from a more innocent era, elegant young women wearing the traditional white ao dai delicately thread their way through the traffic, wearing elbow-length gloves to protect their skin from the harsh sun.

The sidewalks, meanwhile have become teeming mazes of hawkers who crouch over their trays of herbal medicines, Russian watches, acupuncture pins, seashells, cartons of Marlboros and cans of Coke smuggled in from Thailand, condoms, week-old copies of Paris-Match, East German surgical supplies. Yamaha synthesizers, handmade lutes, even T-shirts that read, "Born and Bred in the USA.

In the expensive antique shops on the street now called Dong Khoi, the elegant old Rue Catinat, there are ivory cigarette holders, Chinese military binoculars and Zippo lighters inscribed by American GIs. Record stores stock CDs of Bon Jovi, Duran Duran and Rod Stewart, and bookstores sell Vietnamese translations of everything from Neil Sheehan's A Bright Shining Lie to a half dozen Danielle Steel romance novels. (You can even get Alexandra Ripley's sequel to Gone with the Wind—just ask for Cuon Theo Chieugio.)

The T-shirt sellers in front of the presidential palace brandish a familiar face: "Uncle Ho!" they shout to foreigners. "Very cheap!" High overhead, the billboards that sprout from the top of almost every downtown building scream Minolta, Kenwood, Hitachi and a slew of other foreign names. In the doorways below, women squat over small fires in oilcans to stir pots of chicken and vegetables to sell, while the city's lepers, their tin cups clenched against their chests, beg for coins.

The surge of foreign investors has spawned whole new industries, as well. There are more than a dozen *karaoke* bars in downtown Saigon, for example, to cater to the resident Japanese contingent, while European expatriates mingle with the hipper set of Vietnamese in the always crowded Apocalypse Now bar (just around the corner from the Hambugo Caliphonia restaurant). The infamous Maxim's nightclub on Dong Khoi has reopened as a restaurant, but the strip shows of the 1960s have been replaced by a bored pianist playing Beatles tunes, accompanied by an all-girl string section. Even the skyline has changed; at the edge of Hero's Square along the riverfront sits the Australian-built, Japanese-owned Floating Hotel (rooms start at $175 a night), where a Filipino band in the lobby bar sings note-perfect renditions of Western songs like the Joan Jett hit "I Hate Myself for Loving You." The famous open-air terrace cafe of the Hotel Continental, where Somerset Maugham and Graham Greene sat and wrote their novels, has just been transformed into a glassed-in pizzeria called Guido's. "Come to Ho Chi Minh City," the official Saigon Tourist guidebook cheerfully urges, "a town endeared to the search of its identity!"

For Saigon—in fact, for all of Vietnam—that search is moving into high gear. Since the late 1970s, when it became painfully clear that Soviet-style, centrally planned economic policies were creating a quagmire, the country has been revamping its political, economic and foreign policies at a pace that in some ways has outstripped the changes in Eastern Europe. The "American war," as it's called here, had left the country economically ravaged, and the aid and subsidies that Moscow provided were nothing more than Band-Aids.

Putting together a unified, national economy proved daunting. Not only were Hanoi and the newly renamed Ho Chi Minh City at opposite ends of the country, they were (and still are) culturally divided as well. "The people down here never really adopted socialism," says a Singaporean who has lived in Saigon for several years. "They just remember it as a time when the country went dead."

By 1979, with rigor mortis setting in, Hanoi was forced to act. It abandoned collectivized agriculture, allowing farmers to lease land from the state and sell produce at market prices. The results were remarkable: The country went, almost overnight, from being a net importer of rice to a net exporter. Encouraged, Hanoi began to experiment with similar incentives in industry (allowing factory managers to pay piece-rate wages, for example), and in 1986 it formally legalized private economic activity.

It was the beginning of *doi moi*, economic reform, and the policy picked up speed throughout the late 1980s as Hanoi took more and more steps toward a market economy. Some price controls were lifted and the banking system was overhauled. By 1989, Hanoi dropped overall central planning and began cutting away, or abolishing entirely, subsidies to state industries. A slew of market freeing measures followed. Citizens could buy and sell gold, companies were allowed to export and keep the hard currency earnings, managers were given free rein in their factories. *Doi moi* was emerging, the World Bank noted admiringly, as "a bold economic reform that puts Vietnam in the forefront of socialist economies attempting to rejuvenate their economies."

The pace of the reform was, inevitably, sped up by the collapse of socialism in the Soviet Union and Eastern Europe. Until 1989, Hanoi had been able to prop up the economy with huge shipments of gasoline, fertilizer, steel, cotton and other products from the Soviet Union, provided at "friendship" prices, and aid of some $1.1 billion a year. But by 1991 Moscow's pockets were so empty that the shipments dropped by half—and had to be paid for in hard currency at market prices. Moreover, Vietnamese workers in Eastern Europe, who had been sending home as much as $150 million a year, were being repatriated. To cap things off, Moscow also began demanding that Hanoi repay its 9 million ruble debt—in hard currency, naturally.

The rejuvenation hasn't gone completely smoothly. "There isn't any model for us to follow—no communist country has shifted to a market economy," says Vu Huy Hoang, a deputy director of the State Committee for Cooperation and Investment. "But we're finding our way, slowly." Signs of economic vitality and stability are growing. The government's $200 estimate of per capita income is probably an understatement, since so much activity takes place outside the official economy. Inflation is running at 70 percent a year, but that is a vast improvement over the triple-digit inflation that rampaged through most of the 1980s, and the government is determined to bring it down to 30 percent this year.

In discussions with top government officials, bankers and businessmen, one theme comes through an absolute commitment to seeing a market economy evolve, and quickly. "I don't think there's any doubt in anyone's mind that the market economy is the way to go," says Eugene Matthews, a young American investment adviser who lives in Hanoi on a student visa to avoid the restrictions of the embargo, "And not just among the leaders. You talk to the people in the markets, who couldn't sell their produce a few years ago, and they're very enthusiastic about the new system. They like the benefits, and they like that they're allowed to operate the way they want."

Aside from promoting private industry inside Vietnam, Hanoi is also making an all-out effort to attract foreign investors—and the technology, capital and expertise that come with them. In 1986, it baited the hook with one of the most liberal foreign investment codes in the developing world: Foreigners are allowed to own 100 percent of any companies they set up (although they're encouraged to form joint ventures with state-owned companies) and can invest in any enterprise except those related to national security or deemed "socially incorrect," like gambling.

Investors are free to repatriate earnings and capital, with a moderate withholding tax of 10 percent. And while corporate income is taxed at a rate of 20 to 25 percent, the government will bargain. In fact, say investors, everything is negotiable, from taxes to land leases (normally 20 years) to wages (officially, foreign companies are required to pay workers no less than $50 a month). Hanoi is also setting up export processing zones where investors will pay less than 15 percent in taxes, be free from all import and export levies, and get breaks on customs, visa and bank formalities. "we're always talking with foreign businessmen to see what they want," says Hoang of the cooperation and investment committee. "We're very much open to suggestions."

Despite the incentives, investors are wary. As of October, about 330 investment licenses had been granted, mostly for industrial production, oil and gas, agriculture and tourism, representing some $2.47 billion in foreign investment. "According to my estimates, in order to be able to take off in the future, investment should be at least $2.5 to $3 billion a year," says Nguyen Xuan Oanh, a Harvard-trained economist who advises the government on economic policy. "Now, $2.4 billion in two years is too small; we've got to do better than that."

Investing in Vietnam is not for the fainthearted or for anyone seeking quick profits. The investment code that looks so inviting on paper is not matched by ease in the day-to-day vagaries of doing business. Just signing a contract, for instance, can involve negotiating a maze of interlocking bureaucracies and conflicting regulations. Modern office space is almost unobtainable, and it costs an estimated $100,000 just to get a lease, renovate the building and make it operational. Power supplies are erratic; some sections of Saigon and Hanoi have electricity only four or five days a week, and telex and fax services are unreliable and expensive. Visa and customs formalities can be agonizingly slow, and transportation is atrocious: Roads and railroads are a wreck; Vietnam Airlines' fleet of narrow-body Tupolev-134s has a total capacity of only 1,400 passengers. Water supplies are unsanitary, malaria is pandemic, communications are comically unpredictable (two people trying to call an office at the same time may find themselves connected to each other, for example), and equipment in factories, especially in the North, is often decades out of date and in poor conditions.

Moreover, the rules of the game still haven't been clearly established. Theoretically, an investor can make contact with a company, agree to a joint venture and get a license from the State Committee for Cooperation and Investment. But in practice, things are more complicated. Investors can get locked into doing business with a web of companies under the control of a single government ministry, limiting their freedom and subjecting them to the whims of lower-level bureaucrats. And while bribery is rare, gouging is said to be widespread.

"Corruption here is nothing like it is in some other Asian countries," says a Western businessman who has been in Saigon for several years. "We've never been confronted in official business with any suggestions that we pay people off. But you are sometimes asked, officially, to pay for services which are not reasonable. It's not corruption, but it's not very ethical, either."

And the country's legal framework is still tenuous. While the foreign investment law is quite liberal, investors can find themselves strung up on a web of regulations implemented by local authorities. "A lot of the financial problems people get into stem from the legal problems," says one European adviser in Hanoi. "Contracts can suddenly change, unilaterally. And although Vietnam has agreed to go to outside arbitration panels to settle disputes, the final guarantor of the agreements is Hanoi. So . . ."

Vietnam's isolation has left its mark as well. "You're dealing with highly intelligent people who are well-educated and eager to learn," says one European businessman. "What they lack is the understanding of Western business practices and concepts. And that leads to indecisiveness; they'd rather not make a decision than make a bad one. They're lovely people, but they don't understand the idea of time being money." Some Vietnamese agree. "The success of doi moi has been uneven, primarily because of the lack of competent managers," says government adviser Oanh. "Bankers, managers, the people who can fill the key positions—these are very much missing at the moment."

In fact, the old military cadres who made their mark in wartime—against the Americans, the Khmer Rouge or the Chinese—were often rewarded with directorships of state companies. "You'll sit down at a meeting with the managers of a Vietnamese company, and then the director will make his appearance," says Gebbie of Pacific Transactions. "And everybody will roll their eyes and look down at the table while he makes a few comments. After a minute or two of this, he's conveniently called away to take a telephone call. And then you can start discussing the project."

In spite of the hazards and hassles, though, money is still coming in. Taiwan has been the most enthusiastic investor. It has the largest single joint venture in the country—worth some $88 million—and a total of 39 projects worth nearly $538 million are under way. Some $350 million has come in from Hong Kong investors, $280 million from Australians and $273 million from the French, who have been putting money into textile mills, oil exploration, hotels, auto assembly plants, seafood processing and anything else that seems promising. Investment companies like Pacific Transactions and Inchcape Vietnam are setting up shop, and international banks are opening branches. Investors have come from Britain, Denmark, Hungary, Argentina—31 countries in all.

But the country that is having the most impact is Japan. Tokyo has been paying lip service to the American embargo and has not provided any official aid, but neither has it forbidden its businessmen from trading or investing with the Vietnamese. As a result, tens of thousands of Japanese have been scouting the territory for the past several years, looking for investment opportunities, signing agreements for joint ventures and waiting until the embargo is lifted. Their ranks are growing: The number of entry visas granted to Japanese businessmen doubled last year, to about 15,000. With $103 million committed so far, Japan is only the ninth-largest investor, but trade between the two countries shot up to an estimated $1 billion last year, making Tokyo Vietnam's largest trading partner. Official development assistance from Japan's government likely would unleash a flood of investment.

In fact, the Japanese presence is so strong that it has made other investors nervous. There are huge billboards advertising Japanese electronics and automobiles all over Saigon and Hanoi, and companies like Hitachi (which opened a showroom in Saigon in November) are praising Vietnam as "the market of the future."

"The day after the embargo is lifted, you will probably find that the Japanese have sewn up the country," says a European businessman in Saigon. "They've been preparing for that and spoiling the prospects for others to do business in the meantime. You just can't help but feel that the Japanese are not able to put their money where their mouth is, that they're just using delaying tactics until the embargo is lifted, hoping that opportunities will become available. So it's determined to the country's growth."

In fact, Japan-bashing is almost a full-time sport among non-Japanese investors. They complain that the Japanese have been pushing up rents to ludicrous levels—leasing unrenovated villas in Hanoi for as much as $30,000 a month, for example—and accuse them of taking advantage of the lack of business sophistication among the Vietnamese.

"This town is full of big-money cowboys," says investment adviser Gebbie. "They'll draw up a $25 million project for a new building, get a license from the government to use the land and then disappear. They can't pull the financing together, but they've tied up the property. So when somebody else comes along with a serious proposal—say, renovating a building already on the site for $2 or $3 million—the Vietnamese will turn it down. Why should we do that, they ask, when these other guys want to invest $25 million? So nothing gets built. The cowboys scare the serious money away."

Oanh agrees. "It's quite simple to check on peoples' credit ratings," he says. "But most of the leaders are quite green at the game. They don't know how to do it, so they sign everything and anything, and it turns out to be a raw deal."

On broad, leafy Dien Bien Phu Avenue in Hanoi, just around the corner from the gray marble mausoleum that holds Ho Chi Minh's body, sits an elegant old villa housing Vietnam's Ministry of Foreign Affairs. In a second-floor reception room looking out over what must be one of the only statues of Lenin left standing in the world, Deputy Minister for Foreign Affairs Le Mai is eager to discuss the American embargo. As head of the delegation that met in November with Richard Solomon, U.S. secretary of state for East Asian and Pacific affairs, he seems optimistic that relations will be normalized soon. "I told Mr. Solomon, you have the American road map, and I have the Vietnamese shortcut," he says, laughing. "So let's put them both on the table and talk."

Normalizing relations with Washington has been at the center of Hanoi's foreign policymaking for more than a year. While the Vietnam War still seems close to many Americans, the Vietnamese have been through two border conflicts since then, first with the Khmer Rouge in Cambodia, then with China. Americans are greeted almost everywhere in Vietnam with genuine warmth and interest. Until the embargo is lifted, economic recovery can never really take off. "It was our initiative to normalize relations with the United States, you know," says Le Mai. There are two official interpreters in the room, but as he speaks perfect English, they wait quietly, listening. "We know we are a small and humble country, so we should make the first step."

Signs of a shift in U.S. policy are multiplying. Washington lifted its embargo against Cambodia on Jan. 4, and during a January visit to Hanoi Rep. Stephen Solarz, the New York Democrat who heads the Foreign Affairs Subcommittee on Asian and Pacific Affairs, said the embargo against Vietnam might be lifted this summer or fall. While U.S. airlines are still forbidden to fly to Vietnam, Washington lifted the ban on U.S.-organized tours in mid-December.

There are also signs that America's allies are growing increasingly impatient and that international support for the embargo is crumbling. Japan's influential Ministry of International Trade and Industry has indicated it is close to supporting Japanese investment in Vietnam, and grants and soft loans are flowing in from a number of countries, including Australia, Italy and France.

"The embargo is like gunship diplomacy," says Le Mai. "It's out-of-date and doesn't fit the international situation today, which is the world of interdependence. That's why all people in Southeast Asia would like to see U.S.-Vietnamese relations normalized—it would be beneficial to all."

Some observers, like George Carver of the Center for Strategic and International Studies in Washington, are skeptical. "Vietnam is never going to be an economical tiger, or anything but a basket case, unless it forswears Marxist ideology, which is still the dogma of the country," he says. "And there's a lot more in normalizing relations for them than there is for us. So what's the rush?"

But to others, there's no more time to waste. "The Japanese may not be the largest investors now, but I guarantee you that one year after the embargo is lifted, they'll be No. 1," says investment adviser Matthews. "Do we want a country like Japan, which is our economic competitor, to gain an economic leverage by having access to cheap labor and a lot of natural resources? Do we want them to have that advantage over us? My answer to that is, no. Definitely, no."•

ADDITIONAL COSPONSOR—S. 2606

• Mr. BINGAMAN. Mr. President, I rise today to cosponsor S. 2606 which revises the current U.S. Forest Service ski area fee formula. It is my understanding that the bill will accomplish three goals. First, it will simplify the existing graduated fee rate system [GFRS] formula by substituting a new formula which uses adjusted gross revenues and a new graduated percentage rate. Second, the bill will limit ski area rental fee calculations to revenues from facilities actually located on Service lands. Finally the bill will withdraw ski area lands administered by the Service from mining and mineral leasing and operating laws.

While I support the primary elements of the bill, I am concerned that the new fee system should remain revenue neutral. The goal of revenue neutrality is to provide continuity to the service's established fee program and to ensure that ski areas do not experience radical increases or decreases in the fees currently being paid to the Government.

The Service is currently comparing the two systems to determine if annual revenues from the new formula will remain similar to those generated under the GRFS system. This study is due to be completed by the end of May. If this study reveal that the new system is not revenue neutral, I propose that the bill be amended to include language which requires that the Service's ski resort fee program maintain revenue neutrality.•

CLINTON WINS PRAISE FOR HIS REFORMS OF ARKANSAS EDUCATION

• Mr. SIMON. Mr. President, there is a lot of pious talk coming from the administration about making a priority out of education, and I hope that talk can turn into reality, but so far, it is mostly talk.

When you look at the inflation adjusted figure for what has happened in education from fiscal year 1981 to fiscal year 1991, there is a 2-percent assistance for education.

I have just finished reading an article in the Chronicle of Higher Education about what is happening in Arkansas under Gov. Bill Clinton. In that article, it mentions that State appropriations, adjusted for inflation, for all States have gone up 8 percent in that same decade; for the Southern States, it went up 19 percent, which is to their great credit; and for the State of Arkansas, it went up 42 percent.

While making great speeches about education is an easy thing, and President Bush has been great on the speeches, the reality is, we have to judge people by their deeds not their speeches.

On that basis, Gov. Bill Clinton looks much stronger.

My hope is that we can get positive action from both the administration and his opponent for the Presidency. I would like to see a real discussion of the issues.

I ask, Mr. President, to insert into the RECORD the article from the Chronicle of Higher Education.

The article follows:

[From the Chronicle of Higher Education, Apr. 29, 1992]

AMID SOME GRUMBLING, CLINTON WINS PRAISE FOR HIS REFORMS OF ARKANSAS EDUCATION

(By Goldie Blumenstyk)

LITTLE ROCK, AR.—Bill Clinton, the probable Democratic Presidential nominee, can lay honest claim to the title "education governor," educators here say.

Since recapturing the Arkansas Governor's office in 1983, Mr. Clinton has made education the central focus of his administration and has built a substantial record.

At his direction, the state raised teacher salaries and required teachers to pass a competency exam to keep their jobs. Arkansas instituted standards that required all public schools to offer college preparatory courses in mathematics and sciences and pushed laws to make colleges accountable for what their students learn.

Mr. Clinton has encouraged students to go to college by establishing new scholarship programs, revamping technical colleges, and sponsoring annual receptions for high-school valedictorians.

Two of the three times he tried, Governor Clinton even managed to get money for his reforms by pushing tax increases past a stubborn General Assembly.

QUESTIONS ABOUT TAXES

Despite the progress, it is uncertain whether Mr. Clinton's reforms, particularly in higher education, have made a difference. Some here say that his reluctance to challenge powerful business interest, particularly in the poultry and natural-gas industries, led him to depend too heavily on regressive sales taxes to finance those reforms.

The one time he did raise corporate taxes, in 1991, the result was a modest half-per-cent increase, tied to an overhaul of technical schools that had been sought by business and industry.

Even with the tax increases, some higher-education officials say their institutions lack the resources to pay premium salaries or acquire special equipment or materials. Governor Clinton has increased state spending on research, but Arkansas cannot afford the extensive array of research programs that have helped other Southern states, such as North Carolina and Virginia, attract high-technology industries. And supporters of the state's public black college grumble that the Governor has not fervently championed their institution needs.

"The core of what we have is probably very decent," says Gary D. Chamberlain, director of the Arkansas Institute for Economic Advancement. Colleges and universities have enjoyed some good years financially, he says, but, on the whole, "we're not well-funded. It's not something new for us. We never have been."

MANY OF BEST STUDENTS ESCHEW STATE COLLEGES

Some public-college faculty members also question whether Mr. Clinton could have accomplished more before 1991, the year many of his higher-education programs were finally passed and financed.

"We'd been disappointed until this year," says Thomas R. McKinnon, an economics professor at the University of Arkansas at Fayetteville.

State officials themselves concede that many of the State's best students eschew Arkansas public colleges. About 15 per cent of the high-school graduates pursue their higher education outside the state—just as Governor Clinton did. Mr. Clinton is a graduate of Georgetown University and studied at Oxford University as a Rhodes Scholar before receiving his law degree from Yale University Law School.

Bill Clinton was first elected Governor in 1978. He was defeated in 1980 (the term changed from two years to four in 1986), and was elected again in 1982. After assuming office in January 1983, Mr. Clinton began a decade-long crusade to improve education in the state.

SWEEPING PACKAGE OF SCHOOL REFORMS

The efforts were prompted in part by an Arkansas Supreme Court ruling that struck down the state's formula for financing its public schools. The Governor's wife, Hillary Rodman Clinton, a lawyer who, like her husband, taught briefly at the University of Arkansas law school in the mid-1970's, chaired a key committee that helped develop many of the new school rules,

The result was a sweeping package of school reforms, financed with a one-cent increase in the state sales tax, which brought it to 4 per cent. Most of the money went toward public schools, with noticeable results. In 1982, 35 per cent of all high schools didn't offer advanced mathematics, 32 per cent didn't offer physics, and 47 per cent didn't offer foreign languages. Today all high schools offer those subjects.

The Governor's supporters say those early efforts have helped higher education by better preparing students for college. "He's concentrated on the supply side," says Diane Blair, a friend of Mr. Clinton's and a professor of political science at the University of Arkansas at Fayetteville. Ms. Blair, who is now working for the Clinton campaign, says the reforms "were essential for any real improvement in higher education."

MEASURABLE RESULTS

Some results of those earlier reforms are now measurable.

The college-going rate (which the state calculates by counting the number of high-school graduates who go on to Arkansas public and private colleges in the fall following their graduation) has increased from 38 per cent to 51 per cent since 1983.

That alone is noteworthy, says Mark D. Musick, president of the Southern Regional Education Board. "That is a major change for a state. That's the kind of change that has long-term benefits."

But along with an improved college-going rate, Arkansas has found that a high proportion of the freshmen at public colleges require remedial work: Last fall, more than 54 per cent were placed in remedial mathematics courses, 38 per cent in remedial English courses, and 34 per cent in remedial reading courses, state records show.

The percentage of students requiring remedial English and mathematics has risen slightly in recent years. State higher-education officials say the increase is due partly to the phasing-in of higher standards. In 1989 students who did not score above 15 on the American College Testing Program exam were required to take remedial classes. Now, the act cut-off score is 19.

Because states assess entering students differently—or not at all—comparing Arkansas with other states is an imperfect exercise. Mr. Musick, however, say Governor Clinton deserves credit for his approach to remedial education.

"Arkansas is one of the few states that has forthrightly faced the issue of remedial education," he says. A 1987 law requires colleges to assess entering students and report back to the high schools on how their graduates fared.

Diane Gilleland, the state's director of higher education, says students who have taken the proper preparatory courses do better on the act—and, in the past four years, there has been a 29-percent increase in the number of students who take such courses. "We're just now beginning to reap the harvest of these courses being in place," she says.

Ms. Blair says Mr. Clinton deserves credit for the benefits that trickled down to higher education from the 1983 reforms. He also deserves praise, she says, for his unpopular insistence that one-quarter of the new revenue from the 1983 sale-tax increase be set aside for colleges and universities.

After 1983, political opponents of Mr. Clinton accused him of "diverting" money to higher education," as if that was some kind of fatal flaw," recalls Ms. Blair.

Yet the issue of college and university financing has been a sore point for higher-education officials here. The biennial budgets enacted between 1985 and 1991 were spare.

As recently as 1989 the state's Board of Higher Education expressed its displeasure publicly. In its Arkansas Higher Education Plan 1989–94, the board made up mostly of Clinton appointees, declared "a crisis in higher education," and said: "We are well behind the region and the nation in almost every comparative measure of financial support for public higher education."

New taxes and other programs enacted in 1991, particularly an additional half-cent increase in the sales tax, are designed to remedy many of those ills.

A POLITICALLY POTENT GROUP

The bulk of the new sale-tax revenue is being used to raise the salaries of public-school teachers—a politically potent group that Mr. Clinton alienated with his teacher-testing program in 1983.

Higher education is getting about $30-million from the tax. The money is being used to increase salaries and to create several new financial-aid programs. One of those is the Arkansas Challenge Scholarship Program, designed to encourage schoolchildren to prepare for college by promising all low- and middle-income students free tuition at a public college if they earn good grades.

Increasing financial aid has been a high priority of Mr. Clinton's. In 1982-83 the state was providing about $1.5-million for financial aid. By 1991-92, the amount had grown to more than $8.1-million.

During the 1991 session, law-makers also approved Mr. Clinton's College Savings Bond program, which is designed to help families save for college and so far has provided about $72-million for new library acquisitions, scientific equipment, and major construction and maintenance projects at campuses across the state.

In addition, Arkansas is overhauling and upgrading its technical-education system, thanks in large part to the half-per-cent income tax that also was enacted in 1991. Fourteen of the state's 24 postsecondary vocational-technical schools are adding college-level courses and are expected to meet technical-college accreditation standards by 1997.

Some political activists here contend that Governor Clinton could do much more for education, without harming the well-being of most citizens, if he campaigned for a major increase in the tax on natural gas, which the poultry industry has helped to keep quite low. Says Brownie Ledbetter, president of the Arkansas Fairness Council: "He has got a lot of political capital. He sure as hell doesn't want to provoke the power structure."

Ms. Ledbetter served on a tax-reform commission appointed by Mr. Clinton that recommended changes in state tax laws. "Nobody even picked up our stuff and wrote bills on it," she says. "He never paid any attention."

SOLE PUBLIC BLACK COLLEGE

Supporters for the Governor say that he has risked political capital with his campaigns for tax increases and that it is unrealistic to expect more of him, given Arkansas's political traditions.

Another issue on which Mr. Clinton draws criticism is the state's treatment of its sole public black college, the University of Arkansas at Pine Bluff. "We needed some extra attention, which has not really been forthcoming under his administration," says Corliss Mays Howard, president of the institution's national alumni association. Ms. Howard says Arkansas is not living up to promises it made to the federal government in 1988, when the state was released from a federal desegregation lawsuit.

"We still don't offer professional degrees," she says, and the master's degrees that the state promised to create in the late 1980's were begun only a year ago. Also, she says, the state's assistance in providing housing for the institution's growing student body has not ben adequate.

"I don't think he's done anything special, but he's been fair," says Ms. Howard.

State officials say the Governor has supported several efforts for Pine Bluff, including state financing for a new dormitory and a special annual allocation—$638,000 this year—above the amount it would receive under the state budget formula for "program enhancements."

THE WHOLE RECORD

Others, taking Mr. Clinton's entire record into account, are more enthusiastic than Ms. Howard. "We're better off now than when I got here 11 years ago," says Barry M. Maid, chairman of the English Department at the University of Arkansas at Little Rock. He says the institutions still need more faculty positions, better salaries, and better equipment. But he is able to hire faculty members at competitive salaries, Mr. Maid says, and he has enjoyed consistent, if "not outstanding," raises, while colleagues in public colleges across the country endure pay freezes, layoffs, and budget cuts.

"We still have a crying need," Mr. Maid says. But "talking to friends in New York and Massachusetts and Virginia, I'm really happy to be in Arkansas."●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is now closed.

NATIONAL VOTER REGISTRATION ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 250.

CLOTURE MOTION

Mr. FORD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes:

Wendell Ford, Jeff Bingaman, Daniel K. Akaka, Max Baucus, Timothy E. Wirth, J.R. Biden, Jr., George Mitchell, Richard H. Bryan, Bob Kerrey, J. Lieberman, Pat Leahy, Brock Adams, Daniel K. Inouye, Bill Bradley, John F. Kerry, Frank R. Lautenberg.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now go into morning business and Senators be permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GLOBAL PROTECTION ACT

Mr. KERREY. Mr. President, I am pleased to join Senator GORE and others as an original cosponsor of the Global Protection Act. This legislation is a critical step for protecting both our environment and our economy. The bill requires the administration to take action to stabilize carbon dioxide emissions at 1990 levels by the year 2000. This would put the United States in line with the other major industrialized countries. It is important that we announce our willingness to be a world leader and adopt a sensible and economically balanced strategy.

We have heard increasing evidence about the growing levels of carbon dioxide in the Earth's atmosphere and the potential impact that these heightened CO_2 levels could have on the Earth's climate. The potential environmental costs are tremendous.

We also need to focus on the potential economic impact of the United

States ignoring global environmental issues. There is ample evidence that other countries are investing heavily in a new generation of technologies to reduce energy consumption, pollution and reduce CO_2 emissions. The United States is currently the world leader in the production of environmentally sound technologies. We risk that leadership and jeopardize future economic growth and job creation if we fail to invest wisely and commit ourselves to stabilizing CO_2 emissions.

Most importantly, recent studies, including one by the Office of Technology Assessment, confirm that we can achieve the goal outlined in this legislation through voluntary measures without hurting our economy. The passage of the Clean Air Act and the National Energy Security Act were two important steps in reducing pollution and reducing emissions, but we need to outline a national strategy to achieve the goal of stabilizing CO_2 emissions by the year 2000.

In the coming year we should engage in a debate about the most innovative policy options to reduce our energy consumption—we currently expend about 10 percent of GNP on energy compared to about 5 percent in Japan—and CO_2 emissions. We need to explore a broad range of incentives and market-based solutions to ensure that we are achieving these important environmental goals in an economically efficient manner.

This legislation sends an important signal to the world community about America's commitment to world leadership. I urge the President to exercise leadership and offer an innovative and far-reaching proposal for the Rio Conference in July. Time is running short.

SALUTE TO GEORGE MURPHY

Mr. DOLE. Mr. President, I am one of the Members of this body who had the distinct privilege of serving with Senator George Murphy of California, who passed away on Sunday.

During his 6 years in the U.S. Senate, Senator Murphy earned the friendship and respect of all those who served with him. He was—in every sense of a word you don't hear much these days—a true gentleman. He never let the rough-and-tumble world of politics take precedence over simple human decency and courtesy.

And, in the unassuming manner which made him so popular to a generation of American theater and movie audiences, Senator Murphy got things done for California.

He was an effective advocate for a strong national defense, and he led the search for solutions to the problems that faced California's migrant farm laborers and the agriculture community.

We can also thank Senator Murphy for the fact that those in the gallery can hear what we are saying on the floor.

In his last years in the Senate, Senator Murphy courageously battled throat cancer. Surgery left him with a very quiet voice. At that time there was no sound system here on the floor, so Senator Murphy took matters into his own hands, and brought a portable system with him when he was to speak. It wasn't long after that when the Senate installed its own system.

I know all Members of the Senate join with me in extending our condolences to Senator Murphy's widow, Betty, and to his children, Dennis Murphy and Melissa Brown.

ORDERS FOR FRIDAY, MAY 8, AND TUESDAY, MAY 12, 1992

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, May 8; that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m., Tuesday, May 12; that on Tuesday, following the prayer, the Journal of proceedings be deemed approved to date, and following the time for the two leaders there be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator PRYOR recognized for up to 30 minutes; that at 10 a.m., the Senate resume consideration of the motion to invoke cloture on S. 250, the motor-voter bill; that the time from 10 a.m. to 12:30 p.m. and from 2:15 p.m. to 4 p.m. be equally divided and controlled between Senators HOLLINGS and KASTEN or their designees; further, that on Tuesday the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the regular party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business today, I ask unanimous consent the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:14 p.m., recessed until Friday, May 8, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1992:

DEPARTMENT OF STATE

DAVID C. FIELDS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

WILLIAM HENRY GERALD FITZGERALD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

PRINCETON NATHAN LYMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

WILLIAM THORNTON PRYCE, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

TERESITA CURRIE SCHAFFER, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO THE REPUBLIC OF MALDIVES.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7, 1992:

SMALL BUSINESS ADMINISTRATION

THOMAS P. KERESTER, OF VIRGINIA, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

DEPARTMENT OF STATE

ROMAN POPADIUK, OF NEW YORK, A CAREER MEMBER OF THE FOREIGN SERVICE, CLASS ONE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

SIGMUND A. ROGICH, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ANNE H. AARNES, AND ENDING DANIEL RICHARD RUSSEL. (SEE EXECUTIVE JOURNAL PROCEEDINGS OF APRIL 28, 1992, FOR COMPLETE LIST.)

EXTENSIONS OF REMARKS

BACK TO THE FUTURE—ON A BOAT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. VANDER JAGT. Mr. Speaker, when Michael J. Fox slips "Back to the Future" in the movies, he does it in a sleek DeLorean—a sort of self-fulfilling flight of fancy.

When the S.S. *Badger* slips its moorings in Ludington, MI, on May 15, and steams toward its destination at Manitowoc, WI, it will do so in a unique marriage of the past and the future—of experience and imagination—beyond the vision of even the eccentric Prof. Emmett Brown.

But it fulfills a vision clear in the wide-eyed wonder of a young Charles Conrad, who learned to love the steam-powered vessels which ferried trains and cars, and people, from the shores of western Michigan to ports in Wisconsin.

A love of the cross-lake ferry was born in the heart of Charles Conrad, and it was never lost. When the ferry service was discontinued after a loss of commercial and passenger interest in November 1990, and its owners subsequently filed for bankruptcy, there was little question in Charles Conrad's heart as to his intentions. The ferry would not be lost for lack of a suitor.

The courtship—an apt word for a process that involved not a few trips to courtrooms—was not without its stormy moments. But the wonder of a little boy, merged with the vision and vitality of a retired businessman, finally won the hand of the widowed lady.

But setting up housekeeping has been nothing if not a witness to the fact that some ladies can be very demanding on the family budget—especially when the heart of the lady is a steam boiler, and her closet is full of old clothes.

With a singlemindedness born of a faith in his memory, and in the promise of his vision, Charles Conrad has persevered—and, given new life and a fresh wardrobe, the lady will be presented to her public, to sail the sea and generate new loves and new visions.

Of course, the resumption of Lake Michigan Carferry Service will do more than offer a new chance for the love of the sea. It will provide badly needed jobs and economic stimulation to people and ports on both sides of the lake—most notably to Ludington, the service's homeport. And the rededication to this vision which takes place on May 15 is also a statement of the future—and an additional look to the past, as Charles Conrad and his Lake Michigan Carferry Service seek to refurbish two other fine ladies, the *City of Midland* and the *Spartan,* to provide backup and to inaugurate cross-lake commercial, offpeak, operations. We are proud of Charles Conrad, the city of Ludington, Mason County and the countless others who are contributing to revitalizing not only this vibrant slice of Lake Michigan's past, but also the future economic and commercial environment of the area.

I know that my colleagues will join me in congratulating the Lake Michigan Carferry Service on the occasion of this resumption of a grand tradition—truly a ride back, and to the future. I offer, for a glimpse of the past, and the future, two articles on the carferry service, one from the Ludington Daily News, the other from the Muskegon Chronicle:

[From the Ludington (MI) Daily News, Dec. 18, 1991]

NEW PURCHASE AGREEMENT REACHED ON CARFERRIES

(By Paul S. Peterson)

Lake Michigan Carferry Service, Inc., announced this morning that it has reached agreement with the bankruptcy trustee on the terms and conditions for purchasing the carferries and dock property.

The announcement was made during a joint breakfast meeting of the Scottville and Ludington chambers of commerce held at Gibbs Country House Restaurant.

Donald Clingan, vice president for marketing for the carferry company, outlined the new agreement, which does away with the one made between Charles Conrad and Michigan-Wisconsin Transportation Co. back in July.

Under terms approved by the bankruptcy trustee, Conrad's company can purchase the carferries for $500,000, payable by cash and a promissory note, and the land for an additional $375,000, making a total price of $875,000.

The land is the 13 acres that Glen Bowden bought from the Chesapeake & Ohio Railway Co.

The trustee stipulated that the carferries and land must be purchased as a single entity, meaning no one would be permitted to buy one or the other.

The trustee set a 30-day time limit to allow for anyone to bid on the carferries and property. Deadline for bids is Jan. 17. The trustee will then consider all bids at a hearing on Feb. 18.

"We are confident that the court will approve our proposal and that it will be final on that day, or a few days therafter," Clingan said.

Clingan said the company's attorney feels the trustee "has been reasonable but extremely firm in these negotiations."

"The new agreement is structured differently than the original one," said James Anderson, executive vice president.

So far, Conrad has spent more than $300,000 in refurbishing and improving the carferries and the operation, Clingan said.

"Before we sell ticket No. 1, Charles Conrad will have invested more than a million dollars," Clingan said.

"This is a very important day for us," Clingan said. "It is a milestone. This purchase agreement provides us with the incentive to continue the renovations of the Badger, hire quality people and implement our marketing plan."

Anderson said that Lake Michigan Carferry Service will be "working with a lot of old employees" as well as new ones. It is estimated that between 70 and 100 jobs will be created.

Ludington Mayor Jack R. Scott said, "This is a happy moment for me. I go back in history a bit to the time when the City of Ludington was negotiating with our esteemed state senator and we couldn't reach agreement. Fortunately for the area, Charles Conrad came along and put his financial support into the operation. I want everyone to know that Ludington solidly supports the new carferry operation and will do whatever it can to help."

Under previous owners, Michigan-Wisconsin Transportation, the carferries last ran over 13 months ago.

CARFERRY SERVICE FILLS MORE KEY POSITIONS

Lake Michigan Carferry Service, Inc., is beginning to fill key personnel positions as it heads toward its May 15 inauguration date.

Don Clingan, vice president for marketing, introduced members of the carferry company's staff, including Captain Bruce Masse, who will be head captain, and Chief Engineer Steve Morong.

Joining the staff is Thom Hawley, who has been named manager of onshore operations, focusing on passenger accommodations. Others introduced were Paul Piper, accountant and controller, Skip McCumber, who will be in charge of tour development and on-board cruise director, Carol Thompson, superintendent of the marine shop, Roger Liebetreu and Robert Nash, both of the marine shop.

Clingan said the company is moving forward with marketing plans that will include such on-board amenities as numerous gift shops, a historical display of maritime history, particularly as it pertains to the carferries, an improved food service, possibly a passenger elevator and, if equipment permits, a video system that will allow passengers to learn about what is available to them in Mason County and Manitowoc.

"Our marketing studies show that we will serve a seven-state area containing more than 50 million people," Clingan said. "Our immediate goal is to attract 80,000 passengers in 1992, and have it grow from that point."

Clingan said a weekend-long—May 15–17—cruise operation will kick off the sailing season. Regularly scheduled sailings will begin May 18 with one trip a day. Beginning June 25, however, there will be two round trips daily. The season will end Sept. 15.

"We have done extensive refurbishing of the Badger," Clingan said. Included are the repainting of the staterooms and a complete overhaul of the passenger lounge.

"We paved over the cardeck with 325 tons of asphalt, no small amount," he said. That weight is considerably less than if the Badger were carrying 32 loaded railroad freight cars.

Clingan said it is the company's hope to have a maritime festival in May to help inaugurate the resumption of cross-lake service.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[From the Muskegon Chronicle, Apr. 26, 1992]

CROSS-LAKE SERVICE TO GET A NEW LIFE

(By Terry Judd)

LUDINGTON—As he dodges sparks from welders working against the clock to renovate the S.S. Badger, Holland businessman Charles Conrad harkens back to his youth, when he used to explore Ludington's car ferries stem to stern.

His father, James Burt Conrad, worked 35 years for the rail company operating ferries in Ludington. Young Charles Conrad often had free reign of the ships as they crossed Lake Michigan.

He also worked with "the bilge gang," cleaning out water from the ships and greasing hull interiors to prevent rust. He later was a purser.

"I was all over those ships—in the engine room, the pilot house," Conrad said. "Those ferries were a big part of my childhood."

Now, at age 74, Conrad again is spending much of his time walking through cross-lake ferries—this time the 40-year-old Badger, which he now owns along with the ships Spartan and City of Midland. When service to Manitowoc, Wis., is inaugurated May 18 out of Ludington, the Badger will be the only steam car ferry on the Great Lakes.

"This is a new rebirth for car-ferry service, with a new mission to serve people, to serve industry and to serve trucking," Conrad said.

"We will have the best service, the best equipment and the best results for the economy and employment."

Even as crews complete extensive renovations in three short weeks, officials with Conrad's Lake Michigan Carferry Service are actively promoting the schedule, which calls for two round trips each day between Ludington and Manitowoc during the peak season.

The service also will offer one daily roundtrip in the early and later part of the sailing season.

The Badger can accommodate more than 500 passengers and 120 automobiles or 40 commercial buses. Campers, trailers and other recreational vehicles also can be placed on board. The 60-mile trip takes four hours.

To lure passengers, the Badger is being totally refurbished to make it more like a cruise ship than a ferry for hauling railroad cars, as it originally was designed.

The cavernlike lower level, once used primarily for railroad cars, has been paved to accommodate automobiles, buses and trucks. New stairways have been added from the car area up to the ship's lower passenger deck. On this level, a former passenger lounge is being converted into a casual dining area by being expanded toward the rear wheelhouse.

On the same level, 16 staterooms have been replaced by shops, a maritime museum, a television room and a video-game room. In addition, the 44 staterooms remaining have been upgraded. Wheelchair lifts are being added.

On the next level, the upper deck, interior space is being increased. The former dining room is being upgraded to a more formal dining area and is being enlarged by enclosing a former open stern deck, once used for automobiles.

Much of the interior of the 410-foot-long vessel is being painted and carpeted in whites, teals and grays. Even the pilot house has been decked in carpeting—a touch, Capt. Bruce Massie notes, that will make it easier on his feet.

In all, Conrad is pouring $1.2 million into the Badger to shift the image of the car ferry from that of a railroad-car hauler to a service catering to people. The Badger no longer is carrying railroad cars, although Conrad hopes to attract truckers with service during non-peak times.

"What we are going to do this season is offer a coast-to-coast family cruise in four hours," Conrad said. "This will be the best summer operation this ship or port has ever seen."

For Ludington, Conrad's efforts continue a tradition of cross-lake ferry service that began in 1875 when the Flint & Pere Marquette Railway initiated service from Ludington to Sheboygan, Wis. The service expanded and prospered by the turn of the century.

In 1940, the City of Midland was built as the first railroad car ferry to have passenger accommodations on two decks.

Seven years later, the Pere Marquette Railway was acquired by the Chesapeake & Ohio Railroad. By 1952, the Spartan and the Badger were added to the fleet as the largest car ferries ever built, costing $5 million each. The ships were promoted as "The Golden Link" in rail traffic.

But with the advent of diesel locomotives and an expanding interstate highway system, there was less need for rail and passenger traffic. By 1980, Chesapeake & Ohio abandoned service to Milwaukee; two years later, service to Manitowoc ended.

In 1983, the railroad sold the operation to Glen Bowden and George Towns, who formed the Michigan-Wisconsin Transportation Co. Reduced ferry service operated for eight years before the company halted operations and filed for Chapter 11 bankruptcy protection in 1991.

By July, Conrad had negotiated to buy the three vessels and resume cross-lake service by 1992. However, his plans were delayed until Feb. 18, when the U.S. Bankruptcy Court in Grand Rapids approved the sale.

Conrad said his involvement with the car ferries stemmed from his membership on the Ludington Mass Transit Authority, which briefly considered lending state transportation funds to keep the ships running.

When that proposal fell apart, Conrad stepped in.

His effort to revive the ferry has received strong support from Ludington and Manitowoc. Both cities are actively promoting the service through the Mason County Economic Development Alliance and the Lakeshore Development & Visitors Bureau in Manitowoc.

Both states estimate that the cross-lake ferry operation could pump $13 million into Wisconsin and $14 million into Michigan, provided it carries 80,000 passengers this summer. Conrad said 80,000 passengers is a conservative goal, and the operation should not have a problem breaking even.

"We expect to be in the black because this is a very good economic operation," he said. "We have good management and the best crew we could assemble."

Don Clingan, vice president of marketing for Lake Michigan Carferry Service, said he receives hundreds of inquiries a day about the service, and families already are booking reservations.

The cross-lake ferry is just the latest twist in Conrad's successful career, which started with the car ferries in the 1920s. He eventually moved from Ludington in 1937 to work in refrigeration service for a Grand Rapids company.

Four years later, he move to Holland to continue his work in refrigeration before joining Kildhold Manufacturing Co. in Lansing. While there, he learned how to design and manufacture environmental-simulation chambers, used to test aviation equipment.

After the war, Conrad started his own air-conditioning and refrigeration business in Holland, then formed Conrad Inc. to build test chambers for precision aviation parts.

His interest led to the development of a freezer capable of reaching a then unprecedented 250 degrees below zero.

In the early 1960s, he founded Termotron Industries in Holland to build advanced test chambers used with the nation's space program. He sold Thermotron in 1980 and at one time owned four Ludington-area resorts.

"I feel good about what I'm doing here," he said.

I have no trouble sleeping at night because we are going to be successful here."

ROCCO MAGNOTTA HONORED BY WHITE PLAINS CHAPTER OF NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I am pleased to rise in honor of Rocco Magnotta, who is being honored as Man of the Year by White Plains Chapter No. 1758 of the National Association of Retired Federal Employees. Rocco Magnotta enjoys a special place in the hearts of many in White Plains, and I know they join me in paying tribute to his many contributions to the community.

Rocco Magnotta has lived and served in White Plains his entire life. He worked as an audit clerk for the White Plains City Welfare Department and was director of Retired Letter Carriers. He was the driving force behind the organizing of the White Plains chapter of the National Association of Retired Federal Employees, serving as president, treasurer, legislative chairman, and chief adviser on administrative duties.

Rocco Magnotta has used his energy and talents on behalf of many worthy organizations. He was original organizer of a campaign against cerebral palsy that raised $110,000. He was also original founder of a national campaign to raise funds and awareness of muscular dystrophy. Rocco Magnotta has also brought his commitment to the Sons of Italy, Knights of Columbus, and the Loyal Order of Moose.

Mr. Speaker, I am proud to recognize Rocco Magnotta as Man of the Year. I know that all of White Plains and the many organizations he is a part of have benefited from his good will and dedication. He has indeed touched many, and I know that my colleagues join me in wishing him the best in the years to come.

IN SUPPORT OF THE INTRODUCTION OF THE CASA MALPAIS NATIONAL HISTORIC LANDMARK BILL

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. KOLBE. Mr. Speaker, I am pleased to introduce today legislation to authorize the Interior Department to provide assistance to the Casa Malpais historic landmark in Springerville, AZ.

The Casa Malpais National Historic Landmark is a 14.5-acre archaeological site located near the towns of Springerville and Eager in northeastern Arizona. The site was occupied around A.D. by one of the largest and most sophisticated Mogollon communities in the United States.

Casa Malpais is an extraordinarily rich archaeological site. A large masonry pueblo including stairways, Great Kiva complex, fortification wall, prehistoric trail, catacombs, sacred chambers, and rock panels are just some of the features of this site. Due to its size, condition, and complexity, the site offers an unparalleled opportunity to study ancient society in the southwest and, as such, is of national significance.

This legislation would establish the Casa Malpais National Historic Landmark as an affiliated unit of the National Park Service. Affiliated status would authorize the resources and protection necessary to preserve this treasure. As a member of the family of affiliated national landmarks, the public would also have greater exposure to the Casa Malpais site.

The local communities support this legislation. The town of Springerville is in the process of obtaining the property from the State of Arizona and it has expended $100,000 to investigate, interpret, and protect the site. Local officials have also taken steps to ensure that all research and development of the site is conducted in consultation with affiliated local native American tribes.

I ask my colleagues to support this measure. It will enhance the landmark's attributes for the enjoyment and education of local communities, the State, and the Nation. By supporting this measure, we can help open this unique window of history through which we can study and learn of our rich heritage.

INTRODUCTION OF THE DEFENSE ECONOMIC ADJUSTMENT CONVERSION AND REINVESTMENT ACT OF 1992

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Ms. OAKAR. Mr. Speaker, I rise today to introduce the Defense Economic Adjustment, Conversion, and Reinvestment Act of 1992, and ask that it be referred to the appropriate committees.

The bill proposes to build upon the framework enacted in 1990 to systematically address the problems of economic transition resulting from current and future reductions in the U.S. defense budget in ways that will maximize the benefits to this economy in both the short term and the long term.

A section-by-section analysis follows my remarks, and I would like to invite all interested Members to cosponsor this worthwhile bill and to work for its enactment:

SUMMARY OF THE LEGISLATION

This 1992 proposal follows the pattern of the 1990 defense conversion bill that was enacted as division D (sections 4001 through 4304) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 510 of the 101st Congress).

The previous bill created a governmental mechanism to deal, at an early stage, with the problems and opportunities presented by the largest military and defense budget retrenchment since World War II. To accomplish this objective, the legislation authorized, for 1991, the modest sum of $200 million—as a down payment—to help communities, workers, and businesses make the transition to more peace-oriented activities.

This 1992 bill is intended to create a long-term, 5-year program, so economic conversion and readjustment can be addressed on a rationale basis. The long term nature of this authorization proposal has further advantages. It not scorable for budget purposes, because it is not an appropriation. It need not violate any element of the 1990 Budget Summit Agreement, because the walls between defense and non-defense expenditures are scheduled under the agreement to be eliminated in 1993, and there would be five years to accomplish the goals of this program.

The level of expenditure recommended by this bill is in accordance with the House version budget resolution for fiscal year 1993 (House Concurrent Resolution 287; House Report 102-450), which allocates the sum of $2.956 to economic conversion purposes (see Economic Conversion Table, pages 232-233). Support for this sum is found in the recommendations for a $3.1 program made to the House Budget Committee by the House majority leader (Mr. Gephardt) on February 10 and 14, 1992, and my own testimony to that committee on February 19th and follow up memorandum of March 2, 1992.

The highlights of the bill are as follows:

Communities: $50 million would be provided to cities and towns through the Economic Development Administration of the Department of Commerce to assist communities to adjust to 120 projected base closings and 107 partial closings and realignments.

Work force: $1 billion would be authorized to help workers, scientists, engineers, and technicians displaced, and threatened with imminent displacement, by the defense build-down. The Congressional Budget Office predicts that 1 million people will be displaced from the defense establishment by 1995, and the Congressional Office of Technology Assessment estimates that the layoffs may reach 2½ million over the next decade.

This program would emphasize reeducation and retraining in areas where job openings already exist (such as machining and tooling, civil and environmental engineering, math and science education, construction) or emerging industries where new positions are being created.

It would utilize innovative techniques pioneered by the private sector, such as the successful "Skills Conversion Program" of the 1970's developed by the National Society of Professional Engineers, the combined Apprenticeship-Community College Degree Program developed by the National Tooling and Machine Association, and the Worker Assistance Center sponsored by the General Electric Company and its unions. It would seek to utilize the resources and skills of the private sector, especially the unions, and would concentrate on reaching affected workers and technicians before they are discharged so that possibilities of a smooth transition to other employment are maximized.

Industry: In recognition of the fact that approximately $87 billion in defense contracts will be canceled or curtailed over the next 5 years, the bill would create a $1 billion industrial transition fund that would be divided in two parts. Half of the fund ($500 million) would underwrite and guarantee loans to assist defense contractors transition to more peace-oriented products, processes, and services for both domestic and international markets. Similar authority exists under the Trade Adjustment Act. These resources are believed to support at least $5 billion in such loans. The other half of the fund would be targeted to a spectrum of infrastructure projects that would directly support economic transition by such companies.

Exports: To take advantage of the unprecedented opportunities unfolding overseas in this decade, the bill contains a $200 million package of supplementary resources for American companies through existing institutions such as the Export-Import Bank, the A.I.D. Program and the International Financial Institutions to provide front-end help in building American exports of projects, products, and services.

Small Business: The balance of the $3 billion would be devoted to substantially supplementing existing Small Business Administration programs of business loans, community development corporation loans, venture capital, and small business innovation grants. Small firms, which are agile at innovating new products and services, are one of society's primary adjustment mechanisms. S.A.B. reports have documented that small business create more than half of all the jobs in our economy, and during recessions, such as now, when large corporations often cut back employment, the percentage of job creating by small firms can reach 80 or 100 percent.

In this area, we are cooperating with Representative LaFalce's Small Business Committee, which has approved an authorization bill this year (H.R. 4111), which could accomplish many of the objectives of this bill in the small business field.

FUNDING CONSIDERATIONS

With the 1990 legislation as a $200 million precedent, this bill would also be funded by dollar-for-dollar reductions in the Defense Department budget, as a direct peace dividend.

The 1992 bill provides explicit authority for the funds authorized this year to be transferred through the Defense Department budget to the appropriate civilian agencies, as in the 1990 statute, along the lines set forth in the Riegle amendment to this year's defense appropriations bill. Such a provision would remove all doubt about congressional intention to have the funds for the Economic Conversion Program deployed and spent, and is needed in answer to the very real roadblocks thrown up by the Bush administration to this program.

REESTABLISHING THE CIVILIAN CHARACTER OF THE ECONOMY

During the cold war, the U.S. military establishment, including the defense industrial base, grew in size and importance relative to the civilian economy. For example, the allocation of Federal research funds, had been maintained at about half for defense and half for civilian purposes for many years. During the 1980s, however, the proportion swung to ⅔ military and ⅓ civilian, and the allocation currently is about 60 percent military and 40 percent civilian. Now that the superpower threat has receeded, it seems to me that the country ought to revert to at least a 50–50 division of these Federal funds, so that pressing civilian R&D needs are addressed. I will soon introduce a congressional resolution to that effect.

Overall, I take a back seat to no Member in advocating an iron strength for U.S. armed forces and the supporting defense industrial base. My four years of work in modernizing the pending Defense Production Act is testimony to my dedication to these goals.

However, we were also warned at the time of the revolutionary war about maintaining large standing armies in time of peace. Forty years ago, President, Eisenhower, also a distinguished former military commander, warned us about the dangers of overemphasizing the military-industrial complex. Now that the Warsaw pact has dissolved, it is my feeling that the previous balance in our economy be restored, and that we avoid the temptation of using the military, in the extreme, as a welfare program. Taking up the tools and programs of economic conversion, adjustment and reinvestment can be the antidote to such temptations, which would be corrosive of our national values and hazardous to our long-term economic health.

There is certainly plenty of room to develop and programs that adapt defense industrial and scientific objectives for dual military and civilian purposes. I have supported such initiatives in the past—for example, last year's Defense Advance Manufacturing Program—and expect to support such efforts in the future. However, I also believe there should be purely civilian-oriented initiatives in any defense conversion program, and that the major thrust of such a program should be to recycle the prime community, personnel, and business assets not currently required by the Defense Department to meet the vital economic needs of the American people.

Such an emphasis also makes clear to the world the traditional American interests in peaceful, democratic, and market-oriented policies elsewhere in the world, and enhances American capabilities to participate in and shape these developments.

SIZE OF THE DEFENSE BUDGET

According to the President's Council of Economic Advisors, defense expenditures in fiscal year 1992 are estimated at $311.5 billion, of which $299.3 will be in the Department of Defense ("Economic Indicators," C.E.A., December 1991, page 33).

Proposals for reducing this sum range from the President's figure of $50 billion ($10 billion per year for 5 years)—to $210 billion ($30 billion per year for 7 years), made by some Members of the Senate.

The cutbacks in personnel, base structure, and defense contracts that I have outlined are certain to have major consequences for communities, workers, and businesses in every corner of this country.

IMPACT OF DEFENSE BUDGET REDUCTIONS MAGNIFIED BY THE RECESSION

These massive reductions are piling atop an economy that is deeply into recession, unemployment, and structural problems in dealing with the new and fierce global competition that is already claiming almost one-third of the U.S. automobile market and virtually 100 percent of some electronics markets.

Since June, 1990, when the current recession began, unemployment has increased by 2.68 million (from 6.56 million in June '90 to 9.24 million in Feb. '92). Long-term unemployment (15 weeks or more) has more than tripled, from 1 million to 3.2 million (see "Economic Indicators," Dec. 1991, page 11 and Feb. 1992, page 11). GM is closing 21 plants and laying off 74,000 people.

HOW ECONOMIC CONVERSION LEGISLATION CAN HELP

But, the bright side of defense reductions is that the resources involved can, if intelligently managed, be shifted to more productive civilian pursuits. The benefits of such economic adjustment, conversion, and/or reinvestment can be huge and measurable because the military properties and facilities, the companies, with their state-of-the-art equipment and expert managements, and the scientific, technical, and highly skilled production personnel constitute some of the richest crown jewels of our economy. With wise policies, these top-of-the-line resources have a powerful potential to preserve and produce jobs.

One concrete example is infrastructure reinvestment. A June 1990 sophisticated study by the American Road and Transportation Builders Association found that an increased investment of $25 billion per year in physical infrastructure would raise labor productivity by one-half percent (a 23% increase) in ten years and would increase corporate profits by $10 billion per year within 5 years and almost $30 billion within 20 years. This potential is beyond the short-term and long-term job creation potential of such investment. Such benefits provide additional support for the infrastructure elements of the bill being introduced today.

Another example, that demonstrates the wide benefits of active programs of Economic Adjustment/Conversion/Reinvestment, is a Defense Department report on 100 bases that were converted to civilian uses over a 25 year period ("Twenty Five Years of Civilian Reuse [1961–1986]"). Employment at these facilities was 48 percent higher than when they were used for military purposes.

Another excellent example is the "Skills Conversion Program," which the National Society of Professional Engineers developed under a $2 million Department of Labor contract in the early 1970s. The society surveyed prospects for job creation for technical personnel across the country in such fields as heavy and light construction, environmental protection, energy, health and medicine, oceanography, security, and criminal justice. After estimating where 54,000 jobs were likely to be created in the next three years, the group designed courses to qualify people for these jobs. The results were that, during the time the program was allowed to operate, virtually all who were enrolled were rehired before the courses were completed.

The National Tooling and Machining Association has created several apprenticeship programs, including one joined to a community college associates degree, that is operating in Rhode Island and Maryland. This combination has proved very effective in training people for existing jobs that are vacant because appropriately trained people cannot now be found.

TRANSITIONAL NATURE OF PROGRAMS

These successes prove that well managed economic adjustment/conversion/reinvestment programs can be workable, temporary, and highly cost-effective. They can ease the transition of facilities, businesses and workers from one productive use to another, and often to a higher level of productivity. This is just what our Nation needs to become more competitive.

RECORD OF CONGRESS ON THESE ISSUES IS COMMENDABLE

Congress can be proud of its record of actually establishing such a program as a part of the defense build-down process. Hearings were held in 1988, 1989, and 1990 in the Subcommittee on Economic Stabilization of the House Banking Committee, which I had the privilege of chairing during those years. The bills offered by such leaders as Representatives Gejdenson, Mavroules, and Weiss were combined with my own proposals and emerged as our comprehensive bill (H.R. 3999).

These proposals were the basis for the legislation enacted into law in 1990 as division D of Public Law 101–510, authorizing $200 million for the economic adjustment process. The Appropriation Committees of Congress immediately funded this effort in full (Public Law 101–511). In 1991, bills were introduced in both the House and the Senate to make defense adjustment a multi-year program (H.R. 2366 [Representative Oakar] and S. 1317 [Senator Pell]).

These efforts set the stage for the 1992 effort in which the chair of the House Armed Services Committee (Representative Aspin) is playing such a prominent part. A commendation, very much in order, is for the House majority leader (Mr. Gephardt) who has exercised leadership in the true sense by his vision, his frequent testimony, his general encouragement, and his active and consistent efforts to promote consensus on legislation in this area.

RECORD OF THE PRESIDENT IS ALMOST NON-EXISTENT

In striking contrast, this administration has done virtually nothing to address the issues of economic transition, which is bad enough this for area of historic opportunity. What is even worse, they have frustrated the efforts undertaken by Congress.

For nearly a year, the administration refused to spend any of the money appropriated in 1990 by Congress. Finally, the Labor Department agreed to take delivery of the $150 million allocated to retraining, but we understand they have actually spent less than $10 million of this amount. The Commerce Department still refuses to use its appropriation of $50 million, even though Senator Riegle's amendment this year explicitly authorized and directed the department to do so.

THE ISSUE OF ECONOMIC JUSTICE

It is sad that a year and a half has gone by since Congress acted in this urgent matter, this do-little administration has done so little to react to the problems.

Unfortunately, the President has not chosen to become involved. If he were, the problems I described with the Cabinet departments could have been resolved with a couple of one-minute telephone calls. I have always thought that was the job we elected the President to do. What should we say about a President who chooses to remain uninvolved with one of the most important economic issues of this decade and, indeed, this generation?

From the time the Iron Curtain descended across Europe to the end of the cold war—a conclusion which promises a better life for all concerned—was a period of over 40 years. A generation of Americans, literally, devoted their efforts to maintaining this Nation's military and industrial strength to provide time for peoples of the world to judge, and reject, the Communist experiment. Are we now going to throw the cold war heroes out in the cold?

CONGRESS SHOULD ENACT THIS PROGRAM

We have a historic opportunity of building on the framework of the 1990 economic adjustment legislation, which provides for using the President's committee to coordinate a systematic attack on transition problems by the already existing departments and agencies of government. This framework already provides for coordination, oversight, and reporting mechanisms. The framework already mobilizes the experience our government has accumulated in economic development matters since the 1930s.

What is being recommended now is that we match the resources to the size and length and difficulty of the defense build-down process, by shifting one percent—a tiny fraction of the defense budget—to these adjustment and reinvestment mechanisms.

Funds invested to help our communities, workers, professionals, industries and businesses will not only alleviate human distress, but it will assist more rapid transitiony to a more productive, more competitive American economy.

The Congress, in its wisdom, will weigh these proposals and many others en route to its final decisions on the legislative program for this year and future years. In my opinion, the Defense Economic Adjustment/Reinvestment Program is among the most promising in terms of multiple and multiplying benefits of pay-back in new jobs, new businesses, new uses for prime resources. In my judgment, this program will generate new revenues that would reduce the net costs of this and other government programs.

Because of this extraordinary promise, I strongly recommend such an economic adjustment program and hope that Congress will continue its enviable record of responsibility in this area by enacting it in appropriate scope and detail.

CONGRATULATIONS TO UNIVERSITY HIGH SCHOOL PIONEERS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EWING. Mr. Speaker, I wish to congratulate the members of the University High School varsity basketball team in Normal, IL, for their commitment and dedication. This year the U-High Pioneers were cochampions of the Corn Belt Conference and runner-up in the class A State tournament. They had 29 wins and only 4 losses.

These young men have worked long and hard, and I know that their friends and families are very proud of them. I am proud of them too. In a time when we hear of so many problems among youngsters in America, the U-High Pioneers are indeed a breath of fresh air.

I wish to congratulate the entire team and commend Pioneer head coach, Cal Hubbard, for his fine leadership.

H.R. 3681—DEMOCRACY DAY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. WYDEN. Mr. Speaker, voter turnout in this Nation is plunging to record lows. In 1990, only 36.4 percent of the eligible population voted—the lowest turnout for an off year election since 1942. According to the Committee for the Study of the American Electorate, voter turnout in the primaries held so far has fallen 11.8 percent from 1988.

With broad, bipartisan support from Members of this body, I have introduced legislation designed to help buck the trend of low voter participation.

H.R. 3681 would make election day every 2 years a legal holiday called Democracy Day. Although it will be a legal holiday, Democracy Day is not a paid, no-work day. You cannot put a price tag on democracy; it is worth far more than a day's pay. Additionally, there is no evidence that Americans want a paid holiday as a precondition to voting.

There is some evidence, however, to suggest that one of the largest barriers to voting is the busy daily schedule of the American people. The demands of home, work and family life often make it extraordinarily difficult to find the time to make it to the polls to vote and get objective information about candidates.

The Oregon chapter of the National Federation of Independent Businesses has responded to this challenge. In observance of Democracy Day, the Oregon chapter of the NFIB is asking its members to give their employees who need it an extra hour or two off to vote. It is a simple action that could have a significant impact for millions of Americans who work for small businesses, if the impressive work of the Oregon NFIB can be duplicated in communities across the country.

This is just one of the initiatives that organizations including the National PTA, the Veterans of Foreign Wars, and the Secretaries of State Association will undertake to make Democracy Day a success.

I hope the Members will consider the following letter endorsing Democracy Day when the legislation comes before this body for a vote:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, May 1, 1992.

Hon. RON WYDEN,
House of Representatives, Washington, DC.

DEAR RON: The ability to vote in free elections in order to change or retain government representation is one of the greatest rights and greatest privileges that any citizen can possess. It is also a responsibility that we too often take for granted. As successful business owners, NFIB members have a deep commitment to keeping America economically and politically strong.

H.R. 3681, legislation introduced by Congressman Ron Wyden, can play a role in encouraging participation in elections and the democratic process to ensure that the rights we possess today are passed on to our children. The right to vote is particularly important to small business owners who have made sacrifices in an attempt to achieve the American dream.

Democracy Day provides a positive avenue to encourage representation that is truly "of the people and by the people." This day promotes greater awareness of voting procedures and encourages activism on the part of every American.

If you are interested in becoming a cosponsor of this legislation or need additional information, please contact Joan McCarter in Congressman Ron Wyden's office at 225-4811.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

THE ASSOCIATION FOR EQUALITY AND EXCELLENCE IN EDUCATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to the Association for Equality and Excellence in Education [AEEE]. For 15 years, AEEE has supported those who work in TRIO and other educational opportunity programs in the New York-New Jersey area. AEEE represents individuals who give of themselves day in and day out providing vital support to disadvantaged students at the post-secondary level. Without a doubt, their energies are making an important difference in the lives of innumerable young people and of our entire Nation.

These professionals, employed in educational opportunity centers, student support services, Talent Research, Upward Bound, and other educational opportunity programs in the New York area, give tirelessly for themselves to ensure access to higher education for disadvantaged youths. Their guidance and direction has been instrumental in influencing in a very positive way the course of many lives.

In times of economic difficulty it is particularly important that our young people be encouraged to pursue opportunities that will enhance their potential for success. AEEE is there to provide that support. Through services such as educational and financial aid counseling, tutoring, cultural activities, and career counseling, TRIO programs reach out and pull up low-income youth. As we face new challenges in the global marketplace, our Nation's competitiveness will increasingly depend on our ability to train and educate our youth. Statistics show that our low-income youth represent an important, largely untapped resource that hold the potential for making an enormous contribution to our national productivity. AEEE professionals are critical to tapping that resource to benefit all of us.

AEEE provides important support through development workshops, conferences, student scholarships, and advocacy for TRIO programs. This work can indeed make a critical difference in the lives of those served by these programs. It has been my privilege in the Congress to be able to work to ensure that, in a time of severe budgetary constraints, the TRIO programs are able to continue operating. I commit to you that I will continue to work for that critical funding and to remove the budget firewalls which are preventing the redirection of funds from the defense budget to important domestic priorities such as the TRIO program. Thousands of students have benefited from the commitment and expertise of these professionals, and I know that they join me in honoring AEEE and its important work. I am proud to salute AEEE and I look forward to continuing to work together to enhance educational excellence and opportunity.

HATS OFF TO PEORIA, IL, BARBER, BOB SECRETAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues one of my constituents Bob Secretan.

Bob is an 88-year-old barber at Bob's Barbershop. Bob, at one time, had a disease called Paget's and now has arthritis, but don't think this affects his ability to cut hair. As Bob says, his legs are not so strong any more but his legs do not cut hair.

He graduated from barber college in Peoria in 1931 and says he'll probably be a barber 40 to 50 more years. I say more power to him.

At this time I would like to insert into the RECORD an article by Jo Ann Newberg from the Peoria Journal Star, "Barber, 88: I'm Still Standing."

BARBER, 88: I'M STILL STANDING

(By Jo Ann Newberg)

WASHINGTON.—Bob Secretan, 88-year-old proprietor of Bob's Barbershop, 118 N. Main St., says his legs aren't so good any more.

"But then I don't cut hair with my legs," he says with a grin. "I should have a stool. I could get around better. I can stand behind the chair, but I have to have a cane to walk. I had Paget's disease, and now I have arthritis."

When he was treated for Paget's, a bone disorder characterized by enlargement and bowing of limbs, doctors said he had the worst case they had ever seen, according to Secretan.

"They worked with my blood and now I'm cured of that, but I got arthritis so bad I could've cried," he said.

Standing behind his barber chair, he demonstrates how he props his arms on the back of the chair for support when cutting hair.

"I graduated from barber college in Peoria in 1931," he says. "We cut hair there for 40 or 50 cents. I took my state board three times at the old Jefferson Hotel."

Secretan couldn't find work as a barber during the Depression, so he moved to Elgin to work in a watch factory, and barbered on the side. He got laid off in 1938 and returned to central Illinois to look for work.

"In 1938, I started cutting hair in the middle of the block on South Main Street," he said. "There were four grocery stores and two drug stores then. They're all gone now."

But Secretan's memories aren't gone.

He talks non-stop about the two shops he almost bought for around $300, until they were sold right from under him; about renting a shop for $25 a month that had gallon jugs of tonic in the back room, all partly emptied by a previous barber with a drinking problem.

He recalls the fire that burned him out when he had only $375 in insurance. He remembers paying for the first garbage hauling and helping purchase the first Christmas lights on Washington Square. The garbage collector had nine children, and old Dr. Monroe delivered all of them without charge.

"When you went to see the doctor, he would say just leave a dollar or two on your way out. He would give all my kids shots for $2. I would cut his kid's hair after school."

There was Charlie, who helped build his house and sat on his wife's tombstone every day after she died. One fellow wanted his long hair shaved up both sides and the rest left alone. He never came back.

There was the old guy who would look in his window and see two or three customers waiting on a bench. The man would run across the street to the shop of Spike the barber and tell him, "He's got three more of your customers." And Spike would answer, "I'll have to shoot him yet."

With a twinkle in his eye, Secretan says, "I'll probably be a barber another 40 or 50 years."

He quickly amends that statement. "If I'm still on my feet by Labor Day, I'll see what to do. My wife wanted me to retire four years ago."

He and his wife, Estrel, have a son, Terry Lee, a daughter, Debra Young, and three grandchildren.

"We even had a great-granddaughter. She goes all the time," Secretan says. "My son was named after Terry in the cartoon, 'Terry and the Pirates.' He lives in Washington."

The interview over, Secretan climbs back into his barber chair and resumes reading U.S. News and World Report. "You know hair styles have changed. President Bush started out with a tapered neck and now he's had his neck cut round."

CONTROLLING THE CABLE MONOPOLY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. STARK. Mr. Speaker, my constituents are frustrated about cable television—and rightly so. Nearly 500 have signed petitions recently asking for Congress, the FCC, and local governments to work together to allow new, effective competition or to allow for local reregulation. I agree with them.

The Daily Review of Hayward, CA, in my congressional district recently editorialized on the matter. I recommend it for my colleagues:

CONTROLLING THE CABLE MONOPOLY

Legislation to rein in soaring cable television rates cleared a key House committee last week, giving consumers hope that they might one day obtain relief from rapacious cable companies.

The bill left the House telecommunications subcommittee on a 17–7 vote and is expected to easily win approval in the full House Energy and Commerce Committee in May. Both opponents and proponents of the bill considered the sub-committee the key battleground.

The bill won approval after a weaker version endorsed by the cable industry and the Bush administration was defeated.

The Senate passed a similar bill in January.

The bills require the Federal Communications Commission to establish a formula to fix cable rates that companies can charge for basic service.

There's no question that the cable monopoly must be controlled. Since 1986, when cable was de-regulated, rates have risen at three times the rates of inflation.

Consumers in many areas, such as the San Ramon and Livermore valleys, cannot receive most television reception without cable. Many subdivisions were wired for cable when they were built and contain deed restrictions that forbid visible antennae. Rabbit ears just don't work.

The House needs to push the bill through and work out a suitable bill with the Senate version in the conference committee.

The president doesn't like the bill but, with an election looming in November, Bush could be hard-pressed to ignore the voting cable customers in favor of the companies that enjoy monopolies. We'd like to see the president have to make that decision.

Congress should give him the opportunity. Then we hope consumers can get some fair relief.

IN LOVING MEMORY OF SABRIYA IHSAN BAKEWELL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DYMALLY. Mr. Speaker, on Saturday, May 2, 1992, I joined hundreds of friends and family members of Mr. and Mrs. Danny Bakewell at St. Elizabeth Catholic Church, Altadena, CA, presided by His Excellency Bishop Carl A. Fisher, Auxiliary Bishop of Los Angeles and Rev. Father Alfred Dean to celebrate the passing of their daughter Sabriya Ihsan Bakewell.

I enter into the RECORD her obituary:

SABRIYA IHSAN BAKEWELL

OBITUARY

Born on March 13, 1975 to Danny and Aline Bakewell, Sabriya Bakewell was the special gift from God, blessing the lives of all who knew her. She was the youngest of three Bakewell children bringing joy, laughter and a free spirited feeling of love to her siblings, parents, relatives and friends. As she grew she began to demonstrate personality characteristics that reflected the essence of her loving parents coupled with her own unique ability to bring a ray of light and happiness to almost any situation.

Like her father, Sabriya was both energetic and athletic. A high school junior at Alverno School in Pasadena, she was a starting member of their varsity volleyball team and a spirited leader. She also possessed a strong sense of herself as a young African American woman with a deep feeling of pride for her heritage. Because she loved herself and who she was, Sabriya was able to love and respect all people, no matter what their ethnic background. She respected and understood the strength and beauty of ethnic diversity. The love and fun she shared with her friends reflected that essence. She was like a goodwill ambassador with a list of friends as diverse in make-up as the United Nations.

Her best friend was her mother who recalls her daughter as being one who was "slow to anger and easy to forgive." Never judgmental, Sabriya was always willing to walk that extra mile, giving people space and freedom to be themselves and treating them the way she wanted to be treated. Her genuine warmth and concern for the well being of people prompted Sabriya to desire to follow in her mother's professional footsteps and someday become an attorney.

She was also an extremely fun loving and creative person who loved to dance and play sports, and was always the life of the party. Yet, she used her quiet time wisely to find her inner peace by writing poetry and listening to good music, especially her favorite song, "Beauty and the Beast". But the lesson of her life that we can all learn from was her eternally optimistic presence in troubling times. Her father says, when things were tough or when she had a problem she always took the high road. If there was a 90 percent bad situation, Sabriya would convince you that a 10 percent good was all you needed to pull you through.

Her name was Sabriya Ihsan, Arabic for "patient, performer of good deeds." With her passing on Tuesday, April 28, 1992, the good deeds she gave to us all will be cherished and dearly missed. All those whose lives she touched would confirm, with a smile, that Sabriya Ihsan Bakewell indeed lived out the true meaning of her name. Sabriya is the happiest and kindest person we ever knew.

Sabriya is survived by her parents Danny and Aline Bakewell, her brother Danny, Jr., her sister Brandi Bakewell, grandparents Curtis and Orita Moret, and Marybell Brazile Bakewell and Edward Trepagnier, great uncles and aunts Earl Bakewell, Edward Brazile, Delores Brazile Lewis, Vera Paul, George and Marion Poche, Genieve and Earnest Bastian and Melba Adams, aunts and uncles Pamela Bakewell and Hesham Swify, Joni and Nathan Folse, Curtis and Terese Moret, Jr., Allen and Lauren Moret, cousins Donny, Jamie and Brandon Ihsan Brooks, Fatima Sabriya and Amira Swify, Pamela Mitchell, Megan, Ravan and Ryan Moret, Allison and Nicholas Moret, Melissa and Nathan Folse, Jr., Eric and Paula Brazile, Eric, Jr. and Lauren Brazile, Lawrence Carter, Vernell Bakewell, Calvin and Renaud Poche, Linde Decuir, Rosalind Jones, Hubank, Otto, GiGi, Luke and Lisa Bastian, Rochelle Dominguez, Beatrice Jones, Charles Adams and Susan Thibodeaux, special family Brenda Marsh Mitchell and family, Noel and Karen Foucher.

Our deep sympathy to the Bakewell family. May God bless them, and may Sabriya rest in peace.

NEW YORK CITY COP OF THE MONTH

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to honor some of the police officers of New York City who have demonstrated exceptional service during the past year. These dedicated individuals have patrolled the streets and watched over our safety every day.

I respectfully salute these heroes from the 9th Precinct New York City Police Department, who in the past year were recognized by being named "Cop of the Month":

July 1991: P.O. Lawrance Shaddin and P.O. Thomas Doyle.

August 1991: P.O. Edwin Murphy and P.O. John Guilford.

September 1991: P.O. Reynaldo Serpa.

October 1991: Sgt. Michael Ahearn and P.O Peter Mulroy.

November 1991: P.O. Ronald Moore.

December 1991: P.O. Sam Miller.

January 1992: P.O. Scott Watson.

February 1992: P.O. Robert Licari, P.O. Scott Maher, P.O. John McCormick, P.O. Jeffery Daluise, P.O. Howard Roberts, and P.O. Anthony Cassillo.

I am pleased to announce that each of these outstanding individuals will receive a certificate of special congressional recognition.

I should also like to recognize auxiliary police officers Harry Medina and Nelson Sepulvada for receiving special awards from the 9th Precinct New York City Auxiliary Police Department. These individuals will receive a Certificate of Appreciation.

I send my regards to Capt. Thomas Foley and the bag pipers of the New York City Housing Authority Police Department for their work in parades and other public displays. Their efforts have brightened the day of many people.

I join my colleagues in thanking all of these honorees for their dedication to law enforcement.

CONGRATULATIONS TO CRESCENT-IROQUOIS GOLDEN GIRLS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EWING. Mr. Speaker, I wish to congratulate the 1991–92 Crescent-Iroquois Community High School varsity girl's basketball team for their extraordinary achievements.

Crescent-Iroquois is a very small high school of less than 100 students but their Golden Girls, as they are known, proved to be one of the very best teams in our State of Illinois. Last season the Golden Girls won fourth place in the Girl's Class A State Tournament and were the Iroquois Conference Champions.

These young women have worked long and hard to rise to the top, and I commend each and every one of them for their determination and their dedication to excellence. In a time when we hear of so many problems facing young Americans, the Golden Girls are indeed a breath of fresh air.

I am very proud of the Crescent-Iroquois Golden Girls and wish to commend each of them individually: Kim Bohlmann; Mandi Yates; Katie Brown; Melissa Yates; Gretchen Brazel; Marlene Garrett; Sarah Erwin; Lisa Garrett; Kristine Freeman; Tiffany Salmon; Monica Yates; Faith Munsterman; Julie Storm; Shannon Hunt, and Suzanne Gocken. Congratulations also go to coach Hanna Meyer, manager Laura Morrical, Minday Peterson, Scott Davies, and Jackie Lowe.

PEASE LAUDS PROVISIONS IN ROSTENKOWSKI TRADE BILL

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PEASE. Mr. Speaker, I would like to commend Chairman ROSTENKOWSKI for the introduction today of an important new trade bill and express my gratitude for his inclusion of provisions from H.R. 3272. This is a measure which I introduced during the first session of the 102d Congress because of the need I and many others identified for adjustment and fine-tuning of U.S. trade laws on antidumping and countervailing duties.

I would also like to underscore the importance of the language in Mr. ROSTENKOWSKI's bill regarding the dumping and countervailing duty codes being negotiated in the Uruguay round. It is certainly the sense of this Member of Congress that the United States should not agree to any international dumping and subsidies rules that would undermine our own statutes in this area or interfere with our ability to fully enforce such domestic codes.

TRIBUTE TO ARTHUR J. HEDGE, JR.

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is my great pleasure to rise to honor Arthur J. Hedge, Jr., chairman of the board of directors of White Plains Hospital Center. I know that I join many others in paying tribute to this special man who has served as chairman of the board since 1987. In that capacity, he has brought his unique qualities to bear on the character and scope of that important medical institution.

White Plains Hospital Center serves a critical role in the life and well-being of Westchester County. We are indebted to Art Hedge for his years of service to the hospital and the community which relies on its services. Through his leadership, the White Plains Hospital Center has enhanced its position in the community. Art Hedge has consistently worked to improve the hospital's service to its patients. In doing so, he has made new technology and procedures available to White Plains community. His unflagging work to respond effectively to the health care needs of those served by the hospital has been an important contribution at a time when we are struggling to meet the critical health care needs of our Nation.

Art Hedge has also used his abilities to serve Westchester more broadly. He is vice president of the board of the Westchester County Association, chairman of the board of the American Festival Theater, and a member of the board of the Council of the Arts in Westchester and the Connecticut Business and Industry Association.

Mr. Speaker, Art Hedge has brought his talent and commitment to many worthy organizations in Westchester and, in the process, has left an indelible mark on the life of our county. I know my colleagues join me in honoring him for his tremendous contributions to the White Plains Hospital Center and his tireless service to the community.

MADISON'S REVENGE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PICKLE. Mr. Speaker, today, May 7, 1992, is a very historic day for our Nation. Earlier this day, the Legislature of the State of Michigan became the 38th, and therefore determinative, State to ratify the Congressional Compensation Amendment of 1789 to the U.S. Constitution. This is the constitutional amendment written by James Madison in 1789 and which was intended to have been a part of the original Bill of Rights. The constitutional amendment reads specifically: "Article the second * * * No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." Simply stated, this means that the 102d Congress cannot raise the salary for its own Members—but, rather, may decide the level of compensation for the 103d Congress and so forth. The Texas Legislature became the 32d State to approve the amendment on May 25, 1989. My constituent Gregory D. Watson of Austin, TX, has been contacting State legislators around the country since 1982 seeking ratification of this 202-year-old measure, efforts which have yielded the ultimate dividend today.

Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD an article which appears in today's issue of the Austin American-Statesman, a newspaper in Texas' 10th Congressional District and ask that it appear at the conclusion of my remarks.

[From the Austin American-Statesman, May 7, 1992]

MADISON'S REVENGE: 202-YEAR-OLD PLAN RISES FROM ITS GRAVE TO HAUNT CONGRESS

WASHINGTON.—It's taken 202 years, but James Madison, the fourth president and one of America's revered founding fathers, is about to make life miserable for Congress.

An amendment he proposed in 1789 to curb Congress' penchant for granting itself mid-term pay raises is likely to be ratified this week by enough states to become part of the Constitution.

If the amendment is ratified, members of Congress would have to stand for re-election before they could collect the raises they vote for themselves.

New Jersey and Michigan are in a race to become the 38th state to ratify the amendment—enough states to put it over the top.

That would mark a personal victory for Gregory Watson, a legislative aide to Texas state Rep. Ric Williamson, D-Weatherford. Watson discovered the long-unratified measure 10 years ago while working on a college paper and has since spearheaded the drive to get the clause enacted.

"He is, of course, ecstatic," Williamson said of Watson. "He's one step away from doing what no one could do for 200 years."

Texas ratified the amendment in 1989, the 32nd state to do so.

Madison's amendment reads, simply: "No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened."

Madison argued that there was "a seeming indecorum" in the power to raise one's own pay.

The very first Congress agreed, sending Madison's amendment to the states on Sept. 25, 1789, along with 11 others.

The other 10 amendments—the Bill of Rights—were ratified in a little more than two years. But Madison's pay-raise prohibition has languished all this time.

Until this week, it was three states short of the needed three-fourths.

But Alabama and Missouri ratified it Tuesday. It passed the Illinois House on Wednesday and that state's Senate will probably vote next week. The amendment also was on today's legislative agenda in New Jersey, and supporters in Michigan were trying to make it the clinching state.

But doubts remain about whether the amendment is so old that it's a legal dead letter—whether ratification, by many states that didn't even exist in Madison's time, will count.

Many believe it will. "Within a week we may have this wrapped up and on its way," said U.S. Rep. John Boehner, R-Ohio, who helped revive the amendment. "It's a hot issue. Anything dealing with reform is hot."

"Enacting the Madison amendment would take away the ultimate congressional perk—the ability of members of Congress to vote themselves a pay raise without first asking their employers, the people who elected them," said U.S. Rep. Dick Zimmer, R-N.J., who tried to get the amendment ratified when he was in his state's legislature.

The fresh drive for ratification became a "class project" for 35 of Congress' 43 freshmen last year.

They tapped into outrage over the Senate's late-night decision to boost its salary to $125,100—the same as House members already were getting.

Soon after that came the House banking scandal and allegations of cocaine dealing and other misdeeds at the House post office. Changing the way Congress handles its business became a front-burner issue.

"I'm sure that the mood in the country helped speed this proposal through those two legislatures," Boehner said after the Alabama and Missouri actions.

Now Boehner, Zimmer and the other freshmen lawmakers are scrambling for constitutional research to support their belief that the amendment is old but not moot.

The U.S. Supreme Court has said previously that it's up to Congress to decide the deadlines for states to ratify constitutional amendments. For example, the Equal Rights Amendment was given a 10-year window of ratification. But no deadline was set for ratification of the pay-raise amendment.

But twice, in 1921 and 1939, the Supreme Court suggested there should be some limit involved. What the current court might do, presuming some challenge to the Madison amendment, is anybody's guess.

The Congressional Research Service examined the question and found good arguments on both sides. It reached this rather obvious conclusion:

"If 38 states ratify this amendment, Congress may be faced with a controversial issue."

The issue would go first to the chief of the National Archives, Don Wilson. He could either delay promulgating the amendment while seeking guidance from Congress, issue a conditional certificate of ratification or issue a final certificate proclaiming the amendment ratified.

Then, if Congress chose to ignore the amendment, the dispute would go to the Supreme Court. Any others, regardless of what Congress might do, also could raise challenges on either side.

Boehner said Wednesday: "If the issue does come here (to Congress), I think it'll be a battle."

PITTSBURGH U.S. COAST GUARD RESERVE UNIT NAMED AMERICA'S MOST OUTSTANDING UNIT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. COYNE. Mr. Speaker, I want to take this opportunity to congratulate the members of the Pittsburgh U.S. Coast Guard Reserve unit for the selection of their unit as America's Most Outstanding Coast Guard Reserve Unit.

At the beginning of this year, the U.S. Coast Reserve unit in Pittsburgh, PA, was honored as the most outstanding Coast Guard Reserve unit in the Nation for fiscal year 1991 by the Reserve Officers' Association. The award was presented at a formal reception held at the Reserve Officers' Association Headquarters, the Minuteman Building, in Washington, DC, by Adm. J. William Kime, Coast Guard Commandant, to Comdr. Jon W. Minor of North Versailles, PA.

The Pittsburgh Coast Guard Reserve unit was selected for this honor in recognition of its outstanding efforts to provide the training and support needed by the modern citizen sailor. The Pittsburgh unit, currently numbering 93 members, has shown its commitment to activities which enhance readiness and performance in support of regular Coast Guard missions. This unit has also exhibited a dedication to public and community oriented activities which make the Coast Guard Reserve an esteemed part of the Pittsburgh community.

Coast Guard Reserve members in Pittsburgh support a large number of regular Coast Guard units in the area, including the Pittsburgh Marine Safety Office, which provides river safety, environmental protection, port security, and regatta support. Other members also work in conjunction with the Coast Guard Cutter Osage in Sewickley, PA, to maintain the lights and markers which serve as aids to navigation on the busy waterways of the Allegheny, Monongahela, and Ohio Rivers. Reserve unit members also support the recruiting efforts of Coast Guard staff in the North Hills of Pittsburgh. In addition, unit members staff the Coast Guard office in Pittsburgh on the weekends.

Specializing in port security, members of the Pittsburgh unit have had many opportunities to put their skills to work on behalf of our country. During the war in the gulf, six members of the Pittsburgh Coast Guard Reserve unit served in Operation Desert Storm, and one member participated in Operation Desert Shield.

The selection of the Pittsburgh Coast Guard Reserve unit as America's most outstanding unit reflects the hard work and professionalism of local unit members. It is worth noting that the Pittsburgh unit was selected for this honor from among 251 Coast Guard Reserve units competing.

Mr. Speaker, I am proud to represent many of the members of the Pittsburgh Coast Guard Reserve unit and I commend them all for their dedication to service.

HARTFORD STUDENTS RALLY AGAINST RODNEY KING CASE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. KENNELLY. Mr. Speaker, on Friday, May 1, I was at my district office in Hartford, CT. From my window I could see a large group of young people coming down Main Street heading for city hall.

I decided to join them and walked with them the rest of the way. I want to put into the Congressional Record what transpired over the next hour.

The students were from Weaver High School in Hartford. That morning they decided it was imperative for them to rally together at city hall and express their feelings about the decision concerning the Rodney King case.

These students were upset by the decision and they were also upset about the rioting in Los Angeles. They gathered in the hundreds in front of city hall and waited for Mayor Carrie Perry and other officials to come out and meet them. Microphones were set up. The students before leaving Weaver had chosen among themselves who would speak. The following students were among those that gave remarks: Ms. Tchalla Wright, Mr. Jason Paris, Ms. Alisha Lea, Ms. Monique Robinson, and Mr. Donovan Lipscome.

Their statements were thoughtful, forceful, and incredibly well delivered. Everyone listening could clearly understand what they were saying. And those who later saw this gathering on television or heard it on the radio received their message.

Yes, these students could not understand how the jury had come to their decision. They were mad and frustrated, but they were not going to let emotion take over and cause reactions that would only hurt their city of Hartford. Yes, they would march down Main Street. Yes, they would speak with passion to their mayor and the public, but they would not give into emotion in a negative way. They would remember the message of Martin Luther King and demonstrate peacefully.

However, they would not forget. They would go back to school to finish their education. Some would go on to higher education, but they all would be active in their community. They would all work to ensure that people of prejudice did not get elected or appointed to public places where their prejudice could poison the system.

The system had let them down this time, but they were prepared to be part of the active community and help make it work.

After the rally, they returned to school. They had accomplished their purpose for the moment. Hard work lay ahead. I have never been so proud of Hartford's young people. I want all to know about them.

INTRODUCTION OF H.R. 5115, THE MEDICARE BENEFICIARY FINANCIAL PROTECTION ACT

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. McDERMOTT. Mr. Speaker, Congress has acted in recent years to reform Medicare payment systems, to control program costs, and to improve health care for senior citizens. Among the major reforms is the adoption of a physician fee schedule, designed to simplify payments, control costs, and provide incentives for primary health care.

A major part of physician payment reform involves setting limits on what doctors can charge their Medicare patients. As we restrained the growth of Medicare's payments to physicians, we also limited balance billing of patients above the amounts Medicare approves for payment. These limits are meant to protect patients against physician overcharges resulting from Medicare cost controls.

The billing limits are now being phased in with the fee schedule. This year, physicians may not charge their patients more than 20 percent above the Medicare-approved amount for most services, and next year the limit will be 15 percent over the approved amount. The Physician Payment Review Commission estimates that this limit will reduce balance billing charges by three-fourths.

But current law fails to specify that doctors must refund excess charges. And there is evidence that thousands of senior citizens have been overcharged for Medicare services, in violation of current balance-billing limits. The Health Care Financing Administration sent letters to 8,000 physicians last year about overbilling. It does not appear that doctors have deliberately overcharged their patients. But there has been inadequate understanding and communication about the new limits, among physicians, beneficiaries, Medicare carriers, and within the Health Care Financing Administration itself.

The administration is beginning to take corrective action to inform patients and doctors about the limits on physician charges, but legislation is needed to clarify that beneficiaries are not liable and to require more effective communication about the limits. Therefore I have introduced H.R. 5115, the Medicare Beneficiary Financial Protection Act, to make sure that older Americans get the protection from excess charges that Congress intended them to have. I am honored that Congressmen Pete Stark, Jim Moody, and Ben Cardin have joined me in sponsoring this bill.

This legislation is based on the recommendations of the Physician Payment Review Commission. It makes clear that patients are not liable for excess charges, and it requires doctors to refund any overcharge within 30 days of written notification from a patient, carrier, or HCFA. Doctors have a right to contest refund claims.

The act also requires Medicare carriers to monitor compliance with these charge limits on a case-by-case basis and to notify patients and doctors of all overcharges. A doctor who fails to refund an overcharge, or who knowingly and willfully overcharges patients on a repeated basis, can be fined or barred from the Medicare Program.

I hope Congress will enact this bill, but I also hope its refund and sanction provisions will not have to be used. I believe that physicians want to comply with balance billing limits, and that any noncompliance has been the result of misunderstanding and inaccurate information from HCFA and some insurance carriers. But it is important to clarify that beneficiaries are entitled to refunds, and to assure that doctors and patients have adequate notice of the limits. I urge my colleagues to join me in supporting this legislation.

I also encourage my fellow doctors to join the majority of their colleagues in becoming Medicare participating physicians. These physicians receive a higher payment from Medicare if they agree to limit their charges to Medicare-approved amounts. The number and percentage of physicians who participate has increased each year, and I hope this trend will continue. I look forward to working with my colleagues in Congress and the medical community, and with the millions of older Americans who depend on Medicare, to strengthen this essential program and make health care more affordable for all Americans.

SUMMARY OF PROVISIONS OF THE MEDICARE BENEFICIARY FINANCIAL PROTECTION ACT

Section 1. Short title.

Sec. 2. Clarifies that Medicare beneficiaries are not liable for physicians' charges in excess of amounts authorized under Medicare physician fee schedule. Requires physicians to refund excess charges to beneficiaries within 30 days. Authorizes civil penalties against physicians who deliberately and repeatedly overcharge beneficiaries, or who fail to make timely refunds.

Sec. 3. Effective in 1993 (when simplified Medicare fee schedule takes effect), requires Medicare to notify beneficiaries and physicians, in writing, of charge limits, any excess charges, and physician's duty to refund excess charges to beneficiary.

Sec. 4. Requires Medicare carriers to monitor compliance with physician charge limits on a case-by-case basis, and to notify physicians with overcharges of the requirement to make refunds.

POTENTIAL AMENDMENTS TO HEALTH INSURANCE MARKET REFORM BILL

Medicare balance billing limits. You are introducing this as a bill, putting teeth into current limits on how much doctors can charge Medicare patients above Medicare-approved levels. There is a bipartisan consensus that this issue should be addressed, and your bill should have broad support. It is a purely Medicare issue, unrelated to private insurance market reform. But Rostenkowski's bill opens the door to such proposals by including some Medicare benefit expansions.

Apply market reforms to "Medigap" Coverage for Disabled. In 1990, legislation required Medigap insurers to offer coverage to anyone, regardless of medical history, for six months after age 65; prohibited premium differences based on health status; and prohibited cancellation or non-renewal based on health status. This reform law, which is now being implemented by state insurance regulators, does not apply to under-65 disabled Medicare beneficiaries, for whom Medigap has never been available. This amendment would require that anyone who sells Medigap to seniors also sell it to disabled Medicare beneficiaries, but would permit separate premium structures for the elderly and the younger disabled. The amendment would give the disabled on Medicare the same access to Medigap and anti-discrimination protections the 1990 law guarantees to seniors. It would be strongly opposed by the insurance industry. As a practical matter, few disabled Medicare beneficiaries could afford Medigap insurance even with these protections.

"State care." You introduced this bill before our state sunsetted the Basic Health Plan; I have not tried to promote it since then. It is a good proposal to include in an incremental reform bill, though it will probably not have conservative support because it invites states to enact universal coverage with statewide spending caps. Norm Dicks' office has called to suggest that it be included. I do not know how to argue convincingly for state flexibility after our own state has walked away from its most notable innovation.

Preserve State mandates. The Rostenkowski bill requires insurers to offer a Medicare-like package to small groups, and exempts that package from state benefit mandates. An amendment could delete that exemption, thereby letting allowing states require coverage beyond the federally defined package. This would help people with chronic conditions. It would also raise the cost of insurance for all small groups and potentially serve as part of the industry "excuse" for higher rates in the future.

Mental health benefits. The Rostenkowski bill uses Medicare as the model for the standard package insurers would have to offer. Medicare requires a 50% copayment for outpatient mental health services, compared to 20% required for other services. An amendment could reduce the mental health copayment in the private package to 20%. It should have no federal cost if not applied to Medicare itself.

H.R. 5115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Beneficiary Financial Protection Act of 1992".

SEC. 2. REQUIRING NON-PARTICIPATING PHYSICIANS TO REFUND AMOUNTS PAID IN EXCESS OF LIMITING CHARGES.

(a) IN GENERAL.—Section 1848(g)(1) of the Social Security Act (42 U.S.C. 1395w-4(g)(1)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES FOR UNASSIGNED CLAIMS.—

"(A) NO LIABILITY FOR AMOUNTS BILLED IN EXCESS OF LIMITING CHARGES.—No individual enrolled under this part who is furnished physicians' services for which payment is not made on an assignment-related basis under this part (on or after January 1, 1991) may be liable for any amounts billed for such services in excess of the limiting charge described in paragraph (2).

"(B) REFUND OF AMOUNTS PAID IN EXCESS OF LIMITING CHARGES; SANCTIONS.—If a nonparticipating physician knowingly and willfully bills on a repeated basis for services described in subparagraph (A) an actual charge in excess of the limiting charge described in paragraph (2) or knowingly and willfully fails to refund on a timely basis any payment made by or on behalf of an individual for such services in excess of the limiting charge, the Secretary may apply sanctions against such physician in accordance with section 1842(j)(2).

"(C) TIMELY BASIS FOR REFUNDS.—A refund under subparagraph (B) is considered to be made on a timely basis only if—

"(i) in the case of a physician who does not request reconsideration or seek appeal on a timely basis, the refund is made within 30 days after the date the physician receives notice from the individual, the carrier, or the Secretary of the requirement to provide the refund; or

"(ii) in the case in which such a reconsideration or appeal is taken, the refund is made within 15 days after the date the physician receives notice of an adverse determination on reconsideration or appeal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to physicians' services provided on or after January 1, 1991.

SEC. 3. NOTICE TO PATIENTS OF LIMITATIONS ON CHARGES AND AVAILABILITY OF REFUNDS.

(a) IN GENERAL.—Section 1848(g) of the Social Security Act (42 U.S.C. 1395w-4(g)) is amended by adding at the end the following new paragraph:

"(8) PROVIDING BENEFICIARIES WITH NOTICE OF LIMITATIONS ON LIABILITY.—With respect to physicians' services furnished on or after January 1, 1993, the Secretary shall provide each individual receiving from a nonparticipating physician services for which payment is not made on an assignment-related basis under this part a written notice describing—

"(A) the amount of the limiting charge applicable to the service (as described in paragraph (2));

"(B) the absence (under paragraph (1)(A)) of any liability of the individual for charges in excess of the limiting charge; and

"(C) the requirement (under paragraph (1)(B)) that the physician refund on a timely basis any amounts paid by the individual for the service in excess of the limiting charge.".

(b) EFFECTIVE DATE.—The amendment made by subsection shall take on the date of the enactment of this Act.

SEC. 4. REQUIRING CARRIERS TO CONDUCT PREPAYMENT SCREENING OF SERVICES FURNISHED BY NONPARTICIPATING PHYSICIANS; NOTIFICATION TO PHYSICIANS OF EXCESS CHARGES.

(a) IN GENERAL.—Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking "and" at the end of subparagraph (H); and

(3) by inserting after subparagraph (H) the following new subparagraph:

"(I) if it makes payments with respect to physicians' services furnished by nonparticipating physicians—

"(i) to determine prior to making payment for such a service whether the amount charged by the physician for the service exceeds the limiting charge applicable to the service under section 1848(g)(2), and

"(ii) if, pursuant to clause (i), it determines that the amount charged by the physician for the service (in the case of physicians' services furnished on or after January 1, 1993) exceeds such limiting charge, to provide the physician with written notice of the requirement under section 1848(g)(1)(B) that the physician refund on a timely basis any amounts paid by the patient for the service in excess of such limiting charge; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

DEMOCRACY IN DUSHANBE (TAJIKISTAN)

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DELAY. Mr. Speaker, earlier today in Tajikistan, what had been a political standoff turned into a bloody confrontation. Fighters aligned with the Communist President of Tajikistan, Rakhman Nabiyev, battled with opposition forces comprised of prodemocracy intellectuals and Islamic fundamentalists. After the dust cleared, 14 people had died, a state of emergency was in effect, and the Communist president had retreated to the parliament building while his opponents apparently took power in the streets.

Right now, the situation in Tajikistan is highly fluid. Little is known as to whether the Communists will return to full power, if the bloodletting will continue, or if the democratic forces have wrested control.

What we do know is that the forces of democracy must be supported. America cannot stand aside as a nascent democratic group fights to secure power from Communist overlords. Not to declare America's support would be irresponsible and dangerous. More importantly, lack of American action on this matter might encourage the Communists in Tajikistan to fight on, and discourage the forces that have secretly tended the flame of democracy in their hearts for the last 70 years.

Mr. Speaker, today I would like to declare for all the world, and especially for the democratic freedom fighters in Tajikistan to see, that America sends its unrestrained support to the forces of democracy in Dushanbe, and throughout Tajikistan. America is with you.

TRIBUTE TO ALTA RUTH CRITTENDEN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. HUBBARD. Mr. Speaker, today I rise to pay tribute to my friend Alta Ruth Crittenden of Pilot Oak, KY, who on May 1 celebrated her 100th birthday. I would like to take this opportunity to join with her children, grandchildren, great-grandchildren and great-great-grandchildren, as well as her many friends, in wishing her a very happy 100th birthday.

Born in 1892, Alta Ruth Crittenden was raised in the Pilot Oak area and was married for 60 years to the late Willie A. Crittenden, who died in 1968. She had 10 children, 4 of whom have died. Her surviving children are: Norman Crittenden of Brighton, TN, Howard Crittenden of Henderson, KY, Reba Stewart, Helen Glover and Emily Glover, all of Mayfield, KY, and Mildred Key of Paducah, KY. To date, Mrs. Crittenden has 18 grandchildren, 35 great-grandchildren, and 10 great-great-grandchildren.

Very few of us are as fortunate as Alta Ruth Crittenden, Mr. Speaker, and I ask you and all of my colleagues to join with me today in congratulating her and in wishing her the very best of everything in her 101st year.

TRIBUTE TO ARTHUR BLACKMAN

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Arthur Blackman who is retiring after more than three decades of public service to the town of Groton, MA.

Mr. Blackman's election to the planning board in 1959 marked the beginning of what was to become an example of civic leadership and dedication of which Groton residents should be very proud.

For over 33 years, Arthur Blackman has played a key role in guiding the town successfully through the many periods of change. He is a rare individual who has consistently given to his community. His list of civic involvements and accomplishments is both long and impressive.

As chairman of the planning board from 1962–63, Arthur's foresight and research was responsible for much of the town's master plan. As a member of the school committee he was a champion of both ethnic and regional diversity among the faculty. He initiated a building program for creating badly needed additional classrooms and started a kindergarten program in town.

As a member of the board of selectmen for the past 4 years, Arthur has dedicated himself to protecting Groton's environment, providing housing for its elderly citizens and planning for the future. As a representative to the solid waste and transfer station committee, he played a key role in facilitating a land purchase which provided for the creation of a transfer and recycling station and a new highway department garage, while at the same time opening up a lot in the center of town for the Groton Commons Elderly Housing. He was also largely responsible for the planning and implementation of a new sewer system in conjunction with the State of Massachusetts and the neighboring town of Pepperell.

Arthur's dedication to his town of Groton has been symbolized by his commitment to its residents. Last year, when it was found there was a ground water contamination problem resulting from a nearby industry, Arthur worked ceaselessly to provide town water to the affected residents and later worked to win a substantial settlement with the company to cover the expenses.

In addition to his numerous achievements in town government, Arthur has contributed significantly through various civic involvements. As a 25-year member of the Groton conservation trust, Arthur has donated 18, beautiful acres of land on Indian Hill, half of which have become a permanent conservation site open to the public which offers a breath-taking view of the regions western mountains. Arthur was the founding member of the Groton Ratepayers Interested in Preserving Equity which brought suit against the Massachusetts Wholesale Electric Co. in an attempt to defend the authority of a town meeting vote. Arthur is also a former president of the Gardner Rotary Club, a trustee of Lawrence Academy for over 20 years, and a member of the Groton Council for Human Rights who in 1965 participated in Dr. Martin Luther King, Jr.'s march on Washington, DC.

Throughout the years, Arthur has displayed great pride in his town; a pride that has been displayed through his eagerness to share the beauty and quaintness of Groton with others. As a member of the Groton housing project, Arthur has been an advocate of affordable housing options. As a member of the friendly town committee, he invited inner-city children to spend time in local homes and experience a taste of country living while also providing Groton residents an opportunity to learn about urban living. Additionally, as a participant in the UNICEF celebration, Arthur has offered an annual invitation for foreign graduate students to visit Groton.

Arthur Blackman is a man who served his country as well as his town. During World War II, he enlisted in the U.S. Army Air Force and served as lieutenant. His ability to speak French, afforded him the opportunity to teach aviation to young French pilots. After the war, Arthur graduated from Harvard University, where he returned to receive a doctorate in education in 1975.

Arthur Blackman has brought much to the town of Groton. Among one of his finer contributions is the gift of music. An avid lover of music himself who studies recorder, he is the founding member of the Groton Music Association which helped bring many esteemed musicians to the Groton School. Among the list of performers was harpsichordist Danny Pinkham, jazz player Willie Ruff, classical guitarist John Williams and cellist Janos Starker.

Mr. Speaker, one only needs to drive through the town of Groton, through its center of beautiful historic buildings, parks, and tree lined roadways to realize the tremendous amount of commitment, dedication, and hard work that has gone into the preservation and planning of this town. Arthur Blackman has for many years provided the insight and leadership that has made the town of Groton such a success. While at the time of Arthur's retirement from town government it is satisfying to look back at his many accomplishments, it is even more gratifying to look forward to his continued involvement in the community.

I congratulate Arthur at this time and wish him, his wife Camilla, and their four children health and happiness in the coming years.

HOW RURAL DEVELOPMENT RELATES TO SMALL BUSINESS

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. LANCASTER. Mr. Speaker, it is a great pleasure to have hosted a field hearing of the House Small Business Subcommittee on Procurement, Tourism, and Rural Development in my congressional district. The focus of the field hearing was on rural development and how it relates to small business. State Representative Charlie Albertson of North Carolina gave excellent testimony that reflects the state of small business in eastern North Carolina, the needs and challenges to ensure a higher quality of life for our rural citizens. I commend his remarks:

REMARKS OF CHARLIE ALBERTSON

I'd like to welcome everyone here this morning. As a resident of Duplin County and Representative for Duplin and Jones Counties, I am pleased to have this field hearing on rural development being held here in my home county and my home town of Beulaville.

I want to welcome especially—

U.S. Representative Ike Skelton, Chairman of the Subcommittee on Procurement, Tourism, and Rural Development; U.S. Representative Martin Lancaster of North Carolina's 3rd District; U.S. Representative Jim Bilbray of Nevada's 1st District; and Representative Thomas Hardway of North Carolina House.

A special welcome to our panelists and audience, and special thanks to Mr. Ken Kennedy, the principal of East Duplin High School, for hosting this season today.

Today we're going to be talking about many of the needs of Duplin and other rural counties, and many of the things we don't have.

I do want to take this opportunity to make the point that while we have many needs, there are many good things we already have and that we're proud of. One of our greatest assets is our people—we have some of the finest, most hard-working people you'll find in our rural counties of North Carolina.

To my mind, one of our purposes here today is to explore and discuss some ways we can make life a little better for our rural citizens.

I will not pretend to be an expert on the issues before us today about rural development. We have several expert panelists here and I'll leave the particulars to them.

I would, however, like to raise some points about economic development in our rural counties that I hope can be discussed today.

I have three main points or issues I'd like to touch on briefly that I think are important areas of concern. These issues are:

(1) the issue of workforce preparedness;

(2) the issue of available markets for rural businesses and the ability to compete in these markets;

(3) the issue of available financing for small business start-ups and business growth.

WORKFORCE PREPAREDNESS

A main requirement for business growth and economic development is an available and trained workforce. The requirements for education and training are growing: Studies tell us that by the year 2000 the average new job will require 13.5 years of education versus the 12.8 years required today.

Unless we can solve the problem of high illiteracy rates in North Carolina; unless we improve our public education systems; unless we provide the job training desperately needed by our businesses and industries—especially in our rural areas—it will be nearly impossible for us to compete in a growing world economy.

Although we must improve the quality of our public schools, our short-term need is to provide literacy training for workers and improve job training and retraining programs for rural workers now in—or displaced from—the workforce.

We need to focus attention on programs like Tech Prep; increase our guidance and career development programs; devote attention to community college training programs; and develop more customized and cooperative programs between our schools, businesses, and community colleges.

Many of these programs have had successful beginnings already, but much more is needed. I hope we can discuss this today.

AVAILABLE MARKETS

Even with a trained and available workforce, rural businesses need available markets for their goods and services, and the ability to compete in these markets.

Rural demographics demand new marketing strategies in a time of shrinking populations and increasing competition from the global market.

Duplin County has a population decrease of 2.3 percent in the new Census. Our "best and brightest" are leaving us. Other rural counties are showing similar population trends. A decreasing local population in our rural areas means shrinking local markets for goods and services.

Small business must find new marketing strategies to be successful in the local market, and must learn new strategies to be competitive in large, even international markets. I hope we will hear some ideas today about how to do this.

AVAILABLE FINANCING

Even if we are successful in meeting the requirements for workforce training, and can find available markets for our products and services, our rural counties—perhaps most importantly—need available financing for new business start-ups, and greater investment for the development and growth of existing businesses.

The success of small business is crucial to the economic development of rural North Carolina. Of the 1,400 businesses in Duplin county, only 166 have more than 10 employees. These small businesses provide the majority of new jobs in Duplin and many other rural counties. But for every small business that starts, another fails—usually because of a lack of available financing or marketing expertise.

Greater investment is needed to build the resources of our rural areas. That investment could come from a variety of public as well as private sources. An "investment partnership" must exist between the public and private sectors, where the public sector takes an aggressive, active leadership role, but acts in partnership with private sector participation.

Rural counties also need a "lender commitment program" to market SBA programs accurately to lenders and the public. SBA has long been misunderstood and a source of financing many bankers avoid. Typically, they see SBA loans as being excessive paperwork, slow decision-making and above-normal default rates.

By becoming a more active promoter of its programs and a responsible and responsive partner in lending, the SBA can overcome these perceptions.

Management and marketing assistance can also come from the Small Business Centers at our community colleges. We currently have in place a statewide network of these Centers at 53 of our 58 community colleges. The Small Business Centers, which provide training, counseling and referral services, should act as brokers for statewide resources of small business assistance to provide help with management and marketing expertise needed by so many small business people in our state.

The SBCs are already doing a good job. We need to find additional ways to empower them to do a better one.

To conclude my thoughts, many experts tell us that our economy is driven by three main trends:

(1) The changing nature of work;

(2) Changing skills needed by employees; and

(3) The changing demography of the workforce.

The key word associated with all of these trends is change. I think we need to foster an "attitude of change" about small business and economic development in our rural communities. No longer is the attitude of "business as usual" a sufficient strategy in our changing world. We have to find new ways to deal with *new* problems and *new* challenges if we are to succeed and grow. I hope we will discover some of those new ideas and strategies today.

TRIBUTE TO GEORGE SANTANA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EDWARDS of California. Mr. Speaker, my family and I were distressed to learn of the death in San Jose on April 20 of my dear friend, George Santana.

I have many happy memories of George Santana and, indeed, all the members of his family. We had been friends for more than 60 years, beginning when I was an aspiring golfer in junior high school and he was the greenskeeper at San Jose Golf and Country Club.

George Santana was the best in the business in looking after golf courses. He was also the best when it came to amiability and camaraderie. I'll miss him, as will Helena Lynn, his wife, and other family members and friends. My sympathies go to them all.

Mr. Speaker, George Santana was an extraordinary man and a talented golfer even when he was well into his eighties. A most interesting article in the San Jose Mercury News written by Mack Lundstrom was published about George Santana, and I include the article below:

[From the San Jose Mercury News, April 23, 1992]

GEORGE SANTANA, AVID GOLFER WHO BUILT, MANAGED COURSES

(By Mack Lundstrom)

For aging Santa Clara Valley golfers who struggle to keep their skills long enough to shoot their age, George Santana was an inspiration.

When he was in his 70s, he shot a 68 at the 18-hole Spring Valley Golf Course in the hills above Milpitas. "George was deadly around the greens," said Len Konopacky, who along with Mr. Santana, Jim Haworth, Chuck Gallo and sometimes Chet Zydeck had a standing 6:30 a.m. tee time every Sunday.

On April 19, 1985, Mr. Santana shot an 80—on his 80th birthday.

In 1987, at 82, he beat all the plus 50-year-olds in the annual tournament of the Golf Course Superintendents Association of America in Tuscon, Ariz., to win the seniors trophy.

"George shot his age 200 times and then quit counting," said Bob Wright, another of his longtime playing partners.

But Mr. Santana didn't just play golf courses; he made them—and kept them—and owned them.

Before he died Monday of a heart attack at the age of 87, George E. Santana made his mark on freeways and greens all over the Santa Clara Valley for nearly 50 years.

It started when he was a teenager and his father had a team of horses and an apricot orchard in the east foothills next to the San Jose Country Club. The greenskeeper for the club's golf course needed the horses to pull its mower; young George became the driver.

He stayed until 1946, rising to greenskeeper himself and then golf course superintendent.

Naturally he played—well enough to win trophies in city championships along the way.

In the late 1940s and 1950s, Mr. Santana opened a driving range on Alum Rock Avenue and got into course design and construction—in Hollister, Bolado Park; and in San Jose, Cambrian Park, Santa Teresa and Almaden Country Club, where he was golf course superintendent for several years.

By the 1960s, he had built his own course, the El Rancho Verde Golf Course on McKee Road, when Bob Wright came calling.

Mr. Santana kept his greens green with the fertilizer and grass seed Wright sold, and the two nourished a golfing friendship that continued long after they both retired. The more than 8,000 rounds of golf the two played over 25 years included trips to Ireland and western Canada, and three to the homeland of golf in Scotland.

When George Santana retired and quit developing golf courses in the 1970s, he switched "to developing people," said his daughter, Barbara Santana Cronin, and was busier than ever. He was a member of the Santa Clara County grand jury in 1971 and a member of the Santa Clara County Flood Control District board in the early 1970s.

He and Tim Garcia formed a team for the St. Vincent de Paul Society, distributing food and clothing and giving assistance to families in need.

Cronin described her father as "a fund-raiser extraordinaire"—often by organizing a golf tournament—for Notre Dame High School and Alexian Brothers Hospital, where he was a foundation member, and St. John Vianney Church, where he and his wife of 50 years, Helena were founding members.

In recent months, Mr. Santana was always dropping in on shut-in friends, including his brother, Joseph, who died in February at the age of 88.

And he played golf, at least three times a week with the Spring Valley foursome, or the SIRS or the Elks or the "course superintendents."

Even at 87, "he was always going to improve his game," said Robert Dauterman, who is now course superintendent at San Jose Country Club. "'I gotta practice,' he'd say he was just an extraordinary man."

RICHARD INDUSI HONORED BY MID-HUDSON ELKS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to honor Richard Indusi as he is recognized for his many contributions to the Mid-Hudson district of the benevolent and protective order of the Elks as district deputy grand exalted.

When Richard Indusi was initiated into the Elks in 1972 his leadership qualities were unmistakable. Within 2 years he served as inner guard. He was later elected esteemed lecturing knight in 1977, esteemed loyal knight in 1978, esteemed leading knight in 1979 and exalted ruler in 1980. He was elected lodge secretary in 1982 and 1983 and served again in exalted ruler in 1984.

But his participation in the Elks means much more to Richard Indusi than the positions of responsibility he has held. The pride he feels for his associations is evident throughout his work. Not only has he served on most of the various lodge committees, but he has also chaired many of them. His energy and dedication have reinvigorated Flag Day and Elk memorial observances, bringing a new meaning to these important occasions.

As others have observed Richard Indusi's commitment and dedication to the Elks Mid-Hudson district, they have placed him in other leadership positions including those of district chairman and State gold chairman. In 1988, he was elected New York State vice president for the Mid-Hudson district. At the grand lodge convention last summer, Richard Indusi was appointed deputy grand exalted ruler for the Mid-Hudson district.

Mr. Speaker, the Elks of the Mid-Hudson district are fortunate to have as committed a leader as Richard Indusi. I know my colleagues join me in wishing him the best as he continues to serve the Elks and the community at large.

PUNISH ALL LOOTERS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. OWENS of New York. Mr. Speaker, the recent violent disturbances in Los Angeles have riveted our attention on certain long neglected problems. We have deplored looting in Los Angeles. It would greatly enhance both our moral and economic position if at this same time we would also loudly condemn the looting of the savings and loans banks. The two orgies of lawlessness are very much interrelated. Although they are not similar in terms of costs—damage in Los Angeles may reach $700 million while the S&L failures will cost the taxpayers at least $500 billion—these two riots have a governmental attitude base in common.

Friendly neglect and deregulation of the S&L's encouraged wholesale, systematic looting. Hostile neglect of inner city communities like Los Angeles piled up the great oil pool of discontent which was ignited by the twisted verdict of the Rodney King trial.

Mr. Speaker, while there are numerous calls for the most vigorous and severe prosecution of the Los Angeles looters, the S&L looters continue to enjoy an attitude of friendly neglect from the present Attorney General. A recent report issued by Mr. ANNUNZIO, the chairman of the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the Banking, Finance and Urban Affairs Committee, exposes the fact that even after the courts have ordered S&L looters to pay restitution, the Attorney General has refused to vigorously implement the collection action. The report entitled "Why S&L Crooks Have Failed To Pay Millions of Dollars in Court-Ordered Restitution: Nineteen Case Studies," should be read by all lawmakers who care about safeguarding the money of the U.S. taxpayers.

Mr. Speaker, the S&L conspiracy really was a riot. The U.S. Treasury was invaded. The taxpayer's mint was raided. Congress can still take meaningful action to pinpoint the looters and press for full and appropriate punishment. These looters stole millions. This riot will cost billions. Again, I urge you, Mr. Speaker, to immediately appoint a Select Committee to investigate the administration of the Resolution Trust Corporation and the performance of the Justice Department in the prosecution of S&L looters.

THE RIOT AT THE MINT UP-DATED

There was a riot at the mint
And the looters all went free
Democrats and Republicans
Went AWOL
With their smug silent glee.

Phony mortgages went up in flames
Yale and Harvard hoodlums
With high society political names
Grabbed sweetheart loan bribes.

There was really a riot at the mint
They carted off millions
They hustled away billions
But famous S and L looters
Are still walking free
Congressional cops were accomplices
With their smug silent glee.

No sirens did wail
No muggers went to jail
White collar looters were turned loose
Law and order
Was gang raped on the side
While talk show hosts and the press
And their advertisers
All went along for the ride
There was a riot at the mint.

GENERAL BUSTILLO DENIES CONNECTION WITH JESUIT MURDERS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DORNAN of California. Mr. Speaker, the case of the Jesuit murders in El Salvador is one of the most heinous crimes committed during the long civil war in that small but beautiful country. Yet, that does not mean that in searching for the guilty parties we should abandon all precepts of fairness and good judgment. Yet that is exactly what Gen. Juan Rafael Bustillo claims Mr. MOAKLEY has done.

According to Gen. Bustillo, Mr. MOAKLEY'S October 14, 1991, Washington Post op-ed piece entitled, "Justice Disserved in the Jesuit Murders" impugned his honor by hinting that he had something to do with masterminding the Jesuit murders. Mr. MOAKLEY writes: "I urge the Department of State to bar retired Air Force Gen. * * * Bustillo from entry into the United States until a full investigation has been conducted into his possible involvement in instigating the murders of the Jesuit priests." General Bustillo adamantly denies that he had anything whatsoever to do with the murders. He has responded to Mr. MOAKLEY and was good enough to send me a copy of that letter. I would now like to submit for the RECORD the response by General Bustillo so that my colleagues can read the other side of the story and decide for themselves.

GRAL. JUAN RAFAEL BUSTILLO,
San Salvador, El Salvador, February 7, 1992.

Hon. JOSEPH MOAKLEY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MOAKLEY: Last October, I was most surprised to read a reference to me in your Washington Post editorial regarding the Nov. 16, 1989 murder of six Jesuit priests, their housekeeper and her daughter. In that article, you urged the Department of State to bar my entry into the United States "until a full investigation has been conducted into his possible involvement in initiating the murders of the Jesuit priests."

I was stunned by this indictment by innuendo. Never in any of your previous reports, statements, speeches or testimony had my name ever appeared as even being remotely connected to this case. Moreover, I believe that it is contrary to your legal system's tradition of due process to impose sanctions on a person prior to being charged, let alone convicted, of any crimes.

Furthermore, so far as I know, no one had ever alleged that I had anything to do with this heinous crime, and this includes reports by the FBI, Scotland Yard, and the Spanish police. More importantly, my name never was mentioned during the lengthy Salvadoran judicial proceedings regarding Jesuit case.

However, as surprised as I was by the reference in the Washington Post, I was still unprepared for your report of Nov. 18, 1991, in which you cite anonymous sources who alleged that I initiated the plot to kill the priests. You also cite so-called "evidence" which purportedly support the thesis that I participated in a meeting with other senior officers at the Military School on the afternoon of Nov. 15, 1989 at which the murders were planned.

I categorically deny each and every allegation in your report and I find it reprehensible that you would have published these libelous charges without ever having contacted me about them.

First, your unnamed sources' charges are factually wrong. Consider, for example, the primary allegation that I presided over a session of senior officers at the Military School on the afternoon of Nov. 15, at which the murders were planned. That I attended no such meeting can be easily demonstrated.

The fact is that I could not have attended your source's conspiratorial meeting at the school that afternoon because, at the time, I was personally directing a major counter-attack against guerrillas entrenched near the air base.

As you may recall, the largest column of guerrillas in San Salvador during the 1989 FMLN offensive were dedicated to seizing the air base. Therefore, one of the most important tasks confronting me was to drive the communists out of Soyapango, a neighborhood proximate to the air base and within the jurisdiction of my military operations command. On the afternoon of Nov. 15, I was personally directing the offensive against the insurgents both by flying over the battlefield and by repeatedly visiting my troops at the front lines. My personal participation was required not only to direct the attack against the enemy but also to ensure that civilians—who were being used as human shields by the communists—were not caught in the crossfire.

Thus, it would have been impossible for me to be at the Military School for the alleged conspiratorial meeting. Both the records at the air base and the testimony of the hundreds of airmen and infantry who participated in the attack that afternoon will confirm my presence at the scene of the battle, which is over 20 kilometers from the school.

In fact, the only time I left my command on Nov. 15 was that evening, when I was called to a general staff meeting at the Estado Mayor. Because there was fighting all over the city, I could not travel safely by car to attend the meeting. Therefore, I took a helicopter to military headquarters.

Both the log book of the helicopter I used, my co-pilot's testimony, and the helicopter squadron records will indicate that I did not leave the air base for the general staff meeting until the evening hours on Nov. 15. After the meeting, I immediately returned to my command.

As further evidence of the total lack of credibility of your anonymous sources, let me address one of the allegations which purportedly supports the theory that I initiated the murders. Your report attributes certain statements to Gen. Ponce and I at a meeting we allegedly had with other officers on Dec. 10, 1990.

I attended no such meeting. Since my resignation as commander of the Salvadoran Air Force on Dec. 31, 1989, I have never had a meeting with Gen. Ponce on any topic. Moreover, on Dec. 10, 1990 I was not even in El Salvador. The visa stamps in my passport clearly demonstrate that I could not have had a meeting with Gen. Ponce and other officers on the day in question.

A word must be said about the manner by which you chose to unveil these rumors. It is contrary to every notion of fairness to print such malicious charges against me without ever having investigated their veracity. The most important action in such an investigation would have been to meet with the subject of the charges and to ask him for a response and solicit any evidence which might tend to prove or disprove the allegations. Mr. Moakley, neither you or your staff ever met with me to review the allegations and the so-called evidence contained in your report. You never bothered to meet with the person most damaged by these serious charges.

It is also noteworthy that neither Judge Zamora, the magistrate overseeing the Jesuit case, nor his staff or government investigators ever asked me about any of the allegations published in your report. This implies either that you never informed him of the allegations—a curious circumstance given your dedication to justice in the case—or that he found them to be so without merit that he did not follow up your "leads."

Of course, the erroneous "evidence" cited in your report raises questions about the truthfulness of your unnamed sources. However, since your sources will not come out of the shadows to make their accusations in public, the veracity of your sources cannot be subjected to rigorous cross-examination. In this sense, the U.S. legal system is superior to the congressional practice of issuing reports: in criminal cases, ultimately those repeating the accusations must make their sources known. Unfortunately, my accusers cannot be forced into the open in a similar manner.

Given my refutations of the specific charges contained in your report as well as the irresponsible way in which your editorial and report were written and released, I challenge you to come to El Salvador and join me in publicly investigating your report's charges. You can make your case, and I will present mine. We can pursue any issue or evidence, and the only requirement that I must insist on is that we conduct our inquiry in full public view. It is important that we not operate behind the cloak of secrecy with which you have thus far masked your activities. By operating in the open, every interested citizen can make up his own mind as to where the truth of the matter lies.

In your pursuit of this case, you have listened to some who have motives other than helping you find the truth. By not asking me about these criminal allegations before publishing your report, you have inflicted a grave injustice on me. I ask you to join me in El Salvador at your earliest possible convenience for a public debate regarding your charges. After having lent your name to these scurrilous allegations, the least you can do now is afford me the opportunity to clear my name.

Awaiting your reply, I remain

Sincerely yours,

GENERAL JUAN RAFAEL BUSTILLO.

THE RETIREMENT OF RONALD P. SOCCIARELLI, DIRECTOR OF THE OHIO UNIVERSITY MARCHING BAND

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. McEWEN. Mr. Speaker, I rise today to pay tribute to Mr. Ron Socciarelli, who will retire as the director and conductor of the Ohio University Marching Band, Wind Ensemble, and University-Community Summer Concert Band at the end of the current academic year.

Music occupies a unique place in the American heritage, and it has been a tremendous motivating force in the life of Mr. Socciarelli. On the occasion of his retirement from Ohio University, which is located in Athens, OH, I would like to commend to the attention of my colleagues Mr. Socciarelli's long and fruitfull association from music.

RONALD P. SOCCIARELLI

Ronald P. Socciarelli was born in Little Falls, New York in 1932. After completing a bachelor's degree at Ithaca College in 1959, he attended the University of Michigan where he received his MM degree in 1963. Socciarelli has completed additional graduate work at the State University of New York at Buffalo and spent the academic year of 1965–66 at the University of Michigan. Socciarelli received earlier musical training with the later George H. Bennett, and studied conducting with Ulrich Meyer, associate conductor of the Buffalo Philharmonic in 1964 and 1965.

From 1959 through 1965, Ronald Socciarelli was conductor of the Lackawanna (New York) High School Band, which under his direction received consistent "A" ratings in New York State contests. He also served as Director of Music Education for the Lackawanna Public Schools from 1963 to 1967.

From 1967 to 1972 Socciarelli was the Chairman of the Music Department of Ithaca High School and conductor of the Ithaca High School Concert Band. He conducted the world premiere performances of several commissions written specifically for that group. Socciarelli was also the conductor of the Ithaca High School Marching Band. Under his direction, Ithaca's "Little Red" Marching Band received national recognition for its many performances on television at professional football games both in the United States and in Canada.

In 1972, Socciarelli served as the Director of Bands at Northern Illinois University. Since his arrival to Ohio University in 1973, he has served as Director of Bands, performing all administrative duties encompassed in that position. In addition, he supplemented that position by serving as the conductor of the Ohio University Marching Band, Symphonic Band, Wind Ensemble and the University-Community Summer Concert Band. Socciarelli also holds the rank of full professor in the School of Music.

Socciarelli brings to his position a wide knowledge of both traditional and contemporary literature for the wind band. During the past several years he has given world premiere performances of music by Samuel Adler, Alan Hovhaness, Paul Cooper, Julian Work, Warren Benson, Alec Wilder, David Sargent, Paul Whear, and James Chandoir, and has won praise from these composers for his sensitive interpretation of their work.

Under his direction, the Ohio University Wind Ensemble has performed at the Ohio Music Educators' Association three times, and was selected to perform at the national meeting of the college Band Directors; National Association held at the University of Maryland, and at the National Music Teacher's Association conference in Washington, D.C.

Socciarelli has toured extensively throughout the East and Midwest with the Ohio University Marching Band. In October, 1976, they performed in New York's Carnegie Hall for an audience of over 2000, becoming the first marching band to ever perform in that prestigious hall. Since 1981, he has utilized the IMB 370 in writing and developing routines and shows for the Ohio University Marching Band.

Finally, Mr. Speaker, I would like to echo the sincere appreciation that has been expressed by the many people who have worked with Mr. Socciarelli over the years. It is only fitting that the mayor of the city of Athens has declared May 15, 1992, as "Ron Socciarelli Day." While he will be sorely missed by students and fellow professors alike, we extend to him our very best wishes for the future.

INTERGOVERNMENTAL COMMISSION ON HEALTH CARE FRAUD AND ABUSE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. WEISS. Mr. Speaker, the savings and loan crisis, the worst financial scandal in U.S. history, will cost the taxpayers $200 billion. But that will eventually seem like a penny-ante affair compared to the $100 billion a year price tag of health care fraud and abuse.

This morning, the Human Resources and Intergovernmental Relations Subcommittee, which I chair, conducted a hearing. The General Accounting Office testified that fraud and abuse are fueling an inflationary spiral in the health care industry that is beyond belief. By the year 2000, health care costs will reach $1.6 trillion, a 25-year increase of 800 percent. Health care costs threaten to economically bury us, deepening the national recession and fueling the out-of-control Federal deficit.

And at a time that fraud and abuse inflate health care costs, the Federal Government is deflating resources to stop runaway ripoffs. In the last 3 years, during a time when Medicare claims increased by 40 percent, the administration cut oversight funds $33 million.

Meanwhile, hampered by a general lack of coordination between companies, the insurance industry has done little more than pass the costs of fraud and abuse onto consumers.

The gouging of our Nation by medical entrepreneurs has to be stopped. GAO recommended today that a national commission be created to develop solutions to the problem. I believe that the creation of an intergovernmental commission to map out a coordinated strategy for governments and private companies to form an effective force against health care fraud and abuse should be formed. Today I am introducing legislation to create such a commission, and I will be seeking support from my colleagues.

H.R. 5120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intergovernmental Health Care Fraud and Abuse Commission Act of 1992".

SEC. 2. ESTABLISHMENT OF INTERGOVERNMENTAL HEALTH CARE FRAUD AND ABUSE COMMISSION

(a) IN GENERAL.—There is established a commission to be known as the "Intergovernmental Commission on Health Care Fraud and Abuse" (in this Act referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 13 members as follows:

(1) OFFICIALS.—

(A) The Secretary of Health and Human Services (or the Secretary's designee).

(B) The Inspector General of the Department of Health and Human Services (or the Inspector General's designee).

(C) The Attorney General (or the Attorney General's designee).

(D) The Director of the Federal Bureau of Investigation (or the Director's designee).

(E) The Administrator of the Health Care Financing Administration (or the Administrator's designee).

(2) PUBLIC MEMBERS.—Eight members, appointed by the President, of which—

(A) one shall be an Attorney General of a State;

(B) one shall be a representative of State medicaid fraud control programs;

(C) one shall be a representative of health care consumers;

(D) one shall be a representative of medicare beneficiaries;

(E) one shall be a representative of physicians;

(F) one shall be a representative of health insurance companies;

(G) one shall be a representative of employers who provide employee health insurance; and

(H) one shall be a representative of labor unions.

In making appointments under this paragraph of an individual who is a representative of persons or organizations, the President shall consider the recommendations of national organizations that represent such persons or organizations. The President shall report to Congress, within 90 days after the date of the enactment of this Act, the names of the members appointed under this paragraph.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

SEC. 3. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) investigate the nature, magnitude, and cost of health care fraud and abuse in the United States, and

(2) identify and develop the most effective methods of preventing and eliminating such fraud and abuse, with particular emphasis on coordinating public and private prevention and enforcement efforts.

(b) PARTICULARS.—Among other items, the Commission shall examine at least the following:

(1) Mechanisms to provide greater standardization of claims administration in order to accommodate fraud detection and prevention.

(2) Mechanisms to allow more freedom of health benefit plans to exchange information for coordinating case development and prosecution efforts, without undermining patient and provider privacy protections or violating anti-trust laws.

(3) The need for regulation of new types of health care providers.

(4) Criteria for physician referrals to facilities in which they (or family members) have a financial interest.

(5) The extension to private health insurers of administrative remedies currently available to public insurers.

(6) Creating a model State statute for establishing State insurance fraud units and State laws to strengthen insurers' ability to pursue and recover from fraudulent providers.

(7) The availability of resources to law enforcement authorities to combat health care fraud and abuse.

(c) REPORT.—After approval by a majority vote, a quorum being present, the Commission shall transmit to Congress a report on its activities to Congress. The report shall be transmitted not later than 18 months after the date that a majority of the public members of the Commission have been appointed. The report shall contain a detailed statement of the Commission's findings, together with such recommendations as the Commission considers appropriate.

SEC. 4. COMPENSATION AND ORGANIZATION.

(a) COMPENSATION OF MEMBERS.—

(1) RATES OF PAY.—Each public member described in section 2(b)(2) who is not an officer or employee of the Federal Government is entitled to receive pay, subject to such amounts as are provided in advance in appropriation Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties vested in the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) ORGANIZATION.—

(1) QUROUM.—Seven members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) CHAIRMAN.—The chairman of the Commission shall be elected by the members.

(3) MEETINGS.—The Commission shall meet at the call of the chairman or a majority of its members. Meetings of the Commission are open to the public under section 10(a)(10) of the Federal Advisory Committee Act, except that the Commission may conduct meets in executive session but only if a majority of the members of the Commission (a quorum being present) approve going into executive session.

(c) FUNDING.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its functions. Such funds shall remain available until expended.

SEC. 5. STAFF OF COMMISSION.

(a) IN GENERAL DETAIL OF FEDERAL EMPLOYEES.—Subject to rules prescribed by the Commission, the chairman may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment and compensation and other conditions of service in the competitive service. Upon request of the chairman, any Federal employee who is subject to such laws, rules, and regulations, may be detailed to the Commission to assist it in carrying out its functions under this Act, and such detail shall be without interruption or loss of civil service status or privilege.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

SEC. 6. AUTHORITY OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chairman of the Commission, the head of that department or agency shall furnish that information to the Commission.

(2) ACCESS TO INFORMATION.—Information obtained by the Commission is available to the public in the same manner in which information may be made available under sections 552 and 552a of title 5, United States Code.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is authorized to investigate under this Act. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

SEC. 7. TERMINATION.

The Commission shall terminate 60 days after the date the report is submitted under section 3(c).

GREGORY D. WATSON GETS HIS 1789 CONSTITUTIONAL AMENDMENT PASSED—MICHIGAN ENDS THE ONE MAN CRUSADE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. FROST. Mr. Speaker, today the Michigan Legislation ratified an amendment to the U.S. Constitution. It becomes a unique ratification, inasmuch as Michigan became the 38th State to ratify a constitutional amendment proposed in 1789. After 203 years, three-fourths of the States have ratified this amendment, and no one is more responsible for its ratification than Gregory D. Watson of Austin, TX.

Gregory is the subject of my May 8, 1992, weekly column, and I am inserting at this point in the RECORD for my colleagues to read:

FROST WEEKLY COLUMN

(By Congressman Martin Frost)

When Gregory D. Watson began working in the Texas House of Representatives, he soon discovered some very interesting facts about our constitutional system of government. He became interested in the fact that the founding fathers of our nation submitted a number of proposed constitutional amendments—ten of which were ratified and became known as our Bill of Rights.

But, Gregory also discovered that other proposed amendments were not ratified by the required number of states and therefore were in "limbo" since their submission to the states for approval. He became personally interested in one of those proposed amendments, known as the Madison Amendment, which states:

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Gregory contacted every state that had not ratified the proposed amendment and began to work for ratification in each of those states. In Texas, his efforts finally paid off on May 25, 1989, but he had previously been primarily responsible for many others ratifying the proposal prior to that date.

On March 9, 1992, I introduced a constitutional amendment that was modeled after the Madison Amendment, just in case the 1789 proposal is ruled invalid for some reason. Congressman Charles Stenholm joined me in sponsoring this amendment.

On Thursday, May 7, 1992, Gregory, a graduate of The University of Texas at Austin with a major in government, saw his dream come true. The Michigan Legislature became the 38th state to ratify the Madison Amendment, or as Gregory says, "the Congressional Compensation Amendment of 1789."

When he began his effort to see the Amendment ratified, only eight states had done so. Now, three-fourths of the states have notified Congress that the Madison Amendment—Gregory D. Watson's amendment—has been approved, and it will be interesting to see if the courts will uphold its two hundred year path to ratification.

INTRODUCTION OF LEGISLATION REGARDING FOREIGN ASSISTANCE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. OWENS of Utah. Mr. Speaker, today I will be introducing a bipartisan bill to prohibit United States foreign assistance for Serbia and Montenegro and to freeze the assets of the former Yugoslavia. My bill also calls upon the President to immediately derecognize Yugoslavia and provide humanitarian and refugee assistance for the victims of the war in Croatia and Bosnia.

In addition, the legislation urges the administration to withhold recognition of Serbia and Montenegro until they hold democratic elections and adcpt political and constitutional reforms that recognize the territorial integrity of newly independent former Yugoslav republics, including Croatia and Bosnia-Hercegovina.

Mr. Speaker, the United States is beginning to move against Serbian aggression. We can leave no doubt in the minds of Serbia's ruthless leader or victims of Serbia's brutality that the Americans people abhor the violence and support tough, immediate action against the aggressors.

CONGRATULATIONS TO MONTGOMERY COUNTY WINNERS OF SMALL BUSINESS AWARDS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. MORELLA. Mr. Speaker, I wish to recognize Mr. DeVance Walker, Jr., Mr. Lester Coffey, Ms. Jayne Millar Wood, and Ms. Eve Grover upon being honored by the Small Business Administration for their accomplishments in the Montgomery County business community.

DeVance Walker, Jr., manager of Business and Technical Service for the Montgomery County Office of Economic Development, has been named Minority Business Advocate of 1992. Mr. Walker's dedication to the cause of furthering the role of minorities in business prompted him to begin the Minority Business Mentor Program and the County Procurement Program. He also aids the Montgomery County Small Business Development Center in preparing its procurement focus briefings.

Lester Coffey has been named the SBA regional, State, and National Accountant Advocate of the Year. Mr. Coffey is president of a Rockville based management consultant firm, Coffey and Associates. Last year, Mr. Coffey was president of the Greater Gaithersburg Chamber of Commerce and served as chairman of the Champions of the Future Foundation. The foundation works to teach student skills needed for successful lives. Mr. Coffey also teaches accounting practices at the University of Maryland.

Jayne Millar Wood, president of Devres Inc., an international management consulting firm located in Bethesda, has been named SBA Regional Exporter of the Year. Ms. Wood, a cofounder of Devres Inc., has been providing technical assistance and advice to clients in 88 countries since 1978. Devres Inc. employs more than 100 people in both the United States and abroad with revenues of more than $3 million annually.

Eve Grover, vice president of First American Bank, has been named by SBA as regional Financial Services Advocate of the Year. Ms. Grover is First American's small business liaison officer. She also serves on its community reinvestment act committee and is the chairwoman of its small business committee. Ms. Grover was founder and president of First Women's Bank of Maryland.

I offer my congratulations to these outstanding individuals on their accomplishments. They are all truly deserving of this very distinguished honor by the Small Business Administration.

UNACCOUNTABLE CONGRESS—WE ARE LIVING IN A FISCAL FANTASYLAND

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. BALLENGER. Mr. Speaker, the American people's low opinion of this Democrat-controlled Congress can't get much lower after the rubber check and post office scandals. Former Congressman Joe DioGuardi in his recent book aptly describes the Democrat-controlled Congress. He says "Exploring the financial management of the United States government is very much like being blindfolded and lost in the New York subway system; you don't know where you are, have no idea where you are going—and you could fall off the edge at any moment * * * "

The American people are tired of Congressmen fudging economic numbers to make projections work. They are tired of the off-budget treatment for hiding Federal expenses. They are tired of the current service budget ploy for faking spending reductions. They are tired of the phony "fraud, waste, and abuse excuse" to create theoretical savings. And even worse, the American people are tired of the "magic asterisk" which balances a budget by promising—somehow—to find savings later.

Mr. DioGuardi best sums it up in his book, "We are living in a fiscal fantasyland that, unlike Cinderella, ends unhappily ever after." Mr. Speaker the American people are tired, with the tax and spend and coverup policies, of the Democrat-controlled Congress. They want a Congress that is accountable to the American people.

INTRODUCTION OF THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. RICHARDSON. Mr. Speaker, today, I am introducing legislation that will provide congressional approval for an historic agreement that will settle the Indian water rights claims of the Jicarilla Apache Tribe in New Mexico. The settlement agreement is the first such negotiated settlement of Indian water rights in the State of New Mexico.

The Jicarilla Apache Tribe of north central New Mexico resides on a reservation of approximately 823,000 acres located between two federally constructed water projects: The San Juan-Chama Transmountain Diversion project to the east and the Navajo Reservoir to the west. Despite the fact that water resources the tribe has depended upon for ages were significantly depleted, the Bureau of Reclamation excluded the tribe from participating in or benefiting from the two water projects. As a result, the tribe had no choice but to file suit against the United States.

Over the past several years, the Jicarilla Apache Tribe has been engaged in negotiations with the Department of the Interior for settlement of the tribe's water-related claims. The terms and conditions of the negotiated settlement are embodied in a contract between the tribe and the United States, a contract that is fully supported by the New Mexico Interstate Stream Commission.

Passage of this legislation will enable the tribe to enter into partial final decrees with the State of New Mexico quantifying its water rights in both the Rio Chama and San Juan River stream systems in the State of New Mexico, securing a perpetual water supply for the tribe.

In addition, this legislation establishes a water resource development trust fund, in the amount of $2 million a year for 3 years. The funds will be used for water resource development costs in addition to the costs associated with the implementation of the settlement.

This legislation also requires the Secretary of Interior to comply with all environmental laws, including the Endangered Species Act, the National Environmental Policy Act (NEPA), and other applicable environmental laws and regulations.

Mr. Speaker, the agreement reached by the Jicarilla Apache Tribe and the Department of Interior, which is ratified in this legislation, sets a benchmark that I believe should be strived for in resolving water rights issues. The legislation benefits the tribe, allows the United States to meet its obligation, and has the full support of the State of New Mexico. I urge my colleagues to join me in passing this important legislation.

Mr. Speaker, I insert the text of this legislation in the RECORD.

H.R. 5122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jicarilla Apache Tribe Water Rights Settlement Act".

SEC. 2. FINDINGS.

Congress hereby finds and declares that—

(1) the Jicarilla Apache Tribe has multiple claims against the State of New Mexico, the United States, and other parties, related to water rights for its reservation in northern New Mexico and based on the alleged infringement of those rights;

(2) Federal water resource projects have diverted water upstream from the Jicarilla Apache Indian Reservation and have impounded water downstream from the reservation, but no provision has been made for substantial water resource development to benefit the reservation;

(3) a full and final settlement of the water rights claims of the Jicarilla Apache Tribe will inure to the benefit of the Tribe, the State of New Mexico, and the United States;

(4) this Act, together with a Settlement Contract between the Jicarilla Apache Tribe and the United States, is intended to provide for the full, fair and final resolution of the water right claims of the Tribe, and to secure to the Tribe a perpetual water supply for use on its reservation;

(5) the Jicarilla Apache Tribe may use this water supply outside the boundaries of its reservation consistent with the terms of a Settlement Contract between the Tribe and the United States; and

(6) the Secretary, in accordance with the requirements of section 11(a) of the Act of June 13, 1962 (76 Stat. 96, 99; Public Law 87-483), has determined by hydrologic investigations that sufficient water to fulfill the Settlement Contract is reasonably likely to be available for use in the State of New Mexico under the allocations made in articles III and XIV of the Upper Colorado River Basin Compact and has transmitted such determination to Congress by letter dated February 2, 1989.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) approve, ratify and incorporate by reference the Settlement Contract; and

(2) to authorize the actions and appropriations necessary and appropriate for the United States to fulfill its obligations under such contract and this Act.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Settlement Contract" means a contract between the United States and the Jicarilla Apache Tribe setting forth the commitments, rights and obligations of the United States and the Tribe in providing for the resolution of all water right claims of the Tribe.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Tribe" means the Jicarilla Apache Tribe of Indians organized under a revised constitution adopted December 15, 1968 pursuant to the Indian Reorganization Act (25 U.S.C. 476 et seq.) and duly recognized by the United States of America.

(4) The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at the Navajo Dam as authorized by the Act of April 11, 1956 (70 Stat. 105).

(5) The term "San Juan-Chama Project" means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

SEC. 5. SETTLEMENT CONTRACT APPROVAL.

(a) SETTLEMENT CONTRACT.—The Secretary, acting on behalf of the United States, and the President of the Tribe, acting pursuant to an authorization from the Jicarilla Apache Tribal Council, are authorized to enter into the Settlement Contract, but in no event shall such contract be limited by any term of years, or be canceled, terminated or rescinded by the action of any party, except by an Act of Congress hereafter enacted.

(b) APPROVAL OF SETTLEMENT CONTRACT.—The Congress approves, ratifies, and hereby incorporates by reference the Settlement Contract.

(c) AUTHORITY OF SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Contract and this Act.

SEC. 6. WATER AVAILABLE UNDER THE CONTRACT.

(a) WATER AVAILABLE.—Water made available annually under the Settlement Contract approved by section 5 of this Act is in the following amounts under water rights held by the Secretary for the following projects or sources:

	Total diversion (acre-feet/year)	Total depletion (acre-feet/year)
Navajo Reservoir or Navajo River	33,500	25,500
San Juan-Chama Project	6,500	6,500
Total	40,000	32,000

(b) AMENDMENTS TO CONTRACT.—The Secretary may enter into amendments to the Settlement Contract which would in his judgment be in the interest of water conservation and in the spirit of this settlement of the claims of the Tribe, but the water depletions shall not exceed the amounts set forth in this section.

(c) RIGHTS OF THE TRIBE.—The Tribe will be entitled under the Settlement Contract to use any and all return flows attributable to uses of the water by the Tribe or its contractors, as long as the water depletions do not exceed the amounts set forth in this section

SEC. 7. SUBCONTRACTS.

(a) AUTHORITY OF TRIBE.—Subject to the approval of the Secretary, when water made available under the Settlement Contract approved by section 5 of this Act is not being used by the Tribe, the Tribe may sell, exchange, lease, or otherwise temporarily dispose of such water in accordance with section 11 of the Settlement Contract, but the Tribe shall not permanently alienate any rights it has under that contract. The maximum term of any water use subcontract, including all renewals, shall not exceed 99 years in duration.

(b) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any subcontracts submitted to him for approval within (1) 180 days after submission, or (2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later. Any party to a subcontract may enforce the provision of this subsection pursuant to section 1361 of title 28, United States Code.

(c) PREEMPTION.—The authorization provided for in subsection (a) shall not amend, construe, supersede, or preempt any Federal law, interstate compact, or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters. The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Contract.

(d) FORFEITURE.—The non-use of the water supply secured herein by a subcontractor of the Tribe shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of the rights exercised by the Tribe under the Settlement Contract.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated:

(1) $6,000,000 for deposit, in accordance with the following schedule, in a water resources development trust fund established in the United States Treasury for the Tribe, to be expended by the Tribe for any water resource development costs, including cost associated with this settlement:

(A) $2,000,000 shall be deposited in the first fiscal year which commences following the date of the enactment of this Act;

(B) $2,000,000 during the fiscal year next following the first fiscal year referred to in subparagraph (A); and

(C) $2,000,000 during the fiscal year next following the second fiscal year referred to in subparagraph (B); and

(2) such amounts as are necessary, for expenditures by the Secretary, to pay the Tribe's share of the operation, maintenance, and replacement costs for the San Juan-Chama Project, when the Secretary has waived the Tribe's obligation to pay such costs pursuant to subsection (c)(1) and section 10(f) of the Settlement Contract.

(b) NO PER CAPITA PAYMENTS.—No part of the principal of the fund, or of the income accruing to such fund, or the revenue from any water use subcontract, shall be distributed to any member of the Tribe on a per capita basis.

(c) WAIVERS.—Notwithstanding the provisions of the Act of August 4, 1939 (53 Stat. 1187), or any other provision of law:

(1) When the conditions specified in section 10(f) of the Settlement Contract are satisfied, the Secretary may waive all or part of the Tribe's share of the construction costs, and the operation, maintenance, and replacement costs for the Navajo Reservoir and the San Juan-Chama Project.

(2) When all or part of the Tribe's share of the construction costs for the San Juan-Chama Project are waived by the Secretary, that portion of those costs waived shall be nonreimbursable.

(3) The Tribe's share of the construction cost obligation for the San Juan-Chama Project, both principal and interest, due from 1972 to the execution of the Settlement Contract shall be nonreimbursable.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) ENVIRONMENT.—The water supply authorized by the Act of June 13, 1962 (76 Stat. 96), for the initial stage of the San Juan-Chama Project may not be used to offset the impacts of other water projects in the San Juan River Basin in order to comply with the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531). Notwithstanding the preceding sentence, nothing in this Act is intended to exempt the operation of the San Juan-Chama Project from the provisions of the Endangered Species Act of 1973, or to amend or repeal the provisions of the Act of June 13, 1962 (76 Stat. 96).

(b) NOT A MAJOR FEDERAL ACTION.—Execution of the Settlement Contract shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall comply with all aspects of the National Environmental Policy Act of 1969, the Endangered Species Act, and other applicable environmental laws and regulations in fulfilling the terms of the Settlement Contract.

SEC. 10. PROTECTION OR RIGHTS.

The tribal rights under the Settlement Contract approved by section 5 of this Act, and the water rights adjudicated by final decrees in general stream adjudications consistent with such contract, shall inure to the benefit of the Tribe, and the Tribe shall not be denied all or any part of such rights absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 11. DISCLAIMER.

Nothing in this Act shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with the provisions of the Boulder Canyon Project Act (45 Stat. 1057); the Boulder Canyon Project Adjustment Act (54 Stat. 774); the Colorado River Storage Project Act (70 Stat. 105); the Colorado River Basin Project Act (82 Stat. 885); the Act of June 13, 1962 (76 Stat. 96); the Colorado River Compact of 1922 made effective by Public Proclamation of the President of the United States on June 25, 1929 (46 Stat. 3000); the Upper Colorado River Basin Compact (63 Stat. 31); the Rio Grande Compact (53 Stat. 785); or the Treaty between the United States of America and the United Mexican States (59 Stat. 1219).

AMERICAN INDIANS IN STATE LEGISLATURES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my on-going series this year, I am providing for the consideration of my colleagues an article in the March 1992 edition of the magazine State Legislatures, a magazine published by the National Conference of State Legislatures. The article highlights some of the American Indians in State legislatures throughout the United States.

INDIAN LEGISLATORS BREAK NEW GROUND

(By Judy Zelio)

In 1989 a small group of Navajo people approached Lynda Morgan with the possibility of running for the New Mexico Legislature. "I knew zilch about state politics," she says. "But I had served as a chapter secretary, an elective position. And at meetings of the Eastern Navajo Agency Council, I spoke out about issues in a way that people seemed to like." While lacking political experience, Morgan was confident of her ability to face groups. She filed as a candidate in February and took office in June—the first Indian woman ever to serve as a state legislator in New Mexico.

Morgan's total campaign chest amounted to some $200. She hung her own posters. She never ran a newspaper ad, never appeared on television. She spoke at community events and social gatherings. She had little help from other women, whose attitude seemed to be that state politics should be left to men.

Now in her second term, Morgan has proved herself an able representative of all Indian people in New Mexico. Last April the governor signed her bill for a state contract with the Institute of American Indian Arts for the promotion of Indian arts and culture.

An agency director for the Navajo Nation's Department of Youth Services, Morgan is raising two teen-age boys on her own. Her legislative district is one of sandy arroyos, red rock canyons and mesas, sagebrush and dirt roads winding out to scattered homes where Navajo is the first—and sometimes only—language spoken. Recent redistricting added about 8,000 people, primarily Anglo and Hispanic, in the town of Grants, but the district is still 62 percent Indian.

To many Navajo voters the state legislature is part of an alien government. Rather than turning to state capitols in Santa Fe, Phoenix or Salt Lake City—Navajo lands encompass territory in three states—Navajo citizens normally voice their political concerns at their chapter houses or in general tribal elections. Marshall Plummer, Navajo Nation vice president, emphasizes the importance of having Navajo state legislators to advance the tribe's social and economic goals and to educate other legislators, the non-Navajo public and members of the court system about the Navajo Nation. But many Navajos and other Native Americans still see state government as an adversary—a force ready to impose unwanted control.

In 13 states at least 32 Native American legislators currently do a balancing act between membership in a sovereign nation and service as an elected state official. Deep-seated prejudices against Indians still exist in both rural and urban areas around the country. But as Oklahoma Senator Enoch Kelly Haney points out, Indian people want the same things that any other people want: decent schools, adequate health care, good roads and comfortable housing.

Haney, the grandson of Willie Haney, chief of the Seminole Nation of Oklahoma, has won several terms in a non-Indian district by repeating that theme. As vice chairman of the appropriations committee, much of Haney's time is occupied with Oklahoma's budget, but he also has worked effectively on behalf of Oklahoma Indians by sponsoring legislation that led to creation of the Indian Affairs Committee, the Indian Affairs Commission and special symbolic artwork and displays honoring Indian people at the Capitol in Oklahoma City. A Master Artist of the Five Civilized Tribes whose art accompanies this issue, Haney recently decided to run for the U.S. Senate, hoping to increase to two the number of Native Americans in Congress. Representative Ben Nighthorse Campbell of Colorado, previously a state legislator, is the only Native American member of Congress at this time.

South Dakota is the location of an 1890 massacre of Indian women and children at Wounded Knee, a painful event whose memory lingers among Indian people. When Governor George Mickelson declared 1990 a "Year of Reconciliation" to encourage improved relations between Indians and non-Indians, some bitterness did thaw in the warmer climate fostered by the declaration.

Paul Valandra, a Rosebud Sioux, ran for the South Dakota Senate after serving on the tribal council. Politics are a family tradition—his cousin Cato Valandra, an adviser to President Lyndon Johnson, served as tribal president from 1962 to 1969. Valandra, who points out that tribal politics can be especially intense because members are all related to one another, anticipated that state politics would be more detached, less intimate. However, among his potential Indian constituents, Valanda faced resistance to his plan to become a legislator. Some felt the state had no business holding elections on reservations, and by participating in the election process, Valandra was acquiescing to state jurisdiction. In fact, he says, "I kind of feel that way myself. But a new movement in Indian Country is looking at taking care of local problems through political control instead of isolation. Instead of bucking the county commissioner, they'll be working to nip problems in the bud by being involved at the beginning."

Valandra had found himself frustrated that neither major party recruited or supported Indian candidates. He first ran in 1988 as an Independent, losing by just nine votes in a district that was more than 80 percent Indian. Low voter turnout played a big part in his defeat. Since his 1990 election (as a Democrat), which coincided with the Year of Reconciliation, Valandra believes that his constituents are paying more attention to the actions of state government as well as to his own activities as a legislator. He would like to see even more interest. During recent redistricting activities, his Indian constituents opted to keep their district's current configuration. They realized that, since many of them are not very active in state politics, the 85 percent Indian nature of the district is probably more useful to them than changing its makeup might be. The state cooperated with that choice.

Valandra considers many Indian issues to be much the same as those of other minority groups in the United States, although economic problems are at least as prominent as racial problems. "Jesse Jackson's term 'economic violence' is what the struggle is all about," he says. "We still have no control over our economic system." Poor Indians suffer in ways similar to other minorities, but the unique status of Indian tribes as a fourth level of government in the American system, their strong attachment to particular geographic locations and their isolation, all magnify the problems of rural poverty.

Valandra would like to effect some economic and social change, but has to take it slowly, representing as he does both Indians and non-Indians. He hopes to avoid getting tangled in questions of state-tribal jurisdiction. He comments wryly, "It's very easy to look back and see there's nobody behind you." In supporting the imposition of tribal liquor licenses and excise taxes on non-Indian businesses located on Indian land, Valandra feels he is backing Sioux efforts to deal with alcoholism problems among their people. In the delicate balance between tribal sovereignty and state regulation, he tries to walk carefully. "I'd like to see an Indian Affairs Commission set up that could make binding recommendations for state government. I'd also like to see the attorney general's office give mediation a chance before litigating. We've wasted a lot of time, effort and money. I don't think it would usurp the AG's authority, but it would provide more peripheral vision on some of these issues."

Valandra is director of employment and training for the Rosebud Reservation. He and his wife, who recently opened a law practice in Mission, have four children. "Paul's a good guy," says South Dakota Senator Jim Dunn. Russell Hawkins, chairman of the Sisseton-Wahpeton Sioux Tribal Council agrees: "I think he'll be good for the whole state."

Maine's Native Americans can claim a much longer history of political contact than can the people of the Plains. Descended from a long line of Chiefs and tribal governors, Penobscot Representative Priscilla Atten occupies an unusual position among legislators. She and Madonna Soctomah, Passamaquoddy representative, serve in the Legislature as representatives of their tribes; they have floor seats and speaking rights, but no voting rights. This practice, in formal existence since Maine became a state in 1820, is believed to predate the American Revolution. Tribal representatives' salaries, expenses and allowances, which are paid by the state, are the same as other state legislators'. Attean's balanced approach to sometimes volatile state-tribal issues may be one reason tribal members continue to re-elect her as their representative. She is active on NCSL's state-tribal relations task force and works as the Penobscot Nation's tribal-state relations officer.

Representative Scott Ratliff, a member of the Shoshone Tribe, lives in Riverton, Wyo. A career counselor at Central Wyoming College, he represents a district that includes the Wind River Reservation. "I am the only Indian in the Wyoming Legislature," he says, "and it has only been since I got into the Legislature that even the people from my county paid any attention to the reservation." The Shoshone share the reservation with the Arapaho—a tribe with whom they frequently warred during their semi-nomadic buffalo-hunting days. Each tribe maintains a separate business council, and the business of the reservation as a whole is handled by a joint business council.

Vocal on social issues, Ratliff is especially frustrated by the failure of all governments to address effectively problems of national scope. "We need to face big problems and solve them. We're letting the courts do the work because we're afraid to. Substance abuse is at the root of so many jail sentences and car accidents, and of welfare dependency, but both the Legislature and the community are reluctant to really look at these issues. We wait until the feds throw the problem to us, then talk about how we can't have a tax increase." With six years on the appropriations and management committees, Ratliff is concerned not just with Indian issues but with the quality of life for all the rural people of Wyoming. In describing the rationale behind a newly published book on tribal government, he says: "If the state, county and Wind River tribes are ever to solve mutual problems, they must first understand each other's governments and values." While confessing to some uncertainty about the real meaning of tribal sovereignty, he urges states to treat tribal governments as they would the government of another state, acknowledging their rights to respect and legitimacy.

As more responsibility is returned to tribal governments and more opportunities arise for state and tribal governments to work together, the role of Native Americans in mainstream politics can only expand. To that end, in 1991 they established the National Council of Native American Legislators to work on social and political issues that affect Indians and to increase their participation in state politics.

REV. VERNON SHANNON HONORED AT ST. CATHERINE'S CHURCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is indeed an honor to rise to pay tribute to Rev. Vernon Shannon. I know that the good people of St. Catherine A.M.E. know full well that in Reverend Shannon they have a leader who is fully committed to his congregation and to the community at large. Indeed, at a time when tension and conflict tear at the fabric of our society, Reverend Shannon is a leader in the cause of promoting understanding. He has truly been a builder of bridges.

Through 20 years of service, Reverend Shannon has been a force for change. Under his strong leadership, St. Catherine's Church has assumed an increasingly prominent role in New Rochelle. The church has increased its role as a home to community groups, a center for the life of its parishioners, a place for education and music, a partner in the war on poverty, a builder of affordable housing, and a caretaker of New Rochelle's elderly.

Reverend Shannon understands how critically important it is that our Nation be pulled together, not torn apart. He has been at the forefront of the important work of the Westchester Coalition for Mutual Respect. Together with a diverse group of religious and lay leaders throughout Westchester, Reverend Shannon has been a voice of conciliation and understanding. He has spoken out against hatred and bigotry and has worked tirelessly to resolve conflicts. Through that work, Reverend Shannon is an important messenger of hope.

While we celebrate his 20 years as Pastor at St. Catherine's, we know that Reverend Shannon will continue his leadership and dedication which extend far beyond his own church. He is a recipient of the Westchester County Community Service Award, the highest award given by our county. He has also received numerous well-deserved honors and citations from local and national organizations.

Mr. Speaker, Reverend Shannon is indeed a special person. His capacity to bring people together in pursuit of common goals has been a dynamic force in Westchester County over the last two decades. At this juncture, our Nation needs leaders like Reverend Shannon who understands that our future depends on working together and that all suffer when tensions, hostility and bigotry take hold. I know that he will continue to be an inspiration for harmony and compassion, for progress and hope.

CONGRESSIONAL SALUTE TO THE BELLEVILLE PUBLIC LIBRARY OF NEW JERSEY UPON THE CELEBRATION OF ITS 90TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ROE. Mr. Speaker, this year the residents of my congressional district and State of New Jersey will join together with the Honorable Mayor Marina C. Perna, and other esteemed dignitaries to celebrate the 90th anniversary of the founding of the Belleville Public Library and the complete redesign of this historic building. I know that you and our colleagues here in the Congress will want to join me in extending our heartiest congratulations and best wishes to the distinguished director, David Bryant, other officers, trustees, and community leaders who have actively participated in the organization and administration of this prestigious educational and cultural center of current and historic collections of literacy and artistic materials which have truly enriched our community, State and Nation.

Mr. Speaker, the exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to the people of the city of Belleville who, through their fidelity, devotion, and personal commitment have provided a haven for knowledge, learning, wisdom, and enlightenment for young and adults alike—the Belleville Public Library. I particularly commend to you the honor roll of distinguished citizens who have served the library as officers or trustees over this past 90 years. The current roster of the board of library trustees of the Belleville Public Library is as follows: James J. Cazzarelli, Jr., president; the Honorable Marina C. Perna, mayor; Ms. Barbara A. Spillane, secretary; Mr. Joseph T. Casale, treasurer; Mr. Ralph J. DiRuggiero; Mr. Michael Nardiello, superintendent of schools; Mr. Kenneth R. Broo; and Mr. David Bryant, library director.

Mr. Speaker, the Belleville Public Library is steeped in the history of the community and the devoted services of its citizenry. In 1902, Belleville's Tuesday Afternoon Reading Club found itself in need of space for its shared book collection of over 4,000 volumes. Needed also were rules about loaning books to people in town. The Reading Club rented a storefront on William Street, stocked it with books, scheduled hours based on availability of volunteers and brought the value of a community library of good reading to the people of Belleville.

Across turn-of-the-century America, many towns had similar public library origins, based on the collective effort, wisdom, and treasured books of community volunteers like Belleville's Tuesday Afternoon Reading Club. What these good groups needed were permanent homes—public libraries—that would house books, offer reading rooms, and provide access to magazines and newspapers. These permanent homes would also need public support, a small portion of local taxes going into their maintenance and staffing. They would become America's public libraries.

Belleville's Tuesday Afternoon Reading Club would find the answer to its building needs, just as more than 1,600 other American communities would, in the generosity of Andrew Carnegie. An industrial empire amassed by Carnegie, gave the Nation's most generous benefactor the means to build public libraries across America, from small towns to big cities.

When a town decided that it would approach Andrew Carnegie to fund a public library, it needed to provide some background information that would prove it could not only construct a building full of books but keep it open as a library, keep its book stock fresh and make it an ongoing part of a community's cultural life. The Tuesday Afternoon Reading Club was ideally placed in Belleville's life to do this.

The success of the storefront library was easy to document. The library expanded hours after it opened in 1902 and continued to add to its schedule and its book collection from 1903 through 1910. The library has proven itself a cultural benefit in local life. Petitioning town government for help in acquiring property would be the next step. At the same time, subscribers were sought to contribute to a site fund to be assisted by municipal support. Land on the corner of Washington Avenue and Academy Street was available, affordable, and ideally located in the downtown business district.

The pieces for Andrew Carnegie's funding were in place when the noted Belleville architect, Charles Granville Jones was selected by the library committee to design the home of Belleville's Public Library. Carnegie offered few hurdles for towns seeking his funding for their libraries, but he insisted that the building he was paying for "look like libraries." With its compact classicism, its strong stone and brick exterior, columns and pediment at entry, and placed on a sloping lawn, the 3,600 square foot library that Jones drew met Carnegie's test—it looked like a library—and it quickly became a source of local pride. Its construction cost $20,000—materials and labor $5.50 per square foot.

Meeting for their first time in their brand new Carnegie Library in October 1912, the library board was overseeing a library that would continue to grow in popularity and book collection. The simple, understated interior was the scene of monthly meetings by the library board. An early issue for this board, led by President Streeter, was whether to have a telephone in the library. The resolution: The library would have a telephone, linked to an existing Academy Street party line, but the telephone number would be unlisted.

This 90th anniversary year, 1992 follows all of that progressive history for Belleville's Public Library. It follows too what may have been the library's most remarkable year of all—1991. Last year three projects merged to produce a library that will receive national notice and more important, serve the needs of Belleville for decades to come. It was the library's good fortune to inherit the estate of Miss Helen Van Brunt, who filled her home with books and music. This bequest allowed Trustee Cazzarelli to take on his largest renovation project to date—the redesign of the original Carnegie Library interior and the stacks portion of the 1929 addition. The result is breathtaking. It is anchored in a renaissance use of rich colors, combined with faux stone and marble surfaces. The lighting is at once high technology and soothing, looking like an Art Nouveau installation from 1911—with the lighting power we expect in the 1990's. The Carnegie Library's original Washington Avenue entry, framed by columns and pediment was said to have been lost in the 1981 expansion. Now, it has been honored and recreated in the new Carnegie Room. This reference to tradition combines with other classical elements to put the Belleville Public Library's interior in a category of its own in New Jersey—and in the Nation.

Mr. Speaker, in reflecting upon the history of our great country and the deeds of our people who have made our representative democracy second to none among all nations throughout the world, I am pleased to call this 90th anniversary celebration to your attention and seek this national recognition of the people of the city of Belleville in bringing fruition, maintaining and expanding its public library for a communion of understanding, exchange of ideas, recreation, and communication of the arts, cultures, and sciences of the past, present, and future. We do indeed salute the trustees and administration of the Belleville Public Library upon the celebration of their 90th anniversary and commemoration of their main library, the Carnegie Library, as a historic landmark.

INTRODUCTION OF H.R. 5100

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. LEVIN of Michigan. Mr. Speaker, today, I join Chairman ROSTENKOWSKI in introducing H.R. 5100. I congratulate him for his vision and leadership in introducing this comprehensive trade package. I support this legislation as a vital step forward in an area in which America fell dangerously behind in the 1980's.

For too long we have been nibbling around the edges of our trade problems—responding haphazardly while our industrial base eroded and our businesses and workers were treated like second-class citizens abroad.

Today, we emphatically reject such aimlessness, as we take a major step in setting trade policy for this Nation and ensuring a future for industrial America. Today, we are saying it does matter whether industries like semiconductors, autos, auto parts, machine tools, and steel not only survive—but thrive. Today, we are finally saying "enough is enough" to Japan and other trading partners who practice one-way trade.

Today, we are standing up for our workers and businesses at home by making sure they are given the chance to compete abroad.

This bill is national in scope and internationalist in perspective. It looks outward, not inward, by focusing on opening foreign markets to high-quality American goods.

It starts by reenacting Super 301, the tough, effective market-opening measure that expired last year. It focuses on the most costly unfair trade practices by saying we won't allow American auto parts makers to be driven into extinction by closed markets in Japan and predatory keiretsu relationships in the United States.

It fights for semiconductors and other high technology industries by making it more difficult for other countries to violate trade agreements. It closes loopholes that permit foreign companies that dump their products to thumb their noses at U.S. court decisions.

Like our competitors in the European Community, the United States will indicate for the first time that a strong, indigenous motor vehicle industry is important as a matter of national policy—and we will not sit back as it loses $20 million a day.

Like the EC, we are telling Japan there are limits to what we will tolerate in our own market while foreign sales in Japan remain at an anemic 3 percent. Last year, Japanese auto manufacturers made about $10 billion in their own, virtually closed market, while losing about $3 billion in the United States. They used the profits in the former to gain market share in the latter.

This bill instructs the administration to begin auto trade talks with the Japanese—focusing on imports and transplants. But it also says that Congress will adjust any such limits upward by the number of American cars we sell in Japan.

The livelihood of some 3 million workers in industries ranging from computers-to-glass-to-steel depends on the American auto industry. American companies now make some of the best cars in the world. But we cannot hide the fact that these same companies lost $10 billion last year. Or that GM announced 70,000 layoffs in December.

And we can't continue to watch other countries carve up the world's markets while our own auto workers are handed pink slips.

Two competing views have emerged about the state of industrial America. One focuses on a few healthy sectors and says "Everything Is Fine." Another says the last 10 years have not been good ones for industries ranging from semiconductors to auto parts and that we continue on this path at our own peril.

The 1990's simply cannot be a repeat of the 1980's.

Today, we are saying we are not powerless to shape our own destiny—that we must take the future into our own hands.

This bill places responsibility on industry, tying active Government policies to efforts by industry to become more competitive.

But the need for America to put its own house in order—whether improved education or policies stimulating savings, productivity, or economic growth—is not an excuse for the lack of a trade policy that brings about a level playing field for American businesses and workers. This persistent unevenness has resulted in a sick economy. It is time indeed for a change.

END MEDIA CENSORSHIP OF THE HOUSE OF REPRESENTATIVES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DREIER of California. Mr. Speaker, I would like to submit for the Record a copy of C-SPAN's letter protesting the House Rules Committee vote to exclude its cameras from Wednesday's meeting on the rescission bill. The letter makes note of the fact that print media was allowed to remain while C-SPAN viewers were singled out for this blatant act of censorship.

As James Madison once said: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both." Clearly, the Rules Committee action was both a farce and a tragedy, and I hope we can make a bipartisan effort to ensure that a dangerous precedent is not set.

MAY 5, 1992.

Hon. JOE MOAKLEY,
Chairman, Committee on Rules, U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN MOAKLEY: This is to register with the Committee on Rules C-SPAN's strong protest of its exclusion from today's hearing.

The Committee's decision to ban television cameras from coverage of an important meeting at which national spending issues are decided is disturbing in its own right. The Committee compounded the injustice by permitting the print press to remain even as the electronic press were instructed to dismantle and leave the room. Clearly, the Committee was not concerned about the release of sensitive information if the print press were allowed to remain. Yet it chose to select among the media, to the detriment of C-SPAN's audience.

Today's decision is also of concern given the recent history of your personal cooperation with C-SPAN in arranging for our televised coverage of Rules Committee hearings. Our hope is that today's decision is an aberration, and that the Committee will return to its past practice of equal treatment of news organizations.

Sincerely,

BRUCE D. COLLINS,
Vice President & General Counsel.

DEFENSE DIVERSIFICATION AND COMMUNITY ADJUSTMENT ACT OF 1992

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. GOODLING. Mr. Speaker, the changes in the former Soviet Union, Eastern Europe, and throughout the world have forced Members of Congress and the President to reevaluate where the lines on defense spending will be drawn. Both the administration and the Congress must address the problems that this country will face as we move to reduce the amount of money we spend on defense. Today, I am introducing the Defense Diversification and Community Adjustment Act of 1992 to help facilitate the diversification of defense-related businesses and the adjustment of defense-related workers.

Economic conversion will occur, and I believe that Congress and the administration must act accordingly to aid the businesses and workers that helped this country win the cold war. The Congress, in particular, must take positive and constructive action to aid in this process.

There are Members of Congress who believe that all of the defense moneys we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a person who is handed a pink slip because of a canceled contract or a closed plant. With this in mind, we need to utilize some of the projected savings to offset the hardships that businesses and workers involved in the production of defense material will experience. We have to provide the resources for defense-related business to convert their energies to the production of commercial goods or to stay in business until their special skill is needed again. This money would be better spent on these workers and businesses now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive.

Mr. Speaker, the Department of Defense already operates an office that has the skill needed to deal with the conversion issues affecting our defense producers. The Office of Economic Adjustment is currently working in communities across America providing limited financial and technical assistance to businesses, workers, and communities affected by defense downsizing. I believe we can enhance this office by providing an Assistant Secretary for Economic Adjustment to work in coordination with the Secretary of Defense. My bill creates this position.

This new Assistant Secretary of Economic Adjustment will also have three directors to assist in critical areas which need to be addressed as our defense industrial base diversifies. These directors will be responsible for Community Assistance Grants, Diversification and Adjustment, and Dislocated Workers. They will work with communities, businesses, and potentially dislocated workers to encourage and facilitate long range planning to ease the problems that have, and will, occur as a result of defense downsizing.

The Director of Community Assistance Grants will be responsible for aid to communities that are substantially or seriously affected by defense cuts. This individual will also aid in the formation of a Community Adjustment Committee that will include representatives from the different sectors of the communities. The Community Adjustment Committee will then be eligible for direct assistance in grants from the Department of Defense to aid in planning adjustment.

The Director of Diversification and Adjustment will be responsible for the facilitation of aid to businesses as well as aid to businesses to retain critical technologies. This director will work to effectively assist defense related businesses in the conversion to commercial production and will also be able to provide technical experience to aid in this area. Finally, this Director will be instructed to work with Defense Advanced Research Products Agency [DARPA] to help retain critical technologies of certain weapon systems.

The Director of Dislocated Workers will be responsible for improved worker notification and also in working with the Department of Labor to develop a means to assist in the adjustment of the defense-related workers. This would also entail identifying areas where businesses and workers would be substantially and seriously affected. This director will also work with the Secretary of Labor to develop a grant system to provide States with adequate resources to assist eligible defense workers.

Title II of my bill would provide an additional $250 million over a 5-year period for employment and training assistance to defense-related dislocated workers. This legislation would build on the current program that was put in place in the National Defense Authorization Act for fiscal year 1991. This legislation would also amend title III of the Job Training Partnership Act providing for the timely transfer of funds from the Department of Defense to the Department of Labor for the provision of services to workers losing jobs through a closure or realignment of a military facility or the cancellation of a defense contract.

My bill expands eligibility for employment and training assistance under this program for those losing jobs directly through the cancellation of a contract, or the closing of a defense facility, extending eligibility to people in a seriously affected community, whose job loss can be attributed to defense cutbacks in that community. It addresses concerns expressed over the delays in the current program between the time of actual dislocation and the receipt of grant moneys by allowing 20 percent of the program's funds to be distributed by a formula, to be developed jointly by the Departments of Defense and Labor, to those States most adversely affected by defense cuts, with the remaining 80 percent of the program money to be distributed based on the current grant application process. Finally, my bill also makes changes to the current Dislocated Worker Program to make the program more applicable to defense-related dislocated workers.

I believe we have an obligation to help the large and small businesses that have provided this Nation the best and most technologically advanced products for our Nation's defense. My legislation would provide aid to most large and small businesses that have a stake in converting their defense production to commercial industry. For this purpose, my bill would authorize $250 million for the Department of Labor to be used for JTPA programs and $250 million for the Department of Commerce's Economic Development Administration over the next 5 years. In addition, the new Assistant Secretary of Economic Adjustment would be given $500 million for conversion activities over the next 5 years. Finally, this legislation will instruct the new Assistant Secretary to coordinate activities with the Administrator of the Small Business Administration to provide assistance to qualified small businesses.

Mr. Speaker, my bill attempts to improve upon many programs which we already have in place. It attempts to provide a solution to many of the problems that economic conversion will cause for policy makers and elected officials. We need to act now to provide an effective response to any future cuts in defense. We have to act responsibly and constructively for our communities, our businesses and our workers to provide appropriate diversification and adjustment assistance. I urge my colleagues to examine the issues involved and to lend their support to this urgently needed legislation.

TRIBUTE TO THE HONORABLE MARY KASTEN

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to the State representative who represents my hometown of Cape Girardeau in the Missouri Legislature. Mary Kasten is a person who immediately earns the respect and garners the undivided attention of those around her. Whether it be a long-time friend, colleague, or someone she's just met, Mary Kasten's genuine warmth and personality win you over.

Mary deserves special recognition today for a project that just a few years ago was nothing more than a dream. Soon, the community caring council will celebrate its third annual meeting. The council with its motto "Empowering Families To Become Self-Reliant, Resourceful and Responsible" was indeed the brainchild of Missouri State Representative Mary Kasten.

Now, Mr. Speaker, I have known Mary, her husband Dr. Mel Kasten, and their family for a long time. We have discussed many initiatives and shared quite a few triumphs in that time, but rest assured—none of them compare to the unheralded growth and acceptance of the community caring council.

The whole concept for the council was born out of Mary's frustration with "the system." She considered at length how our constituents could be better served with the programs and agencies already in place at the local, State and Federal levels in cooperation with private sector organization. Out of her dedicated effort, Mary singlehandedly carried the torch on this cause throughout Missouri and in the State capitol—thus came the community caring council.

In brief, the council promotes coordination and cooperation between social service providers, churches, the business community, and the education system, in order to empower families and individuals to realize the personal goals of self-reliance, responsibility, and resourcefulness. The combined efforts of the "local" council are at the root of the "one-stop-shopping" initiative for welfare and social services that I have been working on throughout my years in Congress. Through this combined network, the task is to identify gaps in services, eliminate duplication, enhance existing programs, and see progressive and creative ways to develop new resources with the goal of helping people help themselves. As the council's mission statement says:

> The caring and commit of the Council membership will restore the concept of a truly 'helping' community in the old-fashioned sense and serve as a model project for others to duplicate.

In closing, I again want to praise State Representative Mary Kasten of Cape Girardeau, the founder of the community caring council, for her hard work and dedication to this program she, and I, so deeply believe in. The social ills the council targets to address—homelessness, hunger, illiteracy, drug abuse, teen pregnancy, child abuse and neglect, poverty, and isolation affecting both the young and old—were not created overnight, and neither will the solutions. But just like the plaque that hangs in Mary's kitchen says:

> There are those who curse the lock while others search to find the key.

Mr. Speaker, when individuals come together, form a team, and put forth a unified effort, change can occur. And in this instance, it will definitely be a change for the better in each community and America overall. Mary and the community caring council have given us the key.

TRIBUTE TO THE RECIPIENTS OF THE DEPARTMENT OF THE SACRAMENTO AREA FEDERAL EXECUTIVE EMPLOYEE OF THE YEAR AWARDS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. MATSUI. Mr. Speaker, I rise today to congratulate the recipients of the Department of the Sacramento Area Federal Executive Employee of the Year Awards. The Sacramento area has over 20,000 Federal employees so these award winners represent truly outstanding commitment to their jobs, their community, and the Federal Government.

I would like to take this opportunity to share with you this year's winners. They are:

> Outstanding Professional Employee—Dr. Charles Smith, Environmental Coordinator, Mather Air Force Base; Outstanding Secretary—Jewel Van Dewerker, Secretary, Mather AFB; Outstanding Supervisor—Janet Lopez, Supervisory Contract Specialist, Sacramento Army Depot; Outstanding Technical Employee—Patricia Maggard, Social Service Representative, Sacramento Army Depot; Outstanding Administrative Employee—Robin Pohl, Personnel Staffing Specialist, Internal Revenue Service; Outstanding Clerical Employee—Geri Ryan, Labor Relations Clerk, Internal Revenue Service; Outstanding Front-Line Employee—Roger Scott, Administrative Services Specialist, McClellan AFB; Outstanding Manager—Robert Lamora, Airway Facilities Sector Manager, Federal Aviation Administration; Outstanding Trades and Crafts Employee—Kenneth Davis, Telephone Mechanic Foreman, Mather AFB;

Outstanding Employee Team—Blanket Purchase Agreement Process Action Team, Sacramento Army Depot; and Community Service Award—Brenda Bennett, Group Secretary, Internal Revenue Service.

Mr. Speaker, these Federal employees have shown remarkable skill and dedication and are truly worthy of our recognition. I ask you to join me in congratulating these outstanding individuals.

COST-EFFECTIVE ENGINEERING PROJECT HONORED

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PICKLE. Mr. Speaker, I would like to recognize for the record the achievement of some of my constituents in the Austin office of the CH2M HILL consulting firm, which has recently been recognized with an Honor Award from the American Consulting Engineers Council. John McLeod and his colleagues in Austin have designed an underground water storage and recovery system for Kerrville, TX, that has saved approximately $29 million by eliminating the need for a surface water reservoir and postponing the expansion of a water treatment plant. CH2M HILL also won an award for the project from the Texas Consulting Engineers Council.

CH2M HILL designed an aquifer storage and recovery [ASR] system for Kerrville and the Upper Guadalupe River Authority [UGRA], that uses a naturally occurring aquifer to store treated water. During summer months or drought periods, when water demand is high, the water can be pumped out of the aquifer into the water distribution system. The ASR alternative cost $2 million, in contrast to the previously planned $30 million surface reservoir. The water treatment plant expansion, postponed indefinitely, would have cost $4 million.

Many of my colleagues may be aware that CH2M HILL is one of the largest environmental consulting engineering firms in the Nation. I think we should all be grateful for the good work that CH2M HILL has done on this project and the money that the CH2M HILL design has saved taxpayers. I am pleased that CH2M HILL has been recognized by a national group for its work.

SYMRA BRANDON HONORED BY THE SOCIETY OF NEGRO BUSINESS AND PROFESSIONAL WOMEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to Symra Brandon, as her abilities and achievements are honored by the National Association of Negro Business and Professional Women's Clubs as their Woman of the Year. It has been my privilege to have worked with Symra Brandon over the years, and I know her to be a dedicated and effective leader.

After receiving a bachelor's degree in sociology from Morgan State College, Ms. Brandon settled in Yonkers and began a career of public service. Beginning as a caseworker with the Westchester County Department of Social Services, over the last 22 years she has served Westchester in many capacities: senior caseworker, psychiatric social worker, staff development specialist, and program administrator. During her rewarding career, she has also taken on leadership responsibilities with the Association of Black Social Workers and the National Association of Social Workers and its important public affairs committee.

Symra Brandon's unfailing belief in public service has also led her to include in her busy schedule the activities of many community organizations. She has served on the boards of Youth Theatre Interactions, the Day Care Council of Westchester, and the Yonkers YWCA. She also served as commissioner of the Yonkers Human Rights Commission. In each endeavor, Symra has found the energy and commitment to lead and to make contributions that have indeed made a difference in the life of our community. Despite her important work in this variety of fields, Symra Brandon has continued to enhance her own skills and knowledge through two master's degrees. She also serves on the Education 2000 Task Force, a Yonkers organization dedicated to improving the educational system in that city.

Symra Brandon has now entered the arena of political leadership. Having worked on the campaigns of Herman Keith and Joseph Burgess and as a district leader Symra has now taken a seat on the Yonkers City Council. As she works in that capacity she clearly brings a wealth of experience and understanding to the challenges faced by that city. There should be no doubt that she will indeed be an important leader on the city council and a force for consensus and effective governance.

Mr. Speaker, Symra Brandon has brought comfort to many. She has caused her diverse talents to hold families together and to strengthen the bonds that are essential to holding her community together. She has given of herself tirelessly to improve the quality of life in Yonkers and beyond. She is indeed a deserving recipient of this honor and the years of service she has ahead will add lustre to the recognition she is receiving.

ASSISTANCE FOR SERVICE MEMBERS AFFECTED BY THE MILITARY DRAWDOWN

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. MONTGOMERY. Mr. Speaker, I am introducing today H.R. 5097, a bill designed to provide particular assistance to the men and women leaving the Armed Forces because of the drawdown in military personnel.

Briefly, the measure would:

First, increase benefits under the Montgomery GI bill—active duty—chapter 30, title 38, United States Code—to $500 per month for enlistments of 3 years or longer and increase benefits under the Montgomery GI bill—selected Reserve—chapter 106, title 10, USC—to $200 per month.

Second, authorize $15 million in fiscal year 1993 and $10 million in fiscal years 1994 and 1995 for the Department of Labor to carry out its responsibilities under the Transition Assistance Program [TAP] established under Public Law 101–510 for servicemembers separating from the Armed Forces. The measure would authorize $4 million in TAP funding for the Department of Veterans Affairs for fiscal years 1994 and 1995.

Third, establish an on-job training program for individuals discharged from the armed services on or after August 2, 1990, and authorize appropriations of $75 million for fiscal years 1993, 1994, and 1995 for the program.

Fourth, provide a preference for eligible service-connected disabled veterans, recently discharged veterans, and homeless veterans in the provision of employment and training opportunities under the Job Training Partnership Act.

Fifth, provide funding for job training reintegration projects for homeless veterans under the Stewart B. McKinney Homeless Assistance Act.

Sixth, exempt certain veterans who are involuntarily discharged from the armed services from paying the VA housing loan fee.

Seventh, waive the 2-year minimum service requirement necessary to establish eligibility for veterans benefits for certain veterans involuntarily separated from active duty.

There has been a great deal of discussion in this House regarding a peace dividend, economic conversion, and the effect of military downsizing on defense contractors and their employees and civilian employees of the Department of Defense. What I have not heard in this House is serious discussion of the effect of the reductions in the Armed Forces on the men and women whose superb skills, deep and sincere commitment, and inspiring patriotism won the gulf war and the cold war.

Since the implementation of the All-Volunteer Force, and particularly since 1981, our national policy has been to provide the incentives necessary to recruit the best and the brightest of our young men and women to military service. We encouraged these talented, intelligent young people to commit themselves to the rigors of military life with a promise that, if they served honorably and well, they would have the opportunity to pursue a military career. Circumstances in the world changed dramatically and abruptly, however, and we are now forcing these same individuals to alter their life plans and establish their futures in the civilian community.

The men and women serving in our Nation's military are of the highest caliber—intelligent, dedicated, disciplined. These people are a national resource whose skills and abilities must be absorbed by and integrated into the civilian work force. In order to facilitate this transfer of talent, however, we must provide our service members the tools they need to make the adjustment to the nonmilitary workplace. The programs and benefits contained in H.R. 5097 will accomplish this goal.

I want to particularly stress the importance of section 1 of the bill which would increase GI bill benefits. Many defense reinvestment proposals are being considered and debated, and I have no doubt these recommendations have merit. History shows us, however, that educational assistance is the single most important tool we can give our citizens, and it is the tool that most directly benefits our Nation as a whole. The World War II GI bill had a profound effect on this country. Millions of men and women who would not otherwise have continued their education past the high school level recognized the importance of the benefit being made available to them and entered colleges and training institutions all across the country. The standard of living in the United States was significantly raised and redefined because these World War II veterans furthered their education, increased their skills, and led this country into a period of productivity and prosperity unmatched in our history. We now have an opportunity to reap the same benefit if we are wise enough to invest in our newest veterans and provide them with an educational assistance benefit that will enable them to reassimilate into the civilian community and continue to be outstanding, productive citizens.

The Congressional Budget Office estimates this bill will cost $322 million in fiscal year 1993, with a total cost of $1.63 billion over 5 years.

The minority leader of the Senate, the Honorable ROBERT DOLE, is introducing a companion bill in the other body today. I appreciate the gentleman's strong support and concern for the men and women who served with great distinction in our Nation's Armed Forces and who are now being asked to continue their service to our country in the civilian work force.

I would encourage my colleagues to join me in sponsoring this bill. For those who wish to do so please contact Beth Kilker or Jill Cochran of the committee staff at 225-9166.

PENNSYLVANIA PIONEER HONORED FOR EARLY WORK ON AUTOMOBILE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues a pioneer in the automobile industry who, in the late 1800's, resided in Plymouth, PA.

According to eyewitness accounts by Plymouth residents, Sephaniah Reese successfully operated a three-wheel, one-cylinder engine, horseless carriage—the Reese Special—in 1884–85 on Shawnee Avenue in Plymouth.

Sephaniah Reese also manufactured bicycles in his shop and operated the first service station in the area in 1888. His company, S. Reese Machine & Tool Works, was located on West Main Street in Plymouth until 1970. His bicycles, sold under the names of "Reese" and "Shawnee," were shipped overseas and were known for their high quality. Two of these bikes still exist and are owned by Reese's grandson.

Sephaniah Reese's horseless carriage is listed in the Standard Catalogue of American Cars 1865–1942. He was among the first in the Nation to experiment with this mode of transportation. His work was little noted at the time, and because of a lack of funding, was only a hobby. Today, the Reese Special, the only one of its kind in the world, is owned by a collector in New Jersey.

Mr. Speaker, on May 31, 1992, Mr. Reese's efforts will finally be acknowledged as a memorial marker is dedicated at the site of his former shop. This marker is the culmination of painstaking research done by a young man from Plymouth, Mr. Jeffrey Selingo. Jeff won fourth place in the National History Day Competition in 1991 for his project. I am pleased to recognize the efforts of Sephaniah Reese as an early pioneer in automotive design and Mr. Selingo for his work on documenting Mr. Reese's life. I commend Mr. Selingo for a job well done and wish him continued success in all future endeavors.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. WAXMAN. Mr. Speaker, 44 years ago, the remnants of European Jewry fulfilled an ancient dream by establishing a haven for homeless Jews from around the globe in the land of Israel. I rise to ask you and my colleagues to join me in wishing the State of Israel well on the occasion of her 44th independence celebration.

Clearly, this has been another difficult year for the State of Israel. While no Scud missiles have fallen on Israel during the past 12 months, the pernicious violence of the intifada continues and Israel's neighbors remain hostile.

Sadly, to the only democracy in the Middle East such violence and hostility represents nothing more than "normalcy." In fact, if hostile neighbors and the intifada were the only problems confronting Israel this year, many would consider this year to be an improvement over the last. Unfortunately, after surviving an acute conflict with a sworn enemy, Israel is now facing a more painful conflict—the unraveling of the longstanding relationship between Israel and the United States.

Mr. Speaker, every Member of this House is well aware of the manner in which the Bush administration has been treating Israel. Whether it be Secretary Baker labeling Israel as the main obstacle to peace in the Middle East, the President himself questioning the right of Jewish Americans to petition their government concerning Israel, or an unnamed "leaker" in the State Department or the Pentagon making blatantly false claims about Israel's handling of sensitive technology, this administration has been going after Israel with unprecedented ferocity.

In going after Israel, the Bush administration appears to have even outdone Israel's more traditional adversaries. Our new good friend, Hafez Assad of Syria, now thinks that he can count on George Bush to deliver the Israelis. King Hussein of Jordan now knows that his support for Iraq is forgiven and forgotten. Meanwhile, Israel, which absorbed 40 of Saddam's Scud missiles during the Persian Gulf war—and did not retaliate at our request—is being pressured by our government to be "reasonable."

Contrary to what President Bush and Secretary Baker claim, their actions are not helping the peace process. Their tactics merely embolden the Arabs and isolate the Israelis. If the Israelis feel isolated, how does the Bush administration imagine the peace process will go forward.

I wish this crisis in these United States-Israel relationship was only a matter of diplomacy. Instead, the tragic effect of the President's position is that the peace process is being confused with critical humanitarian assistance. Through its position, the administration is holding Soviet Jews hostage. President Bush is using endangered and frightened people to gain leverage over the Israeli Government. This is completely illegitimate and immoral. No Russian Jew should be put at risk because President Bush and Prime Minister Shamir differ on the issue of settlements.

The demand for freedom for Soviet Jews always implied a willingness by the citizens of the United States and our government to facilitate such a massive exodus of people. The Israelis expect over 1 million new arrivals within the next few years. As the most highly taxed people in the world, it is ludicrous to expect the Israelis—as much as they may desire these new citizens—to be able to absorb an additional 25 percent of their population without our assistance. Despite our own economic problems in the United States, I believe that if this issue is properly explained to the American public, our citizens would overwhelmingly support this cost free humanitarian gesture. Indeed, this assistance is cost free. These guarantees are not grants or loans. We are only being asked to guarantee loans which we know full well will be repaid in a timely fashion. If Israel—which has never defaulted on any international obligation—does not meet the standard of good credit, who does?

Were it not for the desire of Bush and Baker to impose a settlement on Israel, there would not even be a loan guarantee issue. In fact, this measure would be passed by voice vote and routinely signed by the President. I urge the Bush administration to work with Congress and Israel to allow for the immediate approval of this critical humanitarian assistance.

Last year when I rose to wish Israel well on its independence day, I urged the Bush administration to not forget the Persian Gulf war—who was with us and who was against us. This year, I again urge the administration to remember the events of last year and to keep these events in mind as they push the peace process forward.

Mr. Speaker, it is my profound hope that Israel's 45th year will bring about a return to the solid relationship of trust and respect that used to characterize the ties between Israel and the United States.

NOTED JURIST CELEBRATES 90TH BIRTHDAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DWYER of New Jersey. Mr. Speaker, on Saturday, May 17, Judge Aldona E. Appleton will be honored for her many years of dedicated service to the community at a party celebrating her 90th birthday.

Judge Appleton's professional accomplishments are illustrious, and her commitment to her community and her State is extraordinary. After graduating from Douglass College and the New Jersey Law School, she was an instructor at her alma mater and a private attorney in Perth Amboy.

Judge Appleton was appointed as the first judge of the Juvenile and Domestic Relations Court in Middlesex County. Since this was a new court formed because of the rapid population increase in Middlesex County, Judge Appleton was sailing in uncharted waters. In 1969, Judge Appleton heard approximately 5,000 cases and was elevated to presiding judge when the caseload was deemed too large even for the very capable Judge Appleton. Judge Appleton also helped to establish the Juvenile Aid Bureau in Middlesex County. This statewide program trains police officers to serve and assist the youth of the State.

Judge Appleton also worked to build the Middlesex County Juvenile Care Home and provided the inspiration for a Distributive Work and Study Program at the State Home for Boys at Jamesburg. This was the first program of this type in the country.

Judge Appleton's community service is not limited to the legal profession. She has worked with the Heart Association, the Cancer Fund, the League of Women Voters, and was director of the New Jersey Dance Theater.

I am sure that the Judge has not engaged in these activities for public recognition. But she has been honored by men's groups and women's groups, religious and ethnic groups, law enforcement associations and legal associations. Judge Appleton also was recognized nationally when she was appointed a delegate at the Bretton Woods Monetary Conference.

Mr. Speaker, it is my pleasure to join in the celebration of this truly remarkable woman.

TRIBUTE TO ROBERT E. HIRSCHFIELD

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. TRAXLER. Mr. Speaker, I rise to honor Robert E. Hirschfield for his excellent contributions to the Boys and Girls Club of Bay County, MI, which is located in my district. On May 14, 1992, he will receive the Boys and Girls' "Helping Hand Award" which is presented to persons who have enhanced the quality of life for community residents.

Bob is a lifelong resident of Bay City and a local businessman. After graduating from Dartmouth College and a 3-year stint in the U.S. Navy, Bob came home to join his father in a family business, H. Hirschfield Sons Co., which had been founded by his grandfather over 100 years ago. Bob is president of this thriving enterprise which began as a small scrap yard and today encompasses a scrap processing yard, a steel service center, a home center, and lumber yard. He is proud that the company has provided many jobs locally and has used local products in conducting the business. In addition, Bob is president of Modern Machine, a company that manufactures testing devices for the auto industry.

Over the years, Bob has been a very visible community supporter. He served on the boards of the Boy Scouts of America, Bay Medical Center, and Peoples National Bank and Trust Co. Many other organizations benefit from his generous donations of time and talent, as well as financial support. The Boys and Girls Clubs of Bay County, Big Brothers/Sisters, Kiwanis Goodfellows, the YMCA and YWCA, and the United Way of Bay County have known his generosity.

It is indeed an honor to pay tribute to Bob Hirschfield, to speak of his accomplishments, and to concur in the awarding of this significant recognition.

TRIBUTE TO THE BAY RIDGE DAY NURSERY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Ms. MOLINARI. Mr. Speaker, in the Bay Ridge community of Brooklyn on May 15, 1992, a very special event will take place. The Bay Ridge Day Nursery will be celebrating its 75th anniversary, a testament to the important role it plays in the lives of many families in the community.

The Bay Ridge Day Nursery was founded in 1917 as the United States entered World War I, when a committee of interested citizens became concerned about day care for children, since many women were entering the work force. Since its inception, the nursery has expanded into a program that provides full, year-round care to children in the community. With a well-trained staff, the nursery provides the children with a healthy environment to aid in their growth and development.

The Bay Ridge Day Nursery has committed itself to the idea of day care as a comprehensive service. It believes that day care is a vital and integral part of services to be provided to the child and his family.

Mr. Speaker, it is with great respect and admiration that I congratulate the Bay Ridge Day Nursery upon its 75th anniversary I extend my personal thanks and gratitude on behalf of the Bay Ridge community. May they continue to provide the community with their irreplaceable service for many more years to come.

A TRIBUTE TO THE STUDENTS OF ST. BARTHOLOMEW SCHOOL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the students of St. Bartholomew School in Forest Hills, Queens.

On November 19, 1991, the student body of St. Bartholomew overwhelmingly ratified the new constitution for their student council. This marked a milestone for St. Bartholomew located in the Elmhurst section of Queens. The school has been reorganized and sent in a new direction with the overwhelming popular endorsement of the student council and its goals by the students to whom it is ultimately responsible. The ratification of the new constitution is significant because it put an end to a period of uncertainty in regard to the future existence and survival of the student council. The representative council will now lead the students of St. Bartholomew into a new era with leadership and confidence.

The functions of the representative council are to serve the administration and faculty in an advisory capacity in a common effort to fulfill the needs and aspirations of the entire student body; to encourage a high standard of scholarship and develop a sense of responsibility with each student; to inspire a spirit of pride amongst students; to foster the qualities of leadership within each student; and to contribute to the general welfare of St. Bartholomew School and of the Elmhurst community.

Under the leadership of Sister Augusta Conter, O.P., principal, and Mr. Thomas Straczynski, moderator, the representative council of St. Bartholomew School can now lead the students confidently into a new era in the 20th century. I also commend the president of the representative council, Erex Mar Fontanilla, and its vice president, Joseph Pena.

Mr. Speaker, I call on all my colleagues in the House of Representatives to join me in congratulating the students of St. Bartholomew School on the ratification of their new constitution.

A CONGRESSIONAL SALUTE TO DOROTHY CAKE BELANGER ON THE OCCASION OF HER GRADUATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to take note of the graduation season that is now upon us. Tens of thousands of young Americans will be graduating from universities and colleges throughout this country. These individuals are to be commended. Their work and their efforts are self rewarding.

Mr. Speaker, I rise today, however, in order to make a special commendation. I rise today to salute a friend and constituent, Mrs. Dorothy Cake Belanger. Mrs. Belanger, affectionately known as "Dottie" to all of her many friends, is among this year's graduates. She, however, is graduating at the age of 44 after a life that has been crowded with pitfalls that would have devastated a lesser individual.

Daughter of Judy Dean Cake and the late Charles Norman Cake, Dottie graduated from Palos Verdes High School but did not immediately think in terms of advanced academic experience. A person who grew up in the difficult years of the 1960's and 1970's, Dorothy fell victim to some of the temptations of the period and went through a dark night of the soul.

To this courageous woman's eternal credit, she sought out and found a program of recovery but faced an uncertain future as she launched her life in recovery. A mother of four with a limited education does not find it easy in life's mainstream. What to do? Well, I'll tell you what "Dottie" did. At the age of 40 she enrolled in Northern Virginia Community College and continued her studies at George Mason University, never achieving less than an A or B in any course during her entire 4 years of higher education.

Mr. Speaker, on May 16, Dorothy Cake Belanger will receive her degree in ceremonies attended by her husband, Clayton, her mother, Judy, her children, and a multitude of friends and supporters. My wife, Lee, joins me in saluting Dottie and all of her family. This woman is an American dream personified and I am pleased at her achievement and proud to be her friend. Dottie, your dad would be the proudest person of all.

"CELEBRATE COMMUNITY FEST" IN LAUREL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. HOYER. Mr. Speaker, on June 7, 1992, the city of Laurel will be the site of "Celebrate Community Fest," a day of community fitness and fun which will bring together each and every segment of the community in the hopes of fostering better understanding and cooperation amongst the community and its people.

Cosponsors of the event encompass a wide array of community organizations, groups, and individuals, which include: Private Industry Council of Prince Georges County; Mental Health Association of Prince Georges County; County Executive Parris Glendening; members of the county council; Prince Georges County Public Schools; Laurel Centre Mall; Laurel Boys and Girls Club; the City of Laurel and members of the Laurel City Council; Woodland Job Corps/TDC; Laurel Leader/Patuxent Publishing Co.; and the Washington Suburban Sanitary Commission [WSSC].

During the day of festivities, which includes a parade of participants, citizens will be asked to help create the world's largest fitness class in which they hope to make the "Guinness Book of World Records." Additional activities include sporting events, community exhibits, health screening and an olde-tyme family picnic.

The moving force behind the Laurel community festival has been Montpelier resident Barbara McKay Suffanti, who has been a civic activist in Laurel for many years. As the lead House cosponsor of the Americans With Disabilities Act, I am pleased that Barbara is involving people with disabilities in the planning of activities in the hopes that this event creates as Barbara says, "common bonds that knit us together."

Mr. Speaker, as one of the honorary cochairman of this event, I am pleased to have the opportunity to salute this outstanding effort and encourage the citizens of Laurel and throughout the State of Maryland to join in celebrating Community Fest on June 7.

THE RETIREMENT OF DR. TOM VAN GRONINGEN

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. CONDIT. Mr. Speaker, I rise today to honor a distinguished educator in my district, Dr. Tom Van Groningen, who is retiring after a 38-year career, all of which he served in the San Joaquin Valley of California.

Tom Van Groningen began teaching in the classroom in 1954 at the Laton High School in Laton, CA. Recognizing his leadership abilities, school officials promoted him to vice principal of Laton High School in 1959. He served as superintendent of the Laton Unified School District from 1960 to 1966. In 1966, he moved to Porterville, CA, where he served 1 year as assistant superintendent for business services of the Porterville Union High School and college district before he became the district superintendent of the Porterville public schools in 1967. He served in that capacity until 1974 when he was named as assistant superintendent for business services of the Yosemite Community College District in Modesto, CA. In 1976, Dr. Van Groningen was named chancellor of the Yosemite Community College district where he has served for the last 16 years.

Dr. Van Groningen has been recognized for his leadership abilities among educators in the State of California. He is a past president of the association of California Community College administrators. He is currently finishing his term as chairman of the finance committee for California Community Colleges chief executive officers. He is also completing his term as president of the community college MIS consortium. He is also the past president of the industry education council of Stanislaus County.

Always active in the local community, Dr. Van Groningen has served as president of the Modesto Rotary Club. He was also president of the board of directors of the Stanislaus County Chapter of the American Red Cross, and he has served as president of the Stanislaus County YMCA.

His total commitment to our community's young people will make his shoes hard to fill when he leaves. He has left our community stronger and has made a lasting contribution toward the education of the future generations of citizens of the San Joaquin Valley. We will miss him.

HONORING THOMAS COONEY, SR. "DAILY POINT OF LIGHT"

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. BILIRAKIS. Mr. Speaker, I would like to call to the attention of my colleagues the extraordinary accomplishments of Thomas Cooney, Sr., of Palm Harbor.

I am extremely proud to be able to claim Mr. Cooney as one of my constituents because he exemplifies the highest qualities of dedication, compassion, and service to his community. And for his service to others, Mr. Cooney was recently named by President George Bush the 745th Daily Point of Light.

Mr. Speaker, despite being deaf since the age of 2 as a result of an ear infection, Mr. Cooney is a volunteer sign language teacher and interpreter for the hearing impaired. For more than 40 years, beginning when he was 15 years old, Mr. Cooney has engaged in voluntary community service. Having overcome many obstacles, he has taught sign language skills to thousands of people, thus enabling both the deaf and those with hearing to lead richer lives.

A 56-year-old single father of two boys, Mr. Cooney uses his "magic hands" to help ease the communication gap between hearing and hearing impaired individuals. He has taught American sign language to policemen, leaders of church groups, bank employees, and countless others who interact with the hearing impaired. He currently teaches the language to doctors and nurses at Mease Hospital in Dunedin, Florida.

Mr. Cooney is especially committed to teaching youth and to helping them understand the way he overcame the challenge of hearing impairment. He regularly conducts two-day school visits, during which he teaches students how to sign their names, as well as songs, poems, and colloquial phrases. Most importantly, he emphasizes that deaf people welcome friendship and acceptance from the hearing. He has made a lasting impact on many of these young people, inspiring them to learn sign language, volunteer to assist the hearing impaired or eventually even become teachers themselves.

Mr. Speaker, Mr. Cooney is an individual whose life is a model worthy of emulation. He has not only overcome a difficult obstacle in life, but in doing so helped thousands of others as well. Thomas James Cooney, Sr., is indeed a point of light for our Nation. But for the people he has come in contact with, he is more like a beacon of hope, and he continues to shine every day for the people of Palm Harbor and surrounding areas.

A TRIBUTE TO THE DOMINICAN SISTERS OF SPRINGFIELD, IL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the outstanding work and fine public service of a special group of dedicated women in my community of Redlands, CA. For over 54 years, the Dominican Sisters of Springfield, IL, have been instrumental in providing wonderful educational experiences for children at Sacred Heart School in Redlands. The nuns will shortly be leaving Sacred Heart and returning to Illinois for their new assignments.

It's difficult to give a full measure of the immense role these women have played at Sacred Heart and in the lives of hundreds of children over the years. The nuns have been instrumental in a number of school improvements including the formation of a fully functional library, a fully functional computer lab, the addition of art and music programs, the addition of sporting activities to the curriculum, and educating the children to be whole, instilling in them moral, ethical, and social values. In addition, they have done a great deal to promote global awareness and recognizing people in the world less fortunate by having the children enroll in Mission Societies.

Mr. Speaker, I ask you, our colleagues, and friends to join me in recognizing these remarkable women who have given so much of their lives to our community and our children. To say the least, they will be greatly missed. Their years of selfless dedication is certainly worthy of recognition by the House of Representatives.

DEPLORING THE ARMENIAN GENOCIDE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. BOXER. Mr. Speaker, reading the history of the Armenian genocide is horrifying. It is a story of struggle for autonomy and independence against a backdrop of deportation, violence, and exodus. One learns of a systematic pattern of murder and brutality against Armenians from 1915 to 1923:

Leaders of the Armenian community—religious, intellectual, and political—were rounded up and brutally murdered.

Entire villages were wiped out in systematic destruction.

Armenian men of military age were conscripted into the service of the Ottoman army. These men were separated into labor battalions, disarmed, and worked to death or massacred.

Hundreds of thousands of Armenians were deported from their homeland. The men were usually murdered. The elderly men, women, and children were either jammed into boxcars without food or water, or were forced to march across Asia Minor to the Syrian desert. While walking, they were attacked, kidnapped, and raped. They died of starvation, disease, or exposure.

Other Armenians escaped to Russia, Europe, or the United States. The Armenian community in my State of California is strong and vibrant, contributing to the culture, intellect, and politics of our State and Nation. They have worked hard to remind us of the horror of the genocide and to help us learn our lesson from the brutality.

This year, the American-Armenian community saw some of its hard work pay off, when the United States recognized the independence of the Armenian state, following the breakup of the Soviet Union.

Today, Armenians struggle to bring the issue to Nagorno-Karabagh to the attention of the world. Nagorno-Karabagh is an enclave, populated mainly by Armenians, yet controlled by Azerbaijan. While the Soviet Union retained its grip over the regions, violence remained at a low level. But following the disintegration and breakup of this superpower, violence has once again become the predominant theme in the region, and Armenians are once again struggling to maintain their identity as a people and as a Nation.

During August 1991, I had the great honor of traveling in Armenia and the former Soviet Union as part of a human rights factfinding delegation, sponsored by the Andrei Sakharov Foundation.

During my trip, I met with many of the brave residents of Nagorno-Karabagh, men and women who had lost their homes in horrible raids—pogroms. The violence has ravaged families as hundreds have died and tens of thousands have lost their homes. One woman told me her story.

"Thirty men stormed into my home with masks on and guns pointed. My three children and my in-laws were there and we were terrified. They told us to get out of their country. They trashed everything in my home. We fled with nothing and will never be back.

Throughout the winter, the residents of Nagorno-Karabagh have been living underground, under a state of siege. They have no running water, no electricity, no medical supplies. Conditions grow worse and worse, day by day.

I was appalled by the violence I saw, violence which, sadly, has intensified since my trip. It seemed then, and it is even more apparent now, that there is only one answer: An outside neutral force which would stem the violence and participate in negotiations toward peace.

Thus, I proposed a U.N. presence in the region. The response of my Armenian hosts was one of great enthusiasm. Upon returning to the United States, 64 of my colleagues from both sides of the aisle joined with me in calling on President Bush to press for a U.N. force for the region.

It has been gratifying to see how positively the idea of an international presence in Nagorno-Karabagh has been responded to. Baroness Caroline Cox, whom Armenians call the "Angel of Nagorno-Karabagh" because of her tireless dedication to bringing humanitarian aid and international attention to Nagorno-Karabagh, has called for a U.N. presence. And recently, U.N. special envoy Cyrus Vance traveled through Armenia, Azerbaijan, and Nagorno-Karabagh.

An international presence in Karabagh is crucial. As Armenian Parliament leader Babken Ararktsyan has pointed out, "Regional opportunities for settling the Karabakh problem have been exhausted."

Peace depends upon turning to an outside force. First, a U.N. presence can provide necessary humanitarian relief. Second, the United Nations can help establish and ensure the vitally necessary cease-fire. Third, the United Nations. can provide the auspices under which peace talks can restart. And finally, using the tools of the United Nations can be an important precedent-setter for how the international community deals with the breakup of the Soviet Union, a breakup which now, unfortunately, we see will not be a peaceful or easy one.

We remember the horrors of the Holocaust and teach our children about the lessons of that time in order to prevent such a horrible event from recurring. We fight today against human rights abuses because we know that violence degrades the state and nation. Because we remember and fight against inhumanity, we must remember the Armenian genocide.

H.R. 4970, THE SKI AREA FEE SIMPLIFICATION BILL

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise in support of H.R. 4970, a bill to simplify the formula under which ski areas pay rental fees to the United States for the use of national forest lands. It is ironic that an administration which purports to be reducing Federal regulations and is bound by a law known as the Paperwork Reduction Act is creating a paperwork and regulatory morass.

The system the Forest Service now uses consists of 40 pages of the Forest Service manual and handbook, and can be easily changed by so-called interim directives. Its provisions are subject to interpretation and this has lead to uneven enforcement from region to region. The formula is known as the graduated rate fee system [GRFS].

The system's complexity has led to increasing conflicts between ski areas and the Forest Service as to what items, facilities or concepts should be included as assessable revenue.

It also appears to have led to the creation of an entire bureaucracy within the agency to monitor the collection of fees and the necessity of ski areas, which for the most part are small business, to keep different sets of books—one set for the Forest Service and one for the IRS. Some areas even have complained of being retroactively billed for utilizing past procedures that they and their local Forest Service personnel thought were proper.

This bill will change that, and reduce the fee calculation to a simple formula based on gross revenue from a clearly defined source. This simplification will greatly reduce bookkeeping and administrative tasks for both the Forest Service and the ski areas and make business planning simpler. It will also make the similar to the way fees and royalties are collected based on gross proceeds by the Department of the Interior from oil, gas, and coal leasing.

Nationwide, there are 132 ski areas on national forest land occupying 90,000 acres, or a mere one-twentieth of 1 percent of the National Forest System. For this use, the ski industry paid an estimated $15 million in rental fees in 1991.

Skiing is by far the largest industry on Colorado's western slope, and it is the largest component of the tourism industry. Due to high retail sales from nearby businesses, the industry is especially profitable to State and local tax coffers, raising in excess of $110 million per year to these accounts.

Depsite these facts, industry estimates indicate that many ski areas lose money, are marginally profitable, and only make a modest return on investment. This marginal profitability estimate is supported by a 1989 University of Colorado study which indicated that ski area in 1989 ski areas paid the Forest Service fees equivalent to 80 percent of their profits.

The bill will also limit ski areas rental fees to activities located on Forest Service land because in recent years the Forest Service has been assessing fees against hotels, restaurants, ski shops and other activities located entirely on private lands. The twisted logic the Forest Service uses is essentially that if there was no ski area on the national forest land, there also would be no hotels, restaurants or ski shops on the nearby private lands.

A fee system that penalizes other small business and creates hurdles for entrepreneurs who want to create jobs in ski country is wrong. If the tax writing committees of Congress followed this logic, we ought to suggest that Forest Service officials pay a higher income tax because if there were no national forests or ski areas, these officials would have no job.

The bill also helps smaller less profitable ski areas. Smaller areas comprise the majority of the 132 areas located on national forest land. While these areas are not a major component of the $15 million paid to the Treasury, they are the ones who have the most difficult time surviving, unfortunately, since 1985, approximately 40 such small areas have gone out of business, with the resultant loss of opportunity for local residents to enjoy the sport of skiing in their community.

The bill will slightly lower their fees in most cases and will reduce their bookkeeping and auditing costs by making the fee formula simpler. This is particularly important because some small areas indicate they now spend more in bookkeeping and auditing fees to private consultants than they pay in actual rental fees to the Forest Service.

A great deal time and money is currently wanted haggling, appealing, and litigating over the ambiguities of the existing system and most of the arguments involve items which compromise a small fraction of the overall revenue stream to the United States. Everyone appears to agree that simplification is in order, and that is precisely what this bill does.

H.R. 3927, GOVERNMENT SECURITIES REFORM ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DINGELL. Mr. Speaker, I am pleased to cosponsor the Government Securities Reform Act as amended today in the Energy and Commerce Subcommittee on Telecommunications and Finance. The importance of the Government securities market to the Nation argues for prompt action on the bill in order to restore the integrity of this market. The opposition of the Treasury Department and the Federal Reserve to the recordkeeping and price transparency provisions of this legislation is irresponsible and wrong-minded. One cannot credibly argue in favor of no records or false and misleading records. Such a state of affairs facilitates fraud and makes surveillance and enforcement a null set. One cannot credibly argue against investor access to Government securities market information without arguing in favor of unfair and disorderly markets. The Salomon Brothers debacle was not the finest regulatory hour of either the Treasury or the Fed. It is the responsibility of the Congress to see that there is no recurrence of that failure and that the overhang on the market caused by that debacle is removed. I am committed to working with Messrs. MARKEY and RINALDO and the other members of my committee and of the House to moving this bill and strengthening the ability of the Government securities market to perform its intended purposes.

SMALL BUSINESS WEEK, MAY 10 THROUGH 16

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. GALLO. Mr. Speaker, next week, May 10 through 16, is national Small Business Week and now is a very good time to rededicate our efforts on behalf of our small businesses.

I urge colleagues to celebrate Small Business Week by resolving to take a greater interest in making government more responsive to the needs of our small business community.

Small businesses are the engine of our economy, because they create good jobs and offer innovative goods and services that keep us competitive in world markets.

As a former member of the House Small Business Committee who has sponsored a series of seven small business seminars in my congressional district since 1986, I urge my colleagues to celebrate Small Business Week by becoming more familiar with the programs offered by the Federal Government that help small companies to grow and create new jobs.

The time has come for us all to return to the fundamentals in order to promote economic recovery and job creation.

And, there is no more fundamental principle than the basic truth that small businesses are the backbone of our economy.

When we talk about small business development, we must focus on three critical components that will make or break any business—energy, access, and opportunity.

In spite of stresses caused by the recession, I see a great many energetic individuals with innovative products and services who want the opportunity to build a business based on an idea.

Operating any small business requires a full-time commitment to be successful, but energy alone is not enough. Without access to information, financing, and support services, a small business opportunity can be lost, and we are all poorer as a result.

As Americans, we must understand that we all have a stake in the success of these innovative companies. Every time an American with a good idea fails in business, you can bet that someone, somewhere will take that good idea and turn it into a successful operation, perhaps with the help and encouragement of their government, as so often happens in Japan and elsewhere.

Government must play a role in creating opportunity by helping small businesses to gain access to information and financing, but private sector innovators must also be involved.

The key to all self-help programs, public or private, is community participation. That is especially true at times of economic stress.

As a small businessman myself, I know that downturns in the overall economy cause investment funds to dry up and that can have a devastating effect on businesses at critical stages of development. The repercussions of that crunch go far beyond the harm done to one business. Job loss and decreased buying power cause ripples across the entire region.

I believe that our first priority in Congress must be to develop policies that increase the American people's level of confidence in our economic system.

A critical element in building confidence in our economy is to create opportunities to save and invest in our future.

That is why I authored the All American Savings and Investment Incentive Act—to encourage savings, investment, and job creation with a program for all Americans.

That is also why I have been fighting hard for legislation that will restore fiscal responsibility and progrowth incentives, including the balanced budget amendment, the line item veto, product liability reform, and a capital gains rate reduction.

Long-term investment also requires a permanent research and development tax credit, as well as reinstatement of the investment tax credit and small issue industrial development bonds.

We must also look beyond the current recession and work together to create communities of opportunity by supporting our small business owners and operators in the most fundamental ways we can—by buying their products and investing in their enterprises.

In 1992, I sponsored two seminars for small business leaders in my district to bring together experts in export opportunity, an area of growth for our small businesses and for the Nation.

The first focused on women small business owners and the second provided information on opportunities within the newly formed European Community.

Small business is the key to growth and job creation, and more small businesses today are owned by women than at any time in our history.

Last year, I sponsored two events in my district, in cooperation with State and Federal agencies to help small businesses gain the information and support they need to grow.

My 1991 export opportunity seminar also focused on the question of trade with Europe, including the newly independent nations in Eastern Europe.

My other seminar last year brought together area business owners and managers with procurement officers who contract for government goods and services.

The overflow crowd at each of my seminars has been a good indication of the underlying strength among our small businesses who are aggressively seeking to expand and develop new markets.

Since 1985, my office has been working closely with Federal and State agencies to help assist businesses by getting the right information to the right people at the right time.

Mr. Speaker, based on my experiences with the Small Business Administration, the Small Business Development Center in New Jersey, the Commerce Department and other related agencies, I believe we can make good programs even better by getting personally involved in programs that help small businesses to grow into large businesses, creating jobs and ensuring our future competitive edge.

I urge my collleagues to get involved and get some action by promoting programs that help our small businesses to grow.

KIDS STUDY ECOSYSTEM IN THEIR OWN BACKYARD

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. COUGHLIN. Mr. Speaker, the following article appeared in the October 1991 issue of Chemecology magazine in which the Lower Merion-Narberth Watershed Association is featured. I think the information in this article will benefit all of my colleagues.

KIDS STUDY ECOSYSTEM IN THEIR OWN BACKYARD

Old Mill Creek, an idyllic stream running through the Merion-Narbeth watershed in Pennsylvania, typically teams with life in the spring—crayfish, trout, salamanders, minnows and the like. But last year a new species joined the usual cast of aquatic critter, as students from nearby middle schools took to the creek to study the area's ecosystem.

The students splashed about in the water, using nets or cupped hands to capture the various creatures that dwell in the stream. Crayfish were a prize catch; leeches were met with less enthusiasm.

Gina Bezdziecki, a volunteer with the Lower Merion Watershed Association, was on hand to help the students identify their finds.

"You've found an amazing amount of things," she told them. "Using your biotic index, you can see that Mill Creek is a healthy stream." Bezdziecki then helped the children return their catch to waters. "That's their home and that's where they're happiest," she noted.

Bezdziecki and several other volunteers from the Watershed were among those who helped make the "Stream Ecosystem Survey" possible. In its twelfth year of existence, the program was the brainchild of Nancy Astor Fox, assistant director of the Watershed.

During a two-week period each spring, groups of approximately 50 sixth graders visit the stream with parent volunteers and teachers from various disciplines. The field trip is a culmination of the students' studies of the ecosystem.

"This program helps the children learn how the systems are all interconnected," explains Fox. "The best part is that the kids get a hands-on experience. They get a chance to look at the living things and to get an idea of what is living in their own backyard.

"The purpose of the trip is to look at four aspects of Mill Creek's ecosystem—pH, stream structure, chemistry and living things—and to see how they relate to each other," Fox notes.

The students are divided into groups and rotate through each of the four section. In the first sections, the students learn about the pH scale by measuring several common liquids, as well as creek water. Fox notes that Mill creek usually has a pH of seven, the same as for drinking water. Based on this similarity, Fox asks the children if the water is safe to drink. This question leads to a discussion of the other requirements for safe drinking water.

The students also learn about acid rain and its effects on aquatic life in this section. Unlike several years ago, most of the students are familiar with acid rain, Fox notes, attributing this knowledge to the recent rise in environmental concern. The concept of turbidity is explored as well.

In studying the stream structure, the student look at the physical aspects of the stream including temperature, width, depth and water velocity. They compare quiet areas, or pools, with shallow, fast moving areas, or riffles, and measure stream and land temperatures. Erosion is also discussed in this section.

In part three, the students learn chemical tests to measure the concentration of dissolved oxygen and dissolved carbon dioxide in water. The importance of dissolved oxygen to animals and of dissolved carbon dioxide to plants for photosynthesis is stressed.

And finally, the students explore the stream for living things. "The students are always surprised by how many creatures live in and around the stream," Fox says. "We usually get a biotic index of 11 or 12, so you can see that Mill Creek is a very health stream."

According to Fox, this year the students also got an unexpected lesson on man's ability to destroy nature.

On the day before the students were scheduled to visit the creek, a pool company pumped chlorinated water from a pool into a storm sewer which drained into the waterway. The discharge killed 200 trout that had been stocked in the creek earlier in the season. The Survey fieldtrip was postponed until the stream water was tested and found to be healthy a few weeks later.

"I want you to listen to the stream and to see how beautiful it looks," Fox told the children when they finally made their visit. "What I want you to learn is an important lesson. Anything that goes into the sewer drains into the stream. We saw 200 fish die.

"You can imagine how we can damage the environment by being careless," she added.

"My goal in the program is to let the kids see how what they do impacts the environment," Fox notes. "I think this incident really gave them a better appreciation and understanding of how precious our world is."

JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PURSELL. Mr. Speaker, as we in Congress continue to debate our Nation's telecommunications policy and the role our telephone companies will play in meeting the future needs of our Nation, I call my colleagues' attention to the following statement, signed by over 300 organizations and over 200 individuals, calling for a competitive telecommunications marketplace and opposing initiatives which "restrict participation by telephone companies in bringing the benefits of the information age to all Americans."

JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE

In 1934, Congress articulated a national vision of universal telephone service for all Americans—rural and urban, rich and poor. Today, as the information age dawns in America, the undersigned individuals and organizations believe that this original vision should guide policymakers in meeting the challenges of the 21st century.

As providers and users of telecommunications services, we call upon the American public to unite with us in supporting a robust telecommunications marketplace that promotes consumer choice, fair prices, product innovation, and open and equal access. This is best accomplished by the full development of the public-switched network within the evolving framework of state and federal regulation. By maintaining pro-consumer policies, America will preserve affordable and accessible telephone and information services for all Americans. We believe that real competition in telecommunications will promote jobs, economic development, and investment in an infrastructure that is essential to maintaining America's ability to compete in global markets.

We believe that the telecommunications infrastructure must be constantly modernized in order to meet the needs of consumers, educators, government agencies, people with disabilities, older Americans, health care providers, small and medium sized businesses, and all others who rely on the public switched network. Telephone companies are key to ensuring that this goal is met. The national interest is best served by encouraging the largest number of participants, including local telephone companies, to provide the fullest array of telecommunications services and products.

We therefore urge Members of Congress to oppose any action that restricts participation by telephone companies in bringing the benefits of the information age to all Americans.

ORGANIZATIONS JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE: A JOINT STATEMENT

900 Enterprises, Inc. (USA-Rent), Monterey, CA.

ABL Engineering, Inc., Mentor, OH.

AML, Inc., Camarillo, CA.

ARISE, Inc., Syracuse, NY.

AVO Biddle Instruments, Blue Bell, PA.

Ability Center of Greater Toldeo, Sylvania, OH.

Able Telecommunications, Inc., Milpitas, CA.

Access for Idaho, Pocatello, ID.
Action for Children's Television, Cambridge, MA.
Advance Concrete Products Co., Highland, MI.
Advanced Electronic Applications, Inc., Lynnwood, WA.
Advanced Research Technologies, Inc., Rosemont, PA.
Alaska Association of the Deaf, Inc., Anchorage, AK.
Alliance for Disabled in Action, Inc., Edison, NJ.
Allison Associates, Darlington, PA.
Aloha State Association of the Deaf, Honolulu, HI.
Alpha One—Center for Independent Living, South Portland, ME.
Ambox Incorporated, Houston, TX.
American Congress Rehabilitation Medicine, Braintree, MA.
American Deafness and Rehabilitation Association, DeKalb, IL.
American Foundation for the Blind, Southwest, Regional Center, Dallas, TX.
American Legislative Exchange Council, Washington, DC.
American Microwave Corporation, Frederick, MD.
American Pipe & Plastics, Inc., Binghamton, NY.
American Rehabilitation Counseling Association, Kent, OH.
American Reliance Inc., El Monte, CA.
American Street Corridor Business Association, Philadelphia, PA.
Ameritech, Chicago, IL.
Applied Digital Access, Inc., San Diego, CA.
Applied Information Services, Inc., Whitefish, MT.
Aptek Technologies, Inc., Deerfield Beach, FL.
Arizona Rock Products Association, Phoenix, AZ.
Arizona Small Business Association, Phoenix, AZ.
Artel Communications Corp, Hudson, MA.
Associated Industries of Kentucky, Louisville, KY.
Automated Information Management, Inc, Dallas, TX.
Axes Technologies Inc., Carollton, TX.
Barrier Free Living, Inc., New York, NY.
Baruch Defense Marketing, Inc., Middleburg, VA.
Baseline II Inc., New York, NY.
Bejed, Inc., Portland, OR.
BekTel, Inc., Norcross, GA.
Bell Atlantic, Philadelphia, PA.
BellSouth, Atlanta, GA.
Black Citizens for a Fair Media, New York, NY.
Blue Water Center for Independent Living, Port Huron, MI.
Braintree Hospital, Braintree, MA.
Broadband Technologies, Inc., Research Triangle Park, NC.
Brooklyn Center for Independence of the Disabled, Inc., Brooklyn, NY.
Buckhead Business Assn., Atlanta, Georgia.
Buckmaster Publishing, Mineral, VA.
Buffalo Civic Center of the Deaf, Buffalo, NY.
Bureau One, Inc., Longview, WA.
C. Sjoberg & Son, Inc., Cranston, RI.
CTL Communications, Inc., New York, NY.
CUC International, Inc., Stamford, CT.
Center for Independence for the Disabled, Inc., Roanoke, VA.
Center for Independence of the Disabled in New York, New York, NY.
Center for Independent Living, Pensacola, Florida.
Center for Living & Working, Inc., Worcester, MA.
Center for People with Disabilities, Boulder, CO.
Centigram Communications Corporation, San Jose, CA.
Choices for Independent Living, Greeley, CO.
Chromatic Technologies, Inc., Franklin, MA.
Cineman Syndicate, Middletown, NY.
Citizens For A Sound Economy, Washington, DC.
Clifford Beers Center, Miami, FL.
Coalition for Citizens with Disabilities, Jackson, MS.
Coalition of Citizens with Disabilities in Illinois, Springfield, IL.
Colcom, Inc., Austin, TX.
Communications Test Design Inc., West Chester, PA.
Communications Workers of America AFL-CIO, CLC, Washington, DC.
Communications Workers of America Local 6733, El Paso, TX.
Community Resources for Independence, Erie, PA.
Connecticut Association of the Deaf, South Windor, CT.
Connecticut Small Business Federation, Farmington, CT.
Conrad Grundlehner, Inc., Annandale, VA.
Consumer Interest Research Institute, Washington, DC.
Cornerstone Management, Menlo Park, CA.
Council of Chief State School Officers, Washington, DC.
Council of Churches of the City of New York, New York, NY.
Council of Citizens with Low Vision of Texas, Dallas, TX.
Crest Industries, Inc., Pacific, WA.
Dade County League of Cities, Inc., Dade County, FL.
D B Resources, Inc., Vienna, VA.
DAC Systems, Shelton, CT.
D.E.A.F. Inc., Allston, MA.
Deaf-Hearing Communication Center, Springfield, PA.
Delaware Valley Telecommunications for the Deaf, Inc., Philadelphia, PA.
Developmental Services of Northwest Kansas, Inc., Hays, KS.
DeYoung Mfg., Inc., Kirkland, WA.
Dianatek Corporation, No. Sutton, NH.
Disabled People's Liberation Army, Wilmington, MA.
E*Trade Securities, Inc., Palo Alto, CA.
EIS Wire & Cable, South Hadley, MA.
Eagle Telephonics, Inc., Hauppauge, NY.
Eastern Monmouth Area Chamber of Commerce, Monmouth, NJ.
Elcotel, Inc., Sarasota, FL.
Electromap, Inc., Fayetteville, AR.
Electronic Information Systems, Inc., Stamford, CT.
Empire State Association of the Deaf Incorporated, Buffalo, NY.
Enid Association of the Deaf, Enid, OK.
Entrepreneurs Resource Network for Pennsylvania, York, PA.
Epilepsy Foundation of Greater Knoxville, Knoxville, TN.
Equity Ventures, Inc., Colorado Springs, CO.
Ethikos, Inc., Irvine, CA.
Everett Sound Machine Works, Inc., Everett, WA.
Expeditor Systems, Inc., Alpharetta, GA.
Fairfax Resource Center for the Hearing Impaired, Fairfax, VA.
Family Support Network of North Carolina, Chapel Hill, NC.
Foundation for Technology Access, Albany, CA.
Fox River Valley Center for Independent Living, Elgin, IL.
Freedom Center for Independent Living, Fargo, ND.
G.R. Associates, Mountain View, CA.
Gateway Software Inc., New York, NY.
General Videotex Corporation, Cambridge, MA.
GeoWorks, Berkeley, CA.
Governor's Committee on Concerns of the Handicapped, Santa Fe, NM.
Grand Traverse Area Community Living Center, Traverse City, MI.
Greater Chicago Broadcasting Ministry, Chicago, IL.
H&L Instruments, Burlingame, CA.
HealthTech Services Corporation, Northbrook, IL.
Helen Keller National Center, Sands Point, NY.
High Tech Initiative, Nashville, TN.
Holly Springs Fire Protection District, Easley, SC.
Human Development Services of Port Chester, Inc., Port Chester, NY.
ISC—Bunker Ramo, Spokane, WA.
Illinois Lumber and Material Dealers Association, Springfield, IL.
Independence Inc., Lawrence, KS.
Independent Business Association of Illinois, Niles, IL.
Independent Living Center of Northeast Kansas, Atchison, KS.
Independent Living Center of the North Shore Inc., Lynn, MA.
Independent Living Services of North Central Wisconsin, Wausau, WI.
Info-Tel Inc., Mt. Pleasant, SC.
Innovative Technology, Inc., Roswell, GA.
Integrated Network Corporation, Bridgewater, NJ.
Intelect, Inc., Richardson, TX.
Interactive Media Associates, Morristown, NJ.
International Mobile Machines Corporation, King of Prussia, PA.
International Telesystems Corporation, Herndon, VA.
Investment Dealers' Digest Inc., New York, NY.
Jon/Beau, Inc., Weymouth, MA.
Kansas Commission on Disability Concerns, Topeka, KS.
Keltronics Corporation, Oklahoma City, OK.
Kentucky Lumber & Building Materials Association, Lebanon, KY.
Keptel Inc., Tinton Falls, NJ.
Klein Tools, Inc., Chicago, IL.
L.M. Berry and Company, Dayton, OH.
LC Technologies, Inc., Fairfax, VA.
LHS Products, Inc., Woburn, MA.
Learning How, Inc., Charlotte, NC.
Legal Center Serving Persons With Disabilities, Denver, CO.
Lehigh-Northhampton Counseling Service for the Deaf, Allentown, PA
Level One Communications Inc., Folsom, CA.
Lexington Center, Inc., Jackson Heights, NY.
Lingo, Inc., Camden, NJ.
Linick Group, Inc., Middle Island, NY.
LINK Inc., Hays, KS.
Long Island Hispanic Chamber of Commerce, Huntington Station, NY.
Louisiana Association of Business and Industry, Baton Rouge, LA.
Louisiana Center for the Blind, Ruston, LA.
Lumisys, Sunnyvale, CA.
MLR Publishing Company, Philadelphia, PA.
MMS International, Belmont, CA.

Maine Advocacy Services, Winthrop, ME.

Manhattan Electric Cable Corp., Rye, NY.

Maryland Association of the Deaf, Baltimore, MD.

Maryland Center for Independent Living, Inc., Baltimore, MD.

Mass Communication, East Cambridge, MA.

Mass Marketing Inc., Cincinnati, OH.

Melita International Corporation, Norcross, Georgia.

Metal Flex Hosing, Inc., Philadelphia, PA.

Meteor Communications Corp., Kent, WA.

Metric Systems Corp., Acton, MA.

Miami Dade Chamber of Commerce, Miami, FL.

Microtech, Inc., Cheshire, CT.

Microwave Networks Incorporated, Houston, TX.

Midland Center for Independent Living, Midland, MI.

Mid-Ohio Board for Independent Living Environment, Columbus, OH.

Minitel USA, New York, NY.

Minnesota Chapter of the American Deafness and Rehabilitation Association, St. Paul, MN.

Montana Association of the Deaf, Inc., Great Falls, MT.

NYNEX, White Plains, NY.

Nassau Center for the Developmentally Disabled, Woodbury, NY.

National Association for Better Broadcasting, Los Angeles, CA.

National Association for the Advancement of Colored People, Baltimore, MD.

National Association of Area Agencies on Aging, Washington, DC.

National Association of the Cottage Industry, Chicago, IL.

National Association of the Deaf, Silver Spring, MD.

National Conference of Black Mayors, Inc., Atlanta, GA.

National Council of Silver Haired Legislators, Washington, DC.

National Council on Independent Living, Lynn, MA.

National Council on the Aging, Inc., Washington, DC.

National Federation of the Blind, Louisiana Chapter, Ruston, LA.

National Fraternal Society of the Deaf, Mt. Prospect, IL.

National Hispanic Business Association, Atlanta, GA.

National Indian Youth Council, Albuquerque, NM.

National Silver Haired Congress, Fountain Valley, CA.

Native American Public Broadcasting Consortium, Lincoln, NE.

New Jersey Association of the Deaf, Inc., Lakewood, NJ.

New Jersey Coalition on Women and Disabilities, Somerville, NJ.

North Country Independent Living, Inc., Superior, WI.

North Dakota Retail and Petroleum Marketing Associations, Bismark, ND.

North Idaho Center for Independent Living, Moscow, ID.

North of Boston SHHH, Saugus, MA.

Northeast Florida League of Cities, Inc., Baldwin, FL.

Northeast Independent Living Program, Inc., Lawrence, MA.

Northern Telecom, Inc., Nashville, TN.

Northwest Oklahoma Independent Living Center, Enid, OK.

OK Champion Corporation, Hammond, IN.

Ocean State Center for Independent Living, Warwick, RI.

Oceanside Jewish Center, Oceanside, NY.

Ohio Development Disabilities Planning Council, Columbus, OH.

Oklahoma Association of the Deaf, Oklahoma City, OK.

Oklahoma Center for Independent Living, McAlester, OK.

Older Women's League, Washington, DC.

Options Center for Independent Living, Kankakee, IL.

OPTIONS for Independence, Logan, UT.

OptiVideo Corporation, Boulder, CO.

Oregon Disabilities Commission, Salem, OR.

Oza Communications Corp., Santa Barbara, CA.

PARAQUAD, St. Louis, MO.

Pacific Telesis Group, San Francisco, CA.

Pacific West Electronics, Costa Mesa, CA.

PairGain Technologies, Inc., Torrance, CA.

Pennsylvania Coalition of Citizens with Disabilities, Pittsburgh, PA.

Pennsylvania Society for the Advancement of the Deaf, Inc., Pittsburgh, PA.

Pentagram Software, Norwood, MA.

Phone Base Systems, Inc., Vienna, VA.

Phones-Plus, Cleveland, TN.

Programs for Accessible Living, Charlotte, NC.

Progress Center for Independent Living, Oak Park, IL.

Project Freedom Inc., Trenton, NJ.

Protocol Engines, Inc., Santa Barbara, CA.

Queens Independent Living Center, Queens, NY.

Reach Independent Living Center, Fort Worth, TX.

Reach of Dallas Independent Living Center, Dallas, TX.

Reader's Access Corp., Chantilly, VA.

Reality Technologies, Ltd., Philadalphia, PA.

Red Hook Lions Club, Red Hook, NY.

Remarque Mfg Corp., W. Babylon, NY.

Resource Center for Accessible Living, Kingston, NY.

Resource Center for Independent Living, Osage City, KS.

Resource Center for Independent Living, Kingston, NY.

Resource Center for Independent Living, Utica, NY.

Response Analysis Corporation, Princeton, NJ.

Restor Industries, Inc., Ocoee, FL.

Retail Bakers of America, Hyattsville, MD.

Rhode Island Association of the Deaf, Inc., Warwick, RI.

Rochelle Communications, Inc., Austin, TX.

Rockland Independent Living Center, Spring Valley, NY.

R.U.R.A.L., Ltd Independent Living Center, Lenior City, TN.

Rural West Tennessee African/American Affairs Council, Covington, TN.

Sequoia Electronics, Campbell, CA.

Shepherd Spinal Center, Inc., Atlanta, GA.

Shenandoah Valley Independent Living Center, Winchester, VA.

Shore Microsystems, Inc., Oceanport, NJ.

Signal Transformer Co., Inc., Inwood, NY.

Sleeply Hollow Chamber of Commerce, Tarrytown, NY.

Small Business Hawaii, Honolulu, HI.

Southwest Center for Independent Living, Springfield, MO.

Southwestern Bell Corp., St. Louis, MO.

Southwestern Independent Living Center, Inc., Jamestown, NY.

Subscriber Technologies, Inc., Pleasanton, CA.

Summa Four, Inc., Manchester, NH.

Summit Independent Living Center, Missoula, MT.

Superior TeleTec, Inc., Atlanta, GA

Support Services Alliance, Schoharie, NY.

Systematix Electronix, Lyndhurst, NJ.

TT Technologies, Inc., Aurora, IL.

Tamaqua Cable Products Corp., Schuylkill Haven, PA.

Technology Serivce Group, Inc., Landsdale, PA.

Tekelec, Calabasas, CA.

TeleSensory Corporation, Mountain View, CA.

Telebase Systems, Inc., Wayne, PA.

Telecommunications for the Deaf, Inc., Silver Spring, MD.

Telemax Corp., Lisle, IL.

TeleSciences, Inc., San Francisco, CA.

Teltrend, Inc., St. Charles, IL.

Tennessee Association of Audiologists and Speech-Language Pathologists, Nashville, TN.

Texas Association for Parents and Educators for the Deaf, Birdville, TX.

The Trademark Register, Washington, DC.

The Triangle Took Group, Inc., Orangeburg, SC.

Three Rivers Center for Independent Living, Pittsburgh, PA.

Three Rivers Independent Living Resource Center, Wamego, KS.

Toper Associates, Greenwich, CT.

Town of Bloomsburg, Bloomsburg, PA.

Trade* Plus, Inc., Palo Alto, CA.

Tropical Getaways Mktg., Seminole, FL.

US West, Denver, CO.

UTILX Corporation, Kent, ND.

Unifi Communications Corp., Billerica, MA.

United Cerebral Palsy Association of New Jersey, Inc., Trenton, NJ.

United Cerebral Palsy Association of Texas, Inc., Austin, TX.

United Homeowners Association, Washington, DC.

United Refugee Council, Brooklyn, NY.

Urix Corporation, Horsham, PA.

USA Corporation, Marina Del Ray, CA.

U.S. Services, Inc., Knoxville, TN.

United States Distance Learning Association, Waxahachie, TX.

V Band Corp., Elmsford, NY.

VSI Telecommunications, Inc., Riverside, CA.

Verilink Corporation, San Jose, CA.

Vermont Center for Independent Living, Montpelier, VT.

Vicorp Interactive Systems, Inc., Boston, MA.

Videotex Development Corp., New York, NY.

Videotex Grocery Systems, Inc., Shawnee, KS.

Viking Electronics, Inc., Hudson, WI.

Virginia Association of the Deaf, Falls Church, VA.

Voice Control Systems, Dallas, TX.

Waveline Inc., Fairfield, NJ.

Western Kansas Association on Concerns of the Disabled, Hays, KS.

Wisconsin Retail Lumber Association, Mequon, WI.

World Institute on Disability, Oakland, CA.

XY Resources Inc., Ardmore, OK.

INDIVIDUALS JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE: A JOINT STATEMENT

Allin, Marleen, Educational Consultant, CA Department of Education.

Allson, John, Associate, Allison Associates.*

Altes, Wallace, President, Albany-Colonie Regional, Chamber of Commerce.

Atteberry, Richard J., Broker-Owner, Atteberry Realty Co.*

Beeler, Bonnye, Executive Director, Hartsville-Trousdale Chamber of Commerce.

Bergum, Shelley, Deaf & Disabled Telecommunications Program.*

Bess, Fred, PhD., President, Bill Wilkerson Speech and Hearing Center.*

Biron, Leo, Secretary, Red Hook Lions Club.*

Biase, Jan, City Manager, City of Nixa, MO.*

Bonitz, Brian Scott, Technology Coordinator, North Country Independent Living.*

Bowe, Frank, Professor, Hofstra University.

Boyle, J. Bayard Jr., President, Boyle Investment Company.

Bradsher, Monica, Managing Editor/Software, National Geographic Society.*

Brand, Jacquelyn, Foundation for Technology Access.*

Brill, Jay, President, National Network of Learning Disabled Adults.*

Brown, Carl, President, Abilities Development Associates.*

Brown, Johnson, Mayor, City of Chambloc.*

Brubaker, Ruth, Sweatshirts of Scottsdale.*

Bruce, Paul, County Executive, Hamblen County.*

Bryant, Jennings, Director, Institute for Comm. Research, University of Alabama.*

Btretlec, John, Superintendent of Schools, Richmond County Public School System.*

Bush, John E., President, The Micro Shop Inc.

Cable, Joan, The Lemon Tree.*

Castillo, Joseph, Astro Blueprint & Supply Co.*

Childres, Buddy, Representative, Georgia House of Representatives.*

Click, Terry, President, Junior Achievement of Chattanooga.*

Coleman, Jack, Vice President, Fee McNaghten Insurance.*

Coleman, Myron S., President, Oklahoma County East Community Development Corporation.*

Collins, Martha Layne, Former Governor of Kentucky.*

Conner, Willis, Mayor, City of Dexter, MO.*

Correu, Larry M., Executive Director, San Antonio Independent Living Services (S.A.I.L.S.).*

Cortez, Frank, All-Pro Plumbing.*

Cutler, Howard, Mayor, City of Dillon, SC.*

Daigle, Michael, Executive Director, Jefferson Parish Economic Development Commission.*

Daniel, William Jr., Chairman, Savannah Area Chamber of Commerce.

Dart, Justin W., Jr., President's Committee on the Employment of People with Disabilities.*

DeSpain, Ron, President, Texas State Technical College.*

Doctor, Ronald, Associate Professor, University of Alabama.*

Driskill, Gary, Executive Director, Cheatham County Chamber of Commerce.*

Earl, Gary, Executive Director, Private Industry Council of Seminole County.*

Engel, Barbara, Coordinator—Special Programs, Avila College.*

Ernest, Dave, President, Walters Chamber of Commerce.*

Fee, James W., President, Fee McNaghten Insurance.*

Fee, Robert, Secretary/Treasurer, Fee McNaghten Insurance.*

Fennell, Patricia, Executive Director, Latino Community Development Agency.*

Fetterman, Elsie, University of Massachusetts Cooperative Extension System.*

Figueredo, Hector, Vice-Mayor, City of Titusville.*

Finney, Bartlett J., Executive Director, Roe R. Cross Institute for Business and Economic Development.*

Finnegan, Joseph Jr., President, S.C. School for the Deaf and the Blind.*

Ford, Debra, Developmental Services of Northwest Kansas, Inc.*

Ford, James, President, Cleveland State Community College.*

Foster, Brian, President, Nations Bank-Savannah.*

Foster, Peter, President, Voice Control Systems.*

Foster, William Jr., President, Terminix.*

Fowler, George, Public School Educator.*

Frieden, Lax, Senior Vice President, The Institute for Rehabilitation and Research.*

Galloway, Richard, Xtra Mart Convenience Stores.*

Gaylord, Rev. Ellihue Sr., President, NAACP, Arkansas Chapter.*

Gee, Patricia W., Board Member, Little Rock School District.*

Geho, Patrick, Executive Director, Smith County Chamber of Commerce, Inc.*

Geller, Henry, Communications Fellow, The Markle Foundation, Former Administrator, National Telecommunications and Information Administration.*

Gibson, Michael, Executive Director, Tri-State Resource and Advocacy Corporation.*

Glovagnoll, Melissa, HAIMS Group.*

Goldman, Robert L., Member, Chair, Federal Council on Aging, Oklahoma State Council on Aging, Oklahoma HealthCare Commission.*

Gorman, Lauren, Bodies by Lauren.*

Greene, Eric, Executive Director, Clifton Service Council.*

Groppel, Larry, President, Best Southwest Coalition for Education.*

Gullbert, Alice, Montana Association for the Deaf.*

Hackett, Paul, Chairman, Industrial Development Bd. of Smith County.*

Hadden, Susan G., Professor, Lyndon B. Johnson School of Public Affairs, Member, Board of Directors, Alliance for Public Technology.*

Hagan, Tom, State Director, Consumer Housing Information Service for Seniors.*

Hagerty, Paul J., Superintendent, Springfield Public Schools.*

Hale, Robert, Superintendent, Turner School District.*

Hall, Bill, Let's Get Together.*

Hammond, J. Fred, President, East Tennessee Communications.*

Harris, Robert G., Professor, Haas School of Business, University of California, Berkeley.*

Harvel, Barbara, President, Better Business Bureau of Arkansas Inc.*

Hawthorne, Howell, President, Chatta.-Hamilton County Speech & Hearing Center.*

Hays, Charles, Northwest Oklahoma ILC.*

Hays, Lois, Northwest Oklahoma ILC.*

Hirschlein, Beulah, Professor, Oklahoma State University.*

Hodek, Bruce, RSC Area Director, Dear Services Division.*

Honey, Audrine, Valley Instant Printing, Inc.*

Hughes, Michael, President, United Way of the Coastal Empire.*

Hunt, James, Chancellor, University of Tennessee.*

Hutton, Duane, District Superintendent, Board of Cooperative Education Services.*

Jarrett, Frank, Director of Development, Kansas Special Olympics.*

Jefferson, Dean, Northwest Oklahoma Independent Living Center.*

Jensen, Rodney, Northwest Oklahoma Independent Living Center.*

Jensen, Thomas, Minority Floor Leader, Kentucky General Assembly.*

Johnson, H.D., All-Pro Plumbing.*

Johnston, Ivan, Mayor, City of Lawrenceburg.*

Jones, Jerry Lee, President, Midland Business Center.*

Jones, Mary Gardiner, Former FTC Commissioner, President, Alliance for Public Technology.*

Joyer, Eugene, Senior Partner, Joyer Meredith Flitcroft & Crandell.*

Kaai, Tony, Executive Director, Greater Muskogee Development Corporation.*

Karp, Allan, President, New Jersey Association of the Deaf.*

Kazragis, Roman, Branch Director, Utica Civic Association of the Deaf.*

Keathly, David, Executive Director, Ponca City Main Street Authority.*

Kirwan, Michael E., Executive Director, Freeport Human Relations Commission.*

Klass, Morris D., Professor, Memphis State University.*

Klein, Dorothy M., Executive Director, Area Wide United Way.*

Klepchick, Glenn, President, Info-Tel Inc.*

Koch, Ezra, K.E. Enterprises, Inc.*

Kope, Lanny, Kope Associates.*

Kropp, Wendell, Chairman of the Board, Shawnee Economic, Development Foundation.*

Kumpuris, Mike, Senior Vice President, St. Vincent Infirmary Medical Center.*

Lamar, Sue, Chief Professional Officer, United Way of the Flint Hills Inc.*

Lamet, Jerome S., Lamet, Kanwit & Associates, Former Regional Director, Federal Trade Commission.*

Lashlee, Turner, President, Lashlee-Rich Inc.*

Lawless, James, Mayor, City of Port St. Lucie.*

Long, Gregory A., President, American Deafness and Rehabilitation Association.*

Lowrimorz, Ashpy, Senior Vice-President, Southern National Bank.*

Lyle, Timothy, Executive Director, Springfield Robertson, Chamber of Commerce.*

Malichi, Toby, Malichi Diversified.*

Mason, Robert, President, RLM Enhancers, Inc.*

McElwee, Paula, Director, LINK, Inc.*

McGahan, Patti, Program Supervisor, Louisiana Center for the Blind.*

McGuffey, James, Executive Director, Economic Council of Martin County.*

McKain, E. Phillip, Executive Director, Pennsylvania Directors' Association for Community Action Inc.*

McKown, Scott, Cygnet Associates.*

McMahon, Robert, Chairman, Decatur Federal.*

McManus, John, Executive Director, Massachusetts Council of Human Services Providers.*

McWhorter, Mark, President, McWhorter Realty and Management Co.*

McWilliams, Rick, President, Pennsylvania Coalition of Citizens with Disabilities.*

Merck, Donovan, Director, Office of Education Technology, California Department of Education.*

Milam, Debbie, Director of Volunteers, Volunteers in Public Schools.*

Miller, Jana, Secretary, Missouri Industrial Development Council.*

Miller, Terry P., Mayor, City of Stillwater.*

Mitchell, Buddy, President, Dellinger, Inc.*

Mitsakos, Charles L., Superintendent of Schools, Winchester MA Public Schools.*

Moffett, Greg, Director of Operations, Little Rock Paper Co.*

Morris, Corky, Sun City Transfer.*

Mullis, Claude, Northeast Florida League of Cities, Inc.*

Murphy, Dan, President, Murphy Sales and Marketing.*

Murphy, Morgan, President, First State Bank and Trust Company.*

Myers, Billie A., Executive Director, Arkansas Division of Volunteerism.*

Nahat, Emily, Education Programs Consultant, California Department of Education.*

Nelson, Helen Ewing, Distinguished Fellow, American Council on Consumer Interests, Former President and Founding Board Member, Consumer Federation of America.*

Nevrez, Miguel A., President, University of Texas—Pan American.*

Norvell, Charles, President, Thomas Rehabilitation Hospital.*

O'Connor, Barbara, Director, Institute for the Study of Politics and Media, CSU—Sacramento, Chairperson, Alliance for Public Technology.*

O'Donnell, Mike, Kansas University Small Business Development Center.*

Owen, Elizabeth, Director, Tennessee Division of Consumer Affairs.*

Payne, Jim, County Commissioner, Greene County, MO.*

Pardum, Theresa, President, Buffalo Civic Center of the Deaf.*

Parker, Edwin B., President, Parker Telecommunications.*

Parker, Everett C., Senior Research Associate, Fordham University, Former Director, Office of Communications, United Church of Christ.*

Pearce, Clyde, Attorney-Consultant.*

Pepe, Donald, Executive Director, Gilmer County Industrial, Development Association.*

Peterson, George, Vice President, National Geographic Society.*

Phillips, Kenneth E., Information System Director, City of Santa Monica City.*

Piccirillo, Timothy J., Program Manager, Community Resources for Independence—Satellite Office.*

Pirrong, Jan, President, Chromatic Technologies, Inc.*

Plumley, Harold, Director, Plumley Company, Inc.*

Polin, Paul William, Director, Consumer Education Committee.*

Powers, Jack, President, Spartanburg Tech. College.*

Preecs, Bart, Editor, Tri-Cities Media Study Project.*

Price, G. Douglas, Executive, Hawkins County.*

Pullen, George, Chairman, Rome City Commission.*

Purdy, Harold D., Partner, Southwest Little Rock Medical Clinic.*

Ray, William, President and CEO, Wesley Health Systems, Inc.*

Raysich, Charles, Director of Communications, Montgomery Area United Way.*

Reid, Barry W., Administrator, Georgi Office of Consumer Affairs.*

Rennie, Jack, Pacer Systems, Inc.*

Rimmer, Brian, Rimmer Roofing.*

Rivett, Allan, Executive Director, St. Lucie County Economic Development Council.*

Rolfs, Ed, President, Central National Bank.*

Rooker, Shirley L., Call for Action.*

Rosen, Mia, Brooklyn Center for Independence of the Disabled, Inc.*

Rothschild, Toby, Executive Director, Legal Aid Foundation of Long Beach.*

Rouse, Ralph D., Jr., Coalition of Texans with Disabilities.*

Rueter, Ted, Instructor, Augsburg, College.*

Rulz, Richard, El Centro.*

Ruma, Sam, C.E.O., Healthcare Consultant.*

Russo, Michael, Gift Association of America.*

Schwartz, Charles, President, Economic Development Inc.*

Scott, Robert Jr., Director, Pee Dee Education Center.*

Chris V. Semos, Dallas County Commissioner, District 4.*

Seymour, Norwood C., Executive Director, Community Organization for Poverty Elimination of Pulaski and Lonoke Counties Inc.*

Sharp, Michael, Family Support Network.*

Shell, Cathy, President, Junior Achievement of Bradley and McMinn County.*

Siklincki, Barbara, LINK Inc.*

Silkman, Richard, Director, Maine State Planning Office.*

Singes, Kevin, Assistant Superintendent of Instruction.*

Smith, Mark, General Manager, Expressway Stores.*

Smith, Robert H., Chancellor, Southern University-Shreveport.*

Smith Kern, Cora Lee, National Association for the Cottage Industry.*

Stamps, George, President, GMS Consulting.*

Stepp, Thomas, Principal, Tiaga Jr. High School.*

Taylor, Verne, Vice President, Ohio Association of the Deaf.*

Teachart, Eileen, ARISE, Inc.*

Tennille, Margaret, Former State Legislature.*

Terrett, Charles, Superintendent, Fulton County Schools.*

Thomas, Stephen, President, The Access Group.*

Tucker, Robert, Executive Vice President, Tucker and Associates.*

Tuttle, Kathy, Executive Board Member, Alliance for Disabled in Action, Inc.*

Urbanski, Holley, President, Altus Chamber of Commerce.*

Valentine, Richard, President, Massachusetts Businessman Association Inc.*

Van Deerlin, Lionel, Former Chairman, House Subcommittee on Telecommunications.*

Waldrep, Kent, Vice-Chair, National Council on Disability.*

Walker, Glendon, Secretary/Treasurer, Terminal Consolidation Company.*

Wallace, Frank L., Educational Technology Consultant, California Department of Education.*

Wang, Michael, Director, Chinese-American Planning Council.*

Ward, Mike, Coalition of Oklahoma Independent Living Center Directors.*

Warren, Charles R., President, Kansas Inc.*

Weaver, Bill, Executive Director, Daily Living Centers, Inc., Oklahoma Geriatric and Adult Day Care Association.*

Webre, Buddy, Executive Vice President, Home Builders Association.*

Wehman, Paul, Professor, Virginia Commonwealth University.*

Weston, Dan, League of American Investors.*

Wheeler, William, Wheeler Electronic Inc.*

Williams, Dale, County Coordinator, Columbia County.*

Wilson, Joanne, President, National Federal of the Blind.*

Wilson, Kara Gae, Tulsa County Superintendent of Schools.*

Wood, Donna, Computer Consultant.*

Wooten, Charles Jr., Peer Counselor, Tri-State Resource and Advocacy for Independent Living.*

Wright, Karl, Dean, South Carolina State University.*

Zapor, John, Managing Director, Mountain States Hardware and Implement Association.*

Zauner, Robert, Zauner Consulting, Inc.*

Zuschlag, Richard, Secretary-Acadian Ambulance Service, Inc.*

*Affiliation for information purposes only.

SENATE—*Friday, May 8, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10 o'clock and 6 seconds a.m., on the expiration of the recess, and was called to order by the Honorable ROBERT J. KERREY, a Senator from the State of Nebraska.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT J. KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9:30 A.M., TUESDAY, MAY 12, 1992

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 9:30 a.m. on Tuesday, May 12, 1992.

Thereupon, at 10 o'clock and 32 seconds a.m., the Senate recessed, under the order of Thursday, May 7, 1992, until Tuesday, May 12, 1992, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 11, 1992*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. DERRICK].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 1992.

I hereby designate the Honorable BUTLER DERRICK to act as Speaker pro tempore on Monday, May 11, 1992.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in our hearts, gracious God, those who seek Your healing, Your direction, Your forgiveness, and Your blessing. We pray for ourselves and those we love, and all people whose lives are in conflict and need support. For all the generations Your Word has brought strength to those who felt weak and new hope to those who felt alone. May Your peace, O God, that passes all human understanding, be with us and all Your people now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Mexico [Mr. RICHARDSON] come forward and lead the House in the Pledge of Allegiance?

Mr. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LET US WELCOME CHILE TO FREE-TRADE ALLIANCE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, remember the old days when we associated the nation of Chile with repression, Pinochet, and the Letelier murder in the streets of Washington? Those are the old days. Today Chile is a vibrant democracy with a freely elected government and a market economy that is the most advanced in Latin America. Its President, Patricio Aylwin, who arrives in Washington today, is a progressive leader who has brought stability and economic prosperity to his country.

Chile wants to join Mexico and Canada in negotiating a free-trade agreement with the United States. Mr. Speaker, this makes sense. Let us get our hemisphere together before the Japanese and European trading blocs overtake us and make us less competitive internationally.

Mr. Speaker, I include for the RECORD a copy of a letter sent to the President on May 7 by a number of my colleagues and myself.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1992.

Hon. GEORGE BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The upcoming visit of President Patricio Aylwin of Chile will provide an opportunity for the United States to strengthen its friendship with the newly democratic government of Chile and further the objectives of the Enterprise for the Americas Initiative. One issue for discussion during the visit is the question of when the United States and Chile will begin negotiations leading to a Free Trade Agreement. In our view, it is important that the United States begin these talks soon.

Recent events in Peru and Venezuela are dramatic reminders to all of us of the fragility of the democratic successes in our hemisphere in the last decade. The United States should do what it can to strengthen democracy in South America.

A Free Trade Agreement with Chile would also promote U.S. economic growth by guaranteeing access to new markets and increasing investment opportunities in Chile.

Your Administration has identified a Free Trade Agreement with Chile as the next logical step in the Enterprise for the Americas Initiative. In this regard, however, there seems to be some concern with initiating the process for negotiations before the completion of the North American Free Trade Agreement (NAFTA). We would like to point out that the NAFTA negotiations need not be a bar to an announcement that the Administration will begin the process leading to negotiation of a Free Trade Agreement with Chile.

An announcement and notification to the Congress of the Administration's intention to enter into negotiations would simply allow the House Committee on Ways and Means and the Senate Committee on Finance to begin their preliminary review of the Free Trade Agreement and set the stage for negotiations at a later time specified by the Administration. In the meantime, the demonstrated intention of the United States to enter into negotiations would be an important signal to Chile of our partnership.

Sincerely,

Bill Richardson, Beryl Anthony, Jr., Sam Gibbons, Jim Kolbe, Ray McGrath, David Dreier, Amo Houghton, Tim Penny, John Miller, Fred Grandy, Jim Leach.

CONGRESSIONAL PAY RAISE AMENDMENT

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, in 1789 James Madison proposed an amendment to the Constitution that would bar congressional pay raises from taking effect until after another election.

Congress approved the idea in 1789 and it was sent along to the States for ratification along with the 10 amendments that became the Bill of Rights.

During the next 105 years seven States ratified the proposed amendment. However, in the 1980's 30 more States approved it, 1 short of the required 38.

Now Michigan has ratified the amendment, and Congress should move promptly in a sound, constitutionally correct, manner.

The proper course is for Congress to enact a joint resolution noting that 38 States have approved the amendment but that 7 of the approvals were not contemporaneous, some approvals being enacted more than 200 years ago.

These seven States should be urged to promptly vote again, so that any doubts regarding their approval today would be removed.

Mr. Speaker, I insert the following article for the RECORD:

[From the New York Times, May 9, 1992]

HISTORY'S LONG, ANGRY ARM

Congressional pay ignites voters in the calmest of times; in this era of anger at politics, the issue has become positively incendiary. Four state legislatures this week reached back 203 years to restrain Congress in setting its members' pay. They ratified a constitutional amendment to that effect, one that made sense when James Madison offered it in 1789 and still does. But the long lapse in its ratification begs for updating.

This week's approvals gave the amendment a three-fourths majority of the 50 states. It's now up to the National Archivist or Congress to determine whether the ratifications of states that voted long ago remain valid.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The pending proposal would bar Congressional pay raises from taking effect until after another election, which should make members think twice before they act. In truth, they already do. Pay raises are among the thorniest issues Congress ever confronts. The former Senate majority leader Howard Baker called it "the great-granddaddy conflict of interest of all time."

Members of the First Congress received $6 for each day they attended—and critics said that was too much, since members of Britain's Parliament got only 6 shillings a day. In 1989, two dozen pay raises and several controversies later, Congress included a provision delaying its latest raise until after the 1990 election. The House observed that rule. The Senate rejected the raise at the time, but then voted itself an immediate raise last year.

Congress agreed to the Madison proposal in 1789 and submitted it to the states, along with the 10 amendments that became the Bill of Rights. Only six states ratified the pay amendment in the next few years—Maryland, the Carolinas, Delaware, Vermont and Virginia. Ohio ratified in 1873. It took 105 years for the next state, Wyoming, to approve.

The final push for adoption began in the mid-1980's when a student at the University of Texas discovered the lapse while researching the Equal Rights Amendment and started urging legislatures to act. Last year 43 newly elected House members joined the campaign, as part of their larger effort to reform Congressional procedures.

There is no overall statutory or constitutional deadline for ratification of amendments, but in recent decades each proposal has been assigned a deadline, usually seven years. That's sound practice. It makes ratification an act of its time, not some artifact of the distant past. To remove any doubt about this 27th Amendment, the same principal could be applied now, by getting reconformation from the eight states that ratified before the 1980's.

There are other ways Congress might bless the long arm of history, but re-ratification might be the clearest. In any case, whatever way is used to settle the procedural qualms, the substance of the amendment is as welcome to the public as the appearances are to embattled politicians.

THE COIN-OPERATED GOVERNMENT IN WASHINGTON, DC

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, for anyone who likes the idea of a coin-operated Government in Washington, DC, they are going to love the President's veto of the Campaign Finance Reform Act. I am very sad about that veto, because it keeps in place the old adage that those with the most gold rule.

As we remember, just 2 weeks ago the President had dinner in Washington, DC, raising $9 million. For $92,000 you could have your picture taken with the President. Hey, if anyone wants their picture taken with me, it is free.

At that time there was guerrilla theater going on outside, pointing out for those who wanted some kind of tax loophole, would they please go through door 1 for the dinner; for people who wanted ambassadorships, please go through door 2; for people who wanted pardons, please go through door 3.

What a great tragedy. That kind of guerrilla theater is just too close to the truth, and how sad it is that the reform measure we passed has now been vetoed. I certainly hope we can override it, but I certainly wish the President would help us try to clean up the influence of money and special interests in Washington, DC, which is a lot of our problem.

BIG MONEY AND BIG SPECIAL INTERESTS SHOULD NOT DOMINATE CONGRESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, let me commend the gentlewoman from Colorado [Mrs. SCHROEDER], who just spoke on the very issue I will speak about.

Mr. Speaker, there was a very rich irony in today's Washington Post. One story reports that the President has vetoed the campaign finance reform bill, and with it, in my judgment, a chance to once and for all rein in the corrupting influence of special interests and big political action money. And, right next to this story, on the same page, is a story about a shadowy, elusive figure who went to the President's dinner some few weeks ago carrying with him $400,000 to make a contribution to that bonanza. This man happens to be a shadowy, living-on-the-edge sort of a character, a corrupting influence, it seems to me.

For weeks, Mr. Speaker, I have taken this floor urging the President to sign the finance reform bill into law and make a contribution to recapturing and reenacting the confidence of the American people in the political system. Unfortunately, the President has not taken that advice, nor the advice of many people on his side of the aisle urging him to correct the imbalance in the political playing field.

Mr. Speaker, this body has an obligation to take up the President's action and attempt to veto it. We need to make a statement to the American people that politics should not be dominated by big money and big special interests.

THE COUNTERFEIT THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, as long as money has existed, so has the problem of counterfeit. After all, if a paper coupon can be used as a medium of exchange, it has real value—you can get something for it. And if you can produce a piece of paper yourself and get somebody to give you something valuable for it, you've managed to get something for nothing. The essence of crime is to get something for nothing, or for very little effort, and since counterfeiting is just that kind of thing, it is a very attractive kind of crime. So it should not surprise us that as long as paper money has been widely used, so has the crime of counterfeiting—the crime of creating and using phony money.

Governments spend a great deal of time thinking of ways to prevent counterfeiters from debasing the currency—since, if they have very much success, counterfeiters can literally destroy a large part of any country's monetary base. There are many twists and turns in this peculiar war of printers and engravers and papermakers against one another, and every year this paper war becomes more complex—never more so than it is today.

Unfortunately for us, U.S. paper currency is relatively unsophisticated, relatively easy to counterfeit, and is therefore perhaps the most attractive target in the world to counterfeiters, who are today capable of producing bills of such accuracy that detecting counterfeits is virtually impossible except through the use of sophisticated equipment.

Our Government could do a great deal more than it is to defeat counterfeit operators—but it isn't. Because of this odd and irresponsible passivity, our currency is terribly vulnerable to counterfeiters who are enjoying a growing success in their efforts to get a great many millions for nothing.

The first line of defense in a safe paper currency lies in the paper used. Note paper has to have several qualities—it has to be durable, for one thing. Paper money that falls apart after being soaked in water, for instance is a worthless nuisance. The paper can't wrinkle very much, or get brittle after repeated handling. It has to hold ink, must be capable of resisting a great deal of handling without losing its texture, and it must be a texture that has a certain feel, a feel that people instantly recognize as being authentic. In many ways the biggest problem of the counterfeiter is to get paper that looks and feels right. For this reason, the manufacture and supply of paper for money is carefully guarded.

One way to get paper is very simple, and that is to take one dollar bills and literally launder them, bleaching out the ink. Once that's done, it is possible to produce a pretty decent $100 bill. But the best way to get good paper is to get the real thing, or find a supply that can pass for the real thing.

U.S. paper currency carries a distinct look—it has tiny red and blue fibers scattered around. There are very few who are capable of reproducing this kind of paper, which has an instantly recognizable look as well as feel. But it is not impossible to obtain paper that looks and feels right, and today, counterfeiters apparently have little trouble in getting paper that looks and feels like the real thing. Therefore the first line of defense, the paper itself, is no longer reliable in and of itself. Today, in fact, counterfeit $100 bills are in circulation that feel right, have the red and blue fibers, and look perfect. This counterfeit paper is so good that only chemical or fluorescent light tests can detect it.

If paper security is breached, the second line of defense is in the printing process itself. Our Government uses what is called the intaglio process, which uses extremely high-pressure presses that literally force ink into the paper. A normal printing process simply puts ink on the surface of paper, but intaglio forces the ink actually in the paper itself. This is a process that requires presses of considerable size and great power. Presses of this kind are beyond the reach of just about anyone except governments. But of course these presses are available to many governments, not just ours. And it is therefore possible that counterfeits can be made on intaglio presses. In fact, there are currently counterfeit $100 bills in circulation that are clearly printed with the intaglio process—therefore these counterfeits have the distinct, raised lettering feel of authentic bills. In other words, the two first lines of defense against phony bills have been penetrated—the paper and printing.

The third defense against phony bills lies in the engraving or design. Governments take great care to design a bill that is very hard to duplicate—tiny details are used that involve great skill and artistry. This is not art for the sake of art. Instead it is art that is hard to duplicate. The process includes micro-engraving, and if the tiny dots and swirls are not executed exactly right, the counterfeit is easily recognized. A missing line, a misplaced few dots, will foil a very good counterfeit. But unfortunately counterfeiters no longer have to rely on the eye and hand of a skilled engraver—there is the photocopier. A photocopier makes exact copies, and these copies can be transferred into printed product. Today's counterfeiter is not a lone operator with a press and set of engraving tools, but a crook with a very good photocopier and excellent press. There are some designs that will distort when copied, but sadly for us, these features are not well incorporated into our currency. Therefore as far as U.S. currency is concerned, there is very little protection in the design feature itself. Thus a third defense against counterfeiters is very weak indeed, as far as our currency goes.

Another defense is in the inks used. It is possible to use an ink that changes color when held against light, a kind of holographic effect—but our government does not do this. It is possible to use inks with a certain electronic or chemical signature, a kind of tag. If this is done, it is possible to process bills for authenticity, even if the printing and engraving of the phony bill is perfect. I am glad to say that inks of this kind are used, but it is by no means certain that counterfeiters won't find a way around this security feature. In any event, the false bills now in circulation look, feel, and have the color of perfectly authentic currency. These counterfeits can be detected only by mechanical means.

This is why large denomination U.S. bills are being replaced as fast as possible, with a new series that incorporates a relatively new safety feature—the security strip.

The security strip has just one purpose, and that is to defeat photocopying types of counterfeits. In the new series of $100 bills, there is a strip imbedded that is visible when held against a light. If you see this strip, you've got a good bill. It is the fact that light makes the strip visible, that makes it a guard against photocopying—any time the copier makes a pass, the strip shows up and spoils the design. Even though this is a very good thing, the security strip is a very tenuous line of defense. We can and should do a great deal more to protect our currency, but the Treasury is continuing the most unimaginative, least aggressive, and most dangerous course possible. If there is a design change, the Treasury wants it to be all but invisible—and so aggressive—in other words, effective—redesign is not considered by the Treasury. If new types of security inks are talked about, the Treasury refuses—and so the least effective new ink features are used. If new paper types are suggested, the Treasury says that somebody else owns the patents, and so we use papers that incorporate not the newest security features, but features—like the security strip—that other governments have used for years, and which therefore have the least promise of being effective for very long. We can do more to protect our currency, and we should, as I will demonstrate.

At the present time, the total amount of currency in circulation is about $272 billion. About half of this is in the form of $100 bills, some 150 billion dollars' worth. Of the $100 bills, about $100 billion circulate overseas.

The U.S. $100 bill is used for all kinds of purposes—in some countries it is the preferred form of savings. In others it is the best exchange medium, because its value is more or less reliable. If, for example, you are in Russia the value of the ruble is totally unreliable, so a hard currency like the pound or the dollar or the mark is the best thing to use for trade or to use for saving—so there is a great demand for U.S. currency in such places.

This demand naturally makes counterfeiting a very attractive proposition, so the U.S. dollar is a favorite target. Not only is there great demand, as I have said, our Treasury's soft steps on security make our currency much easier to counterfeit than, say, the British pound note. If counterfeiters manage to get much phony money into circulation, the value of our currency will be threatened.

Currently, as I have said, there are phony $100 bills in circulation of stunning quality—they are printed on paper that is virtually identical to authentic U.S. note paper. The engraving is correct, except for one or two tiny micro-engraving details, which are virtually impossible to detect. These bills carry varying serial numbers, so they can't be detected by use of the serials. These particular bills are of authentic coloring, and they are printed impeccably—apparently on intaglio presses.

It is these counterfeits that have forced the Federal Reserve to recall and destroy old $100 bills as rapidly as possible, and to replace those bills with the new type incorporating security strips. As I said, about one-third, or $50 billion, of $100 bills are circulating in this country. It will take perhaps one more year to replace all the old bills in domestic circulation, in a program that started several months ago.

Overseas, where most of the bills are, it is a different story. These bills do not come into U.S. bank hands very often, and so they are not returned to the Federal Reserve for destruction. In other words, for most $100 bills, the replacement program will work only slowly, which means that overseas the counterfeiters have a fatter and slower target.

Here in the United States, there has been a relative handful of phony $100 bills found—the rate recently was about 9 to 11 bills per million processed, amounting to about $1 million per year. But bills that circulate overseas are not processed by the detection techniques needed to spot the new type of counterfeit, so no one knows what the volume of counterfeits abroad really is. The trouble is, it could be very big, and if it is, there is a substantial threat to the books of the Federal Reserve, and to the value and acceptability of a very sizable portion of our whole currency base. In other words, better than one-third of our currency base—that is, the $100 bills circulating abroad—is wide open to the most sophisticated counterfeit operation ever seen.

It is good that the Federal Reserve is working to replace existing $100 bills. But that is not enough to meet the threat, by any means.

What is needed is a much more aggressive effort to provide secure currency, by the Treasury. The steps it has taken have been slow, they have been pitifully inadequate, and they make the threat to our currency much more substantial, inviting counterfeiters to do great harm to our country. If Treasury inaction leads to panic, that would be tragic—and it is certainly not impossible for this to happen.

What could be done?

For one thing, there could be a fairly radical revision of our currency—which would make it much more secure.

Great Britain, for example, completely redesigns circulating bills about every 10 years. This is not just to keep things fashionable—it is to prevent counterfeiting. A few years ago, British 50-pound notes were so compromised that the whole series had to be wiped out in very short order. From that time, they started using much better defenses—new paper, new inks, new designs—and today have a much more secure currency. Do we have to wait for a very expensive disaster to do the same kind of thing? I hope not.

One of the best techniques available today is to use a bigger portrait on the bill. The bigger portrait—which you will find on just about every currency in Europe—is much tougher to duplicate. What is better, the type of design used in these portraits cannot be successfully photocopied—a copy comes out with gross distortions that are easily visible to the naked eye. This makes it nearly impossible to produce fake bills that look right. But the Treasury, not wanting to change the way our bills look in any fundamental way, resists the idea of this kind of change.

Another thing that can be done is to use more color. If this is done, the resulting bill not only looks more dramatic, but much more important, is extremely hard to reproduce with the proper effect. It is tougher to print, harder to get the colors right, and harder to get the design straight. Again, most European currency uses much more color than ours—not because it is cute, but because it is more secure and harder to fake. But again, the Treasury resists this idea.

It is fine to use the security strip, but this is of no help when two-thirds of the bills in question are overseas and not likely to be replaced very fast—and meanwhile, the existing bills present a very fat target.

The Treasury should be thinking about much bolder techniques, but is instead playing with small engraving changes and the like. It doesn't even consider very seriously the use of inks that vary with light, and have a distinctive color shift that is very hard to duplicate, and hence safer than present inks. They should be thinking about more radical changes in design, like bigger portraits, more color, and papers with greater security features than the anticopying strip—but they aren't.

All of this invites counterfeiters to trash the $100 bill, and they are doing so with increasing success.

We know that more can be done to protect our currency. My question is, why isn't it? Is it because the Treasury wants our money to look the same always? I say that if it looks like it always has, it won't necessarily be worth anything at all. Is it because the Treasury doesn't want to invest in new designs and methods? I say that if that is so, we might well end up with a currency that is badly compromised—and so very expensive indeed.

We cannot pretend any more that photocopying doesn't exist, or that other people can't get their hands on good currency notepaper, or that they can't get access to intaglio presses, or that they can't come very close to duplicating our inks—they have done all those things. The truth is, there are worthless $100 bills in circulation—no one knows how many—that are indistinguishable from the real thing, unless you have access to certain mechanical testing devices. These fake bills could not exist if the Treasury had done its job and employed security techniques that are well known, very effective, and used by governments that want a safe currency. What are we waiting for? There is, after all, $100 billion in $100 bills abroad that are at great risk, and 50 billion dollars' worth here at home that are at greater risk than they really should be. Is it any wonder our currency is being attacked? Not at all. The wonder is how little we are doing to protect it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. REED, for 60 minutes, on May 12.

Mr. WOLPE, for 60 minutes, on May 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MYERS of Indiana) and to include extraneous matter:)

Mr. DICKINSON.

Mr. BAKER in three instances.

Mr. GINGRICH.

Mr. COMBEST in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in 10 instances.

Mr. ROE.

Mr. OWENS of Utah.

Mr. ENGEL.

Mr. LIPINSKI.

Mr. FALEOMAVAEGA in five instances.

Mr. KENNEDY.

ADJOURNMENT

Mr. GONZALEZ. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 12, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3478. A letter from the Secretary of Education, transmitting notice of final priority, required activities, and selection criteria—Cooperative Demonstration Program (school-to-work), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3479. A letter from the Secretary of Education, transmitting notice of final priority—Cooperative Demonstration Program (correctional education), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3480. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the antiterrorism training courses to be offered to the civilian security forces of the Government of Argentina, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

3481. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the antiterrorism training courses to be offered to the civilian security forces of the Government of Uruguay, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

3482. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Peter Jon de Vos, of Florida, to be Ambassador to the Republic of Tanzania; of Robert E. Gribbon III, of Alabama, to be Ambassador to the Central African Republic, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3483. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Dennis P. Barret, of Washington, to be Ambassador to the Democratic Republic of Madagascar; of Richard Goodwin Capen, Jr., of Florida, to be Ambassador to Spain; of William Lacy Swing, of North Carolina, to be Ambassador to the Federal Republic of Nigeria; of Roger A. McGuire, of Ohio, to be Ambassador to the Republic of Guinea Bissau, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3484. A letter from the Chief Financial Officer, Department of Commerce, transmitting notice of a proposed altered records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

3485. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3486. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal years 1993, 1994, and 1995; to the Committee on the Judiciary.

3487. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3488. A letter from the Administrator, General Service Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3489. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to encourage State and local governments to further identify and remove regulatory barriers to affordable housing, to strengthen the link between Federal housing assistance and removal of regulatory barriers, to extend and amend certain laws providing Federal tax incentives for affordable housing, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 452. An Act to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes (Rept. 102–516). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 1182. An Act to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes (Rept. 102–517). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Submitted May 8, 1992]

H.R. 3304. Referred to the Committees on Government Operations and Rules extended for a period ending not later than May 15, 1992.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GINGRICH:

H.R. 5130. A bill to amend title 38, United States Code, to provide for the prorating of veterans compensations, dependency and indemnity compensation, and pension for the month in which the death of the payee occurs; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

H.R. 5131. A bill to amend the Solid Waste Disposal Act to regulate the manufacture, collection, and disposal of batteries; to the Committee on Energy and Commerce.

By Mr. BOEHNER:

H. Con. Res. 317. Concurrent resolution declaring the ratification of the 27th article of amendment to the Constitution of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

415. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to the proposed amendment to the Constitution of the United States relating to the compensation of Members of the U.S. Congress; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1969: Mr. LEWIS of Georgia.

H.R. 3138: Mr. MARKEY.

H.R. 3146: Mr. ROGERS.

H.R. 3253: Mr. MURTHA and Mr. MINETA.

H.R. 3258: Mr. HARRIS and Mr. HAYES of Illinois.

H.R. 3503: Mr. CHAPMAN, Mr. WILSON, Mr. LANCASTER, and Mr. WALSH.

H.R. 4061: Mr. EVANS and Mr. ATKINS.

H.R. 4168: Mr. SMITH of New Jersey.

H.R. 4419: Mr. LEVINE of California, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, and Mr. HANSEN.

H.R. 4944: Mr. SANTORUM.

H.J. Res. 429: Mr. GEJDENSON, Mr. SOLARZ, Mr. TAUZIN, Mr. DORNAN of California, Mr. OBERSTAR, Mr. ZIMMER, Mr. BROWN, Mr. SIKORSKI, Mr. LEWIS of Georgia, Mr. BREWSTER, Mr. SMITH of Iowa, Mrs. LOWEY of New York, Mr. BILBRAY, and Mr. COBLE.

H.J. Res. 467: Mr. SANGMEISTER, Mr. ENGEL, Mr. YOUNG of Florida, Mr. ALEXANDER, and Mr. FASCELL.

H. Res. 323: Mr. PAYNE of New Jersey.

H. Res. 384: Mr. LENT.

EXTENSIONS OF REMARKS

SOFT DRINK LICENSE TRANSFERS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. BRYANT. Mr. Speaker, with so many American companies struggling to survive the current recession, it is important that regulations be interpreted in a manner that avoids imposing restrictions that only deepen our economic problems, threatening more jobs and incomes.

An example of such restriction currently threatens smaller, independent manufacturers of soft drinks. In an effort to enhance competition in the soft drink industry, the Federal Trade Commission [FTC] has adopted a policy which prevents independent soft drink brands from transferring their local bottling and distribution licenses to larger, more efficient bottlers.

Ironically, the most efficient local bottler-distributors are often bottlers affiliated with the giants of the industry. Nevertheless, many of those dominant bottlers are willing and able to handle the bottling and distribution of smaller brands.

However, after allowing such piggybacking for years, the FTC has changed its mind and decided that access to effective distribution for smaller brands is somehow anticompetitive. Piggybacking is even more important to the smaller brands and more procompetitive than it used to be since years of industry consolidation have limited the number of effective bottlers in any given area of the United States. This FTC policy threatens to drive independent brands out of widespread distribution—and eventually out of business entirely.

Several smaller brands—including 7-Up, Hawaiian Punch, Orange Crush, and Barq's—already have no authorized distribution in major portions of New York City, and a similar fate awaits smaller brands in other parts of the country if the FTC persists in its new policy.

In response to this situation, Mr. Speaker, I have introduced H.R. 5025, legislation designed to help get us to a sensible policy for soft drink license transfers—one that will assure a level playing field for smaller, independent brands. My bill would prevent the FTC from interfering with transfers of independent brands to larger, more efficient bottler-distributors, whether or not they handle Coke or Pepsi products, if no actual monopoly is created at the local level and if no viable alternative bottler-distributor is available in the relevant local market.

If a viable alternative bottler exists, the transfer would not be automatically or even presumptively illegal—it just means the FTC could investigate and bring a case if the situation warrants, and then prove that the transfer is anticompetitive under currently prevailing antitrust standards. Viable alternative bottler-distributors for this limited purpose would be those with 15 percent or more of the relevant local market who meet other criteria spelled out in the bill.

The immediate effect of this measure, Mr. Speaker, would be to get back into distribution soft drinks that have effectively been forced out of distribution, and prevent the further deterioration of these smaller brands in other geographic areas, before irreparable harm in done to any of these brands and to national interbrand competition. This legislation would remain in effect only until the end of fiscal year 1993. That would give Congress sufficient time to examine this problem further and decide whether a more flexible soft drink license transfer policy, such as the one I have proposed, should be made permanent.

Frankly, Mr. Speaker, legislation should not be necessary to solve this problem. It can and should be solved by the FTC—even now.

Congressional inquiries and exhortations have failed to influence the FTC. My colleague from Texas, Mr. BROOKS, chairman of the Judiciary Committee on which I have the honor to serve, wrote the FTC in 1990 as follows:

> As made clear in the Soft Drink Interbrand Competition Act of 1980, and absent any price-related restraints, the practice of "piggybacking" would not be considered anticompetitive under a rule of reason analysis provided that such a distributional plan existed in a relevant market where there is "substantial and effective" competition.

Certainly, Mr. Speaker, from the point of view of the smaller brands struggling to compete with the industry giants, competition is substantial and effective.

The Appropriations Committees, in their conference report on the fiscal year 1990 dire emergency supplemental appropriation bill, directed the FTC to "review its soft drink franchise transfer policies carefully, to ensure that those policies take account of the goals of Congress in enacting the 1980 Soft Drink Act."

Expressions of congressional and industry concern seem to have been ignored by the FTC.

I would hope, Mr. Speaker, that this legislation will prove to be noncontroversial and will be acted upon quickly by the Congress. In addition to benefiting the several smaller soft drink manufacturers who have opposed this new FTC policy, it would benefit the majority of bottlers as well, because it is consensual license transfers we are talking about, such as when bottlers want to get out of the business, or they are forced out through bankruptcy and the FTC has blocked these transfers.

Mr. Speaker, Congress should not stand idly by while these unfair and unrealistic regulations strangle popular, independently produced products in the soft drink industry, to the detriment of consumers and to the benefit of the largest producers. I urge my colleagues to support this legislation to restore fair access to effective distribution for soft drinks.

H.R. 4884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY LIMITATON ON ANTITRUST AUTHORITY.

(a) Except as provided in subsection (b) of this section, during the moratorium period, the Federal Trade Commission shall have no authority under the antitrust laws, or under any order, rule or regulation issued by the Commission pursuant to such antitrust law, to prohibit or impede (by withholding requested approvals or by any other means) any proposed transfer of a soft drink trademark licensing contract, or to challenge the lawfulness of any such past transfer, whether or not the Commission has acted previously on such proposed or past transfer.

(b) During the moratorium period, the Commission shall continue to have whatever authority it may have had prior to the date of enactment of this section with respect to any proposed or past transfer otherwise subject to subsection (a) if—

(1) the licensee transferring the license has a market share of at least 15 percent;

(2) there is a third-tier alternative licensee; or

(3) as a direct result of such transfer, one licensee would become the sole licensee for trademarked soft drinks in the relevant geographic market;

except that nothing contained in this subsection shall be construed to expand the antitrust authority of the Commission during the moratorium period, or to affect the lawfulness of transfers of soft drink trademark licensing contracts that are lawful under prevailing interpretations of the antitrust laws prior to the date of enactment of this section.

(c) For purposes of this section—

(1) a licensee's "market share" shall mean its revenues from the sale of trademarked soft drinks during the twelve-month period immediately preceding the transfer in the relevant geographic market (which shall be defined to be a geographic area at least as large as the license territories for all of the transferred licenses), expressed as a percentage of the total revenues from the sale of all such products in that market during that period;

(2) a proposed or past "transfer" of a soft drink trademarked licensing contract shall mean a transfer of such a contract from one licensee to another existing or proposed licensee of equal or greater size (as measured by their market shares), and shall be construed to include—

(A) transfers authorized by the licensing contract directly from one licensee to another existing or proposed licensee; and

(B) indirect transfers through or by the licensor;

(3) a "third-tier alternative licensee" shall mean a licensee of trademarked soft drinks that meets the following criteria:

(A) it is no larger than the third largest of the licensees of trademarked soft drinks operating in the relevant geographic market, as measured by its market share;

(B) it has the manufacturing, distribution, and vending facilities, and fountain service

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

equipment, and employs business practices that would make it an effective bottler and distributor (consistent with prevailing industry standards) of the relevant brands in the territory covered by the license, including a significant ownership interest in operating bottling facilities capable of producing substantially all of the package sizes used by the relevant brands in the relevant territory;

(C) it is willing to assume and keep the license, and has the resources necessary to promote the relevant soft drink brands by participating in cooperative advertising and promotional activities and campaigns and by other means; and

(D) it either—

(i) has a market share of at least 15 percent; or

(ii) would have a market share of at least 15 percent if it were combined with the licensee transferring the license, and it has made a bona fide and legally and commercially feasible offer to enter into such a business combination with the licensee transferring the license; and

(4) the "moratorium period" shall mean the period of time from the date of enactment of this section until September 30, 1993.

(d) Nothing contained in this section shall be construed to limit the authority of the Department of Justice to challenge transfers of soft drink trademark licensing contracts under the antitrust laws enforced by the Department.

ANOTHER PERSPECTIVE ON 500 YEARS SINCE COLUMBUS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we, as a Congress, have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an essay written by Ruth Dial Woods, Ed.D., a member of the Lumbee Tribe of North Carolina, and printed in the February 1992 edition of the American Indian Report published by the Falmouth Institute. The article presents the perspective of yet another Indian on life in the United States these last 500 years.

[From the American Indian Report, February 1992]

ESSAYS

"'Once begun, the tide of change, precipitated by Columbus' arrival, has forever impacted the native people of this country.' Native American history, since Columbus, is laden with acts of destruction, displacement and deprivation. Despite these oppressions, American Indian peoples have continued to endure and are experiencing a social and cultural resurgence which itself should be celebrated."

The Falmouth Institute asked a selected group of educators, tribal administrators, students, attorneys, social workers and business owners to reflect on the above quotation and write an essay on what the last 500 years have meant to the original inhabitants of this land.

With this issue the American Indian Report begins featuring those essays written by Native Americans from all walks of life.

500 YEARS SINCE COLUMBUS

(By Ruth Dial Woods, Ed.D., Lumbee Tribe, North Carolina)

Christopher Columbus, no different than other explorers of his time, set out to satisfy his natural curiosity about the world. Therefore, the only contribution that should be attributed to Columbus is the fact that he was an early explorer. While his landing and sighting of the North American continent did significantly change the life of the native peoples of the North American continent and world history, he deserves no more recognition than other early explorers of the same period of time.

The fact that European immigration and colonization of the North American continent are important aspects of America history should not ensure a hallowed place for memorializing Columbus. A celebration of the 500th anniversary of Christopher Columbus' arrival to this continent focuses on the ignorance of this nation in recognizing the impact and contributions of cultural pluralism, both past and present, on the development of this country.

The writings of early immigrants and their descendants have framed European heroes and heroines, created myths and romanticized the aboriginal peoples of this continent. The Indian legends and stories about peace, self-sufficiency, ceremonies and rituals, and the valued beauty of the earth and nature did not find their way into these immigrant writings. Subsequently, native peoples have been relegated to nonexistence except to serve the historical purpose of European immigrants. This distortion of reality has persisted for centuries, been accepted as fact, and together with the greed of the immigrants for land, power and control have essentially demoralized native peoples throughout the past 500 years.

Degradation of Native American history persists when national observances of the American Bicentennial, the Bill of Rights, and a preposterous Centennial of Columbus' voyage are perpetuated.

What happened to the "romantic Indians" who are portrayed in the history books? They are living in poverty, suffering from alcohol abuse, dropping out of school, experiencing high rates of suicide, living on doles from the government while the government continues to ignore the historical treaties and American Indian tribes, living in servitude by federal government rules and regulations and entrapped in a mire of federal dependency. For all practical purposes they do not exist, they are not recognized as contributing members of society, and they are perceived as wards of the government rather than citizens of this country.

History has neglected Native Americans—they are the people left behind. What could one realistically expect when they are negligible in the annals of history and treated as separate and apart from all other human beings?

Despite the degradation, deprivation and denial of the humanness, the spirit of the Grandfathers and Grandmothers are alive and well, and Native Americans have not faded from the landscape of this country. Native Americans have taken a hold on their heritage and their rights to citizenship in their own land. They too shall rise with others to reclaim their native birthright and their rightful place in history for the generations yet to come.

The history of the Native American is being written by Native Americans, and we will ensure that our children and the children of our grandchildren shall know from whence they came, and how, in spite of successive attempts to assimilate Native Americans, the people and their spirit cannot be broken.

Ours will be the greatest story ever told, for history will record our survival, not because Columbus landed on this continent, but because our spirit transcended all adversity to enable us to maintain our claim and our birthright as Native Americans.

TRIBUTE TO GEN. KENNETH ROSS

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. BAKER. Mr. Speaker, it is with great pleasure that I today recognize someone whose accomplishments may be regarded as a milestone in the history of Hammond, LA. For the first time in over a century of existence, Hammond has a native son and current resident who has become a general in the U.S. military.

This history has been made by the Louisiana Air National Guard through the promotion to general of successful Hammond businessman and attorney Kenneth Ross. I am pleased—along with all the citizens of Hammond—to be able to congratulate General Ross on his new rank.

General Ross is a graduate of Hammond High School and Southeastern Louisiana University. He has remained in Hammond working as a executive in Ross & Wallace Paper Co., and as a partner in a prominent Hammond law firm. General Ross has been in the Air National Guard for over 20 years and has held a variety of positions. He currently serves as a senior jet fighter pilot and is also commander of the Air National Guard's barracks in New Orleans.

Mr. Speaker, because of his example of the benefits of hard work and dedication, General Ross is and will continue to be a role model for the children of Hammond and all of Louisiana.

SRI LANKA'S YUGOSLAV SYNDROME

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. KENNEDY. Mr. Speaker, I would like to make my colleagues aware of the present Sri Lankan situation. The editors of the Boston Globe recently expressed dismay at the lack of attention paid to the suffering and bloodshed of Tamil civilians in that nation.

We are a nation which possesses solid beliefs in representation and equal rights for all citizens of a democracy. Therefore, I believe the United States should become more aware of the brutality of civil war in Sri Lanka. In addition, we should consider this newspaper's and Asia Watch's suggestions and condition U.S. aid on human rights reforms. Sri Lanka should also be encouraged to introduce a United States style, federal constitution. The violence in Sri Lanka is unnecessary and a mutually acceptable political situation must be facilitated in order to prevent further bloodshed.

I urge my colleagues to read the following editorial which provides a good synopsis of the Sri Lanka situation:

[From the Boston Globe, Feb. 18, 1992]

SRI LANKA'S YUGOSLAV SYNDROME

For nearly a decade, government repression of guerrilla movements has made Sri Lanka the El Salvador of Asia, a land where thousands of militants and innocent civilians were "disappeared," tortured by army and security forces, and summarily executed. Today, as the army prepares for yet another scorched-earth assault on the fanatical Liberation Tigers of Tamil Eelam in the north of the country, Sri Lanka seems on the verge of becoming the Yugoslavia of Asia.

Several human rights organizations have documented the scope and savagery of human rights abuse in Sri Lanka. A UN Working Group concluded after a recent mission to Sri Lanka that the toll for disappearances was "by far the highest number ever recorded by the Working Group for any single country." Asia Watch cited an estimate of 40,000 disappearances since the initiation of the war against the Tamil Tigers in 1983.

Americans have paid little attention to the carnage in Sri Lanka, and now that the Cold War has ended any geopolitical interest Washington may have had in Sri Lanka has lapsed. Yet if President Bush's invocations of a new world order founded on the rule of law and respect for human rights are meant as something more than sheer bombast, they must be applied to Sri Lanka.

Because of its parlous economic condition, Sri Lanka is dependent on aid from international organizations responsive to American influence. As Asia Watch recommended recently:

"The United States government, in particular, should back up expressions of concern about human rights by exerting economic pressure on the Sri Lankan government. Besides being outspoken at the donors' meeting in Paris, the administration should support human rights conditions on US aid and indicate its intention to oppose World Bank and other multinational loans that do not expressly meet basic human needs if the Sri Lankan government does not fully implement its human rights reforms. The US should encourage Japan and other major aid donors to Sri Lanka to take a similar approach."

These are sound prescriptions for the protection of human rights. The underlying cause of the mayhem in Sri Lanka, however, is political. If there is to be durable protection for the victims of violence in Sri Lanka, there must be a political resolution of the conflict between the central government and the secessionist Tigers.

Since virtually all observers agree that the government forces cannot extirpate the Tigers militarily and the Tigers cannot achieve their goal of an independent Tamil through guerrilla warfare, the government should heed the counsel of moderate groups such as the Eelam Tamil Association of America, which is eager to help implement a federal constitution that would grant political autonomy to the Tamil region within a unified Sri Lankan state. This would be a Sri Lankan antidote to the Yugoslav syndrome.

THE YOUNG LEADERS AT PRAIRIE VISTA ELEMENTARY SCHOOL

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. ROEMER. Mr. Speaker, it has been said that our children are our best hope for the future, and that without them there is no promise of a better tomorrow. Our Founding Fathers recognized this many years ago by establishing a government based on individual freedom that holds out the promise of a better life for succeeding generations. The Founders thought not only of their own needs, but the needs of their children, and their children's children.

Fortunately, we continue to enjoy the benefits of the democracy so carefully crafted by our forefathers. Unfortunately, however, we have often lost sight of whom that legacy was established. Over the last 12 years, our national agenda has turned away from those who need government the most—our young. The 1980's saw the approval of policies which stand to rob the futures of our children and grandchildren by saddling them with a staggering national debt and declining productivity.

Mr. Speaker, it has been said that from the mouths of babes comes the truth. That old adage never had more meaning than when I had the privilege of visiting Prairie Vista Elementary School in Granger, IN. I was speaking to a class of third graders, when 9-year-old J.S. Solfronk raised his hand to express his frustration over the fact that he did not feel a part of the political system.

J.J. said that he could not participate in government as his parents did. He stood up and asked, "Tim, would you introduce a bill allowing third graders to vote?" After explaining to him why I could not honor his request, on my flight back to Washington, I found myself reflecting J.J.'s dilemma as well as the plight of children everywhere. If we, the guardians of democracy do not stand up for our children, who will? If we do not protect those to whom we hope to turn over the reigns of leadership, what hope have they in democracy and in the future?

Mr. Speaker, in attempting to answer the larger questions posed by a young third grader, I called upon my freshman colleagues to join me in forming the Children's Working Group. By addressing specific areas, such as child immunization, education, and the sharing of new and innovative ideas, we in Congress can begin to make the best investment possible in democracy and in the future.

More than 70 Members of Congress from both sides of the aisle have responded to the call of our young people. The Children's Working Group is providing an important forum demonstrating that children can have an impact on legislation. Mr. Speaker, I respectfully ask the leadership, the entire Congress and the American people to join me in supporting the aims of the Children's Working Group and letting J.J. and all children know that, yes, they have a vote in the U.S. Congress and a voice in the most free nation on Earth. Most importantly, they continue to have the hope of a better tomorrow and the future promise of the American Dream.

DR. BILL LYLE: MAN OF THE YEAR

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to extend my sincerest congratulations to Dr. Bill Lyle of Lubbock, TX, for being named "Man of the Year" by Progressive Farmer magazine. The magazine honored Dr. Lyle with this award for his impact on water conservation trends and his outstanding service to agriculture in west Texas.

Dr. Lyle is a professor of irrigation engineering with the Texas Agricultural Experiment Station in Lubbock. His innovative research and development of low energy precision application [LEPA] sprinklers have revolutionized irrigation techniques. LEPA systems not only conserve water, they also conserve energy and reduce water evaporation by wind and high temperatures.

To date, thousands of farmers are utilizing LEPA systems and are conserving precious water resources. In my own congressional district in Dawson County the use of LEPA technology has increased from 18 to 80 percent of the amount of land that can be irrigated with available water sources. I salute Bill Lyle and the recognition by Progressive Farmer for his outstanding accomplishments for west Texas and the entire southwest region.

CELEBRATING A CENTURY OF SERVICE, THE MOUNTAINSIDE HOSPITAL SCHOOL OF NURSING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to the Mountainside Hospital School of Nursing in the city of Montclair in my Eighth Congressional District in New Jersey. Mountainside will celebrate the 100th anniversary of its establishment at a gala event on Friday, May 15, 1992. This vibrant institution has a distinguished history of service to the community and State, and continues to meet the changing needs of health care in our Nation. Mr. Speaker, from its humble beginnings, this school has grown in size and importance continually striving to create a caring cadre of health care professionals.

In 1892 the School of Nursing was established to give women who wished to become professional nurses a systematic course of training and practice. Seven students enrolled in that first class.

Since that time many changes have taken place. The hospital and the school of nursing have expanded and improved their services in the community. The basic ideals of nursing now include that promotion of health as well as physical and emotional care of the sick. The educational program is planned to provide instruction, supervision, and guidance for carefully selected students so that as graduate nurses they are prepared to give understanding and competent care. The person who enters professional nursing today realizes that his or her future success and happiness depends upon the careful selection of a school of nursing. The Mountainside Hospital School of Nursing offers a well planned educational program.

The school is located in the Ella C. Mills Residence across the street from the Mountainside Hospital. It contains new educational facilities which include classrooms, conference rooms, the Mershon Library, faculty offices, and a learning center. The facilities service both a day and evening division programs.

The daytime program extends over a 27-month period of time. The evening program enables one to seek an education in nursing on a self-paced basis which includes flexibility and independent activity, extending over a 55-month period of time. This allows the student to assume full- or part-time employment or other responsibilities while seeking their career goal in nursing.

During both timeframes the student receives instruction in the biological, physical, behavioral and social sciences with correlated clinical experiences in medical, surgical, maternity, pediatric, and psychiatric nursing. The curriculum is the same for both divisions. Mountainside has an agreement with Jersey City State College and Montclair State College to serve as an off campus adjunct.

Currently, the school has its largest enrollment with 225 students enrolled in both the day and evening programs, and it continues to flourish. This includes a culturally diverse population of both male and female, single and married. To date, approximately 3,000 students have graduated from this program.

Mr. Speaker, it is educational institutions such as Mountainside which give the United States the highest quality health care in the world and ensure that competent professional individuals with a genuine concern for the emotional as well as the physical well being of their patients are available to those who require care.

Mr. Speaker, I am sure you and all my colleagues join with me in saluting this outstanding facility for their long and excellent service.

TRIBUTE TO THE TOWN OF ROSELAND

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. BAKER. Mr. Speaker, it is with great pleasure that I pay tribute to the citizens of the town of Roseland, LA. Roseland was founded in 1892 and in this centennial year the people of this town have come together to celebrate their 100-year benchmark.

This celebration will take place May 22–24, 1992, and will reunite many present and former residents of Roseland. Among those who will be attending is Justin Wilson, a Cajun chef and humorist who is a native son of Roseland. He will be performing and telling some of the stories for which he has become famous.

Mr. Speaker, we are all aware that strong communities are the fabric that make up our Nation. By coming together to celebrate their community, the people of Roseland are demonstrating that makes this country great.

HUMANITARIAN ASSISTANCE NEEDED FOR CROATIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. ENGEL. Mr. Speaker, the U.N. High Commissioner for Refugees estimates that the bloody conflict in what was Yugoslavia has, to date, produced over 1 million refugees. Of that total, approximately 210,000 are from the latest victims of the brutal Serbian and Montenegrian move to conquer territory in Bosnia-Hercegovina. The Republic of Croatia, the scene of continued Serbian aggression despite the cease-fire and deployment of U.N. peacekeepers, is the principal sanctuary for displaced Slavic Moslems and Croatians.

The innocent Croatian and Slavic Moslem refugees are finding themselves in increasingly crowded living conditions, with housing and food becoming less available. According to a U.N. High Commission spokesman, for the first time in memory the Commission will have to arrange tent camps to provide at least rudimentary protection for the growing number of displaced persons.

United Nations relief efforts to supply the hundreds of thousands of homeless in war-ravaged Bosnia-Hercegovina have been hampered by Serbian paramilitary forces. Roadblocks have been constructed throughout the republic with Serbian irregulars exacting a toll to permit passage of trucks carrying humanitarian supplies. In addition, food and clothing are often stolen and on occasion the vehicles have been commandeered as well.

Serbian and Montenegrian forces, urged on by the Belgrade government, continue to solidify their grasp on territory not only through violence but by deporting other nationalities in an effort to produce ethnically pure zones. Serbian nationalism is inextricably linked to the pursuit of a "greater Serbia," and other ethnic groups in what was Yugoslavia have paid a heavy price. One particularly glaring example was the de facto Serbian annexation of Kosova in 1990. Kosova's 90 percent Albanian population is now under the control of the Serbians who control local government structures. Ethnic Albanian are not permitted to participate. Basic human freedoms were scrapped in Kosova as they are now being discarded in Serbian controlled areas of Croatia and Bosnia-Hercegovina.

Finally, Mr. Speaker, the European Community has very recently approved a $20 million humanitarian aid package for refugee assistance in Croatia. I hope that funds can be found from existing accounts to enable the United States to assist in this critical effort. In addition to humanitarian assistance, I urge the Bush administration to derecognize Yugoslavia and participate in an international effort to freeze its assets. Also, it should be made very clear to the Belgrade regime that all elements of the Serbian and Montenegrian army and its adjuncts must withdraw from occupied territories and respect human rights in areas it controls.

THE 70TH ANNIVERSARY OF THE MEADVILLE KIWANIS INTERNATIONAL

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. RIDGE. Mr. Speaker, it gives me great pleasure to offer my sincere congratulations to the Meadville Kiwanis, on the occasion of the 70th anniversary of Kiwanis International.

The Meadville Kiwanis Club is the largest Kiwanis club in the Commonwealth of Pennsylvania. Under the vigilance and diligent leadership of the Meadville Kiwanis founder, Walter Irving Bates, the Kiwanis Club has become one of Pennsylvania's most highly regarded and respected community service organizations.

Upon its founding in March 1922, the Kiwanians have graciously offered their patronage to the Meadville community. The theme of their club remains "Young Children: Priority One," with an emphasis on children through 5 years of age. Working in close conjunction with the Crawford County Head Start Program, the club offers preschool children the Reading Is Fundamental Program. Moreover, members of the club provide needed new clothing for the children of the Meadville head start unit. I commend them for all their efforts.

The Meadville Kiwanis Club recently started a safe home project that provides a smoke alarm to every family of a child born at the Meadville Medical Center. In addition to its emphasis on children, the Kiwanis provide services for every age group in the community. Some recent projects include the establishing of an action club for persons with debilitating conditions and a new Kiwanis Builders Club for junior high school youth. The Kiwanis Club also sponsors a key club and career day for high school students, as well as a circle K club for college students. All of these events are focused toward students interested in community service activities.

The Meadville Kiwanis Club has received the Pennsylvania District Award and the Pennsylvania District First Place Achievement Award for Outstanding Service.

Once again, Mr. Speaker, it is an honor to extend to the Meadville Kiwanis Club, its President, Mr. Richard Hawke, and the dedicated members of the club my very best and warmest wishes for continued success. I am sure that they will undoubtedly reach the lofty future goals that they have set for themselves. Congratulations and keep up the good work.

EXPANDED EDUCATION BENEFITS FOR SELECTED RESERVISTS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. MONTGOMERY. Mr. Speaker, last Thursday, I introduced H.R. 5098, a bill which would permit those individuals training under chapter 106, title 10, United States Code—Montgomery GI bill-Selected Reserve—to pursue graduate-level training. Under current law, chapter 106 participants may pursue the same types of programs as those approved for active duty GI bill trainees—chapter 30, title 38, United States Code—except those at a postbaccalaureate level.

There are several reasons for lifting the current restriction on graduate training. First, as a matter of equity, active duty GI bill participants and Selected Reserve participants should have the same types of programs available to them under the Montgomery GI bill. In order to be consistent with the total force policy which underlies our national military strategy, educational opportunities should be consistent between both components of the force.

Next, expanding programs available to members of the Selected Reserve would enhance the incentive value of the GI bill as a recruiting and retention tool. If the total force is to be successful, the Reserve side of the force must be able to attract and retain high quality personnel. The peacetime GI bill has already proven to be a powerful recruitment tool for the Selected Reserve, and expanding the approved courses of study will make an excellent program even more effective.

Finally, the Selected Reserve would benefit from an expansion in approved courses because many vital readiness skills require advanced degree studies which are currently unavailable to members of the Reserves and National Guard under the GI bill.

I urge my colleagues to support H.R. 5098. Those wishing to cosponsor this measure should contact Beth Kilker or Jill Cochran at 225-9166.

TRIBUTE TO THE MORTON BAND

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to applaud the Morton Band of J. Sterling Morton High Schools in the western suburbs of Chicago. On Friday, May 1, 1992, the Morton Band performed on the steps of the Library of Congress.

Founded in 1912, the Morton Band is the second oldest high school band in the State of Illinois and among the 10 oldest in the Nation. The program is districtwide and consists of the concert band, wind ensemble, jazz ensemble, marching band, and three pep bands. In addition to school and community services including sporting events, pep rallies, and parades, the students present four concerts each year.

The Morton Band came to our Nation's Capital to present several historic pieces of music to the Library of Congress. The pieces are part of a collection of music containing some of composer John Philip Sousa's original library dating to the year 1892.

I am pleased to recognize the students of the Morton Band for their outstanding performance at the Library of Congress and for their commitment to history. I am sure that John Philip Sousa would have been as pleased as each of the spectators was on Friday to hear his works performed by these fine musicians.

I urge my colleagues to join me in saluting the students of the Morton Band and the director of bands for Morton Schools, Salvatore L. Terrasi. Their mastery of fine music and commitment to history is exemplary. I wish them the best of luck in the years to come.

ETHEL McLEOD: OUTSTANDING ENTREPRENEUR

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to extend my sincerest congratulations to Ms. Ethel McLeod of Lubbock, TX, for being presented with the Outstanding Entrepreneur Award by Texas Tech University's College of Business Administration.

Ethel has demonstrated her keen business abilities since she purchased her business, Stenocall/Lubbock Radio Paging Service, in 1954. She established her business at a time when women faced great obstacles in the business community. However, her business has prospered throughout the year due to her hard work and entrepreneurial spirit, starting with only 1 employee that has grown to 97. Stenocall has become an important part of the Lubbock community.

Our great Nation was founded on the notion of free enterprise and the will to succeed. This Nation needs more people like Ethel McLeod who have fulfilled the American Dream. I salute her for her continued dedication to this dream and wish her continued success.

UTAH FEDERAL LAND EXCHANGE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. OWENS of Utah. Mr. Speaker, over the last decade, the State of Utah and its congressional delegation have tried to find a resolution to the complicated issue of land exchange with the Federal Government. Utah's scattered State land sections were given to Utah at the time of statehood in order to provide revenue for Utah's State school trust fund. At least, that was the stated goal. Unfortunately, the isolation and the inaccessibility of these sections have worked against us, and the lands, trapped as islands of State inholdings in Federal land, have not been very productive for the State school trust fund.

While we in the delegation continue to search for a solution, Utah ranks at the bottom of all 50 States in the per pupil expenditure by the State, and in the amount provided per pupil by the Federal Government. This is true despite the fact that Utah makes one of the greatest efforts per taxpayer in the Nation to fund its schools. More than half of Utah's entire State budget goes to education. So far, the State school trust fund has contributed very little to the education of Utah students. Late last night, I introduced a bill which would correct that inequity.

The State of Utah deserves a tremendous amount of credit in sticking with this very complicated issue, resolving numerous potential problems along with the Members of the delegation, and in creating an imaginative solution to a nearly intractable problem. The bill is made up of three distinct approaches to receiving fair value from the Federal Government for trapped State lands. The 38,000 acres of State lands inside the Navajo and Goshute Indian Reservations are to be exchanged for identified lands of equivalent value in other areas of the State where they will provide economic benefit to the trust and to surrounding communities. The 80,000 acres of State lands inside national forests are to be exchanged for existing Federal coal leases until their appraised value is recovered by the State. The 80,000 acres of State lands in national parks are to be purchased through an increase in the State's share of mineral lease revenues for a limited period of time.

This proposal makes sense from a conservation standpoint, removing potentially developable State lands from environmentally sensitive areas. The State has been cornered into a no-win situation—either it can go ahead and try and sell or develop State lands in clearly inappropriate areas, like the middle of Arches National Park, or it can let the land lie fallow and contribute nothing to the school trust fund. This bill provides an alternative to that impossible dilemma.

The bill also makes sense from an administrative standpoint. It will group State lands in manageable blocks, and eliminate the administrative complications, for both the Federal and State governments, of dealing with scattered State lands on Federal land.

Most importantly, this bill will finally allow the Federal Government to keep its promise to Utah, made at statehood, that these State grant lands would be used to educate Utah's schoolchildren. It will provide much-needed additional funding for Utah's school trust and supplement Utah's already monumental effort to provide a quality education.

This is a matter of fairness, as well as a matter of environmental good sense and administrative efficiency. I have already asked that a hearing be held in the near future on this and several other related bills from the Utah delegation. There is no other piece of new legislation which could have as much significance to Utah and Utah's schoolchildren.

INTRODUCTION OF LEGISLATION TO PRORATE VETERANS' BENEFITS FOR THE MONTH OF DEATH

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. GINGRICH. Mr. Speaker, recently one of my constitutents, Mrs. John Watson, Sr., of Stockbridge, GA, telephoned the Sixth District Congressional Office to let me know about a problem she had with the Department of Veterans Affairs. Unfortunately her mother-in-law, Lena Watson, had died during the month of November, and, although Lena had lived the entire month, with the exception of the last 10 hours, the VA was asking the family to return that month's payment. The money had already been used to pay for her stay at a nursing home, and it hardly seemed fair that this veteran's widow's last benefit check should be recalled.

The fact is, however, that current law denies all veteran's pension and compensation payments for the month of the payee's death.

Mrs. Watson brought up a good point when she said that these benefits should be prorated for the month of death to give the veteran and his or her family their due. I agree with the Watsons and so today am introducing legislation that would amend the necessary portion of title 38 to correct this unfair practice.

My bill would prorate veteran's compensation, dependency and indemnity compensation, and pension for the month in which the death of the payee occurs. I urge my colleagues to join me in support of this legislation by becoming a cosponsor.

TRIBUTE TO MIKE CLAUSEN

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. BAKER. Mr. Speaker, it is with great pleasure that I pay tribute to Raymond M. "Mike" Clausen. Mr. Clausen is a Ponchatoula, LA, resident, and one of only a couple of Louisiana citizens to ever receive the Congressional Medal of Honor.

He received this medal as a result of heroism in Vietnam in January 1970. His Medal of Honor citation states:

> For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with Marine Medium Helicopter Squadron 263 during operations against enemy forces. Participating in a helicopter rescue mission to extract elements of a platoon which had inadvertently entered a minefield while attacking enemy positions, Pfc. Clausen skillfully guided the helicopter pilot to a landing in an area cleared by one of the several mine explosions. With 11 more marines wounded, one dead, and the remaining 8 marines holding their positions for fear of detonating other mines, Pfc. Clausen quickly leaped from the helicopter and, in the face of enemy fire, moved across the extremely hazardous mine-laden area to assist in carrying casualties to the waiting helicopter and in placing them aboard. Despite the ever-present threat of further mine explosions, he continued his valiant efforts, leaving the comparatively safe area of the helicopter on six separate occasions to carry out his rescue efforts. On one occasion while he was carrying one of the wounded, another mine detonated, killing a corpsman and wounding 3 other men. Only when he was certain that all marines were safely aboard did he signal the pilot to lift the helicopter. By the courageous, determined and inspiring efforts in the face of the utmost danger, Pfc. Clausen upheld the highest traditions of the Marine Corps and of the U.S. Naval Service.

Although eloquent, these words still do not adequately express our appreciation to Mr. Clausen for his past and present service to our country. He recently joined other Congressional Medal of Honor recipients on a trip to Moscow to participate in the Peace Victory Day Parade in Red Square. Mr. Clausen and the other recipients were among the first foreign military personnel to participate in such an activity in the Commonwealth of Independent States.

For his past and present dedication to our Nation, I thank Mike Clausen and wish him continued happiness and success.

HAPPY BIRTHDAY TO MARY MURRAY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to wish a happy birthday to a special resident of Rhode Island, Mary Murray. Ms. Murray will be turning 99 on July 14, 1992. She is the last living nurse of Base 116 during World War I.

After graduating from Atlantic City Hospital in Atlantic City, NJ, in 1914, she entered the Army. She served as an Army nurse at Base Hospital 116 during World War I in 1917. From New York, 125 nurses left on the *Maritania* and landed in Liverpool. From Liverpool, they proceeded to Paris, France. The hospital in France was under construction at the time, so she worked at Evacuation Hospitals; 20 of the original 125 nurses, including Mary Murray, were transferred to a Mobile Unit No. 9 in Belgium. After serving behind the lines for a total of 19 months, Mary Murray returned home to her native Rhode Island.

Presently a resident at the Evergreen House in East Providence, her friends describe her as alert, ambulatory, and beautiful.

I would again like to wish Mary Murray a happy birthday. I wish her all the best in the coming year.

THE BECK DECISION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1992

Mr. DICKINSON. Mr. Speaker, it is time for the legislative branch of the U.S. Government to join the executive and judicial branches in protecting the political rights of American workers. On April 13, President Bush signed an executive order requiring Federal contractors to notify employees of their rights regarding the use of agency fees that they may pay to labor unions. The rights of nonunion members not to contribute to union political activities were affirmed by the 1988 Supreme Court decision, Communications Workers of America versus Beck.

President Bush has guaranteed that workers employed under Federal contract will benefit from the Beck decision. For the last decade, several of my colleagues and I have tried repeatedly to secure such rights for all American workers, and it is disgraceful that Congress continues to ignore the fundamental principles of American political freedom which both the Supreme Court and the executive branch of this country have reaffirmed.

Some $2.4 billion has no business being used for political activities without the knowledge and consent of contributors. Furthermore, if labor unions are wielding billions of dollars in political action funds, it is only appropriate that they be required to publish accurate accounts of this money.

If we truly want to achieve fairness in campaign financing, then it is time that we restrict the influence of political action committees who are not even responsible to the workers who fund them. If unions want to conduct legitimate political activities, then they should be willing to do so legitimately—that is, by disclosing their activities to the public.

Campaign finance and workers' political rights both reflect the need this country faces to put political power back in the hands of individual citizens. Responsibility for codifying this right lies with Congress. As the voters' elected representatives, it is we who should be guaranteeing workers' rights and denying ourselves the lucre of misused PAC-moneys. The American voters want a Congress that responds responsibly to their concerns and their rights; they are tired of the informal political machine in this country which interferes with the real business of Congress.

The Court has spoken. The President has spoken. The backlash of the voters has begun. Will Congress further alienate itself from the public or can we produce some legislation that serves and protects the American worker? My vote will be in favor of worker's political rights.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 12, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

9:00 a.m.

Armed Services
Manpower and Personnel Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the medical programs of the Department of Defense.
SD–106

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
Business meeting, to resume mark up of S. 976, authorizing funds for programs of the Solid Waste Disposal Act.
SD–406

Select on Indian Affairs
To hold joint oversight hearings with the House Committee on Education and Labor to examine proposed budget requests by the Bureau of Indian Affairs for the Indian School Equalization Program.
SR–485

10:00 a.m.

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Maritime Commission and the Maritime Administration, Department of Transportation.
SR–253

Foreign Relations
Business meeting, to mark up S. 2532, authorizing assistance to the former Soviet Union.
SD–419

Labor and Human Resources
To hold hearings on S. 25, to protect the reproductive rights of women.
SD–430

Veterans' Affairs
To hold hearings on proposed legislation relating to the education and employment of veterans.
SR–418

Joint Economic
To hold hearings on foreign direct investment.
2359 Rayburn Building

1:30 p.m.

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine the conservation of the northern spotted owl and the ecosystem upon which it depends under the Endangered Species Act and other Federal laws.
SH–216

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Public Health Service, Department of Health and Human Services.
SD–192

Energy and Natural Resources
To hold hearings on S. 2656, to revise the Petroleum Marketing Practices Act of 1978 to improve fairness and balance in negotiations between franchisors and franchisees involved in gasoline marketing.
SD–366

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on providing long-term care for Americans suffering from disabling illnesses or conditions.
SD–215

Select on Indian Affairs
Business meeting, to mark up proposed legislation on improving native Hawaiian health care.
SR–485

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MAY 14

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs.
SD–192

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold oversight hearings on the Bank of Credit and Commerce International (BCCI) and cooperation under the plea agreements.
SH–216

9:30 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Emergency Management Agency.
SD–124

Energy and Natural Resources
To hold hearings on S. 2607, to authorize regional integrated resource planning by registered holding companies and state regulatory commissions.
SD–366

Governmental Affairs
To hold oversight hearings on S. 2624, authorizing funds for the Interagency Council on the Homeless and the Federal Emergency Management Food and Shelter Program.
SD–342

10:00 a.m.

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on S. 2070, to authorize the Judiciary Branch to make space and facilities requests directly to the Congress instead of going through the Executive Branch, and on proposed legislation on oversight of the General Services Administration.
SD–406

Judiciary
To hold hearings on the nominations of Michael Boudin, of Massachusetts, to be United States Circuit Judge for the First Circuit, Morris S. Arnold, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, Jerome B. Simandle, to be United States District Judge for the District of New Jersey, and Richard G. Kopf, to be United States District Judge for the District of Nebraska.
SD–226

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 2491, to revise the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program.
SD–430

10:30 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation.
SD–138

1:30 p.m.

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on proposed legislation authorizing funds for the Export-Import Bank.
SD–608

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1993 for energy and water development programs.
SD–116

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1624, to revise the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and S. 2321, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD–366

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue oversight hearings on the Bank of Credit and Commerce International (BCCI) and cooperation under the plea agreements.
SH–216

Governmental Affairs
To hold hearings on the nominations of Judith E. Retchin, Ann O'Regan Keary, William M. Jackson, and Stephanie Duncan-Peters, each to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

Select on Indian Affairs
To hold hearings on proposed legislation to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR–485

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

2:30 p.m.

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing

on the impact of the defense build-down on the ability of the U.S. industrial and technology base to meet national security requirements.

SR–222

MAY 19

9:30 a.m.

Energy and Natural Resources

To hold hearings on issues pertaining to the refining sector of the petroleum industry.

SD–366

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Bureau of Indian Affairs, Department of the Interior.

SD–116

MAY 20

9:30 a.m.

Rules and Administration

Business meeting, to consider pending calendar and administrative business.

SR–301

Veterans' Affairs

To hold oversight hearings on the implementation of Court of Veterans Appeals decisions.

SR–418

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce.

SR–253

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Fish and Wildlife Service, Department of the Interior.

S–128, Capitol

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on programs and architectures for ballistic missile defense.

SH–216

2:30 p.m.

Energy and Natural Resources

To hold hearings on S. 2631, to promote energy production from used oil.

SD–366

MAY 21

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense.

SD–192

9:30 a.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold oversight hearings on the Forest Service's proposed changes in the administrative appeals process.

SR–332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation.

SD–116

Armed Services

To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology.

SD–G50

Energy and Natural Resources

To hold hearings on the Department of Energy's program for environmental restoration and waste management.

SD–366

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the General Accounting Office.

SD–138

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, S. 2101, to designate the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, S. 2572, to authorize an exchange of land in the States of Arkansas and Idaho, and H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho.

SD–366

Governmental Affairs

General Services, Federalism, and the District of Columbia Subcommittee

To hold hearings on the General Services Administration's management of Federal civilian aircraft.

SD–342

MAY 22

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.

SD–138

JUNE 4

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR–253

Veterans' Affairs

To hold oversight hearings on proposed legislation relating to veterans health issues.

SR–418

JUNE 9

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for the Department of the Interior.

S–128, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.

S–128, Capitol

CANCELLATIONS

MAY 12

9:30 a.m.

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings on insurance guarantee funds and policy transfers involved in the case of Security Benefit Life Insurance Company annuities.

SD–226

MAY 13

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SR–385

2:30 p.m.

Judiciary

To hold hearings on proposed legislation to reform the civil justice system.

SD–226

HOUSE OF REPRESENTATIVES—*Tuesday, May 12, 1992*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that on this day we have been given tasks to accomplish and responsibilities to fulfill, and we acknowledge our obligation for the critical needs to be met and issues of justice to be addressed. Yet, we are supremely thankful that our lives and worth are not dependent only on our abilities or whether we are always successful, but our own worth comes as a gift from You, our Creator and our God. Even as we attempt conscientiously to do what we ought to do, may we ever recognize that our value and our own significance is already given to us by Your hand and by the gift of Your abiding spirit, a spirit that surrounds us and gives serenity to our very being. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 116, not voting 66, as follows:

[Roll No. 114]

YEAS—252

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Evans
Ewing
Fazio
Fish
Flake
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Montgomery
Moody
Moran
Morrison
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Roth
Rowland
Russo
Sabo
Sangmeister
Santorum
Sawyer
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Visclosky
Waters
Wheat
Williams
Wilson
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—116

Allard
Allen
Baker
Ballenger
Barrett
Barton
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Crane
Cunningham
Davis
Dickinson
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goss
Gradison
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Martin
McCandless
McCollum
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Nussle
Oxley
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Saxton
Schaefer
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—66

Alexander
Armey
AuCoin
Barnard
Bereuter
Boxer
Bryant
Byron
Chapman
Clement
Dannemeyer
DeLay
Dixon
Donnelly
Dymally
Engel
Espy
Fascell
Feighan
Foglietta
Ford (MI)
Frost
Gaydos
Geren
Goodling
Hayes (LA)
Jacobs
Jefferson
Jenkins
Kolter
LaFalce
Lehman (CA)
Levine (CA)
Lowey (NY)
Marlenee
McDade
McEwen
Mfume
Moakley
Mollohan
Morella
Mrazek
Neal (MA)
Nowak
Oakar
Rahall
Roe
Roybal
Sanders
Sarpalius
Savage
Scheuer
Schiff
Schroeder
Schulze
Staggers
Stokes
Tallon
Torres
Valentine
Volkmer
Washington
Waxman
Weiss
Whitten
Wise

□ 1230

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). Would the gentlewoman from Nevada [Mrs. VUCANOVICH] kindly come forward and lead the House in the Pledge of Allegiance

Mrs. VUCANOVICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries;

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; and

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day."

The message also announced that the Senate had passed a bill, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1709. An act to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes;

S.J. Res. 268. Joint resolution designating May 1992, as "Neurofibromatosis Awareness Month"; and

S. Con. Res. 116. Concurrent resolution to authorize corrections in the enrollment of S. 838.

The message also announced that pursuant to Public Law 102-164, the Chair, on behalf of the President pro tempore, in consultation with the chairman and ranking member of the Committee on Finance, appoints William Grossenbacher of Texas, as a representative of the interests of State governments; Owen Bieber of Michigan, as a representative of the interests of labor; and John J. Stephens of Oregon, as a representative of the interests of business; to the Advisory Council on Unemployment Compensation.

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO SIT DURING 5-MINUTE RULE ON TODAY, TUESDAY, MAY 12, 1992

Mrs. KENNELLY. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence be permitted to sit for the purpose of marking up the fiscal year 1993 intelligence authorization bill while the House is proceeding under the 5-minute rule on Tuesday, May 12, 1992.

This request has been discussed with the minority and I am aware of no objection to it.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I would be glad to yield to the gentlewoman and ask if the minority, the gentleman from Pennsylvania [Mr. SHUSTER], is aware of this and has agreed to it.

Mrs. KENNELLY. Mr. Speaker, if the gentleman will yield, yes, this request has been discussed with the minority and there has been no objection raised to it. The purpose is to mark up the bill this afternoon while we are meeting in session in the intelligence room.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

HAS THE PRESIDENT SEEN THE LIGHT, NOT JUST FELT THE HEAT?

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, today, for the first time this year, the President invited the leadership of this House, to the White House, to talk about helping Americans.

That is hopeful.

It is tragic that it took 4 years and a crisis to focus the President's attention.

For we must send Americans a message of hope, hope through programs like Headstart, for our young, hope through training for those without skills, and hope through jobs.

I hope today's meeting means the President has seen the light, not just felt the heat.

In the weeks ahead, what will count is not just being invited in, but what comes out to help Americans.

HELP FOR ALL URBAN AREAS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I welcomed yesterday the exchange between congressional leaders and the President concerning an urban strategy to respond to the Los Angeles situation, but also to include the urban areas of the Nation, including cities like my own in Louisville, KY.

Included in that strategy, or at least discussed, was the idea of an accelerated implementation of the transportation bill with full funding of that bill and acceleration of the various housing programs that are pending in the Congress.

Mr. Speaker, I would like to urge my leaders to add to that urban agenda passage of the crime bill which has been stalled in the other body and which the President has threatened to veto. It has in it acceptable modifications of the Brady handgun waiting period. It has a Cop on the Beat Community Policing Program that could help very much in the inner cities. It has drug-free school zones and Federal antidrug blocks grants are included.

Basically speaking, the urban agenda must be acted on quickly. We have an opening as of yesterday. I look forward to working with the leaders and with the President to craft this urban agenda.

RURAL AREAS ALSO NEED HELP

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, I have been reading late last week and over the weekend and indeed this morning about the administration and the joint leadership of the Congress, the Republican and Democratic leadership of the Congress, coming up with a bipartisan package to address some of the problems relating to urban unrest these days.

I think it is well that the President and the joint leadership of the Congress do this, but let me appeal to all of them to not leave rural America untouched.

I think that we would be ill-advised to simply come up with some piecemeal Band-Aid and apply it to Los Angeles and Philadelphia and leave the rest of the country out.

I happen to be one who believes that we need a lot of things, welfare reform, tax reform, regulatory restructuring, and we ought to do all these things in a way that is going to help all citizens and all communities, not just the major urban areas.

There are, quite frankly, some good role models around the country that should be looked at. President Carter's Atlanta project down in Atlanta is a good welfare reform concept.

In my own hometown in Cape Girardeau, MO, the Community Caring Council has shown ways to bring different programs together to better serve in an economic way the needs of all people.

I would urge, Mr. Speaker, that we just not go off on a tangent here and only speak to the needs of a couple cities. We need massive reform in the Tax Code, in regulatory affairs and in welfare.

GREEN LINE—NOT RED LINE

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today having viewed the newspaper this morning and discovered that once again there has been evidence that banks are redlining communities. Everyone is talking about what is the underlying cause of the riots that have taken place in Los Angeles.

In reality, a major part of it has to do with the lack of investment, a lack of a will on the part of the banking community to participate by making loans in a market that has the capability to return a value on the investment that they are unwilling to make.

So I would challenge all those who are participating in a process of trying to bring about change that you join with me and the gentleman from Pennsylvania [Mr. RIDGE] because we believe in our bill for green lining that we have the possibility by putting $60 million in to get $600 million for investment in these communities. If we can invest in the communities, we can create jobs, we can create housing, we can bring in industry, we can change the very face of the commercial strips of those communities. That is what will make a difference, when people feel they are being treated fairly.

Mr. Speaker, I urge this House to join with me and the gentleman from Pennsylvania [Mr. RIDGE] that we might be able to make that difference.

SMALL BUSINESS WEEK

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am honored to stand today to commemorate Small Business Week, and a man who has been a tireless worker for the concerns of America's small businesses for 16 years.

As the ranking member of the Small Business Committee, our colleague, the gentleman from Florida [ANDY IRELAND] has been an effective—and needed—voice for small businesses in a Congress where these businesses and the individuals who run them often seem forgotten in the legislative process. Small business is the vital cog in America's economic engine. It still creates 9 out of every 10 new jobs in the private sector, and Congress must find ways to address thorny issues like health care, mandated family leave, and retirement plans without shackling this productive sector of the economy.

Even though the gentleman from Florida [Mr. IRELAND] plans to retire from Congress, his now familiar saying, "It's easy to say you're for small businesses, but it's how you vote that counts," will remain sound and challenging advice to all of us looking for ways to increase America's economic growth, productivity, and new jobs.

□ 1240

CRISIS IN THE NEW ENGLAND GROUND FISHERIES

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, there is a crisis in the historical ground fishery of New England. Georges Bank, the richest fishing ground on the face of the Earth has seen its traditional stocks of ground fish decline to levels which are unacceptable. They must be rebuilt. We all know this. This will require sacrifices, and we all know that.

But last year the National Marine Fishery Service, the Conservation Law Foundation, entered into, in secrecy, a consent decree without the knowledge of the New England Management Council, the fishing industry or any Member of Congress.

This has put the council in an impossible position.

The Subcommittee on Fisheries and the Environment has just this morning reported the New England Ground Fish Restoration Act, to give the council more time, to provide for strict enforcement, and to encourage a new focus on the unutilized species to give our fishermen an economic alternative and a way to survive.

Mr. Speaker, this makes economic sense, it makes biological sense, and it makes human sense. This is critically important legislation, which we intend to bring to the floor of this House as soon as possible, and I appeal to my colleagues for their support.

SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, small business is the backbone of this country, with over 20 million small businesses in operation. As we celebrate Small Business Week, and being a small businessman myself, I would like to congratulate a resident of my district who is the New Hampshire and New England Small Business Person of the Year.

Casey Nickerson, of Guilford, NH, operates Nickerson Assembly, which is located in Tilton, NH. Nickerson Assembly has earned a reputation as one of the leading suppliers of specialty wiring harnesses and cable assemblies.

Nickerson Assembly has even managed to thrive during this recession by expanding their product line and establishing a new division.

This company employs 39 people and has projected sales of $3 million for 1992.

To best honor all of the small business award winners, like Casey, I urge my colleagues to pass the Small Business Credit Crunch Relief Act of 1992. This bill will provide much-needed relief to our small businesses in their search for capital. Let us not forget that 82 percent of the jobs in America today are created by small businesses.

Successful businesses like Nickerson Assembly are reason enough to pass H.R. 4111. Congratulations, Casey, on your selection. It was well deserved, and we are all proud of you.

AMERICAN CITIES IN DANGER OF BLOWING UP IN FLAMES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, at a $1,000-per-ticket fundraiser in Philadelphia, the President got the message, and he did not need a summit at the White House to confirm it.

The American worker and American people simply want a job at decent wages. But the facts now are clear: There are 15 million American workers working for peanuts, below the poverty level. But maybe they will be lucky and, with some of the training money, they may be trained as a jelly-roller or as a corncob pipe assembler or, if they are lucky, they may get a high-technology training program as a pantyhose crotch closer. If you think it is a joke, check the Department of Labor's Manual of New Jobs.

The bottom line, Mr. Speaker, is most of the good manufacturing jobs have already gone to Mexico and our young people cannot get a job in America, even at levels below the poverty line.

I think that says a lot why American cities are in danger of all blowing up in flames.

SECRET SERVICE BUDGET UP BY OVER $100 MILLION SINCE 1988

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last week, the Public Buildings and Grounds Subcommittee, on which I serve, received a request for $178 million for a new headquarters for the Secret Service.

Included in this request was $70,723,000 to purchase 1⅓ acres of land near the White House.

This is a ridiculous request when you consider that the Federal Government is $4 trillion in debt and is losing more than $1 billion a day on top of that every day of the year.

Families have had to cut back. Private businesses have had to tighten their belts. But the Federal Government keeps spending like there is no tomorrow.

Federal spending has almost tripled since 1980. The Secret Service budget has gone up by over $100 million just since 1988. Apparently, Federal departments and agencies feel they are better or more important than the rest of us.

The Secret Service says its headquarters has to be near the President. But it already has over 27,000 square feet in the Old Executive Office Building, which it will keep.

Most people at the headquarters are not involved in the immediate, day-to-day protection of the President.

Their headquarters does not have to be on the most prime real estate in Washington.

We do not need to spend $70 million for a little over 1 acre of land.

We should be able to build a new Secret Service headquarters for far less than $178 million, or we should forget it and not build it at all.

U.S. APPAREL INDUSTRY IMPERILED BY JOB TRANSFERS, UNFAIR TAX BREAKS FOR FOREIGN INVESTORS

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, for years, the apparel industry in the city of Philadelphia was a thriving and dominant economic force. At its height, the industry had more than 80 different mills, and less than 20 years ago, employed more than 35,000 people. For generations, hard-working Philadelphians have depended on these mill jobs to put food in their children's mouths, pay their doctor's bills, and in some cases, even to send their children to college.

Two weeks ago, one of the last great knitting mills closed its doors, sending 200, hard-working men and women to the unemployment line. After years of struggling against cheaper imports, the Somerset Knitting Mill forever shut its doors, leaving a family of employees wondering where to turn.

An industry which only 20 years ago employed 35,000 people in my home city, now employs less than 5,000 men and women. In the 1950's, 1960's, and 1970's, American businesses created nearly 1.6 million new manufacturing jobs.

In the 1980's, 300,000 of these jobs were eliminated, and in the 1990's, 500,000 more Americans will have their livelihood snatched away from them.

Mr. Speaker, before other Americans lose their fundamental right to work everyday, we must address this situation at once. No more job transfers out of the United States. No more unfair tax breaks for foreign investors. And certainly no more legislation which will undermine America's longtime stable business communities. I saw it happen a few weeks ago at the Somerset Mill, and it broke my heart.

WE MUST MAKE ENGLISH OUR OFFICIAL LANGUAGE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, recently the House installed a new phone system for people who cannot speak English but who want to talk to their Congressman. Now, this is an outrageous waste of taxpayer dollars. It again underscores the necessity as to why we must make English the official language.

We Americans represent every culture and language in the world. But we have not experienced the problems that they have experienced in Quebec or Yugoslavia or other parts of the world, because for over 200 years we have had a common bond, called the English language.

Imagine welfare and unemployment forms and even voting will now be done in foreign languages here in the United States. This is eroding our common bond, the English language.

If actions have consequences, and they do, future Americans will suffer for this stupidity and this shortsightedness. We must make English our official language now to preserve the bond that has kept our diverse Nation unified.

The English language has been our common bond, and we must preserve this cord, this tie that links all of us together in a common bond.

STATES SHOULD DETERMINE FOR THEMSELVES AS TO IMPORTATION OF TOXIC WASTES

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, RCRA, the Resource Conservation and Recovery Act, is now before the Committee on Energy and Commerce. They are having a very important provision that they are considering, and it is the right of the States to determine whether or not they want solid waste coming into their communities or States. This should include hazardous and toxic materials.

It should be the right of the States and local communities to make that determination, not the Federal Government telling them what to do.

Unfortunately, right now the Constitution prohibits impeding interstate commerce, but the courts have said that they can give that authority to the States by statute.

Give your community and give your State that authority to prevent garbage or hazardous or toxic wastes coming in if you do not want them to do it. Call your friends on the Committee on Energy and Commerce. It is that important to you and to your community.

NEW TONGUE-TWISTER

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, there is a new tongue-twister circulating through the halls of Congress: "When the check-cutting office won't cut the check, it's time to cut the check-cutting office."

Mr. Speaker, despite the 2-year agreement reached last year between the Congress and the President to build the V-22 for the Marine Corps, the DOD comptroller general has failed to proceed with the contracts as required by law.

In response this morning and this afternoon, the Committee on Armed Services began markup of our bill that will cut 5 percent of the budget and the staff of the DOD comptroller for each month that funds are not released to the V-22 program.

☐ 1250

Mr. Speaker, like the AV-8B Harrier jet in the 1970's, the Marines will have the V-22. I urge my colleagues to follow and support this process through its entirety.

SUBURBAN AND RURAL COMMUNITIES ARE SUFFERING, TOO

(Mr. MURPHY asked and was given permission to address the House for 1 minute.)

Mr. MURPHY. Mr. Speaker, I join my good friend and Republican colleague, the gentleman from Missouri [Mr. EMERSON], in urging the White House and congressional leadership conferees on the problems in America's larger cities to not forget that we also have impoverished communities in suburban and rural America as well.

Mr. Speaker, we have young men in communities that need things, and young women who need things in these communities, and they are not out rioting in the streets, they are not looting the stores in their communities, but they are suffering the same kind of impoverished conditions that plague America's cities today.

So, when the conferees meet, remember that we have communities without water service, without sewer service, young people without jobs, and address the problems that confront all of America, not just the major cities of America.

YAKUZA LIKENED TO LAWYERS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, recent newspaper reports from Japan have likened Yakuza, or mafia members to that of a lawyer. A deputy of the Sumiyakikai mob said the group merely tries to make money by helping people just like lawyers and other businessmen do.

It seems to me this description also fits a group of high powered consultants and Washington power figures who are determined to sell anything loose in the United States to foreign interests. Many of them are lawyers, but what they are doing is "selling out America for considerably more than 30 pieces of silver".

It is regarded as wrong by the average American. Just check the latest poll and how angry the American taxpayer is with the loss of jobs and prestige for America. Perhaps these Washington power figures should listen to the American voter, before they find another name for them that is not as polite.

PRACTICAL SOLUTIONS FOR OUR INNER CITIES MUST BE INITIATED NOW

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, the misery in our inner-city communities is very real, and it is quite devastating. This misery, generated mostly by economic abandonment and joblessness, has been mounting for the last 10 years. This misery in the inner cities has also foreshadowed the coming decline of the overall national economy. Now that the administration is almost admitting that this hostile neglect of our cities was a dangerous error, let us not play games with this fire.

Mr. Speaker, the time has come to close the book of campaign dirty tricks and put away the phony programs for the cities. Together, in a nonpartisan, emergency program, let us put forth some practical solutions that will provide jobs in our cities, while at the same time it will jump start our overall sagging economy. Let us appropriate $2 billion for schools right away to stop the budget cuts in our school systems. Let us use that money to buy supplies and equipment and to rehire the people who have been laid off in our school systems. Let us initiate a school construction program. Most of our delapidated schools are in the inner-city communities, but many are also in rural communities. Let us pass the emergency small business funds needed in Los Angeles, but at the same time let us put teeth in the Community Reinvestment Act so that all those savings and loan banks and commercial banks that refuse to invest in the inner cities and have lost billions of dollars in the suburbs on shopping malls will come back and spend their money on the inner cities. Let us speed the utilization of our highway and transportation funds.

Mr. Speaker, for the cities and for the total economy let us do as much for our Nation as we are willing to do for Kuwait and other foreign countries. In order to get the money to do this, Mr. Speaker, this economic jumpstart program could be put in place by closing down half of our military bases in Germany and Japan right away, or, if that does not do, let us delay the building of the space station for a few years. No more phony programs. Let us make a real effort to meet the real needs of our Nation.

BALANCED BUDGET AMENDMENT NEEDED TO AVERT FINANCIAL DISASTER

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, any way you cut it, any spin you put on it, Congress' standing with the people is at a dead low. Turning that around is going to be tough, but there is one thing we can do that will immediately and dramatically help us; and that is to pass as quickly as possible a balanced budget amendment to our Constitution. It is the only thing that can save our country from the national financial disaster that draws nearer and nearer and nearer. The people know this. They want this amendment. Bring up the bill, Mr. Speaker, and let us vote. It will be one of our most historic occasions and we need to take action before the Fourth of July.

FULL-TIME WORKERS FALLING INTO LOW-INCOME JOBS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the Census Bureau yesterday issued a report. We should all listen to it.

The percentage of full-time workers in low-paying jobs, low-paying jobs, went up from 12 percent in 1979 to 18 percent in 1990, a 50-percent increase. Fourteen and a half million full-time workers are now earning at or below the poverty level.

Mr. Speaker, the 1980's was a decade of industrial decline. It was a decade when middle-income jobs were slipping to low-income jobs.

The President likes to blame the problems of the 1990's on the 1960's, but from 1964 to 1974 the percentage of full-time workers in low-income jobs was cut in half.

The challenge, Mr. Speaker, for the 1990's is very clear. The 1990's must not be a repeat of the 1980's. The Census Bureau figures that show the massive increase in full-time workers in low-income jobs rather than middle-income jobs must be stopped.

INTRODUCTION OF LEGISLATION TO PROVIDE JOBS FOR ECONOMICALLY DISADVANTAGED SENIORS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I would like to first welcome several of my constituents who are visiting today as part of the Senior Intern Program. They are: Mrs. Julie James, Mrs. Florence Cullem, city commissioner and Mrs. Lee Regulski, Mr. John Renoe, and Mr. and Mrs. Gerald Berry. Their visit is particularly timely in light of the legislation which I am introducing today.

Mr. Speaker, financial constraints are prompting more and more older individuals to reenter the workforce. These individuals are eager to work and have a wealth of experience, but nonetheless often have difficulty finding employment.

Today, I am introducing legislation to assist economically disadvantaged individuals age 65 and older. My bill would encourage employers to hire economically disadvantaged seniors by providing a tax credit to employers under the Targeted Jobs Tax Credit Program.

Mr. Speaker, by providing prospective employers with the incentive to hire economically disadvantaged seniors, we can help these individuals help themselves. Our Nation's senior citizens deserve special attention in these difficult economic times. Therefore, I urge my colleagues to cosponsor this much-needed legislation.

ENTERPRISE ZONES

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, one of the lessons from Los Angeles is clear: "People don't burn what they own."

That is why today, I want to reiterate my support for the creation of urban and rural enterprise zones to promote investment in areas that have been neglected in this country.

Across America, millions of poor families in urban and rural areas are cut off from the capital and credit they need to start their own businesses, to create jobs, and build wealth.

African-Americans especially lack access to capital.

Three-fourths of black entrepreneurs have to rely exclusively on their own savings to start businesses versus only one-fourth of all businesses.

Enterprise zones are not the only way—but they are an important way—to bring capital to areas which currently go wanting. They are one way this Congress can put a green line around areas that have historically been red lined.

Enterprise zones are no panacea—but they are more, much more, than we have now and certainly worth a try. We need to push programs to promote ownership, independence, and pride.

So, I urge, Mr. Speaker, this Congress to move very swiftly on this enterprise zone legislation because we know that this time the President will sign it.

□ 1300

JUSTICE SHOULD BE CARRIED TO FULL MEASURE OF LAW AGAINST CRIMINAL PREDATORS IN LOS ANGELES

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I did not know what the gentleman from Mississippi [Mr. ESPY] was going to say when he took the well, but, please, put me on that legislation, and let us see how fast we can move it through the House.

Our dear friend and colleague Jack Kemp has certainly come into his own. The word "empowerment" should become a byword for the rebuilding of all of our inner cities. The gentleman from Mississippi [Mr. ESPY] opened up with the words that I have heard Jack say on television over and over again these past 10 days that people do not burn what they own. These are important words.

Mr. Speaker, I went to Loyola High School in Los Angeles, so I know this area well. It is a dead center of all the burned out areas of rioting. It is just one block from Koreatown, just two or three blocks north of the burning that occurred south of there, and just about 14 blocks north of the infamous intersection of Normandy and Florence.

Mr. Speaker, a word about what took place there. This morning LAPD SWAT teams and FBI teams arrested three of the four people who engaged in the vicious, brutal beating of that truck driver, Mr. Denny, the enduring images of which still haunt our minds.

Those people who say that the four police officers who used excessive force got off are absolutely wrong. Their lives are ruined. They will never be police officers again. And they will soon have the Justice Department all over them.

But that verdict was never, never, never an excuse for people to beat and attempt to beat to death innocent people. I am waiting and hoping against hope that I will not hear voices rise across this country saying that justice should not be carried to the fullest measure of the law against the four brutal predators and others who tried to beat people to death in living color right before our eyes.

KEEP POLITICS OUT OF REBUILDING AMERICA

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I have been on the floor for the entire duration of 1-minute speeches this morning, and it has actually been a very heartening experience. Because we have heard some comments made in the spirit of bipartisanship which are actually very encouraging.

We heard the Democrat whip, the gentleman from Michigan [Mr. BONIOR], express his support for a bipartisan urban strategy. The gentleman from Michigan [Mr. BONIOR] is a long-time supporter of inner-city enterprise zones.

We heard the gentleman from New York [Mr. FLAKE] talk about greenlining inner-city areas to allow banking institutions to meet their Community Reinvestment Act requirements by investing in those areas or making loans for those areas.

Lastly, we just heard the gentleman from Mississippi [Mr. ESPY] express his support for enterprise zones.

Mr. Speaker, I think that is very, very encouraging for the critical task now facing this body of revitalizing our inner cities through a series of initiatives which encourage investment and job creation in those areas, and empowers the residents of those inner-city areas.

The Republican proposal is a compilation of bleeding heart conservative ideas, including enterprise zones, where taxes on capital gains are drastically reduced or eliminated altogether, choice in public housing, where public housing tenants are allowed the opportunity to manage and own their own housing, choice in education, and even the idea that is now floating around of creating an urban job corps to address the job skill and employment training needs of inner-city youth.

Mr. Speaker, we do have the possibility of a bipartisan comprehensive urban strategy based on the concept of empowering individuals to help themselves.

Mr. Speaker, the ball is now in your court. Let us not turn it into a political football. Let us get on with this task.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Any votes postponed on suspensions considered prior to the consideration of the bill, H.R. 2039, will be postponed until later today or tomorrow, pursuant to the Chair's subsequent announcement.

VETERANS' HEALTH PROGRAMS AMENDMENTS OF 1992

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Programs Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code, and to Secretary of Veterans Affairs.

TITLE I—HEALTH CARE

Sec. 101. Increase in limit on certain grants for home structural alterations for disabled veterans.
Sec. 102. Extension of annual report on furnishing health care.
Sec. 103. Submission of Reports of Geriatrics and Gerontology Advisory Committee.
Sec. 104. Research corporations.
Sec. 105. Authority for joint ownership of medical equipment with non-federal health-care facilities.
Sec. 106. Quality assurance activities.
Sec. 107. Advisory Committee on Prosthetics and Special-Disabilities Programs.
Sec. 108. Contract hospital care for veterans with permanent and total service-connected disabilities.
Sec. 109. Post-traumatic stress disorder research programs.
Sec. 110. Post-traumatic stress disorder program planning.

TITLE II—HEALTH-CARE PERSONNEL

Sec. 201. Cap on certain rates of pay.
Sec. 202. Minimum period of service for scholarship recipients.
Sec. 203. Authority to purchase items of nominal value for recruitment purposes.
Sec. 204. Authority to appoint nonphysician directors to the office of the Under Secretary for Health.
Sec. 205. Expansion of director grade of the physician and dentist pay schedule.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization requirement for construction of new medical facilities.
Sec. 302. Redesignation of certain positions within the Department of Veterans Affairs.
Sec. 303. Child care services.
Sec. 304. Grants to establish research centers at medical schools.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE, AND TO SECRETARY OF VETERANS AFFAIRS.

(a) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(b) REFERENCES TO SECRETARY.—Except as otherwise expressly provided, any reference in this Act to "the Secretary" is a reference to the Secretary of Veterans Affairs.

TITLE I—HEALTH CARE

SEC. 101. INCREASE IN LIMIT ON CERTAIN GRANTS FOR HOME STRUCTURAL ALTERATIONS FOR DISABLED VETERANS.

Section 1717(a)(2) is amended by striking out "$2,500" and "$600" and inserting in lieu thereof "$3,300" and "$1,200", respectively.

SEC. 102. EXTENSION OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal years 1992 and 1993".

SEC. 103. SUBMISSION OF REPORTS OF GERIATRICS AND GERONTOLOGY ADVISORY COMMITTEE.

Paragraph (2) of section 7315(c) is amended to read as follows:

"(2) Whenever the Committee submits a report to the Secretary under paragraph (1), the Committee shall at the same time transmit a copy of the report in the same form to the appropriate committees of Congress. Not later than 90 days after receipt of a report under that paragraph, the Secretary shall submit to the appropriate committees of Congress a report containing any comments and recommendations of the Secretary with respect to the report of the Committee.".

SEC. 104. RESEARCH CORPORATIONS.

(a) Period for Obtaining Recognition as Tax-Exempt Entity.—Section 7361(b) is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) Extension of Authority for Establishment of Corporations.—Section 7368 is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1993".

SEC. 105. AUTHORITY FOR JOINT OWNERSHIP OF MEDICAL EQUIPMENT WITH NON-FEDERAL HEALTH-CARE FACILITIES.

(a) In General.—(1) Chapter 81 is amended by adding at the end of subchapter IV the following new sections:

"§8157. Joint ownership of medical equipment with non-Federal health-care facilities

"(a) Subject to subsection (b), the Secretary may enter into agreements with institutions described in section 8153(a) of this title for the joint ownership of medical equipment with those institutions.

"(b)(1) Any equipment to be jointly owned under such an agreement shall be procured by the Secretary, and ownership of such equipment shall be held jointly by the United States and the institution that is the other party to the agreement.

"(2) In acquiring equipment under such an agreement, the Secretary may not pay (from funds of the United States) more than one-half of the purchase price of the equipment to be jointly owned under the agreement.

"(3) Before jointly owned equipment acquired under such an agreement may be used by the Secretary or the other party to the agreement, the parties to the agreement shall arrange by contract or other form of agreement under section 8153 of this title for the mutual use, or exchange of use, of the equipment.

"(4) The Secretary may not enter into a contract for the acquisition of medical equipment to be jointly owned under an agreement under subsection (a) until the institution that is the other party to the agreement provides to the Secretary its share of the purchase price of the equipment.

"(5) The Secretary may enter into agreements for the joint ownership of medical equipment under subsection (a) and for the exchange of equipment under paragraph (3) without the use of competitive procedures.

"(c)(1) Notwithstanding any other provision of law, the Secretary may transfer the interest of the United States in equipment jointly owned under an agreement entered into under subsection (a) to the institution that holds joint title to the equipment if the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of the Department. Any such transfer may only be made upon agreement by the institution to pay to the Department the amount equal to one-half of the depreciated purchase price of the equipment. Any such payment when received shall be credited to the applicable Department medical appropriation.

"(2) Notwithstanding any other provision of law, the Secretary may acquire the interest of an institution in equipment jointly owned by the United States under an agreement under subsection (a) if the Secretary determines that the acquisition would be justified by compelling clinical considerations or the economic interests of the Department. The Secretary may not pay more than one-half the depreciated purchase price of that equipment for the acquisition of such institution's interest in the equipment.

"§8158. Deposit in escrow

"(a) To facilitate the procurement of medical equipment described in section 8157 of this title, the Secretary may enter into escrow agreements with institutions described in section 8153(a) of this title. Any such agreement shall provide that—

"(1) the institutions shall pay to the Secretary the funds necessary to make a payment under section 8157(b)(4) of this title;

"(2) the Secretary, as escrow agent, shall administer those funds in an escrow account; and

"(3) the Secretary shall disburse the escrowed funds to pay for such equipment upon its delivery or in accordance with the contract to procure the equipment and shall disburse all accrued interest or other earnings on the escrowed funds to the institution.

"(b) As escrow agent for funds placed in escrow pursuant to an agreement under subsection (a), the Secretary may—

"(1) invest the escrowed funds in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

"(2) retain in the escrow account interest or other earnings on such investments;

"(3) disburse the funds pursuant to the escrow agreement; and

"(4) return undisbursed funds to the institution.

"(c)(1) If the Secretary enters into an escrow agreement under this section, the Secretary may enter into an agreement to procure medical equipment if one-half the purchase price of the equipment is available in an appropriation or fund for the expenditure or obligation.

"(2) Funds held in an escrow account under this section shall not be considered to be public funds.".

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8156 the following new items:

"8157. Joint ownership of medical equipment with non-Federal health-care facilities.
"8158. Deposit in escrow.".

(b) Report.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plans for implementation of this section. The report shall include an identification and discussion of—

(1) the instructions the Secretary proposes to issue to medical facilities to guide the development of proposals for procurement of medical equipment under this section, including instructions for ensuring equitable arrangements for use of the equipment by the Department and the copurchasers of the equipment;

(2) the criteria by which the Secretary plans to evaluate proposals to procure medical equipment under this section;

(3) the means by which the Secretary will integrate the process of procuring equipment under this section with the policies and procedures governing health care planning by the Veterans Health Administration; and

(4) the criteria by which determinations to transfer title to equipment under section 8157(c) of title 38, United States Code, as added by subsection (a), would be made.

SEC. 106. QUALITY ASSURANCE ACTIVITIES.

Effective on October 1, 1992, programs and activities which (1) the Secretary carries out pursuant to section 7311(a) of title 38, United States Code, or (2) are described in section 201(a)(1) and 201(a)(3) of Public Law 100–322 shall be deemed to be part of the operation of hospitals, nursing homes, and domiciliary facilities of the Department of Veterans Affairs, without regard to the location of the duty stations of employees carrying out those programs and activities.

SEC. 107. ADVISORY COMMITTEE ON PROSTHETICS AND SPECIAL-DISABILITIES PROGRAMS.

(a) Status and Name of Committee.—The Federal advisory committee established by the Secretary and known as the Prosthetics Service Advisory Committee shall after the date of the enactment of this Act be known as the Advisory Committee on Prosthetics and Special-Disabilities Programs and shall operate as though such committee had been established by law. Notwithstanding any other provision of law, the Committee may, upon the enactment of this Act, meet and act on any matter covered by subsection (b) of section 543 of title 38, United States Code, as added by subsection (b) of this section.

(b) Statutory Establishment.—(1) Chapter 5 is amended by adding at the end of subchapter III the following new section:

"§543. Advisory Committee on Prosthetics and Special-Disabilities Programs

"(a)(1) There is in the Department an advisory committee known as the Advisory Committee on Prosthetics and Special-Disabilities Programs (hereinafter in this section referred to as the 'Committee').

"(b) The objectives and scope of activities of the Committee shall relate to—

"(1) prosthetics and special-disabilities programs administered by the Secretary;

"(2) the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetic devices;

"(3) the coordination of Department and non-Department programs that involve the development and testing of prosthetic devices; and

"(4) the adequacy of funding for the prosthetics and special-disabilities programs of the Department.

"(c) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee on the matters described in subsection (b).

"(d) Not later than May 1, 1992, and January 15 of 1992, 1994, and 1995, the Committee shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the effectiveness of the prosthetics and special-disabilities programs administered by the Secretary during the preceding fiscal year. Not more than 60 days after the date on which any such report is received by the Secretary, the Secretary shall submit a report to such committees commenting on the report of the Committee.

"(e) As used in this section, the term 'special-disabilities programs' includes all programs administered by the Secretary for—

"(1) spinal-cord-injured veterans;

"(2) blind veterans;

"(3) veterans who have lost or lost the use of extremities;

"(4) hearing-impaired veterans; and

"(5) other veterans with serious incapacities in terms of daily life functions.".

(2) The table of sections at the beginning of chapter 5 is amended by adding at the end the following new item:

"543. Advisory Committee on Prosthetics and Special-Disabilities Programs.".

SEC. 108. CONTRACT HOSPITAL CARE FOR VETERANS WITH PERMANENT AND TOTAL SERVICE-CONNECTED DISABILITIES.

Section 1703(a)(1) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) any disability of a veteran who has a total disability permanent in nature from a service-connected disability.".

SEC. 109. POST-TRAUMATIC STRESS DISORDER RESEARCH PROGRAMS.

In carrying out research and awarding grants under chapter 73 of title 38, United States Code, the Secretary shall assign a high priority to the conduct of research on mental illness, including research regarding (1) Post-Traumatic Stress Disorder, (2) Post-Traumatic Stress Disorder in association with substance abuse, and (3) the treatment of those disorders.

SEC. 110. POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING.

(a) ASSESSMENT.—The Secretary shall assess the needs for treatment and rehabilitative services of veterans believed to be suffering from Post-Traumatic Stress Disorder.

(b) PLAN.—The Secretary shall develop a plan for providing treatment and rehabilitative services for such veterans and for expanding and refining the services available for the treatment of Post-Traumatic Stress Disorder. The plan shall be based on—

(1) the Secretary's estimate of the numbers of veterans who suffer from Post-Traumatic Stress Disorder, are likely to seek care from Veterans Administration, and are entitled by law to be furnished such care;

(2) current and projected capacity to provide services to those veterans; and

(3) the Secretary's evaluation of existing programs.

(c) CONSULTATION.—The Secretary shall carry out subsections (a) and (b) in consultation with the Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder.

(d) REPORT.—Not later than August 30, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (b).

(e) DEFINITION.—For the purposes of this section, the term "Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder" means the committee established pursuant to section 110 of Public Law 98–528.

TITLE II—HEALTH-CARE PERSONNEL

SEC. 201. CAP ON CERTAIN RATES OF PAY.

Section 7455(c) is amended—

(1) by inserting "(1)" after "(c)";

(2) by inserting "by two times" after "exceed" the first place it appears; and

(3) by adding at the end the following:

"(2) Whenever the amount of an increase under subsection (a) results in a rate of basic pay for a position being equal to or greater than the amount that is 94 percent of the maximum amount permitted under paragraph (1), the Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the increase and the amount thereof.".

SEC. 202. MINIMUM PERIOD OF SERVICE FOR SCHOLARSHIP RECIPIENTS.

(a) MINIMUM SERVICE REQUIREMENT.—Section 7612(c)(1) is amended by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", but for not less than two years.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to scholarship agreements entered into after the date of the enactment of this Act.

SEC. 203. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

Section 7423 is amended by adding at the end the following new subsection:

"(f) The Secretary may purchase promotional items of nominal value for use in the recruitment of individuals for employment under this chapter. The Secretary shall prescribe guidelines for the administration of the preceding sentence.".

SEC. 204. AUTHORITY TO APPOINT NONPHYSICIAN DIRECTORS TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) Such directors of such other professional or auxiliary services as may be appointed to suit the needs of the Department, who shall be responsible to the Under Secretary for Health for the operation of their respective services.".

SEC. 205. EXPANSION OF DIRECTOR GRADE OF THE PHYSICIAN AND DENTIST PAY SCHEDULE.

Section 7404(b)(2) is amended in the first sentence by inserting ", or comparable position" before the period.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION REQUIREMENT FOR CONSTRUCTION OF NEW MEDICAL FACILITIES.

(a) AUTHORIZATION REQUIREMENT.—(1) Paragraph (2) of section 8104(a) is amended to read as follows:

"(2) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law.".

(2) Paragraph (3)(B) of that section is amended—

(A) by inserting "new" before "medical facility" the second place it appears; and

(B) by striking out "$500,000" and inserting in lieu thereof "$300,000".

(3) Subsection (c) of section 8104 is amended by striking out "resolution" both places it appears and inserting in lieu thereof "law".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not apply with respect to any project for which any funds were appropriated before the date of the enactment of this Act.

SEC. 302. REDESIGNATION OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REDESIGNATION OF POSITION OF CHIEF MEDICAL DIRECTOR.—The position of Chief Medical Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Health of the Department of Veterans Affairs.

(b) REDESIGNATION OF POSITION OF CHIEF BENEFITS DIRECTOR.—The position of Chief Benefits Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Benefits of the Department of Veterans Affairs.

(c) TITLE 38 CONFORMING AMENDMENTS.—Title 38, United States Code, is amended by striking out "Chief Medical Director" and "Chief Benefits Director" each place they appear (including in headings and tables) and inserting in lieu thereof "Under Secretary for Health" and "Under Secretary for Benefits", respectively.

(d) EXECUTIVE SCHEDULE CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking out the following:

"Chief Medical Director, Department of Veterans Affairs.

"Chief Benefits Director, Department of Veterans Affairs.";

and inserting in lieu thereof the following:

"Under Secretary for Health, Department of Veterans Affairs.

"Under Secretary for Benefits, Department of Veterans Affairs.".

(e) REFERENCES IN OTHER LAWS.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Department of Veterans Affairs—

(1) to the Chief Medical Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Health of the Department of Veterans Affairs; and

(2) to the Chief Benefits Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Benefits of the Department of Veterans Affairs.

SEC. 303. CHILD CARE SERVICES.

(a) REVISED CHILD CARE AUTHORITY.—Chapter 81 is amended by inserting after section 8116 the following new section:

"§8117. Child care centers

"(a) The Secretary may provide for the operation of child care centers at Department facilities in accordance with this section. The operation of such centers shall be carried out to the extent that the Secretary determines, based on the demand by employees of the Department for the care involved, that such operation is in the best interest of the Department and that it is practicable to do so. In offering child care services under this section, the Secretary shall give priority, in the following order, to employees of (1) the Department of Veterans Affairs, (2) other departments and agencies of the Federal Government, and (3) affiliated schools and corporations created under section 7361 of this title. To the extent space is available, the Secretary may provide child care services to members of the public if the Secretary determines that to do so is necessary to assure the financial success of such center.

"(b)(1) The Secretary shall establish reasonable charges for child care services provided at each child care center operated under this section.

"(2) In establishing charges at a center, the Secretary shall ensure that the sum of all charges for child care services is sufficient to meet the staffing expenses of the child care center and may consider the expenses of constructing or acquiring space for the center, the expenses of converting existing space into the center, and the expenses of equipment and services furnished to the center under subsection (c)(2).

"(3) Proceeds from charges for child care services shall be credited to the applicable Department of Veterans Affairs account and shall be allotted to the facility served by the child care center and shall remain available until expended.

"(c) In connection with the establishment and operation of a child care center under this section, the Secretary—

"(1) may construct or alter space in any Department facility, and may lease space in a non-Department facility for a term not to exceed 20 years, for use as a child care center;

"(2) may provide, out of operating funds, other items and services necessary for the operation of the center, including furniture, office machines and equipment, utility and custodial services, and other necessary services and amenities;

"(3) shall provide for the participation (directly or through a parent advisory committee) of parents of children receiving care in the center in the establishment of policies to govern the operation of the center and in the oversight of the implementation of such policies;

"(4) shall require the development and use of a process for determining the fitness and suitability of prospective employees of or volunteers at the center; and

"(5) shall require in connection with the operation of the center compliance with all State and local laws, ordinances, and regulations relating to health and safety and the operation of child care centers.

"(d) The Secretary shall prescribe guidelines to carry out this section.

"(e) For the purpose of this section, the term 'parent advisory committee' means a committee comprised of, and selected by, the parents of children receiving care in a child care center operated under this section.".

(b) CONFORMING REPEAL.—Section 7809 is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8116 the following new item:

"8117. Child care centers.".

(2) The table of sections at the beginning of chapter 78 is amended by striking out the item relating to section 7809.

SEC. 304. GRANTS TO ESTABLISH RESEARCH CENTERS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 73 is amended by adding at the end the following:

"SUBCHAPTER V—RESEARCH GRANTS

"§ 7371. Purpose of subchapter

"The purpose of this subchapter is to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to assist medical schools in the establishment of new research centers to carry out medical research in particular fields or specialties.

"§ 7372. Grant program

"(a) The Secretary of Veterans Affairs and the Secretary of Defense may jointly make grants under this subchapter to qualifying medical schools to assist such medical schools in the establishment of new medical research centers. Any such grant may only be made if the two Secretaries and the medical school enter into an agreement under section 7373 of this title.

"(b) A qualifying medical school for purposes of this subchapter is a medical school of a university that is located in a State and that—

"(1) does not have an established research center in the particular field or specialty with respect to which an application under section 7375 is submitted;

"(2) is located in proximity to, and is affiliated with, a medical facility of the Department of Veterans Affairs which itself has an affiliation with a medical facility of the Department of Defense; and

"(3) has demonstrable potential for successful development of such a new research center with the assistance of a grant under this subchapter.

"(c) Funds provided to a medical school by a grant under this subchapter may be used for—

"(1) the acquisition, construction, alteration, and renovation of facilities for the research center;

"(2) the acquisition of equipment of the research center; and

"(3) the operation of the research center during its first three years of operation.

"(d) In awarding grants under this subchapter, the two Secretaries shall ensure that the centers for which the grants are made are located in geographically dispersed areas of the United States.

"§ 7373. Activities of research centers for which grants made

"(a) Whenever a grant is made under this subchapter, the Secretary of Veterans Affairs and the Secretary of Defense shall establish an advisory committee to advise the medical school concerned with respect to the activities of the research center for which the grant is made. The advisory committee shall include representatives of the Department of Veterans Affairs, the Department of Defense, and the medical school and shall remain in existence until terminated by the two Secretaries.

"(b) A medical school to which a grant is made under this subchapter shall administer the research center for which the grant is made as a separate administrative entity with its own director (or other appropriate chief official).

"(c)(1) The Secretaries may not enter into an agreement to make a grant under this subchapter unless the Secretaries find, and the agreement includes satisfactory assurances, that the school to which the grant is made will maintain such arrangements with the Department of Veterans Affairs medical facility with which it is affiliated (including such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in carrying out the mission of the respective medical facilities and the school. Such arrangements shall include provisions ensuring that research personnel of the Department of Veterans Affairs medical facility, and of the Department of Defense medical facility with which it is associated, may carry out research activities at the research center on an ongoing basis.

"(2) The agreement shall require that, to the extent not inconsistent with paragraph (1), facilities of the research center shall be made available for research activities on a competitive basis.

"(d) The Secretaries shall ensure that an agreement under this section includes appropriate provisions to ensure that the Federal funding for the research center, and any Federal research activities carried out at the research center, are acknowledged in the activities and publications of the center.

"(e) An agreement under this section shall contain such additional terms and conditions (in addition to those imposed pursuant to section 8201(e) of this title and this section) as the Secretaries consider appropriate to protect the interests of the United States.

"§ 7374. Funding

"(a) The amount of a grant under this subchapter, when added to any other Federal funds to be used for the project for which the grant is made, may not exceed one-half of the cost of the project.

"(b)(1) One half of the amount of a grant under this subchapter shall be provided by the Secretary of Veterans Affairs and one-half shall be provided by the Secretary of Defense.

"(2) Funds for a grant under this subchapter to be provided by the Secretary of Veterans Affairs may only be provided from funds appropriated for grants under this subchapter. Funds for a grant under this subchapter to be provided by the Secretary of Defense shall be provided from funds appropriated for research, development, test, and evaluation.

"(c) The two Secretaries may not enter into an agreement for a grant under this subchapter unless the Secretaries find, and the agreement includes satisfactory assurances, that—

"(1) the amount of support for the proposed medical research center from non-Federal sources will be at least as great as the amount of such support from Federal sources;

"(2) the amount of such support from non-Federal sources, when combined with the amount of the proposed grant, is sufficient for the project to proceed upon award of the grant; and

"(3) upon approval of the grant, no further action by non-Federal entities is required to make the necessary funds available for the project.

"(d)(1) Subject to paragraph (2), the Secretaries may increase the amount of any grant awarded to any applicant for a project under this section by an amount by which the Secretaries determine that the estimated cost of the construction, acquisition, or renovations has increased from the estimated cost on which the Secretaries based the determination to award the grant, if the Secretaries determine that the grant was awarded before the applicant entered into a contract for the construction or renovations provided for in such project.

"(2) A grant may not be increased under paragraph (1) by more than 10 percent of the amount of the grant initially awarded for such project, and the amount of such grant (as increased) may not exceed 50 percent of the revised cost of the project.

"§ 7375. Grants: applications and priority

"(a) A medical school desiring to receive a grant under this subchapter shall submit to the Secretary of Veterans Affairs an application that sets forth the following:

"(1) The amount of the grant requested with respect to the project.

"(2) A description of the proposed research center, including a description of the proposed site for the center, a description of the proposed field of research in which the center will specialize, and a statement showing the capability of the medical school to successfully develop such research center.

"(3) Reasonable assurance that, upon completion of the project, the new center will be used to conduct research referred to in section 7303 of this title.

"(4) Reasonable assurance that the title to such site will be vested solely in the applicant.

"(5) Reasonable assurance that adequate financial support will be available (A) for the construction of the project (or for facility acquisition or renovation) upon award of the grant, and (B) for maintenance and operation of the facility when complete.

"(6) In the case of a project for the renovation of an existing facility, reasonable assurance that the estimated total cost of any expansion, remodeling, and alteration of the facility will not be greater than the estimated cost of construction of an equivalent new facility.

"(7) A statement of the relationship of activities to be carried out at the research center to programs and activities of the Department of Veterans Affairs, including programs for the care and treatment of veterans and programs for the recruitment and retention of health-care professionals for employment by the Department, and programs and activities of the Department of Defense.

"(b) In considering applications for a grant under subsection (a) of this section, the Secretaries shall give priority to applications for grants for proposed research centers which will emphasize research in one or more of the following areas (over applications for grants for proposed centers which will not emphasize research in such areas):

"Diabetes and metabolic diseases.

"Prosthetics and rehabilitation medicine.

"Mental health, behavioral medicine, and neurological disease.

"Acquired Immune Deficiency Syndrome (AIDS) and immunodeficiency diseases.

"Alzheimer and dementia.

"Degenerative cardiopulmonary disease.

"Cancer.

"Technology assessment.

"Toxicology.

"(c) The Secretaries shall use a merit review process in considering applications and in awarding grants under this subchapter.

"(d) The amount of a grant under this subchapter shall be paid to the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of the project, as the Secretary may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for an approved project shall be used solely for carrying out such project as approved.

"(e) An amendment of an application (whether or not approved) shall be subject to approval in the same manner as the original application.

"§ 7376. Authorization of appropriations

"(a) There is authorized to be appropriated to the Secretary of Veterans Affairs the sum of $50,000,000 for each of fiscal years 1993 through 1996 for purposes of grants under this subchapter. Amounts appropriated pursuant to such authorization may not be used for any other purpose.

"(b) Amounts appropriated pursuant to subsection (a) shall remain available for obligation until the end of the sixth fiscal year following the fiscal year for which they are appropriated, if so provided in appropriation Acts.

"§ 7377. Recovery of amounts if grant conditions not met

"(a) If the Secretaries determine that a medical school to which a grant is made under this subchapter—

"(1) fails substantially to carry out the terms of the agreement entered into under this subchapter as a condition of the grant; or

"(2) no longer operates the medical research center for which the grant was made in accordance with the purposes of the grant, the Secretaries shall be entitled to recover from the recipient of the grant the amount of the grant.

"(b) The Secretaries shall prescribe regulations for purposes of subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—RESEARCH GRANTS

"7371. Purpose of subchapter.
"7372. Grant program.
"7373. Activities of research centers for which grants are made.
"7374. Funding.
"7375. Grants: applications and priority.
"7376. Authorization of appropriations.
"7377. Recovery of amounts if grant conditions not met.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on S.2344.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, S. 2344, as amended, may look very familiar to some of my colleagues. Some of the provisions contained in this bill have passed the House in both the 101st and 102d Congresses. Many of the provisions were originally included as part of H.R. 2280, which passed the House on June 25, 1991.

The amended bill contains many provisions which would improve the quality of care provided to our Nation's veterans, and it does so in a cost-effective manner.

I will focus on just a few of the most important provisions at this time.

First, the proposed amendment would help correct a serious problem which affects thousands of Vietnam veterans who suffer from post-traumatic stress disorder [PTSD]. VA is doing some fine work to help repair the lives of those suffering from this disorder, but we also know that more needs to be done.

Specifically, the proposed amendment would require the Secretary to assess VA's ability to provide treatment for PTSD now and in the future. It would also require the Secretary to submit to the committee a plan designed to allow VA to better meet the needs for these services. We view such a plan as a vital step in our ongoing efforts to help veterans suffering from PTSD.

In a relatively few short years, VA has begun to build a network of specialized programs across the country to provide treatment to veterans suffering from PTSD. Our committee has authorized the establishment of additional PTSD units, and last year, Congress appropriated an additional $10 million to further those efforts. What is lacking, however, is a comprehensive assessment by VA of veterans' needs as well as VA's capability of meeting those needs.

The intent of this bill is to get the Department to identify the size of the demand for PTSD services and come up with a plan to meet this demand in the near term. Without knowing the size of the problem first, VA cannot be expected to make adequate recommendations to address it in the future.

Mr. Speaker, this measure would also increase the Chief Medical Director's ability to monitor care throughout the system, and thus to assure better quality of care. The additional flexibility which this authority would provide should help accelerate implementation of the quality assurance programs which VA has already set in motion.

The bill would also allow VA to increase payments to disabled veterans to help defray the cost of needed home modifications. Service-connected disabled veterans would be eligible for up to $3,300 in grant support and non-service-connected disabled veterans for up to $1,200. A patient in a wheelchair, for example, can use this grant to make his home wheelchair accessible. Costs of construction and home improvement costs have increased greatly since these grants were first authorized.

Finally, the House amendment contains provisions which we passed last session as H.R. 111, a bill introduced by my very able colleague from Texas, CHET EDWARDS. These provisions would authorize the VA to establish a grant program to assist medical schools in creating new research centers. Under this legislation, the VA, the Department of Defense, and medical schools would share in the cost of establishing new research centers. By establishing cooperative, cost-sharing medical research efforts between these groups, we can support our veterans and use limited Federal funds in a fiscally responsible manner.

Mr. Speaker, as I stated earlier, the House amendment to S. 2344 contains many important and much-needed provisions. In addition to the provisions I have mentioned, the bill would:

Extend through fiscal years 1992 and 1993 the requirement that the Secretary submit a report to the Committees on Veterans' Affairs of the House and Senate describing the number of veterans receiving VA health care, the number of veterans who applied for VA health care and did not receive it, and the reasons why veterans were denied health care;

Provide that reports issued by the VA's Geriatrics and Gerontology Advisory Committee will be submitted simultaneously to the Secretary and the appropriate congressional committees;

Extend by 1 year the period within which VA research corporations must secure tax-exempt status and extend until December 31, 1993, the final date for establishment of such corporations;

Authorize VA and community health care facilities to jointly acquire major medical equipment under which VA would pay no more than half the purchase price. The parties would hold joint title and would enter into an agreement for mutual use of that equipment. Require the VA to report on its plans to implement this authority not later than 45 days after date of enactment of this act;

Provide that quality assurance programs and activities, including the operations of the VA's Medical Inspector and the Office of Quality Assurance in Central Office, shall be considered part of the provision of VA health care effective October 1, 1992;

Expand the role of VA's Advisory Committee on Prosthetics to also include special disabilities programs. Require, not later than May 1, 1993, and January 15 of 1993, 1994, and 1995, a report on the effectiveness of the prosthetics and special disabilities programs;

Provide that the VA may contract for hospital care or medical services for any disability of a veteran who has a total disability permanent in nature from a service-connected disability when Department facilities are not capable of furnishing the care or the VA care is geographically inaccessible.

Require the Secretary to place a high priority on the conduct of research on mental illness, including research on post-traumatic stress disorder [PTSD];

Authorize the Secretary to increase the maximum rate of pay under any grade level for those health care professionals who are appointed under title 5 but paid under title 38. For these "hybrid" employees, the special rates authority of title 38, United States Code, would be expanded to two times the difference between the minimum and maximum rate of pay for that grade and require the Secretary to notify the Committees on Veterans' Affairs of the House and Senate of the increase;

Require that recipients of Health Professional Scholarships serve a minimum of 2 years, effective for scholarships received after the date of enactment of this act;

Provide that the Secretary may purchase promotional items of nominal value for use in the recruitment of certain health care personnel;

Provide authority to appoint nonphysician Directors to the Office of the Under Secretary for Health;

Expand the Director grade of the physician and dentists pay schedule;

Provide that no funds may be appropriated or expended for any major medical project or new major medical facility lease unless funds for such project or lease have been authorized by law, and reduce from $500,000 to $300,000 the threshold of what constitutes a major medical facility lease;

Redesignate the Chief Medical Director as the Under Secretary for Health;

Redesignate the Chief Benefits Director as the Under Secretary for Benefits;

Revise the Secretary's authority to operate child care centers at VA facilities. Provides that proceeds from charges for child care services shall be credited to the applicable VA account and allotted to the facility served by the child care center.

Mr. Speaker, there follows a Congressional Budget Office cost estimate of the proposed House amendment:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 7, 1992.
Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has prepared the attached cost estimate of a proposed amendment, in the nature of a substitute, to S. 2344. The amended bill would be the Veterans' Health Programs Amendments of 1992. Enactment of this measure would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE, MAY 7, 1992

1. Bill number: None.

2. Bill title: Veterans' Health Programs Amendments of 1992.

3. Bill status: Proposed amendment in the nature of a substitute to S. 2344.

4. Bill purpose: To improve the provision of health-care to veterans by the Department of Veterans Affairs, and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1993	1994	1995	1996	1997
Estimated authorization level	51	51	51	52	2
Estimated outlays	1	3	9	24	41

Basis of estimate: The following section-by-section cost analysis addresses only those sections of the bill that could be expected to have a significant budgetary impact.

Section 101. This section would increase the limits on grants for structural alterations to the homes of disabled veterans. Grants to veterans with service-connected disabilities would rise from $2,500 to $3,300 and those to veterans with non-service-connected disabilities from $600 to $1,200.

[By fiscal years, in millions of dollars]

	1993	1994	1995	1996	1997
Estimated authorization level	1	1	1	2	2
Estimated outlays	1	1	1	2	2

In 1991, $1,687,000 was spent by the Department of Veterans Affairs (VA) on structural alteration grants. According to VA data, 60 percent of these funds went to service-disabled veterans, and the remaining 40 percent to veterans with non-service-connected disabilities. Currently, the cost of the alterations for which these grants are used exceeds the maximum grant level in virtually all cases. Therefore, it was assumed that the average grant level would rise by same percentage as the increase in the maximum grant level.

Section 108. This section would authorize VA to provide hospital care under contract in non-VA facilities for the treatment of any disability, whether service-connected or non-service-connected, of a veteran who is totally and permanently disabled from service-connected causes. This authority would apply only when VA facilities are not capable of furnishing the care because of geographical inaccessibility or other reason.

Under current law, contract hospital care can be provided by VA only for the treatment of a service-connected disability. Within that restriction, the approval for contract care is also a function of the budget of the VA facility at which the veteran applies for care. Thus, it is not possible to estimate with any precision the number of additional episodes of contract hospital care that would result from this provision. However, it should be noted that in 1991 each episode of hospital care provided in a non-VA facility on average cost the agency $172 more than the average cost of an episode in a VA facility.

Section 304. This section would authorize the Secretary of Veterans Affairs and the Secretary of Defense to conduct a joint program of grants to medical schools for the establishment of research centers. An appropriation of $50 million is authorized for this purpose in each of fiscal years 1993–1996.

[By fiscal years, in millions of dollars]

	1993	1994	1995	1996	1997
Authorization level	50	50	50	50	0
Estimated outlays	0	2	8	22	39

The estimate assumes that authorized amounts would be fully appropriated. The bill language provides that appropriated amounts would remain available for obligation until the end of the sixth year following the year of appropriation.

New grant programs historically have very slow spending in the first few years. Before any funds would outlay, the two agencies and the medical school must all agree on the grant contract. The medical school must also arrange non-federal funding for 50 percent of the cost of the research center. These and other advance preparations would be expected to cause substantial delays in the outlay of grant funds. Because funds could be obligated over a six-year period, there would be little pressure to accelerate the process. It is, therefore, estimated that no funds would be spent in 1993 and only small amounts in 1994 and 1995.

6. Pay-as-you-go considerations: None of the provisions of this measure would affect direct spending or receipts. Therefore, this bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: K.W. Shepherd.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2344, as amended, the Veterans' Health Programs Amendment of 1992. This legislation represents a compilation of provisions covering services under the jurisdiction of the Veterans Health Administration.

All of the provisions contained in S. 2344, as amended, were passed by the House during the first session of this Congress. Unfortunately, there was no final action in the other body. The committee believes these provisions merit final approval by this Congress.

The administration's position on the bill is generally favorable, with the exception of the new research grant authority. Apparently, there is a misconception regarding this provision. Some believe that it would cause the Department of Defense to divert research funds from higher priority defense biomedical research projects. Conversely, the Committee on Veterans' Affairs believes this proposal has specific safeguards to ensure that this will not happen.

Mr. Speaker, I want to thank the distinguished chairman of the committee, SONNY MONTGOMERY and the ranking member of the Subcommittee on Hospitals and Health Care, Mr. HAMMERSCHMIDT, for their leadership and expertise on these important issues.

I urge the support of my colleagues on S. 2344.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to support S. 2344, as amended, the Veterans' Health Programs Amendments of 1992 and to commend Chairman MONTGOMERY and the ranking member, Mr. STUMP, for their hard work on this legislation.

I want to reiterate that the House passed a similar bill to S. 2344, as amended, when it passed H.R. 2280 on June 25, 1991.

Once again, S. 2344, as amended, provides fiscally responsible and needed expansions to veterans' health care programs by enhancing existing programs and extending expiring programs.

Specifically, I want to note that S. 2344, as amended, addresses the VA's lack of adequate medical equipment by giving the VA the authority to share the cost and use of medical equipment with community health centers.

S. 2344, as amended, also gives the VA broader research grant authority by providing funds for fiscal year 1993 through fiscal year 1996 for the VA and the Department of Defense [DOD] to jointly carry out a program to assist medical schools in establishing new research centers.

Both of these initiatives expand the VA's ability to provide veterans with quality care and services while using limited funds during these times of budgetary constraint.

S. 2344, as amended, is a timely and necessary bill for our veterans' health care system. I urge my colleagues to support S. 2344, as amended, and to pass it in an expeditious manner.

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Mr. STUMP. Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute, to take this time to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who has been the ranking minority member on the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs, for his work that he has done over the years, and we are certainly going to miss him.

Then I have to move into a little more sadness to thank the gentleman from Michigan, the chairman of the Subcommittee on the Veterans' Administration, HUD and Independent Agencies of the Committee on Appropriations [Mr. TRAXLER], for the work that he has done working with veterans. There is not a better friend veterans have than what the gentleman has done, BOB TRAXLER. We certainly will miss him.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to express my appreciation to the gentleman from Mississippi [Mr. MONTGOMERY], to my good friend, the gentleman from Arizona [Mr. STUMP], and to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], a fellow lame duck Member, for the very fine relationship that I have enjoyed as the chairman of the Veterans Affairs, HUD and Independent Agencies Subcommittee of the Committee on Appropriations. They have provided, I think, outstanding leadership to this Congress on behalf of America's veterans. It is a pleasure to join with them today in support for this bill. It is an outstanding bill and it deserves the vote of every Member.

Mr. Speaker, I would like to engage the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, in a colloquy regarding VA medical facilities. The gentleman's amendment to S. 2344 includes language requiring an authorization for construction or lease of new medical facilities. As I understand it, this new authorization requirement would not apply to projects for which any funds were appropriated previously. This language would exempt a few projects that have received partial funding, including the clinical addition project at the Ann Arbor VA Medical Center.

Is that the intent of the gentleman's amendment?

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, the gentleman is correct. Projects that have already received funding, including partial funding, would not be subject to this new requirement.

Mr. TRAXLER. Mr. Speaker, the 1992 VA, HUD, and Independent Agencies Appropriations Act included funding for two outpatient clinics—one in the Fox River Valley of Wisconsin and the other in the Decatur or Springfield, IL, area. The additional funding for these projects was included under the medical care appropriation.

Is it the gentleman's intention that the amendment would also exclude these leases?

Mr. MONTGOMERY. The gentleman is correct. These leases would not be subject to this new requirement.

Section 301 is intended to prohibit the appropriation or expenditure of funds for any major medical construction project which is not specifically authorized by law. It is not intended to restrict or impede the construction of projects for which major construction funds have been specifically appropriated before this section takes effect. Further, this section does not apply to reprogramming of funds or to expenditures from the advance planning fund.

If the Congress has appropriated a specific amount for a project, even if that amount was less than the total cost of the project, that project would not be affected by this new provision.

The bill includes specific language that this restriction "does not apply with respect to any project for which any funds were appropriated before the date of the enactment of this act."

Specifically appropriated means either bill language or specific language in the statement of the managers accompanying a final conference report on a measure appropriating major construction funds.

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for his response. I wish him well, and also the distinguished gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of S. 2344, the Veterans' Health Programs Amendments of 1992, and I commend the distinguished Veterans' Affairs Committee chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking minority member, the gentleman from Arizona [Mr. STUMP], and the ranking member of the Health Care Subcommittee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for bringing this important measure to the floor.

This measure which will increase the limit on grants for home structural alterations from $600 to $1,200 and from $2,500 to $3,300 for nonservice and service-connected disabled veterans, respectively, is meritorious and deserving of our full support.

In addition, Mr. Speaker, this bill, in authorizing the Secretary of Veterans Affairs and the Secretary of Defense to jointly carry out programs to assist medical schools in the furtherance of research will improve medical care for our Nation's veterans.

It is gratifying to note that this bill also includes a requirement that the Secretary place a high priority on the conduct of research on mental illness, including research on post-traumatic stress disorder, which has afflicted so many of our Vietnam veterans.

Mr. Speaker, while we continue to commemorate the 50th anniversary of World War II and honor the veterans of that war, we must not forget the medical needs of our veterans from all eras. Accordingly, I urge my colleagues to fully support this important legislation before us today.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the Senate bill, S. 2344, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2344, VETERANS' HEALTH PROGRAMS AMENDMENTS OF 1992

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2344, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection, appoints the following conferees and reserves the right to appoint additional conferees: Messrs. MONTGOMERY, EDWARDS of California, ROWLAND, STUMP, and HAMMERSCHMIDT.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. GRANDY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

DISCLAIMING ALL RIGHT TO CERTAIN LANDS CONDITIONALLY RELINQUISHED TO THE UNITED STATES

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1514) to disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes, as amended.

The Clerk read as follows:

H.R. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs and (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than any relinquishment to the United States of the type described in subsection (b)(1) of this section, all right, title, and interest in and to such lands so identified is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 18 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a).

(2) If a court makes a final decision that a parcel of land was wrongly excluded from operation of subsection (a), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue deeds confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory deed shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the deed, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory deeds are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory deed.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of the confirmatory deeds required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory deed issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory deed.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with the respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any existing uses currently occupied or utilized for Government purposes, subject to payment of fair market value for such use rights.

SEC. 3. OTHER CLAIMS.

(a) DEADLINES.—Notwithstanding any statute of limitation or similar restriction otherwise applicable, any party claiming any right, title, or interest in and to any lands identified by the Secretary pursuant to section 2(c) may file in the United States Claims Court a claim pursuant to this subsection against the United States seeking compensation based on the vesting of right, title, and interest in and to the United States made by section 2(c)(2), and the United States Claims Court shall have jurisdiction to consider and decide such claims and to make awards thereon. Such a claim may be filed no later than one year after the date of publication of a final list pursuant to section 2(d).

(b) DEFENSES AND AWARDS.—(1) Nothing in this Act shall be construed as precluding or limiting any defenses (including affirmative defenses) or claims (including claims of adverse possession under applicable State law) otherwise available to the United States or any other party in connection with any claim brought against the United States with respect to any lands covered by this Act.

(2) The United States shall pay compensation for any claims arising from this Act pursuant to any final judgment of the United States Claims Court, or pursuant to any negotiated settlement agreement made between a claimant and the Attorney General, from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534) and for which compensation was provided under the Act of August 31, 1964 (78 stat. 751).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1514, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1514 is a bill introduced by my Interior Committee colleague, the gentleman from California [Mr. LAGOMARSINO], who has worked persistently for its passage.

The legislation is very similar to a bill passed by the House in 1990, that was not enacted because the Senate did not act on it before the end of the 101st Congress.

H.R. 1514 has been favorably reported by the three committees to which it was referred, but there were some differences between the version approved by the Interior and Merchant Marine and Fisheries Committees and the version adopted by the Committee on Agriculture. It has taken some time to reach agreement on how to resolve those differences.

I am pleased to note that the differences in fact have been resolved, and that the bill now before the House has the support of the three committees.

I want to express my appreciation to Chairmen DE LA GARZA and VOLKMER, of the Agriculture Committee and its Subcommittee on Forests, Family Farms and Energy, and also to Chairmen JONES and STUDDS of the Committee on Merchant Marine and Fisheries and its Subcommittee on Fisheries and Wildlife Conservation and the Environment. Through cooperation and mutual assistance, the three committees have produced a good bill that deserves enactment.

Mr. Speaker, this bill is the latest attempt to resolve questions about the status of certain lands that allegedly were conditionally conveyed to the United States—conditionally, because the owners wanted to receive other lands in exchange, as provided for in an 1897 Act.

The cases involved here are ones in which it is claimed that the exchange was never consummated, and no other compensation was provided, so that various parties claim they, and not the

United States, are the rightful owners of the lands.

In simple terms, the bill would provide for settling claims based on these transactions by ending any ownership claims of the National Government in some of the lands involved, while unambiguously confirming the title of the United States to other such lands, and allowing persons aggrieved by such confirmations to seek monetary relief.

Like the House-passed bill of last year, H.R. 1514 provides for the protection of national parks, wilderness, and other conservation areas and would enable the land-managing agencies to assure that the National Government also will retain any other lands whose retention is in the public interest.

This matter has a very long history, which has been outlined in the report of the Committee on Interior and Insular Affairs and the other committees as well. It is my hope that this bill will enable us to resolve the status of these lands once and for all, in a way that protects the integrity of nationally significant areas while in appropriate cases affording relief to people who have found that there are clouds on the title to lands that in many cases they have occupied for many years.

Mr. Speaker, as I indicated, Congress has addressed this matter on a number of previous occasions—most recently in 1960. At that time, there was public and congressional concern that some parties were claiming ownership of lands within national forests and national parks. This led to enactment of Public Law 86-596, sometimes referred to as the "Sisk Act" after Representative Sisk of California, its major sponsor.

That act dealt with ownership claims based on assertions that the United States had failed to provide in-lieu lands or other compensation for inholdings previously relinquished under the 1897 Act. Parties making such claims were given 1 year in which to act to seek monetary compensation. Claims filed with the General Accounting Office could lead to compensation of $1.25 per acre plus interest at the annual rate of 4 percent.

Evidently, few if any claims were submitted, and no compensation was ever paid, under the Sisk Act.

Section 4 of the Sisk Act provides that any lands for which such payments either were or might have been made "shall * * * be a part of the national forest, national park, or other area * * * shall be administered as a part thereof, and shall be subject to the laws, rules, and regulations applicable to land set apart and reserved from the public domain in that national forest, national park, or other area."

Based on this language, the administration takes the position that all the lands covered by the Sisk Act are now the property of the United States, by operation of law. On the other hand, in recent years there have been some judicial decisions that strongly suggest that this position may not be sustained by the courts in all instances.

Some of the lands covered by the 1960 act were occupied by private parties then, and some still are. The Forest Service has told us that in some cases they would like to be able to give such occupants clear title, free from claims by the Federal Government.

In shaping this bill, we have attempted to give the administration the authority to provide clear title in appropriate cases, while still protecting the national interest in retaining nationally-significant lands.

We have not attempted to resolve questions about the effect of the Sisk Act on the title to the lands in question. Instead, the bill would expressly vest in the United States any title it now lacks for all the lands to be retained in national ownership. Parties who claim that they are now the owners of those lands—despite the language of the Sisk Act—are given the opportunity to assert those claims and, if they prevail, to obtain appropriate monetary compensation.

At the same time, the bill specifically preserves the right of the United States to assert ownership—on the basis of the Sisk Act or otherwise—of these lands, and the bill also preserves all other defenses that may be available to the National Government.

Mr. Speaker, H.R. 1514 is a sound, balanced bill, that I hope will finally resolve this thorny problem. I urge its approval.

Mr. Speaker, I include for the RECORD a letter sent April 10, 1992, to Chairman MILLER from the Assistant Attorney General, W. Lee Rawls.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 10, 1992.

Hon. GEORGE MILLER,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This further expresses the views of the Department of Justice on H.R. 1514, a bill "To disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes." We support the Committee's efforts to resolve this particularly complex issue of claims to federal lands and offer the following comments on a proposal for resolution of differences between the versions of H.R. 1514 adopted by the Interior, Agriculture and Merchant Marine Committees.

As the Department noted in its letter of October 15, 1991, section 3 of the bill reported by the Interior and Merchant Marine Committees leaves ambiguous the scope of claims and defenses it is intended to create. Because this section would allow any person claiming an interest in lands not quitclaimed by the United States to bring an action for compensation "based on the vesting of right, title, and interest in and to the United States made by section 2(c)(2)," section 3 could be interpreted as providing for compensation of claims to land that had previously vested in the United States. Thus, fraudulent or speculative transactions in land already vested in the United States could provide a basis for compensation claims in the Claims Court.

In response to the Department's October 15 letter, the Agriculture Committee amended section 3 to limit compensation for the value of interests in land to "parties whose claim of right, title, or interest is directly derived from one who originally transferred" these lands. The Agriculture Committee also allowed parties whose claims are not directly derived from the original transferror to receive compensation for the actual consideration paid for the interest claimed plus 6 percent simple interest. As the Department explained in its letter of March 10, 1992, the lands at issue have been confirmed as property of the United States and managed as such for roughly 90 years. Therefore, no basis for compensation claims under the Fifth Amendment of the Constitution is apparent. The Agriculture Committee's approach, which does not purport to preclude Fifth Amendment claims, constitutes an act of grace on the part of Congress.

Counsel for the Interior Committee has proposed that differences between the two versions of H.R. 1514 be resolved by amending the bill to make clear that, with regard to lands currently vested in the United States, H.R. 1514 provides no new claims for compensation and does not limit the defenses available to the United States. This approach would require persons whose interest in land is vested in the United States by section 2(c)(2) to seek compensation for that interest in the Claims Court while leaving unaffected any claim to land that is listed under section 2(c), but was previously vested in the United States. Based on this proposal, the Department proposes the following amendments to effectuate this change:

The last sentence in section 2(c)(2) should be deleted and replaced with the following: "Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States."

With regard to the standard of judicial review of agency listing decisions under section 2(d)(2), the bill should explicitly incorporate the Administrative Procedure Act (APA) arbitrary and capricious standard of review. In the interest of judicial economy, the word "wrongly" in this clause should be replaced with the phrase "arbitrarily and capriciously" and the parenthetical phrase "(by error or omission)" should be deleted.

Section 3 should be deleted and replaced by the following:

Sec. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within one year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in

any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

Section 3, as amended, is intended to provide an opportunity for compensation for any vesting of right, title, and interest in the United States by this Act while leaving unaffected any claims or defenses that existed prior to the Act. The Department of Justice recommends these amendments as a relatively simple method for addressing the remote possibility that claims under the fifth amendment may still exist with regard to lands transferred to the United States under the Act of June 4, 1897 (30 Stat. 11).

We support the Committees' efforts to resolve this particularly complex issue of claims to federal lands, and offer these changes to expedite their legislative resolution. The Department commends the members and staff of the Interior, Agriculture and Merchant Marine Committees for their patience and stamina in providing for the resolution of outstanding equitable claims to lands.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1514, a bill which would relinquish all right and title of the United States to certain lands in 11 Western States. This legislation is not one of the most sweeping land management measures to be enacted by Congress this session. However, it is certainly the most critical measure for about 1,800 private property owners whose title to their lands remains clouded and unmarketable as a result of a complex web of 7 Federal States and inconsistent action by the Federal Government dating back nearly 100 years.

As the chairman has indicated, these title problems date back to an 1897 statute under which the Federal Government attempted to consolidate its land base within the newly created forest reserves by permitting private property owners to trade their holdings within reserves for an equivalent acreage outside the reserves. Unlike the exchange procedures in effect today, private property owners were required to first relinquish title to their lands before receiving the in-lieu or exchange lands.

Unfortunately, for a variety of reasons, including the repeal of this exchange authority in 1905, many of the original owners did not either recover title to their predecessor's lands or receive any compensation for them.

Over the years, Congress has enacted several measures designed to resolve these title problems. While the most recent of these attempts, the 1960 Sisk Act, was a total failure in terms of resolving the problem, legislation to date has been successful in resolving about two-thirds of the original title problems.

I first became aware of this situation several years ago when one of my constituents came to me with a letter she had received from the Forest Service. This letter stated that land she had purchased in 1945 and subsequently improved and paid taxes on for over 40 years was actually the property of the Federal Government. You can imagine how you would feel if you received a letter in the mail one day stating that your house and land belonged to the Federal Government and that you were owed no compensation in return.

As I began to investigate this issue further, I found that: First, this constituent did indeed have legal ownership of the land and that the Government claim was based on an administrative technicality resulting from a prior act of Congress; second, that legislation would be required to address this situation; and third, that there were hundreds of landowners in 11 Western States which had the same problem. Those discoveries led me to develop a general relief bill to resolve the problems of these private landowners. A similar bill to the one we are considering today passed the House last session, but Congress adjourned before the Senate had time to act on it.

Unlike previous attempts to resolve this issue, this bill authorizes and directs the appropriate Secretaries to issue specific disclaimers for all lands, except those determined to be nationally significant or those needed for the management needs of the agency. Despite a lack of direction in previous legislation, over the years, the Federal Government has issued disclaimers on an arbitrary and inconsistent basis. When the issue of ownership of these lands has been reviewed by the courts, they have consistently held that the original relinquishment was only conditional and awarded clear title to the private owners. This bill would affect a total of about 27,500 acres, approximately 19,800 acres managed by the Forest Service and 7,600 acres managed by the Bureau of Land Management.

This is a good bill and is the product of a lot of work by many persons. First of all I want to thank Chairman VENTO for his persistence and vision on this measure which has helped in the development of a balanced bill everyone has been able to support conceptually. Second, I would like to thank Chairmen DE LA GARZA, VOLKMER, STUDDS, and JONES for their careful review and critique of this measure in their committees. Their comments have been helpful in the development of final revisions we are bringing to the floor today. Finally, I particularly want to thank Mr. VENTO's staff counsel, Stan Sloss, and my staff, Steven Hodapp for all their support on this measure. This was an extremely complex piece of legislation and their extensive background and expertise was absolutely critical to our success in completing work on this bill.

I note that the administration supports this bill and I commend it to my colleagues and look forward to its swift enactment by the Senate so that we can resolve these title problems which have been haunting private owners for the last 95 years.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume to join in the accolades to the staff members on the majority and the minority side as the gentleman from California [Mr. LAGOMARSINO] referred to. They have done an excellent job from our committee and other committees obviously in engaging this issue. It is a complex issue, but it is one that I think is adequately redressed in this bill, and hopefully we will see the Senate act on it.

Mr. HERGER. Mr. Speaker, H.R. 1514 is an important step in resolving the status of certain lands transferred to the United States almost 100 years ago. Under the act of June 4, 1897, as amended, some landowners transferred their land to the United States, but never received any compensation in return. Over the last 80 or so years, Congress has passed several laws in an attempt to resolve the status of these lands. With H.R. 1514, the status of these lands finally will be settled. We have been notified that the administration supports enactment of H.R. 1514.

In essence, this legislation would require the Secretaries of Agriculture and the Interior to identify lands that were transferred to the United States under the 1897 act without compensation or selection rights received in return. Of these lands, the United States will retain title to those that are nationally significant, and will deed back to the listed owner or his successor the rest of the lands.

The version of the bill being considered here today is different than the version reported by any of the three committees that considered it. One of the most significant changes that has been made is in section 2(c)(2), which now says that this bill vests the title to nationally significant lands in the United States only if those titles were not previously vested in the United States. It may well be that title to all of these lands already has been vested in the United States. I understand that it is the opinion of the Justice Department that all such lands already are the property of the United States.

Another significant change in this version of the bill from that reported by the Agriculture Committee is that section 3 now states that nothing in the bill "shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c)." Section 3 also preserves for the United States all defenses now available to it if it is sued for just compensation due to the vesting of title under section 2(c)(2).

This is a good bill and should serve to resolve the status of almost 30,000 acres of National Forest System and Bureau of Land Management lands. I urge my colleagues to support it.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 1514. This bill was introduced by Mr. LAGOMARSINO in March, 1991, and was jointly referred to the Interior Committee, the Agriculture Committee, and the Merchant Marine and Fisheries Committee. The Merchant Marine and Fisheries Committee reported this bill favorably on October 3, 1991—House Report 102–89, part II.

H.R. 1514 directs the Department of Agriculture and the Department of the Interior to resolve public land ownership disputes that date back to the 1890's. It establishes procedures to identify which of these lands it is willing to convey to the private parties which claim ownership.

The bill was referred to our committee because of a provision of section 2(c) which provides that no disputed lands within any national wildlife refuge shall be conveyed. Therefore, the legislation is essentially fail safe with respect to the refugee system.

Since this legislation resolves longstanding disputes while protecting the interests of fish and wildlife conservation, I recommend the bill be passed.

I thank the Interior and Agriculture Committees for working with my committee on this bill. They have gone the extra mile to make sure we were consulted every step of the way.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1514, as amended, and urge its adoption by the Members of the House.

Mr. Speaker, this legislation is intended to resolve disputed title to lands, located in several Western States, that were transferred to the United States under the act of June 4, 1897, as amended or supplemented by the acts of June 6, 1900, and September 22, 1922, without compensation to the original landowners.

The 1897 act invited owners of lands within national forests to exchange their lands with the United States for other lands, for the purpose of consolidating Federal landholdings. Many of the exchanges were carried out in separate transactions, with the private party relinquishing title to the United States prior to selecting the Federal lands to be received in lieu of the private lands. When the 1897 act was repealed in 1905, some parties had transferred title to their lands without receiving compensation from the United States. Although various laws have been enacted since that time to compensate those who transferred their lands, many of these transactions remain in dispute.

H.R. 1514, as amended, establishes a procedure to identify the lands that became involved in transactions pursuant to the 1897 act, and directs the Secretaries of Agriculture and the Interior to either relinquish title to the lands or provide compensation.

The bill expressly provides that the Secretaries will not relinquish title to any lands that are nationally significant, to ensure continued Federal ownership and management of such lands in order to best meet public needs. H.R. 1514 also provides a mechanism for persons claiming that they are due compensation for lands relinquished to the United States that is intended to establish a clear and fair process by which such claims may be pursued.

In most respects, Mr. Speaker, H.R. 1514 is identical to the bill as reported by the Interior and Merchant Marine and Fisheries Committees. However, one key difference is that the version reported by the Committee on Agriculture sought to limit the ability of land speculators to benefit from the processes established by the bill. Based on a report on H.R. 1514 provided to the committee by the Department of Justice, an amendment to the bill was adopted by the Committee on Agriculture that would seek to limit the class of persons eligible under the bill to seek a compensation in the claims court to persons whose claim of ownership or interest in the property is directly derived from the original transferor of land to the United States.

The bill before the House today reflects a compromise over this issue that was developed with the cooperation and assistance of the Department of Justice. That compromise seeks to clarify the scope of claims and defenses which are provided for under the bill.

Mr. Speaker, I want to commend the chairman of the Subcommittee on Forests, Family Farms, and Energy, Mr. VOLKMER, and the chairman of the Subcommittee on National Parks and Public Lands of the Interior Committee, Mr. VENTO, for their efforts in bringing this measure to the floor. I also want to extend my thanks to Mr. LAGOMARSINO, the author of H.R. 1514, for his efforts to seek a reasonable compromise to resolve this long and difficult issue.

Mr. Speaker, I recommend that the House pass H.R. 1514, as amended.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.".

A motion to reconsider was laid on the table.

TRANSFER OF ADMINISTRATIVE AUTHORITY OVER CERTAIN LAND TO THE SECRETARY OF THE INTERIOR

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 452) to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes.

The Clerk read as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EKBERG-COPPER SPUR LAND EXCHANGE.

(a) AUTHORIZATION OF EXCHANGE.—(1) As soon as practicable after receipt of an offer from the owner, the Secretary of Agriculture shall accept title to the approximately 427 acres of land located in Pennington County, South Dakota, described as "Tract A" and "Tract B", as generally depicted on a map entitled "Ekberg-Copper Spur Ranch Land Exchange—Proposed", dated September 1989, which lands shall thereupon become part of the Black Hills National Forest and shall be administered by the Secretary of Agriculture in accordance with the laws applicable to the National Forest System.

(2) Upon receipt of title to the land described in paragraph (1), the Secretary of Agriculture shall convey to the owner of that land all right, title, and interest of the United States in the approximately 560 acres of land located in Routt County, Colorado, described as the "Copper Spur Ranch—portion to Ekberg", as generally depicted on the map described in section 1(a).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a map and a legal description of the land conveyed to the Secretary of Agriculture pursuant to subsection (a)(1), and the map and description shall have the same force and effect as if they were included in this Act.

(2) The Secretary of Agriculture may correct clerical and typographical errors in the map and legal description filed pursuant to paragraph (1).

(3) The map and legal description filed pursuant to paragraph (1) shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) RESERVATION OF EASEMENTS.—(1) The land conveyed into private ownership pursuant to subsection (a)(2) land shall be subject to the conservation easement granted to the State of Colorado (Division of Wildlife) by the United States, acting by and through the Secretary of Agriculture, dated April 27, 1988, and recorded in Routt County, Colorado (Reception Numbered 375283, Book 637, pages 1741–43), on October 6, 1988.

(2)(A) The land conveyed into private ownership pursuant to subsection (a)(2) shall be subject to easements for ingress and egress through such lands for the benefit of the United States and the public granted between agencies of the United States on May 10, 1989, and recorded in Routt County, Colorado (Reception Numbered 380443, Book 643, pages 0051–0055) and all other easements of record.

(B)(i) The Bureau of Land Management and the owner of the Copper Spur Ranch shall enter into a cooperative agreement to study the feasibility of constructing access routes as alternatives to those provided by the easements described in subparagraph (A).

(ii) Upon agreement by the Bureau of Land Management on alternative access routes, the construction of such access routes at the expense of the owner of the Copper Spur Ranch, and the conveyance to the United States of easements for use of such access routes by the United States and the public, the Secretary shall execute and deliver to the owner of the Copper Spur Ranch a release or other appropriate form of instrument extinguishing the easements described in subparagraph (A).

(d) EQUALIZATION OF PAYMENT.—If the values of the lands exchanged pursuant to subsection (a) are not equal, they shall be equalized by the payment of cash as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)) without regard to the 25 percent limitation contained in that section.

(e) DATE OF EXCHANGE.—The exchange of lands authorized by subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time is I may consume.

Mr. Speaker, S. 452, which passed the Senate of November 26, 1991, deals with a land exchange involving lands in South Dakota and Colorado.

Under the provisions of the bill, the owner of approximately 427 acres in Pennington County, SD, would transfer those lands to the United States for inclusion in the Black Hills National Forest. In exchange, the United States would transfer about 560 acres in Routt County, CO. The Colorado lands are part of a property, known as the Copper Spur Ranch, that were acquired by the United States when the owner defaulted on a Farmers Home Administration loan.

The only reason legislation is required is because the lands involved in this exchange are in different States. Otherwise, the Forest Service could complete this exchange administratively, since it will be carried out under normal requirements, including a requirement that the values involved be equalized.

The bill originally provided for another part of the Colorado property to be transferred from the Farmers Home Administration to the Bureau of Land Management, for management as public lands. Before the bill was considered in the Senate, that transfer had been completed administratively, so provisions related to that change in administration were dropped from the bill by the Senate.

When the Subcommittee on National Parks and Public Lands held a hearing on S. 452, the administration testified in favor of the bill but pointed out that because the Senate had changed it after its introduction, the title no longer accurately reflected the bill's provisions. They suggested that we should amend the title, and also indicated that the language in the bill to the effect that the exchange should be completed within a year after enactment was likely not realistic in terms of the time that would actually be required.

However, because neither the inaccuracy of the bill title nor the timeline provision would impact the actual legal effect of the bill, the Committee on Interior and Insular Affairs decided not to amend the bill—which would have meant that it would have to go back to the Senate once again.

Instead, I intend to include these very slight technical revisions in a bill to make technical corrections in various statutes, a measure that I intend to introduce and move later this year.

Mr. Speaker, the exchange authorized by this bill will benefit the management of the Black Hills National Forest. It is supported by the administration and is noncontroversial. I urge the House to approve the bill, sending it to the President for signature into law.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 452. This legislation, which has already passed the Senate, would authorize certain land transfers between the States of South Dakota and Colorado. Chairman VENTO has already described the bill in detail.

This legislation would authorize the Secretary of Agriculture to accept title to approximately 427 acres of land in South Dakota which would be added to the Black Hills National Forest. After receipt of title to that land, the Secretary would be directed to convey to the owner of that land the title to 560 acres of land in Colorado known as the Copper Spur Ranch.

This legislation is supported by the administration. During subcommittee and full committee consideration there was no opposition to this legislation.

I urge my colleagues to support S. 452.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 452.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FISHLAKE NATIONAL FOREST ENLARGEMENT ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1182) to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes.

The Clerk read as follows:

S. 1182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fishlake National Forest Enlargement Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain public lands presently managed by the Bureau of Land Management (hereafter in this Act referred to as the "BLM") are adjacent to the Fishlake National Forest and are logical extensions of the forest.

(2) Those public lands are isolated and disconnected from other BLM lands and have been identified through the land use planning process of the BLM as suitable for transfer to the Forest Service.

(3) The Forest Service currently manages much of the livestock grazing on those public lands by cooperative agreement with the BLM.

(4) Administration of those public lands as part of the Fishlake National Forest would allow for more efficient and economical management by both the Forest Service and BLM.

SEC. 3. TRANSFER.

(a) IN GENERAL.—Effective on the date of enactment of this Act, jurisdiction over public lands designated on the map referred to in subsection (b), comprising approximately

10,172.89 acres is hereby transferred to the Secretary of Agriculture. Such lands shall be added to and administered as part of the Fishlake National Forest.

(b) Map and Legal Description.—The lands subject to this Act are those lands identified on a map entitled "Fishlake National Forest Enlargement", dated March 16, 1989, and filed, together with a legal description of such lands, in the Office of the Chief of the Forest Service, United States Department of Agriculture and the Director, Bureau of Land Management, Department of the Interior. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made by the Secretary of Agriculture in consultation with the Secretary of the Interior.

(c) Boundary.—(1) The boundary of the Fishlake National Forest is hereby modified as indicated on the map referred to in subsection (b).

(2) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the Fishlake National Forest, as modified by this Act, shall be considered to be the boundary of that national forest as of January 1, 1965.

SEC. 4. RIGHTS AND PERMITS.

(a) Valid Existing Rights.—Nothing in this Act shall affect valid existing rights of any person under any authority of law.

(b) Authorizations To Use Lands.—Authorizations to use lands transferred by this Act which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture. The change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentleman from California [Mr. Lagomarsino] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1182, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1182, which passed the Senate on November 23, 1991, would transfer approximately 10,000 acres of Bureau of Land Management [BLM] lands to the Fishlake National Forest in Utah. The bill is identical to a measure (H.R. 4737) introduced in the House by Representative Orton on April 1, 1992.

In testimony before the Committee on Interior and Insular Affairs both the Forest Service and the Bureau of Land Management testified that this legislation would make the management of the lands involved more efficient. The BLM lands, which are located adjacent to the existing Fishlake National Forest boundary, have natural resources that are national forest in character and the forest service is already managing most of these resources under special agreements with the BLM. The bill is very similar to one that the House passed in the last Congress, but failed to be acted on by the Senate. Now that the Senate has acted, it makes sense for us to move this measure forward.

I urge my colleagues to support this bill which will make the management of these lands more efficient.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1182. This legislation, which has been described in detail by Chairman Vento, would transfer jurisdiction of approximately 10,170 cares of Federal land in Utah from the Bureau of Land Management to the U.S. Forest Service. This land would be managed as part of the Fishlake National Forest.

This tract of land is adjacent to the Fishlake National Forest and all parties appear to agree that the Forest Service could manage this land more efficiently. S. 1282 will have no net effect on the Federal budget and over time should result in savings because land consolidation should simplify management.

Mr. Speaker, this legislation is similar to legislation the House passed in the 101st Congress but was not enacted because the Senate did not have the time to consider it. However, S. 1182 passed the Senate last year. It is supported by the entire Utah Delegation in the House as well as the administration. I am not aware of any opposition the bill, I urge my colleagues to support S. 1182.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I would just point out that the gentleman from Utah [Mr. Orton] introduced a similar bill on April 1 of this year.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the Senate bill, S. 1182.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to consider was laid on the table.

MOUND CITY NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 749) to rename and expand the boundaries of the Mound City Group National Monument in Ohio.

The Clerk read as follows:

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96-607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

SEC. 2. EXPANSION OF BOUNDARIES.

(a) In General.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353-80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353-80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353-80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353-80033 and dated July 1987.

(b) Public Inspection of Maps.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) Adjustment of Boundaries.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park: *Provided*, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).

(d) Acquisition of Lands.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and may conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

□ 1330

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 749, the Senate bill now under consideration.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 749 would rename the Mound City Group National Monument the Hopewell Culture National Historical Park and expand the boundaries of the newly redesignated national historical park by approximately 762 acres. S. 749 passed the Senate on September 23, 1991. A similar bill, H.R. 2328, was introduced in the House by Congressman MCEWEN on May 14, 1991.

The Mound City Group National Monument in southern Ohio was established in 1923 to preserve and interpret the remains of the Ohio Hopewell, a culture which thrived along the Ohio River Valley from 100 B.C. to 500 A.D. and was characterized by a highly developed trade network that ranged much of the continental United States. The Hopewell left both a series of burial and ceremonial mounds and elaborate public works projects or earthworks comprised of massive circular and geometric embankments.

In 1980, legislation was enacted which expanded the Mound City Group National Monument by 150 acres. At that time, the National Park Service was directed to investigate other regional archeological sites suitable for preservation. Of the nearly 20 sites considered, the Park Service recommended the addition of four: Hopeton Earthworks, High Banks Works, Hopewell Mound Group, and the Seip Earthworks. These sites represent the best examples of major Hopewell earthworks and contain significant Hopewell remains.

Last spring, on part of the Hopeton earthwork site within the national historic landmark but outside the current boundary of the monument, a gravel company began removal of a 6-foot layer of topsoil in preparation for gravel mining. In the process, human bones were uncovered. These were verified as ancient, and further mining operations have been suspended while negotiations continue to prevent the national historic landmark from further destruction.

S. 749, which the administration testified in favor of, would add the four sites recommended by the National Park Service to the existing monument. These additions would enhance the monument's current resources and would protect the site from further damage caused by traffic, development, and gravel mining.

S. 749 also renames the Mound City Group National Monument the Hopewell Culture National Historical Park. The name change reflects a more accurate description of the expanded resources, which would no longer be focused merely on the ceremonial, mound-based aspects of Hopewellian life.

The bill also requires the Secretary to conduct archeological studies of three additional sites: the Spruce Hill works, the Harness group, and Cedar Banks works for possible future inclusion in the park. The Secretary is to also study other areas significant to Hopewellian culture to evaluate the desirability of adding such areas to the park.

Mr. Speaker, while gravel mining was suspended for the winter, when frozen ground prevented further such operations, the advent of spring imperils the current understanding between the National Park Service and the gravel company that further operations at this site will be suspended. The enactment of this bill is necessary to prevent further damage to important resources associated with the Mound City National Monument, and I urge my colleagues' support for the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of S. 749, a bill to expand the existing Mound City Group National Monument in Ohio. Mr. Speaker, this is a reasonable bill which has been preceded by an objective administration study in which they found that only 4 of the 112 sites they evaluated in Ross County merited inclusion within the park.

Because there has already been an administration study of many of the resources within Ross County, I find that section 4(b) of the bill, which requires the administration to duplicate previous studies, substantially unnecessary. Inasmuch as it took the administration 7 years to complete the first study, due to a lack of funding, I find these requirements particularly burdensome.

However, because the major part of the bill does provide for the inclusion of resources of merit, I can support this measure and urge my colleagues to join with me.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman from Minnesota for yielding time to me.

As you may know, the legislation we are considering today is identical to a bill I introduced last year—H.R. 2328—to rename and expand the Mound City Group National Monument, which is located in Chillicothe, OH.

Established in 1923, the Mound City Group National Monument is the only Federal area preserving and interpreting the remains of the Ohio Hopewell, a diverse and industrious culture that thrived in eastern North America between 200 B.C. and 500 A.D.

Recognizing the possible risks presented by agricultural and commercial development, the National Park Service recommended four additional sites, as outlined in the legislation, to be included in the present national monument—the Hopeton Earthworks, the High Banks Works, the Hopewell Mound Group, and the Seip Earthworks.

Although this legislation authorizes to be appropriates such sums as may be necessary to carry out the National Park Service's recommendations, I cannot overemphasize how important it is for the National Park Service and private landowners to reach a clear understanding and agreement as to the specific number of acres to be purchased in order to carry out the intent of this legislation.

Finally, Mr. Speaker, I have encountered many individuals and families who have visited Mound City and who have walked away from the visitors' center more enriched than when they arrived. This legislation will help ensure that the Ohio Hopewell's archaeological resources will be preserved for the enjoyment and education of future generations.

I commend Chairman VENTO for his efforts to move this legislation to the House floor, and yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, I urge support for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 749.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4990. An act rescinding certain budget authority, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4990), "An act rescinding certain budget authority, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON to be the conferees on the part of the Senate.

LEGAL SERVICES REAUTHORIZATION ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2039.

□ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes, with Mr. SLATTERY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 6, 1992, amendment No. 16, offered by the gentleman from Florida [Mr. MCCOLLUM], had been disposed of.

It is now in order to consider amendment No. 17 printed in House Report 102–512.

AMENDMENTS EN BLOC OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. GEKAS: Page 36, insert the following after line 16 and redesignate succeeding sections, and references thereto, accordingly:

SEC. 18. ABORTION.

(a) PROHIBITION.—Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(n) No funds made available to any recipient or other grantee or contractor of the Corporation from any source, including funds derived from Interest on Lawyer Trust Accounts (IOLTA), may be used to participate in any proceeding or litigation pertaining to abortion, or for any activity to influence the passage or defeat of any legislative or regulatory measure pertaining to abortion.".

(b) CONFORMING AMENDMENT.—Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (8).

Page 36, line 21, strike "(9) and (10)" and insert "(8) and (9)".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I will claim the 20 minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sum and substance of the amendment which I offer will be to eliminate from Legal Services Corporation and from all its entities the possibility of dealing with the most contentious issue that has confronted our society in the last generation, namely, that of abortion.

If we are to fulfill the original mandate of Legal Services in this country, namely, to provide specific and special legal services for the poor in our communities so that they can deal with the everyday problems that they face with rent problems, landlord problems, domestic disputes, street problems, and other crises that face the individual poor family on an hourly basis, it seems if that be the original purpose and the one which we wish to sustain for the Legal Services Corporation, then we cannot indulge in forever expanding the jurisdiction of, and the workload of, the Legal Services Corporation in areas beyond the original ken of what the intent of Congress was and is.

We have seen that in the issue of abortion little by little Congress has taken action to restrain its passion for engaging in the argument about abortion on either side of that volatile issue, and so in Legal Services we see a history of a prohibition against the involvement by Legal Services in the issues of abortion,and that has evolved into a place where there was a restriction placed against the use of public funds, first of all, and then, second, private funds with a special exception in IOLTA funds, the income that is generated in lawyers' trust accounts, as a quasi-public fund that was given the status of some kind of an exception to the present bill.

The bill that is before us destroys those restrictions, as it were, and puts us in a position where the Legal Services Corporation becomes a wide-open playing field for the proponents of either side of the abortion issue, or if it be more than two sides, it gives vent to even a third side or fourth side of that very contentious issue.

The amendment which I offer, in its simplest form, neutralizes once and for all, makes the Legal Services Corporation absolutely neuter and neutral on the question of abortion, preserves its focus on the poor and the services which they render for and to the poor and eliminates as a bone of contention the issue of abortion.

□ 1340

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge a vote against this amendment. I believe that this comes quite close to the vote we had on the medical issue, the restrictions involving title X a few weeks ago, and I would expect most Members would find they would be inclined to vote the same way.

My friend, the gentleman from Pennsylvania, correctly said that this is neutral in the sense that it protects against litigation that would be pro or anti on abortion. He said it would block either side and that it also might block a third side.

I would not hesitate to say to my friend that I am sure there is no third side, because if there was on an issue this contentious, about a hundred Members would have taken it. We have Members here to work very hard for the third side of some issues, so since they have not been able to find it, I doubt if we will.

But the gentleman has fairly stated it, and that is the issue.

Let me reassure Members that we are not changing in this bill the fundamental principle that has governed the issue of abortion for some time, which is that Federal funds voted for the Legal Services Corporation under the bill as it now stands, without the amendment, may not be used for abortion litigation. This is not an effort to allow Federal funds to be used for abortion litigation.

In addition, the amendment adopted last week, sponsored by the ranking minority member, the gentleman from New York [Mr. FISH] of the full committee restricts private funds from being used.

We are now in contention over this one issue. If a State acting by State law or by an entity that has got the force of State law, as the IOLTAS do, if a State or an IOLTA says, "We would like to allow poor people to be represented in abortion-related litigation and we believe the most efficient way for us to do that is to provide the funds to the existing Legal Services Corporation because we think that is the best buy we can get for our dollar," the amendment of the gentleman from Pennsylvania says to these States, "No, you may not do that."

Just as the title X regulation said to clinics, "If you take any Federal funds, you can't talk to people about abortion," this says, "If you are federally funded under Legal Services, you may not take funds to litigate abortion"—to litigate.

As the gentleman from Pennsylvania pointed out, we are neutral here. We have had situations where people have approached Legal Services, a parent, a father, asking to be represented to stop an abortion.

One thing should be made very clear. We are today in a very unsettled legal situation regarding abortion. Since 1973, when Roe against Wade was decided, there has not been a time of greater uncertainty in American law about abortion. We have many States that have passed laws. We have had an appeal for the overturning of Roe against Wade, and we have had very relevantly a series of arguments about what Roe against Wade means.

May there be a waiting period? Is there any right to a mandatory counseling period? What kind of restrictions are legitimate on minors?

If you pass this amendment, what you are saying is that the most efficient, farflung organization that now exists to provide legal services to lower income people may not represent them on either side of this question in abortion-related legislation, even if a State government thinks that is the best way to go. That is why I believe this amendment ought to be defeated.

We are not trying to put the Federal Government back in the business of litigating to get people an abortion. Some people might be for that. I have an amendment that would do that. I am not going to offer that amendment.

I believe we are not at the point where we ought to be engaging Legal Services in that degree of controversy. I wish I felt we had the votes, but I do not think that is a useful thing to do at this time; but neither should we say that we are going to prohibit a State if it wants to from asking this, or another Federal entity.

While you do not have Federal Legal Services funds being used for this, it is conceivable that under some other Federal program that might happen.

A majority of this House has voted to allow, for instance, the District of Columbia to use its own funds to deal with abortions. If the District of Columbia chose to use Legal Services, I do not understand why they should be told that is a method that is closed to them.

In the interests of efficiency, if you look at the delivery of Legal Services, that is the best way to go.

Therefore, Mr. Chairman, I hope the amendment is defeated.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in strong support of the Gekas amendment which would restrict the use of taxpayer's dollars to fund abortion-related activities by the LSC. The Gekas amendment is not pro-life, and it's not pro-choice. It's neutral. It has nothing to do with counseling, referring, or giving legal advice. It simply prohibits the use of LSC funds to litigate either side of the abortion issue.

The LSC has been prohibited from using taxpayer dollars to litigate abortion issues since 1985. This principle has been so well established that it has not even been challenged by the House in that time. But the bill we have before us today drops this language. Without this important restriction, the Federal Government will be paying lawyers to challenge State statutes concerning abortion. Considering just how controversial the topic of abortion is, allowing the LSC to pursue an abortion related agenda is nothing short of social engineering. Unfortunately for the poor, it will be social engineering at their expense.

The bill before us today would also allow the use of IOLTA funds—interest earned on clients' money—to be used for abortion-related litigation or lobbying. Under most of the IOLTA programs across the country today, interest earned on clients' funds is directed into a central pool and then disbursed by a group often consisting of the local bar. In a growing number of States, participation in IOLTA is mandatory. LSC grantees received $55 million in IOLTA funds in 1990. When IOLTA funds are used for abortion-related lobbying or litigation, it means that clients' interest monies are being used to fund a cause that many of them find repugnant, and they shouldn't be made to support this cause through the ILOTA program. Fully 80 percent of Americans, for example, support parental notification requirements for minors, and they wouldn't want to pay lawyers to challenge notification statutes.

I have no doubt that my colleagues on both sides of the issue will agree that abortion is one of the most controversial issues in our Nation today. Pro-abortion advocates insist that a majority of Americans support abortion-on-demand, but poll after poll proves them wrong. Right now, although there are heated disagreements about the nature and extent of the LSC program, the basic idea of providing legal services to the poor is not a controversial idea. Let us keep it that way. If we do not adopt the Gekas language, the broad-based support for the LSC program will erode. The President may even veto this bill. Support the Gekas amendment, and keep Government lawyers out of the abortion business.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BROOKS] the chairman of the full committee.

Mr. BROOKS. Mr. Chairman, I oppose this amendment.

An amendment adopted earlier, the amendment of the gentleman from New York [Mr. FISH] restored current law on the issue of abortion.

This amendment seeks to go even further. It would ban legal services from handling any abortion representation, regardless of the source of funding, the type of assistance to be provided, or whether the abortion is therapeutic or nontherapeutic. These restrictions apply even if assistance is needed to save the life of the woman.

The legal services program was set up to help poor people to vindicate their individual rights. Nothing is more personal or more individually focused than the exercise of one's reproductive rights.

The Gekas amendment says to poor women that they cannot get legal assistance even if they need it to save their lives. The committee bill, as amended earlier by Mr. FISH, strikes the proper balance. I strongly urge the rejection of this Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, in the Oklahoma Legislature, we have an animal called the Wooley Booger. This is one that sneaks in to unrelated bills to accomplish someone's agenda that is not consistent with the thrust of the legislation.

We have something here that is every important to a lot of poor people in this country. The legal services that are provided are very significant.

Back in 1985, in the DeWine and Humphrey amendments, it became quite evident that the thrust of this service should not be along with lines of litigating the abortion issue. We have found since 1985 that they have been violating this. I believe they have 76 cases that can be documented between 1974 and 1988 where they are directly involved in what I consider to be inappropriate activity.

Now, we are going to have a lot of opportunities on this floor to talk about the abortion issue. I happen to be pro-life, but for those individuals who are pro-choice or pro-life I suggest this treats both sides equally.

Lastly, I want to mention one other thing, and that is it has come out from the White House that there very likely would be a veto if this amendment fails.

□ 1350

I think we need to keep the interests of the truly indigent people in mind if that should happen.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to a member of the subcommittee who has worked hard on this bill, the gentleman from Rhode Island [Mr. REED].

Mr. REED. I thank the subcommittee chairman for yielding.

Mr. Chairman, I rise in opposition to this amendment. I think, first, we have to recognize that in the process of preparing this legislation and bringing it to the floor, we restricted significantly the scope of activities which the Legal Services Corporation can undertake with respect to the issue of abortion.

As the distinguished chairman of the subcommittee pointed out, we are really only talking about a State-directed program, State-funded program, or State-sponsored activity, such as IOLTA.

So we have made significant restrictions on the activities that the Legal Services Corporation can engage in with respect to the issue of abortion.

I think this amendment is fundamentally misplaced, particularly at this time, because as we are debating this amendment, throughout this country more and more legal issues are being raised with respect to access to abortion. More and more procedural devices are being put in place by State legislatures.

I think it is terribly unfair at this point in our history to erect these barriers and then to propose that we deny poor people the right to go ahead and have counsel and seek advice and to challenge some of these restrictions.

There is a proposal here today by the proponent of the amendment that this is a neutral provision in that it does not favor one side of the argument or another. But it is very nonneutral in a fundamental sense; it disfavors the poor.

We all know that the rich will have access to lawyers, we know that they will have an opportunity to go ahead and contest these questions if they feel so compelled.

But it is our task today to insure that the rights afforded the rich are available to those without income, and that is at the heart of this bill and that is why this amendment is so fundamentally unfair.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding this time to me.

Mr. Chairman, it is obvious from the last speaker that we know why there is opposition to the Gekas amendment, and that is that certain Members of this House want Legal Services Corporation to represent people in order to have access to abortion.

Mr. Chairman, why do the sponsors of H.R. 2039 persist in pretending to address the issues which make the Legal Services Corporation such a controversial entity? Why don't they just take care of the problem definitively instead?

This time the issue is proper use of funds by an organization receiving Federal funding. Basically, the LSC should not be involved in activities that the Federal Government does not approve of, such as abortion. Those who argue for separating Federal and non-Federal dollars and imposing restrictions only on the Federal dollars know very well that this is merely a way of circumventing those restrictions.

The fact is—and lawmakers need to accept this once and for all—if the Federal Government provides financial support for an organization, then it indirectly endorses that organization's practices and actions. If we do not want to be involved in certain activities, then we should not be funding those organizations participating in them. Pretending that because funds are received from different sources, they can be used in separate and distinct ways, only masks that fact.

H.R. 2039 plays this game by permitting the use of private and non-LSC public funds for abortion litigation, but not permitting the use of Federal LSC funds for this purpose. The Federal Government has consistently tried to exclude itself from activities supporting or endorsing abortion, and it should continue to do so.

The Gekas amendment does exactly this, by prohibiting all LSC funds, public or private, from being used to litigate on either side of the abortion issue. The Legal Services Corporation thus will not be associated in any way with this highly controversial issue.

I urge my colleagues' support for the Gekas amendment to keep the LSC out of the abortion debate, where it does not belong.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another Member who worked hard on this bill, the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. I thank the gentleman for yielding this time to me.

Mr. Chairman and colleagues, I rise in opposition to the Gekas amendment. I want to make two points to my colleagues. I ask them to think about a couple of votes that they have taken in the past couple of weeks and to be consistent with the principles and concepts behind two of those votes.

A couple of weeks ago we passed repeal of the gag rule. The House overwhelmingly did so, and we said that in doing such we did not want to be interfering with the doctor-patient relationship, especially the privileged communication.

Well, if we look at the Gekas amendment, we have a similar concept involved here, where we have lawyers-and-clients relationships and we have honored and respected that personal communication between both through the years. It is a very important doctrine that we upheld.

So, in asking Members to be consistent, I want you to think in terms of this amendment interfering, if it passes, it would interfere more so again with this important privileged communication.

The second vote was the vote on the McCollum amendment just last week relating to the Legal Services bill, where Mr. MCCOLLUM tries to say in a broad-range appeal that whatever the restrictions are on Federal funding of Legal Services, so too would they apply even from private resources or State appropriations.

Well, the House there overwhelmingly rejected the McCollum amendment. What I am asking today is for consistence, consistency in the fact that here in the Gekas amendment we have a very narrow, limited directive of imposition by the Federal Government in how a local or a State entity may fund, spend their money in terms of Legal Services.

So we are asking for consistency and to be consistent with your vote; if you voted to repeal the gag rule, you should vote against Gekas, and if you voted against Mr. MCCOLLUM'S amendment, to be consistent you would vote gains the Gekas amendment.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would advise Members controlling the time that the gentleman from Pennsylvania [Mr. GEKAS] has 11½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 9½ minutes remaining.

Mr. GEKAS. I thank the Chair.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

Mr. Chairman, I rise in strong support of the Gekas amendment—an amendment that I believe both pro-lifers and those who support abortion can support because it effectively gets the Legal Services Corporation out of the abortion debate entirely.

It seems to me that every dollar diverted from the poor to underwrite abortion litigation—for either side of the issue—is a dollar that is unavailable for the legitimate and compelling legal interests of poor people.

Anything short of enactment into law of the Gekas amendment rips off the poor by reducing funding for less well-off people.

Anything short of Gekas politicizes the LSC and makes it a functionary—a tool—of a special-interest lobby. I hardly think Americans want a program designed for the poor abused like that.

It seems to me that using LSC resources to wage legal battles against parental consent or parental notification statutes—types of laws that are supported by over 80 percent of Americans—is an unconscionable misuse of scarce funding.

Yet it is happening. And if Mr. FRANK has his way, proabortion advocacy by the LSC would increase. And the losers, of course, would be the poor, and the program designed to help them.

If proabortionists want to challenge a State or Federal law that protects the unborn, or prohibits funding for abortion, or provides for informed consent, parental involvement, or spousal consent, let the ultrarich abortion industry subsidize that kind of litigation. Not the taxpayer.

According to a review conducted by the National Clearinghouse for Legal Services, between 1974 and October 20, 1988, LSC grantees initiated 76 cases challenging restrictions on Medicaid funding of abortions or laws requiring parental involvement in minors' abortions.

Mr. Chairman, let those who dismember the fragile bodies of unborn children or chemically poison these kids for profit, let the abortion industry foot the bill for this kind of litigation.

Mr. Chairman, in like manner, if prolifers want to challenge a law or bring legal action relevant to abortion, let my pro-life friends find another well to tap.

The point is, Mr. Chairman, the poor are ill served when the very modest means at their disposal for legal aid is raided to fund abortion-related litigation.

I think it is significant, Mr. Chairman, the LSC Board of Directors itself, is foursquare against any involvement in abortion—pro or con—by the Corporation.

This past April 6, the Board in a unanimous vote approved a resolution which said in part,

> The Board of Directors of the Legal Services Corporation believes that LSC-funded recipients should be barred from using LSC, IOLTA, other public funds, or private funds for the provision of abortion-related legal services * * *

Finally, the Gekas amendment addresses the misuse of interest on lawyers trust accounts [IOLTA] funds for abortion litigation.

Regrettably, the alleged nonapplicability of current abortion-neutral law to IOLTA funds—some estimates put this source of funds at $50 plus million—has resulted in LSC recipients using their accounts to litigate against parental involvement laws.

This abuse simply cannot be tolerated. And the Gekas reforms redress this loophole in the law.

The use of IOLTA funds to finance abortion-related cases means that people on both sides of the issue are at risk of having their interest moneys used to advance a position they don't support.

The Gekas amendment is fair and balanced and deserving of support by Members on both sides of the abortion controversy.

□ 1400

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds to say that one good thing that has come out of this amendment: Members have come to this floor to speak on behalf of Legal Services who have not previously done so, and I am glad to have their testimony about how much more money Legal Services needs. We will remember it at an appropriate time.

I would point out, however, that their testimony is inappropriate on this amendment because we are not talking about 1 cent of Legal Services' funds going for this issue. The question is whether the Legal Services Corporation should be allowed to accept additional funds voted by a State. Nothing in what we are talking about today will affect the funds of the Legal Service Corporation itself.

Mr. Chairman, I yield 3½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] for yielding this time to me.

Mr. Chairman, this amendment is an expansion of the gag rule which this House has just recently rejected. Under the gag rule, any health professional is gagged from telling a poor woman who uses a Federal health care clinic her legal right to an abortion, and a lot of us warned at that time and during that debate that, if this Government can gag a health care worker, this Government can gag anyone, and that is what the amendment of the gentleman from Pennsylvania [Mr. GEKAS] is about.

Mr. Chairman, the gentleman from Pennsylvania and the gentleman who have spoken, they are interested in gagging lawyers who work in Legal Services.

Mr. GEKAS. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. Mr. Chairman, I will be happy to yield to the gentleman when I am finished with my statement.

So, what we see here is an expansion of the gag rule, and what is so amazing is it comes from people on the other side of the aisle who are always decrying big government, and here they are once again suggesting that State funds and local funds cannot be used for something that they do not approve of. I think that needs to be rejected in the name of local control.

I would also say at this point that this is a very, very cruel amendment, a very cruel amendment. Suppose a woman comes into the Legal Aid Society in my district or the gentleman's district, and she is a victim of rape, and under the law in her State she has to prove that she was raped. So, she comes in looking for a lawyer. She is too poor to hire one. She cannot get one. Suppose it is a young person who is the victim of incest by an alcoholic father or uncle. She will be turned away and cannot get legal help.

Mr. Chairman, this is cruel, and to hear the gentleman from New Jersey [Mr. SMITH], my colleague, say that we are using poor people, those of us who are pro-choice, is unbelievable because I think this amendment abandons poor people, certainly sets up again a dual system of justice, and that is wrong.

So, Mr. Chairman, I hope that this House will do what it did when we voted on the gag rule; that we will say no to big brother government which wants to interfere in people's lives. They always say they want to get off the backs of people. Well, they are getting into the most personal, private decisions of people who need their Government by their side when they are the victims of rape or the victims of incest.

As the author of the Violence Against Women Act, I hope that we absolutely turn this down in overwhelming numbers.

Mr. GEKAS. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I thank the gentlewoman from California [Mrs. BOXER] for yielding to me.

Insofar as the gentlewoman is asserting that the Gekas amendment is a gag rule, I suppose she is referring to the fact that we are not going to be permitting funds to be used for legal services to advise people on an abortion. If that is the case, does the gentlewoman recognize that she, and all of us, voted for the amendment of the gentleman from New York [Mr. FISH] which prohibits or refers back to a situation where public funds will not be used for legal services for nontherapeutic abortions, meaning that the gentlewoman has endorsed the gag rule, insofar as that part is concerned, for what we present to be the law of the land?

Mrs. BOXER. Mr. Chairman, that was dealing with private funds. The gentleman well knows he is expanding this, and the gentleman also well knows; of course he knows because he wrote it, that he is trying to tell people in State and local governments what to do, and I think, coming from that side of the aisle, that is kind of outrageous.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong support of the Gekas amendment. I think it is important to note that in April of this year the Legal Services Corporation unanimously adopted a resolution stating its position on grantees' involvement in abortion-related activities. The resolution specifically states that LSC-funded recipients should be barred from using LSC, IOLTA, other public funds, or private funds for the provision of abortion-related services.

The Gekas amendment will preserve the current policy of prohibiting the use of LSC funds to litigate on either side of the abortion issue. H.R. 2039 fails to incorporate the language of the DeWine-Humphrey amendment, which has been a rider in the annual Commerce-Justice-State appropriations bill every year since 1985. This rider is so well accepted that its extension has not even been challenged in either House of Congress since 1985. There is no justification for failing to codify the DeWine-Humphrey provision in this reauthorization bill.

Mr. GEKAS' amendment will also preserve the current policy relating to the use of private funds by LSC grantees to litigate or lobby on the abortion issue. This policy has been part of the LSC statute since 1974, and it should be retained.

Further, this amendment will bar the use of interest on lawyers' trust accounts or IOLTA funds by LSC grantees to engage in abortion-related litigation.

The Gekas amendment will keep LSC out of the abortion debate—on either side of the issue. I urge my colleagues to support this abortion-neutral amendment and to not accept a substitute amendment in any form.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to the Gekas amendment. I find it frustrating that, a week after this body voted to take the gag off doctors, we are now considering placing a gag on federally funded lawyers. The Gekas amendment would prohibit the use of Legal Services Corporation [LSC] funds to assist low-income Americans with abortion-related cases. Make no mistake about it; this amendment discriminates against the poor. I urge my colleagues to oppose it.

When it comes to placing restrictions on abortion, it seems that poor women are always the first target. Since they have no money to purchase private medical or legal services, they are subject to having their rights manipulated by those who will do anything to chop away at the right to choose, including taking away the rights of the most vulnerable in our society.

The goal of the Legal Services Corporation is to provide the poor with the opportunity to have legal representation regardless of the content of the case. Yet, the Gekas amendment would eliminate entirely the ability of Legal Services attorneys to assist women protect their legal rights with respect to abortion. Not only would poor women be denied federally funded legal services to fight a case to obtain abortion services, they would also be denied legal assistance if a doctor performed an abortion without their consent, if a Doctor botched an abortion, or under a State parental notification law. Under current law and under the bill we are considering today, Federal funds could be used to support such cases. That policy should be allowed to continue.

This amendment would impose blatant discrimination against poor women. Like the gag rule on title X clinics, the Gekas amendment creates a two-tiered legal system in which poor women are denied access to legal representation that middle and upper class women can afford to purchase privately.

Furthermore, the Gekas amendment applies to both public and private funds, usurping the rights of States and private donors to determine appropriate uses of their funds. This goes far beyond current law which restricts the use of Federal and non-Federal funds only in cases involving nontherapeutic abortions.

H.R. 2039, as approved by the committee, treats poor women with respect and dignity. It allows LSC funding for all abortion cases—those favoring abortion rights and those opposed to it. Under the bill, a woman and her legal representative could review all legal options and determine the best action to take. This decision would be based on solid legal foundations rather than the politics of the abortion debate.

A solid majority of this House voted to remove the gag on federally funded health professionals. Let's not forget that vote. I urge my colleagues to vote against imposing a similar gag on federally funded attorneys and legal services.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I simply want to plead with my colleagues not to burden this bill down with the most controversial issue facing the country today, abortion.

Mr. Chairman, poor people need lawyers like they need doctors, but what this bill does is coerce millions of taxpayers into providing their money to subsidize abortion litigation, something that is offensive to them, something which, in their view, and a view that I share, is the extermination of an innocently inconvenient, unborn life.

Yes, there are botched abortions. The gentlewoman from New York [Mrs. LOWEY] spoke about those. The most recent one I heard of is where the abortionist cut the arm off of the little unborn child, and the child was born missing an arm. Happily, the child lived. But we are trying to protect innocent, vulnerable, and defenseless unborn life, and trying to say no to coercing taxpayers to let their money be used to subsidize the killing of unborn children.

□ 1410

Mr. Chairman, think of the child once in a while. We ask Members to please support the Gekas amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL]

Mr. CAMPBELL of California. Mr. Chairman, on the question of a fundamental right, I admire and respect those who disagree with me. I profoundly believe that the fundamental right is the woman's to decide for herself on this most important and personal issue, but if you disagree with that, I respect it. That is a disagreement that is profound and deep in this country.

But one point that is not in dispute is that the U.S. Supreme Court as of this moment still says that a woman has that fundamental right. To put an imposition upon a woman's exercise of that right, to say that she may not utilize the services of the courts in a particular way if she does not have the money, is to infringe upon the access to the courts that is her right as long as the Supreme Court still maintains that fundamental right.

Mr. Chairman, this is particularly important now because, with the prospect of Roe versus Wade being modified by the Supreme Court, it will be cases of the sort that poor women can bring that will test the kinds of restrictions that will be permitted in the years to come. If we frame the debate by saying certain classes of women shall not be permitted because of their financial condition to raise these issues, then the debate is truncated and the debate is not as full and fair as it ought to be. We will have that debate in the ensuing months in the Supreme Court.

Mr. Chairman, I rise to raise one last issue. I am a pro-choice Republican. I am proudly Republican and proudly pro-choice. I wish it to be understood that pro-choice Members of my party are increasing in their numbers. We believe that an issue of this importance should be left to the individual precisely because we as Republicans value the individual and we do not wish the Government intruding.

We do not wish the Government intruding on business decisions. We are first to oppose Government intruding when it comes to conditions of the workplace. Why not when it comes to deciding a most personal and fundamental issue, an issue which is also deeply involved with religious freedom as well.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will advise Members controlling debate that the gentleman from Massachusetts [Mr. FRANK] has 1½ minutes remaining, and the gentleman from Pennsylvania [Mr. GEKAS] has 5½ minutes remaining. The gentleman from Massachusetts [Mr. FRANK] has the right to close debate.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, this amendment has been characterized in various terms. It has been called manipulation. It has been called an assault on a woman's right to choose.

Balderdash. This is just attempting to keep in place policy that has been in every year since 1985 in order to keep Legal Services out of the abortion controversy.

Those who wish to terminate the lives of the preborn will go to any length it seems to get more taxpayer money in to fuel that engine. If it is not family planning funds they are going to try to coerce, then it is this, Legal Services funds.

Mr. Chairman, that is a gross policy miscalculation that will undermine support which is already tenuous for this whole concept of a Legal Services Corporation financed by the taxpayers.

Mr. Chairman, the Gekas amendment merely preserves what has been the status quo for years by keeping Legal Services out of the abortion controversy and keeping taxpayer funds out of that.

Mr. Chairman, we have a $400 billion annual national debt this year. We have a $4 trillion cumulative national debt. Why are we talking about spending more taxpayer money in this fashion? We need a tourniquet to help stop the flow. This amendment represents that.

Mr. Chairman, I urge a "yes" vote on the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was interesting to me and it is worth repeating that some of the speakers on the side of rejecting the Gekas amendment have pointed to the magic language in their minds of gag rule. Yet if this Gekas amendment should be defeated and then we come to a final vote on this legislation, the very same people who are talking about what they consider to be a gag rule and which they think they have rejected by the Gekas amendment will be adopting at least a partial gag rule, which they do not seem to feel is bad enough to oppose, mainly the one that is embedded in the language that has been adopted by this body as an amendment to the Frank proposal which is before us. So that has to be made abundantly clear.

Moreover, we reemphasize and we cannot emphasize it enough what we are talking about here is the preservation of and the funneling of moneys directly to the poor that are allocated, those precious resources which we have so much difficulty in allocating for services to the poor.

Mr. Chairman, we maintain that if you do not adopt the Gekas amendment, you will be opening the world of Legal Services to untold controversy and conflagration like we have never seen before.

Mr. Chairman, keep abortion out of it, is what we are saying.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I must respond to the distinguished gentleman from California [Mr. CAMPBELL] who asserted his pride at being a pro-choice Republican.

Well, I respect that. I am proudly a pro-life American, human being, and Republican, and I am always somewhat amused at the libertarianism, the genteel anarchy of those who say "Keep the Government out."

Mr. Chairman, I would like the Government to stay out of many things. But some things the Government is the last resort on. Protecting the weakest, most defenseless human beings in creation from annihilation is the duty of Government.

Government exists to protect the weak from the strong. It is the children of the poor that we can save, thank God. The children of the rich are at risk and can be terminated, but the children of the poor deserve consideration.

Mr. GEKAS. Mr. Chairman, I must reluctantly reclaim my time.

Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. MAZZOLI].

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] is recognized for 45 seconds.

Mr. MAZZOLI. Mr. Chairman, let me just say I rise in support of the Gekas amendment and in opposition to the amendment soon to be offered by the gentleman from Massachusetts [Mr. FRANK]. I do so on two grounds.

First, substantive. I do not think that Legal Services Corporation should be in the business of abortion-related activity, pro or con. The amendment of the gentleman from Pennsylvania solves that problem.

But I also support the Gekas amendment and oppose the amendment of the gentleman from Massachusetts [Mr. FRANK] on tactical grounds. I would like this bill to pass and become law. With these changes that the gentleman from Massachusetts proposes and that the bill proposes, my fear is that we will get a bill which will suffer a veto and the override will fall short.

Mr. Chairman, let us pass a bill that the President can sign and we will have a legal services program. Let us support the amendment of the gentleman from Pennsylvania [Mr. GEKAS] and oppose the amendment of the gentleman from Massachusetts [Mr. FRANK]. Mr. Chairman, let us move ahead with the bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. WASHINGTON] to close debate on behalf of the committee position.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. WASHINGTON] is recognized for 1½ minutes.

Mr. WASHINGTON. Mr. Chairman, during the colloquy between the Republicans I was almost about to yield some time every once in a while to get a good spirited debate among my colleagues on the right side of most debates.

Mr. Chairman, the gentleman from California [Mr. DOOLITTLE] proved once again that beauty is in the eye of the beholder because he talked about a lot of things that we are not talking about.

But what you are not talking about is the fact that this bill takes away from the States the right to make the decision for themselves. How dare the Congress tell the smart men and women, the intelligent men and women, the courageous men and women who work tirelessly as State legislators that they may not appropriate funds for this purpose. How dare you.

How dare we as a Congress say we are smarter than the 50 State legislatures and we can tell them what they ought to do.

There are no Federal funds involved in this, and the gentleman from Pennsylvania [Mr. GEKAS] knows there are no Federal funds involved in this.

The bottom line issue is whether with respect to being for or against abortion, that is not the question. Suppose some young man who happens to be poor, who happens not to be able to afford a lawyer, wants to go into court to try to get an injunction in a State court of Federal court in order to prevent some woman from obtaining an abortion? You are telling him if the State legislature in the State of Texas in its wisdom decides to appropriate funds to supplement the paltry amount we give for Legal Services in Texas, that they might not take those funds, given the fact that the State legislators made a decision that they perhaps want to make those funds available to this poor young man so he can go into court and litigate the issue with respect to the abortion as he sees fit, that he does not have the right to do that.

□ 1420

How dare the Congress of the United States cut off the States' rights. I believe in States' rights. The States have rights.

Let us not take the States' rights away. Let us give them the right by defeating the Gekas amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Gekas amendment to the Legal Services Corporation Authorization Act. This amendment would prohibit agencies that provide legal services to the poor from using any funds, whether Federal, State, or local or private, for litigation or any other proceeding that pertains to abortion. In addition, this amendment effectively silences poor women by denying them the opportunity to lobby their own elected representatives on their right to choose, an issue which so directly affects their own well-being.

Mr. Speaker, the poor women of America deserve better than this from the Federal Government. This body just 2 weeks ago told poor women that they can be trusted to hear their health care options and then make the choice that is most appropriate for them. And now this amendment would say to them—reproductive choice may be your right but we will not help you protect it or assist you in defending it.

By prohibiting agencies from using Federal, public, private, or interest on lawyer trust accounts [IOLTA's] funding for abortion related activities, this amendment would operate like the gag rule. It would severely chill the willingness of legal services agencies to provide advice and counsel to poor women, not only with respect to abortion, but also for family planning and other health-related litigation.

As I said during the debate on the gag rule—the women of America will not allow this Congress to take away their opportunity to think, to hear, and to decide for themselves.

I urge my colleagues to vote against this amendment.

Ms. NORTON. Mr. Chairman, one of the great programs of the Great Society, Legal Services for the poor, added vital substance to equality under law by opening the courts and other legal processes to poor people. It is impossible to overestimate the importance of this breakthrough in a country where legal services are routinely denied to the middle class and poor alike because of inability to pay. Yet our country has 723,189 lawyers, 1 for every 340 people—more than any other country in the world. The denial of elementary access cannot be justified in a country where the law has assumed outsized proportions and we have overproduced lawyers. The modest reauthorization before us does little more than nurture the hopes of poor people that due process and nonviolence can redress their grievances.

I ask that we not encumber the Legal Services Corporation, which is already burdened with restrictions reserved only for the poor. The Gekas amendment, which would forbid recipient agencies from using any Federal, public, or private funds for litigation or lobbying pertaining to abortion, is gratuitous, intrusive, and disrespectful of the lawyer-client relationship. The Legal Services Corporation already interprets its law to bar the use even of private money for abortion-related legal activities except where the issue involves therapeutic abortions raising no issues of moral or religious belief.

Above all, Congress should not repeat the District of Columbia error. The District government is forbidden to use its own tax raised funds for abortions for poor women even when no Federal funds are involved. Therapeutic abortions unavailable to poor women have included HIV patients at D.C. General Hospital who have been pregnant more than once.

This denial must not be extended beyond the District of Columbia appropriation, and we must work to remove it from there. The Gekas amendment for the first time would keep a State or local government from spending its own funds for abortions. Congress can claim jurisdiction over its appropriated funds, but limiting States, cities, and private organizations undermines the sovereignty and the rights of these entities and compounds the harm done to the fundamental privacy rights of women.

Poor women are already denied equality of reproductive choice—with or without legal services. Let us leave them be. Let us get on with the revival of Legal Services for the poor by approving the reauthorization of the Legal Services Corporation.

The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GEKAS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 216, answered "present" 1, not voting 29, as follows:

[Roll No. 115]

AYES—188

Allard
Allen
Annunzio
Applegate
Archer
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bilbray
Bilirakis
Bliley
Boehner
Borski
Broomfield
Bruce
Bunning
Burton
Callahan
Camp
Clement
Clinger
Coble
Coleman (MO)
Combest
Cooper
Costello
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Dickinson
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Edwards (TX)
Emerson
English
Ewing
Fields
Fish
Gallegly
Gaydos
Gekas
Geren
Gillmor
Gingrich
Goodling
Goss
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (SD)
Johnson (TX)
Kanjorski
Kaptur
Kasich
Kildee
Kyl
LaFalce
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lowery (CA)
Luken
Manton
Marlenee
Martin
Mavroules
Mazzoli
McCollum
McCrery
McDade
McGrath
McMillan (NC)
McNulty
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nowak
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Perkins
Peterson (MN)
Petri
Poshard
Quillen
Rahall
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff

NOES—216

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Aspin
Atkins
Bacchus
Beilenson
Berman
Bevill
Blackwell
Boehlert
Bonior
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Coleman (TX)
Collins (MI)
Condit
Conyers
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Morrison
Nagle
Neal (NC)
Nichols
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Pickett
Pickle
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington

Waxman
Weiss
Wheat
Williams
Wilson
Wolpe
Wyden
Yates
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—29

Ackerman
Alexander
Armey
AuCoin
Barnard
Bereuter
Bryant
Byron
Collins (IL)
Dannemeyer
Dymally
Engel
Hayes (LA)
Jefferson
Jenkins
Kolter
Levine (CA)
Lightfoot
McEwen
Moakley
Mrazek
Oakar
Staggers
Tallon
Torricelli
Waters
Weber
Whitten
Wise

☐ 1443

The Clerk announced the following pairs:

On this vote:

Mr. Armey for, with Mr. AuCoin against.

Mr. Lightfoot for, with Mr. Engel against.

Mr. LEHMAN of Florida and Mr. PICKETT changed their vote from "aye" to "no."

Mr. LAUGHLIN changed his vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 19 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STENHOLM: Page 21, strike lines 14 through 16 and insert the following:

that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes, and the gentleman from Texas [Mr. WASHINGTON] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I am offering an amendment today to the LSC reauthorization bill to prohibit Federal legal services recipients from participating in any redistricting activities. While the committee bill does partially address this issue by restricting Legal Services attorneys from taking part in congressional and State legislative redistricting activities, it falls short of a total prohibition which is sorely needed. As many of my colleagues in this body are painfully aware, redistricting is inherently political and it is my firm belief that LSC attorneys should in no way be involved in any political activities.

Precisely because of this and other controversial activities, the Congress has been reluctant to spend its scarce Federal dollars on legal services to the poor. Legal Services attorneys may think they are helping the plight of the poor by involving themselves in redistricting and other political activities, but I think it's quite the contrary. Sad to say, that in the end, these program activities only hurt those who the program is designed to help, the poor.

I am here today not only with philosophical reasons for prohibiting redistricting, but also because of what has happened in my district and I am sure in many others. In Taylor County, TX, in which lies the largest city of the 17th Congressional District, Abilene, a very recent county redistricting challenge was made by a LSC attorney. He contended that the Taylor Commissioners precincts were unfairly drawn to dilute minority voting strength although the commissioners had approved a plan which increased minority voting strength in one precinct to 40 percent.

Redistricting litigation is usually undertaken by political parties and special interest groups. Why are Legal Services attorneys getting involved in these cases, especially when Federal dollars are scarce and the American Bar Association complains that 80 percent of this country's poor civil legal problems are not being addressed? According to the Texas State Bar, more than 18 percent of Texans live in poverty. A survey of low income households conducted by the Bar in 1990 showed that 45 percent have at least one potential civil legal problem in the preceding year.

Of the 2.2 million potential legal problems identified through a telephone poll, 1.5 million, 69 percent, were unmet, the poll showed. In west Texas, 15 percent of households live beneath the poverty level and 63 percent of those had unmet legal needs, the survey showed.

Recently in Abilene, local attorneys met to debate this problem. One attorney said that he "believe[d] there are available services now available through existing services to provide the assistance if the people really need them." "However, he continued, Abilene attorneys sign up with West Texas Legal Services to provide free legal services for the poor, but many are never called."

I believe that the reason these attorneys are never called is because LSC attorneys are pursuing their own political agenda, at the expense, literally, of potential legal services clients. Frankly, I seriously question their desire to help those they are paid to help. And, it is why I am here today to ask you to support my amendment to prohibit all levels of legislative or judicial redistricting.

☐ 1450

Mr. WASHINGTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of section 9 of the House Judiciary Committee bill which establishes limitations on legal services program participation in redistricting cases, and urge my colleagues to reject the amendment proposed by Mr. STENHOLM which would substantially and, in my view, inappropriately expand those limitations to cover work on issues of purely local concern.

The committee bill amends the current LSC Act to prohibit legal services programs from using either LSC or private funds to participate in advocacy or litigation involving reapportionment of congressional or State legislative districts. While the committee clearly understood that State and congressional redistricting affects basic rights under the Constitution and the Voting Rights Act, it also correctly viewed involvement in these matters as inherently partisan in nature, likening it to political activity which is prohibited elsewhere in the bill. The committee also recognized that past participation in State and congressional redistricting cases had undermined critically needed support for the legal services program in Congress and elsewhere. The committee was also convinced that the concerns of the community served by legal services were similar to those addressed by the national civil rights organizations involved in statewide and congressional redistricting cases.

Nevertheless, by a bipartisan vote of 22 to 11, the committee rejected an attempt by Mr. MCCOLLUM and others to extend the restriction on redistricting representation to cases which involve purely local concerns and to include census challenges within the scope of the prohibition.

In so doing, the committee recognized that local elected bodies, such as school boards, city and county councils, public health and hospital district boards and other similar entities, whose members are often elected in nonpartisan contests, make vital decisions that involve the allocation of scarce government services and benefits. Those decisions often have a disproportionate impact on the lives of poor people who may be more dependent on Government programs than are their wealthier neighbors. The actions of those local bodies affect the daily lives of poor people in far more significant ways than anything that we in Congress or our counterparts in State legislatures do.

The vast majority of redistricting cases handled by legal services programs deal with these local issues. Most of these cases originate in areas of the country, particularly the South and Southwest, where poor people, black people, and Hispanic people have been effectively disenfranchised, in violation of the Constitution and the Voting Rights Act. Local elected bodies in these communities are often unresponsive to the needs of the poor whose votes are diluted by local electoral systems that eliminate candidates who might better represent their interests, regardless of political party.

Legal services programs bring these local redistricting cases, not to benefit any specific political party or to elect any particular candidate, but to enforce the legal rights of their clients and to ensure that the voice of the poor community is heard. In my view, that is exactly the kind of activity that Congress intended this program to undertake, and we should take no action to limit its ability to do so.

Once again, I urge you to support the Judiciary Committee bill's redistricting provision and to reject the Stenholm amendment that would extend the prohibition far beyond anything that is necessary to protect against inappropriate political involvement or justified by the reality of legal services practice.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the gentleman's amendment, because I happen to find no basis for distinguishing between the races and the redistricting involved in the Federal and the State offices and those in the local ones.

In my area of the country, the county commission races, for example, are virtually partisan races. Many of the school board races are partisan races. Some of the city races are partisan races.

The fact of the matter is I cannot see the difference when it comes to distinguishing between Federal offices, congressional offices, and State offices and local offices as far as redistricting is concerned. It seems to me that what we should be doing out here today is following the guidelines that the Legal Services National Board has adopted by regulation that prohibits redistricting activities on the part of Legal Services lawyers at all levels of the Government. That regulation, so far, has been sustained in the courts. That is not something in law.

There is a good question as to whether it would become sustained all the way through, but I suspect it would be. In any event, it is very good public policy. We do not need to have Legal Services lawyers involved in anything that is highly political.

We need to get them back to their bread-and-butter basics. They need to be representing the poor in landlord-tenant matters, domestic matters, matters of contract dispute, matters of personal injury and worker's comp and things of that nature where the poor really could be served by the lawyers in the limited resources that are available.

We need, again, to get them away from those highly political activities that draw fire to this agency that cause criticism of it, and it seems to me that there is just no way to distinguish the entities at the county level, for example, from the State level as far as redistricting activities are concerned. They are inherently political in nature. They are inherently controversial in nature.

I urge adoption of the Stenholm amendment to make it clear once and for all that this body and this Congress are opposed and do not approve of, in fact, will, indeed, restrict the activities of Legal Services lawyers in the field of reapportionment and redistricting.

Mr. WASHINGTON. Mr. Chairman, it is my distinct pleasure to yield such time as he may consume to a great American and a wonderful Texan, the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I want to thank my distinguished friend for yielding me this time.

But I want you to be sitting down now, and I want the gentleman from Texas [Mr. STENHOLM] to be sitting down, because at this point, I am going to support the gentleman from Texas [Mr. STENHOLM]. I do not want you all to be too nervous about it, but I do rise in support of this amendment.

I will tell you why: I am sympathetic to redistricting problems. I have been through more than any of you here have been through, more redistricting problems.

My district one time ran north and south, and they changed it in the middle of the night on a Saturday night and ran it east and west and gave me a rich Democratic opponent. He retired; he was a wonderful man. He was one of the finest men I ever knew.

I know about redistricting, and it just is not practical to try and handle those kinds of cases with Legal Services programs.

When we had a little redistricting problem this year, I did not turn to the Legal Services departments to get our legal help to resolve our problem in Texas, and I do not imagine you did either. It worked better with the kind of lawyers we picked.

In truth, if this bill allows any Legal Services program to take on redistricting cases in any form, we are going to doom this bill. There is just too much at stake. There are too many poor people, black and white, Hispanic, sick and well, and old and young, whatever, who take such a risk. They need the benefits that will flow from this bill.

Why take that risk for them? Why take the risk on what we know will be a very limited number of redistricting cases that might be brought under the local priority system of the Legal Services programs?

So I would urge my colleagues to support this amendment and pass this bill.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, at the risk of making this seem to be a Texas issue, it is well known that the Legal Services Corporation needs wide scale reform, as it has not been carrying out its original mandate for some time. It is for this reason that I rise in support of Mr. STENHOLM'S amendment prohibiting legal services attorneys from participating in redistricting activities at any level of government.

Redistricting always initiates fierce political battles, and to my mind, there is no sane reason why federally funded lawyers should be involved in these fights, spending scarce tax dollars—especially when countless needy citizens looking for legal assistance are turned away for lack of funds.

To give Members a sense of what happens when legal services become involved in redistricting cases, here are some examples of how our tax dollars were spent during the 1980's redistricting process:

A legal services program in Texas was awarded a $180,000 grant to establish a voting rights project. They hired an experienced litigator to run the project and bought a specialized computer. They handled about 20 redistricting cases, challenging both the State and congressional redistricting plan.

A Mississippi legal services program hired a redistricting consultant with Federal funds and purchased nearly $5,000 of computer time and software to analyze proposed redistricting plans.

A legal services support center received a $100,000 Federal grant to provide assistance to legal services field programs about the impact of the 1980 census. They refused to allow any monitoring of their project and failed to submit a written report, required by the terms of the grant, after the project's completion.

This is not what the LSC was created to do. With the LSC spending its Federal funds in this way, no wonder 80 percent of the legal needs of the poor are not being met—according to the American Bar Association. H.R. 2039 pretends to address this issue by prohibiting redistricting activities at the Federal and State level, but it does not include local and judicial districts, as it should if the sponsors of this bill truly wanted to improve the way legal services are provided in this country.

I urge your support for this amendment to steer the LSC back in the right direction, away from an improper and wasteful use of taxpayers' hard earned dollars.

☐ 1500

Mr. WASHINGTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I rise in opposition to this amendment offered by my good friend, the gentleman from Texas [Mr. STENHOLM], and despite the revelations of my good friend, the gentleman from Texas [Mr. BROOKS], the chairman of the committee, I rise to oppose the amendment.

I come to this issue with some degree of experience, but I do think, though, the amendment although well-intentioned, goes too far.

As written, section 9 of the Judiciary Committee bill already prohibits the LSC or private funds to be used to litigate cases on State and congressional levels under the Voting Rights Act. We know that these cases are often highly charged, very partisan, pitting political parties against one another. We are currently witnessing that as we are going through redistricting.

The amendment of the gentleman from Texas [Mr. STENHOLM] would extend the ban to all legislative and judicial or elective districts at any level or government, including local boards of alderman, local school boards, local hospital boards, local water association boards and the like.

At the local level, many of these cases are often nonpartisan. At the local level most of these cases aim to insure that local governmental bodies are responsive to all citizens. Most of these cases are not handled by civil rights groups who concentrate on State and Federal cases, cases with great national impact. We know that private practitioners do not have the resources, many do not have the expertise to take up these cases, most of which would take long years to complete.

So in fact, Mr. Chairman, I say that if they are not handled by Legal Services attorneys, more often than not they will not be handled at all, and the voting rights of citizens at the most basic level of government will still go unprotected.

In conclusion, Mr. Chairman, this amendment would effectively eliminate the opportunity of poor people and minorities to participate in their local government in a very meaningful way, so it would deny access, and that is something that none of us should be for. By denying representation by Legal Services to protect their voting rights, this Congress will be in effect denying those rights. Without the representation of Legal Services, again their access to the courts and to the justice system would be denied.

Mr. STENHOLM. Mr. Chairman, I have no further requests for time.

I would again urge my colleagues to support this amendment. It is another of the several amendments that we have offered that we believe will strengthen and enhance the true meaning of the Legal Services.

There is nothing in this amendment, none of the intent that would do some of the concerns that my colleagues, the gentleman from Texas and the gentleman from Mississippi, have expressed concern about.

What we are saying is, as the gentleman from Texas [Mr. BROOKS], the committee chairman, said much more eloquently than I, that we should be reserving Legal Services dollars for Legal Services purposes.

Mr. Chairman, I yield back the balance of my time.

Mr. WASHINGTON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I was trying to get the attention of my friend to ask him not to yield back the balance of his time so that we could not take the whole 14 minutes, but talk to each other, rather than at each other. We make a lot of speeches around here, but we very seldom talk to each other.

I know the gentleman from Texas. I have known him for a long time. I watched him when I was a member of the State legislature. I had great admiration and respect for the gentleman then and I do now.

I know that when the gentleman comes with an issue, he comes born of what he understands to be the needs of his constituents, and also the gentleman brings with him in his heart what he thinks is the right thing to do; but I believe that talking to the gentleman on this microphone, anybody who would want to talk to me seriously about the issue, I honestly believe I could talk them out of it.

I wish the gentleman had not yielded back the time, because I know the gentleman wants to do what is right.

If people want to do what is right around here, every once in awhile we ought to talk to each other, rather than taking our canned speeches and reading them, and not really talking about what the real issue is.

I know the gentleman has a problem out in west Texas, I say to the gentleman from Texas [Mr. STENHOLM], because that is the area the gentleman is privileged to represent in the Congress of the United States. I know the gentleman hears from the people out there, and I know a lot of them are concerned about redistricting.

What I know troubles me and I know troubles the gentleman is the fact that most of the cases out in west Texas are born of years and years of deprivation on behalf of Hispanic citizens who did not have the right to participate, who did not even have the right to vote. The gentleman has been a tireless fighter on their behalf, because I know the gentleman believes as I do that the best democracy is one in which all the people participate.

The question I want to ask the gentleman from Texas [Mr. STENHOLM], is if Legal Services lawyers do not represent these poor people, who will?

Mr. STENHOLM. Mr. Chairman, if the gentleman will yield, it is the Democratic Party in my part of the State that will represent them. That is a political issue. That is where the gentleman and I have been together on many issues.

Mr. WASHINGTON. Right.

Mr. STENHOLM. Mr. Chairman, if the gentleman will yield further, as the gentleman has rightfully acknowledged, we will be there again when wrongs are being wrought.

Mr. WASHINGTON. Reclaiming my time for just a moment, Mr. Chairman, so we can narrow the issue, is the Democratic Party going to get involved in school board races where they are nonpartisan?

The answer to that question is no, is it not, I ask the gentleman from Texas?

Mr. STENHOLM. No. I am sorry to differ with my colleague. Individuals may be in both parties; in fact, I would say in the area where there are clearly rights and clearly wrongs, in the method the gentleman is describing, in the past you will find in my district, in my area, people in both parties sitting down and working to right those wrongs. They may not always come to the same conclusion the gentleman and I would come to, but it is my opinion that we would be much better stead in this case and in future cases if the Legal Services Corporation does not involve itself in it, but that we continue to make the progress that we have over the past years in righting these wrongs.

Mr. WASHINGTON. Reclaiming my time one more time, Mr. Chairman, that would be good if it really worked, I say to the gentleman from Texas [Mr. STENHOLM], but the gentleman and I both know that the Democratic Party is not going to put money into a local nonpartisan race.

The mayor's race in the city of Houston is nonpartisan.

Moreover, do we really want political parties to get involved in what is already nonpartisan? I do not want the Democrats or the Republicans coming in, paying money to litigate the size and the shape of local council member districts in Houston. If they are already nonpartisan, and I think it is true that they are, why would we want the Democratic and Republican Parties to come in? Because that is the only way my question can be answered. The poor people would have no other representation.

So assume for the sake of this question that the Republicans say, "No, we don't want to get in there because it's nonpartisan. We want it to stay that way."

Most mayoral elections and city council elections in the State of Texas are nonpartisan. I think both the gentleman and I and the Republicans would like for them to stay that way.

So then the question comes back to who then represents the poor people? The answer is loud and clear. Nobody represents the poor people. That is the problem we have now. Nobody has been representing the poor people for the past 20 years. They have just as much right, perhaps even more right to assure that the goods and services, even the size of the water pipe, police protection, fire protection, garbage pickup, are the same in their communities.

The gentleman and I both know that it is the squeaky wheel that gets the oil. If you do not have any representation on the city council, then you do not get any services from city council, or if you get them, you have to write to your Congressman to get him to put pressure on the local community so you can get what you are entitled to as a citizen.

The problem is that the gentleman's amendment goes too far, I respectfully suggest.

□ 1510

The amendment of the gentleman from Texas [Mr. STENHOLM]—I disagree with the committee, but I was outvoted in the committee. The committee has decided that it was a wise and prudent and perhaps political thing to do, I disagree with my chairman, to take out congressional and legislative redistricting. But that is a done deal.

But what the gentleman would do now is would not just cut down to the flesh, he goes down to the fiber and to the meat and to the bone. He takes away the right for the Legal Services attorney to represent anyone in a redistricting case, which means that poor people either have rich lawyers representing them in redistricting cases or they have no one at all. I think what will actually happen is that most often they will have no one at all.

Take it from someone who has represented people both wealthy, middle income, and poor people in redistricting cases. I was involved in one case to get the city of Houston city council to redistrict for 13 years. How many lawyers can you afford?

I had a practice of my own and had the luxury of being able to do that. I do not know many lawyers who can afford to do that. That was pro bono for me because I loved to do that.

But when you take away the right of the poor people, I say to the gentleman from Texas [Mr. STENHOLM], as his amendment does, to be able to shape what the school district board looks like, what the city council looks like, what happens is they end up opening and closing schools without regard to where these people live. If the people do not have the political power to elect someone to that governing board, then what has happened for the last 20 years will continue to happen to them.

We either vote down the Stenholm amendment, the bill is bad enough, it takes away redistricting for State legislative and congressional districts, but at least it leaves open the possibility that Legal Services lawyers—and there are probably only 100 suits nationwide, to begin with—Legal Services lawyers will have the right and the opportunity to be the only representative for poor people to stand up for their rights so that they can get the opportunity to be heard on local elections. I do not think there is anything wrong with that.

I ask you to vote against the Stenholm amendment.

Mr. RAY. Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas [Mr. STENHOLM]. The committee with jurisdiction over this matter has itself determined that providing representation in State or congressional legislative redistricting cases is an inappropriate role for Legal Services Corporation attorneys. This amendment seeks to ensure that this philosophy is applied evenly throughout the political spectrum.

Legal Services attorneys play a vital role in the representation of poor individuals in civil matters. However, it is my belief, and a belief held by the committee, that redistricting matters are inherently political in nature. To allow attorneys, receiving funding through Federal, State, and local agencies, to enter the redistricting fray could discredit the entire Legal Services Corporation. If we intend to preserve the integrity of the corporation we must ensure that politics do not play a part in legal representation.

The committee has wisely made this separation on the Federal and State level, I support applying this concept evenly across the board at all levels of government.

The CHAIRMAN pro tempore (Mr. MFUME). All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 123, answered "present" 1, not voting 24, as follows:

[Roll No. 116]

AYES—286

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Barrett
Bateman
Bennett
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Derrick
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hopkins
Horn
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (NC)
Kanjorski
Kasich
Kleczka
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Obey
Olin
Orton
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swift
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—123

Abercrombie
Andrews (ME)
Annunzio
Atkins
Bacchus
Barton
Beilenson
Berman
Blackwell
Boehlert
Bonior
Boxer
Brown
Bustamante
Cardin

Clay
Coleman (TX)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dixon
Downey
Durbin
Dwyer
Edwards (CA)
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green
Hall (OH)
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horton

Hoyer
Johnston
Jones (GA)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kopetski
Kostmayer
Lantos
Leach
Lewis (GA)
Lowey (NY)
Markey
Matsui
Mazzoli
McCloskey
McDermott
Mfume
Miller (CA)
Mineta
Moody
Oberstar
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Rangel

Reed
Roe
Rostenkowski
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Stark
Stokes
Studds
Swett
Synar
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

ANSWERED "PRESENT"—1

James

NOT VOTING—24

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Byron
Collins (IL)
Dannemeyer

Dickinson
Dymally
Engel
Hyde
Jefferson
Kolter
Levine (CA)
Lightfoot

McEwen
Moakley
Mrazek
Oakar
Staggers
Tallon
Whitten
Wise

□ 1534

The Clerk announced the following pairs:

On this vote:

Mr. Lightfoot for, with Mr. Engel against.

Mrs. Byron for, with Mrs. Collins of Illinois against.

Messrs. MARKEY, ATKINS, SCHUMER, and HOAGLAND and Mrs. COLLINS of Michigan changed their vote from "aye" to "no."

Messrs. ANTHONY, CAMPBELL of Colorado, and OLIN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 20 printed in House Report 102–512.

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Texas: Page 23, strike line 8 through 12 and insert the following:

"(5)(A) a nonimmigrant agricultural worker to whom section 305 of the Immigration Reform and Control Act of 1986 applies, but only to the extent that the legal assistance provided is that described in that section;

"(B) an alien who is in the status of an alien lawfully admitted to the United States for temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights in relation to agricultural labor or services;

"(6) an alien who has been provided a record of permanent residence under section 249 of the Immigration and Nationality Act; or

MODIFICATION TO AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer a modification to the amendment just offered, and I ask unanimous consent for its acceptance.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. SMITH of Texas: Page 23, strike lines 11 and 12 and insert the following:

"(6) an alien who has been provided a record of permanent residence under section 249 of the Immigration and Nationality Act;

"(7) an alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative under the Immigration and Nationality Act or under section 203(a)(2) of such Act (including under section 112 of the Immigration Act of 1990) or is seeking (or is being provided) benefits under section 301(a) of the Immigration Act of 1990; or

Page 23, line 13, strike "(7)" and insert "(8)".

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, do we now have before us modified amendment No. 20 to H.R. 2039?

The CHAIRMAN pro tempore. The Chair has not yet put the question on the modification.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment, as modified, is before the committee. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I rise in opposition, but will probably not remain in opposition.

The CHAIRMAN pro tempore. Will the gentleman from Texas [Mr. BROOKS] restate his position?

Mr. BROOKS. Mr. Chairman, I rise in opposition, subject to convincing arguments and further dialog by my distinguished friends, the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. BERMAN].

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized at the appropriate time in the debate in opposition.

The Chair recognizes the distinguished gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is about priorities.

I think we are all beginning to realize that there are limits to the Federal Government's generosity, and that we have to make some tough choices.

My amendment faces up to that reality, sets priorities, and protects the benefits of the most deserving recipients.

Without this amendment, American citizens and permanent residents would have to compete with illegal aliens for access to Legal Services Corporation benefits.

The amendment addresses the section in H.R. 2039 that deals with alien eligibility for LSC services.

Let me start by saying that I support many of the expansions in the bill.

In fact, my amendment:

Maintains coverage for aliens currently eligible for LSC benefits, and

Completely maintains six of the bill's seven expansions of alien eligibility.

For example, this amendment maintains the expansion for spouses of U.S. citizens.

It also maintains the expansion of benefits for aliens legalized under the Simpson-Mazzoli bill, and for aliens with emergency medical conditions.

I don't want to take up all my time talking about the expansions my amendment allows, but I did want to point out that it is very generous.

However, it does set priorities by reining in a questionable expansion in the bill.

I should mention that last week, my colleague from California, Mr. BERMAN, in a "Dear Colleague" letter pointed out that many agricultural workers are currently eligible for legal services.

On that point he is right, and we have worked together since then to assure that the amendment does not take legal service benefits away from anyone who is currently eligible.

The amendment as modified deals with aliens who are permanently residing in the United States under color of law, or PRUCOL aliens.

I wish there were a simple way to explain who these aliens are, but there isn't, and really, that is part of the problem.

The term PRUCOL basically refers to aliens who are known or should be known to the Government, but whom the Government has not moved to deport.

Some have estimated this would make over 2 million illegal aliens eligible for LSC benefits.

No one can tell you exactly who is covered, because the courts have not reached any agreement on that question, and it is not defined in existing immigration statutes or in this bill.

The bill would make all PRUCOL aliens, whether here legally or illegally, temporarily or permanently, eligible for LSC benefits.

Without this amendment, the language in the bill would be a vague standard and would, in the end, simply create more litigation to determine exactly who is eligible for LSC benefits.

Mr. Chairman, we need to remember two more facts when we debate this amendment.

First, according to the American Bar Association, 80 percent of the legal needs of the poor are not being met.

And second, the Federal budget is running a deficit of almost $400 billion a year.

These two facts come into conflict as we try to redesign the Legal Services Corporation.

H.R. 2039 would give legal service benefits to many new groups of illegal and temporary aliens.

With 80 percent of the legal needs of America's poor already going unmet, we simply cannot afford to do this even if we wanted to.

This amendment will maintain our commitment to all aliens already eligible for legal services benefits.

That causes two problems.

First, it would mean that we are giving legal assistance to illegal aliens.

To me, there is no justification for diverting funds away from legal immigrants and citizens to pay the legal costs of illegal aliens.

Second, the language in the bill would generate litigation to determine the definition of permanently residing under color of law.

Why would we want to create more litigation in a bill designed to make the legal system more accessible?

My amendment would eliminate the reference to PRUCOL aliens.

Instead, it would have a specific reference to two types of aliens who would qualify as PRUCOL aliens and who should be eligible for LSC benefits.

The other types of aliens who need to be covered, such as refugees, are already specifically mentioned in the bill.

And it will also avoid the mountain of litigation sure to come if vague language about aliens permanently residing under color of law is enacted.

American citizens and legal immigrants, not illegal aliens and temporary residents, should receive priority when it comes to free legal services.

I urge my colleagues to support this amendment to set realistic priorities for legal services benefits.

And I again thank my colleague, the gentleman from California [Mr. BERMAN], for his cooperation in devising this amendment.

□ 1540

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN], who also has an amendment.

Mr. BERMAN. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

I rise in support of the modified amendment and ask for an aye vote.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI], the distinguished chairman of the Subcommittee on International Law, Immigration, and Refugees.

Mr. MAZZOLI. Mr. Chairman, I rise in support of the gentleman's amendment and congratulate him for his work, but also to express some reservations and some concern about what we will find in the amendment as we move over into conference with the other body.

Just to be sure, but if I understand what the gentleman did, he struck the language which is in the bill which says that Legal Services would be available to an alien who is permanently residing in the United States under color of law. So that a fairly broad category includes programs like Medicaid, AFDC, what we call the SSI or supplementary security benefits, those which are available to aliens who are in this country under color of law, would, if I understand the gentleman's modified amendment, still be available but those people would not be entitled to Legal Services assistance if they had some kind of problem or question.

Is that generally the gentleman's amendment?

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, the gentleman is generally correct. The amendment deals only with Legal Services Corporation benefits and not with other types of benefits.

Mr. MAZZOLI. Mr. Chairman, if I understand further, the gentleman's agreement with the gentleman from California says that there are two categories of people in the United States who are not citizens who would be entitled to legal services. One is those registry people, people who are securing their citizenship via the registry program. And second, if I understand correctly, spouses and children of legalized aliens, those aliens who came in under the 1986 IRCA Act. They currently do not receive legal services benefits but would under the amendment of the gentleman from Texas.

Is the gentleman from Kentucky correct on that?

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will continue to yield, I would say to my friend from Kentucky, that is correct.

Mr. MAZZOLI. Mr. Chairman, I certainly think that this is a step in the right direction, because as the gentleman from Texas characterized, Legal Services ought to be available in a certain categorization. We realize we have to make certain decisions and certain priorities, and the gentleman is a very sensitive and productive member of our committee, but there is certainly some open area here, some questions. So, as we move further with the bill, it would be the intention of the gentleman from Kentucky, working with the gentleman from California and our chairman, to make sure we know how many people are involved and where we are going with this.

With that caveat, I would support the gentleman's amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I would just say that I think we can probably resolve or clarify any other points on this amendment as we go along. I would think we ought to accept it.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from Texas for yielding time to me.

America's social infrastructure and institutions are being overwhelmed by illegal aliens.

Many people are afraid to speak out on this issue. But we can no longer deny this fact: Illegal aliens are availing themselves of social services provided by the taxpayers, and frankly, we can't afford it.

That is what this debate is all about: Whether or not some illegal aliens should receive taxpayer-paid benefits through the Legal Services Corporation.

I speak on behalf of the overwhelming majority of my constituents when I say no, we cannot afford to provide illegal aliens with free legal advice.

Our country is going bankrupt. We must prioritize, and our citizens must have priority over illegal aliens. If we keep trying to do everything for everybody, we will soon find that we are unable to do anything for anybody.

Illegal aliens should not receive taxpayer funded legal advice, or any other tax-supported services.

Finally, Mr. Chairman, Attorney General Barr reported that a significant number of the persons arrested for rioting and looting in Los Angeles were illegal aliens.

And while some of these illegal aliens have been deported, there seems to be no special efforts or commitment by the administration to get these looters and rioters out of this country as soon as possible.

The illegal aliens who were rioting and looting should be deported, and it shouldn't cost the taxpayers a fortune to do it. Kick them out of country and keep them out. It's time to get serious.

Worst of all, the illegals who are not deported for looting will remain here and then through this bill, could receive taxpayer funded legal advice.

Give me a break.

Give the taxpayers a break.

I urge a return to sanity and support for the Smith amendment.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to talk to my friend from California just momentarily. I could not agree with him more. I think illegal aliens and people who surreptitiously come in this country ought not to receive benefits from Legal Services. We ought to reserve those for citizens or for people here under color of law.

According to the bill, the gentleman, perhaps inadvertently, mischaracterizes the people who would get Legal Services as illegal aliens. These are people who are here because they have been paroled into the country to pursue the legal test of whether or not they are refugees.

These are people who are here changing from one status to another status. These are people who are here under color of law. So the gentleman would, I think, make a very apt point in saying that those who were responsible for the Los Angeles problems or any problems like that, who are here without any color of law, absolutely illegally, ought not to be the beneficiary of these services, but that is not what this bill covers.

So I think we ought to make sure we understand exactly what the bill does cover.

Mr. SMITH of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

□ 1550

Mr. BROOKS. Mr. Chairman, I suggest that we accept the amendment without any argument, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment, as modified, offered by the gentleman from Texas [Mr. SMITH].

The amendment, as modified, was agreed to.

Mr. BROOKS. Mr. Chairman, I include an article in the RECORD at this point, an editorial from the New York Times, which appeared on May 9, 1992, on this subject.

The text of the article is as follows:

WHAT'S RADICAL ABOUT LEGAL RIGHTS?

One of Government's best buys is the national program of legal services for the poor—yet the White House hates it. That opposition is more rabid than reasonable, and next week Congress gets a rare chance to affirm justice, and enlarge it.

The Legal Services Corporation was created to protect poverty lawyers from hostile governors and Presidents—like Ronald Reagan, who was both. But the program has not been reauthorized by Congress since his election in 1980. He tried to kill it and Congress has saved it by voting money every year. These money bills often have included restrictions demanded by business and farm interests.

Next week, the House is scheduled to approve a balanced reauthorization bill. It would safeguard the freedom of 324 Legal Services offices across the country to give the poor a semblance of the legal representation that better-off Americans take for granted. The Senate needs to move its own bill, notwithstanding the Administration's contention that the program is socially radical.

The program is radical, but not because it teems with social engineers and rabble-rousers. Reformers dissatisfied with conventional legal aid created the program knowing the poor have legal rights as well as legal problems. Legal Services lawyers thus do not merely defend, for instance, individual installment debtors. They also litigate more broadly for wholesale relief. These dedicated, underpaid advocates deliver a lot of civil justice for $350 million annually. Most staff attorneys make $27,000 a year.

The Bush Administration would just as soon kill the program. But if it is to survive, the idea is to hassle the lawyers with restrictions. For example, the House last week defeated proposed rules against lobbying that are so extreme they would have forbidden the lawyers even to answer an inquiry from Congress about legislation that could ease poor people's legal problems.

There has probably never been a moment following the Los Angeles verdict and riot, of greater anxiety and pain over equal justice in America. By reauthorizing Legal Services, over a veto if necessary, Congress can maintain cost-effective help for those who can't afford lawyers.

Mr. CHANDLER. Mr. Chairman, I rise to express my continued support of the necessary reform amendments being offered to H.R. 2039, the Legal Services Reauthorization Act. Without the adoption of these amendments, we are failing to address the real concern over questionable activities by the Legal Services Corporation [LSC]. I also fear that without these amendments, America's farmers will continue to be the unfair targets of LSC activists trying to make a name for themselves.

In this increasingly litigious society, we do not need legislation that promotes more lawsuits. Unfortunately, that is exactly what H.R. 2039 does. The bill before us actually broadens the ability of LSC attorneys to bring suits against farmers.

Time and again, I have heard stories of LSC attorneys illegally trespassing onto private farms shopping for lawsuits or manufacturing false charges that are too costly for the farmer to fight. Mr. Chairman, this clearly should not be the role of the Legal Services Corporation and it should not be tolerated. This is why we need to adopt the reforms that have been offered by our colleagues, Mr. MCCOLLUM from Florida and Mr. STENHOLM from Texas. Such key reforms included competitive bidding for LSC grants that prohibit recovery of attorney's fees from nongovernmental defendants.

I am equally concerned over the bill's failure to include procedural safeguards. Defendants and their counsel deserve the right to know who is suing them. For this reason I support legislation which provides for the positive identification of a defendant's accuser. This would rightfully enable a defendant to determine whether he/she has, in fact, had any contact with the plaintiffs.

In closing, I urge my colleagues to carefully consider the impact of H.R. 2039 without the inclusion of the reform amendments. I agree that reauthorization of the Legal Services Corporation is important. However, closure of the LSC loopholes is long overdue. Let's get down to the business at hand and truly reform the Legal Services Corporation. We can both continue LSC's legal assistance to the poor, and protect the rights of innocent farmers.

Mr. GOODLING. Mr. Chairman, I rise in support of the efforts of our colleagues Mr. STENHOLM and Mr. MCCOLLUM to implement essential reforms for the Legal Services Corporation and in support of this motion to recommit with instructions.

I am particularly supportive of provisions directed at problems facing the agricultural community because of the activities of Legal Services Corporation grantees.

While I support the concept behind the Legal Services Corporation, I believe many legal services attorneys have overstepped their authority in the past few years and forced many good farmers to go bankrupt and lose their farms.

The proposal offered by Mr. STENHOLM and Mr. MCCOLLUM would address many of the problems in my congressional district which are not adequately addressed in the bill before us.

In my district, good farmers have been targeted for lawsuits by overzealous LSC attorneys. These farmers have had great difficulty defending themselves against manufactured and frivolous claims. A provision in this motion would simply require that plaintiffs be identified by name. This is only fair. Enactment of this amendment would allow the defendant an opportunity to prepare a legitimate defense in cases brought by LSC attorneys; this is nothing less than his or her right. Enactment of this provision would also lead to a decline in false claims and manufactured charges created by these overzealous attorneys pursuing their own agenda with little regard for the long-term welfare of the farmworkers.

Another provision would prevent the recovery of attorneys fees from nongovernmental defendants. A well-known case in my district illustrates the need for this amendment.

Mr. Roth, a farmer for over 30 years in my congressional district, became a target of LSC attorneys after testifying before a congressional hearing on legal services problems in 1987. It was the third time Roth had been sued by a particular legal services grantee since 1985.

The key issue in the Roth case involved two women claiming to be Roth's employees. The legal services grantee claimed that because Roth was aware of the presence of the two women in his orchard, he owed them 1 year's wages, as well as punitive damages. Roth acknowledged that he knew they were present in his orchard during working hours visiting their husbands. However, he denied they were ever employees and told the court he had directed the women not to perform work.

The plaintiffs were awarded only $2,074. Then the legal services grantee sued to recover its attorney's fees of $66,000 from Roth.

Mr. Roth had already spent over $250,000 to cover his own attorney's fees and then the LSC grantee filed suit to recover its costs which were paid by the Federal Government.

In general, the cases I have described in "dear colleague" letters and in this statement, and there are a number of others in my congressional district, highlight the need for reform of the current LSC system and the Stenholm-McCollum motion to recommit. Unless this motion to recommit is passed, I fear the predatory practices of certain LSC attorneys will continue.

Mr. Chairman, I support the original mandate of the Legal Services Corporation to provide affordable, effective legal representation to those who cannot otherwise afford it. What I question, however, is the unfair treatment of hardworking farmers by certain Legal Services Corporation grantees whose efforts are of questionable long-term benefit to the well-being of migrant workers.

I urge my colleagues to support the motion to recommit offered by Mr. STENHOLM and Mr. MCCOLLUM aimed at providing accountability to stem the unethical and predatory practices of some grantees.

Mr. FISH. Mr. Chairman, I rise to urge we vote in favor of final passage of H.R. 2039. We have a chance today to provide long-term stability for the Legal Services Corporation, and the House must seize this opportunity to affirm access to justice for all Americans regardless of their economic circumstances.

Despite the critical role it plays in providing legal counsel in civil matters for low-income Americans, the Legal Services Corporation has not been reauthorized in 15 years. Since 1980, due to political differences over a number of issues, Legal Services has been forced to exist on annual funding through Commerce, State and Justice appropriations bills. I am pleased that we were able to work out many of these differences in the Judiciary Committee, and that the House has had an opportunity to work its will by adding several restrictions to H.R. 2039 during floor debate.

Mr. Chairman, this is not a perfect product. I voted for amendments that did not prevail. Nevertheless, the bill, as amended, assures continuation of an effective legal services program. The committee bill addresses the legitimate concerns of critics of both legal services programs and the Corporation itself, while preserving the rights of poor people to adequate legal representation. It preserves and strengthens local control, and provides access by the poor to legal assistance similar to that available to other citizens under our system of laws. The bill as corrected by my amendment also strengthens the Corporation's ability to assure fiscal integrity and effective accountability of the program to Congress and the clients who are served.

The reaction across America to recent events in Los Angeles has clearly demonstrated the belief of many low-income Americans that our legal system does not work in their behalf. The alienation they feel will only be compounded if we do not act on this vital piece of legislation. I urge my colleagues to join me in supporting final passage of H.R. 2039.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SKAGGS] having assumed the chair, Mr. MFUME, chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes, pursuant to House Resolution 444, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. SKAGGS). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCOLLUM. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCOLLUM moves to recommit the bill H.R. 2039 to the Committee on the Judiciary with instructions to report back the same forthwith with the following amendment:

Strike everything that follows the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Legal Services Reauthorization Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Reference to the Legal Services Corporation Act.
Sec. 3. Authorization of appropriations.
Sec. 4. Protection against theft and fraud.
Sec. 5. Prohibitions on lobbying.
Sec. 6. Enforcement and monitoring.
Sec. 7. Class actions.
Sec. 8. Prohibition on use of funds for redistricting.
Sec. 9. Restrictions on use of funds for legal assistance to aliens.
Sec. 10. Governing bodies of recipients.
Sec. 11. Solicitation.
Sec. 12. Certain eviction proceedings.
Sec. 13. Procedural safeguards for litigation.
Sec. 14. Procedural implementation of competition; distribution of grants and contracts.
Sec. 15. Training.
Sec. 16. Abortion.
Sec. 17. Limitation on use amendments.
Sec. 18. Recordkeeping and noncorporation funds.
Sec. 19. Evasion.
Sec. 20. Attorneys' fee provisions.
Sec. 21. Reprogramming provisions.
Sec. 22. Authorities of Inspector General.
Sec. 23. Staff attorneys.
Sec. 24. Study on legal assistance to older Americans.

SEC. 2. REFERENCE TO THE LEGAL SERVICES CORPORATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Legal Services Corporation Act (42 U.S.C. 2996 and following).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 1010(a) (42 U.S.C. 2996i(a)) is amended by striking the first three sentences and inserting the following: "There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation such sums as may be necessary for each of fiscal years 1992, 1993, 1994, 1995, and 1996.".

SEC. 4. PROTECTION AGAINST THEFT AND FRAUD.

Section 1005 (42 U.S.C. 2996d) is amended by adding at the end the following:

"(h) For purposes of sections 286, 287, 641, 1001, and 1002 of title 18, United States Code, the Corporation shall be considered to be a department or agency of the United States Government.

"(i) For purposes of sections 3729 through 3733 of title 31, United States Code, the term 'United States Government' shall include the Corporation, except that actions that are authorized by section 3730(b) of such title to be brought by persons may not be brought against the Corporation, any recipient, other grantee or contractor of the Corporation, subgrantee or subcontractor of any such entity, or employee thereof.

"(j) For purposes of section 1516 of title 18, United States Code—

"(1) the term 'Federal auditor' shall include any auditor employed or retained on a contractual basis by the Corporation,

"(2) the term 'contract' shall include any grant or contract made by the Corporation, and

"(3) the term 'person', as used in subsection (a) of such section, shall include any recipient or other grantee or contractor receiving financial assistance under section 1006(a)(1) or 1006(a)(3).

"(k) Funds provided by the Corporation under section 1006 shall be deemed to be Federal appropriations for the purpose of all Federal criminal laws when used by a recipient, another grantee or contractor of the Corporation, or any subgrantee or subcontractor of any such entity.

"(l) For purposes of section 666 of title 18, United States Code, funds provided by the Corporation shall be deemed to be benefits under a Federal program involving a grant or contract.".

SEC. 5. PROHIBITIONS ON LOBBYING.

Section 1007(a)(5) (42 U.S.C. 2996f(a)(5)) is amended to read as follows:

"(5) ensure that no funds made available to any recipient or other grantee or contractor of the Corporation are used at any time, directly or indirectly—

"(A) to pay for any publicity or propaganda intended or designed—

"(i) to support or defeat legislation pending before the Congress or State or local legislative bodies,

"(ii) to influence any decision by a Federal, State, or local agency, or

"(iii) to influence the passage or defeat of any State proposal made by initiative petition or referendum;

"(B) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient or other grantee or contractor to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities and which does not involve the issuance, amendment or revocation of any executive order or similar promulgation by any Federal, State, or local agency; or

"(C) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, or intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

"(i) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedures of the Congress, any State legislature, any local council, or any similar governing body acting in a legislative capacity,

"(ii) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of a recipient, other grantee or contractor, or the Corporation,

"(iii) to influence the conduct of oversight proceedings of a recipient, other grantee or contractor, or the Corporation, or

"(iv) to favor or oppose any Act, bill, resolution, or similar legislation; and ensure that no funds made available to recipients or other grantees or contractors are used to pay for any administrative or related costs associated with an activity prohibited in subparagraph (A), (B), or (C);".

SEC. 6. ENFORCEMENT AND MONITORING

(a) ENFORCEMENT.—Section 1006(b)(1)(A) (42 U.S.C. 29963(b)(1)(A)) is amended—

(1) by inserting "(i)" after "(b)(1)(A)", and

(2) by adding at the end the following:

"(ii) Unless required by law, the Corporation shall not make the findings of an investigation public until a final report is issued or unless such disclosure is made with the consent of the recipient or other grantee or contractor involved. If, at the conclusion of the investigation, the Corporation determines that it will take action under section 1011, it shall notify the recipient, grantee, or contractor of the right to request a hearing. A hearing must be requested not later than 30 days after receiving the notification."

(b) MONITORING AND EVALUATIONS OF PROGRAMS.—At the end of section 1007(d) (42 U.S.C. 2996f(d)), add the following: "The Corporation may require disclosure of such records as are pertinent and necessary to effectively monitor and evaluate recipients and other grantees and contractors of the Corporation.".

SEC. 7. CLASS ACTIONS.

Section 1006(d)(5) is amended——

(1) by striking "No" and inserting "(A) Subject to subparagraph (B), no"; and

(2) by adding at the end the following:

"(B) No recipient, other grantee or contractor of the Corporation, or employee of any such recipient, grantee, or contractor may bring a class action suit against the Federal Government or any State or local government unless—

"(i) the project director of the recipient, grantee, or contractor has expressly approved the filing of such an action in accordance with policies established by the governing or policy body of the recipient, grantee, or contractor and the filing of such action has not been expressly disapproved by such governing or policy body;

"(ii) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance under this title; and

"(iii) before filing such an action, the project director of the recipient, grantee, or contractor determines that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient, grantee, or contractor has given notice of its intention to seek class relief, and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients.".

SEC. 8. PROHIBITION ON USE OF FUNDS FOR REDISTRICTING.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended—

(1) in paragraph (10) by striking the period and inserting "; or"; and

(2) by adding at the end the following:

"(11) to—

"(A) advocate or oppose, or contribute or make available any funds, personnel, or equipment for use in advocating or opposing, any plan or proposal, or

"(B) represent any party or participate in any other way in litigation,

that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census.".

SEC. 9. RESTRICTIONS ON USE OF FUNDS FOR LEGAL ASSISTANCE TO ALIENS

Section 1007 (42 U.S.C. 2996(f)) is amended by adding at the end the following:

"(i) No funds appropriated to the Legal Services Corporation may be used to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

"(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)), including aliens who acquire the status of lawful permanent resident aliens under the provisions of section 210, 210A, 216 or 245A of that Act (8 U.S.C. 1160, 1161, 1186a, 1255a);

"(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under 21 years of age of such citizen and who has filed an application to adjust status to lawful permanent resident under the Immigration and Nationality Act, and such application has not been finally adjudicated;

"(3)(A) an alien who is lawfully present in the United States pursuant to an admission as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), who has been granted suspension of deportation under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), or who has been granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), or

"(B) an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act as in effect immediately before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity;

"(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

"(5)(A) a nonimmigrant agricultural worker to whom section 305 of the Immigration Reform and Control Act of 1986 applies, but only to the extent that the legal assistance provided is that described in that section,

"(B) an alien who is in the status of an alien lawfully admitted to the United States for temporary residence under section 210 or 210A of the Immigration and Nationality Act (8 U.S.C. 1160, 1161);

"(6) an alien who has been provided a record of permanent residence under section 249 of the Immigration and Nationality Act (8 U.S.C. 1259); or

"(7) an alien who is eligible for medical assistance for treatment of an emergency medical condition under title XIX of the Social Security Act, if the legal assistance to be provided is needed in order to help obtain such medical assistance.".

SEC. 10. GOVERNING BODIES OF RECIPIENTS.

Section 1007(c) (42 U.S.C. 2996f(c)) is amended—

(1) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively;

(2) by inserting "(1)" after "(c)"; and

(3) by adding at the end the following:

"(2) Funds appropriated for the Corporation may not be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation ensures that the recipient or other grantee or contractor is either—

"(A) a private attorney or attorneys, or

"(B) a qualified nonprofit organization chartered under the laws of one of the States—

"(i) a purpose of which is furnishing legal assistance to eligible clients, and

"(ii) the majority of the board of directors or other governing body of which is comprised of attorneys who are admitted to practice in one of the States and are approved to serve on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in—

"(I) the locality in which the organization is to provide legal assistance, or

"(II) in the case of national support centers, the locality where the organization maintains its principal headquarters.

The approval described in subparagraph (B)(ii) may be given to more than one board of directors or other governing body.".

SEC. 11. SOLICITATION.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(j) Any recipient or other grantee or contractor of the Corporation, and any employee of any such recipient, grantee, or contractor, who has given in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action shall not accept employment resulting from that advice, or refer that nonattorney to another such recipient, grantee, contractor, or employee, except that—

"(1) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor, may accept employment by a close friend, relative, former client (if the advice given is germane to the previous employment by the client), or person whom the recipient, grantee, contractor, or employee reasonably believes to be a client because the recipient, grantee, contractor, or employee currently is handling an active legal matter or case for that specific person;

"(2) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor may, accept employment or refer a nonattorney to another such recipient, grantee, contractor, or employee when the employment or referral (as the case may be) results from the participation of the recipient, grantee, contractor, or employee in activities designed to educate nonattorneys about their legal rights, to recognize legal problems, to make intelligent selection of counsel, or to utilize available legal services if such outreach activities are conducted or sponsored by the recipient, grantee, contractor, or other legal assistance organization; and

"(3) without affecting the right of a recipient or other grantee or contractor of the Corporation or an employee of any such recipient, grantee, or contractor to accept employment, any such recipient, grantee, contractor, or employee may speak publicly or write for publication on legal topics so long as such recipient, grantee, contractor, or employee does not emphasize his, her, or its own professional experience or reputation and does not undertake to give individual advice in such speech or publication.".

SEC. 12. CERTAIN EVICTION PROCEEDINGS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(k)(1) No funds made available by or through the Corporation may be used for initiating the defense of a person in a proceeding to evict that person from a public housing project if the person has been convicted of the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency.

"(2) As used in this subsection—

"(A) the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

"(B) the terms 'public housing project' and 'public housing agency' have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).".

SEC. 13. PROCEDURAL SAFEGUARDS.

Section 1007 (42 U.S.C. 2997f) is amended by adding at the end the following:

"(l)(1) No recipient or other grantee or contractor of the Corporation, or employee of such recipient, grantee, or contractor, may engage in precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless a written retainer agreement which enumerates the particular facts on which the claim or controversy is initially based has been signed by the plaintiffs (including named plaintiffs in a class action). Such retainer agreement shall be executed when representation commences, or, if not possible at that time because of an emergency situation, then as soon thereafter as is practicable. Such retainer agreement—

"(A) shall be kept on file by the recipient, grantee, or contractor in a manner that does not disclose information protected by the attorney-client privilege, and

"(B) shall be made available—

"(i) to any Federal department or agency that is auditing the activities of the Corporation or of any such recipient, grantee, or contractor, and

"(ii) to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation.

Other parties shall have access to such agreement only through the applicable rules of discovery after litigation has begun. Claims of attorney-client privilege shall not protect information contained in such agreement which, after the agreement is signed, is disclosed by the plaintiffs or the plaintiff's counsel to third parties during precomplaint settlement negotiations or litigation. The recipient, grantee, or contractor is not required to execute a written retainer agreement under this subsection when the only service to be provided is brief advice and consultation.

"(2) No recipient or other grantee or contractor of the Corporation, or employee of such recipient, grantee, or contractor may engage in precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless all plaintiffs have been specifically identified, by name, for purposes of such negotiations or litigation, except to the extent that a court of competent jurisdiction has granted leave to protect the identify of any plaintiff.

"(3)(A) Subject to subparagraph (B), any Federal district court of competent jurisdiction, after notice to potential parties to negotiations or litigation referred to in paragraph (1) and after an opportunity for a hearing, may enjoin the disclosure of the identify of any potential plaintiff pending the outcome of such negotiations or litigation, upon the establishment of reasonable cause to believe that such an injunction is necessary to prevent probable, serious harm to such potential plaintiff.

"(B) Notwithstanding subparagraph (A), the court shall, in a case in which subparagraph (A) applies, order the disclosure of the identity of any potential plaintiff to counsel for potential defendants upon the condition that counsel for potential defendants not disclose the identity of such potential plaintiff (other than to investigators or paralegals hired by such counsel), unless authorized in writing by such potential plaintiff's counsel or the court.

"(C) Counsel for potential defendants and the recipient, grantee, contractor, or employee counsel of the recipient, grantee, or contractor may execute an agreement, in lieu of seeking a court order under subparagraph (A), governing disclosure of the identity of any potential plaintiff.

"(D) The court may punish as a contempt of court any violation of an order of the court under subparagraph (A) or (B) or of an agreement under subparagraph (C).".

SEC. 14. PHASED IMPLEMENTATION OF COMPETITION; DISTRIBUTION OF GRANTS AND CONTRACTS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(m)(1)(A) Ten percent of all grants and contracts awarded by the Corporation for the provision or support of legal assistance to eligible clients under this title shall be awarded under a competitive bidding system developed by the Corporation to test the use of competition in providing effective and efficient legal services of high quality. This competitive system shall—

"(i) ensure access to high-quality, economical, and effective legal services for eligible clients, consistent with section 1001.

"(ii) minimize disruption of client services, and

"(iii) ensure that every recipient or other grantee or contractor seeking a grant or contract through this competitive bidding process complies with all provisions of this title and the applicable rules, guidelines, and instructions issued under this title.

"(B) The competitive bidding system developed under subparagraph (A) shall be implemented in fiscal years 1993 and 1994.

"(C) The Corporation shall, not later than 18 months after implementation of the competitive bidding system under subparagraph (A), report to the Congress on the effectiveness of the system.

"(D) If at the end of fiscal year 1994 the Corporation determines that the competitive bidding system has met the requirements of subparagraph (A), the Corporation shall so notify the Congress and shall proceed to phase in, during the next 3 fiscal years, the implementation, for all grants and contracts awarded by the Corporation for the provision or support of legal assistance to eligible clients under this title, of a competitive bidding system that meets the requirements of subparagraph (A).

"(2) Rights under section 1007(a)(9) and 1011 shall not apply to the termination or denial of financial assistance under this title as a result of the competitive award of any grant or contract under paragraph (1), and the expiration of any grant or contract under this title as a result of such competitive award shall not be treated as a termination or denial of refunding under section 1007(a)(9) or 1011.

"(n)(1) Funds appropriated to the Corporation shall be distributed to each recipient or other grantee or contractor on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, in accordance with paragraphs (2) and (3).

"(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation under section 1006(a)(1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code, regardless of the level of funding for any geographic area before the enactment of the Legal Service Reauthorization Act of 1992.

"(3) Beginning with the fiscal year beginning after the results of the most recent decennial census have been reported to the President under section 141(b) of title 13, United States Code, funding of geographic areas served by recipients, grantees, and contractors shall be redetermined, in accordance with paragraph (2), based on the per capita poverty population in each such geographic area under that decennial census.".

SEC. 15. TRAINING.

Section 1007(b)(6) (42 U.S.C. 2996f(b)(6)) is amended to read as follows:

"(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations, including the dissemination of information about such policies or activities, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel that is necessary to prepare them to provide adequate legal assistance to eligible clients, to advise any eligible client as to the nature of the legislative process, or to inform any eligible client of his or her rights under any statute, order, or rule;".

SEC. 16. ABORTION.

(a) PROHIBITION.—Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(o)(1) No funds made available to any recipient or other grantee or contractor of the Corporation from any source, including funds derived from Interest on Lawyer Trust Accounts (IOLTA), may be used to participate in any proceeding or litigation pertaining to abortion, or for any activity to influence the passage or defeat of any legislative or regulatory measure pertaining to abortion.

"(2) Nothing in this subsection shall affect the ability of a financially and physically separate entity that receives no funds from the Legal Services Corporation or its recipients or other grantees or contractors of the Corporation to engage in constitutionally-protected activities otherwise prohibited under this subsection.

"(3) As used in paragraph (2), a 'separate entity' is an entity that—

"(A) does not share offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation, and

"(B) shares no control over workload with such a recipient, grantee, or contractor.".

(b) CONFORMING AMENDMENT.—Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (8).

SEC. 17. LIMITATION ON USE AMENDMENTS.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (9) and redesignating paragraph (10) and paragraph (11) (as added by section 8 of this Act) as paragraphs (8) and (9), respectively.

SEC. 18. RECORDKEEPING AND NON-CORPORATION FUNDS.

(a) NON-CORPORATION FUNDS.—Section 1010(c) (42 U.S.C. 2996i(c)) is amended to read as follows:

"(c)(1) Any non-Federal funds received by the Corporation, and any funds received by any recipient or other grantee or contractor from any source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds. Any funds so received, including funds derived from Interest on Lawyers Trust Accounts (IOLTA), may not be expended by recipients, grantees, or contractors for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992. The Corporation shall not accept any non-Federal funds, and any recipient, grantee, or contractor shall not accept funds from any source other than the Corporation, unless the Corporation or the recipient, grantee, or contractor, as the case may be, notifies in writing the source of such funds that the funds may not be expended for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992.

"(2) Paragraph (1) shall not prevent recipients and other grantees and contractors from—

"(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending them in accordance with the specific purposes for which they are provided; or

"(B) using funds received from a source other than the Corporation to provide legal assistance to a client who is not an eligible client or who is an alien prohibited from being provided assistance under section 1007(i) if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients, grantees, or contractors for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992 (other than the prohibition described in section 1007(i) or any requirement regarding the eligibility of clients.

"(3) Nothing in this subsection shall affect the ability of a financially and physically separate entity that receives no funds from the Legal Services Corporation or its recipients or other grantees or contractors of the Corporation to engage in constitutionally-protected activities otherwise prohibited under this subsection.

"(4) As used in paragraph (3), a 'separate entity' is an entity that—

"(A) does not share offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation, and

"(B) shares no control over workload with such a recipient, grantee, or contractor.".

(b) TIMEKEEPING.—Section 1008(b) (42 U.S.C. 2996g(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The Corporation, by regulation adopted pursuant to section 1008(e), shall require each recipient or other grantee or contractor of the Corporation to maintain records of time spent on the cases or matters with respect to which that recipient, grantee, or contractor is engaged in activities and to maintain a recordkeeping system that discloses the source of funds to be charged for each such case or matter. The specific time and recordkeeping system to be employed shall be determined by the recipient, grantee, or contractor in a manner that meets the requirements of a recordkeeping system as set forth in the preceding sentence and meets obligations that are imposed by other funding sources. Pursuant to regulations adopted under this paragraph, each employee of such recipient, grantee, or contractor, who is an attorney or paralegal, shall be required to keep contemporaneous records of the time spent by case or matter and the type of case or matter.".

SEC. 19. EVASION.

The Legal Services Corporation Act is amended—

(1) by redesignating section 1013 and 1014 as sections 1014 and 1015, respectively; and

(2) by inserting after section 1012 the following new section:

"EVASION

"SEC. 1013. The use of 'alternative corporations' to avoid or otherwise evade the provisions of this title or the Legal Services Reauthorization Act of 1992 is prohibited. The term 'alternative corporation' means any corporation, law firm, business association, group, entity, or enterprise which shares offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation or shares control over workload with such a recipient, grantee, or contractor.".

SEC. 20. ATTORNEYS' FEES PROVISIONS.

Section 1006(f) (42 U.S.C. 2996e(f)) is amended to read as follows:

"(f)(1) A recipient or other grantee or contractor of the Corporation, or any client of such recipient, grantee, or contractor, may not claim or collect attorneys' fees from non-governmental parties to litigation initiated by such client with the assistance of such recipient, grantee, or contractor.

"(2) If any court finds, based on substantial evidence, that a recipient or other grantee or contractor of the Corporation commenced an action for the purpose of harassment or retaliation or maliciously abused legal process, or that the plaintiff's action was frivolous, unreasonable, or without foundation, the court shall award reasonable costs and attorneys' fees incurred by the defendant in defending the action. Any such costs and fees shall be paid directly by the Corporation. The Corporation may recover the amount of any costs and fees paid by the Corporation from the recipient, grantee, or contractor against whom the award was made by offsetting that amount against future grant awards or contracts made by the Corporation to such recipient, grantee, or contractor. Unless otherwise agreed to by the Corporation and the recipient, grantee, or contractor involved, the Corporation, in any one grant year, may not deduct more than 5 percent of a grant award or contract for purposes of recoupment of such costs and fees under the preceding sentence.".

SEC. 21. REPROGRAMMING PROVISIONS.

Section 1008 (42 U.S.C. 2996h) is amended by adding at the end the following:

"(f) The Corporation may not promulgate rules under this title unless the Corporation has so notified the Committees on Appropriations and on the Judiciary of the House of Representatives and the Committees on Appropriations and on Labor and Human Resources of the Senate at least 15 days before final publication of the rules.".

SEC. 22. AUTHORITIES OF INSPECTOR GENERAL.

Section 1009 (42 U.S.C. 2996h) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

"(a)(1) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with the Inspector General Act of 1978.".

(2) Subsection (c)(1) is amended to read as follows:

"(c)(1) The Inspector General of the Corporation shall conduct, or require each recipient, grantee, contractor, or person or entity receiving financial assistance under this title to provide for audits in accordance with the Inspector General Act of 1978.".

(3) Subsection (c)(2) is amended by striking "Corporation" the first place it appears and inserting "Inspector General".

SEC. 23. STAFF ATTORNEYS.

Section 1002(7) (42 U.S.C. 2996a(7) is amended to read as follows:

"(7) 'staff attorney' means an attorney who receives more than one-half of his or her annual professional income from a recipient other grantee or contractor of the Corporation, which has as one of its purposes the provision of legal assistance to eligible clients under this title; and".

SEC. 24. STUDY ON LEGAL ASSISTANCE TO OLDER AMERICANS.

The Legal Services Corporation shall conduct a study to determine the extent and effectiveness of legal assistance provided to older Americans by recipients and contractors under the Legal Services Corporation Act. The Corporation shall submit to the Congress, not later than 6 months after the date of the enactment of this Act, a report on the study, together with any recommendations that the Corporation has on ways to improve the provision of such legal assistance to older Americans.

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes in support of his motion to recommit.

Mr. McCOLLUM. Mr. Speaker, I think that the comment needs to be made right up front that this bill in its present form is subject to a Presidential veto for the simple reason that it does not do the things that are necessary to reform the Legal Services Corporation, and parts of it are very damaging to the existing functions of the corporate board.

For example, the ability of the Legal Services Corporation board of trustees to monitor and audit grantees is destroyed by what is in this bill. The restrictions that are placed on their ability to do this make it virtually impossible for them to go out in the field and to fulfill their duties and obligations to find out what those grantees are doing.

Second, there are more loopholes being allowed by the bill in its present form for lobbying than in the current law, and we are going to wind up seeing a whole lot more lobbying of our body as well as State legislatures. In addition, the bill fails to reform litigation abuses by Legal Services attorneys, and so on and so forth down the line.

Mr. Speaker, a "no" vote for the final passage of this bill and no authorization does not mean the end of the program. It simply means we are going to continue what we have done for 12 or 14 years, unfortunately, through an appropriations process.

I have an amendment today in this motion to recommit with instructions that is a complete authorization substitute which would allow us to proceed with something the President would sign. This particular amendment, this particular proposal, is something that the gentleman from Texas [Mr. STENHOLM] and I have worked on for a long time. It involves the reauthorization for 5 years, it involves the changes, such as closing the loopholes on lobbying, it involves the competition issue, it involves issues that we have worked on to try to help the agriculture community and so forth. It is very important, I think, today for us to see that happen.

Mr. Speaker, rather than going to greater length to explain this amendment in the period of time that I have, I yield to the gentleman from Texas [Mr. STENHOLM], who has coauthored the proposal that is before us today.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to support the motion to recommit with instructions. But, first I want to again commend Chairmen JACK BROOKS and BARNEY FRANK for bringing to the House floor H.R. 2039, the reauthorization bill for the Legal Services Program. Also, I appreciate the House leadership and Rules Committee Chairman JOE MOAKLEY for giving this Chamber the opportunity to openly debate the issue of Federal legal services. It has been 10 years since the Congress has debated the reauthorization of the oftentimes controversial Legal Services Corporation. And, the debate has been lively at times. But, this is what the people's House is all about, it is good for this institution, the country, and the people.

Despite my best efforts, there are still some people who remain confused about my intentions with regard to the Legal Services Program. I believe in this program. I believe that the majority of Legal Services attorneys are providing the services that Congress intended back in the early 1970's. I believe that legal representation for the poor is vital in our American legal system and I feel that much good is being accomplished today by many LSC attorneys.

The reforms that my colleagues and I have offered during this debate would not have affected the activities of the majority of LSC recipients. And, this motion to recommit with instructions is a substitute including these reform measures. They would not affect the majority of legal services recipients because these programs don't engage in political activities, or union organizing, and they don't engage in legislative lobbying or administrative rulemaking.

Rather, they give legal assistance to eligible clients who are in need of help on matters from landlord/tenant problems to delinquent child support payments. Unfortunately, it is estimated that only 20 percent of America's underprivileged legal needs are now being met. By restricting legal services' attorneys from engaging in activities outside of these basic legal services, it would free up limited resources to help some of the 80 percent that are currently going without.

For example, in 1991, Federal legal services employed 361 attorney/lobbyists who spent 14,437 hours in legislative and administrative lobbying. Over 14,000 hours of legal services' attorneys' time for lobbying. That's equivalent to 7 attorneys working 40 hours a week for 52 weeks. There are people being turned away because the Federal Legal Services Program continues to engage the Federal Lobbying Services Corporation, that is fine. Let's debate the merits of such a program. But this is the Federal Legal Services Corporation, vote for the motion to recommit with instruction. It will help more of this country's poor by freeing limited legal services funds to meet their daily legal needs.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman from Texas for his support of this. We together have offered it, and what we are dealing with at this point as we conclude the debate on the motion to recommit with instructions are two basic points: First, the bill before us now, without the kind of proposal that is in this motion to recommit with instructions, is simply not acceptable. It is a retreat from the present restrictions and powers of the Legal Services Corporation board nationally to deal with the problems we have seen crop up over the years. It invites a Presidential veto that is almost certain.

If we are going to have the opportunity to pass a reauthorization that is going to get the President's signature and finally have authorization for Legal Services after nearly 14 years of waiting for that, then we need to pass this motion to recommit with instructions. It provides that reauthorization with the safeguards that are appropriate, it provides it by the procedures that would end the lobbying that has been going on, that otherwise would be expanded in the bill that is before us. It allows the monitoring that is required, and it results in changes that will reform the litigation abuses by Legal Services lawyers.

Mr. Speaker, I urge a "yes" vote on the motion to recommit with instructions, and should it fail, a "no" vote on the final passage of this bill.

Mr. BROOKS. Mr. Speaker, I rise in opposition to this motion to recommit.

As I remarked during general debate, all the citizens of this great Nation must have access to our system of justice. This is part of our Constitution's compact with the people, and the bill today reaffirms the resolve of this body to keep that promise.

H.R. 2039 is a balanced bill, a bipartisan compromise, a bill that carefully avoids extremes. But, this motion to recommit once again asks the House to move toward extremes and away from practical consensus. This radical approach to policymaking has been rejected at every step of the way—from the committee markup to the House votes on all amendments thus far.

While the gentleman has the procedural option to repackage proposals already rejected by this body, we are under no obligation to cast away the wisdom that led us to vote down such extreme amendments in the first place.

I urge my colleagues to reject the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 2039, which would authorize the Legal Services Corporation through fiscal year 1996.

I want to commend the chairman of the Judiciary Committee, Mr. BROOKS, and the chairman of the Subcommittee on Administrative Law and Governmental Relations, Mr. FRANK, for their work and the work of their colleagues on the Judiciary Committee in bringing this measure to the floor today. I would also observe that it has been over a decade since Congress last reauthorized the Legal Services Corporation. During the Reagan administration, the Legal Services Corporation withstood annual attacks which threatened to abolish this important program to provide legal services for the poor. Fortunately, Congress continued to find the means to keep the Legal Services Corporation functioning.

For nearly 80 years, in my home State of Minnesota, civil legal services programs have served the needs of the poor, the disabled, the elderly, the homeless, and refugees when they have sought redress in our judicial system. Today, the 6 innovative Legal Services Corporation programs in Minnesota help nearly 40,000 people each year by using the legal system to protect persons from physical and emotional abuse, enabling children, the disabled, and the elderly to gain access to medical care, social security, and other public benefits which they often need to survive. LSC attorneys have fought to protect the rights of refugees, minorities, and others when they have been exploited.

Southern Minnesota Regional Legal Services, founded originally as the Legal Aid Bureau of Associated Charities in 1912, is the oldest legal aid provider in my home State. They have provided comprehensive, quality legal representation and advice in civil legal matters annually to approximately 13,000 low-income residents in Minnesota and North Dakota. Each year, they must turn away in excess of 6,000 potential clients because they don't have sufficient resources.

Mr. Speaker, over 90 percent of Minnesota's LSC-funded program resources go to individual service work on behalf of clients. This includes representation before judicial, quasi-judicial, administrative, and legislative tribunals similar to the services provided by the private bar to paying clients. These programs also include community education, outreach, and referral services. Such assistance has improved the quality of life in our State for those with special problems and has provided substance to the promise of justice for those who are served.

It is important that we recognize that representation of the legal interests of eligible clients is not always most effectively resolved in the courts. While the legislation before us today maintains the existing limitations on lobbying, we must recognize that there are occasions where resort to a legislative body for relief is the most efficient and effective form of representation for the interest of an individual client and for others who may be similarly situated. Legislative representation on a nonpartisan basis permits the cost-effective use of resources by preventing the inclusion of a harmful provision in an agency rule or by the adoption of a statute which legitimately addresses a problem faced by many low-income persons.

The codification of judicial rulings and the grassroots reality of experience is almost always of good use to the regulatory, legislative, or executive processes.

There has been a disturbing tendency by some in this House to want to tie up Legal Services attorneys and the Legal Services Corporation in a straitjacket of regulations which inhibit their ability to represent their clients and accomplish their charter. If we truly believe in the concept of equal justice for all and access to the legal system to resolve disputes, we cannot allow one side's attorney to fight for their client without constraints while impairing the LSC attorney by tying their hands.

When I served as a State legislator in Minnesota, I worked closely with legal services advocates as well as landlords and their representatives to successfully write landlord-tenant and housing laws. Minnesota legal services advocates have been active in the Minnesota Legislature since the 1920's when the legislature passed laws regulating interest rates charged by loan sharks. More recently, statutes and regulations establishing the Minnesota State Housing Finance Agency, the Order for Protection process for battered women, and the system through which all disabled children have the right to a free, appropriate, nondiscriminatory education are, in part, the products of excellent service and work accomplished by legal services advocates.

I urge my colleagues to continue supporting the committee draft and reaffirm the rejection of the Stenholm-McCollum amendment and other similar proposals to mandate competitive bidding for the distribution of LSC services. The committee bill requires LSC to develop standards and guidelines for evaluating the quality of program representation and cost effectiveness. In contrast, the proposed Stenholm-McCollum amendment would have mandated the immediate implementation of a competitive bidding system even though no guidelines or standards have been established. Programs now receiving grants could be defunded without the right to a hearing even if they are providing excellent service. Programs would be subject to political judgments about their effectiveness without firm criteria.

The presumption that the Legal Services Corporation awards today are high-priced is not grounded in fact or experience. Quite the contrary, the risk of losing the institutional memory and experience would be a real setback to the people being served by LSC today and tomorrow.

I urge my colleagues to join me in voting for this important legislation to guarantee access to the legal system for those who otherwise cannot afford it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Chair will announce that pursuant to the provisions of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote, if ordered, will be taken on final passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 173, nays 236, answered "present" 1, not voting 24, as follows:

[Roll No. 117]

YEAS—173

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Costello
Coughlin
Cox (CA)
Crane
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Ireland
Johnson (SD)
Johnson (TX)
Kanjorski
Kasich
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison
Murphy
Murtha
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Poshard
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff

NAYS—236

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner

Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Price
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—24

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Collins (IL)
Cunningham
Dannemeyer
Dymally
Engel
Hyde
Jefferson
Kolter
Levine (CA)
Lightfoot
McEwen
Moakley
Mrazek
Oakar
Scheuer
Staggers
Tallon
Whitten
Wise

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Lightfoot for, with Mrs. Collins of Illinois against.

Mr. VOLKMER, Mrs. UNSOELD, and Mr. PAYNE of Virginia changed their vote from "yea" to "nay."

Messrs. MOLLOHAN, MURTHA, and YATRON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. As previously announced, the time for this vote will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 253, noes 154, answered "present" 1, not voting 26, as follows:

[Roll No. 118]

AYES—253

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moody
Moran
Morella
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Wylie
Yates
Yatron
Zimmer

NOES—154

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Ireland
Johnson (TX)
Kolbe
Kyl
Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pursell
Quillen
Rahall
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

James

NOT VOTING—26

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Collins (IL)
Dannemeyer
Dymally
Engel
Gilman
Gordon
Hyde
Jefferson
Kasich
Kolter
Levine (CA)
Lightfoot
Lowery (CA)
McEwen
Moakley
Mrazek
Oakar
Staggers
Tallon
Whitten
Wise

□ 1632

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Lightfoot against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was inadvertently detained and was unable to vote on rollcall 118, final vote on the passage of Legal Services authorization. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I missed the votes on H.R. 2039 because I was in West Virginia to vote in the State's primary election. Unfortunately, I was unavoidably detained and unable to return in time to cast my votes. I would like to record how I would have voted had I been in town:

Rollcall vote No. 115—"no."
Rollcall vote No. 116—"no."
Rollcall vote No. 117—"no."
Rollcall vote No. 118—"yes."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2039, LEGAL SERVICES REAUTHORIZATION ACT OF 1991

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R., 2039, to authorize appropriations for the Legal Services Corporation, and for other purposes, the Clerk be authorized to correct section numbers, cross references, citations, punctuation, and grammatical and spelling errors, to make appropriate revisions in the table of contents, and to make such other technical and conforming changes as may be necessary.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 2039, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow, May 13, 1992.

APPEAL RIGHTS FOR CERTAIN EMPLOYEES OF THE VETERANS HEALTH ADMINISTRATION

Mr. SIKORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4384) to amend title V, United States Code, to provide that employees of the Veterans Health Administration excluded from subchapter II of chapter 75 of such title as a result of the enactment of Public Law 101-376 be restored to coverage under such subchapter, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF COVERAGE.

Section 7511(b) of title 5, United States Code, is amended—

(1) by amending paragraph (7) to read as follows:

"(7) whose position is within the Central Intelligence Agency or the General Accounting Office;";

(2) in paragraph (8) by striking "or" after the semicolon;

(3) in paragraph (9) by striking "title." and inserting "title; or"; and

(4) by adding at the end the following:

"(10) who holds a position within the Veterans Health Administration which has been excluded from the competitive service by or under a provision of title 38, unless such employee was appointed to such position under section 7401(3) of such title.".

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—The amendments made by section 1 shall apply with respect to any personnel action taking effect on or after the date of enactment of this Act.

(b) SPECIAL RULE.—In the case of an employee or former employee of the Veterans Health Administration (or predecessor agency in name)—

(1) against whom an adverse personnel action was taken before the date of enactment of this Act,

(2) who, as a result of the enactment of the Civil Service Due Process Amendments (5 U.S.C. 7501 note), became ineligible to appeal such action to the Merit Systems Protection Board,

(3) as to whom that appeal right is restored as a result of the enactment of section 1, or would have been restored but for the passage of time, and

(4) who is not precluded, by section 7221(e)(1) of title 5, United States Code, from appealing to the Merit Systems Protection Board,

the deadline for bringing an appeal under section 7513(d) or section 4303(e) of such title with respect to such action shall be the later of—

(A) the 60th day after the date of enactment of this Act; or

(B) the deadline which would otherwise apply if this subsection had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. SIKORSKI] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SIKORSKI].

GENERAL LEAVE

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 4384.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SIKORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4384 amends title V, U.S.C., to provide that employees of the Veterans Health Administration, excluded from the right to appeal adverse personnel actions to the Merit Systems Protection Board [MSPB] as a result of the enactment of the civil service due process amendments in 1990, be restored their appeal rights.

The Pendleton Act of 1883, which serves as the foundation of the current civil service system, established two categories of Federal workers: Competitive service and excepted service employees. Competitive service employees are required to pass an exam designed to determine their fitness for employment prior to hiring and excepted service employees are not, either because there is no practical way to test the position or because certain occupations such as teachers, nurses, and lawyers already require certification of a minimum proficiency as a prerequisite to licensing.

The other major difference between the two categories of employees is that excepted servants were not allowed to appeal adverse personnel actions to the MSPB, the body of the Federal Government established to hear such appeals. The civil service due process amendments, enacted into law on August 17, 1990, granted excepted servants the right to appeal to the MSPB, ending the disparate treatment between the two categories of employees. However, employees of certain agencies, such as the Veterans' Administration, were excluded from the due process amendments for various reasons.

The Veterans Health Administration employees were excluded because these workers had already established procedures, specifically "peer review boards," by which employees could appeal personnel decisions. In an effort to avoid disrupting the peer review boards, the due process amendments specifically prohibited all employees of the Veterans Health Service—later changed to Veterans Health Administration under Public Law 101-376—from filing appeals of personnel actions with the MSPB.

The committee has since learned that approximately 156,000 employees who were covered by the MSPB prior to the passage of the 1990 legislation do not have peer review boards to which they can appeal personnel decisions. These employees are covered for hiring and other purposes under title 38 which establishes the peer review boards, however, title 38 also provides that these employees be treated as if they were under title 5 for adverse personnel actions. The effect of the 1990 law, therefore, was to deny the employees required by title 38 to be covered under title 5 for adverse personnel actions, any ability to appeal adverse personnel decisions. H.R. 4384 restores to certain employees of the Veterans Health Administration the right to appeal to the Civil Service Merit System Protection Board personnel decisions having an adverse impact on these employees.

Now, Mr. Speaker, I would like to thank the gentlewoman from Maryland for her continued advocacy for Federal employees.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 4384, and I urge my colleagues to support this legislation which will give a group of VHA employees the right to appeal adverse actions.

Public Law 101–376, the Civil Service Due Process Amendments Act, was overly broad and inadvertently excluded some employees of the Veterans Health Administration [VHA] from the right to appeal adverse action to the Merit Systems Protection Board, a right which they had prior to that recent legislative action.

I commend the chairman of the Subcommittee on Civil Service for introducing this bill and I want to thank the American Federation of Government Employees for bringing this matter to our attention. There is no objection to H.R. 4384 by the Veterans Health Administration, the Office of Personnel Management, or the administration.

Mr. Speaker, I yield such time as he may consume to the ranking member of the full Committee on Post Office and Civil Service, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 4384, legislation restoring due process rights to certain employees of the Veterans Health Administration.

H.R. 4384 is technical legislation correcting a mistake with the Civil Service Due Process Amendments Act, Public Law 101–376. That legislation inadvertently denied certain employees of the Veterans Health Administration [VHA] the right to appeal adverse actions to the Merit Systems Protection Board. H.R. 4384 restores these rights.

The Civil Service Due Process Amendments Act specifically excluded VHA employees because their peer review system precluded the need for MSPB appeal rights. After enactment, however, the committee became aware of a subset of VHA employees without peer review procedures who had their MSPB appeal rights stripped by the law. H.R. 4384 corrects this mistake by granting MSPB appeal rights only to VHA employees who once had them only to see them stripped due to enactment of Public Law 101–376.

I am advised that the administration does not object to enactment of H.R. 4384. Accordingly, I urge my colleagues to join me today in supporting H.R. 4384.

□ 1640

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for his leadership.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. SIKORSKI. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Minnesota [Mr. SIKORSKI] that the House suspend the rules and pass the bill, H.R. 4384, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102–518) on the bill H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. McDADE reserved all points of order on the bill.

APPOINTMENT OF CONFEREES ON H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MC DADE

Mr. McDADE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. McDADE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4990 be instructed to consider rescissions committed to conference in response to all the rescission messages proposed by the President on March 10 and thereafter, including the messages submitted on April 9 which were not considered by the House, and to report back a conference report which does not include provisions committed to conference by either, but not both Houses, that are likely to provoke a veto.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. McDADE] is recognized for 30 minutes.

Mr. McDADE. Mr. Speaker, this is a noncontroversial motion. It urges the House when it gets to conference to consider the level of rescissions which the Senate considered. I just want to remind my colleagues that there is over a $2 million differential, because the Senate considered about $2.2 billion in rescissions submitted by the President on April 19 that the House did not have time to consider. As the bill moved through the House, we made it quite clear that we were willing to work with the Senate on those rescissions when we got to conference, so what I am urging is that we put ourselves on a track to get to that higher level of savings. In addition, the motion instructs the House conferees to bring the bill back to the House from conference in a form that will not be vetoed by the President.

Mr. Speaker, that is my motion, and I so offer it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. McDADE].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CARPER). Without objection, the Chair appoints the following conferees: Messrs. WHITTEN; NATCHER; SMITH of Iowa; YATES; OBEY; BEVILL; MURTHA; TRAXLER; LEHMAN of Florida; FAZIO; HEFNER; McDADE; MYERS of Indiana; YOUNG of Florida; GREEN of New York; ROGERS; and SKEEN.

There was no objection.

THE 100TH ANNIVERSARY OF THE PLEDGE OF ALLEGIANCE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, a young Boy Scout from my district recently wrote me the following letter from Seoul, Korea, where his father is temporarily stationed. His name is Spencer Rogers. Spencer wrote:

I have not seen or heard of anyone mentioning that this year is the 100th anniversary of the Pledge of Allegiance. Benjamin Harrison was the Hoosier, the only Hoosier, elected President. He introduced the Pledge of Allegiance to the school children of America on October 12, 1892. He felt that this was necessary because he wanted to connect it with the 400th anniversary of the discovery of America.

We should be proud that our Hoosier President did more than any other American President to instill respect for our flag. I would like, aside from celebrating the 500th anniversary of the discovery of America, to celebrate the 100th anniversary of the Pledge of Allegiance to the flag.

So, as my Congressman, could you make it known to the Congress that this year is the 100th anniversary, and I would wish that Congress could somehow make it known nationwide.

Well, Spencer, we just did that for you.

Mr. Speaker, I include the full letter, as follows:

MARCH 31, 1992.

Mr. DAN BURTON,
House of Representatives, Washington, DC.

DEAR MR. BURTON, I am in the Boy Scouts of America. I am taking a merit badge that requires me to write one of my congressmen and talk about a national issue. Here in Seoul, Korea, I am writing you because I just came from Fort Harrison, Indiana. Indiana also has to do with a topic that I want to write about.

The One-Hundredth Anniversary of the Pledge of Allegiance

I have not seen or heard of anyone mentioning that this year is the 100th anniversary of the Pledge of Allegiance. Benjamin Harrison was the Hoosier, the only Hoosier, elected President. He introduced the Pledge of Allegiance to the school children of America on October 12, 1892. He felt that this was necessary because he wanted to connect it with the 400th anniversary of the discovery of America. We should be proud that our Hoosier President did more than any other American President to instill respect for our flag. I would like aside from celebrating the 500th anniversary of the discovery of America, to celebrate the 100th anniversary of the Pledge of Allegiance to the flag. So, as my congressman, could you make it known to the Congress that this year is the 100th anniversary and I would wish that Congress could somehow make it known nation-wide.

Thank you for your time.

Sincerely,

SPENCER ROGERS.

P.S. My mom and I are proud of you because you didn't bounce those checks like ¾ of the rest of the Congress did.

ALAMEDA RECOGNIZES ITS FINEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise today to share with my colleagues a brief look at the lives of three citizens of Alameda, CA, who have proven themselves to be leaders in their community and examples for us all. They are Cris Corpuz, 1992 Alameda Man of the Year; Diane Coler-Dark, 1992 Alameda Woman of the Year; and Andy Pagano, 1992 Alameda Citizen of the Year. Each continues to serve his or her fellow citizens and is representative of the strong community bonds that make Alameda a great place to live.

Cris Corpuz has been a leader of the Filipino-American community for many years. His contributions to Alameda demonstrate a deep commitment to social service and action. Cris served in the U.S. Navy for more than 25 years and worked in Alameda in the real estate business. He founded and leads the United Filipinos of Alameda, the Filipino-American Community Services Agency, and the Filipino-American Veterans Association of Alameda. He works with the Alameda Police Department on the Committee on Cultural Awareness and the Committee on Youth Gang Prevention.

His service to Alameda has touched many lives, especially students at Encinal High School. Cris organized a multiethnic softball team, counseled suspected youth gang members and worked with their parents to develop alternatives to youth gangs. He has been active in voter registration and has helped many Filipino-Americans become self-sufficient, independent, and active citizens. He serves on the Alameda Shelter Committee and St. Barnabas School Board, and led a group of citizens against the closure of the Alameda Naval Air Station. Married for 43 years and a proud of father of three, Cris Corpuz richly deserves recognition as 1992 Man of the Year.

Diane Coler-Dark is a business and community leader who takes an active role in making Alameda better for those who live and work there. She has owned several area businesses and was a member of the chamber of commerce from 1968 to 1989. The Park Street Business Association was shaped by her service on its board from 1984 to 1986 and as president in 1987 and 1988. Her leadership was evident as she worked with the business and improvement district for Park Street in 1989 and chaired the Park Street Art and Wine Faire for 7 years. Diane has also worked with and led the Alameda Main Street project and helped make the Fourth of July Parade a success for several years.

Diane's active service with the Business and Professional Women of Alameda, Alameda Alliance of Homeowners, advisory board of the Alameda Historical Museum, and the economic development commission, and work on the business and waterfront improvement plan, has been a great example of citizen involvement. Outside the business community, she has served on the League of Women Voters and the Otis/Edison PTA, helped the Alameda swim team reach its goals, and guided local youth organizations, such as the Camp Fire, Blue Birds, and Girls Club. Diane Coler-Dark, a mother and grandmother, is truly a community leader and outstanding citizen. We should all be proud that she has been named 1992 Woman of the Year.

I think it's clear, Mr. Speaker, that choosing a citizen of the year is by no means an easy task in Alameda, CA. So many Alamedans deserve recognition for their leadership and involvement, but Mr. Andrew Pagano has been chosen this year for his contributions over many years. Born in Alameda, and raised there and in Italy, Andy opened Pagano's Hardware Mart in 1950. This store is an Alameda institution and Andy has been recognized by Ace Hardware as a Star Dealer and owner of one of the Nation's top-ranking stores. He is a longstanding member of the chamber of commerce and served as president for several years. He is among the leaders of the Alameda Kiwanis Club, Boy Scout Century Club, Encinal Yacht Club, Alameda American Italian League, and Italian-American Federation.

The historical preservation of Alameda is in safe hands with Andy Pagano. He helped found Historical High School and put considerable effort into having the old post office restored and preserving the chamber of commerce building. Most important, Andy keeps the community history of Alameda alive with his pictures, slides, and lectures on city history. He visits retirement homes and schools in the area and brings Alameda's rich past to life. He has spent countless hours and personal resources building a pictorial history of an Alameda from a time gone by. The senior citizens and youth of our community are able to share in a common civic heritage through Andy's efforts. Andrew Pagano has spent much of his life enriching Alameda with his tireless efforts toward building a better business and civic community. Alameda indeed has a favorite son.

Mr. Speaker, I have had the privilege of representing Alameda and outstanding citizens like these in Washington for a number of years. I offer them my congratulations and thanks for their spirit of voluntarism, commitment, and dedication.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 60 minutes.

Mrs. MEYERS of Kansas. Mr. Speaker, it is a pleasure to be joined by several of my colleagues today to recognize the tremendous importance of small businesses to our economy and to our Nation. This week, May 10 to 16, 1992, is National Small Business Week, and the perfect time for all of us to take note of the contributions and achievements of America's 20 million small businesses.

Since 1963, the President has designated a week in May each year as Small Business Week. The theme for this year's Small Business Week, "Small Business Is Building America's Future," has been selected and is celebrated through events sponsored by the Small Business Administration [SBA]. Fifty-three of America's top small business persons, one from each State plus the District of Columbia, Puerto Rico/Virgin Islands, and Guam, are honored here in our Nation's Capital. From these winners, the "Small Business Person of the Year" was announced today by President Bush. In addition, several other awards are bestowed such as the Small Business Prime Contractor and Subcontractor of the Year; Young Entrepreneur of the Year; Small Business Exporter of the Year; and outstanding advocates of minority, women, and veteran-owned small businesses.

I'd like to take a moment to congratulate two special small businessmen from the great State of Kansas who are being honored this week. Mr. Frank Meyer, president of Custom Metal Fabricators, Inc. [CMF]/Vacu-Blast International in Herington, KS, has been selected as the Kansas Small Business Person of the Year. From rather humble beginnings in 1977, Mr. Meyer created a business that has grown from 2 employees to 61 employees, with sales of over $4 million. Today, CMF/Vacu-Blast International is a substantial custom manufacturer, marketer, and exporter of heavy industrial machinery and fabricated metal parts for handling equipment.

I am also proud to say that the National Small Business Subcontractor of the Year is from my home State. The Gordon-Piatt Energy Group, Inc., from Winfield, KS, has enjoyed worldwide prominence in the field of gas and oil combustion burners since 1949. However, a diversification of their product line in 1979 to pursue subcontract manufacturing for the aerospace industry has elevated the Gordon-Piatt Energy Group, Inc., from a local small business to a global competitor. My best wishes for continued success to James Salomon, president and CEO of Gordon-Piatt, and their 202 employees.

Mr. Speaker, I mention these two small businesses not only because they hail from Kansas, but because they exemplify the ingenuity and can-do attitude of the 20 million small businesses in America. Small enterprises represent 99.6 percent of all businesses in our country. They currently provide half of all new jobs created, and in the next 25 years will likely be responsible for creating 75 percent of the 43 million jobs needed in the United States. Despite the recession our country has been weathering, small businesses have continued to persevere, accounting for 90 percent of the net private sector job growth in 1990.

Much of the growth in small enterprises can be credited to the dramatic increase in the number of women-owned and minority-owned small businesses. Women-owned businesses are the fastest growing segment of the small business community. Between 1977 and 1983, women started businesses at twice the rate of men and currently own about 30 percent of all small businesses. By the year 2000, women are expected to own 40 percent of all small businesses. As contributors to the gross national product, the annual receipts of women-owned businesses rose by 81.2 percent in 1990, accounting for 4.5 percent of total U.S. business receipts.

Minority-owned businesses have also enjoyed tremendous growth over the past several years. From 1977 to 1982, the number of businesses owned by African-Americans increased by 46 percent. In 1990, African-American owned businesses increased by 37.3 percent—faster than the 26.2-percent rate for all small businesses. Small businesses owned by Hispanic Americans grew at the tremendous rate of 80 percent between 1982 and 1987, a growth rate nearly six times the rate for all businesses. Roughly 3.1 percent of all U.S. businesses are Hispanic-owned businesses.

These statistics take note of the success enterprising individuals have had in starting and maintaining their own small business. They took a risk in attempts to achieve part of the American dream—owning their own business. America owes these individuals a great debt of gratitude, as small businesses provide a majority of the new jobs available and will continue to do so in the foreseeable future. As technology advances, businesses and industries have become much more specialized. Small businesses are uniquely suited to adapt quickly to changing technologies and to tap new opportunities. However, unless Congress acts to prevent small businesses from being overburdened by needless regulations, growth in small businesses will be stymied, fewer jobs will be created, and we will all suffer the consequences.

In order for small businesses to build America's future, as the theme for Small Business Week suggests, Congress must realize the important role we play in providing the climate in which the idea for a new small business can be hatched and grow. This requires careful attention in crafting policies which do not place undo burdens on small businesses. Furthermore, we must ensure that small businesses will have a pool of adequately educated and trained workers to fill the challenging new jobs of tomorrow. The education of America's future work force is a top priority of SBA Administrator, Pat Saiki. A former teacher and former Member of this body, she has placed much-needed emphasis on the importance of education. As Administrator Saiki has noted, the caliber of our work force depends upon the products of our schools. In working to improve the American education system, Congress must look at those changes which will give students every opportunity to acquire the basic skills needed to succeed in the 21st century.

Mr. Speaker, as part of this year's tribute to Small Business Week, I thought it would be fitting to take a few moments to pay tribute to a very special Member who has organized the Small Business Week Special Order for the past several years.

I am honored today to recognize a longtime champion of the interests of America's small businesses and entrepreneurs, my colleague and friend, Congressman ANDY IRELAND.

Mr. IRELAND has worked diligently as ranking Republican on the Small Business Committee to develop an active small business agenda, firmly committed to the advancement of American enterprise.

Mr. IRELAND has been critical in the development of important legislation to help small businesses thrive and expand. He is the sponsor of legislation authorizing a White House Conference on Small Business and the Regulatory Flexibility Act, which requires Federal departments and agencies to consider the impact of proposed regulations on smaller firms.

In order to address the vital elements of small-employer health insurance reform, Mr. IRELAND introduced the Small Business Health Care Reform Act of 1991. This effort will enhance the availability and affordability of health care for small business owners and their employees, while taking steps to reach a comprehensive solution to the Nation's health care crisis. I am pleased to have joined as a cosponsor of this legislation to help ease the mounting financial burden of small employers who want to provide health benefits to their employees.

Congressman IRELAND has taken an active role as a leader in the House. In 1981, President Reagan appointed him a delegate to the United Nations General Assembly. He is also the regional minority whip for the South and sits on the executive committee of the House Republican Research Committee. Congressman IRELAND chairs the research committee's Small Business Opportunities Task Force.

Unfortunately, Mr. IRELAND is unable to be with us in our tribute to small business. Tonight, the Small Business Administration is presenting Mr. IRELAND with the SBA Award of Excellence for his work and dedication to the protection and advancement of small businesses. I am pleased that the SBA has chosen such a worthy recipient for this prestigious award.

As we all know, Congressman IRELAND has announced his retirement at the end of this Congress. We are not only losing a great leader and advocate for small business interests, but a friend, as well. I commend Congressman IRELAND for his extraordinary commitment to small business owners, employees and entrepreneurs. In addition to declaring small business interests a national priority, Mr. IRELAND has devoted an immense amount of time, talent, and honest effort to the protection and promotion of our Nation's economic driving force, America's small businesses. My sincere best wishes to Mr. IRELAND for success and happiness in all his future endeavors.

Mr. Speaker, I want to thank my colleagues who have participated in this tribute to Small Business Week.

☐ 1700

Mr. Speaker, I would like to recognize some of my colleagues tonight, some of whom are on the Committee on Small Business and some of whom just have a number of small businesses in their districts.

At this time I would yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I am delighted to join my colleagues in celebrating national Small Business Week and in recognizing the accomplishments of our Nation's small businesses. America's 20 million small business owners are essential to the success of our free enterprise system, and their efforts deserve to be applauded.

Mr. Speaker, small businesses have been among the hardest hit by the current recession. As you know, small businesses in America employ almost 60 percent of the private work force and are responsible for 38 percent of the gross national product. Clearly, then, the continued vitality of these businesses is an essential element of any economic recovery plan.

I am pleased, therefore, that the House of Representatives will consider legislation this week to provide additional loan assistance to small businesses. This legislation is a product of the hard work of my colleagues on the Small Business Committee, and I commend their efforts.

I would also like to take this opportunity to express my respect for the ranking Republican member on the committee, Mr. ANDY IRELAND. All of us who have worked with ANDY admire his dedication to the concerns of small business. As a fellow member of the Florida delegation and a former small businessman, I would like to extend my sincere thanks to ANDY for his hard work and wish him well in his retirement.

Mrs. MEYERS of Kansas. Mr. Speaker, I want to thank my colleagues who have participated in this tribute to Small Business Week.

Mr. IRELAND. Mr. Speaker, several years ago, I had the great pleasure of initiating the first of many special orders to honor our Nation's courageous entrepreneurs during Small Business Week.

I deeply regret not being here today to deliver my remarks in person, but I hope my colleagues know that I am certainly here in spirit as we commend the more than 20 million men and women, of all religions, races and creeds, who have seized the American dream and made it their own.

Yet in view of my retirement at the end of this Congress, my absence may be appropriate, after all, as new faces take up the cause with skill, passion, and vigor. I thank them all for their dedication, and offer my special thanks to our good friend and colleague from Kansas, Mrs. MEYERS, for organizing this event and for all her excellent, inspired work on the Small Business Committee these last 7 years. She is a true champion of entrepreneurship in America.

Mr. Speaker, I already noted that I was here in spirit, but I am also here in this statement for the RECORD. As our colleagues know, I am not one to miss an opportunity to offer my thoughts on how we can help small businesses meet their potential, and, naturally, this is no exception.

I submit my ideas for consideration, Mr. Speaker, because a great debate over our Nation's economic future rages in Congress, in State assemblies, in universities across our country and around countless kitchen tables. The participants in this debate all share the nagging sense that the economy is not performing as well as it could, whether we measure our accomplishments in jobs here at home or in our ability to successfully compete for markets abroad.

Yet for all the ideas and words exchanged, one source of economic strength and vitality, one road to recovery inside and outside our borders, is too often overlooked—our Nation's 20 million small enterprises.

Despite the fact that all of us rely on small businesses in our daily lives for the goods and services we need, there exists an unfortunate tendency to neglect just how great a dynamic economic force small businesses are as a group. For this reason, we should review some of the facts:

Small businesses employ almost 60 percent of the private work force.

They contribute 44 percent of all sales in the United States.

They are responsible for 38 percent of our Nation's gross national product.

Small enterprises created more than 550,000 new jobs in 1990 while large corporations lost nearly 400,000 jobs.

Small businesses are expected to account for nearly 75 percent of the 43 million new jobs that will be created over the next 25 years.

They typically provide more than 50 percent of our Nation's innovations each year.

Mr. Speaker, lest we forget, we are not talking here of corporations with huge capital resources and CEO's paid at embarrassingly high levels. We are dealing with companies that typically employ fewer than 100 workers, and with enterprises skating on the very narrow edge of profitability.

As such, the actions of the Federal Government, for good or for ill, touch small businesses with an intensity and effect unknown to large firms. A move, or series of moves, in the wrong direction can push hundreds, perhaps thousands, of small enterprises to the brink of bankruptcy. Steps in the right direction can infuse them with a vitality that will reverberate throughout the economy in unimaginable ways.

Legislators in Washington and in the various State capitols tend to forget the consequences of their actions, too frequently thinking that each new program or tax or regulation they propose works in a vacuum.

True, meeting the requirements and possible penalties of the Americans with Disability Act, standing alone, may not break a small business. But add to that the complicated Federal and State tax deposit requirements; Environmental Protection Agency regulations; OSHA requirements; the new civil rights laws; the weight of income and payroll taxes; and on and on through mandated health benefits and a flurry of other proposals on the table—and pretty soon we're talking about real impediments to growth and job creation.

The cumulative effect of all these taxes and regulations is killing small businesses and the incentives to start them. We are closing the doors of new and existing enterprises to workers and customers alike—and in the process we block our route to economic recovery and prosperity.

Mr. Speaker, one solution both in the short term and the long term besides harping on our legislators to stop piling on small businesses, is to enforce and expand the Federal Regulatory Flexibility Act.

This law requires each Federal agency to review every proposed rule for its effect on small businesses and to develop a less onerous compliance system for smaller firms. Further, it requires agencies to review all their regulations every 10 years to see if they are still needed or if they could be changed to lessen regulatory burdens.

However, the act has been observed more in the breach than the practice. Congress needs to clamp down on the agencies and require compliance. Congress also needs to extend the scope of the law to cover the IRS, and to add some teeth to it by adding a judicial review process for agencies that fail to comply with the act.

For the long term, Mr. Speaker, Congress simply must reduce the Federal debt and deficit through spending cuts. When the Federal Government sucks out $400 to $500 billion from the pool of investment capital available in any given year, the demand for what remains will necessarily push interest rates up eventually. The lack of available capital and high interest rates hit small businesses hardest of all.

A capital gains tax reduction will promote investment in small enterprises, and a revived investment tax credit will help small businesses operating on the margin afford new and productive capital equipment.

Maintaining a stable Federal Tax Code will help small businesses reduce their paperwork burden and allow them to make investment decisions in 1 year that will not be penalized by the Tax Code in the next.

Finally, revising estate tax laws to protect small businesses from having to sell the family firm to pay the conscription can help these companies stay open and operating smoothly, and keep their workers employed.

Mr. Speaker, for the short term, we can begin by reauthorizing and expanding the Small Business Innovation and Research Program. Technological progress is the single most important factor for short- and long-term growth in the U.S. standard of living, and small firms contribute up to three times more innovations per employee than large firms.

The SBIR initiative takes advantage of small businesses' innovative skills through a Governmentwide research program reserved exclusively for smaller firms. Recent hearings before the House Committee on Small Business demonstrate that SBIR is a Government program that actually works—and works well—to help small businesses create, develop, and commercialize the innovative products our country needs to compete in the global economy.

Congress should—and indeed may—extend five existing tax breaks that offer significant benefits to small enterprises and their employees: The research and development tax credit; tax-exempt small issue development bonds; the health insurance deduction for the self-employed; the tax credit for employer-provided education benefits; and the targeted jobs tax credit.

All five of these benefits help small businesses and their employees keep America in the forefront of innovation and productivity and should be expanded and made permanent.

Finally, Mr. Speaker, we are all aware of the devastating effects of the banking crisis on small businesses. In some regions of the country, most notably New England, small firms face bankruptcy because the FDIC is seeking full payment on perfectly good and performing loans held by failed banks. In other areas, the increased capital reserve requirements for lenders have sparked a credit crunch that blocks small businesses from the loans they need to survive and expand.

To meet these unique challenges, the House Small Business Committee has passed legislation to infuse the small business economy with another $1.3 billion in guaranteed loans for fiscal year 1992 and beyond. These new funds will allow banks to make more small business loans without depleting their capital reserves, and will allow the Small Business Administration to carry out its innovative New England Lending and Recovery Program that is keeping small businesses open —all at a direct government cost of about $60 to $65 million.

Mr. Speaker, I commend your efforts to bring this vital piece of legislation before the House so quickly, and strongly urge our colleagues to support H.R. 4111 when it comes to the floor for consideration later this week. I can think of no more fitting way to commemorate Small Business Week.

Mr. Speaker, let me conclude by noting that in the context of long- and short-term actions to help small enterprises, we aren't talking here about great, macro economic policies that will decide the course of our country for decades to come. We are talking about commonsense actions that Congress can agree to take today that will have an immediate impact on small-business growth and job creation.

These are actions that, stripped of politics, posturing, and position, stand as fundamental ways to help people the best way their Government can: By giving them the choice and tools to guide their own destinies; by clearing a way unnecessary barriers to let our Nation's small businesses do some open-field running.

Simply put, the rallying cry of legislators and regulators, whether they operate at the Federal, State, or local level, should be: "If America will save small business, small business will save America."

If we abide by that motto, not just during Small Business Week, but throughout this year and the decades to come, the conversations in State houses and Congress, in lecture halls and kitchens, can turn to the brighter topic of how we can best use and enjoy our renewed prosperity for the benefit of us all.

My congratulations to small business men and women throughout our great country and thank you for a job well done.

Mr. FASCELL. Mr. Speaker, I rise to join our colleagues in recognition of Small Business Week and one of the best friends a small businessman could have, ANDY IRELAND. We all recognize that small businesses represent the core of the economies of many of our communities, and ANDY has worked tirelessly to remind us of their importance. As a source of employment, small businesses are indeed one of our Nation's most important resources, especially in times of recession.

I am sure that before ANDY retires at the close of the 102d Congress, he will remind us again that it is how we vote on small business issues that really counts. His friendly reminder has never been meant to embarrass or ridicule, it is his honest and sincere way of approaching an important issue which impacts every community in our country. This, I believe, is a reflection of what kind of person, and what kind of legislator, ANDY is. He is always willing to discuss differences in an attempt to build a consensus, but he also does not hesitate to tell you exactly how he feels on an issue and I, for one, have always valued that.

While we are here to pay tribute to the role of small business and ANDY'S work in its behalf, it is not the only issue to which ANDY has dedicated himself. ANDY is a rational voice in the debate over our Nation's defense policy and for greater accountability in how our defense dollars are spent. He has also been a strong voice for a national energy strategy grounded in the principles of conservation and I have been pleased to work closely with him in leading the fight to prevent offshore oil and gas drilling in Florida.

One thing we can admire is ANDY'S bipartisan approach to his work in the Congress and how he uses his talents to build bridges and make a difference. I will remember him for his tireless efforts on difficult issues and the outstanding contributions he has made to our Nation.

Jeanne-Marie joins me in extending our best wishes to ANDY and Nancy in the future.

Mr. ERDREICH. Mr. Speaker, I rise with my colleagues to recognize the contributions small business has made to Alabama's and our Nation's economy. American entrepreneurial spirit, determination, and hard work are synonymous with what has become our primary job creator and the lifeblood of our economy, small business.

Yesterday, I conducted a hearing, in Birmingham, AL, on small business and small business incubators. In Alabama, small business created 97 percent of all new private sector jobs between 1988 and 1990, that's almost 19,000 new jobs in this 2-year period. In 1990, small enterprises employed over 50 percent of Alabamians, almost 750,000 people. Although the recession has taken its toll on small business, the Small Business Administration claims that small companies are more likely to retain employees, expand operations and continue to start new businesses. The development and support of small business is critical to future economic development of new job opportunities.

One support tool that is working is the small business incubator. These facilities provide shared support services, equipment, office space and offer assistance.

Eighty percent of all incubator graduates are still in operation nationwide, compared with a 65 percent failure rate for small businesses that open without incubator assistance. Two small business incubators operate in my district and have created almost 700 new jobs and contributed almost $40 million to our economy.

I applaud the contributions small businesses make to our economy.

Mr. Speaker, I also want to take this time to thank my colleague, ANDY IRELAND, the ranking member of the Small Business Committee, for his efforts and work with small business. I certainly wish him well in his retirement. He will be missed.

Mr. BROOMFIELD. Mr. Speaker, for almost 30 years Americans have celebrated Small Business Week by honoring the small business community for its hard work, entrepreneurial spirit and outstanding contributions to our Nation. Small business plays a critical role in building a strong economy. By employing almost 60 percent of the private work force and providing two out of every three workers with their first jobs, small business affects Americans in every community across the country. Small business produces thousands of innovations that help spur the economy and is responsible for 44 percent of all sales in the United States and 38 percent of the gross national product.

As we take time to honor our Nation's small businesses, we should focus on ways we can help small enterprises thrive and expand. Over the years, I have received numerous letters from small business people, struggling to comply with the burdensome laws and regulations that Congress has heaped on the public. The explosive growth the Federal regulations has crippled job and capital creation, stifled economic growth and reduced America's competitiveness.

Something must be done to reduce the burden of these laws that are killing small business. That's why I signed a letter to President Bush asking him to extend his 90-day moratorium on unnecessary regulations and I am pleased that the President recently extended the moratorium for another 4 months.

One individual who has been especially dedicated to loosening the regulatory shackles that Government places on small business is the ranking minority member of the Small Business Committee, ANDY IRELAND. ANDY is committed to small business and has worked tirelessly as an advocate for the small business community, ensuring that small business concerns are addressed by the Congress. ANDY'S decision to retire at the end of this session of Congress surprised and saddened me. I have served with ANDY for many years and have appreciated his leadership and friendship. I am grateful to ANDY for his outstanding contributions and wish him well in his future endeavors.

As we pause to honor and recognize the small business community today and in the future, I hope we will remember the words of our colleague, ANDY IRELAND, who reminded us that "it's easy to say you're for small business, but it's how you vote that counts!"

Mr. EWING. Mr. Speaker, I would like to commend Representative MEYERS for organizing this special order to draw attention to Small Business Week. I also commend Mrs. MEYERS for her longstanding support of small businesses and her work on their behalf as a member of the House Small Business Committee.

Before I begin my remarks on Small Business Week, I want to recognize our colleague, ANDY IRELAND, the ranking Republican on the Small Business Committee, who will be retiring after the 102d Congress. While I have been in Congress for less than a year, I am honored to have served with this champion of America's entrepreneurs. ANDY has always been there to remind us that, as he says, "it's easy to say you're for small business, but it's how you vote that counts." ANDY IRELAND's departure from the House will be a loss for small businesses and a loss for the Congress.

Small businesses are the driving force of our economy. There are some 20 million small enterprises in our economy, and they generate an estimated 90 percent of all new jobs. Small businesses have been crucial to building this dynamic economy we have in America, and how small businesses fare in the future will determine the fate of our economy and our country.

Behind each small business is an entrepreneur who, in most cases, has worked long and hard to make his dreams of success come true. The challenges are great for small businesspersons, since many new businesses don't survive. Those who do succeed go through a great deal of blood, sweat and tears. They work grueling hours often seven days a week, with little or no vacation time. They sacrifice precious time with their families so they can struggle to make a profit. Small business persons do all this with no guarantee of making a profit. It is these courageous men and women who we honor during Small Business Week.

While much can be said about the state of small businesses in America, I would like to focus my comments on the effects of over-regulation on small businesses. In recent years Federal regulation has increased dramatically, and this impacts small businesses the most heavily because they are the most vulnerable to the costs of regulation. In most small businesses the profit margin is very small, and the more they must spend to meet Federal mandates, the less profit they can earn. Small business closings and bankruptcies are up sharply in the last few years, and there is a strong correlation between failing businesses and increased Federal regulation.

Recognizing this, in January President Bush ordered a 90-day moratorium on new Federal regulations. This order has received relatively little attention in the media, but has had a significant impact on the economy by reducing Federal interference in the marketplace. By stopping dozens of new regulations, the moratorium has saved the economy as much as $20 billion. The moratorium has offered some relief to small businesses, and they are glad that the President has extended the moratorium for another 120 days. Nearly 100 of my colleagues who are concerned about over-regulation, have cosponsored my resolution asking the President to extend the moratorium for a full year.

Not all regulations are bad, and indeed some Federal regulation is necessary to protect the health and welfare of the American people. Many Federal regulations have significant social or environmental benefits. However, Federal regulations do not come without direct and indirect costs to small businesses, and it ought to be the goal of the Federal Government to minimize these costs. This means that the costs of proposed regulations on small businesses must be carefully considered and weighed against the benefits of such regulations.

This is where I believe we have a serious problem. Too often the Federal Government has not adequately considered the impact of Federal regulations on small businesses. Indeed, many Federal regulations now on the books have little or no clear benefit, yet cost businesses millions or billions of dollars in compliance costs. And those costs are passed on to consumers. The Regulatory Flexibility Act, which was passed in 1980 to get Federal agencies to consider the costs of their rules on small businesses, has been largely ignored or circumvented.

I would like to give my colleagues some idea just how serious the problem of overzealous Federal regulation has become. One crude way of measuring the level of Federal regulation is to measure the number of pages used to print the Federal Register, which is the Federal Government's daily magazine listing new proposed and final regulations being promulgated by the various government agencies. In the last few years the size of the Federal Register has increased dramatically and some 67,000 pages were published in 1991. Stacked up together, they measure nearly 3 feet already this year. And we're only 4 months into the year.

Now, citing the number of pages in the Federal Register is not a very scientific way of measuring the level of Federal regulation. Let's take a closer look at the size of the Government's regulatory program. In order to maintain the explosive rate of Federal regulation, the Federal Government now employs an army of over 122,000 regulators, the largest number ever. We have over 50 regulatory agencies and the total Federal regulatory program costs the Government about $11 billion per year. Currently, these agencies are working on nearly 5,000 new regulations.

All the figures I've just cited only give us an indication of the resources which the Federal Government devotes to developing, approving, and implementing regulations. These figures say nothing about the costs to small businesses, consumers, and the private economy. Let me reiterate that small business, which we depend on to create the vast majority of new jobs, feel the greatest impact of over-regulation. Small businesses, which are often in the position of struggling to survive and have small profit margins, are the most vulnerable to the costs of Federal mandates.

In a study recently released by the National Chamber Foundation, Thomas D. Hopkins found that Federal regulation costs consumers about $400 billion every year. This translates to a cost of over $4,000 per household, and other estimates indicate that the cost may be significantly more than that. It is estimated that environmental regulations alone cost each household more than $1,000 per year.

This is where the true costs of Federal regulation can be seen. Hundreds of billions of dollars are spent every year by small businesses just to meet the demands of Federal regulations. This is money which is not spent on new plants or equipment, creating new capital and creating new jobs. In addition, the cost of complying with these regulations is passed on to consumers in the form of higher prices. For example, I have seen an estimate that emissions restrictions alone have added $1,500 to $2,000 to the cost of new automobiles.

Regulations are a significant drag on our economy and have contributed to the current recession. If we could reduce the amount of money small businesses must spend to follow federally mandated regulations, those businesses would have more money to invest in new activities, thus spurring growth and creating jobs. Job creation should be our top priority and there is a direct correlation between burdens on businesses and job creation.

Spending resources to abide by Federal regulations is, in many cases, a totally nonproductive exercise which adds nothing to economic growth. Take, for example, the resources expended just to complete the required paperwork. At least 5 billion man-hours are expended every year in meeting the Federal paperwork burden. Time spent filling out forms is time not spent creating a product or providing a service. With these excessive burdens, it is not surprising that new business start-ups were down over 4 percent last year.

Beside these directs costs associated with Federal regulations, there are immeasurable indirect costs for the economy in terms of technologies or products not developed because scarce resources are being spent to meet Federal regulations. There is no way of telling how many small businesses have been forced by the Government to forego new developments.

We must also consider the effect increasing Federal regulations of small businesses is having on America's international competitiveness. I believe that increasing mandates have hindered the ability of businesses to complete with less-regulated overseas corporations and has crippled our ability to enter new markets. What's worse, Federal regulations encourages jobs to go overseas by giving businesses an incentive to locate their facilities where costs are less prohibitive.

Federal regulations stifle small business entrepreneurship, drain scarce resources, cripple productivity, and inhibit economic expansion and job creation. We must work to scale back the level of unnecessary Federal regulations of small businesses, and to reform the regulatory process. I applaud President Bush's efforts in this area and believe the best thing we can do for small businesses is to get the Federal regulators off their backs.

I thank Congresswoman MEYERS for organizing this very important special order recognizing Small Business Week and thank her for inviting me to participate.

Mr. SKELTON. Mr. Speaker, 15 years and 5 months ago, when I entered Congress for the first time, I had already made one decision that seemed to fit perfectly with my constituency: I wanted to be a member of the Committee on Small Business. I had just finished a grueling campaign in a district, the Fourth District of Missouri, which encompassed 22 counties and 135 cities. It became crystal clear to me as I visited all those areas that the glue that held the communities together was their small businesses.

Each town had a corps of business owners who provided much more than just goods and services to the community. They provided employment, capital, stability, leadership, commitment to make the tough decisions for the long term. And they really did not ask for much. They realize that there is a need for Government and they were ready to support it. All they asked is that we just use a little common sense, that Government leave them alone when it can so that they can do their business and that we in Congress try to get the Government to work with them, instead of against them. In return, the people back in Missouri are willing to pay their taxes and support their country.

It is the small business owner, at least in my congressional district, who keeps the place going, Mr. Speaker. They form committees to solve the problems because, more often than not, when business hours are over they walk across the street and run the government, too. These movers and shakers sponsor the Little League, buy Girl Scout cookies, support their church and chip in for fireworks on the Fourth of July. In short, they do the kinds of things that makes the collection of buildings around the square our hometown.

That was something I wanted to be part of. When I practiced law, I like to think I helped all kinds of small businesses grow and prosper. My feeling was that I could do the most good for the people back home as a member of the Small Business Committee here.

So I went to the first meeting of the Small Business Committee in the 95th Congress. I am sure that I sat there with a big smile on my face and who should sit next to me but another smiling freshman Democrat from Florida, ANDY IRELAND. My new colleague, it seemed, also had a warm spot in his heart for the small businessman.

Since that time his dedication to small business and to this body has been exemplary. We will sorely miss his presence and his vote on behalf of the small businesses of America.

Mr. SERRANO. Mr. Speaker, I rise today on the occasion of the observation of Small Business Week. In these difficult economic times, small businesses have played a significant economic role in keeping our economy moving ahead. Small businesses have struggled to overcome the serious obstacles created by our economic difficulties and provided millions of jobs for our workers. In districts as economically underdeveloped as my own particularly, the positive impact of successful small businesses on the area's economic state cannot be sufficiently underscored. On behalf of my constituents of the South Bronx, I would like to express my deep appreciation to the small business community of my district.

I would like to take this opportunity to recognize an institution whose contribution to the growth of small businesses in my district of the South Bronx has been invaluable: The Manhattan College Small Business Development Center. This institution is the Bronx regional center in a network of 18 regional centers administered by the State University of New York. The Small Business Development Center provides management, marketing and technical assistance to start-up and existing small businesses, with special emphasis on minority and women entrepreneurs.

This week the Bronx Small Business Development Center is sponsoring a Small Business Information Expo. This event will allow small businesses, both start-up or existing, the opportunity to meet, discuss and receive valuable insights and information from people who work with small businesses. The Expo is divided into two parts: A panel discussion and an exhibition. The panel discussion allows participants to learn practical information for obtaining financing; low cost marketing techniques; and deciding when, how and who to hire as an employee. The exhibition offers small business owners the opportunity to discuss their particular businesses with representatives of small business assistance providers. These assistance providers include banks, utility companies, government agencies and other public and private organizations.

I will be participating in the Expo, and it is an event to which I am looking forward enthusiastically. This Expo is a magnificent idea which will provide small businesspersons with the tools they need to ensure the complete success of their endeavors. Through projects such as the Expo, the Manhattan College Small Business Development Center has provided outstanding guidance and support to the small businesses of the South Bronx, and it is for this very valuable service that I thank the Small Business Development Center today.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize our colleague, the gentleman from Florida [Mr. IRELAND] for his many and significant accomplishments as a tireless fighter for our Nation's small businesses.

It is fitting that we are here today to pay tribute to the outstanding record of ANDY IRELAND during National Small Business Week. I want to thank our colleague JAN MEYERS for initiating and coordinating this effort.

As a member of the Small Business Committee for 4 years, I have had the distinct honor and privilege of working very closely with ANDY IRELAND to emphasize the importance of Government programs and policies that help small businesses to grow and create jobs.

I know from personal experience that ANDY IRELAND is an exceptional person, who looks beyond tomorrow or next week and recognizes the importance of preparing for the challenges that will face us for years to come.

Because I am a small businessman, I came to Congress in 1985 with a great enthusiasm about the prospect of making a significant contribution to Federal policy in this important, but all-to-often neglected area.

ANDY helped me to channel my enthusiasm, as well as that of others, into effective action.

Together with our colleagues on the committee, we were able to convince the Reagan administration that it was far better to reform the Small Business Administration than it was to close it and merge its operations with the Commerce Department.

These were in the days when SBA programs were under fire from many quarters and the credibility of the SBA had so eroded that many people wanted to see it closed down.

But, we recognized a real need for the SBA and because of ANDY IRELAND's leadership and experience, we were successful.

Andy's dedication has been consistent and his steady hand as a supporter of small business will be greatly missed.

ANDY, your decision to retire from Congress will have a great impact on this institution and on those of us who have worked closely with you over the years.

Mr. Speaker, I wish the gentleman from Florida every happiness as he undertakes new challenges.

Mr. HANCOCK. Mr. Speaker, according to the 1991 annual Report of the President on "The State of Small Business," the over 20 million small businesses of this country provide over 110 million jobs to our people. In fact, small businesses account for 90 percent of the new jobs created in 1990.

Small businesses are the backbone of our economy. Small businesses provide most of the jobs and economic opportunity in our Nation. Any economic recovery must involve our small businesses in a big way. That is where the jobs come from.

Small businesses are also the embodiment of the American dream. Entrepreneurs taking risks and building enterprises is what this country is all about.

To the degree it is still possible for men and women to start their own business and—through hard work, effort, and ingenuity—to succeed in their endeavor, the American dream is still alive. To the degree this is not possible, the American dream is in jeopardy.

But do we really understand what it takes to run a small business today?

As a small businessman myself, who founded a company from scratch and built it up from nothing, I can sympathize with the plight of today's small businessman. Government, particularly the Federal Government, is making it increasingly difficult, if not impossible, to start or maintain a small business in this country.

I founded my company in 1969. Back then it was tough. But today, I don't think I would even consider attempting to start a small business of my own. Why? Because of the harebrained regulations, mandates, liability laws, punishing taxation, and miles of red tape. It is too much grief for any human being to take. Today's small businessman is either a genuine hero or a sadist.

By making the life of a small businessman so difficult, is it any wonder our economy is in trouble? Why are we making it so hard for modern-day entrepreneurs to create jobs and economic opportunity? Why are we trying to kill the American dream?

Very few people in this Congress have a background in business. With all due respect to my colleagues, most of the people who serve here are lawyers.

The laws passed by this Congress are inspired by legal minds that have little understanding or concern for what it takes to run a small business. And even if one of us who does have a background in business does speak out now and then, our pleas seem to fall on deaf ears.

When this Congress starts meddling it inevitably ends up causing the waste of vast national resources. Tax dollars are consumed to pay for the bureaucratic enforcement of myriad regulations. The private capital of small businesses are consumed with the costs of complying with one asinine regulation or mandate after another, and the costs of hiring armies of lawyers and accountants. All these resources are wasted, instead of invested in productive uses, including job creation.

When one considers the high risks and sometimes meager rewards of starting one's own small business, this kind of harrassment makes starting a small business is more trouble than it's worth.

Giving the small business community some respect is essential—not only to our economic recovery, but in preserving the hope of the American dream. It is appropriate we remind ourselves of that fact during Small Business Week.

To close it was any pleasure today to eat lunch with Robert Carter of Webco in Springfield, MO, who has been recognized as Missouri Small Businessman of the Year.

Mrs. VUCANOVICH. Mr. Speaker, I rise today to pay tribute to those who are the economic fiber of our Nation—small businesses. In a time when tremendous obstacles are being placed in the way of those who are such a vital and integral part, and indeed the greatest contributors to our Nation's economy, I want to commend them for their undying efforts to keep the Nation strong. A Nation that through regulatory malaise and other restrictions often slaps small business in the face.

I am glad that our small business people are keeping up the fight, and I want to pledge to them—as we commemorate Small Business Week—that I will continue to do all I can in Congress to lighten their burden and to create a more fair playing field for them as they often fight against all odds. I share the feeling of our distinguished ranking member of the Small Business Committee, "It's easy to say you're for small business, but it's how you vote that counts!" I have tried during my years in Congress to support legislation that will assist small businesses in their goal to be the cornerstone of our economy.

I applaud the efforts to our small business people who—in the face of decreased access to capital due to the credit crunch, an ever-increasing number of Federal, State, and local regulations; all the challenges of a recession—are continuing their plight to keep our Nation strong.

The figures are compelling: small businesses represent a staggering 99.6 percent of all U.S. businesses. Small businesses provide half of all the new jobs in the Nation. Moreover, they provide two of every three workers in America with their first job. They have contributed 40 percent of the Nation's new high-technology jobs during the past decade. They are more flexible than big business in responding to shifting markets and are able to bring new products to market faster than large businesses.

Small businesses contribute more to their communities, in terms of cash and in-kind services, on a per-employee basis than do their larger corporate cousins.

Being a woman myself, I am encouraged by the strides made by women in small businesses. Women continue to start businesses at nearly twice the rate of men. Additionally, women-owned businesses continue to demonstrate their growing importance as providers of jobs for American workers. Between 1982 and 1987, the number of women-owned businesses with paid employees very nearly doubled.

Something that perhaps many Americans are not aware of is that small businesses are responsible for more than half of all the innovations developed during the 20th century, including the zipper, the helicopter, the personal computer, and important advances in the medical world such as insulin, the artificial heart valve and the pacemaker.

These facts and many, many more demonstrate how vital small businesses are to the survival of our economy. It is my hope that we in Congress can continue to work toward lightening the burdens placed upon small businesses so that they can continue their excellent efforts to make our Nation strong. We must stop forcing businesses to close by regulating them to death and literally sucking the lifeblood out of our economy.

I stand in awe of small businesses and pay tribute to them today for their effort and entrepreneurial spirit which has fueled the engine of the U.S. economy and created millions of jobs for American workers.

In conclusion, Mr. Speaker, I would like to acknowledge the undying efforts of our distinguished colleague, Mr. ANDY IRELAND, who has worked tirelessly to defend the rights of small business owners everywhere. As he prepares for retirement, I would like to express our gratitude for his efforts on behalf of small businesses. Such an advocate of our Nation's most vital business people will be sorely missed.

Mr. RAMSTAD. Mr. Speaker, I rise today during Small Business Week to recognize the nearly 20 million small business owners in the country, and to pay tribute to a distinguished colleague of ours who is retiring and who has been an outstanding advocate for the small business men and women of this country.

ANDY IRELAND, the ranking Republican on the House Small Business Committee, has been tireless in his efforts on behalf of small business. He has focused attention on the unique problems faced by small businesses, and has been a model of integrity and courage for me during the time we have worked together.

This body, the members of the House Small Business Committee, and above all, the small business people of this country, will sorely miss ANDY IRELAND.

As a nation, we are blessed by the contributions small businesses make to our economy. The figures are familiar: small businesses employ 50 percent of the private work force, account for 44 percent of all sales, and are responsible for 38 percent of gross national product [GNP]; they produce about 2.4 times as many innovations per employee as large firms; smaller businesses contribute more to their communities, in terms of cash and in-kind services, on a per employee basis than do their larger corporate cousins; small businesses created all of the net new jobs from 1988 to 1990; and total output from the small businesses in this country was over twice the GNP of Great Britain—and nearly two-thirds the level of Japan, through 1990.

Mr. Speaker, I am proud to rise today to recognize our Nation's small business community. Our small business men and women are the key to our economic future, and will help ensure that our Nation will continue to prosper in freedom and opportunity.

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to acknowledge Small Business Week and to pay tribute to our Nation's small businesses and their important role in our economy. Small businesses are the key to America's future and success in today's world market.

Today, there are more than 20 million small businesses in America. They produce 39 percent of the gross national product, employ 58 percent of the work force and generate 44 percent of all sales. These small companies are the dominant providers of workers' first jobs and serve as the basis for job training.

In today's depressed economy, the survival of small businesses is more important than ever. Small businesses are essential to our Nation's economic development and are vital to the creation of jobs. Despite these difficult times, the spirit of American enterprise has flourished, as small businesses continue to train and hire 9 out of 10 of America's private sector workers.

I salute the small businessowners, for they embody the entrepreneurial spirit of America. Their companies make up the backbone of American industry and enterprise, and we must continue to support this healthy commercial and industrial activity in our Nation's communities.

In addition to our small businesses, I would also like to commend our colleague and ranking member on the Committee on Small Business, Andy Ireland, for his tireless efforts on behalf of small businesses across America. After he leaves the House, we must continue to follow his fine example and be a friend to the small business people of America.

Mr. FRANKS of Connecticut. Mr. Speaker, today we take a moment to pay tribute to the small businesses of our country. As we celebrate the 29th annual Small Business Week, I encourage each of us to take a moment and reflect upon the importance that small businesses play in our Nation and to encourage participation in some of the special events planned this week.

America's 20 million small businesses are critical to our economy at every level—national, State, and local. Their creativity and entrepreneurial drive have produced remarkable results despite the recession-riddled environment of recent years. While larger businesses have continued to downsize during the past few years, small businesses have, once again, continued to account for the majority of new jobs. For example, in 1990 small businesses accounted for 90 percent of the new jobs created in the private sector. Furthermore, over the next 25 years the United States will need to create about 43 million jobs; small business will create 75 percent of these jobs.

Congress must make a renewed effort to support and promote policies that encourage growth in this vital sector of the economy if we expect 75 percent of new jobs to be created by small business. We must avoid policies that work against smaller businesses. We must also oppose mandated solutions that have the effect of placing the unfair burden of addressing our Nation's problems on the backs of small businesses. On important issues ranging from health care to the environment; from welfare to education we must implement those legislative solutions that compliment the successful freemarket approach used by the small-business community. These are issues which Congress frequently debates. We should remember to seek out the opinions of small business owners before voting on these legislative solutions.

A recent survey indicated that the cost of health insurance is by far the most serious problem confronting small-business owners today. Federal taxes on business income, cash flow, workers compensation costs, and the cost and availability of liability insurance are also considered some of the most difficult problems for small-business owners. Mr. Chairman, talk is cheap. We must stop talking and begin removing the bureaucratic redtape forced on small business and this Nation by the Democratic-controlled Congress. We must move on the progrowth package of legislative initiatives proposed by President Bush that will foster job creation and economic growth.

Mr. Speaker, I also want to take a moment and express how much we are all going to miss my good friend and colleague, Mr. Ireland. We in Congress are truly fortunate to have had the opportunity to work with someone who has truly made a difference. His guidance and leadership have set a standard that we should all aspire to achieve. Mr. Ireland has been a tireless advocate of small business and the free enterprise system. On this day as we celebrate the 29th annual Small Business Week, on behalf of Mr. Ireland and myself, I want to remind you that "It's easy to say that you're for small business, but it's how you vote that counts."

GENERAL LEAVE

Mrs. MEYERS of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

FERRIS STATE UNIVERSITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CAMP] is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, today I rise to recognize Ferris State University, in Big Rapids, MI. Ferris State University has made a major commitment to providing quality education and expanding job opportunities in Michigan.

The Ferris State University College of Technology provides 29 baccalaureate and associate degree programs in engineering, engineering technology, technology management, and technical specialty programming. These programs integrate the appropriate technical and general education courses needed to prepare graduates to cope with advancing technology and its applications.

One particular program I want to highlight is the Ferris State University Plastics Engineering Technology Program. This program began in the 1960's just as the plastics industry began to expand. As materials improved and manufacturing processes developed, the plastics industry and the Ferris Plastics Program grew to national importance and stature. Ferris became a leader in plastics technology because of a close working relationship with the plastics industry.

Recently, a trade association completed a national study to find a source for midmanagement technical employees needed to serve the elastomer industry, and to assist in modernizing their work force. They found a need for graduates having state-of-the-art knowledge in material processing.

In fact, America's manufacturing and processing plants are facing an immediate need for technical expertise in the elastomer field. To fill this need, a partnership has formed between the Ferris State University Plastics Engineering Technology Program and the rubber and plastics industries.

Ferris State University is in a unique position to aid our ailing manufacturing industries. By providing its diverse student body with strong technical curricula, Ferris is able to produce graduates with expertise in analysis, synthesis, and problem solving, the qualities needed in manufacturing.

America needs its manufacturing industry. The recent plant closings in Michigan demonstrate the need for innovation and competitiveness. Ferris State University can help the needed renaissance in American industry. With support from industry, Ferris State University is leading the way in Michigan through rigorous applied technological education. The next major step in elastomer technology is to enhance the partnership between industry, education, and the Federal Government.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 776, THE COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. DERRICK. Mr. Speaker, the Rules Committee may meet and grant a rule to H.R. 776, the Comprehensive National Energy Policy Act, during the week of May 18, 1992. A request may be made for a structured rule, which would permit the offering of only those floor amendments designated in the rule.

Earlier today, the committee circulated a "Dear Colleague" letter which requests that all amendments to the bill be submitted to the Rules Committee no later than 12 noon on Friday, May 15, 1992.

In order to ensure the right to offer amendments under the rule that may be requested, Members should submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 12 noon on Friday. Members should draft their amendments to the Union Calender version of H.R. 776, which reflects the action of the various committees. Copies of this document are available in the document room.

TRIBUTE TO THE HONORABLE WILBUR MILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. THORNTON] is recognized for 60 minutes.

Mr. THORNTON. Mr. Speaker, on my own behalf, and on behalf of the entire Arkansas congressional delegation, we have taken this special order to pay tribute to one of the greatest Members of the House of Representatives, Chairman Wilbur Mills.

I have the privilege now of serving the Second Congressional District, which was Chairman Mills' district for many years. But when I first arrived in Congress in 93d Congress, Wilbur Mills was beginning his 16th term in the House.

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He was chairman then of the Committee on Ways and Means and the Committee on Committees, and in that capacity he had been working hard to get me an assignment on the Committee on Appropriations. Of course, such an assignment was unheard of for freshman Members, so I was not dismayed when he called to suggest that the Committee on the Judiciary would be a nice, quiet place for me to build up some seniority.

Mr. Speaker, to this day I have not figured out whether he knew that the 37 members of that nice, quiet committee would all too soon be charged with the immense responsibility of deliberating on whether to impeach the President of the United States. Nevertheless, there was one thing I was sure of, he was a true friend who was looking out after me.

On the one hand, Chairman Mills possessed insights into the workings of Washington, DC, that were unexcelled. On the other, he had a genuine desire to look after the many, many people he counted among his friends.

After completing 3 years at Harvard Law School, he returned to his native White County, AR, and was elected county judge. Then when John Miller left the House for the Senate in 1938, Wilbur Mills was elected to the Congress. One of his advisors, Max Allison, told him to hang up his farmer's cap and wear a hat. Mills followed that advice, but he never abandoned his ties to the average citizens and their values.

I personally remember visiting him in his Washington, DC office in the mid-1950's. He would invite Arkansas constituents directly into that office, regardless of the number or the power of the officials who were in his reception room waiting to see him.

In describing the place that Chairman Mills has earned in American history, scholars will note that he was one of the greatest legislative engineers of all time. They will list his achievements in writing tax, trade, health, and social security law, and they will no doubt chalk them up to his remarkable intellectual gifts and to his political wisdom.

If they stop there, however, Mr. Speaker, they will fall far short of measuring the man, which brings me to the point I started to make earlier. For all of his stature, for all of his brilliance, and for all of the demands that were made on his time, Chairman Mills never forgot his friends, whether they were heads of state or neighbors that he passed on the streets of Kensett, AR. For me, and countless other people from all walks of life, Chairman Mills was, first and foremost, a thoughtful, caring, and truly gentle man who never forgot his roots.

As I look around this Chamber I see the faces of more than a few men and women who shared with me the good fortune to have served with Chairman Mills in Congress and to have known firsthand what a rare and special man he was. It was a great honor to have worked with Chairman Mills, but an even greater privilege to have been his friend.

Mr. Speaker, in a beautiful tribute at the memorial service, his grandson, David Jack Dixon, Jr., describes the love and respect that bound the Mills family together. I would like to echo his words by sharing another eloquent tribute to Chairman Mills which appeared in the May 3 issue of the Daily Citizen of White County, AR.

Mr. Speaker, at this point I will include for the RECORD the article to which I have referred:

[From the Daily Citizen, May 3, 1992]

COUNTY STOOD IN THE PRESENCE OF NATIONAL GREATNESS WITH MILLS

(By Perrin Jones)

Few Arkansans have had the privilege of standing in the presence of national greatness but White County and the old Second Congressional District that once encompassed from the Missouri border to Pulaski and Jefferson counties and extended from parts of the Delta to near the Arkansas River knew a great man. He was a man who served them as County Judge of White County when he was 27-years-old and brought the county through the depths of the Great Depression. He fought a hard race and went to the U.S. Congress in 1938 and stayed there for 38 years.

Wilbur Mills was chairman of the tax-writing Ways and Means Committee of the House and was frequently described as "the second most powerful man in America."

I've walked down the streets of Searcy with him on a crowded Saturday and watched him call every person he met by their first name and inquire about each of their children by name. He had the most phenomenal memory I ever saw. He not only was able to call them by name but he remembered what they had asked him to do for them in Washington and delivered an impromptu report there on the sidewalk.

Was it just in Searcy and White County? No. I've seen him do the same thing in Batesville and Lonoke and Melbourne.

Wilbur Mills had the kind of mind that allowed him to do The New York Times crossword puzzle . . . in ink . . . when most people couldn't read the clues. He didn't keep the U.S. Tax Code in his pocket. He kept it in his head.

I will never forget one morning when Mother Mills showed up at my office at The Citizen and explained to me that she couldn't understand why she had to get her paper a day later when Kensett was only a few miles away. At the time, the post office was loading up the mail for all the cities in White County served by train and sending the mail to Little Rock to be sorted overnight and delivered the following day, hence, a day late. I had talked to Wilbur about it on one of two occasions, but he hadn't made the matter top priority.

I told Mother Mills that she was talking to the wrong person.

"Well, who should I talk to, Perrin?" she asked.

"Your son," I responded.

I then dialed Wilbur's number in Washington and his mother explained her problem.

She told me he said he would take care of it.

At 3 p.m. that day, two postal inspectors arrived in my office from St. Louis. That afternoon, a postal truck delivered the Kensett papers to Kensett, not to Little Rock.

President John Kennedy, the president Mills liked best of those he served, came to this area to dedicate the Greers Ferry Dam in 1962. Kennedy told the massive crowd that he wasn't simply invited to speak. When the chairman told him where to be, he showed up and he made a speech.

It was not unusual for me to drop in on him on Saturday morning after he had called to say he was in town and have him introduce me to the Secretary of the Treasury or the head of the Council of Economic Advisors to the president who had come to Searcy for an appointment with him.

But Wilbur Mills was human. And when some ill-advised people who had been his friends came to him with a scheme to elect him president, he bit. After spending a lot of money, he was able to garner only a tiny fraction of the vote in the New Hampshire Primary and dropped out of the race.

The man was definitive of greatness. When, after all those years, he went astray, he did so with all the verve and intensity he had brought to his great service to the nation.

He told me that at one point, he was drinking five quarts of vodka a day and frequently overdosing on prescription drugs. Even after all the embarrassing publicity, the voters of the district decisively re-elected him to complete his 38 years. He retired undefeated.

But his life didn't stop there. He became a national spokesman for Alcoholics Anonymous and criss-crossed the United States bringing the message of abstinence to a world of drunks who looked up to this man who had served so well for so long, had fallen from grace and pulled himself up again to a position of dignity. He frequently used his own funds to travel and almost never turned down an invitation to try to make up for what he felt was a grievous failing.

Wilbur Mills was a man . . . a great man. And, at the end, he came home with Polly to his roots, moving into the family home at Kensett where he had whiled always so many hours retreating from the Washington summer over the years.

We will not see his like again.

Mr. Speaker, Perrin Jones, the author of this article, is right. We will not see the likes of Wilbur Mills again. My wife, Betty Jo, joins me in extending our deepest sympathy to his widow, Polly; to his daughters, Rebecca Yates and Martha Dixon, and to his six grandchildren.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. THORNTON. I yield to the gentleman from North Carolina, to join me in commemorating the career of a giant of this House, Chairman Wilbur Mills, with whom I know the gentleman had occasion to serve.

Mr. DERRICK. Mr. Speaker, today we lament the passing of a former House Member and committee chairman, Wilbur Mills. Chairman Mills was the rarest kind of Member. With his incredible talent and bipartisan influence, he was able to enact substantive legislation that aimed more at addressing problems than winning political advantage. We sorely miss his extraordinary talent in that regard, especially in an era when political gridlock often seems to be the order of the day.

Seven U.S. Presidents witnessed the growing power and respect Wilbur Mills enjoyed as a Member of Congress between 1939 and 1976. During his 17 years as chairman of the House Ways and Means Committee, he oversaw nearly every piece of important domestic legislation. Far-reaching Government programs like Social Security and Medicare still bear his mark. In addition to that legacy, a number of fine legislators at work in Congress today were greatly influenced by Chairman Mills and are proud heirs to his love for public service.

Increasingly, Americans are suspicious of power in the Washington establishment. The blame for that suspicion clearly does not extend to Wilbur Mills. This man, while holding more influence than anyone else over our Nation's tax laws, never even itemized tax deductions—though he could have. Nor did he hold personal business interests that might have benefited from his legislative activities. He was a man whose first interest was in the betterment of his country and his position was used to that end.

In his final years, he devoted much time and energy to educating Americans about a terrible disease called alcoholism. Though alcoholism had cost Wilbur Mills a great deal personally, that was not something he dwelled on. Instead, he was candid about his past problems with alcohol and intent that others should benefit from his experience.

Chairman Mills will long be appreciated for his great contributions to this Nation. But perhaps the best acknowledgment of his accomplishments would be for all of us to remember his tremendous example.

Mr. THORNTON. Mr. Speaker, I thank the gentleman for his comments. I knew he had that historical association with the chairman, and thought it would be appropriate for that to appear at this point in the RECORD.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. THORNTON. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today to join my colleagues in paying tribute to one of the truly legendary leaders of this great institution—the Honorable Wilber Daigh Mills.

When the history of our Nation is written, I truly believe that it will show that this great legislator had a major role in securing the passage of more major legislation than perhaps any other Member who has ever served here.

As chairman of the Ways and Means Committee for 17 years, he was the driving force in updating our tax laws, and in securing passage of landmark legislation such as Social Security programs, health insurance, welfare reform, and revenue sharing.

The tales of his knowledge of our tax laws are the things of which legends are made. He has been credited with being able to cite entire sections of the tax law from memory. There are even reports that he used to take the Tax Code home to peruse as light reading.

His integrity was renowned. During his congressional service he never accepted honoraria and never itemized tax deductions on his tax returns so that he could never even be perceived as having inserted anything into the Tax Code for his personal benefit.

There is no question but that Wilbur Mills truly deserved the title frequently bestowed on him as being the most important man in the U.S. Congress. Yet, in spite of the enormous power he had, Mr. Mills never forgot his roots or his constituents. It is a well-known fact that he often kept high-ranking officials waiting while he visited with some of his constituents who had come by his office to see him.

It was my privilege to have known this great man for over 30 years. While my party affiliation was different than his, he still took the time to be my legislative mentor after my arrival in the House in 1967. I am also proud to say that after he left office, Mr. Mills would still come by my office to visit and to share his insight on national matters.

Here again, he always showed his love and respect for people by walking through my staff office to shake hands and chat with my staff members before he would go into my office.

Our Nation and our citizens are better because Wilbur Mills served in the Congress. His 38 years of dedicated service spanned some of the most turbulent years of our history. He served under seven Presidents, each of whom looked to him for valued advice and counsel.

He will be missed. And it is possible we will never again see his equal.

My prayers go to his devoted wife, Polly, and their daughters, as well as the grandchildren of whom he was so proud.

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Mr. THORNTON. I thank the gentleman for his comments and for the privilege of serving with the gentleman from the Third Congressional District of Arkansas.

Mr. Speaker, I yield to the gentleman who represents the Fourth Congressional District, Mr. BERYL ANTHONY.

Mr. ANTHONY. Mr. Speaker, I thank the gentleman for yielding, and also for arranging this special order for the Arkansas delegation to pay tribute to Wilbur Mills, truly one of the greatest legislators that has served in this body and has honored the State of Arkansas. I would like to pass my condolences on to his wife, Polly, and to his two daughters, Rebecca Yates and Martha Dixson, as well as the grandchildren.

Mr. Mills was out of Congress by the time I came in 1979, but I had had the privilege on occasions when I came to Washington, DC, as a tourist to visit with him, and he was always kind and gracious, would always take you out to dinner and visit with you. As a young man he would always encourage your interest in government and especially good government. So I have been looking up to Mr. Mills for years, and I think having known him and watched his career probably gave me some insight and some interest in wanting to run for public office.

Many people do not understand how important being the chairman of the Ways and Means Committee is, because they do not understand the broad jurisdiction that that particular committee has. It is considered one of the three exclusive committees in the House of Representatives. If you serve on that committee, you cannot serve on any other legislative committee. It does raise all of the revenues for the Government. It has jurisdiction over the Social Security system, it has jurisdiction over the Medicare health system, it has jurisdiction over international trade, and in fact I have read that 60 percent of all pieces of legislation that are introduced during a given session are referred to that particular committee because of its broad range of jurisdiction.

When I came I was unable to get on the Ways and Means Committee in my first term in 1979. But I was fortunate in that a vacancy occurred in October 1981. Mr. Mills encouraged me to make that race for that particular committee because he said he thought Arkansas needed a representative back on the Ways and Means Committee. During that period of time the Ways and Means Committee had been relieved of the responsibility of also being the committee on committees. I was very fortunate in that colleagues voted to put me on the Ways and Means Committee in October 1981, and I cited many times the fact that I thought that seat belonged to the State of Arkansas because Wilbur Mills had been chairman of the committee for such a long and distinguished period of time.

I think the fact that he had such a strong reputation among the Members of Congress still serving helped me secure a seat on that important committee. His portrait hangs in 1100 Longworth where the committee does its legislative work, so I am personally reminded every day that I go into work of the legacy that Wilbur Mills left, not only to the Congress but to the State of Arkansas.

Something that not many people know though, Chairman DAN ROSTENKOWSKI found the old table that Wilbur Mills used to mark up all of his pieces of legislation on, found it in the storeroom, and with a sense of history had it refurbished. It has little brass nameplates of all of the former Members with their names inserted around the table, and of course at the head of the table is the name of Wilbur Mills as chairman. So every time I go back into the library behind the main room of 1100 Longworth, again I am reminded of the legacy of Wilbur Mills. So I even strive harder to try to meet what he did and meet his reputation. It is that table where he marked up so many landmark pieces of legislation, and Medicare probably being one of the most significant of all.

My colleague from the Third Congressional District, Mr. HAMMERSCHMIDT, mentioned in his remarks that Wilbur Mills practically memorized the Tax Code, and that he would take it and read it a little bit every night. I would say to the gentleman from Arkansas that I actually talked to Wilbur about it and asked him what was his advice for me, being a new member on the committee. He said, "Well, BERYL, what I would recommend you do is you take the Internal Revenue Code, and you put it beside your bed. And when you finish your daily activities, turn on your light and just read a few pages every night, and you will be surprised, one of these days you will have worked your way all the way through the code." And in fact, he was legendary when he was in the Congress as well as outside the Congress for having practically memorized the code and knowing all of the intricate parts and how they related to one another.

After I got on the committee he served as mentor to me also, and during complicated tax markups I would often call him and discuss public policy with him, and I considered him to be not only a personal friend but a legislative friend and adviser in that regard.

I think another thing that we should remember is that in that code knowledge was power, because he had a knowledge that no one else had, and having that knowledge it gave him that great power. Therefore, he became the adviser to several Presidents, and it is often said that he was the second most powerful man in America because of that position and because of that knowledge.

So I want to come and pay my personal tribute to Wilbur Mills and the legacy that he left in the House of Representatives, but also the legacy that he left to the State of Arkansas and to future generations of individuals who may choose to go into public service. He is the ideal person to look to and to study his life in terms of the positive things that he did. I would like to wish my very best to the family, and thank my colleague from Arkansas [Mr. THORNTON] for having this special order.

Mr. THORNTON. I thank the gentleman for his comments.

I yield to another Member from the First Congressional District of Arkansas [Mr. ALEXANDER] who has joined me in requesting this special order.

Mr. ALEXANDER. Mr. Speaker, I appreciate very much the gentleman yielding.

Mr. Speaker, a week ago today hundreds of people traveled to a red brick Methodist church in a small central Arkansas town to make a final farewell to a man whose public service has rarely been matched in the history of this Nation. A man who stepped out of the limelight nearly 16 years ago.

The gathering was one measure of the respect and affection Wilbur Daigh Mills earned during his 38 years as a Member of this House.

Today, we rise on the floor of this House to remember Wilbur Mills.

As a dedicated public servant he compiled a record of public good that remains a challenge to anyone who aspires to serve the people.

As a human being Wilbur demonstrated that people can overcome a potentially devastating illness and build a new life.

During his 17-year tenure as chairman of the Committee on Ways and Means, Wilbur had been described as "the second most powerful man in Washington".

In a funeral eulogy his grandson, David Jack Dixon Jr., said:

> I respected my grandfather as much as any man on Earth.* * * He made me raise my standards.

Wilbur might well have had a more deep appreciation for his grandson's words than for those of people who had labelled him powerful in a city where power too often is considered the whole measure of a person's worth.

At the entrance to Kensett, AR, there is a sign which reads "Kensett, Home of Wilbur Mills." It is the town where Wilbur D. Mills was born on May 24, 1909, to Ardra Pickens Mills and Abie Lois Mills. Kensett is the town he called home. It is the place to which Wilbur and his wife, Clarine "Polly" Billingsley Mills, retired last year after his successful careers in Congress and in private law practice in Washington.

He studied at Searcy, AR, High School and was graduated from Arkansas' Hendrix College in 1930. For 3 years he pursued legal studies at Harvard University then returned to Arkansas where he was admitted to the bar in 1933.

Shortly thereafter he became active in Democratic Party politics and was elected county and probate judge for White County. Wilbur was 25 years old. He served in this post from 1935 through 1938.

The year Wilbur first won elective office was the year he entered a partnership that continued through the rest of his life.

Wilbur's life partner, Clarine "Polly" Billingsley Mills, was his high school sweetheart. She became his bride on May 27, 1934. They would become the parents of two daughters, Martha Sue Dixon of West Simsbury, CT, and Rebecca Ann Yates of Wayne, NJ; grandparents to six children and great grandparents to two.

In 1938 Wilbur achieved an ambition he had formed as a child. He was elected to represent Arkansas' Second Congressional District in the U.S. House of Representatives. The people of Second District regularly reaffirmed their faith in Wilbur D. Mills by reelecting him to 18 succeeding Congresses.

During his first two terms in the House, Wilbur served as a member of the Committee on Banking and Currency. Then, in 1943, he was named to the Committee on Ways and Means where he would serve through the remainder of his congressional career. In 1959, Wilbur became the committee's chairman.

Wilbur's service as Ways and Means chairman spanned more years than any other chairman of that committee.

As a Member of Congress, he worked with the Presidential administrations of seven Presidents, Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and Gerald Ford.

His expertise in the complex area of taxation earned wide respect in and out of the Congress.

Under his leadership of the Committee on Ways and Means, important changes in tax law were enacted in 1962, 1964, 1965, 1968, 1969, and 1971. The Tax Reform Act of 1969 was described as the most extensive legislative effort toward significant reform of the Federal income tax system since it came into being in 1913.

Wilbur's retentive memory made it possible for him to cite provisions of tax law without reference to the Internal Revenue Code. He is reported to have said once that during his early years on the Committee on Ways and Means he set himself a goal of memorizing the Internal Revenue Code. "It was a lot smaller then, than it is now," The National Law Journal quoted Wilbur as saying in 1983.

But his legislative interests were much broader than the tax laws.

Wilbur Mills was a leading expert on foreign trade. The Committee on Ways and Means had, and has, major authorizing responsibility in this area which is vitally important to the economic health of the Nation.

He was a leader in the passage of the Trade Agreement Extension Act of 1958, which authorized the Dillon round of trade negotiations. Under his chairmanship the House gave the bill which became the Trade Expansion Act of 1962 the largest majority in the history of trade agreement legislation. This 1962 law aided significantly in sustaining the huge expansion in world trade during the 1960's.

In that same year Chairman Mills guided construction of the Tariff Classification Act which revised and modernized the entire schedule of U.S. tariffs for the first time since 1930. Potentially controversial, this legislation was easily approved by the Congress under Wilbur Mills' leadership.

His intense interest in the Social Security system and his extraordinary memory made it possible for him to recall the history of these laws since the programs began. Wilbur was a leader in shaping the benefits program of Social Security during his service on the Committee on Ways and Means.

Wilbur's concern for needs of the Nation's senior citizens extended to their health care. It prompted him to spend years spearheading the movement which led to the passage of the first Medicare law in 1965. Wilbur's efforts in this area began during the administration of President Eisenhower.

But, even before the passage of the Medicare law came the enactment of the Kerr-Mills Act. In addition to extending health care assistance to the Nation's poorest people, it set up, for the first time, a substantial medical services payment program for older Americans.

His concern for the Nation's infrastructure prompted Wilbur's leadership in the development of the highway trust fund. It is this fund, to which vehicle users contribute funds through a fuel tax, which still provides billions of dollars each year for constructing and improving the Nation's federally aided highway system.

During his tenure as committee chairman, he was also a leader in the debate on and formulation of legislation on revenue sharing and influential welfare reform.

In 1968, during Wilbur's 10th year as chairman of the Committee on Ways and Means, the New York Times Magazine described him as "the most important man on Capitol Hill."

As colleagues who served with him on the Committee on Ways and Means will recall, in assembling laws under his powerful leadership and influence, Wilbur Mills was a catalyst for consensus. He drew from each of his colleagues the best their talent had to offer and ensured that shares of it were included in the law.

In 1970, during an appearance at Hendrix College, U.S. Secretary of Health, Education and Welfare Robert J. Finch described Wilbur Mills as "one of the outstanding legislators in the history of the Republic."

Even at the height of his power in the Congress, Wilbur never forgot the people who sent him there with their votes. People who saw it happen tell of instances when he would delay keeping an appointment with Cabinet Members while he discussed Arkansas concerns with people from the Second Congressional District.

He certainly responded with help when local communities needed Federal assistance to get rural water, electric, and telephone services and other economic development projects underway.

Wilbur was a driving force in support of the Ozark Folk Center to preserve, and promote the continuation of, traditional folk music and crafts of the region. It was his enthusiasm and commitment which helped make me a backer of this nationally known center located at Mountain View, AR.

During his service as chairman of the Committee on Ways and Means, Wilbur probably had the privilege of meeting more Democratic Members of the House than any other single Member. That came about because he also led the committee on committees which had the responsibility for recommending Members of the House for selection as members of the committees of the House.

During 20 of his years on the Committee on Ways and Means he also worked as a member of the Joint Committee on Internal Revenue Taxation. In odd-numbered years from 1958 through 1974, he chaired that joint committee. Wilbur also served 4 years as a member of the Joint Economic Committee.

In his 38 years as a Congressman, Wilbur Mills witnessed and participated in some of the most historic events of the 20th century. But, as his influence grew, his basic concern continued to be focused on how he could use that power for the benefit of the Nation.

Halfway through his second term, the Congress declared war against Japan, thereby officially moving the United States into World War II. By the end of his service one American President had been assassinated, another had resigned in disgrace, the economy of the Nation and the world had changed dramatically, and international peace had become balanced on the decisions of two superpower nations.

Wilbur retired from the Congress at the end of 1976 but he did not retire from life. He took a position with the influential Washington office of the New York law firm of Shea & Gould and built a successful career as a corporate tax lawyer and consultant.

A December 1983 article in the National Journal quoted James C. Heinhold, then a Shea & Gould associate who had worked closely with him for 3 years as saying that before Wilbur would take a case, "He has to like the client, like the case, and he has to believe in it."

That same article quoted Dale W. Wickham, a partner at Piper & Marbury in Washington who had frequent contact on legal matters with Wilbur Mills in his post-congressional career, as saying, "He operates mainly as a lawyer. It's sleeves-rolled-up work."

Wilbur also continued his work to help others in their battle against alcoholism, an illness he had to conquer.

Of that illness, Wilbur told a U.S. Senate subcommittee in 1982, "I thought it was a failure on my part. It's a disease from which you can recover and gain back your position in life."

Wilbur Daigh Mills was a man others have found it right and true to describe as humane, a pragmatist, warm, a realist, powerful, unpretentious, efficient, energetic, humorous, smart, unbelievably accessible, interested and interesting.

Those of us fortunate enough to be able to do so, are blessed to be able to name him friend.

Our State of Arkansas and the Nation has been enriched by Wilbur D. Mills' more than 40 years of public service.

Mr. Chairman, at this point in the RECORD I would like to include statements by three persons, David Jack Dixon, Jr., grandson of Wilbur D. Mills; Robert W. Meriwether, professor of history and political science at Hendrix College where Wilbur studied; and Kay C. Goss, senior assistant for intergovernmental relations to Arkansas Governor Bill Clinton:

REMARKS BY DAVID JACK DIXON, JR.

Good afternoon or "konichiwa." That's for my sister, Susan, who flew back from Japan to be with us today. After that 20-hour flight, she's probably not sure what language she's speaking right now.

I think my grandfather's death came as a shock to us all. I know it did to me. I never thought his heart would fail him. I always thought it would be his driving. Please don't mistake my attempt at levity for disrespect. I just don't want everyone to feel sorry for all they've lost. If we can't realize what we've gained by knowing Grandfather, and carry it on inside of us, then he will die.

Of all things, I would never want to show disrespect for my grandfather. Of all the qualities he showed and taught me, I think respect is the one I would use to define him. I respected my grandfather as much as any man on earth. I don't think I was alone.

Respect is one of the biggest reasons why my grandfather and I were so close. If you ask me how to bridge the generation gap, I'd say respect is the first and most important step. My respect did cause me to do some things some people couldn't understand though.

When I was little, I used to love to go to the zoo with my grandad. He used to tell me the story about this big ol' wolf that got out of its cage and came runnin' after me one day. He grabbed that wolf by the tail, spun it around over his head a couple of times and flung it back into its cage. I used to run back to kindergarten class and tell the story. The teacher would call Mom up to tell her that I was telling these huge lies and that it had to stop. Mom told her that I wasn't lying. I thought I was telling the truth. Why? Respect. Everything my grandfather told me had to be true.

After I moved up to Connecticut, people would hear me say "Yes Sir" to my grandfather. They would ask me why. One person went so far as to say he'd never call another man "sir." I guess he never met my grandfather. I don't think I ever heard my father call my grandfather anything but "sir." Why? Because that's how we were raised? Maybe at first, but it became my way of saying "I respect you, who are you, what you know, what you've accomplished and what you stand for."

When my grandfather gave me the opportunity to work in Washington one summer during college, I had lots of friends I could have lived with, but I chose to live with my grandparents. Why? I'm cheap? Well, maybe, but the real reason was I loved being around my grandparents. My grandad always made me feel important, and that meant a ton to me coming from someone who had accomplished so much.

My friends at work could never figure out why I wanted to live with my grandparents, or, worse yet, why I wanted to go home right after work every day to go to AA meetings with them. I didn't have a good explanation to give them back then. Today I do. Respect.

When my grandfather would give me directions while I was driving, and he would tell me to take an exit I knew was wrong, I took it anyway. Why? I'm a wimp? I was afraid? I doubt that, or I wouldn't have loved being around him so much. Respect.

Why did I love being around my grandfather? Being around my grandfather made me raise my standards. I felt if anyone who was this important respected me, I had to do everything in my power to earn it. He was a hero to me and a role model. I aspired to be what he was. People today talk about how there are no role models any more for our youth. I'm lucky. I had two. So, Dad, take care of yourself. You're the only one I have left, and, Lord knows, I still need a little guidance. Why did I love being around my grandfather? Respect.

I said at the outset that we need to be grateful for what Grandad gave us. We need to carry it forward to Kurt and Jennifer and the next generation. That way, he'll never die. What will I take to the next generation from my grandfather? I once read that the three things man covets most, he must give away before he can possess them. Those three things are: peace, freedom and love. Grandad taught me there is a fourth. Respect.

Well, amigo, you always talked about the younger generation. I guess it's up to me to protect Kurt and Jennifer from that ol' wolf now. I just hope he's a little older and a little slower.

Thank you.

If I might take one more moment of your time. As I was writing this, it struck me as strange that we wait until people die to say how we truly feel about them. I'd like to change that tradition today and say a few words about my grandmother. I said if I could use one word to describe my grandfather, it would be respect. If I could use one word to describe my grandmother, it would be grace.

What do I mean by grace? To me, grace is having dignity, unselfishness, always thinking of others before yourself, being warm, caring, polite, and going out of your way to make others feel comfortable and respected. My grandmother is the consummate lady. She embodies grade and class in every sense of the word. If there were a grace contest, my grandmother would leave the queen of England in the dust.

Thank you, Grandmother and Grandad, for giving us all such fine examples to follow. I hope someday you'll be as proud to say you're my grandparents as I am to say I'm your grandson.

REMARKS BY ROBERT W. MERIWETHER

Today we gather in a memorial service which is also a celebration. We honor the memory of Wilbur Mills, one of the most outstanding, if not the most outstanding, political leaders and public servants in the history of our state. We also celebrate the life of Wilbur Mills, and in some public way show our appreciation for that life. But, though gathered in a group, each of us must reflect individually on her or his relationship with the one we honor.

We are a varied lot here today. Among us are members of his family. Yesterday in Kensett, one of his grandsons gave a moving and living portrait of his grandfather. Later in this service, David Jack Dixon, Jr., will describe what Wilbur and Polly Mills meant and mean to their family.

Some of you were, at various times in your life, his friends and neighbors. Others of you worked with him in his offices in Washington or Searcy or Little Rock. Perhaps as an Arkansas state or local official you called on Wilbur Mills for advice and assistance—or, as a constituent, you turned to the Congressman for help or information.

I cannot help but reflect on how fortunate we in Pulaski, Faulkner, and other central Arkansas counties were when, in the early 60s, a Congressional re-districting allowed us to elect Wilbur Mills as our Representative in Washington. For a while I worried that the sophisticated Little Rock voters might not "cotton" too well to a politician who very well projected the image of a small town boy from Kensett. And then I realized that most folks in Little Rock at that time were just one, at the most two, generations removed from small town and rural Arkansas. And I figured that as long as you remembered your roots, Mr. Mills would be all right.

You know how he treated you, how he shared your concerns, how he gave you his time and best effort. That is why you are here today—to express once again your appreciation, admiration, and affection. You don't need anyone to remind you of the type of man, friend, and public servant that Wilbur Mills was.

I do not know when Mr. Mills first showed an interest in politics, but he was preparing himself as he reached manhood. In the tradition of the ancient Greek polis (from which the word "politics" comes), public service was each citizen's duty, and each responsible citizen prepared himself to participate by his attention to public affairs, formal education, and moral development. Knowledge by itself was not enough—in fact, knowledge without moral responsibility was and is dangerous. But knowledge plus virtue equalled wisdom—and wisdom found its greatest service not in promoting oneself, but in service to the polls through politics.

At any rate, the pattern of Wilbur Mill's early life seemed to point him toward public service in the classical Greek sense. He pursued a liberal arts education at Hendrix College, majoring in (what else?) history. He developed his communication skills as he became a champion debater and his political skills by serving as president of the men's dormitory. (Even in learning to govern, you have to start someplace.) After graduation he availed himself of the best legal education in America at Harvard Law School. He then returned to his home town and soon entered politics.

Of all the offices in Arkansas state and local government, none, in my opinion, is closer to the people than the office of county judge—particularly in a rural county and especially in the dark days of the Great Depression. Wilbur Mills had barely reached the minimum age of 25 specified in the Arkansas Constitution when he was elected White County Judge. In addition to being the chief administrator of the county, the county judge was responsible for all of the county roads and bridges, he dispersed the county money, he was responsible for whatever public welfare program there was, and he also had jurisdiction over dependent, neglected, and delinquent children and heard bastardy cases. In 1935 the county judge was even the probate judge, and what other Arkansas county had a Harvard-trained lawyer presiding over its probate court? I imagine Wilbur Mills had a "crash course" in politics and constituent service during his two terms as a county judge. He would soon put his on-the-job training to good use on a national level.

When the Founding Fathers of the United States provided the framework of our national government in the Constitution, they showed their distrust in "democracy" by putting the Senate, the Presidency, and the federal judiciary at some distance from the common people.

But one organ of the new government was to be directly accountable to the people, and its members would be elected for short two-year terms. As the Virginia delegate George Mason explained, the House of Representatives "was to be the grand depository of the democratic principles of the Government. The Representatives should sympathize with their constituents, should think as they think and feel as they feel." (It seems Mason was describing the type of Representative which Wilbur Mills would become.)

In 1938, at the age of 29, Judge Mills was elected to the U.S. House of Representatives. Four years later he was put on the oldest committee of Congress, the House Ways and Means Committee, which was responsible for originating all revenue bills. In 1959 he became chairman of this, the most important committee in Congress, and for the next 16 years was universally acknowledge as "the committee chairman par excellence." His legislative triumphs in the areas of Social Security, Medicare, foreign trade, and taxes are legendary.

In 1970 a political scientist at the University of Wisconsin wrote a study on the House Committee on Ways and Means. The work was part of a series on the U.S. Congress sponsored by the American Political Science Association. In confidential interviews, members of the Committee from both parties praised Mills' encyclopedic knowledge, his fairness, and his ability to develop a consensus. The Chairman's main objective was "to report sound, passable legislation," and he was successful in steering the Committee to attain its goals. Another study by a former Congressman reported that Mills was "admired for his vigorous, lucid explanations of complicated bills on the House floor that have brought Members of both parties to their feet in applause." Two phrases used to describe Mills were "unquestioned ability" and "personal charm."

National publications recognized him as the most powerful member of Congress and second only to the President in determining the Nation's public policy.

Not bad for a small town boy from Arkansas!

But through all the acclaim and honors and plaudits and recognition, Wilbur Mills did not forget his responsibilities as defined by George Mason—his service to the people who elected him 19 times—his constituents. He never forgot the folks back home. He was courteous, he was solicitous, he was thoughtful, he was helpful, he really cared—he was a dedicated servant of his people. The U.S. Secretary of the Treasury could wait in the outer office if Chairman Mills was listening to the problems of a constituent.

When his Congressional career was over, he devoted a major portion of the rest of his life to helping his fellow Americans in the never-ending struggle to solve one of the worst personal and social problems facing our people. To me, at least, this display of character was his most inspiring public service.

Yesterday in Kensett, the family, friends, and neighbors of Wilbur Mills laid him to rest. He never forgot his roots—and his place of honor is secure in his home state and nation.

In a few minutes our formal memorial will conclude, and then we as individuals can tell each other the anecdotes which illustrate the life and character of Wilbur Mills. Each of us can express our appreciation that our lives touched his in some way. And then, individually, we can report: "Mr. Chairman, your Committee of friends and admirers will never be adjourned."

REMARKS BY KAY C. GOSS

More than any other person, Wilbur Daigh Mills was the centerpiece of my life, inspiring and influencing me for more than forty of my fifty years.

When I was about ten, my father, always the election judge at our precinct, gave me some published information on candidates, and suggested I choose a favorite politician to follow through election results and actions in office. My immediate selection was Mills, as I recall, because he was handsome and looked friendly—the most important qualifications for me at that age. Thus, he became my "political hero" and I followed his career closely from 1950 on and, through him, developed an increasing interest in politics, government, and history.

In 1958, when he became Chairman of the Ways and Means Committee, he showed that a person from Arkansas could, through hard work, ability, and commitment, provide nationwide leadership in vital areas of human concern—such as Social Security, health care, tax, trade, and unemployment compensation matters. Thus, he became my "professional role model" and public service became my career goal.

His loyal allegiance to the Democratic Party, his profound concern for posterity, and his deep devotion to helping people from all walks of life, from messengers to moguls, with every aspect of their lives, ennobled our political process, illustrated the ideals of service, enriched the heritage of humanity, and inspired me to dedicate my life also to the course he set.

When I graduated in 1963 from the University of Arkansas in Fayetteville with a bachelor's in political science, I wanted to go to Washington to work for Mills; however, my father discouraged me because he mistakenly thought I had to live in Mills' district or to be an expert in tax and trade matters. So, I went to work at the U.S. Justice Department, thinking I might work to develop the needed areas of expertise and overcome the residency requirement. After a year, I returned to Arkansas to secure a Master's degree in political science and taxation, to teach, to do research on election reform and state constitutional revision, to pursue a doctorate, to work in several political campaigns, and finally to join the political science faculty at the University in Fayetteville in 1969, always hoping to sharpen my skills, to get to know Mills well, and to be of assistance to him.

In 1971, I went to Washington with the Chairman of our Department and another faculty member to try to establish internships for students in Arkansas' congressional offices. We were given appointments with staff people in each of the offices, except for Senator John McClellan and Congressman Bill Alexander who met with us personally. While meeting with Alexander, he introduced us to Mills, "the Dean of the Delegation" and the subject of a vigorous draft movement for President. He was profoundly gracious, interested, helpful, and supportive. I returned home with a renewed desire to go to Washington and to work for him.

In the fall of 1972, I was offered the position of Legislative Assistant to newly elected Congressman Ray Thornton. So, I requested a leave of absence from the University and moved away from the farm where I had lived with my parents to pursue a "new life" and an "old dream" on Capitol Hill.

In 1973, the House of Representatives Doorkeeper, Fishbait Miller, put Mr. Thornton on the first floor of the Longworth House Office Building, so we would be in close proximity to Mr. Mills. When we had trouble getting moved into our office, Mr. Mills loaned us his own annex office until Thornton's new office became available—the first of countless kind deeds and helpful acts by Mr. Mills, for the new Congressman and his inexperienced staff. He became our mentor and our mainstay—always encouraging, helpful, and brilliant.

It was during this time that Mills became my "personal friend," one to whom I turned in terms of awesome respect, strong support, deep admiration, complete trust, and personal affection, at a time when he was frustrated with decreasing power and escalating alcoholism. While his personal challenges mounted, our on-going friendship grew, and he never slighted any aspect of his care and concern for his friends and his constituents. His overwhelming re-election success in 1974 attests to his District's love for him. It was my pleasure to have the opportunity to manage his campaign headquarters for that election.

In 1975, our pride in him swelled when he devoted himself to the recovery process for his disease and to helping others who suffered in the same way. He sometimes attended as many as 22 meetings a week, which were a pleasure to attend with him.

Also in 1975, I married his top aide. In 1976, we had a daughter, for whom Mr. and Mrs. Mills served as godparents and attended her christening ceremony in North Little Rock.

I was saddened when he decided not to run for re-election in 1976, but understood his need to seek a new life.

My family returned to Little Rock after Miles retired, while he stayed in Washington, to practice law at Shea and Gould, and to lecture nationally on alcoholism, addiction, and drugs. Although the number of our visits decreased, their value increased and we never missed an opportunity to share as much time as possible.

I worked for the Legislature, for the Constitutional Convention, for the Association of Arkansas Counties, for the State Auditor, and finally for the last ten years for Governor Bill Clinton as his Senior Assistant for Intergovernmental Relations. Thus, I continued my early commitment to public service, inspired by Mills, and stayed in close touch with Mills through letters, calls, and visits. He was always my only "professional adviser."

Informally through the years, I became his administrative assistant, helping him with his paperwork, schedule, and special projects, ranging from international trade, to revolutionary educational initiatives, to alcoholism treatment programs, to writing speeches, to drafting letters, to helping people get jobs, to providing information to people about all levels of government and politics.

When I began doing biographical research and writing about him, he was always freely accessible and enormously encouraging.

When I had problems, he became my personal confidant and counselor.

When he returned home to live this year in Arkansas, with the people he loved so much, in the state he loved so much, I spent as much time as possible with him on a daily basis. This time is the most treasured gift of my life.

So, when Mr. Mills died, my heart-rending loss became incalculable, as is my lifelong gain from having the privilege and pleasure of being close to him. Every day I'll be thankful for his legendary leadership of our nation and for the loving memories which flood my heart.

Therefore, Mr. Mills, now more than ever, I dedicate my life to keeping your memory alive; to trying to follow your perfect example in public service; and to helping people—so that "our partnership" will never end!

Mr. GUARINI. Mr. Speaker, I would like to join with you and my distinguished colleagues today in paying tribute to Wilbur D. Mills, a man who faithfully served this Nation and was an inspiration to all those who have served in the House and in any part of our Government.

His passing is a terrible loss to our Nation, and I would like to join with my distinguished colleagues in offering my most heartfelt condolences to his wife Polly and family.

Congressman Mills was one of the finest Representatives to serve in this body during the history of our Nation. He embodied the best qualities of any public servant. He was a talented legislator, who had a keen intellect. He was skilled at navigating the intricacies of the House and the Federal Government to help his constituents. But most importantly, Congressman Mills was a man of the people who never forgot his Arkansas roots, despite becoming one of the most powerful leaders in the House. He sought to use this power not for his own personal gain, but for those who he was elected to represent.

Throughout his time in Congress and his tenure as Chairman of Ways and Means, Congressman Mills strived to serve the hard-working people of this Nation. He sought to bring about fairness in our Tax Code and to see that Government met the needs of the taxpayers. He was keenly aware of the intricacies of the Tax Code and he was also adept at building the consensus necessary to steer tax legislation through the Congress.

One of Chairman Mills' greatest achievements was spearheading the battle to enact the Medicare system. This achievement will live on long after him, providing health care for millions of Americans. Congressman Mills was also expert on Social Security and foreign policy matters.

As a freshman appointed to Ways and Means just 2 years after his retirement, I know that Chairman Mills' influence was felt long after he left the Capitol. As chairman, he set a standard of excellence that all of us on the committee have strived to match.

Our Nation will always be indebted to Congressman Mills for his dedication, diligence, and love of the people. Today we must vow to carry on his legacy of protecting hard-working Americans and seeking to make this a stronger, fairer Nation.

Mr. Speaker, I join with you and my distinguished colleagues in saluting Congressman Mills: legislator, public servant, family man, and above all a fine patriot.

Mr. MINETA. Mr. Speaker, let me begin by thanking our colleagues BILL ALEXANDER, BERYL ANTHONY, JOHN PAUL HAMMERSCHMIDT, and RAY THORNTON of Arkansas for requesting this time in tribute to our former colleague Wilbur Mills.

My own memory of the former chair of the Ways and Means Committee predates my service here in the House. A few years earlier, I had traveled to Washington as part of a National League of Cities delegation of local officials. Our concern then was revenue sharing—getting Federal money back to our cities where it was so desperately needed. And it is sad to note, Mr. Speaker, how ironic it is that the battle we fought and won then is a battle American cities are losing today.

We won that battle two decades years ago, Mr. Speaker, because Members of Congress like Wilbur Mills listened to American mayors—and it was American mayors who convinced him and the other members of the Ways and Means Committee that revenue sharing was the right thing to do for the United States. A debt of gratitude for our success, I must add, is also due my late brother-in-law, Mike Masaoka. Years earlier, Mike had helped open a water shipping route into Arkansas. Chairman Mills never forgot that effort, and it was Mike who had helped us to get that first important meeting with the chairman which led ultimately to the rescue of revenue sharing.

I also remember that in 1975, when I arrived in the House for my first term representing San Jose and California's Silicon Valley, it was Chairman Mills along with Speaker Carl Albert who helped me get my assignment to the Public Works and Transportation Committee, on which I've served ever since.

Mr. Speaker, American cities owe a debt of gratitude to Wilbur Mills. Even though Federal revenue sharing with our cities did not last much longer after the early 1970's, that extra help did make our cities better places to live and work. Perhaps the best tribute we might offer to Chairman Mills would be the return of such a commitment to the national agenda.

Mr. CRANE. Mr. Speaker, seldom in its 200-year history has the U.S. House of Representatives known such as a wise man, such a leader as Wilbur Mills, our late colleague from Arkansas. Undoubtedly, no man in government knew and understood the American tax structure as well as the former chairman of the House Ways and Means Committee.

During his 17 years as chairman of the Ways and Means Committee, Republican as well as Democrat Presidents sought his counsel in fashioning tax policy. During those years as chairman of the committee he was often referred to as the second most powerful man in Washington.

I had the great fortune to serve on the Ways and Means Committee with Chairman Mills: He was always in complete command, knew every detail of even the smallest attachment to legislation we were considering, and directed the proceedings with dispatch and logic. And, he was fair to Republican as well as Democrat Members. Wilbur Mills was an expert not only on tax matters, but also on Social Security, Medicare, welfare reform and revenue sharing.

The country was well-served by Wilbur Mills of Arkansas. His efforts of the mid-20th century will live on in the 21st century and, I'm sure, even later years.

The death of Wilbur Mills means I have lost a friend and America has lost an outstanding leader.

Mr. HORTON. Mr. Speaker, I rise this afternoon to pay tribute to our former colleague, Wilbur Mills, who passed away on May 2 at his home in Kensett, AR, the town in which he was born 82 years ago. Wilbur served this country and the people of Arkansas with the utmost distinction as a Member of Congress for 38 years. I am proud to have served with this great statesman who was one of the most outstanding congressional leaders I have ever had the privilege to know.

Wilbur served under seven Presidents from Roosevelt to Ford. His long and storied career saw him rise to become the chairman of the Ways and Means Committee, a position which he held for 17 years. As chairman, Wilbur played an integral role in shaping our tax policy for a generation of Americans. But perhaps his most enduring contribution was the establishment of the Medicare system.

Wilbur Mills dedicated the majority of his life to helping others. As a judge, Member of Congress, and concerned citizen, he selflessly gave of himself. He was a great leader and a great man. His death is a loss for the country and for the people of Arkansas for whom he always fought.

My wife Nancy and I would like to express our condolences to Wilbur's wife, Polly, and his family and friends. Our heartfelt thoughts and prayers are with all of you.

Mr. ROSTENKOWSKI. Mr. Speaker, recently one of the truly legendary figures of the Congress, former Ways and Means Committee Chairman Wilbur Mills, passed away. Many current members may know about Wilbur Mills only by what they've read in the newspapers and history books. That is their misfortune. To watch Wilbur Mills at work was to watch a master lawmaker at his craft.

Wilbur Mills will always be remembered as one of the most powerful men ever to chair a congressional committee. Chairman Mills acquired that power because he understood the complexities of the Tax Code and the other programs within the committee's jurisdiction like no other member. Wilbur Mills always knew what he was talking about and other members on both sides of the aisle naturally deferred to his expertise.

But perhaps the greatest source of Wilbur Mills' power was that he never abused that power. If he was the most influential committee chairman in the Congress, it was not because he ruled with an iron fist. Rather, it was because he continuously sought compromise, regularly solicited the views of others, and habitually produced legislation that members in both parties could accept.

Under Chairman Mills' leadership, the Ways and Means Committee took pride in crafting legislation. He realized the vital importance of maintaining the integrity of the Tax Code—maintaining its essential fairness and keeping it as far removed from partisan politics as possible. He recognized that Government depended on revenue and that the ability to raise revenue depended on voluntary compliance. When the people begin to see the system as unfair or susceptible to the pull of narrow political interests, the system collapses.

There was no better custodian of the Tax Code or, for that matter, of the Nation's fiscal health than Chairman Mills. Wilbur Mills taught us all valuable lessons—in the merits of bipartisanship, in how to write good, solid legislation, and, above all, how to keep a close watch over the national interest.

We all mourn his passing.

Mr. STOKES. Mr. Speaker, I want to thank my colleagues, the distinguished members of the Arkansas congressional delegation, for reserving this special order today in honor of our friend and former colleague, Wilbur D. Mills. I join them in mourning the recent passing of this great man and distinguished leader.

Wilbur Mills served his constituency and our Nation in the Halls of Congress from 1939 to 1975. Prior to his election, he served as a county and probate judge. It was in 1939 that Wilbur Mills was elected to represent the Second Congressional District of Arkansas in the House of Representatives.

Mr. Speaker, many of us here today were privileged to serve in this body with Wilbur Mills. We recall his strong leadership as chairman of Ways and Means Committee for 17 years. Wilbur Mills was often called the second most powerful man in Washington because of his chairmanship of this important committee. He also earned the title due to his proficiency with regard to the legislative process.

During his chairmanship, Wilbur Mills authored legislation and was involved in decision making on issues including taxes, Social Security, revenue-sharing and welfare. It is reported that Wilbur Mills could cite sections of immense tax laws from memory and recall the history of Social Security changes since the program's inception.

He is credited with steering many important programs through the legislative process. It is also interesting to note that Wilbur Mills' legislative career encompassed the administrations of seven presidents—Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford.

Wilbur Mills was highly respected throughout the Halls of Congress. He counselled those of us who were at that time freshmen members of this body, teaching us the "ins and outs" of the legislative process. And, although Wilbur Mills wielded tremendous power, he never abused that power. He was a respected member, and outstanding leader and, most importantly, a good friend.

Mr. Speaker, I am pleased that my colleagues have provided this opportunity for us to reflect upon the accomplishments and contributions of our former colleague, Wilbur D. Mills. I join my colleagues in extending our deepest sympathy to his wife, Polly, his family and many friends. During his lifetime, Wilbur D. Mills served the State of Arkansas, his constituency and our Nation in a distinguished manner.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in the House of Representatives in remembering one of the great American legislators of the 20th century, Congressman Wilbur Daigh Mills of Arkansas.

It is truly astonishing to reflect on the accomplishments of Wilbur Mills during his 36-year tenure in the House. Perhaps Mr. Mills' most important triumph was his leadership of the decade-long struggle to enact Medicare, a program that has enabled millions of senior citizens to cope with the costs of health care. I am extremely proud to say that I joined Congressman Mills in this effort by serving as an original cosponsor of the 1965 Medicare bill. Wilbur Mills was responsible for numerous other pieces of progressive legislation involving Social Security, taxes, welfare and health insurance. His congressional initiatives included revenue sharing, a program that has helped American cities attack crime and poverty.

In his time, political leaders on both sides of the aisle hailed Wilbur Mills for his masterful understanding of tax law and the legislative process. He chaired the House Ways and Means Committee for 17 years, and was a confidant to several Presidents. Nonetheless, Congressman Mills never forgot his most important job: to serve as a forceful advocate for his Arkansas constituents. Legend has it that Wilbur Mills would let Cabinet Secretaries cool their heels in his outer office, rather than interrupt a meeting with constituents. Mr. Mills understood that constituent service is a critical measure of success for a Member of Congress. Wilbur Mills also distinguished himself by rejecting undue influence from the hundreds of lobbyists and interest groups that sought his attention. He even refused to itemize his tax returns so that no one could accuse him of profiting from the tax laws he helped enact.

It is tragic to recall that at the height of his powers, Wilbur Mills fell victim to the devastating affliction of alcoholism. His retirement from the House in 1975 left an enormous gap in this institution. But that didn't prevent Congressman Mills from squaring up to the immense challenge of recovery. He joined Alcoholics Anonymous and ultimately regained his health and self-respect. With this personal calamity behind him, Congressman Mills went on to inspire others with lectures imploring them to resist the dangers of alcohol abuse. In this way, Wilbur Mills continued to share his brilliant mind with the American people until his untimely passing on May 2.

Mr. Speaker, I sincerely hope that the world will remember Wilbur Mills as a giant of democracy who fought hard to enable all of our citizens to share in the bounty that is the United States of America. His legacy of legislative achievements will endure the test of time, and his recovery from alcoholism leaves us with a poignant testament to the healing powers of the human spirit. This is truly a man whom we all shall miss.

Mr. DE LA GARZA. Mr. Speaker, today we gather to pay final tribute to one of our former colleagues, the distinguished Wilbur Mills of Arkansas who for 38 years served in this Chamber and who passed away over the weekend. The legacy and legend of Wilbur Mills is one which I think we are all familiar. A leader, a responsible legislator, a man of dedication to duty—all of these were trademarks of Wilbur Mills for which he was well known. However, if I could only use one word to describe him I would select effective because that, above all else, is what Wilbur Mills was.

There is no question he left his mark on this body and that he served his district, his State and the Nation well. Wilbur Mills will be greatly missed by those who knew him, and I just want to say how glad I am to have had the privilege of serving with him.

□ 1730

GENERAL LEAVE

Mr. THORNTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

□ 1740

INTRODUCTION OF H.R. 5101, THE MINORITY EMPLOYMENT OPPORTUNITY ACT

The SPEAKER pro tempore (Mr. SERRANO). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken out this special order to talk about an experience I had this past weekend. I represent suburban Los Angeles. I had the opportunity upon arrival to Los Angeles Thursday evening to tour the ravaged area in south central Los Angeles that was hit by the riots which took place in the aftermath of the Rodney King verdict. Then I had the chance to visit the district which I represent in Pomona, CA. I looked at some of the areas that were hit and was struck with the devastation that I saw both in Pomona, which I am very pleased to say was not nearly as bad as the devastation which we saw in south central Los Angeles.

The verdict in the Rodney King case was clearly one which was questioned by many of us, but we all know that it was no justification for the riots that we saw and the aftermath.

President Bush has today put forward a bold and dynamic program which is designed to encourage economic growth and expansion in the inner cities. He has called for the established of enterprise zones. He has done that as was done under the Reagan administration for over a decade. He also has called for the establishment of the HOPE Program. Home Ownership for People Everywhere, so that we can take those who have been relegated to living in substandard Government housing and give them the chance to obtain the American dream of home ownership.

I am very encouraged at the prospect of this Congress in a bipartisan way moving ahead and working with that proposal which the President has submitted to us.

Tragically, 58 people lost their lives in south central Los Angeles. I have been in contact with one of my constituents, Reginald Denny, who came to national and international attention as he was dragged from the cement truck and kicked and beaten by those thugs in south central Los Angeles who have caused so much difficulty.

I should say, Mr. Speaker, that my thoughts and prayers are with Reginald Denny and members of his family as we look toward his speedy recovery.

I mentioned, Mr. Speaker, that the President has put forward his program for economic growth for the inner cities. I have just this past week introduced legislation which I think is very important as we try to get at the root of this issue.

In New Haven, CT, in the early 1860's President Abraham Lincoln said that he hoped that every man, and he was referring to both black and white, should have the opportunity to gain a job, and then he would hope that person would be able to go to work for himself. Then ultimately that individual should be able to hire people to work for him.

It seems to me that that wish of Abraham Lincoln is one which has unfortunately been lacking in the inner cities and in other parts of the country, frankly, because of taxes and regulatory burdens which are overwhelming, and that is really what the President wants to address with this package.

But the legislation I have introduced, Mr. Speaker, is designed to specifically look at a Federal program, a very important one in the eyes of many, one which I frankly have not been that enthusiastic about myself, but one which is in place and is designed to try to encourage minority entrepreneurship. We all want to see opportunities for minorities to attain that opportunity to own their own businesses and hire individuals.

We have a wide range of Federal programs, Mr. Speaker, which establish set-asides whereby minorities are able to apply and get Government contracts to meet certain services.

There are three major set-asides. One is in the Defense Department, known as the 1207 program, for those contracts which are let out in dealing with national security and defense items.

The Small Business Administration has what is known as the 8(a) program. It is a program which historically has been very controversial. We have seen some problems with it over the years and I would like to think that the proposal that I have introduced will play a role in trying to improve that.

The third major area where set asides exist came about in 1987 under the Surface Transportation Act, in which a minority set aside of 10 percent was established.

Mr. Speaker, the major criterion for the minority set aside program is that a minority business is to be owned, 51 percent of it is to be owned by a qualified minority, based on the definition the Federal Government has established.

One of the things that has concerned me about the minority set aside program over the years is that, yes, we do create an opportunity for minority entrepreneurship, but as we look forward to the future we really are abandoning Abraham Lincoln's role of first having that man or woman, black or white, work for someone else, then work for themselves, and then ultimately hire people.

Why do I say that? The reason is that we do not create an opportunity for these minority entrepreneurs to have minority employees to the level that I believe we should.

So what my bill, H.R. 5101 does, Mr. Speaker, is it establishes a requirement, that being that a minority entrepreneur who is utilizing the 1207, the 8(a) or the surface transportation set-asides or any other Government set aside, that that minority entrepreneur should have at least 51 percent minority employees.

The thing that has concerned me about the programs that we have seen in the past, the way it is now structured, is that we are saying that we are trying to encourage minority expansion and opportunity, but unfortunately there are many in the minority community who have simply utilized the set aside programs to enhance their own wealth and they have not benefited the minority community.

So H.R. 5101 would go a long way towards reaching into Watts and Inglewood and other areas in south central Los Angeles, in Pomono, parts of Pasadena, and here in Washington, DC and other parts of the Nation, with a tremendous minority population. We say that minority entrepreneurs are there. They are getting a Government set-aside program, and so let us see that minority entrepreneur hire at least 51 percent minority employees.

Why? So that those employees will have the opportunity to do what Abraham Lincoln wanted them to do, and that is begin working for someone else, then working for themselves, and then they will have a chance to hire someone.

Now, a critic might say this is a quota plan; but it seems to me, Mr. Speaker, that it is anything but that. We are now under this provision simply expanding the opportunity for minorities, which is the stated goal of the set aside program itself.

So, Mr. Speaker, I hope that as we look at trying to deal with the challenges that exist in our urban areas that we will have a structure whereby minority employees taking advantage of a Government program which we established will be able to move and expand and hire more in the minority communities.

I will say, Mr. Speaker, that I hope very much my colleagues will include H.R. 5101 in this package of reform for the inner cities.

Mr. Speaker, I will include my entire statement in the RECORD at this point.

Mr. Speaker, I recently toured the riot-torn area of south central Los Angeles and was dismayed and outraged by the extent of the physical and personal destruction I saw there. While the verdict in the Rodney King police brutality trial was no justification for widespread violence, the riots do underscore the need to reexamine and improve those Federal programs aimed at expanding economic opportunities in our Nation's urban areas.

That's why I introduced H.R. 5101, the Minority Employment Opportunity Act. H.R. 5101 changes the eligibility for small businesses that participate in Federal contracting programs for socially and economically disadvantaged individuals.

Currently, to be eligible to participate in a set-aside program, a small business concern must be at least 51 percent owned and controlled by socially and economically disadvantaged individuals.

H.R. 5101 changes that eligibility to small business concerns employing socially and economically disadvantaged individuals. At least 51 percent of the employees of the business must be socially and economically disadvantaged.

There are several Federal contracting programs that promote minority business. The three largest include the SBA section 8(a) program, with over 3,500 eligible certified firms participating; the Defense Department section 1207 program, which requires a 5-percent set-aside of all Defense Department contracts; and the Surface Transportation Assistance Act of 1987, which requires a set-aside of not less than 10 percent of Federal highway and transit funds. The transportation set-aside is one of the few programs that includes women in the definition of socially and economically disadvantaged.

According to the SBA, a person is presumed socially disadvantaged if he or she belongs to a specifically listed racial or ethnic group, which include black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Subcontinent Asian-Americans. Under the section 8(a) program, a person is presumed economically disadvantaged if he or she has a personal net worth of $250,000, not including the equity value of an applicant's primary residence and business.

In 1989, the Government awarded $5.6 billion in contracts to minority-owned small businesses. That represents 18 percent of all contracts going to small business. About $3.5 billion was distributed through the 8(a) program, $1.5 billion through the 1207 programs, and the rest through other set-aside programs.

Mr. Speaker, the purpose of H.R. 5101 is to create another focus for Federal procurement programs, which is to expand minority employment opportunities, particularly in urban areas with high unemployment. At the end of 1991, for example, the black unemployment rate was 12.7 percent.

Minority-owned firms will continue to qualify for the set-aside programs, with the only additional requirement that at least 51 percent of their employees be minorities. In fact, H.R. 5101 will expand minority enterprise.

For example, nonprofit community development corporations that nurture small business startups in low-income and minority communities do not currently qualify for set-aside contracts. Under H.R. 5101, they will.

Mr. Speaker, the economic situation in minority communities was best described by Joshua Smith, Chairman of the Commission on Minority Business Development, during a Small Business Committee hearing last year. He said:

> The lack of businesses headed by minorities located within the minority communities is resulting in more unemployment and increased crime in those immediate areas than elsewhere. All of these are contributing factors which negatively impact America's economic condition.

I believe H.R. 5101 can be an effective tool for ending hopelessness and promoting economic opportunity in minority communities, and I hope my colleagues will join me in cosponsoring this legislation.

INTRODUCTION OF LEGISLATION TO ESTABLISH A BIPARTISAN COMMISSION ON OPERATION OF HOUSE AND COMMITTEE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. REED] is recognized for 60 minutes.

Mr. REED. Mr. Speaker, today we are confronted by a political climate of doubt and distrust toward public institutions. Congress is not immune. Indeed, for many, it symbolizes the frustrations, anger, and contempt that permeate so much of popular feelings toward all levels of government. And, Congress is not an innocent bystander in this national distemper. Through the bank scandal, through the gridlock that paralyzes action on substantive issues, we have undercut our credibility and dissipated the regard in which the Congress is hedld even in the best of times.

Congress has always been the butt of popular criticism from Mark Twain to Mr. Dooley to Will Rogers. Such jibes are frequently healthy reminders to us that we are ultimately bound by the common sense and common decency of our constituents. But the present situation goes beyond the traditional democratic right to afflict the comfortable. It expresses a growing and corrosive feeling that government fails to understand the plight of its citizens, that through ignorance or indifference it fails to act, and that it is preoccupied with self interest and the perpetuation of special interests.

The foundation of democratic government is public confidence and public participation. We cannot long endure an absence of either quality from our public life. Thus, it is our task as leaders to restore public confidence and inspire public participation. Each of us bring different talents and perspectives to this great challenge. As a young man, I learned at West Point to live by a simple but compelling credo, "Duty, Honor, Country." These three words built on the fundamental lessons that I learned in my family.

Growing up the son of working class parents in Cranston, RI, I learned by their example that hard work, integrity, and a commitment to ideals beyond yourself were the epitome of the American spirit. At West Point, I focused my efforts to become a soldier in order to defend the land that had given great opportunities to my family and myself.

At West Point, I learned that the essence of leadership for a soldier is being able to stand before your troops and know, and just as importantly having them know, that you have done all you can to prepare and protect them. This goes beyond the minimum. It requires a total commitment to the exclusion of you own comfort and convenience.

Elected leadership requires a similar exacting standard, being able to stand before your constituents and know, and just as importantly having them know, that you have done all you can to serve them.

This is a daunting responsibility because we are all fallible and our every action is minutely scrutinized by a popular media infatuated with the sensational and immune to the substantive. However, it is incumbent upon every Member of Congress to set an example of selfless service. From this basis of personal conduct, we can more persuasively demonstrate that government begins and ends with service to the public.

As leaders, we must take responsibility for our actions and our inactions. The power of government lies in inspiring our people through the example of such service. The goal of government is to nurture a just, humane, and productive society where individual rights are recognized and individual responsibilities are understood and acted upon.

This is the great challenge which we face. It is a call for individual action, but also for thorough institutional reform. Two of my colleagues in the House, Mr. HAMILTON and Mr. GRADISON, have introduced legislation to establish a bipartisan commission to review the operation of the House, including the committee system and the way in which legislation is considered on the floor. This seems to me a reasonable place to start.

There are many good and thoughtful people in the Congress. We must act now to reverse the trend of lessening confidence in government and increase the faith of our constituents in our ability to tackle and solve the most difficult problems facing our Nation today.

□ 1750

JAPAN'S TRADE SECRETS REVEALED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, viewing late night television can be entertaining and sometimes very educational. The Arts and Entertainment Network recently ran an instructive program called "Taking on Detroit: Nippon Since 1945." It was informative about the history of the Japanese challenge to the American automobile industry. I hope the network will run the program again at an earlier hour, so more people will be able to see it.

The program clearly showed the tenacity that Japan, Inc., has had to become an industrial power, and at the same time, revealed the arrogance and lack of planning on the part of American policymakers in protecting United States long-term interests. The program related how the United States has arrived from the 1930's to such a critical juncture in our automobile industry.

America's Big Three once totally dominated the entire United States automobile and truck market but today we have a 59.7-percent market share and the Japanese have 29.7. In the car market the United States has 64.7 percent of the market and Japan 29.7. Those figures include automobiles made from plants in other countries and sold under the Ford, GM, or Chrysler label.

To keep the figures in perspective we must remember that Japanese firms were just beginning production in America in 1983 and at that time had 20.2 percent of the market. Each year they have improved their market share just a small amount. Like the tortoise, Japan, Inc., firms just keep moving and are now close to winning the race.

This turnabout with Japan and the United States in the automobile market is an interesting story. Early in the 1930's, American transplants produced 90 percent of Japan's cars.

Additional history about American firms in Japan also is found in the book, "Global Marketplace." It noted that in 1925 Ford organized a Japanese company and in 1927 built a plant in Yokohama to assemble cars from automotive parts shipped from Dearborn, MI. General Motors built an assembly plant in Osaka in 1926.

By 1928 the number of American cars exceeded the number of rickshaws in Japan. At that time, both GM and Ford set up finance companies so that cars could be purchased on credit.

Early in 1930, a Japanese Government spokesman warned that Japan, Inc., must not rely on foreign goods. The Government made good on that policy by 1936 and designated Toyoda Automatic Loom Works the eligible company to make motor vehicles for Japan's coming war with China. Neither GM nor Ford was granted a license. At that time Toyoda built a plant to produce 1,500 trucks a month and in the process of building the plant, changed its name to Toyota.

In 1934 the Japanese automobile industry hired American engineers and bought second-hand materials to make parts. Toyoda had to turn out 1,500 trucks a month for the war effort in China. "Global Marketplace" reported that later:

> During World War II Japanese automakers became virtual wards of the government. Toyota was converted to a military facility, turning out trucks for the Japanese troops.

After the war, the automobile industrialists decided the technical superiority of the United States was clear. Toyota gathered together the industrialists and they decided they had 3 years to catch up with the Americans.

Because Toyota was so little—between 1947 and 1952 it made a total of 215 passenger cars—it asked to be allowed to be involved in every step of manufacturing in the Ford plant.

Engineers spent 3 years studying everything in the American automotive industry. By the time the Japanese engineers saw the River Rouge plant in Detroit, it was considered a museum piece, although it was the biggest industrial manufacturing facility in the world.

Henry Ford had designed it so everything was concentrated in one place. Ships would arrive at one door with the metals which would be shaped into automobiles to come out the other door. Foundries, glass and rubber shops all were located under one roof.

The Japanese returned home and set up a similar system with suppliers in a 5- to 10-mile radius from their plants. Meanwhile, American industrialists discovered decentralization and scattered plants to 20 other States.

The Japanese system of just-in-time delivery really originated by suppliers being located close by. Now American firms are discovering the virtues of concentration. As one auto man said, "what in the world goes around, stops at the same place." If only we had been wiser.

At that time, after the war, the Japanese automobile industry was near bankruptcy, but a windfall called the Korean police action broke out and ultimately helped them.

With the Korean action, the Zaibatsus, the prewar trading companies, were reconstructed to meet the supply needs of the Allies in Korea. The war gave Japan an economic boost and put Japan, Inc. in the automobile industry in a big way.

At that time the Ministry of International Trade and Industry [MITI] stated that:

> Americans can produce cheap, high-quality cars but we shouldn't rely on the Americans. We need a major industry because the car industry has many other industries related with it.

I have purposely detailed the contents of this television show and the explanation of how the Japanese auto industry got started for a reason. Many critics have bashed the American automobile industry without either realizing or admitting that the United States industry had been targeted by Japan, Inc., since the 1930's.

Last week, a speaker for the Congressional Economic Leadership Institute pointed out that Japan claims to have lost $11.5 billion in the United States automobile market in recent years. Japan, Inc., has subsidized the lower prices in the United States by charging higher prices to Japanese customers.

That, along with transfer pricing and not paying their fair share of American taxes provide Japan's automobile companies with a big edge against the American industry. The American taxpayer paid the price in lost jobs and picking up the tax bill for the Japanese transplant factories.

The firms of Japan, Inc., have practiced a systematic abuse of our tax system. According to testimony before the Subcommittee on Oversight of the House Ways and Means Committee, there is an estimated basis tax bill of $30 billion owed by Japanese companies from 1983 to 1987. That figure does not include the interest penalties, and fines from 1983.

In the recent Economic Strategy Institute study of the auto industry, the United States operations of auto companies have incurred huge losses with a proportionate surge in Japanese profits. No taxes are paid in the United States because of the large loses carried forward in books by the transplants.

The institute figures, based on a University of Michigan study, added that transplant cars average 60-percent foreign parts, which means those funds leave the United States altogether.

This does not include the costs for foreign engineering and design, nor the depreciation of machine tools which also are foreign purchased.

A foreign-made car generates only $400 in taxes in the United States, but an American-made car such as Ford, GM, or Chrysler generates $6,000 in taxes plus another $24,000 in jobs. Someone has to pay for this tax and income loss.

What is devastating is that the average American taxpayer has to pick up the slack for the Japan, Inc., firms not paying their taxes. They also have an added burden whenever a Japanese firm receives tax concessions for locating in a community or State. This tax charade also gives a foreign firm an added advantage over an American company which pays its fair share of taxes and also shoulders the burden for operating in the community.

My mother always told me there is no free lunch, but it seems the Japanese firms have found the way to have a free lunch with American tax money.

Clearly, we must readjust our thinking about Japan. To be allies and trading partners, we should play by the same rules of the game, but too many times it has been demonstrated that Japan plays by one set of rules and Americans by another.

This situation has arisen because the American Government has not been able to develop a level playing field for American firms, but Japan, Inc., understands helping its firms.

The Office of Technology Assessment report, "Competing Economies" noted:

> The Japanese Government considers certain industries crucial to its economic health. Immediately after the war, policymakers felt that Japan should be strong in manufacturing iron and steel, ships, machinery, heavy electrical equipment, and chemicals.
>
> Later, the automobile, petrochemical, nuclear power, computer and semiconductor, and aircraft industries were added to the list. Though less so than in the 1950's and 1960's, Japan continues to provide particular benefits to targeted industries and the users of their outputs.

We should heed the lesson from Japan. Obviously its policymakers understand the need to manufacture products and not be just a service economy. We must spend more in industrial research and development [R&D]. Today the United States and Japan both spend about $80 billion on R&D. The difference is Japanese investments are growing at a rate of 14 to 15 percent, while American investment is only 4 to 5 percent a year. Clearly, we must invest more in R&D.

□ 1800

The other difference, of course, is that in Japan, where there are no antitrust measures and where they have the keiretsu system, all of the Japanese firms can bunch their money together in one R&D pot, and they can all benefit from a minimum of investment in the United States. That is not true because of our antitrust rules.

I can well remember back in the early 1970's when there was an electronics seminar going on in Japan, and I happened to be on an official mission for the Federal Maritime Commission. At lunch, the American Ambassador said, and at the breakfast the same morning, that the CEO's of the American electronics industry literally were throwing their hands up and saying, "We're going to be out of business," again because of the R&D policy differences. Again he explained that, when the American electronics firms found out that the Japanese companies were all putting money into one pot, in other words, they were all participating in, let us say, a $100 million R&D program, each of them maybe putting in $10 to $15 million, whereas, in the American way, each American company ended up having to up $100 million for its own R&D, and even though all of them might come out with the same, it was the very high cost because of the antitrust measures of this country. So, there are some changes that need to be made along that line.

We should work to be more supportive of American industry and ensure that better jobs stay in America.

To be competitive in the 21st century we must also, according to Peter Drucker, author of the "Productivity Challenge," raise the level of productivity for our knowledge and service workers. Mr. Drucker wrote, "The country that does this first will dominate the 21st century economically."

If we do this then, the claims made in testimony before the Joint Economic Committee that "Japan could replace the United States as the world's biggest industrial power by the mid-1990's and become the world's largest economy early in the 21st century," could be wrong.

We must remember the remarks made after the President's recent visit to Japan by Mr. Shin Kanemaru, vice president of the governing Liberal Democratic Party of Japan. He stated, "If we belittle the United States. There is no future for Japan.

Mr. Kanemaru also said, "Japan can exist because the United States exists, but it is not the other way around. We owe our prosperity to the United States. Many Japanese forget this fact." American newspapers report that Mr. Kanemaru is considered more powerful than the Prime Minister.

I appreciate Mr. Kanemaru's statements and wise counsel and thank him for those remarks. He is right that we should not criticize and work together, but we must not forget our responsibilities to our country and future generations.

We certainly can meet the challenges of the next century. If the United States survived the challenges of the past 50 years, then we can do it again. Regardless of the critics, the American people have the innate talent and goodness to solve a problem.

Working together, we can once again make the American Dream a reality for succeeding generations. I am ready and willing to work to meet the challenges and I am sure my friends and neighbors are, too. Together, we can make the difference.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 60 minutes, on May 13.

Mr. CAMP, for 5 minutes, today.

Mr. RIGGS, for 60 minutes each day, on May 12, 13, and 14.

Mr. WELDON, for 5 minutes each day, on May 12, and 13.

Mr. DELAY, for 5 minutes each day, on May 12, 13, and 14.

Mr. DOOLITTLE, for 60 minutes, on May 13.

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Mr. HAYES of Illinois, for 5 minutes, on May 13.

Ms. KAPTUR, for 5 minutes each day, on May 12, 13, and 14.

Ms. WATERS, for 60 minutes, on May 13.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include to extraneous matter:)

Mr. HORTON.
Mr. BILIRAKIS, in two instances.
Mr. DOOLITTLE.
Mr. GREEN of New York, in two instances.
Mrs. BENTLEY.
Mr. GALLO.
Mr. DUNCAN.
Mr. STUMP.
Ms. MOLINARI.
Mr. MACHTLEY.
Mr. COMBEST.
Mrs. MORELLA.
Mr. GEKAS.
Mr. SAXTON.

(The following Members (at the request of Ms. WATERS) and to include extraneous matter:)

Mr. OWENS of Utah.
Mr. LEVINE of California.
Mr. SKELTON.
Mr. KANJORSKI.
Mr. ROE in five instances.
Mr. MATSUI in two instances.
Mrs. COLLINS of Illinois.
Mr. FOGLIETTA.
Ms. NORTON.
Mr. TORRICELLI in three instances.
Mr. TRAFICANT.
Mr. PANETTA.
Mr. MCMILLEN of Maryland.
Mr. LIPINSKI.
Mr. SMITH of Florida.
Mr. OLVER.
Mr. JACOBS.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 268. Joint resolution designating May 1992, as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries;

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; and

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2378. An act to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes.

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 13, 1992, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of committees of the United States House of Representatives concerning the foreign currencies used by them for official foreign travel during the third and fourth quarter of 1989, the third and fourth quarter of 1991 and the first quarter of 1992 pursuant to Public Law 95–354, as well as the consolidated report of the Speaker of the U.S. House concerning foreign currencies used by individuals and delegations authorized by him for official foreign travel during the third and fourth quarter of 1991 and the first quarter of 1992, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Soviet Union, July 2–9, 1989:											
Hon. John M. Spratt, Jr	7/2	7/9	Soviet Union		900.00						[3]900.00
Committee total					900.00						900.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Denotes return to U.S. Treasury.

LES ASPIN, Chairman, Apr. 30, 1992.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Philippines, Malaysia, Thailand, Indonesia, Brunei, and Korea, Nov. 27 to Dec. 8, 1991:											
Delegation expenses	12/1	12/3	Thailand				189.95		1,601.66		1,791.61
	12/3	12/5	Indonesia				370.10		798.96		1,169.06
	12/6	12/8	Korea						1,820.16		1,820.16
Committee total							560.05		4,220.78		4,780.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Apr. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. E de la Garza	9/19	9/21	France		484.00						484.00
	9/21	9/23	Spain		510.00						510.00
Hon. Sid Morrison	9/19	9/21	France		484.00		(3)				484.00
	9/21	9/23	Spain		510.00		(3)				510.00
Hon. Mike Espy	9/21	9/23	Spain		510.00						510.00
Commercial transportation						1,195.00	1,195.00				1,195.00
Laverne Hubert	9/19	9/21	Spain		484.00						484.00
	9/21	9/23			510.00						510.00
Marshall Livingston	9/19	9/21	France		484.00		(3)				484.00
	9/21	9/23	Spain		510.00		(3)				510.00
Codel other expenses (Spain):											
FNS staff									3,204.53		3,204.53
Control room									845.99		845.99
Local transportation									393.69		393.69
Hon. Dan Glickman	9/4	9/5	Austria		211.00		(3)				211.00
	9/5	9/9	U.S.S.R.		1,262.00		(3)				1,262.00
Committee total					5,959.00		1,195.00		4,444.21		11,598.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

E de la GARZA, Chairman, Mar. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Collin Peterson	11/8	11/12	Norway		843.00		(3)				843.00
Hon. E de la Garza	12/17	12/19	Switzerland		619.45						619.45
Commercial transportation							2,980.00				2,980.00
Marshall Livingston	12/17	12/19	Switzerland		619.45						619.45
Commercial transportation							1,828.00				1,828.00
Anita R. Brown	12/14	12/21	Switzerland		1,858.38						1,858.38
Commercial transportation							2,328.00				2,328.00
Lynn Gallagher	12/14	12/21	Switzerland		1,858.38						1,858.38
Commercial transportation							2,328.00				2,328.00
Hon. Tom Lewis	12/16	12/19	Switzerland		929.19						929.19
Commercial transportation							1,828.00				1,828.00
Hon. Collin Peterson	12/14	12/21	Switzerland		1,858.38						1,858.38
Commercial transportation							1,014.81				1,014.81
Local transportation									265.44		265.44
Committee total					8,486.23		12,306.81				21,158.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military Transportation.

E de la GARZA, Chairman, Mar. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany, Czechoslovakia, Italy, and Belgium, Jan. 4–10, 1992:											
Hon. Ike Skelton	1/4	1/6	Germany		112.00						112.00
	1/6	1/7	Czechoslovakia		56.00						56.00
	1/7	1/9	Italy		233.00						233.00
	1/9	1/10	Belgium		129.00						129.00
Commercial airfare							5,427.00				5,427.00
Visit to Finland, Ukraine, and Russia, Jan. 7–12, 1992:											
Hon. Les Aspin	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							2,736.00				2,736.00
Clark A. Murdock	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							1,508.00				1,508.00
Vernon A. Guidry	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							1,508.00				1,508.00
James N. Miller, Jr	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							1,508.00				1,508.00
Ronald J. Bartek	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							1,508.00				1,508.00
Alice C. Maroni	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							1,508.00				1,508.00
Sally L. Mewman	1/7	1/8	Finland		225.00						225.00
	1/8	1/9	Ukraine		178.00						178.00
	1/9	1/12	Russia		948.00						948.00
Commercial airfare							1,508.00				1,508.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation expenses	1/7	1/8	Finland				482.62		489.57		972.19
Visit to Cuba Jan. 8-9, 1992:											
Hon. Gene Taylor	1/8	1/9	Cuba		65.00						65.00
Jean D. Reed	1/8	1/9	Cuba		71.57						71.57
Visit to Uruguay, Argentina, Chile, Nicaragua, and El Salvador, Jan. 12–18, 1992:											
Hon. John R. Kasich	1/12	1/14	Uruguay								
	1/14	1/15	Argentina		106.00						106.00
	1/15	1/16	Chile								
	1/16	1/17	Nicaragua		25.00						25.00
	1/17	1/18	El Salvador								
Visit to Germany, Feb. 7–9, 1992:											
Hon. Les Aspin	2/7	2/9	Germany		27.29						27.29
Hon. William L. Dickinson	2/7	2/9	Germany		217.99						217.99
Hon. Beverly B. Byron	2/7	2/9	Germany		284.00						284.00
Hon. Norman Sisisky	2/7	2/9	Germany		127.19						127.19
Ronald J. Bartek	2/7	2/9	Germany		584.00						584.00
Thomas M. Garwin	2/7	2/9	Germany		584.00						584.00
Douglas C. Roach	2/7	2/9	Germany		438.62						438.62
Visit to Germany Czechsovakia, Australia, Spain, and France, Feb. 7–18, 1992:											
Hon. George (Buddy) Darden	2/7	2/11	Germany		1,121.00						1,121.00
	2/11	2/13	Czechoslovakia		520.00						520.00
	2/13	2/14	Austria		240.00						240.00
	2/14	2/16	France								
	2/16	2/17	Spain		676.00						676.00
	2/17	2/18	France		273.00						273.00
Commercial airfare							5,761.02				5,761.02
Train fare							26.63				26.63
Peter M. Steffes	2/7	2/11	Germany		1,121.00						1,121.00
	2/11	2/13	Czechoslovakia		520.00						520.00
	2/13	2/14	Austria		240.00						240.00
	2/14	2/16	France								
	2/16	2/17	Spain		676.00						676.00
	2/17	2/18	France		273.00						273.00
Commercial airfare							5,761.02				5,761.02
Train fare							26.63				26.63
Delegation expenses	2/13	2/14	Austria						519.57		519.57
Visit to Switzerland, Feb. 12–16, 1992:											
Hon. H. Martin Lancaster	2/12	2/16	Switzerland		924.00						924.00
Stephen O. Rossetti	2/12	2/16	Switzerland		924.00						924.00
Commercial airfare							4,381.00				4,381.00
Visit to Russia, Feb. 21–24, 1992:											
Hon. Jon Kyl	2/21	2/24	Russia		806.07						806.07
Hon. Robert K. Dornan	2/21	2/24	Russia		806.07						806.07
Hon. James H. Bilbray	2/21	2/24	Russia		806.07						806.07
Hon. John Tanner	2/21	2/24	Russia		806.07						806.07
Ronald J. Bartek	2/21	2/24	Russia		806.07						806.07
Robert W. DeGrease, Jr	2/21	2/24	Russia		806.07						806.07
Jeanine V. Esperne	2/21	2/24	Russia		806.07						806.07
Christopher A. Williams	2/21	2/24	Russia		806.07						806.07
Sally L. Newman	2/21	2/24	Russia		806.07						806.07
Visit to Singapore February 24–28, 1992:											
Hon. William L. Dickinson	2/24	2/28	Singapore		1,130.00						1,130.00
Peter M. Steffes	2/24	2/28	Singapore		1,130.00						1,130.00
Visit to Austria, March 3–8, 1992:											
Archie D. Barrett	3/3	3/8	Austria		1,155.00						1,155.00
Commercial airfare							3,403.40				3,403.40
Visit to Panama, March 18–21, 1992:											
Warren L. Nelson	3/18	3/21	Panama		363.37						363.37
Commercial airline							722.00				722.00
Robert Rangel	3/18	3/21	Panama		363.37						363.37
Commercial airfare							722.00				722.00
Committee total					31,422.03		38,497.92		1,009.00		70,929.09

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Apr. 3, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ronald Coleman	2/2	2/3	Mexico		286.50		(3)				286.50
Hon. Jim Kolbe	2/30	2/24	Russia		806.07		(3)				806.07
Hon. John Murtha	3/21	3/22	Bahrain		233.00						233.00
	3/22	3/23	Germany								
Military transportation							6,017.30				6.017.30
Hon. Ralph Regula	2/2	2/3	Mexico		286.50		(3)				286.50
Gregory R. Dahlberg	1/6	1/9	United States		411.00						411.00
	1/10	1/15	Korea		1,210.00						1,210.00
	1/15	1/17	Hong Kong		756.00						756.00
Commercial transportation							4,922.00				4,922.00
Elizabeth C. Dawson	1/6	1/9	United States		411.00						411.00
	1/10	1/15	Korea		1,210.00						1,210.00
Commercial transportation							4,926.70				4,926.70
Aaron Edmondson	1/10	1/19	Japan		2,545.00						2,545.00
Commercial transportation							3,095.00				3,095.00
Mark W. Murray	1/13	1/16	Bolivia		283.01		2,824.00				3,107.01
	1/16	1/19	Peru		594.00						594.00
	1/19	1/20	Venezuela		184.00		701.00				885.00
	1/20	1/22	Colombia		414.00						414.00
Elizabeth A. Phillips	1/4	1/7	France		701.00						701,00
	1/7	1/8	Luxembourg		414.00						414.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/8	1/12	Germany		876.00						876.00
	1/12	1/7	United Kingdom		1,440.00						1,440.00
Commercial transportation							4,166.50				4,166.50
John Plashal	3/21	3/22	Bahrain		233.00						233.00
	3/22	3/23	Germany								
Military transportation							6,017.30				6,017.30
Donald Richbourg	3/21	3/22	Bahrain		233.00						233.00
	3/22	3/23	Germany								
Military transportation							6,017.30				6,017.30
Kevin Roper	3/21	3/22	Bahrain		233.00						233.00
	3/33	3/22	Germany								
Military transportation							6,017.30				6,017.30
Committee total					13,760.08		44,704.40				58,464.48
Appropriations, surveys, and investigations staff:											
Richard H. Ash	2/2	2/5	Guatemala		373.00		2,316.00		99.81		2,788.81
	2/5	2/9	Netherlands Antilles		822.00						822.00
	2/9	2/13	Venezuela		446.25						446.25
Henry Avalos	3/22	3/28	Costa Rica		757.00		717.00		99.50		1,573.50
	3/28	4/3	Mexico		823.25						823.25
Theodore J. Booth	1/4	1/7	Germany		358.00		3,135.90		44.00		3,537.90
	1/7	1/12	Italy		880.00						880.00
	1/12	1/16	Spain		759.25						759.25
	1/30	2/4	Korea		1,025.00		3,146.00		26.67		4,197.67
	2/4	2/7	Japan		884.00						884.00
Roger T. Castonguay	3/28	4/1	Argentina		570.00		3,338.00		43.95		3,951.95
	4/1	4/4	Uruguay		287.50						287.50
Gerald T. Coughlin	3/22	3/28	Costa Rica		757.00		717.00		111.11		1,585.11
	3/28	4/3	Mexico		823.25						823.25
Anthony J. Gabriel	3/28	4/1	Argentina		570.00		3,338.00		26.55		3,934.55
	4/1	4/4	Uruguay		287.50						287.50
Robert G. Hammons	1/4	1/17	Germany		1,995.25		3,907.80		121.67		6,024.72
	2/2	2/5	Guam		474.00		4,411.00		16.70		4,901.70
Carroll L. Hauver	2/2	2/5	Guatemala		373.00		2,316.00		114.19		2,803.19
	2/5	2/9	Netherlands Antilles		822.00						822.00
	2/9	2/13	Venezuela		446.25						446.25
William P. Haynes, Jr	2/3	2/7	Panama		499.50		1,468.80		67.70		2,036.00
	2/7	2/11	Costa Rica		518.50						518.50
	2/11	2/13	Honduras		162.50						162.50
Richard A. Helmer	1/4	1/17	Germany		1,957.75		3,051.80		107.50		5,117.05
	2/2	2/5	Guam		465.16		4,892.00		19.65		5,376.81
Terrence E. Hobbs	1/4	1/7	Germany		358.00		3,135.90		44.00		3,537.90
	1/7	1/12	Italy		880.00						880.00
	1/12	1/16	Spain		759.25						759.25
	1/29	2/4	Korea		1,025.00		3,146.00		19.42		4,190.42
	2/4	2/7	Japan		884.00						884.00
Frank T. Lyons	2/3	2/7	Panama		499.50		1,468.80		107.54		2,075.84
	2/7	2/11	Costa Rica		518.50						518.50
	2/11	2/13	Honduras		162.50						162.50
Lawrence A. Marinelli	3/22	3/28	Costa Rica		757.00		717.00		92.01		1,566.01
	3/28	4/3	Mexico		823.25						823.25
Jacob W. Sprouse	1/30	2/4	Korea		1,025.00		3,146.00		66.67		4,237.67
	2/4	2/7	Japan		884.00						884.00
R.W. Vandergrift	2/5	2/10	Netherlands Antilles		843.25		1,999.00		257.12		3,099.37
	2/10	2/12	Venezuela		267.75						267.75
	3/28	4/1	Argentina		570.00		5,044.00		156.69		5,770.69
	4/1	4/4	Uruguay		302.50						302.50
L. Michael Welsh	1/4	1/7	Germany		358.00		4,669.00		99.60		5,126.60
	1/7	1/9	Italy		315.00						315.00
	1/9	1/10	Germany		188.00						188.00
Kennedy L. Wilson	2/3	2/7	Panama		499.50		1,468.80		73.51		2,041.81
	2/7	2/11	Costa Rica		518.50						518.50
	2/11	2/13	Honduras		162.50						162.50
T. Peter Wyman	2/2	2/5	Guatemala		373.00		2,360.00		141.50		2,874.50
	2/5	2/9	Netherlands Antilles		649.25						649.25
	2/9	2/13	Venezuela		476.00						476.00
H.C. Young	1/4	1/11	Germany		808.50		3,048.00		56.00		3,912.50
	1/29	2/4	Korea		977.00		2,905.00		72.67		3,954.67
	2/4	2/6	Japan		257.50						257.50
	3/25	3/28	Costa Rica		373.00		717.00		71.50		1,161.50
	3/28	4/1	Mexico		564.00						564.00
Committee total					35,216.16		70,579.80		2,157.23		107,953.19

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

JAMIE WHITTEN, Chairman, Apr. 28, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rebecca Schmidt	1/5	1/6	Japan		222.00						222.00
	1/10	1/12	Singapore		440.00						440.00
Transportation by commercial air							3,225.00				3,225.00
Ronald S. Boster	1/5	1/6	Japan		222.00						222.00
	1/10	1/12	Singapore		440.00						440.00
Transportation by commercial air							3,225.00				3,225.00
Patrick Knudsen	1/5	1/6	Japan		222.00						222.00
	1/10	1/12	Singapore		440.00						440.00
Transportation by commercial air							3,225.00				3,225.00
Joan Kois Woodward	1/5	1/6	Japan		222.00						222.00
	1/10	1/12	Singapore		440.00						440.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Transportation by commercial air							3,225.00				3,225.00
Hon. L.F. Payne	1/3	1/13	Africa		2,110.00			(3)			2,110,00
Hon. Jim Kolbe	2/2	2/3	Mexico		286.50						286.50
Transportation by military and commercial aircraft.							585.00				585.00
Committee total					5,044.50		13,269.00				18,313.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

LEON E. PANETTA, Chairman, Apr. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
P. Abbruzzese	2/10	2/12	France		819.00						819.00
	2/12	2/14	Belgium		562.00				58.50		620.50
Commercial transportation							4,446.90				4,446.90
Hon. Gary Ackerman	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
K. Alvarez	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
D. Barton	2/10	2/13	Russia		937.50						937.50
	2/13	2/15	Switzerland		562.00						562.00
Military transportation							5,494.00				5,494.00
Hon. Doug Bereuter	1/10	1/12	Portugal		550.00		(3)				550.00
D. Burns	1/11	1/14	Spain		813.00		(3)				813.00
R. Bush	12/30	1/1	Thailand		426.00						426.00
	1/1	1/2	Cambodia		228.00						228.00
	1/2	1/3	Thailand		405.00						405.00
	1/3	1/3	Vietnam				320.00				320.00
	1/4	1/5	Poland		284.00						284.00
	1/5	1/6	Belgium		266.00						266.00
	1/6	1/7	Germany								
	1/7	1/8	Finland		316.00						316.00
	1/8	1/12	Russia/Ukraine		1,264.00						1,264.00
Commercial transportation							5,483.40				5,483.40
L. Byrne	1/5	1/8	Russia		1,018.00						1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
M.J. Camp	1/13	1/14	United Kingdom		288.00		60.00				348.00
Commercial transportation							5,106.00				5,106.00
	2/12	2/17	Ivory Coast		1,190.00						1,190.00
	2/17	2/18	Nigeria		150.00						150.00
Commercial transportation							5,305.80				5,305.80
G. Cannon	1/4	1/7	Saudi Arabia		225.00				46.00		271.00
	1/7	1/10	Syria		606.00						606.00
	1/10	1/12	Egypt		374.00						374.00
	1/12	1/17	Israel		1,250.00						1,250.00
	1/17	1/19	Jordan		372.00						372.00
	1/19	1/21	France		520.00				25.00		545.00
Commercial transportation							4,941.50				4,941.50
F.M. Chambers	2/12	2/15	Panama		546.00						546.00
Commercial transportation							1,828.00				1,828.00
E. Daoust	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
E. Davidson	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
Hon. Mervyn Dymally	1/4	1/6	Egypt		374.00						374.00
	1/7	1/8	Ivory Coast								
	1/8	1/9	Togo		75.00						75.00
	1/9	1/10	Nigeria		112.50						112.50
	1/10	1/12	Ivory Coast		462.00						462.00
	1/12	1/14	Central African Republic		281.00						281.00
Commercial transportation							8,205.90				8,205.90
M. Ennis	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
Hon. Eni Faleomavaega	2/10	2/14	Japan		1,431.00						1,431.00
Commercial transportation							5,085.00				5,085.00
Hon. Dante Fascell	1/11	1/14	Spain		813.00		(3)				813.00
B. Ford	1/12	1/15	Panama		546.00						546.00
Commercial transportation							1,828.00				1,828.00
Hon. Benjamin Gilman	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
M. Gueye	1/6	1/9	Senegal		669.00						669.00
	1/9	1/16	Ivory Coast		1,386.00						1,386.00
Commercial transportation							7,949.36				7,949.36
	3/8	3/20	Djibouti		452.39						452.39
	3/10	3/14	Ethiopia		959.08						959.08
Commercial transportation							8,728.50				8,728.50
R. Harmon	1/9	1/10	France		260.00						260.00
	1/10	1/12	Ivory Coast		412.00						412.00
	1/12	1/16	Cameroon		952.00						952.00
	1/16	1/18	Congo		510.00						510.00
	1/18	1/22	Ghana		780.00						780.00
	1/22	1/22	Ivory Coast		200.00						200.00
Commercial transportation							7,379.80				7,379.80
Hon. Henry Hyde	2/21	2/24	Russia		806.07		(3)				806.07
S. Hartley	2/9	2/15	Switzerland		1,386.00						1,386.00
Commercial transportation							3,268.00				3,268.00
L. Heyes	2/9	2/15	Switzerland		1,386.00						1,386.00
Commercial transportation							3,268.00				3,268.00
R. Jenkins	1/10	1/15	Yugoslavia		608.00						608.00
Commercial transportation					1,828.00						1,828.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/9	2/11	Jordan		372.00						372.00
	2/11	2/12	United Arab Emirates		100.00						100.00
	2/12	2/14	Kuwait		606.00						606.00
	2/14	2/15	United Kingdom		297.00						297.00
Commercial transportation							5,862.00				5,862.00
V. Johnson	1/12	1/14	Dominican Republic		[4]444.00		345.00				789.00
Commercial transportation					1,278.50						1,278.50
Chris Kojm	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
D. Laufman	1/4	1/7	Saudi Arabia		225.00				46.00		271.00
	1/7	1/10	Syria		606.00						606.00
	1/10	1/12	Egypt		374.00						374.00
	1/12	1/17	Israel		1,250.00						1,250.00
	1/17	1/19	Jordan		372.00						372.00
	1/19	1/21	France		520.00				25.00		545.00
Commercial transportation							4,941.50				4,941.50
M. Manatt			El Salvador		375.00						375.00
Commercial transportation							1,434.00				1,434.00
Hon. John Miller	3/14	3/16	Canada		394.00						394.00
Commercial transportation							1,188.79				1,188.79
	3/24	3/28	Russia		699.71		(3)				699.71
	2/10	2/12	France		819.00						819.00
	2/12	2/14	Belgium		562.00						562.00
	2/14	2/17	United Kingdom		291.00				58.50		349.50
Commercial transportation							3,967.90				3,967.90
K. Nakamura	2/10	2/12	Hong Kong		756.00						756.00
	2/13	2/17	Thailand		852.00		52.61		2.66		907.27
Commercial transportation							4,320.00				4,320.00
R. Nuccio	2/10	2/15	El Salvador		375.00						375.00
Commercial transportation							1,239.00				1,239.00
R.S. Oliver	12/29	1/1	Hong Kong		756.00						756.00
	1/1	1/5	Taiwan		1,505.50						1,505.50
Commercial transportation							4,934.40				4,934.40
	1/11	1/14	Spain		813.00		(3)				813.00
	2/9	2/12	France		1,092.00						1,092.00
	2/12	2/14	Belgium		562.00				58.50		620.50
Commercial transportation					2,982.17						2,982.17
	2/14	2/15	United Kingdom		297.00						297.00
Commercial transportation							1,932.00				1,932.00
Hon. Wayne Owens	3/5	3/9	Russia-Armenia		648.00						648.00
Commercial transportation							5,687.30				5,687.30
A. Pandya	2/8	2/13	Hong Kong		1,260.00						1,260.00
	2/13	2/17	Thailand		852.00		52.61		2.66		907.27
Commercial transportation					4,320.00						4,320.00
B. Paolo	2/20	2/21	Malta						61.73		61.73
Commercial transportation	2/21	2/22	Switzerland		462.00						462.00
Commercial transportation							4,623.80				4,623.80
K. Peel	2/8	2/13	Hong Kong		1,260.00						1,260.00
	2/13	2/17	Thailand		852.00		52.61		2.66		907.27
Commercial transportation							4.320.00				4,320.00
M. Poloyac	2/7	2/8	United Kingdom		297.00						297.00
	2/8	2/11	France		819.00						819.00
	2/11	2/12	Federal Republic of Germany		254.00						254.00
	2/12	2/13	Austria		240.00						240.00
	2/13	2/15	Italy		662.00						662.00
Commercial transportation							6,492.60				6,492.60
P. Ravalgi	3/25	3/28	Russia		749.85		(3)				749.85
A. Roberts	2/7	2/11	France		1,365.00						1,365.00
	2/11	2/12	Federal Republic of Germany		254.00						254.00
	2/12	2/13	Austria		240.00						240.00
	2/13	2/15	Italy		662.00						662.00
Commercial transportation					4,924.60						4,924.60
J.W. Roberts	3/10	2/13	Russia		937.50						937.50
	2/13	2/15	Switzerland		562.00						562.00
Commercial transportation							5,494.00				5,494.00
Hon. Tom Sawyer	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
E. Schwartz	1/29	1/31	Australia		[4]339.54		[3]75.00				414.54
M. Sletzinger	1/5	1/8	Russia		1,018.00						1,018.00
	1/8	1/11	Portugal		1,100.00		215.59				1,315.59
	1/11	1/14	Spain		813.00		(3)				813.00
Hon. Stephen Solarz	12/31	1/14	Thailand		288.00						288.00
	1/1	1/2	Cambodia		228.00						288.00
	1/3	1/3	Vietnam								
	1/4	1/5	Poland		142.00						142.00
	1/5	1/6	Belgium		266.00						266.00
	1/6	1/7	Germany		-----						-----
	1/7	1/8	Finland		-----						-----
	1/8	1/12	Russia/Ukraine		1,264.00						1,264.00
Commercial transportation							9,275.60				9,275.60
I. Spalatin	2/10	2/13	Russia		937.50						937.50
	2/13	2/15	Switzerland		562.00						562.00
Commercial transportation							5,494.00				5,494.00
G. Strand	1/9	1/10	France		260.00						260.00
	1/10	1/12	Ivory Coast		412.00						412.00
	1/12	1/16	Cameroon		952.00						952.00
	1/16	1/18	The Congo		510.00						510.00
	1/18	1/22	Ghana		780.00						780.00
	1/22	1/22	Ivory Coast		200.00						200.00
Commercial transportation							7,356.00				7,356.00
M. Tavlarides	2/9	2/11	Jordan		372.00						372.00
	2/11	2/12	United Arab Emirates		100.00						100.00
	2/12	2/14	Kuwatt		606.00						606.00
	2/14	2/15	United Kingdom		297.00						297.00
Commercial transportation							5,862.00				5,862.00
Hon. Robert Torricelli	1/12	1/15	Dominican Rep		611.00		345.00				956.00
Commercial transportation							436.00				436.00
Patricia Weir	1/12	1/14	Dominican Rep		[4]428.00						428.00
Commercial transportation							1,028.00				1,028.00
R. Wilson	1/5	1/8	Russia		1,018.00						1,01800
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/13	1/17	Israel		980.00						980.00
	1/17	1/19	Jordan		372.00						372.00
	1/19	1/22	France		780.00				25.00		805.00
Commercial transportation							2,037.00				2,037.00
Grand total for 1st quarter											274,812.59

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Represents refund of excess per diem.

DANTE B. FASCELL, Chairman, Apr. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
James K. McCallum	2/29	3/14	Japan		[3] 3,450.00		[4] 2,821.00				6,271.00
Thomas O. Melius	2/29	3/13	Japan		[5] 3,205.00		[4] 2,894.00				6,099.00
John Kip Robinson	2/29	3/8	United Kingdom	1,012	1,782.00		[4] 3,966.00				
						83	[6] 147.08				5,895.08
Cynthia Wilkinson	3/1	3/8	United Kingdom	1,012	1,782.00		[4] 3,966.00				
						123	218.00				5,966.00
Committee total					10,219.00		14,219.08				24,231.08

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cash advance issued by Department of State.
[4] Commercial airfare.
[5] Cash advance issued by Department of State in the amount of $3,450, traveler returned 1 day early and returned $245 to Department of State.
[6] Ground transportation.

WALTER B. JONES, Chairman, Apr. 23, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ben Jones	1/3	1/13	Africa		2,110.00		(3)				2,110.00
James R. Miller	3/8	3/11	Mexico		350.00		414.00				764.00
Rebecca B. Weber	3/8	3/11	Mexico		350.00		414.00				764.00
Hon. Robert A. Roe	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Hon. Ronald DeLugo	2/9	2/11	Portugal		135.00		[3] 597.00				732.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Hon. Ben Jones	2/13	2/16	France		546.00		[3] 517.00				1,063.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Hon. John P. Hammerschmidt	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Hon. E.G. "Bud" Shuster	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/13	France		546.00		[3] 304.80				850.00
John S. Doyle	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
James R. Miller	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Kathy E. Guilfoy	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
John F. Fryer	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Kenneth House	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Aleathea E. Riley	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
David F. Traynham	2/7	2/11	Portugal		540,00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Jack L. Schenendorf	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Robert A. Bergman	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Erla D. Youmans	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00
Charles Ziegler	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				630.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rebecca B. Weber	2/7	2/11	Portugal		540.00		(3)				540.00
	2/11	2/16	France		1,365.00		(3)				1,365.00
	2/16	2/18	Ireland		630.00		(3)				548.00
Committee total					42,692.00		2,246.80				44,938.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

ROBERT A. ROE, Chairman, Apr. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Rod Chandler	1/15	1/18	Mexico	1,467,835	477.50						477.50
Commercial transportation							517.00				517.00
Hon. Philip Crane	2/2	2/3	Mexico	878,400	286.50						286.50
							(3)				
	2/14	2/16	England								
Commercial transportation							3,966.00				3,966.00
Hon. Sam Gibbons	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		[3]19.82		299.98		1,419.80
Hon. Donald Pease	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		[3]19.82		299.98		1,419.80
Hon. William Thomas	1/15	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		[3]19.82		299.98		1,419.80
	2/2	2/3	Mexico	878,400	286.50		(3)				286.50
Commercial transportation							406.98				406.98
Thelma Askey	1/15	1/18	Mexico	1,467,835	477.50						477.50
Commercial transportation							399.00				399.00
	2/2	2/3	Mexico	878,400	286.50		(3)				286.50
Frank Phifer	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		[3]19.82		299.98		1,419.80
Brenda Swygert	1/9	1/12	Venezuela		507.00		[3]81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)				302.00
	1/14	1/16	Trinidad		274.00		[3]114.66		76.02		464.68
	1/16	1/19	Dominican Republic		584.00		(3)				584.00
Committee total					11,953.50		5,564.60		1,619.57		19,137.67

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

DAN ROSTENKOWSKI, Chairman, Apr. 29, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dave McCurdy	1/3	1/13	Africa		2,110.00						2,110.00
Hon. Martin Olav Sabo	1/3	1/13	Africa		2,110.00						2,110.00
Hon. Doug Bereuter	1/3	1/13	Africa		1,557.00		2,015.00				3,572.00
John G. Keliher, staff	1/3	1/13	Africa		2,110.00						2,110.00
Robert J. Fitch, staff	1/3	1/13	Africa		2,110.00						2,110.00
Calvin R. Humphrey, staff	1/3	1/13	Africa		2,110.00						2,110.00
Virginia S. Callis, staff	1/3	1/13	Africa		2,110.00						2,110.00
Diane S. Dornan, staff	1/3	1/13	Africa		2,110.00						2,110.00
Jack Russ, Sergeant at Arms staff	1/3	1/13	Africa		2,110.00						2,110.00
Delegation expenses			Africa				1,493.00		3,115.00		4,608.00
William T. Fleshman, staff	1/4	1/15	Europe		1,753.00		3,940.50				5,693.50
Kenneth M. Kodama, staff	1/6	1/9	Europe		679.55						679.55
	1/10	1/12	Asia		513.00						513.00
Commercial airfare							3,757.00				3,757.00
Diana S. Dornan, staff	2/21	2/24	Europe		806.07						806.07
Committee total					22,188.62		11,205.50		3,115.00		36,509.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE McCURDY, Chairman, Apr. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, SYRIA, EGYPT, ISRAEL, MALAYSIA, AND HONG KONG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND SEPT. 2, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim McDermott	8/6	8/11	Jordan		744.00		3,187.00				3,931.00
	8/11	8/12	Syria		202.00						202.00
	8/12	8/13	Jordan		186.00						186.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, SYRIA, EGYPT, ISRAEL, MALAYSIA, AND HONG KONG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND SEPT. 2, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/14	8/16	Iraq								
	8/16	8/18	Jordan		372.00						372.00
	8/18	8/20	Egypt		329.34						329.34
	8/20	8/21	Jordan								
	8/21	8/24	Israel		660.00						660.00
	8/24	8/24	Germany				7,793.00				7,793.00
	8/25	9/1	Malaysia								
	9/2		Germany								
Hon. Charles M. Williams	8/6	8/11	Jordan		744.00		3,318.00				4,062.00
	8/11	8/12	Syria		202.00						202.00
	8/12	8/13	Jordan		186.00						186.00
	8/14	8/16	Iraq								
	8/16	8/18	Jordan		465.00						465.00
	8/18	8/20	Egypt		329.34						329.34
	8/20	8/21	Jordan								
	8/21	8/24	Israel		660.00						660.00
	8/24	8/24	Germany				5,930.00				5,930.00
	8/25	8/27	Malaysia								
	8/27	8/29	Hong Kong								
Committee total					5,079.68		20,228.00				25,307.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM McDERMOTT, Chairman, Feb. 28, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN AND AUSTRALIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 6 AND DEC. 11, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim McDermott	12/6	12/9	Japan		900.00		4,405.00				5,305.00
	12/10	12/11	Australia		50.00						50.00
Werner Brandt	12/7	12/10	Japan		900.00		5,846.00				6,746.00
Committee total					1,850.00		10,251.00				12,101,00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM McDERMOTT, Chairman, Feb. 28, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA AND PORTUGAL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 12, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bruce F. Vento	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
Robert Boyce	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
Committee total					4,236.00						4,236.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

BRUCE F. VENTO, Chairman, Feb. 18, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HONDURAS, JAMAICA, AND BRAZIL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND JAN. 18, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Carol Vargo	1/3	1/9	Mexico		747.50		4,030.00				4,777.50
	1/9	1/10	Honduras		85.00						85.00
	1/11	1/12	Jamaica		140.00						140.00
	1/13	1/18	Brazil		679.50						679.50
Barbara Gorham	1/3	1/9	Mexico		747.50		4,030.00				4,777.50
	1/9	1/10	Honduras		85.00						85.00
	1/11	1/12	Jamaica		140.00						140.00
	1/13	1/18	Brazil		679.50						679.50
Hon. Jim McDermott	1/9	1/10	Honduras		85.00		3,712.00				3,712.00
							[3] 188.48				273.48
	1/11	1/12	Jamaica		140.00						140.00
Committee total					3,529.00		11,960.48				15,489.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] In country travel for all three.

JIM McDERMOTT, Chairman, Feb. 28, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO VENEZUELA, BOLIVIA, TRINIDAD, AND THE DOMINICAN REPUBLIC, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 19, 1992

Name of Member or employee	Date		Country	Per diem (1)		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency (2)	Foreign currency	U.S. dollar equivalent or U.S. currency (2)	Foreign currency	U.S. dollar equivalent or U.S. currency (2)	Foreign currency	U.S. dollar equivalent or U.S. currency (2)
Rebecca Hedlund	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							2,675.63				2,675.63
Emile Milne	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							2,675.63				2,675.63
Richard Baum	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							2,675.63				2,675.63
William Klein	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							2,675.63				2,675.63
Peter Coniglio	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
George Gilbert	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
Hon. Craig Washington	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,267.41
Edward H. Jurith	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.31
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
Hon. Kweisi Mfume	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
Hon. Donald Payne	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
Hon. Paul Gillmor	1/9	1/11	Venezuela		507.00		81.68		343.63		932.31
Military transportation							756.73				756.73
Commercial transportation							542.00				542.00
Hon. Benjamin Gilman	1/14	1/14	Bolivia		151.00		(3)		(3)		151.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							2,057.84				2,057.84
Commercial transportation							599.09				599.09
Hon. Robert Dornan	1/15	1/16	Trinidad		143.00		126.42		76.02		345.44
	1/16	1/16	Suriname				(3)		(3)		
Military transportation							791.78				791.78
Commercial transportation							543.00				543.00
Hon. Charles B. Rangel	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
Hon. Lawrence Coughlin	1/9	1/12	Venezuela		507.00		81.68		343.63		932.31
	1/12	1/14	Bolivia		302.00		(3)		(3)		302.00
	1/14	1/16	Trinidad		274.00		114.66		76.02		464.68
	1/16	1/16	Suriname				(3)		(3)		
	1/16	1/19	Dominican Republic		584.00		(3)		(3)		584.00
Military transportation							3,467.41				3,467.41
Committee total					21,663.00		46,411.08		5,531.47		73,605.55

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Information not available.

CHARLES B. RANGEL, Chairman, Mar. 31, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 19, 1992

Name of Member or employee	Date		Country	Per diem (1)		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency (2)	Foreign currency	U.S. dollar equivalent or U.S. currency (2)	Foreign currency	U.S. dollar equivalent or U.S. currency (2)	Foreign currency	U.S. dollar equivalent or U.S. currency (2)
Michelle A. Denton	1/10	1/19	Japan	276,778	2,214.78	39,820	318.00			316,598	2,532.78

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 19, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Bagley	1/10	1/19	Japan	276,778	2,214.78	39,820	318.00			316,598	2,532.78
Richard T. Olson	1/10	1/19	Japan	276,778	2,214.78	39,820	318.00			316,598	2,532.78
Cary Jones	1/10	1/19	Japan	276,778	2,214.78	39,820	318.00			316,598	2,532.78
Committee total					8,859.12		1,272.00				10,131.12

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHELLE A. DENTON, Mar. 2, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PORTUGAL, FRANCE, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 7 AND FEB. 18, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mimi McGee-O' Hara	2/7	2/11	Portugal	72,900	540.00		(3)				540.00
	2/11	2/16	France	7,371	1,365.00		(3)				1,365.00
	2/16	2/18	Ireland	378.38	630.000		(3)				630.000
Angela Milazzo	2/7	2/11	Portugal	72,900	540.00						
	2/11	2/16	France	7,371	1,365.00						
	2/16	2/18	Ireland	378.38	630.00						
Committee total					5,070.00						5,070.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

MIMI McGEE-O'HARA, Apr. 3, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SINGAPORE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 24 AND FEB. 28, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Clay Swanzy	2/24	2/28	Singapore		1,130.00						1.130.00
Michael C. Lewis	2/24	2/28	Singapore		1,130.00						1,130.00
Committee total					2,260.00						2,260.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

H. CLAY SWANZY, Mar. 11, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LITHUANIA, LATVIA, ESTONIA, AND POLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 21 AND MAR. 7, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristi Walseth	2/22	2/26	Lithuania		1,020.00						1,020.00
	2/26	2/29	Latvia		760.00						760.00
	2/29	3/4	Estonia		1,020.00						1,020.00
	3/4	3/7	Poland		669.00						669.00
Commercial transportation							3,763.40				3,763.40
Cathy Brickman	2/22	2/26	Lithuania		1,020.00						1,020.00
	2/26	2/29	Latvia		760.00						760.00
	2/29	3/4	Estonia		1,020.00						1,020.00
Commercial transportion							3,416.90				3,416.90
William Freeman	2/22	2/26	Lithuania		1,020.00						1,020.00
	2/26	2/29	Latvia		760.00						760.00
	2/29	3/4	Estonia		1,020.00						1,020.00
Commercial transportation							3,416.90				1,020.00
Committee total					9,069.00		10,597.20				19,666.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI WALSETH, Mar. 23, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BULGARIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 21 AND MAR. 28, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	3/22	3/28	Bulgaria		1,350.00						1,350.00
Commercial transportation							3,721.30				3,721.00
William Freeman	3/22	3/28	Bulgaria		1,350.00						1,350.00
Commercial transportation							3,721.30				3,721.30

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BULGARIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 21 AND MAR. 28, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					3,700.00		7,442.60				11,142.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI WALSETH, Mar. 31, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 24 AND MAR. 28, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Suzanne F. Farmer	3/25	3/28	Russia		744.85		(3)				744.85
Heike Nuhsbaum	3/25	3/28	Russia		690.02		(3)		7.00		697.02
Committee total					1,434.87				7.00		1,441.87

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

SUZANNE F. FARMER, Apr. 14, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JACK O. ANDRESEN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 13 AND NOV. 22, 1991, AND DEC. 8 AND DEC. 18, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jack O. Andresen	11/14	11/22	Switzerland	2.554.80	1,768.00					2,554.80	1,768.00
Commercial transportation							3,268.00				3,268.00
	12/8	12/18	Switzerland	3,129.40	2,210.00						2,210.00
Commercial transportation							1,828.00				1,828.00
Committee total					3,978.00		5,096.00				9,074.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK O. ANDRESEN, May 6, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MARK B. BENEDICT, U.S. HOUSE REPRESENTATIVES, EXPENDED BETWEEN DEC. 15 AND DEC 20, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mark B. Benedict	12/15	12/20	Switzerland	1,538.65	1,104.91					1,568.35	1,104.91
Commercial transportation							2,328.00				2,328.00
Committee total					1,104.91		2,328.00				3,432.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK B. BENEDICT, Apr. 2, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL J. O'NEIL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 7 AND JAN. 12, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael J. O'Neil	7/1	8/1	Finland		225.00						225.00
	8/1	9/1	Ukraine		178.00						178.00
	9/1	12/1	Russia		948.00						948.00
Commercial transportation							1,508.00				1,508.00
Committee total					1,351.00						2,859.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL J. O'NEIL, Feb. 11, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. CASS BALLENGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 17 AND JAN. 22, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cass Ballenger	1/17	1/19	El Salvador	1,650.36	204.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. CASS BALLENGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 17 AND JAN. 22, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/19	1/22	Nicaragua		648.00						
Commercial transportation	1/17	1/22					986.80				
Committee total				1,650.36	852.00		986.80				

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CASS BALLENGER, Chairman, Feb. 20, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JACK ANDRESEN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 19 AND JAN. 25, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jack Andresen	1/19	1/25	Switzerland	1,656	1,150.00					1,656	1,150.00
Commercial transportation							1,828.00				1,828.00
Committee total					1,150.00		1,828.00				2,978.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK ANDRESEN, May 6, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JOHN J. RHODES III, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 2 AND FEB. 3, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John J. Rhodes III	2/2	2/3	Mexico		573.00						573.00
Committee totals					573.00						573.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. RHODES III, Chairman, Apr. 28, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. EDWARD KRENIK, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 29 AND MAR. 7, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Edward Krenik	2/29	3/7	England	982	1,729.00	2,252	3,966.00	58	102.81	3,293	5,797.81
Committee total					1,729.00		3,966.00		102.81		5,797.81

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD KRENIK, Apr. 3, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JACK O. ANDRESEN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 16 AND MAR. 27, AND BETWEEN MAR. 30 AND APR. 3, 1992.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jack O. Andresen	3/16	3/27	Switzerland	4,531.55	3,003.00					4,531.55	3,003.00
Commercial transportation							1,828.00				1,828.00
	3/30	4/3	Switzerland	1,397.56	924.00						924.00
Commercial transportation							1,828.00				1,828.00
Committee total					3,927.00		3,656.00				7,583.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK O. ANDRESEN, May 6, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DOUGLAS PETERSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 25 AND MAR. 28, 1992.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Douglas Peterson	3/25	3/28	Commonwealth of Independent States		[3] 805.00		(4)				805.00
Committee total					805.00						805.00

[1] Per diem constitutes lodging and meals.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DOUGLAS PETERSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 25 AND MAR. 28, 1992.—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Actual expenses in lieu of per diem.

[4] Military transportation.

G.V. MONTGOMERY, Chairman, Apr. 30, 1992.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3490. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on the total number of applications for conditional registration during fiscal year 1991; included is the status of outstanding conditions that were imposed on conditional registrations, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

3491. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1992, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–328); to the Committee on Appropriations and ordered to be printed.

3492. A letter from the Secretary of the Navy, transmitting notification that a major defense acquisition program has breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

3493. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to enhance the ability of the Army's Civilian Marksmanship Program to provide training in the use of rifled arms to American youth; to the Committee on Armed Services.

3494. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking, Finance and Urban Affairs.

3495. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3496. A letter from the Secretary of Commerce, transmitting a report entitled, "Imposition of Foreign Policy Export Controls on Former Munitions Items Transferred To Commerce Control List"; to the Committee on Foreign Affairs.

3497. A letter from the Secretary of Commerce, transmitting a report entitled, "Expansion of Foreign Policy Controls on Supercomputers"; to the Committee on Foreign Affairs.

3498. A letter from the Chairman, International Trade Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3499. A letter from the Director, Uniformed Services University of the Health Sciences, transmitting the retirement plan for the Uniformed Services University of the Health Sciences for the year ending December 31, 1989, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3500. A letter from the Attorney General, Department of Justice, transmitting the Office for Victims of Crime's Report to Congress on the Department of Justice's implementation of the Victims of Crime Act, as amended, pursuant to 42 U.S.C. 10604(g); to the Committee on the Judiciary.

3501. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend provisions of title 35, United States Code, regarding the late payment of patent maintenance fees and the membership on the Board of Patent Appeals and Interferences in the Patent and Trade Office; to the Committee on the Judiciary.

3502. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize employees, who received lump-sum annual leave payments when moving between nonappropriated fund and civil service employment and are now under portability of benefits legislation for nonappropriated fund employees, the option to keep such payments in lieu of required leave transfer; to the Committee on Post Office and Civil Service.

3503. A letter from the Director, National Science Foundation, transmitting a report on Women and Minorities in Science and Engineering: An Update, pursuant to 42 U.S.C. 1885d; to the Committee on Science, Space, and Technology.

3504. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to consolidate the accounts used to fund the housing loan programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

3505. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Health Insurance Market Reform Act of 1992"; jointly, to the Committees on Energy and Commerce and Ways and Means.

3506. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1991, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. H.R. 5132. A bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102–518). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 5132. A bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. JONES of North Carolina (for himself and Mr. LANCASTER):

H.R. 5133. A bill to authorize the project for navigation at Morehead City Harbor, to the Committee on Public Works and Transportation.

By Mr. BARTON of Texas (for himself, Mr. HALL of Texas, and Mr. SLATTERY):

H.R. 5134. A bill to provide for a study of commercial bank examination standards and procedures and the temporary use of tax appraisals in connection with federally related transactions in areas experiencing a shortage of certified or licensed appraisers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BILIRAKIS:

H.R. 5135. A bill to amend the Internal Revenue Code of 1986 to provide that economically disadvantaged individuals who have attained age 65 are eligible for the targeted jobs tax credit, and to provide for a permanent extension of the credit; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. GILCHREST, Mr. HUGHES, Mr. RAVENEL, and Mr. LIPINSKI):

H.R. 5136. A bill to amend the Interjurisdictional Fisheries Act of 1986 to provide for the development, implementation, and enforcement of effective interstate action regarding the conservation and management of fisheries of the Atlantic States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CRAMER:

H.R. 5137. A bill to amend chapter 153 of title 10, United States Code, to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 5138. A bill to amend title XIX of the Social Security Act to permit certain proprietary organizations to conduct functional assessments and develop individual community care plans for purposes of providing home and community care for functionally disabled individuals under State plans for medical assistance under such title; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself, Mr. Atkins, Mr. Lipinski, Mr. Waxman, Ms. Horn, Ms. Kaptur, Mr. Jontz, Mr. Kolter, Mr. Andrews of New Jersey, Mr. Frank of Massachusetts, Mr. Eckart, and Mr. Andrews of Maine):

H.R. 5139. A bill to provide for the recoupment of defense expenditures abroad, and for other purposes; jointly, to the Committees on Armed Services, Foreign Affairs, Science, Space, and Technology, Energy and Commerce, Public Works and Transportation, Interior and Insular Affairs, Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. GREEN of New York (for himself, Mr. Lehman of Florida, and Mr. Smith of Florida):

H.R. 5140. A bill to prohibit United States military assistance for Jordan until the President certifies to the Congress that Jordan is in compliance with the United Nations Security Council sanctions against Iraq; to the Committee on Foreign Affairs.

By Mr. HAYES of Illinois:

H.R 5141. A bill to exclude shipboard supervisory personnel from selection as employer representatives and for other purposes; to the Committee on Education and Labor.

By Mr. KASICH (for himself and Mr. Santorum):

H.R. 5142. A bill to amend the Social Security Act to extend the ban on physician self-referrals to all payors and to radiology and diagnostic imaging services, radiation therapy services, physical therapy services, and durable medical equipment; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. McMILLEN of Maryland:

H.R. 5143. A bill to revise the deadline for the destruction of the U.S. stockpile of old lethal chemical agents and munitions; to encourage international cooperation on the disposal of lethal chemical agents and munitions; and to establish a commission to advise the President and Congress on alternative technologies appropriate for use in the disposal of lethal chemical agents and munitions; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. PALLONE:

H.R. 5144. A bill to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PETERSON of Minnesota (for himself, Mr. Sanders, and Mr. Condit):

H.R. 5145. A bill to repeal title V of the Trade Act of 12974; to the Committee on Ways and Means.

By Mr. REGULA (for himself and Mr. Murtha):

H.R. 5146. A bill to amend the Tariff Act of 1930 to make technical improvements to the U.S. antidumping and countervailing duty laws; to express the sense of Congress regarding the scope and standard of review of GATT dispute settlement panels; to express the sense of Congress for the extension of the specialty steel voluntary restraint agreement; and for other purposes; to the Committee on Ways and Means.

By Mr. BROOMFIELD (for himself, Mr. Gilman, and Mr. Yatron):

H. Con. Res. 318. Concurrent resolution to urge a resumption of the Cyprus peace talks and to encourage support for United Nations peace initiatives regarding Cyprus; to the Committee on Foreign Affairs.

By Mr. ERDREICH:

H. Con. Res. 319. Concurrent resolution declaring that the amendment to the Constitution of the United States, prohibiting the altering of compensation of Senators and Representatives without an intervening election of Representatives, is valid to all intents and purposes as part of the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MACHTLEY:

H.R. 5147. A bill for the relief of Victoria M. Bringhurst of Tiverton, RI; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 5148. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. Rogers, Ms. Oakar, Mr. Ridge, Mr. Weldon, Mr. Costello, Mr. Blackwell, Mr. McDade, Mr. Bliley, Mr. Smith of New Jersey, Mr. Thomas of Wyoming, Mr. Dornan of California, Mr. Rohrabacher, Mr. Martin, Mr. Roberts, Mr. Hobson, Mr. Gekas, Mr. Solomon, Mr. Dreier of California, Mrs. Vucanovich, Mr. Coble, Mr. McCollum, Mr. Armey, Mr. Moody, Mr. Santorum, Mr. Feighan, and Mr. McEwen.

H.R. 127: Mr. Pastor.

H.R. 308: Mr. Roth.

H.R. 412: Mr. Duncan.

H.R. 473: Mr. Smith of Oregon.

H.R. 780: Mr. Lewis of Georgia.

H.R. 842: Mr. Kennedy.

H.R. 911: Mr. Lehman of Florida, Mr. Sundquist, Mr. McMillen of Maryland, and Mr. Sangmeister.

H.R. 945: Mr. McMillen of Maryland.

H.R. 1443: Mr. Glickman, Mr. Dellums, Ms. Pelosi, Mr. Guarini, and Mr. Atkins.

H.R. 1472: Mr. Anderson.

H.R. 1531: Mr. Peterson of Minnesota, Mr. Pallone, and Mr. Cardin.

H.R. 1536: Mr. Atkins and Mr. Guarini.

H.R. 1611: Mr. Allen.

H.R. 1637: Mrs. Collins of Illinois, Mr. Kopetski, and Mr. Hayes of Illinois.

H.R. 1771: Mr. Berman, Mr. Panetta, Mr. Rogers, and Mr. Stump.

H.R. 1809: Mr. LaFalce, Mr. Towns, Mr. Schiff, and Mr. Solomon.

H.R. 1900: Mr. Kolbe.

H.R. 1987: Mr. Levin of Michigan, Mr. Mollohan, Mr. Olver, Mr. Durbin, Mr. Pallone, Mr. Atkins, Mr. Traxler, and Mr. Downey.

H.R. 2070: Mr. Bereuter, Mr. DeLay, and Mr. Neal of North Carolina.

H.R. 2248: Mr. Grandy.

H.R. 2258: Mrs. Collins of Illinois.

H.R. 2782: Ms. DeLauro and Mr. Olver.

H.R. 2855: Mrs. Mink and Ms. Norton.

H.R. 2880: Mr. Henry.

H.R. 3071: Mr. Pastor, Mr. Johnson of Texas, and Mr. AuCoin.

H.R. 3082: Mrs. Meyers of Kansas.

H.R. 3171: Mr. Perkins.

H.R. 3193: Mr. Anthony and Mr. Burton of Indiana.

H.R. 3204: Mr. Hoagland, Mr. Allen, Mr. Quillen, Mr. Boehlert, Mr. Sarpalius, and Mrs. Unsoeld.

H.R. 3221: Mrs. Patterson and Mr. Callahan.

H.R. 3450: Mr. Rangel.

H.R. 3475: Mr. Engel.

H.R. 3476: Mr. Engel.

H.R. 3598: Mr. Manton and Mr. Cramer.

H.R. 3609: Mr. Skeen.

H.R. 3927: Mr. Bryant, Mr. Lent, Mr. Moorhead, Mr. Bliley, Mr. Oxley, Mr. Barton of Texas, Mr. Fields, and Mr. Bilirakis.

H.R. 4002: Mr. Foglietta.

H.R. 4013: Mr. Kopetski.

H.R. 4040: Mr. Doolittle.

H.R. 4099: Mr. Rogers.

H.R. 4100: Mr. Tanner.

H.R. 4104: Mr. Hefley.

H.R. 4124: Mr. Towns.

H.R. 4144: Mr. Mazzoli.

H.R. 4169: Mr. Hubbard.

H.R. 4207: Ms. Kaptur, Mr. Rohrabacher, Mr. Spence, Mr. Lagomarsino, and Mr. Gallegly.

H.R. 4253: Ms. DeLauro, Mr. Lancaster, and Mr. Hefley.

H.R. 4275: Mr. Lewis of Georgia.

H.R. 4279: Mr. Perkins, Mr. Durbin, and Mr. Jenkins.

H.R. 4294: Mr. Ritter.

H.R. 4304: Ms. Kaptur, Mr. Atkins, Mr. Klug, and Mr. Johnson of South Dakota.

H.R. 4341: Mr. Horton.

H.R. 4350: Mr. Machtley, Mr. Lewis of Georgia, Ms. Norton, and Mr. Evans.

H.R. 4370: Mr. Stark, Mr. Brown, and Ms. Pelosi.

H.R. 4396: Mr. Schaefer, Mr. Baker, Mr. Zimmer, and Mr. Tauzin.

H.R. 4399: Mr. Henry, Mr. Kopetski, and Mr. Wyden.

H.R. 4432: Mr. Guarini, Mr. Frank of Massachusetts, Mr. Beilenson, and Mr. Horton.

H.R. 4446: Mr. Allen.

H.R. 4488: Mr. Schiff, Mr. Kolbe, Mr. Cox of California, Mr. Fawell, Mr. Edwards of Oklahoma, Mr. Cooper, Mr. Gordon, Mr. Hubbard, Mr. Frost, Mr. Pursell, Mr. Herger, Mr. Sensenbrenner, Mr. Cunningham, Mr. Santorum, Mr. Chandler, Mr. Allen, Mr. Weldon, and Mr. Shaw.

H.R. 4504: Mr. Hughes.

H.R. 4507: Mr. Johnson of South Dakota, Mr. Skaggs, Mr. Miller of Washington, Mr. LaRocco, Mr. Quillen, Mr. Nowak, Mr. Morrison, Mr. Gallegly, Mr. Tauzin, Mr. Solomon, Mr. LaFalce, Mr. Hochbrueckner, Mr. Ortiz, Mr. Wyden, Mr. Lent, Mr. McMillen of Maryland, and Mr. Goodling.

H.R. 4530: Mr. Atkins.

H.R. 4550: Mr. Houghton, Mr. Foglietta, Mr. Bacchus, Mr. Hochbrueckner, Mr. Martinez, Mr. Swett, Mr. Nagle, Mr. Engel, Mr. Perkins, Mr. Bereuter, Mr. Faleomavaega, Mr. McNulty, Ms. Norton, Mr. Nowak, Mr. Glickman, Mr. Kopetski, Mr. Berman, Mr. Towns, Mr. Pastor, Mr. Geren of Texas, and Mr. Neal of North Carolina.

H.R. 4606: Mr. Jontz.

H.R. 4613: Mr. Solomon and Mr. Emerson.

H.R. 4700: Mr. Atkins, Mr. Jontz, and Ms. Horn.

H.R. 4708: Mrs. Byron.

H.R. 4709: Mrs. Byron.

H.R. 4754: Mr. Sensenbrenner.

H.R. 4902: Mr. PETERSON of Minnesota.

H.R. 4944: Mr. ATKINS.

H.R. 4975: Mr. LAGOMARSINO, Mr. McMILLEN of Maryland, Mr. SAXTON, Mr. MFUME, Mr. SIKORSKI, Mr. CARPER, Mr. TAYLOR of Mississippi, and Mr. ATKINS.

H.R. 4979: Mr. AuCOIN.

H.R. 5014: Mr. PETERSON of Minnesota, Mr. JOHNSON of South Dakota, Mr. HORTON, and Mr. PENNY.

H.R. 5034: Mr. FAWELL, Mr. PORTER, and Mr. FROST.

H.J. Res. 237: Mr. MILLER of Washington, and Mr. MORAN.

H.J. Res. 238: Mr. SABO, Mr. MORAN, Mr. TALLON, Mr. CALLAHAN, Mr. BEVILL, Mr. SCHIFF, Mr. FEIGHAN, Mr. JENKINS, Mr. BENNETT, Mr. HARRIS, Mr. McNULTY, Mr. McGRATH, Mr. GINGRICH, Mr. FAWELL, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. EVANS.

H.J. Res. 271: Mr. HYDE and Mr. ROSTENKOWSKI.

H.J. Res. 397: Mr. BONIOR, Mr. CRAMER, Mr. ENGEL, Mr. FAZIO, Mr. WOLF, Mr. HOAGLAND, Mr. HUBBARD, Mr. YOUNG of Florida, Mr. KASICH, Mrs. KENNELLY, and Mrs. MEYERS of Kansas.

H.J. Res. 399: Mrs. JOHNSON of Connecticut, Mr. PRICE, and Mr. WEBER.

H.J. Res. 411: Mr. HOCHBRUECKNER, Mr. RAVENEL, Mr. MINETA, Mr. PRICE, and Mr. VANDER JAGT.

H.J. Res. 435: Mr. OWENS of New York, Mr. DYMALLY, Mr. SAVAGE, Mr. STOKES, Ms. WATERS, Mr. MFUME, Mr. FROST, Mr. FALEOMAVAEGA, Mr. HAYES of Illinois, and Mr. WASHINGTON.

H.J. Res. 444: Mr. DELLUMS, Mrs. MINK, Ms. DeLAURO, Mr. SAWYER, Mr. CLEMENT, Mr. BROOMFIELD, Mr. BLAZ, Mr. AuCOIN, Mr. DICKS, Mr. BREWSTER, Mr. COLORADO, Mr. HARRIS, Mr. LANTOS, Mr. HERTEL, Mr. HYDE, Mr. SCHEUER, Mr. SLATTERY, Mr. VALENTINE, Mr. HUBBARD, Ms. SNOWE, Mr. CHAPMAN, Mr. FRANKS of Connecticut, Mrs. BOXER, Mr. VANDER JAGT, Mr. HASTERT, Mr. MARKEY, Mr. JOHNSON of South Dakota, Mr. ROEMER, Mr. HUNTER, Mr. HENRY, and Mr. SIKORSKI.

H.J. Res. 452: Mr. LEACH, Mr. TRAXLER, Mr. McMILLEN of Maryland, Mr. HORTON, Mr. ESPY, Mr. CLEMENT, Mr. OWENS of Utah, Mr. EMERSON, Mr. JOHNSON of South Dakota, Mr. SABO, Mr. PETERSON of Minnesota, Mrs. PATTERSON, Mr. ROE, Mr. BEVILL, Mr. QUILLEN, Mr. SKEEN, Mr. OBERSTAR, Mr. NUSSLE, Mr. RAMSTAD, Mr. SPRATT, Mr. WEBER, Mr. NAGLE, Mr. MORAN, Mr. LIGHTFOOT, Mr. SPENCE, Mr. MARTIN, Mr. SYNAR, Mr. HOCHBRUECKNER, Mr. BREWSTER, and Mr. BOEHLERT.

H.J. Res. 457: Mr. GORDON, Mr. FROST, Mr. HAMMERSCHMIDT, Mr. CHAPMAN, Mr. FASCELL, Mr. LIPINSKI, Ms. KAPTUR, Mrs. PATTERSON, Mr. McGRATH, Mr. ATKINS, Mr. GINGRICH, Mr. LANCASTER, Mr. KOPETSKI, Mr. GEKAS, Mr. BONIOR, Mr. BAKER, Mr. KASICH, Mr. MARTIN, Mr. DORNAN of California, Mr. ROTH, Mr. KOSTMAYER, Mr. SMITH of Texas, Mr. MOORHEAD, Mr. BOEHLERT, Mr. BROOMFIELD, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. CLINGER, Mr. DICKS, Mr. DWYER of New Jersey, Mr. HUNTER, Mr. JOHNSTON of Florida, Mr. McCLOSKEY, Mr. McCOLLUM, Mr. MICHEL, Ms. MOLINARI, Mr. PAXON, Mr. TRAXLER, Mrs. VUCANOVICH, and Mr. FRANKS of Connecticut.

H.J. Res. 470: Mr. McNULTY, Ms. NORTON, Mr. JOHNSON of South Dakota, Mr. PAYNE of New Jersey, Mr. DREIER of California, Mrs. VUCANOVICH, Mr. DICKINSON, Mr. HANSEN, Mr. HAMMERSCHMIDT, Mr. HUCKABY, Mr. HATCHER, Mr. JENKINS, Mr. MINETA, Ms. KAPTUR, Mr. SMITH of Texas, Mr. STOKES, Mr. EDWARDS of Oklahoma, Mr. NOWAK, Mr. KOLBE, Mrs. BOXER, Mr. SAXTON, Mr. BROWN, Mr. DE LA GARZA, Mr. HERTEL, Mr. WOLPE, Mr. TRAXLER, Mr. ROE, Mr. GILCHREST, Mr. LEWIS of Florida, Mr. McCOLLUM, Mr. GRANDY, Mr. DOOLITTLE, and Mr. THOMAS of California.

H.J. Res. 474: Ms. NORTON, Mr. GUARINI, Mr. HORTON, Mr. McMILLEN of Maryland, Mr. POSHARD, Mr. QUILLEN, and Mr. ESPY.

H.J. Res. 479: Mr. HUNTER, Mr. GINGRICH, Mr. NEAL of Massachusetts, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. CLEMENT, Mr. McCRERY, Ms. NORTON, Ms. OAKAR, Mr. WOLF, Mr. LENT, Mrs. MINK, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. ORTON, Mr. EVANS, Mr. HARRIS, and Mr. GUARINI.

H. Con. Res. 92: Mr. BOEHLERT.

H. Con. Res. 223: Mr. BUSTAMANTE, Mr. FAZIO, Mr. LIPINSKI, Mrs. MORELLA, Mr. RANGEL, Mr. ROE, and Mr. WEBER.

H. Con. Res. 278: Mr. BUSTAMANTE, Mr. DWYER of New Jersey, Mr. ESPY, Mr. EVANS, Mr. FOGLIETTA, Mr. FROST, Mr. GALLO, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. McMILLEN of Maryland, Mr. OLIN, Mrs. ROUKEMA, Mr. SCHEUER, Mr. SERRANO, Mr. SHAYS, Mr. SMITH of New Jersey, and Mr. STARK.

H. Con. Res. 282: Mr. SISISKY, Mr. WILLIAMS, Mr. AuCOIN, Mr. BOUCHER, Mr. WYLIE, Mr. SHARP, Mrs. COLLINS of Illinois, Mr. RAHALL, Mr. TORRES, Mr. WISE, Mr. FRANKS of Connecticut, Mrs. LLOYD, Ms. OAKAR, Mr. SWIFT, Mr. SYNAR, Mr. BLILEY, Mr. PAYNE of New Jersey, and Mr. RIGGS.

H. Con. Res. 301: Mr. HUNTER, Mr. McNULTY, and Mr. LAGOMARSINO.

H. Res. 153: Mr. OWENS of Utah and Mr. PERKINS.

H. Res. 350: Mrs. MEYERS of Kansas and Mr. PASTOR.

H. Res. 406: Mr. ZIMMER, Mr. OLVER, and Mr. STUMP.

H. Res. 411: Mrs. MEYERS of Kansas, Mr. FAWELL, and Mr. FAZIO.

H. Res. 414: Mr. FRANK of Massachusetts, Mr. RIGGS, Mrs. SCHROEDER, Mr. GOSS, Mr. JACOBS, Mr. HANSEN, Mr. SPRATT, Mr. PETERSON of Florida, Mr. BALLENGER, Mr. SHAYS, Mr. POSHARD, Mr. DANNEMEYER, Mr. GALLEGLY, and Mr. ZELIFF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 194: Mr. GRANDY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

155. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to the Job Training and Basic Skills Act of 1992; to the Committee on Education and Labor.

156. Also, petition of the Legislature of Rockland County, NY, relative to the High Skills, Competitive Workforce Act; to the Committee on Education and Labor.

SENATE—*Tuesday, May 12, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Owe no man any thing, but to love one another; for he that loveth another hath fulfilled the law. * * * love is the fulfilling of the law.*—Romans 13:8, 10.

God of our fathers, Lord of history, Ruler of the nations, if ever the world needed love, it needs it now. Our Nation, whether races or cities or political parties or churches or business, industry, education, or the professions, we are starved for love. Children are starved for love. Husbands and wives are starved for love. Desperately all of us need the forgiving, restoring, healing power of love.

Help us to understand, our Father, that love begins with a decision, not a feeling. We are commanded to love, even our enemies. The response to that is obedience, and obedience is volitional more than emotional. God of love, teach us to love one another. Give us the grace to decide to do so, that our Nation, in all its parts, may be infiltrated and healed by love.

This prayer concludes with a quote by Teilhard de Chardin: "Someday, after conquering the winds, the waves, the tides and gravity, men and women will harness the awesome power of love for the Creator; then, for the second time in history, mankind will have discovered fire."

To the glory of God and the health of our society. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

DISAPPROVAL OF S. 3—THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the President's veto message on S. 3, Congressional Campaign Spending Limit and Election Reform Act of 1992, which the clerk will read, and it will be spread in full upon the Journal.

The legislative clerk read as follows:

To the Senate of the United States:

I am returning herewith without my approval S. 3, the "Congressional Campaign Spending Limit and Election Reform Act of 1992." The current campaign finance system is seriously flawed. For 3 years I have called on the Congress to overhaul our campaign finance system in order to reduce the influence of special interests, to restore the influence of individuals and political parties, and to reduce the unfair advantages of incumbency. S. 3 would not accomplish any of these objectives. In addition to perpetuating the corrupting influence of special interests and the imbalance between challengers and incumbents, S. 3 would limit political speech protected by the First Amendment and inevitably lead to a raid on the Treasury to pay for the Act's elaborate scheme of public subsidies.

In 1989, I proposed comprehensive campaign finance reform legislation to reduce the influence of special interests and the powers of incumbency. My proposal would abolish political action committees (PACs) subsidized by corporations, unions, and trade associations. It would protect statutorily the political rights of American workers, implementing the Supreme Court's decision in *Communications Workers* v. *Beck*. It would curtail leadership PACs. It would virtually prohibit the practice of bundling. It would require the full disclosure of *all* soft money expenditures by political parties and by corporations and unions. It would restrict the taxpayer-financed franking privileges enjoyed by incumbents. It would prevent incumbents from amassing campaign war chests from excess campaign funds from previous elections.

These are all significant reforms, and I am encouraged that S. 3 includes a few of them, albeit with some differences. If the Congress is serious about enacting campaign finance reform, it should pass legislation along the lines I proposed in 1989, and I will sign it immediately. However, I cannot accept legislation, like S. 3, that contains spending limits or public subsidies, or fails to eliminate special interest PACs.

Further, as I have previously stated, I am opposed to different rules for the House and Senate on matters of ethics and election reform. In several key respects, S. 3 contains separate rules for House and Senate candidates, with no apparent justification other than political expediency.

S. 3 no longer contains the provision that the Senate passed last year abolishing all PACs. Although that provision was overbroad in banning issue-oriented PACs unconnected to special interests, S. 3 would not eliminate any PACs. Instead, the Act provides only a reduced limit on individual PAC contributions to Senate candidates and no change in the status quo in the House. Moreover, the limit on aggregate PAC contributions to House candidates to one-third of the spending limit, $200,000, is not likely to diminish the heavy reliance of Members on PAC contributions. The average amount a Member of Congress raised from PACs in the last election cycle was $209,000.

The spending limits for both House and Senate candidates will most likely hurt challengers more than incumbents, especially because S. 3 does little to reduce the advantage of incumbency. Inexplicably, there is no parallel House provision to the sensible Senate provision restricting the use of the frank in an election year. In the last election cycle, the amount incumbent House Members spent on franked mail was three times the total amount spent by all House challengers. The system of public benefits, designed to induce candidates to agree to abide by the spending limits, is unlikely in many cases to overcome the inherent favors of incumbency.

S. 3 contains several unconstitutional provisions, although none more serious than the aggregate spending limits. In Buckley versus Valeo, the Supreme Court ruled that to be constitutional, spending limits must be voluntary. There is nothing "voluntary" about the spending limits in this Act. The penalties in S. 3 for candidates who choose not to abide by the spending limits or to accept Treasury funds are punitive—unlike the Presidential campaign system—as well as costly to the taxpayer. For example, if a nonparticipating House candidate spends just one dollar over 80 percent

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of the spending limit, the participating candidate may spend without limit and receive unlimited Federal matching funds. The subsidies provided for in S. 3 could amount to well over 100 million dollars every election cycle, yet the Act is silent on how these generous Government subsidies would be financed. It seems inevitable that they would be paid for by the American taxpayer. I understand why Members of Congress would be reluctant to ask taxpayers directly to subsidize their reelection campaigns, but given the significant costs of S. 3, its failure to address the funding question is irresponsible.

Our Nation needs campaign finance laws that place the interests of individual citizens and political parties above special interests, and that provide a level playing field between challengers and incumbents. What we do not need is a taxpayer-financed incumbent protection plan. For these reasons, I am vetoing S. 3.

GEORGE BUSH.

THE WHITE HOUSE, *May 9, 1992*.

ORDER OF PROCEDURE

Mr. WOFFORD. Mr. President, I ask unanimous consent to be recognized for a period not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BEYOND THE RIOTS AND THE RHETORIC: YOUNG PEOPLE ARE THE CHALLENGE AND THE SOLUTION

Mr. WOFFORD. Mr. President, a week ago Sunday, from dawn until dusk, I was in the streets of south-central Los Angeles. I saw the burned-out stores, smelled the smoke, and talked with the people. With pastors and parishioners, with high school students, with young black professionals, with police and National Guardsmen, with volunteers cleaning the streets.

Today for a few minutes I want to be this body's firsthand reporter, to describe the scene. Then I will give some reflections on how we got to this point in our country. And finally, I will propose a different way of viewing this crisis and issue a challenge to leadership at all levels of society, including this body. A challenge to act to make the thousand points of light the reality of the years to come, not the thousand fires of Los Angeles.

Like all Americans who turned on their TV's a weekend ago, in Los Angeles I saw the worst and the best of our country:

The fear and anger in the faces of Korean-Americans standing guard in front of stores already stripped of even light fixtures; African-American families in their Sunday best going into churches without electricity; Hispanic-Americans in line for groceries in the only store open in their neighborhood; white couples in Hollywood and out Wilshire Boulevard in semishock that this time the fires were set on their side of the freeway; weary and worried National Guardsmen no older than the rioters they were sent to control.

I saw miles of Los Angeles that had the look of Third World cities I have seen smoldering under police or army rule—or how I imagine a capital city would look in the middle of a coup.

Old graffiti was being painted out at one corner while new graffiti was being sprayed on at another, with Los Angeles Police Department SWAT team members looking across their guns at the most frequent slogan on the walls: "Kill the LAPD."

An unconcerned young man moved away as we neared the graffiti he had just tagged on the last wall of a burned-out block. It was only his nickname to show he had been there.

"He's a gang leader," said my guide, Tracy Robinson, a specialist on the gangs that he said had enlisted 90,000 young people—and caused hundreds of gang-related deaths the previous year.

Tracy Robinson, my Virgil-for-the-day on this tour of hell and purgatory in Los Angeles, told how he, an administrator in the city attorney's office, had often been stopped and hassled by police, even sometimes when he was in an official city car—suspected of stealing the car because he was black. Tracy and his organization of young black professionals with whom I talked were among the best I met in that city named for "the angels."

They were arguing about the long-term needs of their community, but also ready to work alongside men and women of all colors and cultural backgrounds who were clearing the debris in small teams all that long Sunday.

With shovels and brooms thousands of volunteer citizens had responded to the call of Edward James Olmos to join him at 6 a.m. at First and Broadway. The star of "Stand and Deliver," "American Me," and "Miami Vice" had driven to TV station after station, issuing an appeal to join in cleaning up the mess caused by the fire and then cleaning up the mess that caused the fire. "I'm just using my medium," he told me as we walked along Broadway early Sunday morning.

That is enough, for now, to set the scene. Except this: I had seen it before. Twenty-seven years ago, I walked the streets of Watts after the terrible riots of 1965 engulfed that section of south-central Los Angeles.

Then, as now, I went to see for myself and to understand first hand. I saw the same burned-out shells, smelled the same smoke, heard the same stories from owners of looted stores. Then, and now again, the refrain from the sixties' song "When will we ever learn?" rang in my head.

I remember the testimony of my wise and good friend Kenneth Clark to the 1968 Kerner Commission on Civil Disorder. On rereading the report of the Commission on the 1919 riot in Chicago, Clark told the Commission that it was—

> As if I were reading the report of the investigating committee on the Harlem riot of 1935, the report of the investigating committee on the Harlem riot of 1943, the report of the McCone Commission on the Watts riot.

Ken Clark said it was as if—

> The same moving picture were being reshown over and over again, the same analysis, the same recommendations, and the same inaction.

And I remembered a prophetic witness who predicted that 25 years from then we would be reading the report of another Commission.

It is certainly not another Commission that we need today. Nor is the analysis I will present the same. But this time, we must agree on action—on bipartisan action, on Presidential and congressional action, on Federal, State and local action, on public and private action. I believe the crisis has grown to such proportions that we may at last be moved to that action. And I'm glad that the President and congressional leaders are meeting today to begin the job.

We face a crisis of our cities, to be sure. Also one of race and of law and order. But most importantly, I believe it is a crisis of our young people. Let me speak briefly about each.

In California, just before driving to Los Angeles, I heard Mayor Raymond Flynn of Boston present the agenda for action of the U.S. Conference of Mayors, and I discussed with him how we might help in the Senate. He will be here this week, along with Mayor Ed Rendell of Philadelphia, with whom Senator SPECTER and I met yesterday.

There is an urban crisis, caused in part by the sharp cutbacks of Federal and State funds going to our major cities, by the loss of manufacturing industries and the jobs they provide, and by the disintegration of the urban tax base. I have long supported the idea of urban enterprise zones to help counteract these trends, and I will work with my colleagues on both sides of the aisle to enable such enterprise zones to be created in all our major cities.

And I favor action to replace public housing units with home ownership. I hope Jack Kemp and the Presidential program he talks about will produce the flood of credit and capital to the inner city he predicts. I will believe it when I see it.

In Los Angeles last week, when a surgeon was telling me on the steps of the Second Baptist Church that throwing money at the problem was not as important as getting a new vision—a new way of viewing the problem—the Reverend William Epps turned on him and said, "If the S&L's need hundreds of billions of dollars, and the Russians need billions, we sure do need money—for our cities and our people here at home." They are both right.

So let us indeed turn to the needs of the cities, and let us listen to the mayors, and above all let us hope the President meets with the mayors and leaders of business who will need to invest most of the flood of capital and credit required. With the cold war over and the adversary against which we have poured trillions of dollars over 40 years gone, who dare say that there cannot be major savings in military spending, some of which can be invested in meeting the needs of our cities?

Some steps, such as the prompt provision of emergency Small Business Administration loans to rebuild the looted or burned-out businesses and some SBA loans to businesses in other cities that have been ravaged by the recession can have an early impact. But most urban economic development programs are long-term investments and will take a long time to yield their full dividends.

Today I want to point most of all and most hopefully to the need for action—and to the possibilities for effective action—to deal with the crisis of the young. Here, too, Federal, State and local governments and the private sector will need to make major investments in the education and training of our human capital.

But first of all it is not more money that is most needed, but a new approach, a new analysis, and a new plan of action.

By focusing today on the young, I do not mean to discount the factor of racial discrimination, dramatized by the beating of Rodney King and the verdict of the Simi Valley jury. Or the need for the enforcement of law and order, to protect the rights of Rodney King and the citizens of Koreatown alike. Our new definition of national security in the post-cold war must begin with security for the American people in their own streets.

After going to Howard Law School in 1950 in order to become a part of the civil rights movement and working in that field, off and on, most of the years since then, I have some understanding of the depth of racial prejudice, the difficulty of overcoming it, and the disappointments along the way.

But after a half-century of struggle and a decade of nonviolent direct action, we did overcome the walls of legally enforced segregation and the barriers to black Americans voting in one-third of our country. That is part of our history, too—a success story of democratic action, albeit belated—but a success that cannot be taken away.

The right to vote and the end of segregation laws were the primary goals Martin Luther King set out to reach. He got to that mountaintop but found the Promised Land still far away, over other peaks of a whole range of mountains yet to be crossed. When he was killed, Martin Luther King was just trying to move up the next steep slope—the mountain of poverty in our cities, the mountain of class mixed with race, the mountain we have not climbed.

In one of my last conversations with Martin Luther King, he raised the possibility of persuading the people of one of the Nation's worst slums to openly, deliberately, peacefully walk out of that slum and, at a publicly stated time, set it afire. To set a blaze that would sear the conscience of the country. And to go to jail for doing this and stay in jail until the country acted.

I doubt he would have gone that far, but he was wrestling with the terrible challenge of urban poverty and the inner city. He had met his worst defeat in the streets of Chicago. But he was going on, to Memphis and the Poor People's March. Who knows how far we would have come in this last quarter of a century if Martin Luther King, Robert Kennedy, and John Kennedy had not been killed? But I do believe we would have done better.

And I know that if we do not do better in the years at hand, the Commission report 5 or 10 years from now will tell of whole metropolitan areas in which the affluent minority is walled in behind armed guards, leaving the majority of their fellow citizens.

In any case, the fire has come this time, and the one thing we know is that Martin Luther King's message, when fires were set violently in his day, was not "Burn, baby, burn." But "Learn, baby, learn."

What did I learn in Los Angeles? First of all, that this is not just a crisis of cities, or of race. It is first and foremost a crisis of our young people.

In his Paradise Baptist Church, Pastor A.D. Iverson sat in his dark study without electricity, with two candles flickering on the table, pressing the point that not all the rioters were black or Hispanic, but all were young.

We are losing our young, he said, to alienation, hopelessness, frustration, and anger, to the epidemic of crack cocaine, to the gangs that replace family, church, or any other institution that instills the values of responsible citizenship and productive workmanship.

"This was a wake-up call," Reverend Iverson said. "Pray God we don't press the snooze button." The lack of good education, the lack of challenging work or good jobs for which they are ready, the lack of constructive alternatives and opportunities for the young was the crux of the problem, the pastor said.

That point was hammered home over and over again all day. It was made in a different way by some 30 high school students from all over the area who met with me in the late afternoon for a long anguished session, packed in a small living room. They were volunteers in student community service programs based in Los Angeles high schools, sponsored by the Constitutional Rights Foundation. They worked in teams. They took action on some of the problems of their community. They learned responsibility by taking it; citizenship by doing it. Their purpose was to serve, not to be served.

The cause of the alienation among their peers, the students told me, was the sense that the young had no way to participate in society, no way to do something important, no alternative form of action than the excitement and camaraderie of the street gangs.

Those high school students, and many of the older people with whom I talked, pointed to the whole process of coming of age in America today. With vivid evidence, they spoke of the need for early childhood education for all, beginning with prenatal care, good day care and Head Start. They liked the idea of using summers, to get challenging experience either in intensive Upward Bound learning, or in Outward Bound in the wilderness, or in effective apprenticeship work, or in well-organized, demanding community service corps.

They said they would enlist for a year or more of full-time community or national service after high school, together with other young people from all backgrounds, if well organized projects were available and if their living expenses could be paid.

Some wanted an educational bonus for such service, to help them go through college. Others argued that there should be no special benefits—just a living allowance and a chance to do something to change and improve their communities: to tutor younger kids, to care for senior citizens, to fight graffiti, to reclaim neighborhoods from drug dealers, to be supplementary community police, to repair parks, to rehabilitate homes for the poor.

In any case, they wanted to stop being viewed as the enemy or as a danger and begin to be viewed as a resource—as talent ready, earlier than people might think, to make a difference. They urged that organized service projects begin very young, in elementary schools.

The clue to what to do, the path to which I want to point today, was best put to me a few years ago by a young high school dropout, this time in Philadelphia. He had gone from a street gang into the Philadelphia Youth Service Corps. I do not remember whether he was homebuilding with the Habitat project or on the team renovating a Revolutionary War fort on the banks of the Delaware River.

But when I asked him why he had enlisted in the corps, he first said it was a better gang than the one he left behind: It did some good, it had different kinds of people in it, it was leading somewhere up and off the streets, and it would not end in being killed. I pressed him further and he said something like this:

> Look, all my life people have been coming to do good against me, I got tired of people trying to help me all the time. This Corps asked me to do the helping. I'm doing something now, I'm making a difference, I'm in action.

Where does this lead? It leads past the fruitless bickering about the sixties and jumps back to the thirties for some light on what worked in the Great Depression and where we went wrong. What worked was the Civilian Conservation Corps [CCC] that enlisted more than a million young unemployed Americans in residential, army-run camps in or on the edge of our parks and forests.

The corpsmembers of the CCC were challenged to achieve big goals. Their success in later years proved that the qualities of productive workers and good citizens are much the same: initiative, responsibility, and teamwork.

What worked with FDR was work—not the dole, not welfare, but work, both in the CCC and in the Works Progress Administration. The young men of the CCC transformed our parks and forests and then graduated into the National Service of World War II. More importantly, they transformed themselves. Just as the GI bill after that war was one of the best investments America ever made, so was the Civilian Conservation Corps.

After World War II, the CCC was forgotten, until the war on poverty was being planned by Sargent Shriver in the sixties. The proposed residential Job Corps had some of the elements of the CCC, and it has proved worthwhile. But it did not have the central idea of service and it has reached only a fraction of the young who need that kind of intensive education and job training outside the distractions of their urban slums.

When I was helping Sargent Shriver plan the war on poverty we envisioned a million strong volunteers in service to America—the Peace Corps comes home. But VISTA never passed the 10,000 volunteers mark.

When the war in Vietnam consumed the attention and resources of the country, the idea of asking all young American to serve for a year as volunteers, for the rebuilding and education of America was trampled under by the fight over the draft and a war that divided our Nation against itself. But the idea of large-scale, voluntary national service has been turned up again by the harsh logic of events that came to a climax in Los Angeles.

On another occasion, I will present in detail the way I would propose that we proceed. For today, let me salute the Congress for enacting the National and Community Service Act of 1990. That creative law, supported by Republicans as well as Democrats, has laid the foundation for the rebirth of the CCC and of other forms of effective youth service corps.

Such corps, in which the corpsmembers serve, earn, and learn are an important part of the answer to the crisis of the young. More than 60 such corps are in operation today around the country. Pennsylvania is proud to lead the way with the largest number of youth corps of all kinds. Every city, every community can develop one or more.

There have been enough pilot programs to prove that this approach works in the 1990's as the CCC worked in the 1930's. The time has come for the pilots to ignite the whole furnace. That is where we must help.

The Commission on National and Community Service should, with our support and the President's support, convene the appropriate leaders of business, labor, education, and government, and especially youth leaders themselves, to agree upon a strategy for the development of a nationwide, decentralized system of voluntary community service.

Before coming together, they should do some homework. They should read Arthur Ashe's proposal in last Sunday's Washington Post, "Can a New 'Army' Save our Cities? With Discipline and Training, Our Alienated Young Could Find New Lives."

They should read William Buckley's book, "Gratitude: Reflections on the Debt We Owe Our Country," and the articles and reviews which I ask unanimous consent to be printed in the RECORD at the end of my remarks, including the findings and recommendations of the Commission on the Study of National Service, which Jacqueline Grennan Wexler and I co-chaired in the late 1970's.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WOFFORD. Mr. President, this is one idea that transcends politics, that goes beyond left or right, that draws on the liberal agenda and the conservative agenda at the same time. It is an idea that brings Arthur Ashe and SAM NUNN, Bill Buckley and Bill Clinton, Marian Wright Edelman and Father Hesburgh, BARBARA MIKULSKI, and General Schwarzkopf together on the same platform.

Work not welfare is now self-evident truth and we know we can begin applying this principle to the young. We understand that personal responsibility and self-esteem cannot simply be taught, they have to be earned.

It is a scandal that we know this but sit by while another generation of inner-city young people drop out of school, or graduate from school into the streets, joblessness, drugs, and the dependency systems of welfare or prison. And it is a scandal that a society with children who need care, roads that need repair, bridges that need building is allowing and sometimes paying able men and women to sit idle. It is a scandal, too, that we do not challenge the college-bound to move beyond a self-centered life of civic indifference.

Is this a liberal or conservative idea? It does not matter. We agree on it, so let us act together. In cities across our country 10-year-olds point loaded guns at each other's heads. It is time for Congress and the White House to stop pointing fingers at each others policies. It is time to sit together around a table and hammer out solutions that do work, instead of wasting time and money on those that do not.

It is time to recognize that saving a generation of young people goes beyond ideology, and end the artificial debate over whether programs are liberal or conservative, Democrat or Republican—another round of fixing blame instead of fixing problems.

In our hearts and in our minds we know why angry, jobless, hopeless young people burn, and loot their own communities. We do not need another commission, another study, another pilot program. We need action. Immediate and sustained action.

So let us begin. Let us begin at the place where we most agree. Let us commit ourselves to saving another generation of young people by engaging them in the hard work of building their own communities, starting with the rebuilding of Los Angeles by the young of Los Angeles. Let us challenge and enable and empower them to do so. For the young are not only the crux of the problem, they offer the best hope for progress in our cities and in our country.

Mr. President, I close with the warning Robert Kennedy gave, the day after Martin Luther King was killed. He warned us not—

> To look at our brothers as aliens, men with whom we share a city, but not a community, men bound to us in common dwelling, but not in common effort.
>
> Our lives on this planet are too short and the work to be done too great to let this spirit flourish any longer in our land. Of course we cannot vanquish it with a program, nor with a resolution. But we can perhaps remember—even if only for a time—that those who live with us are our brothers, that they seek—as we do—nothing but the chance to live out their lives in purpose and happiness, winning what satisfaction, and fulfillment they can.
>
> Surely this bond of common faith, this bond of common goal, can begin to teach us something. Surely we can learn, at least, to look at those around us as fellow men and surely we can begin to work a little harder to bind up the wounds among us and to become in our own hearts, brothers and countrymen once again.

Mr. President, that is not a liberal or a conservative idea, a Democratic or a Republican idea, a Presidential or a congressional idea, but it is an idea whose time has come.

EXHIBIT 1

[From the Washington Post, May 10, 1992]

CAN A NEW "ARMY" SAVE OUR CITIES?

(By Arthur Ashe)

Once again, seething, residual anger has burst forth in an American city. And the riots that overtook Los Angeles 10 days ago were a reminder of what knowledgeable observers have been saying for a quarter-century: America will continue paying a high price in civil and ethnic unrest unless the nation commits itself to programs that help the urban poor lead productive and respectable lives.

Once again, a proven program is worth pondering: national service.

Somewhat akin to the military training that generations of American males received in the armed forces, a 1990s version would prepare thousands of unemployable and undereducated young adults for quality lives in our increasingly global and technology-driven economy. National service opportunities would be available to any who needed it and, make no mistake, the problems are now so structural, so intractable, that any solution will require massive federal intervention.

In his much-quoted book, "The Truly Disadvantaged," sociologist William Julius Wilson wrote that "only a major program of economic reform" will prevent the riot-prone urban underclass from being permanently locked out of American economic life. Today, we simply have no choice. The enemy within and among our separate ethnic selves is as daunting as any foreign foe.

Families rent apart by welfare dependency, job discrimination and intense feelings of alienation have produced minority teenagers with very little self-discipline and little faith that good grades and the American work ethic will pay off. A military-like environment for them with practical domestic objectives could produce startling results.

Military service has been the most successful career training program we've ever known, and American children born in the years since the all-volunteer Army was instituted make up a large proportion of this targeted group. But this opportunity may disappear forever if too many of our military bases are summarily closed and converted or sold to the private sector. The facilities, manpower, traditions, and capacity are already in place.

Don't dismantle it; rechannel it.

Discipline is a cornerstone of any responsible citizen's life. I was taught it by my father, who was a policeman. Many of the rioters have never had any at all. As an athlete and former Army officer, I know that discipline can be learned. More importantly, it must be learned or it doesn't take hold.

A precedent for this approach was the Civilian Conservation Corps that worked so well during the Great Depression. My father enlisted in the CCC as a young man with an elementary school education and he learned invaluable skills that served him well throughout his life. The key was that a job was waiting for him when he finished. The certainty of that first entry-level position is essential if severely alienated young minority men and women are to keep the faith.

We all know these are difficult times for the public sector, but here's a chance to add energetic and able manpower to America's workforce. They could be prepared for the world of work or college—an offer similar to that made to returning GIs after World War II. It would be a chance for 16- to 21-year-olds to live among other cultures, religions, races and in different geographical areas. And these young people could be taught to rally around common goals and friendships that evolve out of pride in one's squad, platoon, company, battalion—or commander.

We saw such images during the Persian Gulf War and during the NCAA Final Four basketball games. In military life and competitive sports, this camaraderie doesn't just happen; it is taught and learned in an atmosphere of discipline and earned mutual respect for each other's capabilities.

Ethnic hatred, like that portrayed in Los Angeles, is also taught and learned.

A national service program would also help overcome two damaging perceptions held by America's disaffected youth: that society just doesn't care about minority youngsters and that one's personal best efforts will not be rewarded in our discriminatory job market. Harvard professor Robert Reich has opined that urban social ills are so pervasive that the upper 20 percent of Americans—that "fortunate fifth" as he calls them—have decided quietly to "secede" from the bottom four-fifths, and the lowest fifth in particular. We cannot countenance such estrangement on a permanent basis. And what better way to answer skeptics from any group than by certifying the technical skills of graduates from a national service training program?

Now, we must act decisively to forestall future urban unrest. Republicans must put aside their aversion to funding programs aimed at certain cultural groups. Democrats must forget labels and nomenclature and recognize that a geographically isolated subgroup of Americans—their children in particular—need systematic and substantive assistance for at least another 20 years.

The ethnic taproots of minority Americans are deeply buried in a soil of faith and fealty to traditional values. With its accent on discipline, teamwork, conflict resolution, personal responsibility and marketable skills development, national service can provide both the training and that vital first job that will reconnect these Americans to the rest of us. Let's do it now before the fire next time.

YOUTH AND THE NEEDS OF THE NATION

(Report of the Committee for the Study of National Service, the Potomac Institute)

FOREWORD

This report examines two major national problems and outlines a program of service that would attack both at once.

One of these problems is the predicament of America's young people. Alarming numbers of them are unemployed—worse yet, unoccupied. Many, especially those from minority and impoverished backgrounds, reciprocate society's disregard for them with a like disregard for the claims of society. Even among those materially better off, many are either aimless or preoccupied with narrow self-interest.

The other problem is the host of needs in our society that go untended. These needs are of many sorts. They range from caring for the sick and elderly to repairing our abused physical environment. What they all have in common is that they are dealt with inadequately, if at all, by business or government.

How can the unused energies and talents of American youth best be directed to critical needs of the nation that are going begging? And how, in that process, can the idea of service gain new currency among all elements of our population? When Jacqueline Wexler and Harris Wofford asked the Potomac Institute to sponsor a study of these questions, to be directed by a committee of interested and knowledgeable persons, the Institute readily agreed. The Ford Foundation provided basic support for the study and publication of its results. Additional assistance—including grants from the Carnegie Corporation of New York, the Eleanor Roosevelt Institute, the Field Foundation, the William and Flora Hewlett Foundation, the J. M. Kaplan Fund, the New World Foundation, and the Charles H. Revson Foundation—has made possible follow-up activities by the Committee and its Study Director, designed to promote widespread consideration and debate of the issues. The statements made and the views expressed in the report are solely the responsibility of the Committee and its Study Director. They invite the criticisms and suggestions of every reader.

The Report consists of two distinct, though closely related, parts. The first is a summary of the findings and recommendations on which the Committee, after vigorous discussion and debate, reached general agreement; it is supplemented by a description of the Committee and its work.

The second part of the report is a paper by Study Director Roger Landrum that presents background information relevant to the consideration of National Service, as well as his own thoughtful analysis of the central issues.

The aim of the report as a whole is not to put forward an immutable blueprint of a National Service program as conceived by the Committee. Rather, it is to lay out the main issues and the Committee's collective thinking about them in such a way as to help generate widespread, intelligent public discussion of alternative possibilities. To the extent that that aim is realized, the effort will have been a success.

HAROLD C. FLEMING,
President, The Potomac Institute.

FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

Until the spirit of service is restored among American citizens, the most pressing human problems of our society will not be solved. The full participation of youth in National Service could be a powerful force in meeting the needs of the nation and in strengthening the spirit of service. Today, little is asked of young people except that they be consumers of goods and services. A vast industry serves youth with schooling, entertainment, and goods of all kinds, but there are limited opportunities for the young themselves to produce goods and serve others.

Anyone who pays taxes or deals with bureaucracy or has been disappointed with government programs can think of arguments against the idea of universal National Service for young people: it wouldn't work well, it would cost too much, it would create a new bureaucracy, and it would inhibit individual liberty.

The Committee has considered these arguments and weighed the difficulties against the gains that could result from enlisting the energy and talent of young people in effective service to society. We have concluded that the nation's social, economic, educational, environmental, and military needs, including the need of young people to serve and be productive, and the need of our society to regain a sense of service, together make a compelling case for moving toward universal service for American youth.

The Committee calls for the country to move toward universal service by stages and by incentives but without compulsion. One early but not continuing member of the Committee—Stuart Symington—who has long favored universal military service, presented a strong argument for a mandatory National Service system. Only with a universal system, he thinks, would the gains be worth the cost; without compulsory military service he believes the armed forces will not be able to maintain the levels required for national security at a price the nation can afford. He was therefore unable to join in the Committee's recommendations, particularly number 11, calling for the development of a voluntary system while further consideration is given to the idea of making National Service mandatory.

A number of members of the Committee, including the co-chairmen, agree with Mr. Symington that mandatory service for all young people could make the maximum contribution to meeting the nation's military and non-military needs, and believe that it would be good for such service to become a regular and required part of growing up in America. But they do not think this will be politically feasible unless it becomes clear to the Congress and the country that the armed forces require the reinstitution of a draft—or until the large-scale voluntary service proposed in this report has proved itself and persuaded the American people to go all the way to universal service. Other Committee members oppose a mandatory system on grounds of administrative and political practicality, or constitutional and personal principle. Further points in this central argument about National Service are reported in the Committee's Findings and Recommendations below and in Roger Landrum's background study.

The following recommendations and the reasons that led to them including that one important disagreement) are offered as a contribution to the national study and debate that this far-reaching idea requires.

1. All young people should be challenged to serve full-time for one or more years in meeting the needs of the nation and the world community.

2. A system for National Service should be established to provide opportunities so that at least a year of such service after leaving secondary or higher education can become a common expectation of young people. Year-by-year the system should find, encourage, and develop a variety of new opportunities for civilian service—in the home community, in national parks, in other parts of the country, and overseas—so that before long participation in either civilian or military National Service will be as generally accepted as going to high school.

3. In moving toward universal service, the system should aim to enlist at each stage a representative cross-section of American young people, drawing into work together men and women from all regions, races, and backgrounds. Though difficult to carry out, this functional integration of Americans should be an essential operating principle of the system.

4. National Service should be organized so as to enable young people to help meet the real economic, social, and educational needs of the nation in the most economical and effective ways. It should expand only to the extent the service of young people is effectively helping to meet those needs. The administrative structure should emphasize decentralization and result in the smallest feasible government bureaucracy with the strongest possible ties to the private and voluntary sectors of American society, including business, labor, charitable, and religious organizations.

5. All the present government programs of full-time civilian service, such as VISTA, the Peace Corps, and the Young Adult Conservation Corps, should be included among the options in the new system of National Service. Another option could be individual or small-team arrangements with private or public agencies in local communities on the pattern demonstrated by the ACTION project in Seattle. Private programs, such as those approved by Selective Service for alternative service by conscientious objectors during conscription, should also be included if they can offer at least a year of full-time service. In addition, the system should develop—or assist in the development of—new programs that make effective use of young men and women in essential areas of community and national need.

6. Each of the programs to be included should plan and administer the work of the young men and women in National Service so as to achieve a substantially increased contribution to meeting one or more of the nation's needs. Those responsible for schools, day-care centers, tutoring programs, programs for the elderly, hospitals, community health centers, institutions for the retarded and for the mentally ill, prisons and juvenile detention centers, neighborhood associations, city, county, and national agencies for conservation, renovation, and energy-saving, and efforts to deal with disasters of nature—and other service agencies—should be asked:

What could you do better to meet your present goals if you had the full-time service of a substantial number of young people? What larger goals could you then set? Precisely how would you utilize the service of such young people? What training and supervision would be required?

The same invitation to the imagination should be put to business, labor, and religious groups who might be ready to organize and sponsor new programs of National Service.

7. National Service should *not* be seen as job-training or work programs for the unemployed but as a supplement to, or, for some young people, an alternative to such programs. Those in National Service should find the experience of serving under the supervision and discipline of private or government agencies a practical form of career exploration; in many cases the training and work of National Service could be viewed as internships and apprenticeships. Notwithstanding the differences of approach and purpose between National Service and the Comprehensive Employment and Training Act (including the Youth Employment and Demonstration Projects), there should be careful coordination. In some cases, young people in job-training programs might move thereafter into one or two years of National Service; in other cases, young people completing National Service might benefit by one of these training or job-placement programs.

8. The terms of National Service should reflect the fact that *service* is being rendered. Following the precedents of the Peace Corps and VISTA, the general rule during service should be a reasonable living allowance. Though these modest cash stipends would be important to young people seeking not to be dependent on their families, especially those who are poor, for more affluent youth the amount will seem like very little and part of the challenge will be learning to live on less. Citizens, in turn, would be gaining new services at low cost.

9. One of the incentives for participants should be appropriate post-service educational and employment benefits along the lines of the G.I. Bill of Rights and the Peace Corps readjustment allowance, apportioned according to the length of service. Not all such benefits need to be provided by the government. In making hiring decisions, the private business sector as well as government at all levels should consider giving appropriate weight to an applicant's National Service. Colleges and universities should give such service weight in admissions decisions at both the undergraduate and graduate levels. In these ways, society could place value on the experience and reinforce the concept of service as an obligation of citizenship.

10. While engaged in National Service, the participants should be encouraged to continue their education. In addition to the learning-by-doing of apprenticeship, once the main form of American education, they might take a variety of available extension courses or attend night school, as further preparation for a career and for more general education. The staff of the National Service system should seek to initiate and assist a variety of educational activities among participants: English-speaking and Spanish-speaking young people could learn to tutor each other in oral language skills; college-trained participants could tutor high school dropouts in basic skills or subjects they lack; the central literature of the American tradition could be read and discussed.

11. The nation should seek effective ways to provide the opportunities for service from all its citizens, and should ask the young to participate at some point after age 16, but it is not necessary now to decide whether the nation should require such service. During the gradual development of a voluntary system, the idea of mandatory service can be carefully considered. If it should be determined that the needs of national defense call for the restoration of the military draft, at that point the case for mandatory universal service, including non-military options, would be very strong.

12. Military enlistment should be recognized as a form of National Service, and service should be re-emphasized as the central mission of the military. A growing expectation of service should improve the climate for all volunteering, and thus aid the armed forces in attracting young people without having to offer over-higher compensation and benefits.

13. To assist young people in choosing the best form of National Service, service councils should be established in each community, composed of citizens with experience in voluntary service, education, business, labor, and religious organizations. Members would be appointed nationally and serve without pay. The councils might well be located in underutilized facilities in local high schools. They would provide information and counseling on the various opportunities for service. The history of local boards in the Selective Service System and the experience of the new community Education and Work Councils should be reviewed in determining the procedures for selection and operation of local service councils.

14. After age 16 and before leaving high school, all young people should be urged to visit a local service council, and the councils should hold open meetings in schools. In addition to giving up-to-date information on National Service opportunities, the councils should be well-informed about job-training and public service jobs available through other federal programs, and about opportunities in the armed forces.

15. Establishing the National Service system as a public corporation, chartered and

funded by Congress but drawing its leadership largely from the private sector of American society, seems to us the most promising course. Innovative structures in both the private and public sectors should be examined, including the American Red Cross, the Corporation for Public Broadcasting, the Tennessee Valley Authority, the Atomic Energy Commission, the Peace Corps, and the administration of the educational benefits of the G.I. Bill of Rights. The National Service system should be empowered to set overall guidelines and criteria for funding and monitoring the various programs in which young people may serve; to initiate and administer some programs directly itself; and to establish a network of local service councils for information and counseling. Its charter must give it appropriate flexibility.

16. The system of full-time National Service for youth should be connected in all appropriate ways to the voluntary service of older citizens and of students who are in secondary schools or colleges so that the spirit of service, whether full-time or part-time, paid or unpaid, is strengthened throughout all parts of American life and among all ages.

Case for national service

The Background Study by Roger Landrum gives many of the facts and factors that caused the Committee to come to the above consensus. In summary, our reasons for these recommendations are as follows:

For the young who were called to serve in the armed forces during World War II, such service was a "rite of passage" from adolescence into adulthood. The Peace Corps and VISTA have also given a number of young people the chance to prove themselves in situations calling for hard work, imagination, and responsibility. But for most young people today the lack of any challenging experience away from home and outside the classroom that stretches and tests them in the service of their community or their country makes that passage very difficult. Indeed, the problem may even begin in the home, where children are no longer so often required to undertake regular chores and do necessary work in the house, in the yard, or on the farm.

Some period for action in the larger community, before commitment to a career, appears to be desirable for a substantial proportion of students leaving high school or college. They feel the need to explore careers and discover more about themselves in the world beyond the school room and away from their families. However, when it is mainly a period of frustration, with little opportunity to be productive, it may only prolong adolescence and promote lives of quiet—or noisy—desperation.

Our modern technological society places such low value on physical labor and has such persistently high rates of youth unemployment that the transition from school to work has become harder than ever. For those who can find no work, it is a transition to walking the streets and waiting for welfare payments. Unemployment at this critical turning point adds to the forces that produce antisocial citizens and, for all too many, alcoholism, drug addition, crime, and incarceration.

Other roads, not limited to the poor and to disadvantaged minorities, lead in the same direction. Too many sons and daughters of the suburbs are drifting without purpose, and their apathy or self-centeredness is seldom cured by schooling. If pride in the units in which people served was often a source of war-time morale, the lack of social organizations in which many young people can take part with pride is part of the problem today. Even if most young people escape the extreme breakdown feared, the present degree of alienation among youth of all backgrounds has passed the point of safety, for them or for society.

Race and Poverty

Compounding all this is the inescapable factor of race. Plans for school integration and affirmative action in industry, government, and other institutions to the contrary notwithstanding, racial separation and inequality of opportunity remain facts of national life. Deep-rooted prejudice is reinforced by the culture of poverty into which millions of people are born.

Efforts to improve educational and employment opportunities for disadvantaged minorities and for all the poor are continuing with new federal programs of job training and public service jobs. But the statistics suggest that as the proportion of minority youth in the total population increases, the problem of youth unemployment is also mounting and becoming more intractable. Part of the problem is structural in our economy: Are there enough jobs? A deeper part may be the matter of motivation: Is there the will? How many inner-city youth who are born into poverty and bred in an environment of defeat will respond to the programs designed to help them?

Federal, state, and local, public and private programs for job training and for new job opportunities for youth are necessary. But taken altogether, we do not think that these programs will be sufficient to break the vicious circle of poverty and discrimination among a substantial proportion of minority youth. And since by definition (and by statute, although not always in practice) these programs are targeted on the poor and the unemployed, or on minority youth, they do not break the pattern of segregation and do not pretend to deal with the larger problem we find to exist for practically all American youth: the need to be challenged to serve.

Most existing programs say, in effect, "Here is training or work designed to help you—the poor and the racially disadvantaged—to take you off the streets, to get you a job, to give you a better chance." This is very different from an approach that would say, "We need you and ask you—along with other young people—to serve your community and country in demanding and disciplined work on some of the important problems of our society." The immediate results—in terms of taking unemployed youth off the streets and putting them to work—may be much the same statistically, but we think the psychological impact and lasting results would not be. Having good done for you—or, as it must often feel, to you—is hardly the best way to self-reliance and self-confidence. It is worse if the jobs provided are temporary and seem to be make-work, without much significance. Moreover, some of the programs tend to segregate and thus further to stigmatize those who are already most alienated.

A system of full-time National Service would bring together black and white, rich and poor, young people from the North and South, East and West, city and suburb, small town and farm, those who do not go to college and those who do, and bring them together because their service is needed.

Integration in such a positive and functional setting, for a year or two between age 16 and 25, before the patterns of adult life are set, could have a profound effect on the relation of racial and other groups in this country. Doing hard tasks together, sharing frustrations and successes, being partners in a common adventure should help break down the barriers between people and lead to better understanding. Working and living together may not make people like each other, but without that experience the distance between them may never be bridged.

Fields of Service

The possible good results of National Service would depend on the quality of the experience while serving and the value of the actual service rendered. The work to be done must be really needed, and efficiently organized. We have no doubt that there is plenty of work that needs to be done on many fronts requiring human service, where with adequate training and supervision young people could make effective contributions. A recent study for the Department of Labor has identified and analyzed the need in more than 100 activities in public service, and estimated that 3 million full-time jobs are called for.

Roger Landrum's Background Study lists the breakdown of activities in considerable detail, and reports some other estimates of service needs. Despite these documented needs, the task of assessing the kinds of National Service most needed and best able to be rendered by young people has just begun.

In determining areas for National Service, the designers of the program will have to ask: What needs to be done about this particular problem that is not now being done, is not likely to be done with existing resources, and could be done successfully by young people working together for one or two years? That process of questioning various social institutions and systems of service should itself be valuable for the country, in setting priorities and promoting better public understanding of our national problems. The young people in National Service will be asking those questions about the work they do and the institutions they serve. They should come out of service with a questioning habit that will serve them and the country in good stead in the years to come.

Our concept of National Service would not be fulfilled simply by recruiting young people to fill public service jobs, letting them live at home, and paying them the minimum wage for a year or two. That would put them in direct competition with regular public service workers and make the experience primarily one of employment, not service. National Service should be different in quality, involving much more of a break from the accustomed worlds of home, school, and work, and making a more innovative contribution to the solution of some of our nation's major problems. In most cases it should involve working in teams and in programs with new goals that National Service participants would help define.

National Service should no doubt include existing programs such as the Peace Corps, VISTA, and the Young Adult Conservation Corps, and encourage those programs to expand substantially. However, the larger part of National Service must be designed anew if it is to involve a million or more young people. We have not undertaken to complete such a design, but our specific recommendations propose some guidelines. We would give priority to a few areas of most pressing need, where a new form of service could make an important difference. Our nation's inadequate systems of day-care for pre-school children and care for the infirm and aged are two obvious examples; so is the need for special tutoring of many low-achieving elementary and secondary students, both urban and rural, and for renovation and reconstruction of many neighborhoods.

Service, Education, and Employment

To stress the value of service is not to discount the necessity of education and employment as key conditions for anyone's development and as ways of contributing to society. Indeed, we recognize the importance and interdependence of all three. Each relates to and has elements of the other, but the emphases are different. Of the three, modern American society has concentrated on education and employment and neglected service. We think it is time to right that balance.

At least 10 years of classroom education is required of all young people, and many of them go on to 12 or 16 or more years of formal education. If all goes well, they can then look forward to four or five decades of employment. But there are no such large-scale opportunities for full-time service, even for a year or two, except in the military. We think American youth would be better educated and better prepared as workers and citizens, if a million or more young people in each group coming of age enlisted for one or two years of full-time civilian National Service.

To recommend such full-time service is not to disparage the part-time service being given by millions of volunteers through civic, charitable, and religious groups. The introduction of National Service should strengthen the whole voluntary service sector. We would expect various voluntary service organizations, both at the national and the local level, to utilize and supervise groups of young people in National Service, and in subsequent years to enlist many of the participants for continuing part-time service.

Similarly, we do not intend to minimize the role of the military—the country's first example of National Service. At present, however, as Army, Navy, Air Force, and Marine recruiting brochures vividly display, the all-voluntary armed forces increasingly present themselves as sources of career training and long-term employment in competition with other employers. As the idea of service becomes more widely accepted among the young, the numbers who will choose to serve through the military should increase. Thus the move toward universal National Service should make military recruiting easier, and help restore the tradition of citizen-soldier now giving way to a mercenary system.

We do not suggest that National Service will cure all, or even a large part, of our nation's ills, but it should stimulate other institutions to do more than they are now doing, or do what they are doing better. Schools may be challenged, for instance, to prepare students for National Service by involving them in forms of community service as part of their education; in doing so they would also be making more connections between school and work.

The experience of National Service could alter attitudes toward work in our society by demonstrating, the satisfaction that comes from doing well any job that is needed and is valued. By infusing with purpose all the tasks undertaken, no matter how dirty or difficult, National Service should help break down the present hierarchy of values in which so much necessary work is considered degrading. Every program of National Service, under good supervision and leadership, should promote the pride and discipline of work needed throughout everyone's career. Work places, whether in business or in the professions, might find themselves stirred by a new spirit of service that would make the work itself more purposeful, productive, and satisfying.

The quality of citizenship in this country could also be improved if all on a large part of the younger generation experienced National Service. The voting age has been lowered to 18, but little has been done to raise the standards for citizenship or better prepare young people to be active and informed citizens. In National Service the participants would get first-hand knowledge of some of society's needs and learn-by-doing the ways of taking action to meet them.

Self-Interest and the Common Good

There are obstacles on all sides. Perhaps age 17 or 18 is too late if the idea of service is not instilled long before then. Unless a National Service system does in some way include younger students in their early teens—perhaps part-time during school or in summer vacations—the response at a later age may be inadequate. It may be that the narrow sense of self-serving among many young people cannot be overcome until our society as a whole begins to rediscover the common good. The healthy skepticism and individualism self-government needs seems too often now, with the old and the middle-aged as well as the young, to cross the threshold into a cynicism and selfishness that can destroy a society. The reaction to Vietnam and Watergate may still be too heavy a weight for any National Service system to carry.

We hope, however, that the idea of National Service can be a point of entry—a means of breaking that vicious circle of cynicism and selfishness. We are not seeking a pure altruism that seldom exists in this world. The motives behind National Service, both for the people and the government supporting it and for the young who engage in it, will be mixed.

In the most realistic sense, National Service is enlightened self-interest. Volunteers often discover that they gain more than they give. In serving others, they serve themselves. In giving of themselves, they find themselves. We think that a society in which service is valued more highly and is more readily given will itself be healthier and stronger.

Persuasion or Compulsion?

We do not expect our words or anyone's words alone to achieve the fundamental change in national viewpoint required. When the well of words runs dry and rhetoric loses its power, as seems to be the case in our country today, work is a way to restore the spirit. If a system of National Service can be established, the work young people do in it may bring about that restoration, first in their lives and then in the lives of their fellow citizens. If they will try it, we think they and the nation will like it.

Persuading them and the nation to try it is another matter. We are divided on the question of whether or not the program should be compulsory. Some of us favor the adoption of mandatory National Service as soon as the public can be persuaded to support it, although no member of the Committee favors sending anyone to jail who refuses to serve. One purpose of National Service is to diminish the number who go to jail, not increase it. Sanctions such as withholding certain government benefits have been proposed (one member has jokingly but provocatively suggested a novel sanction: denying a driver's license to anyone who declines National Service!).

Only by a mandatory system could we be sure that those who may need the experience most will serve. Some of us think that by making it mandatory the nation could save a significant fraction of its young who may otherwise have little chance of a decent and productive life.

Others of us consider compulsion unacceptable, particularly for the younger generation who would be subject to it, and it may be that compulsory peace-time, non-military service would be held unconstitutional. In a 1977 Gallup Poll on National Service, 70 percent of those over 50 supported compulsory service for men, but about half of those between 18 and 24, who would be most directly affected, opposed it—and more than half of all those polled opposed compulsory service for women.

Those of us who think coercion would not work nevertheless want National Service in due course to include a majority of each generation and favor various incentives such as educational and training benefits and other forms of persuasion. Some of us would also condition a number of federal benefits, for example the present system of educational grants, on completion of a term of National Service. We all want National Service to become accepted as an obligation and opportunity the way most young people view continuing in high school beyond the age of compulsory attendance.

In his 1910 proposal for National Service, *The Moral Equivalent of War*, William James called for conscription but put his main emphasis on social pressure and the power of persuasion. With "time and education and suggestion enough," he believed that constructive service in peace-time could come to seem "no less imperative" than military service in war. Our specific recommendations leave open the question of compulsion as one of the subjects of the public debate we hope will now begin and as a matter for time and education to determine.

Another question argued is the extent to which National Service should involve living and working outside one's home community. We have agreed that this option should be available, but we differ some on how much it should be emphasized over service in one's own community. The educational value of the long journey, out of one's customary environment, has been demonstrated in many situations. The poverty of spirit in much of affluent America may best be recognized by experiencing the other forms of poverty in inner-city slums; those born in slums may most of all need to discover another America in the national parks or in small towns. Peace Corps Volunteers found that the outsider often has special insight and energy; sometimes it seems as if a volunteer is not without impact save in his own community. On the other hand, there is more continuity in one's work and future career if one stays at home, and certainly the immediate costs are less.

A further open question is the length of service. The Peace Corps requires two years; VISTA, one year. The Committee recommends at least one year but recognizes that where longer training is required or the work calls for a longer commitment, a two-year term would be appropriate.

Questions of Cost

The cost of National Service is a central question we could neither dodge nor fully answer. In this period of budget-cutting, will the people or the Congress or President think it can be afforded? With the pressure for tax cuts, can some new method of financing National Service be devised as an alternative to a substantial addition to the general federal budget? Could there be substantial shifts in the allocation of federal expenditures for education, job training, unemployment compensation, welfare, and military recruiting to reduce the additional costs of National Service?

We can calculate the approximate costs, and point to some of the offsetting cost benefits.

At present price levels, the average total cost for a year of one person's full-time service in non-military programs would range from $5,000 to $11,000, depending upon the kind of program. An important variable would be the numbers who serve with local institutions in their home communities and who serve in other places, and the different living allowances that may be set. There is also the question of post-service educational and training benefits, along the lines of the G.I. Bill of Rights. Another key factor to be determined will be the costs of training, supervision, and administration and how those should be shared by the National Service system and local sponsoring groups. Including training, supervision, and administrative expenses, the average cost of a year of service by a VISTA Volunteer in 1979 is estimated at $6,700; in the Young Adult Conservation Corps the average cost is $10,500 ($9,000 in the non-residential programs and $11,000 in the residential camps).

Against these costs must be weighed the reductions possible in other expenses. If National Service becomes a more general expectation, the rising cost of recruiting and maintaining the all-volunteer armed forces can be checked and perhaps substantially reduced. With National Service the number of jobs needed to be provided for unemployed youth should be greatly reduced. To the extent that young people come out of National Service more productive and able and willing to work, who might otherwise have spent years unemployed and on welfare—or perhaps in prison—there would be important savings.

But who can count the dollars saved in terms of lives saved? And how do you estimate the cost of leaving great public needs unmet because funds are not available to hire people at standard wages? The cost of trying to meet those needs without National Service would be very high.

A true audit of National Service would therefore need to evaluate the progress made, at relatively low cost, in meeting important community and national needs. It would also need to estimate the cost to the country of not having such a system.

A nation has no greater potential resource than its youth, and National Service may prove to be a vitally necessary way to develop that potential. Since such service appears to us to be a critically missing dimension in the education and development of American young people for an adult life of productive work and good citizenship, we think that the sooner a system of National Service is established, the better for the nation.

ABOUT THE COMMITTEE

(By Jacqueline Grennan Wexler and Harris Wofford)

At the time our unofficial Committee, with one full-time professional director and one secretary, and the volunteer services of 13 members, was completing its study of the idea of National Service, we learned that President Carter has included in the 1979 budget for ACTION a request to Congress for $3.8 million in research and development funds to study and prepare a plan for a national youth service. **That sum dwarfs the** total of $45,000 we received from the Ford Foundation for our year-long study, and we hope that the new research to be funded will multiply our contribution. The issues are indeed complex, the possibilities great, and much more study and debate is required. Our Committee has identified empirical questions that we would have liked to have had the time and resources to answer, such as the attitudes of young people toward different forms of National Service (including attitudes toward monetary and non-monetary incentives), and the vocational, educational, and developmental benefits derived from various types of service. Detailed analyses of costs, benefits, and possible trade-offs within the federal dollar are also needed.

That the President should ask for such an investment in the development of a plan for National Service is a sign that sparks struck by this idea during recent decades may at last find tinder that is ready. The large sum requested is also a warning sign: If government research and development begins, can government bureaucracy be far behind?

Earlier Efforts

In the Great Depression of the 1930s, the idea of youth service was advanced as an alternative to youth unemployment and the dole. The Civilian Conservation Corps came into being, with a Camp William James, but all the youth programs of the New Deal put together fell far short of universal National Service.

After World War II several private ventures were initiated, especially for service in developing nations, and bills began to be proposed in Congress for a federally-funded overseas youth service. Then John Kennedy, spurred by students at the University of Michigan, promised that if elected he would establish a Peace Corps. Sargent Shriver shaped the program, created one of the most unbureaucratic agencies in history, won the support of Republicans and Democrats, Conservatives and Liberals alike in the Senate and House, and hundreds of thousands of young people volunteered in its first years. However, the Peace Corps, even at its height of 15,000 Volunteers overseas, most of them college graduates, reached a very small fraction of the nearly 4 million young people turning 18 each year. Even adding the thousands who enlisted in the War on Poverty as Volunteers In Service To America (VISTA), and others in private programs, young people involved in full-time service were relatively few in number and not a very representative cross-section.

Drawing on this experience, in 1965 President Johnson proposed that the nation "search for new ways" through which "every young American will have the opportunity—and feel the obligation—to give at least a few years of his or her life to the service of others in the nation and in the world."[1] In that same era of social invention and high hopes, the Secretary General of the United Nations also declared he was "looking forward to the time when the average youngster—and parent or employer—will consider one or two years of work for the cause of development, either in a faraway country or in a depressed area of his own community, as a normal part of one's education."[2]

By 1968 the war in Vietnam and the cumulative effect of the assassinations of John and Robert Kennedy and Martin Luther King, Jr., had cast a heavy cloud. Opposition to the war, resistance to military service, and cynicism about political leadership dimmed the prospect of getting the consent of young people for a program of universal service. In the aftermath of Watergate, the disclosures of corruption and abuse of power accentuated anti-government attitudes. The Seventies began with a spirit far removed from "Ask not what your country can do for you—ask what you can do for your country."

A New Opportunity

Nearly a decade later, with the war behind us, with new pressures from youth unemployment and the unmet needs in every community, the logic of events again seems to be pointing toward National Service. President Carter says that universal National Service with non-military options should be considered if a military draft again becomes necessary.[3] After reviewing the costs and other problems of the all-volunteer military service, Senator Sam Nunn of Georgia, on the Armed Services Committee, called for the study of such a universal service system. A 1977 Gallup Poll reported that two persons in three would support a law requiring all young men to give a year of service either in the military forces or in non-military work here or abroad, such as in VISTA or the Peace Corps. George Gallup concluded that "few programs that President Jimmy Carter could introduce would have such broad public approval. . . ."

As two of those who had been involved in early discussions of plans for National Service in the mid-1960s while working together in the Peace Corps, we decided in the summer of 1977 to test the possibility that the time for serious consideration of the idea by the American people may be at hand.

We found that young people of various backgrounds with whom we talked were interested and, on balance, affirmative, despite great skepticism about everything governmental. The same response came from many others, of older ages, in both political parties, in business and labor, in academia and government, in public and private life. They, and we, had many questions. We decided to enlist some colleagues in a study that would seek to define the idea, explore the key issues, and produce proposals for public debate.

The Potomac Institute in Washington, D.C., agreed to sponsor and be host to the study. The Ford Foundation granted the Potomac Institute $25,000, and when additional work proved necessary, a further grant of $20,000 to support the effort. Roger Landrum agreed to be the full-time study director. As one of the first Peace Corps Volunteers who went to Nigeria, and later as founder of Teachers, Incorporated, a private organization that worked in inner-city schools, and director of Yale's teacher preparation program, he was known to us as a sharp critic and successful innovator. His skepticism toward bureaucracy and grandiose plans, and his experience in service programs at home and abroad, seemed a good combination.

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[1] Lyndon B. Johnson, University of Kentucky, Feb. 22, 1965. In signing the 1966 Peace Corps Act, the President repeated his hope that the search would "develop a manpower service program for young people which could work at every level to transform our society," and lead to the day "when some form of voluntary service . . . is as common in America as going to school."

[2] U. Thant to the Economic and Social Council of the United Nations, Geneva, July 5, 1965. There was also the May 18, 1966, proposal by secretary of Defense Robert McNamara that we move toward universal service "by asking every young person in the United States to give one or two years of service to his country—whether in one of the military services, in the Peace Corps, or in some other volunteer developmental work at home or abroad" (address to the American Society of Newspaper Editors, Montreal, Canada, and reprinted in R. S. McNamara, *The Essence of Security*. New York: Harper & Row, 1968).

[3] March 5, 1977, during a program on CBS radio in which persons asked the President questions on the telephone; restated in Memphis, December 1978.

The Committee, whose members are briefly described on pages 20-21, met 10 times as a group, and many more times in small subcommittees with others who cold throw light on the subject. Altogether the Committee, its subcommittees, and the study director consulted with over 100 other persons, including various young people, officials of pertinent government agencies, and leaders of business, labor, education, and other parts of the independent sector of our society.

Existing government programs related to youth were reviewed—especially the Young Adult Conservation Corps, the Peace Corps and VISTA, ACTION's new community-based service programs, and the training and public jobs programs of the Comprehensive Employment and Training Act (CETA), including the Youth Employment Demonstration Projects Act (YEDPA). Demographic and socioeconomic projections into the 1980s for American youth were studied. We benefited from other studies that analyzed, diagnosed, and presented the needs of young people and the prospects for utilizing their talents through programs of training and service.

Various models for National Service were considered, ranging from a universal compulsory system to a modest escalation of full-time volunteer programs. We argued the propriety, efficacy, and constitutionality of suggested sanctions and incentives. We explored administrative structures and principles of restraint (such as the early Peace Corps rule that no one be employed in the agency longer than five years) to check the growth of a new federal bureaucracy and make the system more a part of the independent sectors of society than of the government.

An Idea for Public Debate

Above all the Committee argued. It heard and questioned those it consulted, it read and criticized the papers presented or prepared by Roger Landrum, including his lively minutes of the meetings, but most of all it carried on an argument. And most of all now it hopes through this report to extend the argument to the many individuals and groups—and the general public—that must be involved in shaping and debating such an idea. To promote that public debate, grants have been made by the Carnegie Corporation of New York, the Eleanor Roosevelt Institute, the Field Foundation, the William and Flora Hewlett Foundation, The J.M. Kaplan Fund, the New World Foundation and the Charles H. Revson Foundation.

During the Committee's study, two participants went to China (under other auspices). Like visitors to the People's Republic before them, they came back impressed and challenged by the extraordinary mobilization of the talent of young people possible under authoritarian, post-revolutionary conditions. They came back both more determined than before to try to devise a democratic equivalent and more aware of the difficulty.

We were all aware that service to one's community and country is practiced in one form or another almost everywhere, and that the challenge of the mobilization of human resources by an authoritarian regime is as old as the hills of Sparta, where the power of its universal youth service so impressed and worried visitors from ancient Athens. Yet service to others, and voluntary action without waiting for government leadership or command, has been a special American theme from the first days of colonial settlement. In the early 19th century de Toqueville saw it as the secret of American success—just as the involuntary servitude of some Americans was the nation's great sin. Frontier life required that neighbors help each other build barns, fight fires, harvest crops, and care for the sick. Popular movements for the abolition of slavery, for women's suffrage, and for civil rights are later manifestations of the same spirit; the growth of the Boy Scouts and Girl Scouts, the Little Leagues and 4H Clubs, are other less political examples involving young people, as is all the free time given to the wide range of religious and civic organizations in our midst.

In most wars prior to Korea and Vietnam, a great part of the population was swept with the spirit of national service. But in peace-time in the 20th century, without the challenges of the physical frontier, that spirit has withered. Our Committee advances the idea in the hope that it could help end the present depression of the national spirit and tap once again, on a large scale, the best in the American tradition and the best in us as a people today.

Members of the Committee

Bernard E. Anderson is Associate Professor of Industry at the Wharton School, University of Pennsylvania, and Chairman of the National Council on Employment Policy. He has worked as an economist with the U.S. Bureau of Labor Statistics and taught at Swarthmore College. He has conducted numerous studies of labor market issues, and has written several books, including *Opportunities Industrialization Centers: A Decade of Community-based Manpower Services*.

Donald J. Eberly has been Executive Director of the National Service Secretariat since 1966 and Senior Policy Analyst at ACTION since 1971. He was a consultant to the 1966 National Advisory Commission on Selective Service and Vice-Principal of Molusi College in Nigeria, and is the author of numerous articles about National Services.[4]

Harold Fleming is President of The Potomac Institute. He has been Executive Director of the Southern Regional Council and assisted in organization of the U.S. Community Relations Service; he is active in the development of equal opportunity policies and programs within government and the private sector.

Edythe J. Gaines was until recently Superintendent of Schools in Hartford, Connecticut, where she initiated the Workplaces Program, integrating private and public sector support. As teacher, curriculum specialist, secondary school principal, and superintendent in the New York City public schools, she developed programs of economic empowerment for youth. She has served on the National Panel on S.A.T. Score Decline and the National Task Force on School Desegregation Strategies.

Father Theodore M. Hesburgh has been President of the University of Notre Dame since 1952. He is Chairman of the Board of The Rockefeller Foundation and Ambassador, U.S. Delegation to the 1979 U.N Conference on Science and Technology for Development. He was Chairman of the U.S. Civil Rights Commission and a member of the President's Commission for an All-Volunteer Armed Forces, and is author of *The Human Imperative*.

Mildred Jeffrey is National Chair of the National Women's Political Caucus, a member of the Wayne State University Board of Governors, and Coordinator of the Child Care Seminar of the Coalition of Labor Women. She is former Director of the Consumer Department of the United Automobile Workers.

Charles Killingsworth is University Professor of Economics at Michigan State University, a member of the National Council on Employment Policy, and a long-time arbitrator of labor-management disputes. He is author of Jobs and Income for Negroes.

Christian Kryder is a student at Georgetown University School of Medicine and will be a member of the National Health Service Corps. He is a former CETA worker, and co-editor of Americans and Drug Abuse.

Roger Landrum is with The Potomac Institute as Study Director for the Committee. He has taught at the University of Nigeria, Harvard, and Yale, was founder and President of Teachers Incorporated, and served as a Peace Corps Volunteer.

John G. Simon is Augustus Lines Professor of Law at Yale University and President of The Taconic Foundation. He was founding chairman of The Cooperative Assistance Fund, and is co-author of The Ethical Investor.

Jacqueline Grennan Wexler has been President of Hunter College in New York City since 1969. She has also been President of Webster College in Missouri, a Sister of Loretto, a member of the President's Task Force on Urban Education Opportunities, and a high school teacher. She is a director of two major business corporations.

Eddie N. Williams is President of the Joint Center for Political Studies, and a member and former Chairman of the Census Bureau Advisory Committee on the Black Population for the 1980 census. He has been Vice-President for Public Affairs of the University of Chicago and Director of the University's Center for Public Study, and a Foreign Service Officer.

Willard Wirtz is Chairman of the National Manpower Institute and a partner in the law firm of Wirtz & Gentry. He was Secretary of Labor under Presidents Kennedy and Johnson, has taught at Northwestern University, and is author of The Boundless Resource.

Harris Wofford was President of Bryn Mawr College from 1970 to 1978. He has been Special Assistant to President Kennedy for Civil Rights, Associate Director of the Peace Corps, President of the State University of New York College at Old Westbury, and Associate Professor of Law at the University of Notre Dame. He is an attorney in Philadelphia.

[From the New York Times, Oct. 18, 1990]

NATIONAL DEBT, NATIONAL SERVICE

(By William F. Buckley, Jr.)

The points of light of George Bush, those little oases of civic-mindedness and philanthropy he spoke of during his Presidential campaign, have ended in Las Vegas comedy routines ("Mister, can you spare a point of light?"). Yet in 1988, 23 million Americans gave five hours per week or more in volunteer social work. Assuming that the labor of those who engage in such activity is worth only the minimum wage, we are talking about $25 billion worth of time already given to serve concerns other than one's own.

All this suggests that the spirit is there; but it coexists with a strange and unhealthy failure by many American men and women to manifest any sense of obligation to the patrimony, a phenomenon noted 50 years ago by the Spanish philosopher Ortega y Gasset, except he was speaking about Modern Man, not Americans. The neglect of the patrimony by Americans is perhaps more unconscionable, because it can be persuasively argued that we owe more than perhaps any other country to those who bequeathed us the land we live in and the institutions that govern us.

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[4] No government agencies were represented on the Committee; Mr. Eberly served in his capacity as long-time Executive Director of the independent National Service Secretariat.

My thesis is that we need a national service. There are proposals sitting around in Congress, whose strengths and failures I have evaluated elsewhere. Here the focus is on the spirit that prompts the proposal: the search for an institutional vehicle through which we could give expression to the debt we feel, or should feel, to the patrimony. Here are the distinctive aspects of the program I have elaborated.

1. The program should be voluntary, both because voluntary activity is presumptively to be preferred to obligatory activity, and because although we are thinking in terms of requital (what can we do for our country, in return for what it has done for us?), man, lest he become unrecognizable, should be left free to be ungrateful.

2. That doesn't mean that society should not use incentives, such positive and negative reinforcements as the behaviorist B.F. Skinner wrote about, to press the point that those citizens who appreciate the Bill of Rights and the legacies of the Bible, of Aristotle, Shakespeare and Bach, and who document that appreciation by devoting a year of their lives to civic-minded activity, are to be distinguished from those who do not.

Distributive justice never hesitates to treat unequally unequal people, in respect of rewards, and esteem. There is such a thing as a first-class and a second-class citizen, and although commutative justice is owed to them equally, that's the end of it. The person who devotes 40 hours a week to community service is a better citizen than his ungrateful counterpart, and society shouldn't funk acknowledging the difference. Those who fear a class system should ponder the offsetting effects of shared experience, shoulder to shoulder.

3. The objective of national service should not be considered in the tender of Good Deeds. Tending to the sick, teaching illiterates to read, preserving our libraries are desirable ends. But the guiding purpose here is the spiritual animation of the giver, not the alms he dispenses. The person who has given a year in behalf of someone or something else, is himself better for the experience. National service is not about reducing poverty; it is about inducing gratitude.

There isn't any way in which we can tangibly return to our society what we have got from it: liberty and order, access to the poetry of the West, the devotion of our parents and teachers. The point needs to be made that tokenism is not to be dismissed because, in other contexts, it is scorned. Because the dead of the Civil War cannot be revived doesn't mean, as Lincoln told us, that they can be forgotten. And the search for the practical way in which to hold them in esteem should go beyond national holidays we spend on the beach. The cultivation of the rite of passage, from passive to active citizenship, is the challenge of national service.

We will always be short of Americans who can add to the Bill of Rights, or compose another "Don Giovanni." But there is the unmistakable means of giving witness to the gratitude we feel, or ought to feel, when we compare our lot with that of so many others who know America only in their dreams.

Mr. WOFFORD. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to proceed as if in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2686 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NATIONAL TOURISM WEEK

Mr. PRESSLER. Mr. President, as a member of the Senate tourism caucus and former chairman of the Senate Commerce Subcommittee on Foreign Commerce and Tourism, I am pleased to recognize the importance of National Tourism Week, May 3 through May 9, 1992.

Tourism is the third largest industry in the United States. It is also our Nation's third largest source of income from overseas markets. In 1990, tourism dollars generated by 40 million foreign visitors totaled $51 billion—more than agricultural, chemical, and motor vehicle exports. I am proud to say that legislation I authorized created the U.S. Travel and Tourism Administration [USTTA]. By increasing funding for USTTA, we can maintain the current momentum in tourism and expand our efforts to promote the United States as a travel destination.

In my State of South Dakota, tourism generates 25,000 jobs and nearly $950 million in annual revenues. Tourism is our second largest industry. Since 1985, visitor spending in South Dakota has increased more than 66 percent and visitation rates have skyrocketed.

The recently released films "Dances With Wolves" and "Thunderheart," along with the formal dedication of Mount Rushmore National Memorial by President Bush last July, put South Dakota in the national spotlight. These events highlighted the natural, cultural, and historical attractions South Dakota offers.

Following my statement, I would like to insert an article from the Rapid City Journal in the RECORD. Wind Cave National Park, located in southwestern South Dakota, is the subject of this article. Wind Cave currently is the seventh-longest cave in the world. Recent cave explorations have uncovered new expanses of the cave that could move it up to No. 5 in the rankings. Jewel Cave National Monument, also located in the Black Hills and just 20 miles from Wind Cave, is the fourth-longest cave in the world. These caves attract millions of visitors to South Dakota each year and are just two of the natural wonders that make my home State a tourism mecca.

It is important that we recognize the great impact of tourism on our Nation's economy. As the peak travel season approaches, millions of tourists will be visiting the United States. By making greater efforts to attract tourists and by supporting adequate funding for our transportation infrastructure and national park sites, we can ensure tourism will continue to work for America.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Apr. 2, 1992]

WIND CAVE REVEALS LARGER REALM

(By Pat Dobbs)

HOT SPRINGS.—Exploration is expanding Wind Cave, promising it will gain a notch or two in world ranking this year.

Through a "nasty little crawl way," scouts have entered an uncharted realm southwest of the known cave.

"There are several hundred feet of crawls that you have to go through to where it opens up big. There are some huge rooms and passages," said cave specialist Jim Nepstad of the National Park Service.

So far, a little less than three miles have been explored since spelunkers squeezed into the region in September.

The pinched and spacious terrain is "basically the same Wind Cave, still lots of boxwood and so on. I guess probably the most significant aspect of it is the fact it's quite large in many places. There's rooms out there that are a couple hundred feet in diameter (and) 40 to 50 feet high," said Nepstad.

Relieved by the first expanse, cramped cavers dubbed it the Southern Comfort area.

Explorers always suspected underground air currents meant there was more to Wind Cave. But finding a human-sized opening in the maze took years of hunting.

"Wind Cave has kind of been boxed in for about 10 years and now we've been able to break out of that box and head off into some new territory."

And there is "very good air flow, which indicates that the cave is going to continue for quite some distance in that direction. As a matter of fact, the air flow in this part of the cave is practically as strong as you can feel it at the entrance to the cave, which indicates that there is an awful lot more," said Nepstad.

At 65.9 miles logged, Wind Cave is the world's seventh-longest. Nine miles of cave were surveyed last year, and mapping by June should see it declared sixth-longest, surpassing the 66.7-mile Ozemaja cave in the Ukraine.

As reaches of the southern extension are defined, Nepstad said local cavers were "thinking big," and in six months expected Wind Cave to overtake Siebenhengstehohlensystem in Switzerland, at 68.4 miles.

"What's neat is that if Wind Cave does do this, if it does become the fifth-longest cave, the fourth- and fifth-largest caves in the entire world would be right here in the Black Hills."

Wind Cave's growth puts it on the track of catching Jewel Cave, and the Southerly route "ultimately is heading in the right direction of Jewel," and the fabled connection of the two caves.

"There's always been that talk . . . There is still an incredible distance between the two caves that needs to be covered. Definitely over 20 miles of limestone lay between Wind Cave and Jewel Cave. That's an awful long ways as far as a cave's concerned."

ENTRANCE TO GET REVOLVING DOOR

Wind Cave—Installation next week of a revolving door at the man-made visitor entrance should diminish Wind Cave's breezes.

"Having a large, artificial opening into the cave allows a lot more air flow to travel in and out. In the wintertime, that air flow can drastically cool off the cave, which is harmful for the organisms that are living down there and harmful to the cave itself. It lowers the humidity drastically in a lot of places and can dry up formations," said cave specialist Jim Nepstad.

The National Park Service is now testing water dribbling through the cave, which is enlarging the stalactites and stalagnites. The six-month-old research is separate from monitoring the level of Windy City Lake, the pool at the deepest point of Wind Cave.

Laboratory analysis of water samples collected throughout the cave has found traces of lead, copper and zinc.

"Some of it we're still trying to understand, but it does show us the water quality in the cave is a lot more dynamic than we thought it would be. We thought it would be fairly constant, and especially in the areas away from any human development, we thought it would be very, very clean.

"The way it looks, normally it is very, very clean. But we did find an influx of heavy metals coming into the cave through the waters, starting around January. The interesting thing about that is at that same time . . . the lake suddenly came up. The lake has been going down for a long, long time, probably due to this drought we've been experiencing the last five or six years."

The half-foot rise probably is from last spring's heavy rains, a trickle-down effect that washed in the heavy metals, Nepstad said.

Researchers aren't certain if the metals are natural or pollutants from such places as the visitors' parking lot. But at this point, Nepstad said, "It's not very likely that it was any human-caused event."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,881,282,295,656.95, as of the close of business on Friday, May 8, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman, and child owes $15,110.56—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127,85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

A TRIBUTE TO THE LATE SENATOR GEORGE L. MURPHY

Mr. THURMOND. Mr. President, I rise today to honor the memory of a fine man and good friend, former California Senator George L. Murphy, who passed away on the 3d of May. Senator Murphy was a man of great integrity, dedication, and patriotism, whose many outstanding qualities will be remembered well by all who knew him.

Before becoming involved in politics, Senator Murphy enjoyed a career in entertainment, appearing in a number of stage and film productions. Upon coming to Washington, however, he took to his Senate duties very seriously, and became a well-respected Member of this body.

While he was a strong advocate for many important causes, he was also known for his wonderful sense of humor and warm personality. His natural ability to make people smile was just one of the special attributes which endeared him to his colleagues.

Following his Senate service, Senator Murphy operated a successful consulting business here in Washington. He remained active in public service and community organizations all his life, and was particularly devoted to the Boy Scouts of America, who awarded him their organization's highest adult award.

Mr. President, George Murphy was a man of character and courage, and he will be deeply missed by us all. I would like to take this opportunity to extend my deepest condolences to his wife, Betty, and his two children, Dennis Murphy, and Melissa Brown.

TRIBUTE TO GAYLORD DONNELLEY, MAY 12, 1992

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of an outstanding gentleman, the late Gaylord Donnelley, who passed away recently. Mr. Donnelley was not a native South Carolinian, but he was a beloved part-time resident who made historic contributions to our State.

Mr. Donnelley was an extremely successful businessman, who retired as chairman of the world's largest printing company, R.R. Donnelley & Sons. He was also a Navy veteran of World War II and a lifelong sportsman, who enjoyed hunting and bird-watching.

However, he will be remembered best by those in our State as someone who gave freely of his considerable talent and resources to advance the cause of conservation. He was an active participant in many conservation groups, serving as a trustee of the Conservation Foundation/World Wildlife U.S., and the North American Wildlife Foundation, and as national president of Ducks Unlimited, in addition to others. He also established several important conservation projects in his home State of Illinois.

In South Carolina, Mr. Donnelley was instrumental in the preservation of one of our Nation's great natural treasures, the ACE Basin. The ACE Basin, situated at the confluence of the Ashepoo, Combahee, and Edisto Rivers, is a pristine area of tremendous beauty and variety. It is unique because of its exceptional habitat diversity, containing salt, brackish and freshwater marshes; forested wetlands; forested uplands and estuarine rivers. In addition, many endangered or threatened species are found in the area, including the Red-Cockaded Woodpecker, the Shortnose Sturgeon, and the Loggerhead Sea Turtle.

Mr. Donnelley not only made the initial donation of land for this conservation project, but also used his powers of persuasion to convince other landowners in the area to contribute land of their own to the reserve. Additionally, he placed permanent conservation easements on the remaining portion of his Ashepoo Plantation.

Mr. President, Gaylord Donnelley was a man of character, courage, and compassion. His generosity and vision have preserved a precious legacy for future generations of Americans, and he will be sorely missed by his many South Carolina friends and admirers.

I would like to take this opportunity to extend my deepest condolences to his lovely wife, his children and grandchildren, and the rest of his fine family.

I ask unanimous consent that an editorial from the Charleston Post and Courier be included in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston Post & Courier, Apr. 22, 1992]

GAYLORD DONNELLEY, PHILANTHROPIST

Gaylord Donnelley, who died Sunday at 81 at Ashepoo Plantation in Green Pond, was long one of nation's leaders in conservation. Nowhere do his vision and generosity remain more evident than in the Lowcountry, where his efforts were instrumental in the creation of the ACE Basin in Charleston, Colleton and Beaufort counties.

Mr. Donnelley and his wife, Dorothy, donated five islands totalling about 6,600 acres that formed the core of the refuge, eventually expected to include 350,000 acres along the Ashepoo, Combahee and Edisto rivers. In addition, they placed a conservation easement on the remaining 10,000 acres of their plantation within the ACE Basin.

"Mrs. Donnelley and I like open spaces," he told The Post and Courier in 1990, after he and his wife were honored by more than two dozen national organizations for their lifetime commitment to preservation of the natural environment. "Unless there is planning and action, open space can be lost, spoiled."

That commitment to action was evident in the wide-ranging gifts of property for preservation, both in South Carolina and in his home state of Illinois, and in the number of conservation organizations to which he gave his support and leadership. Mr. Donnelley, who was retired as chairman of the world's largest commercial printing company had served as national president of Ducks Unlimited International, and as a trustee for various groups including the North American Wildlife Federation and World Wildlife Fund.

In South Carolina, where he and his wife spent three months a year, the Donnelleys were major supporters of the S.C. Nature Conservancy, which is involved in ACE Basin preservation. According to officials involved in the project, Mr. Donnelley successfully encouraged other large landowners to contribute property to the refuge or place easements restricting its use.

His efforts, and those of other private citizens on behalf of the ACE Basin, have been joined by the state and federal governments. The results have surpassed the expectations of the most optimistic.

From the Donnelleys' initial donation of 2,700 acres in 1986, the ACE Basin refuge has now grown to 50,000 acres, an area that includes former rice plantations, islands, upland forests and wetlands. Dozens of organizations are now involved in a concerted effort to preserve this pristine area of unparalled beauty as habitat and research preserve for wildlife.

The importance that Mr. Donnelley placed upon the preservation of the ACE Basin is underscored by his family's suggestion that memorial donations be made to the ACE Basin Project, Route 2, Green Pond, 29446. Such a gift would be a fitting tribute to a man who recognized the value of maintaining natural areas and generously gave of his considerable talents to bring that about.

TRIBUTE TO THE LATE LOUIS L. DEBRUHL OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of one of South Carolina's most respected law enforcement officers, Sheriff Louis L. DeBruhl, who passed away on the 3d of May. Sheriff DeBruhl, who served for 24 years as sheriff of Kershaw County, was an active defender of the law and a good man, and we mourn his passing.

Sheriff DeBruhl was a man of integrity and courage, whose actions always reflected his dedication to upholding the law. He was renowned not only for his tenacity and fearlessness, but also for his kind heart, often taking a personal interest in the lives of those he served.

Sheriff DeBruhl will be especially remembered for his unwavering commitment to excellence. He was a patriotic, public-spirited citizen, who carried out the duties of his office with great devotion and held himself to the highest standards. Although he was not tall in stature, he was a giant in the eyes of the citizens he protected, and he commanded respect from all who knew him.

Mr. President, Sheriff Louis L. DeBruhl was a truly outstanding citizen, who dedicated his life to serving his fellow man. His warm personality and well-developed sense of humor made him an addition to any gathering, and he was a fine husband and father. He will be sorely missed by a wide circle of friends and admirers, and by all those he served so well.

I would like to take this opportunity to extend my deepest condolences to his lovely wife, Nancy Truesdale DeBruhl, his sons, Benny, David, and Mitchell DeBruhl, and the rest of his fine family. I ask unanimous consent that an article which appeared in the State newspaper be included in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, May 4, 1992]

DEBRUHL, LONGTIME KERSHAW SHERIFF, DIES

(By Mike Livingston)

Louis L. "Hector" DeBruhl, who for 24 years as Kershaw County sheriff was one of South Carolina's most colorful, controversial and respected law enforcement officers, died Sunday in Camden at age 57.

Short in stature, but big in heart, he inherited a county in 1966 plagued by gamblers, motorcycle gangs and moonshine stills. Before long, however, he was being called "Hector the Protector."

DeBruhl retired in January 1991 as the state's senior sheriff. He already had the distinction of being the state's youngest sheriff when he took office at age 31. During his watch, he gained a reputation as a law enforcement officer who worked the front lines.

SLED Chief Robert Stewart, who had known DeBruhl since he was a rookie in Cheraw, remembers DeBruhl's dedication to his work.

"He would call me sometimes to meet with him at his home late at night," Stewart said. "He always stayed in touch and always stayed available 24 hours a day. He had a walkie-talkie and a special telephone line so he was always available.

"He was very active in the sheriff's association and will surely be missed," he said.

The son of a former sheriff, DeBruhl became identified with Buford Pusser, the courageous Tennessee sheriff of the "Walking Tall" movies. They call him "Walking Short" because of his 5-foot, 7-inch frame, but when he walked into a place—he regularly patrolled the county's nightclubs—it got people's attention, associates said.

Born into law enforcement, DeBruhl lived in jailer's quarters at the county jail with his wife and two children for seven years after his election in 1966. Their third son was born while they lived there.

And in the days before emergency foster care, DeBruhl often brought children to the jail who needed a place to stay. His wife, Nancy, recalled awakening one night to a baby's cry. She found her husband in the jail kitchen, rocking a baby he had wrapped in this jacket. The baby's mother had been sent to a mental hospital.

There were less gentle moments. Once, he was called to a home where a man had shot one person and was threatening to shoot himself. DeBruhl left his gun in the car and confronted the man; eventually he talked him out of killing himself.

Once, a Lake Wateree woman complained to the sheriff about a neighbor's nightly poker parties. And when the man painted an obscene expression on the side of his house, which faced hers, DeBruhl went to see him.

Kershaw Police Chief Carl Truesdale recalled that DeBruhl walked up to the 6-foot-6 poker player and demanded he paint over the profanity.

"Hector had to reach up in the man's face, shook his finger and said, 'If you don't, I'll whip your butt all over this yard,'" Truesdale said in a 1990 account. The man not only painted, but also soon moved back to Charlotte.

DeBruhl made a lot of people angry, like the New York City drug dealer doing a little local business who sent the sheriff death threats. Said DeBruhl, "If I don't get one once in a while, I don't feel like I'm loved."

Glenn Tucker, editor and co-publisher of the Camden Chronicle-Independent, said Sunday that if one asked the old hands of Kershaw County how they would characterize DeBruhl, they would come up with one word: "fearless."

"When you weigh the measure of a law enforcement officer who worked 100 hours a week for 25 years and was totally dedicated to his family and his profession, then that's the best thing you can say," Tucker said. "He never backed down from a challenge.

"And from patrolling the honky tonks on Saturday night to major cases, he had his hand in everything. He went at it hard all the time."

DeBruhl was famous for hard work, but he also was given to pranks, especially early in his career.

As a young Camden police officer, for instance, he and a partner were walking the downtown beat and spotted another officer asleep in his cruiser. DeBruhl lobbed rocks on a nearby tin roof trying to scare him, but the officer snoozed away.

Warming to the game, DeBruhl picked up a brickbat, but his aim went awry and the missile shattered a plate glass window in the mayor's law office. He figured his policing days were up, but a heart-to-heart talk with the city manager and mayor, plus a big bite out of his first paycheck, saved his career.

The sheriff had his detractors. Among them were those who charged he handled drug enforcement poorly and didn't seek help from state and federal agencies in drug investigations. Also, a $147,500 disability claim he made—the award was overturned on appeal—angered many voters.

DeBruhl also caused notoriety in 1970 when he responded to complaints about J.D. Salinger's "Catcher in the Rye" on school library shelves. Backed by Baptist ministers, he persuaded the school board to remove the book.

His position on morality made news again in 1986 when he and former Camden Police Chief John Arledge ordered all video stores to remove X-rated films from their shelves. They complied.

"As far as I am concerned he was a fine gentleman and will be missed by the community," Arledge said Sunday. "The sheriff was a people-man—the kind of fellow that everybody liked. And he got along with the other agencies, they all had the highest regard for him.

"He was a tough ex-Marine, but he was fair. One thing is sure: He was a working sheriff."

Funeral services will be held at 11 a.m. Tuesday at First Baptist Church, with burial in Forest Lawn Memorial Park. The family will receive friends from 7 to 9 tonight at Kornegay Funeral Home, Camden Chapel. Memorials may be made to Baptist Cancer Institute at Baptist Medical Center, Columbia.

Surviving are his wife, Nancy Truesdale DeBruhl; sons, Benny and Mitchell DeBruhl, both of Camden, and David DeBruhl of Lugoff, a brother, the Rev. W.B. "Bill" DeBruhl of Greenville; sisters, Elizabeth Rabon of Charleston, Gladys Furniss and Alice Kennington, both of Camden; and five grandchildren.

TRIBUTE TO THE LATE WILLIAM RHETT RISHER OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to mourn the passing of a distinguished South Carolinian, Mr. William Rhett Risher of Charleston. Mr. Risher was a man of character, courage, and compassion and a great champion of education, and he will be sorely missed.

Billy Risher was chairman of the Board of Visitors of The Citadel until just weeks before his death. His leadership in that vital position was a study in dedication, tenacity, and vision, and he made lasting contributions to the institution. During his tenure as chairman, The Citadel was able to build a new electrical engineering and physics building; renovate McAlister Field House; complete a new mess hall and remodel two barracks and an academic building.

A native of Ehrhardt, Mr. Risher was a 1947 graduate of The Citadel, who later earned a master's degree in education from the University of North Carolina. He went on to join the faculty of the Carlisle Military Academy in Bamberg, SC, and eventually became headmaster of the school.

In recent years, Mr. Risher and his lovely wife, Sylvia Wilson Risher, operated a successful business called Island Interiors. He was always active in the community, and was a valued member of many organizations, especially the Jaycees, of which he was elected national vice president in 1956.

Mr. President, William Rhett Risher was an outstanding teacher and businessman, as well as a loving husband, father, and friend and his death is a great loss for our State. I would like to take this opportunity to extend my deepest condolences to his wife, Sylvia; his children and stepchildren and the rest of his fine family.

I ask unanimous consent that an editorial which appeared in the Charleston Post & Courier be included in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston Post & Courier, Apr. 21, 1992]

WILLIAM RISHER: MISSION ACCOMPLISHED

A month after he was awarded an honorary doctor of laws degree by The Citadel, funeral services were held Monday for William Rhett Risher on the campus of the school he loved and served. For the past three years he had fought a determined battle against cancer while maintaining an active schedule as chairman of The Citadel Board of Visitors. He would have wanted no greater tribute than that paid to him—to be described as a "true Citadel man."

Billy Risher's love of The Citadel had been a constant since his student days, which ended in 1947. His service to the school as a member of the Board of Visitors began in 1977 and included nearly five years as chairman. He resigned only a few weeks before his death last Friday.

He talked matter-of-factly about his medical problems, which included coping with cancer, first in his salivary glands and later in his brain. Recovery from surgery for the latter was complicated by a stroke. But nothing seemingly could keep him down. He was performing official duties within weeks of the first surgery. Within only a few months of his last surgery and stroke, he was in the stands at West Point for his school's victory over Army. The Bulldogs' decision to call him into the locker room that day and present him with the game football says something about how the cadets felt about the chairman of the board. It was, his wife, Sylvia, told an interviewer several months ago, "the proudest moment of his life."

No one could talk to Billy Risher very long without recognizing the importance in his life of his wife of 15 years. He and Sylvia Wilson Risher, former clerk of the S.C. House of Representatives, were also successful business partners after he closed the family-owned Carlisle Military Academy, where he was both a teacher and headmaster.

Retired since 1987, the 64-year-old Risher had devoted much of his attention to The Citadel, and his steady hand was viewed as a factor not only in the capital improvement programs at the school, but in helping defuse the controversy involving the school during the past year. He was remembered Monday as a teacher and a leader and a man of inspiring courage.

Asked his mission in life during an interview in January, Billy Risher told Post and Courier reporter Forrest White that he wanted "to leave the world a better place for my having been here." Mission accomplished.

RECOGNITION OF G. ALAN BERNARD, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. G. Alan Bernard of Leitchfield, KY, who has been named Kentucky Small Business Person of the Year by the U.S. Small Business Administration. He will be honored in Washington, along with other individuals who have been recognized from across the Nation, during Small Business Week, May 10 through May 16, 1992.

Alan Bernard is president of Mid-Park Inc., a metal products company in Leitchfield, KY. Originally started by his father Nelson Bernard in a barn, Mid-Park Inc. has become quite a success story. Nearly 20 years ago, the elder Bernard conceived the idea of a metal products company which failed to survive a shaky start during the recession of 1972–73. A few years later, Alan and his father went into business again making farm gate hinge pins. By 1977, business was booming and they had outgrown their barn. A move to Mid-Park Industrial Park sparked a name change to Mid-Park Metal Products, later Mid-Park Inc.

With the assistance of an SBA-guaranteed loan, Alan Bernard moved the company into a 41,500 square foot facility after buying out his father's portion of the company. By 1986, two spin-off companies emerged, Leitchfield Manufacturing Inc., and Highway Specialty Steel. Today, Mid-Park Inc. has grown to 50 full-time employees and produces 7.5 million pieces of gate hardware and 1 million feet of concrete joints a year. Gross sales have grown from $311,000 in 1978 to more than $4.5 million in 1991. In addition, Mr. Bernard recently founded a third company, KY Fabricating, Ltd., to make highway guardrail products.

Alan Bernard has also demonstrated strong leadership for the business community and a commitment to the economic growth of Grayson County. His dedication clearly transcended his interest in the development of his own business. Mr. Bernard is a member of the Lion's Club, is involved with Little League, and the chamber of commerce, and serves on various boards.

Mr. President, Alan Bernard's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named Kentucky Small Business Person of the Year, I believe he now can be recognized as a fine example for aspiring young entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our economy. With the continued efforts of individuals like Alan Barnard, this will continue to be the case for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Alan Bernard and the other State Small Business Persons of the Year for their distinguished achievements.

THE L.A. RIOTS: TIME FOR ACTION, NOT FINGERPOINTING

Mr. DOLE. Mr. President, it has been 12 days since the Rodney King verdict, 12 days since the onset of the most horrifying civil unrest our Nation has seen in decades.

In the Los Angeles rioting, 5,300 businesses were damaged or destroyed and

40,000 jobs were lost. In the 12 days since, the American people have been assaulted with a barrage of excuses and fingerpointing. It is President Bush's fault, we are told by some. Some blame President Reagan—others say the Great Society has failed our cities. Some blame FDR, and some probably even blame President Nixon. Some blame whites, some blame blacks. And in the rush to blame, or in the frenzy to polarize, one chilling fact is often overlooked—54 persons lost their lives—white Americans, black Americans, Hispanic Americans, Asian Americans, men, women, and children.

Mr. President, I ask unanimous consent that a list of those killed in the Los Angeles riots, published in this week's Newsweek, be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. I am not certain what all the fingerpointing accomplishes, and I am not sure that we can lay the blame on any one person, or any one policy. Perhaps no social program, no matter how innovative, how targeted, or how expensive, could have prevented the violence that followed the stunning verdict in the King case. It might be no one's fault but those who actually lit the fires, pulled the triggers, and stripped the stores bare.

But it is not the job of Congress to assess blame. it is our job to enact solutions. And in searching for solutions, one thing is clear—merely pouring money into our cities will not put out the fires, no solution will turn things around overnight, and no Government can legislate morality, personal responsibility, or respect for human life and property.

It is time to try something different. That means new policies, but it also means new politics.

Let us give the American people something they are not used to in an election year—bipartisanship. I met this morning with President Bush and the bipartisan leadership of the Senate and House, and I am hopeful that we can build on this meeting and work together—quickly—to help revitalize America's cities, heal racial divisions, and promote safe communities where children can learn and dream.

I am encouraged that many in the other party are now eager to take a second look at some of the President's proposals, including urban enterprise zones, targeted small business and housing assistance, anticrime and antidrug programs, economic growth and job creation initiatives, and even paying for additional unemployment benefits. These certainly are not all the answers—and all the answers will not come from Government—but they are a start.

Mr. President, the American people are saying no to the status quo. We can do better—let us show the American people we are up to the challenge.

EXHIBIT 1

COUNTING UP THE HUMAN COST

Scores of lives were lost in the tide of rage, some heroically, and others by a terrible happenstance. A roster of the 54 deaths linked to the riots so far:

Louis Watson, 18. Black. The riot's first victim wanted to be an artist. He was killed by a random shot while walking a friend to a bus stop.

Dwight Taylor, 42. Black. The ex-college basketball player was on his way to buy milk when killed by gunfire.

Arturo Miranda, 20. Hispanic. A stray shot killed him as he drove home from soccer practice.

Edward Travens, 15. White. Shot in a drive-by attack.

Eduardo Vela, 34. Hispanic. Trapped with a co-worker while visiting from Bakersfield. His friend left their car to call the boss; he returned to find Vela shot.

Anthony Netherly, 21. Black. The record-store manager was shot as he rode to his grandmother's home to make sure she was safe.

Willie Williams, 29. Black. Died after falling from the back of a truck.

Elbert Wilkins, 33. Black. A drive-by shooting ended the life of the stereoshop owner and father of two.

Ernest Neal Jr., 27. Black. Shot in the head as he talked to Wilkins.

Gregory Davis, 15. Black. A bullet fired blocks away hit him as he stood on his front lawn.

Dennis Jackson, 38. Black. The ex-gang member died in a gunfight with police, who were protecting firefighters trying to put out a blaze.

Anthony Taylor, 31. Black. Killed by police officers in the same battle.

John Willers, 37. White. Died after receiving multiple gunshot wounds.

Ira McCurry, 45. White. Shot trying to stop looters from burning a liquor store that was next to his home.

DeAndre Harrison, 17. Black. Shot in the chest.

Howard Epstein, 45. White. Flew to L.A. from upstate to inspect his South-Central machine shop. He was attacked in his car by a mob and shot.

Jose Garcia Jr., 15. Hispanic. Shot in the back.

Brian Andrew, 30. Black. Killed by police in Compton.

Mark Garcia, 15. Hispanic. Shot by sheriff's deputies, who said he looted a jewelry store and fired at them.

James Taylor, 27. Black. Died of a gunshot wound to his chest.

Patrick Bettan, 30. White. Guarding a Koreatown supermarket, he was shot during a robbery attempt.

Frank Lopez, 36. Hispanic. Run down in traffic in South-Central.

Hector Castro, 49. Hispanic. Fatally shot in the neck.

Matthew Haines, 32. White. The auto mechanic was pulled off his motorcycle by a mob and shot in the head. He had been riding to help a black friend start her car.

Thanh Lam, 25. Asian. Found shot in the chest.

Franklin Benavidez, 27. Hispanic. Killed by LAPD officers, who said he looted a gas station, then pointed a shotgun at them.

Andres Garcia, 32. Hispanic. Stabbed to death.

Cesar Aguilar, 19. Hispanic. Shot by L.A. police officers after he drew a gun. It turned out to be a toy.

Paul Horace, 38. Black. Died from multiple gunshot wounds.

Edward Song Lee, 18. Asian. Koreatown security guard died in cross-fire between police, other guards and robbers trying to raid a store.

Juan A. Tineda, 20. Hispanic. Died of gunshot wounds.

Noel Solorzano, 25. Hispanic. Shot in the back.

Kevin Evanahen, 24. White. Fell through a burning roof while fighting a fire at a check-cashing store.

Unknown Man. White. Found burned to death in a possible arson.

Vivian Austin, 89. Black. Suffered a heart attack during Thursday's riots in her neighborhood and died three days later.

Meeker Gibson, 35. Black. Died in Pomona of a single gunshot wound to the chest.

George Sosa, 20. Hispanic. Shot in the chest.

Unknown Man. Hispanic. Charred remains discovered in a burned-out building.

Lucie Maronian, 51. White. Died from stab wounds.

George Alvarez, 42. Hispanic. Died of injuries suffered in an assault.

Aaron Ratinoff, 68. White. Found strangled at a looting scene. Officials speculate he was a store owner protecting his shop.

Unknown Man. Hispanic. Believed to have been killed in an assault.

Charles Orebo, 22. Black. With two other snipers, he ambushed a pair of police officers. Killed when the cops returned fire.

Alfred Miller, 32. Black. Died of a gunshot wound to his neck.

Carol Benson, 43. Black. She was killed in a hit-and-run traffic accident.

Unknown Man. No race determined. His burned body was found in a torched Pep Boys auto store.

Fredrick Ward, 20. Black. Shot to death in Sylmar.

Juana Espinosa, 65. Hispanic. Shot as she walked down the street.

Suzanne Morgan, 24. Black. Died of a gunshot to her head.

Howard Martin, 22. Black. Killed in a Pasadena shootout between police and gangs.

Betty Jackson, 56. Black. Killed in a traffic collision.

Hugo Ramires, 23. Hispanic Found lying face down in the street, dead of a shot to his neck.

Imad Sharaf, 30. White. Burned body found near a freeway offramp.

Victor Rivas, 25. Hispanic. The only person slain by National Guard troops and, apparently, the last victim of the riots.

CONGRESSIONAL CAMPAIGN SPENDING AND ELECTION REFORM ACT OF 1992—VETO

Mr. SANFORD. Mr. President, it is with a sense of frustration and disappointment that I rise today to speak on the President's veto of S. 3, the Congressional Campaign Spending and Election Reform Act of 1992.

President Bush has shown a degree of hypocrisy that is disappointing. When he vetoed the campaign finance reform legislation before us, the most sweeping reform measure since the Watergate era, he indicated that he had no choice because he is opposed to the very idea of public financing for political campaigns. Now there may be some reasons for opposing this bill, but public financing is not one he can use. This is hollow rhetoric. The fact is that he is the all time leader in receiving public financing for his several campaigns. By the end of this year he will have accepted $200 million in Federal matching funds—taxpayers' money—for his Vice-Presidential and Presidential campaigns.

Earlier this month, a number of Republicans lead by former Congressman John Buchanan urged the President to sign S. 3 into law. In an op ed article which appeared in the Washington Post, Mr. Buchanan said that enactment of this measure is "essential to reverse the public's perception that the institution has fallen to the wolves of special interests and corruption." I agree.

The President ignored this thoughtful plea. He has also ignored the wishes of the public. The public has made clear its support for limits on campaign spending. The President, however, continues to hold fundraising dinners that raise multimillions of dollars. First, we learned of the dinner here in Washington where he raised $9 million in one night. Then he has the gall to veto S. 3. He vetoed caps on total spending in congressional campaigns and modest public financing for candidates who abide by those limits. He vetoed limiting contributions by political action committees and wealthy individuals. Now we learn of another Presidential fund raising dinner last night that only cost $1,000 for donors, a dinner that raised other untold millions. Somehow the President found time between two fundraising dinners in the last week that raised well over $10 million to veto a historic campaign finance reform bill.

Now the Congress must act. Overriding this veto is a step in the right direction to let the people know that we have heard their concern about the influence of money in politics. We have heard their anger and frustration. We recognize that the people feel locked out of the process. The President has not heard this message, or he has chosen to ignore it. The President should spend more time talking to the people in Durham or in Asheville or in Charlotte and less time raising $9 million a night in downtown Washington. Then he might recognize that the public demands a change in the way we conduct our campaigns. The Congress sent to the President a responsible and workable campaign finance reform bill, but the President chose to reverse the wishes of the public.

I urge my colleagues to override this hypocritical veto and to take seriously the public's demand for a change in our campaign finance system.

I thank the Chair and yield the floor.

TRIBUTE TO ATF SPECIAL AGENT JOHN MASENGALE

Mr. DECONCINI. Mr. President, today I would like to bring to the attention of this body a tragic and all too common event in the law enforcement profession: the death of an officer in the performance and a particularly sad occasion for Arizona. On May 6, Special Agent John Masengale, an explosives investigation specialist of the Bureau of Alcohol, Tobacco and Firearms [ATF], died as a result of burns and injuries he suffered when a cache of illegal pyrotechnic explosives he was destroying at Fort Lewis, WA, accidentally exploded. Special Agent Masengale, 36, was a native of Buckeye, AR, and had been stationed in Seattle with ATF for 3 years. Before joining ATF, he was an explosives specialist in the U.S. Air Force.

The tragic death of Special Agent Masengale exposes an often unnoticed fact. The risks taken by the men and women of law enforcement do not end with the obvious dangers of which we are all aware. The undercover work, the raids, and the arrests are only a portion of the story. A final, inescapable risk faces the officers of ATF and their counterparts in State and local bomb squads. These explosive materials cannot be left behind and safely stored for long periods of time; they must be destroyed.

ATF has battled with the multimillion-dollar clandestine business of illegal pyrotechnics for years. Between 1982 and 1991, explosions, at illicit manufacturing sites caused 45 deaths and 91 injuries. The sellers of these products dupe an unwary public into believing these highly unstable and tremendously powerful products are special fireworks. Unfortunately, the lesson learned is often dangerous and deadly.

It is a testament to the professionalism of these officers that they face this treacherous duty day after day without the general public even knowing they exist. It is with great sympathy for the family of Special Agent Masengale and his surviving fellow agents that I would like us to recognize the unstinting and everyday bravery that this work requires. Agent Masengale is survived by his wife Lois and his 14-year-old son Larry. I extend to them my deepest sympathy and want them to know that the work of this fine officer was very much appreciated by this Senator.

SYRIA'S JEWS FREED OF RESTRICTIONS

Mr. PELL. Mr. President, I was pleased to learn that Syrian President Hafiz al-Assad has lifted restrictions Syria had placed on its Jewish minority. This decision, if implemented, will grant Syria's 4,500 Jews fundamental freedoms that they had been denied for years, including the right to travel freely and the right to buy and sell property. Although the decision officially does not allow Syrian Jews to travel to Israel, in practice it could open the door for Syrian Jews to emigrate.

Syria's treatment of its Jewish minority has been a longstanding concern of the United States. I, for one, have called upon Syria many times to lift the onerous restrictions it unfairly placed on its Jewish community. Scarcely 1 month ago, in connection with the Shabbat Zachor—the Day of Remembrance for Syrian Jewry—I spoke on the floor of the Senate to reaffirm my concerns and express the hope that such treatment would end.

Accordingly, I welcome President Assad's decision, which has been received favorably in the United States administration and in Israel as well. It is a positive step, and one that I hope bodes well for the Middle East peace talks that recently reconvened in Washington. Up to now, scant progress had been achieved in the bilateral talks between Israel and Syria, leaving little room for optimism. At best, Syria's participation could have been described as grudging. Perhaps this unanticipated show of good will will help change the atmosphere and promote the chances of success.

Mr. President, in my view the Middle East peace talks represent the best prospect we have for bringing peace and stability to one of the most troubled regions of the world. The United States can, and has, played a prominent role in bringing the parties together and encouraging them to talk. But the burden of responsibility falls squarely upon the parties themselves. I am hopeful that this new development in Syria indicates a commitment to negotiate seriously, which will translate into further progress at the peace talks.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBB). The period for morning business is now closed.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 250, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kasten Amendment No. 1799, to provide for product liability actions brought against a manufacturer or product seller on any theory, and to establish guidelines for Federal standards of liability for general aviation accidents.

The PRESIDING OFFICER. The time between 10 a.m. and 12:30 p.m. is equally divided and controlled by the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Wisconsin [Mr. KASTEN] or their designees.

Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, is that time evenly divided?

The PRESIDING OFFICER. Under the order, it would be evenly divided.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be heard other than on the time restrictions. I just understood from the staff that the veto message on campaign finance reform had just been received and was really the pending business. The leader is momentarily coming to the floor. That would really be the matter of concern and would have to be a priority item. In other words, we would have to set this aside to go to that. Of course, if the distinguished Senator from Wisconsin wants to start on that, that would be fine.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KASTEN. Mr. President, I intend to make an opening statement in a moment. But at this point I would like to yield such time as he may desire to the Senator from Missouri, Mr. [BOND].

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized in accordance with the declaration by the Senator from Wisconsin.

Mr. BOND. Mr. President, consumers and manufacturers alike suffer from our current product liability rules in this country. I strongly urge my colleagues to support a fair and balanced product liability reform measure. The Product Liability Fairness Act is cosponsored by 39 Members of the Senate and deserves to be adopted. In addition, Senator Kassebaum's amendment on general aviation deserves to be adopted. The debate has gone on long enough, and I urge my colleagues to accept the Kasten-Danforth amendment.

People who are injured, lose wages, or incur medical expenses because of an unsafe product deserve to be fairly and swiftly compensated. The parties at fault should be held accountable. But our product liability system is out of order and needs to be reformed to restore fairness to the system.

Consumers suffer under our current product liability system. This system has become a high stakes lottery game where the real winners are trial lawyers. The U.S. tort system costs the American economy and its consumers $100 billion each year but, shockingly, half of this amount does not go to compensate the injured party but instead goes into the deep pockets of the trial attorneys. What we seek to do in this amendment is to increase the share of the award that ends up rightfully compensating the victim.

While the system richly rewards the attorneys who file lawsuits, our costly product liability system is not making products safer. A May 1991 study by the Brookings Institution found that our propensity to litigate does not lead to increased product safety. While products have become safer over the years, the Brookings study finds that the marketplace pressure and Government regulation are the force behind safer products, not product liability lawsuits.

Further, consumers may never see some products that could lead to improved safety because of the very product liability system which is designed to provide this protection. For example, toxic leak detectors, which would obviously be quite useful for workers who handle these substances, were designed in the mid-1970's. Many of these detectors were kept off the market by their producer for fear of lawsuits if any should ever fail.

Another ironic example is the high cost of new high-tech single- or twin-engine aircraft whose costs have risen so high because of the high liability costs to the manufacturer. The result? Older, less safe small planes are used much longer than they would be if the cost of the safer planes was lower.

As one who recently experienced a rather trying incident on a small aircraft, I know that I speak for many of my colleagues in this body who must depend upon small aircraft for travel back in our States. I have a personal stake in seeing that safety is paramount in general aviation.

But under the current system, manufacturers are discouraged from improving their products because these improvements can be used as evidence that the earlier product was less safe.

A foreign manufacturer, Volvo, refuses to install its built-in child safety seat into cars bound for the American market because of product liability. A recent survey by the Conference Board reported that 47 percent of U.S. companies have withdrawn products from the marketplace because of liability concerns.

American jobs are at stake. The ability of U.S.-based companies to compete in the world market is at stake. Liability costs in this country are seven times as much as Japan's and five times as much as the United Kingdom's. There are 25 times more lawyers per 100,000 in the United States than in Japan. Since 1971, the number of lawyers has almost tripled to 780,000.

In a Business Week/Harris poll of top U.S. executives, 62 percent expressed the view that the civil justice system in this country significantly hampers U.S. companies from successfully competing with Japan and Europe. A striking example is Dow Chemical, which faces 2,000 new product liability claims in this country each year but only about 20 claims from the rest of the world combined.

Our ability to compete with Japan and the European Community depends on our ability to bring the product liability crisis under control. Our American businesses and manufacturers are straining under the weight of forces against them while they are forced to deal with 51 separate legal systems. The European Community will already have the advantage with lower product liability costs, and it has already agreed to place all of its members under a single set of product liability laws after their economic unification.

The Product Liability Fairness Act is an important step toward creating an environment in this country where American businesses and workers can fairly compete with their overseas counterparts in future years. I urge my colleagues to support fairness to American consumers, support a fair product liability system for our American businesses, and ensure that the jobs which are at stake are saved by reforming product liability rules in this country.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin [Mr. KASTEN].

Mr. KASTEN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. KASTEN. Mr. President, first of all, I want to say I am pleased that today we are able to begin to debate the merits and the necessity of product liability reform. Though we will be debating product liability reform on the Senate floor for only the second time in the last 10 years, this is a subject that has a long history in the U.S. Senate.

The amendment I have now offered, and which will be voted on this afternoon, to S. 250, the so-called motor-voter bill, embodies the substance of S. 640, which was favorably reported out by the Commerce Committee on a record vote of 13 to 7 last October 3.

S. 640, and the legislation upon which it has been based since 1986, has enjoyed the support of Members on both sides of the aisle. S. 640 is a modern reform measure upon which I am now joined by 39 colleagues. While I am pleased we are now addressing a matter that should have received the attention of the full Senate years ago, I am disheartened that the procedural situation that we are in does not convey and I am afraid will not convey during the day the truly bipartisan nature of this measure's support.

Let me at this point refer to today's Wall Street Journal editorial, and I later will ask that it be printed in the RECORD, but it points out:

> Republican Bob Kasten of Wisconsin and Democrat Jay Rockefeller of West Virginia have assembled a bipartisan coalition to ease the product reform liability prices. Their reform is modest, far less helpful and ambitious than Vice President Quayle has proposed, but at least it's something.

The editorial also points out:

> At least 45 Senators, including 8 Democrats, either cosponsored the Kasten-Rockefeller or have voted for it in committee. Some of these Democrats, Mr. Rockefeller, or Connecticut's Joe Lieberman, are now being pressured to vote with Mr. Mitchell's procedural vote. How these Democrats vote will show whether they want their party known for something more than the litigation liberalism.

The point I am making is that this measure has bipartisan support. This is not a Democrat or a Republican idea. Today's vote ought not to be a party-line vote. This measure will have, across this country, small businesses supporting it whether they are Republican, Independent, or Democrat. We have a problem in this country and we have to deal with it and face it. It is unfortunate this bipartisan support that was demonstrated in the committee, the bipartisan support that is demonstrated in the cosponsors of the bill, is not represented at this moment on the floor. I hope we can establish once more this bipartisan support.

Since I last stood on the floor of the Senate to discuss product liability, we have had three Secretaries of Commerce testify as to the need for product liability reform because of its adverse effects on America's consumers, on businesses who produce or sell products—especially small businesses—on jobs, and, as the Senator from Missouri [Mr. BOND] just pointed out, on America's ability to compete.

What we have in many instances is a tax, a tort tax, that hits America's consumers every time they buy a ladder or a car or medicine for an ill family member. So whether this tax is 235 percent, as in the case of the DPT vaccine; 35 percent, as in the case of a football helmet; or 40 percent of the cost of the general aviation aircraft, America suffers and jobs are lost.

But to compound the inequities of the system, it is slow to compensate the deserving consumers who have been hurt and must watch 50 percent, and sometimes more, go to the transaction costs in the system. We have some evidence showing up to 75 cents of each dollar goes to transaction costs—re: lawyers. Seventy-five percent of each dollar goes to lawyer fees, 25 cents of each dollar going to injured consumers.

So it is an expensive, inefficient, and unpredictable system that we have tried to address since the early 1980's.

The committee report sets out some of our findings on the need for the moderate reform I am proposing today. After adjusting for inflation and population, we still find that liability costs have increased dramatically. Over the last 40 years, general liability insurance costs have increased at over four times the rate of growth of the national economy, according to the National Law Institute's Reporters' Study on Enterprise Responsibility for Personal Injury.

As I mentioned, the rising costs are not benefiting injured consumers. But rather the lawyers on both sides of these cases that cause our system to be the most expensive tort system in the entire world.

I know that others wish to speak in regard to this amendment. So with the predicate of this costly, inefficient, and uncertain system, let me just very briefly describe what our proposal would do and, equally important, what our proposal would not do.

Unlike some earlier proposals, this amendment does not contain any caps on liability, nor does it attempt to set out the rules of liability that would apply. That has traditionally been a matter of State law and that remains under State law under this legislation.

Rather, we address certain matters that arise in product liability cases and which would benefit from the adoption of uniform rules to lower the transaction costs or, in the case of expedited settlements, adopt a procedure to allow parties to settle without the expense of the current system.

We also, in this legislation, propose to adopt uniform rules relating to the time within which a party may bring a suit, adopt uniform rules as to the type of conduct and the standard of proof necessary to impose punitive damages, provide for several liability only for noneconomic damages, and provide a defense if the injured party was under the influence of drugs or the influence of alcohol.

Subsequent to the committee markup in October, discussions have been held and we have now resolved a difference within the business community regarding and relating to the workers' compensation offset. An agreement has now been reached with small business groups, including the NFIB, the [National Federation of Independent Businesses], and I am pleased, therefore, we are entering into this debate today. Our effort is very different from earlier measures, and I urge all Members to read and study the substance of the proposal and to note the differences with other proposals.

We do not deny anyone the right to bring a lawsuit, and this balanced proposal is not meant to help or favor either the plaintiffs or the defendants. It is to bring uniformity to certain areas of product liability law to reduce the inequities and the costs of the system on all Americans.

I hope that my colleagues will see and recognize the fairness of this measure. I hope my colleagues will vote not to invoke cloture this afternoon or our effort will fail and at least enact meaningful product liability reform in this session of Congress.

Today is a start, and I believe that we can be successful.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, I yield myself such time as is necessary.

Mr. President, this debate is indicative of exactly what has gone wrong in our National Government. We have attempted to deal with this matter in a deliberative manner, through the committee system and formal hearings, leading to proper floor consideration at the appropriate time. Now this crowd comes along, trying to evade and avoid this deliberative system. What we see here is the practice of Government by ambush.

I happen to know the origin of this kind of shenanigan because I happened to have been very, very involved in labor law reform and its defeat some 10 years ago. At that particular time, I worked closely with these same organizations that are now engaged in the ambush.

One group, of course, is the National Association of Manufacturers, which has all its members in town to gin this thing up; the National Association of Manufacturers, the Business Roundtable, the National Chamber of Commerce, and the Conference Board. We were determined and did defeat labor law reform. Thereupon, all dressed up but no place to go, they zoomed in on Bacon-Davis as the great Satan that had to be killed, the monster that had to be slain because it was causing all the inflation. And then when inflation declined to somewhere around 1 or 2 percent, they thereupon also learned that Bacon and Davis were distinguished Republicans.

And a distinguished Republican President, President Hoover, with whom I later served on an appointed Commission, so I speak most respectfully of him—President Hoover had signed Bacon-Davis into law. They thought, well, maybe it did not ring a consonant tone to attack that, and they better find something else. So Victor Schwartz and the downtown lawyers then said, "Let's get on to product liability."

Now, Senators should ask themselves why it is that the American Bar Association has consistently opposed this so-called product liability reform? Why is it that the National Association of State Legislators consistently and overwhelmingly has opposed this? Why is it that the Association of Attorneys General of the United States has consistently opposed this? Why is it that the Association of State Supreme Court Justices has consistently opposed this ambush? And why is the administration taking up this cause. This is the same administration that says the best government is the government closest to the people, devolve power back to the States, deregulate, let market forces prevail. Now, all of a sudden, the White House is hot to federalize a major component of tort law, to change the common law, if you please, here without any action by the Judiciary Committee of the House or the Senate on this particular measure. They want to change it by ambush today. They put this measure on a bill that has no logical relation in order to circumvent the established committee procedure.

As chairman of the Commerce Committee, and one of a group of probusiness Senators who are concerned by Congress' habit of legislatively driving up business costs through a series of mandated requirements.

Now, the Rand study says that product liability is less than 1 percent of the cost of business. We are going to get into that at length. The cost of business has not been going up, but when the Chamber and NAM and Roundtable and Conference Board all come running, then you do not have time to study the thing out. You do not really think about it. There are certainly more urgent matters. Heavens above, we have an urban crisis, we have violence in the inner cities, we have the crime problem, the AIDS epidemic, the drug problem, the deficit problem.

Now they finally have come around to what this Senator has debated for a good 20 years on this floor about losing our industrial backbone. The morning news says manufacturing has gone down. And we have lost our manufacturing base because we do not have a competitive trade policy. They will not let market forces operate in trade. They let politics continually overrule.

When we go into the entities of the International Trade Commission and others, whether it is shoes, textiles, electronics, robot manufacture, you name it, you find that politics is controlling. This Government has no trade policy. We have many other real problems to address. And here is one problem area where the States are telling us, "We are handling this problem."

I was at the dedication of a new Japanese plant in South Carolina yesterday at this time. We are very proud to have at least 44 Japanese plants in our State. They are coming on account of productivity. They are coming based on high quality. They are building a new Fuji plant in Greenwood, SC, to produce the most sophisticated double-coated videotape. And they are shipping it back to Tokyo for sale there.

This has been one of the more interesting facets of public service, attracting industry, and knowing something about these business groups. Quite a contrast to this Pavlovian approach we see here today, egged on by industry groups that ought to know better.

Of the 44 Japanese plants in South Carolina, they have never mentioned product liability. The hue and cry is that we are becoming uncompetitive, uncompetitive, uncompetitive, particularly vis-a-vis the EC; but it is exactly the EC that has sought to adopt our joint and several liability. They will adopt it this year. Five European Community countries already have it. So what is this foolishness about becoming uncompetitive with the Europeans?

German industry. South Carolina has more German industry, Mr. President, than all of the other 49 States combined. I-85, the big interstate highway crossing the Piedmont section, is known as the "I-85 autobahn." We have Lufthansa, as a result, flying directly today from Frankfurt landing in Charlotte, NC, serving that Piedmont section of North and South Carolina.

I have worked to encourage the majority of those industries that come. I led the first South Carolina delegation to Dusseldorf 30 years ago. Never once have the Germans mentioned product liability as a problem. But these Johnny-come-latelies are responding now to the fussbudgeting of lawyers downtown.

Now, let us talk about lawyers. I was a little embarrassed to hear my distinguished colleague from Missouri say that this would benefit consumers and that we have too many lawyers. That is typical of the specious nature of this argument. The Consumer Federation of America knows better. Likewise, the Consumers Union is engaged in protecting the best interests of consumers and public citizens. Consumers Union, Consumers Federation of America, Public Citizen, every one of them has appeared time and again over a 10-year period without hesitation saying kill this measure; it is a nonstarter. But proponents have the audacity to come here on the floor of the U.S. Senate and attempt to ambush the American consumer.

If you want to debate lawyers, the real focus is not product liability, oh, heavens above. I can cite just one contract case, the Pennzoil-Texaco case worth $12 billion, which amounts to more than all the product liability verdicts ever rendered. That is just one contract case. I have a dossier of these businesses suing each other and what the cost is. And you know what you get to, Mr. President? Just as you sit there, they are making money—bill of allowance. That is the one thing that sticks in this particular Senator's craw.

I used to represent manufacturers, and I worked around the clock. I had to see all my witnesses and prepare all of my pleadings, and I never started a case that I didn't know in advance that they had money and it was going all the way to the Supreme Court so I might as well get ready for the trial brief and the appeal brief as well. We worked and we enjoyed it.

I am going to yield to our distinguished colleague from Alabama, his State's former chief justice, who is steeped in the law far more than this particular Senator and serves on the Judiciary Committee. And that is the real question here because proponents of this bill have avoided the Judiciary Committee like the plague. They do not want a hearing on the judicial dimensions of what they are doing.

We have the Rand Report, from the private corporation that conducts public policy research. Contrary to popular belief—I quote now from Rand—"Most injured Americans do not attempt to collect compensation from someone else connected with the accident. Among all those injured, about 1 in 10 engage in some sort of claiming activity."

Only 1 in 10 who are injured actually get involved in any kind of claiming activity.

"In talking directly with the perceived injuror to receive protection to filing a lawsuit, claiming was most common in motor vehicle accidents, where about 1 to 2 Americans seek compensation."

Supporters of this bill have not mentioned motor vehicle accidents. If they really wanted to get tort reform—they love these buzzwords and symbolism—if they really wanted to get to the meat of this matter, they would address automobile accidents. But they are not in the least concerned about that.

Quoting further:

> About 6 percent out of those injured while working with products on the job sought legal representation. About 1 percent of those injured in some product-associated circumstances off the job consulted an attorney.

Mind you me, only 6 percent. These are product liability cases, those on the job, only 6 percent, those injured otherwise, not on the job, just buying a product, only 1 percent—1 percent consulted an attorney.

> As expected, claiming was more likely when injuries were serious. In this group, 14 percent of those injured while working with products on the job consulted attorneys, and about 5 percent of those injured in some product-associated circumstances off the job. Overall, 20 percent of those who consulted attorneys were unable to find someone to represent them.

Then going further, you will find that 50 percent of those who recovered anything are the 1 percent that went to the lawyer. We are getting down to a de minimis situation. This is not a significant problem. Moreover, the States say they already are handling this matter just fine.

This crowd thinks they can succeed by ambush. They count on the average Senator saying, put my name on it. They count on the average Senator saying, I am tired of answering the telephone and getting the letters. No one else is writing letters around. Injured parties are not organized.

The Trial Lawyers Association is strong by way of principle, but weak by way of organization because they do not have time to organize.

In contrast, when defense attorneys come to these conferences in Washington, they get paid. Whatever the bill allows, that part represents the insurance companies.

This Senator has represented both sides. If you want to represent the defendants, serve a stint representing a municipal bus system. You will discover that, come November, around Thanksgiving, no one can walk down the aisle of a bus. Everybody falls down and gets hurt. No one can get out of the door safely all of a sudden, getting into the first part of December. They form a kind of Christmas club. Everybody gets their arms caught in the doorway.

And they bring it to the big old corporate lawyer, and the big old corporate lawyer says, "Ma'am, I am going somewhere for Christmas. We are not going to try these cases." They settle them out for $500, $300, $900, $1,500.

But I took a different tack. I put them all to trial. We tried all through the Christmas holidays right through January, and saved my client millions of dollars. So I know about the laziness of that defense bar, because all they have to do is get billable hours.

Which brings me, by the way, to this crowd downtown that enlists an eager young whippersnapper, a fellow who has never been in the courtroom, hanging around the President's office. One company came in here and offered him $600,000. It was so embarrassing to get a $600,000 retainer. So he gave the money back, and said please do not mention my name any more.

They have milked the Resolution Trust Corporation, which is another big scandal, with one New York firm charging $500 and $600 million in fees. We are sitting around here with a problem being handled just fine by the States, where the States' rights are observed and respected.

But now some want to preempt the States because we have some smart downtown fellows. Those are the lawyers who are being paid those billable hours, these Washington lawyers. That crowd downtown—they are the ones, not the poor trial lawyer. Fifty percent of them never recover anything, and the average cost cited in the Rand Report is $15,000. There is no better system for a poor injured party. The injured person comes in the office, they have no money, they are not going to have to pay any billable hours, they cannot get any investigation done, they cannot get any forensic reports, they cannot get any studies, they cannot get the medical reports, and who is going to interview the doctor and pay for all of that?

But it is not that they are overpaid by any manner or means. The majority goes to the defense lawyers. They are the ones delaying, sitting down, continuing, hoping that the witnesses die, that they cannot be found, that they are gone, and everything like that. Who has to get all 12 jurors? The plaintiff's attorney, and by what? By the greater preponderance of evidence. There is no tie-tie situation. He has to get them all.

I can tell you now it is a good system that is enshrined in our Bill of Rights, the seventh amendment. What you are really seeing here today is an assault upon the Bill of Rights, an assault on trial by jury. We will be getting into that, and getting into that very thoroughly.

But what happens here this morning, and what the game is in trying to block cloture, is to avoid the Judiciary Committee. We reported it out of the Committee of Commerce, it got to the floor and then, heavens above, just before we tried to get it to the Judiciary Committee, the proponents of this particular bill—I think it was a day or 2 days before we quit for Thanksgiving sine die—they wrote a letter and said they would be glad to give a 60-day referral to the Judiciary Committee if they reported back on January 27.

That is tongue in cheek if I ever heard of it. They just do not want objective, comprehensive Judiciary consideration, the committee's consideration. Nor do they want fair consideration on the floor here of the U.S. Senate.

They did consider general aviation. They reported that out overwhelmingly with disapproval last year. Why? Because Cessna, which just sold for $600 million to Textron, had sales of $820 million, and a profit of $100 million in 1991. The poor airlines have gone broke. Beech had a pretax profit of $106 million in sales of $1.1 billion. The industry is changing—that airline industry. Companies are producing more sophisticated general aviation aircraft that cost more and require better trained pilots to operate them. We are going into that particular thing because they cannot produce an airplane, and they say they want to fly them.

I can tell you right now, product liability pays. If you ever heard of the Pinto case, for a little added cost, between $10 and $20, they could have saved hundreds of lives. The things exploded. They documented it in their internal records. One of the most prestigious manufacturers in the United States had it in their records that the Pinto was going to cause injury. But they went ahead anyway for that almighty dollar.

Have you ever heard in the State of Virginia of the Dalkon Shield? They documented the danger in their records. A prestigious firm chasing the almighty dollar could have prevented harm to thousands of lives there. Have you ever heard of Dow Chemical and breast implants? They had it in their records and disregarded their records for that almighty dollar. But now they are coming with a Washington-manufactured problem. This is not a national problem.

There are no governments, no State legislatures, no State attorneys general clamoring, "You all in Washington have to do something." Oh, no, this is a case of the downtown lawyers trying to hold their retainer of billable hours, orchestrating this ambush here on the floor of the U.S. Senate, without Judiciary Committee consideration. They avoided it.

They give you all this bipartisanship, sweetness and light. But this is an ambush, a bipartisan ambush on the rights of the people to trial by jury. I can tell you that. I tried to hold it up. But, in any event, they had not gotten it out of the Judiciary Committee of the House, or out of the Judiciary Committee in the Senate, and what we are talking about here is a fundamental repeal of common law.

When it comes right down to it, it is a fundamental assault on the seventh amendment, on trial by jury, and they are casually trotting out every and any excuse. They say we have a litigation crisis. We proved it is not a litigation crisis. Then they said American firearm manufacturers were being swamped by foreign manufacturers. Yet the Europeans like our product liability, because they are all adopting our system.

To see how well the current law works, look at Georgia Pacific. Before their fire in January, one plywood plant had 2 million man-hours without injury, which is a national record.

You have to look and see what the law is really doing. I know it is popular to curse the law and to curse lawyers. But I can tell you here and now that the current system has done wonderful work with respect to the manufacturing processes and the safety of American industry today.

We have put in not just product liability, but more particularly, the Consumer Product Safety Commission, responding to outrages such as flammable pajamas, with little children being burned up in their cribs. I can list those dangerous products, and we will have time to do that and find out the good that happened as a result of the general tort process, tort law at the State level. This is not a Federal problem and should not be subjected here to Federal ambush when we have real work to be done.

I am sure my distinguished colleague from Alabama, the outstanding member of our Judiciary Committee, will elaborate further on this particular point.

I yield the floor.

Mr. HEFLIN. Mr. President, let us look at the amendment that has been filed in this case. The amendment has two titles. Really, one title represents on bill, S. 640, and the other title represents another bill, S. 645. One bill is the product liability bill that has been reported out of Commerce. The other bill is a general aviation liability bill, which has not been reported out of the Commerce Committee, and at this time there have been no hearings, as I understand it, conducted in the Commerce Committee.

By mingling these bills together, what has occurred? An analysis of it will show that there are many inconsistencies. The concept of having Federal preemption and doing away with the States rights to legislate tort law was based on the concept that there is a need for uniformity. This amendment, with two separate titles, containing two different bills, is a hodgepodge of nonuniformity.

The product liability bill is a most unusual bill. It started out with the idea of establishing certain standards and having Federal preemption. But it ends up now, as in this amendment, being entirely different. Instead of having complete Federal preemption and complete uniformity, it only imposes certain Federal standards of conduct and rules of procedure as they would affect certain matters like noneconomic damages, punitive damages, joint and several liability, that the special interests, who are pushing this bill, believed would give themselves certain advantages. But S. 640 leaves to the States the right to have their judicial standards to be applied. As a result, there would be an absence of uniformity.

Fifty-five jurisdictions—the States and the territories—could come up with different rules and different interpretations, different decisions pertaining to many aspects of products liability. In addition to that, the U.S. circuit courts of appeal could come up with different interpretations.

Bear in mind that under this bill, the only court that can declare the supreme law of the land is the Supreme Court. You would have somewhere in the neighborhood of 66 different jurisdictions interpreting this, applying and interweaving their substantive law pertaining to torts, and you might occasionally, 25 years from now, get a Supreme Court decision establishing an interpretation of various conflicting legal interpretations. Uniformity—that is hogwash. This bill is most nonuniform and will cause the greatest amount of uncertainty, yet business wants some predictability as to what is the law on product liability.

Added to that, proponents have had the general aviation liability bill placed into this floor amendment. The general aviation bill is a Federal preemption bill entirely. Yes, it is uniform.

(Mr. CONRAD assumed the chair.)

Mr. HEFLIN. Mr. President, S. 645 is different from the product liability bill. An airplane that is built for 19 passengers will have a different standard of liability than for one that is built for 20 passengers.

While I am on aviation, S. 645 has what is known as a statute of repose. A statute of repose means that after so many years a claimant cannot bring a lawsuit whatsoever. The general aviation bill has a statute of repose of 20 years. Yet several years ago in hearings, proponents admitted that more than half of the airplanes, those that have less than 20 passengers capacity, are 20 years or older.

I think it might be appropriate, to protect the citizens of this country, to put on a sign on the side of an airplane that has the capacity to hold fewer than 20 passengers: "You enter this airplane at your own risk. There is no way if you have an accident that you can sue the manufacturer."

The statute of repose in the general aviation liability bill is 20 years and the statute of repose on product liability is 25 years. These are two different concepts. But in the hurry to get an amendment and to try to get a vote, proponents have not gone and looked at the inconsistencies that exist between the product liability bill and the general aviation bill.

The proponents of product liability legislation assert that the legislation would somehow bring uniformity to product liability litigation. As is the case of the rest of the array of tort reform arguments, this rational is baseless. These two bills would simply impose another layer of complexity and differing standards on our civil justice system.

The current attempt to combine these two bills reveal the illegitimacy of both. The bills contain significantly different rules for litigation of liability versus in general aviation suits and thus not only would more complexity result, but the standards applying to those injured in general aviation accidents would differ from those applied to those injured by other products. In the same breath the proponents are saying that uniform law is essential and that different law for a particular industry is essential.

Consider the following, which are some of the nonuniform conflicts between the two bills. Consider the absurdity that the rules under this product liability bill would apply to a person injured on a plane with 20 seats and those injured on a plane with 19 seats, even though the same company designed and built both planes. S. 640, which is the product liability bill, would eliminate joint and several liability only for noneconomic damages. The general aviation liability bill would eliminate joint and several liability without regards to the type of damage involved, but also would impose comparative responsibility, reimpose joint and several liability in certain circumstances, whereas under S. 640 it would be a hodgepodge of various legal issues.

S. 640 would bar punitive damages for the Federal Aviation Authority certified aircraft; but then S. 645 would permit punitive damages for the FAA-certified general aviation aircraft. S. 640 explicitly provides that the Federal courts shall not have any additional jurisdiction over products liability suits. S. 645 explicitly creates additional Federal court jurisdiction.

Overall a floor amendment combining S. 640 and S. 645 confirms what the experts have been telling Congress for years. This is no basis for the tort reform proponents assertion that their goal is to increase uniformity in tort law. These bills are patently different and would result in increased variability and confusion in product liability litigation. Combining the bills reveals the tort reform proposals for what they are: attempts to tilt the product liability balance in favor of special interests, the manufacturers.

Mr. President, the sponsors of these bills justify their positions because of growing concerns for the Nation's economy and because of this country's seeming inability to compete in the worldwide marketplace. I will review in a moment the empirical data which does not bear out that assertion.

My remarks will be confined primarily to the key aspects of S. 640, although they will relate in large part to S. 645 which is also a bill of jurisdictional interest to the Judiciary Committee. Both of these bills deal primarily with court action; therefore, the Judiciary Committee should have at least sequential referral. Does anyone doubt that the Federal courts as well as the State courts will not be affected by these bills? Why have a Judiciary Committee if its expertise and experience is not to be used?

In my judgment, the Judiciary Committee has jurisdiction over the proposed bills because their predominant subject matter is the revision of the rules of procedure which courts must utilize in product liability cases. The fact that this subject matter predominates is made abundantly clear both from a reading of the current bill and from a comparison with earlier versions of the legislation which were previously referred to the Commerce Committee.

I think also that the bill's unique and unprecedented approach to defining the relationship between the Federal Government and our Nation's State courts further warrants the conclusion that the Judiciary Committee has a strong jurisdictional interest in this bill.

First, let us look at the bill pertaining to the products liability. It has three titles and several sections in each title. They have changed it around in regards to titles and sections now, but basically this was the way that S. 640 was originally written and which is now combined with S. 645 in this amendment.

Title I has section 103, preemption, and section 104, jurisdiction of Federal courts. Title II has section 201, expedited product liability settlements, and section 202, alternative dispute resolution procedures. Title III has section 301, civil actions; section 302, uniform standards of product seller liability, meaning retailer liability; section 303, uniform standards for award of punitive damages; section 304, uniform time limitations on liability; section 305, uniform standards for offset of workers' compensation benefits; section 306, several liability for noneconomic damages; and finally, section 307, defenses involving intoxicating alcohol or drugs.

In examining S. 640 it is my belief that the thrust of this bill is to basically revise the procedural rules by which our State courts operate—I emphasize State courts because that is an important aspect of this bill. Under Senate rule 17, in paragraph 1, a bill upon introduction is referred to the committee which have jurisdiction over the subject matter which predominates in the bill. Under Senate rule 25, the Judiciary Committee has jurisdiction over courts and the rules of criminal and civil procedure in court actions.

The primary purpose of this proposed legislation is to revise the manner in which the courts conduct civil actions involving injuries caused by allegedly defective products. This bill establishes new procedural rules and revises existing procedural rules.

Let us look at title II, Expedited Product Liability Settlements. This title contains provisions to encourage parties to settle lawsuits without an actual trial and creates a set of penalties to be imposed by the court for failure to reach an out-of-court settlement. In doing so, it revises the rules governing the filing of the plaintiff's complaint and the defendant's answer.

This title is based on rule 68 of the Federal Rules of Civil Procedure, which also use a system of penalties to encourage out-of-court settlements. I think the Judiciary Committee has unquestionable jurisdiction of the Rules of Civil Procedure.

Another section of title II, Alternative Dispute Resolution Procedures, would affect how lawsuits are disposed of through formal judicial proceeding or through quasi-judicial proceeding popularly known as alternative dispute resolution or ADR. Under this section, a party could offer to proceed to an ADR procedure recognized under State law and the court determines that a refusal to enter into such procedure, which would include arbitration, was unreasonable or in bad faith, penalties could be assessed against the party refusing. There are serious constitutional issues involved in this provision, like the right to a jury trial and access to justice and I think the Judiciary Committee has clear jurisdiction in this area.

Now let us look at the hodgepodge sections contained in title III, the main theme of this title is to alter the rules for conducting product liability lawsuits.

Section 302 establishes uniform standards of product seller liability which in effect separates a product seller, usually a retailer, from the actual manufacturer of the product. The claimant can recover from the product seller only under certain conditions, otherwise the claimant must seek recovery from the manufacturer.

Section 303 increases the burden of proof for the award of punitive damages and only if otherwise allowed under State law. I wonder why the proponents, in the name of uniformity, did not preempt State law which had abolished punitive damages to reinstate the allowability of such damages at least under the proposed increased burden of proof? I ask why the special interest groups who wrote this bill forgot about uniformity as it would apply there?

Further, section 303 has a bar to punitive damages against a manufacturer or product seller where a drug or medical device received premarket approval from the Food and Drug Administration or where the drug or medical device is generally recognized as safe and effective pursuant to FDA regulations. Also, no punitive damages can be awarded against an aircraft manufacturer where the aircraft was subject to premarket certification by the Federal Aviation Administration and the manufacturer complied with postdelivery FAA-directed airworthiness warnings.

I want to point out that in regard to this premarket approval, that the statistics show that 50 percent of those that receive premarket approval from the Food and Drug Administration, and approximately the same amount from the Federal Aviation Administration, are subject to recall. They have been subject to recall in regard to various things that have developed in requiring the safety provisions be undertaken and that changes be made in regard to that.

Let me complete my review of the bill by citing to you section 304 which establishes statutes of limitations on the periods of time within which an injured person must file a product liability lawsuit. Section 305 establishes rules and procedures for adjusting liability damages depending upon the award of worker's compensation benefits as well as for apportioning damages among the manufacturers of products and the employers of injured parties. Section 306 creates new rules for the apportionment of damages among responsible defendants. Section 307 creates defenses to liability where the injured party was under the influence of alcohol or drugs.

Mr. President, the proponents of S. 640 call their bill the product liability fairness bill. I think they are incorrect and their bill should be entitled the product liability legal standards and procedures bill because this bill turns State tort law and its procedures on its head.

As an aside, let me state that the word "fairness" is a misnomer. There is nothing fair about this bill. Special interests have drafted the bill to their benefit.

Product liability legislation was first referred to the Commerce Committee upon the introduction of S. 2631 in the 97th Congress. That legislation, and its successors in the 98th Congress (S. 44) and the 99th Congress (S. 100) had as their primary purpose the creation of Federal substantive standards governing the design, manufacture, safety, and use of products. Those bills would have preempted State substantive standards to impose Federal standards governing such matters as product design and construction, product warnings and instructions, product failure to conform to express warranties, and misuse and alteration of products. A determination was made that the predominant subject matter was the regulation of the production and safety of consumer products, a subject matter of which the Commerce Committee has jurisdiction.

Mr. President, the proposed legislation now pending before this body eliminates most all of the substantive standards present in the earlier versions and it can no longer be argued that the predominant subject matter of the legislation relates to the regulation of consumer products. The addition of new rules including those governing out-of-court settlements and alternative dispute resolution procedures makes it abundantly clear that S. 640 is indeed a legal standards and procedures bill.

Further the proposed legislation section 103 highlights a very troublesome area to me. Section 103 is the preemption section and states: "The Act governs any civil action brought against a manufacturer or product seller, or any theory, for harm caused by a product." Thus, the proposed bill would require our Nation's State court systems to apply the new rules of procedure established by the bill. Such an imposition of a core function upon our States raises serious constitutional concerns for me and further strongly warrants a referral to the Judiciary Committee for further consideration. Section 104 states that the Federal courts shall not have jurisdiction over product liability suits unless there is diversity of citizenship between the parties. The bill would impose new procedural rules upon our State courts but explicitly states that no new Federal rights are being created.

From a review of the foregoing provisions of S. 640, it seems abundantly clear that the bill warrants sequential referral to the Judiciary Committee for review and consideration where the committee can call witnesses, hear expert testimony, and perhaps make suggestions as to whether or not the bill can be improved.

When the report accompanying S. 640, the product liability bill, was filed on November 14, 1991, efforts were made by Chairman JOSEPH BIDEN of the Judiciary Committee to seek sequential referral of the bill to our committee. My files indicate that Chairman BIDEN requested a referral that very same day. A short time thereafter, he requested a 90-day referral, but special interest groups said "no." If a 90 day referral had been agreed to, it would have been completed by at least late March. Here we are in May with no referral at all.

The proponents will tell you that they agreed to a 60-day referral. They say that they wrote a letter just before the Thanksgiving recess when we were out for December and January, at which time they said, in effect: We are agreeable to a 60-day referral, but we would not object to an agreement by which the committee would be discharged—that meaning the Judiciary Committee—no later than January 27, 1992.

I have to say to my friends on the other side, you have to feel a little cynical about this, saying yes, we are agreeable to a sequential referral during all the time you are out on recess and back home during Thanksgiving and Christmas and January. And everybody got a good laugh at that.

When we recommend there were efforts then made again to try to get a sequential referral, but they were stymied until just before the Easter recess. Senator ROCKEFELLER, who is one of the sponsors of S. 640, came to me and said, "All right, I am agreeable to a 60-day referral."

So I said, "OK, let's have it, but let us let the referral start on the day after we get back from the Easter recess," which would have been on April 28. I thought it was agreed to.

Then when we started on the matter and tentatively planned to have a hearing on May 14th, which would be this coming Thursday. We would have had a hearing on the products liability bill. But then I heard that Senator ROCKEFELLER was not really speaking with authority; that some of the other proponents of the bill were not agreeable to the referral. So I contacted him, and said, "Well, that was what I recommended and it was my feeling. But," he said, of course, in effect, "we cannot get the others to agree to that."

I applaud Senator ROCKEFELLER for his efforts, but I sincerely regret that our committee has been rebuffed in its efforts to seek a rightful referral.

Mr. President, let me put aside, temporarily the jurisdictional argument because today we will hear a great deal about the civil justice system and how it is negatively impacting on this Nation's ability to be competitive in the world marketplace. There may even be some lawyer-bashing talk from my colleagues who do not truly understand the way our legal system works.

I want to read to you portions of an article in the Washington Post which appeared on March 6, 1992, and the article is entitled "American competitiveness":

> American ability to compete economically is slowly but visibly declining. This country is now running the world's biggest trade deficits, and over the past decade has become by far the world's biggest debtor in a reckless effort to maintain its standard of living.* * * In a rising number of key industries, American companies are falling behind the competition.
>
> Nor is there much doubt about the reasons. Over the past couple of years, an impressive consensus has developed among the people who have looked carefully at this decline. The latest disquieting report comes from the group called the Competitiveness Policy Council—a classic Washington committee appointed by the President and the congressional leaders.* * * Remarkably its conclusions are sharp and clear.
>
> The first priority, this council declares, is to raise investment in productivity: "America's investment rate remains less than half of that of Japan and below all other major competitors."
>
> To make more capital available at lower interest rates for economic development, it's essential to reduce the Federal deficit—to eliminate it, this council urges, and preferably to run a surplus.* * * The squeeze on private industry is tightening.
>
> Another priority is a system of education that will produce a labor force with skills equal to those abroad. Another is accelerating technological research.

Mr. President, I was so intrigued by this article in the Washington Post that I got a copy of the March 1, 1992, report of the Competitiveness Policy Council, one of whose members was the President's own Secretary of Commerce, Robert Mosbacher, who has appeared before the Commerce Committee to testify in support of S. 640 and who based his testimony on the theory that a faulty product liability legal system was a major cause of our Nation's competitive illness.

Mr. President, I expected the report to unload on our Nation's legal system but it did not. There was barely a passing reference to our legal system and its impact on our Nation's competitive posture.

Let me list the six areas deserving of priority attention—and I emphasize priority attention—which the report emphasized:

First, savings and investment;

Second, education and training;

Third, technology;

Fourth, corporate governance and financial markets;

Fifth, health care costs; and

Sixth, trade policy.

Mr. President, if our product liability system is such a drag on our economy, why was this issue not listed, much less barely mentioned? Should not the Secretary of Commerce, if he felt so strongly, at least filed some type of additional views or dissenting views?

I suspect the fact that he did not do so, nor the report not highlight this issue, is because really the debate the proponents are engaging in is really a big, fat red herring—a ruse or a ploy to divert the Nation's attention away from the serious problems which must first be addressed before this Nation becomes truly competitive again in the world market. Its easy to beat up on lawyers, or anyone else for that matter, when it is difficult to confront head-on the issues that truly confront our Nation.

A similar article appeared in the New York Times on Sunday, February 9, 1992, entitled "Attention America! Snap Out of It" and written by Steven Greenhouse. He states:

> To a surprising degree [hundreds of economists, think tanks professors, politicians, columnists and management consultants] whether left-of-center or right of center have reached a consensus of many prescriptions for American's economic ills. They generally agree that the nation needs to take the following steps:
>
> 1. Increasing savings;
>
> 2. Step up efforts to train American workers;
>
> 3. Get companies to think long term;
>
> 4. Rein in health care spending;
>
> 5. Spend more on research and development; and
>
> 6. Invest in more public structures like highways, bridges.
>
> As for what businesses should do, most experts say industry should put more emphasis on quality and reliability and speed up the process of getting products to market. They also say industry should be ready to customize products far more and have flexible manufacturing techniques to accomplish this. Many experts say companies should stop treating workers like discardable raw materials and involve them more in the company.

Mr. President, Mr. Greenhouse's article does not mention the alleged product liability crisis simply because it does not exist! We have been sold a bill of goods on what is the cause of our Nation's competitive problems.

The American Bar Association's April 1992 issue has an article entitled "Tampering with the Evidence—the Liability and Competitiveness Myth" by Kenneth Jost, a legal journalist and adjunct professor at the Georgetown Law Center. Professor Jost states:

> The product liability reform lobby's own evidence does not support many of the broad assertions being made in this latest argument in a decade-long drive to limit damages paid to plaintiffs in product-related cases.
>
> The best evidence contradicts the notion of an out-of-control litigation system. The most comprehensive studies—by experts sympathetic to the tort reform cause—indicate that, except for asbestos litigation, product suits have declined sharply by 40% over the past five years.

Let me repeat that. They would show that:

> Except for the asbestos litigation, product suits have declined sharply by 40 percent over the past 5 years.
>
> The evidence does not show that legal and liability costs are major competitive factors for most industries or a major disincentive to product innovation. In a study the Conference Board, a New York-based business research group, indicated that liability costs amount to less than 1% of total costs for more than two-thirds of the companies surveyed. The General Accounting Office, an arm of Congress, made a similar finding two years later [in 1989].
>
> The evidence also suggests that the supposed competitive advantages enjoyed by foreign manufacturers because of legal differences between the United States and their own countries are being exaggerated.
>
> Foreign manufacturers selling products in the United States generally face the same product liability rules that American firms do. Japanese and German auto manufacturers, for example, are frequent defendants of product liability suits in U.S. courts.

Mr. President, I think the above points need to be made in rebuttal to arguments that will be made today and that we have already heard, and while they do not go to the jurisdiction issue per se, they do show what I think to be the flawed premise upon which the bill is based and upon which it was referred to the Commerce Committee.

Mr. President, we must not forget what this debate is really about. It is not what is wrong with the tort system—if that were the case, we would have initially debated that issue in the Judiciary Committee. It is a campaign tactic to lawyer bash—to find a boogeyman for the true ills that inflict our society.

As Marc Galanter says in his article "Pick a Number, Any Number" published in Legal Times, February 17, 1992:

> Public discussion of our civil justice system resounds with a litany of quarter-truths: America is the most litigious society in the course of human history; Americans sue at the drop of a hat; the courts are brimming over with frivolous lawsuits; going to court is a first rather than last resort; runaway juries make capricious awards to undeserving claimants; immense punitive damage awards are routine; litigation is undermining our ability to compete economically.

Mr. President, I am all for American business. It is the "goose that lays the golden egg." But, let us be fair and reasonable and place blame where it is due. Read the Report of the Competitiveness Policy Council which I mentioned previously—it is strong stuff and recommends powerful medicine to get this Nation's business engine up and running. I want to see it running. I want to see a balanced budget amendment adopted to the U.S. Constitution which will require the Federal Government to get its financial house in order, so that there will be moneys available for savings and investing for American industry. I want to see a healthy golden goose so it can continue to lay the golden eggs which make this country strong and powerful in times of peace and war.

In closing, Mr. President, let me return to my premise that before this legislation, as well as S. 645 relating to the general aviation industry, are considered by the full Senate, they should be referred to the Judiciary Committee because the predominant subject matter of the legislation is the revision of the rules of procedure in our court system. Indeed, S. 645 has not even been reported out of Commerce Committee. It was once referred in 1990 during the 101st Congress. The Judiciary Committee voted 10 to 2 to report it with a negative recommendation because it was so flawed and drafted by special interest groups. These are the reasons why the Judiciary Committee voted against it.

Under Senate rules, a referral requires unanimous consent and until that consent is obtained, the Judiciary Committee is stymied in its ability to have a rightful referral. I strongly urge my colleagues to support a referral to the Judiciary Committee so that it may have an adequate time—not during a recess time, nor during the period that we are out for the holdidays—in which to examine this legislation which is of great precedent and which will have enormous impact on the workings of our State court systems. There may be improvements that can be made, or it may be totally objectionable—I do not know at this point. I do know that the Senate should not "rush to judgment," that it should follow the rule "when in doubt, don't." Mr. President I thank you for your consideration of my remarks.

Mr. President, I ask unanimous consent that if I speak again that it will be considered a part of my first speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. I yield such time as he may desire to the Senator from Missouri [Mr. DANFORTH].

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I will hopefully speak for 15 minutes or so. I have a very important luncheon at noon with Stan Musial. So first things have to come first.

Mr. President, this is indeed an important moment on the floor of the Senate. It cannot accurately be described as an ambush, as it was characterized by my friend and chairman, Senator HOLLINGS. The history of this legislation is quite long.

In the 96th Congress, the Commerce Committee held 2 days of hearings and reported a product liability bill. No action was taken by the full Senate. In the 97th Congress, the committee held 4 days of hearings and reported a bill. No action was taken by the full Senate. In the 98th Congress, the committee held 3 days of hearings and reported a bill. No action was taken by the full Senate. In the 99th Congress, the committee held 7 days of hearings on four different bills. The committee considered two of these bills in executive session over 7 days. The committee reported an original bill. The Senate voted 84 to 13 on a motion to proceed to consideration of this bill. No further action was taken.

In the 100th Congress, the committee held a hearing on the need for Federal product liability reform. The House Energy and Commerce Committee held 7 days of hearings on a product liability bill. The Subcommittee on Commerce, Consumer Protection and Competitiveness reported the bill to the full Energy and Commerce Committee after 5 days of markup. The full committee voted to report the bill by a 30-to-12 vote after 10 days of markup. No further action was taken.

In the 101st Congress, the Commerce Committee held 3 days of hearings on S. 1400, the Product Liability Reform Act. The committee reported the bill by vote of 13 to 7. In the 102d Congress, the committee held 2 days of hearings on S. 640, the Product Liability Fairness Act. This bill is identical to S. 1400. The committees reported S. 640 by a vote of 13 to 7.

I do not have that extensive a report on the General Aviation Accident Liability Standards Act other than to say that similarly in the 99th Congress, the Commerce Committee reported a bill; in the 100th Congress, we reported a general aviation bill; in the 101st Congress, we reported a general aviation bill; in the 102d Congress, a hearing was held and a markup has been requested.

Mr. President, this is not an ambush. This is an issue on which those of us who believe that the tort reform system in this country is seriously malfunctioning have been pushing for years and years and years. It is hardly an ambush. We have not been waiting in the bushes. We have been waiting patiently for something to be done.

The Judiciary Committee is not helpless. The Judiciary Committee could have held hearings last week, the week before, last year, the year before. This is not a new issue. The general tactic that has been used by the opponents of tort reform in this country has been the tactic of delay; ask for a referral, ask for 90 days; complain about 60 days; put the matter off; do not bring it to the floor; do not schedule it; delay the issue.

This, Mr. President, is not an ambush.

If there is any issue before the United States of America that absolutely cries out for reform, it is the civil justice system. Since 1950 tort costs in America have increased 4½ times the gross national product. And it is not as though the fruits of that litigation go to the complaining parties. The opposite is the case. Many people suggest that less than 50 percent of the amounts that the tort system costs in America goes to the injured parties.

The former Secretary of Commerce, Robert Mosbacher, believed that 75 percent of the costs of the system goes to lawyers or to other transaction costs. The system is not functioning for people who are truly hurt, particularly people who are seriously hurt. One study shows that for people with minor injuries they have a good chance to hit the jackpot in a tort case. People with minor injuries can get 9 times, it has been estimated, the cost of their loss. But people who are seriously injured in turn get something like 15 percent of the cost of their injury. And in order to get that 15 percent, they have to wait around for years.

Product liability suits take an average of 3 years from beginning to end. Nothing is received in that 3-year period of time, and then if you are seriously injured you might end up with 15 percent of the cost of your injury.

The people who are making out are the lawyers, not the ordinary citizens of this country.

There are all kinds of anecdotes which make the point about the state of the civil justice system in America today. For example, and this just happened within the last few months, there was a lawsuit that was brought by a 70-year-old man. This 70-year-old man lost his left eye. He filed a product liability suit against the Upjohn Co. claiming that the Upjohn product was responsible for the loss of his eye. If he proved that case clearly he should be entitled to compensation for the loss of his eye. He did prove his case, and he received compensation for the loss of his left eye, a 70-year-old man. The amount of his recovery for the lost of his left eye, $127.6 million.

A lesser case, much less dramatic, was the case that was won against the Corning Glass Co. The Corning Glass Co. among other things makes glass dishes. A person opened the kitchen cabinet, and a glass dish fell out and the glass dish broke. The person was cut, and filed a lawsuit against the Corning Glass Co. because a glass dish broke. The amount of the recovery in that case was a mere $800,000.

These are real live cases. These are cases which demonstrate the ridiculous condition of the civil justice system in the United States. It is not just that there are ridiculous recoveries, and it is not just that injured people go uncompensated after long delays while the lawyers keep the ball in play.

But it is true that the United States is less competitive than it should be. It is true that products which should be available to the American consumers are not on the market. It is true that American people who should have jobs in this country are not being employed because of the present condition of the civil justice system in America.

Merrill Dow Co., used to make a product called Bendectin. Bendectin is a drug which was used to treat nausea in pregnant women. Bendectin was approved by the Food and Drug Administration, and then the Merrill Dow Co. was sued. It was sued not just tens of times, or dozens of times. It was sued over a hundred times. The Merrill Dow Co. never lost a lawsuit on the issue of Bendectin but it finally gave up. It finally folded up the tents, pulled the product off the market, and went home. It was sued to the point where it could no longer keep the product on the market.

There is a company headquartered in St. Louis called Monsanto, one of the leading employers in our State. Monsanto developed a product which was a substitute for asbestos. The product was thoroughly tested, to find out whether it posed health risks. It was found by the company and its testings to be a safe product, and not carcinogenic. Monsanto made the decision not even to bring that product to the marketplace. Why not? Because of the concern that if you bring a new product on the marketplace such as this, you know that the lawyers are waiting to pounce, and that lawsuits will be brought. So much for that idea.

The Rawlings Sporting Goods Co. used to make football helmets, used to before 1988; used to make them in my State. No more. Goodbye to those jobs. Rawlings is the 18th manufacturer of football helmets in the United States to go out of that business.

The country cries out for reform, and this bill really is modest reform. This bill is an attempt to take a first step toward modifying our civil justice system.

What does it do? Well, among other things, it provides incentives for cases to be settled out of court. It provides that if one party makes an offer of settlement, and the other party does not accept it, then there is a judgment, and the party who was given the offer turns out worse than what the offer was, that party pays the attorney's fees of the winner. It provides that if there is an offer made by a party to work the matter out in and alternative dispute system, compromise it, and that offer is turned down, and the party who turned down the offer loses, that party pays the attorney's fees.

These are both incentives to get matters out of the court system and to settle them and work them out, rather than going through full-fledged litigation. There are punitive damage reforms; there is reform of the present joint and several liability rule, which says that you can be 100 percent liable, even if you are responsible for only 1 percent of the damages.

These are among the reforms in this legislation, and this is just a part of the whole effort for tort reform. We should have an aviation bill; we should have a product liability bill; we should have a medical malpractice bill; we should have a punitive damages bill; we should be dealing with the issue of tort reform with a series of efforts, and it would be my intention to do so before this Congress concludes its business.

I would just make one other point, Mr. President, and it is this: We have heard repeatedly from the Senator from South Carolina and the Senator from Alabama that this is special interest legislation. Well, I suppose that if small business people are a special interest, why, it is. I suppose that if big business people are a special interest, why, this is special interest legislation. I suppose that if physicians are a special interest, then medical malpractice legislation is special interest legislation, or if hospitals, or if charitable organizations, such as the Boy Scouts, are special interests, then tort reform is special interest legislation.

But I submit that the overwhelming majority of the people of this country know that something seriously is flawed with the civil justice system of America. Go to a town meeting in your State and ask the average citizen what they think about the present tort system, what they think about lawyers, and what is happening to this country, what they think of litigation in America. Ask them what they think about it. There is outrage in America among the ordinary people of this coutnry. The special interest is not the ordinary people. The special interest is the Association of Trial Lawyers of America, ATLA.

Mr. President, I ask unanimous consent that an editorial from today's Wall Street Journal be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

LITIGATION LIBERALISM

George Mitchell proved in 1989 that he had no qualms about using Senate procedure to thwart majority support for a cut in the capital-gains tax. Now he's trying to do the same thing to prevent the first Senate vote since 1986 on reforming America's runaway legal system.

Republican Bob Kasten of Wisconsin and Democrat Jay Rockefeller of West Virginia have assembled a bipartisan coalition to ease the product-liability crisis. Their reform is modest, far less helpful and ambitious than Vice President Quayle has proposed, but at least it's something. The bill wouldn't put a cap on punitive damages, for example, though it would impose a national standard that would stem some of the more ludicrous punitive judgments. It would also abolish the plaintiff's bonanza of "joint and several liability" for non-economic damages such as pain-and-suffering.

This moderate reform passed the Senate Commerce Committee last autumn by a 13-7 vote, yet Mr. Mitchell won't put it on the full Senate schedule. So the reformers want to attach it today as an amendment to an admittedly non-germane voter registration bill. But Mr. Mitchell has been twisting arms to shut off all debate (invoke "cloture" in Senate lingo) and thus deny this vote, too.

What does George Mitchell have against the U.S. economy, anyway? Harvard's Michael Porter, in this study of international "competitiveness," says the U.S. needs "a systematic overhaul of the U.S. product liability system" to compete in developing new products. Right now, he says, the "risk of lawsuits is so great, and the consequences so potentially disastrous, that the inevitable result is for more caution in product innovation than in other advanced nations."

A 1990 symposium by the Brookings Institution estimated a 10-fold increase in the tort system's economic cost for 1975 to 1987, to $117 billion a year. Others have put it close to $300 billion. Only a fraction of this (at most 40%, says a General Accounting Office study) ever trickles down to victims of truly faulty products, with most going into the pockets of the plaintiffs' bar.

This helps explain Mr. Mitchell's furious opposition to even the modest Kasten-Rockefeller reforms. The majority leader knows that the plaintiffs' bar, especially the Association of Trial Lawyers of America (ATLA), has become the most important single fundraising source of liberal Democrats.

A December 1990 article in the National Journal magazine said ATLA had "an aura of invincibility" as a lobbying group that could defeat any legal reform. The same article identified former ATLA president, trial lawyer Russ Herman of New Orleans, as "a longtime political ally" of Democratic Senator John Breaux of Louisiana. It's no surprise that Mr. Breaux, who previously headed the fund-raising committee for Senate Democrats, opposes the Kasten-Rockefeller reforms.

This opposition suggests how much things have changed since the liberal intellectual heyday of the 1950s. Southern Democrats of that era manipulated Senate rules to prevent civil rights reforms from passing. How it is Senate liberals, massed around Majority Leaders Mitchell, who must resort to procedural dodges to preserve the damaging legal status quo.

At least 45 senators, including eight Democrats, either co-sponsor Kasten-Rockefeller or have voted for it in committee. Some of those Democrats (Mr. Rockefeller or Connecticut's Joseph Lieberman) are now being pressured to vote with Mr. Mitchell's procedural ruse. How these Democrats vote will show whether they want their party known for something more than litigation liberalism.

Mr. DANFORTH. Mr. President, I just want to underscore a sentence that appears in this editorial from the Wall Street Journal today: "The majority leader knows that the plaintiffs' bar, especially the Association of Trial Lawyers of America, ATLA, has become the most important single fundraising source for liberal Democrats."

Mr. President, I am a lawyer, and I am proud of it. I believe that we lawyers have a very distinguished profession, but I believe that the point of that profession is to serve our country, not the other way around. And the way the system is now constructed, it is the other way around, and that is why this legislation, as a first step, is so desperately needed.

Mr. KASTEN. Mr. President, I yield to the Senator from Kansas [Mrs. KASSEBAUM] such time as she may consume.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I would like to speak to the general aviation product liability section of this bill.

For those who might have thought through previous debate that indeed we are trying to avoid and evade the system, I would like to reiterate just the aspects of general aviation product liability that, through the years, we have been addressing. Senator DANFORTH spoke to it somewhat in laying out the years that we have had hearings and actions on tort reform and product liability legislation. But, specifically, regarding general aviation, we have spent 6 years just trying to get an up-or-down vote on the Senate floor.

It started in 1986 when the Commerce Committee reported, without objection, the general aviation product liability legislation, and no Senate action was taken.

In April 1988, the Senate Commerce Committee again reported, without objection, the general aviation product liability legislation. It had been referred to the Judiciary Committee, and at that time, it was heard and discharged by Judiciary 2 months later, without recommendation.

No Senate action was taken.

In October, November 1989, the Commerce Committee again reported, without objection, the general aviation product liability legislation, and the Judiciary Committee unfavorably reported it, as Senator HEFLIN mentioned, by a vote of 10 to 2. But no Senate action has been taken.

Again, we had a hearing on general aviation product liability in the fall of 1991, and it has still not been reported out of the Senate Commerce Committee at this time. There has been no stronger proponent of this legislation than the ranking member of the Aviation Subcommittee on Commerce, Senator McCAIN, who is going to address the issue, nor, I suggest, Mr. President, myself, who through these 6 years have argued for the importance of this particular legislation.

Why is this bill necessary? It is not just a bill to address the conference of the Chamber of Commerce, the National Association of Manufacturers, or the General Aviation Manufacturers Association. This legislation represents the concerns of consumers, the owners, and pilots who no longer can purchase American-made single piston engine airplanes. In the last decade Cessna has laid off over 17,000 employees because they are no longer manufacturing single piston engine airplanes as a result of the high liability costs.

The safety record of general aviation improves every year, but the product liability costs continue to increase. Claims paid by the industry have soared from $24 million to over $200 million since 1979. These costs result in higher prices for domestic airplanes, create competitive advantage for foreign competition, and keep new innovations off the market.

How seriously has the industry been hurt? The distinguished chairman of the Commerce Committee, Senator HOLLINGS, who has very thoughtfully engaged me on and off through these 6 years in a debate on this issue, pointed out that Beech Aircraft and Cessna Aircraft, headquartered in Wichita, KS, have both been making profits over the last year. Yes, they have been doing better, but it is because of corporate jet manufacturing. Neither of those aircraft companies, once the proud manufacturers of piston engine airplanes, can afford to make those airplanes, and our pilot training schools now are turning to, for example, Aerospatiale, a French manufacturer who manufactures single engine planes.

Sales of general aviation aircraft are down 93 percent from the peak year 1979, and employment is down nearly 70 percent. General aviation, particularly the manufacturer of single piston engine aircraft, has suffered, I argue, a severe blow and we are going to be very disappointed in the future if we cannot recapture that particular section of the industry.

There has been much said about this bill, and I have argued its merits on and off over the years on this floor. Somehow it seems like déjà vu, but just a brief summary of the general aviation product liability:

One, it establishes Federal jurisdiction, creates Federal standards of liability for injuries or property damages arising out of general aviation accidents. These are accidents involving powered aircraft with a maximum seating capacity of less than 20 passengers, not engaged in scheduled passenger carrier operations.

Two, it establishes a 20-year statute of repose for manufacturers and company suppliers.

Three, it combines the principle of joint and several liability with the principle of comparative liability for the purpose of allocating liability.

Manufacturers and all component suppliers continue to be jointly and severally liable to an injured party, but liability between manufacturers and noneconomic manufacturers would be allocated based upon their percentage of responsibility in the accident.

Mr. President, what this bill does not do is cap damages in any way. It does not cap or limit attorneys' fees. It does not limit a person's right to sue or relieve a manufacturer of its safety responsibilities.

Why should general aviation be singled out? I am not a lawyer, Mr. President. And I certainly respect the arguments that have been made by Senator HEFLIN, a former chief justice of the Alabama Supreme Court, who, as a member of the Judiciary Committee, certainly knows the law well and is concerned about Federal preemption. But I would argue he as well as I have voted for Federal preemption on other issues before the Senate because there are times I think that we believe that is a necessity.

I can list those times but it is not relevant to the particular argument before us.

I think an exception can be made and should be made for general aviation which is regulated by the Federal Government to a greater extent than almost any other industry. There are Federal regulations on the design and manufacture of aircraft component parts, on the licensing of pilots and mechanics, on the control of air traffic and on accident investigations.

Since this industry is so heavily regulated by the Federal Government, it only makes sense to establish Federal standards for determining liability when there are accidents.

There has been much made here about whether the general aviation industry is being killed by lawyers. There was an argument put forth in the Economist which suggests that might be the case.

There is no doubt that unfair and exorbitant product liability costs have devastated U.S. general aviation manufacturers. These costs are driven by State laws that expand liability beyond reasonable grounds by aggressive plaintiffs and lawyers, and by jurors who feel manufacturers and insurers have limitless amounts of money.

Mr. President, I do not think the industry is being killed by lawyers, but it is going to be killed by our inattention to finding ways to improve the system and make it responsive to needs that exist. Otherwise, we will, as I have said earlier, really lose a section of our manufacturing industry in which we were once leaders; we were once the proud example for the rest of the world. We are about to lose the industry and enacting this measure is one step that I think is crucial to bringing it back.

I would deeply appreciate the opportunity to be able to consider the issue of general aviation product liability by itself, if indeed it is troubling to combine aviation with the broader liability bill. But we have not ever been able to bring my bill to the floor for a vote and therefore we have to add it to other bills in order to even debate its merits. It would certainly be my hope and it is the hope of others concerned about this issue that we could work some accommodation so that we could get a vote up or down on the bill. But until that time comes we have to make our arguments when and where we can and this is the chosen vehicle.

Thank you Mr. President, and I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). Who yields time?

Mr. KASTEN. Mr. President, I yield such time as he may consume to the Senator from Arizona [Mr. MCCAIN].

The PRESIDING OFFICER. The Senator from Arizona is recognized for such time he may use.

Mr. MCCAIN. Mr. President, I begin my remarks thanking Senator KASSEBAUM, who plays a critical and key leadership role in this field of general aviation product liability. I am not prepared nor do I feel that I have expertise to address the entire product liability issue. There are others who have and will speak more eloquently than I on the broad aspects of this issue. But the fact is that Senator KASSEBAUM and I have worked for a number of years now in attempting to get this issue before the Senate of the United States.

I believe that it is important to recognize that if there is an egregious and outrageous situation that exists in America today, where facts prove that an industry is decimated, that Americans have been deprived of the ability to learn the skills of aviation, where the impact is felt across the board, where our ability to acquire military and commercial pilots is threatened and frankly the status of an industry is in doubt, it is the general aviation field. As Senator KASSEBAUM mentioned, those domestic general aircraft manufacturers that are doing better are doing so because they build a superior product as far as corporate jets are concerned.

But, Mr. President, the fact is general aviation is, as far as small piston-driven reciprocating engine aircraft are concerned, dead. Foreign competitors are taking the entire market and they are doing so because of the issue of product liability. And the facts are irrefutable. When we get into issues again as raised by the Senator from Alabama and responded to by Senator KASSEBAUM about Federal preemption, come on. Let us not talk about preemption when you know we are talking about an industry that covers this entire country and indeed would cover the world, because I am still convinced that companies that built aircraft in this country could compete, if we had this kind of legislation passed, with any foreign manufacturer in general aviation.

This is clearly an issue that is nationwide. Perhaps my friends who are of the legal profession—like Senator KASSEBAUM, I am not a lawyer—can explain to me how when an aircraft flies from one State to another we could possibly imagine different laws applying to where that particular aircraft lands. The fact is when we talk about strawman issues such as Federal preemption we beg the question of what we are going to do about general aviation in this country and the ability of young men and women to learn to be able to fly.

Mr. President, I will never forget when Frank Borman—a national hero, astronaut, head of Eastern Airlines—testified before the Aviation Subcommittee, of which I am the ranking member. He talked about how he had returned, since his childhood, to the business of general aviation, and how astounded he was to go to the local airport and find that no longer can young Americans get into airplanes and learn to fly. Why? Because there is no vehicle for them to fly in, and there is nobody to take them, if there was, because of this issue of liability.

Mr. President, we are seeing a dramatically expanding aviation industry for which there is a requirement for pilots. I hope someday every American who is interested in this issue would be able to listen to Frank Borman and his conviction that the issue of product liability has not only killed an industry—it has killed general aviation in this country, to a large degree. It is depriving Americans of something they had appreciated and enjoyed so long, and that is the ability to engage in private aviation.

It is time to move on this legislation. As Senator KASSEBAUM said, we have been fooling around with this for a long, long time. We have made every possible effort to get it to the floor for a vote. We have been unable to do so. We have been blocked by parliamentary reasons, when there is a clear case that at least the American people deserve a vote on this issue.

I hope my friend, the Senator from Kansas, continues her efforts to bring this issue to a vote. And frankly, we are getting a little bit weary of the parliamentary maneuvers which are being erected to prevent a vote on this issue. I intend to join with her in seeing if there are not some parliamentary procedures that we can use to get a vote on this issue.

We are not asking—I say to the distinguished chairman of the Commerce Committee—we are not asking for his vote. We know very well his background and commitment in opposition. But what we are asking for is a vote on the issue. We feel that the issue of aviation product liability is one which is far more clear cut than the much broader issue of product liability.

Again, I say to Senator KASSEBAUM that her dedication on this issue transcends her obligations to the very significant industries in her State that are affected by the lack of passage of this legislation.

The annual product liability expenses for domestic general aviation manufacturers have grown from $24 million in 1977 to over $200 million. Over half of the cost of a new airplane goes toward paying product liability costs. Let me repeat that, Mr. President. That is an astounding statement, when you think about it. Over half the cost of a new airplane does not go to the research and development, does not go into the technology, does not go into the extensive material that makes up that airplane; over half the cost goes toward paying product liability costs. That is an astounding fact.

In 1987, the annual costs for product liability ranged from $70,000 to $100,000 per unit shipped. For aircraft engines, the cost of product liability has gone from less than $300 per engine in the 1970's to over $15,700 today.

Is it any wonder that we cannot compete with our foreign competitors in the general aviation market when you look at those kinds of numbers?

The predictable result is that shipments of domestic aviation aircraft have plummeted from almost 18,000 in 1978 to only 1,114 in 1990. Liability costs have resulted in prices which simply put the purchase and operation of a general aviation aircraft beyond the means of most Americans.

Just this morning, I attended the inaugural meeting of the Federal Aviation Administration's Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel. According to information prepared for that Panel, between 100,000 and 200,000 pilots will be required to fill civil professional pilot needs through the end of this decade.

Where will these pilots come from? Product liability costs exceed what was once the sales price for trainers and small single-engine airplanes. In fact, training aircraft are no longer being manufactured in the United States. Academies that train new pilots, such as Embry-Riddle and the University of North Dakota, face a critical problem in procuring training aircraft. This situation affects our ability to recruit and to train military pilots, as well as commercial airline pilots. Ultimately, it will affect aviation safety, as the pool of qualified and experienced pilots continues to shrink.

The virtual disappearance of new general aviation aircraft from our Nation's airfields has profound implications in a number of other areas as well. It affects jobs—employment by manufacturers has fallen by more than 65 percent. These are important, high-technical jobs, vital to the economic vitality and technological growth of this country. Engineers, draftsmen, and other skilled laborers have all been put out of work by the high costs of liability.

The loss of these jobs and this industry affects our competitiveness, both at home and abroad. The classic names like Beech, Piper, and Cessna are being forced out of the market and in their place foreign competitors are filling the void. Foreign companies are not faced with the liability exposure of American manufacturers. Ironically, our historical leadership in this field is what is holding us back. Because manufacturers still retain liability for aircraft produced decades ago, American companies are exposed to greater liability than their foreign counterparts who entered the marketplace much more recently.

This long reach of product liability has not promoted safety. Indeed, it has stifled innovation that could contribute to safety. When there is no real limit on the possibility of a lawsuit, each improvement to an airplane establishes a new standard against which previous products are judged. An innovation or improvement invites an indictment of what you did less well yesterday or 20 years ago.

We, in Congress often lament the loss of our preeminence in the area of high technology and the size of our trade deficit. In the past, general aviation has been the proving ground for new technologies, from composite materials to advanced electronics, communications, and navigation equipment to aerodynamic shapes and engine design. Now, however, the money goes to defending lawsuits, rather than to innovation. This industry can again contribute to reducing the trade deficit, if we permit it to through the passage of this legislation.

The argument that this is a safety issue has been proven false. An excellent report by the Brookings Institution, called the Liability Maze, examined the link between current product liability laws and general aviation safety. That study concluded, and I quote, "No definite correlation between improved aircraft safety and product liability could be found." The study goes on to state that "The total accident rate has declined no faster since the explosive increase in liability costs than it did in the earlier period."

Finally, Mr. President, it is important to note that the people who fly general aviation aircraft recognize the need for product liability reform. Organizations supporting S. 645 include the Aircraft Owners and Pilots Association, Experimental Aircraft Association, National Agricultural Aviation Association, National Association of Flight Instructors, and the National Business Aircraft Association.

Frankly, it is difficult to understand why this legislation is opposed by anyone. Jobs, competitiveness, and the future of general aviation in the United States depend on the passage of this legislation.

I salute the Senator from Kansas for her tenacity and her steadfast support for this much needed reform.

Mr. President, I think it is very important that in the environment that we have today, where we are most concerned about competitiveness, about trade deficits, and other important issues that affect the very economy of this Nation, that we can look hopefully with a dispassionate and objective view at this issue which affects the lives of so many Americans.

Mr. President, I pledge my continued support for Senator KASSEBAUM in her efforts. I believe that we should this year do everything we can to get at least a vote in the U.S. Senate on this issue, so that the American people can fully understand how we stand on this very vital issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, I yield myself such time as I may require.

Mr. President, I want to thank and congratulate the Senator from Kansas and the Senator from Arizona for their work not only on the product liability bill, S. 640, but in particular for their work with regard to S. 645, the aircraft product liability legislation. It is critically important to an industry.

I was on the phone on Friday to Oshkosh to the Experimental Aircraft Association talking to my friends there who are working to try to mobilize their supporters all across the country. The list of supporters that Senator McCAIN referred to represents a broad-based group all across the country in every single State and, I would judge, in most congressional districts.

We need to move on both of these pieces of legislation. We have put them together because it is a way that we can move forward on both of these pieces of legislation. I am hopeful this afternoon that we will get the vote the Senator from Arizona referred to and that we will finally have a vote on this issue. We may win or we may lose, but the battle is just joined. We have to continue to press forward to have votes on this issue so that a majority of this body is able to prevail.

Mr. President, I yield such time as he may require to the Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Senator from Wisconsin controls 7 minutes and 43 seconds. The Senator from Iowa is recognized for such amount of that time as he may use.

Mr. GRASSLEY. Thank you very much, Mr. President. And I thank Senator KASTEN for his leadership in this area.

Mr. President, I am pleased that the Senate is finally considering an amendment of the utmost importance to the future competitiveness of this Nation's economy: product liability reform.

Mr. President, Forbes magazine cites a study that shows that the tort tax cost our economy a staggering $117 billion in 1987. Claimants receive only about half that amount, with the rest going to insurers' administrative costs and to lawyers. This is simply a drain on our economic resources and emphasizes the need for change.

Before I proceed with my statement, I would like to respond to some of the arguments we have heard today. We have been told that the problem in the law today is not product liability cases brought by plaintiffs' lawyers, as the amendment before us supposedly states.

Instead, the problem in American law is said to derive from cases in which businesses sue each other, and in which their defense lawyers are paid fees on an hourly basis. And the case said to highlight this most is the Pennzoil versus Texaco case which was described on the floor as a contract case. Every one of these claims is false.

One of the main problems with product liability law is that it substitutes tort law for contract law. Indeed, various legal scholars have found that product liability tort cases have created the death of contract. The death of contract law extends beyond product liability, however. It is highly ironic that the opponents of this amendment cite Pennzoil versus Texaco as what is wrong with American law. That case was a tort case, not a contract case. It was brought as an alleged tortious interference with contract, notwithstanding minimal evidence that there had ever been a contract. Nor was the case brought by a corporate defense lawyer paid on an hourly basis. Rather, it was brought by a plaintiffs' lawyer, who was retained on a contingency fee basis, and whose fee in that one case alone was approximately $3 billion. If Pennzoil is truly what is wrong with American law, then the solution is to adopt not only this bill, but the access to justice act as well.

Nor is this bill antiplaintiff lawyer. It recognizes that too much of the payments that should go to injured parties go to lawyers on both sides. For example, this bill will encourage parties to voluntarily pursue alternative dispute resolution of their product liability claims. Under the amendment, either party can request that these alternatives be pursued. A party that fails to accept a reasonable alternative offer may have to pay some portion of the other side's legal expenses.

Often when a case goes to trial, both sides are unhappy with the result. Cases can be resolved more quickly and at less expense if the dispute can be settled out of court. The amendment before us would encourage settlement by requiring parties who reject a settlement offer that is less than the judgment they obtain at trial to pay a portion of the other side's legal costs.

Because this bill encourages settlements and the use of alternative dispute resolution, the fees of all lawyers will be reduced, and the compensation to victims enhanced. It is simply false to say that this bill will harm plaintiffs' lawyers but not defense attorneys.

Importantly, the amendment disallows product liability suits when the primary cause of the accident was the claimant's use of alcohol or drugs.

There is an old adage that the only thing standing between a fool and his injury is a product. We must allow product liability suits even where the claimant is foolish. But it is unfair to have businesses spend money that could be used to modernize their plants on frivolous lawsuits by claimants who have injured themselves because they were intoxicated.

The amendment should also be supported for the punitive damages standard it creates.

Under the amendment, plaintiffs will still be able to collect punitive damages if the defendant's conduct showed a "conscious, flagrant indifference" to public safety. Today, although plaintiffs recover punitive damages through a process and with a frequency similar to being hit by lightning, the effects of punitive damages on competitiveness are enormous.

The threat of punitive damages leads defendants to settle cases that although weak, could lead to the award of massive punitive damages under the laws of some of our States. This raises insurance costs for everyone and, again, takes money away from funds that could be used to create good jobs for our citizens and largely turns it into transfer payments to lawyers.

The product liability area needs to be reformed.

Without change, the quality and availability of many goods and services will be reduced. Let me cite the Forbes article again, and ask unanimous consent that it be reprinted at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Toxic leak detectors were designed in the mid-1970's. These devices would be useful to countless communities in their efforts to keep the environment safe. But, as Forbes points out, many were kept off the market out of fear of lawsuits in the event that the detectors failed. And there are many other examples of the legal system impeding product development.

This amendment will not solve all the problems of our litigation system. But it is time we face up to them. Lawsuits sap our economy. Our trading partners manage their litigation systems in a much more efficient way, and we should take a lesson from them.

That is why I have introduced the Access to Justice Act, which—among other things—incorporates the fairness rule in certain cases, requiring the loser to pay the opponent's legal fees. I look forward to debating the access to Justice Act in the near future. It is something we ought to do to move forward.

But for now, I welcome the effort to address product liability reform. The current system costs too much and produces too little. This amendment will change that.

EXHIBIT 1

THE TORT TAX

(By Leslie Spencer)

Millions of ordinary Americans may be worried about the economy, but 1992 already promises to be another big year for the country's trial lawyers. Arm in arm with the Scientologists, the plaintiffs' bar is in hot pursuit of Eli Lilly, maker of the antidepressant Prozac. A flurry of liability suits is about to engulf Upjohn, maker of Halcion, the popular sleeping pill. On a third front, plaintiffs' lawyers have just filed hundreds of cases against Dow Corning's silicone breast implants, which they hope will enrich them as asbestos enriched them in the 1980s.

Further down the line, plaintiffs' lawyers are assessing their prospects against Nutri/System and HMR 500 diet plans. The Civil Rights Act of 1991 promises to generate countless lawsuits against employers.

How much does all this tort litigation cost the U.S.? Two years ago Forbes reported the tort system's direct costs at $80 billion a year (Forbes, Oct. 16, 1989). That figure was based on a study by Tillinghast, a Hartford-based actuarial consulting firm. It represented lawyers' fees, payouts to claimants and insurers' administrative costs in 1985.

The estimate did not go down well with the trial lawyers and the groups associated with them. Last October Joan Claybrook, president of Ralph Nader's Public Citizen, told PBS' Adam Smith's Money World that the annual cost of torts is just $30 billion. Claybrook sourced her figure to a study done by Rand Corp.'s respected Institute for Civil Justice, and asserted that the Forbes figure had "no statistical basis whatsoever."

If anything, Forbes' estimate understated the true cost of the tort system. In a recently released update of its 1984 study, Tillinghast analyzed liability insurers' costs for 1987. Its conclusion: Tort claims cost the country $117 billion that year. James Kakalik, coauthor of the Rand study cited Claybrook, says it is Tillinghast's $117 billion number, not Rand's $30 billion to $36 billion range, that represents the direct "tort tax" consumers end up paying.

Robert Sturgis, who wrote the latest Tillinghast study, notes that from 1933 to 1950, U.S. tort costs grew in line with the overall economy. Since 1950, however, they have grown at a compound rate of 12% a year—much faster than the costs of workers' compensation, government-paid health care and welfare. Assuming that tort costs kept growing at 12% after 1987, the cost last year came to $184 billion—nearly on a par with the country's net private domestic investment.

Where does all the money go? Both Rand and Tillinghast agree that injured claimants end up with only half of the proceeds from this tort tax. Further, according to Tillinghast, only a quarter compensates economic losses of plaintiffs. (The other quarter pays for plaintiffs' "pain and suffering.") The other half goes to insurers' administration costs and to lawyers to cover their fees and the expenses they incur on things like discovery and expert witnesses.

How could two studies come up with such different numbers? The Rand study set out to measure only the costs directly associated with state and federal lawsuits. The Tillinghast study went further. It took into account such costs as the payments to resolve the millions of potential lawsuits that never reach the courthouse, and the costs to insurers of processing claims and defending suits.

Note that the Tillinghast and Rand studies consider only the tort system's direct costs to the economy. Beyond the direct costs are the harder-to-measure—but very real nonetheless—indirect costs incurred in efforts to stay out of the trial lawyers' talons.

For example, a 1989 American Medical Association study estimated that for every $1 they spend on insurance premiums, doctors spend $2.70 performing often unnecessary tests and beefing up record keeping to avoid litigation; this suggests that excluding premium costs of about $5 billion to $6 billion, the indirect tort tax related to medical malpractice liability alone cost the economy about $15 billion that year.

How much of the nation's $738-billion-a-year health care bill can be laid to the tort system? Hard to say, but a 1991 study of auto injury claims in Hawaii by the Insurance Research Council gives some indication. The study reports that medical treatment of a typical neck sprain from whiplash comes to about $1,300 if handled without a lawyer, on a no-fault basis. The cost to treat the same injury if part of a tort claim comes to about $8,000.

One can argue that the right of consumers to sue to recover for injury protects us against incompetent doctors, and manufacturers who make lawnmowers that cut fingers along with the grass. the problem with the argument is that the tort industry has grown so large that it is now reducing the quality and availability of many goods and services.

There are countless examples. Toxic leak detectors, useful to anyone handling toxic substances, were designed in the mid-1970s. But many were kept off the market out of fear of lawsuits should the detectors fail.

Or take small planes. Very few new, technologically advanced single- and twin-engine planes are manufactured today because of liability costs to the manufacturer. The perverse consequence: Older planes stay in use longer than they would if prices of new ones weren't so high.

Although impossible to quantify precisely, it's likely that the tort system's indirect costs are at least as high as the direct ones. That would put the annual tort tax at well over $300 billion today—and growing rapidly. Rand's James Kakalik thinks that the American Medical Association's estimate that medical malpractice's estimate that medical malpractice's indirect costs are over 2½ times direct costs is a fair high-end estimate for the tort system as a whole.

Whatever its precise dimension, the tort tax is now weighing heavily on the ability of American industries to innovate and to compete internationally. At 2.5 percent of U.S. GNP, the tort system's direct costs (as estimated by Tillinghast for 1987) impose a burden in the U.S. five times that in the U.K., and almost seven times the level in Japan.

There are a few rays of hope. Vice President Dan Quayle is pushing tort reform, targeting such areas as frivolous lawsuits, arbitrary punitive damages, "junk science" in the courtroom (Forbes, July 8, 1991). Among Quayle's proposals: Ban contingency fees for expert witnesses, curb punitive damages and adopt the English Rule, whereby losers pay the winners' costs. Last October President George Bush signed an executive order mandating that all government agencies implement Quayle's proposed reforms when litigating. In his State of the Union address late last month, Bush again called for tort reform.

But effective reform remains elusive. Those who oppose it are too powerful and have too much at stake. As of Jan. 22 a loser-pays rule is authorized in most cases the government brings. But this sensible reform is toothless without budget approval from Congress, whose members are unlikely to approve.

Perhaps the only real solution lies with judges and juries. As they begin to appreciate the true magnitude and ramifications of the spiraling tort tax, they will be more likely to throw frivolous lawsuits and venal demands back at the lawyers responsible.

TORT GUSHERS FOR 1991

Juries handed down these jackpot tort verdicts last year. The top ten total comes in at three times the total of just three years ago.

$127.7 million, Chicago: Product liability verdict against drug manufacturer Upjohn Co., alleging that anti-inflammation drug Depo-Medrol caused blindness, which resulted in loss of plaintiff's eye.

$91.3 million, Brooklyn: 45-plaintiff consolidated award in case tried against Owens-Corning Fiberglas and other asbestos manufacturers. Same jury still deciding product identification, defendant's culpability and punitive damages.

$86.5 million, St. Louis: Sum of verdicts against Decom Medical Waste Systems, KML Corp., Bunker Resources, Recycling and Reclamation Inc. and Raymond Adams, for accusing plaintiff of bringing AIDS virus into a hospital. Settled, amount sealed.

$84.5 million, Houston: Premises liability award against an apartment complex and its management company in case of children drowned and brain-damaged in complex pool. Settled for $17 million.

$75 million, New York: Product liability case consolidating 36 plaintiffs against the Manville Trust, Owens-Illinois and other asbestos manufacturers.

$62 million, Santa Ana, Calif: Insurance bad faith award against Truck Insurance Exchange and Farmer's Insurance Exchange where insurer was accused of failing to pay for insured's legal defense. Judge reduced verdict to $58 million. On appeal.

$61.2 million, Anchorage: Insurance bad faith case against underwriters at Lloyd's of London for failure to pay a restaurant owner's fire insurance claim. On appeal.

$47 million, Houston: Product liability case against Fibreboard and three other asbestos manufacturers for 275 plaintiffs.

$35 million, Los Angeles: Finding against California for failure to maintain center barrier of interstate highway in case of accident resulting in quadriplegia to a 34-year-old man. Settled for $15 million.

$33.8 million, Corpus Christi: Product liability award against Merrell-Dow Pharmaceuticals for birth defects allegedly caused by pregnant woman's use of Bendectin.

WHERE LAWYERS ARE PROSPECTING

If juries go along, these hot new tort topics will make plaintiffs' lawyers and their expert witnesses rich.

Breast implants: Hundreds of cases pending against Dow Corning, other manufacturers and physicians, arising from alleged implant leaks and fibrous tissue formation.

Halcion: At least 20 cases pending against Upjohn Co.'s drug alleging behavioral side effects resulting in paranoia, suicide and murder.

Insurance policies: Hundreds of bad faith cases pending against many insurance companies and agents alleging emotional distress after the insured's claim is rejected.

Electromagnetic fields: About a dozen personal injury cases against several utility companies and electrical transmission equipment manufacturers alleging brain damage, cancer and leukemia caused by electric and magnetic fields.

Prozac: An estimated 100 cases pending against Eli Lilly & Co. Supposed adverse effects include suicidal and homicidal behavior.

NOTE.—Excludes civil verdicts against alleged or convicted criminals.

Sources: Jury Verdict Research; Jury Verdict Review; Forbes.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the time under the agreement be extended to 12:45.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, this has been cleared on both sides.

REMOVAL OF INJUNCTION OF SECRECY

Mr. HOLLINGS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Partial Revision of the Radio Regulations, Geneva, 1979, relating to Mobile Services, Treaty Document No. 102–29, transmitted to the Senate today by the President.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Partial Revision of the Radio Regulations, Geneva, 1979, signed on behalf of the United States at Geneva on October 17, 1987, and the United States reservations and statement as contained in the Final Protocol. I transmit also, for the information of the Senate, the report of the Department of State with respect to the 1987 Partial Revision.

The 1987 Revision constitutes a partial revision of the Radio Regulations, Geneva 1979, to which the United

States is a party. The primary purpose of the present revision is to update the existing regulations pertaining to the mobile radio services to take into account technical advances and the rapid growth of these services, and to implement the Global Maritime Distress and Safety System. The revised regulations, with the two exceptions noted below, are consistent with the positions taken by the United States at the 1987 World Administrative Radio Conference for the Mobile Services.

At the time of signature, the United States submitted two reservations and responded to a statement submitted by Cuba directed at United States use of radio frequencies in Guantanamo. The specific reservations and statement are addressed in the report of the Department of State.

Most of the Partial Revision of the Radio Regulations entered into force October 3, 1989, for governments that, by that date, had notified the Secretary General of the International Telecommunication Union of their approval thereof; provisions specifically related to the maritime mobile service in the high frequency bands entered into force on July 1, 1991.

I believe that the United States should, subject to the reservations mentioned above, become a party to the 1987 Partial Revision, which has the potential to improve mobile radiocommunications worldwide. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *May 12, 1992.*

RESCISSION OF CERTAIN BUDGET AUTHORITY

The PRESIDING OFFICER. Under the order of May 5, 1992, the Senate having received from the House, H.R. 4990, all after the enacting clause of H.R. 4990 is stricken and the text of S. 2403 as amended is inserted in lieu thereof; H.R. 4990 is deemed read the third time and passed, a motion to reconsider is laid on the table, the title amendment reported with S. 2403 is substituted for the title of H.R. 4990, and S. 2403 is indefinitely postponed. The Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees on the part of the Senate:

Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON.

NATIONAL VOTER REGISTRATION ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, I want to speak just a few minutes and then I will yield to the distinguished former majority leader, the chairman of our Senate Appropriations Committee, who wants to be heard.

Mr. President, the picture would be painted on the side of the proponents of this particular legislation that there is tort lawyer opposition to it.

I am going to read from a letter of Andrew Popper, professor of law and duputy dean of American University:

> Contrary to the assertions of the proponents of this bill, the academic community, particularly the community of tort professors, does not support this legislation. To assess the opposition to this legislation, I sent copies of S. 640 to a number of my colleagues within the academic community.

And the names of some 50 professors of tort law over the country are included.

I ask unanimous consent that the letter and the list of professors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN UNIVERSITY,
Washington, DC, September 27, 1991.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HOLLINGS: I wish to convey to you and other members of the Commerce Committee my deep concerns regarding S. 640. This legislation provides consumers with no benefits while providing manufacturers and insurers with reduced exposure in product liability cases. Although milder than prior versions, this bill is fatally flawed; it provides obstacles to consumers seeking to recover within the tort system and destroys carefully established state law and procedure.

Contrary to the assertions of the proponents of this bill, the academic community, particularly the community of tort professors, does not support this legislation. To assess the opposition to this legislation, I sent copies of S. 640 to a number of my colleagues within the academic community.

I have listed on an attached sheet the names of those law professors who have expressed opposition to this legislation. They represent an extraordinarily diverse group of individuals, having political and legal opinions that cover the spectrum. What joins them is their opposition to this unwise, unfair and ill-conceived legislative effort. I urge you and your colleagues to oppose this legislation.

I would appreciate your including this list in your hearing record. Thank you very much.

ANDREW F. POPPER,
Professor of Law and Deputy Dean.

Professor Carol Olson, University of Akron, C. Blake McDowell Law Center, Akron, OH; Professor Mark Hager, American University, Washington College of Law, Washington, DC; Professor James Boyle, American University, Washington College of Law, Washington, DC; Professor Robert Vaughn, American University, Washington College of Law, Washington, DC; Professor Rob Leflar, University of Arkansas School of Law, Fayetteville, AR; Professor John Vargo, Bond University School of Law, Queensland, Australia, Product Liability Practice Guide, Matthew Bender (1988); Professor Peter Donovan, Boston College Law School, Newton, MA; Professor Stephen D. Sugarman, University of California, Berkeley School of Law, Berkeley, CA.

Professor Marsha Cohen, University of California, Hastings College of Law, San Francisco, CA; Professor David J. Jung, University of California, Hastings College of Law, San Francisco, CA; Professor Anita Bernstein, University of Chicago Law School, Chicago, IL; Professor Howard Klemne, University of Colorado School of Law, Boulder, CO; Professor James Stark, University of Connecticut School of Law, Hartford, CT; Professor Pierre Schlag, University of Colorado School of Law, Boulder, CO; Professor Theodore Eisenberg, Cornell Law School, Ithaca, NY; Professor Stephen Shiffrin, Cornell Law School, Ithaca, NY; Professor Barry Furrow, Widener University School of Law, Wilmington, DE.

Professor Nancy Ehrenreich, University of Denver College of Law, Denver, CO; Professor Arthur Best, University of Denver College of Law, Denver, CO; Professor Michael Jacobs, DePaul University College of Law, Chicago, IL; Professor Terence Kiely, DePaul University College of Law, Chicago, IL, Professor John F. Banzhaf, III, George Washington University Nat'l Law Center, Washington, DC; Professor Joseph Page, Georgetown University Law Center, Washington, DC; Professor Teresa Schwartz, Associate Dean for Academic Affairs, George Washington University Nat'l Law Center, Washington, DC, Professor Duncan McLean Kennedy, Harvard University School of Law, Cambridge, MA; Professor Richard Wright, Illinois Institute of Technology, Chicago-Kent College of Law, Chicago, IL.

Professor Jean Love, University of Iowa College of Law, Iowa City, IA 52242; Professor James T. Jones, University of Louisville School of law, Belknap Campus, Louisville, KY; Professor Nick Ashford, Associate Professor of Technology & Policy, MIT, Cambridge, MA; Professor Taunya Lovell Banks, University of Maryland School of Law, Baltimore, MD; Professor Kenneth Kandaras, University of Maryland School of Law, Baltimore, MD; Professor Mark Feldman, University of Maryland School of Law, Baltimore, MD; Professor Jim Jeans, University of Missouri-Kansas City, School of Law, Kansas City, MO, Professor Nancy Levit, University of Missouri-Kansas City, School of Law, Kansas City, MO; Professor Anne Scales, University of New Mexico School of Law, Albuquerque, NM.

Professor E. Donald Shapiro, New York Law School, New York, NY; Professor Joyce E. McConnell, City University of New York Law School at Queens College, Flushing, NY; Professor Lucinda Finley, State University of New York at Buffalo, School of Law, Buffalo, NY; Professor Bob Adler, University of North Carolina, Chapel Hill, NC; Professor Sally Sharp, University of North

Carolina School of Law, Chapel Hill, NC; Professor Thomas Koenig, PhD, Northeastern University School of Law, Boston, MA; Professor Marshall Shapo, Northwestern University School of Law, Chicago, IL; Professor Peter Kutner, University of Oklahoma Law Center, Norman, OK; Professor Jeffrey G. Miller, Pace University School of Law, White Plains, NY.

Professor Okinaner Christian Dark, University of Richmond, The T.C. Williams School of Law, Richmond, VA; Professor Howard Latin, Rutgers, The State University of New Jersey, S.I. Newhouse Center for Law & Justice, Newark NJ; Professor Jay Feinman, Rutgers, The State University of New Jersey, School of Law, Camden, NJ; Professor Gary Francione, Rutgers, The State University of New Jersey, S.I. Newhouse Center for Law & Justice, Newark, NJ; Professor Mary L. Lyndon, St. John's University School of Law, Jamaica, NY; Professor Tom Lambert, Suffolk University Law School, Beacon Hill, Boston, MA; Professor Michael L. Rustad, Suffolk University Law School, Beacon Hill, Boston, MA; Professor Peter Bell, Syracuse University College of Law, Syracuse, NY.

Professor Leslie Bender, Syracuse University College of Law, Syracuse, NY. Professor Frank McClellan, Temple University School of Law, Philadelphia, PA; Professor William Woodward, Temple University School of Law, Philadelphia, PA; Professor Jerry Phillips, University of Tennessee College of Law, Knoxville, TN; Professor Tom McGarrity, University of Texas School of Law, Austin, TX; Professor Rhoda L. Berkowitz, University of Toledo College of Law, Toledo, OH; Professor David Andrew Logan, Wake Forest University School of Law, Winston-Salem, NC; Professor Marc Galanter, University of Wisconsin Law School, Madison, WI; Professor Ellen Widess, Center for Public Interest Law, Children's Advocacy Institute, San Francisco, CA.

Mr. HOLLINGS. Second, Mr. President, Consumers Union, the Consumer Federation of America, Public Citizen's Congress Watch, U.S. Public Interest Research Group are also in opposition to this, as is the Association of State Supreme Court Justices, the Association of State Attorneys General, and the Association of State Legislators. We have wonderful company. The American Bar Association has consistently appeared and testified against this particular measure.

My colleague from Missouri uses strong language to argue that the civil justice system is seriously flawed. In truth, it is less than 1 percent of the cost to industry itself. And as to keeping products off the market, let me read from the particular report by Rand Institute of Civil Justice:

> Supporters of product liability reform, changing the liability standard limiting punitive damages, capping awards and the like argue that product liability discourages research and development, thereby impairing America's industrial competitiveness in depriving consumers of useful products, but the empirical evidence for this proposition is generally quite weak.

That is what they found. The Institute for Civil Justice is chaired by the chairman of the board of Dow Chemical, Paul Oreffice, and its Board of Overseers includes Roger Joslyn, chairman of State Farm Fire and Casualty; Ruben Mettler, director and former chairman and CEO of TRW; Franklin Nutter, former president of the Alliance of American Insurers; Roger Smith, former chairman and CEO of General Motors; William Snyder, chairman and CEO of GEICO; and Shirley Hufstedler, former U.S. circuit judge and former Secretary of Education. We can go right on down the list.

Incidentally, many of the members of the health community oppose this. Also, Edward Levy, former Attorney General of the United States, now distinguished professor emeritus, School of Law, University of Chicago.

I want to make one final point before I yield, and that is with respect to this ambush here today. If there is any doubt in anyone's mind, all one needs to do is read this alternative dispute resolution procedure. It says once the ADR proceeding there is requested:

> If the offeree refuses to proceed pursuant to alternative dispute resolution procedure and the court determines that such refusal was unreasonable and not in good faith, the court shall assess reasonable attorneys fees and costs against the offeree. For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable and not in good faith if a verdict is rendered in favor of the offeror.

That says to me, with represented injured parties, as well as insurance companies, that when the poor client walks in, I am saying wait a minute, you have some Federal rules here. I know what they are going to do. They are going to say let us go to alternative dispute resolution and if I do not accept it and we go ahead to trial, you have to win your case, there cannot be any judicial error, or whatever else. Whatever happens, we are going into a lot of investigation, court costs, what have you. Under the contingency fee, that was all right if I won; if I did not win, I had to pay it all; but now under this one, I can tell you here and now under paying all these costs if you are going to refuse it, you better bring in $15,000 to $20,000 and I will be glad to proceed with the case. What this means is that only rich injured parties will have their day in court; meaning the Bill of Rights guaranteed under the seventh amendment and guaranteed in every State the right in a civil case to a trial by jury has now been conditioned. I believe this is unconstitutional—as I pointed it out at the hearing. But they have the bit in their teeth and they are trying to absolutely ambush injured parties with very bad legislation that never should have reached the floor, to tell you the truth. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished President pro tempore.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, not to exceed 15 minutes, and that I may speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the submission of Senate Resolution 295 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the submission of Senate Concurrent Resolution 117 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the time between 2:15 p.m. and 4 p.m. shall be equally divided and controlled by the Senator from South Carolina [Mr. HOLLINGS] or his designee, and the Senator from Wisconsin [Mr. KASTEN] or his designee.

Therefore, the Senate is now in order. Who seeks recognition?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, on a situation I cleared with the managers, I ask unanimous consent to address the Senate for 4 minutes as if in morning business for the purposes of the introduction of a concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the submission of Senate Concurrent Resolution 118 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I yield 5 minutes to the distinguished Senator from Utah [Mr. GARN].

The PRESIDING OFFICER. The Senator from Utah [Mr. GARN] is recognized for 5 minutes.

Mr. GARN. Mr. President, I thank my colleague from Washington. I will not take long. I have spoken at great length on many occasions on this issue over the years and it is not necessary to take the time of the Senate to do it again.

But I do rise in support of the product liability amendment to S. 250. We have a legal profession in this country, Mr. President, that I believe is out of control.

We are reading a lot of articles lately about CEO compensation. I think that almost pales in an inconsequential nature to the matter of legal fees and the way the legal profession is behaving, and particularly in this area of product liability. In one area that I will talk about, it has virtually destroyed an industry.

Twenty years ago the U.S. general aviation industry was manufacturing more than 20,000 airplanes a year. Last year, it was less than 900. Cessna ceased to make piston-driven aircraft totally because of product liability. Piper is in its second bankruptcy and is probably going to move to Canada. I hope they do. I hope they can get back into production. We have Beech and Mooney that still make piston-engine airplanes in this country. So we have literally wiped out an industry.

But to those who claim that this is in the interest of safety, I would suggest that most of us are flying old aircraft because the new ones are too expensive. The cheapest Beechcraft Bonanza single engine will cost about $245,000, and 40 percent of that, on the average, is for product liability.

One example of how ridiculous these lawsuits have become—I think everybody knows that a Piper Cub is one of the classics of general aviation aircraft; it has been around since the late 1930's—an individual decided to modify his Piper illegally. He removed the front seat, put in a piece of plywood as a makeshift seat, mounted a camera facing backward to the rear of the cockpit, and hired a photographer to take pictures of him in the air. He wanted his facial expressions while he was doing acrobatics. He crashed on take off.

I remind my colleagues everything was an illegal modification, under FAA rulings, to the airplane. Because he could not see, he crashed. The photographer was killed. The pilot sustained brain damage from the cameras lens hitting him in the face, and he successfully sued Piper for $1 million because they did not design the airplane with a shoulder harness.

Now attorneys ought to be embarrassed to take cases like that, let alone pursue them and put companies out of business for such idiocy. At the time the airplane was designed there were no seatbelts in cars, let alone shoulder harnesses, and certainly there were none in general aviation airplanes though they did have seatbelts.

I could go on and on and on with cases that people would not believe are true, but they are.

We talk about jobs and the economy. We are destroying an industry because of the greed and selfishness of the Trial Lawyers Association.

My own airplane is a 1948 Navion that I bought in 1969. I paid $5,000 for the entire airplane. Two years ago I started to restore it. I am doing most of the labor myself, all the dumb work that does not require a great deal of skill, but, nevertheless, saving me a lot of money. But that $5,000 airplane that I have owned free and clear since 1969, putting all new control cables, new wiring, new instruments, remanufactured engine, I am into it $60,000. And I am not finished because I am paying the attorneys, not the mechanics and the factories, 60 thousand bucks.

I am going to buy a new propeller for $5,300; $5,300 just for the propeller alone. That is $300 dollars more than I paid for the whole airplane. Utterly ridiculous.

We are shipping our used airplanes overseas. We are going to be buying airplanes from overseas because we cannot get this under control.

I think it is time the legal profession themselves started to police themselves. The attorneys in this body ought to start quit passing lawyer's relief bills for when they leave the Senate so they could make a few hundred thousand bucks a year. Enough is enough. And we should allow the American aviation-building industry to get back into business and not have ridiculous suits like one at Cessna where they just had to pay $250,000 for somebody who ran out of gas because it was cheaper to pay him off than to win the suit.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

Who seeks recognition?

Mr. HOLLINGS. Mr. President, without objection, I yield, as if in morning business, 4 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection? Hearing no objection the Senator from Rhode Island is recognized for 4 minutes as though in morning business.

Mr. PELL. Mr. President, I thank my colleague and friend.

(The remarks of Mr. PELL pertaining to the introduction of S. 2690 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I yield myself 15 minutes, or so much as I use.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mr. GORTON. Mr. President, according to a 1989 study by the Tillinghast insurance consulting firm, tort law in the United States imposed $117 billion in costs on the economy of this country in 1987. That figure represents 2.5 percent of our gross national product. According to Prof. Robert Tollison of George Mason University, this is nearly double the level of the United States' net national savings and is one-fourth of gross domestic private investment.

When we in the Senate debate the subject of the competitiveness of American industry and economic growth, we speak of fiscal policy, industrial policy, fringe benefits and the like. But almost never do we deal with the costs of regulation and of a legal system which perhaps imposes greater costs and inhibitions on our economy than any of these other factors.

Recent studies indicate that these excessive costs are, indeed, a drain on our American economy. William Niskanen, a leading economist at the CATO Institute, who once served on the Council of Economic Advisers, has concluded that each additional lawyer in the United States reduces our gross national product by $2.5 million. Mr. Niskanen reasons that the work of lawyers causes businesses to divert resources from undertakings that generate wealth and create jobs to transaction costs.

Prof. Stephen Magee of the University of Texas is somewhat more discriminating in that respect, stating that almost the first two-thirds of lawyers in the United States actually contribute to our economy. But the final third, and any additions thereafter do, in fact, reduce our gross national product by well over $1 million per individual.

Professor Magee analyzed the economies of 28 countries by comparing economic growth with the share of each country's employed persons who were lawyers. He concluded that as the number of lawyers in a society increases, economic growth declines.

Product liability costs are a major factor in this economic inhibition on the growth of our economy. The excessive costs of the tort system put American companies at a competitive disadvantage in world markets.

According to a study conducted for the Department of Commerce, domestic manufacturers face product liability costs of from 20 to 50 times more than those paid by their foreign competitors.

Mr. President, I ask unanimous consent that an article from the National Journal of April 25, 1992, containing many of these citations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. An excellent example of this competitive disadvantage can be found in the 1988 Conference Board survey of chief executive officers. It stated that in 1986, $7 billion of Dow Chemical's $13 billion in annual sales came from sales overseas, and the company's legal and insurance expenses in the United States totaled $100 million. During that same year, Dow paid less than one-fifth of that amount for comparable services overseas, even though its foreign sales substantially exceeded its domestic sales.

Important sectors of our domestic economy are losing substantial market shares to foreign competitors because of the excessive costs of the product liability system. They put American interests at a competitive disadvantage. For example, the National Machine Tool Builders Association estimates that it has lost nearly 25 percent of its market share to foreign competitors in recent years. Much of this loss is attributed to the excessive cost of the current product liability system, which takes resources from and inhibits the development and marketing of innovative products. The U.S. machine tool industry spends seven times as much money on product liability costs as it does on research and development.

Higher prices are just one aspect of our competitiveness problem. The current product liability system often leads manufacturers to decide not to market new products. For example, John Gatzemeyer designed a safety rail to assist young children going up and down stairs while he was a student of industrial design at Syracuse University. His design won a first prize in 1989 from the Juvenile Products Manufacturers Association and a gold award from the Industrial Designers Society of America.

Fisher-Price, however, declined to produce this child rail because of liability concerns. Its spokesman stated:

> We're a little bit afraid to do anything with a product that has anything to do with stairs.

Fisher-Price's situation is not unusual.

The Conference Board found that nearly half of the firms in the survey have discontinued products as a result of the product liability system. In addition, 39 percent had decided not to introduce new product lines, and 25 percent had discontinued product research as a result of the system. Prof. Michael Porter of the Harvard Business School, author of a recently published book entitled "The Competitive Advantage Of Nations," told the Commerce Committee:

> American liability law, as it is now structured, causes companies to slow the rate of innovation.

The problem is particularly pronounced in the area of medical products and technology. The American Medical Association stated in 1988:

> Innovative new products are not being developed or are being withheld from the market because of liability concerns or inability to obtain adequate insurance.

The uncertainty of the current system extends beyond product manufacturing into the scientific community. It stifles the scientific research essential for the development of innovative products. Dr. Malcolm Skolnick, a professor of biophysics at the University of Texas Health Science Center, who is also a lawyer, told the Commerce Committee at an April 5, 1990, hearing:

> Scientific inquiry is stifled. Ideas in areas where litigation has occurred will not receive support for exploration and development. Producers fearful of possible suit will discourage additional investigation which can be used against them in future claims.

Former Secretary Mosbacher told the Commerce Committee that the unpredictability of the current system discourages research universities from licensing patents to business firms for fear of being sued as a "deep pocket."

The amendment before us today, Mr. President, will restore fairness to the product liability system. It combines two bills, originally before the Commerce Committee, one S. 640, a product liability bill, and another, a bill for lawsuits involving aircraft. Aircraft manufacturers are perhaps the most graphic illustration of the defects of the present product liability system.

A once-dominant national industry in small private aircraft has been almost totally driven out of business by product liability costs which often exceed more than 50 percent of the cost of a new airplane.

S. 640 is a modest approach toward the product liability crisis. It has had removed from it many of the changes in substantive law which were so controversial in earlier versions of product liability legislation. It includes essentially three sets of ideas: Responsibility for a harm which has actually been created; the costs of legal proceedings; and the right of injured parties to receive compensation.

In the first matter, the centerpiece of this bill is the abolition of joint and several liability with respect to noneconomic damages such as pain and suffering. It is outrageous that, under our present legal system, an individual or a company which is only 1, 5, or 10 percent responsible for an accident can, if it is the responsible party, be required to pay 100 percent of the resulting damages.

In addition, this bill states that the sellers of products will be liable only for their own negligence or their failure to comply with an express warranty, or if the manufacturer cannot be brought into court or is judgment proof. They will not under other circumstances be responsible for the negligence or defects or others; and, third, this bill gives the defendant an absolute defense, if plaintiff's drunk or drugged condition was more than 50 percent responsible for his injuries. It is difficult for this Senator to see why any reasonable person should disagree with those changes.

Perhaps even more significantly, this bill will reduce legal costs. It will do so by going at product liability cases with a very modified English system. Under this bill, should it become law, either party to a product liability case may make an expedited settlement offer. If the offeree refuses the offer, and ends up not doing better or doing worse than under the proposed settlement after the litigation is over, the offeree must pay the costs and reasonable legal fees of the other side. This will be a tremendous incentive for the early settlement of litigation.

In addition, either party may offer to participate in an approved voluntary alternative dispute resolution procedure. If a party flatly refuses to do so and later loses a verdict, that party, again, will pay the opponent's costs and reasonable legal fees.

In connection with punitive damages, the subject of much of the newspaper stories and the huge and dramatic verdicts, a plaintiff under this bill must prove conscious, flagrant indifference to the safety of those who might be harmed by a clear and convincing case of evidence. This, I am convinced, will end most of the outrageous verdicts for punitive damages.

Finally, this bill protects the right of injured parties to receive compensation in one significant way. It contains a statute of limitations which only begins to run, and then lasts for 2 years, after an injured person discovers his or her injury, and its cause. Some State's statutes now begin to run from the time of injury, even though the injury may not be discovered until the entire time is over.

Mr. President, as I have said, this is a relatively modest approach to product liability legislation. It does not change the substantive laws of the States. It does not redefine negligence or a cause of action. It does not reflect the maximum amount of compensatory damages, or for that matter punitive damages.

In addition, this amendment does not change the right of any person to go into court. What it does do is to concentrate responsibility on the person or the party which is actually responsible for causing an injury and it includes strong motivation to discourage litigation going on and on and on by saying settle early, agree to an alternative dispute resolution, or risk having to pay the other side's costs and reasonable attorney's fees if you turn out to be wrong. It adds to the rights of individuals with respect to a statute of limitations and, all in all, is a modest, important step toward returning justice to the American legal system and competitiveness to our economy.

EXHIBIT 1

[From the National Journal, Apr. 25, 1992]

THE PARASITE ECONOMY

(By Jonathan Rauch)

Though the disease is ancient, only recently have anatomists of the body politic identified and dissected it, partly because the visible symptoms are worsening. Parasitemia economicus—in plain English, the parasite economy.

It is a disease that has claimed many victims and has benefited only the lawyers, lobbyists and politicians who have flourished as the sickness spreads. The parasite economy has a peculiar ability to suck in resources and feed on its own growth. It absorbs not only financial capital but human capital as well. It sucked in, among many, many others, M. Michael LaPlaca.

Twenty years ago, he was the national sales manager of Hertz Corp. In the early 1970s he changed to practicing law. Not surprisingly, a lot of his work was for car rental businesses.

Then came what was, for his clients, an alarming development. In 1989, with the support of some consumer advocates, a bill was introduced in Congress that said, "No rental car company shall . . . hold any authorized driver liable for any damage" to a rented car, except in a few specially defined cases such as drunken driving. If you drove your rental car into a tree, or if you left the keys in it and it got stolen, you couldn't be found liable, even if you were insured (which most people are). The rental company would eat the loss.

Such losses are less sustainable for small car-rental companies than for the industry giants, such as Hertz and Avis Inc. "What the bill does if it becomes law," LaPlaca said, "is to put enormous pressure on smaller companies to raise their prices." In New York state, where a similar law passed in 1988, dozens of little car-rental firms, with names like Ugly Duckling and No Problem Rent-a-Car, have gone bust. As a result, small rental companies bitterly oppose the measure currently known as HR 123. Hertz and Avis strongly support it.

Until 1989, small and medium-sized car-rental businesses never had much of a presence in Washington, because Washington had never paid the industry much attention. But things have changed. In May 1989, soon after the liability bill was introduced, LaPlaca organized the Car Rental Coalition to stop it. So far, LaPlaca estimates, the coalition and its member companies have spent a million dollars retaining five lobbying shops. That doesn't count time donated by hundreds of people in the car-rental business.

Set aside the legal niceties. The crucial economic point is that this million dollars produces nothing. Instead, it eats up existing wealth, which could otherwise have been used for productive investment. The same goes for money spent by the bill's advocates. Economists call this transfer-seeking.

Only one class of people will certainly come out ahead. Thanks to HR 1293, the lawyering, lobbying and politicking class is several million dollars richer. Another Washington lobby has been born, and another political action committee, too: LaPlaca's coalition authorized one in February. Like all PACs, it will invest in friendly politicians rather than in new factories.

As for Mike LaPlaca, the man who was a business executive 20 years ago now spends half his time lobbying. "I lived 52 years without ever having to petition the Congress on behalf of myself or a client," he said (he is now 54), "and in many ways, I wish I could go back to the 52nd year."

In effect, the bill, whether it passes or not, has created lobbying jobs. Moreover, once a lobby is organized, it usually stays around either to defend against new raids by its competitors or to seek favors of its own. Feeding Washington is now a cost of doing business in the car-rental industry. Rental-car customers lose. K Street wins.

A lot of explanations have been advanced for America's disappointing productivity growth over the past 20 or so years, none of them wholly satisfactory. Recently, an emerging body of economic research has added another possibility to the list of parasites.

"Our economy is absolutely infested with transfer-seeking," Clemson University economist David N. Laband said. "I think it takes an unbelievable number of forms and absorbs an unbelievable amount of resources." Even the lowest estimates put the costs in the hundreds of billions a year.

The public isn't unaware of what's going on. Inchoate but growing public frustration with parasites fuels Edmund G. (Jerry) Brown Jr.'s presidential campaign, provokes White House attacks on lawyers, shapes legislative reforms such as the mid-1980s tax reform and the 1990 budget agreement. As the public's resentment grows, the parasites themselves are gradually becoming a political issue.

Gradually, too, economists are learning how to think about the peculiar dynamic of the parasite economy. How much does it cost? Why does it feed on its own growth? Recent research is beginning to yield clues.

WHO IS A PARASITE?

Begin with a thought experiment. You are the president of Acme Big Flange Co. and you have an additional $1 million to invest. You face stiff competition from mini-flange mills. You want the best available return on your money. What are your options?

First, you can buy a new high-speed flange-milling machine or a better inventory control system. Either will improve your company's productivity, but probably not dramatically. (Remember, this is an additional, or "marginal," $1 million. You would have already made the most-lucrative investments.) Over a decade, you might earn 10–15 percent annually on your investment, maybe $100,000–$150,000 a year.

Second, for $1 million you can hire one of the best lobbyists in Washington. The lobbyist might be able to get you a tax break, a subsidy or, best of all, a law putting many mini-flange mills out of business. Any of the above might easily be worth $10 million a year.

Query: Which is the better investment?

"If I throw in a million here or a million there, I might get a hundred million back," said a Washington lobbyist who asked that his name be withheld for fear of upsetting his clients. "And there are probably enough cases like that so they keep throwing money in."

The lobbyist, of course, was talking about transfer-seeking. If you want to make yourself richer, you must invest either in producing more wealth (productive activity) or in getting some of someone else's wealth (transfer-seeking). From the individual's point of view, the two are equivalent. But from a social point of view, the two are very different.

Each bit of energy we spend taking someone else's wealth is that much less energy spent producing more wealth. If we all spent all our time trying to get our hands into our neighbors' pockets, we'd all be very busy, and yet we'd produce nothing and eventually we would all starve. Thus, transfer-seeking, in marked contrast with productive investment, is a negative-sum game.

And how big might the negative sums be? Now another thought experiment. You have $100 and I want $100. Question: In principle, how much might I be willing to spend to get your $100? Answer: up to $99. And, in principle, how much might you be willing to spend to keep your $100, once you realize I'm after it? Answer: $99 again.

Adding the numbers gives a startling result: In principle, the two of us can rationally consume almost $200 fighting over an existing $100. Yet nothing would be produced.

True, in spending $99 to get your $100, I would be creating jobs. But that's like paying somebody to steal cars. If I hire someone to manufacture a car, society gets a new job and a new car, and so is wealthier. But if I hire someone to steal existing cars, I've merely moved a job out of a productive sector and into the car-theft sector. Society would be better off, indeed, if I had never created such a job.

Obviously, this kind of activity can quickly get expensive for all concerned. Yet it keeps going as long as any one person sees a payoff in engaging in it. "I think it may be that the thing feeds on itself," said University of Arizona economist Gordon Tullock, whose work in the late 1960s broke ground in the academic study of transfer-seeking. "Every time you have a successful lobbying effort, that advertises the value of lobbying."

Now we reach the central peculiarity of transfer-seeking—the peculiarity that earns it the sobriquet parasitemia economicus. A parasite is set apart from a mere freeloader by its ability to force its target to divert energy to combating it. You can't ignore parasites, the way you can ignore junk mail, panhandlers or pesky real estate salesmen. If you don't defend yourself, parasites forcibly take your money.

In America, only a few classes of people have the ability to take your money if you don't fend them off. One, of course, is the criminal class. Fending off thieves costs us hundreds of billions of dollars a year. (In 1985 alone, about $340 billion, economists Laband and John P. Sophocleus calculate. We spend almost $10 billion a year just on locks.)

But you can invest in legal transfer-seeking, too—with one proviso. To get someone else's wealth without buying it, you must have the help of the law. To get the law's help, you need one of three kinds of people: politicians, lobbyists (who influence politicians) and lawyers (who can get a court judgment). These people have a strange characteristic: to fend off a lawyer or lobbyist, you need to hire another lawyer or lobbyist.

When Arista Records Inc. was sued for fraud on the ground that its pop duo Milli Vanilli didn't do their own singing, the company didn't have the option of ignoring the lawsuit. It had to fight back with lawyers of its own. Similarly, if a competitor starts to move legislation that costs you a lot of money, you'd be stupid not to hire a lobbyist. Mike LaPlaca was sucked into the parasite economy because it was attacking his clients. That's how it grows, even though society as a whole would be wealthier if it shrank.

Good help isn't cheap, of course. Lawyers can cost $200 an hour, lobbyists $5,000 a month and politicians whatever the market will bear. They extract fees (or political contributions) regardless of who wins or loses. Under the settlement in the Milli Vanilli case, 80,000 or so alert fans will get $1 refunds on singles, $2 on cassettes and $3 on compact disks. That might make them feel a little better. But the lawyers will feel a lot better, because they come away with considerably more than $3 each.

To say that lawyers and lobbyists richly benefit from transfer-seeking is not necessarily to say that they cause it. Some lawyers do opportunistically drum up lawsuits, but most are probably meeting clients' demand. And that is the real point: A system full of redistributive laws inherently creates opportunities for transfer-seeking. Businesses seek (or defend) tariffs, unions seek minimum-wage laws and laws against hiring permanent replacements for strikers, farmers seek subsidies, plaintiffs seek damages, postal workers seek bans on competition, car-rental companies seek liability legislation that hobbles their competitors, and so on, and on and on.

To blame the lawyers and lobbyists, in other words, is to blame the messenger. If the parasite economy grows, the implication is that the return on investing in it has improved relative to the return on investing in new factories, faster machines, better education. That seems to have happened, judging from the size of the parasite economy in Washington.

SIZE OF THE INFESTATION

Given the trillions in direct spending and indirect perks that slosh through Washington and all the state capitals year after year, the surprise for many years was how small the parasite economy was, not how large. The past two decades, however, have seen rapid growth in the transfer-seeking industry. Comprehensive figures don't seem to exist, but a lot of indicators point in the same direction:

According to the Senate's Office of Public Records, the number of active lobbyists registered with the Senate (by no means the total of all who lobby in Washington) has increased from 3,065 in 1976, when the office's records begin, to 8,531 today. At that rate, the number of lobbyists doubles about every 10 years.

According to various editions of Columbia's Books Inc.'s Washington Representatives, the number of people working in the capital to influence government rose from about 10,000 in 1982 to about 14,500 in 1991.

According to data collected by Gale Research Inc. and cited by the American Society of Association Executives, the number of national associations rose from 4,900 in 1956 to 8,900 in 1965, 12,900 in 1975, and 23,000 by 1989. That's doubling every 15 years.

Of the extant associations, more and more have been sucked into Washington. According to Columbia Books, the percentage of trade and professional associations headquartered in Washington rose steadily from 19 percent in 1971 to 32 percent by 1990. In the Washington suburb of Fairfax County, Va., alone, The Washington Post reported in 1979, "the number of trade and professional groups has increased from 2 to 125 in the past decade."

The number of lawyers in America has nearly tripled over the past three decades, from 260,000 in 1960 to about 760,000 today. More significantly, the number of lawyers per million Americans stayed about constant (at 1,200) for the 100 years ending in 1970, but then more than doubled (to 3,100) by 1988.

Though the amount by which litigation has grown in recent decades is disputed, the trend is not. "The number of federal lawsuits has nearly tripled in the past three decades, rising from less than 90,000 in 1960 to more than 250,000 in 1990," writes Peter Carlson in The Washington Post Magazine.

According to the District of Columbia Employment Services Department, just from 1988 (when the count begins) to 1991, the number of people employed in legal services in the Washington metropolitan area grew by 10 percent, half again as fast as the growth in the service sector as a whole. It seems reasonable to guess that this is not a three-year anomaly.

It also seems reasonable to believe that all these lobbyists and lawyers did not get into business with the sworn aim of bleeding the American economy dry. To the contrary: Usually, the goals are noble and the intentions good. A further fascinating peculiarity of the parasite economy is that it behaves the same way regardless of whether the parasites are cynical opportunists or idealistic seekers after justice. As with a bacillus or a tapeworm, it's not that the parasite is evil; it's that it is just trying to get what it thinks it deserves.

The drive to reform health care, for example, is motivated by concern for the strained middle class and the uninsured poor. But the result will inevitably be a boon to the transfer-seeking economy. The health insurance and medical industries have already begun a multimillion-dollar lobbying campaign. A Democrat who recently left a Capitol Hill staff job to set up shop lobbying is relying heavily on health care business. "The stakes are just obviously there," he said. "I can't work in the Administration, and you've got to make a living."

Health care resource are steadily sucked into the whirlpool. The National Health Council Inc. counted 117 health groups represented or headquartered in Washington in 1979, and 741 last year.

On March 12, the American Nurses Association moved its headquarters—and half a million pounds of office furniture and equipment—to L'Enfant Plaza, after 20 years in Kansas City, MO. "We have nursing's agenda for health care reform," a spokeswoman said. Last July, the American Hospital Association moved its top officers to Washington, believing (a spokeswoman said) that they "should be closer to the action."

Whether the reform effort will lead to the passage of health care legislation remains to be seen. In any case, however, the parasite economy will grow.

THE INFESTATION'S COST

In 1980 alone, the number of new admissions to the U.S. bar exceeded the total number of lawyers in Japan. In America, about three-fourths of the people who take the bar exam pass it; in Japan, about 2 percent. The Japanese believe one reason their economy grows faster than ours is that they invest more capital in research and development and less in suing each other. Are they right?

Professors who try to measure the cost of transfer-seeking come up with amounts ranging from about 3 percent of gross national product (GNP) a year to almost 50 percent, according to Robert D. Tollison, an economist who directs George Mason University's Center for the Study of Public Choice. Most estimates cluster in the range of 5–12 percent, however, or about $300 billion-$700 billion this year.

"Even the smallest number, 3 percent, is a lot of wealth to be pissing away, if you can help it," Tollison said. For instance, 3 percent of GNP, if it was available for investment, would roughly double the notoriously small U.S. pool of net national savings, and it would increase by a fourth the amount of gross private investment.

A number of indirect estimates suggest that the losses are well above 3 percent. A particularly popular method among economist—and particularly unpopular among lawyers—is the lawyer regression-analysis. The idea here is that because lawyers are fairly east to count, and because they account for many lobbyists and all lawyers, they make good proxy for the size of a nation's noncriminal parasite class.

One such analysis, by economist Stephen P. Magee of the University of Texas (Austin), plotted the prevalence of lawyers against the economic growth for 28 countries. The Magee Effect is pretty clear: Having more lawyers is associated with lower growth, a result consistent with the hypothesis that where there are a lot of lawyers, people are devoting a higher share of resources to transfer-seeking.

The Magee Corollary is, if anything, even stronger. In an 18-nation regression analysis, Magee found that the more lawyers a country has in its parliament, the lower its economic growth tends to be. The U.S. House is 42 percent lawyers; the 18-country average for lower houses of parliament is 15 percent. The difference, Magee calculates, reduced the American GNP by $220 billion in 1990—more than $1 billion per lawyer in Congress. "Basically ," he said in an interview, "they're just generating business for themselves."

Every economy needs some lawyers; the question is, how many is too much? Magee's work finds that the first two-thirds or so of U.S. lawyers contribute to growth, but the extra third considerably reduces it. Each additional lawyer, he finds, reduces U.S. GNP by about $2.5 million year.

Other lawyer regressions have independently come out in pretty much the same place. Economist William A. Niskanen, Jr. of the Cato Institute in Washington also came up with $2.5 million per additional lawyer. Laband and Sophocleus found that each lawyer costs $2.6 million in forgone GNP. Moreover, they compared states and found that a higher density of lawyers was associated with "significantly lower" growth in per capita income.

Such studies don't, unfortunately, tell whether lawyers are the cause of costly transfer-seeking or merely a symptom. They do tend to confirm, however, that a lot of potentially productive capital is spent in court and on Capitol Hill. A lot is spent, too, on parasite-related seminars, databases and magazines such as this one, the better to "keep track of the political influences that affect your bottom line—before it's too late," as a recent promotional mailing for State Legislatures magazine put it.

Transfer-seeking even acts as a hidden subsidy for golf courses and fancy restaurants—favorite business venues for lobbyists. When Laband and several colleagues compared state capitals with similar noncapital cities (and controlled for extraneous factors), they found that the capitals had—you guessed it—

a higher proportion of golf courses and sit-down restaurants. Moreover, the bigger the state government's share of state income, the more fancy restaurants there are. As government grows, parasites eat better.

POLITICAL BACKLASH

A dog with fleas or ticks will scratch and bite to get rid of them, often to the point of wounding itself. Monkeys with worms will search desperately for medicinal plants. The body politic appears to behave analogously, especially recently.

Among the anti-parasite spasms is former California Gov. Brown's unexpectedly tenacious campaign for the Democratic presidential nomination. Brown rages that "only the rich hire lobbyists . . . to ensure that the system favors themselves at the expense of everyone else." His attacks on big-dollar campaign contributions focus on "the people who always figure out a way to prosper even as more Americans suffer." He touts his flat-tax proposal as an assault on "the crooked Washington fund-raising machine that routinely auctions off loop-holes to the highest bidder."

More and more of the public seem to have latched on to the fact that the parasite economy thrives on political and legal activity, whether or not that activity solves anybody's problems. Brown's rhetoric taps the public's anger by attacking the parasite class. His flat-tax plan is widely dismissed as being bad for the poor. But a flat tax would also be bad for parasites who make a living by lobbying and lawyering today's Byzantine tax code. Which is Brown's point.

It was also, to a large extent, the point of the milestone 1986 Tax Reform Act, arguably the most sophisticated anti-parasite medicine of our time. Conservatives agreed to close tax loopholes that heavily benefited the wealthy, liberals agreed to bring down the high tax rates that made the wealthy so desperate to get loopholes. The idea was that lower rates would make loophole-lobbying and tax-finagling a less lucrative investment. The country as a whole would gain, and parasites would lose.

To a large extent, it worked; in the years just after tax reform, loophole lobbying seems to have diminished. That may help explain the sharp drop in registered lobbyists in 1988. The trouble is that the deal is already falling apart. President Bush wants a host of new tax breaks to stimulate the economy, and liberals in Congress want to raise rates. The result would be to raise the profitability of tax finagling, thus putting retired tax lawyers and lobbyists back in business.

More recently, in the 1990 budget agreement, Congress tried pitting parasites against each other: It put caps on spending, so as to force transfer-seekers to feed off each other's programs. Given the growth in the deficit, how well this worked is open to question. Also open to question is the effectiveness of yet another anti-parasite proposal, term limits. The idea here is that denying politicians a professional career in politics might make them less inclined to pander to favor-seekers.

Then there's the medicine beloved of Vice President Dan Quayle and his Competitiveness Council: litigation reform. The Administration wants to make life more difficult for plaintiffs' lawyers, thus deterring opportunistic lawsuits. For instance, the Administration proposes limiting punitive damages and requiring that the loser pay attorneys' fees as is done in most other countries.

Consumer groups and lawyers are outraged, saying that such reforms would deter reasonable claims. Most controversial of all is the "economic rights" movement, which wants to persuade the courts that regulatory transfer-seeking is often an unconstitutional violation of property rights. This is popular with conservative legal scholars and activists, but other supporters are few.

And that, finally, is the problem with attempts to cure parasites by making procedural reforms: The process isn't the main problem. In America, the professional parasites are serving an enthusiastic clientele—the American public.

The New York City activist whose barrage of lawsuits recently stopped the 57-story Columbus Center project will cost the city's economy a sizable sum. To the people who support him, however, he is just using the tools available to do what's right. One person's parasite is another's noble reformer.

This is why lawyers, lobbyists, politicians and political activists are infuriated by the notion that transfer-seeking produces nothing. On the contrary, they say: It produces justice. Many Americans agree.

Consider the 1990 Americans With Disabilities Act. It is compassionate bill intended to broaden handicapped people's access to all kinds of buildings. But most laws, like power switches, are binary instruments: They say "you always must" or "you never may," not "you usually should." Inevitably, in an attempt to adapt binary law to an infinitely complex world, Congress wrote the disabilities statute vaguely, requiring "readily achievable" measures and "reasonable accommodations." Just thrashing out what the law requires, therefore, will keep a brigade of lawyers in clover.

Responding to those lawyers' lawsuits and petitions will keep another brigade of lawyers busy. "Most major law firms," The Washington Post reported earlier this year, "are well aware that [the disabilities act] will open up a vast new area of discrimination law and, potentially, a lot of business." Already, the paper said, "many, many" law firms are holding seminars on the act, as are disability-rights groups and businesses ("searching for answers to such questions, how does a ski resort get a paraplegic skier up a mountain?").

Viewed one way, the disabilities act is a civil rights measure expanding justice for the handicapped. Viewed another way, it's a public works jobs program for lawyers. Which view is correct? Both.

The public demands governmental machinery that redistributes wealth or directs how it must be spent, and yet the same public rages at the parasites who work the machinery for a living—and who force others to follow suit. But the public can't have the one without the other. Ultimately, what feeds the parasite economy is not lawyers and lobbyists but laws, all of which pass with the blessing of some share of the public.

That is why a popular means to cope with unpopular parasites has yet to be found. "There really is no good answer to what you do to break this gridlock," Tollison said. Until the level of anti-parasite rage exceeds voters' appetite for benefits and favors plucked from other people's pockets, ever more parasites will dig into their expensive meals at fancy restaurants, wishing each other bon appétit.

Mr. BIDEN addressed the Chair.

Mr. HOLLINGS. Mr. President, I yield as much time as is necessary to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will not take a great deal of time at this time. The chairman of the Commerce Committee, Senator HOLLINGS, and the chairman of the Subcommittee on Courts, Senator HEFLIN, have already spoken in opposition to the amendment that has been offered as a very interesting product liability reform.

I, too, for the record would like to indicate my opposition to this so-called reform. But my purpose at this moment is not to speak to the merits, although after listening to my friend from the State of Washington, I assume he would suggest maybe the reason the automobile industry is losing to the Japanese is because of product liability reform and the reason we have lost the television industry in America is probably because of product liability reform, and the reason why we have lost other major segments of American industry, including steel, are probably the consequence of product liability reform.

I have been dumbfounded and amazed to learn just how significant the present product liability reform system is. Geez, if we had known this, we would not be in the economic decline. Obviously, it has nothing to do with poor management judgments made by the managerial class of this Nation over the past 15 or 20 years. It probably has nothing to do with the greed or lack of courage on the part of managers to take chances of investing in new product lines.

I am sure—I have really been enlightened today—that it is product liability reform. I expect if this passes, we ought to rebound extremely rapidly. We probably will become the number one producer in the world again, in the United States as well, with regard to automobiles, steel, television, and the rest, along with the other industries the Senator so blithely suggests have gone in demise as a consequence of product liability reform.

But, as I said, it is not my intention to speak to the merits at the moment. I will come back to do that. Let me make two other points.

One, this amendment is two bills combined. One of those two bills was referred to the Judiciary Committee. We did have an opportunity to speak to it and we did vote it down 10 to 2. Most of us who had a chance to look at it viewed this as a bailout piece of legislation for the aviation industry.

We talk about lawyers here, it is very easy to beat up on lawyers. I notice most of the lawyers are making the arguments about beating up on lawyers today. What is that old line? I am sure my friend from the State of Washington will remember it. I do not. But to paraphrase it, it is from Shakespeare, one character looks at the other and he says, the first thing we do is kill all the lawyers.

Let us agree all lawyers are bad, terrible, rotten, even though a majority of the Members of the Senate are those same folks. It is amazing how lawyers in here spend all the time talking about how bad their profession is, while they are lawyers, a little bit like incumbents. I do not know an incumbent running as an incumbent. Every incumbent in here is a challenger and has not been here at all.

This has been a very enlightening discussion I have heard thus far. But let me get to my point and sit down.

This is a matter for the concurrent jurisdiction of the Judiciary Committee. There is no disagreement about the nature of the products liability legislation. It is a bill that concerns, first and foremost, the legal system. No one questions that this legislation is fully within the jurisdiction of my committee, the Judiciary Committee. The distinguished chairman of the Committee on Commerce, Senator HOLLINGS, agrees with that conclusion and even the bill's proponents acknowledge that Judiciary Committee has a claim to the bill.

So, Mr. President, I ask, why was the Product Liability Fairness Act, as it is called, a bill that would affect major changes in our tort system and rewrite the traditional principles of federalism, not referred to the Judiciary Committee? And why is the bill that so affects issues central to the Judiciary Committee's jurisdiction been offered as an amendment to the legislation reforming our voting system?

I do not want to appear to be cynical, but I will suggest the reason it was not referred is that they did not want a committee of jurisdiction to look at the merits of the bill, and I suggest maybe it is attached to this bill because the people who attached it—I wonder how many people for this bill to which it is attached are for reforming our voting system?

I will bet you if we take a look, there is a correspondence between those standing, pushing this legislation at this moment, on a bill to broaden the franchise; I just bet you. It is probably just purely coincidental—they are the same people who are against the motor-voter bill, the same people who want to make it harder for people to vote.

I may be wrong, and Lord forgive me if I am, but I have a funny feeling that this bill was picked and the Judiciary Committee was avoided because there was not a desire to have a serious debate and look at this legislation but because it is also very much in vogue this year, led by our Vice President of the United States, to lawyer bash. I guess a couple of years ago it was let us doctor bash, and we will probably be union bashing and we are going to manager bash.

We are a great Nation, or leaders in this great Nation who find it sometimes a lot easier to look for scapegoats to blame all our problems on than dealing with some of the serious problems we have. But again, I am probably a bit too cynical, probably just a bit too cynical.

This probably has nothing to do with the desire to defeat broadening the franchise. This probably has nothing to do with defeating the effort to make it easier for people to register to vote. It probably has nothing to do with that. Maybe just one or two of the people pushing this may have that view. Maybe not.

But why is it not referred to the Judiciary Committee? I suspect that one of the reasons is because they—and the Judiciary Committee, I might note for the record, is made up of Republicans and Democrats and last time out, as I said, when half of this bill was referred, 10 voted against it and 2 voted for it. I would suggest also that shortly after the Commerce Committee reported the bill last year, I sought a referral that would discharge S. 640, the amendment in question, from the Judiciary Committee by March 15. There was not a desire to get the bill and bury it.

When I went to the chairman of the Commerce Committee and said, hey, look, this falls within our jurisdiction, jointly refer it over and we will report it out, and if we do not have it reported out by March 15, a couple of months ago, it would automatically have come to the floor, or be eligible to come to the floor. We could not get an agreement to even have the Judiciary Committee look at the bill even with the commitment that there would be a guarantee that by March 15 of this year, several months ago, it would have to be reported out or automatically discharged. Instead, the supporters of S. 640 said only that they would not object to an agreement—and I quote from their November 18 letter, "whereby the Judiciary Committee would be discharged of the bill no later than January 27, 1992."

We were out of session roughly from the time this bill passed and I sought referral, until 3 days before that January—I think it is 3 days or less than a week—before the January 27 date. On January 27, we had been back in session 3 days.

Three days to consider and make recommendations on legislation that would fundamentally change American jurisprudence;

Three days to determine the desirability of rewriting our unique system of federalism;

Three days to judge the wisdom of ending the longstanding power of States to control tort law;

Three days to reach conclusions about shortening the time for victims to file claims; and

Three days to decide whether to scale back the deterrent effect of punitive damages on corporations that knowingly make dangerous products.

To limit the Judiciary's time for deliberation to 3 days is simply not reasonable. Now we face the consequences. Now we have a bill that must be reviewed by the Judiciary Committee but has not even been referred there.

And let us be clear. It is the bill's sponsors that are responsible for creating this impasse. With an agreement on referral, and Judiciary Committee review, the bill would now be ready for Senate action Instead, an unreasonable demand has prevented the bill's timely consideration.

Mr. President, if we believe that the Judiciary Committee should review legislation on product liability reform, then the Senate cannot consider S. 640 at this time.

The amendment offered by Senator KASTEN should be defeated and the Product Liability Fairness Act should be referred to the Judiciary Committee for an expeditious but thorough review.

I only suggest the amendment offered by Senator KASTEN should be defeated and the Product Liability Fairness Act should be referred to the Judiciary Committee, and whereby if it were, we would then agree expeditious but thorough review guaranteeing that there would be an automatic discharge from the committee to bring it back out on the floor after we have had time to look at it and amend it if it warranted amending, or at least letting the full Senate have the benefit of what 14 Republicans and Democrats in the committee of jurisdiction have to say about the merits of this legislation.

I thank my friends for listening and for yielding that time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Washington.

Mr. GORTON. Mr. President, very briefly, 4 days after this bill was reported from the Commerce Committee, on November 14—that is to say, on November 14, eight members who voted for the bill on that committee wrote a formal letter to the distinguished chairman of the Judiciary Committee offering a 70-calendar day sequential referral until January 27.

While there have been many informal discussions, no written or formal response to that offer has ever been received. Of course, we have now gone almost 6 months from the time that this bill was here sitting on the calendar, all knowing exactly what the recommendations of the Judiciary Committee would be, because the bill is identical to the one which did go to the Judiciary Committee 2 years ago.

Mr. BIDEN. Will the Senator yield on that point since he has referenced the Judiciary Committee just for me to respond?

Mr. GORTON. I will yield.

Mr. BIDEN. I will only take a moment.

Mr. President, there were literally hours of discussion and negotiation between and among our staffs and individual members, committee to committee, and between the Senator from Alabama and, if I am not mistaken, Senator ROCKEFELLER and I believe Senator DANFORTH—I may be mistaken about Senator DANFORTH—trying to work out a time agreement. So I do not think the Senator wishes to imply that we got the offer, sat on the offer, and did not take it seriously and/or did not offer alternatives, or is he implying that?

Mr. GORTON. The Senator is not implying that, but he is quite aware of the fact that the approach was leisurely, to say the least.

Mr. BIDEN. I point out one other thing, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has the floor. Does he yield to the Senator from Delaware?

Mr. BIDEN. If I may respond to one other point.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank my colleague.

Mr. President, the bill referred to the Judiciary Committee and voted on was essentially half of this bill. The half relates to the aviation piece. That is what we voted on in the committee. I thought he said we voted on—maybe I misunderstood—the entire amendment as attached to this bill. To the best of my knowledge, I could be mistaken but I think that is not the case.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. As I understand it, Mr. President, I say to the Senator from Delaware, the bill which was before the Judiciary Committee in the last Congress was the general product liability bill. This aviation product liability bill has added to it, the Senator is correct.

I yield 15 minutes to the Senator from Kentucky, Mr. MCCONNELL.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 15 minutes.

Mr. MCCONNELL. Mr. President, the amendment before us, regarding product liability, in fact, constitutes a tax cut. We are about to vote on whether to give working families a tax cut—a tax cut that requires no offset to conform with the Budget Act; a tax cut that will not increase the deficit; in fact, it will ultimately reduce it by stimulating economic growth. Mr. President, I am speaking of the lawyer's tax—the cost of liability crisis.

The lawyer's tax is insidious. It is added to virtually every product sold in this country. And it is a regressive tax. It accounts for 95 percent of the cost of a child vaccine. It is one-third the cost of stepladder. It is $300 added to the cost of having a baby delivered.

The lawyer's tax is a stealth tax. Americans do not see it every month in their paycheck stubs. They do not fill out a 1040 form every year to make sure they paid enough, or to get a refund. There is no refund.

But the tax is there, Mr. President, and it is hitting our Nation hard. Direct litigation costs and higher insurance premiums cost this country $80 billion every year. The total cost of the lawyer's tax, including expenses incurred trying to avoid it, is $300 billion every year, $300 billion.

It is no wonder that America has 70 percent of the world's lawyers; litigation is one industry that is thriving in this country.

Mr. President, no other country wants this industry. It spreads like a plague, killing innovation, productivity, and the ability to compete in the world marketplace. This lawyer's tax is a terrible drag on the U.S. economy. A study commissioned by the Department of Commerce found that many foreign competitors have product liability insurance costs that are 20 to 50 times lower—I repeat, lower—than American companies.

A survey conducted by the Conference Board representing 3,600 organizations in more than 50 nations concluded that because of liability concerns: 47 percent of U.S. manufacturers have withdrawn products from the market, and 25 percent have discontinued some form of product research.

A University of Texas study of the lawyer's tax found that it reduced the United States' gross national product 10 percent below its potential during the last decade.

I have often talked of the trade deficit-lawyer surplus. The University of Texas study illustrates this phenomenon—a startling finding that economic growth is inversely related to the number of lawyers. At one end of the scale, high economic growth, are countries such as Japan, Hong Kong, and Singapore. At the lower end of growth are the countries where lawyers account for nearly 5 percent of white-collar workers: Chile, Uruguay, and yes, the United States.

Japan, who some feel is conquering us economically, is certainly not doing it with lawyers. They are beating us with engineers and scientists. Japan has 116 scientists and engineers for every lawyer. The United States has five scientists and engineers for every lawyer. U.S. scientists and engineers are having to load up on liability insurance to protect themselves from that lawyer.

Mr. President, I have heard eloquent speeches decrying unemployment in this country. Here is a chance to do something constructive about it. We can make our country more competitive in the world marketplace by cutting the U.S. lawyer tax through tort reform. Decrease the lawyer's tax, increase competitiveness, and increase jobs. That is economic growth.

Mr. President, I have been at this fight, along with others, for many years, going back to my tenure on the Judiciary Committee where I, as chairman of the Courts Subcommittee cochaired hearings for many days on this subject in conjunction with several bills I had introduced over the years.

Four years ago, I finally secured a vote on comprehensive tort reform in the form of an amendment to the High-Risk Disease Notification Act. It failed, but the vote indicated there is considerable support in the Senate for comprehensive tort reform and reaffirmed my belief that we could pass meaningful reform at some point in the future.

Subsequent votes on tort reform amendments I have offered in the last couple of years show there is bipartisan concern on this issue and support for action. Yet, action is always impeded because it is said that "now is not the time." "This is not the bill."

Mr. President, now is the time.

Mr. President, I heard one of my colleagues who is opposed to this amendment offered by Senator KASTEN would impose uniformity in tort law on the States. I would ask my colleague to consider the underlying measure—the motor-voter bill. The motor-voter bill imposes uniform voter registration laws on the States. Talk about Federal intrusion into the business of States.

The product liability bill introduced by Senator KASTEN and Senator ROCKEFELLER is cosponsored by 30 Senators. Forty-five Senators have either cosponsored this bill or voted for it in committee.

The amendment before us gives all Senators an opportunity to go on record in support of restoring sanity and reason to our Nation's civil justice system. this amendment is the Senate's chance to do something the country really needs and would benefit all Americans—businesses, consumers, employees, and unemployed citizens who desperately need the economic growth liability reform can generate.

It has been said recently that we are trivializing the Senate by dealing with so many nonessential issues. With all due respect to those who support motor voter, it clearly is a trivial issue when compared to the amendment offered by my friend from Wisconsin. This is really important for the country. It is really something that needs to be acted upon.

Mr. President, 3 years ago I introduced the Lawsuit Reform Act. Last fall, I reintroduced this bill. It would, among other things—

First, abolish the doctrine of joint and several liability, so that a defendant's share of the damages is proportional with his share of responsibility for causing the harm;

Second, that bill would require the loser of any civil action covered by the bill to pay the legal costs of the winner, up to a reasonable limit, unless the loser is legally indigent;

Third, that bill would prohibit a person from suing others if the person was under the influence of illegal drugs or alcohol and this condition was over 50 percent responsible for their injury;

Fourth, it would provide that awards for damages in product liability suits will be offset by payments from workers' compensation programs;

Fifth, limit the statutory liability of local governments under 42 U.S.C. 1983 except in bona fide constitutional rights cases; and

Sixth, promote alternative means of dispute resolution.

Mr. President, these are not the end-all/be-all of tort reform. They are six reasonable provisions which embody basic fairness.

Plaintiffs' lawyers vigorously dispute this, of course. They are particularly critical of the loser-pays provision, a commonsense law found in virtually all the European countries that we will be competing against as part of the EEC after 1992. As L. Gordon Crovitz noted in an article for the Wall Street Journal last year, Mr. Crovitz said:

> The reform most threatening to contingency-fee lawyers would have the U.S. join the rest of the world with the loser-pays rule in most Federal lawsuits. Under this system, the party that loses a lawsuit—plaintiff or defendant—would have to pay the other side's lawyer. This might make it harder for lawyers to find plaintiffs willing to part with a large fraction of their award as a contingency fee, especially in cases where the liability is clear and the only question is how large damages will be.
>
> This method of financing cases could also make defendants less likely to settle bad cases just to avoid crippling legal costs. Instead of paying lawyermail in so-called strike suits to get rid of an abusive lawsuit, defendants could go to trial, win and get their legal costs reimbursed.

Walter K. Olson, a senior fellow at the Manhattan Institute, is a renowned scholar on this issue. He observes that:

> America is the only major country that denies to the winner of a lawsuit the right to collect legal fees from the loser.

Mr. Olson also discusses at length an issue this bill does not address: contingency fees. He states:

> In virtually every other country, society has deemed that lawyers, like doctors, should be shielded from the temptations of the contingency fee.

Mr. President, there is an argument to be made for limiting contingency fees. My bill, and the Kasten-Rockefeller bill before us, do not do it. This amendment does not cap damages. I offered a modest amendment last year to the civil rights bill to ensure that victims of discrimination are not gouged by plaintiffs' lawyers. I sought to limit plaintiffs' attorney fees to 20 percent of the total judgment in cases brought under that bill. Under my amendment, one-fifth of the award—a sizable cut—could have gone to lawyers. Opponents said that was not enough, lawyers would not take these cases because they would not be sufficiently lucrative. So much for the plaintiffs' bar being the champion of the poor.

The amendment before us is a balanced, reasonable, and effective means of protecting the rights of victims of wrongful injuries as well as victims of wrongful lawsuits. This amendment has already received support of nearly half the Senate.

No wonder the trial lawyers are scared that there may finally be a full Senate vote on product liability reform.

Mr. President, there is no shortage of lawyers in this country. Our Nation is crawling with lawyers, nearly 800,000 and counting. The lawyer-density in the United States is phenomenal compared to our principal trading partners. Japan has 11 lawyers per 100,000 people; Britain, 82; Germany, 111; and the United States has 281 lawyers per 100,000 people.

Against odds like these, cutting the lawyer tax will not be an easy task. However, it is a worthy endeavor and I commend Senator KASTEN for his tenacity in pursuing it.

Walter Olson intelligently conveys the rationale for reform. He said:

> Lawyers are delegated certain quasi-governmental powers to invoke compulsory process. In particular, they can initiate lawsuits that impose huge unrecompensed costs on what frequently turn out to be innocent opponents. As we know from the case of pollution, the opportunity to impose costs on other people is likely to be overused unless it is regulated or priced in some way. In no way does it violate individual rights to demand of those who seek to wield this coercive power that they submit in exchange to certain rules to prevent its overuse.

Mr. President, I have a list of organizations supporting the product liability bill that is before us—35 pages, single-spaced. Roughly 1,500 organizations. Think of the millions of hard-working American families represented by these 1,500 organizations.

This coalition represents the lifeblood of our economy.

And on the other side of the arena, you have the wealthy club of plaintiffs' lawyers. Which side are we going to stand with today, Mr. President?

The Kasten amendment protects both the victims of wrongful injuries—who have a right to fair compensation—and the victims of wrongful lawsuits. While I would like to do more, this amendment would go a long way toward restoring balance and reason to our Nation's civil justice system; a civil justice system that is crushing America's volunteer spirit, driving up health care costs, reducing educational opportunities, cutting essential services of local governments, and making America less competitive in the world marketplace.

The civil justice system—the lawyer's tax—is costing America jobs. It is costing consumers billions. And it is robbing Americans of products that, although better than existing products, do not have an established legal history and therefore are too risky to put on the marketplace.

Self-styled consumer advocates say all these lawsuits are necessary to protect Americans from shoddy products. They say all these lawsuits have made America a safer place. These advocates will not tell you, however, that their activities are financially supported by the plaintiffs' lawyers.

Nor will they tell you that plaintiffs receive only 43 percent of the total judgments and awards. Lawyers and courts get the majority of the money. This system does not serve plaintiffs, defendants or consumers. It serves lawyers.

There is growing evidence that the liability craze is actually making our country less safe. Earlier this year, a team of scientists, engineers, physicians and lawyers examined the impact of U.S. liability laws on safety and innovation. Their report, "The Liability Maze" was issued by the Brookings Institution. The report found little statistical evidence that lawsuits had actually led to the development of safer product. In fact, it said we may be less safe as a result of excessive litigation.

Most pharmaceutical firms have stopped making vaccines, because of liability. Thirteen American companies were working on contraceptive devices 20 years ago; now only one takes the liability risk. Some companies even have stopped AIDS research, because of the liability risk.

Mr. President, while the courts spend time and resources trying to sort through the mountain of frivolous and unnecessary cases filed in this country, needy plaintiffs suffering debilitating injuries who have legitimate cases are forced to wait in line. That is not justice, it is a travesty.

It is a travesty that one special interest group can so effectively block any reform to restore balance and reason to our Nation's civil justice system. David Gergen wrote to this effect in U.S. News & World Report a couple of months ago:

> Over the past quarter century, courts and state legislatures have rewritten the rules so that a lawsuit is no longer an option of last resort but a weapon of choice, a reach for the jackpot. Plaintiffs once collected only for out-of-pocket costs and only when the other party was negligent: now they often sue for every emotional pain and gouge anyone with a deep pocket, regardless of culpability. The system demeans everyone it touches. Plaintiff attorneys assert they are just protecting the rights of their clients. But even legitimate claims—and to be sure, there are many—serve mainly to enrich the lawyers.

Mr. President, if we persist in doing nothing to address the gross abuses of the system; if we continue to let a powerful special interest group dictate our agenda; then we will have done a disservice to the American people.

The amendment before us protects victims of wrongful injuries as well as victims of wrongful lawsuits. It will speed up justice by weeding out frivolous suits and inject some sanity, reason and balance to our Nation's civil justice system.

Mr. President, this legislation is long overdue.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin.

Mr. KASTEN. Parliamentary inquiry. How much time is available to each side?

The PRESIDING OFFICER. The Senator from Wisconsin controls 13 minutes, 39 seconds; the Senator from South Carolina, 36 minutes, 33 seconds.

Mr. KASTEN. Mr. President, I will ask that a quorum call be put into effect but let me ask that the time not count against either side, and give us a moment until we have an opportunity to see if we can put speakers in order.

So, Mr. President, I ask unanimous consent that the time on the quorum call not be allocated to either side. I will be suggesting the absence of a quorum.

Mr. HOLLINGS. But it is going to have to be allocated, because we are starting the vote at 4 o'clock. That is what I am afraid of. I do not mind dividing the time that is left right now. Let us do that I just have Senator HEFLIN, myself, and few others. Let us divide the remaining time.

I ask unanimous consent that the remaining 50 minutes be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. I thank the Senator.

Mr. HOLLINGS. Regarding the 4 o'clock vote, we forgot to ask unanimous consent that the mandatory quorum required under rule XXII be wavied. That has been cleared, and I do make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KASTEN. Mr. President, I yield myself such time as I may consume.

Mr. President, if I can, I would like to take just a moment to go back and pick up on some of the statements that have been made. I want to begin by talking about the broad-base support that this legislation has. The Senator from Missouri [Mr. DANFORTH] pointed out that when you have a bill which is supported all across America, it is a very, very important piece of legislation. This bill, in fact, is supported all across this country.

I have a long list of a number of different individuals and groups who support this. Let me quickly point some out: American Hardware Manufacturers, Institute of CPA's, Machine Tool Distributors, American Red Cross, American Road and Transportation Builders, Textile Machinery Association, Textile Manufacturers Institute, American Wholesale Hardware Association. And I am just going through and picking out different groups. The Boys Clubs of America, the Bicycle Wholesale Distributors Association, Citizens for a Sound Economy, and other groups that are concerned about the Federal budget deficit and incentives for business, such as Computer Dealers and Leasers Associations, the Hand Tools Institute, the Helicopter Association.

We have talked about the importance of this legislation with regard to aviation.

The Independent Laboratory Distributors, Independent Medical Distributors Association, concerned about problems like DPT vaccine which, when we began this legislation, that DPT shot was $2.80, and there were four people in the business. Today, there is one manufacturer left. The shot now costs—the actual serum costs $11.40. That huge increase is all attributable to product liability cost and lack of liability insurance.

The Jewelry Industry Distributors. Group after group. This is a small business issue. From school bus drivers, to nurse midwives, to the Boys and Girls Clubs, to the Boy Scouts, to county governments, municipal governments. I might also suggest that the National Governors Conference also supports this legislation. So the Governors support it. But, most importantly, all across this country, this is a system which is affecting all of us.

The present system is working against the interest of consumers in a number of different ways. It simply is untrue that the present system protects the interested consumers. It does not. Product liability reform will help, not hurt. And our opponents said that because some of these consumer groups basically fronting for the trail lawyers groups are supporting it, this is a consumer issue. That is not the case. Consumers foot the tab for product liability suits.

We have talked about that this morning. As much as 75 cents of each dollar is going to transaction costs. That is lawyers on both sides. I am as concerned about the costs of defending these suits, as well as of bringing them. Transaction costs are too high, and we need a better system.

From essential vaccines, to car seats, ladders, sports helmets, merchandise will be less expensive if manufacturers do not have to guard against excessive liability suits. America will be the loser, and consumers will be losers.

Forty-seven percent of U.S. companies have withdrawn products from the marketplace because of product liability concerns. Forty-seven percent. Almost half of the companies in this country have withdrawn products because of liability concerns. What kind of a system is this?

Brookings Institution found that far from ensuring a safer product, lawsuits are discouraging many safety improvements. One good example is Monsanto with a substitute for asbestos.

We need to work together. I am disappointed that we lost some of the bipartisan help we have had in the past on this legislation. I hope we can work to restore it.

Finally, Mr. President, this was termed by the Senator from South Carolina and others as some kind of an ambush, as if we had kind of been waiting in the wings to jump out here, unbeknownst to anybody, and put this legislation forward. Several Senators have gone through the chronology committee by committee, year by year, Congress by Congress. This is not an ambush.

You could call it maybe be "good-cop, bad-cop." At one time, certain people playing the good guy: yes, we want to move it along. But always knowing there is a bad cop saying: OK, we will stop it here. It is not even that, frankly. It is more like tag-team wrestling. When you watch that on TV, they reach over and tag, and the other guy jumps into the ring and the other guy goes out. That is what we are faced with here. More like tag-team wrestling, and the people calling the shots, funding the wrestling match, the people calling the legislative shots are back here in the back rooms, and they are the trial lawyers; they are funding the proposals, pushing these things forward.

Now we go through this kind of work. One year, we bring it up in the Consumer Subcommittee, and it goes to the Commerce Committee and passes. Then it goes over to Judiciary, and Judiciary boxes it up. Another time, it makes it through the Judiciary part of the way, and they take it out. And, in that case, the chairman of the Judiciary Committee, Senator BIDEN, was referring to the vote, a 10-to-2 vote. They finally let it out, but it was let out only with a few days to go in the legislative session at the very end of the year. So there was no opportunity to take up the bill after it had been sent to the floor on a 10-to-2 vote with no recommendation, or a recommendation opposed to the bill.

The point here is that there has been an ever-moving target, more like a tag-team wrestling match. We were never sure who we were fighting against, because the other team, the other groups understood that if a vote ever occurred in the Commerce Committee, the vote would be roughly 2 to 1.

The vote occurred in the Commerce Committee on October 3, and the vote was roughly 2 to 1; 13 to 7 on October 3. And then they reached over to get the tag. The tag goes over from the Commerce Committee to the Judiciary Committee. OK, now it is no longer my responsibility, I am jumping outside of the ring behind the ropes. You fight this for a while. Over to the Judiciary Committee it goes. Then we start in, 30 days, no; 60 days, maybe, Christmas vacation. That is confusing.

The last time when we did a referral 2 years before, we used the August recess for part of the time that the clock was ticking. So we said last time we used the August recess for part of the time, and would it not make sense that we use part of the Christmas-New Year's recess while the clock is ticking? We will give you plenty of time before and after.

Well. That did not work. So it goes back and forth, back and forth. The challenge for us is to have a vote. All we want is a vote. The challenge for them is to block a vote from occurring, particularly to block an up-or-down vote from ever occurring on this issue on the floor of the Senate with all 100 Senators from 50 States voting their consciences on this issue.

That is the issue here, and right this moment people have been talking back and forth. We could have done this in Judiciary. It was not proper this was done this way. We all know what is going on right this moment. There is a majority in this body in favor of this legislation, in favor of both pieces of legislation, the aircraft liability legislation and tort reform bill. I am not sure how many votes there are. There are probably between 70 and 73 votes at the best count. It might be a little higher. The opposition knows that also in this body a strong organized minority can stop things happening. That is the way the Founding Fathers meant it to be.

I am not complaining about what is happening. I recognize that. What I am trying to do is work within the legislative system to have that vote occur.

We are about to have that vote occur. The vote will be not a direct vote because our opponents have not allowed us to have that vote, but this vote is a vote up or down on product liability. That is what this vote is. That is the vote we are about to see.

The tag team wrestling match is on at this point at least for the moment. Both opponents step out of the ring and let a kind of procedure occur and hope by calling it a motor voter vote, by calling it a vote on leadership on who can run the Senate, whatever, they somehow can squeak through.

They might, but the fact is this vote is going to occur. This is a vote on product liability reform. I hope it will not be the only vote in this Congress. It is possible that it is the only vote in this Congress. We will come back win or lose. This is not going to be the last day on product liability reform. This vote is a product liability vote. I think that is what people need to recognize and need to understand.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. HOLLINGS. I yield so much time as necessary.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, first let me say there have been some tort reform issues that have been referred to the Judiciary Committee, and in every instance where we received a written request or an oral request from a Senator we have had a hearing. There are some pending bills for which a hearing has not been requested.

Let me speak a little bit to general aviation and the fact that the argument is made that the industry is going bankrupt. In 1989, and 1990, it is my understanding that there was a rebound in that industry and that substantial increases in the sales of aircraft occurred. In 1991 Cessna, which is a small aircraft manufacturer, had a profit of $100 million. Beech Aircraft had a pretax profit of $106 million in 1991.

Now, the general aviation industry has an organization known as the General Aviation Manufacturers Association, and they usually present the witnesses to testify for the industry.

In 1988 Senator METZENBAUM requested that that organization provide the data on the size of product liability claims and the industry's insurance costs. They failed to provide the information, the breakdown of numbers, the size of claims, or the backup data for this contention. In 1989, following a Senate Commerce Committee hearing Senator HOLLINGS submitted a series of written questions to the General Aviation Manufacturers Association intended to elicit the facts underlying the industry's allegation. Once again the General Aviation Manufacturers Association failed to provide the relevant facts or information.

Even though its members are the ones against whom product liability claims are made, this association answered it did not have the information.

There have been numerous occasions also in addition to that where effort is made to get from the General Aviation Manufacturers Association data, but the answer has always been to Congress that it is not presently available.

I spoke about the absence of uniformity. Small plane accidents have affected this Senate and this Congress over a period of time. There were accidents involving Hale Boggs, Ted Stevens, John Tower, John Heinz, and perhaps others that I do not know about.

If this amendment ought to be adopted, let us take a hypothetical and see how much confusion and just outright absence of knowledge of how to proceed. A helicopter which would be a general aviation aircraft under the definitions of S. 645, less than 20 passengers, hits a commuter airplane that has a capacity for 25 passengers, crashes into a school while it is in session. The crash was a result of a manufacturer's defect in both aircraft which failed to provide adequate warning systems for being too close to each other.

Let us see what uniformity we have as we have heard so much about and the need for, under S. 645, that is the general aviation bill. The suit would be against the helicopter's manufacturer. The passengers of the helicopter would have to sue under the preemptive Federal standards outlined in the bill, while the commercial plane and the injured parties, schoolchildren, would be required to use applicable State law superimposed by certain Federal standards involved in suing the commercial plane.

When such an accident like that happens, we have a situation in which we will say the tail from the commuter airplane hits one part of the school and schoolchildren are injured. The propeller or some other part from the helicopter hits. The helicopter is 22 years of age. Therefore the passengers in the helicopter cannot sue because the statute of repose would block them. The schoolchildren who are hit by the helicopter cannot sue because of the statute of repose.

On the other hand, you have a situation where the passengers in the commuter, the plane that has 25 passengers, sues. They can sue, but they have also a great deal of confusion in regard to how they sue. They can sue, but they can sue only against one or the other on joint and several, but they cannot sue joint and several for noneconomic damages for pain and suffering. Yet, they can sue for the other economic on the joint and several claim.

There are so many different aspects of this thing when it is combined together and where there has not been thought that has been given that you could have such a horrible situation of confusion, you could have people having different rights. For example, perhaps the helicopter was 90 percent at blame and the plane that had 25 passengers is only 10 percent of blame, but the helicopter you could not sue under this because of the statute of repose.

This thing is a conglomeration of confusion and it had not been thought out. It ought to go to the Judiciary Committee and we ought to try to look at these things and have some workable plan if you are going to have it. Uniformity is nowhere anywhere in this bill. And to me it is a terrible confusion.

You know, when I stop and think about it, the average plane today is 23 years of age. That is the small planes that we fly around in, and a lot of people fly around in them. Certainly there ought to be a sign up there: "This plane is more than 20 years of age; you enter at your own risk." That is how absurd all of this language is in regard to some studied group, the most deliberative body in the world in its consideration to prevent all of this confusion is a hodgepodge of nonuniformity in what is presented us here today.

And to me, it is a situation where it ought to be referred to the Judiciary Committee and it ought to be studied and carefully considered.

Mr. KASTEN. Mr. President, how much time is remaining on either side?

The PRESIDING OFFICER. The Senator from Wisconsin controls 14 minutes and 56 seconds.

Mr. KASTEN. How much time does the Senator from South Carolina have?

The PRESIDING OFFICER. Fifteen minutes and 8 seconds.

Mr. KASTEN. I yield 5 minutes to the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I am pleased to join in support of the amendment now pending before the Senate. It has been a long, long time—12 years, to be exact—since the Senate last debated product liability issues, and I pay tribute to my colleagues from Wisconsin and Missouri and the many others who kept working tirelessly and patiently on this matter.

As an original cosponsor of the freestanding legislation from which this amendment is derived, and a cosponsor of the amendment itself, I believe that this legislation will bring some much-needed uniformity to the product liability system, for the benefit of consumers and the well-being of our national economy.

Our current system just does not make sense. We have seen an explosion in the number of product liability cases in the past decade, and this increase has imposed heavy costs—both financial and social—on American consumers and the overall U.S. economy. If we want to maintain the United State's comparatively high quality of life and our international competitiveness, we must inject a dose of common sense, of rationality, into the manner by which we guard against dangerous products.

The significant jump in Federal and State court product liability lawsuits has meant that companies are spending a considerable amount of time, money, and resources on defending—or being prepared to defend—against lawsuits. And likewise, the cost of lawsuit insurance has gone up.

The fact that these resources are being committed to lawsuits—or the possibility thereof—is of obvious concern to manufacturers: They have no choice but to spend moneys on legal actions and insurance, rather than on research and development of new products and product improvements. In turn, they fall behind in their ability to keep up with domestic and international competitors; and that decreasing competitiveness is bad news for our overall economy.

How does this work? The lack of a uniform product liability standard translates into widespread uncertainty among businesses with regard to their liability exposure. Such uncertainty prevents companies from making basic long-range business plans, and it breed excessive corporate timidity with regard to new initiatives. In turn, this allows foreign competitors a price and innovation advantage in both U.S. and international markets. For the Nation's economy, the end result is less manufacturing, less productivity, less innovation, and less long-term stability. Is this the way we hope to ensure our national competitiveness into the next century?

Simply put, right now there are no uniform rules to allow companies to assess the kind of liability risks they may face with certain of their products. Who knows when some product—even if used in direct contradiction to product instructions, or if used in a situation where the company has no control—may be sued? I have a letter here from Mine Safety Appliances Co., which has a factory in my home State. They note that they were sued in a case where a lumberman, wearing MSA's hard hat, was tragically killed when he was hit by a falling redwood tree weighing more than 4,000 pounds. The hard hat, which met ANSI standards OK'd by OSHA, was deemed defective in this case; yet what headgear would not be defective when pitted against a giant redwood?

Since a company cannot accurately gauge which products may be subject to product liability lawsuits, many companies simply discontinue product innovation research, or a promising new product line itself. There are several examples of innovative American products that have been abandoned due to actual or perceived liability risks. Monsanto Co. dropped the planned production of a potential asbestos substitute. Dyneet Corp. stopped production of a helicopter clutch as a result of prohibitive insurance costs. Dozens of companies in my own State of Rhode Island have written to me to confirm the stifling effect of our current system on their ability to develop and manufacture innovative new products.

A clear example of how liability uncertainty has decimated an industry is that of the experience of the U.S. general aviation industry. Despite the fact that fatal accidents in general aviation have gone down and stayed down, claim and defense costs have shot up, and the cost to the industry is more than $200 million. These costs—which per plane now exceed the cost of manufacturing of certain aircraft—have been devastating for general aviation. Aircraft manufacturers are spending thousands of dollars on legal defense costs instead of on new or perfecting technologies. Cessna Aircraft, Piper Aircraft, and Beech Aircraft have been scaling back or halting production of some aircraft, and that has caused employment to drop precipitously. And the cost of every new plane made by Piper includes a full $75,000 in extra costs to help Piper pay for liability insurance.

But you might ask: Why does this matter to the average American family? Why does it matter to consumers that a manufacturer is putting its financial and human resources to work on legal cases and not on product development? Why does it make any difference to families if businesses hesitate to develop new and promising products?

Answer. It matters a great deal. First of all, it matters when Americans go to the store to buy goods for their family. The prices consumers pay for a product often can include a substantial safety tax that goes toward covering the manufacturer's litigation costs. An even more basic and important product for everyday families: Lederle Laboratories—now the sole manufacturer of diptheria, pertussis, and tetanus [DPT] vaccines—has bumped its price per vaccine from $2.80 to $11.40—about a 400-percent increase. Why? To cover the legal costs associated with the vaccine.

Much of these safety taxes isn't even made up of legitimate payments to victims, but rather consists solely of transaction costs—legal costs—lawyers. That is worth emphasizing: the General Accounting Office calculates that of the estimated $120 billion in yearly economic costs associated with the tort system, at most 40 percent of these billions ends up going to those who were seriously and wrongfully injured. The remainder goes to—who else—the lawyers.

Second, it matters to American men and women in terms of simple job opportunity. Companies that are busy paying for legal fees don't have the wherewithal or the inclination to expand production; that means no expanded employment opportunities. Indeed, many companies are doing just the opposite, and cutting back production; that means the loss of existing jobs. That is the last thing this nation needs right now.

Finally, and this cannot be underestimated, Americans and their families pay a great deal in terms of the world-renown American innovation and creativity that is lost, stifled, or paralyzed by corporate caution as a result of lawsuits, lawsuits, and more lawsuits. When U.S. companies hesitate to put their resources into a promising product development because of fears about potentially devastating liability, those new products may never be developed. As a result, Americans lose the possibility of enjoying the ofttime significant social benefit of that product. We as a society lose an opportunity to improve the quality of our—and our children's—lives.

The best example of this is that of children's vaccinations. We are down to one company—in all of the United States—that will take on the task of producing DPT vaccines, and that is Lederle. Likewise, there is only one producer of the measles vaccine, and that company has stated that the product remains on the market not for economic reasons, but out of the company's sense of social responsibility. And vaccines are by no means the only worthwhile consumer product now endangered by liability exposure; the list of other products and potential products is virtually too lengthy to name.

A note about the injured party in product liability cases: those who believe that the current system justly and promptly compensates the victim and deters future malicious corporate behavior are sadly mistaken. Persons who have been injured or hurt by defective products often do not reap the majority of the money expended in these cases; and if they do receive their rightful award, it is likely to be after literally years and years and years of waiting for the court battles to be resolved. No one wants to curtail the ability of victims to recover deserved compensation; but the current system just doesn't deliver. We need reform.

In sum, given the financial, competitive, and social costs of an overly unpredictable product liability system, I believe that some reform must take place. The difficulty lies in determining how we can assure that consumers are protected from corporate negligence and victims are fully compensated for their injuries, while ensuring that innocent manufacturers can make long-range plans and are protected from frivolous or unwarranted lawsuits. In other words, we need to keep a deterrent value alive, but we have to curb some of the misuses—or outright abuses—in the system that is costing all of us dearly.

The amendment before us incorporates both the overall liability bill (S. 640) and Senator KASSEBAUM's general aviation liability bill (S. 645). I believe that this omnibus amendment before us accomplishes the goal of fair and balanced reform, and I wholeheartedly support it. I compliment the tenacity of my colleagues Senators KASTEN, DANFORTH, and KASSEBAUM; and I stand with them in their effort to get this measure enacted into law.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. I thank the Chair, and I thank the distinguished leader of this measure and wish him success.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. DURENBERGER].

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I have long been a supporter and cosponsor of the national voter registration legislative initiative—motor-voter—S. 250. On every occasion that the majority leader has filed a cloture petition, I have voted in favor of cloture. I support this bill because it will enfranchise millions of American citizens by facilitating registration at motor vehicle departments throughout the country.

Today, my commitment to this legislation remains unchanged. However, I also believe that the Senate should engage in a full debate of our current tort and product liability system. Our country's tort system is in trouble. Doctors are practicing defensive medicine, manufacturers are suppressing innovation due to product liability concerns, and our Nation is suffering as a result. Clearly, something has to be done.

Mr. President, I am not a cosponsor of the Kasten amendment, nor am I a cosponsor of S. 640 or S. 645, the underlying bills. But I believe the public policy issues raised in them must be raised, debated, and decided. I feel even more strongly about medical liability issues.

The proponents of product liability reform have tried and tried and tried over the past 8 years to bring the issue of product liability before the Senate. But they have failed.

The proponents have not failed because a majority of the Senate opposes product liability reform. Quite the contrary. The last time the Senate voted on this issue, the legislation passed with more than 80 Senators voting "aye."

The reason the proponents have not been able to debate this bill for the last several years is because a handful of Senators have used the rules of the Senate to preclude any debate or consideration of this legislation. It is time for this debate to go forward.

Earlier today, I talked with the manager of this bill concerning this cloture vote. He, as he ought to be, is deeply concerned about moving the motor-voter bill, as I am also. I offered to again vote for cloture because I want to see motor-votor adopted. However, I indicated that it would only be fair to give the proponents of the product liability bill a time certain in which they could begin a debate on their bill. It does not have to be today, or tomorrow. It can be next week or next month. But it must happen this year.

Unfortunately, Mr. President, the opponents of the product liability law proposal will not allow that debate to take place, or apparently that is the case. So for that reason I will vote against invoking cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I yield 3 minutes to the Senator from Vermont [Mr. JEFFORDS].

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as my colleagues know, I am one of probably a handful of Members who support both the pending bill, the so-called motor-voter bill, as well as the pending amendment on product liability.

Vermonters have long been strong supporters of reasonable access to the polls. They still are. Vermont also used to be the machine tools center of America. Thus, I have a State interest in both of these bills.

The vote on invoking cloture, as my colleagues know, would block consideration of the product liability issue.

This vote has been described in fairly shrill terms by both sides. Some supporters of the motor-voter bill, for example, have tried to characterize a vote against cloture as a vote against the motor-voter bill.

This, of course, is untrue. Nothing prevents us from considering both issues. It seems to me that the pace of work in the Senate over the past few weeks has not been hectic. I would think we could find the time to consider both the motor-voter bill and the product liability issue.

Is product liability nongermane? Of course it is, but under the rules of the Senate, it is a time-honored practice to attach nongermane issues to pending legislation. Whether it is a good practice depends on your feelings on the given issue. But the cries to follow proper procedure are a little hollow. I am not sure that after 10 or 12 years we need more careful committee consideration.

The product liability bill has been sanctified and villified far out of line with what it would actually do. It would not wipe out our trade deficit overnight, and would not lead to a revival of manufacturers who have lost market share to foreign competitors. Nor would it chain the courthouse doors for victims of defective products. But I think it could provide help. Manufacturers have devoted greater and greater resources to litigation costs. Even when they have never, ever been sued. Manufacturers' insurance costs have steadily mounted.

Machine tool builders and many others in my State have been trying to cope with crushing costs and they need our help. And they are at a competitive disadvantage with their offshore competitors who have not had machines here for 10, 20 years, who get sued.

I am a reluctant supporter of product liability reform. I long supported preserving the area for the States, but it has become harder and harder to support the status quo. Some victims get huge rewards and others do not get anything out of the system and the majority of the resources go not to the successful plaintiff but to the winning and losing attorneys. Manufacturers have withdrawn from some lines and are paralyzed in others. It is not clear to me that consumers have benefitted.

Thus, I think product liability is a very important issue, at least as important as the motor-voter legislation. It deserves to be considered on its own, but if the other party will not permit that, then I see no reason why it should not be offered as an amendment. I will oppose invoking cloture, and I will support consideration of the product liability amendment. Let us debate it, let us vote on it, and let us move on.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I yield 3 minutes to the Senator from Mississippi [Mr. LOTT].

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Wisconsin for yielding me this time. I do rise in support of the Kasten product liability amendment. I think it clearly is time for this critical reform. It is important to the U.S. economy, competitiveness, and to the consumers of this country.

The argument has been made, that we should not add this amendment on this particular bill. This is the Senate. And the Senate, under our rules, can add any amendment to any bill that comes along, especially if it is a bill that has been considered, and hearings have been held. This one certainly has been considered, hashed and rehashed for the last 10 years in the Senate Committee on Commerce, Science, and Transportation.

The Senator from Wisconsin has working long and hard. The distinguished chairman of the committee has made sure there have been hearings on it. There have been votes in the committee. It has been reported out. It is time this issue be debated and voted upon. When we voted last on it in committee, and when we have had hearings, I have raised questions about the impact on small businesses. I think product liability causes disproportionate problems for small business. But most of my concerns have been worked out. I am very pleased the National Federation of Independent Businesses now supports this amendment by Senator KASTEN. I think very important work has been done, and it will provide some relief to the small businesses.

The current system is extremely harsh on small businesses. Small business are usually the most innovative and entrepreneurial in our economy; yet product liability costs and fear of liability serve as an effective deterrent to products that would bring true benefit to the consumer, create jobs and a competitive advantage in the global marketplace.

Senator KASTEN'S amendment would be the step in the right direction. It would continue to ensure the consumer's protection, while reducing litigation and insurance costs.

It would provide incentives to settle suits, whereas in the past all the emphasis has been in the other direction. And it would provide a degree of uniformity to product liability laws involving interstate commerce. The uniformity of laws would lead to reduced costs, greater certainty, and fewer business impediments.

I particularly want to refer to a couple of parts of the bill. There is one section I believe the common man would very strongly support. It is a section dealing with joint and several liability. Many of these liability suits involve multiple defendants, all of whom may be partially responsible for the injuries of the plaintiff. But, quite often, the defendant that is least responsible, because he or she, or that company, may have deep pockets, they wind up saddled with a disproportionate share of the burden. The Kasten amendment will help address that problem and make sure that this liability is assessed and paid for in a more fair way.

Also, the Kasten amendment provides incentives to settle suits, and calls for alternative dispute resolution. Certainly that is something we ought to do in this country. It would save the consumers money. It would save the litigants money. It would encourage people to go for settlement instead of dragging out and fighting these lawsuits, many times for years.

Moreover, those that are seriously injured must wait, according to a 1989 GAO report, on average, 2½ years for final verdict. A delay which is intolerable for those which have been injured physically, emotionally and financially. They need compensation in a just and expeditious manner—not in the way it is currently carried out.

There is no question in my mind, in terms of the cost that this is having to the United States, to business and industry in this country, that it is hurting our competitiveness with foreign countries.

Product liability costs are 20 to 50 times higher than those paid by foreign competitors. United States product liability costs are 15 times higher than Japan's and 20 times higher than Europe's. How can we compete under these conditions?

Today, Americans, whether it is individually, or as businesses and government devote a tremendous amount of our resources to product liability costs—$80 billion annually on direct litigation costs and higher premiums, and up to $300 billion on indirect costs. Our society suffers from higher prices and lost opportunity.

We lose our jobs, our competitiveness and the products that would enhance our lives due to the product liability burden we all shoulder.

It is time for reform, it has been delayed for over 10 years. And the cost of further delay is too high.

I urge the adoption of the Kasten amendment and I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I have just been informed the Riddell Corp., Chicago, IL, is manufacturing helmets for the Redskins, and for a good many other football teams. I just wanted everybody to know, those who are all into this heat and temper here on the floor of the Senate of the United States. The helmet business is a thriving business. They are making a profit.

The fact is that we have not been able to get this bill into the Judiciary Committee, once that Judiciary Committee voted on the aircraft part of it, 10 to 2 negatively. Then the name of the game become this: do not ever let this bill get before a responsible committee, reforming, as they say, common law—actually changing the basic common law, repealing it, taking away rights under the seventh amendment, and the amendments of the several States' constitutions—do not ever let it get back to any Judiciary Committee. Instead, attach it on every and any bill by ambush, as we have seen here today.

Right to the point, when they talk about the products that are unsafe, and that are being kept off the market, we have put an appropriate study in the hearing record before the Commerce Committee.

It was the Rand study of compensation for accidental injuries in the United States, touching on product liability. The study reported that empirical evidence for the proposition that products are being kept off the market because of product liability is "generally quite weak."

We have the real evidence there. When my colleague from Missouri talks about Monsanto keeping things off the market, I hope Monsanto stops suing the insurance companies. In one instance, a Texas jury awarded Monsanto $141 million against its insurers, $141 million.

Why, heavens above, let us get a Federal law for insurance, to protect the insurance companies. Of course, that is one thing they do not want. They do not want to get into the costs of insurance.

Specifically, Mr. President, in the limited time we have, I really get boiled up when they talk about "it is in the consumers' interests," on the one hand, and "they are fronting for the trial lawyers."

Ask the former attorney general of Missouri, or the former attorney general of the State of Washington, both of whom just spoke, whether the trial lawyers would front for them. We have former attorneys general on both sides of the aisle. But the attorneys generals, the State legislators, the Association of State Supreme Court Justices, they are not fronting for the trial lawyers. The Consumers' Union, the Consumers' Federation, Public Citizen, they are not fronting for the trial lawyers.

The U.S. Public Interest, the American Public Health Association, they are not fronting for the trial lawyers.

The American Bar Association is predominantly for defendants' lawyers. That is the reason ATLA, the American Trial Lawyers Association, was formed. Because ABA had all the utilities lawyers, the railroad lawyers, the electric company lawyers, and all being paid to ride on the train to San Francisco, paid to go back, and they all sit around and eat and sleep, and they never did the trial lawyers any good. We started, in the trial lawyer bar, really educating lawyers as to updated approaches to bring justice to the American system.

So, specifically speaking, let me say I am proud to be a lawyer. I was fortunate in a small two-man law firm to represent small business clients. I represented a substantial insurance company before the Securities and Exchange Commission.

I have been admitted to the Customs Court and practiced there, and the Admiralty Court. I have been in trial work. I have represented insurance claims against a bus company and the local power company and what have you.

I think we ought to better understand this numerical game about Japan and lawyer. The fact of the matter is while they say there are 10,000 lawyers in Japan compared to 650,000 in the United States, the truth is that Japan has a million—a million law graduates in Japan.

I ask unanimous consent that we have printed an article in the RECORD from the professor of law at Tokyo and the associate professor of law at Washington State, "The Myth of Japan as the Land Without Lawyers."

I ask unanimous consent to have that printed in the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. The fact is that the 10,000 number counts only the barristers who do trial work. All the other lawyers work with the insurance companies, manufacturers, and so on—and they account for the great majority of Japanese lawyers.

I think you ought to understand that in product liability, according to the Rand report, one out of 10 parties injured from defective products actually gets to a lawyer. We are not that litigious a society. In fact, what is happening is health costs are accounting for most of it, the insurance companies or their doctors, personally or otherwise. But of the 1 percent who do seek legal representation, 22 percent of that 1 percent cannot find a lawyer to represent them.

Otherwise only 3.5 percent of the 1 percent actually bring a case to verdict. And, of those that bring the case to verdict, over 50 percent of them never receive a fee and they are left holding, on an average, as shown in the Rand report, $15,000.

That is the contingency fee. They do not like that contingency fee. They would like to get rid of those for lawyers who are willing to just go away and settle the case. Let us look, for example, at how they mean to get rid of those lawyers. If, on the alternative dispute resolution procedure, if you refuse to do that—as they have it in this bill—then there is a presumption against you, when you lose the case, that you aced in bad faith and you have to pay—whom? You have to pay the other side, the corporation's lawyer's fees and all the other costs.

That corporation lawyer's fees give you pause. When the poor client walks in my office and he wants to sue Big Chemical, Inc., I say wait a minute. Big Chemical has those billable hours and they sit around in those offices and eat meals in those private dining rooms, and we will have to pay for those dining rooms, the golf weekends, the yachts, the fresh flowers on the desk, and a hundred other expenses.

And they have a lot of expenses. I can tell you now, as a lawyer, that unless you have $20,000 up front for me to start working this case, then there is no way to sue Big Chemical, because I do not mind waiving my fee; I do not mind paying for the court costs. But do not come to me on a contingency basis that I have to, by gosh, pay the other side's fees, with all of those billable hours.

I think, Mr. President, you ought to understand that lawyer crowd downtown. Here is "An Alarming Look at Your Tax Dollars at Work."

I ask unanimous consent to print this article by Robert Deitz in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ALARMING LOOK AT YOUR TAX DOLLARS AT WORK

(By Robert Deitz)

Today's topic is how the federal banking cops are abusing your tax dollars at the same time the bank insurance fund is dry and the bank police are panhandling Congress for $30 billion more of your money.

(Reader alert: Parents of small children may want to destroy this column after reading. Otherwise, a hapless tot may stumble upon it while searching for the Sunday comics. Which wouldn't be good. Because the facts that follow can shake an innocent's faith in our government.)

What we'll do is look at partial results of a House Banking Committee audit of the Federal Deposit Insurance Corp's 1991 expenditures. Portions are summarized here without comment. Here's some of the stuff the bank regulators spent your money on in the fiscal year ended Sept. 30.

ARTWORK

L. William Seidman Conference Center (The Seidman Center is the agency's new office/hotel complex completed in Arlington, Va., in June)—$161,353 (not counting $50 hourly charge for art consultant's placement and hanging of prints).

Kansas City FDIC office—$26,000.

BREAST PUMPS

Two electric 25 manual—$2,020.

CARTOONS

Purchase of Seidman cartoon from The Economist of London—$150 (includes $50 for overnight express delivery).

CHAIRS

Dallas office (four "club" chairs @ $775 each, two "peconics" @ $534, two "cabots" @ $469, two "swoopies" @ $358 and 38 "dicks" @ $375)—$20,342.

Chairs for Seidman Center—$425,803.

COOKBOOKS, GOLF SHIRTS, COFFEE CUPS

Twelve shirts, 3,000 Asian cookbooks and 2,436 coffee mugs—$16,672.33.

FDIC FLAGS

Eighteen custom-sewn flags—$3,694.

FLOWERS

For Seidman Center dedication and Christmas decorations—$8,451.

LAWYERS (ROUTINE)

FDIC and Resolution Trust Corp. contract legal services—$1,000,000,000.

LAWYERS (SPECIAL)

Research into when former Chairman Seidman's term should end—$50,000.

LEATHER-BOUND DAILY PLANNERS

Although these items are available for $4 each from the GSA, the FDIC spent $185 to $250 per planner—$6,000.

MISCELLANEOUS MEETING EXPENSES

Booze—$6,320.

In-room movies—$107.

Gift shop charges—$21.

Legal Division banquet—$17,058.

Shoe shines—$4.

Tennis court fees—$21.

RENTED PLANT UPKEEP

Chicago office—$2,256.

Washington office—$14,436.

SPECIAL TRAINING

"Entity Relationship Remodeling" seminar (2 employees)—$2,791.

Sensitivity game training (500 employees)—$3,515.

"Subarctic survival training" (550 employees)—$15,162.

STAINED GLASS

Seidman Conference Center—$3,277.

STASHING CARS

Contract parking fees for 142 Washington employees—$238,560.

TUNES

Harp soloist, Washington office—$275.

Muzak, Chicago office—$2,200.

Muzak, Memphis office—$1,600.

Muzak, Washington office—$4,700.

Well, we're out of space here and only up to "T" and $1,032,788.33, not counting the $1 billion in routine legal fees and a lot of other stuff, too. How about that, huh? Your tax dollars at work. Have a nice day.

Mr. HOLLINGS. Mr. President, you get a real flavor of what this crowd is talking about. Here our House Banking Committee went through the Resolution Trust company expenses and the William Seidman Conference Center. They talked about the RTC's cook books, golf shirts, coffee cups, FDIC flags, cartoons—the London Economists magazine did a cartoon, and they paid for the original. Then they came around, in addition to the flowers, with leather-bound daily planners. I would like to see one of those things in a real lawyer's office. The cost for FDIC and the Resolution Trust Corporation, contractual legal services, $1 billion; $1 billion of the taxpayers' money.

Who in the world talked about taxes a minute ago; a lawyer's tax? These are the taxes that are going to be paid and are the cause of the deficit. I did not vote for the S&L bailout. We should have settled up the case. Now we are putting good money after bad, and paying all the lawyers sitting around, law firms up in New York, not $200 and $300, but $400 and $500 an hour. That is what they are getting paid up there.

So you can see at a glance that you do not want to get into these leak investigations. They spent, I think, $2 million to $3 million trying to find the leak out of the Judiciary Committee, and could not find the leak. That does not surprise me. Investigators spent $42 million over 6 months and could not find Ronald Reagan in Iran-Contra. Talk about lawyer's fees around this town.

Mr. President, last August, at the American Bar Association, the Pro Bono Public Service Award was given to a young lady named Maureen Chee, a native Singaporan. She grew up in Singapore, and her father said: Look, in this land of ours, somehow freedom and rights to not work. They work in America. I want you to go find out.

Under the Confucian system of divided society, right at the top of society, of course, is the educated; the next level is the laborers, the farmers; and at the bottom is the businessman. Under this Confucian system, they do not have any product liability. The same in Japan. They do not have antitrust; they have protrust. We can debate that. I can see now the way this vote is going on cloture, so we will have plenty of time.

The young lady went to Guilford College, graduated with honors, and went to Wake Forest Law School. She started practicing, taking on the different cases for legal services. She was representing Mexican migrant workers. She was representing those of Asian descent, aliens and otherwise, from a local army base. She represented the tired, the poor, the restless masses yearning for a lawyer. And she was representing them all on her own time, married, with three children, and driving in a little, broken-down automobile.

When legal services cut out aliens, she went out and practiced on her own, representing those people. She was tremendously dedicated.

She won the ABA award for pro bono work. She was presented this award by Associate Justice Sandra Day O'Connor. As she received the award, she told the story of how she could not get back to Singapore. She wrote to her father. She did not have money enough to go back, but she wrote: "I found the secret in America, Dad." She said: "The secret in America is the American lawyer." She said: "I am proud to be an American lawyer."

Now that is the crowd that I am proud of, and that is why I am proud to be a lawyer. And that is why I am proud to stand up here and block, the best I can, this injustice of trying to take in an alternative resolution procedure. You cannot, by Federal rules, go in.

That is why the American Bar Association, all of the tort lawyers and deans of the law schools, some 70, came in here and said it is wrong, wrong, wrong. This is not an ACLU or trial-lawyer debate, as they try to depict it. This is a debate about fundamental, common law, the constitutional guarantee, Bill of Rights, trial by jury. That is what they have been trying to do. They would not let it get to the Judiciary Committee. They put it on here.

Senator ROCKEFELLER, one of their cosponsors, I believe, I am told—it is only hearsay—he can vote with us because he understood that while he worked out a time, really, for a hearing this Thursday, May 14, they wanted to preempt it. They do not want a full hearing on this particular score.

I retain the remainder of my time.

EXHIBIT 1

[From the International Bar News, Mar. 1987]

THE MYTH OF JAPAN AS A LAND WITHOUT LAWYERS

(By Toshikazu Kitawaki, Associate Professor of Law, Nihon University, Tokyo, Japan and Ray August, Associate Professor of Law, Washington State University, Pullman, WA)

The statistics are almost incredible. In Japan there are 12,500 licensed attorneys—9,000 in actual practice. This translates roughly into one practicing lawyer for every 14,000 citizens. By comparison, there are some 650,000 licensed attorneys in the United States—about half of whom are in actual practice—or one practicing lawyer for every 700 Americans.

Much has been made about this 20-fold per capita imbalance in the number of Japanese and American lawyers. Humorist Russell Baker has suggested that it be cured by 'exporting one lawyer to Japan for every car Japan exports to the United States'. CBS news has broadcast a feature story on Japan's lawyerless society and *Time Magazine* has christined Japan the 'land without lawyers'. The Japanese themselves see no need for more practitioners. Noted jurist Takenori Kawashima wrote in 1967. 'We think of the law as a heriditary family sword . . . an ornament rather than a means for enforcing the power of the government to control the daily life of our society'. Actual litigation is both uncommon and on the decrease.

But there is another aspect to the practice of law in Japan. Japanese attorneys do not perform the same roles as American lawyers. They are more like British barristers or French avocats. The license to practise entitles them to appear in court, but it does not prohibit others from performing services that only an American lawyer is allowed to do. Distinct licenses, moreover, are granted to scriveners, patent attorneys and tax advisors.

Almost all of the top 100 corporations in Japan have their own in-house legal departments. But these departments are not staffed by licensed attorneys. Employees can render services on behalf of their companies without being members of the bar. The legal departments engage licensed practitioners when the company must appear in court, but since this seldom happens the unlicensed law staffs handle virtually all corporate legal work.

The law staffs are not without training, however. Legal education in Japan is highly respected. The six leading private universities in Japan—Waseda, Chuo, Nihon, Meiji, Senshu and Hosei—all began in the 19th century as colleges of law. 40 years ago 20 universities had law schools. Today there are 80 and student enrollment exceeds 80,000 undergraduate and 1,000 graduate students.

Japanese law schools are large by American standards. The largest, Nihon University, has more than 8,000 undergraduates enrolled in both its day and night divisions and it awards degrees to 2,000 graduates each year. Half have studied the law and the rest have studied public administration, political science and economics, journalism or management—major fields offered by departments housed within the law school. Other major law schools, including the college of law at the prestigious University of Tokyo, graduate between 500 and 1,000 law majors every March—the month when the Japanese academic year comes to a close.

Total output of all law graduates in Japan each year is between 65,000 and 70,000. Some 30,000 to 35,000 sit annually for the examination to gain admittance to the Judicial Research and Training Institute, the country's only professional school for lawyers, judges and prosecutors. Less than 500 pass. Those who do take a two-year course of practical instruction and a final examination that admits them to the bar or the bench.

Failure to gain admission to the Institute is not regarded as a major defeat, however. Both corporate Japan and the Japanese civil service are eager to hire law graduates. Of the country's 17,000,000 recipients of undergraduate degrees only about 6 per cent hold a bachelor of laws degree, yet they make up 20 to 25 per cent of the employees of Japan's largest corporations, and more than 50 per cent of many government agencies, including the Ministry of Justice, the Ministry of Finance and the Ministry of International Trade and Industry.

While only one of Japan's 16 post-war Prime Ministers has been a licensed lawyer—Eisaku Sato—seven others—Hidehara, Katayama, Yoshida, Hatoyama, Kishi, Fukuda and the current Prime Minister, Yashuhiro Nakasone—all received law degrees from the University of Tokyo. Also, while only 30 of the 763 members of the 1986 Diet are lawyers, 277 (or 36 percent) are law graduates.

More than half the directors of Japan's top 100 businesses are law graduates and, except for companies organised since World War II and still controlled by their founders, one in three corporate presidents is a law graduate.

An American doing business with a Japanese firm finds many law graduates and few lawyers involved. Some 200 licensed practitioners specialise in international commercial law, but most get involved only after a dispute arises and litigation appears likely. The actual negotiation and writing of contracts, as well as the formal 'understanding between parties' that supplements the very simple contract instrument used in Japan, are put together by law graduates on the company's legal staff.

The typical in-house law office employs ten law graduates, and seldom if ever a lawyer. Law graduates join a company first as an apprentice in some other division of the company. After becoming familiar with the company's day-to-day operation those who show promise are given in-house training or sent back to school for advanced studies. Many travel to American law schools to study for an LLM or an equivalent degree or certificate. European law schools, which used to be in favour prior to the last war, are now infrequently considered by the Japanese, who are eager to learn as much as they can about Americans. In the United States the largest single Japanese contingent of law graduates—five students—can be found at the University of Washington's law school in Seattle. On their return these law graduates with advanced degrees will commonly climb the corporate ladder rapidly to senior management.

Those who prefer to practise—not as trial lawyers but as counselors and preparers of legal documents—can sit for the scrivener's examination. Most of the nearly 50,000 scriveners acquired their status before the national government instituted the licensing requirement, and the total number has remained relatively constant since. While not as difficult as the test to gain entrance to the Judicial Research and Training Institute the scriveners' examination is still regarded as a challenge.

Approximately one million Japanese possess law degrees, but only 200,000 are actually involved in jobs that relate directly to the use of their legal training—as lawyers, judges, prosecutors, scriveners, and on government and business legal staffs. This, however, amounts to one 'legal practitioner' for every 700 people—a ratio identical to that for the United States.

The Japanese word for lawyer (bengoshi) might be better translated as 'trial lawyer' or 'barrister'. As is the case for the 3,300 English barristers who are licensed to appear in the courts of England and Wales, the ratio of Japanese trial lawyer to the Japanese citizenry—1 to 14,000—is the same as the ratio of English barristers to the English citizenry—1 to 14,000. And one has to suspect that the number of American attorneys who regularly and competently practise as trial lawyers (at least according to the definition of Chief Justice Warren Burger, a regular critic of the courtroom skills of American attorneys) may not exceed 18,000—the number one gets after applying the Japanese and English ratio for the United States.

Time Magazine has written that 'American parents are fond of telling their college-bound children, "We'll always need lawyers".' Japan is not that different, despite the efforts of Time, CBS News, and other media representatives to create the myth that the country is a land without legal practitioners. As Japanese parents are fond of telling their college-bound children, 'We'll always need law graduates'.

The PRESIDING OFFICER. The Senator has 12 seconds. Who yields time?

Mr. KASTEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Two minutes 15 seconds.

Mr. KASTEN. Mr. President, I ask unanimous consent that a letter from the Secretary of Commerce in support of the administration's position be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, DC, May 12, 1992.

Hon. ROBERT W. KASTEN,
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: I understand that you have offered S. 640, the "Product Liability Fairness Act" as an amendment to S. 250, the "National Voter Registration Act." I am writing to express the Administration's strong support for your amendment.

The Administration views S. 640 as a vitally important measure in reforming existing product liability laws that are imposing extraordinary burdens on the Nation's economy and competitiveness. The current system creates needless uncertainty and excessive transaction costs for American companies, reducing their profitability and limiting their ability to compete effectively in the international marketplace. It denies job opportunities to American workers by contributing to plant closings and deterring business expansion. It harms American consumers by raising prices and denying access to socially beneficial products that manufacturers are unnecessarily discouraged from producing. In addition, it harms both plaintiffs and defendants by causing delays and generating enormous litigation costs. We believe that your bill would effectively alleviate many of these problems.

I stand ready to assist you in obtaining the quick passage by the Senate of S. 640.

Sincerely,
BARBARA HACKMAN FRANKLIN.

Mr. KASTEN. Mr. President, I ask unanimous consent that editorials in support of this legislation be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 12, 1992]

CONSUMERS ARE LIABLE FOR PRODUCT LIABILITY LAW

Say a drunken driver going down the road veers out of control and runs into a phone booth, one in which a man happens to be making a call. Who's to blame? The drunken driver? The victim, who should have known better than to make a phone call?

The last choice may seem pretty ridiculous, but the way the courts handled this case was more ridiculous still. The victim actually brought suit against the companies responsible for the design, location, installation and maintenance of the phone booth. A California judge ruled the companies should have known that some sot might careen into the phone booth one day and for that reason the companies could be held liable for what happened. The companies had to settle the case out of court.

This is the sort of thing that happens when lawyers-turned-politicians write laws that enable the profession to go hunting for deep pockets anytime somebody takes out a phone booth or pours perfume onto a candle and gets burned as a result or has a heart attack while trying to start a lawnmower or whatever. Sometimes the lawyers get into those pockets. Sometimes they don't.

But what they all do is create expenses that divert money from productive uses to legal paper shuffling. And they all contribute to such uncertainty that the cost of product liability insurance goes out of sight because all risks have to be covered. The cost of that insurance is reflected in the cost of the product. So it's not just corporate pockets being rifled here. It's consumer pockets too.

It could be worse. Even at a high price, the product remains available. Public phone booths are still on the streets. In the worst case, the uncertainty and the insurance costs are so high that the manufacturer finds the product too costly to produce. Trial lawyers may argue that this loss to consumers is necessary to ensure better, safer products ultimately. But a Brookings Institution study published last year argues that product safety has less to do with threats of lawsuits and the hunt for deep pockets than with other factors, including manufacturers' desire to protect their reputations.

Today, Sens. Robert Kasten, John Danforth and Jay Rockefeller will try to bring legislation to the floor to remedy what they refer to as the "product liability tax," which is the cost product liability claims imposed on consumers. Among other things, their bill, S. 640, would expedite settlement of legitimate liability claims, thereby putting more money in the hands of victims rather than lawyers. It provides that a claimant seeking punitive damages must show that the defendant demonstrated a "conscious, flagrant indifference" to public safety.

It also adopts a California provision holding a defendant liable for the likes of pain, suffering and emotional distress only in proportion to the defendant's share of responsibility for causing the harm. If the courts found the drunken driver 90 percent responsible for what happened to the person inside the phone booth, the driver would be responsible for covering 90 percent of the cost of pain, suffering and so on.

Obviously the trial lawyers who have been making a nice living off deep pockets aren't going to be happy about legislation like this. Neither are the politicians who collect campaign funds from the trial lawyers to keep the scam going. Supporting S. 640 is one way for consumers to bring it to a halt.

[From the Kansas City Star, Mar. 17, 1992]

REFORM PRODUCT LIABILITY

With the probable exception of trial lawyers, few would disagree that America's product liability system needs an overhaul. For years backers of reform have been pressing for a federal statute to replace the patchwork of state provisions. This year a renewed effort has drawn dozens of congressional sponsors and the support of the National Governors Association. This legislation deserves approval.

Because liability insurance costs are included in the prices of everything we buy, all consumers are paying for a legal system that has become a crap shoot. The proposed legislation is a reasonable attempt at reform.

It would not bar lawsuits. It would not cap damages. It would not do away with punitive awards—but it would finally make punitive damages tougher to prove, something that should have been done long ago. The proposed standard would require victims to show that companies exhibited a "conscious, flagrant indifference" to public safety. Other provisions would:

Bar claims in which the primary cause of the accident was the victim's use of drugs or alcohol.

Bar punitive damages in cases where companies complied with regulatory standards. In the case of pharmaceutical companies, this means drug makers still would be liable for other damages, but if they met Food and Drug Administration standards they would not face additional awards aimed solely at punishment.

Modify joint-and-several-liability rules. Companies found negligent would be liable jointly for actual damages such as medical expenses, but for non-economic damages such as pain and suffering they would be liable only to the extent of their responsibility.

Critics of reform say the system isn't broken and shouldn't be fixed. Pamela Gilbert of Congress Watch says only one in 10 accident victims thinks of filing a suit. Yet it is not the aggregate number of lawsuits or the average size of the awards that matter, but the increasing risk of being hit with a monster judgment.

In 1975 only nine product liability cases yielded awards of $1 million or more. By 1984 the number had jumped to 86. Companies have to buy insurance to protect themselves against this contingency, and insurors have to price coverage in a way that takes the risk into account.

A growing number of studies document the consequences of runaway legal costs. The Department of Commerce found that U.S. producers may pay 20 to 50 percent more for liability insurance than their overseas competitors. Brookings Institution researchers found "little direct or statistical evidence" that liability verdicts result in safer products in the automobile, private plane, pharmaceutical and medical services industries.

Other studies have concluded that the system tends to discourage innovation, needlessly kills products still on the drawing board and reduces industry support for research.

The system is broken, and it needs to be fixed.

PRODUCT LIABILITY

After a decade of much-needed revision, a bill setting nationwide standards for product liability lawsuits appears headed for judgment day in Congress.

Within a few weeks, Republican Senators Robert Kasten and John Danforth are expected to ask for a vote on a bill that would bring some sense to the nation's wildly inconsistent product liability laws. Opponents, including the Senate leadership, will try again to delay a vote, as they have done successfully for years. This time, the Senate should block that effort and approve the measure.

The product liability bill, co-sponsored by 40 senators, tries to make life more predictable for manufacturers selling products nationwide. Since liability laws are written by states, the outcome of a lawsuit filed by an injured consumer depends heavily on where the case is heard. For example, some courts hold manufacturers responsible even if their products are misused, while others do not. Some courts award much larger sums for punitive damages than others.

Manufacturers are facing an avalanche of injury lawsuits. More than 19,400 product liability suits were filed in federal courts in 1990, compared with 1,578 in 1974, a 1,231% increase. A 1989 study by Tillinghast, a management consulting firm, estimated the annual cost of liability lawsuits at $117 billion. The unpredictability of the legal system also raises the price of liability insurance.

The Kasten-Danforth bill offers a sensible alternative to this costly and uneven system. It seeks to curb some state laws and court practices that expand liability unreasonably, while leaving in place states' rights to define a manufacturer's responsibilities.

For example, the bill bars lawsuits where a claimant's use of drugs or alcohol was the main cause of his injury. It also would protect manufacturers from liability for industrial machines that are more than 25 years old. Claimants, moreover, would have two years from the time they discover—or should have discovered—an injury to sue for damages.

The legislation also builds fences around punitive damages. For example, it would raise the threshold for justifying a punitive damages award by requiring claimants to prove manufacturers showed "conscious, flagrant indifference" to safety. A manufacturer of a product that complied with federal standards would be responsible for a claimant's out-of-pocket expenses but not for punitive damages.

Another provision takes aim at joint liability, which says each defendant must pay the entire damage award if other defendants can't pay their share. For non-economic damages such as pain and suffering, the bill proposes that each defendant would pay its share.

Although the bill is more favorable to plaintiffs than earlier versions, consumer advocates and trial lawyers strongly oppose it. In part, this is a legacy of earlier battles: Prior drafts of the bill were blatantly anti-consumer, requiring claimants to prove negligence and setting caps on damage awards. While this bill does neither, opponents worry that anti-consumer provisions will be added later. Such an attempt may, indeed, be made, but it should be stopped when it is tried, not in advance.

Not all parts of this bill deserve a "yes" vote. Provisions requiring the loser in a product lawsuit to pay part of the winner's legal fees would disproportionately hurt individual plaintiffs, who lack the resources of corporate defendants. But the bill, overall, restores a needed balance between consumers and manufacturers in injury lawsuits. After more than a decade of refinements and compromises, this bill should be passed.

Approval in the Senate may also spur action in the House, where a similar bill is supported in one committee but opposed in another. In both chambers, it's time to stop the endless wheel-spinning on product liability.

Mr. KASTEN. Particularly, Mr. President, an editorial of today, Tuesday, May 12, from the Washington Times. I would like to simply summarize, before I yield to the Republican leader, what we are all about here today.

The last paragraph from the Washington Times today, talking about this legislation, the vote that is about to occur:

> Obviously, the trial lawyers, who have been making a nice living off deep pockets aren't going to be happy about legislation like this.

We have heard that they are not.

> Neither are the politicians who collect campaign funds from the trial lawyers to keep the scam going. Supporting S. 640 is the one way for consumers to bring it to a halt.

This bill for product liability reform is a consumers' bill.

I yield the remainder of my time to the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the Chair, and I thank my colleague from Wisconsin, Senator KASTEN.

Mr. President, for the past 6 years, the Democrat majority in the Senate has been maintaining a determined filibuster to block any kind of products liability reform legislation from reaching the floor.

The filibuster continues, despite the fact that American business is being crippled by current law, a law that favors lawyers over manufacturers, workers, and consumers.

The filibuster continues, despite the fact that product liability insurance costs were 15 times higher in the United States than in Japan.

The filibuster continues, despite the fact that our general aviation manufacturing, once the envy of the world, is now almost nonexistent because of the current system.

The filibuster continues, despite the fact the prohibitive cost of liability insurance prevents new medicines and products from being introduced to the market.

The filibuster continues, despite the fact that the American people are crying out for reform.

It is not that bills have not been introduced; they have.

It is not that Senators—I ask that I may use some of my leader time.

The PRESIDING OFFICER. The Chair informs the Senator from Wisconsin his time is used. The Republican leader will not proceed on his leader time.

Mr. DOLE. It is not that the bills have been introduced. They have. It is not that Senators have not worked hard to bring products liability reform to the floor. No one has worked harder than Senator KASTEN to do just that, and Senators DANFORTH, GRASSLEY, and MURKOWSKI have also performed yeoman's work. Senators KASSEBAUM and MCCAIN have taken the lead on the issue of aviation products liability.

But despite committee hearings, hearings that sometimes led to legislation being passed out of the committee, this matter somehow never makes it to the Senate floor. And while the majority Democrats happily maintain their stubborn filibuster with the blessing of the American Trial Lawyers Association, the system continues to break down. American competitiveness is weakened and jobs are lost.

I have nothing against lawyers. I am a lawyer. I am married to a lawyer. Some say we are the only two lawyers in Washington to trust each other. And some of my best friends are lawyers. But I do have something against lawyers who refuse to acknowledge that America can do better.

This morning I joined Senator MITCHELL and Senator BENTSEN and others at the White House to talk about bipartisanship, talk about working together to improve America, and this seems to be one of those opportunities where we can work together to improve America.

So, Mr. President, I commend my colleague from Wisconsin in particular, and others who have taken his side on this particular issue. It seems to me that if we can withhold cloture—then I assume there would be a motion to table. I would hope that would not happen. Let us have debate. Amendments can be offered. All the things I have heard, shortcomings about this bill maybe, if some are in fact true, can be corrected. But in the meantime, Mr. President, it seems to me that this is not a time to invoke cloture.

If you add up which bill is more important, the American people, consumers, the businessmen, everybody else, whether it is motor voter or product liability, there is no doubt in my mind the American worker, the American consumer, the American manufacturer, those out there creating the jobs, would say let us pass product liability reform; we can wait for the motor voter legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. The leader reserves the remainder of his time. The majority leader is recognized.

Mr. MITCHELL. Mr. President, am I correct that all time has been used or yielded back?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, in that case I would like to use a portion of my leader time to respond, to discuss the subject now.

Mr. DOLE. Could I yield 1 minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 minute under the Republican leader's time.

Mr. PRESSLER. Mr. President, I commend my colleagues, Senator KASTEN and Senator DANFORTH, for their tireless efforts in bringing this legislation before the Senate. We have worked 6 years to see the Senate take action on this issue. We are closer today due to the determination of my friend from Wisconsin and our ranking member on the Commerce Committee.

For many years, America has faced a product liability crisis. The present judicial system for resolving product liability disputes and for compensating injured parties is inequitable, inefficient, and imposes huge costs on American consumers.

In fact, nationally the cost of product liability insurance is 15 times higher in this country than it is in Japan, and 20 times higher than it is in Europe. American business will not be able to maintain or gain back its competitive edge in international markets if we do not act quickly to correct this situation through passage of this legislation. It is vital that Congress unshackle U.S. companies and consumers from the current product liability burden and eliminate this serious competitive disadvantage.

This point was brought home to me a few years ago when I was touring a friend's manufacturing business in Phillip, SD. Art Kroetch the owner of Scotchman Industries explained to me that his manufacturing business pays twice as much for product liability insurance as it spends on its entire research and development department.

This situation is not unique to South Dakota businesses. Nationally, money spent by small businesses defending frivolous lawsuits and for the purchase of product liability insurance is diverted from reinvestment in their core business.

Mr. President, I think it is important to recognize that this legislation is not opposed by all attorneys. I have spoken with many lawyers within the American Bar Association who support tort reform. I believe the legislation we have before us today is a fair and equitable approach to resolve the differences between lawyers and business. S. 640 is different from past proposals sought by business groups that were considered too pro-defendant.

The main focus of this bill, however, is plaintiffs rights. This bill does not place any limit on the amount of punitive damage awards, nor does it take away the jury's right to decide punitive damage awards. It does not contain a broad statute of repose for consumer products, unlike the European Economic Community which has a 10-year statute of repose for all products. The statute of repose in S. 640 is 25 years only for capital goods. This statute would prohibit a claim only if the claimant is eligible to receive workers compensation benefits for the harm done in the workplace.

In addition, S. 640 includes an amendment I offered to earlier product liability bills which modifies the doctrine of joint and several liability. For too long, businesses and consumers have been victims of the joint and several liability rule. Otherwise known as the "deep pocket rule," this provision enables a plaintiff to force any defendant to pay all the damages incurred even if that defendant is only minimally at fault. This provision is consistent with the California-law approach which requires that each defendant will be liable for noneconomic damages in proportion to the defendant's responsibility for the harm.

Mr. President, I urge my colleagues to vote "no" on cloture S. 250 so that S. 640 finally can be acted upon by the Senate.

Mr. President, this is a consumer protection bill. The consumers of America have to pay the additional costs. I think the leading consumer issue of the 1990's should be tort reform. There are many responsible lawyers who are working for this, but it is something we all have to work together on as a Nation. It is the consumers who pay higher prices for things, who are paying for all of this, and it is not the plaintiffs and the injured people who are getting the money. That should be understood.

Mr. MITCHELL addressed to Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to use some of my leader time to comment on this matter just prior to the vote.

Mr. President, it is a sad day for democracy when an effort to encourage participation by the American people in the electoral process should be defeated for what are transparently political reasons. It is a sad day for democracy when men and women who are elected by the people now join to prevent Americans from being able to vote and participate.

Of what are our colleagues afraid? Do they not have enough confidence in their ability and their programs to want to encourage people to vote? For 200 years, every time an effort has been made to expand the voting franchise, to make it possible for more Americans to participate in the election of their representatives, the identical arguments have been heard that have been heard here today: Oh, we better not do that; there might be fraud.

This is a fundamentally antidemocratic effort. This might well be called the antidemocracy amendment because it has one purpose and one purpose only, and that is to defeat the voter registration bill that is before the Senate and which our Republican colleagues are now filibustering against to prevent it from coming to a vote. They intend to keep the Senate from debating it.

It is an effort by those who are afraid of the people because they do not want to have easier registration and easier voting because someone might vote against them—the same tired arguments against letting women vote, the same tired arguments against eliminating the poll tax, the same tired arguments now: Oh, there might be some fraud.

The fraud is in the argument and in the amendment being offered. If this is such an important amendment, why have 6 years gone by without the amendment being offered to any other bill? Why this bill? Why not the hundreds of other bills that were considered here in the Senate this year, last year, the year before, the year before and the year before that?

We have heard a lot of excuses, we have heard a lot of alibis, but basically, a vote against cloture is a vote to kill the voter registration bill. It is the vote of fearful people who do not trust the American people, who do not want to have more people participating in the process for fear that some of those people might vote against them.

We heard this in my State, Mr. President and Members of Senate, when we proposed and went to same day registration. The same arguments were made almost word for word, and by those who share the same views as are being made here today. We passed it, there has been no fraud. And as a result, our State now ranks among the highest in voter participation.

Why do our colleagues fear that? Why do they fear helping people participate in the democratic process instead of preventing them from participating in the political process?

Let no one be fooled by this transparent political ploy. This amendment has one purpose and one purpose only, and that is to kill the voter registration bill. Anybody who votes against cloture on this bill is participating in the killing of the voter registration bill. That is the only purpose of this amendment. That is the only result of the vote.

It is a very important amendment, we are told. When did it become so important? Six years have elapsed since it was last brought before the Senate. Why this bill out of the hundreds of bills that have been offered? Any Senator could have offered this amendment any time he or she wanted as an amendment to any bill before the Senate over a 6-year period. They chose not to do so. They waited to find a bill that they wanted to kill. That is what this is. This is an antidemocracy vote, an antidemocracy amendment, an effort to prevent people from participating in the political process.

Democracy ought to encourage participation. We ought to want more Americans to register, and more Americans to vote. If some of our colleagues had their way, presumably we would go back to the days when the only people who could vote were adult white males who own property.

It is the same old arguments; a different tactic but the same arguments.

Mr. President, this is an important vote. This vote will test whether we truly believe in expanding the franchise of the democracy, or whether we are afraid to expand the franchise for fear that those Americans who have not participated and who now participate might vote against a person or a candidate.

Let us not have anyone fooled by what is going on here. This is a transparent political ploy to kill the voter registration bill. That is the purpose, that is the intention, and that will be the effect.

I urge my colleagues to cast their vote for democracy, cast their vote for participation, and cast their vote for encouraging Americans to get involved in the democratic process.

We are now exhorting Americans everywhere not to be distrustful of politicians and this institution. We are asking Americans not to have cynicism toward these elected officials. And what are they to think when a minority of the Members of the Senate, a minority, use their power under the rules to prevent passage of a bill which has clear majority support, which will encourage Americans to get involved in the political process?

It is no wonder that there is cynicism in the land toward this institution. It is no wonder that people question our commitment to democratic principles when an effort is being made to make it tougher for people to vote, not to make it easier; to reduce the numbers of people who are going to participate, not increase them in a transparent ploy to kill the voter registration bill.

Mr. President, I hope my colleagues will not have any part of it. I hope we will affirm our confidence in democracy and in ourselves to proceed and pass this voter registration bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order the clerk will report the motion to invoke cloture.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that I be added as a cosponsor of the Kasten amendment.

Mr. President, for the first time in more than a year, economic indicators are pointing upward. From retail sales to job creation, America is waking from its recessionary slumber. We have reason to be hopeful.

However, we have reason to be fearful. This recovery could be over before it really starts. There is good reason for concern. Though there is room for economic expansion, the real question is whether the potential exists for strong, sustained growth through the decade. I believe we can plan for a future of growth, but it will require leadership by Congress and the administration to make it happen. We must turn our economic potential into a real, positive environment for growth, a climate of opportunity for the American entrepreneur. So it is fitting that we are here to debate and hopefully adopt the amendment offered by my good friend from Wisconsin, Senator KASTEN.

Mr. President, this amendment is largely the text of S. 640, the Product Liability Fairness Act. This much needed legislation represents responsible reform of the complex maze of product liability laws—laws that are having a devastating impact on our Nation's small businesses to expand, innovate, and compete in the world marketplace.

It is no secret that one of the greatest risk any American can take is to start a business. I know. I took that risk as did many Americans during a wave of small business startups in the late 1960's. Some are still operating today. Many are not. But the bottom line is that this Nation must encourage American entrepreneurs and innovators to take risks—our Nation can only benefit by the wealth of jobs, product development, and capital that is created as a result.

But the sad fact is our product liability laws raise the level of risk so high that innovation has become a sacrificial lamb. Let me cite several examples. First, when manufacturers or retailers sell their goods interstate, they must deal with product liability laws that vary from State to State. This complexity raises uncertainty, and raises the risk of a lawsuit.

In some States, manufacturers can be held liable for goods produced decades ago, even after it's been sold and even altered many times over. That, too, raises the risk of a lawsuit.

A manufacturer could be hit with a massive jury award even though the product was produced in full compliance with both Federal and State laws. Again, that raises risk.

A manufacturer who produces goods as part of a team of manufacturers can be hit with a lawsuit and damages even though he or she did not produce the component that caused the injury.

This deep pocket approach used by defense attorneys raises uncertainty, and with it, the risk of massive legal costs.

And what do businesses do to reduce risk? They buy insurance. And if they can afford it, they must buy it at a cost that reflects the risks involved. With so much confusion in a patchwork quilt of 50 product liability laws, and the possibility of multimillion-dollar jury verdicts regardless of fault, companies from the mom and pop shop to the Big Three auto makers now pay more than $21 billion each year to protect themselves from product liability litigation. This cost is 15 times greater than what manufacturers must pay in Japan, and 20 times greater than in Europe.

If starting your own business is the American dream, product liability litigation is the American nightmare. The impact of product liability litigation is felt in the form of higher prices for American goods, stifled innovation, and a decline in American manufacturing.

Presently, the American tort system costs $180 billion annually. These costs consist of attorney's fees, out-of-court settlements, witness fees and jury awards. Who ultimately pays for this cost? The consumer, of course. For example, Lederle Labs, the lone maker of the diphtheria, pertussis and tetanus vaccine, raised its price per dose from $2.80 to $11.40 in 1987 to cover the costs of lawsuits.

The high cost of product liability is discouraging existing corporations to invest in research and development of better, safer products. The Merchants Corp. of America withheld manufacturing what would have been the nation's safest infant car seat because of product liability fears. The American Medical Association found that, "Innovative new products are not being developed or are being withheld from the market because of liability concerns.* * *" And according to the President's Council on Competitiveness, 47 percent of American manufacturers have withdrawn products as a direct result of the current liability system.

Even foreign companies fear to introduce their innovations here because of the risk of litigation. Volvo has had built-in child safety seats in their European cars for more than a decade, but will not include the seats in cars shipped to American because of product liability concerns.

Think of that. An international manufacturer that pushes safety over style will not bring its innovations to America because it is not worth the risk. This serves to demonstrate that our product liability laws don't always mean "safety first."

Finally, our product liability laws hurt the American worker. Indeed, because of the high costs of liability litigation, American manufacturers are being forced either out of the country or out of business altogether. Lines of industry have literally disappeared from the American economic landscape.

The small aircraft industry has literally flown the American coop. Just last January, Florida-based Piper Aircraft relocated to Canada's Saskatchewan Province. Cessna—the once proud leader of light piston-powered aircraft—suspended all piston production in the United States. In both cases, product liability was cited as the major obstacle.

It is the same story in other industries, ranging from football helmets to vaccines.

Mr. President, is it no wonder that our economy is in the state it is in when our own laws stifle American innovation? Is it no wonder that manufacturers can't keep up when, as one study revealed, American industry spends more on lawyers to beat back liability suits than it spends to buy new machine tools that improve American productivity? It is no wonder that America is losing its competitive edge in the manufacturing sector when entire industries are making a run for the border or bankruptcy because of product liability.

Mr. President, on this issue it is fair to say we have met the enemy, and they are us.

Though the problems associated with product liability are complex, the solutions are simple and are reflected in S. 640 and the Kasten amendment before us.

First, it establishes a uniform product liability system for all 50 States. Competitively speaking, a uniform product liability system makes sense. After all, the 12 nations and 60 affiliate nations of the European Economic Community will have one uniform product liability standard when their 1992 directive is implemented. Unless we implement a uniform Federal system of our own, America's place in the world marketplace will continue to decline. Moreover, a uniform product liability system makes good sense to our Nation's Governors. In fact, the National Governors' Association has endorsed S. 640.

Second, under the Kasten amendment, punitive damages are assessed against a manufacturer or distributor who shows a flagrant indifference to public safety. Punitive damages cannot be awarded when a manufacturer complies with Federal laws. Again, that's just common sense. Punitive damages are designed to punish behavior, not reward injury. Therefore, manufacturers should not be punished with additional damages even though they obeyed the law.

Third, the Kasten amendment reforms the system so that a manufacturer or distributor is only responsible for the degree of fault determined by a jury. Therefore, if drug or alcohol abuse was the main cause of injury in the use of a product, a lawsuit can't be brought against that product's manufacturer. Similarly, if a series of manufacturers are held liable for injury, the manufacturer with the most assets is not responsible for all the manufacturers. Thus, the Kasten amendment puts an end to the deep pocket practice that is one of the main reasons why universities refuse to give research grants to small businesses.

In essence, the Kasten amendment represents a fair, balanced approach to a very serious problem: It reduces the risk, the uncertainty, and the exposure of manufacturers to frivolous lawsuits, but it does so without placing at risk the consumer's right to sue for a legitimate injury.

Mr. President, this issue has been before us for more than a decade now. The legislation has evolved during that time. S. 640's fairness is reflected in 40 bipartisan Senate cosponsors. It passed the Commerce Committee by a 13–7 margin. And companion legislation in the House of Representatives has support from more than 130 Members.

But the question remains: When will the Congress take action? We are now beyond the halfway point of this current session, and there is little that has been adopted this session that will really contribute to sustained economic growth in this country. I believe the time for action is now.

Certainly, the Kasten amendment is a probusiness bill. It reduces the high cost associated with product liability, and frees up the savings for much-needed capital and reinvestment. But it is more than a probusiness bill. It is proconsumer, because the reduced costs will mean lower prices on American-manufactured products. It is proworker, because it no longer will drive businesses to points beyond our border, or to the nearest bankruptcy court. And it is proinnovator, because it will reduce cost associated with new product development. Really, this amendment is pro-American, because it will improve our economic environment and preserve its place as a leader in world markets.

Of course, the Kasten amendment is not the silver bullet that will end our competitive disadvantages among our foreign rivals, or the secret ingredient in a new wave of small business creation. But this legislation is seriously needed if we in Congress are serious about a long-term economic recovery. Action must be taken. If it takes us more than a decade to arrive at the kind of fair, bipartisan legislation that we have before us today—legislation that addresses a portion of a much larger tort nightmare—than we're in great trouble. Our own inaction simply makes matters worse. The status quo will continue to weaken our economic position.

Mr. President, American industry will be relegated to a backseat in the world marketplace if American entrepreneurship and innovation is forced to take a backseat behind politics and partisanship. We can enact meaningful reform in our product liability system and give American manufacturers a reason to stay, or we can do nothing, and give them reason either to leave or throw in the towel. The choice is simple, and all Americans will be affected by our choice. I sincerely hope we make the right choice.

Mr. WOFFORD. Mr. President, I oppose S. 640, the Product Liability Reform Act, which my colleague Senator KASTEN has proposed as an amendment. I believe this legislation would unfairly limit the rights of injured plaintiffs to recover adequate damages and unwisely restrict the scope and availability of punitive damages.

Historically, the States have set their own tort laws. This legislation would change the historic principle of federalism by setting national rules on certain aspects of product liability law—for example, limits on punitive damages.

Punitive damages are an effective tool for controlling socially unacceptable conduct not covered under criminal law. While unlimited punitive damages and varying standards of proof may have led to some well-publicized runaway jury verdicts, studies have shown that product liability suits rarely result in punitive damages awards. In my view, the individual State laws deal fairly and adequately with this issue.

For these reasons, I oppose the Kasten amendment. Thank you, Mr. President.

CLOTURE VOTE—MOTOR-VOTER

Mr. SIMPSON. Mr. President, I rise to express my opposition to cloture on this very flawed bill. The biggest problem with S. 250, the motor-voter bill, is that it is based on a faulty premise. It is a grave mistake to think that voter turnout is the result of perceived barriers to voter registration. I am fully convinced that when citizens feel that their votes will have an impact, they will then register and cast their ballot.

I believe that the real problem in this country is that the ordinary citizen feels that special interest money and organizations have drowned out his or her vote in the electoral process. They do not vote because they believe special interests have captured the process. This causes voter apathy and results in a decreased desire to register and vote. Instead of getting to the root cause of voter apathy, this bill would paternalistically impose the strong arm of the Federal Government into functions, which States such as Wyoming have historically performed so very well.

This bill calls for a motor-voter registration, mail registration, and registration in designated Federal, State, or private locations. Registration services would have to be available in Government offices which provide public assistance, unemployment compensation, vocational rehabilitation, fishing and hunting licenses, and in Government revenue offices.

I come from a State that has one of the highest voter turnout percentages in the Nation. Many other States have excellent records, too. The reason they do is because they have good election laws, good registration laws, and active candidates from both political parties.

Totally overlooked by this legislation are the costs for the training all of the additional registrars. Not one Federal dime is authorized for these training costs, and I anticipate significant additional costs will be incurred in order to maintain an ongoing training program for new hires, for hiring additional State personnel to supervise compliance with the law, and to increase salaries of the employees who did not bargain for those additional registration responsibilities. And who pays for this? The States will have to pick up the tab for this misguided Federal intrusion.

This is a bill in every sense of the word. And the States, like Wyoming, will have to pay it, whether or not they have demonstrated admirable registration and voter turnout statistics. Furthermore, if enacted, the bill would lead to increased voter fraud. I call this bill "auto fraudo."

Why don't we do something real to increase voter participation? Let us do what our party suggested. Let us eliminate PAC's, ban sewer money, and reduce the amount of dollars coming in from out-of-State individuals that bloat politicians' campaign war chests. That is what Republicans wanted. What the Democrats gave us, and what the President wisely vetoed was a bill that breathed new life into old and jaded PAC's, who sometimes give to both sides. Rather than eliminating them; that allowed labor union—read that as Democratic candidate support—sewer money to be raised and spent without restraint; and paid for these so-called reforms with Americans' tax dollars.

This motor-voter bill is a cousin to the Democrats so-called campaign finance reform bill. Both pieces of legislation attack the wrong problems, and then send us the bill.

PRODUCT LIABILITY

Mr. SIMPSON. Mr. President, I do have substantial concerns about Federal legislation on this subject. However, I am sensitive to the arguments of both sides. The real issue to day, Mr. President, is not the merits of product liability reform.

The real issue is, once again, partisan politics. The real issue is whether this or any legislation sponsored by a member of the minority party can get voted on by the full Senate. That applies to product liability, civil justice reform or any number of other matters that many Republicans in the Senate have wanted to raise and have voted on by the full Senate.

Much has been said about greedy lawyers. I am very proud of my profession—there are a great many attorneys out there who do good work—they do the good work for people who need their services, and they do it for reasonable compensation. Some do not. We should weed them out.

Many good Members of my own party are voicing the frustration the people feel about expensive lawsuits. It is becoming very easy to bash the trial lawyers. There is great eagerness to blame—place blame—anywhere Congress will act.

If the system does not begin to make the necessary changes internally, then Congress will, sooner or later, act on those abuses externally. There is an old saying about the medical profession, and which applies equally to the practice of law: "Physician, heal thyself!" The American people want the professional bar to heal itself before Congress applies a cure of its own making.

I met recently with some very respected Wyoming lawyers. These are attorneys who practice their craft with diligence and dedication. The majority of attorneys—both defense, plaintiff, and general practitioners—out in the real world agree:

There are instances where the system fails. The ones best suited to take steps to correct those few—and usually spectacular—failures are the members of the profession itself.

So I caution my colleagues not to judge all attorneys by a few egregious examples. And I also encourage my colleagues to vote to defeat cloture. This is an important national issue that deserves thoughtful debate.

THE KASTEN-DANFORTH AMENDMENT

Mr. DODD. Mr. President, I rise in the awkward position of supporting two propositions that, in this situation, are diametrically opposed to each other. I rise in support of the Kasten-Danforth amendment and in favor of cloture on S. 250, the National Voter Registration Act of 1991.

First, let me explain why I favor the legislation contained in the Kasten-Danforth amendment. These provisions are part of the civil justice reform agenda that the Congress has ignored for too long.

Too often Members of Congress and interest groups have chosen up sides in this debate, reflecting their sympathies for either injured persons or those whose products injured them. What has been missed in the debate is an appreciation of the fact that the present legal system is not working well for either side. Carried out properly, civil justice reform can be a boon to both parties.

Let me explain what I mean in the context of the product liability debate. For years, manufacturers have complained that sympathetic judges and juries have been compensating the victims of product injuries too richly—either by rewarding people when the manufacturer was not negligent or rewarding people too well; with economic, noneconomic and, sometimes, punitive damages.

That is the premise this legislation flowed from when it was first devised in the late 1970's. As a result, the legislation was directed almost exclusively at reducing manufacturers' costs—by reducing the number of cases in which victims could sue and reducing the amounts they could recover when they did prevail.

Understandably, the victims and their supporters were offended by this approach. Little did they or the manufacturers understand that more balanced legislation could benefit everyone.

Senator DANFORTH and I started down that road in 1985. We examined comprehensive data, which revealed just how poorly the system works for victims.

It showed that many innocent victims could recover nothing at all, most typically where the manufacturer was not negligent or could not be found to sue.

It showed that it took an average of 5 years for successful victims to recover.

It showed that the percentage of economic loss recovered declined as losses mounted, to the point where victims with economic losses in excess of $1 million had a net recovery of only 6 percent of those losses.

It showed that victims with similar injuries suffered in the same way received radically different recoveries, depending upon such factors as the State in which the person was injured, the lawyers, the judge, and the jury.

And, finally, it showed that the legal system carried with it huge overhead costs, paying attorneys almost as much as victims netted.

In an attempt to produce a fairer system for all involved, Senator DANFORTH and I devised an alternative compensation approach that would have brought certainty and lower costed to manufacturers while assuring victims timely compensation for their losses. The bill reached the Senate floor in the fall of 1986; however, there was insufficient time to complete action.

Since 1986, the effort to refine this legislation has continued. Now, I believe S. 640, the guts of the Kasten-Danforth amendment, represents a fair package of changes. Some would benefit manufacturers and some would benefit victims—but altogether I think they would produce a fairer and more certain system of rules for redressing product injuries.

Let me comment on just a few key provisions. Victims would be aided by two sections: The first establishes a national rule that triggers the statute of limitations only when the victim has both knowledge of the injury and its cause. The second establishes alternative dispute resolution provisions to encourage the more expeditious, less costly resolution of cases.

In turn, manufacturers would receive some relief from the more balanced punitive damages and joint and several liability provisions. The bill sets an appropriate standard of manufacturer intent and behavior for the imposition of punitive damages, one that is consistent with the notion that such damages should be imposed only on a grossly negligent manufacturer.

Similarly, any manufacturer that is partially responsible for a victim's injury should be responsible for all the economic losses if other manufacturers cannot be found. At the same time, I think the manufacturer's responsibility for noneconomic damages should be limited to its proportional share. S. 640 establishes such a regimen and it is a fair one for manufacturers and victims alike.

Unfortunately, 13 years after the introduction of the first product liability bill in the Senate, we still are unable to get floor consideration early enough in a congress to complete action. That is why we end up having this bill offered as an amendment to an unrelated matter; in this case, the motor voter registration bill.

While the Senate rules permit such action, I am concerned that the amendments success would doom the motor voter registration bill. This bill is vitally necessary to improve access to the voting process. Only roughly 50 percent of the eligible population voted in the 1988 Presidential election, and this is because only 60 percent of the population is registered to vote. By making registration more accessible, this legislation should significantly increase the number of registered voters and, in turn, the number of actual voters. The effect would be a strengthening of the democratic process.

Those are the reasons why I will vote for cloture on the bill.

At the same time, I strongly believe that a civil justice reform in general—and product liability reform in particular—deserve to be on the Senate agenda. Therefore, I hope that S. 640 can be scheduled for floor consideration before the end of the session. At such time, I intend to vote for its passage as a significant first step toward civil justice reform in this country.

CLOTURE VOTE ON MOTOR-VOTER BILL

Mr. PELL. Mr. President, today's cloture vote on the motor-voter bill has received a great deal of attention not because of the substance of the underlying bill, but because the product liability bill was attached to the bill as an amendment.

Let me say right from the start that I am a cosponsor of the product liability bill. I believe that our society has become overly litigious. It seems that product liability lawsuits have become the rule rather than the exception when it comes to settling a liability case. This rush to the courtroom ultimately adds to the cost of all products for all consumers and hampers the bringing of innovative products to market.

I am not against the right of any plaintiff to receive fair and just compensation in a liability suit, but I do believe that Congress needs to step in and bring a level playing field to a system that seems to encourage people to sue first and ask questions later.

Unfortunately, the product liability bill has been attached to a bill that deserves to be debated and voted on. As a rule, I vote in favor of cloture. This has been true ever since I came to the Senate. It has been true no matter which party represented a majority in the Congress. I believe that the Senate should be allowed to work its will and by invoking cloture the Senate is able to limit debate to a reasonable amount of time and not fall prey to the will of a small minority of Senators.

It is for this reason that I voted for cloture on the motor-voter bill. Despite the rhetoric that has surrounded this particular vote, my vote for cloture was not a vote against the product liability bill. I continue to support product liability reform and will support product liability reform in the future.

MOTION TO INVOKE CLOTURE ON S. 250

Mr. LIEBERMAN. Mr. President, although I am a strong supporter and an original cosponsor of S. 640, I will be voting to invoke cloture this afternoon. I am doing so because, in the current situation, I believe we will be unable to enact S. 250, the motor-voter bill, if cloture is not invoked. As will be apparent from the vote, today's cloture vote is not going to be a referendum of product liability reform, but a vote on whether the Senate will pass the motor-voter bill.

Mr. President, I share the frustration expressed by other advocates of product liability reform who have struggled to have the Senate take up and consider a product liability reform bill. I remain committed to tort reform, and remain hopeful that we may still have an opportunity to consider S. 640 on its merits. I urge the leadership to give the Senate a chance to work its will with respect to S. 640.

For the time being, however, I believe that we must not allow ourselves to become victims of legislative gridlock yet again. I will vote for cloture this afternoon, as part of an effort to see the Senate attend to its business in an orderly fashion. But I want to emphasize that I remain committed to product liability reform, and that I will continue to do what I can to see S. 640 enacted into law.

Mr. ROCKEFELLER. Mr. President, I rise with tremendous disappointment today to speak against the pending amendment to the motor-voter bill.

As my colleagues know, I am the leading Democratic sponsor of S. 640, the Product Liability Fairness Act. For several years, I have been fighting hard, with colleagues on both sides of the aisle, to advance the cause of tort reform and to put a product liability bill on the President's desk. Thus, it is with real frustration that I find myself forced to oppose my own bill.

The Senators offering this amendment clearly are sincere and determined in their effort to enact product liability reform. But the plain and simple fact about the situation before us is that offering this amendment to the motor-voter bill amounts to a hostile act against an absolutely essential piece of legislation.

I believe that everyone in this body should support the motor-voter bill. And if they do not, they should simply vote against it—they should not attach an amendment like product liability that deals with completely different subject matter, confuses the debate on both matters, and continues the gridlock that is preventing us from acting on any of the serious issues facing this country.

The National Voter Registration Act of 1991, addresses a critical threat to our democratic system—declining voter participation. Senator FORD deserves recognition for the tremendous work he has done on this important issue.

In our last general election, only 36 percent of the population voted nationwide. Even fewer voted in my home State of West Virginia—a meager 29 percent. Think about those numbers for a minute. Thirty-six percent of the population voted in the last election. Twenty-nine percent in West Virginia.

And the accounts of the recent round of primaries are only more discouraging.

The figures are truly disturbing. We have got to get American citizens back to the voting booths.

It won't be easy. Americans are frustrated, and they are angry. Every day we hear new reports of public outrage and disgust with Government. But it is crucial that we get our citizens reenergized, reconnected to the democratic process.

As Robert Maynard Hutchins, a distinguished educator and philosopher once said, "The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment."

S. 250 is not an effort to give Democrats or Republicans an advantage in the next election. The motor-voter bill is an attempt to preserve a basic tenet of our democracy—the right of every man and woman to vote. Unless we exercise that right, we risk losing it.

The motor-voter bill, which has received bipartisan support, is designed to encourage voter registration in several ways, including providing voter registration forms as individuals apply for driver's licenses. The bill also permits voter registration by mail and provides registration forms at Government assistance agencies.

Voter registration is vital. According to the League of Women Voters, fully 80 to 90 percent of registered voters participate in Presidential elections. I hope that if legislation such as the motor-voter bill makes it easier and less confusing to register, more Americans will vote in all elections.

We must move this legislation forward. It may be only one step toward a solution, but it is a significant, constructive step.

In terms of the pending amendment, as I said before, it is with sincere disappointment that I find myself speaking against the Product Liability Fairness Act.

S. 640 is a fair and balanced bill. It has been developed and refined for more than a decade, and I am proud of my contribution to the present version. Business leaders across West Virginia and across the country have told me how much they need tort reform to survive in the global marketplace. Despite my decision to vote for cloture, I would be the first to insist that product liability fairness deserves its day on the floor.

But to offer product liability as an amendment to the motor-voter bill is a senseless, divisive act, and an affront to the thousands of businesses and coalitions that have worked for over a decade to improve our tort system.

This amendment is not about product liability; it is a move to kill the motor-voter proposal. And by offering product liability as part of a guerrilla strategy, the sponsors seriously damage any hope for constructive debate on our bill.

Given the opportunity to debate S. 640 on its merits, I believe the Senate would pass this much needed legislation. America's tort system has run amok. It is too slow. It is too expensive. And it is unpredictable.

Our existing system is fundamentally unjust, leaving plaintiffs to suffer for months and years without compensation; leaving lawyers with more money than victims; capriciously awarding damages without regard to injury; stifling innovation and robbing American manufacturers of their will to compete.

S. 640, the Product Liability Fairness Act, will create order out of this chaos—ensuring that more money ends up in the hands of injured persons than wasted legal costs, and giving manufacturers the confidence in our legal system that they need to develop new products. Debated on its merits, S. 640 stands up to the most critical scrutiny, and emerges as a fair and balanced step towards tort reform.

Instead, however, what we see here today is political posturing and divisive rhetoric. Senators who were previously undecided, and who might have given serious thought to the issue, are now torn by party allegiance. This is exactly what I, and the groups behind the tort reform movement, had hoped to avoid.

Since becoming the lead Democratic sponsor of S. 640, I have fought to move the bill forward in a constructive, bipartisan manner. Last year, when the Commerce Committee was not inclined to consider the bill, I went to the chairman and requested hearings and a markup. The committee passed S. 640 on October 3 by a vote of 13 to 7.

I have also worked to improve the content of this legislation. The version we see today is a balanced, practical, moderate measure, sparing in terms of the changes it makes in our tort system. S. 640 does not limit or cap damages; it does not set standards of liability for product manufacturers; it does not tell plaintiffs' lawyers how much they can charge; and it does not eliminate the ability of an injured victim to be fairly compensated for all economic damages. In short, this bill is the most evenhanded product liability bill to come before this body, and it deserves floor consideration.

I understand my colleagues' frustration. Opponents of product liability reform have found countless ways to block the bill, and it is true that this issue has been with us for a long time. But by employing divisive, partisan tactics to get S. 640 to the floor, the sponsors of this amendment make substantive debate impossible.

Here is a bill that has strong support from both sides of the aisle, that will help restore America's competitiveness in the international marketplace, and that will reduce unnecessary legal costs and provide incentives for the manufacture of useful and safe products. It is a good, fair, and important bill. And yet we are dooming ourselves to inaction on this issue.

The struggle between Congress and the White House and the deadlock between Republicans and Democrats within this institution have made it virtually impossible to enact forward-looking legislation. We have become slaves to crisis. Only when the need to respond becomes so great that is can no longer be ignored do we roll up our sleeves and work to find a mutually acceptable solution. There are enough partisan issues to tie up this Congress to the end of the century. Why do we have to create one more?

Lack of reform in our product liability system is a serious drag on our economy. The ever-changing laws in our 50 States place an enormous burden on American business and have become a major deterrent to innovation. In 1990, the European Economic Community implemented uniform product liability laws among its member countries, and we cannot even have uniformity among our States. We know it is a problem. And I share my colleagues' desire to find an effective and expeditious solution.

Thus, it is with enormous frustration that I cannot join my Republican counterparts here at this place on a product liability amendment. But regardless of how genuine their intentions might be, they have chosen a kamikaze approach that will only serve to politicize a good and important piece of legislation. I will not participate in this destruction. Years of effort have been carelessly brushed aside this afternoon, all for the sake of fleeting gratification.

I support the cause for tort reform, but I will support the motion to invoke cloture on the motor-voter bill today. And if that motion fails, I will go on to vote against the pending amendment. I cannot support this approach to advancing a goal that I believe should prevail on its own.

MOTOR VOTER VERSUS PRODUCT LIABILITY

Mr. HATFIELD. Mr. President, the Senate will shortly be voting on the second cloture motion in the last 5 days on S. 250, the motor-voter bill. The motion we are considering today, however, addresses more than the National Voter Registration Act. My colleague from Wisconsin, Senator KASTEN, has exercised his rights and offered S. 640, the Product Liability Fairness Act, as an amendment to the motor-voter bill.

Unfortunately, Mr. President, this places supporters of both bills in a parliamentary dilemma. If the current motion to proceed passes, all nongermane amendments will be out of order to the bill. Therefore, the Kasten amendment, which has the support of many of S. 250's proponents, including myself, would fall. On the other hand, if 60 votes for cloture are not obtained then the Kasten amendment will most likely be joined by other amendments which cover everything from campaign finance reform to a balanced budget. In other words, if cloture is not attained the motor-voter bill will, for all intents and purposes, be defeated. Put simply, those of us involved with bringing motor-voter to the floor cannot allow a procedural quagmire to end the chances of Senate consideration of S. 250 in this Congress.

I am a cosponsor of S. 640, the Product Liability Fairness Act. This legislation has been long in coming, and many of those who support it are anxious to finally effect the many worthy changes that it contains. Product liability law is just one area where the costs of increased litigation in this country have weighed heavily upon our economy. I have heard from many small businesses in Oregon asking that we take quick action on product liability reform. As much as I support these provisions, however, I am also a strong supporter of the National Voter Registration Act. I believe it is important that we invoke cloture today and expedite passage of this important bill. I urge my colleagues not to fall prey to an easy parliamentary out on this legislation—it's simply unfair to those groups across the country that have worked so hard to ensure greater access to our voting system.

Frankly, Mr. President, this is not the most opportune moment for the Senate to consider product liability reform. I recognize and respect a Senator's right to offer amendments, germane or not, and the Senator from Wisconsin is well within accepted Senate procedure. However, the issue we are currently considering is the adoption of a simplified national voter registration system, and it is unfortunate that we are now forced to choose between these two virtuous bills. The product liability bill deserves to be addressed by the Senate and I will be happy to work with my friend from Wisconsin in the future to find a suitable vehicle for his amendment.

Mr. President, my colleagues may or may not agree with the substance of this bill, but I think we can all agree that any piece of legislation which seeks to implement nationally what 29 States currently have, and which has had four cloture votes in one Congress deserves to be debated and voted on by the U.S. Senate. That is, after all, what this vote is about: Whether or not S. 250 deserves to be considered in the Senate.

This bill is not going to go away, it has far too much support at the local, State, and Federal level. I urge my colleagues to give the National Voter Registration Act its deserved consideration by voting in favor of the pending cloture motion.

Mr. KOHL. Mr. President, I am voting in favor of cloture today on the National Voter Registration Act because of the crucial importance of this legislation. We need to do everything we can to make it easier for people to register to vote. But I also believe we need to have a full and fair debate on the product liability reform measure, S. 640. Let me tell you why.

We are truly a litigious nation, Mr. President. That may say something about our abiding belief in justice, or it may indicate a pettiness of spirit, or it may just reflect the economics of lawyer-driven lawsuits. But for whatever the reason, "I'll see you in court" has become a sadly acceptable phrase. Americans seem to have it on the tips of their tongues, somewhere ahead of "let's try to work this out."

Moreover, as a former businessman, I am concerned that the fear of product liability suits can serve as a powerful disincentive from bringing new products to the market. And finally, moving toward certainty, uniformity, and stability in our tort system would produce positive results—for both businesses and consumers alike. It would mean more long-term investment, less future risk, and greater innovation—in short, more competitiveness for America in the global marketplace.

Mr. President, I do not mean to say that the product liability legislation is perfect. Like all measures, it could be improved with amendments. But though we shouldn't expect a final resolution of this matter tomorrow, at the very least we ought to have a chance to learn more about it through a full and fair debate on the Senate floor. I recognize that this is a difficult issue and that there are strong feelings on both sides of the question, but that is precisely the sort of issue the Senate ought to debate without resorting to tactics to obscure the issue, without trying to cast votes in overtly political terms, without trying to disguise the nature of our honest disagreements. I encourage and urge the majority leader to make it possible for us to have such a debate by bringing this bill to the floor and working with the minority leader to make sure that it can be considered fairly.

Mr. KASTEN. I ask for the yeas and nays on the underlying Kasten amendment.

Mr. MITCHELL. I object, Mr. President.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes:

Wendell Ford, Jeff Bingaman, Daniel K. Akaka, Max Baucus, Timothy E. Wirth, J.R. Biden, Jr., George Mitchell, Richard H. Bryan, Bob Kerrey, J. Lieberman, Pat Leahy, Brock Adams, Daniel K. Inouye, Bill Bradley, John F. Kerry, Frank R. Lautenberg.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute amendment, as modified, to S. 250, the National Voter Registration Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—58

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—40

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Mitchell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop

NOT VOTING—2

Metzenbaum
Warner

The PRESIDING OFFICER. On this vote the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MITCHELL. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is reserved under rule XIII and preserved for future consideration.

DISAPPROVAL OF S. 3, THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

The Senate continued with the consideration of the President's veto message.

Mr. MITCHELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the President's veto message on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I ask unanimous consent that the Senator from Colorado and I might be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. FORD. Will the Senator yield to the majority leader a minute?

Mr. GORE. I yield to the majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business, during which any Senator may address the Senate.

The PRESIDING OFFICER. Hearing no objection, that is the order.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. I will be meeting shortly with the distinguished Republican leader with respect to the schedule on tomorrow.

I expect that we will have a vote tomorrow on the veto override of the campaign finance reform bill, but I am not at this moment able to give a time for that. I will do that before this day is out, following consultation with the distinguished Republican leader.

But there will be no further rollcall votes this evening. I expect that there will be merely discussion during the period for morning business following the remarks of the Senators from Tennessee and Colorado.

I thank my colleague again.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Thank you very much, Mr. President.

I would say to my colleagues that it would be my intention to speak for only about 5 minutes. It is my understanding that my colleague, the Senator from Colorado, has the same intention.

THE EARTH SUMMIT

Mr. GORE. Mr. President, earlier today President Bush announced his intention to go to the Earth summit in Rio de Janeiro and join more than 130 other world leaders who had previously announced their intention to go to the Earth summit to participate in those discussions about the future of the world's environment and the interaction between environment and development.

It is anticipated that a number of treaties and statements of principles will be signed by the heads of state who will attend the Earth summit.

Mr. President, I wish to say that every American ought to be glad that the President has finally decided to go to the Earth summit. But the President once again has made an easy decision look tough and has worked to camouflage what I believe has been a weak and cynical approach by his administration to protecting the Earth's environment.

Let me say to my colleagues that I came into possession today of a letter written by the White House to opponents of a meaningful treaty at Rio at which the White House gives written assurances that the treaty on climate change does not, and I quote: "* * * bind the United States to specific commitments of any kind." It goes on to say that there is nothing in any of the language—this is the interpretation of the White House—which constitutes a commitment.

Mr. President, let me go further on the second page of the letter. It gives assurance that this treaty "* * * does not constitute a commitment, binding or otherwise."

Mr. President, let me say that this written assurance to opponents of the treaty that there is no commitment of any kind in it and that it does not require the signatories to actually do anything; stands in sharp contrast to the rhetoric surrounding the announcement of his visit, which intends to convey the impression that something will actually be done.

I think it is a good thing that the President is going to Rio. It is much better than for the President to have decided not to go to Rio. There is a danger, though, that by going with this kind of approach, after having instructed his negotiators to take out of the treaty to be signed there any meaningful commitment to actually do something about the problem of climate change—and there are other subjects that will be discussed there, and I will talk about those in just a moment—but having instructed his negotiators to gut the treaty; having assured the opponents of the treaty that there are no commitments of any kind in it; and then having decided to continue to take the public position at the White House that they are not even convinced that we have a serious problem here, I think that it is kind of a photo-opportunity approach that really undermines the kind of action that should be taken.

I look at it this way, Mr. President. This is about an inch of progress. And while we are making an inch's worth of progress, the problem is racing ahead at many miles an hour. It will require real leadership and real commitments to real action in order to solve this problem. It is not good enough to simply have a photo opportunity.

I believe, Mr. President, that given a choice between a quiet failure at Rio and a catastrophic collapse of the negotiations, mere failure is preferable. I wish there had been a third option, and that is a good treaty with commitments to actually do something to solve the problem. The head of the negotiations on climate change, Mr. Jean Ripert, identified the reason why that was not plausible.

Mr. President, there is a danger at Rio. Again, it is good that the President is going, and it is good that some kind of process is being established.

But the process itself has so many loopholes and the language is so tricky that there is a tremendous danger that people around the world who are alerted to the need to take meaningful action to correct this collision between industrial civilization as it is presently being pursued and the ecological system of the Earth, that people who are so concerned will be given the false impression that something more than symbolism is taking place there, something more than merely the beginning of a process that may or may not accomplish something in the future if future leaders decide to actually put flesh on the bones.

Because when people get a false impression that something is happening when actually it is not happening, that removes the political pressure that is an essential ingredient in the formation of a determination to act. Very often in our political system, we see this happen where a demand for action arises from the people. The opposition to this proposed action congeals on the part, often, of some special interest or some other segment of the public that resists the proposed action, and the compromised response sometimes is to settle for the appearance of action without the action. The side of the argument demanding a response is given a symbol. The side resisting action is privately told, "Don't worry. This symbol doesn't really mean anything." The problem is nothing really gets done. And we cannot afford that kind of approach on this problem.

Back in the 1930's, when the need for some kind of Social Security system was evident to the American people, a demand for action arose. A great deal of study was given to the problem. Obviously, bold action was needed.

If President Franklin Roosevelt had responded by scheduling a photo opportunity at a nursing home, promised further action at some unspecified day, and people were convinced that something had actually been done, it might have been a long time before the country got around to establishing the Social Security system.

In that case, the country did not settle for a photo op and a sympathy card. We got real action. I believe that is what is needed in this case, real action.

So, again, I think it is well and good that the President is going. Mere failure is better than catastrophe. But it would be so much better to have a substantive accomplishment there.

Briefly, before I close, all of the attention is focused on the climate change treaty which is the subject of this letter. I ask unanimous consent this letter be printed in the RECORD. I have removed the addressee. The person signing the letter is the Counselor to the President for Domestic Policy, Clayton Yeutter. It is from the White House to opponents of the treaty.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, May 8, 1992.

We now have available the final text on climate change as it will emerge from the New York negotiations unless there are last minute, unanticipated amendments. As you know, we expect the text to be presented for adoption by more than 100 countries at the Earth Summit meeting in Rio early next month. In light of your personal interest, as well as the interest of many of your Congressional colleagues, I would like to provide my interpretation of what has changed. This is not an official interpretation since this is only a draft document and further changes could be made in Rio.

With those disclaimers, my view is that there are two key paragraphs to this proposed agreement and neither binds the United States to specific commitments of any kind.

The first states that participating nations shall adopt national policies and take corresponding measures to limit the emissions of greenhouse gasses and also protect and enhance greenhouse gas sinks and reservoirs (such as forests). The United States strongly supports those fundamental objections and is already carrying them out through the President's America the Beautiful tree planting initiative, passage and implementation of the Clean Air Act, and in a host of other ways.

The first paragraph goes on to state that doing the above will demonstrate that developed countries (such as the U.S.) are taking the lead in modifying emission trends of greenhouse gasses, and goes on to say that the return by the end of the decade to earlier levels of emissions would contribute to such modification. We certainly concur with that statement, and with its underlying objective. But there is nothing in any of the language which constitutes a commitment to a specific level of emissions at any time. As a nation we will do our share, perhaps more than our share, but that is because we have the process already well underway, and not because of any compulsion emanating from this proposed document.

The second key paragraph of the draft agreement states that participating nations shall communicate (within six months after the agreement goes into effect) detailed information on the policies and assures they have underway or plan to take to modify emission trends and then until the end of the decade. We have already provided such information in a recent communication to many of our negotiating parties, but we will do that again officially when the agreement takes effect. And we will probably embellish our information to make it helpful to other countries. We will, of course, expect them to emulate the U.S. example in their own submissions.

The second paragraph goes on to state that nations will communicate the above information with the aim of returning greenhouse gas emissions to their 1990 levels. The word "aim" was carefully chosen, and it does not constitute a commitment, binding or otherwise. Nor does this sentence prescribe or imply any kind of timetable.

As you know, the objective of many other nations was to achieve consensus on a commitment to stabilize carbon dioxide emissions by the year 2000 at 1990 levels. We did not believe such a commitment to be in the best interest of the United States, so we would not agree to it. Neither did we believe this agreement should concentrate only on carbon dioxide. It is far more logical to encompass all greenhouse gases, and our view on that issue prevailed as well.

In summary, we take our international obligations seriously, and we take the challenge of climate change seriously. I believe the draft document will constitute a major step forward as the world confronts this important issue. And I further believe that by avoiding specific, definitive, binding commitments we have put this nation in a position to respond more flexibly, and hopefully more fully, than would have otherwise been the case.

It has come to my attention, Mr. Chairman, that the House may consider H.R. 4750, global climate legislation, in the context of the energy bill in the next several weeks. H.R. 4750 is completely inconsistent with the thrust of the draft international agreement. Passage of H.R. 4750 or similar legislation would not only be inimical to the interests of this nation, but it could collapse the delicate policy balance that has now been achieved. If H.R. 4750 or similar legislation were added to the energy bill, or passed separately, I and other senior advisors would recommend that the President veto it.

Sincerely,

CLAYTON YEUTTER,
Counsellor to the President for Domestic Policy.

Mr. GORE. Mr. President, all of the attention has been on the climate change treaty. But just briefly, in closing, there was also supposed to be a treaty on biodiversity. We received the news just a few days ago that the Vice President's office has raised an objection to the biodiversity treaty in the eleventh hour, and that now that is in doubt.

There was supposed to be an Earth charter. The administration objected. Now it is a Rio Declaration, of much lower significance. And even the language of the declaration is now in doubt and remains to be negotiated.

There was supposed to be a forestry convention, but we objected initially to having anything to do with language that affected forests in the Northern Hemisphere. We wanted all the focus to be on tropical forests. By the time that was clarified, this effort had collapsed.

Then there was supposed to be an Agenda 21, of actions that are supposed to be taken to mitigate this problem. All of that is up in the air. It has not been accepted or agreed to yet.

I just think we need more. We need a real commitment to real action.

I know my colleague from Maryland has been waiting. But my colleague from New Mexico has as well. Senator WIRTH and I had requested the time.

Perhaps the best thing for me to do, Mr. President, is to yield the floor.

Mr. DOMENICI. Parliamentary inquiry. I did not understand what Senator GORE'S time was.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee and the Senator from Colorado were recognized to proceed as if in morning business. Subsequent to that the majority leader asked unanimous consent we spend the remainder of the day on morning business.

Mr. DOMENICI. Mr. President, how long does that mean my two colleagues will have the privilege of speaking?

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired. How much time does the Senator from Colorado request? Or did he request?

Mr. WIRTH. We had, together, a total of about 15 minutes. I assumed I was going to speak for 8.

The PRESIDING OFFICER. The Senator from Colorado will be recognized for 8 minutes.

THE EARTH SUMMIT

Mr. WIRTH. Mr. President, last week almost 2 years of negotiations came to a close in New York City. Despite the best efforts from the community of nations, only a lowest common-denominator convention could be agreed to. The pressure of the U.S. Government for less and the desire of other nations to ensure that our President attends the Earth summit combined to result in an agreement that was significantly weakened.

The President announced today he will go to Brazil for the Earth summit, probably for a brief appearance. This will be one of the most expensive photo opportunities in history. The cost of the trip? A lost opportunity for the United States to lead; deferral of a vigorous U.S. role in a new world order; the loss of commitment by developing countries who ask if the richest country will not stretch to change, why should we; a loss of market opportunities for the United States; the loss of a set of forest principles; a watered-down Earth charter; and, most alarming, the loss of precious time.

These are major costs, major losses for our country and history will not be kind to this administration, which reflexively responds to the politics of an old world order while preaching the need for the new.

This cost results from what can be described at best as an ambiguous compromise between those in the administration who know what we can and should do, and those who have made this an ideological litmus test for the President.

Unhappily it appears as if the agreed-upon convention was the best possible at this time, even though it is a tremendous disappointment to the rest of the industrialized world who have been willing to change when we have not, and to all of those committed to protecting our fragile environment.

Last week I went to the United Nations with Senator GORE to see the last leg of negotiations on a climate convention. What struck me, and had to have struck anyone following the negotiations, was the enormous power of the United States of America. Many in our country despair for our future. Some fear we are in a period of protracted decline. But, to me, last week's negotiations were an affirmation of our immense power.

It was clear in New York that the world is looking to us in the United States for leadership. We are the leader. If the United States sets a course, the world will follow.

That was very affirming, a message to follow from the G-7 countries. The European countries, the Japanese, people all across the world look to us for leadership. Unfortunately the lead that came from the United States was too timid—and so was the result.

Our unwillingness to lead stands in sharp contrast to a world that is eagerly awaiting a signal from us. From the industrialized to the developing countries there existed in New York great expectations for the United States to lead the world in a common effort to protect the global commons.

The European nations demonstrated their willingness to change by setting a goal of stabilizing their carbon dioxide emissions in 1990 levels by the year 2000. The Europeans, highly industrialized, very modern, our competitors around the world were ready to do it. They were ready to put it out on the table and they did. Call it a target, call it a timetable, call it what you will, but make no mistake, it was a goal of trying to reach out to other nations to reduce emissions of the primary gas that is building up in the atmosphere and that will result in climate change.

Where other nations have signaled their willingness to change, again, we did not. Of course, we can change and reach these rather modest goals. The administration's own analysis demonstrates that we can meet the goal at little or no cost, perhaps at a net savings, but we fail to make a political commitment at home, to shout down the ideological, short-term, selfish naysayers. Some day we will, but not with this President apparently in this election year.

Where do we go from here? Clearly, the business community is already moving. The natural gas industry is beginning to assert itself recognizing the protection of delicate ecological systems bodes well for natural gas, the cleanest burning of fossil fuels. The energy efficient community is beginning to move. Twenty-five executives wrote to the President last week urging him to commit to a greenhouse gas reduction goal and they said:

> We have come to the conclusion that the United States can achieve substantial reductions in its carbon dioxide emissions with existing technologies by relying on market-based policies.

This from 25 executives of major firms, not ecoterrorists or whatever they may be described as, but substantial members of the American economic community, and they are not alone.

The utility industry, from Pacific Gas & Electric, to Southern California Edison, to New England Electric is moving forward with efforts to reduce greenhouse gas emissions, and the list goes on. Much of the private sector understands and is moving on the opportunity and responsibility. It is too bad that this administration is not helping. The world is passing the White House by.

The Business Council on Sustainable Development convened by Morris Strong and led by a European industrialist, Stephan Schmidheiny, urges the phasing out of subsidies that encourages resource waste and environmental degradation. This group of powerful business executives, including the head of Volkswagen, urges the use of revenue-neutral charges, and other market-based environmental strategies as tools for intergrating economic development and environmental protection. The Business Council comes to the very simple but profound conclusion that conservative business principles are supportive of, not counter to, sustainable development and environmental protection.

Again, more can be done and more will be done with or without the current administration and independent of the political lurches of this election year. The world, that business world, is passing this administration by.

The Europeans and the Japanese are willing to look ahead to protect the environment while developing new markets for their products and their economies. The business community is moving forward, our international competitors are moving forward, private citizens, nongovernmental organizations are moving forward. Unhappily, shamefully, disappointingly, old thinking is winning in this administration. The tired old arguments and false choices that were drawn up in the 1970's and 1980's about jobs versus the environment have won this day. That is not the choice. This is not the tradeoff, and yet it keeps being invoked by a lot of people who simply do not want to change.

But tomorrow is a new day and some new thinking at some point will prevail. The cold war is over. People the world over recognize that fundamental changes need to be made; that new alliances have to be drawn to halt the war that we are waging against our most basic life support systems. The destruction of soils and forests, the depletion of the ozone layer and water resources, the fouling of the atmosphere and air—these trends are on paths that simply cannot be sustained.

Sadly, while much of the rest of the world is ready to change and recognizes this urgency, this administration has told the rest of the world that the leadership of the United States is not. This administration has told the rest of the world that despite your request that we lead, we are not going to.

So what happens? We are just going to have to wait around for a while longer, for reasons of the 1992 election and the lack of political courage. A tremendous opportunity is being missed. Instead of leading, we have reached the lowest common denominator. Instead of being part of a new world order, we are involving the old world order and the old rhetoric of jobs versus the environment. Instead of understanding these remarkable economic opportunities, we are looking in the rear view mirror. Instead of doing what the developing world would like us to do and they, in turn, will respond with a forestry convention, that is no longer on the table and we are responsible for that as well.

I am very sorry about this. A lot of people asked, what do we do from here? We just muddle through some more, muddle through until November, and maybe after November we will have an administration that is willing to stand up, but right now, very obviously, the sort of old think, the massive sets of old choices, and this reactionary litmus test given to them is dominating the day.

It is too bad. Americans should come to understand what is happening, what opportunities we are missing, and how as we reach to a new world order, all we are getting is the old style of leadership.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MUKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2694 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to speak for 5 minutes on discrimination against the severely mentally ill under our health care, and 5 minutes on the subject to which my friends from Tennessee and Colorado spoke.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2696 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

GLOBAL WARMING

Mr. DOMENICI. Madam President, I see the distinguished Senator from Rhode Island on the floor. I assume that he is going to speak to the issue of climate warming. I certainly know that his time is important, but I asked him if I could speak for a few moments because I have a very important engagement at 5:30. So I am going to be as brief as I can. But I want to talk about the issue that Senator GORE from Tennessee and Senator WIRTH of Colorado spoke to on the floor of the Senate today.

It is not the first time that both of my colleagues have come to the floor and addressed the issue of the seriousness of climate warming which is being looked at, studied and scientifically analyzed in America and around the world.

Heretofore, before today, I heard from most Members on the other side a constant bombardment of the President of the United States. They were continually carping that he ought to go to this conference in Rio. Many a speech was delivered critical of the President because he had not yet decided whether or not he would attend this international conference.

It is very interesting, Madam President and fellow Senators, that the President has now said he is going and some of those who are critical of him for not deciding to go are now critical of him because he is going. In fact, I heard this morning at one of the hearings a Senator say he should not go, the same Senator who has been urging that he go. The Senator was now saying it is not worth his going; we should not spend the money to send him.

Now, Madam President, since those Senators, including the distinguished Senator from Colorado, who is on the floor, choose to politicize this issue, then we really ought to call it politics and not climate warming, not science but politics. The President of the United States, unless he agreed totally and unequivocally with their view, is guilty of negligence on behalf of the American people and future generations.

Madam President, that is not true. A consensus of the scientists in America, a broad concensus, say we ought to do some serious things as a nation and as a world about this problem.

This same consensus of scientists is not at all in agreement as to how serious the problem is, but they all say it is serious enough to do something.

Now, Madam President, the President of the United States by his actions to date and the United Nations by agreeing to the proposals that they did bound the United States of America to a determination that, indeed, we ought to do something about this problem.

Now, from what I can determine, Madam President, there is also a consensus on the other side—remember, there is a consensus of scientists, not all of them, saying we ought to take significant steps, actions—there is a consensus of scientists, believe it or not, in spite of what is said on the floor of the Senate by those who choose to make the President of the United States the scapegoat for this issue—there is a significant consensus of scientists saying what the United Nations did and what the President advocated—now get this, Madam President—is the best approach for America and the world.

Now, how do we square the two? How do we square the two? To whom do we listen to? If we listen to the scientists, who say there is a problem, and then we listen to the scientists, who say do precisely what the President is recommending and what the United Nations has agreed to, it is better for the world, it will achieve more, then, Madam President and fellow Senators, why should we come down here and say the President is going to a convention conference that is meaningless? Why should we insist that the President lead in a manner different than that recommended by the compelling scientific data in the country so we can say we are leading? Why would we want to lead when there is nothing significant to be achieved by leading with what they ask the President to lead?

Now, I conclude that apparently there are some who think that if we can, indeed, make it tough for the American economy, if we can say in order to get where we want you to go you have to change this American economy, somehow that is a goal in and of itself.

Well, let me tell you, Madam President, the big issue in the United States of America is the American economy: How can it grow? How can we prosper? How do we get sustained economic growth with low inflation offering more and more opportunity and jobs? I need not remind those present on the floor of the Senate that that is the politics of our day. If you want to know what the American people are most worried about, it is not today. It is not tomorrow, but it is the economy and jobs for their children and grandchildren that they are worried about.

Why in the world should we flagellate ourselves about this issue so that we can declare that we are leading in a manner suggested by those who do not like what the President is doing, when what the President is doing and what the United Nations has agreed to has as much consensus backing as their position? Why would we come to the floor and say he is backward, we are practicing policies of the past?

Let me tell you. The policies of the past are to do what you must in the environment but to do it in such a way that you minimize the killing of jobs and opportunities in the United States which already has a difficult enough time sustaining economic growth in a changing world.

I ask unanimous consent that a statement made today at the Energy Committee by our chief negotiator, Dr. Reinstein, who did a marvelous job, be made a part of the RECORD.

I think he is a credible scientist. He essentially says in better terms what I just said.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY ROBERT A. REINSTEIN, DEPUTY ASSISTANT SECRETARY OF STATE FOR ENVIRONMENT, HEALTH AND NATURAL RESOURCES

I am happy to report that on Saturday, May 9, the United States and over 140 other countries adopted the text of the United Nations Framework Convention on Climate Change. This far-reaching agreement establishes a long-term process for responding on a global basis to this vital issue.

The Convention calls upon industrialized countries to take the lead by adopting national policies and corresponding measures that will mitigate climate change by limiting their anthropogenic emissions of greenhouse gases and protecting and enhancing their sinks and reservoirs of these gases. Further, the Convention calls on industrialized countries to provide on a regular basis detailed information on the policies and measures they undertake in this regard, as well as projections to the end of the decade of their resulting human-caused emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal protocol. Countries will thus be able to compare the results of these actions on emissions with the levels of emissions in 1990, with the broad aim of returning to these earlier levels.

The agreement also establishes a global partnership between industrialized countries and others, particularly developing countries, as well as those countries with economies in transition. It provides for financial support to enable countries in need of such assistance to comply with obligations they have undertaken in the agreement and to implement certain agreed programs and projects which would contribute to the global effort in accordance with the financial mechanism defined in the Convention.

The negotiators entrusted the Global Environment Facility [GEF] of the World Bank, UNEP, and UNDP with operation of the financial mechanism on an interim basis. Parties to the Convention will decide at the first session of the conference of the parties following entry into force of the convention whether this designation of the GEF should be reaffirmed.

Other provisions of the agreement provide for technology cooperation, including technology transfer, enhanced cooperation in the areas of scientific research, monitoring and observation, as well as education and training and the exchange of information. A related resolution adopted by the Intergovernmental Negotiating Committee [INC], provides for work on interim activities prior to the Convention's entry into force, with a follow-up meeting before the end of the year.

The United States believes that this is the right agreement for this time, a judgment endorsed by a broad spectrum of other countries. The new convention will enable us to address the issue of climate change through a process that integrates science, technology, economics, and relevant national circumstances. This agreement signals to both the public and private sectors that climate change is a common concern. The Framework Convention on Climate Change provides the means for us to pursue a coherent and cooperative international response that balances many interests. In so doing, it provides a foundation on which to build a global partnership for sustainable growth for our own and future generations.

Mr. DOMENICI. Madam President, last week this same Energy Committee had four scientists. Their names are listed in the statement that I will submit in the RECORD. They are eminent scientists. They started our review of this policy, of this problem, and they all four said that multiple gas control instead of just CO_2 was far preferable. Whose idea and whose policy was that? The President's, and what the United Nations agreed to. Those four said you do not need mandatory targets and goals to achieve. You need action plans, and the United States of America and the United Nations develop action plans.

So I submit if you want to talk politics, talk politics, and call it for what it is. If you want to talk about reducing the gases in the atmosphere over the next decade or two, so as to achieve a better environment and better opportunity for regular climate instead of aberrations of long duration of change, if that is the issue, we are doing what is right. If the issue is something else, then obviously there is a lot of talk about.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I think it is regrettable that the rhetoric we have heard from the Democrats this afternoon has been that same old "trash the U.S.," same old "trash the President of the U.S." Somehow the suggestion is that the Europeans are doing everything right and we are doing everything wrong.

Madam President, let us take a look at the record, about the Europeans, the Europeans that are held up as our models. Let us talk CFC's. We ended aerosol propellents that used CFC's in the mid-1970's and the Europeans are just getting to it now. We are far ahead of the Europeans in all CFC controls. The United States is way ahead of the Montreal protocol, for example.

Let us look at unleaded gasoline. In the 1970's, in the mid-1970's, in the United States we mandated catalytic converters on all new automobiles. Of course, when you have a catalytic converter you cannot use leaded gasoline. That was a phaseout of lead in the gasoline, something we have accepted for years. Indeed, the emissions of lead in our atmosphere from automobiles now has declined by 98 percent as a result of the action we took in the mid-1970's.

What about the Europeans? Well, in the European Community they are starting mandatory catalytic converters on January 1, 1993. They have not even reached it yet. I do not think we ought to hold up the Europeans as models to us all the time.

Madam President, as was mentioned previously, the President of the United States has been scolded for not going to Rio. So today he announced he is going to Rio, and he is scolded. He is scolded because he is going to Rio. And indeed I understand there were some remarks on the floor earlier that it is so late that they ought to hold back any funds that he might expend for going to Rio.

I think we ought to celebrate, Madam President, the President of the United States going to Rio. I think personally it is wonderful; I am delighted. I all along hoped that he would go. I urged him to go and today he announced he is going, and I think that is splendid.

Just as the United States did with CFC's, just as the United States did with cleaner automobiles, just as the United States did with the Clean Air Act, we have to assure the United States leads in controlling climate change in the world. That means we have to lead in the reduction of greenhouse gases such as CO_2, and methane and others.

How are we going to do it? One approach is just to trash the President and denigrate him, say nothing can be done until November; he is doing it all wrong; he is appealing to all the wrong elements in our society. I do not believe in that approach.

I think what we ought to do ourselves is get into harness, all of us as individual citizens of the world, as well as elected representatives in this body, act as leaders and demonstrate to the administration that we are ready to go and we welcome the President's full participation.

Madam President, I am confident we will receive that full participation and full support. There is a big challenge out there. It is not going to be done by divisive comments, comments that compare us unfavorably with everybody else in the world and say we are doing everything wrong.

We are doing plenty right, Madam President, in connection with the environment. Now what we have to do is buckle down, all of us say we can do better. And if we think the President is not being forceful or aggressive enough, then say so to him, urge his participation, and indicate that we are ready to go with it.

I thank the Chair.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you, Madam President.

I appreciate the constructive remarks of the distinguished Senator from Rhode Island who has always been so good on these issues. Let me make one thing very clear for the record. One, neither I nor Senator GORE at any point said that we lamented the President going. In fact, we said we were very pleased that the President was going. Neither Senator GORE nor I am saying we are making the President the "scapegoat" for climate change problems; never used the word "scapegoat." I think it is great he is going.

What I lamented was the fact that the cost of his being able to go was so great. What we had to do was dramatically water down the offer that was made from almost everybody else in the world, the only exceptions being a coalition of heavily polluting industries in the United States, the Saudis, and maybe two or three others. Everybody else was saying, let us take a higher ground.

Do not associate us in any way, shape or form in saying the President should not go. I think it is great that the President does go. I have urged that, as the distinguished Senator knows, for a long time. But the cost of getting him there was so great. If you do not believe us—and Senator DOMENICI said, I do not think this is politicized. Of course it is politicized. Go to New York and find out what is going on. Ask our negotiators and find out where the pressure is coming.

Go up to New York and see what is going on in that negotiation. Talk to the Europeans about what they thought we altogether were able to do and how that got watered down. Ask the G77 countries, the developing countries on the other end, who were willing to go ahead with the timber convention. They were willing to do that. But because of the extraordinarily weak response by the United States, they are backing off, saying if you guys are not willing to reach, we are not going to reach either.

So we have that one on our hands as well.

Ask the French why they could not even translate the language of the agreement because it was so ambiguous. They did not know what it meant. It was this sort of fuzzy, waffle, lowest common denominator. They could not even translate it because they do not know what it means.

That is the problem. The cost of the President going is very, very significant. What I mean by cost is not the airplane ticket. No one should accept that literally. It is the cost of getting the President to a point where he could politically go, the cost to us of all of these lost opportunities, one after another.

That is the issue here. It is not the consensus of scientists that the United States did the best approach. That is not what the people said last week in that hearing. I sat through every bit of that hearing. That is not what they said. That is kind of revisionist science in all of this. That is as bad as revisionist history. That is not what those individuals said, that we can insert in the transcript the appropriate stuff.

The issue here is not the tradeoff between jobs and the environment; that is an old issue. We are not flagellating ourselves. The old, tired, economic tradeoff is the wrong way to go. What we ought to be recognizing is the potential of a new and different way to go, to understand that coming out of Brazil, coming out of these economic challenges, and these environmental challenges, are wonderful opportunities for us, for the United States, in terms of energy conservation.

We can make significant steps. And every dollar that we do not spend sending energy up the chimney, we can spend on other important things like technology transfer. The Japanese are moving into that technology transfer too rapidly, and we are sitting in the United States doing our lowest common denominator thing, while they recognize this multitrillion-dollar opportunity out there and are gearing their economy up for it. Why are we not doing that as well? Biodiversity? We are not even going to get a biodiversity convention, or it will be so weakened that we do not get anywhere. This at a time when one of the winners in the U.S. economy is the pharmaceutical industry, depending for a vast percentage of its products on the biodiversity we ought to be protecting.

There are so many contradictions in the position being taken. The only point that I am making is that there are huge opportunities out there for the United States. The world looks to us as their leader. It was thrilling, I tell my colleagues again, to listen to what the rest of the world was thinking about us and how much they wanted us to lead. And it was disappointing to hear delegation after delegation after delegation reflecting their disappointment at the fact that we do not lead.

That is the point I was making. I will continue to make that point. I am sorry; it is a missed opportunity. Now we will muddle through November, and they will be reporting back. It may not even be a convention that has to be brought to the floor, says the most recent memo from the White House. If it does, we will have debate. Then we will go on to the reporting requirement and on to 1993, having missed a significant opportunity.

There are so many channels out there that would be positive for us, and it is the opinion of this Senator that we have missed many of them.

I am delighted that the President is going. The cost of getting him there, in terms of the compromises that had to be made, is very severe. He did not have to do it that way.

Madam President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, one of the things about the liberals that has always interested and amused me is they always think that the answer to any of our problems is to go to a convention. I heard my friend from Colorado mention a Biodiversity Convention and he talked about costs. But these conferences are not without cost, as some suggest. I suggest that a case could be made about the millions and millions of dollars spent on transportation, as we send every unnamed bureaucrat we have ever known down to the Rio Conference. We could be spending those resources to actually clean up the environment, rather than staying in the best hotels and flying down first class and spending millions of dollars. So I have always been interested and amused by my liberal friends, such as the Senator from Colorado, and that the answer seems to always be let us go to a conference.

The fact is that this administration and this President signed a Clean Air Act, a vital piece of legislation to protect our environment. We are working on a Clean Water Act, another vital piece of legislation. The President is interested in action. Madam President, some of us on this side are getting a little bit tired of the President getting bashed, because he does not go to enough conferences. The outcome of the convention is what counts. Despite what opponents of the President say, President Bush wants a responsible global agreement, not political theater.

The interesting thing about these conferences is that they always seem to be held at some pretty nice places like Rio, Paris, Geneva. The President has had to carefully weigh the alternatives and the decision of whether to go.

I am pleased he is going. But there are costs involved when the President of the United States goes somewhere. Indeed, he is a leader in the world. The reason why he is, is because the United States has emerged as the No. 1 superpower in the world. This is so despite the efforts of some of my liberal friends to spend money on conferences rather than a strong national defense—the product of the 1980's—which made us the leading superpower in the world. My friend from Colorado and some of our other friends on the other side of the aisle happen to have this fascination and are mesmerized by conventions. As I said I am glad the President is going. I hope all my liberal friends on the other side of the aisle are able to go and enjoy Rio also, along with the hundreds of bureaucrats that will go spending, I have no idea how many millions of dollars of the taxpayers' money, generally getting done what could be done right here in Washington, DC. And, there will also be a huge entourage of media people and lots of agonizing and moralizing in Rio. When the President returns I am sure the same people will be back on the floor ready to bash him again.

So I tell my friend, the convention will have costs and they may be great again, I am glad the President is going. Global environmental issues are important. But, conventions do cost money, and we should be careful that we use the taxpayer's dollars wisely.

I would just like us to put more emphasis on substance than on political theater and bashing the President.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 2697 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. WELLSTONE]. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar 572, 573, 574, 575, and 576.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the

RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominees considered and confirmed, en block, are as follows:

THE JUDICIARY

Robert E. Payne, of Virginia, to be U.S. district judge for the Eastern District of Virginia.

Richard H. Kyle, of Minnesota, to be U.S. district judge for the District of Minnesota vice Robert G. Renner, retired.

Joe Kendall, of Texas, to be U.S. district judge for the Northern District of Texas.

Lee H. Rosenthal, of Texas, to be U.S. district judge for the Southern District of Texas.

EXECUTIVE OFFICE OF THE PRESIDENT

John P. Walters, of Michigan, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REQUESTING THE ARCHIVIST OF THE UNITED STATES TO REPORT ON RATIFICATION BY THE STATES OF PROPOSED CONSTITUTIONAL AMENDMENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 295, a resolution requesting the Archivist of the United States to report to the Senate on ratification by the States of a proposed constitutional amendment, submitted earlier today by Senator BYRD, along with the Republican leader and Senator MITCHELL; that the resolution be deemed agreed to; and that the motion to reconsider the adoption of the resolution be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 295) was deemed agreed to, as follows:

S. RES. 295

Resolved, That the Archivist of the United States be, and he is hereby, requested to communicate to the Senate, without delay, a list of the States of the Union whose legislatures have ratified the article of amendment to the Constitution of the United States proposed to the States in 1789 as the second article of amendment to the Constitution, on the effective date of laws varying the compensation of Members of Congress, with copies of all the resolutions of ratification in his office.

SECTION 2. That the Archivist communicate to the Senate copies of all resolutions of ratification of said amendment which he may hereafter receive as soon as he shall receive the same, respectively.

SECTION 3. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States and to the House of Representatives.

FAMILY PLANNING AMENDMENTS ACT

Mr. DASCHLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 323.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 323) entitled "An Act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Dingell, Mr. Waxman, Mr. Wyden, Mr. Lent, and Mr. Bliley be the managers of the conference on the part of the House.

Mr. DASCHLE. Mr. President, I move that the Senate disagree to the amendments of the House, agree to the request for a conference, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer [Mr. WELLSTONE] appointed Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mrs. KASSEBAUM conferees on the part of the Senate.

TIMELY FILING

Mr. DASCHLE. I ask unanimous consent that the amendment numbered 1813 be deemed timely filed as a first-degree amendment with respect to today's cloture vote on S. 250.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the Committee on Foreign Relations.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

VETO MESSAGE ON S. 3—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 236

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 11, 1992, during the recess of the Senate, received the following message from the President of the United States; which was ordered to lie on the table:

To the Senate of the United States:

I am returning herewith without my approval S. 3, the "Congressional Campaign Spending Limit and Election Reform Act of 1992." The current campaign finance system is seriously flawed. For 3 years I have called on the Congress to overhaul our campaign finance system in order to reduce the influence of special interests, to restore the influence of individuals and political parties, and to reduce the unfair advantages of incumbency. S. 3 would not accomplish any of these objectives. In addition to perpetuating the corrupting influence of special interests and the imbalance between challengers and incumbents, S. 3 would limit political speech protected by the First Amendment and inevitably lead to a raid on the Treasury to pay for the Act's elaborate scheme of public subsidies.

In 1989, I proposed comprehensive campaign finance reform legislation to reduce the influence of special interests and the powers of incumbency. My proposal would abolish political action committees (PACs) subsidized by corporations, unions, and trade associations. It would protect statutorily the political rights of American workers, implementing the Supreme Court's decision in *Communications Workers* v. *Beck*. It would curtail leadership PACs. It would virtually prohibit the practice of bundling. It would require the full disclosure of all soft money expenditures by political parties and by corporations and unions. It would restrict the taxpayer-financed franking privileges enjoyed by incumbents. It would prevent incumbents from amassing campaign war chests from excess campaign funds from previous elections.

These are all significant reforms, and I am encouraged that S. 3 includes a few of them, albeit with some differences. If the Congress is serious about enacting campaign finance reform, it should pass legislation along the lines I proposed in 1989, and I will sign it immediately. However, I cannot accept legislation, like S. 3, that contains spending limits or public subsidies, or fails to eliminate special interest PACs.

Further, as I have previously stated, I am opposed to different rules for the House and Senate on matters of ethics and election reform. In several key respects, S. 3 contains separate rules for House and Senate candidates, with no apparent justification other than political expediency.

S. 3 no longer contains the provision that the Senate passed last year abolishing all PACs. Although that provision was overbroad in banning issue-oriented PACs unconnected to special interests, S. 3 would not eliminate any

PACs. Instead the Act provides only a reduced limit on individual PAC contributions to Senate candidates and no change in the status quo in the House. Moreover, the limit on aggregate PAC contributions to House candidates to one-third of the spending limit, $200,000, is not likely to diminish the heavy reliance of Members on PAC contributions. The average amount a Member of Congress raised from PACs in the last election cycle was $209,000.

The spending limits for both House and Senate candidates will most likely hurt challengers more than incumbents, especially because S. 3 does little to reduce the advantages of incumbency. Inexplicably, there is no parallel House provision to the sensible Senate provision restricting the use of the frank in an election year. In the last election cycle, the amount incumbent House Members spent on franked mail was three times the total amount spent by all House challengers. The system of public benefits, designed to induce candidates to agree to abide by the spending limits, is unlikely in many cases to overcome the inherent favors of incumbency.

S. 3 contains several unconstitutional provisions, although none more serious than the aggregate spending limits. In *Buckley* v. *Valeo*, the Supreme Court ruled that to be constitutional, spending limits must be voluntary. There is nothing "voluntary" about the spending limits in this Act. The penalties in S. 3 for candidates who choose not to abide by the spending limits or to accept Treasury funds are punitive—unlike the Presidential campaign system—as well as costly to the taxpayer. For example, if a nonparticipating House candidate spends just one dollar over 80 percent of the spending limit, the participating candidate may spend without limit and receive unlimited Federal matching funds. The subsidies provided for in S. 3 could amount to well over 100 million dollars every election cycle, yet the Act is silent on how these generous Government subsidies would be financed. It seems inevitable that they would be paid for by the American taxpayer. I understand why Members of Congress would be reluctant to ask taxpayers directly to subsidize their reelection campaigns, but given the significant costs of S. 3, its failure to address the funding question is irresponsible.

Our Nation needs campaign finance laws that place the interests of individual citizens and political parties above special interests, and that provide a level playing field between challengers and incumbents. What we do not need is a taxpayer-financed incumbent protection plan. For these reasons, I am vetoing S. 3.

GEORGE BUSH.

THE WHITE HOUSE, *May 9, 1992*.

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, each without amendment:

S. 2378. An act to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes; and

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Month."

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4990. An act rescinding certain budget authority, and for other purposes.

ENROLLED BILL SIGNED

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2378. An act to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 6:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries;

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month";

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; and

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3167. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification on the funding for the UH-60L Blackhawk helicopter; to the Committee on Armed Services.

EC-3168. A communication from the Director of the Office of Governmental Relations, Resolution Trust Corporation, transmitting, pursuant to law, a report identifying and describing covered property under the Coastal Barrier Improvement Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3169. A communication from the President and Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual report on the Affordable Housing Disposition Program for the period between August 9, 1989 and December 12, 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3170. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report stating the the Department of Commerce's current estimates indicate that economic growth fell below one percent during the fourth quarter of 1991; to the Committee on the Budget.

EC-3171. A communication from the Acting Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report on progress in correcting deficiencies in the Airmen and Aircraft Registry System; to the Committee on Commerce, Science, and Transportation.

EC-3172. A communication from the Inspector General of the Department of Commerce, transmitting, pursuant to law, audit reports on the Department of Commerce, International Trade Administration's management of its Foreign and Domestic Service Personnel Systems; to the Committee on Commerce, Science, and Transportation.

EC-3173. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1993 and 1994 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3174. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to revise the definitions of passenger in section 2101 of title 46, U.S. Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3175. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of the period of time for issuing a decision in Rail General Exemption Authority—Miscellaneous Agricultural Commodities—Petition of G.&T. Terminal Packaging Co., Inc., et al. to Revoke Conrail Exemption; to the Committee on Commerce, Science, and Transportation.

EC-3176. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1993 through 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3177. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3178. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3179. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3180. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3181. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, a report entitled "Profiles of Foreign Direct Investment in U.S. Energy, 1990"; to the Committee on Energy and Natural Resources.

EC-3182. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of proposed prospectuses; to the Committee on Environment and Public Works.

EC-3183. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on Radon in Schools; to the Committee on Environment and Public Works.

EC-3184. A communication from the Administrator of General Services, transmitting, pursuant to law, an informational copy of a proposed prospectus; to the Committee on Environment and Public Works.

EC-3185. A communication from the Deputy Assistant Secretary of Defense (Environment), transmitting, pursuant to law, a report on the Environmental Restoration Program for Fiscal Year 1991; to the Committee on Environment and Public Works.

EC-3186. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report concerning the Social Security Administration's programs; to the Committee on Finance.

EC-3187. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the quarterly report on trade between the United States and China, the former Soviet Union, Central and Eastern Europe, the Baltic nations, and other selected countries; to the Committee on Finance.

EC-3188. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Equal Employment Opportunity Commission under the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3189. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board for calendar year 1991; to the Committee on Governmental Affairs.

EC-3190. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semiannual report of the Federal Maritime Commission's Inspector General for the period October 1, 1991-March 31, 1992; to the Committee on Governmental Affairs.

EC-3191. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor for the period October 1, 1990 through September 30, 1991; to the Committee on Labor and Human Resources.

EC-3192. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Funding Priorities—Program for Children and Youth with Serious Emotional Disturbance"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-350. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Armed Services.

"SENATE CONCURRENT RESOLUTION NO. 38

"Whereas, the Louisiana Army National Guard performs a vital service to the state of Louisiana when called upon to assist during periods of disasters such as hurricanes, tornados, and flooding; and

"Whereas, the Louisiana Army National Guard is an outstanding military organization as proven by its heavy involvement in Operation Desert Shield and Desert Storm when it activated more than ten percent of the total national guard that was mobilized; and

"Whereas, the state of Louisiana is one of only six states in the nation that makes a major investment in its soldiers through a state tuition exemption program which allows soldiers to attend a state funded college or university without paying tuition; and

"Whereas, the Louisiana Army National Guard has a long history of recruiting, training, and retaining a large quantity of high quality soldiers: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to petition the Secretary of Defense to compare the readiness and credentials of the Louisiana Army National Guard to other states before ordering a reduction in force: Be it further "*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-351. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Armed Services;

"SENATE CONCURRENT RESOLUTION NO. 39

"Whereas, when the Congress of the United States passed the National Defense Authorization Act for Fiscal Year 1991 they amended Chapter 39 of Title 10, United States Code, by adding a new section which prohibits a member of a reserve component serving on active duty or full-time National Guard duty from serving with a unit of the Reserve Officer Training Corps program; and

"Whereas, by inserting this section into Title 10 of the United States Code, the Congress of the United States has failed to recognize that by doing so, they have hindered college and university ROTC programs immeasurably as this prohibition seriously degrades every school's ability to support and maintain their ROTC units; and

"Whereas, by this omission the Congress of the United States further hinders the relationship between colleges and universities and the military community; and

"Whereas, most importantly, this prohibition has drastically undermined the obligation that colleges and universities owe to their cadet corps: Therefore, be it

"*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to amend that section of the National Defense Authorization Act for Fiscal Year 1991 and allow members of a reserve component serving on active duty or full-time National Guard members to serve with the Reserve Officer Training Corps program: Be it further

"*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-352. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs:

"SENATE JOINT RESOLUTION NO. 129

"Whereas, there is a credit crisis affecting the nation's economy and the ability of state and local governments to provide essential services to the state's citizens; and

"Whereas, during the past year-and-a-half, a credit crunch of crisis proportions has taken hold of the economy and grown increasingly severe, particularly for real estate; and

"Whereas, to date, the credit crisis has shown no sign of improvement; its effects are evidenced throughout the nation as business failures soar, financial institutions weaken, real estate values decline, and state and local property tax bases further erode; and

"Whereas, approximately $200 billion of the nearly $400 billion in commercial real estate loans now held by commercial banks are maturing within the next two years; and

"Whereas, banks, for a variety of reasons, are reluctant to renew these real estate loans; and

"Whereas, both pension funds in the United States, with assets of nearly two trillion dollars, and a stronger and more active secondary market for commercial real estate debt and equity could play a more significant role in providing liquidity and credit to the real estate and banking sectors of the economy; and

"Whereas, many regulatory practices encourage banks to reduce their real estate lending without regard to long-term historical risk; and

"Whereas, the stability of real estate has suffered during the past decade, first from tax rules that in 1981 stimulated excessive investment in real estate, and again in 1986, when rules were adopted that discouraged capital investment in real estate and artificially eroded real estate values; and

"Whereas, the Congress of the United States passed on November 27, 1991, and the President signed on December 19, 1991, a resolution regarding the credit crisis; and

"Whereas, the resolution stated that the sense of the Congress is that immediate and carefully coordinated action should be taken by the Congress and the President to arrest the credit crisis and provide a healthy and efficient marketplace that works for owners, lenders, and investors; and

"Whereas, the resolution further stated that the sense of the Congress is that efforts should be undertaken to explore measures that (i) modernize and simplify the rules that apply to pension investment in real estate to remove unnecessary barriers to pensions funds seeking to invest in real estate; (ii) strengthen the secondary market for commercial real estate debt and equity by removing arbitrary obstacles to private forms of credit enhancement; (iii) restore balance to the regulatory environment by considering the impact of risk-based capital standards on commercial, multifamily and single-family real estate; ending market-to-market, liquidation-based appraisals; encouraging loan renewals; and fully communicating the supervisory policy to bank examiners in the field; and (iv) rationalize the tax system for real estate owners and operators by modifying the passive loss rules and encouraging loan restructures; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the General Assembly of Virginia memorialize the Congress of the United States to seek an immediate end to the credit crisis; and, be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the Virginia General Assembly in this matter."

POM-353. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION NO. 126

"Whereas, the automobile manufacturing industry is a multi-billion dollar business in Virginia, including a Ford truck plant in Norfolk, a General Motors parts plant in Fredericksburg, and a number of small independent plants across Virginia whose business of manufacturing parts for full-size and mid-size cars totals almost $3 billion annually; and

"Whereas, the automobile industry is making, as rapidly as technological advances allow, steady improvements in fuel economy and emission controls in the cars and trucks for sale to the public; and

"Whereas, legislation is now pending before the United States Senate and House of Representatives mandating Corporate Average Fuel Economy (CAFE) standards which would require a 40 percent increase in miles per gallon by the year 2001; and

"Whereas, such a major increase in CAFE standards would greatly reduce the availability of full-size and mid-size cars, limiting the consumer to a choice of compact, mini-compact, and subcompact cars; and

"Whereas, unrealistic CAFE standards would greatly reduce the availability of full-size vans, mini-vans, and full-size pickup trucks—the work vehicles of businesses and farms; and

"Whereas, the reduction in the numbers of full-size and mid-size vehicles would have drastic adverse effects on production at the Ford and General Motors plants and other vehicle parts manufacturers in Virginia, resulting in major economic losses to the economy of the Commonwealth; and

"Whereas, it has been estimated that significantly higher CAFE standards could cost as many as 300,000 jobs in the United States during the next decade; and

"Whereas, higher CAFE standards would have little or no effect on the energy security of the nation, reducing oil imports by only one to two percent by the year 2005; and

"Whereas, many national safety experts have expressed the opinion that a drastic increase in CAFE standards would substantially increase the risk of fatalities and injuries because of the greater number of smaller, lighter vehicles on the highways of the nation; and

"Whereas, a study of estimated fuel economy standards that can practicably be achieved, including the capabilities of the domestic automobile industry, employment issues and the effects on vehicle safety, air quality/emissions, and economics, commissioned by the U.S. Department of Transportation, should be reported soon; now, therefore, be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Virginia Congressional delegation so that they may be apprised of the sense of the General Assembly."

POM-354. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 13

"Whereas, since 1976, the federal Payment in Lieu of Taxes (PILT) Program has provided payments to Idaho's counties as partial compensation for the presence of federal lands within their boundaries; and

"Whereas, since enactment, PILT payments have not been increased to reflect the cost of inflation; and

"Whereas, under the current formula Idaho's counties receive more than $7,000,000 in PILT payments annually; and

"Whereas, these payments are essential to the economic stability and viability of these counties and only partially offset the services provided to federal lands within the counties; and

"Whereas, legislation is pending before Congress which would more than double the amount of payments to Idaho's counties and would index future payments to inflation: Now, therefore, be it

"*Resolved by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein*, That the Congress of the United States adopt the legislation currently pending before it which would double the amount of PILT payments to Idaho's counties, index future payments to inflation and should add allotments and other federal lands to the formula for determination of payments: Be it further

"*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this memorial to the President of the United States, to the Secretary of the Interior, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-355. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works:

"HOUSE JOINT MEMORIAL NO. 14

"Whereas, the Endangered Species Act is before Congress for reauthorization in 1992: and

"Whereas, this act has proved to be necessary and beneficial to the protection and recovery of threatened species such as the bald eagle and the American alligator; and

"Whereas, recent conflicts concerning the northern spotted owl and the native salmon have demonstrated that wildlife recovery plans mandated under the provisions of the Act fail to consider the adverse social and economic impact such plans will have on our citizenry: and

"Whereas, the integrity and purpose of authorizing the Act can be maintained and indeed strengthened through amendments which take greater account of the human, social and economic consequences of protecting threatened species: Now, therefore, be it

"Resolved by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge Idaho's congressional delegation to amend, or support the amendment of, the Endangered Species Act to require that extensive, in-depth human, social and economic impact analyses be conducted early in the proposed listing process and that such analyses inform any final decisions in such a manner as to assure that while threatened species are protected, economic dislocation and job losses will be minimized: Be it further

"*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, to the Secretary of the United States Department of the Interior, Manuel Lujan, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-356. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance:

"HOUSE JOINT MEMORIAL NO. 12

"Whereas, persons qualified for Medicare can have medical fees paid through Social Security, due to their payments into the Social Security system for said benefits, to health care institutions and treating physicians; and

"Whereas, veterans who receive medical care and attention through the Veterans Administration cannot have Medicare payments made for said medical care and attention paid to the Veterans Administration; and

"Whereas, veterans having contributed to the Social Security System should be allowed to have Medicare payments made to the Veterans Administration for medical care and attention received from the Veterans Administration; and

"Whereas, under current medical care eligibility criteria, certain nonservice connected veterans are unable to receive medical care and attention from the Veterans Administration due to general resource constraints at individual Veterans Administration Medical Centers (VAMCs); and

"Whereas, in order to help alleviate the underfunded conditions throughout the Veterans Administration, and so that additional resources become available to provide care and attention to veterans now being denied care by the Veterans Administration, it would be more effective use of federal funds to provide care and attention to veterans through the transfer of Medicare funds payable for that care, to the Veterans Administration, under specific authority in Section 5035(d) of Title 38, United States Code; and

"Whereas, by being approved to provide medical care and attention to nonservice connected veterans by using Social Security Medicare funding, the Veterans Administration would be able to provide necessary medical treatment to thousands of veterans who are being denied such care; and

"Whereas, in order to improve access to care for nonservice disabled veterans and to control cost escalation in the federal Medicare program, a waiver of the deductible copayment feature to veterans is needed: Now, therefore, be it

"*Resolved by the members of the Second Regular Session of the Fifty-first Idaho Legislature,* *the House of Representatives and the Senate concurring therein*, That veterans receiving medical care and attention through the Veterans Administration, be permitted to have Social Security Medicare payments made directly to the Veterans Administration for medical care and attention: Be it further

"*Resolved*, That said payments shall be made exclusively for the care of veterans and accrue directly to the operation of the local Veterans Administration Medical Center rendering the care and shall not in any manner diminish the allocation of funds made by the Congress of the United States for the operation of the Veterans Administration: Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, to the Secretary of Veterans Affairs, Edward Dorwinski, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-357. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION

"Whereas, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rate for establishment and expansion of manufacturing enterprises; and

"Whereas, the availability of small issue industrial development bonds is critical to the economic development of Maine, providing expansion, diversification of the manufacturing sector and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity and quality critical to the long-term stability of the State's manufacturing base; and

"Whereas, in the past 7 years, small issue industrial development bonds resulted in investments of approximately $500,000,000 in Maine and the retention or creation of over 35,000 jobs in the State and enhanced the tax base of municipalities throughout the State; and

"Whereas, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation forthwith to eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

POM-358. A joint resolution adopted by the Legislature of the State of Idaho; to the Select Committee on POW/MIA Affairs:

"HOUSE JOINT MEMORIAL NO. 20

"Whereas, there are at least 2,273 American servicemen and civilians who have yet to be accounted for in southeast Asia as a result of the aftermath of the war in Vietnam and southeast Asia; and

"Whereas, twelve of those unaccounted for in southeast Asia are Idahoans whose names, hometowns, branch of service and date of capture or loss follow:

"*Name, hometown, branch of service, date of loss*

"Jon K. Bodahl, Boise, Air Force, November 12, 1969.

"Curtis R. Bohlscheid, Pocatello, Marine Corps, June 11, 1967.

"William Cook, Mountain Home, Air Force, April 28, 1968.

"Hal T. Hollingsworth, Grace, Navy, January 16, 1966.

"William B. Hunt, Sandpoint, Army, November 4, 1966.

"William H. Lemmons, Pocatello, Army, June 18, 1967.

"Roderick L. Mayer, Lewiston, Navy, October 17, 1965.

"Jesse D. Phelps, Boise, Army, December 28, 1965.

"John L. Powers, Mackay, Army, February 15, 1971.

"Jon M. Sparks, Carey, Army, March 19, 1971.

"Larry Thornton, Idaho Falls, Air Force, December 24, 1965.

"Greg N. Hollinger, Paul, Army, December 14, 1971.

"Whereas, there is a body of credible evidence suggesting that live Americans or identifiable remains of Americans remain in southeast Asia; and

"Whereas, the executive branch of the United States government and the Congress of the United States have declared that resolution of this issue is of the "highest national priority"; and

"Whereas, the agencies of the United States government, including the Department of Defense and the Defense Intelligence Agency have had since the official termination of hostilities in May of 1975 to resolve these issues; and

"Whereas, the Department of Defense has created and maintained an unnecessary veil of secrecy and ignorance by classifying most of the available information concerning live sightings, status reports, and other data relating to those who are still missing, the declassification of which would not compromise resources, means, methods and identities of intelligence operatives; and

"Whereas, it would appear that by promulgating a classified plan referred to as a "road map for normalization of relations" between the United States, Laos, Cambodia and Vietnam, the government of the United States appears to be poised to "normalize" relations with those governments in spite of the unresolved issues concerning prisoners of war, those missing in action, and the repatriation of the remains of those Americans who made the ultimate sacrifice: Now, therefore, be it

"*Resolved by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein*, That we urge the President of the United States, by executive order, to declassify information, data and intelligence pertaining to all matters relative to these issues, except for that data or information which would reveal the means, methods and identities of intelligence operatives, that we further urge that the respective branches of the armed services be assigned to resolve these issues, that any and all future remains returned from southeast Asia be placed, for purposes of identification, with the Smithsonian Institution, Washington, DC, and that normalization of relations with those countries of southeast Asia be deferred until such time as the issues identified herein are satisfactorily and adequately addressed: Be it further

"*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-359. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Select Committee on POW/MIA Affairs:

"SENATE JOINT RESOLUTION NO. 125

"Whereas, certain departments and agencies of the United States government now maintain and in the future will continue to receive records and information correlated or possible correlated to United States personnel listed as prisoners of war or missing in action from World War II, the Korean Conflict, and the Vietnam Conflict; and

"Whereas, such information and records should be released by federal departments and agencies and thereby publicly disclosed; and

"Whereas, disclosure would allow a nation proud of its democratic heritage to end the secrecy which has kept from its citizens those facts necessary for long overdue introspection and, thus, final catharsis with regard to World War II and the Korean and Vietnam Conflicts; and

"Whereas, disclosure would permit our nation not only to better examine its past, but would also provide a more complete and accurate factual basis upon which to develop future policy; and

"Whereas, disclosure would allow generations recalling World War II and the Korean and Vietnam Conflicts to offer tribute and thanks to their contemporaries for the freedom which all Americans continue to enjoy today; and

"Whereas, disclosure would instill within generations born after these eras an appreciation of the ultimate sacrifices which Americans have made in the name of democracy; and

"Whereas, the beneficiaries of disclosure might also include the surviving prisoners of war themselves insofar as disclosure may result in a ground swell of informed support for efforts to return home surviving prisoners of war: Now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the Congress of the United States is hereby memorialized to enact legislation directing federal departments and agencies to make public any information possibly relating to POWs or MIAs from World War II, the Korean Conflict, or the Vietnam Conflict and directing the Department of Defense to make a list of all people classified as POWs or MIAs; and, be it

"*Resolved Further*, That the Clerk of the Senate prepare a copy of this resolution for transmittal to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they might be apprised of the sense of the General Assembly in this matter."

POM-360. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Veterans' Affairs:

"SENATE CONCURRENT RESOLUTION NO. 37

"Whereas, a forty-two acre site in St. Bernard Parish has been donated by the Disabled Veterans of America to be used as a location for a veteran's nursing care facility and domiciliary; and

"Whereas, there are a number of veterans in St. Bernard Parish and in the greater New Orleans area who would benefit greatly by having such a facility to care for their needs as they grow older; and

"Whereas, many veterans of World War II and the Korean Conflict are nearing their golden years and such a facility would ease their burdens greatly: Therefore, be it

"*Resolved,* That the Legislature of Louisiana memorializes the Congress of the United States to build a veteran's nursing care facility and domiciliary on lands donated by the Disabled Veterans of America in St. Bernard Parish: Be it further

"*Resolved,* That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-361. A joint resolution adopted by the Legislature of the State of Idaho; ordered to lie on the table:

"HOUSE JOINT MEMORIAL NO. 19

"Whereas, United States Senator Steve Symms has served Idaho in the United States Senate for twelve years with an intense emphasis on highway transportation; and

"Whereas, Senator Symms played a leading role in the formulation of the 1987 Surface Transportation Act, a five year bill, and the Intermodal Surface Transportation Efficiency Act of 1991, a six year bill; and

"Whereas, the 1991 Surface Transportation Act provides federal funding for the post-interstate era with a major increase in funding for Idaho; and

"Whereas, during his tenure in the United States Senate, Senator Symms also secured over $200 million dollars in discretionary and demonstration funding for additional highway and bridge projects in Idaho; and

"Whereas, Senator Symms secured transportation funds, projects and programs as a bipartisan benefit to Idaho and has consistently responded to Idaho transportation needs: Now, therefore, be it

"*Resolved by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we recognize Senator Steve Symms for his outstanding contribution in response to Idaho transportation needs and that on behalf of all Idaho citizens we extend our gratitude to Senator Symms for his work on transportation for Idaho and his many years of service to our state: Be it further

"*Resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States: Be it further

"*Resolved,* That we respectfully request that this Memorial be spread across the pages of the Congressional Record."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 758. A bill to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of patents and plant variety protections, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity (Rept. No. 102-280).

S. 759. A bill to amend certain trademark laws to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of trademarks, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity (Rept. No. 102-280).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND (for himself and Mr. COATS):

S. 2686. A bill to amend title XIX of the Social Security Act to provide for improved delivery of and access to home care and to increase the utilization of such care as an alternative to institutionalization; to the Committee on Finance.

By Mr. SPECTER:

S. 2687. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Finance.

By Mr. SANFORD:

S. 2688. A bill to suspend until January 1, 1994, the duty on Benzisothiazoline; to the Committee on Finance.

By Mr. D'AMATO:

S. 2689. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of ten years; to the Committee on the Judiciary.

By Mr. PELL:

S. 2690. A bill to provide for the continuity of certain benefits for defense workers whose employment is terminated as a result of the cancellation or curtailment of defense contracts, and for other purposes; to the Committee on Finance.

S. 2691. A bill to extend displaced defense workers the protections against eviction and foreclosure that are provided to members of the Armed Forces under the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on the Judiciary.

S. 2692. A bill to amend the Job Training Partnership Act to improve the Defense Conversion Adjustment Program, and for other purposes; to the Committee on Labor and Human Resources.

S. 2693. A bill to provide for loans and other assistance to small business concerns that have suffered economic injury as a result of adjustments in Defense Department spending; to the Committee on Small Business.

By Ms. MIKULSKI:

S. 2694. A bill to limit the authority of the Secretary of the Army to provide for the incineration of lethal chemical agents at Aberdeen Proving Ground, Maryland; to the Committee on Armed Services.

By Mr. HELMS:

S. 2695. A bill to extend the existing suspension of duty on machines designed for heat-set, stretch texturing of continuous manmade fibers; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. DANFORTH):

S. 2696. A bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCAIN:

S. 2697. A bill to provide transitional protections and benefits for Reserves whose status in the reserve components of the Armed Forces is adversely affected by certain reductions in the force structure of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. PRYOR (for himself, Mr. COHEN, Mr. ROCKEFELLER, Mr. RIEGLE, Mr. GRAHAM, Mr. MITCHELL, Mr. BUMPERS, Mr. CONRAD, Mr. BURDICK, and Mr. GLENN):

S. 2698. A bill to amend title XVIII of the Social Security Act to provide for enhanced enforcement of the billing limits established under part B of such title, and for other purposes; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. BURNS, Mr. CHAFEE, Mr. HATFIELD, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOMENICI, Mr. DURENBERGER, Mr. HATCH, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SEYMOUR, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER):

S. 2699. A bill to extend the period for which unemployment benefits are payable under title I of the Emergency Unemployment Compensation Act of 1991, and for other purposes; ordered held at the desk.

By Mr. KASTEN:

S.J. Res. 299. Joint resolution to state the finding of Congress that the Amendment to the Constitution of the United States relating to compensation for Members of Congress has been duly ratified, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. DURENBERGER):

S.J. Res. 300. Joint resolution to designate the week commencing October 4, 1992, as "National Aviation Education Week"; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S.J. Res. 301. Joint resolution designating July 2, 1992, as "National Literacy Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. MITCHELL, and Mr. DOLE):

S. Res. 295. A resolution requesting the Archivist of the United States to report to the Senate on ratification by the States of proposed constitutional amendment; considered and agreed to.

By Mr. BYRD:

S. Con. Res. 117. A concurrent resolution declaring an article of amendment to be part of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. NICKLES, Mr. MCCAIN, Mr. SEYMOUR, Mr. SPECTER, Mr. MCCONNELL, Mr. COATS, Mr. HATCH, Mr. HELMS, Mr. HARKIN, and Mr. GARN):

S. Con. Res. 118. A concurrent resolution declaring the ratification of the twenty-seventh Article of Amendment to the Constitution of the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself and Mr. COATS):

S. 2686. A bill to amend title XIX of the Social Security Act to provide for improved delivery of and access to home care and to increase the utilization of such care as an alternative to institutionalization; to the Committee on Finance.

SENIOR HOME CARE CHOICE FAIRNESS AND IMPROVEMENT ACT

Mr. BOND. Mr. President, improving long-term care is an important issue facing the Senate. There is much that we can do to improve the long-term care which is available to our elderly. Today, Senator COATS and I are introducing the Senior Home Care Choice Fairness and Improvement Act of 1992 to clarify and enforce a law which was intended to protect senior citizens who need long-term care, but which we believe has been unjustly ignored. The result is seniors are not getting the important protection which they deserve, and to which they are entitled.

I strongly believe that most problems in our society today come from the breakdown of our families. Historically, American families have nurtured and cared for each other from generation to generation, instilling values, discipline and a work ethic. Members of families looked out for each other and helped each other through tough times. This basic family support and cohesion has been the backbone of our social structure since America was discovered.

Most people understand that the family structure today is under tremendous pressure from the economic, social and technological changes which have occurred in the last few decades. Unfortunately, Government is contributing to the pressure breaking down families today. Senator COATS and I are urging the administration, and the Congress through our legislation if the administration refuses to act, to end one practice tearing apart families now. I believe Government should encourage families to stay together, not force them apart.

Right now current law forces an elderly person whose spouse needs long-term health care to choose between losing the couple's financial assets or placing the spouse in a nursing home, even if the spouse could be cared for at home. In other words, the Government financially punishes the elderly person that wants to care for their sick spouse within their family at home.

Many of Missouri's elderly people have experienced the pain and frustration of not being able to keep a sick spouse at home with them. For example, when an elderly man from Howell County, MO had a stroke, his wife was unable to keep him at home with her and care for him because they had a small retirement savings account which exceeded the amount necessary to qualify for Medicaid coverage. As the law is currently applied, if she put her husband in a nursing home, she could keep her savings and qualify for Medicaid.

That's right. An elderly person who places their sick husband or wife in a nursing home can divide the couple's assets of up to $132,960, not including the couple's house and car and qualify for Medicaid. The ability of one spouse to save half of the couple's assets is referred to as "spousal impoverishment" protection. Spousal impoverishment protection doesn't currently apply to home care, so an elderly person who decides to keep their sick spouse at home must spend down to $2,000 in assets—savings accounts, certificates of deposits and the like—before they can qualify for Medicaid. In short, elderly couples are being forced to choose between poverty and being institutionalized. That is just wrong. Elderly couples that want to stay together and want to care for their needs at home should be protected.

Many Medicaid patients in Missouri's nursing homes can be cared for in a less expensive home setting. We want to encourage a policy that will allow those people who want to stay at home with their spouses to do so. It is not just a cost-saving measure. It is primarily a family protection measure—keeping the family together, allowing the elderly to live in their home, with their friends and family, if they wish to do so. But, until the law is correctly applied, elderly people must spend nearly all their savings to care for their sick spouse.

Margaret Cossett, president of Missouri Home Care, supports this legislation because "it is very important that we recognize that families want to stay together and remain intact. It is the Government's responsibility to ensure that families are given every option to be together. Although there will never be enough money to provide for all of the services that our elderly need, we must utilize and integrate the family to provide the best care possible. This legislation is important because it will fix the system and will let people know that home care is an option available to them."

We believe that seniors who choose home care should be protected from spousal impoverishment under current law. The purpose of this legislation is to clarify the current law and ensure that there is no question that this protection should apply. We are simultaneously sending a letter today to Mr. William Toby, the Acting Administrator of the Health Care Financing Administration [HCFA] to demand that HCFA promulgate regulations to enforce the spousal impoverishment for home care as we believe should already be occurring.

This legislation requires that those states which provide spousal impoverishment protection to spouses of individuals in nursing homes must also provide the same protection to spouses of individuals eligible for home care under the State Waiver Program. The purpose of enforcing this portion of the Medicaid law is to provide those people who are eligible for nursing home care coverage with an equal and fair option to stay in their homes with their spouses and to receive Medicaid coverage for medical and personal services just as they would have if they had elected nursing home care.

In addition, this bill requires hospitals to notify patients needing long-term care who can qualify for nursing home care under Medicaid when they could safely be cared for in their home. These patients deserve to have the opportunity to make a fair choice and to know of their options.

Our ability to care for sicker patients in the home has increased the need for physicians to be an increasingly active member of the health team and this involvement should be fostered because it adds to the quality of care that patient receives. But presently, Medicare and most insurance companies do not recognize a physician's case management activities as a billable service. These payors justify this policy on the grounds that their payments for direct physician care should be sufficient to cover phone contacts and the physician's additional time associated with managing care for a patient in the home. The close and frequent coordination with the physician on a patient's treatment at home is essential but is also time consuming for the physician. This current payment system rewards the physician when institutional care is used, but provides no incentives, financial or otherwise, for a physician to refer a patient to home care. Under the current reimbursement system a physician is generally far better rewarded for treating a patient in an institution than in home care. This bill will require the Secretary of Health and Human Services to conduct a study concerning reimbursement for physicians who assist the elderly with home care plans and evaluate options for ending this bias toward institutional care that is breaking up families.

Since January 1991, the Missouri Medicaid nursing home population has risen 6.5 percent, to an all-time high of

25,600. Each nursing home resident costs Medicaid about $14,600 per year. Projections indicate that the average number of people receiving nursing home care through the Medicaid program will increase by 1,000 from fiscal year 1992 to fiscal year 1993 which translates into $3.3 million in increased Medicaid nursing home costs.

The Senior Home Care Choice Fairness and Improvement Act of 1992 will give an option to Medicaid eligible individuals to stay at home for their care with their spouses thereby keeping a family together during a time of need. The population eligible for home care will include those individuals who but for home care services would only be able to survive in a nursing home. The Missouri Division of Aging estimates that 275 nursing home residents could be permitted to return to a community living arrangement with their families during the first year if they so choose. There should be little or no monetary cost to the State or Federal Government for providing the home care option, because it merely replaces one form of care for another to an individual who has already met the eligibility requirements for Medicaid coverage for nursing home care.

In fact, the long term, cost savings will result because there will be slower growth in the number of patients unnecessarily split from their families and institutionalized. The Missouri Department of Social Services projects first year State revenue savings of $1,055,000 for allowing new and existing Medicaid nursing home residents to be released from nursing homes and return home in less restrictive, less costly settings.

We are calling on Congress and the Health Care Financing Administration to provide this fair and much-needed spousal impoverishment protection to home care. By doing so we will put an end to a wrong-headed unfair Government policy that is forcing families apart at a time when they need each other the most. Punishing a couple that wishes to use home care to stay together by forcing them to choose between impoverishment or institutionalization must stop.

Mr. President, I ask unanimous consent that the text of the bill and an article from the AARP Bulletin be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Home Care Choice Fairness and Improvement Act of 1992".

SEC. 2. APPLICATION OF SPOUSAL IMPOVERISHMENT RULES UNDER MEDICAID TO SPOUSES OF INDIVIDUALS RECEIVING HOME OR COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—

(1) APPLICATION OF RULES.—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r-5(h)(1)(A)) is amended by striking "or who (at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI), and" and inserting "or is receiving medical assistance under section 1902(a)(10)(A)(ii)(VI), and".

(2) CONFORMING AMENDMENT.—Section 1902(a) of such Act (42 U.S.C. 1396(a)) is amended—

(A) by striking "and" at the end of paragraph (58) the first place it appears;

(B) by redesignating paragraph (58) the second place it appears as paragraph (59); and

(C) by adding at the end the following new paragraph:

"(60) apply with regard to contributions to the cost of care under section 1902(a)(10)(A)(ii)(VI), the provisions of clauses (B), (C), and (D) of section 1924(d)(1) and section 1915(c)(3).".

(b) INCREASE IN NUMBER OF INDIVIDUALS ALLOWED TO RECEIVE HOME OR COMMUNITY-BASED SERVICES.—Section 1915(c)(10) of such Act (42 U.S.C. 1396n(c)(10)) is amended by striking "200" and inserting "300".

(c) INFORMING PATIENTS OF AVAILABILITY OF HOME CARE.—

(1) MEDICARE PATIENTS.—Section 1866(a)(1) of such Act (42 U.S.C. 1395cc(a)(1)) is amended)—

(A) by striking "and" at the end of subparagraph (P);

(B) by striking the period at the end of subparagraph (Q) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(R) in the case of hospitals, to inform individuals of the availability of home care services under title XIX and, if in a State operating under a waiver under section 1915(c), to inform individuals of the availability of home or community-based services in such State.".

(2) MEDICAID PATIENTS.—Section 1902(w)(1) of such Act (42 U.S.C. 1396a(w)(1)) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and by inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(F) to inform such individuals of the availability of home care services under this title and, if in a State operating under waiver under section 1915(c), to inform such individuals of the availability of home or community-based services in such State.".

(d) STUDY AND REPORT ON COSTS OF HOME HEALTH CARE AND REPORT SERVICES.

(1) STUDY.—The Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall study—

(A) the cost-effectiveness and desirability of reimbursing physicians under titles XVIII and XIX of the Social Security Act for providing medical management for complex care for health services in the home;

(B) reimbursement rates under titles XVIII and XIX of the Social Security Act to providers of home health care services; and

(C) the feasibility and propriety of physician reimbursement under titles XVIII and XIX of the Social Security Act for select home health care cases with particular emphasis on those cases that require intense physician involvement.

(2) REPORT.—The Secretary shall, by no later than 1 year from the date of enactment of this Act, report to the Congress along with any recommendations, the findings of study conducted under this subsection.

KEEP COPS, FIREFIGHTERS ON THE JOB

(By Robert Lewis)

Police, firefighters and corrections officers will no longer be forced off the job when they reach retirement age if Congress accepts the findings of a blue-ribbon advisory panel.

"Chronological age is not a good predictor of abilities or performance" for public safety officers, says Frank Landy, who chaired the advisory team under a contract from the Equal Employment Opportunity Commission (EEOC).

Drawing on key findings from its 16-month study, the panel concluded there is no scientific basis to support forced retirement of police, fire and corrections officers. It urged Congress to outlaw mandatory retirement of such officers.

It's too early to tell what Congress will do. Lawmakers, haven't yet received the report, which is just now being circulated at EEOC and among organizations likely to be affected by its findings.

But the report is already generating controversy. It drew praise from some groups representing public safety officers and others representing older Americans generally.

"Retirement policies based on chronological age do not take into account individual differences and are discriminatory on their face," say AARP Executive Director Horace B. Deets.

Still other organizations representing police and firefighters criticized the report, arguing that its conclusions are unrealistic.

"I agree, the more experience, the better an officer," say Donald Cahill, legislative director of the 240,000-member Fraternal Order of Police (FOP), which takes issue with the panel's recommendations. "But there are only so many 'inside' jobs for older officers."

With public safety groups dividing into two camps, the report could touch off a fight in Congress over retirement policies for public safety officers. Currently, such officers are compelled to retire at anywhere from age 50 to 65, regardless of ability to continue performing their duties.

State and local governments may set mandatory retirement ages for public safety officers under the 1986 amendments to the Age Discrimination in Employment Act (ADEA). In their initial version, the amendments had eliminated compulsory retirement for virtually all working Americans.

Some public safety unions, however, sought a permanent exemption, contending forced retirement was justified by the physical demands of these jobs.

In a compromise, Congress approved a seven-year exemption, sanctioning mandatory retirement for about 1.2 million public safety officers through 1993. Lawmakers in the meantime directed EEOC to investigate the issue, and appropriated $860,000 to finance a study.

EEOC commissioned the Center for Applied Behavioral Sciences at Pennsylvania State University to undertake the probe. Its task: to determine if public safety would be compromised by barring mandatory retirement based on chronological age for public safety jobs.

The center created a 20-member panel, consisting of industrial psychologists, gerontologists, cardiologists and other experts. It reviewed more than 2,000 studies on aging as well as the personnel records of more than 460 fire and police departments.

In its report to EEOC, the panel concluded that, in a police department of 500, the probability of a catastrophic event happening to an officer who is performing a public safety task would be one event every 25 years. "That's vanishingly small," Landy said.

The team also concluded that physical fitness and mental abilities, not age, are the best predictors of job performance, and it went on to maintain that these characteristics can be accurately measured through individual testing.

An EEOC spokesperson declined to discuss the report, noting only that it shortly would be submitted to the appropriate congressional committees. Key lawmakers say they haven't yet had a chance to study the report.

Some public safety employees want Congress to let the exemption expire, thereby barring forced retirement for police, fire and corrections officers.

John Green, of the 25,000-member American Correctional Association, says most members support an end to mandatory retirement.

Charles Meeks, executive director of the 22,000-member National Sheriffs' Association, says older officers who can perform their duties and want to continue working should be allowed to.

"When we force them out because of an age rule, we lose a lot of fine people in law enforcement," Meeks says. "When you reach 55 you can't run down alleys and jump over walls. But most police work isn't like that."

Meeks adds, "I'm 55 years old and right now I feel I could whip my weight in wildcats. But if I'm not being productive, somebody should tell me, and I'm out of here. Performance evaluations and testing can do that."

Not necessarily, retorts FOP's Cahill. He says testing of the kind envisioned by the Penn State researchers would be impractical for small police departments, "which are 75 percent of the forces." Also, he adds, mandatory retirement opens promotion opportunities for younger officers.

A major union, the 142,000-member International Association of Fire Fighters, also is working to retain mandatory retirement. A union representative on an advisory panel to the Penn State scientists resigned in a dispute over the research.

"We feel strongly that firefighters should be allowed to retire after 20 years," says union spokesman George Burke. "Firefighters work in a hostile and uncontrolled environment. They breathe a lot of smoke and toxic fumes, and after 20 years their bodies are pretty eaten up."

"Our biggest concern is how do you administer the tests," says Douglas Peterson, legislative counsel of the National League of Cities. "The report concentrates on larger departments with back-up capability, yet most departments are small."

But Penn State's Landy says potential problems would be more than offset by gains. He maintains that the research not only debunks the notion that public safety officers older than 55 can't do the job, it also shows that older officers may be superior officers.

"Firefighters and police officers between 60 and 65 are actually more fit" than those 45 to 55, Landy says, because "those who aren't fit and capable drop out."

Mr. COATS. Mr. President, today I join my colleague from the State of Missouri, Senator BOND, in submitting legislation that offers a way to keep families with ill or disabled loved ones together, not force them apart. Many elderly Hoosiers in the State of Indiana want to keep their spouses in their own homes but cannot afford to do so. Our bill is a major step toward resolving this dilemma.

This legislation is rooted in part from my family's experience in the 1980's. My father died of Parkinson's disease in 1988. He battled the disease for nearly 7 years. When my father needed long-term care, my mother began investigating their Medicaid eligibility. What she realized is that in order to care for my father at home, she would have to exhaust nearly all her assets, including her home and savings for retirement. However, if my father was sent to an institution, these assets would be protected.

Under current law in Indiana, a spouse who lives in the community must have a yearly income below $13,743 and assets below $68,715 to qualify for spousal impoverishment assistance for nursing home care. Requirements for home based care, however, are dramatically different and dramatically less fair. To receive home based care, this same individual must spend down to $7,596 in annual income and a $2,250 in assets to qualify for medical assistance.

My mother was faced with a painful choice. To qualify for assistance, she would be forced to sell the home and investments my parents had worked hard for and go into virtual poverty to keep my father at home. My mother chose to sacrifice substantial time and money to care for my father at home, without receiving any assistance. For my parents, faced with two unpleasant alternatives, it was the best choice.

But it was blatantly unfair, and this unfairness warrants a remedy. We need policies that provide for more compassionate care in the last years life—a policy that encourages families to stay together, not break apart.

Changes in the current law are in order not only because of fairness but because home care is compassionate and cost effective. According to statistics from the National Association for Home Care, it would cost nearly $24,000 per month to keep a patient in the hospital for intravenous nutritional therapy. This type of therapy can be given at home for $9,000 per month. The average monthly cost of ventilator-dependent patient hospitalization is $22,569. When done at home this same service is provided at $1,766 per month.

Additionally, at least a dozen Blue Cross/Blue Shield plans now offer programs to encourage early maternity discharges to home care. Blue Cross estimates that if only one-half of a day were cut from the average 3-day normal delivery stay, there would be a $40–$50 million annual savings in hospital costs.

Mr. President, as we work to reform health care policies in this country, we need to make health care more family-friendly. Our bill makes sense: it offers compassion and potentially less cost. It promises to keep families together, allow for personal choice, and provide fairness for the elderly.

I am attaching for the RECORD an article of another experience from Indiana. This article is based on a letter from the Reynolds family of Indiana who wrote me recently and shared their frustration with the way the current law works. Mrs. Reynolds, now 89, lives in a nursing home in Anderson, while her husband lives with his son and daughter-in-law in Texas. As a result, Mrs. Reynolds is finally receiving Medicaid assistance for her care at the nursing home. It is the kind of topsy-turvy policy—one that offers either family division or virtual poverty—that our legislation seeks to change.

Mr. President, I close by asking each of my colleagues to give their strong consideration to the legislation Senator BOND and I are introducing today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAID FAIRNESS FOR ALL AMERICANS

(By U.S. Sen. Dan Coats)

About four years ago, James and Ina Reynolds started obtaining a few hours of home health care due to Mrs. Reynolds' osteoarthritis. Gradually, as her condition deteriorated, Mrs. Reynolds began to require 24-hour care.

In the Fall of 1989, the Reynolds applied for Medicaid assistance but were denied because their resources exceeded $2,250. They then were told that even when this threshold was reached, they still would be unable to obtain home health care because their monthly income of about $1,700 was too high to qualify for Medicaid.

The Reynolds then pursued a waiver allowing them to obtain health care in their home—but then were told they could only obtain a waiver of the rules if they were already on Medicaid!

Unfortunately, there is not a cheerful ending to this bureaucratic nightmare. Eighty-nine-year-old Mrs. Reynolds now lives in a nursing home in Anderson, while her husband lives with his son and daughter-in-law in Texas. Incidentally, she is finally on Medicaid.

As is painfully evident from the Reynolds' story, current Medicaid provisions discourage home health care by imposing restrictive eligibility requirements. The Reynolds' case stands in dramatic contrast to what happens when a spouse places a loved one in an institution.

At present, spouses of Medicaid patients are protected from spending all their assets to pay for nursing home care and hospital care. In Indiana, they can retain up to $68,715 and have an income of up to $11,808. This enables healthy spouses to retain their houses and livelihoods, but takes a beloved and ailing husband or wife out of the home.

This same protection does not apply to long-term care provided at home. In fact, a couple must spend down to $2,250 in assets to receive Medicaid help for home care. This places many families with limited financial resources in the impossible position of choosing either to institutionalize a loved one or go into virtually poverty to keep a spouse at home.

For those couples who must impoverish themselves under current Medicaid guidelines, both husband and wife more than likely will be dependent on public assistance for the rest of their lives.

Something must be done—something that will enable couples like the Reynolds to avoid the heartbreaking frustration of a health care system that separates loved ones and burdens families.

I'm introducing legislation that will bring greater fairness to this difficult situation. Under this proposal, the provision that protects spouses from impoverishment if they admit husbands or wives to a nursing home or hospital would apply to those who desire to keep ill spouses at home.

This would save families money—for those who use Medicaid, it would prevent them from losing their hard-earned financial security in order to keep a family member at home. For families that use their own money to pay for nursing home care—nationwide, an average of $30,000 annually—they will save money through home care.

More importantly, my proposal would keep families together—and I know from firsthand experience how vital this can be. My father battled Parkinson's disease for more than a decade, and we cared for him at home 90 percent of this time. This enabled us to care for him much more compassionately and at far less cost.

Stories like those of the Reynolds family should become bad memories instead of the ongoing tragedies of families torn apart by a failed bureaucratic process. Changing the current system will help Hoosier families remain intact with greater financial freedom. These goals are central to what government is all about, and should be at the forefront of all we do in reforming our Nation's health care system.

By Mr. SPECTER:

S. 2687. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Finance.

EXTENSION OF THE SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. SPECTER. Mr. President, today I am introducing legislation that will extend the existing duty suspensions on the 38 dye intermediates used by my constituent, Crompton & Knowles Corp. of Reading, PA, in the production of dyestuffs. Crompton & Knowles is seeking these extensions in order to remain competitive in the world marketplace with its products.

Crompton & Knowles, a U.S.-owned company, is principally involved in the manufacture of dyestuffs. I am informed that it is the sole remaining major U.S.-owned manufacturer in its field in the United States.

Because these products are not manufactured in the United States, Crompton & Knowles must purchase from foreign sources the dye intermediates identified in this legislation. When the duty suspensions were first granted in 1987 for the first 17 intermediates in this legislation—the duty on the remaining 21 was first suspended in 1990—Congress recognized that the continued imposition of tariffs on these imported intermediates would cause the U.S.-manufactured products made from these intermediates to be less competitive in the world marketplace. Unfortunately, the circumstances obtaining at the time Congress first suspended the duty on these intermediates remain in effect, namely, the elimination of domestic dyestuff manufacturers and the consequent dependency on foreign sources for essential dye intermediates.

As you are aware, Mr. President, duty suspension legislation is routinely adopted by Congress where no unfair competitive advantage, vis-a-vis other U.S. companies or industries, is gained by the beneficiary of such legislation. In this regard, I am informed that Crompton & Knowles will not gain any such advantage by the bill that I am introducing today. Consultations have taken place with the Department of Commerce, the International Trade Commission, the Ways and Means Subcommittee on Trade of the House of Representatives, which has jurisdiction over the companion bill, H.R. 2013, and the offices of Representative RICHARD T. SCHULZE, and GUS YATRON, the sponsors of H.R. 2013. Each office has confirmed that there is no domestic opposition to Crompton & Knowles' duty suspension requests.

In sum, Mr. President, my constituent has represented to me that this legislation is vital to its operations. Accordingly, without these duty suspension extensions, the ability of Crompton & Knowles to preserve its integrity and continue to compete in the world marketplace while maintaining its facilities at Reading, PA, is made more difficult. For these reasons I urge my colleagues to join me in supporting this legislation.

By Mr. SANFORD:

S. 2688. A bill to suspend until January 1, 1994, the duty on Benzisothiazoline; to the Committee on Finance.

SUSPENSION OF CERTAIN DUTIES

Mr. SANFORD. Mr. President, I rise today to introduce a duty extension for 1,2 benzisothiazoline-3-one [BIT], the active ingredient in ICI Proxel brand antimicrobial formulations. Currently, there is no domestic manufacturer of this product and we have heard no objections to suspend the duty on BIT until January 1, 1994.

ICI is a diversified chemical company that holds the patent to Proxel. BIT is the active ingredient in the formulation of Proxel. The Proxel products are regulated by the EPA under FIFRA statutes and are used—at parts per million levels—in a wide range of products to protect products and processes from the deleterious effects of microbial contamination. Without the incorporation of Proxel in these U.S.-manufactured goods—whose estimated market value exceeds $5 billion—they would be unusable and could even present a health hazard to workers or consumers.

Last year, more than 1 million pounds of technical grade BIT was imported from the United Kingdom for conversion to finished product at ICI's Charlotte, NC, production facility. In 1988 ICI made a substantial capital investment in this facility to establish the domestic production of Proxel formulations in order to provide improved services to customers.

ICI employs over 500 people at various sites across the State of North Carolina. The import duties associated with BIT imports—1991—exceeds $1 million. Moneys released through a duty exemption will be rechanneled to accelerate the introduction of ICI's new products, like Proxel, into the United States. This product and those that will follow will offer U.S. manufacturers a greater choice of better, safer products.

I urge my colleagues to support inclusion of this duty suspension for BIT in any duty suspension legislation the Congress may adopt.

By Mr. D'AMATO:

S. 2689. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

PATENT RENEWAL FOR A QUOTATION MONITORING UNIT

• Mr. D'AMATO. Mr. President, today I am introducing the Senate companion to H.R. 2192, legislation introduced in the House of Representatives by Congressman SOLARZ. Our bills seek to undo a serious inequity resulting from 15 years of restrictive Federal regulations.

On September 9, 1963, Prof. Sidney Epstein of Brooklyn, NY, filed for a patent on his invention, the quotation monitoring unit. This invention enables investors to obtain the most recent quotations on selected stock issues directly. Professor Epstein was awarded patent number 3,387,268 for this invention on June 4, 1968.

For this invention to be fully useful, however, a subsidiary communication authorization [SCA] is needed. The SCA permits information to be sent over FM airwaves to the quotation monitoring unit. Unfortunately, for the first 15 years of the life of Professor Epstein's patent, FCC regulations did not permit SCA's to be used with quotation monitoring units.

By the time the FCC's regulations were changed in 1983 to permit SCA's to be used with Professor Epstein's invention, the patent had nearly expired. For more than 10 years Professor Epstein was denied the benefit of this patent by a set of Federal regulations that have since been abandoned.

Only Congress can correct this inequity. I urge my colleagues to support this bill to bring justice to a deserving individual inventor who has had the misfortune of running into a series of bureaucratic regulations that should have been changed long before they were. I urge my colleagues to support this bill in the interests of equity and fair play and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, acting through the Commissioner of Patents, shall, as soon as possible after the enactment of this Act, renew patent numbered 3,387,268 (relating to a quotation monitoring unit) for a period of ten years beginning on the date of such renewal, with all the rights pertaining thereto.•

By Mr. PELL:

S. 2690. A bill to provide for the continuity of certain benefits for defense workers whose employment is terminated as a result of the cancellation of curtailment of defense contracts, and for other purposes; to the Committee on Finance.

S. 2691. A bill to extend to displaced defense workers the protections against eviction and forclosure that are provided to members of the Armed Forces under the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on the Judiciary.

S. 2692. A bill to amend the Job Training Partnership Act to improve the Defense Conversion Adjustment Program, and for other purposes; to the Committee on Labor and Human Resources.

S. 2693. A bill to provide for loans and other assistance to small business concerns that have suffered economic injury as a result of adjustments in Defense Department spending; to the Committee on Small Business.

DEFENSE ADJUSTMENT LEGISLATION

• Mr. PELL. Mr. President, I am introducing today the first four of a package of bills dealing with several aspects of the complex problem of defense adjustment, particularly as it relates to conditions in my State of Rhode Island and surrounding parts of southeastern New England.

Rhode Island often seems to be a microcosm of national experience, and because of our small size, the State is often able to chart its response to circumstances more swiftly than our larger counterparts. In this case, I hope Rhode Island's experience in dealing with defense adjustment may be helpful in suggesting a national response.

My State is on the bowwave of adjustment problems because it is one of two small States, the other being Connecticut, to absorb one of the first major procurement terminations—namely the cancellation of the *Seawolf* submarine program. The Electric Boat Division of General Dynamics, builder of the *Seawolf*, is the largest private sector employer of Rhode Island workers, who comprise about one-third of the company's work force.

Even if the second and third Seawolf are retained in the budget and built, Electric Boat will still be faced with drastic curtailment of activity because of the long-range effects of the cancellation of the rest of the Seawolf Program, which originally had envisioned a 29-ship fleet. Total Electric Boat employment, which stood until recently at about 23,000, will drop to under 20,000 by the end of this year and continue to drop steadily to under 10,000 by 1996.

So the first 2,000 layoffs, announced April 14, were just the harbingers of a swelling exodus which can be expected to continue for most of the decade.

And employment figures tell only part of the story. As the payroll dwindles, so do the purchases from some 423 Rhode Island suppliers of goods and services to Electric Boat, most of them small businesses. In recent years the volume of this business was in the range of $25 million annually. If it declines in proportion to the work force, the ripple effect could continue to be troublesome as the decade progresses.

Electric Boat is only part of our problems, albeit a big one. Another whole segment of defense-contracting industry, clustered in the Newport area, provides high-technology support in electronics and engineering to the Navy and to Raytheon's Submarine Signal Division, which itself has laid off 1,000, or nearly one-third of its work force in the last year. Here too, the impact is as heavy on small businesses as it is on individuals.

These facts make clear that Rhode Island is one the many enclaves across the country that must take special steps to adjust to the abrupt end of the cold war and the consequent readjustment of our national priorities. And because the end result must be a withdrawal of Federal economic activity as a result of causes far removed from local control. I believe the Federal Government has a special obligation to cushion the adjustment.

With this in mind, members of my staff conducted an intensive on-site review of conditions in the State during the Easter recess to assess the impact and find out where the biggest problems lie. They came back with a number of suggestions for corrective action, some of which are embodied in the bill I am introducing today.

The legislation I am introducing is designed to address, first of all, the most basic and immediate needs of laid-off defense workers, and second the needs of small businesses on the brink of survival. In both cases, I believe the prospective beneficiaries constitute special classes entitled to special Federal consideration.

The four bills are:

COBRA health benefit subsidy.—A bill entitled the Defense Workers' Benefits Protection Act of 1992 to provide a Federal subsidy of 75 percent of an employee's premium for health insurance continued after separation under COBRA, for a period of up to 36 months. The bill would also permit an employee to switch to a less costly plan than the one he or she participated in at the time of separation. The bill would be financed out of defense adjustment funds provided to the Department of Labor by the 1990 DOD bill. It would remedy what both labor and management see as the biggest single problem confronting laid-off workers.

Mortgage foreclosure protection.—A bill entitled the Defense Workers Bill of Rights Act of 1992 to extend to displaced defense workers the protection against eviction and foreclosure that is provided to members of the armed services under the Soldiers and Sailors' Civil Relief Act of 1940. This no-cost bill simply provides 1 year of protection, contingent on a court finding that the displaced worker or his or her spouse is unable to pay their mortgage or rent. Owners of property rented to eligible defense workers would qualify for the same protection from foreclosure. This is a companion to a bill introduced in the House as H.R. 5028 by my colleague from Rhode Island, Representative JACK REED.

JTPA/EDWAA eligibility.—A bill entitled the Defense Worker Dislocation Act to provide that dislocated defense workers not be held to the prevailing standards of eligibility of these programs, which are basically designed to serve structurally unemployed persons of low skills. The present need is to provide retraining for highly skilled workers who need to expand or redirect their skills to new jobs. But State officials advise us that as they interpret the law, they cannot provide training as authorized by the 1990 DOD bill without a specific revision in the eligibility rules. This bill would simply modify relevant statutes, at no new cost, to enable the funds provided in 1990 to be used for the purposes intended by the Defense Economic, Diversification, Conversion and Stabilization Act of 1990 which was division D of the National Defense Authorization Act for fiscal year 1991.

Small business loans.—A bill entitled the Small Business Defense Adjustment Assistance Act of 1992 to provide direct emergency loans from the SBA to small businesses suffering sudden and severe impact from reductions in defense spending or from based closures. The program would authorize long-term, renewable, low interest loans targeted to small firms needing modest sums, generally less than $100,000, to tide them over a transition from a DOD contract to new business. This would meet a special need in our area where the banks are reluctant to extend loans even with an SBA guarantee and other nonbank sources, notably credit unions and S&L's, have dried up. This bill would simply revive and expand a highly successful program that was authorized in 1973, to mitigate the impact of base closures in my State at the time due to a substantial withdrawal of Navy activity there. While that program has since expired, SBA has continued to extend emergency loans for natural causes that are often just as cataclysmic as a sudden cessation of defense spending.

A separate title of the bill I am introducing today would authorize the Small Business Development Center Program to support new entrepreneurial ventures, rather than being bound by existing guidelines which favor supporting established enterprises. The modest $30 million proposed for the new authority should be financed out of savings in the defense budget.

In addition to the four bills listed above I intend to sponsor other related legislation, including a bill to promote and encourage alternative nondefense uses of defense industrial facilities by requiring defense contractors to set aside a portion of gross annual revenues to support corporate planning for diversification to nondefense, commercial production.

Mr. President, as I have suggested, the experience of the small State of Rhode Island may well have relevance far beyond its borders, and I hope that the legislation I am introducing could be helpful to all sections of the country and therefore acceptable to a majority of Congress. With that in mind, I have recommended these legislative concepts to the Defense Economic Conversion Task Force established by the majority leader and chaired with great distinction by the Senator from Arkansas [Mr. PRYOR]. I hope that vehicle will provide additional impetus to the legislation I am introducing today and that these bills will become part of a creative response on the part of the Senate to the challenge of adjustment to the post-cold war world.●

By Ms. MIKULSKI:

S. 2694. A bill to limit the authority of the Secretary of the Army to provide for the incineration of lethal chemical agents at Aberdeen Proving Ground, MD; to the Committee on Armed Services.

LETHAL CHEMICAL AGENT INCINERATION AUTHORITY

Ms. MIKULSKI. Mr. President, just a little over a month ago, nearly 400 Maryland residents spent a beautiful spring Saturday at historic Washington College on Maryland's Eastern Shore at a symposium on the proposed incineration of mustard gas at Aberdeen Proving Ground, MD.

For 6 hours the local residents voiced their concerns and fears over the building of the mustard gas incinerator.

Mr. President, people should be aware that their concerns now, are absolutely reaching a critical point. I believe those people—who will be the ones most affected by any decision regarding mustard gas—have a right to know the facts, have a right to be heard, and have a right to a fair decision in the process. That is why, today, I am introducing legislation to protect Maryland's citizens from the premature construction of a mustard gas incinerator at Aberdeen, MD.

The Army was given the mission to destroy our outdated and excessive amounts of chemical agents. And I think we all agree this needs to be done. But it must be done responsibly. Concern for the thousands of people who live within miles of the disposal site must be the driving force behind the disposal program.

There is a very real fear among the local residents, and who can blame them? They fear for their own safety, their families' and neighbors'.

The Army proposes to build an incinerator at Aberdeen, starting in 1994. Will the emissions from this incinerator meet national and State standards? We do not know. We will not know until after the Army conducts a burn at Johnston Island in the Pacific later this year. My bill will prohibit the issuance of a request for proposal [RFP] until after we have the evidence from Johnston and know that safe standards are being met.

Are there better ways of disposing of mustard agent? We are not sure. The Office of Technology Assessment will issue a report later this year. My bill will also prohibit an RFP until after we have studied that report.

I will also be cosponsoring legislation by Senator FORD to create a highly skilled and technologically capable commission to report to the Congress by January 1, 1994, on the complete range of alternative technologies, their costs and safety.

By delaying the construction of the Aberdeen incinerator until we have the facts, we are going to save local citizens concern; we are going to deal with the local environment; and I believe we will save money in the long run because we will do it right the first time.

My bill does not unfairly hold up the Army's chemical weapon destruction program. It just makes sure that we have the right to know before we act.

Mr. President, I thank the Senate for enabling me to do this and I yield.

Mr. WIRTH. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Maryland has expired. The Senator from Colorado is recognized for 8 minutes.

Mr. WIRTH. Mr. President, with great interest I was listening to the comments of the distinguished Senator from Maryland and would suggest we had a similar sort of problem with the Pueblo Depot Authority in southern Colorado. We had a number of the Army people come out, had a meeting with a number of technical people.

There are a number of alternative technologies that are available. There is one particularly promising one that deals with cryogenics, freezing the gas, and then it can be burned in very much of a closed facility. This has been demonstrated in southern California. It is one of the things that is very promising.

We would be happy to work with the distinguished Senator. I know how concerned she is and what a major issue this is in any community. We spent a lot of time going through many of these same issues and I would be happy to work with the Senator on that.

Ms. MIKULSKI. I thank the Senator for his kind offer and, you bet, we need all the help we can get on Kent Island and over there on the western part of the shore.

Mr. WIRTH. I was lucky enough to receive a honorary degree from Washington College in that area. It is a wonderful spot in the world.

By Mr. HELMS:

S. 2695. A bill to extend the existing suspension of duty on machines designed for heat-set, stretch texturing of continuous man-made fibers; to the Committee on Finance.

EXTENSION OF SUSPENSION OF DUTY ON CERTAIN MACHINES

Mr. HELMS. Mr. President, today I am introducing, on behalf of the yarn spinners industry, legislation to extend for a period of 2 years the existing duty suspension on heat-set stretch texturing textile equipment.

The machinery in question is designed for heat-set, stretch texturing of man-made fibers. The textured yarns are major components in various kinds of apparel and home furnishings, such as hosiery and knitwear.

Mr. President, there are no domestic producers of the texturing equipment. In fact, the last domestic supplier of this machinery ceased production in 1973.

By Mr. DOMENICI (for himself and Mr. DANFORTH):

S. 2696. A bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illness, and for other purposes; to the Committee on Labor and Human Resources.

EQUITABLE HEALTH CARE FOR SEVERE MENTAL ILLNESS ACT

Mr. DOMENICI. Madam President, I am very hopeful tonight that in addition to some Senators and their staffs, that we can begin to bring help to a few thousand Americans who have family members who are schizophrenic, manic-depressive or depressive. Maybe we can even let a few thousand mothers and fathers whose sons or daughters committed suicide because they suffered from depression or were caught in the cycle of depression as manic depressions, or, who had children who were schizophrenic and because we had no idea how to care and provide them treatment or we did not want to, have committed suicide, maybe we can let these parents know we were listening to their cries for help.

Thousands of American families have tried to get care for the severely mentally ill in their family, only to find that the insurance policies that protected other members of their families for severe illnesses, such as cancer, that when it was schizophrenia, they were limited in what they received as reimbursement because there are normally caps placed on how much is covered for mental illness.

I call this discrimination against the severely mentally ill in the United States by the health care system and by the independent health insurance that exists in America today. I call it a lack of equity and fair play to parents and relatives of the schizophrenic people in our country and to the severely mentally ill who suffer from depression or manic depression or biopolar disease. I think it is time that the U.S. Congress indicated that they want this discrimination to end and that they want equity and fairness for the families of this kind of American who suffers from a severe illness, just as severe as cancer, just as disengaging and disabling as tuberculosis when it is at a severe and chronic stage, just as serious and severe as any of the myraid of physical ailments for which we provide coverage.

Why do I address the Senate and introduce a bill tonight on this subject in behalf of myself and the distinguished Senator from Missouri [Mr. DANFORTH]? Because, Madam President, in the next 2 years we are going to be engaged in a very serious effort called health care reform. I submit, if we do the job right, what is left when we put in place the right kind of system will be very different from the system that delivers health care to our people today.

I say that because clearly we cannot afford the system we have today for another decade, much less covering another 20 or 25 percent of our people who are getting no health care unless it is in the emergency rooms of American hospitals. Many of these people are so ill that they go to emergency rooms to receive treatment if the hospital has not closed its emergency room by then.

Since we are going to be looking at this system in its totality, how we deliver, who we deliver, what we can afford, what we will cover and what we will not cover, this bills says only the following: Put severe mental illness right on the table for consideration, along with other severe illnesses that we either cover by insurance or cover by a health program of the Nation for the American people. Do not enter those negotiations, those hearings, those reform meetings leaving severe mental illness off the table, in the closet, under our feet as we have currently treated that severely mentally ill to this point in our health delivery history.

Madam President, I believe somewhere between 30 and 40 percent of all of the homeless people in America, and I believe 50 to 60 percent of the homeless people in the big cities of America are severely mentally ill. They are the victims of an American policy that did nothing for the severely mentally ill once we let them out of institutions and deinstitutionalized care. So they are running around with parents who could not afford to take care of them.

If they are adults, they are there because there is no way anyone would give them the kind of care and health treatment that we currently know has a very high potential for cure and stability, for stabilizing the schizophrenic, for minimizing the traumatic effect of manic depression.

We currently do not want to tell those people they will be cared for under our health programs just as we treat severely ill cancer patients or those whom we have to operate on because they have cancer and are going through a curative stage for a long time.

So essentially this bill has a model plan, and it merely says to the Congress when you consider health reform, put severe mental illness on the table right along with other severe illnesses. As you figure out what we can afford and what we cannot, do not leave this off the table, do not put it in the closet, do not continue the stigma because it cries out for treatment and care just as much as other serious illnesses that we spend so much on and give so much comfort and attention to families because we say we will care for that person, we will take care of their health problems.

So I send to the desk today a bill cosponsored by Senator DANFORTH, a section-by-section analysis and more detailed remarks on the bill.

I ask unanimous consent that it be properly referred and that items I have just indicated I am sending to the desk be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equitable Health Care for Severe Mental Illnesses Act of 1992".

SEC. 2 FINDINGS.

Congress finds that—

(1) American families should have health insurance protection for the costs of treating severe mental illnesses that is commensurate with the protection provided for other illnesses;

(2) currently, many private health insurance policies and public insurance programs discriminate against persons with severe mental illnesses by providing more restrictive coverage for treatments of those illnesses compared to coverage provided for treatments of other medical problems;

(3) many health insurance plans limit the number of days allowed for facility care or limit the number of outpatient visits allowed for the treatment of severe mental illnesses while providing no limit for the treatment of other physical illnesses;

(4) only 21 percent of all health insurance policies provide inpatient coverage for severe mental illnesses comparable to coverage for other illnesses, and only two percent have comparable outpatient coverage;

(5) only two percent of Americans with private health care coverage have policies that adequately and fairly cover severe mental illnesses;

(6) over 60 percent of health maintenance and preferred provider organizations specifically exclude treatment for those with severe mental illnesses;

(7) health care reform plans designed to make health care more accessible and affordable often incorporate the policies that are discriminatory with respect to persons with severe mental illnesses which now exist in common private health insurance plans;

(8) unequal health insurance coverage contributes to the destructive and unfair stigmatization of persons with severe mental illnesses, illnesses that are beyond the control of the individuals, just like cancer, diabetes, and other serious physical health problems;

(9) schizophrenia strikes more than 2,500,000 Americans over the course of their lifetimes, and approximately 30 percent of all hospitalized psychiatric patients in the United States suffer from this most disabling group of mental disorders;

(10) left untreated, severe mental illnesses are some of the most disabling and destructive illnesses afflicting Americans;

(11) studies have found that perhaps 90 percent of all persons who commit suicide suffer from a treatable severe mental illness, such as schizophrenia, depression, or manic depressive illness;

(12) some 10 percent of all inmates, or 100,000 people, in prisons and jails in the United States suffer from schizophrenia or manic-depressive psychosis;

(13) severe mental illness places an individual at high risk for homelessness, as approximately one-third of the Nation's 600,000 homeless persons suffer from severe mental illnesses;

(14) many persons suffering from severe mental illnesses can be treated effectively;

(15) eighty to 90 percent of those suffering from depression respond quickly to treatment and 80 percent of the victims of schizophrenia can be relieved of acute symptoms with proper medication;

(16) about 95 percent of what is known about both normal and abnormal structure and function of the brain has been learned in the last 10 years, but millions of severely mentally ill people have yet to benefit from these startling research advances in clinical and basic neuroscience;

(17) ensuring adequate health insurance coverage for the treatment of severe mental illnesses can reduce health and societal costs in the long-run by preventing more costly interventions later in the lives of persons with untreated severe mental illnesses and by helping those with severe mental illnesses, many of whom are young adults, remain productive members of society; and

(18) legislation to reform the health care system should not condone or perpetuate discrimination against persons with severe mental illnesses.

SEC. 3. STATEMENT OF POLICY.

(a) In General.—It is the policy of the United States that:

(1) persons with severe mental illnesses must not be discriminated against in the health care system; and

(2) health care coverage, whether provided through public or private health insurance or any other means of financing, must provide for the treatment of severe mental illnesses in a manner that is equitable and commensurate with that provided for other major physical illnesses.

(b) Construction.—Subsection (a) shall not be construed to preclude the adoption of laws or policies requiring or providing for appropriate and equitable coverage for other mental health services.

SEC. 4. NONDISCRIMINATORY AND EQUITABLE HEALTH CARE COVERAGE.

(a) Description.—With respect to persons with severe mental illnesses, to be considered nondiscriminatory and equitable under this Act, health care coverage shall cover services that are essential to the effective treatment of severe mental illnesses in a manner that—

(1) is not more restrictive than coverage provided for other major physical illnesses;

(2) provides adequate financial protection to the person requiring the medical treatment for a severe mental illness; and

(3) is consistent with effective and common methods of controlling health care costs for other major physical illnesses.

(b) A Model Plan.—Health care coverage provided through public or private health insurance or any other means of financing which incorporate the following provisions with respect to the care associated with severe mental illnesses would be consistent with the policy set forth in section 3:

(1) Stop-loss protection for catastrophic expenses.

(2) Coverage of facility based care, with cost control using precertification review, a mixed prospective and cost-based payment method, and a deductible equal to one day's cost at the facility.

(3) Coverage of outpatient medical management with coinsurance and provider reimbursement set on a par with other medical procedures to encourage the use of cost-effective ambulatory treatment, including treatment in non-traditional settings.

(4) Coverage of visits for psychotherapy, with coinsurance and fees set to ensure effective cost control of high demand services.

(5) Coverage of prescription drugs essential to the cost effective treatment of severe mental illnesses.

SEC. 5. COMMITMENT TO POLICY.

It is the purpose of this Act to commit the Congress and the Executive Branch to incorporating the policy set forth in section 3 through efforts, including the enactment of legislation, which are intended to improve access to or control the costs of health care.

Equitable Health Care for Severe Mental Illnesses Act of 1992—Section by Section Analysis

Section 1. Short Title

Sec. 2. Findings.

This section provides the basis for the legislation, including data on the prevalence of health insurance that is discriminatory toward persons with severe mental illnesses and the consequences of such discrimination.

Sec. 3. Statement of Policy.

This section establishes as Federal policy non-discrimination in the health care system toward persons with severe mental illnesses and coverage for the treatment of severe mental illnesses that is equitable and commensurate with the coverage provided for other illnesses.

Sec. 4. Non-Discriminatory and Equitable Health Care Coverage.

This section provides a description and an example of a health plan that is non-discriminatory and equitable.

The example cites coverage for facility based care, medical management, psychotherapy, and prescription drugs.

Sec. 5. Commitment to Policy

This section makes it clear that the Congress and the Executive Branch will incorporate the policy of non-discrimination and equity in health care reforms.

By Mr. McCAIN:

S. 2697. A bill to provide transitional protections and benefits for Reserves whose status in the Reserve components of the Armed Forces is adversely affected by certain reductions in the force structure of the Armed Forces, and for other purposes; to the Committee on Armed Services.

SELECTED RESERVE TRANSITION BENEFITS ACT

Mr. McCAIN. Madam President, the issue of conventions is not the reason why I rose today. I want to talk about something far more important. That is how we take care of our National Guard and Reserves at a time when we are making so many cuts in our force structure.

I rise today to introduce a bill that is titled "Selected Reserve Transition Benefits Act of 1992," and I urge all of my colleagues to review this legislation and to join me as cosponsors.

As we make reductions in the National Guard and the Reserves, it is incumbent upon us to provide transition benefits for those members of the Reserve components whose units will be inactivated due to force reductions. We have already provided transition benefits for active duty service members who lose their jobs due to force structure reductions, and it is imperative that we provide some limited benefits for members of the Guard and Reserve.

My bill has four main components dealing with transition benefits and they are as follows:

Section 101 affects any member of the selected Reserve who has more than 15 years of creditable service toward retirement but less than 20 years of creditable service. Any individual in this category who loses his slot in the selected Reserve as a result of force reductions will be transferred to the individual Ready Reserve. After 5 years in the individual Ready Reserve, the service member will be transferred to the Retired Reserve and at age 60 will be eligible to draw retired pay based on the number of creditable years of service. While in the individual Ready Reserve, however, the service member will be free to seek assignment in any other unit of the selected Reserve that has vacancies in the individual's military occupational specialty and grade.

Madam President, I recommend this provision because it is consistent with current Department of Defense policy regarding active duty service members who have more than 15 years of service. Currently, it is Department policy to protect service members with more than 15 years of service from being separated involuntarily.

Individuals in this category are allowed to complete 20 years of active service and then retire. In the Reserve components, however, this would not be practical because the units will be inactivated and there may be no slot available in the selected Reserve for an individual to complete 20 full years for retirement purposes.

Section 102 of my bill pertains to separation pay for members of the selected Reserve who have completed 6 years of service but less than 15 years of service whose unit is inactivated and cannot cross-level to another unit. The formula for computing separation pay is quite simple. It is 15 percent of the product of the years of service credited to the service member under section 1333 of title 10, United States Code and 62 times the daily equivalent of the monthly basic pay to which the individual is entitled at the time of his or her separation from the selected Reserve.

Section 103 of the Selected Reserve Transition Benefits Act of 1992 addresses the issue of enlisted personnel in the Reserve components who have enlisted for 6 years in the selected Reserve in exchange for educational assistance after completion of their 6 years of service. Currently, if a service member does not complete his 6 years of service, he will lose his benefits. Section 103 of my bill would waive the full 6-year service requirement for those service members who were separated with less than 6 years service as a result of reductions in the selected Reserve.

It has been suggested that we prorate the portion of educational assistance provided over the number of years the individual actually served. In other words, if a service member served 4 of 6 years, pay him two-thirds of his Montgomery GI bill entitlement. Madam President, I do not think this is fair. Service members in good faith enlisted for 6-year commitments. It is no fault of their own that cuts in the selected Reserve are forcing them out with less than 6 years of service.

Section 104 of my bill is quite simple. It would provide 1 year of service group life insurance free of charge to individuals who are separated from the selected Reserve. As you know, Madam President, service group life insurance is a low-cost life insurance premium for members of the Armed Forces that provides up to $100,000 of life insurance in the event of death.

Section 105 of the bill prohibits individuals who are separated from the selected Reserve under adverse conditions from receiving these benefits.

Section 106 provides definitions for terms contained in the legislation.

Madam President, there is another provision of the bill that I am proposing, which is section 201. This provision would amend section 1175(e)(2) of title 10, United States Code. Under current law, an individual who is a member of the active component who elects to separate from the active component under terms of the voluntary separation initiative is penalized if the service member elects to serve in the selected Reserve. While serving in the selected Reserve, the service members separation incentive payments are offset by the amount of his selected reserve drill pay. Section 201 of my bill quite simply waives the requirement for recoupment while the individual serves in the selected Reserve.

Madam President, I think this is a very important provision because it will encourage highly skilled active duty service members who leave active duty as a result of the reductions in our force structure to affiliate with units in the selected Reserve where that is possible.

Madam President, we have already made a good start toward arranging for the transition for Members of the active duty Armed Forces who are being involuntarily or voluntarily separated as we go through this draconian and dramatic reduction in our forces.

We have the same obligation to those in the selected Guard and Reserve units who will be separated for reasons that are not of their own choosing, and often in spite of great dedication, skill, and patriotism.

I look forward to working with my distinguished colleague Senator GLENN, the chairman of the Manpower and Personnel Subcommittee, as we work together to formulate a package which is both fair and rewarding to those men and women who have volunteered to serve in our Guard and Reserve units. These men and women have served their country well, and they deserve these benefits.

Thank you, Madam President. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Selected Reserve Transition Benefits Act of 1992".

TITLE I—BENEFITS FOR RESERVE PERSONNEL

SEC. 101. PERSONNEL WITH BETWEEN 15 AND 20 YEARS OF SERVICE.

(a) REQUIREMENT FOR TRANSFER TO THE INDIVIDUAL READY RESERVE.—(1)(A) A Reserve who, after completing at least 15 years of service computed under section 1332 of title 10, United States Code, and before completing 20 years of service computed under that section, ceases to be a member of the Selected Reserve during the force reduction transition period by reason of the deactivation of his unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of title 10, United States Code, shall be transferred to the Individual Ready Reserve.

(B) Subparagraph (A) shall not be construed to prevent the assignment of a Reserve referred to in that subparagraph to a unit in the Selected Reserve of the Ready Reserve or to be designated as a member of the Selected Reserve pursuant to section 268(b) of title 10, United States Code.

(2)(A) Except as provided in subparagraph (B), when the service of a Reserve transferred to the Individual Ready Reserve under paragraph (1), as computed under section 1332 of title 10, United States Code, and the period of service in the Individual Ready Reserve after the initial transfer to the Individual Ready Reserve under that paragraph equals 20 years, that Reserve shall be transferred to the Retired Reserve.

(B) In the case of a Reserve who, after being transferred to the Individual Ready Reserve under paragraph (1), again becomes a member of the Selected Reserve, subparagraph (A) does not require the transfer of that Reserve to the Retired Reserve while the Reserve continues to be a member of the Selected Reserve.

(b) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—(1)(A) Chapter 67 of title 10, United States Code, is amended by inserting after section 1331 the following new section:

"§ 1331a. Temporary early retirement authority

"(a) RETIREMENT WITH 15 YEARS OF SERVICE.—Except as provided in section 1331(c) of this title, the Secretary concerned may grant a person transferred to the Retired Reserve under section 2(a)(2) of the Selected Reserve Transition Benefits Act of 1992, upon the application of such person, retired pay computed under section 1401 of this title if the person satisfies the requirements of paragraphs (1), (3), and (4) of section 1331(a) of this title.

"(b) DATE OF ENTITLEMENT.—Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under subsection (a) shall be the date on which the requirements of that subsection have been completed.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1331 the following new item:

"1331a. Temporary special retirement authority.".

(2) The item relating to formula 3 in the table in section 1401(a) of such title is amended by inserting "1331a" below "1331" in the second column.

SEC. 102. SEPARATION PAY.

(a) ELIGIBILITY.—A Reserve who, after completing at least 6 years of service computed under section 1332 of title 10, United States Code, and before completing 15 years of service computed under that section, is involuntarily separated from the Armed Forces during the force reduction transition period is entitled to separation pay.

(b) AMOUNT OF SEPARATION PAY.—The amount of separation pay which may be paid to a person under this section is 15 percent of the product of—

(1) the years of service credited to that person under section 1333 of title 10, United States Code; and

(2) 62 times the daily equivalent of the monthly basic pay to which he was entitled at the time of his separation from the Armed Forces.

(c) RELATIONSHIP TO OTHER SERVICE-RELATED PAY.—Subsections (g) and (h) of section 1174 of title 10, United States Code, shall apply to separation pay under this section.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.

SEC. 103. WAIVER OF CONTINUED SERVICE REQUIREMENT FOR MONTGOMERY G.I. BILL BENEFITS.

(a) IN GENERAL.—The eligibility of a person referred to in subsection (b)—

(1) to be provided educational assistance under chapter 106 of title 10, United States Code, may not be terminated under section 2134(2) of that title, or

(2) to be provided educational assistance under chapter 30 of title 38, United States Code, may not be terminated under section 3012(a) of that title,

on the basis of the termination of that person's status as a member of the Selected Reserve under the circumstances described in subsection (b).

(b) APPLICABILITY.—Subsection (a) applies to a member of the Selected Reserve who, before completing the years of service in the Selected Reserve agreed to under section 2132(a) of title 10, United States Code, or the years of service required by section 3012(a) of title 10, United States Code, as the case may be, ceases to be a member of the Selected Reserve during the force reduction transition period by reason of the deactivation of his unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of such title.

SEC. 104. TEMPORARY CONTINUATION OF SERVICEMEN'S GROUP LIFE INSURANCE.

(a) CONTINUED COVERAGE.—For the purposes of section 1968(a) of title 38, United States Code, the 120-day period of coverage provided for under paragraph (4) of such section shall be extended to a 365-day period of coverage in the case of a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period.

(b) PAYMENT OF PREMIUMS.—The total amount of the cost attributable to insuring a person in accordance with this section shall be paid from any funds available to the Department of Defense for the pay of reserve component personnel that the Secretary of Defense determines appropriate.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall take any contracting and other actions that are necessary to ensure that the provisions of this section are implemented promptly.

SEC. 105. INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.

The provisions of this title do not apply with respect to a person who ceases to be a member of the Selected Reserve, or is separated from the Armed Forces, as the case may be, under adverse conditions, as characterized by the Secretary of the military department concerned.

SEC. 106. DEFINITIONS.

In this title:

(1) The term "force reduction transition period" means the period beginning on the date of the enactment of this Act and ending on September 30, 1995.

(2) The term "member of the Selected Reserve" means—

(A) a member of a unit in the Selected Reserve of the Ready Reserve; and

(B) a Reserve designated pursuant to section 268(b) of title 10, United States Code.

TITLE II—VOLUNTARY SEPARATION INCENTIVE PROGRAM IMPROVEMENT

SEC. 201. MODIFICATION OF RECOUPMENT REQUIREMENTS.

(a) ELIMINATION OF RECOUPMENT REQUIREMENT FOR RESERVE DUTY.—Section 1175(e)(2) of title 10, United States Code, is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), a member entitled to voluntary separation incentive payments who is also entitled to basic pay for active service shall forfeit an amount of voluntary separation incentive payable for the same period that is equal to the total amount of basic pay received.

"(B) Subparagraph (A) does not apply with respect to—

"(i) annual training; or

"(ii) active duty for training that is not active duty for a period of more than 30 days.".

By Mr. PRYOR (for himself, Mr. COHEN, Mr. ROCKEFELLER, Mr. RIEGLE, Mr. GRAHAM, Mr. MITCHELL, Mr. BUMPERS, Mr. CONRAD, Mr. BURDICK, AND Mr. GLENN):

S. 2698. A bill to amend title XVII of the Social Security Act to provide for enhanced enforcement of the billing limits established under part B of such title, and for other purposes; to the Committee on Finance.

MEDICARE BENEFICIARY PROTECTION ACT

Mr. PRYOR. Mr. President, I am pleased to be joined by Senators COHEN, ROCKEFELLER, RIEGLE, GRAHAM, MITCHELL, BUMPERS, CONRAD, BURDICK and GLENN in introducing today the Medicare Beneficiary Protection Act of 1992. This legislation will direct the Health Care Financing Administration [HCFA] to enforce the provisions of Medicare Physician Payment Reform designed to protect Medicare beneficiaries from excessive out-of-pocket costs for physician services.

These provisions were passed as part of the Omnibus Budget Reconciliation Act of 1989 almost 3 years ago. Today we find that despite our efforts, untold numbers of older Americans have been subjected to physician overcharges. For many of these people, who live on fixed incomes, the overcharges present a great financial hardship—one that we thought we had taken care of.

This law places new limits on the amount that physicians can bill their patients over and above what Medicare pays. We are introducing this legislation today because HCFA has not held up its end of the deal. Both doctors and patients are often unaware of these billing limitations, and as a result, thousands of Medicare patients pay more than the law requires. Beneficiaries and physicians have received little or no information or guidance from HCFA.

A number of Medicare beneficiaries from my home State of Arkansas have contacted my office for help. One woman from Greenwood, on a fixed income and facing an overcharge of hundreds of dollars, was afraid to give her name, thinking it might compromise her relationship with her doctor. Because many beneficiaries have similar concerns, we have no idea the extent to which this problem is burdening the elderly. And this is one reason why the Arkansas Seniors Organized for Progress has made this one of their top legislative priorities this year.

Obviously this isn't just a problem in Arkansas. As we heard at a recent Senate Aging Committee hearing, when beneficiaries realize they have been overcharged, they have had to struggle to obtain information from an unresponsive bureaucracy. At the Aging Committee hearing, Stanley Lipson of Bayside, NY, testified about his experience with a doctor's overcharge of more than $1,000. He told the committee that trying to get useful assistance from Medicare "turned out to be a wild goose chase."

People have had to fight for what was rightfully theirs because HCFA has done little to implement the law. For example, HCFA neglected to change their forms to reflect the new limiting charges. The Explanation of Medicare Benefits [EOMB]—the only information beneficiaries routinely receive from Medicare—contained erroneous information about the amounts they owed their physicians. The beneficiaries who attempted to call the carriers to ask about the information on their EOMB received misinformation or no information at all.

Late this winter, more than two years after Congress passed the law, HCFA finally gave some meaningful instruction to the Medicare carriers. Although HCFA's efforts are a step in the right direction, we want to ensure that these limits provide the protection that Congress intended. For this reason, we are introducing this legislation today.

Our bill strengthens the law by requiring specific monitoring and enforcement efforts by HCFA, and by clarifying that beneficiaries are not liable for overcharges. Our bill would also give beneficiaries increased access to HCFA by creating a beneficiary advisory council to HCFA, much like the existing physician advisory council. Our legislation closely follows the Physician Payment Review Commission's recommendation that Congress make improvements in the law to ensure that limits on balance billing achieve the goal Congress intended.

Mr. President, since our Aging Committee hearing, we have received calls from Medicare beneficiaries from all over the country who are due refunds. At the same time, many organizations representing Medicare beneficiaries have offered their support for this bill, including the American Association of Retired Persons, Families United for Senior Action, the National Council of Senior Citizens, the National Committee to Preserve Social Security and Medicare, Arkansas Seniors Organized for Progress and the National Association of Retired Federal Employees.

I urge the rest of our colleagues to join us as cosponsors. I am hopeful that we can work quickly to enact this legislation that ensures the Medicare beneficiary protections, which have been the law of the land for almost 3 years, will finally be fairly and adequately enforced and administered by HCFA.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Beneficiary Protection Act of 1992".

SEC. 2. IMPROVED IDENTIFICATION OF PHYSICIAN CHARGES IN EXCESS OF MEDICARE ESTABLISHED BILLING LIMITS.

(a) LIMITING BENEFICIARY LIABILITY.—Section 1848(g)(1) of the Social Security Act (42 U.S.C. 1395w-4(g)(1)) is amended by adding at the end the following sentence: "An individual enrolled under this part shall not be liable to a physician for payment of any charges in excess of the limiting charge described in paragraph (2).".

(b) SCREENING OF CLAIMS.—Section 1848(g)(6) of the Social Security Act (42 U.S.C. 1395w-4(g)(6)) is amended—

(1) in subparagraph (A), by striking "Secretary shall monitor" and inserting "Secretary as specified in subparagraph (B) shall monitor";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) PRE-PAYMENT SCREENING OF CLAIMS.—

"(i) IDENTIFICATION OF EXCESS CHARGES.—In monitoring the charges of physicians under this paragraph the Secretary shall provide that each claim submitted by a nonparticipating physician under this part shall be reviewed prior to making payment on such a claim to determine the extent to which the claim includes charges that exceed the limiting charge defined in paragraph (2).

"(ii) NOTIFICATION.—The Secretary shall (I) notify a physician within 30 days of any determination that a claim includes excess charges with respect to a claim, and (II) provide an opportunity for the physician to respond in writing to the determination.

"(iii) BENEFICIARY PROTECTIONS.—The Secretary shall require that physicians identify under clause (i) as having submitted a charge in excess of the limiting charge shall reimburse to an individual enrolled under this part any amounts paid by the individual to the physician which are determined to be in excess of the limiting charge. In the case where an individual enrolled under this part has not paid at the time the service was furnished, the physician shall correct the actual charge to conform to the limiting charge.

"(iv) SANCTIONS.—In the case where a physician is identified as having charged a beneficiary in excess of the limiting charge under this paragraph and who is notified under clause (ii) of such excess charge, and who fails to reimburse an individual as provided under clause (iii), the Secretary shall provide for referral of such physician for application of the sanctions provided for under section 1842(j)(2).".

(c) PROVIDING INFORMATION TO BENEFICIARIES ON LIMITING CHARGES.—Section 1848(h) of such Act (42 U.S.C. 1395w-4(h)) is amended—

(1) in the heading by striking "INFORMATION TO PHYSICIANS" and inserting "INFORMATION TO PHYSICIANS AND BENEFICIARIES";

(2) by inserting "(i) PHYSICIANS.—" before "Before"; and

(3) by adding at the end the following new clause:

"(ii) BENEFICIARIES.—

"(I) IN GENERAL.—The Secretary shall provide limiting charge information on the explanation of medicare benefits that is sent to an individual enrolled under this part after the submission of a claim on an individual's behalf.

"(II) ANNUAL NOTIFICATION—The Secretary shall send to each individual enrolled under this part, information on the limiting charge for physicians services under this part and on the individuals limitation on liability with respect to charges of nonparticipating physicians under this part.".

(d) ANNUAL REPORT TO INCLUDE MONITORING OF CHARGES IN EXCESS OF LIMITING CHARGE.—Section 1848(g)(6) of such Act (42 U.S.C. 1395w-4(g)(6)) is amended in subparagraph (B), by striking "report to the Congress' and inserting "report to the Congress regarding the charges described in subparagraph (A)(i), including the extent to which actual charges exceed limiting charges, the number of claims involved, the average amount of excess charges, and types of services (by category of service) charged in excess of the limiting charge established under this part and".

SEC. 3. PAYMENT TO BENEFICIARIES OF AMOUNTS CHARGED IN EXCESS OF LIMITING CHARGES OUT OF CIVIL MONETARY PENALTIES.

(a) IN GENERAL.—Section 1842(j)(4) of the Social Security Act (42 U.S.C. 1395u(j)(4)) is amended by striking the period at the end and inserting "or a charge in excess of the limiting charge established under section 1848(g)(2).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to physician services furnished on or after January 1, 1993.

SEC. 4. ESTABLISHMENT OF MEDICARE BENEFICIARY ADVISORY COUNCIL.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1889 the following new section:

"SEC. 1890. MEDICARE BENEFICIARY ADVISORY COUNCIL.

"(a) APPOINTMENT OF MEMBERS.—The Secretary shall appoint based on nominations submitted by organizations representing elderly and disabled populations a Medicare Beneficiary Advisory Council to be composed of 15 individuals who are entitled to benefits under part A of title XVIII of the Social Security Act or who are enrolled under part B of such title.

"(b) MEETINGS.—The Council shall meet once during each calendar quarter to discuss proposed regulations, carrier manual instructions, and any other issues with a direct or indirect impact on delivery, cost, quality, or expansion of medicare services. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of such proposed changes.

"(c) REIMBURSEMENT OF EXPENSES.—Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under this title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on the date of the enactment of this Act.

Mr. COHEN. Mr. President, I am pleased to join with my colleague, Senator PRYOR, in introducing the Medicare Beneficiary Payment Protection Act of 1992. Enactment of this legislation will help to ensure that Medicare beneficiaries are given the protection they have been promised by law against being terrorized by excessive, out-of-pocket medical expenses.

In 1989, Congress enacted legislation to limit the amount doctors could charge their Medicare patients over and above the Medicare-approved amount. Generally referred to as the "limiting charge," this cap was intended to protect Medicare beneficiaries from excessive, out-of-pocket medical expenses.

However, the limiting charge is like a seat belt: it offers protection, but only if it is used. Unfortunately, it appears that what we have here is an unbuckled seat belt, just as a crash is about to occur.

Last month, at the request of Senator PRYOR, I chaired a Special Committee on Aging hearing which revealed that many doctors are still charging their Medicare patients far more—at times even thousands of dollars more—than the billing limits allow. Many of these overcharges are the result of honest billing errors. Others may be intentional. In either case, however, the Medicare patient is far too often stuck with a very big bill that Congress did not intend him or her to pay.

Testimony presented at the hearing disclosed that the Health Care Financing Administration has been extremely lax about enforcing the new limits on physician charges. With the exception of one small paragraph in the Medicare Handbook—which is sent only to new enrollees, not to all beneficiaries—HCFA has done nothing to notify Medicare beneficiaries about the new limits on physician fees.

Even worse, not only has HCFA failed to inform Medicare beneficiaries about the new limiting charge, it has also routinely provided information to thousands of beneficiaries that was both erroneous and misleading.

Over the past 2 years, thousands of Explanation of Medicare Benefits forms, which are routinely mailed to Medicare beneficiaries after they have seen a physician, have been sent telling beneficiaries that they owe more—in some cases thousands of dollars more—than they are required by law to pay.

One witness at last month's hearing, Mr. Burton Lee of Sag Harbor, NY, testified that he had received a notice from Medicare stating that he owed his physician the full difference between the amount the doctor billed—$4,863—and the amount Medicare paid—$1,527. When he questioned the charge, Medicare actually advised him to pay the full amount billed—more than $2,500 more than he was required to pay by law.

That's a tremendous difference—a potentially catastrophic difference—for the Medicare beneficiary who is ill, who is living on a fixed income, and who has likely been socked with a multitude of out-of-pocket medical expenses, such as the high cost of prescription drugs.

If Medicare's elaborate computer system is unable to calculate and state correctly what the beneficiary actually owes, how can we possibly expect an elderly Medicare patient, who probably has never even heard of a limiting charge, to catch, much less rectify, this kind of error?

Too often, older people will not challenge the information on a doctor's bill—they will simply feel compelled to pay and deprive themselves of other necessities.

Furthermore, even beneficiaries like Mr. Lee, who have known that they have been overcharged, have been given little or no assistance from Medicare. In fact, in spite of the protection offered by the law, like Mr. Lee, they have actually been advised by Medicare officials that they should go ahead and pay the full amount billed. I find this both incomprehensible and reprehensible.

Because of the recent congressional interest and press attention, HCFA has finally begun to take some positive steps to correct the information it is providing Medicare beneficiaries and to improve its enforcement efforts. However, last month's Aging Committee hearing clearly demonstrated the need for further clarification of the law to better enforce the limiting charges and to ensure that beneficiaries are refunded any money that they may have overpaid in a timely manner.

Senator PRYOR and I are introducing legislation today to do just that.

Among other provisions, the Medicare Beneficiary Payment Protection Act clarifies that beneficiaries should not be held liable for charges in excess of the billing limits. It also requires physicians to make refunds to beneficiaries for charges that exceed the billing limits.

In addition, the legislation requires Medicare to examine each unassigned claim for limiting charge compliance prior to payment and to notify physicians when the limiting change has been exceeded.

Currently, HCFA monitors physician compliance by looking back at a sampling of claims filed over the past 6 months. Since only a sampling of claims are reviewed for error, the burden of identifying and rectifying excessive bills falls squarely on the back of the beneficiary. Requiring 100-percent prepayment screening before the claims are paid will lift that burden off the back of the beneficiary and put it back on Medicare's shoulders where it belongs.

The legislation also provides for intermediate sanctions when an overcharge has occurred. Currently, physicians who repeatedly, knowingly, and willfully overcharge can be fined $2,000 and excluded from the Medicare Program for up to 5 years. The legislation we are introducing today requires formal notification to make both the beneficiary and physician aware of the overcharge, giving the physician the opportunity to appeal or refund the overpaid amount, before such drastic measures would be necessary.

Finally, the legislation requires that information on the limiting charge be sent to beneficiaries on an annual basis and also establishes a Medicare Beneficiary Advisory Council to advise HCFA on issues related to Medicare benefits and services.

Mr. President, enactment of this legislation will ensure that the promise of protection against excessive medical bills that Medicare beneficiaries were given with the enactment of the limiting charge in 1989 is fulfilled, and I urge my colleagues to join Senator PRYOR and me as cosponsors.

Mr. MITCHELL. Mr. President, I rise in support of the Medicare Beneficiary Payment Protection Act of 1992. This legislation augments previous congressional efforts to protect Medicare beneficiaries from provider overcharges.

Physician payment reform in OBRA '89 set limits on the amount a physician could charge a Medicare beneficiary above the allowed amount. The Medicare Beneficiary Payment Protection Act of 1992 takes the necessary additional steps to ensure physician adherence to these limitations.

Designed to provide technical clarification to current law, the Medicare Beneficiary Payment Protection Act of 1992 requires specific monitoring and enforcement efforts by the Health Care Financing Administration. This legislation also requires HCFA to disburse information on charge limits to beneficiaries as well as to physicians. Finally, this bill establishes a Medicare beneficiary advisory committee, similar to the current physician advisory council, which will allow Medicare beneficiaries greater access to the Health Care Financing Administration.

I support this legislation, Mr. President, because it furthers our efforts to protect Medicare beneficiaries, particularly low income beneficiaries from fraudulent billing and financial abuse. The Health Care Financing Administration has recently taken steps to clarify the role of carriers in enforcing the charge limits established in OBRA '89. I am encouraged by HCFA's actions, however, I do not believe it is enough.

On April 3, 1992, I, along with several of my colleagues; Senators ROCKEFELLER, RIEGLE, DURENBERGER, and GRAHAM, sent a letter to the Health Care Financing Administration requesting that all of the beneficiary protections of OBRA 1989 be fully implemented.

My colleagues and I clarified in this letter that it was Congress' intent that no beneficiary be held liable for any amount in excess of the limit. We explained that is was fully intended that, in the event that balance billing limits were exceeded, physicians would be required to provide the Medicare beneficiary with a refund and carriers, through HCFA, would have the authority to enforce this provision.

We further stated that we believed that only through monitoring and enforcing the limiting charge for each claim submitted, that full compliance of the law can be achieved.

This legislation provides the technical clarification to current law to ensure that these concerns are addressed. The Medicare Beneficiary Payment Protection Act of 1992 ensures the full implementation of the Physician Payment Reform Act as it was intended by Congress.

I commend Senator PRYOR for working to protect the rights of Medicare beneficiaries. I urge all of my colleagues to support this legislation.

Mr. RIEGLE. Mr. President, today I am joining in introducing the Medicare Beneficiary Payment Protection Act of 1992 with Senators PRYOR, COHEN, ROCKEFELLER, MITCHELL and many others. This legislation will provide the needed statutory changes to ensure that Medicare beneficiaries receive the financial protection from balanced billing that Congress intended. I commend the chairman of the Aging Committee, Senator PRYOR, for his leadership in this area.

Several years ago, Congress enacted changes intended to protect senior and disabled citizens from high excess charges by limiting the fees a physician may charge a Medicare beneficiary above the amount received from Medicare. Despite this change in the law, many physicians continue to engage in this practice. I have been working to prevent overcharging and to see to it that seniors are refunded. On April 3, I initiated a letter signed by Senators DURENBERGER, ROCKEFELLER, MITCHELL, and GRAHAM to the Acting Administrator of the Health Care Finance Administration asking that this important provision be enforced and that refunds are made by Medicare beneficiaries.

These additional costs that some Medicare beneficiaries pay can be financially burdensome. The out-of-pocket balance billing costs, coupled with monthly premiums beneficiaries pay for part B insurance, the 20-percent copayment for each covered Medicare physician service and the yearly deductible plus any other medical need that is not covered by Medicare such as eyeglasses and prescription drugs make health care unaffordable for many beneficiaries.

Balance billing is the term used when a doctor charges more than the Medicare approved amount and bills this amount to the beneficiary. Some providers have agreed to be Medicare participating physicians. As such, they agree not to balance bill at all in exchange for more prompt reimbursement from Medicare. Other doctors who are not participating physicians can continue to balance bill to a certain extent.

Congress passed legislation, as part of a physician payment reform package in 1989, that established limits on the amount physicians could charge above the Medicare approved amount. In 1992, the limit is 120 percent of the approved Medicare charge and this will fall to 115 percent next year. Despite these limits, there have been numerous reports of physicians charging above the set limits.

Medicare beneficiaries who have been billed in excess of the limit have had little recourse. The Health Care Finance Administration [HCFA] does not have a formal process of notifying physicians or beneficiaries of overcharges.

In many cases both beneficiaries and physicians are unaware of the overcharges. The Health Care Finance Administration currently monitors compliance through use of back sampling of the previous 6 months claims. This compliance monitoring method identifies the problem only when the harm has already been done and only for that sample of claims. Since the Health Care Finance Administration does not have the statutory authority to require physicians to fund Medicare beneficiaries who have been charged in excess of the limits, beneficiaries are left on their own to recoup overcharged services.

Mr. President, the Medicare Beneficiary Payment Protection Act of 1992 would address these problems. This legislation would direct the Secretary of the Department of Health and Human Services to review each non-Medicare-participating physician claim prior to payment. This proactive measure will prevent beneficiaries from being overcharged, and grant the Health Care Finance Administration the authority to require physicians to repay excess charges. The legislation establishes formal procedures by which providers and beneficiaries will be notified of overcharging. The Medicare Beneficiary Payment Protection Act also establishes a beneficiary advisory committee to the Health Care Finance Administration to give beneficiaries formal access at the Health Care Finance Administration.

The bill is supported by many groups, including the American Association of Retired Persons, Families U.S.A., the National Council of Senior Citizens, and the National Committee to Preserve Medicare and Social Security.

Mr. President, beneficiary protections, including protection from excessive balance billing, are essential to beneficiaries' ability to obtain affordable health care in the Medicare program. This legislation will provide the needed tools to implement the intent of Congress. I look forward to working with the Members of this distinguished Chamber to enact this worthy piece of legislation.

Mr. GLENN. Mr. President, I am pleased to join Senator PRYOR, chairman of the Aging Committee on which I serve, and several of our colleagues in introducing the Medicare Beneficiary Protection Act of 1992. The purpose of this legislation is to ensure that Medicare beneficiaries are not paying more for their physician care than they are required to pay under current law.

Even with Medicare, older Americans have large out-of-pocket health care expenses for Medicare's deductibles, copayments, and premiums, and to pay for major gaps in Medicare coverage such as prescription drugs and long-term care. These costs are a great burden for many Medicare beneficiaries who are living on limited incomes and who are more likely than younger people to suffer from chronic illnesses thus requiring health care services.

A few years ago, the Congress enacted legislation to reform the way Medicare reimburses physicians and to improve the delivery of health care for the elderly and disabled. Included in this legislation is a provision, which became effective in January 1991, limiting the amount doctors can charge Medicare patients above the amount Medicare allows. In 1992, doctors cannot charge more than 20 percent above the Medicare-allowed amount.

This law to protect Medicare beneficiaries against excessive balance billing by their physicians is not working. Most Medicare beneficiaries do not even know about the law, and this is inexcusable. The Health Care Financing Administration [HCFA], which administers the Medicare program, has done very little to publicize it, and, in fact, has sent out erroneous information to beneficiaries about their liability. In addition, HCFA is not monitoring all claims; and when overcharges are identified, HCFA maintains it does not have the legal authority to require doctors to refund excess charges.

The legislation we are introducing today addresses these problems by requiring that each Medicare claim be screened to determine compliance with the balance billing limits, by requiring physicians to repay any overcharges to beneficiaries, by providing for formal notification to make beneficiaries and physicians aware of overcharges before sanctions are imposed on physicians, and by establishing a beneficiary advisory board to the Health Care Financing Administration.

Medicare is a very important program providing health care services to more than 34 million elderly and disabled Americans. I urge my colleagues to join in supporting the Medicare Beneficiary Payment Protection Act of 1992 to ensure that Medicare beneficiaries are not burdened by unlawful health care expenses.

By Mr. DOLE (for himself, Mr. BURNS, Mr. CHAFEE, Mr. HATFIELD, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOMENICI, Mr. DURENBERGER, Mr. HATCH, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROTH, Mr. SEYMOUR, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER):

S. 2699. A bill to extend the period for which unemployment benefits are payable under title I of the Emergency Unemployment Compensation Act of 1991, and for other purposes; by unanimous consent, ordered to be held at the desk until close of business on May 13, 1992.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. DOLE. Mr. President, I am pleased to introduce, along with the distinguished Senator from Oregon [Mr. PACKWOOD], the distinguished Senator from New Mexico [Mr. DOMENICI], the distinguished Senator from California [Mr. SEYMOUR], and 20 other Republican Senators, legislation which extends the Emergency Unemployment Program.

While some encouragement has been provided by solid signs of economic recovery and by last month's drop in unemployment to 7.2 percent, the unemployment rate is still unacceptably high.

This legislation continues the extended benefit program into next year and gets help to those Americans who are out of work and suffering through no fault of their own.

Announced this morning by President Bush, Senator PACKWOOD, Representative BOB MICHEL, and myself, this proposal would extend the Emergency Unemployment Compensation Program from the current expiration date of July 4, 1992, to March 6, 1993.

In addition to the regular 26 weeks of unemployment benefits, this legislation would provide for added benefits of 20 weeks in States with higher unemployment rates and 13 weeks in all other States until January 2, 1993. This adds up to a total unemployment benefits package of 46 weeks or 39 weeks depending on a State's unemployment rate.

From January 3, 1993, until March 6, 1993, the legislation provides for emergency extended benefits of 10 or 7 weeks on top of the standard 26 weeks of benefits.

Finally, in order to address concerns that permanent reforms to the current extended benefits system need to be studied, and if appropriate, implemented, this legislation directs the Advisory Council on Unemployment Compensation—established last November when emergency benefits were first provided—to study and report to the President and Congress its recommendations on changes to the system before February 1, 1993.

The Council will be required to look at such important issues as eligibility standards, the triggers used to qualify for benefits and the adequacy and variability of benefit levels. If changes to the current system are warranted, Congress will have time to act on the recommendations of the Council prior to the expiration of the proposed extension of benefits on March 6, 1993.

As with prior extensions of emergency benefits, this package is paid for so we don't have to worry about jacking up the deficit and undermining the economic recovery we are beginning to see.

According to the Office of Management and Budget, this extension of benefits is estimated to cost $2.5 billion. And through offsets from the President's 1993 budget, the costs of this legislation are 100 percent covered.

These offsets include a prohibition on so-called double-dipping by thrifts receiving Federal financial assistance, a requirement conforming book and tax accounting for securities inventories, a modification to the individual estimated tax safe harbor, and finally certain changes to the taxable year election for partnerships, S corporations, and personal service corporations.

What I continue to hear from taxpayers in my State of Kansas is that the Federal deficit is still public enemy No. 1, and this legislation maintains the discipline of the budget agreement that is so important to exercising some control over an otherwise out-of-control deficit. And it achieves this important goal without raising taxes.

Mr. President, I congratulate the leadership of the President on this issue and look forward to working on a bipartisan or nonpartisan basis to quickly act on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF UNEMPLOYMENT BENEFITS

SEC. 101. EXTENSION OF PERIOD FOR PAYMENT OF EMERGENCY UNEMPLOYMENT BENEFITS.

(a) Extended Periods.—

(1) In general.—Clause (ii) of section 102(b)(2)(A) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) is amended by inserting ", and ending on or before January 2, 1993" after "June 13, 1992".

(2) Reduction for weeks after January 2, 1993.—Section 102(b)(2)(A) of such Act is amended by striking the flush paragraph at the end thereof and adding the following new clauses:

"(iii) Reduction for weeks after January 2, 1993.—In the case of weeks beginning after January 2, 1993, and ending on or before March 6, 1993—

"(I) clause (i) of this subparagraph shall be applied by substituting '10' for '33', and by substituting '7' for '26', and

"(II) subparagraph (A) of paragraph (1) shall be applied by substituting '40 percent' for '130 percent'.

"(iv) Limitation on reductions.—In the case of an individual who is receiving emergency unemployment compensation for the week which immediately precedes the first week for which a reduction applies under clause (ii) or (iii) of this subparagraph, such reduction shall not apply to such individual for the first week of such reduction or any week thereafter in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act."

(b) Conforming Amendments.—

(1) Subparagraph (B) of section 102(b)(2) of such Act is amended by striking "subparagraph (A)(ii)" and inserting "subparagraph (A)(iv)".

(2) The heading for clause (ii) of section 102(b)(2)(A) of such Act is amended by inserting ", AND BEFORE JANUARY 3, 1993" after "JUNE 13, 1992".

(3) Sections 102(f)(1)(B), 102(f)(2), and 106(a)(2) of the such Act are each amended by striking "July 4, 1992" and inserting "March 6, 1993".

(c) Effective Date.—The amendments made by this section shall apply to weeks of unemployment beginning after June 13, 1992.

SEC. 102. AUTHORIZATION OF ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) In General.—Section 905(d) of the Social Security Act is amended—

(1) by striking "There are hereby authorized" and inserting "(1) There are hereby authorized", and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In the absence of sufficient advances under paragraph (1) of this subsection (as determined by the Secretary of the Treasury in consultation with the Secretary of Labor), the Secretary of the Treasury is directed to advance from time to time from the Federal unemployment account to the extended unemployment compensation account, as repayable advances (without interest), such sums as may be necessary—

"(i) to make payments of emergency unemployment compensation under title I of the Emergency Unemployment Compensation Act of 1991, and

"(ii) to carry out the purposes of the Federal-State Extended Unemployment Compensation Act of 1970.

"(B) The aggregate sum of all repayable advances made under subparagraph (A) shall be repaid by transfers from the extended unemployment compensation account to the Federal unemployment account, at such times as the amount in the extended unemployment compensation account is determined by the Secretary of the Treasury, in consultation with the Secretary of Labor, to be adequate for such purpose. Repayments under the preceding sentence shall be made whenever the Secretary of the Treasury (after consultation with the Secretary of Labor) determines that the amount in the extended unemployment compensation account exceeds the amount necessary to meet the anticipated payments from such account during the next 3 months. Any amount transferred as a repayment under this subparagraph shall be credited against, and shall operate to reduce, any balance of advances repayable under this paragraph."

(b) Effective Date and Sunset.—

(1) Effective date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Sunset date.—The authority to make repayable advances to the extended unemployment compensation account under section 905(d)(2)(A) of the Social Security Act (as added by subsection (a)) shall terminate, and the provisions for making such repayable advances shall not apply, after the end of the calendar month in which the last compensable week under title I of the Emergency Unemployment Compensation Act of 1991 ends. If, at the end of such calendar month, there is an outstanding balance of repayable advances, such balance shall be repaid in accordance with subparagraph (B) of section 905(d)(2) of the Social Security Act (as so added) as soon thereafter as is possible.

SEC. 103. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

(a) Study Topics.—Subsection (b) of section 908 of the Social Security Act is amended—

(1) by striking "Function" in the heading and inserting "Functions",

(2) by striking "It shall be" and inserting "(1) In general.—It shall be", and

(3) by adding at the end thereof the following new paragraph:

"(2) First council.—In addition to the functions specified in paragraph (1), the first Council established under subsection (a) of this section shall study and evaluate, and make recommendations to the President and the Congress concerning the following:

"(A) The change or retention of the point at which State 'on' and 'off' indicators under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 are activated.

"(B) The relative desirability and feasibility of using total unemployment rates and adjusted insured unemployment rates (which include exhaustees) as alternative measures for triggering extended benefit periods 'on' and 'off'.

"(C) The introduction of a multi-tiered extended benefit program, with different trigger rates for each tier and different periods of duration for each tier.

"(D) The elimination or material modification of the special eligibility requirements in paragraphs (3), (4), and (5) of section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970.

"(E) The desirability and feasibility of determining eligibility for extended benefits on the basis of unemployment statistics for regions, States, or subdivisions of States."

(b) Report of First Council.—Paragraph (2) of section 908(f) of the Social Security Act, is amended to read as follows:

"(2) Report of first council.—The report of the first Council established under subsection (a) shall be submitted not later than February 1, 1993, and shall include the items described in subsection (b)(2)."

TITLE II—REVENUE PROVISIONS

SEC. 201. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—General Provisions

SEC. 202. MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.

(a) General Rule.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.

"(a) General Rule.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) Exceptions.—

"(1) In general.—Subsection (a) shall not apply to—

"(A) any security held for investment other than as a trader,

"(B) any security described in subsection (c)(2)(C) which is acquired (including by origination) by the taxpayer in the ordinary course of a trade or business of making loans to customers and which is accounted for at cost for purposes of this subtitle, and

"(C) any security which is a hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position, right to income, or a liability which is not a security in the hands of the taxpayer.

Subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) Identification required.—Any security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) Special rule for certain securities held for investment.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEALER IN SECURITIES DEFINED.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) SECURITY DEFINED.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security or currency (but not including any contract to which section 1256(a) applies); and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) HEDGE.—The term 'hedge' means any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations, including any position which is reasonably expected to become a hedge within 60 days after the acquisition of the position.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) CERTAIN RULES NOT TO APPLY.—The rules of sections 263(g) and 263A shall not apply to any security which is treated under subsection (a) as sold for, or included in inventory at, its fair market value.

"(2) IMPROPER IDENTIFICATION.—If a taxpayer—

"(A) identifies any security under subsection (b)(2) as being described in subsection (b)(1) and such security is not so described or later ceases to be so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify any position which is described in such subsection at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security or position shall be recognized only to the extent of gain previously recognized under this section (and not previously taken into account under this paragraph) with respect to such security or position.

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to any security which is a hedge which cannot be identified with a specific security, position, right to income, or liability."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 988(d) is amended—

(A) by striking "section 1256" and inserting "section 475 or 1256", and

(B) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(2) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market accounting method for dealers in securities."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all taxable years ending on or after December 31, 1992.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 10-taxable year period beginning with the first taxable year ending on or after December 31, 1992.

If the net amount determined under subparagraph (C) exceeds the net amount which would have been determined under subparagraph (C) if the taxpayer had been required by this section to change its method of accounting for its last taxable year beginning before March 20, 1992, subparagraph (C) shall be applied with respect to such excess by substituting "4-taxable year" for "10-taxable year".

SEC. 203. CLARIFICATION OF TREATMENT OF CERTAIN FSLIC FINANCIAL ASSISTANCE.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any FSLIC assistance with respect to any loss of principal, capital, or similar amount upon the disposition of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any FSLIC assistance with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) FSLIC ASSISTANCE.—For purposes of this section, the term "FSLIC assistance" means any assistance (or right to assistance) with respect to a domestic building and loan association (as defined in section 7701(a)(19) of such Code without regard to subparagraph (C) thereof) under section 406(f) of the National Housing Act or section 21A of the Federal Home Loan Bank Act (or under any similar provision of law).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection—

(A) The provisions of this section shall apply to taxable years ending after March 4, 1991, but only with respect to FSLIC assistance not credited before March 4, 1991.

(B) If any FSLIC assistance not credited before March 4, 1991, is with respect to a loss sustained or charge-off in a taxable year ending before March 4, 1991, for purposes of determining the amount of any net operating loss carryover to a taxable year ending after on or after March 4, 1991, the provisions of this section shall apply to such assistance for purposes of determining the amount of the net operating loss for the taxable year in which such loss was sustained or debt written off. Except as provided in the preceding sentence, this section shall not apply to any FSLIC assistance with respect to a loss sustained or charge-off in a taxable year ending before March 4, 1991.

(2) EXCEPTIONS.—The provisions of this section shall not apply to any assistance to which the amendments made by section 1401(a)(3) of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 apply.

SEC. 204. INDIVIDUAL ESTIMATED TAX PROVISIONS.

(a) GENERAL RULE.—Paragraph (1) of section 6654(d) (relating to amount of required installment) is amended—

(1) in subparagraph (B)(ii), by inserting "(115 percent in the case of a taxable year beginning after 1991 and before 1997)" after "100 percent", and

(2) by striking subparagraphs (C), (D), (E), and (F).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

(2) SPECIAL RULE FOR 1ST INSTALLMENT IN 1992.—The amendment made by subsection (a) shall not apply for purposes of determining the amount of the 1st required installment for any taxable year beginning in 1992. Any reduction in an installment by reason of the preceding sentence shall be recaptured by increasing the amount of the 1st succeeding required installment by the amount of such reduction.

Subtitle B—Alternative Taxable Years

SEC. 211. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED TAXABLE YEAR.

(a) LIMITATIONS ON TAXABLE YEARS WHICH MAY BE ELECTED.—Subsection (b) of section 444 (relating to limitations on taxable years which may be elected) is amended to read as follows:

"(b) TAXABLE YEAR MUST BE SAME AS REPORTING PERIOD.—If an entity has annual reports or statements—

"(1) which ascertain income, profit, or loss of the entity, and

"(2) which are—

"(A) provided to shareholders, partners, or other proprietors, or

"(B) used for credit purposes,

the entity may make an election under subsection (a) only if the taxable year elected covers the same period as such reports or statements."

(b) PERIOD OF ELECTION.—Section 444(d)(2) (relating to period of election) is amended to read as follows:

"(2) PERIOD OF ELECTION.—

"(A) IN GENERAL.—An election under subsection (a) shall remain in effect until the partnership, S corporation, or personal service corporation terminates the election and adopts the required taxable year.

"(B) CHANGE NOT TREATED AS TERMINATION.—For purposes of subparagraph (A), a change from a taxable year which is not a required taxable year to another such taxable year shall not be treated as a termination."

(c) Exception for Trusts.—Section 444(d)(3) (relating to tiered structures) is amended by adding at the end thereof the following new subparagraph:

"(C) Exception for certain structures that include trusts.—An entity shall not be considered to be part of a tiered structure to which subparagraph (A) applies solely because a trust owning an interest in such entity is a trust all of the beneficiaries of which use a calendar year for their taxable year."

(d) Regulations.—Subsection (g) of section 444 (relating to regulations) is amended to read as follows:

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section, including regulations—

"(1) to prevent the avoidance of the provisions of this section through a change in entity or form of an entity,

"(2) to prevent the carryback to any preceding taxable year of a net operating loss (or similar item) arising in any short taxable year created pursuant to an election or termination of an election under this section, and

"(3) to provide for the termination of an election under subsection (a) if an entity does not continue to meet the requirements of subsection (b)."

SEC. 212. REQUIRED PAYMENTS FOR ENTITIES ELECTING NOT TO HAVE REQUIRED TAXABLE YEAR.

(a) Additional Required Payment.—

(1) In general.—Section 7519(b) (defining required payment) is amended to read as follows:

"(b) Required Payment.—For purposes of this section—

"(1) In general.—The term 'required payment' means, with respect to any applicable election year of a partnership or S corporation, an amount equal to the excess (if any) of—

"(A) the adjusted highest section 1 rate, multiplied by the net base year income of the entity, over

"(B) the net required payment balance.

For purposes of paragraph (1)(A), the term 'adjusted highest section 1 rate' means the highest rate of tax in effect under section 1 as of the close of the first required taxable year ending within such year, plus 2 percentage points.

"(2) Additional payment for new applicable election years.—

"(A) In general.—In the case of a new applicable election year, the required payment shall include, in addition to any amount determined under paragraph (1), the amount determined under subparagraph (C).

"(B) New applicable election year.—For purposes of this section, the term 'new applicable election year' means any applicable election year—

"(i) with respect to which the preceding taxable year was not an applicable election year, or

"(ii) which covers a different period than the preceding taxable year by reason of a change described in section 444(d)(2)(B).

If any year described in the preceding sentence is a short taxable year which does not include the last day of the required taxable year, the new applicable election year shall be the taxable year following the short taxable year.

"(C) Additional amount.—For purposes of subparagraph (A), the amount determined under this subparagraph shall be—

"(i) in the case of a year described in subparagraph (B)(i), 75 percent of the required payment for the year, and

"(ii) in the case of a year described in subparagraph (B)(ii), 75 percent of the excess (if any) of—

"(I) the required payment for the year, over

"(II) the required payment for the year which would have been computed if the change described in subparagraph (B)(ii) had not occurred.

"(D) Required payment.—For purposes of this paragraph, the term 'required payment' means the payment required by this section (determined without regard to this paragraph)."

(2) Due date.—Paragraph (2) of section 7519(f) (defining due date) is amended to read as follows:

"(2) Due date.—

"(A) In general.—Except as provided in subparagraph (B), the amount of any required payment for any applicable election year shall be paid on or before May 15 of the calendar year following the calendar year in which the applicable election year begins.

"(B) Special rule where new applicable election year adopted.—In the case of a new applicable election year, the portion of any required payment determined under subsection (b)(2) shall be paid on or before September 15 of the calendar year in which the applicable election year begins."

(3) Penalties.—

(A) In general.—Section 7519(f)(4) (relating to penalties) is amended by adding at the end thereof the following new subparagraph:

"(D) Failure to pay additional amount.—In the case of any failure by any entity to pay on the date prescribed therefore the portion of any required payment described in subsection (b)(2) for any applicable election year—

"(i) subparagraph (A) shall not apply, but

"(ii) the entity shall, for purposes of this title, be treated as having terminated the election under section 444 for such year and changed to the required taxable year."

(B) Conforming amendment.—Section 7519(f)(4)(A) is amended by striking "In" and inserting "Except as provided in subparagraph (D), in".

(4) Refunds.—Section 7519(c)(2)(A) (relating to refund of payments) is amended to read as follows:

"(A) an election under section 444 is not in effect for any year but was in effect for the preceding year, or".

(5) Conforming amendments.—

(A) Paragraph (1) of section 7519(c) is amended—

(i) by striking "subsection (b)(2)" and inserting "subsection (b)(1)(B)", and

(ii) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(A)".

(B) Subsection (d) of section 7519 is amended by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) Other Definitions and Special Rules.—

(1) Refund.—Paragraph (3) of section 7519(c) (relating to date on which refund payable) is amended in the matter preceding subparagraph (A) by striking "on the later of" and inserting "by the later of".

(2) Deferral ratio.—The last sentence of paragraph (1) of section 7519(d) is amended to read as follows: "Except as provided in regulations, the term 'deferral ratio' means the ratio which the number of months in the deferral period of the applicable election year bears to the number of months in the applicable election year."

(3) Net income.—Paragraph (2) of section 7519(d) is amended by adding at the end the following new subparagraph:

"(D) Excess applicable payments for base year.—In the case of any new applicable election year, the net income for the base year shall be increased by the excess (if any) of—

"(i) the applicable payments taken into account in determining net income for the base year, over

"(ii) 120 percent of the average amount of applicable payments made during the first 3 taxable years preceding the base year."

(4) Deferral period.—Paragraph (1) of section 7519(e) (defining deferral period) is amended to read as follows:

"(1) Deferral period.—Except as provided in regulations, the term 'deferral period' means, with respect to any taxable year of the entity, the months between—

"(A) the beginning of such year, and

"(B) the close of the first required taxable year (as defined in section 444(e)) ending within such year."

(5) Base year.—

(A) In general.—Paragraph (2)(A) of section 7519(e) (defining base year) is amended to read as follows:

"(A) Base year.—The term 'base year' means, with respect to any applicable election year, the first taxable year of 12 months (or 52–53 weeks) of the partnership or S corporation preceding such applicable election year."

(B) Conforming amendment.—Paragraph (2) of subsection (g) of section 7519 is amended to read as follows:

"(2) there is no base year described in subsection (e)(2)(A) or no preceding taxable year described in section 280H(c)(1)(A)(i)."

(c) Interest.—Section 7519(f)(3) (relating to interest) is amended to read as follows:

"(3) Interest.—For purposes of determining interest, any payment required by this section shall be treated as a tax, except that interest shall be allowed with respect to any refund of a payment under this section only for the period from the latest date specified in subsection (c)(3) for such refund to the actual date of payment of such refund."

Mr. PACKWOOD. Mr. President, today, along with Senator DOLE and other Republican Senators, I am introducing a bill to extend the emergency compensation program from its current expiration date of July 4, 1992, to March 6, 1993. This bill has the support of the President, and is fully paid for by provisions outlined in the President's budget.

First, the bill will continue immediate help to the long-term unemployed by extending the emergency benefits program from its current expiration date of July 4, 1992, to March 6, 1993. The bill gives workers who exhaust their 26 weeks of regular benefits between July 5, 1992, and January 2, 1993, 20 weeks of emergency benefits in high unemployment States, and 13 weeks in all other States. From January 3, until March 6, 1993, it gives workers who exhaust their 26 weeks of regular benefits 10 weeks of emergency benefits in high unemployment States, and 7 weeks in all other States.

These are workers who have not yet benefited from the recent upturn in the economy, and who are still struggling with the lingering effects of the recession. For example, in my home State of Oregon, unemployment is now at 8 percent, its highest level since 1986. And we have many pockets where unemployment is above 13 percent, because of layoffs, not just within the timber industry, but within banking, higher education, and State agencies. For the Pacific Northwest, many effects of the recession remain. In the midst of what should be a period of high employment and logging activity, we are seeing instead more unemployed workers in the timber industry, and many others.

But the bill does more than extend emergency benefits into 1993. It also addresses what many see as a pressing need to evaluate the program in terms of permanent reform, especially in how extended benefits are paid. It both speeds up and focuses the work of the newly created Advisory Council on Unemployment Compensation. It requires that the Council report its recommendations for reform a full year earlier, in 1993. A speedy but thorough review by the Advisory Council will ensure that any reforms to the program will make it better able to respond to future periods of high unemployment, without discouraging job creation by putting an unfair burden on employers.

This package is balanced. It addresses both the need to provide immediate help to those still unemployed, and the need to speed up thorough evaluation of the program by the Advisory Council, with an eye to making permanent reforms. It is fully paid for in a way that is consistent with the Budget Act, and that doesn't put a drag on job creation.

Congress passed emergency unemployment benefits to help the long-term unemployed twice so far—in November 1991, and then again in February of this year. I worked hard to ensure passage of both bills. We need to continue to help those who face unemployment by further extending emergency unemployment benefits.

Let's act now in the same expeditious and bipartisan manner we did in February to extend emergency unemployment benefits until next year. By doing this we can ensure that unemployed workers will have something to tide them over until the effects of the economic recovery can be felt across the country.

By Mr. KASTEN:

S.J. Res. 299. Joint resolution to state the finding of Congress that the amendment to the Constitution of the United States relating to compensation for members of Congress has been duly ratified, and for other purposes; to the Committee on the Judiciary.

FINDING OF RATIFICATION OF AMENDMENT TO THE CONSTITUTION

Mr. KASTEN. Mr. President, I rise today to introduce a Senate joint resolution concerning what I trust will become the 27th amendment to the Constitution of the United States.

As my colleagues are well aware, on Wednesday, May 7, 1992 the legislature of the State of New Jersey became the 39th State to ratify the proposed amendment to the Constitution which will prohibit the Congress of the United States from raising its own rate of pay during the mid-term of that Congress. If any proposed constitutional amendment has struck a ground swell of popular support over the last few years, this proposal surely has.

By way of background, my colleagues will recall that is was James Madison, the father of our Constitution, who first proposed amending the Constitution to prevent a Congress from raising its own level of pay. Madison's solution was to provide that an intervening congressional election would have to occur between the authorization for such a pay raise and the actual implementation of the raise for Members of Congress. Quite an elegant solution to the apparent conflict of interest posed when a legislative body raises its own pay.

Madison's proposed amendment was introduced, along with 11 other suggested changes to the Constitution, and was adopted by the Congress on September 25, 1789. Ten of the changes, as proposed by Madison, became the first 10 amendments to the Constitution, or as they have become known, the Bill of Rights. Of the proposed changes authored by Madison, two amendments, though adopted by the Congress, were not ratified as quickly as were the Bill of Rights amendments. However, it is important to understand that Madison's proposed amendments did not contain any time restriction with respect to ratification by the States. Additionally, it is a matter of fact that the Congress did not begin to restrict the time under which the States could ratify proposed amendments until the Congress passed the 18th amendment (prohibition) in 1917.

While it took a bit over 200 years for the requisite number of State legislatures to ratify the proposed pay raise amendment, that long struggle was ended by New Jersey last Wednesday. However, no sooner had the action of New Jersey been announced than critics of the substance of the amendment were quoted in the media to the effect that 200 years was far too long for any constitutional amendment to be under consideration by the States and that any ratification of an amendment by one State must be contemporaneous with the ratification of that amendment by other States. In marking this argument, critics pointed to the U.S. Supreme Court ruling in *Dillion* v. *Gloss*, 256 U.S. 368 (1920) for their authority with respect to the requirement for a contemporaneous ratification. What these critics fail to point out is that the operative language in the Dillion case was legal dicta and that a subsequent Supreme Court case was more dispositive of the issue.

In *Coleman* v. *Miller*, 307 U.S. 433 (1938), the Supreme Court held that in promulgating the adoption of a constitutional amendment, it is the Congress and not the Federal courts which has the final determination of the question whether by lapse of time its proposal of the amendment has lost its vitality before being adopted by the requisite number of State legislatures.

Therefore, it is time for the Congress to act on this issue. If ever a constitutional amendment has maintained its vitality during the ratification process, this congressional pay raise amendment surely has. From the first ratification by Maryland on December 19, 1789, through Wisconsin's ratification on June 30, 1987, to New Jersey and Michigan's effort on May 7, 1992, there is an unbroken record of popular support for this amendment stretching back over two centuries. But the critics of the substance of this amendment can be expected to raise every conceivable legal argument to thwart the will of the people as expressed through their State legislatures. That is why I rise today to offer this straight forward resolution.

Mr. President, this Senate joint resolution does two simple things: First, it finds that the congressional pay raise amendment proposed by the Congress on September 25, 1789, has been duly ratified, and second, it directs the Archivist of the United States to perform the statutory duties entrusted to him with respect to amendments to the Constitution. The resolution will thus serve as the congressional statement of support for the valid ratification of the amendment by the several States.

It is time to move forward to implement the will of the people as expressed through this amendment to the Constitution. Thirty-nine States have ratified the amendment and the time for change on congressional pay raises is at hand.

By Mr. SIMON (for himself and Mr. DURENBERGER):

S.J. Res. 300. Joint resolution to designate the week commencing October 4, 1992, as "National Aviation Education Week"; to the Committee on the Judiciary.

NATIONAL AVIATION EDUCATION WEEK

• Mr. SIMON. Mr. President, today on behalf of myself and my friend and colleague, Senator DAVE DURENBERGER, of Minnesota, I rise to introduce a resolution that would designate the week of October 4, 1992, as "National Aviation Education Week." One of the major goals of our Nation is to be No. 1 in education by the year 2000, a goal I strongly support. I believe aviation education to be very useful in helping us to reach that goal.

This resolution will encourage schools, at all levels, nationwide, to focus on the aviation industry and its contributions to the United States. I should point out, Mr. President, that currently 23 States recognize an "Aviation Education Week," and the Federal Aviation Administration is very active in aviation programs.

The FAA established 60 aviation education resource centers throughout the country. These resource centers provide, at no cost to educators, FAA aviation education printed materials, videotapes, slides, and computer software. The FAA, in partnership with the National Association of State Aviation Official/Center for Aviation Research and Education, has established Project Air Bear, which is designed to provide awareness and basic education through aviation instruction to preschool and elementary aged children. Mr. President, these are but two of several programs that the FAA, the States, and the education community have developed to achieve their full educational potential.

I am sure, Mr. President, that we are all aware that the aviation industry makes important contributions to the United States. These contributions are made by commercial, cargo, and general aviation groups. Pilots, engineers, flight attendants, aircraft technicians, electrician technicians, radar and radio operators, are just a few of the hundreds of thousands of people who make up these groups. I am sure that my colleagues are well aware that in March 1992, our trade deficit was at its lowest level in 8 years due in large part to our aviation exports. I should point out that the FAA and the commercial and general aviation industries all project a steady growth beyond the year 2000.

As a result of this projected growth, industry experts project a shortage of pilots, engineers, technicians, and other skilled workers. Also, women and minorities have, in the past, been underrepresented in technical fields such as aviation. We must find ways to encourage the growth of the aviation industry, increasing the opportunity for employment by those traditionally underrepresented in the aviation industry.

Mr. President, the future contribution of aviation to the United States is dependent on an informed and educated public. I am hopeful that schools, at all levels, will actively pursue the advancement of aviation education.

Mr. President, I, and several of my colleagues, support the use of aviation materials, theories, and principles to excite today's youth in their learning. Be it in history lessons, reading classes, art, math, science or whatever the subject area, aviation is one way to help educators turn our youth on to education.

Mr. President, I urge my colleagues to cosponsor the joint resolution to declare October 4 to October 10, 1992, as "National Aviation Education Week." I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 300

Whereas aviation plays a vital role in the everyday lives of Americans;

Whereas the aviation industry makes important contributions to the economic development of the United States and its rapid growth has created a need for persons trained in the areas of aviation management, operations, and maintenance;

Whereas the aviation industry has increasingly become more complex and technical and the future contributions of aviation to the United States are dependent upon an informed and educated public;

Whereas it is important that schools within the United States actively encourage students to become interested in aviation theories and principles, particularly students that have often been underrepresented in technical fields relating to aviation such as women and minorities; and

Whereas a number of States annually recognize the importance of aviation to our Nation and the value of encouraging students to study aviation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 4, 1992, is designated as "National Aviation Education Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.•

By Mr. LAUTENBERG:

S.J. Res. 301. Joint resolution designating July 2, 1992, as "National Literacy Day"; to the Committee on the Judiciary.

NATIONAL LITERACY DAY

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce a joint resolution to designate July 2, 1992, as "National Literacy Day." This day is vital to call attention to the problem of illiteracy, to help others understand the severity of this problem and its detrimental effects on our society, and to reach those who are unaware of the services to help them escape illiteracy.

In this country it is often said that we live in the information age. Yet for many Americans, information is inaccessible. Over 17 million American adults cannot read. An additional 23 to 27 million read below the level needed to function successfully. That means that at least 10 percent of the American population is functionally illiterate. The American Library Association estimates the cost of illiteracy is $224 billion per year, although, in truth, no value can be put on the cost illiteracy poses on society.

The cost includes the lifetime earnings that will not be realized by men and women who cannot get and hold jobs requiring any reading skills. The cost includes child welfare expenditures for the children of adults who lack the skills to get jobs. The cost also includes prison maintenance for the inmates whose imprisonment can be linked to their illiteracy and on-the-job accidents and damage to equipment caused by the inability of workers to read and understand instructions for the operation of machines.

And the human cost is even higher. The daily activities that we take for granted—reading a prescription, reading the newspaper, reading a menu, reading a street or subway map—become a nightmare for illiterate people. They devise remarkable strategies of evasion and coping with their shame. The creativity that goes into hiding the inability to read is a terrible waste and a tragic commentary on the losses illiterate people suffer.

It is vital to call attention to the problem of illiteracy. Our society must begin to understand the severity of this problem and its detrimental effects. Perhaps even more essential is the need to reach the people who need help in overcoming their illiteracy and to make them aware of the services that are available. I would like to commend Focus on Literacy and its executive director, Caryl Mackin-Wagner, for their efforts to ensure that no one forgets the devastating impact of illiteracy on America.

Mr. President, for these reasons, I am introducing a joint reslution to designate July 2, 1991, as "National Literacy Day." This is the seventh year I have been privileged to introduce this resolution. I urge my colleagues to support this resolution, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 301

Whereas literacy is a necessary tool for survival in our society;

Whereas seventeen million Americans today cannot read;

Whereas there are twenty-three to twenty-seven million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas the annual cost of illiteracy to the United States in terms of resulting welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated by the American Library Association at $224 billion;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas the number of illiterate adults unable to perform at the standard necessary for available employment is related to and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased barriers to economic enhancement by these minorities;

Whereas almost 60% of the prison population cannot read;

Whereas as many as 75% of the unemployed may be illiterate;

Whereas the number of functional illiterates is expected to grow by 2.3 million a year;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 9% of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1992, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 140

At the request of Mr. WIRTH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 523

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 523, a bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1045

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1045, a bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to lineal descendants.

S. 1423

At the request of Mr. DODD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1614

At the request of Mr. GRAHAM, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1614, a bill to amend the Rehabilitation Act of 1973 to revise and extend the program regarding independent living services for older blind individuals, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Alabama [Mr. SHELBY], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1732

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1732, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of leased employees, and for other purposes.

S. 1883

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1883, a bill to provide for a joint report by the Secretary of Health and Human Services and the Secretary of Agriculture to assist in decisions to reduce administrative duplication, promote coordination of eligibility services and remove eligibility barriers which restrict access of pregnant women, children, and families to benefits under the Food Stamp Program and benefits under titles IV and XIX of the Social Security Act.

S. 1972

At the request of Mr. LEAHY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1972, a bill to amend the Public Health Service Act to provide grants for the establishment of State demonstration projects for comprehensive health care reform, and for other purposes.

S. 1997

At the request of Mr. KASTEN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1997, a bill to amend the Internal Revenue Code of 1986 to exclude from the Social Security tax on self-employment income certain amounts received by insurance salesmen after retirement.

S. 2041

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2041, a bill to amend the Petroleum Marketing Practices Act to enhance competition, and for other purposes.

S. 2060

At the request of Mr. METZENBAUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2060, a bill to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act, and for other purposes.

S. 2109

At the request of Mr. BAUCUS, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2109, a bill to amend the Internal Revenue Code of 1986 to permit certain entities to elect taxable years other than taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 2116

At the request of Mr. RIEGLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2116, a bill to improve the health of children by increasing access to childhood immunizations, and for other purposes.

S. 2180

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2180, a bill to provide greater access to civil justice by reducing costs and delay and for other purposes.

S. 2204

At the request of Mr. DURENBERGER, the names of the Senator from Maine [Mr. COHEN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2204, a bill to amend title 23, United States Code, to repeal the provisions relating to penalties with respect to grants to States for safety belt and motorcycle helmet traffic safety programs.

S. 2230

At the request of Mr. BREAUX, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2230, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient education services under part B of the medicare program for individuals with diabetes.

S. 2236

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of

S. 2236, a bill to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act.

S. 2239

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 2239, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 2319

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2319, a bill to require analysis and estimates of the likely impact of federal legislation and regulations upon the private sector and state and local governments, and for other purposes.

S. 2327

At the request of Mr. HATFIELD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2377

At the request of Mr. BURNS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2377, a bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers.

S. 2516

At the request of Mr. BINGAMAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 2516, a bill to amend the National Security Act of 1947 to revise the functions of the National Security Council and to add the Secretary of Commerce, the Secretary of the Treasury, and the United States Trade Representative to the statutory membership of the National Security Council.

S. 2517

At the request of Mr. BINGAMAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2517, a bill to amend title 10, United States Code, to rename the Defense Advanced Research Projects Agency as the National Advanced Research Projects Agency, to expand the mission of that agency, and for other purposes.

S. 2522

At the request of Mr. SIMON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2522, a bill to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

S. 2566

At the request of Mr. GORTON, his name was added as a cosponsor of S. 2566, a bill to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness.

S. 2579

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2579, a bill to improve battery recycling and disposal.

S. 2609

At the request of Mr. WOFFORD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 2609, a bill to direct the Comptroller General, in consultation with the Small Business Administration, to conduct a survey to obtain data on the experiences of business firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety companies, and for other purposes.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2635

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2635, a bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have Social Security protection in his or her own right.

S. 2656

At the request of Mr. WALLOP, his name was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

At the request of Mr. FORD, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2656, supra.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Virginia [Mr. WARNER], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2680

At the request of Mr. PRYOR, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution proposing a Balanced Budget Amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 236

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating the third week in September 1992 as "National Fragrance Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 261

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution to designate April 9, 1992, as a "Day of Filipino World War II Veterans."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 285

At the request of Mr. WARNER, the names of the Senator from Montana [Mr. BURNS], the Senator from Arkansas [Mr. BUMPERS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 285, a joint resolution to designate September 24, 1992, as "National Patrick Sarsfield Gilmore Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

AMENDMENT NO. 1799

At the request of Mr. SEYMOUR, his name was added as a cosponsor of Amendment No. 1799 proposed to S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

SENATE CONCURRENT RESOLUTION 117—DECLARING AN ARTICLE OF AMENDMENT TO BE A PART OF THE CONSTITUTION OF THE UNITED STATES

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 117

Whereas it appears that the legislatures of three-fourths of the several States of the Union have ratified the article of amendment to the Constitution of the United States concerning the effective date of laws varying the compensation of Members of Congress, duly proposed by two-thirds of each House of the First Congress; therefore,

Resolved by the Senate (the House of Representatives concurring), That said article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Archivist of the United States.

Mr. BYRD. Mr. President, I send to the desk a second resolution on the ratification of the proposed amendment to the Constitution of the United States.

This resolution, a concurrent resolution, would formally declare the amendment regarding the compensation of Members of Congress to be a part of the Constitution of the United States, based on the action of the First Congress in proposing the amendment and the subsequent apparent action of three-fourths of the States in ratifying the amendment. It is premature for the Senate to act on this resolution at this time, as the Senate should first receive a report from the Archivist of the United States formally communicating the ratification actions before the Senate can know whether this amendment has indeed been properly ratified.

The news reports appear to make that so, but we cannot be sure, in my judgment, until we get the report from the Archivist.

The Senate will also need to consider the important constitutional issues presented by the period of ratification about which I have already spoken. If the Archivist reports that the requisite three-fourths of the States have voted to ratify this amendment, then at that time this resolution can be an appropriate vehicle for committee action and for Senate action, to provide a formal answer declaring, in conjunction with the House of Representatives, that this amendment has become a part of the Constitution, or modifying the resolution in relation to any requirements that the committee and the Senate may deem to be wise and justified under the circumstances.

Mr. President, I ask unanimous consent that this resolution be appropriately referred.

SENATE CONCURRENT RESOLUTION 118—DECLARING THE RATIFICATION OF THE 27TH ARTICLE OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mr. NICKLES, Mr. MCCAIN, Mr. SEYMOUR, Mr. SPECTER, Mr. MCCONNELL, Mr. COATS, Mr. HATCH, Mr. HELMS, Mr. HARKIN, and Mr. GARN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 118

Whereas the legislatures of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, being three-fourths of the States of the Union to have ratified the twenty-seventh Article of Amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the First Congress; and

Whereas that article reads as follows: "No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DECLARATION OF RATIFICATION.

The twenty-seventh Article of Amendment to the Constitution of the United States is declared to be a part of the Constitution of the United States and shall be duly promulgated as such by the Archivist of the United States.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Archivist of the United States.

Mr. GRASSLEY. Mr. President, after standing on this floor numerous times to fight whatever pending pay raise issue was before the Senate, I rise today pleased to affirm the wisdom of our people.

On Thursday of last week, Michigan became the 38th State to ratify the Madison amendment to the Constitution regarding congressional pay raises. The text of that amendment simply reads:

> No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

While we might choose different language to express this thought today, Madison and the First Congress had a good idea and we should affirm it.

I am submitting a concurrent resolution to do exactly that. My concurrent resolution does not add anything to this ratification; it simply affirms what I believe is already true, that this amendment was ratified when the 38th State voted ratification on Thursday of last week.

The Constitution requires that an amendment pass both Houses with a two-thirds supermajority and be ratified by 38 States. That is all the Constitution requires. Well, you might ask, why a resolution if you believe this is already a valid part of the law?

When I heard that Michigan had ratified this amendment to the Constitution, 200 years after it was initiated, I knew the issue of timeliness could be raised.

First, as you know, there is no time limit set in the Constitution on ratification of amendments. As I have already mentioned, it simply says that a proposed amendment must pass both Houses by a two-thirds vote and be ratified by 38 States. When that ratification occurs, it is the law.

In Coleman versus Miller, a 1939 Supreme Court decision, the Court stated that ordinarily ratification must be "sufficiently contemporaneous," but that Congress has the authority to determine that the standard has been met.

A similar situation arose concerning the 14th amendment. In that case, the question was not timeliness, but whether the sufficient number of States had ratified the amendment. This was a concern because so many States had seceded from the Union during the Civil War and there were questions remaining about the status of some of those States.

In that situation, Congress passed a concurrent resolution, similar to the one I am introducing today, that declared the amendment to be part of the Constitution and requested that it be promulgated as such.

This resolution is not an attempt to set a precedent that it is necessary for Congress to have the final word in every case of the ratification of a constitutional amendment. I do not believe that is necessary. However, in a case like this where there may be questions regarding the timeliness of this ratification, I believe that congress has a responsibility to positively affirm its faith in the decision of the representatives of 38 State legislatures.

That is what this resolution does. We are affirming our conviction that the people have spoken.

We are affirming our conviction that the will of the people is that congress should not be able to give itself midnight payraises while giving the people no recourse.

I am pleased that I am able to stand in the line of Madison as a supporter of his good idea. I believe it is the will of the people. I believe it requires more responsible governance. I also believe it will result in a more measured response on the part of Members who might otherwise be hasty.

Mr. McCAIN. Mr. President, I strongly support the concurrent resolution before the Senate reaffirming the States' ratification of the Madison amendment. The Madison amendment, proposed in 1789 by then-Representative James Madison of Virginia, states:

> No law, varying the compensation for the services of the Senator and Representatives, shall take effect, until an election of Representatives shall have intervened.

James Madison had intended for the Madison amendment to be the second amendment to the Constitution. Unfortunately, the measure did not garner enough support at that time. Now, however, 202 years later, the Madison amendment has met the constitutional ratification standard. I am pleased that 38 States have ratified this important amendment to the Constitution.

Consequently, I believe that the Archivist of the United States, in accordance with the rules of the Constitution, must make the Madison amendment the 27th amendment to the Constitution.

Mr. President, according to legal experts, ordinary ratification of amendments to the Constitution must be made in a "sufficiently contemporaneous" fashion, and Congress has the sole power to determine if this standard has been met.

The measures before us would reaffirm the Congress' support for the Madison amendment.

Mr. President, the most recent payraise the Congress accepted—which I strongly opposed—demonstrated the need for the Madison amendment.

I vehemently objected to the manner in which the Senate handled this pay raise. Congressional quarterly, a Washington DC, magazine that reports on Congress, stated:

> [Senator] Mitchell abruptly pulled the VA-HUD bill shortly after 7 p.m. and called up the legislative bill. Harry Reid, D-Nev, chairman of the Appropriations subcommittee in charge of congressional funding, said he did not know when it would come up [until] a half hour before it did. Members had to buy time with a quorum call so Reid could visit the men's room before trapping himself on the floor for several hours.

Mr. President, it is clearly the right of the majority leader to use all parliamentary devices available to him. However, the public was justifiably outraged by the Senate's stealth payraise. The Madison amendment would ensure that legislators do not vote themselves these kinds of instant payraises in the future.

Mr. President, the Congress must be accountable to the public. The Madison amendment is an important step in this direction. I urge the Archivist of the United States to declare the Madison amendment the 27th amendment of the Constitution, and I urge my colleagues to support the concurrent resolution before us reaffirming the States' ratification.

Mr. SEYMOUR. Mr. President, I rise today to join with my good friend from Iowa, Senator GRASSLEY, as an original cosponsor of a concurrent resolution reaffirming the States' ratification of what is known as the Madison amendment.

My vigorous support of what would be the 27th amendment to the U.S. Constitution is based upon two factors: It is sensible and it is timely.

While some may see our Nation as a society full of immediate and impatient gratification, we of the U.S. Congress must not operate on such a crass principle. Instead, the Madison amendment operates under the principle of merit. This amendment puts an end to misguided, unaccountable actions that range from midnight pay hikes to measures that allow Congress to "say 'No' but take the dough." Specifically, it requires the passage of an election before any pay increase takes effect. That makes good sense. After all, who better to judge the performance of Congress than the voters themselves. If members of Congress vote themselves a raise, as they have been compelled to do lately, the American people will decide whether their representatives deserve it. If so, they will send their representative back to collect.

In essence, the Madison amendment operates to insure that we in Congress will earn our pay the old fashioned way. We will earn it.

The Madison amendment is not only sensible, it is timely. In this period of low public esteem for Congress, it's not hard to see why the Madison amendment is an appropriate measure. Contrary to the assertion by some that the amendment's age makes it insufficiently contemporaneous, I believe that the amendment's two-century odyssey is compelling testimony to its enduring concern and relevance to the States and the American people.

After 203 years and 23 congressional pay raises, the seeming indecorum of which James Madison spoke still persists. Numerous instances of congressional error and unaccountability, including late night pay increases, have led to a chasm of misunderstanding and mistrust between the voters and those they elect.

Lately, in the aftermath of the House bank scandal and questions about congressional privileges, this gap of misunderstanding is a thousand miles wide, seemingly unbridgeable. But here is an old Chinese proverb that says a thousand mile journey begins with the first step. Adopting this resolution and ending the legal controversy surrounding the Madison amendment will be the first step in a journey to regain the public's trust in this, the people's institution. Long and arduous as that trip may seem, it is one we must make.

I challenge my colleagues to take the first step with resolve and conviction by supporting the resolution and urging its expeditious adoption.

Mr. NICKLES. Mr. President, when Michigan became the 38th State to ratify the so-called Madison amendment to the Constitution, it set into motion the process of making the amendment a part of this founding document. Today, I am sponsoring a concurrent resolution which calls on the Archivist of the United States, who is the official caretaker of the Constitution, to promulgate this amendment as part of the Constitution.

That amendment, one of the original 12 proposed, reads as follows:

> Article II. No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

This is a fair and equitable approach in handling congressional pay. This is attested to by the fact that the framers of our Constitution seriously considered its inclusion. Today, Congress faces a tremendous credibility gap and this is one reform that can help bridge that gap.

By requiring a pay increase to go into effect after the ensuing election of Representatives, members will not benefit from that raise until the voters have spoken.

This so-called Madison amendment was first introduced on September 25, 1789, along with 11 other amendments that were proposed for inclusion in the just-created Constitution. Ten of these amendments were adopted and are known as the Bill of Rights.

When the amendment was first considered by the States, it fell four States short needed for inclusion in the Constitution. We now have the opportunity to see this amendment added as part of the Constitution and restore some of the integrity to our representative form of government.

I also ask that the resolution adopted by the Oklahoma State Legislature and transmitted to the U.S. Senate Judiciary Committee on October 17, 1985, be inserted in the RECORD at this point:

There being no objection, the resolution is ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 1016

"Whereas, a resolution of the First Congress of the United States, proposing an amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, was approved by the Congress, two-thirds (⅔) of each house concurring therein, in the following words:

"(An ARTICLE) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

"Now, therefore, be it resolved by the House of Representatives and the Senate of the 1st session of the 40th Oklahoma Legislature:

"Section 1. The amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, proposed by a resolution of the First Congress of the United States, is hereby ratified.

"Section 2. Pursuant to 75 O.S. 1981, Section 26.42, this resolution shall expire on December 31, 1995.

"Section 3. Duly authenticated copies of this resolution shall be transmitted to the Governor of the State of Oklahoma, to the President of the United States, to the Administrator of General Services of the United States, to the President Pro Tempore of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

SENATE RESOLUTION 295—REQUESTING THE ARCHIVIST OF THE UNITED STATES TO REPORT ON RATIFICATION BY THE STATES OF A PROPOSED CONSTITUTIONAL AMENDMENT

Mr. BYRD (for himself, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution; which was considered and agreed to.

S. RES. 295

Resolved, That the Archivist of the United States be, and he is hereby, requested to communicate to the Senate, without delay, a list of the States of the Union whose legislatures have ratified the article of amendment to the Constitution of the United States proposed to the States in 1789 as the second article of amendment to the Constitution, on the effective date of laws varying the compensation of Members of Congress, with copies of all the resolutions of ratification in his office.

SECTION 2. That the Archivist communicate to the Senate copies of all resolutions of ratification of said amendment which he may hereafter receive as soon as he shall receive the same, respectively.

SECTION 3. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States and to the House of Representatives.

Mr. BYRD. Mr. President, I shall shortly send to the desk a Senate resolution and, at that point, I shall ask for it to remain at the desk, pending further action, until the close of business today.

Mr. President, more than 200 years ago, the first Congress of the United States, meeting at its first session, submitted an article of amendment to the Constitution on September 25, 1789, requiring a delay in the date that any law varying the compensation of Members of Congress could become effective to permit an intervening election of Members of the House of Representatives.

This amendment was the original second amendment proposed to the States as part of the Bill of Rights, and only 6 of the original States voted to ratify, short of the 10 necessary for ratification at that time. Accordingly the amendment did not become part of the Constitution.

Over the past decade-and-a-half there has been renewed interest among the States in this proposal. This interest culminated last week in the actions of both the Michigan and New Jersey legislatures voting to ratify the amendment. If each State, beginning with the first 6 States that have voted in support of this amendment over the past 200 years, were to be counted as having ratified the amendment, the amendment will have, of course, received the requisite three-fourths approval to become part of the Constitution.

Important questions of constitutional law must be considered, however, in regard to this series of ratification actions because of the length of time that it has taken for the States to approve this measure.

In this century, the Congress has placed a strict time limit of 7 years, or, in connection with the equal rights amendment, a total of 10 years on the ratification for amendments, to ensure that the States consider the constitutional amendment sufficiently contemporaneously with each other and with the Congress that proposes the amendment.

Indeed, the Supreme Court has stated that some measure of contemporaneous action is required under the Constitution. In a case concerning the 18th amendment, Dillon versus Gloss, 1921, the Court reasoned that the purpose of the amending process that the framers of our Constitution crafted so carefully is to ensure that an amendment is favored by a strong majority of the people as measured by both their congressional representatives and their State legislatures.

As the actions of the States become more and more separated in time from each other and from the Congress that promulgated the amendment, the question can be raised about whether their actions truly represent the will of the people. Because of this doubt, the Supreme Court, in language not strictly necessary to its decision in the case before it, and therefore not necessarily binding precedent, rejected the motion that amendments to the Constitution proposed 100 or 200 years ago but never ratified, remain out for ratification indefinitely into the centuries. The Court noted that such dormant proposals include an amendment proposed in 1861 to protect slavery as an institution.

While article V of the U.S. Constitution is silent about the issue of the contemporaneity of the constitutional amendment ratifications, the Court in Dillon versus Gloss was concerned with the validity of the 18th amendment—the prohibition of intoxicating liquors—especially as to the provision that limited ratification by the requisite three-fourths of the States to a period of 7 years.

The Court noted that there is no provision in article V that suggests that a proposed constitutional amendment is open to ratification for all time. The Dillon court found that the proposal and ratification processes of a constitutional amendment under article V are not unrelated acts but a single act not to be widely separated in time.

Moreover, the court in Dillon asserted that "as ratification is but the expression of the approbation of the people and is to be effective when had in three-fourths of the States, there is a fair implication that it must be sufficiently contemporaneous in that the number of States to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered throughout a long series of years would not do." And Dillon specifically addressed the contemporaneousness of the two amendments proposed in 1789—namely, the congressional pay and apportionment amendment—that are still pending, and found that such amendments should be considered waived since they are not sufficiently contemporaneous unless Congress should propose them again for ratification by the States.

Thus, the Court in Dillon concluded that it was the intent in article V of the Constitution that the ratification of a proposed constitutional amendment must occur within some reasonable period of time after its proposal.

The Supreme Court in *Coleman* v. *Miller*, 1939, has also recognized that under the Constitution, the Congress—not the courts, and not the executive—has the final say over whether an amendment has received the required votes for ratification in a reasonable time as contemplated in the amending provisions of the Constitution.

The precise issue presented in this case, whether an amendment that was initially proposed with no deadline for ratification remains subject to ratification after so long a period of time, has never been decided, and is therefore a question of first impression for the Congress.

The Coleman Court reasserted the holdings in Dillon, namely, that Congress in proposing a constitutional amendment may fix a reasonable time for ratification; that there was no provision in article V that suggested that a proposed amendment would be open for ratification forever; that, since constitutional amendments were deemed to be prompted by some type of necessity, they should be dealt with presently; that there is a fair implication that ratification under article V by the States should be sufficiently contemporaneous so as to reflect the will of the people in all sections of the country and in relatively the same time period; and that ratification of a proposed constitutional amendment must occur within some reasonable time period after proposal.

However, when Congress has not specified a reasonable time period within which ratification of a proposed constitutional amendment is to occur, it would not be the responsibility of the Court, according to the Coleman case, to decide what constitutes a reasonable time period for the validity of the ratifications by the States since such questions are essentially political in nature and nonjusticiable, and since such questions should be decided by Congress in its powers in proposing an amendment or in controlling the promulgation of the adoption of an amendment.

On my own part, although I favor the thrust and content of the amendment in question, I have reached no position on whether the 1789 pay amendment has remained open for ratification, and whether it now has been validly ratified.

As to the merits of the proposal, as opposed to the questions presented about its ratification, I am convinced that the amendment is sound and that its provisions should become part of our Constitution. The constitutional Framers recognized that Congress has something of a conflict in setting its own pay, but they could find no better alternative. The First Congress proposed this amendment to the States to seek to ameliorate that inherent conflict by deferring the effective date of any law altering Congress' pay until after the people have had an opportunity to communicate to their elected representatives through a congressional election.

I raise the points which I have mentioned because it is now our obligation to give the most serious consideration to the significant issues involved. Although the question for the Congress to consider is a new one, we have looked to the prior precedent to suggest the appropriate mechanisms through which Congress can undertake to make this question.

Back in 1868, a serious question existed about whether the votes of two States, which had first voted to ratify and then voted to withdraw their votes of ratification, should be counted toward ratification. Recognizing that the executive branch performs the ministerial duty of receiving ratification documents from the States, and promulgating amendments once ratified, but that Congress has the constitutional responsibility to decide the substantive issues relative to the ratification process, the Senate in that case agreed to a resolution requesting the Secretary of State, who, at that time, had the duty of receiving the ratification papers from the States, to report to the Senate on the actions of the various States and to forward to the Senate copies of the ratifying papers for Congress' consideration.

In response to this request, the Secretary of State reported the facts to the Senate, and the Senate joined the House in enacting a concurrent resolution finding that the required number of States had voted to ratify the 14th amendment, and that it should be declared part of the Constitution. The Secretary of State then certified the amendment's ratification in accordance with Congress' formal decision.

That precedent, it seems to me, is the sound and appropriate model for use in this instance. In the intervening years, the Secretary of State's duties with regard to constitutional amendments have been transferred to the Archivist of the United States.

Accordingly, in order to permit the Congress to begin the important task of considering the constitutional issues raised by the recent actions in the States, the resolution I am about to introduce on behalf of myself and the distinguished majority leader and the distinguished minority leader would request the Archivist to report to the Senate on the States' actions and to furnish copies of the States' ratifying documents for the Senate's consideration and subsequent action.

As was done in 1868, once the report is received from the Archivist, it should be referred to the Committee on the Judiciary, in order that the committee may consider the constitutional issues presented and report back to the Senate, on a timely basis, on an appropriate course of action.

Mr. President, this resolution which I am introducing on behalf of myself and the two leaders will carry out the action that I have just suggested.

I ask unanimous consent that the resolution remain at the desk until the close of business today, pending further action.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT OF 1991

BREAUX AMENDMENTS NOS. 1801 THROUGH 1804

(Ordered to lie on the table.)

Mr. BREAUX submitted four amendments intended to be proposed by him to the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

AMENDMENT NO. 1801

On page 3, line 7, before the semicolon insert ", which in the case of a general election shall be held on the Saturday next after the 1st Monday in November, in every even numbered year, in each of the States and territories of the United States".

AMENDMENT NO. 1802

On page 3, line 25, after "office" insert ", which in the case of a general election shall be held on the Saturday next after the 1st Monday in November, in every even numbered year, in each of the States and territories of the United States".

AMENDMENT NO. 1803

At the appropriate place, insert the following:

SEC. . SATURDAY ELECTIONS.

It is the sense of the Senate that section 1 of title 3, United States Code, and section 25 of the Revised Statutes (2 U.S.C. 7) should be amended to establish the Saturday next after the first Monday in November of even numbered years as the date for elections for Federal office.

AMENDMENT NO. 1804

At the appropriate place, insert the following:

SEC. . SATURDAY ELECTIONS.

(a) ELECTION OF THE PRESIDENT.—Section 1 of title 3, United States Code, is amended by striking "Tuesday" and inserting "Saturday".

(b) ELECTION OF SENATORS, REPRESENTATIVES, AND DELEGATES.—Section 25 of the Revised Statutes (2 U.S.C. 7) is amended by striking "Tuesday" and inserting "Saturday".

McCONNELL AMENDMENT NO. 1805

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed to the bill S. 250, supra, as follows:

At the end of the bill add the following:

SEC. 14. SUNSET PROVISION.

After the date on which the chief election official of a State certifies to the Federal election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 2.0 percentage points the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply in that State.

McCONNELL AMENDMENT NO. 1806

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed to the reported amendment (in the nature of a substitute) to the bill S. 250, supra, as follows:

At the end of the amendment, add the following:

TITLE II—PUBLIC CORRUPTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 202. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 203. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 204. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

McCAIN AMENDMENTS NOS. 1807 AND 1808

(Ordered to lie on the table.)

Mr. McCAIN submitted two amendments intended to be proposed to the bill S. 250, supra, as follows:

AMENDMENT NO. 1807

At the end of Section 7 of the Act, add:

(d) RESTRICTIONS ON AGENCY REGISTRATION.—No agency designated under this Act shall register any individual who receives direct financial aid from that agency.

(1) If an agency described in paragraph (d) is requested by an individual to register that person to vote, the agency must refer that individual to an agency designated in this section and from which the individual does not receive direct financial aid.

(2) Exception to paragraph (d).—If the individual noted in paragraph (d) has or claims to have a disability as defined by the Americans With Disabilities Act of 1990 (P.L. 101-332), that individual must be

(A) referred to another agency designated in this section and from which the individual does not receive direct financial aid, that is both convenient and accessible under the standards of the Americans With Disabilities Act of 1990 (P.L. 101–336), or

(B) if no such agency designated under (d)(2)(A) exists any agency designated by this Act may register such individual.

(3) Direct financial aid is defined as food or nutrition aid or income assistance aid dispersed by any agency.

AMENDMENT NO. 1808

In section 13 of the Act, paragraph 2, strike "1993" and insert in lieu thereof "1994".

GRAHAM AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed to the reported amendment (in the nature of a substitute) to the bill S. 250, supra, as follows:

On page 19, strike line 3 and all that follows through "(ii)" on line 8.

SIMPSON AMENDMENTS NOS. 1810 AND 1811

Mr. SIMPSON proposed two amendments intended to be proposed to the bill S. 250, supra, as follows:

AMENDMENT NO. 1810

Section 5 is amended by inserting at the end the following new subsection:

"(e) EFFECTIVE DATE.—The provisions of this section shall not take effect until the Attorney General certifies that sufficient procedures exist to prevent voting by ineligible noncitizens.".

AMENDMENT NO. 1811

Insert at the end of the bill the following new section:

"SEC. . PILOT PROGRAM ON USE OF CERTAIN DRIVERS' LICENSES AS DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.

"(a) IN GENERAL.—The Attorney General shall establish a pilot program under which, in the case of up to 3 States which provide for the issuance of drivers' licenses (and related identification documents) in accordance a system described in subsection (b), a driver's license or similar identification document issued by the State in accordance with subsection (b) shall be treated, for purposes of section 274A(b) of the Immigration and Nationality Act, as a document described in paragraph (1)(B) of such section.

(b) SYSTEM REQUIREMENTS.—The system for the issuance of licenses or documents must—

(1) be consistent with the biometric identification system developed pursuant to section 9105 of the Anti-Drug Abuse Act of 1988 (49 U.S.C. App. 2706 note), and

(2) require that an applicant for a driver's license or other form of identification be issued a temporary driver's license or other form of identification upon demonstrating qualification therefore, and that the driver's license or other form of identification be mailed to the residence address of the applicant after a waiting period of no more than 30 days in which the State has used the biometric identification system and other means to confirm the identification information presented by the applicant.

(c) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Attorney General shall report to the Congress on the performance of the pilot program under this section and on whether such program should be extended (on a voluntary or mandatory basis) to all States.".

STEVENS (AND DOLE) AMENDMENT NO. 1812

(Ordered to lie on the table.)

Mr. STEVENS (for himself and Mr. Dole) submitted an amendment intended to be proposed to the bill S. 250, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this

Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" as the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) ELIGIBILITY FOR REDUCED POSTAL RATES.—To be eligible to use the mails at reduced rates under section 5, a State shall certify that the State—

(1) has in place legislative authority and a plan to implement procedures to promote and facilitate voter registration for Federal elections in connection with applications for driver's licenses;

(2) has in place a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant;

(3) agrees to use the mails at reduced rates under section 5 in to achieve the purposes of this section;

(4) agrees that the reduction of mailing costs realized as a result of the use of reduced mailing rates under section 5 during any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of such use, be made available for the programs and activities conducted to achieve the purposes of this section and will in no event supplant such State, local, and other non-Federal funds; and

(5) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, the use of reduced mailing rates under section 5.

(b) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(2) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of a name from an official list of a voter—

(I) at the request of the registrant;

(II) by reason of the death of the registrant; or

(III) as provided by State law, by reason of criminal conviction or mental incapacity; or

(ii) correction of registration records pursuant to this Act.

(c) REPORTS.—(1) The chief State election official of a State that uses reduced mail rates under section 5 shall submit to the Federal Election Commission annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Federal Election Commission, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether reduced mail rates were used in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which reduced mail rates are authorized by this section.

(d) ADMINISTRATIVE REQUIREMENTS.—The Federal Election Commission shall by regulation establish administrative requirements necessary to carry out this section.

SEC. 5. REDUCED POSTAL RATES.

(a) AMENDMENT OF TITLE 39, UNITED STATES CODE.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following new section:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1992."

(b) APPROPRIATIONS.—Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)-(h)" and inserting "3626(a)-(h), and 3629".

(c) ADJUSTMENT OF RATES.—Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(d) TECHNICAL AMENDMENT.—The chapter analysis for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item: "3629. Reduced rates for voter registration purposes."

SEC. 6. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SPECTER AMENDMENT NO. 1813

Mr. SPECTER submitted an amendment intended to be proposed to the bill S. 250, supra, as follows:

Strike section 8(a)(2) and insert the following:

(2) require that—

(A) the appropriate State election official shall send notice to each applicant of the disposition of the application, which notice—

(i) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(ii) if the State election official determines that the applicant has not properly completed the application or is not legally qualified to register, shall indicate that the application has been rejected and state the reason for rejection; and

(B) if a notice of acceptance of an application is returned undelivered with 10 days after it is mailed, the State election official shall reject the application;

COATS (AND KASTEN) AMENDMENT NO. 1814

(Ordered to lie on the table.)

Mr. COATS (for himself and Mr. KASTEN) submitted an amendment intended to be proposed to amendment No. 1799 proposed by Mr. KASTEN to the bill S. 250, supra, as follows:

After section 307, insert the following:

SEC. 308. MISUSE OR ALTERATION DEFENSE.

(a) IN GENERAL.—Except as provided in subsection (c), in a product liability action, the damages for which a manufacturer or product seller is otherwise liable under State law shall be reduced by the percentage of responsibility for the claimant's harm that is attributable to misuse or alteration of a product by any person if the manufacturer or product seller establishes by a preponderance of the evidence that such percentage of the claimant's harm was proximately caused by—

(1) a use or alteration of a product in violation of, or contrary to, the manufacturer's or product seller's express warnings or instructions if the warnings or instructions are adequate as determined pursuant to applicable State law; or

(2) a use or alteration of a product involving a risk of harm that was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons

who used or would be reasonably anticipated to use the product.

(b) STATE LAW.—Subsection (a) supersedes State law concerning misuse or alteration of a product only to the extent that State law is inconsistent.

(c) WORKPLACE INJURY.—Notwithstanding subsection (a), the damages for which a manufacturer or product seller is otherwise liable under State law shall not be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of the product by the claimant's employer or coemployees who are immune from suit by the claimant pursuant to the State law applicable to workplace injuries.

DECONCINI AMENDMENTS NOS. 1815 AND 1816

(Ordered to lie on the table.)

Mr. DECONCINI submitted two amendments intended to be proposed by him to amendment No. 1799 proposed by Mr. KASTEN to the bill S. 250, supra, as follows:

AMENDMENT NO. 1815

In the amendment numbered 1799, strike out that part of the amendment designated as section 310.

AMENDMENT NO. 1816

In the amendment numbered 1799, strike out subsection (c) of that part of the amendment designated as section 233.

SPECTER AMENDMENT NO. 1817

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed to the bill S. 250, supra, as follows:

At the appropriate place insert the following:

Each State shall

(2) require that—

(A) the appropriate State election official shall send notice to each applicant of the disposition of the application, which notice—

(i) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(ii) if the State election official determines that the applicant has not properly completed the application or is not legally qualified to register, shall indicate that the application has been rejected and state the reason for rejection; and

(B) if a notice of acceptance of an application is returned undelivered within 10 days after it is mailed, the State election official shall reject the application;

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a joint oversight hearing with the House Education and Labor Committee on Wednesday, May 13, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on budgeting for the Indian School Equalization Program, 1991–93, to be followed by a markup on the Native Hawaiian Health Care Improvement Act beginning at 2 p.m.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, May 14, 1992, beginning at 2 p.m. in 485 Russell Senate Office Building on a substitute bill to S. 1687, the Indian Tribal Government Waste Management Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on the Price Waterhouse Study on the Small Business Administration's 7(a) Guaranteed Business Loan Program. The hearing will take place on Tuesday, May 19, 1992, at 2:30 p.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224–5175.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, the Rules Committee will meet on Wednesday, May 20, 1992, at 9:30 a.m., in SR–301, to mark up pending legislative and administrative business. The proposed agenda includes the following: Senate Concurrent Resolution 57, to establish a Joint Committee on the Organization of Congress; Senate Resolution 273, to amend the standing rules of the Senate to provide guidance to Members of the Senate, and their employees, in discharging the representative function of Members with respect to communications from petitioners; an original bill to authorize appropriations for the American Folklife Center for fiscal years 1993 through 1997; Senate Joint Resolutions 221, 259, and 275, providing for the appointments of Hanna Holborn Gray, Barber B. Conable, Jr., and Wesley Samuel Williams, Jr., respectively, as citizen regents of the Board of Regents of the Smithsonian Institution; S. 523, to authorize the establishment of the National African-American Memorial Museum within the Smithsonian; S. 1598, to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; Senate Concurrent Resolution 112, to authorize printing of "Thomas Jefferson's Manual of Parliamentary Practice", as prepared by the Office of the Secretary of the Senate; and an original resolution authorizing the Senate to participate in State and local government transit programs pursuant to section 629 of the Treasury, Postal Service and General Government Appropriations Act, 1991.

The administrative agenda includes the following: Regulations for payment for telecommunications equipment and services furnished by the Sergeant at Arms and Doorkeeper of the Senate as provided by Public Law 100–123; policy for use of balconies, Russell Senate Office Building; use of entrances to Senate Office Buildings; regulations governing use of the Senator's dining room; regulations for the Senate Health Care Program by the Office of the Attending Physician; regulations for the Senate health and fitness facility by the Office of the Architect of the Capitol; regulations governing Senators' official personnel and office expense accounts regarding payee signatures on vouchers; regulations governing the office accounts of Senators, committees, and administrative offices regarding certifications of Senate recording studio and photographic studio expenses; regulations governing use of bicycle racks, Hart Office Building garage; proposal for designation of permanent office suites for the State of California; and regulations on public transportation subsidy by the U.S. Senate.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on 224–0278.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Wednesday, May 13, 1992. The focus of the hearing will be S. 1981, reauthorization of the Office of Special Counsel. The subcommittee will hear witnesses from: the Office of Special Counsel, the Merit Systems Protection Board, and outside witnesses.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224–2254.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BINGAMAN. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 907, legislation to amend section 7 of the Mineral Leasing Act governing certain Federal coal lease royalty rates.

The hearing will take place on Monday, May 18, 1992, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attention: Lisa Vehmas.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202/224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 12, 1992, at 10:30 a.m. The committee will hold a full committee hearing on the Small Business Administration's Investment Advisory Council's report on revitalizing the Small Business Investment Company Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, May 12, at 9 a.m. for a hearing on Senate Joint Resolution 282, the Assassination Materials Disclosure Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, May 12, 1992, at 10 a.m. to conduct a hearing on the Treasury Department's report to Congress on international economic and exchange rate policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet Tuesday, May 12, 1992, at 10 a.m. to hold a hearing on the Patent and Trademark Office oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. DASCHLE. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on the Small Business Administration's Investment Advisory Council's analysis of the Small Business Investment Company Program. The hearing will take place on Tuesday, May 12, 1992, at 10:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224-5175.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet on Tuesday, May 12, 1992, at 2:30 p.m., in open session, to receive testimony on the environmental programs of the Department of Defense in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993 and S. 2628, the military construction authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 12, 1992, at 10 a.m. for a hearing on the High Skills, Competitive Workforce Act: Business, Labor and Community Perspectives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 12, 1992, to receive testimony on S. 2021, to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes; S. 2045, to authorize a study of the prehistoric Casas Grandes culture in the State of New Mexico, and for other purposes; S. 2178 and H.R. 2502, to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; and S. 2544, to establish in the Department of the Interior the Colonial New Mexico Preservation Commission, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, at 10 a.m. to hold a hearing on seven communications treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9 a.m., May 12, 1992, to receive testimony on energy policy implications of global climate change and international agreements regarding carbon dioxide emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 12, 1992, at 10 a.m. to hold a hearing on ways to improve the competitiveness of U.S. industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SONY STUDENTS ABROAD PROGRAM

• Mr. FOWLER. Mr. President, I rise today to recognize the accomplishment of a young woman in my State. Jamie S. Ballengee, of Columbus, GA, has been selected to participate in the "Sony Student Project Abroad." This program offers high school students across the country a rare opportunity to get an up close look at Japanese manufacturing facilities, presentations on design and technology, and cultural and historical points of interest. At the end of their visit, each student will stay with a Japanese family to see first-hand the similarities and differences in our respective family lives.

Miss Ballengee is a very bright sophomore at Carver High School who has a strong interest in mathematics and science. With the challenges of global competitiveness, it is refreshing to see a talented student of Jamie's caliber strive for excellence in these fields. I know she will make the most of her visit to Japan and bring back valuable insights into a different culture she will share with her friends.

In closing, I want to congratulate Jamie and her family for achieving such a high honor. Fewer than 50 students throughout the United States were chosen. She truly is one of America's shining stars of the future. I wish her an exciting trip, full of excitement and interesting people and ideas.•

TRIBUTE TO ED NAPOLEON AND EMPLOYEES AT OVEN SYSTEMS, INC., MILWAUKEE, WI

• Mr. KASTEN. Mr. President, I rise today to recognize the achievement of Ed Napoleon and his employees at Oven Systems, Inc., of Milwaukee, WI. Oven Systems has been selected by the U.S. Small Business Administration to be the "1992 Small Business Subcontractor of the Year for Region Five."

Ed and the workers at Oven Systems are a perfect example of how small business subcontractors across the country are using quality work and reliability to succeed in the business community.

Oven Systems faced many hurdles when they started. Just like thousands of small business owners across the country, Ed had to steer his company past numerous pitfalls. New companies need to build up a solid base of clients, move with changing business conditions, and ensure a steady stream of investment capital. Ed managed this, and was able to foster a good relationship between management and labor.

Ed's formula paid off. Today Oven Systems employs over 160 people, and last year did approximately $22 million in sales. Ed estimates that over 80 percent of his customers come back. That is the sign of a good business.

I am very proud of Ed Napoleon and all of the people at Oven Systems, and applaud their accomplishments. I believe that they are very deserving of SBA's award for "1992 Subcontractor of the Year for Region Five."●

BETHEL BIBLE VILLAGE

● Mr. GORE. Mr. President, I want to take this opportunity to bring to your attention an important effort in my State to help needy children. Bethel Bible Village in Chattanooga, TN, is a nondenominational Christian program for boys and girls—the first and only home in the United States founded for children whose parents are incarcerated. Since 1954, children have benefited from this unique and highly-acclaimed effort.

The annual "Pat Boone/Bethel Celebrity Spectacular" is being held May 7 through 9 in Chattanooga, TN. This benefit will feature a great Tennessean, Pat Boone, who will be honored for his 15 years of service to Bethel Bible Village. Mr. Boone began hosting the annual spectacular in 1978 and has returned every year bringing his own special talents to this event.

As a world-renowned entertainer, Pat Boone must juggle incredible demands on his time. Yet, he continues to give unselfishly to make the world a better place to live. For some of the children at Bethel Bible Village, his efforts have produced their only opportunity for secure living facilities.

Bethel Bible Village is licensed by the Tennessee Department of Human Services as a child caring and placement agency. It is a member of the Evangelical Council of Financial Responsibility, the Association of North American Missions, and the National Association of Homes and Services for Children.

More than 90 percent of Bethel Bible Village's operating funds come from private donations. On average, children will live there 2 to 3 years. They are placed voluntarily by family members, the Department of Human Services, or by order of the courts. This home has served children from all areas of the United States.

Mr. President, I commend Bethel Bible Village for the great work it does, and I congratulate and thank Pat Boone for his tireless efforts on behalf of this worthy program.●

TRIBUTE TO WILMA GRAMS

● Mr. DURENBERGER. Mr. President, I believe truly outstanding Americans are those who make meaningful contributions to their communities. In Minnesota, we do not have to look far to find these people. Wilma Grams grew up in the farmlands of McLeod County in south central Minnesota and has devoted countless hours to local, State and national elections.

Wilma comes from a long line of political activists, and can recall political discussions she had with her father, William, in the days of Franklin Delano Roosevelt. Wilma's first involvement in politics came in 1952, when she attended a Republican Party meeting at the old Jorgensen Hotel in Hutchinson, MN.

In April, the Glencoe-McLeod County Chronicle featured Wilma as an outstanding individual in her community. I would like to share with you their recognition of her achievements.

> For years, Wilma Grams suspected she might devote herself to a cause, if only she found a cause worth devoting herself to. Grams grew up on a farm 12 miles west of Hutchinson where she and her father, William, (who she describes as a "Republican through and through") spent much of their time talking politics.
>
> "I remember Dad was angry at (President) Roosevelt when he got the welfare program started," Grams said. "It wasn't so much because my father was against people getting help when they needed it, but he just thought people should work for what they have."
>
> In 1952, Grams attended a meeting of Republicans at the old Jorgensen Hotel in Hutchinson. Grams' next door neighbor asked if she wanted to attend.
>
> "From that day on, I was a full-fledged Republican," Grams says.
>
> Today, many of Grams' friends say no one in Minnesota works harder for the I–R party than she does.
>
> Grams herself has been a familiar voice among I–Rs. Friends describe her as a tireless worker who refuses to slow down.
>
> "I don't know where Wilma gets her energy; I don't know where it comes from. She is always on the go. She seems to know what's going on all the time," said Glencoe resident Barb Monson, who also is involved in I–R politics.
>
> Grams, who talks a mile a minute when she is on the go, said she has raised $12,000 since January, and she hopes to raise $20,000 or more for the I–R party by November.
>
> Grams has been a delegate to the Republican National Convention on three occasions, and she is hoping to be nominated once again, when the I–R party has its district convention on April 25. She says she plans to slow down after the November election.
>
> "I said I was going to slow down in '90, and now I'm saying I'm going to slow down after the '92 election,' she said. "I just have to do it."

Mr. President, I consider Wilma Grams one of those cherished individuals without whom the American political process would quickly grind to a halt. And yet these persons, whose work is rarely noted beyond the drab surrounds of campaign headquarters and government corridors, form the backbone of the politics in America.

Politics is not held in the highest esteem by many of our citizens, with some justification. But people like Wilma Grams, regardless of their party affiliation, are the positive side of the picture. Without their commitment and integrity, we would surely be a whole lot worse off.

I commend her and thank her for her service to the people of Minnesota.●

SONY STUDENTS ABROAD PROGRAM

● Mr. FOWLER. Mr. President, I rise today to recognize the accomplishment of a young woman in my State. Micca Pace, of Atlanta, GA, has been selected to participate in the "Sony Student Project Abroad." This program offers high school students across the country a rare opportunity to get an up close look at Japanese manufacturing facilities, presentations on design and technology, and cultural and historical points of interest. At the end of their visit, each student will stay with a Japanese family to see first-hand the similarities and differences in our respective family lives.

Miss Pace is a very bright sophomore at Westlake High School who has a strong interest in mathematics and science. With the challenges of global competitiveness, it is refreshing to see a talented student of Micca's caliber strive for excellence in these fields. I know she will make the most of her visit to Japan and bring back vaiuable insights into a different culture she will share with her friends.

In closing, I want to congratulate Micca and her family for achieving such a high honor. Fewer than 50 students throughout the United States were chosen. She truly is is one of America's shining stars of the future. I wish her an exciting trip, full of excitement and interesting people and ideas.●

JUSTICE FOR ALL

● Mr. SIMON. Mr. President, in the aftermath of the Rodney King verdict in Los Angeles, many Americans, black and white, Anglo, Hispanic and Asian-American, are asking what we can do to bring hope and to fulfill promise. There will be many answers, some of which will be debated here on the Senate floor, others in corporate boardrooms, churches and other places of worship, street corners, schoolhouses, and elsewhere.

Wall Street Journal reporters Ellen John Pollock and Stephen J. Adler last week looked at one aspect of the overall picture: Whether the justice system reflects the diversity of America. They carefully documented what we know. It does not.

This is in part what they found. "Of the 365 judges sitting on States' highest courts, only 4.2 percent are black—and there's only one Hispanic. Of the 837 judges on the Federal bench, 5.2 percent are black. President Carter appointed 37 black judges and 16 Hispanics in his 4 years in office; President Reagan named only 8 black judges and 13 Hispanics in 8 years. President Bush has appointed 8 blacks and 4 Hispanics to the bench as of December."

And, I would add, in contrast to President Reagan, Carter, Ford, and Nixon before him, President Bush has not appointed a single Asian-American to the Federal bench.

Mr. President, in the Judiciary Committee, we devote extraordinary time to Supreme Court nominees and review their record and writings in great detail, and we should. In a single decision, a Supreme Court justice can change the life of every American. Every American looks to the Court for equal justice.

For the most part, however, the average American will not see the inside of the Supreme Court building. When confronted with the legal system, he or she will most likely be interacting with local judges and lawyers. To them, this is the justice system. That is why it is of special importance that we have judges and lawyers that truly understand the people who come into the courtroom.

In the remaining months of this administration and the 102d Congress, the President and Congress must do many things to restore hope to America's cities. Among the steps that ought to be taken are appointing more women and minorities to the bench and ending the fight against minority scholarships.

There are well trained and experienced women and minority attorneys the President can appoint to fill the vacancies on the district and appellate courts. Scholarships for minority students opened the college and law school doors to many of them. Ensuring access to colleges and universities will enable us to produce excellence and increase the commitment to equality for all Americans.

Mr. President, I ask that the previously mentioned news article "Justice for All: Legal System Struggles to Reflect Diversity, but Progress is Slow" be printed in the RECORD.

The article follows:

JUSTICE FOR ALL?—LEGAL SYSTEM STRUGGLES TO REFLECT DIVERSITY, BUT PROGRESS IS SLOW

(By Ellen Joan Pollock and Stephen J. Adler)

Can minorities get justice in America?

Ironically, in the wake of the Rodney King furor in Los Angeles, juries are a relative bright spot in the American judicial system's struggle to reflect diversity. Juries are more often racially integrated than not. But the same can't be said for the nation's corps of judges and lawyers.

Courtrooms remain dominated by whites, and blacks most often enter as crime victims or criminal defendants, leaving some blacks with the feeling that they're foreigners in their own court system. "Suppose you were transposed over to China or Tibet and you had hit somebody in your car and you were sitting in their court. How would you feel?" asks Detroit lawyer Cornelius Pitts.

Of the 356 judges sitting on states' highest courts, only 4.2% are black—and there's only one Hispanic. Of the 837 judges on the federal bench, 5.2% are black. President Carter appointed 37 black judges and 16 Hispanics in his four years in office; President Reagan named only eight black judges and 13 Hispanics in eight years. President Bush has appointed eight blacks and four Hispanics to the bench as of December.

'NO FUN BEING A TOKEN'

LaDoris Hazzard Cordell has been a judge for 10 years, but when the bailiff asks spectators to rise as the 43-year-old black woman enters a courtroom, she still feels that people are staring "in horror or in shock" that she is wearing "a black robe saying, 'Hey, I'm in charge.'" Judge Cordell, a Superior Court judge in San Jose, Calif., is the only black judge among 47 judges in Santa Clara County. "It's no fun being a token," she says. "That's not what this should be about."

Nationally, chances are a defendant's lawyer and prosecutor won't be black, either: Fewer than 4% of lawyers are. Many blacks feel that adds up to a court system that is stacked against them. Black men, who represent about 6% of the U.S. population, make up 44% of its inmate population, according to Marc Mauer of the Sentencing Project, a Washington, D.C., research and advocacy group.

And the reason isn't, many blacks insist, that blacks are committing such a disproportionate share of all crime. They point to a new Federal Judicial Center report finding that blacks get 49% longer sentences for equivalent federal drug offenses than do whites. The Center, the research arm of the federal courts, said the disparity was actually lower—28%—eight years ago.

MORE SERIOUS CHARGES

In addition, prosecutors are often issuing more serious felony charges to minorities than to whites for the same drug-related activities, according to Barbara Meiehoefer, who conducted the federal study.

Some argue that the judicial system has made more progress in race than it's given credit for. "The criminal justice system has made great strides in addressing the rights of minorities or the economically disadvantaged at tremendous and necessary cost," says Robert W. Merkle, a former U.S. attorney in Florida. "Change comes slowly to any social institution, but the last 25 years have brought dramatic change to the criminal justice system." A senior Justice Department official denies that significant racial disparities remain in the system. He cites a 1985 researcher's report that said that, discounting for who actually commits the crimes and other legitimate factors, there were only about 5% more blacks in prison than one would expect.

And to be sure, many white judges, lawyers and officials make every effort to administer justice fairly. But perceptions count, too, in the calculus of whether justice is being done. And if blacks think the system is skewed, few rulings are likely to be accepted as fair. The death penalty has long been a stark symbol of the seeming disparity: Last September, for the first time in 47 years, a white person was executed for killing a black. "The fact is that minorities do not trust the court system. They don't trust it to resolve their disputes or administer justice fairly," says Desiree Leigh of Seattle, who is coordinating a national conference of commissions studying bias in the state courts.

Consider the case of Cassandra Rutherford, an 18-year-old black Detroit woman arrested after her friends participated in a flurry of brief but violent melees at a fireworks display last summer. An amateur cameraman captured the beatings of three suburban white women, and the fuzzy videotape was displayed on evening news broadcasts.

Five young women pleaded no contest to criminal charges. But Ms. Rutherford insisted she was innocent and refused to make a deal with prosecutors. Spurred by the public outcry and armed with the videotape, Wayne County prosecutors went forward. The problem, it turned out, was that they couldn't conclusively prove that Ms. Rutherford appeared on the tape. She was quickly vindicated by the juries that considered the charges against her in two of the incidents.

A judge stopped a third trial before it was turned over to the jury. Nonetheless, Ms. Rutherford had already served four months in jail because she couldn't make bail. Meanwhile, several white teen-agers accused of murder in a neighboring county had recently been released on their own recognizance. (The judge ultimately reduced her bail, citing the other case.)

Wayne County Prosecutor John O'Hair, who is white, denies that race has anything to do with decisions to prosecute.

But widespread concerns over the pace of racial progress in the courts are reflected in studies that several states have conducted in recent years. In New York, for example, a commission appointed by the state's chief judge concluded that over the course of 25 years "little has changed for minority users of the courts. . . .

"There are two justice systems at work in the courts of New York State, one for whites, and a very different one for minorities and the poor."

'TREATED MORE HARSHLY'

The report found support for the notion that in New York black defendants are held without bail more frequently than whites. It also said blacks were given harsher sentences than whites, on the whole. And it painted an unappealing portrait of "assembly-line justice" and "ghetto courts," where 14% of all trial lawyers surveyed said that judges, lawyers or other courtroom personnel often "use racial epithets or make demeaning remarks about a minority group." A similar study in Florida came to parallel conclusions and noted particularly that "minority juveniles are being treated more harshly than non-minority juveniles at almost all stages of the juvenile justice system."

One of the problems for blacks, some lawyers say, is that rising crime rates have focused far more attention on getting criminals off the streets, and lessened concerns for civil liberties. Daniel W. Kinard, for example, was accused in Washington, D.C., of murdering a white man who had just graduated from college and moved to the city from Omaha, Neb. The case of Mr. Kinard, who is black, captured the attention of the media and federal officials, despite the fact that 489 murders, mostly of black victims, were committed that year in Washington.

During the trial, Mr. Kinard's lawyer fell ill and the public defender's office asked for a mistrial. A young lawyer with no experience handling trials was assisting the public defender in the case as part of her graduate education. Despite the assistant's pleas that she had no trial experience and was not up to the job of defending an alleged murderer, Superior Court Judge A. Franklin Burgess Jr. insisted that the student carry on with the help of a legal-clinic instructor at Georgetown Law. Her client is now appealing a guilty verdict, partly on the ground that he was denied his constitutional right to effective counsel. (Judge Burgess declines to comment.)

DIFFICULT TASK

"I can't help think that had this case not been a high-publicity case, had it not been a white male who had been the decedent in this case, the decision would have been different," says Angela Jordan Davis, head of Washington's public defender's office, who came into the case to ask for a mistrial. "The lives of these young black men are simply not valued the same way as the lives of white men," she charges.

John M. Copacino, the Georgetown instructor who helped finish the case, says he didn't think that "racism had much to do with the judge's decision." But saying that many defense lawyers were outraged by the judge's decision to continue, he adds, "I don't know, it's hard to tell. I may be naive politically."

Getting more black prosecutors, defense lawyers and judges into the system won't be an easy task. Juries were integrated largely through Supreme Court and congressional fiat. The ranks of lawyers can't be increased the same way. In 1960, about 1% of lawyers were black; in 1970, the figure was 1.4%, according to a study by the minority National Bar Association based on U.S. Census figures. Although law schools say they recruit aggressively for minorities, blacks still make up just 3.4% of lawyers.

One reason, claims Sharon McPhail, president of the National Bar Association, is that scholarships and loans have been cut in the past decade, which has deeply affected blacks. In addition, she says, "there are not a lot of opportunities out there for black lawyers—not anywhere."

Moreover, those blacks who are landing law jobs may be steering away from gritty legal aid and prosecutorial work because of the notoriously low pay. In New York City, the Legal Aid Society represents mostly black and Hispanic clients and has made special efforts to hire minority lawyers. Next fall, minorities will constitute 38% of the office's new lawyers, but fewer than one-fifth of its current lawyers are non-white.

Robert Baum, the head of the criminal-justice division of that office, says the pool of minority law graduates is too small. But he disputes the notion that job opportunities aren't available for blacks in law. "My sense is there's a great competition to have minorities employed, especially in the private field," he says.

The judiciary poses an even more complicated problem. Judges not only have to reach a high level of legal proficiency, they usually also have to be well-connected politically. Like many elected judges, Judge Cordell was first appointed (by then-Gov. Jerry Brown) to fill a vacancy before standing for election. "Generally, when appointments are made, the governor will try to find people who are of the same ilk," she says. "It's a very politicized process."

Michigan Court of Appeals Judge Harold Hood, who has sat on his state's courts for 18 years, says that as "a general proposition," when blacks or members of other minority groups run against white candidates, the blacks don't win. As evidence, he points to Wayne County, which includes heavily black Detroit but also enough suburban communities to register roughly 65% white. Of the 35 circuit judges in the county, according to Judge Hood, seven are minorities. Only two of the seven, he adds, ran for election without first bring appointed to their posts to fill vacancies.

CHANGE IN JURIES

In terms of race, the most dramatic change in the courtroom in the past 30 years has been in the composition of juries. Until the mid-1960s, courts routinely kept blacks off juries by limiting service to property owners, requiring impossible to pass qualification exams or letting civic-club leaders pick suitable jurors from among their all-white ranks.

When blacks did find their way into the jury pool, they were often systematically removed from actual juries through prosecutors' use of peremptory challenges, which required no explanation. An instruction book used by the Dallas County prosecutors' office in the 1970s explicitly told prosecutors to try to eliminate "any member of a minority group." As recently as 1983 and 1984, 90% of black jurors in Dallas were being eliminated by prosecutors in felony trials.

But federal court rulings in the mid-1960s and a 1968 federal statute required that jury pools be chosen from a representative cross section of the community. In 1985, the Supreme Court barred prosecutors from basing peremptory challenges on race. A survey involving eight state and federal courts in 1990 found that blacks now are heavily represented in the jury room in many of the locations. In Washington, D.C., for example, about two-thirds of the jurors were black. In Dallas state court, 19% were black, 5% Hispanic. In Montgomery. Ala., the figure for blacks was 22%.

An added boost to black representation on juries has been the effort of a majority of states to pull prospective jurors from drivers' lists, which in most places include 90% to 95% of adults, in addition to voting records, which only located about 70% of the community. The percentage of Americans called for jury duty has leapt from 32% in 1983 to 45% in 1989, reflecting in part an increase in minority representation.

Still, not every state has made an effort in widen the jury pool, and the data on jury composition reflects this failure. In Seattle, which is more than 10% black, only 5% of jurors are black, according to one study. Last year, a state bill that would merge voter registration and driver's license lists to create a more diverse jury pool was signed into law. But the state legislature, facing budgetary problems, has yet to fund the effort.

In New York, attorney Colin Moore, who represented one defendant in what was known as the Central Park jogger case, contends that use of voter registration and driver's license data to select juries means "there is a built-in bias against blacks and Hispanics," many of whom do not drive. He believes calling names from lists of utility customers would be fairer.

Norman Goodman, clerk of New York County, responds that he uses three lists—voter registration, driver's and state income-tax records, which he says are more inclusive than utility records. "Demographers have told us we reach 85% of the community with these lists. We'll never get to 100%, although that is a desirable goal," he says, adding that his office doesn't keep records of juries' racial composition.

Many defense lawyers complain that the urban poor, many of them minorities, are more mobile than the middle class and thus less easy for jury commissioners to find. Therefore, fewer are located and called to jury service. Yet having even a few members of a minority group on a jury panel helps enormously, lawyers and social scientists say, because racist discussions are less likely to occur in a mixed-race setting. Also, even a small number of jurors can hold together to block a verdict they consider unjust.

A DIFFERENT CASE

Lawyers acknowledge that, particularly when individual juries aren't well integrated, much of the burden is on them to screen out prospective jurors who appear biased and to remind jurors during trial of the dangers of relying on racial stereotypes. Whites are more likely to be fair to blacks, and vice versa, if they are forced to face the race issue squarely, the lawyers say.

Shortly before the trial in the Rodney King case began, Travis Burch went on trial in Cambridge, Mass. His case proved to be a counterpoint. Mr. Burch, a learning-disabled black man living in an otherwise all-white neighborhood, was charged with brutally killing a white woman in her home. White neighbors reported seeing Mr. Burch "loitering" near the crime scene and "hiding" in the bushes in the days after the murder. Then came the supposedly irrefutable piece of evidence: Mr. Burch's bloody palm print taken from a door frame in the victim's house.

But Mr. Burch's lawyer, Nancy Gertner, showed the all-white jury that the victim's estranged son and his drug-dealer friends seemed to have much more compelling motives for the crime than did Mr. Burch, and that neighbors' testimony was street gossip, tinged with racial stereotyping, not direct evidence of wrongdoing. The palm print was Mr. Burch's, but what of it? Perhaps Mr. Burch, who was a frequent visitor to the victim's house, had left the print before the murder occurred. Perhaps he had stumbled onto the crime scene and then fled in panic.

In jury selection and in closing statements, Ms. Gertner, unlike the Los Angeles prosecutor in the King case, emphasized the race issue, rather than avoiding it. "I told the jury, 'You may want to say it's a horrible crime, someone must pay for it, but you can't do that. You may want to say a black shouldn't be in the neighborhood. But that would be racist.'"

The government's proof proved insufficient. The jurors deliberated briefly, agreed it was their duty to set Mr. Burch free and, with scant public attention, went their separate ways home.●

KENYA'S MOI CYNICALLY EMPLOYS TERROR TO SLOW DEMOCRACY

● Mr. DECONCINI. Mr. President, for years Kenya's President Daniel arap Moi refused to allow political parties, other than his ruling party KANU, to debate the nation's affairs. He and other African dictators often justified such undemocratic behavior on the ground that political pluralism would lead to tribalism and violence. After intense international pressure was brought to bear on the government of President Moi late last year, he and his rubber-stamp Parliament agreed to amend the Kenyan Constitution to allow the formation of alternative political parties.

In the wake of what should have been a welcome step forward for democracy, Mr. Moi has instead cynically set out to fulfill his off-repeated prophecy of tribal violence instead of allowing the democratic process to take root in Kenya. In an effort to discredit political pluralism and justify postponement or cancellation of elections which by law must occur by March 1993, he and his supporters have unleashed a plague of violence throughout the country. Members of Moi's Kalenjin tribe, supported by thugs associated with the ruling KANU Party, have descended upon villages killing over 100 people and leaving thousands of others homeless.

While the National Council of Churches of Kenya has long been critical of the Moi government, the Catholic Church in Kenya has—until now—maintained a "studious silence even in the face of a storm." However, in their March 22 pastoral letter entitled "A Call to Justice, Love and Reconciliation," all 18 of Kenya's Roman Catholic bishops decried the Moi government's attempts to sow dissent among the Kenyan people. The letter said that "Eye-witness accounts strongly suggest that the arsonists and bandits are well trained and transported to the scenes of crime from outside areas so that they cannot be identified by the local people." Only the government has the means to provide such logistical support. The letter also states that "The whole issue is officially presented to the public as a clear sign of the failure of the multi-party system in this country." The government has a vested interest in discrediting the multiparty system. Despite this confirmed government role in fomenting the violence, Mr. Moi continues to place blame upon the largest opposition party, the Forum for the Restoration of Democracy [FORD].

Mr. President, I believe it is imperative that our Government, in no uncertain terms, condemn the conduct of President Moi and his supporters for their complicity in fomenting the ongoing violence. We cannot allow our resolve to slacken to the face of official denials and public statements that President Moi is doing all he can to stop the carnage. It is true that the tragic violence in Los Angeles 2 weeks ago demonstrates that we in the United States must also immediately address some of these same issues. But, as the Kenyan bishops, led by the archbishop of Nairobi, Maurice Cardinal Otunga, declared in their pastoral missive, "we appeal to the government and to the KANU Party to accept the fact that Kenya today is a multiparty state. Every citizen of this country has an inalienable right to join any political party of his or her choice and has the right to protection and security by the State."

Mr. President, as other countries in Africa move toward democracy, it is imperative that Kenya reclaim its role as a regional model for political and economic systems. However, this will be difficult as long as President Moi continues to subvert the democratic process. Last November, I was joined by a bipartisan group of Senators in sponsoring an amendment to the emergency supplemental appropriations bill cutting off all but humanitarian aid to Kenya. Regrettably, I have concluded that this provision of law should be kept on the books until President Moi has ceased his efforts to destablize Kenya for his and his party's selfish political interests and has publicly announced firm dates for true miltiparty elections under international supervision.

What does President Moi win in the long term by attempting to divide his country tribe-against-tribe in order to prevent elections from being held? Will his legacy be one of leading Kenya out of its present darkness or will he cynically plunge his nation further into ethnic chaos and violence for a short-lived political gain?

I ask that the complete text of the March 22 pastoral letter, as it appeared in the April 6 issue of Society magazine, be printed at this point in the RECORD.

The letter follows:

CRYING FOR JUSTICE

(The following pastoral letter entitled "A Call to Justice, Love and Reconciliation" was on March 22 issued by the Kenyan Catholic Bishops, calling on President Daniel arap Moi to call it quits.)

We, the Catholic Bishops, in exercise of our prophetic role do once again address this letter to you, all people of Kenya and particularly to our leaders, during this difficult political situation in our country. Urged by the word of God we feel that the words of the prophet Ezekiel are relevant to all of us in Kenya today. We as shepherds of the Catholic church and in union with all the religious leaders in our country are challenged by the words of the prophet Ezekiel.

"Son of man, I have appointed you as a watchman for the house of Israel. When you hear a word from my mouth, warn them from me. If I say to someone wicked, "You will die," and you do not warn this person; if you do not speak to warn someone wicked to renounce evil and so save his life, it is the wicked person who will die for the guilt, but I shall hold you responsible for that death." (Ezekiel 3:17–18)

Inspired by this text, we who are gathered here from every part of Kenya want to convey the anguishes and expectations of our people. In our previous pastoral letter "Looking towards the future with hope" (January 1992), we have spoken about, among other things, the lack of respect for human rights in our country and proposed various remedies to the various shortcomings. Notwithstanding the short time which has elapsed since the publication of that pastoral letter, certain disturbing events have taken place about which we cannot remain silent.

REALITY OF THE CLASHES

Since October 1991 we have experienced the existence of "inter-tribal conflicts", especially concentrated there where the Nyanza and Western Province border with Rift Valley Province. Initially those in authority did not treat the situation with the seriousness it deserved. This resulted in an escalation of violence.

The country has been led to believe that these conflicts are tribally based or in some way connected with land tenure. A careful analysis, however, leads us to conclude that this is all part of a wider political strategy:

The attacks on civil servants, school-children, business people, tea-pickers and other workers in rift Valley are a clear sign that the land is not always the issue.

Eye-witness accounts strongly suggest that the arsonists and bandits are well trained and are transported to the scenes of crime from outside the areas so that they cannot be identified by the local people.

Neighbours of different tribes who have been living together for many years can hardly be in conflict at the same time and in different regions.

Some victims were warned in advance of a forthcoming attack by their neighbours who volunteered to keep their property safe in their own houses. This attitude clearly shows no tribal conflicts.

The whole issue is officially presented to the public as a clear sign of the failure of the multi-party system in this country.

There has been no impartiality on the part of the security forces in trying to restore peace. On the contrary, their attitude seems to imply that orders from above were given in order to inflict injuries only on particular ethnic groups.

It goes without saying that it is the duty of any government to safeguard the lives and property of its citizens. The government alone has all the necessary means at its disposal to achieve this. It is difficult for the government to exonerate itself from the responsibility of these violent clashes. The passivity of the forces of public order, sometimes just watching the events, as is the case of the public disturbances in February 1992 in Ngong, is a confirmation of this. It would be better for the police to be deployed to protect innocent people from arsonists and bandits, rather than to beat unarmed citizens.

This situation is a man-made disaster, injustice has been done by Kenyans themselves. The government should take responsibility in alleviating the suffering and rehabilitating those who have lost their homes and property. So far, only the churches and non-governmental organisations have taken care of the victims of the clashes.

We whole-heartedly sympathize with those innocent people who have been wounded indiscriminately, including school children and relatives of those who have died. But we condemn the planners, organisers and implementors of such violence as well as those who have taken advantage of the civil unrest to loot and destroy property.

MULTIPARTYISM: FROM THEORY TO PRACTICE

The advent of multi-partyism as the result of the scrapping of the Section 1(A) of our Constitution was greeted with enthusiasm and hope for a brighter future. The hope of every Kenyan was that the constitutional change would be far reaching and not something merely theoretical. This means that every Kenyan should have full freedom of association with all its practical consequences. Every Kenyan should enjoy equal rights before the law, wherever he/she lives or works. It is with this in mind that we are disturbed by statements made by some high-ranking politicians, declaring certain zones to be exclusively for the Kanu party and demanding that certain ethnic groups should leave the districts. The results of these utterances is that people have been forced out of their schools, jobs, houses, and even from their land. We are further concerned by lack of impartiality on the part of radio and television media in the coverage of different political parties. Equal coverage has to be given to all.

In a multi-party state civil servants should be seen to be servants of the government rather than of a particular political party. In our situation today, this is not very often the case. We admire those of our civil servants who, in following their conscience, refuse to be used by any political party. We condemn at the same time, all those who have allowed themselves to be politically manipulated in suppressing political freedom and hampering the development of the multi-party system in some districts by not granting licenses for the meetings.

POLITICAL PRISONERS

There are political prisoners languishing in our prisons today who should not be there. If their only crime was of a political nature before the amendment of the constitution's Section 2(A), why should they be kept in prison?

This situation has led various groups of citizens to campaign for their release. Prominent among these has been the group of mothers of prisoners who started a fast at the "Freedom Corner" in Uhuru Park. Kenyans were moved by the sight of defenceless women provoked through their helplessness and frustration to react in a manner that showed the depth of pain of a mother.

The handling of the situation by the security forces in this case and others thereafter has left us speechless. We support the cause of these mothers, assuring them of our solidarity with them and with all those who have helped them. In the meantime, we appeal to those in authority to be more open to the protection of human dignity.

JUSTICE AND LOVE FOR RECONCILIATION

All these events are unfolding themselves at the favourable time of Lent. This is the time that we are all called to reconciliation as a fitting way to prepare ourselves for the great feast of Easter.

Now we want to shed the light of our Christian faith on this sad situation by recalling the teaching of Christ our Master and Teacher.

"If you are bringing your gift to the altar and there remember that your brother has something against you, leave your gift there before the altar, and go and be reconciled with your brother first, and then come back and present your gift" (Matthew 5:23–24).

As Christians we must pay heed to the words of Christ:

"If you forgive others the wrongs they have done to you, your Father in heaven will also forgive you. But if you do not forgive others, then your Father will not forgive you the wrongs you have done." (Matthew 6:14–15).

We can never support the principle of "an eye for an eye and a tooth for a tooth." If such a principle were applied, violence would never end. We therefore urge the government to arrest and charge in courts of law those politicians who have fuelled trouble by irresponsible public utterances and deeds.

In view of this call to reconciliation, we appeal to the government and to the Kanu party to accept the fact that Kenya today is a multi-party state. Every citizen of this country has an inalienable right to join any political party of his or her choice and has the right to protection and security by the State.

Reconciliation demands that the various parties respect each other's manifestos and that all the parties in turn recognize and respect the government as an institution. Political dissent and constructive criticism should not be labelled as seditious and subversive opposition.

Reconciliation is called for, especially in the current situation of the clashes. People have been killed or displaced, houses burnt, property looted and destroyed. Both the government and the parties must be fully aware of their responsibilities. Counter accusations must really come to an end, and more time be spent on seeking ways and means to improve the quality of life of our people. Justice demands that those who have been rendered homeless or who have had their property looted be rehabilitated and compensated.

We confirm the need to uphold and respect the dignity of every person for each one is:

"Created in the image and likeness of God." (Genesis 1:26)

In virtue of this, each person, man or woman is "sacred", enjoying the personal love of God.

In the words of the prophet we make now a fervent appeal to our leaders and especially those in government to work sincerely for the good and justice for all our people without any prejudice to any tribal group.

"The Lord says, 'Cease to do evil, learn to do good, search for justice, help the oppressed, be just to the orphan, plead for the widow'" (Isaiah 1:17)

We admire the courage and self-control of our Kenyan people who have resisted the provocation to fall in the trap of violence. We call upon the people in the affected areas and indeed in the whole country not to take revenge but rather to be reconciled with one another. We appeal to them to hold reconciliation barazas so that the peace and harmony that existed between them may be restored. Those who hold property belonging to others are morally bound in conscience to restore it to its lawful owners. We further call upon you all, of whatever religious confession: Muslims, Hindus, Traditionalists or other creeds, but particularly you Christians, not to allow yourselves to be divided by tribal disputes,

"For you are all sons and daughters of one and the same Heavenly Father." (Colosians 3:30).

Following the example of the Holy Father John Paul II when he prayed for peace at Assisi together with the leaders of the main religious confessions of the world, we conclude by quoting part of the well-known prayer composed by St. Francis of Assisi:

Lord, make me an instrument of your peace.
Where there is hatred . . . let me sow love.
Where there is injury . . . pardon
Where there is discord . . . unity
Where there is error . . . truth
Where there is despair . . . hope
Where there is sadness . . . joy
Where there is darkness . . . light
We bless you and remain always,
Yours devotedly in Christ.

H.E. Maurice Cardinal Otunga—Archbishop of Nairobi.
Most Rev Z Okoth—Chairman, KEC and Archbishop of Kisumu.
Rt Rev J Njue—Vice chairman, KEC.
Most Rev J. Njenga—Archbishop of Mombasa.
Most Rev N Kirima—Archbishop of Nyeri.
Most Rev W Dunne—Bishop of Kitui.
Rt Rev R Ndingi Mwana'a Nzeki—Bishop of Nakuru.
Rt Rev T Mugendi—Bishop of Kisii.
Rt Rev U Kioko—Bishop of Machakos.
Rt Rev P Sulumeti—Bishop of Kakamega.
Rt Rev S Njiru—Bishop of Meru
Rt Rev C Davies—Bishop of Ngong.
Rt Rev J Mohan—Bishop of Lodwar.
Rt Rev Ravasi—Bishop of Marsabit.
Rt Rev P Kairo—Bishop of Murang'a.
Rt Rev P Darmanin—Bishop of Garissa
Rt Rev L Atundo—Bishop of Bungoma
Rt Rev C K arap Korir—Bishop of Eldoret.•

NATIONAL LONG-TERM CARE

• Mr. SIMON. Mr. President, it is interesting how many times one incident makes a lasting impression and helps move us to consensus on needed action. The recent picture of an elderly man clutching a teddy bear at a dog racing track in Idaho, stripped of identification and abandoned, may turn out to be such an incident. I hope this is the case.

This picture, more than all the statistics and rhetoric of the past several years, has brought to our attention the critical need in this country for a national long-term care program. This need, and the desperation of families who abandon their fathers and mothers, is not a new reality. The late Congressman Claude Pepper and I introduced House/Senate companion long-term care bills in 1987 to try to address the problem. That legislation, providing help to those caring for the chronically ill and disabled at home, came close to passing. A near consensus on long-term care emerged.

Since then, the focus has shifted to the general crisis in health care, and it is a true crisis we must solve. But we continue to face a growing problem of long-term care. In just 9 years, an estimated million more seniors will be going into nursing facilities. Millions more will need care at home. Long-term care still belongs at the top of our health care reform agenda.

On November 22, 1991, I introduced the Long-Term Care Family Protection Act, S. 2017. It would provide protection to families and individuals from the catastrophic costs of long-term care and provide a base of funding through a one-half cent increase in Social Security taxes. It includes assistance for both home and community care and nursing facility care through a new part C of Medicare. It recognizes the need to give a reliable floor of support to families to plan for the future, including through the wise purchase of long-term care insurance.

I have also joined my colleagues Senators MITCHELL, ROCKEFELLER, and

KENNEDY as a cosponsor of the Long-Term Care Security Act of 1992. There are differences between these bills, but the intent is the same: to put our Nation on the path to providing, along with all other industrialized nations outside of South Africa, necessary support for long-term care—the support our citizens need to protect them from the personal tragedies illustrated by an elderly man abandoned at a race track.

I believe there is sufficient broad-based support for long-term care legislation to enable us to enact legislation in the near future. The picture and stories about 82-year-old John Kingery increase that possibility. If that turns out to be the case, this one sad story will have a happy ending for all of us.

I ask that the excellent New York Times editorial on the John Kingery case be placed in the RECORD at this point.

The editorial follows:

GRANNY DUMPING BY THE THOUSANDS

It was a sad and troubling story. John Kingery, 82, suffering from Alzheimer's disease and wearing a sweatshirt inscribed "Proud To Be An American," was abandoned outside the men's room at a dog racing track in Post Falls, Idaho. His wheelchair had been stripped of identification and his clothing labels ripped out; he couldn't remember his own name.

Pictures of him clutching his teddy bear as attendants prepared to send him home to Oregon provoked a national wince. But what turns a wince into an ache is the sudden awareness that John Kingery is no isolated case. The American College of Emergency Physicians estimates that 70,000 elderly Americans were abandoned last year by family members unable or unwilling to care for them or pay for their care.

Social workers call this phenomenon "granny dumping." But they are reluctant to condemn those who do the dumping. Instead, they paint a harrowing portrait of millions of Americans who are near the breaking point with the burden of caring for their ill and elderly parents. One in five families now takes care of an elderly parent. Millions of American women will care for their aging parents longer than they care for their own children.

Nobody yet knows all the pressures that led John Kingery's daughter Sue Gifford to check him out of a nursing home and, presumably, leave him at the track. Nor is it known whether the family first explored all avenues of financial and social assistance. But in all too many cases, the care-giving children feel overwhelmed by mounting bills, bureaucratic hassles, hopelessness. The burden falls heavily on female relatives; three of four people caring for the elderly are women.

When the illness is Alzheimer's, care-givers often veer from despair to burnout. Alzheimer's patients can live 20 years in a state of dementia. They require round-the-clock social rather than medical care. Thus, they are usually best cared for at home, by family and publicly funded care-givers. In New York State, some 40,000 older adults, many with Alzheimer's, are cared for at home with Government help. That eases the burden on care-givers without lifting it.

But until Alzheimer's is cured or a long-term health care program is available, the Sue Giffords of America will be as much the victims of an aging population as the John Kingerys.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Mr. Berkovitz, a member of the staff of Senator QUENTIN N. BURDICK, to participate in a program in the Republic of Singapore, sponsored by the Republic of Singapore, from May 23 to 30, 1992.

The committee has determined that participation by Mr. Berkovitz in this program, at the expense of the Republic of Singapore, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Kenneth Apfel, a member of the staff of Senator BILL BRADLEY, to participate in a program in Hamburg and Berlin, Germany, sponsored by Haus Rissen from August 11 to 19, 1992.

The committee determined that participation by Kenneth Apfel in this program, at the expense of Haus Rissen, is in the interest of the Senate and the United States.●

HUMAN RIGHTS ABUSES CONTINUE IN SYRIA

● Mr. DECONCINI. Mr. President, the state of human rights in Syria is well characterized in the opening line of the State Department's 1991 document, "Country Reports on Human Rights Practices," which declares:

> Syria is ruled by an authoritative regime which does not hesitate to use force against its citizens if it feels threatened.

Threatened is how the Syrian regime must have felt when it arrested and convicted 14 Syrian human rights monitors in December of last year.

The defendants were charged "with vague, broadly worded offenses", according to their defense lawyers, based on a 1965 decree that bans any subversive or disorderly acts that could undermine the authority of the ruling socialist Ba'ath party. Sources have added that international standards for fair trial procedures were violated at every stage of the proceedings, including the harassment and intimidation of the defendant's attorneys. Six of the defendants were sentenced to terms ranging from 5 to 10 years hard labor. Sadly, this is not an isolated case of unacceptable behavior on the part of Syria. Under the control of Hafiz Assad, Syria has a long and consistent history of repression, occupation, drug trafficking, and terrorism.

In 1982, Hafiz Assad demonstrated to the international community how ruthless his regime could be by his brutal attacks on the northern cities of Hama and Aleppo. At these locations an uprising developed, led by a group called the Muslim Brotherhood, which resulted in an enormous use of force by Assad's security forces. When the insurrection was finally subdued, between 10,000 to 20,000 people were dead. The city of Hama was literally bulldozed. But it is not only his own people that President Assad treats in such an appalling fashion.

In 1976, Syrian troops marched into Lebanon and aided in the destabilization of this already war-torn nation. Through its continued occupation of Lebanon, Syria further complicates the extraordinarily difficult Middle East peace process. In May 1989, Hafiz Assad told me personally he believed that Lebanon was a part of Syria because the people were one and the same. To enforce this distortion of brotherhood between the two nations, the Syrians maintain an army of about 40,000 troops inside Lebanon.

Lebanon also provides Syria with much needed infusions of hard currency from its drug trafficking operations. The State Department has estimated that 49 metric tons of opium came from the Syrian controlled Bekaa Valley in Lebanon last year. An article in the New Republic in January of this year reported that, "Between 20 percent and 35 percent of heroin imported into the United States comes from Syrian-occupied Lebanon." In fact, the drug business has become so important to President Assad that the Washington Post reported in January 26 of this year that "to a large extent, the glue that keeps the Syrian machinery together is the personal enrichment of Assad's military from narcotics trafficking."

Terrorism is another nefarious international activity in which Syria continues to be involved. At times Syrian drug trafficking and support for terrorism appear to run hand in hand. According to an April 27 Time magazine article, it was Monzer al-Kassar, a Syrian drug dealer, who planted the bomb on Pan Am flight 103 which exploded over Lockerbie, Scotland. Time's assertions have been supported by Vincent Cannistraro, the former head of the CIA's investigation of the bombing. He was quoted in a New York Times article as saying it was outrageous that Libya could have been fully responsible for the bombing. If this report is true, it is not the first time that Syria has been responsible for the loss of American life.

Published reports have linked Syria to the 1983 attack on the U.S. Marine barracks which killed over 200 soldiers. Syrian intelligence has also been implicated in the unsuccessful 1986 bombing of a El Al airliner in London. In addition to its individual acts of terrorism, Syria has been used as a safe haven and training ground for other terrorist organizations.

The Islamic fundamentalist group, Hezbollah, has been receiving its training in Syria. Upon completion of training in Syria, the Hezbollah have their weapons escorted by the Syrians into Lebanon. Hezbollah is the same group that has declared its purpose to be to destroy the cancerous Zionist entity. It also has made more than a dozen attacks on Israeli civilians between 1990 and 1991. Last October, Syrian Vice President Khaddam described the Hezbollah attacks against Israel as brave actions.

Recently, the Bush administration has applauded Syria's role in the new world order. Combined with its cooperation in the Persian Gulf war and its help in freeing American hostages, some Bush officials would say that Syria has demonstrated a new willingness to behave according to international norms. However, former Ambassador L. Paul Bremer, who headed the State Department's Office For Combating Terrorism from 1986 to 1989, has been quoted as saying:

> As far as the release of the hostages [is] concerned, Syria has operated a taxi-service: Ghazi Kanaan (chief of intelligence for Syria) is told where to pick up the hostages by Tehran and the hostages are picked up and delivered to Damascus.

Can one really believe that Syria played a significant role in the release of our Lebanese hostages?

Syria has also failed to expel terrorists, close down their training camps, or even pay lip service to any renunciation of terrorism. The revelation of this information places serious doubt about the credibility of suggestions that Hafiz Assad has, in any way, truly helped the United States in the freeing of the hostages or moderated his policies on terrorism.

A recent Amnesty International report also disputes the proposition that Syria is mitigating its behavior. In its 1991 report, Amnesty stated that it has received descriptions of no less than 35 different methods of torture and has accounted for more than 600 executions in 1990 alone. Reports estimate that as many as 25,000 Syrians have been executed since Assad assumed power.

With Syria spending almost $2 billion last year on arms purchases, this dangerous country seeks only to become more powerful and disruptive. Terrorism, drug trafficking, human rights abuses, and occupation of foreign lands—that is what Syria stands for. The Bush administration seems to be engaged in a dangerous game of ignoring Syria's appalling behavior in the hopes of including them in some sort of new world order. In a region so vital and so fraught with tension, we cannot afford to allow Syria's actions to go unnoticed and unchallenged.•

THE HEROIC ACTIONS OF CLAYTON P. BUTLER

• Mr. ADAMS. Mr. President, I wish to pay tribute today to a man from Washington State who put the life of another before his own during a rescue of a swamped kayaker. Recognizing his brave and altruistic actions, the Department of the Interior has presented him with an award for his valor. He showed an incredible amount of courage, and I would like to share his story with all of you.

Mr. Clayton P. Butler is a park ranger in the Olympic National Park in western Washington. On May 5, 1991, he received a distress call involving a kayaker sinking in the turbulent waters of the North Pacific Ocean, approximately 100 yards off the coast of the park.

When Ranger Butler arrived at the beach, he realized that the victim had abandoned his kayak and was attempting to swim to the shore. The victim was now fully immersed in the North Pacific Ocean, waters that are so cold that upon contact, it is only minutes before the onset of hypothermia.

Donning a wet suit and tow line, he braved the frigid, violent water and the extremely strong current that could easily pull both the victim and himself out to sea. He swam to the victim, now in the first stages of hypothermia, secured the rescue line to him, and they were both pulled to shore and safety.

Some people claim that heroes are a thing of the past, but I do not agree. Heroes still exist in this day and age. I am proud to pay tribute to Ranger Clayton Butler, who never once hesitated to help another, although it meant putting himself at great risk. He is a man of whom we should all be proud, and from whom we can all learn.•

DOT 25TH ANNIVERSARY ESSAY CONTEST WINNER

• Mr. D'AMATO. Mr. President, I rise today to acknowledge and congratulate one of my constituents who is a winner in the Department of Transportation's high school essay contest on the occasion of their 25th anniversary. I am proud of my constituent, Elizabeth Brill, who wrote 1 of 2 essays selected from a field of 700 to receive this honor. Elizabeth brill will be traveling to Washington today to join in the festivities of National Transportation Week. I salute her and wish to commend her.

I ask that the full text of Elizabeth Brill's winning paper be printed in the RECORD following my statement.

The text follows:

SUPERCONDUCTIVITY: A REVOLUTION IN TRANSPORTATION

(By Elizabeth Brill)

Although there are countless possibilities for future developments in the transportation industry, the application of superconductivity to various modes of transportation appears especially auspicious. Superconductivity, the state of matter in which a substance conducts electricity with little or no resistance, has the unique potential to have a far-reaching effect in many areas of the transportation industry. Through the implementation of systems of magnetically levitated trains, rail travel will become an increasingly attractive form of travel. The manufacture and use of automobiles powered by superconducting engines will not only decrease the United States' dependence on scarce oil supplies, but also significantly decrease poisonous exhaust emissions. Finally, superconductivity also has the potential to revolutionize shipboard travel, primarily by reducing energy consumption.

Levitating trains are one salient application of superconductivity in the field of transportation. Magnetically levitated trains, known as maglev trains, were invented by scientists at the Brookhaven Laboratory, and further developed by the Grumman Corporation, both on Long Island. Although several countries, including the United States, are currently researching the feasibility of maglev trains only Germany and Japan have constructed actual systems. Japan's EDS system employs the forces of repulsion between superconducting magnets, while Germany's system uses the forces of attraction between conventional electromagnets.

Although the German system is being researched for implementation in the United States, the Japanese system would probably be more beneficial. According to prominent Japanese engineers, a prototype using superconducting magnets is far superior to one using conventional magnets. Since superconducting magnets have the capacity to produce more intense magnetic fields, they will generate greater lift and thrust. In the EDS system, the train is lifted by the forces produced between the electromagnets on the train's undercarriage and those in the track bed. Alternating currents are then sent to the magnets in the track, which are used both for levitation and propulsion, to control velocity.

Albeit maglev trains are extremely expensive, with track alone costing 2-3 million dollars per mile, they are nonetheless quite advantageous. The high speeds of such trains would allow them to compete effectively with air and automobile travel. Japan's EDS train can travel at speeds up to 321 mph, as opposed to the 200 mph maximum of conventional trains. Additionally, because of its increased passenger capacity, the maglev train would be able to pay for itself in ten years. On the whole, the maglev train would be a feasible and advantageous addition to our transportation system.

A second important application of superconductivity in the transportation industry is a superconducting motor for automobiles. High temperature superconductors increase the efficiency of motors from 75% to 95% and reduce costs by up to 25%. In 1988, a small motor was built utilizing superconducting ceramics. Although too small for practical use, it proved that a superconducting motor is indeed feasible.

Automobiles utilizing superconducting motors would be quiet, non-polluting, and simple to start. Unlike conventional automobiles, superconducting cars would not use gasoline to run and therefore would not emit poisonous gases, such as carbon monoxide, which are currently destroying the environment as well as creating many health problems. Superconducting automobiles would instead be powered by efficient, light weight batteries thus decreasing the nation's dangerous dependency on foreign oil.

A superconducting ship is also a viable alternative to current technology. Superconducting ships, magships, have been developed by the U.S. Navy and by Yoshiro Saji of Japan. Saji's ship probably has the most potential for use in the United States. It works much like the levitating trains, placing one set of magnets on the ship and sending a current into the water to generate the second magnetic field.

Since such a ship would have no moving parts, maintenance and construction would be simple. It would also be able to move with little noise or vibration, a characteristic especially useful in submarines. Furthermore, magships would be 50% more efficient than conventional ships and would thus further decrease our dependence on scant energy supplies.

Superconductivity certainly has the potential to alleviate the mammoth transportation problems currently facing Long Island. Local businessmen and Congressmen are presently trying to secure funding to construct an experimental maglev train system on Long Island. Such a system would be highly beneficial, as it would help lessen air traffic congestion in the area. The airports are currently so congested that plans have been proposed to enlarge the MacArthur Airport on Eastern Long Island, much to the dismay of many residents. Furthermore, plans are being considered to use the Navy's Calverton Airport as a cargo airport to lighten congestion at Kennedy and LaGuardia airports. The implementation of a magley system would also decrease congestion on the area's highways, particularly the infamous Long Island Expressway, by providing a viable alternative for medium length trips. The use of superconducting automobiles would significantly decrease the amount of air pollution, a current catastrophe in highly congested New York city and a growing problems in the increasingly populated suburbs. An additional ferry service between shoreham, Long Island and New Haven, Connecticut is presently being studied due to the overwhelming demand on the two existent ferries. Additionally, such a service would reduce traffic on the Long Island Expressway and other highways by diverting traffic across the water. The use of a superconducting ferry would reduce costs, as magships are far more efficient than conventional ships. A magship would also be quieter and more reliable than a conventional ship.

Superconductivity is an important key to the future of transportation, both on the local and national level. Levitating trains will reduce air and highway congestion by improving the efficacy and practicality of train travel. Superconducting automobiles will aid the transportation industry by reducing pollution and energy demands. Shipboard travel could be popularized and modernized through the implementation of magships. Superconductivity may not represent the only answer to the problems of transportation, however it may well prove to be a key factor in the transportation world of tomorrow.

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TRIBUTE TO NORTHGLENN UNITED METHODIST CHURCH BELL CHOIR

• Mr. WIRTH. Mr. President, I would like to use this occasion to recognize the achievements of the Northglenn United Methodist Church Carillon Bell Choir. The bell choir is comprised entirely of volunteers, and has been designated as Colorado's representative at the English Handbell Ringers Symposium to be held in Edmonton, AB, Canada July 29, through August 2, 1992. The symposium is an international event and will feature bell choirs from Europe, Asia, Australia, and North and South America.

The members have been playing together for 6 years and will be 1 of only 13 bell choirs from the United States and 1 of only 2 from the Western United States. They use four octaves of Schlumerich Handbells and three octaves of Suzuki hand chimes.

Mr. President, I want to take this opportunity to wish the best of luck to the director and the 12 members of this remarkable choir, Caroline Mallory, director; Antia Abercrombie, Elizabeth Clark, Betty Culp, Nedra Eastom, Serena Ferrin, Patricia Hodges, Cyndi Cremer, Winifred Lane, Kay McCann, Diana Menapace, Edith Walker, and Twyla Wooley. They make me and all of Colorado proud.•

OLDER AMERICANS MONTH

• Mr. ADAMS. Mr. President, last week, the Senate passed Senate Joint Resolution 276, designating May as "Older Americans Month." I am proud to be the sponsor of this resolution. It provides an opportunity to recognize the experience of our senior Americans and honor their extraordinary contributions to the national good. The commemorative also allows us to reflect on both the unique role seniors play in our society and our obligation to ensure a decent life for all older Americans.

The elderly comprise over 12 percent of our population—and that percent is increasing rapidly. The results of their life-long work are felt in every State and community.

We can take great pride in the fact that so many of our older citizens live much more comfortable and secure lives than in the past. For example, the overall rates of poverty among the elderly have been reduced dramatically. As chairman of the Subcommittee on Aging, however, I am especially mindful of the great numbers of older Americans who do not live comfortable, healthy and secure lives. Therefore, as legislators, we have a continuing duty to improve the well-being of those who remain at risk.

Mr. President, this is an appropriate moment to remind our colleagues about the Older Americans Act [OAA] which is pending reauthorization. The OAA was originally enacted in 1965 along with Medicare and Medicaid. In spite of the administration's rhetoric over the past few days, I believe we can proudly stand behind the products of the Great Society that have done so much to improve the destitute conditions that huge numbers of the elderly face each day.

For a little over $1 billion, the OAA furnishes crucial services to a great number of older citizens. The best known program in the act has been the senior nutrition program, which now provides some 260 million meals a year to needy seniors. In addition to meals, the Act provides for: In-home care services for the frail elderly, transportation for essential services, employment for low-income seniors, legal assistance for Social Security and other common problems, and many other programs. These services help senior Americans to maintain their independence, their physical and emotional health and their rights.

Mr. President, the OAA, like most crucial social programs, must improve to reflect changing times, new knowledge, and new priorities. Despite our gains, the elderly still pay more out-of-pocket for health care costs than before Medicare. Elderly women over the age of 80 constitute the poorest segment of our society. Elderly minorities face extraordinary hardships. Much remains to be done. The demographics of aging America alone dictate changes in social programs.

It is essential that we complete action on the OAA promptly. This is going to be an exceptionally difficult year for human services and appropriations. If the OAA is not reauthorized soon, its many programs, such as home-delivered meals, may have a tough time maintaining current funding and will have virtually no chance for desperately needed funding increases.

The fiscal year 1992 agriculture appropriations include adequate funds to increase reimbursement for senior meals programs under the USDA commodities program. The current per meal rate has been at a fixed level since 1987. Both the Senate and House OAA amendments increase the authorization levels commensurate with the appropriated amount. Failure to reauthorize the OAA in the very near future also puts this much-needed increase at great risk. Nutrition programs report growing waiting lists across the country. Without this increase, the waiting lists will only grow.

Older Americans Month provides the occasion to celebrate the accomplishments of our grandparents and parents, as well as many of our friends and neighbors—and ourselves in many cases. And this resolution will be the basis for celebrations all over the country. Tribute will be made to those who have given so much.

Unfortunately, that tribute is incomplete until we do something concrete and important. Let us do that by enacting the OAA amendments. I urge my colleagues to use this opportunity to end the delay on the OAA. We owe that to our Nation's elderly. Let us use the occasion of Older Americans Month to get this job done.●

PAY EQUITY LEGISLATION SUPPORTED BY VOTERS

● Mr. CRANSTON. Mr. President, I rise today to share with you a recent study that found that 77 percent of voters—male, female, minorities, Republicans, and Democrats—support pay equity legislation that would require the same pay for men, women, and minorities who work in jobs demanding similar skills and responsibilities even if the jobs are different.

The poll found that 67 percent of American voters agree that women are paid less fairly than white males. A majority of the voters, 52 percent, believe that minorities are paid less fairly than white males. Overwhelmingly, voters attribute unfair compensation to discrimination. Seventy-seven percent of the voters polled favor legislation to eliminate this discrimination. Fifty-nine percent of voters believe that both men and women benefit as a result of pay equity because overall household incomes would increase.

This strong voter support for pay equity is attributable, in part, to the shaky economy and the realization that families are hurt when women and minorities are not paid fairly. Most votes recognize that many families need two paychecks to survive. When employers do not pay women a fair day's pay, the whole family suffers. There is also concern about the growing number of low-income households headed by women. If these women are not paid fairly, they will be forced to seek Government assistance which costs society more in taxes.

Over the years, studies have shown that jobs held predominately by women and minorities, when evaluated on the same basis as jobs held predominately by white males, are not compensated in the same manner. Indeed, the wage gap between men and women and minorities is startling. Women and minorities' wages are between three-quarter and one-half of the salaries of average white men. In 1990, white women earned only 69 cents, African-American women earned only 62 cents, and Hispanic women earned only 54 cents for every dollar earned by white men.

Certainly, part of the wage gap is due to differences in education, experience or time in the work force. However, a large factor that cannot be explained by those factors can only be attributable to inequities in the wage setting system. Personnel systems and wage structures which retain historical and conventional biases and inconsistencies are part of the inequities that contribute to the wage gap.

American working men and minorities need pay equity legislation to eliminate these historical and conventional biases which contribute to the wage gap. Pay equity would require that factors including skill, effort, responsibility, working conditions, merit, and seniority should be the basis of compensation not gender, race, or ethnicity.

All but four States have already undertaken at least initial steps to address the pay equity problem. The California Legislature has passed a number of laws aimed at eliminating the wage inequities between male and female workers; and 24 cities, 13 counties and over 57 school districts have embarked on research, studies, or made adjustment to their wage structures to eliminate discrimination based on sex and/or race.

Earlier this year, I was joined by 17 colleagues in reintroducing legislation that would combat this problem. The Pay Equity Technical Assistance Act, S. 1856, would require the Secretary of Labor to develop a program for the dissemination of information on the steps which employers, in both the public and private sectors, can take to eliminate wage disparities which reflect the sex, race or national origin of employees. An identical bill was introduced in the House of Representatives by Representative MARY ROSE OAKAR, who has been a vigorous leader in the fight to achieve pay equity.

During this time of economic uncertainty, American voters are concerned about their ability to support themselves and their families. Many view inequities in the wage setting system as hurting all American families. American voters are looking to Congress to pass legislation to eliminate the wage gap between men and women and minorities as a way to help American families. The Pay Equity Technical Assistance Act is a modest but positive step in eliminating these discriminatory wage disparities.

I ask that a summary of the recently released survey on pay equity be printed in the RECORD.

The summary follows:

HIGHLIGHTS FROM THE NATIONAL COMMITTEE ON PAY EQUITY'S POLL ON VOTER ATTITUDES TOWARD PAY EQUITY

77 percent of all registered voters would support a pay equity law requiring the same pay for men, women and minorities who work in jobs requiring similar skills and responsibilities;

67 percent believe women are paid less fairly than men;

52 percent believe blacks and Hispanics are paid less fairly than other people;

59 percent feel that men and women would benefit as a result of pay equity because overall household incomes would increase; and

Support for pay equity is broad across all demographic groups:

72 percent of Republican voters, 81 percent of Democratic voters, and 79 percent of Independent voters support pay equity;

85 percent of working women, 80 percent of homemakers; 81 percent of retired women, and 68 percent of men support pay equity;

86 percent of black voters, 78 percent of Hispanic voters, and 75 percent of white voters support pay equity; and

81 percent of voters with income between $20,000-$50,000, 77 percent of voters with income less than $20,000, and 73 percent of voters with income above $50,000 support pay equity.

A full 81 percent of respondents plan to vote in the November elections. The poll was conducted by the firm of Greenberg-Lake.

U.S. Census figures indicate that in 1990, white women earned only 69 cents for every dollar earned by white men. African American women earned only 62 cents, and Hispanic women earned only 54 cents. African-American and Hispanic men faced similar pay deficiencies, earning 73 cents and 66 cents respectively, for every dollar a white man earned.

TRIBUTE TO JOHN VINCENT, EAST PROVIDENCE, RI

● Mr. CHAFEE. Mr. President, I rise today to pay tribute to John Vincent, of East Providence, RI. On June 13, Mr. Vincent will be honored by his fellow members of the Veterans of Foreign Wars [VFW] Primmer-Cordeiro Post 5385 in East Providence.

John Vincent has a long and distinguished record of service to his State and county. During World War II, he served with the U.S. Army in Europe. In 1946, he became a charter member of the Primmer-Cordeiro Post, and has been extremely active in it ever since. Presently, he is the post's only active charter member.

John Vincent's special motivation and strength of character have elevated him to numerous leadership positions within the VFW, as well as other organizations. He is a past VFW Rhode Island State commander and a past grand commander of the Cooties, the VFW organization dedicated to hospital volunteer work. In addition, Mr. Vincent has held numerous other offices at the State and district levels and also with the Primmer-Cordeiro Post.

The VFW is an outstanding organization, made even more so by the fine work of individuals such as John Vincent. His dedication to service has enriched the lives of his fellow members and made his community, State, and Nation better places in which to live. I applaud the Primmer-Cordeiro Post for recognizing John Vincent's achievements, and I ask my colleagues in the Senate to join me in saluting John and his wife Veronica and extending to them our very best wishes for the future.•

TRIBUTE TO ELIZABETH ESTILL

• Mr. WIRTH. Mr. President, I would like to take a moment to welcome Ms. Elizabeth Estill as the next Regional Forester of the U.S. Forest Service's Rocky Mountain Region headquartered in Lakewood, CO. Ms. Estill takes this post in August, and she will oversee the management of 22 million acres of National Forest System lands in Colorado, Kansas, Nebraska, South Dakota, and Wyoming. Her selection to this position is a significant development as she is the first woman to hold such a distinguished post in the 87-year history of the U.S. Forest Service.

We are indeed fortunate to have her in our region. She has broad understanding and experience in ecology and in developing recreational programs. She holds degrees in ecology from the University of Tennessee and was a Loeb fellow in advanced environmental studies at Harvard. She has been with the Forest Service since 1988 and has worked on recreation and wilderness management issues. She comes here from her position as Associate Deputy Chief of the National Forest System.

These credentials make her ideally suited to her new position. We are entering a new era in forest management in this region that is marked by a shift away from extractive industries and toward greater recreational use and environmental preservation. Her qualifications are aptly suited to address the challenges which lie ahead for forests in this region and throughout the United States—challenges to help communities adjust to new demands and new missions, challenges to adjust forest policy to accommodate recreational demands, and challenges to promote more sustainable resource uses in our forests. She will bring new and exciting perspectives to these issues and will be a valued addition.

Ms. Estill takes over from Mr. Gary Cargill. Gary has been Regional Director for the last 6 years. He has had a distinguished career, both as Regional Director and in other duties with the Forest Service. Although Gary and I have disagreed from time to time on the management of Colorado's forests, he has always been fair and has always emphasized the interests of the forest. We wish Gary well in his future endeavors.

We all look forward to working with Ms. Estill. I hope that her selection to this important post will mark a new era in Forest Service policy and will be the first in a long series of selecting more women to top administrative posts. I wish to offer my congratulations and welcome her to Colorado and the region.•

CONCERN ABOUT ROMANIAN ELECTIONS

• Mr. DECONCINI. Mr. President, on February 20, 1992, I made a statement regarding the Romanian local elections of February 9. I argued that those elections had been a positive step in Romania's journey toward democracy, and that they provided a solid base to build for the general elections slated for June or July of this year. I also expressed my firm belief that those general elections should be an important factor in considering restoration of most-favored-nation trade status to Romania. This is a timely matter, as the White House is expected to send the new bilateral trade agreement with Romania to the Congress sometime soon.

It was my hope that the Romanian authorities, together with other political forces in Romania, would demonstrate their commitment to reform by using the intervening months to strengthen the electoral process. I am therefore particularly concerned by certain aspects of the draft electoral law now in Parliament—aspects that represent, in my mind, a disappointing step backward.

One of the noteworthy elements of the February 9, 1992, elections was the participation of more than 7,000 domestic observers. These observers, who had been sponsored and trained by a variety of Romanian nongovernmental organizations, helped enhance voter understanding and confidence in the electoral process. Some of them had been involved in voter education program prior to election day, and in the city of Bucharest, they conducted a parallel vote count that proved remarkably accurate. Their reports also helped bolster the impressions of international observers—confirming the spirit of article 8 of the CSCE Copenhagen Document, which states "the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are talking place."

The draft election low originally submitted by the Romanian Government to Parliament did not allow for domestic observers in the upcoming elections. Last month, the Romanian Senate rejected an amendment that would have permitted their participation. On May 5, the Chamber of Deputies voted to adopt an amendment that would provide for domestic observers, but only with severe and limiting restrictions. According to information provided by the International Human Rights Law Group, the restrictions imposed by the amendment include:

Only one observer will be allowed per polling site, hampering the ability of observers to both monitor the polling site and communicate to the poll watching network;

Observers will be selected randomly, providing no assurance that the chosen observers will have the requisite training and experience;

Although accredited by the Central Election Commission, observers may be dismissed entirely at the discretion of local elections bureaus, on election day or before. Violations of accreditation guidelines will also be punishable by a criminal sentence of 1 to 7 years; and

Domestic organizations receiving funding from outside Romania will not be permitted to observe the elections.

The discrepancies between the Senate and Chamber versions of the electoral law will be resolved by a mediation commission with representatives from both Houses. Both versions continue to permit international observers without restriction.

Mr. President, the singling out of domestic observers for such restrictive treatment is disturbing. Why discourage Romanian citizens from participating fully and actively in the electoral process? The amendment raises unpleasant suspicions about the motives of our Romanian counterparts—many of whom, like any elected representative, face the possibility of being voted out of office when the elections finally occur.

A wide assortment of individuals and organizations, from the Romanian Minister of the Interior to Romanian human rights organizations to the international observer delegation jointly sponsored by the National Democratic Institute for International Affairs and the International Republican Institute, noted the positive role played by domestic observers in the February 1992 elections. Any effort to prohibit or hinder the domestic observers from playing that role once again can only be viewed as a worrisome step backward.

I would urge my Romanian colleagues to reconsider the import of their actions, and to understand the signal these restrictions transmit to the people of Romania and the international community at large. And I would urge my colleagues in the United States Congress to pay careful attention to the preparation and administration of the upcoming Romanian elections in Romania as the question of restoring most-favored-nation status to that country is raised. The presence of large numbers of unhampered domestic observers during the local elections lent a credibility to the results which the presence of foreign observers alone could not do.•

DR. LARRY A. JACKSON: MISSION ACCOMPLISHED AT LANDER COLLEGE

• Mr. HOLLINGS. Mr. President, for nearly two decades, Dr. Larry A. Jackson has devoted himself to rebuilding Lander College in Greenwood, SC, into a thriving and exciting liberal arts institution. It has been the challenge of a lifetime, and he has persisted, persevered, and finally prevailed.

Eighteen years ago, Dr. Jackson took over an ailing institution of dilapidated buildings and fewer than 900 students. Through his vision and energy, the student body has grown to nearly 2,700 students and the entire campus has been refurbished and expanded.

Dr. Jackson has overseen construction of a new library, classroom building, student center, cultural center, athletic complex, and dormitories. The faculty has grown from 40 to 135. And Lander's endowment has soared from $250,000 to $4 million. This revitalization has been so sweeping and remarkable that it is tempting to change the college's name from Lander to Lazarus.

The key to it all has been the leadership and dedication of Larry Jackson: a distinguished academic, a true gentleman, and a good friend. When I consider his tenure at Lander, I am reminded of Dwight Eisenhower's answer when a reporter asked him why he purchased and devoted himself to his farm in Gettysburg. Ike replied that it had always been his aspiration to take just one corner of God's Earth and return it better than when he found it. In that same spirit, 18 years ago Larry Jackson began the great task of rebuilding and rejuvenating Lander College. He has succeeded magnificently.

Mr. President, Dr. Jackson's work at Lander is largely completed. But there is no doubt in my mind that he will remain a leader in higher education for many years to come. I wish him and his wife Barbara the very best.•

SOVIET JEWRY

• Mr. CRAIG. Mr. President, in this time of improved East-West relations and rising hopes for greater freedom in the Soviet Union, there remains a group of people who are still being denied a basic human right: The freedom to emigrate. I am here today to share with my colleagues the case of Igor Gopp, a Soviet Jewish refusenik.

Mr. Gopp, A resident of St. Petersburg, has been trying to emigrate since 1990. He is a softwear engineer and, until 1988, worked at Leningrad Optico-Mechanical Amalgamation, which was attached to the Ministry of Defense industry. His work there was considered to be of a confidential nature, and his application for emigration has been refused a number of times on the grounds of state secrecy. While Mr. Gopp's application was refused, his family was permitted to leave. They will not agree to leave until he is also allowed to emigrate.

Mr. President, it is outrageous that this man should continue to be denied the right to emigrate because of a job he held 4 years ago. Despite the many political changes in the Soviet Union, there is little change in the fate of the hundreds of known Jewish refusenik cases that remain—and there is little change in the fate of Mr. Gopp.

Mr. Gopp is currently very involved in the St. Petersburg Jewish refusenik organization. He is offering his talents as a softwear engineer to assist the organization in setting up programming to gather information and track refusenik cases. His dedication to helping others facing the same fate is commendable.

This Congress is currently considering legislation to provide substantial assistance to the Soviet Union. I have several concerns about this proposal, the most critical of which is the cost to the American taxpayer—but I am also concerned about providing this kind of aid to the newly independent states when restrictions on immigration are still occurring. A good-faith effort needs to be made by the new leadership in the former Soviet Republics.

I would like to take this moment to urge the Republic governments to demonstrate that glasnost is for everyone. If there is going to be real change in this quickly changing area of the world, then the rights of these refuseniks must be addressed.

It is my hope that, through the efforts of my colleagues and the congressional call to conscience, Mr. Gopp and the other Jewish refuseniks will be released before the end of the year.•

CONGRATULATING THE MYNDERSE ACADEMY VARSITY BOYS BASKETBALL TEAM

• Mr. D'AMATO. Mr. President, I rise today to congratulate the Mynderse Academy varsity boys basketball team and Coach Scott Smith on their outstanding season and overall team record. They have competed in and captured their league, section, State, and federation championship title, posting an undefeated record at 26-0. I ask my colleagues to pause in its deliberations to congratulate the Mynderse Academy varsity boys basketball team, its members, coach, and assistant coach on their outstanding season and overall team record.

It is common knowledge that excellence and success in competitive sports can only be achieved through practice, practice, practice, nurtured by dedicated coaching and strategic planning. This is the type of excellence exhibited by the Mynderse Academy varsity boys basketball team, who are the New York State Public High School Athletic Association Class C State Champions for 1992.

The athletic proclivity displayed by this team is due in great measure to the efforts of Coach Scott Smith, a skilled and inspirational tutor. He is responsible for guiding, molding, and inspiring the team members toward their ultimate goal of the 1992 title.

The Mynderse Academy varsity boys basketball team is one of only two teams in New York State to finish the season undefeated. The team's overall record of 26-0 has rendered them the New York State Federation Tournament Champions, the Section V Class CC Champions, and the Finger Lakes East Champions. These team players are second to none, as demonstrated by their brotherhood of athletic ability, good sportsmanship, honor, and scholarship. Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school.

Athletic competition enhances the moral and physical development of the young people of our Nation. Athletics prepares students for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition. I am proud to represent such a fine group of athletes, who have had the most successful season imaginable. Congratulations to the Mynderse Academy varsity boys basketball team. I wish you many more successes.•

JAMES T. McCAIN: HONORING AN ELDER STATESMAN

• Mr. HOLLINGS. Mr. President, later this month, James T. McCain will be honored as the 1992 Outstanding Older South Carolinian of the Year. The immediate reason for this award is Mr. McCain's continuing, vigorous work on behalf of his community of Sumter, SC. But, in truth, the broader purpose of this award is to honor a man whose life and career have contributed so much to building the modern South Carolina that we take so much pride in today.

In one respect, Mr. McCain contributed to his community the traditional way, by serving as a teacher, high school principal, college professor, and dean, and by devoting countless hours to local church and service organizations. But, in the eyes of historians, perhaps more significant is his courageous role in the civil rights movement, both in South Carolina and nationally.

Mr. McCain founded the Sumter branch of the NAACP, and because of his civil rights activism, was barred from teaching in 1955. He helped lead the sit-ins and freedom rides of the 1960's, and was looked up to by idealistic young civil rights volunteers, both black and white. Dating back to the 1940's, he was instrumental in filing and winning landmark lawsuits to equalize teacher salaries among blacks and whites, and to open up the South Carolina primary election system to black voters. Through it all, Mr. McCain's trademarks were quiet leadership, eloquent persuasion, and a compelling sense of dignity.

Mr. President, James McCain is a proud son of South Carolina, a man who has contributed mightily to our State's progress across five decades. He has my utmost respect, as well as my deep appreciation.●

RECOGNITION OF A LIFETIME OF ACHIEVEMENT BY THEODORE RASBERRY

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to one of Grand Rapids' most outstanding citizens, Mr. Theodore Rasberry, who is being honored on May 22.

The second of six children born to Randele and Gertrude Rasberry in West Point, MS, Ted moved to Grand Rapids in the early 1940's. This move would benefit the untold thousands of people he would influence in his various athletic, civic, and professional activities.

Ted Rasberry is the city's consummate sportsperson. For more than 50 years, he has been involved in area baseball as a player, coach, scout, and owner. He owned the Grand Rapids Black Sox and in 1955 purchased the rights to the Kansas City Monarchs of the Negro Baseball League. In addition to those two organizations, Rasberry's Negro American League Detroit Stars, based in Grand Rapids, sent many team members on to major league baseball franchises. Ted Rasberry also formed the Harlem Satellites basketball team in 1958, providing opportunities for area fans to enjoy and local players to be part of this international competition.

Fortunately for Grand Rapids, Ted Rasberry's efforts went far beyond athletics. He was a founding member of the Goodwill Club, one of the first black political action committees in Grand Rapids. He also served as New Hope Baptist Church Sunday school superintendent under the late Rev. John V. Williams, and his visionary spirit helped organized and lead the successful growth, achievement and progress program.

Reflecting his love of children, Ted Rasberry started GAP's Little League Baseball while serving as director of the Sheldon Complex. He shared his love for the game and knowledge of baseball with hundreds of area children.

Ted Rasberry holds active memberships today at New Hope Missionary Baptist Church, the Grand Rapids Branch of the National Association for the Advancement of Colored People, Masons Lodge No. 1323, Victory Lodge No. 1029 of the IBPOE of the World, Madison Square Business Association, Madison Square Co-Op, and the Coalition for Representative Government. He has received numerous awards, including commendations from the NAACP and the Grand Rapids Community College Giants Committee.

I am pleased to join Mr. Rasberry's many friends and admirers in commending him for his many contributions to the people of Michigan and I wish him well.●

NATIONAL SMALL BUSINESS WEEK

● Mr. KASTEN. Mr. President, I rise today to proudly announce that this week, May 11–15, is National Small Business Week, 1992. Small businesses are an essential component of our Nation's economic growth and prosperity. It is only fitting that we acknowledge the small business community for their invaluable contributions.

As ranking Republican on the Small Business Committee, I am particularly honored to participate in this week's activities. The efforts made by the small business entrepreneurs from the State of Wisconsin, along with small businesses across the Nation are truly commendable.

With small businesses creating over 80 percent of the jobs in Wisconsin and accounting for two out of every three jobs in the United States, it is clear that we need to continue supporting pro-growth policies that strengthen the backbone of our Nation's economy. I am sure my colleagues will agree, and join me in praising their achievements.●

TWENTY-FIFTH ANNIVERSARY OF THE POLISH LEGION OF AMERICAN VETERANS: POST 169

●Mr. RIEGLE. Mr. President, I rise to salute the members of the Polish Legion of American Veterans, Post 169, on the occasion of their 25th anniversary. Founded on May 25, 1965, the post was later named in honor of Pfc. James W. Pawlak, who, on December 28, 1966, became the first Polish-American of northeast Detroit to give his life in the Vietnam war. Within 10 years this organization grew to more than 300 members and quickly became involved in charitable community activities. Today this group, which represents many of the more than 1,500,000 patriotic Polish Americans who have served in the Armed Forces since World War II, continues the spirit of dedication that its founding members embodied.

Located in the Metropolitan Detroit area, and operating from the Polish Century Club in Detroit, Post 169 has participated in the traditional veterans parades, memorial services, and social events which emphasize camaraderie as well as an understanding of the values of American independence. In addition, annual pilgrimages are made to veterans hospitals, where participants bring gifts, music, and understanding to convalescing men and women. The generous wives of the veterans of Post 169 have also donated their time to making lap-robes, comfort pillows, and blankets for long-term patients. Moreover, hundreds of thousands of dollars have been collected on behalf of Post 169 to fund various humanitarian projects for the patients in these facilities.

The remarkable contributions of this patriotic organization are also highlighted by the dedication of its individual members. Matt Urban, a most decorated soldier and Mr. Stanley Dominick, the organizational treasurer since its inception, are just two illustrations of the upstanding citizens who are part of this organization. Names like Osowski, Kania, Czeski, Bykowski, Wietchy, Szymanski, Skorka, and Koltowicz represent only a handful of individuals who provide important leadership both within Post 169 and in the community.

As we celebrate the military service and ethnic heritage of the Polish veterans of Michigan, we salute them, and know that the members of the Pfc. James W. Pawlak Polish Legion of American Veterans Post 169 will continue this tradition of dedication and contribution for the next 25 years and beyond.●

THE FAIR TRADE ASSURANCES ACT OF 1992

● Mr. RIEGLE. Mr. President. On May 7, I introduced the Fair Trade Assurances Act of 1992. This legislation, which compliments S. 2145, the Trade Enhancement Act of 1992 and H.R. 5100, the Trade Expansion Act of 1992, will move us toward passage of a trade bill that is essential to the strength of and export opportunities for many U.S. industries.

With the proper tools and congressional direction on U.S. trade policy, the administration will be compelled to be more aggressive in opening foreign markets and promoting compliance with U.S. trade laws. Mr. President, I ask that the full text of S. 2685 be included in the RECORD at the end of my remarks.

The text of S. 2145 follows:

S. 2685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade Assurances Act of 1992".

TITLE I—RESPONSE TO PRIORITY FOREIGN PRACTICES THAT ADVERSELY AFFECT UNITED STATES SECTORAL COMPETITIVENESS

SEC. 101. REFERENCE.

Whenever in this title an amendment is expressed in terms of an amendment to a section, subsection, or other provision, the reference shall be considered to be made to a section, subsection, or other provision of the Trade Act of 1974.

SEC. 102. SPECIFICATION OF SECTORAL PRIORITY PRACTICES.

Section 181(a) (19 U.S.C. 2241) is amended—

(1) by striking out "and" at the end of paragraph (1)(B);

(2) by striking out the period at the end of paragraph (1)(C) and inserting ";"; and

(3) by inserting after paragraph (1)(C) the following:

"(D) identify, if for such calendar year the United States merchandise trade balance (excluding crude petroleum imports) was in deficit, each foreign country that—

"(i) accounted for not less than 15 percent of such deficit, and

"(ii) had a global current account surplus for such year in an amount not less than such deficit; and

"(E) specify each act, policy, or practice identified under subparagraph (A) that was implemented by a foreign country identified under subparagraph (D) with respect to any goods sector or service sector that accounted for not less than 10 percent of the merchandise trade and current account deficit between the United States and such foreign country during such calendar year.";

(4) by striking out "paragraph (1)," in paragraph (2) and inserting "paragraph (1) (A), (B), or (C),"; and

(5) by striking out "analysis and estimate" in paragraph (3) and inserting "analyses, estimates, identifications, and specifications".

SEC. 103. PERMANENT STATUS OF "SUPER 301" PROGRAM; APPLICATION OF PROGRAM TO SECTORAL PRIORITY PRACTICES.

Section 310(a) (19 U.S.C. 2420(a)) is amended—

(1) by striking out "calendar year 1989, and also the date in calendar year 1990," in paragraph (1) and inserting "any calendar year";

(2) by amending subparagraphs (A) and (B) of paragraph (1) to read as follows:

"(A) priority practices;

"(B) priority foreign countries;"; and

(3) by amending paragraphs (2) and (3) to read as follows:

"(2)(A) For purposes of this section, the term 'priority foreign country' means—

"(i) any foreign country identified under section 181(a)(1)(D); and

"(ii) any other foreign country that, on the basis of the report required under section 181, satisfies the criteria in subparagraph (B).

"(B) In identifying priority foreign countries under subparagraph (A)(ii), the Trade Representative shall take into account—

"(i) the number and pervasiveness of the acts, policies, and practices described in section 181(a)(1)(A), and

"(ii) the level of United States exports of goods and services that would be reasonably expected from full implementation of existing trade agreements to which that foreign country is a party, based on the international competitive position and export potential of such products and services.

"(3)(A) For purposes of this section, the term 'priority practices' means—

"(i) acts, policies, and practices specified under section 181(a)(1)(E); and

"(ii) other major barriers and trade distorting practices, the elimination of which are likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent.

"(B) In identifying priority practices under subparagraph (A)(ii) the Trade Representative shall take into account—

"(i) the international competitive position and export potential of United States products and services;

"(ii) circumstances in which the sale of a small quantity of a product or service may be more significant than its value, and

"(iii) the measurable medium-term and long-term implications of government procurement commitments to United States exporters.".

SEC. 104. MANDATORY ACTION TO OBTAIN THE ELIMINATION OF SECTORAL PRIORITY PRACTICES.

Section 301(a) (19 U.S.C. 2411(a)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following new paragraph:

"(1)(A) If the United States Trade Representative determines under section 304(a)(1) that a foreign practice identified under section 181(a)(1)(E)—

"(i) violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under any trade agreement; or

"(ii) is unjustifiable and burdens or restricts United States commerce;

the response of the United States to that practice shall be undertaken in accordance with subparagraph (B).

"(B) If the Trade Representative makes a determination referred to in subparagraph (A), the President, within 30 days after the date of the determination—

"(i) shall direct the Trade Representative to implement the action recommended by the Trade Representative under section 304(a)(1)(B) to obtain the elimination of the foreign practice; or

"(ii) shall, if the President considers that there is an alternative (hereinafter referred to as the 'alternative plan') for obtaining the elimination of such practice and that the alternative plan is preferable to the action recommended by the Trade Representative, transmit to the Congress a document that meets the requirements in subparagraph (D).

"(C) To the extent feasible, an alternative plan submitted under subparagraph (B)(ii) should provide, in the case of unsatisfactory progress by the priority foreign country in eliminating the priority practice, for the implementation, for such time as may be appropriate, by the President of a restriction, limitation, or other action that is reciprocal in scope and effect to such priority practice.

"(D) A document referred to in subparagraph (B)(ii) shall—

"(i) describe the action recommended by the Trade Representative under section 304(a)(1)(B) to eliminate the foreign practice;

"(ii) describe the alternative plan in detail, including—

"(I) any reciprocal limitation, restriction, or action of the kind referred to in subparagraph (C) provided for under the plan; and

"(II) the period of time that will be required to implement fully the plan and the specific interim results that should be achieved under the plan from time-to-time during that period;

"(iii) cite the legal authorities for taking the measures contemplated by the alternative plan;

"(iv) contain, if the President considers that statutory authority is necessary for the implementation of any part of the alternative plan (including the implementation of any reciprocal limitation, restriction, or action described under clause (ii)), appropriate suggested legislative proposals; and

"(v) state the reasons why the alternative plan is preferable to the taking of the action recommended by the Trade Representative.

"(E) If the President transmits an alternative plan to the Congress under subparagraph (B) and a joint resolution described in section 152(a)(1)(C) is not enacted within the 60-day period beginning on the date on which the alternative plan was transmitted, the alternative plan shall take effect and the President shall commence implementation of the plan.

"(F) If the President transmits an alternative plan to Congress under subparagraph (B) and a joint resolution described in section 152(a)(1)(C) is enacted within the 60-day period beginning on the date on which the alternative plan was transmitted, the alternative plan shall not take effect and the President shall direct the Trade Representative to implement the action recommended by the Trade Representative under section 304(a)(1)(B) to obtain the elimination of the priority foreign practice."; and

(3) by striking out "foreign country—" in subparagraph (B) of paragraph (2) (as redesignated by paragraph (1)) and inserting "foreign country (other than a priority foreign practice identified under section 181(a)(1)(E))—".

SEC. 105. INITIATION OF INVESTIGATIONS UPON RESOLUTION OF CONGRESSIONAL COMMITTEES.

Section 302(b) is amended by inserting after paragraph (2) the following new paragraph:

"(3) Upon the adoption by either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate of a resolution that—

"(A) describes an act, policy, or practice of the foreign country; and

"(B) states that it is the opinion of the Committee that such act, policy, or practice is an act, policy, or practice that is described in section 301(a)(1)(A) or (2)(B);

the Trade Representative shall initiate an investigation under this chapter to determine whether the matter is actionable under section 301.".

SEC. 106. CONFORMING AMENDMENTS.

(a) Section 301 (as amended by section 104) is further amended—

(1) by striking out that part of subsection (a)(3) (as redesignated by section 104(1)) that precedes subparagraph (A) and inserting "The President is not required to take action under paragraph (1)(B) (i) or (ii) and the Trade Representative is not required to take action under paragraph (2) in any case in which—";

(2) by striking out "paragraph (1)" in subsection (a)(4) (as redesignated by section 104(1)) and inserting "paragraph (1)(B)(i) or (F) or paragraph (2)"; and

(3) by striking out "subsection (a) or (b)" each place it appears in paragraphs (1), (2)(A), (3), and (5) of subsection (c) and inserting "subsection (a)(1)(B)(i) or (F) or (2) or subsection (b)".

(b) Section 304(a)(1) (19 U.S.C. 2414(a)(1)) is amended—

(1) by striking out "(a)(1)(B) or" in subparagraph (A)(ii) and inserting "(a) (1)(A) or (2)(B) or subsection"; and

(2) by striking out subparagraph (B) and inserting the following:

"(B) if the determination under subparagraph (A) is affirmative with respect to a practice described in section 301(a)(1)(A), determine, and submit to the President, a recommendation for action by the Trade Representative under section 301(c) to obtain the elimination of such practice; or

"(C) if the determination under subparagraph (A) (other than with respect to an action described in section 301(a)(1)(A)) is affirmative, determine what action, if any, the Trade Representative should take under subsection (a)(2) or (b) of section 301.".

(c) Section 305 (19 U.S.C. 2414) is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1) Except as provided in paragraph (2), the Trade Representative shall—

"(A) implement the action directed by the President under subparagraph (B)(i) or (F) of section 301(a)(1) by no later than the date that is 30 days after the date such direction is received; and

"(B) implement the action the Trade Representative determines under section 304(a)(1)(C) to take under section 301, subject to the specific direction, if any, of the President regarding any such action, by no later than the date which is 30 days after the date on which such determination is made.";

(2) by striking out "section 301" in subsection (a)(2)(A) and inserting "subsection (a)(1) (B) or (F) or (2) or subsection (b) of section 301";

(3) by inserting "or (3)" after "302(b)(1)" in subsection (a)(2)(A)(i)(II); and

(4) by striking out "section 301" in subsection (b)(1) and inserting "section 301(b)".

(d) Section 306(a) (19 U.S.C. 2416(a)) is amended—

(1) by striking out "section 301(a)(2)(B)" and inserting "section 301(a)(3)(B)"; and

(2) by striking out "subsection (a)(1)(B)" and inserting "subsection (a) (1)(A) or (2)(B)".

(e) Section 307(a)(1)(A) (19 U.S.C. 2417(a)(1)(A)) is amended by striking out "301(a)(2)" and inserting "301(a)(3)".

(f) Section 152(a)(1) (19 U.S.C. 2192(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting "; and "; and

(3) by inserting after subparagraph (B) the following:

"(C) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the alternative plan transmitted under section 301(a)(1)(B)(ii) of the Trade Act of 1974 to the Congress on .', the blank space being filled with the appropriate date.".

(g) Section 154 is amended—

(1) by inserting "301(a)(1)(B)(ii)," after "203(b)," in subsection (a); and

(2) by inserting ", and for purposes of section 301(a)(1) (E) and (F), the 60-day period referred to in such section," after "such sections" in subsection (b).

TITLE II—TRADE AGREEMENTS COMPLIANCE

SEC. 201. REQUESTS FOR REVIEW OF FOREIGN COMPLIANCE.

Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended by inserting after section 306 the following new section:

"SEC. 306A. REQUESTS FOR REVIEW OF FOREIGN COMPLIANCE.

"(a) Definitions.—For purposes of this section—

"(1) The term 'interested person' means any person that has a significant economic interest that is being, or has been, adversely affected by the failure of a foreign country to comply materially with the terms of a trade agreement.

"(2) The term 'trade agreement' means any bilateral trade agreement to which the United States is a party; except—

"(A) the United States-Canada Free-Trade Agreement entered into on January 2, 1988, and

"(B) the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel entered into on April 22, 1985.

"(b) Request for Review.—

"(1) An interested person may request the Trade Representative to undertake a review under this section to determine whether a foreign country is in material compliance with the terms of a trade agreement.

"(2) A request for the review of a trade agreement under this section may be made only during—

"(A) the 30-day period beginning on each anniversary of the effective date of the trade agreement; and

"(B) the 30-day period ending on the 90th day before the termination date of the trade agreement, if the first day of such 30-day period occurs not less than 180 days after the last occurring 30-day period referred to in subparagraph (A).

"(3) The Trade Representative shall commence a review under this section if the request—

"(A) is in writing;

"(B) includes information reasonably available to the petitioner regarding the failure of the foreign country to comply with the trade agreement;

"(C) identifies the economic interest of the petitioner that is being adversely affected by the failure referred to in subparagraph (B); and

"(D) describes the extent of the adverse effect.

"(4) If 2 or more requests are filed during any period described in paragraph (2) regarding the same trade agreement, all of such requests shall be joined in a single review of the trade agreement.

"(c) Review.—

"(1) If 1 or more requests regarding any trade agreement are received during any period described in subsection (b)(2), then within 90 days after the last day of such period the Trade Representative shall determine whether the foreign country is in material compliance with the terms of the trade agreement.

"(2) In making a determination under paragraph (1), the Trade Representative shall take into account—

"(A) the extent to which the foreign country has adhered to the commitments it made to the United States;

"(B) the extent to which that degree of adherence has achieved the objectives of the agreement; and

"(C) any act, policy, or practice of the foreign country, or other relevant factor, that may have contributed directly or indirectly to material noncompliance with the terms of the agreement.

The acts, policies, or practices referred to in subparagraph (C) may include structural policies, tariff or nontariff barriers, or other actions which affect compliance with the terms of the agreement.

"(3) In conducting any review under paragraph (1), the Trade Representative may, if the Trade Representative considers such action necessary or appropriate—

"(A) consult with the Secretary of Commerce and the Secretary of Agriculture;

"(B) seek the advice of the United States International Trade Commission; and

"(C) provide opportunity for the presentation of views by the public.

"(d) Action After Affirmative Determination.—

"(1) If, on the basis of the review carried out under subsection (c), the Trade Representative determines that a foreign country is not in material compliance with the terms of a trade agreement, the Trade Representative shall determine what action to take under section 301(a).

"(2) For purposes of section 301, any determination made under subsection (c) shall be treated as a determination made under section 304.

"(3) In determining what action to take under section 301(a), the Trade Representative shall seek to minimize the adverse impact on existing business relations or economic interests of United States persons, including products for which a significant volume of trade does not currently exist.

"(e) International Obligations.—Nothing in this section may be construed as requiring actions that are inconsistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.".

SEC. 202. CONFORMING AMENDMENTS.

(a) Congressional Notification.—Section 309(3)(A) of the Trade Act of 1974 (19 U.S.C. 2419(3)(A)) is amended by striking out "section 302," and inserting "sections 302 and 306A(c),".

(b) Table of Contents.—The table of contents of the Trade Act of 1974 relating to chapter 1 of title III is amended by inserting after the item relating to section 306 the following:

"Sec. 306A. Requests for review of foreign compliance.".

TITLE III—NEGOTIATIONS AND OTHER ACTIONS

SEC. 301. NEGOTIATIONS OF AGREEMENTS PROVIDING FOR MUTUALLY ADVANTAGEOUS INTERNATIONAL TRADE IN MOTOR VEHICLE PARTS AND MOTOR VEHICLES.

(a) Bilateral Negotiations With Japan.—Not later than 45 days after the date of the enactment of this Act, the Trade Representative shall enter into negotiations with the Government of Japan for the purpose of entering into a bilateral agreement that facilitates—

(1) a phased-in increase in the utilization by motor vehicle manufacturers that are transplanted vehicle manufacturers of motor vehicle parts produced by domestic parts manufacturers so that such parts constitute 60 percent or more of the total value of all motor vehicle parts used in the production in the United States of motor vehicles by each transplanted vehicle manufacturer; and

(2) the elimination of those aspects of the Japanese automotive distribution system that impedes the access of motor vehicles and motor vehicle parts made by domestic manufacturers to the Japanese market.

(b) Multilateral Negotiations.—Not later than 180 days after the date of the enactment of this Act, the Trade Representative shall enter into negotiations with representatives of the European Community, the Government of Japan, and the governments of other major motor vehicle producing countries for the purpose of entering into a multilateral agreement that equalizes world-wide market access and rationalizes world-wide production of motor vehicles and motor vehicle parts.

SEC. 302. ACTIONS UNDER UNITED STATES TRADE REMEDY LAWS WITH RESPECT TO CERTAIN UNFAIR ACTS, POLICIES, AND PRACTICES.

(a) "301" Action With Respect to Barriers to the Market Access of United States-Produced Motor Vehicles and Motor Vehicle Parts.—

(1) IN GENERAL.—On the 45th day after the date of the enactment of this Act, all acts, practices, and policies of Japan that affect the access to the Japanese market of motor vehicles and motor vehicle parts produced by domestic manufacturers (including, but not limited to, the acts, policies, and practices utilized in the Japanese automotive distribution system and the relationships commonly known as "Keiretsu") shall, for purposes of title III of the Trade Act of 1974, be considered as being acts, practices, and policies of a foreign country that are unjustifiable and burden or restrict United States commerce. The Trade Representative shall immediately proceed to determine, in accordance with section 304(a)(1) of such Act, what action to take under section 301(a) of such Act to obtain the elimination of such acts, practices, and policies.

(2) ADDITIONAL RESPONSE AUTHORITY.—The scope of authority for action that may be taken under section 301(a) of the Trade Act of 1974 with respect to any act, policy, or practice referred to in paragraph (1) includes an increase in the percentage set forth in section 305(2)(C)(ii) for the purpose of the qualification of Japanese sources as domestic vehicle manufacturers.

(3) NEGOTIATION AGENDA.—If the Trade Representative decides to take action referred to in section 301(c)(1)(C) of the Trade Act of 1974 with respect to an act, practice, or policy referred to in paragraph (1), the agenda for negotiations shall include, but is not limited to—

(A) guarantees for sales in the Japanese market of motor vehicle and motor vehicle parts produced by domestic manufacturers in an aggregate amount equal to the percentage of such market that would be held by motor vehicles and motor vehicle parts produced by such manufacturers in the absence of unfair Japanese acts, practices, and policies;

(B) the elimination or modification of those aspects of the Japanese automotive distribution system and Keiretsu relationships that act as barriers to the access to the Japanese market of motor vehicles and motor vehicle parts produced by domestic manufacturers; and

(C) the establishment of procedures for the exchange of information between the appropriate agencies of the United States and Japanese governments that will permit the accurate assessment of the bilateral trade in motor vehicles and motor vehicle parts, particularly with respect to the extent of the purchase of motor vehicles and motor vehicle parts produced by domestic manufacturers for use by Japanese sources in the Japanese market.

(4) ADDITIONAL ESTIMATES AND CONSEQUENTIAL EFFECT.—The Trade Representative shall promptly estimate, on the basis of the best information available—

(A) the percentage share of the Japanese market for motor vehicles and motor vehicle parts that is currently accounted for by motor vehicles and motor vehicle parts produced by domestic manufacturers;

(B) the percentage share of the Japanese market for motor vehicles and motor vehicle parts which would be accounted for by motor vehicles and motor vehicle parts but for acts, practices, or policies of the kind referred to in subsection (a); and

(C) the dollar value of the difference between the percentage shares estimated under subparagraphs (A) and (B).

If the negotiations referred to in paragraph (3) are unsuccessful, any action subsequently taken under section 301 of the Trade Act of 1974 in response to the Japanese acts, practices, or policies involved shall be substantially equivalent in effect to the dollar value estimated under subparagraph (C).

(5) DEFINITION OF JAPANESE MARKET.—For purposes of this subsection, the term "Japanese market" means the market for motor vehicles or motor vehicle parts (whether for original equipment or aftermarket purposes) to be used in the production or repair of motor vehicles manufactured by Japanese sources, whether in Japan or in the United States.

(b) ANTIDUMPING INVESTIGATION REGARDING JAPANESE MOTOR VEHICLES AND MOTOR VEHICLE PARTS.—The Secretary shall commence an investigation under section 732(a) of the Tariff Act of 1930 to determine whether imports of motor vehicles and motor vehicle parts that are products of Japan into the United States, or sales (or the likelihood of sales) of such motor vehicles and parts for importation into the United States, constitute the elements for the imposition of antidumping duties under section 731 of such Act.

SEC. 303. STUDY REGARDING APPLICATION OF INTERNAL REVENUE LAWS.

Notwithstanding any other provision of law, the Secretary of the Treasury shall submit a report to the Congress by January 1, 1994, regarding the extent to which—

(1) "Keiretsu" operations within the United States by related sources are in compliance with the internal revenue laws, particularly those relating to transfer pricing; and

(2) the Internal Revenue Service is auditing such operations.

SEC. 304. DEFINITIONS.

For purposes of this title:

(1) MOTOR VEHICLES AND MOTOR VEHICLE PARTS.—

(A) The term "motor vehicle" means any article of a kind described in heading 8703 or 8704 of the Harmonized Tariff Schedule of the United States.

(B) The term "motor vehicle parts" means articles of a kind described in the following provisions of the Harmonized Tariff Schedule of the United States if suitable for use in the manufacture or repair of motor vehicles:

(i) Subheadings 8407.31.00 through 8407.34.20 (relating to spark-ignition reciprocating or rotary internal combustion piston engines).

(ii) Subheading 8408.20 (relating to the compression-ignition internal combustion engines).

(iii) Subheading 8409 (relating to parts suitable for use solely or principally with engines described in subparagraphs (A) and (B)).

(iv) Subheading 8483 (relating to transmission shafts and related parts).

(v) Subheadings 8706.00.10 and 8706.00.15 (relating to chassis fitted with engines).

(vi) Heading 8707 (relating to motor vehicle bodies).

(vii) Heading 8708 (relating to bumpers, brakes and servo brakes, gear boxes, drive axles, nondriving axles, road wheels, suspension shock absorbers, radiators, mufflers and exhaust pipes, clutches, steering wheels, steering columns, steering boxes, and other parts and accessories of motor vehicles).

The Secretary shall by regulation include as motor vehicle parts such other articles (described by classification under such Harmonized Tariff Schedule) that the Secretary considers appropriate for the purposes of this title.

(C)(i) The term "foreign motor vehicle" means—

(I) a motor vehicle that is a product of Japan; and

(II) a motor vehicle treated as a product of Japan under clause (ii).

(ii) The Secretary of the Treasury shall also treat as motor vehicles that are products of Japan those motor vehicles manufactured in a foreign country (other than Japan or Canada) with respect to which the Secretary finds that—

(I) the vehicles were manufactured in such foreign country by a related source, and

(II) motor vehicle parts that were produced by, or purchased or otherwise obtained (directly or indirectly) from, related sources constitute 50 percent or more of the export value of the vehicles.

(D) The term "United States motor vehicle" means a motor vehicle that is produced by a domestic vehicle manufacturer.

(2) VEHICLE AND PARTS MANUFACTURERS.—

(A) DOMESTIC MANUFACTURER.—The term "domestic manufacturer" means a domestic parts manufacturer or a domestic vehicle manufacturer.

(B) DOMESTIC PARTS MANUFACTURER.—The term "domestic parts manufacturer" means a manufacturer of motor vehicle parts that—

(i) has one or more motor vehicle parts manufacturing facilities located within the United States; and

(ii) either—

(I) is not a related source,

(II) is not affiliated with a related source, or

(III) is affiliated with a related source, but with respect to its production of motor vehicle parts in the facilities referred to in clause (i) during the most recent full calendar year, utilized materials and components produced by, or purchased or otherwise obtained (directly or indirectly) from, related sources to an extent not exceeding 25 percent of the total value of such production.

(C) DOMESTIC VEHICLE MANUFACTURER.—The term "domestic vehicle manufacturer" means a manufacturer (whether or not a related source) of motor vehicles that—

(i) has one or more motor vehicle manufacturing facilities located within the United States that produce motor vehicles for interstate sale or export, or both, and

(ii) with respect to its production of motor vehicles in the facilities referred to in clause (i) during the calendar year immediately preceding the current calendar year, utilized motor vehicle parts produced by domestic parts manufacturers that constituted 60 percent or more of the total value of all motor vehicle parts used in such production.

(D) TRANSPLANTED VEHICLE MANUFACTURER.—The term "transplanted vehicle manufacturer" means a manufacturer of motor vehicles that is a related source and—

(i) has one or more motor vehicle manufacturing facilities located within the United States that produce motor vehicles for interstate sale or export, or both; and

(ii) with respect to its production of motor vehicles in the facilities referred to in clause (i) during the calendar year immediately preceding the current calendar year, either—

(I) did not utilize motor vehicle parts produced by domestic parts manufacturers; or

(II) utilized motor vehicle parts produced by domestic parts manufacturers that constituted less than 60 percent of the value of all motor vehicle parts used in such production.

(E) TREATMENT OF CANADIAN MOTOR VEHICLES AND MOTOR VEHICLE PARTS.—The Secretary may, in applying clause (ii) of subparagraphs (C) and (D), treat motor vehicle parts that are articles of Canadian origin under the United States-Canada Free-Trade Agreement and are used in the motor vehicle production referred to in clause (ii) of subparagraphs (C) and (D) as being motor vehicle parts produced by domestic parts manufacturers, if such treatment is consistent with the purposes of this title.

(3) RELATED SOURCES, OWNERSHIP, AND AFFILIATION.—

(A) RELATED SOURCE.—The term "related source" means—

(i) a natural person who is a citizen of Japan; and

(ii) a corporation or other legal entity, wherever located, if owned or controlled by—

(I) natural persons who are citizens of Japan, or

(II) another corporation or other legal entity that is owned or controlled by natural persons who are citizens of Japan.

(B) OWN OR CONTROL.—For purposes of this section, the term "own or control" means—

(i) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(C) AFFILIATED.—For purposes of this section, a domestic parts manufacturer shall be considered to be affiliated with a related source if—

(i) in the case of a domestic parts manufacturer that is a corporation, a related source holds at least 2.5 percent but less than 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of a domestic parts manufacturer that is any other kind of legal entity, a related source holds interests representing at least 2.5 percent, but less than 50 percent, of the capital structure of the entity.

(4) ENTERED.—The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(6) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(7) VALUE.—The term "value" when applied to—

(A) materials and components used in production of motor vehicle parts; or

(B) motor vehicle parts used in the production of motor vehicles;

refers to the cost of such materials, components, or parts to the manufacturer of such parts or vehicles as determined for purposes of applying the Federal income tax laws (including, in the case of purchases of materials, components, and parts involving related sources, entities owned or controlled by related sources, or entities affiliated with related sources, determinations based on the application of the transfer price rules).

TITLE IV—MISCELLANEOUS

SEC. 401. TARIFF CLASSIFICATION OF LIGHT TRUCKS.

(a) IN GENERAL.—The Additional United States Notes to chapter 87 of the Harmonized Tariff Schedule of the United States is amended by redesignating note 2 as note 3 and by inserting after note 1 the following new note:

"2. Any passenger van, multipurpose van, sport utility vehicle, and other Jeep-type vehicle with a G.V.W. not exceeding 5 metric tons and a basic vehicle frontal area of 4.1805 square meters or less which is—

"(a) designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

"(b) equipped with special features enabling off-street or off-highway operations and uses; or

"(c) suitable for cargo-carrying purposes or other nonpassenger-carrying purposes through the removal of seats by means installed for that purpose by the manufacturer of the vehicle or with simple tools, such as screwdrivers or wrenches, so as to create a flat, floor level surface extending from the forwardmost point of installation of such seats to the rear of the vehicle's interior,

shall be classified in heading 8704.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to merchandise entered, or withdrawn from warehouse for consumption, after the 15th day after the date of the enactment of this Act.

SEC. 402. AUTHORIZATIONS OF APPROPRIATIONS.

Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end thereof the following new paragraph:

"(3) In addition to any amount authorized to be appropriated under this subsection, there are authorized to be appropriated to the Office, $220,000,000 for each of the fiscal years 1993 through 1997.".●

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent the Republican leader be recognized to address the Senate, and that, at the conclusion of his remarks, the Senate stand in recess as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes.

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 2699 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDERS FOR TOMORROW

Mr. DASCHLE. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Wednesday, May 13; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein for up to 5 minutes each with the first hour of morning business under the control of the majority leader or his designee; that there be 1 hour under the control of Senator SANFORD or his designee; that Senator SIMPSON or his designee be recognized for up to 15 minutes, Senator GORE for up to 20 minutes, Senator GORTON for up to 10 minutes; that at 1:30 p.m., Wednesday, the Senate resume consideration of the veto message on S. 3, the campaign finance reform bill, with 4 hours remaining for debate on the message, with time equally divided and controlled between the majority and minority leaders or their designees; that when all time is used or yielded back, without intervening action or debate, the Senate proceed to vote on passage of the bill, the objections of the President notwithstanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10:30 a.m., Wednesday, May 13.

Thereupon, the Senate, at 6:34 p.m., recessed until tomorrow, Wednesday, May 13, 1992, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 12, 1992:

DEPARTMENT OF STATE

WILLIAM GRAHAM WALKER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12, 1992:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN P. WALTERS, OF MICHIGAN, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ROBERT E. PAYNE, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

RICHARD H. KYLE, OF MINNESOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.

JOE KENDALL, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

LEE H. ROSENTHAL, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

EXTENSIONS OF REMARKS

TRIBAL VERSUS STATE GOVERNMENTS DIFFERENCES ARE BEING WORKED OUT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we, as a Congress, have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article entitled "The Compromise Continues * * *" in the March 1992 edition of State Legislatures. The article describes the problems which can occur when the interests of the State and the Indian tribe are in conflict.

[From State Legislatures, March 1992]

THE COMPROMISE CONTINUES * * *

(By James B. Reed and Judy Zelio)

In late 1989 when the Campo Band of Mission Indians began entertaining a proposal to create a 660-acre landfill on its reservation 60 miles east of San Diego, strong opposition arose among neighboring ranchers and farmers who feared toxic contamination of the air and groundwater. In response to those fears, and equally alarmed about potentially weak federal enforcement of environmental regulations, California Assemblyman Steve Peace introduced a bill in February 1990 to prohibit hazardous waste disposal on Indian lands unless all applicable federal, state and local regulations were met. The bill failed, but was reintroduced in 1991, this time regulating solid waste facilities and transportation of such wastes as well. In the meantime nine additional proposals for waste facilities on Indian land were presented in California, along with 20 more in 12 other states.

Indian tribes opposed both the original version and the 1991 version of the Peace bill because the assertion of state authority represented an affront to tribal sovereignty.

Why should state governments be concerned with Indian tribes and their sovereignty? Answers Wayne Ducheneaux, past president of the National Congress of American Indians, "Every 10 years or so, another state finds out that it's got Indians in it, and that the United States signed treaties [with those Indians], and by gosh, under the Constitution, the treaties are the law of the land. And you have to honor those treaties if you're going to call yourself a nation of laws, which is what you do."

Treaties, acts of Congress and case law over the centuries have empowered Indian tribes to govern their people as states do. Indian tribes and their governing councils posses sovereign status with most of the requisite authority for self-governance and self-determination.

Rather than facing extinction, as many would believe, the Indian population is increasing rapidly. The resulting economic and social demands on tribal governments are forcing them to find new ways to respond. The relationships between states and tribes within their borders thus are like those of sovereigns confronting each other over which policies are best to meet the needs of their constituents. In most cases, with the right approach, state and tribal policy-makers can find common ground.

In California, Peace's bill went nowhere until such an approach was offered: Give the state and affected tribes a structure by which they could enter into a voluntary agreement for joint regulation of proposed facilities. Peace drafted a new bill in June 1991 that incorporated the voluntary agreement method. The bill passed both houses over the summer and after a marathon bargaining session in conference committee, Governor Pete Wilson signed it in October.

The legislation is not perfect, but it embodies mutual compromise, which is at the heart of public policy development in America. Tribal critics decry the state's ultimate enforcement authority and the fact that state law is the minimum standard, thus decreasing a tribe's regulatory flexibility. But the state must share regulatory power in cases where an agreement can be reached. Each side gave a little in order to find common ground: The state backed off on its hard-line stance of criminalizing facilities without permits and recognized the tribes' valid right to govern their own lands, while the tribal parties acknowledged the state's legitimate environmental concerns and more sophisticated regulatory structure.

The California legislation and similar efforts in other states are part of an evolution toward more cooperative relations between state governments and Indian tribes. More and more, state and tribal governments are realizing that negotiation rather than litigation can solve problems of mutual concern.

Give-and-take between states and tribes is always needed, points out Wisconsin Senator Bob Jauch, whose district has been the scene of ugly disputes between Chippewa spear fishermen and non-Indian sport fishermen. "It doesn't matter what the issue is," says Jauch. "Everyone comes back to the basic need for the parties to sit down and try to work out their mutual needs and concerns; to find a system, through dialogue, to jointly and cooperative reach some common ground."

The California legislation breaks new ground because it creates a structure allowing joint exercise of jurisdiction using a government-to-government relationship, while not taking anything away from either party to an agreement. Parties to a voluntary agreement must meet the guidelines outlined in the bill, and provisions in the agreement must be functionally equivalent to those contained in state law. All phases of site development are covered, from initial design to decommissioning. Requirements are spelled out for information-sharing, dispute resolution, access to sites and review of documents. Either party can sue the other for breach of the agreement. The state retains ultimate enforcement power under any such agreement if an imminent threat to public health, safety or the environment exists and the tribe fails to act. Strict requirements for notification before any state enforcement action protect a tribe's right to respond.

States are realizing that Indian tribes can be important intergovernmental partners in carrying out state responsibilities to protect public health, safety and welfare. States and tribes now have in common the exercise of delegated federal regulation in a variety of policy areas, although before the mid-1980's, tribal governments had little part in either developing or implementing federal environmental policies. Federal and state regulatory agencies had the power to implement national environmental programs in the states, but tribes generally were unable to participate in or to receive funding through the grant programs administered by the U.S. Environmental Protection Agency (EPA). Recent amendments to major environmental acts, however, give tribes the authority to enforce federal environmental regulations, thus creating opportunities for cooperation between states and tribes as well as conflict. EPA's Indian policy is to work directly with tribal governments as independent authorities for reservation affairs, recognizing that they are not political subdivisions of states.

The EPA Indian policy and other developments have actually exacerbated clashes between state and tribal governments over jurisdiction. As metropolitan areas near Indian reservations expand and as the discovery of energy resources on reservations spurs industrial growth, states often attempt to regulate and tax development on lands held in trust for Indians by the federal government. Indians increasingly demand that they receive a share of state services and be represented in state legislatures. Tribes often regard the exercise of regulatory jurisdiction as a means to preserve their sovereignty against hostile state enforcement, and protect their government structure for the operation of cultural and economic programs necessary for self-preservation.

Tribes have become increasingly sophisticated in their governmental operations and are willing to tackle vexing problems. Waste disposal on Indian land, for example, will continue to draw attention as demand grows and appropriate sites become scarcer. Desperately in need of economic development, tribal governments review their options and find new choices. Waste disposal is one possibility. Of the seven American communities that recently submitted proposals to store nuclear waste, five were Indian tribes. The concerns of states over potential management of those storage sites initially will place them at odds with the tribes until many questions are answered.

In 1989 the Campos and the company proposing the landfill were operating under the premise that tribal sovereignty allows a tribe to meet only federal environmental

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rules and ignore state and local requirements. The original Peace bill based its notion to override tribal sovereignty on a 1983 U.S. Supreme Court ruling—*Rice v. Rehner*—which held that a state could exercise civil jurisdiction on an Indian reservation if the tribal claim for sovereign jurisdiction has no basis in tribal tradition, if the state could show a significant public interest and if no federal pre-emption exists. Peace felt that any state statute to prohibit hazardous or solid waste disposal at unpermitted facilities on Indian land would survive the likely legal challenges if the bill passed, based on the test used in the Rice case. The bill's opponents believed this to be a weak legal basis.

State-tribal disputes arise because the legal relationship between the states and tribes is complex and jurisdiction on tribal lands is murky. In general, the treaties, executive orders, and agreements and statutes that established Indian reservations are vague with regard to the role of the states. In many cases where Indian treaties preceded statehood, the authority of state courts, revenue agencies and wildlife departments has never been explicitly addressed. Without specific authority from Congress, states lack power over Indians and their property on reservations, and they cannot interfere with tribal self-government. However, Public Law 280, enacted in 1953, gives 15 states some jurisdiction in civil and criminal adjudication over Indians in their states.

Organizations like the Native American Rights Fund went to court again and again in the 1970s and 1980s on behalf of tribal rights to self-governance that had been eroded by a vacillating national Indian policy and constant challenges by non-Indians. For the most part, the U.S. Supreme Court upheld tribal sovereignty on a variety of issues through legal tests to determine what defines legitimate tribal interests. In general, tribal governments have the right to regulate their own members and their own land, usually without reference to the states. The U.S. Supreme Court held in *Williams Vs. Lee*, that "absent governing acts of Congress, a state may not act in a manner that infringes of the right of reservation Indians to make their own laws and be ruled by them." In this legal context, cooperative agreements have distinct advantages over litigated settlements. Douglas Endreson, whose Washington, D.C., firm specializes in Indian law, puts it this way: "Litigation as a means for resolving conflicts is a zero-sum game. It is expensive; it is inefficient; it cannot resolve the conflict in any way in which provides a broader basis for achieving the objectives of either government. And it falls that short of addressing the underlying issues."

Forming intergovernmental partnerships with Indian tribes, rather than challenging them, is a relatively new idea for most states. States, often led by their attorneys general, have tended to question the basic legitimacy of tribal governments as a fourth component of the federal system. Wyoming, for instance, spent 10 years and $14 million fighting the water claims of the Shoshone and Arapaho tribes on the Wind River Reservation. When the U.S. Supreme Court finally upheld a state court decision that outlined the tribes' water rights, the state still was left with innumerable questions that now require negotiation with the reservation anyway.

Increasing numbers of intergovernmental agreements indicate that pragmatic negotiation can overcome legal uncertainty. State legislation passed in 1991 generally takes a practical approach to problem-solving between states and tribes. Many new opportunities will present themselves for states and tribes to choose negotiated agreements over litigation in the months and years to come.

While the fervent wish of some tribal leaders is to be left alone by the states, it would appear that the real hope of many others is not be ignored. States policies and the actions that follow can have a major effect on what tribes can accomplish. States may not realize that Indian reservations can serve roles very similar to that of military bases in terms of bringing federal income into the states. They differ from military bases in one significant way, though: Indian reservations are permanent—the "anchor tenants of rural America," according to David Lester, director of the Council of Energy Resource Tribes. Tribal economic development can strengthen rural economies, to the benefit of both the state and the tribe, if properly planned and managed. Yet tribes are seldom included in state planning. Last year only three states included somewhat vague references to Native American resources in their tourism plans. State ACIRs (advisory commissions on intergovernmental relations) do not include tribal governments in the membership. And the growing movement among tribes to levy a variety of taxes is not considered when states do their tax studies and regional economic development plans. Increasing tribal visibility may lead states to include more tribal governments in their planning.

As tribes continue to exercise their sovereignty, inevitable conflicts between state and tribal governments will occur, just as they do between the states and the federal government, and between states and local governments. But cooperation is becoming a better alternative in light of governments' needs to provide services, manage the environment and avoid the increasingly expensive option of litigation.

As Dick Kirschten of the National Journal wrote recently, "The latest twist in intergovernmental coalition-weaving involves the oldest strand in the nation's social fabric. Leaders of America's Indian tribes * * * are now being courted by their erstwhile political adversaries. In essence, the newer kids on the federalism block are beginning to show some respect for the layer of government that preceded theirs on the continent." Certainly, awareness of the contributions made by American Indians to the nation has been heightened by movies like "Dances with Wolves" and the impending commemoration of the quincentennial of Christopher Columbus' voyage. But at the state and tribal policy level, much more is at work. It may not be the dawn of a new day in state-tribal relations, but at some point the evolution of cooperation could become a new intergovernmental revolution.

A SALUTE TO CHARLES V. WILLIAMS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. STOKES. Mr. Speaker, I rise today to recognize May as National Senior Citizens Month. As part of a month long celebration, senior citizen interns are now being welcomed to Capitol Hill in conjunction with the Annual Congressional Senior Citizen Intern Program. Senior citizens from across the Nation with many different backgrounds will be able to watch the legislative process at work from May 11–15, 1992.

The program, which was established in 1973, allows the senior citizen interns to actively participate in workshops and seminars, as well as to assemble with Members of Congress. Senior citizen interns also are able to meet with legislative officials who play an important role on issues affecting older Americans.

Mr. Speaker, I am proud to take a moment to salute an outstanding senior from my congressional district who will serve as my senior citizen intern for 1992, Mr. Charles V. Williams.

Mr. Williams, who has been a spokesman for deaf members of the Cleveland community for almost 40 years, always has used his disability for a reason to excel. In 1952, Mr. Williams began his career as a laborer for the Cuyahoga County Engineer's Department, where later he was promoted to yard superintendent. During this period, Mr. Williams also worked simultaneously as a lecturer for Akron University's Interpreter Training Program. In addition, he also taught basic sign language for the Cleveland Heights-University Heights Department of Community Services.

Working to provide equality for Americans with disabilities is Mr. Williams' primary goal. As a board member on numerous Cleveland area organizations for the deaf, Mr. Williams is able to communicate effectively the needs of the disabled. He serves as chairman of the Cuyahoga County Mental Health Board Advisory Committee on Deafness, president of National Black Deaf Advocates, program chairman and member of Northeast Ohio Senior Citizens of the Deaf.

Mr. Speaker, often individuals who face handicaps utilize the opportunities that exist to reach out to others and at the same time erase the barriers. Mr. Williams is one of those individuals who has done that and more. As a result, he is highly respected throughout the community.

Mrs. Pat Williams, the wife of Charles, has played an important role in Mr. Williams' growth. Mrs. Williams has worked equally hard with her husband to establish equality for the disabled. Mrs. Williams will be her husband's interpreter as she accompanies him to Capitol Hill this week.

Mr. Speaker, I take this moment to rise and to salute Mr. Charles Williams.

RIFKIN NAMED SMALL BUSINESS PERSON OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize a great small businessman, Arnold S. Rifkin, president of the A. Rifkin Co. in Wilkes-Barre, PA, who has been named Small Business Person of the Year by the Greater Wilkes-Barre Chamber of Commerce Small Business Council.

It is only appropriate during small business week, this week, that this family business be recognized for its successful 100 years. The Rifkin family have been leaders of the business community for many years and I am pleased to offer my congratulations on Arnold Rifkin's well-deserved honor.

Mr. Speaker, at this time I would like to insert an article about the A. Rifkin Co. which ran in the Wilkes-Barre Citizens' Voice which describes the company's success.

[From the Citizens' Voice, Wilkes-Barre, PA, May 5, 1992]

CHAMBER NAMES RIFKIN SMALL BUSINESS PERSON OF THE YEAR

The Rifkin family found their niche in the marketplace of Northeastern Pennsylvania in the late 1800s manufacturing work clothes for miners and farmers. One hundred years later, the focus of A. Rifkin Co. has shifted with the changing times, but the same dedication and responsiveness to the needs of the marketplace continues.

A. Rifkin Co., now the largest supplier of zippered, locked bank bags in the nation from its 69,000 square foot headquarters on the Sans Souci Parkway in Hanover Township, celebrated its 100th anniversary this year, honoring more than 220 employees, 73 retirees and their guests at a banquet recently at Genetti's, Wilkes-Barre. And on May 15, Arnold S. Rifkin, president of the company and grandson of its founder, will be named 1992 Small Business Person of the Year by the Greater Wilkes-Barre Chamber of Commerce Small Business Council at the Holiday Inn, Wilkes-Barre.

"Our company had a low profile for 99 years. In the 100th year, we blew it," Rifkin quipped during a recent interview at the company's Hanover Township headquarters. "Obviously, I'm honored and very pleased with the award. Yet, while I'm the one who is accepting it, I'm actually acting as a representative of family and associates who have made us what we are over the years. So, while I accept the honor on a personal basis, I consider myself more their representative."

The history of A. Rifkin Co. is as colorful as the company's best known product, the customized bank bags it sells to some 30,000 plus commercial customers.

The family of Abraham Rifkin immigrated to America in 1891 to flee religious persecution in Czarist Russia. They settled in White Haven and tried their hand at farming, but with little success. Rifkin and his wife's family, the Hellers and Friedlands, tried their hand at making heavy duty work clothing for farmers and other workers.

They had found their niche. The Rifkins, Hellers and Friedlands expanded their customer base by moving to Wilkes-Barre, where the burgeoning mining industry created a substantial demand for the work clothing and dry goods they produced. In 1892, Rifkin and his brothers-in-law Sol Heller and Barney Friedland established A. Rifkin & Co. in Wilkes-Barre. Friedland left the company shortly afterwards, and the partnership between Rifkin and Heller was dissolved in 1911.

The company grew. In 1903, the company purchased a building on East Northampton Street from which its wholesale dry goods and clothing manufacturing divisions expanded. In 1922, the year that Abraham Rifkin died, Jack Rifkin, one of the founder's three sons, patented a work garment coverall known as the "Rifkin-All." It's trademark special shoulder openings were ideal for 'side road maintenance' by car owners who, in that new era of automobile manufacturing, frequently were in need of a coverall to perform emergency roadside maintenance.

The Rifkin-All's popularity surged, and Abraham Rifkin's three sons, Will, Dave and Jack, abandoned the dry goods portion of the business to concentrate on the company's work clothing line. By the 1930s, the company's customers included H.J. Heinz Co., Campbell's Soup Co., Hershey's Ice Cream, Gulf, Sunoco, Amoco and Dupont.

It was the "Bank Holiday" declared by President Franklin Roosevelt in 1933 that indirectly became another turning point for A. Rifkin Co. In 1933, Wyoming National Bank of Wilkes-Barre asked the Rifkins if the company could manufacture a special secured deposit bag to enable the bank to package night deposits. Jack Rifkin worked to develop a new type of zipper lock known as Arcolock, which was later patented. Sales for the emerging line of bank bags grew. World War II offered a brief interlude for the bank bag line, as A. Rifkin & Co. concentrated on uniforms for industrial clients and those involved in the wartime effort. When the war ended, however, the bank bag component of the company's operations quickly began to thrive once again.

In 1966, the company purchased a five-acre tract on the Sans Souci Parkway in Hanover Township and built a 27,000 square foot facility which opened in 1968.

In 1968, David Rifkin passed away, and Arnold Rifkin, his son, succeeded him as president. Today, the company is still a family-run business, with Arnold's son Michael serving as vice president of operations (manufacturing) and his son-in-law Paul Lantz as vice president of finance.

Its 220 plus employees and retirees were recently treated to a gala at Genetti's in Wilkes-Barre to celebrate the company's 100th anniversary this year. The company has enjoyed a loyal workforce. Rifkin said, with most employees remaining an average of 14 years. Two of the most senior members of the "family" include chief mechanic Paul Baran, who joined the firm at 16 and recently retired after 48 years and 11 months, and Cy Kalczynski, head of the cutting department, who retired three years ago after 53 years.

CONGRATULATIONS TO ALEXANDRIA HOSPITAL ON ITS 120TH ANNIVERSARY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. MORAN. Mr. Speaker, I would like to recognize and congratulate Alexandria Hospital on the occasion of its 120th anniversary. On May 12, during the American Hospital Association's National Hospital Week, the city of Alexandria will be celebrating the anniversary of this great institution.

In 1872, Julia Johns and other Alexandria women created the Alexandria Infirmary Association which later became the Alexandria Hospital. Currently, Alexandria Hospital is the largest of three hospitals serving the city of Alexandria. The hospital admits more than 16,000 patients, delivers more than 3,500 babies, and handles more than 80,000 outpatients annually. Alexandria Hospital is committed to serving all patients regardless of their ability to pay for the services rendered, and the facility is the city of Alexandria's largest private employer—employing nearly 2,000 people.

Alexandria Hospital is particularly proud of the large number of volunteers who donate endless hours of time and effort to the organization. A leader in the provision of health care, the hospital offers the largest variety of health education classes in the Washington, DC area, had the first emergency room in the United States to be staffed by full-time physicians, had the first level II trauma center in Virginia, established the first MRI center in Northern Virginia, and received the top rating in Virginia for the cardiac surgery department in 1990.

Congratulations again to Alexandria Hospital on the occasion of its 120th anniversary. I wish it many more years of continued excellence.

CONGRATULATIONS TO HAROLD BLOOM

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Harold Bloom on the occasion of his retirement as principal of Hackensack High School in Hackensack, NJ.

Hal Bloom began his teaching career in Hackensack after receiving his master of arts from New York University in 1953. He was appointed chairman of the social studies department in 1963, assistant principal in 1967 and has served as principal of Hackensack High School since 1970. He has been the high school's guiding light through a tremendous period of growth and change in the Hackensack school system.

Hal is deeply committed to his community. He has served as a councilman for the Borough of Maywood, as a lay and curriculum adviser to the Maywood Board of Education High School Study Committee and Regional Study Committee, president of the Memorial School PTA, and high school chairman and coordinator for the Hackensack Tercentenary Committee. He has participated in operation drug alert, the schoolwide alliance team, has sponsored local Red Cross Blood Drives, coordinated the Hackensack Bicentennial Committee, served on "Blueprint for Progress: Committee to facilitate change in racial education programs for Hackensack", served as a chairman of Tri-Community Clinic to provide racial understanding and curriculum growth, and served as a career education coordinator for U.S. Government funded programs in which models were set for hundreds of districts nationwide—Hackensack was one of only six districts throughout the United States to participate.

He belongs to a long list of organizations including the NEA, NJEA, BCEA, HEA, HASA, Bergen County Secondary Principals and Supervisors Association, New Jersey and National Principals' Association, National and New Jersey Association for Supervision and Curriculum and Development, New Jersey Association of Department Chairman, National and New Jersey Councils for Social Studies, New Jersey League of Municipalities, and he serves as the educational chairman of Rotary International.

His leadership experiences include serving as president of the Northern New Jersey Interscholastic League, president and executive board member of the Bergen County Secondary Schools Principals Association, vice president and executive board member of the Bergen County Association of School Administrators, president of the Hackensack Association of School Administrators, area coordinator of the NEA–NJEA, president of the Hackensack Education Association, president of the Hackensack Schoolmasters' Association, teacher and assistant principal of the Temple Erneth Religious School, instructor at Fairleigh Dickinson University, director of Hackensack Day Camp, coach of the Hackensack Rifle team, and coach of the Hackensack swim team.

Hal and his wife Rita married in June of 1950 and have three children, Linda, Heidi, and Steven. He is totally committed to the education and well-being of the youth of our country and has dedicated his life to this goal. Hal Bloom is one of those special few who truly make a difference in our society.

TRIBUTE TO REBECCA STEIN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Rebecca Stein of Sandusky, OH, who recently accepted an appointment to the U.S. Naval Academy as a member of the class of 1996.

When I nominated Rebecca Stein for admission to the Naval Academy, I knew I was nominating a young woman with great potential for leadership. Whether as an academic scholar, a varsity soccer player, or a participant in youth in government, Rebecca Stein has demonstrated repeatedly her ability to achieve excellence in all that she does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting her appointment to the Naval Academy, Rebecca Stein is preparing to make a valued contribution to that tradition. I congratulate her, and wish her and her family all the best.

JORDAN MUST COMPLY WITH UNITED NATIONS EMBARGO OF IRAQ

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GREEN of New York. Mr. Speaker, today I am introducing legislation to prohibit military aid to Jordan until the President is able to certify that Jordan is complying fully with the United Nations sanctions against Iraq.

I have introduced this legislation to send a message to the Secretary of State that I am deeply dismayed by the direction U.S. policy is taking in the Middle East. I am concerned that the administration has forgotten just who stood by us during the Persian Gulf war, and who stood against us.

Late in March 1991, just over a month after formal hostilities ceased between the Allied Coalition and Iraq, the administration renewed military aid to Jordan, drawing on unused fiscal year 1989 and 1990 funds. Previously, all United States aid to Jordan had been frozen because Jordan had allied itself with Saddam Hussein during the war, defied the economic embargo of Iraq that the United Nations had forged, and may have even provided the Iraqis with weapons.

Then, last autumn, the Appropriations Foreign Operations Subcommittee was notified that the President wanted $20 million in new military aid for Jordan in addition to the estimated $25 million in pipeline aid that had already gone. That military aid was on top of $31 million in economic assistance released to Jordan since the war's end. For 1992, the administration wants to provide $55 million in additional aid, with $25 million of that going to Jordan's military.

When providing the aid last autumn, the President had to employ the national interest waiver provided for under current law because he was not able to certify that Jordan is adhering to the United Nations trade embargo on Iraq. Most notably, Jordan was importing oil from Iraq in exchange for retirement of debt owed by Iraq to Jordan.

To this day, Jordan continues to violate the United Nations economic boycott of Iraq—essentially providing a lifeline to Iraq's Saddam Hussein and helping that ruthless dictator to stay alive. Economic sanctions are only effective to the extent that all nations comply. With Jordan's help, the international embargo is weakened, and we have not been successful in totally isolating Saddam Hussein. Because of this, the Iraqi people continue to suffer and stability in the region remains threatened.

It is especially disturbing that the United States has chosen to help Jordan—especially that nation's military—while rebuking the Israelis for their humanitarian request of loan guarantees to help resettle refugees.

What price has Jordan paid for its alliance with the dictator Saddam Hussein? How does the United States convince Jordan that it absolutely must comply with the embargo of Iraq if the State Department is supporting both its military and its economy with an "ask no questions" policy? By providing United States aid to Jordan we are indirectly feeding our enemy.

The President will have to make his case far better than he has so far if he wants support for this lopsided and dangerous Middle East policy.

HONORING THE CHI CHI RODRIGUEZ YOUTH FOUNDATION OF CLEARWATER "DAILY POINT OF LIGHT"

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. BILIRAKIS. Mr. Speaker, I am proud to rise today to honor the fine work of the Chi Chi Rodriguez Youth Foundation of Clearwater, FL. The dedication and commitment necessary to turn young lives around is profound, yet the volunteers of the foundation have amassed an amazing success rate, giving troubled youngsters a second chance in life, and helping them develop the character and values necessary for personal fulfillment.

Mr. Speaker, as a member of the board of directors of the foundation, I am intimately involved with the volunteers and the young people whose lives have been turned around. Now, our Nation knows as well, because President Bush has named the Chi Chi Rodriguez Foundation his 758th Daily Point of Light, a tremendous and well-deserved honor.

Established in 1979 by Professional Golfer's Association champion Chi Chi Rodriguez, educator Bill Hayes and the late Bob James, the foundation's goal is to instill greater self-esteem in young people who have been victims of abuse, experienced minor brushes with the law, or suffered other hardships.

"Chi Chi's Kids," is an after school program at Glen Oaks Golf Course and the Chi Chi Rodriguez Golf Club. Volunteers teach horticulture, golf and retail skills, as well as personal life management, hygiene, and social behavior to more than 100 young people who are referred to the program by teachers, counselors, or concerned citizens. Specific learning strategies are tailored individually to each child, whose progress is regularly reviewed.

Children receive free clothing, legal assistance, and, if necessary, psychological treatment. Over 40 volunteers play golf with the youth, lead field trips, tutor them in many subjects and help with golf course maintenance and administrative matters. Mr. Rodriguez periodically telephones his kids to check on their progress and visits them at times throughout the year.

Volunteers are involved in the foundation's program which enables several hundred youth and adults with minor criminal backgrounds to learn landscaping and other job skills, while fulfilling court-ordered service requirements. The foundation also provides the facilities, equipment and expertise that enables 40 people with mental and physical disabilities to experience golf and recreation. In addition, foundation golf pros with other youth organizations through the "Performance Toyota Golf Program for Special Kids."

Mr. Speaker, I believe President Bush said it best when he honored the foundation as a point of light:

The health of any community depends on strong families, commitment to children and on its youth developing good character and values. For the past 13 years, the Chi Chi Rodriguez Foundation has made a difference in the Clearwater community by extending the guiding hand of friendship and support to troubled youth. Chi Chi has recruited golf professionals, education, and businessmen and other volunteers to reshape the destinies of these youngsters through golf, after school programs and other organized sporting events.

Mr. Speaker, with every passing day, it becomes more apparent that the future of America will depend upon how well we instill values in our young people. This is not an easy process under even the most auspicious circumstances. In cases where there has been child abuse or broken homes, the challenge becomes even greater. Thankfully, there are people, working to build America by saving one child at a time. Chi Chi Rodriguez is one of those great Americans and it has been a distinct honor to work with him and his dedicated group of volunteers. Every day, they take young people and give them hope for a better future. That is a precious gift which goes beyond the individual to touch all of us.

MAKING IT WORK: PITTSBURGH DEFINES A CITY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. COYNE. Mr. Speaker, the people of Pittsburgh take great pride in our community. We are always happy to share with friends in other parts of our country the good news that Pittsburgh has transformed itself into one of America's most livable urban areas. We are especially pleased when this great renaissance receives the attention and applause due one of our country's great urban success stories.

The civic leadership of Greater Pittsburgh was recently selected to receive the National Building Museum's Sixth Annual Honor Award. This honor was given in recognition of Greater Pittsburgh's collective efforts over the past 45 years to meet successfully the urban challenge of the postwar era and implement a transformation of the local economy.

The Sixth Annual Honor Award recognizes the cooperative genius of the people of Greater Pittsburgh, the governments of the city of Pittsburgh and Allegheny County, the neighborhoods, the business community, the Allegheny County Conference on Community Development, and the principal philanthropic families and foundations. This communitywide effort has been marked by civic pride and an energetic commitment to making Greater Pittsburgh a great place in which to live and work.

The National Building Museum is currently showing an exhibit entitled "Making It Work: Pittsburgh Defines a City." This exhibit illustrates through photographs, architectural models, artifacts, drawings, and maps the Pittsburgh success story. The National Building Museum will present this exhibit through September 25, 1992, after which the exhibit will travel to the new Greater Pittsburgh International Airport.

The success and vitality of Pittsburgh may often appear to be one of America's best kept secrets. Well, this story has been broken thanks to the renowned investigative skills of the Washington Post. A recent article in the Post reported the fact that Pittsburgh had beaten all the competition from other U.S. cities for the National Building Museum's Honor Award. I ask that this article be printed in the RECORD so that everyone may have an opportunity to learn how Pittsburgh makes it work.

Mr. Speaker, I urge my colleagues and every American interested in the future of our Nation's cities to review this article and visit the National Building Museum's exhibit saluting Greater Pittsburgh.

[From the Washington Post, May 2, 1992]

PITTSBURGH A SHINING EXAMPLE OF PUBLIC-PRIVATE COOPERATION

(By Roger K. Lewis)

Greater Pittsburgh and its civic leadership recently received the National Building Museum's 1992 Honor Award in recognition of the city's continuing success in transforming itself.

Pittsburgh is also the subject of an exhibition at the museum honoring "the cooperative genius of the Greater Pittsburgh community: the governments of Pittsburgh and Allegheny County, the neighborhoods, the business community, the Allegheny Conference on Community Development, and the principal philanthropic families and foundations."

Pittsburgh? Until a few years ago, I couldn't imagine why anyone would give an award to Pittsburgh. Like some Americans, I grew up with a strongly negative image of the city.

But my impressions of Pittsburgh changed in the spring of 1984, when I spent a semester delivering a weekly lecture on architecture at Carnegie Mellon University. At the outset, I knew almost nothing about the city, having been there for only a few hours many years before. Pittsburgh's reputation as a soot-shrouded, blue-collar city of smoke-belching steel plants still lingered.

However, I had heard about the "Golden Triangle," the city's modern, high-rise central business district where the Allegheny and Monongahela rivers form the Ohio. And I knew Pittsburgh was home to a once-daunting professional football team, playing its home games at Three Rivers Stadium, an appropriately named, readily visible landmark directly across the Allegheny River from downtown.

I would fly into the Pittsburgh airport late Thursday afternoons and take the shuttle bus into the city. Approaching from the southwest, just before reaching the Monongahela River crossing and downtown, the bus would pass through the Fort Pitt tunnel under Mount Washington, part of the prominent ridge flanking the city. The steep mountains block any view of downtown and the riverscape when approaching from the south.

The tunnel acts as a preparatory threshold. As the bus emerges from the tube of space bored through the mountain, the visitor is greeted by an explosive panorama at the southern end of the Fort Pitt Bridge.

In front, across the river, is the entire Golden Triangle with its office towers and, at the triangle's western tip, Point State Park. To the left and right the two rivers meander into the distance. Skeletal remnants of steel mills still stand by the river banks, which seemingly countless bridges span. When I arrived, the setting sun painted these structures, silhouetted one on top of another, with orange, dusky light.

It was an inspiring tableau, not at all consistent with my perception of Pittsburgh. There was no smog or smoke and river water, with millions of tiny wavelets glistening in the declining light of sunset, appeared as fresh and clean as it must have been two centuries ago.

I would return to Washington early the next morning, reversing the previous evening's trip. The tableau reappeared, but with the perspective and lighting also reversed. Traveling west along the north bank of the Monongahela, I again could see the rivers, the mountains, the skyscrapers and the layers of bridges illuminated softly by the sun rising behind me.

I completed this circuit 14 times and never tired of the sunset and sunrise views of Pittsburgh. Each Thursday I looked forward to exiting from the tunnel, and each Friday morning to the ride along the river en route to the airport.

The city's transformation, a Dorian Gray portrait in reverse, had begun decades before. Like other American industrial cities, Pittsburgh after World War II was in an advanced state of decline. Its environment was polluted, its infrastructure was deteriorating, neighborhoods were becoming slums and traffic congestion was increasing.

On top of it all, the city had to contend with periodic flooding. As physical and economic conditions worsened—downtown property was losing value at the rate of $10 million per year—middle-class residents and businesses were fleeing to the new suburbs.

What reversed the trend was a concerted effort by people and institutions that traditionally had been adversaries. Reform-minded local citizens and citizens groups, public officials, private corporations, banks and foundations decided to work together to revitalize the city.

Since the 1960s, a variety of public and private initiatives have prevented Pittsburgh from self-destructing:

Neighborhood-based preservation and revitalization movements, supported by the city and by business and philanthropic interests, have kept many communities intact that otherwise might have been demolished, including decaying neighborhoods and structures built in the 19th century.

A renewed commitment to downtown and the Golden Triangle was made by the city's leading corporations—among them PPG Industries, Mellon Bank Corp., Blue Cross of Western Pennsylvania and Duquesne Light Co., which invested in new headquarters buildings and created jobs when many businesses were abandoning the central business district.

Urban Development Action Grants, obtained in the 1970s through the federal Department of Housing and Urban Development, helped reshape the city's skyline and neighborhoods. The now-defunct UDAG program allowed Pittsburgh to form public-private partnerships with project developers.

New efforts have focused on encouraging the growth of non-smoke-stack industries, especially high technology and health care research, to replace the steel industry. Pittsburgh has several world-class medical centers and research universities.

Pittsburgh, today a more livable city, is a work in progress, a city still facing serious problems. New jobs have not appeared as fast as old ones have disappeared.

Thousands of former industrial workers living in greater Pittsburgh still must be retrained to find new employment. Millions of dollars remain to be invested in rehabilitating and maintaining infrastructure.

Clearly, Pittsburgh is not alone. Many other American cities face similar challenges, but some face them with even fewer resources—how many cities enjoy the philanthropic support native to Pittsburgh?—and much less consensus.

Unfortunately, the destiny of cities like Pittsburgh continues to be a non-issue at the national political level. For a dozen years, the federal government has virtually ignored the physical and economic revitalization of urban America. Financing wars on crime and drugs and investing billions in transportation are only a small part of what's needed.

Perhaps HUD Secretary Jack Kemp, who was honorary chair of the National Building Museum's committee for the Pittsburgh award celebration, could persuade the Bush administration and Congress to visit the museum's exhibition. It might remind them of what can be done when leaders lead and public and private interests collaborate to pursue common goals.

(Roger K. Lewis is a practicing architect and a professor of architecture at the University of Maryland.)

A SALUTE TO LOUISE HARRIS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. STOKES. Mr. Speaker, the month of May always has been a very special month for me. It is during the month of May that we pause to recognize the contributions of our Nation's senior citizens. Here in Congress, this week marks the beginning of the Annual Congressional Senior Citizen Intern Program as part of National Senior Citizen's Month.

The participating senior citizen interns have come here from every corner of the Nation in order to see first hand how the legislative process works. Since the creation of the program in 1973, the senior citizen interns have been able to obtain valuable knowledge from the congressional seminars and various workshops. In addition to learning about Congress through the seminars, the senior citizen interns were able to meet Members of Congress and other individuals responsible for generating policymaking decisions affecting older Americans.

Mr. Speaker, I am proud to rise to salute an extraordinary individual from my congressional district who will serve as my senior citizen intern for 1992, Mrs. Louise Harris.

Mrs. Harris, who is highly respected throughout the community, has lived in the Carver Park Estate division of the Cuyahoga Metropolitan Housing Authority [CMHA] for more than 40 years. As a resident of CMHA, Mrs. Harris has gone above and beyond the duties of the average resident. Mrs. Harris' unprecedented work of helping other CMHA residents has not gone unnoticed. In February of 1990, Mayor Michael R. White appointed her commissioner on CMHA's board of commissioners. Mrs. Harris also was voted chairwoman of the board for 2 consecutive years. As a volunteer chairwoman for CMHA, Mrs. Harris is responsible for articulating the needs of the residents to contractors, lawyers, and executives daily. I believe Mrs. Harris' genuine desire to help everyone in need is what makes her an outstanding person and an asset to both CMHA and the greater Cleveland community.

When Mrs. Harris is not working with CMHA, she is working diligently as a progressive action delegate. As a delegate, she exuded her leadership abilities during the past Thanksgiving holiday by organizing a clothing drive and securing goods free of charge to needy Cleveland area residents. Mrs. Harris even went so far as to make arrangements to have the meals delivered to the homes of immobile residents.

Mr. Speaker, outside of her community service, Mrs. Harris boasts an equally fulfilling family life. Having raised 8 children and, in addition, the grandmother of 36, Mrs. Harris carries as her motto, "you must work at it to make it work." In my opinion, Mrs. Harris is a shining example of what we can accomplish if we put our minds to it. I am pleased to have Mrs. Harris serve as my congressional senior citizen intern for 1992. I ask that my colleagues join me in saluting Mrs. Harris, and I welcome all of our senior citizen interns to the Halls of Congress.

TRIBUTE TO THE STAVICH BROTHERS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. TRAFICANT. Mr. Speaker, I would like to tell a story of two outstanding members of my 17th District of Ohio.

In 1952, Andy, George, John, and Steve Stavich began Calex Corp., in response to the growing popularity of aluminum fixtures. They dedicated all of their efforts to its fruition and, as they describe, "[w]e never argued personalities, only what's good for the company." The company grew from monthly profits at $291 to a company so valuable that 76 national companies emerged as bidders when Andy and George announced it was for sale this year.

Mr. Speaker, this story appears to be the American dream success story, but the apex is yet to come. The Stavich brothers enliven the myth of the businessmen of integrity and honor. The brothers grasped every opportunity to improve the lot of their workers. They responded to their workers problems and wisely invested the pensions funds. More significantly, the Stavich brothers recognized the needs of their workers and at the sale of the company, they insisted on the protection of the pension assets. In the end, the workers received the greatest rewards as the Stavich brothers divided over $7 million of the pension funds to the workers after the sale of the company.

I commend the integrity of these individuals who focused not on themselves, but on the needs of the workers. So many business people forget the employees in favor of long-run profits. The Stavich brothers serve as excellent examples of fair, honest, and exemplary businessmen as well as generous contributors to our community as was seen in the creation of the 12-mile long Stavich bicycle trail.

CELEBRATING THE 25TH ANNIVERSARY OF REV. MSGR. FRANKLYN M. CASALE'S ORDINATION TO THE PRIESTHOOD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to a distinguished and dedicated member of the clergy, Rev. Msgr. Franklyn M. Casale. On Sunday May 17, 1992, Monsignor Casale will celebrate the 25th anniversary of his ordination to the priesthood at the noon Mass at St. Thomas the Apostle Church in Bloomfield, NJ. A reception in his honor will be held immediately following the Mass in the new parish center.

Ordained in 1967, Monsignor Casale was appointed pastor of St. Thomas on September 10, 1985 and has had a most impressive calling. After receiving a bachelor's degree from Seton Hall University, he attended Catholic University here in Washington, DC and Immaculate Conception Seminary from which he was ordained.

Monsignor served as an associate pastor to Our Lady of Fatima Church in North Bergen for 8 years. He was then named personal secretary to Archbishop Peter Gerety. In 1979, he was named chaplain of His Holiness with the title of monsignor. That same year, he was appointed chancellor of the Archdiocese of Newark by Archbishop Gerety. He has served as archdiocesan moderator of the curia and was appointed vicar general in 1983 and again in 1986. On March 17, 1986, Pope John Paul II gave Monsignor Casale a great honor when he named him prelate of honor. The Monsignor is also very active on the boards of numerous religious, charitable, and educational institutions.

Mr. Speaker, it is abundantly clear that Monsignor Casale has been a diligent and brilliant servant of God and his church. Few individuals have the will or commitment to serve their fellow man. Monsignor Casale met his vocation with pride and enthusiasm. He has dedicated himself to making a positive contribution in the communities he served.

Mr. Speaker, it is individuals such as Monsignor Casale who strive to make the world a better place, to improve and enhance the human condition, which add hope to those in need and give guidance to those who are concerned. I am proud to count Msgr. Franklyn Casale as one of my constituents, and I am sure that you and all my colleagues join with his friends and family in congratulating him on his 25th anniversary. May God continue to Bless and keep him.

CONGRATULATIONS TO RABBI ARYEH GOTLIEB

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Rabbi Aryeh L. Gotlieb as he is honored at the annual dinner dance journal of the Jewish Community Center of Paramus for 25 years of dedicated service.

Rabbi Gotlieb was appointed to the pulpit of the Jewish Community Center of Paramus [JCCP] in 1967. The congregation of JCCP has grown to over 625 member families under his leadership. He has established standards of excellence for education in the religious school system and is widely admired and respected for his knowledge of the Torah.

Rabbi Gotlieb's tireless efforts toward greater participation by membership of religious observance and practices and deep friendships and personal relationships with members of his congregation is inspirational. He acts as a liaison with graduates of religious school on college campus' and is an outstanding teacher, speaker, lecturer, writer, and commentator. He has a deep commitment of the State of Israel and its people with an intimate knowledge of the Mideast politics and history.

Rabbi Gotlieb is strongly committed to the community of Paramus. He is past chairman of the Bergen County Board of Rabbis and a founding member of the Paramus interdenominational clergy council. Aryeh Gotlieb exemplifies the qualities of an outstanding Rabbi.

Mr. Speaker, I am proud to join in paying tribute to Rabbi Gotlieb. I am sure he will continue to provide invaluable service to his community and truly make a difference in society. I extend my best wishes to him on this most special occasion.

TRIBUTE TO ANDREW MILLER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Andrew Miller of Sandusky, OH, who recently accepted an appointment to the U.S. Merchant Marine Academy as a member of the class of 1996.

When I nominated Andrew Miller for admission to the Merchant Marine Academy, I knew I was nominating a young man with great potential for leadership. Whether as a scholar athlete or a star soccer player, Andrew Miller has demonstrated repeatedly the ability to achieve excellence in all that he does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Army Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting his appointment to the Merchant Marine Academy, Andrew Miller is preparing to make a valued contribution to that tradition. I congratulate him, and wish him and his family all the best.

SCHOOL: PART OF THE URBAN SOLUTION

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. FOGLIETTA. Mr. Speaker, I rise today to bring to the attention of my colleagues the following article. It was written by Dr. Constance Clayton, the superintendent of the Philadelphia Public Schools and president of the Council of Great City Schools and was cowritten by Mike Casserly, the council's acting executive director. The council is a coalition of the Nation's largest urban public school systems. In response to the disturbance in Los Angeles and across the country in the aftermath of the Rodney King verdict, they call for a renewed commitment to urban education. This would ensure the future viability of our cities and any long-term urban strategy we may implement.

The article follows:

On Friday, May 1, students walked out the doors of Central High School in center city Philadelphia and gathered peacefully on Broad Street facing city hall calling for justice in the wake of the inexplicable verdict in the Rodney King trial. For reasons only they know for sure, the students stopped and returned to the school's lawn. There they and hundreds of others joined teachers in small discussion groups to try to make sense of the horrors of the previous days. They wanted to talk—needed to talk—in a place that they knew, with people they trusted, despite efforts by a tardy local television station to get them to re-enact the gathering on camera.

At urban schools across the country the questions asked in similar groups by students were the same. "How are people brought to burn down their own communities?" "How could this happen in a country so rich?" "What do they expect after taking everything for themselves and leaving us with nothing?" "How could anyone reach such a verdict unless it was racial?" "Why hasn't the government done more to help?"

In city after city—including here in Washington—scenes like those at Central High School were repeated, with urban school kids, their teachers, and school officials working to build peace in the face of chaos. They succeeded. Not one person was killed on school grounds; no one was injured; only a handful of small scuffles occurred. And only minor, isolated property damage occured—even in the Los Angeles Public Schools—settings some in the larger population view as cauldrons of violence and incompetence.

The reasons for the calm are not hard to understand. Urban schools all over the country remained open, and encouraged teachers to discuss the national outrage and accompanying violence. Counselors worked overtime. Community leaders were brought in. And the school kids themselves responded to the national orgy of finger-pointing and political posturing with constructive outrage that was wise beyond their years.

But the question of these kids ring in our ears, questions that we as urban school officials cannot answer, because we are asking the same ones ourselves. How *can* a country with so many resources remain so complacent about its urban poor? How *can* we stand to watch the nation's future frittered away in a maelstrom on inaction. Why *can't* we form a national urban policy?

What we saw in educational settings from Portland to Buffalo was the beginning of an answer: Start with the schools. Provide the resources necessary for sound programs. Fix the broken down buildings. Give our dedicated teachers the help they need. Keep the lifeline strong for so many urban kids who have no other social structure, family, or health care. Urban schools, for all their shortcomings, showed last week that they are more directly connected with the community than nearly any other institution, and have enough experience and sensitivity to the difficult issues of race and diversity to construct harmony from division.

As a coalition of urban school systems throughout the country, the Council of the Great City Schools attempted to provide some of the answers before the questions had to be asked. We called on the federal government to fully fund and implement the education programs that are already on the books like Chapter 1 and Headstart, and to pass the "Urban Schools of America (USA) Act" to help inner-city schools and their students meet the very same education goals our national leaders have called for. The purposed legislation sits, and the funding has fallen victim to the national budget morass.

Yet with all the calls for strategies, including our own, to help revitalize the urban areas, few policy makers have said what seems abundantly clear: long term urban policies cannot succeed without improving the futures of our urban children through education.

During the aftermath of the Rodney King verdict, urban schools provided the safe harbor and sounding board city kids needed. Isn't it about time we gave them the rest of the prize?

TRIBUTE TO PARAGON CABLE OF MANHATTAN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize Paragon Cable of Manhattan for its excellence in providing public service programs. On March 2, 1992, Paragon was honored by the Cable Television Association of New York State [CTANY] for being a finalist in the first Gilbert Community Service Award competition.

I should like to offer my respect to Paragon for its distinguished support of Manhattan educational initiatives such as "Cable in the Classroom" and "Time to Read." Paragon donated televisions and video cassette recorders to six schools participating in the cable in the classroom project and offered behind-the-scenes cable studio tours to students.

In close contact with educators, Paragon developed the "Time to Read" program which trained students to tutor adults and peers in reading skills. Due to Paragon's efforts, nearly 1,000 students are benefiting from the new programming.

I urge all of my colleagues to join with me and applaud the selfless dedication that Paragon has demonstrated.

TRIBUTE TO THE LATE SAMUEL COURTNEY, NOTED D.C. PHOTOJOURNALIST

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Ms. NORTON. Mr. Speaker, I would like to include in today's Record an article from the May 2, 1992 Washington Afro-American. This front-page obituary eulogized Mr. Samuel Courtney, a well-known photojournalist in the District of Columbia. May I also pay my own tribute before this body today to this good and talented man whose death leaves a great void in the lives of all who knew and loved him. "Courtney," as he was fondly known, stopped by my office during my first year in Congress, and my staff and I will miss those visits. The colorful details of Samuel Courtney's life and career are given in the following article.

[From the Washington Afro-American, May 2, 1992]

Afro Photographer Dies After Long Service

Samuel Courtney, 73, a noted photojournalist who published in Jet Magazine and the Afro-American Newspapers, died April 28 following a long battle with prostrate cancer. Funeral services were not completed at AFRO press time.

Affectionately known as "Courtney," he was a native Washingtonian and his distinguished career expanded over 30 years documenting events in and around the nation's capital.

His interest in photography began in the early 1930's when he was taught to make a box camera, called a Pin Hole Camera, from an oatmeal box. He served his county from 1938 to 1945 in the D.C. National Guard 372nd and later transferred to the U.S. Army 19th Cavalry Machine Gun Troop F. in Ft. Myer, Va.

Following his discharge in 1945, he held various jobs.

He was a waiter for members of the Supreme Court and members of Capitol Hill and he personally served then President Ike Eisenhower and his vice president Richard M. Nixon.

Returning to photography, Mr. Courtney would take pictures of patrons in niteclubs along U. Street N.W. and by 1958 he went to work as a stringer and freelancer for Jet Magazine.

During the 50's, major newspapers in D.C. rarely called upon minority photographers until the riots of the 60's when they feared for their White photographers. They then called Black photographers and among them was Mr. Courtney.

He provided newspapers and magazines throughout the country with top-notch photographs including: Afro-American Newspaper, The Washington Informer, The Washington Sun, The Capitol Spotlight, The Metro Chronicle, the Washington Post, Jet Magazine, EM Magazine, Ebony Magazine, NIP Magazine.

He also served as D.C. Bureau Chief for the Daytona Times Newspaper.

He continued his education at Antioch College-Baltimore Campus where he produced a film on police brutality.

Last June Mr. Courtney was honored by friends and family for his dedication and talent. In a salute held at Mingles Resturant in D.C. many of the city's well known citizens including, the Black media, councilmembers, and congressional officials paid tribute to an individual who gave media exposure to many Black organizations not deemed newsworthy by the major media outlet.

Among his most remembered award was the 2nd Best Photo for the Washington Afro-American Newspaper in 1977 from the National Newspaper Publishers Association and the Washington D.C. Fire Department made him an honorary fireman.

His survivors include his wife, Eleanor Courtney; his son, Samuel Courtney Jr.; a sister, Dorothy Smyers and a brother, James Courtney.

INTRODUCTION OF LEGISLATION TO ASSIST ECONOMICALLY DISADVANTAGED INDIVIDUALS 65 AND OLDER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. BILIRAKIS. Mr. Speaker, according to the U.S. Bureau of the Census, in 1989, nearly one in five persons aged 65 or older had an income at or below 125 percent of the poverty threshold. Based on such financial constraints, more and more older individuals will be reentering the work force.

Today, I introduced legislation to assist economically disadvantaged individuals age 65 and older. These individuals are eager to work and have a wealth of experience, but nonetheless often have difficulty finding employment. My bill would encourage employers to hire these individuals by establishing them as a targeted group under the Targeted Jobs Tax Credit [TJTC] Program, thus providing a tax credit to employers who hire and train them.

The Targeted Jobs Tax Credit [TJTC] Program provides a tax break to employers who hire individuals from certain hard-to-employ groups. The TJTC is designed to combat and lessen the problem of structural unemployment among certain hard-to-employ groups. Under my bill, employers could apply for a tax credit if they hire and train these individuals who are having difficulty reentering the job market.

I have been a strong supporter of the TJTC Program, because I feel that it is far better to give individuals an opportunity to work than to give them a handout. Therefore, my bill also includes a provision to permanently extend the TJTC Program, which is due to expire this year.

I believe this approach is cost-effective—by providing prospective employers with the incentive to hire economically disadvantaged seniors, we can help these individuals help themselves.

STATISTICS ON ECONOMICALLY DISADVANTAGED SENIORS

Economic well-being appears to decrease with age. The proportion of the population classified as "poor or near poor" is 15 percent of persons aged 65 to 74 years, 24 percent of those aged 75 to 84 years, and 29 percent of those aged 85 years or older.

For persons aged 65 and over, 125 percent of the census poverty threshold in 1989 was $7,434 for individuals and $9,376 for two-person households.

Older persons who live alone, as well as older women, are disproportionately low income. More than one-third of elderly persons living alone have incomes at or below 125 percent of the census poverty threshold. In addition, almost one-quarter of women aged 65 and over have an income at or below that level.

ENVIRONMENT AND THE FACTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. CRANE. Mr. Speaker, it is evident that Americans care deeply about their environment.

Indeed, in the past several months, I have received many letters and volumes of literature on the subject. However, I believe we must hesitate for a moment, in the midst of the fury and debate, to ask ourselves one pertinent question before we spend billions of Federal and private funds pursuing various environmental concerns: Exactly what are the scientific facts?

With this question in mind, I submit to my colleagues the following comments by Paul Harvey. Mr. Harvey goes to the heart of the issue and clearly shows that progress is being made in improving environmental quality.

Things may not be as bad as the doom sayers would suggest.

The Overdoers

Carrie Nation focused public attention on her crusade for prohibition by going from tavern to tavern smashing liquor bottles with an axe.

Crusaders before her and since have resorted to extremes of wrongful conduct for what they considered a rightful cause.

Today's extremists, however, tend to overrun their headlights.

Honest, honorable supporters of a cleaner environment are increasingly embarrassed by the overdoers.

Example: "We must reclaim the roads and the paved land, halt dam construction, tear down existing dams, free shackled rivers and return to wilderness tens of millions of acres of presently settled land."

That is a quote by David Foreman of Earth First.

An editorial in the London Economist, December 28, 1988, said, "The extinction of the human species may not only be inevitable but a good thing."

Mark Twain says he prayed fervently every morning for "The damnation of the human race". . .

He was being funny; the London Economist was not.

Michigan Congressman John Dingell says, "It is increasingly apparent that there is something fundamentally wrong with much of the science underlying our environmental health regulations, as we have seen in recent episodes on asbestos, dioxins and polychlorinated biphenyls where risks have been dramatically overstated at immense cost to the public.

"I don't know whether there is fraud involved in the proposed new standards relating to homes and drinking water. You take the standard on carbon monoxide; that came out of the work of a Virginia scientist who, it turns out, 'cooked the books.' It was criminally fraudulent work. Yet, today's clean air standards are still reflective of his work."

Dixi Lee Ray formerly chaired our Atomic Energy Commission. She is author of "Trashing The Planet."

But she is incensed by what she calls "political environmentalists" who refuse to recognize the tremendous progress we have made over the last two decades. Our air is cleaner, the water purer, the land more carefully cared for.

"Yet, the radicals continue to press for ever more stringent, more punitive government controls."

These, she says, are "political environmentalists" whose agenda is more destructive than constructive, "dedicated to blocking industrial progress and unraveling our industrial society."

Anyway, you did hear it here:

Since 1970, our nation is enjoying a 61-percent decrease in dirt, dust and soot in the atmosphere . . .

A 40 percent decrease in carbon monoxide . . .

A 26 percent decrease in sulfur dioxide . . .

And the Cuyohoga River in Ohio does not catch fire anymore.

So we are not doing nothing about improving our environment. It's just that duly diligent environmentalists are no match for the hypercritical noisemakers.

ANTI-DEFAMATION LEAGUE NAMES LEIGH STEINBERG 1992 CHAMPION OF LIBERTY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. LEVINE of California. Mr. Speaker, today I rise in honor of a true Renaissance man. Leigh Steinberg is the country's leading sports attorney, a negotiator par excellence, and a confirmed humanitarian. Now, in addition to the many awards he has received for community service, on June 4, 1992, Leigh will be named the 1992 Champion of Liberty by the Pacific Southwest Region of the Anti-Defamation League of B'nai B'rith.

Leigh is known for setting records. He represented the first player selected in the last three National Football League drafts, Troy Aikman in 1989, Jeff George in 1990, and Russell Maryland in 1991. He negotiated Russell Maryland's $3.6 million signing bonus with the Dallas Cowboys as their first pick in 1991, the largest signing bonus ever.

Leigh's client list reads like a "Who's Who" of professional sports, including clients from football, basketball, and baseball, such as Warren Moon of the Houston Oilers, Troy Aikman of the Dallas Cowboys, 1989 Heisman Trophy winner Andre Ware of the Detroit Lions, Greg Anthony of the New York Knicks, Will Clark of the San Francisco Giants, Steve Young of the San Francisco 49ers, John Friesz of the San Diego Chargers, Gaston Green of the Denver Broncos, and Howie Long of the Los Angeles Raiders. In the NFL draft he represented Heisman Trophy winner Desmond Howard of Michigan and David Klinger of the University of Houston.

Leigh's determination to make the players he represents realize their potential to influence the lives of others makes him unique among sports agents. In his contract negotiations, he stipulates that the player, and often even the team, make meaningful contributions to his hometown, college, and professional city. As a result, his clients have donated over $30 million nationally.

Like the players he represents, Leigh understands the importance of making a positive impact on the community. Throughout his career he has made an abundance of personal appearances, speaking to college students, community service organizations, attorney and financial planning groups, and business leaders. He has been featured on "60 Minutes" and in Business Week and Sports Illustrated.

Leigh's community service efforts go far beyond the call of duty. He donates amply of his time and energy to several organizations both inside and outside the world of sports. He serves on the board of directors of the Coro Foundation, the Sports Lawyers Association, Pros for Kids and the Just Say No campaign—both anti-drug programs—Rancho Los Amigos Hospital, Children Now, the Starlight Foundation, and the Boalt Hall Board of Trustees.

These efforts have been gratefully acknowledged with numerous awards, including the March of Dimes Cyril Magnin Humanitarian Award, the city of Los Angeles's award for outstanding community service, and the West Coast Father's Day Council's Father of the Year Award. Along with the admiration of the entire community, Leigh shares the love and support of his wife, Lucy, and their two sons, Jonathan and Matthew.

The Anti-Defamation League of B'nai B'rith's history of working to educate, persuade, and demand positive change through its civil rights, intergroup relations, community service, and international affairs divisions has helped the organization to recognize true leadership in the community. It is therefore with great pleasure that I ask my colleagues in the House of Representatives to join me in saluting and congratulating the Anti-Defamation League of B'nai B'rith and the 1992 Champion of Liberty, Mr. Leigh Steinberg. We wish both of you years of continued success.

CELEBRATING 175 YEARS OF DEVOTION AND SERVICE ST. PAUL'S EPISCOPAL CHURCH OF PATERSON

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to St. Paul's Episcopal Church in the city of Paterson in my Eighth Congressional District in New Jersey. This steadfast and stalwart institution will celebrate the 175th anniversary of its founding on Sunday, May 17, 1992.

Mr. Speaker, St. Paul's is truly a remarkable congregation. Located in the heart of a troubled area of Paterson, St. Paul's has developed a comprehensive outreach program to help the needy of the surrounding community. While many urban churches across the country have moved their congregations into the suburbs, St. Paul's has chosen to dig in its heels and become a positive force in the community. The sign outside its doors says it all: "Involved, Interracial, International."

Mr. Speaker, there is no way to properly sum up 175 years of history, especially the rich legacy which this church has accumulated, but I want to take this opportunity to give a brief glimpse of how this institution was founded and has grown over the years.

On October 19, 1817, the bishop of the church paid his first official visit to Paterson officiating at two services. On April 29, 1825, the new religious body was incorporated as St. Paul's Episcopal Church. Roswell Colt of the firearms dynasty donated land to the new parish for its first church building. The current building at Broadway and 18th Street was completed in 1897. The previous site was sold to the city of Paterson for a new city hall.

In the early part of this century under the inspired leadership of Dr. David Stuart Hamilton, St. Paul's communicants grew from 200 to over 2,000, and the church school went from 100 students to 1,200 making it one of the largest Episcopal congregations in the United States. Dr. Hamilton also organized the Paterson Charity Organization, the forerunner of the Community Chest and the Passaic Valley United Givers Fund.

In 1939, the Reverend William L. Griffin sponsored the first interfaith programs of Protestant, Jewish, and Roman Catholics which gave leadership to the National Council of Christians and Jews.

In January 1984, St. Paul's opened its emergency winter shelter housing 40 homeless men, and in 1985, the New Jersey Council of Churches recognized the Reverend Luis Leon and St. Paul's congregation for their efforts as its "Church of the Year". The following year the church celebrated its 20th year of working with the Headstart Program in their facility. The executive council of the Episcopal Church Center affirmed St. Paul's designation as a "Jubilee Center" in 1990 due to its comprehensive outreach programs to the citizens of Paterson.

Continuing to improve and expand its community involvement, the church established Saint Paul's Community Services in 1991. This entity is a separate corporation from St. Paul's Church and is responsible for the outreach programs such as the Homeless Men's Shelter, Food Pantry, North Porch for women, infants, and children, the Adult Literacy Program, and the Transitional Housing Program.

The Transitional Housing Program was enhanced in 1991 with the purchase of a house at 451 Van Houten Street. The program was organized for qualified residents of the homeless shelter who were willing to share themselves, as advocates to the homeless, jobless, and poor in the city of Paterson. The church has also begun an employment initiative for the establishment of a business to employ the jobless.

Mr. Speaker, for 175 years St. Paul's Episcopal Church has been a house of worship in the city of Paterson, but more importantly it has always been and continues to be an integral part of the fabric of the community. Outreach is a very descriptive term. The congregation of St. Paul's has reached out to the weary and troubled members of society and has offered them rest and comfort. God's work is done in many ways, but it is never more rewarding or satisfying than when one individual extends a hand to another. This happens every day at St. Paul's.

Mr. Speaker, it is institutions such as this which hold our Nation together in the uncertain times and give us guidance when times are good. St. Paul's has been a pillar of strength for its community, and I am sure you and all my colleagues here in the House join with me in wishing the Reverend Tracey Lind and the congregation of St. Paul's Episcopal Church well and God's continued blessing on their 175th anniversary.

HONORING MIRIAM SANTOS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. RICHARDSON. Mr. Speaker, over the years I have had the great fortune of meeting many outstanding Hispanic public servants. Few, however, have impressed me as much as Miriam Santos, the highly regarded treasurer for the city of Chicago.

Ms. Santos is one of our Nation's highest ranking Hispanic women serving the public good. She has served with distinction and has been mentioned as a future mayoral candidate and who knows what else is in store for this great leader.

What a pleasure it was for me to read about Ms. Santos' feats in the May 1992 edition of Hispanic magazine. I urge my colleagues to review the following article titled, "No Small Change," so that each of you can familiarize yourselves with this brilliant woman.

NO SMALL CHANGE

(By Manuel Galvan)

Miriam Santos remembers sobbing as she told her mother about the teacher who scolded her for speaking Spanish instead of English during recess. The second-grade incident could have scarred Santos's self-confidence had it not been for her mother.

"She sat me on her lap and told me the teacher couldn't show favoritism to those who didn't speak Spanish," says Santos, now Treasurer for the City of Chicago. "'You're a special child,' she told me. From then on, when someone teased me about speaking Spanish, I'd say, 'That's okay. I'm special.'"

Many would agree that Santos is special. At 36, she holds a law degree and an MBA and is one of only a handful of Hispanic women elected to citywide office in a major U.S. city. She was appointed Treasurer of the City of Chicago in 1989 by Mayor Richard M. Daley and elected to that post in 1991 with 71 percent of the vote.

Even after a highly charged and publicized confrontation with Daley, political pundits speculate on scenarios with Santos as a future Cook County state's attorney and possibly Chicago's first Hispanic mayor by the turn of the century. "Whatever I decide to do, I'll put the same energy into it that I have for this office," says Santos, stopping short of openly exploring her political options.

Juan Andrade Jr., President of the Midwest/Northeast Voter Registration Education Project, sees Santos's future as a stellar one. "She's certainly one Hispanic who is on her way to becoming a national figure," he says.

He notes that Santos, a Puerto Rican, joins U.S. Rep. Ileana Ros-Lehtinen (R-Fla.), a Cuban American; and Gloria Molina, a member of the Los Angeles County Board of Supervisors and a Mexican American, as Hispanic women holding some of the highest positions in American politics. "It suggests to me that women will lead the Hispanic political movement through the '90s and into the 21st century," he says.

Born in Gary, Indiana, the second of five children, Santos has always been close to her family and calls them her "support system." Through the years, she has come to emulate her mother's example of turning obstacles into springboards. After graduating a year early from high school, Santos moved with her family to Chicago. Her father had become disabled in the steel mills and her mother injured while working in a factory. In 1973, when Santos became the first in her family to attend college, she also did factory work to supplement her scholarships at DePaul University and to help out at home.

Ever motivated to achieve her goals, she proudly recalls that she always "made rate" at her jobs, even if it meant bandaging her injured hands to continue working. By her junior year, she had begun working for community service programs, such as the Model Cities program, Aspira Inc. of Illinois, and Casa Central, a Chicago-based social service agency.

More than fifteen years later, she has not forgotten the importance of "giving back" to the community. At present, Santos serves as a member of six boards, four advisory boards, the executive committee of the Illinois Democratic Leadership Council, and the Finance Council of the Archdiocese of Chicago.

Santos's first job after graduating from DePaul University College of Law was directing the Aspira Center for Educational Equity in Washington, D.C., where she lobbied Congress for equal educational opportunities for Hispanics. She first went to work for Daley in 1983. At the time, he was state's attorney, and she served as deputy director and prosecutor of child support enforcement.

She then moved to the corporate world, working for Illinois Bell Telephone Co., first as a senior attorney and then as division manager for customer and community relations.

In 1989, Daley was elected mayor of Chicago following the death of Harold Washington. Daley, who remembered Santos well and understood the importance of Hispanic votes, lured her back to the public sector. He appointed her city treasurer, in charge of an annual cash flow of $60 billion—no small change. She was the first woman and the first Hispanic to hold that position.

Traditionally, the city treasurer is never heard from except at election time, but Santos was to change that. A poor management system made the treasurer's office ripe for internal theft, and technologically, it was from an earlier era. "It was unbelievable," she says of an early tour of her office. "There was a million dollars in cold cash in the office vault along with crates of soda and more than $900 million in negotiable securities." The money for cashing payroll checks and the securities were the failure of an unsophisticated financial system. The soda, destined for the vending machine, was stored there to keep it safe from light-fingered employees.

Almost immediately, Santos privatized check cashing, turning the responsibility over to a minority-owned bank. She deposited the securities, earning the city nearly $1 million a year. In all, her changes added more than $7 million in new, investable revenue. The soda was moved.

Santos also inherited five employees who at the time were being investigated for writing personal checks on closed bank accounts and then destroying the checks when they bounced back to the treasurer's office. Santos went public with the investigation to prevent any criticism of her office "sitting on the case." In doing so, she displayed a decisive executive style that within months would put her on a political collision course with the mayor. But even at the time, the publicity earned her several City Hall enemies. Those ranks grew when she cut several politically connected staffers from her payroll for not doing their jobs.

Santos says the trio that forms Daley's inner circle began lessening her access to the mayor. One of the dumped patronage workers ran against her in last year's Democratic primary. She beat Edward Murray, a longtime precinct captain from Daley's own ward, with 70 percent of the vote against his 25.

"When Hispanics are appointed, non-Hispanics ask two things. 'Can they do the job?' and 'Are they electable?'" Andrade says. "She showed she can do both."

In a city where Hispanics only account for 20 percent of the population, Santos won big in the general election with a coalition of Hispanic, white, and black voters. She relished her victory and stepped up public appearances, charming audiences with her wit and easy manner at the podium. Santos was on a political upswing.

Then came the clash with Daley. As treasurer, Santos serves on five city pension boards with more than $8 billion in politically sensitive investments. Daley's top aides had convinced him Santos was too much of an independent and introduced legislation in the state capital to remove the treasurer as a de facto member of two of the boards.

When Santos prepared to make the controversy public, Daley's aides warned her of reprisals. But she called a news conference at which she portrayed the legislative maneuver as a move to tighten the administration's control of pension fund investments and to silence her independent voice on the boards. Except for the teachers' board, Santos is the only woman and minority on the pension boards in a city that is 62 percent minority.

"She's much more of an executive and a lot less of a politician," says Alderman Luis V. Gutierrez, surprised at the publicity of the showdown. "But she came across as a good watchdog for pensioners and taxpayers."

Then the Daley troika fired its best salvo. Santos had missed several pension board meetings.

"What they don't tell you is that I was closing multimillion-dollar bond deals and even then, I never missed a vote," says Santos, whose attendance record has greatly improved. "I'm going more now because I've been allowed to fill important staff positions, freeing up my time."

In a final attempt to shake her heroine image with taxpayers, Daley aides charged that her decisions were being made by Ray Hanania, then a government reporter with the Chicago Sun-Times and a close friend of Santos. "What do they think? That a poor little Puerto Rican girl with an MBA and a law degree has to have a man think for her?" Santos shot back.

But she won the battle for public support, and ultimately proved the victor over Daley when Illinois Governor Jim Edgar agreed that her objective input was necessary to the pension boards and used his veto power to eliminate the provision in Daley's pension fund bill that would have dropped Santos from the boards. Of Edgar's decision, Santos told the Sun Times, "It took a tremendous amount of courage. For our community, this is a great victory."

But in winning those battles, political insiders say she may have put her political career in jeopardy unless she makes peace with Daley. "I am not going to make peace at the cost of my integrity," Santos says. "I came here to do a job and to do it exceptionally well."

As for the future, she dismisses none of the political scenarios but adds that "returning to the private sector" is a possibility. For the moment she is focusing on continuing to improve her office and to reform the pension boards.

"At some point, I'd like to move on," she says. "But I'm not walking away from this office until I make it a national model." With her trademark smile, she quickly adds, "We're almost there."

A MORAL VACUUM CREATED BY LIBERAL MORES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. DOOLITTLE. Mr. Speaker, I know that my colleagues share my shock and dismay in the aftermath of the Los Angeles riots last week.

Timothy J. Morgan, who practices law in Santa Cruz, CA, has written a column which captures succinctly the root cause of the deplorable civil unrest in Los Angeles: "A Moral Vacuum Created by Liberal Mores."

I commend the column to my colleagues' attention.

RODNEY KING

(By Timothy J. Morgan)

Faithful liberals, the believers in the effectiveness of peace marches and self-esteem training, are constantly surprised by the world around them. They were surprised in the early 1980s when conservatives argued that sexual promiscuity brought us the AIDS crisis; they were shocked in 1989 when some argued that it was American military might which forced the collapse of communism; and they were confounded this week when commentators argued that the cause of the Los Angeles riots was that a generation of children, having been raised on a diet of situational ethics, chose wrong over right.

But it should come as little surprise to the person of average intelligence that the "Just Do It" generation just did it. They took to the streets and did what felt good at the time, with no regard for the lives or property of others. The moral vacuum created by liberal mores has been filled in recent years by films, television and music which glorify violence, destruction, and a casual disregard for human life. The liberal solution to this "Just Do It" morality is to strap a condom on it: to try to take away the consequences of immoral behavior without ever addressing the problem of the behavior itself.

In order to address the root of the behavior, we need earnestly to consider the legacy which led to the violence in the aftermath of the Rodney King verdict. After almost thirty years and hundreds of billions of dollars spent by paternalistic welfare state, we find a black community in South Central LA which has been emasculated and condemned to a cycle of poverty and despair. The poor get food and medicine from the government, live in government-owned, run down housing projects infested with drug dealers and criminals, and if they're lucky, send their children to public schools offering diplomas for attending classes and not assaulting the teachers.

What is the common denominator in the lives of these poor? It is the government and the programs it has inflicted on them, programs which deny them basic human dignity, and deny them treatment as individuals with consciences and wills all their own, with the privileges and responsibilities inherent in being citizens of a free society.

If you want to look for causes of Los Angeles' problems, don't look to the Reagan and Bush administrations. Look at the Democratic Party power structure which has blocked legislation to allow parents to choose which schools their children will attend and how they'll be taught, to let public housing tenants kick the drug dealers out of their buildings, and to bring urban enterprise zones to cities to create jobs for the unemployed. The progressives offer as their counter-proposal more of the same programs and policies which got Los Angeles into this predicament in the first place: more government control of the lives of the poor and more money to exert it with. Like drug addicts, progressives suffer from the delusion that just one more dose is the best thing for them, never realizing they are slowly killing themselves.

Watching the television coverage of the riots in Los Angeles it was easy to think the entire world was falling apart. But in reality, for every looter or murderer we saw on TV, there were thousands of people, huddling in their homes and apartments, waiting for the storm of rage to pass. After several days in which leading politicians, including Gov. Bill Clinton, hemmed and hawed and equivocated about the growing riots, the liberal elite finally decided that the riots were indeed wrong.

"Innocent unless proven guilty beyond a reasonable doubt." That was the standard of proof those twelve jurors in the Rodney King case were required to apply. The commentators, and needless to say, the rioters, applied a different standard: guilty unless proven innocent.

The downside of a system which protects the innocent from injustice is that it sometimes protects the guilty as well. For instance, in the 1960s, Black Panther, Communist Party Vice-Presidential Candidate, and now USCS lecturer Angela Davis, who recently encouraged protesters at the County Government Center to riot, was acquitted herself of charges relating to a fatal shooting out in the court room where her fellow Black Panthers were being tried. The weapons used were registered in her name, and she was intimately familiar with the Black Panthers who used those guns to commit murder and mayhem.

Funny that you didn't hear Miss Davis complaining about the presumption of innocence back then, and that the ACLU has been remarkably silent regarding the rights of the accused in this case.

Anyone who watches the video tape which documents the beating of Rodney King cannot help but be repulsed by it. But we must remember: the events chronicled in that video tape followed an eight minute long high-speed car chase, Rodney King lunging at officers and resisting arrest, and Rodney King exhibiting behavior consistent with that of someone under the influence of a powerful drug. We should also recall that having shocked Rodney King twice with an electric stun gun which failed to subdue him, and that because the ACLU has successfully banned police officers in Los Angeles from using compliance holds on suspects, the only alternative to using batons to subdue Mr. King might have been to shoot him. And we must also remember that the two passengers in Mr. King's car who surrendered to officers peacefully were not harmed in any way by the officers. All these factors undoubtedly contributed to the jury's finding of reasonable doubt.

The police officers' defense attorneys didn't have to prove that the officers' actions were justified, because like it or not, this is the United States of America, and under our system an accused need not prove his innocence, only cast reasonable doubt upon his guilt. Despite verdicts like those handed down to the likes of Angela Davis, who have accepted them as the price we pay for liberty. And as distasteful as it may be, we should accept the verdict in the trial of those four police officers as well.

TRIBUTE TO EMILY SHEFFIELD

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. RAY. Mr. Speaker, I rise today to pay tribute to Mrs. Emily Sheffield of LaGrange, GA, who won first runner-up in this year's Ms. Senior America Pageant in Atlantic City. She represented the entire State of Georgia as Ms. Senior Georgia in this annual competition.

Mr. Speaker, Ms. Sheffield is an incredible lady. She was born in Gastonia, NC, and graduated from Winthrop College, in Rock Hill, SC. She has also lived in Virginia, Maryland, and Tennessee. Her and her husband, Mr. Benjamin Sheffield, have resided in LaGrange since 1974.

Ms. Sheffield has a varied career path. She served on the faculties of Blackstone College and Limestone College. She was the first female salesperson for Paty Lumber Co. of Bristol, VA.

In 1974, she began a community physical fitness program called "Exercise with Emily" with over 500 members. In 1976, she began "Primetime Five O" which specialized in classes for senior women. At the present time, she teaches morning classes free of charge to women aged 50–87.

Ms. Sheffield began conducting comedy shows across Georgia, Alabama, and Florida in 1987. Last year, she put on 64 shows. Additionally, she has competed in the State Senior Olympics and has 6 gold medals in bowling, swimming, and walking.

She has also a distinguished career in various pageants throughout her life. Ms. Sheffield won the local competition for the Miss Universe Pageant. She was first runner-up in the Mrs. South Carolina Pageant, with the winner going on to win the national competition. She also was first runner-up in the 1991 Ms. Senior Georgia Pageant before winning this year.

Mr. Speaker, the Ms. Senior Pageants promote "creating a positive image of aging." They are nonprofit organizations whose purpose is to encourage senior women to be proud of their age and to present positive role models for all ages.

Ms. Sheffield has been doing this for many years, and I salute her efforts.

LEGAL AID RESOURCES ARE MISUSED

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. SHAW. Mr. Speaker, I commend the following letters to my colleagues' attention. In them, William Lindsey of the Fort Lauderdale Housing Authority details some of the ways legal aid resources have been misused in my congressional district and others around the country. I am hopeful that our action today and those of the Senate will prevent repeat performances of this kind.

FORT LAUDERDALE
HOUSING AUTHORITY,
Fort Lauderdale, FL,
April 25, 1991.

CLAY: Enclosed is a letter that was sent to the Florida Bar Foundation concerning Legal Aid defense of public housing tenants who are being evicted for drug and/or violence related lease violations.

The Florida Bar Foundation subsidizes Legal Aid through the interest on trust account (IOTA) program and my board felt the FBF should be aware of how these resources are being used (or abused).

This is the kind of policy issue that should be addressed by Congress when funding decisions are made. The additional costs created by Legal Aid for the Housing Authority compromises our ability to operate safe affordable housing. Thanks in advance for your concern,

Regards,

WILLIAM H. LINDSEY.
Executive Director.

THE HOUSING AUTHORITY OF THE
CITY OF FORT LAUDERDALE, FLORIDA
April 23, 1991.

Mr. LOUIE ADCOCK,
Florida Bar Foundation, Orlando, FL.

DEAR MR. ADCOCK: I am writing you as president of the Florida Bar Foundation since your organization provides financial support to Legal Aid Services of Broward County, Inc. (LASBC) through the I.O.T.A. program.

The Housing Authority of the City of Fort Lauderdale, Florida, is the primary vehicle by which Federal housing funds, through the United States Department of Housing and Urban Development, are used within the City limits. Currently, the Housing Authority operates approximately 2,000 rental units and houses approximately 5,000 low income persons.

For the past several years, LASBC has aggresively defended tenants of the Housing Authority who are being evicted for involvement with illegal drugs and/or violence. In fact, LASBC staff have stated that LASBC wants to make eviction actions as expensive as possible in order to have the greatest negative effect on our operating budget.

For your information, I am enclosing a copy of the most recent drug-related eviction that LASBC is defending. The public housing tenant (Ms. Holmes) was arrested in a car with $14,000 in drugs and 700 baggies for sale of those drugs. After an altercation between the undercover police officers and the tenant's 17-year old daughter, the tenant and daughter were arrested and charged with possession of narcotics with intent to distribute, obstructing justice, battery on a police officer and threatening to kill a police officer.

LASBC is defending the tenant in this drug-related eviction (which as you know is a civil action as opposed to the criminal prosecution involving the office of the public defender) and has asked for a 5-day jury trial. In addition, LASBC staff have stated to our legal counsel that their strategy is to either ask for a mistrial at the end of the trial and force the Housing Authority to pay to have the case heard again, or to move the case into Federal court to increase the cost and delay the proceedings.

The Housing Authority has filed complaints against LASBC regarding their defense of drug-related evictions with the parent entity, Legal Services Corporation in Washington, DC. In addition the Housing Authority has complained regarding LASBC's leafleting of public housing projects in order to solicit clients and class action lawsuits. Unfortunately, Legal Services Corporation defers control of LASBC to the Board of Directors in Broward County.

LASBC staff classify drug and violence-related eviction actions as "housing cases", and it is unknown if the Board has knowledge of these activities. Meetings with LASBC's Executive Director, Mr. Tony Karrat, have been unproductive and his position is such that he will not take administrative action to control LASBC's strategy and resources that are allocated to defend drug and violence-related eviction actions.

The real issue is whether LASBC's resources are being properly allocated to address the needs of Broward County's low income population. We support the concept of providing legal assistance to low income persons; however, our concern is with the administrative decisions that allocate limited resources.

These types of actions by LASBC lawyers not only compromises the integrity of subsidized housing, but also ruins the health, safety and welfare of our inner-city neighborhoods. The majority of the residents who are law abiding, do not deal drugs, commit violent acts or threaten to kill the police, are not being properly served by LASBC with these types of actions. The Florida Bar Foundation should be aware of these types of activities that you subsidize through your financial support.

Sincerely,

WILLIAM H. LINDSEY, PH.D.
Executive Director.

SENSIBLE APPROACH TO REDUCE THE FEDERAL DEFICIT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. MAZZOLI. Mr. Speaker, for many years—right up to the vote on March 31 on the so-called budget firewalls—I have resisted a constitutional amendment to balance the Federal budget. I have clung to the belief—more precisely, hope—that Congress and the administration could eventually reduce the deficit to manageable levels by an exercise of the budget discipline laid out in the 1990 Budget Act and by a display of resoluteness and determination to see this job through to a successful conclusion.

However, Mr. Speaker, on March 31, my leaders urged me to tear down the budget firewalls and spend the fiscal year 1993 peace dividend—defense savings—on domestic programs rather than on deficit reduction, in direct contradiction to the 1990 Budget Act.

When this happened, Mr. Speaker, I came to the conclusion that nothing short of a budgetary discipline written into the Constitution will force us to make the hard, politically prickly decisions on spending and revenue which need to be made if we are ever to balance the Nation's books.

So, I am now a cosponsor of House Joint Resolution 290, which proposes a constitutional amendment to provide for a balanced budget for the Federal Government. I urge our colleagues to give House Joint Resolution 290—or some equivalent constitutional amendment—their blessing.

Mr. Speaker, there are others who, such as myself, have come reluctantly but inevitably to the side of a balanced budget constitutional amendment. One is George Will, and I ask that his column, which appeared in the April 30, 1992, Washington Post, be placed in the CONGRESSIONAL RECORD.

[From the Washington Post, Apr. 30, 1992]

IT OUGHT TO BE A CRIME

(By George F. Will)

What House Speaker Tom Foley recently said would have sent shivers down Washington's spine, if it had one. He predicted the end of civilization, as Washington has known it. He predicted Congress this year will pass a constitutional amendment to require the federal government to balance its budget.

The unlikely Robespierre of this revolution is Illinois' mild-mannered Sen. Paul Simon, who calls himself a "pay-as-you-go" Democrat. With the patience learned in nearly four decades in politics, he has been visiting colleagues one at a time, warning that the federal government's gross interest costs, which were just $74 billion in fiscal 1980, are projected to be $315 billion in fiscal 1993, when interest—the rental of money—will be the largest federal expenditure.

Discerning conservatives know that huge deficits make big government cheap for current consumers of its services, thereby reducing resistance to the growth of government. Sentient liberals recognize that huge deficits involve regressive transfer payments: We are transferring $315 billion from taxpayers to buyers of Treasury bills—generally rich individuals and institutions—in America and places like Tokyo and Riyadh.

These are among the reasons why in 1986 the Senate cast 66 votes—just one short of the two-thirds needed—for a balanced budget amendment. And in 1990 the House fell just seven votes short. Today Congress is battered by scandal, by anti-incumbent fever and by the term-limits movement, and is bracing to be the villain in President Bush's campaign rhetoric. So a balanced budget amendment is indeed likely to be sent to the states.

Will the necessary three-fourths of the States ratify it? Forty-nine of them—all but Vermont—operate under similar requirements. And a vote against the amendment looks like a vote for big government.

A balanced budget amendment would serve Congress's institutional interests by requiring the president to propose a balanced budget, something neither Reagan nor Bush has come close to doing. Thus the amendment would end the tiresome presidential posturing—"Only Congress can spend money"—that places on Congress exclusive blame for deficits. In fact, in states as well as in Washington, executive branches generally determine the level of spending, and legislatures, merely modify—and not very much—spending patterns.

Some people predict that a balanced budget amendment would be used as an excuse for large tax increases. That is possible but, given today's taxaphobia, not likely.

Other people predict that an amendment would result in cuts in program X, Y or Z. Such predictions are implicit confessions that if Congress is forced to enforce priorities, then X, Y or Z will be deemed dispensable. When $400 billion deficits are permitted, marginal, even frivolous programs get funded because costs can be shoved into future generations.

Anyway, it is wrong to make support for a constitutional change contingent on guesses about particular short-term policy consequences. A sufficient reason for a balanced budget amendment is to impose, on both the legislative and executive branches, a regime of constitutionally compelled choices.

Simon's amendment has a clause permitting escape from restraint by vote of a super majority. Sixty percent of the full membership of both Houses can vote an imbalanced budget for, say, countercyclical purposes.

An unsolved and perhaps ultimately insoluble problem for any balanced budget amendment is enforcement. What will be the penalties for noncompliance? An unenforceable amendment is less a law than an expression of intention. No one, least of all conservatives, can equably contemplate involving courts in enforcement of such amendment, and evasion of it would deepen public cynicism.

But at certain points, and this is one, the governed must simply presuppose a sufficiency of honor among the governors. Furthermore, elevating fiscal responsibility to the rank of a constitutional duty will heighten public scrutiny of budgeting behavior and will intensify public indignation about any disregard of the duty.

I have hitherto (July 25, 1982) argued against a balanced budget amendment on the ground that it is wrong to constitutionalize economic policy. Since then there have been 2.9 trillion reasons for reconsidering—the 2.9 trillion dollars added to the nation's debt. My mistake was in considering deficits merely economic rather than policital events. In fact, a balanced budget amendment will do something of constitutional significance: It will protect important rights of an unrepresented group, the unborn generations that must bear the burden of the debts. The amendments blocks a form of confiscation of property—taxation without representation.

The Constition is fundamental law that should indeed deal only with fundamental questions. But as the third president said, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves," Simon's amendment is, in Jefferson's language, an emphatic withdrawal of an authorization government has wrongly assumed.

JENS HENDRICKS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. DE LUGO. Mr. Speaker, Jens G. Hendricks touched many lives, and his recent passing was deeply felt by all who knew him. At his services, Carter Hague, news director of Radio Station WVWI and a close friend of Jens and his family, made particularly appropriate remarks which I wish to read into the CONGRESSIONAL RECORD.

I first met Jens Hendricks 20 years ago when I was a much younger reporter and he was assistant commissioner. I always found him helpful and professional. During those days after the Fountain Valley killings, he was the most knowledgeable, reliable, and helpful voice in the government. At a time when many in the higher councils of government preferred to pretend that nothing had happened and others were in such a state of shock that they were virtually useless as sources of information, he was honest, knowledgeable and accessible.

I got to know him and his family quite well over the years and found him a convivial companion, an enduring friend, and a shrewd and eager observer of the local scene, especially its politics, as well as a man of deep devotion to his family.

But there is another side of Jenso that is worth commenting on, one that is worth emulation by the young police officers of today.

He was a man at home everywhere in this community. He could be found in the highest social circles or the plainest of surroundings. It was all the same to Jens. His judgments were simple: It was either "He's all right" or "He's no good," with no regard to race, place of origin, or social or economic standing. I remember him at the Four Seasons Hotel in Washington with heavy hitters like John Chancellor and Robert Pierpoint. He was the same as if he were at Pinocchio's with Celestino or at McDonald's with Milano.

It made him not only the man he was but the policeman he was, one who could talk to and get information from the entire community, for it was the entire community he served.

A lot of us crumbbums miss you, Jenso. Who's going to give me the latest melee in the driveway every morning?

Early last Saturday, St. Peter, drowsing over his books, looked up when he heard:

"Wie gehts, Charlie?"

A TRIBUTE TO RUTH AND PAUL LEHMANN

HON. MEL LEVINE

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. LEVINE of California. Mr. Speaker, Paul and Ruth Lehmann will be recognized for their great achievements and contributions to Jewish life by the Brandeis-Bardin institute on the occasion of the Institute's 50th anniversary.

The Lehmanns are devoted community leaders who are truly worthy of this distinguished honor. They are committed to the very principles upon which Brandeis-Bardin was founded: Jewish pluralism, the development of future Jewish leadership, Jewish learning and experience leading to Tikkun Olam, the improvement of the world for the benefit of all humankind.

Upon arriving in Los Angeles after fleeing Nazi oppression in Germany, Paul and Ruth immediately became involved in Jewish communal affairs and are active in numerous Jewish institutions in the Los Angeles area. They joined the Brandeis-Bardin's House of the Book in 1973 and have since assumed leadership positions. Ruth has co-chaired many cultural and development events while Paul has served as chairman of the board of directors since 1990.

It is fitting that Paul and Ruth will be recognized for their great contributions to Jewish life by an institute that has itself had a tremendous impact on Jewish youth over the past five decades. Together with Justice Brandeis, Shlomo Bardin founded the Brandeis Collegiate Institute [BCI], a revolutionary Jewish educational program that brought Jewish students from around the country together to not only learn about Judaism, but to live it through Israeli folk dance, music, and art. The BCI program thrusts college age Jewish youth into an intense and vital experience where they are confronted with issues of Jewish law, art, life, and culture. Louis Brandeis and Shlomo Bardin's dream has been fulfilled as hundreds of Jewish youth leave the program each summer with a new commitment and passion for Jewish involvement and leadership.

Over the years, activists like Paul and Ruth Lehmann have developed Brandeis-Bardin into a Jewish learning center for people of all ages and backgrounds. In the 1950's the BCI program was adapted for adults, creating the concept of adult weekend retreats. Today, visitors gather at House of the Book for weekends of Jewish study with world-renowned scholars and artists and participate in Jewish dance, music, and other arts. Brandeis-Bardin also offers a Jewish experience to children of all ages in summer and winter overnight and day camp programs.

We want to commend Brandeis-Bardin on its 50th anniversary for honoring Ruth and Paul Lehmann for their tireless efforts to make Brandeis into one of the most prominent and effective Jewish institutions in the world. It is the work of people like the Lehmanns that has allowed Brandeis-Bardin to touch the lives of tens of thousands of Jewish children, college students and adults from around the world. The Jewish community owes a great deal to the Lehmanns and Brandeis-Bardin for their innumerable contributions to Jewish life.

While we have no doubts that the Lehmanns will continue their Tikkun Olam for many more years, they have already made the world a better place.

TRIBUTE TO DAVID KILLION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to David Killion of Columbus Grove, OH, who recently accepted an appointment to the U.S. Military Academy as a member of the class of 1996.

When I nominated David Killion for admission to West Point, I knew I was nominating a young man with great potential for leadership. Whether as a member of the Academic Club or as a varsity letterman in three different sports, David Killion has demonstrated repeatedly the ability to achieve excellence in all that he does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting his appointment to West Point, David Killion is preparing to make a valued contribution to that tradition. I congratulate him, and wish him and his family all the best.

CONGRATULATIONS TO BOB GORDON

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Bob Gordon on the occasion of his being honored as Man of the Year by the Fair Lawn, New Jersey Lodge No. 1970 B'Nai B'Rith.

Bob Gordon is currently completing his seventh year as a member of Fair Lawn's Borough Council and served as mayor of that community between 1988 and 1991. He was first elected in 1985 and was re-elected to 4-year terms in 1987 and 1991. He served on Fair Lawn's Planning Board for 5 years and has been fire commissioner since 1986.

During his three terms as mayor, he initiated a total revision of the municipal master plan, established an environmental safety program to monitor toxic materials, and enacted laws to regulate building height, pesticide use, and the redevelopment of neighborhoods. He reduced municipal spending by millions of dollars by establishing a self-insurance program and a less costly system of garbage collection. He implemented a recycling program that reduced residential solid waste by nearly 60 percent, one of the most successful efforts in New Jersey. Other achievements included expanded library services and major capital improvements to water, sewer, and recreational facilities.

He has assumed leadership positions in numerous philanthropic and community organizations. He was class chairman of the Williams Alumni Fund and has served on the boards of the Fair Lawn Mental Health Center, Williams Club, and Wharton Club of New York. In 1992, he was elected president of the Bergen County Democratic Mayors Association.

In 1986, the Partnership for New Jersey, a coalition of the State's largest corporations and nonprofit institutions, selected Bob for leadership in New Jersey, designating him as one of the State's most promising future leaders. In 1992, he was named Fair Lawn High School's "Outstanding Alumnus of the Year".

Bob grew up in Fair Lawn, attended local schools and graduated from Fair Lawn High School with the Class of 1968. He earned his bachelor's degree from Williams College, where he graduated Phi Beta Kappa and magna cum laude. He also earned a masters degree in public policy from Berkeley and an MBA in finance form the Wharton School.

Bob's professional career has spanned the private and public sector. He worked on the economics staff of the Washington-based Brookings Institution, served at the President's Council on Environmental Quality and spent 2 years as an adviser to the Senate and House Budget Committees. He worked for 5 years with a major management consulting firm and managed his family's textile business until the company was sold.

In 1990, with support form the Dodge Foundation, he wrote Governing New Jersey, a book describing the requirements of the key subcabinet positions in State government and the major policy issues facing each official. The book was prepared to assist the gubernatorial transition.

Bob is currently employed as managing consultant of the Amherst Group Limited, a Greenwich-based consulting firm that assists companies in restructuring their organizations and improving their operations.

Mr. Speaker, I am proud to join in paying tribute to Bob Gordon. I am sure he will continue to provide invaluable service to his community and truly make a difference in society. I extend my best wishes to him on this most special occasion.

JANE STEVENS ROBERTS: A PILLAR OF THE COMMUNITY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. SMITH of Florida. Mr. Speaker, I want to pay tribute to a wonderful and inspiring Floridian: Mrs. Jane Stevens Roberts of Coral Gables, FL, the mother of my dear friend Art Roberts of Washington, DC.

Mrs. Roberts sincerely believes in the importance of education and has put this belief into practice for nearly 40 years. She began with her local PTA and soon found herself on the Dade County School Board during one of its most difficult times.

The first woman to chair the Dade School Board, Mrs. Roberts helped oversee the integration of Dade's public schools, the beginning of Miami-Dade Community College, and other important educational projects.

Although she left the school board in 1968, Mrs. Roberts continues to devote attention to the needs of her community.

On May 10, Mr. David Lawrence, Jr., Publisher of the Miami Herald, wrote a glowing tribute to one of the first citizens of Dade County.

I urge my colleagues to read it and to join with me in paying tribute to Mrs. Jane Stevens Roberts, a credit to her community and all of south Florida.

[From the Miami Herald, May 10, 1992]

MOTHER OF A COMMUNITY'S SCHOOLS

(By David Lawrence, Jr.)

"You really ought to write about Jane Roberts. She's given so much to this community. And the people who have come to Miami these last few years don't even know that."—A message from Van Myers, the longtime Wometco executive and civic contributor

A few weeks ago, more than a thousand children gathered around the courtyard of the Jane S. Roberts Elementary School in South Dade. They were there to sing "Happy Birthday" to Jane Stevens Roberts.

Jane Roberts, the first woman to chair the Dade School Board, couldn't think of a better way to celebrate her 75th than with the children.

Her involvement with education goes back decades. Shortly after World War II, she signed up with the PTA at her children's school, Merrick. "When I first got involved," remembers Jane Roberts, "we made lunch for the teachers and washed the dishes afterward. We even cleaned the teachers' lounge."

Involvement tends to beget more involvement. And so it was, in 1957, that Gov. LeRoy Colins appointed her to the county school board. She was elected the next year, named chair in 1961, and served on the board until 1968.

Her decade on the school board was a tumultuous time—the absorption of thousands of Cuban refugee children, attacks on textbooks, the start-up of Miami-Dade Junior College, threatened teacher strikes, and disputes over prayer in the classroom.

Of all those issues and others, one event during that decade stands out: the school board's decision, on Feb. 18, 1959, to integrate Dade's schools. The board, not waiting until the courts insisted, voted to admit four neighborhood black children to Orchard Villa Elementary School. It took my own high school—Manatee, in Bradenton—a dozen more years, 11 years after I graduated, to follow.

Jane Roberts acknowledges that she's somewhat of "a social welfare liberal" and admits that she has "very strong views on right and wrong." But she wants you to know that she's no pushover. "Don't think I'm some goody-goody. I drink. I smoke. I swear. I'm tough."

Her courage cost her—eggs thrown at her Coral Gables home, the "mean, incessant phone calls." Why not let others lead? "If I said it was love for my fellow man," she responds. "I'd probably throw up. But I guess that's what it is."

Daughter Peggy McMahon remembers her mother's toughness in those days on the school board: "My mother always told it as it was. If something wasn't morally right, she'd tell you right to your face. It brought her a lot of enemies. Sometimes it was hard growing up knowing that people didn't like your mother."

Jane Roberts' formal involvement with the school system ended almost a quarter of a century ago. She has not been idle since, or now. Her own vision problems spurred her interest in programs for the prevention of blindness. She has been active in her church, St. Philip's Episcopal, in Coral Gables. "But I don't go every Sunday," she quickly added. "Don't get the wrong impression." She recently become involved with the Rape Crisis Treatment Center at Jackson Memorial.

Yet to this day Jane Roberts misses being on the school board, and she considers her efforts to have been well repaid. "I got more joy (from being on the board) than anything I've ever done. Just going to that school today made everything worth it."

This will be a good day for Jane Roberts. She'll spend part of this Sunday with her three daughters and their families.

"We'll be together for Mother's Day. I'm very lucky."

So is our community for what Jane Stevens Roberts has given us.

SOME MORE ABOUT JANE STEVENS ROBERTS

Her roots in Coral Gables go back to 1934, when this daughter of a company doctor in a West Virginia mining town moved here at age 17. She recalls a poverty in West Virginia so intense that Appalachian children would be sewn into their clothes for the winter to keep warm.

She married Lyle Roberts in 1938 and worked with him in the family's general-contracting firm for two years. They had four children: son Art, daughters Nancy Pankey, Ann Goldman, and Peggy McMahon. Lyle Roberts died months short of their 50th wedding anniversary.

What she reads: The Herald, "the whole thing, cover to cover." The Sunday New York Times, Fiction. Biographies. Just finished James Michener's The World Is My Home—A Memoir.

What she watches: "I don't hardly watch any television" except for the local and national news on Channel 10.

Her advice: "Give just as much as you can to other people."

A SURE SIGN THERE'S TROUBLE IN BIG GOVERNMENT PARADISE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. DUNCAN. Mr. Speaker, I have often said that big government really helps only the bureaucrats and big business.

The bureaucrats get rich. The Government contractors get rich. The people, especially in some of the small towns and rural areas, get the leftover crumbs.

Nowhere can this be seen more clearly than in Montgomery County, MD, always near the top in the list of richest counties in America. It is filled with bureaucrats and Government contractors.

To more fully make this point, I would like to call the attention of my colleagues and others to the following article by Richard Starr, deputy managing editor of Insight Magazine.

[From Insight Magazine, May 18, 1992]

A SURE SIGN THERE'S TROUBLE IN BIG GOVERNMENT PARADISE

(By Richard Starr)

In a company town, the local newspaper can be counted on to serve as a cheerleader for the industry that runs the show.

Only the naive would pretend otherwise. And though the ethicists of the journalistic enterprise profess dismay at this, cheerleading is not necessarily a bad thing under such conditions. Since most of the paper's readers, not to mention its advertisers, will be either executives or employees of the firm, and since the health of the local economy (and of the newspaper itself) ultimately depends on the success of the company, a publisher who sets himself up as an adversary of the largest employer in town, assuming he stays in business, is arguably rendering no service to his readers.

Years ago in a column in the American Spectator, Tom Bethell argued that while the fabled liberalism of the New York Times is at bottom ideological, the apparently similar outlook of the Washington Post is better explained by the calculated self-interest described above.

Washington, D.C., is a company town if ever there was one, and the company is the federal government. As the largest paper in town, the Post can be expected to give a consistent two cheers, if not three, for the 800-pound gorilla in its backyard. To expect the Post to campaign for smaller government would be like expecting the Detroit papers to crusade for Toyota.

Thus the significance of a recent front-page feature in the Post, whose headline poses the astonishing and even subversive (for the Post) question: "A Government That's Too Good?"

Obviously, given the wording, the text of the story is not about the federal government. But the subtext is. The government in question is that of Montgomery County, Md., the agglomeration of pricey bedroom communities, prime shopping corridors, high-tech service industries and federal agencies situated to the north and west of the national capital proper and home to more federal civil servants than any other Washington suburb.

As the indispensable Almanac of American Politics notes, "Today's Montgomery County is in large part a creation of the federal government, which has put huge facilities" there—notably, the Bethesda naval Hospital, the National Institutes of Health, the Food and Drug Administration and the National Institute of Standards and Technology. "Historically," the almanac adds, "the typical voter in Montgomery County was a high-ranking civil servant."

The growth of the federal government made Montgomery County a prosperous place—it's typically among the five or 10 richest counties in the country by per capita income. And if, as the almanac says, "the percentage of workers [in the county] employed by government has been declining rapidly," that's partly because so much of the federal government's work has been contracted out to "private" firms in recent years.

The county's take in federal procurement contracts soared to well over $3,000 per capita in the 1980s, testimony to the source of much of its private sector growth. It's fair to say that if the typical voter is no longer a high-ranking civil servant, he or she may well be a former or future civil servant, since so many of the businesses that dot the Montgomery County landscape—Data This and Venture That and Such-and-Such Quest Inc.—live and die off government contracts.

What all this adds up to is a local government that embodies the hopes and dreams and ambitions of the federal government's permanent bureaucracy—paradise as it would presumably exist nationwide were the civil service in charge, as opposed to those pesky presidents and noisome congressmen. The operative word is "big." The country spends more per capita than any other except Los Angeles, according to the almanac, which, to be fair, also says that the county "provides first-rate public services."

But there's trouble in paradise. The bill for what the Post describes as "whopping doses of 'good government'" has come due in Montgomery County, and a battle is now joined over the proposition that people will gladly pay higher taxes if they get good services in return—in this case, higher by $100 million.

This proposition is a traditional article of the liberal faith. By such reasoning, liberals have explained away the antitax backlash across this country over the past 15 years. Tax revolts are not really about the size and scope and role of government, the advocates of big government have consoled themselves, but about the waste and inefficiency of existing programs.

But those two little quote marks that the Post places around the words good government, signifying irony, may be taken as an obituary of sorts for the liberal dream. For by traditional liberal standards, the Montgomery County government remains about as good as government can get. There are plenty of benefits not just for poor and lower income citizens, but for the middle class and the rich as well. No stone has been left unturned in the quest to improve the quality of residents' lives. Even the county's stray animals benefit from background checks of potential adopters by a county employee "to determine for certain that a given home will be suitable for a given animal," as a county brochure puts it.

Residents, the Post allows, "question whether they still want a government that aspires to solve almost every local problem." When residents of the company town have doubts about their core business, it's the end of an era.

TECH HIGH TEAM BRINGS RECOGNITION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. JACOBS. Mr. Speaker, among the many honors Indianapolis has enjoyed over the years, the achievement of the Tech High School study and commentary team's splendid showing in the national competition, is very special.

The following are accounts of the competition.

I believe that my fellow citizens and I are justifiably proud:

[From the Indianapolis News, Apr. 30, 1992]

TECH HIGH TEAM BRINGS RECOGNITION

(By Derrick Stokes)

"When most people think of Indiana, they say, 'Isn't that where all the crops are?'" said Tiombe Burton, a 16-year-old junior at Tech High School.

"There are actually intelligent people here."

Burton and 35 of his fellow Tech students Monday put their intelligence to work, finishing third in the National Bicentennial Competition on the Constitution. About 1,500 students from 44 states competed.

The Tech team is composed of juniors and seniors.

Under the guidance of social studies teacher Karl Schneider, the students have increased their knowledge of the Bill of Rights and encouraged their civic-mindedness.

"There are a lot of things I can do besides voting to influence politicians," said Burton, who is not of voting age. "Being involved in this has made me more aware."

Burton and several Constitution team members have written Congress about many topics, ranging from abortion to smoking in public places.

"Before the competition I didn't know anything about the Bill of Rights," said Marvin Harris, an 18-year-old senior. "I have a broader sense of knowledge."

Harris plans to attend Purdue University this fall to study engineering.

"We had four major goals: Win the district (competition), win the state, place in the top 10 and place in the top three," Harris said.

The team won the state championship in December, made the final 10 of the national competition and eventually finished third.

Team members received bronze medals for finishing third in the national competition. Schneider and the school received plaques.

"These kids like competition," Schneider said.

Schneider's classes have made three consecutive trips to Washington, D.C., as Indiana's representatives in the competition. A student cannot compete more than one year but can return as a non-competing coach or adviser. Five student coaches assisted this year's team.

"The thing that pleased me the most was that every student through the course of the three days of the competition added something significant to the competition," Schneider said.

Schneider also is pleased with the attention that a non-athletic team has received.

"I think any attention to academics benefits everyone involved," he said.

[From the Indianapolis News, Apr. 29, 1992]

FINE FINISH FOR TECH

A well-deserved pat on the back to Arsenal Technical High School for its excellent third-place finish in a national competition testing knowledge of the U.S. Constitution and Bill of Rights.

Exactly what are Americans' rights under the U.S. Constitution and its first 10 amendments? This is one question Congress wanted high school students to ponder when it created the National Competition on the Constitution and Bill of Rights in 1987.

At the Dec. 19 preliminary competition, cosponsored by the Indiana State Bar Association and the Indiana University Social Studies Development Center, Tech beat out 40 other Hoosier high schools to earn its third consecutive state win and the right to compete in the national finals in Washington, D.C., April 25 through April 27.

The 36 students were scored not only on group performance, but on how well they answered individual questions from a judging panel comprising lawyers, scholars and government leaders. Adults should hope to do as well as did these Tech students, who prepared for the competition under the direction of their government teacher, Karl Schneider.

Schneider's good luck charm, Sam the jumping handkerchief—courtesy of his magician-nephew—may have helped the team a bit with its confidence. But far more contributive to their excellent final standing were the hard work and team spirit of the Tech students under Schneider's guidance.

Congratulations again for a remarkable achievement.

[From the Indianapolis Star, Apr. 28, 1992]

TECH TEAM PROVES POINT IN CONSTITUTION CONTEST—STUDENTS FINISH THIRD IN NATIONAL COMPETITION

(By George Stuteville)

WASHINGTON.—Brian Wilburn realized he had something to prove.

As he sat at the long wooden witness table in the Senate Foreign Relations Committee chamber, testifying on the principle of equal opportunity before a panel of judges Monday, a thought hit him.

"It doesn't matter where you come from. That just because they say your school is no good, a place where drugs and thugs and gangs rule, doesn't mean that's the whole truth. You can show them different," said Brian, 17, a senior at Arsenal Technical High School.

Because Brian and 35 of his classmates were "proving something," Tech placed third among the nation's Top 10 high schools in a competition celebrating the 200th anniversary of the US. Constitution and Bill of Rights.

Students from East High School, Denver, placed first.

The Tech team made it into the final rounds Monday after a weekend of delivering panel presentations to lawyers, scholars and government leaders on various questions about the Constitution. They were scored not just on their group performance, but also by how well they responded to the judges' sometimes intense grilling and follow-up questioning.

But it was something about the days of rigorous debate, something about being in the nation's capital, and being in a group that has worked hard all year studying the nation's most important legal document, that made Brian put his feelings into words.

"People need to think again about Tech and about Indianapolis Public Schools"; they can do the job, said Brian, who hopes to become an electrical engineer.

Brian's government teacher, Karl Schneider, said the students have been strongly motivated by the idea that they were proving something by overcoming the stigma of attending a tough city high school.

"One of our pure purposes in being here and coming so far is to change people's perceptions," said Schneider, who has taught for 30 years at the Eastside high school.

In its fifth year, the Tech team beat 40 Indiana high schools in 1991 in the Hoosier event, which was sponsored by the Indiana State Bar Association and the Indiana University Social Studies Development Center.

Following the team's last national presentation—a complex discussion on capital punishment—Schneider drew the members together and lavished praise on them, telling them they were winners no matter how they finished after the day's judging.

Their dream, he said, was to finish in the top three.

Schneider later reassured one girl who was near tears because she thought her performance had been poor and would pull the scoring down. He said her presentation was the best he had ever seen from her.

"These kids have been wrapped up in this since the beginning of the school year. It means a whole lot to them personally and as a group," he said.

La Vonna Anderson, 18, a senior, said her increased awareness of the Bill of Rights made her deeply appreciate her right to vote while she registered recently.

For Abigail Bradley, the experience was profound.

"It was just this idea of involvement," said the 16-year-old junior. "Our work here as a school was a complete team effort. Then when you look around, it makes you aware of how involved we all must become. Without us, there is no government."

[From the Indianapolis Star, May 1, 1992]

PROVING SOMETHING

Congratulations to members of the Arsenal Technical High School team that placed third among the nation's top 10 high schools in a competition celebrating the 200th anniversary of the U.S. Constitution and Bill of Rights.

The 36-member team spent a year studying the vital documents, which are basic to U.S. freedom, and made it to the final rounds after a weekend of questioning by lawyers, scholars and government leaders in Washington.

Students were judged not only on what they said but how they said it.

Brian Wilburn, 17, a senior who hopes to be an electrical engineer, did an impressive job of summing up what it means to go to a tough urban high school and accomplish a high-level performance in hard competition when he said: "It doesn't matter where you come from. That just because they say your school is no good, a place where drugs and thugs and gangs rule, doesn't mean that's the whole truth. You can show them different."

As George Stuteville, the Indianapolis Star's Washington correspondent, said that Brian and his classmates were "proving something."

They were proving they are able to control their lives and turn the odds in their favor to win honor and recognition through prolonged hard work.

Young people who have learned how to do that have learned something of lasting value.

SELECT COMMITTEE ON AGING TESTIMONY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. SKELTON. Mr. Speaker, a well known resident of the Washington, DC, area, known personally to many Members of the House, recently testified before the Subcommittee on Human Services of the Select Committee on Aging, of which I am a member. The gentleman is Jhoon Rhee, a respected grand master in the art of Tae Kwon Do. In his testimony, he spoke of the benefits of physical exercise and being "fit for life," of which he is a recognized expert.

I might add that he is internationally known, and that he is an author, has starred in movies, conducted seminars in the former Soviet Union, and is a creator of National Teacher Day. I include his remarks from the subcommittee record for the Members to read:

STATEMENT OF JHOON RHEE

Mr. Chairman, members of the committee, distinguished guests, ladies and gentlemen, it is my honor to be invited here this afternoon to share my lifetime experience of Tae Kwon Do, how Tae Kwon Do exercise can help our senior citizens' health care.

My name is Jhoon Rhee, a martial artist, a businessman, who has been abundantly blessed by his great Nation, the United States of America. In return, I would like to really return my contribution to this great Nation. For this reason, we have formed the Jhoon Rhee Foundation.

The Foundation has two purposes. Number one, to introduce Joy of Discipline program in inner city elementary schools. We are now going to seven D.C. elementary schools, first graders, in the mornings, to introduce this very program, because unless we have good exercise training habits at a young age, we will never have healthy senior citizens in the next 50, 60, 70 years. Therefore, we have created the program where we can teach them how to exercise through martial arts basics, and also how to improve their self-image and self-discipline.

The second purpose is to introduce Joy of Discipline program to the senior citizens. We like to introduce the program where we can make entire national parks as exercise gymnasiums for senior citizens, like it is done in China for centuries.

And I have some idea how we can introduce our nationwide program without costing any money from government. I have developed the Jhoon Rhee daily dozen exercise program, which I have been teaching for Members of Congress for the last 26 years, which worked for me perfectly, and in order to prove that my program works, I brought my 88-year-old mother, who can show you how flexible she can be and how energetic she is at punching and kicking.

Now, she started this about 6 or 7 years ago, because I started my extensive exercise program about 6 or 7 years ago, since I started giving seminars to prove myself and live by example. I said I am going to help my mother first. And she has benefited from this.

I would like you to see the energy that she can demonstrate.

Now, this time I would like for her to kick this paper at shoulder height. I think that is good enough. And she is going to show a sitting position and how flexible she is. She does the Lotus, because this is the one in the exercise program.

Now, she can go down all the way. Without her, I wouldn't be here today. Give her a big hand.

I would like to read a part of an article in the health section of The Washington Post, fit over 40, on January, 1992, by Carol Krucoff. According to the studies of American College of Sports Medicine, you can improve your physical fitness at about the same percentage level as that of a younger person. At 92, Dr. Paul Spangler finished the New York Marathon in 9 hours and 40 minutes. At 60, Ruth Anne Bortz ran 100 miles, and the 99-year-old John Fleck raced in the U.S. National Senior Games in July 1991. They are all committed to a regular exercise program.

When Roger Bannister ran 1 mile in 4 minutes, a few months later, 37 people broke the same record; and a few years later several hundred people ran the same record. This shows what can happen if we have one role model, showing how it is possible for anybody to put their effort into it.

For this reason, I would like to become one of the role models. When I become 100 years old, I would like to do 100 push-ups. By that time, I would like to have about several people be able to do that, but I am 60 right now, and in the year 2032 I hope most of you come back, still serving as the committee members, and witness my return in the year 2032.

I would like to demonstrate my demonstration this time, demonstrate 100 push-ups in 1 minute.

I have a proposal for the committee and the President's Council on Physical Fitness and Sports, that they promote exercise programs nationwide in the part with my program, because I think I can mobilize thousands of martial artists across the country to volunteer their time to lead this exercise every morning.

I think we need national promotion first. Once we have that program going, we will have many, many role models who will be doing 100 push-ups above age 60, and this will give hope for many senior citizens.

And so I hope that this committee and the President's Council on Physical Fitness and Sports, together, will promote this idea so that we can save billions of dollars in medical Medicare and Medicaid expenses.

According to Dr. Guidry, in the year 1995, it could rise to $100 billion to $150 billion for Medicare and Medicaid expense. I think, as one citizen of this Nation, I would like to contribute a little portion to reduce that expense.

Finally, I would like to close by performing a martial arts ballet as an entertainment and how we can motivate our senior citizens to exercise like I will demonstrate this time.

The purpose of life is to be happy. And to be happy, we must love and be loved. Love is expressed through the physical beauty of lines, beautiful sounds, or a combination of both. This is called art.

As we express love for our country with a song, we martial artists will demonstrate love for our country with the martial arts ballet, an art combining colorful liens and beautiful sounds. To the Star-Spangled Banner. Please rise, face the flag, and place your right hand on your heart. Ladies and gentlemen, to the national anthem of the United States of America, the Star-Spangled Banner.

I would like to close by saying it takes a year to harvest a crop, 10 years to see full beauty of a tree, and the 50 years to make a man. So let us begin for our young children's education, motivating them to exercise and study.

TRIBUTE TO JOE LIMARDI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, I want to join the city council of New Bedford, MA in congratulating Joe Limardi of radio station WFHN–FM for his dedicated work in combating malnutrition. Since the frequency of his station is 107, Mr. Limardi decided to get 107,000 cans of food for people in need of such aid. As he did last year, he perched on top of a Dunkin Donuts in Fairhaven, MA, and stayed there until the goal was met.

The kind of leadership Mr. Limbardi showed, and the response he got from people in the greater New Bedford area, are exactly the way in which Americans ought to respond to our problems. Obviously we need a well funded and effective governmental response to social problems. But there will always be room for the kind of dedicated citizen effort that Mr. Limardi so generously organized and I believe we should join in taking note of it. I am grateful to city councillor, George Rogers, from New Bedford for calling my attention to this and I join Councillor Rogers in his admiration for Mr. Limardi's efforts.

SUPPORT FOR H.R. 3164

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the strong support from my home State of Rhode Island for passage of H.R. 3164. This bill, of which I am a proud cosponsor, would permit military retirees with service-connected disabilities to concurrently collect both retirees' pay and Department of Veterans Affairs [VA] disability compensation. It is about time that Congress recognized the inequity of current law, which unfairly discriminates against combat-wounded military retirees by denying them the benefits they so truly deserve.

A constituent of mine, Mr. Harold Prew of Pawtucket, RI, has been tireless in his efforts to get this bill passed into law. He has written me recently to let me know of the support for this bill of both the Rhode Island State legislature and the Governor. Below are letters of support documenting the strong support of Rhode Island for this much needed legislation. I urge all of my colleagues to join me in cosponsoring H.R. 3164.

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS,
November 21, 1991.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to urge your support of two bills, Senate Bill S. 1381 and House Bill H.R. 3164, which would allow military retirees with service-related disabilities to concurrently collect both retirees' pay and Veterans' Administration Disability Compensation.

As a veteran of World War II and a recipient of the Purple Heart, I can empathize with those military personnel who find themselves ineligible for a pension that rightly should be given to them. Veterans and their families have made monumental sacrifices for this great country, and respect should be accorded to them by means of appropriate pension compensation.

Current Veterans' Administration policy discriminates unfairly against the combat-wounded, prisoners of war, and their dependents by forcing them to forego a portion of their military retirement pay equal to the amount received from the Veterans' Administration Compensation. This is reportedly to qualify them for the tax break accorded to combat-wounded retirees and POW's.

Because Veterans' Administration Compensation was meant to provide special benefits for veterans whose impairments render them thirty percent or more disabled, as well as their dependents, and because ordinary military retirement pay has no provision for dependents' allowance, the current procedures hurt not only certain combat-wounded veterans but also their dependents.

Once these bills are passed, they can go a long way toward remedying this unfair situation. I hope you will give serious consideration to this matter.

Best personal wishes.

Sincerely,

BRUCE SUNDLUN.

HOUSE RESOLUTION

Whereas, Military retirees have earned military retirement pay through reenlistment incentives and use of one's physical capacity during prime youth years for a minimum of twenty years; and

Whereas, The purpose of Veterans Administered Compensation is to assist those who have completed ninety days or more of active duty and have incurred service connected disabilities during that time such as deformities, pains, wounds, injuries, diseases, loss of earning power, or loss of limbs; and

Whereas, Thirty percent or more rated disabilities include an allowance for each dependent and a military retirement for longevity has no dependent allowance; and

Whereas, Military retirees who are combat wounded and their dependents are discriminated against by waiving the retirees earned retirement pay on a dollar for dollar basis with Veterans Compensation only to receive a tax break for the Combat Wounded retiree and dependents; now, therefore, be it

Resolved, That this house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to pass House Bill 303 so that military retirees who are combat wounded can receive earned retirement pay from the Armed Forces and also receive Veterans Administered Compensation including dependent allowances with no offset to military retirement pay; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

SENATE RESOLUTIONS

Whereas, Military retirees have earned their military pensions by remaining in the military, through reenlistment, during a minimum of twenty years of the prime of their youth; and

Whereas, If after ninety or more days of active duty, a veteran incurs a service-related disability, such as deformity, pain, wounds, injuries, disease, loss of earning power, or loss of limb, Veterans' Administered Compensation is meant to give them the special assistance they need; and

Whereas, Current Veterans' Administration policy is penalizing the combat-wounded, POW's and their dependents by forcing them to waive receiving a portion of their military pension equivalent to the amount they receive from Veterans' Administered Compensation in order to qualify for the tax break accorded to combat-wounded retirees and POW's; and

Whereas, Veterans' Administered Compensation was meant to provide special benefits for veterans whose impairments render them 30% or more disabled. These benefits include the cost of aid and attendance for some veterans who need it, and an allowance for each of their dependents. In contrast, the ordinary military retirement pension has no provision for dependents' allowance; and

Whereas, The principle of recognizing and compensating veterans who suffered injury or loss of capacity by providing them more funds and services than the uninjured military retiree has been seriously eroded. The current policy bodes ill for injured veterans of the Persian Gulf as well; now, therefore, be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully requests the Congress of the United States to pass House Bills 303 and 304 and Senate Bill 190 so that military retirees who are combat-wounded can receive the retirement pay they have earned as well as the Veterans' Administered Benefits including dependents' allowances, aid, and assistance, with no offset in their military retirement pay; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

ADDRESS BY THE CHAIRMAN OF THE SIERRA CLUB

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. OWENS of Utah. Mr. Speaker, on Saturday, May 2, it was my honor to attend the centennial celebration of the Sierra Club in San Francisco and to help present the club's highest honor, the John Muir Award, to a close friend and dedicated conservationist from Salt Lake City, James Catlin.

In my view, the Sierra Club has done more over the last century to lead our country and the world in the protection of things beautiful and natural than any other organization.

Michael McCloskey, current chairman of the Sierra Club, presented an address entitled "The View Ahead: What Kind of World Will the Sierra Club Face in the Next 100 Years?" I found these remarks insightful, inspirational, and thoughtful, and would like to share them by placing them in the RECORD along with Mr. McCloskey's report to the board of directors of the Sierra Club, also presented on May 2, 1992.

THE VIEW AHEAD: WHAT KIND OF WORLD WILL THE SIERRA CLUB FACE IN THE NEXT 100 YEARS

(Remarks by Michael McCloskey, Chairman of the Sierra Club)

As we commemorate the Sierra Club's centennial, we are certainly celebrating our past. Our history is rich and varied, and we take pride in it. But we also need to look forward. We are planting the seeds for the next hundred years.

What kind of future should we prepare for? Since no one is clairvoyant, how can we think about the future? Well, we might imagine ourselves at the next centennial banquet of the Sierra Club in the year 2092. Looking backward from that vantage point, what will we say of this next hundred years?

Probably we will be able to claim a long list of accomplishments once again. But what will we be able to salvage of the physical world? What will its condition be? How much of nature will survive?

We might think of the future in terms of alternative scenarios and their probability. It is easier to imagine a pessimistic scenario. The pessimistic scenario would say that conditions will be much worse. For those who say that we have only 10-20 years to save all that will be saved or to reverse directions, things are bound to be worse. Recent decades show little political will to turn things around drastically, and it is unlikely that anything will be different in the next 10-20 years. There may be a few political victories ahead in terms of keeping things from being worse than they otherwise would be, but the net conditions of the physical world would be in a free fall. Only fragments of nature would survive.

One could foresee a world in which:

90% of the species were lost;

Human population levels would have quadrupled;

Only 15% of the world's wilderness was left (and none in biologically active areas);

Only 5% of the original tropical rainforests had survived (and mostly in blocks too small to be viable);

Heavy pollution loadings choked over two-thirds of the globe;

Toxics are everywhere, and the majority of children, accordingly, were ill;

Skin cancer was rampant;

The glaciers were melting;

The seas were rising;

Desertification was spreading across the midwest;

California was in permanent drought;

And agriculture was collapsing, with too little water, too many chemicals, and too many resistant pests.

Clearly there would not be much to celebrate in 2092 if this is what comes to pass.

But can humanity want to live that way? Will there be not political will to resist? Do things always get worse in absolute terms?

The historical record does show some reversals (i.e., where species have not reached extinction). For example:

The American bison was brought back from the edge of extinction;

Gray whale stocks have recovered;

More forest land is found in the eastern part of the U.S. today than when the Sierra Club was formed;

Forests are being restored in countries like Spain and Israel;

Ambient levels of lead in the air are declining in the U.S.;

Nuclear fallout in the global atmosphere has gone down drastically.

The human forces that have worsened conditions can also decide to reverse direction. Cars today emit 98% less pollution than those built before the first Earth Day. In the quarter century since the Wilderness Act was passed, the amount of wilderness protected in the U.S. has increased ten-fold. Political will can make a difference.

If some political will is summoned, one can imagine a mildly optimistic scenario. One could foresee:

Massive tree planting worldwide to offset growth in industrial CO_2 emissions—a "greening of the world," with rains returning to areas with new forests.

The drying of the midwest might lead to reversion of more tilled land to grassland; with less land tilled, the chemical burden on the region would be reduced; and with the high price of chemicals, more farmers might turn to low input-sustainable agriculture.

The levels of industrial pollution worldwide would be stabilized as the newly industrialized countries (NIC's) clean up just as the Japanese have done, and the formerly communist block countries gradually do that too.

Human population levels might stabilize in most parts of the world, albeit at levels which are too high (12 billion).

And there would be steady growth in the percentage of land which is put into protected areas worldwide; the current rate of increase, which is 25% per decade, would continue well into the next century; the majority of countries would come to have between 5-10% of their territory set aside in protected areas.

But is this the most that is likely? Can we find no plausible bases for doing better? Yes, I think we can.

Oddly enough, the very forces that have been our problem since the industrial revolution began may now unwittingly, and even against their will, be turned into the instrument of our rescue. Here, I am speaking of large business corporations, which are now moving into a different era. In having to compete on a worldwide basis, they are globalizing their operations. They seek the least expensive sources of supply and locations for production and sell all over the world. They thereby minimize distortions in competitive advantage among nations and maximize the size of markets with similar environmental requirements with respect to products. These large multinational corporations want rational, stable, and predictable operating climates. So through GATT and various regional trading agreements, they are seeking a kind of world government to regulate trade, and they are doing this through backdoor means hidden from public view.

The job for environmentalists will be to demand parity in this process for environmental concerns and for democratic and bioregional values. They need to tame the trader monster. They need to checkmate a headlong plunge toward a one-sided approach to world trade rules that serves only industry and sacrifices the environment. However, if they succeed in forcing industry to provide parity for environmental concerns, the result could be a better world—a world where environmental standards are raised without imposing ceilings on them, where backward, dirty industries die, and where literacy rises.

What might that world look like as far as the environment is concerned?

1. It is not implausible to imagine a century hence where population levels have been stabilized at levels much less than in the pessimistic scenarios. Reproductory levels would fall as levels of literacy and education rise to meet the needs for technological competence of a globalized economy, and public health would rise to protect employers' interest in that work force.

2. As multi-nationals see themselves operating everywhere, they should want to avoid fouling their own nests and instead become a force for elevating environmental standards in the Third World. They could bring improved standards from their operations in the advanced countries to the rest of the world. Technologically backward and dirtier companies would not be able to compete and would go out of business. And in any event, new basic global environmental standards would compel laggards to clean up. The skies and the water would begin to clear over much of the earth.

3. Also the spread of factories to remote areas to capture labor values there would make those areas less dependent on exploiting natural resources in traditional ways, such as by logging. Many of those exploitive businesses would disappear as they are displaced by better alternatives. New plantations could provide cellulose cheaper than by shipping it in bulk from remote areas. Clean sources of alternative energy would end the search for hydrocarbon resources in remote and fragile areas.

4. A global climate treaty would regulate emissions of CO_2 and other greenhouse gases in all nations and would move the world into a post-fossil fuel era. Hydrogen drawn from pellets produced by solar power from sea water would fuel most vehicles. Electricity would come largely from photovoltaics, and power would be stored in underground low temperature power-storage units. The world economy would both get the energy it needs and would prosper from selling the new technology, which has few downsides.

5. Most tropical countries would preserve their remaining rainforests so as to maximize their chance of earning substantial sums from discoveries in bio-technology. They discover they can make more that way than by selling them for wood. Some of the forests would have been leased on a long term basis to a World Climate Authority.

6. Higher levels of education would also create demand for more environmental reform and democracy. Populations in Third World countries would no longer be willing to accept apocalyptic situations such as now found in Mexico City. They would punish politicians who throw up smokescreens over "jobs vs. the environment" and would demand delivery of better air and a better life.

7. The world would gradually learn that life is better in every way when it practices good Earthcare. Corporations would come to understand that the price of getting global trading rules for their economic operations carries with it the obligation to provide for parallel rules to require environmental clean up. The price of admission to the world trading system would include living up to certain standards for environmental care.

With all of this, the skies clear; the waters revive; wildlife returns; and the remnants of wild nature are treasured. The legacy of the phase of brute industrialization cannot be overcome for centuries, but the siege is lifted, the trends are turned around, and the damage is contained. Gradually a process of healing is commenced, and vast efforts aimed at restoration are undertaken.

The United States is hard at work creating new wetlands, protecting wildlife corridors, zoning all areas to protect biological values, and recreating ecosystems that have become hard pressed.

Only our successors a century hence will know which of these scenarios is closer to the truth. But what we can know is that the worst scenario is more likely to be the truth unless the Sierra Club, and groups like us everywhere, are able to make a difference like never before. Groups like ours are in the vanguard of new forces for empowering people, reforming civic processes and breaking the bond of pessimism.

The Sierra Club has made a profound difference in America in this past century. Look at what those on our honor role, which is listed in our program for tonight, have been able to accomplish.

We can make an even more profound difference in the world of the next century. The job is not hopeless. There are powerful forces that can be harnessed to help us. The question is one of whether we will have the vision to see what is possible and the political will to do it.

There can be only one answer. It is the answer that John Muir himself gave us when he said: "When we try to pick out anything by itself, we find it is hitched to everything else in the universe." It is the job of picking up these pieces that lead to saving the world that is our challenge in our next hundred years. It is a challenge that our first hundred years have prepared us to meet.

CENTENNIAL REPORT TO THE BOARD OF DIRECTORS BY THE CHAIRMAN OF THE SIERRA CLUB

This is no ordinary meeting of the Board of Directors. It is the board meeting on the hundredth anniversary of the Sierra Club's formation. In our centennial year, we agreed that we wanted to look forward and not just celebrate our accomplishments and I will do that in my remarks tonight.

However, we also need to celebrate our legacy. We need to understand the nature of that legacy and its breadth and constant purpose. We need to take price in it and instill in our successors the passion to add to it and to be part of history too.

For the Sierra Club has done more to shape the history of American public land law and environmental regulation than any other institution. Not only have we been at it longer, but we have pursued this mission on a broader front and with more people involved. Look at the honor role printed in the program for tonight's banquet. No other organization can match it, and we know that this list is incomplete. And the number of entries has exploded in recent years. We owe these people our undying gratitude. They have gotten the job done. John Muir would be proud. We have made the mountains and the earth glad.

Certainly the earth is not saved, and we have only begun to fight on new global fronts. But we have been instrumental in building one of the largest and best protected systems for nature protection on this planet, and we have been in the forefront of efforts which have produced the most elaborate system of pollution control in the world. We have been vigilant, inventive, and productive, and the results show. We have collaborated with others, and they deserve credit too. But it is also true that many issues would have been in doubt had we been absent. Our leadership and grassroots have often been decisive.

And we have not forgotten our roots. Muir decried those who killed Big Trees that couldn't run away. The destruction in Converse Basin was appalling. The Sierra Club worked to save sequoias in Yosemite and Sequoia national parks, in Calaveras State Park, at Redwood Mountain, and does so today in the Sequoia National Forest. It was involved in the establishment of the California State Park system, which has focused much of its efforts on saving coastal redwoods. The club almost alone championed the Redwood National Park. The club has been involved in saving douglas fir forests in the Olympic and North Cascades national parks, in the Glacier Peak Wilderness and at French Pete Creek in Oregon. We have been continuously involved in rescuing southeast Alaska's forests from overcutting, and today are working both to perpetuate the Northern forests of New England and the Ancient Forests of the Pacific Northwest and California.

And we have not forgotten Hetch Hetchy either. We are looking toward removal of that ill-begotten dam by the 100th anniversary of its authorization. We have been watchdogs to protect national parks from any more incursions of this sort—helping to protect Glacier, Kings Canyon, Zion, Big Bend, and Grand Canyon national parks from dams, as well as Dinosaur, Devils Fostpile and Rainbow Bridge national monuments. In

California, we have helped keep the Eel, the American, the Merced, the Tuolumne, the Kings and Kern Rivers free of anymore dams. And elsewhere we have helped save the Upper Klamath, the St. Croix, the Niobrara, the Chattahoochee, the Meremec, the Delaware, and the Big South Fork of the Cumberland (in respectively: Oregon, Minnesota-Wisconsin, Nebraska, Georgia, Missouri, Pennsylvania-New York, and Tennessee).

We have been involved with defending national parks from other types of impacts too, including Bryce, Death Valley, Denali, Everglades, Grand Teton and Smoky Mountains. And the Sierra Club has had a hand in the establishment of more units of the National Park System than possibly any other organization. I count more than thirty units where we have played a leading role. In fact, the Sierra Club has had something to do with the welfare of almost all the classic national parks. The National Park System and service would not look like it does today were it not for our organization.

And in the last three decades, the Sierra Club has carried the effort to protect nature beyond national parks, as it has sought protection for wilderness found in the hands of all agencies. The club has been in the thick of over two dozen successful efforts to enact wilderness legislation for federal holdings in various states. Usually these efforts have been spearheaded by club activities. And what a payoff! Today, the statutory wilderness system is ten times larger than when it began, and much of this was done during the bleak decade of the eighties.

And the Sierra Club has been a key player in addressing all the large packages of legislation in modern times to protect the American landscape: ANILCA, the Burton bill (1978), the Eastern Wilderness Act (1975), the Endangered American Wilderness Act, and today the California Desert Act, which is now before Congress. And we helped instigate such comprehensive reviews as RARE I and II.

Time and time again, where the pivotal battles have been fought to protect important places, the Sierra Club has been there.

We were at Deadman Summit;

We resisted the modern Tioga Road through Yosemite;

We rallied to the defense of the Three Sisters Wilderness;

We helped rescue the Glacier Peak Wilderness and the Stenekin Valley;

We helped save the Minam River Valley;

We were there when the future was at stake of San Jacinto, San Gorgonio, San Rafael, and Mineral King;

We fought for the Kern Plateau, the Golden Trout Wilderness, and Mono Lake;

We helped save the Selway-Bitterroot, the Sawtooths, and River-of-No-Return Wilderness;

And we were there to get protection for Hells Canyon, the Columbia Gorge, the Hudson River Highlands, and Kentucky's Red River Gorge;

We led efforts to reform management of the Boundary Waters Canoe Area;

For over two decades, we have been involved in the fate of Admiralty Island and other nearby areas in Alaska;

And we have been part of the classic wilderness battles: the High Unitas in Utah, French Pete Creek in Oregon, and the Alpine Lakes in Washington.

And the Sierra Club moved beyond concern only for wilderness to join the issue over how all public lands should be managed. In the last three decades, the club has fought off ill-considered notions:

the Timber Supply Act (1970).

Aspinall's Public Land Law Review Commission plan

efforts to turn National Wildlife Ranges over to the states

impetuous efforts to build a poorly planned Trans-Alaska Pipeline

plans to open major portions of Alaska's new national parks to hunting

plans for basing the MX missile system on the public lands of the Great Basin

plans to privatize tens of millions of acres of public domain

and efforts to push gas lines through the Arctic National Wildlife Refuge, and more recently to throw it open to oil drilling.

The club has been part of constructive efforts to reform the framework for managing public lands, including enactment of the Wilderness Act (1964), the BLM Organic Act (1976), the National Forest Management Act (1976), and reforms in managing timber on the Tongass National Forest (1990). Now it is working to reform laws governing mining on public lands and to establish a comprehensive organic act for the National Wildlife Refuge System. The Sierra Club also was part of efforts to reform the federal coal leasing system, federal oil leasing on the Outer Continental Shelf, to end synthetic fuel subsidy programs, and to regulate surface mining for coal on private lands.

The club has been part of all major efforts of recent times to forge positive energy conservation programs for this nation: the three broad energy reform packages passed by Congress in the 1970's. We also helped kill the mis-directed Energy Mobilization Board idea of 1980, as well as the breeder reactor program and most recently the retrograde Johnston-Wallop bill.

Since the early 1970's, the Sierra Club has also been fully involved in the work of controlling pollution. From the inception of the environmental movement, the Sierra Club has been a player in this field. The club joined in a pioneering case to get rid of DDT. It was part of efforts to strengthen Clean Water laws in 1972, 1977, and 1986. It brought the case that established the PSD doctrine to keep clean air regions from losing their air quality. It was a leading player in strengthening the federal Clean Air Act in 1977 and 1990, and in repelling attacks on it in 1974 and 1982. It raised public consciousness over the need to end acid rain. It led the fight for the Toxic Substances Control Act (1976) and spearheaded winning campaigns for a Superfund to clean up hazardous wastes (1980, 1985), as well joining efforts to limit further disposal of such wastes (RCRA). It was part of efforts, too, to improve safe movement of oil tankers in harbors (Ports and Waterway Safety Act, 1972).

And the Sierra Club took the issue to polluters around the country. The club led efforts to stop taconite miners from dumping their tailings in Lake Superior. And now it is fighting to get toxics out of the Great Lakes. It fought to control emissions from giant power plants in the southwest and to clean up the Smelter Triangle in Arizona. It has pushed to clean up smog in Southern California and in countless other communities too. And it has joined in suing to keep oil drilling away from sensitive coastal areas.

It would be hard to adequately recount all the Sierra Club had done state by state and in every locality. We have been urging our chapters to write their histories of those accounts.

But here in California, where we began, the story lines are clearer. There is hardly a part of this huge state that the Sierra Club has not helped. The roster of our efforts spans the length and breadth of the state:

From Anza-Borrego Desert State Park to the Siskiyous;

From Yosemite to Big Sur;

From Mt. Shasta to the Agua Tibia Wilderness;

From Kings Canyon to the Trinity Alps;

From the Redwood National Park to Torrey Pines State Park;

From Joshua Tree to Mt. Lassen;

From San Francisco Bay (BCDC) to Santa Monica Bay;

From Lake Tahoe to the Mojave Desert;

From Upper Newport Bay to GGNRA;

From the Nipomo Dunes to the Eureka Dunes;

And from Mt. Tamalpais to the Santa Monica Mountains.

And needless to say, the Sierra Club has been involved in almost all of the efforts to secure protection for wilderness along the spine of the Sierra: Bucks Lake Wilderness, Granite Chief, Desolation Valley, Carson-Iceberg, Emigrant, Hoover, Ansel Adams, John Muir, Kaiser, Jennie Lakes, Golden Trout and the Domelands. And, of course, the club has been involved with designations elsewhere too around the state: Siskiyous, Trinity-Alps, Mt. Shasta, Snow Mountain, Ventana, Santa Lucia, San Rafael, Dick Smith, San Gabriel, Sheep Mountain, San Gorgonio, Agua Tibia and others.

Moreover, the Sierra Club has been the dominant force for over two decades in fashioning the successful efforts in the California legislature, and with the electorate, to protect the environment:

California's little NEPA (CEQA);

Reforms in forest practices;

Coastal management legislation;

Energy conservation legislation;

Air pollution control legislation;

And regulation of hazardous wastes and radioactive materials.

Again and again the Sierra Club has checkmated ill-considered projects: the development of Upper Newport Bay, the Southern Crossing over San Francisco Bay, the Pt. Conception LNG plant, and the Sun Desert nuclear power plant. And we have sued persistently to keep ORV's from tearing up the desert.

Our chapters in other states have had their great battles too:

To keep the great Adirondack State Park in New York "forever wild";

To protect the coasts of the Carolinas;

To curb mining abuses in Pennsylvania;

To get bottle deposit bills in Michigan and elsewhere;

And to block massive schemes to transfer water across the states of Texas and Oklahoma.

And our chapters in Canada have had their victories too, with the establishment of the Pacific Rim National Park on Vancouver Island and South Moresby National Park to the north, and with gains for the protection of wilderness in Alberta and forests in Ontario.

Indeed, the Sierra Club is now fully engaged in finding ways to protect the environment beyond the borders of the United States and has been for over two decades. The club was among the first environmental groups to be accredited to the United Nations. It played important roles in negotiating the Law-of-the-Sea Treaty, in getting a fifty year moratorium on mining in Antarctica, and in building respect for environmental concerns into the work of U.S. AID, the World Bank, and various regional multilateral development banks. And club leaders have gained recognition for the concept of wilderness around the world. Today the club is in the vanguard of efforts to obtain a new convention to control climate change and to protect tropical rainforests.

This is a record almost without parallel in breadth, impact, and sustained character. It is born both of idealism and pragmatism. It demonstrates that steady efforts build impressive records. It shows what determined individuals can accomplish. Their names are enshrined on our honor role, and I wish I could read them all.

Their numbers have expanded dramatically since 1970, and we can only hope that their numbers will fill a book when our successors gather a century hence to celebrate all that they will have achieved by then.

Let us be proud of all that this club, and those who have led us, have accomplished. Nothing like this has ever been seen before.

MICHAEL MCCLOSKEY,
Chairman.

TRIBUTE TO THE COOSA VALLEY PRIVATE INDUSTRY COUNCIL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. DARDEN. Mr. Speaker, today I rise to recognize the tremendous efforts and accomplishments of the Coosa Valley Private Industry Council in northwest Georgia. This group's commitment to and exceptional work in building a better way of life for northwest Georgians has earned them the prestigious Presidential Award.

The Coosa Valley area lies within Georgia's Seventh District, which I serve, and I was honored to be a guest at the Fifth Annual Presidential Awards Ceremony held May 6, at the U.S. Department of Labor. Georgia Commissioner of Labor Al Scott also was present for the awarding of this distinguished honor to representatives of the Coosa Valley Private Industry Council. The program featured remarks by Representatives WILLIAM F. GOODLING, and STEVE GUNDERSON of the House of Representatives Committee of Education and Labor, and a special address by Hon. Lynn Martin, Secretary of Labor.

Mr. Speaker, as you well know, our sagging economy has put many Americans in financial jeopardy. Many have lost their jobs or homes, and finding work is a difficult, if sometimes not impossible, task. The private industry council is designed to address the training and employment needs of an area's disadvantaged residents and dislocated workers. Through the exceptional work on behalf of the Coosa Valley Private Industry Council, many northwest Georgians have been given another chance to make positive and rewarding contributions to the area's work force and survive these troubled economic times.

Private industry council members are appointed by local elected officials and include business leaders, educators, labor representatives, and community service providers. These citizens are an important component of the Federal Job Training Partnership Act, assuring that the programs represent the training needs of the local area. The council emphasizes the delivery of comprehensive services for its at-risk groups, and employs a joint planning process that includes the private industry council, the council of chief elected officials, and the Georgia Department of Labor, which includes the employement service and unemployment insurance offices.

Among its accomplishments are the implementation of a joint delivery service with the JOBS Program, affording job training and supportive services to joint program participants; a comprehensive service strategy for dislocated workers, including education programs and a voucher system to provide a greater array of training opportunities; and a remedial education program.

The Coosa Valley Private Industry Council's services are targeted toward its most at-risk population, which includes single parents, minorities, high school dropouts, and individuals receiving public assistance. The council's new visions project offers comprehensive services to youth dropouts, many of whom are single parents. The creativeness and success of this program has brought the Coosa Valley Private Industry Council recognition, respect, and more importantly, rewards to the people of the northwest Georgia area.

The Coosa Valley Private Industry Council also has been successful in developing a long-term, comprehensive training program for displaced workers which has proven to be especially beneficial to the area's displaced textile industry workers. To enhance competitive efforts worldwide, the textile industry has begun to restructure its work force, placing more importance upon complex machinery than man. The council served 228 dislocated workers last year, placing 77 percent of the program's graduates into unsubsidized employment. Overall, 80 percent of the council's adult participants were placed into lasting jobs.

As Seventh District Representative of the State of Georgia, I would like to commend the members of the Coosa Valley Private Industry Council on their ingenuity and unending efforts for improving the work force and the quality of life for many northwest Georgia residents. Their accomplishment is our reward.

TRIBUTE TO BRYAN P. HOFFMAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to an outstanding young man, Bryan P. Hoffman, of Julia Street, Sunbury, PA, on the occasion of his attaining the rank of Eagle Scout.

Bryan is a member of Boy Scout Troop #333, Zion Lutheran Church, Sunbury. For his Eagle Scout project, Bryan helped the Sunbury Area Chapter of the American Red Cross during a recent stop of its bloodmobile. Seventy-nine units of blood were collected, thanks to Bryan's efforts to publicize the bloodmobile visit. Bryan enlisted the help of several other young people in handing out fliers and posters in area stores and churches. Bryan also made telephone calls reminding people when and where the bloodmobile would be stopping. He also helped set up tables, chairs, and beds at the bloodmobile site, and helped escort donors from the tables after they had given blood.

Bryan, who has been involved with scouting for more than 6 years, says it is "his ambition to help other people who need it, especially older people who cannot help themselves." He also says that he likes to emphasize to younger people the importance of staying in school, because, as Bryan put it, "You can't get a job without a diploma." This type of attitude and wisdom at such a young age is very refreshing to hear.

Bryan has shown an admirable dedication toward community service and helping other people, and I am sure he will continue to be a contributor to the community for many years to come.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Bryan Hoffman on becoming an Eagle Scout, and in wishing him the best in his future civic and educational endeavors.

IN HONOR OF MARTHA PAUL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. STARK. Mr. Speaker, I rise today to honor Martha Paul, a woman who has worked tirelessly to feed the hungry and homeless in the Oakland area. She is a community leader who gives unselfishly of herself to bring comfort to others.

On Thursday, May 14, friends and supporters of Martha—people who recognize and value her work—will gather in Oakland. The theme of the event, "Giving Them the Best That We Have," mirrors Martha's personal commitment to the needy of our community. She is a founding member of project Outreach, Inc., which, with more than 130 volunteers, fed 67,000 Oakland residents last year and provided guidance and shelter to many more.

Martha Paul is also president of the Oakland Emergency Food Providers Program and has played a key organizing role in staffing food drives and setting up food sharing programs in Oakland. Under Martha's leadership, association member organizations fed more than 300,000 Oakland residents last year.

No one should go hungry in the richest country on earth. But for thousands of citizens in Oakland, Martha Paul's work means that sometimes they don't have to go to bed or to school hungry. While Martha was honored for her extraordinary efforts to help victims of the earthquake in 1989 and the Oakland fire last fall, it is the daily service to her fellow citizens that sets an example for us all. She has been recognized by many others, including the city of Oakland, the U.S. Conference of Mayors and the California State Legislature, which named her Woman of the Year in 1988.

Mr. Speaker, I have had the privilege of representing many of those who benefit from Martha's work for a number of years. I ask my colleagues to join me in honoring Martha Paul for her commitment and dedication to community service.

THE KING VERDICT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. FORD of Tennessee. Mr. Speaker, America watched in stunned silence as motorist Rodney King was savagely beaten by four white Los Angeles policemen. The silence was broken when an all-white jury returned a not guilty verdict. There are a few simple conclusions that make an otherwise irrational and unconscionable verdict understandable. How could a jury deny the horror witnessed by millions? First, the jury felt that it was not so bad that a black man was beaten up by police after a high-speed chase. This conclusion was determined by race. The more important and inescapable conclusion is that only an all-white jury chosen from the insulated, pro police community of Simi Valley could have agreed on the verdict. Simi Valley is home to approximately 4,000 retired police and firemen, according to U.S. News & World Report. If the jurors in Simi Valley believe justice was served, then equal justice for all does not exist.

On April 30, 1992, Jesse Jackson, Congresswoman Maxine Waters, and I met with U.S. Attorney General William P. Barr to urge the President to speak out. Representative Waters' district was devastated by rioting. Calling for calm, yet expressing outrage at the verdict, we expressed disappointment at the obvious miscarriage of justice. Attorney General Barr announced that the Justice Department is investigating the case (which had been under review for more than a year) as to possible Federal civil rights violations. Proceeding under a Reconstruction-era statute used effectively in the past to redress racial wrongs, the Justice Department should not allow the four Los Angeles police officers to use their badges as a shield against misconduct.

Meanwhile, President Bush has placed the blame for the riots in Los Angeles on the failed social policies and programs of the 1960's and 1970's. Mr. Bush has forgotten about the small Great Society programs like Head Start, the Job Corps, and community health centers, that dotted the two decades. These programs have even been praised by members of Mr. Bush's own Cabinet. Instead of assigning blame, Mr. Bush should direct his effort at initiating his new urban policies. It is clear that he has had no formal domestic policy, but with the aftermath of the riots that left portions of Los Angeles devastated, he announced an urban agenda that is a collection of Federal initiatives and business oriented proposals to stimulate private investment in inner cities. One such proposal is enterprise zones, that offer various tax credits, deferrals and exemptions for persons who invest money in the inner city, at work in over two dozen cities already.

This new zeal for urban revitalization draws attention away from Mr. Bush's most serious weakness—the poor economic state of our country and his failure to establish much needed programs that are solutions to cities' urban blight. While Mr. Bush contemplates providing $1.5 billion in humanitarian, technical and other assistance to Russia and the other former Soviet republics, our cities continue to be plagued by high unemployment, poverty, crime and a sense of hopelessness and despair.

The aftermath of the rioting that devastated south central Los Angeles has left America with many unanswered questions and a renewed sense of hopelessness. If the disorder in Los Angeles mirrors the reality of our infrastructure, then our cities are in a perilous state. Our reality must be a call to revitalize our cities and provide the requisite programs and reform for survival. Rodney King's eloquence is summed up in his statement calling for the end of the violence and bespeaks a challenge we, as legislators must embrace.

Mr. Speaker, I would like to close by inviting my colleagues to read with me Mr. King's statement:

> People, I just want to say, can we all get along? Can we get along? Can we stop making it horrible for the older people and the kids?
>
> I mean, we've got enough smog here in Los Angeles, let alone to deal with setting these fires and things. It's just not right; it's not right. And its not going to change anything. We'll get our justice. They've won the battle, but they haven't won the war. We'll have our day in court, and that's all we want.
>
> I'm neutral. I love everybody. I love people of color. You know, I'm not like they're making me out to be. We've got to quit. We've got to quit. After all, I mean, I can understand the first upset, for the first two hours after the verdict. But to keep going on—to keep going on like this and to see this security guard shot on the ground, it's just not right. It's just not right because these people will never go home to their families again.
>
> I mean, please, we can get along here. We can all get along. We've just got to. I mean, we're all stuck here for a while. Let's try to work it out. Let's try to beat it. Let's try to work it out.

THE VALUE OF VOLUNTEERISM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. SAXTON. Mr. Speaker, 4 years ago, George Bush—while campaigning for the presidency—mentioned the value of volunteerism. He called volunteers a Thousand Points of Light, and stressed the need for Americans to go an extra step to make our Nation better.

Over the past several months, residents in my district have gone this extra step, and I would like to mention some of them today.

Late last year, a group of students performed a piano recital to entertain the residents at a nursing home in my district. The young people were Karen Jesunas, Sara Michaelchuck, Janelle Niznick, Bonnie Kratz, Tammy Ricchezza, Theresa Livingston, Nancy Malo and Meghan Starkey.

Their performance at Rosewood Nursing Center in Maple Shade was exemplary, and was something special for the residents of the nursing home.

Another district resident who has gone beyond the call of duty to benefit his neighbors is Jim DiFrancesco, of Hogpenny Productions. Mr. DiFrancesco filmed a one-hour video to promote a "clean and safe" campaign in Ocean County. It was shown several times on the local cable station and helped homeowners and businessmen improve their community. He also has produced a one-hour video on the preservation of beaches and dunes, which is a very important subject on Long Beach Island, presently.

Finally, I would like to mention the Reverend Dr. Frank K. Jago, the Rector of Saint Andrew's Church in my hometown of Mount Holly. The Rev. Jago at the beginning of May staged the 250th Anniversary celebration of St. Andrew's. Rev. Jago did a fantastic job in commemorating the important role the church holds in Burlington County's rich history.

I would like to thank these people for making my district a better place.

IN RECOGNITION OF SCOUTING ON MOUNT GREYLOCK DAY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. OLVER. Mr. Speaker, I rise today to recognize May 16, as Scouting on Mount Greylock Day. The Appalachian Trail District of Boy Scouts of America is planning an extraordinary event involving a large number of Scouts and leaders on the top of Mount Greylock the weekend of May 15–17.

The Berkshire County Scouting organization is named the Appalachian Trail District in recognition of the Appalachian Trail path which traverses the county from north to south, crossing the crest of Mount Greylock, on its way from Maine to Georgia.

The purpose of the May 15–17 weekend is to honor Mount Greylock Reservation and Scouting on the 80th anniversary of the creation of the Eagle Scout rank, the highest rank a boy can reach through the Scouting program. Thousands of Berkshire County Scouts have camped, hiked, and participated in service projects on the mountain en route to the Eagle badge.

As many as 500 Scouts and Cub Scouts are expected to participate in the weekend activities. The highlight of the weekend will be a ceremony on Saturday evening, May 16, in which all of the participating Scouts will gather near the base of the Veterans Memorial Tower. At a prescribed moment, floodlights will illuminate the tower making it visible from several surrounding communities. Residents in the neighboring towns will be asked to respond with an outdoor light show of their own, turning on porch and yard lights.

The Scouts will be organized into work crews during the day on Saturday and these crews will engage in projects designed to prepare the reservation for its spring opening the following weekend.

Mr. Speaker, I ask that you and my fellow colleagues join me in honoring the Boy Scouts throughout Berkshire County by declaring Saturday, May 16, 1992, as Scouting on Mount Greylock Day, and to officially recognize the 80th anniversary of the Eagle Scout badge.

FATHER McCAMLEY RETIRES FROM PRIESTHOOD

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. MURTHA. Mr. Speaker, I'd like to take a moment to recognize Father Martin D. McCamley on the occasion of his retirement from the priesthood. The Johnstown area has benefited greatly for the past 30 years from Father McCamley's work in the schools and churches, and we will miss his day-to-day contributions greatly.

Father McCamley came to Johnstown after his graduation from St. Vincent College and Seminary in Latrobe in 1962. His first assignment was as assistant pastor at St. Patrick parish in Moxham. In 1963, he began teaching theology at Bishop McCort High School, where he directed the mixed chorus and the premier choral group, the Fugues. These choral groups have entertained the people of Johnstown for many years, and the high praise that these groups have received can be traced to the skills of Father McCamley.

Father McCamley was named assistant principal at Bishop McCort in 1978, and became parochial vicar at St. Clement parish in 1986, after serving at other churches in the Johnstown area. In 1988 he became the fourth pastor of Visitation Parish in Johnstown.

Our area has seen its way through many difficult periods over the last 30 years. A good deal of the credit for the pride and dedication of the people in our area must go to the churches and schools, who work to hold the community together through their many activities and programs. Father McCamley has been in the forefront of this work, and his efforts in the community have been very important for our area. I'd like to extend my best wishes to Father McCamley on the occasion of his retirement from the priesthood, and to let him know that his work on behalf of the people of Johnstown has been, and continues to be, very much appreciated.

RONALD K. MACHTLEY AWARD WINNER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Courtney R. Washington, of Providence, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Hope High School in Providence, RI.

This award is presented to the student, chosen by Hope High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Courtney Washington has more than fulfilled this criteria. She is a member of the Rhode Island Society. She is also active in extra-curricular activities. She is also a member of the Rhode Island All-State Track Team.

I commend Courtney Washington for her outstanding achievements and wish her all the best in her future endeavors.

IN HONOR OF WATSONVILLE HIGH SCHOOL—THE CENTENNIAL CELEBRATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. PANETTA. Mr. Speaker, I ask my colleagues to join me in congratulating Watsonville High School in Watsonville, CA, as they celebrate their 100th anniversary of educating students.

Watsonville High School was established by an authorization of the California Legislature on March 20, 1891. The first graduating class consisted of 13 students in June 1892. In its 100 year history, it is estimated that over 22,000 students have graduated from Watsonville High School, a superb example of the establishment's outstanding contribution.

In the past century, Watsonville High School has sustained damage from numerous disasters that have necessitated the reconstruction of the facilities at least three separate times. Most recently, due to damage from the earthquake of October 1989 and following aftershocks, a new main building will be constructed on one of the original sites. The faculty and community of Watsonville have withstood these challenges and excelled far and beyond the obstacles they encountered.

A strong and diverse education is an essential building block for the youth of society, whether it is 100 years ago, or 100 years from now. Watsonville High School has been providing students with the tools to exceed in the tasks they will encounter throughout their lifetimes. It is imperative that we recognize and continue to support this educating process and all of those that contribute to it.

Watsonville High School has been an influence in the lives of the students they have taught and the entire community they have served. Mr. Speaker, I would like to take this time to ask my colleagues to join me in acknowledging this accomplishment. I congratulate Watsonville High School on their centennial celebration, and thank them for their invaluable contribution to the 16th Congressional District of California, the State of California, and the entire Nation as a whole.

NEW JERSEY PRIDE HONOR ROLL: ARTHUR McGREEVY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. GALLO. Mr. Speaker, as we continue our discussions on Federal health care policy, we must take the time to recognize those individuals who give of their time voluntarily to help find a cure for diseases that inflict young people and adults alike.

On Monday, June 8, 1992, the north Jersey chapter, Juvenile Diabetes Foundation International is honoring Arthur McGreevy with its Community Service Award, in appreciation for his efforts to assist JDF in obtaining its ultimate goal—a cure for diabetes.

You must have great amounts of energy, as well as commitment and dedication, to give of yourself in service to others who need your help.

Arthur McGreevy is just such an individual, who has worked tirelessly on behalf of the Juvenile Diabetes Foundation.

Arthur McGreevy, of Morris Plains, NJ, has been a successful restauranteur for more than 40 years, with many ventures to his credit within his chosen profession. He is also an active participant in a whole host of restaurant-oriented organizations.

In addition to his work with JDF, Arthur McGreevy finds time to serve as a member of the Elks, VFW, American Legion, 200 Club of Morris County, Alzheimers Association, and St. Virgil's Church in Morris Plains.

In all of his projects and his voluntary efforts on behalf of others, Arthur gives 110 percent of himself, and receives in return our gratitude and our recognition for his many good works.

Mr. Speaker, I ask my colleagues to join with me in congratulating Arthur McGreevy of Morris Plains, NJ, this year's recipient of the Juvenile Diabetes Foundation's Community Service Award, for his dedication and his energetic efforts on behalf of the foundation and its goals.

DISCRIMINATION IN FOREIGN GOVERNMENT PURCHASES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. HORTON. Mr. Speaker, last week the Subcommittee on Legislation and National Security of the House Committee on Government Operations convened to review the President's 1992 title 7 report on foreign government procurement discrimination against American goods and services. As a coauthor of the original provisions incorporated into the Trade and Competitiveness Act of 1988, I was particularly pleased to have an opportunity to hear firsthand how those provisions are being implemented and how title 7 is working as a tool to open foreign markets.

The subcommittee received testimony from Ambassador Michael H. Moskow, Deputy U.S. Trade Representative; Mr. Eugene Zeltmann, General Electric Co.; Mr. Kyle Pitsor, National Electrical Manufacturers Association; and Mr. Allen R. Frischkorn, Telecommunications Industry Association. In addition, the subcommittee heard from House Majority Leader, RICHARD A. GEPHARDT.

For the past 5½ years, the United States has been party to some of the most difficult, grueling and contentious trade negotiations ever held. It is no secret that there have been times when I have not necessarily seen eye to eye with our Uruguay round negotiators. At the same time, I have not hesitated to communicate my concerns to President Bush, Ambassador Hills, and other cabinet officials.

The verdict is still out on whether or not the Uruguay round of the GATT talks will ultimately prove successful in providing significant economic benefits to the United States and the world. But let there be no mistake, Ambassador Hills and President Bush have stood tough. They continue to be guided by the principle that no agreement is better than a bad agreement. While there have been repeated pressures to conclude an agreement, most recently in April, those pressures have been weathered. Our negotiators continue to push for open markets, fair trade and nondiscrimination.

America's trade deficit remains a serious problem. Our markets continue to be open to the world, while American firms fight to pry open foreign markets. But while we continue to fight for fair trade, we should not ignore encouraging signs when they appear. U.S. exports in February set an all-time record high. American exports in the first 2 months of 1992 stood at $73.2 billion, up a solid 8.1 percent from the $67.7 billion in goods exported during the same period last year. The U.S. trade surplus with Western Europe widened 55.1 percent in February. In fact, February's trade performance narrowed the trade deficit to its lowest level since March 1983.

But let's not think for a minute that these statistics mean we can relax our efforts. We are not running a trade surplus, we are not even breaking even. In 1991, the United States ran a trade deficit of $66.3 billion.

And that is why the title 7 report is so important. Foreign discrimination in government procurements must be identified and then eliminated. Where discrimination is not eliminated, sanctions must be imposed. Foreign firms should not enjoy access to American procurements when American business is not accorded reciprocal access abroad.

The USTR's 1992 title 7 report builds upon the February early review. In its early review the administration determined that the European Community met the requirements for identification under the statute for discriminatory procurement policies of government-owned telecommunications and electrical utilities in certain EC member states. The formal report released April 29, reaffirms the identification of the EC and once again names Norway for its discriminatory procurement of toll collection equipment.

If you consider the sheer size of the European telecommunications market, it is clear that the identification of the EC in title 7 can have important implications for future American sales. It has been estimated that telecommunications will grow from about 3 percent of Europe's gross domestic product to 7 percent by the year 2000. Spending on equipment and services could rise to $104 billion in 1992, reflecting a growth rate double that of the United States since 1988. Though not currently signatories to the Procurement Code, Hungary, Poland, and the Soviet Union, among others, may spend $100 billion on modernizing their phone systems over the next decade. East Germany alone may require a $33 billion investment over the next 6 years. American firms must be allowed to fairly compete in these important and growing markets.

Has the USTR's citing of the EC helped raise the temperature in negotiations on the government procurement code? You bet! The title 7 report drew an immediate and angry response from officials of EC member states. But the response was as far off the mark as is the EC's discriminatory utilities directive. One EC official argued that the discriminatory utilities clause was included "because the U.S. telecommunications market is closed." A representative from the Telecommunications Industry Association called the remark ridiculous, pointing to the capture by foreign firms of 25 percent of the American telecommunications market.

Could the 1992 title 7 report be tougher? Should Japan have been identified for its plans to remove mobile communications from coverage under the United States-Japan NTT Procurement Agreement? Should Australia have been identified? How about China? Strong arguments could probably be made that these and other countries should have been identified.

While the report has not always been as pointed or tough as many of us would like, officials from General Electric, NEMA and TIA testified last week that title 7 has helped to keep telecommunications, heavy electrical and other sectors on the negotiating table. Title 7 has proven to be an effective tool in keeping a focus on these issues. Industry witnesses applauded the resolve of U.S. negotiators and expressed their appreciation for the efforts of the administration and Congress in striving to open foreign markets.

Next year's title 7 hearing should prove to be most interesting. It is my hope, and I know the hope of American industry, that the President will be able to report that EC telecommunications and heavy electrical procurements will be open and fair, and that procurements in Norway, Australia, China, and Japan will be nondiscriminatory. The sanctions provisions of title 7 have yet to be tested. The President, USTR and Congress stand ready to use the full force of title 7, including its sanctions provisions. However, our desire and goal remains the opening of foreign procurement markets.

SALUTING GALE POND/ALAMO ELEMENTARY MAGNET SCHOOL

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. COMBEST. Mr. Speaker, I would like to take this occasion to recognize Gale Pond/Alamo Elementary Magnet School in Odessa, TX, for their innovative reply to the education problems facing this country. Gale Pond/Alamo is a year-round school. The students have a rotating schedule attending school for 6 weeks of instruction followed by a 2-week vacation, called an intersession. However, during the intersession, students are able to participate in a wide range of recreational and academic community centered activities sponsored by the school—the teachers strive to incorporate learning with recreational activities.

The students' response to this curriculum has been overwhelmingly positive. Attendance and academic achievement has improved significantly. The students thrive on the creative learning techniques the school offers. I have had the opportunity to visit this remarkable school and have seen the students' enthusiasm for learning. Even during intersession the school is swarming with students. This clearly demonstrates the need for creative ideas to rejuvenate our educational system.

It is imperative we enhance educational opportunities for our youth—today's youth are tomorrow's leaders. I salute the Gale Pond/Alamo Elementary and believe their unique approach to education is exemplary.

THE 25TH ANNIVERSARY OF COMSAT LABS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mrs. MORELLA. Mr. Speaker, let me ask my colleagues to join me in saluting COMSAT Laboratories on the occasion of its 25th anniversary.

Located in Clarksburg, MD, COMSAT Labs has been a focal point for the development of the global satellite communications system the world has grown to rely on in the last three decades. Through the years, COMSAT Labs has made great advances in communications technology including development of the echo canceller, which improved the transmission quality of satellite telephone links; nickel-hydrogen batteries which increased the lifetime of communications satellites; and the flat-plate antenna, a compact satellite antenna used to receive direct broadcast satellite transmissions.

In a time when the Nation frets over the loss of its high-technology edge, COMSAT Labs has kept America ahead in this vital area. As one of the key contractors on NASA's Advance Communications Technology Satellite [ACTS], as well as work it is doing in the area of high definition television and digital compression, COMSAT Labs continues to take the lead in ensuring America's competitiveness.

To help encourage the development of a high-technology industry, Maryland created the I–270 high technology corridor. COMSAT was one of the first companies to locate there, and I have no doubt its presence helped attract other companies to the area over the years.

COMSAT Labs has provided thousands of highly skilled jobs for Maryland. Furthermore, COMSAT Corp. will move its headquarters to Bethesda in mid-1993, including over 500 employees, solidifying its role as a major anchor in the Montgomery County high-tech community. I am very pleased to congratulate COMSAT Labs and all of its dedicated employees on 25 years of important contributions in the area of satellite and communications research.

TAX INCENTIVES FOR ALTERNATIVE FUELS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. ANDREWS of Texas. Mr. Speaker, with vehicle emissions accounting for between 30 and 40 percent of our ozone forming gases, it is quite clear that alternative fuels can mean dramatic improvements in our air quality.

The Congressional Research Service has estimated that by simply using natural gas in vehicles we can reduce reactive hydrocarbon emissions by up to 85 percent and nitrogen oxide emissions by up to 65 percent. Further, the Environmental Defense Fund has found that when compared with a traditional gasoline powered vehicle, an electric powered automobile can offer between 25 and 100 percent reduction in greenhouse gases.

I have advocated for years that the best way to integrate alternative fuels into our transportation sector is through tax incentives. This has been one of my top legislative priorities since 1988, when I first introduced legislation to encourage the use of alternative fuels by fleet vehicles. My bill, H.R. 1497, the Alternative Fuels Incentive Act, now has 57 cosponsors. It would provide a 20-percent tax credit for the cost of equipment used to convert a vehicle so that it can run on clean-burning alternative fuel, a 20-percent credit for alternative refueling station equipment such as underground tanks for methanol and compressor stations for natural gas, a 20-percent credit for the fuel system of a new vehicle dedicated to clean fuel use, and credit equivalent payments for state and local agencies so that they will be encouraged to use alternative fuel technology.

On April 29, in the Committee on Ways and Means, we took a critical step in promoting clean fuel use. The committee adopted, by unanimous consent, tax incentives for the purchase of vehicles using clean-burning alternatives such as natural gas, methanol, ethanol, and electricity. The incentive adopted uses a deduction rather than a credit approach, but this should prove a significant step in promoting the nationwide use of clean fuel technology.

This provision provides a deduction for a portion of the cost of clean-burning motor vehicle fuel property and clean-burning motor vehicle refueling property that is placed in service during a taxable year. Clean-burning motor vehicle fuel property generally would be defined as a motor vehicle that is produced and designed so that the vehicle may be propelled by a clean-burning fuel, but only to the extent of the portion of the basis of the vehicle that is attributable to the storage or delivery to the engine of such fuel; or any property that modifies a motor vehicle that is propelled by a fuel which is not a clean-burning fuel so that the vehicle may be propelled by a clean-burning fuel. In addition, in order for property to qualify as clean-burning motor vehicle fuel property, the original use of the property must commence with the taxpayer and the property generally must satisfy any applicable Federal or State environmental standards.

Clean-burning motor vehicle refueling property generally would be defined as property that is used to store clean-burning fuel or to dispense clean-burning fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the fuel is stored at the same location where the fuel is delivered into the fuel tank of the motor vehicle. In order for a deduction to be allowed for the cost of clean-burning motor vehicle refueling property, the original use of the property must commence with the taxpayer and the cost of the property must be incurred in connection with a trade or business carried on by the taxpayer.

Clean-burning fuel would be defined as natural gas, liquefied petroleum gas, liquefied natural gas, hydrogen, electricity, and any other fuel if at least 85 percent of the fuel is methanol, ethanol, any other alcohol, ether, or any combination of the foregoing.

The amount of the deduction for cleaning-burning motor vehicle fuel property would be limited for each motor vehicle fuel based on the type and size of the motor vehicle. In the case of an automobile or a light truck—a truck with a gross vehicle weight rating of 10,000 pounds or less—the deduction would be limited to $2,000. In the case of a medium size truck—a truck with a gross vehicle weight rating that is greater than 10,000 but not greater than 26,000 pounds—the deduction would be limited to $5,000. In the case of a heavy truck—a truck with a gross vehicle weight rating that is greater than 26,000 pounds—or bus, the deduction would be limited to $50,000.

The amount of the deduction allowed any taxpayer—or a related person or predecessor—for clean-burning motor vehicle refueling property would be limited to $100,000 per refueling location.

The basis of any property with respect to which a deduction is allowed would be reduced by the amount of the deduction. In addition, the deduction would be recaptured if the property ceases to qualify as clean-burning motor vehicle fuel or refueling property or the property is prematurely disposed of.

In the case of an individual, the deduction for clean-burning motor vehicle fuel property would be allowed as an adjustment to gross income rather than as an itemized deduction. Consequently, the deduction would not be subject to the 2 percent adjusted gross income floor that otherwise applies to miscellaneous itemized deductions or to the phase out of itemized deductions that applies to taxpayers with adjusted gross income in excess of $100,000.

The proposal would apply to property that is placed in service after June 30, 1993, and before January 1, 2005. The proposal would phase out beginning with property placed in service after December 31, 2001.

Inclusion of this provision represents the culmination of years of working with the energy industry, the automotive industry, and the environmental community to determine how best to give the most efficient economic incentive to gain the greatest environmental benefit at the lowest cost. The result is sound, straightforward legislation that offers a deduction to consumers and marketers encouraging them to buy alternative fuel vehicles, convert their gasoline powered cars, and ensure convenient refueling locations for consumers.

This deduction is not only an excellent complement to the other alternative fuels provisions in H.R. 776, but also should fit well with the fleet conversion requirements of the Clean Air Act. These tax incentives will help ease the economic burden on those individual consumers and fleet owners committed to a clean environment. With tailpipe emissions causing much of the air pollution in our large, metropolitan cities like Houston, greater alternative fuel use is imperative if we are to make real and lasting progress.

INTRODUCTION OF THE CHEMICAL DEMILITARIZATION PROGRAM REVISIONS ACT 1992

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce legislation which modifies the current Chemical Demilitarization Program. The purpose of this legislation is threefold: to revise the deadline for the destruction of the United States' stockpile of old lethal chemical agents and munitions, to encourage international cooperation on the disposal of lethal chemical agents and munitions, and to establish a Commission to advise the President and the Congress on alternative technologies appropriate for use in the disposal of these chemical agents and munitions.

Under current law, the disposal of lethal chemical agents and munitions must be completed by 1999. This deadline was enacted as a part of the agreement reached between the United States and the former Soviet Union in 1990. This deadline is unrealistic, especially in light of the collapse of the former Soviet Union. The United States is in the process of negotiating an international conference on chemical weapons. It makes sense to revise the current deadline for disposal to be consistent with any new international agreement. In addition, it is inappropriate to push forward with a disposal program until we are sure that all disposal alternatives are thoroughly considered.

It is well known that I have concerns about the current disposal program, and that I have a very personal interest in this issue. In Maryland, at the Aberdeen Proving Ground, mustard agent is stored. While this stockpile amounts to less than 5 percent of the entire national stockpile, the current program requires the construction of an incinerator to burn this lethal agent. I am not convinced that is the preferable disposal choice or the most cost-efficient. In addition, I have very real concerns about the safety of this approach, and the ability of Maryland residents to be safely evacuated in event of an accident.

It is for these reasons that I am introducing this legislation. The centerpiece of this bill is to establish an independent Commission to examine disposal alternatives. This Commission would be composed of nine members, six appointed by the Congress and three from the different Federal agencies involved with the program. The purpose of this Commission would be to examine alternative disposal methods and to report to the Congress and the President on its findings. In the consideration process, the Commission would be required to consider the cost, time, feasibility, and public health and safety associated with various disposal methods. Special consideration will be given to those low-volume sites like the Aberdeen Proving Ground.

Mr. Speaker, I recognize that the task of disposing of lethal chemical agents and munitions is not an easy one. However, the difficult nature of the job does not give us an excuse for not being as thorough and well-informed as possible. Nor does it justify a mind set which mandates that all stockpile sites, regardless of the types of agents and munitions stored there or the amount, should be treated the same. What works well in one location may not in another.

I am introducing this legislation with the hope that my colleagues will recognize that we simply do not have all the information we need to make an informed decision about disposing of these lethal stockpiles. In addition, we need to make the disposal process more flexible to allow for variation at sites where it is appropriate.

Let me make one final point. Another reason that I am introducing legislation today is because the current program needs to be opened up to greater public participation. We need to bring in outside experts to work with the Army on examining alternatives, and we need get the public involved. The residents of Maryland do not feel that they have been given a chance to have any input with the current program. They feel as though they have been steamrollered. Now, we can argue whether this is the case or not, but the important point is that this is the way they feel. As elected Representatives, we have a responsibility to be responsive and open to the public. The Commission I am proposing would address this problem by having two appointed members that are private citizens.

It is an easy thing to criticize an unpopular program without offering any answers on how to make it better. I believe that the legislation I am proposing today is a reasonable way for improving the Chemical Demilitarization Program. We do need to dispose of the lethal agents and munitions stockpiled in this county. My legislation in no way says that this is not the case. What it does say is that when we dispose of the stockpiles, it should be done in a well-informed manner and in a way that is not harmful to public health and safety.

Senators FORD and MIKULSKI, who I have worked very closely with in developing this legislation, will be introducing similar legislation later this week in the Senate. I look forward to working with them and my colleagues here in the House to move this legislation forward.

TRIBUTE TO FIREMAN DAVID L. COFFY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a brave man recently recognized by Firehouse magazine for heroism and community service: Fire Captain David Coffy of the Brookfield Township Fire Department, which is in my 17th Congressional District of Ohio.

Firehouse magazine recognized David's courageous efforts while fighting a fire in the early morning of April 8, 1992. The sole fireman arriving on the scene, David was informed by the father of the family living in the house that his two sons were trapped on the second floor. With the help of two police officers, Coffy reached the children's room using a portable ladder. The heat and smoke conditions inside of the house were extreme.

Once inside, David found one of the twin boys. He passed the boy out of the window to the policemen, then returning for the other boy. As conditions in the room became even more extreme, David found the other boy and carried him to safety.

David returned into the burning house a third time to locate the mother. Inside the house, visibility was nil, causing David to fall down a flight of stairs. Finding the mother in the front bedroom, he carried her out by the portable ladder he used to enter the building.

David's heroics saved the two children, but sadly the mother perished in the blaze. Without his efforts, though, perhaps an entire family would have died.

People talk about the state of role models in our society today. Our children see athletes using drugs, not finishing school, musicians leading questionable lifestyles, and unethical activities by civic leaders. Mr. Speaker, I tell you it is men like David Coffy who are the real role models for our children. I think David could probably teach a few adults a thing or two about setting the right example for young people today.

It gives me great pleasure, Mr. Speaker to stand here and recognize someone like Fire Captain David L. Coffy for risking his life to save others.

TRIBUTE TO THE COMMEMORATIVE EDITION OF "DAYS AFIELD ON STATEN ISLAND"

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Ms. MOLINARI. Mr. Speaker, in 1892 a very special book was written by William T. Davis, "Days Afield on Staten Island." I am proud to recognize this special work reprinted in a commemorative edition to celebrate the 100th anniversary of the first publication, and the 130th anniversary of the birth of its author.

"Days Afield on Staten Island," is William T. Davis' account of the natural beauty and landscape of Staten Island 100 years ago. Davis detailed the broad variety of plant and animal species on Staten Island, honoring the natural magnificence of the area. Although the landscape has changed dramatically in the 100 years that have passed, this commemorative edition gives readers an opportunity to learn of Staten Island's past, as well as to remind us that our natural resources are indispensable.

William T. Davis was born on Staten Island on October 12, 1862. He comes from a long line of Staten Islanders, tracing his lineage on the island as far back as to the 17th century. As a young boy, he became interested in natural history. He is remembered as a entomologist and local historian, and wrote numerous scientific and historical articles during this lifetime. Davis was one of the founders of the Staten Island Institute of Arts and Sciences, which still thrives to this day, and was an advocate for development of a park system for Staten Island.

"Days Afield in Staten Island," is a wonderful look at life on old Staten Island. It gives us an opportunity to glimpse at what life was once like, and see how dramatically it has changed over time. William T. Davis has given us an irreplaceable gift and it gives me great pride to recognize the commemorative edition of "Days Afield in Staten Island," and to thank all the people who worked to bring this valuable work to our attention.

DUNDALK OPTIMIST CLUB NAMES BRAXTON HUNTLEY 1992 CITIZEN OF THE YEAR

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mrs. BENTLEY. Mr. Speaker, I rise today to pay tribute to Mr. Braxton Huntley who was recently named "Citizen of the Year" by the members of the Dundalk Optimist Club. Mr. Huntley was chosen for his "outstanding commitments and contributions to the community."

It is with utmost respect and admiration that I commend Braxton for his hard work and dedication on behalf of the community. The community of Dundalk, located in Baltimore County, MD, is primarily a blue collar community particularly hard hit by the loss of our industrial base and trade imbalance. Yet this community continues to flourish despite adversity, thanks to individuals such as Braxton Huntley. Hard times have not dimmed the sense of responsibility and duty to one's neighborhood. This spirit that binds the community together is still evident in the community of Dundalk and is personified by residents like Braxton Huntley.

Braxton was chosen from a pool of 10 nominations. Those chosen must live in Dundalk and "be well-known for voluntarism and service to the community in order to be named citizen of the year." In the local paper, the Dundalk Eagle, Optimist Chuck Panuska stated that Braxton was chosen because of the sheer magnitude of his résumé. According to Mr. Panuska, Braxton Huntley was involved in so much, his résumé outshined them all.

Locally, Braxton has always been very active in beautifying Dundalk and has devoted a great deal of time to the Dundalk Revitalization Committee and the Greening Committee of Dundalk. So noteworthy are his accomplishments in this area that last year Braxton was appointed by Gov. William Donald Schaefer to act as Baltimore County's representative to the Senior Conservation Corps. This program seeks to involve senior citizens in cleaning up and beautifying their environment.

However, Braxton's extensive civic involvement extends beyond the community of Dundalk and includes the Johns Hopkins Children's Center. In 1981, Braxton retired from the predominant employer in the area, Bethlehem Steel. Upon his retirement, he began to use his spare time to raise funds for the Children's Center and continually became more involved in this effort. His involvement with the Johns Hopkins Children's Center is nothing short of incredible.

Braxton recruits local officials, celebrities, and citizens to man telephone lines for the center's telethon and, each year, presents the center with a check from the community of Dundalk. Thanks to his efforts, last year he presented the center with $32,000. The funds were used for capital improvements. In addition, he has volunteered over 6,600 hours at the hospital making the hospital experience a little easier and more comfortable for both children and parents alike. Braxton tries to relieve some of the fears and anxieties of children facing operations and offers his assistance to parents.

As if this was not enough, Braxton's selfless devotion to his fellow man includes even more. He helped establish the Dundalk Meals on Wheels Program and served on the metropolitan board for Meals on Wheels for 6 years. He is a member of the Dundalk United Methodist Church, is past president of the Dundalk Rotary Club, and serves on the development committee of St. Rita's School.

As we all know, it is far too easy to simply judge individuals by their monetary or material wealth. However, those who truly are blessed are those, such as Braxton Huntley, who possess a wealth of character and spirit. If we are to look for true heroes among us, we need not look any further than our own communities. Without a doubt, Braxton Huntley represents what has made America great.

Mr. Speaker, my fellow colleagues, I am proud to salute Braxton Huntley, 1992 Citizen of the Year.

INTRODUCTION OF LEGISLATION TO PROTECT LABOR RIGHTS OF SHIPBOARD SUPERVISORY PERSONNEL

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. HAYES of Illinois. Mr. Speaker, I am pleased to introduce today legislation to reaffirm and protect certain labor rights of shipboard supervisory personnel.

Maritime officers licensed by the U.S. Coast Guard are supervisory personnel. As such, they are excluded from the provisions of the Labor Management Reporting and Disclosure Act. For statutory or nonsupervisory employees this law provides certain protections with respect to concerted activity and other employee rights, and imposes a duty on employers to bargain with the duly designated representative of the employees.

Congress, in deciding to exclude supervisors from these protections, left it to the supervisors and their employers to operate without legal constraints. The reasoning was that each could utilize whatever economic muscle could be generated: Supervisors could strike and picket and employers were not legally required to bargain with the union representing the supervisors. This situation remained as is for more than 25 years.

In recent years, however, the National Labor Relations Board has interpreted the law to deprive the supervisors of their right to strike and picket without imposing any corresponding legal obligation on the employers to bargain with the supervisors' unions. The NLRB has, by its interpretation of the law, subverted Congress' intent that labor and management each have rights and that each side could act to protect its own position.

In order to restore the balance to this labor-management relationship and to reaffirm long established right of maritime unions to engage in concerted activities on behalf of shipboard supervisors, my bill would amend the National Labor Relations Act to clarify that "employer's representative" as used in section 8(b)(1)(B), does not include persons licensed by the Coast Guard and represented by a labor organization and that any picketing or other concerted activity taken by a union on behalf of supervisory employees is not a prohibited restraint or concern.

I urge my colleagues to rectify this mistake. Please cosponsor this important legislation.

TRIBUTE TO WILLIAM BILL HENRY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mrs. COLLINS of Illinois. Mr. Speaker, I want to express my extreme sorrow over the untimely death of William Bill Henry, the former alderman and Democratic committeeman of the 24th ward in Chicago, IL. The 24th ward was cited by both Presidents Franklin D. Roosevelt and John F. Kennedy as the most Democratic ward in the country, and my friend Bill was the proud standard bearer of that tradition.

Alderman Henry died March 7, 1992, after a long battle against cancer. He leaves, however, a legacy of courage and ability "to get things done" in the Chicago City Council and State legislature. He used his extraordinary ability to communicate with the common man to insure the election of persons dedicated to city, State, and Federal public service. Not one for subtlety, Bill represented his west side neighborhood with a style not often found anymore in Chicago politics.

The Seventh Congressional District of Illinois owes Bill a debt of gratitude and the city of Chicago will surely miss him.

TRIBUTE TO THE MAYHEW COMMUNITY BAPTIST CHURCH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the Mayhew Community Baptist Church on the occasion of their 65th anniversary. This month the church is planning a special celebration honoring those pioneers who followed through on their dream of creating a place of worship.

The Mayhew Community Baptist Church began as the Mayhew Mission which started in 1927 and worked with the Japanese populace of Sacramento. By 1930, a one room building was erected for the purpose of teaching the Japanese language and Sunday school by members of the mission. However, because of the Japanese evacuation from the Sacramento area after the outbreak of World War II, the mission became inactive.

To their great credit, members still managed to hold meetings and Sunday school in their homes. In April 1947, a new church building was erected, and in 1952, the Mayhew Baptist Mission became the Mayhew Community Baptist Church.

Today, the Mayhew Church continues to make tremendous contributions to its members and the entire Sacramento community. In addition to providing a place of worship, the Mayhew Church offers a fantastic church choir, adult Sunday school classes, weekly Bible study, and many other noble activities designed to serve the church and the people of Sacramento.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the Mayhew Community Baptist Church on the occasion of their 65th anniversary of service to the Sacramento community.

RECOGNITION OF MARY HARTLEY AS A NATIONAL OUTSTANDING SCHOOL VOLUNTEER

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. STUMP. Mr. Speaker, it is a pleasure to recognize the efforts of Mary Hartley, of Phoenix, AZ, who was recently awarded the 1992 National Outstanding School Volunteer Award. The National Association of Partners in Education, Inc., the White House Office of National Service, and the U.S. Department of Education jointly made the award to Mrs. Hartley. She is one of seven recipients nationwide, and personifies the best efforts of community volunteers working to improve American education.

Mary Hartley has been instrumental in creating and implementing volunteer programs in Alhambra School District No. 68. She organized structured programs in the district's 10 schools in which the number of volunteers has increased to more than 490. She organized a kids voting initiative for 89 election precincts in 1991, to provide a hands-on voting experience for elementary and high school students at a regular city election. Mary also has planned and implemented student attendance parties to improve student attendance; initiated a family math program to increase parental involvement in their child's education; and has served on the Alhambra District Governing Board since 1989, of which she was president for 2 years.

The President has made social problem-solving through voluntary community service, or "Points of Light", a hallmark of his administration. The ultimate goal is to make community service central to the life and work of every American. Mary lives that goal and understands that volunteerism is essential if we want to influence the future of our Nation's children.

Mary Hartley proves that individuals can make things happen and make a difference in their communities. She has earned our gratitude and deserves our congratulations for a job well done.

TRIBUTE TO RANDOLPH McCORMICK

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. HOLLOWAY. Mr. Speaker, I am proud to salute today my constituent, a longtime resident of St. Landry Parish, LA, the highly successful businessman and entrepreneur, Mr. Randolph McCormick. The owner of Dixie Glass of Opelousas, LA, Mr. McCormick has been named the State of Louisiana's Small Business Person of the Year. I applaud his selection. No one is more deserving of the honor. Mr. Speaker, Randolph McCormick is a credit to his family, his business, his community, his parish, and to all of Louisiana.

Established in 1946, Dixie Glass of Opelousas continues to provide badly needed jobs and service to St. Landry Parish, the south-central Louisiana area and well beyond Louisiana's borders. The business employs some 130 people, operates its own fleet of vehicles, sells in nine States and has distribution locations in seven States. Its employees get the job done, and have done it well for decades, day in and day out. Mr. Speaker, Dixie Glass of Opelousas and Randolph McCormick enjoy a well-deserved reputation for integrity and excellence. I am pleased to represent them in the U.S. Congress. I congratulate Mr. McCormick on his selection as Louisiana's Small Business Person of the Year.

TRIBUTE TO FREDERICK OWENS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today with a sense of loss after the death of Frederick Owens, mayor of Orland Park, IL. Mayor Owens passed away on Sunday, May 3, 1992, at the Palos Community Hospital in Palos Heights, IL.

Frederick Owens began his political career in the late 1960's when he was elected to the Evergreen Park High School District School Board. A native of the southwest side of Chicago, Owens and his family moved to Orland Park in 1972. He was first elected as an Orland Park Village trustee in 1979 and was re-elected in 1983. Later, Owens was elected village president—mayor—in 1985 and reelected in 1989.

Known throughout the community for his outgoing personality and unique sense of humor, Owens took great pride in his many accomplishments for the village of Orland Park. He led the movement to bring Lake Michigan water to Orland Park. He was also committed to decreasing the number of drinking related accidents on the area highways. In 1988, Owens initiated and developed the happy hour ban in Orland Park. This same legislation was used as the model for statewide legislation limiting special drink promotions throughout the State of Illinois.

Throughout this time, Fred Owens taught high school for the Chicago Board of Education. In addition to teaching social studies for more than 30 years, Frederick Owens served as a cooperative work training coordinator at Hubbard High School in Chicago before retiring from teaching in 1991. He was also a guest lecturer at Governors State and Chicago State Universities as well as past superintendent of the Cook County public schools.

Throughout his career, Owens received a number of professional honors. He received the Alliance Against Intoxicated Motorists for initiating the happy hour ban and in 1980, he was nominated for the Superior Teacher's Award by the Chicago Board of Education.

The family, friends, and community of Frederick Owens have suffered a great loss. As his daughter, Marjorie Owens, said:

> Politics was a ministry for my father. He was a true ombudsman for the residents of Orland Park. The greatest satisfaction he received was being in a position to be able to help people. Not only will we, his family, miss him terribly; the people of Orland Park have lost a true leader.

Owens is survived by his wife Sally and three daughters, Mary Beth, Marjorie and Maura. His three grandchildren are Christopher and Sean Patrick Pratl and Stephanie Erin Owens-Toy. He is also survived by his brother, John Owens and his sister, Sister Mary Louise Owens.

Mr. Speaker, as I rise today to recognize Frederick Owens, I wish to honor the memory of this exceptional leader. I hope my colleagues will join me and my constituents in saluting Frederick Owens.

SENATE—*Wednesday, May 13, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, the Reverend Hoyt Winslett, Jr., Episcopal Diocese of Alabama, Tuscaloosa, AL.

PRAYER

The Reverend Hoyt Winslett, Jr., Episcopal Diocese of Alabama, Tuscaloosa, AL, offered the following prayer:

Let us pray:

Father in heaven, as we face our Nation's problems and the pain of people everywhere, we could wish that we were better, wiser, and stronger folk. But we are who we are, and on this day, in this place, it is our job to do the best we can.

Open our hearts to the guidance of Your Spirit, and to one another, that our common decisions may transcend our individual limitations. Help us to be driven not by lust for winning or by fear of losing, but by the strong desire for that which is best in Your sight for our people, our Nation, and Your children everywhere.

Father, bless the men and women of the Senate. Keep them in Your love, strengthen them by Your grace, and give them Your peace.

Through Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. GORE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, it is my understanding that the Journal of the proceedings has been approved to date; is that correct?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. Mr. President, I yield to the Senator from Alabama.

HONORING REV. HOYT WINSLETT, JR.

Mr. SHELBY. Mr. President, I just want to acknowledge what we just heard, the words of a distinguished constituent and friend of mine, the guest minister, the Reverend Hoyt Winslett, Episcopal minister from my hometown of Tuscaloosa, AL.

I am honored to have the opportunity to serve as one of his U.S. Senators. I think you have seen the caliber of man he is. He has a distinguished academic record. His family has been personal friends of my family for many, many years. We are all honored to have him here in the Senate, especially this Senator from his hometown. Thank you.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the majority leader or his designee.

Mr. MITCHELL. Mr. President, I designate Senator RIEGLE to control the first hour.

SCHEDULE

Mr. MITCHELL. For the information of Senators, with respect to the schedule for the remainder of the day, the period for morning business will continue until 1:30 p.m., following which debate will begin on the veto message on S. 3, the campaign finance reform bill. There will be a maximum of 4 hours for debate on that message, and a vote on reconsideration of passage of the bill—that is the override of the veto—will occur when all time is used or yielded back.

I expect that vote to occur around 5 p.m., although Senators should be alert to the fact that it could occur at any time prior to 5:30 p.m.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Michigan is recognized for up to 1 hour.

Mr. RIEGLE. Mr. President, I thank the majority leader and the Presiding Officer. I yield the first 15 minutes of the time to myself for the remarks that I will now be making.

TERRIBLE PROBLEMS IN MAJOR URBAN CENTERS

Mr. RIEGLE. Mr. President, the purpose this morning in taking this time is to focus upon the terrible problems that we are seeing in our major urban centers across America.

The violence and rioting that we saw in Los Angeles is a very powerful indication of what is out there happening in the communities across America in one form or another. The violence, whether it is the kind that we saw in the beating of Rodney King when he was being subdued by police officers, or whether it is the violence that we saw later in Los Angeles after the verdict in the King trial, the manifestations of this problem are really everywhere.

There was a story the other day here in Washington, DC, about a young child, about 12 years old, a lovely young boy in school here, who was coming home from church with his mother one day and was the victim of a random drive-by shooting in which he was killed. And virtually every night in cities across this country, the manifestations of violence and a deteriorating social order are there for everyone to see. Something has to be done about it.

There is a responsibility for our Federal Government to understand what is taking place in terms of the deprivation, absence of jobs, absence of medical care, absence of adequate education and opportunity, the breakdown of family structure, the fact that our Government itself has turned its attention away from problems here in America, particularly the problems in our urban centers over the last decade or so.

I rise today in two capacities to start this discussion. One is as chairman of the Senate Committee on Banking, Housing and Urban Affairs, where we have a responsibility to try to respond as best we can to the urban needs of this country; and also I rise as chairman of the Democratic task force on community and urban revitalization.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Our group of Senators has been meeting now for some time and generating recommendations as to what might be done and have forwarded those recommendations to the majority leader, GEORGE MITCHELL. He took those ideas and added others in conjunction with Speaker FOLEY and majority leader GEPHARDT and wrote a letter to President Bush dated May 11, 1992.

I ask unanimous consent that that letter be printed at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. The letter sets forth not only a desire to work together and cooperate with the executive branch to deal with the problems of our urban centers, but also to lay out a series of urgent requirements in areas where attention has to be given, and resources have to be focused. There needs to be a major national strategy applied in this area, with a number of component parts to that strategy, which are laid out in this letter, some of which I will talk about later.

The reason this is most urgent is not just that we have seen the conditions manifesting themselves in Los Angeles—and it may well happen in any other American city at any time—but the fact that our Federal Government has been withdrawing support, and help, and attention from the cities certainly over the decade of the 1980's and now into the 1990's.

During that period of time the focus of our Government increasingly was outside America. It was to help other countries, other places. And in fact today in terms of economic strategy the American Government and the administration has an economic program for virtually every country in the world except our own. There is a plan for Mexico called the free-trade agreement with Mexico. There is a plan for Kuwait. There is a plan for Communist China called the most-favored-nation trading status strategy. There is a plan to help all the parts of the old Soviet Union. There is virtually a plan for every other country in the world except our own.

During the 1980's the help that would have gone to our society and our own people was withdrawn.

Let me give you example of cuts during that period of time. Probably the most basic is job training and employment programs. We all know people should work. If people do not have the skills to be able to survive in the job market they are not going to have jobs or lead decent lives to support their families.

During the 1980's Federal job employment programs were cut by 63 percent. Housing programs—you have to be able to get off the streets or get out of a homeless shelter for any kind of semblance of family structure or order to have a chance to live productive lives. Housing programs at the Federal level during the 1980's were cut over 82 percent.

On community development block grants, we are going to have hearings this afternoon in the Banking, Housing, and Urban Affairs Committee, having a meeting of mayors from across the country coming in to testify. I expect they will say, as they have before, that the deep cuts in the development block grants were hurtful to the cities and held back their ability to rebuild themselves and provide a better environment and more job opportunity.

Community development block grants in the eighties were cut about 45 percent. Community services block grants to try to just get the basic services in place out in the communities in the eighties were cut 45 percent, and social services block grants were cut over 38 percent. That is not the worst of it.

General revenue sharing, which was an effort to try to give communities that were in trouble and struggling some financial muscle to try to deal with problems and try to stimulate economic revitalization, job creation, attract businesses, and so forth, was eliminated altogether, just eliminated, completely taken out; cities no longer got that help.

Urban development action grants to try to stimulate targeted major investment opportunities in cities to bring jobs with them and job creation, that was eliminated.

Health planning grants to try to figure how we break this tide of very high, in fact among the highest in the world, infant mortality rates and death rates among youth in our inner city and break that problem were eliminated altogether in the 1980's.

What happened was during that period of time America changed its focus, it turned its back on its own people in the United States, and put the focus overseas in terms of needs of other countries. And that is where the attention has gone and strategy has gone. We have even gone over to fight wars to restore the Emir of Kuwait, for example, to put him back on the throne over there and yet we have been, at the same time during that same decade over the last 10 years or so, withdrawing the support and help for our own people.

Let me give you an example out of today's Washington Post, about as stunning as you would hope to see. We know in order to try to meet the problems of the inner cities today it is going to take a massive application of resources, talent, money, focused investment, health programs, better education, better infrastructure, better crime control, better fight against drugs, all the things it is going to take to really lift our cities up and provide ladders of opportunity so people have a chance to get ahead.

Today on the Washington Post front page it says: "Among L.A.'s Biggest Losses: Jobs, Thousands More Out of Work in City Already Reeling From Recession." It talks about one man here, 34 years old, Danny Jackson, who lost his job where he was being paid $5.25 an hour as janitor. The place where he worked was burned to the ground. He lost that job. So he is out in the unemployment lines and cannot find other work. He is desperate.

There are millions like him who lost jobs in the country—not lost jobs for the same reason, but who cannot find jobs. Even in his case with his job, it does not say here whether he has a family or not but if he does that is a below-poverty wage, even the job he did have before it was just lost.

We need enough jobs to go around in America for all of our people. We need enough jobs. We need an aggressive job strategy for America. That will do more to solve all the other problems than any other single thing we can do.

But as you read through these articles, and you read through the comments that are coming back from the executive branch, they say there is no money. They say there is no resource. Oh, yes, there are a few dribs and drabs here and there. Scrape together a little bit of this and put some clever phraseology on it, weed and seed, enterprise zones, so forth and so on. If there are just words and phrases, not backed up by major muscle programs, it is not going to mean anything. It might sort of help carry the debate down through the next few months and maybe past the election, but it is not going to make any material difference in these communities unless these programs are substantial, are real, the country locks together, business, Government, and citizens to make it all happen.

But so far at least when you look at the resource side of the equation as to whether there is going to be an effort to take and really put the muscle into it, there is no real sign of that. That is what is on page 1.

This relates to what is going on here in America—how do we help our own. If you turn to page 11 of today's Washington Post, and I want to just do that right now because it really makes the point, turn over to page 11. And you look down here at this one article, not very large in relationship to the articles on the front page, and here is what it says. It says "House Panel Approves 20 B-2 Bombers." And then it says this. This is the third paragraph down. "Seeking assurances that $44.4 billion"—$44.4 billion—"will complete the program, the Armed Services Committee is asking defense Secretary Cheney to meet with the committee before the House takes up the defense budget in June."

This is to buy 20 airplanes. These airplanes, these B-2's, by the way, we do not use them here in the United States. We have a war going on in our own cities but this money is not being spent to deal with the war in America, it is being spent on imaginary problems around the world where the Berlin Wall has come down and the Soviet Union has fallen apart.

Our biggest problem around the world today is economic competition from Japan and Europe and other countries. That is our main threat.

And by the way, B-2 bombers do not do anything to help us combat that economic threat. But the cost of these planes has gone from $434 million apiece, imagine airplanes that cost $434 million. That is a lot of airplane. The price has gone up, up, up. You know what it now costs to build one of these B-2 bombers, $2.3 billion. That is for one plane. They want to build 20 more, $2.3 billion for each one.

As I have added up what the administration has said it is willing to commit in the way of resources to deal with the urban crisis in America, it is less money than to build just one of these B-2 bombers. And yet they say they have got the money not just to build 1 more but to build 20 more.

What are people across America going to say? I do not just mean the people in the inner cities living there with hopelessness and deprivation and no jobs, poor health care and poor education and no prospects for their children, and they pick up this same paper and they read there is no real help for them. But we can pour another $44.4 billion into 20 B-2 bombers against a nonexistent threat to feed the military industrial complex a few more tens of billions of dollars.

What about all the rest of the human needs in this country? What about the senior citizens? What about the urban poor, or what about the rural poor? This is just not a black issue or minority issue, a lot of it is concentrated in the black and Afro-American communities and Latino communities, but there are a vast number of poor whites and other people of other ethnic backgrounds that are caught in this same dilemma. They need help from their Government.

They need their Government to care about them and come down off cloud 9 and look at the real problems facing people every single day where a mother or father is afraid even to send the child out the front door of an inner city residence to go to the school because of violence up and down the streets, and children are being gunned down one after another. I am talking about innocent victims of crime that has nothing to do with them. They just happen to be in the wrong place at the wrong time. Schoolchildren, elementary school-age children. And it is happening every single day in cities across this country and we are doing about this much to deal with it.

What are we doing to deal with this big problem of the need for the B-2 bombers? We are doing this much for the B-2 bombers, we just found $44.4 billion for that. That is not pocket change—$44.4 billion is not pocket change. At a minimum we ought to be prepared to spend, say let us be conservative about it, suppose we just spent 10 percent as much on rebuilding our cities and providing hope for inner city people as we spend on these 20 B-2 bombers.

You might look at that and think about it and say, "Well, let's see. If we did that, that would be $4.4 billion. That would sure help." But why should we be squandering all of this money on things that really do not matter and that we do not need when we are turning our backs on the things that do matter and that we do need.

We need civil order in this country, and that is not going to happen if our communities are falling apart and flying apart because of all of the deprivation. You deprive people of a decent way of life and you are going to get chaos. And we are getting chaos. We are getting more and more of the manifestations of a Clockwork Orange Society. That does not have to be our future.

Yesterday, there was a story, however, in the New York Times, written by Johnny Apple, Jr., one of their noted reporters over many years, on page A-18. I want to read you one paragraph. He was talking with some people around President Bush as to what to do about this problem, the urban problem, the problem of the violence, the problem of lack of jobs, and so forth and so on. Now listen to this paragraph.

> "What I want," said one of Mr. Bush's top strategists, "is a few more days of this—a simple, clear program with three or [four] points, then get off it. The longer the President seems preoccupied with Los Angeles, the more he and his urban policies become the issue, and that's not good for us."

Now, what did this top strategist for President Bush mean by that? When you read the whole article it means what they want to do is come in with a few attractive sounding buzz words, sort of make it look as if they are going to do something about the problem, maybe sprinkle a few dollars out on the problem, and then basically push that problem off the stage and take the focus somewhere else.

We are talking about the lives of American people. Our inner-city youth are part of our country. They are America's children. They have to matter to us. And if they survive, they are part of our future.

And as Rodney King himself said, "We have to live together. We are here for a period of time together on this planet. We have to learn to live together." I think we can do better than that. I think we ought to care about each other, and we ought to learn to love each other. I think that is what we ought to do.

And, by the way, our founding documents are written around that concept about life and liberty and the pursuit of happiness and of banding together for the good of all, not just for the good of some, not just for people at very high income levels or people with vast family fortunes.

No, the founding documents are written exactly the other way—to try to envision a nation where everybody stands on an equal footing in terms of their importance under our system of law and our system of justice.

I will tell you this. There is very little economic justice today. We cannot have a situation where there is so little economic opportunity and not expect that we are going to have terrible consequences as a result of it.

The ACTING PRESIDENT pro tempore. The time initially yielded by the Senator to himself has expired.

Mr. RIEGLE. I yield myself 5 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 additional minutes.

Mr. RIEGLE. We have today in America about 16 million people that we know about who are unemployed and need work. That includes what are called discouraged workers who are so disappointed they have just given up looking, and it includes some people who are working part-time because they cannot find full-time work.

There were some striking examples in the news just recently. There was a situation where they opened a hotel in the city of Chicago and they had about 100 jobs to offer, not terribly high-paying jobs. They had some 15,000 people come out and stand in a raging blizzard, a line stretching for blocks, to try to apply and get one of those handful of jobs.

Or one that was even worse the other night. They interviewed two young men who a year ago were wearing the uniform of this country, fighting in Desert Storm, young men that had been asked to go and serve their country, and did so with distinction. They came back, received parades, which they justly deserved, and now a year later are unemployed, cannot find a job, and are homeless, living in cardboard boxes.

Now how can we let that be America's story? I want those young men to have a chance to work. They are every bit as important as the sons and daughters of the President, the Vice President, every Senator, every House Member, every Cabinet member or anybody else in this country. They deserve a decent chance for economic opportunity. And it happens that the two I speak about are Afro-Americans. They are black. That makes their situation even tougher in America as we all know, because there is too much racism in our society.

The other day they asked a group of high school students, white students, a hypothetical question: what if they went to bed one night and woke up the next morning and found out they were black in American society, how much money do they think they would have to have to compensate for the fact that they have been changed from white to black.

And the answer was, they would need at least a million dollars.

What are the children saying to us? They understand what is going on. They understand what is going on, and we have to get past that problem. We have to reach out to all of our people. White people particularly have a special obligation and an opportunity and a responsibility of leadership to reach out to people in our society of color. That is part of what it means to be an American, and that is to reach out to every other fellow American.

And that has been part of our problem, and it is part of our problem today. We had a young Afro-American man, quite well known—Blair Underwood—on television in the TV series "L.A. Law," who came up to testify before the Senate Banking, Housing, and Urban Affairs Committee. He told us a chilling personal story, not unlike Rodney King.

One day, after filming for his TV program, he was driving back to his very lovely home in the Hollywood Hills area of Los Angeles. And as he was pulling up in front of his own home in a very nice automobile that he owns, a police car came in behind him and a police officer got out and came up and asked him who he was, and what he was doing in that neighborhood. And before he could explain that he was parking his car in front of his own house, the police officer ordered him out of the car, pulled out a gun, made him get on the ground, and threatened him with being shot right on the spot.

Why? There is no question as to why; it was because he was black. And there is no question in my mind as I stand here today and as I have seen, as many others have, so many times the videotape of the beating of Rodney King, there is no doubt in my mind that the reason that he was hit 59 times in 81 seconds was in large part because he was black.

We have got to get past that in America. And it is not just the case of those who otherwise would commit violent acts, whether it is those in uniform or in civilian capacities. You can do violent things without engaging in a violent act. Indifference can be violent, have a violent effect. Drawing a line through somebody's name, a bank not giving equal credit access to a black, potential borrower is a violent act and it starts to wreck their economic prospects and wreck their economic future, and eventually wreck their faith in this country. So those things have to change, and those of us in positions of leadership have a special obligation to speak to it and to speak out about it and to bring about the change.

We have got a program here that we can carry out. I am for enterprise zones.

We are going to have Jack Kemp in tomorrow before the Senate Banking, Housing, and Urban Affairs Committee to talk about that issue. And we will have Arthur Fletcher and Jesse Jackson and Jim Rouse as well, all who can bring important perspectives to us after we hear from the mayors in the hearing this afternoon.

But if the enterprise zone is an inner city area does not employ inner-city people, then it does not mean very much. If it is just a building with a certain tax advantage that allows somebody to make money in the name of a self-help program that does not really provide jobs in the inner-city, then it does not mean much. We need a tax base and we need jobs in the inner cities.

In order to have that, as I am sure the Senator from New York will talk about, you have to have family structure.

And in order to have that you have to have the things that allow it to take place. You have to have access to health care. You have to have access to education. And you cannot be shot to death just walking from your house to church or to a store on the corner, as a victim of random violence. But if we can afford $44 billion to build 20 more of these B–2 bombers that we do not need, and which is corporate socialism of the worst kind, then we have the resources that it takes in a material sense to address the problems of our cities.

I do not want one youngster in America, black, brown, yellow, red, or white, to lose the chance for a future because this country is indifferent or looking the other way or too busy helping some other country or some defense contractor, or sending too much money up to the top of the income scale with the outlandish and outrageous tax cuts of the 1980's that favored the wealthiest people of this country. We can do better than that and we have to do better than that.

Our cities are not going to survive. Every city in America today is a powder keg; make no mistake about it. You could have events tonight in any major city in America, and if the rumors start that somehow there was police violence or there was something else that happened in that situation, we can have a replay of what happened in Los Angeles.

We cannot afford to have that happen. We cannot afford to have that happen. And we are smarter than that and, God, I hope we are better than that and more decent than that and that we care about each other, still, in the spirit of our founding documents to want to reach out and help where help is needed.

We have to continue to move. We have to move the health care plan through the Finance Committee. We have to move, again, to end mortgage lending discrimination through the Banking Committee, which we have been doing. We have to renew these programs in job training. They are absolutely vital. If there is not a way to get routed into the job sector of our economy then there is not going to be any real help.

When this country turns its back on a large part of its citizens why is it surprising that the citizens turn around and say the country does not matter to me because the country does not care about me? Who is setting that example in the first instance? Our Government cannot walk away from these problems.

If I may, I am going to yield myself 3 additional minutes and then I am going to yield the floor.

I want to talk for a minute about the racial problem in America. I want to talk about how it started. It started with slave ships over 400 years ago. African families that were doing quite nicely where they lived were taken captive, put in human bondage, locked in the holds of ships, and brought by the hundreds of thousands over to the United States to serve as slaves.

If you have ever seen the drawing of a slave ship, in the hold of the ship they would actually draw an outline on the floorboards of the ship as to where each slave was to go, laying down on the floorboards of the ship so they could get the maximum number of slaves into the ship. In fact, up in the bow of the ship where there is a bend there would actually be a drawing of someone who had to be in that curled-up position so they could get one more slave in the hold of that ship.

When the slave ships came across the ocean—and they normally came into the Caribbean first—if there were children on board the children were the first ones off because they were the ones that most often died on these trips. And any children that survived they took out of the arms of their mothers and their fathers and they dropped them off down in the Caribbean. Then they would come up the southern coast of the United States and next, most often, they would unload the men and they were sold off as slaves at that point. And then finally further up the coast the mothers were dropped off.

Imagine anything as savage and as inhumane as that, to take people into human bondage and to pull children right out of the arms of their mothers in that fashion. That has been the history in this country. And that is what it is like to have been black in America, to come from that history and not even be seen as being a human being.

We have made some progress since that time, but not enough—not enough. We have to address where this comes from.

Those of us in this country who are white, in positions of leadership—not just in Government but in business and communities, in our churches and wherever—we have to help break down what is left of this racial division, the racial stereotyping. We have to help rescue our cities that are falling apart. There is no investment in infrastructure, no investment in our people, and there is very little hope. That has to change.

People will do something with their lives if they have a chance. It is the job of Government to see that people in America have a chance. The people I talk to, that is all they are asking for, is a chance. They are not asking for a guaranteed outcome. When somebody asks for a job, it is for a chance to work. When we turn our backs on somebody who is asking for a job, and desperately needs a job, we fail them and we fail America. That is the issue here.

So I do not want to just see a few code words for a few days. I want to see the President invested in this in a serious way. He has the capacity to do that. I know this man. If he decides to focus on this issue and put his energy into it, things will happen. I ask him to do that. I will help him do it. I will help him do it as chairman of the Senate Banking, Housing and Urban Affairs Committee. But it has to be done and we cannot wait any longer because we are losing part of America every single day.

It is not right. It is just not right. We do not have to settle for that. Other nations are not settling for that. They are investing in their people. They are putting together strategies to help people lift themselves up to a higher and higher level. We have to do that here in America. That is the task that is before us. We cannot wait any longer.

I do not want to lose one more black child and white child in America to a violent act. Let us protect our children. Let us help them have a decent chance to live, and not in a cardboard box after they come back from fighting in Desert Storm and cannot find a job. We can do better than that in America.

So I ask the administration to make the commitment to do something that is serious about it and repudiate whoever this spokesman was that John Apple was talking about yesterday.

By the way, the writer of this article would do us a favor if he identified who this person is. I would like to know who it is so they can be run out of the Government, or run out of that campaign. Because it is shameful thinking.

Mr. President, I ask unanimous consent the articles to which I referred be printed in the RECORD, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HARKIN). There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1992]

BUSH CAMPAIGN PLANS

(By R.W. Apple, Jr.)

WASHINGTON, May 11—It has been a turbulent year for the people whose job it is to get George Bush reelected, not at all the kind of stately progress toward an emphatic November victory many of them had expected.

In late January and February, Patrick J. Buchanan was the nemesis. Then, gradually, Mr. Bush rallied and the troubles of Gov. Bill Clinton of Arkansas, the presumptive Democratic nominee, accumulated on several fronts. Polls and politicians concluded that the President, for all his troubles, was a likely winner after all.

Now a third phase has begun, with twin threats to Mr. Bush's ambition to become only the third President since World War II to serve two full terms. With the primary elections coming to a close, quite successfully from his standpoint, Mr. Bush's managers are struggling to come to grips with the putative third-party candidacy of Ross Perot and with the new political agenda generated by the arson and looting that swept Los Angeles 12 days ago.

While some people in the White House debate how sweeping a program Mr. Bush should offer to help cure the problems that underlay the rioting in California, some at campaign headquarters worry that the President may focus too closely on the question.

"What I want," said one of Mr. Bush's top strategists, "is a few more days of this—a simple, clear program with three or points, then get off it. The longer the President seems preoccupied with Los Angeles, the more he and his urban policies become the issue, and that's not good for us."

But others involved in the campaign think it would be a major mistake for the President not to seem deeply involved in trying to alleviate the anxieties that have been stirred by the vivid events in Los Angeles.

To move on to other themes too quickly, a senior Republican operative insisted, "will make it look like we don't understand how deep all this runs—not only the frustration of the blacks, which a lot of yuppies who voted for Bush sympathize with, but also the fears of the law-and-order voters, who also helped elect him four years ago." The problem, as he outlined it, is how to avoid letting the riots drive a wedge into the Bush constituency.

That may already have happened to some extent; private polls taken for both parties, as well as a few public polls, show Mr. Bush falling back in the wake of the riots.

But the Perot problems is no less severe, as seen from the Bush camp.

According to one campaign planner, the original intention had been to aim the Republican campaign mainly at the South, where Mr. Clinton was considered a threat in only two or three states on the periphery of the region, at the West, and at the industrial states of the Midwest, which were thought likely to be the main battleground. In the Northeast, only New York seemed likely to the Bush strategists to provide useful hunting grounds.

Now, the planner said, all that has been swept aside and "we're all looking for a new strategic concept that accounts for Perot's strength."

While Bush strategists, especially those from Texas, readily tell stories intended to point up Mr. Perot's alleged authoritarianism and shortness of temper, one who has known him for years said the only day, "He's a master salesman, remember, and he may cause us real trouble."

In an attempt to stop the erosion in Mr. Bush's support, the campaign is studying the possibility of running television commercials created by a new media team, which includes several Madison Avenue experts, well before the fall campaign. One plan would involve a heavy media expenditure before the California primary on June 2, even though Mr. Buchanan is considered more a bother than a threat there; another would schedule Bush ads before, during and after the Democratic National Convention in New York this summer, in an effort to deny most of the usual convention-week lift to Mr. Clinton.

All of these discussions are taking place against a backdrop of considerable personal animosity and organizational confusion. Tensions among some of the principal figures around Mr. Bush are one of the main reasons there is still no detailed set of goals for a second Bush Administration, which many Republican politicians consider a key to victory in November.

For example, it is difficult to overstate the degree of animosity some of the senior campaign personnel feel toward Richard Darman, the tough political infighter who heads the Office of Management and Budget. Many members of the campaign staff are convinced, they say, that he is making it impossible for Sam Skinner, the new White House chief of staff, to pull operations there together as they had counted upon Mr. Skinner to do.

In addition, Mr. Darman is seen as the principal author of the White House compromise with Congress that led to the tax increases that have eaten into the President's popularity. One of Mr. Bush's senior campaign aides said of Mr. Darman last week, "He's hurt the President more than any Democrat."

HOUSE PANEL APPROVES 20 B-2 BOMBERS

President Bush's request to complete the B-2 "stealth" bomber program at 20 planes was approved by the House Armed Services procurement subcommittee yesterday.

Meeting in closed session, the subcommittee agreed that the Air Force cannot spend the money until it proves that the aircraft meets its radar-evading standards and the program will not exceed $44.4 billion.

Seeking assurances that $44.4 billion will complete the program, the Armed Services Committee is asking Defense Secretary Richard B. Cheney to meet with the committee before the House takes up the defense budget in June.

"Not one more dime beyond that," Rep. John R. Kasich (R-Ohio), a B-2 opponent, said of the Air Force's estimate of the total cost.

Lawmakers have expressed concern over increases in the cost of the B-2, from $430 million per plane in January 1987 to $2.3 billion last January.

"This program makes me sick," Kasich said. "It's been a disaster from Day One. . . . Shame on the Air Force for playing these games with us."

In a separate closed-door session the Armed Services research and development subcommittee approved $4.3 billion for the Strategic Defense Initiative, a cut of $1.1 billion from Bush's proposal for fiscal year 1993 but one of the highest overall amounts the panel has ever adopted.

Last year, the panel approved $3.6 billion for SDI, commonly known as "Star Wars."

The subcommittee provided no money for the concept of "Brilliant Pebbles," in which space-based interceptors would search out and destroy enemy missiles.

The Armed Services Committee is expected to adopt the subcommittees' actions today when it finishes writing its version of a post-Cold War defense budget.

The total package is $274 billion, about $7 billion less than Bush proposed in January for fiscal 1993.

The subcommittees also approved:

A reduction in the Air Force's request for the C-17 transport plane. The Pentagon was seeking $2.7 billion for eight planes. The procurement subcommittee approved $1.9 billion for six aircraft. Congressional investigators have said the C-17 is two years behind schedule and $1.5 billion over budget.

A measure forcing the Pentagon to spend about $2 billion from previous budgets for the V-22 Osprey tilt-rotor aircraft. If the department refuses, the budget and staff of the Pentagon's comptroller would be cut by 5 percent for every month the Osprey money is not used. Cheney has tried to cancel the V-22 for the past two years.

[From the Washington Post, May 13, 1992]

Among L.A.'s Biggest Losses: Jobs

(By Michele L. Norris)

Los Angeles, May 12.—Danny Jackson sat outside a downtown Los Angeles employment office Monday morning clutching the want ads with one hand and a Bible with the other, unsure which to peruse first as he began his daily search for a new job.

"I figure it's going to take one of those loaves-and-fishes kind of miracles to find work in a city where thousands of people have seen their jobs disappear," said Jackson, 34, who lost his $5.25-an-hour janitorial position when the market where he worked was reduced to ash and rubble.

"Times were tough before the city burnt down. There is no way everyone is going to get a new job."

Economic analysts agree. Possibly as many as 40,000 people were left jobless by the three days of fires and looting that damaged or destroyed more than 5,000 businesses following the Rodney G. King beating case verdict, according to labor analysts. Many of the newly unemployed are expected to return to work quickly as businesses restock, and replace windows. And many employees who work for large drug stores, supermarkets or fast food chains likely will be transferred to other locations while companies rebuild.

But at least 15,000 jobs may be long-term losses, said Art Shaw, chief economist with the Los Angeles Area Chamber of Commerce—a massive burden for a part of town that already had one of the highest unemployment rates in the country.

"Thousands of those jobs are not coming back, at least not quickly. And this is happening at a time when the city is already reeling from the effects of the recession," he said, "I don't see how this city's labor force is going to be able to absorb this many unemployed people, particularly since so many people out of work are unskilled workers who lack adequate transportation."

"I am not sure that Los Angeles—or any other city for that matter—has seen so many people displaced in such a short period of time," said Goetz Wolff, a labor market analyst who was formerly the chief economist for Los Angeles County.

"In just one weekend a large percentage of that area's labor force [between 10 or 20 percent of south-central's work force] was wiped out. We have seen large layoffs in the aerospace industry but there was always some advance warning and the job loss was spread out over time. We haven't seen anything like this, not even with natural disasters," Wolff said.

South-central Los Angeles and surrounding communities were hardest hit by the fires and looting that gutted the area's principal source of employment—retail stores and fast-food chains that provided low pay but steady work.

Entire business districts that once bustled with activity now are fire-gutted ghost towns, cordoned off by wire fences and yellow police tape. In some cases the newly burned-out stores are next to empty lots or graffiti-covered buildings that once housed businesses that never recovered from the 1965 Watts riot.

"These are people who are least able to cope with something like this because any loss in income tends to be devastating," said Jack Kyser, chief economist with the Economic Development Corp. of Los Angeles County. "Where are they going to go?"

A study conducted by the University of Southern California earlier this year found that the unemployment rate for the predominantly black and Latino south-central corridor hovered around 13 percent—well above the 7.1 percent level recorded for all of Los Angeles County in April.

While everyone is waiting for officials to develop a recipe for economic recovery, some individuals have embarked on small-scale programs to help put people back to work. Several Asian restaurateurs are hiring extra cooks, cashiers and waiters, even if they don't need the extra staff, to help Koreans who are suddenly without work. Likewise, several south-central churches have established impromptu job banks for babysitters, auto mechanics and hairdressers who were left jobless after the civil unrest.

The devastation in south-central will likely ripple outward, affecting areas throughout Southern California if tourists decide to steer clear of a region that is traditionally associated with sunshine and glamour. The tourist industry suffered immediately following the civil unrest, with hotels, tour operators and other travel-related services showing a 75 percent loss, according to officials with the Los Angeles Convention and Visitors Bureau.

Tourism is the second highest industry in Southern California, generating more than $7 billion annually. The city's tattered image could undercut travel industry revenue by as much as $2 billion this year, said Gary Sherwin, a spokesman for the bureau.

The riots could have a particularly large impact on the international travel market, where tourists tend to have greater concerns about safety when visiting urban America.

Korea has issued a travel advisory warning its citizens to postpone visits to Los Angeles. Three of Japan's largest travel companies have canceled more than 400 tours to Southern California.

"We are and have been for several years struggling with the question of personal safety," Sherwin said. "This does not help our case . . . especially with CNN broadcasting pictures of a truck driver being pulled from his car and beaten senseless all over the world. We are going to have to try and prevent turning a social disaster into a widescale economic disaster."

For now, the workers left unemployed have overwhelmed unemployment offices and county-run disaster centers, where people are lining up at 6 a.m. looking for relief—financial and sometimes emotional.

Soon Hae left a Mother's Day celebration held in her honor Sunday to visit the disaster relief center in Koreatown, seeking counseling for a husband who had been jabbering incoherently for several days since his gift store was looted and damaged by fire.

On the other side of town, Joyce Washington marched into another disaster center with grocery receipts in hand to seek reimbursement for the food she lost in a three-day power outage during the unrest. "It's bad enough that I lost my job in all this mess, I lost a week's worth of groceries too, and sure as I am standing here someone is going to pay me back," Washington said as she waited in line.

Exhibit 1

Office of the Majority Leader,
Washington, DC, May 11, 1992.

The President,
The White House,
Washington, DC.

Dear Mr. President: We commend you for visiting Los Angeles last week. The presence and concern of the President are important to Americans in a time of crisis.

The events in Los Angeles have focused national attention on the serious economic and social problems in urban areas.

The conditions present in Los Angeles exist in most of our nation's urban areas. They present a challenge to our society. That requires an immediate response to the situation in Los Angeles and a longer term strategy that addresses the fundamental problems in many of our cities.

The creation of jobs, and the opportunity and hope that come with a job, are vital to the recovery of Los Angeles and the renewal of our urban areas. The personal safety of residents of urban areas is crucial to the rejuvenation and vibrancy of neighborhoods.

We know that we and you disagree on some aspects of this matter.

Americans undoubtedly also have different perspectives on the best approaches to these problems. but on one thing we can all agree: No one benefits if differences of opinion paralyze our society's response.

We therefore propose the following actions and invite you to join with us in gaining their enactment.

You have publicly committed $600 million in assistance to those hurt by this disaster, through the Small Business Administration (SBA) and the Federal Emergency Management Agency (FEMA). We support your proposal. But, as you know, without supplemental funding, neither the SBA nor FEMA will have enough money to pay for disasters already declared and also help the people of Los Angeles. We ask that you join us in supporting greatly needed funding for SBA and FEMA, as well as for a summer youth jobs program under the Job Training Partnership Act.

We agree that arson, looting and destruction damage the community as surely as any of the underlying causes of urban unrest. The conference report on the crime control bill has been approved in the House and awaits only Senate passage and your signature to become law.

It includes valuable provisions for community-based policing, state and local law enforcement assistance, a provision that will begin to control the proliferating urban arms race that threatens our police, and a range of higher federal penalties for drug-related offenses as well as for capital offenses, including the death penalty. It has the endorsement of every major police organization in the country. Its enactment can send a valuable and immediate signal to all the people of our cities and suburbs that the personal security of law-abiding citizens and the protection of private property are a central element of economic revival in urban areas.

We propose that several provisions of the tax measure which Congress passed and you vetoed in March, be considered again and enacted. These are (1) the creation of urban enterprise zones; and (2) the extension of several expiring tax programs which utilize the private sector to help create jobs, provide better housing, and encourage investments in economically disadvantaged areas.

The bill providing 13 additional weeks of unemployment insurance that we worked out together in February expires on June 13th. We should ensure that unemployment compensation is available for those who are unemployed. Only 40 percent of the jobless qualify for compensation today. When less than 50 percent of jobless workers in a recession qualify for unemployment benefits, the system is not working as intended. We ask you to join us in extending and fixing the unemployment compensation system.

People need jobs. The Surface Transportation Act of 1991 provided the largest public works authorization in our history. Nearly all of the required money is in a Trust Fund. States have indicated that they could use another $1 billion on approved projects this year. States will be able to spend the full $25.7 billion authorized for the next fiscal year. We urge you to revise your FY 1993 budget request to provide for the full authorization. This would increase available funds by $3.6 billion.

In addition, the Housing Reauthorization bill now pending in Congress, including the Community Development Block Grant, and the Head Start Summer Program, will create jobs and empower urban residents by providing increased affordable housing and expanding local community development activities.

We can improve on this beginning, first, with consultation, among Members of the Congressional Black Caucus, community leaders in Los Angeles and other affected urban areas; and, second, by recognizing that other long-term measures, now stalled because of politics or paralysis, must be broken free and moved to the front of the nation's agenda. Specifically, we refer to the need for cooperation between the Executive Branch and Congress on behalf of broad-based economic growth that will provide jobs, opportunity and justice for all Americans. It has often been said, and we would do well to remember today, that a good job is the best social program for everyone in our society.

These measures, by themselves, will not solve all the problems. Much more will be needed. But we believe they represent an important start.

Without order, there cannot be the stable communities that nurture stable families. The foundation for personal responsibility is formed only within a stable family structure. There is a broad core of agreement between us on which we can build, and we write you in the same spirit you expressed in a news conference before leaving to visit Los Angeles.

You told Americans then that the challenge is not one of assigning blame, but whether we, as a country, have done enough for those left behind. You said you were not satisfied that we had. We share these sentiments.

Americans need to know that their President and Congress, whatever their differences, can work together to meet urgent national needs. We want to do so. We believe we can. We believe incentives for economic growth and restoration; the urgent need to combat crime and random violence; and a deeper commitment by government, business, and individuals to constructive, supportive family policy; all these constitute a common ground.

We invite you to join us in moving expeditiously in a bipartisan fashion on these important initiatives.

Sincerely,

GEORGE J. MITCHELL.
THOMAS S. FOLEY.
RICHARD A. GEPHARDT.

The PRESIDING OFFICER (Mr. HARKIN). The Senator reserves the remainder of his time. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I believe I have been asked by the distinguished chairman to speak for 10 minutes in a sequence he has organized this morning on urban affairs.

Mr. RIEGLE. I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

HELP FOR OUR CITIES

Mr. MOYNIHAN. Twenty-seven years ago in the Journal America, which is published by the Jesuits in New York—this was 1965—I wrote that—

> From the wild Irish slums of the 19th-century Eastern seaboard to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved.

There is no great purpose in simply restating that observation, save to say that it was true in 1965 in the aftermath of the Watts riots and it is true today in the aftermath of the Los Angeles riots. What I find a little difficult to understand—or to welcome, perhaps, is the term—is our sudden rediscovery of a problem, a situation that has been there for 30 years and has steadily gotten worse.

Those of us who have tried to make that argument are only very intermittently heard. The Washington Post only this morning finds room on the Metro page to tell us that five teenagers were shot in a drive-by shooting yesterday afternoon near the District's Eastern High School about 30 minutes after school let out. Eastern High School, Mr. President, is about 20 blocks from here. Five young black males were shot by other, we cannot doubt, classmates. One young lady who was standing by was shot, incidentally. The other four were in a car. They drove away. The police and the medical workers finally found them sitting on a step. I quote this passage:

> "You don't need to know anything else from me—I'm gonna take care of this myself," the rescue worker quoted an 18-year-old with a bullet lodged in his head as saying when police tried to question him about the gunmen.

This riot has been going on most every night and every weekend for 30 years. It is not a racial issue; it is a class issue. I tried to make that point in the journal America 27 years ago. For what it is worth, in 1809 an editor in Pittsburgh suggested that a charitable fund be organized to buy 12 houses in Pittsburgh, such that one could be burned down each month by the local rioting community and a civic festival could be made out of it instead of the random violence that these slums have always had. We discover them intermittently. We do nothing about them partly because we do not know a great deal.

The other day, the head of the Congressional Budget Office was quoted in an article by Mr. Rosenbaum saying that the dynamics of demography, economics, and other matters are such that we have no idea what to do about this situation; none. Mr. President, I will ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks. Our head of CBO, to whom we have delegated all the other mysteries of our age and our work, tells us, "Senators, you do not know what you are doing; you do not know what you are doing."

I do not know that I disagree. Why do we not ask Mr. Reischauer to come and explain to us what he meant when he said, "I have no idea what to do."

At the same time, the most important thing to observe at this moment is that we have no resources. If resources are an issue, we do not have any. And it is no accident, Mr. President, that we do not have any, but a deliberate act of Government, in which this body acquiesced, which this body to this day seemingly cannot understand.

Let me give you, if I may, a brief account of a time when I was, for a brief period, staff director of the Urban Affairs Council of the White House of President Nixon. His first action when he came to office was to establish an Urban Affairs Council. In 8 month's time, with the help of George Shultz, then Secretary of Labor; Robert Finch, Secretary of Health, Education, and Welfare; George Romney, Secretary of Housing and Urban Development—great, great men in office—the President put together a set of proposals to deal with the urban problems.

May I tell you what those proposals were, Mr. President? The first was guaranteed income. A guaranteed income, I say to the Senator from Michigan. We first have a guaranteed income for everybody. Then we would have revenue sharing with the Federal Government and the cities. Then we would completely revise our job training.

Such was the hubris of this body, this Senate, and the wild miscalculations of the so-called advocacy groups, that we turned down the guaranteed income as not big enough. The idea will not be touched upon in this debate. Revenue sharing did pass, but then we lost in the 1980's.

There was an interesting thing. I wrote a book about the debate in the White House and in the administration over a guaranteed income called "The Politics of a Guaranteed Income," a 559-page book describing Arthur Burns' principal opposition to this idea. He was counsel to the President. In 559 pages—I would like my friend from Michigan to hear this—in 559 pages, there turned out to be 34 lines having to do with the cost of guaranteed income. The question was whether you wanted to spend money. The money was a given if you thought the idea was a good one.

In 1981. people came to this city and deliberately set about destroying the capacity of the Federal Government to respond to these issues with anything like the resources that might be needed. David Stockman was part of that effort. Starve the beast it was called. But then he realized what was happening and he said: The Reagan administration's refusal to accept the need for new revenues when the need became obvious "was a willful act of ignorance and grotesque irresponsibility." He said: "In the entire 20th century history of the Nation, there has been nothing to rival it.

At that time, Mr. President, I would come to this floor and talk about that measure. Unrivaled in the entire 20th century history as Mr. Stockman says, an act of ignorance and grotesque irresponsibility. I would come to this floor and talk about it and say it was willful. They had an idea, starve the beast. And no one understood a word we were saying. It was beyond the reach of our imaginations. In his absolutely magnificent book, "Sleepwalking Through History," Haynes Johnson has a footnote about Stockman. He says:

> Moynihan was the first to charge that the Reagan administration "consciously and deliberately brought about" higher deficits to force congressional domestic cuts. Moynihan was denounced and then proven correct—except that the cuts to achieve balanced budgets were never made, and deficits ballooned ever higher.

Mr. RIEGLE. Will the Senator yield at that point? If the Senator will yield, I recall another part to that story. My understanding is that when they did the first economic models of the supply-side economic approach that the Senator just described, the huge tax cuts, the notion that we would have this massive increase in revenues to Government, and so forth, that the numbers went into the computer, the computer ran, came back out and said, no, we would have a disaster, we would have huge deficits, that the Government could not meet its basic needs. Because it did not work, they went back in and basically jimmied the computer; in other words, they changed the program in such a way that the computer was told to come out with a favorable answer to make the numbers look good even though they knew, in fact, this would not set off the kind of economic miracle they were advertising.

Mr. MOYNIHAN. It is very important. This is a very important subject. If we do not get this straight, all the rest is flawed. Ask Mr. Darman. He was there. Mr. Stockman, in his book says he realized and he said, "Oh, my God, it is a disaster." That if all of the Reagan plan was implemented you might get more real economic growth but no gain in Federal revenues.

Then he said inspiration came. If we have that disaster, it will force the craven politicians of the "Second Republic," a phrase they used, to cut the welfare state to the bone, to get rid of it. And they will have to cut.

Then a third stage, he said. They did not cut. Reagan would not cut. He describes those scenes where he would give Mr. Reagan a quiz on a program. He would say this is a program, this is what it does, this is what it costs, should we get rid of it, keep it as it is, cut a little. The President would say cut a little bit. And then he would say oh, my God, we are going into this deficit $50 billion, $100 billion, $200 billion, as far as the eye could see. He was wrong; $400 billion, as far as the eye could see.

Ask Mr. Darman. He was there. He said when they decided they would not get new revenues and they would not cut old programs, that it was a willful act of ignorance and grotesque irresponsibility. I quote Mr. Stockman, a member of the Cabinet: "In the entire 20th century history of the Nation there has been nothing to rival it."

Why not ask Mr. Darman?

I thank the Senator.

Mr. RIEGLE. I thank the Senator.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 10, 1992]

CONCERN, CASH, BUT NO ACCORD ON URBAN WOES

(By David E. Rosenbaum)

WASHINGTON, May 9.—Despite trillions of dollars spent over the years on thousands of different Government social programs, politicians and scholars are no closer to agreement today than they were a generation ago about the best ways to lift people out of poverty and make the cities better places to live

Experts at universities and research institutes and in Government agree that if a consensus could be reached about which programs have worked, the country would embrace those solutions, regardless of cost. But enormous ideological and political differences inhibit such a consensus, and the gulf has widened in the aftermath of the riots in Los Angeles.

"The position all along," said Donald F. Kettl, a political scientist at the University of Wisconsin, "is that we cannot agree on what it means that something works or doesn't work. The goals are always multiple and confused and vague. Conservatives look at it from one perspective, liberals from another. What people at the national level thought were mistakes, people at the local level often liked. Everything is just much more complicated than we ever thought."

In a few instances over the years a consensus emerged about what needed to be done, and in those cases the country responded. Take the elderly.

Thirty years ago, half of all Americans over 65 had no medical insurance, a third of the aged lived in poverty and millions avoided destitution only by living with their children.

Since then, with little complaint or political controversy, people's taxes have been repeatedly raised and the money has been spent on the elderly to the point where Social Security retirement benefits, health insurance under Medicare, nursing home payments under Medical and additional income supplements to the aged poor amount to well over one-third of the entire Federal budget.

Today, nearly everyone over 65 has medical insurance, the poverty rate among the elderly is substantially lower than it is for Americans as a whole and a vast majority of older people are financially self-sufficient.

The attacks from the Bush Administration in the last week to the contrary, the programs of the 1960's and 1970's have had other distinct successes.

Before the civil rights laws of 1964 and 1965, no major American city had ever had a black mayor, and there were only a couple of hundred black elected officials nationwide at all levels of government. More than 90 percent of the black adults in some cities were not registered to vote.

Now, blacks vote in about the same proportion as whites, and New York, Los Angeles, Chicago, Philadelphia, Detroit, Atlanta and Cleveland are among the many cities that have or have had black mayors.

In the early 60's, only one-third of the children 3 to 5 years old attended nursery school of kindergarten. Now, preschool programs are available to almost all children those ages.

Still, few people would argue that the nation's cities are better off. Old problems like poverty, crime, illegitimacy and violence seem to have worsened. New plagues like AIDS, crack and homelessness are pervasive.

So if the social programs succeeded in some respects, they failed in many others. More important, central questions increasingly seem to become irreconcilable the longer they are debated: how to strike a balance between work and welfare, to insure poor children a solid education, to put the jobless to work, to provide adequate housing for all, to fight crime while preserving civil liberties.

LEADERS ARE AT A LOSS

Americans and the politicians they elect would love to have the inner cities flourish and to allow the people who live there to enjoy the fruits that nourish most Americans, said Robert D. Reischauer, director of the Congressional Budget Office and Congress' chief staff economist.

The difficulty, said Mr. Reischauer, whose academic specialty is social policy, is that no one knows how to do it. "The economic and demographic and political forces that have been undermining the vitality of our inner cities are so overwhelming," he said, "that policies of the sort we've engaged in really can't stem the tide."

Nearly all politicians and scholars agree that the main Federal welfare program, Aid to Families with Dependent Children, has been at best seriously flawed and at worst disastrous. Almost no one defends rules that force families to split to qualify for welfare before they are eligible for Medicaid, the health care program for the poor.

But conservatives and liberals disagree so fundamentally on what a welfare program should be that many attempts to reform A.F.D.C. have failed for lack of consensus.

WELFARE'S CENTRAL CONFLICT

Conservatives worry most about poor people's becoming dependent on welfare generation after generation and never bothering to fend for themselves. Liberals are most concerned that benefits are not high enough to enable the poor to live in dignity.

Almost everyone agrees that those who can work should work, but jobs in the inner cities are scarce, and a basic conflict has never been resolved: On one hand, if welfare benefits are withdrawn when poor people take jobs, then there is little incentive to work, because the difference between what they can earn and their welfare payments is small. On the other hand, if they are allowed to keep a good part of their welfare checks when they go to work, then they have considerably more income than people they are working with side by side who have never been on welfare.

One reason Federal aid to the elderly has been so universally accepted is that the aged are not expected to work, so the trade-off between work and benefits does not arise.

Like many other conservatives, Stuart M. Butler, director of domestic policy studies at the Heritage Foundation, a Washington research institute, believes that the Aid to Families program is so fraught with misguided incentives that it has poisoned almost all Government social programs.

BRIGHT SPOTS

"Walk around the inner cities if you dare to, and all you see are people on the street corners not expected to do anything," Mr. Butler said. "The men would be crazy to look after their families and the women would be foolish to take a job because the welfare benefits would run out."

But even most ardent conservatives concede that some Government programs have basically been successes, like Head Start for poor preschool children and the Job Corps, the residential work-training program for the most seriously disadvantaged youth.

And other scholars have found small but valuable programs around the country. One, in Chicago, has helped thousands of poor black families move from the inner cities to better lives in federally subsidized housing in the suburbs. Another, called Youth Build, now in eight cities, has poor young men learn construction skills by restoring buildings. These programs rely on at least some Federal money, but they are locally organized and might not be applicable nationwide.

Some Government programs have distinctly failed. No one today defends the high-rise public housing projects that were built in the 1950's.

WHEN GOOD YIELDED BAD

Other programs had unintended adverse consequences. The urban renewal grants of the 1950's and 60's placed modern buildings in the downtowns of cities, but in the process neighborhoods were destroyed and families were displaced. In the end, much more housing was lost than gained.

And the interstate highway program, the most important public works project in American history, facilitated the abandonment of the cities.

Many people now live in better housing because of Federal aid like rent subsidies, but the money has always been so short that only a small portion of poor people could benefit. On balance, developers and landlords have probably been the real winners from Federal housing programs.

Employment training programs have also had mixed results. They have been especially beneficial for many women but have failed most young black men. Most of the jobs programs have been guilty of "creaming," giving training to the best-qualified applicants, who would probably have succeeded without the special training.

"The problems are just so intractable," said Tom Joe, director of the nonprofit Center for the Study of Social Policy in Washington." "I hate to say it, but the programs that work, the ones that really work, are those that get people out of the inner city."

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan has 13 minutes remaining.

Mr. RIEGLE. I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 2702 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Michigan has 9 minutes and 30 seconds remaining.

Mr. RIEGLE. I yield that to the Senator from Maine, the majority leader.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

BICENTENNIAL OF THE DEMOCRATIC PARTY

Mr. MITCHELL. I am pleased to join my colleagues today in marking the 200th anniversary of the formation of the Democratic Party of the United States. I commend Senator SANFORD, the distinguished Senator from North Carolina, who has organized this commemorative occasion. He has come to symbolize, in his personal integrity and commitment to the ideal of equal justice and equal opportunity for all Americans, what I believe is best about the Democratic Party and the democratic process in our society.

The Democratic Party is the world's oldest political party. There is good reason for that. The reason is that the Democratic Party is an inclusive, diverse party whose principles are drawn from the same roots that guided the men who wrote our Constitution.

Our Nation has seen enormous change in the two centuries since its founding. The vision of the Founders was profound as to the structure of Government. The vision of the Founders about the nature of our society was limited by their times. As a result, we have a founding document, a Constitution, which is clear as to guiding principles, silent on specific policies.

The Democratic Party, born in the same years as the Constitution itself, created by the very same men—James Madison was the principal author of the Constitution and a founder of the Democratic Party—was endowed from its origins with the moral clarity and democratic principles which underlie the Constitution.

Our Constitution does not directly dictate specific social or economic policies. That is a task of the political parties. And that is the task the Democratic Party has performed for the Nation since its beginnings.

The principles of political liberty, democratic inclusion, the principles of diversity, of the greatest good for the greatest number, are the principles that have shaped the Democratic Party at its best.

Our party's diversity has sometimes been the source of dissension inside the party and out. Some claim that only a firmly fixed, inflexible set of goals can provide a guideline for a political party. Others have suggested that diversity of opinion reflects a lack of philosophy and absence of clarity and purpose.

Those criticisms sound plausible. Will Rogers got a good laugh when he said, "I am not a Member of an organized political party—I'm a Democrat." But they are mistaken, because our diversity and differences are one of our strengths as a party. Our principles depend on no fashionable temporary philosophy of economics or Government, no litmus test to satisfy one or another faction within or without.

Our guiding principles are derived from the enduring strengths and traditions of the American nation.

Democratic principles are the principles of an equal voice for all participants.

Democratic principles respect the liberty of individual conscience and tolerance for the liberties of others. The Democratic principles guide us to seek a common ground with all Americans, not to exclude those who are different.

Democratic principles guide us in seeking to extend a helping hand to the vulnerable in our society, for we know what injures any one American injures the Nation.

The Democratic Party throughout its history and our Nation's history has been the party of expanded opportunity.

It is the Democratic Party which champions a broader franchise which encourages every American to vote, including those who have never before voted.

It is the Democratic Party which has worked to vindicate the civil rights of black Americans, Asian Americans, and all others excluded from the full privileges of citizenship.

Today it's fashionable for many to talk about opportunity. But Democrats have been expanding real opportunities for more than 50 years.

Within the lifetimes of Members of the Senate, 9-year-old American boys worked in coal mines and 10-year-old girls worked in textile mills. Democrats changed that. We passed child labor laws and now American boys and girls are in school, where they belong.

Within the lifetimes of many in the Senate, most Americans who reached the age of 65 could look forward only to a few years of poverty and misery, and the loss of self-respect.

Democrats changed that. We passed Social Security and Medicare to help elderly Americans keep their dignity and self-respect.

Within the lifetimes of most of the Members of the Senate, American rivers were open sewers and the sky in some cities was dark with pollution. We Democrats changed that. We passed environmental laws that cleaned up our rivers and began the cleanup of our air.

Less than five decades ago, within the lifetime of almost every Member of the Senate, American Armed Forces, the men and women who braved the battles and fought for our Nation, often at the risk of their lives, served in regiments that were segregated. A Democratic President changed that.

Like any human organization, the Democratic Party has sometimes betrayed its principles, sometimes strayed from its central beliefs, sometimes made mistakes at times. But in the longer span of American history, no institution, no organization has done as much, as consistently and as effectively to preserve the principles of democratic representative government on which our Nation is founded; none has done more to promote the grand instruction in the Preamble of the Constitution: "* * * to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.* * *"

It is the Democratic Party which seeks today to establish the recognition that the rights of women are as securely protected by the Constitution as the rights of men.

It has been the Democratic Party which fought to empower the workers of America, to ensure that they share in the material prosperity of America.

It was the Democratic Party which has fought for the opportunity for the children of plumbers and bricklayers to go to college with the sons and daughters of industrialists and Governors.

We are not perfect. Challenges face us in the next century that we cannot even envision today. The needs of Americans in the next decade will not be the same as their needs in the last. Change in the larger world will be reflected by change at home.

But the enduring principles of political liberty, inclusion, respect for diversity, the fidelity to our founding document are an assurance that the Democratic Party of the future will respond to those unknown challenges as it has to those in our past.

Mr. President, I yield the floor. I again commend the Senator from North Carolina.

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized under his own for up to 5 minutes.

Mr. FOWLER. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes, under the time of the Senator from North Carolina, if necessary.

The PRESIDING OFFICER. The Senator from North Carolina has 1 hour of time reserved.

Mr. SANFORD. The Senator from Georgia certainly has as much time as the Senator from Georgia needs, approximately 10 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes on the time reserved for the Senator from North Carolina.

Mr. FOWLER. I thank the Chair. I thank the Senator from North Carolina, and join the majority leader in commending his leadership in arranging his tribute to the 200th anniversary of the Democratic Party.

Our party, Mr. President, is one of our country's oldest institutions. Founded 200 years ago by Thomas Jefferson and James Madison, it is the oldest political party on our planet.

It seems to me this would be reason enough to pause and reflect, but I do submit that the principles on which this party was founded are more important, more relevant, more crucial than ever to our country, and indeed to the world in which we live.

I do not think we have to look far back in the history to see this. The people, the countries of the world, from Central America to the former Soviet Union, are embracing greater citizen participation in government. They are rejecting those who would covet crowns and mitres—as in the words of Jefferson—when they covet those titles and privileges under the cover of communism or in some other guise.

We also know that the first Republicans in this country where what we now call Democrats. Our party adopted the name used as an epithet, applied with contempt to the Jeffersonians, by the more aloof Federalists. Our party adopted the name of Democrat as a sign of pride that we stand on principle with the people, that we are the party created 200 years ago to give the people greater voice and greater control of their representative government.

It is more important than ever that the party of Jefferson and Jackson hold to its traditions. It is a tradition we can be proud to be part of. It is unfortunately a tradition which was recently attacked by the President of the United States, and we should not hesitate to defend it.

The President blamed the problems of America today on many Democratic programs of 30 years ago. There is no doubt that plans and programs must change with the times as our people change and our world changes. But I prefer to stand by Lyndon Johnson's principles, the use of a period of prosperity in our country to wage a war on poverty, to try to do something for the less fortunate of those, our brethren. I think those efforts compare favorably with what we saw in the 1980's, where our potential prosperity as Americans was applied to no purpose.

I would stand by the Democratic Presidents of our century: Woodrow Wilson, the first American President with a true world vision; Franklin Roosevelt, who applied the power of public office and public institutions to bring our country out of economic decline; John F. Kennedy, champion of public spirit, and public service; Jimmy Carter, from my State, a model of citizenship—in or out of the Presidency.

I think this kind of purpose and principle is a far cry from the cause of some of our country's problems. I think if we take this time to look at the roots of the Democratic Party, it will tell us much about the problems we face in Government today. I know it will show us that the history of our party is interwoven with the history of our country, that we have risen and fallen with its fortunes and shared its vitality.

The Democratic Party was founded to increase direct popular control over the Government, to widen the right of suffrage, and to limit the power of the Federal Government.

Any Senator who holds a town meeting in his or her State today will tell you these issues are very much alive with the people of our country, who think Government is too far away. They want to bring their representatives back to the communities they represent.

It is very much alive on the floor of this institution, as we seek to limit the influence of big money campaign contributions on the conduct of Government.

It is very much alive as we look for ways to bring people back into the voting booths, those people who believe in self-government, but who are disenchanted with the system as it stands. These are the important issues for our Republic, just as they were 200 years ago.

When we look at the sources of popular discontent—which none of us in this body would deny, and that we all must answer to the people back home, the people of our country—we may indeed see social programs that need to be revamped and revitalized. That does not mean it is time to ignore our social conscience. It means we have to invest our public resources more wisely to better our country and, yes, that is the tradition of the Democratic Party.

For the last decade or more, unfortunately, we have seen a society where the rich grew richer, the poor grew poorer, where citizens drifted further from their Government, which, as I noted, they believed was run too much by campaign contributions.

I know that we can profit from what Andrew Jackson said about the role of Government in bringing about a better society, and one that will not breed disgruntlement or erupt in unrest.

Here are Andrew Jackson's words:

> Distinctions in society will always exist under every just government. Equality of talents, of education, of wealth, cannot be produced by human institutions. For the full enjoyment of the gifts of heaven and the fruits of superior industry, economy and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to those natural advantages artificial distinctions—to grant titles, gratuities and exclusive privileges to make the rich richer and the potent more powerful—the humbler members of society * * * who have neither the time nor the means of seeking favor for themselves, have a right to complain of the injustice of government.

I do not think I need to add anything to prove what a vital force the Democratic Party has been in the development of the values of our country, or what a model it has been for other countries striving to bring about just representation in their Government.

This is a great tradition, a great heritage, one that all Americans can be proud to be part of and one which those of us who serve today must strive to be worthy.

I thank my friend from North Carolina.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A DAY WORTH REMEMBERING

Mr. SANFORD. Mr. President, I thank the distinguished Senator from Georgia for his very wise comments and his observations on what the Democratic Party has meant to this Nation. I certainly thank the majority leader for the comments that he has brought to this Chamber.

Mr. President, it was 200 years ago today that the wheels of our two-party system were set into motion. On May 13, 1792, under the leadership of Thomas Jefferson, the author of the Declaration of Independence, and James Madison, who was central in the writing of the Constitution and the Bill of Rights, the oldest popular party in the history of the United States, and indeed in the history of the world, was created, and with it, the foundation of the two-party concept in America.

In this day of disenchantment with political parties, political outrage with congressional Members, both Republican and Democratic alike, I believe there is a more urgent need than ever to examine the history of both parties, to come to a clearer understanding as to why our country has chosen to govern largely through the two-party system since the birth of these parties hundreds of years ago.

We have stuck with it, and why? Because the concept evolved into the best system available to ensure free government, government "by the people and for the people." To be certain it is not flawless, as is witnessed by the recent scandals spread throughout the newspapers and the public outcries of voters to throw the rascals out.

We have political newcomers and virtual unknowns joining in the Presidential and congressional races, declaring no party allegiance as proof of their virtue, and being touted as heroes by those who know little about their actual ideas and proposals for change or governing.

So why has the Democratic Party held on for 200 years, and the Republican Party for nearly that long? I believe it is due to a commonness of goals. Thomas Jefferson described the goals of his new Democratic Party as focusing on "the increase in direct popular control over the government, the widening of the right of suffrage, the limitation of the power of the Federal Government, and the conservation of the powers reserved for the States by the Constitution."

That is what he wrote as he established why he thought we needed this concept of political parties, groupings of people with differing ideas about how government should be run.

Today, we still strive to find the best balance between the States and the Federal Government, between the leaders and the public.

Another powerful reason for the staying power of our two-party system is an obvious one: Government benefits from having a good argument. This system has worked quite successfully to ensure that there is some give and take in our Government, that the minority cannot simply be steamrollered by the majority opinion. The governments that have 10 or 15 parties have not worked as well. The two-party system also ensures a degree of consensus, assures that a wide array of views are sure to be heard, instead of lost in the din.

In his book, "A Democrat Looks at His Party," Dean Acheson wrote the following about the Democratic Party, which I believe applies to the Republican Party as well:

> If all of the interests which are comprised in the Democratic party were fragmented into separate parties and spent their impact directly on the legislative body, the result might well be either the irresolution and narrowness of electoral will * * * or the submersion of these many interests by a dominant one. * * * But the Democratic party performs through its own processes a preliminary accommodation and regulation of various and different interests before the legislative process begins, or as part of it, and by this develops policies and programs national in their scope and base. There is another highly relevant characteristic of this diverse association covering so many different areas, interests, types of supporters, and points of view. A personality which can gain acceptance of his leadership in this party is apt to be a strong one, one calculated to win national acceptance and one equipped to exercise national leadership.

Therefore, we must conclude that a party must not be so exclusive or represent interests so isolated that it excludes all others; it must be large enough to incorporate many different viewpoints if it can hope to wage any influence or garner wide acceptance for the governing process.

These ideas are hardly new, Mr. President. They are the same thoughts that provoked Thomas Jefferson and James Madison to become leaders in the movement to develop a party dedicated to the betterment of and the fair and equitable treatment of the general populace, as opposed to a government concerned only with the rights of those who could afford to get involved. The principles that began the Democratic Party are the same principles of freedom and democracy that are at the very heart of our country as a democratic nation.

It is for this reason that I believe it is truly worthwhile to recognize and appreciate the full value of the 200th anniversary of the Democratic Party. The birth of the Jeffersonian Democratic Party should not be looked upon as a historical event to be celebrated exclusively by today's Democrats. This is not simply a chance for the Democrats to slap each other on the back and congratulate ourselves on what a fine party we are. This is a chance for Democrats and Republicans alike to reflect on the history of our political party system, to trace its roots and origins, and to pay tribute to our forefathers who had the foresight to create a political system in which all voices, no matter how large or small, could be heard.

The evolution of the Democratic Party can be traced back to the early 1790's. In a letter to President George Washington, then-Secretary of State Thomas Jefferson first acknowledged the emergence of his new political party, writing:

> I have determined to make the subject of a letter what for some time past has been a

subject of inquietude to my mind, without having found a good occasion of disburthening itself to you in conversation, during the busy scenes which occupied you here. Perhaps, too, you may be able in your present situation, or on the road, to give it more time and reflection than you could do here at any moment. * * * The republican party, who wish to preserve the government in its present form, are fewer in number; they are fewer even when joined by the two, three, or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any General Government; but, being less so to a republican than a monarchial one, they naturally join those whom they think pursuing the lesser evil.

By referring to the Republican Party—now known as the Democratic Party—in his letter, Jefferson confirmed any suspicions that the growing number of opponents of the Federalist Party were indeed forming their own party. The Jeffersonian Republicans, led by Thomas Jefferson and James Madison, while staunch opponents of the Federalist Party, did not adhere to the views of the anti-Federalists, whose members were opposed to any general government. Jefferson and Madison desired an organized form of government, but one which balanced power between the leaders and the general public, allowing the States to exercise as much authority as possible without the interference of the Federal Government.

The seeds for discontent had been sown when newly elected President Washington appointed Alexander Hamilton as his Secretary of the Treasury and Thomas Jefferson as his Secretary of State. The two Cabinet members experienced fundamental differences of opinion in their interpretations of the Constitution and their ideas of how the Federal Government should be run. Hamilton was a strong advocate of an aristocratic Federal Government, while Jefferson believed that such a government would only serve to make the elite prosper, while keeping down the general citizen and the general hardworking new citizen of a new nation.

Jefferson's courage in moving away from Hamilton's ideas of governing is significant not only because of its link to the beginnings of the Democratic Party; it is also important for the reason that before President Washington's first term, there had been no real political parties. Washington had not run for the Presidency on a party platform, nor had he adopted any political party to which he pledged allegiance. The formation of political parties had been discouraged as divisive and as vehicles for corruption.

In fact, President Washington had spoken out on this very issue. Party spirit, he feared, "serves to distract the Public Councils and enfeeble the Public administration. It agitates the Community with ill-founded jealousies and false alarms, kindles the animosity of one party against another, forments occasionally riots and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions." He did note, however, that there was "an opinion that parties in free countries are useful checks upon the Administration of the Government and serve to keep alive the spirit of Liberty. This within certain limits is probably true. * * * But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. * * * A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume."

Now we can look back in the history and see that the irony in Washington's speech, of course, is that it was considered by many to be a partisan and Federalist-inspired speech in itself—it was indeed one emerging party speaking of and to another emerging party—because it served as yet another marker of the growing strength of the now Democratic Party, the Republicans, as a power to be reckoned with. Indeed, we needed this kind of exchange between groups favoring different points of view.

Party lines were being clearly drawn and defined around this time, and the beginnings of a workable political party system, one which challenged and debated all sides to an issue, were falling firmly into place.

Thus, 200 years of the Democratic Party began, and shortly thereafter, our Nation was well into a two-party system that continues to this day.

What then, of our political system today, and all of the anger, frustration, and discouragement being vented in the papers and in the polls? Is this two-party system on its last leg? Is it sick beyond repair? On the contrary—all indications, in my opinion, seem to be that this system is alive and well and kicking and all right.

We cannot imagine the kind of disorder that would come if it were not for the concept of political parties and, although a great many writers are suggesting that the party is over, that no longer are parties needed, more than ever a nation that gets so much information from an ever-broadening system of media, needs to have the kind of discipline for organizing different opinions that the party system provides.

Because we do hear the voices of our citizens, saying "We won't take any more of your astronomical campaign budgets." "We won't stand for congressional perks." We are forced to look in the mirror, check our behavior and stay in line with the will of the people. If we do not, then these same voices can and will mobilize their votes and send us packing—and that, Mr. President, is as it should be.

"What about modern day partisan bickering?" you may ask, and you would be right to ask. It is true that perfectly good bills have lived and died at the hands of petty partisan politicking on both sides of the two-party system. I have no remedy to cure this problem. But I would be inclined to argue that the benefits of debating out an issue—being forced to view a piece of legislation with new eyes, from a new point-of-view, and perhaps even hammering out a deal between the two parties—outweigh the disadvantages of such a system. I am also convinced that the majority of Senators and Congressmen are committed to working toward amicable solutions of legislative disputes, and are as frustrated by political stalemates as is the rest of the American public.

So my message to those concerned about the direction of our two-party system is this—examine the history of our political system in America and you will come away, I believe, with hope, not discouragement. It may not be perfect, but it is working, and it has worked throughout our history.

The celebration of this bicentennial is not about partisan politics—it is about the political party system as a whole in America, and it is about the debt that our current national political system owes to Thomas Jefferson, owes to James Madison, owes to the emerging party in 1792, first called Republican and then called Democratic, but always looking to expand Government to serve all of the people. This is a day, Mr. President, well worth remembering for all Americans.

Mr. President, there are several other Senators who have indicated a desire to speak during this period. I simply will say a few words extemporaneously awaiting their arrival. I will be ready to relinquish the floor immediately if there is someone else who cares to speak on this subject.

Mr. President, I have brought us up to the Great Depression and the beginning of Franklin Roosevelt. I would like to, now, yield to the distinguished Senator from Tennessee, whatever time he cares to use.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from North Carolina has 23 minutes left.

The Chair recognizes the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I thank my friend from North Carolina for yielding to me. He has brought us historically up to the time of one of the greatest Presidents in the history of the Nation; to the time of Franklin Delano Roosevelt, certainly the greatest President of the 20th century.

But I am going to take us back, Mr. President, about 100 years, to the time of another great President. That President was Andrew Jackson of Tennessee.

Before I do, let me say just a word about what is occurring here today.

We are discussing the history of the oldest political party in the United

States, many say the oldest ongoing political party in Western democracy. The roots of that political party, the Democratic Party, reach back to Thomas Jefferson. Jefferson was a man who held a deep and abiding faith in this new, young Republic and in its people. He had a faith in economic justice, a faith in the ability of the American men and women to determine their destiny and to shape their own country.

Thomas Jefferson was a man of extraordinary brilliance and almost clairvoyant perception. I well remember—and I am sure the distinguished Senator from North Carolina will remember—back in the 1960's, when another young and dynamic Democratic President, John Fitzgerald Kennedy, had a gathering at the White House of all of the great writers and scholars and intellectuals of the day. They gathered there for dinner, and John Kennedy addressed the group. He said something to this effect: My friends, this is the greatest sum of intellect that has been in the White House since Thomas Jefferson dined alone. Perhaps that is correct.

Jefferson believed in the self-contained yeoman, the self-sufficient farm, a free and vibrant country building on the native resources of its people, its land and its character. That was the Jeffersonian vision. That has always been, I think, the faith and credo of the Democratic Party.

But this morning the distinguished Senator from North Carolina, Mr. SANFORD, asked that I give special attention to Andrew Jackson who, as I said earlier, is a native son of Tennessee, whose legacy is very dear to our hearts in the Volunteer State.

While Thomas Jefferson was the architect who designed the political house of the Democratic Party, it was Andrew Jackson who brought the people.

Jackson strode into office on March 4, 1829. And he said in ringing tones, in his first inaugural address, "the majority is to govern."

We accept that statement simply as a matter of fact today. Who would disagree with it? That is conventional wisdom; that is commonplace. But in 1828 that view was revolutionary, not just in the United States but all across the Western World. Because those were the days of the great revolutions that were sweeping across Central Europe, and many considered the idea that the majority would govern to be radical, revolutionary, inappropriate, and something that simply could not work.

But for Jackson, majority rule was the only true meaning of liberty, of freedom, of equality under the law. He refused to believe, as James Madison and other thinkers of his time feared, that a virtuous people in a democracy would inadvertently permit tyranny; that the people could not be trusted to be the captain on the deck of their own ship of state; that they represented a threat to themselves, simply because they had neither the intellectual capacity, the education, the capacity to govern themselves; that they should be governed by an elite.

Jackson rejected that soundly.

He rejected it in the name of the small hill farmers of North Carolina, of Tennessee. He rejected it in the name of the hunters and the trappers of the West. He rejected it in the name of the soldiers and the militia that had fought so valiantly at his side in the War of 1812, and his voice boomed these words on the date of his inauguration: "The people are sovereign. Their will is absolute."

Jackson campaigned all across the country on that philosophy, and it was not just vote-getting rhetoric. It was not the "read my lips" of the day. It was a genuine belief that the future of this Nation depended solely on democratic popular rule. That was the foundation on which the freedom of our people must finally rest. And we know today as we see the 20th century coming to a close, that that was also the belief on which the freedom of tens of millions, indeed hundreds of millions of people in the 20th century really depended; the view that a great Nation, called the United States of America, believed and fought for democratic popular rule, not just for itself but for freedom-loving peoples everywhere. Those were the views of President Andrew Jackson when he came to the White House in 1829.

I must confess, Mr. President, as a Tennesseean, I have a very zealous admiration for the seventh President whose home, the Hermitage, is not too distant from where I live in Nashville, TN. And the people adoringly call him Old Hickory.

As I was educated in the public schools of the State of Tennessee, I learned early in life that Andrew Jackson is an American hero in a class all by himself. He was extraordinarily courageous and tough and energetic, a man of great character, who overcame adversity as a child seeing both his mother and his father perish at an early age.

He could fight a duel better than any man in his day, I say to my friend from North Carolina, and when he strode into the White House in 1829, he carried the pistol ball in his body of those who had fired at him in times past. He was a military leader who never knew defeat. And when Andrew Jackson, with his ragged band of militia and hunters, not a professional soldiers in the crowd, defeated the British outside New Orleans in the War of 1812, it was, indeed, the world turned upside down in military history. Here was a ragtag band of Americans defeating the finest, best-equipped, best-led regiments of His Majesty's army, the finest army in the world at that time; an extraordinary feat of military prowess.

And of course, Andrew Jackson was a great democratizer. I must confess that the exact meaning of that word, democratizer, eluded me when I first studied that in the grade schools of Tennessee.

But not until much later in life, when I came to serve on the Senate Budget Committee, did I discover the ultimate reason to admire Andrew Jackson. He came to the Presidency in 1829 and promised not only to balance the Federal budget, but to pay off the national debt, and during the 8 years of his administration, he did both. So when Andrew Jackson left the office as President of the United States, he left the American people with a Treasury that was indebted to no one.

Jackson said, and I think there is much merit to this: "The national debt is a national curse, and my vow, if elected President, shall be to pay the national debt."

And that is precisely what he did. He was a man who made great promises in his campaigns, but he carried out those promises. When he was elected, the national debt was $58 million—$58 million, I say to my friend from North Carolina. The Navy spills that much aircraft fuel every day, I suspect, on the decks of aircraft carriers and airfields around the world. But that was a very sizable amount of money in that day, and by the time Jackson left office, the Federal Treasury was in a surplus.

And today in 1992, that achievement could not be more relevant. The man who brought the people to the Democratic Party brought a commitment to fiscal responsibility. That is the history of the Democratic Party, Mr. President. It is a history of fiscal responsibility. That has been our enduring legacy.

Yes, in recent years occupants of the White House have been less vigilant in guarding that legacy, but I think the time has come for the Democratic Party to reclaim it.

When you think about it, preserving our heritage as the party of fiscal responsibility, as Andrew Jackson defined it, should not be that difficult. After 13 years of fiscal irresponsibility under Republican administrations, the national debt of this country has grown from 20 percent of gross national product when Ronald Reagan took office to over 66 percent of the gross national product today. A shameful disgrace. What a legacy to leave to generations yet unborn. The national debt has almost doubled in the 3½ years since George Herbert Bush became President. It will hit some $4 trillion this year.

So I say to my colleagues, let there be no confusion about which is the party of fiscal responsibility and which is not. It is the party of Andrew Jackson of Tennessee.

I say that this country is long overdue for a good dose of Andrew Jackson's fiscal rigor.

Jackson left other legacies as well. He created the national convention process, something we take for granted today. But it came into being because of Andrew Jackson. And the party platform. He felt that a political party ought to have a statement of its beliefs. He will always be known to the world as the man who turned the Founding Fathers' theory of democracy into a real, living, breathing democracy for all of our people.

Under Jackson, real political power was transferred from politicians who were of the elite to the voters. That was his lasting gift to the country that he loved so much. That was Jackson's genius. For all the world, Andrew Jackson was the representative American of his day.

Now, like all great men, he was a man of contradictions. He was a defender of States rights, of limited Government, but he was passionately devoted to the Union. Without military knowledge or military training, he defeated the finest army on the face of the globe in his day and won the greatest military victory of his era, the Battle of New Orleans.

What a joy it was for the American people who had seen British soldiers march into their own Capitol and seek to burn the very building we are standing in today, who had seen a British marine major get into the seat of the Speaker of the House of Representatives and put his muddy boots on the Speaker's desk and laugh at the young Republic and ask his fellow British marines, "Shall we burn it or not?" And they all voted yes. And they marched around to burn the Capitol of the United States.

So what a joy it was to this small, young, aspiring Nation to read that Andrew Jackson had defeated the British armies and routed them in New Orleans. What a thrill. And they knew that this young country was here to stay because it defeated the greatest military power of its day.

Andrew Jackson's writings and his statements were not as scholarly as those of Jefferson or Madison because he did not have the education and the advantages that they had had. But in his writing can be found the most profound defense of popular government ever expounded. Andrew Jackson was a poor orphan boy with little formal education, but he ascended to the highest office of the land. And this young orphan Nation ascended with him.

When the British admiral, Alexander Cochrane, was preparing to attack New Orleans during the War of 1812, he boasted, "I will be eating Christmas dinner in New Orleans." Andrew Jackson, sitting around the campfire with his ragged troops, heard the boast and coldly replied, "It may be so, but I shall have the honor of presiding at that dinner."

Jackson did preside at that dinner, and he presided over a nation for 8 formative years during its young life, 8 years that spawned a 150-year legacy of democracy, of freedom, of striving for equality. And perhaps the most definitive tribute to Andrew Jackson's greatness is that his ideas are very much alive today.

As we celebrate the 200th anniversary of Andrew Jackson's Democratic Party, we will all do well to recall his genius and to restate our faith and our creed because it is so profoundly at odds with the political winds of the moment.

We Democrats think it is time to reinvest in this country of ours, to reinvest in our land, to reinvest in our people, in our industry, in our cities. We Democrats believe, just as Jackson and Franklin Roosevelt believed, that we have a right to freedom from fear; we have a right to freedom from anxiety; we have a right to expect a health system that meets our needs without impoverishing us; we have a right to an education system that prepares our children for the challenges they will face in adulthood.

We Americans are an optimistic people. We have always believed that the next generation will do better than the last. And I am sorry to say that now, perhaps for the first time in our history, we have a generation that feels they will not do as well as that that preceded them.

Those youngsters who are graduating from college now, who are graduating from Duke University, I say to my friend, Senator SANFORD, who served with such great distinction as president of that great university for many years, sense that their lot in life will not be as substantial, their future not as promising as those of their parents. And I say that that is a tragedy.

So we Democrats think it is time to reinvest in our country, to reinvest in our land.

We believe we have a right and our children have a right to become the Nation that Thomas Jefferson dreamed of. We have a right to become the nation that Andrew Jackson struggled for. We have a right to become the Nation that Franklin Roosevelt and Harry Truman and John Fitzgerald Kennedy sought to build. The heritage of the Democratic Party, our principles, our traditions, our history, that must also be our future—it is the future that will guarantee a life of satisfaction, and a life of meaning to generations to come.

No real understanding of the history of this country or the future of this democracy is possible without a clear knowledge of the history of the Democratic Party and those who have led it. The history of this Nation, and the progress that it has made, and the history of the Democratic Party are so closely intertwined that they cannot be separated.

Mr. President, I want to commend the work of the commission. I want to commend the work of the distinguished Senator from North Carolina. The Senator from North Carolina has made an enormous contribution during his almost 6 years of service here in the U.S. Senate. He has made an enormous contribution not just to the Senate, but to the country, throughout his entire life. As a young paratroop officer in the Second World War, he jumped out of airplanes, into occupied France, fighting the great war to save democracy, to save us from fascism, militarism, nazism. Later in life, he went on to be the most progressive Governor that the State of North Carolina had ever had.

So I want to pay tribute to my friend from North Carolina, thank him for his work, and for providing me a period here to speak in behalf of his service.

SALUTE TO SENATOR TERRY SANFORD

Mr. EXON. Mr. President, I want to make some remarks today on a very important subject. I would not be here today nor would the rest of us, I think, who have addressed a rather significant milestone in our country, were it not for the leadership of my friend and colleague from the State of North Carolina, TERRY SANFORD.

Nice things have just been said about Senator SANFORD by our colleague from the State of Tennessee. I associate myself with the remarks made by the Senator from Tennessee with regard to the thanks, the appreciation, the understanding and, yes, the love that we all have for our talented and dedicated colleague from North Carolina.

I salute him once again for not only what he has done for the country and for his State, but for the Democratic Party that he has nurtured for a long, long time.

SENATOR TIMOTHY E. WIRTH

Mr. EXON. Mr. President, before I make some remarks, on how the Democratic Party has reflected on my life and therefore hopefully favorably on the Nation, let me talk for just a moment, if I might, about a very talented younger Democrat that has recently announced that he is not running for reelection, to the dismay and the disappointment of this Senator. He comes from somewhat of a different generation than my friend from North Carolina, Senator SANFORD, and this senior Senator from Nebraska. But I think TIM WIRTH of Colorado will leave his mark where he served with distinction in the House of Representatives before coming to the U.S. Senate.

I ask unanimous consent, Mr. President, that an op-ed piece by Senator

WIRTH in the May 12 edition of the Washington Post be printed immediately following my remarks on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, here is a young Democrat that I hope will carry on. Maybe he will be back to carry on. But he has announced that he will not be a candidate for reelection. If we talk about the processes that we are weighing today and looking for the future leadership of the country, both from the Republican Party and from the Democratic party, we should recognize that we have suffered a loss with TIMOTHY WIRTH and other of his vintage that have decided not to continue to seek public service.

I thought that Senator WIRTH's insight in the article just referenced was one of the best op-ed pieces, most on point, of any that I have ever seen.

Let me quote from the first two or three paragraphs of this that I think maybe puts into perspective some of the dilemma that faces people in public office today. I quote:

> On the day that I announced in Colorado that I would not run for a second term in the U.S. Senate, I handed out a long and detailed explanation of my decision, an evaluation of Senate life, my place in it, my aspirations, discontents and goals. This was followed by a press conference and a lengthy question-and-answer period with the press. So should I have been surprised when a Denver reporter, having just heard me read my statement and my many reasons for terminal frustration, asked me privately after the press conference if I were sick? Code word: AIDS.
>
> Should I have felt my blood begin to boil when another Colorado journalist wanted to know—again with the microphones off—whether a "financial scandal" was about to break over my head? After all, I had already read that morning the account in The Washington Post stating that among the reasons why I was leaving was a supposed affection for the House Bank and overdrafts from it, which would be crippling burdens to carry in my reelection campaign.
>
> This off-the-wall, off-the-mark press speculation confirmed the judgment that led me to call it a political day: It has become nearly impossible, in Congress or outside it in the press, for public officials to carry on sustained, serious discussions of the fundamental challenges Americans must understand and, through their government, rise to meet.
>
> Sensation-seeking in the media has trivialized civil discourse.

All the foregoing was a quote from Senator WIRTH's article that I have referenced.

I am mindful of the fact that in the last couple of days, Mr. President, I have been asked by several members of the press about a recent complaint that I made with regard to the amount of money that we are spending on reconditioning elevators. And I have referenced the fact that I thought that the amount of money that is being spent on some of those elevators and some of the carpeting and some of the woodwork that is going into those elevators, that have nothing whatsoever to do with safety, was not wise in this day of speculation about whether or not we are trying to be careful with the taxpayers' money.

But I am looking forward to the time when I can really make a big splash in the press because I want to alert the press now that hopefully I can have some secretaries from our office in bikinis with me in the elevator with the press in full attention, and if they can get a picture of something like that, because somehow if the news media today can put sex or the idea of sex in with wasteful spending, you really have a story that might, just might bring about a Pulitzer Prize to some of the people that are supposed to be doing a job in covering the press.

I only bring that up, Mr. President, because of what we are seeing today with regard to trivializing of the many important matters that face us, not the least of which I think is the recent vote on the floor of the Senate when this Senator led an effort that was well thought out and took a lot of time to put together to come up with some cut in the national defense expenditures of the United States. And it made hardly a peep in the national news media because there was no waste, fraud, and abuse connected with it.

Unfortunately, we did not have the billing of something to do with sex. If we can get that kind of frosting to put on the cake, you are always going to get the cake placed in the center window for most people to see. If some of the people that we are talking about today had to go through those things in the past, maybe they would not have made the great contribution that we are all pointing to today. Some of the leaders of the Democratic Party in the past certainly clearly are going down in history as ones who made significant contributions to the United States of America.

EXHIBIT 1

[From the Washington Post, May 12, 1992]

TIME FOR A NEW CREW IN WASHINGTON

(By Timothy E. Wirth)

On the day that I announced in Colorado that I would not run for a second term in the U.S. Senate, I handed out a long and detailed explanation of my decision, an evaluation of Senate life, my place in it, my aspirations, discontents and goals. This was followed by a press conference and a lengthy question-and-answer period with the press. So should I have been surprised when a Denver reporter, having just heard me read my statement and my many reasons for terminal frustration, asked me privately after the press conference if I were sick? Code word: AIDS.

Should I have felt my blood begin to boil when another Colorado journalist wanted to know—again with the microphones off—whether a "financial scandal" was about to break over my head? After all, I had already read that morning the account in The Washington Post stating that among the reasons why I was leaving was a supposed affection for the House Bank and overdrafts from it, which would be crippling burdens to carry in my reelection campaign.

This off-the-wall, off-the-mark press speculation confirmed the judgment that led me to call it a political day: It has become nearly impossible, in Congress or outside it in the press, for public officials to carry on sustained, serious discussions of the fundamental challenges Americans must understand and, through their government, rise to meet.

Sensation-seeking in the media has trivialized civil discourse.
Too many print editors and television anchors underestimate the capacity of their readers and viewers to absorb and be absorbed by complicated policy questions. Inevitably, such judgments become self-fulfilling. The budget deficit, the hole in the ozone layer, health care costs, poverty, crime and dropout rates all increase, all get their 15 minutes of fame, and all drop off the screen to be supplanted by transitory alarms that are reported with equal weight and importance.

Attention-deficit is the disorder of the day. I grew not just hoarse from shouting but increasingly frustrated that so much of the nation's press—the crucial intermediary between government and the governed—spends so little time working to make representative government work. The House Bank, a political sideshow, is more widely reported and better understood than either our national debt or the underlying economic confusion that has fed its alarming growth.

After 12 years in the House of Representatives, I went to the Senate in 1987 hoping to find it a more effective forum for inquiry, reflection and consensus-building. By reputation, its pace was more deliberate than that of the House and its members less disposed to grandstanding. I found a different reality; an unsteadying diet of petty partisan maneuvering, ego clashes and legislative ambushes mounted by single-issue zealots who can make the fate of liability insurance within the aircraft industry or the eccentricities of a handful of avant-garde artists seem the most urgent of legislative questions. And all of this in a country whose leader refuses to lead, who does not seem to have a sense of where he wants the country to go, and whose lack of direction in turn pervades the whole government.

The House controls itself through rules that limit not only the time of floor debates but, sometimes too narrowly, their content as well. The Senate is supposed to operate on collegial lines, to do much of its formal business by unanimous consent. When comity collapses, as it decisively has during the past decade of divided government, an undisciplined Senate becomes a mine field where the ability to maneuver counts far more than the capacity to legislate with vision for the future. In such an arena, moreover, various concentrations of moneyed interests increasingly form impassable barriers to action. Against their veto power, initiative falters; posturing more and more takes the place of substantive discussion and decision. Nowhere is this more evident than in the recent action to sustain high levels of defense spending despite the dramatic changes in the geopolitical landscape—a victory for defense contractors, a loss for our children.

The culture of the institution in this sense reflects all too well the culture of a profoundly distracted society. "Headline News" would be an oxymoron in any age except the one where the answer to information overload is a soundbite, where supermarket tabloids and docudramas enjoy almost equal credibility and where "Read My Lips" sums up an entire political credo.

There may be a chance this election year to break that downward spiral. The gathering protest—focused on the failure of government to deliver needed services at reasonable cost or to adjust priorities in a world of breath-taking change and on the perceived arrogance and distance of public officials—will sweep a large number of new men and women into office in November. Let's hope they are vigorous and idea-oriented as were those who rode earlier waves in 1934, 1946, 1958 and 1974. Let's pray, as Rep. Vin Weber (R-Minn.) said so well, that they arrive promising to do more than give their parking place to a homeless person or not to use a House Bank that is already out of operation.

They will be angry. Let's hope they'll be idealistic. And let's make certain that they get heard. The press could pave the way for their arrival and for the changes they could set in motion by focusing now on the content, not just the conflict, of their campaigns. That would be a worthy role for the fourth branch of government. Who knows? Such reporting might even interest and involve viewers, readers and voters in the work of renewing America's democratic experiment.

DEMOCRATIC PARTY'S 200TH ANNIVERSARY

Mr. EXON. Mr. President, I talk today about an organization that is near and dear to my heart. An organization on whose behalf I have worked for and been a part of for many decades. I am speaking, of course, about our Democratic Party.

Today marks the 200th anniversary of the Democratic Party and I would like to take a few minutes to discuss its proud history.

Like most of the Democratic Members of this body, I have attended and spoken at literally dozens of Jefferson-Jackson Day dinners. It is most fitting that those annual events are named after what are essentially the two most important founders of the Democratic Party.

It was through the efforts of Thomas Jefferson that the Democratic Party began in the early 1790's. In fact, it was through his efforts that political parties as we now know them were begun, since during George Washington's terms as our President, political parties were not significant factors in the political life of our country.

It has often been said that the Democratic Party is the most unorganized, organized political party in the country. Looking back two centuries ago, it appears that little has changed. First, there seems to be a considerable amount of debate regarding just when the Democratic Party was created, although many observers pinpoint a letter written on May 13, 1792, by Thomas Jefferson as being the first reference to the party.

Second, the Democratic Party had a hard time getting its name straight as it was initially called the Republican Party, then the Democratic-Republican Party, and finally the Democratic Party which was made official in the party's convention in 1840.

The Democratic Party has always considered itself to be the party of the people but it was not until the election of Andrew Jackson to become President in 1828 that the people really took hold of their own Government.

I suppose that every Democrat has his or her favorite Democratic Party hero and I would like to spend some time talking about my own, President Harry S. Truman. Visitors to my office know that one of my favorite portraits, and one that is prominently displayed in my office, is that of Harry S. Truman in his military uniform mounted on a horse.

Harry S. Truman was born in my neighboring State of Missouri on May 8, 1884. His parents gave him the middle initial "S" but no middle name. When he was still a boy, his family moved to Independence, MO, near Kansas City.

Harry S. Truman served our country during World War I where he commanded an artillery battery in France. After the war, he continued his service in the Army Reserves where he eventually reached the rank of colonel.

He was first elected to public office in 1922 as the county judge of Jackson County, MO. He won a reputation for honesty and efficiency which later paid off when he was elected to the U.S. Senate in 1934. He was reelected in 1940. It is interesting in this time of declining defense expenditures that as a Senator Harry Truman created what was known as the Truman Committee which investigated defense spending and uncovered billions of dollars of waste and inefficiency. And that was during wartime.

In 1944, President Franklin Roosevelt was to be elected for a record fourth term. But many believed that it was likely that President Roosevelt would not live through that entire term. As a result, the nomination for the Vice Presidency took on enormous importance.

Democratic leaders were split in their support for Henry A. Wallace, Justice William O. Douglas, and southern favorite James F. Byrnes. Senator Truman emerged from the field as a compromise candidate and was elected on the second ballot by his party.

Jonathan Daniels once wrote that, "Truman was nominated by men speculating beyond the death of Roosevelt who knew what they wanted but did not know what they were getting." They no doubt got much more than they bargained for.

President Roosevelt died less than 3 months into his fourth term and, as expected, Vice President Truman became President Truman. After being sworn into office, President Truman remarked that he "felt like the Moon, the stars, and all the planets had fallen on me." Indeed the task before him was enormous as our country was still fighting World War II.

President Truman, but a few months later, was called upon to make what is surely one of the gravest decisions ever made by a President of our country. He was informed in July 1945 that we had successfully tested the first atomic bomb. President Truman authorized the use of atomic bombs on the Japanese cities of Hiroshima and Nagasaki in early August of that year. Japan agreed to end the war shortly thereafter.

President Truman in a radio address to the American public explained, "Having found the bomb, we have used it. We have used it against those who attacked us without warning at Pearl Harbor, against those who have starved and beaten and executed American prisoners of war, against those who have abandoned the pretense of obeying international laws of warfare. We have used it in order to shorten the agony of war, in order to save the lives of thousands and thousands of young Americans." I was one of those young Americans.

After the war ended, President Truman initiated the Marshall plan to economically assist the war-damaged nations in Europe. At the same time, the Truman doctrine was developed to contain communism and to place the United States as the world leader in the fight for freedom.

One of the most famous political photographs of all time is that of President Truman holding a newspaper with the headline "Dewey Defeats Truman." That picture was the culmination of the Presidential campaign of 1948 in which President Truman was given little chance for reelection. But his spunk and fighting spirit, as shown by a whistle stop campaign across our Nation, resulted in arguably the biggest upset in the history of our Presidential campaigns.

As an interesting sideline to this story, I note that one of the candidates defeated by President Truman was Gov. STROM THURMOND of South Carolina now a colleague and friend of mine in the Senate.

President Truman's second term was nearly as eventful as his first. In 1949, the United States joined with eight other nations to form the North Atlantic Treaty Organization, or NATO, which has played a major role in the defense of Europe for over four decades.

When Communist forces from North Korea invaded South Korea on June 25, 1950, President Truman was called upon once again to lead our country at a time of war. He quickly decided to intervene to save the independence of South Korea and committed United States troops in that effort. According to President Truman, that was the hardest decision of his political career.

Of course, the most famous saying of President Truman's was "the buck stops here" which was printed on a plaque that sat on his desk. That is a saying that our current President and for that matter our current Congress should reestablish.

President Truman decided not to seek reelection in 1952. He left office on January 20, 1953, and retired to his home in Independence. He died on December 26, 1972.

On this 200th anniversary of the Democratic Party, my thoughts go to Harry S. Truman, for he truly stands among the great leaders of all time of not only the Democratic Party but of our Nation.

Mr. President, the Democratic Party is not only the oldest political party in our country, but arguably the oldest in the world. Despite being two centuries old, the Democratic Party remains young as it and its leaders are constantly changing. As our Nation has grown, the Democratic Party has grown and, as the party of the people, has reflected the dreams and highest aspirations of our Nation. I wish it 200 more.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized to speak for up to 20 minutes.

BICENTENNIAL OF THE DEMOCRATIC PARTY

Mr. GORE. Mr. President, I thank you for the recognition. I hope it will not inconvenience my colleague from California. I had arranged for this time earlier in the week. I do appreciate his courtesy and forbearance.

Since the time of the Senator from North Carolina has run out, I had planned to make comments on two subjects. First, on his time, I had wanted to make comments about the bicentennial of the Democratic Party, but the time I had reserved was for another topic. Let me foreshorten my remarks on the first subject and then concentrate on the other.

I thank Senator SANFORD for his tireless efforts on behalf of this observance, the bicentennial of the Democratic Party in S. 2047.

May 13, of course, marks the 200th anniversary of the oldest continuously existing political instrumentality in America.

Fathered by Thomas Jefferson and nurtured by Andrew Jackson, the history of the Democratic Party is inextricably linked with the history of our country.

Thomas Jefferson's election to the Presidency in 1801, after numerous ballots in the House of Representatives, in fact as the head of a new political party, was not just the birth of a new political party organization, but was the first peaceful transfer of national power from one political organization, the Federalists, to another. This peaceful transfer of power has, of course, lasted as tradition, surviving for 200 years and is the envy of the world for all who love peace and democracy.

I have spoken a good many times on this floor about the ecological system of the Earth. What would that have to do with this observance? I note with great pride that one of the seminal events in cementing the Northern-Southern alliance that helped to form the new party was an expedition to New England undertaken by Thomas Jefferson and James Madison for the purpose of botany. Many suspected the trip was for the real purpose of organizing opposition to Treasury Secretary Hamilton, but the records show that Jefferson wrote voluminous works on the trees, flowers, lakes, soils, and other subjects of relevance to botany himself, and went on at great length about it.

It is an interesting body of work that resulted from that expedition.

Let me say that as a Tennessean I am especially proud of the role Andrew Jackson has played in the history of the Democratic Party. My colleague, Senator SASSER, earlier spoke at some length about this and I will not replicate his fine words. But just let me say that not only did Jackson give the party its current name, he gave the people a greater voice in choosing their elected leaders by taking the Government from the aristocracy and giving it to the general population.

Throughout our Nation, Jefferson-Jackson Day dinners mark the importance of these two historic figures in the development of principles and practices of the Democratic Party. It is commonly said that Jefferson gave the party its principles and creed while Jackson gave the people control of their Government.

Jackson's election in 1828 after he was, in the view of some, unfairly deprived of election in 1824, was a result of a tide of change that swept away State laws restricting the vote to those with property or who could afford certain taxes. When the people rather than the aristocracy and the State legislatures were given the power to elect the President, the first President they chose was Andrew Jackson.

So, I am indeed proud to be a lifelong Democrat attempting to carry on the tradition of Jefferson and Jackson and other leaders in my party in promoting and defending the interests of the people and trying to spread democracy and the power of the vote to every county and parish of this Nation and to every country in the world.

Mr. President, let me shift gears and speak about the subject that I have requested time for earlier.

BOSNIA-HERZEGOVINA

Mr. GORE. Mr. President, on several occasions I have spoken about the events in the Balkans. As I have noted on other occasions, my father's older brother was severely injured in World War I because the events there in the Balkans spilled out from that area of the world to consume most of the world in that terrible war. My family's oral history has always carried lessons with it about World War I and I have, for that reason and for other reasons, spoken on numerous occasions here since last year about events there.

The ongoing destruction of Bosnia-Herzegovina is a crime that must be laid squarely at the feet of the Government of Serbia, and of its leader, Slobodan Milosevic. And it is with great sadness that I must also say that in my opinion it is in part a consequence of a major failure of American policy.

Long ago, before this cycle of violence began, we had a chance to recognize what Milosevic represents and what he and his associates were up to. Unfortunately, such was our Government's concern for the preservation of Yugoslavia that we failed to grasp the fundamentals of a radically changed situation. We failed to realize that Yugoslavia was no longer of value to us as a bulwark against the Warsaw Pact. We did not see that, in fact, the unity of Yugoslavia could only be preserved by means that would make it what it has now become: A major source of instability for all of the Balkans, and the successor to Lebanon as a metaphor for internecine violence.

Even after Serbia invaded Croatia, our Government continued to base its policy on the incredible fiction that the victim was as much to blame as the perpetrator, and that a moral symmetry existed such that the appropriate response was to turn our backs on both. Nothing reflects the bankruptcy of that concept more, Mr. President, than the fact that the Bush administration actually imposed identical sanctions on both Croatia and Serbia, as if it made no difference that the latter's armed forces were helping to conquer a third of the former's territory.

Nor did it seem to matter, Mr. President, that the Government of Serbia was engaged in a process running directly contrary to the interests of the United States as a great power. Namely, the Government of Serbia was reorganizing the map of the Balkans to suit itself—to carry out the dream of a Greater Serbia by violently annexing territories which would establish it as the region's dominant power. Instead of reacting to this threat by at least coordinating our policies with those of our European allies, this administration dragged its heels to the very last. We obstructed. We disengaged. We continuously assured the Serbian authorities of our basic good will toward them long after we should have informed them of an irreparable breach of relations.

In recent weeks, there were some indications that this blindness and paralysis would yet fall away from the Bush administration. We began to show some anger and determination. It may have taken thousands of deaths, hundreds of thousands of refugees, and the destruction of the economy of what had been a country of 25 million people, but our Government finally seemed to get the message. We came up on the net. We pushed for some action among our allies. We were blunt.

If we had continued down that path, Mr. President, I would not be standing here again as I have at intervals since last September, puzzled again, embarrassed again, and outraged by the moral and intellectual bankruptcy of our policy. But having strutted and roared a bit, the Bush administration now seems to be calling it quits. The situation, we are saying, is beyond control. There is nothing to be done except to wait until the violence exhausts itself, until the aggressor is too fatigued even to continue to assault the helpless.

That is what is going on there now. There is an aggression against the helpless. How did we feel when we watched the horrible scenes on television of people pulling the truck driver out of the cab and continuing to beat him mercilessly? How did we feel for that matter when we first saw that videotape of Rodney King?

There is a basic human emotion when someone who is helpless who is being beaten and who is being brutalized and murdered. We want to help. How do we wall ourselves off from this ongoing brutalization of a helpless people in this situation?

So, a day or two after the European Community ordered home its Ambassadors we are essentially doing that, standing by, doing nothing as this tragedy unfolds. Why? Because we want to be ever the last to risk offending Mr. Milosevic, ever hopeful for his redemption.

Well, it is of course an open question whether we can force an effective cease-fire, but there is no question at all that there are still measures that remain to be taken by our country and by our allies.

First, we can destroy the illusion that there still exists a state whose legal name is Yugoslavia and whose inheritor is the Republic of Serbia and its vassal, the Republic of Montenegro. Yugoslavia does not exist. Its seats on all international bodies, ranging from the United Nations to the various trade and banking institutions, should be voided and its representatives decertified and cast out.

Second, in the place of Yugoslavia, representatives of the successor states of Slovenia, Croatia and Bosnia-Herzegovina should be seated. Representation should be denied to Serbia and Montenegro. Diplomatic relations with Belgrade should be cut. Any assets owned by Yugoslavia that can be seized should be put into escrow. Air traffic to Belgrade should be suspended. Any and all international agreements with the former Yugoslavia should be declared null and void and replacements should be negotiated with the successor states—but not with Serbia under these circumstances.

Third, we and our allies should impose a full embargo on military parts and on oil to Serbia. Romania, which might want to profit by violating either or both of these embargoes, is in no position to bite the hands that feed it and should therefore be put on notice that its choice is to fall in line behind its friends in the West, or look elsewhere for economic help. Greece, which might want most of all to keep its relations with Serbia in good shape and which for understandable reasons has evidenced a deep fear of the consequences of international recognition of the former Yugoslav Republic of Macedonia—especially if it uses that name—must be told in a friendly but firm way that its friends in Western Europe and in the United States need solidarity on this question.

Fourth, since the European Community's April 29 deadline for a cessation of hostilities has come and gone and it is clear that Serbia is the party bearing primary responsibility for this, it is time for the west to begin supplying antiaircraft and antiarmor weapons to those forces which still respond to the instructions of the Bosnian Government. Further, since Mr. Milosevic now claims that his army is to be withdrawn from Bosnia, it would appear that the legal status of Serbian forces that continue to fight in that country has changed. Any further support of these forces from Serbian territory is thus unambiguously a violation of an international border and an assault on the territorial integrity of an internationally recognized independent state. That state has every right to defend itself and to call upon the international community for the financial and material means to do so.

Fifth, we should make clear that we hold the Serbian Government responsible for what is occurring, and we should warn them that this extends to personal responsibility for government and military officials operating in violation of international law and United Nations resolutions. This cycle of violence did not have to occur in Bosnia. Its people had learned to live with each other—Christian, Orthodox, Muslim, all various kinds of Christians. Its people had learned to live together. It was the Government of Serbia and the army of Serbia that ignited the fires now burning in Sarajevo. The fact that, for tactical and propagandistic reasons, Milosevic now wishes to pretend that he bears no responsibility for what is happening is a gross distortion, which needs to be rejected.

In my opinion, intensified pressure on Serbia will in fact bring about a cessation of hostilities in Bosnia. But even if I am wrong, we must try, and we must also make it clear that if war does not end, it is our intention to exact a severe price from Serbia itself. That country's economy is in shambles. Its currency is made of the printing press, not in the marketplace. We are being too conservative in our estimates of our ability to make the so-called Yugoslav dinar completely worthless and to bring their industry to a halt. The political consequences of that are far more clear to Milosevic than to our leaders. That is why he continues to maneuver to forestall effective economic sanctions.

Sixth—and I say this with a degree of understanding for the feelings of Croatians—the Government of Croatia cannot participate either directly or indirectly in any deal to partition Bosnia. If the kind of deal allegedly discussed at Graz were to become Croatian policy, the consequences of that for Croatia itself would be severe. A third of Croatia's territory still lies under Serbian occupation. Any hope Croatia has of recovering that territory rests upon the international community's refusal to accept changes of recognized borders by violence. If Croatia compromises that principle in Bosnia, it destroys its efficacy in Croatia. I grant that the Government of Croatia continues to deny that it is participating in any way in an effort to partition Bosnia and disposes its Muslim inhabitants. Hopefully, that denial is true. It will be a sad day for Croatia if it is not.

There are still other measures, more controversial than any of these, that could be discussed. But in my opinion, it is already clear that major cards remain unplayed. Instead of turning its back, our Government should be working with our allies to confront Serbian authorities with a very stark message: make peace, or the rest of us will see to it that you will ultimately be rejected by your own people and handed over to justice—either at their hands or ours.

I yield the floor, Mr. President.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from California [Mr. SEYMOUR] is recognized.

Mr. SEYMOUR. Mr. President, parliamentary inquiry. Under a previous order, does Senator SIMPSON from Wyoming have 15 minutes allocated?

The PRESIDING OFFICER. The Senator from California is correct.

Mr. SEYMOUR. Mr. President, I am here as his designee and would ask that I be allowed 10 minutes of that 15.

The PRESIDING OFFICER. The Senator has that right if there is no objection from the Senator from Wyoming.

Mr. SEYMOUR. The distinguished Senator from Wyoming has asked that we split that time, Mr. President, so if I could have 7 minutes of his 15.

Mr. SIMPSON. Mr. President, I regret my tardiness. I believe there is 15 minutes under a special order. Let me relinquish 8 minutes of that time to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 8 minutes.

Mr. SEYMOUR. Thank you very much, Mr. President, and I thank my distinguished colleague from Wyoming for permitting me to speak.

THE LOS ANGELES RIOTS

Mr. SEYMOUR. Mr. President, the wonders of electronic media afforded all Americans, and the international community, as well, the opportunity to watch as hoodlums and hooligans and thugs proceeded to tear apart south-central Los Angeles and the greater Los Angeles area. We saw entire communities go up in flames, businesses that took years of sweat and hard work to build were destroyed, livelihoods were destroyed, property was destroyed, and lives were taken in the most senseless and mindless looting and pillaging and killing and burning that we have seen in our country in, in fact, this century. We were live participants in the absolutely senseless beating of an innocent truck driver.

And now what do we hear from out political leaders? More finger pointing. For anyone watching C-SPAN, the Senate floor probably resembles a schoolyard given all the finger pointing and name calling that has been going on here since those tragic events of the last 2 weeks.

Let us be honest with ourselves. There is enough blame to go around for everyone, Democrat and Republican alike. And if we really want to take the time, I suppose we could spend the next several days and weeks, if not months, pointing fingers at one another as to why this tragic incident and devastation occurred.

But that is not why we are here, Mr. President. Time is precious and we must not waste our efforts on a dead-end debate. We all understand this. The Congress is not elected to play Monday morning quarterback. Unfortunately, that is how the general public views this institution. Our constituents expect us to be in the game, directing the action, not on the sidelines pointing fingers at one another.

Mr. President, I was in Los Angeles the last 2 weekends. I met with business people and merchants and church and community leaders, city and public officials, and just people in the streets. They do not care as much who is to blame as they are concerned with their futures and how we in the Congress are going to work with them to rebuild their communities, to make their streets safe, and to restore their confidence in America. If I heard one resounding message, it was that we must put aside partisan bickering and "I told you so politics" and get down to enacting real change.

President Bush heard this message when he spent all day Thursday and half of Friday in Los Angeles last week listening to these same people to whom I previously referred. And he has been quick to move forward with an emergency aid package to ensure that the Federal Emergency Management Agency and the Small Business Administration are adequately funded. He also convened yesterday with leaders from both sides of the aisle from both Houses to come together and form a bipartisan solution.

And this process is beginning to move forward.

So, Mr. President, let us nurture it. Let us not condemn it just for partisan purposes. A game of one-upmanship will only hurt the people we are all committed to help.

I do not doubt the commitment of any Senator to give his or her total energy to solving the problems that face our inner cities and urban centers of America. Let us take a lesson from the hundreds of volunteers that flooded the streets of Los Angeles, with brooms and shovels, to start to clean up the destruction. Did we see them pointing fingers? Of course not. They saw the urgency of the situation and went to work immediately to effect change.

These were people from all walks of life. Hollywood stars took up positions next to burned-out shop owners and suburbanites. Each in his or her own way was telling us to get moving and start working together. If they can do it, then can we not?

I am ready for that. The Congress needs to change if we are going to accomplish this. The problems are complex and I do not want to suggest for 1 minute that I, JOHN SEYMOUR, the Senator from California, have all the answers, because I do not.

I have my own ideas, having viewed the devastation. I believe in the fact that we must have law and order in not only the streets of Los Angeles but all the cities of California and the cities across America. Any civilized society is first based and founded and rooted in law and order.

I also have ideas that refer to the rebuilding of greater Los Angeles to ensure that that devastation never takes place again in Los Angeles; in Detroit, MI; in Chicago, IL; or New York City, or any other urban center of our country. What I am talking about is ideas that will create job opportunities, give those citizens a piece of the action, give them a reason to get out of bed in the morning and reach for all they are capable of becoming.

Yes, we have a lot of work ahead of us. The people in Los Angeles and across America are sick and tired of the political finger pointing. It insults them and it demeans us. We are better than that. Now let us prove it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

RESPONSE TO THE REMARKS OF SENATOR RIEGLE

Mr. SIMPSON. Mr. President, I thank the Senator from California for his remarks. I think they are very powerful and provocative and should be heard.

Mr. President, maybe I missed something, but yesterday I was part of a group at the White House with members of the Democrat congressional leadership and members of the Republican congressional leadership who met with the President of the United States. The purpose of it all—no other purpose, nothing sinister, mind you—was to forge a bipartisan accord on how to proceed on urban initiatives and particularly emergency funding in the wake of the Los Angeles riots.

I felt really very gratified when I left there, that the bipartisan congressional leadership—our fine majority leader, the assistant majority leader, the Senate minority leadership, the Speaker, the Republican leader of the House, and the deputies on both sides of the House—met, and I felt gratified that we could see eye to eye with the President and work for results—not partisan advantage.

That gratification may have been short-lived, especially after hearing this morning's statement by the chairman of the Banking Committee, my friend Senator RIEGLE. He is, indeed, my friend. We have shared much together. I enjoy his energy and earthy humor and spirit. I only have a few minutes to respond, but let me just make a few points.

If all that my friend Senator RIEGLE said was correct, where was all of that directed emotion prior to the tragedy of the Rodney King verdict? Urban issues were not exactly a common topic on this floor. Why? Because it did not play. Well, it may play now. So here is another chance for George Bush to take a good, hard shot in the chops during this election year.

The Democrats seem to find a problem—I suppose through some focus group out in the land they discern such problems—and then they crank in the same formula they use to assess blame for everything. The shocking verdict in the Rodney King case results in riots in Los Angeles—and it was shocking. Who is to blame? Who else? Ronald Reagan, George Bush, and the decade of the eighties.

It is not just Senator RIEGLE who gives us this same verse. I note the District of Columbia Mayor was interviewed this morning regarding recent disturbances in the Mount Pleasant neighborhood. Who is to blame? You guessed it, the decade of the eighties, the distribution of wealth from the have-nots to the haves and the frustration it caused. The main culprits? You guessed it, Ronald Reagan and George Bush, of course.

I think the Democrats must have met somewhere a few months ago and decided they would employ the same strategy. Find a problem; blame it on the eighties. Then you must remember, now, they use figures about the economy that are based upon the Reagan years, which are now cited as the years between 1980 and now; 1980 was not a Reagan year. He was not President, and it was a miserable year, economically. The misery index was off the rails.

So we want to keep that in perspective. I think the edges of the hymnal that they are singing from are getting a bit frayed. Americans are smarter than we give them credit. They really do not buy the premise that George Bush is responsible for the King verdict or the subsequent riots. Those things were brooding for decades.

Then I heard another old familiar lilting refrain, we have a war in our cities—and here it comes—the Republicans are more concerned with aid in foreign countries and maintaining big defense budgets.

Senator RIEGLE was shocked when he cited that the House Armed Services Committee, which at least at my last knowledge was controlled by the Democrats, had authorized 20 B-2 bombers. He said this constituted spending billions on a weapons system we do not need while there is a war going on in our cities.

Just a brief note. On May 5, 1992, George Bush wanted the Senate to rescind spending on two *Seawolf* submarines costing billions of dollars. The Pentagon does not need them. George Bush tried to cut them. We failed to rescind their spending. How did the Senator from Michigan vote? To maintain full spending for the *Seawolf* submarine.

So, really, why do we not level with the American people? We have lost people from this Chamber—people like WARREN RUDMAN, TIM WIRTH, KENT CONRAD—who are leaving. And the single theme as they leave our Chamber is clear, it is "We all know what we have to do." And we all do know exactly what we have to do. And we will not do it.

But the American people are not going to listen to it anymore. They are not going to keep score. They are not going to delight on whether the Republicans diddled the Democrats this day or vice versa; it make no difference at all to them.

The Democrats have been out of the White House now so long they can taste it. No matter what the problem, George Bush will be the cause. He will be blamed when Democrat committees authorize B-2 bombers or when the Democrat-dominated Senate fails to honor his request to cut spending for an unnecessary weapons system.

But I want to leave this floor in the spirit of optimism because of the meeting yesterday. The statement of my friend from Michigan does not reflect in any way, in my view, the constructive bipartisan approach which was taken yesterday, and which is so long overdue. I prefer to rely on the representations of the Democrat leadership when they indicated to us, and to the President yesterday, that they wanted to work with the President to resolve problems, not against him for partisan gain.

Mr. President, in conclusion, last month I also had to respond on the floor to a Senator's remarks that George Bush had encouraged racial divisiveness in this country. How absurd. There is no spirit of racism in that decent man. What guff.

In the conclusion of my remarks. I inserted the administration's fiscal year 1993 budget proposals for local government. The range of assistance included infrastructure, drug enforcement, crime control, enterprise zones, children's programs, education, real estate incentives, housing, pro-family tax incentives, and health care all funded at increased levels from previous years.

Finally, I ask unanimous consent to include after my remarks a factsheet issued after yesterday's constructive bipartisan meeting outlining the President's six priorities for strengthening urban areas: weed and seed, HOPE, enterprise zones, America 2000, welfare reform, and youth jobs.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. I think we can get back now to the work of the day. I think we will, because we can see how feckless it is to simply send the President all the things he wanted plus all things he did not want in the same bill, knowing full well what he would do with it—veto it and then send it back here where we will sustain the veto. It is time to get over that hump. It is time to do the work. We all know what we have to do.

EXHIBIT 1

FACTSHEET—OUTLAYS FOR LOCAL GOVERNMENTS IN THE PRESIDENT'S FY 1993 BUDGET

Listed by section, are Administration programs which will directly and indirectly benefit local governments all across our nation:

JOB TRAINING 2000

The Employment Service would be reconstructed and its resources incorporated into Skill Centers in order to improve the delivery and effectiveness of job training and vocational education programs.

These "one-stop shopping" Skill Centers would replace the many uncoordinated entry points that the programs now have in each community. Skill Centers would offer testing, counseling, job market information, referral to available jobs, and vouchers for PIC-approved education and training programs.

Private Industry Councils (PICs), originally created to administer JTPA, would be expanded and modified to manage and coordinate $12 billion in Federal resources.

$4.1 billion of proposed 1993 funds would be under direct PIC control while an additional $7.6 billion of proposed 1993 funds would be coordinated through PICs.

Only participation in certified training programs would be funded by any major Federal program. Financial incentives will make training institutions accountable.

The transition of young people from school to work will become more efficient through skill standards and youth apprenticeships.

INFRASTRUCTURE

The budget requests $19.2 billion, a $2.2 billion or 13 percent increase over 1992, for highway construction and rehabilitation and will support over 1 million jobs in 1993.

The budget proposes $2.5 billion for EPA wastewater treatment grants, a $100 million or 4 percent increase over 1992. These grants will assist cities in providing adequate secondary sewage treatment to protect health and the environment as well as allow business expansion by providing sufficient treatment capacity.

Maglev/High-Speed Rail: The budget includes $28 million, an $8 million or 40 percent increase over 1992, for high-speed rail and maglev research and development. The Administration proposes to complete a full and fair evaluation of maglev technology before deciding to undertake prototype development.

CRIME

The Bush Administration's investment in fighting crime will grow from $14.6 billion in 1992 to $15.8 billion for 1993—an 8 percent increase over 1992, and a 59 percent increase over 1989.

The Federal Bureau of Investigation (FBI) will field over 2,000 new agents.

In it's pursuit of violent gang members, the Bureau of Alcohol, Tobacco, and Firearms (BATF) will devote $38 million to its National Violent Gang Enforcement Program to investigate gang members who are weapons violators.

To prosecute violent offenders and others, $814 million will be requested for the U.S. Attorneys, 77 percent more than was spent in 1989.

Every year nearly 6 million people are victims of violent crimes. In 1993, the Administration will provide $144 million to assist victims of crime and to fund programs that offer support to overcome the traumas caused by violent criminals.

Fighting White-Collar Crime: To fight white-collar crime, including financial, insurance, Medicaid, and bankruptcy fraud, the Administration will devote $864 million in 1993.

Jailing Criminals: To ensure that prison space is available so that convicted criminals will serve their entire sentences, the 1993 budget proposes $2.2 billion for Federal prisons, an increase of $185 million, or 9 percent over 1992. This is 44 percent more than was spent in 1989.

To fight crime at home, the 1993 budget proposes $7.7 billion for domestic law enforcement activities, an increase of $470 million over 1992.

DRUGS

The Administration's budget to fight drug abuse will grow from $12.0 billion in 1992 to $12.7 billion for 1993—an increase of more than 6 percent above 1992, and nearly double the sum appropriated in 1989.

To attack drug trafficking organizations at the source, the 1993 budget proposes $8.6 billion. This is an increase of $443 million or 5 percent over 1992, and 88 percent more than the 1989 level.

To protect U.S. borders from the influx of illegal narcotics, the 1993 budget proposes $2.2 billion for interdiction activities, including 200 new Border Patrol agents on the Southwest border.

To prevent people from becoming users and to help persuade current users to stop, the 1993 budget proposes $1.8 billion, an increase of $77 million, or 5 percent over 1992. Special attention will be focused on children and adolescents.

To treat and rehabilitate those whose lives have been disrupted by drug use, the 1993 budget proposes $2.3 billion, an increase of $256 million, or 12 percent over 1992.

The Administration's 1993 budget proposes a new $500 million initiative called "Weed and Seed", which will use a neighborhood-focused, two-part strategy to control violent crime, and to provide social and economic support to areas in which high crime rates and social ills are prevalent. This program will complement the President's proposal to create Enterprise Zones in distressed urban areas.

ENTERPRISE ZONES

The Administration proposes to provide tax incentives, entrepreneurship, and job creation in up to 50 economically distressed urban and rural communities. Beginning in 1993, the proposal provides for the elimination of the capital gains tax with respect to tangible investments located in a zone, expensing of investments in certain corporate stocks issued by zone businesses, and refundable tax credits for low-income zone employees. The establishment of Enterprise Zones will help create jobs in distressed urban and rural areas.

CHILDREN

The 1993 Budget invests over $100 billion in programs serving children, a $7 billion (or 7 percent) increase over 1992 levels and $40 billion (or 66 percent) over 1989 levels. This Administration has placed a priority on programs serving children, which will help ensure a better future for the next generation.

The budget also recommends that the Head Start programs increase by $600 million or 27 percent over 1992—the largest one-year increase in history. The 1993 Head Start budget of $2.8 billion is $1.6 billion (or 27 percent) higher than 1989—for the first time covering all participating 4-year-olds.

The budget increases support for childhood immunization grants by $52 million (18% increase).

The budget proposes $9.4 billion for all Federal activities to reduce infant mortality.

EDUCATION

Record investment in education overall, but specifically in math and science education, funding is recommended at a level that is 69 percent higher than in FY 1989.

The Education Department would receive the largest discretionary program increase for any Department, $1.6 billion over 1992, for a total of $24.3 billion; an increase over 1989 of $7.2 billion or 42 percent.

Education Department total outlays would grow $3.9 billion or 15 percent over 1992, to a total of $30.4 billion.

REAL ESTATE INCENTIVES

Provide first-time home-buyers a $5,000 tax credit: The Administration proposes to provide first-time home-buyers a tax credit on the purchase of principal residence. The credit would equal 10 percent of the purchase price of the residence, up to a maximum credit of $5,000.

Extend low-income housing tax credit: The Administration proposes to extend for 18 months, State authority to allocate the low-income housing credit to qualifying rental housing.

Waive the IRA withdrawal penalty for first-time home-buyers.

Reduce the top capital gains tax rate to 15.4 percent for long-term investments.

HOUSING

The President's 1993 Budget requests over $1 billion for the Homeownership and Opportunity for People Everywhere (HOPE) program, a 180 percent increase over 1992 enacted level of $361 million. HOPE grants will help public housing and other low-income people become homeowners.

The budget proposes a change in the law to allow Section 8 vouchers to be used to pay for either a home mortgage or rent. Currently, such vouchers can only be used by very low-income households to help pay rent. This change in the law would greatly expand the opportunity for low-income tenants to become homeowners.

Through the President's Low-Income Housing Preservation program, tenants will have the right to purchase buildings from private owners who wish to terminate low-income housing rental subsidies. The budget requests $1.2 billion for his program, almost double the 1992 amount enacted for this program.

The budget proposes over $1 billion for homeless programs, a 6 percent increase above funding enacted by Congress 1992. For HUD homeless programs, the budget recommends an increase of $87 million, or 19 percent, above 1992 levels.

The budget supports a new $50 million initiative. "Safe Havens," for the mentally ill homeless who are unwilling or unable to commit to existing treatment programs.

"Restore" is a $412 million budget initiative to improve the housing conditions, financial health, and affordability of an estimated 1,800 troubled projects insured by FHA that are in danger of defaulting.

PRO-FAMILY INCENTIVES

A new Flexible IRA—with penalty-free withdrawal for medical and educational expenses (in addition to first-time purchase of a home), and with tax-free withdrawal after 7 years.

Family tax allowance: Personal exemptions will be $2,300 for 1992. In order to assist families with children, the Administration proposes to increase the amount of such exemptions for dependent children, who are under 18 years of age, by $500 per child. The increase in exemptions for children would be effective October 1, 1992.

Permit deduction of interest on student loans: The Administration proposes to allow the deduction of interest paid on or after July 1, 1992 on student loans for higher education or post-secondary vocational education.

Creation of the Commission on Urban Families. Co-chairs are Missouri Governor John Ashcroft and former Dallas Mayor Annette Strauss.

HEALTH CARE

In addition to the President's comprehensive health care reform strategy, the Budget includes a additional $1.3 billion for primary and preventive health care.

This includes a 15 percent increase for community and migrant health care centers, which will be used to open new centers in areas characterized by high poverty rates and low rates of public and private insurance coverage.

The budget also continues a 19 percent increase for the National Health Service Corps (NHSC), which will train additional physicians to provide health services in low income and under served areas.

MISCELLANEOUS EXTRAS

Extend Medicare hospital insurance (HI) coverage to all State and local government employees: Extending Medicare coverage to those State and local employees not currently covered would assure that they have access to Medicare and would eliminate the inequity and the drain on the Medicare Trust Fund caused by those who receive Medicare without contributing fully.

Expand public transit exclusion to $60 per month: To encourage employees to use energy-efficient mass transit in going to and from work, the Administration proposes to increase the amount of employer-provided public transit pass expenses that may be excluded from an employee's income from $21 to $60 per month.

Extend mortgage revenue bonds: The Administration proposes to extend the authority for State and local governments to issue mortgage revenue bonds and mortgage credit certificates through December 31, 1993.

The Budget proposes the largest ever one-year funding increase to WIC, $240 million (or 9 percent), for a total of $2.84 billion.

To help AFDC recipients get jobs, pilot projects will experiment with incentives to for-profit companies to train and place AFDC clients in jobs; and test providing lump-sums to recipients who work their way off AFDC. The President's health plan would eliminate loss of health care coverage when AFDC recipients work; their health insurance credits would help cover employer health insurance costs.

The budget includes $437 million, a 33 percent increase over 1992, for weather satellites, and $177 million, a $21 million or 14 percent increase, for Weather Service modernization which will improve weather forecasts and storm warnings.

KEEP IN MIND

Presidential Reform Proposals Still Awaiting Congressional Action:

The following programs are stalled on Capitol Hill. The quicker they are passed, the sooner they can be effectively implemented:

America 2000;
Financial Service Sector Reform;
Legal Reform; and
The National Energy Strategy.

Last but not least, please do not forget the President's remarks concerning unfunded mandates. In his State of the Union address, President Bush strongly declared his support of an end to unfinanced Federal government mandates. He realizes that unfunded mandates unfairly increase the fiscal burden of local governments and has called upon Congress to stop the practice. The President firmly believes that Congress should either responsibly supply the monies with the mandate or not pass the mandate at all.

[Factsheet]

PRESIDENT BUSH'S INITIATIVES FOR STRENGTHENING URBAN AREAS

MAY 12, 1992.

In a bipartisan meeting with Congressional leaders this morning, President Bush reiterated his call for action on initiatives for aiding and strengthening inner cities.

The President believes we must achieve three principal objectives in strengthening our Nation's inner cities. First, we must establish law and order; second, we must create jobs; and, third, we must expand opportunity and help people achieve greater independence.

I. WEED AND SEED

In order to establish law and order on the streets of America's cities, the President has requested $500 million in his FY 1993 budget to fund the "Weed and Seed" program. This program will combine Federal, state, local and private resources to "weed out" criminals and drug dealers from the streets, and will "seed" social programs and assistance necessary to alter the conditions that create a breeding ground for drugs and crime.

In his recent trip to Los Angeles, the President announced a $19 million award to the City and County of Los Angeles for the "weed and seed" program.

II. HOME OWNERSHIP FOR PEOPLE EVERYWHERE (H.O.P.E.)

The Administration has requested $1 billion for H.O.P.E. in FY 1993. This money will help 36,000 families become homeowners in 1993 and start another 65,000 families on the road to homeownership.

H.O.P.E. helps families in public housing, in projects that HUD owns, and in housing owned by other Federal, state, and local government agencies. Any of these properties can be eligible for H.O.P.E.

III. ENTERPRISE ZONES

In order to provide capital investment and jobs to inner city areas the Administration in pursuing enterprise zone legislation. This legislation would encourage the development of inner city areas by:

Implementing a zero capital gains tax rate on tangible investments located in enterprise zones for at least two years;

Deferral of personal income taxes for small investors who purchase stock in businesses located in enterprise zones. With this incentive, investors would be able to deduct on their personal income taxes amounts up to $50,000 in equity investment in enterprise zone businesses in the year the investment is made, with a $250,000 lifetime limitation; and

Providing a five-percent refundable tax credit on personal income taxes for the first $10,500 or wages earned in an enterprise zone by workers with total annual wages below $20,000.

IV. AMERICA 2000

AMERICA 2000 is the President's strategy to help every community achieve the six National Education Goals established by the President and the nation's Governors in the 1989 Charlottesville Summit. AMERICA 2000 will revolutionize education in America by:

Building AMERICA 2000 communities to improve education neighborhood-by-neighborhood, school-by-school.

Creating "break the mold" schools to lead the way to a new generation of American schools.

Establishing world class standards to create a consensus on what students need to know and be able to do in five core subject areas.

Giving flexibility to teachers and principles to use Federal and state dollars to meet local strategies to help children learn.

Providing all parents with the freedom to choose their children's schools whether they be public, private or parochial.

V. WELFARE REFORM

The President has asked the Congress to grant significant flexibility to the states and localities to implement new approaches to welfare reform. The Community Opportunity Act, which was sent to the Congress in May, 1991, would allow states, cities, and communities to escape the rules and limitations of narrow categorical programs to use resources to meet local needs.

In addition, the President called in his State of the Union address for innovation by the states through waivers of welfare program rules that can be accomplished under current law. The first of these since the State of the Union, from the State of Wisconsin, was approved within 30 days of being received.

In January the President also has asked the Congress to:

Give states the option to raise the AFDC assets limits to $10,000 for families already receiving AFDC;

Establish, through a demonstration "escrow" savings accounts for long-term AFDC recipients working their way off the rolls; and

Extend application of the Pan for Achieving Self-Support (PASS) to allow individuals to disregard income or resources when used in achieving self-sufficiency.

VI. YOUTH JOBS

The President called on Congress to pass the Youth Apprenticeship Act of 1992 and his comprehensive Job Training 2000 proposal to help provide better job opportunities and training for youth and to assist in developing a skilled workforce.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of S. 2704 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

CLEMENT STONE'S 90TH BIRTHDAY

CELEBRATING 90 YEARS OF A UNIQUE LIFE

Mr. BYRD. Mr. President, I am pleased to call attention to the 90th birthday last week—May 4—of one of America's hardest-working, most generous, most irrepressibly optimistic, and most successful business entrepreneurs and public figures, Mr. W. Clement Stone of Chicago, IL, the State represented by the able Senator who presently presides over the Senate with a degree of dignity and skill so rare as the day in June.

I take this belated opportunity to call the Senate's attention to Mr. Stone's birthday because he is currently in Washington to attend a trustees' meeting of one of his favorite organizations, the International Federation of Keystone Youth Organizations, and to be a guest at a private dinner and reception in his honor at the Hay-Adams Hotel.

W. Clement Stone is a father of the contemporary and widespread "self-motivation" movement and, as such, has been directly and indirectly responsible for the personal, business, and life success of literally millions of people. Through his books, tapes, seminars, study courses, and personal appearances, Clement Stone has shared his own experience-tested techniques for achievement and ensured fuller, more abundant lives for men and women around the world.

Many of those lessons Clement Stone learned from his own life.

Left to become the man of his house by his father's death when Clement was only 3 years old, at age 6 Clement began selling newspapers on the streets of Chicago while his mother labored as a dressmaker.

By age 13, Clement Stone was running and managing his own newsstand.

And in the meantime, he devoured all of the old Horatio Alger stories he could lay his eyes on!

At age 16, Clement Stone joined his mother's insurance agency in Detroit and learned sales and marketing by selling and marketing.

At age 20, with barely $100 in his savings account, Clement Stone launched his own insurance agency back in Chicago. That was in 1922. By 1930, Clement Stone was employing 1,000 insurance agents selling insurance throughout much of the country.

Since then, W. Clement Stone has evolved into a mythic American figure, his advice heeded by Presidents, corporate CEO's, ordinary Americans trying to make their lives work as they ought, and millions of men and women in the business world who want to live out the secret of achievement and accomplishment in their chosen careers.

W. Clement Stone's philanthropies and public interests are legion, and hardly any American has not been touched in some fashion by the gifts of time, money, and other resources that Clement Stone has lent to churches, the Boy Scouts and Girl Scouts, cultural institutions and organizations, the American Red Cross, and his numerous books on self-motivation and success.

Mr. President, I have long been an admirer and friend of this uniquely patriotic and positive American, and I am particularly honored to wish him a sincere and unrestrained Happy 90th Birthday as his life and contributions are celebrated this week here in our Nation's Capital.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD NEWS AND BAD NEWS IN TAJIKISTAN

Mr. DECONCINI. Mr. President, news agencies reported day before yesterday that President Nabiyev of Tajikistan has agreed to form a coalition government with eight different ministries, including the Ministry of Defense, going to the opposition. This is the good news. It is good news for what is happening in that part of the world.

It is good because the Tajikistan Government in central Asia was a bastion of hard-line Brezhnev-era politics, totally dedicated to communism. Despite some progress toward democratization, they have really spent their time consolidating the Communist line and their authority. But, nevertheless, that is good because they talked like reformers. They changed the name of their party. They even subscribe to freedom of religion, freedom of press, pluralism in the political system, and, in fact, they publicly subscribe to the Helsinki Final Act, all of the articles, including the human rights basket, which includes the right of freedom of religion, the right to emigrate and to move freely, and the right to criticize your government.

The bad news is because the opposition's entry into government came about only after 2 months of severe civil disorder, disorder which resulted in some recent violence and some deaths.

Though each member of the Commonwealth of Independent States is unique, Tajikistan, a Sunni Muslim country adjacent to Iran, with which its culture and language are very closely linked, epitomizes one of the problems common to all the former Soviet Republics. Even in Russia and Ukraine, where Boris Yeltsin and Leonid Kravchuk fairly won Presidential elections and have begun the democratic transformation of their newly independent states, the Communist hold on government structures and the bureaucratic apparatus remains strong.

The pattern is all the more prevalent and very evident in Tajikistan where the Communist-dominated Parliament elected in 1990 still rules the country and placed hard-line President Nabiyev back in power in the wake of the August 1991 coup attempt in Moscow. Nabiyev subsequently won a Presidential election in November 1991, but no international observers monitored the balloting, and there were widespread reports describing a fraudulent election.

In mid-April, I led a Helsinki Commission delegation to Dushanbe, the capital of Tajikistan. At the time, thousands of demonstrators had already been camped out in the city's central square for several weeks, demanding the resignation of the chairman of the Parliament and new elections.

Along with Senator JEFFORDS and Senator AKAKA, I spoke with many of the demonstrators and the leaders of that demonstration, with the chairman of the Islamic Renaissance Party, and other opposition spokesmen to the popular front organization, as well as the chairman of the Parliament and the Foreign Minister and President Nabiyev.

Demonstrators told us clearly that they were deeply distressed at the failure of Secretary Baker to meet with the opposition during his February 1992 visit to Dushanbe. I believe it is particularly important in predominantly Muslim central Asia for Western governments and human rights organizations to have an ongoing dialog and contact with the opposition. It is further essential in these countries for the opposition to be able to voice their concerns to Western Governments' representatives and business people and certainly human rights groups such as the Helsinki Commission.

I stressed to the Government and the opposition leaders the necessity of free and fair elections, of having international monitors, and we were invited to attend the next elections—when I say "we," the Congress of the United States—through the Helsinki Commission, which is a joint committee between the House and the Senate. A bedrock principle of the Helsinki process, which Tajikistan's Government has signed and ascribed to publicly in writing, is the basis of any legitimacy that they may seek. That means fair and free elections monitored by outside forces or outside observers, and I hope that they can achieve that because they will not achieve credibility, in the judgment of this Senator, without such an election process.

At the same time, the democratic process must be observed, and I was disturbed by the efforts of the demonstrators to force the Government's resignation. It just seems to me much better for them to force new elections rather than the resignation of the entire Government that was elected albeit under an election process which was not entirely credible.

Last week's violence signaled the failure of negotiations and the apparent outrage of the opposition forces over the appointment of the former chairman of the Parliament, who had been forced to resign and now was put back into the Government. We met with him, and we found truly a very nice, genuine man on the surface, but, in fact, as he laid out all the programs and plans that the Supreme Soviet was involved in, now known as the Parliament, it became clear they were not enacting the laws to come into compliance with the Helsinki principles. First, he was appointed to head the Tajikistan security forces and then reappointed to Parliament as well after Nabiyev had agreed he should resign and be out of the Government.

So, Mr. President, United States involvement is helping to moderate this difficult transition period in Tajikistan and in other central Asian countries. To our credit and to the credit of the Secretary—though I was critical of Secretary Baker for not meeting with the opposition—to his credit, the recognition of these countries as free, independent, sovereign nations and the establishment instantly of an embassy and the decision to send an attaché and competent people there, not political appointees, to these countries I think has served us well, and we get a great deal of credit for being there. We are the only other major nation, with the exception of Iran, that has Embassies that are open in most of these countries. Our Embassy personnel in Dushanbe are doing an outstanding job. They are professional people that have been sent there for the most part on a permanent basis.

What these countries really want and what they tell us they really need is exchange programs. They want the know-how to build and put together communications systems. In Alma-Ata, Tajikistan, we met with the AID Director, who was starting a new program at the time. On a collective, Communist-oriented farm, which was about 60,000 or more acres, several hundred families worked on this farm pretty much like serfs today. And the AID program, from my recollection, for $3 million was to decollectivize this farm to give every family member a plot of land and title to it, and explain what title was, and what you could do with title to the property.

You could hand it over to your relative, your descendents. You could sell it if you wanted to. Teaching how to have a democratic cooperative as we have in the Western World, is what AID is doing.

AID is also bringing in experts from the agri-industry, from the university ag colleges, to show them how to put together a system of crop substitutions, storage of crops, marketing those crops and exporting them; exactly what they want, and it costs, to my recollection, $3 million.

These countries are not looking for big bucks, billions of dollars, as President Bush has suggested—that we cough up $12 billion to stabilize the ruble in Russia, and in addition agricultural credits as well as $625 million of economic aid.

But the Government and the opposition leaders were unanimous in their request of us. They want our knowledge. They want our hands to show them how to build the democratic process. And they want our understanding.

They are really not looking, I felt, for checks that are blank and open, saying America you are so rich, send us your money. They like us. They respect us, and we should respect them and give them something that is really tangible and that they can use in the future. We should take the opportunity to nurture democracy in this way, and build upon the good will that we have established in these particular Republics, I think this is the best investment we can make.

No longer are we considered the great Satan, as has been said prior to Gorbachev's days and is still said in Iran. We are considered a model of economic progress and democratic process.

In today's world, in the United States—I mean in today's life, we are so critical of ourselves, and rightfully so, because we know we can do better. We know we can balance the budget and do things if we just have the willpower and leadership. My compliments to the present Presiding Officer for his leadership in the balanced budget effort.

So we all know what is wrong with ourselves here. We just have to get our act together. But, halfway around the world these people are looking to us as examples of what a democratic, free society can be, and an economic free society can be. We should invest in these types of programs to these countries, and not the multibillion efforts and suggestions that President Bush is promoting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. The Senator from Nebraska makes an inquiry of the Chair as to the status of the Senate at the present time. Are we in morning business?

The PRESIDING OFFICER (Mr. SANFORD). The time for morning business has expired, but the time for morning business has not been formally closed.

Mr. EXON. Mr. President, I ask unanimous consent that the Senator from Nebraska may be authorized to proceed as in morning business for a relatively short period of time for the purpose of a floor statement and the introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of Senate Joint Resolution 302 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,883,871,790,311.42, as of the close of business on Monday, May 11, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman, and child owes $15,120.64—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

TRIBUTE TO CLYDE DAVENPORT

Mr. FORD. Mr. President, I rise today to commend a fellow Kentuckian, Clyde Davenport. Clyde, from Monticello, KY, has a talent that recently won him the recognition of being selected to receive the 1991 National Heritage Fellowship Award.

This talent that Mr. Davenport possesses brings with it a historic musical tradition. His ability as a master fiddler and banjo player starts back to his early days when at age 11 he made his first banjo by hand.

Today, because of his technical artistry and musical memory for the songs of his forebears, Mr. Davenport is considered the greatest living exemplar of the Cumberland style music and perhaps the best ever by many local players in his region. That is a big compliment especially coming from an area where tradition and memory of great fiddlers remain in minds of old and young alike. Clyde has produced a style that is all his own, making him stand out from the rest of his peers.

It is not only musical talent that makes Clyde such a unique man. He has shared his music with others nationwide and made himself available as a teacher whenever called upon. His performances include the National Folk Festival, the Smithsonian Festival of American Folklife, and the Festival of American Fiddle Tunes in Seattle. And as a teacher in his home in Monticello, he welcomes anyone interested in the chance to listen and learn his musical heritage and allows them to take home recordings of his work.

I would like to extend my congratulations to Clyde. I applaud him in his desire and efforts to keep a tradition alive—a tradition that is not only special to the people of that area but one that is unique to the State of Kentucky.

PRESIDENT LEE TENG-HUI'S SECOND ANNIVERSARY

Mr. WALLOP. Mr. President, as President Lee Teng-Hui and Vice President Li Yuan-Zu of the Republic of China prepare to mark their second anniversary in office on May 20, 1992, I wish to extend to them and to the Chinese people my congratulations. The Republic of China has much to be proud of. Its economic growth and development have been the envy of the world. As the 13th largest trading entity in the world, the ROC is now our 6th largest trading partner. A dynamic and diversified economy, the Republic of China on Taiwan provides the economic opportunity which enables all Chinese on Taiwan to attain a high standard of living and a great level of personal freedom.

In the political arena, Taiwan has a strong multiparty system and continues the process of constitutional reform, including a revision of its Presidential election methods. Just last December, Chinese in the ROC had the opportunity to vote for representatives to the national assembly. The results of that election gave a strong mandate to President Lee to continue the process of constitutional reform.

On the international scene, Taiwan plays an important role in the community of free nations. Taiwan's accession to the General Agreement on Tariffs and Trade [GATT] is under consideration by the members of that trading body. I cannot overemphasize the importance of moving quickly on that application. In terms of its international responsibilities, Taiwan has shown itself as a compassionate nation, willing to shoulder the commitments of a great economic power. In recent days, Taiwan has donated 100,000 tons of rice and $5 million worth of medical aid to the Ukraine, a breakthrough in establishing direct links between the ROC and the former Soviet Republics. Additionally, Taiwan's overseas fund has assisted a number of Southeast Asian and Central American countries. For its efforts, Taiwan should be commended.

On a personal level, I have enjoyed greatly working with Taiwan's representative here in Washington, Ambassador Ding Moushih. Ambassador Ding and his excellent staff have worked diligently to keep us on Capitol Hill abreast of developments in the Republic of China. They deserve recognition for the role they have played in improving relations between our two countries. I know that relationship will continue to grow and flourish.

JOINT APPEAL ON THE ENVIRONMENT

Mr. MITCHELL. Mr. President, yesterday Senator DOLE and I met with a group of religious and science leaders called the Joint Appeal. Their purpose is to advocate further action to protect the environment, which they have concluded is warranted based on scientific and religious grounds.

The religious leaders represent 330,000 congregations nationwide. The scientists represent a range of disciplines. All are concerned about the environment. They urged that Congress do more to protect the environment. They asked for better protection of the ozone layer, more actions to curb greenhouse gas emissions, better protection of biological diversity and recognition of the environmental impacts of a growing population.

I applaud the efforts of this diverse group that has found such strong common ground. I ask unanimous consent to insert their Declaration of the "Mission to Washington" into the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF THE "MISSION TO WASHINGTON" JOINT APPEAL BY RELIGION AND SCIENCE FOR THE ENVIRONMENT, WASHINGTON, DC, MAY 12, 1992

We are people of faith and of science who, for centuries, often have traveled different roads. In a time of environmental crisis, we find these roads converging. As this meeting symbolizes, our two ancient, sometimes antagonistic, traditions now reach out to one another in a common endeavor to preserve the home we share.

We humans are endowed with self-awareness, intelligence and compassion. At our best, we cherish and seek to protect all life and the treasures of the natural world. But we are now tampering with the climate. We are thinning the ozone layer and creating holes in it. We are poisoning the air, the land and the water. We are destroying the forests, grasslands and other ecosystems. We are causing the extinction of species at a pace not seen since the end of the age of the dinosaurs. As a result, many scientific projections suggest a legacy for our children and grandchildren of compromised immune systems, increased infectious disease and cancer rates, destroyed plants and consequent disruption of the food chain, agriculture damaged from drought and ultraviolet light, accelerated destruction of forests and species, and vastly increased numbers of environmental refugees. Many perils may be still undiscovered. The burdens, as usual, will fall most cruelly upon the shoulders of the poorest among us, especially upon children. But no one will be unaffected. At the same time, the human community grows by a quarter of a million people every day, mostly in the poorest nations and communities. That this crisis was brought about in part through inadvertence does not excuse us. Many nations are responsible. The magnitude of this crisis means that it cannot be resolved unless many nations work together. We must now join forces to that end.

Our own country is the leading polluter on Earth, generating more greenhouse gases, especially CO_2, than any other country. Not by word alone but by binding action, our nation has an inescapable moral duty to lead the way to genuinely effective solutions. We signers of this declaration—leaders in religion and science—call upon our government to change national policy so that the United States will begin to ease, not continue to increase, the burdens on our biosphere and their effect upon the planet's people.

We believe that science and religion, working together, have an essential contribution to make toward any significant mitigation and resolution of the world environmental crisis. What good are the most fervent moral imperatives if we do not understand the dangers and how to avoid them? What good is all the data in the world without a steadfast moral compass? Many of the consequences of our present assault on the environment, even if halted today, will take decades and centuries to play themselves out. How will our children and grandchildren judge our stewardship of the Earth? What will they think of us? Do we not have a solemn obligation to leave them a better world and to insure the integrity of nature itself? Insofar as our peril arises from a neglect of moral values, human pride, arrogance, inattention, greed, improvidence, and a penchant for the short-term over the long, religion has an essential role to play. Insofar as our peril arises from our ignorance of the intricate interconnectedness of nature, science has an essential role to play.

Differences of perspective remains among us. We do not have to agree on how the natural world was made to be willing to work together to preserve it. On that paramount objective we affirm a deep sense of common cause.

Commitment to environmental integrity and justice, across a broad spectrum and at the highest level of leadership, continues to grow in the United States religious community as an issue of utmost priority—significantly as a result of fruitful conversations with the scientific community. We believe that the dimensions of this crisis are still not sufficiently taken to heart by our leaders, institutions and industries. We accept our responsibility to help make known to the millions we serve and teach the nature and consequences of the environmental crisis, and what is required to overcome it. We believe that our current economic behavior and policies emphasize short-term individual material goals at the expense of the common good and of future generations. When we consider the long-term as well as the short-term costs, it seems clear that addressing this problem now rather than later makes economic as well as moral sense. We impoverish our own children and grandchildren by insisting that they deal with dangers that we could have averted at far less cost in resources and human suffering.

We reaffirm here, in the strongest possible terms, the indivisibility of social justice and the preservation of the environment. We also affirm and support the indigenous peoples in the protection and integrity of their cultures and lands. We believe the wealthy nations of the North, which have historically exploited the natural and human resources of the Southern nations, have a moral obligation to make available additional financial resources and appropriate technology to strengthen their capacity for their own development. We believe the poor and vulnerable workers in our own land should not be asked to bear disproportionate burdens. And we must end the dumping of toxic waste materials disproportionately in communities of low income and of people of color. We recognize that there is a vital connection between peacemaking and protecting our environment. Collectively, the nations of the world spend one trillion dollars a year on military programs. If even a modest portion of this money were spent on environmental programs and sustainable economic development we could take a major step toward environmental security.

We commit ourselves to work together for a United States that will lead the world in the efficient use of fossil fuels, in devising and utilizing renewable sources of energy, in phasing out all significant ozone-depleting chemicals, in halting deforestation and slowing the decline in species diversity, in planting forests and restoring other habitats, and in realizing worldwide social justice. We believe there is a need for concerted efforts to stabilize world population by humane, responsible and voluntary means consistent with our differing values. For these, and other reasons, we believe that special attention must be paid to education and to enhancing the roles and the status of women.

Despite the seriousness of this crisis, we are hopeful. We humans, in spite of our faults, can be intelligent, resourceful, compassionate, prudent and imaginative. We have access to great reservoirs of moral and spiritual courage. Deep within us stirs a commitment to the health, safety and future of our children. Understanding that the world does not belong to any one nation or generation, and sharing a spirit of utmost urgency, we dedicate ourselves to undertake bold action to cherish and protect the environment of our planetary home.

SIGNATORIES

Dr. Diane Ackerman, Poet, Naturalist, Author.

Dr. John F. Ahearne, Executive Director, Sigma Xi.

Dr. Richard Cartwright Austin, S.T.D., Environmental Theologian with Appalachian Ministries Educational Resource Center.

Dr. Ian Barbour, Professor Emeritus, Religion Department, Carlton College.

Reverend James Bell, Executive Director, Interfaith IMPACT for Justice and Peace.

The Reverend Thomas Berry, Director, Riverdale Center for Religious Research.

Dr. Alan Betts, Atmospheric Research.

Sally Grover Bingham, California Diocese: Environmental Commission, Episcopal Church.

Dr. Elizabeth Bowen, Representative, National Spiritual Assembly of the Bahai's of the United States, President-Elect, Physicians for Social Responsibility, Assistant Professor of Family Medicine, Morehouse School of Medicine.

The Most Reverend Edmond L. Browning, Presiding Bishop, Episcopal Church of America.

Reverend William J. Byron, S.J., President, The Catholic University of America.

Reverend Joan Campbell, General-Secretary, National Council of Churches of Christ.

Mr. John Carr, Secretary for Department of Social Development and World Peace, United States Catholic Conference.

The Rt. Reverend Frank S. Cerveny, Bishop of the Diocese of Florida, Episcopal Environment Commission.

Dr. Charles Chambers, Executive Director, American Institute of Biological Sciences.

Dr. Audrey Chapman, Program Director for Science and Human Rights, American Association for the Advancement of Science.

Reverend Dr. Benjamin F. Chavis, Jr., Executive Director of the Commission for Racial Justice, United Church of Christ.

The Reverend Dr. Herbert W. Chilstrom, Bishop, Evangelical Lutheran Church in America.

Dr. Eric Chivian, Professor of Psychiatry, Harvard Medical School, Psychiatrist, Massachusetts Institute of Technology, Co-Founder, International Physicians for the Prevention of Nuclear War.

Father Drew Christiansen, S.J., Director, Office of International Justice and Peace, United States Catholic Conference.

Mr. Robert H. Cory, Quaker United Nations Office.

Mr. Herman Daly, Senior Economist, World Bank.

Dr. Calvin DeWitt, Director, Au Sable Institute of Environmental Studies.

Ms. Ann Druyan, Secretary, Federation of American Scientists & Senior Consultant, Joint Appeal by Religion and Science for the Environment.

Reverend Dr. Milton Efthimou, Ecumenical Officer, Greek Orthodox Archdiocese of North and South America.

Mr. Warren Eisenberg, Director, of the International Council, B'nai B'rith.

Mr. Joseph Fitzgerald, Executive Director, National Catholic Rural Life Conference.

Ms. Susan Fletcher, Senior Analyst in International Environmental Policy, Congressional Research Service.

Ms. Amy Elizabeth Fox, Associate Director, Joint Appeal by Religion and Science for the Environment.

Dr. Jerome Frank, Professor Emertius, Department of Psychiatry and Behavioral Sciences, Johns Hopkins University Hospital.

The Most Reverend William B. Friend, Chair, Committee on Science and Human Values, National Conference of Catholic Bishops, Bishop of Shreveport.

Mr. George T. Frampton, Jr., President, The Wilderness Society.

Reverend Dr. William Gardiner, Director of the Department of Social Justice, Unitarian Universalist Association.

Dr. Arthur Green, President, Reconstructional Rabbinical College.

Dr. Lester Grinspoon, Associate Professor of Psychiatry, Harvard Medical School.

Mr. Paul Gorman, Executive Director, Joint Appeal by Religion and Science for the Environment.

Dr. James Hansen, Director, Goddard Institute for Space Studies.

Mr. Jaydee R. Hanson, Assistant General-Secretary, Ministry of God's Creation, United Methodist Church.

Dr. John Haught, Chairman of the Department of Theology, Georgetown University.

Dr. Raymond Hayes, Chairman of the Department of Anatomy, Howard University.

Professor Theodore Hiebert, Associate Professor of Hebrew Bible/Old Testament, Harvard Divinity School.

Reverend Theodore M. Hesburgh CSC, President Emeritus, University of Notre Dame.

Dr. Robert Hestenes, President, Eastern College.

Reverend Gilbert Horn, Executive Director, Colorado Council of Churches.

Reverend Father Vertanes Kalayjian, Diocese of the Armenian Church.

Mrs. Annette Kane, Executive Director, National Council of Catholic Women.

Dr. Henry Kendall, Stratton Professor of Physics, Massachusetts Institute of Technology, Chairman of the Board, Union of Concerned Scientists.

Ms. Kaye Kiker, Member, Executive Board, National Toxics Campaign.

Dr. Gail Buchwalter King, Associate Director for Program Services, Association for Theological Schools.

Dr. Richard D. Land, Executive Director, Christian Life Commission of the Southern Baptist Convention.

Dr. Dan Lashof, Senior Project Scientist, Natural Resource Defense Council.

Dr. Harold Lohr, Retired Bishop, Northwestern Minnesota Synod, Evangelical Lutheran Church in America.

Chief Oren Lyons, Faithkeeper and Chief of the Turtle Clan, Onondaga Nation.

Professor Wangari Maathai, Founder, Kenyan Green Belt Movement.

Dr. Jerry Mahlman, Director, Geophysical Fluid Dynamic Laboratory, United States Department of Commerce.

Most Reverend James M. Malone, Chair, Domestic Policy Committee, United States Catholic Conference, Bishop of Youngstown.

Dr. Thomas F. Malone, University Distinguished Scholar, Department of Marine, Earth and Atmospheric Sciences, North Carolina State University.

Dr. Jessica Tuchman Matthews, Vice President, World Resources Institute.

Sister Catherine McNamee, President, National Catholic Educational Association.

Mr. Alden Meyer, Director, Climate Change and Energy Program, Union of Concerned Scientists.

Reverend Charles Miller, Executive Director, Division of Church and Society, Evangelical Lutheran Church in America.

Reverend Dr. Donald E. Miller, General Secretary, Church of the Brethren.

Dr. Irving Mintzer, Senior Research Fellow, Center for Global Change, University of Maryland.

Dr. Wendell Mohling, President, National Science Teacher's Association.

Ms. Kay Moran, Office of External Affairs, The Smithsonian Institution.

The Very Reverend James Parks Morton, Dean, Cathedral of St. John the Devine.

The Reverend Dr. Edwin G. Mulder, General Secretary, Reformed Church in America.

Dr. James Nash, Executive Director, Churches' Center for Theology and Public Policy.

Dr. C. William Nichols, General Minister and President, Christian Church (Disciples of Christ).

Dr. Richard S. Nicholson, Executive Officer, American Association for the Advancement of Science.

Dr. Richard B. Norgaard, Professor of Energy and Resources, University of California at Berkeley.

Dr. Kusumita P. Pedersen, Joint Secretary, Global Forum of Spiritual and Parlimentary Leaders for Human Survival.

Dr. Albert M. Pennybacker, Professor of Homiletics, Lexington Theological Seminary.

The Reverend Dr. William R. Phillippe, Executive Director, General Assembly Council, Presbyterian Church USA.

Reverend Tyrone S. Pitts, Secretary General, Progressive National Baptist Convention Inc.

The Right Reverend Nathaniel Popp, Bishop of Detroit, Orthodox Church in America.

Dr. Charles C. Price, Board Chairman, Chemical Heritage Foundation, Benjamin Franklin Professor of Chemistry Emeritus.

Dr. H. Ronald Pulliam, Director of the Institute of Ecology, University of Georgia, President, Ecological Society of America.

Ms. Paz Artaza-Regan, Program Associate, Ministry of God's Creation, Board of Church and Society, United Methodist Church.

Dr. W. Franklyn Richardson, General Secretary, National Baptist Convention.

Dr. Howard Ris, Executive Director, Union of Concerned Scientists.

Most Reverend John R. Roach, Chair, International Policy Committee, United States Catholic Conference, Archbishop of St. Paul/Minneapolis.

Mrs. Barbara Bellows Rockefeller, Professor of History, Middlebury College.

Mr. Steven C. Rockefeller, Professor of Religion, Middlebury College.

Dr. F. Sherwood Rowland, Donald Bren Professor of Chemistry, University of California at Irvine, President, American Association for the Advancement of Science.

Dr. Robert John Russell, Founder and Director, Center for Theology and Natural Sciences.

Dr. John Ruskay, Vice Chancellor for Public Affairs, Jewish Theological Seminary of America.

Dr. Carl Sagan, Professor of Astronomy and Director of the Laboratory for Planetary Studies, Cornell University & Co-Chair of the Joint Appeal by Religion and Science for the Environment.

Rabbi David Saperstein, Director and Counsel, Religious Action Center of Reform Judaism.

Rabbi Alexander Schindler, President, Union of American Hebrew Congregations.

Dr. William Schlesinger, Department of Botany, Duke University.

Dr. Stephen H. Schneider, Head of the Interdisciplinary Climate Systems Section, National Center for Atmospheric Research.

Dr. Ismar Schorsch, Chancellor, Jewish Theological Seminary of America [Tues. only].

Mr. Leonard Schwartz, Chairman, Rainforest Alliance.

Dr. Stephen E. Schwartz, Senior Physical Chemist, Brookhaven National Laboratory.

Dr. Cecil E. Sherman, Coordinator, Cooperative Baptist Fellowship.

Dr. Ronald Sider, Professor of Theology and Society, Eastern Baptist Theological Seminary, Executive Director, Evangelicals for Social Action.

Mr. Art Simon, Christian Children's Fund.

Dr. N. Jean Sindab, Program Officer for Economic and Environmental Justice, National Council of Churches of Christ.

Dr. Bennett W. Smith, First Vice President, Progressive National Baptist Convention.

Dr. Anthony Socci, Professional Staff Scientist, Science, Technology and Space Subcommittee, United States Senate.

Mr. William Somplatsky-Jarman, Associate for Environmental Justice, Presbyterian Church USA.

Ms. Frances Spivy-Weber, Director of the International Program, Audubon.

Ms. Victoria Stack, The Albert Schweitzer Institute for the Humanities.

Dr. Jeremy Stone, President, Federation of American Scientists.

Sister Betty Sundry, Associate Director, Leadership Conference of Women Religious (Catholic).

Dr. Byron Swift, Executive Director, International Union for Conservation of Nature and Natural Resources.

Professor Ronald F. Thiemann, Dean, Harvard Divinity School.

Dr. Foy Valentine, Former Executive Director, Christian Life Commission of the Southern Baptist Convention.

Dr. Anne Whyte, Director General, Division of Environment and Natural Resources, International Development Research Centre.

Dr. Timothy Weiskel, Fellow at the Center for Science and International Affairs, JFK School of Government Research, Associate in Environmental Ethics, Harvard Divinity School.

Dr. Edward O. Wilson, Baird Professor of Science, Harvard University.

The Rt. Reverend William Winterrowd, Bishop of The Diocese of Colorado, Episcopal Environment Commission.

Ms. Nancy Wisdo, Director, Office of Domestic Social Development, United States Catholic Conference.

Dr. Steven J. Zeitlin, Center for Psychology and Social Change, Harvard Medical School.

(Affiliations for identification purposes only.)

SPEECH BY MARILYN QUAYLE

Mr. THURMOND. Mr. President, I recently attended the dedication ceremony for the Center for Cancer Research at Richland Memorial Hospital in Columbia, SC. This was a momentous occasion, and among the other guests were Mr. Dave Dravecky, the former pitcher for the San Francisco Giants; and Mrs. Marilyn Quayle, the brilliant and indefatigable wife of our Nation's Vice President.

Mr. Dravecky and Mrs. Quayle have both been outstanding advocates for cancer research as well as early detection and treatment, and it was an honor to be with them. During the course of the day, I had the good fortune to hear Mrs. Quayle deliver an outstanding speech, and I ask unanimous consent that it be included in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF MARILYN TUCKER QUAYLE

(Richland Memorial Hospital, Dedication Ceremony for the Center for Cancer Research, Columbia, SC, April 27, 1992)

Thank you, Senator Thurmond. I am honored to be here today. And thank you for such a warm welcome.

It is indeed a pleasure to help dedicate the Center for Cancer Treatment and Research of the Richland Memorial Hospital. My congratulations to Mr. Ivey and all the staff on this very special occasion.

I am often asked, what exactly does the wife of the Vice President do? When Dan first took office nearly four years ago, I asked myself the same question. There didn't seem to be a job description for the Second Lady.

When stepping into a new role, it is always helpful to talk with those who have past experience. So I asked Barbara Bush. She explained that, aside from attending official White House functions and being the President of the Ladies of the Senate, I could create my own job description.

As a lawyer. I had advocated the cause of individuals, but as wife of the Vice President, I now had the unique opportunity to advocate the cause of millions.

I only had to recall the agony of the final days of my mother's battle against breast cancer to know what one of the causes would be.

Cancer continues to take a tremendous toll on our country—both in human and economic terms.

When an individual develops cancer, there are numerous costs associated with treatment. In all, including direct costs of medical care and the cost of lost productivity, total cancer costs will reach more than $90 million this year. Cancer accounts for more than 10 percent of our nation's health care bill.

But far worse—and certainly more devastating for all of us—is the human cost of cancer. This year alone, more than a half a million Americans will die—victims of some form of cancer.

Cancer *is* frightening to all of us. About 76 million Americans alive today will eventually develop cancer. That's one in three—about one million this year.

Statistics and figures are quoted so frequently these days that, for many of us, it is difficult to fully understand the truly devastating impact cancer has had on this nation over the years. Let me give you yet another statistic, one that, I think, may help put this into perspective for you:

During the ten years of the Vietnam War, nearly 58,000 soldiers died. This was indeed a tragic loss for the families of these brave men and women and for our nation. During this same ten-year period, the lives of more than three million Americans were cut short because of cancer. Three million. That is too many loved ones lost, and too many families shattered.

The State of South Carolina is not exempt from the tragedy of cancer. Cancer is the second leading cause of death here—the first is heart disease. This year, over 14,000 South Carolinians will be diagnosed with cancer and almost 7,000 will die.

Most of us have been touched in some way by cancer. And although this disease can claim the lives of those we love, it is important to remember that, in many cases, cancer can be beaten. In fact, there are over 8 million Americans who have faced this disease and are alive today—the survivors are leading healthy, full and rewarding lives.

Many of you in the audience this morning are among those courageous survivors. And I want to take just a moment to salute you for your valor and determination in your personal battle against cancer. This disease is physically and emotionally draining. In facing this challenge, each of you is truly an inspiration to us all.

It is for you, and the countless others who will one day face cancer, that we must put forth every effort and utilize every resource to conquer cancer. Clearly, the fight against cancer deserves—indeed, it demands—our nation's focus and attention.

We must stop the trail of tragedy that cancer leaves behind. We cannot allow this disease to continue unchecked along its path of pain and suffering. This is an urgent mission—and one in which we must be united.

The opening of this cancer center is an important step in fulfilling this mission. This center offers new hope to cancer patients, cancer survivors, and their families. It adds one more piece of artillery to the arsenal of weapons we need to win the war against cancer.

As many of you know, this year, the Richland Memorial Hospital will celebrate its centennial anniversary. For the past one hundred years, this community has relied on Richland Memorial for its medical care. It is a fitting tribute to this longstanding commitment that, this year, you are once again expanding services to meet the unique and ever-changing needs of the residents of South Carolina.

A number of you here today are physicians, nurses and staff at the Center for Cancer Treatment and Research or at the Richland Memorial Hospital. As health care professionals, you are on the front line in the battle against disease. You are committed to the care and comfort of those who suffer.

Whether in the operating room or admissions office, laboratory or nurses station, you are there—every day—fighting the ongoing battle to preserve human life and helping to end the pain and suffering that illness brings.

The quality of our lives depends a great deal on our health, and, as supporters, volunteers and friends of the Center, you know this to be true. This facility would not have been possible without your dedication and hard work. You are vital to this health care system's ability to grow and enhance its services and programs.

This morning, Dave Dravecky and I had an opportunity to take a tour of the new Center for Cancer Treatment and Research. It's a fabulous facility. We met a few members of the staff. And had the chance to learn about some of the impressive programs that this center will offer.

It will provide comprehensive, state-of-the-art services to individuals with cancer. And a union has been forged between this regional hospital and the University of South Carolina's research program.

Science and the scientific application of new knowledge is the path to ending the pain and suffering that cancer causes. The collaborative efforts of the talented staff here at the hospital and the University will give this facility the ability to bring together the best and the brightest, enabling you to pool resources, skills, and knowledge.

I am confident that, with you continued dedication, many discoveries and valuable insights will originate from the laboratories here at this facility. Your work will have an impact not only here in South Carolina, but across the nation.

Medical and technological advances have given us new methods of diagnosis and many new treatment options—that only a few years ago would have been considered science fiction. We know more about cancer and how cancer develops than ever before. However, in our quest for a cure and prevention for this disease, we must remember that the quality of life must be a priority before, during, and after treatment.

The Center for Cancer Treatment and Research recognizes that cancer patients and their families have unique psychological and emotional needs, and offers special supportive services to their patients—A camp experience for children and adolescents that provides an escape from the seemingly endless array of tests and procedures, and gives these young people a few hours to just be children.

There's a support group for parents who have suffered the pain of losing a child, and a home hospice program for those patients whose final days are best experienced in a home environment. These services will help cancer patients and their families cope with the anger, frustration and uncertainty that often accompany a cancer diagnosis.

Looking across this audience, I see women and men with unique talents, special skills and unlimited potential, and the words of the poet Elizabeth Barrett Browning come to mind, because you are the people who can "light tomorrow with today."

Each of you—in your own way—has the power to light tomorrow for the thousands in this community who will face cancer. No matter where your talents lie or how much or how little time you have to give, every one of us can—and must—be a part of the fight against cancer. Simply by talking to your loved ones and friends about this disease, you can make a difference. And, you just might save the life of someone you care about.

Two decades ago, before President Nixon signed the National Cancer Act into law, the word "cancer' was rarely spoken aloud. This disease was a mysterious malady for which there was little hope of survival, and physicians often veiled the diagnosis of a malignancy.

Today, however, because of the candor of many people, cancer is openly discussed. I believe that because of these honest and forthright exchanges, we have been educated and have all become more aware.

Education is a powerful tool that helps us to prepare. The more we know about cancer, the better prepared we will be should this disease strike. Early detection is one of our most effective weapons in combatting cancer. Detecting and treating this disease in its earliest stages dramatically boosts our chance of survival.

Yet, even with the numerous education and awareness campaigns that highlight the many life-saving benefits of early detection, most Americans—in fact nearly 70 percent—do not follow the guidelines for such screening procedures as mammograms, Pap tests, colon screenings, and monthly breast self examinations.

Early detection is our first defense against cancer, and it begins with you—the individual.

I try to prepare. Each year, I see my doctor for a physical exam. I have a mammogram. And every month, I practice monthly breast self examination.

I do it for myself and I do it for my family. I also do it in memory of my mother. My mother was a physician. She knew the warning signs and what she should be doing. Yet, when her cancer of the breast was discovered, it was already too late. Early detection and prompt treatment might have given my mother many more years with her family. What happened to her does not have to happen to anyone else.

Learning the facts about cancer and the importance of early detection, and implementing that knowledge, can make the difference between life and death. There a number of sources for information. And now, one of them is right here in this community. Everyone can turn to this Center for the information they need to take charge of their lives.

What you are doing here at this new facility and in this community is an integral part of our nation's overall efforts to combat cancer. I know that you work will make a difference in the lives of thousands.

When cancer enters our lives, we are changed forever, and the lives of our families and friends are never the same. We must not stand idly by as this disease takes the lives of our loved ones.

Ladies and gentlemen, we cannot be resigned to the immense tragedy that comes in a lump the size of a pea or in the invisible malignancy that invades our body. We are here today to reaffirm that, in the war against cancer, there can be no substitute for victory.

And on the day, when our mission is fulfilled and cancer no longer darkens our lives, my mother and the millions of others who have lost their battles with cancer, will have their memorial in the lives of all those who will be saved.

Thank you. God bless you, and God speed in your important work here at the Richland Memorial Hospital Cancer Research Center.

TRIBUTE TO COL. JOHN H. MILLER

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of a great South Carolina soldier and patriot, Col. John H. Miller, who passed away on April 13, 1992. Colonel Miller was a decorated veteran of World War II, Korea, and Vietnam, who served his country with great courage, dedication, and integrity. We mourn his passing.

"Buck" Miller believed there was no nobler duty than military service, and he lived by that belief. He was a brave, selfless, public-spirited soldier, and he dedicated his life to upholding the principles which made our Nation great.

Colonel Miller built a distinguished record during his 21-year military career. He fought with the 517th Parachute Regiment during World War II, as well as serving on General MacArthur's staff. He also saw action with U.N. forces in the Korean war and later fought with Special Forces in Southeast Asia. During his combat service, he earned the Combat Infantryman Badge with two stars, two Purple Hearts, and a Bronze Star.

After his retirement from the Army, Colonel Miller continued to serve his fellow man by working with the Department of State and as a commissioner with the Maryland District Court.

Mr. President, Col. John Miller will be remembered by all those who knew him as a man whose life exemplified love of country and service to others. He was a fine soldier; loving husband, devoted father and grandfather, and proud American, and he will be sorely missed.

I would like to take this opportunity to extend my deepest condolences to Colonel Miller's lovely wife, Nell Oland Miller, his son, retired army Lt. Col. John H. Miller, Jr., his daughter Vicki, and the rest of his fine family.

Mr. President, I ask unanimous consent that the eulogy written by Colonel Miller's son be included in the RECORD following my remarks.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY IN MEMORY OF COL. JOHN H. MILLER

(Memorial Service at Arlington National Cemetery, April 16, 1992)

The family appreciates you who have gathered to honor this officer, who delighted in serving his Country, who has now been taken by our Lord. I have been asked by John Miller, Jr., Colonel Miller's son, to relate his memories of his father to this congregation.

My father was a soldier—first, last, always. He attained the distinction of serving his country in three wars, World War II, Korea, and Southeast Asia. He welcomed his duty and took great pride in his willing sacrifices.

Men and women of my father's generation were given a gift of which many were unaware. In fact, I think my father would have denied it was a gift. But from my perspective, he and others like him were given the gift of opportunity to serve their Country and to receive the thanks of the Nation for that service. Such a gift imparts a meaning and an unwavering purpose to a life that those of us who came after can only examine with some envy and awe at its largesse.

My father loved his Country and he loved the Army. He frequently remarked, "There is no nobler duty than military service to your Country." His remark deserves reflection for it is the essence of the officer at rest before you. "There is no nobler duty than military service to your Country." Together he and my mother energetically fulfilled the requirements of a military career. In the early 1940's, my father cut quite a figure in his Clemson University ROTC uniform—enough to convince a young lady at Brenau College to marry him and become an Army wife. Their first overseas assignment together was in Occupied Japan. My mother packed and set off by ocean liner to Tokyo alone with a 1 year old boy. My mother loved the military life and my father. While only a toddler then, I can only now realize that working for General MacArthur was a great challenge. After Japan, we were stationed at Fort Benning in the first of many post quarters. My sister Vicki was born there.

Successive tours took us throughout the world. After serving in two wars, it was in Europe and later at Fort Bragg and Southeast Asia where my father's life as a soldier became real to me. Germany was a special assignment in those days, at the height of the Cold War and the Cuban missile crisis. We watched on many occasions as this officer would muster for countless field exercises for days and weeks at a time. The world situation was real.

This new world with its new kinds of wars would demand a new kind of soldier. Colonel Miller was called on to gather with others with like skills to form a small unique cadre which was to activate what has become the Army's elite units—the U.S. Special Forces. We found ourselves back at my birthplace, Fort Bragg, in a world of professional soldiers made even more distinct by their elite Green Berets. From there, my father deployed to a remote part of the world referred to as "Southeast Asia." He was one of the first U.S. soldiers to see service in that part of the world. These were the years, when everything was possible and America a moral force in the world.

During all their tours, my father and mother made close friends, many of whom have shared their grief with us at his passing. And, his friends from Clemson University stayed in touch with "the Colonel" during the many years of his illness. Clemson University mementos and his display case of his service awards—including the Combat Infantryman's Badge with two Stars, two Bronze Stars, two purple Hearts, and Master Parachutist Jump Wings—vied for the place of honor on his hospital room walls.

My father never really told "war stories." Men and women who have been in combat often do not. But I know that combat and his military career were the defining events of his life. And those defining events made him proud and capable. For all his worldliness and experience, my father remained a man who loved the simple things and simple truths of life. He could write beautifully crafted and thoughtful prose. His thoughts were always characteristically distilled, simple in deliverance but profound and lasting in meaning. He chose his words, endeavors, and friends well.

The energy and directedness of the military officer did not desert him in civilian life. I particularly remember the time he hauled load after load of brick from the demolition of the old VFW building in Frederick to the new house where he designed and built a brick patio by himself. He delighted in saving and refurbishing and improving. And the home he left behind in Frederick stands as testimony to his and my mother's hard work.

I am absolutely certain of his parting words for those of us gathered in this fine chapel and on these hallowed grounds. He would simply say, "Shoot! Where else in the world could an unwealthy and unworldly boy from Pickens, South Carolina be given such great opportunities to serve his Country, make his way through the ranks, and then spend eternity with such honorable and brave friends?" I believe he would also counsel us to live by our distinct values which make us distinctly Americans, to not forsake these values, and to be ready to defend them if necessary.

My father was not a perfect man, nor am I, nor are any of us. We all have our faults. We all make our mistakes. But my father was a good man, with a big heart, and always the best of intentions. He loved his wife, "my Nell." He loved his children. He loved his grandchildren. He loved his Country. And, he loved the Army. We will miss him.

THE END OF AN ERA AT WALMART, INC.

Mr. PRYOR. Mr. President, the recent passing of Sam Walton marked the end of an era at Walmart, Inc. We in Arkansas have long known what a treasure we had in Sam.

I want to share with my colleagues a number of editorials about Sam Walton and the legacy he left behind.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 7, 1992]

"SAM WALTON"

Sam Walton was as direct and unglamorous as his business, which consisted mostly of finding out what people wanted and selling it to them at the lowest possible price. Although he was, by the mid-'80s, considered the world's richest man, chances are that if you live in the urban Northeast you didn't know much about him or his principal works: the hundreds of discount department stores that have helped transform much of small-town America. In fact, he did little to draw attention to himself, unless driving an old pickup truck and continuing to lead a simple Arkansas existence could be considered an oblique bid for notoriety.

Mr. Sam—as he liked to be called by his employees, whom he liked in turn to call "associates"—had the idea some 30 years ago that there was big business to be done in small towns, much bigger than was being done in the 15 Ben Franklin five-and-dime franchises he and his brother had acquired since starting with a single store in Arkansas in 1945. He set out on his own in 1962 to build a chain. By the time of his death this week at 74, there were more than 1,700 Wal-Marts, mostly in the South and Midwest, with annual sales well over $40 billion.

The pattern with Wal-Mart has been to scout out promising towns and open a store nearby that combines under one vast roof much of the merchandise available in an old-fashioned town center, from drugs to clothes to bicycles. Understandably enough, Mr. Walton has been criticized as a despoiler of downtowns because of the many small merchants driven out of business by his relentless cost-cutting and low prices. But he was hardly the first to realize that Main Streets were being replaced by parking lots, and there is no denying that the demand was that for what Wal-Marts offered: low prices, convenience and helpful clerks.

He drove himself hard until near the end of his life, generally getting to work at 4:30 a.m. and going at high speed all day long. He was also a hard driver of others. The "associates" have never received high salaries, but they are encouraged to take advantage of company stock plans, which have been lucrative for many of them and no doubt encourage a greater attention to making the stores work. Mr. Walton seems to have conducted a lifelong war against complacency, within both his company and himself. Perhaps he disdained the trappings of wealth out of a fear that he would lose his feel for what it takes to meet the simpler needs of ordinary people. No one had better cause to know how demanding a business that can be.

[From the Washington Times, Apr. 10, 1992]

SAM WALTON'S AMERICA

(By Paul Greenberg)

It must have been about 1950 when an ambitious young fellow came to Bentonville, Ark., installed his wife and four children in a rented house, and opened a five-and-ten in an old store he'd bought for $15,000. He made his first desk out of a couple of sawhorses and a sheet of plywood, and nailed an orange crate to the wall for a bookcase. When he died Sunday at 74, nobody had to identify Sam Walton. His chain of Wal-Mart stores in 43 states and 212 Sam's Clubs now employ more than 400,000 people and ring up $43.8 billion in annual sales, making it the country's largest retail chain.

How did he do it?

He paid attention, particularly to the customer, who was always right. He offered low prices, and achieved them through efficient, centralized organization, especially when it came to purchasing and distribution. He made his employees, always called Associates, part of an intense, customer-oriented, proud team. He was completely efficient and completely down-home. And he learned from everyone. To quote one Wal-Mart executive, "I've seen entire company policy change in one day over one constructive comment submitted by a stockman."

Sam Walton proved that the American frontier hadn't ended in 1890, no matter what the history books say. Like the frontier, his empire combined individual drive and complete cooperation. Result: He showed that the American Dream was still attainable, not just for himself, but for a vast army of employees, stockholders, suppliers, and all those who prospered with Wal-Mart. At last report, his chain of 10 Arvest banks from Fayetteville to Bella Vista had more than a billion dollars in assets. Of course that represents only part of the wealth he created—wealth that continues to spark the growing economy of Northwest Arkansas, just to start with.

The American frontier had its dark side, too. Wal-Mart's reliance on part-time employees raised questions about who would pay for their health insurance and retirement, if anyone. As on the frontier, would those who couldn't keep up find themselves abandoned? Or would society—that is, all of us—step in at some point and take care of those left behind? On the frontier, the U.S. Cavalry always arrived in the nick of time, at least according to tradition. What of those who couldn't compete on this new business frontier—the stores that had once anchored small towns, and that took the towns with them when they went? Ghost towns were a feature of the frontier, too.

An unquestioned success, Sam Walton's story raises questions that, like the frontier spirit, are still with us. Sam Walton wasn't just an ingenious entrepreneur but, given the American ethos, a kind of inevitable force of nature. He left behind immense wealth and some nagging doubts as he moved across the landscape like a cyclone.

For the frontier spirit to triumph, as it did in Sam Walton's case, a frontier is needed, and he proved that one still exists. Right here in Arkansas, where the license plates used to read Land of Opportunity. Arkansas still is. So is America.

One of those parochial observers from the national press who came through the state the other day in search of the real Bill Clinton dismissed Arkansas as a "small, insular" state. Well, Arkansas is small, with only 2 million people. Arkansas is also insular, in the sense that everybody seems to know everybody else, their family, nickname and business.

Sam Walton's story reminds that Arkansas is small and insular in other ways—in the way England was small and insular when the sun never set on her empire. In the way Japan is small and insular even with a vast trading empire. In the way a vast frontier can seem small and insular to those without vision or pluck or understanding.

Arkansas is small and insular in the way Tyson Foods is, with its sales worldwide. It is small and insular the way Murphy Oil is. It is small and insular the way Stephens Inc., the biggest bond house off Wall Street, is. It is small and insular the way Sam Walton was—doing business far beyond Arkansas but caring most about his family and friends, his Associates and his state. The obituaries made Mr. Sam's simple priorities seem eccentric in a man of great wealth—on a par with his old pickup and ordinary haircuts. But to what better uses could wealth be put? Another "secret" of Sam Walton's success was that he had the right priorities. And if that is being small and insular, long may Arkansas—and America—remain so.

[From USA Today, Apr. 6, 1992]

"MR. SAM'S" SECRET

He learned to think of employees as associates as a clerk at J.C. Penney.

And taking that to heart may have been the abiding genius of Wal-Mart founder Sam Walton, who died Sunday at age 74 of bone cancer.

"You have to talk to the people. You have to listen to them, mostly. You have to make them know that this is a partnership. That's our secret," Walton told USA Today last year.

It's a secret that turned Wal-Mart into the USA's biggest retailer and made Walton's family, with $22 billion, among the richest in America.

But it's a secret that many businesses only talk about and never take to heart.

The recession has led many businesses to resort to "expense management" to beef up anemic bottom lines, with perks including stock ownership for workers and even free coffee getting the ax.

Walton knew how to cut costs. His company's name was chosen in part because it had fewer letters than other alternatives and, so, signs would cost less. And his cost consciousness kept Wal-Mart's overhead, at 15%, about half that of other major retailers.

But Walton also knew that his bottom line depended on his associates' morale.

He didn't lavish perks upon them, but he did share the growth of his enterprise through an employee stock purchase plan. And he and fellow managers talked with them about everything from where to put a store to how to cut expenses.

In short, Walton formed a real partnership with workers that helped keep Wal-Mart's customers happy.

And for any business, that's the bottom line that matters most of all.

[From the Chicago Tribune, Apr. 7, 1992]

"WAL-MART WON'T BE THE SAME"

The Wall Street experts profess that Wal-Mart Stores will continue on the same without Sam Walton, the 74-year-old founder of the world's largest retailer who died Sunday after a long fight with cancer.

They say his tireless and zealous way of doing business and treating customers is so pervasive and deep-seated that Wal-Mart will grow and thrive for years.

Maybe so, but his employees will mourn the loss of his drive and enthusiasm for change and innovation. And many Americans will miss seeing his smiling, weathered face, peering through the window of his pick-up truck and from underneath his baseball cap.

For many, the 1980s was the decade of greed that produced flashy, powerful billionaires like Donald Trump and Michael Milken. But it also was the period that saw Sam Walton turn a backwater discounter into a retailing giant by applying common sense and high technology to a tradition-bound industry.

Along the way, the self-effacing Walton made himself and his family among the wealthiest people in America. Few seemed to begrudge him, however, because he did it the old-fashioned way—through hard work, ingenuity and tough competitiveness.

After World War II, Walton acquired a Ben Franklin dime store in Arkansas with a $25,000 loan from his father-in-law. By the early 1960s, he and his brother owned 15 stores, and Sam wanted to begin opening discount stores in rural communities.

The honchos at Ben Franklin said it would never work, so Walton opened his first Wal-Mart in 1962. Today, Wal-Mart has nearly 2,000 stores in 42 states. It's opening about 150 new outlets a year and eyeing expansion in foreign cities.

Most of the growth came in the 1980s. Concentrating on small Southern and Midwestern towns, he offered low prices on many name-brand goods without special sales and heavy merchandising. He stressed friendly service, and shoppers dictated what went on the shelves, not some army of corporate buyers.

A penny-pincher, he fought to lower operating costs by investing in modern warehouses and computers. With the latest sales and inventory data, his stores could be resupplied in a matter of days, instead of weeks. Sears and K Mart scrambled to catch up.

The success didn't come without controversy. Consumers loved the value and convenience of Wal-Mart, but some Main Street stores were overrun by the giant who had gobbled up acres of cornfields outside of town. Most overlooked the destructive nature of Walton's brand of capitalism, however, to get lower prices and greater selection.

In giving Walton the Presidential Medal of Freedom last month, President Bush called him "an American original who embodied the entrepreneurial spirit and epitomized the American dream."

For this pioneer, it was a fitting eulogy.

[From the Houston Chronicle, Apr. 7, 1992]

SAM WALTON: ARKANSAS ENTREPRENEUR WAS ONE OF CAPITALISM'S ICONS

In the tradition of other entrepreneurial giants before him Sam Walton had a better idea, which was also a simple one: Walton brought the buying power of enormous scale to small towns throughout the South and Midwest, and sold a wider variety of things cheaper than the Mom and Pop operation on Main Street could ever imagine. Out of that straightforward strategy, Walton, who died Sunday at age 74, created a fortune that made him the richest man in America—worth a mind-boggling $18-plus billion in 1991, according to one published estimate.

Walton was a latter-day life sign of capitalistic creativity.

In an age of doubt about the inherent vitality of American capitalism, Sam Walton was the living, breathing, ever-tinkering, never-quite-satisfied proof of it. As big as he became, Sam Walton never lost his inclination to seek ways to improve the way his more than 1,700 Wal-Mart stores did business.

Walton was not without his critics. His brand of entrepreneurialism—on the outskirts of countless small towns—sounded the death knell for many a small-town Main Street and town square across the state of Texas.

But even in that problem there was growth. Walton forced small-town boosters and merchants into new approaches. American merchandising, and American capitalism, were changed for the better by the energy of Sam Walton.

[From the Hartford Courant, Apr. 7, 1992]

"IN THE MOLD OF FORD, ROCKEFELLER"

Sam Walton was a retailing genius because he knew what shoppers wanted and he gave it to them. He stocked the shelves of his Wal-Mart stores with popular products, priced them competitively and employed clerks who wanted to serve customers. Mr. Walton did not discover this winning formula. Beatrice Fox Auerbach, for example, used customer service and quality products to make her G. Fox & Co. a premier department store in Connecticut.

There were other Connecticut similarities with Wal-Mart. Carl Bennett, founder of the Norwalk-based Caldor discount store chain, and the Gilman brothers, Milton, Irving and Herbert, who ran Rocky Hill-based Ames Department Stores, were contemporaries of the Arkansas-based Sam Walton, who died Saturday at age 74.

There was so much similarity between Ames and Wal-Mart that the Wall Street investment community in the 1980s hungered for a merger of the two discount chains. The rumors became so intense that Herbert Gilman and Sam Walton at one point had to issue a joint statement denying there would be a marriage.

Mr. Walton's death came before Connecticut consumers got a chance to know him personally. Wal-Mart is scheduled to open stores soon in Willimantic and Manchester. Another Walton discount enterprise, a Sam's Club, was opened last year in Manchester. Since it was his practice to visit as many of his company's nearly 1,800 stores in 42 states as possible, it was certain Mr. Walton would have showed up in Connecticut.

He was a legend in the mold of Henry Ford, the automaker, and John D. Rockefeller, the oil baron. All were of humble origins and through their industry accumulated enormous wealth.

Messrs. Ford and Rockefeller left family dynasties that have carried on the founders' reputations. It's now up to Sam Walton's children to maintain that reputation—that example of what hard work and imagination can accomplish.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

DISAPPROVAL OF S. 3—THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

The PRESIDING OFFICER. The Senate will now resume consideration of the President's veto message on S. 3, which the clerk will report.

The bill clerk read as follows:

President's veto message accompanying S. 3, an act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There will now be 4 hours of debate on the message with the time to be equally divided and controlled between the majority leader and Republican leader or their designees.

Mr. BOREN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I yield so much time as the Senator from Nebraska might desire off my time.

Mr. EXON. I thank my friend and colleague from Oklahoma.

Mr. President, the Senator from Oklahoma has asked me to add him as a cosponsor to the bill that I have just introduced, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I reserve the remainder of the time allotted to me, and I suggest the absence of a quorum as per the previous request by the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN pertaining to the introduction of Senate Joint

Resolution 302 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOREN. Mr. President, I yield myself as much time as I might require.

Mr. President, I rise today to discuss a subject which relates to our political system. It relates in fact to a crisis in our political system that is not one that is looming in the future, it relates to a crisis that is here with us. It relates to a problem, a deep and serious problem, an illness, a malignancy within the heart of our political system that is already threatening the lifeblood of the system itself.

Mr. President, I refer to the way that we finance campaigns in the United States and the way that we finance campaigns is contributing to the disintegration of the political process in this country. We talk about gridlock in our politics. We talk about the fragmentation of the American people, and the fragmentation of the Congress. We talk about the inability of the Congress to get its work done.

Mr. President, one of the most important reasons why we are seeing the erosion of the strength of this institution, the ability of Congress to do its work in a meaningful way and the inability of those of us in public life to form a consensus to bring the American people together to solve our problems is the way that we finance campaigns in this country.

My colleagues all know when it comes to financing campaigns in this country, the sky is the limit. There is no limit on how much money a candidate can raise to run for public office in the United States. And we all know the result. More and more, because unlimited amounts of money can be poured into our political system, campaigns have been not about the issues, not about the qualifications of the candidates, not about which candidate has the best ideas for the future of this country, more and more often elections are being decided in this country on the basis of which candidate can raise the most money. And in the vast majority of the cases, over 95 percent of the cases, the candidate that raises the most money is able to win the election.

Mr. President, that perception that money—instead of ideas, instead of qualifications—is deciding the course of American politics is one of the reasons why so many people in this country are becoming disillusioned with our political system. It is one of the reasons why over 80 percent of the American people say they have lost confidence in this institution. It is one of the reasons why over 80 percent of the American people say that they believe that Members of Congress are more interested in serving the special interests, those who have the ability to pour money into their campaign, than they are in serving the national interests of this country.

And when you ask people do you think Members of Congress care more about people like me, average working men and women in this country at the grassroots, or do you think they care more about the special interests who can fund their campaigns, 78 percent of the American people say we think the Members of Congress care more about the special interests than they care about me.

This great institution which is here to represent the people themselves is being tarnished in the public mind, and the confidence of the public in this institution is being eroded in large measure because of the way that we finance our campaigns.

What has happened? We all know the facts and figures. In the last 14 years, the cost of a winning candidate on the average to run a successful campaign for the U.S. Senate has gone from $600,000 14 years ago to $4 million this year. And when I say $4 million, I refer to the average in the average size State. I am not talking about New York or California or other States where the figure can go as high as $20 million or $30 million or $40 million when we put in what the candidates in both parties spend.

Mr. President, can anyone say that this trend of pouring more and more money into American politics has been a good thing? I find it hard to understand anyone could argue that it has been good for our political system.

More and more time of Members of Congress is spent raising this money. On the average, you have to raise $13,000 every week for 6 years during a Senatorial term to raise just the average amount of money that it takes to run a successful race. So there is too much money coming into the American politics. It is playing too great a role. Too much of our time and attention is spent trying to raise that money, and the perception that money really determines decisions here and the outcome of elections across this country is causing the American people to lose confidence in the Government. So we have too much money coming into our politics.

Mr. President, the second thing that is wrong with the current system is too much of that money is going to incumbents. I just looked at the figures. They are now in already for this election cycle. So far during this election cycle incumbent Members of the House of Representatives have raised 19 times as much as challengers who are seeking to unseat them from the House of Representatives this year, 19 times as much. In the last election, when all the results were in, incumbents, sitting Members of Congress, were able to raise $8 in campaign funds for every $1 raised by opponents, and in the Senate it was $3 raised by sitting Members for every $1 by opponents.

So what do we have? We have, in essence, by having no spending limit, by allowing people to raise as much money as they possibly can with no limit whatsoever, and very little limit on where it comes from, we give an enormous advantage to incumbents. It is one of the reasons why people across the country have become so impatient with the unfairness and the tilting of the system that they have urged term limitations and other ways of getting at the problem because they know that the current elections system is not competitive, because so much advantage is given to incumbent Members—19 to 1 is the figure so far—without spending limits, in terms of the amount that incumbents are able to raise instead of challengers.

And we all know the reason. It is because people are concerned about the legislative decisions we have to make. It is because sitting Members of Congress serve on important committees and subcommittees that affect this business interest or that labor interest or whatever it happens to be. Those decisions are being made by people who are here now. And therefore citizens, or groups, especially those who have an interest in legislation, want access to the Members that are here now. And they believe that one of the ways they can be heard is to give a generous campaign contribution to the person that is already here, to get that advantage, to get in the door.

So, as I have said, Mr. President, it is just human nature. I would not begin to say that I think that the average Member of the U.S. Senate or the U.S. House of Representatives would consider himself or herself to be for sale. I think they would be offended by that suggestion. I think the vast majority of our colleagues are honest people who came here with a sincere desire to render public service.

But, Mr. President, when you are having to operate under a system in which you have to raise $4 million, on the average, to successfully run for reelection and you are trying to decide desperately how to raise that $4 million, if you have 5 extra minutes, as I have said before, and there are large numbers of people waiting in your waiting room to come in to see you, if one of them is a farmer in bib overalls that cannot possibly contribute more than $1, if anything, to your campaign and one is a school child that cannot afford to make a contribution but whose life you might touch by spending some time with that school student, whose life you might change and perhaps inspire somebody to seek to make a difference in terms of public service himself, or herself, or perhaps there is another citizen there who could make a modest contribution or be active in your campaign, and there sits someone else, let us say a lobbyist or a representative of a special interest group who that very day could cut you a check for $10,000—$5,000 for the general election and $5,000 for the primary election—and perhaps host a fundraiser for you in Washington, DC, where you might raise $300,000 or $400,000 or $500,000 in one night—I read where I think the Presidential dinner raised I think $9 million in one night, one dinner in this city—where are you going to spend your 5 minutes if you are sitting there worrying about where in the world am I going to raise the money to run for reelection? Will you spend the 5 minutes with the school child or farmer or that other citizen that is out there? Or will you spend that 5 minutes with the person that might be able to help you figure out how to raise $300,000 or $400,000 of that $4 million you need.

Then we say, Mr. President, we are surprised and shocked when the public has the perception that we might be influenced by special interest money flowing into American politics. It would be shocking if indeed that influence was not being felt here. It must be stopped.

Mr. President, that is not why we came to this institution. We are the trustees of this institution. If we do not look after it, if we do not look after the peoples' interest, if we do not look after our constitutional system, if we do not preserve the election process for the future generations of this country, no one else will. No one else has the power to do it. We are charged by the Constitution with that responsibility.

We must stop this, stop the money chase in American politics, stop a system of unlimited spending which allows more and more of the money to pour in on the side of those that are already in office. And so that is the second evil. An incumbent's protection plan is inherent in any system which has unlimited campaign spending.

The third evil of the current system is that too much of the money comes not from the people back home, not from the individual citizens at the grassroots, but more and more of it does come from special interests.

More and more of it comes from special interests, the political action committees. More than half of all the money contributed to candidates in the last election cycle who were elected to Congress, more than half of them got more than half of their money, not from the people back home but from special interest groups, political action committees, many of them with no connection whatsoever with their home States or districts, many of them led by people who never even visited the districts or States of the Members of Congress where those contributions were made.

Where does the special interest money go? It goes even more strongly to incumbents than the general contributions go. So far in this election cycle the political action committees have been giving to incumbents in the House of Representatives at a ratio of 30 to 1. I know that is an unbelievable figure, but I want to say it again because it is accurate. So far the ratio of political action committee contributions to incumbents has been 30 to 1 this year in the House, and in the Senate it has been 6 to 1.

Mr. President, we passed through the Congress of the United States a bill, Senate bill 3—it passed by a substantial majority of the Members of this body and Members of the House of Representatives—to stop it, to reform the system, to try to bring the political process back into the hands of the people themselves where it belongs, to stop the perception that Congress is for sale, to reduce the influence of money and politics so we can spend more of our time solving the people's problems and less of our time raising money for campaigns and so we can help restore the confidence of people back in their own Government again. What an opportunity.

We have heard so much, and we have heard it from the President of the United States as well as from Members of this body, about doing something to reform the system and restore confidence in Government. We sent to the President of the United States a bill that, had he signed it, would have given him, I believe, an opportunity to be recorded in history as having signed one of the most important pieces of legislation in many years to restore confidence in Government again and to clean up the political system.

He had a historic opportunity to sign a bill to stop the money chase, a historic opportunity to sign a bill to reduce the influence of special interests in the political action committees, a historic opportunity to sign a bill that would level the playing field between the challengers, people with new ideas who want to come and serve in this Congress, and the incumbents who are already here.

And what did he do? Instead of taking that opportunity and seizing this chance finally given to him through the constructive action, after 9 years of work—beginning with the bill that I first introduced with Senator Goldwater as a bipartisan measure several years ago—finally Congress, struggling with this problem, finally able to set aside its own self-interest—because, after all, every sitting Member can raise more money than challengers, virtually everyone—finally we got Congress to do the right thing. Congress voted to put limits on the amount of money it could raise for its own reelection campaigns.

And what did the President of the United States do with this legislation? Tragically, he vetoed this legislation. He vetoed this legislation not on a weekday, not at a time on which there could be a lot of comment about it; he vetoed this legislation over the weekend where it would receive the least amount of attention.

Mr. President, he not only missed a historic opportunity to do something to help clean up the political process of this country, he issued a veto to prevent this bill from becoming law and from beginning to change, in a very wholesome way, the political process of this country, for reasons that absolutely defy any logical analysis.

I want to quote his two or three main reasons for vetoing this legislation contained in his veto message. First, he said, "This is an incumbents' protection plan." To put spending limits in place? When incumbents are outraising challengers 19 to 1 under the current system? To call a bill that finally puts limits on spending an incumbent's protection plan? Mr. President, there is no excuse for that kind of mischaracterization of this legislation. The President either should know better than that or he should be ashamed of himself for misrepresenting what he knows to be the facts. There is no earthly way that you can say this bill is an incumbents' protection plan when compared to the status quo, where incumbents are given such an enormous advantage in fundraising.

Mr. President, if the staff of the President of the United States—if, indeed the President really did not know better, and I can really, given the two alternatives, hope that is the case and hope he was not playing politics with this—if the President of the United States was not staffed on this issue any better than that, if I were to vote on a bill on this floor and have the members of my staff tell me that I was trying to help challengers by stopping a plan to put spending limits on campaigns, I would be looking for a new staff to advise me. I hope the President, if he had been given that kind of information, I hope he will let us know so we can give him an opportunity to send another bill back to level the playing field; and maybe, with better advice next time, he will sign it.

Mr. LEAHY. Will the Senator yield?

Mr. BOREN. I will be happy to yield on my time.

Mr. LEAHY. First, I commend the Senator from Oklahoma, as I did before, for his sterling efforts in this regard. To call this bill an incumbent's protection act, of course, makes no sense whatsoever. I think when I first ran for the Senate and, in effect, was in the position of being a challenger, I would have given anything to have had legislation like this because it would have given me a tremendous advantage I did not have at that time.

As I have said on the floor, I think the Senator from Oklahoma has done such a good job on this legislation that, even if this veto is upheld, and even though this legislation does not take effect for 2 more years, I will follow this in my own reelection campaign. In fact, I will set my own limits considerably lower. But I will do it because of the strong controls and strong conditions for both sides, especially for the challenger, that the Senator from Oklahoma has put into this legislation. In fact, I will do it even though it means sending back some money I have raised.

I commend him for doing it. I wish, at a time when most people are turned off by the whole electoral process, that the President had thought long and hard before vetoing this. He is, after all, one who will have received, by the end of this year, $200 million in Federal funds for his own campaign elections. He ought to say if that worked for the Presidency, it should certainly work for the other branch of Government which has to represent all the people in all parts of the country.

Mr. President, I do commend the Senator from Oklahoma. He has fought long and hard on this. I think I know where the votes may fall today. But if he is not successful in overriding this veto, I hope the Senator from Oklahoma will be back and try again. I want him to know the Senator from Vermont will be there with him.

Mr. BOREN. Mr. President, I thank my colleague from Vermont for his generous remarks. His support has been very important all through this fight, not only his support but his example, his statement of his willingness to abide by the limits of this bill himself and the standards that are set forward in this bill. Trying to clean up the political process is, I think, a very inspiring example and one which I truly appreciate.

Sometimes we hear people say, do politicians just want to talk about something, or do they want to do something about it? The Senator from Vermont is clearly the kind of person who wants to do something about it. I appreciate very much what he said.

I want my colleague to know the answer to the question which he raised. I know he already knows the answer. If we are not successful in overriding this veto today, will the Senator from Oklahoma and others be back here until we finish the job? Absolutely. I say to my colleagues, this is a matter that is on the national agenda to stay.

The people expect us to do something about this problem. The people understand it—the people understand. Perhaps if the White House staff does not understand, the people understand. The people know what is happening when an unlimited amount of money is flowing into the political process. The people understand when incumbents are able to outspend challengers 19 to 1. The people understand exactly what is wrong when political action committees are giving more than half the money, instead of the people back home, to political campaigns. The people understand. The people are registering in polls, expressing their disapproval, their lack of confidence. Mr. President, this should be and this will be an election issue this year.

I do not believe that the public, I do not believe that the citizens of the United States would allow us, even if we wanted to, to continue to duck and dodge this issue. They are going to insist that we continue to enact bills that have meaningful campaign finance reform until the President of the United States signs a meaningful bill into law.

As long as this Senator is here, and there are 4 years and a few months remaining in this Senator's term, I can assure that this Senator will continue to bring back this proposal. People cannot run away from it. They are going to have an opportunity again and again, and let the people notice, let the people watch which Members of Congress are prepared to step up and vote for a bill to reduce and put limits on the amount of campaign spending and reduce the influence of special interest groups, and let them see which Members of Congress are not willing to make those sacrifices necessary to put those limits in place.

And then let the people be the judge. The people will ultimately be the judge. And in spite of an advantage enjoyed from special-interest money and floods of money coming into the system, there is going to be enough of a political backlash in this country one of these days that we will be forced to act, if we have not already done the right thing.

Mr. President, that is not the way the system ought to work. Those of us charged with this responsibility here and now, as trustees of the people, should do what is right now, on our own volition, of our own free will and not wait until we are forced to do it. We ought to demonstrate to the people that we are statesmanlike, to take this action now without being forced to take it, without public pressure, and we have done that.

This is one of the most positive things that has come to this Congress in a number of years. People said, how in the world are you going to get incumbents to vote against something that is in their own interest? How are you going to get the Members to put limits on themselves and to take on this disadvantage? We have been able to do it and now, I am sorry to say, we have been thwarted by the President.

The President has changed his mind on a number of other issues. He has changed his mind on unemployment compensation; he has changed his mind on civil rights legislation, and I say that not to criticize, I say that not to make a partisan point. I would worry about a President of the United States who did not retain a willingness to look at an issue over again and anew and to listen to new ideas and to listen to new arguments.

Mr. President, all I can say is that I have never been unfair to this President. I think I have cast as many votes as anyone on this side of the aisle in behalf of programs of this President when I thought they were right. I have come to his defense when I thought he was right. I have criticized those who made attacks on a partisan basis because we have too much partisanship in this country. But I sincerely believe the President of the United States is wrong in this instance, frankly wrong.

He missed a historic opportunity to reform the system, and I am going to do all I can, and I hope my colleagues will do all they can, to convince the President to change his mind and to change his mind about this veto.

Again, the President's first point is wrong calling it an incumbent's protection plan when it is just the opposite. The current system is an incumbent's protection plan. It will not have anything for challengers to have a chance until we limit spending. The limit on spending is the issue.

The second mistake he made in his veto message is, he says this bill fails to limit political action committees. He says he is vetoing it because it fails to eliminate them completely. In the drafting of his own proposals, his own lawyers at the White House indicated to him they thought there was a constitutional problem with abolishing political action committees totally. His own bill did not abolish political action committees, it only abolished connected political action committees, those of labor and business groups. It did not abolish ideological political action committees. So all in the world that would have happened under that legislation is business and labor groups would have reincarnated themselves in the form of ideological PAC's, and we would have had all the same special interest money flooding into the system under new labels.

I personally would be prepared to abolish political action committees. Senator Goldwater and I, in our first legislation, put limits on what candidates could receive from political action committees. This bill, while it does not completely abolish political action committees, goes a long way toward limiting them. For the first time this bill puts a limit on the total amount that candidates can receive from political action committees, and the facts are that had this bill been in law in the last election cycle, the amount of money contributed by political action committees to candidates running for Congress would have been reduced by 53 percent, more than cut in half. It would more than have cut in half the influence of political action committees on the election process. And yet the President said he vetoed it because it does not do enough about political action committees.

When you cut in half their influence, surely that is a positive and constructive step in the right direction, sufficient to not only keep the President from not vetoing this bill, but to have merited the President's enthusiastic support. After all, this is exactly the kind of thing that the President has talked about in the past.

Finally, he has indicated he thought it was subsidies, public financing, taxpayer financing. Mr. President, he even said there was not a sufficient description in this bill as to how the funds would be raised.

Mr. President, I know again by discussing other issues with legal counsel at the White House who are well versed, they could have told the President since this bill originated in the Senate rather than the House of Representatives, it was beyond the possibility of this bill to describe how the funds would be levied. But we did put a sense-of-the-Congress resolution in this legislation that indicated that we would not use additions to the burden on general taxpayers of this country, voter finance incentives.

We all know if we are going to have spending limits, they have to be voluntary under the Supreme Court decision in the case of Buckley versus Valeo. And, therefore, we have to have some incentives to encourage, to get candidates, just as President Bush has accepted the $200 million over a period of years for his campaign fund from the public Treasury in order that he be enticed to accept spending limits. That is exactly what he has done. He understands that. He understands that system. He has participated in it. He received $200 million of taxpayer financing from it.

And so, of course, he must be aware of the fact that there is a Supreme Court decision; that there have to be some incentives. We made it clear we do not want to pay for these incentives by taxes on the general public. We have said that in this legislation. There are all sorts of alternatives: Voluntary checkoff in which people can make a voluntary contribution through their tax returns over and above what they owe as a tax liability. There is a possibility you can have a clean Government fund of some kind setup. Some people suggest lobbyist registration fees be increased, as a matter of good Government and oversight, to bring in additional revenues in order to finance this proposal. The incentives, the lower advertising rate on television and radio that would be provided to candidates who accept spending limits.

There are many possibilities. One thing that is clear in this bill through the sense of the Congress resolution is that it would not be from any additional burdens on the general taxpayers of this country. And so, Mr. President, I can only say I hope the President will change his mind. I believe that he has been ill-advised and I truly believe that he has missed a historic opportunity to do something about a serious problem in this country.

I want to read, Mr. President, from just a few editorials that have been written since the veto by the President. One is from the Washington Post. I ask unanimous consent that the entire editorial from the Washington Post of today be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1992]

A RETROGRESSIVE VETO

Making as little noise as he could, the president over the weekend did as expected and vetoed the campaign finance reform bill. "I cannot accept legislation . . . that contains spending limits or public subsidies," he said. It's a curious point to be made by a public figure who has now accepted precisely such limits and subsidies in four presidential elections, two as a vice presidential candidate, two for president. No candidate in American history has received as much public money as Mr. Bush will have accepted in return for ostensibly abiding by spending limits by the end of this year—a total over his career of about $200 million. Whatever his reasons for rejecting the legislation, they can't have been these.

The presidential system in which Mr. Bush himself has flourished was created in the mid-1970s in response to the excesses of Watergate. It was meant to prevent precisely the kind of buying of elections that is now characteristic at the congressional level. Mr. Bush by his veto perpetuates a system that he pretends to deplore.

The problem is that the price of office has gone too high. Congress as a whole now collects more than $2.5 million in campaign funds a week; that's the year-round average, not the election-year high. The average senator must raise $12,000 a week every week of his six-year term to accumulate the $4 million he is likely to spend for reelection; a senator facing a costly race may spend three times that. The figures for House seats are comparable when adjusted for size of district and length of term—but while the problem in the Senate is the constant begging of money, the problem in the House has become its receipt. Most House members are easily able to raise much more than they need; they carry over the excess to deter future challengers. On the House side especially, much of the money comes from PACs, the giving arms of interest groups whose legislative fortunes the receiving candidates control.

It's a terrible system; the latest figures suggest it is getting worse. The Federal Election Commission reports that receipts at this stage of the two-year cycle are up about 25 percent over the comparable figure for 1989–90. Part of that is an anomaly, the result of three unusually expensive Senate races in the two largest states of California and New York. Part is also due to a healthy increase in challengers for House seats and to the unusual number of open seats on the House side particularly, where incumbents have lost in primaries or retired. Still, House incumbents have raised $92 million, up 7.5 percent from the cycle before and about six times what their challengers have raised.

The president said the vetoed bill would have perpetuated "the corrupting influence of special interests and the imbalance between challengers and incumbents." In fact, the spending limits and partial public finance would have had the opposite effect. The system he leaves in place is the one that is rotten. He calls it "seriously flawed," and so it is—but his own veto has not protected it.

Mr. BOREN. Mr. President, to quote a little bit about the veto message from the Washington Post editorial, here is what the paper has to say:

> Making as little noise as he could—

And I already mentioned that. I did not know until the very next day it had been vetoed. I understand why he would not be proud of it—

> Making as little noise as he could, the President over the weekend did as expected and vetoed the campaign finance reform bill. "I cannot accept legislation * * * that contains spending limits or public subsidies," he said. It's a curious point to be made by a public figure who has now accepted precisely such limits and subsidies in four Presidential elections, two as a Vice Presidential candidate, two for President. No candidate in American history has received as much public money as Mr. Bush will have accepted in return for ostensibly abiding by spending limits by the end of this year—a total over his career of about $200 million. * * *
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> that's the year-round average, not the election-year high. The average Senator must raise $12,000 a week every week of his 6-year term to accumulate the $4 million he is likely to spend for reelection; A Senator facing a costly race may spend 3 times that.

And then the editorial goes on to talk about the advantage that incumbents have, about the fact that House incumbents have already raised $92 million, up 7.5 percent from last cycle, and 6 times what their challengers have raised. And then it concludes:

> The President said the vetoed bill would have perpetuated "the corrupting influence of special interests and the imbalance between challengers and incumbents." In fact, the spending limits and partial public finance would have had just the opposite effect. The system he leaves in place is the one that is rotten. He calls it "seriously flawed," and so it is—but his own veto has now protected it.

That is why, Mr. President, the President of the United States should change his mind. The present system as the editorial says, is rotten. We all know it and the people of the United States know it. And then as the editorial concludes, by his own veto he has now protected it.

I also would like to read into the RECORD an editorial from the New York Times of yesterday and ask unanimous consent that the full text of that editorial also appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1992]

PRESIDENT BUSH AND THE SEWER

The Democratic Congress, finally heeding public anger, passed a solid campaign finance reform package and sent it to the President's desk. It wasn't perfect—merely a giant leap in the right direction.

So how did Mr. Bush, the self-proclaimed government reformer, respond? He raised his veto pen and killed the bill, for the thinnest, most cynical of reasons. And he did so on the weekend, while public attention was still fastened on Los Angeles.

The bill would have created a cleaner, more competitive system of public financing for Congressional races. It also would have stopped the flow of "sewer money"—the millions nominally aimed at "party-building" that evade present limits on contributions to individual candidates.

The $9 million the Republicans recently raked in at a black tie embarrassment called "The President's Dinner" is further evidence that the sewer remains wide open.

Mr. Bush dismissed the reform bill as a "taxpayer-financed incumbent protection plan." That ignores the letter he received from 32 current and former Republican Congressional challengers, who rightly lauded the reform as "necessary to level the playing field." It also ignores reality. In 1990, House incumbents had on hand $239 million; challengers had only $37.5 million.

Mr. Bush's call for abolishing all corporate and union political action committees is deceptive. Even in the event that his proposed ban passed constitutional muster, the special interest contributions would still flow, as corporate executives and union officials organized new "ideological" action committees.

But Mr. Bush's trashing of public financing is even more disheartening. A leader would explain to the public that for candidates to rely on favor seekers for funding ends up costing democracy far more than the $150 million or so in public subsidies the bill offered every two years. A leader would tell the truth: The only way to reduce the influence of corrupting private money and to help challengers is to supply public money.

By November, meanwhile, Mr. Bush will have received the benefit of more than $200 million in public financing for his four national campaigns. The voters now know from the weekend veto who's being contradictory and who's blocking reasonable reform.

Mr. BOREN. Mr. President, as this editorial States:

The Democratic Congress, finally heeding public anger, fashioned a solid campaign finance reform package and sent it to the President's desk. It was not perfect—merely a giant leap in the right direction.

So how did Mr. Bush, the self-proclaimed Government reformer respond? He raised his veto pen and killed the bill, for the thinnest, most cynical of reasons. And he did so on the weekend while public attention was still focused on Los Angeles.

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It does not say House Democrats or House Republicans, House incumbents, whether they are Democrats or Republicans, $239 million, challengers had $37.5 million. Well, Mr. President, the editorial goes on to cite other reasons why the bill should not have been vetoed but it is certainly clear that it is the current system that is an incumbent's protection plan.

I hope that the President had an opportunity to read the letter from the 32 Republican candidates for the Congress who urged him to sign this bill and the former Members who wrote so eloquently.

The article which appeared recently by former Congressman John H. Buchanan, Jr., in the Washington Post, the Republican Member of Congress from Alabama from 1965 to 1981 was I thought particularly interesting, and I ask unanimous consent that this article also appear in the RECORD in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 4, 1992]

SIGN THE CAMPAIGN FINANCE BILL

(By John H. Buchanan, Jr.)

In the midst of chaos and upheaval, Congress has passed historic campaign finance reform legislation. This legislation is long overdue. Campaign finance reform is essential to reverse the public's perception that the institution has fallen to the wolves of special interests and corruption. Unfortunately, President Bush has threatened to veto the bill—the Congressional Campaign Spending and Election Reform Act of 1992. If the president follows through on this ill-advised threat at this crucial juncture, Congress will be further damaged—leaving democracy hanging in the balance.

As a former Republican member of the House of Representatives, I've joined with Hugh Scott, Robert Stafford, Thomas Railsback and 15 other distinguished Republican alumni of Congress to urge President Bush to sign this reform package. Republican challengers from more than 20 states have also called the president to endorse this landmark initiative so that they can begin to compete on a level playing field against well-funded incumbents.

In the 11 years since I left Congress, I've watched at a distance as public respect for the institution I served faithfully has plummeted. The nation has looked on in frustration at Congress's inability to grapple with the budget deficit, the savings and loans crisis, health care and other pressing issues. Our electorate's traditional skepticism has turned to dangerous cynicism. As well, a number of members are retiring, citing their frustration at being unable to accomplish legislative goals. Further evidence of the deepening discord between the public and government, particularly elected officials, can be seen most notably in the decline in voter turnout and civic participation.

In short, the current system has muted the competition as well as discourse on issues. A growing number of incumbents run unopposed or face challengers with negligible resources to mount effective campaigns. Moreover, each successive federal election shows a marked increase in campaign spending. The average cost of running and winning in a House race has more than doubled since I won election in 1980, when the cost was almost $170,000 compared with more than $400,000 in 1990. On average, House members must now raise $4,000 per week, and senators must raise $12,000 per week to garner the resources needed to win reelection. The current system returned incumbents to office at a rate of 96 percent in 1990 even in the face of that year's alleged anti-incumbent sentiment—giving challengers little incentive to compete. And six of every seven PAC dollars go to incumbents. Our system desperately needs reforms that will level the playing field for challengers.

I firmly believe that the reforms being proposed by Congress are a significant step toward limiting the influence of money on the political process. Fundamental changes to the current campaign finance system are necessary to jumpstart our democracy by restoring credibility and respect to our democratic institutions.

Similar reforms in the presidential campaign system restored public confidence in the presidency following the Watergate scandals. With a system of voluntary spending limits, partial public financing, limits on contributions from political action committees, prohibitions on bundling practices and restrictions on the flow of soft money through the political party system, this reform package could forever transform the political landscape. In particular, the combination of voluntary spending limits and public financing will provide balance between private (interested) and public (disinterested) sources of campaign funds. This balance is requisite to lessen the negative impact of special interests on the electoral and legislative processes.

For challengers, the reforms contained in S. 3 will mean that all credible congressional candidates will be positioned to join the political debate. For incumbents, these reforms will mean an end to the degrading money chase that detracts from their ability to respond to concerns of constituents and the nation's business. Campaign finance reform will provide a welcome boost for Republicans and Democrats alike who want to challenge the status quo.

A presidential veto would be especially painful. I know that Republicans can win under the system of reforms proposed in S. 3. The Republican Party cannot continue to enjoy success in winning the presidency under a system of spending limits and voluntary public financing and losing Congress because the current rules are tilted squarely in favor of Democratic incumbents.

This legislation comes at a time of anger, frustration and disappointment in our political system. To its credit, Congress, albeit reluctantly, has responded to popular discontent by moving forward on these reforms. As the leader of our nation, President Bush can set the standard for change by approving this measure. The true beneficiaries of the reforms embodied in S. 3 will be voters who are tired of political maneuvering. Together, Congress and the president can erase the public perception that voter participation in the electoral process is meaningless because democratic institutions have been sacrificed to the highest bidder.

Mr. BOREN. Mr. President, Congressman Buchanan concludes his statement with this paragraph: "A Presidential veto would be especially painful. I know that Republicans can win under the system of reforms promised in S. 3."—promised in this bill.

> The Republican Party cannot continue to enjoy success in winning the Presidency under a system of spending limits and voluntary public financing in losing Congress because the current rules are tilted squarely in favor of Democratic incumbents.

Mr. President, I think Congressman Buchanan has it right. It has amazed me for a long time, in fact, when I first began this effort to put on campaign spending limits and to limit what political action committees could give to candidates, there were those on my own side of the aisle who said "What have you been up to? Have you entered into a plot with Senator Goldwater to try to hurt the Democratic party?"

My response to that was, no, I have entered into a plot with Senator Goldwater, Senator Stennis, who at that time was a Member of the Senate, and later with the distinguished President pro tempore, Senator ROBERT BYRD, and later with Senator MITCHELL and others who joined in the effort over a period of years, I have entered into a plot to try to make this system function as it should and to try to squeeze out of our political campaigns the excessive amount of special interest money that is there. That is the plot I have entered into.

A few years ago there were those on the other side of the aisle that absolutely were strong in their support of the political action committees; we were taking away the right of people to associate freely if we limited what political action committees could pour into the process. And then they found an interesting thing, that approximately 60 percent of the political action money was going to Democrats, and they decided all of a sudden that PAC's were an evil thing.

It was quite an unusual conversion experience. They were a good thing until they found out that 60 percent of the money from PAC's was coming to this side of the aisle instead of that side of the aisle. Then they became absolutely evil. And the President himself says they ought to be totally abolished, although he has not proposed a way to do that and meet the constitutional test.

But there was a conversion. Now, 60 percent of political action committee money did not come to Democrats because they were Democrats. It came to Democrats because they were incumbents. If there had been 60 percent Republican incumbents in Congress, if there had been a Republican Congress at that time, 60 percent of the political action committee money would have gone to Republicans. It is because it was going to incumbents.

Those who came to understand from a point of view of partisan advantage that Republicans were being disadvantaged by political action committee money coming into the system failed to understand the underlying reason for it. It is because political action committees give to incumbents.

Now, Mr. President, I am amazed that they have not understood the second basic point, and that is that spending limits, imposition of spending limits, will hurt Democrats more than Republicans because more Democrats are incumbents and more incumbents are able to exceed the spending limits than are challengers. That is a very simple and obvious point, Mr. President.

My surprise has been that those on the other side of the aisle have not seized the opportunity and tried to push spending limits into law as quickly as possible. I do not understand it.

I suppose the thing that is painful, Mr. President, is that we do understand it. I understand it. I am willing for my own political party to sacrifice some advantage that it now has. Why? Because there is something more important than being a Democrat or Republican, something more important than that. There is the national interest. There is being a good American. We do not hear that often enough around here.

All the Republicans go to one room for lunch on Tuesdays, and all the Democrats go to lunch in another room in the Capitol Building on Tuesday. All too often the talk in the Republican caucus is about what is good for the Republican Party and how we can put it to the Democrats. And the talk in the Democrat caucus is just the opposite, what is good for the Democratic Party and how can we put it to the Republicans.

Mr. President, that is how we got to the place we are. It is time we started talking about the national interest. It is time we started talking about the integrity of this political system.

I do not care whether my party is advantaged or disadvantaged by putting spending limits on candidates. I do care about what is happening to the political process of this country, and what is going to happen to this institution when we hand it on to our children and our grandchildren, and what is going to happen to this country if we do not take care of handing it on in the right condition. That is what I care about, and I think most of my colleagues care about that.

Mr. President, I wish the President of the United States had listened to those who wrote to him. I wish he had listened to the 32 past and present Republican challengers from the 32 States who called upon the President to sign the bill.

I again put into the RECORD a copy of that letter from the 32 Republican candidates. And they indicated in the beginning, they started their letter out, "As congressional challengers and loyal Republicans we urge you to sign the comprehensive campaign finance reform legislation. Such legislation is necessary to level the playing field for credible challengers and restore major fairness to the electoral process."

I wish, Mr. President, that he had heeded the letter sent to him by 17 very respected former Members, Republican Members of the House and Senate.

This letter contains some of the names of some of those people that I certainly most admired when I came to serve here, and many people on the other side of the aisle that I have admired.

That is another problem with our country right now, our process. Human friendships and cooperative working relationships between Members of both parties have come to a very reduced level. This is something that should not happen. There are many men and women of both parties who have come here to serve their country and to be admired.

I look at this letter, and I see names on it like Senator Charles McC. Mathias, one of the finest Members that ever served in this Senate. I see names like Senator Hugh Scott, who was the minority leader. I used to come here as a young man and sit in the gallery and listen to him, the Republican Senate leader, make speeches on this floor. I have known him from childhood, admired him for many years; Senator Bob Stafford, who served with many of us here, who was a real statesman and true gentleman who cared about this country; and, those 17 Republican leaders wrote to the President of the United States.

They said, "As Republican alumni of Congress, Mr. President, we urge you to sign the comprehensive campaign finance legislation making its way to your desk this week. It is necessary to level the playing field for challengers who restore a measure of fairness and decency to our electoral process." It is not only fairness, but the perception of fairness, a level playing field that would help restore the confidence of the American people and the political process itself.

So, Mr. President, I can only express my disappointment, my keen disappointment, that after years of work and effort this legislation finally was shepherded through the Congress of the United States.

Finally, the Members of Congress, both Houses, voted their better instinct to put limits on how much money they could accept from PAC's and special interests, put limits on how much money they could raise in terms of financing their political campaigns, set-aside what is an obvious partisan advantage to the majority party in both Houses of Congress, that is the ability to raise more money, because they have more incumbents—sent the bill to the President, along with the appeals from outstanding leading members of the Republican Party both now formerly Members of Congress and candidates for Congress, and the bill was vetoed.

Mr. President, I only hope we can find a way to change the President's mind. I certainly want him to make every effort to do that. I hope we will be able to override his veto this afternoon. It would be the right thing for the country. I hope there will be enough on both sides of the aisle that will reconsider how they voted on the original piece of legislation enabling us to do that.

It is not a perfect bill. This is not the bill that the Senator from Oklahoma would have written if I had the ability to write this bill all by myself without anyone else intervening or amending it. But it is a bill that goes a long way in the right direction.

One of the newspaper editorials I quoted said it is a giant step in the right direction. It does not do away with all special interest money, all PAC's. It cuts the amount political action committees can give by more than half. It still leaves incumbents or challengers with an opportunity to raise enough money to make their case but it also puts limits on spending so challengers have a chance.

This Senator would prefer to find a system that did not require incentives to get people to accept campaign contributions. I wish we could directly legislate no amount can be spent, but the Supreme Court has ruled otherwise.

We have to have incentives, dangle some incentives out in front of candidates like those that have been put before President Bush and others in both parties, Democrat and Republican. Both accepted these incentives in the past. We have to do that if we are going to have a system of spending limits under the Supreme Court decision.

We have kept those incentives to a minimum. We have kept those costs to a minimum. We provided that the general taxpayers shall not be burdened with additional taxes in order to pay for this. We will find some other way to do it, to establish a clean government fund, an approach that will be fair, single out those who should contribute to the cleaning up of political process to pay for it.

An opportunity has been missed by the President of the United States to do what he has been talking about—help clean up the system, help reform the system, stop the fragmentation in Congress, help focus more attention on the national interest, have Congress stay here and do the people's business instead of raising campaign money. They should be thinking about the national interest instead of the interest of every special interest group that might give up a $5,000 or $10,000 PAC contribution or a large number of individual contributions to a candidate. It is an opportunity missed.

But even though the veto message was rendered over the weekend, it was not missed by the American public. The American people, over 80 percent of whom want spending limits, including just as large a majority, not one percentage point of difference between how Republicans in this country feel about spending limits and Democrats, both by overwhelming majority, want spending limits. I am not talking about the Members of Congress here, incumbents who want spending limits because they are favored. I am talking about Republicans, like Republican challengers running for Congress, who want a chance, and Democratic challengers who want a chance, and the people who want to know that they count for something again instead of the almighty dollar counting for so much in the election process.

So, Mr. President, it is an opportunity missed. We can reverse the damage that has been done by voting to override the veto. If we do not succeed, we can all do our best to try to change the President's mind about this issue, as I certainly will, especially the question of spending limits and see if there is another way we can come together.

I am willing again to extend any hand to try to work on a bipartisan solution if we fail this time. It is a way to bring the President on board with true reform that will bring about spending limits.

Mr. President, if we do not succeed in that direction, all I can say is we will be back again and we will be back again and again and again until we get it done; until we get it passed, until we get it signed into law because we have that responsibility to the American people, and I believe we will be held accountable by the American people until we finish the task.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I yield the distinguished Senator from Mississippi whatever time he may desire.

The PRESIDING OFFICER. The distinguished Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I think I would begin by saying to the distinguished Senator from Oklahoma and our colleague from Kentucky that if you do not succeed first or second or third time, try, try again. I know that these two Senators have been working on this issue for a long time. You have made a little progress, but you do not have it right by any stretch of the imagination yet.

So I would say that this campaign finance reform package is fundamentally flawed. The President absolutely did the right thing to veto it. And I hope that the Senate will in short order sustain his veto. It should be sustained. And then hopefully maybe next year, in a less partisan, less political atmosphere we can really produce campaign finance reform legislation. This is not it.

To suggest that this is something that just the Republicans are opposing is absolutely ridiculous. When you go back to States across America and tell them what is in this package, I mean they would have to laugh. I described it when it came to the Senate originally as a joke. If it was a joke when it went through the Senate, it was an absolutely hilarious act after it got through in conference.

But I would like to say to the Senator from Oklahoma again that I appreciate the work he has tried to do. Frankly, knowing that he has been involved or will be involved in the future, I still have faith that we can work something out. I believe, in fact I am sure, that if we can come up with a package that both he can support and the Senator from Kentucky, it is something I will be able to vote for.

I am sorry to say that I believe what happened, in spite of the good intentions and good faith by the Senator from Kentucky who has been leading this issue, was that perhaps he had to yield on a number of issues, both in the Senate and then in the conference. One of the things that happened in the conference, when he could not get our colleagues from the House—I know those guys, because I served there for 16 years. Since they could not agree, he basically said, OK, you take it your way, and we will do it ours. I understand that, but I do not think that is the way it should be done. We should have the same rules applicable to the House and Senate.

So I just say to the Senator—and I know he has to go—keep trying, and next time let us come up with a package that genuinely can be bipartisan. It may hurt both parties a little, but it will not disadvantage either side too much, and it should be one that the American people can have faith in.

Let me talk a little about the substance here. The President's message was a very good message. I commend it to my colleagues. Read it, because it is not just negative. He explains what he sees wrong with this bill. He reminds us what he asks for, and he tells us that, in the future, if we can come up with some better agreements, that he certainly would want to go along with it. I want to particularly refer to what he asked for, because I want to emphasize that I am not opposed to campaign finance reform. I am for it. Heaven knows, we need it.

But this is not campaign finance reform. This will make a bad system worse. But the President made proposals in 1989. In his comprehensive campaign finance reform, he did want to try to reduce special interests and the powers of incumbency. He pointed out in his message: My proposal would abolish political action committees, not cut them back a little bit, not have one set of rules for the Senate and another for the House. Get this, it would allow higher PAC contributions for the House than in the Senate. Most of us do represent more than any one House Member. There are a few States where you have just one House Member at large. But most of us represent 2, 3, 4, 5, 10 times as many people in our States, as Senators, than House Members. Yet, we have the different set of rules. We do not abolish it, and then we have two different sets of rules. The House is allowed the higher PAC amount.

The proposals would, by limiting those PAC's, minimize some of the influences now of corporations, unions, and trade associations. It would protect, statutorily, the political rights of American workers, implementing the Supreme Court decision in Communication Workers versus Beck, something that has been long overdue. Now, people that are not in a union have to pay dues or fees, whatever you want to call them, which are then used politically by the union bosses; and this decision would just say that they will have some say in how their money is used or not used, as I understand it.

The President's proposal would have curtailed leadership PAC's. As far as I am concerned, eliminate those; that is fine. It would virtually prohibit the practice of bundling. It would require the full disclosure of all soft money expenditures by political parties, by corporations, and by unions. In this package we have, there is a lot of picking and choosing of who is restricted and who is not.

The President's proposal would also restrict the taxpayer-financed franking privileges enjoyed by incumbents. The President's package would prevent incumbents from amassing campaign war chests from excess campaign funds from previous elections.

Those are just a few of the proposals the President asked for in 1989. I have always thought it was curious, frankly, that a lot of House Members have campaign war chests that have built up to $400,000, $500,000, $600,000, $1 million, $2 million. I do not know. I guess the sky is the limit. Some are probably hoarding as much as $4 million over there. There are not many Senators running for reelection this year that have that much money in their war chest. There is a real question about how this is being accumulated and carried over. I think it is a practice we need to find a way to terminate.

Let me talk about some of the problems I see with this bill. To hear our friends on the other side of the aisle talk, the only solution that we need is spending limitations. Just spending limitations. Just put a cap on what you can spend. The problem is not spending; the problem is how the money is being raised, and money that is being spent that is not even being reported by people that are involved in the elections, influencing elections, buying elections, if you will, and not even reporting.

Mr. President, when I go to the plant gates and the shipyard gates and the facilities in my State of Mississippi on election day and hand out my literature at 6 o'clock in the morning, I usually have a couple volunteers with me trying to hand out the campaign literature I had to pay for, and lined up across in front of me are eight union stewards handing out my opponent's literature, which they printed up, on which, can say anything they want it to say. Did my opponent pay for that? No. Does he have to report it as something that benefits him? No. Do they have to report it? No. This is education.

It seems to me that something that has that big an influence on an election, campaign election should at least be reported. Disclosure. That is the key. Let us always disclose to the American people where we are getting our money, where it is being spent. That is the answer.

Those that are in office, incumbents—and that is Republicans and Democrats—sure, we like spending limits. Do you think some poor challenger out there in America has a chance against an incumbent that can be on television, radio, and is sending out weekly news columns? We all do it. I do it. Using the frank. There is no way a challenger is going to have a chance against that avalanche of stuff we can put out, unless he or she can buy the coverage they need to get their message across.

Let me raise another question. How would you like to be a challenger in Northern Virginia running for Congress, who has a conservative philosophy of government, who thinks it is too big, too fat, bloated, spends too much money, taxes too much, regulates too much, and basically does not like government? What do you have to contend with? The Washington Post. The Washington Post will blast you on their editorial page if you are a conservative candidate of either party for Congress in northern Virginia.

How are you going to get your message across? How are you going to tell the people you are not some sort of lowdown fink, when the Washington Post is saying: this guy probably will not vote for campaign finance reform that includes—guess what—spending limits.

The only way you get your message across if you are a candidate for Congress in northern Virginia with a conservative philosophy is that you have to pay for it. You have to buy it. Because the newspaper and the television stations are going to be kicking you every night. Unless you have the ability to get your story across and let the people look at you on television, hear you on radio, see your message in print, you are out of there.

But, fine, let us limit the spending on that guy. You know what that really is? It is muzzling him. It is controlling his ability to speak. I thought there was something in the Constitution about that. I do not know. Maybe we forgot about that. Limiting speech. Great, that is the answer to campaign finance reform in America. That is the most ridiculous allegation I have heard in this debate.

Mr. McCONNELL. Will the Senator yield.

Mr. LOTT. Yes.

Mr. McCONNELL. A very liberal Supreme Court in 1976 in Buckley versus Valeo in a pro curia opinion, with a number of separate opinions written, only one Justice out of nine felt that spending limits might be constitutional. Why, even Thurgood Marshall and William Brennan obviously felt that spending limits were clearly a violation of the first amendment. So the Senator is right on the mark. This is an attempt to muzzle speech, inconsistent with the first amendment to the Constitution.

Mr. LOTT. I thank the Senator for reminding us once again of that. I do not think we can dismiss that argument lightly. Constitutional arguments make a difference. But I have noticed from lawyers, my friends and colleagues in the Congress, sometimes we stand up and say, well, this is a constitutional matter, if it is on our side of the debate. But if we are trying to limit spending, all of a sudden we will let the courts decide that, and brush that aside. Speech and spending limitations are the fundamental question here. This is the wrong way to go. I do not think that as responsible legislators, we can do that.

I would be glad to yield, if the Senator wishes.

Mr. McCONNELL. If the Senator will yield, the Court went on to say in the Buckley case that if Congress concluded that it was so desirable to control speech and to dole it out in individual set amounts to candidates, if that was such a desirable thing, the Congress could provide a public inducement, public dollars, but no one could be compelled to limit his speech.

In this bill, if you are so brash as to say I choose not to limit my speech, I choose to speak as much as I want to, all hell breaks loose.

Mr. LOTT. Absolutely.

Mr. McCONNELL. All hell breaks loose, your opponent gets a public subsidy to match your speech from the taxpayers, you lose your broadcast discount. In fact, I say to my friend from Mississippi, there is nothing voluntary about the spending limits in this measure that the President vetoed.

Mr. LOTT. Absolutely. I will talk about that in a moment.

One other interesting thing. There seems to be a changing position quite often in the media for or against the candidate whether they want to limit the spending. I know of a situation where a statewide candidate in my State spent $3.2 million getting elected to office, and he was berated by the biggest newspaper in my State. Three years later a liberal candidate spent $4 million trying to get reelected to a statewide office, lost, but not a word was said about the fact that he raised the largest amount of money in the history of any campaign in the State. So it depends on whose ox is being gored.

People might say, all right, all right, OK, your freedom of speech argument is one we have to be concerned about. But what do we do about this inordinate amount of money.

I have a couple of suggestions and remind you of something. No 1, I repeat, the problem is not too much spending; the problem is how it is collected, how much collected, where it comes from. That is the solution. I am perfectly willing to limit contributions. I am for eliminating PAC's, not because they are illegal and not because they are even bad, but because there is a perception that they are doing something inordinately bad. So if there is a perception, I am willing to go with that. I am willing to limit PAC's. I am willing to limit individual contributions.

I would like to find some way to limit the ability of a multimillionaire or billionaire to buy office in an election. What about that superwealthy person that can put in, of his or her own money, $500,000, a million bucks, 100 million bucks? Is this something that makes you a little queasy about someone being able to spend millions of dollars running against a guy that maybe has no net worth, buying the office. But again there is a constitutional problem there. He has a right to speech, too. How do you limit a person's individual right to spend his or her own money? But there is something about it that I am not very comfortable with. I do think we should limit contributions and report where that money comes from.

Let me make one other suggestion. If we were really trying to work out a compromise bill here, when are we ever going to get around some day to limit campaigns. The thing I like about the British campaigns is they say, "Look, we will have an election," in a specified time period. Everybody knows when it is. Everybody listens. In America it goes on forever. Presidential elections, I am beginning to think, last 4 years. Races for the Senate last well over a year, running all the time. People are tired of hearing it. How about giving thought to trying to get some sort of limit on the time that campaigns take? Maybe we cannot do that. Maybe there is a constitutional problem there.

I will tell you one thing. Every time I make that point to audiences in my State, they say, "Great. I wish I only had to listen to this for 90 days, not listen to it for a year or 2 years."

People have been sending messages in the Presidential campaign all year. They sent a message with Pat Buchanan, sent a message with Paul Tsongas, sent a message with Jerry Brown, and sent a message with Ross Perot. I expect they are tired of sending messages. I hope party nominees will get the messages and let us have the election.

If this actually was intended to be a real campaign finance reform and bipartisan campaign finance reform, why was it there was not real negotiations in the Senate between Democrats and Republicans? It was reported out on the straight party-line vote. Was there a real effort to have the Republicans involved? Or was it a matter where they said, "Look, this is what we are going to go have, spending limits, do it our way, and you guys can take it or leave it." The same thing in the House. What about the conference? Where there real negotiations in conference? Absolutely not. The only question was could we get the House to be reasonable at all, and we could not. So we said, "OK, you can have a different set of rules."

There has to be a real, legitimate give and take across party lines and philosophical lines to get genuine campaign finance reform. It did not exist in this instance. You know what this is. This is another example, like every other example, of what is language in this body of absolute gridlock, gamesmanship, partisanship politics. That is what is going on with the motor-voter registration. That is what went on with the tax increase. That is what is happening with campaign finance reform. Everything is designed to set up a battle or gridlock where the Congress says, "Mr. President, we are not going to do it your way; we are going to do it our way. If you don't like it, you can veto it and it will be sustained and then we will forget it."

Do you think that American people want us to do business this way? I think they are fed up with it. I am ashamed of the way this institution is acting in matter after matter, in bill after bill that comes up here, and that is exactly what this is. There is fun and games. If they really thought the President would have signed this, they would not have passed it. That is the truth of it. They would be horrified if he had signed this bill.

Now, I do not understand what happened on the PAC's. We voted to eliminate them in the Senate. The House would not do it. A lot of people think PAC's benefit Republicans. Why, the Republicans are ready to eliminate PAC's, and all of a sudden Democrats are protectors of political action committees. They want a switch here, just because of a discovery on our part the PAC's try to buy an incumbent whoever he is? I do not know. Maybe that is it. I think it is something we could live without. We should eliminate them.

Then, as I mentioned earlier, how in the world could we come up with a bill that sets up two different sets of rules, one for the House and one for the Senate? That is a new one on me. It will not work. It could not last. Yet, that was the solution. When the Senate Democrats could not get the leadership from the House to go along, they just said, "OK, you do it your way, and we will do it ours." That is no solution.

Now, the Senator from Oklahoma, the Senator from Maine, and others can get up all they want to and say what the American people want is spending limitations. I do not believe that. But I tell you what the American people do not want and that is public financing of campaigns. They are really thrilled at the idea now we are going to start paying for our campaigns out of the General Treasury. That will be the final blow. "Boy, if we can just get our campaigns paid for by the Government, we will have everything made just like we wanted it." But check the polling data on that. Call it voluntary public financing if you want to; it is public financing. The argument that the Washington Post and other such papers make, "Gee whiz, the President has been getting it for years."

Frankly, I wish they did not have the Presidential public financing of campaigns. But I tell you what the American people are speaking on that, too. We got the checkoff, and I believe we are finding the American people are stopping checking off, those that did. Most of them never started. I never have. If I have $1 to give a candidate, I will give it to a candidate of my choice personally; I "am not" sending it through the Treasury and let them play with it, send it to the candidates they decide to run.

Some of the candidates running this year, I think they are laughing even louder. As a matter of fact, one in five taxpayers now check the box on their tax forms to designate a mere $1 in the taxes to the Presidential fund, and the

Presidential fund is going broke. I tell you another thing. When people find out the checkoff is going to pay for the political party conventions, they are liable to march on this city again. So I do not like the Presidential public financing.

I will be glad to yield to the Senator because I see he is anxious to get into this. It is one of his favorite points.

Mr. McCONNELL. A couple of observations about this public finance business. I say to my friend from Mississippi, there are votes on April 15 on public financing. We have a total poll where every taxpayer in America gets to vote. Eighty-one percent of them say do not give a dollar I already owe. This is down from 29 percent in 1976. And as the Senator mentioned, if the American public ever found out, the 19 percent who do continue to check off, if they ever found out what it went for—well, there was a focus group done by the Federal Election Commission in order to try to figure out how to get people to check off more than they have been doing.

And when the focus group found out that the political party conventions, balloons and booze, if you will, and people like Lenora Fulani were getting public funds they all turned against it. Even the interviewer for the focus group said, after learning himself what it went for, that he was not going to check his box off anymore. And these were people who were hired by the FEC to try to figure out how to get Americans to check off more than they are currently checking off.

If you wanted to pick an unpopular item out of all the things we could think of to spend money on, our campaigns would have to be at the top of the list.

Mr. LOTT. Mr. President, I say to the distinguished Senator from Kentucky—I want to tell him again I appreciate his courage and leadership on this issue. It is not easy to stand up and say I am not for this campaign finance reform because it is not real campaign finance reform, and he has done it and done a great job, and he has divulged the hypocrisy that has gone into it. I believe this is true.

One of the highest recipients of public financing of the Presidential campaign this year is a person that probably not one person in this room can name. I think it was a lady up in maybe New Hampshire. She had, I do not know, $1 million; I do not remember the amount or the name. But that is the point. You get fringe candidates nobody knows or has ever heard of or cares about getting hundreds of thousands of dollars of the people's checkoff of public financing.

Mr. McCONNELL. And our friends on the other side of the aisle want to extend that system to 535 additional races. Every crackpot in America who wakes up in the morning, looks in the mirror, and says, by golly, I think I see a Congressman, is going to reach into the cookie jar and get some of this public money. We are going to be funding people like this all across America, at costs of millions of dollars to the taxpayers of this country.

Mr. LOTT. Absolutely. Well, everybody has a threshold on campaign finance reform. I will tell you what mine is. I will go along with all kinds of different campaign finance reform suggestions and packages. I hope someday to be able to vote for a good one that would really reform elections. But I will tell you what I am not going to vote for, not now and not in the future. I am not voting for public financing of campaigns. Call it voluntary, call it mandatory, call it anything you want to, but I am not going to allow my vote to be used to get House and Senate Members' hands into its Treasury to run their campaigns.

Mr. McCONNELL. My friend makes a good point. The President has been criticized because he accepted public funding in Presidential races, as if you could not accept public funding in a Presidential race, and possibly veto public funding for Congress. Now the logic of that, I would say to my friend from Mississippi, is sort of like saying because the House has a bank the Senate ought to have a bank.

Mr. LOTT. I do not like that.

Mr. McCONNELL. There is no logic to that. Just because there is a Federal entitlement program for Presidents, that frankly is so generous that even people who do not approve of public funding like President Reagan, looked at the practical alternative to giving up this enormous public subsidy and concluded they simply could not. To argue that that is a rationale for extending this failed system which, by the way, has not done anything to curb spending on Presidential races, public funding, and spending limits, to argue that rationale, that President Bush should buy into this turkey, just sums up the absurdity of the whole process which my friend has already skillfully outlined.

Mr. LOTT. Let me go to my next point. That is, well, all right, even if you accept all these things, do you not have to acknowledge that there are some costs associated with this bill? I have seen estimates up to $100 million that it would cost the Federal Government by 1994. So there gets to be a little nagging question of how is this going to be paid for.

Well, that is taken care of in this bill in this way. Section 902, subsection (a), section 902 provides:

> The provisions of this act * * * shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of subsequent legislation effectuating this act.

Great. Do you know what that means? We do not pay for it. We are going to devise a system here that is going to cost up to $100 million for 1994 and we are not going to provide a way to pay for it. That is nothing new in this Congress. Sure we will just pass it. We will find a way to pay for it later.

No, the American people are not going to buy that deal either. This bill should have been vetoed on that basis, if none other. You cannot pass this sort of thing under our budget agreement and not pay for it. They could not figure out a way to pay for it, they could not find a way on how to agree to pay for it, and so they said we will worry about that another day. Another good, I think, proof that they never expected it, never wanted it to go in effect in reality anyway. But do not forget this bill is not paid for.

I want to touch once again on this so-called soft or sewer money. How can you have reform that sets up a process of limits, controls, and reporting in some areas but not in all areas? What they did in the conference, in the Senate bill I believe, but certainly the final bill we are looking into now, what they said is we will not require the same reporting of sewer money when it benefits us. That is all. If it benefits the Democrats, you do not have to report it. If it benefits the Republicans, we are going to restrike it, eliminate it, or require reporting.

Could we have at least included uniformity? That is all, just a little similarity here. I think we can probably work that. I cannot believe the Senator from Oklahoma, who is a respected Member of this body, would not agree to that. Report it all.

Now, some people say, well, in connection with this public financing and the volunteerism and the benefits you get if you do that. The truth of the matter is this bill just shifts the burden. We are going to say to the broadcasters, hey broadcasters, you have to pay for the extra cost here. We have to have spending limits. But to make up for those limits, we are going to allow that you get a special deal that the broadcasters pay for.

Ladies and gentleman, there never has been a free lunch and there is not now. How do you think the broadcaster is going to pay for that? They are going to pass it on somewhere, to the consumer. And we are going to give those that voluntarily participate free or better special postage rates again. You have the frank and now we are going to give you a special postage rate arrangement if you volunteer to take this public financing of campaigns.

It is just a real sleight of hand here. Yes, we will take it away over here, but we will give it back to you and we will let the private sector pay for it in the case of the broadcasters. That is really a great solution to the problems we face.

So my colleagues in the Senate, I think the President did absolutely the right thing. I am sorry. I think the people would like to see real campaign finance reform but this is not it. This bill is wrong on far too many accounts. It is a shame for it to have the title that it has of campaign finance reform. I will be glad to work with any Senator of any party, any philosophy that is serious about this issue. This is not a serious bill. And so I am glad the President vetoed it. It will be sustained. And then maybe next year we can have a real, genuine campaign finance reform.

Mr. President, I yielded floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I want to commend my friend from Mississippi for his outstanding contribution to this debate. I listened with great interest to his comments and they were all right on the mark. He really summed it up very, very well.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 88 minutes.

Mr. McCONNELL. Mr. President, I have just a couple of observations. I see the Senator from South Dakota is here, but just a couple of observations before I yield him some time.

We have heard a lot of talk about the amount of spending in campaigns, as if America was literally awash in political spending.

David Broder, the premier political reporter in the country, I think we would all agree, has referenced that very issue in a couple of columns he has written, opposing this version of campaign finance reform, the first one appearing on June 2, 1991.

Broder pointed out, in pertinent part in this article, quoting our friend from Oklahoma, he said:

> Senator Boren repeatedly warned that "the amount of money to run successfully for the House and Senate has been escalating at an alarming rate. Spending per voter in Senate races last year continued to climb, going up at the rate of $1.41 per voter spent in 1988 to $1.87 per voter in 1990."

That is David Broder quoting our good friend, Senator BOREN.

Broder goes on to point out:

> Even at that higher figure, it is less than one one-hundredth of what any of the Big Three auto companies spends on persuasion for each sale.

It goes on to point out:

> The comparison is not irrelevant. One reason the cost of campaigns is rising is that candidates are competing, not just with each other, but with all the other products and services being marketed to the American public. Why should a society that tolerates an avalanche of auto, soft drink, beer, and cold remedy advertising choke on a relatively small amount of political persuasion?

In this year's Broder column appearing on May 3, 1992, a column headlined, "Campaign Finance Farce," further observations about the so-called spending issue, Broder points out:

"That notion of 'skyrocketing' campaign spending is so firmly fixed in the public mind that it is a shock to read in Sorauf"—this is Professor Sorauf from Minnesota, who I might say is kind of the principal professor in the country on the subject of American political parties and elections. As a matter of fact I teach a course on that topic and use his text, which has been the principal text in this field for some 20 or 25 years. Referring to Professor Sorauf he said:

> It is a shock to read in Sorauf that while spending did increase rapidly in the first decade under the 1974 finance reform law, it has leveled off and actually declined since the mid-eighties. Between 1986 and 1990, actual spending in congressional races dropped 1.3 percent; adjusted for inflation, it fell by 17 percent. In constant dollars, PAC contributions also declined 4 percent in the 1986–1990 period.
>
> "Americans are shocked by total expenditures of $445.2 million in the congressional campaigns of 1990," Sorauf writes, "but in that same year Sears Roebuck, the giant merchandiser, had an advertising budget of over $1.4 billion."

Mr. President, in fact we spend about on a per capita basis what every other Western democracy does on politics. We spend less on Senate campaigns than we do on bottled water. We spend less on Senate and House races combined than we do advertising dog food, soap, or toothpaste. So why all the zeal to get rid of all of this speech is beyond this Senator.

In any event, we do not have to worry about that happening because today we are driving the final stake through the heart of this ill-advised bill.

I would say to those who think this is going to pass someday, or it is going to keep coming back—I suspect like a headache it is going to keep coming back, or a toothache. But this is not ever going to become law. Even if the Democrats were to elect a President and the President were to sign this bill, the courts will take care of it. It is blatantly unconstitutional. So those on the other side who voted aye and cringed can feel some sense of relief that the courts will protect us from ourselves.

How much time does my friend from South Dakota desire? I yield Senator PRESSLER 5 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. PRESSLER. Mr. President, I thank my colleague from Kentucky for his excellent presentation, and my colleague from Mississippi.

Mr. President, I am very interested in campaign reform as are many people in my State. I come from a small State, the State of South Dakota, where candidates for Federal office sometimes get as much as 90 percent of their money from out-of-State labor unions, business PAC's or individuals. I have noted that North Dakota, South Dakota, and some of the smaller States have some of the highest percentages of out-of-State money. I support campaigns for the House and Senate financed entirely by money from the candidate's own State. I run very low budget campaigns and have tried very hard to keep my spending down.

Mr. President, I voted for the campaign reform bill that passed the Senate last year. I believe I was one of five Republicans to vote for it. I reluctantly voted for it, saying at the time I wanted the process of campaign reform to move forward. I voted for it primarily because it eliminated political action committees.

But some very strange things happened to this bill in the conference committee, as we all know. In this election year, the conference committee designed a bill guaranteed to be vetoed by the President.

What the Democrats did in the conference of the House and Senate, was establish two sets of rules, one that just fit the incumbent Democratic House Members and another that just fit the Democratic Senate Members.

For example, labor union soft money or sewer money was not reduced. But it was for political parties. Political action committees mysteriously were restored to the Senate passed legislation which banned them. It is true that the amounts PAC's now can contribute are somewhat smaller. Labor unions can create 8 or 10 PAC's in hardly a day, at the twinkling of an eye. They will continue drawing money from the National Education Association, big labor interests, and the like. So PAC's have barely been touched by this measure.

Mr. President, the two parties raise money in different ways. Political scientists and economists have analyzed political party fundraising. The parties have slightly different bases. The core of the liberal Democrats' money comes from organized labor, the National Education Association, and similar groups. The bulk of Republican money comes from middle-class businessmen, from large business PAC's, and from individual contributors.

The fact is this bill was written in such a way that it protects fundraising of incumbent Democratic Senators and incumbent Democratic House Members, even to the extreme the bill has two different sets of rules, one for the House and one for the Senate. The conference-reported bill fits Democratic incumbents like a glove. This bill is an incumbent protection bill, a Democratic incumbents' protection bill.

Who are the losers in all this? The losers are people who want true campaign finance reform, who want to eliminate PAC's. A PAC ban is one of Common Cause's goals. It also is one of the President's goals. I have a copy of the President's veto message. He says:

My proposal would abolish political action committees (PAC's) subsidized by corporations, unions, and trade associations. It would protect statutorily the political rights of American workers, implementing the Supreme Court's decision in *Communications Workers* v. *Beck*. It would curtail leadership PAC's. It would virtually prohibit the practice of bundling. It would require the full disclosure of all soft money expenditures by political parties and by corporations and unions. It would restrict the taxpayer-financed franking privileges enjoyed by incumbents.

This bill does not do that. It runs contrary to the President's plan. His message continues:

It would prevent incumbents from amassing campaign war chests from excess campaign funds from previous elections.

So many items Common Cause and the President wanted were not included by the conference committee in this bill. This is an election year bill designed to embarrass the President. His opponents want to say he has vetoed campaign reform legislation or at least a bill called campaign reform.

Let me touch on a couple of other points. The deficit of the United States is a big problem. The legislation before us would require millions of Federal taxpayers' dollars to implement its provision. It sets out no funding mechanism to raise the required millions other than, presumably, to increase the deficit.

This bill also would do something very interesting. It would require radio and TV stations—but not the newspapers, to offer discount advertising rates to candidates.

In my State there are many smalltown radio stations that are not making much money. In fact they look to campaign years as a chance to make a little money. They are not as rich as NBC, or CBS, or ABC.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. McCONNELL. I yield to the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PRESSLER. Can these small radio and TV stations afford to discount political campaign advertising? Has someone looked into this? I know the ones in the metropolitan areas can probably afford to subsidize political campaigns, but South Dakota has a lot of marginally profitable locally-owned family run radio and TV stations providing weather and news service in small cities and towns across the State. Can they afford this? Or are we putting a burden on them that might make the difference between them staying in business or going under.

I know we like to beat up on our radio and TV stations, and newspapers. But some of the locally-owned, independent, smalltown AM and FM stations and television stations actually are struggling, at least in my State.

Mr. President, I will conclude by saying that this is an election year piece of nonsense. It does not accomplish reform. Oddly enough, I came to this town in 1974 as a newly elected Member of Congress. At that time, the introduction of political action committees was the big reform. I remember Common Cause was happy at that time with the coming of PAC's. Everybody said now we will be able to identify where the money is coming from. I have been around here long enough to see the old reforms reformed and called the new reforms. That shows you how gray my hair is getting. So when we do have a campaign finance reform, let us try to analyze it more thoroughly. Let us particularly analyze whether we are treating radio and TV stations and newspapers the same. Let us also analyze how it will affect the deficit of our country. We don't need just another incumbent's perk. We just eliminated a number of perks around here. This place went berserk eliminating perks. The only thing that's a perk in my office now is coffee. That's the only perk left.

The point is this legislation is a giant election year perk for incumbents. We are trying to eliminate perks. So I shall vote to sustain the President's veto.

Mr. McCONNELL. Mr. President, I want to thank my good friend from South Dakota for his very good statement with regard to this bill which we will finally lay to rest today.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, what I shall like to do, with the permission of the Senator from Kentucky, is to ask him a few questions about the bill and secure his own answers to those questions. Will the Senator be willing to enter into such colloquy?

Mr. McCONNELL. I will be happy to.

Mr. GORTON. Mr. President, my first question is: Is this bill in the form in which it is before the Senate now, is it not absolutely unprecedented in creating a different set of election rules for Members and candidates of the House of Representatives than it creates for Members and candidates for the Senate and, if I am correct in that, is there any justification for a different set of rules for the same Congress despite reason of their membership of one House or the other?

Mr. McCONNELL. The Senator from Washington is correct, of course. This conference report is essentially stitched together, two entirely separate measures, one applying to House races, one applying to Senate races. It is sort of a cobbled-together version that makes absolutely no sense. It is illogical to have one House of the Federal Government elected under one set of rules and another under another. It also raises a very interesting question of what happens when you have an incumbent Congressman running for the Senate, largely unanswered, totally unanswered by this conference report. With all due respect for those who voted for this, this thing is a joke. It is a laugh. it is unbelievable we spent so much time this year on this.

Mr. GORTON. The second set of questions. If this Senator remembers correctly, it was the Senator from Kentucky whose bill, which had an effective ban against political action committees, was first included, and if this Senator's memory continues to be correct, with some reluctance, that ban was accepted by the majority party and incorporated in its bill in the Senate. But the bill as returned here from conference committee, lo and behold, PAC's like cats seem to have multiple lives; is that not correct?

Mr. McCONNELL. My friend from Washington is correct in his observation. It was, in fact, the Senator from Kentucky 4 years ago who originally proposed we zero out political action committees entirely. That measure at that time, as you can imagine, was rather controversial. It had only 14 cosponsors, all of them Republicans. On the day before the Rules Committee-reported version of campaign finance was to be called up in the Senate last year, there was a switch and the majority substituted therefor and brought up a core package that adopted what had then become the Republican position of no PAC contributions at all, and that is what we passed in the Senate last year.

But alas, the Senator from Washington is correct, the PAC's are back in this conference report. And so a vote for this conference report is a vote to essentially do nothing about PAC contributions.

Mr. GORTON. On another subject and one which, in the view of this Senator, may be even more important, is this Senator correct in his understanding that while this bill limits or eliminates the ability for political parties to use so-called soft money, the very political parties which have been a part of the structure of this country for almost its entire existence, it does nothing effective to limit the use of soft money by other organizations, whether they are labor unions or special interest groups, and that soft money in unlimited amounts can come into these organizations and be used by these organizations without limitation or even attribution as to its sources?

Mr. McCONNELL. The Senator from Washington is correct. There are two kinds of soft money, soft money being defined as money spent in campaigns outside of the Federal Election Campaign Act, which limits and discloses those contributions. There are two kinds of soft money. This bill attempts to cripple the parties in the name of stemming the flow of soft money. In fact, it is the provisions of this bill that so restrict the activities of parties that are the principal motivation for David Broder's opposition to this measure because he believes that party activity is clean activity; that political parties are the only entity in America that can be counted on to support challengers and that the very last thing we ought to be doing is to restrict parties.

So this bill drives a stake through the heart of political parties under the guise of doing something about sewer money. The practical effect of that is, of course, it nails Republicans in something they do better because they have done a better job of raising money for their party than the Democrats have and does nothing whatsoever about the other kind of soft money, which is the money spent by 501(c) organizations hiding behind the Tax Code on behalf of candidates, almost all of that activity on behalf of Democratic candidates, which never shows up on a Democratic candidate's finance report, is not limited, and is not disclosed.

Mr. GORTON. And so the very contributions, as I recall, of almost a million dollars from Charles Keating to a Member of this body, which were part and parcel of one of the great historic scandals, would not be affected in any respect by this bill?

Mr. McCONNELL. Eighty percent of what Charles Keating contributed is completely unaffected by this bill because they were contributions to a tax-exempt organization that was a favorite of both a candidate and a party. It is unaffected by this.

Mr. GORTON. And finally, the heart of this bill is to take money out of taxpayers' pockets and put it into the hands of candidates and incumbents for public office in a way in which almost every, if not every public opinion survey shows the people disapprove of; is that not the case?

Mr. McCONNELL. The Senator is correct. On this issue, we have a massive public opinion poll every April 15. Voters get a chance in a massive referendum, called signing your tax return, to express their opinion on the public funding of a campaign that is already financed that way: the Presidential campaign.

Eighty-one percent of them say no to the following proposition: Do they want to divert a dollar of taxes they already owe? It does not add to their tax bill. Do they want to divert a dollar of taxes they already owe to the Presidential campaign? Eighty-one percent of the American people say no.

It is the most comprehensive survey ever conducted in America on an issue. On no other survey do you have 150 million or so respondents. So we know how unpopular public funding is. We have a referendum every April 15.

Mr. GORTON. In summary, while I note that the pretend title of this bill is the Campaign Reform Act of 1992, might it not be better to entitle it "the Campaign Fraud Act of 1992?"

Mr. McCONNELL. I think that would be an excellent title.

Mr. GORTON. I thank my distinguished colleague from Kentucky.

Mr. McCONNELL. I thank my friend from Washington.

I yield 5 minutes to my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. SIMPSON. Mr. President, that was a very excellent colloquy between my friend from Washington, Senator GORTON, and the remarkable floor manger of the bill on our side of the aisle, the Senator from Kentucky. He has truly become the Nation's watchdog on this extraordinary issue of campaign finance reform.

Mr. President, now that we are at the end of this futile and ignoble effort to impose a rawly partisan Democrat bill on this country in the guise of campaign finance reform, maybe we can now start all over again in a constructive manner. Maybe next time those who control the Congress will spend a little more time listening to the other side of this debate—just for a little while—because it is like our colleague WARREN RUDMAN said in his swan song—and I keep using his words:

> We all know what we have to do. We all really do know that in this place. We know what we have to do with the budget. We know what we have to do with defense. We know what we have to do with the entitlement programs. The issue is will we really do it? The people are not really going to spend much more time waiting for us to do it and just giving excuses.

But this is a remarkable piece of work. No one has described it better than the Senator from Kentucky. Senator McCONNELL has warned us, told us, educated us. Here we are with what really is an absurd piece of legislation where the Republican conferees just sat there, and the Democrat conferees just rammed it in their ear and said "there it is; you are going to love it." There was no participation by Republicans to any degree. The Democrats had the strategy to just get the bill down to the President; get him to veto it; and just hope it would blow up under his chair. Then they could have more fun with him; toy with him.

Well, it will not work. The President vetoed this thing and any thoughtful American has got this figured out. How in the world can you justify a reform bill which treats one House differently than another.

Republicans know what we suggested. We said let's eliminate PAC's. That is what the Republican Party in the Senate said. We will ban the sewer money, reduce the amount of money coming in from out of State individuals that bloat a politician's campaign war chest. That is what we wanted.

What the Democrats gave us and parcelleled out to the minority in a great lump, and what the President so wisely vetoed, was a bill that breathed life into PAC's. I am talking about PAC's that give money to both sides. They allowed labor unions to continue their little soft money efforts—setting up phone banks on the edge of town to tell voters that the Republican candidate is the guy who voted to take away your Social Security, your veterans' benefits, and every other known Federal program. That is the kind of reform that we as a party are not interested in. That is what we are not going to see get through here. The final indignity of this bill is that these reforms will be paid for with American's tax dollars.

What the House Democrats said they uniquely needed for reelection, they put in this report. What the Senate Democrats said they uniquely needed for their reelection they put in this final product then they wrapped it up in one great dandy, happy package and shipped this turkey in here for us to deal with.

The result is that this legislation would not provide different reforms for each House of Congress. Americans are not dumb, just disgusted. Republicans will continue to call for the elimination of PAC's, and boy, do not think they are going to do that down at the other end of the Capitol Building. This is mother's milk. PAC's are the mother's milk of the Democrat Party in the House of Representatives. That is why we have this twisted, absurd, grotesque final product.

And the final corrupting force in American politics is soft money. Republicans would ban it all, from all special interest groups. Democrats made a truly feeble and fumbling attempt to "do something about that problem," but they cynically and deliberately made a huge exception for the union soft money which benefits mostly Democrats. We refer to that as sewer money. It goes unreported to the Federal Election Commission. That was a purposeful omission on the Democrat's part. Any future attempt to rig the system to favor one political party over another should be rejected in the same manner as this ill-fated legislation was by President Bush.

So there we are. Thank Heaven we have people like Senator McCONNELL to point out these defects and stay consistent, fully informed, fully advised, fully up to speed. He is certainly our conscience in these matters.

And then to put the final touch of cynicism on this package—and the American people ought to just laugh if they can get through the tears—this bill is going to cost the taxpayers money, but the conference report says we will pay for it later. It has some nonbinding language in the report which says you cannot have a tax increase to pay for this. You cannot have it come from other programs. And it excludes an increase in the deficit as any possible funding source. Well, where else do you get money around here? If you find the place, tell us, because we really would love to know. The fact is everyone knows where the money is coming from. It is coming from the taxpayer. The American people know better than to believe this truly phony proposition.

So the Democrats decided to defy all the President's criteria, and make no effort to address the concerns of the Republican conferees. Now the game is almost over, thank Heaven. Perhaps the Democrats will be a little more accommodating on future campaign finance reform bills. Maybe they will even pay some attention to the recommendations of the poor, old, ragged Republican minority. Maybe they will pay more attention to the bipartisan task force appointed by the majority leader, our fine majority leader, GEORGE MITCHELL, and our extraordinarily capable Republican leader, BOB DOLE. Republicans did pay attention to that report, and those recommendations are at the heart of our party's alternative proposal. So I urge my colleague to sustain the President's veto of this highly partisan, rawly partisan bill, and I thank Senator MCCONNELL from Kentucky for presenting it to the American public in a way they indeed can understand it.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Kentucky.

Mr. McCONNELL. I thank the Senator for his contribution to the debate and the kind words made of the Senator from Kentucky. I very much appreciate his support during the debate. We hope next year to be able to approach it in a more bipartisan fashion.

Mr. President, I yield to the Senator from Mississippi 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky for yielding time to me.

I first want to congratulate the Senator from Kentucky for his leadership on this issue and the way in which he has gone about trying to identify the reasons why this veto of the President's ought to be sustained. He is eminently correct in the remarks he makes characterizing this bill as an incumbent protection plan, pointing out also that a taxpayer subsidy is being authorized in this legislation at a time when we are trying to get better control of the runaway deficits at the Federal level. This bill would add to those deficits.

Our Appropriations Committee just coincidentally happened to be meeting in a room on the first floor of the Capitol the day we had this bill on the floor of the Senate. The purpose of the Appropriations Committee meeting was to consider a rescission package and to report out a proposed rescission of appropriated dollars which would cancel the previous appropriations of funds for this current fiscal year.

The total amount of money involved was about $8 billion. While we were discussing that, at the same time here on the floor of the Senate we were being asked to vote approval, which the Senate did that day on a very partisan basis, of a bill that would add money to the deficit. Some estimate that would require as much as $200 to $300 million, every election cycle, in funding for the campaigns of House and Senate candidates. And this is tax money whether the taxpayer whose money is being used agrees with or supports the candidates or not. The bill also adds to the administrative costs of the Federal Election Commission which has the responsibility of administering this act.

It is complicated and complex. It is complicated the way the subsidies are described, and the spending limits, the way they are calculated. There are differences as the bill applies to House candidates and to Senate candidates. So, it is very complex and will require a lot of work and manpower and effort by the staff to implement and monitor compliance with this act. The FEC estimated, in testimony before the Rules Committee, that it would cost at least $2 million a year to administer this new program. They are spending $18 million a year in administrative costs now. So, the fact of the matter is, this is an expensive bill. It will add to the Federal deficit, and it is another good reason that the Senator from Kentucky points out that the President's veto should be sustained.

I think the President summed it up well in his veto message in the last paragraph when he said:

> Our Nation needs campaign finance laws that place the interests of individual citizens and political parties above special interests and that provide a level playing field between challengers and incumbents. What we do not need is a taxpayer-financed incumbent protection plan. For these reasons, I am vetoing S. 3.

Mr. President, I think President Bush is exactly right in characterizing the bill as he has. I hope the Senate will support the President on this issue today and vote to sustain his veto of this bad bill.

Mr. McCONNELL. Mr. President, I thank the Senator from Mississippi for his participation in this debate, not just today, but at every step along the way, very useful and constructive contribution to the discussion of this issue. I really want to express my appreciation.

Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I wish to compliment my friend and colleague from Kentucky for his leadership, and, also, I would like to concur with the comments just made by my friend and colleague, Senator COCHRAN, from Mississippi, and Senator SIMPSON, from Wyoming. I heard their comments. I think they hit the nail on the head.

This bill is really nothing but an entitlement for politicians, or you could say perks for politicians. This bill has taxpayer subsidies for candidates. That is not popular in my State. It is not popular, in my opinion, anywhere across the country. Do you really think that candidates for the House and the Senate should be subsidized by taxpayers at a time that we have these enormous deficits? Do you really think the taxpayers should be helping subsidize political campaigns? I think the answer is overwhelmingly no.

Frankly, it is disappointing to me that there is such a partisan bill because it has been very well known that if we had taxpayer subsidies in the bill, the President was going to veto the bill. So we have been wasting our time. Everyone in here knew that this bill would be vetoed. Frankly, I think everybody in Congress knows the veto is going to be sustained. So we have to go somewhat through a charade of some type because we have wasted our time.

I, for one, would like to see us do real campaign reform. I think we need real campaign reform. And that can be—I have heard many people say, "Well, we need to eliminate the special interest money." Let us do it. Let us take PAC's down to the same amount as individuals. Right now PAC's can give $5,000 per election, both the primary and the general. That is $10,000. And an individual can only give $1,000 in primary and general, or $2,000. Let us put PAC's on the same level as individuals. That will take out a lot of that special interest money. A lot of that does go primarily to incumbents. Let us take that out. Let us limit them to the same thing as individuals. That would be positive reform.

Actually, we passed that bill through the Senate. We said we would eliminate PAC's. Most of us believe that is unconstitutional. We had this fallback regime. But the bill that came back did not reduce PAC's down to $1,000. It left PAC's, reduced it in the Senate's to PAC's of $2,500 per election cycle, or cut it in half. In the House it did not even change that. In the House they can still receive $10,000 from a PAC. They call that campaign reform? I do not think so.

I mentioned I thought it was perks for politicians. I do not see why politicians should be able to buy broadcast time at one-half the rate of anybody else, the lowest rate of anybody, lower than a church in Mississippi, lower than a charitable organization in Kentucky that is trying to raise money, maybe to help somebody that has had a problem, maybe their house burned down or something. The station has a low rate that they want to give to a nonprofit organization.

This says, we want politicians running for the U.S. Congress to get one-half the rate that you charge anybody else. Do you know what the net result of that provision will be? A lot of stations do not make money, at least in my State. We have had a lot of radio stations that are just barely making it. They give a lot of time away. They are going to have to raise those lower rates up because they cannot afford to just give that much time. If they are going to say politicians get one-half the rate in election years, their minimum rate is going to go up pretty significantly. So we are going to end up charging charitable organizations a lot more because of this little perk for politicians so politicians can have rates at one-half the rate of anybody else.

Why should politicians be able to mail at 9.8 cents when most Americans have to pay 29 cents, or if you mail class 3, it is still 16.8 cents. Why should politicians get it at 9.8 cents? That is certainly a subsidy. That is certainly something. The rest of the postal payers or the taxpayers would be picking up that rate.

Why should politicians get broadcast vouchers that say, "Here is a couple hundred thousand dollars. Go out and buy some time. We are glad that you are running for Congress or for the Senate. Here is a couple of thousand dollars, $100,000. Here is a gift. You go out and buy this time. Incidentally, yes, you get to buy the time at one-half the rate of anybody else."

Then some people say this is voluntary. What they do not tell you is, if you do not participate—there is a little catch—if you decide to exceed the limit—let us say the limit is $1 million, and you think in your State, maybe it is Mississippi, you need to spend $2 million—they say it is voluntary, but, if you do not participate, your opponent is going to get $1 million. So the limit is $1 million for the general election, and you spend $2 million, and the taxpayer is going to match that $1 million if you exceed the limit of $1 million. Of course, your opponent can take that $1 million. Since he gets to buy broadcast time at one-half the rate that you do, that is equivalent to a $2 million gift.

They call this thing voluntary? It is not voluntary. It is a massive raid on the taxpayers. It has enormous expenses. We have done a little estimate. We calculated the cost to the taxpayers is in excess of $1 billion over a 6-year cycle. So we are talking about real money. We are talking about heavy Government involvement in campaigns.

Some people say, eliminate soft money. This bill does eliminate soft money for political parties, but it does not touch soft money for organized labor. Organized labor puts lots and lots, millions of dollars, of soft money into campaigns. This does not touch it. It just goes to prove that this bill really is partisan. It was written by the majority party in both Houses. It was written one bill for the Senate and one bill for the House, different bills, which makes no sense whatsoever.

It is not a fair bill. It is not a bill that deserves to become law. The veto deserves to be sustained. I hope after the veto is sustained that we will have responsible leaders. I compliment my colleague and friend from Oklahoma. He has been steadfast in his desire to see this bill go forward.

I urge him to get together with Senator MITCHELL and Senator DOLE and Senator MCCONNELL and others who have shown leadership in this bill, and let us put together a bill that the President can sign. Let us put together a bill that does reduce PAC's. Let us put together a bill that does eliminate soft money for organized labor as well as the political parties, if we are going to go that far.

Let us put together a bill that says you have to raise the majority of your money from your home State or district. I think those are good reforms. Many of these reforms can and should be agreed upon.

So I hope that we will. And I also say I do not think we will have a bill, period, unless we do work in a bipartisan fashion.

Right now, with the makeup of Congress, if it is all one party, one side, and all one party the other side, with the President being in one party and opposite of the controlling party in Congress, we are not going to have a bill. So we might as well quit wasting our time.

I urge the leaders on this issue to get together and figure out what we can pass, and let us pass it this year. We may not get the full loaf. Let us take what we can get and make some real reforms and pass something that can be signed and become law this year. Mr. President, I thank my colleague from Kentucky.

I yield the floor.

Mr. McCONNELL. Mr. President, I thank the Senator from Oklahoma. He has been a major player in this issue all along, including membership in the group who tried to negotiate this issue, with little success. He understands the issue well and has made a fine contribution. I express my appreciation.

Mr. President, I understand that Senator GRASSLEY is on his way and would like to speak. Until he arrives, I want to make a couple more observations about the Constitution.

This bill is about the first amendment, about speech. It is a serious matter. The Supreme Court has been rather clear, crystal clear, that when you start talking about limiting speech, you are treading on thin ice. I think it is good to go back to the Buckley case. I want to briefly read a couple of quotes from the Buckley case, and I will give some time to Senator GRASSLEY.

The landmark case of Buckley versus Valeo set out essentially what is constitutionally permissible and what is not. The Court was really very articulate and right on the mark. I will read directly from the case, their observations about spending limits. Here is what they said:

> A restriction on the amount of money a person can spend on political communication during a campaign necessarily reduces the quality of expression by restricting the number of issues discussed, the depths of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

Mr. President, let me read further from the decision.

The Court said in the Buckley case:

> It is clear that a primary effect of these expenditure limitation, those that had been passed by Congress back in the mid 1970's, is to restrict the quantity of campaign speeches by individuals, groups and candidates.

Then the Court reached the crux of the matter, Mr. President. Here it is:

> The concept that Government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the first amendment.

The Court went on:

> The interest in equalizing the financial resources of candidates competing for Federal office is not a convincing justification for restricting the scope of Federal election campaigns.

The Court said:

> Moveover, the equalization of permissible campaign expenditures might serve not to equalize the opportunities of all candidates, but to handicap a candidate who lacked substantial name recognition or exposure of his views before the start of a campaign.

The Court went on:

> The mere growth and the cost of Federal election campaigns in and of itself—

And the growth, of course, in congressional races, I add, is over, going down again—

> Provides no basis for Governmental restrictions on the quantity of campaign spending, and the resulting limitation on the scope of Federal campaigns.

The court said:

> The first amendment denies the Government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution, it is not the Government, but the people who must retain control over the quantity and the range of debate in a political campaign.

Mr. President, it is absolutely clear that this bill would not survive before the current Supreme Court. As I have predicted previously, if such an issue wends its way up to the Supreme Court again, it is my prediction that the current Court would find spending limits, even with the public subsidy enticement, a violation of the first amendment.

So I might say that if anything like this ever passes, I look forward to being involved in the litigation. The courts will ultimately save us from ourselves, and will not allow this kind of trashing of the first amendment.

I see that Senator GRASSLEY is here, and I yield him 6 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank the Senator from Kentucky for his leadership in this area, but most importantly, for his mastery of this subject of campaign finance reform and, I can say, his effective opposition to bad legislation that will eventually lose, thanks to a President's veto, but also thanks to the Senator's leadership.

Obviously, I am here to support President Bush's veto. I am disappointed, of course, that Congress sent the bill to him in the first place, a bill that he could not sign, when there were some very good ideas around here that could have been put together that would have brought real campaign finance reform and would have been signed by the President.

Mr. President, my colleagues have earlier, during this debate, mentioned that the American Civil Liberties Union opposes the conference report to S. 3. The ACLU says that this bill "will not solve the problems of fairness and financial equity" that proponents of this legislation claim. Even more interesting is that the ACLU points out that the limits on campaign contributions and expenditures "impinge directly on freedom of speech and association."

This is an important point to understand. Speech is what is really restricted by this legislation, our constitutionally protected right of free speech. Proponents of S. 3 argue in terms of contributions, in terms of money, and in terms of runaway spending. But, in reality, it is speech, and not spending, that is under attack by S. 3.

And if Members can pass legislation such as S. 3 that restricts the ability of challengers and their supporters to speak out against incumbents, what better incumbent protection could anyone who wants to be reelected ask for?

The Supreme Court, long ago, settled the issue in Buckley versus Valeo. The Court states that "no Government interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by campaign expenditure limitations." The Court also underscored that such restrictions would actually hurt challengers with little name recognition.

Four years ago, the Senate Democrats attempted to overturn the Buckley versus Valeo decision through a constitutional amendment. This legislation was understandably nicknamed the "Democratic incumbent protection bill." This legislation would have allowed Congress and the States to virtually prohibit all campaign expenditures. Now, of course, that is the ultimate in incumbent protection.

During the 101st Congress, a similar resolution was introduced but it had some modifications. This new version was not quite so draconian because it stipulated restrictions had to be reasonable, and whatever that means of course would be left up to the courts.

And, now according to the American Civil Liberties Union, S. 3, this campaign reform package presented by the Democrats in both the Senate and the House, represents yet another unconstitutional attack against freedom of speech.

Mr. President, I cannot help but be reminded of the embarrassing moment for this body last Congress when its Members wrapped themselves in the Bill of Rights to fight efforts of some of us in this body to protect the American flag from desecration.

We were told that we must not risk tampering with the speech clause to protect the American flag from flag burners. Yet these same Senators thought it was just fine to tamper with freedom of speech in order to protect the incumbency of Members of this body through assuring their own reelections.

It is as simple as this: If freedom of speech should be restricted at all, should it be to protect the American flag, or to protect political incumbents? Should it be to prohibit the physical burning of the flag, or the verbal burning of politicians?

Mr. President, I do not know how this affects most of my colleagues, but during the last Congress some Members felt shook up by the arguments for protecting the flag and my analogy with this legislation to amend the Constitution to protect incumbents.

And I would hope that people would feel as moved today to think in terms of what this bill does for free speech.

If you cut off spending, it is as simple as cutting off speech. It takes money to deliver your message through print and broadcast media. It takes money to pay for political travel to speak with voters. And if you cut that spending off, the one hurt most is the challenger who has not already established name recognition and who has not already enjoyed a forum to express and disseminate the challenger's views.

The problem with taxpayer funding of campaigns should be equally obvious to this body. Our budget deficit could reach $400 billion this year. Our national debt is at $4 trillion. Voluntary taxpayer contributions to the Presidential election fund is dropping off. That is the way the taxpayer is imploring us in this Congress to be a little more financially responsible. This drop in voluntary contributions to the Presidential election fund is their freely-expressed way of saying that they do not agree with that approach of financing elections.

And yet proponents of S. 3 expect us to believe that Americans want to be forced to spend several hundreds of millions of dollars, in tax dollars at that, to assure the reelection of incumbents.

Mr. President, campaign reform may be warranted, but it should be a product of bipartisan support. It should not be a product, such as S. 3, which provides income protection for the political party that has exercised a virtual lock on the control of Congress for the last four decades.

So, Mr. President, without any hesitancy at all and without any apology, I think that this legislation must be rejected again by our support of the President's veto.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, before the Senator from Iowa leaves the floor I wanted to compliment him for bringing up the constitutional amendment issue. I think it is very important. About 1½ years ago in response to suggestions that we amend the first amendment of the Constitution to prevent burning of the flag, a number of Senators, mostly on that side of the aisle but some on this side of the aisle as well, made a rather persuasive argument, it seems to me, which was the first amendment has served us well for over 200 years and had never been tampered with and that it was very dangerous to be modifying the first amendment with another constitutional amendment.

And as the Senator knows, because he is on the Judiciary Committee, and I believe the Judiciary Committee has reported out a constitutional amendment which would provide the Congress the authority in effect overruling the Buckley case, making it possible to quash speech, to quantify speech, to dole it out in equal amounts. I share the Senator's view that that would be most unfortunate, a trivialization, if you will, of the first amendment. Of all things, to modify the first amendment so people can speak less after 200 years of extraordinary success with the first amendment is a terrible idea.

Mr. President, it is such a terrible idea that even Common Cause is against a constitutional amendment. Common Cause, the principal interest group in America trying to promote spending limits on public finance, vigorously opposes tampering with the first amendment in order to achieve a goal that they desire.

So I commend my friend from Iowa for bringing up the constitutional amendment issue. It would be a most unfortunate way to go to tamper with the first amendment after all these years. I just wanted to thank him for his contribution.

Mr. GRASSLEY. If the Senator will yield, I thank the Senator very much for his kind remarks.

But in addition, if there is anything that is clear from the debate of the Bill of Rights and at the State legislature referendum after the first Congress, and most of the Court decisions, it is the importance of protecting political speech. That is the one outstanding motivation behind the first amendment. And if there would be one unacceptable compromise, extraordinary compromise of that principle, it would be to put some limit on political speech that is directly related to the political process, to what the average citizen out there might be wanting to say. Political debate would be limited. The essence of how we make decisions in this democracy is compromised by such an approach and must be rejected.

Mr. McCONNELL. Absolutely. No matter what the views of Senators about the advisability of voluntary spending limits and public finance, I hope the Senate will never trash the first amendment by constitutional amendment to provide spending limits. I thank my friend from Iowa.

Mr. President, I was about to say that the major leader had indicated to me earlier he was hoping we might be able to vote prior to 5:30. I sent the word to him as far as this Senator knows we are out of speakers on this side of the aisle. For the moment I reserve the time. Until I have a chance to confer with Senator MITCHELL further, I yield the floor.

Mr. WIRTH. Who controls the time?

The PRESIDING OFFICER. The Senator from Oklahoma controls time.

Mr. WIRTH. Is it possible to ask unanimous consent that the Senator from Oklahoma be considered having yielded 8 minutes to the Senator from Colorado?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President.

Here we are again in invisible city, almost no interest or reaction to this most important campaign finance reform bill, this extraordinarily important piece of legislation but there is almost no interest in it at all.

The President vetoed this bill, I think, with some embarrassment, Mr. President, so that that news appeared in the Saturday news—maybe he did it late Friday after the news had gone to bed. Now we are going to act on the veto override late in the afternoon, so it does not have any possibility of being part and parcel of any kind of evening news program.

Yet what is this issue, Mr. President? This issue is about a cancer that is eating up the Congress of the United States. This issue is about the fact that money across the country is out there, poised and very effectively purchasing political outcomes.

There is arrayed an increasing number of special interests that are out there standing between the people's elected representatives and the people themselves. We all know that that is happening.

You cannot tell me, Mr. President, that people who will piously say every one of my constituents gets the same reading as being level. That is not true. People who have donated from a large group a large amount of money are getting a very significant voice. As a consequence, what is happening is that our decisionmaking capability is declining. There is a lower and lower common denominator. And the people of the country are saying about their Congress, oh what is going on up there? And what do we do?

If this veto is not overridden, we just increase the amount of money we spent this year on campaigns and it will probably be increased in 1994 and again in 1996. More and more Members of Congress are out there hat in hand, cup in hand, tapping down the street asking whoever they pat on the shoulder if they would please make a contribution. Who are they asking? They are predominantly asking people who have a very, very significant interest in front of the Congress of the United States. They are asking people who already can go out there for the most part and hire a bank of consultants and a whole lot of accountants to make their case in front of the Finance Committee to come in and get lines in the appropriation bill and do all the things related to legislative process and buy even more influence.

The average individual in our society is saying to himself or herself, what is going on here? Why is this common denominator getting even lower? And it gets lower with each passing month. Here we are debating this important bill that got vetoed on a Saturday, debated late in the afternoon, the evening news having gone by, and little or no attention is paid to it. Yet we are trying to cure this virulent cancer.

Mr. President, let me ask you, was this the fact for the first operation in open heart surgey? Did that get no attention? No, the press was all over it. The country was all over it. They were interested in this issue. They knew about it. When the first artificial heart was implanted, was the press not interested, was the country not interested, were people watching it? They were watching with enormous concern because it was their vital bodily organs that they were talking about.

Well, this is the people's organ, this is the people's institution. This institution is in very, very significant trouble, in part, Mr. President, because of the cancer of money. The cancer of money is all around the institution, and we know it. People here know it and yet in a disingenuous way, they are saying, well, because of this or because of that, we cannot pass legislation.

Mr. President, I have heard that argument since I was first elected to the House in 1974. That argument has been made in 1975, 1976, 1977, on and on and on, the same weak arguments being made about not being able to do anything about this system.

But while Congress tries to do something about this system, the President, who in fact has been the largest single recipient of public funding of a shared public-private partnership passed in 1974, piously says no, and vetoed that bill.

Mr. President, if the President were going to be consistent, why did he not do the following, say "I'm not going to take any public funds. I'm going to go out and do it by myself, do it the way John Connally did it." Why did he not do that? I think people ought to catch on and they probably will not.

Let us just think for a minute what has happened since the Senate passed this bill for the first time? We had one evening of an event here in Washington, DC, in which more than $7 million—$7 million—was raised in one evening for the President's reelection campaign. Such an enormous amount of money was raised in that evening from so many interests that were piling in to get a piece of the action that the President of the United States disavowed that and had his banners taken down in the hall.

What else has happened? Four hundred thousand dollars was given in a donation from a single individual and nobody knew who it was. Nobody knew who that person was.

Now I can guarantee you, Mr. President, that that person, $400,000 later, did not intend to remain a shrinking violet and remain absolutely anonymous. Why did that individual organize and give $400,000? Do you think there was any correlation between his largess and his desire to be able to guide a political outcome?

Oh, no. We all say there is no correlation between the two. Let us be honest about the fact that, yes, there was.

In today's New York Times—another example of what has happened just since we passed the bill—a number of individuals who have major, significant problems in front of the Federal Government yet are raising money for candidates. This is a rank conflict of interest all by itself. Some of us were brought up to think about conflicts of interest.

Do you suppose there is any connection between those, Mr. President? Do you suppose there is any relationship between these individuals' willingness and eagerness to go out and raise a ton of money and then worry about the problems that they have in front of the Federal Government? I never met any of these individuals, I do not know anything about them. But it is a pretty embarrassing and tawdry state of affairs when this exists and the American public should ask and could ask what is going on here?

Mr. President, I think people do know what is going on. I think most Members of this institution are sick and tired of this demeaning money chase. They know what it does to them. They know what it does to the votes that they have to cast. The people on the outside who are giving this money are sick and tired of this. They know how wrong it is. You can talk to anyone, and they know how wrong it is.

Mr. President, we are certainly not going to be able to override this veto. The phalanx has been set up out there and there will be enough votes to sustain the President's veto and the President will then continue on and will probably have another, maybe not $7 million dinner, may only a million dollars.

We will have another anonymous donor who is just purely generous, giving hundreds of thousands of dollars. We will have other scandals that hit the newspapers sure as can be and the beat will go on and on and on and the price of elective office will go up and up and up. And our ability to have rational debate on the issues of the country will be lessened.

It is a terrible situation, Mr. President. It is a terrible situation. We all know it. And yet somehow the paralysis has hit, and we cannot do anything about it. It is an appalling situation, Mr. President.

We should all be embarrassed for the institution in this fashion. We should be embarrassed for the people of this country looking at this institution and the amounts of money cycling through here.

This is a modest attempt to make some changes; a modest attempt to make some changes. It is not perfect by any means—no piece of legislation is. There are compromises that have to be worked out. But it is a step in the right direction. It is a step to get rid of this virulent cancer, and we should do it.

Mr. President, I certainly, obviously, intend to vote to override President Bush's veto. I certainly hope that people who will vote to override the veto also can do so, hold their heads high and explain to the American public who overwhelmingly says that we know something is deeply amiss and campaign finance is a major part of that problem.

Let people go back and explain it to their constituents and let us hope that there is some attention to this. Let us hope that the press which was standing outside the door over there on the House Ethics Committee—you will remember when the report of all the people who allegedly bounced checks over there, there was a massive number of people from the press that could not wait to get that list, could not wait to get in the door, could not wait to grab hold of that, and go out and talk about that issue.

That issue, Mr. President, is irrelevant compared to what we are talking about here. It is irrelevant compared to what the relationship of this has to do with anything about the budget. It is irrelevant compared to what the relationship of this has to do with anything about the budget. It is irrelevant compared to our inability here to do anything about guns in the United States and the slaughter that is going on everywhere. It is irrelevant to our inability to break down the budget wall and to treat children in this country the way that we should who do not have a voice, who cannot raise $7 million in an evening.

That is what this is all about, and that is where this should be looked at, Mr. President, and looked at and understood in a serious way. Not the lemming instinct of looking at the House bank, even if it is a metahpor for a lot of other problems.

But the attention given to this issue is so small and the reflection of that is what is going on right here, this afternoon: disappeared, vetoed on a Saturday, disappeared, the silent Stealth issue; a Stealth-like cancer, which creeps up and wipes out that living organism. That is what is happening to us here, Mr. President. That is why we should override the President's veto.

Mr. President, noticing the fact that there is nobody here to speak on this issue at this point, I make a point of order for our grateful viewers that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I yield to myself as much time as I might require.

Mr. President, I have been listening to comments made on both sides about this matter. Of course, I have already made extensive comments about the veto message myself. I will not repeat what I have said earlier, but, simply, again to sum up by asking the question: How long are we going to wait until we do something to solve the serious problems that we have in this country with the way we finance campaigns?

When I first became a Member of the U.S. Senate I was alarmed by the fact that the average candidate for the U.S. Senate, the average successful candidate was spending $580,000 to get elected to the U.S. Senate; 14 years ago, $580,000. It seemed to me at the time to be too much money, too much time spent raising money, too much attention to raising money, too much perception on the part of those watching the fundraising process that the integrity of the candidates and the process were somehow being compromised by the amount of money that had to be raised. That was 14 years ago. And now the average successful candidate for the United States Senate does not have to raise $580,000. In the last cycle, in 1990, the average successful candidate raised $4 million in order to run for the U.S. Senate; $4 million, almost $15,000 for every single week for 6 years of a 6-year term to raise the amount of money that is necessary.

My question, Mr. President, is this: How long are we going to wait before we act? How much longer are the American people going to have to wait? The American people, according to survey after survey, in excess of 80 percent, sometimes as high as 90 percent, want to see us put limits on the amount of moneys that can be raised and spent on campaigns.

They know. The people know. We do not understand it here in the Nation's Capital. The people across this country know there is too much money in this process. They want the money chase to stop. They want us to have a competition in campaigns based upon ideas and the qualifications of candidates and solutions to the problems facing this country, not a competition based upon who can raise the most money.

So, Mr. President, I ask how long will we wait? How long will we wait before we repair a system which one leading newspaper in this country correctly called "rotten"; a system which gives such an unfair advantage to incumbents over challengers?

Until we put spending limits in place we will never have a level playing field between incumbents and challengers, not when incumbents have been able to raise, as they have so far in this election cycle, $19 for every $1 that challengers can raise. In 1990, for the House, House Members raised eight times as much, $230 million versus $30 million, compared to challengers, to run for reelection. Senate challengers do not have a chance in that it was 3 to 1. How long are we going to wait until we level the playing field between incumbents and challengers by placing spending limits in place?

Finally, how long are we going to wait before we reduce the influence of special interest groups in American politics? Over half of those running from Congress successfully in the last election received over half of that money not from the people back home but from the special interest groups, the political action committees, mainly located here in Washington, often controlled by lobbyists who are seeking special legislative favors and enactment by Members of the Congress. How long are we going to wait?

This bill, S. 3, which was just vetoed by the President very quietly over the weekend, would have, had it been in effect, cut by more than 53 percent the amount of political action committee contributions, PAC contributions, special interest money that could have been accepted by candidates in the last election.

It is a major step in the right direction. It is not a perfect bill. But it does limit spending. It does limit overall spending. It does reduce the advantage, therefore, that incumbents have over challengers and it helps level the playing field. It would have squeezed out over half the special interest money now flowing into the system, creating a perception that causes the majority of the American people, 78 percent in a poll, to say that they thought the Members of Congress cared more about the special interest groups than they cared about people like themselves.

Until we change it, we are going to continue to have problems in this country with the perception people have of this institution. How long are we going to wait? Are we going to wait, using the argument that somehow the spending of money is free speech and therefore the more money we spend the better our political process will be? The more time we spend raising money, the more money that flows in from the special interest groups, creating the perception that Members of Congress are actually almost for sale to the highest bidder in order to raise the campaign funds that are necessary? How long are we going to wait? We have waited until 82 percent of the American public said, when they are polled, they do not have confidence in this institution. Shall we wait until it is 88 percent? Shall we wait until it is 92 percent? Shall we wait until it is 99 percent?

We have waited while the cost of campaigns went from $580,000 to winning a race to $4 million to winning a race. How long are we going to wait Mr. President? Until it goes to $20, $30, $40 million; it is $60 million that will make the political process better? How long are we going to wait? How long are we going to wait before we act, Mr. President?

We had a chance to do something. The President of the United States had a chance to do something important in terms of reforming this process, in terms of cleaning up the current rotten system, and in restoring, as a former Republican Congressman, Congressman Buchanan said, restoring decency to the system.

He had a chance to heed not just appeals from this side of the aisle but appeals from the other side of the aisle as well. Thirty-two challengers, Republicans running for Congress this year, not already here, not interested in protecting the advantages of the incumbency, but 32 Republicans running for Congress this year said please sign this bill to put spending limits in place; level the playing field and give challengers a chance.

This is not for one party or the other. This is for the integrity of the political process and the ability of both sides to compete fairly on an equal basis.

All of us know the truth. I do not care what anybody can say on the floor of the U.S. Senate. The argument can be made: yes, you need to spend money in order to express yourself in political campaigns; oh, yes, we need to spend more money so we can buy more advertising time and put more of our message on the air.

Mr. President, that argument can be made. But if we were to go out and ask the American people what they think about what has happened to the political process in this country over the past 15 years we will find that the people have more common sense than to fall for that argument. We will find the people do not think the quality of political debate has gone up in this country as we moved from $600,000 to $4 million being poured into the average campaign, by more and more 30-second spots with actors on them assassinating the character of the opposition, whichever party it happens to be—more negative mudslinging, more slogans, more sound bite politics, more and more and more, and all of it paid for more and more and more by the special interest groups, with the impression more and more and more that if we are going to be spending our time and energies, we are going to be spending them on the people who can give us that campaign money that we have to have if we are going to be elected, because 99 percent of the time the candidate who raises the most money is the candidate who is going to be elected.

How long are we going to wait, Mr. President?

This institution does not belong to us. It belongs to the people. We are the trustees of this institution. We are expected to pass it on to the next generation, strong and vital and representative of the American people, a system of government of which the next generation can be proud, a system of government those young people who serve here, for example, as pages for the House and Senate will want to participate themselves in some day. We are expected to pass it on. If we do not fulfill our obligation to be trustees and set aside our party differences and our own individual self-interest—and I am sure there is not a single Member of the U.S. Senate who probably cannot raise more money than any challenger because we are here, we have the power to pass bills and grant favors now, and those challengers do not.

But how long are we going to wait, Mr. President, to meet our responsibility as trustees of this institution? How long? I hope before Members vote this afternoon, they will consider again their responsibility, not to themselves, not to the next election, not to any political party, but their responsibility to our system of government. And at the heart of it is the integrity of the election process itself. If the election process does not have integrity and fairness and an equal chance for challengers as well as incumbents and a chance for people with good ideas and good character and good qualifications who cannot raise millions of dollars to compete in this system, that is not basic to our system of government. That is not basic to what we believe in as Americans. That is not basic to what we call the American dream. It is not that any child who grows up in this country who has good ideas and works hard and has a desire to serve has a chance to be a U.S. Senator some day, if they want to be. But it is any child with good ideas who works hard, who has a lot of ability, who has the desire to serve might be a U.S. Senator some day if they can figure out which special interest group will give them the $4 million they have to have to get elected to this body.

That is not the American dream. That is not the America of which we were sent to be trustees. We have a higher responsibility. It is time for us to meet it. The President missed his opportunity to sign this bill. Let us not miss our opportunity to sign this bill. Let us not miss our opportunity to enact this bill into law over his unwise veto and let us again revitalize this institution and make it what it should be.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. BOREN. I will be happy to yield as much time as he desires to the Senator from Arizona.

Mr. DECONCINI. I thank the Chair and the distinguished Senator from Oklahoma. Mr. President, I am glad to see him get exercised. It is worth getting exercised. He asked a question this afternoon I feel somebody ought to try to answer. The question is: How long are we going to wait? He laid out a case that is overwhelming; that it is way over time; that we waited too long.

But I will tell him how long we are going to wait. We are going to wait until we have some leadership in the White House, until we have someone who wants to be honest with the American public and tell the truth, the President takes public financing for his Presidential campaign and he takes special interest money. I believe it was $9 million and not $7 million the other night in the convention center downtown that President Bush raised.

There is nothing illegal about that. I do not want to leave any misimpressions. But the public does not like it, and I doubt whether the President likes it. And yet he turns around and also makes application to the Federal Election Commission for public funds and he will receive the largest amount of money of anybody in the history who has run for President. During his tenure as Vice President and President, as has been pointed out before today, he will receive over $200 million of public taxpayers' money.

There is nothing wrong with it. We saw the problems in Watergate of special interests influencing Presidential elections, and the Congress of the United States did something about it because the people wanted something done about it. Now we have the opposition on the other side of the aisle standing up here and throwing all the bogus arguments out once again, all those arguments that say, if we just sit down together and compromise, we can put something here; that we want to wipe out PAC's, and this bill only reduces them 50 percent, and we want to put some limits on spending, but they have to be our limits.

But the truth of it is those who are opposing this bill do not want to change the system because they like it. They like it because they can raise all the money they want to, and that way they can beat anybody they want to.

I am one of the incumbents who think I can raise all the money I want to, but that is not the point. The point is that we have to put the brakes on and we have to answer the question of the Senator from Oklahoma: How long are we going to wait? We have waited far too long. The American public is sick and tired of us. They are tired of the whole process, and yet we see the opposition today give us all the arguments from first amendment rights to taking away the privilege to speak your piece, to having to pay only half the cost of television and media costs and that charities will have to pay more. That is hogwash and we know it so well and the American public, if anybody is listening, knows it. It is a shame somebody in the press does not care enough to make this an issue.

Talk about an issue. We see the issues in the House and the Senate from the Ethics Committees and we see how these are made into gigantic issues as if this republic is going to fall on those kinds of issues. And here is an issue, the Senator from Colorado pointed out, which is as bad as a cancer eating away at our very democracy. The opponents to this bill say, no, no, no, we just have to get together and sit down with the majority leader, the minority leader, and the cosponsor of the bill, the opponents of the bill, and we can put something together. So let us not pass something foolish now that commits public dollars to help finance campaigns. The justification for that is as clear as the nose on my face. It is so the special interests can run this country. I am tired of it. I think that is why so many Members are not running for reelection in the House and Senate, not because of some checks, but because they are tired of it, and the American public is tired of it.

The Senator from Oklahoma has stood here for day after day fighting for this bill. President Bush has demagoged it to the hilt while he is taking all the money in wheelbarrow loads that he can from the Federal Treasury to support his campaign for President. He says, ah-ha, we are not going to bend on this principal of having public funds supporting campaigns of congressional Members' candidacies.

It is a fraud, and those who are opposing this bill are not being totally honest as to why, because the reason, I submit, why is because they can raise the money, they want the money, and they like the system the way it is. Let us call it what it is. It is time that we answer the question of the Senator from Oklahoma, and that is: How long do we wait? I have yet to hear an answer here for several days, including today, of one good reason why we are waiting and not going to override this veto. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, as we move toward, once again, the conclusion of this seemingly endless debate that has been going on for 4 or 5 years, there has been a lot of talk about challengers and how they are affected by not only the current system but what is proposed here that, of course, is not going to pass.

I think it is interesting to note that there are twice as many challengers running this year than there was in 1990. The filing deadlines are not complete yet in all States. Obviously, there are a whole lot of challengers out there. I say this as a member of the minority party who would like to have a lot of effective challengers, aggressive challengers. There are a heck of a lot of people out there this year who think they can win and they have not been deterred by the current climate. They have been encouraged by it.

So I think the argument that has been made that this bill somehow benefits challengers is truly absurd. Not only do all the scholars in this country who look at the issue conclude the bill does not help challengers, the Supreme Court even referred to that in its Buckley decision.

Clearly there is not anybody disinterested, anybody who sits on the sideline as an observer of this issue believes this bill would help challengers.

Mr. President, we have finally arrived at the end of a very long road in the quest to enact campaign finance reform legislation.

The other side was well aware of what would happen if they continued to pursue their partisan agenda, just as they are aware of what the outcome of this vote will be.

The other side has known for a long time that we are not going to let them get away with crafting the rules of the campaign finance game in a way that cleverly benefits them and hurts the Republican Party.

They have known for long time that they cannot simply bludgeon the political parties while leaving PAC's and sewer money alone.

And they have known that they cannot put up walls to challengers while protecting the considerable advantages of incumbency.

Yet the other side has continued to push its partisan agenda; it has resolutely ignored serious reform issues like special interest sewer money; and it has brushed aside all objections and proposals raised by this side of the aisle.

Thus, one can only conclude that the other side is not serious about enacting campaign finance reform. They do not want to sit down with the President and all of us from this side of the aisle and hammer out a bill that actually could become law.

In fact, they apparently were so afraid of any bill becoming law that they loaded up this conference report with as much veto-bait as they could find—even provisions that were outside the scope of conference—just to make absolutely sure the President would veto it.

So this is not an exercise in serious legislating. It is an effort to raise a political issue, make a lot of noise, beat up on the President, but end up doing nothing.

I am not the only one who has reached this sad conclusion. David Broder, senior political commentator for the Washington Post, dubbed this whole exercise the "campaign finance farce."

He wrote recently that:

> The 1992 version of the campaign finance reform drama has been playing out according to script, with winks and leers signaling the hypocrisy.

Broder goes on to quote Prof. Frank Sorauf of the University of Minnesota, to provide what Broder calls the "proper commentary on this sickening spectacle":

> When legislators know they are not writing legislation [referring to the President's well-advertised threat to veto this bill], they write for self-protection and self-advertisement. It is an old, if not very honorable, form of symbolic politics.

At this point, I would like to insert into the RECORD this column by Mr. Broder, as well as a column he wrote last year entitled "Bogus Campaign Finance Reform."

Mr. President, the bill before us today, and the utter lack of seriousness in getting a real campaign reform bill passed, demonstrate better than anything else what upsets people about politics today.

What is one of the major objections that voters have? Government waste. So what has the other side done?

It has wasted countless legislative hours on a bill that no one expected would become law. No one.

What is another big concern of voters? The deficit—caused by rampant spending without ever figuring out how to pay for it all.

That's exactly what this bill does: It proposes a new multimillion-dollar entitlement program—for politicians—without ever figuring out how to pay for it.

As David Broder writes, "That kind of chicanery perpetuates the something-for-nothing fantasy life."

This is brilliant, Mr. President: The House has a check-bouncing scandal that could end up claiming half its Members, and the other side's response is a bill that writes the biggest rubber check in history to pay for campaigns.

It is a bit like Marie Antoinette saying to the angry mob, "Let them eat cake. And by the way, send them the bill for our next palace, too."

What else are voters sick of?

They are sick of the mentality that says the solution to every problem is yet another Government program—preferably an entitlement program.

So we have a bill before us that creates an expensive entitlement program—and this time, the welfare cases are ourselves. The voters are going to love that.

But the one thing that voters are most upset about is that they feel their representatives in Washington don't listen to them anymore.

If you want proof of that feeling, you don't have to look any further than the bill before us today.

People outside the beltway—real people—simply hate public financing of political campaigns.

The Federal Election Commission recently held some focus groups to find out why taxpayers are not checking off on their returns to support the Presidential election campaign fund.

This fund, which provides taxpayer financing for Presidential races, is sinking into bankruptcy because the number of taxpayers who check "yes" has fallen drastically since it was established.

The FEC thought that maybe taxpayers didn't really understand the concept; and that was why they weren't supporting it. So they held focus groups to explain what taxpayer financing was and how it worked.

Well, the FEC was partly right: Taxpayers did not understand how public financing worked in presidential races. They never dreamed that their tax dollars were paying for negative political ads, balloons at political party conventions, or fringe candidates like Lenora Fulani.

But once it was explained to them, the participants in these focus groups responded the way most Americans would: They went ballistic.

Nearly all of them said that they would emphatically check the box against designating a dollar of taxes they already owe to the taxpayer financing fund. And they were glad someone had finally explained this boondoggle to them.

In fact, even the researcher who conducted the focus groups—who was of necessity neutral in the discussion—came away saying that he never knew his tax dollars were being used in this way, and he would most certainly check "no" on taxpayer financing in the future.

Survey data from across the country confirms this sentiment among voters regarding taxpayer financing: In State after State, upwards of 85 percent of those surveyed say that they oppose taxpayer financing.

In many of these surveys, taxpayer financing has more negative resonance than congressional pay raises, voting against the gulf war, and voting against making Congress obey the same rules it imposes on everyone else.

A newspaper poll in Kentucky found 65 percent opposition to public financing of campaigns, even after the issue of spending limits was discussed and tested.

The annual nationwide poll on public financing—conducted on our tax returns with the dollar checkoff—shows only 19 percent of Americans support taxpayer financing. And that support is falling every year.

America despises taxpayer financing. And America wants to know: Is Congress listening?

To judge from the bill before us today, the other side apparently is not listening to what America is saying about taxpayer financing of campaigns.

What we need, Mr. President, is legislation to make challengers more competitive, to stimulate grassroots democracy, to force out special interest money, and to reduce campaign costs through a meaningful broadcast discount.

That is what the Republican alternative bill does: It provides seed money for challengers, enhances the role of political parties at the grassroots, eliminates political action committees, requires complete disclosure of special interest soft money, and reins in the single greatest cost component of campaigns—broadcast rates.

What does the Democratic bill do, on the other hand?

It insulates incumbents, protects their advantages, walls out challengers, chokes off grassroots democracy through the parties, tiptoes around the PAC's, and makes believe that special interest soft money simply doesn't exist.

And on top of that, the Democrats' bill sends an open-ended bill to the taxpayers and says, "You handle it."

This is not reform. As David Broder says, it is a farce.

If the other side really wanted reform, they would sit down with us, list the areas we agree on—like bundling, independent expenditures, the broadcast discount, special interest money—and write a bill that could pass both Houses almost unanimously.

On the other hand, if the other side prefers the status quo, they will keep wasting time with worn-out proposals that most respected scholars on the issue—Democrat and Republican—have rejected as terrible public policy.

Unfortunately, the other side appears to have decided that posturing is better than progress—that rhetoric gets you farther than reform.

We hear over and over again the same recycled nonsequitters and discredited arguments.

For example, the other side is particularly exercised that the President is opposed to taxpayer financing for congressional races, but has received hundreds of millions of dollars in taxpayer financing through the Presidential system.

As I have said before, that is like saying that the Senate should get a free bank just because the House had one.

But the reason for the President's position—and the other side knows this—is that we play under the rules as they exist—not as we might wish them to be.

That is equally true of those on the other side who are aggressively pushing for new campaign finance laws.

Even though their bill—as passed by the Senate—eliminated PAC contributions, I haven't noticed many of the cosponsors swearing off PAC's. In fact, some of them are absolutely raking it in from PAC's.

That's true on this side as well: We have legislation to prohibit PAC contributions, but most of us play under the current rules. There's nothing inherently wrong about that.

Just like there's nothing especially hypocritical about the fact that the other side claims to be for voluntary spending limits—of course, the spending limits in their bill are anything but voluntary.

Yet I haven't seen anyone on the other side volunteer to unilaterally limit their spending in their next really competitive race.

We all play by the rules as they exist today.

In the Presidential system, the spending limits are truly voluntary; because the public subsidy that you get for complying with them is so generous that only someone like Ross Perot could afford to turn it down.

John Connally also turned down public financing; he didn't get many votes; but again, he could afford to forgo the tremendous public subsidy offered in the Presidential system.

So the argument that President Bush should support taxpayer financing for congressional races just because he has accepted it in Presidential races is totally bogus. And it raises serious questions about those who support any form of campaign finance legislation but are unwilling to live under its provisions right now.

The other argument we hear about ad nauseum is the so-called money chase.

The C-SPAN cameras don't pick this up, but we are all actually wearing Nike track shoes so that we can sprint from one fundraiser to another.

And all those 2,000-plus bills that get introduced in this Chamber every Congress—many of which are covered in depth by committees, debated on this floor, amended, and voted upon—we don't introduce those bills or pass them through here.

It's all the work of gremlins. We're all hanging out at fundraisers all day.

That is the money chase myth. And it's absolutely false. Over 80 percent of the money raised for Senate campaigns is raised in the last 2 years of the election cycle. Over 80 percent.

People are not spending all their time raising money, to the neglect of their official Senate duties.

So the money chase myth is another stale piece of rhetoric that the other side continues to substitute for reform.

One other argument that we hear with increasing stridency is that Members' votes are being bought with private contributions.

First of all, no individual can give more than $1,000 per election. Most people give considerably less than that.

Even PAC's, which our bill would eliminate, can give only $5,000 per election. The average PAC contribution is about half of that.

So when we talk about the average Senate campaign costing millions of dollars, it takes an extreme leap of faith to believe that these small, disclosed contributions are buying vast amounts of influence.

But even if that were true, if Members were being bought by these contributions, the answer to that is very clear: The United States Code states that bribery and quid-pro-quos for political contributions are criminal acts with severe criminal sanctions.

Members who violate these laws are prosecuted and sent to prison where they belong. That is the correct response to corruption.

The worst possible response to corruption is to create a taxpayer-financed system with loophole-ridden spending limits that encourages wealthy special interests to influence elections outside of the campaign finance laws.

Listen to what Michael Malbin, of the Rockefeller Institute of Government, says about this:

> [Spending limits] encourage the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

What Mr. Malbin is saying here is that the system the other side is proposing will actually encourage subterfuge and corruption—not combat it.

If this bill ever became law, all of the problems of the Presidential system would be replicated by a factor of 535.

Fat cats and special interests spending millions of dollars outside the system—with no disclosure at all.

Built-in loopholes, like unlimited compliance costs for House races.

Unrestrained soft money activity by labor unions and tax-exempt corporations.

Not to mention hordes of fringe, extremist, third-party candidates like Lenora Fulani and David Duke. The Ku Klux Klan has fallen on hard times with their fundraising; but under this bill, their candidates could get tax dollars to run for office.

Mr. President, when I look at the bill before us, I can see why Americans are just plain fed up with politics and Washington.

They are fed up with rubber-check spending. They are fed up with self-insulating incumbents. They are fed up with rhetoric that masquerades as reform. And they are fed up with a Congress that seems not to care what people at home want and don't want.

Finally, I would like to say a word or two about a subject that is critical to the whole issue of campaign finance reform: The Constitution.

In 1975, the Supreme Court struck down mandatory spending limits in the case of Buckley versus Valeo.

Now, there are some from the other side of the aisle who have characterized this decision as a heinous travesty of justice. So I think it bears examining just what this radical opinion said:

> A restriction on the amount of money a person can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

Nothing very radical about that, is there?

Let's read on for just a few more paragraphs:

> It is clear that a primary effect of these expenditure limitations is to restrict the quantity of campaign speech by individuals, groups, and candidates.

Now the court reaches the crux of the matter:

> The concept that Government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.
>
> The interest in equalizing the financial resources of candidates competing for federal office is [not a] convincing justification for restricting the scope of federal election campaigns. * * * Moreover, the equalizing of permissible campaign expenditures might serve not to equalize the opportunities of all candidates but to handicap a candidate who lacked substantial name recognition or exposure of his views before the start of the campaign.

Finally, the court addresses the issue of rising campaign expenditures:

> The mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restriction on the quantity of campaign spending and the resulting limitation on the scope of federal campaigns. The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—who must retain control over the quantity and range of debate in a political campaign.

That hardly sounds offensive or radical to me. It sounds like mom, apple pie, and the first amendment.

Unfortunately, the bill before us does violence to the free speech principles enunciated in Buckley.

Although the other side has attempted to sell the spending limits in its bill as voluntary, they are about as voluntary as a loaded gun to the temple.

If a candidate decides not to limit his constitutionally protected speech, the bill unceremoniously strips away the broadcast discount rate to which he would otherwise be entitled. This nails two rights at once: free speech and equal protection.

Not only that, but if a candidate exceeds the spending limit—or even raises contributions exceeding the limit—his opponent receives a massive infusion of tax dollars. In other words, this bill uses the U.S. Treasury as a sword of Damocles against anyone with the gall to freely exercise his or her constitutional rights.

Then, if a private group decides to make independent expenditures for or against a candidate, the sword falls again: The opposed candidate gets tax money on a dollar-for-dollar matching basis.

So, if David Duke were running for the Senate in Louisiana, the B'nai B'rith decided to run ads critical of Duke's racist record, then Duke could get Federal tax dollars to counteract the B'nai B'rith expenditures.

Mr. President, not only is this bill not going anywhere in Congress, it will never be able to crawl across the street to the Supreme Court. There is no question that the court would pronounce it dead on arrival.

So this whole exercise by the other side of the aisle has been a phenomenal waste of time.

The President has done the right thing by vetoing this beltway production of a bill. It is time for us to sustain this veto—and stop wasting America's time with partisan agendas that are not going anywhere.

As I said earlier, Mr. President, there are no more speakers on this side of the aisle. I might ask my friend from Oklahoma whether he has any other speakers. If not, we might——

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I understand the distinguished majority leader does wish to make a concluding comment. I am verifying that. If so, he would be the last speaker on this side. We should have the answer to that question in just a moment.

Mr. HOLLINGS. Mr. President, I will vote against override of the veto message on the Campaign Finance Reform Act. This conference report contains both public financing of elections and voluntary spending limits. Public Financing of senatorial and congressional races would create an onslaught on the public treasury to pick up the tabs for campaigning and politicking and is nothing more than a Government subsidy for all would-be politicians and I oppose it. Voluntary spending limits are a carrot-and-stick approach where candidates enticed by the Federal financing would accept spending limits. What we need, Mr. President, are real spending limits.

Senate Joint Resolution 35, my constitutional amendment to empower Congress to place limits on campaign spending, does just that. It has been voted out of Judiciary with a favorable 9–5 vote and I hope it can be brought to the Senate for debate later this year. When the Senate considered a virtually identical amendment in 1988, 52 other Senators joined me in voting for cloture to permit an up-or-down vote. Mr. President, the need for spending limits is more urgent than ever, with the average cost of election to the Senate having risen to some $4 million and a constitutional amendment is the only way to get it done. As I have said before, Mr. President, in 1974, Congress and the President on a bipartisan basis agreed that spending limits are the only rational alternative to the current system of awarding public office to the highest bidder. Regrettably, the Supreme Court overturned that 1974 solution in Buckley versus Valeo, ruling that spending limits infringe a candidate's freedom of speech. In the same breath, however, the Court said that limits on campaign contributions were justified because the absence of such limits creates the appearance of corruption. The Court's double standard in Buckley is bizarre and it is wrong. Obviously, the absence of limits on spending by candidates creates no less an appearance of corruption.

Mr. President, my amendment, Senate Joint Resolution 35, is a narrowly drafted amendment which would allow us to impose order on the way we finance Federal campaigns. I remain committed toward working toward realistic campaign finance reform and my constitutional amendment would do so directly, decisively, and with finality.

Mr. FORD. Mr. President, despite widespread call for reform by the citizens of this country that we put an end to the money chase; and, despite the pleas by 33 Republican congressional challengers; President Bush listened to his advisers and to incumbent Republicans and vetoed the campaign finance reform bill.

President Bush's statement included the usual litany of excuses for vetoing the bill. But, perhaps the most troubling excuse was that he vetoed this bill because it is an incumbent protection plan.

Mr. President, if there is any plan which is an incumbent protection plan, it is the current system. Under the current system, incumbents outspent challengers 3 to 1. Under the current system, PAC's gave over three-fourths of their contributions to incumbents. In the Senate alone, incumbents maintain a 4 to 1 advantage over challengers in the receipt of PAC contributions.

It is the present system which kept all but one challenger from winning a Senate seat in the 1990 elections.

It is the present system in which 26 of 28 incumbents outspent their challengers. In 21 of those races, the incumbents outspent their challengers by more than $1 million each.

Under the present system, in the 1990 elections, incumbents raised $4.9 million each, while their challengers raised $1.8 million each. Incumbents raised $1 million each from PAC's, while their challengers raised less than $300,000 each from PAC's; and incumbents spent $4.5 million each, while their challengers spent $1.7 million each.

Mr. President, it is as plain as the nose on your face that the present system is the incumbent protection system. It is the present system which continues to put challengers at a disadvantage.

The President vetoed this bill because he says the bill didn't eliminate the special interest influence of PAC's. While the bill did not eliminate PAC's, it certainly imposes a greater restriction on the amount of contributions that PAC's can make. If the PAC limitations of S. 3 had been in place in the 1990 elections, there would have been a 53-percent reduction in the amount of money incumbents could have raised from PAC's.

Mr. President, I cited a statistic before that the average cost for a winning Senate incumbent in the 1990 elections was $4.5 million. That amounts to raising over $14,000 a week during a 6-year term. But some of my colleagues argue that the money chase is really a myth because most incumbents raise at least 83 percent of their contributions in the last 2 years of their term. Well, if that's true, Mr. President, then that amounts to raising almost $36,000 a week in the last 2 years of office.

Think about that, Mr. President, you need to raise almost $36,000 a week in the last 2 years of your term. More than $5,000 a day. And they say that the money chase doesn't exist. I'm sorry, Mr. President, but that dog just won't hunt.

How can we serve our constituents; how can we fulfill our constitutional duty here, if we have to raise that kind of money? It's no wonder that the American people are growing increasingly cynical about this institution.

Perhaps it was coincidence. But on the same day that the President vetoed this legislation, the FEC reported that candidates for the 1992 congressional races have raised nearly $248 million. This is $55 million more than candidates raised at this time 2 years ago.

Mr. President, while the President and his supporters in the Congress claimed that this is an incumbent protection bill, 33 Republican challengers from across the country wrote to the President and asked him to sign this bill. These challengers wrote that this legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process.

I ask you, who knows better what is in the best interest of challengers. Thirty-three Republican challengers from across the country who have challenged incumbents under the present system—and lost under the present system? Or, incumbents who won under the present system—a system that got them here and keeps them here as incumbents.

It all comes down simply to this: Who knows best whether the bill will create a level playing field for challengers, the challengers or the incumbents?

By refusing to sign this legislation, President Bush has stated that he prefers the current system. He prefers the current incumbent protection plan. And why shouldn't he? It's the very system that helps to sustain his vetoes.

Mr. President, while this veto may be sustained, let the record reflect that it was a majority of the Congress; a majority of this Senate, demanding a change to the system. A majority of the Congress; a majority of this Senate, support putting an end to the money chase.

For the first time in over 10 years, a majority of the Congress supported fundamental reform of the campaign finance system. I hope that we do not have to wait another 10 years to get a reform bill signed into law.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senator from Louisiana [Mr. BREAUX] might be allowed to proceed as if in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Could the Chair clarify, is the Senator yielding 10 minutes from the time allotted?

Mr. BOREN. How much time remains to the Senator from Oklahoma?

The PRESIDING OFFICER. Twenty-five minutes, fifty-four seconds.

Mr. BOREN. I ask unanimous consent that the time not be counted against the time available to either side on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Louisiana is recognized for 10 minutes.

Mr. BREAUX. I thank the President. I thank the Senator from Oklahoma. If the majority leader gets to the floor, I will be more than happy to curtail my remarks because I am speaking on a different subject.

HEALTH CARE IN THE 1990'S

Mr. BREAUX. Mr. President and my colleagues, as we wrestle with the very difficult job of coming up with a health care plan, there are probably as many thoughts and ideas on what we should do as we have Members of the Senate. I know the general public wants us to do something. They are not certain what we should do. They know we have a medical crisis on our hands and they want Congress to try to address it.

We have been wrestling in the Finance Committee with a number of different plans and options. We have had some outstanding hearings. We have had people representing the administration and hospitals and labor and doctors and, of course, the Congressional Budget Office, all making their presentations on what the problem is. Some have made suggestions as to what we should do to address the most serious problem facing our Nation in the 1990's, and that is the real problem of the cost of health care in this country.

We all know the facts and they are frightening. We are spending more on health care in this country, almost $800 billion, than we spend on the entire defense budget, plus buying all the cars and all the trucks in the United States, plus refueling them, plus repairing them, plus buying all of the parts for them. Add up all of those numbers and it is still not as much as we spend on health care in this country.

If you ask the average person, would daresay that most of them think they are paying most of their own bill, even if they have insurance through their employer. We have had some studies done that were a part of our hearing record, contained in faulty diagnosis, public misconceptions about health care reform in the United States. One of the interesting things that I noted in this national study was that people often overestimate how much they themselves, personally, pay for health care, believing that their out-of-pocket costs for insurance premiums and doctor bills account for 70 or 80 percent of what they spend on health care.

Just the opposite is true, as a matter of fact. The truth is that employers and Government pick up about 70 to 80 percent of the cost and individuals pick up only between 20 and 30 percent of the cost, if they have employer-provided health insurance.

It is interesting to note that, depending on which plan we choose, those of us in the Senate, those of us who are Members and employees of the Senate, pay about 25 percent of the premium for our health insurance. The Federal Government picks up 75 percent of it.

The reason I give these statistics is to raise what I think is a problem, and that is when people do not understand how much health care costs, there is little reason to exercise discipline in how they utilize health care services. There are people who do not mind going to the doctor for problems that may not require a doctor's visit or a hospital visit because some third party is paying for it. As long as somebody else is paying for it, well, we have no real discipline on how we are to spend our health-care dollars in this country.

I will be introducing legislation shortly which is not intended to solve the health care problem in America, because I think none of us are wise enough to write the definitive plan on how we do it, but to maybe solve one portion of it. There are a number of problems it is not intended to solve. It is not intended to solve the problem of 37 million Americans who have no health insurance. That is a serious problem, no question about it. I am a cosponser of the bill by the chairman of the Finance Committee to address health care problems, the Bentsen bill and I would like my proposal to be considered with it not instead of it. I also support the need to enact broader reform. But here is an idea that I think we ought to consider now, and I would like to ask my colleagues to take a look at it and consider it.

This chart represents two things. I will only cite the first example. The first example covers insurance costs in what I would consider to be middle America—Denver, CO; Peoria, IL; Cincinnati, OH; and Scranton, PA. These figures are ballpark figures, but they are accurate. The typical cost in these areas of an employer provided health insurance policy is $4,500.

I will point out that only 6 percent of the people in that area actually have claims in 1 year of over $3,000. If you think about it, that is about right. If you are a healthy person, you do not spend $3,000 a year for your health care. I have been fortunate. I do not remember a year in my life that I have ever had to spend more than $3,000 for health care, and 94 percent of the people in this particular area fall into that same category.

A point I will make, if we allow that employer, instead of paying $4,500 to buy a health insurance policy, to take $3,000 of it, as an example, and give it to an employee to put into a medical care savings account for that employee.

Under my proposal, they would have control over it. That person would be able to take that $3,000, and use it to pay for their medical care. The amount of money contributed to the account would constitute the deductible. He or she would not have to go through all of the problems of having each child meet the deductible before the insurance paid anything. He or she would have that $3,000 in his or her account, in their own name, and when he or she got sick, or the children got sick, or the spouse got sick, he or she would be able to use the money in that account to immediately pay the bill. They would not have to file any insurance form. They would immediately pay the doctor's bill or the hospital bill.

That employer who normally had given $4,500 to pay for the insurance would then have about $1,500 left that he or she would be able to use to buy a catastrophic policy for that employee. In this area we are talking about he or she could buy a catastrophic policy for about $1,395. That person, that employee would have all of his medical costs covered after the $3,000, and he or she would have his own account to pay for the first $3,000.

My legislation which we will propose, Mr. President, says that account belongs to that employee. If they lose their job, they would keep their account. It has been a big problem for employees in this country who have lost their jobs. They lose their health insurance. This would help to correct that problem because that employee would have that medical care savings account that they could take with them anywhere that they would go, and when they find a job, or even if they do not do not find a job, they would still have the money to pay for the health care costs.

The most important point I want to make in offering this is that it would instill more discipline in how the individual person buys their health care in America. They would be more selective. They would be more careful. They would be better buyers. They would be wiser shoppers. Because if they did not spend the whole $3,000 in 1 year for health care, they would keep it. And the employer the next year would give them another $3,000. They would build up their account. In the next year, they would give them another $3,000. The money would continue to build up in that individual's account.

My proposal would also allow that individual, if he or she wants to take that money out before retirement, pay a penalty on it, and also pay income tax on it, and use it for whatever purpose he or she would want to use it for. But the main purpose would be to use it to pay for their health care.

Under this proposal, I would suggest that a couple of things happen which bring about savings. No. 1, the person is more careful on how he or she buys health care services. They would shop around. They would get the best deal possible. Therefore, they would bring down the cost of health care in this country.

Second, we eliminate an incredible amount of paperwork. Right now it costs as much to process a $50 claim through insurance company, bureaucracies, as it does to process a $500 claim. Under this proposal, that paperwork would be eliminated. A person goes to the doctor for a checkup, or for a minor injury, that person does not have to fill out insurance forms. The hospital or doctor does not have to deal with bureaucratic redtape and insurance forms. No, the only thing that person does is go to the doctor, get the bill from the doctor, write him a check out of their account and there are no forms to file and no forms to fill out. Therefore we eliminate the incredible amount of bureaucratic redtape which costs a great deal to handle.

Who loses under this? Well, the employer, the business person who provides insurance does not. The employer is still giving no more than he or she gave before for health care with the possibility, very real, that it costs a little less. Second, with the idea that these plans ultimately would help to bring down health care costs in this country.

I think this is something that is very, very important. This amount that the employer gives now is already deductible to the employer. He can deduct the cost of the premium that he pays for each one of his employees. It is already deductible. Under my plan it still remains deductible and there are no losses at that point to the Federal Government whatsoever.

The PRESIDING OFFICER. The Senator is advised the 10 minutes allocated has expired.

Mr. BREAUX. I ask unanimous consent if I could have 5 minutes more with the understanding that if the leader comes, I will be more than happy to relinquish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Here is the other chart that more graphically tries to spell out what the medical care account is about. I will be doing more of these trying to help educate my colleagues and better educate myself about this concept.

It is important to note that in this fairly typical example of the area we are talking about; 94 percent of people who have insurance claims have claims that are less than $3,000 in a year. So if you give them $3,000, in a medical care savings account, you have taken care of 94 percent of the people in most parts of the United States.

Here is the explanation of the typical employer-provided health insurance plan. It costs that employer $4,500. So if we look at that $4,500, take $3,000 of it, and give it to a medical savings account for that individual to use as they see fit, you still have $1,395 remaining, which would be enough to buy an umbrella insurance policy which would cover 100 percent of that employee's health care costs of over $3,000. In this example, there is an immediate savings to that employer of $105 in the cost of his health care plan for his employee.

But I think the big concept that we are talking about here is for the first time to give more discipline to the individual on how he or she uses health care in this country.

I know that there is a tendency for many individuals as long as some third person is paying for it, Medicare, or a private insurance plan, that there is not the great discipline that I think is needed in order to be more selective, in order to be more careful, wherever you go, how often we go, and who we choose to take care of our medical needs for ourselves, and for our families.

If you add this to the reduction in paperwork, which I think is going to be obvious, because you eliminate the paperwork for 94 percent of the people in this country, you spend less than $3,000 a year for their health care, and you add additional savings to the cost of health care in this country.

Mr. President, there have been a number of people who have analyzed this concept. It is not original with me. But I have become convinced after reading the proposals that it is a worthwhile thing for us to be considering.

I ask unanimous consent that an article by William Raspberry in the Washington Post dated January 15, 1992 talking about the merits of this proposal be printed in the RECORD, as well as an article in the Wall Street Journal dated January 28, 1992, talking about this proposal and commending it to Congress for consideration and for adoption be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 28, 1992]

GIVE EMPLOYEES MEDICAL IRA'S AND WATCH COSTS FALL

(By J. Patrick Rooney)

In most of the discussions of how to control the cost of health care, the most important managers of all are left out of the equation—consumers.

Giving consumers an incentive to keep down costs is the one sure-fire way to see that it happens. And the best way to accomplish that is to see that they are spending their own money. We'd see medical costs fall if consumers had incentives to treat their medical spending the way they treat spending for any other good.

Here's how it would work: Employers would give each employee an annual allowance of, say, $3,000 or so for routine health care for him and his family—checkups, sore throats, sprained ankles, etc. That allowance would go into a fund—call it a medical IRA. If the employee spent less his allowance in a given year, he could keep it. (More on that later.) To protect the employee against the cost of medical bills above his annual allowance, the employer would continue to buy insurance.

Let's look at how this would work in an average-cost-of-living city, such as Peoria, Ill.; Scranton, Pa.; Cincinnati; or Denver.

Currently, an employer in such cities pays an average $4,500 insurance premium to cover an employee and his family; the deductible typically is $100 to $250. The premium for a policy with a $3,000 deductible, by contrast, would be about $1,500. The employer could then deposit the approximately $3,000 difference in premiums into his employee's medical care savings account. The employee would use the money in the account to pay for the first $3,000 in annual health care costs for any family member, with the rest covered by insurance. Putting real money in the employee's medical-care savings account effectively deals with his natural fear of big deductibles, because he will have employer-provided money sitting right there in the account to cover the deductible.

The following year, the employee would get an additional $3,000 or so to put into the medical care savings account, and $3,000 or so the year after that—$9,000 in three years; $15,000 in five years.

The medical care savings account would be especially helpful to the financially stressed employee. Today, even relatively small deductibles can create a hardship for, say, a divorced woman who is trying to raise two or three children. Insurance doesn't pay until she has paid the deductible first out of after-tax income. With the medical care savings account, she'll have money right there with which to pay for the first dollar of care. The objective is to have her spend wisely throughout the year, not to cause her hardships when she has to take her children to the doctor in the early part of the year.

For the single employee whose annual account deposit is half as much, or for the new employee who in the first few months on the job would not have enough savings in the account to cover the deductible, a variety of don't-be-afraid safeguards could be included. It would be a small matter to offer employees interest-free loans until the savings had accumulated.

One of the arguments for national health insurance is, "What will I do if I lose my job and then don't have insurance?" If medical care savings accounts were in general use, there would be tax-free money in the accounts to pay insurance premiums between jobs. Half of the uninsured remain uninsured four months or less and only 15% are uninsured for as long as two years. If I lose my job, or if I am out on strike, there would be money in the medical care savings account to continue my insurance.

Employers could implement such a program today without waiting for the government to make it possible. But they're not doing so—because current law makes the money tax deductible only if spent by the employer. (Some employers now offer plans that are something like this, but funds not spent by year's end revert to the employer. The result is that the incentive is for the employee to make sure that the money is spent before the end of the year, adding pressure for ever-higher health spending.)

It will take only a fairly simple modification to the tax law to let any money the employee has not consumed on medical care accumulate tax-free in a medical IRA. No new federal bureaucracy would be needed. Since employers are already spending this money tax-free on insurance premiums, the money retained in employee medical IRAs would be tax-neutral.

Such a change in the tax law would be a godsend for small employers and their workers. Small employer groups—even associations of small employers—often must pay prohibitive premiums because of high claim costs. Examples of family premiums in this category are $7,920 in Des Moines, Iowa; $9,643 in Chicago; and $8,238 in Washington.

As premiums have escalated, the healthier groups have gradually dropped out of the insurance pool. The ones who have stayed are the high users. Moderate utilizers have either decided to go bare or, in the case of one firm I know of, the owner-partners have left the group and bought individual high-deductible policies on their own. For these firms, group insurance is no longer a rational purchase.

To bring health care costs under control, insurance has to become a good-sense product again. The combination of the medical care savings account and high-deductible insurance would bring these costs back into line, and would even bring many employers back into the insurance system.

As with any IRA, an employee would be allowed to make an early withdrawal for a nonmedical purpose (a house downpayment, for instance). The employee would have to pay a 10% withdrawal penalty, and the money would become taxable income. Those taxes are revenue-positive. And, from the employee's standpoint, the money wouldn't have been there at all without the medical IRA. At age 59½, the employee could begin to draw income from the medical IRA, at which time the resulting income would become taxable and could be used for any purpose.

Wouldn't that be great?

[From the Washington Post, Jan. 15, 1992]

HEALTH CARE GIVEAWAY

(By William Raspberry)

The reason for America's health care crisis, Pat Rooney insists, is not that medical care *costs* too much but that we *spend* too much on it.

The focus on the cost of the medical care, he says, leads to proposals for imposing limits on what doctors and hospitals can charge, which medical procedures can be authorized (and by whom) and other attempts to put a lid on medical bills.

Rooney, who is head of the Golden Rule Insurance Co., says it's possible to bring down employer-subsidized health care *spending*—perhaps even bring it down dramatically—without tinkering with the cost of individual medical procedures.

He'd do it by giving the individual worker an incentive to forgo unnecessary medical treatment and to shop for the best value in cases where treatment is necessary. Here's the proposal:

"Give each worker an allowance for medical care that represents, say, two-thirds of the [per capita] money the employer is now spending for health care. Tell them that any of that money they don't spend on health care is theirs to keep—permanently. Then buy them an umbrella insurance plan for the really big medical bills that might come up: costs like injury from a bad auto accident or heart bypass surgery or the premature birth of a child.

"Then watch the cost of medical care drop."

Rooney, who was in Washington (from Indianapolis) last week to pitch his idea to staff of the Office of Management and Budget, offered an example of how it could work.

An employer making annual premium payments of $4,500 per employee family (the national average for medium-size cities) would, under Rooney's scheme, put $3,000 into each employee's medical care bank account and let the employee pay the first $3,000 of his own medical bills.

The remaining $1,500 of the employer's contribution would be used to purchase an umbrella group policy that would pay 100 percent of medical costs after the first $3,000. (Two-thirds of all medical spending at present is under $3,000 per family.)

It's a little like a deductible auto insurance policy, except the employer provides the money for the deductible amount.

But here's where the scheme gets interesting. Any of the $3,000 that doesn't get spent on medical bills belongs to the employee. If, for example, he has no medical costs for three years running, he winds up with $9,000 *to do with as he pleases*—whether to buy a car, make the down-payment on a house or finance a European vacation—with no tax liability until the money is withdrawn for some non-medical use.

The relevant point is that it would have the effect of containing medical care spending, now rising at the rate of some 17 percent a year—in part because there is little incentive for individual policyholders to keep the costs down.

To see why this is so, Rooney suggests, imagine that employers issued grocery credit cards that paid 80 percent of an employee's food bill after a $100 deductible and 100 percent after the first $5,000. His prediction: "Grocery stores would stock only the highest-priced food because that is all the employees would want to buy. Why? Because they'd be spending someone else's money. And that is why we spend so much on medical care in the United States.

There are other details, less exciting but no less vital to the economic and political viability of Rooney's proposal. Since it would involve changing the tax code (to permit employees to pay their doctor bills with untaxed cash and also to accumulate tax-free savings), provisions would have to be made for employees whose companies did not offer the plan, or for people temporarily out of work.

As clever as the Rooney proposal looks (Rooney says he borrowed major chunks of it from others) it looks even better when compared to the "play or pay" idea being advocated in Congress. Under that idea, employers (including small and marginally profitable companies) would either "play" by buying health insurance for their employees or else "pay" with an 8 percent payroll tax to cover the cost of Medicaid. The consequences, says Rooney, would include unemployment (as some employers simply couldn't afford the extra costs) and a mushrooming Medicaid, as more and more employers found it cheaper to "pay" than "play." But Medicaid pays only about half a physician's normal charges—a tolerable arrangement as long as only a tenth of the patients are on Medicaid. But what happens when the Medicaid proportion grows? Will more and more doctors refuse to take Medicaid patients—as many already do?

Rooney acknowledges that his proposal could have one unfortunate side-effect: Some people would be so seduced by the prospect of an employer-provided bank account that they'd forgo needed medical attention in order, say, to buy a car.

Says Rooney: "So? I have a car. Don't you? Why should we deny anyone else the right to make that choice?"

Mr. BREAUX. As I have said, I will conclude with this, Mr. President, that we are drafting the legislation. I have spoken to a number of my colleagues who have expressed an interest in this concept. It is not intended to be the overall solution to our health care problems but I think it is a significant and balanced start, and a move in the right direction as we wrestle with the very serious problem of health care solutions for the 1990's.

I yield the remainder of my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I understand the Republican leader would like to speak briefly prior to the majority leader. I think he is near at hand.

Mr. President, I yield such time as the Republican leader may need.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, parliamentary inquiry. Is the vote still set for 5:30?

The PRESIDING OFFICER. The Chair advises that there is no time certain for a vote. There are 27 minutes remaining on the Republican leader's side.

Mr. DOLE. Mr. President, I just want a couple of minutes. That is about all this bill deserves. When we debated this earlier on the floor, I said three things were about to happen:

First, the Democrats had the votes to pass this very flawed bill—a bill that protects the status quo by protecting incumbents, and by refusing to make the true reforms recommended by the President, by Senate Republicans and by nonpartisan campaign finance reform experts.

Second, I said that President Bush should and would veto the bill.

And third, I said the Senate would sustain that veto.

Two-thirds of what I predicted would happen has happened. And the third will happen in just a few minutes.

I am no psychic, Mr. President. I do not claim that I was the only one who could foresee what would happen. Every Member of the Senate knew precisely what would happen.

And I suspect that is why the Democrats in the House and Senate put this bill together without any sense of bipartisanship, and without any consultation with Republicans or the President.

They did not want our help because they knew that we are for true reform. They did not want our help because they knew that we are for true reform, and Republicans agree with mainstream America—we want to change the status quo—we want a campaign finance system that will promote competition in politics, not protect incumbents.

They did not want the President's help, because they knew he had proposed the total elimination of political action committees.

And as I have said before, when it comes to big PAC dollars from big special interests and big labor, it is the democrat party that has the big, big, big, advantage.

How big is the advantage? Let me share just a few numbers with you.

In the ongoing 1991-92 election cycle, labor union political action committees have given $13,887,561 to House and Senate candidates. Just short of 94 percent of that money—nearly $13 million—has been given to Democrat candidates. That leaves 4, 5, or 6 percent that must have been a mistake that went to Republicans.

These numbers are comparable to the 1989-90 election when labor unions contributed nearly $35 million to congressional candidates—with over 93 percent of that money finding its way into Democrat campaigns.

Everybody knows organized labor is part and parcel of the Democratic party, but there are always a few dollars given to Republicans, but not many.

It is obvious that the Democrats do not want true reform. It is obvious why they slapped together a political cover bill they knew would not become law—a bill so bad that even one of their usual allies, the ACLU could not even support it.

Once again, Democrats have demonstrated that their answer to every problem is getting their hands on the taxpayer's wallet. Can you imagine asking the taxpayers for more of their hard-earned dollars so politicans can pay for TV ads, bumper stickers, and highly paid consultants so they can stay in office? No. Public financing is a loser.

And so are this bill's spending limits. The proposed limits are designed to limit a lot of things, namely political change and the ability of challengers to compete. But the Democrats do nothing to limit the sources of campaign money, as Republicans have proposed, sources such as the total of big out-of-State contributions, and cash from the special interests. In other words, raise all the money you want as long as you hit the limit, whether all the money is coming from PAC's, fat cats, labor unions, and special interests in some other State—just hit the limit, claim reform, and then claim victory at the polls.

Let us face it, this bill fails the truth in advertising test. Just slapping the word "reform" on the label does not make it so.

Mr. President, yesterday, the distinguished majority leader and the Speaker of the House said some nice words outside the White House. They spoke of bipartisanship and cooperation and of doing what the American people sent us here to do.

Those words can also apply to this issue. President Bush and the Republicans stand ready to adopt true campaign finance reform.

And the American people are now watching to see if the ruling class—the Democrat incumbents who control Congress—will stand with us, or whether they just want to stand for more of the same old status quo.

Mr. President, I urge my colleagues to sustain the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I yield 2 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Thank you, Mr. President.

Since I spoke a few minutes ago, I was cornered by other Members of the body who said, "Why do you make a speech like that, trying to connect donations with political outcomes?" They said to me, "How about Charlie Keating? Look what happened. You know how Keating was involved with the Democrats."

I said, "How about Charlie Keating?" Maybe we ought to look at the Keating situation. If you will remember, during all of the hearings that were held on Keating and Keating's relationship with the so-called Keating Five, Jim Grogan, who was the right hand to Mr. Keating, testified that in fact what happened was that Keating gave up on the Senate, because it served no productive purpose. The Senate could not deliver what Keating wanted.

The regulators were still being recalcitrant and Keating gave up on the Senate and went to the White House.

What did he do at the White House? He became a member of Team 100. He gave $100,000 to the Bush election campaign in 1988.

What did he get for it? Anything?

Well, first of all, all of the papers that have been sent up from the thrift regulators to the Justice Department in 1987 got put aside—papers on Keating's conduct, which people in the Congress were told by the regulators ought to be looked at by the Justice Department.

And, second, the then head of the FSLIC took the Keating case away from the regulators in the regional office in California, brought it back to Washington, and decided that Keating should be allowed to continue operations.

So I just wanted to take the floor to say that it seems to me that in discussing Keating it is all right there. Keating's own guy said that Keating had been attempting to purchase political outcomes. He was getting nowhere with the Senate. He was getting nowhere with the regulators and Senate pressure.

So Keating turned his attention to the White House, and joined Team 100. Keating got the case brought back from the regulators in California and in a lenient ruling from Washington was allowed to continue to work, continue the operations of Lincoln Savings and Loan.

I just wanted to take the floor to answer very clearly there is a very clear connection. It is certainly not an anecdotal connection and it is one I suspect most people will want to draw that line—that these outcomes are perhaps connected to a significant contribution.

Mr. President, that is what this legislation is all about and that is what we ought to be tending to. We ought to be cleaning out this and this is one step in that direction.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, there has been lengthy debate on the subject of campaign finance reform today and over many months and years prior to today. I recognize that many Senators have other obligations and, therefore, I will limit my remarks and I anticipate that a vote will occur on the pending matter at approximately 6 p.m., to give Senators time to prepare their schedules accordingly, and that will be the only rollcall vote this evening. There will be no further rollcall votes thereafter.

I will during the vote and following discuss with the distinguished Republican leader the proposed schedule for proceeding thereafter, and I will announce that to the Senate before the Senate concludes its business today.

Much disagreement has been expressed during the debate today and in the preceding months. But on one important aspect of the matter, there has been no disagreement, and that important aspect is that the system under which campaigns are now financed and conducted needs change.

I did not listen to every word spoken in the debate, but I listened to a great deal of it. I did not hear anyone, during the time I listened, defend the current system as what we ought to have and what we ought to continue. There is, if not unanimity, a broad consensus in the Senate, in the Congress, in the country that we ought to change the system by which Federal election campaigns are financed and conducted.

The change must begin with the heart of the problem, and that is the dominant, increasing, overwhelming role which money plays in the election process. The cost of campaigns is spiraling and the result is, as virtually every American citizen knows and agree, that American political campaigns are too long and expensive. If we can reduce the cost, the length will necessarily be reduced and we can, hopefully, produce campaigns devoted more specifically to issues, less dependent upon the kinds of tactics, the now famous 30-second attack spots, which have so come to dominate political campaigns in recent years.

The bill, which both the House and Senate passed by substantial majorities, reflecting the clear will of a majority of Members of the Senate, the clear will of a majority of Members of the House and, in my opinion, the clear will of a majority of Americans, will have begun the process of reform by putting a limit on the amount that is spent in political campaigns. That is the heart of the problem. It must, therefore, be the heart of the solution. There must be limits on the amount of money spent in political campaigns. That is the central element of the bill now before us.

The Senators who believe in genuine reform based upon the limitation of spending should vote for this bill and to override the President's unfortunate and, in my judgment, most unwise veto.

The bill also eliminates some of the most egregious practices in fundraising which have also been denounced by almost all concerned—the so-called soft money, sewer money—that permits very large contributions that would not be permitted under the law if they were made to candidates and which are now made in a way that is intended to benefit candidates and avoid the requirements of the law. It is a travesty and a tragedy when American political candidates—of both parties, I might add—in the Congress and running for President pursue actions which everyone knows contradicts the spirit of the law and are plainly intended to evade the requirements of the law. And yet that is what is going on in American politics today.

And let it be said clearly and with no equivocation, this is not a problem that involves just one party. It involves both political parties. It infects and infests the entire system and is one reason why so many Americans today are turned off by the political process and are turned off by both parties.

The American people want change. The American people want reform. This legislation would provide change. This legislation would ensure reform. And that is what makes the President's veto of this bill so deeply regretful.

I will describe just briefly and respond to the reasons stated by the President for the veto.

First, that it includes some public funding. The best answer to that is that the President has voluntarily participated in a public funding spending limit process four times and, by the end of this year, will himself be the recipient of more than $200 million in public funding. It is difficult to square those actions—and I emphasize those are voluntary actions; there is nothing in the law which has compelled the President to participate in the system—it is difficult to square those actions with the President's veto message. Indeed, they are inconsistent, and the fact is that the practices pursued by the President are the opposite of the statement also made by the President.

The second reason is that the bill does not eliminate completely political action committees. But it should be made clear, there should be no misunderstanding that the President himself has never proposed the complete elimination of political action committees. The President has proposed the abolition of some political action committees while he would permit others to continue in existence, recognizing that an outright ban would be unconstitutional. But, of course, permitting some means that those that would be disallowed under the law would quickly reform and there would be a new proliferation of political action committees. Nothing would have been solved. The problem would, in fact, have been made worse.

The bill takes the reasonable and constitutional step of limiting the amount that political action committees can give, actually reducing the amount that such a PAC could give to a candidate for the Senate. This is responsible legislation. It is important legislation. It is one way in which we in the Senate can begin to raise the status of the institution of Congress in the eyes of the American people by eliminating the abusive, demeaning practices that are now employed in the financing conduct of American political campaigns.

In short, Mr. President, we can do better than the current system. Everybody knows that. Every Member of this Senate is demeaned by this process. We should do better.

This bill will enable us to do better. I urge the Senate to vote to override the veto.

Mr. President, I yield back the remainder of time on the part of the proponents of override.

The PRESIDING OFFICER (Mr. WELLSTONE). Do the opponents yield back their time?

Mr. McCONNELL. I yield the remainder of my time.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—57

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth
Wofford

NAYS—42

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Hollings
Kassebaum
Kasten
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Metzenbaum

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 42. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

The majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I am going to be meeting shortly with the distinguished Republican leader regarding the schedule for the remainder of the week and for the next week prior to the recess. I expect to have an announcement on that shortly. In the interim, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.N. SECRETARY GENERAL BOUTROS-GHALI DISCUSSES "INTERNATIONAL PEACEKEEPING IN A MULTIPOLAR, MULTIETHNIC WORLD"

Mr. PELL. Mr. President, this morning, I had the honor of introducing Dr. Boutros Boutros-Ghali, the recently elected Secretary General of the United Nations, when he gave the ninth annual David M. Abshire lecture sponsored by the Center for Strategic and International Studies [CSIS] here in Washington, DC.

For me this was a double honor, not only to present the Secretary General to a distinguished invited audience in the auditorium of the Dirksen Senate Office Building, but also to help pay tribute to David Abshire, our very able and distinguished former Assistant Secretary of State for Congressional Relations and U.S. Ambassador to NATO. David Abshire has been the long-time president of CSIS, and this year's lecture in the series that bears his name marks the 30th anniversary of the founding of the center.

It is particularly appropriate that Dr. Boutros-Ghali would give this lecture under the auspices of CSIS, because he himself has been a participant in CSIS programs as far back as 1976. He is now in the fifth month of a 5-year appointment as Secretary General.

Dr. Boutros-Ghali takes over his position in the United Nations at an extraordinary time in history. With the end of the cold war, the United Nations is at last in a position to attain some of the high hopes that we who were present had for it at its founding 47 years ago in San Francisco.

In the last few years, the United Nations has had an extraordinary role in serving its collective security purposes and in resolving regional conflicts. When Iraq invaded Kuwait, the United Nations moved to protect this small member state. The United Nations imposed economic sanctions and eventually authorized the use of force. While the military operation was not U.N.-flag operation, the legal framework for collective action provided by the U.N. Charter and Security Council decisions was essential to the global support for the undertaking. For the first time, the world community and not individual states became the arbiter of the use of force. This is a key step to moving to a more peaceful world. Of course, the U.N. role in the Iraq-Kuwait conflict will also serve to deter other potential lawbreakers.

The end of the cold war has enabled the world community to get on with resolving such regional conflicts as existed in Namibia, Afghanistan, Cambodia, El Salvador, Nicaragua, Angola, and Western Sahara. U.N. efforts have not been equally energetic or successful in all these conflicts, but the common denominator has been an active U.N. role in helping the parties reach a result. The changing world has presented new crisis, notably in Croatia, Bosnia-Hercegovina and Nagorno-Karabagh that demand U.N. attention.

The end of the cold war has imposed major new burdens, including financial burdens, on the limited resources of the United Nations. Before we complain too much about these costs, two points must be kept in mind. First, these costs are costs associated with peace. While they may increase the U.N. budget, they involve enormous net savings to the world community, including to the United States, by ending far more costly armed conflict. Second, the high costs of peacekeeping and peacemaking are a temporary phenomenon. When the cold war regional conflicts are resolved, thanks to U.N. peacekeeping, there is every reason to hope the peace will hold. And, while the end of the Communist empire has spawned its own conflicts, this is a matter of the transition period. Here, too, there is every reason to hope that the extraordinary demand that now exists for U.N. peacekeeping is only the temporary price of the extraordinary revolution that has transformed our world.

A more peaceful world will enable the United Nations to act creatively in addressing other threats to mankind's well-being and even existence. This includes the problems of weapons proliferation, the need to establish a global regime based on democracy and respect for human rights, the threat posed by environmental degradation and the social disorder arising out of global poverty.

It is an exciting time for the United Nations, and I envy Dr. Boutros Boutros-Ghali in his new assignment. He is exceptionally well qualified to take advantage of the opportunities of the United Nations and the challenges of the new world order. Dr. Boutros-Ghali is an Egyptian patriot who has served his country in the United Nations, to the Organization of African Unity, and as a key negotiator in the Camp David process that brought peace between Egypt and Israel. He is a former parliamentarian, Minister of State for Foreign Affairs, and Deputy Prime Minister. He holds a doctorate in international law from the Sorbonne and has had a long-time scholarly and political association with many in this room.

The Secretary General's lecture this morning was entitled "International Peacekeeping in a Multipolar, Multiethnic World," and it is an excellent review—and preview—of the United Nations activities now underway. To bring his text to a wider audience I ask that it be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. BOUTROS BOUTROS-GHALI THE SECRETARY-GENERAL OF THE UNITED NATIONS, NINTH ANNUAL DAVID M. ABSHIRE LECTURE, MAY 13, 1992

FROM PEACE-KEEPING TO PEACE-BUILDING

Introduction

It is a special pleasure for me to give an address in honour of my friend and colleague, David Abshire. This distinguished gathering is a tribute to the mutual understanding that lies at the heart of the relationship between the United Nations and its host country. It is David Abshire's extraordinary contribution to the development of informed understanding in international relations which is rightly celebrated through this series of lectures in his name.

I have chosen to speak about peace-keeping for two reasons. One, because it is one of the most visible activities of the United Nations today; and two, because in this new era of international relations, the nature of United Nations peace-keeping is evolving.

During much of the history of the United Nations, of all its activities, peace-keeping has attracted the most attention. This is understandable. Conflicts are newsworthy and dramatic. The deployment of military personnel by an international organization to preserve a fragile peace makes a good story, and captures public interest. For the United Nations the publicity generated by its peace-keeping activities has, for the most part, been beneficial, especially in times when the Organization did not otherwise enjoy high public confidence or credibility.

In fact, the demand for United Nations peace-keeping has increased dramatically over the last four years. Before 1988, the United Nations had set up 13 peace-keeping operations. The total *since* 1988 is also 13, the most recent being the newly approved operation in Somalia. We have thus done as much in the last four years as we did in the previous 40 years. And, as conflicts between ethnic groups pose an increasing threat to international peace and security, it is clear we will have to do even more.

1992 will be the most testing year ever. We are simultaneously deploying, in Cambodia and Yugoslavia, the second and third largest operations the United Nations has undertaken. The number of United Nations soldiers and police deployed in the field will almost quadruple from 11,500 at the end of January to a planned 44,000 at the end of May.

All this activity of course costs money. In 1987 the Member States of the United Nations were asked to pay $233 million for peace-keeping and, in 1991, $421 million. The bill for the next 12 months will be around $2.7 billion.

In other words, peace-keeping is a growth area. Much that is good is being done. But this rapid expansion presents many questions. Should the United Nations alone carry this burden? How can its ability to do so be improved? Are the Member States ready to finance peace-keeping on this scale? How can priorities be established to ensure that the limited resources available for peace-keeping are spent where they can achieve the most? The beginning of answers to these questions lies in the history of peace-keeping.

The Development of Peace-keeping

United Nations peace-keeping and peace enforcement are distinct. The central difference is that peace-keeping requires the consent of the parties and peace enforcement does not. Chapter VII of the Charter describes in detail how the Security Council may apply measures to deal with threats to the peace, and acts of aggression. The most recent example of peace enforcement is, of course, the action taken by the Security Council in regard to Iraq's invasion of Kuwait. There is no specific provision for peace keeping in the Charter of the United Nations. There is even disagreement as to when the "first" peace-keeping operation was established. Most think that it was the group of military observers, known as the United Nations Truce Supervision Organization, who were sent out during the first Arab-Israel war in 1948 to supervise a ceasefire and then to implement the 1949 Armistice Agreements between Israel and Egypt and Israel and its Arab neighbours.

Thereafter, peace-keeping evolved steadily. In 1956 the first armed force was set up in after the Suez crisis. In 1960 the United Nations launched its operation in the Congo.

In 1962 United Nations peace-keepers assumed responsibility for the administration and internal security of West Iran during a period of transition from Dutch colonial rule to independence. In 1964 the United Nations again became involved in an internal conflict when it established a force to control intercommunal fighting in the Republic of Cyprus.

Peace-keeping's ability to evolve in this way was greatly helped by the fact that the Charter did not define it. This enabled the statesmen and Secretary-General to develop a flexible instrument. This approach partly compensated for the Security Council's limited ability to operate during the Cold War.

But there was another side to this coin. The absence of any reference to peace-keeping in the Charter caused the Soviet Union to question its legitimacy and to refuse to pay for it. This led to a major financial crisis in the mid-1960's. It also obliged my predecessors and their staffs to do peace-keeping quietly, treating with great care to avoid a Permanent Member's veto.

Peace-keeping After the Cold War

I have described all this history in order to demonstrate that by the time the Cold War ended a whole set of peace-keeping concepts and principles and practices had been developed. The United Nations could thus move into higher gear when suddenly the United States and the Soviet Union began to find it possible to work together in the Security Council to resolve and control conflicts. It is this most welcome development which has dramatically increased demand for United Nations peace-keeping services.

It has also led to an important change in the character of peace-keeping operations. Of the 13 operations which were set up before 1988, all except the one in West Iran were what are now described as traditional peace-keeping operations. That is, they were largely military in composition and their tasks were to monitor cease-fires, control buffer zones, investigate alleged arms flows, prevent a resumption of hostilities and so on. In other words, they were to maintain calm on the front lines and give time to the peace-makers to negotiate a settlement of the dispute which had led to conflict in the first place. Sometimes the peace-*makers* succeeded. More often they did not, which is why so many of the pre-1988 operations are still in the field.

By contrast, only five of the 13 post-Cold War operations have been of this traditional kind. The other eight have, like West Iran, been set up to help implement a settlement already negotiated by the peace-makers. As such, they have involved not only the traditional military activities but also a whole range of civilian ones. It is these new activities which call for a much wider range of United Nations skills and expertise including those derived from our work on global issues.

An example of this new peace-keeping can be found in El Salvador, where the United Nations is verifying what has been called a negotiated revolution. I had the opportunity to visit ONUSAL, the Observer Mission in El Salvador, following the signature in Mexico of the final peace agreements last January. They involve not only a cease-fire and related measures but also reform and reduction of the armed forces, creation of a new police force, reform of the judicial and electoral systems, human rights, land tenure and other economic and social issues.

Another example is Cambodia, where the peace agreement requires the United Nations to supervise various parts of the existing administration, organize elections, monitor the police, promote human rights, repatriate over 350,000 refugees and begin rehabilitation of the country, as well as carrying out a familiar range of traditional military functions.

I recently spent three days in Phnom Penh, where I had the opportunity to review the work of the United Nations Transitional Authority in Cambodia (UNTAC) which, together with the Cambodian factions that make up the Supreme National Council, will for the next year perform virtually all important functions and decisions of Government.

Recalling the grim experience that nation had endured during the previous two decades, it was quite remarkable for me to attend a meeting of the Supreme National Council, presided over by Prince Sihanouk (who himself only recently returned) at which the members signed two international covenants on human rights. During my stay, I had the opportunity to meet separately with each of the factions, and to underline the need for them to demonstrate sufficient political will to ensure that the Paris peace agreements are carried out. Only through a solid commitment to national reconciliation could the Cambodians expect the donor countries to respond to their country's urgent rehabilitation and reconstruction needs. Despite the daunting tasks facing UNTAC, I departed Cambodia with an optimistic outlook. The United Nations agencies and non-governmental organizations represented there are cooperating with a sense of common purpose; it is to be hoped that this same positive spirit will continue to guide the relationship between UNTAC and the Supreme National Council.

The above-mentioned cases are examples of the comprehensive responsibilities assigned to the United Nations in the implementation of a peace agreement. The Organization is also increasingly called upon to offer technical assistance in the building of democratic institutions.

Sometimes this assumes a highly structured role such as organizing and supervising, monitoring and observing an entire election process—as was the case in Namibia, and will be so in Cambodia. In other instances, the United Nations has cooperated closely with a regional organization in the monitoring of elections, as was the case in Nicaragua and will be the case in Angola. In Western Sahara, the United Nations has been asked to conduct a referendum. In these cases, United Nations involvement was based on a request by either the Security Council or the General Assembly. However, the United Nations receives directly from Member States many requests for technical assistance. For example, twelve African countries (Cameroon, Congo, Ethiopia/Eritrea, Ghana, Guinea, Lesotho, Liberia, Mali, Madagascar, Mozambique and Rwanda) have called on the United Nations to facilitate or provide expertise regarding their respective elections. In Eastern Europe, Albania and Romania have sought technical assistance; in Latin America, Guyana has done the same.

In recent months, the United Nations has also been called upon to help deal witn another, less happy, consequence of the end of the Cold War. The demise of communist regimes in Eastern Europe and what was the Soviet Union has led to a growing number of inter-ethnic conflicts which had been dormant for the last half century. A very large United Nations peace-keeping force has been sent to Yugoslavia to try to control one of these conflicts.

At the same time ethnic conflict is causing suffering in a number of African and Asian countries. In fact, the human tragedies created by all such conflicts has led to an increasing sentiment that the United Nations must use its peace-keeping and peace-making skills to resolve them. Despite the provision in the Charter that the Organization should not intervene in domestic matters, Member States find it more and more difficult to regard any conflict as domestic or internal. It is these considerations that have just led the Security Council to set up the new operation in Somalia, which includes military personnel to protect the delivery of humanitarian relief supplies. This is an important innovation.

Peace-keeping has thus been, overall, a significant success for the United Nations. This success has not been uniform, especially when peace-making has not keep pace with peace-keeping. Moreover, it has had a human cost. Over the years, 812 men and women from 43 countries have died while in the service of United Nations pace-keeping forces. We must never forget their sacrifice.

Let me now turn to the future of peace-keeping—a future of larger, more complicated undertakings and greater demands for resources.

The Future of Peace-keeping

The United Nations has never claimed that it alone can carry out peace-keeping operations. Regional organizations have undertaken a few such operations themselves, of which the most successful was an Arab League force deployed between Iraq and Kuwait from 1961 to 1963. From 1965 to 1966, an Inter-American Peace Force was sent to the Dominican Republic on the basis of a resolution adopted by the OAS. In 1979, Egypt, in cooperation with the United States, organized a Multilateral Force and Observers in the Sinai to help implement the peace treaty with Israel. It is ironic that this latter force was established only after a request for a United Nations peace-keeping operation was rejected (by the Soviet Union, on behalf of Arab Member States).

That said, the United Nations is by far the most experienced peace-keeper. It is more likely perhaps to be seen as having the impartiality which is an essential condition for successful peace-keeping, and it has worked out structures for establishing, financing and managing such operations. It was thus inevitable that the international community should turn to the United Nations when the end of the Cold War increased the demand for peace-keeping.

But the demand has now become such that I believe that the United Nations must share the work with others. A multi-polar world should be led by a multiplicity of institutions. For if international organizations are to do justice to the aspirations of the peoples of the world, they must be informed and inspired by the experiences, perspectives and hopes of people in all parts of the globe. The policies and strategies of international organizations must thus be responsible to the needs of people everywhere.

It is therefore logical that an effort should be made to "decentralize" the responsibilities for peace-keeping and peace-making that today are continuously being entrusted to the United Nations. The regional organizations are the obvious candidates for larger roles.

Chapter VIII of the Charter specifically provides for regional organizations to "make every effort to achieve pacific settlement of local disputes * * * before referring them to the Security Council". The problem at present is that the regional organizations have almost no experience and lack the necessary structures and procedures; and most of them are in an even worse financial condition than the United Nations.

I am, however, convinced that the regional organizations must be helped to carry a larger share of the burden, in peace-making as well as in peace-keeping. It is for this reason that in Yugoslavia I have insisted on a clear division of labor between the European Community, which has for some time been engaged both in peace-making and peace-keeping there, and the United Nations, which is responsible for peace-keeping only in certain areas of Croatia. I have also offered to help the Conference on Security and Cooperation in Europe to obtain technical advice with regard to its own peace-keeping efforts in the dispute between Azerbaijan and Armenia over Nagorno-Karabakh. And I have taken care to associate the Organization of African Unity, the Arab League and the Islamic Conference Organization with my own efforts in Somalia. I hope that Member States will also do their part in strengthening the regional organizations so that they can play their own essential part in the maintenance of international peace and security. Their involvement will in turn serve to promote the democratization of international relations.

We need also to expand the role of non-governmental organizations in the new and broader peace-keeping operations. They have, of course, long been involved in the humanitarian aspects of peace-keeping. This has recently been formally recognized in the latest Security Council resolution on Somalia, where much of the relief work to be protected by United Nations military personnel will be carried out by non-governmental organizations.

As for United Nations peace-keeping, we face a major resource problem. Whenever a new peace-keeping operation is established, all personnel must be transported to the area of operations. This means more than 19,500 personnel in Cambodia, nearly 14,000 in Yugoslavia, 490 in Iraq/Kuwait, 400 in Western Sahara, 500 in Angola, 500 in El Salvador, and at least 50 military observers in Somalia—to name only those operations that have been deployed in the past year. Once in the field, these people must be provided with accommodation, food, medical care, transport, communications and all the other equipment to carry out their functions. When formed military units are deployed, they bring much of their equipment with them. But this still leaves an immense amount of goods and services which have to be provided by the United Nations.

Under present arrangements, we have to start from scratch every time a new operation is set up. The United Nations is almost always in a cash flow crisis. The Working Capital Fund was long ago exhausted. Even if we had the cash, the Organization's financial procedures would severely limit the Secretary-General's ability to enter into financial commitments until the cost of the whole operation has been estimated in detail and the resulting budget approved by Member States. Only then are we permitted to place orders for the equipment needed; and the suppliers often do not have it on the shelves.

As a result there is often so long a gap between the Security Council's decision to set up a new operation and its deployment in the field that the success of the whole exercise is jeopardized. Disaster nearly occurred at the start of the otherwise successful operation in Namibia because so few United Nations personnel were on the ground at the critical moments when the transition began. In Cambodia, the delay of over seven months since the signature of the Cambodia Peace Agreement in Paris last October has added to the fragility of an already difficult operation.

Given the political will, these probems could be easily resolved. Let me suggest four steps:

First, a revolving capital fund would be established to finance the start-up costs of peace-keeping operations;

Second, as soon as the Security Council decided to set up a new operation, the Member States would be asked to pay immediately one-third of the estimated cost of its first year and the Secretary-General would be automatically given authority to commit up to this sum;

Third, a reserve stock of basic peace-keeping equipment would be established so that some of the most needed items were always available;

Fourth, Member States would pay their assessments, both for the initial one-third and for the full budget, fully and on time.

A fifth step, which is my responsibility, is to rationalize the Secretariat structures for the planning and management of peace-keeping and to speed up our own internal procedures. This is already in hand.

As regards the costs of peace-keeping to Member States, I believe that even the $2.7 billion for this exceptional year is not high in relation to the costs of the alternative, namely continued conflict. We need only recall the astounding sums of money that were spent to "win" the Cold War—in the 1980s global expenditures on arms approached one trillion dollars per year, or $2 million per minute—to acknowledge that peace-keeping is an inexpensive way to help maintain stability in the post-Cold war era.

But I am also conscious that the current volume of peace-keeping expenses, are creating real problems for Member States. It is for this reason that I have decided to ensure that they get value for money.

I am therefore taking a close look at the costs of existing peace-keeping operations, especially the older ones. I have already identified savings of up to ten percent in UNIFIL, the force deployed in South Lebanon since 1978. The focus of such budgetary cuts will be on Headquarters and support elements, and will not affect the operational effectiveness of the Force. Similar reductions will also result from efforts now under way to streamline UNDOF which, since 1974, has separated the Israeli and Syrian forces along the Golan Heights and UNTSO, whose military observers have been in the Middle East for more than 40 years.

However, this is more than a question of good house-keeping. It goes deeper and engages the responsibilities of Member States as well as the Secretary-General. It requires them both to improve their joint performance in ensuring that money is spend on peace-keeping in those conflicts where conditions exist for it to produce better results more quickly.

This requires the Secretary-General and the Security Council to study critically, every proposal for the establishment of a new peace-keeping operation. Peace-keeping is not a universal prescription. It has to be recognized, that there are some international ills which are not yet ready for the peace-keeping therapy. Peace-keeping relies heavily on the consent of the parties to the conflict and their readiness to cooperate with the peace-keepers. Unless all the parties recognize that their dispute cannot be resolved by continuing to fight, peace-keeping cannot succeed. Resources are better spent elsewhere.

It is also necessary for the Secretary-General and the Security Council to take a critical look at peace-keeping operations which have been deployed for a long time, without progress having been made on settling the dispute in question. A case in point is Cyprus, where a United Nations force has been continuously deployed since 1964 and yet a settlement continues to elude the parties, despite sustained efforts by my Special Representative and his predecessors over the years. Peace-keeping, after all, is not an end in itself. It is a technique whose function is either to create conditions for the peace-makers to do their work or to help implement settlements which the peace-makers have negotiated. If the peace-makers' task has proved impossible, or if their settlement proves that it cannot be implemented then the continued requirement for a peace-keeping presence needs to be studied very critically.

Of course, this principle has to be applied with caution. In some cases withdrawal of the peace-keepers could cause the conflict to re-ignite and thus make things worse. In such cases it may be that the international community has to accept that maintenance of a long-standing peace-keeping operation is the "least bad option" available.

It is a cause of satisfaction, however, that of the 13 operations set up since 1988, six have already discharged their mandates and been disbanded. These include two in Africa—in Namibia (UNTAG), where free and fair elections were successfully carried out in November 1989 under UN supervision; and in Angola (UNAVEM I) where, from 1989 to 1991, UN military observers monitored and verified the withdrawal of Cuban troops. In the Middle East, the Military Observer Group (UNIIMOG) that monitored the implementation of the cease-fire between Iran and Iraq following their eight-year war, withdrew with the agreement of both parties in early 1991. In Central America (ONUCA) observers monitored the cease-fire in Nicaragua; helped to verify the cessation of aid to irregular forces in the region; and assisted in the voluntary demobilization of the Nicaraguan resistance. They were withdrawn in January of this year. And in Cambodia, following the signing of the Paris peace accords in October 1991, an advance mission of military observers (UNAMIC) pave the way for the arrival of UNTAC, which began its operation last March.

Peace-keeping will continue to grow and adapt along with the changing needs and nature of peace itself. Since the end of the Cold War, these needs have become more, not less, urgent and widespread. However, I should like to reiterate that peace-keeping can never be a substitute for peace building. If I had to leave one thought with you this morning, it would be the following: in today's multi-polar world, economic and social development, and the promotion and reinforcement of democratic institutions are an intrinsic part of maintaining peace.

A commitment to this end was effectively undertaken by the Security Council at the level of Heads of State and Government in its meeting on 31 January 1992. In the Presidential Statement that followed, the Members recognized that "peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom."

In this new era, nations now recognize and accept this shared responsibility for peace. Those who lead nations must now take up that responsibility to build institutions, create understanding and provide resources so that those who safeguard peace may serve in confidence and with success.

Thank you, David Abshire.

Thank you, ladies and gentlemen.

TRIBUTE TO WILBUR D. MILLS

Mr. BUMPERS. Mr. President, I rise today in tribute to Wilbur D. Mills, a legendary Arkansan who died on Saturday, May 2. Mr. Mills served the State of Arkansas in the U.S. House of Representatives for over 38 years. During his tenure in Washington, Wilbur Mills became one of the most powerful men in Congress, yet he steadfastly maintained a clear desire to utilize that power only for the betterment of his people.

Wilbur Mills was born on May 24, 1909, in Kensett, AR. He received a degree from Hendrix College in 1930, and completed 3 years at Harvard Law School before returning to Arkansas. Wilbur Mills began serving the first of 19 terms as Arkansas Second District Congressman in 1939. He served as the chairman of the powerful House Ways and Means Committee from 1958 to 1976.

During his career, he served under the administrations of seven Presidents, and spearheaded such battles as the enactment of the modern Medicare system. He also served this country during some of the most historic times of the 20th century, such as the declaration of war against Japan on December 8, 1941, and the fall of the Nixon administration.

He retired from Congress on December 31, 1976, yet continued to work tirelessly on behalf of individuals.

He was a caring, sensitive, and friendly man. I never saw him angry, nor did I ever see him demonstrate an indifferent attitude toward those who sought his counsel and help. He was unfailingly courteous and polite.

Mr. President, when I ran for Governor of Arkansas in 1970, Wilbur, once I became the Democratic nominee, was instrumental in my success, doing letters, television, and anything else I requested. So I owe a considerable measure of my success to him.

He was a rare leader. People from the poorest to people at the pinnacle of power, including the President, sought his approval.

He will be remembered for his many good deeds.

THE OCCASION OF ISRAEL INDEPENDENCE DAY

Mr. SPECTER. Mr. President, on May 7, 1948, by virtue of natural and historic right, based on the decision of the United Nations General Assembly, the nation of Israel was reestablished as an independent and sovereign Jewish State. On the occasion of the 44th anniversary of this proclamation, I extend my congratulations and best wishes to the people of Israel on their Independence Day.

Israel is truly a miracle in the desert. In the late 1800's, after 2,000 years in exile, the Jewish people returned to what was essentially a barren land without people. The great American author, Mark Twain, described his perceptions of the land in his book, "Innocents Abroad"—1867. In the book he says:

> Palestine is a hopeless, dreary, heartbroken land, a limitless desolation * * * Palestine sits in sackcloth and ashes. Over it broods the spell of a curse that has withered its fields and fettered its energies. * * * Nazareth is forlorn, Jericho the accursed lies in a moldering ruin. Renowned Jerusalem has become a pauper village. * * * The noted Sea of Galilee is deserted and its borders are a silent wilderness. * * * Capernaum is a shapeless ruin. * * * Palestine is desolate; it is no more of this workaday world.

Now, a century later, Jewish survivors of the Holocaust, Jewish refugees from Arab countries, and Jews who kept their ties to the land over the millennium, have come together to make the desert bloom. It hasn't been easy; to this very day Israel is still seeking recognition of its unequivocal right to exist from its neighbors. In the past 44 years, Israel has had to endure the blood and toil of six defensive wars against Arab aggression and terrorism and this Independence Day is also a reminder of the price Israel must still pay to keep its citizens secure.

Despite a constant fight for survival, Israel is a nation that has prophetically become a beacon to the world. Israel's global contributions in the fields of health, science, and the humanities are enormous, especially in comparison to its tiny population. Israelis routinely export their knowledge in agriculture and medicine to Africa and much of the Third World and have been at the forefront in innovative commercial technologies.

In terms of American national interest, the affinity Americans have for Israel is based on a common cultural, political, and economic heritage. The United States-Israel relationship is special and enduring. As the only democracy in the entire Middle East, Israel serves as a bastion for freedom and a champion for Western values.

For America, Israel is a reliable strategic partner and is, without any doubt, our best ally in the region. The uniqueness of that strategic relationship was reaffirmed during the recent gulf war. At an incalculable sacrifice, Israel absorbed 39 unanswered Iraqi Scud attacks at the request of the United States to keep the coalition against Iraq intact. Perhaps Israel's greatest contribution to our gulf war effort was its action back in June 1981 that destroyed Iraq's nuclear reactor. U.S. Defense Secretary, Richard Cheney, stated it best:

> There were many times during the course of the build-up in the Gulf and the subsequent conflict that I gave thanks for the bold and dramatic action that had been taken by Israel some 10 years before.

The heroic deeds and actions of Israel over the years are many and I can continue indefinitely with deserving accolades. But the time is short, and I just want to convey to Israel a happy Independence Day with a wish: Congratulations and may peace and prosperity prevail for the children of Israel in the years to come with Jerusalem as the undivided and eternal capital.

DEMOCRATIC ELECTIONS IN IRAQI KURDISTAN

Mr. SPECTER. Mr. President, I want to bring to the attention of the Senate an event which will be taking place later this month in Iraq. On May 17 there will be a first ever democratic election in Iraq. Despite the fact that Saddam Hussein remains in power in Baghdad, the Kurdish people of northern Iraq are going to hold an election for Kurdish Legislative Assembly.

With so many other international events unfolding, it would be easy to miss an event which will take place so far away, but this election deserves the attention and support of the United States.

Mr. President, an estimated 200,000 Kurds—men, women, and children—have been murdered by Saddam Hussein and his ruthless military. Even after the military defeat of Iraq in Desert Storm, Iraqi troops have continued to attack Kurdish villages and it is only the threat of British, French, and United States military retaliation that protects the Kurdish people.

Despite this horrendous situation and a virtual economic blockade of Kurdish areas, the Kurds have established a liberated zone and would hold democratic elections.

Mr. President, this election, if it is held, will hopefully mark a true turning point for the Kurdish people. Hopefully, a democratic election can be the start of a brighter future for a people that have endured a denial of their most basic human rights for more than 70 years.

It is my hope that the United States Government will give encouragement to a process which will give to the Kurdish people in Iraq the right of self-determination—a fundamental human right. The government of Saddam Hussein has clearly forfeited any right to control or govern the Kurdish people and even now it pursues an economic blockade of northern Iraq which is intended to starve the Kurdish people out of existence.

Mr. President, I realize that a proper United States policy toward Iraq is a complicated matter. I realize that there are regional concerns, border disputes, and the genuine threat of Islamic fundamentalism. However, the United States has always stood for the right of self-determination and against the violation of human rights. In Iraq, the issues seem clear. The Kurdish people of northern Iraq deserve the continued protection from the genocidal attacks of Saddam Hussein and they deserve encouragement for seeking to hold the first ever democratic election in the territory now known as Iraq.

HONORING HAWAII'S SMALL BUSINESS PERSONS OF THE YEAR

Mr. AKAKA. Mr. President, I rise today to pay tribute to Leonard S. Tanaka and Suellen M. Tanaka, Hawaii's recipients of the Small Business Administration's Small Business Person of the Year award.

Leonard and Suellen Tanaka, residents of Hilo, HI, are the president and vice president, respectively, of T&T Electric, Inc., an electrical company. Leonard began the company with only two full-time employees in 1983 after leaving his job as lead electrician at Volcano Electric for 8 years. Suellen worked evenings as the bookkeeper while retaining her full-time day job.

By 1988, T&T Electric grew to 25 full-time workers. Within 3 years, the company doubled its size, and employed 57 full-time and temporary employees in 1990. T&T has demonstrated its commitment to the training and development of its employees, as evidenced by the positions within the company that require various levels of training and a commitment to the electrical profession. The company is licensed in seven different areas of construction.

Among T&T customers are the State and County of Hawaii, Hawaiian Tel, and several observatories atop Mauna Kea.

Revenues have increased from about $274,000 in 1984 to $6.5 million in 1990, with T&T averaging a 75-percent growth rate between 1987 and 1990.

Leonard and Suellen Tanaka are an asset to their community and role models for entrepreneurs throughout Hawaii to follow. In addition to their contributions to the business community, they regularly donate equipment, supplies, and services generously to a variety of community functions and charities. They also support many community service activities and work with students at local schools.

Mr. President, it is indeed a pleasure to salute this husband and wife team, two highly respected members of Hawaii's business community. It is only fitting that during Small Business Week 1992, we remember the invaluable contributions made by our Nation's small businesses.

HONORING HAWAII'S SMALL BUSINESS PRIME CONTRACTOR OF THE YEAR

Mr. AKAKA. Mr. President, in honor of Small Business Week 1992, I rise today to recognize Spencer Kurihara, president of Society Painters, Inc., who was awarded the Small Business Administration's Region IX Small Business Prime Contractor of the Year award.

Spencer Kurihara founded Society Painters, Inc. as a one-man operation in 1971. By 1991, he employed 56 full-time workers from two Oahu locations, Pearl City and Kaneohe. Although primarily a painting company, Society Painters has expanded its business to include flooring and maintenance services.

Society Painters has completed a number of military projects including the painting of family quarters at Schofield Barracks and Wheeler Air Force Base, painting at Aliamanu Military Reservation, Fort Shafter and Kaneohe Marine Corps Air Station, as well as maintenance service and installation of fire walls and ceilings at Kaneohe Marine Corps Air Station. The company has also had flooring projects at various State of Hawaii jobs, vinyl flooring at Schofield Barracks and carpeting at Aliamanu Military Reservation.

Mr. Kurihara and his business are members of the Painting and Decorating Contractors Association, Hawaii Flooring Association, General Contractors' Association, Building Industry Association of Hawaii, and the Better Business Bureau.

Mr. President, as we commemorate National Small Business Week 1992, we should not forget the importance of our small businesses. In the State of Hawaii, small businesses make up a significant portion of our business community and play a pivotal role in maintaining our economic stability. I applaud Spencer Kurihara on the receipt of this award.

TREATIES PENDING BEFORE THE SENATE

Mr. PELL. Mr. President, pending before the Senate are consular conventions with the Democratic and Popular Republic of Algeria, signed at Washington on January 12, 1989, and transmitted by President Bush on February 27, 1990 (Treaty Doc. 101-13), the Mongolian People's Republic, signed at Ulaanbaatar on August 2, 1990 and transmitted by President Bush on September 13, 1991 (Treaty Doc. 102-14) and the Republic of Tunisia, signed at Tunis on May 12, 1988, and transmitted by President Bush on February 26, 1990 (Treaty Doc. 101-12). These were favorably reported by the Committee on Foreign Relations on May 7, 1992.

Bilateral consular agreements between the United States and these three countries do not presently exist. Each of these conventions set forth similar obligations with respect to such matters as notification to consular officers of the arrest and detention of nationals of each country and protection of their rights and interests.

With regard to the Consular Convention with Algeria and Tunisia, the committee's report reflects our concerns over the recent suspension of democratic elections in Algeria and the dramatic increases in human rights violations in Tunisia. The approval of these treaties does not constitute an endorsement of any of the policies of the countries of Algeria and Tunisia. We agree with the administration's position however, that consular treaties will provide greater protection for U.S. nationals in these two countries.

The specific consular functions and services which will be permitted on a reciprocal basis include the issuance of passports and visas, performance of notarial services, and the representation of the interests of nationals in estate matters. More significantly, the conventions state that consuls of the country whose nationals are arrested, detained, or whose personal freedom is limited in any way will be notified without delay.

The United States is a party to the Vienna Convention on consular relations which has been ratified by 130 nations, including Algeria, Mongolia, and Tunisia. Nevertheless, the United States has continued to negotiate bilateral consular agreements which serve to amplify or supplement the Vienna Convention.

Also pending before the Senate are: First, a Protocol amending the Treaty on Extradition with Australia, signed at Seoul on September 4, 1990, and transmitted by President Bush on February 19, 1992 (Treaty Doc. 102-23); second, an Extradition Treaty with the Commonwealth of the Bahamas, signed at Nassau on March 9, 1990 and transmitted by President Bush on October 28, 1991 (Treaty Doc. 102-17); third, a Supplementary Extradition Treaty with the Federal Republic of Germany, signed at Washington on October 21, 1980, and transmitted by President Reagan on June 25, 1987; and fourth, the Second Supplementary Treaty on Extradition with the Kingdom of Spain, signed at Madrid on February 9, 1988, and transmitted by President Bush on March 3, 1992 (Treaty Doc. 102–24). These were favorably reported by the Committee on Foreign Relations on May 7, 1992.

These treaties are part of the administration's continued effort to modernize the legal tools available for the extradition of serious offenders such as narcotics traffickers and terrorists.

Each treaty adopts a dual criminality approach in determining whether a particular offense is extraditable and eliminates the outdated list of extraditable offenses contained in the existing treaty with each country. A dual criminality clause permits extradition for any criminal conduct that is punishable in both states by imprisonment or other detention for at least 1 year. Inclusion of a dual criminality clause obviates the need to renegotiate or supplement the treaty as offenses, such as computer-related crimes or money laundering, become punishable under the laws of both States. This approach was most recently incorporated in the Amendment to the Extradition Treaty with Canada (Treaty Doc. 101–17) approved by the Senate in 1991.

In addition to updating and standardizing the conditions and procedures for extradition between the United States and these four countries, the treaties also provide a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the requesting state.

I urge that the Senate give its advice and consent to the ratification of these treaties.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRAMEWORK CONVENTION ON CLIMATE CHANGE

Mr. DOMENICI. Mr. President, as one of the Senate observers to the climate change negotiations I am pleased that last Saturday, shortly after 6 p.m., our negotiators finished a Framework Convention on Climate Change. Yesterday, I asked that this summary of the convention, which I received yesterday morning from our chief climate negotiator, Robert Reinstein, be inserted in the RECORD as if read. Yesterday, you heard a lot of people talking about what this agreement didn't do, but I don't think you can argue that the United States doesn't take the threat of global climate change seriously.

In fact, last week at a Senate Energy Committee hearing on the science of global climate change, we heard four eminent climate scientists:

Dr. Robert Watson, the Director of the Process Studies Program Office at the National Aeronautics and Space Administration;

Dr. Richard Lindzen, professor of meteorology at the Massachusetts Institute of Technology;

Dr. Michael MacCracken, Division Director for Atmospheric and Geophysical Science at Lawrence Livermore Laboratory; and

Dr. Stephen Schneider, senior scientist at the National Center for Atmospheric Research.

I asked each of them if they agreed that the U.S. position which favors flexible goals for all the greenhouse gases, not just CO_2, made more sense scientifically than the European approach of rigid targets and timetables for CO_2 only. All of the scientists on the panel, from Dr. Lindzen who is considered to be a global warming skeptic, to Dr. Schneider who is considered to be on the other side, agreed that the U.S. position in the climate change negotiations made sense scientifically. This scientifically sensible approach is what was agreed to at the United Nations last week.

The Bush administration, faced with a complicated political and scientific issue, did what I wish we could do more around here—it took the scientists' advice. Now I'm not saying that scientists should run the Government in general, but I do think that we should listen to them more—and try to listen to all of what they have to say, including all the caveats and uncertainties, not just the convenient sound bites. I don't mean to dwell too much on the politics of this issue, but I can't help observing that it's too bad that the politics of this issue has evolved so that even mentioning scientific uncertainty puts you on one side of the issue and mentioning energy efficiency puts you on the other.

So let me review what this group of scientists we heard last week said: The scientists told us that greenhouse effect is a well-established theory; that if carbon dioxide and the other greenhouse gases didn't trap heat, the Earth would be almost 60 degrees colder; that carbon dioxide in the atmosphere is now about 25 percent higher than before the Industrial Revolution and increasing exponentially. Chances are, the Earth will get warmer—maybe a lot warmer, by the middle of the next century. The implication of this warming could be quite serious. Although it might just be a few more hot days each year, there is a reasonable chance it could change precipitation and ocean current patterns. Finally, even the most conservative predictions for warming would be many times faster than anything in the Earth's history and the impact of this change on the natural world could be severe. These scientists agreed that climate change could be a serious problem and we should try to address it immediately.

The problem is that carbon dioxide emissions are also a good measure of the economic growth, of the prosperity of most of the world. With the collapse of the Soviet Union, its carbon dioxide emissions dropped dramatically—by 25 percent since 1989. I submit that this is not the approach we would want to use.

So what did the scientists recommend? They all agreed that there is great uncertainty, and that we should start by promoting policies such as improving energy efficiency which are free or even produce a net benefit. They agreed that if we include the other greenhouse gases such as methane and nitrous oxide, industrialized countries could reduce greenhouse gases by perhaps 20 percent without dramatic change. And I might add, this could happen under the current climate agreement. Finally they agreed that in the long run, the most important thing to do is help the developing countries industrialize in an environmentally sustainable way, with nonpolluting technologies.

So, now we have a climate treaty and a choice to make. We in the Senate can continue to clash and bash, or we can try to work together to integrate the language in the climate treaty into a coordinated U.S. plan for dealing with energy, the environment, and economic growth. Signing the energy bill into law would be a good start.

Now, I am not saying working together on this will be easy. The motivations for the positions on both sides of the global warming debate are very genuine, although there is also plenty of politics in this, and I respect these genuine motivations: I care deeply about risks to future generations, be they economic or environmental. But, just as it is immoral to pass on the deficit to future generations, I would argue that without taking actions of our own, without trying to help other countries to solve their energy and environmental problems in a cost-effective manner, we are gambling with the well-being of future generations on the entire planet.

We in the United States have been fighting the economics versus environment battle longer than anyone else and maybe we should be the first to stop. We have learned from this experience how to promote policies that consider environmental and business interests together; that are efficient and above all, are based on sound science. The world, and especially developing countries cannot afford to ignore the lessons we have learned from this experience. We in the U.S. Senate now can help lead in promoting policies to prevent pollution in the first place, that save energy, generate less waste, and also become more competitive internationally.

It makes sense, all things considered, to proceed as recommended by the President and adopted in the Framework Convention on Climate Change. I urge my colleagues to follow that course and work together for the objectives we all desire.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2709 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 250

Mr. MITCHELL. Mr. President, I am about to propound a unanimous consent request. I am advised by the distinguished Republican leader's staff that this has been cleared with him and is acceptable to our Republican colleagues.

I now ask unanimous consent that the Senate resume consideration of S. 250, the motor-voter bill, tomorrow at 10:30 a.m.; that at that time, the Senate begin 1 hour of debate on the measure, with 30 minutes controlled by Senator KASTEN; 15 minutes controlled by Senator HOLLINGS; 10 minutes controlled by Senator ROCKEFELLER; 5 minutes controlled by Senator EXON; and that at 11:30 a.m., Senator ROCKEFELLER be recognized to make a motion to table the Kasten amendment, No. 1799; that no other amendments or motions be in order in relation to the bill prior to the disposition of the tabling motion, and that if the tabling motion fails, the Kasten amendment continue to be debatable and amendable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That at 10:30 a.m. on Thursday, May 14, 1992, the Senate resume consideration of S. 250, the Motor Voter Bill, with one hour of debate to start at that time, to be divided as follows: 30 minutes under the control of the Senator from Wisconsin (Mr. Kasten), 15 minutes under the control of the Senator from South Carolina (Mr. Hollings), 10 minutes under the control of the Senator from West Virginia (Mr. Rockefeller), and 5 minutes under the control of the Senator from Nebraska (Mr. Exon).

Ordered further, That at 11:30 a.m. the Senator from West Virginia (Mr. Rockefeller) be recognized to make a motion to table the Kasten amendment, No. 1799.

Ordered further, That no other amendments or motions be in order in relation to the bill prior to the disposition of the tabling motion.

Ordered further, That if the tabling motion fails, the Kasten amendment continue to be debatable and amendable.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation. Senators, therefore, should be aware that a vote will occur at 11:30 a.m. on a motion by Senator ROCKEFELLER to table the ending Kasten amendment to the motor-voter bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties, en bloc:

Executive Calendar 18, Consular Convention with the Republic of Tunisia;

Executive Calendar 19, Consular Convention with the Democratic and Popular Republic of Algeria;

Executive Calendar 20, Consular Convention with the Mongolian People's Republic;

Executive Calendar 21, Supplementary Extradition Treaty with the Federal Republic of Germany;

Executive Calendar 22, Extradition Treaty with the Bahamas;

Executive Calendar 23, Protocol Amending the 1974 Extradition Treaty with Australia; and

Executive Calendar 24, Second Supplementary Extradition Treaty with Spain.

I further ask unanimous consent that these seven treaties be considered as having passed through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that no amendments, reservations, understandings, declarations or provisos be in order; that any statements be inserted in the CONGRESSIONAL RECORD as if read; that upon disposition of the resolutions of ratification, the motions to reconsider be laid upon the table; that the President be notified of the Senate's action and that following disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. All those in favor will stand and be counted. [After a pause.] Those opposed will stand and be counted.

In the opinion of the Chair, two-thirds of the Senators present have voted in the affirmative.

The ratifications are agreed to.

The resolutions of ratification are as follows:

TREATY DOCUMENT NO. 101-12, CONSULAR CONVENTION WITH THE REPUBLIC OF TUNISIA

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Republic of Tunisia, signed at Tunis on May 12, 1988.

TREATY DOCUMENT NO. 101-13, CONSULAR CONVENTION WITH THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Democratic and Popular Republic of Algeria, signed at Washington on January 12, 1989.

TREATY DOCUMENT NO. 102-14, CONSULAR CONVENTION WITH THE MONGOLIAN PEOPLE'S REPUBLIC

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Mongolian People's Republic, signed at Ulaanbaatar on August 2, 1990.

TREATY DOCUMENT NO. 100-6, SUPPLEMENTARY EXTRADITION TREATY WITH THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition, signed at Washington on October 21, 1986.

TREATY DOCUMENT NO. 102-17, EXTRADITION TREATY WITH THE BAHAMAS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Commonwealth of the Bahamas, signed at Nassau on March 9, 1990.

TREATY DOCUMENT NO. 102-23, PROTOCOL AMENDING THE 1974 EXTRADITION TREATY WITH AUSTRALIA

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Treaty on Extradition between the United States of America and Australia, signed at Seoul on September 4, 1990.

TREATY DOCUMENT NO. 102-24, SECOND SUPPLEMENTARY EXTRADITION TREATY WITH SPAIN

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Second Supplementary Extradition Treaty between the United States of America and the Kingdom of Spain, signed at Madrid on February 9, 1988.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

NATIONAL FOSTER CARE MONTH

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 388, a joint resolution designating the month of May as "National Foster Care Month"; that the Senate proceed to its immediate consideration; that the joint resolution be deemed read a third time, passed; that the preamble be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the joint resolution (H.J. Res. 388) was deemed read a third time and passed.

PRINTING OF REPORT OF TEMPORARY SPECIAL INDEPENDENT COUNSEL

Mr. FORD. Mr. President, I ask unanimous consent that the report of the temporary special independent counsel Peter Fleming submitted to the two leaders be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

NATIONAL YOUTH APPRENTICESHIP ACT OF 1992—MESSAGE FROM THE PRESIDENT—PM 237

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit herewith for your immediate consideration the "National Youth Apprenticeship Act of 1992." Also transmitted is a section-by-section analysis.

This legislation would establish a national framework for implementing comprehensive youth apprenticeship programs. These programs would be a high-quality learning alternative for preparing young people to be valuable and productive members of the 21st century work force. Although this framework has been designed to be comprehensive and national in scope, it is also flexible enough to allow States to customize the model to economic, demographic, and other local conditions.

I am proposing this legislation in order to promote a comprehensive approach for helping our youth make the transition from school to the workplace and strive to reach high levels of academic achievement. The lack of such an approach is one very important reason that a significant proportion of American youth do not possess the necessary skills to meet employer requirements for entry level positions.

There is widespread agreement that the time has come to strengthen the connection between the academic subjects taught in our schools and the demands of the modern, high-technology workplace. Work-based learning models have proven to be effective approaches for preparing youth at the secondary school level.

Under my proposal, a student could enter a youth apprenticeship program in the 11th or 12th grade. Before reaching these grades, students would receive career and academic guidance to prepare them for entry into youth apprenticeship programs. Particular programs may end with graduation from high school or continue for up to an additional 2 years of postsecondary education. In addition to the high school diploma, all youth apprentices would earn a certificate of competency and qualify for a postsecondary program, a registered apprenticeship program, or employment.

A youth apprentice would receive academic instruction, job training, and work experience. The program is intended to attract and develop high-quality, motivated students. Standards of academic achievement, consistent with voluntary, national standards, will apply to all academic instruction, including the required instruction in the core subjects of English, mathematics, science, history, and geography. Students also would be expected to demonstrate mastery of job skills.

My proposal provides for vigorous involvement at the Federal, State, and local levels to ensure the success of the program. It also requires that employers, schools, students, and parents promise to work together to achieve the program goals. Enactment of my proposal will result in national standards applicable to all youth apprenticeship programs. Thus, upon completion of the program, the youth apprentice will have a portable credential that will be recognized wherever the individual may go to seek employment or pursue further education and training.

I believe that the time has come for a national, comprehensive approach to work-based learning. The bill I am proposing would establish a formal process in which business, labor, and education would form partnerships to motivate the Nation's young people to stay in school and become productive citizens. It will provide American youth the opportunity to gain marketable and portable skills while establishing a relationship with a prospective employer.

I urge the Congress to give swift and favorable consideration to the National Youth Apprenticeship Act of 1992.

GEORGE BUSH.

THE WHITE HOUSE, *May 13, 1992*.

MESSAGES FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, each without amendment:

S. 452. An act to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes;

S. 749. An act to rename and expand the boundaries of the Mound City Group National Monument in Ohio; and

S. 1182. An act to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes.

The message also announced that the House has passed the bill (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes, with an amendment; it insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTGOMERY, Mr. EDWARDS of California, Mr. ROWLAND, Mr. STUMP, and Mr. HAMMERSCHMIDT as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4990) rescinding certain budget authority, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. BEVILL, Mr. MURTHA, Mr. TRAXLER, Mr. LEHMAN of Florida, Mr. FAZIO, Mr. HEFNER, Mr. MCDADE, Mr. MYERS of Indiana, Mr. YOUNG of Florida, Mr. GREEN of New York, Mr. ROGERS, and Mr. SKEEN as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1514. An act to resolve the status of certain lands relinquished to the United States under the act of June 4, 1987 (30 Stat. 11, 36), and for other purposes.

At 5:54 p.m., a message from the House of Representatives, delivered by one of its reading clerks, Ms. Goetz, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 116. A concurrent resolution to authorize corrections in the enrollment of S. 838.

The message further announced that the Speaker has appointed the following Members as additional managers on the part of the House in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4990) rescinding certain budget authority, and for other purposes: Mr. ROYBAL, Mr. DIXON, and Mr. REGULA.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1514. An act to resolve the status of certain lands relinquished to the United States under the act of June 4, 1987, (30 Stat. 11, 36), and for other purposes; to the Committee on Energy and Natural Resources.

The following bill, introduced on yesterday and ordered held at the desk until the close of business today, May 13, 1992, was referred to the Committee on Finance:

S. 2699. A bill to extend the period for which unemployment benefits are payable under title I of the Emergency Unemployment Compensation Act of 1991, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. GORE) reported that on today, May 13, 1992, he had signed the following enrolled bill and joint resolutions which had previously been signed by the Speaker of the House:

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries;

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month";

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; and

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day."

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 13, 1992, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2378. An act to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes; and

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3193. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to improve the administration and integrity of the Food Stamp Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3194. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation to amend title XXXIV of the National Defense Authorization Act for Fiscal Years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

EC-3195. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on waste tank safety issues at the Hanford Site; to the Committee on Armed Services.

EC-3196. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3197. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on all the recommendation of the National Transportation Safety Board to the Secretary regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC-3198. A communication from the Chairperson of the Northeast Interstate Low-level Radioactive Waste Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-3199. A communication from the Deputy Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report on the oil and gas potential and wilderness characteristics of Alaska North Slope lands, other than those included in the Arctic National Wildlife Refuge and the National Petroleum Reserve-Alaska; to the Committee on Energy and Natural Resources.

EC-3200. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Department of Energy for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-3201. A communication from the Assistant Secretary of Energy (Environmental Restoration and Waste Management), transmitting, pursuant to law, notice in the delay of the submission of a report on the Department of Energy's research activities; to the Committee on Environment and Public Works.

EC-3202. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "Buy American Study Report"; to the Committee on Environment and Public Works.

EC-3203. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, the annual report of the Department regarding the committees which provide advice and consultation to the Secretary of Health and Human Services; to the Committee on Finance.

EC-3204. A communication from the Acting United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report concerning recent developments regarding section 301 of the Trade Act of 1974, as amended by the Omnibus Trade and Competitiveness Act of 1988; to the Committee on Finance.

EC-3205. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation to amend the Internal Revenue Code of 1986 to make the deduction for health insurance costs of self-employed individuals permanent, and to provide for a phased-in increase in the deductible amount of health insurance costs from 25 to 100 percent; to the Committee on Finance.

EC-3206. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the United States-Israel Legal Exchange; to the Committee on Foreign Relations.

EC-3207. A communication from the Secretary of State, transmitting, pursuant to law, a report on the President of the United States' determination that the Board of the International Fund established by the Anglo-Irish Agreement is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland, and that disbursements from the International Fund are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and will address the needs of both communities in Northern Ireland; to the Committee on Foreign Relations.

EC-3208. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the International Labour Conference; to the Committee on Foreign Relations.

EC-3209. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation to authorize financial institutions to disclose to the Office of Personnel Management the names and current addresses of their customers who are receiving, by direct deposit or electronic funds transfer, payments of Civil Service Retirement benefits under chapter 83 or Federal Employees' Retirement benefits under chapter 84 of title 5, United States Code; to the Committee on Governmental Affairs.

EC-3210. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report of the Government National Mortgage Association management for the fiscal year ended September 30, 1991; to the Committee on Governmental Affairs.

EC-3211. A communication from the Director of the Uniformed Services University of the Health Sciences (Civilian Human Resources Management), transmitting, pursuant to law, the annual report of the University for the year ending December 31, 1989; to the Committee on Governmental Affairs.

EC-3212. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, a report entitled "Office for Victims of Crime's Report to Congress"; to the Committee on the Judiciary.

EC-3213. A communication from the Secretary of Education, transmitting, a draft of proposed legislation to make certain amendments to the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), and the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and for other purposes; to the Committee on Labor and Human Resources.

EC-3214. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the state of Small Business; to the Committee on Small Business.

EC-3215. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, a report summarizing the disposition of cases where a VA beneficiary has suffered a loss because of reliance upon an erroneous VA determination of eligibility, without knowing that it was erroneous; to the Committee on Veterans' Affairs.

EC-3216. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the vocational rehabilitation and educational assistance programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Linda Gillespie Stuntz, of Virginia, to be Deputy Secretary of Energy.

(The above nomination was approved subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. LOTT):

S. 2700. A bill to authorize appropriations for fiscal year 1993 for the Federal Maritime Commission; to the Committee on Commerce, Science, and Transportation.

S. 2701. A bill to authorize appropriations for fiscal year 1993 for the Maritime Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. BREAUX, Mr. LOTT, Mr. PRYOR, Mr. KASTEN, and Mr. KERRY):

S. 2702. A bill to authorize appropriations for fiscal year 1993 for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FORD:

S. 2703. A bill to authorize the President to appoint General Thomas C. Richards to the Office of Administrator of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD (for himself, Mr. SIMON, Mr. BUMPERS, Mr. DIXON, Mr. BENTSEN, and Mr. SASSER):

S. 2704. A bill to prevent any foreign person from purchasing or otherwise acquiring the LTV Aerospace and Defense Company; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SEYMOUR:

S. 2705. A bill to establish the National Technology Agency; to the Committee on Governmental Affairs.

S. 2706. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the conversion of the defense industry to commercial endeavors, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself, Mr. GARN, Mr. DODD, Mr. KERRY, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, and Mr. MOYNIHAN):

S. 2707. A bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th Anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (by request):

S. 2708. A bill to improve enforcement of the Employee Retirement Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 2709. A bill to suspend temporarily the duty on rifabutin (dosage form); to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. THURMOND):

S. 2710. A bill to provide for improvement of the health care system under chapter 55 of title 10, United States Code, for members and former members of the uniformed services and their dependents and survivors; to the Committee on Armed Services.

By Mr. EXON (for himself and Mr. BOREN):

S.J. Res. 302. A joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. BRYAN, Mr. BURDICK, Mr. CHAFEE, Mr. COATS, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. GORE, Mr. GRASSLEY, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LEAHY, Mr. LUGAR, Mr. MACK, Mr. METZENBAUM, Ms. MIKULSKI, Mr. NUNN, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 303. A joint resolution to designate October 1992 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself and Mr. LOTT):

S. 2700. A bill to authorize appropriations for fiscal year 1993 for the Federal Maritime Commission; to the Committee on Commerce, Science and Transportation.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1992

• Mr. BREAUX. Mr. President, I, along with my colleague Senator LOTT, am introducing a bill today that authorizes the appropriations for the Federal Maritime Commission [FMC] for fiscal year 1993. The bill authorizes $19,100,000 to be used for the operations of the FMC. This is the same amount requested by the President in his budget request and the same amount in the FMC authorization bill passed by the House.

The FMC is an independent agency whose primary function is to regulate the practices of both international and domestic maritime trade. Its regulatory authority is contained in the Shipping Act of 1984, the Shipping Act of 1916, and other related statutes. The FMC reviews tariff filings and service contracts, but does not regulate international ocean transportation rates. It does, however, approve freight rates for transportation between domestic ports and domestic offshore ports such as Hawaii and Puerto Rico. In addition to those duties, the FMC investigates and takes enforcement action in instances where unjust discriminatory rates have been found, or other improper activities exist among shippers, carriers and terminal operations.

This legislation is necessary for the FMC to carry out all of its functions that are so important to regulation of the waterborne commerce of the United States. I, therefore, urge its quick passage.

Mr. President, I request that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 1992".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Maritime Commission $19,100,000 for fiscal year 1993.•

By Mr. BREAUX (for himself and Mr. LOTT):

S. 2701. A bill to authorize appropriations for fiscal year 1993 for the Maritime Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME ADMINISTRATION AUTHORIZATION ACT OF 1992

• Mr. BREAUX. Mr. President, I, along with my colleague, Senator LOTT, am introducing a bill today that authorizes the appropriations for the Maritime Administration [MarAd] for fiscal year 1993. The bill authorizes $537,419,000 to be used for the operations of MarAd. This is a decrease of $41,952,000 from the MarAd fiscal year 1992 appropriation of $579,371,000, and is the same as requested by the administration.

MarAd's main responsibility is the promotion of those activities that are designed to enhance the maritime industry in the United States. The major activities and programs conducted by MarAd include: operating differential subsidies; manpower, education, and training; operating programs; national security support capabilities, including the National Defense Reserve Fleet and the Ready Reserve Force [RRF]; and the ocean freight differential.

This bill also contains an amendment that reinstates a section of a law repealed by the Coast Guard Authorization Act of 1989. An oversight in a previous bill had technically stripped MarAd of its authority to manage the RRF. This section reinstates that power.

Mr. President, I request that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

For fiscal year 1993, the following amounts are authorized to be appropriated for the Maritime Administration:

(1) $225,000,000 for payment of obligations incurred for operating-differential subsidies of United States-flag vessels.

(2) $38,718,000 for expenses related to manpower, education, and training, including—

(A) $27,845,000 for maritime training at the United States Merchant Marine Academy at Kings Point, New York;

(B) $10,072,000 for assistance to the State maritime academies; and

(C) $1,801,000 for manpower and additional training.

(3) $30,341,000 for operating programs.

(4) $8,360,000 for expenses related to national security support capabilities, including—

(A) $6,937,000 for the National Defense Reserve Fleet; and

(B) $1,423,000, for emergency planning operations.

(5) $234,000,000 for the Ready Reserve Force, including—

(A) $104,000,000 for fleet additions, replacements, acquisitions, and upgrading of vessels for the Ready Reserve Force;

(B) $126,000,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(C) $4,000,000 for Ready Reserve Force shore facilities and fleet support craft.

SEC. 2. TECHNICAL CORRECTION.

Section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744), as amended by section 6 of the Act of October 13, 1989 (Public Law 101-115; 103 Stat. 693), is amended to read as if subsection (b) of such section 11 had not been repealed by section 307(12) of the Coast Guard Authorization Act of 1989 (Public Law 101-225; 103 Stat. 1925).

SEC. 3. EFFECTIVE DATES.

The effective date of section 2 is December 12, 1989. The other provisions of this Act are effective on the date of enactment of this Act.●

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. BREAUX, Mr. LOTT, Mr. PRYOR, Mr. KASTEN, and Mr. KERRY):

S. 2702. A bill to authorize appropriations for fiscal year 1993 for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COAST GUARD AUTHORIZATION ACT

Mr. HOLLINGS. Mr. President, today I am introducing the Coast Guard Authorization Act of 1992.

This bill provides the core authorization for the Coast Guard for fiscal year 1993.

The authorization totals $3.817 billion for 1993, which reflects a modest increase of 6 percent from the fiscal year 1992 appropriated level.

As chairman of the Commerce Committee, I recognize that this small increase, similar to the small increases that we have seen over the years, does not reflect adequately the expanding duties of this branch of the Nation's armed services.

When this service was first established in 1790, its mission was fairly straightforward—to prevent smuggling and collect tax revenues.

Since that time, many new responsibilities have been added, including search and rescue, fisheries law enforcement, drug interdiction, aids to navigation, marine safety, and marine environmental protection.

In addition to its routine activities, during the past few years the Coast Guard has been on the front line of high publicized events such as the cleanup of the *Exxon Valdez*, the blockade of Iraq, and the Haitian interdiction.

This bill provides the bare-bones authorization needed for the Coast Guard to perform these many important functions.

This bill provides a 5-percent increase in the authorization for Coast Guard operating expenses for fiscal year 1993.

Funding from this account provides for the operation and maintenance of the multipurpose vessels, aircraft, and shore vessels which allow the Coast Guard to perform its duties along the coasts and inland waterways of the United States. The small increase in the authorization for this year is, for the most part, an adjustment for inflation.

The authorization for capital funding in this bill totals $414 million for fiscal year 1993. Capital funding includes the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft. Some major initiatives being continued during the next year include replacement of seagoing buoy tenders, coastal buoy tenders, and 44-foot motor lifeboats.

The bill contains increased funding to provide affordable housing, medical care, training, family services, and recreational facilities for the men and women of the Coast Guard. In addition, it authorizes $519 million for retired pay in fiscal year 1993, which provides money to retired military personnel of the Coast Guard, the Coast Guard Reserve, and the former Lighthouse Service.

Other funding authorizations in the bill cover research and development and bridge alteration. The bill provides for a 42-percent increase in funding for environmental compliance and restoration which will assist the Coast Guard in fulfilling its responsibilities in this area. Authorizations are provided for end-of-year strengths of 39,732 military personnel for fiscal year 1993. The bill also authorizes average military training loads for recruits and special training, flight training, professional training, and officer training.

This legislation also contains a number of provisions which amend existing law applicable to the Coast Guard. These provisions:

Authorize the Secretary of Transportation to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation, and to revoke such endorsement for vessel owners who refuse to pay civil penalties;

Change the positions eligible for special pay in the Coast Guard;

Improve the inspection and enforcement authority of the Coast Guard with respect to foreign passenger vessels;

Authorize the Coast Guard to obtain reimbursement for overseas inspections and examinations of foreign vessels.

This year's Coast Guard authorization bill also contains an important provision to phase out the Coast Guard recreational user fee which was enacted as part of the Omnibus Reconciliation Act of 1990. Mr. President, boaters already pay their share to the Government in the form of gas taxes, excise taxes, sales taxes, and registration fees. In South Carolina, boaters on Lake Marion and Lake Moultrie are now paying this additional fee, although the Coast Guard provides no services on the lakes. I am all for common sense budget reform, but clearly this is an unfair tax which we need to repeal.

To provide an offset for the repeal of the Coast Guard user fee, I have included a proposal in this legislation to establish a fee for users of the Federal Maritime Commission's [FMC] new computerized automated tariff filing and information [ATFI] system. Under the provision, individuals who use the FMC's new computer data base to access tariff information will pay 46 cents per minute of use.

I congratulate the men and women of the Coast Guard for always stepping forward when the Nation calls. I ask my colleagues to join me in supporting this Coast Guard authorization legislation.

Mr. President, in introducing this Coast Guard authorization bill, it is very relative to the demise and disdain and cynicism that we find in government. We in the Congress constantly ask why. The distinguished Senator from North Carolina is covering it in a responsible fashion.

There is no question in my mind, not being an historian on the Democratic Party, but having experienced the party and its feel for some 40 years, it can be summed up in a line that the people who say they do not trust politicians anymore are waiting to find politicians who act as though they trust the people. And in that sense the people's trust is lost when you go to the so-called user fees or licenses that they put on boats for a service that never could be.

Out in Los Angeles they are going to have now a super-duper commission to find out why they did not get law enforcement to operate in a timely fashion. Here there is no chance of the Coast Guard operating in a timely or untimely fashion. We have acted in a panic, if you please, trying to spend all the trust funds. We have raided the highway, the airport, the Medicare, the unemployment trust fund, whereby the Senator from Texas said, when we debated it, we are trying to spend money that is already spent. We have raided the Social Security trust fund where by the year 1999, in 7 short years, we will owe it $1 trillion. We are spending a billion a week out of Social Security.

And in that panic they just said oh, we have got to get more money and they exacted a fee on small boat users in your State and mine. And in my State, if I have a boat on Lake Marion, you will not see the Coast Guard. If you have a boat on Lake Moultrie, you are not going to see the Coast Guard. If you have a boat on the Upper Congaree and the boat starts sinking or whatever it is, the one group that you will never find coming to your rescue is the Coast Guard.

Now, they ask why do we not have confidence in that crowd in Congress and in the National Government, in the Presidency and otherwise. Because here they come around and they are paying moneys for a service that is impossible to get.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Coast Guard Authorization Act of 1992".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1993, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,603,000,000, of which—

(A) $142,100,000 shall be transferred from the Department of Defense;

(B) $31,876,000 shall be derived from the Oil Spill Liability Trust Fund; and

(C) $35,000,000 shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $414,000,000, to remain available until expended, of which—

(A) $18,000,000 shall be transferred from the Department of Defense; and

(B) $33,822,000 shall be derived from the Oil Spill Liability Trust Fund.

(3) For research, development, test, and evaluation, $29,900,000, to remain available until expended, of which $4,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $519,700,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alternative Program, $11,100,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $30,500,000, to remain available until expended.

AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING

SEC. 3, (a) AUTHORIZED MILITARY STRENGTH LEVEL.—As of September 30, 1993, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,732. The authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) AUTHORIZED LEVEL OF MILITARY TRAINING.—For fiscal year 1993, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,653 student years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institutions, 362 student years.

(4) For officer acquisition, 878 student years.

DENIAL AND REVOCATION OF ENDORSEMENTS

SEC. 4. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if the Secretary finds that the vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, U.S. Code, is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

SPECIAL PAY

SEC. 5. (a) DESIGNATION OF ELIGIBLE POSITIONS.—Section 306(a) of title 37, United States Code, is amended by striking "of pay grade 0-3, 0-4, 0-5, or 0-6" and inserting in lieu thereof "of pay grade 0-6 or below", and by striking the chart and inserting in lieu thereof the following new chart:

"Pay Grade	Monthly rate
0-6	$150
0-5	100
0-4 and below	50".

(b) PERCENTAGE LIMITATION ON NUMBER OF PAYEES.—Section 306(c) of title 37, United States Code, is amended by striking "in pay grade 0-3," and inserting in lieu thereof "in each of the pay grades 0-3 and below,".

INSPECTION AND ENFORCEMENT AUTHORITY FOR FOREIGN VESSELS

SEC. 6.(a) RECIPROCITY.—Section 3303(a) of title 46, United States Code, is amended—

(1) by striking "only" immediately after "is subject"; and

(2) by striking "the condition of the vessel's propulsion equipment and lifesaving equipment are" and inserting in lieu thereof "its condition is".

(b) PREVENTION OF DEPARTURE.—Section 3505 of title 46, United States Code, is amended by striking "or domestic vessel of more than 100 gross tons having berth or stateroom accommodations for at least 50 passengers" and inserting in lieu thereof "vessel".

REIMBURSEMENT FOR OVERSEAS INSPECTIONS AND EXAMINATIONS

SEC. 7. Section 3317(b) of title 46, United States Code, is amended—

(1) by striking "chapter" and inserting in lieu thereof "part"; and

(2) by inserting "or a foreign vessel" immediately after "documented vessel.".

RECREATIONAL BOAT TAX REPEAL

SEC. 8.(a) IN GENERAL.—(1) Section 2110(b)(1) of title 46, United States code, is amended—

(1) by striking "1991, 1992, 1993, 1994, and 1995", and inserting in lieu thereof "1993 and 1994"; and

(2) by striking "that is greater than 16 feet in length" and inserting in lieu thereof "to which paragraph (2) of this subsection applies".

(2) Section 2110(b)(2) of title 46, United States Code, is amended to read as follows:

"(2) The fee or charge established under paragraph (1) of this subsection is as follows:

"(A) in fiscal year 1993—

"(i) for vessels of more than 21 feet in length but less than 27 feet, not more than $35;

"(ii) for vessels of at least 27 feet in length but less than 40 feet, not more than $50; and "(iii) for vessels of at least 40 feet in length, not more than $100.

"(B) in fiscal year 1994—

"(i) for vessels of at least 37 feet in length but less than 40 feet, not more than $50; and

"(ii) for vessels of at least 40 feet in length, not more than $100.".

(b) Effective Date.—The amendments made by this section are effective October 1, 1992.

AUTOMATED TARIFF FILING AND INFORMATION SYSTEM

Sec. 9.(a) Definitions.—In this section, the following definitions apply:

(1) The term "Commission" means the Federal Maritime Commission.

(2) The term "common carrier" means a common carrier under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702), a common carrier by water in interstate commerce under the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), or a common carrier by water in intercoastal commerce under the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(3) The term "conference" has the meaning given that term under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702).

(4) The term "essential terms of service contracts" means the essential terms that are required to be filed with the Commission and made available under section 8(c) of the Shipping Act of 1984 (46 App. U.S.C. 1707(c)).

(5) The term "tariff" means a tariff of rates, charges, classifications, rules, and practices required to be filed by a common carrier or conference under section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707), or a rate, fare, charge, classification, rule, or regulation required to be filed by a common carrier or conference under the Shipping Act, 1916 (46 U.S.C. 801 et seq.), or the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(b) Tariff Form and Availability.—(1) Notwithstanding any other law, each common carrier and conference shall, in accordance with subsection (c), file electronically with the Commission all tariffs, and all essential terms of service contracts, required to be filed by that common carrier or conference under the Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.), the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), and the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(2) The Commission shall make available electronically to any person, without time, quantity, or other limitation, both at the Commission headquarters and from remote terminals—

(A) all tariff information, and all essential terms of service contracts, filed in the Commission's Automated Tariff Filing and Information System database; and

(B) all tariff information in the System enhanced electronically by the Commission at any time.

(c) Filing Schedule.—New tariffs and new essential terms of service contracts shall be filed electronically not later than June 1, 1992. All other tariffs and essential terms of service contracts shall be filed not later than September 1, 1992.

(d) Fees.—(1) The Commission shall charge, in fiscal years 1993, 1994, and 1995—

(A) a fee of 46 cents for each minute of remote computer access by any individual of the information available electronically under this section; and

(B)(i) for electronic copies of the Automated Tariff Filing and Information System database (in bulk), or any portion of the database, a fee reflecting the cost of providing those copies, including the cost of duplication, distribution, and user-dedicated equipment; and

(ii) for a person operating or maintaining information in a database that has multiple tariff or service contract information obtained directly or indirectly from the Commission, a fee of 46 cents for each minute that database is subsequently accessed by computer by any individual.

(2) A Federal agency is exempt from paying a fee under this subsection.

(e) Enforcement.—The Commission shall use systems controls or other appropriate methods to enforce subsection (d).

(f) Penalties.—(1) A person failing to pay fee established under subsection (d) is liable to the United States Government for a civil penalty of not more than $5,000 for each violation.

(2) A person that willfully fails to pay a fee established under subsection (d) commits a class A misdemeanor.

(g) Automatic Filing Implementation.—(1) Software that provides for the electronic filing of data in the Automated Tariff Filing and Information System shall be submitted to the Commission for certification. Not later than 14 days after a person submits software to the Commission for certification, the Commission shall—

(A) certify the software if it provides for the electronic filing of data; and

(B) publish in the Federal Register notice of that certification.

(2)(A) The Secretary of the Treasury shall make available to the Commission, as a repayable advance in fiscal year 1992, not more than $4,000,000, to remain available until expended. The Commission shall spend these funds to complete and upgrade the capacity of the Automated Tariff Filing and Information System to provide access to information under this section.

(B)(i) Any advance made to the Commission under subparagraph (A) shall be repaid, with interest, to the general fund of the Treasury not later than September 30, 1995.

(ii) Interest on any advance made to the Commission under subparagraph (A)—

(I) shall be at a rate determined by the Secretary of the Treasury, as of the close of the calendar month preceding the month in which the advance is made, to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding; and

(II) shall be compounded annually.

(3) A portion of amounts collected by the Commission under this section shall be retained and expended by the Commission for fiscal year 1992 and each subsequent fiscal year, without fiscal year limitation, to carry out this section and pay back the Secretary of the Treasury for the advance made available under paragraph (2).

(4) Except for the amounts retained by the Commission under paragraphs (3), fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts.

(h) Restriction.—No fee may be collected under this section after fiscal year 1995.

(i) Conforming Amendment.—Section 2 of the Act of August 16, 1989 (46 App. U.S.C. 1111c), is repealed.

By Mr. FORD:

S. 2703. A bill to authorize the President to appoint Gen. Thomas C. Richards to the Office of Administrator of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

AUTHORIZING THE APPOINTMENT OF THE OFFICE OF THE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

Mr. FORD. Mr. President, the administration has nominated Thomas C. Richards to be the Administrator of the Federal Aviation Administration [FAA]. The Federal Aviation Act requires that the FAA Administrator be a civilian. Since Mr. Richards is a retired general in the U.S. Air Force, he is not a civilian.

This legislation would permit an exception for Mr. Richards and would allow him to serve as Administrator while not affecting his status or rank as an officer on the retired list of the U.S. Air Force. The Dual Compensation Act will apply to Mr. Richards, which means that his military retirement pay will be reduced according to formula while he serves as Administrator.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General Thomas C. Richards, United States Air Force, Retired, to the Office of Administrator of the Federal Aviation Administration. General Richards appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he shall hold as an officer on the retired list of the United States Air Force, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, General Richards shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Air Force, shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Air Force, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

Sec. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, General Richards shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Air Force.

Sec. 3. Nothing in this Act shall be construed as approval by the Congress of any future appointments of military persons to the Office of Administrator of the Federal Aviation Administration.

By Mr. BYRD (for himself, Mr. SIMON, Mr. BUMPERS, Mr. DIXON, Mr. BENTSEN, and Mr. SASSER):

S. 2704. A bill to prevent any foreign person from purchasing or otherwise acquiring the LTV Aerospace and Defense Co.; to the Committee on Banking, Housing and Urban Affairs.

PREVENTION OF ACQUISITION OF THE LTV AEROSPACE AND DEFENSE CO.

Mr. BYRD. Mr. President, I am introducing legislation today to help retard the hemorrhaging of America's critical industrial base and to stop a most unwise transfer of our advanced missile and associated technologies to Europe and most probably to a variety of Third Countries. There are no precedents for a sale of the magnitude that has been proposed in the case of the LTV Corp., and this is one time that we ought to firmly say no go.

On April 10, Federal Bankruptcy Court Judge Burton R. Lifland approved the sale of LTV Corp.'s missile division to Thomson-CSF, the American subsidiary of Thomson-S.A., a French firm that is 58 percent owned by the French Government. The deal also included the sale of LTV's aircraft division to the Carlyle Group, a Washington investment banking firm. Lockheed and Martin Marietta had joined to bid on the missile and aircraft divisions, but could not match Thomson/Carlyle's $450 million offer. I am sure that the judge acted in what he saw as the best interest of LTV's creditors and shareholders by accepting the higher bid. However, the administration and the Congress now must examine this sale in the larger context of U.S. national security and we must act in the best interest of the Nation.

Before the sale to Thomson can be finalized, the deal will first be reviewed by the Committee on Foreign Investment in the United States, CFIUS. The CFIUS is an interagency committee chaired by the Treasury Department, and its review process implements the Exon-Florio amendment to the Defense Production Act. The Exon-Florio amendment provides the President with the authority to prohibit the acquisition of a U.S. business by a foreign investor if the President believes such an acquisition will impair national security. Although Exon-Florio gives the President broad latitude to determine what constitutes a threat to national security, to date the administration has chosen to make little use of that authority. In nearly 4 years, CFIUS has extensively reviewed just 13 of 700 foreign acquisitions, and only one was blocked by the President.

I hope that the CFIUS review of this sale gives serious consideration to the effect that such a transaction will have on the U.S. industrial base during this period of diminished defense expenditures. But given the history of the CFIUS process, I am not encouraged and I am not prepared to wait idly while the deal is consummated and the French Government nationalizes our defense industry.

This deal, if approved, would set a dangerous precedent by allowing foreign governments, not just foreign firms but foreign governments, to compete with U.S. investors trying to buy ailing U.S. defense firms as that industry shrinks and consolidates. How can we expect any company or group of companies to marshal the resources necessary to outbid the French Government? Of equal concern is the ability of Thomson to tap into the French treasury to subsidize LTV in order to gain United States market share at the expense of United States producers. U.S. companies already face a difficult road in competing against subsidized European agricultural products and commercial aircraft. I cannot imagine why we would willingly subject our defense sector to this same unfair competition.

The proponents of this deal have pointed out that Thomson fully intends to maintain LTV's production facilities here in the United States, so no jobs will be lost, they say.

What they fail to mention is the strong possibility that Thomson could eventually and subtly shift LTV subcontract work from United States suppliers to French suppliers, resulting in jobs lost in the United States and the further erosion of our second and third tier subcontractor base.

So far, I have only mentioned the possible economic consequences of this sale. The more obvious problems concern the security of sensitive military technology. The CFIUS and we here in the Congress must consider the possibility that the French could gain access to sensitive technology and export it worldwide, possibly to countries hostile to the United States. According to an April 30, 1992, article in the Washington Post, Thomson has a recent history of selling military equipment to such countries as Libya and Iraq. Apparently, these transactions were perfectly legal under French law, but they highlight the kind of problem we would face if this deal goes through.

Of course, we also face the possibility that the United States and France might someday find themselves on opposite sides of an international crisis and we would then not have full control over one of our major domestic defense contractors. I am in no way suggesting that the French are not loyal allies, but it was only 6 years ago, in 1986, when the United States conducted a bombing raid on Libya and United States aircraft were forced to fly hundreds of miles out of their way because France refused to grant them overflight of its territory. We do have disputes with our friends, and I do not think it would be wise to give any country veto power over an important sector of our defense industry.

A final point to consider is that most of our allies, including the French, would never allow the reverse situation to occur. They would not allow the sale of a French defense firm to an American company, much less one that was owned by the American Government. This is yet another case where our economic competitors are more than willing to take advantage of our open markets while they remain committed to protecting their own critical industries.

As we consider this deal, we should ask ourselves two questions. First, will this sale adversely impact the U.S. industrial base? Second, is there a significant risk of loss of U.S. Government control over sensitive weapons technologies? I would answer both questions in the affirmative. Consequently, today I am introducing a bill that would stop this deal before it goes any further. There is no need to sell off our defense industry to foreign governments when willing and legitimate buyers exist here at home. I hope that the CFIUS process and the President come to the same conclusion, but if they do not, then I will work for the adoption of this legislation.

Mr. President, I ask unanimous consent that Senators may have until the close of business today to add their names as cosponsors of this legislation. I send the bill to the desk for its appropriate referral.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. SEYMOUR:

S. 2705. A bill to establish the National Technology Agency; to the Committee on Governmental Affairs.

S. 2706. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the conversion of the defense industry to commercial endeavors, and for other purposes; to the Committee on Finance.

COMPREHENSIVE PLAN FOR EMERGING TECHNOLOGY EMPOWERMENT

Mr. SEYMOUR. Mr. President, I rise this morning to introduce two bills critical to a strategy that I announced during the Easter recess in California. This strategy—called the comprehensive plan for emerging technology empowerment, or COMPETE—is designed to foster a series of market incentives to aid the transition of our economy from a Cold War to a post-cold war posture.

The first bill is the National Technology Agency Act of 1992 that combines three different technology research divisions of the Federal Government into one new agency with a director who reports to the President. Under this bill, these divisions—the National Institute of Science and Technology from the Department of Commerce, portions of the Defense Advanced Research Projects Agency, and the Office of Science and Technology Policy in the White House Office—would combine their existing budgets and staff into one unit. Their principle mission would center on the development of a coordinated research, development, and grant strategy to help defense companies devastated by budget cuts to enter new environmental and commercial product markets.

Our Federal research and development policy lacks focus and clear policy direction. The fragmentation of responsibility among three different agencies also leads to squabbling about authority instead of planning about economic development.

The National Technology Agency [NTA] Act would at least start to solve some of these problems by creating a consolidated Government organization with specific responsibilities and carefully defined powers. My bill permits the NTA to establish partnerships with different levels of Government, corporations, research laboratories, universities, and nonprofit firms that present feasible action plans to help America's highly specialized defense industries to become competitive in the economic markets of the future.

Toward this end, the legislation specifically authorizes the agency to expand the integration of military and commercial research efforts as well as actively participate in the fostering of improved manufacturing and environmental cleanup technologies.

Finally, the NTA could extend loan guarantees and cash grants to fulfill any of these mandates.

Why, Mr. President, do we need this legislation? The prospect of a long and deep economic transformation throughout America now confronts us in our new world. Indeed, the hard but overlooked fact is that the cold war with the Soviet Union—one that we neither wanted nor caused—sustained a critical part of our domestic economy.

During the years following World War II, national defense spending accounted for more than half of the Federal budget at its height and almost 25 percent of it by President Reagan's second term.

Over the same period of time, military outlays also consumed between 6 and 12 percent of our entire gross national product.

These big numbers translated into real prosperity for communities all over America. Until recently, the Defense Department kept 2 million men and women under arms and awarded billions of dollars in contract to industry each year. The total number of military-related American jobs in the second half of this century never went below 5 million and approached 10 million during the peak year of 1953.

But today, the numbers tell a different story. The fiscal year 1993 Defense budget that the President submitted to Congress represents the smallest percentage of Federal expenditures since the United States entered World War II.

Even without the help of Congress, the Bush administration has ended more than 100 separate weapons systems and has made plans to cut an additional 600,000 personnel from the Armed Forces and at least $50 billion from Defense Department accounts by 1995.

For my State of California, this trend has started to produce grim results. California has lost more than 60,000 aerospace and Defense industry jobs since 1986. A study recently finished by the Los Angeles County Economic Development Corp. warns that 210,000 more jobs could be lost in the southern part of the State alone over the next few years. Defense product expenditures in the Los Angeles area also fell from $6 billion in 1987 to $3.3 billion now.

We can understand that for every $8 lost in defense revenue, the State's revenue base will lose at least three times more than this amount.

The twin contractions of the Defense Department budget and the industrial network supporting it means that before the year 2000, well over 1 million jobs will disappear from the U.S. economy because no one foresees the national security need to rebuild our forces to the levels at which they existed before the demise of the Soviet Union.

These dislocations, with their profound effect on the ability of America to prosper in the post-Soviet world, require a constructive and coherent response from the Federal Government.

While we cannot engineer a new industrial policy controlled exclusively by Washington, Congress should devote some government resources to assist both the citizens in uniform and those from the defense industry who face the loss of their jobs because of the budget decisions imposed from Washington.

Furthermore, I agree with those who say that private sector-driven changes in management, production, and marketing techniques will ultimately determine the economic future of most defense companies. But a prudent investment in effective job retraining, promising high technologies, and sound environmental management efforts will permit our labor force to sustain the vitality of the American economic system.

Why does the Federal Government have a responsibility to make this investment? The answer revolves around the central role that defense-related high technologies can play in forging the future of our economy and our environment.

Last year, the President's Council on Competitiveness revealed that 75 percent of the technologies originally developed by the Nation's defense and aerospace sector remained vital to the trade competitiveness of the United States.

And during even these difficult times of market erosion, the aerospace industry accounts for 10 percent of all American sales to overseas customers—making it the country's No. 1 exporter.

We are not talking about short-term subsidies to cashiered colonels or displaced riveters.

Rather, we need a fresh and consistent policy to support these most promising forces of prosperity—the managers, researchers, workers, and exporters who during this time of victory over communism, made the greatest contribution to the restoration of America's national defense since Stalin's army drove into Berlin.

In addition, we cannot forget that limited Federal contributions to competitive high technology and environmental management initiatives will prevent the need for the noncompetitive expansion of welfare and toxic cleanup programs. Let us be aware that the total collapse of an industry so large and complex as defense will severely constrain our income tax base as well as the retail, housing, and construction trades.

And let us also be aware that the defense and aerospace sector has lifted some of America's most vulnerable and impoverished communities out of their despair. California's aerospace industry, for example, makes almost 30 percent of its supplier purchases from small and disadvantaged businesses and has a minority employment level of one-third.

For the sake of our export sectors, as well as the productivity of millions of Americans, a new Federal policy to aid the high technology transition of our economy today will avert the need for subsidies, clean-ups, and bailouts tomorrow. We face a choice: investments to improve our Nation's economy now or payments to manage our misery later.

We have both the knowledge and the ability to re-direct a number of flexible military technologies. Several universities and private companies in California, for example, have already begun work on using the expertise concentrated in the aerospace sector to improve our environment. California is the Nation's leading State in pioneering fuel cells, low-emission energy sources, and electric vehicles. We can also apply our understanding of how to safely destroy chemical and nuclear weapons to new methods for the equally safe disposal of commercial waste.

Furthermore, a private sector coalition from the Silicon Valley has launched a campaign to improve the marketing potential of the U.S. global positioning system. First developed by the Defense Department, GPS is a satellite navigation system that can track and transmit information to farmers, fishermen, weathermen, and traffic planners. All of these programs, Mr. President, show that Americans have the know-how; we just need to enlarge and produce it.

A new National Technology Agency would devote itself fulltime to these critical goals. I therefore urge all of my colleagues to support this needed bill as the American economy struggles its way into the post-cold war era.

Finally, complimenting the COMPETE initiative is a package of tax breaks which will reward defense companies that convert their production lines to high-technology purposes. The incentives include an investment tax credit for the purchase of equipment or property which will allow conversion of defense technology to commercial application, incentives for the hiring of displaced workers and capital gains reductions for the creation of new small businesses.

By Mr. RIEGLE (for himself, Mr. GARN, Mr. DODD, Mr. KERRY, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, and Mr. MOYNIHAN):

S. 2707. A bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

VIETNAM VETERANS COMMEMORATIVE COIN ACT

• Mr. RIEGLE. Mr. President, 1992, marks an important anniversary. America dedicated the Vietnam Veterans Memorial in Washington, DC, 10 years ago. The austere memorial wall honors the more than 58,000 Vietnam veterans who made the ultimate sacrifice for their country. Today, along with Senator GARN, the ranking member on the Senate Banking Committee, and Senators DODD, KERRY, SHELBY, SMITH, STEVENS, and MOYNIHAN, I am introducing legislation to authorize the minting and issuance of coins to commemorate the 10th anniversary of the dedication of the Vietnam Veterans Memorial.

More than 8 million Americans served in the United States Armed Forces during the conflict in Vietnam. Recovery from this divisive, distant war has been very difficult. Indeed, the Vietnam Veterans Memorial has been the focal point for the healing process for many Americans. It is, therefore, appropriate that we take this opportunity, one decade after the dedication of the Vietnam Veterans Memorial, to commemorate the service and commitment of Vietnam veterans.

By introducing the Vietnam Veterans Commemorative Coin Act, it is my intention to offer the Nation an opportunity to pay special tribute to veterans of the war in Indochina. The bill, however, will not only honor those whose names are enshrined on the Vietnam Veterans Memorial but will help to heal the wounds of those who survived the war.

In particular, this legislation creates a process to help veterans who are in need of assistance, at no cost to the U.S. Government. Profits from sale of the coins will be paid by the Secretary of the Treasury into the Vietnam veterans assistance fund. Proceeds from the sale of coins will be used to improve the health and well-being of Vietnam veterans. These programs will include assistance to veterans suffering from posttraumatic stress disorder and aid to homeless veterans. The Vietnam veterans assistance fund will also provide grants to continue research into the affects of agent orange and will be used to finance employment counseling and assistance to all veterans who served during a period of war. Finally, the Vietnam veterans assistance fund will be used to continue the process of honoring and recognizing the accomplishments and sacrifice of veterans of the Vietnam war and their families.

Mr. President, the 10th anniversary of the dedication of the Vietnam Veterans Memorial is an appropriate time to pay tribute to those veterans who did not return from Southeast Asia. At the same time, 1992 is a fitting time for America to recommit itself to acknowledging Vietnam veterans and assisting those in need. The Vietnam Veterans Commemorative Coin Act will accomplish both of these important goals. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD, at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam Veterans Commemorative Coin Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) in 1992, the people of the United States will observe the "Year of the Vietnam Veteran" and the 10th anniversary of the dedication of the Vietnam Veterans Memorial; and

(2) the minting and issuance of $1 silver coins commemorating the accomplishments of veterans who served during the Vietnam War is an appropriate method by which to observe those events.

SEC. 3. AUTHORIZATION.

(a) ISSUANCE.—The Secretary of the Treasury (hereafter referred to as the "Secretary") shall issue not more than 1,000,000 one dollar coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins issued under subsection (a) shall be emblematic of the heroic service of veterans who served during the Vietnam War. On each coin there shall be a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins issued under subsection (a) shall be considered to be numismatic items.

(d) LEGAL TENDER.—The coins issued under subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins authorized under section 3 from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 5. SELECTION OF DESIGN.

The design for each coin authorized under section 3 shall be selected by the Secretary after consultation with the Chairperson of the Vietnam Veterans of America Advisory Board and the Commission of Fine Arts.

SEC. 6. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the coins authorized under section 3 shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses), and the surcharge provided for in subsection (d).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins authorized under section 3 at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under section 3 prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) SURCHARGES.—All sales of the coins authorized under section 3 shall include a surcharge of $7 per coin.

SEC. 7. ISSUANCE OF COINS.

(a) IN GENERAL.—The coins authorized under section 3 may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular quality.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins authorized under section 3 beginning on January 1, 1992.

(c) PERIOD OF AUTHORITY.—Coins authorized under section 3 may be minted beginning 30 days after the date of enactment of this Act and for a period of not more than 1 year thereafter.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services required to carry out this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 9. DISTRIBUTION OF SURCHARGES.

Subject to section 10, all surcharges received by the Secretary pursuant to section 6(d) shall be promptly paid by the Secretary to the Vietnam Veterans Assistance Fund for the purposes of—

(1) honoring and recognizing the accomplishments of veterans of the Vietnam War;

(2) educating the people of the United States regarding the accomplishments and

sacrifices of such veterans and their families;

(3) establishing programs for the purpose of improving the health and well-being of such veterans and their families, including programs to provide assistance to veterans suffering from post traumatic stress disorder and to veterans who are homeless;

(4) providing assistance to such veterans in qualifying for benefits under title 38, United States Code, and other benefits available under Federal law;

(5) providing grants to scientific and medical organizations to study the effects of and treatment for exposure to the chemical tetrachlorodibenzoparadioxin (commonly known as Agent Orange); and

(6) providing employment counseling and assistance to all veterans who served during a period of war.

SEC. 10. AUDITS.

(a) VIETNAM VETERANS ASSISTANCE FUND.—As a condition for receiving the proceeds of the surcharges pursuant to section 9, the Vietnam Veterans Assistance Fund shall allow the Comptroller General to examine such books, records, documents, and other data as may be related to the expenditure of such proceeds.

(b) GRANTS.—Any entity that receives a grant pursuant to section 9(5) shall allow the Comptroller General to examine such books, records, documents, and other data as may be related to the expenditure of any portion of such grant.

SEC. 11. COINAGE PROFIT FUND.

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins authorized under section 3 shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized by section 9 from the coinage profit fund to the Vietnam Veterans Assistance Fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 12. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized under section 3 shall result in no net cost to the Federal Government.

(b) PAYMENT FOR COINS.—No coins authorized under section 3 shall be issued unless the Secretary has received—

(1) full payment therefore;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, or the Resolution Trust Corporation.•

By Mr. HATCH (by request):

S. 2708. A bill to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Labor and Human Resources.

IMPROVED ENFORCEMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT

• Mr. HATCH. Mr. President, today I am introducing a bill on behalf of the administration to improve the auditing standards for employee benefit plans. The Secretary of Labor has written a letter outlining the effects of this bill and I ask unanimous consent that it be included in the RECORD. The text of the bill is accompanied by a section-by-section analysis and I ask that it also appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Section 103(a)(3)(C) of the Employee Retirement Income Security Act of 1974, as amended, is amended by adding at the end thereof the following sentence: "This subparagraph shall not apply to opinions required by subparagraph (A) for plan years beginning on or after January 1, 1992."

(b) EFFECTIVE DATE.—This section shall be effective upon enactment.

SEC. 2. PEER REVIEW REQUIREMENT FOR INDEPENDENT QUALIFIED PUBLIC ACCOUNTANTS.

(a) IN GENERAL.—Section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974, as amended, is amended by adding at the end thereof the following:

"Notwithstanding clauses (i), (ii) and (iii), after December 31, 1994, a person shall not be considered a 'qualified public accountant' unless such person has undergone a peer review of the person's accounting and auditing practice with respect to employee benefit plans to believe that a violation of certain criminal laws may have occurred with respect to the plan shall report to the plan administrator and the Secretary.

(3) The Secretary shall issue regulations setting forth the criminal laws to which this subsection applies and the content, manner and time periods for such reporting.

(b)(1) The administrator of an employee benefit plan subject to this part shall—

(A) notify the Secretary in writing of the termination of an engagement for auditing services under section 103(a)(3)(A) within 7 days of such termination, giving the reasons for such termination, and

(B) furnish the accountant whose engagement was terminated with a copy of the report to the Secretary within fourteen days of the termination.

(2) If the accountant referred to in paragraph (1)(B) has not received a copy of the administrator's report to the Secretary as required under paragraph (1)(B), or if the accountant disagrees with the reasons given in the report for termination of the engagement, the accountant shall notify the Secretary in writing of the termination, giving the reasons for the termination, within 3 days after the expiration of the period described in paragraph (1)(B)."

(b) Section 502 of the Employee Retirement Income Security Act of 1974, as amended, is amended:

(1) by inserting at the end of subsection (c) the following new paragraph:

"(4) The Secretary may assess a civil penalty of up to $100,000 against any administrator or accountant who fails to provide the Secretary with any notification required under section 111."; and

(2) by deleting in subsection (a)(6) "subsection (c)(2) or (i) or (1)" and inserting in lieu thereof "paragraph (2), (3) or (4) of subsection (c), or subsection (i) or (1) of this section".

(c) Section 514(d) of the Employee Retirement Income Security Act of 1974, as amended, is amended by deleting "111" and inserting in lieu thereof "112".

(d) EFFECTIVE DATE.—This section shall be effective upon enactment.

DEPARTMENT OF LABOR,
Washington, DC, May 12, 1992.

Hon. DAN QUAYLE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill relating to the Employee Retirement Income Security Act of 1974 (ERISA), as amended, and a section-by-section analysis. The bill would add certain provisions to ERISA with respect to the auditing of employee benefit plans. These changes would have the following effects:

Repeal the limited scope exemption for certain plan audits, encouraging employee benefit plans and financial institutions to utilize a "single audit" approach instead.

Require that Independent Public Accountants conducting required ERISA audits obtain a peer review every three years to remain qualified to perform such audits.

Require plan auditors and administrators, who have reason to believe that violations of certain criminal laws may have occurred with respect to the plan, to report certain information as designated by the Secretary of Labor in regulations, subject to a civil penalty of up to $100,000 and criminal penalties.

Require more timely notification to the Secretary of any termination of an accountant from an auditing engagement, subject to civil and criminal penalties outlined above.

I believe these changes would significantly enhance the ability of the Federal Government to protect the assets of employee benefit plans, as well as enhance the security of participants and beneficiaries. I urge the Congress to give the draft bill prompt and favorable consideration.

The Office of Management and Budget advises that there is no objection to the submission of this proposal from the standpoint of the President's program.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

SECTION-BY-SECTION SUMMARY: PROPOSED LEGISLATION TO ADD CERTAIN PROVISIONS WITH RESPECT TO THE AUDITING OF EMPLOYEE BENEFIT PLANS

SECTION 1: REPEAL OF LIMITED SCOPE AUDIT

Current law

Section 103(a)(3)(A) of ERISA requires the administrator of each ERISA-covered plan to engage an independent public accountant to conduct an audit of the financial statements and of certain required schedules contained in the annual report to determine whether the financial statements are prepared and presented in accordance with Generally Accepted Accounting Principles (GAAP). Section 103(a)(3)(C) contains the so-called "limited scope exemption" which allows the exclusion of assets which are held by regulated financial institutions (e.g., banks, insurance companies or similar entities) from the scope of the required financial audit.

Description of provision

Section 1 amends ERISA section 103(a)(3)(C) by adding a sunset provision to effectively repeal the limited scope exemption for plan years beginning on or after January 1, 1992.

The provision, by eliminating the statutory scope limitation, would require inclusion of plan assets which are held by regulated financial institutions within the accountant's audit of the plan. This requirement does not necessarily require that the plan's accountant duplicate the work of the independent accountant who audits the financial institution's books and records. The committee expects that, generally, the plan's accountant will encourage the use of the preferable "single audit approach". Under this approach, affected banks and other institutions would instruct their independent auditors to prepare a special report that, in essence, would speak to the reliability of information generated by the bank and other institutions with respect to their actions with respect to plan assets. This would fulfill the purposes of the audit requirement without imposing the additional cost of independently reviewing the financial institution's records.

SECTION 2: PEER REVIEW REQUIREMENT FOR INDEPENDENT QUALIFIED PUBLIC ACCOUNTANTS

Current law

There is no peer review requirement for independent qualified public accountants under current law.

ERISA requires that certain plans obtain audits of the financial statements included in their annual reports. This audit is required to be conducted by a "qualified public accountant" as defined by section 103(a)(3)(D). The definition incorporates public accountants certified or licensed by a regulatory authority of a State or certified by the Secretary of Labor. The definition contained in the statute qualifies accountants solely on the basis of licensing or certification. Accountants in many states need not participate in continuing education programs to assure the quality of their work remains sufficient to be licensed or that they are qualified to conduct employee benefit plan audits.

Description of provision

Section 2 amends ERISA section 103(a)(3)(D) to include in the definition of an independent qualified public accountant a requirement to have participated in a peer review of the accountant's accounting and auditing practice with respect to employee benefit plans within the three-year period prior to engagement to conduct an audit. The requirement is effective January 1, 1995, creating a three-year transition period which provides an opportunity for the completion of initial peer reviews, to be conducted by recognized auditing standard-setting bodies.

SECTION 3: REQUIREMENTS WITH RESPECT TO THE REPORTING OF CERTAIN EVENTS

Current law

Under current law, there is no specific duty for an administrator of an employee benefit plan, or an accountant who conducts a plan audit, to report certain information, such as information indicating that a crime involving a plan may have occurred. If a crime also constitutes a prohibited transaction which is not exempt under ERISA, it must be disclosed on the plan's annual report to the Secretary. Termination of an accountant from an auditing engagement is reportable when the plan's annual report is filed with the Secretary.

Description of provision

Reporting of certain information.—Section 3 amends ERISA by adding a new section 111, which would require the administrator of an employee benefit plan to report to the Secretary of Labor whenever the administrator has reason to believe that a violation of certain criminal laws may have occurred with respect to the plan. The administrator would also be required to furnish a copy of such report to the accountant engaged to audit the plan's financial statements. Similarly, the accountant would be required to report to the Secretary and to the plan administrator when, in connection with an auditing engagement, the accountant has reason to believe that a violation of certain criminal laws may have occurred with respect to the plan. The section would direct the Secretary to issue regulations determining the criminal laws to which these reporting requirements apply, as well as the content, manner and time periods for such reporting.

Section 3 also amends ERISA section 502 to provide a civil penalty of up to $100,000 against any plan administrator or accountant who violates any requirement to report information related to criminal violations. Noncompliance with the new reporting requirements could also subject plan administrators and accountants to criminal penalties under section 501 of ERISA. Because a willful violation of the provisions may result in criminal prosecution, it is expected that the Secretary of Labor will consult with the Department of Justice in drafting the regulations.

Reporting of Auditor Termination.—Section 3 amends ERISA to require an administrator of an employee benefit plan to notify the Secretary of any termination of an accountant from an auditing engagement within seven days, stating the reason for such termination. The administrator would be required to furnish the accountant with a copy of the report to the Secretary within fourteen days. An accountant who does not receive a timely copy of the administrator's report to the Secretary or who disagrees with the stated reason for the termination, would be required to file a report with the Secretary within three days, subject to the civil and criminal penalties outlined above.●

By Mr. DOMENICI:

S. 2709. A bill to suspend temporarily the duty on rifabutin (dosage form); to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON RIFABUTIN

Mr. DOMENICI. Mr. President, I am pleased to introduce legislation that will provide a temporary duty suspension for Rifabutin in dosage form.

Rifabutin is a product used in the treatment of AIDS patients to prevent or delay the onset of the life-threatening infection mycobacterium avium complex [MAC]. MAC is believed to be a major cause of the wasting syndrome suffered by AIDS patients. Individuals with the MAC infection experience chronic, debilitating symptoms affecting many parts of the body. Fever, weight loss, fatigue and gastrointestinal problems are common and, frequently, fatal.

While Rifabutin awaits FDA approval of a pending new drug application, AIDS patients will have access to it through a recently approved FDA designation as an investigational new drug [IND] during this pre-approval period.

Rifabutin is produced by a single Italian company worldwide. Once imported into the United States, the product will be bottled, packaged and distributed by Adria Laboratories, a major US manufacturer of oncological and immunological products. Actual work will be accomplished in Adria's New Mexico facility, Adria S.P. Inc. located in Albuquerque.

Under current law, Rifabutin would be subject to a 3.7 percent duty rate. My bill will facilitate the distribution of this potentially important AIDS treatment in the United States and help to hold down its costs by granting a temporary duty suspension.

I hope that the Senate will consider this measure on an expeditious basis.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RIFABUTIN (DOSAGE FORM).

(A) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	(Rifabutin-dosage form) (CAS No. 72559–06–9) (provided for in subheading 3004.20.00)	Free	No change	No change	On or before 12/31/94".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. MCCAIN (for himself and Mr. THURMOND):

S. 2710. A bill to provide for improvement of the health care system under chapter 55 of title 10, United States Code, for members and former members of the uniformed services and their dependents and survivors; to the Committee on Armed Services.

MILITARY HEALTH CARE REFORM ACT

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation critical to meeting the health needs of active duty personnel, dependents, retirees and survivors during a time when we are changing the base and force structure of our Nation's military.

With the modifications being planned and already underway for our Nation's military force and base structure, there has been a great deal of focus on the economic and strategic implications. One area, however, that has not received much attention is the impact these changes are going to have on the ability of active duty personnel, dependents and retirees, to gain access to the health care services they need. The legislation I am introducing today, the Military Health Reform Act of 1992, is designed to address these issues.

Certainly, it is critical that Congress focus on the medical readiness issues, but we cannot ignore the health care coverage needs for active duty personnel, dependents, retirees and survivors. And, it is these issues that become perhaps most critical with the changes that are taking place in the force and base structure of our Nation's military.

I believe the future is going to test the very fabric of our Nation's military medical system, particularly with the changing makeup of our Nation's military base structure.

Over the past few months, I have been meeting with many military family members, veterans and military retirees in Arizona and I am constantly impressed with the concern they have for maintaining a strong national defense in the post-cold-war era. At the same time, in every meeting, I have encountered men and women who have problems with every aspect of the military medical care system—with long waiting periods, with paperwork, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the uncertainties surrounding the system in an era of force reductions and base closings, I have heard these concerns expressed in Phoenix, in Tucson, in Yuma, in Sierra Vista, and in every meeting I have had.

People like Tony Valenzuela, the Arizona State Commander of the American Legion, come to mind. He recently expressed his grave concern to me regarding those retirees and dependents who live around Williams Air Force Base and will not be able to use the military treatment facility at the Williams Air Force Base because it will close, with the base, as early as June 1, 1993.

Another fine American, Colonel Charlie Fisher of the Sun City Chapter of the Retired Officers Association, has brought to my attention that well over half of the retirees at Sun City, AZ, are already over 65 years of age. His concerns and mine are that retirees already fall at the end of a long priority list for medical care at military treatment facilities, which is already overtaxed and in most cases understaffed. This problem, especially in Arizona, is exacerbated when, during the beautiful fall and winter months, a large influx of retirees who come to Arizona further stress a system that is already overtaxed. Currently, no other option exists to handle this type of situation. I know that my distinguished colleagues have heard the same concerns in their States as well.

There is a great deal of concern among military retirees in the East Valley of Arizona about the closure of Williams Air Force Base and the loss of the hospital currently located on the base. I know I do not have to tell my distinguished colleagues in this body of the impact this will have on both the quantity and quality of health care available to that population, especially those who retired some time ago and those of lower rank. Medical costs, even with CHAMPUS or other programs, would be prohibitive to many. Additionally, for those over 65 years of age, their only alternative is Medicare.

Another issue that constantly surfaces as I talk with military families, veterans, and retirees is timely and nearby access to care. This is particularly highlighted around a closing base like Williams Air Force Base, and from groups like the East Valley Military Retiree Association. Even though there is an excellent working example of managed care in the area, called Medexcel, this is little solace to the family that will not have immediate access to a military treatment facility, or the 65 year old retiree who must now enroll in Medicare with no option for medical treatment in a military treatment facility. This legislative proposal, which I am introducing today, addresses these issues.

In addition, an issue I have heard expressed at every meeting in my State is a concern about continued access to pharmaceuticals. Most career service members have become accustomed to receiving as an earned benefit the use of the pharmacy at military treatment facilities. When that privilege goes away because of either a base closure such as Williams or when a retiree turns 65 years of age and then is required to enroll in Medicare, then he or she has no other alternative. This legislation bridges this problem with an alternative proposal of a mail order pharmacy targeted especially at this group.

Mr. President, grappling with these issues presents great challenges and I believe demands our immediate attention. It is imperative that as our force and base structure changes we stay fixated on not only the rising cost of health care, but take steps to retain the health care coverage so critical to our Nation's active duty personnel, their dependents, retirees and survivors. While the world situation necessitates a modified force and base structure strategy, it should not carry with it an abandonment of the responsibility we have to assist those who have served our country to obtain access to the health care services they need.

I would like to take a minute to describe the major features of this legislation, the Military Health Reform Act of 1992.

First, it would require the Department of Defense to solicit input from the active dependents, retirees and their survivors who will be affected by the closure of a base that houses the military treatment facility at which they receive their health care. In addition, it would require the current joint services working group that is looking at the issue of health care in noncatchment areas to include a representative of the military dependent and retiree organizations.

Second, it would require that a mail-order pharmacy service be established for members of the military community—active duty members and their dependents, retirees, and survivors. There would be a 20 percent beneficiary copayment, and the beneficiary would be responsible for the cost of the mailing and cutomary processing fee. Those over the age of 65 who are losing access to their local military treatment facility would be eligible for participation.

Third, it would require the Department of Defense to conduct an annual formal satisfaction survey of those utilizing the military medical system.

Fourth, it would lower the existing catastrophic cap for retirees and their dependents from $10,000 to $7500.

Fifth, it would eliminate the benefits-less-benefits approach to providing the disabled with continued CHAMPUS protection, thus restoring the provision to the original intent of the Senate. In addition, it will prohibit the Department from arbitrarily redefining an individual's eligibility for benefits, after they have received benefits and then forcing the beneficiary and his or her dependents to reimburse the Department for the value of the benefits that had been provided. I find it unconscionable that the Department is driving families to bankruptcy around this country as a result of its own mistake.

Sixth, it would create a demonstration project to have Medicare pay the Department of Defense for some procedures within a military treatment facility, and at 85 percent of what would be paid to a private sector provider for the same procedure.

Seventh, it would create a demonstration project to track the current Medicare managed care risk contract.

Eighth, it would add to last year's comprehensive health reform study, defined in the DOD authorization bill, a provision requiring that the Federal Employee Health Benefits Program be studied to determine whether designing a similar program for military dependents and retirees would be cost effective and provide for the health coverage needs of dependents and retirees, including those over age 65.

In addition, it would add a provision regarding the concept of a centralized, national claims processing operation for the Department of Defense.

Ninth, it would require the Department of Defense to make a number of modifications to the Coordinated Care Program. Principal among these changes is an elimination of the rule that would deny those who elect not to enroll in the Coordinated Care Program from using military treatment facilities, except for emergencies and pharmacy services. And, it would limit the areas where the Department could test this new program.

Tenth, it would extend the life of the current CHAMPUS reform initiative demonstration in California and Hawaii, and require that the contract be submitted to a competitive process.

And, last, it would require the Department to continue to test a broad array of military health reform options for the next 4 years. This should include, but not be limited to, the Department of Defense's CHAMPUS reform initiative, CHAMPUS, catchment area management and the Coordinated Care Program.

Mr. President, I believe we need to take care not to abandon the health care coverage needs of our nation's active duty, dependents, retirees and survivors, as we work to redefine the force and base structure for our Nation's military. The legislation I am introducing today, which has the endorsement of the military coalition, takes a serious step forward in addressing these needs. And, I am pleased to be joined in the introduction of this legislation by my distinguished colleague from South Carolina, Senator STROM THURMOND. I look forward to working with him and all of my colleagues on and off the committee to see to it that this legislation gets enacted this year.

I hope that all of our colleagues will study this legislation and join Senator THURMOND and I in cosponsoring this legislation.

I ask unanimous consent that letters from members of the military coalition regarding this legislation be printed in the RECORD.

I also ask unanimous consent that the full text of this legislation be printed in the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Health Care Reform Act of 1992".

SEC. 2. SENSE OF CONGRESS REGARDING HEALTH CARE POLICY FOR THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members and former members of the uniformed services, and their dependents and survivors, should have access to health care under the health care delivery system of the uniformed services regardless of the age or health care status of the person seeking the health care;

(2) such health care delivery system should include a comprehensive managed care plan;

(3) the comprehensive managed care plan should involve medical personnel of the uniformed services (including reserve component personnel), civilian health care professionals of the executive agency of such uniformed services, medical treatment facilities of the uniformed services, contract health care personnel, and the medicare system;

(4) the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation should continue to provide active duty personnel of the uniformed services with free care in medical treatment facilities of the uniformed services and to provide the other personnel referred to in paragraph (1) with health care at minimal cost to the recipients of the care; and

(5) the Secretaries referred to in paragraph (4) should offer additional health care options to the personnel referred to in paragraph (1) including, in the case of persons eligible for medicare under title XVIII of the Social Security Act, options providing for—

(A) the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such personnel at medical treatment facilities of the Department of Defense; and

(B) the sharing of the payment of the costs of contract health care by the Department of Defense and the Department of Health and Human Services, with one such department being the primary payer of such costs and the other such department being the secondary payer of such costs.

SEC. 3. MILITARY HEALTH CARE FOR PERSONS RELIANT ON HEALTH CARE FACILITIES AT BASES BEING CLOSED AND REALIGNED.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a joint services working group on the provision of military health care to persons who rely for health care on health care facilities at military installations being closed or realigned.

(b) MEMBERSHIP.—The members of the working group shall include the Assistant Secretary of Defense for Health Affairs, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Air Force, and one independent member appointed by the President from among private citizens whose interest in matters within the responsibility of the working group qualify that person to represent all personnel entitled to health care under chapter 55 of title 10, United States Code.

(c) DUTIES.—(1) In the case of each closure or realignment of a military installation that will adversely affect the accessibility of health care in a facility of the uniformed services for persons entitled to such health care under chapter 55 of title 10, United States Code, the working group shall solicit the views of such persons regarding suitable substitutes for the furnishing of health care to those persons under that chapter.

(2) In carrying out paragraph (1), the working group—

(A) shall conduct meetings with persons referred to in that paragraph, or representatives of such persons;

(B) may use reliable sampling techniques;

(C) shall visit the areas where closures and realignments of military installations will adversely affect the accessibility of health care in a facility of the uniformed services for persons referred to in paragraph (1) and shall conduct public meetings; and

(D) shall ensure that members of the uniformed services on active duty, members and former members of the uniformed services entitled to retired or retainer pay, and dependents and survivors of such members and retired personnel are afforded the opportunity to express views.

(d) RECOMMENDATIONS.—With respect to each closure and realignment of a military installation referred to in subsection (c), the working group shall submit to the Congress and the Secretary of Defense the working group's recommendations regarding the alternative means for continuing to provide accessible health care under chapter 55 of title 10, United States Code, to persons referred to in that subsection.

SEC. 4. MAIL ORDER PHARMACEUTICALS.

(a) ESTABLISHMENT OF MAIL-ORDER SYSTEM.—The administering Secretaries shall—

(1) provide in regulations a system for persons entitled to health care under chapter 55 of title 10, United States Code, to obtain prescription pharmaceuticals from mail-order suppliers in connection with care furnished under that chapter; and

(2) enter into one or more contracts for the supply of prescription pharmaceuticals under the mail-order system.

(b) PURCHASE ON A COPAYMENT BASIS.—(1) The administering Secretary concerned shall pay 80 percent of an eligible person's cost of pharmaceuticals referred to in paragraph (2) that are obtained by that person under the mail-order system, other than mailing costs and processing fees.

(2) The pharmaceuticals for which payment may be made under paragraph (1) are generic pharmaceuticals, except that payment may be made for—

(A) a name-brand pharmaceutical for which a generic substitute does not exist; and

(B) a pharmaceutical for which there is no medically acceptable generic substitute.

(c) ELIGIBLE PERSONS.—A person is eligible for the copayment purchase of pharmaceuticals pursuant to subsection (b) if the person is a person referred to in subsection (a) and—

(1) is under 65 years of age; or

(2) is 65 years of age or older and within 18 months before the closure of a health care facility of a uniformed service in connection with the closure or realignment of an installation of a uniformed service obtained prescription pharmaceuticals at that facility.

(d) DEFINITIONS.—In this section, the terms "uniformed services" and "administering Secretaries" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 5. ANNUAL BENEFICIARY SURVEY.

The administering Secretaries referred to in section 1072 of title 10, United States Code, shall conduct annually a formal survey of persons receiving health care under chapter 55 of title 10, United States Code, in order to determine the level of satisfaction of such persons with the health care system provided for under that chapter.

SEC. 6. MAXIMUM ANNUAL AMOUNT FOR DEDUCTIBLES AND COPAYMENTS.

(a) REDUCED MAXIMUM ANNUAL AMOUNT.—Section 1086(b)(4) of title 10, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$7,500".

(b) APPLICABILITY AFTER FISCAL YEAR 1992.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1992.

SEC. 7. CHAMPUS COVERAGE FOR DISABLED MEDICARE PARTICIPANTS.

(a) RESTORATION OF PRIOR LAW.—(1) Section 1086 of title 10, United States Code, is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The provisions of section 1097(j) of this title shall apply to a plan covered by this section.".

(2) Such section is further amended—

(A) in subsection (c)—

(i) by striking out "Except as provided in subsection (d), the following" and inserting in lieu thereof "The following"; and

(ii) by inserting below paragraph (3), flush to the left margin, the following:

"However, a person who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) is not eligible for health benefits under this section."; and

(B) in subsection (g), by striking out "Section 1097(j) of this title shall apply to a plan contracted for under this section, except that" and inserting in lieu thereof "Notwithstanding subsection (d) or any other provision of this chapter,".

(3) Section 1713(d) of title 38, United States Code, is amended by striking out "section 1086(d)(1)" and inserting in lieu thereof "the second sentence of section 1086(c)".

(b) APPLICATION OF AMENDMENTS.—Subsection (d) of section 1086 of title 10, United States Code, as amended by this section, shall apply with respect to health care benefits or services received by a person described in such subsection on or after October 1, 1992.

SEC. 8. COVERAGE FOR END-STAGE RENAL DISEASE.

(a) Section 1086 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) In addition to the types of benefits authorized by section 1079 of this title to be provided under this section, health benefits shall be provided under this section for end-stage renal disease.".

SEC. 9. RECOUPMENT OF COSTS FOR CHAMPUS CARE FURNISHED PERSONS NOT ELIGIBLE FOR SUCH CARE.

Section 1086 of title 10, United States Code, as amended by section 7, is further amended by adding at the end the following new subsection:

"(j) The administering Secretaries may not recoup any cost of the health care furnished under this section to a person who was erroneously determined to be eligible to receive that care. The prohibition in the preceding sentence does not apply in the case of an error that was based on a misrepresentation of a material fact.".

SEC. 10. MEDICARE REIMBURSEMENT TO DEPARTMENT OF DEFENSE.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense and the Secretary of Health and Human Services shall jointly conduct a demonstration project that provides for the Secretary of Health and Human Services to reimburse the Department of Defense for health care services furnished to medicare-eligible persons at a health care facility of the Department of Defense under chapter 55 of title 10, United States Code.

(b) REIMBURSEMENT AMOUNT.—The amount of the reimbursement paid under the demonstration project for any item or service provided at a health care facility of the Department of Defense may not exceed 85 percent of the amount of the reimbursement that would be paid to a provider of services for the applicable diagnosis-related group under title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(c) SOURCE OF REIMBURSEMENT PAYMENTS.—Payments under the demonstration project shall be made out of the Federal Hospital Insurance Trust Fund.

(d) PROJECT REQUIREMENTS.—(1) The demonstration project shall be conducted for a period of 4 years.

(2) At least 3, and not more than 7, health care facilities referred to in subsection (a) shall participate in the demonstration project.

(e) USE OF REIMBURSEMENTS.—The amounts paid to the Department of Defense under the demonstration project for health care services furnished at a health care facility of the department shall be available to the commander of that facility for the fiscal year in which the reimbursement is received and the following fiscal year. Such amounts shall be available for—

(1) furnishing health care services at that facility;

(2) expanding the amount and types of health care services furnished at that facility; and

(3) improving the efficiency of the use of space at that facility.

(f) REPORT.—(1) The Secretary of Defense and the Secretary of Health and Human Services shall provide by contract for a person outside the Federal Government to evaluate the results of the demonstration project.

(2) Not later than 1 year before the termination of the demonstration project, the person performing the evaluation required by paragraph (1) shall submit to Congress a report on the results of the project. The report shall contain—

(A) a discussion of the results of the projects;

(B) the person's conclusions regarding the advisability of providing for permanent implementation of a reimbursement procedure for health care services furnished at a health care facility of the Department of Defense similar to the procedure tested under the demonstration project; and

(C) any recommendations for legislation that the person considers appropriate.

(g) DEFINITION.—In this section:

(1) The term "medicare-eligible person" means a person who is eligible for benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(2) The term "provider of services" has the meaning given that term in section 1079(j)(2) of title 10, United States Code.

SEC. 11. RISK-SHARING CONTRACT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense and the Secretary of Health and Human Services shall jointly conduct a demonstration project under which the Secretary of Defense enters into risk-sharing contracts with eligible organizations described in section 1876 of the Social Security Act (42 U.S.C. 1395mm) to furnish health care services to eligible persons.

(b) RISK-SHARING CONTRACTS.—To the maximum extent practicable (as determined by the Secretary of Defense), the provisions of section 1876 of the Social Security Act shall apply with respect to risk-sharing contracts under the demonstration project.

(c) CONTRACT PAYMENTS.—(1) Under contracts entered into under the demonstration project, the Secretary of Health and Human Services shall pay eligible organizations for health care services furnished to eligible persons under contracts entered into under the demonstration project. The amount paid for such services in the case of an eligible person may not exceed the per capita rate of payment that the Secretary pays for a relevant class of persons receiving health care services under a risk-sharing contract entered into under section 1876 of the Social Security Act.

(2) Payments under the demonstration project shall be made out of the Federal Hospital Insurance Trust Fund.

(d) OTHER PROJECT REQUIREMENTS.—(1) The demonstration project shall be conducted for a period of 5 years.

(2) The demonstration project shall be conducted in at least 2 areas where health care facilities of the uniformed services are being closed in connection with closures or realignments of military installations.

(e) REPORT.—(1) The Secretary of Defense and the Secretary of Health and Human Services shall provide by contract for a person outside the Federal Government to evaluate the results of the demonstration project.

(2) Not later than 1 year before the termination of the demonstration project, the person performing the evaluation required by paragraph (1) shall submit to Congress a report on the results of the project. The report shall contain—

(A) the person's conclusions regarding the effectiveness of using the medicare model of risk-sharing contracts for providing health care services to eligible persons; and

(B) any recommendations for legislation that the person considers appropriate.

(f) DEFINITION.—In this section, the term "eligible person" means a person who is entitled to health care in a facility of a uniformed service under section 1074(b) or 1076(b) of title 10, United States Code.

SEC. 12. COMPREHENSIVE STUDY OF THE MILITARY MEDICAL CARE SYSTEM.

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 1071 note) is amended—

(1) in subsection (b), by inserting after paragraph (2) the following new paragraphs:

"(3) A comprehensive review of the Federal employees health benefits program under chapter 89 of title 5, United States Code, in order to determine whether furnishing health care under a similar program to persons entitled to health care under chapter 55 of title 10, United States Code, would result in the effective provision of health care to such persons and would be cost effective.

"(4) A review of the system of the Department of Defense for processing claims relating to the furnishing of health care under chapter 55 of title 10, United States Code.";

(2) in subsection (d)—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) A discussion of the results of the review under subsection (b)(3) and the Secretary's recommendations of the basis of those results."; and

(3) in subsection (e)—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

"(5) A discussion of the results of the review under subsection (b)(4), a proposal for establishing a national system for the processing of claims referred to in such subsection, and a discussion of the administrative problems, if any, of establishing such a system, the estimated cost savings to be derived from the implementation of such a system, and the benefits expected to be derived under such a system by persons receiving such health care.".

SEC. 13. ALTERNATIVE HEALTH CARE DELIVERY METHODOLOGIES.

(a) CONTINUATION OF HEALTH CARE REFORM INITIATIVES.—(1) During fiscal years 1993 through 1996, the Secretary of Defense shall continue to test a broad array of reform options for furnishing health care to persons who are eligible to receive health care under chapter 55 of title 10, United States Code.

(2) The health care reform options tested in accordance with paragraph (1) shall include CHAMPUS alternatives, the CHAMPUS Reform Initiative, catchment area management, coordinated care, and such other options as the Secretary of Defense considers appropriate.

(3) During fiscal year 1994, the Secretary shall conduct a study of the health care reform options tested as described in paragraph (1). The study shall compare the cost effectiveness of such options and the extent to which the persons who received health

care under those options are satisfied with that health care. The Secretary shall report the results of the study to Congress.

(b) COORDINATED CARE MANAGEMENT INITIATIVE.—(1) The Secretary of Defense may not limit the eligibility of any member or former member of the Armed Forces, or any dependent or survivor of such personnel, to receive health care under chapter 55 of title 10, United States Code, on the basis of an election by such member or former member not to participate in the Coordinated Care Management Initiative of the Department of Defense.

(2) The Secretary may carry out the Coordinated Care Management Initiative at not more than 5 locations. All locations shall be in the United States. No State may be within the area of program coverage for more than 3 such locations. The area covered at a location may not include more than one State. No military installation may be within the area of program coverage for more than 3 such locations.

(3) The Secretary shall allocate to the Coordinated Care Management Initiative a sufficient amount of the appropriations made available to the Department of Defense for the furnishing of health care under chapter 55 of title 10, United States Code, to ensure meaningful results from the initiative.

(4) The goals established for the Coordinated Care Management Initiative shall include the following:

(A) A reduction in the administrative paperwork associated with the furnishing of health care.

(B) A reduction in the average period that dependents must wait for health care.

(5) Any study of the effectiveness of the Coordinated Care Management Initiative shall include an evaluation of the extent to which the initiative achieved the goals set forth in paragraph (4).

(c) CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.—(1) The Secretary of Defense shall ensure that a replacement or successor contract for the CHAMPUS Reform Initiative contract applicable to California and Hawaii is awarded in sufficient time for the contractor to begin to provide health care in California and Hawaii under the replacement or successor contract not later than August 1, 1993.

(2) The Secretary shall use competitive procedures for awarding a replacement or successor contract under paragraph (1).

(3)(A) Not later than June 1, 1994, the Secretary of Defense shall provide by contract for a person outside the Federal Government to perform a evaluation of the conduct of the CHAMPUS Reform Initiative in Hawaii and California. The evaluation shall cover each of the fiscal years during which the initiative is carried out in such States under the replacement or successor contract referred to in paragraph (1) and under the predecessor contracts. The evaluation shall include a comparison of the cost savings and claims experience resulting in each such fiscal year from carrying out the initiative in such States.

(B) Not later than 1 year after the date on which the contract for evaluation is entered into under subparagraph (A), the person making the evaluation shall submit to the Secretary of Defense and to Congress a report on the results of the evaluation.

(d) LIMITATION RELATING TO A CERTAIN CHAMPUS REFORM INITIATIVE CONTRACT.—(1) No health care services may be provided under CHAMPUS Reform Initiative contract number MDA903–R–0047 (including any extension of such contract) unless—

(A) the prime contractor under such contract is the contractor that was the prime contractor under such contract on January 1, 1992; and

(B) the subcontractors under such contract include each of the subcontractors who were subcontractors under that contract on that date.

(2) The limitation in paragraph (1) does not apply with respect to a contractor or subcontractor that is determined by the Secretary of Defense to have engaged in fraud or malfeasance in connection with the contract referred to in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) The term "CHAMPUS" shall have the meaning given that term in section 1072(4) of title 10, United States Code.

(2) The term "CHAMPUS Reform Initiative" shall have the meaning given that term in section 702(d)(1) of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note).

(3) The term "catchment area management" means the methodology provided for demonstration in accordance with section 731 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 1092 note).

SEC. 14. MEDICAL AND DENTAL CARE FOR CERTAIN INCAPACITATED DEPENDENTS.

(a) EXCLUSION OF CERTAIN INCAPACITATED DEPENDENTS FROM CHAMPUS COVERAGE.—Section 1086(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "and 1072(2)(I)" after "section 1072(2)(E)"; and

(2) in paragraph (2), by inserting "or 1072(2)(I)" after "section 1072(E)".

(b) APPLICABILITY OF EXCLUSION.—Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) an unmarried legitimate child, including an adopted child or stepchild, who—

"(i) has not passed his twenty-first birthday;

"(ii) has not passed his twenty-third birthday, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was at the time of the member's or former member's death, in fact dependent on him for over one-half of his support; or

"(iii) is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a member or former member under the criteria of clause (i) or (ii) and is, or was at the time of the member's or former member's death, in fact dependent on him for over one-half of his support;";

(2) by striking out "and" at the end of subparagraph (G);

(3) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof a semicolon and "and"; and

(4) by inserting after subparagraph (H) the following new subparagraph:

"(I) an unmarried legitimate child, including an adopted child or stepchild, who is incapable of self-support because of a mental or physical incapacity that did not exist while the child was a dependent of a member or former member under criteria of subparagraphs (D)(i) and (D)(ii) and is, or was at the time of the member's or former member's death, dependent on him for over one-half of his support.".

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1993 through 1998 such sums as may be necessary for carrying out the provisions of this Act and the amendments made by this Act.

NATIONAL MILITARY
FAMILY ASSOCIATION,
Alexandria, VA, May 13, 1992.

Hon. JOHN S. MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for proposing the Military Health Reform Act of 1992. This legislation can be the basis for a defined, equitable, comprehensive Health Benefits Program for all military beneficiaries.

Your concern for all military beneficiaries, particularly those over 65 and those facing the loss of their benefits through base closure, is evident in the proposed legislation.

NMFA fully supports your efforts and we look forward to continuing our cooperative relationship.

Sincerely,

MARGARET V. HALLGREN,
President.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, May 12, 1992.

Hon. JOHN MCCAIN,
U.S. Senator, Russell Building, Washington, DC.

DEAR SENATOR MCCAIN: The Non Commissioned Officers Association of the USA (NCOA) is supportive of your proposal to reform the military health care system. The Association is pleased to lend its name as an advocate for the passage of such legislation. It's been needed for some years.

Anything the Association may do to assist is available at your call.

Sincerely,

MICHAEL F. OUELLETTE,
Deputy Director of Legislative Affairs.

ASSOCIATION OF THE U.S. ARMY,
Arlington, VA, May 12, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Association of the United States Army wishes to express its appreciation for your draft legislative proposal concerning reform of the Military Health Care System.

We support your initiative and believe that the proposed language will ultimately provide military dependents, retirees and their dependents and survivors with the health care they deserve. Your resolute effort on behalf of military medical beneficiaries demonstrates a desire to overcome high costs and inefficient use of services and facilities.

You can depend upon our continuing support throughout the legislative process to gain passage of the Military Health Reform Act of 1992.

Sincerely,

ERIK G. JOHNSON, Jr.,
Colonel, USA Retired,
Director of Legislative Affairs.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, May 12, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the entire membership of the Fleet Reserve Association, I would like to thank you for drafting and submitting the legislation to reform the military medical system.

This is an item of great concern to both the active and retired members of the military community.

If I or the staff of the Administrative Headquarters can ever be of any assistance, please do not hesitate to contact us.

With sincere best wishes, I remain in Loyalty, Protection and Service,

WALLACE E. BAKER,
National President.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES, SOCIETY OF MILITARY WIDOWS,
Springfield, VA, May 12, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: In my position as Chairman and Co-Chairman of The Military Coalition's Medical Committee, it was a pleasure to work with you in the development of your proposal to reform the military medical system. Members of the Coalition's Medical Committee and this association appreciate very much your legislative proposal, which when enacted, would improve access to lifetime medical care for military retirees, including those over age 65, their dependents and survivors.

I would be pleased to assist you in the future as you continue your outstanding efforts to ensure military personnel and retirees receive earned benefits and entitlements that are considered part of their military compensation package.

Sincerely,

CHARLES C. PARTRIDGE,
Colonel, USA (Retired),
Legislative Counsel.

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, May 12, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 380,000 members of The Retired Officers Association, including about 58,000 survivors, I want to express my since appreciation for your leadership in sponsoring health care reform. The initiatives you are proposing are critical first steps for improving access, continuity, and quality of care for military beneficiaries, regardless of age. Therefore, we strongly support your legislative proposal.

As we have discussed, the closure of military bases and the resultant loss of major military medical facilities has a traumatic effect on the military beneficiary population. For many retirees, who have retired in the proximity of military bases to take advantage of earned institutional programs like health care, commissaries and exchanges, loss of access to military treatment facilities imposes a financial hardship. For this reason, we consider it a leadership imperative to explore as many innovative ideas as possible to facilitate health care alternatives for military retirees, dependents and survivors.

We appreciate your consistent concern for the welfare of the military community and look forward to continue working with you on this vital program.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret.),
Director, Government Relations.

IT'S OUTRAGEOUS!

On Mar. 12 Terry Cox offered gut-wrenching testimony during hearings before the House Appropriations Committee's Subcommittee on Defense. Cox, whose husband is a quadriplegic, had to declare bankruptcy and sell everything the couple owned to support her husband's medical care. Because much of the care Sgt. Cox received is now considered "custodial," which is not covered under CHAMPUS. CHAMPUS officials are taking the Coxes to court to recoup the $200,000 they reimbursed the Coxes in the past.

Subcommittee chairman Rep. John Murtha (D-Pa.) strongly protested DoD's action to Enrique Mendez, M.D., Assistant Secretary of Defense for Health Affairs, contending that it seemed patently unfair to seek repayment from the Coxes because the fault rested with CHAMPUS' poor management of the case and not with the Coxes.

Murtha went on to say, "We've excused the Defense Department of $79 million in Operation Desert Storm debt, but now the government is taking the Coxes to court to get $200,000. The court costs alone will be more than $200,000." Mendez told the subcommittee he would personally look into the matter to see if the Coxes' debt can be waived. It would be a travesty not to do otherwise!●

By Mr. EXON (for himself and Mr. BOREN):

S.J. Res. 302. A joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATING TO THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. EXON. Mr. President, I rise to offer an amendment to the Constitution to eliminate the electoral college and permit the direct election of the Presidential ticket and assure that the American President has the support of the majority of those who vote.

The electoral college is a relic which has outlived its usefulness. It is time to do away with the electoral college and make every vote across the country count. The United States is now mature enough as a nation to elect it's own President.

The American people also agree. Over the years, public opinion has consistently favored the direct election of the President. With an exciting, potential three-way race for the White House in the offing, there can be no better time to take a very close look at the electoral process. Electoral arithmetic forces Presidential candidates to adopt special interest strategies to capture the electors in larger States and ignore the real problems of the Nation, especially the problems of smaller States. A system which makes all votes equal will encourage candidates to run their campaigns based on the national interest.

The electoral college is an antidemocratic institution. With its winner-take-all tradition, votes for opposing candidates in each State are essentially eliminated from consideration. A Presidential ticket in theory only needs to win the 11 largest States, even by the very narrowest margins and lose all other States even by significant margins to be elected; regardless of the total popular vote.

Mr. President, I say winner-take-all tradition because, there is nothing to legally bind electors to vote any particular way. The electoral college could, in theory, disregard the popular vote of the electorate and vote as the electoral college pleases.

Several times in American history, including in the 1988 election, one or two so-called faithless electors voted for candidates of their own choosing. In a close three-way race a coalition of faithless electors could create a great deal of mischief. While an occasional faithless elector will not threaten the outcome of an election, three times in our Nation's history, Presidents were elected without a popular mandate.

In 1824, Andrew Jackson received 43.1 percent of the popular vote and 37.9 percent of the electoral vote while his opponent, John Quincy Adams, received 30.5 percent of the popular vote and 32.1 percent of the electoral vote.

Since no candidate received a majority of the electoral vote, the election was thrown to the House of Representatives as directed by the Constitution, where John Quincy Adams secured the support of 13 State delegations winning over Andrew Jackson who had won the support of only 7 State delegations.

In 1876, Samuel Tilden received 50.1 percent of the popular vote and lost to Rutherford B. Hayes who won a one-vote majority in the electoral college.

The third case occurred in 1888. Grover Cleveland won 48.7 percent of the popular vote and 42 percent of the electoral vote, while his opponent, Benjamin Harrison, became President with only 47.9 percent of the popular vote and 58 percent of the electoral vote.

If the electoral college system is not changed, I suspect that within my lifetime, history will repeat itself. Indeed, in 20 Presidential elections, a 1-percent shift in the national vote could have changed the outcome of the election.

In 1976 the shift of a mere 10,000 votes in two States would have elected President Ford despite the 2 million popular vote margin won by Governor Carter. In the 1988 election the people gave then-Vice President Bush 54 percent of the popular vote and the electoral college gave the new President 79 percent of the electoral vote. It is only a matter of time before the Nation is again faced with misfire of the electoral college.

The proposed constitutional amendment I introduce today eliminates the electoral college and allows the people to choose their President. Under this proposal, if no Presidential ticket should receive at least 50 percent of the popular vote and the majority of the vote in at least one-third of the States, a run off election between the two highest vote-getters would be held.

This system will guarantee that the will of the people will prevail but at the same time will not expose the Nation to the regional factionalism feared by our Founding Fathers.

I have introduced this legislation in several previous Congresses. I do not represent this proposed legislation to be the one and only way to bring more democracy to a Presidential election. I want to start a national examination of our electoral process as was done when similar legislation which I cosponsored was introduced in 1979 by Senator Birch Bayh of Indiana. I am especially delighted that the Nebraska State Legislature led by Lincoln Senator Dianna Shimek has recently reexamined the Presidential electoral process. The State of Nebraska has enacted a reform which allocated electors on a proportionate basis. The Nebraska system like Maine, will award an elector for each congressional district carried by a Presidential ticket and the winner of the State will then receive two bonus electors.

The Nebraska-Maine approach is a significant improvement in the current system. In my view the most democratic approach would be the change I recommended today. If, however, this legislation stimulates a serious review of the electoral college at the State level, this effort will be an important success.

Our Nation's constitutional history is one of granting increasing democratic power to the people. In 1776 our Founding Fathers declared their independence from the King of England. In 1787 the Constitution was adopted; in 1791 the Bill of Rights was ratified; in 1865 slavery was prohibited; in 1868 the vote was extended to former slaves; in 1919 the selection of the Senate was taken from the State legislatures and given directly to the people; in 1920 the vote was given to women; and in 1971 the right to vote was extended to 18, 19-, and 20-year-olds. Over our history, the Nation has never been satisfied with the democratic status quo. The direct election of the President simply continues our Nation's long march to improve and strengthen our democracy.

I look forward to the continued national discussion and the debate that the introduction of this proposed constitutional amendment will spark. In the last several days, Senators PRYOR and BOREN have introduced legislation for the direct election of the President and Vice President based on a 40-percent threshold as opposed to a 50-percent threshold that this bill champions. Senator PRYOR was a cosponsor of the legislation that I am introducing today in the last Congress. I welcome his addition to the debate on this important issue. I ask my colleagues to give this proposed constitutional amendment serious consideration. I welcome any comments and suggestions to change and improve this legislation.

Mr. President, I ask that the bill titled "Joint Resolution Proposing an Amendment to the Constitution Relating to the Election of the President and Vice President of the United States" be printed in the RECORD.

I also ask unanimous consent that several articles about the electoral college be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 19, 1992]

THE FRAMERS AND ROSS PEROT

(By George F. Will)

Ross Perot's embryonic presidential candidacy is rekindling interest in the election of 1824—or, strictly speaking, of 1825.

Representative Dan Glickman (D-Kan.) worries about a "constitutional catastrophe," his odd description of the constitutional procedure for coping with the remote possibility that no candidate will win an electoral vote majority. Glickman, his lucidity crippled by his apprehension, says, "The election could be thrown into the Electoral College and could be thrown into the House of Representatives thereafter."

Steady, congressman. All elections are "thrown into the Electoral College." Thank God—or the Founders; much the same thing to me—for the Electoral College.

If November's popular vote does not produce an electoral vote majority for anyone, the House will select a president from among the top three electoral vote winners, each state's delegation casting one vote.

If that happens early in 1993, litigious liberals will ask the Supreme Court to declare the Constitution unconstitutional. They will say the court's "one man, one vote" ideology—all votes must be of equal weight—forbids Wyoming's delegation of one having weight equal to California's 52. (Real liberals consider the Senate—Vermont as weighty as Texas—unconstitutional.) But the House can select a president constitutionally, as it did on Feb. 9, 1825.

In 1824 there were four candidates—Gen. Andrew Jackson, Speaker Henry Clay, Secretary of State John Quincy Adams and Treasury Secretary William Crawford. But only five of the 24 states had all four on their ballots. Six states, including the most populous, New York, had no elections: Their legislatures selected the presidential electors. Of the 4 million white males eligible to vote, 365,863 (8 percent) did. Jackson got 38,149 more popular votes than runner-up Adams.

Clay finished fourth and so was out of contention in the House process. Then his presidential prospects were forever blighted by accusations of a "corrupt bargain" when he organized the House's selection of Adams and became Adams' secretary of state. (Adams did not officially receive a single popular vote in Clay's Kentucky, where the legislature favored Jackson.) The House process was not pretty. For example, the man who cast Missouri's vote sought Adams' reassurance that particular printers would get government business in Missouri.

Since 1825, there have been developments. Now there is a two-party system. And there is the winner-take-all allocation of states' electoral votes, a custom that bolsters the two-party system. (Deviationist Maine and Nebraska each select two presidential electors at large and the rest by congressional districts. Because both states have small, homogeneous populations, this will almost always have the same result as statewide winner-take-all.) Proportional allocation would incite multiple parties to splinter the electorate. Winner-take-all tends to shut out candidates like Perot whose support is not regionally concentrated. And regional concentration shuts a candidate out of the presidency.

Another Glickman anxiety concerns something that could happen even in any two-candidate contest. It is that one candidate might win an electoral vote majority while another is winning a majority or plurality of popular votes. That may have happened in three of the 42 elections for which we have popular vote totals, since 1824. One was in 1824. Perhaps two others were 1876 (Hayes with 47.95 percent beat Tilden with 50.97) and 1888 (Harrison with 47.82 percent beat Cleveland with 48.62). There is uncertainty because fraud on both sides probably involved more votes than the margins of victory.

But even when the electoral and popular vote winners are different, it is excessive to say the "national will" has been frustrated. On such occasions the nation's will is unemphatic.

If the Electoral College were abolished in favor of direct popular election, it would be theoretically possible for a candidate to win all of Alaska's 306,264 registered voters, lose all the other states by an average of 6,250 votes, and still win the popular vote by 14. But let's think about probabilities, not mere possibilities. The Electoral College system probably will remain the world's most successful method of picking a chief executive.

The 42 elections since 1824 have produced 15 presidents with mere pluralities, not majorities, of popular votes. But only four times has the winner been under 45 percent. They were 1824, before the party system evolved; 1860, when the nation was crumbling and Lincoln won with 39 percent; 1912, when a protean force, Teddy Roosevelt, split the Republicans and Wilson won with 41.8; 1968, when George Wallace helped hold Nixon to 43.4.

Even when the popular vote margin is waferthin, the winner-take-all electoral vote allocation tends to produce a winning margin that looks like national decisiveness. The Electoral College system does make possible the improbability that Glickman calls a "catastrophe." But the system bolsters the two-part system by discouraging independent candidacies that splinter the electorate. It generates moderate mandates for parties that seek a broad consensus through coalitions and accommodations.

The Founders wanted not just majority rule, they wanted rule by majorities of a particular character: moderation. Not being primitive men, the Founders did not aim for primitive majoritarianism.

UNUSUAL OPPORTUNITY FOR PEROT

The instinctive and passionate human curiosity to know the future drives us in many arenas. Even political ones.

One calculation is that Ross Perot's wild-card presidential candidacy this year could attract as much as 20 percent of the popular vote across the country in November. Even so, the Texan might not make a single mark in the only place where it really counts, the Electoral College.

But Nebraska is one of the few states where a strong, if concentrated, Perot showing could be reflected on the ancient college board. (All we're saying is that circumstances could make it happen.)

Our presidential elections are indirect, not direct. As every American is aware, it is the Electoral College—created by the Founding Fathers—whose members officially name the new president and vice-president.

The number of Electoral College electors from each state equals the total of that state's national legislative representation. In Nebraska, we're talking about five people. They stand in for two senators and three House members.

When Perot supporters in Nebraska next month begin circulating their petitions to give Perot general election ballot position, those petitions also will carry the names and addresses of five people already designated as Electoral College electors pledged to Perot. It's just a formality, but a critical one.

Thanks to the 1991 Legislature, led by Lincoln Sen. DiAnna Schimek, Nebraska no longer follows the conventional "winner-take-all" feature of the Electoral College.

By way of illustration, let's imagine that Republican George Bush once again wins the total Nebraska popular vote, even if that's only a plurality; however, in the 2nd Congressional District, Perot individually attracts more votes than does either Bush or the Democratic nominee.

Nebraska's Electoral College vote then would not be 5-0 for Bush, but divided this way: Four for Bush, one for Perot.

If Perot topped the field in both the 1st and 2nd Districts yet still trailed in the Nebraska popular vote, the Nebraska Electoral College tally then would divide three for Bush and two for Perot.

Hey, we're not predicting this will come to pass. No ma'am. The example sketched above is strictly for widened educational purposes. Which is, of course, among the variety of primary justifications for newspaper editorials.

[From Roll Call, Mar. 12, 1992]

THE NIXON SCENARIO: HOW A DEMOCRAT CAN WIN PRESIDENCY

(By Charles E. Cook)

Veteran political analyst and former LBJ White House aide Horace Busby popularized a theory during the 1980s that a "Republican lock" on the Electoral College had developed.

A combination of Southern and Western states, he said, had grown so disillusioned with the Democratic party that obtaining the necessary 270 votes for an Electoral College victory was impossible.

Now, a revisionist view has developed. Busby, say the doubters, was exactly right—except during a recession. No less a political veteran than former President (and former Rep.) Richard Nixon (R-Calif) has weighed in on the debate.

In a previously unpublished Feb. 26 memorandum to longtime friend and confidant Roger Stone, Nixon writes, "My prediction at this time is that [President] Bush, without question, will win the popular vote because of his huge margins in the South. On the other hand, he could lose the electoral vote unless he holds Illinois and Ohio among the big states, other than those in the South."

In his analysis, Nixon points out that in 1988, while Bush won 79.2 percent of the Electoral College votes to 20.8 percent for former Massachusetts Gov. Michael Dukakis, the popular vote was a much closer 54 to 46 percent.

Nixon then argues that a shift of only 566,000 total votes in California, Illinois, Maryland, Missouri, Pennsylvania, Colorado, Connecticut, Michigan, Vermont, and New Mexico would have given Dukakis 161 additional electoral votes for a total of 273, three more votes than he would have needed to win the presidency.

Given the state of the economy, the desire for change, and the President's low job performance ratings, this is not at all an unrealistic scenario for this year's election.

Looking back at 1988, Nixon argues that Bush might have lost the race despite having a surplus of 5,574,000 votes nationwide, and asks, "Can you imagine what a field say the political scientists would have had if that had been the case!"

Nixon's singling-out of Illinois and Ohio as the keys to a Bush victory is a variation on his advice to President Ronald Reagan in 1984 to build a "firewall" of five states—Illinois, Michigan, Missouri, Ohio, and New Jersey—by spending a disproportionate amount of time and campaign resources in these states.

After a disappointing first debate performance, President Reagan may well have needed that firewall, but his second debate showing against former Vice President Walter Mondale was considerably stronger and he subsequently ended up winning the election easily.

S.J. RES. 302

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President.

"SECTION 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for the electors of President and Vice President, any State may prescribe by law less restrictive residence qualifications and for electors of President and Vice President the Congress may by law establish uniform residence qualification.

"SECTION 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 50 per centum of the whole number of votes cast and such number be derived from a majority of the number of votes cast in each State comprising at least one-third of the several States. If, after any such election, none of the persons joined as candidate for President and Vice President is elected pursuant to the preceding paragraph, a runoff election shall be held within sixty days in which the choice of President and Vice President shall be made from the two pairs of persons joined as candidates for President and Vice President receiving the greatest number of votes in such runoff election shall be elected President and Vice President.

"SECTION 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by law in each State; but the Congress may by law make or alter such regulations. The days for elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election, other than a runoff election, shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than thirty days after the date on which the election occurs.

"SECTION 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of either the President-elect or the Vice President-elect.

"SECTION 6. Sections 1 through 4 of this article shall take two years after the ratification of this article.

"SECTION 7. The Congress shall have power to enforce this article by appropriate legislation."

Mr. BOREN. Mr. President, first, I thank my colleague from Nebraska for adding me as a cosponsor of the joint resolution which he just introduced which would have the effect of abolishing the electoral college.

As we approach this election year, we are reminded once again that there are circumstances which might create the possibility. We could have an election take place without a majority being won by one candidate in the electoral college. This creates great problems as we know. The election would, of course, then be thrown into the House of Representatives.

There is a question of whether or not the delegations of those States would be bound to vote for the candidate which received a majority or at least the leading candidate if no candidate received a majority in a particular State or whether the Members of the House of Representatives would vote their own personal preferences or party preferences. This is a real question and that is I think because of the circumstances again highlighted by the conditions in the country this year where we may have a third party candidate or Independent candidacy that might receive a significant number of votes, that we could then have a malfunction and, in essence, of the system with the electoral college unable to find a majority.

We could then have the Congress of the United States, the House of Representatives acting in a way in which the candidate that did not receive the most popular votes might become President of the United States.

Mr. President, I think in this particular period of history it would be intolerable to have someone sitting in the White House who did not lead in terms of the popular vote of this country. With all the tough problems that we have to face—budget deficits looming, the problem of economic opportunity for the next generation which we have discussed so many times in this Chamber, the fact that our share of the world market is shrinking, the fact that in the last decade we have replaced jobs in this country that averaged $440 a week with jobs that averaged $280 a week, with growing concern and alarm about the economic opportunities for the next generation, more divisions within our own society.

It is always far more difficult to bring about change, to bring about harmony and good relationships between people in times of stress. It is easier to talk about expanding the pie then it is to talk about dividing up a shrinking pie where there are winners and losers and we have seen the stresses that brought about change and challenge facing our country.

We have seen tragic expression of those stresses in our domestic lives, the life of our communities, particularly in the urban areas. We are reminded of the crisis we faced with just the events in the last few days, the tragic events, in Los Angeles and elsewhere across our country. We are dealing with these problems and if we are to rebuild the strength of this country, we must do it as a unified people, and it is extremely important, extremely important that the President of the United States have the moral authority and have the mandate from the people necessary to lead this country in a time of transition and change.

And, therefore, I do not believe that we should even leave open the possibility that someone might serve as President of the United States who did not receive the most votes in the popular election, that a person might serve as President who was not the leading candidate in terms of the support he received from the individual citizens of the United States when they went to cast their ballots in the election. Such a President would be crippled from the beginning. He or she would lack the authority, the sense of legitimacy that would come from receiving the most votes from the people themselves.

Mr. EXON. Mr. President, will the Senator from Oklahoma yield?

Mr. BOREN. I am happy to yield my colleague on my time.

Mr. EXON. Mr. President, I appreciate very much the very kind remarks that places exactly on point the need for this. If we do not take action on this in this election year or the next election year or the election year after that, somewhere on down the road there is going to be a calamity in this country based on what this Senator said when I made my remarks emphasized and driven home by the remarks made by my friend from Oklahoma.

We just had a situation with this 2 years ago right now in my State of Nebraska. We had a heavily contested race for the governorship in the primary. There were three candidates that were relatively close. The election came and went. All the precincts were reported. There were discrepancies as to what ballots should be counted. Because the laws of Nebraska were not clear, the courts so held that certain ballots were thrown out in certain counties because they were not initiated on the backside of the ballot by two of the election judges, in some cases some counties had one elected judge on the front of the ballot. There were all kinds of technicalities.

The eventual winner of the primary election on the Democratic Party won I believe by 30 votes, went on to be the elected Governor of the State of Nebraska in the fall.

But there are a lot of contentious attitudes about whether or not the people in charge of the election did their job in not clearly identifying what would happen.

The average person in the United States today does not begin to understand what the electoral college is all about. They really believe that if somebody is elected President of the United States and gets 1 more vote, 1 more legitimate vote than the other party, that individual should be elected President of the United States. That is not the way it is under the law today.

And I thank my friend from Oklahoma for emphasizing once again that this is the time we should begin to correct this and then not have people say when it happens the next time they should have done something about it.

I thank my friend from Oklahoma.

Mr. BOREN. I thank my colleague from Nebraska and commend him for looking ahead and taking this lead.

I agree with what he said. It would be a calamity. The average citizen believes he or she directly elects the President of the United States. They believe that. It is unthinkable to the vast majority of American people they should turn out and vote in the election and that the candidate who received the most votes might not become the President of the United States. That is exactly what could happen.

There have already been many analysts looking at the possible results of the election this year. We have had national polls showing a three-way split in the electorate, polls indicating that Mr. Perot, for example, now according to the latest public opinion polls have close to one third of the vote in the United States, that the candidates of the Democratic and Republican Parties, the likely nominees of the two parties each have about a third of the vote.

We could very easily have a situation where the majority would not be reached in the electoral college. It is too early to tell but that certainly is a possibility, and I think that is a possibility that is not acceptable and we should look ahead for once and we should take a course of action that we should have taken a long time ago in abolishing the electoral college.

So I commend my colleague from Nebraska, and I am pleased to join with him and add my name as a cosponsor of his resolution.●

By Mr. PELL (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. BRYAN, Mr. BURDICK, Mr. CHAFEE, Mr. COATS, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. GORE, Mr. GRASSLEY, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LEAHY, Mr. LUGAR, Mr. MACK, Mr. METZENBAUM, Ms. MIKULSKI, Mr. NUNN, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, I rise today to introduce a joint resolution to designate October 1992 as National Breast Cancer Awareness Month. I am especially pleased to be introducing this resolution with the support of 32 original cosponsors.

For the past few years, Mr. President, as I have introduced this resolution, I have had the grim task of reciting the latest statistics on breast cancer mortality. While the numbers are no longer a surprise, they are as alarming as ever.

In 1992, breast cancer will strike an estimated 180,000 women and kill about 46,000 women, 1,500 more than in 1991. Already the second leading cause of cancer death among women, breast cancer is likely to increase further as the population ages, since a woman's risk of developing breast cancer increases as she ages. In fact, the American Cancer Society estimates that a woman's lifetime risk of developing breast cancer, assuming an average life expectancy of 85 years, is one in nine.

Mr. President, many people do not realize that breast cancer also strikes men. About 1,000 men will develop breast cancer in 1992; about 300 men will die from the disease. While breast cancer among men is largely a hidden disease, for those men and their families, it is very real and very tragic.

The statistics are no better in my own State of Rhode Island. The American Cancer Society estimates that breast cancer will strike about 1,000 Rhode Island women in 1992, and that about 250 Rhode Island women will die of the disease. While these numbers remain flat from 1991, they were much too high then, and they are much too high now.

Unfortunately, Mr. President, we are no closer today to a cure for breast cancer than we were a year ago. And we still do not know its cause or causes, or how to prevent it.

That is the bad news.

But there is good news too, which we hope National Breast Cancer Awareness Month activities will highlight: We know that we can significantly reduce breast cancer mortality through early detection: Self-examination, clinical examination by a qualified health care provider, and screening mammography. In fact, 50 years ago, the 5-year-survival rate for localized breast cancer was only 78 percent; now it is over 90 percent. The American Cancer Society estimates that the use of of a combination of early detection procedures can boost the 5-year-survival rate for localized breast cancer to nearly 100 percent.

Mr. President, we also know that despite the proven success of early detection and intervention, many women do not know how to self-examine, and some are afraid to do so. Some women do not seek a screening mammogram because they are afraid, either of the procedure itself, or of the diagnosis it might reveal. Still others do not seek a screening mammogram because of lack of access or cost, or because they simply do not know its vital importance.

Educating about early detection, addressing concerns about self-examination and mammography, teaching about how to live with and after breast cancer—these issues are what National Breast Cancer Awareness Month is all about. But perhaps most importantly, we should be sure to communicate the simple but crucial message that, while breast cancer can kill, it can also be conquered.

For the last 2 years, I have had the privilege of introducing similar resolutions, both of which became law. This year's resolution, if enacted into law, will mark the third time the Congress has authorized October as National Breast Cancer Awareness Month. I hope that this year all of my colleagues will recognize and support the efforts of health advocates across the Nation to reduce breast cancer mortality by joining with us to designate October 1992 as National Breast Cancer Awareness Month.

I ask unanimous consent that the resolution be printed in full at the end of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 303

Whereas breast cancer will strike an estimated 180,000 women and 1,000 men in the United States in 1992;

Whereas, assuming an average life expectancy of 85 years, a woman's lifetime risk of developing breast cancer is 1 in 9;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1992;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1992 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Mr. GRASSLEY. Mr. President, I rise today as an original cosponsor of a joint resolution of Congress designating October 1992 as "National Breast Cancer Awareness Month."

I am painfully aware of the need to increase public awareness about breast cancer as a result of my wife, Barbara's personal victory over breast cancer several years ago. We believe early detection through a routine mammogram saved Barbara's life and is the key to saving the lives of other women who develop this disease.

Over the last 20 years, the risk of developing breast cancer has grown. In 1990, 1 woman in 10 could expect to develop breast cancer in the lifetime. This year, a woman's risk of developing breast cancer has increased to one in nine. This means that there will be 180,000 newly diagnosed cases of breast cancer this year alone.

In my State of Iowa, the American Cancer Society estimates that there will be 2,300 new cases of breast cancer in 1992, and that 600 of these cases will result in death. For women in Iowa, breast cancer comprises one-third of all cancer cases.

Despite advances in medical technology, we do not know the causes or cures for this disease, and even less is known about how to prevent it from developing. However, despite this fact and the dramatic statistics, it is important to point out that early detection and intervention can reduce mortality rates significantly. Research has shown that early detection of breast cancer by getting routine mammograms, can reduce breast cancer mortality by 30 percent. That is why it is so important for women to be aware of their risk and the opportunities for early detection. But to achieve this goal we need to enhance public awareness. The joint resolution that is being introduced today by Senator PELL is an important step in that direction. Women need to learn how to conduct self-examinations and they need to speak with their doctors to determine how often they should have a mammogram.

I am proud to be an original cosponsor of this joint resolution. It is my hope that our daughters and granddaughters will face a brighter future against this disease.

Mr. MACK. Mr. President, I am pleased to join my colleague, Senator PELL, as an original cosponsor of "National Breast Cancer Awareness Month." While I have cosponsored this resolution in the past, it is especially meaningful to me to take part in this legislative initiative this year.

Last September, my wife, Priscilla, came to me and said she found a lump in her breast during a routine self-examination. Immediately, my thoughts turned to what my life might be like without her by my side. I thought of my younger brother, Michael, who died of cancer at age 35. I thought of my mother and our daughter, who are both survivors of cancer. it was a very emotional moment.

After consultation with oncologists, it was determined that Priscilla could not simply undergo a lumpectomy. Rather, her cancer required a mastectomy. Just days before her surgery, she joined me in testifying before the House Committee on Energy and Commerce at a hearing commemorating the 20th anniversary of the National Cancer Act. I cannot express how very proud I was of her that morning.

On October 3, Priscilla underwent a mastectomy here in Washington. Fortunately, the surgery went well. However, her oncologist then told us she would need to undergo 6 months of chemotherapy. The side effects of chemotherapy were difficult—hair loss, intense nausea, and loss of energy and appetite just to name a few. However, through it all, she maintained a sense of humor, and a willingness to talk to other women about the importance of self-examination and regular early detection testing. Her prognosis today is excellent. She is living proof that early detection saves lives.

The American Cancer Society estimates that one in every nine women will develop breast cancer during her lifetime. Florida ranks third in the number of women with breast cancer. It is estimated that more than 11,000 women in my home State will develop breast cancer this year. It is also a grim fact that nearly 3,000 women in Florida will die from breast cancer in 1992.

However, there is room for hope. Leading oncologists have told me the survival rate of all forms of cancer, including breast cancer, can be increased by as much as 50 percent simply through early detection and prompt treatment.

As my colleagues will recall, I have introduced the Cancer Screening Incentive Act, legislation to provide a means by which all Americans can take advantage of the early detection procedures available today. Low-income Americans have a higher rate of cancer incidence and a higher death rate from cancer, and my legislation addresses this.

I have personally met with many of my colleagues on both sides of the aisle about this important legislation. We currently have the bipartisan support of 32 Senate cosponsors. It has received the endorsement of such organizations as the American Cancer Society and the American Medical Association, as well as business and labor organizations. I would again urge my colleagues to carefully review this bill and add their names to the growing list of cosponsors.

I hope none of my colleagues and their families ever have to endure the experience my family has been through with cancer. It has been extremely difficult for our children, for our parents, and for our friends. However, Priscilla's bravery and commitment to help others while undergoing a personal struggle did not go unnoticed. Priscilla was selected to be the recipient of the 1992 American Cancer Society Courage Award. I was honored to be the other recipient of this award.

I am proud to join Senator PELL in introducing "Breast Cancer Awareness Month" and urge my colleagues to join us in this important lifesaving effort.

ADDITIONAL COSPONSORS

S. 405

At the request of Mr. MITCHELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 405, a bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment.

S. 709

At the request of Mr. HATCH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 866

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 1002

At the request of Mr. SHELBY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1129

At the request of Mr. MACK, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1129, a bill to reduce unnecessarily burdensome financial institution paperwork and reporting requirements, and for other purposes.

S. 1537

At the request of Mr. BROWN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1537, a bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

S. 1627

At the request of Mr. FORD, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1627, a bill to amend section 615 of title 38, United States Code, to require the Secretary of Veterans Affairs to permit persons who receive care at medical facilities of the Department of Veterans Affairs to have access to and to consume tobacco products.

S. 1885

At the request of Mr. BROWN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1885, a bill to reauthorize the Uranium Mill Tailings Radiation Control Act of 1978.

S. 2239

At the request of Mr. PRYOR, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2239, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 2262

At the request of Mr. LEAHY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2262, a bill to make emergency supplemental appropriations to provide a short-term stimulus to promote job creation in rural areas of the United States, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2627

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2627, a bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office.

S. 2639

At the request of Mr. NICKLES, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2639, a bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals.

S. 2671

At the request of Mr. GRAHAM, the names of the Senator from Missouri [Mr. BOND] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 2671, a bill to amend title 23, United States Code, to make technical corrections.

S. 2699

At the request of Mr. DOLE, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2699, a bill to extend the period for which unemployment benefits are payable under title I of the Emergency Unemployment Compensation Act of 1991, and for other purposes.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from New York [Mr. D'AMATO], the Senator from Indiana [Mr. COATS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. KASTEN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution designating July 4, 1992, as "Buy American Day."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], the Senator from Montana [Mr. BURNS], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE JOINT RESOLUTION 282

At the request of Mr. BOREN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 282, a joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Ohio [Mr. GLENN], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Concurrent Resolution 118, a concurrent resolution declaring the ratification of the 27th Article of Amendment to the Constitution of the United States.

SENATE RESOLUTION 285

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 285, a resolution calling for compliance with United Nations sanctions against Libya for harboring the suspects in the bombing of Pan Am flight 103, and for other purposes.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation will hold a hearing on the utility of expanded lamb reporting services by USDA. The hearing will be held on Tuesday, June 9, 1992, at 10 a.m. in SR-332. Senator TOM DASCHLE will preside.

For further information please contact Wade Fauth at 224-2321

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 13, 1992, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, May 13, 1992, at 2 p.m., to conduct a hearing on urban affairs, the recent violence in Los Angeles and the plight of inner cities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS AND ECONOMIC OPPORTUNITY

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Competitiveness and Economic Opportunity be authorized to meet during the session of the Senate on Wednesday, May 13, 1992, at 9:30 a.m. The subcommittee will hold a hearing on the effects of the real estate crisis on small business and local governments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet on Wednesday, May 13, 1992, at 9 a.m., in open session, to receive testimony on the medical programs of the Department of Defense in review of S. 2629, the Department of Defense authorization request for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 13, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on budgeting for the Indian School Equalization Program, 1991-93, to be followed by a markup on the Native Hawaiian Health Care Improvement Act beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 13, beginning at 1:30 p.m., to conduct a hearing to examine the conservation of the northern spotted owl and the ecosystem upon which it depends under the Endangered Species Act and other Federal Laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing to consider employment and education legislation on May 13, 1992, at 10 a.m. in room 418 of the Russell Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MEDICARE AND LONG-TERM CARE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Medicare and Long-Term Care of the Committee on Finance be authorized to meet during the session of the Senate on May 13, 1992, at 2 p.m. to hold a hearing on the challenge of providing long-term health care.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., May 13, 1992, to receive testimony on S. 2656, the Petroleum Marketing Practices Act Amendments of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine, of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on May 13, 1992, at 10 a.m. on the reauthorization of Marad/Federal Maritime Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 13, 1992, to consider pending agenda business, and any other items ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, at 10 a.m. to hold a business meeting to markup S. 2532, legislation authorizing assistance to the former Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 13, 1992, at 10 a.m., for a hearing on the Freedom of Choice Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE AND CIVIL SERVICE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and

Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 13, 1992, on S. 1981, reauthorization of the Office of Special Counsel.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ISRAELI INDEPENDENCE DAY

• Mr. SIMON. Mr. President, today I would like to congratulate Israel in the celebration of its 44th anniversary of independence last week. Since 1948, Israel has overcome enormous obstacles to be free and independent. Her continued vitality is directly related to the courage and resilience of the Jewish state and its citizens.

The American people can be proud of the support which the United States has provided to our democratic ally in the Middle East. This last year has witnessed some trying times in relations between the Israeli Government and the United States administration. Our relationship with Israel, however, is strong enough to weather this temporary setback. I believe that most people in both countries strongly support continued cooperation across the bilateral relationship.

During the cold war, Israel was vital strategic ally in the Middle East. Today, in a multipolar global environment, Israel remains a good friend and ally. Our challenge in this new era is to foster an even closer friendship with Israel on a broad range of issues. Israel ranks among the world's finest in the fields of medical research, irrigation techniques, and high technology industries. The potential for growth and prosperity in both of our countries from cooperation in these fields has only been partially realized.

Israel, however, still faces many challenges in the near future. By the end of 1991, some 380,000 Jews, primarily from the Soviet Union and Ethiopia, had immigrated to Israel. Hundreds of thousands of Jews remaining in the former Soviet Union may also choose to live in Israel. Israel will benefit for the skills and talents that these immigrants bring, but the country faces serious absorption problems. As the United States encouraged the resettlement of these Jews in Israel, we have a moral commitment to assist Israel with absorption through provision of loan guarantees.

Israel needs peace in order to prosper. Any resolution of the Middle East problem must guarantee Israel and her neighbors secure and recognized boundaries free from threats or acts of force. I hope that the peace process now underway may yield such a solution. I commend Secretary Baker and the participants in the process for the efforts they are making toward an understanding acceptable to all parties.

Israel has come a long way since the early months of 1948. The Israeli people have demonstrated the ability to overcome tremendous obstacles—they have survived hostile neighbors, built cities on swamps, and turned the desert green. An oasis of democracy in the region, Israel has set an example for other states in the area. I hope that democratic principles, observance of individual rights, and growth of free markets will come to characterize all countries in the region. I look to Israel to lead the way here, and extend my best personal wishes to the people and Government of Israel on their Independence Day.•

REV. KEVIN WAYNE COSBY

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky minister for his commitment to the black community in Louisville, his dedication to improving race relations, and his insight into social problems which plague our minority communities.

Rev. Kevin Wayne Cosby is the dynamic leader of Kentucky's fastest-growing black congregation at St. Stephen Baptist Church in western Louisville. Under Reverend Cosby's guidance, St. Stephen has grown sevenfold, from 300 to about 2,000 active members. He has earned the respect of many black leaders for the work the church has done to help the neighborhood where it is located—primarily by building a widely used family-life center.

When he accepted the pastorate of St. Stephen in 1979, Reverend Cosby found poverty and hopelessness in the surrounding community. He and his congregation decided to build institutions to help people in the neighborhood; the resulting activities and community involvement have been phenomenal. The church and the family-life center are now a focal point of the community for church members and nonmembers alike.

Reverend Cosby also possesses a vision for the future which addresses not only the social needs of Louisville's black community, but of the entire Nation. His vision includes cities containing strong, self-sustaining black communities where thriving businesses, active churches and vital schools flourish. Reverend Cosby also teaches a course on African-American religion at the University of Louisville. At St. Stephen, he initiated a program for 11 to 13-year-olds to improve their understanding of African culture.

While many Americans remain puzzled and distraught by the recent violence in Los Angeles, Reverend Cosby maintains an accurate reading of the situation, as well as a clearly defined view of what all of us can do to improve our inner cities and race relations nationwide.

Reverend Cosby outlined his views regarding the Rodney King verdict and subsequent riots in a recent column in the Louisville Courier-Journal. Please enter this column, as well as my comments into the RECORD.

The article follows:

INESCAPABLE SOLIDARITY

(By Kevin W. Cosby)

The recent events in Los Angeles have awakened the nation from its world of delusion and brought home the rage that has been festering in inner-city, African-American neighborhoods for decades. Since the Watts riots of 1965, the nation has been content to use Band-Aid remedies to correct the social and structural injustices that afflict the masses of African Americans.

The nation has never addressed the fundamental problems—the preservation of culture and economic empowerment. These are the issues that sparked the riots in Los Angeles and across the country. The Rodney King verdict was indeed the fuse, but the dynamite was the disdain for and the inability to recognize and respect African-American culture.

Since the Brown school-desegregation decision of 1954, integration has been the social goal of the major civil rights organizations and white liberals. However, the problem has been that integration has never been clearly defined. Integration has most often meant Anglo-conformity. This is the process by which African Americans take on the dress, language, food, values, sentiments, ideas and life-styles of Anglo-Americans. Anglo-conformity is based on the assumption that there is something defective in traditional African-American culture while Anglo-American culture is sacrosanct.

The lack of cultural diversity has handicapped African Americans in two ways. First, African Americans are judged in society based on how well they approximate the Anglo-American cultural norm. For example, educator Janice Hale states that the reason why African-American children are disproportionately labeled as educable mentally retarded and placed in special education classes is because they are forced to function and learn in a system that was designed for Anglo-Saxon, middle-class children. Second, Anglo-conformity has also resulted in African Americans in the middle and professional class having to sacrifice cultural identity and group solidarity with the masses of African Americans in order to integrate into mainstream America.

Integration has not translated into economic and social justice for the masses of African Americans. Integration has meant the selective assimilation of middle- and professional-class African Americans into Anglo-American society while the urban poor are simply left behind as the permanent inhabitants of desolate and abandoned inner cities. What the civil rights community does not want to come to grips with is how token integration has helped to facilitate the growth of the African-American poor. The incorporation of an African-American middle class into America's mainstream left the poor elements of the African-American community without leaders and institutions.

Visit any inner-city neighborhood across America, and you will find an absence of basic black-owned and controlled institutions like shopping centers, athletic centers, movie theaters, drug stores, restaurants, banks, schools, social service centers and other institutions that white and more affluent neighborhoods take for granted. These institutions are important because they transmit values and place permanent, positive role models in the community.

One might ask, why would rioters destroy those few institutions they did have? The institutions that were targeted were not owned by the people who live in the communities. The economy of the inner city is controlled most often by people who drain the neighborhoods of their resources.

Prof. Harold Cruse of the University of Michigan, responding to the riots of the '60s, said that many mistakenly thought that Black Power meant "get the cops," "burn baby burn," "down with whitey," or "let's get the loot." Ironically, Richard Nixon understood the true message of the riots, and he conveyed them in an address in 1968, when he said:

"Much of the black militant talk these days is actually in terms far closer to the doctrines of free enterprise than to those of the welfarish '30s—terms of 'pride,' 'ownership,' 'private enterprise,' 'capital,' 'self-assurance,' 'self-respect' . . . what most of the militants are asking is not separation, but to be included—not as supplicants, but as owners, as entrepreneurs—to have a share of the wealth and a piece of the action. This is precisely what . . . the new approach ought to be. It ought to be oriented toward more black ownership, for from this can flow the rest—black pride, black jobs, black opportunity and yes, black power."

Every business that only takes from the African-American community without investing in the community is at risk because people will continue to rebel against injustice, inhumanity and feelings of disenfranchisement. Not only must businesses invest in the communities, but the people must be empowered to control the economy in their own communities.

Therefore, I call for the business community and the government to form partnerships with African-American institutions for the purpose of preventing the carnage displayed in the Los Angeles community.

For example, the St. Stephen Baptist Family Life Center is operating a rites of passage program; a child development center, tutorial service, computer literacy program, and other programs designed to empower the residents of the inner-city California community.

As a result of the services provided through the Family Life Center, 60 permanent jobs have been created. The employment and services provided through the Family Life Center have been created through grassroots initiatives independent of federal, state or local government. I am confident that if government and private industry would get involved, this model could be replicated in other neighborhoods on a much larger scale.

Dr. Martin Luther King, Jr., often spoke of the "inescapable network of mutuality" that exists between the haves and the have-nots. That is to say that if the strength of the strong is not at the disposal of the weak, then the weakness of the weak will eventually cross the fence and undermine the strength of the strong.

This is the true lesson to be learned from Los Angeles. Let us learn it also in Louisville.●

MARKING THE 84TH ANNIVERSARY OF THE U.S. NAVY NURSES

Mr. DODD. Mr. President, I rise today to salute the U.S. Navy nurses as they celebrate their 84th anniversary. The Nurse Corps has served this country dutifully and fearlessly since 1908. They are a unique group of individuals defined by their ability to provide care in a variety of settings, ranging from a field hospital in Korea to a ship on the Atlantic Ocean. In addition, these fine men and women act as ambassadors of goodwill all over the world.

Created by an act of Congress, the first members of the Nurse Corps were an elite group of young women called the Sacred Twenty. Under the leadership of Esther Voorhess Hasson, they laid the foundation for over eight decades of care and service. Today, there are over 3,000 active duty members and 2,500 Reserves.

Over the years the nurses have established a long record of achievement and excellence. The nurse corps has been involved in every major conflict since their inception. Time and time again, they selflessly put their lives in jeopardy to complete their line of duty. In World War I, of the four Navy crosses awarded to Navy nurses, three were awarded posthumously. In World War II, five nurses were captured by the Japanese in Guam and were interned for 6 months before repatriation. Eleven other nurses were captured in the Philippines and spent 37 months in internment camp.

Through these conflicts, the nurses have improved their skills and increased their importance to the Marine and Navy corps. In the Korean war, Vietnam war, and most recently, in Operation Desert Storm, the nurses served with distinction as consultants, analysts, resource managers and commanding officers.

Mr. President, I am proud that in my home State of Connecticut there are 42 active duty members of the Navy Nurse Corps assigned to the Naval Hospital in Groton. These men and women are to be congratulated for their sacrifice, dedication, and patriotism. I hope my colleagues will join me today to congratulate the Navy Nurse Corps for 84 years of service and wish them many more successful years in the future.●

CALHOUN COUNTY EMS: BEST IN THE NATION

● Mr. HOLLINGS. Mr. President, each year, hundreds of emergency medical service teams from across the country compete to be recognized as the best EMS unit in the country. This year, South Carolina's Calhoun County EMS won the top honor—a truly remarkable achievement in several respects.

Calhoun County's unit is the first small, rural EMS team to win the national competition, which is usually dominated by large, established, urban EMS services. The fact is, Calhoun County does not even have a 911 emergency number, and many of its rural roads are unnamed. Even more remarkable, Calhoun County EMS has only been in operation since 1990.

So this first-place award is an extraordinary tribute to the skill and professionalism of the 25 EMS technicians and paramedics of the Calhoun County unit, brilliantly led and organized by Bill Minikiewicz. It is also a tribute to the Calhoun County community, which has generously supported its EMS service, and enthusiastically embraced the programs and innovations created by Mr. Minikiewicz and his colleagues.

South Carolina takes special pride in the excellence of its EMS services. Indeed, it is amazing that three of the last four national EMS award winners have been from the State of South Carolina.

Mr. President, I just cannot speak too highly about these EMS professionals. They serve with great coolness and courage amidst some of the most horrific, high-pressure circumstances imaginable. I am sure I speak for all Senators when I say that they have earned our utmost respect and our deep appreciation.●

TRIBUTE TO DR. W.L. McDIVITT, PRESIDENT OF OTERO JUNIOR COLLEGE IN LA JUNTA, CO

● Mr. BROWN. Mr. President, I rise today to pay tribute to Dr. W.L. McDivitt, who is retiring as president of Otero Junior College in la Junta, CO, on July 1, 1992. In fact, "Dr. Mac" is the only president Otero Junior College has ever had.

Dr. McDivitt has been a leader of higher education at Otero Junior College for 40 years and has had a major influence on so many aspects of education in the Arkansas Valley and southeastern Colorado.

Beginning his career in higher education at the former La Junta Junior College as dean in August 1952, Dr. McDivitt became president of the renamed Otero Junior College on January 1, 1956.

When Dr. McDivitt began in 1952, there were only 89 students enrolled. Today, Otero Junior College has grown to almost 1,000 students. The growth in enrollment has been a remarkable feat considering the fact that population actually declined in southeastern Colorado over the past decades.

The campus has grown, too. Early in his presidency, a new center administration building was built as part of the old Works Project Administration [WPA] Program. A humanities building was erected later and further facilities were built especially for vocational education. Today, eight area high schools bus students to the Otero Junior College campus to take advantage of its vocational education facilities. High school students can now take part in the Central Arkansas Valley Occupational Center at Otero for instruction in computer science, welding, child care, automobile repair, building and trade skills, electronics, and nursing assistance.

One of Dr. McDivitt's most noteworthy accomplishments, though, may be the establishment of child care development services on campus. The program has received Federal funds for a Head Start Program and currently serves about 400 children and their families from Otero, Bent, Crowley, and Prowers Counties.

The staff, faculty, and students of Otero Junior College will deeply miss Dr. McDivitt, but the progress that has been made under his leadership will be remembered forever. The newly renovated W.L. and Mabel McDivitt Gymnasium will not only honor him for his many decades of service to the college, but will serve as a reminder of his countless contributions to the Otero Junior College campus.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by $6.5 billion in budget authority and by $6.1 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992-96. Since my last report, dated May 5, 1992, the Congress has cleared for the President's signature S. 2378, a bill extending certain expiring veterans' programs.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $354.4 billion, $3.2 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 12, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through May 8, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 5, 1992, the Congress has cleared for the President's signature S. 2378, a bill extending certain expiring veterans' programs. This action changes the current level for budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG. 2D SESS. SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 8, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,314	1,199,389	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			(3)
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Further continuing appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	
Total enacted this session	16,884	8,430	(3)
PENDING SIGNATURE			
Extend certain expiring veterans' programs (S. 2378)	(4)	(4)	
Total current level	1,277,196	1,207,817	853,364
Total budget resolution [5]	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,483	6,116	2,863
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for Public Law 102–266 does not include $107,000,000 in budget authority and $28,000,000 in outlays in emergency funding for SBA disaster loans.

[5] Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG. 2D SESS. AS OF MAY 8, 1992

[In billions of dollars]

	Budget resolution (H. Con. Res. 121)	Current level [1]	Current level +/− resolution
On-budget:			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992–96	4,836.2	4,835.5	−.7
Maximum deficit amount	351.2	354.4	+3.2
Debt subject to limit	3,982.2	3,783.1	−199.1
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.•

IN HONOR OF DOROTHY GOODWIN

• Mr. DODD. Mr. President, I rise today to recognize Dorothy Goodwin for her lifetime of service to the State of Connecticut. As a professional, a teacher, and a legislator, she has been committed to improving the quality of life for all people.

Dorothy was born in Hartford and educated at Smith College. As a young woman, she interned with the Bureau of Agriculture Economics in Washington, DC. Following this experience, she worked as an economic intelligence officer in India and as an agricultural economist in Japan. Upon her return to the United States, she returned to school and became the first woman to receive her Ph.D. in agricultural economics from the University of Connecticut. She taught economics at UCONN until 1974.

At the age of 60 she retired from her teaching job and ran for a seat on the Connecticut State Legislature, where she served for 10 years. As a legislator Dorothy was a strong supporter of education. One of her most notable accomplishments was the school equalization bill which distributed State aid to schools based on the relative wealth of each community, improving the educational opportunities available to the underprivileged. Dorothy was also the chairman of the Joint Committee on Education and was appointed to the Connecticut Commission of Higher Education for several years.

Throughout her tenure with the legislature, Dorothy was known as a statesman—someone dedicated to serve the best interests of the public. As an advocate for the underprivileged and someone concerned with improving access to education, she was nicknamed "the conscience of the assembly" by her colleagues.

Although Dorothy is retired from politics, she continues to be an active participant in the community. Recently, the Mansfield community recognized her years of outstanding service by renaming the Northwest School in her honor. Other awards she has received include the 1992 UCONN Award commemorating 100 Years of Women and the Wilbur Cross Award for contributions to the public humanities.

Dorothy Goodwin is a role model to all. The integrity, values, and diligence she exudes are unique. The town of Mansfield and the State of Connecticut are lucky to have such a talented resident.•

CONGRATULATING RABBI NACHUM MUSCHEL

• Mr. D'AMATO. Mr President, I rise today to honor an esteemed member of New York State's Jewish community, Rabbi Nachum Muschel. The city of Monsey, NY, is very fortunate to be home to the Adolph H. Schreiber Hebrew Academy of Rockland, known as

ASHAR. On Sunday, May 31, 1992, the academy will honor Rabbi Nachum Muschel at its 38th annual dinner. Rabbi Muschel will be retiring as dean of the school after serving 36 years.

During his tenure, Rabbi Muschel's teachings reached almost 2,000 students as well as their families. The rabbi is a man of character, courage, and compassion as evidenced by his survival in a Siberian internment camp. He also served as a supervisor of education at Yeshiva University's Teachers Institute for Women. During the early 1950's, Rabbi Muschel envisioned an Orthodox community in the suburbs of New York City. He has invested his time and talent into building the community around ASHAR, and the institution has gained recognition on a national scale.

Since the 1950's, the Jewish people in Israel and elsewhere incurred many struggles in maintaining their identity. Rabbi Muschel has been a valuable man for the Jewish community in this regard and has done much to preserve the identity of his people.

I wish Rabbi Muschel and his family the best in the years to come. The Adolph H. Schreiber Hebrew Academy of Rockland and the Jewish community of New York will sorely miss his services.•

NEED A LIFT?

• Mr. STEVENS. Mr. President, in an effort to help the young people of this country, the American Legion has published its 41st edition of "Need a Lift?" It is one of the best informational handbooks I have seen on educational opportunities for scholarships, careers, and loans.

It is important for students to have as much information as is available about financial aid and scholarship opportunities. For that reason, I ask that section IV of this handbook covering Federal programs for loans and scholarships be printed in the RECORD.

The section follows:

SECTION IV—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS (LISTED ALPHABETICALLY)

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Federal Student Aid Fact Sheet from the U.S. Department of Education, 1991–92" may be obtained by writing to Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044. Federal student aid questions may be directed to the *toll-free* Federal Student Aid Information number: 1–800–4 FED AID.

a. College Work-Study Program (CWSP). This program provides on-campus and off-campus employment to undergraduate and graduate students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The wage paid is at least the current Federal minimum wage, but it may also be related to the type of work and its difficulty. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Pell Grant Program. Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutions, hospital schools of nursing, and other participating postsecondary institutions. To apply for the grant, an applicant must demonstrate need and be an undergraduate student enrolled on at least a halt-time basis. For the 1991–92 award period, individual awards will depend on program funding. The maximum award for the 1991–92 academic year was $2,400. To apply for a Pell Grant, a student must complete either the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF) processed by CSS, the Family Financial Statement (FSS) processed by ACT, the Pennsylvania Higher Education Assistance Agency (PHEAA) form processed by PHEAA, the Student Aid Application for California (SAAC) processed by CSS, the Illinois State Scholarship Commission's form (AFSSA), processed by CSX or the Single file Form processed by USAF. Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

c. Perkins Loan (formerly National Direct Student Loan Program—NDSL). These loans are available to students enrolled at least half time (and in some cases less than half-time) in a regular program of study at a participating school and who demonstrate need for financial assistance. Aggregate loans may not exceed $18,000 for a graduate student including undergraduate loans; $9,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $4,500 for any other student. Repayment of the loan begins 9 months after a borrower ceases to carry at least one half the normal academic work load, and is to be repaid within 10 years. Your "grace period" may be different than nine months if you are less than a half-time student. Interest of 5% will begin at the time the repayment period begins. You may defer repayment or have portions of your loan canceled under certain conditions.

d. Plus Loans and Supplemental Loans for Students (SLS). PLUS loans are for parent borrowers. SLS loans are for undergraduate/graduate students. Interest rates are variable (maximum 12%). Like Stafford loans, they are made by a lender such as a bank, credit union, or savings and loan association. It is not necessary to demonstrate need. Parents, graduate students and independent undergraduates may borrow $4,000 per year. In exceptional circumstances, the financial aid administrator may authorize dependent undergraduates to apply for an SLS. All borrowers must begin repaying these loans within 60 days, unless the borrower is entitled to a deferment and the lender agrees to let the interest accumulate until the deferment ends. The negotiation of each loan is between the student and the lending institution. Individuals who desire more information or wish to initiate a loan should discuss the matter with the lender and the school financial aid administrator.

e. Stafford Loan (formerly Guaranteed Student Loan—GSL). This program provides loans to students for educational expenses, and is available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. All applicants must undergo a needs test. For new borrowers, the interest rate is 8 percent for the first 4 years of repayment and 10 percent after that. A 5 percent origination fee is charged, which will be deducted proportionately from each loan payment. The money is passed on to the Federal Government to help reduce the Government's cost of subsidizing these low-interest loans. Your lender may also charge you an insurance premium of up to 3 percent of the loan principal.

Loans must be repaid. Repayment normally is over a 5–10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payment will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted for a variety of reasons. Deferments are not automatic and must be applied for through your lender. Check with your lender for deferment information.

Depending on your need, you may borrow up to $2,625 a year, if you're a first or second-year undergraduate student; $4,000 a year, if you have completed 2 years of study and have achieved third-year status; $7,500 a year, if you're a graduate student. The total Stafford Loan debt you can have outstanding as an undergraduate is $17,250. The total for graduate or professional study is $54,750, including any loans made as an undergraduate.

f. Supplemental Educational Opportunity Grant [SEOG] Program. This grant program is for students with exceptional financial need (priority given to PELL grant recipients). Students must be enrolled as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. In some cases, awards may be made to less than half-time students. Graduate students are not eligible. The amount of the award may be up to $4,000 yearly. There are other Federal programs you can get information about from your State educational agencies. These programs are:

G. THE PAUL DOUGLAS TEACHER SCHOLARSHIP.

Encourages outstanding high school graduates to pursue teaching careers after they finish postsecondary education. Provides scholarships of up to $5,000 for each year of postsecondary education to students who graduate from high school in the top 10 percent of their class, and who meet other selection criteria their State educational agency may establish. Generally, students are required to teach two years for each year of scholarship assistance they receive. Check with your State Scholarship Agency for information.

H. THE ROBERT C. BYRD HONORS SCHOLARSHIP.

Students who demonstrate outstanding academic achievement and show promise of continued excellence may receive $1,500 for their first year of postsecondary education. These scholarships are based solely on merit, and are not renewable. Recipients are selected by the agency in the State responsible for supervising public elementary and secondary schools.

2. U.S. Department of Health and Human Services administers programs of assistance

for students enrolled in health professions programs.

a. Exceptional Financial Need Scholarship Program [IV-1] provides a scholarship to encourage students with exceptional financial need to pursue careers in medicine, osteopathic medicine, dentistry, optometry, podiatric medicine, pharmacy, or veterinary medicine. Applicants should be citizens, nationals or lawful permanent residents of the United States or District of Columbia, the Commonwealths of Puerto Rico, or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia. Scholarships will cover all or a part of the cost of tuition, and other reasonable educational expenses including fees, books, laboratory expenses and other costs of attending school. No service or financial obligation accompanies the scholarship. For information, write: Health Resources and Services Administration, Bureau of Health Professions, Division of Student Assistance, Parklawn Building, Room 8-38, 5600 Fishers Lane, Rockville, MD 20857. To apply for the program, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled.

b. Program of financial assistance for disadvantaged health professions students is a program that provides financial assistance without a service or financial obligation to disadvantaged health professions students who are of exceptional financial need to pursue a degree in medicine, osteopathic medicine, or dentistry by providing financial support to help pay for their costs of education. Federal funds for this program are allocated to participating accredited health professions schools located in the United States and Puerto Rico. These schools are responsible for selecting the recipients of such assistance. You are eligible to apply if you are a citizen, national or lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Mariana Islands, the Virgin Islands, Guam, the American Samoa or the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia; are accepted for enrollment or are enrolled in a participating health professions school as a full-time student; and are determined by your school's Financial Aid Director to be of "exceptional financial need" and to meet "disadvantaged" criteria.

Depending on funding available, a student may receive funds to cover the costs of tuition and other reasonable education expenses including fees, books, laboratory expenses and other costs of attending school.

To apply, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled, or write to the address in (a) above.

c. The Health Education Assistance Loan (HEAL) Program is a federally insured loan program for eligible graduate students in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, public health, pharmacy, chiropractic, or in programs in health administration, clinical psychology, or allied health.

Eligible Borrower—must be a citizen, national or permanent resident of the United States and accepted for enrollment as a full-time student, or already in full-time attendance and in good standing at an eligible HEAL school. Pharmacy students must have satisfactorily completed three years of training toward a pharmacy degree.

Eligible Schools—Accredited health professions schools are eligible to participate in the HEAL Program if the school has an agreement with the Secretary. Foreign schools are not eligible under the HEAL Program even though some are eligible for the Guaranteed Student Loan Program.

Eligible Lenders—Financial or credit institutions (including banks, savings and loan associations, credit unions, or insurance companies), State agencies, pension funds, eligible HEAL schools, and non-profit private entities designated by a State.

Loan Limitations—Medical, osteopathic, dental, veterinary, optometric or podiatric students may borrow up to $20,000 per year, not to exceed $80,000 for all years. Pharmacy, chiropractic, health administration, clinical psychology, public health or allied health students may borrow up to $12,500 per year not to exceed $50,000 for all years.

Loans may be used solely for tuition, other reasonable educational expenses, including fees, books, supplies and equipment, and laboratory expenses, reasonable living expenses, reasonable transportation costs that relate directly to borrowers' educational expenses, and the HEAL insurance premium.

Interest—The HEAL program does not provide a subsidy payment for interest. The amount of interest which may be charged to the borrower on the unpaid balance of the loan may not exceed the average bond-equivalent rate during the prior calendar quarter for 91-day Treasury bills sold at auction, plus three percent, rounded to the next higher ⅛ of one percent. Payment of principal and interest may be deferred while the borrower is a full-time student and during specific eligible periods of deferment. For more information contact the Director of Student Financial Aid at your school, or write to address in (a) above: Room 8-39.

d. The Health Professions Student Loan Program is a program of long-term, low interest loans to assist students having need for financial assistance to undertake the course of study required to become a physician, dentist, osteopathic physician, optometrist, pharmacist, podiatrist, or veterinarian. Funds are allocated to accredited schools of medicine, dentistry, osteopathic medicine, optometry, pharmacy, podiatric medicine, and veterinary medicine which are located in the United States and Puerto Rico, and which participate in the student loan program.

Each school participating in this program is responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a loan at a school that participates in the Health Professions Student Loan Program if you are:

1. A citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia;

2. Accepted for enrollment or enrolled as a full-time student in a course leading to a degree of doctor of medicine, doctor of dental surgery or equivalent degree, doctor of osteopathic medicine, doctor of optometry or equivalent degree, bachelor of science in pharmacy or equivalent degree, doctor of pharmacy degree, doctor of podiatric medicine or equivalent degree, or doctor of veterinary medicine or equivalent degree; and

3. In need of the loan to be able to pursue the course of study.

Note: Students enrolled in schools of medicine or osteopathic medicine must demonstrate exceptional financial need.

Pre-professional students, interns, residents, and students seeking advanced training are not eligible for assistance under this program.

The maximum amount you may borrow for each school year is the cost of tuition plus $2,500 or the amount of your financial need, whichever is the lesser. The interest rate is five percent (5%) for all loans made on or after November 4, 1988.

For information, contact the Director of Student Financial Aid at your school, or write to the address in (a) above.

e. National Health Service Corps (NHSC) Scholarships [IV-2] are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools in the Fields of Allopathic or Osteopathic Medicine, Dentistry, Nurse Practitioner Education (Post-Baccalaureate), Nurse Midwifery Education (Baccalaureate or Post-Baccalaureate) and Primary Care Physician Assistant Training (Baccalaureate or beyond). These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarship support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

If appropriated funds are available, applications for competitive awards for the 1991-92 school year may be limited to students who have participated at their schools in the Federal "Scholarship Program for First-Year Students of Exceptional Financial Need."

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services Scholarships. For further information write to: NHSC Scholarships, Parklawn Building, Room 7-18, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1650, or for toll-free message tape, call 1-80-638-0824 (except Maryland).

f. National Health Service Corps Loan Repayment Program: [IV-2]. The NHSC Loan Repayment Program invites applications from licensed allopathic (M.D.) or osteopathic (D.O.) physicians in the specialties of family practice, obstetrics-gynecology, pediatrics, internal medicine, and osteopathic general practice.

This federal program pays up to $20,000 annually toward a participant's qualified medical education loans (including HEAL) in return for 3 or 4 years of full-time professional practice at an approved HNSC Loan Repayment Service Site in the USA. (Two-year agreements will pay up to $25,000 per year.) Over 200 positions are available, mainly at private, non-profit community health centers serving the poor, the homeless, and migrant farm workers and their families. Compensation packages are negotiable and compare favorably with similar physicians in the same geographic area. Matches to sites must be concluded by February 15, 1992 and employment begin no later than August 1, 1992.

For an application, a list of NHSC Loan Repayment Service Sites, and a complete description of the Program, write to: *Division of Health Services Scholarships, Room 7-18, Parklawn Building, 5600 Fishers Lane, Rockville, MD. 20857* or telephone during office hours: 1-301-443-1650.

g. National Health Service Corps Loan Repayment Program for Graduate Nurses [IV-2]

The National Health Service Corps (NHSC) Loan Repayment Program pays for each year of full-time salaried practice at an approved NHSC Loan Repayment Service Site, up to $20,000 (up to $25,000 for certain sites under contract to Indian Tribes) toward a participant's qualified Government and commercial health professions education loans.

Applicants must be nurses who are U.S. citizens, preferably in their last year of graduate training for the M.S.N. A signed NHSC Loan Repayment Contract must be submitted with application agreeing to practice at an approved Site for 2, 3, or 4 years. Preference for selection will be given those who have completed graduate training in certified family nurse practitioners, pediatric nurse or nurse midwives. For applications write to NHSC Loan Repayment Program for Graduate Nurses, Room 7-16, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

h. Minority Access to Research Careers Program (MARC) Honors Undergraduate Research Training Awards. [IV-3] The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well-prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in biomedical research. Its goal is also to help develop strong science curricula and research opportunities to prepare students for careers in biomedical research. A formal research experience for the recipient is an essential feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be honor students in all four years of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as Am. Indians, Blacks, Hispanics, and Pacific Islanders.

Each school will make awards for stipend and tuition support for five or more students. The award may include travel expenses to one national meeting closely related to a project.

Graduates of this undergraduate program are then eligible to compete for a MARC Predoctoral Fellowship which supports 5 years of training toward either the Ph.D. or M.D./Ph.D. at any high quality graduate institution.

Applications may be filed by January 10, May 10 or September 10. Apply for information or application to: U.S. Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Room 950, Bethesda, Maryland 20892.

3. Other U.S. Department of Health and Human Service Programs Are:

a. Commissioned Officers Student Training and Extern Program (COSTEP) [iv-4]. COSTEP is a recruiting device for Commissioned Corps of the Public Health Service (PHS) which offers excellent opportunities for students in health-related fields to get maximum benefit during free periods (31-120 days) of the academic year. Students may apply for assignments at any time during the year; however, the majority of students are hired for the summer period. To be eligible a student must have completed a minimum of one year of study in a medical, dental, or veterinary school; or have completed a minimum of two years of a professionally accredited baccalaureate program in the following course of study: dietetics, engineering, nursing, pharmacy, therapy, sanitary science, or medical record administration; or be enrolled in a masters or doctoral program in a health related field other than those mentioned above. The student must expect to return to college as a full-time student in an accredited field of study following completion of the COSTEP assignment. Students must be free of any obligation that would conflict with extended duty in the PHS Commissioned Corps, may not be a member of another unformed service nor owe a service obligation to another unformed service, and must meet the qualifications for appointment in the Commissioned Corps. These include being a citizen of the United States, meeting the physical standards of the corps, and being under 44 years of age. Transportation is paid to and from the location of the assignment. For applications, contact: Division of Commissioned Personnel, ATTN: COSTEP, 8201 Greensboro Dr. Suite 600 McLean, VA 29102

Deadline for applications: October 1 for assignments from January through April, February 1 for May through August, and May 1 for September through December. COSTEPs are commissioned as junior assistant health service officers in the Commissioned Corps of the PHS. The pay of a single COSTEP officer is $1,444.20 salary. $269.80 quarters allowance, $129.00 subsistence for a total of $1,863.00 per month. For COSTEP officers with dependents, the quarters allowance is $3393.30 for a total of $1,966.50 per month. The quarters and subsistence allowances are not taxable. COSTEP are eligible for medical and dental care while on duty and receive many of the benefits of commissioned officers. For additional information, you may call the COSTEP office at (703) 734-6855.

b. Professional Nurse Traineeship Program. [IV-5]. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend (not to exceed $8,800) and tuition and fees as set by the participating training institution. Trainees are selected by the training institutions. Further information is available from: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration Room 5C26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. Students should request information through the Dean of Nursing at their institution. NOTE: this assistance is only for students studying at the master's or doctoral level or studying to become nurse midwives.

c. Nursing Student Loan Program. [IV-5.1] The program is intended to assist students to achieve careers in nursing by providing long-term, low-interest loans to help meet costs of education.

Federal funds for this program are allocated to accredited schools of nursing education. These schools are responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a Nursing Student Loan it you are a citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia; are accepted for enrollment or are enrolled as a full-time or half-time student in a course leading to a diploma in nursing, an associate degree in nursing, a bachelor's degree in nursing or an equivalent degree, or a graduate degree in nursing.

You may borrow $2,500 for an academic year, $4,000 for each of the final two years, or the amount of your financial need, whichever is the lesser. The total amount of student's loan for all years may not exceed $13,000.

In determining the amount of assistance you may require, the school considers: All financial resources available to you, including other sources of aid, such as scholarships or other repayable loans, and the costs reasonably necessary for attendance at the school.

The interest rate is five percent (5%) for all loans made on or after November 4, 1988. *To apply, contact the Director of Student Financial Aid at your school.*

4. The U.S. Department of Interior Administers a Program of Indian Tribal Grants. [IV-6.1] Over 45 Indian tribes have established their own grant programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, DC 20240, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program. [IV-6] is a program for students who are members of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree; must demonstrate financial need to the institution they are or will be attending. For information, write to: *Department of the Interior-BIA, Office of Education Programs, MS 3512, Code 522, 18th & C Street, NW., Washington, DC 20240.*

6. The U.S. Information Agency Sponsors: The Fulbright Teacher Exchange Program. [IV-7] Under the Mutual Educational and Cultural Exchange Act, qualified American educators may work in elementary and secondary schools abroad, and, in some instances, institutions of higher education in various countries. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application, proficiency in the language of the host country and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars held in Italy and the Netherlands. Evidence of good health and stability also is required.

Round-trip transportation to some countries for those selected to participate may be provided. A maintenance allowance may also be provided, paid in the currency of the host country, based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round trip transportation and tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual application deadline date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Branch, E/ASX, Room 353, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547.•

HONORING DONALD SCHUENKE AND NML

• Mr. KASTEN. Mr. President, at a time when the attention of America is finally being drawn to the plight of our inner cities, I think it is very important that we recognize those who are already making a difference for the better in these communities.

In Milwaukee, Northwestern Mutual Life Insurance Co. has announced that will contribute up to $500,000 to the rehabilitation of 50 homes in the west side of the city.

Donald J. Schuenke, the chairman and chief executive officer of Northwestern Mutual, also heads the inner city task force of the Greater Milwaukee Committee—a group of 175 civic leaders. Mr. Schuenke believes that home ownership is one of the keys to rescuing our inner cities—and he is doing what he can to make this happen.

I ask my colleagues to join me in applauding the efforts of this distinguished citizen. I further ask that an article on this subject in the Milwaukee Journal be included in the RECORD at the conclusion of my remarks.

The article follows:

[From the Milwaukee Journal, May 11, 1992]

WEST SIDE: NML OFFERS $500,000 FOR HOUSING

(By Marilynn Marchone)

Northwestern Mutual Life Insurance Co. announced Monday that it would contribute up to $500,000 to a project to rehabilitate 50 homes in Merrill Park on the near West Side in an effort to bolster home ownership there.

The grant is the largest NML has ever made to a housing program in Milwaukee and one of the largest housing grants ever by a private firm here.

The money will be given to Westside Conservation Corps, a 14-year-old neighborhood-based development agency that owns more than 80 single- and two-family houses in Merrill Park.

"We believe that home ownership is the cornerstone of a neighborhood, and we believe Merrill Park has an excellent chance to flourish if it's populated with more homeowners," said a statement from Donald J. Schuenke, Northwestern Mutual's chairman and chief executive officer.

RELATED PUSH BY GMC

In a related matter, the Greater Milwaukee Committee, a group of 175 key business and civil leaders, on Monday was to encourage its member companies to help employees buy houses in Milwaukee. Companies with more than 15,000 employees will be asked to take part, possibly helping provide down payments and/or closing costs.

Some companies, including Wisconsin Electric Power Co. and Wisconsin Gas, already have programs encouraging home ownership in certain areas of the city.

Schuenke, who heads the GMC's Inner City Task Force, said his company's program "is not an official part of the GMC effort [but] certainly dovetails with it."

Merrill Park is bounded by N. 27th St. on the east, N 35th St. on the west, W. Wisconsin Ave. on the north and Interstate 94 on the south.

Schuenke said NML had been developing the grant program for more than a year.

"We think we've come up with a solid plan," he said.

Westside Conservation Corps. will be the general contractor and will work on at least five homes at a time. Each house will be offered for sale when it is about halfway through the rehabilitation process.

Purchasers must live in the houses they are buying and attend the community group's Home Buyers Clinic, which helps potential homeowners with the purchase process and teaches them such skills as how to spot structural problems.

"Neighborhood crews will perform some of the tasks such as carpentry, drywall installation and painting," the statement from Schuenke says. "We strongly encourage them to hire minority-owned and staffed companies as subcontractors."

AVERAGE FIX-UP COST: $42,000

The average cost to rehabilitate a home is expected to be $42,000, said John T. Cleary, executive director of the Westside Conservation Corps. Commercial bank construction loans, a Community Development Block Grant from the City of Milwaukee and in-kind services contributed by Wisconsin Gas and Wisconsin Electric will cover about 80% of the cost, and NML will play the rest, Schuenke's statement says.

"We expect to grant the WCC an average of $8,500 per house," the statement says. "The average selling price per house will be $35,000."

The program is expected to take two years.

Northwestern Mutual is involved in other housing programs in the city as a grantmaker and investor, Schuenke said. The company sponsored two Habitat for Humanity homes at $25,000 apiece that were rehabilitated largely by company volunteers.

As an investor, NML contributed $1 million in long-term financing for Project Hope, a program of Wheaton Franciscan Services, to provide affordable housing on the Near North Side.

Last month, the company invested $1.5 million in Johnson Square, a project to convert six boarded-up buildings on the Near West Side into 179 apartments for low-income families.

And last week, Aurora Health Care, the parent company of Sinai Samaritan Medical Center, announced it would contribute 29 properties and $4.1 million to a housing rehabilitation effort spearheaded by Marquette University through its Campus Circle Project. That target area is adjacent to the Johnson Square project.•

NATIONAL SHERIFFS' WEEK—SENATE JOINT RESOLUTION 273

• Mr. SEYMOUR. Mr. President, on March 18, I joined with 21 of my colleagues to introduce Senate Joint Resolution 273, a resolution to designate the week of June 21 as "National Sheriffs' Week." Since then, 14 additional Senators have added their support for my resolution.

Again, I want to urge my colleagues to cosponsor this important legislation. This resolution will bring much deserved recognition to our Nation's sheriffs and county law enforcement officers, as well as enhance the public's knowledge of the important role our local sheriffs' departments play in our communities.

Mr. President, time is short. We must add 15 additional cosponsors before the end of May to ensure passage of the bill in time to properly honor these dedicated men and women of the law enforcement community. I ask that the text of my resolution be printed in the RECORD following my remarks.

The text of the joint resolution follows:

S.J. RES. 273

Whereas the members of the National Sheriffs' Association consistently endeavor to exhibit the highest standards of integrity in serving their communities and their country while devoting themselves to the cause of law and justice;

Whereas our Nation's sheriffs are committed to the development, implementation, and support of crime prevention projects at national, State, and local levels;

Whereas the National Sheriffs' Association is unwavering in its support of sheriffs and their employees throughout the United States in their efforts to discharge their law enforcement, corrections, and judicial responsibilities in a constitutional, effective, and professional manner;

Whereas our Nation's sheriffs are instrumental in planning and conducting programs designed to foster respect for the law by juveniles and to combat delinquency and unlawful behavior by youths;

Whereas the National Sheriffs' Association demonstrates its ongoing commitment to foster cooperation with public and private organizations dedicated to the reduction of crime and to the improvement of law enforcement, corrections, and other criminal justice activities throughout the United States;

Whereas for over 50 years, the National Sheriffs' Association has endeavored to develop and encourage the practice of the highest standards of personal and professional conduct among sheriffs and other law enforcement officers; and

Whereas the National Sheriffs' Association is holding its 1992 conference and exhibition in San Diego, California, from June 20 through 24, 1992, and it is expected to attract more than 3,000 persons to San Diego to participate in executive meetings, general educational seminars, and other activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing June 21, 1992, is designated as "National Sheriffs' Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, including programs designed to heighten the awareness of all citizens to the importance of our local sheriffs and county law enforcement officers in bringing peace to America's neighborhoods and streets.•

NATIONAL POLICE WEEK

• Mr. SIMON. Mr. President, I rise today to remind the Nation about the supreme sacrifice of life made by so many members of our law enforcement community. In March 1992 I rose to pay tribute to the National Law Enforcement Officers Memorial in Washington, DC, which was dedicated to the memory of the more than 12,500 officers who died in the line of duty throughout our Nation's history. We should especially remember the service of these dedicated public servants during National Police Week, May 10–16, 1992.

During the month of May, the Fraternal Order of Police has asked that police departments and communities across our Nation join them by displaying a blue ribbon on our automobiles in memory of our law enforcement officers who have been killed in the line of duty. This blue ribbon also will pay tribute to the survivors of these heroes and heroines as well as to all law enforcement officers who serve and protect our country every day. Even though unfortunate situations occur, such as in Los Angeles, most incidents involving police are handled professionally.

These simple blue ribbons are a symbol that a thankful Nation appreciates the continued service of our Nation's 500,000 law enforcement officers. I am proud to note that this blue ribbon project was born in my great State of Illinois. In 1991, blue ribbons were displayed in Illinois in memory of our law enforcement officers.

The State of Illinois was the first and only State to display the blue ribbon. The Fraternal Order of Police passed a resolution at their national convention in Pittsburgh last year that all FOP lodges throughout the country participate in the blue ribbon project. Our country often takes for granted the service of so many in protecting our communities. This simple gesture connotes our thanks.•

U.S. ARMY YUMA PROVING GROUND: A NATIONAL ASSET

• Mr. DECONCINI. Mr. President, one of the major lessons to be learned from the Persian Gulf war is that our fighting forces deserve the best equipment possible. Therefore we must continually upgrade our conventional weapon systems. Although our massive budget deficit requires us to reduce the size of the overall defense budget, it is imperative that we must fund the research and development of new technologies and maintain our capability to fully test these improvements under realistic conditions.

This is why I wish to discuss research and development activities at the U.S. Army Yuma Proving Ground [YPG], located along the Colorado River in southwestern Arizona. Yuma Proving Ground—roughly the size of Rhode Island—employs a work force of 2,000 civilian and military personnel.

A wide variety of military equipment is tested annually at the proving ground. Approximately 100 tests typically occur at any one time. Major testing categories include: aircraft armament; artillery and tank weapons; tracked and wheeled vehicles of all shapes, sizes, and types, and air delivery systems.

The installation offers a parched, arid environment closely resembling that of the Middle East. In testing equipment at the proving ground, Army personnel encounter nearly every problem that might be experienced in a harsh desert region. Yuma Proving Ground personnel routinely develop improved maintenance procedures and identify problem areas for correction.

The proving ground's longest running mission—difficult desert environmental testing—began during World War II under the aegis of Maj. Gen. George S. Patton who was preparing his troops for combat duty in the North African campaigns. That effort was highly successful and led to the expansion of the proving ground's mission throughout the years.

Yuma Proving Ground's remoteness and natural terrain provide the installation with several highly instrumented test areas. These include the 75,000-meter long Kofa Range for testing long-range artillery, tanks, mortars, mines, and other ordnance. The Cibola Range is the primary area for testing aircraft armament systems such as the successful Apache Helicopter Gunship Program, air delivery testing, and a variety of other manned and unmanned aerial vehicle tests. The Cibola Range is approximately 20 miles wide by 30 miles deep and features pinpoint space positioning and event imaging using laser trackers, high-speed video and global positioning receivers.

Yuma Proving Ground's unique Middle East cross country course, which replicates many of the primary terrain features found in the Persian Gulf region, adds to its other unique features to underscore the importance of realistic testing in the research and development mission. Artificial simulation methods, while cost effective and useful up to a point, simply cannot substitute for the real thing. Decades of experience have shown that if you want to find out what happens to military equipment in the desert, that's where you must test it. Surface temperatures exceeding 150° Fahrenheit literally fry unprotected electronic components. Minute particles of abrasive sand and dust sift through seals and filters into moving parts to cause accelerated wear. Liquids evaporate faster and, under long-term storage, ultraviolet radiation alters the chemical properties of nylons, rubbers, and plastics.

Many critical systems used during Operation Desert Storm were tested at Yuma Proving Ground, including the M–1 Abrams main battle tank, the Bradley fighting vehicle, the Apache helicopter, mine-clearing equipment, and much more.

In the years prior to the conflict, nearly 100,000 miles of stringent performance and durability testing were logged on the Abrams—the main component of America's modern armored force. The M–1 owes its excellent credentials, in part, to testing at YPG. When the tank first arrived at the proving ground for testing in 1981, it experienced problems caused by the desert environment. But years of realistic testing and continuous improvements have made it an extremely reliable vehicle that operates well in the desert.

During this year's Defense Appropriations Subcommittee hearings concerning the continuing role of the U.S. Army Yuma Proving Ground in future testing. The Secretary of the Army stated that:

> There are very limited facilities that we have anywhere in the United States to conduct the type of training that goes on at Yuma. Yuma has been in the past a very valuable facility for the Army.

Almost $60 million in military construction is slated to occur at the proving ground in fiscal year 1993 to accommodate the ammunition acceptance mission of the Jefferson Proving ground in Indiana which will be transferred to the Yuma Proving ground by fiscal year 1995.

Important test programs continue to be scheduled at the proving ground. The Marines are consolidating all light armored vehicle testing at Yuma Proving Ground and the British, Israeli, and Japanese Governments have recently completed test programs at the installation. The Technical Research and Development Institute of the Japanese Defense Agency is currently developing a 155 mm artillery projectile which will be tested at Yuma.

Emerging technologies to be tested at the proving ground include: work on a new liquid propellant for U.S. artillery; "fire and forget" artillery and missile rounds which will allow fired submunitions to independently target and destroy individual targets, and field testing of electric gun technology which will offer tank and ship-based weapons a revolutionary increase in firepower by propelling munitions faster, farther, and safer than by existing methods. Yuma Proving Ground is at the forefront of these innovative and exciting technologies.

The Army and the other branches of America's military face the challenge of operating in nearly any climate on the face of the globe. Realistic environmental testing is absolutely necessary to ensure equipment reliability and, thereby, to save lives. Information gathered from testing at Yuma ensures the proper design of military hardware and identifies required maintenance procedures to be incorporated into manuals for use by soldiers in the field. This commitment to rigorous testing certifies America's solemn commitment to military excellence to its soldiers, its citizens, and its allies around the world.

I applaud the hard work of the men and women at the Yuma Proving Ground and their dedication and service to their Nation and its defense.●

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Thursday, May 14; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that immediately after the Chair's announcement, Senator HEFLIN be recognized to speak for up to 10 minutes, to be followed immediately by Senator PRYOR for up to 30 minutes; Senators GLENN and NUNN for up to 20 minutes each, and Senators ROTH and LEAHY for up to 10 minutes each; further that at 10:30 a.m., morning business be closed and the Senate resume consideration of S. 250, the motor-voter bill; that upon conclusion of the vote on the motion to table the Kasten amendment, the Senate then stand in recess until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. FORD. Mr. President, I see no other Senator wishing to speak, and if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:55 p.m., recessed until Thursday, May 14, 1992, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 1992:

DEPARTMENT OF STATE

DAVID J. DUNFORD, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

ROBERT F. GOODWIN, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO WESTERN SAMOA.

MARILYN MCAFEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

IN THE ARMY

THE FOLLOWING NAMED OFFICER REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. WILLIAM G. PAGNOIS, [redacted] U.S. ARMY.

THE U.S. ARMY RESERVE OFFICER NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be brigadier general

COL. JAMES J. SULLIVAN, [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOHN A. BALDWIN, JR., U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. FRANCIS R. DONOVAN, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES G. REYNOLDS, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES D. WILLIAMS, U.S. NAVY, [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (LH) NORMAN W. RAY, U.S. NAVY, [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. MILTON E. AMES JR., [redacted] 12/1/91
MAJ. JAMES F. BAIRD, [redacted] 12/13/91
MAJ. JACK D. BRADY JR., [redacted] 12/7/91
MAJ. ANDRES F. CONTRERAS, [redacted] 12/19/91
MAJ. JAMES R. COOPER, [redacted] 11/12/91
MAJ. CLAUDE J. EICHELBERGER, [redacted] 12/7/91
MAJ. JAMES R. IRISH, [redacted] 12/13/91
MAJ. CONRAD W. KRABBENHOFT, [redacted] 12/12/91
MAJ. DAVID D. LINDSEY, [redacted] 11/26/91
MAJ. BRENT W. MARLER, [redacted] 12/10/91
MAJ. THOMAS S. MARTIN, [redacted] 12/3/91
MAJ. ANDREW F. MCRORIE III, [redacted] 12/16/91
MAJ. LOUIS J. PAWLIK, [redacted] 12/19/91
MAJ. TIMOTHY R. RUSH, [redacted] 11/22/91
MAJ. RONALD A. WESTBROOK, [redacted] 12/5/91

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. CHARLES W. PEDERSEN, [redacted] 12/2/91

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. ROBERT L. NISSLY, [redacted] 11/16/91
MAJ. EDWIN A. QUALMANN, [redacted] 12/14/91
MAJ. JAMES R. REED, [redacted] 12/7/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. ALAN R. BLOOM, [redacted] 12/7/91
MAJ. GREGORY T. RALEY, [redacted] 12/8/91
MAJ. PHILIP E. STEEVES, [redacted] 12/7/92

NURSE CORPS

To be lieutenant colonel

MAJ. ANNE M. ADAMS, [redacted] 12/8/91
MAJ. MAJORIE H. DEARTH, [redacted] 11/25/91
MAJ. RICHARD H. SLOAN, [redacted] 12/6/91

DENTAL CORPS

To be lieutenant colonel

MAJ. MICHAEL A. REOTT, [redacted] 12/8/91

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RONALD E. BAKER, [redacted] 1/9/92
MAJ. JEFFREY W. BARNES [redacted], 12/11/91
MAJ. THOMAS R. BEAM, [redacted] 1/12/92
MAJ. ELLIS D. BOLING, [redacted], 12/15/91
MAJ. TOD M. BUNTING, [redacted] 1/27/92
MAJ. RANDY L. BUSHORE, [redacted] 12/11/91
MAJ. STEPHEN E. COUCHMAN, [redacted] 1/23/92
MAJ. DARRYL S. ENGLISH, [redacted] 12/19/91
MAJ. KENNETH R. FREEMAN, [redacted] 1/17/92
MAJ. MARC M. GUTTMAN, [redacted], 12/27/91
MAJ. THOMAS F. HAASE, [redacted] 1/16/92
MAJ. WILLIAM J. HALLAM, [redacted] 1/25/92
MAJ. WILLIE D. HARRIS II [redacted] 1/28/92
MAJ. MARTIN V. HILL II, [redacted] 1/17/92
MAJ. HENRY H. HOLT, [redacted] 9/17/91
MAJ. THOMAS P. JONS, [redacted] 12/12/91
MAJ. DAVID D. KIRTLEY, [redacted] 1/28/92
MAJ. JOSEPH B. LOGISZ, [redacted] 1/11/92
MAJ. BENJAMIN C. MCLEAN, [redacted] 1/12/92
MAJ. NEIL J. MILES, [redacted] 1/11/92
MAJ. LOUIS NAVARRO, [redacted] 1/28/92
MAJ. RICHARD C. PFAFF, [redacted] 1/2/92
MAJ. DAVID M. REIN, [redacted] 12/13/91
MAJ. STEVEN D. SCHWANINGER, [redacted] 1/15/92
MAJ. RANDOLPH C. SHEPARD, [redacted] 1/25/92
MAJ. ARBIE TURNER JR., [redacted] 1/28/92
MAJ. RAY A. TURNER JR., [redacted], 1/27/92
MAJ. FRANK D. TUTOR, [redacted] 1/10/92
MAJ. ARTEMUS N. WERTS [redacted], 12/6/91

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. BRUCE E. VANDERVEN, [redacted] 1/15/92
MAJ. STEVEN K. YOUNG, [redacted] 1/11/91

MEDICAL SCIENCE CORPS

To be lieutenant colonel

MAJ. DON E. TRIMBLE, [redacted] 12/20/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. STEPHEN D. RICHARDS, [redacted] 1/11/92
MAJ. ROBERT E. THOMPSON, [redacted] 1/4/92

NURSE CORPS

To be lieutenant colonel

MAJ. LESLIE D. DYSARD, [redacted] 12/20/91

IN THE NAVY

THE FOLLOWING LIEUTENANT, U.S. NAVY, RETIRED, TO BE REAPPOINTED PERMANENT LIEUTENANT FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211:

GEORGE P. FIORE

THE FOLLOWING LIEUTENANT, U.S. NAVY, RETIRED TO BE REAPPOINTED PERMANENT LIEUTENANT FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211:

ROGER L. WERBELOW

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JON E. BILLINGSLEY
CORY S. BIRKEMEYER
MICHAEL K. BLECH
CHRISTOPHER J. BUBASH
KEITH A. BURKHARDT
JOHN J. CUMMINGS
DONALD L. GARCIA
HUGH A. GILLAM, JR.
JEFFREY L. JOHNSON,
SCOTT A. KARTVEDT
ERIC D. STURGILL
RANDOLPH J. TUPAS

THE FOLLOWING FORMER U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

DOUGLAS B. MCMULLEN

THE FOLLOWING MEDICAL COLLEGE GRADUATE TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JOHN R. AHLERING

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

GARELD W. ANDERSON
WILLIAM A. BOWLER
RONALD J. ESCUDERO
JAMES J. GALLO
JAMES E. SNYDER
TIMOTHY B. WATSON

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

MARK W. BIOLO

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

MICHAEL L. CRAMER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. DAVID M. MADDOX, [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353 (B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

JAMES T. ABERNETHY, JR [redacted]
JOSEPH M. ACCARDO, [redacted]
ORLANDO A. ACOSTA, [redacted]
PAUL E. ADAMS, [redacted]
MICHAEL P. AERSTIN, [redacted]
JASON R. AHLGREN, [redacted]
ANTHONY J. AJELLO, JR [redacted]
LISA D. AKERS, [redacted]
MARK A. ALBINO, [redacted]
DAVID J. ALBRECHT, L. [redacted]
LEWIS E. ALFORD, III [redacted]
CYNTHIA K. ALLEN, [redacted]
DANIEL L. ALLEN, JR [redacted]
THADDEUS P. ALLEN, [redacted]
WALTER C. ALLEN, II [redacted]
NATHAN A. ALLERHEILIGEN, [redacted]
MATTHEW W. ALLINSON, [redacted]
RAYMOND I. ALVES, [redacted]
STEVEN C. AMMONS, [redacted]
LEIGHTON T. ANDERSON, JR [redacted]
MONTE D. ANDERSON, [redacted]
STEVEN E. ANDERSON, [redacted]
STEWART G. ANDERSON, III [redacted]
THEODORE J. ANDERSON, [redacted]
TIMOTHY W. ANDERSON, [redacted]
CHRISTOPHER T. ANTHONY, [redacted]
GRADY A. ARKIN, [redacted]
JASON R. ARMAGOST, [redacted]
JAMES T. ARNETT, JR [redacted]
JONATHAN D. ARNETT, [redacted]
CHRISTINE R. ATKINS, [redacted]
ROBERT J. ATKINS, [redacted]
JOEL E. ATKINSON, [redacted]
TAFT O. AUJERO, [redacted]
AMY L. AUKEMA, [redacted]
SCOTT J. BABBITT, [redacted]
JEREMY O. BAENEN, [redacted]
ARTHUR F. BAGOMOLNY, II [redacted]
RICHARD J. BAILEY, JR [redacted]
TIMOTHY S. BAILEY, [redacted]
BRANDON E. BAKER, [redacted]
DONALD C. BAKER, [redacted]
GILBERT W. BAKER, [redacted]
BRADLEY C. BALL, [redacted]
DAVID BALLEW, [redacted]
ANTHONY E. BAMSEY, [redacted]
MICHAEL A. BANKS, [redacted]
JAMES W. BARBER, [redacted]
ERIC J. BARELA, [redacted]
MICHAEL D. BARG, [redacted]
BRANDI S. BARHAM, [redacted]
MARK A. BARONI, [redacted]
CHASE C. BARRETT, [redacted]
STEPHEN P. BARROWS, [redacted]
JEFFREY M. BASS, [redacted]
ANDREW J. BATES, [redacted]
JONATHAN M. BAUGHMAN, [redacted]
STEPHEN J. BAUMGARTE, [redacted]
SCOTT A. BAUNE, [redacted]
DAVID L. BEAVER, [redacted]
DOUGLAS J. BECK, [redacted]
THOMAS R. BECKER, [redacted]
MATTHEW R. BECKLEY, [redacted]
NEIL P. BEGALMAN, [redacted]
JOEY C. BELANO, [redacted]
THOMAS W. BENDER, III [redacted]
KRISTINE M. BERGEMANN, [redacted]
DANIELLE E. BERNARD, [redacted]
GRETCHEN V. BERRY, [redacted]
NORMAN P. BERTKE, [redacted]
GREG D. BIGLEY, [redacted]
DON D. BIRDWELL, [redacted]
SHAWN L. BLACK, [redacted]
DOUGLAS F. BLACKLEDGE, [redacted]
KAREN P. BLAINE, [redacted]
MARK H. BLAKE, [redacted]
BARRY A. BLANCHARD, [redacted]
BRETT R. BLANK, [redacted]
JENNIFER A. BLOCK, [redacted]
JAMES A. BLOIR, 5148856
THEODORE B. BLOOMER, [redacted]
TAMMY J. BODTKE, [redacted]
DEAN G. BOERRIGTER, [redacted]
JENNIFER L. BOLLINGER, [redacted]
DAVID W. BOND, [redacted]
LESLIE W. BONDE, JR [redacted]
NICHOLE L. BONGEN, [redacted]
JAMES R. BOOKHART, JR [redacted]
EUGENE A. BOOTH, JR [redacted]
LUIS A. BORGEN, [redacted]
OLEG BORUKHIN, [redacted]
WILLIAM K. BOSCH, [redacted]
JOHN C. BOSTWICK, [redacted]
JEFFREY D. BOUMA, [redacted]
SCOTT L. BOUSHELL, [redacted]
PAUL S. BOVANKOVICH, [redacted]
CORY W. BOWER, [redacted]
ERIK T. BOWMAN, [redacted]
MARK H. BOYD, [redacted]
ROOSEVELT F. BOYLAND, JR [redacted]
EDWARD J. BRACE, JR [redacted]
ANDREW J. BRACKEN, [redacted]
CHRISTINA D. BRAGDON, [redacted]
TROY A. BRASHEAR, J. [redacted]
DEAN E. BRAUNBECK, [redacted]
FREDERICK C. BRAVO, [redacted]
STEVEN J. BREEZE, [redacted]
LOUIS W. BREMER, [redacted]
CHAD S. BREMMON, [redacted]
BRANDIS D. BRENDERA, E. [redacted]
WILLIAM O. BRENTON, [redacted]
JOSEPH D. BREWER, [redacted]
WILLIAM D. BREWER, [redacted]
ALEXANDER W. BRID, [redacted]
DONALD R. BRIDGES, [redacted]
YUSEF D. BRIDGES, [redacted]
PATRICK R. BRIEN, [redacted]
EDWARD S. BRODERICK, JR [redacted]
BOBBIE J. BROWN, [redacted]
BRANDON D. BROWN, [redacted]
RICHARD J. BROWN, [redacted]
RONALD E. BROWN, [redacted]
MARK T. BRULE, [redacted]
GLENN R. BRUNNER, [redacted]
MICHAEL A. BRUZZINI, [redacted]
ALBERT D. BRYSON, [redacted]
JAMES E. BUCK, [redacted]
LANCE R. BUNCH, [redacted]
JEFFREY S. BURDETT [redacted]
JOSHUA C. BURGESS, [redacted]
MICHAEL S. BURKE, [redacted]
STEVEN J. BURNS, [redacted]
CHRISTIAN F. BURTON, [redacted]
THOMAS F. BURTSCHI, [redacted]
CAROL BUSH, [redacted]
BRENT B. BUSS, [redacted]
JERRELL S. BUTLER, [redacted]
WADE C. BUXTON, [redacted]
ROBERT J. BYRON, [redacted]
PAUL D. CAIRNEY, [redacted]
KENNETH D. CALLAHAN, [redacted]
JAMES H. CAMARENA, [redacted]
BARBARA CAMERON, [redacted]
DONALD J. CAMPBELL, [redacted]
ANTHONY B. CAPOBIANCO, II [redacted]
CHRISTOPHER P. CAPUTO, [redacted]
BRIAN E. CARBAUGH, [redacted]
MICHAEL R. CARDOZA, [redacted]
SCOTT H. CARDOZO, [redacted]
ERIN L. CARMICHAEL, [redacted]
BRIAN L. CARR, [redacted]
MATTHEW B. CARROLL, [redacted]
MICHELLE T. CARSON, [redacted]
STEPHEN T. CARSON, [redacted]
GREG W. CASA, [redacted]
JOHN J. CASEY, IV [redacted]
MARK K. CASEY, [redacted]
EUGENE G. CASSINGHAM, [redacted]
THOMAS E. CAVANAUGH, [redacted]
JOSEPH R. CDEBACA, [redacted]
BRYAN K. CESSNA, [redacted]
DAVID C. CHANEY, [redacted]
DANIEL J. CHARBONNEAU, [redacted]
KEVIN M. CHARRON, [redacted]
HASTINGS M. CHASE, [redacted]
ALLYSON C. CHAUVIN, [redacted]
SAMUEL J. CHESNUT, IV [redacted]
VINCENT J. CHIOMA, [redacted]
DAVID B. CHISENHALL, JR [redacted]
JASON J. CHRIST, [redacted]
TERRY L. CHRISTIANSEN, [redacted]
DEAN CIBOTTI, [redacted]
MATTHEW C. CICCARELLO, [redacted]
EDWARD C. CILKE, [redacted]
JOHN L. CLARE, III [redacted]
ANNE L. CLARK, [redacted]
MICHAEL J. CLARK, [redacted]
CHRISTINA M. CLAUSNITZER, [redacted]
JASON E. CLEMENTS, [redacted]
WILLIAM F. CLINCHARD, [redacted]
PHILIP A. CLINTON, [redacted]
ERIC T. COBBE, [redacted]
PETER J. COHEN, [redacted]
CHRISTOPHER R. COLBERT, [redacted]
CHRISTOPHER L. COLCLASURE, [redacted]
BARRY W. COLE, [redacted]
HERMAN A. COLE, III [redacted]
STAN G. COLE, [redacted]
JAMES E. COLEBANK, [redacted]
ANTHONY E. COLEMAN, [redacted]
BRIAN D. COLLINS, [redacted]
RANDALL O. COLTRIN, [redacted]
JASON C. COLVIN, [redacted]
KEITH A. COMPTON, JR [redacted]
VERNON W. CONAWAY, [redacted]
JOHN P. CONMY, [redacted]
CHRISTOPHER P. CONNELL, [redacted]
SIDNEY S. CONNER, [redacted]
MICHAEL A. CONNOLLY, [redacted]
CHRISTOPHER A. CONNOR, [redacted]
BLAIR W. CONROY, [redacted]
GREGORY A. COOK, JR [redacted]
ROBERT J. COOK, [redacted]
WENDY D. COOK, [redacted]
BRYAN S. COON, [redacted]
CHARLES J. COOPER, [redacted]
DARYL E. COOPER, [redacted]
JAMES A. COPHER, [redacted]
CHARLES S. CORCORAN, [redacted]
SUZANNE M. COREJ, [redacted]
ROBERT S. COREY, [redacted]
JOHN M. COSGROVE, [redacted]
LAURA J. COSTANTINO, [redacted]
KELLY A. COSTIGAN, [redacted]
ELIZABETH A. COSTILLA, [redacted]
SHERMAN L. COTTRELL, [redacted]
MICHAEL S. COURINGTON, [redacted]
STEVEN M. COX, [redacted]
CHRISTOPHER P. COZZI, [redacted]
TODD A. CRAIGIE, [redacted]
CATHERINE L. CRAWFORD, [redacted]
REBECCAH L. CREECH, [redacted]
ANDREW A. CRUM, [redacted]
ALBERTO E. CRUZ, [redacted]
ENRIQUE A. CRUZ, [redacted]
KEVIN P. CULLEN, [redacted]
WILLIAM C. CULVER, [redacted]
MICHAEL W. CUMMINGS, [redacted]
JEFFREY R. CUOIO, [redacted]
SEAN T. CURRAN, [redacted]
KENT S. CURRIE, [redacted]
JONATHAN B. CUSHMAN, [redacted]
PATRICK W. DABROWSKI, [redacted]
PATRICK J. DANAHER, [redacted]
DONALD J. DAVIS, [redacted]
NICOLE A. DAVIS, [redacted]
THOMAS E. DAVIS, [redacted]
CHRISTOPHER J. DAWSON, [redacted]
MARGARET J. DAWSON, [redacted]
MICHAEL J. DEAN, [redacted]
BRIAN J. DELAMATER, [redacted]
DONNA M. DELANGO, [redacted]
CHARLES J. DELAPP, II [redacted]
JERRY R. DEMAIO, [redacted]
THOMAS E. DEMPSEY, III [redacted]
LEA L. DENNIE, [redacted]
MARK M. DERESKY, [redacted]
JULES F. DESAMOURS, [redacted]
LARUE R. DEWALD, III [redacted]
DANIEL H. DEWENTER, [redacted]
JOHN H. DEYARMON, [redacted]
GARY N. DEYOUNG, [redacted]
CHRISTOPHER D. DILLIS, [redacted]
DAVID A. DILLMAN, [redacted]
STEVE A. DINZART, [redacted]
ROBERT J. DITTMAN, [redacted]
JAMES E. DITTUS, [redacted]
BRANDON K. DOAN, [redacted]
THOMAS W. DOBBS, [redacted]
JERRY T. DODD, III [redacted]
MICHAEL A. DODSON, [redacted]
SHAWN T. DONAHEY, [redacted]
JOHN W. DOOLITTLE, II [redacted]
MAXIM K. DORNBUSCH, JR [redacted]
PETER W. DOTY, [redacted]
ROBERT A. DOWNEY, [redacted]
NORMAN A. DOZIER, [redacted]
THOMAS G. DRAPE, [redacted]
MARY J. DROZDOWSKI, [redacted]
JAMES D. DRYJANSKI, [redacted]
TERRY S. DUNCAN, [redacted]
BRUCE S. DUNN, [redacted]
JAMES W. DUNN, [redacted]
DAVID L. DURBIN, [redacted]
CHARLES A. DURFEE, [redacted]
TANIA L. DUTKO, [redacted]
DARREN A. EASTON, [redacted]
JAMES J. EBEL, JR [redacted]
RITCHIE J. EDGE, [redacted]
ERIC I. EGLAND, [redacted]
LESLIE P. EHRMAN, [redacted]
CHRISTOPHER B. ELAM, [redacted]
ANDREW J. ELBERT, [redacted]
CHARLES C. ELDER, [redacted]
TODD M. ELLINGTON, [redacted]
JENNIFER E. ELSING, [redacted]
MARK R. ELY, [redacted]
TODD M. EMMONS, [redacted]
BYRL R. ENGEL, [redacted]
JAMES N. ENGLE, [redacted]

ROBERT L. ESTRADA, JR [redacted]
DAVID F. EVANS, JR [redacted]
JAMES A. EVERITT, [redacted]
MICHAEL J. FAIN, [redacted]
JOHN M. FAIR, [redacted]
ROBERT J. FAIRBANKS, [redacted]
RICHARD S. FARNSWORTH, II [redacted]
CLINTON W. FARRAR, [redacted]
JARA N. FATOUT, [redacted]
MARCUS L. FEATHERSTON, [redacted]
MICHAEL A. FELICE, [redacted]
THOMAS E. FENNELL, [redacted]
CRISTOPHER P. FERRIS, [redacted]
RICHARD A. FICKEN, [redacted]
PHILLIP L. FIELDS, JR [redacted]
EDMUND E. FIGUEROA, [redacted]
CHRISTOPHER E. FINERTY, [redacted]
THOMAS J. FINNERAN, [redacted]
JON K. FISCHBACH, [redacted]
JON R. FISHER, [redacted]
SCOTT C. FISHER, [redacted]
ARMANDO E. FITERRE, [redacted]
RICHARD R. FLAKE, [redacted]
ROBERT L. FLETCHER, [redacted]
PHILLIP M. FLEUREN, [redacted]
FRANK A. FLORES, [redacted]
MICHAEL R. FLORIO, [redacted]
CHARLES L. FORD, JR [redacted]
CHRISTOPHER M. FOSTER, [redacted]
NICOLE E. FOSTER, [redacted]
CHARLES M. FOWLER, EDW [redacted]
ROGER A. FOWLER, JR [redacted]
JAMES T. FOX, [redacted]
JAMES T. FOY, [redacted]
DEREK C. FRANCE, [redacted]
ANTHONY L. FRANZ, [redacted]
BRADLEY D. FRAZIER, [redacted]
ANDREW B. FREEBORN, [redacted]
MICHAEL E. FREIMUTH, [redacted]
KARL L. FRERKING, [redacted]
CHRISTOPHER J. FREY, [redacted]
ERIC W. FRIESEL, [redacted]
ROBERT W. FRITZ, [redacted]
JOHN J. FROEHLICH, [redacted]
JASON S. FROMM, [redacted]
PAUL J. FRONAPFEL, [redacted]
WESLEY A. FRYER, [redacted]
BRENT D. FULTON, [redacted]
RICHARD M. FULTON, [redacted]
SCOTT A. GAAB, [redacted]
JUAN C. GACHARNA, [redacted]
BRETT M. GALLAGHER, [redacted]
JAMES J. GALLAGHER, [redacted]
DANIEL D. GARBER, [redacted]
DAVID A. GARCIA, [redacted]
WERNER G. GARNER, [redacted]
JEFFREY B. GARTMAN, [redacted]
JOHN M. GARVER, [redacted]
KARL S. GASHLER, [redacted]
MICHAEL J. GAYER, JR [redacted]
HOWARD A. GENTRY, [redacted]
STEPHEN B. GENUNG, [redacted]
ARTHUR L. GEPNER, JR [redacted]
DAVID P. GERHARDT, [redacted]
KEITH P. GIBSON, [redacted]
CARMELO J. GIOVENCO, JR [redacted]
JOHN C. GLASS, [redacted]
ROY G. GLASSCO, [redacted]
SCOTT A. GLAZA, [redacted]
PAUL D. GLEASON, II [redacted]
STEVEN F. GLENDENNING, II [redacted]
JOHN W. GLOYSTEIN, III [redacted]
LONGINOS J. GONZALEZ, [redacted]
PEDRO I. GONZALEZ, [redacted]
DANA C. GOODMAN, [redacted]
WAYNE H. GOODRICH, [redacted]
MICHAEL B. GOODWIN, [redacted]
TERRY R. GOSTOMSKI, [redacted]
MARK R. GRABAU, [redacted]
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PATRICK M. GROGAN, [redacted]
DONALD B. GROVE, [redacted]
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PETER B. GUBSER, [redacted]
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RYAN E. GUIBERSON, [redacted]
JAYANTH GUMMARAJU, [redacted]
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ARLIE V. HADDIX, [redacted]
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KEVIN R. HAFF, [redacted]
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JOSEPH E. HALL, [redacted]
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TODD E. HAMMONDS, [redacted]
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STEPHEN J. HARMON, [redacted]
MONTE S. HARNER, [redacted]
KERMIT M. HARNESS, R. [redacted]
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JEFF H. HASSANNIA, [redacted]
STEVE C. HASSTEDT, M. [redacted]
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ROBERT J. HAWKING, III [redacted]
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BRET L. HOUK, [redacted]
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FREDERICK J. JANACK, JR [redacted]
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ADAM B. KALB, [redacted]
MACE R. KANT, [redacted]
JOSEPH KANYOK, [redacted]
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AMANDA G. KATO, [redacted]
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NAM H. KIM, [redacted]
TONY S. KIM, [redacted]
KELLY C. KIMSEY, [redacted]
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STEVEN M. KINDSVATER, [redacted]
PAUL M. KIRCHHOFFER, [redacted]
KELLY J. KIRKPATRICK, [redacted]
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JOHN C. KUBINEC, [redacted]
CHARLES D. KUHL, [redacted]
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ELIZABETH A. KUREY, [redacted]
JOSHUA M. KUTRIEB, [redacted]
TINA M. LAMB, [redacted]
DAVID P. LAMBERT, [redacted]
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MICHELE K. LAMONTAGNE, [redacted]
JOHN A. LANCE, [redacted]
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LANCE K. LANDRUM, [redacted]
CHARLES A. LARSON, [redacted]
PAULETTE D. LASSITER, [redacted]
JERRY R. LAUTENSCHLAGER, [redacted]
WILLIAM M. LAW, JR [redacted]
SEAN M. LAWLER, [redacted]
BILLY J. LAWSON, JR [redacted]
MICHAEL D. LAY, [redacted]
EDRIC L. LEABO, [redacted]
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JIM H. LEE, [redacted]
LINDA O. LEE, [redacted]
RONALD A. LEE, [redacted]
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EDWARD J. LENGEL, [redacted]
JACK P. LEON, [redacted]
BROOK J. LEONARD, [redacted]
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GREGG W. LEWIS, [redacted]
MARK C. LIEBICH, [redacted]
PHILIP D. LIMBACHER, [redacted]
DAVID C. LINDSAY, [redacted]
DOUGLAS R. LINDSAY, [redacted]
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MICHAEL J. LINGOR, [redacted]
ROD R. LITTLE, [redacted]
STEED A. LOBOTZKE, [redacted]
DARRELL LOCKHART, [redacted]
SHANE D. LOHMAN, [redacted]
BRANDON J. LOKEN, [redacted]
SEAN F. LONDRIGAN, [redacted]
PERRY M. LONG, III [redacted]
DRON LONGINO, [redacted]
BYRON K. LOVE, [redacted]
JAMES C. LOWE, [redacted]
JASON D. LOWRY, [redacted]
CLARENCE W. LUKES, JR [redacted]
GREGORY I. LUNG, F. [redacted]
JOHN W. LYONS, [redacted]
JESSICA A. MACDONALD, [redacted]
ROBERT S. MACKENZIE, [redacted]
RICHARD A. MACLEOD, [redacted]
ROBERT T. MACMILLAN, [redacted]
WILLIAM M. MACMILLAN, IV [redacted]
LALENYA R. MADDOX, [redacted]
MICHAEL R. MAGUIRE, [redacted]
JOHN A. MAJEWSKI, JR [redacted]
HOLLY J. MANNING, [redacted]
JASON MANTARO, [redacted]
RYAN D. MANTZ, [redacted]
CHRISTOPHER P. MARCUS, [redacted]
YOSHIKO MARINKO, [redacted]
STEVEN P. MARKOWSKY, [redacted]
JEFFREY S. MARKS, [redacted]
JASON L. MARSHALL, [redacted]
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TIMOTHY M. MARTIN, [redacted]
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DONALD E. MATHEWS, III [redacted]
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MATT M. MATHIS, [redacted]
WILLIAM A. MATNEY, [redacted]
VALERIE J. MATTHEWS, [redacted]
MARK F. MATTICOLA, [redacted]
THOMAS R. MAURER, [redacted]
MARK A. MAY, [redacted]
ROBERT H. MAY, [redacted]
THOMAS P. MCATEE, [redacted]
DAVID C. MCAULEY, JR [redacted]

CHAUNDRA D. MCCANNA, [redacted]
SHELLEY R. MCCOMBS, [redacted]
ANDREW S. MCCOY, [redacted]
LANCE P. MCCUISTON, [redacted]
PATRICK S. MCCULLOUGH, [redacted]
TERESA M. MCCULLOUGH, [redacted]
THOMAS M. MCCURLEY, [redacted]
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TODD E. MCDOWELL, [redacted]
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NICK R. MCKENZIE, [redacted]
BRIAN D. MCLAUGHLIN, [redacted]
BRADLEY S. MCMATH, [redacted]
DANIEL W. MCNEILL, [redacted]
KIMBERLY G. MCQUARRIE, [redacted]
THOMAS S. MCWEENEY, [redacted]
LAWRIE A. MEEK, [redacted]
ROBERT T. MEEKS, III [redacted]
JAMES P. MEGER, [redacted]
JAMES S. MEHTA, [redacted]
PETER H. MENNE, [redacted]
JOHN J. MENOZZI, [redacted]
LANCE R. MEREDITH, [redacted]
JEFFERY S. MERRITT, [redacted]
WILLIAM V. MESHACK, JR [redacted]
KIRSTEN R. MESSER, [redacted]
MICHELE L. MEYER, [redacted]
TERRI A. MEYERS, [redacted]
KRISTINA M. MEYLE, [redacted]
GRANT C. MIDGLEY, [redacted]
BRADLEY O. MIDTLIEN, [redacted]
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REX H. MILLER, [redacted]
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FRANCIS J. MILON, IV [redacted]
JOHN H. MILTNER, JR [redacted]
JACQUELINE M. MONGEON, [redacted]
MARCO A. MOOR, N. [redacted]
BRIAN L. MOORE, [redacted]
CASEY K. MOORE, [redacted]
ERIC Y. MOORE, [redacted]
FREDERICK D. MOORE, [redacted]
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LYNN E. MOREHEAD, [redacted]
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ROCCO J. MORO, C. [redacted]
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ANDREW W. NATALE, [redacted]
BRIAN D. NEAL, [redacted]
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ARTHUR J. NEWSOME, [redacted]
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ROBERT G. NOVOTNY, [redacted]
SCOTT R. NOWLIN, [redacted]
BLAINE F. NYE, JR [redacted]
MICHAEL A. OCONNOR, [redacted]
KENNETH W. OHLSON, [redacted]
PETER P. OHOTNICKY, [redacted]
JON M. OLEKSZYK, [redacted]
KYLE E. OLEWNIK, [redacted]
DEREK M. OLIVER, [redacted]
JOHN M. OLSON, [redacted]
DEAN P. ORFIELD, [redacted]
KRISTIN A. ORLANDONI, [redacted]
JEFFREY L. ORR, [redacted]
ERIC L. ORRILL, [redacted]
WILLIAM A. OSTROM, [redacted]
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DENNIS M. PAKULSKI, JR [redacted]
PAUL F. PALMIER, [redacted]
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MILAN M. PATEL, [redacted]
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HUNG Q. PHO, [redacted]
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JOSE A. PINEDO, [redacted]
LAURA A. PIPER, [redacted]
CHAD E. PITOG, A. [redacted]
EDIE L. PITTARD, [redacted]
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RAYMOND M. PLATT, [redacted]
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TERI L. POULTON, [redacted]
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CHRISTOPHER T. PREJEAN, [redacted]
SKIP C. PRIBYL, J. [redacted]
DAVID M. PRICE, [redacted]
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TRACY A. PRITCHARD, [redacted]
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DAVID L. QUACKENBUSH, [redacted]
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PAUL S. RADOVAN, [redacted]
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GEORGE M. REYNOLDS, [redacted]
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ALLEN C. RUTH, [redacted]
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MATTHEW B. RYTTING, [redacted]
JADE R. SADOSTY, H. [redacted]
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TROY L. SANDERS, [redacted]
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ROSS S. SAUTER, [redacted]
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FRANK D. SCHORZMAN, [redacted]
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SCOTT C. SELZ, [redacted]
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BYEONGSOOK SEO, [redacted]
DAVID A. SERATT, [redacted]
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TROY D. SHAFFORD, [redacted]
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DAVID R. SHEPLER, [redacted]
LYLE D. SHIDLA, [redacted]
JAMES S. SHIGEKANE, [redacted]
KENNETH A. SHUGART, JR [redacted]
SCOTT W. SILVA, [redacted]
CHARLES T. SIMMONS, [redacted]
TROY J. SIMON, [redacted]
ERIK L. SIMONSEN, [redacted]
ANTHONY G. SIMPSON, [redacted]
DANIEL L. SIMPSON, [redacted]
OMAR J. SIMPSON, [redacted]
DOUGLAS S. SIRK, [redacted]
JAMES B. SKIPWORTH, [redacted]
ANGELA K. SLAGEL, [redacted]
JEREMY T. SLOANE, [redacted]
MARK H. SLOCUM, [redacted]
ROBERT D. SMALLWOOD, JR [redacted]
CHARLES L. SMITH, III [redacted]
CHRISTOPHER M. SMITH, [redacted]
DAVID W. SMITH, [redacted]
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LESLIE T. SMITH, JR [redacted]
MARK D. SMITH, [redacted]
MICHELLE R. SMITH, [redacted]
NATHAN A. SMITH, [redacted]
ROBERT E. SMITH, II [redacted]
SCOTT A. SMITH, [redacted]
STEPHEN F. SMITH, JR [redacted]
SUSAN E. SMITH, [redacted]
WILLIAM G. SMITH, [redacted]
MICHAEL D. SNAPP, [redacted]
MATTHEW O. SNYDER, [redacted]
HERMAN SO, [redacted]
CHU H. SOH, [redacted]
TOMAS J. SOHAYDA, [redacted]
JEFFREY S. SOMERS, [redacted]
SEAN K. SORENSON, [redacted]
GREGORY J. SOUKUP, [redacted]
DAVID M. SOUZA, [redacted]
WILLIAM S. SPAGNA, III [redacted]
WILLIAM A. SPANGENTHAL, [redacted]
BRADLEY R. SPOMER, [redacted]
TREVOR D. STAIGER, [redacted]
JEFFREY W. STAMP, [redacted]
MICHELE A. STANG, [redacted]
JASON T. STANLEY, [redacted]
BILLY L. STARKEY, B. [redacted]
WILLIAM N. STEELE, III [redacted]
AARON W. STEFFENS, [redacted]
CONRAD R. STEGEMAN, [redacted]
MARK A. STEGER, [redacted]
CINDY D. STEIN, [redacted]
ANDREW J. STELMACK, [redacted]
RONALD D. STENGER, [redacted]
RODNEY A. STEPHAN, [redacted]
MARK A. STEPHENS, [redacted]
MICHAEL S. STEVENSON, [redacted]
SAMUEL D. STEWART, [redacted]
SUZANNE P. STOKES, [redacted]
STEVEN A. STOLLY, [redacted]
JOHN P. STONE, [redacted]
TIMOTHY M. STONG, [redacted]
WILLIAM J. STRAUS, III [redacted]
JENNIFER Y. STREBECK, [redacted]
SUZANNE M. STREETER, [redacted]
KRISTIN M. STREUKENS, [redacted]
TROY L. SULLIVAN, III [redacted]
TIMOTHY J. SUNDVALL, [redacted]
DAVID K. SUTTON, [redacted]
DAVID J. SWANKE, [redacted]
BRAD A. SWEZEY, [redacted]
DEREK A. TAGGARD, [redacted]
JESSICA C. TALBERG, [redacted]
JAMES W. TANIS, [redacted]
DAVID W. TANNER, [redacted]
VINCENT M. TARANTINO, [redacted]
DAVID J. TATE, [redacted]
FRED D. TAYLOR, [redacted]
JOELYN E. TAYLOR, [redacted]
JOHN D. TAYLOR, [redacted]

MICHAEL E. TENNEY, [redacted]
MATTHEW W. TERPSTRA, [redacted]
MARCUS D. TERRY, [redacted]
RONALD J. TEWKSBURY, II [redacted]
ALISA M. THOMAS, [redacted]
BOBBY J. THOMAS, JR [redacted]
IAN O. THOMPSON, [redacted]
JONATHAN A. THOMPSON, [redacted]
NEAL R. THOMPSON, [redacted]
PHILLIP J. THOMPSON, [redacted]
THEODORE J. THOMPSON, [redacted]
TOMMIE C. THOMPSON, JR [redacted]
DANIEL M. THORN, [redacted]
RONALD W. THORNTON, [redacted]
CHRISTOPHER J. TOBIAS, [redacted]
ROBERT M. TOBLER, [redacted]
MARK S. TOPOLSKI, [redacted]
THOMAS D. TORKELSON, [redacted]
TIMOTHY J. TOWNSEND, II [redacted]
BRIAN M. TOY, [redacted]
MICHAEL J. TRAVIS, [redacted]
STERLING E. TREE, [redacted]
JOHN W. TRESLER, [redacted]
KYRIACOS S. TSIRCOU, [redacted]
DAVID P. TUPAJ, [redacted]
JAMES R. TWIFORD, [redacted]
JEAN E. TWOMEY, [redacted]
ERIC A. UJFALUSY, [redacted]
DONALD W. UNWIN, [redacted]
THOMAS S. URBAN, [redacted]
WILLIAM M. VALENTINE, [redacted]
ANTHONY E. VALERIO, [redacted]
TIEM J. VAN, L. [redacted]
RACHEL E. VANLANDINGHAM, [redacted]
STEPHEN J. VANLANDINGHAM, [redacted]
DEREK D. VARBLE, [redacted]
CARL D. VEGAS, [redacted]
PETER C. VEHLOW, [redacted]
JOHANN R. VERRET, [redacted]
MICHAEL W. VETTER, [redacted]
EDUARDO E. VEVE, [redacted]
ROBERT A. VICKERS, [redacted]
KAREN L. VIOLET, [redacted]
CHRISTINE M. VISCO, [redacted]
JEFFREY A. VISH, [redacted]
ERIC A. VITOSH, [redacted]
MICHAEL V. WAGGLE, [redacted]
TODD S. WALDVOGEL, [redacted]
CHRISTIAN E. WALLACE, [redacted]
JAMES WALLACE, [redacted]
HOWARD T. WALLER, [redacted]
BRADLEY J. WARD, [redacted]
DONNA M. WARD, [redacted]
SCOTT C. WARD, [redacted]
JAMES E. WARMA, H. [redacted]
JEFFREY E. WARMKA, [redacted]
BRIAN P. WARREN, [redacted]
RONALD B. WARREN, [redacted]
AARON C. WATSON, [redacted]
JOHN A. WATSON, [redacted]
CHRISTOPHER A. WEBER, [redacted]
WILLIAM R. WEBSTER, [redacted]
THEODORE G. WEIBEL, [redacted]
MICHAEL T. WEISS, [redacted]
SUSAN L. WENDT, [redacted]
BRADLEY R. WENSEL, [redacted]
CRAIG J. WENZ, [redacted]
EDWARD J. WERNER, [redacted]
KIMBERLY A. WERTHMAN, [redacted]
KEVIN G. WESTBURG, [redacted]
CHAD H. WHITE, [redacted]
JASON D. WHITE, [redacted]
SAMUEL G. WHITE, III [redacted]
SHELDON G. WHITE, [redacted]
JEFFREY S. WHITEMAN, [redacted]
JULIE M. WHITMAN, [redacted]
STEPHEN A. WHYTE, [redacted]
ROBERT A. WIEMAN, [redacted]
SCOTT D. WIERZBANOWSKI, [redacted]
LANCE R. WIKOFF, [redacted]
PETER C. WILEY, II [redacted]
CHRISTOPHER S. WILKOWSKI, [redacted]
BENJAMIN G. WILLIAMS, [redacted]
ELIZABETH A. WILLIAMS, [redacted]
PAUL N. WILLIAMS, [redacted]
RASHEAD J. WILLIAMS, [redacted]
MARK L. WILLIAMSON, [redacted]
JACQUES J. WILSON, [redacted]
JOHN H. WILSON, [redacted]
KEVIN A. WILSON, [redacted]
TODD V. WILSON, [redacted]
WILLIAM J. WILSON, [redacted]
WILLIAM V. WINANS, [redacted]
MARK L. WINNS, [redacted]
LYNN H. WINWARD, [redacted]
GARY L. WITOVER, [redacted]
CHRISTOPHER D. WOLF, [redacted]
JASON D. WOLF, [redacted]
KATHERINE H. WOLF, [redacted]
STEVEN M. WOLF, [redacted]
WILLIAM M. WOLFE, [redacted]
JOSEPH L. WOOD, [redacted]
JON C. WOZNIAK, [redacted]
CHRISTIAN E. WRIGHT, [redacted]
MATTHEW R. YAKELY, [redacted]
SCOTT D. YANCY, [redacted]
SHANON R. YATES, [redacted]
MATTHEW H. YETISHEFSKY, [redacted]
DAVID K. YOUNG, JR [redacted]
DAVID T. YOUNG, [redacted]
JEFFREY M. YOUNG, [redacted]
RANDY K. YOUNG, [redacted]
JENNY E. YUNG, [redacted]
TIMOTHY A. ZACHARIAS, [redacted]
DENNIS K. ZAHN, [redacted]
ROBERT R. ZERBE, [redacted]
ROBERT W. ZID, [redacted]

WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 13, 1992, withdrawing from further Senate consideration the following nominations:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. DAVID M. MADDOX, [redacted] U.S. ARMY

THE U.S. ARMY RESERVE OFFICER NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE OF BRIGADIER GENERAL, WHICH WAS SENT TO THE SENATE ON MARCH 12, 1992:

To be brigadier general

COL. JAMES C. SULLIVAN, [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, May 13, 1992*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. DONNELLY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 1992.

I hereby designate the Honorable BRIAN DONNELLY to act as Speaker pro tempore on Wednesday.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

Rabbi Rachmiel Liberman, rabbi of Congregation Lubavitch Synagogue, and president of the Rabbinical Board of New England, Boston, MA, offered the following prayer:

We have recently read in the Weekly Bible Portion read at synagogue services, God's command to Moses, "That they shall make for Me a Sanctuary, and I will dwell within them." Our sages teach us that the term I will dwell within them, instead of the usual form I will dwell within it, means that God will dwell within the heart of each and every person, when he or she strives to build a sanctuary for God.

God of heaven and of the Earth, King of the universe, we are assembled here today in the Capitol, with the men and women who have been chosen by the citizens of the United States of America, to represent them in government; and in them, millions of people have placed their faith and confidence to make decisions and to pass laws on behalf of their families in vital matters pertaining to life, safety, health, security, education, harmony, and peace of mind.

Help us to remember that the future before us is dynamic. Everything we do will affect it. The dawn of each day brings with it a new frontier, if only we shall recognize it.

We beseech You, O mighty God to grant us clear vision, that we may know where to stand and what to stand for.

Help us to realize that it is better to fail for a cause that will ultimately succeed, than to succeed in a cause that will ultimately fail.

Strengthen and sustain us to overcome our shortcomings, and may we all enjoy peace, tranquillity, and brotherly love for all mankind. And help us to build a sanctuary, so that You will dwell within us, and within those whom we have chosen to lead us in government. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. MCNULTY] please come forward and lead the House in the Pledge of Allegiance?

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

RABBI RACHMIEL LIBERMAN

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, it is an honor to introduce to my colleagues Rabbi Rachmiel Liberman of Quincy, MA, in my district, who delivered the opening prayer today in the House Chamber.

Rabbi Liberman has been spokesman and spiritual leader for the Jewish community across the Commonwealth of Massachusetts for several years. For over 13 years, he has been the executive director of the Jewish Educational Center located in Brookline, MA, which also has several affiliated branches nationwide.

Serving on the Governor's Commission of Chaplains in State institutions, Rabbi Liberman has been influential in drafting several pieces of pertinent legislation which have benefited every member of the religious community. Most notable was a consumer protection provision signed by then Governor Michael Dukakis in 1990 coined the "Kosher Law," in which food and other grocery products must be explicitly labeled with details of its ingredients.

A man of many skills and responsibilities, Rabbi Liberman has taken each and every post appointed to him and served the public with enthusiasm and intelligence. A dedicated public servant, he currently serves as president of the Rabbinical Board of New England—a task that bears great weight and importance as he represents several rabbis around the New England States.

Mr. Speaker, it is with great admiration and respect that I am able to host Rabbi Liberman on his visit to the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to Senate Resolution 295.

S. RES. 295

Resolved, That the Archivist of the United States be, and he is hereby, requested to communicate to the Senate, without delay, a list of the States of the Union whose legislatures have ratified the article of amendment to the Constitution of the United States proposed to the States in 1789 as the second article of amendment to the Constitution, on the effective date of laws varying the compensation of Members of Congress, with copies of all the resolutions of ratification in his office.

SEC. 2. That the Archivist communicate to the Senate copies of all resolutions of ratification of said amendment which he may hereafter receive as soon as he shall receive the same, respectively.

SEC. 3. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States and to the House of Representatives.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 323) "An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes," agrees to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mrs. KASSEBAUM, to be the conferees on the part of the Senate.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REQUEST TO CONSIDER ON TODAY OR ANY DAY THEREAFTER H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order today, Wednesday, May 13, 1992, or any day thereafter, to consider in the House, the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, that all points of order against provisions in the bill and against its consideration be waived, and that debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself, and that the previous question shall be considered as ordered to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I would like to ask either the gentleman from Mississippi [Mr. WHITTEN] or the gentleman from Michigan [Mr. TRAXLER] if this unanimous-consent request would allow me to offer an amendment that would prohibit the use of either FEMA or SBA funds to pay for expenses relating to cleaning up after the man-made disaster in Chicago.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, I would advise the gentleman from Wisconsin that under the rules of the House that would be a legislation on an appropriation bill, in my judgment, and any Member could rise in opposition to the gentleman's amendment.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, the amendment which I have drafted says none of the funds appropriated by this act shall be used for grants or loans relating to the Chicago freight tunnel flood of April 1992. That is not authorization, that is a prohibition, and would an amendment that is so drafted be in order under the gentleman from Michigan's unanimous-consent request?

Mr. TRAXLER. Mr. Speaker, if the gentleman would yield again, I would say to the gentleman that it is my understanding that the way in which the motion is presented to us, by unanimous consent, that the gentleman's amendment would not be in order.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, I am wondering if the gentleman from Mississippi [Mr. WHITTEN] or the gentleman from Michigan [Mr. TRAXLER] would amend the unanimous-consent request so that I can offer such an amendment and the House can debate and vote on such an amendment, because the issues presented by what I feel is gross negligence on the part of the Chicago municipal government are considerably different than the issues presented by providing disaster assistance to Los Angeles. It seems to me that commingling the Chicago and Los Angeles issues would really prevent the House from working its will.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield to me?

Mr. SENSENBRENNER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I have seen several stories in the paper, and there was a handout sent to all Members' offices today that talked about this bill being relief for Chicago and Los Angeles. This bill does not in any way change the basic law. To qualify, applicants for disaster assistance will have to qualify under the rules in the basic law, so if they cannot qualify under that, and there are many limitations in the law, then they will not get the aid.

Mr. SENSENBRENNER. Further reserving the right to object, I have seen the report of the Committee on Appropriations on this bill, and it specifically mentions both Chicago and Los Angeles. Los Angeles, it attempts to quantify the amount that would be made available, but at the end of the third paragraph on page 3 of the committee report it says, "In addition, the recent flood in the city of Chicago has been declared a disaster, for which total cost estimates have not yet been generated," and my concern is that dealing with Chicago may very well be premature, since this appears to grant Chicago an open-ended check. I do not think that is a good idea.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield further?

Mr. SENSENBRENNER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, that does not change the law at all. The basic law is still there. Applicants possibly could be eligible for an economic injury loan in some instances, because it was not their fault that there was an injury to their business.

□ 1410

But, FEMA would be the agency that comes in with the Government programs when a disaster is declared.

Mr. SENSENBRENNER. Further reserving the right to object, it appears from the news clippings that I have seen from Chicago newspapers that the city of Chicago was responsible for this, and it seems to me that the taxpayers of the city of Chicago rather than those in Iowa, and Wisconsin and elsewhere should end up footing the bill. And I would just like to be able to offer an amendment to allow the House to be able to debate and vote on this subject, because again the issues relating to Chicago are much different than the issues relating to Los Angeles, and we ought to be able to debate and vote on them separately.

Mr. SMITH of Iowa. I want to say to the gentleman once more that we do not change the basic law at all. it might be that if some Chicago merchant, through no fault of his own suffered a disaster, he would therefore be eligible for an economic injury loan. But there is nothing changed in the law by this bill to exclude other cities or to change the eligibility for other disaster loan or grant programs.

Mr. SENSENBRENNER. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. TRAXLER. I thank the gentleman and am grateful for him yielding.

Let me see if I can get this in order for us, because if one only reads the bill title one comes away with an idea that we are making an appropriation here for Los Angeles and Chicago, and that is sort of the half truth. The rest of the story is that the appropriation, as the gentleman knows, goes into the account, and the account is used to pay out money on all disasters that the President has declared as disasters under existing law. This bill adds no legislative authority. It does not expand one sentence or add one bit of power or grant one bit of additional relief that has been present in the disaster assistance programs throughout the decade. All the bill does is to add money to the several accounts that provide for disaster relief.

The President of the United States saw fit to declare Chicago a Federal disaster area. I might say the Congress did not do that. And incidentally, the President declared Los Angeles a disaster also, as he does every disaster in order for it to be funded under the authorizing legislation.

Mr. SENSENBRENNER. Further reserving the right to object, did I hear the gentleman from Mississippi's unanimous-consent request correctly that amendments to this bill would be prohibited when it is considered?

Mr. TRAXLER. The gentleman is correct.

Mr. SENSENBRENNER. Further reserving the right to object, that means that once this bill passes, any input the Congress, which has the power of the purse, would have on whether any of this money would go to Chicago would be gone.

Mr. TRAXLER. Will the gentleman yield?

Mr. SENSENBRENNER. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. TRAXLER. I appreciate the gentleman's question. Let me see if I can give an answer to it.

Under the law, the President has designated Chicago as a disaster. Under current law, the city of Chicago is eligible for every bit of assistance that is available for any other disaster area. The Congress has not intervened either in recent years, or to my knowledge at any point ever, to challenge a President's designation of a particular phenomenon as a national disaster, which does not mean that the Congress could not in legislation set aside the President's determination.

I would caution the gentleman before he proceeds, and I would not ever tell my good friend how to proceed, of course, but let me just say that there has existed here I think in this past week a marvelous sense of comity that heretofore in prior weeks, months, perhaps years has not existed between the President and the legislative branch. And if there is anything good to come out of the situation in Los Angeles, or perhaps one could even say Chicago, it is the sense now on the part of the Congress and the President that we had better work together on a few things around here, even if it is a Presidential election year.

Mr. SENSENBRENNER. Further reserving the right to object, let me say that my problem is that the disaster in Los Angeles is attempting to bootstrap along the money for Chicago, which I feel is absolutely unwarranted given the incompetence and gross negligence on the part of the Chicago municipal government. All I am asking for is the ability to offer an amendment that would say that none of the funds that are appropriated by this act should be used for Chicago. We can debate what happened here, we can debate whether or not it is good public policy to do that, and we can have a vote on that. That is all I am asking for.

I yield to the gentleman from Michigan.

Mr. TRAXLER. Let me say to the gentleman that as a Member who seeks to accommodate the national concerns, as does the gentleman from Wisconsin, of course, and the national interests, I think it is extremely unwise for this Congress to begin to examine the basis for every disaster that a President of the United States has declared. And I would just encourage my friend to carry his fight down to the White House and not the floor of this House.

Mr. SENSENBRENNER. Further reserving the right to object, finally, the Congress holds the power of the purse, and this is the appropriations bill that will provide the money for this. I think we ought to be able to debate this issue at this time, because it is the only opportunity we have.

The Appropriations Committee can go to the Rules Committee and seek a rule. We can bring this bill up under the normal order of business.

Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. MCNULTY). Objection is heard.

TAIWAN MUST STOP DRAGGING ITS FEET ON VRA

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, the industrial strength and economic security of this country have been built on the strong foundation of hard work and technological excellence. A number of critical industries, like machine toolmaking and bearing manufacturing are key components of our industrial base, and without vital competition such manufacturers are in jeopardy of losing their leadership position in world markets.

Last year, many of us worked hard to extend the Voluntary Restraint Agreements with Japan and Taiwan and were pleased when the President ordered a 2-year extension last December.

After lengthy negotiations, the Japanese signed the VRA extension last month, and I commend them for their willingness to compromise and deal in good faith.

Unfortunately, the same cannot be said of the Taiwanese. For reasons that are becoming increasingly indefensible, Taiwan has chosen not to participate in a meaningful way, and has held up the negotiation process for over 4 months. Mr. Speaker, the original VRA's expired in December 1991. It is now May 13. Delays like this are understandable in international negotiations if the controversy is great and the issues complex. That is not the case with machine tool VRA's, and I strongly urge the Taiwanese, with whom we have had in the past healthy, mutually beneficial relationships, to complete this negotiating process at once, and agree with the United States and Japan on a new VRA extension for machine tools.

THE CHICAGO DISASTER

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute.)

Mr. HAYES of Illinois. Mr. Speaker, as a resident of the city of Chicago I want to respond at least to some of the things that were said. I want it clearly understood that the situation that resulted in the disaster, the flood that occurred in the city of Chicago, responsibilty has not yet been fixed as to who was at fault.

When you have an infrastructure underneath a city as we do in downtown Chicago, 90 years old, and water starts coming in under it, and the river water starts pouring in, this is exactly what happened that caused some of the structures to decay underneath.

And it is not just buildings that were hurt. There were people who had jobs and were laid off as a result of what occurred.

One of the things we ought to understand is that the Vice President of the United States came to Chicago, he visited this disaster, he reported to the President what the situation was and what had occurred, and this resulted in this declaration of Chicago being a disaster area before the situation occurred in California. I want that clearly understood. They are both disaster areas and the Federal Government ought to help them.

□ 1420

FEDERAL REGULATION IS A HIDDEN TAX ON AMERICAN BUSINESSES AND ON CONSUMERS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, Federal regulation is a hidden tax on American business and, of course, on American consumers.

Federal regulation costs somewhere in the neighborhood of $450 billion a year. Reports from the Joint Economic Committee say that environmental regulation costs $115 billion, safety regulation nearly $30 billion, economic regulation as much as $250 billion, and paperwork burden alone $100 billion.

Common sense tells us this money could be reinvested creating jobs and enhancing productivity, but the Congress has not used common sense in attempting to eliminate risk.

Congress has so burdened business with rules that they are spending all of their profits to comply rather than building jobs and contributing to the communities.

Obviously all regulation is not bad, but stifling overregulation is and must be stopped. In the coming weeks, I am going to point out examples of excessive regulation and how we can be encouraged rather than stifle business.

BANKING REFORM

(Mr. MCMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCMILLEN of Maryland. Mr. Speaker, yesterday the FDIC proposed a good idea: risk-based deposit insurance.

In the public's eyes, there is no difference between a well-capitalized bank and an insolvent bank. The cost and coverage of insurance is the same, and there are no incentives for either depositors or managers to exercise restraint. This is how we ended up with the S&L debacle.

As I have said time and time again, reform is desperately needed in our deposit insurance system. Unfortunately, the banking reform bills we considered last fall did not address the real problem: the pricing of deposit insurance.

For the first time, however, the FDIC proposed assessing banks on a risk basis. While certain large banks—who are a risk to the U.S. taxpayer—will end up paying higher rates, the majority of all banks, large and small, will be rewarded for their soundness.

If this action by FDIC infuses some market pressure into the system, then the whole question of firewalls and safeguards which were so contentious in last year's bank reform debate becomes much less important.

I applaud the FDIC and compliment Bill Taylor for his vision.

IN SUPPORT OF H.R. 2056, THE SHIPBUILDING TRADE REFORM ACT

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, today, this body will vote on the future of shipbuilding in America. The choice is a simple one—oppose the motion to recommit H.R. 2056, the Shipbuilding Trade Reform Act, and provide our domestic shipbuilding industry with a chance to compete, or support the motion and allow the industry to smother under the weight of heavily subsidized foreign competition.

In 1981, the United States eliminated its direct subsidy for the shipbuilding industry. Since that time, the industry has lost 40 shipyards and 120,000 jobs. The culprit for this decline is not expensive American labor or overpriced equipment. The culprit is foreign shipbuilding subsidies, subsidies which today reduce the price of foreign vessels by an average of 25 percent or more.

Mr. Speaker, H.R. 2056 has the right prescription to remedy unfair trade practices. This legislation sends a powerful message that we want free trade. It targets foreign governments by providing a strong disincentive for international shipping merchants to purchase ships manufactured in their countries. And it only seeks to address future subsidies; all existing ships can continue doing business in U.S. ports unaffected.

Mr. Speaker, there is no question that American shipyards can compete in a free market, and our competitors know it. That's why they oppose the bill before us, and that is why we should suport it.

USE FOREIGN AID TO CARE FOR OUR COUNTRY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is no question, Chicago and Los Angeles need help. The question is: Where do we get the money?

I recommend to Congress that we take the money from foreign aid. My bill, H.R. 4189, would take $7 billion from foreign aid, redirect $4 billion of it back to the cities and counties in the form of revenue sharing, and then send $3 billion directly to our schools.

Folks, our kids need skills. Our cities are in deplorable, dangerous conditions, ready to explode right in our faces. But for some reason our Government turns its back on America's needs but continues to pay homage to every sacred cow program overseas.

I say that is un-American, that is disgusting, and that is dangerous. The mood of our cities is dangerous.

I say that we should not raise taxes, we should not raise the deficit. Let us take $7 billion from foreign aid and take care of our country, and Congress would be wise to hold a hearing on that bill.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

The SPEAKER pro tempore (Mr. McNULTY). Without objection, the Chair appoints the following additional conferees on the part of the House on the bill (H.R. 4990) rescinding certain budget authority, and for other purposes: Messrs. ROYBAL, DIXON, and REGULA.

There was no objection.

SUPPORT URGED FOR ARCHER MOTION TO RECOMMIT SHIPBUILDING TRADE REFORM ACT

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, the House today votes on the Shipbuilding Trade Reform Act which contains the repeal of the boat user tax.

This so-called user fee does not benefit boaters but is used for increased Government spending. I opposed this fee originally and have fought for its repeal.

Unfortunately, the Democratic leaders are holding the repeal of this tax hostage to their shipping trade restriction bill, admitting they do not have the votes for passage.

Frankly, Mr. Speaker, I resent this attempt to buy my vote. Florida conducted over $33 billion of foreign trade in 1991, and this bill will result in harm to our entire economy.

The blackmail will not work. I will not support legislation which will affect Florida in this manner.

We will have a chance to strike this job-killing language and repeal the boat tax. Vote for the Archer motion to recommit.

NEW ECONOMIC COURSE CRITICAL FOR SURVIVAL OF WORKING AMERICANS

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, what we need today is an economic recovery package and a long-term economic policy that will improve the business climate, put people back to work and offer working middle-class Americans the prospect of rising living standards. The current course, pursued for more than a decade, offers little that is promising.

Last Monday the Census Bureau released a report that said the percentage of full-time workers who earned less than $12,000 annually grew sharply in the last decade, as the wealthiest citizens in this country grew richer.

According to a story in the New York Times, 12 percent of full-time employees earned less than $12,000 in 1979. By 1990, that number had increased to 18 percent—a 50-percent increase—and now, almost 1 in 5 workers. In the 1960's, the number of full-time, working poor people decreased; in the 1970's, it stayed the same; but now, in the 1980's, the numbers are rising sharply.

Full-time American workers are growing rapidly poorer. What kind of legacy is that? What values underlie policies that are indifferent to the declining reward for work?

Every weekend, I meet workers in Connecticut who have seen their salaries shrink, who find it harder and harder to provide for their families. To make matters worse, many of these workers must pay for their own health insurance—if they have insurance at all.

Mr. Speaker, I am troubled that almost 1 in 5 workers—full-time workers putting in 35 and 40 hours a week—now barely earn a living wage. That is hardly a beacon for the millions of unemployed or for those who want to go from welfare to work.

Mr. Speaker, good economic policy should work for average Americans, not just the wealthy. I urge the Congress and the President to get to work, because working Americans need to see us take a new course.

ENACT A TURBO ENTERPRISE ZONE FOR BLIGHTED AREAS

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, the devastation caused by the riots, the looting, and the gang violence in south central Los Angeles command and demand our urgent attention. We will be giving it just that in the next 48 hours.

Thus far, however, most of the solutions that have been advanced are simply reprises of the hoary and tired deficit financed wealth redistribution schemes that have already failed our cities so miserably.

The Great Society programs did not cause the riots in Los Angeles. But it did not stop them either.

It is time for us to exercise some intellectual energy to do something better for our cities and for employment in the future.

HUD Secretary Jack Kemp's enterprise zone proposals make a great deal of sense, but they may take a few years to work. It is time for us now to enact a turbo enterprise zone for the blighted areas of Los Angeles hardest hit by the riots and the looting. Specifically what I will be proposing with a number of my colleagues is a zero-tax-rate regime, no sales tax, no property tax, no payroll withholding tax, and no income tax for 5 years in these areas of Los Angeles. The costs? Forgone revenues from an area now producing none. The benefits 5 years down the road? An area that will rival Hong Kong for economic enterprise, and that will then, at a modest tax rate, produce wealth with the rest of America.

□ 1430

AMERICA NEEDS AN URBAN AGENDA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I just came away from a luncheon meeting at which Louisville Mayor Jerry Abramson and leading mayors of this Nation discussed with the Democratic leadership the fashioning of an urban legislative agenda.

America is, Mr. Speaker, an urban nation. Eighty percent of us live on 2 percent of our Nation's land. The rural areas and the beautiful suburban areas of our Nation could not exist healthily if the cities are sick. Our cities are sick, and an urban agenda is needed to make them well.

And what would such an agenda consist of? Well, certainly for starters there is a 1992 program of the U.S. Conference of Mayors called the emergency jobs and antirecession initiatives, which includes everything from targeted fiscal assistance to accelerated public works. But, there are other programs, including the enterprise zones and the Weed and Seed Program.

One way or the other, Mr. Speaker, there is a need for an urban agenda. In fashioning that agenda, the views and the observations of the Nation's mayors ought to be very carefully considered.

REPUBLICANS CARE ABOUT URBAN PROBLEMS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Well, Mr. Speaker, finally after the riots in Los Angeles, people are beginning to focus on our urban areas and the urban problems that we have.

What do we see in our urban areas? We see broken families, unemployment, desperation. We see crime and drugs and alcohol abuse. All of these things are rampant in our inner cities.

Now, there are those on the other side of the aisle who would like us to believe that Republicans do not care about those problems. Well, we do care about those problems, and I care a great deal about those human beings who are suffering. That does not mean that these problems were caused by a lack of welfare spending in Republican administrations. Anyone who buys that story will go and buy the Brooklyn Bridge.

There are people who are telling us that we eliminated the CETA Program, and that contributed to the problems; yet the CETA Program was replaced with the Jobs Training Partnership Act, which was more focused on those very poor people who needed the help.

Other people will suggest we needed more AFDC, more welfare payments, which would have caused more broken homes and more desperation.

No, what we need are values in this country and help for those people in the inner cities by giving them jobs, by creating investment that will create a better environment, by tough law enforcement, nonracially biased law enforcement, which will permit those people to live in peace and harmony.

We need enterprise zones, urban homesteading. These have been the policies of the Reagan years. These have been the policies of the Republican administration that have been stifled by the Democrats who control the House of Representatives.

USING MOTHERHOOD TO FIGHT FOR CHILDREN'S LIVES

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, last Sunday was Mother's Day. Ironically, it was also Infant Mortality Awareness Day.

It is sad that the day for honoring motherhood also observed the tragedy of infant death. Every year, thousands of children die because their mothers do not get adequate prenatal care.

But, in tragedy there is hope. One form of hope is the Community Health Advocacy Program or CHAP. CHAP identifies a community's natural leaders, and gives them basic health education and training.

By learning the importance of prenatal care and breast feeding, women become advocates who teach others. As a result, more mothers are able to make informed decisions about their own health, and the health of their unborn children. This link between service providers helps to reduce infant mortality rates.

Programs like CHAP cost very little, Mr. Speaker, but save a lot—and in more than just money. Programs like CHAP save lives.

DISTRICT OF COLUMBIA PRAISED FOR MOUNT PLEASANT ACTIONS

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I believe that when you do something right that action should be recognized and credit should be given. That is why today I would like to praise the District of Columbia, Police Chief Fulwood, Mayor Kelly, and particularly the citizens and community leaders of the Mount Pleasant neighborhood.

Working together to take and maintain control of the streets of their neighborhood and helped by a too rare display of restraint by the media, a local but potentially volatile situation in Mount Pleasant was controlled and calm and order prevailed.

I want to praise the police and the government of the District for not overreacting and stirring up a situation which was entirely unrelated to recent national events which have distressed all of us. I especially want to thank and praise the citizens and leaders of the neighborhood who were determined that this incident would not be allowed to become something it was not and lead to a major disturbance and destruction of their neighborhood.

You have all shown the rest of us how to properly keep matters in perspective and take control of your own streets so that a few unruly or intoxicated individuals cannot destroy a community by their irresponsible behavior.

WHO GETS ARRESTED?

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WASHINGTON. Mr. Speaker, I came over to speak about what was in the morning Washington Post, but let me comment on my fellow friend from the bow tie caucus, the gentleman from Virginia.

First of all, I agree with everything the gentleman said about Washington, DC. This time they have done something right and they need to be patted on the back and we need to find more examples like that. We need to work together on behalf of cities.

This is not a Republican or a Democratic issue, because we all have to live together in these cities and we will either live together in these cities or these cities will no longer exist.

I also applaud the Los Angeles Police Department for the swift and speedy action in bringing to justice the alleged perpetrators of the violence that we all watched and condemned on television.

There is no reason to drag an unarmed motorist who has done nothing, nothing at all to these people, these heathens and criminals in the community and beat him across the head. That bothered me as much as did the tape of Rodney King itself. They are both damnable, despicable acts, and we who were elected to public office and call ourselves leaders should stand up and call them that. Otherwise, there will be no liberty and no justice for all in this country.

One thing that struck me odd, though, was that Daryl Gates went to the scene to arrest one individual. I did not see Daryl Gates anywhere around when it was time to arrest those police officers.

If we are going to send one signal, have the police chief go and arrest criminals who beat up on a motorist, but have him go and arrest police officers who beat up on citizens.

We do not pay police officers to do that in our society.

SUPPORT FOR PRESIDENT BUSH'S EXTENSION OF THE MORATORIUM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I commend the work of President Bush in fighting the war against unreasonable regulatory burdens. He announced last week that the moratorium in new Federal regulations would be extended by another 4 months.

The President has made the reauthorization of the Paperwork Reduction Act central to his regulatory reform effort. Nowhere is the regulatory burdened more evident and more unnecessary than in the area of paperwork requirements.

The cost of complying with unneeded paperwork and red tape resulting from information collection requests by the Federal Government cost businesses as much as $330 billion per year, with $100 billion of that falling on small businesses.

The Congress must work with the President in his efforts to reduce the Federal regulatory burden by passing a strong Paperwork Reduction Act. The act would give the Office of Information and Regulatory Affairs the teeth it needs to weed out excessive regulations that fail to meet the cost/benefit test, thereby saving our economy billions of dollars.

THE DEFICIT AND FUTURE GENERATIONS

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, I do not often speak on the House floor, but when I do I hope the folks back home will hear me.

In the next few weeks, hopefully, we will be considering a balanced budget amendment.

I have also come out in support of an enhanced line-item veto, two tough, tough budget matters, but let me tell my people at home, they want services that are in our budget today, but they do not want new taxes.

What I would like to do today is challenge the media in each of our areas across this country to tell the people what our debt is, close to $4 trillion, to tell the people what our deficit is, $350 billion, and to tell the people that about 60 percent of our budget this year will go to entitlements and interest. Entitlements such as Medicare, Medicaid, Social Security, veterans' benefits, and interest on the debt—about 16 percent—that will go for no services, tell our people as we deal with these tough budget matters, trying to balance the budget, that they are going to have to face some tough decisions with us.

Mr. Speaker, we have got to think about the next generation.

SCIENCE DOES NOT BACK UP THE CATASTROPHIC VIEW OF GLOBAL WARMING

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, 20 years ago environmentalists began worrying about climate change, but not global warming. On the cover of one book published back then were two ominous questions: Has the next ice age already begun? Can we survive it?

A blurb on the back cover by Stephen Schneider, who was in town last week to talk about warming, warned 20 years ago that the threat of cooling "could be as awesome as any we might face, and that massive worldwide actions to hedge against that threat deserve immediate consideration."

Now environmental extremists call for massive worldwide actions to hedge against global warming.

The extremists' proposals to stop global warming will be enormously expensive, and we better be awfully certain about the science before we proceed. But many aspects of the global climate system remain unknown.

Those scientists that look at the temperature records of the past, rather than trying to predict the future with computer models, find little evidence to back up global warming theories. And the better the data, the less evidence there is of a future environmental catastrophe. The best quality evidence, data collected by satellite over the past several years, provides no support for all the stories we've been told in the media.

Mr. Speaker, we need to make policy based on solid science, not the scare stories dreamed up by environmental extremists.

□ 1440

WE WASTE MORE TIME INVESTIGATING HISTORY, NOT LEARNING ANYTHING

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, it is not any wonder that we cannot get anything done here in the Congress; we waste more time investigating history and not learning anything.

Now we are investigating a 30-year assassination of President Kennedy. And what is the result of that going to be? More bucks in the pockets of Oliver Stone.

So, next it is going to be Bobby Kennedy. Maybe we can investigate that one, or Martin Luther King, or maybe we could revisit Watergate and, if time allows, maybe we can go back and take a look at the Iran-Contra fiasco. And then, if we have time, we can recheck the bounced checks.

Of course, if we start to look at the economy and health care and jobs and inequity in trade, we should do it, but if it gets too boring then maybe we can go back and check into finding out whether John Wilkes Booth really did Lincoln in.

EXPORTS TO DEVELOPING COUNTRIES SEEN AS KEY TO U.S. ECONOMIC GROWTH

(Mr. BEREUTER asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, in my export 1 minute today I would like to stress the importance of expanding economies in developing countries for U.S. export growth.

Mr. Speaker, for 5 years now, the growth in U.S. exports has led overall U.S. economic performance by growing three times as fast as gross domestic product each year. The trade deficit, last February, reached its lowest monthly figure in 12 years largely on the growth of U.S. exports. Many economists believe that a key factor in the U.S. recovery from a recession is the future growth in U.S. exports.

However, Mr. Speaker, that growth probably will not come from traditional United States markets like Japan and Great Britain. Instead, future growth of U.S. exports may become increasingly dependent on the expanding economies of the world's developing countries.

The evidence of this important change already exists. Last Sunday, the New York Times contained an article entitled. "American Exports to Poor Countries Are Rapidly Rising," and according to the article, in January and February nonindustrialized countries bought the highest percentage of American exports since 1982.

Mr. Speaker, the potential appetite for U.S. exports in developing economies must not be overlooked. A couple of weeks ago, this Member stood on this floor and spoke about the potential for U.S. food exports in Southeast Asia; however, I am not just talking about food exports. The New York Times article recognized the extremely important fact that U.S. exports of manufacturing goods to these countries is on the rise.

In fact, Mr. Speaker, while the United States may be losing market share to nations like Japan in highly visible items such as consumer goods including VCR's and TV's, the United States remains the leading producer of goods used to build nations, like telephone company switches, trucks, commercial aircraft, and personal computers.

Mr. Speaker, I make this point about the potential for U.S. exports to developing countries today because this Member is concerned that recent U.S. trade policy initiatives from some of our colleagues overlook the importance of these growing particular economies to U.S. economic prosperity. Attempts to unilaterally protect U.S. industries from international competition could unwittingly deny access of U.S. capital goods to these growing markets. And, Mr. Speaker, these capital goods exports are a bright spot, in an otherwise dim world economy. Congress must remember that fact in its actions.

BELLOWS AIR FORCE STATION

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, our Armed Services Committee is completing its work today on the 1993 Defense Authorization Act.

Among other provisions, this measure requires the Defense Department to justify its retention of Bellows Air Force Station on the island of Oahu.

Currently, that installation is vastly underutilized—1,500 acres of prime beach front property with no compelling national security interest.

Meanwhile, Hawaii's 1 million people suffer one of the most painful affordable housing shortages in the Nation.

That is why Bellows should be returned to the State of Hawaii. We need Bellows for affordable housing and other community needs. I have worked ceaselessly to help provide hundreds of housing units for military personnel. I am only seeking equal treatment for Hawaii's people.

Federal law requires that lands ceded to the United States by Hawaii be returned to the State when no longer needed for Federal purposes.

Certainly, Mr. Speaker, Bellows Air Force Station fits that description exactly.

Let us play fair and support this first step to return Bellows to the people of Hawaii.

REPLACE PRESIDENTIAL ELECTION FUND CHECKOFF WITH A NATIONAL DEBT FUND CHECKOFF

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today I am introducing legislation that would eliminate the Presidential election fund checkoff on our tax returns and replace it with the national debt fund checkoff.

Americans are sick of seeing millions go to unknown fringe candidates who maybe get only a few hundred votes in any State. They want this ridiculous ripoff stopped. With the national debt of $4 trillion and losses of $1 billion a day on top of our present debt, the people want something done before we crash.

Mr. Speaker, my legislation was suggested by a constituent of mine, Bob Williamson, in a letter to the editor of the Knoxville News-Sentinel.

Mr. Speaker, this bill would replace the taxpayer subsidy to all sorts of Presidential candidates with a box in which taxpayers could write any dollar amount to go directly toward paying our national debt. The fund could be used only to pay on the national debt, and not for any other purpose.

Most people could contribute only very small amounts, but some would make large contributions. It would certainly not wipe out our national debt by itself, but it would help and it would do a lot more good than will millions going to negative and wasteful Presidential campaigns.

WE SHOULD CONSIDER THE BILL TO HELP OUR NATION'S SECOND AND THIRD LARGEST CITIES

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I was in my office watching the monitor, and was surprised when I thought we were working on H.R. 5132, but I learned—and I think I saw—that the gentleman from Wisconsin [Mr. SENSENBRENNER], prevented us from considering this important piece of legislation at this point in time.

Mr. Speaker, H.R. 5132 would make emergency appropriations for disaster assistance to my congressional district as well as for the riot-torn city of Los Angeles. This disaster was caused by a weakened wall that allowed the Chicago River to flow into downtown Chicago.

Mr. Speaker, I hope all of us will realize that Chicago's disaster was not a man-made disaster, as the gentleman from Wisconsin claimed, and that all of our cities in America are old; as are our towns, et cetera. Similar disasters can happen because all of the infrastructure in America now is in a weakened condition.

When we think about dams, bridges, tunnels, highways and roads, and canals, we do not just talk about the city of Chicago or New York; we talk about all of America.

I hope this kind of thing will not happen again in the future.

Mr. Speaker, it was 1 month ago today that a weakened wall along the Chicago River collapsed into a little used freight tunnel under Chicago's Loop to cause the largest disaster the city has seen since Mrs. O'Leary's cow began the great fire of 1871. Billions of gallons of water subsequently flooded into the basements of downtown Chicago buildings, effectively shutting down all business activity in the Loop for several days, not only at such Chicago institutions as the Board of Trade, the Mercantile Exchange, and Marshall Fields, but also at hundreds of small businesses who depend on the daily flow of commuters for their livelihoods. Businesses which were already soaked under the weight of the recession, Mr. Speaker, are now even more hard pressed to continue operating after finding the Chicago River flowing through their basements.

While I commend Mayor Daley and the legions of city workers for their efforts in plugging the leak, it is imperative that emergency Federal funds are appropriated to help these businesses, and the city, cope with this most unfortunate disaster. Millions of dollars of valuable city funds have had to be diverted to fight the flood, seriously straining city coffers. Furthermore, estimates have calculated property damage alone at over $300 million and total business losses could well top $1 billion.

Mr. Speaker, it was inevitable that we would sooner or later have to consider a bill to help our Nation's second and third largest cities, or any city for that matter, cope with disasters of such magnitude. For too long, cities have been forced to wage a two-front war against the decay of our infrastructure, and the fraying of the social fabric of our inner city neighborhoods. While the destruction in Chicago was much different in nature than that in Los Angeles, both are representative of the lack of attention to urban problems during the past decade. The Federal-local partnership that once existed has been all but eradicated throughout the 1980's, forcing local governments to ration vital funds, put off much needed repair jobs and public works projects, and eliminate many valuable services altogether.

Now is not the time for political darts or blame shifting, Mr. Speaker. The situation in our inner city communities has simply grown too desperate to allow partisan politics to rule the day. I am willing to work with President Bush and Secretary Kemp to help rebuild Chicago and Los Angeles, and every other American city that has suffered from the abject neglect of the 1980's, and I am pleased that the President seems to have finally, after much prodding, refocused his attention to domestic concerns.

I urge my colleagues to support this emergency legislation.

THE SITUATION IN BOSNIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, what is going on in Bosnia today is a disgrace.

I want to commend Senator DOLE and those in the Senate who sent a letter to President Bush, asking for stronger action on behalf of the Bush administration and I want to share that letter with my colleagues. I also want to commend the Bush administration for recalling Ambassador Zimmerman from Belgrade.

In September, Congressman CHRIS SMITH and I were in Croatia, and visited the cities of Vukovar and Osijek which were under seige by the Yugoslavian Army. Now the Serbian forces of Slobodan Milosevic are doing the same thing today in Bosnia that they did in Croatia.

I personally think that we should withdraw most-favored-nation status from Yugoslavia, from Serbia. A New York Times editorial today reports that Croatia's Franjo Tudjman's henchmen from Bosnia cut a deal with their Serbian counterparts at a secret meeting in Austria, snatching their own piece of Bosnian territory. This is very disturbing news and if true, and if Tudjman cooperates with Milosevic in any way at all with regard to persecuting and killing the people in Bosnia, then that would be a great disappointment to the people of Croatia and the United States.

Many of us in this Congress supported Tudjman and strongly supported the good and decent people of Croatia in their quest for freedom and democracy. Because of this support, it is important that Tudjman stand up and support Bosnia, allowing Christians, those of the Jewish faith and the Moslem faith to live together in peace in Bosnia.

The letter referred to, follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 12, 1992.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you to express our deep concern about the tragic situation in Bosnia-Hercegovina, and to urge that the United States take a more active role in trying to bring this bloody conflict to an end.

We commend you on today's decision to recall our Ambassador to the former Yugoslavia, Warren Zimmermann. In view of the continued aggression by Serbian forces against Bosnia-Hercegovina, we hope that this move will be swiftly followed by a decision to impose comprehensive sanctions on Serbia. In addition, we support ongoing U.S. efforts to unseat "Yugoslavia" at the Conference on Security and Cooperation in Europe.

However, we believe that much more must be done and quickly. Some of us met this week with the Foreign Minister of Bosnia-Hercegovina, Mr. Haris Silajdzic, who told of the wholesale destruction of his newly independent country and its occupation by Serbian forces. In four weeks, the Serbian army's brutal onslaught has left nearly 700,000 people homeless and thousands wounded, missing or dead. In our view, Mr. Silajdzic raised an idea that merits immediate exploration, namely the creation of a "security zone" around the capital of Sarajevo. This zone would provide a safe haven for refugees, while allowing for the delivery of desperately needed humanitarian aid. In addition, the establishment of a security zone would ensure the continued functioning of the legitimate government of Bosnia-Hercegovina.

We hope that you will give this matter your immediate consideration. It is our understanding that Foreign Minister Silajdzic discussed this concept in detail with Deputy Secretary Eagleburger. Even if the United States does not wish to become directly involved in such an operation, we could encourage the European Community and/or the United Nations to further explore this proposal.

Thank you for your attention to this vital matter.

Sincerely,

Claiborne Pell, Bob Dole, Alfonse D'Amato, Slade Gorton, Alan J. Dixon, Dennis DeConcini, Orrin Hatch, Larry Pressler, John McCain, Connie Mack, Joe Lieberman, Donald Riegle.

SOME CAUSES OF AND AFTERMATH OF THE RODNEY KING VERDICT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, for 2 weeks, starting with the Rodney King verdict, we have been experiencing a terrible trauma in our country with the eruption of racial tension and frustration, much of that springing from the last decade of neglect in our country.

The President responded by blaming it on the Great Society, blaming it on Lyndon Johnson.

Mr. Speaker, Lyndon Johnson gave us the Great Society, President Bush has given us the great divide—the terrible divide, the division in our society, where the Reagan and Bush economic policies have widened the gap between the rich and the rest of us in this country. This disparity has been bad economics.

It has produced a terrible budget deficit and an even worse social deficit.

How can we ever make up, in the minds and bodies of the real victims, the small children of America, the neglect that they have been victims of in the past decade?

□ 1450

So, Mr. Speaker, I think the lesson of Los Angeles should be that we should work together to build a more just society in order for us to build family and make our country strong again.

NONESSENTIAL OBSERVERS COSTING 800,000 AMERICAN TAX DOLLARS

(Mr. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Texas. Mr. Speaker, I am outraged.

Let us talk about Brazil.

Why in the world is our Federal Government paying for more than 300 people to boondoggle to Rio de Janeiro next month? I understand we are sending 25 to 30 official delegates to next month's Earth summit, and that is legitimate, but at an extra cost of 800,000 American tax dollars we are sending about 300 conference watchers.

Come on, Mr. Speaker. I cannot imagine any conference that requires 300 nonessential observers from one single country. American taxpayers are fed up with this type of boondoggling. It is wasteful, and it is wrong.

Let us use some common sense. Let us put away the $1,400 plane tickets and take a serious stab at balancing the Federal budget, and I have to commend some of my colleagues on the other side for recommending a balanced budget as well. It is time we got to work here in this Congress.

URBAN AGENDA URGENTLY NEEDED

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, we all are too familiar with the aftermath of the Rodney King trial and the resulting verdict. Many of the leading legal experts agree that the Rodney King case was already decided, and lost, when the presiding judge moved the site of the trial to a mostly all-white, suburban community in Simi Valley, CA, with a black population of less than 2 percent. This change of venue, as it is known, was clearly the turning point in this case. The trial was moved to Simi Valley to avoid pretrial publicity because of the political situation in Los Angeles, which was too volatile. But the irony is that those jurors in Simi Valley were just as likely to have formed opinions since they more than likely saw the same videotape that all of us in the world witnessed, and the same jury was more likely to identify with the four police officers, who were all white, and they knew that they were all white, and probably agreed with them early on, and formed their opinions before the trial was presented in the court.

Mr. Speaker, the sixth amendment guarantees an impartial jury of the State and district wherein the crime is committed. Although the reference is not explicit as to venue, it does specify the location from which the jury should be selected. Mr. Speaker, I call upon my colleagues to take a closer look at what is happening, and let us move this urban agenda that this administration is talking about, and let us bring a bipartisan urban agenda whereas we can respond to the urban and rural problems of all Americans in this country so we will not be faced with similar situations.

SAVE AMERICAN JOBS—SUPPORT H.R. 2056

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today this body is taking up H.R. 2056, a bill long overdue and one which can go a long way toward placing U.S. shipyards on a level playing field with their competitors throughout the world. What this bill does basically is to remove the Government competition in the form of subsidies that exist in foreign yards. In other words, each U.S. yard bidding in the commercial world would be bidding against private enterprise rather than a foreign government which is much more fair and the way to go if we are to preserve this critical industry in this country.

Mr. President, I urge my colleagues to support H.R. 2056 and save American jobs.

REPEAL THE BOAT USER FEE

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker and my colleagues, today is a classic example once again of the process frustrating the will and the interests of many people who follow the deliberation of this body on a matter of no small import to thousands of men and women in my district which borders the Lake Erie shoreline. I am talking, of course, about the repeal of the boat user fee, a matter first concocted in the minds of President Ronald Reagan and Budget Director Stockman in 1991. It was originally intended, of course, to try to upgrade the amount of money and the facilities available to the operation of the U.S. Coast Guard. It was rejected continuously by this institution through votes on the floor, and in our Budget Committee it nonetheless became part of the 1990 budget agreement, and oh what a silly idea it was.

Imagine charging someone to float their canoe. Imagine charging someone to be rescued by a government agency that they thought was there for that fact to begin with from time immemorial.

Unfortunately, Mr. Speaker, the repeal of the boat user fee is linked to another provision of the bill dealing with shipyard construction and the cost of those constructed ships visiting American ports. While they may, in fact, be meritorious, the fact is we need to repeal the boat user fee, support the motion of the gentleman from Texas [Mr. ARCHER], separate the two and repeal a silly tax that should not have been leveled on the American taxpayers to begin with.

AUTHORIZING CORRECTIONS IN ENROLLMENT OF S. 838, CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION, AND FAMILY SERVICES ACT OF 1992

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 116) to authorize corrections in the enrollment of S. 838.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from New York?

Mr. DREIER of California. Mr. Speaker, reserving the right to object, I will not object, but I ask the gentleman from New York to explain his unanimous-consent request.

Mr. OWENS of New York. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from New York.

Mr. OWENS of New York. Mr. Speaker, after passage of the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 in early April, it was discovered that there was some ambiguity regarding the effective date of the amendments relating to the distribution of funds under the child abuse general programs. The administration asked for a clarification, and we agreed that a clarification was necessary.

At the same time, it was discovered that through a drafting error, parents were inadvertently deleted from the stipulated membership of the State Multidisciplinary Task Force on Children's Justice.

This resolution, which has received bipartisan support, would correct these problems.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from New York [Mr. OWENS], for his very cogent explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 116(a)(4) of the bill—

(A) by adding "and" after the semicolon in subparagraph (C); and

(B) by striking out subparagraph (D) and all that follows and inserting in lieu thereof the following new subparagraph:

"(D) by striking out 'handicaps;' in subparagraph (F), and inserting in lieu thereof 'disabilities'.".

(2) In section 117 of the bill—

(A) by inserting "(a) IN GENERAL.—" before "Section 114(a)"; and

(B) by adding at the end thereof the following new subsection:

"(b) DELAYED EFFECTIVE DATE.—Paragraph (2) of section 114(a), as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which $30,000,000 or more would be available under subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.".

(3) In section 124(2)—

(A) by striking out subparagraph (a); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2056, SHIPBUILDING TRADE REFORM ACT OF 1992

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 443 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 443

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2056) to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. No amendment to said substitute shall be in order except the amendment printed in section 2 of this resolution, to be offered by Representative Gradison of Ohio, which shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. An amendment to be offered by Representative Gradison of Ohio: "Strike section 107. Make such conforming changes as are necessary.".

□ 1500

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, today we meet to consider the Shipbuilding Trade Reform Act of 1992.

The bill is intended to ensure fair trade in the commercial shipbuilding and repair industry. It includes new trade remedies against subsidized foreign-built commercial vessels.

But the bill does more than that.

It also rights a wrong.

It repeals an unfair and deceptive tax: The so-called user fee on boats.

Who pays that fee?

Ask anyone who lives in Michigan. We live in a State surrounded by water. Water has shaped our history and defines our character.

It certainly shapes our recreation. For many people in Michigan, boating is a way of life.

We are talking about people working in the tool and die plants, storeowners, mechanics, sixth grade teachers. We are talking about lots of retired people—people who have worked hard all their lives and finally have time to call an afternoon their own.

Not rich people. Hard-working, middle-income families.

We are talking about people who, because they live along a lake or a river, have invested in a small boat with a little outboard motor, so they can spend Sunday afternoons fishing with their children or grandchildren, or maybe just sitting alone to watch the light fade.

And what do they find on those Sunday afternoons?

Their fuel tax has gone up.

Their FCC license fee has gone up.

The State regulatory fees have gone up.

Then, 2 years ago we got this.

They told us it was a user fee. But the proceeds won't go to the Coast Guard.

Not a dime goes to the Coast Guard.

Not a dime benefits boaters.

The only people using this user fee is the administration—to conceal the true size of the deficit.

If the administration needs to tax people, there are some people who should be taxed.

Millionaires. But the President vetoed the millionaire surtax.

CEO's of the big corporations. He vetoed that too.

Mr. Speaker, we fought against this tax for 10 years.

It is an outrage.

This solution—repealing it in stages—isn't perfect. I wish we could abolish the tax today.

But eventually, this bill will accomplish repeal.

I urge my colleagues to join me in voting for it.

In our haste to lighten the load for the rest of America, let's not throw the recreational boater overboard.

Mr. Speaker, House Resolution 443 makes it in order to consider in the Committee of the Whole the bill H.R. 2056, the Shipbuilding Trade Reform Act of 1992.

The rule provides for 1 hour of general debate controlled equally by the Committee on Ways and Means and the Committee on Merchant Marine and Fisheries.

The rule makes in order an amendment in the nature of a substitute consisting of the text printed in the report to accompany the rule as an original bill for the purpose of amendment.

The rule waives clause 5(a), rule XXI and clause 7, rule XVI against the substitute.

The rule makes in order only one additional amendment to the bill which may be offered by Mr. GRADISON of Ohio.

The rule waives all points of order against the Gradison amendment.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again we are faced with a closed rule, which has become the norm over the past couple of years. There are probably some in this institution who are unfamiliar with what was once a commonly used practice known as the 5-minute rule. In fact, the open rule is so rare that academic discussions of that process have shifted from political scientists to historians.

While the public continues to clamor for more openness in Congress, the Rules Committee continues to keep the legislative process in the dark.

The committee even went to far as to censor the C-SPAN television cameras from an open meeting on the rescission bill last week. This was a terrible mistake that I hope will never happen again.

With regard to H.R. 2056, this rule does make in order the Gradison amendment to strike the directed scoring provisions. However, the rule does not permit amendments to strike any or all the sections in title I. As a result, Mr. Speaker, I strongly oppose this rule.

But let me add that I have the highest regard for the gentleman from Florida [Mr. GIBBONS], and his commitment to free trade. He and I have worked together on a wide range of trade issues over the years, including the fast-track legislation on the North American Free Trade Agreement. As the sponsor of H.R. 2056, his intentions clearly are admirable.

Proponents of the legislation—and I recognize that there are some on this side of aisle as well—believe that the threat of barring foreign-built ships from U.S. ports will bring our European trading partners to the negotiating table.

It is true that the Europeans unfairly subsidize their shipbuilding industries, to the detriment of U.S. shipbuilders. But I do not agree with the argument that the administration needs this bill as a bargaining chip in multilateral negotiations.

A bargaining chip is effective if it is credible, and there are two reasons why I have doubts that H.R. 2056 will be seen as credible by our European trading partners. First, the President will veto the bill in its current form because it violates the General Agreement on Trade and Tariffs and could lead to retaliation.

Second, holding hostage the pocketbooks of American consumers does not make a credible bargaining chip. As the American Association of Port Authorities pointed out in a letter, H.R. 2056 "could cost more U.S. jobs than it saves" and "would lead to higher costs to consumers since payments by shipowners would be passed on to shippers, raising the costs of goods."

Many of those goods, Mr. Speaker, are export goods, which means that increases in ocean freight rates will mean lost markets to U.S. exports, lost jobs, and lower economic growth.

The USTR's office believes this trade distortion practice can be better dealt with through the multilateral OECD negotiations, and I agree.

If we cannot solve this subsidy dispute through those negotiations, then the administration can use existing section 301 retaliation authority. Through this process, we can target foreign shipbuilders, rather than American shipowners, consumers, and exporters.

Of course, not all of H.R. 2056 is bad. Title II of the bill repeals the Coast Guard recreational boat user fee, and I strongly support that provision. That's why, if we are unsuccessful in defeating this rule, I will be supporting the motion to recommit that will be offered by the gentleman from Texas [Mr. ARCHER].

That motion to recommit will allow us to repeal the user fee without having the provision held hostage to protectionist legislation. In the meantime, Mr. Speaker, this is a closed rule, and I urge my colleagues to vote against it so that the House can work its will on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, first I want to thank the gentleman from California [Mr. DREIER] for those nice things he said about me. I appreciate them very much.

Mr. Speaker, let me say the reason we asked for a closed rule on this is that we are amending the 1930 Tariff Act. If Members will recall the history of the closed rule, it began after the Congress' experience with the 1930 Tariff Act, which probably had to be the height of logrolling that Congress ever participated in. We just do not want to see that happen again.

□ 1510

That is why we have used closed rules on tariff bills ever since. The administration has been negotiating for some 3 years on ship subsidies. They have worn out three negotiators, and they are never going to get any success out of these negotiations in the current situation. I am very attuned to international negotiations on trade. We have no leverage to take to the negotiating table. We have no subsidies. We have had no shipbuilding subsidies for 11 years. This bill is about jobs and against subsidies. We must pass this bill in order to have any successful negotiations on this issue.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, and I support the bill. I support the repeal of this boat user tax. It makes sense. However, I want to direct myself to another area of comments, and that is our shipbuilding industry.

In 1981 America said:

> We are going to play straight, fair and square, no more subsidies. We want an open, fair, free shipbuilding industry throughout the world.

We did it, and our competition lied to us. They continued to subsidize their shipbuilding industry with grants and low-interest loans. They allowed cartels. They even bought and owned some of those factories. They kicked in money for research and development, but Uncle Sam stayed out.

The litany is clear. We lost 120,000 jobs in our country. Now, without this legislation from the gentleman from Florida [Mr. GIBBONS], we will lose another 200,000 jobs by the turn of the century. The truth of the matter is, when it has come to shipbuilding Uncle Sam has turned into Uncle Sucker.

I have taken on and I have questioned some of the trade programs of our House, and I have at times disagreed with Chairman GIBBONS. I want to say today that Chairman GIBBONS recognizes what has to be done. He has taken the courage to do it. I am glad to be able to support this bill. I think he is doing what is right.

Just remember this. Since 1987, a short 5 years, Japan has subsidized their shipbuilders with $1.3 billion, South Korea with $1.1 billion, and Germany with $1.5 billion. You will lose another 200,000 jobs in this country.

I support the rule, I support the bill, and I am proud today, Mr. Chairman, who has questioned some of the policies, to say "right on" to the gentleman from Florida, and thank him for the time.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume to respond to my friend, the gentleman from Ohio.

I have a letter here from the National Coal Association. They talk about the threat of jobs lost. They say in their letter that,

> In the competitive international coal market any increase in ocean freight rates will mean lost markets to U.S. coal exporters. In turn, this means lost jobs at the coal mines and lost jobs to those who are involved in the coal export chain, such as transporters and equipment suppliers.

I know my friend from Ohio will be very concerned about that.

Mr. Speaker, I yield 2 minutes to the eloquent gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Generally, Mr. Speaker, I oppose closed rules, and in a deliberative body such as Congress, free and open debate means little without the chance for amendments.

However, having said this, I urge my colleagues to support this rule because the shipbuilding industry of the United States of America needs this bill. Enemies of U.S. competitiveness cannot be allowed to win on a procedural matter. No nation can survive as a military or economic superpower without having a fleet, and no fleet can be sustained without shipyards. Our shipyards are dying, victims of aggressive subsidies to foreign yards by foreign governments.

Negotiations on this issue have been underway with the foreign governments for more than 3 years, by the U.S. Special Trade Representative, with no indication that they intend to change their position. Our shipyards, with their greatly diminished work force, are looking to us for a remedy, which this bill provides.

As for the rule, it allows for an amendment to strike section 107, with its CBO scoring language. The rule also permits a motion to recommit with instructions to strike title I, or in other words, the rule permits ample opportunity for free traders to gut the bill and the shipbuilding industry of the United States.

Let us support the rule, debate the merits, pass the bill, and save a critical industry. Save American jobs.

Mr. DREIER of California. Mr. Speaker, I yield 5 minutes to my friend and classmate, the gentleman from New York [Mr. MCGRATH].

Mr. MCGRATH. Mr. Speaker, I rise in support of H.R. 2056, the Shipbuilding Trade Reform Act.

There is no good reason for not supporting this bill, if you believe, as I do, that we in Congress have a moral obligation not to countenance unfair trading practices that damage American industry and destroy American jobs.

Nearly 3 years of trade talks, aimed at ending foreign shipbuilding and repair subsidies in the industrialized nations of the OECD, collapsed in April. This means that nothing has been achieved to correct the unfair trade practices that are keeping American shipyards out of the commercial ship construction and repair market. American shipyards are worse off than they were when the talks began, and their future has gotten even more bleak.

H.R. 2056 is now the only option available to pressure foreign governments to stop their shipbuilding and repair subsidy practices before the entire U.S. shipbuilding base is destroyed and another 180,000 Americans are unemployed.

Fairness is not something the U.S. commercial shipbuilding industry has been treated with over the past decade. Before 1981, half the ships constructed in American yards were for the commercial market. This market situation changed rapidly when the U.S. Government unilaterally discontinued the commercial construction subsidy program for U.S. shipbuilders. At the same time, Governments in Japan, South Korea, and Europe were formulating the most substantial subsidies provided for any industry in the world. The effect of these government actions was to obliterate the commercial shipbuilding market in the United States.

In June 1989, the U.S. industry filed a petition under section 301 of the Trade Act targeting foreign subsidy practices. This petition highlighted the fundamental unfairness of forcing unsubsidized American shipyards to compete against heavily subsidized foreign yards. American yards were unrealistically expected to compete against hundreds of millions of dollars in government grants and direct cash infusions to keep the foreign yards going, as well as billions of dollars in government-subsidized loans. These and other kinds of foreign government subsidies allowed the yards to price ships well below the cost of production for nearly a decade.

We must right the wrong that has been done to American shipyards, but we do not have much time left in which to do it. According to workload projections for new Navy ships, by 1998 there will only be a couple of shipbuilding yards left in the United States. H.R. 2056 can reverse this inevitability by forcing an end to the foreign subsidies that are keeping U.S. yards out of the commercial market.

The entire private shipyard base, shipyard supplier industries, and 180,000 American workers are counting on us to pass H.R. 2056 the Shipbuilding Trade Reform Act and to oppose any move to destroy the bill by referring it back to committee. Passage of this bill will bring trade and jobs to the shipbuilding and repair market, and provide foreign governments with the incentive to end their massive subsidies.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentleman from Maine [Mr. ANDREWS].

□ 1520

Mr. ANDREWS of Maine. Mr. Speaker, we have heard a lot of talk about the trade imbalance, competitiveness, the ability of our workers to compete with workers around the world, the imbalance in trade exports versus imports. I can tell Members what one of the fastest growing exports that we have in the United States is, and that is jobs, American jobs, good jobs, and there are lots of reasons why that is, some legitimate and some illegitimate. But I will tell Members one of the most illegitimate reasons for the loss of jobs in this country is when a worker looks to his or her Government, and instead of seeing that Government fighting for them and their jobs and their families they see a government sitting on its hands, shutting its mouth, refusing to take a stand not for unfairness on behalf of the worker but fairness for that worker, a level playing field, opportunity so that workers in the United States can compete fairly with workers around the world.

I sit on the Armed Services Committee, Mr. Speaker, and I sit on the Seapower and Strategic and Critical Materials Subcommittee, and this issue is not just an economic issue, it is a national defense issue, because I can tell Members from all of the testimony that I have heard that because our shipbuilding industrial base is being destroyed by unfair competition, the defense and security of the United States is at risk.

I want to quote from our Navy Secretary, Lawrence Garrett, who came to our committee and said the following:

> A keystone of our ability to build and maintain a Navy is our infrastructure and our industrial base. America's strategic advantage, I submit, depends fundamentally on a healthy, productive, innovative, and competitive national industry. We simply cannot afford to drive our defense industrial base—especially our vital shipbuilding industry—offshore.

Mr. Speaker, ever since 1981, the United States has been sitting on its hands with respect to protecting that industrial base by insisting upon fair competition with our shipbuilders. We have allowed foreign shipbuilders, the Japanese, the Germans, the Koreans to subsidize their shipyards and their workers so that they could systematically destroy our shipyards and the jobs for our workers. Since that day in 1981, when we established that policy of sitting on our hands while our workers lost their jobs, this happened: 120,000 jobs were lost. Now we learn that if we continue to sit on our hands and not stand by our workers we can expect an additional 180,000 jobs to be lost.

Let us understand what we are talking about. We are talking about fairness, we are talking about a level playing field. The shipyard workers at Bath Ironworks in my district are the best in the world. They can compete for commercial contracts with anyone in the world. But, Mr. Speaker, they cannot compete with entire governments, they cannot compete with the subsidies that foreign shipyards are receiving for their shipyards and their workers.

It simply is not fair; it is not right. But what is worst of all is the fact that our Government continues to sit on its hands and let this unfair subsidy, and let this destruction of jobs in our shipbuilding industrial base go on and on and on.

The time has come, Mr. Speaker, and I am so glad that the time has finally come on the floor of this House when Members of this Congress are going to be asked to take a stand. Are you or are you not for fairness with our shipbuilding industry? Are you or are you not for fairness when it comes to jobs in our vital shipbuilding infrastructure? Are you or are you not for the American worker?

I support this rule, and I support this bill because it gives us a chance to take a stand.

Ladies and gentleman, our economy is at stake, the defense of this Nation is at stake, and basic fairness is at stake for the workers in shipyards all across the United States. I would ask that we support this rule, that we go on to support this vitally important legislation, and that we stand by the workers and the shipyards of our country.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume simply to respond to my friend from Maine by saying that he said what we like to regularly say on this side, "Fairness, fairness, fairness." My friend said it three times as he came to the end of his statement, and he said, "I support this rule."

This is a closed rule. It is unfair to the process, and I hope our colleagues will recognize that.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DAVIS], the distinguished ranking Republican on the Committee on Merchant Marine and Fisheries.

Mr. DAVIS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is a very important piece of legislation. As Members know, it has two very important issues in it. I am going to talk principally about the elimination of the boat user fee, but I want to talk just for a minute about the original idea behind the Gibbons bill, which is to make sure that the American shipbuilding industry is able to survive. And there is no question I do not think in anybody's mind that the American shipbuilding industry has been hurt tremendously.

I happen to have two shipbuilding companies in my congressional district, as well as a number of suppliers that do a lot of work for the shipbuilding industry, and they are hurt tremendously. So I would strongly urge all Members to support this bill. There are a lot of people out there who are laid off. One of my companies, as an example, used to employ 1,000 people. Right now they are down to less than 100. That tells me that we need to take some dramatic action to help improve the shipbuilding industry in this country.

So again, I strongly urge that we do support this bill.

But let me now talk about another very important issue that is part of this bill, and it is very important to the over 4 million boaters in this country who have been saddled with what is called a user fee, but really is an unfair tax. And I must tell Members that I appreciate the help of a lot of national organizations who have been instrumental in starting this grassroots drive to get us to the point where we actually have an opportunity to appeal the boat user fee today.

Boat U.S. and the Marine Retailers Association are just a couple of examples of some of the people who have pounded and pounded on this issue and told the Congress and told the American people how unfair this particular tax is. I especially appreciate the way Boat U.S. has constantly told the boaters in this country about this issue.

There are some facts I think that are important for the American people to become aware of. I think many times when we think about boaters we think of boaters as wealthy people who go around and spend all of their time on 50-foot yachts. That, of course, is simply not true. Fifty-two percent of all of the boaters in this country earn less than $35,000 per year, and 74 percent of all of the boaters earn less than $50,000 per year. So it is something that is enjoyable to millions of people, and there are 4.1 million people in this country who have been affected by this extremely unfair user fee tax.

There are right now 279 cosponsors of the repealer bill, H.R. 5344, and there is a companion bill on the Senate side introduced by Senator BREAUX, S. 843, which has 39 cosponsors, and we have been working closely with the Senate Commerce Committee. When this bill passes, and it will to repeal the boat user fee, we expect that we will have an opportunity to negotiate with the Senate whether they put the repealer bill on the Coast Guard authorization bill or wherever they do it, and we are going to be able to repeal that fee this year.

□ 1530

There are lots of reasons why this particular user fee has not worked, and right now we find that there are many people who are trying to get their decal but find that it takes, in some instances, if you are sending a check in, up to 5 weeks before you get the decal back. Many times, if you purchase it through your credit card, it takes up to 4 weeks.

What does that mean to a person who lives on the Great Lakes or who lives any place in this country and wants to buy a decal for their boat? The way the system works now, if I sent in today and asked for a decal and said, "I am going to send you a check," I would have to wait 5 weeks before I would get it. Technically I am subjected to being fined $5,000 by the U.S. Coast Guard if I do not have that decal.

We are now trying to work that out, and the particular way that we are going to eliminate this fee I will explain when we get on the bill itself, because there is not enough time for me to explain it now. But I intend to explain how the repealer is going to work very shortly.

Mr. DREIER of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Alaska [Mr. YOUNG], the ranking Republican on the Committee on Interior and Insular Affairs.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to echo the words by the gentleman from Michigan [Mr. DAVIS] and his comments about the repeal of the boat user tax. It was a very unfortunate thing in 1986 when this passed, actually during the budget considerations last year. It was a tax on individuals that own every boat, and we have tried every method to try to repeal this, and we finally hopefully will succeed today.

I would like to also talk about the comments by the gentleman from Maine about fairness and about the merchant marine industry in our Nation. I can suggest that this is a good bill; I am not happy with the rule, but I think the bill has some merit.

But I would also like to say after 20 years in this House and working on the Committee on Merchant Marine and Fisheries and working on maritime legislation, I do not think we are much closer today than we were before. This bill is a step in the right direction. But I do not think it will accomplish everything we should really be accomplishing in this body.

Every other nation that has a viable maritime fleet actually has a correct cabotage law. That means that a percentage of the products which are imported, a percentage of the products which are exported have to be on that nation's flag ships. We eliminated that many years ago, and that was very unfortunate. Every time we have tried to reinstate the cabotage laws in this body to any significant degree, we are booed down supposedly for the consumer, but it has cost thousands of jobs not only in the shipyard areas but the maritime industry itself, and the crewmen and the captains and the mates, and that is wrong.

We now, I believe, are ranked eighth in the world as far as maritime ability. We were No. 1 in 1945. We have gone down from that time and have continued to go down until we finally, in this Congress, say we are the largest importer and one of the largest exporters in all the world, and yet we bring our products to this shore for our consumers on foreign-flag bottoms, and we export them on foreign-flag bottoms. That is an incorrect position for this Nation to be in.

It is absolutely time for us to have a strong maritime industry, not through being subsidized, but by having the cargo to carry once we build the ships, and then we will go back up to the lead as we should be.

Mr. DREIER of California. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Pennsylvania [Mr. SCHULZE], the distinguished chairman of the congressional sportsmen's caucus.

Mr. SCHULZE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2056, the Shipbuilding Trade Reform Act.

For 3 years our trade negotiators have worked for free trade in the global shipbuilding market to no avail.

In 1989, the United States shipbuilding industry filed a section 301 trade petition targeting the massive subsidies of Japan, South Korea, Germany, and Norway.

After Ambassador Carla Hills received assurance from these and other European governments that they were prepared to negotiate an end to their trade distorting practices, the industry was asked to withdraw its petition, which it did.

Based on the responsiveness of these foreign governments, Ambassador Hills assured American shipyards that an agreement could be achieved by March 1990.

Regretably, that deadline, along with four others, came and went with no trade agreement in hand. Then in April of this year, our industry and the USTR were dealt a serious blow when the Government of Japan, European governments, and South Korea walked out of the negotiations.

After 3 years of trying, we are no closer to the elimination of shipbuilding subsidies than we were when the effort began.

As the U.S. industry waited patiently for a trade agreement, shipyards continued to close and thousands of workers were added to the unemployment lines. Passage of H.R. 2056 now constitutes the only means to send a message to foreign governments that America will no longer tolerate subsidies which injure American companies and cost American workers their jobs.

Without this bill, there will be no chance of ever getting an agreement to stop these practices, and another American industry will fall victim to unfair foreign trade practices.

American yards do not want subsidies for themselves; they just want the opportunity to complete in a free market. I will vote for H.R. 2056 and against the motion to strike title one. I strongly urge my colleagues to do the same.

Mr. Speaker, my colleagues, we deal a lot in symbolism here. That is what we are doing here. We have to send a very strong message. This is not protectionism. This is a vote for free, fair, and open trade.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I represent thousands of folks who live along the shores of beautiful Lake Michigan and among the hundreds of small, inland lakes like Paw Paw Lake, Klinger Lake, and Sister Lakes; and rivers like the Kalamazoo.

I have spoken to many of my boaters back home and they have relayed to me that there is perhaps only one greater frustration than being out in the middle of a lake on a scorching hot day, with all of your food and cold pop gone, no fish biting, and your outboard motor not starting—and that is having to pay a boat tax masquerading as a user fee—dumb.

But you see, Mr. Speaker, my constituents are not dumb. They know fully well that the revenue raised by the so-called user fee does not go toward Coast Guard activities—it goes to the general treasury where it is used to fuel more out-of-control Federal spending. Furthermore, they know that this tax does not even apply to those bodies of water where there is no Coast Guard presence—not even buoys.

My constituents work hard all week so that they can take their boats out on the welcoming waters of Lake Michigan and relax with their families. Let us not deceptively tax them for this one simple pleasure.

I voted against this tax which was tucked away in the 1990 Budget Act, and since day one I have cosponsor the bill which repeals this tax, and I urge all of my colleagues to vote to repeal this tax today—now.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], a hard-working member of the Committee on Merchant Marine and Fisheries.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of H.R. 2056.

Mr. Speaker, I serve on the Committee on Merchant Marine and Fisheries, and I also have a lot of shipbuilding and ship repair interests within my district.

The last ship that was being built in the United States was the *R.J. Pfieffer* that just set sail about 30-some days ago.

□ 1540

That is the last commercial ship being built within the United States, and yet I have heard Members ask, "Well, why can't we hold off on this?"

How long do we have to hold off? There are no ships being built within the United States. The trade subsidies, the anticompetitiveness, the unfair trade practices exist.

Now, I support free trade, but this is not free trade if we allow foreign shipbuilders and ship repair facilities to accept subsidies and turn that back.

I have heard the argument that it is our unions that cause inflated prices. That has been disproven. It is not the unions. It is not our workers, but when Japan subsidizes its shipbuilding by $3 billion it is very difficult to make up that difference. Our shipbuilders cannot compete. We need H.R. 2056 to protect our workers.

Mr. Speaker, I would ask my colleague when they talk about the creation of jobs, when they ask about the support of minorities, because in my district I have 70 percent of my constituents who are minorities, and the majority of the staffs and the workers who work in those shipyards are minorities. These are the middle-class people. These in many cases are the lower ranked people within the economic atmosphere.

If you do not support this bill, those are the folks we are going to be hurting, the blue collar, the middle American, the hard-working American who needs those jobs.

What happens is that countries like Japan do not have a government. They have business that runs their Government. We need to do the same thing and treat our industries more like business, and this bill does that.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I would like to rise today to join my colleagues in strong support for the Shipbuilding Trade Reform Act of 1992.

The shipbuilding and repair industry is one of the largest employers in the Commonwealth of Virginia. If the industry is allowed to die, the cost to the people of my district and my State will be overwhelming. Thousands of workers will lose their jobs and over 150 businesses in Virginia will either be closed or severely weakened.

If we allow our shipbuilding and repair industry to die, the cost in my State will be high, but the cost for our Nation as a whole will be even higher. If we lose our shipbuilding base—which is expected to happen by 1998—we will lose over 180,000 jobs across this country and will lose our competitive edge in both commercial and military shipbuilding technology. The potential cost to our security, however, is incalculable.

The root of our demise in the shipbuilding industries lies in foreign shipbuilding subsidies. Dollar for dollar, pound for pound, foreign ships simply cannot compete with those built in the United States. We build better ships and we can sell those ships for less than our competitors. But we cannot compete against unfair trading practices and we cannot compete against foreign governments which subsidize their shipbuilding industries.

The reason to subsidize shipbuilding is simple. Every dollar spent on shipbuilding adds $3 to the local economy. Every job created in shipbuilding industries creates three associated jobs. Yet in 1981, we decided to eliminate our subsidies without insisting that our major competitors do the same. Eleven years later—after 40 American shipbuilding yards have closed down and 120,000 American shipbuilding jobs have been exported to Europe, Korea, and Japan—we are forced to reevaluate our policy and reconsider the importance of the shipbuilding industry to the United States.

The bill we are considering today does not resubsidize the shipbuilding industry. It does not force American taxpayers to prop up a declining industry. It only seeks to level the international playing field and to allow our ships to compete with those built overseas. There are negotiations going on today which would accomplish these goals and obviate the need for this legislation. But that treaty could be years away and in the meantime, our industry will continue to whither and die.

I urge my colleagues to join me in protecting our shipbuilding industry and in voting for H.R. 2056 today.

Mr. BONIOR. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. PANETTA], the chairman of our Committee on the Budget.

Mr. PANETTA. Mr. Speaker, I would just want to comment with regard to the repeal of the boat fees that are contained in this legislation.

I think while there are different views about whether or not these fees were responsible in the first place, I think it would have been irresponsible to have repealed this provision without replacing these revenues.

What we do include in here in order to replace the revenues are fees with regard to electronic access to the Federal Maritime Commission. So it is not just a question of repealing the boat fees. It is replacing them with other revenues so that in the end we do not simply add it to the deficit. For that I commend the committee for their action on that particular feature.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge opposition to this rule. It is a closed rule—restrictive—once again following that long line, and I hope my colleagues will all join in closing this out and we can go back upstairs and try to close out a rule which will be fair so that every Member may have a chance to have their amendments considered.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in strong support of H.R. 2056.

In my lifetime our Nation has gone from the world's second greatest maritime power to a Nation that is now 24th in the world of commercial shipbuilding.

In 1980, our Nation was building about 80 ships a year. Shortly thereafter, President Ronald Reagan recommended, and unfortunately this Congress approved the end of the shipbuilding subsidies in the United States of America. Unfortunately, it was the end of subsidies only in the United States of America.

You see, we ranked 24th in the world of commercial shipbuilding, but 16 countries in line ahead of us get some form of foreign aid from the United States. As a matter of fact, the cumulative total of that is $3,820,000,000 in foreign aid that those 16 countries, that build more ships than we do, get in foreign aid.

Additionally, nine of the countries ahead of us in line receive substantial U.S. troop presence in their countries which again reduces their defense costs at the expense of the American taxpayer, for a total of over 300,000 American men and women in uniform protecting these countries so that they can free up money so that they can subsidize shipbuilding in their countries.

In other words, we have subsidized other countries so they can subsidize their shipbuilding, so that they can put 300,000 American workers out of work.

I would prefer to bring that to subsidies, Mr. Speaker, but that does not seem to be the temperament of this Congress, and the next best thing to that is seeing to it that we no longer subsidize those countries that subsidize their shipbuilding.

I think the Gibbons bill is at least an avenue to do that.

I also support removal of the boat-user fees.

I see this bill as a very effective means of accomplishing these two goals.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Wisconisn [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I thank my colleagues for their courtesy, and I thank the gentleman for yielding me this time.

Mr. Speaker. I want to state my strong support for today's efforts to do away with the so-called Coast Guard user fee.

You know, it is entirely understandable why the public distrusts Congress. Just consider the false advertising which comes with the title of Coast Guard user fee.

First of all, it is not really a user fee at all. Rather, it is a tax.

User fees are supposed to help fund services which people receive. But the Government has done everything in its power to include waterways under the so-called user fee requirements which receive no real services from the Coast Guard whatsoever.

Further, user fees are commonly justified as necessary to enhanced the services which the users supposedly receive. But this is not the case even where the Coast Guard operates. And this is because the money does not go to the Coast Guard at all, but rather to the Treasury.

It is false to call this a Coast Guard user fee. Rather, a more correct title would be the Congress' annoying nothing for something fee.

This tax is doubly slick because, first, it is mislabeled; and second, because its supporters would have us conclude that only rich people own boats.

But nationwide, 52 percent of all boaters earn less than $35,000 per year, and 74 percent of boaters earn less than $50,000 per year. This is not boat user fee—it is a middle-class tax, a middle-class tax masquerading as a fee on the wealthy.

It is also a tax that specifically impacts Wisconsin's east coast. And I have to tell you, the boat owners and the businesses which depend on boating and tourism are paying plenty of taxes already. They are right to be angry that Congress singled them out for special treatment, while dressing up the effort in deceptive rhetoric. That is why I am keeping faith with the people of Wisconsin by insisting on repeal of the so-called user fee—which in reality is Congress' annoying nothing for something fee.

☐ 1550

Mr. DREIER of California. Mr. Speaker, once again I will ask that my colleagues vote "no" on this rule. It is a restrictive closed rule.

Mr. Speaker, I am happy at this time to yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that my colleagues will vote "yes" on the rule and "yes" on the bill, and we can then send this piece of legislation to the Senate and then to the President and the President can, on his day of relaxation in Maine, get in his boat, sail off the shore and thousands and thousands of Maine people can greet him on the ocean and cheer him on and wave and thank him for signing what they would consider, I think a very important piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. McNULTY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The questions was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 125, not voting 19, as follows:

[Roll No. 119]

YEAS—290

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price

Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Ridge
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—125

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bereuter
Bilirakis
Bliley
Broomfield
Bunning
Burton
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Eckart
Edwards (OK)
Ewing
Fascell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Grandy
Green
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Marlenee
Martin
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Paxon
Porter
Pursell
Ramstad
Regula
Rhodes
Riggs
Rinaldo
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

AuCoin
Bryant
Clement
Dannemeyer
Dymally
Edwards (CA)
Engel
Hatcher
Kolter
Levine (CA)
Lightfoot
McCrery
Moakley
Mrazek
Parker
Roukema
Sangmeister
Santorum
Staggers

☐ 1612

The Clerk announced the following pair:

On this vote:

Mr. Dymally for, with Mrs. Roukema against.

Mr. PURSELL changed his vote from "yea" to "nay."

Mr. LAUGHLIN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 2056.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, April 30, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on April 30, 1992. These resolutions authorize studies of potential water resources projects by the Army Corps of Engineers in accordance with the provisions of section 4 of the Act of March 4, 1913.

Sincerely,

ROBERT A. ROE,
Chairman.

There was no objection.

NATIONAL YOUTH APPRENTICESHIP ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-329)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit herewith for your immediate consideration the "National Youth Apprenticeship Act of 1992." Also transmitted is a section-by-section analysis.

This legislation would establish a national framework for implementing comprehensive youth apprenticeship programs. These programs would be a high-quality learning alternative for preparing young people to be valuable and productive members of the 21st century work force. Although this framework has been designed to be comprehensive and national in scope, it is also flexible enough to allow States to customize the model to economic, demographic, and other local conditions.

I am proposing this legislation in order to promote a comprehensive approach for helping our youth make the transition from school to the workplace and strive to reach high levels of academic achievement. The lack of such an approach is one very important reason that a significant proportion of American youth do not possess the necessary skills to meet employer requirements for entry level positions.

There is widespread agreement that the time has come to strengthen the connection between the academic subjects taught in our schools and the demands of the modern, high-technology workplace. Work-based learning models have proven to be effective approaches for preparing youth at the secondary school level.

Under my proposal, a student could enter a youth apprenticeship program in the 11th or 12th grade. Before reaching these grades, students would receive career and academic guidance to prepare them for entry into youth apprenticeship programs. Particular programs may end with graduation from high school or continue for up to an additional 2 years of postsecondary education. In addition to the high school diploma, all youth apprentices would earn a certificate of competency and quality for a postsecondary program, a registered apprenticeship program, or employment.

A youth apprentice would receive academic instruction, job training, and work experience. The program is intended to attract and develop high-quality, motivated students. Standards of academic achievement, consistent with voluntary, national standards, will apply to all academic instruction, including the required instruction in the core subjects of English, mathematics, science, history, and geography. Students also would be expected to demonstrate mastery of job skills.

My proposal provides for vigorous involvement at the Federal, State, and local levels to ensure the success of the program. It also requires that employers, schools, students, and parents promise to work together to achieve the program goals. Enactment of my proposal will result in national standards applicable to all youth apprenticeship programs. Thus, upon completion of the program, the youth apprentice will have a portable credential that will be recognized wherever the individual may go to seek employment or pursue further education and training.

I believe that the time has come for a national, comprehensive approach to work-based learning. The bill I am proposing would establish a formal process in which business, labor, and education would form partnerships to motivate the Nation's young people to stay in school and become productive citizens. It will provide American youth the opportunity to gain marketable and portable skills while establishing a relationship with a prospective employer.

I urge the Congress to give swift and favorable consideration to the National Youth Apprenticeship Act of 1992.

GEORGE BUSH.

THE WHITE HOUSE, *May 13, 1992*.

SHIP BUILDING TRADE REFORM ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2056.

□ 1615

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2056) to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped, with Ms. PELOSI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes, the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes, the gentleman from North Carolina [Mr. JONES] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 2056, the Shipbuilding Trade Reform Act of 1992. This legislation is designed to ensure fair international trade in the commercial ship building and repair industry by enacting new trade remedies against subsidized and dumped foreign built commercial vessels. No such trade remedies are available under current law. The bill also provides for a phased repeal of the recreational vessel user fee beginning in fiscal 1993. It would offset this loss of revenue by charging a small computer access fee through fiscal year 1995 for access to the Federal Maritime Commission's organized tariff data.

Madam Chairman, the U.S. ship building industry has been virtually shut out of the global commercial ship building market since the U.S. Government terminated subsidies to our shipyards in 1981 without insisting that foreign governments do likewise. Our industry, which had then to rely primarily on the construction of vessels for the U.S. military, lost a third of its capacity and nearly 60,000 jobs in the 1980's. Another 60,000 jobs were lost in industries that supply materials and equipment to the shipyards.

The U.S. shipyards that survived the 1980's by building and repairing ships for the U.S. Navy now find that this business is also in jeopardy as our defense budget is reduced. Indeed, it is estimated that, unless U.S. shipyards return to the global commercial market, an additional 180,000 Americans could lose their jobs by 1998. However, if U.S. shipbuilders are to compete in the commercial market, they must be able to compete on a level playing field and not be forced to compete against huge foreign government subsidies.

We have waited patiently since July 1989 for the administration to try to negotiate rules on shipbuilding subsidies in the OECD. Those negotiations have broken down and there is no indication they will ever resume. Unfortunately, the administration has never offered any alternative to the hope that there may be an international agreement someday. The U.S. ship building industry can no longer afford to wait. The time for legislative action has arrived.

Madam Chairman, the Committee on Ways and Means worked carefully with Chairman JONES and the Committee on Merchant Marine and Fisheries in fashioning this legislation. Both committees made substantial changes to the bill as it was introduced in order to address the legitimate concerns raised by those who expressed misgivings about the bill, particularly U.S. shipowners and operators, and U.S. ports. By making the bill apply only to ships built after the date of enactment, by clarifying to which foreign shipyards the bill will apply, by altering the provisions on repair subsidies, and by making a number of technical changes, I believe that the two committees were able to craft a piece of legislation that takes into account the interests of all segments of the maritime industry.

Madam Chairman, it is important that we maintain a viable ship building industry in this country. For that reason, this legislation deserves the support of the House. I hope that my colleagues will join me in supporting this bill today.

Because there is no report for H.R. 2056 as it is being considered by the House, I am attaching an explanation of the bill and anticipate that this explanation will be treated as legislative history.

EXPLANATION OF AMENDMENT TO H.R. 2056 (SHIPBUILDING TRADE REFORM ACT OF 1992)

I. LEGISLATIVE BACKGROUND

Background of H.R. 2056

H.R. 2056 was reported on November 4, 1991 (H. Rept. 102–284, Part 1), by the Committee on Ways and Means ("Ways and Means"), and was sequentially referred to the Committee on Merchant Marine and Fisheries ("Merchant Marine"). Merchant Marine ordered the bill reported on March 6, 1992, with an amendment as a substitute (H. Rept. 102–284, Part 2). As originally reported by Ways and Means, H.R. 2056 would amend the Tariff Act of 1930 to require that a document certifying that a vessel is subsidy free be provided as a condition of entry of that vessel into customs collection districts and to provide remedies under the countervailing and antidumping laws against foreign-built ships that are subsidized or dumped.

Summary of H.R. 2056 as reported by Merchant Marine

Merchant Marine approved five changes to H.R. 2056. First, with respect to the provisions of H.R. 2056 that provide trade remedies against subsidized and dumped foreign commercial ships, the bill as reported by Merchant Marine includes a number of changes related to the effective date, a listing by the Secretary of Commerce of subsidized foreign shipyards, repairs, agreements with foreign nations, and certain maritime promotion programs.

Second, as reported by Merchant Marine, the bill includes a phased repeal, beginning in fiscal year 1993, of the annual Coast Guard recreational boat user fee ("boat user fee") imposed by section 10401 of the Omnibus Budget Reconciliation Act of 1990 ("1990 Act").

Third, as reported by Merchant Marine, the bill includes a provision intended to raise offsetting revenues for the phased repeal of the boat user fee by imposing a fee on persons directly or indirectly electronically using certain tariff information available from the Federal Maritime Commission ("FMC"), effective on June 1, 1992 (the "FMC access fee").

Fourth, as reported by Merchant Marine, the bill establishes a Strategic Sealift Fund ("Sealift Fund") in the Treasury. Amounts raised by the FMC access fee in excess of FMC requirements for the electronic data base would be credited to the Sealift Fund to be available for future authorizations for U.S. sealift requirements.

Fifth, as reported by Merchant Marine, the bill expands the definition of vessels eligible for the capital construction fund provisions of the Merchant Marine Act, 1936 and the Internal Revenue Code of 1986 to include certain vessels constructed or reconstructed in foreign ports.

Substitute amendment to H.R. 2056

On April 1, 1992, Ways and Means authorized the Chairman to offer a substitute amendment ("the amendment") to the provisions of H.R. 2056 as reported by Merchant Marine and Ways and Means. On April 29, 1992, the Committee on Rules adopted a rule on H.R. 2056, to allow the amendment to be considered as original text for consideration of H.R. 2056.

The amendment is summarized in Part II following. The amendment does not include the Merchant Marine provisions relating to the Sealift Fund or the capital construction fund.

II. SUMMARY OF THE AMENDMENT

Title I—Fair Trade for the Commercial Shipbuilding and Repair Industry

Title I of the amendment generally includes the provisions of Title I of H.R. 2056 as reported by Merchant Marine.

The purpose of Title I of the amendment is to amend the Tariff Act of 1930, as amended, to ensure fair international trade practices in the commercial shipbuilding and repair industries by establishing trade remedies against commercial ships constructed in subsidized foreign shipyards and, in some cases, dumped on the world shipping market after construction. The amendment requires the master of any self-propelled, sea-going vessel weighing at least 100 tons to present a construction subsidy certification to the U.S. Customs Service as a condition of formal entry of the vessel. Entry of the vessel would be denied without the presentment of the certification. This document would certify that any construction or reconstruction of the vessel meets one of seven requirements which ensures that the vessel is, in essence, subsidy-free or was constructed prior to the date of enactment of the bill. The Secretary of Commerce is required to establish and maintain a list of foreign subsidized shipyards (the "black list"). Any ship not built in a shipyard on the "black list" would be automatically entitled to a construction subsidy certification.

Title I also provides a separate method for dealing with foreign repair subsidies under which the owner or master of a vessel must file with the U.S. Customs Service a repair subsidy declaration upon entry of the vessel. If the repair were performed in a subsidized foreign shipyard on the "black list" maintained by the Secretary of Commerce, a surety in the amount of two times the value of the repairs must be filed to cover the eventual duties that would have to be paid to offset the amount of the subsidy.

Title I establishes procedures for obtaining certifications, and for investigations by the Secretary of Commerce to ascertain whether a subsidy, in the context of this certification requirement or the repair declaration, has been granted or provided to a particular vessel. False certifications or declarations may lead to civil and criminal penalties under section 436 of the Tariff Act, as well as payment to the U.S. Treasury for the amount of subsidy received.

Title I also amends Title VII of the Tariff Act of 1930, as amended, to authorize the application of countervailing or antidumping duties to purchases of dumped or subsidized vessels by U.S. persons.

Title II—Revenue Provisions

Title II of the amendment provides a phased repeal of the boat user fee and includes an FMC access fee to provide sufficient offsetting revenues to the repeal of the boat user fee.

Boat user fee

The amendment modifies the boat user fee repeal schedule under H.R. 2056 as reported by Merchant Marine, and provides a phased repeal of the boat user fee in fiscal years 1993 and 1994. After fiscal year 1994, the boat user fee is completely repealed.

FMC access fee

The amendment modifies the FMC access fee under H.R. 2056 as reported by Merchant Marine by increasing the fee from 35 cents per minute to 46 cents per minute. As modified, the FMC access fee is effective June 1, 1992–September 30, 1995. The revenues from the FMC access fee are retained in the General Fund.

III. EXPLANATION OF THE AMENDMENT

Title I—Fair Trade for the Commercial Shipbuilding and Repair Industry

Congressional Findings and Purpose (Sec. 102)

Section 102(a) sets forth the findings by Congress related to foreign shipbuilding subsidies. These findings include:

(1) That Congress terminated funding for the last direct subsidy program for U.S. shipyards, the Construction-Differential Subsidy Program, in 1981.

(2) That the international shipbuilding market is distorted by many forms of foreign subsidies.

(3) That existing U.S. trade laws provide limited remedies to counter foreign shipbuilding subsidy practices which distort free and fair trade.

(4) That a multilateral agreement to eliminate shipbuilding subsidies is the best means of providing fair international competition.

Section 102(b) states that the purpose of the title is to ensure fair trade in the commercial shipbuilding and repair industry by enacting new trade remedies against subsidized and dumped foreign-built commercial vessels.

Subsidized Shipyard List and Required Vessel Entry Documentation Regarding Construction and Repair Subsidies (Sec. 103)

Present law

Part II of Title IV of the Tariff Act of 1930, as amended, (19 U.S.C. 1431 et seq.) establishes the rules and procedures for the report, entry, and unlading of vessels and vehicles. Sections 431–432 of that Act provide the requirements for manifests. Sections 433–435 of that Act provide the requirements for arrival and entry of American and foreign vessels. Under these provisions, the general rule is that the master of any foreign vessel, or of any American vessel arriving from a foreign port or place, arriving within the limits of any customs collection district is required, within 48 hours, to make formal entry of the vessel at the customhouse.

Section 436 of that Act sets forth penalties for violations of arrival, reporting, and entry requirements. It is unlawful to fail to report on arrival; to present any forged, altered, or false document, paper, or manifest to a customs officer without revealing the facts; to fail to make entry; or to fail to comply with, or violate, any regulation prescribed under these sections. Violators shall be liable for a civil penalty of $5,000 for the first violation, and $10,000 for each subsequent violation, and any vessel used in connection with any such violation is subject to seizure and forfeiture. In addition, any master who intentionally commits any violation is, upon conviction, liable for criminal penalties of a fine of not more than $2,000, or imprisonment for one year, or both.

Explanation of Provisions

Tariff Act amendments

Section 103(a) amends the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) by adding sections 435A–435D to that Act.

Section 435A—Listing of subsidized shipyards

New section 435A(a) of the Tariff Act of 1930 requires the administering authority to establish a list (the "black list") of those foreign shipyards that receive or benefit from, directly or indirectly, a subsidy for the construction or repair of vessels.

Section 103(b) of the amendment provides transitional provisions for this listing. Under section 103(b), the initial list will contain those foreign shipyards in those countries which are being subsidized by their governments, including specifically those shipyards in those countries which are parties to OECD Working Party 6. Those shipyards will remain on the "black list" until either the foreign country signs a trade agreement with the United States which provides for the elimination of subsidies or the administering authority, after an investigation, publishes a new list of shipyards which are subsidized under section 103(b)(2).

New section 435A(b) allows the administering authority to conduct an investigation when there is reason to believe that a foreign shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels. If a foreign shipyard is found to be receiving subsidies, it is added to the list.

New section 435A(c) requires the administering authority to make a determination after an investigation as to whether the shipyard that was investigated receives or benefits from, directly or indirectly, any subsidy for the construction or repair of vessels. If a positive determination is made that a foreign shipyard is the beneficiary of a subsidy, the administering authority is required to add the shipyard to the "black list", notify the shipyard of its inclusion on the "black list", and publish notice of that determination and listing the Federal Register.

New section 435A(d)(1) allows the administering authority to add a shipyard to the list prior to the investigation under 435A(b) or the determination under 435A(c) if it has a "reasonable basis to suspect" that a shipyard may be receiving a subsidy. This "emergency listing" is followed by an investigation which must be completed in 90 days. (See section 435A(d)(2).)

The decision to place a shipyard on the list on an emergency basis is not reviewable prior to completion of the investigation. (See section 435D(b).) Whether the shipyard is placed on the list after the investigation under section 435A(b) or after the investigation under section 435A(d)(2), a shipyard has the right to have that determination reviewed by the administering authority under section 435(A)(e).

New section 435A(f) allows a foreign shipyard to request reconsideration of a listing based on changed circumstances. However, the applicant has the "burden of persuasion" and may not make more than one application per year. The applicant shipyard may only be removed from the list if the foreign shipyard has proved that it does not receive a subsidy or the country in which the shipyard is located has signed an appropriate bilateral agreement that provides for the immediate elimination of construction and repair subsidies.

New section 435A(g) requires the administering authority to place a foreign shipyard on the "black list" for a minimum of five years if the foreign shipyard or its government provide the administering authority with false or misleading information during an investigation or if any new subsidies are implemented.

New section 435A(h) allows a civil action against the United States Government for failure to use due diligence in conducting an investigation or in listing a subsidized shipyard on the "black list".

Section 435B—Construction subsidy certification required of vessels

New section 435B(a) of the Tariff Act of 1930 requires the master of a vessel to deposit with the appropriate customs officer, at the time of making formal entry of the vessel under section 434 or 435, a construction subsidy certification for the vessel. Presentment of a subsidy certification is an affirmative requirement for formal entry of the vessel; if no certification is presented to the customs officer, then entry of the vessel must be denied.

New section 435B(b) provides the standards for the issuance of a construction subsidy certification. The construction subsidy certification must either be issued by the administering authority (i.e., the Secretary of Commerce, who makes similar subsidy determinations under the countervailing duty law) in response to an application for a subsidy certification filed under subsection (b)(3), or be in such form as the administering authority shall prescribe and signed by the vessel's owner or builder. The certification must also attest that any construction subsidy carried out with respect to the vessel meets at least one of the following seven conditions:

(A) No subsidy was granted or otherwise provided with respect to the construction;

(B) The construction was carried out with the benefit of one or more subsidies all of which were granted or otherwise provided before date of enactment;

(C) The construction was carried out pursuant to a specific contract entered into before October 16, 1991;

(D) The construction was carried out with the benefit of one or more subsidies that were granted or otherwise provided during the 2-year period beginning on date of enactment, but an amount equal to the value of each such subsidy was repaid before the second anniversary of such date of enactment to the agency that granted or otherwise provided the subsidy;

(E) The construction was carried out with the benefit of one or more subsidies that were granted or provided on or after date of enactment, but an amount equal to the value of such subsidy (reduced by any amount repaid under (D)) has been paid to the U.S. Treasury;

(F) The construction was carried out in a foreign country which is a signatory to a trade agreement with the United States that provides for the elimination of construction subsidies for vessels; or

(G) The construction was carried out in a shipyard that, at the time of contracting for construction of the vessel, was not on the list established under section 435A(a) (i.e., the "black list").

New section 435B(c) provides that, if the Secretary of the Treasury has reason to believe that an unlawful act under section 436 of the Tariff Act of 1930, as amended, with respect to the construction subsidy certification has been committed, the Secretary shall undertake such investigation as may be necessary to ascertain whether action against the master or the vessel, or both, is warranted. Furthermore, the Secretary shall inform the administering authority if he discovers, during the course of his investigation, that the vessel in question does not meet the certification requirements of the law.

New section 435B(d) deals with the issuance of construction subsidy certifications by the administering authority. Application for a subsidy certification may be made by the owner or lessee of a vessel, or the builder of a vessel. Applications shall be made to the administering authority and must be accompanied by such supporting documentation as required for the purposes of establishing the eligibility of the vessel for such certification. The administering authority shall decide within 90 days of receiving any application whether to issue or deny the subsidy certification. Such decision shall be made publicly available. If an application for a subsidy certification is denied or conditioned, the administering authority must provide the applicant with a written statement of the reasons for the denial or condition. The applicant may, within 14 days thereafter, request a review by the administering authority under subsection (e)(3).

New section 435B(e) sets out the procedures for determinations and reviews relating to construction subsidy certificates. The administering authority shall, on the basis of either information available to it, information provided by the Secretary of Treasury, or petition from an interested third party, initiate a preliminary investigation to decide whether there is reasonable cause to believe that a vessel does not meet the construction subsidy certification requirements. If the administering authority determines that the construction subsidy certification requirements have not been met, the administering authority shall set forth in the determination what corrective action must be taken. (Usually, this will entail payment in the amount of the subsidy to the U.S. Treasury.) The builder of the vessel shall be primarily responsible, and the vessel owner or operator secondarily responsible, for taking any corrective action. Until such corrective action is taken and a valid construction subsidy certification for the vessel is issued, neither that vessel, nor any other vessel that is owned or leased by the owner of that vessel may arrive at, or remain, at any port or place in the United States.

Section 435C—Declaration of repair subsidies required of vessels for entry

New section 435C provides a procedure for determinations of repair subsidies separate from the procedure used for construction subsidy certifications made under section 435B. This is because repairs are made to vessels which are currently engaged in commerce, as contrasted to vessels to be built that have not yet entered into commerce. Section 435C is designed to achieve the same objectives for repair subsidies as section 435B is designed to achieve for construction subsidies, without requiring vessels to be tied up in port while the repair subsidy determinations are made.

New section 435C(a)(1) requires the owner or master of a vessel to deposit with the U.S. Customs service a repair subsidy declaration on the entering vessel. The declaration will provide information on repairs to the vessel since the last entry, the name of the foreign shipyard, and the value of the repairs. If the repairs were made in a shipyard on the "black list," then the owner or master is required to file a surety in the amount of two times the value of the repairs. Upon the filing of the surety, the vessel is free to clear customs as originally scheduled. A preliminary determination of the actual amount owed is made by the administering authority within 30 days after the application by the vessel owner. At any time before the preliminary finding is made, an interested party may file information with the administering authority regarding the validity or accuracy of the information provided by the master or the vessel's owner. Both the owner or an interested party may petition for review within 15 days after the preliminary finding. A "final" repair determination is made within 30 days of the petition for review. Payment is required within 30 days after the final repair determination.

Section 435D—Definitions and administrative provisions related to determinations and reviews under sections 435A, 435B, and 435C

The amendment establishes, within new section 435D(a), definitions for terms used.

Subsection (a)(1) provides a definition of the term "administering authority" as the officer of the United States responsible for determining under Subtitle A of Title VII (the countervailing duty law) whether subsidies are provided with respect to imported merchandise. This means the Secretary of Commerce.

Subsection (a)(2) provides a definition of the term "construction" to include reconstruction.

Subsection (a)(3) provides a definition of the term "interested party" to include a person that engages in ship construction in the United States; a certified union or recognized union or group of workers which is representative of an industry that engages in ship construction in the United States; a trade or business association, a majority of whose members engage in ship construction in the United States; and an association, a majority of whose members is composed of interested parties described in the previous three categories with respect to ship construction.

Subsection (a)(4) defines the term "foreign shipyard" to include a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

Subsection (a)(5) provides a definition of the term "subsidy" which includes eight types of policies and practices that directly or indirectly support shipbuilding and repair activities.

New section 436D(b) details the hearing and review procedures applicable to determinations and reviews made under the section relating to the listing of subsidized shipyards (section 435A), the construction subsidy certifications (section 435B), and the repair determinations (section 435C). Procedures for judicial review are contained in the existing section 516(a) of the Tariff Act of 1930 (19 U.S.C. 1516a) and are incorporated by reference.

New section 436D also contains provisions on proprietary information, verification of information, and best information available which incorporate by reference the standards and procedures currently followed by the administering authority in its antidumping and countervailing duty investigations under Title VII of the Tariff Act.

Transitional amendments

Section 103(b)(1) of the amendment provides that all shipyards, including those shipyards in those countries that are parties to OECD Working Party 6, are deemed to be on the initial list prescribed under section 435A of the Tariff Act of 1930 unless the administering authority determines by clear and convincing evidence that a foreign shipyard does not receive or benefit from subsidies. These shipyards remain on the "statutory" list until a new list is published after an investigation or until these countries sign an appropriate trade agreement with the United States.

Section 103(b)(2) of the amendment requires the administering authority to conduct an investigation of all foreign shipyards within the first 120 days and make a determination as to whether or not they receive or benefit from, directly or indirectly, a subsidy for the construction or repair of vessels.

If a shipyard is determined to be the beneficiary of any subsidy, notification of that determination must also be published in the Federal Register.

Section 103(c) of the amendment delays the effective date of new section 435A(h) of the Tariff Act of 1930, which provides for civil actions against the United States government for failure of the administering authority to investigate a foreign shipyard, make a determination as to whether that shipyard is the beneficiary of a subsidy, and add that shipyard to the "black list".

Section 103(d) of the amendment clarifies that new section 435C of the Tariff Act of 1930 only applies to repairs made to a vessel under a contract entered into after the date of enactment of the bill.

Conforming Amendments (Sec. 104)

Section 104 of the amendment makes conforming amendments to sections 434 and 436 of the Tariff Act of 1930 consistent with the objectives and provisions of the rest of Title I.

Treatment of Vessels Under the Countervailing and Antidumping Duty Laws (Sec. 105)

Present law

Title VII of the Tariff Act of 1930, as amended, authorizes the imposition of antidumping or countervailing duties on foreign merchandise that is being sold at less than its fair value or is subsidized, when such imports are causing material injury to a domestic industry. Under the Tariff Act of 1930, vessels are not considered "merchandise", and "entry" of vessels is different than "entry" of merchandise.

Explanation of provision

Section 105(a) of the amendment adds a new section 771C to the Tariff Act of 1930, providing for special rules in applying the antidumping and countervailing duty authorities to foreign-made vessels.

For purposes of Title VII of the Tariff Act, the term "vessel" is defined as any vessel of a kind described in heading 8901 or 8902.00.00 of the Harmonized Tariff Schedule of not less than 100 gross tons, as measured under the international convention on tonnage measurement of ships, 1969. The amendment further provides that vessels are deemed to be merchandise for purposes of Title VII.

In applying the antidumping and countervailing duty authorities, a vessel shall be treated as "sold for importation into the United States" when a U.S. person enters into a contract for the construction, repair, or purchase of the vessel from the builder. A vessel sold for importation into the United States shall be treated as being "offered for entry for consumption under the tariff laws" at the time of its first arrival at a port or place in the United States, regardless of where the vessel is registered or documented.

Section 105(b) provides that these new antidumping and countervailing duty provisions apply only to vessels built or repaired under a contract entered into after the date of enactment of the bill.

The amendments under section 105 would be effective upon date of enactment. In order for antidumping or countervailing duties to be assessed upon sales of foreign-made vessels, there must first be an investigation initiated under Title VII of the Tariff Act, and the requisite affirmative determinations made by the International Trade Commission and the administering authority. Consistent with existing rules and procedures under Title VII of the Tariff Act, future entries (i.e., first arrivals at a port or place in the United States after construction, reconstruction, or repair) would then be subject to the posting of estimated duties and final assessment of duties.

United States Construction Subsidy Programs (Sec. 106)

Section 106 of the amendment amends the Merchant Marine Act of 1936 to allow various capital formation and acquisition programs for U.S.-flag vessels to be used in foreign shipyards, as well as U.S. shipyards, if the vessel is not built with the aid of a foreign subsidy. Under the amendments made by section 106:

(1) U.S.-flag liner vessels built without the aid of subsidy in a foreign shipyard under a contract entered into after October 16, 1991, will be allowed to carry government-impelled cargoes without waiting three years;

(2) U.S.-flag vessel owners will be eligible for operating-differential subsidies if their vessels are built in a foreign shipyard without the aid of a subsidy under a contract entered into after October 16, 1991; and

(3) U.S.-flag vessels owners will be eligible for Title XI loan guarantees on vessels built in a foreign shipyard without the aid of subsidy under a contract entered into after October 16, 1991.

However, the Secretary of Transportation would have to give priority consideration to vessels built for the coastwise trades over vessels built for foreign commerce.

Cost Estimate (Sec. 107)

Section 107 of the amendment provides the cost estimate of Title I. This cost estimate shows no increase in the budget deficit as a result of Title I.

Title II.—Revenue Provisions

Present Law

Boat user fee

Under the 1990 Act, the Secretary of Transportation is directed to establish a "fee or charge" to be collected annually in fiscal years 1991–1995 from owners or operators of "recreational vessels" greater than 16 feet in length. The boat user fee is to be imposed as follows: (a) for vessels of greater than 16 feet but less than 20 feet, not more than $25; (b) for vessels of 20 feet but less than 27 feet, not more than $35; (c) for vessels of 27 feet but less than 40 feet, not more than $50; and (d) for vessels of 40 feet or more, not more than $100.

The Coast Guard issued rules implementing the boat user fee, at the maximum levels allowed under the 1990 Act, effective July 31, 1991.[1] Subject to several exemptions provided by the 1990 Act and/or by the Coast Guard rules, the boat user fee applies to vessels operated on the navigable waters of the United States where the Coast Guard has a presence. Among the exempt vessels are: manually powered boats (e.g., canoes, kayaks, and rafts), sailboards, vessel tenders, unpowered houseboats, and vessels of nonprofit organizations.

Revenues from the boat user fee are deposited in the General Fund of the Treasury as offsetting receipts for Coast Guard activities.

FMC tariff data

Water common carriers in United States foreign and domestic offshore shipping are required to file tariffs with the Federal Maritime Commission. These tariffs and service contracts are currently filed on paper.

In recent years, the FMC has been designing a computer system to allow water common carriers to file the tariffs electronically. This computer system is known as the Automated Tariff Filing and Information System ("ATFI"). The electronically filed tariff information will be the information currently required to be filed under section 8(a)(1) of the Shipping Act of 1984 (46 App. U.S.C. 1707), and includes all rates, charges, classifications, rules and practices assessed by a carrier between all points or ports on a route and any through transportation rate a carrier has established.

It is understood that the FMC plans to sell this tariff data to persons in bulk. Commercial vendors then could resell the information to carriers, shippers, and freight forwarders. The information also could be obtained from the FMC by remote computer access.

Reasons for Change

It is believed that the boat user fee should be repealed to the extent possible without increasing the budget deficit. Because offsetting revenues have to be provided under the "pay-as-you-go" provisions of the 1990 Budget Act, the amendment replaces the revenues from a phased repeal of the boat user fee with sufficient revenues from an FMC access fee.

Explanation of Provisions

Boat user fee (sec. 201)

The amendment modifies the boat user fee repeal schedule under H.R. 2056 as reported by Merchant Marine, and provides a phased repeal of the boat user fee, beginning in fiscal year 1993. Under the amendment for fiscal years 1993 and 1994, the boat user fee is to be imposed under the following schedule—[2]

Boat length, and amount of fee

Fiscal year 1993:

More than 21 feet, but less than 27 feet, not more than $35/year; 27 feet, but less than 40 feet, not more than $50/year; 40 feet or more, not more than $100/year.

Fiscal year 1994:

More than 37 feet, but less than 40 feet, not more than $50/year; 40 feet or more, not more than $100/year.

The boat user fee is completely repealed after fiscal year 1994 (i.e., after September 30, 1994).

FMC Access Fee (Sec. 202)

Imposition of fee

The amendment modifies the FMC access fee under H.R. 2056 as reported by Merchant Marine by increasing the fee from 35 cents per minute to 46 cents per minute, in order to provide sufficient revenue to offset the phased repeal of the boat user fee and to prevent a possible sequester under the pay-go provisions of the Budget Act.

The amendment requires that water common carrier tariffs be filed electronically not later than June 1, 1992, and imposes a fee of 46 cents for each minute of remote computer access to the information in the ATFI. Purchases of the entire database in the ATFI will be allowed. If the purchased information (or access thereto) is then used by the purchaser, resold or otherwise disseminated ("secondary use"), the 46 cents per minute fee applies for each separate computer access to the information. There is no charge for filing of the tariffs with the FMC. Federal agencies using this information are exempt from the fee.

The FMC access fee will expire after September 30, 1995.

The revenues from the FMC access fee in excess of the amounts necessary for FMC administrative costs are to be retained in the General Fund, as offsetting budget receipts.

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[1] See *Federal Register*, July 1, 1991.

[2] Boats with lengths less than the smallest category will not be subject to the boat user fee.

Repayable advances

The Secretary of the Treasury is to make available to the FMC, as a repayable advance in fiscal year 1992, not more than $4 million, to remain available until expended, for FMC use in completing and upgrading the capacity of the ATFI system. Such repayable advances are to be repaid (with interest) to the Treasury not later than September 30, 1995.

Effective Date

The phased reduction of the boat user fee begins on October 1, 1992, and the fee is completely repealed after September 30, 1994.

The provision imposing the FMC access fee is effective on June 1, 1992.

IV. BUDGET EFFECTS OF THE AMENDMENT

The Congressional Budget Office (CBO) has submitted the following cost estimate for the proposed substitute amendment to H.R. 2056.

In summary, CBO indicates that Title I of the amendment has no effect on budget receipts. Title II would result in a net increase in budget offsetting receipts of $466 million over fiscal years 1992–1996 from the phased repeal of the boat user fee and the imposition of the FMC access fee.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 7, 1992.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 2056, the Shipbuilding Trade Reform Act of 1991. Because enactment of H.R. 2056 would affect direct spending, we have provided an attachment with the estimate required by clause 8 of House Rule XXI.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2056.

2. Bill title: The Shipbuilding Trade Reform Act of 1991.

3. Bill status: As approved by the House Committee on Ways and Means on April 1, 1992.

4. Bill purpose: Title I of H.R. 2056 would mandate the creation of a list of foreign shipyard that receive or benefit from subsidies on the construction or repair of vessels. The bill also would require all vessels to present a subsidy certification issued by the Secretary of Commerce in order to enter a U.S. port. To receive the certification, the owners, lessees, or builders of the vessel would have to verify that the vessel meets at least one of seven conditions. First, in the construction, reconstruction, or repair of the vessel, no subsidy was granted. Second, no subsidy was granted after the date of enactment of H.R. 2056. Third, the construction occurred pursuant to a specific contract entered into before October 16, 1991. Fourth, a subsidy was granted after the date of enactment, but repaid to the subsidizing authority before the second anniversary of enactment of the bill. Fifth, a subsidy was granted after enactment, but an amount equal to the subsidy was paid to the U.S. Treasury. Sixth, the foreign country in which the construction was undertaken has signed with the U.S. a trade agreement in which that country agreed to eliminate shipbuilding subsidies. Seventh, the vessel was constructed in a shipyard that, at the time of the contracting was not on the list of foreign shipyards receiving subsidies.

Title I would apply a broad definition of subsidy that includes, but is not limited to, loans and loan guarantees, grants, export credits, preferential tax treatment, debt forgiveness, and official support for such things as investment. If certification is denied after final review by the Department of Commerce, no vessel owned or leased by the owner would be able to enter or remain in a U.S. port unless a payment is made to the U.S. Treasury in the amount of the subsidies. The builder of the vessel (or individual involved in repairs) would be primarily responsible for the payment. The vessel owner or operator would be secondarily responsible.

H.R. 2056 also would make subject to antidumping and countervailing duties all vessels that are constructed, reconstructed, or repaired in a foreign country and sold to, owned by, or leased by a U.S. citizen. At present, vessels are not subject to these duties. The amount of duties would be determined by the Department of Commerce, and the Customs Service would collect them.

Title II of H.R. 2056 would provide for a phased repeal of Section 2110(b) of Title 46, United States Code, which requires the Secretary of Transportation to impose certain fees on recreational boaters. Beginning in fiscal year 1993, fees for vessels of 21 feet or less would be repealed. Charges for vessels of 37 feet or less would be repealed beginning in 1994. For both years, fees for other vessels would remain unchanged. Beginning in 1995, all fees would be repealed.

Section 202 of the bill would establish a new user fee for public access to the Federal Maritime Commission's (FMC's) Automated Tariff Filing and Information System (ATFI). All tariffs and essential terms of service contracts that are required to be filed with the FMC would have to be filed electronically in accordance with a specified schedule beginning on June 1, 1992. (Currently, such documents are filed with the commission on paper. Electronic filing has been initiated by the commission under existing authority, but conversion to the new system has not yet been completed.) Once approved, the filed documents will become part of the ATFI data base and available for retrieval.

Beginning on June 1, 1992, section 202 would remove existing restrictions on public retrieval and use of ATFI data or information and impose a fee of $0.46 per minute on such usage. In addition to the per-minute user fee, there would be a charge for bulk copies of the ATFI database to cover duplication, distribution, and other related costs. No fees could be imposed under the bill after September 30, 1995.

Finally, subsection (g) of this section would specify the budgetary treatment for the ATFI fees and any related costs. For fiscal year 1992, the Secretary of the Treasury would be directed to make available to the FMC a repayable advance of up to $4 million to finance whatever initial expenditures are required to implement the bill. In addition, beginning that year, the FMC would retain fees sufficient to cover annual operating and related expenses (including the repayment of any amounts borrowed in 1992). Any advances made to the FMC would have to be prepaid (with interest) by September 30, 1995. The balance of the fees collected would be deposited in the general fund of the U.S. Treasury as offsetting receipts.

5. Estimated cost to the Federal Government: Title I. Revenues could be generated in the form of payment to the U.S. Treasury in the amount of the foreign subsidies or to the Customs Service in the form of antidumping or countervailing duties. However, CBO is unable to estimate the effect on receipts of these provisions of H.R. 2056 because information on future shipbuilding subsidies and on the implementation of the provisions in the bill is insufficient. Therefore, for purposes of pay-as-you-go considerations, CBO estimates that the effect on receipts of these provisions of H.R. 2056 in fiscal years 1992 through 1995 would be zero.

Title II. The phaseout of boat fees would result in the loss of offsetting receipts in each of fiscal years 1993 through 1995 (after which the authority to collect such fees will expire). The total amount lost over this period, $394 million, would be more than offset by the new ATFI user fees imposed by section 202. (CBO estimates that new fee collections through 1995 would total $860 million.) The net budgetary impact of H.R. 2056 is summarized in the following table:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Estimated budget authority and outlays:						
Repeal of boat fees	0	94	139	161	0	0
ATFI fees	0	−190	−285	−385	0	0
Total	0	−96	−146	−224	0	0

The outlay effects of this bill fall within budget function 400.

Basis of Estimate: The net budgetary impact of the bill would be a gain of $466 million in offsetting receipts over the 1993-1995 period. In each of the fiscal years during this period, the new receipts would exceed losses from the repeal of boat fees.

For purposes of this estimate, CBO has assumed that H.R. 2056 will be enacted by June 1992. Details and other assumptions are discussed below.

Repeal of Recreation Boat Fees. The loss of receipts from the repeal of recreation boat fees is estimated to result in additional budget authority and outlays of $94 million in fiscal year 1993 and a total of $394 million through 1995 (after which the authority to collect such fees will expire). The estimate of forgone receipts is based on the fiscal year 1993 budget resolution baseline, adjusted for the modified collection schedule contained in H.R. 2056. The baseline includes receipts of $143 million in 1993, $152 million in 1994, and $161 million in 1995. The estimated number of vessels in each size category used to determine collections under the fee schedules specified in this bill is based on Coast Guard boating safety statistics.

ATFI Fees. CBO estimates that section 202 would bring in $860 million over the 1993–1995 period. Annual receipts would be about $190 million in fiscal year 1993, growing to $385 million by 1995, over and above the costs of operating the system. After 1995, the authority to collect fees under this bill would expire.

For purposes of this estimate, CBO has assumed that ATFI will be ready for electronic tariff filing by June 1, 1992, and that further system upgrades will be made during the following several months. Because of the June 1, 1992 effective date for tariff filing, gross collections would be quite small in fiscal year 1992 and are estimated to be fully offset by additional FMC spending to upgrade the ARFI system. Also, estimated receipts for 1993 and 1994 reflect initially low retrieval usage until large users have implemented the necessary communications and processing systems. As more tariff users become aware of the ARFI service, receipts would continue to grow, reaching $385 million by 1995. Receipts have been estimated on the basis of information obtained from the Federal Maritime Commission, its ATFI contractors, and other commercial tariff services.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that the enactment of H.R. 2056 would result in a decrease in outlays of $96 million in 1993, $146 million in 1994, and $224 million in 1995. Title I of the bill may also result in a revenue increase, but CBO cannot estimate the amount of any such increase. For pay-as-you-go purposes, CBO estimates the additional receipts to be zero.

7. Estimated cost to state and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On October 29, 1991, CBO prepared a cost estimate for H.R. 2056, as ordered reported by the House Committee on Ways and means on October 16, 1991. That version of the bill was similar to title I of this version.

On June 13, 1991, CBO prepared a cost estimate for H.R. 534, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels, as ordered reported by the House Committee on Merchant Marine and Fisheries on June 12, 1991. On October 22, 1991, a cost estimate was prepared for H.R. 534, the Recreational Boat User Fee Relief Act, as ordered reported by the House Committee on Ways and Means on October 22, 1991. Both of these bills contained similar provisions to those included in title II of H.R. 2056. The CBO estimate for H.R. 2056 reflects differences in the provisions regarding schedules for ATFI implementation and the repeal of boat user fees.

Finally, on March 6, 1992, CBO prepared a cost estimate for H.R. 2056 as ordered reported by the House Committee on Merchant Marine and Fisheries on February 27, 1992. Title I of that bill included a provision on withdrawals form private capital construction funds for the acquisition, construction, or reconstruction of qualified vessels. The substitute for H.R. 2056 approved by the House Committee on Ways and Means does not include this provision. The CBO estimate has been revised to reflect this difference, as well as changes to title II, including modifications in the schedule for repeal of recreation boat fees and an increase in the ATFI fee to $0.46.

20. Estimate prepared by: Deborah Reis (226-2860) and John Stell.

11. Estimate approved by: C.G. Nuckols, Jr., Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	....	−96	−146	−224
Change in receipts	(1)	(1)	(1)	(1)

(1) H.R. 2056 could increase receipts, but CBO cannot estimate the magnitude of the increase so no change in receipts is shown.

☐ 1620

Madam Chairman, I reserve the balance of my time.

Mr. ARCHER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it's very unfortunate that H.R. 2056 comes before us today with two unrelated provisions merged in a way that could assure failure for both. One is a harmful effort to construct penalties for foreign shipbuilding subsidies—the other is the repeal of the onerous recreational boat user fee that our constituents have been demanding since 1990.

The President has vowed to veto the bill because of the harmful effects of the shipbuilding provisions and the unacceptable method of scoring this title for budget purposes. Unless we act to separate title I from the boat user fee repeal in title II, both are doomed.

I intend to offer a motion to recommit the bill with instructions to report back the bill immediately with only the repeal of the boat user fee included.

A vote for my motion will be the only certain chance Members will have to vote for a clean repeal of the user fee this year.

Title II of H.R. 2056, which the motion to recommit preserves, contains a phased repeal of the user fee on recreational boats.

Title II, standing alone, is self-financed and does not rely on directed scorekeeping, it satisfies all requirements of the budget agreement.

I must say a word about the shipbuilding subsidies title of this bill.

Although well-meaning in its attempt to rid the world of government subsidies for shipbuilding and repairs, U.S. ports and shipowners will be unfairly penalized for practices over which they have no control.

Under this bill, all ships entering U.S. ports must have a certificate saying that they were not built or repaired in a shipyard that benefited from any foreign government subsidy.

If the shipowner himself has been unable to calculate all possible subsidies, or if emergency repairs are made after certification, then a penalty must be paid or the ship is denied entry.

I am particularly concerned about the adverse effect on U.S. ports.

Thousands of jobs nationwide are at stake if this title becomes law.

Achieving an international agreement that governs unfair shipbuilding subsidy practices is a goal we all share. We must give our negotiators a chance to succeed by using all the leverage of our trade laws. However, punishing ourselves is not the answer.

Madam Chairman, to summarize, the two unrelated provisions before us should never have been packaged into one bill. By merging the two titles, we kill the needed repeal of the boat user fee and penalize our ports and shipowners for the practices of foreign governments. We must separate these provisions by voting for my motion to recommit and guaranteeing repeal of the boat user fee.

Madam Chairman, I reserve the balance of my time.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Madam Chairman, I thank my good friend, the gentleman from Florida [Mr. GIBBONS] for yielding time to me. I strongly support the Shipbuilding Trade Reforms Act.

I urge my colleagues to do likewise. Foreign subsidies are not simply destroying our country's ability to build ships, they will do it now and will do it strongly and quickly unless we do something about this.

We have seen American shipyards closing down from coast to coast. It is time we do something to see to it that we protect that essential industry.

I would urge my colleagues to support that American industry, the defense of this country, our national security by supporting the legislation.

Madam Chairman, I rise in support of the Shipbuilding Trade Reform Act. Foreign subsidies are not just threatening to destroy our country's capability to build ships. They will succeed unless we do something about it now.

By 1998, we will not have an American shipyard base. The yards will have closed down. Another 180,000 Americans will be out of work, and the companies that supply the shipyards with materials and equipment will be seriously harmed. Some will have to shut down altogether.

This is not an alarmist statement. It is reality. Within 6 years, foreign subsidies will have destroyed our country's ability to build the ships that are the backbone of the Navy.

Why? Because the collapse of the Iron Curtain has changed our defense priorities, and the Navy's requirements for new ships for the remainder of the decade will not keep American yards in business.

American shipyards have to build commercial ships again, or they will not survive. But commercial shipbuilding will be denied to them as long as foreign governments continue to destroy the market with billions of dollars of subsidies.

Massive foreign subsidies drove American yards out of the market in the 1980's. Foreign subsidies are keeping American yards out of the market in the 1990's.

Obviously, if we lose our shipbuilding and repair base, our country's economic health will suffer. That is why 21 labor unions and various organizations such as the American Iron Steel Institute support this legislation. That is why over 2,000 American companies across the country are looking to us in Congress to pass this bill.

These companies include some of the largest in the United States that carry on business in almost every State of the Union, such as General Electric, B.F. Goodrich, and Westinghouse. That is why a vote in favor of this bill and against any motion to recommit is a vote for the American economy and American jobs.

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[1] An estimate of a proposed substitute to H.R. 2056 as approved by the House Committee on Ways and Means on April 1, 1992. This estimate was transmitted by the Congressional Budget Office on April 7, 1992.

Mr. ARCHER. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Madam Chairman, I thank my distinguished colleague for yielding time to me.

Madam Chairman, no one disagrees that foreign shipbuilding subsidies are distorting the world market and having an unfair impact on U.S. shipbuilders. No one disagrees that the process of international negotiations in this area has been fraught with frustration, and so far, less than satisfactory results. Yet H.R. 2056 is a punitive response whose effect will bypass guilty foreign governments and instead hit U.S. ship owners and operators, as well as a great many other Americans whose livelihoods depend on trade.

I urge my colleagues to reject H.R. 2056 as an unworkable, dangerous response which will hurt U.S. interests much more than it will help.

H.R. 2056 would prevent ships built or repaired at a government subsidized shipyard from entering a U.S. port unless the operator can successfully certify to the Commerce Department that an amount equal to the subsidy has been repaid to the foreign government or to the U.S. Government. As a practical matter, the sanctions in H.R. 2056 threaten to put U.S. owners and operators out of business by requiring that they do the work of the U.S. Government of investigating and interrogating shipbuilders as to what complicated subsidy schemes foreign shipbuilders may have received in the past.

Also, H.R. 2056 would prohibit any vessel in a fleet from calling on U.S. ports if just one of the fleet's vessels was repaired in a foreign yard which may have received some sort of indirect subsidy. Even if the owner could ascertain and measure this subsidy, this bill assumes the operator has control over what part of the world his ship will be in when repairs are required—on its face an absurd requirement.

During committee consideration of this bill much testimony was received that the effect of these restrictions would be the development of a two-tiered freight system. Cargoes to and from the United States would be charged at a much higher rate due to the limited number of vessels willing and able to enter U.S. ports. American consumers would shoulder higher prices for imported products. U.S. exporters, too, would become increasingly less competitive in world markets due to the higher cost of moving their products abroad. In addition, there is also the possibility of foreign governments retaliating against U.S. exports.

Another predictable result, brought to our attention by those representing port areas all over this country, is the diversion of cargo to nearby ports in Canada and Mexico where the bureaucratic certification procedures contained in H.R. 2056 would not be required. Operators of ships will make every effort to avoid U.S. ports if they are personally responsible for subsidy information which they have no possible way of confirming.

Madam Chairman, the only fair solution to the problem of foreign ship building subsidies is a multilateral one which can be enforced against the guilty foreign governments and the foreign shipbuilders. This legislation has served a useful purpose in bringing expanded attention to a difficult problem. But to pass this bill today goes too far in pushing a response which will injure innocent Americans while not bringing us any closer to a solution.

The OECD talks are stalled at present, but negotiators have made significant progress, and will ultimately achieve an agreement. U.S. negotiators have indicated to me that they are considering several options which will increase prospects for a negotiated solution. Acting unilaterally, by fiat, in the manner of H.R. 2056, will not accomplish the intended result. I urge my colleagues to reject H.R. 2056.

Mr. JONES of North Carolina. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the best means to eliminate shipbuilding subsidies is through multilateral negotiations. But, after 3 years of fruitless talks, negotiations to end subsidies are at an impasse. The Shipbuilding Trade Reform Act of 1992 was born out of frustration with the pace of these negotiations. Even the administration is no longer optimistic about the possibility of reaching a successful conclusion to the international neogitiatons since it doesn't appear that all of the parties are serious about reaching an agreement. Therefore, a legislative response is called for.

Congress is not going to sit by and watch other countries dictate the fate of our shipbuilding industry. H.R. 2056 and the Oil Pollution Act of 1990 were initiated for the same reason—the legitimate interests of the United States will be protected by unilateral legislative action when international safeguards fail.

Concerns have been raised about the potential impact this bill may have upon vessel owners, ports, and shippers. The changes we have made to the original bill address the most serious of these concerns.

First, we clarify that the requirements in the bill are truly prospective; they apply only to new vessels and repairs made after the date of enactment.

Second, if the United States signs an agreement with another country to eliminate shipbuilding subsidies, the terms of the bill will not apply to vessels built in that country.

Third, the bill eliminates the U.S.-build requirements in many U.S. laws that discriminate against nonsubsidized foreign shipyards. We cannot force foreign governments to eliminate their subsidy programs while maintaining our subsidy programs. Under the bill, foreign-built U.S.-flag vessels will be eligible for constructive guarantees and operating-differential subsidies, and be eligible to transport Government cargoes immediately.

Finally, our amendments require the Secretary of Commerce to investigate foreign shipyards and publish a "black list" of all those that are subsidized. If a vessel owner chooses to have a vessel built or repaired in one of the shipyards on this list, the owner will know in advance, before he enters the contract, that the subsidy will have to be repaid. To prevent ships from being tied up and commerce coming to a halt, the bill allows vessel owners to post a bond sufficient to cover any repayment of repair subsidies from which they have benefited. Later, when the amount of the subsidy is determined, it can be taken out of the bond.

We have successfully enacted laws to fight unfair shipping practices, and I believe that we must do the same with unfair shipbuilding practices.

We cannot allow foreign governments to put American workers out of work.

We cannot allow foreign governments to continue to distort free market forces in international shipbuilding.

We cannot allow foreign governments to be the cause of the loss of our industrial base.

And, we cannot allow foreign governments to compromise our national security by causing our defense shipbuilding industry to be driven out of business.

Another aspect of this bill will also correct a serious policy mistake.

Eleven years ago, President Reagan proposed a so-called "user fee" for recreational boaters. Beginning in 1981, Congress rejected this proposal over and over again, but by 1989, we were compelled to concede defeat. Today, we have the opportunity to reclaim our ground.

There are few in Congress who are unaware of the extreme unpopularity of these fees. They are unpopular because they are unfair. What is more they do not secure any services for boaters. They are not used to support Coast Guard activities. They are a tax in disguise, not a true user fee. And, boaters already pay more than their fair share through marine fuel taxes and excise taxes on fishing equipment.

These fees were imposed to raise revenue and help balance the budget. Ironically, both goals have been illusive. Less than $39 million has been raised in a scheme that was supposed to raise over $700 million. The deficit continues to soar while the Coast Guard acts as tax collector.

To offset the loss of boat fee revenue, the bill establishes a fee for access to information contained in computers at the Federal Maritime Commission.

Today, I expect that this House will repudiate this unfair tax on recreational boaters, but, even with this victory, the battle is not over. The gentleman in the White House has yet to be convinced that this tax must go.

In conclusion, I strongly support H.R. 2056.

□ 1630

Mr. DAVIS. Madam Chairman, I yield myself such time as I may consume.

Mr. DAVIS. Madam Chairman, Title I, known as the Shipbuilding Trade Reform Act of 1992, is designed to force foreign countries to stop subsidizing their domestic shipyards to the detriment of our U.S. shipyards and our U.S. steel industry. Since we stopped subsidizing our shipyards in 1981 we have lost a third of our capacity and nearly 60,000 jobs. We lost another 60,000 jobs in industries that supply material and equipment to the shipyards.

Madam Chairman, if foreign subsidies continue, it will cost this country 180,000 more jobs. Jobs held by skilled Americans, jobs that once lost will never be recovered. All that our shipyards and the surviving American workers are asking for is a chance to bid on ship contracts in an unsubsidized world market.

I know the administration opposes H.R. 2056—supposedly because they think it violates the GATT. What they have not told you is that they have been negotiating an agreement that is virtually identical in effect to H.R. 2056. Unfortunately, the negotiations have broken down—not because of something the U.S. is doing—but simply because these other countries don't want to give up their subsidies. Our negotiators really should want this bill to pass. It will make their negotiations easier.

Title II of this bill contains a phased repeal of the Coast Guard recreational boat tax. I have been working for over a year with my colleagues on the Merchant Marine and Fisheries Committee to repeal this unfair tax, with the support of over 280 Members of the House. I am extremely pleased that we have worked out the budgetary problems surrounding the boat tax repeal, and that we are sending this bill to the other body.

Section 201 of H.R. 2056 repeals the Coast Guard boat tax beginning October 1, 1992, for boats 21 feet in length and under. Over 70 percent of recreational boats are in this category. On October 1, 1993, the tax is repealed for boats 37 feet in length and under. On October 1, 1994, the tax is completely repealed.

Section 202 of the bill establishes a user fee for computer access to the new automated tariff filing and information system maintained by the Federal Maritime Commission. The automated tariff system contains tariffs, or shipping rates, filed by vessel operators with the Federal Maritime Commission and organized into a rate-quoting system. The Congressional Budget Office and the Office of Management and Budget estimate that the receipts from this user fee fully offset any loss to the Treasury resulting from the repeal of the Coast Guard boat tax.

Madam Chairman, I think most Members agree with me that singling out recreational boaters to pay a tax was a mistake. I urge my colleagues to correct the mistake and vote in favor of this bill to repeal the Coast Guard recreational boat tax.

Madam Chairman, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. FASCELL]

Mr. FASCELL. Madam Chairman, I rise to comment on legislation that would amend the Tariff Act of 1930 to require that ships that are built or repaired in shipyards subsidized by foreign governments repay the subsidy or risk being prohibited from docking at U.S. ports. Although I can understand the thinking behind such a bill, I do not feel that this is a matter to be handled legislatively. Such a bill would have a devastating impact on the cruise and cargo industries which are important to the economy of south Florida.

I feel that the most effective way of eliminating subsidies is through international agreement. The 103-nation General Agreement on Tariffs and Trade has already complained that the trade practices of the United States are protectionist and that they violate GATT's objectives. The U.S. Trade Representative has been negotiating with members of the Organization for Economic Cooperation and Development [OECD] to reduce shipyard subsidies to zero. I think a more effective and better advised method of eliminating subsidies would be to encourage an acceleration of these negotiations.

Another unwelcome effect of this legislation would be to turn shipowners into enforcement officers against those foreign governments which are providing the subsidies. The administration of this bill would be costly and ineffective.

This bill will cause many ships to bypass U.S. ports and dock in nearby foreign ports. This will have an undesirable domino effect on the many business related to the shipping industry. For example, Americans taking cruises will fly directly to Caribbean ports, thereby bypassing our cities' hotels, restaurants, and shops. In addition, when the ships need to restock or be cleaned, they will do this in foreign ports, not ours. This will almost certainly have a debilitating effect on our State's economies. Cruise lines, for instance, employ over 33,000 people in Florida.

Attempts have been made to soften the blow of such a bill by including amendments such as one to grandfather ships that received such subsidies prior to October 16, 1991. While this clause is a valiant attempt to rectify at least some of the wrongs wrought by such legislation, this amendment will only ensure that older, less modern ships use U.S. ports. As soon as a ship is repaired and receives a foreign subsidy, it will not longer be allowed to approach our shores and will choose new ports of call in foreign lands.

For all these reasons, I therefore urge our colleagues to reject this bill. Let us encourage the members of OECD to continue their negotiations to eliminate foreign subsidies.

Mr. GIBBONS. Madam Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Madam Chairman, I thank the chairman for yielding time to me, and congratulate the committees for bringing this bill forward. I fully support it.

Fifteen years ago Maryland had nearly 7,000 workers in major commercial shipyards. Today less than 600 jobs remain in Baltimore, as one yard struggles to stay in business doing repair work. Nationwide 40 shipyards have closed and 120,000 jobs have been lost in the last two decades. These jobs, these highly skilled family wage jobs, were lost as the United States in 1981 unilaterally did away with Federal subsidies for shipbuilding while asking nothing of our competitors in return.

As other nations continued offering generous subsidies and the United States imposed no restraints, commercial shipbuilding in this Nation virtually ceased. There is no clearer, more direct case of a domestic industry being injured by unfair foreign subsidies.

U.S. shipbuilders have played by the rules and been patient while the U.S. Trade Representative pursued unilateral talks to level the playing field, but talks began in 1989 and there has been very little progress. Even our ever-optimistic trade negotiators have been discouraged and no further talks are scheduled.

Where the impact of foreign subsidies is so clear and the harm to U.S. shipbuilders is so devastating, we must send an essential message abroad, and to all manufacturers in this Nation as well: We are serious about fair competition. Only passage of this legislation will send that message.

Shipbuilders in Baltimore and across the Nation can compete in the construction of advanced technology, high-value ships. Let us give them the chance. Let us pass the bill.

Mr. ARCHER. Madam Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER], a respected member of the Committee on Ways and Means.

Mr. CHANDLER. Madam Chairman, I rise today in opposition to the Shipbuilding Trade Reform Act because business as usual is once again winning out over fairness.

In this legislation, there are two important issues that effect the daily lives of people living in Washington State.

The first issue, and one that appears to be drawing most of our attention today, is the so-called repeal of the boat-user fee.

Madam Chairman, when I first joined with boatowners in Washington State to fight the boat-user fee, we made it clear that full repeal of the user fee was our intention.

Phasing out the user fee, instead of fighting for full repeal, may appease those who want to avoid a messy fight, but to boatowners in Washington State it looks like congressional shenanigans.

I call it business as usual.

If you don't believe that boatowners are committed to full repeal, let me quote from this month's issue of Yachting magazine:

> We have always opposed the user fee and have continuously called for its immediate and full repeal—not tomorrow, not next year, not the year after, but now! Any other action, including HR 2056 is unacceptable.

I agree.

While it may be politically expedient to urge support of a phaseout, it simply is Congress continuing to play games.

Last year, the Ways and Means Committee forwarded to the floor a complete repeal of the user fee. Nothing happened—the Democrats failed to schedule consideration by the House.

Then, I, along with the majority of House Members, sent a letter to the Speaker requesting that H.R. 534 be scheduled for consideration by the House. Again, nothing.

Now, we have before us a shell of the original bill to repeal the user fee.

Yes, it's discriminatory; yes, it's wrong, and yes, it's an attempt by some to wiggle out of the responsibility of repealing the user fee.

Full repeal of the boat-user fee is the only solution to this problem.

My opposition to this legislation doesn't end with the boat-user fee.

With respect to the shipbuilding subsidy provisions, continued subsidies to foreign shipbuilders and other obstacles to trade set up by governments clearly pose a serious disadvantage to U.S. shipbuilders.

I share the view that effective action is needed to end foreign shipbuilding subsidies throughout the world. An end to subsidies will provide the U.S. shipbuilding industry a fair and level playing field.

The Shipbuilding Trade Reform Act of 1991, however, is simply the wrong approach to eliminate trade-distorting practices in the shipbuiding sector.

This legislation will clearly have a detrimental affect on our Nation's overall trade competitiveness.

In Washington State, where one in five jobs relies on trade, this legislation will work to the disadvantage of all concerned parties and result in a decline in our Nation's balance of trade.

I am particularly concerned with the very real prospect that because of this legislation, ships that usually unload their cargo in the Pacific Northwest will divert to Vancouver, B.C., to avoid the certification requirements.

During committee consideration of this measure, I offered an amendment to address these concerns.

While my amendment was not accepted, the committee did agree to request the International Trade Committee to conduct an investigation on the economic effects of enactment of the Shipbuilding Trade Reform Act of 1991.

In particular, the investigation will evaluate the adverse affects that U.S. ports, exporters, and importers will be subjected to following enactment of this legislation.

This ITC study will be of significant value to the Congress and the public in recognizing that H.R. 2056 is not the appropriate means to end subsidies.

Madam Chairman, in short, H.R. 2056 is the wrong bill to address both shipbuilding subsidies and Coast Guard user fees. I urge my colleagues to support the Archer motion to recommit. The Archer motion will strike out the antitrade, antijob provisions of this legislation. A vote for the Archer motion is a vote to preserve our nation's trade competitiveness.

Mr. DAVIS. Madam Chairman, I yield two minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Madam Chairman, I rise in support of the Shipbuilding Trade Reform Act. This bill amends antidumping and countervailing duty laws to bring commercial ships under the same international trade protections afforded other U.S. products. It also allows the imposition of duties on subsidized vessels constructed after enactment of this bill and requires publication of a list of subsidized shipyards.

The bill also repeals the odious boat-user fee that we foisted on unsuspecting boatowners in the 1990 budget agreement.

This bill is necessary and is more than a decade overdue. In 1981, we cut off U.S. Government assistance to commercial shipbuilding but did nothing to discourage the massive subsidies used by foreign governments to sustain their commercial shipbuilding capability. This left American yards to compete without Government assistant in a market heavily distorted by foreign government subsidies.

Our yards could not match foreign subsidies and since commercial work had accounted for half of their workload, the industry suffered severe economic hardships. Over 40 U.S. yards were forced to close and 120,000 American shipyard and shipyard-supplier employees were put out of work.

Now we have the opportunity to complete the job we started in 1981 and end foreign subsidies. Passage of this bill will keep the entire U.S. shipyard industrial base from collapsing—and save the jobs of 180,000 Americans. If we do not act, our shipbuilding base—an important component of our military readiness—will be threatened by the lack of commercial work.

The Navy plans to build only five ships a year for the remainder of this decade—that is not enough to keep U.S. yards alive. Unless American yards are given the chance to compete for commercial ship contracts in an unsubsidized world market, we will only have one or two yards left in this country within 6 years.

The jobs lost will not be easily replaced. The skills of highly trained designers, engineers, and builders cannot be produced over night. It takes time and money to recoup lost skills in shipbuilding. Passage of the Shipbuilding Trade Reform Act shows that Congress is serious about protecting those skills, those American workers and our defense preparedness.

U.S. yards can build commercial ships at competitive prices in a market undistorted by subsidies. My State, the Commonwealth of Virginia, is home to Newport News Shipbuilding, the largest shipyard in the United States. During the last decade it has been building the finest military ships in the world. It has acquired up-to-date technology and has made production process improvements, as have other U.S. yards. However, these improvements will be useful only if our yards have fair access to international markets.

U.S. military ships are complex and labor intensive. For that reason, the near term commercial new construction markets for American yards are high-technology ships requiring extensive outfitting. These market niches include double hull tankers, chemical carriers, liquefied natural gas tankers, and cruise ships.

Unfortunately, foreign subsidies are heavily used in these market niches. For instance, Carnival Cruise's Holland-America Lines has three ships on order at Italy's state-owned shipyard conglomerate for use in the U.S. cruise market. If these vessels fly the Italian flag, the Government of Italy will provide a 58-percent subsidy. That is $464 million on the $800-million contract price.

Likewise, the French Government is subsidizing a $1.2 billion contract for five LNG tankers under construction at a French yard. Is it any surprise, then, that both France and Italy were among the European nations that walked out on the OECD shipbuilding trade talks? We cannot, in good conscience, continue to let foreign subsidy practices like these stand.

Like many of you I would have preferred to see an international ship building agreement rather than being forced to legislate this issue. However, after 3 years of negotiations, no agreement was forthcoming and now we must act.

We are faced with the prospect of losing our ability to build the ships the Nation depends on for its commerce and defense. To prevent that from happening, vote for H.R. 2056 and vote against foreign subsidies.

I am extremely pleased that this bill also includes the repeal of the boat-user fee. I was the first cosponsor of legislation to repeal the fee and would have sponsored a bill if Mr. DAVIS had not introduced H.R. 534.

I regret that H.R. 2056 phases out the fee rather than repealing it outright, but it appears that this is the best we can do and we should do it now.

The services provided by the Coast Guard to recreational boaters are basic public safety services that are a general government obligation, not a service provided to a privileged class. Therefore, those services should be paid for out of general funds not by a fee levied on individual boaters.

Recreational boaters are already subject to other specific Federal fees including excise taxes on sport fishing equipment and motor boat fuels. Unlike the new fee, those funds go toward fishery restoration and boating safety programs—programs that are of benefit to particular user groups. It simply isn't fair to add another tax to U.S. boaters to pay for basic safety protection. Boaters are already paying their fair share.

Please vote for this bill. It protects American workers from unfair competition from foreign governments, and it protects American boatowners from unfair taxes imposed by their own Government.

□ 1640

Mr. JONES of North Carolina. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Madam Chairman, I rise in support of the Shipbuilding Trade Reform Act. This is a bill for American industry and for American jobs. Without it, more than 180,000 Americans—many of them in my district—will be put out of work, and the United States will lose its ability to build and repair ships. For the same reason, I oppose any move to recommit, striking title I of the bill.

A decade of massive foreign subsidies in the tens of billions of dollars has severely handicapped our shipyards. American industries should not have to battle alone against foreign governments, but that is exactly what the U.S. shipbuilding industry has been forced to do.

The administration made a big mistake in 1981 when it abruptly and unilaterally terminated its only subsidy program for U.S.-built ships without insisting that foreign governments do likewise. In effect, the administration said that it was OK for foreign governments to use subsidies to prop up their shipyards while the yards underpriced their ships by as much as 45 percent of their production costs. Obviously, American yards could not compete against such tactics.

The result was the complete collapse of commercial shipbuilding in the United States. Between 1985 and 1991, U.S. yards received no orders for seagoing merchant ships of 1,000 tons or more. Between 1981 and 1991, at least 16 major U.S. new construction yards and 27 major U.S. repair yards closed down. Employment dropped from 187,000 shipyard workers in 1980 to 127,000 in 1992. In addition, at least another 60,000 jobs were lost in the American industries that supported the shipyards.

Now, with the planned cutbacks in Navy ship construction, most remaining U.S. shipbuilders will be out of business in 6 years, and another 180,000 American jobs will be exported overseas. That is why enactment of the Shipbuilding Trade Reform Act is so urgent. U.S. shipyards and shipyard workers must be given the opportunity to compete for contracts in an unsubsidized international commercial market. H.R. 2056 is the only viable option that is left to us to pressure foreign governments to stop their shipbuilding and repair subsidies.

In the last analysis, we must ask ourselves, in preserving foreign subsidies and other unfair foreign trading practices worth the loss of a critical American manufacturing industry, its supplier industries, and 180,000 American jobs? I say no. I urge you to join me in voting for the Shipbuilding Trade Reform Act.

Mr. ARCHER. Madam Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Madam Chairman, I thank the gentleman for yielding this time to me.

There is no dumber tax, I think, that was ever passed by this Congress than the user fee, which I think is going to be a tremendously popular repeal taken by this body. However, there is no reason in the world why this was mixed up with the Shipbuilding Trade Reform Act of 1992.

I have listened to speaker after speaker come to the well and talk about how we do not encourage or do not want to have to compete against a subsidized industry in other countries. True. I can go along with that. But we are living in the real world.

These boats have been constructed in countries who have subsidized their construction, and that is a fact of life. Anybody in this Congress today who has a port in their district, or is dependent upon a port in an adjacent district, had better vote for the motion to recommit, which is a straight, clean repeal of the user fee, which all of us want to do, and gets rid of the other portions, which has absolutely nothing to do with this bill.

In south Florida, for instance, Members heard my colleague, DANTE FASCELL, come up and talk about the Port of Miami. I want to talk about the Port of Everglades, which is the second busiest cruise port in the United States, second only to Miami. These boats are not going to come and these ships are not going to come in and pay the onerous rebate that we are talking about for getting rid of the subsidy that they received when they were built. They are simply going to go to the Bahamas, and what is this going to do to the balance of trade? More Americans will be spending more time overseas. They are going to be leaving out of Nassau, they are going to be leaving out of Jamaica, and when Cuba opens up they are going to be leaving out of Cuba. These ships are going to find these areas where they can compete, and this is where the market is going to be, and they are going to leave the State of Florida. And if each and every Member who has a port in their own district can find a similar situation, they will find a situation where we are going to be the greatest reformers here in this country, and we are going to find ourselves competing with our hands tied behind us, and we will not compete. Trade will simply leave this country.

Mr. GIBBONS. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, I just want to speak about the port issue. The cruise ship operators came down to Florida and threatened our people saying they were going to pull out if this bill passed. That is ridiculous. They are not going to pull out. Florida is where they get their good customers.

But they frightened our port operators down there, and it is reflected in the speeches of some of my colleagues here today.

This bill only applies to ships that are constructed after the effective date of this act. It does not apply to all of the cruise ships that are out there operating now, and it will take about another 5 years after this act is enacted before we will ever get another cruise ship operating anywhere in the world.

Mr. DAVIS. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Madam Chairman, I rise in strong opposition to H.R. 2056, and I urge each of my colleagues to vote "no" on this misguided legislation.

While no one supports foreign shipyard subsidies, H.R. 2056 is the wrong approach to this serious problem. This bill will not end foreign subsidy practices. In fact, it does not even affect the foreign government which provided the subsidy or the foreign shipyard that received it.

Instead, this legislation unfairly penalizes innocent shippers who receive no subsidy and whose only apparent offense is that they obtained a ship or repairs from a foreign shipyard that is allegedly subsidized.

Under the terms of this bill, every vessel arriving at a U.S. port will have to certify that it was not built or repaired in a foreign shipyard that received government assistance.

If a vessel is unable to satisfy this requirement—even if it had emergency repairs—then the owner of the vessel must either repay any subsidies received by the shipyard or risk having his entire fleet declared ineligible to use U.S. port facilities. This draconian approach is neither fair nor appropriate. It is also not effective because foreign governments will simply disguise their subsidy payments or find creative ways to evade this bill.

Sadly, the proponents of this legislation are punishing the wrong party because they are either unwilling or unable to penalize those who are the direct recipients of these subsidy payments.

Furthermore, I am deeply concerned that we are moving this legislation in a reckless manner. In less than 3 weeks, the International Trade Commission will issue a report detailing the impacts that H.R. 2056 will have on our economy. Its findings are essential to our deliberations, and I regret we are debating this bill before, rather than after, we have the benefit of this knowledge.

Madam Chairman, H.R. 2056 will not stop foreign subsidies. These practices will continue abroad and the U.S. economy will pay the price. Our products will not be exported, our ports will lose business, cargo will be diverted, our vessels will be idle, and thousands of Americans will lose their jobs. Instead of this flawed approach, I have advocated that the issue of foreign subsidies be resolved in either international negotiations, by amending our trade laws to make section 301 relief mandatory, or by simply prohibiting the importation of products from those countries which are subsidizing their shipyards. Any of these approaches would produce positive results without destroying our economy.

While international negotiations are long, arduous, and do not always produce the desired result, it is premature to write off these negotiations and to simply throw up our hands in disgust. As I have suggested, there are far better ways to solve this problem than H.R. 2056.

As a member of the House Merchant Marine and Fisheries Committee, I find it tragic that this legislation pits shipbuilders against ship operators. Instead of fighting against each other, I would hope one day we could put aside special interest legislation and work together to revitalize this critical sector of our economy.

Madam Chairman, there are over 45 major organizations which have expressed strong opposition to H.R. 2056. These include: the AFL-CIO Maritime Committee; the American Association of Port Authorities; the American Institute of Merchant Shipping; the American Maritime Congress; the American Petroleum Institute; the International Council of Cruise Lines; the International Longshoremen's and Warehousemen's Union; the International Organization of Masters, Mates, and Pilots; the National Coal Association; the Travel and Tourism Government Affairs Council; and the Port of Houston Authority.

While each of these groups have raised persuasive arguments against H.R 2056, I was particularly impressed by the testimony of the Port of Houston Authority, which noted that:

> This bill is not the answer. Any action that erects barriers to the free movement of vessels in international trade is simply not acceptable to the public port industry.

As a Representative of the Port of Houston, I am well aware of the fact that 126 million tons of cargo moved through our port facilities in 1991, and that Houston ranks first in the United States in foreign waterborne commerce.

The Port of Houston contributes $3 billion annually to the economy of this Nation. It provides jobs and livelihood to some 138,000 Texans. These jobs are at stake if this bill is approved, and I will not sit idly by while thousands of tons of cargo are diverted to foreign ports.

This legislation is so bad that even the hometown paper of the author of this bill, the Tampa Tribune, wrote that, "The Gibbons proposal would punish ports, businesses, and consumers for the sake of one industry. There must be a better way to revive American shipyards. The bill should be scuttled."

Finally, Madam Chairman, the moment of truth has arrived for the recreational boat fee.

I intend to support the Archer motion to recommit because it is the only way we will succeed in removing this burden on 4 million Americans. Make no mistake. Unless this motion is approved, there is little, if any, likelihood that this fee will be repealed. We must not allow the repeal of the recreational boat fee to be held hostage by the misguided baggage of the Gibbons proposal.

Madam Chairman, I support the removal of foreign subsidies and the restoration of a level playing field for our U.S. shipyards. H.R. 2056, however, is not the answer.

This legislation, which is designed to assist one industry at the expense of many others, not only does not solve the subsidy problem, but it will cost American jobs, damage our trade, cripple our ports, undermine our maritime industry, and invite massive retaliation from our foreign trading partners. In short, H.R. 2056 is the wrong medicine for the shipyard patient and, by taking this prescription, thousands of Americans will suffer greatly.

The bill simply does not go to the source of the problem—foreign shipbuilders and the governments that assist them. Instead, it places the burden entirely on innocent shipowners, who had nothing to do with the subsidies in the first place.

Madam Chairman, I urge an "aye" vote on the Archer motion to recommit and, failing that, a resounding "No" on H.R. 2056.

□ 1650

Mr. JONES of North Carolina. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Madam Chairman, I listened carefully to what my friend, the gentleman from Texas [Mr. FIELDS], had to say, and while I do not share his conclusion with respect to title I of the bill, he does speak the truth when he says that this is yet the most recent reminder of the miserable experience we have had over the years of a maritime industry split and rent amongst and between itself.

We have, I am painfully aware, the divisions within the merchant marine community over this legislation, and I share the dream annunciated by the gentleman from Texas that there will come a time hopefully in the next Congress when we can end this annual thing we go through here of having to stand between feuding factions and perhaps bring together an industry in ways that we have not done before.

But, in the meantime, with respect to the problems at hand, which has been well described by those who have spoken in favor of the bill, I frankly do not see any other mechanism to address it or any other way to send a message that I think needs to be sent.

I would hope that Members would vote to retain title I of the bill. We have tried to improve on it, and we will try to continue to try to do so in the legislative process.

With respect to the user fee, I do not think there is much disagreement on this floor. This was a bad idea when it was first promulgated by the Reagan administration. It is a bad idea now. It is not a very well disguised tax. I am surprised to find this administration having trouble with its lip reading in this regard.

There is no justification of it of any kind. It does not even go to the Coast Guard. It just simply disappears into the General Treasury. It has no support anywhere in the country, and is basically a middle-class tax.

I thought that the President had spoken very clearly on that subject before.

I urge the Members to support the bill in its entirety.

Mr. ROTH. Madam Chairman, will the gentleman yield?

Mr. STUDDS. I am happy to yield to the gentleman from Wisconsin.

Mr. ROTH. I agree with the gentleman that the repeal of the recreational boat tax is very important.

There is one glaring omission in this bill, and that is the luxury tax. That has taken thousands of jobs out of our country.

Mr. STUDDS. I agree with the gentleman. Unfortunately we do not have jurisdiction over it in the Committee on Merchant Marine and Fisheries, or the gentleman would see that in the bill, too.

Mr. ROTH. Well, somebody around here must have jurisdiction, because that is something that we could correct in the bill now, because that is something that means a lot of jobs.

Mr. STUDDS. I concur with the gentleman completely.

Mr. DAVIS. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. LENT].

Mr. LENT. Madam Chairman, it is a pleasure to rise in support of H.R. 2056, the legislation designed to address the impacts of foreign shipbuilding subsidies.

This legislation is intended to stop foreign countries from providing subsidies to their shipyards that result in unfair cost differences for the construction and repair of commercial vessels.

Madam Chairman, I am firmly committed to the ultimate objective of solving this shipbuilding subsidy problem through international negotiations but since that effort has not succeeded for the last several years, I believe that it is time for Congress to act.

H.R. 2056 will provide some help to our American ship building industry. However, no one should assume that this bill will solve all the problems. Our private ship building companies must recognize that they have to renovate their facilities and become more efficient or else even if foreign subsidies are ended they will still be unable to compete in the world market.

Madam Chairman, this legislation represents a true compromise. It establishes a system to eliminate subsidies—but it also sets up a process that will give ship owners a degree of certainty in dealing with foreign shipyards that will enable them to make corporate financial decisions with regard to the construction and repair of their vessels.

I am aware that some shipowners object to the bill placing a burden on them to pay back any subsidy if the foreign shipyard refuses to pay it back to its own government. However, under the bill, if a shipowner elects to contract with a subsidized shipyard for a new vessel, even knowing the limitations of this bill, that shipowner will be able to include the cost of repaying the subsidy in his mortgage on the ship and finance that cost over the 25-year life of the ship. He will also have the time between placing the order for construction of the ship and the date of its delivery to arrange this financing.

In addition, the Members of this House should be aware of the fact that this bill eliminates existing burdensome and costly statutory provisions that require U.S.-flag vessels to be built in American shipyards in order to take advantage of the Operating-Differential Subsidy Program, the Cargo Preference Program, and the title XI Loan Guarantee Program for ship construction. Changing these statutory requirements will be a direct benefit to the shipowners and will also conform our U.S. laws to the agreements already reached by the United States Trade Representative and the foreign governments during the OECD multilateral negotiations.

Madam Chairman, not only does this bill address the unfairness of our private shipyards having to compete against foreign governments and all their subsidy money, but it is also truly a jobs bill. Merchant Marine and Fisheries Subcommittee at our M/M Subhearing the Shipbuilders Council of America testified that since 1981 over 40 American shipyards have closed with a loss of over 60,000 shipyard jobs and another 60,000 from related marine equipment and supporting industries. If this bill—or something like it—is not enacted, the shipbuilders tell us that up to 189,000 more taxpaying American citizens will lose their jobs when additional shipyards and the associated industries are forced to close.

Consequently, as I indicated, this legislation will go a long way toward meeting the ultimate goals and objectives that we all share, to help the American shipbuilding industry and simultaneously provide relief to U.S. flag vessel owners from other statutory burdens imposed upon them.

Madam Chairman, I also want to indicate my support for title II of H.R. 2056, the repeal of the Coast Guard user fee on recreational boats. This tax is an unfair, additional burden on the owners of recreational boats whose only fault is that they use a boat for recreation rather than a beachfront cottage or mountain home. The boat owners do not get any benefit from this tax since none of the money raised goes to the Coast Guard. These boaters are already paying their fair share in fishing equipment and motorboat fuel taxes.

In conclusion, H.R. 2056 is a good bill that deserves the support of the Members of this House.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Madam Chairman, I rise today in favor of H.R. 2056, Shipbuilding Trade Reform Act of 1991. It is imperative that our Nation maintain a viable shipbuilding industry, and this bill is a step in that direction.

The unilateral elimination of U.S. subsidies back in 1981 decimated the commercial shipbuilding industry in the United States. While I generally consider myself an advocate of free trade, I recognize the realities of the international market place in such areas. Eliminating domestic subsidies, while foreign shipyards continue to their subsidy programs, has led to the elimination of domestic jobs and contributed to the demise of our industrial base.

H.R. 2056 is a reaction to these unwise actions of yesteryear, and it is a necessary step toward reinfusing some balance in the ship building industry before more jobs are sent overseas. With the collapse of the OECD shipbuilding negotiations to end unfair foreign ship building subsidies, it has become imperative for Congress to step in and address the issue with a legislative remedy.

Of particular noteworthiness, this legislation also contains the repeal of the so-called Coast Guard user fee. The repeal of the fee has been one of my top priorities since its enactment as part of the 1990 budget agreement. I have cosponsored legislation to repeal the user fee, and I have also sponsored legislation to provide an extended grace period in 1991 for boaters to comply with the law.

Basically, the user fee is a tax. The term user fee misleads people into thinking that the funds collected will go to help pay for Coast Guard services. This is simply not true. The revenue goes directly into the U.S. Treasury, with no designation, and is a cynical attempt to balance the budget on the back of American boaters. It is a tax, plain and simple.

As many of you know, the fee was adopted at the insistence of the Bush administration during the 1990 budget negotiations. The fee has consistently been a part of the last two administrations' budget packages over the last 10 years. This subterfuge is simply aimed at bringing revenue into the Federal Treasury without increasing taxes.

Unfortunately, it has not worked. For various reasons—ranging from delayed implementation, to the fact that it is just a bad idea—there has been massive noncompliance. Through May 1 of this year, the Coast Guard has collected only a fraction of the $130 million in projected revenue. Only 15 percent of the 4.1 million boaters subject to the tax have purchased a decal.

I can only imagine that the massive noncompliance of U.S. boaters will entail—aside from the serious shortfall in funding—a considerable amount of antagonism between Coast Guard personnel and irate boaters. This situation does not benefit anyone. It is a waste of limited Coast Guard resources, and a source of aggravation to boaters.

Madam Chairman, getting back the first part of this legislation, let me reiterate the point that this H.R. 2056 is a reaction to unwise decisions and events over the last 12 years. While I support the legislation, I have heard at great length from seafaring labor, U.S. ports, longshore labor, and others about potential implications over the enactment of the bill. A number of relevant points have been raised, and I am sympathetic to many of these concerns.

I realize that many of the issues were addressed in committee activity, but there remains strong opposition to the specific approach embodied in the bill. If alternative approaches can be found which more directly penalize foreign governments who provide subsidies, or the shipyards which receive the subsidies, this should be explored. One approach which has been suggested would entail a mandatory section 301 investigation and proceeding. This idea may have some merit.

Again, these are important issues regarding the future U.S. shipbuilding capacity, and, consequently, the future of the U.S. industrial base. We cannot continue the present policy of benign neglect. I urge my colleagues to support this effort.

Mr. DAVIS. Madam Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Madam Chairman, I thank the gentleman for yielding me time.

Madam Chairman, I rise in support of H.R. 2056. Last year, JOE GAYDOS and I introduced similar legislation, H.R. 2709, which is cosponsored by 80 of our colleagues. I commend the gentleman from Florida for recognizing the need for such legislation, and for taking the lead on the Ways and Means Committee with this bill.

Enough is enough, Madam Chairman, in 1981, we unilaterally terminated commercial subsidies to American shipyards. And in Maryland, two of our yards have closed in the meantime. Unfortunately, our trade competitors did not follow our lead. Instead, the Governments of Japan, Korea, and Europe poured billions of dollars into their shipyards to capture greater market share.

Today, there is no such thing as free trade in the commercial shipbuilding and repair industry. This is the most distorted market in the world.

The subsidies of these governments reduce the price per ship by an average of 25 percent. No company—regardless of its competitiveness—can compete against such a price advantage provided to foreign shipyards by their governments.

American shipyards can compete with any company in the world but they cannot successfully compete with foreign governments.

Madam Chairman, the average labor rate for American shipbuilders is $15.50 an hour. Seven countries—Germany, Norway, Denmark, Netherlands, Italy, France, and Japan—pay their shipyard workers more. In fact, the hourly labor rate in Germany is $11 an hour higher than in the United States. Shipyards in these countries can pay their workers more and still win contracts because of government subsidies. The annual average subsidy provided by Japan is $1.3 billion; by Korea, $1.1 billion; and by Germany, $1.5 billion. By comparison, U.S. shipyards receive zero subsidies.

With the magnitude of foreign government intervention, it is no wonder that commercial shipbuilding in this country has collapsed.

It is time for foreign governments to recognize that we will no longer condone foreign subsidy practices which are destroying American industries—which are denying Americans jobs.

Enactment of H.R. 2056 will bring free and fair competition to the shipbuilding and repair marketplace. It also will send a very clear message to foreign governments that the United States is willing to fight unfair trade practices which have crippled America's shipyards.

American shipyards, suppliers, and workers are asking only for an opportunity to compete fairly.

Let us put America back to work. Let us pass H.R. 2056 while there is still an American shipbuilding, repair, and supplier industry left.

I urge my colleagues to vote for H.R. 2056 and vote against a motion to recommit. A vote for Mr. ARCHER'S motion is a vote for foreign subsidies.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise today in support of H.R. 2056, the Shipbuilding Trade Reform/Boat User Fee Repeal Act.

I believe this legislation has many important provisions which my colleague, the gentlewoman from Maryland [Mrs. BENTLEY], has spoken of.

As a Member from a delegation which represents nearly 4,600 miles of tidal coastland, I want to express my strong support for those provisions of this legislation which will repeal the Coast Guard user fee.

□ 1700

As I stated almost a year ago when the effort to repeal these user fees first started, the term "user fee" is inaccurate. This term implies that the vessel owners are paying for a service which they use. In fact, it has been stated time and time again that the revenue collected from this fee will be used to help reduce the deficit. While I am fully supportive of efforts to reduce the deficit, I cannot support an action that unfairly singles out one group.

Although many of us would have liked to see a complete repeal of this fee last summer, our budget rules did not permit this. The compromise agreement now before us represents the best chance to repeal the Coast Guard user fee. This legislation will exempt 70 percent of all boaters from this fee next year, it will exempt all boats under 37 feet in 1994, and all other boats by 1995. Let us start this repeal now, and let us give relief to our country's 4.1 million recreational boaters.

Mr. ARCHER. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I rise today to urge my colleagues to support the Archer motion to recommit H.R. 2056, the Shipbuilding Trade Reform Act of 1992.

The Archer motion would recommit this measure with instructions to strike title I, the controversial portion of the bill dealing with shipbuilding subsidies.

If passed, the Archer motion would give the Members their only clear chance to repeal the so-called boat user fee without any complications whatsoever.

Madam Chairman, after an almost interminable wait, the House finally can do away with the boat user fee. I have been a strong supporter of H.R. 534, and was pleased that a compromise was finally reached between the Merchant Marine and Fisheries Committee and the Ways and Means Committee to repeal the boat fees; however, boatowners and I have had extensive conversations with boatowners in Monmouth County and Ocean County in my area and have sat around and talked to them about how this has impacted upon them. They will surely be disappointed that the user fee repeal was linked to the doomed shipbuilding subsidies provisions.

Title I, as we all know, is veto bait. Without the Archer motion, the user fee repeal will never see the light of day, and that would be most unfortunate and unnecessary.

I just hope that we will not foul the sails today, Madam Chairman. The boat user fee could finally be on its way to repeal if we support the Archer motion and separate the phased repeal compromise from the shipbuilding subsidies.

Mr. JONES of North Carolina. Madam Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Madam Chairman, I want to thank the chairman of the full committee, my colleague, the gentleman from North Carolina [Mr. JONES].

I want to particularly congratulate the gentleman from Florida [Mr. GIBBONS] for his fine work and for the efforts to bring this issue into focus.

We ought not to have to pass this bill. If the negotiators had done their job, if they would do their job today, it would end this awful mess of foreign subsidies and we would not be in a situation pitting shipyards against those who own and transport with those ships that come into the United States and leave our ports for foreign shores; but unfortunately, our negotiators have not concluded a fair treaty and we are left with a situation where foreign subsidies are stealing away American jobs and dealing the shipyards of America a blow that some may never recover from.

But I particularly want to highlight what I consider the best feature of this bill, and that is the part that does repeal this so-called boat user fee. It is not a fee. It is a tax. What boatowners get for the payment of this tax is a decal which they stick on their boats.

The money, as someone said, does not go to the Coast Guard. It goes to the U.S. Treasury, and on top of that the Coast Guard has to spend some awfully precious dollars that they ought to be using for search and rescue, fisheries enforcement, environmental cleanup, and all the other many things that Coast Guard does for us and our people. Instead, they are taking those precious dollars and diverting them away to collect this tax which boatowners across America are rightfully objecting to paying every day, every hour, every week.

Repealing that awful tax ought to be something this House, this Congress, accomplishes this year. If we do not accomplish it in this bill, we ought to keep fighting until we add it to some bill that does in fact get a Presidential signature down the line.

I want to remind the Members of the House that this ought not to be the last effort at repeal. Every chance we get, we ought to attach that repeal to another piece of legislation.

Mr. GIBBONS. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, I want to correct the people over on my right who oppose this and say the only chance to rescue the boatowner fee is to separate the boatowner fee from this piece of legislation.

Now, that is just absolutely, totally false.

Let me read you from the Executive Office of the President, addressed to the Congress, dated April 29, 1992, the following statement, and I have it here for anybody who wants to examine it and I hope you will correct your statements, and I read this:

> The Administration strongly objects to the repeal of the boat user fee.

How clear can it be that your argument is entirely mistaken.

Mr. ARCHER. Madam Chairman, I yield myself 1 minute in order to respond to my friend, the gentleman from Florida.

The administration strongly supports my motion to recommit and has sent a strong veto signal on the title that relates to the shipbuilding subsidies.

Mr. GIBBONS. Madam Chairman, I yield myself an additional 30 seconds.

Madam Chairman, nothing could be further from the truth. This is a statement of administration policy from the Executive Office of the President, and the title of it is "H.R. 2056, Shipbuilding Reform Trade Act, GIBBONS, Democrat of Florida and 30 others."

Now, it is straightforward. It says, "The Administration strongly objects to the repeal of the recreational boat user fee." But it goes on and tells why they object to it.

Your boat user fee standing alone is just as much veto bait as anything else, and I hope the gentleman will correct his argument.

Mr. JONES of North Carolina. Madam Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Madam Chairman, I rise in support of the Shipbuilding Trade Reform Act. After nearly 3 years of negotiations in the OECD, the administration has failed to produce an agreement to end foreign shipbuilding and repair subsidies. The future of the American industry rests in the balance. It is time for Congress to act.

Over the past 10 years, foreign subsidies have decimated the American shipbuilding and repair industries, and have caused serious injury in the shipyard supply business as well. Foreign subsidies have already cost 120,000 American jobs, and if we do not act now, could result in the loss of another 180,000 jobs by 1998.

Before 1981, U.S. shipyard business was evenly divided between commercial and military work. U.S. Government assistance to our industry ended in 1981, and it was not long after that U.S. shipyards lost their commercial business to their heavily subsidized foreign competitors. Annual shipbuilding subsidy budgets average $1.5 billion in Germany, $1.3 billion in Japan, and $1.1 billion in South Korea, the countries whose shipyards have by far the largest share of worldwide commercial ship construction business.

Today, American shipyards rely primarily, if not exclusively, on military construction contracts. Prior to 1991, the last order placed for a commercial ship with a U.S. yard was in 1984. And now, of course, military requirements are shrinking. Only five new ships per year will be built for the Navy during the remainder of the 1990's.

This is not enough work to keep America's shipyards in business. Unless our shipyards can make the transition from military to commercial application—unless there is a market in which they can compete—they will go under. And if they go under, we also run the risk of losing our capacity to meet future military needs.

American yards are not asking for Government financial assistance. They are asking us to fight for rules of fair play, rules that will assure a free and fair market in which they can compete. Passage of H.R. 2056, the Shipbuilding Trade Reform Act, will help give them that chance. That is why I will vote yes on passage and will oppose any motion to recommit.

Mr. JONES of North Carolina. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Madam Chairman, this is an interesting situation that our administration has placed us in.

First, the President and his administration reject the use of subsidies for American yards, and now we reject the appeal of subsidies for foreign yards.

Basically, the message that we received is that we have to live with this unfairness.

Now, I think this bill acknowledges a basic truth, and I want to commend the authors of this bill. The truth is that no foreign nation is going to repeal a commercial advantage that they hold unless there is some leverage placed against them. This bill places leverages against foreign subsidized yards and their governments. That is the key.

Now, American shipyard workers, including shipyard workers in San Diego and other parts of this great Nation, are now going to have a chance to build the ships that fly the American flag and that carry American goods, and that is a good thing.

I understand that the President has sent a veto message. I think that is absolutely the wrong thing for this President to do. The United States needs more ships built by Americans flying the American flag. We need less foreign lobbyists representing their interests in Washington, DC, and having an effect on legislation like this.

My message to the President is, "Mr. President, don't listen to the foreign lobbyist. Don't listen to the foreign interests. This bill is one in which American interests are maximized. Please sign it."

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Madam Chairman, I thank, the gentleman for yielding time to me, and I rise in strong support of H.R. 2056.

Madam Chairman, I rise in strong support of H.R. 2056, the Shipbuilding Trade Reform Act. Passage of this legislation will send a strong message to the administration and to our trading partners after 3 long years of attempts by domestic shipbuilders to resolve this problem.

Madam Chairman, in 1989, the Shipbuilders Council of America filed a 301 petition seeking relief from subsidy practices of Japan, South Korea, West Germany, and Norway in the shipping industry. Later that year, the shipbuilders agreed to withdraw that petition, with the understanding that the U.S. Trade Representative would enter into multilateral negotiations with the other countries to end their subsidy practices.

Three years and four deadlines later, negotiations not only aren't moving forward—in fact, the other nations have committed an additional $4.5 billion in subsidies. The United States ended its subsidies in the early 1980s.

American shipbuilders cannot compete against these unfair subsidies. My district is living proof of that fact. The shipyard in Quincy, MA—the heart of the 11th Congressional District—has been virtually shut down due in large part to foreign competition. This is a shipyard that has a proud tradition. Tomorrow, Ron Adams, a teacher in Quincy, MA, will be honored for a video he produced documenting that proud tradition. The video describes the role of women working at the shipyard during World War II.

H.R. 2056 would generally deny access to U.S. markets to ships constructed with the use of foreign subsidies after the date of enactment of the legislation. Access could be granted if the subsidy had been repaid to the granting authority within 2 years of enactment, or if the amount of the subsidy were paid to the U.S. Treasury.

The bill provides generous transition rules. It doesn't apply to subsidies that exist today. It doesn't apply to subsidies that were provided before enactment of the legislation. It doesn't apply to vessels on which construction was carried out pursuant to a contract entered into before October 16, 1991, the date that the Committee on Ways and Means approved this legislation.

This bill will send a message to our foreign trading partners that the Congress and America's shipbuilders are serious about ending unfair subsidies. We ask only for a level playing field, and H.R. 2056 is the best guarantee that a level playing field will be achieved.

□ 1710

Mr. DAVIS. Madam Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Madam Chairman, I rise in support of H.R. 2056. I am particularly pleased there are two vital issues to the people of south Alabama. I come from a community with one of the largest and most successful ports in America.

I rise in support of section 1, phase I, and section 2, phase II. It is only because we have section 2 in this bill because we attached it to section I.

So we are here today with the best of both worlds, an opportunity for us to provide jobs in the boatbuilding, shipbuilding industry, to revitalize the shipbuilding industry in America, to provide desperately needed jobs in America and at the same time to remove this onerous tax that was imposed in the 1990 Budget Reconciliation Act.

Let me tell you here today I wonder what the people of Japan are thinking, because American yards are competing against the Japanese yards. Let me just tell you the contrast: The Japanese, in the past several years, have built 518 commercial ships, while the United States has built only 3. The difference is that the Japanese order book is so large that they average $1.3 billion a year in subsidies to Japanese shipbuilding.

How can we compete with those terms? What this bill does, it makes America, puts us on the same level playing field with Japan and at the same time revitalizes our industry and repeals this onerous tax. What more could you ask? We have been asking the Committee on Ways and Means and we have been asking this Congress for literally years to repeal this tax. Suddenly, when we have an opportunity to repeal the user tax, they will tell us, "Let us recommit this, let's strip this out, this shipbuilding part out, and let's give you an opportunity to vote on something that we should have given to you years before."

I ask you to join with me today and defeat the Archer recommendation of recommittal and vote for this package of bills.

Madam Chairman, I rise today in support of H.R. 2056, the Shipbuilding Trade Reform Act. I am particularly pleased that two issues of vital importance to the people of south Alabama are addressed by this measure. Specifically, title I of the bill would stop foreign governments from unfairly subsidizing their shipbuilding industries—a practice that has stymied shipbuilding in this country during the past decade. And title II would phaseout the onerous user fee that was imposed by the 1990 Budget Act on recreational boatowners. Both efforts are vitally needed.

Madam Chairman, as I see it, the choice we have to make today is simple. Do we vote to save the U.S. shipbuilding industry or not? Do we save 180,000 American jobs or not?

For 3 years, the United States has attempted to negotiate an international agreement to stop shipbuilding and repair subsidies by foreign governments. Unfortunately, our trading partners are only interested in protecting their domestic industries, and foreign shipyard subsidizing has continued at the expense of the United States shipyard and shipyard supplier base. As a result, American yards are currently building only three commercial ships, after going for 7 straight years without a commercial contract. In contrast, Japan, the world's leading commercial shipbuilding country has 518 commercial ships on order.

I have to wonder if Japan's order book would be so large if the government did not budget an average of $1.3 billion a year in shipbuilding aid, or if it hadn't allowed Japanese yards to sell their ships at prices significantly below their production costs, or if the Government hadn't created programs and provided funding to help Japanese yards improve their technology and modernize their unproductive facilities? I believe the answer is no. Unfair practices such as these have caused the collapse of commercial shipbuilding in the United States. They have forced over 40 major U.S. shipyards to close, and put 120,000 Americans out of work. I ask my colleagues, do we continue to stand by and let this happen or do we pass H.R. 2056 and stop these practices today?

Another reason we must adopt H.R. 2056 is because it addresses the controversial boat user fee. Although I am disappointed that we are not voting on a straight repeal of the tax, I understand a phaseout is the best we can do at this time.

Boatowners in this country already pay their fair share of taxes. And, this is indeed a tax, not a user fee as it has been mislabeled. User fee implies that the funds are used for the benefit of a particular user group. But the fees collected when a boatowner purchases a Coast Guard decal do not go to improve Coast Guard services or provide new ones. It goes into the general fund budget—it's a tax.

Madam Chairman, I urge my colleagues to support H.R. 2056 and to vote against the Archer motion to recommit. Let's vote today to stop both unfair competition from foreign governments and unfair taxation of recreational boatowners.

Mr. ARCHER. Madam Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, later we will be considering a motion to recommit offered by Mr. ARCHER.

Title I of H.R. 2056 would require a United States or foreign vessel operator to certify that the vessel has not been repaired or constructed with foreign subsidies prior to entering a U.S. port.

These requirements would seriously harm our domestic coal industry's ability to compete in the international marketplace.

As ranking member of the Interior Subcommittee on Mining and Natural Resources, I am opposed to these provisions.

Purchasers of over 100 million tons of U.S. coal in 40 countries rely on our Nation's supply of this high quality low cost source of energy.

Will the countries that now purchase our coal do without this supply? Of course not.

They will go elsewhere and once again our economy will suffer because of ill-conceived notions by this Congress that we can repeal the law of supply and demand.

Madam Chairman, the repeal of the boat user fee portion of this bill is an important component of this bill. That is another reason that I support the motion to recommit; that is, separating these two items.

Madam Chairman, I urge support for the motion to recommit offered by my colleague, the gentleman from Texas [Mr. ARCHER].

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am ready to close for this side. I want to say that there are some simple truths here. First of all, this bill only applies to ships that are constructed after the effective date of the bill. So it does not do all the horrible things that some people conjure up.

Second, if we do not pass this bill we will continue to discriminate against

180,000 workers, who are the only American workers, the only workers in the United States, who are not protected against subsidies. Every other American worker, every other American business, is protected against subsidies—except shipyard workers and their shipyards.

That is unacceptable.

Why do we need this bill? We need it to help us get an international agreement to get rid of shipbuilding subsidies. We have had no subsidies for 11 years, and that has been a disaster—our unilateral disarmament in that area.

In that time, we have lost several hundred thousand jobs in the shipbuilding industry and the supplying industries. We simply cannot continue down that track.

The shipbuilding people tried to bring a trade action under section 301 and were asked to work with the administration at the negotiating table. They have waited for 3 long years while the administration has gone to the bargaining table time and time again to try to get an international agreement. But we have no leverage because we have nothing to trade in that international agreement. This bill will give us some leverage to try again to get an international agreement to get rid of these harmful subsidies, these disastrous subsidies.

American workers cannot compete against the subsidies of foreign governments. It is just impossible. Foreign shipyards continue to bid the price down on ship contracts until they get the contract and we get nothing because we cannot subsidize and we should not subsidize.

The administration has worn out three sets of negotiators trying to negotiate with our trading partners, but they just sit back and laugh.

We will never get an international agreement in the current circumstances. I hope you will respect the experience that I have had in international negotiations. Unless we have something we can take to the bargaining table to move the negotiations forward, there will be no agreement.

The main governments who keep subsidizing their shipyards are the Germans, the French, and the Italians. They have shown no intention of giving up their subsidies. Asian countries have come to us and signaled that they are ready to give up their subsidies and enter into an agreement with us.

It is us against the European community, the Germans, the French and the Italians, and they will subsidize until there is not a single job left in America if we don't move decisively.

Why should we treat the 180,000 workers who now labor honestly in our shipyards, and not give them the same protection under our unfair trade laws that every other American worker receives?

There is absolutely no reason to single out these people for this sacrifice. This bill will not harm our foreign trade. I hope you will believe me on that. No one has fought harder in this Congress than I for open foreign trade. I think I understand it. You may not agree with me, but I think I undersand it. Nobody is a freer trader than I, not even the President of the United States. And I believe this is in keeping with free-trade practices.

However, free trade is not subsidized trade, free trade is not dumped trade. This bill gives every worker in our shipyards and every shipyard owner the same type of protection against unfair competition that every other American is afforded to help him retain his job in this country.

It is ridiculous to argue that this bill is going to be vetoed, but that a self-standing bill repealing boat-user fee will not be vetoed. The administration says here in two letters that I have, not just one but in two letters that I have, one dated April 28, and one dated yesterday, from the Executive Office of the President: "The Administration strongly objects to the repeal of the boat user fee."

In light of that, I cannot accept Mr. ARCHER's argument saying, "Oh, you can get the boat user fee passed by the President if you just pull the subsidy matter out of it." It will not work, it will not work. And I hope that Mr. ARCHER will not continue to make that fallacious argument.

Mr. ARCHER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I would say to my friend from Florida that I do not know which of us can better speak for the President of the United States or for this administration, but a veto threat does lie against title I. A veto threat does not lie against title II. Those are the simple facts that exist today.

Madam Chairman, I yield back the balance of my time.

Madam Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] has 1 minute remaining.

Mr. ARCHER. Madam Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I thank the gentleman for yielding this time to me. I rise in support of the Archer substitute.

Mr. ARCHER. Madam Chairman, I yield back the balance of my time.

Mr. JONES of North Carolina. Madam Chairman, I yield back the balance of my time.

□ 1720

The CHAIRMAN. The gentleman from Michigan [Mr. DAVIS] has 2½ minutes remaining.

Mr. DAVIS. Madam Chairman, I yield the balance of my time to the gentleman from Florida [Mr. GOSS] who has been a staunch opponent of the boat-user tax and fought side by side with many of us who have been trying to repeal it.

Mr. GOSS. Madam Chairman, I thank the gentleman from Michigan [Mr. DAVIS] for yielding this time to me.

Madam Chairman, it has been a long voyage trying to repeal the recreational boat-user fee, but, thanks to the persistence of the Committee on Ways and Means and the Committee on Merchant Marine and Fisheries, I think we are finally getting to home port. Anyone who has tracked the evolution of this tax would certainly be mystified by its unfairness. But even more bewildering to the people of the United States is the process we have had to endure to wipe the mistake from the books.

Madam Chairman, nothing about this tax ever made sense. Neither the fees, the fines, the collection and distribution scheme, nor the requirement that the Coast Guard take time out from its regular duties to enforce this tax; none of that ever made any sense. But the most ludicrous part of all of this was the expectation that this so-called tax would raise $750 million over a 5-year period. In actuality, when we factor in the cost to the Coast Guard of $6.7 million so far to collect this tax, it has only raised a total of $38 million.

The Coast Guard, as we all know, is an agency that is mightily overcommissioned these days. Right now today it is heavily employed dealing with the Haitian problem along with many other missions.

Madam Chairman, I hope my colleagues remember their overwhelming vote last year for repeal when 412 Members of this body went on record to say this tax was a mistake. Numbers like that would suggest smooth sailing on the course to repeal. Also, with regard to the veto question, actually repeal has been somewhat of a stormy process. But I think, thanks to the persistence, the creativeness and the imagination of the gentleman from Michigan [Mr. DAVIS] primarily, it looks like we are getting there.

H.R. 2056 is not cement shoes, but it is the best way to sink the boat-user fee. I urge my colleagues to support title II of H.R. 2056 and repeal a nonsensical tax. I realize there is an issue with regard to title I, which has been adequately debated, I believe.

With regard to the statement about the administration in opposition, I will only say that the statement that I read from the administration, that "We believe it is unfair to the general taxpayers to bear the entire cost of the Coast Guard services," which puzzles me mightily because they do, by constitutional mandate, bear the cost of the armed services——

Mr. DAVIS. Madam Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Michigan.

Mr. DAVIS. Madam Chairman, I might note that we have been talking about the letter today, and the gentleman from Texas [Mr. ARCHER] is right. What the letter says is that the administration opposes the repeal of the boat-user fee, but it does not say that they would repeal it, and I believe the strong commitment from this Congress, the vote that we had that the gentleman referred to, strongly will send a message to the President of the United States on the boat-user fee. He will in fact sign the bill if it gets to his desk.

Ms. PELOSI. Madam Chairman, I rise today in support of H.R. 2056, The Shipbuilding Trade Reform Act. It is imperative that we put our Nation's shipbuilders on an equal footing in the international shipbuilding and ship repair markets. H.R. 2056 would accomplish this by addressing the inherent inequalities in foreign governments subsidizing their own shipyards while U.S. shipyards receive no subsidization.

Cuts in defense spending, the recession and unfair foreign subsidization have contributed to the devastation of our Nation's shipyards over the last couple of years. Today, the Shipbuilding Trade Reform Act provides this body with the opportunity to demonstrate leadership and conviction in support of an important American industry. How can we ask our constituents and the business community to trust our leadership if we stand by and allow unfair foreign trading practices to ruin our industries here at home?

Madam Chairman, my colleagues who support this bill and I would prefer this issue to be resolved through an international agreement. However, absent any leverage, the U.S. Trade Representative [USTR] has been unable to make any progress on foreign shipyard subsidization. By passing this legislation, we provide protection for our shipyards and arm the USTR with ammunition to take back to the negotiating table.

Our colleague, Congressman ANDREWS, spoke eloquently earlier today about the quality of shipyard workers in his district and their ability to compete with any other workers in the world. However, as he mentioned, our Nation's shipyard workers are not asked to compete with just foreign shipyards and foreign workers, but are asked to compete with foreign governments as well.

Madam Chairman, the shipyard worker in my district also can compete with workers across the globe. In fact, I am confident that they would come out aead in any competition with foreign shipyard workers. However, they cannot come out ahead when we make them compete with their arms tied behind their backs.

It is time to realize that our past efforts on behalf of our shipyards have been ineffective. It is time to chart a new bold course and pass the Shipbuilding Trade Reform Act.

Mr. CAMP. Madam Chairman, I rise today to express my wholehearted support for repeal of the so-called Coast Guard boat user fee.

My State of Michigan has nearly 800,000 of the Nation's 16.2 million registered boats, which is more than any other State. I rise on behalf of the more than 76,000 boaters of Michigan's 10th District and their need to be heard on this issue. This is not a user fee, its a simple tax on the middle-class citizen who uses his or her boat for pleasure or recreation. The money involved does not go to the Coast Guard. It goes to mask the true size of our escalating Federal deficit. Had I been in Congress when this was included in the 1990 budget agreement, I would have surely opposed the Budget Act on this measure alone.

As a cosponsor of the original legislation that would repeal the user fee, I express my desire to see this body pass legislation that will not damage our trade relationships and still this unnecessary tax. Therefore, I support the effort to recommit H.R. 2056 in order to separate the two unrelated parts so that we can pass the repeal of the user fee on its own merits and avoid a possible Presidential veto.

Ms. OAKAR. Madam Chairman, I rise today in support of legislation to repeal the boat user fee. I want to commend Chairman JONES of the Merchant Marine and Fisheries Committee for bringing this legislation to the floor within the confines of the Budget Enforcement Act, and urge my colleagues to support repealing this unfair fee.

The boat user fee was enacted as part of the 1990 budget agreement simply in order to raise revenues. Americans are not loath to pay their fair share of taxes, Madam Chairman, but the operative word is, "fair." None of the revenues from the boat user fee would go toward improving the Coast Guard or other services available to the boating community in our Nation. Moreover, under the 1990 agreement, the boating community not only had to contend with the boat user fee, but also an increase in the gas tax and a 10-percent luxury tax on new boats. I was proud to cosponsor legislation to repeal the boat user fee, and am pleased to see it before the House today.

We are very fortunate in my hometown of Cleveland to have the beautiful recreational and commercial resource of Lake Erie, many area lakes and rivers, and a strong boating community. In fact, Madam Chairman, my homestate of Ohio ranks eighth in the Nation in retail boating sales. The boat user fee signified another attempt to unfairly single out the boating industry. I applaud the movement to repeal the boat user fee for the thousands of boaters in my area, and urge my colleagues to support it.

Mr. VANDER JAGT. Madam Chairman, I rise today in support of repealing the current boat use fee which was unfairly imposed on our Nation's boat owners, solely for the purpose of adding revenue to the general fund to balance an out-of-control budget. I thought then, and now, that controlling spending is the proper solution, not burdening our citizens with onerous taxes on what little leisure time we leave after covering the cost of government and the debt we have already created.

Michigan has more registered boats than any other State in the Union and I represent over 200 miles of shoreline along Lake Michigan. Needless to say, my constituents have been outraged over this tax and I was pleased to cosponsor this fine legislation, introduced by our colleague, Congressman DAVIS, to repeal the fee.

I commend the Committee on Merchant Marine and Fisheries for their continued efforts on this particular issue. While that committee was able to identify an alternative revenue source, a true user fee for a service government provides to the private sector. Because the so-called user fee, in law, is properly identified as the tax that it is, I personally was delighted to work within the Committee on Ways and Means to further our repeal effort. While it has been much too slow in coming, I am very pleased that we have finally arrived at a moment in time that will hopefully grant relief to our constituents from this unfair tax.

As all of you are well aware, and as I have noted, I am a strong supporter of the pay-as-you-go provision of the deficit reduction agreement. In this particular case, the tax imposed by the Omnibus Budget and Control Act was totally uncalled for and unfair to the hundreds of thousands of recreational boaters that already pay more than their fair share of taxes and fees. We are grateful to our colleagues on the Committee on Merchant Marine and Fisheries for their work, their cooperation, in ridding our Nation of this oppressive tax.

I opposed this boat tax in 1990 and continue to oppose it today, and it is my hope that this body will see fit to support the repeal and end this discrimination against our constituents who fish and sail, who take a moment's respite on our Nation's rivers, lakes, and waters. I urge my colleagues to vote in favor of title II of the bill and commend my colleague and ranking minority member, the gentleman from Texas [Mr. ARCHER], for his leadership in providing the opportunity to focus on this tax and to free our Nation's boaters from this burden.

Mr. HERTEL. Madam Chairman, I rise to support the repeal of the Coast Guard boat user fee. As we can now clearly see, this fee was an indirect way of raising taxes without providing increased services. I was opposed to this fee prior to its enactment. Since it was enacted, I have fought to push this repeal legislation through the Merchant Marine and Fisheries Committee. Today, I am glad to see that this important legislation has finally made it to the floor for consideration by the full House of Representatives.

The State of Michigan has far more recreational boats than any other State, and even more than a number of States combined. This fee increases the already disproportionate outflow of tax dollars from Michigan. Boaters are furious, and with good reason. Boaters and fishermen pay nearly $300 million per year directly to the Federal Government in a variety of fuel, fishing, and other taxes. Now they are saddled with this additional fee, which is nothing more than another tax. To add insult to injury, this user fee goes directly into the U.S. Treasury, rather, than directly to the Coast Guard.

I have always been opposed to unfair taxes and tax increases for the middle class, and this user fee is both of those. This tax hits middle-income boaters harder than anyone. The repeal of this tax is long overdue; in conjunction with the luxury tax, this tax has hurt recreational boaters, put craftsmen out of work, destroyed the demand for new boats, and disrupted the entire market for American-crafted recreational boats. I urge my colleagues to vote to repeal this unfair tax and to breathe a little life into our staggering boat industry.

Mr. GILCHREST. Madam Chairman, I rise today in support of H.R. 2056. This legislation does two very important things: It repeals the onerous boat user fee and it moves to level the playing field for our shipbuilding industry. The former is not controversial, and I applaud the efforts of both chairmen in repealing this ill-conceived tax. The latter is more controversial, and I will focus on that.

Free trade, by definition, is trade which is not subject to government interference. I support free trade, as I believe open markets maximize competition and consumer choice while minimizing prices.

But the essential message of free trade is that government interference distorts markets; tariffs, quotas, nontariff barriers, and yes, subsidies, are all distortions. The purposes of this legislation is not to create a distortion, but rather, to eliminate one or at least offset its effects.

I am aware that many American industries cry protectionism because they do not want to compete; in this case we are responding to the needs of an industry that just wants a chance to compete, free from the influence of government policies. The bill does not retroactively punish any boatowner or shipping company; its effects are purely prospective.

Many of my colleagues, whose opinions I value and whose positions I share, will argue that this bill will jeopardize our future trade negotiations with the countries in question. However, this industry has exhausted every other free trade option. They have filed section 301 actions, but to no avail. International negotiations have proven fruitless. If this Congress will not act to compensate for the effects of foreign government intervention in the marketplace, we have no basis from which to negotiate, and our partners have no incentive to listen.

Madam Chairman, this bill represents a reasonable effort on the part of the Congress to allow a domestic industry to compete internationally. In removing the effects of foreign government intervention we are not stifling free trade, but rather, taking the first steps toward it.

Mr. HUGHES. Madam Chairman, I rise in support of H.R. 2056, the Shipbuilding Trade Reform Act.

There is a serious imbalance in the commercial shipbuilding and repair industry. Current U.S. law and U.S. trade agreements fail to provide adequate protections for U.S. shipbuilders from the effects of foreign unfair trade practices, particularly subsidies.

These trade practices render it impossible for American shipbuilders to compete with foreign subsidized shipyards for commercial shipbuilding and repair business. The American shipbuilding industry clearly needs some way to respond to this unfair competition.

Ideally, the President and his trade negotiators are in the best position to provide leadership on this issue. However, several years of negotiations in the Organization for Economic Cooperation and Development [OECD] for an international agreement to end foreign subsidies have been unsuccessful. Indeed, further negotiations have been indefinitely postponed.

Consequently, this bill imposes a unilateral solution to the problem. While this is not the ideal way of achieving compliance and may well not achieve the goal of a level playing field, we must make it clear to those countries which subsidize their shipbuilding industry that the United States does not intend to tolerate the trade imbalance as well as to encourage continued international negotiations for a strong, effective multilateral agreement.

While the bill does not satisfy all interests, it does address several areas of legitimate concern. In particular, the bill grandfathers all vessels in service prior to the date of enactment with respect to previous construction and repair subsidies.

I am also pleased that the bill requires the Department of Commerce to publish a blacklist of shipyards which receive subsidy. This will give vesselowners who intend to bring their vessels into U.S. ports advance notice of payback requirements before they enter into construction contracts.

I also strongly support the provision in the bill to repeal the boat user fee. I, along with my colleagues, have been opposed to this user fee since 1981, when President Reagan first introduced the measure and have been working toward its repeal since its implementation after passage of the 1990 Budget Reconciliation Act. It is, plain and simple, a tax against a select group of individuals.

The fee unjustly targets an already heavily taxed segment of our population. Indeed, recreational boaters pay approximately $175 million into the Wallop-Breaux fund, through taxes and fees on fishing equipment, motorboat fuel, and imported watercraft.

Furthermore, the recreational vessel fee is deposited directly into the general fund and does not guarantee a single service from the Coast Guard.

In addition, the impact on recreational boaters is tremendous. Indeed, prior to increased fuel costs, New Jersey's 1990 boater registration declined by 14,000 boats. The majority of the recreational boaters have simply not been able to afford to participate in one of the more popular sports for the State of New Jersey. Recreational boating is an important industry and a healthy source of pleasure for the citizens of my home State.

Therefore, I continue to oppose the imposition of these user fees and commend the leadership of both the Merchant Marine and Fisheries and the Ways and Means Committees for their perseverance in attempting to repeal the unfair tax.

I believe H.R. 2056 will have a positive effect on America's shipbuilding trade and I strongly urge my colleagues' support for its passage.

Mrs. UNSOELD. Madam Chairman, I rise in support of this bill.

H.R. 2056 reflects congressional frustration over the failure of our negotiators to eliminate foreign shipyard subsidies.

In 1981, the shipbuilders filed an unfair trade petition under section 301 of the Trade Act seeking United States action against the shipbuilding subsidies of Japan, South Korea, Germany, and Norway. The U.S. Trade Representative [USTR], however, managed to convince the shipbuilders to withdraw their petition to allow multilateral negotiations to end shipbuilding subsidies of other nations.

Today—after 3 years of polite talk—foreign shipyard subsidies continue. None of the established deadlines for agreements were met and, in fact, broke down again a couple of weeks ago. No future talks are planned.

That is why we are here today. The administration has failed and Congress must decide what kind of message it wants to send to the administration and the world shipbuilding community. Are we going to brush aside the fact that foreign shipyards remain one of the most highly subsidized in the world and are we prepared to watch the demise of the U.S. shipyard industry?

Opponents of this bill argue it is protectionist legislation that will hurt U.S. interests. Hearing these arguments, Madam Chairman, reminds me of the debate over legislation to end the foreign large-scale drift net fisheries. The administration opposed that legislation for the same reasons. But this House rejected those arguments and passed a very tough bill. As a result, we sent the signal that we were serious about ending large-scale drift net fishing, the administration got the message, the Japanese came to the table, and an agreement was reached.

Passing H.R. 2056 could have the same effect. This is not final approval and I must say that, I, too, have some serious questions over this bill. For example, if this bill is signed by the President, will it result in the diversion of United States origin or destination cargo from Washington State to Canadian ports?

When the Ways and Means Committee reported this bill, the committee also asked the International Trade Commission to conduct an investigation on the likely economic effects of its enactment. A report is due within the next several weeks and will be of significant value to the Congress before this bill should be sent to the President.

Unfortunately, we are being asked to move forward today without all of the information we need and we are faced with a difficult vote. I wish this legislation was not necessary. I wish the U.S. shipbuilding industry was not threatened with the loss of another 100,000 American jobs. An international agreement to end subsidies would be preferable. But 3 years of talks have failed. The administration again appears willing to yield to foreign policy considerations at the expense of U.S. interests. This was their position on drift nets and log exports. Once again, I am prepared to send the signal that this is unacceptable.

Ms. SNOWE. Madam Chairman, I rise in strong support of H.R. 2056 the Shipbuilding Trade Reform Act, and in opposition to any attempts to strike provisions of the bill. I am an ardent supporter of title II to repeal the recreational boat user fee. The boaters of America already pay their fair share for services, and they should not be burdened with yet another tax. But I will focus my comments today on the shipbuilding title which has generated so much controversy.

It seems that whenever a trade issue comes to the floor for debate, this body is divided over questions of whether U.S. trade policies will be free or protectionist. While these questions may have some legitimacy on other issues, any such questions with regard to H.R. 2056 pose a false dilemma. Today, we must address a situation in which good faith efforts by the United States during the past decade to open the international market for shipbuilding have been met with complete resistance from our competitors. The reason for this stonewalling is simple: Certain countries are trying to protect their interests and, in the case of shipbuilding, that means maintaining massive Government assistance programs to keep the prices of their goods artificially low.

Let's look at the real reasons why the U.S. shipbuilding industry has lost 40 shipyards and 120,000 direct and related jobs since 1981. In 1981, the United States eliminated its construction differential subsidies for the domestic shipbuilding industry—a clear and potent gesture that the United States was willing to make big concessions to open the international shipbuilding market to free competition. But other nations around the world haven't followed suit. They've kept their subsidy programs firmly in place. Since 1987, the world's three largest shipbuilding nations—Japan, South Korea, and Germany—have spent more than $1 billion each on annual subsidies to their shipbuilders. These foreign subsidies reduce the price of the vessels by an average of 25 percent or more.

Can anyone expect the U.S. shipbuilding industry to compete with this kind of unfair government support? The international marketplace has been laced with an impassable obstacle course for U.S. manufacturers, while our competitors have been reaping a windfall of State sponsorship.

Despite the gross inequities in the international playing field, the United States demonstrated good faith once again in 1989, by organizing multilateral negotiations with other shipbuilding nations. In the course of these negotiations, the administration and the U.S. industry agreed to abolish existing programs that might be construed as indirect subsidies. We also agreed to make concessions on the Jones Act domestic shipping program which actually provides little business to U.S. shipyards, but which might be interpreted as an indirect subsidy. When placed along side of the elimination of direct subsidies in 1981, these examples show clearly that the United States has gone out of its way to encourage truly free trade.

What has been the result of these efforts? U.S. Trade Representative Carla Hills initially set a 1990 deadline for making progress in the multilateral negotiations; that deadline passed without meaningful action on the part of our trading partners. Subsequently, four more deadlines have expired without progress. Now, it appears that the negotiations may have collapsed. The European Community pulled out in April. Last December, Japan stated that it would be unable to sign an agreement on unfair pricing. While our trading partners have stammered and stonewalled, our shipbuilding industry—the only industry not covered by U.S. unfair trade laws—has been smothered by the subsidized competition.

If nothing is done to rectify this imbalance, what will be left for American shipyards—the military? For fiscal year 1992, the Navy announced plans to build 10 ships per year over a 6-year period. In fiscal year 1993, however, the Navy has come back with a plan for only five ships over 6 years. Unless the U.S. industry is allowed to reenter the commercial market, it stands to lose 180,000 direct and industry-related jobs by 1998. Before the elimination of the U.S. direct subsidy in 1981, commercial vessels accounted for 50 percent of the domestic shipyard business. Now, Navy and Coast Guard contracts account for almost all of the business, making our entire industry acutely vulnerable to shrinking Defense budgets.

Madam Chairman, opponents of this bill have argued that H.R. 2056 is merely another tactic on behalf of a protectionist agenda, that the bill will hurt shipping companies rather than the foreign governments and shipyards engaged in unfair trade practices, and that ship traffic in the United States will grind to a halt if we pass this measure. These are hasty reactions, Madam Chairman. Upon careful review, I believe my colleagues will find that the legislation before us sends a powerful message to our trading partners that we want free trade, but that we will not tolerate continued exploitation of our good faith. This bill reaches the foreign governments by providing a strong disincentive for international shipping merchants to purchase ships manufactured in those countries. And it only seeks to address continued, future subsidies; the bill's grandfather clause allows existing ships to continue doing business in U.S. ports unaffected.

Madam Chairman, seven countries have higher shipbuilding labor costs than the United States, including Japan, Germany, France, and Italy. There is no question that American shipyards can compete in a free market, and our competitors know it. That's why they oppose the bill before us, and that's why we should support it.

Mr. ANDREWS of Texas. Mr. Chairman, today we finally have an opportunity to remove an onerous fee that has unfairly penalized recreational boat users. The boat user fee has not only adversely affected boatowners, it has hurt communities and businesses that cater to the recreational boat user. Because the Coast Guard can impose a fine of up to $5,000 on boatowners who do not purchase the required decal, many boatowners are electing to take their boats out of the water altogether.

The boat user fee repeal contained in H.R. 2056 will eliminate the fees entirely by fiscal year 1995, a year earlier than they are currently scheduled to expire, with fees on smaller boats eliminated on a more accelerated basis.

Under current law, the Coast Guard is scheduled to impose annual fees, based on the length of the boat, through 1995. This bill will eliminate any annual fees after September 30, 1994, and establish new fee schedules for 1993 and 1994. Beginning October 1, 1993, the bill eliminates the fee for all boats under 21 feet, but keeps the fees on other boats at the current levels. Beginning October 1, 1994, the bill eliminates the fee for boats of 37 feet or less, keeps the fee at $50 a year for boats between 37 and 40 feet and $100 a year for boats 40 feet or longer.

The boat user fee provision in this bill will ultimately restore fair tax treatment to recreational boat owners, and I urge passage of the repeal.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 102–507 is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FAIR TRADE FOR THE COMMERCIAL SHIPBUILDING AND REPAIR INDUSTRY

SECTION 101. SHORT TITLE.

This title may be cited as the "Shipbuilding Trade Reform Act of 1992".

SEC. 102. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in 1981, the United States Government terminated funding for the construction differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States;

(2) the international market for shipbuilding and ship repair continues to be distorted by a wide array of foreign subsidies including direct grants, preferential financing, equity infusions, research and development assistance, restructuring aid, special tax concessions, debt forgiveness, and other direct and indirect assistance;

(3) existing United States trade laws and trade agreements provide limited redress to domestic producers of ships for the trade-distorting subsidies and dumping practices of foreign shipbuilders; and

(4) a strong effective multilateral agreement among all shipbuilding nations to eliminate trade-distorting practices in the shipbuilding and repair industry is the best means of providing for fair international competition, however, absent such an agreement, changes in United States trade laws are necessary to provide domestic producers of ships greater protection against unfair trade practices than is provided under current law.

(b) PURPOSE.—It is the purpose of this title to ensure fair trade in the commercial shipbuilding and repair industry by providing for effective trade remedies against subsidized and dumped foreign commercial ships.

SEC. 103. SUBSIDIZED SHIPYARD LIST AND REQUIRED VESSEL ENTRY DOCUMENTATION REGARDING CONSTRUCTION AND REPAIR SUBSIDIES.

(a) Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 435 the following new sections:

"SEC. 435A. LISTING OF SUBSIDIZED SHIPYARDS.

"(a) ESTABLISHMENT OF LIST.—The administering authority shall establish and maintain a list of all foreign shipyards that receive or benefit from, directly or indirectly, a subsidy for the construction or repair of vessels.

"(b) INVESTIGATION.—The administering authority shall conduct an investigation to decide whether there is reasonable cause to believe that a foreign shipyard receives or benefits from a subsidy for the construction or repair of vessels. That investigation shall be initiated when the administering authority has reasonable cause to believe that a shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels—

"(1) on the basis of information available to the administering authority; or

"(2) on petition for an investigation from an interested party.

"(c) Determination After Investigation.—

"(1) In general.—Based on the investigation conducted under subsection (b), the administering authority shall make a determination as to whether a shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels.

"(2) Notification and publication of listing.—If the administering authority determines that a foreign shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels, the administering authority shall—

"(A) add the foreign shipyard to the list established under subsection (a);

"(B) notify that shipyard of its inclusion on that list; and

"(C) publish notice of that determination in the Federal Register.

"(3) Time limit on making determination.—The administering authority shall make a determination under this subsection within 90 days of receipt of the information or petition that serves as the basis for initiating an investigation under subsection (b).

"(4) Publication of list.—The administering authority shall publish the list of foreign shipyards receiving or benefiting from a subsidy for the construction or repair of vessels at least once every 6 months.

"(d) Emergency Listing.—

"(1) In general.—If at any time the administering authority finds a reasonable basis to suspect that a foreign shipyard may be receiving or benefiting from a subsidy for the construction or repair of vessels, the administering authority may add that shipyard to the list established under subsection (a). The administering authority shall publish notice of that emergency listing in the Federal Register, which shall also include a schedule for investigation of the alleged subsidy.

"(2) Investigation and determination of emergency listings.—Within 90 days after publication of a listing under paragraph (1), the administering authority shall conclude the investigation and make a determination under subsection (c) whether the shipyard is receiving or benefiting from a subsidy for the construction or repair of vessels.

"(e) Review of Listings.—If a foreign shipyard that is listed under subsection (c) requests a review of that determination within 30 days after the date of the publication of the determination in the Federal Register under subsection (c)(2), the administering authority shall review that listing.

"(f) Subsequent Reconsideration and Removal of Listings.—

"(1) Reconsideration.—The administering authority may reconsider a listing under subsection (c)—

"(A) on application from a foreign shipyard added to the list under subsection (c) alleging changed circumstances sufficient to warrant a reconsideration of that listing and notice of that reconsideration is published in the Federal Register; or

"(B) if the administering authority receives information concerning the signing of an agreement between the United States Government and the foreign country in which the shipyard is located that provides for the immediate elimination by that country of construction and repair subsidies for vessels.

"(2) Restriction on reconsideration.—A foreign shipyard may not make more than one application for reconsideration under this paragraph in any calendar year.

"(3) Burden of persuasion.—In any reconsideration under paragraph (1)(A), the burden of persuasion with respect to whether there are changed circumstances sufficient to warrant a determination that the foreign shipyard should be removed from the list is on the applicant.

"(4) Removal from list.—The administering authority may remove a foreign shipyard from the listing only if—

"(A) the foreign shipyard has proven that the foreign shipyard does not receive or benefit from a subsidy, directly or indirectly, for the construction or repair of vessels; or

"(B) there is a signed agreement between the United States Government and the foreign country in which the shipyard is located that provides for the immediate elimination of construction and repair subsidies for vessels.

"(g) Penalty for False Information and Renewal of Subsidies.—The administering authority shall place a foreign shipyard on the list established under subsection (a) for a period of not less than 5 years if the administering authority determines—

"(1) that the foreign shipyard, or government of the country in which the shipyard is located, provided the administering authority with false or misleading information during the investigation conducted under subsection (b); or

"(2) after making a determination under subsections (c) of (f) that the shipyard is not subsidized, that the shipyard receives or benefits from, directly or indirectly, any new construction subsidies.

"(h) Action Against the United States Government.—An interested party may bring a civil action against the United States Government, in an appropriate district court of the United States, for failure of the administering authority to use due diligence to add a subsidized foreign shipyard to the list established under subsection (a).

"SEC. 435B. CONSTRUCTION SUBSIDY CERTIFICATION REQUIRED OF VESSELS FOR ENTRY.

"(a) Certification Required at Entry.—The master of a vessel shall, at the time of making formal entry of the vessel under section 434 or 435, deposit with the appropriate customs officer a construction subsidy certification for the vessel.

"(b) Construction Subsidy Certifications.—

"(1) In general.—For purposes of this section, a construction subsidy certification for a vessel is a document that—

"(A) is either—

"(i) issued by the administering authority under subsection (d), or

"(ii) in a form as the administering authority shall prescribed and signed by either the vessel owner or person that constructed the vessel; and

"(B) attests, regarding any construction carried out with respect to the vessel, that the construction meets one of the requirements set forth in paragraph (2).

"(2) Certification requirements.—The requirements referred to in paragraph (1)(B) are as follows:

"(A) No construction subsidy was granted or otherwise provided with respect to the construction.

"(B) The construction was carried out with the benefit of one or more subsidies, all of which were granted or otherwise provided before the date of the enactment of this section.

"(C) The construction was carried out pursuant to a specific contract entered into before October 16, 1991.

"(D) The construction was carried out with the benefit of one or more subsidies that were granted or otherwise provided during the 2-year period beginning on the date of the enactment of this section, but an amount equal to the value of each construction subsidy has been repaid to the agency that granted or otherwise provided the construction subsidy.

"(E) The construction was carried out with the benefit of one or more subsidies that were granted or provided on or after the date of the enactment of this section, but an amount equal to the value of each construction subsidy, reduced by any amount repaid under paragraph (D), has been paid by the Treasury of the United States.

"(F) The construction was carried out in a foreign country which is signatory to a trade agreement with the United States that provides for the immediate elimination of construction subsidies for vessels.

"(G) The construction was carried out in a shipyard that, at the time of contracting for construction of the vessel, was not on the list established under section 435A(a).

"(3) Application of certification requirements.—With respect to vessels constructed in a foreign country which is a signatory to a trade agreement with the United States that provides for the elimination of construction subsidies for vessels, the requirements set forth in paragraph (2) shall be applied in a manner consistent with that agreement.

"(c) Enforcement.—If the Secretary has reason to believe that an unlawful act under section 436 relating to this section has been committed, the Secretary shall—

"(1) undertake any investigation necessary to ascertain whether action authorized under section 436 against the master of the vessel, or the vessel, or both, is warranted; and

"(2) if the vessel is not covered by a construction subsidy certification issued under subsection (d) and the information obtained during that investigation indicates that there is reason to believe that the vessel does not meet any certification requirement under subsection (b), so inform the administering authority and provide that information to the authority.

"(d) Issuance of Construction Subsidy Certifications by the Administrating Authority.—

"(1) Applications.—The owner or lessee of a vessel, or the builder of a vessel, may apply to the administering authority for the issuance of a construction subsidy certification for the vessel. An application shall be accompanied by any documentation that the administering authority may require for purposes of establishing the eligibility of the vessel for that certification, including, if compliance with the requirement in subsection (b)(2)(D) or (E) is alleged, information regarding the amount of each construction subsidy granted or provided with respect to the vessel and the payment or repayment of amounts equal to the value of the construction subsidy.

"(2) Action on applications.—After considering the documentation submitted with an application under paragraph (1), the administering authority, within 90 days after the day on which the application was received, shall decide whether to issue or deny the construction subsidy certification. The administering authority shall make the decision publicly available.

"(3) Denial or condition of issuance of certification.—The administering authority shall, if a construction subsidy certification for a vessel is denied under paragraph (2), provide the applicant with a written statement of the reasons for the denial or condition. The applicant may, with 14 days after the date of the written statement, request a review of the denial or condition under subsection (e)(3).

"(e) DETERMINATIONS AND REVIEW.—

"(1) PRELIMINARY INVESTIGATION.—The administering authority shall—

"(A) on the basis of information available to the administering authority;

"(B) on the basis of information provided by the Secretary under subsection (c)(2); or

"(C) upon petition therefor from an interested party; initiate a preliminary investigation to decide whether there is reasonable cause to believe that a vessel does not meet the construction subsidy certification requirements under subsection (c).

"(2) DETERMINATIONS AFTER PRELIMINARY INVESTIGATIONS.—If the administering authority makes an affirmative decision under paragraph (1) with respect to a vessel, the administering authority shall determine whether the vessel meets any construction subsidy certification requirement under subsection (b)(2). If the administering authority makes a negative determination on the basis of failure to meet the requirement under subparagraph (D) or (E) of subsection (b)(2), the administering authority shall calculate, and set forth in the determination, the aggregate value of the subsidy or subsidies used in the construction of the vessel.

"(3) REVIEW OF CERTIFICATION DENIALS AND CONDITIONS.—If a person whose application for a construction subsidy certification was denied or conditioned under subsection (d)(3) makes a timely request for review under this paragraph, the administering authority shall review the denial or condition.

"(4) CORRECTIVE ACTIONS.—If the administering authority makes a negative determination under paragraph (2), or upholds any certification denial or condition after review under paragraph (3), the administering authority shall set forth in the determination or review decision the action which must be taken in order to satisfy a requirement for construction subsidy certification for the vessel under subsection (b). The builder of the vessel shall be primarily responsible, and the vessel owner or operator secondarily responsible, for taking any corrective action. If that action is taken, the administering authority shall issue a construction subsidy certification for the vessel and that certification shall be treated as a construction subsidy certification issued under subsection (d).

"(5) CONSEQUENTIAL EFFECTS.—After a negative determination under paragraph (2), or a decision under paragraph (3) upholding a certification denial or condition, becomes final and until a construction subsidy certification for the vessel concerned is issued under paragraph (4), neither that vessel, nor any other vessel that is owned or leased by the owner of that vessel, may—

"(A) arrive at any port or place in the United States; or

"(B) remain at any port or place in the United States.

"SEC. 435C. DECLARATION OF REPAIR SUBSIDIES REQUIRED OF VESSELS FOR ENTRY.

"(a) SUBSIDY DECLARATION AND SURETY REQUIREMENTS AT ENTRY.—

"(1) IN GENERAL.—The owner or master of a vessel shall, at, or before, the time of making formal entry of a vessel under section 434 or 435, deposit with the appropriate customs officer a subsidy declaration for repairs made to that vessel since the vessel since the vessel last entered the United States.

"(2) INFORMATION IN DECLARATION.—The subsidy declaration made under paragraph (1) shall include a statement attesting to whether any repairs were made in a foreign shipyard since the vessel last entered the United States and, if repairs were made in a foreign shipyard, include—

"(A) a list and description of each repair made;

"(B) an identification of each foreign shipyard in which a repair was made and the date of that repair;

"(C) the dollar value of the repair made in that shipyard; and

"(D) any other information required by the administering authority.

"(3) SURETY REQUIREMENTS.—

"(A) REQUIREMENT ON ENTRY.—On or before entry, the owner or master of the vessel shall file with the customs officer a bond, proof of insurance, or any other surety, as the administering authority may require, in an amount equal to at least 2 times the dollar value of the repairs declared under paragraph (2) that were made in a shipyard listed on the list established under section 435A(a) at the time of the repair.

"(B) FORM OF SURETY.—A bond, proof of insurance, or any other surety filed under paragraph (A) shall be in a form determined by the administering authority to be satisfactory to insure the financial responsibility of that vessel owner to pay for any repair subsidies. Any bond submitted under this section shall be issued by a surety company found acceptable by the Secretary.

"(C) CLAIMS AGAINST SURETY.—A bond, insurance, or other surety filed under paragraph (A) shall be available to pay for any repair subsidiary determined by the administering authority of any penalty assessed under section 436.

"(b) APPLICATION FOR REPAIR SUBSIDY DETERMINATION.—Within 30 days after the filing of the bond, proof of insurance or other surety under subsection (a)(3), the vessel owner may apply to the administering authority for the issuance of a repair subsidy determination for that vessel. An application shall be accompanied by any documentation that the administering authority may require for purposes of making the determination, including information regarding the amount of each repair subsidy granted and any repayment of the repair subsidy to the foreign government.

"(c) REPAYMENT OF REPAIR SUBSIDY.—

"(1) IN GENERAL.—A vessel owner shall pay to the United States Government an amount equal to any repair subsidy from which the vessel owned by that person has received or benefitted.

"(2) PRELIMINARY FINDING.—Within 30 days after the application, the administering authority shall make a preliminary finding as to the amount of repair subsidy which is to be paid to the Treasury of the United States. Notice of this finding shall be provided to the owner or his agent and published in the Federal Register. At any time before the preliminary finding is made, an interested party may file information with the administering authority regarding the validity or accuracy of the information provided by the vessel master or owner.

"(3) PETITION FOR REVIEW.—Unless a petition for review of that determination is received within 15 days after the date of notification under paragraph (2), from either the owner or an interested party, the finding by the administering authority is final

"(d) FINAL REPAIR SUBSIDY DETERMINATIONS.—If the owner or interested party files a petition for review of the preliminary determination within the 15 days, the administering authority shall make a final determination within 30 days after the date the petition is filed.

"(e) FORFEITURE OF SURETY.—Unless a repair subsidy payback payment is made within 30 days of the final order, the face amount guaranteed by the bond, insurance, or other surety shall be forfeited to the United States Government.

"(f) INSUFFICIENT SURETY.—If the amount of the surety is insufficient to cover the amount of the repair subsidy ordered to be repaid, then the vessel, and any other vessel owned by that owner, may not enter to clear the United States until the full amount of the repair subsidy is paid to the United States Government.

"SEC. 435D. DEFINITIONS AND ADMINISTRATIVE PROVISIONS RELATED TO DETERMINATIONS AND REVIEWS UNDER SECTIONS 435A, 435B AND 435C.

"(a) DEFINITIONS.—As used in this section and sections 435A–435C:

"(1) The term 'administering authority' means the officer of the United States responsible for determining under subtitle A of title VII whether subsidies are provided with respect to imported merchandise.

"(2) The term 'construction' includes reconstruction.

"(3) The term 'interested party' means—

"(i) a person that engages in ship construction in the United States;

"(ii) a certified union or recognized union or group of workers which is representative of an industry that engages in ship construction in the United States;

"(iii) a trade or business association, a majority of whose members engage in ship construction in the United States; and

"(iv) an association, a majority of whose members is composed of interested parties described in clauses (i), (ii), and (iii) with respect to ship construction.

"(4) The term 'foreign shipyard' includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

"(5) The term 'subsidy' includes, but is not limited to, any of the following:

"(A) Officially supported export credits and development assistance.

"(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

"(i) grants;

"(ii) loans and loan guarantees other than those available on the commercial market;

"(iii) forgiveness of debt;

"(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

"(v) preferential provision of goods and services; and

"(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

"(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and pay restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

"(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

"(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

"(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

"(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

"(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

"(6) The term 'vessel' means any self-propelled, sea-going vessel—

"(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage measurement of Ships, 1969; and

"(B) not exempt from entry under section 441.

"(b) HEARING AND REVIEW PROCEDURES.—The administering authority shall make determinations under sections 435A(c), 435B(e)(2), and 435C(d) and conduct reviews under section 435A (b), (e), (f), section 435B(e)(3), and section 435C(c), under the hearing procedures applied by the administering authority under section 774 with respect to hearings required or permitted under title VII. A determination by the administering authority under section 435A(c), 435B(e)(2), or 435C(d) is subject to judicial review under section 516A under the applicable procedures and standards applied under that section for reviewable determinations described in subsection (a)(2)(B) of that section.

"(c) PROPRIETARY INFORMATION.—Information submitted to the administering authority in regard to the making of any determination under sections 435A(c), 435B(e)(2), and 435C(d) and reviews conducted under section 435A (b), (e), (f), section 435B(e)(3), and section 435C(c), shall be treated as proprietary if it fulfills the requirements of section 777(b). Access to proprietary information under protective order shall be permitted under, and governed by, section 777(c).

"(d) INFORMATION USED IN MAKING DETERMINATIONS OR REVIEWS.—The administering authority shall verify all information relied upon in making any determination under sections 435A(c), 435B(e)(2), and 435C(d) or review under section 435A (b), (e), (f), section 435B(e)(3), and section 435C(c). If the administering authority is unable to verify the information submitted, the authority shall use the best information available as the basis for action. Whenever a party refuses or is unable to produce information requested in a timely manner and in the form provided, the administering authority shall use the best information otherwise available.

"(e) PUBLIC AVAILABILITY OF DETERMINATIONS AND REVIEW DECISIONS.—The administering authority shall make available for public inspection the text of all determinations and review decisions made under sections 435A–435C.".

(b) SPECIAL PROVISIONS RELATING TO THE SUBSIDIZED SHIPYARD LIST.—

(1) STATUTORY LISTINGS.—For purposes of section 435A(a) of the Tariff Act of 1930 (as added by subsection (a)), unless the administering authority determines, with clear and convincing evidence, that a foreign shipyard does not receive or benefit from, directly or indirectly, subsidies, a foreign shipyard (including a shipyard in a country that was a party to negotiating a multilateral agreement for the elimination of shipbuilding subsidies in the Organization for Economic Cooperation and Development Working Party 6 on October 16, 1991) is deemed to be on the list established under that section until the earlier of the date—

(A) the administering authority publishes the list of subsidized shipyards under subsection (c); or

(B) the foreign country in which the shipyard is located signs a trade agreement with the United States that provides for the immediate elimination of subsidies for that shipyard.

(2) TIME LIMIT ON INITIAL LISTINGS.—Within 120 days after the date of enactment of this Act, the administering authority shall—

(A) conduct an investigation under section 435A(b) of the Tariff Act of 1930 (as enacted by subsection (a)) with respect to all foreign shipyards;

(B) make a determination under section 435A(c) of that Act; and

(C) publish in the Federal Register a list of the foreign shipyards that have been determined to be receiving or benefiting from a subsidy for the construction or repair of vessels.

(c) ENACTMENT OF CIVIL ACTION REMEDIES.—Section 435A(i) of the Tariff act of 1930 (as added by subsection (a)) takes effect one year after the date of enactment of this Act.

(d) GRANDFATHERED REPAIRS.—Section 435C of the Tariff Act of 1930 (as added by subsection (a)) applies to repairs made to a vessel under a contract entered into after the date of enactment of this Act.

SEC. 104. CONFORMING AMENDMENTS.

(a) ENTRY REQUIREMENTS FOR VESSELS.—Section 434 of the Tariff Act of 1930 (19 U.S.C. 1934) is amended by inserting "its subsidy certification (if required under section 435B," after "or document in lieu thereof.".

(b) PENALTIES FOR VIOLATIONS OF ARRIVAL, REPORTING, AND ENTRY REQUIREMENTS.—Section 436(a) of the Tariff Act of 1930 (19 U.S.C. 1436(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (7);

(2) by striking "or" at the end of paragraph (3);

(3) by inserting after paragraph (3) the following:

"(4) to present any forged, altered, or false subsidy certification to a customs officer under section 435B(a) or 435C(a) without revealing the facts:

"(5) to enter, or to attempt to enter, any vessel to which a prohibition on arrival in the United States applies under section 435B(e)(5);

"(6) to fail to remove promptly from the United States any vessel to which a prohibition on remaining in the United States applies under section 435B(e)(5); or"; and

(4) by striking "(3) in paragraph (7) (as redesignated by paragraph (1)) and inserting "(6)".

SEC. 105. TREATMENT OF VESSELS UNDER THE COUNTERVAILING AND ANTIDUMPING DUTY LAWS.

(a) IN GENERAL.—Subtitle D of title VII of the Tariff Act of 1930 is amended by adding after section 771B the following new section:

"SEC. 771C. SPECIAL RULES IN APPLYING TITLE TO FOREIGN-MADE VESSELS.

"(a) DEFINITION.—The term 'vessel' means any vessel of a kind described in heading 8901 or 8902.00.00 of the Harmonized Tariff Schedule of the United States of not less than 100 gross tons, as measured under the International Convention on Tonnage Measurement of Ships, 1969.

"(b) VESSELS CONSIDERED AS MERCHANDISE.—Vessels are merchandise for purposes of this title.

"(c) APPLICATION OF SUBTITLES A AND B.—

"(1) IN GENERAL.—In applying subtitles A and B with respect to vessels constructed, reconstructed, or repaired in foreign countries—

"(A) a vessel shall be treated as sold for importation into the United States when a United States person enters into a contract for—

"(i) the construction or reconstruction of the vessel by, or the purchase (or leasing, if the equivalent of a purchase) of the vessel after construction or reconstruction from, the builder; or

"(ii) the repair of the vessel; and

"(B) a vessel sold for importation into the United States shall be treated as being offered for entry for consumption under the tariff laws at the time of its first arrival at a port or place in the United States after construction, reconstruction, or repair, regardless of where the vessel is registered or documented.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'United States person' means—

"(A) any individual or entity described in subsection (a) of section 12102 of title 46, United States Code;

"(B) any agent or other person acting on behalf of any individual or entity referred to in subparagraph (A); or

"(C) any person directly or indirectly owned or controlled by any individual or entity referred to in subparagraph (A).".

(b) PROSPECTIVE APPLICATION TO CONTRACTS.—The amendments made by subsection (a) of this section apply to a vessel built or repaired under a contract entered into after the date of enactment of this Act.

SEC. 106. UNITED STATES CONSTRUCTION SUBSIDY PROGRAMS.

(a) GOVERNMENT-IMPELLED CARGO.—Section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)) is amended—

(1) in paragraph (1), by striking "For purposes of this section, the term 'privately owned United States-flag commercial vessels'" and all that follows through the end of the paragraph and inserting a period; and

(2) by adding at the end the following new paragraph:

"(3) In this section, 'privately owned United States-flag commercial vessels' does not include vessel (until the vessel has been documented under chapter 121 of title 46, United States Code, for a period of 3 years) that—

"(A)(i) was build and, if rebuilt, rebuilt outside the United States; or

"(ii) for a vessel operated by an ocean common carrier (as defined in section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702)), is built under a contract entered into after October 16, 1991 and has not been issued a construction subsidy certification under section 435B of the Tariff Act of 1930; or

"(B) was registered under the laws of a foreign country.".

(b) CONSTRUCTION RESERVE FUND.—Section 511(a)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1161(a)) is amended to read as follows: "(2) constructed in the United States after December 31, 1939," and all that follows through "insured under title XI of this Act as amended;" and inserting "(2)(A) constructed in the United States, or (B) the construction of which has been aided by a mortgage insured under title XI of this Act, or (C) if constructed in a foreign shipyard under a contract entered into after October 16, 1991, has been issued a construction subsidy certification under section 435B of the Tariff Act of 1930; and".

(c) OPERATING-DIFFERENTIAL SUBSIDY.—Section 601(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171(a)(a)) is amended by striking "and that such vessel or vessels were built in the United States," and all that follows through "prior to such date;" and inserting "and that the vessel was built in the United States or, if constructed in a foreign shipyard under a contract entered into after October 16, 1991, has been issued a construction subsidy certification under section 435B of the Tariff Act of 1930;".

(d) CONSTRUCTION LOAN GUARANTEES.—Section 1103(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273(b)) is amended—

(1) after "(b)" by inserting "(1)"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may not guarantee an obligation under this title unless the vessel—

"(A) was built in the United States; or

"(B) if constructed in a foreign shipyard under a contract entered into after October 16, 1991, has been issued a construction subsidy certification under section 435B of the Tariff Act of 1930;".

(e) PRIORITY LOAN GUARANTEES FOR VESSELS IN COASTWISE TRADE.—Section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following new subsection:

"(g) When making guarantees, or commitments to guarantee, under this title, the Secretary of Transportation shall give priority for guarantees or commitments for vessels that will be engaged in the coastwise trade over guarantees or commitments for vessels that will be engaged in the foreign commerce.".

(f) TRADE-IN OF OBSOLETE VESSELS.—Section 510(a)(2)(B) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(a)(2)(B)) is amended to read as follows: "(B) is built in the United States or, if constructed in a foreign shipyard under a contract entered into after October 16, 1991, has been issued a construction subsidy certification under section 435B of the Tariff Act of 1930, and documented under chapter 121 of title 46 United States Code.".

SEC. 107. COST ESTIMATE.

The applicable cost estimate of this title for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

	Fiscal year—				
	1991	1992	1993	1994	1995
Changes in outlays	NA	NA	NA	NA	NA
Changes in receipts	0	0	0	0	0

TITLE II—REPEAL OF COAST GUARD RECREATIONAL BOAT USER FEE

SEC. 201. REPEAL OF COAST GUARD RECREATIONAL BOAT USER FEE.

(a) MANDATORY FEE TO TERMINATE ON SEPTEMBER 30, 1994.—Paragraph (1) of section 2110(b) of title 46, United States Code, is amended by striking "1994, and 1995" and inserting "and 1994".

(b) FEE SCHEDULE FOR FISCAL YEARS 1993 AND 1994.—Subsection (b) of section 2110 of such title 46 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph.

"(3) In the case of fiscal years 1993 and 1994, the fee or charge established under paragraph (1) shall be as follows:

"(A) In fiscal year 1993—

"(i) for vessels of 21 feet or less in length, zero;

"(ii) for vessels of more than 21 feet in length but less than 27 feet, not more than $35;

"(iii) for vessels of at least 27 feet in length but less than 40 feet, not more than $50; and

"(iv) for vessels of at least 40 feet in length, not more than $100.

"(B) In fiscal year 1994—

"(i) for vessels of 37 feet or less in length, zero;

"(ii) for vessels of more than 37 feet in length but less than 40 feet, not more than $50; and

"(iii) for vessels of at least 40 feet in length, not more than $100."

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of such section 2110(b) is amended—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)", and

(B) by striking "that is greater than 16 feet in length".

(2) Paragraph (2) of such section 2110(b) is amended—

(A) by striking "The fee or charge" and inserting "In the case of fiscal years 1991 and 1992, the fee or charge", and

(B) by adding at the end thereof the following new sentence:

"No fee or charge may be imposed under this paragraph on any vessel of 16 feet in length or less.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992.

SEC. 202. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

(a) DEFINITIONS.—In this section—

(1) "Commission" and "conference" have the meaning given those terms under section 3 of the Shipping Act, 1984 (46 App. U.S.C. 1702);

(2) "common carrier" has the meaning given that term under section 3 of the Shipping Act, 1984 (46 App. U.S.C. 1702), and includes a "common carrier by water in interstate commerce" under the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), and a "common carrier by water in intercoastal commerce" under the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.);

(3) "essential terms of service contracts" has the meaning given that term under section 8 of the Shipping Act, 1984 (46 App. U.S.C. 1707); and

(4) "tariff" has the meaning given that term under section 3 of the Shipping Act, 1984 (46 App. U.S.C. 1702), and includes the rates, fares, and charges filed under the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.) and the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(b) TARIFF FORM AND AVAILABILITY.—Notwithstanding any other law, according to the schedule under subsection (c)—

(1) common carriers and conferences shall file electronically with the Commission all tariffs and essential terms of service contracts required to be filed by section 8 of the Shipping Act, 1984 (46 App. U.S.C. 1707), the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), and the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.); and

(2) the Commission shall make available electronically to any person, without time, quantity, or other limitation, both at the Commission Headquarters and from remote terminals, all tariff information and essential terms of service contracts filed in the Automated Tariff Filing and Information System database and all tariff information in the system enhanced electronically by the Commission at any time.

(c) FILING SCHEDULE.—

(1) New tariffs and essential terms of service contracts shall be filed electronically not later than June 1, 1992; and

(2) All other tariffs and essential terms of service contracts shall be filed not later than September 1, 1992.

(d) FEES.—

(1) Beginning June 1, 1992, and subject to paragraph (3), the Commission shall charge—

(A) a fee of 46 cents for each minute of remote computer access by any person of the information available electronically under this section; and

(B)(i) for electronic copies of the Automated Tariff Filing and Information database (in bulk), or any portion of the database, a fee equal to the cost of duplication, distribution, and user-dedicated equipment; and

(ii) a person operating or maintaining information in a database that has multiple tariff or service contract information obtained directly or indirectly from the Commission a fee of 46 cents for each minute that database is subsequently accessed by computer by any person.

(2) A Federal agency is exempt from paying a fee under this subsection.

(3) No fee may be charged under paragraph (1) after September 30, 1995.

(e) ENFORCEMENT.—The Commission shall use systems controls or other appropriate methods to enforce subsection (d) of this section.

(f) PENALTIES.—

(1) A person failing to pay the fees established under subsection (b) of this section is liable to the United States Government for a civil penalty of not more than $5,000 for each violation.

(2) A person that willfully fails to pay the fees established under subsection (b) of this section commits a class A misdemeanor.

(g) AUTOMATIC FILING IMPLEMENTATION.—

(1) Software that provides for the electronic filing of data in the Automated Tariff Filing and Information System shall be submitted to the Commission for certification. Not later than 14 days after a person submits software to the Commission for certification, the Commission shall—

(A) certify the software if it provides for the electronic filing of data; and

(B) publish notice of that certification.

(2)(A) The Secretary of the Treasury shall make available to the Commission, as a repayable advance in fiscal year 1992, not more than $4,000,000, to remain available until expended. The Commission shall spend these funds to complete and upgrade the capacity of the Automated Tariff Filing and Information System to provide access to information under this section.

(B)(i) Any advance made to the Commission under subparagraph (A) shall be repaid (with interest thereon) to the general fund of the Treasury by not later than September 30, 1995.

(ii) Interest on any advance made to the Commission under subparagraph (A) shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(3) Out of amounts collected by the Commission under this section, amounts shall be retained and expended by the Commission for fiscal year 1992 and each subsequent fiscal year, without fiscal year limitation, to carry out this section and pay back the Secretary under paragraph (2) of this subsection.

(4) Except for the amounts retained by the Commission under paragraph (3) of this subsection, fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts.

(h) CONFORMING AMENDMENT.—Effective June 1, 1992, section 2 of the Act of August 16, 1989 (Public Law 101-92; 103 Stat. 601), is repealed.

The CHAIRMAN. No amendment to the substitute is in order except the amendment printed in section 2 of House Resolution 443. Said amendment shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. GRADISON

Mr. GRADISON. Madam Chairman, I offer an amendment made in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. GRADISON: Strike section 107. Make such conforming changes as are necessary.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. GRADISON] will be recognized for 15 minutes, and a Member opposed to the amendment offered by the gentleman from Ohio will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Madam Chairman, I rise to offer an amendment to strike section 107 from title I of H.R. 2056. Section 107 is so-called directed scoring provision. If enacted, this section would direct the Office of Management and Budget to use the Congressional Budget Office cost estimate for the purpose of ascertaining the impact of title I on the pay-as-you-go scorecard.

This directed scoring section is abused in the context of this bill for several reasons. I am baffled as to why the majority even included directed scoring since both CBO and OMB agree that title I will be scored at zero costs.

Title I would require a listing of subsidized foreign shipyards and a construction certificate for all vessels entering a U.S. port. According to the administration, it could violate U.S. obligations under GATT, harm U.S. exporters and importers, and result in retaliation against U.S. exports.

Directed scoring for title I is all the more puzzling because it is title II that affects PAYGO. And it is title II that is estimated differently by CBO and OMB. Title II partially repeals the boating fees and establishes a new user fee for the automatic tariff filing and information system. While both CBO and OMB agree that these fee changes would increase PAYGO balances, they disagree dramatically on the levels. CBO estimates that title II would reduce the deficit through fiscal year 1995 by $466 million. OMB calculates the savings to be only $8.6 million, all in 1995.

Ironically, title II—over which there is a substantive disagreement regarding magnitude of savings—does not include directed scoring language. One can only wonder what led the bill's drafters to include directed scoring in the section which all agree has no measurable budget impact, and then to omit it later on from the section over which there is disagreement.

I have offered amendments striking directed scoring from other legislation in the 102d Congress and will continue to do so as long as the House continues to include directed scoring in its bills. Believe me, I am getting as tired of offering these amendments as you are of listening to me. But, directed scoring clearly contravenes the Budget Enforcement Act adopted as a result of budget negotiations in 1990.

In the 1990 negotiations, proposals to use CBO estimates were explicitly rejected. Instead, the Budget Enforcement Act specifically designated OMB as the arbiter of PAYGO scoring. Almost before the ink was dry on that act, the House adopted rule XXI requiring PAYGO legislation to include provisions compelling OMB to use CBO's estimate. Not surprisingly, the President wrote to Congress on December 21, 1990, that he would veto any bill containing such language. Accordingly, the statement of administration policy for H.R. 2056 indicates that this bill would be vetoed because it includes directed scoring language.

Madam Chairman, inclusion of directed scoring language in title I is nonsense. It has no substantive effect at all. But it would defeat this legislation by assuring a veto. Inclusion of directed scoring in general is a violation of the letter and spirit of the Budget Enforcement Act. I urge a vote for my amendment to eliminate this needless language and send the bill on its way without this unnecessary impediment.

Madam Chairman, I reserve the balance of my time.

Mr. GIBBONS. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. GRADISON].

The CHAIRMAN. The gentleman from Florida [Mr. GIBBONS] is recognized for 15 minutes.

Mr. GIBBONS. Madam Chairman, I would like to assure my colleague, the gentleman from Ohio [Mr. GRADISON], that we are very aware of his concern of the inclusion of the CBO cost estimates in this bill, and I can also assure him that his concerns, if he is not successful here on the floor, will be fully considered in the conference and the provision will probably be dropped there. But I would like to say, just to reinforce what the gentleman has said, this:

In the administration's statement of policy concerning the provision in the bill which the gentleman seeks to strike relating to a key element of the Federal spending control mechanism enacted pursuant to the 1990 budget agreement, the administration clearly expresses its opposition to this provision.

□ 1730

The statement goes on to say, "The President stated that he would veto any bill that contained this language."

So I recognize that as his veto threat. But I would like to point out that that is his most explicit veto threat in this whole statement of administration policy. When he talks in this letter about the provisions that I put in here on subsidies and dumping, he just says he opposes that, not even strongly opposes it. He opposes the provision you seek to strike. He says he will veto the bill if that provision is in there. He says simply that he opposes my shipbuilding provisions. But he says with regard to repeal of the boat user fee that he strongly opposes such repeal.

So I hope we will not seek to try to divide this bill all up under the false impression that if we strike out my shipbuilding language, the boat user fee will be repealed. It will not, because the President strongly opposes such repeal.

Mr. GRADISON. Madam Chairman, will the gentleman yield?

Mr. GIBBONS. I am happy to yield to the gentleman from Ohio.

Mr. GIBBONS. Madam Chairman, my amendment is limited to the scorekeeping with regard to title I.

Mr. GIBBONS. I understand that.

Mr. GRADISON. I appreciate the concerns of the gentleman from Florida about the bill as a whole. I am not trying to trivialize this discussion. I am trying to make sure I understand the gentleman. I have no desire to put words in the mouth of the chairman.

My understanding is the gentleman from Florida [Mr. GIBBONS] anticipates in conference this provision might be dropped. Do I correctly understand the gentleman?

Mr. GIBBONS. Madam Chairman, reclaiming my time, if the gentleman from Ohio [Mr. GRADISON] does not win here on the floor, I think it is going to be dropped in conference, yes.

Mr. GRADISON. Madam Chairman, I thank the gentleman.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Madam Chairman, I wish to commend the gentleman from Florida [Mr. GIBBONS], our chairman, for his work on the boat user fee, and especially my friend, the gentleman from Michigan [Mr. DAVIS], who will be leaving us after this Congress, who has been a real champion on this issue. I appreciate the work these gentlemen have done.

Madam Chairman, if there is one thing my constituents loathe, and I live on 41 miles of coastline, it is the boat user fee. The sooner its demise, the better, in their view.

While this does not do all of the things I would like to do, like totally repeal it immediately, it moves in the right direction, so that people will get what little time they have to use their boats unencumbered by a user fee that they do not appreciate, little understand, and know not to be in their interest.

Madam Chairman, I rise in strong support of this legislation, and in strong support of the work done by the gentleman from Florida [Mr. GIBBONS] and the gentleman from Michigan [Mr. DAVIS].

Mr. GIBBONS. Madam Chairman, I include for the RECORD the statement of administration policy I referred to earlier.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 12, 1992.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2056—SHIPBUILDING TRADE REFORM ACT OF 1991 (GIBBONS (D) FLORIDA AND 30 OTHERS)

If H.R. 2056 is presented to the President as reported by the House Rules Committee, his senior advisers would recommend a veto.

First and foremost, the scorekeeping language in section 107 is unacceptable. This section contains the CBO scoring language required by House Rule XXI. In a letter of December 21, 1990, the President stated that he would veto any bill containing such language. The effect of this provision is to overturn a key element of the Federal spending control mechanisms enacted pursuant to the 1990 Budget Agreement.

Second, this bill requires a listing of subsidized foreign shipyards and a construction certificate (verifying construction in a nonlisted shipyard or payback of any subsidy received) for all vessels entering a U.S. port. The bill also amends the antidumping and countervailing duty laws to authorize the imposition of duties on dumped or subsidized sales of commercial vessels. The Administration opposes enactment of these provisions of H.R. 2056 because they: could violate U.S. obligations under the General Agreement on Tariffs and Trade (GATT); would harm U.S. exporters and importers upon whom the increased cost of shipping will be assessed, and could result in retaliation against U.S. exports; and would present administrative and legal difficulties to enforce.

Third, title II of H.R. 2056 provides for a phased repeal of the Coast Guard recreational boating fees and establishment of a new user fee for remote computer access to the Automated Tariff Filing and Information (ATFI) system of the Federal Maritime Commission (FMC). The Administration strongly objects to repeal of recreational boating user fees. We believe it is unfair for general taxpayers to bear the entire cost of Coast Guard services, such as search and rescue, boating safety, and aids to navigation, that provide substantial benefits to recreational boaters.

Finally, the Administration opposes charging fees for access to ATFI services in the manner provided for in H.R. 2056. This provision would place the FMC in unfair competition with private sector information providers. In addition, by requiring fees to be paid for the resale of government information, this provision is inconsistent with the intent of the Copyright Act. Any person who wishes to provide enhanced information services using ATFI should be able to do so without restriction.

Scoring for the Purpose of PAYGO and Discretionary Caps

H.R. 2056 would affect receipts; therefore it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation ACT (OBRA) of 1990. OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this proposal may deviate from this estimate. If H.R. 2056 is enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all legislation on direct spending and revenue will be issued in monthly reports transmitted to Congress.

ESTIMATES FOR PAY-AS-YOU-GO

Receipts (millions) 1992, 0; 1993, 0; 1994, 0; 1995, $8.6; 1996, 0; 1997, 0; 1992-97, $8.6.

Mr. GRADISON. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GRADISON].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Ms. PELOSI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2056) to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped, pursuant to House Resolution 443, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ARCHER. Mr. Speaker, I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ARCHER moves to recommit H.R. 2056 to the Committee on Ways and Means with instructions to report the bill back forthwith with an amendment striking title I of the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, my motion is straight-forward. It strikes title I which contains the shipbuilding subsidy provisions and leaves intact the repeal of the user fees on recreational boats, along with its financing mechanism. Simply stated, this motion puts aside the ill-fated shipbuilding provisions and allows the House to vote for a clean repeal of the Coast Guard user fees on recreational boats.

An overwhelming majority of House Members support repeal of these nuisance fees. Constituents should rightfully question our sincerity if the repeal language is stuck on a bill which will never become law.

During the general debate, we heard about the problems associated with the shipbuilding subsidy title. Title I is well-intentioned but fails miserably to correct international shipbuilding subsidies. Instead, the remedies proposed in this bill penalize our ship operators and ports while holding harmless the foreign governments and their shipyards. H.R. 2056 will not stop international subsidies. It will only hurt our flag vessels, U.S. exports, and more importantly, American jobs.

The opposition to title I is broad and diverse. The nearly 50 organizations fighting the shipbuilding provisions range from maritime labor groups to coal and agricultural interests, to ports up and down our shores. They include the National Marine Engineers' Beneficial Association—America's oldest and largest maritime labor organization; the American Maritime Congress; the Great Lakes Shipping Association and the Port of Chicago; the National Coal Association and the Pacific Northwest Waterways Association.

It's no wonder, then, that the President supports my motion to recommit, and will veto this bill if it reaches his desk in its current form.

Let me assure my colleagues that this motion does not kill efforts to end international shipbuilding subsidies and to fashion a rational maritime policy. On the contrary, the motion will give the House time to assess two important studies, both due next month. In response to a request made by the Committee on Ways and Means, the International Trade Commission plans to report its analysis of H.R. 2056 by June 1. In addition, a Cabinet-level working group is currently assessing U.S. maritime policy and programs. To act on this bill before these studies are reviewed would be, at best, premature.

Repeal of the recreational boat fees can be accomplished this session, but not if it is abroad a bill which is destined to run aground.

I say to the Members do not sink the chances for repealing the recreational boat fees. Support the motion to recommit.

Mr. GIBBONS. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, I first want to rebut again the argument that has just been made by the gentleman from Texas [Mr. ARCHER] about the veto threat. I have here the letter from the President.

□ 1740

It says he will veto the bill if the provision that we just struck out 2 minutes ago on an amendment by the gentleman from Ohio [Mr. GRADISON] is in the bill. So that issue has been dealt with.

Then the President says he opposes the language in title I on shipbuilding subsidies. But then he goes on to say that, as for repeal of the boat user fee, which is title II, that he strongly opposes that.

That definitively rebuts the argument of the gentleman from Texas [Mr. ARCHER]. There is no substance to it. Dividing this bill will only hurt 180,000 American workers who make their living legitimately in shipyards. These are the only American workers that have no legal remedies against subsidized and dumped goods. This is not new law. Every other American has legal remedies against subsidized and dumped goods. We also levy the penalties in the only way we can, which is against the people who import the goods. That is the only way we can do it.

We have tried legitimately and diligently to negotiate this the elimination of shipbuilding subsidies.

The President himself has tried to negotiate this. Regrettably, it is a fact of life that we cannot get anywhere with the Europeans in this negotiation. The Germans, the French, and the Italians are stalling, and they are not going to do a thing until we put their feet to the fire and they finally realize we mean business about subsidies.

I have followed these negotiations closely, as I follow all international negotiations. I know what I am talking about.

Mr. McGRATH. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Speaker, I thank the gentleman for yielding to me.

I want to ask whether or not the gentleman could tell us how many employees of the shipbuilding business would be out of business, unemployed, if this bill does not pass?

Mr. GIBBONS. Mr. Speaker, it is apparent that in a short period of time at least 180,000 people in the shipbuilding business will be out of work unless we do something. There is no way they can compete in world commerce as long as our competitors are heavily subsidized.

Mr. McGRATH. Mr. Speaker, if the gentleman will continue to yield, perhaps he could tell us how many years the U.S. Trade Representative has had this item for negotiation without any result?

Mr. GIBBONS. Mr. Speaker, we repealed unilaterally our subsidies 11 years ago. For the past three years, we have tried in vain to negotiate on this issue. We wore out 3 negotiators in the process, sending them back and forth to Paris to negotiate on this. Contrary to what some of my colleagues have said, we are nowhere in these negotiations. They ended in worst disarray after the last negotiating session that was just finished a couple of weeks ago than they were when they started this.

There is no way to solve this problem except by bringing some leverage against our negotiating partners and then pushing our point home.

Mr. McGRATH. Mr. Speaker, if the gentleman will continue to yield, is it not the understanding of the chairman that by 1998, there will be no shipbuilding yards in this country if this bill is not passed?

Mr. GIBBONS. Mr. Speaker, we are not building any commercial ships now. One of the gentleman here earlier in the debate said we were building 80 commercial ships just 10 years ago. We are building none now.

The foreigners simply reduce their prices by the use of subsidies until our people are frozen out of the market.

Mr. McGRATH. Mr. Speaker, with the advent of the double-hulled tanker, if this bill does not pass and we have no shipyards to build those double-hulled tankers, is it not true that all of that business will go to Japan, South Korea, and our German friends?

Mr. GIBBONS. Mr. Speaker, it will. There is no doubt about it. That is where it has been going.

We have unilaterally disarmed, and we relied upon the good will of our trading partners to negotiate. Good will just does not work in this type of negotiation. We cannot, unless we take something to the negotiating table that is a chit or muscle, we cannot get an agreement. We are going to lose all of our jobs, and it is rank discrimination to say to 180,000 good, honest American workers who do good work, very competitive work that we are going to sacrifice them but we will not sacrifice any other American workers.

We protect all the other American workers against subsidized goods and dumped goods, but we just do not protect the shipyard workers.

Mr. McGRATH. Mr. Speaker, I totally agree with the gentleman.

Mr. LAGOMARSINO. Mr. Speaker, on motion to recommit H.R. 2056, I rise in strong support of repealing the so-called Coast Guard user fee charged against recreational boaters, and I urge my colleagues to support the Archer motion to allow the House to vote on this repeal without extra add-ons.

I voted against the Coast Guard user fee in 1990, and I am a cosponsor of legislation to repeal it. There is strong support for the repeal of the fee—261 cosponsors on the bill and a favorable report by two committees.

Unfortunately, the repeal of the Coast Guard user fee is being made a political hostage by attaching it to this foreign subsidy bill.

Make no mistake about it, a vote for the Archer motion is a vote to allow the House to consider repealing the Coast Guard user fee on its own merits, without add-ons.

I urge my colleagues to support the Archer motion.

Mr. SHAW. Mr. Speaker, today I rise in strong support of the Archer motion to recommit H.R. 2056, the Shipbuilding Trade Reform Act of 1992. I urge my colleagues to support this measure being offered by the ranking minority member of the Ways and Means Committee, the distinguished gentleman from Texas, because this may be the only opportunity this Congress has to vote for a clean repeal of the boat user fee.

Mr. Speaker, this tax disguised as a user fee was a loser when David Stockman first proposed it in 1981, and is still a loser today. The only difference is that today we have definite evidence proving this tax should have never been enacted in the first place.

I ask my colleagues to consider the following facts: During 1991 the Office of Management and Budget estimated that the boat user fee would generate $130 million. In fact, it raised only about $18.5 million. Additionally, only 15 percent of our Nation's 4.1 million boaters subject to the user fee have purchased a decal. The miserable compliance record for this tax is perhaps only surpassed by the compliance record of the often-skirted 55-mph speed limit.

Mr. Speaker, the boat user fee is unfair and counterproductive. Unfair because it singles out a particular group of people, namely recreational boaters, who already pay nearly $300 million alone in Federal taxes a year, while not taxing other people's avocations. It is counterproductive because it raises little revenue while it burdens the Coast Guard, which has more important missions to fulfill, such as search and rescue operations, drug interdiction, and boating safety education.

This user fee on boats is similar to the luxury tax on boats, another tax enacted as part of the 1990 budget deal. Like the user fee, the boat luxury tax too went over like a lead zeppelin. The luxury tax on boats has helped destroyed a proud American industry, and has thrown blue collar workers out of their jobs. I am hopeful that the House will act quickly to repeal that onerous tax too. Today, however, we must tend to the vote at hand and vote to sink the boat user fee.

I urge my colleagues to support the Archer motion to recommit H.R. 2056.

Mr. SANTORUM. Madam Chairman, Having long supported the repeal of the boat user fee, I rise today in support of H.R. 2056, the Shipbuilding Trade Reform Act.

H.R. 2056 offers the best opportunity for Congress to repeal what is really an unnecessary tax. Both the user fee and its twin, the luxury tax, have led to a depressed boating industry. Moreover, in Pittsburgh and the rest of Allegheny County the user fee has proved an unwanted burden to more than 29,000 registered boaters. As a fiscal tool, the user fee has proved especially ineffective contributing to, at best, insignificant revenue gains.

For these reasons, I am pleased that this legislation affords us the opportunity to vote on repealing this unfair tax. My only regret is that we are phasing the tax out over time instead of repealing it outright. Although we must acknowledge that this vote is the best we can do at the moment, the fact that we are repealing what only passed into law a couple of years ago should serve as a reminder to Congress that politics of the moment is a poor substitute for prudence in government.

I urge my colleagues to repeal the boat user tax—vote for this legislation.

Mr. SWIFT. Madam Chairman, the vote today, on the Shipbuilding Trade Reform Act, is a most difficult one. No one can deny that our shipbuilding industry is in real trouble, and that foreign subsidies of overseas shipyards have created an uneven playing field on which it is most difficult to compete. Likewise, no one can deny that the administration has dropped the ball in failing to resolve this issue over the last several years.

Situations such as this can and should be handled through international negotiations. In fact, the administration has repeatedly promised our shipbuilders that these issues will be resolved, but 3 years of supposed negotiations have netted no agreement. Thus, those shipyards turned to Congress to do the administration's work for it.

I wish I could support this measure as a way to help our shipyards and our economy, but I don't believe that its long-term effect will be to help either. Its goals are laudible, but it simply goes too far. Approaching this problem through this type of legislation, rather than the more effective international negotiating process, would likely result in decreased exports from this country. That result hurts everyone in the process, making the administration's unwillingness to resolve this issue all the more irresponsible.

I urge the administration to keep their promise to our shipyards and hammer out an international agreement to address this problem. I will continue to press for this result so that our shipbuilding workers can stop getting beaten up by unfair subsidies.

The SPEAKER pro tempore (Mr. McNULTY). All debate time on the motion to recommit has now expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 179, nays 237, not voting 18, as follows:

[Roll No. 120]

YEAS—179

Allard
Anderson
Andrews (TX)
Anthony
Archer
Armey
Aspin
Bacchus
Ballenger
Barnard
Barrett
Barton
Bereuter
Berman
Bliley
Boucher
Brewster
Broomfield
Bunning
Burton
Bustamante
Camp
Campbell (CA)
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
de la Garza
DeLay
Dicks
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Durbin
Eckart
Edwards (OK)
Edwards (TX)
English
Ewing
Fascell
Fawell
Fields
Fish
Frank (MA)
Franks (CT)
Gallegly
Gallo
Geren
Gillmor
Gingrich
Glickman
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Henry
Herger
Hobson
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hyde
Inhofe
James
Johnson (TX)
Johnston
Kasich
Klug
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Laughlin
Leach
Lehman (FL)
Lewis (FL)
Long
Lowey (NY)
Machtley
Marlenee
Martin
McCandless
McCollum
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Mink
Moorhead
Morrison
Myers
Nagle
Nichols
Nussle
Obey
Ortiz
Oxley
Panetta
Paxon
Penny
Peterson (FL)
Peterson (MN)
Petri
Porter
Price
Pursell
Rahall
Ramstad
Ravenel
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Sarpalius
Schaefer
Schiff
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Williams
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—237

Abercrombie
Ackerman
Alexander
Allen
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Atkins
Baker
Bateman
Beilenson
Bennett
Bentley
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Boehner
Bonior
Borski
Boxer
Brooks
Browder
Brown
Bruce
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Downey
Duncan
Dwyer
Early
Edwards (CA)
Emerson
Engel
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Guarini
Hall (OH)
Harris
Hayes (IL)
Hefley
Hefner
Hertel
Hoagland
Hochbrueckner
Holloway
Horn
Hoyer
Hughes
Hunter
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Lancaster
Lantos
LaRocco
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickett
Pickle
Poshard
Quillen
Rangel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Serrano
Sikorski
Sisisky
Skeen
Skelton
Slaughter
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—18

AuCoin
Bryant
Dannemeyer
Dymally
Hatcher
Ireland
Kolter
Levine (CA)
Lightfoot
McCrery
Miller (CA)
Moakley
Mrazek
Parker
Roukema
Sangmeister
Santorum
Staggers

☐ 1807

The Clerk announced the following pair:

On this vote:

Mrs. Roukema for, with Mr. AuCoin against.

Messrs. BORSKI, SKEEN, OLVER, SERRANO, FOGLIETTA, and HEFLEY changed their vote from "yea" to "nay."

Messrs. MCCURDY, VALENTINE, DE LA GARZA, HORTON, SMITH of Iowa, BARNARD, NAGLE, HALL of Texas, SCHUMER, BUSTAMANTE, ROSE, WILSON, BERMAN, VANDER JAGT, and EDWARDS of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. MCNULTY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 339, noes 78, not voting 17, as follows:

[Roll No. 121]

AYES—339

Abercrombie
Ackerman
Alexander
Allen
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Atkins
Bacchus
Baker
Ballenger
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NOES—78

Allard
Anderson
Andrews (TX)
Archer
Armey
Aspin
Barrett
Barton
Bereuter
Boucher
Bunning
Campbell (CA)
Chandler
Combest
Coughlin
Cox (CA)
Crane
DeLay
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
English
Ewing
Fascell
Fawell
Fields
Franks (CT)
Gallo
Gradison
Grandy
Green
Hansen
Hastert
Hopkins
Horton
Hubbard
Hyde
Inhofe
Johnson (TX)
Johnston
Kolbe
Kyl
Lehman (FL)
Lewis (FL)
Manton
McEwen
Michel
Miller (OH)
Miller (WA)
Moorhead
Myers
Nagle
Nichols
Nussle
Oxley
Porter
Rahall
Rhodes
Riggs
Roberts
Rogers
Ros-Lehtinen
Schiff
Schumer
Sensenbrenner
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (OR)
Stenholm
Weber
Weiss
Williams
Wilson
Wylie
Zimmer

NOT VOTING—17

AuCoin
Bryant
Dannemeyer
Dymally
Hatcher
Ireland
Kolter
Levine (CA)
Lightfoot
McCrery
Moakley
Mrazek
Parker
Roukema
Sangmeister
Santorum
Staggers

☐ 1825

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 2056, the bill just passed.

The SPEAKER (Mr. MCNULTY). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102–519) on the resolution (H. Res. 454) providing for the consideration of the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON THURSDAY, MAY 14, 1992

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, Thursday, May 14, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4111, SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 452 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 452

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4111) to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

□ 1830

Ms. SLAUGHTER. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from California [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 452 is an open rule providing for the consideration of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992. The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Small Business Committee.

The rule makes in order the Small Business Committee amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment.

Finally, the rule provides for one motion to recommit with or without instructions.

The purpose of H.R. 4111 is to increase the authorization levels for loan guarantees under section 7(a) of the Small Business Act, and to permit up to 10 percent of the total amount authorized to be utilized annually for pilot programs.

Section 7(a) loans are presently authorized through fiscal year 1993. However, due to the prolonged economic recession, many credit worthy small business borrowers are unable to secure financing.

During the first 6 months of fiscal year 1992, demand for section 7(a) and other Small Business Administration loans were up substantially as compared to the same time the previous year.

If SBA Loan Program participation continues at its present rate, they will run out of funds before the end of this fiscal year. If fact, as Chairman LAFALCE testified before the Rules Committee, the program would have already shut down but for the Office of Management and Budget's approval allowing the Small Business Administration to borrow loan funds which are held in reserve for the fourth quarter.

Mr. Speaker, I encourage my colleagues to support House Resolution 452.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I told the chairman of the Committee on Small Business last week in the Committee on Rules, any time we get an open rule I am extraordinarily enthusiastic. Mr. Speaker, I was here earlier today decrying the fact that the rule that we had to consider the shipbuilding bill was, unfortunately, a closed rule. This is only the second open rule of this year, Mr. Speaker.

In other words, out of 13 rules considered this year, this is only the second time Members will be able to come to the well of this Chamber and fully participate in the legislative process.

For the record—and I have said it here more than once—Mr. Speaker, 65 percent of all the rules have come out of the Committee on Rules in this Congress have been restricted. That is why I want to again congratulate Chairman LAFALCE and the ranking Republican, the gentleman from Florida [Mr. IRELAND], for requesting this increasingly rare resolution known as the open rule.

Mr. Speaker, this bill provides $1.3 billion in new lending authority for the SBA's Guaranteed Loan Program for fiscal year 1992. These funds will allow banks to make more small-business loans while maintaining higher capital reserves mandated by Congress. This bill is bipartisan, and the greatest thing, once again, is this open rule. As I say, wonders will never cease. Mr. Speaker, we have this great chance to allow Members to exercise their constitutional right to participate in the legislative process.

Mr. Speaker, I should say I have no request for time. Everyone here is ecstatic at the prospect of being able to amend this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 203(b)(1)(D) of Public Law 102–166, I hereby appoint the following individual to serve as a member of the Glass Ceiling Commission: Ms. Lynne O'Shea, Vice President/Business Development, Gannett Company, Inc., 444 North Michigan Avenue, Chicago, Illinois 60611.

Sincerely,
BOB MICHEL,
Republican Leader.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to sec. 1081(c)(1)(E) of Public Law 102–240, I hereby appoint the following individual to serve as a member of the Commission to Promote Investment in America's Infrastructure: Mr. Francis X. Lilly, Bear, Stearns & Co. Inc., 805 15th Street, N.W., Suite 1120, Washington, DC 20005.

Sincerely,
BOB MICHEL,
Republican Leader.

STOP THE FLOOD OF TAX DOLLARS

(Mr. SENSENBRENNER asked and was given permission to address the house for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SENSENBRENNER. Mr. Speaker, there is another bill where we ought to separate the question, and that is the supplemental appropriation bill that will come up tomorrow. Unlike the statement of the gentlewoman from Illinois [Mrs. COLLINS], the flood in Chicago was a manmade disaster, and it was caused by the gross negligence and incompetence of the Chicago building inspection department. Chicago city officials knew that the freight tunnels under the Chicago River were leaking as early as February 27, and yet they refused to inspect the problems. They took pictures and did not pick them up for a week, and one inspector did not do a required inspection because he could not find a parking place.

So, Mr. Speaker, a little leak became a big leak, and on April 13, 6 weeks later, there was a flood.

The question is whether we should charge our taxpayers in Wisconsin and California and New York and elsewhere to indemnify the incompetence of the Chicago city government. Even Mayor Richard Daley recognized that the government did not work and that this was caused by a gross failure of his inspection department.

Mr. Speaker, I show the House a copy from the Chicago Tribune, "Daley bags 4 bureaucrats. Mayor tells of incredible flood fiasco." I am placing that article in the CONGRESSIONAL RECORD, and I hope that the House will have a vote to stop the flood of tax dollars to the manmade flood in Chicago.

[From the Chicago Tribune, Apr. 23, 1992]

DALEY BAGS 4 BUREAUCRATS: MAYOR TELLS OF INCREDIBLE FLOOD FIASCO

(By John Kass)

Mayor Richard Daley sketched a frightening but familiar portrait of a sluggish and indifferent city government on Wednesday as he stood five floors above a basement still full of stinking Chicago River water, flooded because a bungling bureaucracy didn't bother to take action.

To anxious taxpayers who will undoubtedly cover the costs of the Great Chicago Flood that swamped the Loop last week, the mayor offered the heads of four more City Hall bureaucrats and promised to suspend three others.

He told a detailed account about deceit and laziness that reinforced every legendary negative stereotype of city workers, then added that he did not intend to indict the system or his government. Still, the mayor said Chicagoans had lost faith in a City Hall that ignored warnings in February that an underground tunnel would burst and cause a catastrophe.

"Perhaps worst of all, the people of Chicago have experienced an understandable loss of confidence in their government and that's something we can't fix with cement trucks or with federal disaster funds or with all the experts in the world," Daley said, reading a statement during a press conference in his office and recounting the months leading up to the April 13 flood.

The leaking underground tunnel was first observed on Jan. 14 by a surveying crew from Chicago Cable Television, which runs cables through the underground network. And while attempting to resolve some questions of how that company's pleas for action were ignored, the city unveiled a new mystery in the case.

City Corporation Counsel Kelly Welsh said that when the cable company crew was in the tunnel, which was filling with river silt and water, they observed fresh footprints in the mud. But Welsh could give no reason as to who left those tracks.

The events related by the mayor show a stifling bureaucracy where workers took months to decide a course of action and where supervisors were unconcerned. One waited for days to pick up important photographs of the underground tunnel that were left at a Northwest Side Osco drug store, and others didn't inspect key construction projects because, they said, they couldn't find a place to park their cars.

"You know, it's just very upsetting, given the consequences," Daley said. "There are a lot of things [that are] incredible."

But when asked whether his government discouraged workers from kicking problems up the bureaucratic ladder the mayor said city workers should inform him personally of any problems.

"First of all, there's a whole process to go through. Go right to the supervisor. Write me a letter," he said.

Wednesday's resignations, planned firings and suspensions of seven city workers were to show that Daley would not accept shoddy work from his bureaucrats—as was his firing last week of former acting Transportation Commissioner John LaPlante, who received on April 3 a memo dated the day before that warned the tunnel would crack and flood the Loop.

Some Daley advisers have been concerned for several days that LaPlante, fired the day after the flood began, would be tuned into a sympathetic character in the drama before it played itself out.

And by the end of the press conference, their fears were realized as the administration's own account showed LaPlante acted on the suggestions of his subordinates and ordered work to begin immediately, but ran out of time.

While LaPante, a career bureaucrat with no political clout, was having his image reshaped by events, a top political aide to Daley, General Services Commissioner Ben Reyes, was left unharmed Wednesday. Reyes is a top Hispanic political operative of the mayor.tive of the mayor.

Daley said Wednesday that Reyes had offered his resignation hours earlier, but the mayor declined to accept it pending the outcome of the investigation. Political allies of Daley, including (26th), have been lobbying the mayor to keep Reyes and bolster the white-ethnic and Hispanic coalition.

Reyes' department first learned of the tunnel problems in February, but Reyes said he had no knowledge of the leak. On Tuesday, a former chief engineer for Reyes said he told the commissioner about the tunnel, that it was filling with river silt and leaking water.

In the stacks of memos, documents and workers' diaries handed out to reporters, there were two memos from LaPlante to Reyes. The LaPlante memos informed Reyes that inspection of the tunnels was the responsibility of General Services.

When asked if LaPlante had been fired for convenience and if Reyes was being kept on because he had political contacts, the mayor bristled:

"I don't worry about politics. I did not fire anyone who is a Democrat, Republican or independent. I do not look at their political affiliations or where they live, who they are, what sex they are, what race or creed or religion. I did not look at any of those. I just want to emphasize. I did not look at any of that."

Welsh began the press conference with a 40-minute briefing in which he positioned the city's defense against civil lawsuits for flood damage. Welsh said that under state law, the city cannot be held responsible for the discretionary acts of its employees. Welsh also defended his investigation against criticism from some aldermen that he was trying to protect top Daley aides.

Welsh also laid out the case against the seven workers. The mayor then took over and dropped the hammer for six Department of Transportation workers and one from the Department of General Services.

Daley said he had received the resignations of chief Bridge Engineer Louis Koncza, 70, who knew of the damage to the tunnel on March 25. Koncza wrote an urgent April 2 memo to LaPlante. But Daley painted Koncza as a "paper shuffler" who failed to act quickly to repair the damage.

The mayor said it took Koncza a week to hold a meeting on the issue and another week to get construction estimates.

"He was still looking for more estimates when the flood broke," Daley said, adding that the April 2 memo does not absolve Koncza of responsibility. "He should have acted on it. Bureaucratic paper-shuffling in the face of such a monumental threat is unacceptable."

Daley also took the resignation of supervising engineer Dennis Sadowski, 41, who the mayor said "dropped the ball" when he did not inspect the construction of pilings driven into the riverbed at the Kinzie Street bridge. The piling construction last year, by Great Lakes Dredge & Dock Co., is targeted by the city as the reason the underground tunnel wall cracked.

Sadowski learned of the tunnel damage by March 18, but waited a week before he informed Koncza, his superior.

The mayor said Sadowski was to have inspected pilings at five city bridges along with James Bolster, the on-site engineer technician. But they only inspected one bridge, at Cermak Road, and admitted later they ignored the Kinzie Street site because they couldn't find a place to park.

"This was his project, and he should have acted quicker," the mayor said.

The mayor said he is seeking to fire two other city employees, Frank Ociepka, a supervising engineer who allowed Great Lakes to alter the position of the river pilings but never inspected the work; and James McTigue, the General Services employee who first inspected the tunnel on March 13 after learning about the damage in late February.

It was Ociepka's job to know that the underground tunnels were near the site of the new river pilings, Daley said.

HOUSE SHOULD CONSIDER H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATION FOR DISASTER RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, I again rise to express my regret that the gentleman from Wisconsin [Mr. SENSENBRENNER] has chosen to work his ire upon the people of Chicago and my congressional district by attempting to eliminate Federal disaster assistance from emergency appropriation legislation which we should be considering in the near future.

As you know, Mr. Speaker, 1 month ago tomorrow, a weakened wall along the Chicago River collapsed into an abandoned freight tunnel system, subsequently flooding the basements of the buildings of Chicago's Loop. While property damage alone has been estimated at $300 million, total combined business losses are expected to top $1 billion. That not only includes losses to such Chicago institutions as the Board of Trade, the Mercantile Exchange, and Marshall Fields, but losses suffered by hundreds of small- and medium-sized businesses who woke up on April 13, to find the Chicago River flowing through their basements. Many of these smaller businesses remain closed today; and many others will never be financially able to reopen. And let us not forget about those employees who still have been unable to return to work in those businesses and others who will join the ranks of the unemployed.

Regardless of who is to blame for this tragedy, and I would like to say that blame has not yet been fully assessed in this matter, nobody can deny that this is indeed a disaster of epic proportions. Not since the great fire of 1871 has one single event so paralyzed Chicago and affected the lives of so many.

Further, the Vice President, Mr. QUAYLE, came to Chicago, saw for himself the havoc the flood wreaked upon our city and agreed that Chicago should be declared a disaster area.

However, there is nothing out of the ordinary in requesting some Federal relief for Chicago. Mr. Speaker to do so is in fact, quite in accordance with the law and with prior precedent. If I might quote from the statute upon which our Federal disaster assistance program is based—legislation supported by Mr. SENSENBRENNER in the 100th Congress if I might add—section 102, subsection 2 of Public Law 100-707 specifically states that a disaster shall be defined as "any fire, flood, or explosion regardless of clause."

Let me repeat: It says any disaster and by God this certainly falls into that category and is deserving of Federal relief and assistance. Mr. SENSENBRENNER's assertion that the Federal Government should not be involved in the Chicago disaster because of possible negligence is baseless, mean-spirited, and without precedent. Would the good gentleman from Wisconsin's concern for the American taxpayer be just as strong if a similar disaster befell Sheboygen or Milwaukee? I wonder!

It is my sincere plea that Members in this House will no longer continue the divide-and-conquer politics of Ronald Reagan and George Bush by pitting one group of Americans against another in an attempt to balance the budget on the backs of those who have already been beaten down by the recession, and now a most unfortunate disaster in Chicago.

Mr. SENSENBRENNER asks, "Why should the people in my Wisconsin pay for something that happened in Chicago?" Well why should the people in my inner-city Chicago district pay for dairy subsidies, something which is probably important to the State of Wisconsin and perhaps to his district? For that matter, why should anyone in the United States care what happens elsewhere in the country? Such an attitude is one of self-interest, is not of the national interest, and is a dangerous road to travel. We must not allow ourselves to become so self-absorbed and so self-righteous that it clouds our vision as to what is the moral thing to do in this situation, if not the legal course of action as well.

I cannot speak for Mr. SENSENBRENNER'S Wisconsin constituents, but I do know the people I represent in Chicago. They certainly would not begrudge anyone in the country Federal aid if a similar calamity struck elsewhere.

Hundreds of small businesses in Chicago, Mr. Speaker, businesses who had no idea what was happening 50 feet below the surface of the street, have suffered due to this flood. These are hard-working shopkeepers and businessmen who had nothing to do with the events which led up to the flood. Yet, if the gentleman from Wisconsin has his way, they will be denied the disaster benefits to which they are entitled under the law.

This body has a long history of helping communities recover from floods, fire, earthquakes, drought, and a host of other disasters, both natural and of man's own doing. Let's not play politics with people's livelihoods. Let us get on with H.R. 5132; The dire emergency supplement appropriations for disaster relief.

☐ 1840

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). The Chair reminds all Members to avoid personalities in debate.

BUILD THE V-22

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I take out this special order this evening to discuss what we have just completed in the House Committee on Armed Services. After 9 hours of intense back and forth through the committee process we marked up the 1993 Defense authorization bill, and I should stand here tonight saying that I am totally pleased with that bill, and I am in a general way. But unfortunately we had to insert one provision I would like not to have inserted, and that deals with the top priority of the Marine Corps, the V-22 Osprey.

Mr. Speaker, in last year's defense authorization bill the administration and the Congress agreed to a 2-year program to build six production representative aircraft. Unfortunately Secretary of Defense Dick Cheney and Comptroller Sean O'Keefe have chosen, not only to ignore the law of the land, but to patently disregard what the Congress and the President have agreed to.

I would like to enter at this point in time in the RECORD a copy of an editorial from Defense News this last week entitled: "An Unproductive Fight." It outlines the negative aspects of Dick Cheney's attempt to totally disregard the will of the Congress and the law of the land.

The article referred to is as follows:

AN UNPRODUCTIVE FIGHT

> The standoff between U.S. Defense Secretary Dick Cheney and Congress over funding for the V-22 tilt-rotor aircraft is reaching a dangerous threshold.
>
> Mr. Cheney, arguing that the futuristic aircraft that can take off like a helicopter then shift its rotors to fly like a fixed-wing airplane is too expensive for today's declining defense budgets, refuses to spend money that Congress already has appropriated for the aircraft.
>
> By choosing not to spend the money on the aircraft, Mr. Cheney gives himself de factor line-item veto power over the defense budget, a power U.S. presidents, particularly Ronald Reagan, have been trying unsuccessfully to get for years.
>
> This sets a dangerous precedent. If the defense secretary's unilateral decision not to spend $790 million appropriated by Congress in 1992 and earlier years for the V-22 goes unchallenged, it is possible that any member of the Cabinet can have veto power more absolute than that of the president.
>
> This would make the U.S. government more unwieldy and unproductive than it already is.
>
> Mr. Cheney's independent action angers many in Congress, who argue in return that he is in violation of the law.
>
> To counter, some in Congress are generating support to tack an amendment onto a supplemental appropriation bill in the 1992 budget that would freeze all funds needed to run the vast bureaucracy of the Office of the Secretary of Defense.
>
> While it is important to determine the fate of the V-22 program and to resolve the question of who has the power to determine how defense dollars can be spent, the drama unfolding over the V-22 is overwrought and unproductive.
>
> Overtures from Congress threatening to shut down major elements of the Defense Department in a contest of wills with the defense secretary is not in the best interest of the taxpayer or the contractors working to develop the V-22.
>
> American government and politics are based on a system of checks and balances. The V-22 debacle has exposed a flaw in that system.
>
> This is not the first time the power of the administration has been tested. The Nixon administration attempted to withhold spending of billions of dollars on various projects for which funds already had been appropriated.

The argument was concluded with the passage of the Budget Impoundment and Control Act of 1974.

With this act, Congress limited the powers of the president not to spend appropriated funds. Under the act, the president can choose to rescind, defer or reprogram funds if he decides not to spend them on a particular program.

In the case of the V-22, the president had a variety of options if he wished not to spend money on the V-22. He could have simply vetoed the defense appropriations bills that included V-22 funding. He also could have formally acted to rescind, defer or reprogram the funds.

While Congress could override a veto and must concur with rescissions, the administration did not even attempt to follow these normal political channels.

Rather, Mr. Cheney has challenged Congress' right to have a role in the shaping of defense policy in anything more than setting ceilings on spending for defense programs.

If the administration is intent on killing the V-22, it should do so through the established channels. If the administration chooses to keep the program going, the White House should tell Mr. Cheney to stop dragging his feet and end the power struggle with Congress that could result in a major disruption of Pentagon operations over a single weapon program.

Mr. Speaker, the Secretary of Defense knows the President has the option to ask for rescission of funds that have been appropriated by the Congress. He did not choose to do that. And yet the Secretary chooses to have line item veto to take away those funds that we have legitimately appropriated to continue with this revolutionary aircraft. This is an outrage. We have corrected that in this year's defense bill by taking away on a monthly basis 5 percent of the staff and the support for the Comptroller General of DOD's office until such time as he sees fit to comply with the law.

Mr. Speaker, at this time I yield to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WELDON] for yielding. I want to applaud my colleague and the Committee on Armed Services under the leadership of the gentleman from Wisconsin [Mr. ASPIN] for the fine work they have done in marking up the defense authorization bill for fiscal year 1993. As my colleague mentioned, it is unfortunate that we have reached a point in our dealings with Secretary Cheney that we were forced to put language in this bill that forces him to obey the law. He is one of the highest officers in the land, and we are having to force him to obey the law, a law that Congress passed, a law that the President signed.

Mr. Speaker, over the last 2 years we have had a very healthy debate in this Congress and around this country on the V-22, and we have seen observer after observer study the issue, thoughtful observers, and they came down on the side of the Marines and of the critical program, the V-22.

Mr. Speaker, I enter into the CONGRESSIONAL RECORD a recent editorial from an unlikely source, one that certainly has been a supporter of the administration and many of its battles, but it is the Washington Times of May 4, 1992, in which it exhorts Secretary Cheney to, and I quote, "Build the V-22." The article is as follows:

BUILD THE V-22

In 1982, the Pentagon asked defense contractors to design a replacement for the aging helicopters the armed services used to transport Marines, insert Special Forces and fly search-and-rescue missions. The Bell Boeing Tilrotor Team came back with the V-22 Osprey. Congress supports the aircraft, having appropriated $2.5 billion to develop and build it. President Bush signed the appropriations into law. But Secretary of Defense Dick Cheney doesn't want to spend the money for the Osprey. What, members of Congress ask, is going on?

It's not as if there's much debate about the utility of or need for the V-22. Designed to replace 30-year-old CH-46s and CH-53s, the V-22 tilrotor, a propeller driven craft that can take off like a helicopter and fly like an airplane, meets every specification of American war planners and then some. Through the V-22 was originally designed to perform seven missions, its utility extends to 26 specific areas, including special operations, medium-lift amphibious assault, search and rescue, airborne refueling, signals warfare and electronic intelligence gathering, close air support and anti-submarine warfare. It can fly twice as fast and three times as far as the military's existing helicopters. Had it been available for the Iran hostage rescue mission in 1980, it would have taken eight hours with no refueling to complete the mission, instead of 35 hours with a refueling stop.

The V-22 enjoys wide support. Adm. Paul Yost of the U.S. Coast Guard has said, "The V-22 is the most exciting technology to come on the scene. . . . That aircraft is the answer to a Coast Guard commander's prayer." Former Marine Corps Commandant Al Grey told a congressional committee last year that it "is the most cost-effective idea over time." In the Persian Gulf, it would have "facilitated rescues" because "there were [downed airman] up by Baghdad that we may have gotten," another flag officer said. These officials, along with nearly every member of the armed services who has spoken publicly on the subject, want the V-22.

The tiltrotor aircraft has more than military applications. It has considerable potential for relieving the growing congestion in American airports. Of 16 major airports serving American cities, up to 70 percent of the flights are 300 miles or less. yet these short hops take the same support infrastructure as coast-to-coast or international flights. The V-22 would require only "vertiports" covering 4.5 acres—370 feet by 545 feet—that could be built in cities. As former FAA Administrator Donald Engen said, because most of a traveler's time is spent on the ground getting to and from the airport and waiting for taxis and the like, "tiltrotor travel will be faster than commercial jet travel for millions of passengers. We could fly intercity—not interairport—at reasonably high speeds and relatively low costs." For Washingtonians traveling to New York or Boston, a vertiport at Union Station would save the trip to National or Dulles airports.

Defense analyst Philip Gold notes that the V-22 would also be useful for travel in remote places like Alaska, where many people must travel by airplane inside the state, and as a drug interdiction aircraft.

How good is the V-22? One Japanese industrialist was mightily impressed at what he saw. "If you produce this aircraft, I guarantee you we will buy it," he said. "If you do not, I guarantee you we will build it." Two weeks ago, the Philadelphia Inquirer reported that "a tiny Japanese firm has set up shop just 15 miles from [Boeing Bell] and is hiring key Bell workers to build its own version." Unless the military builds the V-22 (military application being the signal for private sector companies to buy the new technology) the tiltrotor aircraft may well be merely the latest in a line of products invented here but made in Japan.

Mr. Cheney says the V-22 is too expensive. That may be true in the short run. But not building the V-22 isn't going to get around the military's current problem of aging helicopters. Those aircraft can't perform their missions because they are too old. Even performing at peak they couldn't exceed the capability of the V-22, and they are not performing at peak. The aging CH-46s cannot fly to their original specifications without endangering crewmen. In early April, a CH-46 crashed (only one of many that have), killing four of the 14 crewmen aboard. Though the CH-46 can supposedly carry 20, the Pentagon capped the number it will allow on board at nine. In short, at 70 percent carrying capacity, it was overloaded. The Pentagon will spend the money on the mission requirements of the CH-46 anyway, and the V-22 is available now to fill that gap. All this, of course, ignores the tremendous potential for civilian application.

But none of this, really, should matter. Congress passed legislation and President Bush signed it. Mr. Cheney doesn't have the veto, line-item or otherwise. Several congressmen have threatened court action if Mr. Cheney doesn't proceed with the V-22. That would be ugly, unnecessary and an embarrassing spectacle. Mr. Cheney got bad advice on the V-22. The time to build it is now.

Mr. Speaker, Congress passed legislation. President Bush signed it. Mr. Cheney does not have the veto, line item or otherwise. If Mr. Cheney does not proceed with the V-22, this would result in an ugly, unnecessary, and embarrassing spectacle for the administration.

Mr. Cheney got bad advice on the V-22. The time to build it is now. I hope that we are able to move forward with this program. I hope that Mr. Cheney has a change of heart, and I regret that we have reached this point where Congress is forced to exercise its prerogatives to force him to obey the law.

Mr. WELDON. Mr. Speaker, I thank the gentleman from Texas [Mr. GREEN], my good friend and colleague, for those comments and for entering into the RECORD the editorial from the Washington Times.

I would just urge all of our colleagues in the House to support this defense bill when it comes to the floor, including the provision that requires the Secretary of Defense to comply with the law. All of us have to comply with the law. The Secretary of Defense is no different, and I would ask that he follow the law and allow the contracts to go forward on the V-22 program.

☐ 1850

THIS NATION NEEDS A JOB BILL

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 5 minutes.

Mr. HAYES of Illinois. Mr. Speaker, I was disappointed that as the President traveled to Los Angeles to view the hopeless devastation due to the Rodney King verdict, that he did not truly look beyond the physical destruction and attempt to address the emotional destruction that the people of Los Angeles have suffered. Mr. Speaker, the President ought to take a closer look at what the policies of his administration have created.

The most significant message that the President could have returned to Washington with was his commitment to create jobs to help alleviate the crisis in Los Angeles, as well as in other cities nationwide. Instead of such a message, the President is proposing an urban agenda which essentially incorporates every old proposal he has touted for the last 4 years—parental choice in education, a voucher system for low-income housing, welfare reform, and tax incentives for business.

Once again, the President embraces the basic trickle-down theory that has never worked. We must provide direct aid to communities suffering in crisis like Los Angeles, Chicago, the Bronx, and Harlem, as well as other urban and rural centers. The President's efforts to enhance the economy with his probusiness programs instead of directly funding programs which address the real hard core issues of poverty, homelessness, joblessness, lack of educational opportunities, and access to health care are inadequate at best. Band aid solutions have never worked, and will not work now. The wound is now too severe.

People are distraught and are suffering. The disturbance in Los Angeles should be a sign for the leaders of this country. This Nation, this Government must assist in improving the quality of life for all Americans, and that means jobs. I have introduced in the House H.R. 4122, the Infrastructure Improvement and Job Opportunity Act which directly addresses the crisis in Los Angeles and in other cities with high jobless rates.

As the President and the leadership of this Congress continue in their efforts to draft an urban agenda, I want to recommend that efforts are made to secure knowledgeable advice on the needs of this nation's cities. While jobs are critical, the people of Los Angeles and other cities have a lot to say about their needs. Let us not shove down their throats solutions which in no way relate to the problems.

In addition, let us not politicize this crisis. We must remember, Mr. Speaker, that lives have been lost in this struggle for justice—and that is what all of this is really about. Many more lives hang in the balance. The mere fact that the President, as well as many leaders of this body, are looking to maintain their jobs in November ought not impact on doing the right thing.

The short-term assistance is critical. However, we must not forget the incident which sparked this debate. This Nation must address the broader issue of our unjust justice system or we will merely repeat history next month or next year. The uneven application of our system of justice is what ignited the fuse in Los Angeles. Our President's record on basic civil rights issues is certainly not stellar, but we must continue to fight. Rodney King was tried and found guilty—and that is not my understanding of justice and democracy.

Funds to create jobs for this Nation ought to be our top priority. We must begin to address the issues of concern to this Nation, and we must do it now before we are graphically confronted with disturbances similar to Los Angeles, nationwide. I call on this Congress to pass a jobs bill before the end of this session. Despair breeds hopelessness. We must help give people hope.

DEPARTMENT OF JUSTICE FISCAL YEAR 1993 APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, today I am introducing a bill to authorize appropriations for the Department of Justice to carry out its activities for fiscal year 1993. This bill authorizes the appropriations of $9.603 billion for the Department to carry out its law enforcement, prosecutorial, civil, and custodial functions. The Department recently submitted proposed legislation requesting an authorization of $8.15 billion. One of the principal differences between the two bills is that the Department proposal fails to provide any authorization for the U.S. Marshals Service, the U.S. trustee system, or the asset forfeiture fund. The Justice Department believes it has permanent authorization for these programs. The committee believes that these important programs should be subject to oversight by the legislative branch through the authorization process and thus should be considered as part of the overall DOJ authorization bill.

In addition, the committee's bill provides for funding over and above the Department's proposal by $350.2 million for the Federal prison system, $228.5 million for the Drug Enforcement Administration, $13.5 million for the Antitrust Division, and $24.4 million for the Immigration and Naturalization Service. The committee's bill also authorizes the appropriation of $500 million in funding for organized crime drug enforcement. This surpasses the $399.12 million proposed by the Department by approximately 25 percent. It is absolutely essential that Congress provide the men and women of law enforcement, who risk their lives daily in order to protect the citizens of this country, with the necessary resources and support to do their job. This legislation also authorizes funding for drug education programs—which are an indispensable element in our Nation's war against drugs. While the enforcement operations targeting traffickers of illegal drugs are essential, we must not neglect the programs which educate our children to the dangers of drug abuse. It is through these programs that we can hope to inoculate future generations and hereby protect them from the violence and suffering that illicit drugs have brought to so many of our citizens.

The bill that I am introducing today is significant in another important aspect: It provides congressional oversight through the authorization and appropriations process, an essential element of our democratic system. Virtually all of the agencies within the executive and judicial branches of Government were created by an act of Congress. While these agencies operate independent of the legislative body, they must return to Congress on an annual basis to receive funding and if necessary, explicit authorization for their continued existence. This constitutionally mandated procedure is an integral part of our democratic process and ensures that nonelected officials of the executive and judicial branches of Government remain accountable to the legislative branch and, through us, to the citizens.

It has been almost 12 years since a Department of Justice authorization bill has been passed by Congress and signed into law. The Department has been operating on the implicit authorization provided by annual appropriations legislation. In my view, this situation has impaired Congress' ability to properly oversee the management and operations of the Department. The Department's proposed bill recommends giving Justice a permanent authorization for all its activities. I believe that going from an implicit annual authorization status to a permanent authorization would be an abdication of the legislative branch's responsibilities. I sincerely hope that Attorney General Barr will support our efforts to restore the Department to an annual or 2-year authorization cycle. This bill is the first important step in this process. If we are successful in these efforts, then later we may consider a longer authorization period.

H.R. 5149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE.

This Act may be cited as the "Department of Justice Appropriations Authorization Act, Fiscal Year 1993".

TITLE I—1993 FISCAL YEAR AUTHORIZATION

SEC. 101. AUTHORIZATIONS.

There is authorized to be appropriated for the fiscal year ending September 30, 1993, $9,603,935,750 to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) which shall include the following sums authorized to be appropriated:

(1) For General Administration, Salaries and Expenses: $132,909,000;

(2) For the Office of Inspector General: $31,770,000; which shall include—

(A) not to exceed $10,000 to meet unforseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General; and

(B) funds for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation;

(3) For the United States Parole Commission: $9,309,000;

(4) For General Legal Activities: $419,525,000; which shall include—

(A) not to exceed $20,000 for expenses necessary in the collection of evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(B) funds for the rent of private or Government owned space in the District of Columbia; and

(C) not to exceed $2,762,000 for the Office of Legal Counsel:

Provided, That notwithstanding any other provision of law, not to exceed $2,000,000 for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986 shall be reimbursed from the Special fund established to pay judgments awarded under the Act;

(5) For the Antitrust Division: $67,658,750;

(6) For the Foreign Claims Settlement Commission: $898,000;

(7) For the United States Attorneys: $813,510,000;

(8) For the United States Marshals Service: $341,471,000; which shall include—

(A) funds for the acquisition, lease, maintenance, and operation of vehicles and aircraft; and

(B) funds for the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year:

Provided, That notwithstanding the provisions of section 3302 of title 31, United States Code, for fiscal year 1992 and hereafter the Director of the United States Marshals Services may collect fees and expenses for the service authorized by section 1921 of title 28, United States Code, as amended by Public Law 100-690, and credit not to exceed $1,000,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services;

(9) For the Support of United States Prisoners in the custody of the United States Marshals Service and as authorized in section 4013 of title 18, United States Code, but not including expenses otherwise provided for in appropriations available to the Attorney General, $268,481,000, to remain available until expended; of which not to exceed $15,000,000 shall be available under the Cooperative Agreement Program;

(10) For Fees and Expenses of Witnesses: $81,010,000; which shall remain available until expended; and which shall include—

(A) funds for expenses, mileage, compensation, and per diem of witnesses, for private counsel expenses, and for per diem in lieu of subsistence, as authorized by law, including advances; and

(B) not to exceed $2,000,000 for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites;

(11) For the Community Relations Service: $36,570,000;

(12) For the United States Trustee System Fund: $100,216,000; to remain available until expended and to be derived from the Fund, provided that deposits to the fund are available in such amounts as may be necessary to pay refunds due depositors;

(13) For the Assets Forfeiture Fund: $439,000,000; to be derived from the Fund, as may be necessary for the payment of expenses as authorized by subparagraphs (A)(ii), (B), (C), (F), and (G) of section 524(c)(1) of title 28, United States Code;

(14) For Organized Crime Drug Enforcement: $500,000,000; for expenses, not otherwise provided for, for the investigation and prosecution of individuals involved in organized crime drug trafficking; *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation;

(15) For the Federal Bureau of Investigation: $2,013,000,000; which shall include—

(A) funds for the purchase for police-type use of passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year, and for the hire of passenger motor vehicles;

(B) funds for the acquisition, lease, maintenance and operation of aircraft;

(C) not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General; and

(D) not to exceed $30,000 for official reception and representation expenses;

(16) For the Drug Enforcement Administration: $1,000,000,000; which shall include—

(A) funds for the purchase for police-type use of passenger motor vehicles, without regard to the general purchase price limitation for the current fiscal year, and for the hire of passenger motor vehicles;

(B) funds for the acquisition, lease, maintenance and operation of aircraft;

(C) funds for conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and

(D) not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General;

(17) For the Immigration and Naturalization Service: $1,066,577,000: which shall include—

(A) funds for the purchase for police-type use of passenger motor vehicles, without regard to the general purchase price limitation for the current fiscal year, and for the hire of passenger motor vehicles;

(B) funds for the acquisition, lease, maintenance and operation of aircraft;

(C) funds for the purchase of uniform without regard to the general purchase price limitation for the current fiscal year; and

(D) not to exceed $50,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General;

(18) For the Federal Prison System: $2,246,031,000; including $11,055,000 for the National Institute of Corrections and $339,225,000 for buildings and facilities; and

(19) The Federal Prison Industries, Incorporated is authorized to make expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchases of and hire of passenger motor vehicles.

TITLE II—GENERAL PROVISIONS

SEC. 201. RECEPTIONS AND REPRESENTATION.

A total of not to exceed $95,000 from funds appropriated to the Department of Justice in this Act shall be available for official reception and representation expenses in accordance with distribution, procedures, and regulations established by the Attorney General.

SEC. 202. TRANSFERABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b) and subject to section 203, the Attorney General may transfer up to 2 per centum of any appropriation made to the Department of Justice to any other such appropriation, but no such appropriation shall be increased by more than 2 per centum by any such transfers.

(b) EXCEPTION.—Under the authority of subsection (a), the Attorney General may not transfer—

(1) funds appropriated under section 101(5);

(2) funds so as to increase the amount of funds available for expenditure by the Office of Legal Counsel; or

(3) funds so as to decrease the minimum amount of funds required by section 101(1) to be expended.

SEC. 203. NOTIFICATION OF REPROGRAMMING.

During fiscal year 1993, each organization of the Department of Justice, through the appropriate office within the Department of Justice, shall notify in writing the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, other appropriate committees, and the ranking minority members thereof, not less than 15 days before—

(1) reprogramming of funds in excess of $250,000 or 10 per centum of the amount available for such fiscal year to carry out a program, whichever is less, between the programs within the offices, divisions, and boards as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives;

(2) reprogramming of funds in excess of $500,000 or 10 per centum of the amount available for such fiscal year to carry out a program, whichever is less, between programs within the Bureaus as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives;

(3) any reprogramming action which involves less than the amounts specified in paragraphs (1) and (2) if such action would have the effect of making significant program changes and committing substantive program funding requirements in future years;

(4) increasing personnel or funds by any means for any project or program for which funds or other resources have been restricted;

(5) creation of new programs or significant augmentation of existing programs;

(6) reorganization of offices or programs; and

(7) significant relocation of offices or employees.

SEC. 204. DELEGATION.

The Attorney General may not delegate any power, duty, or function expressly conferred by this Act on the Attorney General.

SEC. 205. UNDERCOVER OPERATIONS.

(a) CRIMINAL PROSECUTIONS; COLLECTION OF INTELLIGENCE.—With respect to any undercover investigative operation of the Federal Bureau of Investigation, or the Drug Enforcement Administration, which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1993, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (41 U.S.C. 255), the

third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (41 U.S.C. 254);

(2) sums authorized to be appropriated for the Federal Bureau of Investigation, and for the Drug Enforcement Administration, for fiscal year 1993 may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code;

(3) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1993, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code; and

(4) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code;

only in operations designed to detect and prosecute crimes against the United States, upon both the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's "Guidelines on Federal Bureau of Investigation Undercover Operations", as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the written certification of the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by paragraph (1), (2), (3), or (4) is necessary for the conduct of such undercover operation. Notwithstanding the preceding sentence, if the undercover operation is designed to collect foreign intelligence or counterintelligence, a written certification that any action authorized by paragraph (1), (2), (3), or (4) is necessary for the conduct of such undercover operation shall be made by both the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). A certification shall continue in effect for the duration of the undercover operation for which such certification is made, without regard to fiscal year.

(b) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds then remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) DISPOSITION OF BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(2) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director of the Federal Bureau of Investigation or the Administrator of the Drug Enforcement Administration, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS; REPORT.—(1) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall—

(A) conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1993;

(B) submit the results of such audit in writing to the Attorney General; and

(C) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(2) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each submit a report annually to the Congress specifying, by program, as to their respective undercover investigative operations—

(A) the number of undercover investigative operations pending as of the end of the 1-year period for which such report is submitted;

(B) the number of undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted; and

(C) the number of undercover investigative operations closed in the 1-year period immediately preceding the 1-year period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's "Guidelines on Federal Bureau of Investigation Undercover Operations" (as in effect on July 1, 1983), such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(i) the results;

(ii) any civil claims; and

(iii) identification of such sensitive circumstances involved that arose at any time during the course of the operation.

(e) DEFINITIONS.—For purposes of subsection (d)—

(1) the term "closed" refers to the earliest point in time at which—

(A) all criminal proceedings (other than appeals) are concluded; or

(B) covert activities are concluded; whichever occurs later;

(2) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation; and

(3) the terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation—

(A) in which—

(i) the gross receipts (excluding interest earned) exceed $50,000; or

(ii) expenditures (other than expenditures for salaries of employees) exceed $150,000; and

(B) which is exempt from section 3302 or 9102 or title 31 of the United States Code;

except that subparagraphs (A) and (B) shall not apply with respect to the report required under paragraph (2) of subsection (d).

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent that I be allowed to precede my distinguished colleagues who have very generously said I can precede them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order I am about to give.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO THE LATE HONORABLE DELWIN MORGAN CLAWSON

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken this time to inform our colleagues of news which most of us have already received, but it was very sad news that we received earlier this week, when we heard of the passing of our very distinguished former colleague, Del Clawson of California.

Del was an incredible individual, and I would like to take just a moment to talk about his background. Then I am going to yield briefly to my friend from Texas [Mr. GONZALEZ].

Del Clawson was born in Thatcher, AZ, on January 11, 1914. He attended Gila College in Thatcher in 1933 and 1944. He served as an interviewer with the U.S. Employment Service in 1941, and was with the Federal Public Housing Authority in Arizona and California from 1942 to 1947.

Del also served as manager of the Mutual Housing Association of Compton, CA, and was a member of the Compton City Council from 1953 to 1957. From 1957 to 1961 he served as mayor of Compton. He was reelected in 1961 for another 4-year term as mayor, and then was director of three Los Angeles County sanitation districts from 1957 to 1963.

Mr. Speaker, Del was elected to the 88th Congress in 1962, and came to fill the vacancy caused by the death of Congressman Clyde Doyle. He was reelected to seven succeeding Congresses, and then retired in 1978.

Mr. Speaker, Del died on the 5th of May in his hometown of Downey, CA. He was 78 years old.

Del was a real inspiration to me. When I was running for the Congress myself in 1978, he came and addressed several events. He went around and campaigned vigorously. I lost that election, but I never blamed Del for the fact that I lost, the fact that he had campaigned for me.

Del was one who then picked it up, and when I decided to run again in 1980, in large part due to encouragement that came from Del, he once again came and campaigned. He got his due. I was able to win that election, and he provided me continually with encouragement.

Del came back here to the Congress on at least an annual basis. Many of us recall that he would play his saxophone. He was very famous for the saxophone that he had here. Every St. Patrick's Day he would come and play at the Capitol Hill Club. Members of both parties would gather around as he began to perform there.

In the Congress I will never forget reading the analysis in one of the almanacs that come out talking about Members. It said that Del Clawson did not come to Congress to pass laws; he came to repeal them.

Mr. Speaker, he represented an area which had many Democrats, and yet he had bipartisan support. He had support of Democrats and Republicans in his area.

Right now we look at Compton, CA, where he was mayor in the 1950's and 1960's. That area tragically is one of the hardest hit in the Los Angeles riots that took place just in the last couple of weeks.

□ 1900

One of the reasons I am here is not only the fact that I am privileged to represent part of the area, Whitter, CA, which was one of the cities that Del had represented at one point, but also the fact that I had the chance to succeed him on the Committee on Rules. And he and I have had many lengthy conversations over the past couple of years about work on the Committee on Rules.

Del also served, as my friend from Oklahoma does today, as chairman of the Republican Policy Committee. And he provided a very, very high level of idealism which he continued to carry on on a regular basis.

I will say, however, that he helped me keep some perspective on this place. Four or 5 years ago, when he was here for his St. Patrick's Day visit, he and I sat here. He looked at me and he said, "David, I want you to know that while you and your colleagues may be very wrapped up with all of the legislation that you are working on here, I have come from the home front and most people could care less about what you are working on here right now."

That does help us when we continue to believe that we are the center of the universe here on the floor of the House of Representatives, that there are other concerns that people have out there.

I want to extend my condolences to his wife, Marjorie, and his son, James, and a brother and four sisters and four grandchildren he has left behind.

Mr. Speaker, I yield briefly to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, as the gentleman pointed out, Del was one of my predecessors as the chairman of the Republican Policy Committee. I had the opportunity to serve with him for some time.

I felt and I know the Members of this side of the aisle and I think on both sides of the aisle felt a real sense of loss not only now but when he left the Congress, because he was a man who believed that the job of a Congressman is to be a legislator first. He believed that his principal responsibility was to try to address the real problems in the country, and he did that very, very well.

I just wanted to say, it is fitting that the gentleman from California would take this time to honor him because, as the public looks at this institution and wonders about this institution, we can hold our colleague, Mr. Clawson, up as a real example of why the Congress has, in fact, earned over the years the respect of the American people.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his very nice contribution.

Mr. Speaker, I yield to the gentleman from California [Mr. ANDERSON], another former mayor of a great city in southern California, the gentleman who was mayor of Hawthorne, CA, the former Lieutenant Governor of California.

Mr. ANDERSON. Mr. Speaker, I first want to congratulate the gentleman for giving the leadership to our paying respects to Del and his family.

I did like Del very much. We were very different but also very similar. I always thought he was older than I was. Then I find out that I am older than he was. He died at 78, and I was then 79. Obviously I am older than him. Yet I know that all the years that we served together, I thought that he was older than I was, and I think he felt the same way.

It is true that he was mayor of the city of Compton, which is very close, I suppose the difference in miles between the city of Hawthorne and the city of Compton is probably 6, 8, 10 miles at the longest, relatively close. I got to meet him out there many times. We go along very well.

I was the youngest mayor in the United States at the time, and he was, so even then he was younger than I was. I have enjoyed working with him, and I know we worked together. I know that I felt many times I contributed to him, and I know that many times he contributed to me.

I wanted to say that I, too, want to join in paying our best respects to his wife and family and also giving our best respects to his memory.

Mr. DREIER of California. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, when the gentleman told me that Del had gone to the most important legislature of all, the one where all the laws are already written and signed off by God, that he was in heaven, I was shocked because I was thinking about him during this last tragedy of rioting in L.A.

I saw a man on the screen. It said, "Mayor of Compton." I wanted to hear what he had to say about the rioting.

He came up with the most racist, vicious thing I have ever heard. He said, "We invited these Koreans in here," he should have said Korean-Americans, "and I guess we made a mistake. So it is time for them to move on."

So Compton has come a long way since it had a great mayor, Del Clawson.

Del was not only a father figure around here but someone who could delight all of us from both parties with that saxophone of his. I was not here during the days when he would actually bring it to the Cloakroom. Somebody must have exercised some rule, no loud music in the Cloakroom, but he took it over to our Capitol Hill Club, entertained us. And he was about as solid a citizen as I have ever served with.

He and his brothers at the time, Don Clawson, Del Clawson, Bob Wilson, I was lucky enough to get here in 1976 when a lot of the older guard of our party that really know how to make rules with the older guard of the other party, when there was a lot more of that comity and comedy, but mostly comity and friendship really existed around here.

Del, I know, is going to be missed by all his sisters, family, friends, and everybody. I just miss him.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his very able contribution. I yield to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I want to thank my colleague for yielding to me and for giving us this opportunity to evoke the memory of a former Member that in my case I happened to know.

He came one Congress after I did, but in this great work and in this great body known as the U.S. House of Representatives, we find that there are lines of intersection that cause Members to meet on grounds that one would not conceive possible, given the partisan distinctions and labels.

He was a Republican. I was a Democrat. But we had some common background experiences.

He was mayor of a town. He had also served on the board of the public housing authority of his district. I had been the deputy mayor of the city of San Antonio and had also worked for a 3-year period with the San Antonio Housing Authority. So we met and discussed.

He was not a Member that was active in processing bills, but since I was a member of the Housing Subcommittee, before we had this variety of programs that are so popular today, he would consult and ask about some authorizations that he heard were being offered to the public housing section of the housing authority, reauthorizations of those years. He was a very kindly man. He was very friendly.

We both more or less shared the newness of the institution, but I want to evoke the memory of a man who, though he was not a great participant in debate, did leave his tracks in the sands of time that has seen several thousand, quite a number of thousands of Members since the first House of Representatives.

I again want to thank the gentleman for evoking the memory of Del Clawson. It rests for me to say that I wish to offer my sincere condolences for the members of his family that he has left.

Mr. DREIER of California. Mr. Speaker, I thank my distinguished friend from Texas for his contribution.

Mr. Speaker, I yield to the gentleman from Texas [Mr. PICKLE], my very good friend.

Mr. PICKLE. Mr. Speaker, one of the most thoughtful and kind men who ever served in this body is our friend Del Clawson from California. He was a member of the 88th club. That is the Members who came in during the 88th session.

It is hard to believe that that was some 25, 26 years ago. Del Clawson was one of our founders and one of our leaders and indeed one of the most active Members our group ever had.

□ 1910

Every year on or around St. Patrick's Day our 88th Club always gathered. We would have a big reunion and used to have quite a show. Del Clawson would not only be there but he would parade from table to table with his saxophone, and nobody ever played sweeter music this side of heaven than Del Clawson. But he was also extremely well accepted and was a bridge between the Democrats and Republicans, the liberals and conservatives. He was just a gentle and a kind person.

Mr. DREIER of California. If I could reclaim my time just a moment, Mr. Speaker, I would like to ask my friend one question. As I read the obituary in the Washington Post, it said his saxophone playing just off the House floor relieved tension during more than one tedious all-night session. I wonder if my friend can recall any instances.

Mr. PICKLE. Yes, I was here that evening. He got right out, outside the House door here on the balcony, and he would play. People would go outside the floor into the hallway onto the balcony and hear Del playing. In tense moments, even at 2 or 3 in the morning, Del would still have his saxophone and he would play and entertain people. He was not just putting on a show, he was just kind of playing to soothe people's feelings and have a little music around. But he was music to Members' hearts and souls who served with him in this body. We have lost a kind, gentle person. I pay my respects to him.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Texas, for his contribution. And again, the condolences from all of us here to the family members of Del Clawson.

Mr. QUILLEN. Mr. Speaker, it's an honor and a privilege for me to pay tribute to our former colleague from California, Del Clawson, and we mourn his passing.

Del and I both came to Congress in 1963, and we served together on the House Rules Committee for a number of years. He was a great individual and a good friend. His leadership abilities earned him the chairmanship of the Republican Policy Committee.

Del was an accomplished legislator and musician, and all of us who served with him remember his frequent saxophone serenades just off the House floor and at all of the 88th class reunions.

Del devoted many years to the Mormon Church, and his dedication and many accomplishments will keep his memory alive for years to come. I'll always have a warm spot in my heart for Del, and my condolences go out to his family, whom he loved very much.

Mr. LAGOMARSINO. Mr. Speaker, today I rise to pay tribute to my former colleague and good friend, Congressman Del Clawson, who recently passed away.

Born January 11, 1914, in Thatcher, AZ, Del moved to California in the 1940's, where he quickly became an active member of the Compton community of Los Angeles. He was a member of the Compton City Council starting in 1953, and was later twice elected mayor of Compton. He left that position in mid-term to join the 88th Congress, filling the vacancy caused by Clyde Doyle's death in 1963, and serving until his retirement at the end of 1978.

I had the privilege of serving my first two terms with Del. He was a fine man, a distinguished Member of Congress, an asset to his party, and a great help to me. He will be sorely missed.

SETTING A FIRM COURSE FOR AMERICAN DOMESTIC POLICY

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Under a previous order of the House, the gentleman from New York [Mr. SCHEUER] is recognized for 60 minutes.

Mr. SCHEUER. Mr. Speaker, I noted that in the last several weeks we have heard the riots in Los Angeles, and that beautiful example of urban angst and agony and pain, we have heard that, if you can believe it, Mr. Speaker, blamed on the failed programs, and I say that in parentheses, the failed programs of the 1950's and the 1960's. President Bush's press secretary, Marlin Fitzwater, blamed the riots on social welfare programs, if you can believe that, and Attorney General Barr characterized the riots as "the grim harvest of the Great Society, the breakdown of the family structure, largely contributed to by welfare policies."

Mr. Speaker, these astonishing suggestions reverberated around this country, and I think many citizens were offered and outraged by those suggestions. In accepting the Democratic nomination for President in 1964, Lyndon Johnson set a course for America's domestic policy. He called his agenda the Great Society, and he described it as a nation where "every citizen could find reward in work and satisfaction in the use of his talents; where Americans could seek knowledge and touch beauty and rejoice in the closeness of family and community," where, and I continue quoting, "in the words of our oldest promise, Americans could follow the pursuit of happiness, not just security.

Incidentally, I would invite my friend, the gentleman from Brooklyn, and my friend, the gentleman from Michigan, to join in with me as the spirit moves me, and also my friend, the gentleman from Texas, too. I would ask my friend from Texas to please interrupt me when the spirit moves him.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I very much appreciate the gentleman not only yielding but arranging for this special order. It so happens that there was no more offended individual than I when I read those outrageous statements on the part of these spokesmen and the President himself.

One of the most offensive, perhaps reprehensible, if not outright despicable traits that I have denounced, when I have had occasion to, of both former President Reagan as well as President Bush, it was their constant tendency to blame somebody else for whatever problems they were not focusing on, but who, when they ran for office, impliedly were telling the American people they wanted the opportunity to resolve.

In the case of President Reagan, he was blaming Jimmy Carter to the very end. Now we have a President that goes

20 years, because it was 20 years ago that Lyndon Johnson died, try to blame for an occurrence that my committee, in the name of the committee and subcommittee, I took to Los Angeles on February 10, of this year. We knew the conditions that were being reflected in testimony as well as in statements given to us here in Washington, DC, throughout the country.

Beginning on January 7, in the name of the Committee on Banking, Finance and Urban Affairs, and the Subcommittee on Housing and Community Development, we took the committee to Bridgeport, CT, on January 7. About a week or so later we went to Spartanburg, SC, where you also have problems, believe it or not; maybe a little differently, but essentially problems.

We went to Baltimore, MD, where anybody being at that hearing would know that we should not be surprised if we have social problems sooner or later, and in my opinion sooner than later. We went to Cleveland, OH, the following month, in March. There, in the last 10 or 11 years, Cleveland has lost 33 percent of its production capacity, manufacturing and industrial, in just 10 or 11 years.

Did those things happen during the era of President Johnson? No, they did not. In the case of the loss of these jobs and manufacturing in Cleveland, over 60 percent of them have gone across the border, right across the border. I am very well aware of that.

When we had our hearing on February 10, in Los Angeles, our hearing took place in the building around which all these reports of rioting and violence have been received by the American public. The testimony we heard was clear, limpidly clear, disturbing, but very, very, very definite, reflecting a very sensitive situation, an explosive situation, and one which we were addressing as a result of the bill I introduced and which we have marked up out of the subcommittee, passed it out of the full committee, targeting the downfall of the infrastructure, the conditions, the physical conditions of our cities, and to try to rev up production of housing, affordable housing for every American.

It was our estimate, and it still is, that had we adopted that and were we in the process of adopting it, it would produce over, over 600,000 jobs in the creative, constructive processes of our country and society. In the case of the infrastructure we targeted to the structure that is there now, the framework, which is a community development block system, we have had the support of the Association of Governors, the National Association of Mayors, the League of Cities, but I have yet to get a signal from our leaders in the House.

☐ 1920

We wrote a report after we visited L.A. We have had it printed. I sent it to the Speaker. I sent it to others placed as cochairmen in this House. I have had no reaction. I wanted it to be one of those things that were offered as a matter of priority rather than tax, which Members know where we have ended up on that. Unfortunately, I cannot say that we have even now any kind of evidence of real significant support and interest.

The testimony in the report we have given on just the hearing in L.A. was clear evidence, as I wrote the Speaker before the riot, of a very serious situation that needed immediate attention as far as we could give it in the legislative process.

If the gentleman will allow me just another half minute, meanwhile I received a most eloquent message and an informative one from one of the gentleman Senators from New York, Senator DANIEL PATRICK MOYNIHAN, and in that letter, which I will place that and appended to that letter in the RECORD a reprinted copy of that Lyndon Johnson address made at Howard University on the eve of the adoption of this basic program known as the Economic Opportunity Act.

The correspondence and speech referred to follow:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 1992.

DEAR SENATOR: Thank you most sincerely for your kind thoughtfulness in providing me with your most valuable memo and enclosure, just received.

The most despicable trait of both Presidents Bush and Reagan has been to blame someone else for all the ills, yet never themselves assuming any responsibility for this resolution. But this last one—to blame a man dead for 20 years is the most reprehensible.

Your note and material is most timely, for some of us will be having "special orders" this afternoon to discuss this.

Sincerely,
HENRY.

U.S. SENATE,
Washington, DC, May 7, 1992.

Hon. HENRY B. GONZALEZ,
House of Representatives, Washington, DC.

DEAR HENRY: Yesterday the Washington Post reprinted President Johnson's Howard University Address on its Op-Ed page. It was a simple and yet startling way of responding to the depraved charge that the Great Society is somehow to blame for our present distemper.

I am told that young staffers at the Post were astounded by the speech. They had not known a President had ever talked to the American people in such terms.

It happens I wrote the first draft of the Howard address. We *knew* what was starting up in our cities. But then we found ourselves unable really to respond. But it was not for lack of caring, not for lack of a President with "an understanding heart." I spoke of this yesterday morning.

Best,
DANIEL PATRICK MOYNIHAN.

[From the CONGRESSIONAL RECORD, May 6, 1992]

A DEPRAVED ACCUSATION

Mr. MOYNIHAN. Mr. President, a week ago Sunday, on the widely regarded, widely viewed television program "This Week With David Brinkley," the Attorney General of the United States, discussing the problem of crime in the context of the new preliminary FBI report of last year, made one of the most depraved statements I have ever heard from an American official. Having said, that the problem of crime was the problem of family structure, illegitimacy, and instability in our inner cities, he went on to charge that the problem of family structure, of the socialization of children, illegitimacy, can be ascribed to the programs of the Great Society.

He thus took one of the most profoundly serious issues this country faces and, with a reckless disregard for evidence, truth, and history, said it was the work of a group of persons, in government, thirty years ago. That this would come from a candidate for office in some kind of extremity is, I suppose, believable. But it comes from the attorney general: an untruth, a lie.

And then, just two days ago, the President's spokesman repeated the lie, ascribing the situation in our country which Lyndon Johnson—President Kennedy before him, President Nixon after him—really did seek to address, saying that because they recognized that those problems existed they are somehow responsible for their existence. If our public discourse descends to that level, public life becomes impossible, as in some ways it has been becoming.

In order to be quite specific as to what I am addressing, this is what Attorney General William P. Barr said on April 26 on "This Week With David Brinkley." He said:

"What we are seeing in the inner city is essentially the grim harvest of the great Society * * * because we are seeing the breakdown of the family structure, largely contributed to by welfare policies.

"We now have a situation in the inner cities where 64 percent of the children are illegitimate,and there's a very small wonder that we have trouble instilling values and educating children when they have their home life so disrupted."

In his view this begins in the period of the Great Society. When, in fact, sir, it was first recognized in that period. Recognized by an administration of extraordinary openness and courage.

This morning, The Washington Post, with an unmistakable disdain for the corruption of language, for the depravity of thought of such statements, chose to reprint on its editorial page one of the great speeches by an American President in our time. It was President Lyndon Johnson's address at Howard University, which was given on June 4, 1965. The Post printed it under a quotation from the President in which he said, "Freedom is Not Enough." And then there follows this editorial comment by the editors of the Post:

"The Great Society is back in the news. The White House says the programs it spawned a quarter of a century ago helped cause the Los Angeles riots. Others cite the opposite cause—in recent years a turning-away from such programs. Here, as a reminder of what the Great Society was about, and of how another President approached the issues that recurred last week in Los Angeles, are extensive excerpts from a commencement address entitled "To Fulfill These Rights," which Lyndon Johnson delivered at Howard University on June 4, 1965."

To fulfill these rights. I would like, sir, at this point to ask unanimous consent the excerpts as printed in the Post be printed in the RECORD.

[From the Washington Post, May 6, 1992]

FREEDOM IS NOT ENOUGH

"(The Great Society is back in the news. The White House says the programs it spawned a quarter of a century ago helped cause the Los Angeles riots. Others cite the opposite cause—in recent years a turning-away from such programs. Here, as a reminder of what the Great Society was about, and of how another president approached the issues that recurred last week in Los Angeles, are extensive excerpts from a commencement speech entitled "To Fulfill These Right," which Lyndon Johnson delivered at Howard University on June 4, 1965.)

"In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.

"In our time change has come to this Nation, too. The American Negro, acting with impressive restraint, has peacefully protested and marched, entered the courtrooms and the seats of government, demanding a justice that has long denied. The voice of the Negro was the call to action. But it is a tribute to America that, once aroused, the courts and the Congress, the president and most of the people, have been the allies of progress.

"Thus we have seen the high court of the country declare that discrimination based on race was repugnant to the Constitution, and therefore void. We have seen in 1956, and 1960, and again in 1964, the first civil rights legislation in the Nation in almost an entire century * * *.

"And now very soon we will have * * * a new law guaranteeing every American the right to vote * * *.

"The voting rights bill will be the latest, and among the most important, in a long series of victories. But his victory—as Winston Churchill said of another triumph for freedom—'is not the end. It is not even the beginning of the end. But is, perhaps, the end of the beginning.'

"That beginning is freedom; and the barriers to that freedom are tumbling down. Freedom is the right to share, share fully and equally in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

"But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.

"You do not take a person who, for years, has been hobbled by chains and liberate him bring him up to the starting line of a race and then say, 'you are free to compete with all the others' * * *.

"This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

"For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.

"To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.

"Thirty-five years ago the rate of unemployment for Negroes and whites was about the same. Tonight the Negro rate is twice as high.

"In 1948 the 8 percent unemployment rate for Negro teenage boys was actually less than that of whites. By last year that rate had grown to 23 percent, as against 13 percent to 53 percent * * *.

"Between 1949 and 1959, the income of Negro men relative to white men declined in every section of this country. From 1952 to 1963 the median income of Negro families compared to white actually dropped from 57 percent to 53 percent * * *.

"The infant mortality of nonwhites in 1940 was 70 percent greater than whites. Twenty-two years later it was 90 percent greater.

"Moreover, the isolation of Negro from white communities is increasing rather than decreasing as Negroes crowd into the central cities and become a city within a city.

"Of course Negro Americans as well as white Americans have shared in our rising national abundance. But the harsh fact of the matter is that in the battle for true equality too many—far too many—are losing ground every day.

We are not completely sure why this is. We know the causes are complex and subtle. But we do know the two broad basic reasons. And we do know that we have to act.

"First, Negroes are trapped—as many whites are trapped—in inherited, gateless poverty. They lack training and skills. They are shut in, in slums, without decent medical care and our other health programs, and a dozen more of the Great Society programs that are aimed at the root causes of this poverty.

"We will increase, and we will accelerate, and we will broaden this attack in years to come until this most enduring of foes finally yields to our unyielding will.

"But there is a second cause—much more difficult to explain, more deeply grounded, more desperate in its force. It is the devastating heritage of long years of slavery, and a century of oppression, hatred and injustice.

"For Negro poverty is not white poverty. Many of its causes and many of its cures are the same. But there are differences—deep, corrosive, obstinate differences—radiating painful roots into the community, and into the family, and the nature of the individual.

"These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and present prejudice. They are anguishing to observe. For the Negro they are a constant reminder of oppression. For the white they are a constant reminder of guilt. But they must be faced and they must be dealt with.

"* * * Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice.

"The Negro, like these others, will have to rely mostly upon his own efforts. But he just cannot do it alone. For they did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded—these others—because of race of color—a feeling whose dark intensity is matched by no other prejudice in our society.

"Nor can these differences be understood as isolated informities. They are a seamless web. They cause each other. They result from each other. They reinforce each other.

"Much of the Negro community is buried under a blanket of history and circumstance. It is not a lasting solution to lift just one corner of that blanket. We must stand on all sides, and we must raise the entire cover if we are to liberate our fellow citizens.

"One of the differences is the increased concentration of Negroes in our cities. More than 73 percent of all Negroes live in urban areas compared with less than 70 percent of the whites. Most of these Negroes live in slums. Most of these Negroes live together—a separated people.

"Men are shaped by their world. When it is a world of decay, ringed by an invisible wall, when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown, it can cripple the youth and it can desolate the men.

"There is also the burden that a dark skin can add to the search for a productive place in our society. Unemployment strikes most swiftly and broadly at the Negro, and this burden erodes hope. Blighted hope breeds despair. Despair brings indifference to the learning which offers a way out. And despair, coupled with indifference, is often the source of destructive rebellion against the fabric of society.

"There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They do not change the color of a man's skin * * *

"Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.

"This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans. * * *

"The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the values of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled. * * *

"There is no single easy answer to all of these problems.

"Jobs are part of the answer. They bring the income which permits a man to provide for his family.

"Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.

"Welfare and social programs better designed to hold families together are part of the answer.

"Care for the sick is part of the answer.

"An understanding heart by all Americans is another big part of the answer.

"And to all of these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.

"But there are other answers that are still to be found * * *"

Mr. MOYNIHAN. Mr. President, I would like to acknowledge that I wrote the first draft of this speech. I wrote it on the second of June 1965. I have a copy here of that draft. (In those days, it was a carbon copy.) Written in the Department of Labor. I was then assistant Secretary of Labor for Policy Planning, and sent the draft to Mr. Bill Moyers at the White House.

The next day, June 3, Mr. Richard Goodwin, the President's speechwriter, took the first draft and with his magic, his catalytic magic with words, turned it overnight into the speech that was given late in the afternoon of the fourth of June. A very short compass for an address of this kind. The address had one central theme. We were at the height of the civil rights movement in our country, and we were talking about rights. The Civil Rights Act of 1964 had passed in this Senate after an agonizing decade. And in a few weeks from that point in June of 1965 the Voting Rights Act would pass.

President Johnson wanted to go beyond that to seize that moment of hope and opportunity and say, very well, rights are important but they have to be fulfilled. There has to be the substance of like circumstance, that rights ought to provide. And that is the neat and higher stage of the effort we were then engaged in.

His sub-theme was the problem of family structure, which is not an issue of race but of class. I had prepared a report, and Secretary Wirtz, the Secretary of Labor, had sent it to the President on the fourth of May. It was from the fourth of May 1965 to the fourth of June, that this policy decision was made.

The theme of the report to the President on family structure was that something critical was happening in our inner cities, that the number of children being born out of wedlock, the amount of crime, the amount of disorganized behavior, was going up; and that if it continued to go up, we were going to have a genuine crisis.

I would say to you, sir, at that time, 75 percent of black children living in the United States lived in a household where their mother and father were present. Last year, this had declined to about 37.4 percent, dropped in half in a generation.

The rate of illegitimacy, which was about 24 percent, is now at 64 percent, as Mr. Barr said. The only accurate thing he did say, albeit he said it was the inner city rate which is often 80 percent.

But we are not talking about a racial issue. We are talking about a class issue which I, at about that time, described in an article in America magazine, which I think tells you something of what I was thinking, and what I believe Lyndon Johnson was agreeing to, when Harry McPherson, Bill Moyers and Dick Goodwin brought this argument to him. I wrote this in America magazine, a publication of the Society of Jesus, which is say the Jesuits. I wrote:

"From the wild Irish slums of the nineteenth-century Eastern seaboard, to the riot-torn sections of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rationale expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected, it is very near to inevitable. And it is richly deserved."

This is how President Johnson addressed the matter. After describing the bitter experience of black Americans in our country, a past of oppression, cruelty, deprivation unlike any other group that came to this country had known—he said we can get back beyond this but we have another issue. He said, and I quote him from the passage in this morning's Post:

"There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They could not change the color of a man's skin.* * *

"Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.

"This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans. * * *

"The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions and the values of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale, the community itself is crippled. * * *

"There is no single easy answer to all of these problems.

"Jobs are part of the answer. They bring the income which permits a man to provide for his family.

"Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.

"Welfare and social programs better designed to hold families together are part of the answer.

"Care for the sick is part of the answer.

"An understanding heart by all Americans is another big part of the answer.

"And to all these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.

"But there are other answers that are still to be found. * * *"

Other answers still to be found, looked for with an understanding heart.

Would you describe, sir, the remarks of the Attorney General or the press spokesman as those of an understanding heart * * *? But in 1965 the President was persuaded. We offered the proposition that we had to deal with this, and he said we would. He called a White House Conference "To Fulfill These Rights." He later sent word to me to say that he thought his speech at Howard University, the commencement address, was the greatest civil rights speech he had ever made. It had a curious aftermath. The original response was wonderfully positive. And then, a few months later on August 11 the riot in Watts broke out, a riot of exactly the kind we were talking about, the disorder, the lashing out, the unrest and instability. It was what he said was coming. It came too soon.

The next day his press secretary, Mr. Moyers, addressed a White House press corps asking: What is happening? What is going on? He handed out the policy paper that we had produced. Roland Evans and Robert Novak, who were very much on top of events, then as now, published a column the next day that described the policy paper behind the President's thesis of family stability. And that proved unacceptable to the civil rights movement of the time. They were talking about rights. We were talking about fulfilling those rights. That is a historic loss, a very hard one. Even President Johnson, in the end, had to abandon the effort.

But those problems did not begin with him and are not caused by things he did. You could say some of them were brought about by things that were not done. But to say, as Mr. Fitzwater said, and I am quoting now from the Associated Press of two days ago, "We believe that many of the root problems that have resulted in inner city difficulties were started in the 1960s and 1970s and that they have failed," is depraved. It is a slander on a great President, and a fine moment in our history, as moments go. Twenty-seven years ago this June 4, Lyndon Johnson stood up and laid out what was coming to the country. The country did not respond, and it has come. But to blame him is to lower the policies of race to a degree I have not seen in my time.

Lyndon Johnson is owed an apology. He will not get one. People who do this have so little sense of their history and, perhaps, an insufficient degree of honor that no apology will be forthcoming. But the record should be straight.

Our very able and learning friend and colleague, John Kerry, spoke at Yale University on these matters just a short while ago, on March 30, in which he goes back to this history and says what we did not do. He cites that passage which I just read about any society that allows a large number of young men to grow up in broken families, never acquiring any stable relationship to authority, never requiring any rational expectation, asks for and gets chaos, crime, violence, unrest.

Those are the records, sir, of the black children born in 1967, '68 and '69. Seventy-two percent were on welfare before they reached age 18. That meant they not only lived in a single-parent family, but they were paupers—not a pretty word, not a pretty condition. A family on welfare can have $1,000 in resources, plus a home, a car worth less than $1,500. Pots and pans, a television set, and a few couches. That is the childhood of what is approaching probably over four-fifths of these children—four-fifths.

But we saw it coming. Many denied it when it came. Many denied it was going to come. That is what Senator Kerry and Senator Bradley have been talking about.

On our side, we have a responsibility as Democrats. We have become very good at denial. In an address on this subject at the University of Chicago on Saturday, the very able professor of Sociology, William Julius Wilson, spoke at some length about that. Professor Wilson is the author of the Truly Disadvantaged. He picked up some of the research which we had been doing into this field in the early 1960s, he and Katherine Neckerman began to explore the aftermath of this data series and found things that are important.

He said on Saturday in a paper at the Dean's Forum, University of Chicago, on the subject of social science and the making of public policy, and I quote him:

"* * * sociologists working in the field of urban poverty have felt pressure from their colleagues to consider the political and/or social implications of their work, even to the point of suppressing results or of avoiding certain research topics. The vitriolic attacks and acrimonious debates that characterized the controversy over the Daniel Patrick Moynihan report on the Negro family in the late 1960s and early 1970, a controversy which emerged because his ideas were seriously misrepresented in the media and the work of some social scientists, is a case in point. The controversy following the report intimidated many sociologists and other social scientists conducting research on poverty and family structure. Indeed, in the aftermath of this controversy and in an effort to protect their work from the charge of racism or "blaming the victim," sociologists, like other liberal social scientists tended to avoid describing any behavior that could be construed as unflattering or stigmatizing to racial minorities. Accordingly, for a period of several years, and well after the controversy had subsided, the problems of social dislocation in the inner-city ghetto did not attract serious research attention. From the early 1970s to the mid-1980s, there was minimal contribution from sociology in particular and the social scientists in general to the public-policy agenda on combating inner-city poverty."

That is William Julius Wilson of the University of Chicago saying that on "our" side people who care about these issues dropped the main subject 25 years ago in the aftermath of that controversy and have only just now started to return to it. As his words very ably demonstrate from the point of view of a professional social scientist and as the addresses of Senators Kerry and Bradley demonstrate from the point of view of people who have to carry forward public policy as legislators.

We are past that period of denial. We are also, however, with a problem far worse today than it was a generation ago, and no nearer any true understanding. It is perhaps useful to point out that if we avoided discussing the matter for 25 years it is not surprising we do not understand it any better now than we did when we first encountered it.

And no one is more firm on this matter than James Q. Wilson, who is the president of the American Political Science Association this year, a man of great commitment and understanding of urban problems. He was the second director of the Joint Center of Urban Studies of MIT and Harvard. His first book published at the University of Chicago, Negro Politics, is a classic. He has since gone on to become the leading student of crime in America and of bureaucratic organizations. His book Bureaucracy is the harvest of a long career and a classic already. He is acknowledged by his peers as a man to be president of the American Political Science Association.

He writes in this morning's Wall Street Journal a tough-minded, necessary article about the way in which the onset of that behavior I was talking about earlier, the onset, of crime and disorder, has been absorbed by Americans in the way Lyndon Johnson anticipated. It is class behavior. It is the wild Irish slums of the 19th century Eastern Seaboard to the riot torn Watts section of Los Angeles. The one lesson in American history. A class lesson.

But in America today, this class behavior has a black face. And that behavior is so destructive, not just to the communities involved—most black crime is committed against blacks, as we know—but the fear of black crime extends and passes over to the white side.

Senator Bradley in a speech on this floor spoke of fear covering the cities like a sheet of ice. We have to address it. The stability of this society is at stake.

Here is what James Q. Wilson concludes in his article this morning in the Wall Street Journal. He says:

"The best way to reduce racism real or imagined is to reduce the black crime rate to equal the white crime rate which God knows is high enough.

"To do this may require changing, in far more profound and all encompassing ways than anything we now contemplate, the lives of black infants, especially boys from birth to age 8 or 10. We have not yet begun to think seriously about this, and perhaps never will. Those who must think about it the hardest are those decent black people who must accept, and ideally should develop and run, whatever is done."

That is James Q. Wilson in this morning's Wall Street Journal saying exactly what Lyndon Johnson said 27 years ago come June 4. That we must seek not just equality but equality as a fact and as a result.

There are many who have objected to the term, the idea of equality of results, and I can understand it. I know that if you want to have equality of results just by decreeing them you get all kinds of problems.

But, Mr. President, seeing it as a necessary objective is very different thing than decreeing it. I will conclude, sir—I see the very able Senator from Oregon is here and I know he wished to speak as well. But I would conclude thus: We are in a defining moment in the present age. We may have another opportunity to look reality in the face as Lyndon Johnson did 27 years ago. It may slip away.

Twenty-seven years ago it was people who favored racial progress and harmony who denied reality. This time it is being denied by those who have yet to prove their bona fides.

It harms and hurts us all to demean the memory of a President who at very least tried, tried to understand, tried to make people understand, committed himself to equality as a fact and as a result. Surely, we can address that problem again. Possibly we can. But not by the Orwellian rewriting of history which is going on in this administration today. The President should say stop it. Those who will not stop should be asked to resign out of the decent respect for the history of their own country and of the Presidency which they served in their brief authority.

Mr. President, I thank you for your kindness in allowing me to speak in extended morning business.

I thank my friend from Oregon for his patience as well. And I yield the floor.

I am one of the original coauthors and cosponsors of that act of 1964. I also joined enthusiastically in the first national education act, the Elementary and Secondary School Act of 1965, the higher education act that year. I was in on the ground floor of those programs, and in my own district I can give statistics, I have reports of how these programs targeted and reversed dropout rates among the Mexican-American youth. From over 78 percent we dropped in a matter of 8 years to less than 20 percent. Let anybody tell me that those programs that for once in its history the Congress responded to did not have the desired effect as we intended in Congress, and I will ask them to come and consult with me.

I want to thank the gentleman again for giving me this opportunity. I will present for the RECORD this testimony that the great Senator MOYNIHAN gave us, because it is the best thing that we can do tonight, just to go back and see what Lyndon Johnson said, what his aims were, what his objectives were, and how faithfully he adhered to them.

I was first elected to Congress in 1961, and thus I served during the years when the Great Society programs were proposed, debated, and passed. I know about these programs, I know that they were—and are—an effective approach to improving the condition of the American people, and I know that they greatly and very positively affected the lives of many people, especially the people of the 20th Congressional District of Texas in San Antonio which I represent.

I find it rather incredible that attacks are being made on the Great Society programs, allegations such that these programs are the cause of the recent riots in Los Angeles. How can an administration which, just as recently as last year in the Persian Gulf war, has shown the American people that the way to solve problems is through the use of violence not look at itself and understand the responsibility it bears for this crisis? Violence begets violence, and the example set by those with power in this country will be followed by those without power. After more than a decade of neglect of the cities, of the needs of those who reside in the inner cities, and of the growing racial and economic-class tension, there can be no wonder tempers finally boiled over.

Earlier this year, on February 10, I took the Banking Committee to Los Angeles for a hearing which was one in a series of hearings I have held in the past 6 months designed to solicit testimony from the American people, who are the real experts, on the economic problems facing our country. In Los Angeles, our hearing was held in a building that was in the midst of the recent riots, and at this hearing we heard testimony that was very disturbing because it indicated that there was a likelihood of social unrest. We examined the effects of the decade-long neglect and drastic Federal budget cuts during the Reagan and Bush administrations, and we found that municipalities are so overburdened that they can no longer keep citizens from falling through the cracks. The result of the neglect is a dire situation: Families are desperate for good jobs, safe neighborhoods, good schools, and decent housing.

This reality is very troubling to those of us who worked for passage of the Great Society programs in the 1960's, as we see programs that we know helped to create a strong middle class by lifting people out of poverty caused by lack of education, lack of job training, and a lack of basic decent housing being blamed for the problems we now face. And the Los Angeles riots will not be the end of it—there is much unrest still simmering and it will not take much to reignite.

The Great Society improved the conditions of Americans, and thus also created hope and a sense of control over one's own life. Take my district, for instance. In 1950, the census showed that the average 14-year-old Mexican-American male child in Texas reached only the fourth grade in school. By the late 1960's, these young men became the targets of most of the retraining and reeducational projects that we were able, during the Presidency of Lyndon Johnson, to approve in the war against poverty. I believed in these programs, and in 1964 I worked hard for passage of the Economic Opportunity Act, which included the Job Corps Program, the first Federal work-study program for college students, and the Community Action Program. In 1965, I worked closely with President Johnson for passage of the Medicare and Medicaid Programs. We passed legislation to create the Head Start Program; we enacted the first major Federal aid program for elementary and secondary schools serving children from poor families; and we created the Model Cities Program which helped stabilize and revitalize communities such as the west side of San Antonio. In 1968, we passed a huge bill authorizing over $5 billion for low-income housing. As a direct result of these programs, instead of a greater than 70-percent dropout rate among Mexican-American children in my district, we had a greater than 80 percent high school graduation rate. Now, because of the Reagan administration's cutbacks in student aid programs, there have been between 2,300 and 2,600 students in my district each year who cannot afford to go into even a community college, let alone a university.

During the Reagan administration, Federal assistance to housing was also cut—by 83 percent; as a result, in San Antonio we have over 18,000 families—not individuals, but families—on the waiting list for section 8 housing assistance. Add to this the number who are waiting for admission to federally funded housing projects and those who have not bothered to put their names on a waiting list because of the sense of hopelessness that anything will ever materialize for them, and you have a tremendous housing crisis. Also during the Reagan administration, Federal job training was cut 63 percent; one only needs to look at our unemployment rate over the past few years, and add to it the number of people who are underemployed in menial service jobs rather than employed in manufacturing jobs which were exported by the Reagan administration, to realize that we are not only, not meeting today's needs, but we are not anywhere close to addressing the future job-training needs of this country as competition from abroad is increased. Now, no nation can suffer that for long without some grave consequences.

The underlying reason for the effectiveness of the Great Society was its approach to poverty, disease, injustice, illiteracy, and other social problems. It treated the causes, not just the symptoms, and thus truly empowered people to rise above the traditional barriers to education, training, and housing that had barred them from improving their lives.

Instead of blaming the Great Society for today's ills, it would be wise to consider what condition our country would have been in without these programs. Without the movement into the middle class by a vast number of people through the Great Society programs, the widening of the gap between the rich and poor in our country that we experienced so drastically in the 1980's would have been exacerbated, making the current situation even more explosive. But if the Great Society had been continued and supported throughout the 1980's, we would not now have a housing crisis, a return to the high dropout rate, our job-training crisis, and the resultant terrible crime wave we are experiencing.

I have introduced two bills—one to provide emergency loan assistance specifically to Los Angeles to rebuild the riot-torn areas, and one to provide funding for emergency community development projects to restore the vitality of our cities. These are measures that will provide good jobs as well as much needed assistance to the cities. The time is long overdue for the administration to learn that addressing problems in a peaceful manner through programs such as I have introduced—programs akin to those of the Great Society—will alleviate the underlying causes of problems that have given rise to the tension, the despair, and the sense of hopelessness that are the true causes of the unrest in our inner cities.

Mr. SCHEUER. I thank my colleague from Texas.

I yield to another colleague from Texas, Mr. JAKE PICKLE.

Mr. PICKLE. Mr. Speaker, I commend the gentleman from New York for asking for this time. It gives many of us a very special feeling of pride to make comments about this program.

I was impressed with the comments of my colleague from Texas, Mr. GONZALEZ. I am glad he mentioned the letter he received from Senator MOYNIHAN of New York, because Senator MOYNIHAN sent me a copy of that speech as well, and I am glad the gentleman is going to put that in the RECORD, because the Howard University speech of Lyndon Johnson is a marvelous speech, and is probably one of the best speeches the President ever made.

I rise this evening to take issue on some of the things which have been said about the Great Society in the past week or so. The events in Los Angeles have been nothing short of a national tragedy. Rebuilding south-central Los Angeles and taking steps to make sure that the scenes of 2 weeks ago are not repeated in Los Angeles or elsewhere will require resources far greater than just money from the Government. It will require the resources of the human spirit in conjunction with all the talent of the public and private sector to begin the job of healing Los Angeles. In recent days, I think that some consensus has emerged on the nature of the effort that we will need to address the problems of Los Angeles and many other cities, namely a spirit of healing, unity, and compassion for the people of the inner city. It will also require significant Government resources to create hope and opportunity among our poorest citizens.

It is good to see such a consensus emerging around these values from the administration, so it is with some disbelief and consternation that we observed the same administration criticizing the period in our history which most embodied these values and which sought most to help the disadvantaged among us. I refer of course to the Great Society. Like many Members who are speaking tonight, I was proud to serve in Congress when Great Society programs were enacted and when this institution, with President Johnson's leadership, was as productive as it has been in any other period in our history. Both the Congress and the President would do well to look to the Great Society both for inspiration and lessons as we fashion new policies for our inner cities. The Great Society in no way caused the tragedy in Los Angeles. Its spirit can only be part of the solution.

Two years ago, the LBJ Presidential Library and the LBJ School of Public Affairs at the University of Texas at Austin conducted a 3-day symposium discussing the Johnson Presidency and the Great Society. I was privileged to participate in that event, which included many people who served in the Johnson administration and other Johnson associates. One of the most remarkable things I took away from that gathering was the spirit of compassion which went into so much of the development of Great Society programs. First and foremost, the Great Society was based on the idea that Government must be a compassionate and positive force in providing the opportunity for the disadvantaged among us, so that they can become the best and most productive citizens they can be. The Great Society was a set of ideals first, a set of programs second. When President Johnson outlined his goals for the Great Society at the University of Michigan in 1964, he remarked that the Great Society would be "a place where men are more concerned with the quality of their goals than the quantity of their goods." The Great Society was "a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

Meeting these challenges would permit all Americans to realize the fruits of the American dream: freedom, equality, and the chance at prosperity. It is to Lyndon Johnson's enduring credit that he put the force and power of this Presidency behind the lofty goals of the Great Society. Johnson knew that a life without hope could quickly degenerate to bitterness and anger, and that anger could easily lead to violence. This vicious circle certainly was at work in Los Angeles 2 weeks ago. In his Great Society programs, Johnson sought to place the weight of history's most prosperous Nation behind efforts to tear down the barriers which led to hopelessness in our society.

Now, it is possible to agree with the wonderful rhetoric of the Great Society but still believe that the programs of that era were failures. The record, however, is quite to the contrary. It is hard for us to imagine an America without programs like Head Start, one of President Bush's favorite programs because of its long record of success. It is hard to imagine an America without Medicare and Medicaid, without a well-funded National Cancer Institute, or where it is possible for minority groups to be denied the right to vote. This

House just recently reauthorized the Higher Education Act and it is right that we feel good about that. But during the Johnson years, Congress passed 45 education bills, setting up things like the Guaranteed Student Loan Program and the College Work Study Program. Another successful Great Society program which deserves mention is Job Corps, which has given thousands of disadvantaged youths the training to become productive members of our work force and has consistently been found to be an excellent expenditure by the Government. I am proud to have the Gary Job Corps of San Marcos, TX, in my district, which is among the better Job Corps anywhere. In short, any serious analysis of the Great Society would conclude that, while not perfect, it was successful in reducing poverty, promoting civil rights, and improving opportunity in this country.

The Great Society and the legacy of the Great Society has done much more good than harm in this country. When discussing the events in Los Angeles, the proper question is not: Did the Great Society cause the tragedy there? It is instead: how much worse, or how much sooner, would these events have occurred without the Great Society? And, might these events been avoided had Great Society programs not seen their funds cut in the past 12 years? If, in 1990, we were to redirect our spending priorities to 1979 levels, we would have spent $18 billion more for labor training, $13 billion more for social services, $11 billion more for transportation, $8 billion more for education, $7 billion more for housing, and a total of $17 billion more for programs like economic development, health and hospitals, natural resources, education and culture, and others. I will not suggest here that this Government can or should spend these additional amounts today. But in light of the problems in Los Angeles and other cities, these figure suggest that we ought to reevaluate some of our spending priorities.

One of the most enlightening discussions at the symposium on Johnson at the LBJ Library was the event at which we heard from people who had directly benefited from Great Society programs. We heard from a young man from the Rio Grande Valley in Texas who had received his earliest education in the Head Start Program. He went on to be the president of the student body at Stanford University and to receive a law degree from the University of California at Berkeley. This young man told us of other beneficiaries of Head Start, such as a young lady from a poor town in Mississippi who has gone on to become an engineer working on some of our most advanced weapons technologies. We heard from a man who had grown up in a number of foster homes in New York City who, with the help of the Higher Education Act, received his college degree from West Virginia University and now owns his own broadcasting company. This man now has a son who receives all A's in school and wants to go to Harvard. And we heard from a man who began life in a wood shack in Arkansas and took advantage of the Upward Bound Program to receive a doctorate from Harvard University and become a member of the Ohio Legislature. The Great Society was about helping people, and the stories I have just shared with you have been duplicated countless times by people who took advantage of the opportunities presented to them by a compassionate government. But, as President Johnson knew well and said many times, the struggle to ensure opportunity for all people is not something that begins and ends with a set of programs which can be enacted in one administration. It is an ongoing effort; after all, it has taken and will take years of effort to eradicate discrimination that has existed for centuries. After the Civil Rights Act passed in 1964, I told the President that I was glad the vote was behind me. The President replied to me that we had just begun the fight against discrimination, and that as long as I was in the House, Congress would be passing civil rights legislation. Of course he was right.

That same spirit ought to animate the discussion of what we ought to do about our cities in the aftermath of Los Angeles. We can add to the Great Society programs, and we can employ new approaches. But most of all, we need a vision as broad and expansive as Lyndon Johnson's to restore a sense of optimism and purpose about Government's role in helping to revive our inner cities. Unjustifiable criticism of the past will surely leave us far short of the mark. I will close by quoting Lyndon Johnson who said, "I do not intend that second-rate visions will set the course for a second-rate America." More than 25 years later, neither should this President, and neither should this Congress.

Mr. Speaker, I know others want to speak on this subject, but I think it is good for this Nation to pause on occasion and to remember the programs that have served us well. I think had we considered or enlarged on many of the programs that started back in those years, the events in Los Angeles may not have occurred. Whether that would have happened or not, no one knows. But we do know that we must reapproach the problems that society has, and programs like the Great Society program can help us immeasurably.

I would hope that we address this problem with a spirit of commitment and encouragement and that we can help find better answers, and it is good for this Nation to remember that in the years of the Johnson Presidency more productive, good programs were passed than ever before in a similar period of time in the history of this Nation. So I commend President Johnson and his administration's programs, and again I thank the gentleman for yielding.

Mr. SCHEUER. I thank the gentleman for this fine contribution. He was there when all of this was happening.

We must have learned some lessons, my colleagues, from the horror of the Los Angeles riots. The Bush administration seems to have learned that programs aimed to enrich and improve the lives of disadvantaged Americans are nothing but well-intentioned failures, those "failed programs of the fifties and sixties." The administration has focused on an easy target, those tragic riots in Los Angeles of a week or so ago.

□ 1930

This response to those riots was hardly surprising, because the Bush administration has had no domestic policy of its own to examine and evaluate. The Bush administration's initial response to the Los Angeles riots was nothing more than a cynical attempt to exact political capital from a tragic situation.

It is an insult to one of our great Presidents who did possess the vision and the courage to set a firm course for American domestic policy at a time when it was sorely needed. And Lyndon Johnson, my colleagues, did not have to search for, and I quote, "the vision thing"; "the vision thing" sprang out from his roots, sprang from his very guts and his brains and his heart, from his origins in the Pedernales River in Texas where he spent his first adult years as a teacher.

Mr. Speaker, I now yield to my distinguished colleague, the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I want to congratulate the gentleman for this special order which relates to educating the American people about what the Great Society programs were really all about.

The gentleman just mentioned Lyndon Johnson, who was the creator of the Great Society programs. I think it is important for us to take note of the fact that we have a generation that probably remembers Lyndon Johnson only for the Vietnam war. The memory of Lyndon Johnson, I think, is sort of overwhelmed by the Vietnam war and all the problems that were related to the Vietnam war, but we have to also set history in perspective and understand that of all of the Presidents that this Nation has ever known, Lyndon Johnson understood the great American dilemma better than any others.

Lyndon Johnson was a Southerner. He spent a large part of his career, certainly in the Congress, fighting civil rights legislation very successfully, but he grew and matured, and he responded to the call of the times. I think most Americans will agree with me that when you examine the record you will find that no one has done more for African-Americans in this Nation from the level of a seat of power than Lyndon Johnson.

I think it is important for everybody to go back and look at the words of Lyndon Johnson himself. The Washington Post did us a great service by publishing on Wednesday, May 6, a set of excerpts from Lyndon Johnson's speech at Howard University on June 4, 1965. I think that this speech, or if you want to just take this set of excerpts that appeared in the Washington Post, should be a part of the curriculum of every high school history textbook, woven somehow into the discussion of what is going on right now.

I am not going to read it all.

Mr. SCHEUER. I would ask that those excerpts from the Washington Post be printed in the RECORD at this very point.

Mr. OWENS of New York. I was going to ask for that also.

I am not going to read it all, but I do want to read just some parts of it, because I think every policymaker in America, every legislator ought to be listening to these words. It is all summed up by a man who understood the problem very well.

He was a Southern white, and if you want to ask Southern blacks why they trust Southern whites, I think the best answer to that is that it is not that Southern whites necessarily have better hearts than other whites. The kind of heart and the kind of outlook a person has does not have anything to do with geography, but the Southern whites and the Southern blacks understand the race problem very well. Regardless of what they decide to do about it, what kind of decisions are made, at least the understanding, the level of comprehension is always there. And Lyndon Johnson understood the problem very well.

Let me just read a few of his words at Howard University on June 4, 1965:

> But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.
>
> You do not take a person who, for years, has been hobbled by claims and liberate him; bring him up to the starting line of a race and then say, "you are free to compete with all the others" . . .
>
> This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.
>
> For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.
>
> To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.
>
> Of course Negro Americans as well as white Americans have shared in our rising national abundance. But the harsh fact of the matter is that in the battle for true equality too many—far too many—are losing ground every day.
>
> We are not completely sure why this is. We know the causes are complex and subtle. But we do know the two broad basic reasons. And we do know that we have to act.
>
> First, Negroes are trapped—as many whites are trapped—in inherited, gateless poverty. They lack training and skills. They are shut in, in slums, without decent medical care. Private and public poverty combine to cripple their capacities.
>
> We are trying to attack these evils though our poverty program, through our education program, though our medical care and our other health programs, and a dozen more of the Great Society programs that are aimed at the root causes of this poverty.
>
> We will increase, and we will accelerate, and we will broaden this attack in years to come until this most enduring of foes finally yields to our unyielding will.
>
> But there is a second cause—much more difficult to explain, more deeply grounded, more desperate in its force. It is the devastating heritage of long years of slavery, and a century of oppression, hatred and injustice.
>
> For Negro poverty is not white poverty. Many of its causes and many of its cures are the same. But there are differences—deep, corrosive, obstinate differences—radiating painful roots into the community, and into the family, and the nature of the individual.
>
> These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and present prejudice. They are anguishing to observe. For the Negro they are a constant reminder of oppression. For the white they are a constant reminder of guilt. But they must be faced and they must be dealt with.
>
> . . . Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice.
>
> The Negro, like these others, will have to rely mostly upon his own efforts. But he just cannot do it alone. For they did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded—these others—because of race or color—a feeling whose dark intensity is matched by no other prejudice in our society.
>
> Nor can these differences be understood as isolated infirmities. They are a seamless web. They cause each other. They result from each other. They reinforce each other.
>
> Much of the Negro community is buried under a blanket of history and circumstance. It is not a lasting solution to lift just one corner of that blanket. We must stand on all sides, and we must raise the entire cover if we are to liberate our fellow citizens.
>
> There is also the burden that a dark skin can add to the search for a productive place in our society. Unemployment strikes most swiftly and broadly at the Negro, and this burden erodes hope. Blighted hope breeds despair. Despair brings indifference to the learning which offers a way out. And despair, coupled with indifference, is often the source of destructive rebellion against the fabric of society.
>
> There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They do not change the color of a man's skin. . . .
>
> Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white American must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.
>
> This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans. . . .
>
> The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the value of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled. . . .
>
> There is no single easy answer to all of these problems.
>
> Jobs are part of the answer. They bring the income which permits a man to provide for his family.
>
> Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.
>
> Welfare and social programs better designed to hold families together are part of the answer.
>
> Care for the sick is part of the answer.
>
> An understanding heart by all Americans is another big part of the answer.
>
> And to all of these fronts—and a dozen more—I will dedicated the expanding efforts of the Johnson administration.
>
> But there are other answers that are still to be found . . .

□ 1940

That is the end of Lyndon Johnson's speech at Howard University on June 4, 1965. It has a familiar ring, some of the same things that are being said today by the present President, but in a different context. The present President would make it appear that the collapse of the Negro family, that the unemployment and joblessness in our communities among Negro males is all their fault, a matter of lifestyle, something they choose to do.

The present President ignores that fact that when there were 1,000 jobs available at the Marriott Hotel in Chicago, 9,000 people lined up for those jobs and most of those 9,000 people were Afro-Americans.

It is all here in a very compact and succinct statement. It was not delivered by some wildeyed radical on a street corner in Harlem. It was delivered by a man who sat at the very head of our Government. We should be proud of a President like Lyndon Johnson.

History should take a close look at his record and not let it be overwhelmed by the Vietnam war or foreign policy.

Here is a man who understood the most pressing problems in this country. He understood the American dilemma. He had the greatness, the fortitude, he had the wisdom, he had the soul to deal with the problem of racism in America.

Mr. Speaker, I thank the gentleman for allowing me to participate in this special order.

Mr. Speaker, in the wake of the recent tragic events in Los Angeles and other cities stemming from reactions to the verdict in the Rodney King case, the Bush administration has chosen to attack the war on poverty programs initiated in the 1960's under the Johnson administration, charging that these so-called failed programs are to blame for the massive, simultaneous destruction which took place over the last few days.

I was a New York City Deputy Administrator for Community Development under former Mayor John Lindsay, and I take strong issue with that view. On the contrary, programs such as Model Cities, the Job Corps, CETA, and others gave people hope for the future. They empowered residents of inner cities, giving them for the first time a sense of control over their lives and destinies.

Throughout my years as an elected official, particularly as a member of the House Committee on Education and Labor, and as an administrator of social programs, I have always viewed education and employment as the two most important concerns facing the nation. Education and employment are intertwined; without a quality education, Americans all ill equipped to function in the work world of high technology, increasingly specialized professions. One of the most successful holdovers from the Great Society, "War on Poverty" years is the Job Corps, a program that for 30 years has recognized the important linkage between education and employment.

Job Corps is our Nation's only proven Federal program that helps our at-risk youth finish their education, learn lifetime skills and build up our country. Eighty-one percent of Job Corps graduates go to work, enter the military or seek more education.

I was outraged when in 1986 the Reagan administration sought to eliminate Job Corps and I am outraged today that the Bush administration wants to cut this proven program at a time when local elected officials all over this country are in desperate need of it. Communities from Compton, CA to the delta area in Mississippi, to Nashville, TN, to right here in Prince Georges County, MD, near Washington, DC, are urging the administration to fully fund and expand Job Corps. They know, as we in the Congress know, that it is pathetic that one of the most successful Great Society Programs, which has helped young people for 30 years, serves less than 2 percent of those who could benefit from it the most.

The administration and its supporters argue that Job Corps costs too much money. But we spend billions on exotic weaponry and military gadgets that the end of the cold war have rendered unnecessary and obsolete. One Seawolf submarine costs $2 billion, slightly less than the total request for Job Corps' 50–50 plan for fiscal year 1993. The 50–50 plan is a well thought out, long-term initiative to add 50 new Job Corps centers to reach 50 percent more youth at a cost of $1.26 billion. And the Job Corps is, to use a favorite administration phrase, "cost effective," returning $1.46 on every dollar we invest in it.

Another important Great Society measure that acknowledged the important education-employment link was the Vocational Education Act of 1963, which was signed into law by President Johnson on December 18 of that year. The act initiated Federal aid to low- and middle-income youth for the purposes of vocational education and job training. It was designed to update and expand old programs that were considered insufficient and not geared to the problems of rapid technological change. It was hoped that increased vocational education could help satisfy the Nation's need for manpower with industrial, and technical skills, and at the same time reduce unemployment, especially among youth. As enacted, the measure authorized $731 million over a 5-year period for a broader, more flexible program to help workers learn new skills and upgrade old ones. A large part of the funds were directed toward unemployed young people and school dropouts, which included many African-Americans. The bill was initially envisioned by President Kennedy as one of many employment and education programs aimed at assisting African-Americans. As President Kennedy noted in his June 19, 1963 civil rights message to the Congress, employment opportunities would play a major role in determining whether civil rights gains for African-Americans would be meaningful. In signing the Vocational Education Act of 1963, President Johnson said:

> This bill * * * is dramatic evidence of our commitment to education as the key to our social and economic and technological and moral progress * * *. For the first time Federal funds are going to be available to construct new vocational schools.

Such Federal commitment to education and employment has been woefully lacking during the years of the Reagan and Bush administration. Instead, we have seen a commitment to destroying all of the efforts toward social change and equity between classes and races in this country that the Great Society programs were designed to bring about.

Enterprise zones and housing projects residents owning their units are not the only solutions to such problems, nor is attempting to assign blame to the Great Society Programs for the state of or cities the answer. Unless we want to see more urban death and destruction we must reinstitute the war on poverty and stop making war on the poor.

Mr. SCHEUER. Well, Mr. Speaker, I want to thank my colleague, the gentleman from Brooklyn, NY Mr. OWENS for his truly moving and beautiful words. They should inspire all of us to rethink some of our prejudices and rethink our assumptions and get down to the basics that Lyndon Johnson addressed and that the gentleman from New York [Mr. OWENS] addressed. I am truly grateful to the gentleman from New York [Mr. OWENS].

The time is late, Mr. Speaker, and I do not want to take the time to review each and every one of Lyndon Johnson's Great Society programs. I do want to echo one thing that the gentleman from New York [Mr. OWENS] said, that sometimes in the miss of memory we tend to look upon Lyndon Johnson as the bad buy, so called, for his involvement in the Vietnam war, for his immersing us more deeply, trapping us in the swamps of despair and futility of the Vietnam war.

Yes, there was a certain amount of ego involved here. Yes, this represented a character flaw on the part of President Johnson, but if you can just excise from your memory Johnson and the Vietnam war and think about Johnson's enormous contributions to our domestic society, you will rapidly come to the conclusion that as far as Lyndon Johnson's vision for America, the domestic America, all of us, black, white, rich, poor, Eastern, Western, urban, and rural, he was truly one of our all-time great Presidents in the vision and the powerful leadership that he provided in forcing this country to address our urban problems, the American dilemma of race. We should never forget his extraordinary contribution to helping us face up to the problems of America that was doing less than it was capable of doing for all its citizens.

Let me talk about just one or two programs and then I will yield my time.

The Head Start Program, we referred to that with the President. President Bush supports the Head Start Program, no question about it. He thinks it is a fine program. It is just that he does not want to pay for it. He does not want to pay to make it available to all American kids who are at the cutting edge of education failure. At the present time only about less than 1 in 4 kids at urgent education risks gets the benefit of Head Start. Now, that is a true tragedy.

I might tell my colleagues that I am a Head Start kid. In 1923, when I want to prekindergarten, we did not call an enriched preschool experience Head Start. We called it nursery school or prekindergarten. When I was 3 years old I was in one of those classes.

Now, most of the Members in this room, most of the Members of this House come from homes that are themselves education factories. They do not need a Head Start Program to learn, to value books and magazines and newspapers and cerebral thought. They do not need a Head Start Program to teach them how to tell time, the days of the week, the months of the year, the difference between silk and wool. Those are part of their family growing up experiences, but there are kids from disadvantaged homes in this country whose background is bleak compared to the kids who come from much more fortunate middle class backgrounds; so for those kids, it is absolutely essential to have an enriched preschool program in order to enter the schoolhouse doors at age 6 for the first grade learning ready.

We have found that there is very little else that we can do to give these kids the promise of making it in school that works as well as the Head Start Program.

Let me give you a few elements of facts. The disadvantaged Head Start kids who enjoyed that preschool experience over their colleagues and friends who did not have the benefit of Head Start.

First of all, children who did not receive a Head Start service developed mental retardation or failed to shuck off the effects of mental disability at twice the rate of children who received preschool services of all kinds. Almost twice as many of the kids who did not enjoy the benefits of a Head Start experience were likely to drop out of school prior to graduation. Only two-thirds as many of the kids who did not have the benefit of an enriched preschool experience, only two-thirds of them became employed after high school.

Now, on the other hand, children who did get the benefit of an enriched preschool experience got jobs at a 60 percent higher rate than the non-Head Start kids, after high school that is. More than two-thirds of the Head Start kids developed literacy skills of all kinds, far more than their non-Head Start colleagues.

□ 1950

Almost 50 percent of the Head Start kids are likely to attend college and vocational school than non-Head Start kids. Overall, just to indicate that these programs were not an exercise in futility, were not a big black hole into which we poured taxpayers' money, studies show that society's return from an investment in Head Start, an investment in our Nation's most precious asset, its young kids, a dollar invested in Head Start returned anywhere from $7 to $12 to our Government in costs avoided, more success in school, more success on the job, and higher rates on the job.

What was the product for our society? Well, during the Johnson administration, the national poverty rate fell from 19 percent of the population to 12 percent of the population. How do you put a dollar value on that? How do you put a price tag on a society that has succeeded in cutting drastically the percentage of its people who are poor?

The poverty rate for elderly Americans has plummeted from 35 percent in 1960 to 25 percent in 1970 and to only 12 percent today, as a result of these so-called failed programs of the 1970's.

During the 1960's, the poverty rate for children was virtually cut in half, to 12 percent.

Mr. Speaker, I would like to quote a very distinguished conservative economist, Mr. Herbert Stein, who was chairman of President Nixon's Council of Economic Advisers. He supports using the peace dividend for domestic programs. He supports every possible effort to reduce the poverty and to increase the education among our youngsters.

Mr. Speaker, I would like to quote Herbert Stein:

> I would ask what is the most important use of the tens of billions of dollars of potential output that is not being used and should be used if the economy is to recover?
>
> My answer would be not to increase the consumption of middle America, that means by reducing taxes, "I would rather fund Head Start fully to make sure States have the money to provide the training, social services, and the jobs to beef up the struggle against crime and to keep our schools and libraries open.

Now, this is a conservative Republican economist who chaired President Nixon's Council of Economic Advisers.

President Johnson once said, Mr. Speaker, that you cannot take a person who for years has been hobbled by chains and bring him up to the starting line of a race and then say, "You are free to compete with the others."

In the same sense, you cannot initiate a promising social program and expect it to prosper without adequate funding and continuous nourishment and support.

I am afraid, Mr. Speaker, this is what two previous administrations have done.

We cannot blame Lyndon Johnson for lacking the omniscience to see the Republican administrations would ignore and underfund these programs during the entire period of the 1980's. President Johnson could not have anticipated that the top 1 percent of families in America would receive 75 percent of the growth of the incomes during the 1970's. President Johnson could not have anticipated that incomes for the bottom 60 percent of the families would fall during that same period.

He would have responded with utter disbelief, mind-boggling disbelief, to the slanderous rumor that his domestic policies would be held responsible for riots that would occur three decades later.

Now, President Bush visited south central Los Angeles after the riots, and it is only fair to say that he brought compassion and sympathy and promise to rebuild the city and clean up the wreckage. But, my colleagues, this is not enough.

The President did not bring up a coherent domestic agenda to his analysis of the problems. As a matter of fact, at no time did he refer to a single specific domestic proposal which might perhaps rehabilitate our cities and promote real economic growth.

Now, this is not surprising, Mr. Speaker, because the Bush administration has not produced a viable domestic agenda in 3 years. As one senior Member of the other body said last week, one could be a U.S. Senator for the past 3 years without knowing that there was a Bush domestic policy.

Mr. Speaker, it is time to stop shifting the blame for the problems that beset us, from the cities to the programs.

President Johnson took decisive action when he perceived a similar crisis nearly three decades ago. I understand that the administration is taking some tentative steps toward renewal of our urban blight, toward facing up to the challenge of urban America and the problems of urban America. I congratulate them for recognizing the problem. We should all come together and use the peace dividend and whatever other resources that we can liberate to fund these programs, which have clearly demonstrated their use and their widespread benefits for low-income Americans as well as middle-income Americans. We should cast aside our partisan problems to create new programs which respond to the changing demographics and social trends of our era and of our cities.

Like in the early 1960's, Mr. Speaker, today too is a rare opportunity to heal the wounds and to provide a new base of progress, especially for our kids. We must seize it before it disappears.

As I have said this evening, we cannot afford not to invest in our children, we cannot afford not to invest in our strained and agonizing cities, we cannot afford not to invest in the future of America.

Let us work together, reason together, to do just exactly this.

Mr. FASCELL. Mr. Speaker, I rise to join our colleagues in recognizing the success stories of the Great Society programs of President Lyndon Johnson's administration. I have no doubt that our colleagues, on both sides of the aisle, were shocked at both the substance and timing of the recent criticisms of Great Society programs. However, we should put this indiscretion behind us and focus our attention on our cities and their problems.

Some people continue to find it easier to condemn the Great Society by singling our individual programs or instances as failures, rather than recognizing the significant role that a great many of these programs have played in improving the lives of our citizens and, in the process, improving our Nation. The fact is that, when judged as a complete package, the Great Society programs have had enormous benefits which cannot be measured.

Many of us in Congress have been urging the administration to pay more attention to the pressing problems in our cities. I believe that the President was deeply moved by his meetings in Los Angeles last week and I believe that he is ready to work with the Congress to alleviate the crisis in our cities. With so much to lose we ought not to become engaged in a battle of who is to blame because people's lives are at stake. It is a time to come together and do everything we can to solve the problems which confront us.

As a sponsor and the floor manager of the legislation which established the Department of Housing and Urban Development [HUD], I take great pride in my participation in enacting Great Society legislation. In 1900, 40 percent of the population lived in urban areas; in 1965, the year this measure was enacted, 70 percent lived in urban areas. Yet, there was not a coordinated Federal commitment or program designed to address the mounting problems created by the urbanization of our Nation.

HUD is the principal Federal agency responsible for programs concerned with the Nation's housing needs, fair housing opportunities, and improvement and development of the Nation's communities. In carrying out its responsibilities, HUD administers a wide variety of programs, including Federal Housing Administration [FHA] mortgage insurance programs that help families become homeowners and facilitate the construction and rehabilitation of rental units; rental assistance programs for lower income families who otherwise could not afford decent housing; programs to combat housing discrimination and, affirmatively, further fair housing; programs that aid community and neighborhood development and preservation; programs to assist the homeless population; and programs to help protect the home buyer in the marketplace. HUD also takes steps to encourage a strong private sector housing industry that can produce affordable housing, and to stimulate private sector initiatives, public/private sector partnerships, and public entrepreneurship.

Without HUD, I believe it is safe to say that millions of Americans would be without adequate and affordable housing and the communities they live in would not have benefited from economic development programs. Make no mistake, the coordination which HUD has brought to urban policymaking has improved the lives of millions of Americans.

I believe that it is time to renew and expand the commitment that the Great Society has made to education, nutrition, housing, and health care, but we should not be afraid to try different approaches to solve these problems. It is in our best interest to implement programs aimed at improving and enriching the lives of our citizens if we wish to remain competitive and continue our role as a world leader.

"THEY" ARE US

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, Los Angeles didn't just happen by accident. The explosion of rage and violence, with all of its self-destructive fury, was as predictable as any human event can be. The only uncertainty was the precise nature of the spark that would ignite the conflagration.

We have a choice now. We can either allow our Nation to descend further into the hell of racial conflict and deepening racial polarization—or we can approach the immediate crisis as an opportunity to address the underlying causes of the rage and the violence that are erupting all around us.

If we are to use the immediate moment in a constructive way, we must—all of us—come to terms with four key realities. The first is that the Los Angeles explosion is really the legacy of years of national leadership that set the tone for the dehumanization that Rodney King experienced. When the President, attempting to display his new awareness, pleads for tolerance of differences, he reveals his continued insensitivity to deep-seated white prejudices and paternalism. For Americans to come together on the basis of equality, we must genuinely respect, not merely tolerate, our differences.

But it is not mere insensitivity that is at issue here; it is, also, the self-conscious use of race as a political weapon—as in the manipulation of racial fears through the now infamous Willie Horton commercial, and the White House's more recent demagogic attack on civil rights legislation—that gave implicit legitimacy to the kind of brutality a nation viewed on videotape.

Second, we need to understand that in a very real sense the law enforcement community has itself been victimized by the policies of neglect and manipulation pursued at the national level. As a former police officer recently put it, we constantly call on the police to intervene to quell the symptoms of injustice and neglect. They are called upon, time and time again, to do our dirty work, sent into alien communities to do the job of suppression so that those of us who live in more affluent neighborhoods might continue to go about our lives in relative security, blissfully removed from the degradation of our neighbors.

Third, we must recognize that the economic and social policies that underlie today's urban crisis are threatening the lives and futures of Americans everywhere—suburbanites no less than city dwellers, whites no less than minorities. All Americans are paying increasingly high costs for decades of social and economic neglect. An eroding industrial base, a declining real standard of living, failing school systems, widening economic inequalities, increased crime and explosive violence, heightened fears and insecurities—these are the other consequences of those economic and social policies that have advantaged a very few of our wealthiest citizens at the expense of the middle class and the poor.

It needs to be underscored that all Americans will suffer more and more if our Nation's economic decline is not arrested. And it is clear that the only means by which America will be able to hold its own in international competition in the years ahead will be the development of a better educated, more highly skilled workforce. It will not matter whether the uneducated and unskilled are black or white or Hispanic: If American industries cannot recruit workers that are well-educated and trained, our economy will continue to lose ground to our trade competitors in Europe and Asia, and we will all pay an increasingly heavy price.

In short, the future of those who live in America's suburbs and rural areas is inextricably linked to those who live in America's cities. Indeed, in the years ahead an increasing percentage of the national workforce will be drawn from minority groups. America's economic future—and the well-being of whites no less than nonwhites—will depend increasingly on the educational and skill levels of our minority population. Our lives and our futures are interdependent. That means that sound social and economic policies—policies designed to attack the root causes of urban despair and hopelessness—would benefit all of us. A renewed attack on urban problems, if it is to succeed, must be framed not as something "we" are doing for "them." It must be understood not as a moral response to the problems facing minorities and the poor, but as a matter of enlightened self-interest and expediency for Americans everywhere.

We must stop thinking and talking about the urban crisis as the problem of the poor and the minorities. To solve the problems of the cities is not to do something "for blacks" or for "the poor;" it is to do something for all of us. And unless we understand this essential truth, we will never be able to develop the national consensus necessary to effect and sustain a redirection of national policy.

Thinking about issues of social conflict in inclusive, "win-win" terms is often difficult. As leadership and management expert Stephen Covey observes, most of us "have been deeply scripted in the win/lose mentality since birth." It is often taken as a given that one person's victory is another person's defeat. Yet, in Covey's words, "* * * Most of life is not a competition. We don't have to live each day competing with our spouse, our children, our coworkers, our neighbors, and our friends. 'Who's winning in your marriage?' is a ridiculous question. If both people aren't winning, both are losing."

And so it is with a city, a State and a nation. The degradation of some comes, ultimately, at the expense of all. This is the real lesson of Los Angeles. As Americans have come to see politics as a zero sum game, in which one person's benefit must be at the expense of another person's loss, we have become increasingly divided—unable to see the larger picture of our interdependence and our common interest. Whenever we think minority gains mean white losses, or that the security of whites depends upon continued subordination of minorities, we are still in a win/lose mentality—which ultimately means we all lose. The solution to our economic crisis is not to fight over who gets the limited number of jobs available, but to develop new national policies that will create more jobs and insure that we have enough well-educated and trained workers to fill them.

The fourth and final key to a successful redirection of America's creativity and resources will be coming to terms with the self-destructiveness of the recent wave of public cynicism and alienation. We have produced our own self-fulfilling prophecy; feeling powerless, we have become powerless. In Pogo's immortal words, "We have met the enemy, and he is us." It is we, the American people who, in our anger and despair, have walked away from the political process and thereby given a free hand to those leaders and special interests who have produced the economic and social policies that have caused such pain and anguish for Americans everywhere. Rather than come together in powerful multiracial coalitions of common interest to hold our leaders accountable, we have allowed ourselves to be played off against each other.

We have not only created a huge political vacuum into which powerful economic interests have moved, but we have also become increasingly aggressive in pursuing zero-sum political strategies. Believing that no one cares about the larger picture, about the whole, Americans have focused on securing their own discrete piece of the pie. And that pursuit of narrow self-interest has produced little more than an increased sense of national—and personal—vulnerability.

But it doesn't have to be this way. If we can develop a deeper appreciation of the power individual citizens have in a democracy, and of the need to move from a politics of narrow self-interest to a politics that recognizes our essential interdependence as Americans, we will be able, at long last, to renew our political system, to forge a new sense of community and national purpose, and to build the foundation for a far more secure and a more hopeful future.

It has been 22 years since I first ran for elected office. And I continue to believe with as much conviction as ever that none of the problems we face is beyond solution, that this political system of ours can be made to work, that each of us can make a difference, a real difference. The challenge before us is to reject leaders that seek to manipulate our fears and frustrations for their own self-serving political purposes and, in their place, to affirm leaders that work to bring people together in a united effort to renew our society.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to my distinguished colleague, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding, and I will not take long. I know the gentleman from Oklahoma [Mr. EDWARDS] wishes to speak, and I just wanted to commend the gentleman from Michigan [Mr. WOLPE] for his comments and his remarks today, and I want to add a few thoughts of my own.

Mr. Speaker, we are engaged this week in trying to deal with some of the problems in our society that we, quite frankly, have not addressed here in a long, long time. And I listened to the remarks of the gentleman, and he talked about interdependence; he talked about the link that each of us in the suburban and rural areas, and the city, have with each other and the fact that the division thought of as win/lose between us is ultimately going to be the destruction of all of us.

Mr. Speaker, I could not agree with the gentleman more.

□ 2010

Sometimes I think when things of the magnitude of Los Angeles happen, we have to personally examine where each of us individually has been coming from, from what we have been advocating in terms of programs, what we have been saying in terms of our own language, how we have been saying it, and what we have been doing and not doing to build coalitions to try to make things better.

This has been a very interesting week for me. I have attended this week and last week a large number of meetings to address the urban crisis in America. It has been enlightening, because I have heard things which I wish I would have heard years, and certainly months ago, when we were engaged in some of the most important debates we have had here on tax legislation and social policy.

There has been a lot of talk, and I have been, I suspect, at the forefront of it, in terms of dealing with the needs of, quote/unquote, the middle class.

That is a language concern that I think needs to be talked about and discussed. It is a term by its very nature you would think would encompass the vast majority of Americans. In fact, I have seen polls that indicate that 93 percent of Americans consider themselves middle class. It is a phenomenal number. But in fact we know in reality that that, indeed, is not the case.

I think that those of us who have used that term, some of us with the hope that the broadening of the problem by defining it in such a way would help bring us to the realization that we need to do certain things and that we ought to address certain people that have been neglected, may have in fact exacerbated and created some of the tensions and the problems that we are seeing, because by its very nature it excludes, for some people, being part of reaching a resolution to the problems that we have.

So I guess I am saying that I am prepared to broaden my language in terms of how I address these issues in the future. That is not to say the needs are not there for the middle class. I represent a district that feels terribly squeezed on an incredible number of fronts, just like the poor feel squeezed. But the sense of hopelessness for them, while running away, is not there. That sense of hopelessness is not there like it is in many of our urban areas today for many of our people.

There is always the hope that the education opportunities will be there. There is always the hope that they will be able to own a home. There is always the hope that they will be able to have decent health care and a future for their kids, because it was in their immediate experience to have that.

When we talk about the poor and the hopelessness, and I will not use the term "underclass" because it is not a term I feel comfortable with, nor do I think people feel comfortable with the term being ascribed to them, but when we talk about the poor and those who are without hope, and when you are without hope you have nothing to lose, as we have seen recently, I think it is important for us as a Congress and as a people who are concerned about the problems in the country to understand basically who we are talking about.

We are talking about, to a large extend, and not exclusively, but to a large extent males, African-American and Hispanic males, 17 to 30 years of age, who sit and congregate on our street corners all over our urban centers today, who really have a sense of hopelessness because no attention has been paid to them.

I am reminded, when I talk about attention, to the Arthur Miller play "Death of a Salesman."

In the final act of that play, Willie Loman's wife is scolding her son Biff because he has not paid enough attention to his father and laughs at his father and does not take his father seriously and considers him a failure. She says to him, "Attention must be paid to this man. He is a good person. He is a human being."

We have to pay more attention to those people who are without hope, and we have got to, it seems to me, in terms of community, reach out in a coalition-building way that the gentleman referred to in his remarks to bring together those who are not as desperate, but are feeling that same sense of alienation in our society today, many of whom live in suburban areas and rural areas, to get people to understand that we are all in the same boat together.

I am pleased that the President is finally addressing, or at least discussing, the needs of people in our inner city and our urban areas.

We had a meeting at the White House yesterday that I was at. It was a beginning. It was not as productive as I would have hoped. The programs offered were not as broad and as sweeping as I think are needed, but at least we sat down and talked about the need.

We still have a way to go on language. To the President's credit, he talked about healing in the last week, but they are still using downtown language that bothers me.

They have got this program called Weed and Seed. While it may have some very positive aspects to it, just the name Weed and Seed, as one of my colleagues mentioned to me today, evokes a plantation mentality. That is the type of language we have to be careful with, that we have to reach out and try to understand.

I am hopeful in the coming weeks, and I hope it is no longer than coming weeks, that institutionally here we can move on an agenda that will do several things, that will reach out in a dialog with the good people on this side of the aisle, the people here that want to resolve this issue, that want to try to understand where we are all coming from.

I do not want to have another Los Angeles, another Detroit, another Newark, or Washington, DC, before we get to that point. Let us do it now. Let us sit down and talk about the needs, to understand where each of us is coming from.

There are ideas on the other side concerning the private sector and empowerment that I think have some merit. I do not dismiss them. I think they are worth exploring, implementing.

But there is also a need to understand that some of the things that have been historically tried in our country, especially some of the programs that we attempted during the sixties, were successful, that they worked.

The Head Start Program; the Women, Infant, and Children's Program; the Medicare Program; the programs that deal with training and giving people some hope that they can get training by providing them with a stipend so they can indeed participate, like we did with the programs in the sixties and seventies.

We can do more in Head Start. We can do more in training. We can rebuild our cities through an accelerated public works bill.

All of these things cost money though. But to not do them, so say that they are too expensive, to say that we do not have the resources, will only I think exacerbate the problem that we have, will continue to feed the hopelessness that is out there, and increase the rage in our country.

I am hoping in the coming weeks and months ahead, especially weeks, that we will be able to address these issues as well as extension of unemployment compensation. We have much to do in this country. I could stand here as I have on numerous special order occasions and tick off all the needs that we have.

☐ 2020

We have got plenty of people who want to do them. We have just got to develop the will to finance it, either through additional revenues, switching our budget priorities, or in this particular case, in some instances declaring it a state of an emergency.

The President declared an emergency for helping people in other countries at the beginning of this legislative session. We can help people here in this country have a sense of hope, and we can reach out to each other to understand that these problems that we face are not insurmountable, that working together, Members of good will on both sides of the aisle, we can make a new beginning in terms of addressing the needs of the other forgotten Americans that sometimes those of us who do not represent core urban areas tend to forget.

I thank my colleague for his comments, his insights, and his message of interdependence that I think all Members of this body and all Americans would be wise to heed.

Mr. WOLPE. Mr. Speaker, let me thank the gentleman for his contribution just now.

I am personally enormously grateful both for his words this evening and for the efforts he has made over many months to try to get a number of these questions on the national agenda before Los Angeles erupted. The gentleman referred a moment ago to the possibility that we now have an opportunity, at least, to begin to debate some of these questions in a serious way. We have a crisis right now. There now. There is no question about that.

I believe, though, that out of the crisis there can emerge a new opportunity. We do have a choice at this point.

Now that we have seen the consequences of the decades, and literally decades of neglect and what that has caused one city but is also costing really an entire Nation, we can choose either to continue the neglect or to begin to take advantage of this opportunity to begin to move in a different direction.

I think the key is that we have to get out of the mentality, as the gentleman says, of thinking of this Nation of ours as a lot of discrete elements, discrete classes, groups. We are all, indeed, one community. We are on the same economic boat. We are all paying dearly, whether we live in the suburbs or in rural areas, for the consequences of the poverty that exists in our society, for the failing school systems that are not producing skilled workers.

This economy of ours continues to slide. Everyone is going to pay for that, if we cannot maintain our ability to compete in the international markets. If we continue to produce people that do not have the skills so they can be gainfully employed, and we are going to pay for that in terms of not only lost productivity and declining economic strength, we are also going to pay for it in terms of all the prisons that we have to build and all the additional resources that must go out in terms of maintaining the law in the face of that kind of instability.

Mr. BONIOR. The long-term costs are becoming quite apparent to us all right now. The health care issue is a good example. If people do not have health care, and we have 34 million Americans who do not have health care, they are going to get health care. And they get health care. They go to the emergency room. They get taken care of.

Where does that bill get sent on to? It gets put on the backs of the people who are working through their insurers, because the insurance rates go up for the companies that are insuring people that are working. They have to pass that cost on to someone, that insurance cost goes up for automobile workers, health insurance costs. What happens? The cost of an automobile goes up.

We are spending, as the gentleman from Michigan well knows, over $1,000 per automobile just to cover the insurance costs of producing that, health insurance costs of producing that automobile. The Japanese, about $225; the Canadians, about $200. And we are being noncompetitive.

It is hurting all of us. Infrastructure, the same thing. We are letting our cities go, our roads, bridges, and highways to the point where we are losing our competitive edge. There is study after study that shows that if we would take care of the basic infrastructure of the country, we would be between 30 and 60 percent more competitive. Of course, the last example that the gentleman has given with respect to prisons, are we going to end up as a society just locking people up?

We have more people in prisons in the United States of America than any other nation on the face of the Earth. The overall cost of keeping someone in prison—prosecuting them, sending them—all those dollars could be more productively used to train, to educate, and to bring people into the community of citizens that we all hope.

So this long-range thinking in terms of where we are going with respect to the poor has vast implications for all of us.

Mr. WOLPE. There is one last point I would like to make, because there is a political dimension to this division among Americans of people that should be united because we have basically the same common interests, because we are so frequently divided. It makes it much more difficult for us to really devise the policies that would be far more fair and far more productive for our society.

I think, for example, we have seen a lot of comment in recent months about the sudden awareness that somehow in the past decade a very wealthy few in our society have cleaned up at the expense of the rest of society, the top 1 percent of Americans today making more income than the bottom 40 percent. The top 2½ million making more than the bottom 100 million.

Mr. BONIOR. They take more in in income each day, each month, each year. That is not to begrudge them for being successful. But what I think we were suggesting in the debate we have had earlier is that they share in the sacrifice to get things moving again.

Mr. WOLPE. Exactly. The point that I would like to make is that I do not think that economic statistic was an accident. I think it was the direct consequence of tax and economic policies that were put in place a dozen years ago.

What happened is the very people that should have been engaged in this political process have been so divided amongst themselves and so alienated from the process that they have even stopped participating, voting, lobbying, participating in the political process. So that the economic policies that were put in place were shaped disproportionately by the people that had the money and had the wealth and the access.

Mr. BONIOR. The challenge was not there to correct the inequities.

Mr. WOLPE. Which really goes to the other issue. It is not just a question of division. We have to get people united. But beyond that, that it is also this issue of a sense of powerlessness that is felt by poor people in urban centers, that is felt also be working-class people in the suburbs.

People everywhere have come to feel so powerless that they really have kind of given up on the process, not voting, not lobbying, not even reading newspapers, so that they are kind of removed from the political debate.

That is why, I think, in some ways in feeling powerless, we have become powerless. The real challenge and opportunity now, because of this new awareness of what all this neglect has meant, is that we can galvanize this extraordinary political coalition of suburbs, and cities, and rural areas, working together in recognition that we are one national community and we have got to conceive of ourselves as a team in which any team members that are hurting are going to bring down the success of the overall team effort.

Mr. BONIOR. Time is of the essence.

Mr. WOLPE. Time is of the essence.

Mr. BONIOR. The opportunities to do these types of things have a very short window. That is why I implore my colleagues, the rest of the leadership, and the President to move as quickly and as expeditiously as possible on those things we can agree on. And those things that we cannot agree, we ought to reach out to try to reach some accommodation because we have before us an opportunity. I think the American people want us to act. They want us to act in concert badly; they want us to do something now. So it is wise that we do.

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CRISIS IN AMERICA'S OIL AND GAS INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. EDWARDS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDWARDS of Oklahoma. Mr. Speaker, the workers in an important American industry, the energy industry, are in serious trouble. Since 1986, we have lost 300,000 energy jobs. Only 1 out of 10 oil rigs which operated a decade ago, operates today.

Bigger producers in my district have been forced to lay off thousands of workers. The number of smaller independent producers has declined by 7,000 in the past decade. Fewer than half of the men and women who owned and worked small energy businesses 10 years ago are still doing so today.

As we have lost jobs; as small businesses have been forced to close, there has been a serious decline in oil production. Today we will produce 2 million barrels of oil less than we did on the same day in 1986. Tomorrow we will produce even less—and we will have fewer jobs and fewer businesses—unless we do something today.

We can replace the oil—and we have, to the point that oil imports now account for more than half of the U.S. trade deficit—but the jobs and busineses we have lost cannot be replaced.

The oil and gas industry in America is in a state of crisis and if we do not do something soon there will be nothing we can do later. This is our opportunity for action.

The House will soon consider an energy bill but the first thing the Congress must do is to make sure it does no further harm. It has already done enough of that to last the oil and gas industry a lifetime. Federal regulations alone will cause oil and gas producers to spend potentially up to $23 billion annually by the decade's end to come into compliance.

Congress has a chance this year to stop penalizing U.S. producers for developing and exploring for energy in our own country. It's imperative for Congress to adopt a production-driven energy policy with additional tax relief to allow U.S. producers to justify operating more wells. Failure to adopt a real national energy policy will mean a continued loss of American jobs and a loss of capital to foreign countries.

But Mr. Speaker, we're losing more than jobs and capital, we're losing any glimmer of hope that we have of reducing our dependence on foreign energy. On average, 12 supertankers carrying foreign oil enter U.S. ports every day. That Mr. Speaker, is a cost to the American consumer of $142 million a day, more then $4 billion a month. This is the cost of a do-nothing energy policy.

Nowhere is the cost of a do-nothing energy policy more evident than in my own State of Oklahoma. Since 1981, Oklahoma has lost more than 40,000 oil field jobs. Annual oil production is on the brink of dropping below 100 million barrels for the first time since 1919. Wells are being plugged at a rate of 2,000 a year because they're not economical to drill. Those wells which haven't been plugged produce an average of only 3 barrels per day—that's 7 barrels less than the 10 barrel number generally used to define a marginal, or stripper, well. Oklahoma oil and gas production has dropped precipitously in the past 10 years: 6,000 oil wells in 1982; 917 oil wells in 1991 and nearly 3,000 gas wells in 1982; 831 in 1991.

Last year alone, Oklahoma lost 3,100 oil and gas jobs. There were 900 applicants for 66 job openings at the Conoco refinery in Ponca City earlier this spring; Phillips Petroleum Co. will lay off 950 employees, almost 20 percent of the overall work force of the small city of Bartlesville.

For all the damage Government has done to energy production in Oklahoma and the Nation, it's not too late to begin to turn Government energy policies around so producers can have a fighting chance to stay in business and begin putting our country on the road to energy independence.

The Ways and Means Committee took two important steps recently which could begin this much-needed turnaround in policy.

First, it eliminated what could amount to a tax of up to $15 billion on oil companies to pay for filling the Strategic Petroleum Reserve. Second, it provided some relief from the alternative minimum tax by eliminating percentage depletion allowance and intangible drilling costs as tax preference items under the AMT.

The AMT relief provided by ways and means is critical if we are going to bring the alternative minimum tax into line with its original purpose. The AMT was designed to erase inequities in the Tax Code through which some companies escaped paying anything at all on their corporate income, but the AMT was never intended to make sure that companies made no profit at all. Yet in the case of oil and gas producers, it often does just that by including intangible drilling costs and the percentage depletion allowance as preference items. That's why the Ways and Means Committee action is so vital and why the committee's provisions must remain as part of the bill. Without them this bill does not come close to being an energy bill.

Elimination of production barriers is crucial. We must stop taxing and regulating U.S. energy producers out of business. If we can bring more small producers back into the business, we can create jobs. Each independent producer with wells to drill could put 100 people to work, and if we could bring back the independent producers we've lost in the past 10 years, those producers could create more than 1 million jobs.

I have recommended to President Bush that if the Ways and Means Committee's tax relief and production incentives are dropped, the energy bill should be vetoed.

Our need for economic growth and energy security is obvious. We will not accomplish these goals without a vibrant oil and gas industry, including the independent producers who account for more than 85 percent of the exploratory rigs drilled in this country. The energy industry is made up of geologists, engineers, roughnecks, truck drivers, and technicians. Since 1981, 40,000 of these people have creased to be part of this industry.

Many see the oil and gas industry as a series of corporate giants. The energy industry, my friends, is the hundreds of workers Phillips has had to lay off in my district this year.

We must eliminate the impediments to domestic production; we must replace them with incentives; it is time that Washington accept responsibility for its role in what has happened to the oil & gas industry and work to remove all the barriers it can. We have an opportunity to pass an energy bill which will promote energy for America and jobs for Americans. The Congress must recognize this opportunity and seize it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SANTORUM (at the request of Mr. MICHEL) for today and May 14, on account of a death in the family.

Mr. LIGHTFOOT (at the request of Mr. MICHEL) for today, on account of medical reasons.

Mr. SANGMEISTER (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes each day, on May 19, 20, 21, 27, and 28, and on June 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, and 30, and on July 1 and 2.

Mr. DREIER of California, for 60 minutes each day, on July 1 and 2.

(The following Members (at the request of Mrs. COLLINS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROWDER, for 60 minutes, on May 14.

Mr. OWENS of New York, for 60 minutes each day, on June 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mrs. ROUKEMA.
Mr. COMBEST.
Mr. COX of California.
Mr. VANDER JAGT.
Mr. LAGOMARSINO in two instances.
Mr. CAMP.
Mr. SUNDQUIST.
Mr. SOLOMON in two instances.
Mr. STUMP.

(The following Members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. MURTHA, in two instances.
Mr. DE LA GARZA.
Mr. YATRON.
Mr. KANJORSKI, in two instances.
Mr. COLORADO, in two instances.
Mr. HAMILTON.
Mr. SCHUMER.
Mr. VENTO.
Mr. NEAL of Massachusetts.
Mr. HARRIS.
Mr. MCMILLEN of Maryland, in two instances.
Mr. FASCELL, in two instances.
Mr. LIPINSKI, in two instances.
Mr. ASPIN.
Mr. MANTON.
Mr. PASTOR, in two instances.

ADJOURNMENT

Mr. EDWARDS of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.) under its previous order, the House adjourned until Thursday, May 14, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3507. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Coast Guard's operating expenses appropriation for fiscal year 1991, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3508. A letter from the Secretary of Education, transmitting a copy of the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults [HKNC] for the 1991 program year, pursuant to 29 U.S.C. 1903(b)(2); to the Committee on Education and Labor.

3509. A letter from the Assistant Secretary, Department of the Interior, transmitting a draft of proposed legislation to reauthorize titles I and II of the Tribally Controlled Community College Assistance Act of 1978, as amended (25 U.S.C. 1801, et seq.), and for other purposes; to the Committee on Education and Labor.

3510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed transfer of major defense equipment from the Federal Republic of Germany to Turkey and Greece (Transmittal No. DRSA-1-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3511. A letter from the Secretary of Commerce, transmitting a progress report regarding contracting for the rebuilding of Kuwait, pursuant to Public Law 102-25, section 606(f) (105 Stat. 111); to the Committee on Foreign Affairs.

3512. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of William Thornton Pryce, of Pennsylvania, to be Ambassador to the United Republic of Honduras; of Princeton Nathan Lyman, of Maryland, to be Ambassador to the Republic of South Africa; of Teresita Currie Schaffer, of New York, to be Ambassador to the Democratic Socialist Republic of Sri Lanka and to service concurrently as Ambassador to the Republic of Maldives; of David C. Fields, of California, to be Ambassador to the Republic of the Marshall Islands; of William H.G. Fitzgerald, of the District of Columbia, to be Ambassador to Ireland, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3513. A letter from the Director, Office of Policy and Communications, Department of Justice, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3514. A letter from the Secretary of Housing and Urban Development, transmitting the fiscal year 1991 Federal Housing Administration annual management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3515. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct further modifications to the Mormon Island Auxiliary Dam, Central Valley Project, CA, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Interior and Insular Affairs.

3516. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3517. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to transfer certain lands in the Shenandoah National Park to the Secretary of the Treasury for use as a U.S. Customs Service Canine Enforcement Training Center, and for other purposes; to the Committee on Interior and Insular Affairs.

3518. A letter from the Chairman, Northeast Interstate Low-Level Radioactive Waste Commission, transmitting the 1991 annual report of the Northeast Interstate Low-Level Radioactive Waste Commission; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3519. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 454. Resolution providing for the consideration of H.R. 5132, a bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-519). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 5149. A bill to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1993, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. VANDER JAGT, and Mrs. KENNELLY):

H.R. 5150. A bill to amend the Internal Revenue Code of 1986 to extend and modify certain expiring tax provisions; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 5151. A bill to provide for the collection of data relating to police misconduct; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 5152. A bill to suspend until January 1, 1995, the duty on certain toys representing trolls or troll figures; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 5153. A bill to amend the Internal Revenue Code of 1986 to repeal the income tax check-off which provides funding for Presidential election campaigns and to provide a checkoff to reduce the public debt; to the Committee on Ways and Means.

By Mr. MCMILLEN of Maryland:

H.R. 5154. A bill to amend the Internal Revenue Code of 1986 to encourage a reduction of interest rates on tax-exempt bonds by providing an incentive for qualified retirement plans to acquire tax-exempt bonds; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 5155. A bill to authorize the Administrator of the National Highway Traffic Safety Administration to make loans to assist units of local government acquire and maintain equipment for use in the enforcement of alcohol-related traffic laws, and for other purposes; to the Committee on the Judiciary.

By Ms. OAKAR (for herself, Mrs. LLOYD, Mr. LAFALCE, Mr. FRANK of Massachusetts, Mrs. MINK, Mr. PETERSON of Minnesota, Mr. HORTON, Mr. HOCHBRUECKNER, Mr. MCNULTY, Mr. BEILENSON, Mrs. JOHNSON of Connecticut, Mrs. SCHROEDER, Mr. ROE, Ms. PELOSI, Mr. THOMAS of Georgia, Mr. GUARINI, Mr. HUGHES, Mr. MURTHA, Mr. KOLTER, Ms. SLAUGHTER, Mr. FAZIO, Mr. LENT, Mr. IRELAND, Mr. LAUGHLIN, Mrs. UNSOELD, Mr. KILDEE, Ms. KAPTUR, Mr. MCGRATH, Mr. MACHTLEY, Mr. KOPETSKI, Ms. WATERS, Mr. OWENS of New York, Mrs. COLLINS of Illinois, Mr. LEVINE of California, Mr. FOGLIETTA, Ms. NORTON, Mr. DIXON, Mr. EVANS, and Mr. WILLIAMS):

H.R. 5156. A bill to amend the Public Health Service Act with respect to research on breast cancer; to the Committee on Energy and Commerce.

By Mr. ORTON (for himself, Mr. ACKERMAN, Mr. GILMAN, Mr. JONES of Georgia, Mr. KOPETSKI, Mr. LIPINSKI, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, and Mr. ZELIFF):

H.R. 5157. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time home buyers; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 5158. A bill to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Education and Labor.

By Mr. THOMAS of California:

H.R. 5159. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to reduce Social Security taxes and to provide for Social Security individual retirement accounts funded by Social Security payroll deductions; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 5160. A bill to provide for pilot programs in State and local prison systems that allow the interstate trade of goods, produced by State prisoners in conjunction with U.S. firms, that would otherwise be produced by foreign labor; to the Committee on Education and Labor.

By Mr. OLVER:

H.R. 5161. A bill to establish a Small Business Manufacturing Extension Service, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Science, Space, and Technology.

By Mr. OWENS of Utah (for himself, Mr. GILMAN, Mr. MCDERMOTT, Mr. ATKINS, Mr. ANDREWS of New Jersey, Mr. PENNY, and Mr. RICHARDSON):

H.R. 5162. A bill to promote implementation of the sustainable development agenda of the United Nations Conference on Environment and Development; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, and Energy and Commerce.

By Mr. MCGRATH:

H. Res. 455. Resolution concerning recognition of the U.S. merchant marine by the U.S. House of Representatives; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

416. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the California Army National Guard; to the Committee on Armed Services.

417. Also, memorial of the Legislature of the State of California, relative to the dual banking system; to the Committee on Banking, Finance and Urban Affairs.

418. Also, memorial of the Legislature of the State of California, relative to the reauthorization of the Rehabilitation Act of 1973; to the Committee on Education and Labor.

419. Also, memorial of the Legislature of the State of California, relative to railroad safety; to the Committee on Energy and Commerce.

420. Also, memorial of the Legislature of the State of California, relative to family planning; to the Committee on Energy and Commerce.

421. Also, memorial of the Legislature of the State of California, relative to inmate health care; to the Committee on Energy and Commerce.

422. Also, memorial of the Legislature of the State of California, relative to Medicaid; to the Committee on Energy and Commerce.

423. Also, memorial of the Legislature of the State of California, relative to the Assyrian/Chaldean Life Line; to the Committee on Foreign Affairs.

424. Also, memorial of the Legislature of the State of California, relative to the boundaries of Alaska; to the Committee on Foreign Affairs.

425. Also, memorial of the Legislature of the State of California, relative to Israeli prisoners of war; to the Committee on Foreign Affairs.

426. Also, memorial of the Legislature of the State of California, relative to equal treatment of Americans; to the Committee on the Judiciary.

427. Also, memorial of the Legislature of the State of Minnesota, relative to motor vehicle safety; to the Committee on Public Works and Transportation.

428. Also, memorial of the Legislature of the State of California, relative to the Foothill Freeway; to the Committee on Public Works and Transportation.

429. Also, memorial of the Legislature of the State of California, relative to toll roads; to the Committee on Public Works and Transportation.

430. Also, memorial of the Legislature of the State of California, relative to airline safety; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX of California:

H.R. 5163. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Wild Goose*; to the Committee on Merchant Marine and Fisheries.

By Mr. OWENS of Utah:

H.R. 5164. A bill for the relief of Craig B. Sorensen and Nita M. Sorensen; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CAMPBELL of California, Mr. INHOFE, Mr. RHODES, Mr. BARRETT, Mr. EMERSON, Mr. MILLER of Washington, Mr. GOODLING, Mr. SENSENBRENNER, Mr. MORAN, and Mr. MCCRERY .

H.R. 118: Mr. SHAYS, Mr. SWETT, Mr. DOOLEY, Mr. BURTON of Indiana, Mr. RINALDO, and Mr. TOWNS.

H.R. 150: Mr. MINETA.

H.R. 187: Mr. TORRES and Mr. KOPETSKI.

H.R. 301: Mr. ALLEN.

H.R. 1115: Mr. LEVIN of Michigan and Mr. SHAW.

H.R. 1145: Mr. WELDON.

H.R. 1188: Mr. WYDEN, Mr. SWETT, and Mr. OWENS of Utah.

H.R. 1218: Mr. PETERSON of Minnesota, Mr. SWIFT, Mr. MCCURDY, and Mr. SCHUMER.

H.R. 1348: Mr. SIKORSKI, Ms. SNOWE, and Mr. BILIRAKIS.

H.R. 1414: Mr. TAYLOR of North Carolina.

H.R. 1468: Mr. ALLEN.

H.R. 1515: Mr. MRAZEK.

H.R. 1573: Mr. ORTIZ, Mr. MCCOLLUM, Mr. STALLINGS, Mr. CAMPBELL of Colorado, and Mr. NAGLE.

H.R. 1886: Mr. INHOFE, Mr. COYNE, and Mr. COLEMAN of Missouri.

H.R. 2299: Mr. RICHARDSON.

H.R. 2534: Mr. CLEMENT, Mr. EDWARDS of Oklahoma, Mr. GLICKMAN, Mr. VALENTINE, Mr. HOAGLAND, and Mr. THOMAS of Georgia.

H.R. 2598: Mr. LEHMAN of California.

H.R. 2695: Mr. SAXTON, Mr. FASCELL, Mr. MINETA, Mr. DICKS, Mr. GALLEGLY, and Mr. HUCKABY.

H.R. 2772: Mr. FAZIO, Mr. SANDERS, Mr. SABO, Mr. HYDE, Mr. BRUCE, Mr. WHEAT, Mr. PORTER, Mr. DURBIN, and Mr. CALLAHAN.

H.R. 2872: Mr. FAZIO, Mr. HASTERT, and Mr. RICHARDSON.

H.R. 2922: Mrs. UNSOELD, Mr. LAFALCE, Mr. ENGEL, Mr. DIXON, Mr. LEVINE of California, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. BACCHUS, Mr. HAYES of Illinois, Mr. GUARINI, Ms. PELOSI, Mr. HOCHBRUECKNER, and Mr. MILLER of California.

H.R. 2966: Mr. BALLENGER, Mr. MURPHY, and Mr. HOBSON.

H.R. 3030: Mr. RIGGS, Mr. ATKINS, Mr. BILIRAKIS, Mr. MCCURDY, Mr. MCNULTY, and Mr. ROE.

H.R. 3063: Mr. ENGEL.

H.R. 3112: Mr. HOAGLAND.

H.R. 3393: Mr. ENGEL and Mr. BONIOR.

H.R. 3427: Mr. KOPETSKI.

H.R. 3450: Mrs. BOXER and Mr. OLIN.

H.R. 3741: Mr. TAUZIN.

H.R. 3780: Mr. ARMEY.

H.R. 3781: Mr. RAY, Mr. ANTHONY, Mr. BURTON of Indiana, Mr. GEREN of Texas, Mr. ZELIFF, Mr. BARNARD, Mr. SOLOMON, Mr. OBERSTAR, Mr. SISISKY, Mr. RIGGS, Mr. JEFFERSON, Mr. CRAMER, Mr. GILCHREST, and Mr. HORTON.

H.R. 3836: Mr. JOHNSON of South Dakota.

H.R. 3871: Mr. SKAGGS and Mr. SIKORSKI.

H.R. 4007: Mr. JAMES.

H.R. 4045: Mr. SABO and Mr. PAYNE of New Jersey.

H.R. 4073: Ms. KAPTUR.

H.R. 4178: Mr. BORSKI and Mr. LAGOMARSINO.

H.R. 4198: Mr. JONTZ, Mr. BACCHUS, Mr. MACHTLEY, Mr. LEWIS of Florida, and Mr. PARKER.

H.R. 4211: Mr. SWETT.

H.R. 4271: Mr. MANTON, Mr. HUCKABY, Mr. TAUZIN, and Mr. ENGLISH.

H.R. 4280: Mr. HEFLEY.

H.R. 4303: Mr. ECKART.

H.R. 4436: Mr. PAYNE of New Jersey, Mr. ZELIFF, Mr. ATKINS, Mr. STARK, and Mr. HUGHES.

H.R. 4457: Mr. RAVENEL, Mr. QUILLEN, Mr. DWYER of New Jersey, Mr. CLINGER, Mrs. MINK, Mr. TOWNS, and Mrs. COLLINS of Illinois.

H.R. 4472: Mr. GILLMOR.

H.R. 4476: Mr. BRUCE.

H.R. 4528: Mr. DELLUMS, Mr. PAYNE of New Jersey, Mr. BLACKWELL, and Mr. ROYBAL.

H.R. 4538: Mr. ALEXANDER and Ms. SLAUGHTER.

H.R. 4539: Mr. ROHRABACHER, Mr. HARRIS, Mr. TANNER, Mr. SENSENBRENNER, Mr. HORTON, Mr. BALLENGER, Mr. MCCRERY, Mr. SCHIFF, Mr. NEAL of North Carolina, Mr. HOLLOWAY, Mr. DORNAN of California, Mr. POSHARD, Mr. HUGHES, Mr. EMERSON, Mrs. VUCANOVICH, Mr. TOWNS, Mr. MCGRATH, Mr. HUTTO, Mr. RAY, Mr. HANCOCK, Mr. BROWDER, Mrs. KENNELLY, Mr. WEISS, Mr. FROST, Mr. PAXON, Mr. MARTINEZ, Mr. FAZIO, and Mr. SANGMEISTER.

H.R. 4607: Mr. JONTZ.

H.R. 4608: Mr. JONTZ.

H.R. 4609: Mr. JONTZ.

H.R. 4713: Mr. SOLOMON.

H.R. 4724: Mr. BENNETT, Mr. BROWN, Mr. CRAMER, Mr. FASCELL, Mr. FEIGHAN, Mr. FRANKS of Connecticut, Mr. GORDON, Mr. GUNDERSON, Mr. HUBBARD, Mr. JOHNSON of South Dakota, Mr. MACHTLEY, Mr. MCNULTY, and Mr. PERKINS.

H.R. 4727: Mr. KOSTMAYER.

H.R. 4736: Mr. ANNUNZIO, Mr. SMITH of Florida, and Mr. ZELIFF.

H.R. 4900: Mr. WYDEN.

H.R. 4918: Mr. PERKINS.

H.R. 4941: Mr. SANDERS and Mr. CONDIT.

H.R. 4944: Mr. ALLEN.

H.R. 4991: Mr. HOYER, Mrs. MORELLA, and Mr. DICKS.

H.R. 5100: Mr. VISCLOSKY, Mr. FOGLIETTA, Ms. NORTON, Mr. MURTHA, Mr. WILSON, Ms. KAPTUR, Mr. KILDEE, Mr. CARDIN, Mr. JONTZ, Mrs. PATTERSON, Mr. CONYERS, and Mr. MOODY.

H.J. Res. 353: Mr. BENNETT, Mr. BLILEY, Mr. CAMP, Mr. CHAPMAN, Mr. CLINGER, Mrs. COLLINS of Illinois, Mr. DELLUMS, Mr. DOWNEY, Mr. FALEOMAVAEGA, Mr. FRANKS of Connecticut, Mr. MAZZOLI, Mrs. PATTERSON, Ms. SLAUGHTER, and Mr. WALSH.

H.J. Res. 391: Mr. GILMAN, Mr. HAYES of Louisiana, Mr. JOHNSON of South Dakota, Mr. SHUSTER, and Mr. ROSE.

H.J. Res. 404: Mr. BOEHLERT, Mr. WISE, Mr. GORDON, Mr. SUNDQUIST, Mr. LEWIS of California, Mr. DIXON, Mr. HALL of Texas, Mr. DUNCAN, Mr. KOPETSKI, Mr. MILLER of Washington, Mr. ANDERSON, Mr. HAYES of Louisiana, Mr. MORAN, Mrs. VUCANOVICH, Mr. GILLMOR, Mr. THOMAS of California, Mr. BROOMFIELD, Mr. JACOBS, Mr. DREIER of California, and Mr. WILSON.

H.J. Res. 442: Mr. LIVINGSTON, Mr. WALSH, Mrs. MORELLA, Mr. DOOLITTLE, Mr. PORTER, Mr. SPENCE, Mr. KLUG, Mr. LENT, Mr. MYERS of Indiana, Mr. DIXON, Mr. NATCHER, Mr. KOSTMAYER, Mr. FALEOMAVAEGA, Mr. SPRATT, Mr. CARR, Mr. CRAMER, Mr. HUGHES, Mr. TALLON, Mr. GIBBONS, Mr. LEWIS of California, Mr. FISH, Mr. COUGHLIN, Mrs. LOWEY of New York, Mr. GUNDERSON, Mr. MURPHY, Mr. HALL of Ohio, Mr. HAYES of Louisiana, Mr. STALLINGS, Mr. HYDE, Mr. SIKORSKI, Mr. BUSTAMANTE, Mr. SHARP, Mr. OWENS of Utah, Mr. DINGELL, Mrs. VUCANOVICH, Mr. DWYER of New Jersey, Mr. ESPY, and Mr. SOLOMON.

H.J. Res. 444: Mr. SCHUMER, Mr. WASHINGTON, Mr. WEBER, Mr. WISE, Mr. RUSSO, Mr. REGULA, Mr. MORAN, Mr. UPTON, Mr. MONTGOMERY, Mr. NICHOLS, Mr. PAYNE of New Jersey, Mr. PURSELL, Mr. ENGEL, Mr. NOWAK, Mr. MRAZEK, Mr. LEWIS of Georgia, Mr. BALLENGER, and Mr. HOCHBRUECKNER.

H.J. Res. 449: Mr. GUARINI, Mr. ATKINS, Ms. NORTON, Mr. ALEXANDER, Mr. ENGEL, Mr. QUILLEN, Mr. PURSELL, and Mr. FROST.

H.J. Res. 469: Mr. VANDER JAGT, Mr. HORTON, Mr. MAZZOLI, Ms. HORN, Mr. MCCLOSKEY, Mr. MINETA, Ms. PELOSI, Mr. GORDON, Mr. STUDDS, Mr. GUARINI, Mr. FAZIO, Mr. MFUME, Mr. SKEEN, Mr. CHAPMAN, Mr. FROST, Mr. DORGAN of North Dakota, Mr. RICHARDSON, Mr. QUILLEN, Mr. DE LUGO, Mrs. COLLINS of Michigan, Mr. BENNETT, Mr. RANGEL, Mr. NEAL of Massachusetts, Mr. SERRANO, Mr. ATKINS, Mr. BUSTAMANTE, and Mr. SCHUMER.

H.J. Res. 470: Mr. BUSTAMANTE, Mr. DINGELL, Mr. MCDERMOTT, Mr. BILBRAY, Mr. CLINGER, Mr. DICKS, Mr. HUGHES, Mr. ANNUNZIO, Mr. ECKART, Mr. FEIGHAN, Mr. SAWYER, Mr. LEWIS of Georgia, Mr. OXLEY, Mr. HOBSON, Mr. HENRY, Mr. FRANKS of Connecticut, Mr. LENT, Mr. ALLEN, Mr. BENNETT, Mrs. ROUKEMA, Mr. WEBER, Mr. OWENS of New York, Mr. MCHUGH, Mr. WILSON, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. HAYES of Illinois, Mr. SMITH of Florida, Mrs. UNSOELD, Mr. HUTTO, Mr. PETRI, Mrs. MORELLA, Mr. MARTINEZ, Ms. SNOWE, Mr. RHODES, Mr. HARRIS, Mr. WELDON, Mr. SCHAEFER, Mr. RAHALL, Mr. GREEN of New York, Mr. GUNDERSON, Mr. HEFLEY, Mr. KILDEE, and Mr. CRANE.

H.J. Res. 475: Mr. MONTGOMERY, Mr. SKEEN, Mr. MCGRATH, Mr. SPENCE, Mr. LIPINSKI, Mr. RANGEL, Mr. FRANKS of Connecticut, Mr. BARNARD, Mr. STUMP, Mr. SKELTON, Mr. HUNTER, Mr. WOLPE, Mr. BLILEY, and Mr. WILSON.

H. Con. Res. 285: Mr. MCCANDLESS.

H. Res. 387: Mr. MOODY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3221: Mr. OWENS of New York.

EXTENSIONS OF REMARKS

MARIA SANTOS DE BLAY OF PUERTO RICO RECOGNIZED BY BUSH AS "POINT OF LIGHT"

HON. ANTONIO J. COLORADO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. COLORADO. Mr. Speaker, I rise today to salute a constituent of mine from Puerto Rico, Maria Santos de Blay, for her well-deserved recognition by President Bush as the 764th "Daily Point of Light for the Nation." As the White House pointed out in a press release the other day, Mrs. Blay's profound commitment to children finds its expression in the care and emotional support she offers to those who suffer from the HIV virus."

Mrs. Blay, of Rio Piedras, Puerto Rico, is the director of Proyecto Amor—Project Love—a non-profit organization she founded in 1987 to care for abandonded or abused children, aged 7 years and under, who are, unfortunately, HIV positive. She began this remarkable project with three children and now works with 25, who live in the care of Proyecto Amor.

Mr. Speaker, people like Mrs. Blay are the unsung heroes of today, and I congratulate President Bush in recognizing her extraordinary accomplishments. The President's Daily Point of Light program recognizes those persons who successfully address our most pressing social problems through direct and consequential acts of community service, and Mrs. Blay more than meets those standards.

As the White House noted, Mrs. Blay has offered love and attention to more than 100 children during the past 5 years. She has facilitated the adoption of five of these children by families in Puerto Rico and has personally adopted one.

She and other volunteers tirelessly search for donations of clothing, diapers, bedding, toys, food, and medication for the Proyecto Amor children. In addition, Mr. Speaker, she voluntarily comforts and counsels adults who are afflicted with the HIV virus of AIDS and helps them obtain proper medical care. Thus, Mrs. Blay performs voluntary service 6 or 7 days each week, often for more than 12 hours each day.

Mr. Speaker, that is truly an awesome record, one to be envied in this often self-centered world. I know my colleagues in the House join me in congratulating Mrs. Blay, who is a shining example of the President's belief that "From now on in America, any definition of a successful life must include serving others." Her altruistic efforts are a testimonial to the best instincts in our society, and we in Puerto Rico today are particularly proud of Maria Santos de Blay.

DAILY POINTS OF LIGHT

The President recognizes a "Daily Point of Light" six days a week. Daily Points of Light are those who successfully address our most pressing social problems through direct and consequential acts of community service. Individuals, families, businesses, groups, and organizations of every conceivable type are taking successful action to combat drug abuse, illiteracy, inadequate education, environmental decay, homelessness, hunger, AIDS, and other critical ills.

By reclaiming a drug-plagued, crime-ridden neighborhood, tutoring those who are illiterate, mentoring a troubled young person, befriending a lonely senior citizen, providing housing for the homeless, or protecting our environment, Americans have enriched their communities and, in doing so, have brought meaning and fulfillment to their own lives.

Daily Points of Light recognition is intended not only to honor those who are making a difference in the lives of those in need, but more importantly to urge every individual, family, business, union, school, place of worship, club, group, and other institutions in America to make serving others central to their life and work. As the President has said, "If you have a hammer, find a nail. If you know how to read, find someone who can't. If you're not in trouble, seek out someone who is . . ."

"The growth and magnification of Points of Light must now become an American mission . . . it is increasingly clear to more and more Americans that our greatest social problems—drugs, education reform, the environment, crime—will be solved only by the active engagement of tens of millions of individuals and millions of groups and institutions who have never been involved before in these problems and who will never be compensated one nickel for their work."

Points of Light demonstrate that problems in America can be solved. The President believes that every American wants to be a Point of Light to those in need, if only they are shown how they can make a difference. We therefore strongly encourage not only every newspaper, magazine, television and radio station, but also every other business, group, and other institutions in America, to communicate in their own way the story of Daily Points of Light to the entire nation.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Washington, DC, May 6, 1992.

The President today recognized Maria Santos de Blay of Rio Piedras, Puerto Rico, as the 764th Daily Point of Light for the Nation. Mrs. Blay's profound commitment to children finds its expression in the care and emotional support she offers to those who suffer from the HIV virus.

Mrs. Blay, 45, is the Director of Proyecto Amor (Project Love), a non-profit organization she founded in 1987 to care for abandoned or abused children, ages seven years and under, who are HIV positive. Mrs. Blay began with three children and now works with 25, who live in the care of Proyecto Amor.

Over the past five years, Mrs. Blay has offered love and attention to more than 100 children. She has facilitated the adoption of five of these children by families in Puerto Rico and personally has adopted one. She and other volunteers tirelessly search for donations of clothing, diapers, bedding, toys, food, and medication for the Proyecto Amor children. In addition, she voluntarily comforts and counsels adults who are afflicted with the HIV virus or AIDS and helps them obtain proper medical care. All told, she engages in voluntary service six or seven days each week, for more than 12 hours each day.

The President salutes Maria Santos de Blay for exemplifying his belief that, "From now on in America, any definition of a successful life must include serving others."

TRIBAL DEVELOPMENT OVER TIME

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article entitled "The Long Road From Federal Domination to Self-Determination" in the March 1992 edition of State Legislatures. The article describes how Federal policy toward Indian tribes has changed over the years.

[From State Legislatures, March 1992]

THE LONG ROAD FROM FEDERAL DOMINATION TO SELF-DETERMINATION

(By James B. Reed)

Federal Indian policies and legal decisions have evolved over more than 200 years. Before America won independence in 1776, the European colonial powers entered into treaties with Indian tribes and acquired land from them by purchase rather than by physical conquest, thus establishing a tradition of tribal sovereignty. Under the Articles of Confederation, Indian affairs were left up to the states. Between 1776 and 1871, however, the general policy became to isolate the tribes and push them out of the way of the expanding white society (generally to the West). During this period, the United States entered into treaties with the tribes, tribes were removed from ancestral homelands to reservations, and the federal government rather than the states emerged as the regulator of most affairs between Indians and non-Indians. The principle of federal preemption of state authority over tribes arises primarily from the Indian Commerce Clause.

Between 1871 and 1928, as the Western frontier was closing, the national Indian policy

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

shifted away from isolating Indians toward assimilating them. Under the General Allotment Act of 1887 large tribal holdings were broken up, and land titles were allotted to individual Indians. After 25 years, the federal trust responsibility expired, and Indians could sell their land. In addition to undermining the communal Indian culture, the act is responsible for the checkerboard pattern of Indian and non-Indian landholdings characteristic of many Western reservations. During this era, the federal government increasingly imposed rules and institutions on the tribes, thus tribal sovereignty decreased. The Supreme Court held in *United States vs. McBratney*, and *Draper vs. United States* that Indian reservations are part of the states in which they are located and that states have criminal jurisdiction over crimes committed on Indian reservations by non-Indians against people or property of other non-Indians. As a part of assimilation, U.S. citizenship was granted to all American Indians by 1924.

The policy of allotting lands to individual Indians was officially halted in 1934 by the Indian Reorganization Act, which created a revolving fund for economic development and authorized tribes to organize their own governments. These were often modeled after non-Indian governments and required ratification by tribal members and approval by the Secretary of the Interior. A major objective of the Indian Reorganization Act was to break the considerable administrative control that the Bureau of Indian Affairs (BIA, created in 1824) in Washington, DC, had over many tribes. Today, most reservations are governed by constitutions developed under the Reorganization Act.

The period between 1945 and 1961 marked another change for national Indian policy. In 1949, the Hoover Commission announced that Indians should be integrated into the larger society, and in 1953 Congress issued a joint resolution calling for the termination of federal supervision of tribes in various states. Between 1955 and 1966, Congress ended its recognition of 109 tribes in eight states, affecting 1.4 million acres and 11,400 individuals. Essentially, termination meant the federal government was no longer a trustee for Indian affairs related to land ownership and management of financial assets. In addition, Indian land would no longer be tax exempt, and federal responsibility for Indian economic and social well-being was repudiated. Public Law 280 was enacted in 1953, giving the states of Alaska, California, Nebraska, Oregon and Wisconsin some authority over civil and criminal adjudication of Indians in their states. Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, Utah and Washington later assumed some powers under PL-280. (PL-280 was amended in 1968 to require tribal consent before states could assert such jurisdiction and to permit states to cede back their tribal jurisdiction.)

The federal policy of termination gradually faded in the 1960s. The Indian Civil Rights Act was enacted in 1968, making many features of the Bill of Rights applicable to Indians in their dealings with tribal governments. President Nixon's 1970 message to Congress proclaimed that national policy should strengthen Indian self-determination while preserving the federal trustee obligation.

Other important legislation includes the 1971 Alaska Native Claims Settlement Act, which gave Eskimos and Aleuts land in return for renouncing their aboriginal claims. The Indian Self-Determination and Education Act of 1975 declared the end of federal dominance of Indian programs without withdrawing financial assistance. Tribes were allowed full participation in implementing federal health, education and welfare programs through contracts between tribal governments and the relevant federal agencies. The Indian Child Welfare Act of 1978 accorded tribes extensive jurisdiction over child custody issues. Significant actions in the 1980s included the Maine Indian Claims Settlement Act of 1980, President Reagan's statement on Indian policy in 1983, the Tribally Controlled Schools Act of 1988 and the Indian Gaming Regulatory Act of 1988.

In 1989 the Senate Select Committee on Indian Affairs recommended providing each tribe with a direct grant from the Congress rather than appropriating money through the federal bureaucracy. Tribes would be required to have a written constitution, democratic institutions and full accountability. Pilot projects are under way, and the concept is being studied further by the committee. In 1991, the Indian Environmental Regulatory Enhancement Act was passed to help tribes protect the environment and natural resources on the lands.

National policy in the 1990s focuses on tribal "self-determination," that is, allowing tribes to govern themselves and control their own destiny.

LORETTA CHMURA RECOGNIZED FOR PUBLIC SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a remarkable woman, and very good friend, from my hometown of Nanticoke, PA, Mrs. Loretta Chmura.

Loretta is currently district president of the Luzerne Wyoming Bi-County Council of the American Legion Auxiliary, Department of Pennsylvania. She and her husband, Joseph, have served and been very active in American Legion activities for many years.

Mrs. Chmura distinguished herself in public service early in her life. Her work for area veterans is well-known in our area. Loretta has served as first vice president, second vice president, secretary, and treasurer of the Luzerne Wyoming Bi-County Council. She also has given her time and talents to the ways and means committee, finance committee, and girl's State chair. Loretta served as publicity chair for the national commander banquets and cochaired the Legion's salute to Operation Desert Storm veterans. Under her leadership, the auxiliary has had the highest membership rolls in the State of Pennsylvania.

Loretta's commitment to the community is not confined to our area veterans, however. She has been active in the United Way of Wyoming Valley for 25 years, serving as chair of the metropolitan division. Loretta's other noteworthy activities include: organizer of the 80's club of Mercy Health Care Center—serving as its president, recording secretary and chairing all of its events—treasurer of General Pulaski Committee, and a 15-year tenure with the American Red Cross as local disaster chairperson. Loretta is politically active as a Democratic committeeperson, and as a member of the Nanticoke Democratic Women's Club. During my tenure in Congress, I have had the honor of presenting Loretta with the Beta Sigma Phi Chapter's First Lady of the Year Award.

On May 17, 1992, members of the American Legion and family and friends will gather to recognize Loretta Chmura for her years of dedicated service to our veterans and the community. I am pleased to have been asked to join in this tribute. Loretta is never too busy to take on a worthwhile project. She thrives on challenge and each time she successfully completes a project, she moves on to the next without a moment's hesitation .

I have had the good fortune to be in Loretta's company at countless events over the years, and have never seen her without a smile. I am proud to know Loretta and my wife and I consider ourselves lucky to be included in the long list of her many friends. It is with great pleasure I recognize her here today for her never-tiring devotion to public service.

ON THE OCCASION OF BISHOP PATRICK ZIEMANN'S 25TH ANNIVERSARY AS AN ORDAINED PRIEST IN THE ROMAN CATHOLIC CHURCH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Bishop Patrick Ziemann, auxiliary bishop for the Santa Barbara Pastoral Region of the Archdiocese of Los Angeles, on the occasion of his 25th anniversary as an ordained priest.

In the 25 years that Bishop Ziemann has served the priesthood, he has held assignments at St. Matthias Church and girls high school in Huntington Park, CA; at Mater Dei High School in Santa Ana, CA; at Our Lady Queen of the Angels Seminary in Mission Hills, CA, as dean of studies and vice rector; and as Bishop of the Santa Barbara Pastoral Region of the Archdiocese of Los Angeles since 1987.

Throughout his career, Bishop Ziemann has devoted his time and energies not only to the significant work of the church, but also to the education of our country's youth. As charter secretary to the Los Angeles Priests' Council, secretary to the archdiocesan youth commission and retreat leader for numerous groups of students, clergy and lay persons, he has assumed a responsible role in the church that has stood as a model of leadership for youths and adults alike.

As the Representative for Santa Barbara County in the House of Representatives, it has been my distinct privilege to have known and worked with Bishop Patrick Ziemann. He is an outstanding leader and asset in our community, as well as a good friend of mine. He is to be commended on the anniversary of his 25 years of service as a priest in the Roman Catholic Church. It is my pleasure to join the citizens of greater Santa Barbara County in wishing him continued happiness and success.

STATUS OF GULF WAR FOREIGN CONTRIBUTIONS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. MURTHA. Mr. Speaker, I rise today to present a status report concerning the foreign contributions received by the United States in support of its efforts in the gulf war. According to a report issued by the Department of Defense, all countries who had made pledges to support the gulf war have met their pledges to the extent possible. I include a copy of the Department of Defense report for the Member's information:

GULF WAR PLEDGES FULFILLED

The Department of Defense announced today that all countries who had made pledges in support of the U.S. efforts in the Gulf War have met their pledges to the extent that was possible. As of April 14, 1992, the Defense Department had received $48.064 billion in cash, and as of March 31, 1992 it had received $5.669 billion of "in-Kind" support—totalling $53.733 billion in foreign contributions.

Total pledges were originally totalled at $53,953 billion. However, in some cases such as for Germany and Korea, the DoD did not need or could not use material or services offered. In those circumstances, pledges are considered to be fulfilled since it was the inability of the U.S. Government to use the offer, rather than a failure on the part of the donating country to provide the material or service.

The following represents the final accounting for the pledges (in U.S. dollars in millions) that were associated with the Desert Shield and Desert Storm operations:

Contributor	Commitments [1]	Cash [2]	In-kind [2]	Total
Saudi Arabia	$16,839	$12,809	$4,030	$16,839
Kuwait	16,057	16,015	43	16,058
UAE	4,088	3,870	218	4,088
Japan	10,012	9,440	571	10,012
Germany	6,572	5,772	[3] 683	6,455
Korea	355	150	[4] 101	251
Others	30	8	22	29
Total	53,953	48,064	5,669	53,733

[1] Commitments do not include pledges to other countries.

[2] Cash received as of Apr. 13, 1992; in-kind as of Mar. 31, 1992.

[3] Does not include $200,000,000 in-kind donations, declined after war.

[4] Does not include $104,000,000 in-kind donations DoD could not use. However, the Korean Government has agreed to contribute an equal amount for material and services for non-Desert Shield/Storm costs.

Note.—Addition errors are due to rounding.

RESEARCH NEEDED TO PREVENT SOFTBALL INJURIES

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I would like to call your attention to a problem that is costing approximately $2 billion every year. The culprit, oddly enough, is softball.

Softball is one of the most popular recreational sports in the United States. The Amateur Softball Association of America has estimated that 40 million people participate in organized softball leagues which play an estimated 23 million games per year. This is also the No. 1 sport leading to emergency room visits. Between 1983 and 1989, 2,655,404 injuries were documented through emergency rooms by the Consumer Products Safety Division; this figure does not include nonhospitalization physician visits.

These injuries result in short-term and long-term costs, from acute medical care charges and time lost from work to permanent functional impairment and escalating insurance premiums. Simple preventative measures can greatly reduce the risk of these injuries.

A study led by Dr. David Janda, Director of the Institute for Preventative Sports Medicine, determined that 71 percent of all softball-related injuries sustained in a sample recreational league were caused by sliding into base. The standard base is bolted to a metal post sunk into the ground and into concrete. It takes 3,500 foot pounds of force to dislodge the base. The majority of the injuries in the study occurred to the ankle and foot as the lead extremity impacted the base.

The cost for treating these injuries is actually quite significant. The average cost for a knee ligament injury was between $300 and $500. If a reconstruction was necessary, the cost escalated to between $7,000 and $10,000. These figures do not reflect time lost from work and future loss of function.

Dr. Janda and his associates have researched methods to prevent these injuries. Making sliding illegal is not practical; it is too essential to play. Passive prevention measures independent of the athlete, referee, level of competition, or skill are adaptable to any situation. The most practical, reliable, and cost-effective method is to implement the use of a break-away base.

The Janda study examined almost 2,300 recreational softball games, played with both stationary and break-away bases. Teams that did not use break-away bases were 23 times more likely to sustain injuries than teams that used the bases. An actuarial analysis performed by the Center for Disease Control in Atlanta has estimated that switching from stationary to break-away bases across the United States would prevent approximately 1.7 million injuries per year and save more than $2 billion in medical care.

The cost of these injuries are significant and the prevention is straightforward. In 1970, an analogous study of injury rates in football led to the elimination of cross-body blocking. One of the major obstacles to implementing a new rule in athletics is tradition. Government agencies can act effectively to increase public awareness and encourage sports organizations to change. An important start would be to implement this change throughout the softball leagues sponsored by Federal agencies.

Dr. Janda has also researched the chest protectors used by Little League pitchers. If a batter hits a line drive back to the pitcher, it sometimes strikes the pitcher in the chest. This can cause severe injury, even a stoppage of the heart. The findings of the Institute show no significant benefits from either softer core baseballs or chest protectors. And in fact, some products actually make the problem worse. Independent research which has been performed by the Institute is imperative to the sports medicine field since the benefit will be to millions of people of all ages in their daily lives. The chest protectors currently used do not minimize the pressure from the impact as they were designed. Rather, Dr. Janda's study has revealed that these protectors, in fact, allow the impact force to pressure the entire chest area. If no protector were worn, the impact would at the very least be localized to a small area.

Research in these and other areas related to athletics can benefit millions of people, of all ages. We need to support this research to minimize or even eliminate these needless injuries that are costing us billions of dollars in medical care.

GILEAD LUTHERAN CHURCH CELEBRATES 250TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. SOLOMON. Mr. Speaker, the area I represent, the 24th Congressional District of New York, is like a sprawling history museum. It played a significant role in colonial history and into the 19th century. Probably the chief repositories of that history are our older churches, each of which has a rich history of its own.

This year the Gilead Lutheran Church in the town of Brunswick will be celebrating its 250th anniversary, and I'd like to tell you a little about this historical treasure.

The history of Gilead Lutheran Church goes back to the earliest settlements of the Brunswick area. Founded in 1742, it was the first Lutheran church in Rensselaer County. Land for the church was given by Stephen Van Rensselaer, and a log structure was built in 1746.

German families from the Palatinate, who had first settled along the banks of the Hudson near Germantown, arrived in the area in the 18th century. Church records, kept in German and Latin script until around 1800, are still preserved in the manuscript section of the State Library in Albany. The parish still has records from subsequent years.

The second church, a frame building, was dedicated in 1788. It stood near the remains of the old cemetery still visible on a hillside. A State-erected marker notes the spot.

By 1790, the church was incorporated as the Protestant Lutheran Church of Rensselaerwyck. Church records at that time contained about two-thirds of the families of Rensselaer County.

In 1816, land donated by William Coonradt allowed construction of a new brick building on the site of the present church. During the Civil War plans were begun for a new building. Farewell services in the "Old Brick Church" were held on April 30, 1865, and the present church was dedicated the following November. Since then, the building has been enlarged, the belltower has been erected, and sheds surrounding the rear yard on three sides were torn down. Cathedral windows were installed in 1892. The gallery was removed in 1902. New entrances were built in the 1960's. The present chancel, with a freestanding altar, was dedicated in May 1967.

Gilead Lutheran Church was a pioneer in the Sunday school movement. The program established in 1829 still operates from September to June and includes children from the age of 3 to the sixth grade.

Like many old and venerated churches, Gilead Lutheran has been the center of social life as well as a place of worship for countless families. The earliest travelers in America have noted the importance of local churches to American life, and this great old church is a good example.

Mr. Speaker, I ask you and all Members to join me in wishing Gilead Lutheran Church a happy 250th anniversary.

TRIBUTE TO EDWIN J. KORCZYNSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to salute Edwin J. Korczynski of Iverness, IL. His bravery, courage, and aeronautical abilities enabled him to serve our country in the Persian Gulf war with the highest level of distinction.

Mr. Korczynski served as a pilot flying Boeing 747's in the Civilian Reserve Air Fleet [CRAF] and the Military Airlift Command [MAC] missions. Although he is an honorably discharged U.S. Marine, Korczynski was not an activated reservist during this conflict. Instead, he volunteered to further demonstrate his commitment to democracy.

Since Mr. Korczynski left the Marines in the 1960's, he has continually been a model of the virtues of American democracy. His efforts during Operations Desert Storm and Desert Shield are appreciated by those with whom he served as well as the rest of the Nation.

Mr. Speaker, as we reflect on the war in the Persian Gulf, we must consider the contributions of individuals such as Edwin Korczynski. I urge my colleagues to join me in recognizing Mr. Korczynski and others like him for the tremendous role they played during the Persian Gulf war.

AID REPORT ON THE ISRAELI ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a summary of a report on the Israeli economy prepared by the Agency for International Development pursuant to section 1205(b) of the International Security and Development Cooperation Act of 1985, as amended.

This report is usually submitted to the Congress in January, but was received this year in mid-April. Because of its length, only the executive summary of the report is printed here. The entire report is retained in the files of the Committee on Foreign Affairs.

The executive summary follows:

EXECUTIVE SUMMARY

Stimulated by high levels of investment and active government involvement in ownership and production, the economy of Israel grew very rapidly during the twenty years prior to 1972. The oil shocks and political turmoil of the 1970's sharply reduced the growth rate. To finance expansionary policies in the face of greater security spending and slower economic growth the government turned to deficit financing. Hyper inflation soon followed and by 1984 the economy was in crisis. Aided by large grants from the U.S., a stabilization program was initiated in 1985 and was successful in halving the budget deficit, slashing inflation and overhauling the foreign exchange system. Several years of painful adjustment and low growth followed. By 1989 the economy had stabilized and in 1990 a cyclical upswing began.

Growth was briefly interrupted by the Persian Gulf Crisis in mid-1990, but the economy quickly recovered and resumed the pre-war growth path. During this time, progress was made in reforming foreign exchange and financial policies which had long acted as a drag on growth. However, the economy is still replete with regulations, controls, monopolies and institutional rigidities that impede attempts to achieve and maintain long-run competitiveness. Economic performance in 1991 was solid (but not spectacular) and certainly not fast enough to provide jobs for the flood of immigrants. Indeed, immigrant unemployment rates remain high and there is growing concern that the rising unemployment rate—currently close to 11%—threatens to choke off the flow of Soviet immigrants. In the past two years, the Government has given priority to housing construction and has used a wide range of incentives to encourage construction, particularly in outlying areas and in settlements in the occupied territories.

The Israeli authorities now face the daunting task of welcoming 600,000 immigrants over the 1992–1994 period and have made immigrant absorption the principle objective of economic policy. In order to provide such a large number of immigrants with appropriate and steady employment, it will be necessary to accelerate the economy's growth over time to rates that will be multiples of those experienced during the 1970's and 1980's. To achieve such rates of growth will require, at a minimum, both a tremendous increase in investment—possibly as much as $25 billion—much of which must come from abroad, and accelerating the economic reform process begun in the late 1980's.

What are the prospects of achieving high rates of growth? This report suggests the following conclusions:

Growth projections are influenced by the pace of immigration and the quantity and quality of investment. With progress on economic reforms (particularly privatization), continued levels of foreign assistance and a economic recovery in industrialized countries, GDP growth rates of 5–7% could be recorded by 1993. However, unemployment is likely to increase (possibly reaching 14% in 1994) and exert pressure on government spending.

Debt service ratios have declined from the very high levels of the mid-1980's. Assuming a continued high level of grants from abroad and healthy export growth, projected increases in borrowing can probably be serviced.

How the authorities approach fiscal policy will be the most critical factor determining the future course of inflation and government involvement in capital markets. Every effort must be made to avoid budget excesses and keep the deficit within limits. The budget implications of an election year, high unemployment, increased defense spending and the need to purchase unsold housing units is cause for concern.

Serious structural rigidities still characterize labor markets and several important industries. If the Israeli economy is to become competitive in world markets, labor market mobility must be improved. Further, the pace of privatization must be accelerated to promote the growth of productivity. Overcoming vested interests in these areas will present a serious challenge to the authorities.

Government domination of investment decisions, especially housing, must be reduced. The future productivity of the economy will be determined by the investment decisions made today. Greater participation in investment decisions by the private sector is necessary.

With an enabling investment climate, labor and capital markets responsive to price signals, and an open and competitive trading system, there is reason to expect that over the decade of the 1990's private capital flows can reduce the need for general government borrowing and grants.

Consideration should be given to how U.S. economic assistance can be used more constructively to advance structural reforms.

HONORING THE WESTCHESTER AVENUE SOCIAL SECURITY OFFICE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. ENGEL. Mr. Speaker, it gives me great pleasure to recognize the 30th anniversary of the Social Security Administration Center in my district, located at 1990 Westchester Avenue. I commend all the employees and managers for their efforts in administrating these important Government services.

The reason we sometimes hear complaints about the delivery of social services is because we rarely hear from the thousands of people who are properly served. When I consider the number of people that are given critical help by the Social Security System, I realize that we have established an amazing and far-reaching program. Social Security is part of the American fabric, and it will never go out of style or out of business.

Therefore, we must ocassionally take time to pay tribute to the dedicated Americans who help bring comfort to millions of their fellow citizens. Today, I particularly tip my hat to Gerald Langlais, the manager at 1990 Westchester Avenue, and all his employees for a job well done.

TUCSON JEWISH COMMUNITY CENTER PAYS TRIBUTE TO JOAN AND DONALD DIAMOND

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. PASTOR. Mr. Speaker, this weekend the Tucson Jewish Community Center will pay tribute to one of Tucson's most prominent couples, Joan and Donald Diamond. The event is billed as a "Diamond Jubilee", and festivities will kick-off with a celebration dinner this Saturday evening.

The proceeds from this event will benefit the Tucson Jewish Community Center and the establishment of the Diamond Perpetual Scholarship Fund. The Diamond Perpetual Scholarship Fund will further the Jewish Community Center's tradition of awarding scholarships on a nonsectarian basis to children of financially needy families. The fund will help finance expenses for children to attend pre-school, after-school, day-care and summer camp programs. Last year, it awarded over $113,000 in scholarships, and the establishment of the Diamond Scholarship Fund will allow more children to benefit from the programs sponsored by the Jewish Community Center.

This is a fitting tribute to a couple who have served the Tucson community loyally and generously. Donald came to Arizona from New York to attend elementary and junior high school. He returned to Arizona after a hitch with the Army to attend the University of Arizona. He established himself as a successful businessman in New York, and again returned to Arizona in 1965 to invest in local businesses and real estate.

Donald Diamond helped bring professional sports to Arizona. He is one of the original founders of the Phoenix Suns of the National Basketball Association.

In addition to his accomplishments in business, Donald has been involved with many worthwhile community organizations and projects. He is a former chairman of the United Way, and currently sits on the board of directors of the Greater Tucson Economic Council, Arizona Economic Council, Rincon Institute, Kids Voting, and National Board of Advisers of the University of Arizona College of Business and Public Administration. He is actively engaged in working to advance the North America Free Trade Agreement and Arizona's role within such a trade framework. Donald is also active in public affairs as a founder and active member of the desert caucus and former office of the American Israel Public Affairs Committee.

In her own right, his other half, Joan, has a long track record of community service. Joan Diamond presently serves on the boards of the Tucson Jewish Community Center and Steel Memorial Children's Research Center at the University of Arizona. She is also a sustaining member of the Angel Charity for Children, and the Women's Division of the Jewish Federation of Southern Arizona.

This is a well-deserved honor for the Diamonds, and I join many Tucsonans in extending my best wishes for a wonderful weekend of festivities commemorating the many contributions of Joan and Donald.

TRIBUTE TO WILLIAM BROD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. PALLONE. Mr. Speaker, on Sunday, May 17, 1992, the Deal, NJ, Chapter of Hadassah will honor Mr. William Brod as its Man of the Year in a ceremony at Squire's Pub in West Long Branch, NJ. It is a privilege for me to use this opportunity to recount some of the accomplishments for which Bill Brod has earned this honor

Mr. Brod has dedicated much of his life to the service of Judaism and the State of Israel. Mr. Brod was born in New York to a traditional family and attended Yeshiva Torah Vadath in anticipation of a rabbinical career. He subsequently changed his career goals, however, and attended New York University, receiving his BS degree in 1941. From 1942 to 1946 he served with the U.S. Army Military Police and Criminal Investigation Section. After the war, he relocated to the Jersey Shore and married the former Sylvia Kruman of Newark. Since 1951 he has been associated with Seaboard Service Co. and Shore Gas & Oil, and currently serves as chairman and chief executive officer.

Over the years, Bill Brod has served Temple Beth El of Oakhurst, NJ, in numerous capacities, including chairman of the ritual committee, executive vice president, president, and currently, chairman of the board. Mr. and Mrs. Brod have traveled to Israel on three occasions and have consistently demonstrated their dedication to the growth and prosperity of the Jewish homeland. Mr. Brod has served as a member of the National Cabinet of State of Israel Bonds and its prime minister's club. Bill Brod is a longtime member of the Shore-Ocean Lodge of B'nai B'rith, while Sylvia Brod has been counted among the ranks of the ladies of the Deal Chapter of Hadassah.

Mr. Brod's involvement in the community has also extended to his support for the Ranney School of Tinton Falls and Manalapan, NJ, one of the State's finest private schools. In 1978, the school's founder, Mr. Russell G. Ranney, named the gymnasium at the Tinton Falls campus for William Brod. He has served as a member of the Ranney School Board of Trustees since 1969, and as its president since 1978.

Bill and Sylvia Brod are the proud parents of Stuart and Craig, and the in-laws of Craig's wife, the former Cheryl Hader, all three of whom are attorneys who have continued in the footsteps of their parents' strong community involvement and support.

SALUTE TO GAIL TOWBES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. LAGOMARSINO. Mr. Speaker, today I rise to pay tribute to a woman whose efforts on behalf of private scholastic fundraising have greatly advanced higher education in my congressional district. On May 20, Mrs. Gail Towbes will be honored by the Santa Barbara Scholarship Foundation for her commitment as a volunteer for their organization.

In its 30 years of existence, the foundation has given over $4 million to almost 7,000 students and remains an important tool for young people in our area to attain higher education. Gail's personal involvement with the foundation spans some 20 years, with membership on the board of directors and later on the advisory council. Between 1983 and 1985, Gail served as the foundation's development director and began their first efforts at development and fundraising on a community level.

Certainly both the Santa Barbara Scholarship Foundation and the Greater Santa Barbara community have benefitted from Gail Towbes' tireless efforts on behalf of higher education. I urge my colleagues to join me in saluting the success of private organizations like the Santa Barbara Scholarship Foundation, and individuals like Gail who make them work to fill community needs. I wish Gail and her husband, Michael, all the best.

GERMANTOWN'S CHILDREN MARK ARBOR DAY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. SUNDQUIST. Mr. Speaker, I recently had the privilege of taking part in an Arbor Day program presented by grade school students in Germantown, TN.

These boys and girls are learning early the importance of being good stewards of this good Earth, and I was struck by their genuine appreciation of the natural beauty around them.

I want to commend those who planned the Arbor Day program, notably my good friend Trudy Eissler, who served as chairman; Mrs. Walter F. Chandler, chairman of Germantown's Beautification Commission; and Mayor Charles Salvaggio.

But most of all, I wish to commend the boys and girls themselves, and particularly those who won awards in the Arbor Day Poster Contest: First place, Kristen Trezevant, a fourth grader at St. George's Day School; second place, Ryan Fong, a second grader at St. George's Day School; third place, Jamie Randolph, a fourth grader at Riverdale Elementary School; fourth place, Daniel Pier, a first grader at Dogwood Elementary School; and April Wallden, a first grader at Dogwood Elementary School.

I also insert the poem, "To Be Tree," by Lizzie Widdicombe, a third grader at St. George's Day School, in the CONGRESSIONAL RECORD:

TO BE A TREE

(By Lizzie Widdicombe)

I wonder what it would be like to be a tree
and be a nest for all the birds I see.
With lovely, bright green leaves stretched out to the sun,
Giving pleasant shade to everyone.
And under my bark where insects love to roam.

Racoons would make a pleasant home.
And under the shade of my bright-colored
leaves,
Children would sit and play in the breeze.
And carefully constructed in light-colored,
brown wood,
A tree house would sit just where it should.
To be a tree . . . it would be such fun!
And though only God can make a tree . . .
Everyone can plant one.

JUAN (CHI CHI) RODRIGUEZ OF PUERTO RICO INDUCTED INTO GOLF HALL OF FAME

HON. ANTONIO J. COLORADO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. COLORADO. Mr. Speaker, I rise today to point out to my colleagues another remarkable achievement by a remarkable man who happens to be one of my constituents but who needs no introduction to the rest of the United States. He is Juan (Chi Chi) Rodriguez, the world-class golfer who has just been inducted into the Professional Golfers Association World Golf Hall of Fame.

In recent ceremonies in Pinehurst, NC, Chi Chi joined three other illustrious golfers in the PGA World Golf Hall of Fame—Hale Irwin, Harry Cooper, and Richard Tufts. Those of us from Puerto Rico have followed Chi Chi's career with continuing fascination and great pride throughout the years. He is indeed a great credit to the Commonwealth of Puerto Rico and to the larger Nation as a whole.

Mr. Speaker, Chi Chi's life story as a human being is just as remarkable as his achievements on the golf course. He has a heart as big as the sky, neverending laughter, and an irrepressible smile. One of the most respected golfers in the world, Chi Chi Rodriguez has amassed 20 senior victories in just 5 years. His many awards include those for his outstanding golfing ability and for being the outstanding humanitarian that he is.

For example, he has represented Puerto Rico on 12 World Cup teams, has received the 1986 and 1987 Byron Nelson Award, with one of the lowest averages on either tour, and was named the 1987 Senior Player of the Year. But in addition to those golfing awards, Mr. Speaker, Chi Chi Rodriguez has also received the First Ambassador of Golf Award, the Father of the Year Award, the Salvation Army Gold Crest Award, the Hispanic Man of the Year Award, and the 1989 Bobby Jones Award. The list could go on and on.

Moreover, in addition to his tournaments, exhibitions, and clinics, Chi Chi Rodriguez travels to Japan several times a year for tournaments and sets aside countless hours to spend at his pride and joy—the Chi Chi Rodriguez Youth Foundation in Clearwater, FL, which is home to troubled and abused youngsters. He has raised thousands of dollars for the foundation.

Since his early days in Puerto Rico, hitting a tightly rolled tin can with a golf club fashioned from a stick, Chi Chi Rodriguez has had a love for the game in which he has put everything back—and then some.

From Chi Chi Rodriguez's beginning in the hot sugar cane fields of Puerto Rico, to his job as a ball marker, he has worked hard to become what he is today. At the age of 12, he scored a 67 on the golf course and knew he was destined to play the game that was to become his life. He went on to join the U.S. Army at 19, then came back to Puerto Rico to become as assistant golf pro at the renowned Dorado Beach Resort. The rest is history, Mr. Speaker. After 2 years on the tour, Chi Chi was on his way to his first victory, the Denver Open. He has never looked back, and has been admired and respected by both players and fans ever since.

Now he is in the PGA World Hall of Fame, Mr. Speaker, and it is only natural that he should be. I know my colleagues join me in saluting a great athlete and great humanitarian, Juan (Chi Chi) Rodriguez of Puerto Rico.

PENNSYLVANIA PIONEER HONORED FOR EARLY WORK ON AUTOMOBILE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues a pioneer in the automobile industry who, in the late 1800's, resided in Plymouth, PA.

According to eyewitness accounts by Plymouth residents, Sephaniah Reese successfully operated a three-wheel, one-cylinder engine, horseless carriage—the Reese Special—in 1884–85 on Shawnee Avenue in Plymouth.

Sephaniah Reese also manufactured bicycles in his shop and operated the first service station in the area in 1888. His company, S. Reese Machine & Tool Works, was located on West Main Street in Plymouth until 1970. His bicycles, sold under the names of "Reese" and "Shawnee", were shipped overseas and were known for their high quality. Two of these bikes still exist and are owned by Reese's grandson.

Sephaniah Reese's horseless carriage is listed in the Standard Catalogue of American Cars 1865–1942. He was among the first in the Nation to experiment with this mode of transportation. His work was little noted at the time, and because of a lack of funding, was only a hobby. Today, the "Reese Special," the only one of its kind in the world, is owned by a collector in New Jersey.

Mr. Speaker, on May 31, 1992, Mr. Reese's efforts will finally be acknowledged as a memorial marker is dedicated at the site of his former shop. This marker is the culmination of painstaking research done by a young man from Plymouth, Mr. Jeffrey Selingo. Jeff won fourth place in the National History Day Competition in 1991 for his project. I am pleased to recognize the efforts of Sephaniah Reese as an early pioneer in automotive design and Mr. Selingo for his work on documenting Mr. Reese's life. I commend Mr. Selingo for job well done and wish him continued success in all future endeavors.

INTRODUCTION OF THE DRUNK DRIVING PREVENTION ACT OF 1992

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. MURTHA. Mr. Speaker, the problems and tragedies associated with drunk driving have been slowed over the past few years because of the increased awareness all of the United States has shown toward the dangers of drinking and driving. Yet it is still too common an occurrence to read an article in our local papers describing a tragic traffic accident which informs us that one or more of the drivers involved were impaired by alcohol. Today I am introducing the "Drunk Driving Prevention Act of 1992," which can take us another step closer to eliminating the problem of drinking and driving.

Police departments across the Nation have found that the use of breathalyzers and video equipment in routine traffic checks have proven to be very effective in gaining convictions of drunk drivers, resulting in fewer alcohol-impaired motorists on our highways. The technology in breathalyzers has advanced greatly over the past few years, and the use of video equipment has made drunk driving enforcement more precise. But many police departments have had a similar experience as the police department in Freeport, PA, which contacted me to tell me they simply did not have the funds available to purchase updated enforcement equipment. This has left police departments handicapped in their attempt to stop drunk driving and prevent the tragic injuries and deaths that still occur due to drinking and driving.

After the Freeport Police Department contacted me, I began to work with Mothers Against Drunk Driving [M.A.D.D.] to develop a program to assist police departments encountering this type of situation. The legislation I have introduced would establish a fund, managed by the Administrator of the National Highway Safety Administration, from which police departments could obtain low-interest loans to purchase breathalyzers and video equipment and receive training on this equipment. This program is designed especially to assist smaller police departments, increasing their effectiveness in preventing drunk driving in many smaller communities. After an initial appropriation, the fund would roll over, with the loan repayments becoming available for further loans.

Our Nation's police departments have made significant progress in cutting down the number of drunk drivers on our roads. But one drunk driving death is one tragedy that could have been prevented. I think the Drunk Driving Prevention Act of 1992 can make a difference in getting drunk drivers off the road. I urge my colleagues to support this legislation, and I look forward to seeing this program become an important part of the effort to make our highways a safer place.

HONORING RONALD A. LIPSCHITZ, P.P.C.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. ENGEL. Mr. Speaker, In my district, the Pelham Parkway Post #769 of the Jewish War Veterans is honoring their past commander, Ronald A. Lipschitz, for his tireless efforts on behalf of the community and his fellow veterans. I proudly join Post 769 in recognizing the distinguished record of Ronald Lipschitz, who has been involved in service to his country since first joining the Army in 1967.

For a quarter-century, Ronald has witnessed the glory and the tragedies that make up the lives of military families. He served during the conflict in Vietnam, where he was injured and later honorably discharged. Upon his return to the United States he became involved with the Bronx County Vietnam Committee, where he began and has kept up a vigilant call for the return of all prisoners of war and missing in action.

Time and changing political climates have never slowed down Ronald's efforts. It took until 1989, when Ronald and his fellow veterans were instrumental in bringing the Moving Wall to the Bronx, for our local Vietnam Veterans to receive the homecoming that they so richly deserved. For many of the families and friends of POW/MIAs, their daily struggle continues—and dedicated veterans such as Ronald help in many programs to support them.

The issue of Agent Orange and its effect on the children of Vietnam veterans is also close to Ronald's heart. As the parent of four learning disabled children, he has been involved in class action suits and supported family service centers for Agent Orange victims.

In all his posts, from co-chairman of the Department of New York JWV POW/MIA Committee to his tenure as commander of Pelham Parkway Post 769, Ronald has served with energy and dedication. He is a proud member of our community and, I believe, a person in whom our Nation can take great pride.

NEW JERSEY STATE POSTAL WORKERS UNION PRESENTS 1992 MAN OF THE YEAR AWARD TO STATE PRESIDENT JERRY MONZILLO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. PALLONE. Mr. Speaker, I take great pride in rising today to pay tribute to a New Jersey postal union official who has labored many years representing my State's members of the American Postal Workers Union, AFL–CIO.

Mr. Jerry Monzillo, who has been a local and State officer for 35 years, including the last 16 as State President, is being honored by the APWU as its 1992 Man of the Year. I know that Dolores, his wife of 36 years, his two children, Jerry Jr., and Maryann, and his two grandchildren, Kristen and Jerry Vincent, must be filled with pride on this very special day.

Jerry Monzillo started working in the postal system in 1957 after serving his country for 2 years with the U.S. Army in Germany between 1954 and 1956. He became active in the postal union immediately upon his return from the service. Since then, he has held office as a shop steward, Glen Ridge vice president and president, and in 1965 he became a State officer, a tenure which continues today.

Jerry Monzillo was a leader in New Jersey by 1970, when postal workers throughout the country went out on strike, and he put his career on the line to stand up for the dignity of postal workers. Thanks to the efforts of leaders like Jerry, the 1970 strike ended with President Richard Nixon's signature on legislation creating the U.S. Postal Service and providing a framework for collective bargaining for the first time.

Jerry continued his service on ballot and merger committees which combined the two postal workers unions at the time into the American Postal Workers Union. By 1976, the delegates to the APWU National Convention recognized his talents and elected him as a rank and file delegate to the AFL–CIO National Convention where he has also distinguished himself.

Jerry has also served on the APWU National Constitution Committee, the rank and file bargaining committee and as chairperson of the APWU president's conference composed of State and local presidents nationwide.

Currently, Jerry is the senior APWU president in the Nation with 16 years of service. It gives me great pleasure to join in honoring Jerry Monzillo as the New Jersey Postal Workers Union 1992 Man of the Year.

ASIAN COLLEGE ADMISSIONS DISCRIMINATION

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. COX of California. Mr. Speaker, on Tuesday, May 12, 1992, the Orange County Register, the largest circulation newspaper in Orange County, CA published an excellent editorial setting forth the recent history of efforts of the Federal Government to investigate possible violations of title VI of the Civil Rights Act of 1964, in the area of college admissions discrimination.

The editorial discusses the efforts of our colleague DANA ROHRABACHER to get a complete and swift investigation of these allegations of civil rights violations.

I urge all Members to read this instructive editorial.

[From the Orange County Register, May 12, 1992]

ASIAN DISCRIMINATION

For all the talk about racial discrimination in the wake of the Los Angeles turmoil, we've yet to hear anyone state this politically incorrect fact: If you're looking for victims of legally sanctioned racism in California, look to the Asian community (members of whom, of course, were among the hardest hit victims of the so-called riots against racism).

One area in which discriminatory restrictions seem to have been imposed on Asians most clearly is California's university system. It has been several years now since the feds first launched a probe into UCLA's admissions policies, for instance—specifically, into charges that arbitrary caps were being placed on the numbers of Asians admitted. When the probe began, the school's chancellor seemed to protest a little too aggressively for somebody confident of innocence. Indeed, last year the US Department of Education announced that UCLA had given illegal preference to whites over Asians in admissions to its mathematics grad programs.

A lot of huffing and puffing was emitted from the chancellor's office in reaction; still, the feds were on to something. For one thing, there was an internal memo turned up by Orange County Rep. Dana Rohrabacher. The document, from UCLA's admissions director, said the campus "will endeavor to curb the decline of Caucasian students" and implied the effort would result in fewer Asians on campus.

When the chancellor blasted the whole inquiry as an effort to undermine affirmative action, he certainly didn't quell suspicions that his school was operating a spoils system meting out class places on the basis, not of merit, but of skin color or ethnicity.

At Berkeley, the response to the US Department of Education probe was more forthcoming, and contrite. The chancellor there actually issued an apology of sorts: "It is clear that decisions made in the admissions process indisputably had a disproportionate impact on Asians," Said Representative Rohrabacher: "That's academic gobbledygook for: 'We discriminated'."

Now, while the Education Department showed vigilance in mounting its inquiry, the political heat has been such that follow-through, with final reports and decrees, has been snail-paced. So it's still unclear to what extent discrimination is being practiced on UC campuses; average citizens—even concerned congressmen such as Dana Rohrabacher—don't have ready access to all the information.

If any other minority were the victims, you can bet the government would have issued letters of findings and begun sanctions against any violations long ago.

Is racism OK when the targets are Asian-Americans? The feds must answer clearly, No. But as long as they drag their feet on the UC investigations, they're saying, Yes.

PUBLICLY TRADED PARTNERSHIPS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. ANDREWS of Texas. Mr. Speaker, I have had an interest in partnership issues since I first joined the Committee on Ways and Means. I believe that publicly traded partnerships have proven to be solid capital formation vehicles for careful investors. By providing an opportunity for greater individual participation in partnership ventures, I believe that publicly traded partnerships have increased economic growth for both investors and society as a whole.

H.R. 4210, the Tax Fairness and Economic Growth Act of 1992, that previously passed the Congress but was vetoed by President Bush, modifies the tax treatment of large partnerships—generally, a partnership with at least 250 partners, or an electing partnership with at least 100 partners—and its partners. The bill provides that each partner takes into account separately the partner's distributive share of the following items, which are determined at the partnership level: (1) Taxable income or loss from passive limitation activities; (2) taxable income or loss from other activities—e.g., portfolio income or loss; (3) net capital gain or loss to the extent allocable to passive loss limitation activities and other activities; (4) tax-exempt interest; (5) net alternative minimum tax adjustment separately computed for passive loss limitation activities and other activities; (6) general credits; (7) low-income housing credit; (8) rehabilitation credit; (9) credit for producing fuel from a nonconventional source; and (10) creditable foreign taxes and foreign source items.

While allowing reporting at the partnership level for these 10 items would significantly simplify some aspects of partnership simplification, it does not go far enough. While seemingly small in comparison to the larger issues associated with fairness and economic growth, a favorable resolution of partnership simplification could facilitate capital formation in the real estate and natural resource industries as well as provide greater equity to small investors.

One issue is the treatment of publicly traded partnerships [PTP's] under the passive loss rules. Because the rules defining which PTP's would receive partnership tax treatment were enacted in 1987, PTP's which qualify as partnerships have been treated less favorably than other partnerships in two areas of the Internal Revenue Code. First, Code section 512(c)(2) requires that all PTP income allocated to a tax-exempt partner be subject to unrelated business income taxation [UBIT], without regard to relatedness to the partner's exempt purpose or to the various exceptions in section 512(b) that are available to other partnerships. Second, section 469(k) requires that investors segregate passive income and loss from a PTP from all other passive items, and treat net PTP income as portfolio rather than passive.

These provisions impede the ability of PTP's to raise capital in the marketplace and hurt the small investors who invest in PTP's either directly or through IRA's. Small investors who cannot afford the financial requirements and the illiquidity of nontraded partnerships are the principal purchasers of PTP units. Without these constraints, PTP's could be a valuable source of equity capital for the purchase of real estate, including assets held by the Resolution Trust Corporation [RTC].

H.R. 4210 as passed by the Congress takes the commendable step of repealing section 512(c)(2) and treating PTP's like other large partnership under the UBIT rules. The bill does not address the passive loss issue, however; and it actually worsens the discrimination against PTP investors by providing a de minimis exemption from the passive loss rules for investors with $200 or less in passive losses but denying PTP investors—defined with reference to section 469(k)—the benefits of that exemption.

Section 469(k) was enacted under the assumption, which I feel was questionable, that the passive loss rules would be undermined if investors could use passive income from PTP's to offset tax shelter losses. Even if this assumption was true at the time, it is no longer valid. Now that the passive loss rules have ended the market for tax shelter partnerships, all partnerships and not just PTP's will be structured to generate income. The provision serves no purpose other than to unfairly penalize PTP's for doing what the passive loss rules were intended to encourage—producing taxable income rather than tax losses.

Moreover, even if one were to accept the rationale of section 469(k), it makes no sense in the context of the de minimis rule, which focuses on passive loss rather than passive income. The small investors who buy PTP units are the very taxpayers most likely to be able to benefit from a de minimis rule and to have trouble coping with the complexity of the passive loss rules.

As we move forward on tax legislation this year, I hope that we can accomplish some positive progress on partnership simplification.

INTRODUCTION OF ERISA ENFORCEMENT LEGISLATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mrs. ROUKEMA. Mr. Speaker, today I am introducing upon request legislation to improve the enforcement of the Employee Retirement Income Security Act of 1974 [ERISA], by adding certain provisions with respect to the auditing of employee benefit plan.

The bill contains four provisions amending the ERISA pension and welfare benefit reform law. The first provision would repeal the limited scope exemption for certain plan audits in order to encourage employee benefit plans and financial institutions to utilize a single audit approach instead. By eliminating the statutory limitation, the provision would require inclusion of plan assets which are held by regulated financial institutions within the accountant's audit of the plan. However, the plan's accountant would not necessarily be required to duplicate the work of the independent accountant who audits the financial institutions books and records. Instead, under the single audit approach that would be encouraged, the plan's accountant could rely on the information contained in special reports prepared by the independent auditors of such financial institutions.

The second provision would require independent public accountants conducting required ERISA audits to obtain a peer review every 3 years to remain qualified to perform such audits. Under current law, a qualified public accountant, as defined by section 103(a)(3)(D), is determined solely on the basis of licensing or certification. No peer review requirements presently exist for independent qualified public accountants. This provision is intended to assure the quality of work performed by accountants who are qualified to conduct employee benefit plan audits.

The third provision would require plan auditors and administrators, who have reason to believe that violations of certain criminal laws may have occurred with respect to a plan, to report certain information as designated by the Secretary of Labor in regulations, subject to a civil penalty of up to $100,000 and to criminal penalties under section 501. Presently, there is no specific duty for an administrator of an employee benefit plan, or an accountant who conducts a plan audit, to report certain information, such as information indicating that a crime involving a plan may have occurred. This provision amends ERISA by adding a new section 111, which would require the administrator of an employee benefit plan to report to the Secretary of Labor whenever the administrator has reason to believe that a violation of certain criminal laws may have occurred with respect to the plan. The administrator would also be required to furnish a copy of such report to the accountant engaged to audit the plan's financial statements. Similarly, the accountant would be required to report to the Secretary and the plan administrator when, in connection with an auditing engagement, the accountant has reason to believe that a violation of certain criminal laws may have occurred with respect to the plan.

The last provision would require more timely notification to the Secretary of any termination of an accountant from an auditing engagement, subject to the civil and criminal penalties stated above. Administrators of employee benefit plans would need to notify the Secretary of any termination of an accountant from an auditing engagement within 7 days, stating the reason for such termination. The administrator would also be required to furnish the accountant with a copy of the report to the Secretary within 14 days. If the accountant does not receive a timely copy of the administrator's report to the Secretary, or if the accountant disagrees with the stated reason for the termination, the accountant would be required to file a report with the Secretary within 3 days.

I encourage my colleagues to closely study these recommendations, since they are intended to strengthen the laws which protect the plans on which our Nation's employees and their families rely for their retirement income security.

THE PUBLIC INFRASTRUCTURE DEVELOPMENT ACT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce the Invest in America Act. This bill will amend the Internal Revenue Code of 1986 to provide a tax incentive for pension funds to invest in tax-exempt municipal bonds issued for infrastructure projects. This is an effort whereby the Federal Government would support State and local investment in public infrastructure.

The actual incentive would be in the form of direct payments to pensions funds. The payment would compensate the funds for the difference in yield between tax-exempt bonds and taxable securities of comparable risk. This payment would equal 43 cents for each dollar earned by a qualified retirement plan in interest income.

By providing an incentive for pension funds to invest in local infrastructure projects, the amount of money available for such local projects will increase, and the cost of borrowing will go down. Such an incentive helps pension funds find stable investments, helps local development efforts raise desperately needed financing, and helps the Federal Government redevelop the Nation's infrastructure in a cost-effective manner.

It is estimated that such a change will decrease the yields on new debt issues by 10 percent. This means that an average county can increase its debt by 10 percent without changing its existing debt service payments. It also means that the cost of existing debt service could go down if that debt is rolled-over.

The basis for this legislation was a desire to find a suitable source of funding for infrastructure development without burdening the U.S. taxpayer with a multibillion dollar liability. Since State and local economic development agencies are the leaders in infrastructure development, and pension funds currently hold the greatest reserves of investment capital, it is only natural to seek a conduit to link the two.

Since pension funds are themselves tax-exempt, there has traditionally been no incentive for them to invest in tax-exempt bonds. The proposal, therefore, provides such an incentive by requiring the U.S. Treasury to issue cash payments to pension funds equal to a percentage of total qualified tax-exempt interest earned each year.

The payment would be equal to the implied value of the municipal bond tax-exemption for individuals in the average marginal income tax bracket for all municipal bond investors. The value of this payment is calculated to be 43 cents for every dollar of tax-exempt interest earned—assuming an average marginal tax rate for all municipal investors of 30 percent. Basically, the 43 cents equals the value of the tax-exemption of municipal bonds to a taxpayer in the average marginal income tax bracket.

In developing this proposal, there were several approaches considered, including: First, giving a subsidy payment to State and local governments to pass on to pension funds; second, splitting the interest subsidy between pension funds and issuers, or; third, giving the subsidy to the pension fund directly.

While there are merits to each approach, the last alternative appeared the most effective, since it requires a minimal amount of paperwork and would be very easy to implement. Passage of this legislation would be a cost-effective way of addressing an important need—rebuilding our aging infrastructure—while avoiding massive Federal outlays.

FORT ANN VOLUNTEER FIRE COMPANY CELEBRATES 50TH YEAR OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. SOLOMON. Mr. Speaker, volunteer firemen are very special people, as far as I'm concerned.

It is not just because I have a collection of more than a hundred fire helmets in my Washington and district offices. And it is not just because I was a volunteer fireman myself in my hometown of Queensbury for over 25 years. It is because I know what a valuable service units like the Fort Ann Volunteer Fire Company perform for their communities.

On June 5 and 6 the Fort Ann Volunteer Fire Company will be celebrating its 50th year of providing that kind of service.

In rural areas like the 24th new district, volunteer fire companies often are the only available fire protection. And they do a fantastic job. They save countless lives and millions of dollars worth of property every year. The Fort Ann Volunteer Fire Company is no exception. Members are dedicated and reliable. They frequently attend training programs to update their skills and expertise. And they all make great sacrifices of time to benefit their neighbors.

Those neighbors have good reason to be grateful, and I have good reason to be proud. During their anniversary celebration I will participate in the dedication of a new flagpole, and the first flag on it will be one that flew over this very Capitol Building.

But first, Mr. Speaker, I would ask you and other Members to join me in paying tribute to all personnel, past and present, of the Fort Ann Volunteer Fire Company and in wishing them another half century of success.

TRIBUTE TO ISABEL PETERS McMAHEL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. PASTOR. Mr. Speaker, today it is with great pleasure that I rise to pay tribute to one of Phoenix's finest citizens. I join with President Bush in recognizing and commending Isabel Peters McMahel for her tireless efforts on behalf of the homeless.

Mrs. McMahel's efforts to ensure that homeless individuals and families have a decent, drug-free and safe place to live while seeking employment have brought her recognition from the White House as a "Point of Light." And she has indeed brought light into the lives of those in our community.

In 1984, Mr. McMahel and her husband recognized the need for transitional housing and services for the homeless and disabled. They turned their concern into action and founded the Whole Life Foundation which provides housing for 108 homeless persons and housing for 12 mentally and physically disabled residents. At the Whole Life Foundation, residents cook meals, wash dishes, make repairs, maintain the grounds, tutor the children and provide child care for parents who go to job interviews and other appointments. Mrs. McMahel personally helps residents with résumés, drives them to job interviews, and offers advice and general support.

Through the years, her efforts have proved beneficial to scores of Phoenix residents who might otherwise have found themselves living on the streets permanently. Mrs. McMahel offers up a fine example of how a few simple actions can have a powerful impact and effect positive change. I salute her community spirit and involvement, and urge my colleagues to do the same.

FARM SAFETY AND HEALTH

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. DURBIN. Mr. Speaker, despite recent decreases in overall work-related accidents, agriculture still proves to be the most hazardous U.S. industry. Farming has surpassed mining and construction as the Nation's deadliest occupation. In 1989, for example, an estimated 1,300 lives were lost and 120,000 disabling injuries occurred on America's 2,087,759 farms and ranches. Victims of farm-related injuries in this country incur approximately $2.5 billion in hospital and rehabilitation costs each year. Farm-related accidents don't discriminate in terms of age. In 1987, 300 children under the age of 16 died and more than 23,000 were injured while using or playing near farm equipment.

On April 23 and 27, I held two farm safety and health field hearings in Mt. Vernon and Edwardsville, IL. It was my intention to open a constructive dialog on the issues of farm safety and health with representatives of farm groups, industry, educational institutions, medical facilities, and Government agencies. It is my sincere hope that our discussions on farm safety raised awareness about this vitally important issue and helped develop ways to coordinate efforts and work together. Fourteen panelists joined me during the 2 days of hearings and my Illinois colleague, Representative JERRY COSTELLO, participated in the Edwardsville hearing. Their testimony, along with input from the general public, helped me establish a plan to begin to address the very important issue of farm safety and rural health.

A farm-related accident leads to injury nearly 400 times a day, or 1 injury every 4 minutes in this country. The National Safety Council estimates that the cost of agriculture accidents exceeds $5 billion each year.

Mr. Speaker, in my home State of Illinois, there are 88,786 farms and 375,000 people engaged in farming activities. Illinois is consistently ranked as one of the three States in corn, soybean, and pork production. Each year over 20 million acres of soybeans and corn are planted and harvested utilizing nearly 60 million pounds of pesticides, and thousands of tons of fertilizers. All this leads to one major hazard—exposure to machinery and chemicals. The more exposure, the more likely it is that a farm-related accident will occur.

The University of Illinois Cooperative Extension Service recently conducted a farm accident study in the State. The findings were alarming. It was found that those who worked on 778 randomly selected farms experienced 35.3 injuries per million hours of exposure. This rate is over 4 times the national rate of 7.9 for all workers, a figure provided by the National Safety Council.

A question that occurred to me more than once during the farm safety and health field hearings was why? Why has agriculture lagged behind other industries in reducing work-related deaths and injuries? Unfortunately, there is no easy answer. Instead, there are several main reasons.

First, farms are geographically dispersed throughout a large portion of the country and involve only about 2 percent of the U.S. population. The dispersion of farms and people make contact for safety education and enforcement of any type of safety legislation extremely difficult.

Also, many farming tasks must be performed in a short manner of time in order to produce the most productive crops and herds. Pressure to work quickly can lead to carelessness and oversights which eventually lead to injuries. Couple the aforementioned pressures with the fact that the cost associated with farm safety and health practices are the responsibility of the farm operator and the economic influences of farm safety can be realized.

One must also take into account that the majority of individuals working on farms live there as well. Because the work site and the home site are one and the same, children involved in work and play experience significant accident problems. An advocacy group in Iowa, Farm Safety 4 "Just Kids" grimly observes that a week rarely passes without a child being killed in a farm accident.

Age provides yet another major reason why agriculture leads other industries in work-related accidents. Just as there are no age restrictions for young workers, there is no particular retirement age for farm workers. Currently, the average age of the U.S. farmer is 52 years old; 21 percent of farm operators are 65 or older. Injury statistics show that farm workers age 65 and over have between 2 and 3 times the rate of injury, per number of workers, when compared to other age groups.

Another reason is stress. Farming is considered one of the top 10 most stressful occupations. There are a number of reactions to stress, and all seem to lead to decreases in attention, reaction time, and accuracy and judgment in decision making, ultimately leading to accidents. Unfortunately, the direct relationship between life stress and accidents has received little research attention in the field of farm safety.

Finally, laws and regulations that are directed at occupational safety and health exposures on farms have never been extensive or comprehensive. Most farmers are interested in education rather than legislation, which has often proved ineffective and expensive.

After the two farm safety and health field hearings, I discovered a number of important facts.

First, 80 percent of all farmers tested had some type of hearing loss. This can be directly attributed to their work on the farm. Hearing loss and damage was found in family farm members from 15 to 70 years old.

Access to proper medical care is also another major concern. A member of my panel in Mt. Vernon, Larry Hills, was hospitalized for over 3 weeks after losing his arm to a combine. His brother had rushed him to a rural health care facility 12 miles from the accident site. He then had to be taken to a larger hospital, equipped to handle Larry's injuries, over 30 miles away and out-of-state. In downstate Illinois, only one hospital is equipped to handle major traumas like farm-related accidents. All other victims have to be flown to St. Louis, MO or Evansville, IN. In many communities, not only is access to properly equipped medical facilities limited, but finding a helicopter to fly victims to trauma centers provides major problems.

Implement manufacturers and dealers are working together in an effort to maximize farm safety education. However, because of duplication of programs or uncoordinated efforts, farmers may not be receiving the most efficient training. Farm safety education or outreach from implement manufacturers and dealers is only one step in assembling a total education package. Insurance companies, private industry, farm groups, and universities are involved in many different types of outreach. Grass roots support from farm groups and other organizations is vital to increasing awareness.

I think today represents another important step in increasing awareness about the devastating effect farm-related accidents can have on the agriculture sector of our country.

I am working with farm implement dealers and manufacturers in an effort to help coordinate their farm safety education and outreach. Most manufacturers now provide a farm safety booklet with their implements. Most dealers provide some type of training on how to safely operate the newly purchased equipment. Bringing the major dealers and manufacturers together and asking them, as an industry, to examine their practices, in order to establish the most comprehensive plan for education and outreach can only help matters. The industry may also want to seriously consider providing a farm safety kit with each implement sold, containing a safety booklet and protective ear wear.

I believe that communities also need to heed the call for farm safety and health. By establishing a plan to deal with farm-related accidents with nearby health care facilities and trauma centers, the time it takes to get an injured person to the hospital can be significantly reduced.

Building coalitions and establishing chapters of organizations to increase awareness about farm safety and health is vital to American agriculture. I think it is important to encourage groups like the Farm Bureau and the Farmers Union to champion the effort to educate the agriculture community on farm safety and rural health.

Mr. Speaker, farm safety and health is one of the quieter issues affecting the agriculture community today. However, it is a quiet killer. When we can expect 1,300 people to lose their lives this year and 120,000 to suffer disabling injuries, clearly we need to increase our efforts to promote awareness and safety on the farm.

THE CRISIS IN AMERICA'S CITIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 13, 1992, into the CONGRESSIONAL RECORD:

THE CRISIS IN AMERICA'S CITIES

The Rodney King verdict and the ensuing riots in Los Angeles have focussed national attention on the problems in our inner cities. Americans have been horrified by images from the last week of violence; the replay of the videotaped beating of Rodney King; the looting of businesses; the gun battles between police and rioters.

The events in Los Angeles have introduced a powerful new force that will reshape this unpredictable political year. They may serve to further polarize this country, or galvanize it into action. Hoosiers express to me the feeling that fundamental issues in American society are not being successfully addressed. The emphasis has to be on education, job training, and prowork welfare programs. Leaders must stress that racial hatred is repugnant and un-American. Politicians must refrain from stirring racial resentment and anger for political advantage.

URBAN PROBLEMS

Events like the Los Angeles riots cannot in my view be attributed to a single factor, but rather to a variety of factors such as poverty and unemployment, family breakdown, racial and economic division, the rise of violent crime, and the decay of social institutions in our cities. Blacks have experienced the worst of these problems. They are twice as likely as whites to be jobless. The median black family income is 56% of that of whites. Nearly one-third of all blacks (compared to 10% of whites) live below the official poverty line. A newborn black baby is twice as likely as a white one to die before its first birthday. Blacks are 12% of America's population, but nearly half its prison population. Homicide is the leading cause of death of young black men.

What is particularly discouraging is that these trends have been accelerating in recent year. There is a growing mismatch between the skills and education blacks and other poor minorities have been able to obtain and those they need to get ahead in our society. This trend has profound implications for the future of the urban poor and for this country. We are becoming a more ethnically and racially diverse population. Immigrants and minorities (many of whom live in our cities) will play a critical role in meeting future labor needs, but, in an economy that places a premium on skills and education, these Americans may be at a disadvantage in seeking higher-paying jobs.

THE ROLE OF GOVERNMENT

I do not accept the President's view that the programs of the Great Society in the 1960s are to blame. Many Great Society programs and laws, including Head Start, Medicare, Medicaid, and civil rights and voting rights laws, enjoy widespread public support and the President supports them. The federal welfare program, which has borne the brunt of the President's criticisms, is not a Great Society program; it was established in 1935.

Many of these programs have been successful. Head Start, the federal program for poor pre-schoolers, is highly regarded by both liberals and conservatives. Increases in Social Security over the last thirty years helped cut the official poverty rate among older Americans by 60%, and Medicare meets many of their health care needs. Civil rights laws have helped create a growing black middle class.

I am also impressed that the federal government is not equipped financially to deal with urban problems on a grand scale. Huge amounts of federal funds have been withdrawn from the cities in recent years. Government can play a role, but we must also look to other ways to effect change. The private sector has to be more involved. There is also no substitute for people taking responsibility for their own lives. Finally, broader growth in the economy would help alleviate the problems of the urban poor.

WHAT TO DO

The answer is not for government to hand out big checks, but rather to seek ways of getting investment in the cities and vitality in their economies. The effort cannot be directed from Washington. It must be community-based.

The top item on the urban agenda is job creation. President Bush has proposed a package of tax incentives to promote investment and private entrepreneurship in inner city areas, or "enterprise zones." Other proposals include expanding refundable tax credits to low-wage workers with children to help supplement their income; investing more heavily in public works projects in cities to create jobs; and establishing more transportation links between inner cities (where unemployed workers exist) and suburbs (where workers are needed). Education and job training must also be improved in urban areas.

Cities need more resources and manpower for fighting crime. Law enforcement officers must be tough on drug dealers and other criminals, but police brutality cannot be tolerated. Many cities are experimenting with community policing in which officers work with community residents and leaders in observing patterns of crime and using innovative and imaginative ways to fight it. Expanding the diversity of police forces can also make a difference.

There is an emerging consensus that able-bodied welfare recipients should work or train for a job; that job training and child care should be made available to them; that parents should help support their children; and that welfare spending should strengthen the family. Other proposals would expand efforts to assist families, such as Head Start, child care, drug rehabilitation, decent and affordable housing, and quality health care.

CONCLUSION

The real problems of race, economic inequality and poverty are not being addressed. The country has an intolerable racial divide and it excludes too many Americans from the full benefits of our society. The institutions that guide many of us, like family and church and school, are overwhelmed by inner city problems. We can make the events in Los Angeles an opportunity for a real debate on the underlying issues and to meet the challenges they present with effective action.

The fundamental task is to try to restore a sense of community in this country. We have to understand that we are all in this society together, white and black, rich and poor. One cannot move through the cities of America without the strong feeling that the future of those cities is closely bound to the issues of race and ethnicity and that the economic future of all of us will depend very much on whether we can bridge the divide and use the talents of all Americans.

CANCELLATION AND BUYBACK OF OCS LEASES IN FLORIDA IS THE ONLY ANSWER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. FASCELL. Mr. Speaker, for almost 10 years, the residents of the State of Florida and their elected representatives have been fighting against offshore oil and gas drilling in the waters adjacent the Florida Keys and Everglades National Park. As the House of Representatives prepares to consider an energy bill, cancellation and buyback of the 73 leases south of 26 degrees north latitude in the eastern Gulf of Mexico must be part of the package.

The merits of Florida's argument have persuaded the Congress to pass, at times over the objections of the President, a series of moratoria to prevent such activity from taking place. In 1989, I praised President Bush's decision to remove this area from any further consideration until the year 2000 and to begin studying options to cancel and buy back the 73 leases which were previously sold. It is time for the Congress to take the next logical step in the process by authorizing and directing the buyback of the leases.

I know that some are nervous about the cost of such an act but, as far as I know, there are only two things that can happen to the leases: to cancel and buy back the leases or to allow drilling on the leases. Every day the leases exist, interest compounds and the cost grows, so, if it is an obstacle today, what will it be tomorrow?

To those who feel that the cost of the buyback is too big, I urge them to consider the potential cost to environmental resources which the Federal Government has an extensive interest in protecting. The commitment to the protection and preservation of south Florida's ecosystem includes Everglades National Park, Biscayne National Park, Fort Jefferson National Monument, the Florida Keys National Marine Sanctuary, and four national wildlife refuges in the Florida Keys. Allowing drilling makes very little sense since, from a resource management standpoint, we are only beginning to fully understand the complexity and interdependency of south Florida's ecosystem.

Proponents of offshore drilling argue that we have it all wrong because the threat of a catastrophe is not from drilling, but from transportation. Of course, they make very little mention of how the oil would be transported from the lease sites adjacent the Everglades and Florida Keys. They also fail to recognize, for whatever reason, that these resources are already greatly threatened by any transportation related oilspill.

As our friends from other Gulf States know, the Straits of Florida are one of the most heavily navigated maritime routes in the world. The danger is magnified by vessels bound for gulf ports when they chart a course between the Gulf Stream current and the coral reef tract off the coast of the Florida Keys. The fact that we have not had a major oilspill in south Florida from this practice is a miracle in itself, but we have had many close calls, including three vessel groundings within 18 days late in 1989. There have been several more since then. If we push these vessels further offshore, we are inviting the possibility of a collision with Atlantic-bound vessels using the Gulf Stream to save fuel and money. So, the argument that transportation is the real threat does not hold water in Florida because transportation is already a real threat.

To continue to allow these leases to exist sets us on a collision course which can, and should, easily be avoided. The Federal Government, through the enactment of appropriations moratoria, has made a statement that this activity is not in our national interest. With all that is at stake in terms of protecting one of the Nation's most diverse, as well as threatened ecosystems, it makes no sense to allow for the possibility for oil drilling to occur when the estimates of the recoverable resources amounts to a drop in the bucket.

Yet as we continue to debate this issue, the cost of the buyback grows and the patience of the oil industry wears thin. In fact, Connoco recently filed a taking lawsuit against the Government over the leases in the Florida Keys, Birstol Bay, and North Carolina. I do not fault Connoco, nor do I blame them because they purchased these leases in good faith. All that has changed is that the Federal Government has recognized that the policy under which the leases were offered for sale in these areas was wrong.

I know that many make a strong case that these leases were sold under a previous moratorium and, therefore, the oil companies which purchased the leases are not entitled to any compensation. While there is logic in this argument, I do not believe it would be upheld in the courts. Since drilling is out of the question, the proper way to resolve this situation is to compensate the lease holders.

The Department of the Interior, while studying the cancellation and buyback process, has sent many signals that it not only does not know what to do, but that it also has no interest in following through on the President's announcement. As in the past, it is up to Congress to do what is right and what is necessary—provide a clear directive to the administration to cancel and buy back the 73 existing leases south of 26 degrees north latitude. However, with no disrespect intended to those who have worked very hard on this energy legislation, I believe that what we are on the verge of considering is simply inadequate for Florida.

TRIBUTE TO FATHER ROBERT J. KASH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Father Robert J. Kash of Bridgeview, IL. On Saturday, May 30, Reverend Kash will celebrate his 40th anniversary of ordination to the priesthood.

Father Kash prepared for the priesthood at Saint Mary of the Lake Seminary in Mundelein, IL, and was ordained on May 1, 1952. In his 40 years as a priest, Father Kash served thousands of people in parishes throughout Chicagoland. He was the pastor at Saints Peter and Paul Parish in South Chicago and now serves as the pastor of Saint Fabian Parish in Bridgeview, IL.

According to his parishioners, Father Kash has carried out each of his assignments in a dedicated, caring, professional and loving manner. The planning, financing, and construction of the new Saint Fabian Church in Bridgeview came as a result of Father Kash's leadership. I have a great deal of respect for Father Kash and hope his parishioners realize how lucky they are to have him.

Throughout his career, Father Kash has demonstrated true commitment to God and the community. I ask my colleagues to join me in congratulating Father Kash on this milestone event. His dedication and service should serve as a model to all Americans.

BETTY BARTHOLOMEW: ALHAMBRA SCHOOL DISTRICT EMPLOYEE OF THE MONTH

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. STUMP. Mr. Speaker, it is my honor to recognize Betty Bartholomew, a teacher in the Alhambra School District, in Phoenix, AZ. Mrs. Bartholomew was recently selected as the Alhambra School District Employee of the month.

For the past 26 years, parents in the Alhambra School District have been fortunate to have Mrs. Bartholomew educating their children. Though we often underestimate, and generally underappreciate, the contribution educators such as Mrs. Bartholomew make to our children and our community, I am not surprised that the Alhambra Governing Board has chosen Betty for this high honor.

Mr. Speaker, I speak from personal knowledge. Betty was the first intern I hired during my first year in Congress. Having worked with Betty, and seeing first-hand her commitment to the education of our children, I can say without reservation that the Alhambra Governing Board could not have made a better choice.

THE 35TH ANNIVERSARY OF ARCHBISHOP MOLLOY HIGH SCHOOL

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. MANTON. Mr. Speaker, I rise today to recognize the 35th anniversary of Archbishop Molloy High School and the 100th anniversary of its sister school, St. Ann's Academy in New York. In 1957 the Archbishop High School opened its present location in Queens. In 1882 St. Ann's Academy was founded in mid-Manhattan. These two instructional institutions have made a great contribution and commitment to the educational system in New York.

The Archbishop Molloy High School's commitment is reflected in the experience and stability of its professional staff. The teachers of Molloy have an average of 18 years of teaching experience. Among the laymen with teaching experience are hall of fame coach Jack Curran, with 34 years experience, and Mr. Ray Egan of Valley Stream with 32 years experience.

Molloy's outstanding reputation for athletics is well-known in track and field, baseball, basketball, soccer, swimming, handball, tennis, and golf. The track team has won the indoor championship 23 times in the last 29 years. The varsity soccer team has won 6 of the last 9 championships. The varsity basketball team has been nationally ranked 3 of the past 5 years. In baseball the team has reached the finals in 18 of the past 24 seasons, winning the title 11 times.

Mr. Speaker, 98 percent of the graduates of Molloy High School attend 4-year colleges. The mean SAT scores for their recent graduating classes have been as much as 153 points above the national mean scores. In addition, 48 percent of the class of 1991 are presently attending college on one or more academic scholarships.

Mr. Speaker, as we mark the 35th anniversary of the Archbishop Molloy High School, I want to commend the staff at Archbishop Molloy High School for their dedication and invaluable service to the educational system of our Nation. We need more institutions such as Molloy High School to provide our children with the opportunity to learn and express themselves.

EARTH SUMMIT LEADERSHIP OF 1992

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. OWENS of Utah. Mr. Speaker, today my colleague from New York, Mr. BEN GILMAN, and I are introducing the Earth summit leadership of 1992, a blueprint to alleviate poverty and curb environmental degradation on a global scale.

As the United States and all nations prepare for the upcoming U.N. Conference on the Environment and Development, it is vital that the Congress take a close look at U.S. programs to foster a better environment. The Earth Summit Leadership Act of 1992. This measure is designed to coincide with UNCED and to help implement the development agenda of this critical conference.

Some in this country are asking, legitimately, "What's in it for the America taxpayer?" The answer is in our air, in our water, and in our hearts.

The fact is that the United States has a vital national security interest in clean air, unpolluted water, and sufficient natural resources to sustain life and enjoy the natural beauty of the world. At the same time, the American people are a generous people. We are about the 1 billion people living in poverty, sickness, and despair.

According to the Arms Control and Foreign Policy Caucus, economic stagnation in the developing world cost the United States over $350 billion in export earnings and 1.5 million jobs in the 1980's. Helping these countries develop in a sustainable fashion is a low-cost investment for America.

Last Sunday's New York Times reported that "U.S. exports to poor counties are rapidly rising," noting that the United States "remains the leading producer of goods used to build nations." In fact, third world countries have turned into important customers of American products. While the economic downturn has slowed U.S. exports to wealthy countries, purchases of U.S. goods rose by 15 percent last year.

Helping the poorest of the poor around the world is good for our collective national conscience and it helps American exports. As lesser developed countries develop, opportunities for American businesses grow and markets for "Made in the U.S.A." products are created.

The Earth Summit Leadership Act does not increase the foreign aid budget. In fact, by using only a portion of the reduction in security assistance mandated by the bill, the ESLA actually cuts overall foreign aid and helps to reshape our foreign assistance goals.

Mr. Speaker, I know that this bill will generate controversy and disagreement, and that is exactly my goal—to spur discussion and debate about the future of planet Earth and America's role in making the world a better place to live in. I also understand that there will be institutional opposition from some quarters. Hopefully, we will be able to generate a consensus about the scope and nature of future U.S. foreign aid and I look forward to working with all interested parties to forge a new path.

I want to thank several organizations for helping to craft this important legislation: Appropriate Technology International, Bread for the World, Business Partnership for Peace, Environment and Energy Study Institute, National Audubon Society, National Resource Defense Council, Oxfam America, and Trees for Life. And I want to especially note the help and enthusiasm of Alex Counts from RESULTS and Sean Mayer from Business Partnership for Peace, and the encouragement of Scott Leckman, a friend and constituent from Salt Lake City.

We have gone from the cold war to the global warming war. Two different challenges, but both requiring attention, effort, cooperation and resources. Continued ignorance, inaction, division and indifference will spell disaster, for in today's world, the air, water and ozone layer know no borders, races or wealth.

I urge my colleagues to think about the future, and to consider America's role and responsibility. If you want to change and protect our future, please join in cosponsoring the Earth Summit Leadership Act of 1992.

TRIBUTE TO RON T. COOPER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. TANNER. Mr. Speaker, this week, Ron T. Cooper, the president of Southern Machinery Repair, Inc., was recognized by the U.S. Small Business Administration as Tennessee's "1992 Small Businessman of the Year."

In business for a decade, Cooper's firm repairs and rebuilds machinery, provides parts fabrication, and offers welding and brazing services. Ron and his brother joined with their father to make the business a thriving success.

Ron Cooper has taken a machine shop business started in 1982, with the wisdom of his father, Jim Cooper, and his brother, Don, and kept it one step ahead of the competition. In 1990, Ron became the sole owner.

Mr. Speaker, what Ron has done is a prime example of what can happen when we put our entrepreneurial spirit to work. The machinery business he and family started his played a significant role in the economy of Union City and Obion County for a decade.

Born in Greenfield, TN, in September 1950, Mr. Cooper attended Sexton High School in Lansing, MI. His family had traveled to Michigan to work in the construction industry. While there, his father went to work as a foreman in a machine shop.

It was there the seeds were sown for Ron, his father, and his brother to start a business of their own. Ron and his brother, Don, went to work at a machine shop in East Tennessee and soon decided to become their own boss.

Ten years later Ron owns the company outright and is responsible for the creation of 60 good-paying jobs in Obion County.

Mr. Cooper's small business is symbolic of the efforts of many small businessmen with a never-say-die attitude relative to doing better today than yesterday across the Eighth Congressional District and Tennessee.

IN RECOGNITION OF JESSE D. FERNANDEZ—NATIONAL ASSOCIATION OF LETTER CARRIERS REGIONAL HERO OF THE YEAR AWARD

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. LEHMAN of California. Mr. Speaker, I would like to take this opportunity to recognize the heroic actions of Jesse Fernandez. Mr. Fernandez showed courage and composure under a most difficult situation. Mr. Fernandez, a city of Fresno letter carrier, and member of the National Association of Letter Carriers Branch 231, was taking over the delivery route of fellow letter carrier, Melody Scheidt when a violent domestic situation arose. A wounded man ran out of apartment building chased by a man wielding a knife. When the wounded man fell to the ground, his assailant ran back inside the apartment building. During this time, another man carrying a baseball bat ran toward the apartment, smashed the windows, and dropping the bat, ran away. The man with the knife picked up the bat, and still holding the knife, began to chase him. At this point, Mr. Fernandez stepped in and persuaded the man carrying the knife to stop, and the assailant dropped his weapons and ran. While Ms. Scheidt had gone to another apartment to phone for an ambulance, Mr. Fernandez began administering first aid to the stabbing victim. The victim was taken to a nearby hospital, and the police apprehended the suspect six blocks away.

What makes Mr. Fernandez a hero was his ability to remain calm in a difficult situation. He was able to prevent further violence, and he showed an incredible amount of courage by placing his own life in danger to save the life of another. It is this type of unselfish heroism that has earned Jesse Fernandez the respect of many of us. Mr. Fernandez is a worthy recipient of the "Association of Letter Carriers Western Region Hero of the Year Award."

ON THE OCCASION OF KLEIN BOTTLE YOUTH PROGRAMS 20TH ANNIVERSARY OF PROVIDING SERVICES TO YOUTH AND FAMILIES OF SANTA BARBARA (CA) COUNTY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Klein Bottle Youth Programs, which has been providing services to the youth and families of Santa Barbara County, CA. for 20 years.

These services have focused on helping young people in high risk situations, including drug abuse, alcohol abuse, teenage pregnancy, teenage parenting, suicide prevention, single parent families, school drop-outs, runaway and homeless youth, and youth in family crisis.

Klein Bottle has provided shelter for runaway and homeless youth for Santa Barbara County, and was involved in the Federal Runaway & Homeless Youth Act projects. They have also been affiliated with the Big Brothers and Big Sisters of America for the past 5 years.

In addition, Klein Bottle has been selected by the community as the lead agency in Santa Barbara County to administer the Teenage Parenting Program, designed to provide case management to both pregnant and parenting teens. In order to provide further services to young people, Klein Bottle has developed partnerships with local school districts to offer drop-out counseling and drug prevention services on school campuses.

Recently, Klein Bottle has taken the lead in national demonstration project to reduce drug and alcohol problems in the northern part of Santa Barbara County. In the past, Klein Bottle was rated No. 1 in the Nation for a national demonstration project to serve juvenile offenders in collaboration with local law enforcement officials.

As the Representative for Santa Barbara County in the U.S. House of Representatives, it is my privilege to join with the citizens of our community in congratulating and commending Klein Bottle Youth Programs, for 20 years of high quality services in meeting the needs of local youth and families.

INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF CRAIG AND NITA SORENSEN

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. OWENS of Utah. Mr. Speaker, several years ago, areas of the drought-afflicted West were ravaged by fire. The worst of these fires, as we all know, was in and around Yellowstone National Park. The land and the wildlife suffered temporarily, and have since rebounded remarkably, but some of the human suffering is ongoing. A great deal of property was damaged in the fires, including property destroyed by intentional backfires set by the Forest Service in order to control the wildfires. For the individuals who lost property in this way, Congress devised a remedy and enacted Public Law 101–302 in 1989. Unfortunately, for a few people, the remedy has not worked as planned.

Craig and Nita Sorensen, of Salt Lake City, constituents of mine, suffered $158,000 in property damage as a result of intentional backfires set to control the Clover-Mist wildfire. They made their application for compensation in a timely fashion only to find—2 years later, when they filed an amended application—that the Forest Service had not acted on their claim for damages because there was no record of their claim being received. By this time, all applicable deadlines had passed—the last one by only 2 weeks. Attempts to negotiate this impasse with the Forest Service have so far been fruitless.

I understand how easy it is for a large bureaucracy to lose the occasional document—whether it is the Postal Service or the Forest Service—but the burden for this carelessness has very unfairly fallen on the Sorensens in this case. As their Congressman, convinced as I am by both the evidence and the personal integrity of the Sorensens that they made their application for compensation well before any statutory deadlines, I have a responsibility to make the Federal bureaucracy work for them in the way that Congress intended by passing Public Law 101–302 after the Yellowstone fires.

The Sorensens owned the property, the Sorensens' property suffered significant damage, and the Sorensens made their application for compensation early and waited for the system to work. It failed them—they didn't fail it. In this time of growing dissatisfaction with government, we need to demonstrate that citizens count for something when weighed against the bureaucracy. We designed a system of relief in Congress, and the Sorensens clearly merit relief. This private bill will simply allow the Sorensens 6 months to reapply for compensation for their lost property and ensure that they are treated fairly.

THE 25TH ANNIVERSARY OF OUR LORD'S LUTHERAN CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 25th anniversary of Our Lord's Lutheran Church in Collinsville, IL, a city in my congressional district. The church was established on May 20, 1967 by a small group of Christians dedicated to the service of God and the community.

After 25 years, the church has over 300 members from over 15 townships in Illinois. Many are residents of Collinsville, Edwardsville, and Troy, IL. This flourishing congregation aspires to spread the Lord's message of love and salvation.

Because citizens all across our Nation praise God and recognize the significance of religion, I believe it is fitting to recognize the contributions one local church has made to their community and to God.

TRIBUTE TO MR. PAUL MICKELSON

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. ASPIN. Mr. Speaker, today I rise to pay tribute to a dedicated firefighter and public servant, Mr. Paul Mickelson, who will be retiring from the Beloit, WI, Fire Department on May 21, 1992, to serve in the Peace Corps in Africa.

Since joining the Beloit Fire Department on August 15, 1966, Paul has risen through the ranks. He served as a firefighter, emergency medical technician, motor pump operator, and acting lieutenant. Seven years ago he was made a lieutenant, and he has provided outstanding leadership for the fire department ever since.

Paul has been a fine example to all the new firefighters who have come in contact with him over the years. When faced with life-threatening situations, he's provided leadership and had a calming influence on everyone around him. For many young firefighters, he's been a mentor providing innumerable hours of advice. Year after year he has pulled together many of these firefighters to volunteer their services in the community.

Paul has provided 26 years of distinguished service to the Beloit community in his official capacity, and he also has proven to be a devoted public servant when off duty. He works with the homeless, and he comes to the assistance of anyone in need. One significant incident took place in the theater at Beloit College when Paul came to the rescue of a woman by performing CPR on her. He saved her life.

Now that he is retiring from the fire department, Paul will be dedicating his life to public service in a different manner. Next month, he will be traveling to Cameroon in Africa to work as an industrial arts teacher in the Peace Corps.

I know that Paul will serve the people of Cameroon every bit as well as he's served the people of Beloit. We send him to Africa with our very best wishes.

PAYROLL TAX RELIEF FOR SMALL BUSINESS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. IRELAND. Mr. Speaker, yesterday President George Bush announced a proposal to alter our payroll tax deposit system for our Nation's businesses. In particular, the proposal would require most small businesses to deposit payroll taxes only once a month. This is a change which is long overdue and one that I have been proposing for more than a decade.

This payroll tax deposit change will save our Nation's employers several billion dollars a year. For small businesses in particular, a great deal of paperwork will disappear, not to mention a great percentage of the incomprehensible penalties an employer must pay for not making a deposit on schedule. Many of our small businesses have been confronted by a system which would require deposits as often as twice a week. Under the rules as they presently exist, a great many employers, quite frankly, never even know when they are in timely compliance. For the most part small businesses simply pay heavy penalties rather than trying to continuously file protests with the Internal Revenue Service. Although this proposal does not seem to be getting a lot of media coverage, believe me Mr. Speaker when I tell you and the other Members of this House, that President Bush's proposal will be one of the most significant economic changes in our country's history.

As is often the case, unsung heroes have been working for years behind the scenes in both the public and private sectors to bring about major positive change. Two gentlemen immediately come to mind as we discuss the payroll tax deposit system. Mr. Benson Goldstein, manager of tax policy at the Chamber of Commerce of the United States, has been educating Members of Congress in recent years to the failings of the present system. He has continually pointed out the economic harm done to small entities by severe IRS penalties. His tireless efforts in the private sector have benefited millions of our Nation's entrepreneurs. In the public sector Mr. David Hirschberg, a statistician in the Office of Advocacy at the Small Business Administration, has done an enormous amount of credible work in this area. For years David has provided me with very sage advice on the economic injustice of the present system. Notable has been his particular concentration on the difficulty a small business owner has attempting to determine simple compliance with the present regulations. Both of these gentlemen are owed sincere thanks by our Nation's entrepreneurs. Their years of efforts have at long last contributed to a significant public policy change within the Federal Government's economic circles. This is very good news indeed during this Small Business Week.

COMMENDING DR. JAMES R. SUPAK FOR HIS CONTRIBUTION TO AGRICULTURE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to commend Dr. James R. Supak, area agronomist at Texas A&M University Agricultural Research and Extension Center in Lubbock, TX, for his outstanding contribution to west Texas and High Plains agriculture. Although Dr. Supak will be sorely missed in west Texas, we are pleased that he will be just a phone call away in his statewide leadership position with the extension service in College Station, TX.

The cotton industry in Texas and the Nation has benefited from Dr. Supak's broad-based, practical educational programs since he began as cotton extension agronomist in 1975. One of his greatest assets is the ability to take research to cotton farmers and show them how to make it work for their operations—adding dollars to farmers' pocketbooks.

His early work reformed cotton variety demonstration programs by making results more meaningful to growers. Not content with his early achievements, Dr. Supak has coordinated research with Texas Tech University, the U.S. Department of Agriculture [USDA], Texas A&M University, and private industry on various outstanding research projects. Significantly, he has developed and taught computer models to county agents and producers which enable them to make more informed management decisions. Dr. Supak has been a cotton industry leader in the national educational effort to reduce stick and bark content in harvested cotton, resulting in a higher quality, more marketable crop.

Without a doubt, Dr. Supak has been an outstanding researcher whose work has benefited all segments of the cotton industry. His contribution to the scientific community is of unparalleled significance. Most importantly, however, his research has brought untold benefits to cotton farm families in west Texas. His presence will be sorely missed in west Texas, but we look forward to a continued close relationship in his new leadership position.

THE FIRST-TIME HOMEBUYER AFFORDABILITY ACT OF 1992

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. ORTON. Mr. Speaker, today I am introducing the First-time Homebuyer Affordability Act of 1992. The purpose of this bill is to increase homeownership opportunities for couples and individuals struggling to make downpayments on their first home.

As we strive to come out of a recession, it is disheartening to note that new home sales in March declined by 14.8 percent. As the front page story on the Wall Street Journal this Monday notes, home buyers are hesitant, concerned about jobs, and investment values. Of course, homeownership is more than just an economic stimulus. Recent developments in Los Angeles underscore the need for residents to be vested in their community. Homeownership provides such stability and community identification.

In this uncertain climate, the last thing we need is legal impediments to new home purchase. For this reason, I am introducing legislation which would allow Individual Retirement Account (IRA) funds to be used by an IRA holder or family member for a first-time home purchase.

Recently the House passed H.R. 4210, the Tax Fairness and Economic Growth Act. One of this bill's provisions was a waiver of the 10-percent penalty for premature withdrawal of IRA funds for a first-time home purchase. Although President Bush vetoed this bill, the IRA penalty waiver provision was also included in his and the Republican substitute tax bills. I supported this provision, as did many of my colleagues, as an effort to tap into the $500-billion IRA funds to promote homeownership.

However, I believe that there is a better way to access this money. The First-time Homebuyer Affordability Act of 1992 would accomplish the same goals as a penalty waiver, but with substantial tax savings to the user, and no long-term cost to the Treasury.

A little discussed disadvantage of the penalty waiver approach is that an individual would still be required to pay income taxes on the amount withdrawn. This could be up to 31 percent in Federal taxes, plus State taxes, on the amount withdrawn—a cost of $3,100 in Federal taxes alone on a $10,000 withdrawal. Under my bill, this disadvantage would be eliminated entirely, as funds for first-time home purchase would be used as an investment within the IRA account.

Specifically, the First-time Homebuyer Affordability Act of 1992 allows funds to be used within an IRA account to make a downpayment for a first-time home purchase; to assist a child or grandchild by making all or part of their down payment for a first-time home purchase; or to assist a child or grandchild by making a loan for their first time home purchase.

The mechanics of this approach are quite simple. The owner of an IRA account directs his or her custodian to use IRA funds for one of the housing options described above. When the house is sold, funds are restored to the account through repayment of the loan or the equity investment. These funds are then available for reinvestment, still tax-deferred, within the IRA account.

Under existing tax law, such transactions would not be allowed, as they fall into the classification of prohibited transactions. This results in a bizarre set of priorities. For example, we currently allow an individual to invest IRA funds in a mutual fund consisting of GNMA securities, which is simply a pool of mortgages of single family homes for thousands of other people. Remarkably, that same individual cannot invest in a mortgage in his or her child's home. This is unfair and ultimately antifamily.

Therefore, whenever we take up tax legislation again, I urge Congress to take a serious look at the approach embodied in the First-time Homebuyer Affordability Act—either in conjunction with or in place of the penalty waiver. A simple comparison between the two clearly shows that the advantages of this approach are numerous. The IRA account holder enjoys two short-term advantages—substantial tax savings and the availability of more funds for home investment. The IRA account holder also enjoys long-term savings, since interest and earnings continue to be tax-deferred during the period they are invested in the home and are tax-deferred in the period after the home investment ends.

Our national economy also benefits from this approach. Adequate national savings is critical as a source of capital for modernization so that American companies can compete internationally. IRA's provide an important source of such long-term capital. Homeownership investment within an IRA account prevents the leakage from the savings and retirement system that would occur under a penalty waiver and withdrawal. Furthermore, accessing a $500-billion pool of funds will stimulate the housing industry and the national economy. Finally, since there is no forgiveness of tax or premature withdrawal penalties, there is little or no long-term revenue loss to the Federal Government.

For these reasons, I urge consideration of this proposal and look forward to debate on its merits.

LAYTONSVILLE, MD CELEBRATES CENTENNIAL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mrs. MORELLA. Mr. Speaker, I would like to bring to the Congress' attention the 100th anniversary of the incorporation of the town of Laytonsville.

Incorporated in 1892, this northern Montgomery County community plans a return to that era with a historic homes tour and antiques fair. Residents will be dressed in period costumes, and homes on Laytonsville's main street will be decorated in the style of the late 19th century.

In fact, the Laytonsville area dates back to colonial days. All of the present town of Laytonsville is built on a tract of land known as the addition to Brooke Grove that was granted to James Brooke in 1762. It became home to a number of America's great colonial family names: Gaither, Brooke, Beall, Plummer, Dorsey, Claggett, Waters, and Riggs. Families like the Griffiths whose patriarch was a member of the Lower House of the Colonial Assembly, and the Riggs', whose patriarch founded the Sandy Spring and Riggs banks, were national leaders of commerce, industry, and banking. The Griffith's Sundown Farms, known for its prize Hereford cattle and Rolling Ridge Farm, with this unusual four-chimney architecture built about 1790, will be open for tours. The Layton House, Clover Hill, and Edgehill estates will also be available for viewing.

The Laytonsville area's fertile soil and beautiful scenery which first attracted these families so many years ago have been carefully preserved and maintained by its 270 resident. Mayor Charles White and his wife Barbara deserve much credit for their leading parts in those efforts.

In the words of local historian James C. Christopher, "Laytonsville is truly one of the cradles of American history." Its older inhabitants can point with pride to its contribution to the history of the country, State, and Nation. The more recent residents can rest assured that few localities in the entire country can give a greater background of the traditional "genteel" American way of life.

TRIBUTE TO CARL T. JOHNSON

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize Carl T. Johnson, a well-known conservationist and outstanding individual from Cadillac, MI. Carl has recently been honored by having the new Department of Natural Resources Hunting and Fishing Heritage Visitor Center in Cadillac bear his name.

As founder of the Michigan Conservation Foundation, Carl T. Johnson started his career in 1962. For nearly 20 years, Mr. Johnson was unselfishly dedicated to serving on Michigan's Natural Resources Commission. Because of his commitment to preserving our precious resources, the commission unanimously voted to honor Johnson by publicly recognizing his achievements.

During his time on the commission he was noted for his strong advocacy of scientific black bear management by the Department of Natural Resources. In addition, Johnson has been a lifelong supporter of wildlife habitat protection and other conservation and environmental programs throughout the State.

Mr. Speaker, Carl T. Johnson is truly a remarkable individual. I know that you will join me along with all the hunters and anglers in the State in commending and thanking Carl for his service to the preservation and protection of Michigan's unique resources for over the past 20 years. I know that those in the community will greatly benefit from his work and experience and the new facility.

PEOPLE WANT CHANGE

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. RHODES. Mr. Speaker, over the Easter break, I held a series of four public forums in the First Congressional District of Arizona on health care reform and H.R. 4280, the Health Care Choice and Access Improvement Act of 1992. I was struck with my constituents intense desire for health care reform. People want change. That became even more clear to me during these open forums.

I also heard clearly that most people will not accept either the status quo or reforms leading to a single-payor Federal Government-run system. Concern over the high cost of health care and loss of insurance coverage topped the list of grievances mentioned. My colleagues have heard these concerns recited to them from me and others on innumerable occasions, but I want you to hear my constituents concerns once more.

It is important that the Congress hear these concerns again for two reasons. The reform proposals contained in H.R. 4280—medical savings account, tax incentives for long-term care, tort reform, and small market insurance reform—met with great favor from my constituents. Over the past two Congresses, I have been working to develop meaningful, responsible, and effective incremental reforms for America's health care delivery system. H.R. 4280 contains the fruit of that labor. None of us can afford to ignore the demand for rational change from our constituents.

But just as important is that H.R. 4280 does not get ahead of what most of my constituents are asking for. Quite a few plans being discussed have assumed that because people are frustrated and dissatisfied, they must want to scrap the whole system and begin from scratch. Today I ask my colleagues to head the plea of my constituents for reform and to listen to the American public. I heard quite plainly that people in Arizona want change, but they do not want another Federal Government expensive, inflexible, bureaucratic behemoth shoved down their throats.

TRIBUTE TO MARLENE LYNCH FORD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. PALLONE. Mr. Speaker, on Friday, May 15, 1992, the Point Pleasant Democratic Club will be honoring Ms. Marlene Lynch Ford during an event at the Moose Lodge in Point Pleasant, NJ.

Mr. Speaker, few people that I know have contributed as much time, energy, and dedication to the betterment of the community than Marlene Lynch Ford. Ms. Ford has served two terms in the New Jersey State Assembly—1984–86 and 1990–92—and is perhaps best known as the author of the "Ford Act," the Property Tax Relief Act of 1985, the largest tax cut for homeowners and tenants ever in New Jersey's history. During the time she was in the assembly, she proved to be a most effective legislator, seeing many of her bills signed into law. She served on the Legislature's joint appropriations committee, chaired the assembly judiciary, law and public safety committee, and worked for the creation of a special investigative committee to study toxic waste dumping at military installations.

A native of Arizona, Ms. Ford grew up in Belmar, NJ, where she attended Rose High School. After graduating cum laude from Georgian Court College in Lakewood, NJ, she received her law degree from Seton Hall University and was admitted to the New Jersey Bar in 1979. At the time of her first election to the assembly in 1983, she was 29 years old, making her the youngest woman ever elected to the legislature. She currently practices law in Ocean County, NJ.

During my tenure in the New Jersey Legislature, I had the privilege of serving with Marlene Lynch Ford. I still work closely with her on a variety of issues, including the environment, the economic development of the Jersey Shore, and a number of other community concerns. Both as an elected official and a private citizen, Marlene Lynch Ford continually exemplifies all the best qualities of intelligent, caring, and responsive leadership.

COMMUNITY SERVICE PROGRAMS OF WEST ALABAMA RECEIVE FANNIE MAE AWARD OF EXCELLENCE

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. HARRIS. Mr. Speaker, I would like to express my congratulations to the Community Service Programs of West Alabama [CSP] for receiving Fannie Mae's Award of Excellence for its work for low-income housing in Tuscaloosa, AL.

The Community Service Programs of West Alabama, Inc., along with support and assistance from city councilmen John England and Charles Steele, utilized $200,000 in funds from the city of Tuscaloosa to purchase the property. Two local banks, First Alabama Bank and the Bank of Tuscaloosa, invested $1.5 million to replace 60 dilapidated buildings in Belcher's Quarters with 38 low- to very-low-income family units in exchange for Federal low-income housing tax credits.

The U.S. Department of Housing and Urban Development deemed this project an excellent example of public and private enterprise coming together for affordable housing. It represents the good works that are accomplished when a community combines its resources to improve the living conditions for some of its less fortunate citizens.

The CSP has served the people of west Alabama for 25 years, and its commitment to service is to be commended. I would like to thank and congratulate all who were involved in making the Belcher's Quarters rehabilitation a success.

TRIBUTE TO MR. RALPH V. PUGLIESE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. SCHUMER. Mr. Speaker, it is with great pride that I draw your attention to Mr. Ralph V. Pugliese, who has recently been named the Citizen of the Year by the Kings County Medical Society of Brooklyn, NY.

This award, the highest the society can offer, honors the numerous contributions Mr. Pugliese has made to the Brooklyn community. The Marine Park Civic Association, Italian-American advisory groups, teachers' organizations and local development committees are but a few of the dozens of community efforts and organizations that have relied on Mr. Pugliese's leadership and commitment.

Through his generosity of time and energy, Mr. Pugliese truly embodies the qualities of good citizenship: his kindness and goodwill have touched the lives of so many people in Brooklyn.

Mr. Speaker, my colleagues, please join me in saluting Mr. Pugliese, thanking him for the years of service he has given Brooklyn and congratulating him on this well-deserved award.

CONGRATULATIONS TO THE PIONEER VALLEY BALLET COMPANY AND ITS 20TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, the Pioneer Valley Ballet Guild has been a symbol of artistic excellence in western Massachusetts for 20 years. Since the company's formation in 1972, they have dazzled audiences young and old with shows such as "Snow White," "Pas de Quarte," "Peter and the Wolf," and "The Nutcracker."

A key element of Pioneer Valley Ballet's tremendous success has been its on the road approach to dance. Pioneer Valley Ballet performs in school systems throughout western Massachusetts and is the only New England company to be an honorary member of Regional Dance America/Northeast.

The Pioneer Valley Dance Guild provides professional training and performance experience to talented young artists. Many of these same young artists have gone on to professional dance careers, including Jeremy Collins, Clair Chinoy, and Megan Bonneau. In addition, Pioneer Valley Dance has offered numerous classes and lectures on topics such as nutrition and dance injuries. It is this type of commitment to the community that garners them such strong support from local citizens and businesses.

Mr. Speaker, this spring Pioneer Valley Dance celebrates its 20th anniversary with a gala performance including "Coppelia," "Alice in Wonderland," and "Zampa." It is with great admiration and respect that I congratulate artistic director Gail Collins and the entire Pioneer Valley Dance Guild for the wonderful entertainment they have provided for the community. May they continue to enliven performing arts everywhere for another 20 years with their inspirational motto: "Today's dream is tomorrow's art."

BERKS COUNTY ARMED FORCES DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the 44th Berks County Armed Forces Day. The citizens of Berks County will celebrate this day with a parade, which will be held in Reading, PA, on Saturday, May 16, 1992.

Berks County Armed Forces Day is an annual event held to honor our Nation's Armed Forces and veterans. There will be a parade through Reading, followed by an airplane flyover. The parade route will also be marked by flags flown in honor of the event by patriotic residents.

This year, the parade theme is "Patriots for Peace." This theme is particularly appropriate in light of the declining threat posed by the Soviet Union and the Eastern Bloc. We are indeed fortunate to have superior Armed Forces to protect our security and guarantee future peace and prosperity. By maintaining our commitment to the excellence of our military, we will ensure future peace.

The intent of the parade is to promote a sense of patriotism in Berks residents and to recognize the outstanding contributions of our Nation's Armed Forces, including the National Guard and Reserve units. As part of this, I would like to recognize the accomplishments of the Berks County natives who are serving or have served in our military, including those men and woman who served in Desert Storm. This parade provides Berks County citizens a chance to demonstrate their support for, and appreciation of, our Nation's service personnel.

I would like to express my personal appreciation to all of the people on the Berks County Armed Force Advisory Committee for planning this parade, and to all of the participants. As Americans, we are all able to share in the greatness of the United States thanks to the efforts of our veterans and Armed Forces. They have defended our freedom and democratic values for over 200 years. It is through the hard work of our Armed Forces that the United States has been able to become the greatest Nation on Earth.

I ask all of my colleagues in the House of Representatives to join me in paying tribute to our Armed Forces and the proud Americans in Berks County who are participating in this parade.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 14, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 15

10:15 a.m.

Governmental Affairs

To hold hearings to examine new science and new technologies regarding ozone depletion.

SD-342

MAY 18

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on Air Force, NATO, and defense agencies.

SD-192

Finance

Health for Families and the Uninsured Subcommittee

To hold hearings to examine the impact of high health care costs on America's economy.

SD-215

MAY 19

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs.

SD-192

9:30 a.m.

Energy and Natural Resources

To hold hearings on issues pertaining to the refining sector of the petroleum industry.

SD-366

Governmental Affairs

To hold hearings on S. 1958, to authorize funds for functions and activities under the Federal Property and Administrative Services Act of 1949 and to revise laws relating to Federal procurement, and S. 2619, to revise the Federal Property and Administrative Services Act of 1949 to implement provisions governing the negotiation and award of contracts under the multiple award schedule program of the General Services Administration.

SD-342

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Bureau of Indian Affairs, Department of the Interior.

SD-116

Judiciary

To hold oversight hearings in conjunction with the Senate Caucus on International Narcotics Control on the drug trafficking of heroin in China.

SD-226

Labor and Human Resources

To hold hearings to examine the need for improved regulatory authorities for the Food and Drug Administration.

SD-430

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of James P. Covey, of the District of Columbia, to be Assistant Secretary of State for South Asian Affairs, Kenton Wesley Keith, of Missouri, to be Ambassador to the State of Qatar, and Teresita Currie Schaffer, of New York, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently as Ambassador to the Republic of Maldives.

SD-419

2:30 p.m.

Armed Services

To hold closed hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the Department of Defense Special Access Programs and Procedures.

S-407, Capitol

Small Business

To hold hearings to review a Price Waterhouse study on the Small Business Administration's 7(a) Guaranteed Business Loan Program.

SR-428

MAY 20

9:00 a.m.

Governmental Affairs

To hold hearings to examine the integrity and effectiveness of the Offices of Inspector General.

SD-342

9:30 a.m.

Rules and Administration

Business meeting, to consider pending calendar and administrative business.

SR-301

Veterans' Affairs

To hold oversight hearings on the implementation of Court of Veterans Appeals decisions.

SR-418

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce.

SR-253

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on programs and architectures for ballistic missile defense.

SH–216

Foreign Relations

To hold hearings on the nominations of Marc Allen Baas, of Florida, to be Ambassador to Ethiopia, Hume Alexander Horan, of the District of Columbia, to be Ambassador to the Republic of Cote d' Ivoire, Lauralee M. Peters, of Virginia, to be Ambassador to the Republic of Sierra Leone, and Donald K. Petterson, of California, to be Ambassador to the Republic of the Sudan.

SD–419

2:30 p.m.

Energy and Natural Resources

To hold hearings on S. 2631, to promote energy production from used oil.

SD–366

MAY 21

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense.

SD–192

9:30 a.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold oversight hearings on the Forest Service's proposed changes in the administrative appeals process.

SR–332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation.

SD–116

Armed Services

To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology.

SD–G50

Commerce, Science, and Transportation

To hold hearings on the nomination of Karl A. Erb, of Virginia, to be Associate Director of the Office of Science and Technology Policy.

SR–253

Energy and Natural Resources

To hold hearings on the Department of Energy's program for environmental restoration and waste management.

SD–366

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the General Accounting Office.

SD–138

Judiciary

Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, S. 2101, to designate the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, S. 2572, to authorize an exchange of land in the States of Arkansas and Idaho, and H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho.

SD–366

Governmental Affairs

General Services, Federalism, and the District of Columbia Subcommittee

To hold hearings on the General Services Administration's management of Federal civilian aircraft.

SD–342

2:30 p.m.

Armed Services

Defense Industry and Technology Subcommittee

To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the National Defense Stockpile.

SR–222

MAY 22

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.

SD–138

JUNE 4

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR–253

Veterans' Affairs

To hold oversight hearings on proposed legislation relating to veterans health issues.

SR–418

JUNE 9

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for the Department of the Interior.

S–128, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.

S–128, Capitol

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high density airports.

SR–253

CANCELLATIONS

MAY 14

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Emergency Management Agency.

SD–124

POSTPONEMENTS

MAY 14

10:30 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation.

SD–138

HOUSE OF REPRESENTATIVES—*Thursday, May 14, 1992*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY]

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 14, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

Rabbi Shmuel Butman, director, Lubavitch Youth Organization, Brooklyn, NY, offered the following prayer:

Let us pray:

Dear God, with Your bountiful mercy, we have just celebrated the 90th birthday of the revered leader of world Jewry, Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe, Shlita.

The Rebbe has, with Your divine help, enriched the educational, religious, moral, and ethical lives of millions of people—of all walks of life—throughout the world, and has made this world a better place to live in.

We ask You, O God, to grant the Rebbe a full, complete, and speedy recovery, for the benefit of all humankind.

The Rebbe has proclaimed this year—5752 in the Jewish calendar—as "the Year of Wonders in Everything."

During the past year, we have seen hundreds of thousands of Jews from the Soviet Union arrive in Israel to start a new life. We were also witness to a crisis in the Middle East of international proportions and gravest implications.

The Rebbe says that the reason we have seen so many miracles this past year, and are constantly seeing miracles in our daily lives, is due to the fact that You, almighty God, are preparing the world for the miracle of miracles, the final redemption.

We ask You, dear God, to give us the strength to accelerate that process and the inspiration to do an extra good deed each day. In this spirit, dear God, I would like to take this opportunity to put a dollar bill, on which the words "In God we trust" are imprinted, into this pushke—charity box.

This charity box reminds us all that we have an obligation not only to ourselves and our families, but also, indeed, to our neighbors and society in general.

Help us, dear God, to bring this message of charity and of the final redemption to all the people in these great United States, and around the world.

Almighty God, in Your infinite wisdom, You have established the Members of the U.S. Congress as the custodians of honesty and decency, justice and peace for all the people in the United States, and—through the United States as the moral superpower—for all the people of this planet.

We pray, dear God, that You continue to bestow Your bounty upon all of the Members of this body, the U.S. Congress. May they merit, dear God, to have a "year of wonders in everything" in their communal, national, and international endeavors, as well as in their private lives.

And let us all say, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Pledge of Allegiance will be given by the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced the Senate having proceeded to reconsider the bill (S. 3) entitled "An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 388. Joint resolution designating the month of May 1992, as "National Foster Care Month".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that all of the 1-minute speeches, except one, will occur after the Small Business Administration bill is completed.

RABBI SHMUEL BUTMAN

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, it is my pleasure to introduce to the House Rabbi Shmuel Butman, the director of the Lubavitch Youth Organization. Many of my colleagues are already familiar with the good work done by Chabad Lubavitch. Rabbi Butman visits us shortly after the 90th birthday of the spiritual leader of this movement, Grand Rebbe Menachem Schneerson. Rebbe Schneerson leads the Lubavitch community from my hometown, Brooklyn, NY, but his followers fill every corner of the globe. Millions have benefited from his charitable works, and have been inspired by his words and writings.

Congress has recognized Rebbe Schneerson's accomplishments on many occasions, but this, his 90th year takes on special significance. As we reflect on the prayer offered by Rabbi Butman, I hope my colleagues will also reflect on the importance of religious faith and education, and how much we can learn from the Lubavitch movement, its devout members, and their great leader.

AUTHORIZING 1992 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITOL GROUNDS

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 111) authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. INHOFE. Mr. Speaker, reserving the right to object, I do so for the pur-

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pose of yielding to the distinguished gentleman from Illinois [Mr. SAVAGE], the chairman of our committee, for an explanation.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. INHOFE. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Speaker, I thank the gentleman for yielding, and I also thank him for his cooperation on this resolution.

Mr. Speaker, Senate Concurrent Resolution 111 authorizes the 1992 torch relay for the Special Olympics to be run through the Capitol Grounds as part of its journey to the District of Columbia Special Olympics Spring Games at Gallaudet University. This would occur on May 15, 1992, or on such other date as the Speaker of the House and the President pro tempore of the Senate may jointly designate.

Mr. Speaker, currently there is a law prohibiting open flames on the Capitol Grounds. This is to guard against a possible fire. Because of this, Congress has passed special legislation the past 5 years so that the Olympic torch could be carried through the Capitol Grounds.

Again this year, as in the past, a torch-lighting ceremony will begin the relay of law enforcement officers; 65 law enforcement agencies are participating this year. The relay will proceed from Capitol Hill through the District, concluding at Gallaudet University. The goal is to show law enforcement's support for Special Olympics and to raise money for the games.

Mr. Speaker, adoption of this resolution is a very positive step toward promoting interest in the Special Olympics and I urge its passage.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1992.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works, Washington, DC.

DEAR MR. CHAIRMAN: On Wednesday, April 29, I introduced H. Con. Res. 312 authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds. On Tuesday, May 5, the Senate passed by voice S. Con. Res. 111 the companion to my House version. The Senate papers are currently at the House desk for consideration.

At this point there are two routes that could be taken. The bill could be taken up and passed by unanimous consent or placed on the suspension calendar.

The Special Olympic event is scheduled for Friday, May 15, and we would therefore hope to move as expeditiously as possible. Thank you in advance for your assistance in this matter.

Sincerely,

BOB MICHEL,
Republican Leader.

S. CON RES. 111

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 15, 1992, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1992 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

Mr. INHOFE. Mr. Speaker, further reserving the right to object, let me join with the distinguished chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation, the gentleman from Illinois [Mr. SAVAGE], in supporting Senate Concurrent Resolution 111. I think the gentleman explained it very well.

Mr. Speaker, Senate Concurrent Resolution 111 will allow the Special Olympic Torch Relay to be run through the Capitol Grounds on Friday, May 15. This annual event begins with a torch lighting ceremony on the Capitol steps by local law enforcement officers who will then proceed to Gallaudet University. Because open flames are prohibited on the grounds of the Capitol, it is necessary to enact special legislation to allow the Special Olympics torch lighting ceremony and run to be conducted on the Capitol Grounds.

The Special Olympics give handicapped children the opportunity to compete in sporting events. This is a worthwhile cause and I am pleased to be able to rise in support of Senate Concurrent Resolution 111.

As has already been described, Senate Concurrent Resolution 111 will allow the Special Olympic Torch Relay to be run through the Capitol Grounds on May 15, or on another such date that the Speaker and the House and the Senate President pro tempore may jointly designate.

The relay benefits the D.C. Special Olympic Summer Games and is, I believe, the seventh year that we have participated in this worthwhile event. Given that this event benefits a very important segment of our community, I urge my colleagues' support.

Mr. MICHEL. Mr. Speaker, I rise in support of this resolution authorizing the running of a Special Olympics Torch Relay through the Capitol Grounds.

In this Olympic year, where athletes across the globe are going to be gathering in Barcelona, Spain, I think it only fitting that we reflect on the athletes we have gathered in Washington.

These athletes will be gathering at Gallaudet University in the Nation's Capital on May 15, 1992, for the District of Columbia Special Olympics.

The athletes in Barcelona have overcome great odds to become the best in the world at their different sports.

The athletes at Gallaudet have overcome even greater odds to become the best they can be.

I support what the Special Olympics accomplishes in giving these athletes a chance to compete and I salute the athletes for their courage in competition.

I urge my colleagues to support this resolution to allow the Special Olympic torch to pass through the Capitol Grounds.

Mr. HAMMERSCHMIDT. Mr. Speaker, Senate Concurrent Resolution 111 will allow the Special Olympic Torch Relay to be run through the Capitol Grounds on Friday, May 15. This annual event begins with a torch lighting ceremony on the Capitol steps by local law enforcement officers who will then proceed to Gallaudet University. Because open flames are prohibited on the grounds of the Capitol, it is necessary to enact special legislation to allow the Special Olympics torch lighting ceremony and run to be conducted on the Capitol Grounds.

The Special Olympics give handicapped children the opportunity to compete in sporting events. This is a worthwhile cause and I am pleased to be able to rise in support of Senate Concurrent Resolution 111.

□ 1010

Mr. INHOFE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 111

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 15, 1992, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1992 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympic spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES UNTIL 1 P.M. TODAY

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses until 1 p.m. today, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 452 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4111.

□ 1012

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4111 to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes, with Mr. VALENTINE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 30 minutes, and the gentleman from Florida [Mr. IRELAND] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to thank all of the Members of the Small Business Committee, Democrat and Republican alike, for the tremendous cooperation in the hearings and the markup of the bill, and especially the ranking minority member who unfortunately will be departing from this Congress at the end of it, the gentleman from Florida [Mr. IRELAND]. His assistance has been extremely helpful.

I am going to be very brief in the presentation of my remarks. We have a credit crunch in the United States of America today. It was brought on by a whole host of factors, and I will not go into all of the causes of the credit crunch right now, but there are a number of things we need to do to deal with it. The passage of today's bill is but one of those measures.

Right now it is extremely difficult in the United States to obtain a loan without some type of governmental guarantee. The fact of the matter is the SBA has been looked to more this past year than it has been at any time in history. As a result, we are finding that the SBA is using up its loan guarantee authority at a rather precipitous rate. In fact, unless we pass today's bill they will run out of loan guarantee authority for the fall fiscal year, that is through September 30, 1992, very soon. We cannot allow that to happen.

So working with the SBA, working with the administration, working with the minority we have come up with a bill that increases the loan guarantee authority for this fiscal year and for succeeding fiscal years too in expectation of greater utilization of the SBA and its guarantee authority in these credit crunch times.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I am pleased to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the gentleman from New York and the gentleman from Florida for bringing this bill up now. We have just had riots in Los Angeles. We hear a lot of people talking about jobs. People in this country, especially in Washington, DC, apparently do not know where jobs come from. Jobs come from the private sector with a little encouragement.

We found out that a $15,000 loan guarantee on an average produces or saves one job. Right now we need $1.45 billion in loan guarantee authority under SBA's 7(a) loan program to satisfy the demand that is out there. We are talking about 100,000 jobs, yet when somebody talks about having loan guarantee authority made available so that the banks participate in this at the local level, they say oh, that is pork, or that is a Christmas tree or something. We are talking about a jobs bill here, and I commend the gentleman for bringing this out.

If we want jobs in this country, we have to do something like this or we are not going to have permanent jobs. Just extending unemployment compensation is not going to do the job. We need jobs out in the private sector, and this bill is important for that.

Mr. LAFALCE. I thank the gentleman for his kind remarks, and I agree with him wholeheartedly.

I might also point out that he led the effort as chairman of this committee in previous Congresses, and he continues to lead the effort with respect to the appropriation process as chairman of the Appropriation Subcommittee responsible for coming up with the hard dollars necessary to make these authorization programs work.

This bill was favorably considered by the Small Business Committee and was unanimously ordered reported by voice vote. I know of no opposition to this legislation and I am presenting it to the House under an open rule.

I want to point out, however, that some Members may criticize this bill as going too far; others might criticize it as not going far enough.

I believe that it strikes a middle ground.

Personally, I believe that the House should expand the Federal budget as it applies to domestic spending; however, the House has spoken and has rejected shifting military spending to domestic.

However, I believe that the House should at least be given the option of reducing other domestic spending in order to increase SBA guarantees. This, however, will be very difficult to accommodate, particularly since demand for the program continues to increase dramatically. If the Congress does not somehow find the money soon, then this very effective program which his done a good job in mitigating some of the effects of the ongoing credit crunch, will be severely curtailed for the rest of this year.

But, even if the money can be found to substantially increase funding levels for the current year, what about next year?

There is no reason to believe that demand will drop and yet the administration's original request for 1993 remains unchanged—a request for $3.088 billion or a cut of 40 percent from its latest request for this year.

Congress has always supported the SBA and its loan programs. We have saved it from elimination as was proposed by the previous administration and we have found the money to increase its loan programs when prior administrations and this administration had proposed cuts.

I hope we can continue this record, but it would greatly facilitate the process if the administration would face reality and submit realistic budget requests.

The purpose of the bill is to increase the authorization for guarantees under the 7(a) or general purpose loan program by approximately $2 billion in each of fiscal years 1992 through 1994 and to permit up to 10 percent of the total amount authorized to be used annually for special or pilot programs. Its purpose is also to increase the existing authorization for development company loan and debenture guarantees by $200 million during each of fiscal years 1992 through 1994.

The Small Business Administration provides financial assistance to small businesses primarily by guaranteeing to pay part of any loss sustained on a loan made to a small business by a bank or other financial institution. These loan guarantees, extended pursuant to section 7(a) of the Small Business Act and commonly referred to as "7(a) loans," are generally available in amounts of up to $750,000.

The loans may be used to construct, expand, or convert facilities, including the acquisition of land, to purchase buildings, equipment, materials, obtain working capital, or to finance construction or rehabilitation.

The Small Business Administration, acting through a financial intermediary called a development company, also provides financing to small businesses for plant and equipment needs.

These development companies receive charters either from the State in which they intend to operate or from the local government if the area of operation is restricted geographically within the State. Most financing today is in the form of SBA guarantees of debentures which are sold to private investors.

The proceeds of these debenture sales, up to a maximum of $1 million, are then relent by the development company to small businesses to finance part of the cost of plant acquisition, construction, conversion, or expansion, including the acquisition of land.

Financing packages typically include 50 percent funding from a commercial lender who receives a first mortgage lien, 40 percent funding from the development company from the debenture proceeds under a second mortgage lien, and 10 percent from the small business concern assisted or from some other source.

Enactment of Public Law 101-574 in 1990 authorized program levels for SBA loans through fiscal year 1993. These levels were adequate for fiscal years 1990 and 1991.

By the start of fiscal year 1992, however, the economy was mired in a prolonged recession and creditworthy borrowers in ever increasing numbers were still unable to obtain financing.

During the first 7 months of this fiscal year, demand for both the 7(a) and development loan programs is up substantially as compared to the same time period in fiscal year 1991.

Through April, 7(a) demand is up almost $600 million or 33 percent as compared to the first 7 months of 1991.

Through April 1992, demand for the development company guarantees is up $85 million or 37 percent.

If program usage continues at the above rates, both programs will run out of money before the end of this fiscal year. In fact, they would have already had to shutdown temporarily were it not for Office of Management and Budget approval allowing the Small Business Administration to borrow loan funds which it holds in reserve for the fourth quarter of this fiscal year.

In addition to the committee projection of an increase in demand for loans on a national basis, there is additional budgetary demand due to the administration's initiation of the New England lending and recovery project which the SBA announced was designed to help small businesses caught by bank failures, particularly in the northeast.

Through no fault of their own, many small businesses were doing business with financial institutions which failed. Their loans were then acquired by the Federal Deposit Insurance Corporation [FDIC] as part of the assets of the failed institution. This created a void for those needing additional funds or restructing of their outstanding loan.

SBA stepped into this breach last December by announcing implementation of the New England lending and recovery project. Under this pilot program, which it initiated in New Hampshire, the agency announced that it would review the loan files of small business borrowers whose lender had failed and whose loan was now held by the FDIC or an institution to which the FDIC had sold or otherwise transferred it. If the agency determined that the loan appeared to meet SBA eligibility standards, the borrower would be offered refinancing.

The bill proposes to increase the authorization for the 7(a) or general purpose loan program in fiscal year 1992 to $5 billion, now $3.85 billion; for 1993 to $6 billion, now $4.043 billion; and for 1994 to $7 billion, now $4.245 billion.

It also would increase the amount of the authorization for development company guarantees in fiscal year 1992 to $725 million, now $546 million; for 1993 to $775 million, now $573 million; and for 1994 to $825 million, now $602 million.

I want to take this opportunity to tell my colleagues of the results of a recent evaluation of the 7(a) program.

On March 18, Price Waterhouse completed an "Evaluation of the Small Business Administration's 7(a) Guaranteed Business Loan Program." I am proud to say that the general conclusion of the report is that this is a program which works and which is extremely cost effective.

Price Waterhouse based its report on a survey of a random sample of 1,430 businesses of the 13,628 businesses which received 7(a) funding in fiscal year 1985.

As a comparison group, they started with a list of 8.9 million firms and selected a sample of 1,790 firms which were similar in percentages by industry, region, and size.

The survey then compared changes which had occurred 4 years later and found that: SBA borrowers were more likely to still be in business in 1989, 77 percent versus 65 percent; among firms that were still in business, SBA borrowers had faster revenue growth, 123 percent versus 101 percent; and among firms that were still in business, SBA borrowers had larger growth in employment, 101 percent versus 36 percent.

Based upon the survey, Price Waterhouse concluded that the "program appears to attract a segment of the small business community that is more ambitious in its business plans than average"—firms that need more capital than the comparison group.

I just do not think on the basis of this Price Waterhouse study that there could be any doubt about the effectiveness of this program, and there can also be no doubt about the imperative of passing this bill today.

Mr. Chairman, I reserve the balance of my time.

Mr. IRELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in unwavering support of H.R. 4111, and I strongly encourage all of our colleagues to vote for a bill that will keep the doors of small businesses open for workers and customers alike.

Let me begin by congratulating the chairman of the Small Business Committee, Mr. LAFALCE, and all of the members of the committee for acting so quickly and in such a cooperative fashion to report this bill out for House consideration.

H.R. 4111 offers assistance to small enterprises that Republicans and Democrats on the committee enthusiastically and unanimously support. It is, in short, a bill that deserves the unanimous support of the House.

Mr. Chairman, because our distinguished colleague from New York offered such an admirable and complete explanation of the bill, I will not elaborate any further here. But let me underscore a few important points.

Because of the severe banking crisis in New England and the shortage of small business credit across the country, the demand for SBA's general business loan guarantees is up almost 30 percent already this fiscal year. Demand for the bricks-and-mortar 504 loan guarantee program is up almost 40 percent.

So, if we do not pass H.R. 4111, both of these programs will run out of guarantee authority this summer, and small businesses in every congressional district in every State will lose an important, and in some cases vital, source of capital.

If we do not pass this bill, we will threaten the existence of small enterprises everywhere and the families that depend on them for their jobs and income.

Now, I know that this is a well-worn claim, one made about almost every proposal that comes our way. And, of course, such assertions tend to attach themselves to programs costing millions, and sometimes billions, in taxpayers' dollars.

So let me reassure our colleagues that this is not a budget buster by any stretch of the imagination—and that assurance comes from someone who ranks second to none in protecting taxpayers' hard-earned money.

Mr. Chairman, as our colleagues know, we are not talking about direct taxpayer expenditures, or even about loans made directly by the Federal Government.

H.R. 4111 talks in terms of guaranteeing a portion of a small business loan, just like the Federal Housing Administration, or FHA, guarantees home mortgage loans throughout the county.

Like FHA home mortgage loan guarantees, we are talking about small business loans made and serviced by private banks according to strict guidelines—loans that are repaid with interest.

With this in mind, H.R. 4111 seeks $935 million in new guarantee authority for fiscal year 1992 to meet the current demand. The subsidy cost under the credit budget of this new authority is just $60 million, at the outside.

In English, this means that Congress, for no more than $60 million, can leverage almost $1 billion in additional small business loans now when they are so desperately needed.

This $60 million amount to only three one-hundredths of 1 percent of the $220 billion in the Federal domestic discretionary spending account.

Mr. Chairman, this is an embarrassingly paltry amount of Federal spending to offer our Nation's 20 million small enterprises and the millions of people they employ. But it would be absolutely shameful for this Congress to tell them we couldn't even find that much money.

By voting in favor of H.R. 4111, each and every Member of the House can say they helped America by helping small business.

We can say that we put our votes where they count—behind the small businessmen and women—of every race, religion, and creed—who keep America working.

So again, Mr. Chairman, I urge our colleagues to cast a "yea" vote in favor of H.R. 4111 to help small business help us all.

□ 1020

Mr. LaFALCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I have an amendment for the bill that looks like it will be contested today. I do not want to call a vote on a travel day, but I will.

The news broke today that Deutsche Bank of Tokyo predicts that Japan will surpass America as the No. 1 manufacturing power in the world within 5 years. Deutsche Bank of Tokyo further predicts that Japan will become the No. 1 economic superpower of the world by the year 2000.

They say that the reasons are clear. Japan invests 20 percent of its gross national product in new factories and equipment and manufacturing infrastructure, and each year Japan invests more than $440 billion in their manufacturing infrastructure than do American companies. They further say that one of the reasons for this great success in Japan is Japanese companies buy Japanese products; Japanese companies buy Japanese products.

One of the analysts looking at the American scenario says America is beginning to invest overseas, and America continues to buy products that are made by foreign hands. America does not recycle its cash. America does not retain its investment. America is becoming a second-rate economic superpower on the throes of bankruptcy.

The Traficant amendment says that on the SBA activity the Administrator shall give preference with SBA money to small businesses who use and purchase American-made products. But for some reason that is not acceptable, and what I have heard from the appropriators is, "We are all for you. You have to get it authorized." Then when I go to authorizing, "We cannot do it. Check with Appropriations."

Maybe it is time that we go on record as continuing to approve policies that encourage Americans to buy the damn products overseas and then complain we have high unemployment.

Now, if you do not like the language, tailor some around, but do not jack me around and change it in conference, and if you are going to defeat it, come out like a man and defeat it.

Members of Congress, if you are going to vote in opposition to this buy American, you are going to be recorded on it. I want you to vote for it, and your small business people will buy American. They are not even thinking of that as an economic variable with our malaise of economic problems.

I think it is time to give a little subconscious hit and push and encouragement, and I am asking the chairman to fashion this, if necessary.

I do not want to belabor this in the House and fight and struggle to keep this language in to some degree which will accomplish these goals in conference, but if I am going to be jacked around on this, we will have a vote, and I want Members of Congress who are concerned about the unemployment problem in their area and the procurement policies of America which are making us second rate to come to this floor and give me a hand.

All this talk has been cheap. If we have got to have a vote, let us have the damn thing.

Mr. IRELAND. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Chairman, I rise in support of H.R. 4111.

The passage of the Small Business Credit Crunch Relief Act is vital to all small businesses during these difficult times as it will help these businesses obtain adequate credit and capital.

These businesses need this help to keep their doors open. These businesses need this help to preserve the employees' jobs. This program is a vital link toward New England's economic survival.

The SBA is often the last lifeline of hope for many small businesses. Guarantees provided by the SBA for bank loans often are enough to secure a loan. The most amazing fact is that the SBA has a default rate of only 2.5 percent, or a success rate of 97.5 percent.

My experience with the SBA lifeline is first hand. It was an SBA loan that helped save our struggling businesses many years ago in Jackson, NH. We had suffered through two ski seasons without any snow plus an untimely expansion—we didn't ask for a handout, we only asked for some breathing room.

If it wasn't for the SBA, I don't know if we would still be in business today.

Due to the current recession, many New Hampshire businesses are struggling in the same position—but there are small business owners who will stay in business because of the SBA's New England lending and recovery project.

This program—which will go a long way in meeting regional needs—is authorized by the provision that permits up to 10 percent of annual authorizations to be used for special or pilot programs.

The New England lending and recovery project was part of a regional recovery plan that the SBA began in May 1991. The SBA is addressing credit problems that firms in the region face as a result of the recession and bank failures. It provides new loans to small businesses and, where possible, restructures good existing loans made by banks taken over by the FDIC.

The objective of this project is to return small businesses to the mainstream of private-sector credit, preserve jobs, and bolster the local economy.

The SBA began the first phase of the program in New Hampshire and has now expanded it to all of the New England States.

Authorizing these funds for the SBA will allow them to continue the New England lending and recovery project and save even more of New Hampshire and New England's small businesses. Small businesses are hurting, and we need to support programs which create jobs and new industries.

This is an all-to-rare concept for the Federal Government, recognizing a problem and developing a solution that really works. It was amazing to be able to prove that—"we're from the Government and we are here to help."

This program can and should be extended to other States as need dictates. However, the only way the SBA can do this is by passing the authorization in H.R. 4111. The work in New England is far from complete, but the prognosis is good.

Besides the provision for special projects, this bill provides for the bread and butter of the SBA, the 7(a) program. Demand for 7(a) loans is up over 28 percent for the year, and funds will dry up in July without additional funding.

The $1.1 billion in supplemental authorizations is minimal help for the impact that will be felt. According to the SBA, small businesses employ more than 60 percent of the private sector work force, contribute 44 percent of all sales in the United States and are responsible for 38 percent of the gross national product.

I urge you to vote for this program that leverages $1 billion in additional small business loans for only $60 million in actual authorizations. This bill saves jobs. This bill creates jobs. Our people want to work. This bill will help put our people back to work.

I urge my colleagues to vote for H.R. 4111, to provide America's small businesses with the relief they need, and, believe me, we are from the Government, and we are here to help.

This is the best bang for the buck the Federal Government can provide.

□ 1030

Mr. IRELAND. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this legislation.

I served on one of these small business lending corporations in Wyoming before I came to the Congress. I think they are most useful.

I believe, frankly, that we spend far too much time in this Congress talking about safety nets and doing the kinds of things to help people once they do not have a job, when the real goal ought to be to provide jobs. Most of our jobs, particularly in States like mine, come from small business.

So Mr. Chairman, I rise in support of this proposition. I hope that we can provide loans, that we can help small businesses, that we do something about regulation. I think that also ought to be in our minds. We over-regulate small businesses.

So Mr. Chairman, I rise in support of the legislation.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of H.R. 4111, the Small Business Credit Crunch Relief Act. This legislation, which boosts the authorization level for the SBA 7(A) loan program for the remainder of fiscal year 1992, and fiscal years 1993 and 1994, is very important in helping to meet the growing demand for SBA loans.

Current demand for 7(a) loans, which are general business loans, is up 27 percent over the previous year. This increased demand, which has been spurred by the reluctance of many banks and lending institutions to extend credit to small or startup businesses, means that the fiscal year 1992 loan authorization level of $3.85 billion will not be sufficient to provide needed loan guarantees for deserving small enterprises. For every qualified small business that is denied a 7(A) loan due to insufficient authorization levels in the program, America loses an opportunity to create more jobs, increase productivity, and generate revenue.

Mr. Chairman, the 7(A) program is a Federal loan guarantee program that reaps great benefits for a relatively small investment. An additional $1 billion in loan authorization can be achieved for about $60 million in appropriated or redirected funds. Some independent studies have shown that the Government's rate of return on investments from this program may be as high as 264 percent. These same studies show that small businesses who have borrowed funds through the SBA 7(a) program have higher sales, create more jobs, pay more taxes, and have greater after-tax profits than those small businesses who have not utilized the program.

Mr. Chairman, at a time when this country truly needs programs that stimulate the growth of new businesses and new jobs, and we have a proven program to help alleviate the barriers small businesses face in obtaining long-term capital, we cannot afford to stifle the 7(a) program's potential. Therefore, I strongly urge my colleagues to support the adoption of H.R. 4111.

Ms. NORTON. Mr. Chairman, the longest recession since World War II has left an alarming increase in business failures, especially among the most vulnerable, small businesses. The Small Business Credit Crunch Relief Act will provide at least some of the assistance needed to help many entrepreneurs achieve stability and growth. The recent surge in demand for SBA loan assistance comes as no surprise. The dismal economic climate has caused many of our Nation's financial institutions to fail, and those which have survived have retrenched in their lending practices. The loan guarantees provided by the SBA are for many, therefore, the only way to get access to desperately needed commercial credit.

The District of Columbia ranks 47th nationally in business bankruptcies, and 46th in business failures. The District's small business entrepreneurs have had steadily increased need for SBA loan assistance in recent years. In fiscal year 1990, 91 loans with a total value of $19.7 million were made to District of Columbia small business owners. During the following year, fiscal year 1991, 108 loans were made for a total of $24.5 million. In just the first 7 months of fiscal year 1992, 84 loans have already been made with a total value of $17 million. SBA officials in this region expect the demand to continue to grow. They must have additional funds in order to continue to respond to growing need.

Mr. Chairman, on July 25, 1992, I will convene a small business procurement and assistance conference here in the District. The focus will be on how to obtain Federal contracts, technical assistance, and the loans that are so vital to the survival of our local businesses. The SBA and representatives from several other Federal agencies will be participating. I deeply appreciate their involvement and cooperation. I am committed to ensuring that the SBA has the resources to continue providing opportunities and assistance in the District and in the Nation. Small enterprises, a vital blood supply for our economy, deserve no less.

Mr. WILLIAMS. Mr. Chairman, I commend you and all of the members of the committee for taking quick action to protect the ability of small businesses to access capital.

We are a Nation made up of small businesses. In 1988, 88 percent of all businesses in the United States were small businesses. This bill recognizes the importance of small business to the Nation's well-being. It builds upon the useful tool of leveraging resources so that a relatively small amount of funding can help a lot of small businesses.

In my home State of Montana 98 percent of the business establishments are small businesses employing almost 70 percent of Montana's workers. Accessible funding for these businesses is important to the well-being of the State. We've had some tough economic times with unemployment rates rising 10 percent from February 1991 to February 1992. Without small business involvement in the State the situation would be much worse. In Montana, 8,800 jobs were created from 1984–1988 by small businesses, that is 61 percent of all new jobs created in that time period.

Montana has done an outstanding job of utilizing the SBA's programs. This year the State received national recognition for the volume and quality of small business loan activity in the State. I know that these programs make a difference and I strongly support this bill.

Mr. FAZIO. Mr. Chairman, I rise today in support of H.R. 4111, the Small Business Credit Crunch Relief Act.

There is no question about the importance of small business to our Nation's economic strength. More people depend upon the small business sector for employment than any other segment of our economy. Almost 90 percent of the businesses in California are small businesses, employing over 50 percent of the work force. In a number of different ways, small businesses truly represent the backbone of our economy.

However, many small businesses in my area are currently battling a severe credit crunch. When I met with a number of business owners in my district last month, I heard first hand the problems many of these hard working people face in obtaining affordable credit. In the wake of stricter regulation of the banking and thrift industry, small business owners are at a severe disadvantage in obtaining long-term loans at reasonable rates.

Given the current credit climate, more and more small businesses are finding help through Small Business Administration loan guarantees, also known as the 7(a) loan guarantee program. These loans are designed to promote small business formation and growth by guaranteeing long-term loans. These loans can be used for expanding facilities, purchasing equipment or materials, and meeting working capital needs.

As a result of the increased demand for SBA backed loans, this loan guarantee program is desperately close to running out of funds. It is estimated that at the current rate of lending, the 7(a) loan program will exhaust all fiscal year 1992 funds by the end of the summer. The Small Business Credit Crunch Relief Act is designed to keep this vital program going. This legislation will authorize an increase in loan guarantee authority necessary to keep SBA loan guarantees going until the end of the year. Further, this measure will increase the maximum guaranteed loan level for the next 3 years.

H.R. 4111 will go far in giving our Nation's entrepreneurs the boost needed for their business to grow and prosper. The SBA loan guarantee program is a golden opportunity to plant the seed of economic growth in our communities. I hope my colleagues will join me in supporting this important legislation.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992.

I want to thank my committee chairman, Mr. LAFALCE, for his leadership on this legislation, and for his leadership in the Small Business Committee.

In Illinois, we depend on Small Business Administration programs for a good deal of economic development. The credit crunch is real in my area, and this is an appropriate Federal response.

My Chairman and other members of the Small Business Committee have ably expressed the need for this legislation and the credit situation which exists in the small business sector.

So, in my support of the bill, I would like to add just a word about the importance of small business in this country.

This is where the jobs are. This is the sector of our economy which will lead the economic recovery. And these are the people who make our communities good places to live.

We need to pay more attention to these issues and to the small business owners and operators who are out there putting it on the line every day.

I am pleased to join in this effort, and again urge support for the bill before us.

Ms. SNOWE. Mr. Chairman, I rise in strong support of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992. This is important legislation, which would allow the Small Business Administration [SBA] to guarantee more than $1 billion in new loans, and I hope that it will be approved by the Congress and enacted into law promptly.

I would also like to preface my statement in support of this measure by commending the chairman of the House Small Business Committee, Mr. LAFALCE, and the ranking minority member, Mr. IRELAND, for the leadership they have exhibited by bringing this measure to the floor. On behalf of the small business community in Maine, I want to express my gratitude for their action in this regard.

The credit crunch that has plagued small businesses in Maine for almost 2 years is a very serious problem. Small businesses, with fewer than 20 employees are the backbone of Maine's economy. In fact, they comprise more than 90 percent of all businesses in Maine.

If there is not reasonable access to financing for the vast majority of all businesses in Maine, all of the people who are employed by these businesses suffer. And, as we have seen in the last few years, Maine's economy has gone through some very difficult times. As the economy has gone through such troubles, so have the many small businesses of our State. But, the passage and enactment of H.R. 4111 will be of significant help to our State's small businesses.

First, H.R. 4111 increases the maximum guaranteed loan level for the SBA in fiscal year 1992, the current year, as well as fiscal year 1993 and fiscal year 1994. Once enacted, H.R. 4111 will allow the SBA to redirect the expenditure of $60 million in funds, and in so doing allow the SBA to guarantee up to an additional $1.2 billion in loans.

Also, H.R. 4111 allows the SBA to use up to 10 percent of its loan program authorizations for special or pilot programs directed at specific sectors of the small business community in certain geographic regions of the United States.

I have been working to help Maine small businesses obtain reasonable credit for more than 2 years. In fact, in early May 1990, I wrote a letter to House Banking, Finance and Urban Affairs Committee chairman GONZALES expressing concern about the impact that a lack of credit was having on Maine's economy and asking for the committee to hold public hearings exploring this issue.

In my letter, I made specific reference to the fact that "well-respected, long-time bank customers who have solid credit ratings" were beginning to have problems obtaining needed credit. I understand that banks have to exercise sound judgment in deciding who can repay a loan, and who cannot. But the fact that people with solid credit histories were being rejected for financing was an early signal of the trouble ahead for Maine small businesses.

The next month, June, I spoke to Federal Reserve Board Chairman Alan Greenspan about my concerns regarding the credit crunch. I wanted Chairman Greenspan, as a key Federal banking regulator, to know of the concerns that Maine small businesses had regarding the actions of banking regulators and banks were having on their ability to stay in business.

By the spring of 1991, the credit crunch had gotten worse, not better. Maine small businesses, with good credit histories, were continuing to have trouble obtaining needed credit to remain afloat. Consequently, I organized two public forums to discuss the credit crunch with small business owners, bankers, and regulators participating in a panel discussion with an audience of interested Mainers. In March, I held a credit crunch public forum in Auburn, which was attended by more than 100 people, and in early April I held a second event in Bangor, with more than 70 people present for that function.

At both public forums, small business owners expressed their concerns about how much trouble they were having obtaining credit, despite longstanding relationships with banks and commendable credit records. While these forums did not solve the credit crunch, they were helpful in fostering an exchange of views between all of the key constituencies involved in this matter.

In June, the SBA launched a program in Maine, called the Revolving Line of Credit [RLC] Program, that was designed to provide small manufacturing businesses in Maine with credit, based on their inventories and accounts receivables. This program was specifically designed and implemented in Maine, to respond to the concerns that had been raised at my two public forums.

Then, in the early months of this year, the SBA launched the New England Lending and Recovery Program, which allows the SBA to issue Federal loan guarantees to creditworthy small businesses who are jeopardized by the failure of their commercial lender. With the takeover of two large commercial lenders in our State in recent months, this program has been particularly helpful as the SBA has been aggressively taking advantage of this program.

Last month, Senator COHEN and myself hosted SBA Administrator Pat Saiki at two meetings with local Maine small businessowners in Bangor and Portland. At each event, Administrator Saiki briefly addressed the audience about the variety of programs that the SBA offers to small businesses, and then answered questions from the audience.

Thus, supporting House passage of H.R. 4111 is yet another logical step in my efforts to help Maine small businesses survive these difficult times, so that when the economy rebounds they can prosper. I hope that all of my colleagues in the House will join me in enthusiastically supporting this bill, and working toward its prompt enactment.

The small business community is too vital to our economy's health for partisan bickering to prevent the Congress from responding to its need. The time for decisive action in moving this bill toward enactment is now.

Mr. GUNDERSON. Mr. Chairman, it will take increased small business activity to lead the Nation out of the recession. America's small businesses employ 60 percent of the work force and produce 38 percent of the Nation's gross national product.

Unfortunately, small businesses eager to increase their activity, and looking for capital, are being held back. The credit crunch created by banks unwilling to lend money is a large part of the problem.

To help, I introduced legislation with Representative IRELAND, H.R. 4197, to increase the amount of capital available for loan by the Small Business Administration. This bill preceded H.R. 4111 offered by Chairman LAFALCE. I appreciate his willingness to push his own bill for increased SBA loan guarantee funding. Demand for loans from the SBA Loan Guarantee Program is up 23 percent over last year.

Let me relate the importance of this program to my own home State, and to my own congressional district. Last year alone, the Loan Guarantee Program provided over $184 million for Wisconsin businesses, creating 2,796 new jobs; 156 of those new jobs were in western Wisconsin, created through just 41 loans totaling nearly $18 million. The loans, which of course are paid back to the Government, generated $41 million in tax revenues.

More loans were approved in Wisconsin than in any other State in the Midwest region. The per capita rate of SBA lending also is among the highest in the Nation, while loan delinquency rates are the lowest in the Midwest region.

In Eau Claire, our largest city, the SBA made loans to 17 small businesses. Combined, these businesses employ 368 workers—20 more than last year.

In La Crosse County, our largest, just 4 loans created 27 additional jobs, bringing to a total of 118 jobs provided by the loan recipients.

Other loans were made as follows:

Barron County, four loans, $430,000, creating four new jobs.

Crawford County, two loans, $1.77 million, creating 19 jobs.

Dunn County, one loan, $831,000, creating four jobs.

Eau Claire County, 17 loans, $3.8 million, creating 20 jobs.

Grant County, one loan, $95,000, no new jobs.

Jackson County, two loans, $930,000, no new jobs.

La Crosse County, four loans, $5 million, creating 27 jobs.

Pierce County, one loan, $455,000, no new jobs.

Polk County, two loans, $2.5 million, creating 16 jobs.

St. Croix Falls, six loans, $1.7 million, creating 66 jobs.

Trempealeau County, one loan, $190,000, no new jobs.

This represents a good start. However, there are still too many small businesses that need help. They have solid business plans for start up ventures and expansion, but are not getting enough help from local lenders.

By expanding the SBA Loan Program, the credit crunch problem should subside. Under the program, the SBA covers 90 percent of a bank's risk for each guaranteed loan.

As important, SBA loans often free up other community-based loans for additional funding. For example, the city of Eau Claire, WI has established a $600,000 fund to assist business development in the community. Businesses may get up to 30 percent of their desired loan amounts from the fund after securing funding elsewhere first.

Mr. Chairman, the recession will end only when communities and local leaders combine resources to assist area small businesses. Until then, they will continue to be held back from doing what they do best—putting Americans to work. In my view, it is critical that we increase the funding levels for the SBA Loan Guarantee Program to match demand. I appreciate the willingness of Chairman LAFALCE and Mr. IRELAND to help my own efforts on meeting that demand.

Mr. RAMSTAD. Mr. Chairman, I rise today in support of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992. I would like to commend the chairman of the Small Business Committee for his leadership in introducing this legislation.

In testimony before the Small Business Committee we have learned that the SBA's general business loan program will likely be exhausted sometime this summer. This is particularly alarming because this program is very effective, successful, and especially critical during the current credit crunch.

Mr. Chairman, the credit crunch is one of the biggest problems facing the small business community and our country. The SBA guarantee program has saved jobs and small businesses and is the lifeline for the communities in which they're located.

By ensuring that small businesses have access to credit, this legislation will provide an economic stimulus that will help ensure that small businesses continue to play an important role in the health and success of our Nation's economy.

I am pleased to be a cosponsor of the Small Business Credit Crunch Relief Act, and urge my colleagues to support this important legislation.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of H.R. 4111, the Credit Crunch Relief Act.

The credit crunch is very real, and the small businesses in my district are feeling it. The high cost of capital is bad enough, but even small businesses that are willing to pay the price are having trouble finding willing lenders.

SBA guaranteed loans are direct investments in our communities; creating jobs and building opportunities. The small business community currently employs half of our Nations' work force; two-thirds of the new jobs created in America will be created in small businesses.

I urge my colleagues to join me in supporting the small Business Credit Crunch Relief Act.

Mr. HOYER. Mr. Chairman, today I rise in strong support of H.R. 4111, the Small Business Credit Crunch Relief Act. This is an important bill which will help thousands of businesses across the country that are faced with a credit crisis.

Let's be clear about who is affected by this credit crunch. These are not businesses that are failing. Many of them have very strong bottom lines and are fiscally sound, but due to the economic climate, they have not been able to receive the loans and credit they need. This means that these businesses cannot compete or provide the jobs and incomes that are desperately needed to bring this country out of the current recession.

This bill will help cover the loan guarantees provided by the Small Business Administration's [SBA] 7(a) program to ensure that those fiscally sound business that are turned away from the local bank will still have the option of turning to a receptive and responsive source of financial assistance. Assistance which businesses can use to expand their operations, or convert their operations to reflect changes in the economy, or simply to obtain the capital they need to keep their operations moving forward. This program provides opportunity and helps give small businesses the backing and flexibility they need to succeed in a weakened economy.

In light of the fact that small businesses comprise nearly 99.6 percent of all businesses in this country, and were responsible for approximately 90 percent of the private sector jobs created in 1990, our economy cannot allow our economy's engine to run out of fuel. Small businesses are putting people back to work, and we must encourage this.

While small businesses are clearly the engine driving job creation in this recession, we cannot ignore the important contribution of homebuilders to turning recessions around. Homebuilders employ a broad base of the small businesses we are trying to help today, and we must ensure that our homebuilding industry is strong and vibrant if we want our economy to move forward.

If this legislation is not passed, it is projected that the current 7(a) program will run out of money by October. We cannot allow this to happen. Our economic indicators now show some positive trends. This reflects similar trends which occurred last year. However, 1 year ago we did not act, and our economy slipped back into recession. Let's make sure that the 7(a) program is strong, let's make sure our economic recovery does not fizzle away again with the heat of summer.

Mr. PASTOR. Mr. Chairman, today this body will be voting on a piece of legislation that will effect people all throughout the Nation. H.R. 4111, the Small Business Credit Crunch Relief Act, will provide much needed assistance to thousands of small business men and women in nearly every sector of the economy. The bill increases authorization for the SBA's 7(a) Loan Guarantee Program by an average of 47 percent for each fiscal year through fiscal year 1994. This will enable the Small Business Administration to guarantee nearly $3 billion more in loans for small business people at a time when the small businesses of this Nation need it most.

Small business lies at the very heart of not only my State of Arizona's economy, but our country's economic well-being. If America's small businesses are ailing, then the American economy is ailing. And right now, Mr. Chairman, the small businesses of this country are hurting. Arizona ranks seventh in the Nation in small business failures. H.R. 4111 can help the good people of Arizona as well as the rest of the Nation. I commend Chairman LAFALCE and the Small Business Committee for their hard work, and I urge my colleagues to vote for H.R. 4111 when it comes to the floor later today.

Ms. DELAURO. Mr. Chairman, today Connecticut is struggling through a 3-year recession and unemployment that is reaching record levels. Small business, the traditional engine of economic growth and job creation, is hamstrung by a weak economy and the credit crunch.

Clearly, unless we give small businesses a hand, our economy can't grow and this recession will continue to deepen.

This program will provide the help that small business and local entrepreneurs need to build new businesses and expand existing ones. It will help create jobs and give our economy the help it so desperately needs.

Mr. Chairman, because of the unavailability of credit in the private market, demand for this program has increased dramatically this year. The SBA expects $700 million more in demand than the $3.85 billion appropriated. Part of this increase comes from the New England and recovery project, which is intended to help small businesses affected by bank failures in the Northeast.

We need this aid in Connecticut, Mr. Chairman, and we need it across the country. I urge support for this bill and urge its quick passage.

Mr. SWETT. Mr. Chairman, I rise today in support of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992. Probably no State has fallen harder or faster in the current recession than my home State of New Hampshire. Between 1988 and 1991, bankruptcies increased 324 percent, total employment dropped 9 percent, and the number of families on welfare increased 167 percent. Last December, unemployment reached a 14-year high in the State.

Last January, the Small Business Administration announced the launching of a new pilot program starting in my State. In its first 3 months of operation, the New England economic recovery and lending project has saved 34 New Hampshire businesses with $15.6 million in loan guarantees. Mr. Chairman, that figure translates into 840 people in my State who will continue to receive paychecks, continue to pay taxes, and continue to stay off of the public relief rolls. Thanks to the SBA, these businesses will now be in a good position to take full advantage of the coming economic recovery and repay those loans in full rather than be forced into bankruptcy.

The passage of the Small Business Credit Crunch Relief Act is necessary if the SBA is to continue to provide this essential assistance to our Nation's small businesses. Mr. Chairman, this is one example of a Federal program that is working—let's pass H.R. 4111 and make sure it continue to do so.

Mr. MAVROULES. Mr. Chairman, today the House of Representatives overwhelmingly endorsed the Small Business Credit Crunch Relief Act of 1992, H.R. 4111. This legislation would provide much needed assistance to the small businesses of this country, and especially New England, by increasing the availability of loans guaranteed by the Small Business Administration [SBA]. H.R. 4111 has the same objective as legislation that I introduced last year, the Small Business Recovery Act of 1991, with the help of the New England Council, Inc., to help ease the credit crunch small businesses are experiencing.

In recent months, there has been much talk about the engine that drives the national economy and what Congress can do to get that engine started and running smoothly. There have been calls to raise taxes, lower taxes, provide a tax refund, halt Government spending, increase Government spending, and just about every other imaginable provision, all in the name of ending the recession. Such proposals, while they attempt to tune up the economic engine, fail to come to terms with the fact that the engine is small business, and it has run out of gas.

You know as well as I that securing capital has become extremely difficult for small businesses, most notably in New England where bank failures have had a deleterious effect on the availability of credit. Indicative of this trend is the fact that the SBA has experienced an increase of approximately 27 percent and 36 percent for the so-called 7(a) loans and development company guarantees, respectively. It is clear to me from these facts, and from listening to small business people in New England and hours of testimony in Washington, that eradicating the credit crunch is key to bringing small businesses back to life and increasing employment opportunities nationwide, thus ending this recession.

The Small Business Credit Crunch Relief Act of 1992 will make SBA loans and guarantees more easily obtainable. This legislation increases the authorized appropriations for 7(a) and general purpose loans an average of $2 billion annually from 1992 through 1994, and the levels for development company loan and debenture guarantees by an average of $200 million for the same years.

H.R. 4111 would ease the credit crunch for small businesses, get the economic engine chugging, and put the country on the road to economic recovery. After enactment of this legislation, I intend to work with the appropriations to ensure that it is fully funded. I am pleased to have been a supporter of H.R. 4111 and pledge my continued support for the growth and development of small businesses.

Mr. LEHMAN of California. Mr. Speaker, I rise today to express my strong support for H.R. 4111, the Small Business Credit Crunch Relief Act. This legislation will enable small businesses to qualify for a greater number of Small Business Administration [SBA] loans which will, in turn, alleviate the credit crunch that so many of them are now facing.

Small businesses, which account for 95 percent of all businesses in the United States, provide the foundation of our economy. Presently, many small businesses are reeling from the effects of the recession, bank failures, onerous Federal regulations, and the increasingly high costs of staying in business. Many small businesses simply cannot afford to invest in their business through modernization, expansion, or research and development. Instead, many are losing money and are on the edge of failure. It is time for the Congress to do something to assist small businesses. The time is now and that is why H.R. 4111, the Small Business Credit Crunch Relief Act, is so important.

This legislation will increase the maximum guaranteed loan level for the SBA's section 7(a) general business and development company guaranteed loan programs. Presently, the section 7(a) general business loan program and the development company program will run out of money by October. The SBA has had to borrow from the future in order to pay for the program's current outlays. This legislation will authorize additional funds for the section 7(a) program as well as give greater flexibility to the SBA to direct resources to specific sections of the small business community or to specific geographic regions of the country.

Small businesses are critically important to our economic vitality. It is time we recognize this and give the SBA more funds and more authority to carry out their mission to aid small businesses.

I urge my colleagues to join me in supporting this critically needed legislation.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today to express my strong support for H.R. 4111, the Small Business Credit Crunch Relief Act of 1992.

America's 20 million small businesses are critical to our economy at every level—national, State, and local. Their risk taking and innovation are the driving force behind our economy. While larger businesses have continued to downsize during the past few years, small businesses have continued to account for the majority of new jobs. For example, in 1990, small businesses accounted for 90 percent of new jobs. Furthermore, over the next 25 years, the United States will need to create about 43 million jobs; small business will create 75 percent of these jobs.

Congress must renew its effort to support and promote policies that encourage growth in this vital sector of the economy. Two programs which assist small businesses are SBA's 7(a) Loan Program and Development Loan Program. The high demand for these programs demonstrates the need for additional funding. Current estimates report that funding for the 7(a) and development programs will run out of money by October. During the current economic climate, we cannot afford to allow these programs to run out of funding.

This legislation will allow the Small Business Administration to provide additional loan assistance to small businesses. These loans may be used by small businesses to purchase land, buildings, or materials or to construct or expand facilities. All assistance in increasing the flow of capital to small businesses is important and necessary during the current economic situation.

As a Member from New England, I have seen the effects of the credit crunch in Connecticut firsthand. The availability, or lack thereof, is one of the main problems in encouraging entrepreneurs to open a new business or to expand current operations. This legislation will provide the funding to implement the New England lending and recovery project. This project will provide additional assistance to a region which has been especially hard hit by the credit crunch and banking crisis. This program will allow businesses to continue their operations while loans are restructured or new sources for loans are found.

I am pleased that the Small Business Committee took quick action to bring this measure to the floor. This measure enjoys strong bipartisan support from members on the committee and from the administration. I look forward to passage of this legislation during Small Business Week.

Mr. SARPALIUS. Mr. Chairman, I rise in support of H.R. 4111 and commend my colleagues on the committee for this fine piece of legislation designed to expand the resources available to American small business.

We all know that small businesses in America generate the majority of the jobs in this country. We should do whatever we reasonably can to nuture small businesses and broaden opportunity for entrepreneurs.

I do, however, wish to express one concern about the lending criteria of the Small Business Administration. It has been brought to my attention that the SBA, as a matter of practice, concentrates almost solely on lending to new businesses to such a degree that older, existing businesses need not apply. The SBA has said that one reason for this is that funds are limited and that new business ventures are a priority. On the surface this seems reasonable, but it may not be the whole story and certainly cannot apply in every instance.

An example of the kind of existing business need I speak of might be the refurbishing or modernizing of a service-oriented business, a restaurant, retail store, or small lodging facility. The refurbishing or repair of an existing business would enhance the ability of that business to attract customers and therefore increase its economic viability and provide more jobs. Further, Mr. Chairman, funds for renovation and modernization also provide jobs for construction workers and contractors.

As any person in business can attest, funds from commercial lenders for this kind of necessary activity are virtually nonexistent. The SBA can fulfill the goal of enhancing capital availability for small businesses by addressing this kind of need.

Where is the fairness of denying a loan for refurbishing an existing business, say, a restaurant, while granting a loan for a new restaurant to open across the street which might well put the existing one out of business. I hope that the Small Business Administration will take this into consideration when deciding how to use the additional funds made available by this bill. It is just as important to keep existing businesses in business as it is to start new ones.

Mr. JOHNSON of Texas. Mr. Chairman, finally this House has a chance to enact legislation that will actually help the economy of this country. The Credit Crunch Relief Act of 1992 is a chance for this body to give a boost to small business in America.

Today we have a chance to show the American people that Congress can spend tax dollars on a worthwhile program and at the same time, reap an economic reward. You see, most of us don't realize, but America is made up of more than 20 million small businesses—and those businesses provide for roughly 70 percent of this country's entire work force. These are taxpayers; an investment in their work place is an investment in returned revenue. And Mr. Chairman, with default rates on small business loans averaging just around 5 percent, this is one investment we can put our money on; and worth every dollar.

I particularly support the bill's reauthorization of the New England Loan Program. This plan is helping save small businesses in New England from the sometimes unbending ways of Federal bank and thrift supervisors. When the FDIC or RTC takes over a financial institution, often they opt to call in performing loans rather than try to work them out with the borrowers. This has happened more times than I care to remember in Dallas and my home State of Texas.

The New England Program is rescuing small businesses from the clutches of the bureaucrats and giving them a chance to remain a contributor to society. This is one improvement I know the people of Texas would like to see, and I'm sure the same goes for the rest of the country.

But while this innovative idea should be expanded, we must make sure we keep the existing program up and running until we can assess its strengths and weaknesses.

The choice is clear: A "yes" vote on this bill is a vote for small business, and for prudent spending of valuable and scarce taxpayer dollars. I urge my colleagues to vote "yes" on this bill and join me in supporting the growth of small business in this country.

Ms. OAKAR. Mr. Chairman, I rise in support of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992, as reported by the Committee on Small Business under the able chairmanship of the gentleman from New York State, Representative LAFALCE.

It is my understanding that the bill contains authorizations for the SBA for fiscal years 1992 through 1994. These funds would replenish the general business loan program and the community development loan company program—which have been totally loaned out for the balance of the current fiscal year—and would go on to provide reasonable increases in these loan programs for the next 2 fiscal years.

SBA PROGRAMS NEEDED TO COMBAT THE RECESSION

I commend Representative LAFALCE for his timely action on this bill. It seems to me that the highest priority for the U.S. Government is to act wisely and effectively to fight the prolonged recession we are in, and set the economy on the road to short-term and long-term growth and competitiveness. SBA loans are a significant part of an antirecession strategy. The Agency's loan guarantees can make available funds to enterprising, job-creating firms that banks would not otherwise provide. The SBA business loan programs have again proved their worth in this recession. The proof is that demand for two of the most significant loan programs have already exhausted their funds for fiscal year 1992 (ending September 1992). If Congress does not act, SBA lending programs will soon grind to a halt, making it measurably more difficult for the Nation to climb out of this recession.

SERIOUSNESS OF THE RECESSION

The recession we have experienced for almost 2 years is a very serious matter for business and industry, householders and individual citizens. Since the economic downturn began in June 1990, unemployment has increased by more than 2½ million persons (2.68 million), from 6.56 million in June 1990 to 9.24 million in February and March 1992. Long-term unemployment (of 15 weeks or more) has more than tripled, from 1 million to 3.2 million (see Economic Indicators, Council on Economic Advisors, December 1991, page 11, and March 1992, page 11).

The cyclical factors contributing to this recession have been aggravated by at least three types of structural changes: First, America's loss of competitiveness in certain industries—such as automobiles, where General Motors is closing 21 plants and laying off 74,000 employees; second, employment and contract reductions resulting from the largest defense build-down since World War II—which may cost the economy 1 to 2 million jobs over the next 10 years; and third, a financial crunch that has inhibited lending to businesses and individuals.

CREDIT CRUNCH WORSENING THE RECESSION

The Small Business Committee's report on H.R. 4111 (House Report 102–492), addressed the credit crunch that has been dampening small business and general economic growth for more than a year.

It is important to document these conditions. Last April (1991), a study by the Federal Reserve reported that the so-called credit crunch has not eased. The basic information was that lending officers at about one-quarter of the banks surveyed had tightened credit standards for businesses in the prior quarter, and no banks reported relaxing such standards. In releasing the study, Federal Reserve Board Chairman Alan Greenspan observed that the unwillingness of some banks to lend to creditworth businesses has helped cause the current recession (see Washington Post, April 4, 1991, page C13).

Nine months later, President Bush, in his State of the Union message (Jan. 29, 1992), noted that these conditions have persisted, saying:

> Further, for the untold number of hard-working, responsible American workers and business men and women who've been forced to go without needed bank loans, the banking credit crunch must end.

More than a year later, the credit crunch has not ended. Its continuation is evidenced by a May 11 statement by Deputy Treasury Secretary John E. Robson that: "It is time that the banks came out of hibernation and started lending." In my own city of Cleveland, the council on smaller enterprises [COSE] recently related the story of a company that specializes in placing metal plating on plastics. This firm was in business for 35 years before a fire destroyed its premises 4 years ago. When the firm decided to restart its operations, it had plenty of experience, an excellent reputation, and adequate equity capital to go on. But, since it was seeking a relatively small loan of $1.2 million, it was turned down by 5 banks in our area over a 6-month period. Finally, a sixth bank was willing to make the loan, but only on the condition that the SBA would provide a guarantee. The council informs me that this credit situation is representative of what is going on in Cleveland.

COSE also points out that bank loans are the only source of capital available to smaller firms, since they do not have access to the stock, bond, or commercial paper markets.

Thus, at a time of such constraint on the part of the banks, Small Business Administration loan programs are especially important. These bad economic times are exactly what the SBA programs are designed to counteract.

VITAL ROLE OF SMALL BUSINESS AS GENERATOR OF JOBS

It is well known that smaller businesses create more than half the jobs in the American economy in normal periods, and even a higher proportion during recessions.

This role was confirmed by recent SBA figures showing that for the period 1988–90, smaller private sector firms with less than 500 employees generated 3.166 million new jobs while firms with more than 500 employees lost 501,000 jobs, for a net new job creation of 2.66 million. Therefore, during this 2-year period, it is fair to say that small business accounted for more than 100 percent of the new jobs in the U.S. economy.

During recessions, smaller firms also tend to keep employees on the payroll longer. The U.S. Bureau of Labor Statistics found that, between December 1990 and December 1991, smaller firms (with less than 500 employees) reduced jobs by 240,000, while the larger firms reduced jobs by 467,000.

SMALLER BUSINESS CONTRIBUTIONS TO COMPETITIVENESS

Small businesses have also generated about half of all the industrial innovations in the American economy. It is in the nature of small firms—and particularly new firms—seek out the market niches where they can develop a competitive advantage.

The small business community is thus one of the prime resources for creating and maintaining employment and making our economy more adaptive and competitive.

Yet, at present, these small and new firms being heavily impacted by the recession, the credit crunch and the defense budget reductions that are being concentrated in the 1992–97 period.

SBA LOAN PROGRAMS CAN HELP

As our example in Cleveland illustrates, the programs of the SBA can help resolve some of the current financing problems of small business, and therefore shorten the recession. So, in my opinion, replenishing the SBA business loan and community development loan programs can have many both short-term and long-term benefit for jobs, innovations, and the general economy. The loans authorized by H.R. 4111 will be repaid, with interest. The additional overall dynamism created by these small firms will generate new Federal, State, and local revenue from payroll, income, and real estate taxes that will help reduce the budget deficit.

For all of these reasons, I believe H.R. 4111 deserves the support of all Members, and I would urge all Members to vote for its passage.

Mr. IRELAND. Mr. Chairman, I yield back the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment.

The clerk will read.

The clerk read as follows:

H.R. 4111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Credit Crunch Relief Act of 1992".

SEC. 2. Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by inserting the following at the end of subsection (a),:

"(4) Except as may be otherwise specifically provided by law, the amount of deferred participation loans authorized in this section (A) shall mean the net amount of the loan principal guaranteed by the Small Business Administration and does not include any amount which is not guaranteed, and (B) shall be available for a national program, except that the Administration may use not to exceed an aggregate amount equal to 10 per centum of the amount authorized each year for special or pilot programs directed to identified sectors of the small business community or to specific geographic regions of the United States.",

(2) by striking paragraph (2) of subsection (e) and inserting in lieu thereof the following:

"(2) For the programs authorized by this Act, the Administration is authorized to make $5,778,000,000 in deferred participation loans and other financings; and of such sum, the Administration is authorized to make $5,000,000,000 in general business loans as provided in section 7(a), $53,000,000 in loans as provided in section 7(a)(12)(B), and $725,000,000 in financing as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.",

(3) by striking paragraph (2) of subsection (g) and inserting in lieu thereof the following:

"(2) For the programs authorized by this Act, the Administration is authorized to make $6,830,000,000 in deferred participation loans and other financings; and of such sum, the Administration is authorized to make $6,000,000,000 in general business loans as provided in section 7(a), $55,000,000 in loans as provided in section 7(a)(12)(B) and $775,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.", and

(4) by striking paragraph (2) of subsection (i) and inserting in lieu thereof the following:

"(2) For the programs authorized by this Act, the Administration is authorized to make $7,883,000,000 in deferred participation loans and other financings; and of such sum, the Administration is authorized to make $7,000,000,000 in general business loans as provided in section 7(a), $58,000,000 in loans as provided in section 7(a)(12)(B), and $825,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.".

Mr. LAFALCE (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 6, after line 7, add the following new section:

SEC. 3. BUY AMERICAN.

PREFERENCE.—In providing financial assistance with amounts appropriated pursuant to the amendments made by this Act, the Administrator of the Small Business Administration shall when practicable accord preference to small business concerns which use or purchase equipment and supplies which are produced in the United States. The Administrator shall also encourage small business concerns receiving such assistance to purchase such equipment and supplies.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I encourage the committee to accept the redrafted language.

Mr. Chairman, I yield to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I admire the diligent efforts of the gentleman from Ohio. I share a common cause with him in trying to create and promote jobs within the United States. I believe that the amendment that has been finally crafted within the past several minutes meets the test of international law and treaties, while effectuating our common purposes.

Therefore, Mr. Speaker, I would be pleased to accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Florida [Mr. IRELAND], the distinguished ranking member.

Mr. IRELAND. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, as the gentleman knows, I am opposed to his amendment.

I will not oppose the changes that the gentleman has suggested in his amendment, and would be pleased to have it considered as it has been changed.

In addition to that, I will not use the time of the House to call for a vote on the amendment, but indeed I would like an opportunity, if the gentleman will yield further, to point out my objection to this kind of amendment and would only ask in a rhetorical fashion these questions.

Does the amendment prohibit small businesses from getting loans from banks partially owned by a foreign investor.

Mr. TRAFICANT. No, Mr. Chairman, it would not.

Mr. IRELAND. Is an SBA loan recipient who owns a restaurant prohibited from buying seafood caught by some foreign fisherman?

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, no, it would not.

Mr. IRELAND. Does this mean that a small electronics store would be unable to see VCR equipment produced somewhere else, if indeed he had an SBA loan?

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, no, it would not.

Mr. IRELAND. And in an Irish pub, you could not sell Irish whiskey?

Mr. TRAFICANT. Mr. Chairman, I do not mean to make light of it, but let me state what it will do. The word will get out that if you want a small business loan, it would be wise to participate in our own economy, in our own products, and you are not going to get handcuffed to a chain link fence and flogged because of the provision, but it begins to set a procurement tone, and that I think is absolutely necessary today.

Mr. IRELAND. I would ask for the purpose of pointing out the change in the amendment, under the new form of the gentleman's amendment there are no reporting requirements of the Small Business Administration.

Mr. TRAFICANT. I will agree in an effort to have this modified language included in the final version of the bill to strike that requirement; but here is the only thing I would like to say to the membership. We do not provide in many cases oversight and we do not check compliance on many things.

Now, I understand they have an awful lot of headaches, an awful lot of problems, an awful lot of paperwork. I will at this point agree to that; but I will tell you, if we are not at some point as Congress going to ensure that our procurement policies are at least minimally complied with, then we will have failed to provide said oversight, so I will agree to that and will in fact not press for it.

Mr. IRELAND. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIGGS: Page 6, line 7, add the following:

SEC. 3. The Congress supports the 90-day moratorium on unnecessary new regulations contained in the memorandum issued by the President entitled "Memorandum on Reducing the Burden on Government Regulation", dated January 28, 1992, and supports the 120-day extension of the moratorium announced by the President on April 29, 1992. The Congress further finds that the moratorium has benefited small business concerns and supports any additional extension of the moratorium which the President determines necessary.

POINT OF ORDER

Mr. LaFALCE. Mr. Chairman, I object to the amendment on the grounds that it is not germane to the Small Business Act and it is not appropriately before the House.

The CHAIRMAN. The Chair will inquire of the gentleman from New York, does the gentleman make a point of order or reserve a point of order?

Mr. LaFALCE. I make a point of order, Mr. Chairman, that it is not germane.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LaFALCE. Mr. Chairman, the bill we are considering is the Small Business Act and the loan guarantee authority authorized by the Small Business Act.

This in no way relates to any of the matters before us today. It in no way relates to the Small Business Act.

The moratorium proposed by the President, or promulgated by the President covers virtually every Federal agency. This is way beyond the scope of the Small Business Act.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. RIGGS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. RIGGS. Mr. Chairman, I would point out that really there are two major steps that we have to take to get our country and our economy moving again out of this prolonged recession. I appreciate the gentleman's efforts with respect to making available greater credit financing for small businesses, but the second and equally important step is to reduce the regulatory burden imposed on small businesses by the Federal Government.

My amendment as a sense of Congress is very simple and straightforward. It seeks to put the Congress on record as supporting the President and the executive branch in the moratoria that have been imposed on new regulations, particularly as it applies to small businesses.

Therefore, Mr. Chairman, I would make the point that it is indeed germane.

The CHAIRMAN (Mr. VALENTINE). The Chair is prepared to rule.

The amendment is not germane to the bill, which is confined to an amendment to section 20 of the Small Business Act, and for the reasons stated by the gentleman from New York, the Chair rules that the amendment is not germane and sustains the point of order.

□ 1040

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEAL of Massachusetts) having assumed the chair, Mr. VALENTINE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4111) to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes, pursuant to House Resolution 452, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LaFALCE. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 2, not voting 33, as follows:

[Roll No. 122]

YEAS—399

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
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Dorgan (ND)
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Edwards (CA)
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Evans
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Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
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Hall (OH)
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Hayes (IL)
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James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
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Jontz
Kanjorski
Kaptur
Kasich
Kennedy
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Kildee
Kleczka
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Lehman (CA)
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McMillan (NC)
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McNulty
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Miller (CA)
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Neal (MA)
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Obey
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Olver
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Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
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Peterson (FL)
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Petri
Pickett
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Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
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Rinaldo
Ritter
Roberts
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Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
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Smith (FL)
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Taylor (MS)
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Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—2

Armey
Crane

NOT VOTING—33

Anthony
AuCoin
Borski
Byron
Chapman
Collins (MI)
Dannemeyer
Davis
Dymally
Feighan
Ford (MI)
Hatcher
Henry
Johnson (CT)
Kolbe
Kolter
Levine (CA)
Lightfoot
Luken
McCrery
Miller (WA)
Moakley
Moran
Murphy
Oakar
Sangmeister
Santorum
Schumer
Staggers
Sundquist
Vander Jagt
Waters
Wilson

□ 1108

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. COLLINS of Michigan. Mr. Speaker, during rollcall 122 today I was in a physician's office. Had I been present, I would have voted yes for H.R. 4111.

PERSONAL EXPLANATION

Mrs. COLLINS of Michigan. Mr. Speaker, I was unable to be present at today's floor votes on H.R. 4111, the small business credit crunch relief bill because of a scheduling conflict between the changed floor schedule, and a doctor's appointment.

Had I been present, I would have voted in favor of the Traficant amendment, and in favor of final passage of this measure. The importance of these loan guarantees is immeasurable for distressed areas like my own district in the Detroit Metropolitan area.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4111, the bill just passed.

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 454

Resolved, That after adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes. Debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit. All points of order against the bill and against its consideration for failure to comply with the provisions of clause 2(1)(6) of rule XI and with clauses 2 and 7 of rule XXI are hereby waived.

□ 1110

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 454 is the rule providing for consideration in the House of H.R. 5132, dire emergency supplemental appropriations for disaster assistance. The rule provides for 1 hour of general debate on the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

This rule waives clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in a general appropriation bill. The rule also waives clause 7 of rule XXI, which requires relevant printed hearings and the committee report to be available for 3 days prior to consideration of an appropriations bill.

In addition, the rule waives clause 2(L)(6) of rule XI, requiring a 3-day layover. These waivers will enable the House to consider this bill today, so that we can speed along the process for getting emergency funds to the places where they are so urgently needed.

Finally, House Resolution 454 provides for one motion to recommit.

Mr. Speaker, H.R. 5132, the bill made in order by this rule, provides supplemental appropriations totaling $495 million for disaster assistance programs of the Small Business Administration [SBA] and the Federal Emergency Management Agency [FEMA].

Because of the recent riots in Los Angeles and the flooding caused by the collapse of a tunnel in Chicago, the demands on Federal emergency disaster assistance programs are expected to exceed already appropriated amounts. This funding will enable victims of the riots and the flooding to obtain the assistance that is normally provided in cases of Presidential declared disaster areas.

The funds contained in this bill are designated by Congress as emergency spending; as such, they are not subject to the appropriations spending limits and will not pose a threat of sequestration to other spending programs, so long as the President also declares these funds to be emergency spending.

Although breaching our spending limits is an action that should be taken only in a true emergency, I think that it is fair—in fact, it understates the case—to characterize the destruction caused by the rioting in Los Angeles as a dire emergency.

The rebuilding and the healing in Los Angeles is beginning; this bill will help speed it along. H.R. 5132 is a deliberately narrow measure which addresses only the most urgent needs which our disaster programs are designed to meet. We need to pass this measure as quickly as possible to provide relief while we work on more comprehensive ways to solve the problems of our inner cities.

Mr. Speaker, I urge the adoption of House Resolution 454 so that we can proceed with the consideration of H.R. 5132.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, both leaderships have agreed on this rule providing for consideration of the bill in the House. Therefore, I will support it.

As we all know, Mr. Speaker, two of our major cities have experienced disasters recently. Chicago had extensive flooding due to a collapsed tunnel underneath the Chicago River. Los Angeles suffered over 5,500 reported fires and an estimated $785 million in damages after the jury delivered its verdict in the Rodney King police trial.

This supplemental would provide for disaster assistance this year to meet the needs of victims of these two cities. H.R. 5132 appropriates $469.7 million in new budget authority for direct loans and assistance payments, and $25 million for administrative expenses. The funds are appropriated to the Small Business Administration and to the Federal Emergency Management Agency.

Mr. Speaker, I would like to note that the administration urges the House to pass the bill as reported by the Appropriations Committee. The President has committed to provide approximately $600 million in disaster assistance to the areas affected and this bill is consistent with that commitment.

Mr. Speaker, again I support this rule and urge its passage so that we may get down to the business at hand.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I support the rule and strongly support H.R. 5069 providing supplemental funding for disaster relief programs implemented by the Small Business Administration and FEMA. A special thanks should go to our colleagues, the gentleman from Mississippi [Mr. WHITTEN], the gentleman from Iowa [Mr. SMITH], the gentleman from Michigan [Mr. TRAXLER], as well as to the ranking minority Member, the gentleman from Pennsylvania [Mr. MCDADE], the gentleman from Kentucky [Mr. ROGERS], and the gentleman from New York [Mr. GREEN], for expeditiously moving this urgently needed measure for quick consideration today.

However, having said that, I must register my strong concern that SBA's Disaster Loan Program would not need this supplemental appropriation were it not for the so-called Credit Reform Act of 1990, which mandated fundamental changes in the method by which Federal disaster loans are financed.

The legislation we will consider today, which again, I strongly support, is the second supplemental for SBA's disaster program this year. The ink had barely dried on the first, which was approved on April 1, before the need became apparent for additional funding.

The prior system of financing the disaster loan program did not require OMB and the Congress to look into a crystal ball to predict future disaster activity. As old loans were repaid with interest, previously appropriated disaster loan dollars were set aside and reserved until needed. These funds held in trust for the use of future disaster victims were then recycled. Low disaster activity in some years built reserves for years of higher activity. Only disasters of the greatest magnitude required supplemental funding.

Under credit reform, new money must be appropriated in advance each year for completely unknown and completely unpredictable disaster loan demands. That is crazy. Were it not for credit reform, that is, if the old disaster loan revolving fund were still in use, neither the supplemental approved on April 1 nor the second supplemental now needed would be necessary, and the disaster loan program disruptions experienced earlier this year would not have occurred.

While I support this urgently needed supplemental and thank our colleagues on the Committee on Appropriations for their timely action in this instance, I would remind the House that only last year almost $1 billion in supplemental disaster funds for FEMA were delayed from initial House approval in February until final enactment in December because of a number of difficulties which could beset any supplemental bill under current budget rules.

Therefore, I would urge all Members to carefully consider this issue when, in a short period of time, I hope we consider another bill, H.R. 3304, legislation which I introduced and the Committee on Small Business has already approved, which returns the method of financing SBA's disaster loan program to that employed prior to the so-called credit reform.

H.R. 3304 would reinstate the revolving fund concept which worked so well for so many years, and would again provide the flexibility required in the management and funding of this vital program.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I agree with the gentleman 100 percent. What we should be doing right now is passing 3304. That program worked. Under that program, before the revolving find was frozen, not only was the money available when the President declared a disaster, but also it was available immediately. We might even be out of session here one of these days when one of these disasters occurs and without the resolving find approach, not be able to respond for several weeks.

□ 1120

That program worked perfectly for 15 years, and now to bollix it all up for something we call credit reform, when the same number of dollars are going to be appropriated anyway, does not make any common sense. This is an example of why so many people think the people in Washington are not exercising enough common sense in running the Government. We had a program that worked, and then it was fouled up by requiring separate individual appropriations after the disaster instead of working through a revolving fund. It is not the way to handle disasters.

H.R. 3304, restoring the revolving fund, should be passed.

Mr. LAFALCE. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this rule and will ask the House shortly to vote down the previous question to allow me to offer an amendment that reads as follows: "None of the funds appropriated by this act shall be used for grants or loans related to the Chicago freight tunnel flood of April 1992."

This amendment would allow the decoupling of the obvious need for Los Angeles from the proposal to appropriate funds for grants and loans for the city of Chicago. If the city of Chicago gets the money, taxpayers will literally be bailing out this city in the wake of April's flood. There is ample evidence to suggest that this disaster was the result of gross negligence and bureaucratic bungling on the part of the city administration.

Unlike the claims of some, the tunnel flood was caused not by crumbling infrastructure, but by the fact that the tunnel was pierced by a bridge piling that was being driven down by a construction company.

The following questions have been raised over the city's handling of this incident in published reports, and from those reports it indicates that on at least five separate occasions on different days city employees were told about the problem and could have stopped the flood but failed to do so.

Mayor Daley's recent reorganization of city departments left confusion over which agency was responsible for administering the tunnel. To this day, confusion exists over which agency has responsibility for inspecting the tunnels.

A local cable TV firm discovered the tunnel breach in January, and it took 6 weeks to track down the appropriate city official to whom it could report the discovery. Reports or memos recommending immediate repair sailed back and forth between city officials preceding the flood.

Frank Ociepka, city project manager and an 18-year veteran of city government who approved and supervised the piling project that caused the flood, claims he was not aware the freight tunnels even existed.

In March, Chicago's transportation department estimated repairs would cost $10,000. When it was discovered the city could not do the job, it went out for bid. When bids came back between $55,000 and $70,000, the city began reevaluating the job.

The tunnel then caved in, and now the Federal taxpayers are being asked to pay $75 million to the city of Chicago. And why should taxpayers in Wisconsin or Kentucky or California or New York or anywhere else have to foot the bill for this kind of gross incompetence?

The city was not forthcoming with tunnel locations to the piling contractor because the tunnels access basements to the Chicago Board of Trade, banks, and department stores. This information was withheld even from engineers working on city projects. Required inspections were not conducted because the inspector could not find a parking space.

Photographs of the breach taken by a city official preceding the flood were brought to an Osco Drugstore for developing and were not picked up for a week.

The outrageous incompetence of Chicago's government that caused this enormous Federal bailout is inexcusable. Congress should not send the message to big city governments that the Federal Government stands ready to pay for their mismanagement and ineptitude.

The slipshod reorganization of city departments by Mayor Daley deserves a discussion. An April 24 article in the Chicago Tribune quotes Toni Hartrich, director of research for the Civic Foundation, as follows:

> That nobody knows who had the responsibility to watch over the tunnels is the classic statement about the reorganization. That while politicians, reporters and others were busy assessing personal blame for the catastrophe, the larger question of the impact reorganization had on the bureaucracy was ignored.

Mr. Speaker, as we address the many problems that face our urban areas and need fixing, let us try to make sure resources are not going down the drain because of lazy management and dysfunctional bureaucracies.

Please vote down the previous question to allow me to offer my amendment to prohibit these funds from going to Chicago. Once the amendment is adopted we will be able to channel the funds to places where they are needed, like Los Angeles and elsewhere.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I sincerely thank the gentleman from California for yielding the time.

I rise in favor of this rule, but I must say how sad I am. The leadership tried to help me, the Rules Committee tried to help me, Members of this House and Members of the Senate have tried to help, but we could not get the administration's OK to add what I think desperately needed to be added, and I will put in the RECORD at this time a communique from the administration saying that they once again oppose what I would like to have put in today.

STATEMENT OF ADMINISTRATION POLICY

H.R. 5132—DIRE EMERGENCY SUPPLEMENTAL APPROPRIATION FOR DISASTER ASSISTANCE

As the House prepares to consider H.R. 5132, a bill to provide supplemental appropriations for disaster assistance, this is to provide the Administration's views. The Administration urges the House to pass the bill reported by the House Appropriations Committee.

The Administration appreciates the efforts of the Committee to limit the bill to only those emergency supplemental appropriations that respond to the recent Presidentially-designated disasters. The President has committed to provide approximately $600 million in disaster assistance to the areas affected, and the Committee's action to provide aid through the Small Business Administration and the Federal Emergency Management Agency disaster assistance programs is consistent with that commitment.

It would be highly regrettable, however, if the bill were expanded to include items unrelated to the disaster programs needed to respond to these Presidentially-designated disasters. Such expansion would likely result in undesirable conflict or stalemate—and thus prevent what should be a simple, direct response to the needs for replenishment of funds used to address these disasters.

Let me talk about what this is. We have heard a lot during the Los Angeles riots about the programs of the 1960's. There were three programs in the 1960's that I do not know of any waste being exposed in, I have never seen "20/20," "Prime Time," "60 Minutes" ever get mad about, and that we promised to fully fund in the 1960's, and we have still not done it, and it is the 1990's. And I would hope that in this bill we could have gotten the administration's OK to fully fund hose programs.

What were they? They were the covenant we made to America's children to fully fund immunization, the feeding program and Head Start. We said we wanted to deliver children to the public school systems ready to learn, and 30 years later we still have not done it.

We put this in the dire urgent supplemental on the gulf war, as did the Senate, and the President took it out. There was full funding for the Kurds, but not our kids.

It seems to me if we want to look at some of the causes of the Los Angeles riots, it was because of the loss of hope by young people that there was room in this society for them.

Furthermore, as we look at the 1980's, if we find one group that has really slid into poverty at a phenomenal level, it is our children. So it seems to me a very logical place to insert this.

For $900 million we could fully fund Head Start. For an additional $10 million we could fully fund immunizations, and for $100 million we could fully fund WIC.

Let me talk about WIC in Los Angeles. One of the buildings that will be rebuilt by this bill will be the WIC processing area in Los Angeles. It is one of the biggest in the country. It had 8,200 families going to that facility.

But let me tell Members because there was not full funding, babies at 18 months get cut off. If anyone knows of babies that are done growing at 18 months, tell me about them. I do not know. I think children continue to need milk and nutritional food from 18 months on. But because we never fully funded it, at 18 months there was a cutoff.

Furthermore, at this place in Los Angeles where people went for the feeding program, because of the shortness of funding pregnant women were only included if they had some kind of a critical condition, not all pregnant women who qualified because of their economic condition. I find that an amazing statistic in a country where we know that taking care of the nutrition of pregnant mothers certainly gives us much healthier babies, and taking care of the nutrition of newborn babies gives us much healthier human beings.

So we talk a lot about this, we mouth this, but I do not think we mean it. We have seen both sides of the aisle love these programs to death until we get to the budget door, and we never fund them.

We have never seen children ripping off the immunization program. Have Members ever seen kids go back and get a second round of shots because it was free from the Federal Government and they thought it was such a great, fun deal?

□ 1130

You have not seen waste in Head Start. My word, it is one of the great programs, and now we are looking at what we are projecting for the year 2000. What is it? Program No. 1 of the President's educational goals for the year 2000 is to deliver children to the schools ready to learn. That is a 40-year-old promise.

I had hoped that since we had put it in the gulf war and it has been thrown out that the administration would agree with us this time to let us put it in this bill, because this, to me, is the preventive type of program that would help us prevent future disasters of this magnitude and this order. The leadership tried to help, but the agreement obviously was we would not go any further than what the President would sign, and the administration said no, they would not include it.

I do not know how long it takes before we can finally put our money where I hope our hearts are. I have always said a nation that does not care about its children does not care about its future, and it troubles me very much that we seem to have tremendous bipartisan agreement on how good these programs are, we have CEO's of Fortune 500 companies coming and telling us that for every dollar we spend in these programs this year we will save up to $10 in the Federal Government within the next couple of years, and it is a good investment.

Mrs. KENNELLY. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I would just quickly like to mention that this has nothing to do with the new agenda. This is not part of a new urban agenda. This is something many of us have been talking about not exactly following on the gentlewoman from Colorado, but to say in this process of this passage of this bill and then the Senate and then conference, that with this window of opportunity that we are being told that we have, that we put some dollars in for summer jobs.

Mrs. SCHROEDER. I totally agree. And I thank the gentlewoman from Connecticut. She is so right. This is not new. These are the programs of the 1960's, and we never funded them adequately. Let us hope we will learn that lesson.

Mrs. KENNELLY. If the gentlewoman will yield further, we would also say that this is new money for summer programs, because our cities do not have money for that, but this is not the new urban agenda.

Mrs. SCHROEDER. Exactly. No. It is the one that we believe in.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to call to the attention of the membership, and primarily the Republican side of the aisle, that my friend, the gentleman from Wisconsin [Mr. SENSENBRENNER], appeared before the Committee on Rules and asked for a germane amendment to be made in order so that he could strike part of the provisions in this bill. We made that motion in the Committee on Rules, and it was defeated.

Therefore, I feel obligated to try to defeat the previous question on behalf of the gentleman from Wisconsin [Mr. SENSENBRENNER], who did have a germane amendment.

However, I want to make it perfectly clear that there were no other germane amendments requested by any Republican or any Democrat that I know of and, therefore, I am going to support the modified closed rule if the previous question is ordered.

If the previous question passes, then I will support this modified closed rule, because both Republican and Democrat leadership agreed to it. No other Republican, beside the gentleman from Wisconsin, has been denied the right to offer a germane amendment.

So I just wanted to clarify that for the record.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am in the embarrassing position of reading the statement of the administration's policy. This is very painful, I trust you know.

Mr. SOLOMON. It is not painful at all. I will be glad to discuss it with the gentleman.

Mr. TRAXLER. It is hard to get it out.

The administration urges the House to pass the bill reported by the House Committee on Appropriations, and I pass it on to you for what it is worth.

Mr. SOLOMON. Reclaiming my time, it is because of that administration position and support by the Republican leadership that I am supporting the rule which will put the bill on the floor. So the gentleman is correct.

I also want to thank the majority for giving the minority its traditional right of a motion to recommit with instructions, which will be offered by a distinguished member of the Committee on Appropriations at the appropriate time.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I think it is important to underscore once again that every Member who wanted to offer an amendment that was germane to this bill has had that right and, in fact, we are not foreclosing the option that any Member should have here to do that.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and of the emergency bill which will follow.

I thank the committee for moving so quickly and with such a sense of urgency. It was very necessary.

I hope that today marks a new beginning for this country, a time when we move beyond the politics of blame. Politicians blaming the policies of the 1960's for what happens in the 1990's is like a basketball coach of the 1990's blaming a basketball coach from the 1960's for the team's failure to win the playoffs. Let us get beyond this and take responsibility for pulling our country together.

Because only when we pull our country together will we move forward, will we reach our greatness.

Those who commit violent acts must pay the price for those acts. No one, no Democrat or Republican, has ever said otherwise. So to demagog on that issue is not worthy of the challenges we face.

The politics of hate and fear, those kinds of politics are not going to move us to greatness. Only the politics of unity will make America strong.

I am pleased to see us moving toward the politics of unity and responsibility and away from the politics of blame.

Today we are coming together over rebuilding the Los Angeles area, and we will be—and the shattered glass will be picked up.

It is tougher, however, to pick up the shattered dreams, and that is where we must play a role if we are to live up to the promise of America.

Today we take that very needed step, and I praise the Democratic leadership and the President and my Republican colleagues who are joining him. I would also like to sing aloud for praise for my colleague, the gentlewoman from California [Ms. WATERS], for showing true courage and leadership and determination which I believe led us to this moment. We must do more. We must listen to the Maxine Waters, because they are leading us in the right direction.

Enterprise zones are needed. We democrats voted for them in the tax bill, but that tax bill was vetoed by the President, because he disagreed with the fact that the House gave a break to middle-class taxpayers and increased taxes on the very wealthy. It was his right to veto that if he did not like it, but I have to say this, that all the low taxes in the world, all the capital-gains reductions in the world will not mean a thing if our cities are in flames and people are afraid.

We will only move forward if we all believe in the American dream, and that American dream is available to all Americans who work for it. Enterprise zones will encourage business to locate in poverty areas.

I would like to recommend today that we expand the idea of enterprise zones the way the gentleman from New York [Mr. RANGEL] has done in his new bill. If things are so bad in an area that we are willing to give business large tax breaks to entice them there, I think things are bad enough for the people there. So I suggest that after we designate enterprise zones, we designate opportunity zones for those who live within the enterprise zones, and that would mean prenatal care for pregnant women, nutrition for the children, Head Start for every eligible child, school mentors, drug and alcohol rehabilitation, more community policing, and welfare reform to break the cycle of poverty.

How much should we target for these opportunity zones? I recommend as a start the amount of money Presidents Reagan and Bush gave to Iraq—gave to Iraq, to Saddam Hussein, who later became our enemy.

□ 1140

They gave Iraq $5 billion loan guarantees. Iraq defaulted on $2 billion. So let us start with $5 billion in grants and loans for our opportunity zones.

Iraq took our money and then went to war with us. We have a different kind of war now and the enemy is poverty, hopelessness, and despair. We can win this war, and I believe today we are taking the first step.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I rise to challenge the statements of the gentleman from Wisconsin [Mr. SENSENBRENNER]. The gentleman from Wisconsin [Mr. SENSENBRENNER] has taken the floor and indicated that if given the opportunity, he would have offered an amendment that would have deleted the funds for the city of Chicago on the premise that the disaster was caused by incompetency in the mayor's office and by some of the mayor's subordinates.

I point out to the gentleman that there seemed to be incompetency in that office, but that was not the cause for the disaster. The disaster took place in spite of that incompetency and not as a result of that incompetency.

I point out, too, that in the case of Los Angeles, the gentleman is willing to accept the disaster designation for that city even though there was incompetency on the part of the forces of government there.

I ask the gentleman, what about the criticism that was addressed to the mayor for not having acted more forcefully and more quickly to meet the disaster?

What about the National Guard not coming at an appropriate time?

What about the police who were pulled off from doing their duty at a critical juncture?

The point is that disasters can be manmade or disasters can be the result of natural causes. In this case, what took place in Chicago is a huge disaster and has been recognized as such by the Bush administration. The Bush administration supports the bill. It supports the allocation of funding, not only for Los Angeles, but it supports the allocation for funding for the city of Chicago as well.

Mr. Chairman, I urge the House to pay little attention to the arguments advanced by the gentleman from Wisconsin and to vote up this disaster bill.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, while I appreciate the gentleman from Illinois representing his State and his city, the fact of the matter remains that the flood that was caused on April 13 was the result of monumental bungling, even in the eyes of the Chicago press.

I would bring to the attention of the House the Chicago Tribune, April 23:

> Daley bags 4 bureaucrats. Mayor tells of incredible flood fiasco.

Chicago Tribune, April 21:

> Engineer says Reyes knew about crack.

Wall Street Journal, April 23:

> Chicago Mayor fires two engineers for slipshod approach to flood danger.

Chicago Tribune, April 24:

> Daley's streamlining may have led to flood fiasco.

Chicago Tribune, April 26:

> Flood just a matter of inches.

Now, the fact of the matter remains that that flood in Chicago was caused by the fact that a piling driven by a contractor repairing a city bridge pierced the tunnel and the tunnel collapsed as the result of it, not as the result of crumbling infrastructure.

The city inspector who was in charge of inspecting that project verbally told the contractor that he could move the pilings about 3 feet, without even checking to see whether or not there was a tunnel underneath and the inspector was quoted in the press as saying that he did not even know there were tunnels there, so he never bothered looking at the record.

Now, the bottom line is that there is going to be about a $75 million request from the city of Chicago for reimbursement coming out of the FEMA fund. This was reimbursing the gross negligence of city employees, and that is money that is going to be taken away from genuine disaster assistance, not caused by anybody's negligence, in other places in the country.

That is why the previous question should be voted down so that I can offer my amendment that would redirect these moneys out of bailing out Chicago literally and into other areas of the country.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Chairman, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MFUME). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until after 1 p.m. today.

The point of no quorum is considered as withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to the authority previously granted, the Chair declares a recess until approximately 1 p.m.

Accordingly (at 11 o'clock and 47 minutes a.m.) the House stood in recess until approximately 1 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RAY) at 1 o'clock and 16 minutes p.m.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

The SPEAKER pro tempore. The pending business is the question de novo on ordering the previous question on House Resolution 454.

The question is on ordering the previous question.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 139, not voting 33, as follows:

[Roll No. 123]

YEAS—262

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Aspin
Atkins
Bacchus
Barnard
Barton
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro

Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—139

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fields
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lent
Lewis (FL)
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Paxon
Petri
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Washington
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Anthony
Applegate
AuCoin
Boehlert
Collins (IL)
Conyers
Dannemeyer
Dymally
Espy
Gibbons
Hatcher
Henry
Hoyer
Jenkins
Jones (NC)
Kolter
Levine (CA)
Lightfoot
Lloyd
Luken
McCrery
Miller (WA)
Moakley
Oakar
Packard
Pursell
Sangmeister
Santorum
Smith (IA)
Staggers
Tauzin
Thomas (GA)
Vander Jagt

☐ 1337

The Clerk announced the following pair:

On this vote:

Mr. AuCoin for, with Mr. Packard against.

Mr. HERTEL and Mr. HASTERT changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARNARD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 298, noes 106, not voting 30, as follows

[Roll No. 124]

AYES—298

Abercrombie
Ackerman
Alexander
Andrews (ME)
Andrews (NJ)
Annunzio
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (MI)
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hammerschmidt
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hoagland
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hutto
Hyde
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ravenel
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Roe
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NOES—106

Allard
Allen
Andrews (TX)
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Bunning
Burton
Callahan
Camp
Carper
Coble
Coleman (MO)
Combest
Conyers
Coughlin
Crane
Cunningham
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fields
Gallo
Gekas
Gillmor
Goodling
Goss
Grandy
Gunderson

Hall (TX)
Hamilton
Hancock
Hansen
Hefley
Hobson
Holloway
Hubbard
Hughes
Hunter
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kolbe
Lewis (CA)
Lewis (FL)
Machtley
Marlenee
McCollum
McEwen
Miller (OH)
Moody
Nichols
Orton
Oxley
Patterson
Paxon
Payne (NJ)
Penny
Petri
Ramstad
Ray
Ridge
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Smith (TX)
Stearns
Stenholm
Stump
Sundquist
Tallon
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Washington
Weber
Wolf
Zimmer

NOT VOTING—30

Anderson
Anthony
AuCoin
Broomfield
Collins (IL)
Dannemeyer
Dymally
Hatcher
Henry
Jones (NC)
Kolter
Laughlin
Levine (CA)
Lightfoot
Lloyd
Luken
McCrery
Miller (WA)
Moakley
Oakar
Packard
Pursell
Rangel
Roybal
Sangmeister
Santorum
Staggers
Tauzin
Vander Jagt
Wilson

□ 1356

The Clerk announced the following pair:

On the vote:

Mr. Rangel for, with Mr. Packard against.

Mr. RAMSTAD changed his vote from "aye" to "no".

Mr. KASICH changed his vote from "no" to "aye".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WHITTEN. Mr. Speaker, pursuant to the provisions of House Resolution 454, I call up the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 5132 is as follows:

H.R. 5132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, and for other purposes, namely:

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $169,650,000, to remain available until expended, of which $58,895,000 shall be available only to the extent that a Presidential designation of a specific dollar amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $500,000,000, and in addition, for administrative expenses to carry out the disaster loan program, an additional $25,000,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The language under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 788–789), is amended by deleting the following: "of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations", and inserting in lieu thereof: "of which not to exceed $5,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism, violent crime and drug investigations".

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For emergency disaster assistance payments necessary to provide for expenses in presidentially-declared disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an additional amount for "Disaster relief", $300,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The limitation on direct loans in the current fiscal year for the "Disaster assistance direct loan program account" is increased, within existing funds, by $22,000,000 to not exceed $28,000,000.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1992, for Disaster Assistance To Meet Urgent Needs Because of Calamities such as Those Which Occurred in Los Angeles and Chicago".

The SPEAKER pro tempore (Mr. BARNARD). Pursuant to House Resolution 454, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 5132, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, once again we are faced with a severe disaster.

Disasters do not affect just facilities. Disasters affect people who use these facilities in gainful, productive activity. Disasters are personal. They affect the people of the United States, and it is important to the Nation and its economy that the needs of Americans be met when they are confronted by a natural or economic disaster.

There are those who feel we have turned the corner economically. I hope that is true. If so, we can speed up recovery with investment spending.

The committee has an outstanding record of providing disaster assistance quickly and cleanly. We need to respond as fast to this disaster as we have to others.

In 1980, after we had reported a supplemental, Mount St. Helens erupted. We reconvened the committee so we could report out a new bill including almost $1 billion for disaster assistance—sound investments to replace and repair damaged facilities.

In September 1989, we provided $1,108,000,000 within days after Hurricane Hugo hit the Southeastern United States.

In October 1989, we provided $2,850,000,000 for earthquake assistance in San Francisco and the adjoining areas within days after a major earthquake destroyed roads and buildings.

The Los Angeles disaster happened at the end of April and on May 6, after receiving a letter from many of our colleagues and at the first opportunity, we introduced H.R. 5069 which the committee considered Tuesday. The bill before us today, H.R. 5132, is the product of that committee action.

This assistance is for Presidentially declared disasters. It is not welfare, though it will help its causes because it is investment spending where we get more than our money's worth when we restore our real wealth—our country itself—on which all else depends.

Mr. Speaker, this bill was reported unanimously. It has the support of the President, and I urge its adoption.

□ 1400

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5132, making dire emergency supplemental appropriations for disaster assistance.

On April 15, the President declared a disaster to assist Chicago and the State of Illinois with the recovery from the flooding in downtown Chicago. And on May 2, the President declared the city and county of Los Angeles to be a disaster area to assist the recovery from the devastating events and riots that occurred there.

Those declarations having been made, Mr. Speaker, in my view, it is the job of the Congress to assure that sufficient funds are available to cover the cost of assistance for these and all other declared disasters, and that is what this bill does, no more and no less.

What we have is a clean emergency supplemental providing $495 million targeted on the existing statutory Federal disaster programs.

Mr. Speaker, $300 million goes to the Federal Emergency Management Administration for disaster relief programs, bringing the total appropriated to that agency to cope with disasters this year to $1.128 billion.

In this bill, $169 million is targeted for Small Business Administration disaster programs, which will support $500 million in loans, $150 million of which will be held in the contingency account based on the President's further declaration of need. That would mean, Mr. Speaker, a total of $1.1 billion in loans available under this program in fiscal year 1992.

It also includes $25 million for the SBA to handle salaries and expenses in connection with the administration of the programs.

There is also an increase in the FEMA direct loan program from $6 million to $28 million, and an increase in the amount of existing funds that can be used for a task force on gang violence in Los Angeles from $500,000 to $5 million.

Mr. Speaker, we know there are some who have reservations, and we have certainly heard some conversation about it today, about providing Federal funds in these two cases that involve man made disasters, and all of us, I know, can understand those reservations and even share some of them.

But the President is the person under law with the power to make disaster declarations, and once those declarations are made, funding requirements follow. In addition, Mr. Speaker, regardless of the cause, it is important for us to bear in mind that the victims of the disasters is what this money is designed to be for. And they are the people whom we are trying to assist.

And that is what these disaster programs are designed to do—help those who urgently need help.

Mr. Speaker, I am advised that in Los Angeles, for instance, the preliminary figures indicate that as many as 10,000 buildings were damaged. Some 300 people are homeless; 2,800 people are unable to pay their rent or mortgages due to job loss; and as many as 40,000 people are estimated to be out of work as a result of the events.

As far as businesses, SBA currently estimates some $550 million in real estate damage and $500 million in inventory and equipment damage.

Given those kinds of distressing statistics, I applaud the bipartisan nature of this effort to get money to the victims and loans to business people whose dreams have been crushed and hopes destroyed by the Los Angeles events. And I want to pay particular tribute to the gentleman from Mississippi [Mr. WHITTEN] for introducing the original legislation which is carrying this effort.

Mr. Speaker, I have lived as a Member of this House through the agony of Hurricane Agnes in 1972 when it hit northeastern Pennsylvania and six other States of this great Nation. I want to express my grave concern that the despair and hopelessness may grow as the results of this tragedy continue to fester.

People expect a magic wand to appear after these disasters, but there is no magic wand.

In rebuilding parts of the city, we need people of compassion, concern, caring, and action. The people who expend the dollars must be that sort of people, but in my view we need to do more.

Today, I am sending a letter to urge the President of the United States to send a personal representative to be on the ground to expedite the process of healing the wounds.

It is this status as personal representative of the President that will provide the needed authority to cut through the redtape and blast through the bureaucratic snafus and paper crunches that always occur. It would be a signal of hope and determination to the victims that everything that humanly can be done is being done.

Mr. Speaker, I make this recommendation because of my own personal experiences during Hurricane Agnes. At that time, as some of my colleagues recall, President Nixon—as the months went by—appointed a personal representative, who happened to be a distinguished public servant and public person at that time, now in the private world, by the name of Frank Carlucci. The President appointed him to be on the ground in the city of Wilkes-Barre, PA, which suffered damage. His job was to be available to the public.

His office was a temporary housing unit, a trailer like those that were being sent into Wilkes-Barre under FEMA guidelines for people who were homeless. He was always visible, and he was always available, and he was there to minister to the needs of the victims of this disaster.

He held office hours just as my old friend who many of my colleagues will remember, Dan Flood, did in his district. They walked the devastated areas together and arbitrated inevitable disputes that arise in times of such crises.

There may be much debate in store for us on what longer range forms of assistance are needed in our urban centers and there will be more needed. But on this emergency funding bill limited to the short-term response to meet the real emergencies that exist, there need not be disagreement. H.R. 5132 is supported by the administration, and Mr. Speaker, I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH], a member of the committee.

Mr. SMITH of Iowa. Mr. Speaker, I support this bill but I want to point out a couple of things. To start with, we would not even be here today if the revolving fund had not been frozen in the 1990 summit agreement. But for that we would not have to be here. We had a program that was working very good. Before the revolving fund was frozen, whenever an emergency like this arose, immediately, if the President declared it to be a disaster area the help would go to the community. A team arrived in the community providing a one-stop service to help victims and made loans to those eligible in a timely manner. But as of now, since that revolving fund was frozen, there is a delay until we pass a separate appropriation bill. It is just the wrong way to do it. It delays the help, and that in and of itself denies benefits to some of those who need them.

I also want to mention the loan guarantee program. Earlier today we passed a bill that increases the amount of loan guarantee authority SBA has. It passed almost unanimously. I think only two or three votes were against it. This will provide bank loan guarantees and consequently jobs that are needed in these areas.

Virtually everyone talks about jobs. The President sent the head of the SBA up to Connecticut and also to New Hampshire to talk about loan guarantees, and also out to Los Angeles. These loan guarantees for banks to facilitate loans are essential. But when it comes to supporting the program that is so necessary to getting jobs, too many say well, let us do that in some other bill. Whenever there is a demand for loan guarantees, for each $15,000 in guarantees, which costs us only 5 percent of that amount net, one job is produced; and 100,000 jobs are out there available right now if we will increase the loan guarantees by $1.5 billion. I tried to do it in the full Appropriations Committee in connection with this disaster bill, but the administration opposed it and even some Democrats opposed it. It is said jobs are needed, but now they want to wait for some other bill to provide the support for the 100,000 jobs.

Some even call it pork or a Christmas tree when we try to attach a provision to provide loan guarantees so people rebuilding disaster areas can secure the help needed. To the people who need a job, the loan guarantees are not pork and are very much related to the disaster.

What good is it to talk about having more education, having more training if we do not have jobs? It is jobs that the people need.

□ 1410

The loan guarantee authority is not sufficient to fill the demand at the present time. The SBA tells us they need another billion and a half right now for loan guarantees. We are talking about 100,000 jobs, and they need these jobs in these communities. This disaster bill alone for disasters will not be enough in some instances.

In some instances they also need a bank relationship, and they get that from the bank guarantee program. With a bank relationship, then they can build inventories, they can build in the kinds of credit that they need.

I do not know how anyone in Chicago or Los Angeles can talk about relieving the problems we have if they do not support loan guarantees at this time. Now, sometimes additional loan guarantees will not provide jobs because the small business people will not use them, but right now they have applied for more loan guarantees. They have been squeezed under the banking bill passed earlier to increase their reserves and so they cannot make the additional loans needed without the loan guarantee which removes them from the category which applies against their reserves.

We need that bill passed and the funding for that bill passed as well as to remove the freeze on this revolving fund.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in reluctant opposition to this bill, again, because of the indemnification of the gross negligence on the part of Chicago city employees which this Congress will probably be appropriating about $75 million in grant money.

It is true that the President of the United States declared Chicago and the State of Illinois a disaster on April 15, but that was done prior to the press revelations of the tremendous incompetence that occurred relative to the building and inspection of the bridge that the piling ended up causing the piercing of the tunnel and the flooding.

On five separate occasions from last summer until the time of the flood on April 13, the city of Chicago knew about the problem or should have known about the problem and failed to stop it. For example, last summer, Frank Ociepka, who is the project manager of the bridge pilings project, verbally approved relocation of the piling clusters without looking to see whether or not there was a tunnel underneath. That piercing is what caused the flood. In January of this year, the Chicago cable television firm was in the tunnel and saw a crack. It took 6 weeks to find out who in the city hall it should have been reported to, and that report was finally made on February 27, to Jim McTigue of the Chicago Department of Transportation. The chief soils engineer, one Ted Maynard, was told of the leak by McTigue on March 17, and yet both on February 27 and March 17, nothing happened.

There also was a picture that was taken by another Chicago city employee of the crack. That film was left at a drug store on the northwest side of Chicago for a week before it was picked up and ordered to be examined.

Finally, the city of Chicago went and sought bids for the repair of the project. The first figure was $10,000; then it became $55,000 to $70,000. Apparently they decided that all of these figures were too expensive, and nothing was done.

Finally, on April 3, which was 10 days before the flood occurred, John LaPlante, who was the acting commissioner of the Department of Transportation of the city of Chicago, received a memo that said unless something was done quickly the possibility of a calamity would occur. Well, nothing was done quickly. Nothing was done for 10 days, and the calamity did occur.

The grand part of the FEMA funding that is contained in this bill is to provide money as a grant, not repayable, for municipal facilities that have been damaged as a result of calamity. The estimate for this is $75 million in the city of Chicago.

Given the outline of one dropped ball after another, a dysfunctional bureaucracy and bureaucratic negligence, it seems to ill behoove the Congress to tax the taxpayers of this country in all 50 States to pay for this.

I would hope this bill would be defeated, and we could talk about Los Angeles as a separate item.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Illinois [Mr. YATES], a member of the committee.

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, once again, the gentleman from Wisconsin, from Milwaukee, vents the longstanding hostility of that city toward Chicago. He repeats the same arguments that he made during the debate on the rule when he asks for the opportunity to offer an amendment that would have stricken disaster aid for Chicago out of the bill. By its vote on the previous question, the Members of the House overwhelmingly rejected the arguments that the gentleman made then, and which he again has advanced before this House.

Why? Because the gentleman's arguments are totally without merit.

There is not a big city in this country that does not have its measure of bureaucracy, that does not have some instances of incompetency. There were some in Chicago. There were some in Los Angeles, too, but the gentleman makes no mention of them. He makes no mention of trying to strike Los Angeles' assistance out of the bill.

There was a question of whether Mayor Bradley acted in time. There was a question as to whether or not the National Guard was called in time. There was a question as to whether the police were in the proper places at the proper time. He makes no mention of that.

He is interested only in venting his spleen against Chicago.

Fire and flood, the elements of the disasters, overwhelmed both Los Angeles and Chicago. Both cities were paralyzed by overwhelming forces that caused millions of dollars of losses to their communities. Chicago's major business district, the Loop, was paralyzed for days when 250 million gallons of water from the Chicago River flowed throughout the Loop itself.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. YATES. I am happy to yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, as a Member who represents the city of Milwaukee, I would like to correct the record where the gentleman indicated that this is a display on the part of the gentleman from Wisconsin [Mr. SENSENBRENNER] with a longstanding hostility between Milwaukee and Chicago.

Let me say, first of all, that the gentleman from Wisconsin [Mr. SENSENBRENNER] does not represent Milwaukee.

Mr. YATES. Yes. I apologize.

Mr. KLECZKA. The gentleman from Wisconsin [Mr. MOODY] and I do. As one of those Representatives, let me tell the gentleman of our deep affection for our friends in Chicago, having many relatives who live there, and also the fact that the balance of the delegation, I am sure, will be supporting help to that city.

Mr. YATES. I thank the gentleman for his contribution, and I thank the gentleman for setting the record straight.

I accept the gentleman's correction to the statements that I made.

Mr. Speaker, I think my time is about expired. I want only to say that the city of Chicago, like the city of Los Angeles, suffered an overwhelming disaster. It deserves the designation of disaster that the President has given to the catastrophe that came to our city, and I hope that the House overwhelmingly supports this bill.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time and for the opportunity here to rise and to say that I am going to support H.R. 5132 to provide the supplemental disaster assistance to the city of Los Angeles.

The events in Los Angeles 2 weeks ago rocked the Nation. The riots riveted our attention and created great controversy with respect to whom we could blame.

The fingerpointing will continue, but we should not ignore the aftermath of the riots for the legitimate needs of the innocent property owners. We should not confuse the lawbreakers with the victims.

Mr. Speaker, where I come from on the Gulf of Mexico we are no strangers to natural disasters. Ours usually come in the form of hurricanes, drought, and other weather-related disasters.

We, as individuals, are helpless in the case of these disasters, and we must rely in these events on Government assistance. In 1979, Alabama suffered tremendously from Hurricane Frederic, which simply devastated the southern portion of the State of Alabama.

It took many years to recover, and we pray we will never have another storm of this magnitude.

But, Mr. Speaker, I must say that I expect this Congress to respond immediately to any potential future disasters in my State just as we are doing today for California and Chicago.

This was not the case in 1979. Our recovery was piecemeal. Since then, the trend is to respond through the supplemental appropriations, and I want to go on record as saying today that I am going to support you in Illinois and you in California, but I am going to insist that Alabama or any other State be given equal treatment should any disaster beset us.

□ 1420

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I rise today in strong support of this bill to provide emergency aid to the victims of disorder in Los Angeles, and to the victims of the Chicago flood.

But as much as I support this legislation, I want to place it in realistic perspective—especially as it relates to Los Angeles.

Coming from a State which has had more than its share of disasters in recent years, I can tell you that our emergency disaster supplementals—generous as they have been—have only touched the surface of our real needs.

It seems to me that this will be especially true of Los Angeles, where the root of the destruction was not a day or two of tremors, or fires, or bad weather, but years of economic deprivation.

We must rebuild the businesses, but we must also reinvest in the total community. We must help to reclaim the millions of American youth who live in a meaner, more brutal society.

That starts with every parent, teaching their children the right things—from the value of human life to the value of education and work. It starts with every child, who must have the will to reject crime and violence and embrace the struggle for something better, no matter how bad their surroundings. It starts with every community leader, school board, and level of government, including this Congress which must make it easier for people and their families to succeed and prosper.

And it starts with the White House, where the economics of decline must be exchanged for the economics of opportunity, and the politics of division must be replaced by the politics of community.

The money we provide today will help rebuild the face of Los Angeles. Now let us also start to heal its heart.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the able gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, the devastation, the looting, and the riots in south central Los Angeles command our urgent attention. It is the Government's responsibility to create conditions in which enterprise can thrive. It is the business of Government to help create jobs when now there is only unemployment.

It is time that we exercise our intellectual energies to find new and creative solutions to expanding opportunity and wealth in the inner cities.

The Great Society programs did not cause the Los Angeles riots, but they have not prevented them, either.

Unfortunately, almost all the responses thus far to the crisis in Los Angeles are hoary and tired iterations of the deficit-financed, income-redistribution schemes that are already failing our inner cities so miserably.

For too long this Congress has held up HUD Secretary Kemp's enterprise zone legislation which I believe would do much to help the inner cities; but enterprise zones are only a start and they will take time to work.

The problems in Los Angeles demand even more urgent attention, and that is why my Democratic colleague, the gentleman from Texas [Mr. WASHINGTON] and I are sponsoring turbo enterprise zones, first to be directed specifically at the problems in Los Angeles, cooperatively with municipal, county, State, and the Federal Government. We will seek a zero tax regime in a green line area comprising the worst hit disaster areas affected by the riots; no sales tax, no property tax, no payroll withholding tax, and no income tax will be applied for a period of 5 years within this zone.

By definition, these areas are producing no tax revenues at the moment. The cost of such a proposal thus measured in terms of revenue foregone is almost nothing. But at the end of 5 years, can there be any doubt about the economic activity that would be created as a result of these measures? Every single one of the residents in this area will have had the opportunity to have a job.

Mr. Speaker, I urge us to consider not only the disasters that we see now in Chicago and Los Angeles, but also the disaster of a $400 billion deficit this year. Let us not try to solve one problem by exacerbating the other.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], a member of the committee.

Mr. OBEY. Mr. Speaker, I thank the committee chairman for yielding this time to me.

I would simply like to address for a moment if I could the aftermath of the Los Angeles riots.

Yes, it is true that in part what happened was because of the terrible verdict.

Yes, it is true that racism has certainly played a part in the explosion.

Yes, it is true that outright criminality played a very large role in the explosion.

Yes, it is also true that there has been subtle political exploitation of racial hatred, I am sad to say, by too many politicians in this country; but I think there is another root to the problem and that root is economic. It is not just experienced by minority populations in this country. It is experienced by almost all Americans, except the very elite.

I do not believe we will truly attack the economic root cause of problems like this until we recognize what all of our society now recognizes, that we have been in a sustained period of intense decline in family income for all but the wealthiest 5 or 6 percent of the people in this population.

After seeing this happen for at least 10 years, when the average middle-class family loses hope that tomorrow will be better than yesterday, you can imagine what happens with the average poor family in this country.

I think what that really means is, yes, we need to have an urban policy; yes, we need to have a better racial policy, but we also need to have an economic policy that moves this country into a recognition that after 12 years of rewarding the very wealthiest in our society at the expense of everyone else, it is time to reverse the flow. It is time to focus our economic efforts in trying to make the economy grow in a way that benefits all Americans.

Mr. McDADE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Connecticut [Mr. FRANKS].

Mr. FRANKS of Connecticut. Mr. Speaker, I thank my colleagues for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 5132. Relief and support is needed at this time; however, Mr. Speaker, I would like to take the balance of my time on a way in which we could improve upon enterprise zones.

Mr. Speaker, I strongly believe that we need to get large corporations involved in enterprise zones. We need to encourage large companies to participate in the risk as well as the potential gains, without being located in an enterprise zone. We need to allow large companies to participate from afar via assisting entrepreneurs in starting and further developing a business and an enterprise zone.

Decades ago, following urban uprisings, one company, maybe more, decided to embark upon such a program. The General Foods Corp. established the North Street Capital Corp. to work toward this objective, the objective of creating more entrepreneurs.

As in all programs, I am sure it had its good and bad points; however, we need to explore the concept to see how possibly it could be used in part or in whole to create more urban entrepreneurs of all colors and nationalities.

Mr. Speaker, we need more urban developments, and one of the best ways to achieve that goal is to create more entrepreneurs.

We need to give people a greater stake in their own communities. We do not need governments to create all of our new jobs. We need business to create jobs.

□ 1430

Thus in my opinion the marriage between potential entrepreneurs and experienced corporate giants can only yield one end result: success.

The motivation of the General Foods Corp. may have been purely altruistic, but I believe that we must offer commensurate tax credits and tax incentives to those companies that are willing to share their talents and resources toward developing more urban entrepreneurs.

Mr. Speaker, prior to the crafting of the urban revitalization package, I plan to continue to talk to my colleagues, the administration, and corporate CEO's to see if we can include this proposal.

Mr. Speaker, was it a coincidence that many black-owned business establishments were not damaged during the Los Angeles disturbances? Mr. Speaker, for the sake of our cities, for the sake of our Nation, we need to encourage greater economic development in our inner cities, and I believe that an urban entrepreneur opportunity concept featuring our Fortune 500 companies would be the shining light toward greater economic opportunity for everyone.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. DIXON], a member of the committee.

Mr. DIXON. Mr. Speaker, I thank the chairman of the committee for yielding to me.

Mr. Speaker, 2 weeks ago, after the acquittal of four officers in the Rodney King police beating case, sections of Los Angeles erupted in fires and civil unrest which resulted in hundreds of millions of dollars in property damage, thousands of lost jobs, and disruptions in basic services.

Last week, I joined House Appropriations Committee Chairman JAMIE WHITTEN, my California colleagues, and Congressional Black Caucus members in introducing a dire emergency supplemental appropriations bill to provide relief to Los Angeles. H.R. 5132 provides a total of $847 million to the Federal Emergency Management Agency [FEMA] and the Small Business Administration [SBA] for emergency loans to assist victims of the Nation's worst civil disturbance in over a century.

H.R. 5132 would provide $500 billion to the SBA disaster loan program and $25 million for SBA administrative expenses. It would also provide $300 million for FEMA disaster relief and $22 million to FEMA's disaster assistance direct loan program account. The bill provides $5 million for salaries and overtime pay for local and Federal law enforcement officials who are working in the inner city to curb gang violence.

The funds could also be used in relief efforts for future calamities that may occur between now and September 30. The riots in Los Angeles demonstrate how swiftly disaster can strike. As we enter the hurricane/tornado season, the prospect of future disasters is very real. It is crucial that we replenish these emergency accounts.

The devastation in Los Angeles has been witnessed by nearly every American and by millions of people around the globe. I too watched with profound dismay as entire blocks in my Los Angeles district became engulfed in flames and as the dreams of local business owners went up in smoke—or out the door in the hands of looters.

The violence and destruction which followed the verdict in the Rodney King police brutality case have left Los Angeles a wounded city. This bill will allow the healing process to begin by ensuring that funds will be available for emergency loans to individuals and families whose homes and businesses were damaged or destroyed during the fires and unrest.

Eight Federal disaster application centers have been established throughout Los Angeles County. As of May 12, the fifth day of registrations, 1,022 people have registered for assistance in repairing and rebuilding their homes, businesses, and apartments.

The total property damage in Los Angeles alone is estimated at over $735 million. The human and emotional costs are immeasurable. As many as 40,000 jobs have been lost throughout L.A.—some of them permanently.

Few sections of Los Angeles were spared. My own district was among the most severely affected. Scores of businesses along Crenshaw Boulevard—which represents the heart of a major African-American commercial district—were destroyed or badly damaged by the fires and looting. The damage was indiscriminate. Fires laid claim to supermarkets, gas stations, Mom and Pop stores, retail outlets, swap meets, and restaurants. Several landmark establishments were destroyed including: The Aquarian Bookstore—the oldest African-American-owned bookstore in the Western United States. Thrifty Drug Store—one of the oldest existing Thrifty stores, and the headquarters for Thrifty in Los Angeles from 1953 to 1984.

The restoration of the homes, jobs, businesses, and spiritual health of thousands of Los Angeles residents depends upon a swift, substantive, and compassionate Federal response to the devastation in Los Angeles. The funds appropriated under this Act are critical to Los Angeles's recovery from the tragic events of 2 weeks ago.

But our aim must go beyond restoring the status quo which prevailed in Los Angeles just prior to the riots. We will make an enormous mistake if we fail to recognize the L.A. riots as a warning and a wake up call.

The Los Angeles riots are the clearest possible reflection of our failure to address the roots of the absolute despair which plagues millions of Americans in the inner cities. The tragic scenes which unfolded in Los Angeles could be duplicated in cities nationwide. It is incumbent upon us to do all we can to avert similar tragedies in other cities—not with ceremonial gestures and soothing rhetoric—but by demonstrating a heightened commitment to addressing the fundamental needs of our most neglected citizens. There is an urgent need to improve access to quality jobs, education, housing and health care in these areas.

This bill represents a first step. I urge all of my colleagues to contribute to the healing process in Los Angeles by supporting this emergency relief measure and by urging the President to do the same.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the Speaker, and I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today to ask questions. The other day when we reported this bill from the Committee on Appropriations, I was certain I would be able to have my questions answered by this time, either from FEMA or from members of the committee. On that day I asked members of the staff of the committee, and none could come up with the response of what we really were doing.

I fully understand the section pertaining to the Small Business Administration disaster loan programs. We have experience with this. But what I do not understand is the Federal Emergency Management Agency disaster relief, the Robert T. Stafford disaster relief and the Emergency Assistance Act.

I have inquired from FEMA about this. They sent me the Federal Register, volume 55, No. 15, Tuesday, January 23, 1990.

From that I find that the intent—and I remember the debate on the floor at that time, and I have talked to one of the cosponsors of that legislation—the intent was to help State and local government.

In that description here, in that Federal Register, it says that the intent is for emergency protective measures to save lives and to protect public health and safety and to protect improved property.

Now the question I have is how is this money going to be administered, wherever it is administered? Whether it is Los Angeles, Chicago, or Alabama, who is going to administer it? What programs are going to go? So I go on, and they tell me to read page 2297 of the Federal Register. Here I find "today's document contains final rules for subparts G, H, J, K, and L." It goes on, "Final rules for subparts D, E, and F dealing with individual assistance will be published as a separate document."

Up until 5 minutes ago they tell me that we would have it here. Now I find those documents have been printed but have never been approved.

So we are dealing with questions here. Who is going to administer this money? Where is this money going to go?

I think we are entitled to know those answers. How much of this is covered by insurance, whether it be private insurance or the California insurance program that is called FAIR Plan, where California moves into areas like this and has insurance?

How much is to be covered by insurance? There are so many questions about this particular section that troubles me.

So, Mr. Speaker, I think we have some real problems. The subpart D was to be temporary housing, again emergency; subpart E was to be for family grant program, never been implemented, according to what I received 5 minutes ago from FEMA. From title or subpart F, which was to come, was for individual assistance, but it has never been implemented.

So it seems to me like we may be getting the cart before the horse here. I think every one of us is sensitive to helping the poor people who are suffering out there, the places of business, the people who have lost their jobs, people who have lost their homes and, sometimes, their life savings.

Our heart goes out to them. But we are asking the taxpayers of the country here to plunge out and give another $600 million here for something we really don't know where the money is going to go and do not know how it is going to be spent.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the devastating damage that has resulted from the massive flooding in downtown Chicago, as well as the riots that took place in Los Angeles, has been well documented. In response to these two emergency situations, the President has declared both Chicago and Los Angeles national disaster areas.

Being declared a disaster area, however, and the ability of emergency relief agencies to adequately assist those within the affected communities, are two very distinct matters. The Chicago and L.A. events, combined with other disasters that have occurred across the country, threaten to deplete current disaster relief reserves.

We in Congress have a responsibility to the American people that when disasters occur, anywhere in our country, the Federal Government will respond with emergency actions. Unfortunately, the relief and assistance reserves of our emergency agencies—the Federal Emergency Management Agency [FEMA] and the Small Business Administration [SBA]—are dangerously low. Indeed, the estimated cost of assistance to Los Angeles alone could break the bank.

I commend Chairman WHITTEN and members of the Appropriations Committee for moving quickly to shore up these essential funds. Today, an immediate aid package for Chicago and Los Angeles is imperative. I have personally visited the flooded areas in downtown Chicago, and am familiar with the magnitude and scope of this disaster. But disasters are not selective; they can occur at any time and at any place. The supplemental appropriations bill before us today enables us to ensure communities across the country that when unforeseen disasters occur, the Federal Government can respond with emergency action. I urge my colleagues to pass this essential legislation quickly and cleanly.

Mr. McDADE. Mr. Speaker, at this time I am pleased to yield 3 minutes to our very able minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, today we are addressing the first part of the President's urban initiative.

We are providing the necessary replenishment to the Federal Emergency Management Agency and the Small Business Administration loan program.

But I must admit that I am wary of the manner in which the remainder of the President's urban initiative will be considered.

I hope that we will work together to pass meaningful legislation where agreement can be reached.

Even today, there are those on my side of the aisle, quite frankly, that say that this emergency funding should be offset. And there are those on the Democratic side that say we should provide much more funding.

This is also the case for the remainder of the President's urban initiative. Some want more and some want less.

I fear that there will be an attempt to load up this initiative with so many proposals that it may very well sink under its own weight.

For example, I certainly hope that it is not the intent of the majority to add extraneous matters, such as the extension of unemployment benefits legislation.

Legislation to extend the existing temporary unemployment benefits could and should be worked out on an independent basis.

It really does not have the same relationship to these other things that we are working on. It ought to be separate and apart.

Senator DOLE and I have proposed a program to meet the needs of the unemployed through next March, which the President does support.

It moves up to next year a report by the new commission studying improvements and permanent changes which should be made to the unemployment program.

I am convinced that if both sides sat down together, an agreement could be reached on this issue.

I guess my word of admonishment might very well be this. Let us not stake out hard and fast positions from which we cannot move, but instead find those areas where agreement can be reached.

☐ 1440

Today, Mr. Speaker, I am going to support, certainly, passage of this first step in the process, emergency disaster funding. I hope we will continue on a bipartisan path so we will not again end up in gridlock, which will require me to come back to the floor in the future and say, "I told you so."

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in strong support of H.R. 5132, which will provide emergency supplemental appropriations to Los Angeles and Chicago to deal with their recent disasters.

I want to congratulate the chairman of the Appropriations Committee, Mr. WHITTEN, for his swift response to this emergency situation. The House's consideration of these funds within weeks of the Los Angeles uprising and the Chicago flooding, illustrates the ability of this Chamber to address the Nation's important needs in a timely and bipartisan manner.

I hope we will make such expeditious action the rule rather than the exception as we advance measures to address the many problems confronting our country's urban communities.

The measure before us today will provide supplemental appropriations of $495 million for fiscal year 1992 for programs of the Small Business Administration and the Federal Emergency Management Agency. These appropriations will produce direct assistance and loan guarantees totaling $822 million to spark the recovery of these great cities.

These moneys are urgently needed and must be provided but, quite frankly, they will not remedy the root causes of the disasters. Many inner city residents face catastrophes each day worthy of emergency Federal assistance. Contrary to the invectives of the President and his spokesmen against the Great Society, it has not been the programs of the Johnson administration that brought us to this point. In fact, after 12 years of social Darwinism and hollow promises that a high tide would lift all boats, many communities in our Nation have run aground. We now know that the top 1 percent of the population reaped 60 percent of the economic gains of the 1980's while the rest of America sank further into the muddy waters of financial distress. As New York City Mayor David Dinkins recently pointed out, in 1981, Washington returned $75.4 billion to cities for municipal programs. By 1992, that funding shriveled to $21.7 billion a decrease of over $50 billion.

The disastrous tunnel collapse and subsequent flooding which paralyzed Chicago for days illuminates the widespread decay of our cities' infrastructure. The cracks and fractures in our roads, bridges, and tunnels are hard to see from Air Force One and chauffeured limousine rides, but they are widening—and multiplying—and one day soon, will capture even the President's attention.

It is incumbent upon us to redress the shoddy record of malignant neglect by our Federal Government over the past decade. By placing our priorities on humanitarian aid to our cities rather than military aid abroad, by investing our dollars on minds and jobs rather than missiles and tanks, we can demonstrate a true commitment to our urban centers. History has demonstrated that the direction of our cities is a barometer for the economic and social well being of our country as a whole. For starters, we must bring down the firewalls that prevent our shifting defense savings into the domestic budget. We must reinstitute a program of Federal revenue sharing, in which the Federal Government participates in the well-being of our metropolitan areas.

Increased Federal financial assistance is vital but we also must guarantee that the fruits of this assistance reaches everyone. The despair and disenfranchisement which fanned the flames of Los Angeles are rooted in a loss of hope by people in this country who have had the doors to opportunity slammed in their faces one too many times.

I ask my colleagues to support this measure for emergency funding, but I urge them as well to commit this institution to the more arduous task of rebuilding our cities and bringing our disaffected and disenfranchised communities forward into the light of progress.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I thank the distinguished gentleman from Mississippi, the chairman of the Committee on Appropriations, for yielding this time to me.

Mr. Speaker, I am here to inform the people whom I serve in the Congress of the United States why I shall vote against the bill presently pending.

In my view, Mr. Speaker, pain lives in the heart of the American cities, and I agree with the gentleman from Illinois [Mr. MICHEL] that this ought to be the first step, and there ought to be others following it, but my theory is: Once this bill is passed, having been in politics for 20 years, the pressure is going to be relieved, and there will be nothing done about Los Angeles, and New York and the other cities in this country, nothing meaningful.

We have pain in the heart of the American cities, and radical surgery is required, but, instead of radical surgery, this bill is, at best, an inoculation against a disease that is already present in that body. We are treating it with a salve, a balm, because it hurts. But we are not going to stop the hurt. We are going to cover up the hurt, and we will go back to business as usual, and we will be about the business of doing other things.

Mr. Speaker, in the 2 years I have been in Congress I have come to believe that there are great minds, and they do not necessarily exist on one side of the aisle. They are men and women who are willing to roll up their sleeves and work on the great American problems, to solve the problems of our cities. But we are not going to solve them because the pressure will be relieved when we pass this money, and we will dust our hands off, and we will go back to business as usual. And a year from now, the problems that existed that did not start in Los Angeles the week that the verdict came in, but have been existing in Los Angeles and the other cities in this country for many, many years will continue to exist.

So, Mr. Speaker, let there be one lone voice who votes against this, and I note my exception because I believe that I will be able to say, "I told you so," and about this, Mr. Speaker, I hope I have never been more wrong.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MCDADE] for yielding this time to me for this purpose.

Mr. Speaker, when I first contemplated how I was going to vote on this measure, I felt that I had to vote "no" because, as the gentleman from Texas [Mr. WASHINGTON] has just now spoken, it may be that this will do no good in the long run, and I was also concerned about the fact that natural disasters in my view, over the years, did not denote the kinds of disasters that happened in either Chicago or Los Angeles. But the staff of the gentleman from Pennsylvania has provided me with some precedent that I think ought to be recorded in the CONGRESSIONAL RECORD that this Congress voted in the past when there were Cuban refugees in an emergency that occurred in Florida, not a natural disaster, but this Congress came to the aid of Florida. When there was a Love Canal problem in New York, a hazardous waste problem, not a natural disaster, this Congress rushed to the aid of New York, and there are many examples of the same thing.

Mr. Speaker, if the same kind of disaster should happen in Pennsylvania, I would not want it on my conscience that when I began to seek support in this Congress for help for such a disaster, that there would be opposition based on the fact that it was not a natural disaster, and that now has turned my conscience and my voting preference in this bill to support the President in this limited avenue of approach that he has for dealing with the recent disasters in Los Angeles and Chicago.

Mr. Speaker, I do it with great reluctance, but I will do it.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 5132, the emergency supplemental appropriation for disaster assistance. This is the least that we can do to deal with the rebellion in Los Angeles and the flood situation in Chicago.

We are the United States of America, an interdependent system of government, and we certainly do take care of each other when disasters occur. That should not even be debatable. But let me just use this opportunity to say that this certainly is just a beginning. We respond to the emergency here at this moment, but there is much work to be done.

Our cities are in trouble in America. Our cities are in trouble because they have been neglected for far too long.

Mr. Speaker, we have thousands of young men and women who are unemployed, who live nowhere, sometimes with mother, sometimes with grandmother, sometimes under bridges. We have young men and women with no job training, many of whom have dropped out of school, even those who have graduated from high school who have no prospects of getting employed. We have exported jobs to Third World countries for cheap labor.

I live in south-central Los Angeles. My district office was burned to the ground. My home is within one block of where the insurrection started. I know this community. I have watched in horror as it has been neglected in so many ways.

Not only did we export jobs, Mr. Speaker. Goodyear closed down. Bethlehem Steel closed down. Firestone closed down. This is where young people, even if they did not go to college, had reasonable expectations that they could get a job.

Today it is Los Angeles, but tomorrow it is anywhere in America. It is any city that could go up in flames. And let me say to those in suburbia, "You do not exist in a vacuum. You are connected to the cities. Many of the services that you need are in the cities. Many of the jobs are in the cities."

We must live together in this Nation in harmony. If we are to do it, we must recognize what has taken place, and we will move in a substantive way following this emergency assistance to deal with the real problems in the system, the root causes of what has taken place in Los Angeles. I am optimistic that we are going to do that.

I do not look at the President's six-point program as the answer. I do not look at the package that the mayors are bringing forth as the answer. I do not look at my own ideas as the answer. We have got to roll up our sleeves and get in the room together, both sides of the aisle, and we have got to decide what is good for America. When we put aside partisan, petty politics and do that kind of work, we will respond in ways that will help us to move forward in this country. I am delighted to be here to be part of this process.

Mr. Speaker, I look forward to what we are going to do.

□ 1450

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, this emergency legislation is the right thing to do.

But I am concerned that this will be the sound bite end of the Washington response to the crisis all American cities are facing.

The urban crisis is not limited to Los Angeles and Chicago. Just last week, the Mount Pleasant neighborhood, a few miles from here, erupted. It was an aftershock of the Los Angeles tragedy. And there were aftershocks all over the Nation.

Our legislation today cannot be the end of our response.

Now, we really have to go to work.

We must work together to establish a reasonable, achievable urban legislative package.

We must pass it quickly.

The President must sign it.

And get help to all the other cities in need as soon as possible—New York and Miami and Atlanta and my home, Philadelphia.

Let us not allow the momentum that we have today die after tonight's 6 o'clock news.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I rise in support of H.R. 5132, the dire emergency supplemental appropriations for disaster assistance. As you know, this legislation provides additional dollars for assistance and loans to help with the cleanup from the recent disasters in Chicago and Los Angeles.

I lend my full support to the passage of this bill not only because my constituents have been affected by the Chicago flood disaster, but because whether or not catastrophes happen in Chicago, Los Angeles, or elsewhere in this Nation, we in the Congress have set aside dollars to address this need. If we cannot assist our own citizens when in need, how is it that we so freely send Federal dollars abroad to assist with catastrophes worldwide?

Mr. Speaker, the cost estimate for the cleanup from the Chicago flood is near to $1 billion. Many small businesses have been lost and will not be able to reopen, and other businesses will take years to truly recover their losses. Additionally, the human toll is great. Some of my constituents have lost their jobs because of the flood, and you well know that many in Los Angeles have lost their lives due to the disaster there.

At a time when the Nation continues to struggle through the worst recession since the Great Depression, I believe that we must extend a hand of assistance to our cities. Plain and simply stated, there are few if any alternatives for assistance to cities these days given the wholesale pullout of Federal dollars to our Nation's urban centers. These dollars are desperately needed and will be put to good use.

I ask for the support of my colleagues today because whether it be a man-made disaster or a natural disaster, none of us here can predict the future to know when we will again have to stand in this well and ask for assistance for our constituents and local cities and towns. Our urban and rural centers nationwide are struggling to merely survive, many on the brink of bankruptcy. When we can we should offer assistance.

I thank you for the time today, Mr. Speaker, and again ask for a "yea" vote on H.R. 5132.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, the loss of property in riots and floods is tragic; the loss of life is devastating. So it is with some mixed feelings that I stand today to oppose this supplemental appropriations bill. Compassion is a necessary element of government, and I don't question the motives of those who support this funding, but I do question the fundamental fairness of this approach.

There are many communities across the country, both urban and rural, that struggle for survival every day. By passing this large supplemental appropriation directed to only two cities, we are telling these other communities that to gain assistance it would help to burn down their cities. I think we should lay aside other business and urgently attend to tax reform, regulatory reform, and welfare reform, and do it comprehensively for the whole country and for all citizens. What is needed are incentives for economic growth and job creation and consolidation and integration of social services to get at the root problems of poverty. Education and job training must be a major component of reform.

I support many of the legislative reforms that have been proposed in response to the Los Angeles riots: enterprise zones, for example, are ideas that readily translate into reality. They work—just ask the folks in Cuba, MO. I support welfare reform. As the ranking member of the Select Committee on Hunger, I have become very familiar with the problems of the welfare system. It is in need of reform, and we need to help folks improve their lot so they can get off of welfare and stay off. These initiatives—these across-the-board reforms—are good ideas. But those good ideas are not before us today. Today, we are considering a bill which asks the taxpaying citizens of the entire Nation to foot the bill for cleanup expenses of a few limited areas.

I have tremendous sympathy for the innocent victims in Los Angeles. But we should not send the bill to all American people to pay for this willful destruction unless they are all going to share in the benefits. I could perhaps support this sort of payment if the damage had resulted from a national disaster—an earthquake, a typhoon, a hurricane, or a drought—in those disasters for which FEMA exists. But the disaster in Los Angeles is a human disaster. Riots. Arson. Looting. Chaos. Killing. All of these were caused by human actors exercising their free will, not natural disasters. Some folks attempt to excuse this criminal activity by saying, "They were angry." Well, I'm angry; we're all angry. There are lots of things to be fixed all across this country, but being angry doesn't give us carte blanche to riot, commit arson, loot, and kill. Taxpayers from Missouri and elsewhere don't want to pay—and shouldn't be made to pay—to remedy the willful misconduct in Los Angeles.

The SPEAKER pro tempore (Mr. BARNARD). The Chair will state that the gentleman from Mississippi [Mr. WHITTEN] has 6½ minutes remaining, and the gentleman from Pennsylvania [Mr. McDADE] has 3½ minutes remaining.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, the President of the United States has declared the city of Chicago a disaster area.

He did so because Chicago's residents and business community are enduring financial and physical hardships of epic proportions.

I am here to lend my voice to those calling for immediate consideration of this bill.

This bill has only one purpose—to provide the people of Chicago and Los Angeles with immediate disaster relief assistance.

The city of Chicago has been a center of transportation and commerce for over 150 years. Yet it was brought to its knees by downtown flooding in the underground tunnel system.

Initial estimates have put the cost of damage repair in the tens of millions of dollars.

The city of Chicago simply cannot afford to repair the flood damage without Federal assistance.

Neither can downtown business owners and their employees survive the loss of productivity and income without Federal assistance.

Instead of debating the merits of providing assistance to Chicago, isn't it more important to guarantee that Chicago's residents can pay their rent and feed their children?

Of course as a native of Chicago and representative of its citizens, I support this bill.

But let me make one thing very clear—I would support this bill regardless of which community it provided disaster assistance for.

It does not matter who the victims of a disaster are or where they live. It does not matter if the disaster was the result of nature or negligence.

What does matter is that they are victims—victims of events beyond their control who need immediate assistance.

Congress has the responsibility to provide the resources that enable Federal agencies like FEMA and SBA to act immediately.

In fact, under the Stafford Disaster Relief Act, Congress does not need to determine what caused a fire, flood, or explosion before providing a disaster-related appropriation.

I take great exception that any Member of this House should raise any objection to providing immediate assistance to the people of Chicago and the people of Los Angeles.

After all, every congressional district may someday turn to FEMA for disaster assistance—if they have not done so already.

You can be sure that when that time comes and the House must provide FEMA with additional financial resources, I will not stand up here and delay providing emergency assistance.

We must provide FEMA with enough funding to help Chicago and Los Angeles.

We must do this immediately.

We must stop wasting time and pass this bill.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, we are voting today, not simply on emergency aid for Los Angeles, but on the future of our urban centers. The aid we are considering is emergency help in a time of crisis. But this is a first step, only a first step, in beginning the process of healing so necessary for Los Angeles, and for the entire country.

The events in Los Angeles are evidence that there is terrible trouble in this Nation's urban centers. There is joblessness, helplessness, and hopelessness tearing at the social fabric that holds our urban communities together.

The problems of our cities—the unemployment, AIDS, infant mortality, drug abuse, crime, crumbling infrastructure, pregnant teenagers, and faltering families—have been ignored too long. They have bred anger, fear, frustration, and the feeling that we are a split society, with justice and jobs for some, but not for others.

Mr. Speaker, the city of New Haven, which I represent, shares the trouble and turbulence that lay so close beneath the surface in Los Angeles before the riots erupted. If we don't directly address the problems that plague our cities, quickly and in a bipartisan manner, many more of us who represent urban areas may have to come before this House to ask for emergency aid in the wake of unrest.

We need urban enterprise zones, loan guarantees, access to quality health care, and jobs to put people back to work. We need to support our Job Corps Centers, provide drug education, and ensure full funding for WIC and Head Start. We know what to do, and we know what works. We just need to make firm our commitment to provide this help.

I strongly support the passage of this legislation, and urge this body to quickly complete work on a package of support for this country's neglected urban centers.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I will rise in support of the recommittal motion to be offered by my friend, the gentleman from Indiana. I want to thank the gentleman from Pennsylvania [Mr. MCDADE] for allowing me the time to do this before the recommittal motion comes up. I know there will be 5 minutes allocated at that time and it will be hard for other Members to discuss the recommittal motion.

Mr. Speaker, let me say that I recognize the severity and extent of the losses many families and business in Chicago and Los Angeles have experienced, and I am certainly not opposed to providing assistance to those in need.

However, the gentleman from Indiana has raised valid concerns about the precedent we may be establishing with this legislation. As stewards of the taxpayers money we have a responsibility to ensure that the money we distribute is used properly and in accordance with the law. The Stafford Disaster Relief Act intends that Federal assistance be used to supplement the efforts and resources of State and local governments in meeting emergency needs as a result of a major disaster.

Before we commit hundreds of millions of dollars to FEMA for disaster grants we should be assured that all levels of government are fulfilling their responsibilities under the Stafford Act. Federal disaster assistance should not become seen as a substitute for State and local resources. Supporting the recommittal motion reaffirms that responding to disasters requires the cooperation and efforts of all levels of government.

□ 1500

Mr. MCDADE. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the United States of America is facing some serious challenges if we are to be a prosperous and free society in the years ahead. I reluctantly oppose this proposal because it does nothing to come to grips with the serious challenges facing our society but instead is based on the idea that shoveling money is going to do some good.

Well, it will not do any good in the short run or the long term. I happen to believe that we need fundamental reform in this society or none of the problems we are talking about will be solved. Shoveling money at this time will take away from our incentive to come to grips with those problems.

The gentleman from California [Mr. COX] suggested turbo-enterprise zones. That is something that could have a long-term effect. Education reform. We have children in our inner cities that are graduating who cannot read and write. That is the type of reform in the education system that we need to make.

Shoveling money like this will not solve that problem. We have people who are living in fear in our inner cities, black and white citizens who are living in fear because the criminal justice system has broken down. This will not solve that problem.

Jack Kemp has talked about urban homesteading, making sure we expand the opportunities for home ownership of people who live in our urban areas. That will solve some of the problem. Just shoveling money will not solve the problem.

We have family disintegration in our urban areas. Nothing is more important than that, than coming to grips with that problem.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I rise in reluctant opposition to sending this aid, and I will explain my position in my remarks.

Mr. Speaker, I rise today in reluctant opposition to sending emergency aid to Los Angeles. It is not right that the taxpayer has to foot the bill for the willful destruction of property while those responsible go free, their evil actions excused in a fit and frenzy of political correctness.

I'm afraid we are sending a message here today that rioting pays and that this Congress can be blackmailed by thugs and vicious, predator gangs. I know so many innocent people, so many good people, need our help. But the fact that the bad along with the good will share in the generosity of the American people is galling. We must approach this with more precision and common sense.

And make no mistake, the American people are a good and generous people, Mr. Speaker. I for one am sick to death of the parade of liberals coming to this well to tell us that Americans are greedy and racist and that American society doesn't care about the inner city, as if the measure of America's commitment was how much money was spent on their behalf, although even by that measure the commitment has been substantial. How vulgar. First, the problems of the inner city have nothing to do with money. As economist Walter Williams has pointed out, since we started this war on poverty some 25 years ago, we have spend enough money to purchase the assets of all the Fortune 500 companies and almost all of America's farm land to boot. And yet we are no better off than when we started. Why? Second, the fact is that America is the least racist country in the world. Let me repeat that, Mr. Speaker, because it doesn't get said enough around this place. America is the least racist country in the world.

And as one who has traveled to over 140 countries I can personally attest to the accuracy of that statement. No other country has ever even tried to assimilate the number of different ethnic, religious, and racial groups that our beloved America has, much less manage to get them to live in some semblance of peace and order. Not one, ever. And in many countries that are supposed to be progressive and tolerant, discrimination is out in the open—against women, minorities, and those of different religions. I could provide countless examples of the institutional discrimination that exists in other countries that is far more pernicious than the pockets of bigotry we have here, and we do have some here, no doubt about it. I hope Members keep that in mind while our long national debate is underway.

Also unlike many of my colleagues on the other side of the aisle, Mr. Speaker, I trust in the basic goodness of the American people. Which is why I am not going to second-guess the verdict in the Rodney King case. Though from what little I saw and heard of the incident I am led to believe that I probably would have reached a different conclusion, I cannot fault the jury because I was not privy to all the testimony presented on behalf of both sides. But I will say that I have faith in the American judicial system and the American people, including the 12 jurors. Remember, it would have taken only one juror to force a mistrial in each instance, which would have triggered new trials. Just one. What those who have been so critical of the decision want us to believe is that each and every member of the jury was a racist—including the one Asian juror and the one Hispanic juror. This is simply unbelievable and unfair.

And let's be honest, the guilty go free in our country every day—both black and white. The only thing that made this case different was that it was videotaped. To therefore raise the Rodney King case to the level of Soweto or Tiananmen Square, as one prominent liberal columnist did, is ridiculous. Our judicial system is not perfect. But all we owe our citizens is a fair trial, not a fair verdict. And in this case no one has doubted the fairness of the proceedings.

But if the liberal left insists on casting blame for the decision, they need look no further than the district attorney's office for the city of Los Angeles, which did a lousy job in presenting its case. Why anyone would blame the jurors because the lawyers fouled up is beyond me. In the William Kennedy Smith rape trial the poor performance of the prosecutor was cited as a key factor in the non-guilty verdict. The performance of the prosecutor in this case was even worse, especially given the videotaped evidence, yet he has managed to escape responsibility for the outcome. Now just why is that?

And let's be clear about something else. The Los Angeles riots were not about jobs or frustration or a feeling of alienation. They were about some people, some individuals—black, white, and every hue in between—taking advantage of an emotional situation to steal from their neighbors, knowing full well that liberal politicians and social activists would excuse, even encourage, their actions. I saw one girl on television who, when asked if she thought the looting by her boyfriend was wrong, explained it wasn't because, "Everybody else was doing it."

But what do you expect? We give school kids condoms because "everybody is having sex" and, of course, it's prudish to expect them to stop. We give junkies clean needles because we can't expect them to stop taking drugs, they're addicted, so let's make it easier for them to kill themselves. People—kids—look at this and conclude that there are no rules anymore. And they are basically right. Why did it happen? Easy. Twenty-five years of social liberalism. From the sexual revolution to the drug culture to pornography as protected speech under the first amendment to abortion on demand, liberalism has paved the way for what George Will has called "America's slide into the sewer."

I am also tired, Mr. Speaker, of hearing the liberal left talk about black America as if it were a monolith. The fact is black Americans are as diverse as any other group. And economically there are really two distinct groups of African-Americans. One that is upwardly mobile and which benefited from the economic growth of the 1980's, and the other that is comprised of the hardcore underclass which has proved to be impervious to both the general trend of prosperity and any type of governmental assistance.

The good news is that for the first time ever the middle class is the largest group in black America, having grown by a third in the 1980's. Moreover, before the recession more blacks were working at higher wages than ever before. And consider these other encouraging statistics. From 1980 to 1988: Black family incomes rose 6 percent in real terms; the number of black professionals was up by 63 percent; black managers and officers in corporate America increased by 30 percent; and the number of affluent black families doubled. Moreover, the number of black families earning more than $50,000 in constant, or inflation adjusted, dollars jumped from 392,000 to 936,000. And nearly one-third of the jobs created during the 1980's went to African-Americans and Hispanics, who together only account for 18 percent of the population. So despite the rhetoric of the liberals gurus, the Reagan years saw many substantial economic gains for black Americans, though there is still a long way to go.

Yet these statistics are cold comfort to America's inner-city black residents, many of whom are trapped in a cycle of dependency. Despite the economic gains made during the 1980's, poverty among black Americans still remains about where it was two decades ago, largely because while things were getting better for most blacks, things were getting worse for others. Indeed, inner-city residents saw their poverty level increase from 14.2 percent in 1970 to 17.2 percent in 1980 to 18.1 percent in 1989. Compounding the poverty—I would say causing the poverty—is a host of other social ills. Consider these numbing statistics about the condition of black America and our inner cities collected by Glenn C. Loury of Harvard: In big city ghettoes black youth unemployment regularly exceeds 40 percent; though blacks constitute only 12 percent of the population, they comprise about half of imprisoned felons; about 40 percent of America's murder victims are black men killed by other black men; in the inner city, more than half of all black babies are born out of wedlock; only about 1 black student in 7 scores above the 50th percentile on standardized college admissions tests; there are more black men in prison than in college; and the level of dependency on public assistance has doubled since 1964, to the point where over half of all black children are supported in part by transfers from Government at all levels.

Any social scientist will tell you that this is a recipe for disaster. The social fabric in the inner city is not ripping apart, it has already been torn to shreds.

On one level, however, the liberal-left is right, Mr. Speaker. The people of the inner city areas of our country are victims. However they are victims of a paternalistic liberalism which has kept them on the liberal plantation for far too long. It is time for economic and social emancipation.

Mr. Speaker, we do not need a Marshall plan for urban America as some suggest. What we need is LOVE—law, opportunity, values, and empowerment.

So I call on Congress to enact the Bush-Kemp agenda for urban America. It just infuriates me when the liberals in our House of Representatives go on television and whine that the President has no agenda for urban America when they know full well that he has. Look at this report we just got from HUD in December. It's called "The President's National Urban Policy Report," and it is 78 pages long. It is a detailed outline of what the President wants to do. I invite my liberal colleagues to read it, as it contains some great ideas to breathe new life into our inner cities.

We need enterprise zones, urban homesteading and tenant management, and full funding for HOPE. We need these conservative programs that will give people a stake in their communities. As Jack Kemp noted following the riots, "Where residents are managing their own communities and homesteading toward ownership, there was no property damage." People don't destroy what they own, they improve it.

But it is also true that these programs alone are not enough. We cannot hope to address problems of the inner city resulting from decades of liberal social engineering until we take our streets back from the vicious thugs and gangs that terrorize the majority of the people who are good, law-abiding, decent people. We know that the liberals love to talk about root causes of crime, but as Bill Bennett pointed out in his great new book "The De-Valuing of America," when a house in your neighborhood is on fire you don't talk about the root causes of arson, you put the fire out first. That is what we need to do in the inner city.

So the first step is to simply increase the police presence in those communities suffering most from violent crime, no matter how much it costs. After all, the most important function of Government is to protect its citizens, whether the threat comes from around the world or around the corner. When people are afraid to go out of their homes they are not going to be able to make the effort to improve their condition. They will not go to school, or work late, take night classes, or take jobs that expose them to risks. However, give people the confidence to go about their daily lives in security and they will begin to take advantage of the opportunities that come their way.

The Justice Department's weed and seed program—which weeds out criminals and provides the seeds for economic and social revitalization—can play a major role in this regard and should be fully funded. For those of you who ask where the money is going to come from I can think of a lot of places, including but not limited to the National Endowment for the Arts and the Corporation for Public Broadcasting. That's just for openers.

Second, we need to somehow get black kids to remain in school and earn a high school diploma. Studies have shown that a high school diploma is a major determining factor in what kind of lives these kids eventually lead. For instance, 86 percent of black men with a high school education have incomes at twice the poverty level. For women, 91.5 percent of those with a high school education have incomes above the poverty level—provided that they do not have a child out of wedlock. There's the rub. This inner city phenomenon of babies having babies is probably the single biggest factor in preventing poor black people from escaping poverty and crime. Today, most black families are headed by women. A study from 1979 to 1985 found that within a year of giving birth, half of unmarried teen mothers started receiving AFDC. Within 5 years, 80 percent required welfare assistance. In 1986, the poverty rate for unmarried teen mothers living with their children was a staggering 83 percent.

People talk about keeping black families together. The real problem is that they never form to begin with. Let's face it, we are simply not going to solve the problems of the inner city as long as this condition exists, no matter how much money we spend on job training and other programs.

And people on the other side of the aisle do love to talk about job training. But school is the best job training program in the world. Yet when we try to improve the education of inner city kids by giving their parents more choice as to where they can send their kids, the liberals, taking their orders from the education bureaucracy lobbyists, say no. When schools erect metal detectors to keep guns and knives out of school the ACLU goes berserk, raising the carrying of a narco-beeper to the level of a constitutional right. When schools try to throw troublemakers out of school the liberals weep. Enough is enough, let's knock this garbage off.

We can solve the problems of America's inner cities, Mr. Speaker, but only when we start treating the people there as human beings instead of subjects in some grand social experiment. The inner city is not some liberal laboratory. We must expect of inner city residents what we expect of everybody else. If we continually lower standards and expectations because of where someone lives or because they are from a lower socioeconomic background, then those low expectations will always be met. It is simply unbelievable that criminality is excused by some Members on the other side of the aisle because the perpetrators are poor. Poverty is no excuse. It is not a lack of money, but a lack of values, values, values.

By the same token, inner city residents should expect from their local government the same commitment to their safety that suburban residents expect—indeed, insist on—from theirs. Expectations are a two-way street.

In conclusion, Mr. Speaker, the problems of America's inner cities are not insoluble. But the solution will require more from us than platitudes about root causes and more of this Federal guilt money. It will require a moral dimension and a moral direction that has heretofore been lacking. We conservatives have that vision. We are ready to lead. I ask my liberal colleagues to either join us or in the words of Lee Iacocca, "get out of the way."

Mr. NATCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the bill before the House today, H.R. 5132, the dire emergency supplemental bill, should be passed and should be passed overwhelmingly.

This bill, as my colleagues know, contains $494,650,000 in budget authority; $169,650,000 of this amount would go to the Small Business Administration to support $500,000,000 for disaster loans for small businesses; $25 million would go to the Small Business Administration for administration of the program. FEMA would receive $300 million of the total of $494,650,000.

All down through the years, Mr. Speaker, there have been disaster requests from the different States all over the country. I remember back a number of years ago, Mount St. Helens erupted, and we provided $800 million. We developed a bill quickly because it was a dire emergency, and we passed the bill as quickly as we could.

In the last 2 years, under the able leadership of the distinguished gentleman from Mississippi [Mr. WHITTEN], my friend and my chairman, we have provided assistance to people as my colleagues know who suffered because of Hurricane Hugo. We also provided assistance because of the Loma Prieta earthquake and for a number of other disaster requests which the President had declared disasters.

The amount of money in this bill, $494 million, Mr. Speaker, goes to the Small Business Administration. It goes to FEMA.

We have a number of requests pending for disaster relief from the different States, and this bill is the vehicle that we used to appropriate for them.

In our report Members can see that California has suffered terrible devastation as has Chicago; both of them have been declared by the President and funds need to be appropriated, Mr. Speaker.

Mr. Speaker, at this time I would like to say to the Members of the House, it is a distinct honor and a privilege for me to serve in this House with the distinguished gentleman from Pennsylvania [Mr. MCDADE], my friend.

The gentleman from Pennsylvania [Mr. MCDADE] is one of the most able Members of this House. We recall when our old friend Silvio Conte died, the next senior Republican Member on our committee was our friend, the gentleman from Pennsylvania [Mr. MCDADE].

The gentleman from Pennsylvania [Mr. MCDADE], last year and this year, has served in the capacity of the ranking minority member on the Committee on Appropriations.

Mr. Speaker, he has served with distinction and honor. It is a privilege for me to serve with him.

Mr. Speaker, not only does the leadership on both sides of the aisle support this legislation, but it is supported by the Executive Office of the President of the United States. We recommend this bill to the Members of the House, Mr. Speaker.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the disaster emergency supplemental appropriations bill under consideration today and to rally my colleagues to support the legislative program outlined by the President to address the underlying problems facing urban areas. We must move the President's proposals as quickly as possible.

Trenton, NJ is the largest city in my congressional district. It suffers many of the same problems which afflict other cities across the Nation. Although drug crime, housing problems, joblessness, and infrastructure decline continue to plague Trenton, aspects of the President's initiatives have already been implemented in our city as a pilot program and we are beginning to attain our goals of defeating these all too common urban dilemmas. These pilot programs need to be made permanent in Trenton and expanded to other areas.

Mr. Speaker, after witnessing crumbling infrastructure in Chicago and public riots in Los Angeles, I believe America—and this Congress—has been given a wake-up call on the health of our cities. We are at a crossroads; these two tragic events can be a stimulus for change, or they can further entrench cities in problems as productive businesses leave and criminals terrorize those who remain.

I invite my colleagues to refocus our attention on the needs of cities and fight the problems faced by Chicago and Los Angeles before they flare up in disaster in our other metropolitan areas. Ask yourself, how long before an infrastructure catastrophe strikes Boston or Baltimore; how long before crime, racial intolerance, and economic stagnation again lead to unrest in New York or Newark, or perhaps even Trenton.

Mr. Speaker, in addition to the $495 million in emergency disaster assistance which we are appropriating today, we should look for other possible solutions which may not require direct endowments from the U.S. Treasury. If we could encourage economic development and propagate community cooperation, some of the initial problems we are facing in America's cities could be lessened.

I have great hope and confidence in the soundness of the economic revitalization plans suggested by my good friend, HUD Secretary Jack Kemp. Young people feel trapped in an urban environment surrounded by crime, drugs, decay, and failure. They may need a hand today, but with the proper mix of incentives, rewards, and opportunity, the next generation can escape the cycle of poverty and recapture at least the building blocks of the American dream. Through the HOPE Program—Home Ownership and Opportunity for People Everywhere—Secretary Kemp has developed a plan to reinvigorate community spirit and pride. Tenant ownership offers residents a true interest in their neighborhoods and should go hand-in-hand with efforts to eradicate crime and repair structural ruin in public housing projects.

Mr. Speaker, let us also work together to fight racism before it further eats away at the fiber of our county. This Nation, of course, was founded as a haven for those seeking relief from discrimination—religious intolerance in the Old World to be exact. Over the years, the Congress has considered many pieces of civil rights legislation; constitutional amendments have been added, voting rights have been protected, and antidiscrimination laws have been enacted. Evidently, more needs to be done. We must continue to work to achieve our ultimate goals of racial equality and harmony.

Mr. Speaker, we also have a tradition on welcoming newcomers from diverse ethnic backgrounds and making them a part of our citizen family. Likewise, it is not an insurmountable challenge to unite black and white people in pursuit of any common goal.

I believe, for starters, a common goal should be the economic survival of cities. With tax incentives and guaranteed loans, businesses could be brought back into our cities to provide a future base of tax revenues for city infrastructure and, most important, employment. Quality jobs would alleviate the need for public assistance, lessen the temptation to make fast money in the drug trade, and do wonders for the self-esteem of those who have lost hope.

The President has again recommended an expansion of the Enterprise Zone Program. His plan offers incentives for new businesses which include tax breaks, relief from excessive regulation, and improved access to capital. Additionally, he has proposed a job training and employment program for inner city youth which will help get kids off the street and into productive employment opportunities.

Keep in mind the boost commercial advancement offers for city budgets. Working men and women who pay taxes and businesses that multiply economic activity could pump funds back into public coffers. These funds in turn could be used to repair and update the infrastructure needs.

Finally, Mr. Speaker, the recent events in Los Angeles revealed how the innocent can be held hostage in their own environs by a criminal element. The chaos and disorder brought upon neighbors and community should encourage this Government to redouble our efforts to resist crime through the Justice Department's weed and seed program. I know weed and seed; it is working in Trenton, NJ. This carefully integrated Federal program works with cities to remove violent criminals—the weed aspect, and rebuilds the social institutions and economic activities in the cities which will help discourage the return of drug and gang-related crime—the seed facet.

I will be supporting the passage of this disaster emergency supplemental. Yet, let me make it clear that I believe that this measure merely treats the symptoms and tragic consequences of urban maladies. After passage of the emergency bill today, we must do more. We must get down to business and cure the underlying ailments through a comprehensive package that will bring enterprise zones, jobs, job training, affordable housing, and real educational opportunities to the people in our cities.

Ms. NORTON. Mr. Speaker, I rise in support of H.R. 5132, the dire emergency supplemental appropriations for disaster relief. This is a vital measure but it should not be confused with urban relief. H.R. 5132 is humanitarian disaster relief of the kind the Federal Government would automatically grant if an act of God had struck Chicago and Los Angeles. Something close to that in fact did happen, though these were acts not of God but of neglect.

The neglect has been both calculated and catastrophic. If we rest with H.R. 5132, we shall have missed the warning Chicago and Los Angeles have sent to the Federal establishment. The Chicago flood was a warning that the infrastructure of the great cities is in a state of collapse. The Los Angeles disturbances were a warning that the cities are collapsing under the weight of accumulated problems and rage.

Emergency relief may quell the emergency, but it will not eliminate the crisis. What is needed and what is certainly feasible is at least a downpayment, not just to two cities, but to dozens of hard-pressed urban centers. The downpayment need not immediately encompass all of the resources that the cities need and deserve. But the survival of cities as we have known them depends upon our seizing this moment for a good faith downpayment. It must be enough to let our cities know that they need not go the way of Chicago and Los Angeles.

Mr. DYMALLY. Mr. Speaker, I rise to urge support for the dire emergency supplemental appropriations for disaster assistance, 1992, H.R. 5132 and to call attention to the needs of the small cities and communities of Los Angeles County.

I would like to commend the leadership for its responsiveness in ameliorating the impact of this disaster. In my discussions with the Speaker last week, I received the assurance that the House will act expeditiously to provide the necessary funds proportionate to the needs of the people of Los Angeles County. I would like to express my appreciation on behalf of the residents of the county to the House leadership for working so diligently to mitigate the plight of our community.

The urgency of this appropriation does not need further discussion. Currently, the devastation from the civil unrest has left these communities desperately in need of funding to rebuild the stricken areas. The extensive number of buildings destroyed by fires has left many structures in unsafe conditions are in urgent need of rebuilding.

As we approve this appropriation, I would like raise the following issues: this assistance is intended to go to all the victims of this disaster whether their property was burnt or only looted. To do otherwise, will only exacerbate the tensions that led to this disaster. I want to complement FEMA on disbursing this aid to all the victims, and in tits responsiveness to the needs of the smaller cities. I want to assert in clear terms that we strongly support disbursing this aid to those who lost their property either in lotting or in the fire. In the course of providing aid to the distressed areas of Los Angeles County, I want to emphasize the needs of the small cities of Compton, Lynwood, Carson, Paramount, Bellflower, Hawthorne, Gardena, Inglewood, and the communities of Willowbrook and Athens. Historically, Federal agencies, in responding to major crisis, like those within the County of Los Angeles, often ignore the plight of the smaller cities and its populations. The city of Compton, along with the cities of Lynwood and Carson, experienced significant property loss. In Compton alone, it is estimated that between 122 buildings were either burned down or destroyed by fire. I would like to commend both FEMA and SBA for making an effort to not overlook these cities by meeting with officials for those cities last week to discuss coordination of the relief effort.

Mr. Speaker, I also want to point out that this disaster which comes during the recession, should be a strong reminder about the need for economic opportunity and renewal in our urban communities. I am confident that you will be equally responsive to the needs of all Americans, and especially minorities who are still struggling 28 years after the civil rights movement.

Mr. Speaker, I ask, when will African-Americans be given an equal opportunity to be productive members in society and live in dignity?

Mr. DREIER of California. Mr. Speaker, I rise in reluctant opposition to H.R. 5132, the disaster emergency supplemental appropriations bill. I recently toured areas of Pomona and south central Los Angeles which were affected by the rioting and violence. Personally, I was dismayed and outraged by the extent of the physical and personal destruction.

I believe the Federal Government should provide a balanced approach to rebuilding Los Angeles. Certainly, some Federal relief is necessary to begin the process. I do not believe, however, that a massive bailout can restore the economic viability of south central Los Angeles, and I am concerned that enormous amounts of assistance provided in this legislation might serve to reward those who took part in the lootings. Instead, we need to reexamine and improve existing Federal programs aimed at expanding economic opportunities in our Nation's urban areas, and that is something that this legislation does not address.

For example, I have introduced H.R. 5101, the Minority Employment Opportunity Act, to require minority-owned small businesses participating in Federal contracting set-aside programs to employ individuals who are socially and economically disadvantaged. This will help to develop minority-owned businesses in minority communities, thereby reducing unemployment and crime.

I have sent the attached letter to Aviva K. Bobb, the presiding judge in the case of the looters.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1992.

HON. AVIVA K. BOBB,
Presiding Judge, Los Angeles County Municipal Court, Los Angeles, CA.

DEAR JUDGE BOBB: As you consider alternative sentencing options for individuals convicted in the aftermath of the riots, I urge you to look at an innovative idea recommended by a resident of south central Los Angeles.

Mr. Baxter Sinclair, who works for a pipeline company, made the interesting recommendation that we require guilty individuals to participate in the cleanup and reconstruction of neighborhoods devastated as a result of the riots. Mr. Sinclair made the suggestion during a meeting between black community leaders and President Bush on May 7. As he rightly stated, "It costs too much to keep them in prison."

In touring south central Los Angeles recently, I was dismayed and outraged by the extent of the physical and personal destruction I saw there. As you know, the area will require a significant amount of manpower to rebuild these neighborhoods and, given the prison capacity shortage, I believe this form of community service is appropriate. Thank you for giving Mr. Sinclair's recommendation your serious consideration.

Sincerely,

DAVID DREIER,
Member of Congress.

In addition, there is little that this bill will do to end the cycle of inner-city poverty across our country. Missing from the bill are realistic solutions such as reducing the tax burden on people who work, save, and invest in our inner cities, reducing taxes on the wages of the poor by increasing the earned-income credit, expanding home ownership opportunities in urban areas, and providing school choice and drug abuse prevention and education programs in our inner-city schools.

These aggressive proposals will, in my view, improve the quality of life in our Nation's inner cities and provide hope for the people that reside there. The Bush administration is on the right track, coupling a progressive and wide-reaching plan, the new America plan, to revise our Nation's urban areas, with a bipartisan review of the existing programs targeted for our inner cities. Whatever the outcome, it's clear that we need to focus much more attention to these areas. For that reason, Mr. Speaker, I plan to vote against this legislation.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the legislation, and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, short-term responses to the crisis in Los Angeles and other cities are of vital importance, but by no means a substitute for a national urban policy. The civil unrest in Los Angeles was a flashpoint of race relations and urban decline in America: One example, but by no means an isolated occurrence. Our Nation's cities are simmering pots of rage, unemployment, decay, and hopelessness, and it is once again the responsibility of his Government to help our cities meet the needs of our citizens. As Yogi Berra said years ago, it's like deja vu all over again.

Twenty-five years ago after the Watts riots of 1969, the Kerner Commission concluded that "our Nation is moving toward two societies, one black, one white—separate and unequal." Those words are as true today as they were then—and this is the underlying message of the violence and rage in Los Angeles.

We are a nation of two societies, Mr. Speaker—a white society and a black society. It is a nation of white suburbs and black inner cities, with two systems of justice, a two-tiered health care system, schools for black children and schools for white children—the list goes on and on. To make this Nation one society, Mr. Speaker, we need to begin healing racial divisions, and we need an urban policy that addresses the crisis of our cities. We must do this together, Republicans and Democrats, or face the horror the city of angels faced, here in Washington or in New York or Atlanta or Detroit.

This is why the meeting this week between President Bush and the congressional leadership was of such paramount importance. It was a symbol of bipartisan cooperation to address the crisis of our cities—and hopefully the first step down the road to a national urban policy.

To date, the Republican administrations of the last decade have done little for our cities but abandon them. Reagan decimated our cities; Bush ignored them preferring the bright lights of Paris, London, Moscow, and Tokyo. Jack Kemp, his Secretary of Housing and Urban Affairs, has been treated like the runt of the litter. Bush and Reagan's urban record speaks for itself:

Federal direct aid to the cities declined by 40 percent since 1980.

Cuts to nine key Federal programs that assist cities have decreased spending from $79 billion in 1980 to $19 billion in 1992, adjusted for inflation.

Housing funding has been cut by two-thirds since 1980; we spend $13 billion today; it would have been $32 billion if we stayed at the spending pattern that preceded the Reagan and Bush administrations.

Mr. Speaker, President Bush's latest proposals are like turning a garden hose on an inferno. He demands no personal responsibility for welfare mothers but offers no jobs, no child care, and no health care so they can afford to work. He proposes enterprise zones, which have an unproven track record, and are more of a boon for wealthy taxpayers than they are for poor inner-city residents. He demands that funds for other programs, like Head Start or job training, come from other vital domestic programs.

The best urban agenda, Mr. Speaker, is full employment. The economy has to produce jobs so that all Americans can share in the promise and opportunity of America. President Bush's economic record is well documented and miserable:

We are still in the longest recession since the Great Depression;

Bush promised 30 million new jobs over 8 years; he's given us 371,000 over 3 years—a 0.3 percent increase;

Per person income growth will be 2.6 percent at the end of Bush's current term; Carter, the last Democratic President, had 10 percent growth.

We need an immediate response to the problems that were manifest in the violence in Los Angeles and are simmering in other cities across the country. The best way to address the problems of our cities is to give their residents a job. Let them go to work every day. Let them be proud of being a breadwinner. The central mission of any urban policy must be job creation in our central cities, which will require a significant infusion of funds. The Local Partnership Act would send $15 billion to our cities immediately to rehire laid-off workers, improve public safety and services, and provide health care and education.

A moral, political, and economic commitment of the American people is needed. Cities are an anchor for economic and cultural activity across America. We must reverse the poverty and neglect of the 1980's. We must rebuild our cities like we rebuilt Europe after World War II. The Marshall plan cost $75 billion over 4 years in today's dollars. A similar commitment is needed for our cities today.

Mr. Speaker, after the end of the cold war we continue to spend over $150 billion a year defending Europe and Japan from an enemy that doesn't exist. We spend only $11 billion on direct aid to our cities. Our priorities must be reversed.

Further, Mr. Speaker, most people on welfare—which the President believes is the root of all urban evil—would prefer to work. We all agree that people need policies that keep families intact—any urban policy should allow fathers to live with mothers, provide job training, and give the disadvantaged the ability to accumulate assets.

We need to rethink the war on drugs in our inner cities. The strict law-and-order policies of the last decade have been an unqualified failure in breaking the cycle of drug abuse in our cities. A pillar of any urban policy must be increased funding for treatment and prevention of drug abuse and community policing. We need housing for the disadvantaged and schools for our children. And we need to enact a national health insurance programs to guarantee that low-income city dwellers will get the health care they need and have a right to but are currently unable to afford.

Mr. Speaker, I commend the President and our leadership on their long overdue meeting this week, and the gentleman from Mississippi for his rapid response to this crisis. And I look forward to the long overdue development of a national urban policy.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to once again urge my colleagues to vote down any motion which would remove disaster-related funds earmarked for the Chicago flood from the dire supplemental appropriations bill which we will consider today.

It was exactly 1 month ago today that businessowners in Chicago's Loop arose to find the Chicago River flowing through their basements, and it has been estimated that flood-related losses will top over $1 billion. Not since Mrs. O'Leary's cow caused the great fire of 1871 has Chicago been so devastated and paralyzed.

Regardless of who's to blame for this disaster, Federal disaster law stipulates that the city of Chicago is qualified for Federal relief. President Bush has recognized this by declaring Chicago a disaster area, and Vice President QUAYLE even made a special trip to Chicago to personally inspect the damage.

Let's not play politics with the lives of men and women who had nothing to do with the cause of this flood, but are counting on Federal aid to help rebuild. Businesses have been destroyed, men and women have been layed off, and the city with the big shoulders has been brought to its knees.

I urge my colleagues to help Chicago and support disaster relief for the flood.

Mr. MINETA. Mr. Speaker, I rise in strong support of H.R. 5132, the dire emergency supplemental appropriations for disaster relief.

There is no question, Mr. Speaker, that the crises in Los Angeles and Chicago that have demanded our attention today have little to do with one another save one important fact: these are our cities. Not yours or mine—but ours. They are America's.

These cities need our help. And they need our help now.

Now is not the time to point the finger of blame and say to convenient culprits, "Sorry, but you're on your own."

Those are important discussions.

But our charge today is to build and heal—and not to split hairs like a group of miserly bankers who would turn down American cities in their time of need.

If the damaged areas of Chicago and Los Angeles are not rebuilt, the people of Chicago and Los Angeles cannot rebuild their lives or their businesses.

And make no mistake: Americans throughout the country will be the poorer.

Mr. Speaker, our responsibilities as Americans do not start and end at city limits.

If we as a nation are to compete in this new emerging global economy, then we must recognize that our strength will come from being united—not divided.

And that means being smarter in the future than we have been in the recent past.

Mr. Speaker, the legacy of Los Angeles in May 1992 is a warning:

America can no longer turn its back on its cities and the Americans who live in our cities.

A dozen years of Federal neglect of urban America must come to an end.

The flood of downtown Chicago underscores that point still further.

A single breach in a 90-year-old retaining wall along the Chicago River is a symptom of a far greater problem in our country.

Decades of underinvestment threaten to undermine our cities—literally. That's not the shape of things to come that I'd like to see in this country.

So I would ask my colleagues to listen to America and rebuild our cities, Mr. Speaker, before we're forced to meet here under similar circumstances—with the only differences being the dates of the catastrophes, and the names of the victims.

Mr. BUNNING. Mr. Speaker, I reluctantly rise in opposition to H.R. 5132. While I have great sympathy for the innocent people of Los Angeles who suffered because of the riots, the looting and burning, I cannot support this bill in its current form.

I have considerable difficulty swallowing the idea of rewarding people for torching their own neighborhoods. Certainly we, as a nation, should rally around and provide assistance to any State or local government which is devastated by a natural disaster. But these disasters are different—they were self inflicted. And that should make a difference in the way we approach them.

I would be more inclined to support this emergency assistance if it were accompanied with something to address the underlying problem—a crime bill, an enterprise zone bill, or something along those lines. But in this bill we do not do this.

I also have considerable difficulty swallowing the idea of adding another $659 million to the deficit without making the slightest pretense of coming up with a way to pay for it.

Again, I sympathize with the people in Chicago and Los Angeles who suffered through riots and personal turmoil. But I must vote against this bill.

Mr. LEWIS of Florida. Mr. Speaker, I reluctantly must oppose H.R. 5069, legislation which was introduced to fund disaster relief in Los Angeles and Chicago.

I rise in opposition for several reasons.

First, the city of Chicago should not receive funds for what is, in essence, a human mistake, and not an unavoidable emergency. Because Chicago did not have the foresight, or the willingness, to properly maintain their infrastructure, taxpayers in Florida and the rest of the Nation must pay.

Mr. Speaker, we are sending a dangerous message to municipalities around the Nation. In effect, we are telling them to save their money, and let their infrastructure decay to the point where it causes a disaster. Then the rest of the country will pay. That is not sound policy, nor is it fair.

In addition, I am afraid that Congress is treating Los Angeles as another problem that can be treated with a quick appropriation vote.

There has been little debate on the root causes of the situation. Instead, it is simply the politics as usual of throwing money at the problem.

Finally, the funds in this bill are designated as "emergency" spending, and will not be subject to budget constraints. This money will add to our deficit, further add to our Nation's economic ills.

I believe it is unwise policy to exempt funds from budget accountability simply because they are not expected. No American business or family has this luxury, and the Federal Government should not.

Mr. Speaker, we should be addressing problems in a wise manner, without increasing our debt. When that is done, I will be pleased to lend my support.

Mr. GOSS. Mr. Speaker, I will vote in support of this measure today to release additional funding for the innocent victims of recent disasters in Los Angeles and in Chicago. But I do so with serious reservations, because I am concerned that we may be setting a dangerous precedent for emergency spending at a time when this Nation's Federal budget is already seriously out of balance.

In general, this Congress has responded to natural disasters with a timely, compassionate, and appropriate response of assistance. In the cases of Los Angeles and Chicago we are faced with man-made disasters, albeit tragic ones where many innocent people have been seriously hurt. There is legitimate concern that, by providing supplemental assistance in these cases, we are moving beyond the bounds of appropriate disaster relief. That is certainly a debate that we must continue to have.

While we wish to help the hard-working and law-abiding people of Los Angeles get back on their feet in the wake of the horrible and completely unforgiveable violence that took place there, there can be no mistaking our intentions in today's vote. We are in no way condoning or rewarding the thuggery, the looting, and the total lawlessness that ensued in Los Angeles. What we are doing is providing a compassionate response to those people whose lives have been devastated by this incident.

Mr. Speaker, this issue cannot end with today's vote—rather this should be the beginning of a long overdue discussion about meaningful crime legislation, responsible economic growth incentives, and effective domestic initiatives—such as those the President has proposed many times without any success in this Congress—to ensure that such a terrible series of events never again happens in an American community.

The SPEAKER pro tempore (Mr. BARNARD). Pursuant to House Resolution 454, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MYERS of Indiana. In its present form, yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the bill, H.R. 5132, to the Committee on Appropriations with instructions to report the bill back forthwith with the following amendment: "On page 3, strike lines 15 through 25."

Mr. MYERS of Indiana. Mr. Speaker, I regret that we are here today on this issue. I even more regret that it is necessary, in my judgment, that I take this action.

I think all of us certainly have sympathy and empathy for those innocent victims who have suffered because of what happened in Los Angeles and Chicago. But I think that also we must be concerned about the taxpayers of the country who right now are taxed right up to here, and here we are going to throw another unknown number of millions of dollars, hundreds of millions of dollars at a problem, throwing money at a problem.

Mr. Speaker, the effect of my recommittal would be to leave the loan money and strike only the grant provided in this legislation. The loan money through the Small Business Administration would allow those business people in Los Angeles and Chicago or elsewhere throughout the country to borrow money and at a reduced rate, if the loans are not available through their commercial sources, and be able to rebuild, to recreate the jobs.

It will allow small individuals who own homes or others who have suffered to borrow the money, like anyone else would have to do in this country when we have a loss.

I find it very difficult to understand why we can justify throwing money here at this particular instance.

Last night the President, President Bush, in Baltimore, announced a program of an additional $600 million for burned-out areas in Los Angeles, money to be provided through the Federal Home Loan Bank System.

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It would not come out of the U.S. Treasury. The Federal Home Loan Bank System would borrow the money through debentures and loan the money back, probably subsidized, yes, back to local borrowers who want to rebuild. This is the way I think it is best for us to provide this. We would be offering this assistance, but not just an out-and-out grant.

Now the bill provides for $300 million to be an out-and-out grant, in some fashion. For the last 2 days I have tried to find out just how this would be administered, who would administer it, who would qualify. The latest about a half hour ago, as I expressed earlier today, I could not get that answer of just how it would be administered. As far as I can tell, at least from FEMA, the latest, they have never promulgated those rules.

So I say today, yes, we will be offering help, but not at the expense of every taxpayer in the country when we are already suffering and cutting out research for cancer, for heart, for AIDS because we do not have enough money, cutting back education money because we just do not have the money.

Let us not confuse the rebuilding of the inner city, the urban areas, as part of this issue. It has nothing to do with it whatsoever. It has been suggested by a number here today that we are going to recreate and rebuild the cities and infrastructure in these cities. That is appropriate, but let us not confuse it with this. That has nothing to do with it. This is providing help for those people who have suffered, most of them through no fault of their own.

I say yes, we will help them. But think for a moment, if one of your constituents, and it happens every day in this country, a constituent loses a property, be it their home or their business, because of vandalism, because of looting, and incidentally, looting would not be covered, I do not believe, under any provisions of this so-called $300 million grant.

However, if a constituent loses property because of any of these reasons, as an individual, is FEMA going to rush in and help that individual? Not in my memory, not to my knowledge. But because we have over 5,000 people here who are suffering, then collectively each one of them is going to be taken care of.

So I would say to the gentleman from Missouri [Mr. EMERSON], wherever he is, to answer this question, "If something happens in your district with only one or two properties, better burn the whole doggone town, because then you get bailed out." But the gentleman's towns probably would not be big enough to qualify.

I do not mean to be that sarcastic, but I do think in the interests of what is fair for everyone in this country, the proper thing is to provide the loans, both what the President has proposed, the $600 million through the Federal Home Loan Bank system, as well as the Small Business Administration, and do not grant the free money, the grants. That might do what several suggested, might only encourage vandalism, terrorism in the future, destruction of property, because they are just going to rebuild it.

Mr. Speaker, I ask that the Members support the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAXLER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. BARNARD). The gentleman from Michigan [Mr. TRAXLER] is recognized for 5 minutes.

Mr. TRAXLER. Mr. Speaker, let me try and put this issue in perspective. The President of the United States, under the law, made a declaration of a disaster for two sites in the United States within the last week or 10 days. Once he made that determination and issued disaster declarations, the law kicked in. The Congress has not done a thing. There is nothing for us to do under the law. The money from FEMA begins to flow and people begin to go to work on the problem. Help is given. Money is expended under the law and under the rules, according to eligibility. Congress does not have to do anything under the law.

What this bill does, as the Members well appreciate, is to add funds to the disaster assistance account. It funds the FEMA programs. It is a supplemental to increase the total. It keeps money in the fund. This will be necessary to complete what is believed to be the estimate for the disasters, including the two latest ones. We probably will need more supplemental money later.

Let me advise the Members that in the last 6 months, 7 months, we have had 25 disasters, 25 disasters. We project the cost of those 25 at close to $1 billion.

The President has recognized this need. He is doing something, incidentally, that I approve of, and it is very difficult for me to approve of anything that this President does. I do not agree with his domestic agenda, I have little faith in his international agenda. When he does something that is right, I am proud to stand up here and support it. But what dismays me is that I have to carry the water for that guy in the White House against his own party.

The point of the matter is, this has been a bipartisan agreement There is no distinction between the disasters: California, Chicago, or the disasters that occurred in Mississippi, Vermont, Texas, New Jersey, Minnesota, Delaware, Guam, Marshall Islands, Iowa, or Texas. We are treating everybody alike, everyone alike.

I would hope as we make this money available we understand it goes into the pot. It is not designated for two cities, but it goes into the pot to fund all of these, because we do not have enough money there to handle all of them.

Let me suggest this, what we do need is compassion, understanding, and awareness of a relationship between one another. This Nation and its people have always sought to be of help to one another. Before these events and these times of the last 6 to 8 years, 10 years, this Nation really had a common sense of nationhood and decency, and fundamental concern for one another. I am saddened to see that over the years that has begun to evaporate and there has been sort of a replacement of a concern for each other with an attitude that says, "The devil take the hindmost in this country, and it is every man, woman, and child for him or herself."

I do not subscribe to that belief. I do not think the average American does, either. They think that is what is wrong with this Government, that there is not an awareness of nationhood, community, and people, and that we owe something to one another, and sometimes some are going to give to others when they are in need and others are going to give back to those when they are in need.

I pray that that decency and that civility will not be washed away on the altar of partisanship. This country deserves better, the people deserve better, and I hope that the Members will reject the motion and go on to pass the bill.

Mr. Speaker, I yield back the balance of my time.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 162, not voting 28, as follows:

[Roll No. 125]

YEAS—244

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Chandler
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green
Guarini
Hall (OH)
Hamilton
Hastert
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hughes
Hyde
Ireland
Jacobs
Jefferson
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Reed
Richardson
Rinaldo
Roe
Ros-Lehtinen
Rostenkowski
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Sikorski
Skaggs
Skeen
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—162

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Browder
Bryant
Bunning
Burton
Callahan
Camp
Carper
Carr
Chapman
Clinger
Coble
Coleman (MO)
Combest
Cox (CA)
Cramer
Crane
Cunningham
Darden
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Ewing
Fields
Gallegly
Gaydos
Geren
Gillmor
Gingrich
Glickman
Goodling
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hayes (LA)
Hefley
Hefner
Herger
Hobson
Holloway
Hubbard
Huckaby
Hunter
Hutto
Inhofe
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kolbe
Kyl
Lagomarsino
Lewis (FL)
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Molinari
Moody
Moorhead
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Quillen
Ramstad
Ray
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Sarpalius
Schaefer
Sensenbrenner
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Washington
Weber
Weldon
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—28

Anthony
AuCoin
Collins (IL)
Dannemeyer
Dickinson
Dymally
Hatcher
Henry
Jones (NC)
Kolter
Laughlin
Levine (CA)
Lightfoot
Lloyd
Luken
McCrery
Miller (WA)
Moakley
Oakar
Packard
Pursell
Sangmeister
Santorum
Staggers
Thomas (GA)
Vander Jagt
Walsh
Zeliff

☐ 1554

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Packard against.

Mr. Sangmeister for, with Mr. Pursell against.

Messrs. BATEMAN, MARLENEE, BRYANT, and CALLAHAN changed their vote from "yea" to "nay."

Mr. LEWIS of California and Mr. SKAGGS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to rule L (50) of the rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,
DONALD K. ANDERSON,
Clerk.

COMMUNICATION FROM THE HONORABLE AUSTIN J. MURPHY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable AUSTIN J. MURPHY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to rule L (50) of the rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Very truly yours,
AUSTIN J. MURPHY,
Member of Congress.

COMMUNICATION FROM THE HONORABLE JOE KOLTER, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable JOE KOLTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1992.

Speaker THOMAS S. FOLEY,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,
JOE KOLTER,
Member of Congress.

PRIVILEGES OF THE HOUSE—RESOLUTION REQUIRING THE SPEAKER OF THE HOUSE TO PRODUCE COURT DOCUMENTS RELATING TO THE CRIMINAL INVESTIGATION OF THE HOUSE POST OFFICE

Mr. WALKER. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 456

Whereas, the Department of Justice is conducting a criminal investigation into the activities of the Office of the House Postmaster and;

Whereas, the Department of Justice issued five subpoenas on May 6 requiring certain members of the House and current or former employees to produce certain materials and;

Whereas, Rule L requires that the Speaker be promptly notified of receipt of all subpoenas and that they be laid before the House and that the Speaker shall inform the House of the proper exercise of the court order;

Resolved, That the House of Representatives directs the Speaker of the House to produce the court orders dealing with the criminal investigation of the House Post Office and that the Speaker explain what delayed the timely consideration of said court orders.

The SPEAKER. In the opinion of the Chair, the resolution states a question of privilege.

The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 hour.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, this is a resolution relating to rule L, which does require that the Speaker promptly notify the House of receipt of all subpoenas. It is at least our understanding that five subpoenas were served upon the House over a week ago and that the House has just learned of three of those subpoenas, and there are perhaps two more yet to come.

As we also understand it, there have been specific meetings held in the Speaker's offices with the U.S. attorney relating to these matters, meetings that did not include anyone from the minority.

What is particularly disturbing about this is during the discussion of House reform some weeks ago, when the reform task force was meeting, the minority raised as a concern on several occasions the dealings with the House counsel and questions of this type when the House was subpoenaed.

We were assured at that time that the minority would always be informed promptly as these matters arrived before the House, that the minority leader would be fully consulted with and that at no time would these matters be withheld from the minority. That has obviously not been the case here. The minority was not kept informed. These matters have, in fact, been even negotiated without any minority participation and, therefore, we are left completely in the dark.

Beyond that, though, to the question of the House, the House should have at least been informed that these subpoenas were before the House under the provisions of rule L. This resolution suggests rule L has not been properly complied with.

The resolution goes further, directing that the Speaker do produce those court orders dealing with the criminal investigation and also directs the Speaker provide an explanation of what delayed the timely consideration of said court orders.

□ 1600

I would hope the House would adopt this resolution. It is a resolution, I think, which does bring us into compliance with what the rules of the House are and also assures that the membership is being informed of matters relating to the criminal investigation of the House post office ongoing at the Department of Justice. To fail to comply with subpoenas, to fail to follow our own rules with regard to these subpoenas, does appear almost like an obstruction of justice, and I do not think that the House would want in any way to connotate that we are going to interfere with a criminal investigation now under way.

Mr. Speaker, that is the substance of my statement with regard to this particular matter. I would be happy to yield to any Members who would like to further debate or discuss the resolution.

The SPEAKER. The Chair will make a statement from the chair, that the documents that have been laid before the House today indicate that the subpoenas have been issued. The Chair will inform the House that there has been oral modification of the subpoenas requested by the U.S. attorney over the period of the last several days and that, to the best of the Chair's knowledge, the U.S. attorney is satisfied with the discussions that have been ongoing with regard to the matter requested and that, when those discussions had been concluded, that the information would be laid before the House, as it has been today.

Mr. WALKER. Mr. Speaker, in that regard, have all subpoenas that are before the House been laid before the House at this point?

The SPEAKER. All that have been addressed to the Speaker so far.

Mr. WALKER. Mr. Speaker, that is the question. Our understanding was that there may have been as many as five subpoenas that came to the Hill last week. Are all five of those now before the House?

The SPEAKER. At this point the Chair has received three letters, and they have been laid down. There are two additional letters, I am told, that are coming. They will be laid promptly before the House when they arrive.

Mr. WALKER. Mr. Speaker, those figures would fit with what we know, but our understanding is those subpoenas first arrived on Capitol Hill as of last Wednesday.

Is that correct?

The SPEAKER. As I have informed the gentleman, the U.S. attorney modified his request verbally after the subpoenas had been served and no conclusion as to the scope of the subpoenas had been reached until very recently, and I think they are still ongoing in their discussions.

Mr. WALKER. Then my question, Mr. Speaker, would be, and I will be happy to yield to the minority whip in a minute, but my question would be:

If there had been negotiations with regard to this, why is it the minority has been left out of those negotiations despite the assurances of the Speaker and others during our reform task force meetings that there would never be a time when the minority is left out of such discussions?

The SPEAKER. The Chair was of the opinion that the minority had been informed about it. If there has been any lapse in that matter, the Chair regrets it, but there has been no conclusion to the request of the U.S. attorney at this point.

Mr. WALKER. Mr. Speaker, evidently these are matters that have been under discussion for a week. I can find no one on the minority side who was informed about this at any time. This is an ongoing pattern. On several occasions we have also been told that it was a lapse of protocol, a lapse of memory, a lapse of something, that has been preventing the minority from being informed. These are important matters before the House, and they are exactly the kind of thing that was mentioned over and over again in the reform task force meetings as matters that had to come promptly to the minority.

That is not happening in this case, and it is a major concern for Members of the minority that we have not only been kept in the dark about the subpoenas themselves, but also that, as I understand the Speaker, there are ongoing negotiations with the U.S. attorney that we have also not been included in.

The SPEAKER. The matter that has come to the attention of the House is one in which the Chair feels the minority should have been informed, and the Chair takes responsibility for that lapse.

But the Chair would also assure the House that all the procedures of rule L are being scrupulously observed and the House is being informed in the spirit of the rule as the determinations have been made under the rule.

The Chair does believe that he should assure that the minority leader was informed, and takes responsibility to see that that is done in the future.

Mr. WALKER. I thank the Chair for that, but it is a fact that the Republican leader has not been informed.

The SPEAKER. It was the Chair's impression that he had been, and, if the Chair had been advised that he had not been and was aware that he had not been, it would have been concluded that he would have been informed. The Chair notes that the complaint is not coming from the leader, but from others in the House, and I wish to assure——

Mr. WALKER. I remind the Speaker that all Members have the ability to bring a privileged resolution, and I do not think the minority leader, the Republican leader of the House, the gentleman from Illinois [Mr. MICHEL], would object to this particular resolution. I think the Republican leader is probably very disturbed about the fact that he did not get the kind of information that he was entitled to in this kind of case, and to suggest that somehow I am running a rump operation here I do not believe is something that needs to be aired here. This is an entirely legitimate matter to bring before the House, and I have every reason to believe that the Republican leader is very disturbed about the fact that the Democratic Party is continuing not to inform him of matters that relate to the business of this House.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia, the minority whip.

Mr. GINGRICH. Let me say, first of all, remember what I used to think was the legal committee? I want to point out to the House the logic which the Speaker just laid in front of the House which was that, if he had been told by us that we had not been informed, we would have been informed. Now I will be glad to have them read the words back. The fact is, since we did not know, it is a little difficult for us to ask.

Let me point out, second, the Clerk of the House, I believe, is the Clerk of the whole House.

Let me point out, third, that I just heard for the first time a few minutes ago on this floor that there were ongoing oral discussions with the U.S. attorney about subpoenas involving the records of this House. To the best of my knowledge no Republican staff member, no Republican Member, has been involved in those ongoing discussions.

Now, as a Republican, my question would be:

Had the subpoenas related only to Republicans, would we then have suggested that the Republican leader would handle it privately?

I mean we are sitting here with a subpoena, which I understand was delivered last Wednesday, asking for the documents to be turned over last Thursday. We have learned about it today apparently because of the Washington Post. No Republican staff person, no Republican attorney, and no Republican Member has heard anything about this for a week, and we are told that, if only we had asked.

So, Mr. Speaker, I assume our job is once a day to send an emissary to the Speaker's office to request whether or not a subpoena was delivered that particular day or in the preceding 24 hours.

The SPEAKER. The Chair wishes to make a repeat of his earlier statement that the rule is being observed. There is no violation of the rule. The Chair takes it upon his own responsibility for assuring there is no intent to slight the leader in any way, for not ensuring that the communication through the staff had been completed. Now the Chair takes that upon himself as a responsibility and in the future. The leader knows that the Speaker has attempted to speak on all occasions, to cooperate with the minority on matters that deal with legal problems, and the distinguished whip, the gentleman from Georgia [Mr. GINGRICH], I think should know that as well since he has been a participant in those meetings. This was a case in which there was a failure of staff communication that should have taken place.

But the Chair will repeat that there has been no violation of the rule. No Members' privileges have been interfered with. To my knowledge the U.S. attorney is not of the opinion that we are not proceeding according to the rules of the House, and the Chair hopes that the minority will accept that statement.

That is what the resolution requires, a statement of explanation, and the Chair has given such a statement.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois [Mr. MICHEL], the minority leader.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding, and the Speaker has indicated that the leader himself had not made a point here, and I must confess here that it has only been within the last half hour, while chairing another meeting off the floor, that I was first informed of what had taken place on May 7, or May 8, or whatever that date is, and the Speaker knows that I addressed him personally at the chair to inquire, and apparently the Speaker thought that whatever conversation he had with the U.S. attorney was also being conveyed to the minority leader.

Now that has not taken place, and the gentleman from Pennsylvania [Mr. WALKER] is so correct when he makes mention of the numbers of negotiations we have had on how we were going to work together in this House with a new manager and the new officers, that first and foremost, with respect to real critical, sensitive matters of this nature, we were to be simultaneously informed and brought up to speed on these matters so that we could work in concert with one another in good faith. That has not taken place, Mr. Speaker.

□ 1610

Now, I have to know somewhere who is it that is supposed to be communicating to me when matters of this kind are brought to the attention of our chief clerical officer, who is the Clerk. Are we to be notified automatically, or is there some obstacle in between?

I think we have to have it out. I regret that we cannot be doing this personally and privately under these circumstances, but the issue has been raised. I think our Members on this side particularly have got to be assured that what I thought we had agreed to earlier on was going to be a matter of fact and carried out.

Now, if there has been one instance of slippage we can forgive and look for another day. But if it comes to be a pattern, we have no recourse but to air it publicly, as we are today.

Mr. WALKER. Mr. Speaker, I thank the Republican leader.

I would be happy to yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, the only recourse apparently available to us was a privileged motion. I hope Members understand the privileged motion simply asked to explain what is going on, to explain what is happening to our House.

I happen to serve on a task force which is constructed in a bipartisan fashion to examine the post office. The House by resolution has asked us to do that.

Members need to know that we have been negotiating with the Justice Department to make sure that they are reasonable in their requests. Even as recently as yesterday we were attempting to negotiate with the Justice Department.

I would have liked very much to have known that the Justice Department had taken this course of action.

I have heard the Speaker several times now say that he has complied with rule L.

Rule L says:

> * * * Documents relating to the official functions of the House, such Member, officer, or employee shall promptly notify, in writing, the Speaker of its receipt and such notification shall then be promptly laid before the House by the Speaker.

There is no question "promptly" can be defined in different ways. "Promptly" in terms of notification can be a day, it can be hours, it can be minutes, it can be years. Here we have "promptly" defined as a week, a week during which the task force on a bipartisan basis has been attempting to find out what went on down there.

At the same time it is defending the prerogatives of the House, I might add most recently by a letter signed by myself and the minority leader laying out a timeframe in which we will deal with the Justice Department on our own terms, but not to have a confrontation. We requested the Speaker to sign that letter to show the forthrightness of the House in imposing its constitutional prerogatives with the Justice Department. The Speaker declined to sign the letter.

The minority leader and I thought it was important enough to outline the absolute necessity of defending the House on our own and sent the letter anyway. I find out that for over a week on the very self-same matter we are trying to fight the Justice Department with, that the Speaker now wishes to define "promptly" as a week or more in terms of informing the House.

Mr. WALKER. If the gentleman will allow me to reclaim my time to allow me to make a point, the gentleman from California [Mr. THOMAS] quoted from the rule. It is an extremely interesting rule, because one of the timeframes mentioned in it is 3 days. It refers to the fact that during a recess period no longer than 3 days, no such notification is required, but then such notification shall be promptly given to the House. So it is clear from the rule that 3 days is the extent to which promptness can be applied.

In this particular case it went considerably longer than 3 days, so that the rule has not been fully complied with.

Beyond that, in the explanations we have heard today, we have had the representation made to us that modifications were made to the subpoenas. I have heard nothing in the explanation given to the House by the Speaker thus far on what those modifications may have been.

If that is a part of the lack of timely notification of the House, it seems to me that we need to understand what was contained in those negotiations, since no minority participants were allowed, and what those modifications may have been. That is important information for this House to have.

Finally, I would make the point that it may well be that people did not inform the minority, surely though somewhere along the line they did see that there were no Republicans in the meetings. Now, if these meetings had been ongoing, surely someone noticed at some point that there were no Republicans in the room.

Mr. Speaker, I will be happy to yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

I would like to make a somewhat different point.

Mr. Speaker, the Clerk of the House, Mr. Anderson, is the Clerk of the entire House, minority and majority. He is the Clerk for each and every one of us as an individual Member of the House. I am sure that every Member of this House, like myself, would have a concern for him, and should he be subpoenaed by the Justice Department, a concern about him and his duties with respect to the House.

It is absolutely incredible to me that he could be served with a subpoena, that the Speaker could be informed that he was served with a subpoena, and that the Speaker and other Members of the majority would actually negotiate with a representative of the Justice Department about the Clerk's subpoena, without the Speaker himself personally telling the minority leader of an incident of this magnitude, that touches the entire House and will touch personally every Member of this House, if only through their personal affinity for Mr. Anderson. That the Speaker could have a question in his mind that the minority leader and, therefore, the minority, was informed of an incident of this magnitude is not acceptable. It should not be left that somebody on the Speaker's staff informed somebody on the minority staff. This is too important a matter, certainly out of the respect and regard we have for Mr. Anderson and the concern we have for him, but more importantly out of the concern we would have, each and every one of us, for the standing of this institution, that the Speaker, or at least the majority leader, would not have personally communicated with the minority leader the moment that they understood the subpoena had been issued and would have entered in no negotiations with the Justice Department whatsoever without including the minority on behalf of Mr. Anderson and on behalf of this House.

As regards the subpoenas issued to the two Democratic Members of the House, that I will be more happy to leave to the Democrat majority. I frankly do not care.

Mr. WALKER. Mr. Speaker, I will be happy to yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, as the vice chairman of the Post Office Task Force that is trying its level and bipartisan best to report back to the House on the operation and the management of the post office and to make further recommendations on how we run the post office in a way that would be a credit to the institution, I am highly disturbed over this information, not only because the minority was not informed, but I must raise the question, was the majority, those Members who serve with me on the task force, were they informed? Were the three Members of the majority who have been working with the three Members of the minority trying to conclude this report, were they informed?

Now, I do not think that is the case, because just yesterday we were discussing what the gentleman from California [Mr. THOMAS] had discussed; that is, a 30-day delay, to come to this House and ask the House for a 30-day delay so that we would not interfere in any way with the investigation of the Justice Department. And we were making progress. I must say that we have had some difficult times, but I think we are headed in the right direction.

□ 1620

Part of the problem here, however, has been that the minority has been in the dark with the post office investigation for 6 months. We originally came to the floor and asked for an independent investigation. We were assured by the chairman of the Committee on House Administration that we could handle it. We set up a unique structure in this regard to investigate it fully. We have been progressing, albeit we have some strong differences.

Now we find out, when just yesterday we are discussing this process and how to conclude it in the best way possible to defend this institution, that these subpoenas have been here since Wednesday of last week. That is no way to run a railroad, if, in fact, we are going to keep Members informed here and achieve any kind of bipartisan support, wherever the fault lies.

I would say to the gentleman that this is a problem that strikes at the heart of the institution as to whether we can work together to achieve bipartisan answers in regard to reform. I know my colleagues have strong feelings over on their side in regards to the motives, but certainly we can do better than this.

The SPEAKER. Will the gentleman yield to the Chair?

Mr. WALKER. I yield to the gentleman.

The SPEAKER. The Chair has tried to explain that there is no effort at this point to in any way negotiate the request of the U.S. attorney. It is to determine what it is.

There has been a request from the U.S. attorney through subpoenas which were very broad in their reach and required a very early return. And it was the effort to determine exactly what the reach of the subpoena was and how soon the return that led to discussions with the U.S. attorney, not other negotiations.

It was an attempt to discover from the U.S. attorney what would be needed in the judgment of the Office of Counsel of the Clerk to comply with the subpoena to determine what the U.S. attorney's position was.

The Chair has attempted to explain this. The Chair has taken upon himself a responsibility for not informing the minority leader. It was not intended as any slight to him. This Member has tried very hard, as Speaker, to keep the minority leader advised of these matters. I regret that this was a case where the course of determining what the subpoena was was not promptly communicated to the minority leader.

However, the rule itself is complied with in the Chair's opinion, when it is determined what the request is, that it should be then promptly laid before the House.

Mr. WALKER. Mr. Speaker, respectfully might I say that the rule is fairly clear that such negotiations with regard to the proper exercise of the court's jurisdiction are, in fact, supposed to take place after the House has been notified.

If the Speaker will read clause 3 of rule L, he will find that it says:

> Once notification has been laid before the House, the Member, officer or employee shall determine whether the issuance of the subpoena or other judicial order is a proper exercise of the court's jurisdiction, is material and relevant.

And so, therefore, the matter should have been laid before the House prior to the kind of negotiation that the Speaker refers to.

Our concern on this is that this was not laid before the House, that these modifications have taken place.

My question to the Chair would be, if, in fact, this is the matter that has been negotiated or has been dealt with, can the Chair inform the House what the modifications were that the House insisted on?

The SPEAKER. There is no negotiation taking place on section 3 of rule L. The effort has been to determine what the desire of the U.S. attorney was, as expressed in the subpoena. That is all.

Mr. WALKER. Could the Chair inform the House what the modifications were in the original order that have been worked out with the U.S. attorney?

The SPEAKER. There is no determination at this point. The Chair has made an explanation to the gentleman. He assures the House that he will immediately discuss the matter in full with the legal staff and the legal members of the legal committee.

In this way, we can immediately lay before the minority all information we presently possess about this matter.

The Chair reiterates his statement that there was no desire on his part or on the part of the majority to deny the minority leader any appropriate information. The gentleman may not accept that, but in the spirit of the gentleman's privileged resolution, the Chair has made the explanation that the gentleman requested.

The Chair at that point will leave the matter for the House's determination.

Mr. WALKER. Mr. Speaker, I thank the Chair for his partial explanation. The Chair has also, though, informed the House in the course of this that there are two more of these subpoenas that are evidently hanging around somewhere and are going to be brought before the House at some point. I assume that there are ongoing discussions about those particular subpoenas and that we have not received, in my opinion, an adequate explanation of that.

Beyond that, I would remind the House that it was just a few weeks ago that we had Resolution 434 before the House, which the Speaker's party tabled, which spoke to exactly this question because it spoke to the legal request made by the Department of Justice concerning its investigation of the Office of Postmaster.

Just a couple of weeks ago, that resolution was turned down that was brought to this floor precisely because of our concerns over just this kind of matter coming before the House.

It was also brought up in the reform task force. There we were assured that the House Counsel would, in fact, act on behalf of the whole House and that we did not need representation from the minority in that office because after all, we would be informed promptly.

What is clear here is that we have not received prompt notification and that we have only received at this point partial explanation.

It seems to me that the House does have an obligation to look beyond what the House has been told thus far and also to comply with its own rules and thereby adopt this resolution, get a full explanation of these matters and, plus, produce the rest of the court orders. If there are two more hanging around, we ought to have those before the House. We ought not let them sit buried somewhere until the majority regards it as an appropriate time to bring them to the House floor.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, let me state to the gentleman that the words "court orders" in the resolution are something that could not be complied with. We do not have court orders. We have subpoenas, and we have notification of subpoenas. And then the verbal communications went on.

Mr. WALKER. Subpoenas are orders of the court, are they not?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, I am told that they are issued by the attorney and not by the court.

Mr. WALKER. Acting as a court officer.

Mr. GEPHARDT. I would say to the gentleman that the rule, as I understand it, does not require laying the exact court order or subpoena in front of the House but simply requires that there be notification of the House that these have been received.

I think the Speaker has made it clear that there is an intention here to call together the legal committee to discuss the ongoing negotiations that are happening and to include the minority members of the ongoing legal committee in a discussion of how the House might respond and how that negotiation might be drawn to a conclusion.

I would urge the gentleman to understand that steps have been taken here and will be taken with the legal committee to fully comply.

Mr. WALKER. Mr. Speaker, perhaps the majority could inform me when the additional subpoenas are going to be laid before the House?

Mr. GEPHARDT. My understanding is that they have had a verbal communication about the subpoenas that have been sent and that will be laid before the minority and we can discuss that in negotiations.

I do not know when those subpoenas are to arrive here.

Mr. WALKER. Mr. Speaker, what is the difference between those subpoenas and the ones that were laid before the House just a few minutes ago? They all came to the Hill, as I understand it, at the same time. What is the difference between those which have not been brought before the House and the ones that have now been laid before the House?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, I am not sure what the difference is. As I understood it, the three had been orally communicated and discussed. The extent of my information is that they have all been sent and they will all be notified.

In fact, I think the House is being notified right now that these subpoenas have been sent.

☐ 1630

That is the extent of rule L. But as the Speaker said, the legal committee will be convened and there will be a discussion held.

The SPEAKER. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the Speaker.

COMMUNICATION FROM WERNER W. BRANDT, SERGEANT AT ARMS

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

Mr. WALKER. Mr. Speaker, that is an additional one. Do we have one more to go? Do we have another one yet to come?

The SPEAKER. If the gentleman will continue to yield, the Chair would say that there is one more communication which the Chair will supply.

Mr. WALKER. There is one more. Do we have some idea as to when we will get that, Mr. Speaker?

The SPEAKER. As soon as it is transmitted to the Speaker, the Chair would assume, very shortly.

Mr. WALKER. I thank the Senator.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I think there is something else that transcends this discussion. It's the same theme that was involved in our discussion of the subpoena of the bank records and the disclosure of the overdrawn checks. That theme is that the American public's perception is that it may not be able to trust all of its public Representatives; that it has a lack of trust in this body. You, Mr. Speaker, and we all are concerned about the American public's view of this body. This is one of the reasons, I think, why we need to comply scrupulously with the rules of this House.

It is unfortunate that there is a suggestion here that a week's delay, or more than a week's delay, might be prompt notification. I think it is fairly clearly it is not prompt to wait a week. The resolution we are debating asks for an explanation of why that time passed, why the disclosure was not, in fact, as prompt as it undoubtedly could and should have been. The Speaker has explained it has taken that much time to determine the scope of the subpoena. I think some may have a concern that it should not have taken that long, or that, at least, the minority should have been informed and involved in those discussions. Therefore, I would hope that the Speaker would consider a broader explanation of why it has taken that long.

The SPEAKER. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the Speaker.

The SPEAKER. The Chair has stated that he has made the explanation that in his judgment is required by the privileged resolution.

Mr. KYL. Mr. Speaker, will the gentleman yield.

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. KYL. I understand the Speaker's statement, but what I am suggesting is that the Speaker might want to consider a more complete explanation. If the Speaker chooses not to provide that, then we will have to vote on the resolution here, I suppose.

Mr. SPEAKER. If the gentleman will yield further, the Chair believes he has complied with the provision requested by the resolution.

Mr. KYL. If the gentleman will yield further, I thank the Speaker. I accept the Speaker's belief that this is an adequate explanation. I simply offer my concern to the Speaker, and to this body that it may not be adequate.

The American people are concerned about the job that this House is doing. They are not happy with the people in this body. They are not happy with our failure to act upon matters of concern to them, and they have been concerned about the internal operations of this House.

Recently, this body has had to vote to disclose the names of people who had written bad checks. Recently, this body has had to vote, over the Speaker's objections, to comply with the subpoena of House bank records, and now we have a subpoena of House post office records.

The credibility of the House is at issue. It just seems to me that while I do not question the good intentions of the Speaker at all, that it is important that we develop a much better procedure to comply with the rules of the House, to ensure prompt notification of matters that are called for in rule L, so that we do not have a repeat of the kind of situation that we are concerned with here today.

If the Speaker chooses not to make a further explanation, that is certainly the Speaker's prerogative. But then, I would urge support for this privileged motion in order that the people of this country have more confidence in the House of Representatives than I think they have today.

The SPEAKER. Will the gentleman yield?

Mr. WALKER. I am happy to yield.

The SPEAKER. The Chair has made the statement in the RECORD. The Chair has no objection to the adoption of the resolution. The Chair believes that on the adoption of the resolution, the RECORD will suffice for that explanation which is requested of the Chair.

Mr. WALKER. I thank the Chair. If I understand the Chair correctly, the Chair has no objection to the passage of the resolution. I thank the Chair for that.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding. Rule L of the House of Representatives requires compliance with subpoenas. The word used is "shall." "A Member or an officer or an employee served with a subpoena shall comply," and there is a qualification, "consistent with the privileges and rights of the House," not the privileges and rights of the Member, but the privileges and rights of the House.

Mr. Speaker, I think that is recognition of the fact that the service of a subpoena in a criminal matter such as this on the Clerk of the House is a fact that very directly affects the rights and privileges of every Member of this House and reflects directly on the standing of this institution. Likewise, how we deal with such a subpoena in a criminal investigation of wrongdoing in the House reflects directly on this institution.

Mr. Speaker, very recently we have established a useful precedent. We had a vote in our Chamber on whether or not we should challenge Judge Wilkie's subpoena on the basis of relevance and materiality. It was the position of the Speaker of the House that yes, we should challenge that subpoena. I took the floor and suggested that we would lose that challenge, and it would be more becoming for the House in the eyes of the American people, and reflecting integrity on this institution, if we were to cooperate in a criminal investigation of the House.

Today we have the same issue. The question is, should we negotiate the scope of a subpoena already served on the Clerk of the House. This is a matter affecting all of us. It is a matter that reflects on the House. It is a question which should be put to the full House.

The device that we have first for doing this is the bipartisan leadership group. Obviously it would make a great deal of sense when the Clerk is served with a criminal subpoena in a criminal matter by the U.S. attorney, that he notify the bipartisan leadership group so we can use that mechanism to bring the question of negotiating the scope of the subpoena to the floor of the House and decide it.

Were we to have that opportunity, Mr. Speaker, I would vote no. I would vote not to negotiate that subpoena, not to reduce its scope, but rather to cooperate, because the question is not nearly so much should we stand on the punctilio of every legal argument we might erect to resist a criminal investigation of wrongdoing in the House, but rather, should we get to the bottom of it?

I do not want to see editorials accusing the House of Representatives of cover-up, of failing to cooperate with the Department of Justice, or of obstructing a criminal investigation. I look forward to the opportunity to review the subpoenas myself. I hope that all of us here in the House have that opportunity, and I urge the Speaker, upon the conclusion of this vote, to offer us the opportunity to debate and decide by vote the question of whether to resist or cooperate with these subpoenas.

The SPEAKER. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the Speaker.

The SPEAKER. The Chair cannot control how Members construe his remarks or remarks of others, but the Chair is constrained to say and repeat that there has been no negotiation to determine anything but the request of the U.S. attorney as to what materials he wishes. Now, the gentleman can accept that or not, but it is disturbing to hear the gentleman that just left the well and the microphone make allegations indirectly that there has been an effort not to cooperate or an effort to obstruct in any way legal processes of the House. If that is not his intention, he at least left that impression in the RECORD.

Mr. WALKER. Mr. Speaker, I would simply say that one thing that would help clarify that is if we could get an explanation of what the modifications were on those subpoenas. That would help us understand the situation. That is, I think, one of the things that we think needs further explanation.

The SPEAKER. If the gentleman would yield further, the Chair has stated to the gentleman that it is his intention to call the legal committee together, the bipartisan committee. That is the normal process by which we would inform Members of legal matters.

Mr. WALKER. I thank the Chair for that, but understand, Mr. Speaker, we think that should have been done a week ago.

Mr. SPEAKER. If the gentleman will yield, the Chair lays before the House a communication.

□ 1640

COMMUNICATION FROM HON. DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, Member of Congress:

> DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.
>
> Sincerely,
>
> DAN ROSTENKOWSKI.

Mr. WALKER. Mr. Speaker, do I understand now that is all of the subpoenas that are before the House at this point?

The SPEAKER. All that the Chair is aware of.

Mr. WALKER. All the Chair is aware of. I thank the gentleman.

Mr. RIDGE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for yielding and thank the Speaker for his explanation.

I would just like to point out, if I might, to my friends on the other side of the aisle that during the 2 weeks of negotiations or discussions that we had on the bipartisan task force clearly there were two sets of reforms that we were interested in trying to accomplish on this side of the aisle. Some had to do with the House, the operation of the House, and some clearly had to do with the process. And understandably and predictably, our Democratic colleagues objected to procedural reforms dealing with the Rules Committee, procedural reform dealing with proxy voting, and I can accept their objection to that in that context. I can understand it, may not accept it, but I can understand it.

But the first part of the reform effort that we undertook in that time frame during that 2 week period, which I thought initially were good faith negotiations, we were trying to impress upon you, our colleagues, not our Democratic colleagues, but our colleagues in the House of Representatives that there are times and there are issues that affect us not as Democrats or as Republicans, but affect us as a collective group, as Members of a unique body, as Members of a unique legislative body called the House of Representatives. And where we asked you for bipartisan institutional reform, we did so thinking in terms of this precise kind of incident.

We understand clearly that you have political and policy alternatives and prerogatives because you are the majority party, and until that time that we get 218 votes in this institution we will not enjoy those prerogatives, so we set those aside during the course of our discussions. But the other point of the discussion through the entire week or 2-week period is that we are collectively not Republicans and Democrats, but Members of an institution whose integrity is often challenged and questioned by how we respond to situations like this. And there has been some comment about how some of my colleagues have made allegations, perhaps unsubstantiated, and perhaps absolutely incorrect. But the point is we are groping because we have no information, not we as Republicans, but we as coequal partners in the operation of this institution.

This does not have anything to do with politics. This does not have anything to do with setting a political agenda. This has to do with responding as an institution, as a collective group to very serious documents, subpoenas of our colleagues, subpoenas of officers of this institution. And so when we are asking for partisan reform, and my Speaker knows that part of the initiative was from the minority leader, BOB MICHEL, we wanted counsel. He set up a different kind of legal system so that there would be simultaneous notification to avoid these kinds of problems, to avoid this kind of confrontation, which should never ever happen. This discussion in and of itself denigrates each and every one of us, but has to be done publicly because apparently privately we cannot get your attention.

The point is: Preserve the prerogatives that you are legitimately entitled to, if you wish, although we would like to discuss those at a later date. But as Republicans and Democrats alike, we have a vested interest, a vested interest in the handling of these kinds of matters as quickly and as expeditiously, with adequate and complete information and disclosure on both sides of the aisle. That is what we are asking for.

Let us hope after today this never happens again, and at least we can bring true bipartisanship to the question of how we deal with these kinds of issues.

I thank the gentleman for yielding.

Mr. AUCOIN. I strongly support House Resolution 456. I believe that only through full cooperation with Justice Department subpoenas regarding the operations of the House post office, with the full, informed consent of the House, can we begin to restore public trust in the Congress and its institutions. Our constituents expect, and deserve, nothing less.

Mr. WALKER. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER. The question is on the privileged resolution offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 324, nays 3, not voting 107, as follows:

[Roll No. 126]

YEAS—324

Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Bacchus
Baker
Barrett
Barton
Bateman
Bennett
Bentley
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coble
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Durbin
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Mink
Molinari
Mollohan
Moody
Moorhead
Moran
Morella
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Ravenel
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Rowland
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Saxton
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thornton
Torres
Towns
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walker
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Young (AK)
Young (FL)
Zimmer

NAYS—3

Abercrombie
Gonzalez
Perkins

NOT VOTING—107

Ackerman
Alexander
Anthony
Atkins
AuCoin
Ballenger
Barnard
Beilenson
Bereuter
Berman
Bevill
Boxer
Brown
Bunning
Campbell (CO)
Chandler
Clay
Coleman (MO)
Collins (IL)
Crane
Cunningham
Dannemeyer
Dickinson
Dicks
Dorgan (ND)
Downey
Duncan
Dwyer
Dymally
Early
Ewing
Gallegly
Gaydos
Gejdenson
Gibbons
Goodling
Gradison
Grandy
Hatcher
Hayes (LA)
Hefley
Henry
Hopkins
Houghton
Hyde
Ireland
Jones (GA)
Jones (NC)
Kleczka
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Levine (CA)
Lightfoot
Lloyd
Luken
Machtley
Marlenee
McCrery
McDade
McDermott
McHugh
Miller (CA)
Miller (WA)
Mineta
Moakley
Montgomery
Morrison
Murphy
Neal (MA)
Oakar
Orton
Packard
Patterson
Pelosi
Pursell
Quillen
Rangel
Ray
Reed
Roberts
Roe
Rostenkowski
Roth
Roybal
Sangmeister
Santorum
Schaefer
Scheuer
Serrano
Shuster
Staggers
Stenholm
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Traxler
Vander Jagt
Vucanovich
Walsh
Washington
Weiss
Yates
Yatron
Zeliff

☐ 1706

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Joe Kolter, House of Representatives, Room 212–CHOB.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91–3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to your office account, or signed by Representative Kolter, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of your office voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from your office voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for your congressional office applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,
U.S. Attorney.

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Donnald K. Anderson, Clerk of the House, House of Representatives, Room H-105.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91–3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT FOR SUBPOENA

1. For the period January 1, 1986, through April 15, 1992, any and all House of Representatives vouchers, whether originals, carbons, or copies, received from or reflecting goods or services charged to the office accounts of The Honorable Dan Rostenkowski, The Honorable Austin J. Murphy, The Honorable Joe Kolter, or The Honorable Jack Russ, former Sergeant at Arms, or signed by any of the listed individuals, including but not limited to vouchers for postal stamps.

2. For the period January 1, 1986, through April 15, 1992, all documents or records regarding the status of the office voucher accounts of The Honorable Dan Rostenkowski, The Honorable Austin J. Murphy, The Honorable Joe Kolter, or The Honorable Jack Russ, former Sergeant at Arms.

3. For the period January 1, 1986 through April 15, 1992, any and all documents or

records relating to overdrafts on the office voucher accounts of The Honorable Dan Rostenkowski, The Honorable Austin J. Murphy, The Honorable Joe Kolter, or The Honorable Jack Russ, former Sergeant at Arms.

4. All documents including pamphlets, manuals, books, papers, or other instructions or guidelines regarding the proper use of stamp allotments for congressional offices applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,
U.S. Attorney.

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Werner Brandt, Sergeant at Arms, House of Representatives, Room H-124, U.S. Capitol.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91-3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to the account of the Sergeant at Arms, or signed by the Sergeant at Arms, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of the Office of the Sergeant at Arms voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from the Office of the Sergeant at Arms voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for the Office of the Sergeant at Arms applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,
U.S. Attorney.

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Dan Rostenkowski, House of Representatives, Room 211-RHOB.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91-3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to your office account, or signed by Representative Rostenkowski, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of your office voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from your office voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for your congressional office applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,
U.S. Attorney.

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Austin J. Murphy, House of Representatives, Room 2210-RHOB.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91-3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to your office account, or signed by Representative Murphy, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of your office voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from your office voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for your congressional office applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,
U.S. Attorney.

PERSONAL EXPLANATION

Mrs. PATTERSON. Mr. Speaker, I regret that I was not present for rollcall vote No. 126 on the privileged resolution regarding the criminal investigation of the House Post Office due to an illness in my family. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. DUNCAN. Mr. Speaker, time constraints forced me to miss rollcall vote 126, House Resolution 456, directing the Speaker of the House to produce the court orders dealing with the criminal investigation of the House post office and that the Speaker explain what delayed the timely consideration of those court orders. Had I been present, I would have voted in favor of the resolution.

I missed this vote because of a previous commitment to the Maryville Morning-Daily Times' Annual Academic Letters Awards Banquet held at Heritage High School, which is located in my congressional district. This banquet recognized students from Greenback High, Heritage High, William Blount High, Alcoa High, and Maryville High, for their outstanding academic achievements.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I missed rollcall vote 126 regarding the House Post Office subpoenas. Had I been present, I would have voted "yea."

APPOINTMENT AS MEMBER TO SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 51, 102d Congress, the Chair appoints the gentleman from Virginia [Mr. MORAN] to the Select Committee on Hunger to fill the existing vacancy thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4691, AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982 REAUTHORIZATION, FISCAL YEARS 1993 AND 1994

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 102–521) on the resolution (H. Res. 457) providing for consideration of the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790 and H.R. 2824

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1790 and H.R. 2824.

The SPEAKER. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DREIER of California asked and was given permission to address the House for 1 minute.)

Mr. DREIER of California. Madam Speaker, I have asked for this time to inquire of the distinguished chief deputy whip of the program for next week.

Mrs. KENNELLY. Madam Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Madam Speaker, the program for the House of Representatives for the week of May 18, 1992, is as follows:

There is no session tomorrow.

Then Monday, May 18, pro forma, no votes.

The House meets on Tuesday, May 19 at noon. We will have two bills under Suspension. Recorded votes on Suspensions will be postponed until after debate on all Suspensions.

Wednesday, May 20, and Thursday, May 21, the House meets at 10, and I do point out this is earlier than what we have been meeting on Wednesdays and Thursdays. That is 10 a.m.

We are going to take up the national energy policy rescinding certain budget authority conference report, and H.R. 287, concurrent resolution on the budget for the fiscal year 1993 conference report, and that will have 1 hour of debate.

Of course, the national energy policy is subject to a rule.

Friday, of course, is a holiday. The House will not be in session.

Mr. DREIER of California. Madam Speaker, I would like to inquire of the gentlewoman from Connecticut a couple of things.

First of all, are votes on the Suspensions to take place following debate and consideration of the aviation reauthorization bill, or before?

Mrs. KENNELLY. Madam Speaker, if the gentleman will yield, the votes will take place following the bill.

Mr. DREIER of California. I would also like to inquire, the Joint Committee on Organization of Congress was scheduled to be brought to the floor before Memorial Day, and in light of the Energy bill which is coming up next week, I wondered if that is still the plan.

□ 1710

Mrs. KENNELLY. I think, as the gentleman knows, we had hoped that might be able to happen, that the Hamilton-Gradison report would come up a week before the recess. Unfortunately, the work has not been completed. It will come up after the Memorial Day weekend.

Mr. DREIER of California. Just one more question. Are we to anticipate that the conference report on the National Institutes of Health will be coming forward?

Madam Speaker, I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. It is my understanding this conference report has not been completed but it may be filed on Monday.

Mr. DREIER of California. I thank my friend and thank the Speaker.

ADJOURNMENT TO MONDAY, MAY 18, 1992

Mrs. KENNELLY. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore (Ms. HORN). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mrs. KENNELLY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

COMMENDING NEW YORK STOCK EXCHANGE ON OCCASION OF ITS BICENTENNIAL

Mr. MCNULTY. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 254) commending the New York Stock Exchange on the occasion of its bicentennial, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HORTON. Madam Speaker, reserving the right to object, and I shall not object, I would like to explain this resolution.

Madam Speaker, along with the gentleman from New York [Mr. SCHEUER], and as the chief sponsor of this resolution, we introduced it to commend the New York Stock Exchange on the occasion of its bicentennial on May 17, 1992.

Madam Speaker, the New York Stock Exchange, the world's premier securities marketplace, will celebrate its bicentennial anniversary in 1992.

Madam Speaker, 200 years ago, on May 17, 1792, 24 merchants and brokers gathered under a buttonwood tree in lower Manhattan to establish a securities market which would adhere to "just and equitable principles of trade." Their exchange mechanism helped deliver America from the fiscal and financial turmoil of the post-Revolutionary years, and bolstered her growth through the early 1800's. Since that time, the exchange has weathered financial crises, adapted to economic trends and introduced computer technology, and contributed to the growth and development of America's economy.

Its role in the development of our global economy is unparalleled by any other financial institution. The exchange stands as the Nation's and the world's best known symbol of American free enterprise. From 24 brokers under a buttonwood tree two centuries ago, the exchange has grown into a computerized, global market with a potential trading capacity of over 800 million shares. As global securities trading evolves over the next 100 years, the exchange is determined to maintain and enhance its position as the world's centerpiece financial market.

Madam Speaker, I just want to commend the over 218 Members of the House of Representatives who have joined with me and Congressman SCHEUER and the gentleman who is handling this bill presently, the gentleman from New York [Mr. MCNULTY], in sponsoring and cosponsoring this very important resolution.

Madam Speaker, I urge its adoption.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 254

Whereas, on May 17, 1792, the New York Stock Exchange was founded by twenty-four merchants and brokers who gathered under a buttonwood tree in lower Manhattan to establish a reliable market for the trading of securities;

Whereas the New York Stock Exchange has helped finance America's growth from its very beginning, significantly contributing to job creation and to the development of the Nation's industry and technology;

Whereas the New York Stock Exchange is both the Nation's and the world's best known symbol of America's free enterprise system;

Whereas the New York Stock Exchange has committed its energy and expertise to advance our Nation's free market philosophy to other countries around the world; and

Whereas the New York Stock Exchange is a quasi-public institution, dedicated to the promotion of individual and institutional investor protection, and to just and equitable principles of trade: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the New York Stock Exchange is hereby commenced on the occasion of its bicentennial. The President is authorized and requested to issue a proclamation acknowledging and commending this occasion.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCNULTY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

Mr. WAXMAN submitted the following conference report and statement on the Senate bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-522)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1306), to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "ADAMHA Reorganization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REORGANIZATION OF ADMINISTRATION AND INSTITUTES

Subtitle A—Administration

Sec. 101. Substance Abuse and Mental Health Services Administration.
Sec. 102. Advisory councils.
Sec. 103. Reports on alcoholism, alcohol abuse, and drug abuse.
Sec. 104. Peer review.
Sec. 105. Data collection.
Sec. 106. Grants for the benefit of homeless individuals.
Sec. 107. Center for substance abuse treatment.
Sec. 108. Programs for pregnant and postpartum women.
Sec. 109. Demonstration projects of national significance.
Sec. 110. Grants for substance abuse treatment in State and local criminal justice systems.
Sec. 111. Training in provision of treatment services.
Sec. 112. Alternative utilization of military facilities.
Sec. 113. Center for Substance Abuse Prevention.
Sec. 114. Prevention, treatment, and rehabilitation model projects for high risk youth.
Sec. 115. Center for Mental Health Services.
Sec. 116. Grant program for demonstration projects.
Sec. 117. National mental health education.
Sec. 118. Demonstration projects with respect to certain individuals.
Sec. 119. Childhood mental health.
Sec. 120. Striking of certain provisions and technical and conforming amendments.

Subtitle B—Institutes

Sec. 121. Organization of National Institutes of Health.
Sec. 122. National Institute on Alcohol Abuse and Alcoholism.
Sec. 123. National Institute on Drug Abuse.
Sec. 124. National Institute of Mental Health.
Sec. 125. Collaborative use of certain health services research funds.

Subtitle C—Miscellaneous Provisions Relating to Substance Abuse and Mental Health

Sec. 131. Miscellaneous provisions relating to substance abuse and mental health.

Subtitle D—Transfer Provisions

Sec. 141. Transfers.
Sec. 142. Transfer and allocations of appropriations and personnel.
Sec. 143. Incidental transfers.
Sec. 144. Effect on personnel.
Sec. 145. Savings provisions.
Sec. 146. Transition.
Sec. 147. Peer review.
Sec. 148. Mergers.
Sec. 149. Conduct of multi-year research projects.
Sec. 150. Separability.
Sec. 151. Budgetary authority.

Subtitle E—References and Conforming Amendments

Sec. 161. References.
Sec. 162. Transition from homelessness.
Sec. 163. Conforming amendments.

Subtitle F—Employee Assistance Programs

Sec. 171. Program of grants under Center for Substance Abuse Treatment.

TITLE II—BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

Sec. 201. Establishment of separate block grant regarding mental health.
Sec. 202. Establishment of separate block grant regarding substance abuse.
Sec. 203. General provisions regarding block grants.
Sec. 204. Related programs.
Sec. 205. Temporary provisions regarding funding.

TITLE III—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

Sec. 301. Demonstration program in national capital area.

TITLE IV—CHILDREN OF SUBSTANCE ABUSERS

Sec. 401. Establishment of program of services.

TITLE V—HOME-VISITING SERVICES FOR AT-RISK FAMILIES

Sec. 501. Statement of purpose.
Sec. 502. Establishment of program of grants.

TITLE VI—TRAUMA CENTERS AND DRUG-RELATED VIOLENCE

Sec. 601. Establishment of program of grants.
Sec. 602. Conforming amendments.

TITLE VII—STUDIES

Sec. 701. Report by the institute on medicine.
Sec. 702. Sense of the Senate.
Sec. 703. Provision of mental health services to individuals in correctional facilities.
Sec. 704. Study of barriers to insurance coverage of treatment for mental illness and substance abuse.
Sec. 705. Study on fetal alcohol effect and fetal alcohol syndrome.
Sec. 706. Study by National Academy of Sciences.
Sec. 707. Report on allotment formula.
Sec. 708. Report by Substance Abuse and Mental Health Services Administration.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. Effective dates.

TITLE I—REORGANIZATION OF ADMINISTRATION AND INSTITUTES

Subtitle A—Administration

SEC. 101. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

(a) IN GENERAL.—Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended to read as follows:

"SEC. 501. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

"(a) ESTABLISHMENT.—The Substance Abuse and Mental Health Services Administration (hereafter referred to in this title as the 'Administration') is an agency of the Service.

"(b) AGENCIES.—The following entities are agencies of the Administration:

"(1) The Center for Substance Abuse Treatment.

"(2) The Center for Substance Abuse Prevention.

"(3) The Center for Mental Health Services.

"(c) ADMINISTRATOR AND DEPUTY ADMINISTRATOR.—

"(1) ADMINISTRATOR.—The Administration shall be headed by a Administrator (hereinafter in this title referred to as the 'Administrator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DEPUTY ADMINISTRATOR.—The Administrator, with the approval of the Secretary, may appoint a Deputy Administrator and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the activities to be carried out through the Administration.

"(d) AUTHORITIES.—The Secretary, acting through the Administrator, shall—

"(1) supervise the functions of the agencies of the Administration in order to assure that the programs carried out through each such agency receive appropriate and equitable support and that there is cooperation among the agencies in the implementation of such programs;

"(2) establish and implement, through the respective agencies, a comprehensive program to improve the provision of treatment and related services to individuals with respect to substance abuse and mental illness and to improve prevention services, promote mental health and protect the legal rights of individuals with mental illnesses and individuals who are substance abusers;

"(3) carry out the administrative and financial management, policy development and planning, evaluation, knowledge dissemination, and public information functions that are required for the implementation of this title;

"(4) assure that the Administration conduct and coordinate demonstration projects, evaluations, and service system assessments and other activities necessary to improve the availability and quality of treatment, prevention and related services;

"(5) support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs;

"(6) in cooperation with the National Institutes of Health, the Centers for Disease Control and the Health Resources and Services Administration develop educational materials and intervention strategies to reduce the risks of HIV or tuberculosis among substance abusers and individuals with mental illness and to develop appropriate mental health services for individuals with such illnesses;

"(7) coordinate Federal policy with respect to the provision of treatment services for substance abuse utilizing anti-addiction medications, including methadone;

"(8) conduct programs, and assure the coordination of such programs with activities of the National Institutes of Health and the Agency for Health Care Policy Research, as appropriate, to evaluate the process, outcomes and community impact of treatment and prevention services and systems of care in order to identify the manner in which such services can most effectively be provided;

"(9) collaborate with the Director of the National Institutes of Health in the development of a system by which the relevant research findings of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and, as appropriate, the Agency for Health Care Policy Research are disseminated to service providers in a manner designed to improve the delivery and effectiveness of treatment and prevention services;

"(10) encourage public and private entities that provide health insurance to provide benefits for substance abuse and mental health services;

"(11) promote the integration of substance abuse and mental health services into the mainstream of the health care delivery system of the United States;

"(12) monitor compliance by hospitals and other facilities with the requirements of sections 542 and 543;

"(13) with respect to grant programs authorized under this title, assure that—

"(A) all grants that are awarded for the provision of services are subject to performance and outcome evaluations; and

"(B) all grants that are awarded to entities other than States are awarded only after the State in which the entity intends to provide services—

"(i) is notified of the pendency of the grant application; and

"(ii) is afforded an opportunity to comment on the merits of the application;

"(14) assure that services provided with amounts appropriated under this title are provided bilingually, if appropriate;

"(15) improve coordination among prevention programs, treatment facilities and nonhealth care systems such as employers, labor unions, and schools, and encourage the adoption of employee assistance programs and student assistance programs;

"(16) maintain a clearinghouse for substance abuse and mental health information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, treatment providers, and the general public;

"(17) in collaboration with the National Institute on Aging, and in consultation with the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism and the National Institute of Mental Health, as appropriate, promote and evaluate substance abuse services for older Americans in need of such services, and mental health services for older Americans who are seriously mentally ill; and

"(18) promote the coordination of service programs conducted by other departments, agencies, organizations and individuals that are or may be related to the problems of individuals suffering from mental illness or substance abuse, including liaisons with the Social Security Administration, Health Care Financing Administration, and other programs of the Department, as well as liaisons with the Department of Education, Department of Justice, and other Federal Departments and offices, as appropriate.

"(e) ASSOCIATE ADMINISTRATOR FOR ALCOHOL PREVENTION AND TREATMENT POLICY.—

"(1) IN GENERAL.—There shall be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator shall delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment, and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also shall ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2000 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.

"(2) PLAN.—

"(A) The Administrator, acting through the Associate Administrator for Alcohol Prevention and Treatment Policy, shall develop, and periodically review and as appropriate revise, a plan for programs and policies to treat and prevent alcoholism and alcohol abuse. The plan shall be developed (and reviewed and revised) in collaboration with the Directors of the Centers of the Administration and in consultation with members of other Federal agencies and public and private entities.

"(B) Not later than 1 year after the date of the enactment of the ADAMHA Reorganization Act, the Administrator shall submit to the Congress the first plan developed under subparagraph (A).

"(3) REPORT.—

"(A) Not less than once during each 2 years, the Administrator, acting through the Associate Administrator for Alcohol Prevention and Treatment Policy, shall prepare a report describing the alcoholism and alcohol abuse prevention and treatment programs undertaken by the Administration and its agencies, and the report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

"(B) Each report under subparagraph (A) shall include a description of any revisions in the plan under paragraph (2) made during the preceding 2 years.

"(C) Each report under subparagraph (A) shall be submitted to the Administrator for inclusion in the biennial report under subsection (k).

"(f) ASSOCIATE ADMINISTRATOR FOR WOMEN'S SERVICES.—

"(1) APPOINTMENT.—The Administrator, with the approval of the Secretary, shall appoint an Associate Administrator for Women's Services.

"(2) DUTIES.—The Associate Administrator appointed under paragraph (1) shall—

"(A) establish a committee to be known as the Coordinating Committee for Women's Services (hereafter in this subparagraph referred to as the 'Coordinating Committee'), which shall be composed of the Directors of the agencies of the Administration (or the designees of the Directors);

"(B) acting through the Coordinating Committee, with respect to women's substance abuse and mental health services—

"(i) identify the need for such services, and make an estimate each fiscal year of the funds needed to adequately support the services;

"(ii) identify needs regarding the coordination of services;

"(iii) encourage the agencies of the Administration to support such services; and

"(iv) assure that the unique needs of minority women, including Native American, Hispanic, African-American and Asian women, are recognized and addressed within the activities of the Administration; and

"(C) establish an advisory committee to be known as the Advisory Committee for Women's Services, which shall be composed of not more than 10 individuals, a majority of whom shall be women, who are not officers or employees of the Federal Government, to be appointed by the Administrator from among physicians, practitioners, treatment providers, and other health professionals, whose clinical practice, specializa-

tion, or professional expertise includes a significant focus on women's substance abuse and mental health conditions, that shall—

"(i) advise the Associate Administrator on appropriate activities to be undertaken by the agencies of the Administration with respect to women's substance abuse and mental health services, including services which require a multidisciplinary approach;

"(ii) collect and review data, including information provided by the Secretary (including the material referred to in paragraph (3)), and report biannually to the Administrator regarding the extent to which women are represented among senior personnel, and make recommendations regarding improvement in the participation of women in the workforce of the Administration; and

"(iii) prepare, for inclusion in the biennial report required pursuant to subsection (k), a description of activities of the Committee, including findings made by the Committee regarding—

"(I) the extent of expenditures made for women's substance abuse and mental health services by the agencies of the Administration; and

"(II) the estimated level of funding needed for substance abuse and mental health services to meet the needs of women;

"(D) improve the collection of data on women's health by—

"(i) reviewing the current data at the Administration to determine its uniformity and applicability;

"(ii) developing standards for all programs funded by the Administration so that data are, to the extent practicable, collected and reported using common reporting formats, linkages and definitions; and

"(iii) reporting to the Administrator a plan for incorporating the standards developed under clause (ii) in all Administration programs and a plan to assure that the data so collected are accessible to health professionals, providers, researchers, and members of the public; and

"(E) shall establish, maintain, and operate a program to provide information on women's substance abuse and mental health services.

"(3) STUDY.—

"(A) The Secretary, acting through the Assistant Secretary for Personnel, shall conduct a study to evaluate the extent to which women are represented among senior personnel at the Administration.

"(B) Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Assistant Secretary for Personnel shall provide the Advisory Committee for Women's Services with a study plan, including the methodology of the study and any sampling frames. Not later than 180 days after such date of enactment, the Assistant Secretary shall prepare and submit directly to the Advisory Committee a report concerning the results of the study conducted under subparagraph (A).

"(C) The Secretary shall prepare and provide to the Advisory Committee for Women's Services any additional data as requested.

"(4) DEFINITION.—For purposes of this subsection, the term 'women's substance abuse and mental health conditions', with respect to women of all age, ethnic, and racial groups, means all aspects of substance abuse and mental illness—

"(A) unique to or more prevalent among women; or

"(B) with respect to which there have been insufficient services involving women or insufficient data.

"(g) SERVICES OF EXPERTS.—

"(1) IN GENERAL.—The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of its agencies.

"(2) COMPENSATION AND EXPENSES.—

"(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a)(1), 5724a(a)(3), and 5726(c) of title 5, United States Code.

"(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond the control of the expert or consultant that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(h) PEER REVIEW GROUPS.—The Administrator shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, establish such peer review groups and program advisory committees as are needed to carry out the requirements of this title and appoint and pay members of such groups, except that officers and employees of the United States shall not receive additional compensation for services as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under this subsection.

"(i) VOLUNTARY SERVICES.—The Administrator may accept voluntary and uncompensated services.

"(j) ADMINISTRATION.—The Administrator shall ensure that programs and activities assigned under this title to the Administration are fully administered by the respective Centers to which such programs and activities are assigned.

"(k) REPORT CONCERNING ACTIVITIES AND PROGRESS.—Not later than February 10, 1994, and once every 2 years thereafter, the Administrator shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the report containing—

"(1) a description of the activities carried out by the Administration;

"(2) a description of any measurable progress made in improving the availability and quality of substance abuse and mental health services;

"(3) a description of the mechanisms by which relevant research findings of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health have been disseminated to service providers or otherwise utilized by the Administration to further the purposes of this title; and

"(4) any report required in this title to be submitted to the Administrator for inclusion in the report under this subsection.

"(l) APPLICATIONS FOR GRANTS AND CONTRACTS.—With respect to awards of grants, cooperative agreements, and contracts under this title, the Administrator, or the Director of the Center involved, as the case may be, may not make such an award unless—

"(1) an application for the award is submitted to the official involved;

"(2) with respect to carrying out the purpose for which the award is to be provided, the application provides assurances of compliance satisfactory to such official; and

"(3) the application is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the official determines to be necessary to carry out the purpose for which the award is to be provided.

"(n) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing grants, cooperative agreements, and contracts under this section, there are authorized to be appropriated $25,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

(b) REPEALS.—Sections 502, 503, and 504 of the Public Health Service Act (42 U.S.C. 290aa-1, 290aa-2, and 290aa-3) are repealed.

SEC. 102. ADVISORY COUNCILS.

Section 505 of the Public Health Service Act (42 U.S.C. 290aa-3a) is amended—

(1) by redesignating such section as section 502; and

(2) to read as follows:

"ADVISORY COUNCILS

"SEC. 502. (a) APPOINTMENT.—

"(1) IN GENERAL.—The Secretary shall appoint an advisory council for—

"(A) the Substance Abuse and Mental Health Services Administration;

"(B) the Center for Substance Abuse Treatment;

"(C) the Center for Substance Abuse Prevention; and

"(D) the Center for Mental Health Services.

Each such advisory council shall advise, consult with, and make recommendations to the Secretary and the Administrator or Director of the Administration or Center for which the advisory council is established concerning matters relating to the activities carried out by and through the Administration or Center and the policies respecting such activities.

"(2) FUNCTION AND ACTIVITIES.—An advisory council—

"(A)(i) may on the basis of the materials provided by the organization respecting activities conducted at the organization, make recommendations to the Administrator or Director of the Administration or Center for which it was established respecting such activities;

"(ii) shall review applications submitted for grants and cooperative agreements for activities for which advisory council approval is required under section 504(d)(2) and recommend for approval applications for projects that show promise of making valuable contributions to the Administration's mission; and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the organization;

"(B) may collect, by correspondence or by personal investigation, information as to studies and services that are being carried on in the United States or any other country as to the diseases, disorders, or other aspects of human health with respect to which the organization was established and with the approval of the Administrator or Director, whichever is appropriate, make such information available through appropriate publications for the benefit of public and private health entities and health professions personnel and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—Each advisory council shall consist of nonvoting ex officio members and not more than 12 members to be appointed by the Secretary under paragraph (3).

"(2) Ex officio members.—The ex officio members of an advisory council shall consist of—

"(A) the Secretary;

"(B) the Administrator;

"(C) the Director of the Center for which the council is established;

"(D) the Chief Medical Director of the Veterans Administration; and

"(E) the Assistant Secretary for Defense for Health Affairs (or the designates of such officers); and

"(F) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

"(3) Appointed members.—Individuals shall be appointed to an advisory council under paragraph (1) as follows:

"(A) Nine of the members shall be appointed by the Secretary from among the leading representatives of the health disciplines (including public health and behavioral and social sciences) relevant to the activities of the Administration or Center for which the advisory council is established.

"(B) Three of the members shall be appointed by the Secretary from the general public and shall include leaders in fields of public policy, public relations, law, health policy economics, and management.

"(4) Compensation.—Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members of an advisory council shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent to the annual rate in effect for grade GS-18 of the General Schedule.

"(c) Terms of Office.—

"(1) In general.—The term of office of a member of an advisory council appointed under subsection (b) shall be 4 years, except that any member appointed to fill a vacancy for an unexpired term shall serve for the remainder of such term. The Secretary shall make appointments to an advisory council in such a manner as to ensure that the terms of the members not all expire in the same year. A member of an advisory council may serve after the expiration of such member's term until a successor has been appointed and taken office.

"(2) Reappointments.—A member who has been appointed to an advisory council for a term of 4 years may not be reappointed to an advisory council during the 2-year period beginning on the date on which such 4-year term expired.

"(3) Time for appointment.—If a vacancy occurs in an advisory council among the members under subsection (b), the Secretary shall make an appointment to fill such vacancy within 90 days from the date the vacancy occurs.

"(d) Chair.—The Secretary shall select a member of an advisory council to serve as the chair of the council. The Secretary may so select an individual from among the appointed members, or may select the Administrator or the Director of the Center involved. The term of office of the chair shall be 2 years.

"(e) Meetings.—An advisory council shall meet at the call of the chairperson or upon the request of the Administrator or Director of the Administration or Center for which the advisory council is established, but in no event less than 3 times during each fiscal year. The location of the meetings of each advisory council shall be subject to the approval of the Administrator or Director of Administration or Center for which the council was established.

"(f) Executive Secretary and Staff.—The Administrator or Director of the Administration or Center for which the advisory council is established shall designate a member of the staff of the Administration or Center for which the advisory council is established to serve as the Executive Secretary of the advisory council. The Administrator or Director shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions. The Administrator or Director shall provide orientation and training for new members of the advisory council to provide for their effective participation in the functions of the advisory council.".

SEC. 103. REPORTS ON ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa–4) is amended by redesignating such section as section 503.

SEC. 104. PEER REVIEW.

Section 507 of the Public Health Service Act (42 U.S.C. 290aa–5) is amended—

(1) by redesignating such section as section 504; and

(2) to read as follows:

"PEER REVIEW

"Sec. 504. (a) In General.—The Secretary, after consultation with the Directors of the Center for Substance Abuse Treatment, the Center for Substance Abuse Prevention, and the Center for Mental Health Services, shall by regulation require appropriate peer review of grants, cooperative agreements, and contracts to be administered through such Centers.

"(b) Members.—The members of any peer review group established under regulations under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than one-fourth of the members of any peer review group established under such regulation shall be officers or employees of the United States.

"(c) Requirements.—Regulations promulgated pursuant to subsection (a)—

"(1) shall require that the reviewing entity be provided a written description of the matter to be reviewed;

"(2) shall require that the reviewing entity provide the advisory council of the Center involved with such description and the results of the review by the entity; and

"(3) may specify the conditions under which limited exceptions may be granted to the limitations contained in the last sentence of subsection (b) and subsection (d).

"(d) Recommendations.—

"(1) In general.—If the direct cost of a grant, cooperative agreement, or contract (described in subsection (a)) to be made does not exceed $50,000, the Secretary may make such grant, cooperative agreement, or contract only if such grant, cooperative agreement, or contract is recommended after peer review required by regulations under subsection (a).

"(2) By appropriate advisory council.—If the direct cost of a grant, cooperative agreement, or contract (described in subsection (a)) to be made exceeds $50,000, the Secretary may make such grant, cooperative agreement, or contract only if such grant, cooperative agreement, or contract is recommended—

"(A) after peer review required by regulations under subsection (a), and

"(B) by the appropriate advisory council.".

SEC. 105. DATA COLLECTION.

Section 509D of the Public Health Service Act (42 U.S.C. 290cc–11)—

(1) is transferred to part A of title V of such Act;

(2) is redesignated as section 505; and

(3) is inserted after section 504 (as redesignated by section 104).

SEC. 106. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

(a) Transfer.—Section 512 of the Public Health Service Act (42 U.S.C. 290bb–1b)—

(1) is transferred to part A of title V of such Act;

(2) is redesignated as section 506; and

(3) is inserted after section 505 (as redesignated by section 105).

(b) Amendments.—Section 506 of the Public Health Service Act (as transferred and redesignated under subsection (a)) is amended to read as follows:

"GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS

"Sec. 506. (a) Grants for the Benefit of Homeless Individuals.—The Secretary, acting through the Administrator, may make grants to, and enter into contracts and cooperative agreements with, community-based public and private nonprofit entities for the purpose of developing and expanding mental health and substance abuse treatment services for homeless individuals. In carrying out this subsection, the Administrator shall consult with the Administrator of the Health Resources and Services Administration, the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, and the Commissioner of the Administration for Children, Youth and Families.

"(b) Preference.—In awarding grants under subsection (a), the Secretary shall give preference to entities that provide integrated primary health care, substance abuse and mental health services to homeless individuals.

"(c) Services for Certain Individuals.—In making awards under subsection (a), the Secretary may not prohibit the provision of services under such subsection to homeless individuals who have a primary diagnosis of substance abuse and are not suffering from mental illness.

"(d) Term of Grant.—No entity may receive grants under subsection (a) for more than 5 years although such grants may be renewed.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 107. CENTER FOR SUBSTANCE ABUSE TREATMENT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by striking the heading for part B and each subpart heading in such part; and

(2) by inserting after section 506 (as transferred and redesignated by section 106) the following new part:

"PART B—CENTERS AND PROGRAMS

"Subpart 1—Center for Substance Abuse Treatment

"CENTER FOR SUBSTANCE ABUSE TREATMENT

"Sec. 507. (a) Establishment.—There is established in the Administration a Center for Substance Abuse Treatment (hereafter in this section referred to as the 'Center'). The Center shall be headed by a Director (hereafter in this section referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience or academic qualifications in the treatment of substance abuse or in the evaluation of substance abuse treatment systems.

"(b) Duties.—The Director of the Center shall—

"(1) administer the substance abuse treatment block grant program authorized in section 1921;

"(2) collaborate with the Director of the Center for Substance Abuse Prevention in order to provide outreach services to identify individuals in need of treatment services, with emphasis on the provision of such services to pregnant and postpartum women and their infants and to individuals who abuse drugs intravenously;

"(3) collaborate with the Director of the National Institute on Drug Abuse, with the Direc-

tor of the National Institute on Alcohol Abuse and Alcoholism, and with the States to promote the study, dissemination, and implementation of research findings that will improve the delivery and effectiveness of treatment services;

"(4) collaborate with the Administrator of the Health Resources and Services Administration and the Administrator of the Health Care Financing Administration to promote the increased integration into the mainstream of the health care system of the United States of programs for providing treatment services;

"(5) evaluate plans submitted by the States pursuant to section 1932(a)(6) in order to determine whether the plans adequately provide for the availability, allocation, and effectiveness of treatment services, and monitor the use of revolving loan funds pursuant to section 1925;

"(6) sponsor regional workshops on improving the quality and availability of treatment services;

"(7) provide technical assistance to public and nonprofit private entities that provide treatment services, including technical assistance with respect to the process of submitting to the Director applications for any program of grants or contracts carried out by the Director;

"(8) encourage the States to expand the availability (relative to fiscal year 1992) of programs providing treatment services through self-run, self-supported recovery based on the programs of housing operated pursuant to section 1925;

"(9) carry out activities to educate individuals on the need for establishing treatment facilities within their communities;

"(10) encourage public and private entities that provide health insurance to provide benefits for outpatient treatment services and other nonhospital-based treatment services;

"(11) evaluate treatment programs to determine the quality and appropriateness of various forms of treatment, including the effect of living in housing provided by programs established under section 1925, which shall be carried out through grants, contracts, or cooperative agreements provided to public or nonprofit private entities; and

"(12) in carrying out paragraph (11), assess the quality, appropriateness, and costs of various treatment forms for specific patient groups.

"(c) GRANTS AND CONTRACTS.—In carrying out the duties established in subsection (b), the Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities.".

SEC. 108. PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.

(a) IN GENERAL.—Subpart 1 of part B of title V (as added by section 107) is amended by adding at the end thereof the following new section:

"RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN

"SEC. 508. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall provide awards of grants, cooperative agreement, or contracts to public and nonprofit private entities for the purpose of providing to pregnant and postpartum women treatment for substance abuse through programs in which, during the course of receiving treatment—

"(1) the women reside in facilities provided by the programs;

"(2) the minor children of the women reside with the women in such facilities, if the women so request; and

"(3) the services described in subsection (d) are available to or on behalf of the women.

"(b) AVAILABILITY OF SERVICES FOR EACH PARTICIPANT.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

"(1) treatment services and each supplemental service will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

"(2) the services will be made available to each woman admitted to the program.

"(c) INDIVIDUALIZED PLAN OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) in providing authorized services for an eligible woman pursuant to such subsection, the applicant will, in consultation with the women, prepare an individualized plan for the provision to the woman of the services; and

"(2) treatment services under the plan will include—

"(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

"(B) follow-up services to assist the woman in preventing a relapse into such abuse.

"(d) REQUIRED SUPPLEMENTAL SERVICES.—In the case of an eligible woman, the services referred to in subsection (a)(3) are as follows:

"(1) Prenatal and postpartum health care.

"(2) Referrals for necessary hospital services.

"(3) For the infants and children of the woman—

"(A) pediatric health care, including treatment for any perinatal effects of maternal substance abuse and including screenings regarding the physical and mental development of the infants and children;

"(B) counseling and other mental health services, in the case of children; and

"(C) comprehensive social services.

"(4) Providing supervision of children during periods in which the woman is engaged in therapy or in other necessary health or rehabilitative activities.

"(5) Training in parenting.

"(6) Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

"(7) Counseling on domestic violence and sexual abuse.

"(8) Counseling on obtaining employment, including the importance of graduating from a secondary school.

"(9) Reasonable efforts to preserve and support the family units of the women, including promoting the appropriate involvement of parents and others, and counseling the children of the women.

"(10) Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the women and the children of the women.

"(11) Case management services, including—

"(A) assessing the extent to which authorized services are appropriate for the women and their children;

"(B) in the case of the services that are appropriate, ensuring that the services are provided in a coordinated manner; and

"(C) assistance in establishing eligibility for assistance under Federal, State, and local programs providing health services, mental health services, housing services, employment services, educational services, or social services.

"(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF AWARD.—

"(1) CERTIFICATION BY RELEVANT STATE AGENCY.—With respect to the principal agency of the State involved that administers programs relating to substance abuse, the Director may make an award under subsection (a) to an applicant only if the agency has certified to the Director that—

"(A) the applicant has the capacity to carry out a program described in subsection (a);

"(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

"(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or certification requirements regarding the provision of the services involved.

"(2) STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraphs (B) and (C), the Director may make an award under subsection (a) only if, in the case of any authorized service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the applicant for the award will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

"(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(C) With respect to any authorized service that is available pursuant to the State plan described in subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age. For purposes of the preceding sentence, the term 'institution for mental diseases' has the meaning given such term in section 1905(i) of the Social Security Act.

"(f) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than $1 for each $9 of Federal funds provided in the award;

"(B) for any second such fiscal year, is not less than $1 for each $9 of Federal funds provided in the award; and

"(C) for any subsequent such fiscal year, is not less than $1 for each $3 of Federal funds provided in the award.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify women who are engaging in substance abuse and to en-

courage the women to undergo treatment for such abuse.

"(h) ACCESSIBILITY OF PROGRAM; CULTURAL CONTEXT OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) the program operated pursuant to such subsection will be operated at a location that is accessible to low-income pregnant and postpartum women; and

"(2) authorized services will be provided in the language and the cultural context that is most appropriate.

"(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

"(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for an applicant is that, if a charge is imposed for the provision of authorized services to or on behalf of an eligible woman, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any such woman with an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

"(1) describing the utilization and costs of services provided under the award;

"(2) specifying the number of women served, the number of infants served, and the type and costs of services provided; and

"(3) providing such other information as the Director determines to be appropriate.

"(l) REQUIREMENT OF APPLICATION.— The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

"(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, subject to the availability of qualified applicants for the awards.

"(n) DURATION OF AWARD.—The period during which payments are made to an entity from an award under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed to establish a limitation on the number of awards under such subsection that may be made to an entity.

"(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

"(p) REPORTS TO CONGRESS.—Not later than October 1, 1994, the Director shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing programs carried out pursuant to this section. Every 2 years thereafter, the Director shall prepare a report describing such programs carried out during the preceding 2 years, and shall submit the report to the Administrator for inclusion in the biennial report under section 501(k). Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

"(q) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means treatment services and supplemental services.

"(2) The term 'eligible woman' means a woman who has been admitted to a program operated pursuant to subsection (a).

"(3) The term 'funding agreement under subsection (a)', with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

"(4) The term 'treatment services' means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

"(5) The term 'supplemental services' means the services described in subsection (d).

"(r) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section and section 508, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

"(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

"OUTPATIENT TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN

"SEC. 508. (a) GRANTS.—The Secretary, acting through the Director of the Treatment Center, shall make grants to establish projects for the outpatient treatment of substance abuse among pregnant and postpartum women, and in the case of conditions arising in the infants of such women as a result of such abuse by the women, the outpatient treatment of the infants for such conditions.

"(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among pregnant and postpartum women.

"(c) EVALUATION.—The Secretary shall evaluate projects carried out under subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.".

(b) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) SAVINGS PROVISION FOR COMPLETION OF CURRENT PROJECTS.—

(A) Subject to paragraph (2), in the case of any project for which a grant under former section 509F was provided for fiscal year 1992, the Secretary of Health and Human Services may continue in effect the grant for fiscal year 1993 and subsequent fiscal years, subject to the duration of any such grant not exceeding the period determined by the Secretary in first approving the grant. Subject to approval by the Administrator, such grants may be administered by the Center for Substance Abuse Prevention.

(B) Subparagraph (A) shall apply with respect to a project notwithstanding that the project is not eligible to receive a grant under current section 507 or 508.

(2) LIMITATION ON FUNDING FOR CERTAIN PROJECTS.—With respect to the amounts appropriated for any fiscal year under current section 507, any such amounts appropriated in excess of the amount appropriated for fiscal year 1992 under former section 509F shall be available only for grants under current section 507.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "former section 509F" means section 509F of the Public Health Service Act, as in effect for fiscal year 1992.

(B) The term "current section 507" means section 507 of the Public Health Service Act, as in effect for fiscal year 1993 and subsequent fiscal years.

(C) The term "current section 508" means section 508 of the Public Health Service Act, as in effect for fiscal year 1993 and subsequent fiscal years.

SEC. 109. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

Subpart 1 of part B of title V (as amended by section 108) is further amended by adding at the end thereof the following new section:

"DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE

"SEC. 509. (a) GRANTS FOR TREATMENT IMPROVEMENT.—The Director of the Center for Substance Abuse Treatment shall provide grants to public and nonprofit private entities for the purpose of establishing demonstration projects that will improve the provision of treatment services for substance abuse.

"(b) NATURE OF PROJECTS.—Grants under subsection (a) shall be awarded to—

"(1) projects that provide treatment to adolescents, female addicts and their children, racial and ethnic minorities, or individuals in rural areas, with preference given to such projects that provide treatment for substance abuse to women with dependent children, which treatment is provided in settings in which both primary health services for the women and pediatric care are available;

"(2) projects that provide treatment in exchange for public service;

"(3) projects that provide treatment services and which are operated by public and nonprofit private entities receiving grants under section 329, 330, 340, 340A, or other public or nonprofit private entities that provide primary health services;

"(4) 'treatment campus' projects that—

"(A) serve a significant number of individuals simultaneously;

"(B) provide residential, non-community based drug treatment;

"(C) provide patients with ancillary social services and referrals to community-based aftercare; and

"(D) provide services on a voluntary basis;

"(5) projects in large metropolitan areas to identify individuals in need of treatment services and to improve the availability and delivery of such services in the areas;

"(6) in the case of drug abusers who are at risk of HIV infection, projects to conduct outreach activities to the individuals regarding the prevention of exposure to and the transmission of the human immunodefiency virus, and to encourage the individuals to seek treatment for such abuse; and

"(7) projects to determine the long-term efficacy of the projects described in this section and to disseminate to appropriate public and private entities information on the projects that have been effective.

"(c) PREFERENCES IN MAKING GRANTS.—In awarding grants under subsection (a), the Director of the Treatment Center shall give preference to projects that—

"(1) demonstrate a comprehensive approach to the problems associated with substance abuse

and provide evidence of broad community involvement and support; or

"(2) initiate and expand programs for the provision of treatment services (including renovation of facilities, but not construction) in localities in which, and among populations for which, there is a public health crisis as a result of the inadequate availability of such services and a substantial rate of substance abuse.

"(d) DURATION OF GRANTS.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $175,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. The amounts so authorized are in addition to any other amounts that are authorized to be appropriated and available for such purpose.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Treatment Center shall reserve not less than 5 percent for carrying out projects described in subsection (b)(2) and (b)(3).".

SEC. 110. GRANTS FOR SUBSTANCE ABUSE TREATMENT IN STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS.

Subpart 1 of part B of title V (as amended by section 109) is further amended by adding at the end thereof the following new section:

"GRANTS FOR SUBSTANCE ABUSE TREATMENT IN STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS

"SEC. 510. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall provide grants to public and nonprofit private entities that provide treatment for substance abuse to individuals under criminal justice supervision.

"(b) ELIGIBILITY.—In awarding grants under subsection (a), the Director shall ensure that the grants are reasonably distributed among—

"(1) projects that provide treatment services to individuals who are incarcerated in prisons, jails, or community correctional settings; and

"(2) projects that provide treatment services to individuals who are not incarcerated, but who are under criminal justice supervision because of their status as pretrial releasees, post-trial releasees, probationers, parolees, or supervised releasees.

"(c) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to programs commensurate with the extent to which such programs provide, directly or in conjunction with other public or private nonprofit entities, one or more of the following—

"(1) a continuum of offender management services as individuals enter, proceed through, and leave the criminal justice system, including identification and assessment, substance abuse treatment, pre-release counseling and pre-release referrals with respect to housing, employment and treatment;

"(2) comprehensive treatment services for juvenile offenders;

"(3) comprehensive treatment services for female offenders, including related services such as violence counseling, parenting and child development classes, and perinatal care;

"(4) outreach services to identify individuals under criminal justice supervision who would benefit from substance abuse treatment and to encourage such individuals to seek treatment; or

"(5) treatment services that function as an alternative to incarceration for appropriate categories of offenders or that otherwise enable individuals to remain under criminal justice supervision in the least restrictive setting consistent with public safety.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 111. TRAINING IN PROVISION OF TREATMENT SERVICES.

Subpart 1 of part B of title V of the Public Health Service Act (as amended by section 110) is further amended by adding at the end thereof the following new section:

"TRAINING IN PROVISION OF TREATMENT SERVICES

"SEC. 511. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall develop programs to increase the number of substance abuse treatment professionals and the number of health professionals providing treatment services through the awarding of grants to appropriate public and nonprofit private entities, including agencies of State and local governments, hospitals, schools of medicine, schools of osteopathic medicine, schools of nursing, schools of social work, and graduate programs in marriage and family therapy.

"(b) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to projects that train full-time substance abuse treatment professionals and projects that will receive financial support from public entities for carrying out the projects.

"(c) HEALTH PROFESSIONS EDUCATION.—In awarding grants under subsection (a), the Director may make grants—

"(1) to train individuals in the diagnosis and treatment of alcohol abuse and other drug abuse; and

"(2) to develop appropriate curricula and materials for the training described in paragraph (1).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 112. ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.

(a) TRANSFER.—Section 561 of the Public Health Service Act (42 U.S.C. 290ff)—

(1) is transferred to subpart 1 of part B of title V of such Act;

(2) is redesignated as section 512; and

(3) is inserted after section 511 (as added by section 111).

(b) AMENDMENTS.—

(1) Section 512(a) of the Public Health Service Act (as transferred and redesignated under subsection (a)) is amended by striking out "NATIONAL INSTITUTE ON DRUG ABUSE.—The Director of the National Institute on Drug Abuse" and inserting in lieu thereof "CENTER FOR SUBSTANCE ABUSE TREATMENT.—The Director of the Center for Substance Abuse Treatment".

(2) Part E of title V of the Public Health Service Act (42 U.S.C. 290ff) is amended by striking out the part heading.

SEC. 113. CENTER FOR SUBSTANCE ABUSE PREVENTION.

(a) IN GENERAL.—Part B of title V of the Public Health Service Act (as amended by section 112) is amended by inserting after section 512 the following new subpart:

"Subpart 2—Center for Substance Abuse Prevention".

(b) TRANSFER.—Section 508 of the Public Health Service Act (42 U.S.C. 290aa-6), as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 2 of part B of title V;

(2) is redesignated as section 515; and

(3) is inserted after the subpart heading (as added by subsection (a)).

(c) AMENDMENTS.—Section 515(b) of the Public Health Service Act (as transferred and redesignated by subsection (b)) is amended—

(1) in paragraph (5), by striking "and intervention";

(2) by striking paragraphs (10) and (11);

(3) by redesignating paragraph (12) as paragraph (10); and

(4) in paragraph (9), by adding "and" after the semicolon at the end.

(d) NATIONAL DATA BASE.—Section 515 of the Public Health Service Act (as amended by subsection (c)) is amended by amending subsection (d) to read as follows:

"(d) The Director of the Prevention Center shall establish a national data base providing information on programs for the prevention of substance abuse. The data base shall contain information appropriate for use by public entities and information appropriate for use by nonprofit private entities.".

(e) REFERENCES.—Section 515 of the Public Health Service Act (as amended by subsection (e)) is amended—

(1) in subsection (a), in the first sentence, by striking "(hereafter" and all that follows and inserting "(hereafter referred to in this part as the 'Prevention Center')."; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "Office" and inserting "Prevention Center".

(f) COMMUNITY PROGRAMS.—Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 2 of part B of title V of such Act (as added by subsection (a));

(2) is redesignated as section 516;

(3) is inserted after section 515 (as transferred and redesignated by subsection (b)); and

(4) is amended to read as follows:

"COMMUNITY PROGRAMS

"SEC. 516. (a) IN GENERAL.—The Secretary, acting through the Director of the Prevention Center, shall—

"(1) provide assistance to communities to develop comprehensive long-term strategies for the prevention of substance abuse; and

"(2) evaluate the success of different community approaches toward the prevention of such abuse.

"(b) STRATEGIES FOR REDUCING USE.—The Director of the Prevention Center shall ensure that strategies developed under subsection (a)(1) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $120,000,000 for fiscal year 1993, such sums as may be necessary for fiscal year 1994.".

SEC. 114. PREVENTION, TREATMENT, AND REHABILITATION MODEL PROJECTS FOR HIGH RISK YOUTH.

(a) TRANSFER.—Section 509A of the Public Health Service Act (42 U.S.C. 290aa-8)—

(1) is transferred to subpart 2 of part B of title V of such Act (as added by section 113(a));

(2) is redesignated as section 517; and

(3) is inserted after section 516 (as transferred and redesignated by section 113(g)).

(b) AMENDMENTS.—Section 517 (as transferred and redesignated by subsection (a)) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Secretary shall ensure that projects under subsection (a) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 517 (as transferred and redesignated by

subsection (a) and amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(h) For the purpose of carrying out this section, there are authorized to be appropriated $70,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

(d) REFERENCES.—Section 517(a) (as transferred and redesignated by subsection (a) and amended by subsection (b)) is further amended by striking "Office" each time that such appears and inserting "Prevention Center".

SEC. 115. CENTER FOR MENTAL HEALTH SERVICES.

(a) IN GENERAL.—Part B of title V of the Public Health Service Act (as amended by section 114) is amended by inserting after section 517 the following new subpart:

"Subpart 3—Center for Mental Health Services

"CENTER FOR MENTAL HEALTH SERVICES

"SEC. 520. (a) ESTABLISHMENT.—There is established in the Administration a Center for Mental Health Services (hereafter in this section referred to as the 'Center'). The Center shall be headed by a Director (hereafter in this section referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience or academic qualifications in the provision of mental health services or in the evaluation of mental health service systems.

"(b) DUTIES.—The Director of the Center shall—

"(1) design national goals and establish national priorities for—

"(A) the prevention of mental illness; and

"(B) the promotion of mental health;

"(2) encourage and assist local entities and State agencies to achieve the goals and priorities described in paragraph (1);

"(3) develop and coordinate Federal prevention policies and programs and to assure increased focus on the prevention of mental illness and the promotion of mental health;

"(4) develop improved methods of treating individuals with mental health problems and improved methods of assisting the families of such individuals;

"(5) administer the mental health services block grant program authorized in section 1911;

"(6) promote policies and programs at Federal, State, and local levels and in the private sector that foster independence and protect the legal rights of persons with mental illness, including carrying out the provisions of the Protection and Advocacy of Mentally Ill Individuals Act;

"(7) carry out the programs authorized under sections 520A and 521, including the Community Support Program and the Child and Adolescent Service System Programs;

"(8) carry out responsibilities for the Human Resource Development program, and programs of clinical training for professional and paraprofessional personnel pursuant to section 303;

"(9) conduct services-related assessments, including evaluations of the organization and financing of care, self-help and consumer-run programs, mental health economics, mental health service systems, rural mental health, and improve the capacity of State to conduct evaluations of publicly funded mental health programs;

"(10) establish a clearinghouse for mental health information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, treatment and prevention service providers, and the general public, including information concerning the practical application of research supported by the National Institute of Mental Health that is applicable to improving the delivery of services;

"(11) provide technical assistance to public and private entities that are providers of mental health services;

"(12) monitor and enforce obligations incurred by community mental health centers pursuant to the Community Mental Health Centers Act (as in effect prior to the repeal of such Act on August 13, 1981, by section 902(e)(2)(B) of Public Law 97-35 (95 Stat. 560));

"(13) conduct surveys with respect to mental health, such as the National Reporting Program; and

"(14) assist States in improving their mental health data collection.

"(c) GRANTS AND CONTRACTS.—In carrying out the duties established in subsection (b), the Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities.".

(b) CONFORMING AMENDMENTS.—Section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) is amended—

(1) by striking out ", the Surgeon General is authorized" in the matter preceding paragraph (1);

(2) by inserting "the Secretary, acting through the Director of the Center for Mental Health Services, is authorized" after the paragraph designation in paragraph (1); and

(3) by inserting "the Surgeon General is authorized" after the paragraph designation in paragraph (2).

SEC. 116. GRANT PROGRAM FOR DEMONSTRATION PROJECTS.

(a) TRANSFER.—Section 520 of the Public Health Service Act (42 U.S.C. 290cc–13) as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 3 of part B of title V of such Act;

(2) is redesignated as section 520A; and

(3) is inserted after section 520 (as added by section 115).

(b) AMENDMENTS.—Section 520A (as transferred and redesignated under subsection (a)) is amended—

(1) in subsection (a)(1), by striking out "National Institute of Mental Health" and inserting in lieu thereof "Center for Mental Health Services";

(2) in subsection (c), by striking out "three" and inserting in lieu thereof "five"; and

(3) in subsection (e)(1), to read as follows:

"(1) For the purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 117. NATIONAL MENTAL HEALTH EDUCATION.

Section 519 of the Public Health Service Act (42 U.S.C. 290cc–12) is repealed.

SEC. 118. DEMONSTRATION PROJECTS WITH RESPECT TO CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2441 of the Public Health Service Act (42 U.S.C. 300dd-41)—

(1) is transferred to subpart 3 of part B of title V of such Act (as added by section 115);

(2) is redesignated as section 520B; and

(3) is inserted after section 520A (as added by section 116).

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (as amended by subsection (a)), is amended—

(1) in part C of title XXIV—

(A) by striking out the heading for subpart I;

(B) in section 2432(a), by striking out "subpart" each place such term appears and inserting "part"; and

(C) by striking out the heading for subpart II; and

(2) in section 520B (as transferred and added by subsection (a))—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting after "Secretary" the following: ", acting through the Director of the Center for Mental Health Services,"; and

(B) in subsection (j), by striking out "1991" and inserting in lieu thereof "1994".

SEC. 119. CHILDHOOD MENTAL HEALTH.

Title V of the Public Health Service Act, as amended by the preceding provisions of this title, is amended by adding at the end the following new part:

"PART E—CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES

"SEC. 561. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES.

"(a) GRANTS TO CERTAIN PUBLIC ENTITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public entities for the purpose of providing comprehensive community mental health services to children with a serious emotional disturbance.

"(2) DEFINITION OF PUBLIC ENTITY.—For purposes of this subpart, the term 'public entity' means any State, any political subdivision of a State, and any Indian tribe or tribal organization (as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act).

"(b) CONSIDERATIONS IN MAKING GRANTS.—

"(1) REQUIREMENT OF STATUS AS GRANTEE UNDER PART B OF TITLE XIX.—The Secretary may make a grant under subsection (a) to a public entity only if—

"(A) in the case of a public entity that is a State, the State is a grantee under section 1911;

"(B) in the case of a public entity that is a political subdivision of a State, the State in which the political subdivision is located is receiving such payments; and

"(C) in the case of a public entity that is an Indian tribe or tribal organization, the State in which the tribe or tribal organization is located is receiving such payments.

"(2) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under subsection (a) only if, in the case of any service under such subsection that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the public entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the public entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under subsection (a), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(3) CERTAIN CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall—

"(A) equitably allocate such assistance among the principal geographic regions of the United States;

"(B) consider the extent to which the public entity involved has a need for the grant; and

"(C) in the case of any public entity that is a political subdivision of a State or that is an Indian tribe or tribal organization—

"(i) shall consider any comments regarding the application of the entity for such a grant that are received by the Secretary from the State in which the entity is located; and

"(ii) shall give special consideration to the entity if the State agrees to provide a portion of the non-Federal contributions required in subsection (c) regarding such a grant.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—A funding agreement for a grant under subsection (a) is that the public entity involved will, with respect to the costs to be incurred by the entity in carrying out the purpose described in such subsection, make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the entity receives payments from a grant under such subsection, is not less than $1 for each $3 of Federal funds provided in the grant;

"(B) for any second or third such fiscal year, is not less than $1 for each $3 of Federal funds provided in the grant;

"(C) for any fourth such fiscal year, is not less than $1 for each $1 of Federal funds provided in the grant; and

"(D) for any fifth such fiscal year, is not less than $2 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the public entity involved toward the purpose described in subsection (a) for the 2-year period preceding the first fiscal year for which the entity receives a grant under such section.

"SEC. 562. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.

"(a) SYSTEMS OF COMPREHENSIVE CARE.—

"(1) IN GENERAL.—A funding agreement for a grant under under section 561(a) is that, with respect to children with a serious emotional disturbance, the public entity involved will carry out the purpose described in such section only through establishing and operating 1 or more systems of care for making each of the mental health services specified in subsection (c) available to each child provided access to the system. In providing for such a system, the public entity may make grants to, and enter into contracts with, public and nonprofit private entities.

"(2) STRUCTURE OF SYSTEM.—A funding agreement for a grant under under section 561(a) is that a system of care under paragraph (1) will—

"(A) be established in a community selected by the public entity involved;

"(B) consist of such public agencies and nonprofit private entities in the community as are necessary to ensure that each of the services specified in subsection (c) is available to each child provided access to the system;

"(C) be established pursuant to agreements that the public entity enters into with the agencies and entities described in subparagraph (B);

"(D) coordinate the provision of the services of the system; and

"(E) establish an office whose functions are to serve as the location through which children are provided access to the system, to coordinate the provision of services of the system, and to provide information to the public regarding the system.

"(3) COLLABORATION OF LOCAL PUBLIC ENTITIES.—A funding agreement for a grant under section 561(a) is that, for purposes of the establishment and operation of a system of care under paragraph (1), the public entity involved will seek collaboration among all public agencies that provide human services in the community in which the system is established, including but not limited to those providing mental health services, educational services, child welfare services, or juvenile justice services.

"(b) LIMITATION ON AGE OF CHILDREN PROVIDED ACCESS TO SYSTEM.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will not provide an individual with access to the system if the individual is more than 21 years of age.

"(c) REQUIRED MENTAL HEALTH SERVICES OF SYSTEM.—A funding agreement for a grant under under section 561(a) is that mental health services provided by a system of care under subsection (a) will include, with respect to a serious emotional disturbance in a child—

"(1) diagnostic and evaluation services;

"(2) outpatient services provided in a clinic, office, school or other appropriate location, including individual, group and family counseling services, professional consultation, and review and management of medications;

"(3) emergency services, available 24-hours a day, 7 days a week;

"(4) intensive home-based services for children and their families when the child is at imminent risk of out-of-home placement;

"(5) intensive day-treatment services;

"(6) respite care;

"(7) therapeutic foster care services, and services in therapeutic foster family homes or individual therapeutic residential homes, and groups homes caring for not more than 10 children; and

"(8) assisting the child in making the transition from the services received as a child to the services to be received as an adult.

"(d) REQUIRED ARRANGEMENTS REGARDING OTHER APPROPRIATE SERVICES.—

"(1) IN GENERAL.—A funding agreement for a grant under under section 561(a) is that—

"(A) a system of care under subsection (a) will enter into a memorandum of understanding with each of the providers specified in paragraph (2) in order to facilitate the availability of the services of the provider involved to each child provided access to the system; and

"(B) the grant under such section 561(a), and the non-Federal contributions made with respect to the grant, will not be expended to pay the costs of providing such non-mental health services to any individual.

"(2) SPECIFICATION OF NON-MENTAL HEALTH SERVICES.—The providers referred to in paragraph (1) are providers of medical services other than mental health services, providers of educational services, providers of vocational counseling and vocational rehabilitation services, and providers of protection and advocacy services with respect to mental health.

"(3) FACILITATION OF SERVICES OF CERTAIN PROGRAMS.—A funding agreement for a grant under under section 561(a) is that a system of care under subsection (a) will, for purposes of paragraph (1), enter into a memorandum of understanding regarding facilitation of—

"(A) services available pursuant to title XIX of the Social Security Act, including services regarding early periodic screening, diagnosis, and treatment;

"(B) services available under parts B and H of the Individuals with Disabilities Education Act; and

"(C) services available under other appropriate programs, as identified by the Secretary.

"(e) GENERAL PROVISIONS REGARDING SERVICES OF SYSTEM.—

"(1) CASE MANAGEMENT SERVICES.—A funding agreement for a grant under under section 561(a) is that a system of care under subsection (a) will provide for the case management of each child provided access to the system in order to ensure that—

"(A) the services provided through the system to the child are coordinated and that the need of each such child for the services is periodically reassessed;

"(B) information is provided to the family of the child on the extent of progress being made toward the objectives established for the child under the plan of services implemented for the child pursuant to section 563; and

"(C) the system provides assistance with respect to—

"(i) establishing the eligibility of the child, and the family of the child, for financial assistance and services under Federal, State, or local programs providing for health services, mental health services, educational services, social services, or other services; and

"(ii) seeking to ensure that the child receives appropriate services available under such programs.

"(2) OTHER PROVISIONS.—A funding agreement for a grant under under section 561(a) is that a system of care under subsection (a), in providing the services of the system, will—

"(A) provide the services of the system in the cultural context that is most appropriate for the child and family involved;

"(B) ensure that individuals providing such services to the child can effectively communicate with the child and family in the most direct manner;

"(C) provide the services without discriminating against the child or the family of the child on the basis of race, religion, national origin, sex, disability, or age;

"(D) seek to ensure that each child provided access to the system of care remains in the least restrictive, most normative environment that is clinically appropriate; and

"(E) provide outreach services to inform individuals, as appropriate, of the services available from the system, including identifying children with a serious emotional disturbance who are in the early stages of such disturbance.

"(3) RULE OF CONSTRUCTION.—An agreement made under paragraph (2) may not be construed—

"(A) with respect to subparagraph (C) of such paragraph—

"(i) to prohibit a system of care under subsection (a) from requiring that, in housing provided by the grantee for purposes of residential treatment services authorized under subsection (c), males and females be segregated to the extent appropriate in the treatment of the children involved; or

"(ii) to prohibit the system of care from complying with the agreement made under subsection (b); or

"(B) with respect to subparagraph (D) of such paragraph, to authorize the system of care to expend the grant under section 561(a) (or the non-Federal contributions made with respect to the grant) to provide legal services or any service with respect to which expenditures regarding the grant are prohibited under subsection (d)(1)(B).

"(f) RESTRICTIONS ON USE OF GRANT.—A funding agreement for a grant under under section 561(a) is that the grant, and the non-Federal contributions made with respect to the grant, will not be expended—

"(1) to purchase or improve real property (including the construction or renovation of facilities);

"(2) to provide for room and board in residential programs serving 10 or fewer children;

"(3) to provide for room and board or other services or expenditures associated with care of children in residential treatment centers serving more than 10 children or in inpatient hospital settings, except intensive home-based services and other services provided on an ambulatory or outpatient basis; or

"(4) to provide for the training of any individual, except training authorized in section 564(a)(2) and training provided through any appropriate course in continuing education whose duration does not exceed 2 days.

"SEC. 563. INDIVIDUALIZED PLAN FOR SERVICES.

"(a) IN GENERAL.—A funding agreement for a grant under under section 561(a) is that a system of care under section 562(a) will develop and carry out an individualized plan of services for each child provided access to the system, and that the plan will be developed and carried out with the participation of the family of the child and, unless clinically inappropriate, with the participation of the child.

"(b) MULTIDISCIPLINARY TEAM.—A funding agreement for a grant under under section 561(a) is that the plan required in subsection (a) will be developed, and reviewed and as appropriate revised not less than once each year, by a multidisciplinary team of appropriately qualified individuals who provide services through the system, including as appropriate mental health services, other health services, educational services, social services, and vocational counseling and rehabilitation;

"(c) COORDINATION WITH SERVICES UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—A funding agreement for a grant under section 561(a) is that, with respect to a plan under subsection (a) for a child, the multidisciplinary team required in subsection (b) will—

"(1) in developing, carrying out, reviewing, and revising the plan consider any individualized education program in effect for the child pursuant to part B of the Individuals with Disabilities Education Act;

"(2) ensure that the plan is consistent with such individualized education program and provides for coordinating services under the plan with services under such program; and

"(3) ensure that the memorandum of understanding entered into under section 562(d)(3)(B) regarding such Act includes provisions regarding compliance with this subsection.

"(d) CONTENTS OF PLAN.—A funding agreement for a grant under section 561(a) is that the plan required in subsection (a) for a child will—

"(1) identify and state the needs of the child for the services available pursuant to section 562 through the system;

"(2) provide for each of such services that is appropriate to the circumstances of the child, including, except in the case of children who are less than 14 years of age, the provision of appropriate vocational counseling and rehabilitation, and transition services (as defined in section 602(a)(19) of the Individuals with Disabilities Education Act);

"(3) establish objectives to be achieved regarding the needs of the child and the methodology for achieving the objectives; and

"(4) designate an individual to be responsible for providing the case management required in section 562(e)(1) or certify that case management services will be provided to the child as part of the individualized education program of the child under the Individuals with Disabilities Education Act.

"SEC. 564. ADDITIONAL PROVISIONS.

"(a) OPTIONAL SERVICES.—In addition to services described in subsection (c) of section 562, a system of care under subsection (a) of such section may, in expending a grant under section 561(a), provide for—

"(1) preliminary assessments to determine whether a child should be provided access to the system;

"(2) training in—

"(A) the administration of the system;

"(B) the provision of intensive home-based services under paragraph (4) of section 562(c), intensive day treatment under paragraph (5) of such section, and foster care or group homes under paragraph (7) of such section; and

"(C) the development of individualized plans for purposes of section 563;

"(3) recreational activities for children provided access to the system; and

"(4) such other services as may be appropriate in providing for the comprehensive needs with respect to mental health of children with a serious emotional disturbance.

"(b) COMPREHENSIVE PLAN.—The Secretary may make a grant under section 561(a) only if, with respect to the jurisdiction of the public entity involved, the entity has submitted to the Secretary, and has had approved by the Secretary, a plan for the development of a jurisdiction-wide system of care for community-based services for children with a serious emotional disturbance that specifies the progress the public entity has made in developing the jurisdiction-wide system, the extent of cooperation across agencies serving children in the establishment of the system, the Federal and non-Federal resources currently committed to the establishment of the system, and the current gaps in community services and the manner in which the grant under section 561(a) will be expended to address such gaps and establish local systems of care.

"(c) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—A funding agreement for a grant under section 561(a) is that, if a charge is imposed for the provision of services under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the family of the child involved; and

"(3) will not be imposed on any child whose family has income and resources of equal to or less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—A funding agreement for a grant under section 561(a) is that the grant, and the non-Federal contributions made with respect to the grant, will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 561(a) is that not more than 2 percent of the grant will be expended for administrative expenses incurred with respect to the grant by the public entity involved.

"(f) REPORTS TO SECRETARY.—A funding agreement for a grant under section 561(a) is that the public entity involved will annually submit to the Secretary a report on the activities of the entity under the grant that includes a description of the number of children provided access to systems of care operated pursuant to the grant, the demographic characteristics of the children, the types and costs of services provided pursuant to the grant, the availability and use of third-party reimbursements, estimates of the unmet need for such services in the jurisdiction of the entity, and the manner in which the grant has been expended toward the establishment of a jurisdiction-wide system of care for children with a serious emotional disturbance, and such other information as the Secretary may require with respect to the grant.

"(g) DESCRIPTION OF INTENDED USES OF GRANT.—The Secretary may make a grant under section 561(a) only if—

"(1) the public entity involved submits to the Secretary a description of the purposes for which the entity intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the jurisdiction of the entity with a need for services under this section; and

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprofit entities.

"(h) REQUIREMENT OF APPLICATION.—The Secretary may make a grant under section 561(a) only if an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in subsection (g), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 565. GENERAL PROVISIONS.

"(a) DURATION OF SUPPORT.—The period during which payments are made to a public entity from a grant under section 561(a) may not exceed 5 fiscal years.

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall, upon the request of a public entity receiving a grant under section 561(a)—

"(A) provide technical assistance to the entity regarding the process of submitting to the Secretary applications for grants under section 561(a); and

"(B) provide to the entity training and technical assistance with respect to the planning, development, and operation of systems of care pursuant to section 562.

"(2) AUTHORITY FOR GRANTS AND CONTRACTS.—The Secretary may provide technical assistance under subsection (a) directly or through grants to, or contracts with, public and nonprofit private entities.

"(c) EVALUATIONS AND REPORTS BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 561(a). The evaluations shall assess the effectiveness of the systems of care operated pursuant to such section, including longitudinal studies of outcomes of services provided by such systems, other studies regarding such outcomes, the effect of activities under this subpart on the utilization of hospital and other institutional settings, the barriers to and achievements resulting from interagency collaboration in providing community-based services to children with a serious emotional disturbance, and assessments by parents of the effectiveness of the systems of care.

"(2) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated under subsection (c), and annually thereafter, submit to the Congress a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.

"(d) DEFINITIONS.—For purposes of this subpart:

"(1) The term 'child' means an individual not more than 21 years of age.

"(2) The term 'family', with respect to a child provided access to a system of care under section 562(a), means—

"(A) the legal guardian of the child; and

"(B) as appropriate regarding mental health services for the child, the parents of the child (biological or adoptive, as the case may be) and any foster parents of the child.

"(3) The term 'funding agreement', with respect to a grant under section 561(a) to a public entity, means that the Secretary may make such a grant only if the public entity makes the agreement involved.

"(4) The term 'serious emotional disturbance' includes, with respect to a child, any child who has a serious emotional disorder, a serious behavioral disorder, or a serious mental disorder.

"(e) RULE OF CONSTRUCTION.—Nothing in this part shall be construed as limiting the rights of a child with a serious emotional disturbance under the Individuals with Disabilities Education Act.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) SET-ASIDE REGARDING TECHNICAL ASSISTANCE.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than $3,000,000 for the purpose of carrying out subsection (b).".

SEC. 120. STRIKING OF CERTAIN PROVISIONS AND TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) as such title existed 1 day prior to the date of enactment of this Act, is amended by striking out sections 509B, 509C, 509E, 509F and 509G (42 U.S.C. 290aa–9, 290aa–10, 290aa-12, 290aa-13, and 290aa-14).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) in the heading for such title, to read as follows:

"TITLE V—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

(2) in the heading for part A, to read as follows:

"PART A—ORGANIZATION AND GENERAL AUTHORITIES"; and

(3) by striking out section 518.

Subtitle B—Institutes

SEC. 121. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end thereof the following new subparagraphs:

"(N) The National Institute on Alcohol Abuse and Alcoholism.

"(O) The National Institute on Drug Abuse.

"(P) The National Institute of Mental Health.".

(b) DEFINITION.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"DEFINITIONS

"SEC. 409. For purposes of this title, the term 'health services research' means research endeavors that study the impact of the organization, financing and management of health services on the quality, cost, access to and outcomes of care.".

SEC. 122. NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 14—National Institute on Alcohol Abuse and Alcoholism

"PURPOSE OF INSTITUTE

"SEC. 464I. (a) IN GENERAL.—The general purpose of the National Institute of Alcohol Abuse and Alcoholism (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of alcohol abuse and the treatment of alcoholism.".

(b) ADDITIONAL PROVISIONS.—

(1) RESEARCH PROGRAM.—Subsection (b) of section 510 of the Public Health Service Act (42 U.S.C. 290bb and 290bb–1), as such section existed 1 day prior to the date of the enactment of this Act—

(A) is transferred to section 464I of the Public Health Service Act, as added by subsection (a) of this section; and

(B) is inserted after subsection (a) of such section 464I.

Such section 510, as so amended, is repealed.

(2) ADDITIONAL PROVISIONS.—Section 464I of the Public Health Service Act (as amended by paragraph (1)) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "(b) In carrying out the program" and all that follows through "Institute, is authorized" and inserting the following: "(b) RESEARCH PROGRAM.—The research program established under this subpart shall encompass the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of alcohol abuse and alcoholism. In carrying out the program, the Director of the Institute is authorized"; and

(ii) in paragraph (3)(H), by striking out the period and inserting in lieu thereof a semicolon; and

(B) by adding at the end the following subsections:

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $300,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to alcohol abuse and alcoholism.".

(c) ASSOCIATE DIRECTOR FOR PREVENTION.—Subpart 14 of part C of title IV (as added by subsection (a)) is amended by adding at the end thereof the following new section:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464J. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of alcohol abuse and alcoholism. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in alcohol abuse and alcoholism and the prevention of such.

"(b) BIENNIAL REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.".

(d) NATIONAL CENTER FOR RESEARCH .—

(1) IN GENERAL.—Section 511 of the Public Health Service Act (42 U.S.C. 290bb and 290bb–1) as such section existed 1 day prior to the date of enactment of this Act—

(A) is transferred to subpart 14 of part C of title IV of such Act (as added by subsection (a));

(B) is redesignated as section 464K; and

(C) is inserted after section 464J (as added by subsection (c).

(2) TECHNICAL CORRECTION.—Section 464K of the Public Health Service Act (as added by paragraph (1)) is amended in subsection (b) by striking "or rental".

(d) CONFORMING AMENDMENT.—Section 513 of the Public Health Service Act (42 U.S.C. 290bb-2), as such section existed 1 day prior to the date of enactment of this Act, is repealed.

SEC. 123. NATIONAL INSTITUTE ON DRUG ABUSE.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 122) is further amended by adding at the end thereof the following new subpart:

"Subpart 15—National Institute on Drug Abuse

"PURPOSE OF INSTITUTE

"SEC. 464O. (a) IN GENERAL.—The general purpose of the National Institute on Drug Abuse (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of drug abuse and the treatment of drug abusers.

"(b) RESEARCH PROGRAM.—The research program established under this subpart shall encompass the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of drug abuse. In carrying out the program, the Director of the Institute shall give special consideration to projects relating to drug abuse among women (particularly with respect to pregnant women).

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $440,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to drug abuse.".

(b) ADDITIONAL PROVISIONS.—Subpart 15 of part C of title IV of the Public Health Service Act (as added by subsection (a) by subsection (a)) is amended by adding at the end thereof the following new sections:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464P. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention

of drug abuse. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in drug abuse and the prevention of such abuse.

"(b) REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"DRUG ABUSE RESEARCH CENTERS

"SEC. 464Q. (a) AUTHORITY.—The Secretary may designate National Drug Abuse Research Centers for the purpose of interdisciplinary research relating to drug abuse and other biomedical, behavioral, and social issues related to drug abuse. No entity may be designated as a Center unless an application therefore has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such manner and contain such information as the Secretary may reasonably require. The Secretary may not approve such an application unless—

"(1) the application contains or is supported by reasonable assurances that—

"(A) the applicant has the experience, or capability, to conduct, through biomedical, behavioral, social, and related disciplines, long-term research on drug abuse and to provide coordination of such research among such disciplines;

"(B) the applicant has available to it sufficient facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan contained in the application;

"(C) the applicant has facilities and personnel to provide training in the prevention and treatment of drug abuse;

"(D) the applicant has the capacity to train predoctoral and postdoctoral students for careers in research on drug abuse;

"(E) the applicant has the capacity to conduct courses on drug abuse problems and research on drug abuse for undergraduate and graduate students, and medical and osteopathic, nursing, social work, and other specialized graduate students; and

"(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, and social service fields as the Secretary may require.

"(2) the application contains a detailed five-year plan for research relating to drug abuse.

"(b) GRANTS.—The Director of the Institute shall, under such conditions as the Secretary may reasonably require, make annual grants to Centers which have been designated under this section. No funds provided under a grant under this subsection may be used for the purchase of any land or the purchase, construction, preservation, or repair of any building. For the purposes of the preceding sentence, the term 'construction' has the meaning given that term by section 701(2).

"OFFICE ON AIDS

"SEC. 464R. The Director of the Institute shall establish within the Institute an Office on AIDS. The Office shall be responsible for the coordination of research and determining the direction of the Institute with respect to AIDS research related to—

"(1) primary prevention of the spread of HIV, including transmission via drug abuse;

"(2) drug abuse services research; and

"(3) other matters determined appropriate by the Director.

"MEDICATION DEVELOPMENT PROGRAM

"SEC. 464S. (a) ESTABLISHMENT.—There is established in the Institute a Medication Development Program through which the Director of such Institute shall—

"(1) conduct periodic meetings with the Commissioner of Food and Drugs to discuss measures that may facilitate the approval process of drug abuse treatments;

"(2) encourage and promote (through grants, contracts, international collaboration, or otherwise) expanded research programs, investigations, experiments, community trials, and studies, into the development and use of medications to treat drug addiction;

"(3) establish or provide for the establishment of research facilities;

"(4) report on the activities of other relevant agencies relating to the development and use of pharmacotherapeutic treatments for drug addiction;

"(5) collect, analyze, and disseminate data useful in the development and use of pharmacotherapeutic treatments for drug addiction and collect, catalog, analyze, and disseminate through international channels, the results of such research;

"(6) directly or through grants, contracts, or cooperative agreements, support training in the fundamental sciences and clinical disciplines related to the pharmacotherapeutic treatment of drug abuse, including the use of training stipends, fellowships, and awards where appropriate; and

"(7) coordinate the activities conducted under this section with related activities conducted within the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and other appropriate institutes and shall consult with the Directors of such Institutes.

"(b) DUTIES.—In carrying out the activities described in subsection (a), the Director of the Institute—

"(1) shall collect and disseminate through publications and other appropriate means, information pertaining to the research and other activities under this section;

"(2) shall make grants to or enter into contracts and cooperative agreements with individuals and public and private entities to further the goals of the program;

"(3) may, in accordance with section 496, and in consultation with the National Advisory Council on Drug Abuse, acquire, construct, improve, repair, operate, and maintain pharmacotherapeutic research centers, laboratories, and other necessary facilities and equipment, and such other real or personal property as the Director determines necessary, and may, in consultation with such Advisory Council, make grants for the construction or renovation of facilities to carry out the purposes of this section ;

"(4) may accept voluntary and uncompensated services;

"(5) may accept gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"(6) shall take necessary action to ensure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Administration and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than December 31, 1992, and each December 31 thereafter, the Director of the Institute shall submit to the Office of National Drug Control Policy established under section 1002 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501) a report, in accordance with paragraph (3), that describes the objectives and activities of the program assisted under this section.

"(2) NATIONAL DRUG CONTROL STRATEGY.—The Director of National Drug Control Policy shall incorporate, by reference or otherwise, each report submitted under this subsection in the National Drug Control Strategy submitted the following February 1 under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504).

"(d) DEFINITION.—For purposes of this section, the term 'pharmacotherapeutics' means medications used to treat the symptoms and disease of drug abuse, including medications to—

"(1) block the effects of abused drugs;

"(2) reduce the craving for abused drugs;

"(3) moderate or eliminate withdrawal symptoms;

"(4) block or reverse the toxic effect of abused drugs; or

"(5) prevent relapse in persons who have been detoxified from drugs of abuse.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $85,000,000 for fiscal year 1993, and $95,000,000 for fiscal year 1994.".

(c) CONFORMING AMENDMENTS.—Section 515, 516, and 517 of the Public Health Service Act (42 U.S.C. 290cc) as such sections existed 1 day prior to the date of enactment of this Act are repealed.

SEC. 124. NATIONAL INSTITUTE OF MENTAL HEALTH.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 123) is further amended by adding at the end thereof the following new subpart:

"Subpart 16—National Institute of Mental Health

"PURPOSE OF INSTITUTE

"SEC. 464T. (a) IN GENERAL.—The general purpose of the National Institute of Mental Health (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the cause, diagnosis, treatment, control and prevention of mental illness.

"(b) RESEARCH PROGRAM.—The research program established under this subpart shall include support for biomedical and behavioral neuroscience and shall be designed to further the treatment and prevention of mental illness, the promotion of mental health, and the study of the psychological, social and legal factors that influence behavior.

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) INFORMATION WITH RESPECT TO SUICIDE.—

"(1) IN GENERAL.—The Director of the Institute shall—

"(A) develop and publish information with respect to the causes of suicide and the means of preventing suicide; and

"(B) make such information generally available to the public and to health professionals.

"(2) YOUTH SUICIDE.—Information described in paragraph (1) shall especially relate to suicide among individuals under 24 years of age.

"(e) ASSOCIATE DIRECTOR FOR SPECIAL POPULATIONS.—

"(1) IN GENERAL.—The Director of the Institute shall designate an Associate Director for Special Populations.

"(2) DUTIES.—The Associate Director for Special Populations shall—

"(A) develop and coordinate research policies and programs to assure increased emphasis on the mental health needs of women and minority populations;

"(B) support programs of basic and applied social and behavioral research on the mental health problems of women and minority populations;

"(C) study the effects of discrimination on institutions and individuals, including majority institutions and individuals;

"(D) support and develop research designed to eliminate institutional discrimination; and

"(E) provide increased emphasis on the concerns of women and minority populations in training programs, service delivery programs, and research endeavors of the Institute.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $675,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to mental health.".

(b) ADDITIONAL PROVISIONS.—Subpart 16 of part C of title IV (as added by subsection (a)) is further amended by adding at the end thereof the following new section:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464U. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of mental disorder. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in mental disorder and the prevention of such.

"(b) REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"OFFICE OF RURAL MENTAL HEALTH RESEARCH

"SEC. 464V. (a) IN GENERAL.—There is established within the Institute an office to be known as the Office of Rural Mental Health Research (hereafter in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of such Institute from among individuals experienced or knowledgeable in the provision of mental health services in rural areas. The Secretary shall carry out the authorities established in this section acting through the Director of the Office.

"(b) COORDINATION OF ACTIVITIES.—The Director of the Office, in consultation with the Director of the Institute and with the Director of the Office of Rural Health Policy, shall—

"(1) coordinate the research activities of the Department of Health and Human Services as such activities relate to the mental health of residents of rural areas; and

"(2) coordinate the activities of the Office with similar activities of public and nonprofit private entities.

"(c) RESEARCH, DEMONSTRATIONS, EVALUATIONS, AND DISSEMINATION.—The Director of the Office may, with respect to the mental health of adults and children residing in rural areas—

"(1) conduct research on conditions that are unique to the residents of rural areas, or more serious or prevalent in such residents;

"(2) conduct research on improving the delivery of services in such areas; and

"(3) disseminate information to appropriate public and nonprofit private entities.

"(d) AUTHORITY REGARDING GRANTS AND CONTRACTS.—The Director of the Office may carry out the authorities established in subsection (c) directly and through grants, cooperative agreements, or contracts with public or nonprofit private entities.

"(e) REPORT TO CONGRESS.—Not later than February 1, 1993, and each fiscal year thereafter, the Director shall submit to the Subcommittee on Health and the Environment of the Committee on Energy and Commerce (of the House of Representatives), and to the Committee on Labor and Human Resources (of the Senate), a report describing the activities of the Office during the preceding fiscal year, including a summary of the activities of demonstration projects and a summary of evaluations of the projects.

"OFFICE ON AIDS

"SEC. 464W. The Director of the Institute shall establish within the Institute an Office on AIDS. The Office shall be responsible for the coordination of research and determining the direction of the Institute with respect to AIDS research related to—

"(1) primary prevention of the spread of HIV, including transmission via sexual behavior;

"(2) mental health services research; and

"(3) other matters determined appropriate by the Director.".

SEC. 125. COLLABORATIVE USE OF CERTAIN HEALTH SERVICES RESEARCH FUNDS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 494 (42 U.S.C. 289c) the following new section:

"COLLABORATIVE USE OF CERTAIN HEALTH SERVICES RESEARCH FUNDS

"SEC. 494A. (a) IN GENERAL.—The Secretary shall ensure that amounts made available under subparts 14, 15 and 16 of part C for health services research relating to alcohol abuse and alcoholism, drug abuse and mental health be used collaboratively, as appropriate, and in consultation with the Agency for Health Care Policy Research.

"(b) REPORT.—Not later than May 3, 1993, and annually thereafter, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the activities carried out with the amounts referred to in subsection (a).".

Subtitle C—Miscellaneous Provisions Relating to Substance Abuse and Mental Health

SEC. 131. MISCELLANEOUS PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended to read as follows:

"PART D—MISCELLANEOUS PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH

"SEC. 541. SUBSTANCE ABUSE AMONG GOVERNMENT AND OTHER EMPLOYEES.

"(a) PROGRAMS AND SERVICES.—

"(1) DEVELOPMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall be responsible for fostering substance abuse prevention and treatment programs and services in State and local governments and in private industry.

"(2) MODEL PROGRAMS.—

"(A) IN GENERAL.—Consistent with the responsibilities described in paragraph (1), the Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities.

"(B) DISSEMINATION OF INFORMATION.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall disseminate information and materials relative to such model programs to the State agencies responsible for the administration of substance abuse prevention, treatment, and rehabilitation activities and shall, to the extent feasible provide technical assistance to such agencies as requested.

"(b) DEPRIVATION OF EMPLOYMENT.—

"(1) PROHIBITION.—No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the grounds of prior substance abuse.

"(2) APPLICATION.—This subsection shall not apply to employment in—

"(A) the Central Intelligence Agency;

"(B) the Federal Bureau of Investigation;

"(C) the National Security Agency;

"(D) any other department or agency of the Federal Government designated for purposes of national security by the President; or

"(E) in any position in any department or agency of the Federal Government, not referred to in subparagraphs (A) through (D), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

"(3) REHABILITATION ACT.—The inapplicability of the prohibition described in paragraph (1) to the employment described in paragraph (2) shall not be construed to reflect on the applicability of the Rehabilitation Act of 1973 or other anti-discrimination laws to such employment.

"(c) CONSTRUCTION.—This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

"SEC. 542. ADMISSION OF SUBSTANCE ABUSERS TO PRIVATE AND PUBLIC HOSPITALS AND OUTPATIENT FACILITIES.

"(a) NONDISCRIMINATION.—Substance abusers who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their substance abuse, by any private or public general hospital, or outpatient facility (as defined in section 1624(4)) which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations for the enforcement of the policy of subsection (a) with respect to the admission and treatment of substance abusers in hospitals and outpatient facilities which receive support of any kind from any program administered by the Secretary. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital or outpatient facility subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary may suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital or outpatient facility receives support of any kind, with respect to the suspension or revocation of such other Federal support for such hospital or outpatient facility.

"(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs, acting through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under paragraph (1) to the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this paragraph, the Secretary shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

"SEC. 543. CONFIDENTIALITY OF RECORDS.

"(a) Requirement.—Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b).

"(b) Permitted Disclosure.—

"(1) Consent.—The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

"(2) Method for disclosure.—Whether or not the patient, with respect to whom any given record referred to in subsection (a) is maintained, gives written consent, the content of such record may be disclosed as follows:

"(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

"(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

"(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor, including the need to avert a substantial risk of death or serious bodily harm. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(c) Use of Records in Criminal Proceedings.—Except as authorized by a court order granted under subsection (b)(2)(C), no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

"(d) Application.—The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when such individual ceases to be a patient.

"(e) Nonapplicability.—The prohibitions of this section do not apply to any interchange of records—

"(1) within the Armed Forces or within those components of the Department of Veterans Affairs furnishing health care to veterans; or

"(2) between such components and the Armed Forces.

The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.

"(f) Penalties.—Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined in accordance with title 18, United States Code.

"(g) Regulations.—Except as provided in subsection (h), the Secretary shall prescribe regulations to carry out the purposes of this section. Such regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

"(h) Application to Department of Veterans Affairs.—The Secretary of Veterans Affairs, acting through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary of Health and Human Services under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this subsection, the Secretary of Veterans Affairs shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.".

Subtitle D—Transfer Provisions

SEC. 141. TRANSFERS.

(a) Substance Abuse and Mental Health Services Administration.—Except as specifically provided otherwise in this Act or an amendment made by this Act, there are transferred to the Administrator of the Substance Abuse and Mental Health Services Administration all service related functions which the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, or the Director of any entity within the Alcohol, Drug Abuse and Mental Health Administration, exercised before the date of the enactment of this Act and all related functions of any officer or employee of the Alcohol, Drug Abuse and Mental Health Administration.

(b) National Institutes.—Except as specifically provided otherwise in this Act or an amendment made by this Act, there are transferred to the appropriate Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, through the Director of the National Institutes of Health, all research related functions which the Administrator of the Alcohol, Drug Abuse and Mental Health Administration exercised before the date of the enactment of this Act and all related functions of any officer or employee of the Alcohol, Drug Abuse, and Mental Health Administration.

(c) Adequate Personnel and Resources.—The transfers required under this subtitle shall be effectuated in a manner that ensures that the Substance Abuse and Mental Health Services Administration has adequate personnel and resources to carry out its statutory responsibilities and that the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health have adequate personnel and resources to enable such institutes to carry out their respective statutory responsibilities.

SEC. 142. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) Substance Abuse and Mental Health Services Administration.—Except as otherwise provided in the Public Health Service Act, all personnel employed in connection with, and all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred to the Administrator of the Substance Abuse and Mental Health Services Administration by this subtitle, subject to section 1531 of title 31, United States Code, shall be transferred to the Substance Abuse and Mental Health Services Administration. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) National Institutes.—Except as otherwise provided in the Public Health Service Act, all personnel employed in connection with, and all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred to the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health by this subtitle, subject to section 1531 of title 31, United States Code, shall be transferred to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) Custody of Balances.—The actual transfer of custody of obligation balances is not required in order to implement this section.

SEC. 143. INCIDENTAL TRANSFERS.

Prior to October 1, 1992, the Secretary of Health and Human Services is authorized to make such determinations as may be necessary with regard to the functions transferred by this subtitle, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subtitle and the Public Health Service Act. Such Secretary shall provide for the termination of the affairs of all entities terminated by this subtitle and for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 144. EFFECT ON PERSONNEL.

(a) In General.—Except as otherwise provided by this subtitle and the Public Health Service Act, the transfer pursuant to this subtitle of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this subtitle.

(b) Executive Schedule Positions.—Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Substance Abuse and Mental Health Services Administration to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 145. SAVINGS PROVISIONS.

(a) Effect on Previous Determinations.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges that—

(1) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this subtitle; and

(2) are in effect on the date of enactment of this Act;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the National Institutes of Health, or the Administrator of the Substance Abuse and Mental Health Services Administration, as appropriate, a court of competent jurisdiction, or by operation of law.

(b) Continuation of Proceedings.—

(1) In general.—The provisions of this subtitle shall not affect any proceedings, including notices of proposed rule making, or any application for any license, permit, certificate, or financial assistance pending on the date of enactment of this Act before the Department of Health and Human Services, which relates to the Alcohol, Drug Abuse and Mental Health Administration or the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, or the National Institute of Mental Health, or any office thereof with respect to functions transferred by this subtitle. Such proceedings or applications, to the extent that they relate to functions transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

(2) Regulations.—The Secretary of Health and Human Services is authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Effect on Legal Actions.—Except as provided in subsection (e)—

(1) the provisions of this subtitle do not affect actions commenced prior to the date of enactment of this Act; and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No Abatement of Actions or Proceedings.—No action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services with respect to functions transferred by this subtitle shall abate by reason of the enactment of this Act. No cause of action by or against the Department of Health and Human Services with respect to functions transferred by this subtitle, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function transferred by this subtitle, or other proceedings may be asserted by or against the United States or the Administrator of the Alcohol, Drug Abuse and Mental Health Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) Substitution.—If, before the date of enactment of this Act, the Department of Health and Human Services, or any officer thereof in the official capacity of such officer, is a party to an action, and under this subtitle any function of such Department, Office, or officer is transferred to the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, then such action shall be continued with the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, as the case may be, substituted or added as a party.

(f) Judicial Review.—Orders and actions of the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health in the exercise of functions transferred to the Directors by this subtitle shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Administrator of the Alcohol, Drug Abuse and Mental Health Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this subtitle shall apply to the exercise of such function by the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors.

SEC. 146. TRANSITION.

With the consent of the Secretary of Health and Human Services, the Administrator of the Substance Abuse and Mental Health Services Administration and the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health are authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department with respect to functions transferred to the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and National Institute of Mental Health by this subtitle; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subtitle.

SEC. 147. PEER REVIEW.

With respect to fiscal years 1993 through 1996, the peer review systems, advisory councils and scientific advisory committees utilized, or approved for utilization, by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health prior to the transfer of such Institutes to the National Institutes of Health shall be utilized by such Institutes.

SEC. 148. MERGERS.

Notwithstanding the provisions of section 401(c)(2) of the Public Health Service Act (42 U.S.C. 281(c)(2)), the Secretary of Health and Human Services may not merge the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse or the National Institute of Mental Health with any other institute or entity (or with each other) within the national research institutes for a 5-year period beginning on the date of enactment of this Act.

SEC. 149. CONDUCT OF MULTI-YEAR RESEARCH PROJECTS.

With respect to multi-year grants awarded prior to fiscal year 1993 by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health with amounts received under section 1911(b), as such section existed one day prior to the date of enactment of this Act, such grants shall be continued for the entire period of the grant through the utilization of funds made available pursuant to sections 4641, 464O, or 464T, as appropriate, subject to satisfactory performance.

SEC. 150. SEPARABILITY.

If a provision of this subtitle or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

SEC. 151. BUDGETARY AUTHORITY.

With respect to fiscal years 1994 and 1995, the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health shall notwithstanding section 405(a), prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for their respective Institutes, after reasonable opportunity for comment (but without change) by the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Institute's advisory council.

Subtitle E—References and Conforming Amendments

SEC. 161. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Alcohol, Drug Abuse and Mental Health Administration or to the Administrator of the Alcohol, Drug Abuse and Mental Health Administration shall be deemed to refer to the Substance Abuse and Mental Health Services Administration or to the Administrator of the Substance Abuse and Mental Health Services Administration.

SEC. 162. TRANSITION FROM HOMELESSNESS.

Part C of title V of the Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290cc–21), by striking out "National Institute of Mental Health" and inserting in lieu thereof "Center for Mental Health Services"; and

(2) in section 530 (42 U.S.C. 290cc–30), by striking out "through the National" and all that follows through "Abuse" and inserting in lieu thereof "through the agencies of the Administration".

SEC. 163. CONFORMING AMENDMENTS.

(a) Title V.—Title V of the Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290cc–21), by striking "Director of the National Institute of Mental Health" and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration";

(2) in section 528 (42 U.S.C. 290cc–28)—

(A) by striking "the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting in lieu thereof "and the Administrator of the Substance Abuse and Mental Health Services Administration" in subsection (a); and

(B) by striking "National Institute of Mental Health" and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration" in subsection (c); and

(3) in section 530 (42 U.S.C. 290cc–30), by striking "the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting in lieu thereof "the Administrator of the Substance Abuse and Mental Health Services Administration".

(b) GENERAL PUBLIC HEALTH SERVICE ACT AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 227 (42 U.S.C. 236)—

(A) by striking out ", and the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (c)(2);

(B) by striking out ", the Alcohol, Drug Abuse, and Mental Health Administration," in subsection (c)(3);

(C) by striking out "and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (e); and

(D) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration" each place such term appears in subsection (e);

(2) in section 319(a) (42 U.S.C. 247d(a))—

(A) by striking out "the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) by striking out "Director, Administrator" in the matter following paragraph (2) and inserting in lieu thereof "Directors, Administrator";

(3) in section 402(d)(1) (42 U.S.C. 282(d)(1)), by striking out "two hundred" and inserting in lieu thereof "220";

(4) in section 487(a)(1) (42 U.S.C. 288(a)(1))—

(A) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration" in subparagraph (A)(i); and

(B) by striking out "or the Alcohol, Drug Abuse, and Mental Health Administration" in the matter immediately following subparagraph (B);

(5) in section 489(a)(2) (42 U.S.C. 288b(a)(2)), by striking out "and institutes under the Alcohol, Drug Abuse, and Mental Health Administration";

(6) in section 499A(g)(9) (42 U.S.C. 290b(g)(9))—

(A) by striking out "or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration"; and

(B) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration"; and

(7) in section 2303 (42 U.S.C. 300cc–2)—

(A) by striking out "Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (b), and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) by striking out "Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (c), and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration".

(c) OTHER LAWS.—

(1) Section 4 of the Orphan Drug Amendments of 1985 (42 U.S.C. 236 note) is amended—

(A) in subsection (b), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration,";

(B) in subsection (c)—

(i) by striking out "the Alcohol, Drug Abuse, and Mental Health Administration," in the matter preceding paragraph (1); and

(ii) by striking out "the institutes of the Alcohol, Drug Abuse, and Mental Health Administration," in paragraph (7); and

(C) in subsection (d)—

(i) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) Four nonvoting members shall be appointed for the directors of the national research institutes of the National Institutes of Health which the Secretary determines are involved with rare diseases."; and

(ii) by striking out "or an institute of the Alcohol, Drug Abuse, and Mental Health Administration" in the matter immediately following paragraph (3).

(2) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(A) in section 202(b)(1) (42 U.S.C. 3012(b)(1)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration";

(B) in section 301(b)(2) (42 U.S.C. 3021(b)(2)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration"; and

(C) in section 402(b) (42 U.S.C. 3030bb(b)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration".

(3) The Protection and Advocacy for Mentally Ill Individuals Act of 1986 is amended—

(A) in section 111(c) (42 U.S.C. 10821(c)), by striking out "3-year" each place that such appears and inserting in lieu thereof "4-year"; and

(B) in section 116 (42 U.S.C. 10826), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration".

Subtitle F—Employee Assistance Programs

SEC. 171. PROGRAM OF GRANTS UNDER CENTER FOR SUBSTANCE ABUSE PREVENTION.

Title V of the Public Health Service Act (as amended by section 114 and 120) is amended by adding at the end of subpart 2 of part B the following new section:

"SEC. 518. EMPLOYEE ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—The Director of the Prevention Center may make grants to public and nonprofit private entities for the purpose of assisting business organizations in establishing employee assistance programs to provide appropriate services for employees of the organizations regarding substance abuse, including education and prevention services and referrals for treatment.

"(b) CERTAIN REQUIREMENTS.—A business organization may not be assisted under subsection (a) if the organization has an employee assistance program in operation. The organization may receive such assistance only if the organization lacks the financial resources for operating such a program.

"(c) SPECIAL CONSIDERATION FOR CERTAIN SMALL BUSINESSES.—In making grants under subsection (a), the Director of the Prevention Office shall give special consideration to business organizations with 50 or fewer employers.

"(d) CONSULTATION AND TECHNICAL ASSISTANCE.—In the case of small businesses being assisted under subsection (a), the Secretary shall consult with the entities and organizations involved and provide technical assistance and training with respect to establishing and operating employee assistance programs in accordance with this subtitle. Such assistance shall include technical assistance in establishing workplace substance abuse programs.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

TITLE II—BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

SEC. 201. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING MENTAL HEALTH.

Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) is amended—

(1) by amending the heading for the part to read as follows:

"PART B—BLOCK GRANTS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE"; and

(2) by striking subparts 1 and 2 and inserting the following:

"Subpart I—Block Grants for Community Mental Health Services

"SEC. 1911. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Director of the Center for Mental Health Services, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1918. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1917.

"(b) PURPOSE OF GRANTS.—A funding agreement for a grant under subsection (a) is that, subject to section 1916, the State involved will expend the grant only for the purpose of—

"(1) carrying out the plan submitted under section 1912(a) by the State for the fiscal year involved;

"(2) evaluating programs and services carried out under the plan; and

"(3) planning, administration, and educational activities related to providing services under the plan.

"SEC. 1912. STATE PLAN FOR COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CERTAIN INDIVIDUALS.

"(a) IN GENERAL.—The Secretary may make a grant under section 1911 only if—

"(1) the State involved submits to the Secretary a plan for providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance;

"(2) the plan meets the criteria specified in subsection (b); and

"(3) the plan is approved by the Secretary.

"(b) CRITERIA FOR PLAN.—With respect to the provision of comprehensive community mental health services to individuals who are either adults with a serious mental illness or children with a serious emotional disturbance, the criteria referred to in subsection (a) regarding a plan are as follows:

"(1) The plan provides for the establishment and implementation of an organized community-based system of care for such individuals.

"(2) The plan contains quantitative targets to be achieved in the implementation of such system, including the numbers of such individuals residing in the areas to be served under such system.

"(3) The plan describes available services, available treatment options, and available resources (including Federal, State and local public services and resources, and to the extent practicable, private services and resources) to be provided such individuals.

"(4) The plan describes health and mental health services, rehabilitation services, employment services, housing services, educational services, medical and dental care, and other support services to be provided to such individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act.

"(5) The plan describes the financial resources and staffing necessary to implement the requirements of such plan, including programs to train individuals as providers of mental health services, and the plan emphasizes training of providers of emergency health services regarding mental health.

"(6) The plan provides for activities to reduce the rate of hospitalization of such individuals.

"(7)(A) Subject to subparagraph (B), the plan requires the provision of case management services to each such individual in the State who receives substantial amounts of public funds or services.

"(B) The plan may provide that the requirement of subparagraph (A) will not be substantially completed until the end of fiscal year 1993.

"(8) The plan provides for the establishment and implementation of a program of outreach to, and services for, such individuals who are homeless.

"(9) In the case of children with a serious emotional disturbance, the plan—

"(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (which system includes services provided under the Individuals with Disabilities Education Act);

"(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service of such system other than comprehensive community mental health services; and

"(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

"(10) The plan describes the manner in which mental health services will be provided to individuals residing in rural areas.

"(11) The plan contains an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children.

"(12) The plan contains a description of the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved to carry out the provisions of the plan required in paragraphs (1) through (11).

"(c) DEFINITIONS REGARDING MENTAL ILLNESS AND EMOTIONAL DISTURBANCE; METHODS FOR ESTIMATE OF INCIDENCE AND PREVALENCE.—

"(1) ESTABLISHMENT BY SECRETARY OF DEFINITIONS; DISSEMINATION.—For purposes of this subpart, the Secretary shall establish definitions for the terms 'adults with a serious mental illness' and 'children with a serious emotional disturbance'. The Secretary shall disseminate the definitions to the States.

"(2) STANDARDIZED METHODS.—The Secretary shall establish standardized methods for making the estimates required in subsection (b)(11) with respect to a State. A funding agreement for a grant under section 1911 for the State is that the State will utilize such methods in making the estimates.

"(3) DATE CERTAIN FOR COMPLIANCE BY SECRETARY.—Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Secretary shall establish the definitions described in paragraph (1), shall begin dissemination of the definitions to the States, and shall establish the standardized methods described in paragraph (2).

"(d) REQUIREMENT OF IMPLEMENTATION OF PLAN.—

"(1) COMPLETE IMPLEMENTATION.—Except as provided in paragraph (2), in making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that a State has not completely implemented the plan, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year involved by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(2) SUBSTANTIAL IMPLEMENTATION AND GOOD FAITH EFFORT REGARDING FISCAL YEAR 1993.—

"(A) In making a grant under section 1911 to a State for fiscal year 1993, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that the State has not substantially implemented the plan, the Secretary shall, subject to subparagraph (B), reduce the amount of the allotment under section 1911 for the State for such fiscal year by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(B) In carrying out subparagraph (A), if the Secretary determines that the State is making a good faith effort to implement the plan required in subsection (a), the Secretary may make a reduction under such subparagraph in an amount that is less than the amount specified in such subparagraph, except that the reduction may not be made in an amount that is less than 5 percent of the amount determined under section 1918 for the State for fiscal year 1993.

"SEC. 1913. CERTAIN AGREEMENTS.

"(a) ALLOCATION FOR SYSTEMS OF INTEGRATED SERVICES FOR CHILDREN.—With respect to children with a serious emotional disturbance, a funding agreement for a grant under section 1911 is that—

"(1) in the case of a grant for fiscal year 1993, the State involved will expend not less than 10 percent of the grant to increase (relative to fiscal year 1992) funding for the system of integrated services described in section 1912(b)(9);

"(2) in the case of a grant for fiscal year 1994, the State will expend not less than 10 percent of the grant to increase (relative to fiscal year 1993) funding for such system; and

"(3) in the case of a grant for any subsequent fiscal year, the State will expend for such system not less than an amount equal to the amount expended by the State for fiscal year 1994.

"(b) PROVIDERS OF SERVICES.—A funding agreement for a grant under section 1911 for a State is that, with respect to the plan submitted under section 1912(a) for the fiscal year involved—

"(1) services under the plan will be provided only through appropriate, qualified community programs (which may include community mental health centers, child mental-health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs); and

"(2) services under the plan will be provided through community mental health centers only if the centers meet the criteria specified in subsection (c).

"(c) CRITERIA FOR MENTAL HEALTH CENTERS.—The criteria referred to in subsection (b)(2) regarding community mental health centers are as follows:

"(1) With respect to mental health services, the centers provide services as follows:

"(A) Services principally to individuals residing in a defined geographic area (hereafter in this subsection referred to as a 'service area').

"(B) Outpatient services, including specialized outpatient services for children, the elderly, individuals with a serious mental illness, and residents of the service areas of the centers who have been discharged from inpatient treatment at a mental health facility.

"(C) 24-hour-a-day emergency care services.

"(D) Day treatment or other partial hospitalization services, or psychosocial rehabilitation services.

"(E) screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission;

"(2) The mental health services of the centers are provided, within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay for such services.

"(3) The mental health services of the centers are available and accessible promptly, as appropriate and in a manner which preserves human dignity and assures continuity and high quality care.

"SEC. 1914. STATE MENTAL HEALTH PLANNING COUNCIL.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will establish and maintain a State mental health planning council in accordance with the conditions described in this section.

"(b) DUTIES.—A condition under subsection (a) for a Council is that the duties of the Council are—

"(1) to review plans provided to the Council pursuant to section 1915(a) by the State involved and to submit to the State any recommendations of the Council for modifications to the plans;

"(2) to serve as an advocate for adults with a serious mental illness, children with a severe emotional disturbance, and other individuals with mental illnesses or emotional problems; and

"(3) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—A condition under subsection (a) for a Council is that the Council be composed of residents of the State, including representatives of—

"(A) the principal State agencies with respect to—

"(i) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and

"(ii) the development of the plan submitted pursuant to title XIX of the Social Security Act;

"(B) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

"(C) adults with serious mental illnesses who are receiving (or have received) mental health services; and

"(D) the families of such adults or families of children with emotional disturbance.

"(2) CERTAIN REQUIREMENTS.—A condition under subsection (a) for a Council is that—

"(A) with respect to the membership of the Council, the ratio of parents of children with a serious emotional disturbance to other members of the Council is sufficient to provide adequate representation of such children in the deliberations of the Council; and

"(B) not less than 50 percent of the members of the Council are individuals who are not State employees or providers of mental health services.

"(d) DEFINITION.—For purposes of this section, the term 'Council' means a State mental health planning council.

"SEC. 1915. ADDITIONAL PROVISIONS.

''(a) REVIEW OF STATE PLAN BY MENTAL HEALTH PLANNING COUNCIL.—The Secretary may make a grant under section 1911 to a State only if—

''(1) the plan submitted under section 1912(a) with respect to the grant has been reviewed by the State mental health planning council under section 1914; and

''(2) the State submits to the Secretary any recommendations received by the State from such council for modifications to the plan (without regard to whether the State has made the recommended modifications).

''(b) MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES FOR MENTAL HEALTH.—

''(1) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will maintain State expenditures for community mental health services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

''(2) WAIVER.—The Secretary may, upon the request of a State, waive the requirement established in paragraph (1) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

''(3) NONCOMPLIANCE BY STATE.—

''(A) In making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with the agreement made under paragraph (1). If the Secretary determines that a State has failed to maintained such compliance, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

''(B) The Secretary may make a grant under section 1911 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in subparagraph (A).

"SEC. 1916. RESTRICTIONS ON USE OF PAYMENTS.

''(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will not expend the grant—

''(1) to provide inpatient services;

''(2) to make cash payments to intended recipients of health services;

''(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

''(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

''(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

''(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1911 is that the State involved will not expend more than 5 percent of the grant for administrative expenses with respect to the grant.

"SEC. 1917. APPLICATION FOR GRANT.

''(a) IN GENERAL.—For purposes of section 1911, an application for a grant under such section for a fiscal year in accordance with this section if, subject to subsection (b)—

''(1) the State involved submits the application not later than the date specified by the Secretary as being the date after which applications for such a grant will not be considered (in any case in which the Secretary specifies such a date);

''(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

''(3) the agreements are made through certification from the chief executive officer of the State;

''(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

''(5) the application contains the plan required in section 1912(a), the information required in section 1915(b)(3)(B), and the report required in section 1942(a);

''(6) the application contains recommendations in compliance with section 1915(a), or if no such recommendations are received by the State, the application otherwise demonstrates compliance with such section; and

''(7) the application (including the plan under section 1912(a)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

''(b) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1916.

"SEC. 1918. DETERMINATION OF AMOUNT OF ALLOTMENT.

''(a) STATES.—

''(1) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1911 for a State for a fiscal year in accordance with the following formula:

$$A\left(\frac{X}{U}\right)$$

''(2) DETERMINATION OF TERM 'A'.—For purposes of paragraph (1), the term 'A' means the difference between—

''(A) the amount appropriated under section 1920(a) for allotments under section 1911 for the fiscal year involved; and

''(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

''(3) DETERMINATION OF TERM 'U'.—For purposes of paragraph (1), the term 'U' means the sum of the respective terms 'X' determined for the States under paragraph (4).

''(4) DETERMINATION OF TERM 'X'.—For purposes of paragraph (1), the term 'X' means the product of—

''(A) an amount equal to the product of—

''(i) the term 'P', as determined for the State involved under paragraph (5); and

''(ii) the factor determined under paragraph (8) for the State; and

''(B) the greater of—

''(i) 0.4; and

''(ii) an amount equal to an amount determined for the State in accordance with the following formula:

$$1-.35\left(\frac{R\%}{P\%}\right)$$

''(5) DETERMINATION OF TERM 'P'.—

''(A) For purposes of paragraph (4), the term 'P' means the sum of—

''(i) an amount equal to the product of 0.107 and the number of individuals in the State who are between 18 and 24 years of age (inclusive);

''(ii) an amount equal to the product of 0.166 and the number of individuals in the State who are between 25 and 44 years of age (inclusive);

''(iii) an amount equal to the product of 0.099 and the number of individuals in the State who are between 25 and 64 years of age (inclusive); and

''(iv) an amount equal to the product of 0.082 and the number of individuals in the State who are 65 years of age or older.

''(B) With respect to data on population that is necessary for purposes of making a determination under subparagraph (A), the Secretary shall use the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period.

''(6) DETERMINATION OF TERM 'R%'.—

''(A) For purposes of paragraph (4), the term 'R%', except as provided in subparagraph (D), means the percentage constituted by the ratio of the amount determined under subparagraph (B) for the State involved to the amount determined under subparagraph (C).

''(B) The amount determined under this subparagraph for the State involved is the quotient of—

''(i) the most recent 3-year arithmetic mean of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

''(ii) the factor determined under paragraph (8) for the State.

''(C) The amount determined under this subparagraph is the sum of the respective amounts determined for the States under subparagraph (B) (including the District of Columbia).

''(D)(i) In the case of the District of Columbia, for purposes of paragraph (4), the term 'R%' means the percentage constituted by the ratio of the amount determined under clause (ii) for such District to the amount determined under clause (iii).

''(ii) The amount determined under this clause for the District of Columbia is the quotient of—

''(I) the most recent 3-year arithmetic mean of total personal income in such District, as determined by the Secretary of Commerce; divided by

''(II) the factor determined under paragraph (8) for the District.

''(iii) The amount determined under this clause is the sum of the respective amounts determined for the States (including the District of Columbia) by making, for each State, the same determination as is described in clause (ii) for the District of Columbia.

''(7) DETERMINATION OF TERM 'P%'.—For purposes of paragraph (4), the term 'P%' means the percentage constituted by the ratio of the term 'P' determined under paragraph (5) for the State involved to the sum of the respective terms 'P' determined for the States.

''(8) DETERMINATION OF CERTAIN FACTOR.—

''(A) The factor determined under this paragraph for the State involved is a factor whose purpose is to adjust the amount determined under clause (i) of paragraph (4)(A), and the amounts determined under each of subparagraphs (B)(i) and (D)(ii)(I) of paragraph (6), to reflect the differences that exist between the State and other States in the costs of providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance.

''(B) Subject to subparagraph (C), the factor determined under this paragraph and in effect for the fiscal year involved shall be determined according to the methodology described in the report entitled 'Adjusting the Alcohol, Drug Abuse and Mental Health Services Block Grant Allocations for Poverty Populations and Cost of Service', dated March 30, 1990, and prepared by Health Economics Research, a corporation, pursuant to a contract with the National Institute on Drug Abuse.

"(C) The factor determined under this paragraph for the State involved may not for any fiscal year be greater than 1.1 or less than 0.9.

"(D)(i) Not later than October 1, 1992, the Secretary, after consultation with the Comptroller General, shall in accordance with this section make a determination for each State of the factor that is to be in effect for the State under this paragraph. The factor so determined shall remain in effect through fiscal year 1994, and shall be recalculated every third fiscal year thereafter.

"(ii) After consultation with the Comptroller General, the Secretary shall, through publication in the Federal Register, periodically make such refinements in the methodology referred to in subparagraph (B) as are consistent with the purpose described in subparagraph (A).

"(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1911 for a State for the fiscal year involved shall be the greater of—

"(1) the amount determined under subsection (a) for the State for the fiscal year; and

"(2) an amount equal to 20.6 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallotments under section 205(a) of the ADAMHA Reorganization Act).

"(c) TERRITORIES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

"(B) a percentage equal to the quotient of—

"(i) the civilian population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

"(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the greater of—

"(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

"(B) $50,000.

"(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1920(a) for allotments under section 1911 for the fiscal year.

"(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsection (a), the term 'State' does not include the territories of the United States.

"SEC. 1919. DEFINITIONS.

"For purposes of this subpart:

"(1) The terms 'adults with a serious mental illness' and 'children with a serious emotional disturbance' have the meanings given such terms under section 1912(c)(1).

"(2) The term 'funding agreement', with respect to a grant under section 1911 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

"SEC. 1920. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, and subpart III and section 505 with respect to mental health, there are authorized to be appropriated $450,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, DATA COLLECTION, AND PROGRAM EVALUATION.—

"(1) IN GENERAL.—For the purpose of carrying out section 1948(a) with respect to mental health and the purposes specified in paragraphs (2) and (3), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) for a fiscal year.

"(2) DATA COLLECTION.—The purpose specified in this paragraph is carrying out section 505 with respect to mental health.

"(3) PROGRAM EVALUATION.—The purpose specified in this paragraph is the conduct of evaluations of prevention and treatment programs and services with respect to mental health to determine methods for improving the availability and quality of such programs and services.".

SEC. 202. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING SUBSTANCE ABUSE.

Part B of title XIX of the Public Health Service Act, as amended by section 101 of this Act, is amended by adding at the end the following:

"Subpart II—Block Grants for Prevention and Treatment of Substance Abuse

"SEC. 1921. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Center for Substance Abuse Treatment, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1933. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1932.

"(b) AUTHORIZED ACTIVITIES.—A funding agreement for a grant under subsection (a) is that, subject to section 1931, the State involved will expend the grant only for the purpose of planning, carrying out, and evaluating activities to prevent and treat substance abuse and for related activities authorized in section 1924.

"SEC. 1922. CERTAIN ALLOCATIONS.

"(a) ALLOCATIONS REGARDING ALCOHOL AND OTHER DRUGS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved will expend—

"(1) not less than 35 percent for prevention and treatment activities regarding alcohol; and

"(2) not less than 35 percent for prevention and treatment activities regarding other drugs.

"(b) ALLOCATION REGARDING PRIMARY PREVENTION PROGRAMS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved—

"(1) will expend not less than 20 percent for programs for individuals who do not require treatment for substance abuse, which programs—

"(A) educate and counsel the individuals on such abuse; and

"(B) provide for activities to reduce the risk of such abuse by the individuals;

"(2) will, in carrying out paragraph (1)—

"(A) give priority to programs for populations that are at risk of developing a pattern of such abuse; and

"(B) ensure that programs receiving priority under subparagraph (A) develop community-based strategies for the prevention of such abuse, including strategies to discourage the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

"(c) ALLOCATIONS REGARDING WOMEN.—

"(1) IN GENERAL.—Subject to paragraph (2), a funding agreement for a grant under section 1921 for a fiscal year is that—

"(A) in the case of a grant for fiscal year 1993, the State involved will expend not less than 5 percent of the grant to increase (relative to fiscal year 1992) the availability of treatment services designed for pregnant women and women with dependent children (either by establishing new programs or expanding the capacity of existing programs);

"(B) in the case of a grant for fiscal year 1994, the State will expend not less than 5 percent of the grant to so increase (relative to fiscal year 1993) the availability of such services for such women; and

"(C) in the case of a grant for any subsequent fiscal year, the State will expend for such services for such women not less than an amount equal to the amount expended by the State for fiscal year 1994.

"(2) WAIVER.—

"(A) Upon the request of a State, the Secretary may provide to the State a waiver of all or part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of treatments services for women described in such paragraph, as indicated by a comparison of the number of such women seeking the services with the availability in the State of the services.

"(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

"(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

"(3) CHILDCARE AND PRENATAL CARE.—A funding agreement for a grant under section 1921 for a State is that each entity providing treatment services with amounts reserved under paragraph (1) by the State will, directly or through arrangements with other public or nonprofit private entities, make available prenatal care to women receiving such services and, while the women are receiving the services, childcare.

"SEC. 1923. INTRAVENOUS SUBSTANCE ABUSE.

"(a) CAPACITY OF TREATMENT PROGRAMS.—

"(1) NOTIFICATION OF REACHING CAPACITY.—A funding agreement for a grant under section 1921 is that the State involved will, in the case of programs of treatment for intravenous drug abuse, require that any such program receiving amounts from the grant, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact.

"(2) PROVISION OF TREATMENT.—A funding agreement for a grant under section 1921 is that the State involved will, with respect to notifications under paragraph (1), ensure that each individual who requests and is in need of treatment for intravenous drug abuse is admitted to a program of such treatment not later than—

"(A) 14 days after making the request for admission to such a program; or

"(B) 120 days after the date of such request, if no such program has the capacity to admit the individual on the date of such request and if interim services are made available to the individual not later than 48 hours after such request.

"(b) OUTREACH REGARDING INTRAVENOUS SUBSTANCE ABUSE.—A funding agreement for a grant under section 1921 is that the State involved, in providing amounts from the grant to any entity for treatment services for intravenous drug abuse, will require the entity to carry out activities to encourage individuals in need of such treatment to undergo treatment.

"SEC. 1924. REQUIREMENTS REGARDING TUBERCULOSIS AND HUMAN IMMUNODEFICIENCY VIRUS.

"(a) TUBERCULOSIS.—

"(1) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved will require that any entity receiving amounts from the grant for operating a program of treatment for substance abuse—

"(A) will, directly or through arrangements with other public or nonprofit private entities, routinely make available tuberculosis services to each individual receiving treatment for such abuse; and

"(B) in the case of an individual in need of such treatment who is denied admission to the program on the basis of the lack of the capacity of the program to admit the individual, will refer the individual to another provider of tuberculosis services.

"(2) TUBERCULOSIS SERVICES.—For purposes of paragraph (1), the term 'tuberculosis services', with respect to an individual, means—

"(A) counseling the individual with respect to tuberculosis;

"(B) testing to determine whether the individual has contracted such disease and testing to determine the form of treatment for the disease that is appropriate for the individual; and

"(C) providing such treatment to the individual.

"(b) HUMAN IMMUNODEFICIENCY VIRUS.—

"(1) REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2), a funding agreement for a grant under section 1921 is that—

"(A) with respect to individuals undergoing treatment for substance abuse, the State will, subject to paragraph (3), carry out 1 or more projects to make available to the individuals early intervention services for HIV disease at the sites at which the individuals are undergoing such treatment;

"(B) for the purpose of providing such early intervention services through such projects, the State will make available from the grant the percentage that is applicable for the State under paragraph (4); and

"(C) the State will, subject to paragraph (5), carry out such projects only in geographic areas of the State that have the greatest need for the projects.

"(2) DESIGNATED STATES.—For purposes of this subsection, a State described in this paragraph is any State whose rate of cases of acquired immune deficiency syndrome is 10 or more such cases per 100,000 individuals (as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control for the most recent calendar year for which such data are available).

"(3) USE OF EXISTING PROGRAMS REGARDING SUBSTANCE ABUSE.—With respect to programs that provide treatment services for substance abuse, a funding agreement for a grant under section 1921 for a designated State is that each such program participating in a project under paragraph (1) will be a program that began operation prior to the fiscal year for which the State is applying to receive the grant. A program that so began operation may participate in a project under paragraph (1) without regard to whether the program has been providing early intervention services for HIV disease.

"(4) APPLICABLE PERCENTAGE REGARDING EXPENDITURES FOR SERVICES.—

"(A)(i) For purposes of paragraph (1)(B), the percentage that is applicable under this paragraph for a designated State is, subject to subparagraph (B), the percentage by which the amount of the grant under section 1921 for the State for the fiscal year involved is an increase over the amount specified in clause (ii).

"(ii) The amount specified in this clause is the amount that was reserved by the designated State involved from the allotment of the State under section 1912A for fiscal year 1991 in compliance with section 1916(c)(6)(A)(ii) (as such sections were in effect for such fiscal year).

"(B) If the percentage determined under subparagraph (A) for a designated State for a fiscal year is less than 2 percent (including a negative percentage, in the case of a State for which there is no increase for purposes of such subparagraph), the percentage applicable under this paragraph for the State is 2 percent. If the percentage so determined is 2 percent or more, the percentage applicable under this paragraph for the State is the percentage determined under subparagraph (A), subject to not exceeding 5 percent.

"(5) REQUIREMENT REGARDING RURAL AREAS.—

"(A) A funding agreement for a grant under section 1921 for a designated State is that, if the State will carry out 2 or more projects under paragraph (1), the State will carry out 1 such project in a rural area of the State, subject to subparagraph (B).

"(B) The Secretary shall waive the requirement established in subparagraph (A) if the State involved certifies to the Secretary that—

"(i) there is insufficient demand in the State to carry out a project under paragraph (1) in any rural area of the State; or

"(ii) there are no rural areas in the State.

"(6) MANNER OF PROVIDING SERVICES.—With respect to the provision of early intervention services for HIV disease to an individual, a funding agreement for a grant under section 1921 for a designated State is that—

"(A) such services will be undertaken voluntarily by, and with the informed consent of, the individual; and

"(B) undergoing such services will not be required as a condition of receiving treatment services for substance abuse or any other services.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'designated State' means a State described in paragraph (2).

"(B) The term 'early intervention services', with respect to HIV disease, means—

"(i) appropriate pretest counseling;

"(ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;

"(iii) appropriate post-test counseling; and

"(iv) providing the therapeutic measures described in clause (ii).

"(C) The term 'HIV disease' means infection with the etiologic agent for acquired immune deficiency syndrome.

"(c) EXPENDITURE OF GRANT FOR COMPLIANCE WITH AGREEMENTS.—

"(1) IN GENERAL.—A grant under section 1921 may be expended for purposes of compliance with the agreements required in this section, subject to paragraph (2).

"(2) LIMITATION.—A funding agreement for a grant under section 1921 for a State is that the grant will not be expended to make payment for any service provided for purposes of compliance with this section to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service—

"(A) under any State compensation program, under any insurance policy, or under any Federal or State health benefits program (including the program established in title XVIII of the Social Security Act and the program established in title XIX of such Act); or

"(B) by an entity that provides health services on a prepaid basis.

"(d) MAINTENANCE OF EFFORT.—With respect to services provided for by a State for purposes of compliance with this section, a funding agreement for a grant under section 1921 is that the State will maintain expenditures of non-Federal amounts for such services at a level that is not less than average level of such expenditures maintained by the State for 2-year period preceding the first fiscal year for which the State receives such a grant.

"(e) APPLICABILITY OF CERTAIN PROVISION.—Section 1931 applies to this section (and to each other provision of this subpart).

"SEC. 1925. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

"(a) STATE REVOLVING FUNDS FOR ESTABLISHMENT OF HOMES.—For fiscal year 1993 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has established, and is providing for the ongoing operation of, a revolving fund as follows:

"(1) The purpose of the fund is to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than 6 individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

"(2) The programs are carried out in accordance with guidelines issued under subsection (b).

"(3) Not less than $100,000 is available for the fund.

"(4) Loans made from the revolving fund do not exceed $4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than 2 years after the date on which the loan is made.

"(5) Each such loan is repaid by such residents through monthly installments, and a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved.

"(6) Such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan—

"(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

"(B) any resident of the housing who violates such prohibition will be expelled from the housing;

"(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

"(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

"(b) ISSUANCE BY SECRETARY OF GUIDELINES.—The Secretary shall ensure that there are in effect guidelines under this subpart for the operation of programs described in subsection (a).

"(c) APPLICABILITY TO TERRITORIES.—The requirements established in subsection (a) shall not apply to any territory of the United States other than the Commonwealth of Puerto Rico.

"SEC. 1926. STATE LAW REGARDING SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER AGE OF 18.

"(a) RELEVANT LAW.—

"(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 1994 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.

"(2) DELAYED APPLICABILITY FOR CERTAIN STATES.—In the case of a State whose legislature does not convene a regular session in fiscal year 1993, and in the case of a State whose legislature does not convene a regular session in fiscal year 1994, the requirement described in paragraph (1) as a condition of a receipt of a grant under section 1921 shall apply only for fiscal year 1995 and subsequent fiscal years.

"(b) ENFORCEMENT.—

"(1) IN GENERAL.—For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 1921 is that the State involved will enforce the law described in subsection (a) in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18.

"(2) ACTIVITIES AND REPORTS REGARDING ENFORCEMENT.—For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 1921 is that the State involved will—

"(A) annually conduct random, unannounced inspections to ensure compliance with the law described in subsection (a); and

"(B) annually submit to the Secretary a report describing—

"(i) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;

"(ii) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under the age of 18; and

"(iii) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

"(c) NONCOMPLIANCE OF STATE.—Before making a grant under section 1921 to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether the State has maintained compliance with subsections (a) and (b). If, after notice to the State and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under such section for the State for the fiscal year involved by an amount equal to—

"(1) in the case of the first applicable fiscal year, 10 percent of the amount determined under section 1933 for the State for the fiscal year;

"(2) in the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 1933 for the State for the fiscal year;

"(3) in the case of the second such fiscal year, 30 percent of the amount determined under section 1933 for the State for the fiscal year; and

"(4) in the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 1933 for the State for the fiscal year.

"(d) DEFINITION.—For purposes of this section, the term 'first applicable fiscal year' means—

"(1) fiscal year 1995, in the case of any State described in subsection (a)(2); and

"(2) fiscal year 1994, in the case of any other State.

"SEC. 1927. TREATMENT SERVICES FOR PREGNANT WOMEN.

"(a) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved—

"(1) will ensure that each pregnant woman in the State who seeks or is referred for and would benefit from such services is given preference in admissions to treatment facilities receiving funds pursuant to the grant; and

"(2) will, in carrying out paragraph (1), publicize the availability to such women of services from the facilities and the fact that the women receive such preference.

"(b) REFERRALS REGARDING STATES.—A funding agreement for a grant under section 1921 is that, in carrying out subsection (a)(1)—

"(1) the State involved will require that, in the event that a treatment facility has insufficient capacity to provide treatment services to any woman described in such subsection who seeks the services from the facility, the facility refer the woman to the State; and

"(2) the State, in the case of each woman for whom a referral under paragraph (1) is made to the State—

"(A) will refer the woman to a treatment facility that has the capacity to provide treatment services to the woman; or

"(B) will, if no treatment facility has the capacity to admit the woman, make available interim services available to the woman not later than 48 hours after the woman seeks the treatment services.

"SEC. 1928. ADDITIONAL AGREEMENTS.

"(a) IMPROVEMENT OF PROCESS FOR APPROPRIATE REFERRALS FOR TREATMENT.—With respect to individuals seeking treatment services, a funding agreement for a grant under section 1921 is that the State involved will improve (relative to fiscal year 1992) the process in the State for referring the individuals to treatment facilities that can provide to the individuals the treatment modality that is most appropriate for the individuals.

"(b) CONTINUING EDUCATION.—With respect to any facility for treatment services or prevention activities that is receiving amounts from a grant under section 1921, a funding agreement for a State for a grant under such section is that continuing education in such services or activities (or both, as the case may be) will be made available to employees of the facility who provide the services or activities.

"(c) COORDINATION OF VARIOUS ACTIVITIES AND SERVICES.—A funding agreement for a grant under section 1921 is that the State involved will coordinate prevention and treatment activities with the provision of other appropriate services (including health, social, correctional and criminal justice, educational, vocational rehabilitation, and employment services).

"(d) WAIVER OF REQUIREMENT.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may provide to a State a waiver of any or all of the requirements established in this section if the Secretary determines that, with respect to services for the prevention and treatment of substance abuse, the requirement involved is unnecessary for maintaining quality in the provision of such services in the State.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

"SEC. 1929. SUBMISSION TO SECRETARY OF STATEWIDE ASSESSMENT OF NEEDS.

"The Secretary may make a grant under section 1921 only if the State submits to the Secretary an assessment of the need in the State for authorized activities (which assessment is conducted in accordance with criteria issued by the Secretary), both by locality and by the State in general, which assessment includes a description of—

"(1) the incidence and prevalence in the State of drug abuse and the incidence and prevalence in the State of alcohol abuse and alcoholism;

"(2) current prevention and treatment activities in the State;

"(3) the need of the State for technical assistance to carry out such activities;

"(4) efforts by the State to improve such activities; and

"(5) the extent to which the availability of such activities is insufficient to meet the need for the activities, the interim services to be made available under sections 1923(a) and 1927(b), and the manner in which such services are to be so available.

"SEC. 1930. MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES.

"(a) IN GENERAL.—With respect to the principal agency of a State for carrying out authorized activities, a funding agreement for a grant under section 1921 for the State for a fiscal year is that such agency will for such year maintain aggregate State expenditures for authorized activities at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

"(b) WAIVER.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may waive all or part of the requirement established in subsection (a) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

"(c) NONCOMPLIANCE BY STATE.—

"(1) IN GENERAL.—In making a grant under section 1921 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with any agreement made under subsection (a). If the Secretary determines that a State has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 1921 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

"(2) SUBMISSION OF INFORMATION TO SECRETARY.—The Secretary may make a grant under section 1921 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in paragraph (1).

"SEC. 1931. RESTRICTIONS ON EXPENDITURE OF GRANT.

"(a) IN GENERAL.—

"(1) CERTAIN RESTRICTIONS.—A funding agreement for a grant under section 1921 is that the State involved will not expend the grant—

"(A) to provide inpatient hospital services, except as provided in subsection (b);

"(B) to make cash payments to intended recipients of health services;

"(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(E) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1921 is that the State involved will not expend more than 5 percent of the grant to pay the costs of administering the grant.

"(3) LIMITATION REGARDING PENAL AND CORRECTIONAL INSTITUTIONS.—A funding agreement

for a State for a grant under section 1921 is that, in expending the grant for the purpose of providing treatment services in penal or correctional institutions of the State, the State will not expend more than an amount equal to the amount expended for such purpose by the State from the grant made under section 1912A to the State for fiscal year 1991 (as section 1912A was in effect for such fiscal year).

"(b) EXCEPTION REGARDING INPATIENT HOSPITAL SERVICES.—

"(1) MEDICAL NECESSITY AS PRECONDITION.—With respect to compliance with the agreement made under subsection (a), a State may expend a grant under section 1921 to provide inpatient hospital services as treatment for substance abuse only if it has been determined, in accordance with guidelines issued by the Secretary, that such treatment is a medical necessity for the individual involved, and that the individual cannot be effectively treated in a community-based, nonhospital, residential program of treatment.

"(2) RATE OF PAYMENT.—In the case of an individual for whom a grant under section 1921 is expended to provide inpatient hospital services described in paragraph (1), a funding agreement for the grant for the State involved is that the daily rate of payment provided to the hospital for providing the services to the individual will not exceed the comparable daily rate provided for community-based, nonhospital, residential programs of treatment for substance abuse.

"(c) WAIVER REGARDING CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Secretary may provide to any State a waiver of the restriction established in subsection (a)(1)(C) for the purpose of authorizing the State to expend a grant under section 1921 for the construction of a new facility or rehabilitation of an existing facility, but not for land acquisition.

"(2) STANDARD REGARDING NEED FOR WAIVER.—The Secretary may approve a waiver under paragraph (1) only if the State demonstrates to the Secretary that adequate treatment cannot be provided through the use of existing facilities and that alternative facilities in existing suitable buildings are not available.

"(3) AMOUNT.—In granting a waiver under paragraph (1), the Secretary shall allow the use of a specified amount of funds to construct or rehabilitate a specified number of beds for residential treatment and a specified number of slots for outpatient treatment, based on reasonable estimates by the State of the costs of construction or rehabilitation. In considering waiver applications, the Secretary shall ensure that the State has carefully designed a program that will minimize the costs of additional beds.

"(4) MATCHING FUNDS.—The Secretary may grant a waiver under paragraph (1) only if the State agrees, with respect to the costs to be incurred by the State in carrying out the purpose of the waiver, to make available non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided under section 1921.

"(5) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall act upon a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"SEC. 1932. APPLICATION FOR GRANT; APPROVAL OF STATE PLAN.

"(a) IN GENERAL.—For purposes of section 1921, an application for a grant under such section for a fiscal year is in accordance with this section if, subject to subsections (c) and (d)(2)—

"(1) the State involved submits the application not later than the date specified by the Secretary;

"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

"(3) the agreements are made through certification from the chief executive officer of the State;

"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(5) the application contains the information required in section 1929, the information required in section 1930(c)(2), and the report required in section 1942(a);

"(6)(A) the application contains a plan in accordance with subsection (b) and the plan is approved by the Secretary; and

"((B) the State provides assurances satisfactory to the Secretary that the State complied with the provisions of the plan under subparagraph (A) that was approved by the Secretary for the most recent fiscal year for which the State received a grant under section 1921; and

"(7) the application (including the plan under paragraph (6)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) STATE PLAN.—

"(1) IN GENERAL.—A plan submitted by a State under subsection (a)(6) is in accordance with this subsection if the plan contains detailed provisions for complying with each funding agreement for a grant under section 1921 that is applicable to the State, including a description of the manner in which the State intends to expend the grant.

"(2) AUTHORITY OF SECRETARY REGARDING MODIFICATIONS.—As a condition of making a grant under section 1921 to a State for a fiscal year, the Secretary may require that the State modify any provision of the plan submitted by the State under subsection (a)(6) (including provisions on priorities in carrying out authorized activities). If the Secretary approves the plan and makes the grant to the State for the fiscal year, the Secretary may not during such year require the State to modify the plan.

"(3) AUTHORITY OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—With respect to plans submitted by the States under subsection (a)(6), the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall review and approve or disapprove the provisions of the plans that relate to prevention activities.

"(c) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1931.

"(d) ISSUANCE OF REGULATIONS; PRECONDITION TO MAKING GRANTS.—

"(1) REGULATIONS.—Not later than August 25, 1992, the Secretary, acting as appropriate through the Director of the Center for Treatment Improvement or the Director of the Center for Substance Abuse Prevention, shall by regulation establish standards specifying the circumstances in which the Secretary will consider an application for a grant under section 1921 to be in accordance with this section.

"(2) ISSUANCE AS PRECONDITION TO MAKING GRANTS.—The Secretary may not make payments under any grant under section 1921 for fiscal year 1993 on or after January 1, 1993, unless the Secretary has issued standards under paragraph (1).

"SEC. 1933. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) STATES.—

"(1) IN GENERAL.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1921 for a State for a fiscal year as follows:

"(A) The formula established in paragraph (1) of section 1918(a) shall apply to this subsection to the same extent and in the same manner as the formula applies for purposes of section 1918(a), except that, in the application of such formula for purposes of this subsection, the modifications described in subparagraph (B) shall apply.

"(B) For purposes of subparagraph (A), the modifications described in this subparagraph are as follows:

"(i) The amount specified in paragraph (2)(A) of section 1918(a) is deemed to be the amount appropriated under section 1935(a) for allotments under section 1921 for the fiscal year involved.

"(ii) The term 'P' is deemed to have the meaning given in paragraph (2) of this subsection. Section 1918(a)(5)(B) applies to the data used in determining such term for the States.

"(iii) The factor determined under paragraph (8) of section 1918(a) is deemed to have the purpose of reflecting the differences that exist between the State involved and other States in the costs of providing authorized services.

"(2) DETERMINATION OF TERM 'P'.—For purposes of this subsection, the term 'P' means the percentage that is the arithmetic mean of the percentage determined under subparagraph (A) and the percentage determined under subparagraph (B), as follows:

"(A) The percentage constituted by the ratio of—

"(i) an amount equal to the sum of the total number of individuals who reside in the State involved and are between 18 and 24 years of age (inclusive) and the number of individuals in the State who reside in urbanized areas of the State and are between such years of age; to

"(ii) an amount equal to the total of the respective sums determined for the States under clause (i).

"(B) The percentage constituted by the ratio of—

"(i) the total number of individuals in the State who are between 25 and 64 years of age (inclusive); to

"(ii) an amount equal to the sum of the respective amounts determined for the States under clause (i).

"(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1921 for a State for the fiscal year involved shall be the greater of—

"(1) the amount determined under subsection (a) for the State for the fiscal year; and

"(2) an amount equal to 79.4 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallotments under section 205(a) of the ADAMHA Reorganization Act).

"(c) TERRITORIES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

"(B) a percentage equal to the quotient of—

"(i) the civilian population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

"(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the greater of—

"(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

"(B) $50,000.

"(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1935(a) for allotments under section 1921 for the fiscal year.

"(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsections (a) and (b), the term 'State' does not include the territories of the United States.

"(d) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

"(1) IN GENERAL.—If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization; and

"(B) makes a determination that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this;

the Secretary shall reserve from the allotment under section 1921 for the State for the fiscal year involved an amount that bears the same ratio to the allotment as the amount provided under this subpart to the tribe or tribal organization for fiscal year 1991 for activities relating to the prevention and treatment of the abuse of alcohol and other drugs bore to the amount of the portion of the allotment under this subpart for the State for such fiscal year that was expended for such activities.

"(2) TRIBE OR TRIBAL ORGANIZATION AS GRANTEE.—The amount reserved by the Secretary on the basis of a determination under this paragraph shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(3) APPLICATION.—In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe.

"(4) DEFINITION.—The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act.

"SEC. 1934. DEFINITIONS.

"For purposes of this subpart:

"(1) The term 'authorized activities', subject to section 1931, means the activities described in section 1921(b).

"(2) The term 'funding agreement', with respect to a grant under section 1921 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

"(3) The term 'prevention activities', subject to section 1931, means activities to prevent substance abuse.

"(4) The term 'substance abuse' means the abuse of alcohol or other drugs.

"(5) The term 'treatment activities' means treatment services and, subject to section 1931, authorized activities that are related to treatment services.

"(6) The term 'treatment facility' means an entity that provides treatment services.

"(7) The term 'treatment services', subject to section 1931, means treatment for substance abuse.

"SEC. 1935. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, subpart III and section 505 with respect to substance abuse, and section 515(d), there are authorized to be appropriated $1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, NATIONAL DATA BASE, DATA COLLECTION, AND PROGRAM EVALUATIONS.—

"(1) IN GENERAL.—

"(A) For the purpose of carrying out section 1948(a) with respect to substance abuse, section 515(d), and the purposes specified in subparagraphs (B) and (C), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) each fiscal year.

"(B) The purpose specified in this subparagraph is the collection of data in this paragraph is carrying out section 505 with respect to substance abuse.

"(C) The purpose specified in this subparagraph is the conduct of evaluations of authorized activities to determine methods for improving the availability and quality of such activities.

"(2) ACTIVITIES OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—Of the amounts reserved under paragraph (1) for a fiscal year, the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall obligate 20 percent for carrying out paragraph (1)(C), section 1949(a) with respect to prevention activities, and section 515(d).".

SEC. 203. GENERAL PROVISIONS REGARDING BLOCK GRANTS.

(a) IN GENERAL.—Part B of title XIX of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following:

"Subpart III—General Provisions

"SEC. 1941. OPPORTUNITY FOR PUBLIC COMMENT ON STATE PLANS.

"A funding agreement for a grant under section 1911 or 1921 is that the State involved will make the plan required in section 1912, and the plan required in section 1932, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

"SEC. 1942. REQUIREMENT OF REPORTS AND AUDITS BY STATES.

"(a) REPORT.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary for securing a record and a description of—

"(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program; and

"(2) the recipients of amounts provided in the grant.

"(b) AUDITS.—A funding agreement for a grant under section 1911 or 1921 is that the State will, with respect to the grant, comply with chapter 75 of title 31, United States Code.

"(c) AVAILABILITY TO PUBLIC.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

"(1) make copies of the reports and audits described in this section available for public inspection within the State; and

"(2) provide copies of the report under subsection (a), upon request, to any interested person (including any public agency).

"SEC. 1943. ADDITIONAL REQUIREMENTS.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

"(1)(A) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

"(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities);

"(2) permit and cooperate with Federal investigations undertaken in accordance with section 1945; and

"(3) provide to the Secretary any data required by the Secretary pursuant to section 515 and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

"(b) PATIENT RECORDS.—The Secretary may make a grant under section 1911 or 1921 only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

"SEC. 1944. DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.

"(a) IN GENERAL.—Amounts described in subsection (b) and available for a fiscal year pursuant to section 1911 or 1921, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) with respect to such program. Such amounts shall be allotted in a manner equivalent to the manner in which the allotment under the program involved was determined.

"(b) SPECIFICATION OF AMOUNTS.—The amounts referred to in subsection (a) are any amounts that—

"(1) are not paid to States under the program involved as a result of—

"(A) the failure of any State to submit an application in accordance with the program;

"(B) the failure of any State to prepare such application in compliance with the program; or

"(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State under the program;

"(2) are terminated, repaid, or offset under section 1945;

"(3) in the case of the program established in section 1911, are available as a result of reductions in allotments under such section pursuant to section 1912(d) or 1915(b); or

"(4) in the case of the program established in section 1921, are available as a result of reductions in allotments under such section pursuant to section 1926 or 1930.

"SEC. 1945. FAILURE TO COMPLY WITH AGREEMENTS.

"(a) SUSPENSION OR TERMINATION OF PAYMENTS.—Subject to subsection (e), if the Secretary determines that a State has materially failed to comply with the agreements or other conditions required for the receipt of a grant under the program involved, the Secretary may in whole or in part suspend payments under the grant, terminate the grant for cause, or employ such other remedies (including the remedies provided for in subsections (b) and (c)) as may be legally available and appropriate in the circumstances involved.

"(b) REPAYMENT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to subsection (e), the Secretary may require a State to repay with interest any payments received by the State under section 1911 or 1921 that the Secretary determines were not expended by the State in accordance with the agreements required under the program involved.

"(2) OFFSET AGAINST PAYMENTS.—If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under the program involved.

"(c) WITHHOLDING OF PAYMENTS.—

"(1) IN GENERAL.—Subject to subsections (e) and (g)(3), the Secretary may withhold payments due under section 1911 or 1921 if the Secretary determines that the State involved is not expending amounts received under the program involved in accordance with the agreements required under the program.

"(2) TERMINATION OF WITHHOLDING.—The Secretary shall cease withholding payments from a State under paragraph (1) if the Secretary determines that there are reasonable assurances that the State will expend amounts received under the program involved in accordance with the agreements required under the program.

"(d) APPLICABILITY OF REMEDIES TO CERTAIN VIOLATIONS.—

"(1) IN GENERAL.—With respect to agreements or other conditions for receiving a grant under the program involved, in the case of the failure of a State to maintain material compliance with a condition referred to in paragraph (2), the provisions for noncompliance with the condition that are provided in the section establishing the condition shall apply in lieu of subsections (a) through (c) of this section.

"(2) RELEVANT CONDITIONS.—For purposes of paragraph (1):

"(A) In the case of the program established in section 1911, a condition referred to in this paragraph is the condition established in section 1912(d) and the condition established in section 1915(b).

"(B) In the case of the program established in section 1921, a condition referred to in this paragraph is the condition established in section 1926 and the condition established in section 1930.

"(e) OPPORTUNITY FOR HEARING.—Before taking action against a State under any of subsections (a) through (c) (or under a section referred to in subsection (d)(2), as the case may be), the Secretary shall provide to the State involved adequate notice and an opportunity for a hearing.

"(f) REQUIREMENT OF HEARING IN CERTAIN CIRCUMSTANCES.—

"(1) IN GENERAL.—If the Secretary receives a complaint that a State has failed to maintain material compliance with the agreements or other conditions required for receiving a grant under the program involved (including any condition referred to for purposes of subsection (d), and there appears to be reasonable evidence to support the complaint, the Secretary shall promptly conduct a hearing with respect to the complaint.

"(2) ADEQUATE NOTICE; OPPORTUNITY TO PARTICIPATE.—In any case in which a hearing is required under paragraph (1) with respect to a State, the Secretary shall provide adequate notice to the State, and to the non-Federal entity submitting the complaint involved, that the hearing is to be held and shall permit the State and such entity to participate in the hearing.

"(3) FINDING OF MATERIAL NONCOMPLIANCE.—If in a hearing under paragraph (1) the Secretary finds that the State involved has failed to maintain material compliance with the agreement or other condition involved, the Secretary shall take such action under this section as may be appropriate to ensure that material compliance is so maintained, or such action as may be required in a section referred to in subsection (d)(2), as the case may be.

"(g) CERTAIN INVESTIGATIONS.—

"(1) REQUIREMENT REGARDING SECRETARY.—The Secretary shall in fiscal year 1994 and each subsequent fiscal year conduct in not less than 10 States investigations of the expenditure of grants received by the States under section 1911 or 1921 in order to evaluate compliance with the agreements required under in the program involved.

"(2) PROVISION OF RECORDS ETC. UPON REQUEST.—Each State receiving a grant under section 1911 or 1921, and each entity receiving funds from the grant, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(3) LIMITATIONS ON AUTHORITY.—The Secretary may not institute proceedings under subsection (c) unless the Secretary has conducted an investigation concerning whether the State has expended payments under the program involved in accordance with the agreements required under the program. Any such investigation shall be conducted within the State by qualified investigators.

"SEC. 1946. PROHIBITIONS REGARDING RECEIPT OF FUNDS.

"(a) ESTABLISHMENT.—

"(1) CERTAIN FALSE STATEMENTS AND REPRESENTATIONS.—A person shall not knowingly and willfully make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payments may be made by a State from a grant made to the State under section 1911 or 1921.

"(2) CONCEALING OR FAILING TO DISCLOSE CERTAIN EVENTS.—A person with knowledge of the occurrence of any event affecting the initial or continued right of the person to receive any payments from a grant made to a State under section 1911 or 1921 shall not conceal or fail to disclose any such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such amount is due.

"(b) CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.—Any person who violates any prohibition established in subsection (a) shall for each violation be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"SEC. 1947. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) RULE OF CONSTRUCTION REGARDING CERTAIN CIVIL RIGHTS LAWS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under section 1911 or 1921 shall be considered to be programs and activities receiving Federal financial assistance.

"(2) PROHIBITION.—No person shall on the ground of sex (including, in the case of a woman, on the ground that the woman is pregnant), or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under section 1911 or 1921.

"(b) ENFORCEMENT.—

"(1) REFERRALS TO ATTORNEY GENERAL AFTER NOTICE.—Whenever the Secretary finds that a State, or an entity that has received a payment pursuant to section 1911 or 1921, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title VI of the Civil Rights Act of 1964, as may be applicable; or

"(C) take such other actions as may be authorized by law.

"(2) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (1)(A), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"SEC. 1948. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) TECHNICAL ASSISTANCE.—The Secretary shall, without charge to a State receiving a grant under section 1911 or 1921, provide to the State (or to any public or nonprofit private entity within the State) technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to the program involved. The Secretary may provide such technical assistance directly, through contract, or through grants.

"(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1911 or 1921, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out the program involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the program involved to the State by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 1949. REPORT BY SECRETARY.

"Not later than January 24, 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the activities of the States carried out pursuant to the programs established in sections 1911 and 1921. Such report may include any recommendations of the Secretary for appropriate changes in legislation.

"SEC. 1950. RULE OF CONSTRUCTION REGARDING DELEGATION OF AUTHORITY TO STATES.

''With respect to States receiving grants under section 1911 or 1921, this part may not be construed to authorize the Secretary to delegate to the States the primary responsibility for interpreting the governing provisions of this part.

"SEC. 1951. SOLICITATION OF VIEWS OF CERTAIN ENTITIES.

''In carrying out this part, the Secretary, as appropriate, shall solicit the views of the States and other appropriate entities.

"SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

''(c) In General.—Subject to subsection (b), any amounts paid to a State under the program involved shall be available for obligation until the end of the fiscal year for which the amounts were paid, and if obligated by the end of such year, shall remain available for expenditure until the end of the succeeding fiscal year.

''(b) Exception Regarding Noncompliance of Subgrantees.—If a State has in accordance with subsection (a) obligated amounts paid to the State under the program involved, in any case in which the Secretary determines that the obligation consists of a grant or contract awarded by the State, and that the State has terminated or reduced the amount of such financial assistance on the basis of the failure of the recipient of the assistance to comply with the terms upon which the assistance was conditioned—

''(1) the amounts involved shall be available for reobligation by the State through September 30 of the fiscal year following the fiscal year for which the amounts were paid to the State; and

''(2) any of such amounts that are obligated by the State in accordance with paragraph (1) shall be available for expenditure through such date.

"SEC. 1953. CONTINUATION OF CERTAIN PROGRAMS.

''(a) In General.—Of the amount allotted to the State of Hawaii under section 1911, and the amount allotted to such State under section 1921, an amount equal to the proportion of Native Hawaiians residing in the State to the total population of the State shall be available, respectively, for carrying out the program involved for Native Hawaiians.

''(b) Expenditure of Amounts.—The amount made available under subsection (a) may be expended only through contracts entered into by the State of Hawaii with public and private nonprofit organizations to enable such organizations to plan, conduct, and administer comprehensive substance abuse and treatment programs for the benefit of Native Hawaiians. In entering into contracts under this section, the State of Hawaii shall give preference to Native Hawaiian organizations and Native Hawaiian health centers.

''(c) Definitions.—For the purposes of this subsection, the terms 'Native Hawaiian', 'Native Hawaiian organization', and 'Native Hawaiian health center' have the meaning given such terms in section 2308 of subtitle D of title II of the Anti-Drug Abuse Act of 1988.

"SEC. 1954. DEFINITIONS.

''(a) Definitions for Subpart III.—For purposes of this subpart:

''(1) The term 'program involved' means the program of grants established in section 1911 or 1921, or both, as indicated by whether the State involved is receiving or is applying to receive a grant under section 1911 or 1921, or both.

''(2)(A) The term 'funding agreement', with respect to a grant under section 1911, has the meaning given such term in section 1919.

''(B) The term 'funding agreement', with respect to a grant under section 1921, has the meaning given such term in section 1934.

''(b) Definitions for Part B.—For purposes of this part:

''(1) The term 'Comptroller General' means the Comptroller General of the United States.

''(2) The term 'State', except as provided in sections 1918(c)(5) and 1933(c)(5), means each of the several States, the District of Columbia, and each of the territories of the United States.

''(3) The term 'territories of the United States' means each of the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Palau, the Marshall Islands, and Micronesia.

''(4) The term 'interim services', in the case of an individual in need of treatment for substance abuse who has been denied admission to a program of such treatment on the basis of the lack of the capacity of the program to admit the individual, means services for reducing the adverse health effects of such abuse, for promoting the health of the individual, and for reducing the risk of transmission of disease, which services are provided until the individual is admitted to such a program.''.

(b) Federal Accountability.—Any rule or regulation of the Department of Health and Human Services that is inconsistent with the amendments made by this Act shall not have any legal effect, including section 50(e) of part 96 of title 45, Code of Federal Regulations (45 CFR 96.50(e)).

SEC. 204. RELATED PROGRAMS.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new part:

''PART C—CERTAIN PROGRAMS REGARDING SUBSTANCE ABUSE

''Subpart I—Expansion of Capacity for Providing Treatment

"SEC. 1971. CATEGORICAL GRANTS TO STATES.

''(a) Grants for States With Insufficient Capacity.—

''(1) In general.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, may make grants to States for the purpose of increasing the maximum number of individuals to whom public and nonprofit private entities in the States are capable of providing effective treatment for substance abuse.

''(2) Eligible states.—The Director may not make a grant under subsection (a) to a State unless the number of individuals seeking treatment services in the State significantly exceeds the maximum number described in paragraph (1) that is applicable to the State.

''(b) Priority in Making Grants.—

''(1) Residential treatment services for pregnant women.—In making grants under subsection (a), the Director shall give priority to States that agree to give priority in the expenditure of the grant to carrying out the purpose described in such subsection as the purpose relates to the provision of residential treatment services to pregnant women.

''(2) Additional priority regarding matching funds.—In the case of any application for a grant under subsection (a) that is receiving priority under paragraph (1), the Director shall give further priority to the application if the State involved agrees as a condition of receiving the grant to provide non-Federal contributions under subsection (c) in a greater amount than the amount required under such subsection for the applicable fiscal year.

''(c) Requirement of Matching Funds.—

''(1) In general.—Subject to paragraph (3), the Director may not make a grant under subsection (a) unless the State agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

''(A) for the first fiscal year for which the State receives such a grant, not less than $1 for each $9 of Federal funds provided in the grant;

''(B) for any second or third such fiscal year, not less than $1 for each $9 of Federal funds provided in the grant; and

''(C) for any subsequent such fiscal year, not less than $1 for each $3 of Federal funds provided in the grant.

''(2) Determination of amount of non-Federal contribution.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(3) Waiver.—The Director may waive the requirement established in paragraph (1) if the Director determines that extraordinary economic conditions in the State justify the waiver.

''(d) Limitation Regarding Direct Treatment Services.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for the direct provision of treatment services. The preceding sentence may not be construed to authorize the expenditure of such a grant for the planning or evaluation of treatment services.

''(e) Requirement of Application.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(f) Duration of Grant.—The period during which payments are made to a State from a grant under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(g) Maintenance of Effort.—The Director may not make a grant under subsection (a) unless the State involved agrees to maintain State expenditures for treatment services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the first fiscal year for which the State receives such a grant.

''(h) Restrictions on Use of Grant.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will not be expended—

''(1) to provide inpatient hospital services;

''(2) to make cash payments to intended recipients of health services;

''(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

''(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

''(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

''(i) Definitions.—For purposes of this section—

''(1) The term 'Director' means the Director of the Center for Substance Abuse Treatment.

''(2) The term 'substance abuse' means the abuse of alcohol or other drugs.

''(j) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $86,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"Subpart II—Interim Maintenance Treatment of Narcotics Dependence

"SEC. 1976. INTERIM MAINTENANCE TREATMENT.

"(a) REQUIREMENT REGARDING SECRETARY.—Subject to the following subsections of this section, for the purpose of reducing the incidence of the transmission of HIV disease pursuant to the intravenous abuse of heroin or other morphine-like drugs, the Secretary, in establishing conditions for the use of methadone in public or nonprofit private programs of treatment for dependence on such drugs, shall authorize such programs—

"(1) to dispense methadone for treatment purposes to individuals who—

"(A) meet the conditions for admission to such programs that dispense methadone as part of comprehensive treatment for such dependence; and

"(B) are seeking admission to such programs that so dispense methadone, but as a result of the limited capacity of the programs, will not gain such admission until 14 or more days after seeking admission to the programs; and

"(2) in dispensing methadone to such individuals, to provide only minimum ancillary services during the period in which the individuals are waiting for admission to programs of comprehensive treatment.

"(b) INAPPLICABILITY OF REQUIREMENT IN CERTAIN CIRCUMSTANCES.—

"(1) IN GENERAL.—The requirement established in subsection (a) for the Secretary does not apply if any or all of the following conditions are met:

"(A) The preponderance of scientific research indicates that the risk of the transmission of HIV disease pursuant to the intravenous abuse of drugs is minimal.

"(B) The preponderance of scientific research indicates that the medically supervised dispensing of methadone is not an effective method of reducing the extent of dependence on heroin and other morphine-like drugs.

"(C) The preponderance of available data indicates that, of treatment programs that dispense methadone as part of comprehensive treatment, a substantial majority admit all individuals seeking services to the programs not later than 14 days after the individuals seek admission to the programs.

"(2) EVALUATION BY SECRETARY.—In evaluating whether any or all of the conditions described in paragraph (1) have been met, the Secretary shall consult with the National Commission on Acquired Immune Deficiency Syndrome.

"(c) CONDITIONS FOR OBTAINING AUTHORIZATION FROM SECRETARY.—

"(1) IN GENERAL.—In carrying out the requirement established in subsection (a), the Secretary shall, after consultation with the National Commission on Acquired Immune Deficiency Syndrome, by regulation issue such conditions for treatment programs to obtain authorization from the Secretary to provide interim maintenance treatment as may be necessary to carry out the purpose described in such subsection. Such conditions shall include conditions for preventing the unauthorized use of methadone.

"(2) COUNSELING ON HIV DISEASE.—The regulations issued under paragraph (1) shall provide that an authorization described in such paragraph may not be issued to a treatment program unless the program provides to recipients of the treatment counseling on preventing exposure to and the transmission of HIV disease.

"(3) PERMISSION OF RELEVANT STATE AS CONDITION OF AUTHORIZATION.—The regulations issued under paragraph (1) shall provide that the Secretary may not provide an authorization described in such paragraph to any treatment program in a State unless the chief public health officer of the State has certified to the Secretary that—

"(A) such officer does not object to the provision of such authorizations to treatment programs in the State; and

"(B) the provision of interim maintenance services in the State will not reduce the capacity of comprehensive treatment programs in the State to admit individuals to the programs (relative to the date on which such officer so certifies).

"(4) DATE CERTAIN FOR ISSUANCE OF REGULATIONS; FAILURE OF SECRETARY.—The Secretary shall issue the final rule for purposes of the regulations required in paragraph (1), and such rule shall be effective, not later than the expiration of the 180-day period beginning on the date of the enactment of the ADAMHA Reorganization Act. If the Secretary fails to meet the requirement of the preceding sentence, the proposed rule issued on March 2, 1989, with respect to part 291 of title 21, Code of Federal Regulations (docket numbered 88N-0444; 54 Fed. Reg. 8973 et seq.) is deemed to take effect as a final rule upon the expiration of such period, and the provisions of paragraph (3) of this subsection are deemed to be incorporated into such rule.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'interim maintenance services' means the provision of methadone in a treatment program under the circumstances described in paragraphs (1) and (2) of subsection (a).

"(2) The term 'HIV disease' means infection with the etiologic agent for acquired immune deficiency syndrome.

"(3) The term 'treatment program' means a public or nonprofit private program of treatment for dependence on heroin or other morphine-like drugs.".

SEC. 205. TEMPORARY PROVISIONS REGARDING FUNDING.

(a) REALLOTMENT OF UNPAID PORTION OF ALLOTMENT FOR FISCAL YEAR 1992.—

(1) IN GENERAL.—With respect to allotments made for fiscal year 1992 under part B of title XIX of the Public Health Service Act (as in effect on the day before the date of the enactment of this Act), any portion of the total of such allotments that has not been paid to the States as of the first day of the fourth quarter of such fiscal year shall be reallotted with the result that, subject to paragraph (2), the total allotment made for a State for fiscal year 1992 pursuant to such part (including reallotments under this paragraph) is the amount indicated for the State in the following table:

State	Amount
Alabama	$18,751,646
Alaska	$2,734,000
Arizona	$19,352,828
Arkansas	$8,927,066
California	$186,245,891
Colorado	$17,873,097
Connecticut	$16,576,000
Delaware	$3,329,654
District of Columbia	$4,896,000
Florida	$63,093,000
Georgia	$28,383,202
Hawaii	$6,279,545
Idaho	$3,422,626
Illinois	$62,631,938
Indiana	$28,563,000
Iowa	$10,017,948
Kansas	$8,929,313
Kentucky	$14,691,461
Louisiana	$19,625,929
Maine	$5,466,524
Maryland	$24,896,906
Massachusetts	$36,009,000
Michigan	$47,968,489
Minnesota	$19,061,274
Mississippi	$10,215,502
Missouri	$22,952,468
Montana	$3,523,100
Nebraska	$6,019,775
Nevada	$6,975,991
New Hampshire	$5,290,704
New Jersey	$47,170,000
New Mexico	$7,079,374
New York	$103,643,000
North Carolina	$27,237,938
North Dakota	$2,456,891
Ohio	$56,647,000
Oklahoma	$13,801,384
Oregon	$13,824,013
Pennsylvania	$61,799,000
Rhode Island	$7,336,000
South Carolina	$15,403,164
South Dakota	$3,759,000
Tennessee	$20,490,809
Texas	$80,194,508
Utah	$10,705,633
Vermont	$3,918,000
Virginia	$27,883,059
Washington	$27,284,210
West Virginia	$7,475,330
Wisconsin	$20,222,918
Wyoming	$1,584,892

(2) GRANTS FROM ALLOTMENTS; CERTAIN CONDITIONS REGARDING ALL PAYMENTS PURSUANT TO PART B FOR FISCAL YEAR 1992.—The Secretary shall make a grant to a State of the reallotment made for the State under paragraph (1) if the State agrees that the grant is subject to all conditions upon which allotments and payments under part B of title XIX of the Public Health Service Act are made for fiscal year 1992 (as in effect on the day before the date of the enactment of this Act), except as follows:

(A) Notwithstanding section 1916(c)(6)(A) of such part—

(i) the percentage of the total allotment referred to in paragraph (1) that is expended for mental health activities will be not less than the percentage determined under clause (i) of such section 1916(c)(6)(A) for fiscal year 1991; and

(ii) the percentage of such total allotment that is expended for alcohol and drug abuse activities will be not less than the percentage determined under clause (ii) of such section 1916(c)(6)(A) for fiscal year 1991.

(B)(i) In the case of such a grant to the State of California: With respect to any entity that received a grant under section 509E of the Public Health Service Act for fiscal year 1991 (as such section was in effect for such year) to carry out a program of services in such State—

(I) the State will expend the grant to provide financial assistance to the entity for the purpose of continuing the program in such State, subject to clause (ii); and

(II) the amount of such assistance for the fiscal year will be an amount equal to the amount the entity received under such section 509E for fiscal year 1991.

(ii) The Secretary shall waive the requirement established in clause (i) with respect to a program described in such clause if the State of California certifies to the Secretary that the level of services provided by the program is not needed, or that the program has not provided services in an effective manner (as determined under State quality standards).

(3) INAPPLICABILITY TO TERRITORIES.—For purposes of this subsection, the term "State" means each of the several States and the District of Columbia.

(b) CONTINGENT AUTHORITY FOR TRANSFERS BETWEEN ALLOTMENTS.—

(1) SUBPART II TO SUBPART I.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1911 is made in an amount that is less than the mental health portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1921 for the fiscal year involved to the allotment under section 1911 for the fiscal year such

amounts as the State may direct, subject to the allotment under section 1911 not exceeding the amount of such mental health portion.

(2) SUBPART I TO SUBPART II.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1921 is made in an amount that is less than the substance-abuse portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1911 for the fiscal year involved to the allotment under section 1921 for the fiscal year such amounts as the State may direct, subject to the allotment under section 1921 not exceeding the amount of such substance-abuse portion.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "section 1911" means section 1911 of the Public Health Service Act.

(B) The term "section 1921" means section 1921 of the Public Health Service Act.

(C) The term "former section 1912A" means section 1912A of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(D) The term "former section 1916(c)(6)(A)" means section 1916(c)(6)(A) of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(E) The term "mental health portion", with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (i) of former section 1916(c)(6)(A).

(F) The term "substance-abuse portion", with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (ii) of former section 1916(c)(6)(A).

(c) PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out section 508 of the Public Health Service Act for fiscal year 1993, the Secretary shall obligate 40 percent of the amounts made available pursuant to section 1935(b) of such Act for such fiscal year.

(2) LIMITATION.—Paragraph (1) shall apply only to the extent necessary to ensure that $80,000,000 is available for fiscal year 1993 to carry out section 508 of the Public Health Service Act.

(d) DEFINITION OF SECRETARY.—For purposes of this section, the term "Secretary"' means the Secretary of Health and Human Services.

TITLE III—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

SEC. 301. DEMONSTRATION PROGRAM IN NATIONAL CAPITAL AREA.

Title V of the Public Health Service Act, as amended by section 119 of this Act, is amended by adding at the end the following part:

"PART F—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

"DEMONSTRATION PROGRAM IN NATIONAL CAPITAL AREA

"SEC. 571. (a) IN GENERAL.—The Secretary, in collaboration with the Director of the Treatment Center, shall make a demonstration grant for the establishment, within the national capital area, of a model program for providing comprehensive treatment services for substance abuse.

"(b) PURPOSES.—The Secretary may not make a grant under subsection (a) unless, with respect to the comprehensive treatment services to be offered by the program under such subsection, the applicant for the grant agrees—

"(1) to ensure, to the extent practicable, that the program has the capacity to provide the services to all individuals who seek and could benefit from the services;

"(2) as appropriate, to provide education on obtaining employment and other matters with respect to assisting the individuals in preventing any relapse into substance abuse, including education on the appropriate involvement of parents and others in preventing such a relapse;

"(3) to provide services in locations accessible to substance abusers and, to the extent practicable, to provide services through mobile facilities;

"(4) to give priority to providing services to individuals who are intravenous drug abusers, to pregnant women, to homeless individuals, and to residents of publicly-assisted housing;

"(5) with respect to women with dependent children, to provide child care to such women seeking treatment services for substance abuse;

"(6) to conduct outreach activities to inform individuals of the availability of the services of the program;

"(7) to provide case management services, including services to determine eligibility for assistance under Federal, State, and local programs providing health services, mental health services, or social services;

"(8) to ensure the establishment of one or more offices to oversee the coordination of the activities of the program, to ensure that treatment is available to those seeking it, to ensure that the program is administered efficiently, and to ensure that the public is informed that the offices are the locations at which individuals may make inquires concerning the program, including the location of available treatment services within the national capital area; and

"(9) to develop and utilize standards for certifying the knowledge and training of individuals, and the quality of programs, to provide treatment services for substance abuse.

"(c) CERTAIN REQUIREMENTS.—

"(1) REGARDING ELIGIBILITY FOR GRANT.—

"(A) The Secretary may not make the grant under subsection (a) unless the applicant involved is an organization of the general-purpose local governments within the national capital area, or another public or nonprofit private entity, and the applicant submits to the Secretary assurances satisfactory to the Secretary that, with respect to the communities in which services will be offered, the local governments of the communities will participate in the program.

"(B) The Secretary may not make the grant under subsection (a) unless—

"(i) an application for the grant is submitted to the Secretary;

"(ii) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(iii) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(2) AUTHORITY FOR COOPERATIVE AGREEMENTS.—The grantee under subsection (a) may provide the services required by such subsection directly or through arrangements with public and nonprofit private entities.

"(d) REQUIREMENT OF NON-FEDERAL CONTRIBUTIONS.—

"(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(e) EVALUATIONS.—

"(1) BY SECRETARY.—The Secretary shall independently evaluate the effectiveness of the program carried out under subsection (a) and determine its suitability as a model for the United States, particularly regarding the provision of high quality, patient-oriented, coordinated and accessible drug treatment services across jurisdictional lines. The Secretary shall consider the extent to which the program has improved patient retention, accessibility of services, staff retention and quality, reduced patient relapse, and provided a full range of drug treatment and related health and human services. The Secretary shall evaluate the extent to which the program has effectively utilized innovative methods for overcoming the resistance of the residents of communities to the establishment of treatment facilities within the communities.

"(2) BY GRANTEE.—The Secretary may require the grantee under subsection (a) to evaluate any aspect of the program carried out under such subsection, and such evaluation shall, to the extent appropriate, be coordinated with the independent evaluation required in paragraph (1).

"(3) LIMITATION.—Funds made available under subsection (h) may not be utilized to conduct the independent evaluation required in paragraph (1).

"(f) REPORTS.—

"(1) INITIAL CRITERIA.—The Secretary shall make a determination of the appropriate criteria for carrying out the program required in subsection (a), including the anticipated need for, and range of, services under the program in the communities involved and the anticipated costs of the program. Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Secretary shall submit to the Congress a report describing the findings made as a result of the determination.

"(2) ANNUAL REPORTS.—Not later than 2 years after the date on which the grant is made under subsection (a), and annually thereafter, the Secretary shall submit to the Congress a report describing the extent to which the program carried out under such subsection has been effective in carrying out the purposes of the program.

"(g) DEFINITION.—For purposes of this section, the term 'national capital area' means the metropolitan Washington area, including the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax in the State of Virginia, the counties of Arlington and Fairfax in such State (and the political subdivisions located in such counties), and the counties of Montgomery and Prince George's in the State of Maryland (and the political subdivisions located in such counties).

"(h) OBLIGATION OF FUNDS.—Of the amounts appropriated for each of the fiscal years 1993 and 1994 for the programs of the Department of Health and Human Services, the Secretary shall make available $10,000,000 for carrying out this section. Of the amounts appropriated for fiscal year 1995 for the programs of such Department, the Secretary shall make available $5,000,000 for carrying out this section.".

TITLE IV—CHILDREN OF SUBSTANCE ABUSERS

SEC. 401. ESTABLISHMENT OF PROGRAM OF SERVICES.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new part:

"PART M—SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS

"SEC. 399D. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to public and nonprofit private entities for the purpose of carrying out programs—

"(A) to provide the services described in subsection (b) to children of substance abusers;

"(B) to provide the applicable services described in subsection (c) to families in which a member is a substance abuser; and

"(C) to identify such children and such families.

"(2) ADMINISTRATIVE CONSULTATIONS.—The Administrator of the Administration for Children, Youth, and Families and the Administrator of the Substance Abuse and Mental Health Services Administration shall be consulted regarding the promulgation of program guidelines and funding priorities under this section.

"(3) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under paragraph (1) only if, in the case of any service under such paragraph that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under paragraph (1), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(b) SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to make available (directly or through agreements with other entities) to children of substance abusers each of the following services:

"(1) Periodic evaluation of children for developmental, psychological, and medical problems.

"(2) Primary pediatric care.

"(3) Other necessary health and mental health services.

"(4) Therapeutic intervention services for children, including provision of therapeutic child care.

"(5) Preventive counseling services.

"(6) Counseling related to the witnessing of chronic violence.

"(7) Referrals for, and assistance in establishing eligibility for, services provided under—

"(A) education and special education programs;

"(B) Head Start programs established under the Head Start Act;

"(C) other early childhood programs;

"(D) employment and training programs;

"(E) public assistance programs provided by Federal, State, or local governments; and

"(F) programs offered by vocational rehabilitation agencies, recreation departments, and housing agencies.

"(8) Additional developmental services that are consistent with the provision of early intervention services, as such term is defined in part H of the Individuals with Disabilities Education Act.

"(c) SERVICES FOR AFFECTED FAMILIES.—The Secretary may make a grant under subsection (a) only if, in the case of families in which a member is a substance abuser, the applicant involved agrees to make available (directly or through agreements with other entities) each of the following services, as applicable to the family member involved:

"(1) Services as follows, to be provided by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional:

"(A) Counseling to substance abusers on the benefits and availability of substance abuse treatment services and services for children of substance abusers.

"(B) Assistance to substance abusers in obtaining and using substance abuse treatment services and in obtaining the services described in subsection (b) for their children.

"(C) Visiting and providing support to substance abusers, especially pregnant women, who are receiving substance abuse treatment services or whose children are receiving services under subsection (b).

"(2) In the case of substance abusers:

"(A) Encouragement and, where necessary, referrals to participate in appropriate substance abuse treatment.

"(B) Primary health care and mental health services, including prenatal and post partum care for pregnant women.

"(C) Consultation and referral regarding subsequent pregnancies and life options, including education and career planning.

"(D) Where appropriate, counseling regarding family conflict and violence.

"(E) Remedial education services.

"(F) Referrals for, and assistance in establishing eligibility for, services described in subsection (b)(7).

"(3) In the case of substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers:

"(A) An assessment of the strengths and service needs of the family and the assignment of a case manager who will coordinate services for the family.

"(B) Therapeutic intervention services, such as parental counseling, joint counseling sessions for families and children, and family therapy.

"(C) Child care or other care for the child to enable the parent to attend treatment or other activities and respite care services.

"(D) Parenting education services and parent support groups.

"(E) Support services, including, where appropriate, transportation services.

"(F) Where appropriate, referral of other family members to related services such as job training.

"(G) Aftercare services, including continued support through parent groups and home visits.

"(d) CONSIDERATIONS IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall ensure that the grants are reasonably distributed among the following types of entities:

"(1) Alcohol and drug treatment programs, especially those providing treatment to pregnant women and mothers and their children.

"(2) Public or nonprofit private entities that provide health or social services to disadvantaged populations, and that have—

"(A) expertise in applying the services to the particular problems of substance abusers and the children of substance abusers; and

"(B) an affiliation or contractual relationship with one or more substance abuse treatment programs.

"(3) Consortia of public or nonprofit private entities that include at least one substance abuse treatment program.

"(4) Indian tribes.

"(e) FEDERAL SHARE.—The Federal share of a program carried out under subsection (a) shall be 90 percent. The Secretary shall accept the value of in-kind contributions, including facilities and personnel, made by the grant recipient as a part or all of the non-Federal share of grants.

"(f) COORDINATION WITH OTHER PROVIDERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to coordinate its activities with those of the State lead agency, and the State Interagency Coordinating Council, under part H of the Individuals with Disabilities Education Act.

"(g) RESTRICTIONS ON USE OF GRANT.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

"(1) to provide inpatient hospital services;

"(2) to make cash payments to intended recipients of services;

"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(h) SUBMISSION TO SECRETARY OF CERTAIN INFORMATION.—The Secretary may make a grant under subsection (a) only if the applicant involved submits to the Secretary—

"(1) a description of the population that is to receive services under this section and a description of such services that are to be provided and measurable goals and objectives;

"(2) a description of the mechanism that will be used to involve the local public agencies responsible for health, mental health, child welfare, education, juvenile justice, developmental disabilities, and substance abuse treatment programs in planning and providing services under this section, as well as evidence that the proposal has been coordinated with the State agencies responsible for administering those programs and the State agency responsible for administering public maternal and child health services;

"(3) information demonstrating that the applicant has established a collaborative relationship with child welfare agencies and child protective services that will enable the applicant, where appropriate, to—

"(A) provide advocacy on behalf of substance abusers and the children of substance abusers in child protective services cases;

"(B) provide services to help prevent the unnecessary placement of children in substitute care; and

"(C) promote reunification of families or permanent plans for the placement of the child; and

"(4) such other information as the Secretary determines to be appropriate.

"(i) REPORTS TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that for each fiscal year for which the applicant receives such a

grant the applicant, in accordance with uniform standards developed by the Secretary, will submit to the Secretary a report containing—

"(1) a description of specific services and activities provided under the grant;

"(2) information regarding progress toward meeting the program's stated goals and objectives;

"(3) information concerning the extent of use of services provided under the grant, including the number of referrals to related services and information on other programs or services accessed by children, parents, and other caretakers;

"(4) information concerning the extent to which parents were able to access and receive treatment for alcohol and drug abuse and sustain participation in treatment over time until the provider and the individual receiving treatment agree to end such treatment, and the extent to which parents re-enter treatment after the successful or unsuccessful termination of treatment;

"(5) information concerning the costs of the services provided and the source of financing for health care services;

"(6) information concerning—

"(A) the number and characteristics of families, parents, and children served, including a description of the type and severity of childhood disabilities, and an analysis of the number of children served by age;

"(B) the number of children served who remained with their parents during the period in which entities provided services under this section;

"(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(D) the number of children described in subparagraph (C) who were reunited with their families; and

"(E) the number of children described in subparagraph (C) for whom a permanent plan has not been made or for whom the permanent plan is other than family reunification;

"(7) information on hospitalization or emergency room use by the family members participating in the program; and

"(8) such other information as the Secretary determines to be appropriate.

"(j) REQUIREMENT OF APPLICATION.—The Secretary may make any grant under subsection (a) only if—

"(1) an application for the grant is submitted to the Secretary;

"(2) the application contains the agreements required in this section and the information required in subsection (h); and

"(3) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(k) PEER REVIEW.—

"(1) REQUIREMENT.—In making determinations for awarding grants under subsection (a), the Secretary shall rely on the recommendations of the peer review panel established under paragraph (2).

"(2) COMPOSITION.—The Secretary shall establish a review panel to make recommendations under paragraph (1) that shall be composed of—

"(A) national experts in the fields of maternal and child health, substance abuse treatment, and child welfare; and

"(B) representatives of relevant Federal agencies, including the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Administration for Children, Youth, and Families.

"(l) EVALUATIONS.—The Secretary shall periodically conduct evaluations to determine the effectiveness of programs supported under subsection (a)—

"(1) in reducing the incidence of alcohol and drug abuse among substance abusers participating in the programs;

"(2) in preventing adverse health conditions in children of substance abusers;

"(3) in promoting better utilization of health and developmental services and improving the health, developmental, and psychological status of children receiving services under the program;

"(4) in improving parental and family functioning;

"(5) in reducing the incidence of out-of-home placement for children whose parents receive services under the program; and

"(6) in facilitating the reunification of families after children have been placed in out-of-home care.

"(m) REPORT TO CONGRESS.—Not later than 2 years after the date on which amounts are first appropriated under subsection (o), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report that contains a description of programs carried out under this section. At a minimum, the report shall contain—

"(1) information concerning the number and type of programs receiving grants;

"(2) information concerning the type and use of services offered;

"(3) information concerning—

"(A) the number and characteristics of families, parents, and children served;

"(B) the number of children served who remained with their parents during or after the period in which entities provided services under this section;

"(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(D) the number of children described in subparagraph (C) who were reunited with their families; and

"(E) the number of children described in subparagraph (C) who were permanently placed in out-of-home care;

analyzed by the type of entity described in subsection (d) that provided services;

"(4) an analysis of the access provided to, and use of, related services and alcohol and drug treatment through programs carried out under this section; and

"(5) a comparison of the costs of providing services through each of the types of entities described in subsection (d).

"(n) DATA COLLECTION.—The Secretary shall periodically collect and report on information concerning the numbers of children in substance abusing families, including information on the age, gender and ethnicity of the children, the composition and income of the family, and the source of health care finances.

"(o) DEFINITIONS.—For purposes of this section:

"(1) The term 'caretaker', with respect to a child of a substance abuser, means any individual acting in a parental role regarding the child (including any birth parent, foster parent, adoptive parent, relative of such a child, or other individual acting in such a role).

"(2) The term 'children of substance abusers' means—

"(A) children who have lived or are living in a household with a substance abuser who is acting in a parental role regarding the children; and

"(B) children who have been prenatally exposed to alcohol or other dangerous drugs.

"(3) The term 'Indian tribe' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) The term 'public or nonprofit private entities that provide health or social services to disadvantaged populations' includes community-based organizations, local public health departments, community action agencies, hospitals, community health centers, child welfare agencies, developmental disabilities service providers, and family resource and support programs.

"(5) The term 'substance abuse' means the abuse of alcohol or other drugs.

"(p) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) CONTINGENT AUTHORITY REGARDING TRAINING OF CERTAIN INDIVIDUALS.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $25,000,000, the Secretary may make available not more than 15 percent for the training of health care professionals and other personnel (including child welfare providers) who provide services to children and families of substance abusers.

(b) RULE OF CONSTRUCTION.—With respect to the program established in section 399D of the Public Health Service Act (as added by subsection (a) of this section), nothing in such section 399D may be construed as establishing for any other Federal program any requirement, authority, or prohibition, including with respect to recipients of funds under such other Federal programs.

TITLE V—HOME VISITING SERVICES FOR AT-RISK FAMILIES

SEC. 501. STATEMENT OF PURPOSE.

The purpose of this title is—

(1) to increase the use of, and to provide information on the availability of early, continuous and comprehensive prenatal care;

(2) to reduce the incidence of infant mortality and of infants born prematurely, with low birthweight, or with other impairments including those associated with maternal substance abuse;

(3) for pregnant women and mothers of children below the age of 3 whose children have experienced or are at risk of experiencing a health or developmental complication, to provide assistance in obtaining health and related social services necessary to meet the special needs of the women and their children;

(4) to assist, when requested, women who are pregnant and at-risk for poor birth outcomes, or who have young children and are abusing alcohol or other drugs, in obtaining appropriate treatment; and

(5) to reduce the incidence of child abuse and neglect.

SEC. 502. ESTABLISHMENT OF PROGRAM OF GRANTS.

Part L of title III of the Public Health Service Act (42 U.S.C. 280c et seq.) is amended—

(1) by redesignating sections 399 and 399A as sections 398A and 398B, respectively; and

(2) by adding at the end the following subpart:

"Subpart III—Grants for Home Visiting Services for At-Risk Families

"SEC. 399. PROJECTS TO IMPROVE MATERNAL, INFANT, AND CHILD HEALTH.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Administrator of the

Health Resources and Services Administration, shall make grants to eligible entities to pay the Federal share of the cost of providing the services specified in subsection (b) to families in which a member is—

"(A) a pregnant woman at risk of delivering an infant with a health or developmental complication; or

"(B) a child less than 3 years of age—

"(i) who is experiencing or is at risk of a health or developmental complication, or of child abuse or neglect; or

"(ii) who has been prenatally exposed to maternal substance abuse.

"(2) MINIMUM PERIOD OF AWARDS; ADMINISTRATIVE CONSULTATIONS.—

"(A) The Secretary shall award grants under paragraph (1) for periods of at least three years.

"(B) The Administrator of the Administration for Children, Youth, and Families and the Director of the National Commission to Prevent Infant Mortality shall be consulted regarding the promulgation of program guidelines and funding priorities under this section.

"(3) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under paragraph (1) only if, in the case of any service under such paragraph that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under paragraph (1), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(b) HOME VISITING SERVICES FOR ELIGIBLE FAMILIES.—With respect to an eligible family, each of the following services shall, directly or through arrangement with other public or nonprofit private entities, be available (as applicable to the family member involved) in each project operated with a grant under subsection (a):

"(1) Prenatal and postnatal health care.

"(2) Primary health care for the children, including developmental assessments.

"(3) Education for the parents concerning infant care and child development, including the development and utilization of parent and teacher resource networks and other family resource and support networks where such networks are available.

"(4) Upon the request of a parent, providing the education described in paragraph (3) to other individuals who have responsibility for caring for the children.

"(5) Education for the parents concerning behaviors that adversely affect health.

"(6) Assistance in obtaining necessary health, mental health, developmental, social, housing, and nutrition services and other assistance, including services and other assistance under maternal and child health programs; the special supplemental food program for women, infants, and children; section 17 of the Child Nutrition Act of 1966; title V of the Social Security Act; title XIX of such Act (including the program for early and periodic screening, diagnostic, and treatment services described in section 1905(r) of such Act); titles IV and XIX of the Social Security Act; housing programs; other food assistance programs; and appropriate alcohol and drug dependency treatment programs, according to need.

"(c) CONSIDERATIONS IN MAKING GRANTS.—In awarding grants under subsection (a), the Secretary shall take into consideration—

"(1) the ability of the entity involved to provide, either directly or through linkages, a broad range of preventive and primary health care services and related social, family support, and developmental services;

"(2) different combinations of professional and lay home visitors utilized within programs that are reflective of the identified service needs and characteristics of target populations;

"(3) the extent to which the population to be targeted has limited access to health care, and related social, family support, and developmental services; and

"(4) whether such grants are equitably distributed among urban and rural settings and whether entities serving Native American communities are represented among the grantees.

"(d) FEDERAL SHARE.—With respect to the costs of carrying out a project under subsection (a), a grant under such subsection for the project may not exceed 90 percent of such costs. To be eligible to receive such a grant, an applicant must provide assurances that the applicant will obtain at least 10 percent of such costs from non-Federal funds (and such contributions to such costs may be in cash or in-kind, including facilities and personnel).

"(e) RULE OF CONSTRUCTION REGARDING AT-RISK BIRTHS.—For purposes of subsection (a)(1), a pregnant woman shall be considered to be at risk of delivering an infant with a health or developmental complication if during the pregnancy the woman—

"(1) lacks appropriate access to, or information concerning, early and routine prenatal care;

"(2) lacks the transportation necessary to gain access to the services described in subsection (b);

"(3) lacks appropriate child care assistance, which results in impeding the ability of such woman to utilize health and related social services;

"(4) is fearful of accessing substance abuse services or child and family support services; or

"(5) is a minor with a low income.

"(f) DELIVERY OF SERVICES AND CASE MANAGEMENT.—

"(1) CASE MANAGEMENT MODEL.—Home visiting services provided under this section shall be delivered according to a case management model, and a registered nurse, licensed social worker, or other licensed health care professional with experience and expertise in providing health and related social services in home and community settings shall be assigned as the case manager for individual cases under such model.

"(2) CASE MANAGER.—A case manager assigned under paragraph (1) shall have primary responsibility for coordinating and overseeing the development of a plan for each family that is to receive home visiting services under this section, and for coordinating the delivery of such services provided through appropriate personnel.

"(3) APPROPRIATE PERSONNEL.—In determining which personnel shall be utilized in the delivery of services, the case manager shall consider—

"(A) the stated objective of the project to be operated with the grant, as determined after considering identified gaps in the current service delivery system; and

"(B) the nature of the needs of the family to be served, as determined at the initial assessment of the family that is conducted by the case manager, and through follow-up contacts by other providers of home visiting services.

"(4) FAMILY SERVICE PLAN.—A case manager, in consultation with a team established in accordance with paragraph (5) for the family involved, shall develop a plan for the family following the initial visit to the home of the family. Such plan shall reflect—

"(A) an assessment of the health and related social service needs of the family;

"(B) a structured plan for the delivery of home visiting services to meet the identified needs of the family;

"(C) the frequency with which such services are to be provided to the family;

"(D) ongoing revisions made as the needs of family members change; and

"(E) the continuing voluntary participation of the family in the plan.

"(5) HOME VISITING SERVICES TEAM.—The team to be consulted under paragraph (4) on behalf of a family shall include, as appropriate, other nursing professionals, physician assistants, social workers, child welfare professionals, infant and early childhood specialists, nutritionists, and laypersons trained as home visitors. The case manager shall ensure that the plan is coordinated with those physician services that may be required by the mother or child.

"(g) OUTREACH.—Each grantee under subsection (a) shall provide outreach and casefinding services to inform eligible families of the availability of home visiting services from the project.

"(h) CONFIDENTIALITY.—In accordance with applicable State law, an entity receiving a grant under subsection (a) shall maintain confidentiality with respect to services provided to families under this section.

"(i) CERTAIN ASSURANCES.—The Secretary may award a grant under subsection (a) only if the entity involved provides assurances satisfactory to the Secretary that—

"(1) the entity will provide home visiting services with reasonable frequency—

"(A) to families with pregnant women, as early in the pregnancy as is practicable, and until the infant reaches at least 2 years of age; and

"(B) to other eligible families, for at least 2 years; and

"(2) the entity will coordinate with public health and related social service agencies to prevent duplication of effort and improve the delivery of comprehensive health and related social services.

"(j) SUBMISSION TO SECRETARY OF CERTAIN INFORMATION.—The Secretary may award a grant under subsection (a) only if the entity involved submits to the Secretary—

"(1) a description of the population to be targeted for home visiting services and methods of outreach and casefinding for identifying eligible families, including the use of lay home visitors where appropriate;

"(2) a description of the types and qualifications of home visitors used by the entity and the process by which the entity will provide continuing training and sufficient support to the home visitors; and

"(3) such other information as the Secretary determines to be appropriate.

"(k) LIMITATION REGARDING ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant under subsection (a) may be expended for ad-

ministrative expenses with respect to the grant. The costs of training individuals to serve in the project involved are not subject to the preceding sentence.

"(l) RESTRICTIONS ON USE OF GRANT.—To be eligible to receive a grant under this section, an entity must agree that the grant will not be expended—

"(1) to provide inpatient hospital services;

"(2) to make cash payments to intended recipients of services;

"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(m) REPORTS TO SECRETARY.—To be eligible to receive a grant under this section, an entity must agree to submit an annual report on the services provided under this section to the Secretary in such manner and containing such information as the Secretary by regulation requires. At a minimum, the entity shall report information concerning eligible families, including—

"(1) the characteristics of the families and children receiving services under this section;

"(2) the usage, nature, and location of the provider, of preventive health services, including prenatal, primary infant, and child health care;

"(3) the incidence of low birthweight and premature infants;

"(4) the length of hospital stays for pre- and post-partum women and their children;

"(5) the incidence of substantiated child abuse and neglect for all children within participating families;

"(6) the number of emergency room visits for routine health care;

"(7) the source of payment for health care services and the extent to which the utilization of health care services, other than routine screening and medical care, available to the individuals under the program established under title XIX of the Social Security Act, and under other Federal, State, and local programs, is reduced;

"(8) the number and type of referrals made for health and related social services, including alcohol and drug treatment services, and the utilization of such services provided by the grantee; and

"(9) the incidence of developmental disabilities.

"(n) REQUIREMENT OF APPLICATION.—The Secretary may make a grant under subsection (a) only if—

"(1) an application for the grant is submitted to the Secretary;

"(2) the application contains the agreements and assurances required in this section, and the information required in subsection (j);

"(3) the application contains evidence that the preparation of the application has been coordinated with the State agencies responsible for maternal and child health and child welfare, and coordinated with services provided under part H of the Individuals with Disabilities Education Act; and

"(4) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(o) PEER REVIEW.—

"(1) REQUIREMENT.—In making determinations for awarding grants under subsection (a), the Secretary shall rely on the recommendations of the peer review panel established under paragraph (2).

"(2) COMPOSITION.—The Secretary shall establish a review panel to make recommendations under paragraph (1) that shall be composed of—

"(A) national experts in the fields of maternal and child health, child abuse and neglect, and the provision of community-based primary health services; and

"(B) representatives of relevant Federal agencies, including the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Administration for Children, Youth, and Families, the U.S. Advisory Board on Child Abuse and Neglect, and the National Commission to Prevent Infant Mortality.

"(p) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities—

"(A) conduct evaluations to determine the effectiveness of projects under subsection (a) in reducing the incidence of children born with health or developmental complications, the incidence among children less than 3 years of age of such complications, and the incidence of child abuse and neglect; and

"(B) not less than once during each 3-year period, prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluations.

"(2) CONTENTS.—The evaluations conducted under paragraph (1) shall—

"(A) include a summary of the data contained in the annual reports submitted under subsection (m);

"(B) assess the relative effectiveness of projects under subsection (a) in urban and rural areas, and among programs utilizing differing combinations of professionals and trained home visitors recruited from the community to meet the needs of defined target service populations; and

"(C) make further recommendations necessary or desirable to increase the effectiveness of such projects.

"(q) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible entity' includes public and nonprofit private entities that provide health or related social services, including community-based organizations, visiting nurse organizations, hospitals, local health departments, community health centers, Native Hawaiian health centers, nurse managed clinics, family service agencies, child welfare agencies, developmental service providers, family resource and support programs, and resource mothers projects.

"(2) The term 'eligible family' means a family described in subsection (a).

"(3) The term 'health or developmental complication', with respect to a child, means—

"(A) being born in an unhealthy or potentially unhealthy condition, including premature birth, low birthweight, and prenatal exposure to maternal substance abuse;

"(B) a condition arising from a condition described in subparagraph (A);

"(C) a physical disability or delay; and

"(D) a developmental disability or delay.

"(4) The term 'home visiting services' means the services specified in subsection (b), provided at the residence of the eligible family involved or provided pursuant to arrangements made for the family (including arrangements for services in community settings).

"(5) The term 'home visitors' means providers of home visiting services.

"(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 1993 and 1994.".

TITLE VI—TRAUMA CENTERS AND DRUG-RELATED VIOLENCE

SEC. 601. ESTABLISHMENT OF PROGRAM OF GRANTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101–590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—TRAUMA CENTERS OPERATING IN AREAS SEVERELY AFFECTED BY DRUG-RELATED VIOLENCE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising directly or indirectly from illicit trafficking in drugs. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING CERTAIN PATIENTS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for—

"(i) trauma resulting from the penetration of the skin by knives, bullets, or any other implement that can be used as a weapon; or

"(ii) trauma that the center reasonably believes results from violence arising directly or indirectly from illicit trafficking in drugs.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C)(i) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c); or

"(ii) agrees that such guidelines will be adopted by the system not later than 6 months after the date on which the trauma center submits to the Secretary the application for the grant.

"(3) SUBMISSION AND APPROVAL OF LONG-TERM PLAN.—The Secretary may not make a grant under subsection (a) unless the trauma center involved—

"(A) submits to the Secretary a plan satisfactory to the Secretary that—

"(i) is developed on the assumption that the center will continue to incur substantial uncompensated costs in providing trauma care; and

"(ii) provides for the long-term continued operation of the center with an acceptable standard of medical care, notwithstanding such uncompensated costs; and

"(B) agrees to implement the plan according to a schedule approved by the Secretary.

"SEC. 1242. PREFERENCES IN MAKING GRANTS.

"(a) IN GENERAL.—In making grants under section 1241(a), the Secretary shall give preference to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive fi-

nancial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 2-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"(b) FURTHER PREFERENCE FOR CERTAIN APPLICATIONS.—With respect to applications for grants under section 1241 that are receiving preference for purposes of subsection (a), the Secretary shall give further preference to any such application made by a trauma center for which a disproportionate percentage of the uncompensated costs of the center result from the provision of trauma care to individuals who neither are citizens nor aliens lawfully admitted to the United States for permanent residence.

"SEC. 1243. CERTAIN AGREEMENTS.

"(a) COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.—The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the 3-year period beginning on the date that the center first receives payments under the grant; and

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A).

"(b) MAINTENANCE OF FINANCIAL SUPPORT.—With respect to activities for which a grant under section 1241 is authorized to be expended, the Secretary may not make such a grant unless the trauma center involved agrees that, during the period in which the center is receiving payments under the grant, the center will maintain expenditures for such activities at a level that is not less than the level maintained by the center during the fiscal year preceding the first fiscal year for which the center receives such payments.

"(c) TRAUMA CARE REGISTRY.—The Secretary may not make a grant under section 1241(a) unless the trauma center involved agrees that—

"(1) the center will operate a registry of trauma cases in accordance with the applicable guidelines described in section 1241(b)(2)(C), and will begin operation of the registry not later than 6 months after the date on which the center submits to the Secretary the application for the grant; and

"(2) in carrying out paragraph (1), the center will maintain information on the number of trauma cases treated by the center and, for each such case, the extent to which the center incurs uncompensated costs in providing trauma care.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—A grant under section 1241 may not be made in amount exceeding $2,000,000.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. Such authorization of appropriations is in addition to any other authorization of appropriations or amounts that are available for such purpose.".

SEC. 602. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

TITLE VII—STUDIES

SEC. 701. REPORT BY THE INSTITUTE ON MEDICINE.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with a public or nonprofit private entity to conduct a study concerning—

(1) the role of the private sector in the development of anti-addiction medications, including legislative proposals designed to encourage private sector development of such medications;

(2) the process by which anti-addiction medications receive marketing approval from the Food and Drug Administration, including an assessment of the feasibility of expediting the marketing approval process in a manner consistent with maintaining the safety and effectiveness of such medications;

(3) with respect to pharmacotherapeutic treatments for drug addiction—

(A) recommendations with respect to a national strategy for developing such treatments and improvements in such strategy;

(B) the state of the scientific knowledge concerning such treatments; and

(C) an assessment of the progress toward the development of safe, effective pharmacological treatments for drug addiction; and

(4) other related information determined appropriate by the authors of the study.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary of Health and Human Services shall ensure that, not later than 18 months after the date of enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(d) AVAILABILITY.—The report prepared under subsection (c) shall be made available for use by the general public.

SEC. 702. SENSE OF THE SENATE.

It is the sense of the Senate that the Medications Development Division of the National Institute on Drug Abuse shall devote special attention and adequate resources to achieve the following urgent goals—

(1) the development of medications in addition to methadone;

(2) the development of a long-acting narcotic antagonist;

(3) the development of agents for the treatment of cocaine abuse and dependency, including those that act as a narcotic antagonist;

(4) the development of medications to treat addiction to drugs that are becoming increasingly prevalent, such as methamphetamine;

(5) the development of additional medications to treat safely pregnant addicts and their fetuses; and

(6) the development of medications to treat the offspring of addicted mothers.

SEC. 703. PROVISION OF MENTAL HEALTH SERVICES TO INDIVIDUALS IN CORRECTIONAL FACILITIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services, shall prepare and submit to the appropriate committees of Congress a report concerning the most effective methods for providing mental health services to individuals who come into contact with the criminal justice system, including those individuals incarcerated in correctional facilities (including local jails and detention facilities), and the obstacles to providing such services. Such study shall be carried out in consultation with the National Institute of Mental Health, the Department of Justice, and other appropriate public and private entities.

SEC. 704. STUDY OF BARRIERS TO INSURANCE COVERAGE OF TREATMENT FOR MENTAL ILLNESS AND SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Mental Health and in consultation with the Administrator of the Health Care Financing Administration, shall conduct a study of the barriers to insurance coverage for the treatment of mental illness and substance abuse. The study shall include—

(1) an assessment of the effect of managed care on the quality and financing of such treatment;

(2) an assessment of the appropriateness and cost effectiveness of treatment provided in nonprofit, non-hospital settings; and

(3) an assessment of the need for equitable coverage of severe mental illnesses as part of national health care reform.

(b) ASSESSMENT REGARDING MENTAL ILLNESS.—In making an assessment under paragraph (3) of subsection (a), the study required in such subsection shall provide for the following:

(1) The clarification of what is meant by mental health coverage differentiating between the need of individuals with severe, long-term mental illnesses and individuals with mental health problems of situational nature.

(2) Identification of the particular treatments and services required by persons with severe mental illnesses to maintain optimum functioning in the community.

(3) Evaluation of various approaches to providing equitable coverage of severe mental illnesses in private insurance and public health care financing programs. These approaches should include the following:

(A) The diagnostic approach as exemplified by certain State legislation (e.g., California State Code, section 101123.15; Texas Employers Uniform Group Insurance Benefits Act, section 11.106–11.113 (Insurance for Serious Mental Illnesses); and Maine, H.P. 1064: An Act to provide equitable insurance coverage for mental illnesses).

(B) The Service-Based Approach, as exemplified in the Model Mental Health Benefit developed the auspices of NIMH Grant MH43703.

(C) The Functional (Severity of Disability) Approach.

(4) Evaluation of the cost benefit to insurers and the Federal Government of providing equal coverage for severe mental illness.

(5) Financing mechanisms for coverage of the rehabilitative and long-term care needs of persons with severe mental illnesses.

(c) REPORT TO CONGRESS.—Not later than October 1, 1993, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 705. STUDY ON FETAL ALCOHOL EFFECT AND FETAL ALCOHOL SYNDROME.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with a public or nonprofit private entity to conduct a study on the prevalence of fetal alcohol effect and fetal alcohol syndrome in the general population of the United States and on the adequacy of Federal efforts to reduce the incidence of such conditions (including efforts regarding appropriate training for health care providers in identifying such effect or syndrome). The Secretary shall ensure that the study—

(1) describes diagnostic tools for identifying such conditions;

(2) compares the rate of each of such conditions with the rates of other drug-related congenital conditions;

(3) evaluates the effectiveness and availability of treatment for such conditions; and

(4) evaluates the plans of Federal agencies to conduct research on such conditions and determines the adequacy of such plans in relation to the impact on public health of the conditions.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

SEC. 706. STUDY BY NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—In the case of programs in the United States that provide both sterile hypodermic needles and bleach to individuals in order to provide for a reduction in the risk of the individuals contracting acquired immune deficiency syndrome or related conditions, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the National Institute on Drug Abuse, shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies to make determinations of the following:

(1) The extent to which the programs promote, directly or indirectly, the abuse of drugs through providing information or devices (or both) regarding the manner in which the adverse health consequences of such abuse can be minimized.

(2) In the case of individuals participating in the programs, the number of individuals who have engaged in the abuse of drugs prior to admission to the programs and the number of individuals who have not engaged in such abuse prior to such admission.

(3) The extent to which participation in the programs has altered any behaviors constituting a substantial risk of contracting acquired immune deficiency syndrome or hepatitis, or of transmitting either of the diseases.

(4) The number of programs that provide referrals for the treatment of such abuse and the number of programs that do not provide such referrals.

(5) The extent to which programs safely dispose of used hypodermic syringes and needles.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through other public or nonprofit private entities.

(c) LIMITATION REGARDING EXISTING PROGRAMS.—The study required in subsection (a) may not be conducted with respect to programs established after the date of the enactment of this Act.

(d) DATE FOR COMPLETION.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(e) FUNDING.—Of the aggregate amounts appropriated under the Public Health Service Act for fiscal years 1993 and 1994 for research on drug abuse, the Secretary shall make available $5,000,000 for conducting the study required in subsection (a).

SEC. 707. REPORT ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulae under which funds made available under sections 1911 and 1921 of the Public Health Service Act are allocated among the States and territories. Such study or studies shall include—

(1) an assessment of the degree to which the formula allocates funds according to the respective needs of the States and territories;

(2) a review of relevant epidemiological research regarding the incidence of substance abuse and mental illness among various age groups and geographic regions of the country;

(3) the identification of factors not included in the formula that are reliable predictors of the incidence of substance abuse and mental illness;

(4) an assessment of the validity and relevance of factors currently included in the formula, such as age, urban population and cost; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formula.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within three months make appropriate recommendations concerning such report to such committees.

SEC. 708. REPORT BY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

(a) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Substance Abuse and Mental Health Services Administration shall compile and directly transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an interim report that includes the following information:

(1) A compilation and summary of the scientific literature and research concerning the provision of health insurance, by both public and private entities, for substance abuse (including alcohol abuse) and mental health services.

(2) A review of the scientific literature evaluating the medical effectiveness of substance abuse (including alcohol abuse) and mental health services.

(3) An examination of past practices and emerging trends of health insurance coverage for substance abuse (including alcohol abuse) and mental health services, including an examination of trends in copayments, lifetime coverage maximums, number of visits, and inclusion or exclusion of such services.

(4) An identification of issues attendant to and analysis of barriers to health insurance coverage for substance abuse (including alcohol abuse) and mental illness services. Such analysis shall include a discussion of how substance abuse (including alcohol abuse) and mental health services would be affected by the various health care reform under consideration in Congress.

(5) An examination of the issues attendant to limitations placed on the use of Medicaid program funds for adults receiving substance abuse (including alcoholism services) and mental health services in intermediate care residential settings.

(b) FINAL REPORT.—Not later than October 1, 1993, such Administrator shall compile and transmit directly to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that identifies the relevant policy issues and research questions that need to be answered to address current barriers to the provision of substance abuse and mental health services. The Administrator shall design a research and demonstration strategy that examines such barriers and tests alternative solutions to the problems of providing health insurance and treatment services for substance abuse and mental health services. As soon as practicable but not later than January 1, 1994, the Secretary shall initiate research and demonstration projects that, consistent with the information contained in the reports required under this section, will study the issues identi-

fied with, and possible alternative mechanisms of, providing health insurance and treatment services for substance abuse (including alcohol abuse) and mental illness.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. EFFECTIVE DATES.

(a) IN GENERAL.—This Act takes effect on the date of the enactment of this Act, subject to subsections (b) through (d).

(b) AMENDMENTS.—The amendments described in this Act are made on the date of the enactment of this Act and take effect on such date, except as provided in subsections (c) and (d).

(c) REORGANIZATION UNDER TITLE I.—Title I takes effect on October 1, 1992. The amendments described in such title are made on such date and take effect on such date.

(d) PROGRAMS PROVIDING FINANCIAL ASSISTANCE.—

(1) FISCAL YEAR 1993 AND SUBSEQUENT YEARS.—In the case of any program making awards of grants, cooperative agreements, or contracts, the amendments made by this Act are effective for awards made on or after October 1, 1992.

(2) PRIOR FISCAL YEARS.—

(A) Except as provided in subparagraph (B), in the case of any program making awards of grants, cooperative agreements, or contracts, if the program began operation prior to the date of the enactment of this Act and the program is amended by this Act, awards made prior to October 1, 1992, shall continue to be subject to the terms and conditions upon which such awards were made, notwithstanding the amendments made by this Act.

(B) Subparagraph (A) does not apply with respect to the amendments made by this Act to part B of title XIX of the Public Health Service Act. Section 205(a) applies with respect to the program established in such part.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: "An Act to amend the Public Health Service Act to restructure the Alcohol, Drug Abuse, and Mental Health Administration and the authorities of such Administration, including establishing separate block grants to enhance the delivery of services regarding substance abuse and mental health, and for other purposes."

And the House agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
ROY J. ROWLAND,
NORMAN F. LENT,
THOMAS J. BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
CHRISTOPHER J. DODD,
TOM HARKIN,
BROCK ADAMS,
ORRIN HATCH,
DAN COATS,
STROM THURMOND,
DAVE DURENBERGER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1306), to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

ADAMHA REORGANIZATION

The Senate bill proposes to reorganize the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) by transferring its three research institutes (the National Institute of Mental Health (NIMH), the National Institute on Drug Abuse (NIDA), and the National Institute on Alcohol Abuse and Alcoholism (NIAAA)) to the National Institutes of Health (NIH), and by reconstituting ADAMHA as a services administration and by creating an agency to administer mental health services programs. The House amendment contains no such reorganization.

The House recedes with an amendment. The services administration will be known as the Substance Abuse and Mental Health Services Administration (SAMHSA). It will consist of the Center for Substance Abuse Prevention (CSAP), the Center for Substance Abuse Treatment (CSAT), and the Center for Mental Health Services (CMHS).

The principal purpose of the reorganization is to fully develop the Federal government's ability to target effectively substance abuse and mental health services to the people most in need, and to translate research in these areas more effectively and more rapidly into the general health care system.

It is the conferees' intent that this reorganization be implemented in a manner that strengthens the federal effort with respect to both research and services. Sufficient resources and personnel shall be made available to each of the federal agencies affected by the reorganization to enable each to carry out the functions assigned to it.

HEALTH SERVICES RESEARCH

In its effort to more clearly define the distinct research and service missions of the relevant agencies, the Senate bill explicitly affirms the authority of the institutes to conduct health services research in keeping with the view that basic, clinical and services research constitute a continuum that should not be artificially severed. That determination has been strengthened by the inclusion in the conference report of a provision modeled after the House amendment to set aside a minimum of 15 percent of the research budget of the NIMH, and apply a similar requirement to the research budgets of NIDA and NIAAA.

Health services research addresses the impact of the organization, financing and management of health services on the quality, cost, access to and outcomes of care. Each institute shall fund research projects, research centers and dissemination activities using grants, cooperative agreements, contracts and other such mechanisms as are deemed appropriate.

While the committee believes that NIMH, NIDA, and NIAAA should continue their current programs to study the causes and potential cures for mental illness and substance abuse, to develop new clinical treatments and drugs, and to collect and analyze epidemiologic data, the conferees believe that increased resources should be devoted to the critical area of services research.

Federal and state governments, private insurers and employers, and patients and their families spend billions of dollars a year supporting fragmented and often inadequate systems of care—both public and private—for the mentally ill and for those addicted to drugs and/or alcohol. Yet little is known about such basic issues as how much these systems cost and how their costs can be controlled, which models of care work best, how quality can be measured and assured, and who should pay for the care and by what mechanism. Equally important, what we do know is not being disseminated effectively to those who need the information to set policy or navigate the delivery system for themselves or a loved one.

Just as Congress has made a strong commitment to searching for cures for mental illness and substance abuse, so too must the federal government make an equally strong commitment to finding the most efficient, effective and equitable ways to deliver and finance high quality care for these populations. An investment of at least 15 percent of the research budgets of the institutes to study these important problems and to disseminate what has been learned is appropriate.

The debate over services research has been especially heated in the mental health community. The conferees are impressed with the growing importance of mental health services research and the promise it holds for improving care for the mentally ill. The conferees are particularly impressed with the new NIMH research plan entitled, "Caring for People with Severe Mental Disorders: A National Plan of Research to Improve Services." This is the first systematic, strategic plan for services research and it should be fully implemented.

The conferees are particularly concerned about the impact of severe mental illness on families and caregivers and the problem of unpredictable violent behavior that the mentally ill sometimes exhibit. The committee urges NIMH to examine these issues as it continues its strong and highly successful role in services research.

The conferees are encouraged by work begun over the last few years within NIDA's Financing and Services Research Branch of the Division of Applied Research. With the additional support provided under this bill, NIDA's research program on the cost, quality, access and utilization of drug abuse services can be significantly expanded. The NIDA funded Drug Services Research Survey provides for the first time the essential data needed for services research into access and cost-effectiveness of treatment options, and as such is an integral part of the services research program. This important survey should be continued on a periodic basis. The conference also urges NIDA to develop a research agenda, comparable to the aforementioned NIMH plan, to improve services for the drug addicted population.

NIAAA is to be commended for its efforts to study the effectiveness of treatment for alcohol related problems and to improve the cost-effectiveness of federal and state alcohol related programs. The current projects to identify the nature and extent of alcohol related problems and ways to improve the effectiveness of services should be continued. The conferees urge the institute to fund additional research into the impact of reimbursement policy on the availability, organization and cost of alcoholism treatment. The committee also urges the institute to develop a national plan for research on services.

BEHAVIORAL RESEARCH

The conferees do not intend the reorganization to diminish the important behavioral science portfolios of the three former ADAMHA institutes. Indeed, the conferees expect that the transfer of these three institutes will bring to all of the NIH institutes an increased appreciation for and emphasis on behavioral science and health services research. The conferees reiterate their strong support for psychological, behavioral and social research in the understanding of mental, addictive and physical disorders.

REPORTS ON ALCOHOL AND DRUG ABUSE

Section 506 in current law requires the Secretary to prepare triennial reports on alcohol and drug abuse. In current practice, that authority has been delegated to the Directors of NIAAA and NIDA.

Other than by redesignating the section, the conference report does not alter current law. The Secretary therefore retains authority to delegate this authority to the institutes, and is encouraged to do so.

RESEARCH TRAINING AND CLINICAL TRAINING

Under the conference agreement, research training authority is transferred with the institutes to NIH, but clinical training authority under section 303 of the Public Health Service Act and funds appropriated pursuant to that authority have been vested with SAMHSA. The institutes should exercise their training authority to the same extent as the other NIH institutes. In any event, the three institutes should not engage in activity that duplicates or substantially overlaps the clinical training activities of the Services Administration.

The conferees expect that the substance abuse clinical training activities of the Services Administration will include an appropriate emphasis on the treatment and prevention of alcohol abuse and alcoholism.

SERVICE ISSUE

The conferees intend that the programs administered by the new Services Administration contain a strong evaluation component. It is important for the Centers to support evaluations, including the evaluation of prevention services, using the most rigorous evaluate designs appropriate and feasible.

The Services Administration has also been charged with significant authority for data collection. The conferees recognize that the three research institutes possess experience in evaluating treatment and prevention services, and it is expected that the SAMHSA Administrator will draw upon the expertise of the appropriate institute directors during the process of shaping such evaluations and data collection efforts.

Among the responsibilities of the Administrator of the Services Administration is the coordination of federal policy with respect to the provision of treatment services for substance abuse utilizing anti-addiction medications, including methadone. Among the agencies whose activities would be subject to such coordination are the Food and Drug Administration, the Drug Enforcement Administration and NIDA. The conferees do not intend that such authority include responsibility for the development of such medications; that responsibility lies with NIDA.

USE OF BLOCK GRANT SET-ASIDE

The conference agreement maintains the current law policy of reserving 5 percent of block grant appropriations for the conduct of technical assistance, data collection and program evaluation necessary to improve the availability and quality of mental health and substance abuse services.

The newly established Center for Mental Health Service and the Center for Substance Abuse Treatment are charged under the conference agreement with administration of the set-aside funds available under the respective mental health and substance abuse block grants. In carrying out this authority the statute authorizes the Centers to exercise broad discretion in the design of evaluation projects. Such projects should include studies that examine the effectiveness of funded services and how changes in such services could improve the quality of care.

Although these projects are not research, per se, they may follow experimental designs, including the use of random assignment. The conferees expect that the Centers will carry out comprehensive evaluation activities including evaluations of prevention policy.

The conferees are aware that under current practice, a portion of the 5% ADMS block grant set-aside has been used to support health services research in the three research institutes. While the conferees do not intend to disrupt that practice in the current fiscal year, and in fact encourage that existing obligations be met, this use of ADMS block grant funds will be prohibited after fiscal year 1992. The conferees intend that the block grant set-aside be used for technical assistance, data collection, evaluations and other activities directly related to services, but it is untenable for such funds to be transferred to entities within NIH.

Nonetheless, the conferees recognize the importance of completing multi-year grants that were funded with block grant set-aside funds prior to fiscal year 1993. For example, the Conference Committee is aware of the importance of Project Match, a nine-site study seeking to identify ways to match alcoholics with the most appropriate and cost-effective types of treatment. The conference report therefore requires that such projects continue to receive funding until the multi-year grant has expired. In the case of projects that had been funded from block grant set-aside funds and that are to be administered by the research institutes, continued funding must come from the budgets of the research institutes.

TRANSITIONS

The conferees recognize that there must be a transition period before the former ADAMHA institutes are fully integrated into the NIH structure. Several transitional measures were included in the Senate bill in recognition of this fact, and have been included in the conference report with modifications.

The current peer review processes utilized by the three former ADAMHA institutes will continue to be utilized by them through fiscal year 1996. The three institutes will have independent budgetary authority parallel to the authority of the National Cancer Institute for fiscal years 1994 and 1995. Finally, the authority of the NIH Director to merge institutes on notice to Congress will be suspended with respect to these institutes for five years from the date of enactment. With these exceptions, the three ADAMHA institutes are to be integrated into the NIH structure and be accorded all the rights and privileges of other national research institutes.

The conferees expect that the relevant committees of Congress will closely monitor the implementation of the reorganization and will take appropriate legislative action if it is determined that these transitional measures should be extended.

AIDS-RELATED ISSUES

Historically, issues related to HIV infection and AIDS have not received the level of attention at ADAMHA that would be expected by virtue of the importance of the issue to the program of the agency or the size of the agency's budget for AIDS. Reorganization has presented an opportunity to address these concerns.

The conferees intend that AIDS-related activities undertaken by the research institutes and the Services Administration receive appropriate attention and coordination. To assure that this takes place, the existing AIDS Office in NIMH has been codified and a parallel Office in NIDA has been created. In addition, the SAMHSA Administrator has been given specific responsibility for coordinating SAMHSA service programs that affect substance abusers with HIV infection, AIDS or tuberculosis. The Administration may choose to discharge this responsibility by creating an Office on AIDS.

MATTERS PERTAINING TO CATEGORICAL GRANT PROGRAMS

PREGNANT AND POSTPARTUM WOMEN AND THEIR INFANTS

The conference agreement revises the Office of Substance Abuse Prevention's program of assistance to programs providing treatment and prevention services to pregnant addicts and their children. The agreement follows the House amendment by prioritizing support for residential treatment programs that provide a comprehensive range of services necessary to assure successful treatment and reduce the risk of relapse. It is the conferees' intent that assistance provided through this program be utilized to increase the availability of programs providing treatment services to this most vulnerable population.

The conferees agree with the conclusion of the Institute of Medicine (Treating Drug Problems; 1990) that "the benefits of (long-term residential) treatment are substantial and they virtually repay the costs on a day-to-day basis." (189). In addition, recognizing the new priority placed upon support of establishing and expanding residential and outpatient treatment capacity for this population, the agreement transfers primary administrative responsibility for the program from the Center for Substance Abuse Prevention to the Center for Substance Abuse Treatment (CSAT). The conferees intend that the CSAT collaborate closely with CSAP in assuring the development of appropriate requirements of outreach and prevention activities by entities receiving support through this program.

CAPACITY EXPANSION PROGRAM

The conference agreement establishes a new categorical grant program requested by the President in the National Drug Control Strategy. The program is designed to permit the targeting of substance abuse treatment services to those states with the greatest need for additional capacity.

The conferees note that critical shortages of treatment capacity exist in most States and that the revised allocation formula which determines allotments under the new Substance Abuse Block Grant is an appropriate and viable measure of a State's relative need for additional substance abuse treatment and prevention services. In this regard, the conferees hope that in the allocation of additional appropriations, preference will be given to funding under the block grant which assures equitable national distribution of limited Federal funds to expand treatment capacity.

GRANTS OF NATIONAL SIGNIFICANCE

Both the Senate bill and the House amendment reauthorize the current authority with respect to Grants of National Significance with modifications. The conference agreement does likewise.

The conferees have highlighted their interest in allocating funds to establish a new program of demonstration projects designed to assess the viability of providing treatment services in settings requiring participants to contribute to the community through public service. The conferees believe support of a series of innovative projects will expand the availability of treatment services while increasing public recognition of the important contribution treatment programs can make in the life of a community.

One of the other treatment modalities identified in this revised section is the provision of substance abuse treatment to women with children in the setting in which such children receive primary pediatric care or in which such women receive primary health care. This provision has been inspired by the work of the Women and Infants Clinic administered at Boston City Hospital, at which comprehensive, integrated health, social and early childhood services are offered to women who are substance abusers and their infants. Such services include primary pediatric health care, parenting and early childhood education, and substance abuse counseling utilizing a case management system.

CHILDHOOD MENTAL HEALTH

Both the Senate bill and the House amendment propose to create a new program to establish systems of care for children with severe emotional disturbance. The Senate recedes with an amendment, although the conferees agree that the purposes of the program are those set forth in the Senate bill.

The House amendment proposes to dedicate 10% of the mental health block grant for this program; the Senate bill does not. The House recedes to the Senate, but the existing 10% set-aside in the block grant for children's services has been revised to focus resources on the development or improvement of systems of care for children in at least one geographic location in the state. In a smaller state, the development or improvement of a statewide system of care for children would satisfy this requirement.

One provision in the childhood mental health program limits administrative expenditures to 5%. The conferees intend that limit to apply to the grant recipient, not to the resulting system of care for children with severe emotional disturbance.

EMPLOYEE ASSISTANCE PROGRAMS

The House amendment contains a grant program to encourage the development of Employee Assistance Programs (EAPs) among small businesses. The Senate bill contains no similar proposal. The Senate recedes, with technical and clarifying changes.

Under the EAP proposal, the Center for Substance Abuse Prevention will make grants to public and private entities to assist small businesses establish employee assistance programs for their employees and the families of employees. Only those small businesses that have never had employee assistance programs would be eligible for such services.

Because this program will be administered within SAMHSA, funded activities will focus on employee substance abuse issues. The conferees recognize, however, that EAPs are work-site based programs designed to assist in identifying and facilitating the resolution of behavioral health and productivity problems of employees that may adversely affect the employees' well being or job performance as a result of drug or alcohol abuse, health, emotional, marital, family, financial, legal, stress or other personal concerns that may so affect employees.

The conferees intend that EAPs established through this grant program provide comprehensive employee assistance services including (1) expert consultation and the provision of training to appropriate persons in identifying and facilitating the resolution of behavioral health or job performance problems; (2) confidential, appropriate, and timely problem-assessment services, which may include short term counseling; (3) referrals for appropriate diagnosis, treatment and assistance; (4) the establishment of linkages between workplace and community resources that provide such services; (5) follow-up services; and (6) education and information regarding the prevention of substance abuse problems.

MATTERS PERTAINING TO THE BLOCK GRANT

SPLIT BLOCK GRANT

The House amendment proposes to split the current ADMS block grant into two discrete block grants: one for community mental health services and one for substance abuse treatment and prevention services. The Senate bill does not, but the Senate recedes with technical and clarifying changes. Beginning in fiscal year 1993, states will receive separate appropriations and will, subject to transition rules, be required to expend them for the purpose for which they are designated.

TRANSITION RULES UNDER NEW BLOCK GRANTS

The Conference agreement follows the House bill in granting states authority to transfer funds between the new substance abuse and mental health services block grants. The authority to request such transfers are subject to the discretion of the chief executive officer of the state and are intended to minimize disruptions that may occur in the transition to programs of discrete block grants. Under the agreement, States which in fiscal year 1991 were required under the old ADMS block grant to expend an amount of their allotment for either substance abuse or mental health services which is less than the amount of their allotment in fiscal year 1993 or 1994 under the substance abuse or mental health services block grant respectively are permitted to transfer an amount equal to such deficit from the greater of their allotments under the substance abuse or mental health services block grants.

The following example is illustrative of this special transitional authority. In fiscal year 1991, a state received $10 million under the ADMS block grant. Of this amount, 50 percent, or $5 million was required by section 1916(c)(6)(A) of the Public Health Service Act to be allocated to substance abuse programs and 50 percent, or $5 million allocated to community mental health services programs. By establishing discrete block grants allocating funds to the states by separate allotment formulas, funding available to the hypothetical state for mental health services may increase relative to the amount of mental health funds received in FY 1991 and the amount for substance abuse may decline. In such an instance, the agreement authorizes the Governor to request that the Secretary transfer funds from its allotment under the mental health services block grant to its allotment under the substance abuse services block grant. The only limitation placed upon such transfers is that the resulting allotment for substance abuse may not exceed $5 million, the amount the state was required to expend for substance abuse in 1991.

The conferees realize that the very few states in which the mental health portion of the current block grant exceeds 50% may face an especially difficult transition to a split block grant. If this problem proves to be serious, the fiscal year 1995 reauthorization process will provide an opportunity for the relevant committees of Congress to revisit the possibility of a longer transition for such states.

BLOCK GRANT FORMULA

The Senate bill modifies the formula under which each state's block grant allotment is determined. The House amendment proposes a new formula for the new mental health block grant contemplated in that bill, thereby altering each state's allotment. The conference report essentially adopts the Senate formula with several substantive changes:

1. The Senate formula has been split into two distinct formulae to reflect the fact that there will be two separate block grants. Appropriate adjustments have been made to accommodate the Senate formula to the new mental health block grant (e.g., urban 18 to 24 year olds are not double counted for the mental health formula; also, the conference agreement incorporates the House bill's mental health at-risk population cohorts.)
2. The permanent "hold harmless" in the Senate bill has been revised. Under the conference agreement, no state may receive less than their fiscal year 1991 block grant allotment for the succeeding three fiscal years.
3. The small state minimum in the Senate bill has been narrowed in that it will not apply to states that had a per capita allotment in fiscal year 1989 in excess of the national average.
4. Accommodations have been made in the fiscal year 1992 interstate and intrastate allotments to further the goal of a smooth transition to the new formula.

The conferees believes that the formula in the conference agreement represents an equitable and comprehensive balance of national interests with the competing interests of urban and rural states. The conferees wish to express their gratitude to Mr. Jerry Fastrup of the General Accounting Office for his labors over many months in helping to devise the formula adopted in the conference agreement.

AUTHORIZATION LEVELS

The conferees wish to note the significance of the authorization levels chosen for the two block grants in fiscal year 1993. The substance abuse block grant has been authorized at a level to begin to implement the core plan for comprehensive treatment for pregnant women and IV drug users advocated by the Institute of Medicine in "Treating Drug Problems" (1990). The mental health block grant has been authorized at a level to begin to recover the significant cuts in funding suffered by mental health services programs in the previous decade.

STATEWIDE PLANS

The Senate bill and the House amendment both contain a requirement that states submit a plan for assessing and meeting treatment and prevention needs within that state as a condition of receiving block grant funds. The conference agreement follows the House amendment with technical and clarifying changes.

The Secretary will implement the state plan requirement by promulgating regulations by August 1, 1992. The conferees expect that the states will have appropriate input in this process, through the requirements of the Administrative Procedure Act.

With regard to the comprehensive state mental health planning requirement, the Senate has receded to the House provision requiring that mental health block grant expenditures be linked to priorities under the state plan. It is the conferees' view that people with severe mental illnesses and their families play an important role in formulating and evaluating the implementation of such priorities. The conferees recognize the important role of the state Mental Health Planning Councils, and believe that states must continue to work with consumers and family members in setting state priorities.

The conferees also intend that both the mental health and substance abuse state plan requirements are to be administered with respect to the territories, including Puerto Rico, with appropriate regard for their cultural, social and other circumstances. Territories receiving the minimum allotment under the block grant are exempt from the planning requirements.

USE OF BLOCK GRANT

The House amendment limits the extent to which block grant funds may be used to support treatment in state correctional systems. The Senate recedes, but the conferees wish to emphasize that such a provision does not reflect a lack of congressional support for such services. On the contrary, the conferees believe that substance abuse treatment in the criminal justice system is both necessary and highly desirable. The conferees have concluded, however, that scarce block grant dollars should be devoted principally to community-based services. Other than the demonstration program authorized within SAMHSA under this Act, state correctional budgets and the federal Office of Justice Programs are the appropriate source of funds for treatment in correctional institutions.

MONITORING

The conference agreement contains a provision modified from the House amendment requiring that in fiscal year 1994 and thereafter, the Secretary shall conduct an investigation of not less than ten states each year to evaluate compliance with block grant requirements. The conferees intend this and related provisions to ensure strict compliance with block grant requirements in the future.

SET-ASIDES

The House amendment proposed a series of new block grant set-asides. The Senate bill did not. The Senate recedes to the House to the extent that there will be (1) a set-aside of 5 percent in the substance abuse block grant for fiscal years 1993 and 1994 to increase services to pregnant women and women with dependent children, and (2) a set-aside of 10 percent in the mental health block grant for fiscal years 1993 and 1994 for the development or improvement of systems of care for children (previously described under the Childhood Mental Health heading).

In each case, the obligation of the states in fiscal years subsequent to fiscal year 1994 is to maintain the level of services attained in fiscal year 1994 using this set-aside. The set-aside does not constitute a continuing legal obligation to increase services after fiscal year 1994.

With respect to the set-aside for pregnant women, the conferees wish to emphasize that they place the highest priority upon the provision of treatment services to expectant mothers and single women with children. In "Treating Drug Problems," the Institute of Medicine concluded that "The external costs of drug abuse and dependence among this group are especially worrisome because these children's present and future welfare depends so heavily on their mother's welfare. It is especially hard for expectant women or single mothers of young children (and often, women are both) to receive intensive residential treatment, and sometimes even to maintain regular outpatient schedules, because of child care needs and other medical and social problems."

The conferees concur in the IOM recommendation that "any initiative to bring more of these women into treatment must also emphasize services that will help them find safe, decent dwellings in which to live and productive activities for themselves and their children." (p. 234) The conference agreement contains a variety of requirements to increase the access of this vulnerable population to high quality treatment services. The conferees direct the Secretary to closely monitor State compliance, particularly with respect to the use of set-aside funds, the provision of interim services and the requirement that expectant mothers be granted preference in the admission to all treatment programs receiving Federal substance abuse block grant funds.

The House amendment also contained a provision effectively setting aside 12.5% of the block grant for HIV services for substance abusers. In the conference report, that requirement has been narrowed to provide for more appropriate targeting of these scarce resources.

Set-asides in existing law for IV drug abusers and women generally have been eliminated.

AVAILABILITY OF SERVICES TO PREGNANT WOMEN AND IV DRUG USERS

The House amendment proposes that states be required, as a condition of receiving block grant funds, to provide treatment "on demand" to pregnant women and intravenous drug users. While the conferees agree that treatment should be made available to all substance abusers who seek and would benefit from treatment, the conferees have concluded that there are insufficient resources at present to allow states to meet the laudable goals set forth in the House bill.

Accordingly, the conferees have decided to require that pregnant women and intravenous drug users be afforded preferential treatment in admission to treatment programs, and that interim services be made available to such individuals while they are awaiting admission to treatment. Any state that cannot provide immediate access to comprehensive treatment services for intravenous drug abusers must provide interim services within 48 hours for those persons who are awaiting admission. The conference agreement further requires that States assure that every intravenous drug abuser seeking comprehensive treatment be admitted to a comprehensive program within 120 days of seeking treatment.

The conferees have defined interim services in a broad manner to enhance state flexibility and discretion in selecting the most appropriate interim services or treatment modality.

The conferees believe, however, that, it is necessary to take extraordinary measures to slow the spread of infectious diseases (most notably HIV) among intravenous drug abusers, their partners, and their children in those areas in which treatment on demand is not available. The conferees therefore expect that such measures will, at a minimum, include counseling and education about HIV, about the risks of needle-sharing, the risks of transmission to sexual partners and infants, and about steps that can be taken to ensure that HIV transmission does not occur.

The conference agreement also includes a provision requiring the secretary to make interim methadone services available in cases in which comprehensive treatment cannot be provided. This requirement is not applicable if the Secretary finds that the risk of HIV transmission through intravenous drug abuse is minimal, that methadone maintenance is not an effective method of treating heroin, or that treatment on demand can be provided. Unless the secretary makes such a finding, however, he is required to issue a final rule making less comprehensive methadone services available within 90 days of enactment of this legislation. If the Secretary fails to issue such a rule, previous proposals are to become final.

The conferees recognize that this action is not a full or noncontroversial response to the problems of HIV and intravenous drug abuse, but the conferees believe that such actions are the most practical response to the current limits on resources in the face of rising incidence and prevalence of HIV in this population. The conferees emphasize that states and individual programs are not required by this legislation or the Secretary's action to provide interim methadone services. Rather, the conferees intend that the Federal government allow interim methadone services to be carried out only if the state or local provider wishes to do so.

Furthermore, the state must certify that the provision of interim methadone services will not diminish the availability of comprehensive methadone services in the state. The conferees believe strongly that if interim methadone is utilized, it must supplement, not supplant comprehensive programs.

TUBERCULOSIS

The conference agreement requires that a state receiving funds from the substance abuse block grant assure that any entity receiving funds for the treatment of substance abuse will routinely make available, directly or by contract, TB services to each individual receiving treatment for substance abuse and will refer to other TB services any person turned away from such substance abuse treatment for reasons of capacity. The agreement also makes the provision of such services an eligible use of block grant funds.

The conferees have included these provisions because of a serious concern about the rising incidence of TB in the United States and a belief that the provision of TB services to persons in substance abuse treatment is an efficient point of delivery to a high-risk population.

HIV SERVICES

The conference agreement requires that certain State recipients of the Substance Abuse Block grant set aside a proportion of their grant funds to provide early intervention services for HIV to persons receiving substance abuse treatment.

The States affected are those that have a rate of AIDS (as reported to and confirmed by the CDC) equal to or greater than 10 per 100,000 in the year preceding the year for which funds are received. For 1991, the Conferees understand those States to be: The District of Columbia, Puerto Rico, New

York, Florida, New Jersey, California, Georgia, Nevada, The Virgin Islands, Maryland, Louisiana, Texas, Hawaii, Connecticut, Massachusetts, Illinois, Colorado, Delaware, Missouri, Washington, Virginia and Pennsylvania.

These States are to set aside a percentage of their substance abuse block grants for the provision of non-hospital HIV early intervention services for substance abusers at treatment sites. The percentage is to be at least two percent of their block grant, and, for those States whose funding in future years increases above the level received for substance abuse in 1991, is required to be an amount equivalent to the increase in funding, up to a maximum of five percent. (For example, a state whose grant is increased two percent or less above the amount received for substance abuse in 1991 would allocate two percent for HIV services; if the State's grant is increased three percent, the HIV proportion is three percent; if the State's grant is increased four percent, the HIV proportion is four percent; and if the State's grant is increased five percent or more, the HIV proportion is five percent.)

Within these funds the States are to provide outpatient early intervention HIV services to substance abusers in treatment. The conferees intend for these services to include routine offering and encouragement of HIV counseling, testing (including confirmatory and diagnostic testing such as T-cell counts), and the provision of prophylactic and antiviral prescription drugs (such as those to prevent and treat opportunistic infections and to slow the progress of illness). The conferees recognize that funds are extremely limited in this program, especially in light of the number of substance abusers who are infected with HIV, and therefore understand that the services provided are not comprehensive but rather than minimum needed to encourage a substantial number of substance abusers to learn of their HIV infection, educate them in ways to avoid transmission of HIV to others, and maintain their health.

The conference agreement also requires that these States, if they establish more than one program for HIV services, establish at least one rural program. This requirement can be waived by the Secretary if the State certifies that there is no need for such a program or that there are no rural areas.

The conference agreement also requires that the funds used for this purpose supplement ongoing State activities and be at a level above the level that the State has provided in the past. The conferees emphasize that this maintenance of effort is an important measure, and that any attempt to re-finance current programs with these funds should be viewed as a breach of the terms of the funding agreement.

TRAUMA CENTER REVITALIZATION

Both the House amendment and the Senate bill authorize a program to provide financial assistance to trauma care centers adversely affected by uncompensated care debt. The conference agreement generally follows the House amendment authorizing financial assistance to trauma centers impacted by violence attributed to drug trafficking. But the agreement includes a Senate-requested modification of the eligibility criteria that would permit blunt trauma to be considered in addition to penetrating wounds under specified circumstances. For this latter category of trauma, the center need only have a reasonable belief that the trauma resulted from drug-related violence. In this regard, the conferees do not intend to impose undue burdens on applicant trauma centers.

The conferees note the important role publicly supported trauma centers play in their communities. Often public trauma centers are the only centers in a city or region which provide Level One trauma care 24 hours a day and which assume responsibility for the most serious trauma cases. Because they are public, these centers treat all patients regardless of ability to pay, and all too often their patients cannot pay because they lack independent means or third party reimbursement. Therefore public trauma centers are losing millions of dollars in their roles as the last refuge for many of the most seriously injured in their communities. The well-being of a community depends upon a functioning public trauma center.

The agreement includes the House provision granting preference to trauma care centers that serve a disproportionate share of aliens who have entered the country illegally. The conferees believe that such preference is appropriate in light of the Federal government's responsibility for immigration policy, but do not intend that trauma centers be required to ascertain the immigration status of each patient in order to be granted preference. Such a requirement would be administratively costly and might discourage persons from seeking needed care. Rather, it is intended that trauma centers use estimates based on empirical data, such as patient surveys, Medicaid data on emergency services provided to aliens ineligible for full Medicaid benefits, and data on medical care provided to undocumented aliens granted legal status under the Immigration Reform and Control Act of 1986.

The conferees also believe the Secretary should give preference in providing assistance to those centers that have assumed greater responsibility for meeting local trauma care needs in an effort to compensate for lost services when other trauma centers have ceased participating in the state or local trauma care system.

The conferees are aware of pending legislation that would partially finance assistance provided under this program with excess unobligated funds in the Customs Forfeiture Fund. The conferees believe this method of financing particularly appropriate in this case given the vital role that trauma centers serve in response to drug-related violence. The conferees are supportive of both approaches to funding this important initiative and have authorized the program to accept financial support through both direct appropriations and other means, such as the asset forfeiture fund.

CHILDREN OF SUBSTANCE ABUSERS ACT

Both the Senate bill and House amendment authorize a new Children of Substance Abusers (COSA) program, administered through the Health Resources and Services (HRSA), to provide comprehensive services to children and families affected by parental substance abuse. In addition, the Senate bill contains separate programs for training of providers of such services and for home visiting services.

COSA

The conference report follows the House amendment with modifications to clarify the definition of eligible children and establish a federal coordination mechanism for the program.

Eligibility of children for services under the Children of Substance Abusers (COSA) program should not be dependent on the parent's status within the program. Children who are cared for by relatives, foster parents, or adoptive parents are eligible for services. Services are open to all dependent children who otherwise meet the eligibility criteria and should not be restricted to infants prenatally exposed to alcohol or other drugs.

To create comprehensive, community-based service systems for children of substance abusers and their families, the programs are required to provide a broad range of services, either directly or through referral. The conferees intend that the programs develop linkages producers in the community to obtain many of these services. Because these programs will not be subject to the time limitations of participation in drug or alcohol treatment, the conferees intend that their services for, and contact with, individual families be long-term in nature.

TRAINING ON SUBSTANCE ABUSE IN FAMILIES

The House recedes with a modification that provides that the Secretary may use up to 15 percent of COSA grant appropriations in excess of $25 million for the training of professionals and other staff (such as child welfare, education, or health care personnel) who provide service to, or come into contact with, children and families of substance abusers.

These funds are intended to remedy a lack of information and training that have hampered the ability of staff in such areas as child welfare, education, and child health to identify and address the needs of children and families affected by substance abuse. The restricted use of funds for training does not apply to training that COSA grantees may need to provide for staff in their programs.

HOME VISITING SERVICES FOR AT-RISK FAMILIES

The House recedes, with modifications. The conference report authorizes $30 million for a program to provide home visiting services to families at risk for poor health outcomes or related problems.

The conferees intend that the home visiting initiatives funded through this legislation should fulfill two broad objectives. First, home visitors should provide family support in the form of coaching and counseling young parents about infant health care requirements, basic nutrition, and childrearing. Second, home visitors should serve as a community-based link between at-risk families and local service delivery systems by facilitating access to necessary health, mental health, developmental, and nutritional services as well as making appropriate referrals to health care providers and social service agencies.

Due to the severe shortage of registered nurses and trained social workers, as well as the proven ability of trained lay workers from the community to provide effective outreach for at-risk families, it is anticipated that such laypersons—operating under the supervision of a health care or social service professional—will be utilized extensively.

Because home visiting programs are intended to improve the general health status of low income women and children, as well as reduce the incidence of child abuse and neglect, it is anticipated that the Health Resources and Services Administration, the Administration on Children and Families, and the National Commission for the Prevention of Infant Mortality, shall work closely together in the development of program guidelines and the establishment of funding priorities.

In many cases, the same families that are at risk of producing low birth-weight infants are also at risk of involvement with local child protective service authorities as a result of child abuse and neglect. The conferees anticipate that programs will address as many of these issues as they can so that home visiting can be an early intervention tool that prevents subsequent health and social problems. Thus, there must be meaningful interagency collaboration on each aspect of program development.

JOHN D. DINGELL,
HENRY A. WAXMAN,
ROY J. ROWLAND,
NORMAN F. LENT,
THOMAS J. BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
CHRISTOPHER J. DODD,
TOM HARKIN,
BROCK ADAMS,
ORRIN HATCH,
DAN COATS,
STROM THURMOND,
DAVE DURENBERGER,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute speeches.

ACTIONS REGARDING THE SPOTTED OWL/OLD-GROWTH TIMBER CONTROVERSY

Mr. DEFAZIO. Madam Speaker, today the Bush administration continued its tradition of confused and contradictory actions regarding the spotted owl/old-growth timber controversy.

On the one hand, the god squad took action to release 13 of 44 BLM timber sales, but then conditioned their release upon adoption of a long-term recovery plan.

On the other hand, Secretary Lujan released a plan to mitigate job loss that assumes the long-term recovery plan will not be adopted. No one can make sense out of this.

Today's muddled actions by the Bush administration did not move us 1 inch closer to a responsible long-term resolution of this controversy. In reality, they did not save a single job and gave Congress a crude plan which even they admit is deemed to fail.

This all underlines the need for a comprehensive regional solution, sensitive to both the needs of the ecosystem and our economy. They failed on both counts.

Congress must continue its painful efforts to hammer out a reasonable compromise, and I am bending all my efforts to that end.

ENDEAVOUR'S RETRIEVAL

Mr. DELAY. Madam Speaker, today the whole country, and particularly my hometown Houston, is especially proud of NASA and our astronauts aboard the space shuttle *Endeavour*. The crew made space history last night as they performed the first spacewalk involving three people at the same time. After initially being beleaguered by difficulties, the crew of the *Endeavour* exemplified American ingenuity and individualism at its best as they improvised an on-the-spot solution to an otherwise troublesome situation.

After two attempts to retrieve the limping Intelsat 6 satellite, *Endeavour* commander Dan Brandenstein adeptly maneuvered the space shuttle a third and successful time to within a hands grasp while traveling more than 17,000 miles an hour 230 miles above the Pacific Ocean. The heroic capture of the satellite by the hands of astronauts Pierre Thuot, Richard Hieb, and Thomas Akers as they ventured out of the shuttle's cargo bay is a salute to their bravery and persistence. The crew exemplified the can-do attitude that Americans are so proud of.

Madam Speaker, I salute the brave crew of the space shuttle *Endeavour* on its maiden voyage as well as the employees of Mission Control Houston who have shown once again that America's preeminence in space is something all Americans can be proud of. Let's continue our forage into space. Let Congress continue to rally around the successes of NASA such as the *Endeavour* mission by continuing to fund their historic missions.

NASA: THE LONG-TERM VIEW

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Madam Speaker and colleagues, what is the relationship between riots in south central Los Angeles and a retrieved and redeployed communications satellite named Endeavour? Plenty.

In a stunning, symbolic way, the relaunched Endeavour goes to the heart of our belief in ourselves, our confidence and competence as a people. It answers questions like: What are we capable of? Can we overcome the difficult situations? Do we have the right stuff?

What does the retrieval and redeployment tell us about achieving success as a nation? A lot. And it is good news, too.

I believe we can learn from our astronauts and the NASA team; we can learn a lot about things like teamwork, empowerment, excellence, perseverance, and long-tern thinking, putting our best minds and best hands together in a spirit of cooperation. Teams win. For America and Americans, being committed over the long haul, taking the long-term view, that is something we need to do more of. From the factory floor to the inner city, from the classroom to the Congress, this triumph shows us the way.

□ 1720

Let all of us, as Americans, take a page from our astronauts' and NASA's book. When the *Challenger* tragedy occurred, they did not lose heart. They shifted gears. They made necessary changes. They kept on going. The American people supported them, as did the Congress.

Madam Speaker, we Americans need a lot more of that kind of attitude, and we will win, too.

CANADA ATTEMPTING TO REMOVE 15-PERCENT TARIFF WHICH COULD COST US 100,000 JOBS

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Madam Speaker, for the last 2 days I have been trying to get the White House to return a telephone call to a Republican Member of Congress, to return a call to ask them a simple question, that question being whether or not they have been persuaded and lobbied by the Canadian Government and by the Canadian lumber interests to the tune of 10 million dollars' worth of hired guns to come to Washington to lobby to convince the Commerce Department to remove the 15-percent tariff barrier that is there, that if indeed is removed, is going to cost the United States of America over 100,000 jobs.

Madam Speaker, since they had no time to return my call today, I am going to take the effort this weekend to find out more about the $10 million job that the Canadian Government has put on us, and I am going to start next Tuesday morning divulging the name of the law firm that was hired, the name of the former Members of Congress that have been hired, the name of a former Governor that has been hired in order to put American people out of work, and I hope between now and next Tuesday the White House will call me and they will tell me that the rumor I have heard is wrong, that the Commerce Department is not going to remove the 15-percent subsidy.

H.R. 5101 CREATES OPPORTUNITIES FOR MINORITIES

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Madam Speaker, as we look at the challenge of rebuilding our inner cities, and we made a big start toward that today, it seems to me that we need to look at innovative approaches. One of the programs that we have here in the Congress, which was passed for the past several years, which I am not an enthusiast of, is known as the minority set-aside program. With respect to the Small Business Administration, the Defense Department, and the Transportation Department, a minority set-aside is established, and the requirement is that 51 percent of a company be owned by a minority.

Tragically, Madam Speaker, this does not create an opportunity for minority employment to be increased, so I would like to encourage my colleagues to cosponsor H.R. 5101. Fifty-one percent minority ownership is required today, and what I say is that, if we are going to have this set-aside program, let us target it toward the inner city by having 51 percent of those employed by a set-aside minority company employed in the inner city. So, 51 percent must be minorities within those companies.

If we are going to get at what Abraham Lincoln said was the opportunity for a man, regardless of his color, to first work for someone else, then work for himself, and then hire someone to work for him, it seems to me that this is the best approach to start with, and I urge my colleagues to join as cosponsors.

LIFELONG LEARNING ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-330)

The SPEAKER pro tempore (Ms. HORN) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Lifelong Learning Act of 1992." Also transmitted is a section-by-section analysis.

This legislation would provide to all Americans, including working men and women and the unemployed, access to grant and loan help throughout their lives that is not now available. This additional help would make it possible for more Americans to further their education and increase their job skills and productivity.

Enactment of this legislation would help move America forward in achieving National Education Goal Five: "Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship."

This legislation would:

—*Extend eligibility for Pell Grants and the three Guaranteed Student Loan (GSL) programs to students studying less than half-time.* Providing grant and loan assistance to individuals taking as little as one course at a time offers American men and women the flexibility they need to improve their employment skills while recognizing their commitments to jobs and families. This program would extend loan eligibility to individuals who are enrolled in non-degree granting education and training programs and who are taking only one course at a time. These individuals have a legitimate need for skill enhancement and training that is not being met under existing loan programs. For example, a working mother in a low-wage job could receive financial assistance for courses that would qualify her for better paying, high-skilled jobs.

—*Extend new opportunities for education and training to all U.S. citizens.* Additional student loan eligibility would be available for full- or part-time students. The Student Loan Marketing Association (Sallie Mae) would be authorized to originate up to $25,000 in loans, in addition to current GSL loan limits, through the Lifelong Learning Line of Credit for those borrowers who want the option of repaying loans on a basis tied to their actual income. The concept of basing student loan repayment on a borrower's future earnings has long been attractive to the Administration and to many in the Congress. However, a program of this type presents unique and complex design issues that demand careful analysis and structuring. This Act would call upon Sallie Mae, a leader in student loan administration, to offer $100 million per year in loans and to work with the Secretary of Education to devise actuarially and fiscally sound loan options that would be widely available.

—*Explore the use of high-quality education and training programs offered by non-school based providers.* The Secretaries of Education and Labor would be authorized to develop regulations under which students attending programs offered by non-traditional types of providers could be eligible for the Lifelong Learning Line of Credit. Community-based organizations, public or private agencies, and private employers are some examples of the types of providers that might participate. These providers could participate only if the high quality of the programs could be ensured and if these funds do not replace funds already being spent for this training.

I believe that all Americans should have an opportunity to pursue education and training throughout their lives. I look forward to working with the Congress on this legislation and welcome your recommendations on how this legislation can best secure this opportunity for all Americans.

I urge the Congress to give the Lifelong Learning Act of 1992 prompt and favorable consideration.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1992.*

DEVELOPMENT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-331)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 13, 1991, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through March 31, 1992. My last report dated November 13, 1991, covered events through September 30, 1991.

1. The Iranian Transaction Regulations ("ITRs"), 31 CFR Part 560, were amended on December 3, 1991, to further interpret the documentary requirements for obtaining a license to import Iranian-origin carpets from third countries, and to permit the importation of certain household and personal effects by persons arriving in the United States. A copy of these amendments is attached to this report. Except for minor clerical changes, the Iranian Assets Control Regulations ("IACRs"), 31 CFR Part 535, have not been amended since my last report.

2. The Office of Foreign Assets Control ("FAC") of the Department of the Treasury continues to process applications for import licenses under the ITRs. However, the December 3, 1991, amendments to the ITRs have resulted in a substantial reduction in the number of license applications received relating to the importation of nonfungible Iranian-origin goods, principally carpets, claimed to have been located outside of Iran prior to the imposition

of the embargo. Those amendments have also made specific licenses unnecessary for most Iranian-origin goods permitted entry as duty-free household goods and personal effects by persons returning to the United States.

During the reporting period, the Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, mostly carpets, for violation of the import prohibitions of the ITRs. FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Numerous additional forfeiture and civil penalty actions are under review.

FAC worked closely with the Customs Service during the reporting period to further develop procedures to expeditiously dispose of cases involving the seizure of noncommercial importations of nonfungible Iranian goods by certain first-time importers. The opportunity for immediate re-exportation of such goods, under Customs supervision and upon payment of a mitigated forfeiture amount, has been made available in a greater number of cases to reduce the total cost of the violation to those importers.

3. The Iran-United States Claims Tribunal ("the Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 7 awards, for a total of 528 awards. Of that total, 357 have been awards in favor of American claimants: 217 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 140 were decisions adjudicated on the merits. The Tribunal has issued 34 decisions dismissing claims on the merits and 80 decisions dismissing claims for jurisdictional reasons. Of the 57 remaining awards, 3 approved the withdrawal of cases and 54 were in favor of Iranian claimants. As of March 31, 1992, payments on awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,045,284,993.99.

As of March 31, 1992, the Security Account has fallen below the required balance of $500 million 34 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The last transfer of interest occurred on November 27, 1991, and resulted in a transfer of $26.6 million from the interest account to the Security Account. The aggregate amount that has been transferred from the interest account to the Security Account is $859,472,986.47. As noted in my last report, Iran has also replenished the Security Account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC.

The Security Account was also increased on December 3, 1991, by an $18 million payment from the United States that was a part of the settlement of case B/1 (Claim 4). This payment brought the balance of the Security Account up to the required $500 million for the first time since June 1990. As of March 31, 1992, the total amount in the Security Account was $500,334,516.76, and the total amount in the interest account was $8,332,610,75.

4. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000.00 or more. Since the last report, six large claims have been decided, including two claims that were settled by the parties. Approximately 85 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 89 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being resolved, sometimes with sizable damage awards to the U.S. claimant. Since September 30, 1991, U.S. claimants have been awarded over $4 million by the Tribunal.

5. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals against Iran for less than $250,000.00, the Foreign Claims Settlement Commission ("FCSC") has begun its review of 3,112 claims. The FCSC has issued decisions in 460 claims, for total awards of over $8 million. The FCSC expects to complete its adjudication of the remaining claims by September 1993.

6. In coordination with concerned Government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. Since the last report, the United States Government has settled one case with Iran, resulting in a payment to Iran of $278,000,000. As noted above, $18 million of this payment was deposited into the Security Account for replenishment purposes. The Department of State also represented the United States before the Tribunal in a case filed by an Iranian national.

7. As anticipated in my last report, after a final determination that there were no longer any bank syndicates pursuing claims against Dollar Account No. 1 at the Federal Reserve Bank of New York, appropriate steps were taken to close the account. On February 19, 1992, the remaining balance in the dollar account, $134,128.56, was transferred to Bank Markazi. On March 12, 1992, the United States and Iran filed a joint submission to the Tribunal requesting termination of Case No. A/15 (I:G), the case brought by Iran involving the syndicate claims.

8. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals, and presents an unusual challenge to the national security and foreign policy of the United States. The IACRs issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the ITRs issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1992.*

ORDER OF BUSINESS

Mr. DREIER of California. Madam Speaker, I ask unanimous consent that the special order granted to the gentleman from Texas [Mr. DELAY] for 5 minutes be vacated and that he be granted a 60-minute special order for today instead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUPPORT FOR H.R. 5132

Mrs. COLLINS of Michigan. Mr. Speaker, I once again wish to state my support for H.R. 5132, the dire emergency supplemental appropriations for disaster relief package. I would like to speak briefly on enterprise zone measures included in this bill.

State and local enterprise zone programs have been measurably successful. However, without Federal assistance, these programs will never attain the level of success this country needs to help break the cycle of poverty built into cities like Los Angeles and Detroit.

distressed cities need these zones to attract new businesses that provides jobs, education, and infrastructure development. Fixing our Nation's worst problems such as poor educational systems, lack of health care, decayed infrastructure, and poverty without business development will only make this situation worse. We cannot continue to pour money into welfare, or any other program for that matter without stabilizing the financial situation of a distressed region.

50TH ANNIVERSARY OF THE WOMEN'S ARMY CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Madam Speaker, 50 years ago today the Women's Army Auxiliary

Corps, the first of the U.S. women's wartime services, was established by the Congress. The word "auxiliary" was soon dropped from its title. Established as a civilian auxiliary, the Women's Army Corps, or WAC's, quickly became an integral part of the Army. Its peak wartime strength—over 99,000 women—was reached in April 1945.

Beginning in January 1943, WAC's were assigned to every overseas theater and served in almost all occupational specialties during wartime, except those associated with combat duties. The WAC's were awarded Regular Army status in 1948. By 1978, women were so integrated into the Army, the WAC was dissolved.

Madam Speaker, I know my colleagues join with me in commemorating the 50th anniversary of the Women's Army Corps and in paying tribute to the tremendous contributions of women in the defense and security of our Nation.

PEACE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California Mr. PANETTA is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, I rise today to reintroduce commemorative legislation to designate the third Sunday in May as Peace Day.

The State of California has already designated the third Sunday in May as Peace Day, and this Sunday's celebration will be the fourth annual such designation in my home State.

The designation of a Day of Peace celebrates the progress of peace around the world but also serves as a commemoration of the events and places without peace. This Sunday, Californians invite the world to join them in commemorating the Los Angeles riots, as we recommit ourselves to peace at home. For Peace Day gives us the opportunity to reflect on our struggle for inner peace, peace with our neighbors, peace among our countrymen and world peace. Peace Day reminds us that even as we take comfort in our progress, we must remain dedicated to our common cause. True peace encompasses not merely the absence of war but the satisfaction of all our rights, and Peace Day affords us the chance to recognize the heroes of peace everywhere.

In this spring of discontent at home and mixed stories of hope and ethnic strife abroad, I encourage my colleagues to join me in sponsoring the Peace Day resolution, and I urge its adoption.

The text of the resolution follows:

H.J. RES.—

Whereas peace is a primary goal for all peoples, regardless of political association, nationality, or race;

Whereas peace and freedom are primary goals of the United States for its own citizens and for those of other nations;

Whereas the United States has led the world in helping to establish peaceful democracies;

Whereas there has arisen within many nations a strong voice calling for its leadership to seek peace with other nations of the world and to banish the threat of nuclear war;

Whereas international cooperation among all nations is essential to prevent military and environmental crises;

Whereas it is vital that people everywhere acknowledge and understand their role in achieving peace at the local, State, Federal, and global levels;

Whereas the citizens of the United States now call on other nations of the world to unite and demonstrate their commitment to the promotion of peace and peaceful acts; and

Whereas such efforts reinforce community cooperation and help to nourish a spirit of peace, notwithstanding the diverse cultural, economic, political, racial, and ethnic groups involved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in May 1992 is designated as "Peace Day" in recognition of the desire of the people of the United States to establish a solid and binding peace in the world, and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

JAGMOHAN AND INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, today I want to talk about a man named Jagmohan who is now in Washington to meet with Teresita Schaffer, the Deputy Assistant Secretary for Near and South Asian Affairs.

For Members of Congress who have never heard of Jagmohan I would like to provide some background information about the man.

Jagmohan served as Governor of Indian-occupied Kashmir from January 19, 1990 to May 25, 1990.

His reign as Governor was unrivaled in the repression and violence it brought to the innocent people of Kashmir.

On his first day in office, Jagmohan ordered midnight raids and searches of homes never before seen in Kashmir.

Some 488 young people, both Muslims and Hindus, were dragged from their houses, mercilessly beaten, and taken away.

On the following day, when Kashmiris gathered to protest the abductions, they were tear-gassed by Indian police.

The same night, Jagmohan then ordered a curfew on the city. Despite the curfew, 20,000 people marched the next day to protest.

Tragically, over 200 Kashmiris were shot dead by Indian forces under the direction of Jagmohan.

On May 18, 1990, Indian forces stopped a bus carrying a bridal party. They beat and seriously injured the bridegroom, gang-raped the bride and bridesmaid, and kidnaped the bride.

During Jagmohan's rule, thousands of people from Kashmir were jailed under the so-called Terrorist and Disruptive Activities Act [TADA].

TADA authorizes detention, without formal charge or trial, for up to 1 year for suspected terrorist or disruptive activities.

Under TADA, all court proceedings must be conducted in secret. TADA also permits the court to keep the identity and address of any witness secret.

Under TADA, hundreds of thousands of innocent men, women, and children have been locked up. Many have been tortured, many killed, and many never seen again.

However, TADA was not the only tool Jagmohan used to crush the people of Kashmir. He imposed a round-the-clock curfew for 4 months from January to April 1990.

Sick and pregnant women were unable to go to the hospital. Thousands of people could not get essential medicines from pharmacies. Many died.

The worst sufferers were pregnant women who died or gave birth to stillborn babies because they could not reach hospitals.

In response to the curfew, volunteer relief organizations formed to help the suffering of the people. Jagmohan ordered the arrest of most of these people. Many were seriously beaten.

Even the Red Crescent, an organization identical to the Red Cross, was branded by Jagmohan as a terrorist organization and its relief supplies were confiscated.

Madam Speaker, I could talk forever about Jagmohan and his tyrannical rule. I am angered that our own State Department would issue this man a visa, and I am astonished that they would agree to meet with a man responsible for so much pain and suffering.

Madam Speaker, I want to emphasize that the type of violations which took place under the rule of Jagmohan happen in every other part of India.

Last month, two friends of mine, who are prominent Sikh human rights activists, were abducted by Indian police.

The first, retired Justice Ajit Singh Bains, chairman of the Punjab human rights organization, was abducted on the morning of April 3.

The 70-year-old justice, who suffers from a heart ailment, was forced to stand in 90 degree heat for 2 hours. He was repeatedly slapped and deprived of water and rest before being taken away by police.

Justice Bain's family was never informed by police of his arrest. He is still being detained. No charges have been brought against him, and he has not been allowed to see his family. His whereabouts are unknown.

On the same morning, Lt. Col. Partap Singh was arrested at his home. The police had no warrant for his arrest. He was arrested and charged under TADA.

According to Lieutenant Colonel Singh's father, he was interrogated and tortured for a week by Indian security forces, and is currently being held in Burail jail.

I have also been told that Lieutenant Colonel Singh is fearful that his daughter will be raped by Indian police if she is not allowed to come to the United States.

Madam Speaker, I call on the Congress, our State Department, the U.S. Ambassador in India, and the Indian Government to work for the immediate release of these two human rights champions.

The days when Indian forces can pick up any man, woman, or child for any reason whatsoever must stop.

□ 1730

Madam Speaker, I have been talking for the past several years about repression in Punjab and Kashmir. The world is becoming more and more aware of it. People are concerned about it in Britain, in France, in the United States, and elsewhere. The world is concerned about human rights violations wherever they take place. We must condemn them.

The Indian Government has turned a blind eye to these repressive acts now for 5, 6, 7 years and longer, and we cannot tolerate that.

I will be introducing legislation once again this year to cut off developmental assistance to India until they recognize the human rights of the people of Punjab and Kashmir and elsewhere in India. This legislation came very close to being passed last year. We received 182 votes. This year we are going to make it stronger and tougher.

I hope Members will take a strong, hard look at it, because the human rights violations taking place must stop. If we believe in human rights, if we believe in the Good Lord, if we believe in what is right for mankind, we cannot tolerate this kind of repression any longer.

Madam Speaker, I add for the RECORD the article referred to on this subject.

[From The Pioneer, New Delhi, Mar. 27, 1992]

EVIDENCE SURFACES AGAINST POLICE—WATERY GRAVE FOR PUNJAB MILITANTS

(Naveen S Garewal)

(Chandigarh)

Punjab's irrigation canals have become a dumping ground for bodies of suspected militants and their sympathisers killed in custody by the police.

Evidence of this surfaced in January when a dozen-odd bodies, some with hands and feet tied together, were fished out of the Sirhind Canal after water inflow to the canal was stopped to facilitate repair work.

The recovery of these bodies lends some credence to the hitherto unsubstantiated allegation that security personnel are killing the unlawfully arrested persons involved in the movement for 'Khalistan'.

There appears to have been a spurt in killings of this nature, just prior to the Punjab elections. The whereabouts of hundreds of such persons remain unknown. Several of them may have met with the same tragic fate, while their families continue to believe they would return one day. The recovery of bodies, invariably of Sikh youth, from the canals was brought to the notice of Prime Minister P V Narasimha Rao by three human rights organizations, the Movement Against State Repression (MASR), Punjab Human Rights Organization (PHRO) and the Peoples' Union of Civil Liberties (PUCL), in a letter to him in January.

Independent enquiries by The Pioneer have yielded some horrifying facts. This correspondent travelled along the Kotla branch of the Sirhind Canal from the Moharana bridge on the Nabha-Malerkotla road to the Babanpur bridge on the Dhuri-Malerkotla road, a distance of about eight to 10 kilometres. The revelations were startling. Eyewitnesses reported that at least seven bodies were pulled out from the canal in this short stretch. To further authenticate the findings, the Bathinda branch of the same canal was checked out. The facts were similar. Both these canals pass through the Ropar, Ludhiana and Sangrur districts, which have become the main militancy-affected districts, even more than Amritsar and Gurdaspur.

According to the baildars of the canals and the farmers whose fields adjoin the canal, sighting of dead bodies has become common.

Several of them pass downstream frequently. But since the flow of the water is very fast, they rarely get entangled with the bridges en route. It is only when the flow of water in the canal is regulated for repair work that the bodies surface. In the second week of January 1992, when water releases into the canal were stopped for a few days, people saw at least a dozen bodies floating.

When the bodies surfaced, the local police had no choice but to fish them out. Normally when a body is seen, the police let it float by, passing on the responsibility to the next police station. It is learnt that many bodies thrown into various branches of the canal finally reach other states. Senior Punjab Government officials admit that the Rajasthan Government has complained to the Punjab Government and expressed serious concern over the increase in the number of bodies flowing into that state through the Rajasthan and the Abohar Canals.

Mr. Dev Raj, who has run a small tea shop at the Mohrana bridge for the last 20 years admits that "the bodies are a familiar sight, but they don't stop due to the fast flow of water. But during the bandhi (water stoppage) two bodies surfaced at this bridge".

Mr. Parmessar Dass, & baildar of the Irrigation Department who took out the bodies along with Mr. Atma Singh, a Special Police Officer (SPO), after the bodies had floated in the water for four days, says "they were Sikh youth, aged about 30, with beards and long hair. The hands of one of them was tied at the back with a belt, but it is difficult to say if there were any gun wounds on their bodies since they were severely decomposed and bloated". Although the Amargarh police took away the bodies, they could not identify them and reportedly burnt them after photographing them, it is learnt.

When contacted, the Amargarh police station duty officer confirmed recovery of the bodies in January, but gave no direct answers. "The postmortem report has not been received as yet", he said, but soon changed this statement to reveal that "the postmortem was conducted at the Civil Hospital, Malerkotla, and the findings revealed that it was death due to drowning". He claimed "there was nothing unusual about the bodies," whereas those who fished out the bodies from the canal said that hands of some were tied at the back with a belt.

The policeman, however, confirmed that these bodies had remained unidentified and unclaimed. According to him, a case under section 174 of the CrPC had been registered in his police station, but he would not disclose the FIR number or its contents.

About a kilometre ahead of the Mohrana bridge, some men at a tyre puncture shop adjacent to the Bhanbhaura bridge said that during the same period, the body of a middle-aged man had surfaced. The body remained there for several days before the villagers pulled it out and handed it over to the police. No one knows what happened to it.

Similarly, a farmer watering his fields near the Bhanbhauree bridge said that the body of a youth aged between 18 and 20 was recovered by the police.

Mr. Bhupinder Singh, a resident of village Ranchana confirmed that he had personally seen four bodies. He confirmed the two at Mohrana bridge mentioned earlier, while the other two were that of a youth and a woman. The hands of the youth were tied with a red nylon rope at the back, while the neck of the woman, aged about 22, was slit. "These bodies were smelling very badly and could not be recognized." These bodies were taken out at the insistance of the police by baildar Hari Singh on January 14. After the bodies were taken out, they were left on the bank of the canal for the eagles and vultures, he disclosed. A few tattered pieces of cloth are still lying at the site.

Further down the canal is the Bahanpur bridge. Mr. Jagia Singh, a guardsman in the nearby Forest Corporation Depot of village Kaharu divided from Babanpur by the canal, saw the body of a youth aged about 20 years. "The body remained here for three or four days. It first got stuck to the Kabaru railway bridge, but then came to float on the side of the bank of the canal. It was beyond recognition as quite a bit of it had been eaten up by vultures", he remarked.

Some of the people this correspondent spoke to said that many bodies do not surface because they have weights tied to them. Many confirmed that the bodies continue to flow in the canals even now, but they are not recovered and allowed to flow on. Sighting of one dead body each was also reported from the Salar and Hussainpur bridges on the same canal.

After these revelations, it was necessary to see the state of affairs in some other canal too. The Bhatinda branch of the Sirhind canal was checked out. At the Jagher bridge on the Malerkotla-Ludhlana stretch, a tea stall owner said that he had seen two bodies floating in the canal about two months ago, when the inflow of water was stopped. The bodies remained there for two days, but he does not know what happened to them later. This canal too passes through the Ropar, Ludhiana districts and enters the Sangur district at this point.

Mr. Hardip Singh, a lawyer, saw the body of a teenaged youth at the Kalnd bridge on January 13, while on his way to Ludhiana. This bridge too is situated on the Malerkotla-Ludhiana road and falls under the Dehlon police station.

"The hands and feet of the boy were tied with a pajama and he was wearing only a vest and an underwear", he remarked.

Since the Punjab police is seldom forthcoming with information, one has to rely on eyewitness accounts rather than concrete evidence. Due to the limitations under which this investigation was carried out, there are several "ifs and buts" that may arise.

Several important questions could be raised about the validity of these findings.

These can broadly be divided into two parts. (1) Who killed these people? and (2) How did they die? Answering the second part first, forensic experts at the Post Graduate Institute of Medical Science (PGI) here say that there is no way to find out by a casual glance whether the person died due to drowning or was killed and thrown into the water. The sure way of determining this is by a test known as the "Diatoms test" where extracted bone marrow is treated with Nitric Acid. If Diatoms are seen under the microscope then the death was due to drowning, other wise not. It is a difficult test and findings are rarely accurate.

To ascertain whether it was murder or suicide, its important to know whether the person was killed and thrown into water or died due to drowning. Forensic experts rule out the suicide theory because the hands and feet of many victims were tied up. "This is unheard of says an expert. It is very difficult for a person to tie up his feet and hands at the back and then go to the bank of the canal to jump in. Besides those cases where weights have been reported to be tied to the bodies rule out the possibility of suicides.

The next question that follows is: Who could have committed these murders? Is it part of normal crime? The probability of this being a normal crime is also ruled out because it is too much of a coincidence that at all the victims were more or less of the same age group and definitely Sikhs with long hair and beards.

Only two options remain: That these could be abducted persons or rival gang members killed by the terrorists or that they were victims of state repression. In other words, they were killed by the police. Anyone having the slightest knowledge about guerrilla warfare would not, repeat, not, subscribe to the theory of the terrorists killing these people. Blaming the terrorists for the murders would suggest that they first committed the crime at some place and then carried the bodies all the way to a canal. In all the massacres that have taken place in Punjab so far, the terrorists have vanished soon after the crime.

The needle of suspicion therefore points ominously to the security forces, whose involvement in extra judicial killings is well known. Dumping the bodies in the canal is the safest way of preventing identification. If the body is dumped anywhere else, it would be discovered sooner or later, torture marks would be visible and besides ascertaining the exact cause of death, the person would also be identified. Once the person is identified, among his relatives or friends there may be people who were eyewitnesses to the arrest of the dead man by the security forces.

Throwing bodies into the canals after stripping off the clothes ensures that there will be no identification. The security forces have abundant manpower and vehicles at their disposal and can easily move a body from anywhere without being spotted or checked. Even otherwise, canal bridges in Punjab have become notorious for what are dubbed as "encounters" between the security forces and accomplices of suspected militants being taken for recovery of arms. Invariably after these encounters the police say the detained man escaped.

The canals may be the final destination for these people who are reported to have escaped, but are actually killed in fake encounters. Several police officers admit in private that they indulge in fake encounters because guilt is difficult to establish. The Jargari bridge, located at a desolate place on the Ludhiana-Malerkotla road, has become notorious for such encounters. One reason for the sudden spurt in number of dead bodies in the canals, prior to the elections, could be the apprehension among security forces about the likely announcement of a general amnesty and enquiries into the functioning of the police after the elections in Punjab.

It may be just a coincidence but the Kotla branch of the Sirhind canal passes through Payal, the former Assembly Constituency of the Punjab Chief Minister, Mr. Beant Singh. The stretch where the bodies were recovered is just a short distance downstream of Payal. On one occasion, this correspondent had pointed to the Chief Minister about the recovery of the bodies.

Mr. Beant Singh responded by saying "nonsense, bring me evidence and I will book the culprits". Now that the recovery of the bodies from the canals cannot be denied, the Chief Minister with all the resources at his command can try to find out where these bodies come from. For his benefit, it may be mentioned that one of the places from where many begin their journey in this watery grave is an interrogation centre of the Ropar police, located close to the Sirhind Canal. Another is the CRPF interrogation centre on the outskirts of village Dhandran in Ludhiana district.

COUNCIL OF KHALISTAN,
Washington, DC, May 6, 1992.

CONGRESS CONDEMNS ABDUCTION OF RAM SINGH BILING IN LETTER TO PRIME MINISTER NARASIMHA RAO—INDIA STANDS EXPOSED

WASHINGTON, DC, May 6.—U.S. Congressman Les Aspin (D-WI), Chairman of the House Armed Services Committee, yesterday sent a joint letter signed by 36 Members of Congress to Indian Prime Minister P.V. Narasimha Rao condemning India's abduction and unacknowledged detention of Ram Singh Biling, a prominent Sikh journalist and human rights activist. "The detainment of Ram Singh Biling is a violation of internationally accepted principles and procedures as well as a violation of the civil rights granted Mr. Biling under the Indian constitution," the letter stated.

Sources indicate that Mr. Biling, a reporter for two daily Punjabi newspapers and district secretary (Jallandhar) of the Punjab Human Rights Organization (PHRO), is reportedly being held at the Lahat Baddi police station in Punjab, though Indian police continuously fail to acknowledge his arrest. No known charges have been brought against him. Fears that he may be tortured or killed have been expressed.

Concerned over his treatment, the Members of Congress signing the letter urged that 1) Mr. Biling's arrest and unacknowledged detention be investigated and he be allowed access to lawyers and relatives, 2) he be brought before a magistrate without delay, 3) he be granted full legal safeguards while in custody, and 4) he be released if not charged with any recognizable crime. Signatories to the letter include influential Members of Congress from both sides of the political spectrum such as Dante Fascell (D-FL), Chairman of the Foreign Affairs Committee; Henry B. Gonzalez (D-TX), Chairman of the Banking, Finance and Urban Affairs Committee; Leon Panetta (D-CA), Chairman of the Budget Committee; Dan Burton (R-IN), member of the Foreign Affairs Committee; Helen Bentley (R-MD), member of the Budget Committee; Vic Fazio (D-CA), member of the Appropriations Committee; Robert Torricelli (D-NJ), member of the Foreign Affairs Committee; and Duncan Hunter (R-CA), member of the Armed Services Committee.

The letter comes at a time of increased concern in the Congress over India's violation of human rights. On April 2, Congressman Dante Fascell, Chairman of the House Committee on Foreign Affairs, and Gus Yatron, Chairman of the Subcommittee on Human Rights and International Organizations sent joint letters to Secretary of State James A. Baker III and Indian Ambassador to the U.S. Abid Hussain decrying India's violation of human rights as documented in Amnesty International Report, India: Torture, Rape and Deaths in Custody. Writing to Secretary Baker that "The rule of law clearly does not prevail in India today," the two Congressmen urged the State Department to cut off aid to India if its violation of human rights persists.

The case of Mr. Biling is one of a sea of injustices daily visited upon the Sikhs. Sikhs of lesser renown are daily arrested, tortured and killed by Indian police who know the Indian government will cover up their misdeeds. Since 1984 over 100,000 Sikhs have been killed by Indian government police, paramilitary forces and death squads. According to Asia Watched "Virtually everyone detained in Punjab is tortured." The Indian Express has reported that, 13,535 Sikhs are being held in Punjab under the Terrorist and Disruptive Activities (Prevention) Act (TADA), a draconian law condemned by the U.N. Human Rights Committee as "disturbing" and "completely unacceptable" for falling far short of international standards for the protection of human rights. And this figure does not even account for those held under the National Security Act and discriminatory laws designed to oppress the Sikhs. In the face of such oppression, the Sikh nation declared independence on October 7, 1987 forming the separate country of Khalistan.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has praised the trend in the U.S. Congress in support of the Sikhs and sees it as part of a growing commitment in the international community to expose India's violation of the human rights. "India's facade of democracy is crumbling," said Dr. Aulakh. "India stands exposed. The U.S. Congress, Amnesty International, Asia Watch, the United Nations Human Rights Committee, and so many other organizations are now coming out against India's brutality against the Sikhs. Countries like Germany, Japan, Norway and the United States are moving to terminate aid to bring pressure to bear on India. The world knows that Mr. Biling's is not an isolated case, and I hope the increased pressure will make India realize that the world will not stand for its tyranny."

News of India's brutality against the Sikhs flows out of Punjab everyday. On March 27, The Pioneer, a New Delhi newspaper, reported the sighting of 15 dead Sikh bodies (victims of Indian police torture) lying at the bottom of a five mile stretch of a Punjab canal which has been drained for repairs. It is because of findings like these that India so aggressively searches out human rights activists for persecution.

On April 3, the leading human rights activist in Punjab, Justice Ajit Singh Bains, Chairman of the PHRO, was abducted by Indian police while driving home from a local golf course. No arrest warrant was produced. After over a week in detention, the Justice was charged under TADA which reverses the presumption of innocence to a presumption of guilt and allows the police to detain the accused for up to a year without charging him with a specific crime. It is feared that he faces torture at the hands of their captors.

Such reports confirm growing world suspicions concerning Indian government oppression of the Sikhs. Recently, sources have indicated that the Indian government has Hindu officers training at commando centers in Bahadar Garh and Phillaur, Punjab where they grow their beards and receive detailed instruction on how to convincingly masquerade as Sikhs. Sent to infiltrate the Sikh community, these commandos pose as freedom fighters and commit murder, rape and extortion all in an effort to malign the character of the Sikh freedom movement. In many cases, these Indian police officials have been detected and caught by Sikhs in the villages but the police and the Indian government have effectively covered up such incidents.

"Such tactics simply will not work," said Dr. Aulakh. "The truth of India's brutality is being revealed. My people are being killed in extrajudicial killings at a rate of 20 to 30 a day. Freedom is our only guarantee for survival, and the Sikh nation will not rest until we raise the Sikh flag on the sovereign soil of Khalistan free from the brutality of the Indian government."

WOMEN'S ARMY CORPS CELEBRATES 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BROWDER] is recognized for 60 minutes.

Mr. BROWDER. Madam Speaker, this week veterans of the Women's Army Corps are gathered at Fort McClellan, AL, to mark the 50th anniversary of the creation of the WAC. This anniversary is an appropriate time to recall the contributions of the women whose dedicated service to the country helped preserve freedom and opened the doors of opportunity for future generations.

Representative Edith Nourse Rogers of Massachusetts proposed a women's corps in 1941, based on the British women's auxiliary of World War I. Congress sent H.R. 6293, establishing the Women's Army Auxiliary Corps, to President Franklin D. Roosevelt May 14, 1942, and he signed it into law the following day. Seven months later, in January 1943, the first WAAC's were deployed overseas to North Africa as part of Gen. Dwight D. Eisenhower's staff. Within the year Congress dropped "Auxiliary" from the title and the Women's Army Corps became a full branch of the Army.

After World War II Public Law 625, signed June 12, 1948, established the WAC as a permanent part of the peacetime Army, which it remained until 1978, when women had become so integrated into our Armed Forces that we no longer needed a special corps.

Fort McClellan is the site of the 50th anniversary reunion because it served as the home for the Women's Army Corps since 1951, and today houses the Women's Army Corps Museum and the WAC Memorial Chapel.

Behind this history of the WAC are the stories, hopes and spirit of the individuals who served. Maj. Charity Adams Early spoke for many of them when, in her autobiography about wartime service in the WAC, she concluded:

> The trailblazing by the women who served in the military during World War II has been virtually ignored and forgotten. That is why I have written my story. In truth, I have accomplished much since my military service. I have opened a few doors, broken a few barriers, and, I hope, smoothed the way to some degree for the next generation.

America has not forgotten; we have moved forward. The Women's Army Corps directly resulted in acceptance of the role of women in the military. In today's Armed Forces more than 10 percent of the personnel are women officers and enlisted. In the gulf war approximately 40,000 women served in Saudi Arabia. Women serve in virtually every specialty in our military.

The women who serve, and the country that benefits from their service, owe a direct debt of gratitude to the pioneering women of the Women's Army Corps. In debate on creating the WAC, Congress recognized the important contribution women would make to our Nation's security. Representative Charles Albert Plumley of Vermont in the 1942 House debate offered this succinct response to critics of women in the service, "Does not the gentleman know, just as well as I do, that you cannot win this war without these women?"

We are reminded of their desire to serve by Major Adams as she recalled:

> Most of us were very patriotic. The welfare of the country came first, even as we rejected our status as second-class citizens and sought legal redress. We held a firm belief that, by replacing a man behind the lines, we could help all men, fathers, brothers, husbands, and sweethearts, come home sooner.

As I researched the history of the WAC, I found a small book of poems by the women who served in the Mediterranean Theater of Operations during World War II. "In Memoriam" by S. Sgt. Mary F. Nason, in a few short lines about a WAC who died, captures the contribution of women in the corps and the meaning of their service.

> Her happy spirit and her love of life,
> Her consecration to her task, her zeal
> For dignity and fitness, like a clean
> And lifting breeze that sweeps away
> Entangling doubts, and shows the path ahead
> Clear and distinct before us.

The patriotism, courage, and willingness to sacrifice that distinguished the women of the corps opened doors and eyes. We owe a debt of freedom to the WAC. I am proud to represent the Home of the Women's Army Corps. I congratulate and commend the former members of the Women's Army Corps who served their Nation in time of need.

□ 1740

REPUBLICAN REGULATORY RELAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Madam Speaker, on April 29, President Bush's 90-day moratorium on Federal regulations expired. Recognizing the success of the moratorium in cutting the number of Federal regulations promulgated by Federal Agencies and the amount of money saved to our economy, the President rightly extended the moratorium for another 4 months.

As the President has extended the moratorium, the Republican Research Committee's Task Force on Competitiveness has extended its Republican regulatory relay. Those of us on the relay team have been supporting the President's efforts to curb regulatory excess by bringing specific regulations in need of change to the public's attention. I invite my colleagues who are concerned about the overregulation of our economy to join me in this relay and take a day to bring to the public's and Members' attention yet another example of regulatory overkill.

On this day of the Republican regulatory relay, I'd like to call your attention, Madam Speaker, to a particularly poignant example of how out of touch and dangerously obtuse the Federal regulatory bureaucracy can be.

The Environmental Protection Agency has launched a risk assessment investigation into the environmental dangers and health risks of taking a shower. I kid you not—the agency is expressing concern over the type of chemicals in shower water steam and how much we absorb in our lungs and through our skin.

The draft document outlining the EPA's assault on showers states:

> Exposure to containments volatilized from tap water is a significant issue, and the scope of interest within EPA is broad.

The draft goes on to say:

> We believe that the data on exposure from showering alone are of sufficient quality to support guidance. Such guidance would support an Agency-wide need—a basis for consistent risk management decisions to reduce showering exposures.

Reduce showering exposure?

What this means, Madam Speaker, is that the American taxpayers are going to take a bath.

As far as I know, the EPA has successfully cleaned up fewer than 1 percent of the Superfund toxic waste sites it's identified. As far as I know, Madam Speaker, the EPA desperately needs to work on making RCRA standards more consistent and logical. The whole issue of nuclear waste disposal sits on the doorstep of the EPA like a rabid pitbull on the welcome mat.

And yet our Federal bureaucracy, which is devoted to protecting the environment, has decided to spend our tax dollars investigating the effects of taking a hot shower—and yes—finding ways to regulate such activity to minimize its overwhelming dangers.

You know, Madam Speaker, in newspapers, radio, and TV across the Nation, pundits and politicians are beginning to realize how completely and entirely fed up the American people have become with the establishment in Washington. It shouldn't surprise anybody, least of all those of us in the House of Representatives, that America's disgust for who they perceive are running the country is exceeded only by their anger and frustration at how we are running their lives and their businesses.

Every Member of this House knows how often businessmen from their district—the people who give jobs to our constituents and who keep our local economies healthy—find themselves between a rock and a sharp pencil wielded by some short-sighted Federal bureaucrat in Washington, DC.

Madam Speaker, it's time we started breaking some of those pencils. Under the President's 90-day moratorium the number of rules proposed by Federal regulators was cut in half. According to our Vice President, DAN QUAYLE, this cut in new rules and an aggressive effort to revise current regulations could cut $15 to $20 billion in business costs passed on to consumers. That amounts to between $225 and $300 per year for an average American family. Further deregulatory actions taken by the EPA and the Department of Agriculture could save an additional $10 billion in 1992 alone.

Madam Speaker, the scary thing about this latest hairball in the EPA's drainpipe is that I don't think many Americans would be all that surprised to hear about it. I think American taxpayers, consumers, and businessmen have come to expect that when Federal regulators control the spigot they're gonna get soaked every time.

A recent poll prepared March 20, 1992, by Penn and Schoen Associates, Inc., found that 83 percent of Americans, when asked, "Do you think right now that the country has a lot of unnecessary and costly regulations," answered "yes."

When asked, "Do you think that lowering the cost to the public of regulations should be a high priority of the Government?"—85 percent answered "yes."

And when asked, "Do you think that Congress and the Federal Agencies should carefully consider the costs of new regulations when deciding to approve them,"—96 percent of Americans answered "yes."

Madam Speaker, at this time, I enter this national public opinion survey on regulatory reform into the RECORD.

NATIONAL PUBLIC OPINION SURVEY ON REGULATORY REFORM

METHODOLOGY

605 national telephone interviews conducted with individuals 18 years of age or older and resident of the United States.

All interviews conducted March 23rd to March 25th, 1992 from Penn & Schoen Associates Manhattan headquarters.

The margin of error for the entire sample is +/−4 percent, higher for subgroups.

MAJOR FINDINGS

General feeling that things are off on the wrong track and that institutions need reform:

Strong anti-regulation sentiment. A significant majority feel that—

Government regulators have gotten out of control.

Congress has lost touch with the people.

The country has a lot of unnecessary and costly regulations.

Regulators don't take into account the cost to consumers.

Consumers ultimately bear the burden of regulatory costs.

Believe that lowering cost of regulations on public should be top priority: Nearly all favor plan to cut Gov't regulation by 20 percent; feel that reducing regulation will create jobs and growth; reducing regulations puts money in pockets of consumers.

Strong support for nat'l law requiring that costs of regulations on public be considered and that the benefits outweigh the costs:

Current regulations that don't meet cost benefit standards should be repealed or revised:

Lack of knowledge of Pres. Bush's 90-day regulation freeze, yet overwhelming support when they hear about it: State governments should follow suit; regulatory reform should be element of program to stimulate growth in economy.

Significant support for a "regulatory budget" to cap the costs to consumers of new regulations.

MOOD OF THE COUNTRY

General sense of pessimism and uncertainty—

⅔ say things in the U.S. are off on the wrong track.

Half say things will stay the same or get worse.

Majority feel that a great deal of reform is needed in the government.

Would you say that things in the country are on the right track or are they seriously off on the wrong track?

	Percent
Right track	22
Wrong track	69
Dont' know	9

Future of the country

	Percent
Get better	38
Get Worse	32
Stay the same	21
Don't know	9

Would you say each of these are in need of a great deal of reform, some reform, or no reform? Percent saying "some reform" or "great deal of reform"

	Percent
Congress	97
Federal bureaucracy	94
Fed agency issue regs	93
State government	93

GOVERNMENT REGULATIONS

Majority feel Washington issues too many regulations.

Many regulations are unnecessary and costly.

Regulators don't study cost and impact enough: Impact on consumers; impact on small businesses; impact on jobs.

Uncertainty if regulations are even understood or effective at solving the problem.

Do you think right now that the country has a lot of unnecessary and costly regulations or not?

	Percent
Yes	83
No	11
Don't know	6

Is Washington issuing too many regulations, too few, or about the right amount?

	Percent
Too many	51
Too few	20
Right amount	19
Don't know	10

Would you say that in issuing new regulations, regulators presently study their cost and impact on the economy carefully enough or not?

	Percentt
Study enough	11
Not enough	84
Don't know	5

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: How much the regulations will cost consumers

	Percent
Yes	13
No	82
Don't know	5

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: How effective they will be at solving the problem

	Percent
Yes	19
No	75
Don't know	6

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: Alternatives that would achieve the same public goal at lower cost

	Percent
Yes	25
No	71
Don't know	5

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: Whether the regulations can be understood

	Percent
Yes	23
No	72
Don't know	6

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: Their impact on small business

	Percent
Yes	17
No	75
Don't know	8

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: Their impact on jobs

	Percent
Yes	24
No	71
Don't know	5

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: Their impact on economic growth and jobs

	Percent
Yes	24

	Percent
No	69
Don't know	7

In making rules and regulations, would you say that Congress and the Federal agencies presently adequately consider: Ranked by "no"

	Percent
Cost to consumers	82
Effective solving prob	75
Impact small business	75
Whether reg understood	72
Low price alternative	71
Impact on jobs	71
Impact econ growth/job	69

COST OF REGULATIONS

Consumers view themselves as paying the cost of regulations.

Lowering cost of public burden should be top priority.

Congressional regulation cost seen as hidden tax increase.

Strong support for reducing regulations 20 percent.

All feel that regulators should consider costs of regulations before approving them.

Who ultimately pays the costs of regulations?

	Percent
Companies	6
Consumers	90
Don't know	3

How much do you think Government regulations cost the consumer in terms of additional costs that are passed on to them?

	Percent
Nothing	2
100,000,000	16
1,000,000,000	19
10,000,000,000	28
100,000,000,000's	18
Don't know	16

Is a regulation passed by Congress that cost consumers money really just like a hidden increase in taxes?

	Percent
Yes	86
No	9
Don't know	5

Economists estimate that the current costs of Government regulations in America is $400 to $500 billion a year—or $4,000 to $5,000 a family each year: Does this surprise you?

	Percent
Yes	32
No	67
Don't know	7

Is it more or less than you thought?

	Percent
More	57
Less	22
Don't know	21

Do you think that Congress passes so many costly regulations because the costs cannot be seen in the Federal Budget but are hidden in the prices you pay instead?

	Percent
Yes	83
No	10
Don't know	7

Do you think that lowering the cost on the public of regulations should be a high priority of the Government?

	Percent
Yes	85
No	10
Don't know	6

Do you think it is a reasonable goal to lower the costs of Government regulations by 20 percent?

	Percent
Yes	84
No	10
Don't know	6

Would you favor or oppose proposals that cut the costs to consumers of Government regulation by 20 percent generating $1,000 in consumer savings per family?

	Percent
Yes	89
No	6
Don't know	5

Do you think that Congress and the Federal agencies should carefully consider the costs of new regulations when deciding to approve them?

	Percent
Yes	96
No	3
Don't know	1

ENVIRONMENTAL REGULATIONS

The general public sees regulators' failure to consider costs of environmental regulations as bad policy.

⅔ surprised that regulations considered without analysis of costs now.

View Congress as reluctant to consider less costly environmental alternatives to strict regulation.

Regulations for owl and tadpole seen as unreasonable.

Majority oppose the mandatory new costly fuels as in CA.

When considering new regulations concerning the environment, do you think the costs and the benefits should be weighed?

	Percent
Yes	84
No	12
Don't know	3

Right now the costs of new environmental regulations are often never even considered and regulators are sometimes even prohibited from considering those costs—surprised?

	Percent
Yes	33
No	66
Don't know	1

Do you think that failing to consider the costs to the public in setting these environmental regulations is good or bad public policy?

	Percent
Good policy	13
Bad policy	80
Don't know	7

Do you think that environmental regulators often study less costly ways to achieve the same effect on pollution, or do they mandate solutions without regard to alternatives?

	Percent
Study ways	17
Mandate	70
Don't know	12

When Congress or the agencies pass regulations without weighing less costly alternatives, who pays the extra costs?

	Percent
Businesses	6
Consumers	90
Don't know	3

Multibillion dollar highway and other public projects that would have generated thousands of jobs have been held up or cancelled because of regulations concerning endangered species: Are these regulations reasonable?

	Percent
Reasonable	27
Not reasonable	63
Don't know	10

In 1996, California will require a special reformulated gasoline: Would you favor or oppose requiring this gasoline nationwide if it cost $100 per family in higher fuel costs?

	Percent
Favor	37
Oppose	54
Don't know	10

REGULATORY REFORM

Strong support for a program and laws to make regulations more fair

Costs to consumers must be studied before new regulations enacted

Regulatory reform will: Make the U.S. more competitive with other countries; put more money in more productive areas; put more money in consumers' pockets; promote growth and jobs.

Support and approval for Bush's 90 day regulation freeze

President Bush should include regulatory reform as part of economic growth program.

Do you think that lawmakers need a program to make regulations fairer and more reasonable or is the current system working to do that?

	Percent
Need program	89
System working	8
Don't know	3

What steps do you think need to be taken to make the regulatory process a better one?

	Percent
Comp overhaul	35
Major changes	48
Minor changes	12
Little/none	2
Don't know	2

Do you want increased regulation, deregulation, or a program to make our regulation less costly for consumers when compared to the benefits?

	Percent
Increased regulation	6
Deregulation	9
Less costly consumers	82
Don't know	3

Do you think that reducing costly Government regulation will make our economy more competitive with other countries?

	Percent
Yes	71
No	21
Don't know	8

Do you think that reducing costly Government regulations would allow us to put more money in productive areas of the economy instead of in Government compliance?

	Percent
Yes	85
No	10
Don't know	4

Do you think that reducing costly Government regulations would put more money in consumer's pockets?

	Percent
Yes	74
No	20
Don't know	6

Would you say that the issuing of Government regulations with full consideration of their costs and benefits would—

	Percent
Promote growth	60
Cause growth decline	12
No effect	16
Don't know	11

Would you say that the issuing of Government regulations with full consideration of their costs and benefits would—

	Percent
Promote jobs	55
Cause jobs to decline	13
No effect	19
Don't know	13

Do you that the economic costs to consumers and potential loss of jobs needs to be studied before new regulations are enacted or should this not be done in setting new regulations?

	Percent
Needs study	85
Not be done	11
Don't know	4

Do you think that the current recession means that we should slow the issuing of new costly regulations until we are better able to study the benefits versus the costs and to evaluate low cost alternatives?

	Percent
Yes	81
No	13
Don't know	6

How much do you know about President Bush's special 90-day freeze on the issuing of new Government regulations?

	Percent
Great deal	7
Some	18
Very little	73
Don't know	2

Do you approve or disapprove of this measure?

	Percent
Approve	77
Disapprove	12
Don't know	11

Do you think that State governments should take similar action?

	Percent
Yes	85
No	8
Don't know	7

Do you think that this measure should be extended further to require Congress and the regulators time to carefully consider their cost justification standards for future regulations?

	Percent
Yes	88
No	7
Don't know	5

Should Congress give the President more authority to reform regulations or not?

	Percent
Yes	51
No	42
Don't know	7

Some laws currently prohibit regulators from considering the costs of regulations: Do you think such laws should be changed?

	Percent
Yes	86
No	7
Don't know	7

Favor or oppose a law requiring that any regulations which cannot be justified on the basis of costs should be repealed or revised?

	Percent
Favor	70
Oppose	24
Don't know	6

Would support or oppose a National law requiring that the costs of all regulations on the public be considered, and that all new regulations must have the benefits that outweigh their costs?

	Percent
Support	83
Oppose	10
Don't know	6

Favor or oppose Congress adopting a regulatory budget which would put limits on the new costs to consumers and serve to impose some regulatory discipline?

	Percent
Favor	77
Oppose	16
Don't know	8

Do you thing that President Bush should introduce regulatory reform as an important element in his program to stimulate growth in the American economy?

	Percent
Yes	85
No	10
Don't know	4

The Presidential campaign is the perfect time to bring this issue to the attention of the public and to make it part of the process of reform in America

	Percent
Agree	89
Disagree	9
Don't know	2

REGULATORY POSITION STATEMENTS

The general public feels that—

Government regulators are out of control; Congress has lost touch with the people when it comes to regulations; Congress must be stopped from passing regulations without telling the people the costs; regulations make the U.S. less competitive and stifle economic growth and jobs.

Significant support for—

Regulatory budget; repeal or revising costly regulations.

The Congress has lost touch with the needs of the people when it comes to regulations

	Percent
Agree	89
Disagree	9
Don't know	2

We have to stop Congress from passing more regulations without telling us about the costs—a new costly regulation affects us just like a tax increase

	Percent
Agree	89
Disagree	8
Don't know	3

We have to stop State legislatures from passing more regulations without telling us about the costs—a new costly regulation affects us just like a tax increase

	Percent
Agree	90
Disagree	8
Don't know	2

The costs of regulation and bureaucratic red tape are making America less competitive and costing United States jobs and economic growth

	Percent
Agree	88
Disagree	10
Don't know	2

Although I believe in the environment, I also believe we have to be more careful in deciding which environmental regulations are cost effective and will really work

	Percent
Agree	89
Disagree	7
Don't know	4

Government regulators have gotten out of control, and are making it extremely difficult to keep our economy competitive because of enormous regulatory costs

	Percent
Agree	87
Disagree	11
Don't know	5

DEMOGRAPHIC PROFILE OF RESPONDENTS

Interviews conducted across the entire United States: 22 percent in the Northeast; 26 percent in the Midwest; 31 percent in the South; 21 percent in the West.

Half male (48 percent), half female (52 percent).

Representative age distribution: 38 percent under 34 years old; 35 percent 35–49 years old; 27 percent over 50 years old.

57 percent college graduate or better.

METHODOLOGY

605 interviews conducted with individuals 18 years of age or older and a resident of the United States.

All interviews were conducted by telephone on a national basis using a random digit dial (RDD) sample.

All interviews were conducted March 23rd to March 25th, 1992 from Penn+Schoen Associates Manhattan headquarters by experienced telephone interviewers.

The margin of error for the entire sample is +/− 4 percent, at the 95th percentile.

I'd like to take a moment to highlight some of the other reform initiatives taken under the moratorium.

Because of recent FDA reforms, people with serious or life-threatening diseases will receive newly developed drugs sooner. New procedures will reduce, by as much as 4 years, the time it takes to develop breakthrough drugs.

Because of reforms announced by the Office of Thrift Supervision, a typical family taking out a $100,000, 30-year loan on a new home could save $180 in annual mortgage payments.

The SEC has made it possible for thousands of small businesses to use streamlined securities registration forms. Eligible small businesses could save over $180 million in legal and accounting fees if only one-quarter of them used the streamlined forms for initial public offerings of securities.

Reforms by the FCC will allow greater competition among international communications satellite systems, resulting in lower prices for the more than 1 billion phone calls made each year between the United States and other countries.

Recent ICC reforms will relieve approximately 52,000 small trucking companies of the need to keep a unique set of regulatory accounting books in addition to standard financial and tax records, and of the need to obtain a registration stamp from each State in which they operate for each of their vehicles.

There is no doubt that this moratorium has been good for our country.

However, Madam Speaker, we have simply scratched the surface.

I commend the President for not abandoning the moratorium at this stage. It would have been a disaster for the fight against regulatory excess, for the American economy and the American consumer. For all of the success of the moratorium so far, it has clearly not yet gone far enough.

The moratorium should stay in place until the system for drafting, evaluating, approving, and promulgating regulations has been overhauled to reflect both Americans' concerns for our Nation's competitiveness and their frustration with a bureaucracy run amok.

Now, Madam Speaker, I'd like to express my disappointment that today, when the House was considering the Small Business Credit Crunch Relief Act, an amendment offered by my colleague from California, Congressman RIGGS, was ruled not germane.

My colleague's amendment would have put Congress on record in support of the President's regulatory moratorium and in opposition to any legislation imposing new regulatory burdens on American businesses. I would strongly argue that the credit crunch situation that many small businesses find themselves in these days is directly related to the amount of money the Federal Government forces them to waste in complying with overly burdensome and unnecessary Federal regulations.

Too often, Madam Speaker, we in this body speak from both sides of our mouths when we talk to America's small businesses. We encourage you, we say, and then—bam—we shove an environmental regulation down their throat without regard for the increased cost to their day-to-day functioning.

We applaud entrepreneurs and then—bam—we wrap a mandatory employee benefit around their neck.

We urge American small businessmen to increase their exports and compete with their foreign counterparts—and then we bury them under tons of reams of unnecessary paperwork.

Congress continually sends this mixed message to small businesses across the country.

Hey, we say, we in Congress, we're your friends. Look we'll let you borrow more federally guaranteed money, and by the way, you have to comply with an unendingly complex array of regulations under OSHA, RCRA, ERISA, TEFRA, DEFRA, FIFRA, and more.

You have to: Fulfill provisions under the Clean Air and Water Acts; provide a minimum standard of living for workers; engage in recycling; carry an expensive insurance policy against product liability; ferret out illegal aliens; provide costly packages of medical benefits to employees that may have to include acupuncture, wigs, pastoral services, and drug treatment; provide special accommodations to disabled employees; and promote equal opportunity as determined by race, sex, and sexual activity.

We say to our small businesses, now don't be overwhelmed out there, we're just trying to help you. Don't get scared, but just so that you know what we're thinking about, we may decide in the near future to slap you with child care requirements, parental leave, more burdensome equal opportunity mandates, including quotas, required health benefits, long-term care, and tougher recycling laws.

Madam Speaker, I suggest that America's small businesses are far more desperately in need of regulatory relief than credit relief. Furthermore, Madam Speaker, I think it's pretty clear that if we would stop making small businesses foot the bill for our overblown schemes of social engineering, environmental protection, and managed trade, many of these small businesses wouldn't need to borrow from us in the first place.

Despite the fact that my colleague's amendment was not considered today, Congress ought to get its message straight to America's businesses. We ought to show them that, in addition to paying lip service to entrepreneurial spirit and American competitiveness, in addition to lightening their credit crunch with our constituents money, we are willing to do our share if not to make their burden lighter, then at least to stop adding burdens to their already breaking backs.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3212

[Omitted from the Congressional Record of Wednesday, May 13, 1992]

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 3212.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HENRY (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. LIGHTFOOT (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. ANTHONY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. SANGMEISTER (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes each day, on May 14 and 15.

Mr. DORNAN of California, for 5 minutes, on May 14.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GALLEGLY in two instances.
Mr. MCEWEN.
Mr. BEREUTER.
Mr. GOODLING.
Mr. HORTON.
Mr. GUNDERSON.
Mr. MOORHEAD.
Mr. BEREUTER.
Mr. MICHEL.
Mr. RHODES.
Mr. COX of California.
Mr. BUNNING.
Mr. HANSEN.
Mr. CAMP.
Mr. CALLAHAN.
Ms. ROS-LEHTINEN in three instances.
Mr. IRELAND.
Mr. CRANE.
Mr. FISH.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. WILLIAMS.
Ms. DELAURO.
Mr. LANTOS.
Mr. DE LUGO.
Mr. HARRIS in two instances.
Ms. OAKAR.
Mr. SOLARZ.
Mr. ACKERMAN.
Mr. LEVINE of California in three instances.
Mr. THOMAS of Georgia.
Mr. ERDREICH.
Mr. VENTO.
Mr. EDWARDS of California.
Mr. SMITH of Florida.
Mr. MOODY.
Mr. HAMILTON.
Mr. JACOBS.
Mr. MORAN.
Mr. TRAFICANT in three instances.
Mr. MILLER of California.
Mr. MAZZOLI.
Mr. SWETT.
Mr. DELLUMS.
Mr. DYMALLY.
Mr. KOSTMAYER.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found duly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 388. Joint resolution designating the month of May 1992, as "National Foster Care Month."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 452. An act to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes;

S. 749. An act to rename and expand the boundaries of the Mound City Group National Monument in Ohio;

S. 838. An act to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act and for other purposes; and

S. 1182. An act to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes.

ADJOURNMENT

Mr. DELAY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, May 18, 1992, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3520. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia for water and sewer services; to the Committee on the District of Columbia.

3521. A letter from the Task Force on Environmental Cancer and Heart and Lung Disease, transmitting a report on progress and problems in prevention of environmental cancer and heart and lung disease, pursuant to 42 U.S.C. 4362(b)(5); to the Committee on Energy and Commerce.

3522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 11th report on the activities of the Multinational force and Observers [MFO] and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

3523. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. House Concurrent Resolution 177. Resolution calling for a U.S. policy of strengthening and maintaining indefinitely the current International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations; with amendments (Rept. 102–520, Pt. 1). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 457. Resolution providing for the consideration of H.R. 4691, a bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes (Rept. 102-521). Referred to the House Calendar.

Mr. WAXMAN: Committee of Conference. Conference Report on S. 1306 (Rept. 102–522). Ordered to be printed.

Mr. HALL of Ohio: Select Committee on Hunger. Progress report on the activities of the Select Committee on Hunger during the First Session of the 102d Congress (Rept. 102–523). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE (for himself, Mr. Ford of Michigan, Mr. Miller of California, Mr. Martinez, Mr. Sawyer, Mrs. Lowey of New York, Mr. Reed, Mrs. Unsoeld, and Mr. de Lugo):

H.R. 5165. a bill to improve educational effectiveness by establishing a flexibility demonstration program; to the Committee on Education and Labor.

By Mr. SWETT (for himself, Mr. Shays, Mr. Kanjorski, Mr. Abercrombie, Mr. Roemer, and Mr. Riggs):

H.R. 5166. A bill to amend section 3056 of title 18, United States Code, with respect to Secret Service protection for former Presidents and their families; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. Taylor of North Carolina, Mr. Dornan of California, Mr. Cox of California, Mr. Lent, Mr. Rohrabacher, Mr. Gallegly, Mr. James, Mr. Klug, Mr. Riggs, Mr. Emerson, Mr. Armey, Mr. Johnson of Texas, Mr. Holloway, Mr. Coble, Mr. Herger, and Mr. Camp):

H.R. 5167. A bill to reduce the amounts appropriated to the Department of Education to increase grants to State and local educational agencies and to reduce the Federal budget deficit; to the Committee on Education and Labor.

By Mrs. BENTLEY:

H.R. 5168. A bill to amend title 10, United States Code, to clarify the preference for U.S.-flag merchant vessels in the carriage of Department of Defense cargoes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BILIRAKIS:

H.R. 5169. A bill to amend the Solid Waste Disposal Act to exempt pesticide rinse water degradation systems from subtitle C permit requirements; to the Committee on Energy and Commerce.

By Mr. TORRES (for himself, Mr. Gonzalez, Mr. Annunzio, Mr. Kennedy, Mr. Flake, Mr. Mfume, Mr. Neal of Massachusetts, and Mr. LaRocco):

H.R. 5170. A bill to prevent deception and consumer confusion by requiring additional disclosure in connection with loans to refinance residential mortgages, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EDWARDS of California:

H.R. 5171. A bill to preserve the integrity of fair standards in United States and international sports competition; to the Committee on the Judiciary..

H.R. 5172. A bill to provide an additional civil remedy for certain deprivations of rights by State and local law enforcement officers; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 5173. A bill to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications and revocations of aliens; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself and Mr. McCurdy):

H.R. 5174. A bill to provide for comprehensive health care access expansion and cost control through standardization of private health care insurance and other means; jointly, to the Committees on Energy and Commerce, Ways and Means, the Judiciary, and Rules.

By Mr. KILDEE (for himself, Mr. Martinez, Mr. Ford of Michigan, Mr. Fawell, Mrs. Lowey of New York, and Mr. de Lugo):

H.R. 5175. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide assistance to achieve gang-free schools and communities; to the Committee on Education and Labor.

By Mr. HALL of Ohio (for himself, Mr. Downey, Mr. Moakley, Mr. Machtley, and Mr. Frank of Massachusetts):

H.R. 5176. A bill to terminate United States assistance to Indonesia; jointly, to the Committees on Foreign Affairs, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. IRELAND (for himself, Mrs. Meyers of Kansas, Ms. Molinari, Mr. Fields, Mr. Ramstad, Mr. Lipinski, Mr. Oxley, Mr. Moorhead, Mr. Burton of Indiana, Mr. Martin, and Mr. Lightfoot):

H.R. 5177. A bill to amend the Congressional Budget Act of 1974 to provide that Congressional Budget Office cost estimates be included in committee reports accompanying reported bills that significantly impact small businesses; to the Committee on Rules.

By Mr. JONTZ (for himself, Mr. Ewing, Mr. Nagle, Mr. Johnson of South Dakota, Mr. Leach, Mr. Stallings, Mr. Grandy, Mr. Hastert, Mr. Evans, Mr. Durbin, Mr. Peterson of Minnesota and Mr. Penny):

H.R. 5178. A bill to require that gasoline sold in the United States contain certain amounts of domestically produced, renewable, nonpetroleum octane enhancers, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LLOYD (for herself, Mr. Wyden, and Mr. Downey):

H.R. 5179. A bill to provide for research to test the efficacy and cost-effectiveness of nutrition screening and intervention activities in populations of older individuals and to determine the extent of malnutrition in such populations; jointly, to the Committees on Energy and Commerce and Agriculture.

By Mr. McEWEN:

By Mr. MACHTLEY (for himself, Mr. Frank of Massachusetts, and Mr. Hall of Ohio):

H.R. 5180. A bill to suspend United States assistance to Indonesia; jointly, to the Committees on Foreign Affairs, Agriculture, and Banking, Finance and Urban Affairs.

H.R. 5181. A bill to amend the Internal Revenue Code of 1986 to increase to $25 million the maximum amount of qualified small issue bonds which may be issued for facilities to be used by related principal users; to the Committee on Ways and Means.

By Mrs. MORELLA (by request):

H.R. 5182. A bill to allow financial institutions to disclose to the Office of Personnel Management the names and current addresses of those of their customers who are receiving, by direct deposit or electronic funds transfer, any payments under chapter 83 or chapter 84 of title 5, United States Code; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OXLEY:

H.R. 5183. A bill relating to the tariff treatment of neoprene sheeting; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 5184. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders, to establish a solids content of beverage milk, and to provide for a manufacturing allowance for milk under the milk price support program; to the Committee on Agriculture.

By Mr. RIGGS:

H.R. 5185. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year recovery period for grapevines replaced as a result of a phylloxera infestation; to the Committee on Ways and Means.

By Mr. SANDERS:

H.R. 5186. A bill to provide financing incentives to promote energy efficiency in residential buildings, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Veterans' Affairs.

By Mr. SOLOMON:

H.R. 5187. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; jointly, to the Committees on Post Office and Civil Service and House Administration.

H.R. 5188. A bill to provide that increases in the rate of compensation for Members of the House of Representatives and the Senate shall not take effect until the start of the Congress following the Congress in which such increases are approved; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. WILLIAMS:

H.R. 5189. A bill to amend the Internal Revenue Code of 1986 to provide a full, permanent deduction for health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. Espy, Mr. Dornan of California, Mr. Horton, Mr. Towns, Mr. Sanders, and Mr. Hobson):

Joint resolution designating September 1992 as "Displaced Homemakers Awareness Month"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself and Mr. Burton of Indiana):

H.J. Res. 484. Joint resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.J. Res. 485. Joint resolution designating the third Sunday in May 1992 as "Peace Day"; to the Committee on Post Office and Civil Service.

By Mr. WALKER:

H. Res. 456. Resolution requiring the Speaker of the House to produce court documents relating to the criminal investigation of the House Post Office; considered and agreed to.

By Mr. MILLER of California (for himself, Mr. Jones of North Carolina, Mr. Frank of Massachusetts, Mr. Peterson of Minnesota, Mr. Bilbray, Mr. Penny, Mr. Dorgan of North Dakota, Mr. Wheat, Mr. Rahall, Mr. Sikorski, Ms. Horn, Mr. Bryant, Mrs. Schroeder, Mr. Wilson, Mr. Orton, Mr. English, Mr. Guarini, Mr. Panetta, Mr. Atkins, Mr. Hughes, Mr. Martinez, Mrs. Patterson, and Mr. Beilenson):

H.R. Res. 458. Resolution to amend the rules of the House of Representatives to prohibit the Speaker from recognizing Members to make special-order speeches and to eliminate the insertion of extensions of remarks in the Congressional Record; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

431. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to the U.S.S. *Missouri;* to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. BENTLEY introduced a bill (H.R. 5190) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Ms. Norton, Mr. Schaefer, Mr. Brown, Mr. Zeliff, and Mr. Atkins.

H.R. 643: Mr. Allen.

H.R. 815: Mrs. Collins of Michigan, Mr. Darden, and Mr. Scheuer.

H.R. 875: Mr. Downey.

H.R. 1072: Mr. Richardson.

H.R. 1073: Mr. Richardson.

H.R. 1456: Mr. Atkins.

H.R. 1497: Mr. Hughes, Mrs. Lloyd, and Mr. Andrews of New Jersey.

H.R. 1536: Mr. Towns.

H.R. 1916: Ms. Horn.

H.R. 2070: Mr. Hughes.

H.R. 2075: Mr. Williams.

H.R. 2106: Mr. Campbell of Colorado, Mr. Fields, Mr. Hochbrueckner, Mr. Lagomarsino, Mr. Murtha, Mr. Owens of New York, Mr. Stark, and Mr. LaFalce.

H.R. 2419: Mr. Sanders, Mr. Glickman, and Mr. Borski.

H.R. 2890: Mr. Skeen.

H.R. 2898: Mr. Walsh.

H.R. 3133: Mr. Kostmayer.

H.R. 3142: Mr. Klug.

H.R. 3193: Mr. Lewis of California.

H.R. 3221: Mr. Bruce and Mrs. Kennelly.

H.R. 3258: Mr. Oberstar.

H.R. 3349: Mr. Bateman and Mr. Engel.

H.R. 3373: Mr. Green of New York and Mr. Solomon.

H.R. 3471: Mr. Parker.

H.R. 3518: Mr. Darden and Mr. Abercrombie.

H.R. 3536: Mr. Evans, Mr. Ireland, Mr. Lipinski, Mr. Stark, Mrs. Unsoeld, and Mr. Weiss.

H.R. 3561: Mr. Burton of Indiana, Mr. Stearns, Mr. Fawell, Mr. Allen, and Mr. Camp.

H.R. 3763: Mr. Torres and Mr. Moorhead.

H.R. 3801: Mr. Martin and Mr. Rose.

H.R. 3806: Mr. Vander Jagt, Mr. Kopetski, and Mr. Lagomarsino.

H.R. 3826: Mr. Foglietta, Mr. Moody, Mr. Serrano, and Mr. Towns.

H.R. 3838: Mr. McMillan of North Carolina and Mr. Schaefer.

H.R. 3842: Mr. Pickett.

H.R. 3843: Mr. Bilirakis.

H.R. 3955: Mr. Burton of Indiana.

H.R. 3986: Mr. Eckart.

H.R. 4008: Mr. Frank of Massachusetts, Mr. Mrazek, Mr. Penny, Mr. Anderson, Mr. Towns, and Mr. Sawyer.

H.R. 4040: Mr. Paxon.

H.R. 4079: Mr. Miller of California.

H.R. 4104: Mr. Baker.

H.R. 4124: Mr. Guarini.

H.R. 4169: Mr. Spence.

H.R. 4254: Mr. Emerson.

H.R. 4259: Mr. Huckaby, Mr. Thomas of Wyoming, Ms. Molinari, Mr. Johnson of South Dakota, Mr. Moran, Mr. Durbin, Mr. Savage, and Mr. Sabo.

H.R. 4270: Mr. Murphy.

H.R. 4275: Mr. Bennett, Mrs. Mink, and Mr. Kennedy.

H.R. 4278: Mr. Rahall.

H.R. 4280: Mr. Solomon.

H.R. 4323: Mr. de Lugo and Mr. Moody.

H.R. 4330: Mr. McCloskey, Ms. Norton, Mr. Atkins, Mrs. Lloyd, Mr. Andrews of New Jersey, and Mr. Scheuer.

H.R. 4366: Ms. Pelosi, Mr. Atkins, and Mr. Lewis of Georgia.

H.R. 4378: Mr. Jones of Georgia, Mr. Atkins, and Mr. Zeliff.

H.R. 4414: Mr. Boehlert, Mr. Yates, Mr. Jenkins, and Mrs. Unsoeld.

H.R. 4477: Mr. Panetta.

H.R. 4488: Mr. Jenkins, Mr. Rose, Mr. Hefley, Mr. Henry, Mr. Pickett, Mr. Myers of Indiana, Mr. Hunter, Mr. Torricelli, Mr. James, Mr. Shuster, Mr. Roth, Mr. Broomfield, Mr. Lagomarsino, Mr. Regula, Mr. Anderson, Mr. Donnelly, Mr. Stearns, Mr. Towns, Mr. Coughlin, Mr. Porter, Mr. Grandy, Mr. Barrett, and Mr. Hyde.

H.R. 4493: Ms. Norton, Mr. Eckart, and Mr. Burton of Indiana.

H.R. 4516: Mr. Kildee, Mr. Towns, Mr. Roybal, Ms. Norton, and Mr. Atkins.

H.R. 4538: Mrs. Lowey of New York and Mr. Miller of California.

H.R. 4542: Mr. Owens of New York, Mrs. Boxer, Mr. McNulty, Mr. Lowery of California, Mr. Gekas, Ms. Molinari, Mr. Hoagland, Mr. Serrano, Mr. Johnson of South Dakota, and Mr. Feighan.

H.R. 4689: Mr. Dornan of California, Mr. Ballenger, Mr. Dannemeyer, Mr. Thomas of Wyoming, Mr. Boehner, and Mr. Fawell.

H.R. 4749: Mr. Fawell.

H.R. 4784: Mr. Panetta.

H.R. 4961: Mr. Moorhead.

H.R. 4970: Mr. Lewis of Georgia and Mr. Gallegly.

H.R. 4971: Mr. Lewis of Georgia and Mr. Gallegly.

H.R. 4980: Mr. Thomas of Wyoming and Mr. Perkins.

H.R. 5000: Mrs. Morella, Mr. Cardin, and Mr. Santorum.

H.R. 5017: Mr. Zeliff and Mrs. Lloyd.

H.R. 5026: Mr. Martin, Mr. Serrano, Mr. Payne of Virginia, Mr. Stark, Mr. Montgomery, Mr. Lewis of Florida, Mrs. Kennelly, Mr. Dornan of California, and Mr. Hughes.

H.R. 5028: Mr. Bonior, Mrs. Lloyd, Mr. Hayes of Illinois, and Mrs. Mink.

H.R. 5070: Mr. Mrazek, Mr. Weiss, Mr. Levine of California, Mr. Ravenel, and Mr. Hochbrueckner.

H.R. 5117: Mr. GALLEGLY, Mr. FEIGHAN, Mr. MACHTLEY, Mr. ACKERMAN, Mr. LANTOS, Mr. MCCLOSKEY, Mr. RITTER, Mr. ECKART, Mr. ROHRABACHER, and Mr. LEVINE of California.

H.R. 5135: Mr. LIGHTFOOT.

H.J. Res. 237: Mr. YATRON, Mr. SANDERS, and Mr. VISCLOSKY.

H.J. Res. 290: Mr. HOUGHTON, Mr. MARTINEZ, and Mr. SIKORSKI.

H.J. Res. 391: Mr. LAUGHLIN and Mr. MATSUI.

H.J. Res. 411: Mr. REED, Mr. SCHEUER, Mr. SAVAGE, Mr. SLATTERY, Ms. SLAUGHTER, and Mr. SMITH of New Jersey.

H.J. Res. 415: Mr. LIPINSKI and Mr. ENGEL.

H.J. Res. 429: Mr. ROHRABACHER, Mr. GILMAN, Mr. HUCKABY, Mr. GAYDOS, Mr. CARR, Mr. LEVIN of Michigan, Mr. GIBBONS, Mr. MURTHA, Mr. JENKINS, Mr. PICKLE, Mr. FIELDS, Mr. ALEXANDER, Mr. DARDEN, Mr. STALLINGS, Mr. HUTTO, Mr. LAROCCO, Mr. ORTIZ, Mr. SWIFT, Mr. ACKERMAN, and Mr. PETRI.

H.J. Res. 433: Mr. BOUCHER, Ms. DELAURO, Mr. HUGHES, Mr. PERKINS, Mr. SWETT, and Mr. WHEAT.

H.J. Res. 441: Mr. CHANDLER, Mr. GUNDERSON, Mr. EWING, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. EMERSON, Mr. LIGHTFOOT, Mr. QUILLEN, Mr. RAVENEL, Mr. PAXON, Mr. SAWYER, Mr. MCCLOSKEY, Mr. SHUSTER, Mr. RAMSTAD, Mr. MICHEL, Mr. MCEWEN, Mr. MCDADE, Mr. PACKARD, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. GEKAS, Mr. HYDE, Mr. FLAKE, Mr. MCCOLLUM, Mr. HOCHBRUECKNER, Mr. SOLARZ, Mr. ROEMER, Ms. PELOSI, Mr. RUSSO, Mr. ESPY, Mr. PURSELL, Mr. BATEMAN, Mrs. BENTLEY, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CLINGER, Mr. GRANDY, Mr. HASTERT, Mr. MCHUGH, Mr. MOAKLEY, Mr. MYERS of Indiana, Mr. ROBERTS, Mr. COBLE, Mr. CLAY, Mr. HOYER, Mr. DELLUMS, Mr. EDWARDS of California, Mr. DAVIS, Mrs. PATTERSON, Mr. SHARP, Mr. GALLO, Mr. HANSEN, Mr. MACHTLEY, Mr. WEBER, Mr. BROOMFIELD, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. NICHOLS, Mr. SMITH of Oregon, Mr. FEIGHAN, Mr. NOWAK, Mr. GILLMOR, Mr. MCNULTY, Mr. GOODLING, Mr. LEWIS of California, Mr. MAZZOLI, Ms. OAKAR, Mr. LOWERY of California, Mr. MOODY, Mr. STARK, Mr. CRANE, Mr. SUNDQUIST, Mr. GIBBONS, Mr. WELDON, Ms. KAPTUR, Mr. SERRANO, Mr. ANNUNZIO, Mr. PETERSON of Minnesota, Mr. HAYES of Louisiana, Mr. MILLER of Ohio, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. YATRON, Mr. WOLPE, Mr. YOUNG of Florida, Mr. PICKLE, Mr. COUGHLIN, Mr. KLUG, Mr. LAGOMARSINO, Mr. HERGER, Mr. FRANKS of Connecticut, Mrs. JOHNSON of Connecticut, Mr. DELAY, Mr. BARRETT, Mr. COX of California, Mr. SAXTON, Mr. BROOKS, Mr. DREIER of California, and Mr. LEWIS of Florida.

H.J. Res. 442: Mr. LAROCCO, Mr. MOORHEAD, Mr. SAXTON, Mr. DAVIS, Mr. GEKAS, Mr. PAXON, Mr. GREEN of New York, Ms. OAKAR, Mr. PICKETT, Mr. NAGLE, Mr. ROE, Mr. STOKES, Mr. DE LA GARZA, Mr. LIGHTFOOT, Mr. ANDREWS of Texas, Mr. PAYNE of New Jersey, Mr. DICKS, Mr. ROYBAL, Mr. INHOFE, Mr. OBERSTAR, Mr. DELAY, and Mr. DONNELLY.

H.J. Res. 445: Mr. ESPY, Mr. COX of California, Mr. SLATTERY, Mr. SPRATT, Mr. WAXMAN, Mr. GUNDERSON, Mr. ACKERMAN, Mr. HORTON, Mr. WOLF, Mr. ROTH, Mr. KASICH, Mr. RINALDO, Mr. SCHUMER, Mr. BOEHLERT, Mr. ANDREWS of Maine, Mr. BRYANT, Mr. BUSTAMANTE, Mr. BROWDER, Mr. CLEMENT, Mr. DONNELLY, Mr. DELLUMS, Mr. DYMALLY, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. FOGLIETTA, Mr. GEKAS, Mr. GEREN of Texas, Mr. GILCHREST, Mr. HAYES of Illinois, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. JONTZ, Mr. BLILEY, Mr. LEVINE of California, Mr. UPTON, and Mr. YOUNG of Florida.

H.J. Res. 450: Mr. YOUNG of Florida, Mr. MORAN, Mr. HASTERT, and Mr. RAMSTAD.

H.J. Res. 458: Mr. LEWIS of Georgia.

H.J. Res. 459: Mr. GEREN of Texas, Mr. HORTON, Mr. JONES of Georgia, Mr. SCHEUER, Mr. SLATTERY, Mr. TANNER, Mr. TAUZIN, Mr. VENTO, Mrs. VUCANOVICH, Mr. WOLPE, Mr. YATRON, Mr. ZIMMER, and Mr. ENGEL.

H.J. Res. 463: Mr. COUGHLIN, Mr. HUGHES, Mr. JEFFERSON, Mr. LANCASTER, and Ms. NORTON.

H.J. Res. 470: Mr. ROBERTS, Mr. FIELDS, Mr. BARRETT, Mr. MFUME, Mr. MURPHY, Mr. MURTHA, Mr. PAXON, Mr. YATRON, Mr. BLACKWELL, Mr. NAGLE, Mr. CLEMENT, Mr. CONYERS, Mr. VOLKMER, Mr. HOYER, Mr. PASTOR, Mr. RUSSO, Mr. GORDON, Mr. MANTON, Mr. BONIOR, Mr. BROOKS, Mr. ORTIZ, Mrs. KENNELLY, Mr. RIDGE, Mr. SCHULZE, Mr. KENNEDY, Mr. BILIRAKIS, Mr. LAFALCE, Mr. GEKAS, Mr. THOMAS of Georgia, Ms. HORN, Mr. SPRATT, Mr. GEREN of Texas, Mr. COBLE, Mr. EMERSON, and Mr. ORTON.

H.J. Res. 473: Mr. DEFAZIO, Mr. SCHEUER, Mr. ACKERMAN, and Mr. KOSTMAYER.

H.J. Res. 475: Mr. BENNETT, Mr. HUGHES, Mr. LAGOMARSINO, and Mr. MCNULTY.

H.J. Res. 476: Mr. GALLO, Mr. LANCASTER, Mr. COUGHLIN, Mr. BROWN, Mrs. BOXER, Mr. BEILENSON, Mr. BLILEY, Mr. HUGHES, Mr. PAYNE of Virginia, and Mr. RIGGS.

H.J. Res. 479: Mr. PAXON, Mr. MORAN, Mr. JACOBS, Mr. MILLER of Ohio, Mr. ACKERMAN, Mr. FASCELL, Mr. EMERSON, Mr. CLINGER, Mr. TOWNS, Mr. PETERSON of Florida, Mr. MCMILLEN of Maryland, Mrs. PATTERSON, Mr. JONES of Georgia, Mr. CRAMER, Mr. LIPINSKI, Mr. SISISKY, Mr. APPLEGATE, Mr. TORRES, Mrs. VUCANOVICH, and Mr. SCHUMER.

H. Con. Res. 194: Mr. PACKARD, Ms. DELAURO, Mr. ALLEN, and Mr. MOODY.

H. Con. Res. 246: Mr. HAYES of Louisiana, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. RAVENEL, Mr. EARLY, and Mr. SABO.

H. Con. Res. 280: Mr. HORTON.

H. Con. Res. 295: Mr. SERRANO, Mrs. ROUKEMA, Mr. GUARINI, Mr. DONNELLY, Mr. COYNE, and Mr. ABERCROMBIE.

H. Con. Res. 317: Mr. ZIMMER, Mr. CAMP, Mr. ZELIFF, Mr. KLUG, Mr. ALLEN, Mr. GINGRICH, Mr. HYDE, Mr. MCCOLLUM, Mr. MICHEL, Mr. DOOLITTLE, Mr. SANTORUM, Mr. LUKEN, Mr. HOBSON, Mr. NUSSLE, Mr. BACCHUS, Mr. DOOLEY, Mr. EWING, Mr. CONDIT, Mr. RIGGS, Mr. SWETT, Mr. TAYLOR of North Carolina, Mr. BEREUTER, Mr. GILCHREST, Mr. GOSS, Mr. HANCOCK, Mr. BLILEY, and Mr. PENNY.

H. Res. 380: Mr. SWETT, and Mrs. LOWERY of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mrs. JOHNSON of Connecticut.

H.R. 2824: Mrs. JOHNSON of Connecticut.

SENATE—*Thursday, May 14, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God that made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with men's hands, as though he needed anything; and hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation; that they should seek the Lord * * *.—Acts 17:24–27.

Eternal God, Architect of the universe, Lord of history, the Earth and the nations, these words of the Apostle Paul, spoken on the Areopagus in Athens, point us to the fundamental reality of existence. You are the Author of history, not its victim. You are in charge, not a helpless observer. You created us with freedom of choice, and reminded us that every choice has its own consequence, good or evil. You made us free to seek You, love You, serve You—or to disregard You, despise You, reject You. Forgive our indifference, our propensity to ignore You, to forsake You. Help us to see that our true humanity is realized in knowing You, our full potential in obeying You.

Gracious Father, in these confusing, catastrophic days, grant us grace to seek Your face, to conform to Your righteous order. In the name of Him whose life was a demonstration of true humanity. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Alabama is recognized to speak for up to 10 minutes.

THE NEED FOR A BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, as of this month, the Federal debt continues to rapidly spiral out of control toward $4 trillion. According to Congressional Budget Office estimates, it cost the American taxpayers almost $300 billion to pay the interest on spending beyond what the Government collected in tax revenues and other income during the past fiscal year. This amounts to $5.5 billion every week, or $785 million every day. These figures are staggering, but it is even more frightening to consider the answer to the question, "What if interest rates were to double?"

In 1963, the total debt held by the public was $254 billion. Twenty years later, in 1983, it topped $1 trillion for the first time. I have a CBO table which shows each fiscal year increase in the budget deficit since we last had a surplus with the 1969 budget.

Mr. President, I ask unanimous consent that the table appear in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE D–2.—REVENUES, OUTLAYS, DEFICITS, AND DEBT HELD BY THE PUBLIC

[In billions of dollars]

	Revenues	Outlays	Deficit(−) or surplus				Debt held by the public[1]
			On-budget	Social Security	Postal Service	Total	
Fiscal year:							
1962	99.7	106.8	−5.9	−1.3	0	−7.1	248.0
1963	106.6	111.3	−4.0	−.8	0	−4.8	254.0
1964	112.6	118.5	−6.5	.6	0	−5.9	256.8
1965	116.8	118.2	−1.6	.2	0	−1.4	260.8
1966	130.8	134.5	−3.1	−.6	0	−3.7	236.7
1967	148.8	157.5	−12.6	4.0	0	−8.6	266.6
1968	153.0	178.1	−27.7	2.6	0	−25.2	289.5
1969	186.9	183.6	−.5	3.7	0	3.2	278.1
1970	192.8	195.6	−8.7	5.9	0	−2.8	283.2
1971	187.1	210.2	−26.1	3.0	0	−23.0	303.0
1972	207.3	230.7	−26.4	3.1	0	−23.4	322.4
1973	230.8	245.7	−15.4	.5	0	−14.9	340.9
1974	263.2	269.4	−8.0	1.8	0	−6.1	343.7
1975	279.1	332.3	−55.3	2.0	0	−53.2	394.7
1976	298.1	371.8	−70.5	−3.2	0	−73.7	477.4
1977	355.6	409.2	−49.8	−3.9	0	−53.7	549.1
1978	399.6	458.7	−54.9	−4.3	0	−59.2	607.1
1979	463.3	503.5	−38.2	−2.0	0	−40.2	639.8
1980	517.1	590.9	−72.7	−1.1	0	−73.8	709.3
1981	599.3	678.2	−74.0	−5.0	0	−79.0	784.8
1982	617.8	745.8	−120.1	−7.9	0	−128.0	919.2
1983	600.6	808.4	−208.0	.2	0	−207.8	1,131.0
1984	666.5	851.8	−185.7	.3	0	−185.4	1,300.0
1985	734.1	946.4	−221.7	9.4	0	−212.3	1,499.4
1986	769.1	990.3	−238.0	16.7	0	−221.2	1,736.2
1987	854.1	1,003.9	−169.3	19.6	0	−149.8	1,888.1
1988	909.0	1,064.1	−194.0	38.8	0	−155.2	2,050.3
1989	990.7	1,144.2	−206.2	52.4	.3	−153.5	2,190.3
1990	1,031.3	1,251.8	−277.1	58.2	−1.6	−220.5	2,410.4

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

TABLE D-2.—REVENUES, OUTLAYS, DEFICITS, AND DEBT HELD BY THE PUBLIC—Continued

[In billions of dollars]

	Revenues	Outlays	Deficit(−) or surplus				Debt held by the public[1]
			On-budget	Social Security	Postal Service	Total	
1991	1,054.3	1,323.0	−320.9	53.5	−1.3	−268.7	2,687.2

[1] End of year.

Source: Congressional Budget Office.

Mr. HEFLIN. We know the statistics. We have heard the arguments for and against an amendment requiring a balanced budget on numerous occasions. This time, however, it appears that this body will get its best chance yet to actually turn rhetoric into reality. A historic opportunity exists for us to draw upon the potential of this Nation by adopting a balanced budget amendment of which we can all be proud.

Contrary to popular belief, Congress has made attempts in the past to bring the budget under control. Congressional efforts like Gramm-Rudman-Hollings had the potential to work if given a chance, but the teeth of such measures were compromised away by a budget agreement between the White House and the congressional leadership. This is proof enough that fiscal responsibility must be dictated by the Constitution.

Since coming to the Senate, I have supported and advocated a balanced budget amendment to the Constitution; it was the first piece of legislation I introduced during my first term as a Senator. At the beginning of each Congress, the first bill I have introduced has been a constitutional amendment mandating a balanced budget. During the 97th Congress, a measure was passed in the Senate, getting 69 votes—constitutional amendments require a two-thirds vote as we know—but it failed to gain approval in the House. In the 99th Congress, after lengthy debate, passage of a balanced budget amendment by the Senate failed by one vote. It has been necessary to convince some of our colleagues who have been previously opposed to this to now support the concept. As a result, Senator PAUL SIMON has now stepped forward and all longtime supporters have asked him to be the leader. All of the longtime supporters are original joint sponsors of his proposal, myself included.

The 102d Congress has seen a confluence of political and fiscal developments that makes the amendment's chances of passage this year by both Chambers better than ever before. The ever-increasing concern to do something about the deficit is apparent. The national debt is on the minds of every person who thinks about the future of America. This measure is embodied in Senate Joint Resolution 18, introduced by our distinguished colleague from Illinois, Senator SIMON. This resolution and its House counterpart enjoy broad bipartisan support. I look forward to the debate as the Simon amendment makes its way to the floor.

For most of our history, a balanced budget at the national level of government was a part of our unwritten Constitution, as a balanced or surplus budget was the norm for the first 100 years of the Republic. In recent decades, however, Americans have witnessed a continuing cycle of deficits, taxes, and spending. We tend to look at each program in isolation, not realizing that each and every dollar appropriated becomes part of the larger debt—a debt that we all know is threatening our economic and social stability.

I think that Alexander Hamilton, while he was serving as the Secretary of the Treasury, put it best when he said:

> Public debt swells 'till its magnitude becomes enormous, and the [burdens] of the people gradually increase 'till their weight becomes intolerable. Of such a state of things great disorders in the whole political economy, convulsions, and revolutions of government are a natural offspring.

Hamilton's statement is dated January 16, 1795, but undoubtedly he was speaking to his countrymen of nearly 200 years later.

Likewise, when our Constitution was finally adopted, Thomas Jefferson warned, "The public debt is the greatest of dangers to be feared by a republican government." Over the course of time, we have lost sight of our Forefathers' warnings. I am firmly convinced that neither the Congress nor the administration have the will power to reduce spending and balance the Federal budget without a constitutional amendment providing the fiscal discipline to do so.

Yes, some argue that if we possessed and practiced a stronger discipline, then a constitutional amendment would be unnecessary. I do not dispute that sentiment, but I do its reality. Incredibly, as the table I mentioned earlier shows, the last balanced budget came under President Lyndon Johnson. In particular, the haphazard fiscal policies of the last 17 years or so indicate that the problem goes much deeper than individual or even collective resolve. It is the institutional structure of Government that encourages short-term responses to individual need, rather than their implications for the greater good and the future.

There is no doubt as to what our responsibilities as national leaders are in this regard. There is also no question as to what the American people want and deserve. The only question is whether we, as a body, are willing to respond affirmatively by accepting the challenge. I hope that in the next few weeks, we will see the beginning of the process which will eventually add a new amendment to the United States Constitution and secure a sound financial future for our country. Quite simply, as our friend from Idaho, Senator CRAIG, put it to me recently:

> Now is the time, this is the opportunity, to stop mortgaging the future and loading unconscionable debts onto our children.

As I stated earlier, I look forward to the debate on this critical legislation in the coming weeks. I hope it will allow us to find the strength and the courage to finally do what must be done with regard to our economic future.

MAYOR GUTHRIE J. SMITH

Mr. HEFLIN. Mr. President, I rise again to speak about my friend, Mayor Guthrie J. Smith of Fayette, AL. Not long ago I spoke on the Senate floor about the impending retirement of Mayor Guthrie J. Smith, who is completing 44 years of consecutive service as an elected official to the city of Fayette. Recently Mayor Smith was honored at the Alabama League of Municipalities at its annual convention. He was asked to speak. His address to that body on May 2, 1992, in my judgment, is one of the most impressive statements about government I have ever read. While it is directed toward local government, many of his thoughts are applicable to Federal and State governments. Therefore, I ask unanimous consent that his speech entitled "We Must Move With the Tides of Change" be printed in the CONGRESSIONAL RECORD in order that all Members of this body and all readers of the CONGRESSIONAL RECORD will have an opportunity to share the wisdom of a great leader in government.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WE MUST MOVE WITH THE TIDES OF CHANGE

When Perry Roquemore asked me to speak at this opening session, I hesitated to give him an answer. I did considerable thinking about it. I wondered, is he asking me just because I am a survivor, that I have lasted 44 years in this business, that I am some sort of a rare bird or does he think I might have something worthwhile to say?

These questions are at present unanswered, but here I am. You will have to judge whether Perry is to be shamed or praised.

I am deeply honored to have been asked to appear before you.

How have I survived all these years in this business?

That's a good question and one I have pondered.

Forty-four years ago Fayette really had no tax revenue, and city hall was one room next to the city jail.

From that beginning, over the years, we followed a strict policy of informing Fayette citizens of our revenue needs for specific services, as they arose. We saw to it that the money collected was spent for the projects we specified.

Looking ahead during the past 40 years, we prepared for our future by building a revenue base which enabled us to improve the quality of life for everyone. These improvements are there for all to see and enjoy.

For instance, we have a fine 100-acre recreation park with over 200,000 visitors a year, and a 65-year-old school building converted to an award winning civic center supported by a tax-free endowment fund of one-half million dollars. On display in this center at all times are 300 pieces of art from our 1,500 piece art collection valued at one-quarter million dollars.

For the year 1989, Fayette led the State of Alabama in new jobs announced. By the end of next year this new industry will employ 1,000 people. Their capital expenditures will exceed $23 million and the city of Fayette will upgrade water and wastewater treatment facilities at a cost of $5 million.

During the past 10 years, Fayette city and industrial capital expenditures have exceeded 92 million dollars.

We are a small city of less than 5,000.

I tell you this, simply to illustrate a very significant point.

You, in this audience, have the honor to have been chosen to serve in a leadership and decisionmaking capacity. I challenge you to live up to your responsibility and duty. Don't be afraid to chart a course of progress and development. Be sure the need is worthwhile—explain that need—never fear to ask for the money, and then spend it wisely. As long as the taxpayer sees genuine benefit from his taxes and we act responsibly, we can survive. I believe my long tenure proves this to be true.

During my years in office there have been many times when friends advised me not to propose a new tax or fee—that it would beat me at election time.

I replied, that my primary concern is not reelection—that we need this project and if our citizens are unwilling to provide the funds to move forward they can send me home.

They did not send me home. Today they are not complaining to me and the city council about fees and taxes. Most of them thank us for their improved quality of life.

In my humble opinion, sound, efficient, strong local government is the bulwark of our democracy. How can America remain strong with weak, bankrupt, inefficient, or corrupt government at the local level? We dare not sit on our hands, waiting for someone else to do that which we should do for ourselves.

As dedicated municipal officials I salute all of you. One of the more rewarding experiences of my life has been my privilege to know and be associated with so many outstanding public servants as you. The foundation and hope for all that is good in America rests upon municipal officials just like you.

This is a profound statement but it is true. You should feel proud and honored to be so classified.

I know there are times you become discouraged, disappointed, and depressed. Such low times are expected, but let me remind you that the periods of success and accomplishment will more than make up for the times of frustration. I know, because I, also, have experienced the lows and the highs.

I assure you, public service at the municipal level is most honorable and victories won are the most rewarding you will ever experience.

Your lot as a city official is not a happy one, except on those rare days when nothing goes wrong. To be certain, some folks we serve generally sit in judgment on the most trivial of decisions. But this is the price we pay for our democratic way of life.

One great fact is that men and women like you come forward to serve, lead, and devote yourselves, for small returns, to a most difficult task. The administration and leadership of a 1992 community.

Your daily activities in municipal government, the leadership you exercise to meet new and difficult problems, seldom make headlines; but they are really what determines Alabama's future.

Two weeks ago, April 19, was the 217th anniversary of the first shot at Concord, Mass., for freedom in our Revolutionary War of 1775. That shot signaled our soon-to-come Declaration of Independence; later our Constitution; and our enduring faith in individual freedom.

I can think of no better place to dedicate ourselves again to that faith than in our cities and towns where we live.

But freedom is not only the bells we ring and the speeches made. It is the officer of government by the people, even in our smallest community, helping to make the wheels of local government turn efficiently and economically.

As public officials we have no political axes to grind. Constant political battles are sure to ultimately hinder our effectiveness. We must concentrate on services to be provided; facilities to be maintained and rebuilt; and the long list of daily problems to be solved which, if not met, could make a farce of democratic freedom.

We must move with the tides of change or risk municipal decay. Although we look back upon our recent past with what an eloquent lady columnist called, "The Fragrant and Mellow Memories of Yesterday", we must live and act for our own new times.

The FBI maintains a list of America's 10 most wanted people. They are undesirable; they need to be put out of circulation. In other words, the public welfare would be improved if we were rid of them. I hasten to assure you that we don't have one of these characters here today.

I would like to suggest to you that there is another group of the most wanted men and women in America. They are most wanted in every community and city of our land because they are needed in leadership roles. The greatest need of today's cities and towns is effective leadership.

We have men and women who are dedicated to the success of their business, their profession or their job and that is as it should be. But the most wanted men and women are those who are willing to extend their interest and service beyond their personal responsibilities; people who are willing to go a step further and devote some of their time, and some of their talents to the betterment of the community in which they live. The most wanted men and women of any community are those who offer dedicated leadership in the church, education, recreation, health, business, government, and other civic projects aimed at community improvement.

No community can be any better than the citizens who make up that community. Neither can any community rise above its leadership. Our cities and towns will be no better than we want them to be.

Let's ask ourselves this question: What kind of community would we have if no one contributed anymore of their time or service to its betterment than I do?

I am speaking of the need—the serious need—for all of us to become really involved in this business of local government and community improvement projects. The leading men and women of every city and town, who once tended to think of local politics as a necessary evil must begin to see the conduct of their communities as the highest type of personal challenge and responsibility.

Qualified men and women of our communities must become personally involved if our children and grandchildren are to live in environments for which they will thank us rather than condemn us. This generation, you, I and our neighbors know and can foresee that our towns and cities must plan ahead; they must be expertly managed or miss the bus of tomorrow's high promises; or perhaps be run over by that bus.

We hear a lot of talk these days about rights—we hear others say: "I know what my rights are; I am going to insist upon my rights."

But—wait a minute—our rights are not everything—don't we have some responsibilities as well as rights? I think it is high time we talk and think about our responsibilities and duties for a change. It has been said that every right carries with it a duty. If every citizen realized the two-sided nature of citizenship, we would be better off. Too many people talk too much about their rights and forget the corresponding duties. Two of our most fundamental duties are obedience to lawful authority and service to our community and fellow citizens. If some citizens refuse to respect the laws which they dislike, why couldn't other citizens do the same? If we make such allowances for our likes and dislikes, you can be assured that very few laws will be respected.

Now, I don't wish to sound like a flag waver, but I would like to say this: Our Forefathers have given us our democracy—a system of government under which we may govern ourselves through representatives of our own choosing. It is a system which depends upon us—the people—for its very life. Because it is government by the people, government by us, it can be no better than we, the people are willing to make it.

Our democracy is a challenge. It is a challenge to all of us, and not just to all of us some of the time. If we are to maintain, enjoy and develop our democratic system, we must meet this challenge. We simply must work to make democracy work, to make democracy live.

Democracy in the United States involves more than government by the people through elected representatives. In a very real sense, our democracy is government by public opinion. It is obvious that government by public opinion works best when the opinions held by the public are informed opinions. Therefore, it is our duty to keep ourselves informed on public affairs. Keeping informed is not always an easy task, but it is an essential one. Corrupt political machines and selfish interests breed on public indifference. Democracy flourishes with citizen interest and enlightenment. I like this statement taken from one of our weekly news magazines, "A well informed public is America's greatest security."

I do not doubt that our Nation, is entering a new era. Particularly is this true in Alabama. Whether the future, which really begins tomorrow, finds us morally, spiritually and culturally better off; whether we guide our towns and cities in their growth along planned lines of dignity and decency, depend upon the quality of leadership we exert now, in each and every local community. Most of our communities, even the smallest, grew up during horse and buggy times. Much of our thinking today, our political thinking, is still horse and buggy too. In olden times when one day was like another, we came to see local politics and local offices as rewards for political leaders, the aim being only to keep taxes down and to balance the books. It was a modest variation of the spoils system, with modest fringe benefits to the men who could get enough votes in the ballot boxes. Some of that thinking is still with us.

But those days are really over. We face problems right now in the conduct of even our small communities that require the same shrewd management, the same mature thinking and planning, the same vision, the same courageous leadership as in business. There is also the need for informing, teaching, and leading all citizens to support quality leadership at the polls. Business does not put its operations in charge of people who can provide the tastiest barbecue, or think up the fanciest words on a platform. Business seeks those of proven ability to enlarge the operations and put black ink on the operating statement. It seeks those with the wisdom to see opportunities up ahead; to keep abreast of the times; and to be ready for changes that are sure to come.

Our modern communities are facing important changes, important challenges, and even possible dangers that are inherent in growth. We cannot meet these problems without discarding our old fashioned, outworn approach to local politics and local government. The leading citizens of every city and town, the best minds, those who once tended to think of local politics as a necessary evil, must begin to involve themselves in the affairs of their communities and view their involvement as the highest type of personal challenge and responsibility. We, as public officials, must set the example for all to follow.

The revolution of change is upon us, fundamentally changing our way of life, our approach to civic problems and our political thinking. Think back 5, 10, 15 years ago—think of all the changes which have taken place in this short time. There is no such thing as a Berlin Wall around us to keep change away from our doors.

The challenge is, how shall we meet this change? Will it be with thinking that suited the days of the horse and buggy, or with the best minds we can find; minds sharpened in the competitive fields of business, finance, or otherwise?

Every President of the United States in these days of crisis and change, feels at liberty to tap an entire battalion of leading minds from business, from finance, from universities, to sacrifice the most productive years of their lives in dedicated service to their country. Nobody says, "No." The call of the President is a command. What a shambles we would be in if our government were filled with men whose only thought was feeding at the public trough.

Looking ahead to the complexity of the problems of growth and development, and I can't stress this too much, we need on our town boards and committees . . . those who are not anxious or even willing to serve, but who have much to offer the nonpartisan conduct of our community affairs. The rewards, monetarily, are trifling, or zero; or even less than zero. There are always the perennial critics who can make any decision a hazard. Accomplishing a given desirable end is not always a rewarding experience, but often full of bricks and scars. Even the most talented mayor and council member must know when and how to duck.

People of talent must respond to the needs of our communities to meet the challenges of tomorrow, and to exploit the glorious opportunities for our future good. I plead today for new thinking to meet our new age; community thinking. I plead for the draft of men and women who try to hold themselves aloof from matters unrelated to their own business affairs. Their reward, your reward, and the rewards for our progeny of later years, will be in brighter and better centers of life and living, as you help to guide our towns and cities toward the promised land. I dare you to exercise strong leadership to meet these new challenges.

Mahatma Gandhi once said, "There go my people, I must hurry to catch up with them, for I am their leader." I have, many times, felt the same as Gandhi.

We love our country. We love our State. However, it is in our towns and cities that the American spirit will live and thrive and expand, or wither and fade, not in Washington, not in Montgomery, but right in our own hometowns.

If we measure up—if we meet the high expectations we set for ourselves, we can be entering a new period of enlightenment, or progress and prosperity.

The challenge is ours. Do we fumble the ball or do we run with it?

Today I leave with you these parting words:

My town is the place where my house is found. Where my business is located, and where my vote is cast. It is where my children are educated, and where my neighbors dwell, and where my life is chiefly lived. It is the home spot for me.

My town has a right to my civic loyalty. It supports me and I should support it.

My town wants my citizenship, not my partisanship; my friendliness, not my dissensions; my sympathy, not my criticism; my intelligence, not my indifference.

My town supplies me with protection, trade, friends, recreation, education, schools, churches, and the right to free moral citizenship; it has some things better than others. The best things I should seek to make better; the worst things I should help to suppress.

Take it all in all it is my town and it is entitled to the best there is in me.

Mr. HEFLIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas [Mr. PRYOR] is recognized to speak for up to 30 minutes.

Mr. PRYOR. Mr. President, I will be ready to speak in about one or two moments.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

TAX BENEFITS FOR THE PHARMACEUTICAL INDUSTRY

Mr. PRYOR. Mr. President, this morning I am releasing a General Accounting Office report that startles even those of us who have long known that our Nation's pharmaceutical industry continues to take advantage of the American people it says it so diligently serves. This report, Mr. President—is entitled "Pharmaceutical Industry Tax Benefits of Operating in Puerto Rico."

Mr. President, this report adds to the mounting evidence that at least as far as the pharmaceutical industry in America is concerned, the section 936 tax credit is the "mother of all tax breaks."

Mr. President, we talk a lot around here about the most-favored-nation status of various countries around the world, but in truth what we have done, as a matter of policy, as a matter of practice in this country, we have conferred the most-favored-industry status on the pharmaceutical manufacturers of America.

I might add that this has happened to the detriment of the American consumer and certainly the detriment of the American taxpayer.

Mr. President, what does the American taxpayer give to the drug industry in this country? We give drug manufacturers FDA approval for drugs, then a patent from anywhere between 8 and 10 years, which allows them to charge monopoly prices for their drugs. Then we give them millions of dollars in research credits each year to find the cures for the diseases of our time. Then we underwrite the cost of research and development through billions of dollars in federally funded NIH grants. Not satisfied with this, then we turn around and give them hundreds of millions of dollars in tax deductions to market and to advertise their products. To top it all off, Mr. President, then we give them billions of dollars in section 936 tax breaks in Puerto Rico, to go to Puerto Rico and manufacture the drugs that we use in America.

Mr. President, what does the American taxpayer get from the pharmaceutical manufacturers in return for this multi-billion dollar investment? What do the drug companies give us in return? First, we get prescription drug price inflation that has tripled the rate of general inflation since 1980. Second, Americans get drug prices that are 50 and 60 percent higher than any other industrialized country in the world, the same drugs that are made in the United States and Puerto Rico for American citizens to consume.

Third, Americans get more and more "me too" drugs. Those are the drugs which represent little or no therapeutic advance over drugs already on the market. These are not breakthrough drugs that we must have and that we need to cure the devastating diseases of our time in this generation.

Mr. President, in spite of the recent pledges of voluntary price moderation by a very few of the drug companies, Americans continue to stagger under the weight of out-of-control drug price increases. For the first quarter of 1992, the data from the Bureau of Labor Statistics show that while the overall CPI increased at just 1 percent, drug prices increased 3 percent. It is the same old story—three times the rate of inflation. For those drugs that we support with our tax dollars and we give them the research dollars to find cures for the diseases of our time, they are increasing drug prices three times the rate of inflation.

Mr. President, Americans, the sick, the poor, the other vulnerable population of our society, are underwriting the most profitable industry in America. Specifically, while the average Fortune 500 company was making a return on sales of 3.2 percent, the drug industry made 4 times that amount—12.8 percent. While the average Fortune 500 company was making a return on equity of 10.2 percent, the drug industry's return on equity was more than 2½ times this amount—26.1 percent.

Mr. President, for the last 11 years the pharmaceutical industry in America has been the leading profit-making industry in the United States—far outpacing the average Fortune 500 company. Over the last few years, the gap between the profits of the pharmaceutical industry and the profits of the average Fortune 500 company has widened even more.

All these very eye-opening statistics should lead us to conclude that the pharmaceutical industry in America has certainly earned the title of the most recession-proof industry in our country in the 1980's. But the reason this morning I am on the floor is to summarize, the very explosive findings of the General Accounting Office Report and what it tells us about how the pharmaceutical industry is abusing the Tax Code and taking advantage of a tax system.

I hope that we are all going to be shocked by what we read in this report and, if we are not, there is something wrong. Nothing, absolutely nothing compares to this report which clearly and undeniably demonstrates that our American Government has given the pharmaceutical industry a blank check to pillage the Federal Treasury though the section 936 tax credit.

Last September, I released a report which documented that the drug industry receives billions of dollars each year in a little known nonresearch break called the section 936 tax credit. This tax credit was created in the 1920's as a way to stimulate the development of jobs in territorial possession of the United States such as Puerto Rico. Shortly after I released that report in September of 1991, Mr. President, the pharmaceutical industry, the PMA, which represents all the pharmaceutical manufacturers—the powerful, rich, entrenched, manufacturers—said that Senator PRYOR was really not giving us all the facts. They said that Senator PRYOR was confused in what he was talking about, that he did not really understand the subject.

Mr. President, to a degree, the pharmaceutical manufacturers were correct. I then contacted the General Accounting Office. Thinking that I might have made a mistake. Maybe I have committed an error. Maybe I need to go to the pharmaceutical manufacturers and express an apology. Little did I know, Mr. President, that what I had claimed in that report in September of 1991 about the tax breaks for the drug industry did not tell the whole story. What the GAO found was worse—worse than I had originally imagined.

Mr. President, that September report showed—and this new GAO report confirms—the section 936 tax credit is doing far more to add to the already awesome profits of the drug industry. It is not finding new cures for diseases as the pharmaceutical manufacturers would lead us to believe.

Here is a map, Mr. President, of this little island, and we can see that 22 drug companies now have 38 manufacturing facilities in Puerto Rico.

There are some 18,000 workers in these 38 plants that make drugs.

Well, Mr. President, the reason we see this island today dotted with firm after firm after firm, where they are manufacturing these drugs in Puerto Rico and not in America, is simple: This has not only become the capital of the pharmaceutical industry in the world; it has become a tax haven. This is a tax haven for the pharmaceutical manufacturers. The highest annual section 936 tax benefits received per employee, according to 1987 figures, is $70,788 every time a company hired an employee in Puerto Rico.

This is much in excess of the average wage paid per employee, which they claim is $26,471.

Let us take that figure of $26,000 per employee. You hire an employee and get a $70,000 tax break.

The distinguished occupant of the chair is perhaps one of the better business people in the U.S. Senate. I think that even he would realize that he would like to operate a business venture where he could get three, four, five, six times the dollars back for every employee that he hired.

Since 1981, Mr. President, the drug industry in our country has received the lion's share of section 936 tax benefits, but it has employed only a small percentage of all section 936 employees in Puerto Rico. For example, in 1987 again, the electronics industry employed 23 percent of all of the section 936 employees; however, they received only 16 percent of the section 936 benefits. In contrast, the drug industry, which employed only 18 percent of all section 936 employees, received a whopping 56 percent of all of the benefits—3½ more benefits than the electronics industry.

Mr. President, this is disturbing. It is almost unbelievable. It definitely is an incredible tax break. The GAO report this morning that I am releasing shows that many drug manufacturers take a per-employee section 936 tax credit that is higher than the 1987 figure of $71,000 that we originally saw.

Mr. President, here is what we find in this report this morning:

For every employee that Pfizer hires in Puerto Rico they get a $156,400 tax credit—incredible.

Merck was around here about a month ago, when S. 2000 was on the floor of this Senate, the bill which would have helped to bring cost containment to the pharmaceutical industry, and try to put some lid on how much profits these companies can make. Merck was round here lobbying against that amendment. Pfizer was around here lobbying against that amendment. American Home Products were here. Bristol-Myers Squibb, Upjohn were all here—No wonder they lobbied against that amendment, Mr. President. Look what they gained by defeating it.

Look what they did by once again saddling the American taxpayer, the American consumer with the highest drug costs in the industrialized world.

Look at the tax breaks that these companies have received and are not paying taxes on in Puerto Rico, because that amendment went down the drain. Incredible. For every $1 in wages that Pfizer pays to its employees in Puerto Rico, it receives $6.36 in section 936 tax credits; $6.36 for every $1 paid out in salaries. Name me one other American enterprise, or name me one enterprise in the world of any nation, that gives the benefit that would even approach the abusive nature or, as some might say, the generosity of this particular tax benefit known as section 936.

Well, Mr. President, the GAO report proves that we squander billions of precious tax dollars through the excesses of the section 936 program.

Riot-torn Los Angeles might need some of this help. In Mississippi County, AR, where we are losing literally thousands of jobs because of a base closing, we need help. American small businesses need help. Our health care system needs help. Our elderly and our children need help.

Mr. President, if we in this institution continue to look the other way and allow these pharmaceutical companies to take advantage of this system, to take advantage of the consumer, to take advantage and run over the American taxpayer, we do not belong here. We do not belong here, if we allow this practice to continue.

Mr. President, I could go on and on about how I believe the drug industry is abusing the American people, how, through their newspaper and television ads, they have become, in my opinion, one of the most hypocritical parts of our health care industry, saying how they want to find the cure for cancer and AIDS and Parkinson's disease. How they say they have to have all of these profits in order to do this research. How they say they do not want any controls, no checks, no balances, and how they continue to come to this Congress and say, "Give me a blank check."

We have given them a blank check. We have given it to them in the Tax Code. And now we have let the pharmaceutical manufacturers run over the American consumer. We are the ones who will be held accountable, Mr. President, you and I. Those of us who are Members of this great institution are the ones handing over American tax dollars to the pharmaceutical industry, while their profits rise 3 times the rate of inflation, while their profits are more than the Fortune 500 companies.

The March vote to table my amendment to contain the cost of prescription drugs for all America was a disappointment to me. I have had disappointments before, though, and I have had them on the floor of this Senate. I am willing to take my medicine, and come back and try another day.

But I will tell you who else was disappointed. It is the sick people out in America, it is the old people out in America, it is the people who are dependent on drugs to stay alive produced by the pharmaceutical manufacturers. That is who is being taken advantage of, Mr. President. That is who is suffering. That is who is paying the price. That is who is subsidizing the greed of these pharmaceutical manufacturers.

We constantly talk here, Mr. President, about addressing health care costs. I am tired of addressing some of these problems. I want to start solving some of these problems, Mr. President. The American people are tired of hearing us address the problems. They know what the problems are. Now it is time we start finding solutions.

Mr. President, I would like to say that the Congress has the responsibility to the American taxpayer, to the American consumer, to make certain that a program that was developed many decades ago is still meeting its objective, and given the data and analysis included in today's report and the growing number of unmet and urgent needs in America, it is time now, I think, for all of us to reevaluate the nature and the resulting shame of the 936 tax credit.

Years ago, I attempted to struggle with the difference in the definitions of nonfeasance and malfeasance. What we may have been guilty of in the past has been nonfeasance, not criminal in nature, but, Mr. President, if we continue to let this go, I think that we are all going to be guilty of malfeasance.

We may not be able, in 1992, to balance the budget. We may not be able to enact—a health care program that will work. Mr. President, we can however, restore some equity, we can have some fairness in the Tax Code. We can say to the pharmaceutical manufacturers, "You have had a free ride for too long and we are going to stop it, and we are going to start making you, Mr. Manufacturer of Pharmaceuticals, pay your fair share."

Mr. President, I have heard that the pharmaceutical industry in the last several days would have paid any amount of money to have had an advanced copy of this report. I had calls even late yesterday afternoon from friends of mine on the House side saying, "Is it possible for you to give us an advance copy of this report?" And I said no. It is my understanding that the pharmaceutical manufacturers are already gearing up, are already coming to town, hiring accounting firms, law firms, lobbyists, what have you, to counter this report.

Mr. President, you cannot counter the facts that are set out in this report. You cannot dispute how much the pharmaceutical industry has gleaned in tax savings at the expense of the American consumer and taxpayer. Johnson & Johnson, for example, from 1980 to 1990, according to the General Accounting Office, saved in taxes $1.117 billion; SmithKline Beecham, $987 million in tax savings because of 936; Abbott Labs, $860 million; Pfizer, $759 million; Upjohn, $750 million.

No wonder they do not want any legislation passed around here, Mr. President. No wonder these pharmaceutical companies who are getting all of these great tax credits that no other person, no other industry is getting, it is no wonder that they are gearing up to fight anything we do in cost containment. They will be right out there in that hall right beyond that door. They will be in our offices. They will be talking to us and talking to our staffs. They are going to run big ads in the newspaper. Just get ready.

But, Mr. President, these facts cannot be disputed. And today I challenge any representative of any of these companies, I challenge any Member of this great body of the U.S. Senate to come here, to come to the floor of this Senate, to come to a committee of the Senate and try to defend this practice. It is indefensible. It is inexcusable. Mr. President, If we do not do something about it, we are going to be judged by the American people, and we should be judged for malfeasance.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, in my presentation a few moments ago I failed to ask unanimous consent to have the General Accounting Office study entitled "Pharmaceutical Industry Tax Benefits of Operating in Puerto Rico" printed in the RECORD.

I ask unanimous consent that that study and a summary prepared by the Aging Committee staff on this report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. General Accounting Office]

Parmaceutical Industry: Tax Benefits of Operating in Puerto Rico

(Briefing Report to the Chairman, Special Committee on Aging, U.S. Senate, May 1992)

General Accounting Office,
Washington, DC, May 4, 1992.

Hon. David Pryor,
Chairman, Special Committee on Aging, U.S. Senate.

Dear Mr. Chairman: This briefing report responds to your November 14, 1991, request for detailed information about the pharmaceutical industry's tax benefits obtained from operating in Puerto Rico in the 1980s. We are continuing our work on your request to review other major tax benefits used by the pharmaceutical industry.

BACKGROUND

Section 936 of the Internal Revenue Code provides a tax credit equal to the federal tax liability on certain income earned in Puerto Rico and certain U.S. possessions. The credit is equivalent to exempting completely from federal taxes the income of qualifying U.S. corporations in Puerto Rico. The Department of the Treasury will lose $15 billion in tax revenues during the 1993 through 1997 period due to section 936, according to the Congressional Budget Office. When Congress enacted section 936 in 1976, it sought to help Puerto Rico obtain employment-producing investments.

Various industries, including the pharmaceutical industry, have taken advantage of section 936 by manufacturing products in Puerto Rico. U.S. corporations have been able to combine the federal tax credit with local tax benefits granted by the government of Puerto Rico to pay low income taxes.

In the early 1980s, Congress and Treasury were concerned about the incentives created by the section 936 tax credit to transfer income to Puerto Rico. Treasury has described how corporations at that time could shelter from federal tax substantial amounts of U.S. income obtained from intangible assets, such as drug patents.[1] A pharmaceutical company would develop a drug in its U.S. research facilities and transfer the drug patent to its wholly owned subsidiary operating in Puerto Rico. The subsidiary would produce the patented drug and claim the income obtained from the drug sales as tax-free income. Treasury would take the opposite position that the income obtained from drug sales had to be allocated to the U.S. parent corporation and subject to federal taxation. This issue resulted in lengthy litigation.[2]

Congress made substantial changes to section 936 in 1982 to "lessen the abuse caused by taxpayers claiming tax-free income generated by intangibles developed outside of Puerto Rico."[3] The Tax Equity and Fiscal Responsibility Act of 1982 established that, in general, intangible income of section 936 corporations would be taxable to U.S. shareholders. However, the act gave section 936 corporations the right to claim income attributable to intangible assets under two options. Thus, since 1982, section 936 corporations have been able to elect one of the two options and thereby, continue to shelter from federal tax a portion of their income from intangible assets.

Treasury was also concerned in the early 1980s that, despite section 936, the employment levels in Puerto Rico had been flat and the average tax revenue lost per job was higher than the average employee compensation paid by section 936 corporations. Therefore, in 1984 Treasury proposed to replace the section 936 tax credit with a wage credit tied to the federal minimum wage. It argued that a wage credit would provide a more direct and cost-effective incentive to create jobs in Puerto Rico and U.S. possessions.

Although Congress did not adopt Treasury's wage credit proposal, it did further tighten section 936 in 1986. Its reasoning was that the 1982 changes reduced the total section 936 tax credits by less than originally anticipated.[4] Recently, the Congressional Budget Office reported that replacing the section 936 tax credit with a wage tax credit would raise $2.2 billion during the 1993 through 1997 period.[5]

A study prepared for the Puerto Rico, U.S.A. Foundation stated that the repeal of section 936 would cause the Puerto Rican economy to experience extreme dislocation.[6] We noticed that the combined federal and local tax incentives have resulted in a manufacturing sector that provided 63 percent of Puerto Rico's total net income in 1990 although it accounted for only 17 percent of total jobs. Unemployment in Puerto Rico remained above 10 percent during the 1980s, and the estimated net out-migration was 280,000 from 1980 to 1988, almost 9 percent of the 1980 population.

RESULTS

Throughout the 1980s the pharmaceutical industry received a relatively large share of the tax benefits from section 936 compared to the number of jobs directly created and the amount of employee compensation the industry provided. Industry representatives state that other employment-related information, such as the number of jobs created in companies servicing pharmaceutical corporations, needs to be considered in evaluating the benefits of section 936. We found that individual pharmaceutical companies differed markedly from each other in the level of taxes they saved by operating in Puerto Rico, and that 17 of the 21 most prescribed drugs in the United States in 1990 were authorized for manufacture in Puerto Rico.

Tax benefits reported in tax returns

The pharmaceutical industry received about half of the total tax benefits from section 936 and provided between 15 and 18 percent of the jobs of all section 936 corporations in Puerto Rico.[8] These results hold in 1981—previous to the 1982 act—and in the 3 years after 1982 for which aggregate tax return data were available—1983, 1985, and 1987. In 1987, this meant the industry received $1.3 billion of the $2.3 billion in total section 936 tax benefits and employed about 18,000 of 100,916 workers (see table I.1).

Treasury estimated the above tax benefits by subtracting from the section 936 tax credits reported in the corporations' tax returns other tax benefits—such as accelerated depreciation, investment tax credits and foreign tax credits—which the companies might have claimed if they had elected not to receive the section 936 credit.

Tax benefits received per employee by the pharmaceutical industry were three to four times greater than those received by the industry with the next greatest amount of benefits—electrical and electronic equipment—and five to seven times greater than those received by all other industries. In 1987, this meant tax benefits per employee were $70,788 in the pharmaceutical industry, $16,450 in the electrical and electronic equipment industry, and $10,593 in other industries (see table I.2).

Tax benefits as a percentage of employee compensation also varied widely among industries. For example, the section 936 tax benefits of pharmaceutical corporations in 1987 were 267 percent of the compensation paid to pharmaceutical employees. The ratio of section 936 tax benefits to employee compensation in the electrical and electronic equipment industry was 98 percent; in other industries the ratio was 68 percent. This means that for each dollar of employee compensation, pharmaceutical companies received $2.67 in tax benefits, electrical and electronic equipment companies received 98 cents in tax benefits and companies in other industries received 68 cents in tax benefits.

Representative of the pharmaceutical industry have asserted that employment-related numbers like these are not the only ones that need to be considered. They have cited the importance of examining the number of (1) high-paying skilled jobs that have been provided to college graduates, (2) Puerto Ricans occupying managerial positions, and (3) indirect jobs created in other companies, such as pill box providers and landscapers, that service pharmaceutical corporations. Analyzing statistics like these was beyond the scope of our work.

Tax savings reported in financial statements

Estimated total tax savings obtained from Puerto Rico operations for 26 pharmaceutical corporations was about $10.1 billion. This figure is in 1990 dollars adjusted for inflation for the 11-year period 1980 through 1990. It is based on information the 26 companies reported in their financial statements or, in some cases, provided us directly. These tax savings translated into about $24.7 billion—valued in 1990 dollars—in tax-exempt earnings from Puerto Rico operations (see table I.5). Estimated tax savings, even after adjusting for inflation, increased in every year except 1984, 1987 and 1988. The decreases in tax savings in 1987 and 1988 were possibly due to the decline in the maximum statutory corporate income tax rate from 46 percent in 1986 to 34 percent in 1988.

We found wide differences in estimated tax savings from Puerto Rico operations among the 26 pharmaceutical corporations. For instance, 1 company saved more than $1 billion; another saved $987 million; 9 other companies saved more than $500 million but less than $1 billion; and the other 15 companies saved less than $500 million (see table I.6).

Similarly, we found wide differences in estimated tax savings per employee and estimated tax savings as a percentage of employee compensation. In the group of 17 drug corporations for which we matched employees and tax savings, the tax savings per employee ranged from $0 to about $156,000 in 1989. Two companies had tax savings per employee greater than $100,000; seven companies had tax savings per employee lower than $100,000 and higher than $50,000; and the other 8 companies had tax savings lower than $50,000 (see table I.4).

Estimated tax savings as a percentage of employee compensation ranged from 636 percent to 0 percent in the group of 17 corporations for which we matched employees and tax savings. In 1989 one company had $6.36 in tax savings per dollar of employee compensation; another company received more than $4 in tax savings per dollar of employee compensation; another 3 companies received more than $3 but less than $4; and the other 12 companies received less than $3 (see table I.4).

Pharmaceutical companies also showed wide variation in the ratio of estimated tax savings to income before taxes. For the 24 companies that reported positive earnings, tax savings ranged from 0 percent to 19.4 percent of income before taxes (see table I.7). Six corporations had tax savings from Puerto Rico operations greater than 10 percent of corporate income before taxes.

The estimates of tax savings from Puerto Rico operations, which are based on corporate financial statements, could differ from actual tax benefits provided by section 936 due to computation, timing, and other differences between financial statement and tax return data. We describe these reasons in appendix III. We believe that, regardless of whether tax return or financial statement data are used, our finding that pharmaceutical companies differ substantially from each other in their tax consequences from operating in Puerto Rico would hold true.

We recognized that if actual tax return figures were used, company-by-company analyses might reveal a different picture. Therefore, we tried to be conservative in estimating the companies' tax savings from operating in Puerto Rico. For instance, in the case of a company that reported tax savings as being principally from Puerto Rico, we presented only half of the tax savings shown in the financial statements. We also used the ratio of U.S. sales to total sales technique explained in appendix III to further reduce the estimated amount of tax savings obtained from Puerto Rico operations for certain corporations specified in appendix II.

We also compared our estimates of tax savings obtained from financial statements with actual tax return data for 1 year to determine if the tax savings were lower than actual section 936 tax credits. We found that the total tax savings from Puerto Rico operations based on our financial statement analysis was less than two-thirds of the total section 936 tax credits reported in tax returns. To avoid disclosing tax data, we do not present in this report company-by-company measures that show to what extent tax savings derived from financial statements might or might not be similar to section 936 tax credits.

Most-prescribed drugs approved for production in Puerto Rico

In our study, we also found that 17 of the 21 most prescribed drugs in the United States in 1990 were authorized for Puerto

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Footnotes at end of article.

Rican manufacture (see table I.8). Seven pharmaceutical corporations were authorized to manufacture in Puerto Rico 2 or more of the 35 most prescribed U.S. drugs. More detailed information about the products is provided in appendix I.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives included obtaining comparative information for the period 1980 through 1990 on (1) the aggregate tax benefits pharmaceutical corporations received from operating in Puerto Rico related to the number of employees they hired and the wages they paid and (2) the estimated tax savings and earnings exempt from federal taxes that individual pharmaceutical corporations obtained from operating in Puerto Rico. The third objective was to obtain information on the major drugs that pharmaceutical corporations were authorized to produce in Puerto Rico. Our work was not intended to be a full policy analysis of section 936.

To address the first objective—dealing with aggregate tax benefits—we obtained statistical information compiled by the Internal Revenue Service (IRS) and Treasury. Using this information, we determined ratios of tax benefits per employee and tax benefits to total compensation paid in Puerto Rico.

To estimate tax savings and tax-exempt income, we collected, analyzed, and aggregated company-specific data. For this work, we used primarily financial statement data of 26 pharmaceutical corporations that were publicly available and, thus, allowed us to do the sort of company-by-company analysis requested.

We also asked each of 14 pharmaceutical companies whose financial statements aggregated tax savings from Puerto Rico with other tax savings to review a table we prepared for that company. Each table showed the numbers taken from the company's financial statement footnotes which we believed included a figure for tax savings from operating in Puerto Rico. We asked that each company provide us with its estimate of tax savings from Puerto Rico operations. Eight companies, listed in appendix II, provided such estimates.

Our approach did not allow us to isolate the section 936 tax benefits companies received by using the credit specifically. Rather, it enabled us to estimate the tax savings from Puerto Rico operations companies received by using the section 936 tax credit and other tax provisions related to operating in Puerto Rico. We obtained inflation-adjusted tax savings and tax-exempt income using the implicit price deflator for U.S. gross domestic product.

Financial statement figures are not necessarily equal to the numbers on tax returns and may differ substantially from them because they can be governed by different practices or based on different time periods. Also, companies may differ from each other in how they present their financial statement information. If actual tax return figures were used, company-by-company analyses might reveal a different picture.

Other analysts have used financial statements to describe the impact of Puerto Rico operations on corporate tax savings. We believe that, regardless of whether tax return or financial statement data are used, it would still be true that pharmaceutical companies can differ substantially from each other in their tax consequences from operating in Puerto Rico over time.

The tax savings derived were not amounts that necessarily would have been paid in the absence of a section 936 tax credit. If companies did not have section 936 tax credits to use, they might have been able to take advantage of other tax provisions, such as the foreign tax credit, that would have reduced the amounts of taxes they would have otherwise paid.

For our last objective—determining the major drugs that pharmaceutical corporations were authorized to produce in Puerto Rico—we obtained a 1990 list of highly-prescribed drugs that the Food and Drug Administration had approved for manufacture in Puerto Rico. We then categorized by company those drugs with the largest number of prescriptions.

In doing our work, we interviewed Treasury and IRS officials responsible for analyzing tax returns of section 936 corporations, and we reviewed aggregate and individual tax data of section 936 corporations. In addition, we analyzed Treasury reports and professional articles on section 936 as well as Securities and Exchange Commission rules and generally accepted accounting principles followed in preparing and presenting financial statements.

We also considered the views of accounting professionals and pharmaceutical industry representatives. We met with Price Waterhouse officials and members of the Tax Subcommittee of the Pharmaceutical Manufacturer's Association to obtain their views on the characteristics of tax data reported by pharmaceutical companies in financial statements and the tax benefits of section 936. We also received a Price Waterhouse report that describes the issues involved in measuring section 936 tax benefits from financial statement data.[9] Their views have been incorporated into the preparation of this report.

We did our work in Washington, D.C., between November 1991 and April 1992 in accordance with generally accepted government auditing standards. Appendix III discusses our objectives, scope, and methodology in greater detail.

We discussed the contents of this report with a senior Treasury official knowledgeable of section 936 issues. He agreed with the analysis and information provided, and his views have been incorporated into the preparation of this report where appropriate.

As agreed with the Committee, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to the Secretary of the Treasury, the Commissioner of the Internal Revenue Service, the Director of the Office of Management and Budget, and other interested parties. We will also make copies available to others upon request.

The major contributors to this report are listed in appendix IV. If you have any questions, please contact me at (202) 275-6407.

Sincerely yours,

JENNIE S. STATHIS,
Director, Tax Policy and Administration Issues.

APPENDIX I.—INFORMATION RELATED TO THE PHARMACEUTICAL INDUSTRY IN PUERTO RICO

TABLE I.1.—THE PHARMACEUTICAL INDUSTRY RECEIVED ABOUT HALF OF THE TAX BENEFITS PROVIDED BY SECTION 936 BUT EMPLOYED LESS THAN 20 PERCENT OF THE WORKERS IN 1981, 1983, 1985, AND 1987

	1981	1983	1985	1987
Total tax benefits received (millions):				
Nominal dollars	1,430	1,496	2,150	2,311
Inflation-adjusted 1990 dollars	2,046	1,938	2,572	2,609
Percentage of tax benefits:				
Pharmaceutical industry	49	49	45	56
Electrical and electronic equipment industry	25	24	19	16
Other industries	26	27	36	28
Total number of employees	72,543	75,642	97,726	100,916
Percentage of employees:				
Pharmaceutical industry	15	15	15	18
Electrical and electronic equipment industry	25	29	26	23
Other industries	60	56	59	59

Note.—Financial data have been adjusted for inflation using the implicit price deflator for U.S. gross domestic product.

Sources: 1981—"The Operation and Effect of the Possessions Corporation System of Taxation: Fifth Report," Department of the Treasury (July 1985); 1983—"U.S. Possessions Corporation Returns, 1983," "Statistics of Income Bulletin," Department of the Treasury (Spring 1988); 1985—"U.S. Possessions Corporations, 1985," "Compendium of Studies of International Income and Taxes, 1984–1985," Department of the Treasury (1991); 1987—"U.S. Possessions Corporation Returns, 1987," "Statistics of Income Bulletin," Department of the Treasury (Summer 1991) and unpublished IRS data.

TAX BENEFITS AND NUMBER OF EMPLOYEES OF SECTION 936 CORPORATIONS

When Congress enacted section 936 in 1976, it sought to help Puerto Rico obtain employment-producing investments. By using income tax, employment, and payroll data available for the 1980s, we compared the distribution of tax benefits to the distribution of jobs and compensation provided by section 936 corporations in Puerto Rico in 1981, 1983, 1985, and 1987.

As shown in table I.1, the pharmaceutical industry received almost 50 percent of the total tax benefits provided by section 936 in 1981, 1983, and 1985. The percentage increased to 56 percent in 1987, or $1.3 billion of the $2.3 billion in total section 936 tax benefits. The percentage of employees in the pharmaceutical industry stayed constant at 15 percent in 1981, 1983, and 1985 and increased to 18 percent in 1987. In 1987, the 18 percent translated into approximately 18,000 jobs out of the 100,916 jobs provided by all section 936 beneficiaries.

The share of tax benefits of the second largest section 936 beneficiary—the electrical and electronic equipment industry—decreased from 25 percent in 1981 to 16 percent in 1987. The percentage of jobs provided by this industry first increased, from 25 percent in 1981 to 29 percent in 1983, and then decreased to 23 percent in 1987.

Representatives of the pharmaceutical industry have asserted that employment-related numbers like these and the ones that appear on table I.2 are not the only ones that need to be considered. They also cited the importance of examining the number of (1) high-paying, highly skilled jobs provided to college graduates, (2) managerial positions occupied by Puerto Ricans, and (3) jobs created in companies that service pharmaceutical corporations, such as pill box providers and landscapers. Analyzing statistics like these was beyond the scope of our work.

TABLE I.2.—TAX BENEFITS PER EMPLOYEE AND AS A PERCENTAGE OF EMPLOYEE COMPENSATION IN THE PHARMACEUTICAL INDUSTRY WERE MUCH HIGHER THAN IN OTHER INDUSTRIES

	1981	1983	1985	1987
Tax benefits per employee:				
Nominal dollars:				
Pharmaceutical industry	62,078	65,318	68,660	70,788
Electrical and electronic equipment industry	19,930	16,242	16,174	16,450
Other industries	8,584	9,618	13,093	10,593
Inflation-adjusted 1990 dollars:				
Pharmaceutical industry	88,810	84,609	82,129	79,896
Electrical and electronic equipment industry	28,512	21,039	19,347	18,567

TABLE I.2.—TAX BENEFITS PER EMPLOYEE AND AS A PERCENTAGE OF EMPLOYEE COMPENSATION IN THE PHARMACEUTICAL INDUSTRY WERE MUCH HIGHER THAN IN OTHER INDUSTRIES—Continued

	1981	1983	1985	1987
Other industries	12,280	12,459	15,661	11,956
Tax benefits as a percentage of employee compensation:				
Pharmaceutical industry	346	298	285	267
Electrical and electronic equipment industry	152	103	101	98
Other industries	71	76	90	68

Note.—Financial data have been adjusted for inflation using the implicit price deflator for U.S. gross domestic product.

Sources: 1981—"The Operation and Effect of the Possessions Corporation System of Taxation: Fifth Report," Department of the Treasury (July 1985); 1983—"U.S. Possessions Corporation Returns, 1983," "Statistics of Income Bulletin," Department of the Treasury (Spring 1988); 1985—"U.S. Possessions Corporations, 1985," "Compendium of Studies of International Income and Taxes, 1984–1985," Department of the Treasury (1991); 1987—"U.S. Possessions Corporation Returns, 1987," "Statistics of Income Bulletin," Department of the Treasury (Summer 1991) and unpublished IRS data.

TAX BENEFITS AND EMPLOYEE COMPENSATION OF SECTION 936 CORPORATIONS

As shown in table I.2, tax benefits received per employee by the pharmaceutical industry were three to four times greater than those received by the industry with the next greatest amount of benefits—electrical and electronic equipment—and five to seven times greater than those received by all other industries. In 1987, this meant tax benefits per employee were $70,788 in the pharmaceutical industry, $16,450 in the electrical and electronic equipment industry, and $10,593 in other industries.

Tax benefits as a percentage of employee compensation also varied widely among industries. For example, in 1987 the pharmaceutical industry received on average $2.67 in tax benefits for every dollar of employee compensation, which was down from the amounts shown in earlier years. The electrical and electronic equipment industry received 98 cents in tax benefits, and other industries received 68 cents in tax benefits for every dollar they paid their employees in 1987. Employee compensation includes an estimate of fringe benefits which is about 25 percent of wages.

Inflation-adjusted tax benefits per employee decreased in the pharmaceutical industry from $88,810 in 1981 to $79,896 in 1987, in 1990 dollars. In the electrical and electronic equipment industry, inflation-adjusted tax benefits per worker decreased from $28,512 in 1981 to $18,567 in 1987. Benefits per employee in other industries decreased from $12,280 in 1981 to $11,956 in 1987.

TABLE I.3.—*Pharmaceutical corporations with a Puerto Rico operation and year started included in this report*

Abbott Laboratories	1968
Allergan, Inc	1976
American Cyanamid Co	1974
American Home Products Corp	1984
A.H. Robins Co. Inc	1974
Baxter International Inc	1968
Becton, Dickinson & Co	1958
Bolar Pharmaceutical Co., Inc	1985
Bristol-Myers Squibb Co	1971
Carter-Wallace, Inc	1972
Eastman Kodak Co. (Sterling Drug)	1973
Eli Lilly & Co	1966
Forest Laboratories, Inc	1966
Johnson & Johnson	1961
Merck & Co., Inc	1972
Monsanto Co. (G.D. Searle & Co.)	1959
Mylan Laboratories, Inc	1987
Pfizer Inc	1973
Rhone-Poulenc Rorer Inc	1984
Schering-Plough Corp	1972
SmithKline Beecham plc	1970
Squibb Corp	1970
Syntex Corp	1975
The Upjohn Co	1973
Warner-Lambert Co	1963
Zenith Laboratories, Inc	1984

Sources: Corporate annual reports; "The Drug and Pharmaceutical Industry in Puerto Rico," Economic Development Administration of the government of Puerto Rico (June 1982, Sept. 1986, and Sept. 1990); "Profile of Performance: The Drug and Pharmaceutical Industry in Puerto Rico," Economic Development Administration of the government of Puerto Rico (Jan. 1985); and "Caribbean Business Book of Lists 1990" (Puerto Rico: Casiano Communications, Inc., 1990) for year Becton, Dickinson started operations.

Table I.3 shows the 26 pharmaceutical corporations that we studied for this report. We describe how we selected these 26 companies in Appendix III. Most of the companies we studied were engaged in operations in Puerto Rico for many years. All but five were operating in Puerto Rico from 1976 or before.

The majority of the companies we included in our analysis had establishments in Puerto Rico in one of the following industries (U.S. standard industrial codes in parentheses):

(1) Medicinal chemicals and botanical products (code 2833). This industry includes establishments primarily engaged in manufacturing bulk medicinal chemicals and their derivatives, and processing bulk botanical drugs and herbs.

(2) Pharmaceutical preparations (code 2834). This industry includes establishments primarily involved in fabricating pharmaceutical preparations in forms for final consumption, such as tablets, capsules and suspensions.

(3) Diagnostic substances (code 2835). This industry includes establishments mainly involved in manufacturing substances used in diagnosing or monitoring the state of health by measuring components of body fluids or tissues.

(4) Biological products, except diagnostic substances (code 2836). This industry includes establishments involved in producing bacterial and viral vaccines, serums, plasmas, and other blood derivatives.

The pharmaceutical operations of some diversified companies in table I.3 accounted for only a small percentage of total sales. For example, Monsanto's pharmaceutical sales in 1990 were 16 percent of net sales. Another company we included in our analysis—Baxter—asserted that it was not part of the pharmaceutical industry because, although it produced some drug products, its main line product line was medical devices. As of May 1990, other companies with manufacturing plants in the drug and pharmaceutical industry in Puerto Rico included Allied Signal; B.O.C. Holding Corp.; Boehringer Mannheim GMBH; The Boots Co. plc; Darby Drug Co.; Du Pont (E.I.) de Nemours & Co., Inc.; F. Hoffman-La Roche & Co. Ltd.; Flow Cytrometry Std. Corp.;' Hanson Industries North America; Imperial Chemical Industries plc; J.M. Family Enterprises, Inc.; Lymphomed, Inc.; Nestle S.A.; Proctor & Gamble Co.; Rotho Pharmaceutical; Sandoz LTD; and Stiefel Laboratories, Inc.[10]

TABLE I.4.—ESTIMATED TAX SAVINGS PER EMPLOYEE AND ESTIMATED TAX SAVINGS AS A PERCENTAGE OF COMPENSATION VARIED WIDELY WITHIN THE PHARMACEUTICAL INDUSTRY IN 1989

Company	Employees	Estimated tax savings per employee	Estimated tax savings as a percentage of compensation
Pfizer	500	$156,400	636
Merck	953	110,493	450
American Home Products	1,000	80,600	328
Kodak (Sterling)	350	77,143	314
Bristol-Myers Squibb	1,440	74,097	302
Upjohn	775	58,452	238
Eli Lilly	950	57,368	234
SmithKline Beecham	991	56,206	229
Johnson & Johnson	2,900	50,690	207
Schering-Plough	1,200	48,417	197
Monsanto (Searle)	500	40,600	165
Abbott	2,200	33,636	137
Rhone-Poulenc Rorer	295	27,797	113
Warner-Lambert	1,524	25,984	106
American Cyanamid	1,121	23,372	95
Baxter	5,912	10,521	43
Syntex	333	0	0

Note.—See appendix II for relevant corporate-specific tax data.

Sources: GAO calculations based on information in corporate financial data. Number of employees comes from "Caribbean Business-to-Business Guide 1991" (Puerto Rico: Casiano Communications, Inc., 1991); average compensation figures come from "Drug and Pharmaceutical Industry in Puerto Rico," Economic Development Administration of the government of Puerto Rico (Sept. 1990). Employee compensation was estimated using average hourly earnings in the pharmaceutical industry as of March 1990, and includes fringe benefits equal to about 26 percent of wages.

EMPLOYEES, ESTIMATED TAX SAVINGS, AND EMPLOYEE COMPENSATION IN SELECTED PHARMACEUTICAL CORPORATIONS FOR 1989

Based on 1989 and 1990 employment figures, tax savings per employee and tax savings as a percentage of compensation varied substantially within the drug industry. For instance, 1989 estimated tax savings per employee ranged from $0 to $156,400 in a group of 17 corporations for which we were able to match employees and estimated tax savings (see table I.4). Figures for 1990 showed a similar pattern but were not reported because they were based on less reliable data than the 1989 figures. The 1989 estimates were based on December 1989 employment figures and average wages in the pharmaceutical and drug industry as of March 1990.

Tax savings as a percentage of employee compensation ranged from 0 percent to 636 percent in the group of 17 corporations for which we matched employees and tax savings. In 1989 one company received $6.36 in tax savings per dollar of employee compensation; another received $4.50; three companies received more than $3 but less than $3.30; and the other 12 companies received less than $2.40. The estimate of employee compensation includes fringe benefits equal to about 26 percent of wages.

Because company-by-company employment information was not readily available for Puerto Rico over time, we were not able to do a long-term or comprehensive analysis relating the number of a company's employees in Puerto Rico to its estimated tax savings from operating in Puerto Rico. The figures shown in table I.4 were calculated from estimated tax savings derived from financial statement data (see appendix III) and employment figures we collected from a directory of Puerto Rico businesses.[11] We computed 1989 and 1990 estimated tax savings per employee for the 17 corporations included in our universe and listed in the directory. We divided the estimated tax savings per employee by average compensation figures per employee to arrive at estimated tax savings as a percentage of compensation.

TABLE I.5.—ESTIMATED TAX SAVINGS AND ESTIMATED TAX-EXEMPT INCOME FROM PUERTO RICO OPERATIONS OF 26 PHARMACEUTICAL CORPORATIONS INCREASED IN THE 1980s.

[In millions of dollars]

Year	Estimated total tax savings	Estimated total tax savings, 1990 dollars	Estimated total tax-exempt income	Estimated total tax-exempt income, 1990 dollars
1980	460	723	999	1,572
1981	526	752	1,144	1,636
1982	567	764	1,233	1,661
1983	597	772	1,297	1,679
1984	616	764	1,339	1,661
1985	828	990	1,800	2,153
1986	1,007	1,173	2,189	2,551
1987	952	1,075	2,379	2,686
1988	836	908	2,458	2,672
1989	1,017	1,059	2,986	3,111
1990	1,119	1,119	3,284	3,284
Total	8,524	10,102	21,109	24,667

Note.—Totals may not add up due to rounding. Financial data have been adjusted for inflation using the implicit price deflator for U.S. gross domestic product.

Source: GAO calculations based on corporate financial data.

ESTIMATED TAX-EXEMPT INCOME AND ESTIMATED TAX SAVINGS FROM PUERTO RICO OPERATIONS, 1980–1990

As shown in table I.5, the amount of estimated income exempt from taxes for the entire 11-year period totaled about $24.7 billion in inflation-adjusted dollars. Estimated tax savings were about $10.1 billion in inflation-adjusted dollars.

These figures are total tax-exempt income and tax savings summed over all 26 companies in inflation-adjusted dollars for the years 1980 through 1990. We used the implicit price deflator for gross domestic product to convert prior year dollars into constant 1990 dollars. The inflation-adjusted savings and tax-exempt income are larger than the nominal amounts because they reflect an inflation that averaged about 5.7 percent per year during the 1980s. The inflation rate was computed using the gross domestic product deflator.

In general, the 26 pharmaceutical companies' tax-exempt income and tax savings from operations in Puerto Rico increased from 1980 through 1990. Inflation-adjusted tax-exempt income increased from $1.6 billion in 1980 to about $3.3 billion in 1990, and inflation-adjusted tax savings increased from $.7 billion in 1980 to about $1.1 billion in 1990. Total estimated tax savings increased in inflation-adjusted dollars at an average annual rate of 5.5 percent over the 11-year period.

The change in tax savings over time did not exactly parallel the change in tax-exempt income. More specifically, the tax savings amount dipped in 1987 and again in 1988, whether adjusted for inflation or not, and tax-exempt income barely decreased from 1987 to 1988. This difference might be explained by the decline in statutory corporate income tax rates from a maximum rate of 46 percent to 40 percent for 1987 and to 34 percent for 1988. Lower tax rates would not have necessarily changed the amount of tax-exempt income, but they definitely would have reduced the amount of taxes saved on that income.

The $952 million nominal amount for tax savings in 1987 differs from the $1.3 billion for section 936 tax benefits in 1987 as reported by Treasury (56 percent of the $2.3 billion in table I.1). We believe this difference exists in part because (1) IRS used actual tax return information, which, for reasons described in appendix III, can differ substantially from financial statement data; (2) our estimates are the result of conservative assumptions we made using only 26 companies' financial statements; and (3) we could not exclude nonpharmaceutical subsidiaries.

TABLE I.6.—ESTIMATED TAX SAVINGS AND ESTIMATED TAX-EXEMPT INCOME FROM PUERTO RICO OPERATIONS VARIED AMONG CORPORATIONS

[Inflation-adjusted 1990 dollars in millions]

Corporation	Estimated total tax savings, 1980–90	Average annual tax savings	Estimated total exempt income, 1980–90	Average annual exempt income
Johnson & Johnson	1,117	102	2,778	253
SmithKline Beecham	987	90	2,301	209
Abbott	860	78	2,075	189
Pfizer	759	69	1,864	170
Upjohn	750	68	1,776	161
Merck	749	68	1,890	172
Baxter	685	62	1,648	150
Schering-Plough	655	60	1,581	144
Eli Lilly	650	59	1,583	144
Bristol-Myers Squibb	627	57	1,591	145
Squibb	514	57	1,212	135
American Home Products	450	75	1,194	199
Warner-Lambert	337	31	828	75
Monsanto (Searle)	293	27	678	62
American Cyanamid	225	21	554	50
Kodak (Sterling)	141	16	362	40
Becton, Dickinson	111	10	266	24
A.H. Robins	54	7	120	15
Carter-Wallace	50	5	120	11
Rhone-Poulenc Rorer	39	8	106	21
Allergan	24	12	72	36
Forest Laboratories	15	1	37	3
Mylan Laboratories	5	1	14	4
Bolar Pharmaceuticals	4	0.7	11	2
Zenith Laboratories	2	0.4	4	1
Syntex	0	0	0	0

Note.—See appendix II for relevant information about individual companies.

Source: GAO calculations based on corporate financial data.

ESTIMATED TAX-EXEMPT INCOME AND ESTIMATED TAX SAVINGS FROM PUERTO RICO OPERATIONS BY INDIVIDUAL CORPORATIONS, 1980–1990

We found wide differences in the estimated tax savings from Puerto Rico operations reported by 26 pharmaceutical corporations. For instance, 1 company saved more than $1 billion; another saved $987 million; 9 other companies saved more than $500 million but less than $1 billion; and the other 15 companies saved less than $500 million (see table I.6). The company that reported zero tax savings from Puerto Rico operations asserted that its net operating loss carryforwards exceeded section 936 tax benefits. We obtained these estimates from information derived from financial statements of 26 pharmaceutical companies for the 11-year period 1980 through 1990. These tax savings have been adjusted for inflation to the year 1990 and have the limitations we describe in appendix III.

In general, the pattern of total tax-exempt income is similar to the tax savings pattern described above. The company that reported tax savings greater than $1 billion obtained the largest tax-exempt income—$2.8 billion. The tax-free earnings of another two companies were greater than $2 billion; the total tax-free earnings of another 9 companies were greater than $1 billion but less than $2 billion; and the other 14 companies had less than $1 billion in tax-exempt earnings.

The average annual exempt income and the average annual tax savings also varied substantially from company to company. We computed the averages by dividing a company's income and savings amounts by the number of years the company had been operating in Puerto Rico since 1979.

TABLE I.7.—ESTIMATED TAX SAVINGS OBTAINED FROM PUERTO RICO OPERATIONS COMPARED TO INCOME BEFORE TAXES VARIED WIDELY

[Inflation-adjusted 1990 dollars in millions]

Company	Estimated total tax savings, 1980–90	Total income before taxes, 1980–90	Savings as a percentage of income before taxes
Baxter	685	3,530	19.4
Upjohn	750	4,592	16.3
Squibb	514	3,229	15.9
Allergan	24	184	13.0
Schering-Plough	655	5,134	12.8
Rhone-Poulenc Rorer	39	368	10.6
SmithKline Beecham	987	10,202	9.7
Johnson & Johnson	1,117	12,714	8.8
Abbott Laboratories	860	9,861	8.7
Carter-Wallace	50	586	8.5
Pfizer	759	10,516	7.2
Forest Laboratories	15	210	7.1
American Cyanamid	225	3,542	6.4
Warner-Lambert	337	5,537	6.1
Bechton, Dickinson	111	1,928	5.8
Eli Lilly	650	11,456	5.7
Monsanto (Searle)	293	5,216	5.6
American Home Products	450	9,220	4.9
Bristol-Meyers Squibb	627	12,848	4.9
Merck	749	15,527	4.8
Bolar	4	91	4.4
Mylan Laboratories	5	140	3.6
Kodak (Sterling)	141	6,644	2.1
Syntex	0	2,904	
A. H. Robins	54	(1,797)	NA
Zenith Laboratories	2	(30)	NA

Note.—See appendix II for relevant information about specific corporations.

Source: GAO calculations based on corporate financial data.

ESTIMATED TAX SAVINGS OBTAINED FROM PUERTO RICO OPERATIONS COMPARED TO INCOME BEFORE TAXES

As table I.7 shows, over the 1980 through 1990 period, for pharmaceutical companies with operations in Puerto Rico, estimated tax savings as a percentage of income before taxes varied widely, from 0 percent to about 19 percent.

This means that companies' effective tax rates for the period were reduced from 0 to 19 percentage points. Tax savings from Puerto Rico operations were more than 10 percent of corporate income before taxes for 6 of the 26 pharmaceutical corporations. Two companies had losses during the period and therefore did not enter into our calculations.

TABLE I.8.—MAJOR PRESCRIPTION DRUGS APPROVED FOR PRODUCTION IN PUERTO RICO

Pharmaceutical corporation	Drug	Rank
American Home Products	Premarin	4
Boots	Synthroid	8
Bristol-Myers Squibb	Capoten	13
Ciba-Geigy	Lopressor	19
Eli Lilly	Ceclor	7
Do	Darvocet-N 100	27
Do	Prozac	16
ICI Pharmaceuticals	Tenormin	11
Johnson & Johnson	Tylenol w/codeine	25
Do	Ortho-Novum 7/7/7 28	18
Marion Merrell Dow	Cardizem	12
Do	Seldane	10
Merck	Vasotec	9
Do	Mevacor	32
Monsanto (Searle)	Calan SR	17
Pfizer	Procardia	35
Do	Procardia XL	33
Schering-Plough	Theo-Dur	26
SmithKline Beecham	Tagamet	15
Do	Dyazide	6
Syntex	Naprosyn	14
Upjohn	Halcion	30
Do	Micronase	28
Do	Provera	34
Do	Zanax	5
Warner-Lambert	Dilantin	21

Source: Food and Drug Administration.

MAJOR PRESCRIPTION DRUGS APPROVED FOR PRODUCTION IN PUERTO RICO

As shown in table I.8, various companies were involved with the most-prescribed drugs in the United States that were approved by the Food and Drug Administration for production in Puerto Rico. Four of the companies—Boots, Ciba-Geigy, ICI Pharmaceuticals, and Marion Merrell Dow—were not included in our study because either the company was not on the lists we checked, Puerto Rico-specific information was not available through the Securities and Exchange Commission or Puerto Rico operations had not yet begun as of 1990.

We obtained our information on most-prescribed drugs and on approvals for manufacture in Puerto Rico from the Food and Drug Administration. The agency provided us with a list of the 200 most-prescribed drugs in the United States in 1990, counting new and refilled prescriptions. It also pinpointed 73 of these drugs that it had approved for production in Puerto Rico.

We should point out that just because a particular drug was approved for manufacture in Puerto Rico does not necessarily mean that it actually was manufactured in Puerto Rico. Representatives of the pharmaceutical industry told us that particular drugs often are approved for production in different plants.

Seven pharmaceutical companies were authorized to manufacture in Puerto Rico 2 or more of the 35 most prescribed drugs in the United States in 1990. As shown in table I.8, 26 of the 35 drugs were authorized for Puerto Rican manufacture. More specifically, 17 of the top 21 had this approval. Some of the uses of the drugs in table I.8 are shown next.

Premarin, according to its producer American Home Products, was in 1990 the leading estrogen replacement therapy in the United States for the treatment of menopausal symptoms and osteoporosis.

Synthroid, produced by Boots, is indicated for the treatment of conditions associated with thyroid glands, such as primary atrophy, absence of thyroid glands and thyroid cancer.

Capoten is Bristol-Myers Squibb's trademark under which it sells the antihypertensive captopril. Sales of captopril increased 19 percent in 1990 to $1.5 billion, and it was Bristol-Myers Squibb's largest selling product.

Lopressor, produced by Ciba-Geigy, is indicated for the treatment of hypertension and the long-term treatment of angina pectoris.

Ceclor is one of Eli Lilly's products for the treatment of bacterial infections. *Darvocet-N 100*—used for the relief of mild-to-moderate pain—and the antidepressant *Prozac* are part of Eli Lilly's central nervous system products.

Tenormin, produced by ICI Pharmaceuticals, is indicated in the treatment of hypertension and the long-term treatment of patients with angina pectoris.

Ortho Novum 7/7/7 28 is an oral contraceptive produced by Johnson & Johnson. *Tylenol with codeine*, also produced by Johnson & Johnson, is indicated for the relief of mild-to-moderately-severe pain.

Cardizem, produced by Marion Merrell Dow, is indicated in the treatment of angina pectoris due to coronary artery spasm. *Seldane*, also produced by Marion, is indicated for the relief of symptoms associated with seasonal allergies, such as sneezing and lacrimation.

Vasotec and *Mevacor* are in the group of Merck's antihypertensive and cardiovascular products.

Calan SR is part of Monsanto's pharmaceutical products for the treatment of hypertension. Calan's net sales in 1990 increased 28 percent to $467 million.

Procardia and *Procardia XL* are part of Pfizer's cardiovascular products. Their combined sales in 1990 were $727 million, an increase of 58 percent over 1989.

Theo-dur is a sustained-action anti-asthma product of Schering-Plough. Sales were more than $100 million in 1989, but decreased in 1990 due to competition from generic products.

Tagamet, indicated in treatment of active duodenal ulcers, represented approximately 26 percent of SmithKline Beecham's pharmaceutical sales in 1990. U.S. sales of Tagamet were $606 million in 1990, an increase of 6 percent. *Dyazide*, also produced by SmithKline Beecham, is a diuretic which may also be used for the treatment of hypertension. Sales of Dyazide increased 18 percent in 1990, primarily reflecting increased volume following the withdrawal of competing generic products from the U.S. market in 1989 and early 1990 after inquiries by the U.S. Food and Drug Administration and Congress.

Naprosyn, produced by Syntex, is indicated for the treatment of arthritic diseases. According to Syntex, Naprosyn was the top selling prescription nonsteroidal anti-inflammatory drug in the United States in 1990.

Xanax and *Halcion* are Upjohn's two major drugs for the treatment of central nervous system disorders. Xanax is used for symptomatic relief of anxiety with and without depression. Halcion is a hypnotic drug for the treatment of insomnia.

Micronase is Upjohn's major oral antidiabetes product. *Provera*, also produced by Upjohn is indicated for the treatment of abnormal uterine bleeding.

Dilantin is an anticonvulsant produced by Warner-Lambert.

The top three drugs in number of prescriptions—Amoxil, produced by SmithKline Beecham; Lanoxin, produced by Burroughs Wellcome; and Zantac, produced by Glaxo—were not authorized for production in Puerto Rico. Others that did not have the approval were Augmentin (SmithKline Beecham), Proventil (Shering-Plough), Lasix (Hoechst-Roussel), Voltarin (Ciba-Geigy), Ventolin (Glaxo), and Cipro (Miles Pharmaceuticals).

APPENDIX II.—NOTES ON CORPORATIONS' FINANCIAL DATA

We obtained the tax savings from Puerto Rico operations for "A.H. Robins; American Home Products (1988–1990); Bolar; Bristol-Myers (1989–1990); Carter-Wallace; Eastman Kodak (Sterling) (1980–1985); Eli Lilly; Johnson & Johnson; Merck; Monsanto (G.D. Searle); Rhone-Poulenc Rorer; Schering-Plough; Squibb; Upjohn; Warner-Lambert; and Zenith" from an explicit item in the tax footnote in the companies' financial statements labeled something like "tax exemption for Puerto Rico operations."

"Abbott (1984-1990); American Home Products (1985–1987); Bristol-Myers; Eastman Kodak (Sterling) (1988–1990); Monsanto (1985); Pfizer; and Syntex" provided us with explicit tax savings from Puerto Rico operations which were not available in their financial statements.

Although "Baxter" said that it was not a pharmaceutical company and should not be included in our analysis, it also supplied us with estimated tax savings, marked confidential, for 5 of the 11 years we analyzed. We used our own estimates, calculated as described below, because we did not have written permission to publish Baxter's confidential data and it gave us data for only 5 years.

For "Allergan; American Cyanamid (1980–1986); Baxter; Becton, Dickinson; Forest Laboratories; and SmithKline "we used the ratio of U.S. sales to worldwide sales as described in appendix III to estimate tax savings. We used this ratio because the financial statement tax footnote combined tax consequences from Puerto Rico with those from Ireland or from unidentified sources.

For "American Cyanamid" (1987–1990), we adjusted the sales ratio technique described in appendix III and also based our estimates on earlier year tax savings estimates. We did this because the company changed the relevant description in its tax footnote, and not changing our approach would have resulted in numbers that would have been inconsistent with the company's earlier experience.

"A.H. Robins" was acquired by "American Home Products" in 1989.

"Allergan" became independent of "SmithKline Beckman" in 1989.

"American Home Products" started operations in Puerto Rico in 1984.

"Becton, Dickinson" reports a larger 1987 tax consequence from foreign and Puerto Rican income than we used because we conservatively used the then-existing 40-percent statutory tax rate rather than a 43-percent rate that appeared in the financial statements.

"Bolar" began Puerto Rico operations in 1985.

"Bristol-Myers Squibb" includes only Bristol-Myers from 1980 through 1988 and after that reflects "Squibb's" 1989 merger with a subsidiary of "Bristol-Myers."

Fiscal years for "Carter-Wallace, Forest Laboratories, and Mylan Laboratories" ended on March 31 of the year after the one we show.

"Eastman Kodak" acquired "Sterling" in 1988, and "Monsanto" acquired "Searle" in 1985. Data before the year of acquisition apply to the subsidiary only, and the later data cover the combined entity. Sterling's 1986 and 1987 numbers were unavailable in legible form from the Securities and Exchange Commission.

Because "Mylan Laboratories" reported tax credits as resulting principally from Puerto Rico operations, we conservatively used 50 percent of the tax credits as the tax savings from Puerto Rico operations. Mylan began Puerto Rico operations in 1987.

"Rhone-Poulenc Rorer" resulted from the merger of Rhone-Poulenc and Rorer in 1990. Rorer's numbers alone are shown before 1990.

Our information on "SmithKline Beecham," incorporated in England, includes data for SmithKline (1980) or SmithKline Beckman with the "Allergan" component for 1980 through 1988. Data afterwards reflect SmithKline Bechman's merger with Beecham and its dissociation from Allergan. To estimate SmithKline's tax savings from Puerto Rico operations we used the sales ratio technique described in appendix III. For 1989 and 1990 we also used earlier ratios because we did not have more current ones available.

"Syntex Corporation" is incorporated in Panama. Syntex told us that the U.S. net operating loss carryforwards reflected in its 1990 annual report exceeded the section 936 tax benefits it claimed, and thus, its financial statements for the period 1980 through 1990 reflected no saving in U.S. federal tax related to section 936 operations in Puerto Rico.

"Zenith Laboratories" began Puerto Rico operations in 1984.

APPENDIX III.—OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives included determining for 1980 through 1990—the tax benefits pharmaceutical corporations obtained from operating in Puerto Rico compared to the number of employees they hired and the wages they paid in Puerto Rico; the estimated tax savings that individual pharmaceutical corporations obtained from operating in Puerto Rico; and the estimated amount of income they obtained from operating in Puerto Rico that was exempt from federal taxes.

Another objective was to determine the major drugs that pharmaceutical corporations were authorized to produce in Puerto Rico.

To address the first objective—relating tax benefits to employment statistics—we obtained statistical information compiled by IRS and Treasury. To estimate the section 936 tax benefits, Treasury subtracted from the actual section 936 tax credits claimed by the companies other tax benefits—such as accelerated depreciation, investment tax credits and foreign tax credits—which the corporations might have claimed if they had not received the section 936 credit. Using these data provided by Treasury and IRS, we determined ratios of tax benefits per employee and tax benefits to total compensation paid in Puerto Rico. We did this for all section 936 pharmaceutical companies and all section 936 manufacturing companies in 1981, 1983, 1985, and 1987, years for which federal unemployment data were available. More recent data were not available.

To address the next two objectives—estimating tax savings and tax-exempt income—we collected, analyzed, and aggregated company-specific data mostly from public sources. For this work, we used primarily financial statement data of 26 pharmaceutical corporations that were publicly available and, thus, allowed us to do the sort of company-by-company analysis requested.

We also asked each of 14 pharmaceutical companies whose financial statements aggregated tax savings from Puerto Rico operations with other tax savings to review a table we prepared for that company. Each table showed the numbers taken from the company's financial statement footnotes which we believed included a figure for tax savings from operating in Puerto Rico. We asked that each company provide us with its estimate of tax savings from Puerto Rico operations. Eight companies, listed in appendix II, provided such estimates.

Our approach did not allow us to isolate the tax benefits companies received by using the credit specifically. Rather, it enabled us to estimate the tax savings companies claimed on their financial statements by using the tax credit and other tax provisions related to operating in Puerto Rico. We obtained inflation-adjusted tax savings using the implicit price deflator for U.S. gross domestic product.

Financial statement figures may differ substantially from the numbers on tax returns because they can be governed by different practices or based on different time periods. For instance, a corporation may use what is know as "the profit split method" for calculating income for financial statement purposes and a different method for calculating income for tax purposes. As another example, any information acquired after a financial statement is published but before a tax return is filed will be used in preparing the tax return even though a financial statement is not reissued. In addition, companies may differ from each other in how they present their financial statement information—for instance, isolating various amounts related to operating in Puerto Rico to different degrees—and the same company may follow different practices in different years. Other differences between financial statement amounts and actual tax benefits may arise from (1) the way companies estimate future IRS audit adjustments or present past ones, (2) the fact that specific corporations are subject to the alternative minimum tax, and (3) other factors.

Thus, if actual tax return figures were used, company-by-company analyses might reveal a different picture. Therefore, we tried to be conservative in estimating company-specific amounts from financial statement data. For the 1 year we checked, we found that the total tax savings from Puerto Rico operations based on our financial statement analysis was substantially lower than the total section 936 credits reported in tax returns. We also did company-by-company comparisons but do not report the results because of concerns that doing so might disclose confidential tax information.

Other analysts have used financial statements to describe the impact of Puerto Rico operations on corporate tax savings.[12] We believe that regardless of whether tax return or financial statement data are used, the basic idea would hold true that companies can differ substantially from each other in their tax consequences from operating in Puerto Rico over time.

To work with the financial statements, we first identified pharmaceutical firms with manufacturing operations in Puerto Rico. We did this generally by examining two sources: (1) a list of corporations that could be producing pharmaceuticals in Puerto Rico as of September 1990, as published by the Economic Development Administration of the government of Puerto Rico; and (2) a December 1991 list of establishments approved by the U.S. Food and Drug Administration to manufacture specific drugs in Puerto Rico and the Virgin Islands.

We selected those companies that appeared on both lists and for which we could obtain usable financial statements from the Securities and Exchange Commission for the time the companies operated in Puerto Rico during 1980 through 1990. We also selected the only company—Becton, Dickinson—that was in the list of top 24 Puerto Rican pharmaceutical companies in terms of employees[13] that we had not already selected, and that had the sort of usable financial statements we needed.

Our final list of 26 pharmaceutical corporations included only those companies with financial statements that provided detailed enough information to allow us to estimate the tax savings the companies obtained from operating in Puerto Rico. The 26 corporations included companies whose section 936 tax credits, when totaled, accounted for a large majority of the total section 936 tax credits provided to all pharmaceutical corporations in the 1 year checked. The 26 companies also accounted for a large majority of the drug products approved by the Food and Drug Administration for manufacture in Puerto Rico. Companies not covered in our analysis included those that were not publicly owned and thus did not file statements with the Securities and Exchange Commission and those with Puerto Rico operations that were an immaterial and therefore unidentifiable part of total operations.

To estimate each company's tax savings from operating in Puerto Rico, we examined the company's financial statement footnote that explained its income taxes. This footnote had a section in which the company reconciled its actual tax expense with what its tax expense would have been if the statutory tax rate had been applied to income before taxes and nothing else had to be considered.

One of the reconciling items for the companies we were examining was an item labeled something like "tax exemption for Puerto Rico operations." To estimate company tax savings for the 1980 through 1990 period, we added up the company's exemption amounts for all the years that the company had a Puerto Rico operation. We did this on a nominal basis and also adjusted it for inflation. If a particular financial statement number was based on a Puerto Rico exemption as well as another exemption—for example, one for Ireland—we estimated the Puerto Rico part by using the ratio of the company's U.S. sales to worldwide sales. Our assumption was that the output produced in Puerto Rico was generally sold in the United States and the output produced under the exemptions was sold elsewhere. Although we know that this assumption is not universally true, it was based on information we obtained form the Economic Development Administration of Puerto Rico that pharmaceuticals produced in Puerto Rico are generally shipped to the United States. Because of the relative imprecision underlying this assumption, we asked the companies for whom we would be using the sales ratio technique to provide us with tax savings estimates of their own. The companies that provided their own estimates are listed in appendix II.

The resulting amount of tax savings we determined for each company was not intended to represent the section 936 tax credit taken. Rather, as alluded to above, the amount could also show the effects of taxes paid in Puerto Rico and reflect differences in how financial statements and tax returns are put together. Further, the tax savings derived are not amounts that necessarily would have been paid in the absence of a section 936 tax credit. If companies did not have section 936 tax credits to use, they might have been able to take advantage of other tax provisions, such as the foreign tax credit, that also would have reduced the amounts of taxes they would have otherwise paid.

Once we obtained a company's tax savings from Puerto Rico operations, we were able to address our third objective and compute the tax-exempt income obtained from operating in Puerto Rico. We did this computation by dividing the tax savings we arrived at earlier by the statutory tax rate—for example, by 34 percent in the United States after 1987.

For 1989 and 1990, we matched the tax savings data we had estimated for specific companies to publicly available information on the number of their employees in Puerto Rico and an estimated amount of compensation they paid them. We were thus able to obtain company-specific ratios of estimated tax savings per employee and estimated tax savings to total compensation paid in Puerto Rico.

For our fourth objective—determining the major drugs that pharmaceutical corporations were authorized to produce in Puerto Rico—we obtained from the Food and Drug Administration a list of the 200 most-prescribed drugs the agency had approved for manufacture in Puerto Rico. We then categorized by company the 25 most-prescribed drugs authorized for production in Puerto Rico.

In doing our work, we interviewed Treasury and IRS officials responsible for analyzing tax returns of section 936 corporations, and we reviewed aggregate and individual tax data of section 936 corporations. In addition, we analyzed Treasury reports and professional articles on section 936 as well as Securities and Exchange Commission rules and generally accepted accounting principles followed in preparing and presenting financial statements.

We also considered the views of accounting professionals and pharmaceutical industry representatives. We met with Price Waterhouse officials and members of the Tax Subcommittee of the Pharmaceutical Manufacturer's Association to obtain their views on the characteristics of tax data reported by pharmaceutical companies in financial statements and the tax benefits of section 936. We also received a Price Waterhouse report that describes the issues involved in measuring section 936 tax benefits from financial statement data.[14] Their views have been incorporated into the preparation of this report.

APPENDIX IV.—MAJOR CONTRIBUTORS TO THIS BRIEFING REPORT

General Government Division, Washington, D.C.:

Jose R. Oyola, Assistant Director.
Lawrence M. Korb, Evaluator-in-Charge.
Kevin E. Daly, Senior Economist.
Sharon T. Paris, Evaluator.

FOOTNOTES

[1] Intangible assets do not have physical substance but do have economic value because they confer rights on their holders. The owner of a drug patent granted by the U.S. government has the right to prevent others from making or selling the drug for a period of 17 years.

[2] See, for example, the U.S. Tax Court cases "Eli Lilly and Co. v. Comr.," 84 T.C. 996 (1985) and "G.D. Searle & Co. v. Comr.," 88 T.C. 252 (1987).

[3] "General Explanation of the Revenue Provisions of the Tax Equity and Fiscal Responsibility Act of 1982," Joint Committee on Taxation (Dec. 1982).

[4] "General Explanation of the Tax Reform Act of 1986," Joint Committee on Taxation (May 1987).

[5] "Reducing the Deficit: Spending and Revenue Options," Congressional Budget Office (Feb. 1992).

[6] "Section 936 and the Puerto Rican Economy: An Analysis of the Effects of a Repeal of Section 936 Under Puerto Rico's Present Commonwealth Status," Price Waterhouse (May 1991).

[7] "Puerto Rico: Update of Selected Information Contained in a 1981 GAO Report" (GAO/H/RD-89-104FS, Aug. 1989).

[8] We report data on (1) Treasury's estimates of section 936 tax benefits obtained from tax returns and (2) our estimates of tax savings from Puerto Rico operations obtained from corporate financial statements. The difference between tax benefits and tax savings is explained in detail in appendix III.

[9] "Financial Accounting for Section 936 Tax Credits," Price Waterhouse (March 1992).

[10] "The Drug and Pharmaceutical Industry in Puerto Rico," Economic Development Administration of the government of Puerto Rico (Sept. 1990).

[11] "Caribbean Business-to-Business Guide 1991" (Puerto Rico: Casiano Communications, Inc., 1991).

[12] "A Successful Puerto Rican Statehood Initiative Will Result in Higher Corporate Tax Rates for Many Companies," Washington Analysis Corporation (Aug. 1990), and "The Operation and Effect of the Possessions Corporations System of Taxation," Department of the Treasury (1980).

[13] "Caribbean Business Book of Lists 1990," (Puerto Rico: Casiano Communications, Inc., 1990).

[14] "Financial Accounting for Section 936 Tax Credits," Price Waterhouse (March 1992).

[Senate Aging Committee Majority Staff Analysis of General Accounting Office Report, May 1992]

PHARMACEUTICAL INDUSTRY: TAX BENEFITS OF OPERATING IN PUERTO RICO

BACKGROUND

In November, 1991, Senate Aging Committee Chairman David Pryor (D-Ark) asked the U.S. General Accounting Office (GAO) to determine the nature and extent of the tax subsidies received by the pharmaceutical industry under the section 936 tax credit. This tax credit provides a tax exemption for business income earned by U.S. corporations that manufacture products in Puerto Rico and other territorial possessions of the United States. The stated purpose of the credit is to stimulate the development of jobs in these territorial possessions.

In short, the GAO report concludes that the section 936 tax credit has been significantly more efficient at producing billions of dollars in tax savings for the pharmaceutical industry rather than creating jobs in Puerto Rico. In doing so, the GAO report confirms the similar findings of a September, 1991 Senate Aging Committee staff report, "The Drug Manufacturing Industry: A Prescription for Profit."

The GAO report was requested to provide an independent analysis to the Congress on the tax subsidies that the pharmaceutical industry is realizing from this generous tax credit. The information provided in the report should help Congress restructure the credit so that it meets its stated purpose—job creation, not profit padding—and makes it more fair to the Puerto Rican people and the taxpayers of the United States.

SUMMARY AND ANALYSIS OF REPORT FINDINGS

Point 1: The pharmaceutical industry was responsible for producing only 18 percent of all the section 936 manufacturing jobs in Puerto Rico in 1987 (18,176 of 100,916 section 936 jobs), while in the same year it received about 56 percent of all tax benefits from the section 936 tax credit (about $1.3 billion of the $2.3 billion in total section 936 benefits).

Point 2: During the period between 1980 and 1990, the drug industry received a total section 936 tax savings of $8.5 billion, and had total tax exempt income of $21.1 billion. GAO states that, for one year that was studied, the section 936 drug manufacturer tax savings identified in this Report, which are based on company financial statements, represented only about two-thirds of actual total section 936 tax benefits reported by drug manufacturers in confidential tax returns. Therefore, GAO says that its own Report significantly understates the amount of the drug industry's section 936 tax benefits.

Point 3: The annual section 936 tax benefits received *per employee* by each pharmaceutical manufacturer in 1987—$70,788—is far in excess of the average wages paid per employee—$26,512.

Point 4: The pharmaceutical industry receives the highest per-employee tax break of any section 936 manufacturing industry in Puerto Rico. The Report found that, on average, for each dollar that a drug company paid in wages, it received $2.67 in section 936 tax benefits. The section 936 tax benefits to other industries in Puerto Rico were much smaller. For example, the electronics industry received only 98 cents in tax benefits for each dollar paid in wages; the average section 936 manufacturing company in Puerto Rico received only 68 cents for every dollar paid in wages.

Point 5: The stark inefficiency of the section 936 tax credit in creating jobs in Puerto Rico is demonstrated by the fact that the electronics industry—which employs 23 percent of all section 936 employees—only receives 16 percent of the section 936 tax benefits. In contrast, the drug industry, which has fewer section 936 employees than the electronics industry—18 percent—receives three and a half times MORE benefits than the electronics industry—56 percent.

Point 6: Although a drug company's average section 936 tax savings per employee are about $71,000, the Report found that actual tax savings per employee are substantially higher for many individual pharmaceutical manufacturers in Puerto Rico. The leading drug companies in per-employee tax savings in 1989 were:

Rank/Company	Tax savings per employee	Tax savings as percent salary	Total employees	Percent total 936 employees
1. Pfizer	$156,400	636	500	0.5
2. Merck	110,495	450	953	.8
3. AmHome	80,600	328	1,000	.8

Point 7: During the period between 1980 and 1990, about 52 percent of all tax savings received by the pharmaceutical industry under the section 936 credit went to just six pharmaceutical manufacturers. In fact, just two manufacturers—Johnson and Johnson and SmithKline Beecham—received 21 percent of all pharmaceutical manufacturer section 936 tax savings during this period—$2.1 billion dollars. The tax savings for these 6 companies over the 1980–90 period were:

Total 1980–90 section 936 tax savings

Company:	*Billions*
	Billions
1. Johnson and Johnson	$1.117
2. SmithKline Beecham	.987
3. Abbott Labs	.860
4. Pfizer	.759
5. Upjohn	.750
6. Merck	.749
Total 1980–90 tax savings for top six companies	5.222

Point 8: The amount of the section 936 tax credit received by a company has little relationship to the level of employment in Puerto Rico. While Pfizer receives a per-employee tax credit of $156,400, it employs only 500 individuals in Puerto Rico or, only 0.5% of all section 936 employees in Puerto Rico. In contrast, while Baxter receives a per-employee tax credit of $10,521, it employs almost 6,000 individuals in Puerto Rico.

Point 9: Seventeen of the top twenty-one selling drugs in the United States are approved by FDA to be made in Puerto Rico. As the attached chart shows, in addition to avoiding paying millions of dollars in taxes by making these drugs in Puerto Rico, and in addition to receiving a tax credit far in excess of wages paid for the employees that make these drugs in Puerto Rico, the drug manufacturers of this nation have forced the American public to swallow staggering double-digit price increases on these drug products.

CONCLUSION

Today, American taxpayers are underwriting the costs of new drug research, providing tax write-offs for drug manufacturer marketing and advertising expenses, subsidizing billions of dollars in new drug research at the NIH, and paying drug prices that consistently triple the general inflation rate. To ask the American taxpayer to also continue to subsidize the most profitable industry in the country though the section 936 tax credit is not only unfair, it is a disgrace.

Congress has a responsibility to the American taxpayer to make sure that a program that was developed many decades ago is still meeting its objective today. Given the data and analysis included in this report, and the growing number of unmet, urgent social needs that we have in this country today, it is time for the Congress to re-evaluate the nature and structure of the section 936 tax credit.

For more information contact Ann Trinca, Press Secretary, John Coster, or Chris Jennings of the staff of the U.S. Senate Special Committee on Aging, 202–224–5364; or Steve Glaze of Senator Pryor's Office, 202–224–2353.

PRICES FOR PRESCRIPTION DRUGS MADE IN PUERTO RICO SKYROCKET

Drug/manufacturer	Average annual percent change in price, 1986–91	Total estimated section 936 tax savings received by MFGR, 1986–91 [1]
Premarin 0.625mg., American Home Products (estrogen replacement)	17.0	$375,000,000
Tylenol & Cod No. 3, Johnson and Johnson (pain killer)	17.0	510,000,000
Halcion 0.25mg., Upjoin (tranquilizer)	15.0	340,000,000
Xanax 0.5 mg., Upjohn (tranquilizer)	14.6	340,000,000
Dilantin 100mg., Parke-Davis (epilepsy)	14.4	155,000,000
Capoten 25mg., Bristol-Myers Squibb (hypertension)	13.2	285,000,000
Tagamet 30mg., SmithKline (ulcers)	12.0	450,000,000
Procardia 10mg., Pfizer (hypertension)	12.0	345,000,000
Ceclor 250mg., Eli Lilly (antibiotic)	9.5	295,000,000
Provera 5mg., Upjohn (hormone replacement)	9.4	340,000,000
Vasotec 10mg., Merck (hypertension)	8.9	340,000,000

[1] Estimate based on average annual section 936 tax savings reported in table I.6 of GAO report.

Source: PRIME Institute, Minneapolis, MN and GAO report, 1992.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio [Mr. GLENN] is recognized for up to 20 minutes.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 2711 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Delaware [Mr. ROTH].

(The remarks of Mr. ROTH pertaining to the introduction of S. 2712 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Montana [Mr. BAUCUS] is recognized.

NAFTA NEGOTIATIONS

Mr. BAUCUS. Mr. President, in the past couple of weeks the rumor mill has been operating full tilt on the subject of the North American Free-Trade Agreement, otherwise known as NAFTA.

It is said that the political decision has been made. The Bush administration wants an agreement to prop up friends in Mexico and Canada and to woo voters in Texas and California. And it will seek an agreement almost regardless of its content or consequences.

I have long been a strong advocate of lowering barriers to trade. I voted for the United States-Canada Free-Trade Agreement, as well as the United States-Israel Free-Trade Agreement. I supported the administration's request for fast track negotiating authority to negotiate the NAFTA.

But I am disturbed by the direction the NAFTA talks have taken. Decisions seem to be dictated more by politics than by substance.

I am particularly disturbed by the lack of attention to ensuring that free trade not harm the environment and to addressing the needs of displaced workers.

I still support freer trade. But I cannot vote for a trade agreement that harms the environment and displaces thousands of American workers. Unless the administration makes dramatic progress to address these issues, I will oppose the NAFTA.

THE FAST-TRACK BARGAIN

A little over a year ago, this body engaged in a major debate over extending fast-track negotiating authority and most of the debate focused on the NAFTA.

The debate was contentious and sometimes acrimonious. Much of the controversy centered on concerns about the labor and environmental implications of a trade agreement with a developing nation, Mexico. Ultimately, in a bipartisan spirit that I strongly supported, the Senate voted to grant negotiating authority to the President.

The affirmative vote was based upon a bargain between the administration and the Congress. In a document known as the action plan, the administration set out a series of promises about a NAFTA agreement.

For many in this body, two promises were critical. First, the administration agreed to address environmental issues in the NAFTA. Second, the administration pledged to work with Congress to develop a program to address the needs of American workers who might be displaced by the NAFTA.

To date, the administration has not adequately fulfilled either of these commitments. Unless they are fulfilled before the agreement is sent to Congress, I think congressional approval of a NAFTA is unlikely.

I still support the concept of a NAFTA. A successful NAFTA could net significant gains for our American economy. In fact, a new study by the Institute for International Economics estimates that 130,000 new American jobs could be created by a NAFTA. A NAFTA would also provide U.S. exporters with unfettered access to the largest market in the world.

ADMITTING THE COSTS

But there is another side to free trade. There are losers, as well as winners from free trade. Our economy is constantly changing. In particular, there are dangers and costs inherent to liberalizing trade with developing countries, as opposed to with developed countries.

For example, the NAFTA raises serious environmental issues. Though progress has been made, Mexico does not enforce its environmental laws as strictly as the United States. Unless this disparity in enforcement is addressed, a NAFTA could creat an incentive for U.S. manufacturing firms to move south to take advantage of lax enforcement of environmental protection laws.

Further, wage rates in Mexico are one-tenth or less than comparable wage rates in the United States. Some U.S. workers, such as textile and ceramic workers, will be hurt by low-cost imports. Some job flight to Mexico may be inevitable—with or without a NAFTA. But if American workers are going to be displaced by a Government decision to pursue free trade we have a responsibility to ease their transition.

THE NEED FOR FAST ACTION

As I said, these issues are hardly new. The administration has promised to address both environmental and labor concerns.

But the administration has been heavy on promise and light on results.

On the environmental front, the administration did commit $200 million for pollution control on the border. This is an important first step, but most experts recognize that real cleanup will require several billion dollars.

Moreover, little progress has been made on addressing Mexican enforcement of environmental laws. To secure enforcement, there should be an explicit linkage between environmental commitments and the trade agreement. Mexico has made unilateral promises, but no serious effort has been made to incorporate the commitments into the NAFTA. Empty promises from the Bush and Salinas administrations will not be enough to secure my vote.

The administration has given even less attention to labor issues. Despite the assurances, I am aware of no administration plan for providing meaningful worker adjustment to those hurt by trade with Mexico. But the IIE study I alluded to earlier has put the cost of worker adjustment stemming from the NAFTA at more than $1 billion.

A FREE-TRADE TRUST FUND

It is time for the administration to put its money where its mouth is. Funds must be committed to environmental protection and worker adjustment.

One way to secure funds would be to create a free-trade trust fund to pay for the costs associated with free trade. To support the fund a small fee—perhaps one-half a percent or less—could be placed on imports and new investments. Each government could decide how to use its share of the fund. In the United States, the fund could pay for worker adjustment. In Mexico, it might support environmental protection.

A free-trade trust fund could allow us to reap the benefits of free trade while responsibly addressing the costs.

CONCLUSION

Our Government works only when the administration and the Congress work together. Last year at this time, Congress put partisanship and parochialism aside by granting the administration fast-track negotiating authority.

But the fast track is a two way street. And the administration has not lived up to its end of the bargain.

I hope there is still time to fulfill the fast-track bargain we struck with the administration last year. But unless the administration takes some dramatic steps forward, I will oppose the NAFTA.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont [Mr. LEAHY] is recognized to speak for up to 10 minutes. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. I thank the Chair, my distinguished neighbor and friend from New England.

FEEDING THE HUNGRY

Mr. LEAHY. Mr. President, I have spoken on this floor many times about hunger issues. In fact, when I became chairman of the Senate Agriculture Committee, I said I was going to put the whole title back in that committee, which is the Committee on Agriculture, Nutrition and Forestry. It is very important to me.

The reason for this is simple. Hunger is not a political issue. It is a moral one. It tears at the inner fiber of our Nation. In this, the wealthiest, most powerful Nation on Earth, we cannot think of hunger as an economic or political issue. It is truly one of the few moral issues of our Nation.

Hunger falls hardest on our children. Children who go to school hungry do not learn, and children who do not learn can never achieve. They are left in an endless cycle of poverty and despair.

The riots in Los Angeles were a graphic demonstration of the plight of our inner cities. Many who live there are hungry. But too often, the curse of hunger is felt elsewhere. It is found in rural America and it is found in our suburbs.

We have done much in our country to feed the hungry, but we also have to do more. We have to commit ourselves to completely ending childhood hunger.

We cannot rest until all our children have enough food to eat and the educational skills to lead a productive and successful life.

Despite the harsh rhetoric of some in the last 2 weeks, our Federal nutrition programs have worked. The legislation other Senators and I are introducing today will build on these successes. These bills will not solve all our problems, but they are an important step in the right direction.

What we say, Mr. President, is that in this country, of all countries in the world, children should not go hungry. There is not a Member of the Senate who ever goes hungry except by choice. Those who are privileged to serve here or serve in the White House or serve in the other body never go hungry except by choice. Millions of children go hungry every day in the United States of America. It, Mr. President, casts shame upon our country and it casts shame upon our leaders if we do not take steps to change that.

We have successful nutrition programs, and one of these successes is WIC, the Supplemental Food Program for Women, Infants and Children. WIC serves children in some of the most critical times in their lives. It feeds mothers when they are pregnant or breastfeeding, and it feeds children during their important early development years.

Created in 1972, it is universally acclaimed as one of the Nation's most successful nutrition programs.

According to the Surgeon General, the average medical cost of a low-birth-weight baby can exceed $39,000. The average cost of the WIC Program is $30 a month, and it cuts back dramatically on those low-birth-weight babies.

One of the most important components of WIC is the WIC Farmers Market Program.

Without this legislation the WIC Farmers Market Program will end. In my State of Vermont, this program serves 17,000 pregnant women, mothers, and their children, allowing them to obtain fresh fruits and vegetables at local farmers markets. It makes good nutritional sense. It also makes good economic sense for farmers. This program has increased sales at farmers markets, and even after families are no longer on WIC, many continue to shop at farmers markets.

Of course, another successful Federal effort is the School Lunch Program. Each day, 25 million meals are served nationwide to hungry children in 89,000 schools. But increasing costs and the recession have taken their toll and may force some schools off the program, leaving these children no place to go for lunch.

This legislation will help keep schools hurt by the recession on the National School Lunch Program by cutting the costs of food paid for by these institutions. This legislation would create a campaign to encourage breastfeeding, paid entirely by private donations; expand efforts to feed preschool-aged children living in homeless shelters; and ensure that nutrition programs have enough food at the beginning of the fiscal year to feed the hungry.

Mr. President, this is a time when all of us, Republicans and Democrats alike, ought to search our conscience. This is not a time to say no Federal programs work. The fact is, we know many programs work very well, indeed, especially the nutrition programs. So let us set aside partisan politics. Let us recommit ourselves to build on programs that work and make a difference in people's lives. The road ahead is long. Our task is too important for us to do otherwise.

There are millions of hungry children who are not seen, who are not heard. They do not vote. They do not contribute to political campaigns. They do not organize. They do not march on Congress. They do not hire lobbyists. They do not sit at political dinners. They are the hungry in this country, a country with a $1.5 trillion budget, the wealthiest country on Earth. Let us commit ourselves not to let them go hungry further. We must help those crying out for our attention. We cannot ignore them because they do not have a political voice.

SENATOR TIMOTHY E. WIRTH

Mr. LEAHY. Mr. President, Senator TIM WIRTH of Colorado is one of the best friends I have had in this Senate. I knew TIM when he was in the House of Representatives, and I have known him very well here in the U.S. Senate.

TIM WIRTH is in many ways a Senator's Senator. He speaks to the most important issues of this country, from our economy to our environment. He speaks, as many of us tried to, not just on problems of today, but how those will affect our children and our children's children in generations to come.

He is a man who ennobles the Senate by being here and diminishes the Senate by leaving. So I was distressed, as was my wife, Marcelle, and my family, my staff, in hearing that TIM WIRTH would not run again.

I looked at TIM and I understand his reasons, his wife, Wren's, reasons, and his family's reasons for not seeking reelection.

But it is terribly frustrating to think that somebody this qualified, and this good, with experience and seniority, decides in frustration that the issues will not be addressed; that voices of change and continuity will not be heard; the real issues will not be heard.

TIM WIRTH wrote on May 12 an op-ed piece in the Washington Post called "Time for a New Crew in Washington." I ask unanimous consent that the op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TIME FOR A NEW CREW IN WASHINGTON

(By Timothy E. Wirth)

On the day that I announced in Colorado that I would not run for a second term in the U.S. Senate, I handed out a long and detailed explanation of my decision, an evaluation of Senate life, my place in it, my aspirations, discontents and goals. This was followed by a press conference and a lengthy question-and-answer period with the press. So should I have been surprised when a Denver reporter, having just heard me read my statement and my many reasons for terminal frustration, asked me privately after the press conference if I were sick? Code word: AIDS.

Should I have felt my blood begin to boil when another Colorado journalist wanted to know—again with the microphones off—whether a "financial scandal" was about to break over my head? After all, I had already read that morning the account in The Washington Post stating that among the reasons why I was leaving was a supposed affection for the House Bank and overdrafts from it, which would be crippling burdens to carry in my reelection campaign.

This off-the-wall, off-the-mark press speculation confirmed the judgment that led me to call it a political day: It has become nearly impossible, in Congress or outside it in the press, for public officials to carry on sustained, serious discussions of the fundamental challenges Americans must understand and, through their government, rise to meet.

Sensation-seeking in the media has trivialized civil discourse. Too many print editors and television anchors underestimate the capacity of their readers and viewers to absorb and be absorbed by complicated policy questions. Inevitably, such judgments become self-fulfilling. The budget deficit, the hole in the ozone layer, health care costs, poverty, crime and dropout rates all increase, all get their 15 minutes of fame, and all drop off the screen to be supplanted by transitory alarms that are reported with equal weight and importance.

Attention-deficit is the disorder of the day. I grew not just hoarse from shouting but increasingly frustrated that so much of the nation's press—the crucial intermediary between government and the governed—spends so little time working to make representative government work. The House Bank, a political sideshow, is more widely reported and better understood than either our national debt or the underlying economic confusion that has fed its alarming growth.

After 12 years in the House of Representatives, I went to the Senate in 1987 hoping to find it a more effective forum for inquiry, reflection and consensus-building. By reputation, its pace was more deliberate than that of the House and its members less disposed to grandstanding. I found a different reality; an unsteadying diet of petty partisan maneuvering, ego clashes and legislative ambushes mounted by single-issue zealots who can make the fate of liability insurance within the aircraft industry or the eccentricities of a handful of avant-garde artists seem the most urgent of legislative questions. And all of this in a country whose leader refused to lead, who does not seem to have a sense of where he wants the country to go, and whose lack of direction in turn pervades the whole government.

The House controls itself through rules that limit not only the time of floor debates but, sometimes too narrowly, their content as well. The Senate is supposed to operate on collegial lines, to do much of its formal business by unanimous consent. When comity collapses, as it decisively has during the past decade of divided government, an undisciplined Senate becomes a mine field where the ability to maneuver counts far more than capacity to legislate with vision for the future. In such an arena, moreover, various concentrations of moneyed interests increasingly form impassable barriers to action. Against their veto power, initiative falters; posturing more and more takes the place of substantive discussion and decision. Nowhere is this more evident than in the recent action to sustain high levels of defense spending despite the dramatic changes in the geopolitical landscape—a victory for defense contractors, a loss for our children.

The culture of the institution in this sense reflects all too well the culture of a profoundly distracted society. "Headline News" would be an oxymoron in any age except the one where the answer to information overload is a soundbite, where supermarket tabloids and docudramas enjoy almost equal credibility and where "Read My Lips" sums up an entire political credo.

There may be a chance this election year to break that downward spiral. The gathering protest—focused on the failure of government to deliver needed services at reasonable cost or to adjust priorities in a world of breath-taking change and on the perceived arrogance and distance of public officials—will sweep a large number of new men and women into office in November. Let's hope they are vigorous and idea-oriented as were those who rode earlier waves in 1934, 1946, 1958 and 1974. Let's pray, as Rep. Vin Weber (R-Minn.) said so well, that they arrive promising to do more than give their parking place to a homeless person or not to use a House Bank that is already out of operation.

They will be angry. Let's hope they'll be idealistic. And let's make certain that they get heard. The press could pave the way for their arrival and for the changes they could set in motion by focusing now on the content, not just the conflict, of their campaigns. That would be a worthy role for the fourth branch of government. Who knows? Such reporting might even interest and involve viewers, readers and voters in the work of renewing America's democratic experiment.

Mr. LEAHY. Mr. President, the op-ed piece speaks for itself. In it Senator WIRTH states very clearly the difficulty of having a rational discussion of major issues.

We had a major debate, discussion of two committees with administration witnesses, to find out how much the new foreign aid package for the former Soviet Union was going to cost, what the taxpayers' involvement would be, and where exactly this money—millions of dollars—was going to go. I looked in vain the next day for any discussion of that in the paper.

So, Senator WIRTH talks about the problems of getting the word out on these issues and getting a real debate of the things that are on people's minds in this country. I have to say I agree with him.

It took a riot in Los Angeles to make our country realize that we should be discussing race relations in this country.

Should not somebody be asking why it is discussed, so little attention is given by the news media unless it is immediately after a riot? Why not before a riot?

So as I said, I wanted to put the op-ed piece of Senator WIRTH's in the RECORD. But I also wanted to state as a personal matter, that I am one Senator who will miss him very, very much.

Mr. President, I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, am I correct in observing that the Senate is in morning business and will be until the hour of 10:30 this morning?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

THE 27TH AMENDMENT TO THE U.S. CONSTITUTION

Mr. COCHRAN. Mr. President, I take this opportunity to announce to the Senate my intention of offering today a concurrent resolution to confirm the validity of the ratification of the 27th amendment to the U.S. Constitution.

Senators have been following, I am sure, the progress that States have made in taking up this matter of ratification of the constitutional amendment proposed originally as part of the package of 12 amendments when the Constitution was being perfected back in 1789. Ten of those amendments were ratified in a prompt way, within 2 years as a matter of fact, by the States as required under the terms of the Constitution. They became the Bill of Rights, the first 10 amendments. Two others that were approved by Congress and submitted were not ratified.

But, just now, States have completed action. The requisite number of States, I think at least 38 in number, have now ratified this amendment.

It is my judgment, Mr. President, that the Congress ought to speak at this point and state clearly that it is the sense of the Congress that the ratification process has been valid. I think that, because the amendment itself by its terms describes a limitation on the power of the Congress. No State power is involved. No executive branch power is involved. No judicial branch of the Government's power is involved or affected by this amendment. It speaks solely to the Congress.

I will read the language of the amendment as proposed:

> No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

It is unambiguous. It is very clear that it applies only to the setting of compensation for services of Members of Congress, both the House and the Senate. It seems to me, therefore, that with the announcement by the Archivist that he considers the ratification process valid, and will announce today or tomorrow that the Constitution has been amended and that the 27th amendment has been lawfully added as an amendment to the U.S. Constitution, the Senate and the House should speak clearly and unequivocally in support of that decision and agree by its action through adoption of this resolution that it intends to abide by and honor the terms of this amendment.

There are some who are quibbling over whether or not there has been a ratification within a reasonable time of the approval by the Congress of this amendment to the Constitution. The length of time that has elapsed is unusual, there is no question about that. But the resolution by which the amendment was adopted initially by the Congress did not impose a time limit within which it should be ratified. There were no time limits on the other amendments in that package of 12 amendments that were adopted by Congress in 1789.

If Congress wanted at that time to limit the time within which the ratification could lawfully take place, it could have done so, but it chose not to do so. In recent years, Congress has, from time to time, imposed time limits within which amendments must be ratified. That was done when the Congress approved the equal rights amendment.

As a matter of fact, Congress took action to extend the time within which that amendment could be ratified indicating that it considered ratification within a certain period of time important, and that it must be accomplished nearly contemporaneous with the approval of that amendment by Congress. The same was true with the D.C. statehood amendment to the Constitution; a time limit was described within the terms of the measure that amended the Constitution. The Congress insisted that it be completed within a certain period of time to be valid.

But where Congress imposes no time limit, no limitation, it seems to me that the appropriate interpretation of the power of the Congress under that circumstance is that no time limit exists.

So it is particularly true with this amendment, where no other branch of Government, no power of the States, no individual citizen's rights would be impinged, harmed, or in any way affected by giving full force and effect to this ratification process. It is very appropriate for Congress to wind up this debate by adopting a concurrent resolution.

A concurrent resolution would not have to be signed by the President, because this is not a matter for executive decision. This is not a matter of judicial interpretation either, in my judgment. I think it is very clear that it is purely and simply a matter for Congress to resolve. The States have already taken the action required of them under the Constitution.

I think if Congress tried now to say that this ratification process has been invalid, or that this amendment should not be considered to have the full force and effect of a constitutional provision, it would be a very serious mistake.

I urge the Senate not to move in that direction. And I see no reason for delay. There have been some who are suggesting there ought to be hearings. There is an article in this morning's Washington Post, for example, that talks about this issue.

I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. The chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, Congressman DON EDWARDS, is quoted in the paper as saying:

> I don't see how Congress could give up such an important function to a political appointee.

He is referring to the decision of an administration official to announce that this amendment has been validly ratified.

Well, I think the point is, this ministerial function that the Archivist has assumed is his responsibility, I think, is being faithfully, lawfully, and honorably carried out by the Archivist.

He has simply said that under the law, 1 U.S.C. 106b, he is required to certify whether or not an amendment has been adopted. And he has to look only to the language of the Constitution, which is clear and unambiguous as to how the Constitution can be amended.

The process was first begun in 1789 by the Congress in adopting this amendment by the requisite number of votes of the Members of Congress. And now the States, even though a long period of time passed, have in the requisite numbers ratified that amendment.

So it seems to me that the Archivist is well within his powers, and he should not be criticized by the Congress for doing what the law requires of him to do.

I think it could be cleared up, and it should be cleared up, that he is making the correct decision, and it should be done quickly. There is nothing left for the Congress to debate or decide, except whether or not it will abide by the 27th amendment of the U.S. Constitution.

I think we should. The merits of the amendment are clear and very worthy. I do not think anyone can argue effectively against the content of the amendment:

> No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

That makes eminently good sense to this Senator. It obviously did to James Madison, who was the author of the amendment. It obviously makes good sense to 38 State legislatures which have now voted to ratify that amendment. It made good sense to the Senators and Congressmen who recommended these amendments and approved them as Members of Congress.

So it seems to me that there ought not to be any debate time left. The time for debate and discussion and deliberation surely has passed, after these 200 years. It is clear that this would settle, in my judgment, a lot of the dissension and anxiety that surrounds the passage of pay raises for Members of Congress.

If you look at the merits of the thing, it seems to answer a question we have been seeking to answer. Presidential pay commissions have been appointed from time to time to try to substitute their judgment for the judgment of Congress about the appropriate level of pay for Representatives and Senators. It seems to me that this takes care of a very sticky problem that the Congress has acknowledged and wrestled with from time to time since the inception of the Republic.

I suggest that the adoption of this concurrent resolution will help settle that issue. The merits of the amendment are worthy, and we ought to give full force and effect to the validity of the ratification process by adopting the concurrent resolution.

The States have spoken; the Constitution has been amended. The Congress should say, "So be it."

[From the Washington Post, May 14, 1992]

ACROSS TWO CENTURIES, A FOUNDER UPDATES THE CONSTITUTION

(By Bill McAllister)

James Madison's 202-year-old proposal for a constitutional amendment to prevent members of Congress from voting themselves a midterm pay raise is an idea whose time has come, the archivist of the United States declared yesterday.

With that endorsement, Archivist Don W. Wilson effectively proclaimed the one-sentence, 24-word measure the 27th Amendment to the Constitution. The amendment states, "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened."

Wilson's decision appeared to undercut suggestions by members of the Senate and House that Congress can block the measure from being added to the Constitution because it took so long for the required three-fourths of the states to ratify the proposal. Two leading constitutional scholars suggested yesterday that Congress may not have such power.

Congress submitted the amendment to the states on Sept. 25, 1789, as part of a package of 12 initial amendments. Ten of these were ratified by 1791 and became the Bill of Rights, but the pay raise prohibition found relatively little support. By 1800, only six states had endorsed the idea.

The amendment languished until the 1980s when a state legislative aide in Texas discovered the proposal and orchestrated a campaign that led to its approval last Thursday morning by the Michigan legislature, an action that gave it approval by the required three-fourths of the states.

Some members of Congress including House Speaker Thomas S. Foley (D-Wash.) and Sen. Robert C. Byrd (D-W.Va.), have expressed reservations over the viability of Madison's idea, insisting that the Founding Fathers wanted state approval of constitutional amendments to be contemporaneous with their submission by Congress. The Supreme Court made a similar suggestion in 1921 and 1939 rulings, but congressional supporters of the Madison amendment, noting that Congress imposed no time limit when it sent the measure to the states, argued that the Michigan action added it to the Constitution.

Yesterday, Wilson, 49, a Reagan administration appointee who holds a PhD in history, sided with the supporters. "Upon receipt of formal notification of ratification of the congressional pay amendment by three-fourths of the states, I will, in accordance with 1 USC §106b, certify the adoption of the amendment," he said in a written statement.

His action ended any question over whether the archivist would grant conditional approval to the amendment or await further action by Congress or do nothing, options that his staff had suggested last week were possibilities following the Michigan vote.

As head of the National Archives and Records Administration, Wilson is the custodian of the Constitution. As such, he has the authority to declare when an amendment has been adopted. His publication of such a notice is likely in "the next day or two," said Susan Cooper, an Archives spokeswoman, noting that Wilson is still awaiting receipt of formal ratification papers from one of the last of the required 38 states.

Constitutional scholars seemed to agree that Congress's time to act on Madison's amendment had passed. "It is not Congress's role to declare Michigan's 1992 ratification too recent or Maryland's 1789 ratification too ancient," said Laurence H. Tribe, Harvard Law School professor of constitutional law, in an article in yesterday's Wall Street Journal.

Duke University law professor Walter Dellinger said he, too, considered the process completed. "My own view is that Congress has no formal role to play," he said. "The amendment process is completed by act of the last necessary state."

He did say that a congressional resolution backing the amendment would do "no harm" and might end the dispute. The founders were wary, he noted, of giving Congress the sole power to determine amendments.

Members of Congress seemed determined to press for congressional review. "Congress—not the courts and not the executive—has the final say over whether an amendment has received the required votes for ratification in a reasonable time," said Byrd.

Rep. Don Edwards (D-Calif.), chairman of the House Judiciary subcommittee on civil and constitutional rights, accused Wilson of usurping "ministerial" powers he holds by an act of Congress. "I don't see how Congress could give up such an important function to a political appointee," he said, disputing suggestions that congressional action is unnecessary.

"On its face it's a dangerous precedent," he said. Even so, Edwards said he had no doubt that Madison's proposal "is going to be made part of the Constitution. But it's going to be done right."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,886,828,966,547.72, as of the close of business on Tuesday, May 12, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,132.15—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time allocated for morning business has expired. Morning business is now closed.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 250, which the clerk will report.

The bill clerk read as follows:

A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kasten amendment No. 1799, to provide for product liability actions brought against a manufacturer or product seller on any theory, and to establish guidelines for Federal standards of liability for general aviation accidents.

The PRESIDING OFFICER. The pending question is the amendment (No. 1799) of the Senator from Wisconsin [Mr. KASTEN]. Under the previous order a vote on a motion to table amendment 1799 shall begin at 11:30 a.m. As a result, the time available for debate under the order and controlled by Senators KASTEN, HOLLINGS, ROCKEFELLER, and EXON must be reduced proportionally.

Mr. DANFORTH. Mr. President, in view of the fact that morning business was extended 10 minutes beyond the hour, I doubt that it is appropriate for a Senator to ask for an extension of the time on this amendment without consulting the majority leader. But I wonder if the Senator from South Carolina would agree it would be appropriate to have 1 hour of debate on this issue.

Mr. HOLLINGS. Mr. President, I would have to take that up with the majority leader. We will do that momentarily.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, permit me to speak briefly and to the point on two issues of immediate relevance to the Senate—campaign finance reform and the balanced budget amendment.

CAMPAIGN FINANCE REFORM

Mr. President, having been one of the Senators engaged in this matter going back some 20 years ago, and watching Congress, like a dog chasing its tail, trying to get around a faulty Supreme Court decision, I introduced in a bipartisan fashion with the distinguished Senators on the Republican side from Delaware, Pennsylvania, Kansas, and others, a joint resolution to amend the Constitution to permit the Congress to regulate expenditures in Federal elections. It is just that simple, and it is intended to be that simple.

A very good law, the Federal Election Campaign Act Amendments of 1974, was gutted by the Court's 5-to-4 decision in Buckley versus Valeo. Were it not for the mindset of one particular judge, in this Senator's judgment the mistake of one particular Supreme Court Justice, we could well have not had this rhubarb and we could have gone ahead in a bipartisan fashion as orginally intended in 1974.

Originally the Republicans and Democrats voted to put everything on top of the table, to have everything regulated and accounted for, and it was working very smoothly until the Court came in with this flawed decision that money was equated with free speech. That in and of itself said those who are rich have freedom of speech and those without money did not have that freedom.

Specifically, we have seen exactly that, where you have one candidate with $100,000 but the opposition with $1 million, and the latter waits to spend it on TV ads in October when the public is finally focused on the election, then you veritably take away the poorly financed candidate's speech.

The Commission on Constitutional Government has approved my constitutional approach and, in essence, what we do is restore freedom of speech. I hope we can get that joint resolution up and pass it so it can be acted upon by the States.

BALANCED BUDGET AMENDMENT

Mr. President, concerning the proposed balanced budget amendment, let me point out that there is no constitutional or procedural approach that will magically give you a balanced budget unless and until this Congress and President make up their minds to do it. There will be a hundred ways to circumvent and subvert the amendment. That is one thing Gramm-Rudman-Hollings proved. Gramm-Rudman-Hollings is itself a balanced budget amendment. But when Congress eliminates the enforcement dimensions; namely, the sequester, and when Congress removes the deficit-reduction targets in a surreptitious fashion in the budget summit of 1990, then you have effectively rescinded Gramm-Rudman-Hollings. The 1990 budget summit took a very cute approach. Rather than having targets and then not meeting the target, rather than cutting across the board, they talked airily about proposed savings. That's like your spouse going on a spending spree. And you say, "$149—that much?" Your spouse says, "It was regularly priced at $449; I saved you $300."

That is what the Government is doing these days. How much are we saving as the deficit soars? When President Bush came to office, the deficit was down to $150 billion. He was supposed to reduce it to $100 billion under Gramm-Rudman-Hollings. Instead, he has now raised it up to over $400 billion, all the time claiming tens of billions in alleged savings. And now let the dog chase its tail on the balanced budget amendment.

We are going to find out that there is no constitutional provision nor procedural fix that is going to eliminate deficits unless and until the body itself makes up its mind to do it, and that is a discipline that must begin with the President. I was a Governor and had to balance budgets at the State level with the general assembly.

And as long as the President says we are headed in the right direction, do not worry about it, we are saving $500 billion in the next 5 years, then of course no discipline ensues, and everybody keeps spending so as to get us by the next election.

I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. Would there be an objection on behalf of the Senator from South Carolina if in fact we now established the time as 1 hour divided, as was originally scheduled? That is due to the fact that morning business was extended. I wonder if the Senator from South Carolina or the Senator from Alabama could respond on behalf of the majority leader.

Mr. HOLLINGS. Mr. President, I would be glad to respond as I understand it. We started I say to the distinguished Senator, at 11:35. We have, of course, the appearance of the former Soviet President, Mr. Gorbachev, at a speech and then a lunch. There is no way to extend it an hour. We can extend it 5 minutes to 12:35 or whatever that will give us the same time.

Mr. KASTEN. Exactly. That was my request. Therefore there would be no objection then if I asked unanimous consent that the time for debate be extended to 11:35.

Mr. HOLLINGS. Until 11:35.

Mr. KASTEN. With the time allotted between 10:35 and 11:35 in the manner previously agreed to.

Mr. HOLLINGS. Yes.

Mr. KASTEN. I make that request, and so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. I thank the Chair and I thank the Senator from South Carolina.

Mr. HOLLINGS. I thank the Senator.

AMENDMENT NO. 1799

Mr. KASTEN. Mr. President, we are in an extraordinary situation here today. We are about to have a tabling motion made on a bill which the Senator from West Virginia [Mr. ROCKEFELLER] and I have worked on in a bipartisan way for over 2 years. Both of us have labored to make compromises to reach out to make it a moderate bill.

I think it is just a terribly unfortunate situation that we have found ourselves in today. I am not sure how we are going to be able to get out of it—except by voting not to table the legislation today, by voting in favor of the Kasten amendment. At that point, I am willing, as I know the other proponents of this legislation are, to sit down with the majority leader and others and say OK, let us see if we cannot find a way to do this.

But the vote we are going to have in an hour is not a vote on cloture. It is not a vote having to do with motor voter. It is not a vote having to do with anything except whether or not you are for or against S. 645. In fact, this is a vote that some of us have been seeking on the floor of the Senate for 11 years. We have never had an up-or-down vote on a motion to table, or on a motion to agree to this particular vote.

I would ask my fellow Senators to look at an extraordinary couple of pages in the CONGRESSIONAL RECORD of May 12, the CONGRESSIONAL RECORD of the day before yesterday, look at these statements that were put into the RECORD. For four or five pages here, we see a number of different statements about why people still claim to support S. 640 or S. 645—but go on to say that they do not support it at this time, in this way, under these circumstances, on this bill and, therefore, they regret that they must vote against it today but would like to vote for it on another day.

Well, today is another day. Today is that opportunity. Today is an up-or-down vote on the motion. Today is an up-or-down vote on the substance of S. 640 and S. 645.

One Senator said, "I rise in the awkward position of supporting two propositions." He goes on, "Therefore, I hope that S. 640 can be scheduled for floor consideration before the end of the session."

Another Senator said, "Let me say right from the start that I am a cosponsor of the product liability bill and I believe that our society has become overlitigious. I believe the Senate should be allowed to work its will," and then he explains why he also is going to vote no.

Another Senator says, "I remain committed to tort reform and remain hopeful that we may consider it. I want to emphasize I remain committed, but I am going to vote no today."

Today is the day. Today is the chance to vote up or down on the motion to table. There is no reason why this bill has to be attached to the motor voter bill. The reason it is here now is because this was the only opportunity we had to get a vote. Things have changed in the last 2 days. I simply want to point out that now we have a chance to vote up or down on the substance of this legislation. The chance is before us now.

I yield such time as he may desire to the Senator from Missouri.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, I want to explain as clearly as I can why this amendment is on this bill and what we propose to do to take the amendment off of this bill and arrange for a vote on product liability and on other tort reform issues at any reasonable time—hopefully, between now and the August recess—that the majority leader might want to schedule.

In his speech on the floor on May 12, the majority leader said—and I am quoting portions of his speech:

> If this is such an important amendment, why have 6 years gone by without the amendment being offered to any other bill? Why this bill? Why not the hundreds of other bills that were considered here in the Senate this year, last year, the year before, the year before, and the year before that? * * * This amendment has one purpose and one purpose only and that is to kill the voter registration bill.

The majority leader goes on to say:

> This is a transparent ploy to kill the voter registration bill. That is the purpose, that is the intention, and that will be the effect.

Mr. President, it is always interesting to speculate as to what is going on in the mind of another person. But I can say that the representation of the majority leader with respect to the intentions of the proponents of this amendment are just not true and really not fair to the people who are putting forth this amendment.

Because of that, I called up the majority leader yesterday. I said that

Senator KASTEN and I would like to go to the floor of the Senate and make an offer. He inquired about the offer, and said the offer would be to take the amendment off of this bill, provided that we could have a time set aside where we could vote on the tort reform issue, product liability, and other issues, find a couple of days when we could vote. We could try to arrange a time agreement.

The majority leader pointed out, well, any Senator could object to that. That is possibly true, but we could at least try to provide for a time agreement so that tort reform could go on to the floor of the Senate.

The other option, as the majority leader pointed out in his speech on May 12, is to pick other bills. Well, we would be willing to do that. We would be willing to find other bills in the Senate and offer this proposal and offer other tort reform proposals, medical malpractice and others, which we believe should come to the attention of the Senate and should be voted on. We have offered in good faith to work out reasonable time agreements or any agreement that could be proposed for actually voting on this subject. That offer still stands. There is no reason why we have to have a motion to table on the pretext of getting this legislation off of the motor voter bill. We would take it off voluntarily, but we do need an opportunity to actually start voting.

Mr. President, it is not as though there is not patience on the part of those who support tort reform. Product liability has been introduced in every Congress since the 97th Congress. In the 97th Congress, Senator KASTEN introduced a product liability bill on June 16, 1982. That bill was voted out of the Commerce Committee on October 1, 1982. We have been waiting, Mr. President, for nearly 10 years for an opportunity to vote on the floor of the Senate on tort reform—nearly 10 years.

We have been very, very patient. We understand that the Senate is a deliberative body. But, Mr. President, 10 years is really a ridiculous length of time, and it is perfectly clear that the tactic employed to prevent the passage of tort reform legislation is the tactic of delay. We cannot allow delay to continue to thwart the will of the people in this country. We cannot allow delay to continue to thwart the will of the Senate, whatever it might be.

Now, people can disagree on tort reform. Some do. The trial lawyers clearly disagree with us. But there are many people in this country who believe that the civil justice system is in serious disarray. They point out the amazing delays. They point out the fact that in cases of serious injury only 15 percent of the value of the loss is recovered. They point out the fact that between 50 and 75 percent of the total costs of the system go to pay the lawyers and the court system rather than the parties.

The American people—business people, physicians, hospitals, nonprofit organizations, the Boy Scouts, and other organizations—are crying out for tort reform, and we cannot even get it to the floor of the Senate. And people say, well, why the gridlock in Congress? It is the very essence of gridlock to have legislation that is delayed 10 years before it comes here for a vote. That is gridlock.

Now people say, well, motor voter is important. I do not happen to think motor voter legislation is terribly important. Some people think it is. It is. We renew our offer to voluntarily take it off of this bill and find another time to bring it up.

Or, we can continue to bring it up bill after bill after bill in the form of an amendment. Many Senators have pointed out that one of the problems is that issues never go away and they are constantly offered as an amendment. All right, we are willing to deal with that. Make us a reasonable offer. We are sitting by our telephones. But do not tell us that we can do nothing at all, or that we are helpless, or that there is no possibility of bringing it to the floor for a vote.

This will come to the floor for a vote. The American people demand that it does.

The PRESIDING OFFICER (Mr. BRYAN). Who yields time?

Mr. KASTEN. Mr. President, parliamentary inquiry. How much time is remaining for this side?

The PRESIDING OFFICER. The Senator from Wisconsin has 12½ minutes. And on the other side, there is 8 minutes remaining.

Mr. KASTEN. I want to reserve at least some time to respond to whatever it is Senator ROCKEFELLER and Senator EXON are choosing to say, but let me at least make one more point with regard to this extraordinary several pages in the CONGRESSIONAL RECORD.

The administration is opposed to the so-called motor voter bill as it stands, but they have not taken a strong position against it yet. They are waiting to see what we come up with.

I would argue the reverse of what these statements in the RECORD assert. If proponents of motor voter are so concerned to have the administration sign motor voter, why do we not give the administration something they want in addition to the motor voter bill? In effect, product liability could become the engine which would pull motor voter registration through the legislative process, through the White House and into law. If you want this bill to become law, if you want this motor voter registration bill to become law, why do you not join us in making this better from the administration's point of view, then work out the details of how the motor voter process might work?

If we are really serious about what we are doing here, as opposed to just playing politics and shadow boxing back and forth, if we are really serious about wanting this bill to be signed into law, let us add it on.

Mr. HEFLIN. Will the Senator yield?

Mr. KASTEN. Let us add it on. It would be more likely for the administration to sign this bill if it includes product liability reform.

Mr. HEFLIN. Will the Senator yield for a question?

Mr. KASTEN. I will be happy to yield to the Senator on his time.

Mr. HEFLIN. I believe my colleague started out talking and then, as I understood it, his argument was that the administration would likely be more prone to adopt that. The Senator does not propose to tell this group that he has any word from the administration relative to that, does he?

Mr. KASTEN. No. The administration has not, to my knowledge, taken a firm position on motor voter, because they do not know what motor voter bill is going to come to them. But I do know where they stand on S. 640. I do know where they stand on S. 645. And I would say to everyone in the Chamber that if S. 640 and S. 645 are part of this, the administration would be more likely to support the overall motor voter bill.

I thank the Senator.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER] who under the previous order has 9 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer. The Presiding Officer indicated I had 9 minutes? Not 10 but 9?

The PRESIDING OFFICER. The reason for that is there is an overall time constraint of 11:35 and we have reduced the time proportionally because that is the constraint which the Chair is informed the parliamentary process must operate with.

Mr. ROCKEFELLER. The mathematics and wisdom of the Presiding Officer is utterly compelling.

I rise with tremendous disappointment today to speak against the pending amendment to the motor-voter bill.

As my colleagues know, I am the leading Democratic sponsor of S. 640, the Product Liability Fairness Act. For several years, I have been fighting hard, with colleagues on both sides of the aisle, to advance the cause of tort reform and to put a product liability bill on the President's desk. Thus, it is with real frustration that I find myself forced to oppose my own bill today.

The Senators offering this amendment clearly are sincere and determined in their effort to enact product liability reform. But the plain and simple fact about the situation before us is that offering this amendment to the motor-voter bill amounts to a hostile act against an absolutely essential piece of legislation.

I believe that everyone in this body should support the motor-voter bill.

And if they do not, they should simply vote against it—they should not attach an amendment like product liability that deals with completely different subject matter, confuses the debate on both issues, and continues the gridlock that is preventing us from acting on any of the serious problems facing this country.

For those of us who support product liability reform, it is important for us to realize that the pending amendment is an empty gesture, getting us no closer to our goal than we would otherwise be. The simple fact is, the sponsors of S. 250 will pull their bill if product liability is attached. This is nothing but an empty, gratuitous vote.

The National Voter Registration Act of 1991 addresses a critical threat to our democratic system—declining voter participation. Senator **FORD** deserves recognition for the tremendous work he has done on this important issue.

In our last general election, only 36 percent of the population voted nationwide. Even fewer voted in my home State of West Virginia—a meager 29 percent. And the accounts of the recent round of primaries are only more discouraging.

We have to get American citizens back to the voting booths. The motor-voter bill may only be one step toward a solution, but it is a significant, constructive step.

As the distinguished majority leader said on Tuesday:

> I urge my colleagues to cast their vote for democracy, cast their vote for participation, and cast their vote for encouraging Americans to get involved in the democratic process.

While I am standing up today on behalf of the motor-voter bill and for getting a straightforward vote on its fate, it is with sincere disappointment that I find myself speaking against the Product Liability Fairness Act.

I want fair and equal treatment for S. 640. It is a moderate and balanced bill, and despite my decision to support the motion to table, I will be the first to insist that product liability deserves its day on the floor, and soon.

S. 640 has been developed and refined for more than a decade, and I am proud of my contribution to the present version. Business leaders across West Virginia and across the country have told me how much they need tort reform to survive in the global marketplace. I believe that S. 640 is part of the competitiveness solution.

The version we see today is a balanced, practical, moderate measure, sparing in terms of the changes it makes in our tort system. It does not limit or cap damages; it does not set standards of liability for product manufacturers; it does not tell plaintiffs' lawyers how much they can charge; and it does not eliminate the ability of an injured victim to be fairly compensated for all economic damages.

In short, this bill is the most even-handed product liability bill to come before this body, and it deserves floor consideration.

But to offer product liability as an amendment to the motor-voter bill is a senseless, divisive act, and an affront to the thousands of businesses and coalitions that have worked for over a decade to improve our tort system.

This amendment is not about product liability; it is a move to kill the motor voter proposal. And by offering product liability as part of a guerrilla strategy, the sponsors seriously damage any hope for fair consideration.

Debated on its merits, S. 640 stands up to the most critical scrutiny, and emerges as a reasonable and balanced step toward tort reform. Instead, however, what we see here today is political posturing and divisive rhetoric. Senators who were previously undecided, and who might have given serious thought to the issue, are now torn by party allegiance. This is exactly what I, and the groups behind the tort reform movement, had hoped to avoid.

I understand my colleagues' frustration. Opponents of product liability reform have found countless ways to block the bill, and it is true that this issue has been with us for a long time. But by employing divisive, partisan tactics to get S. 640 to the floor, the sponsors of this amendment make substantive debate impossible.

Out of a sense of fair play, I cannot join my Republican counterparts here at this place on a product liability amendment. Regardless of how genuine their intentions might be, they have chosen a kamikaze approach that will only serve to politicize a good and important piece of legislation. I can not participate in this destruction. Years of efforts to reach agreement on this pending voter registration bill have been carelessly brushed aside this afternoon, all for the sake of fleeting gratification.

I support the cause for tort reform, but I will support the motion to table the product liability amendment.

As the leading Democratic sponsor, I intend to push for an agreement on having this bill come before the full Senate. But I can not support this harmful approach to advancing a goal that I believe should prevail on its own.

The pending amendment is an empty gesture. It hurts the cause for tort reform, and it will kill the motor-voter bill. I urge my colleagues to support the motion to table the pending amendment.

The PRESIDING OFFICER. The Chair informs the Senator that the 9 minutes allocated to him has expired.

Mr. ROCKEFELLER. The Senator from West Virginia has concluded his remarks.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, very briefly, I want the Senator from West Virginia to understand what the Senator from Missouri and the Senator from Wisconsin said just a moment ago. If you are concerned about moving forward on both of these issues, please hear me out.

I have agreed to pull this bill immediately after this vote, win or lose. If we win this vote, I will pull product liability off of this bill. We can proceed with motor-voter. I know he is a cosponsor of it. All the Senator has to do is say to me that I have an agreement with my majority leader that this product liability will come up for a vote. That is all we are asking. We will pull the bill. We are not holding up motor-voter. I do not intend to hold up motor-voter.

We are looking for a chance, for an opportunity. Yes, it should not be on this bill, but we have been told it should not be on this bill, not for weeks but for years. There has never been a bill that it should be on. That is the point. The Senator said we ought to have substantive debate. This is the closest to substantive debate we have had on this question on the floor of the Senate in 6 years. The last time we had something this close to substantive debate on product liability was 1986.

If the Senator can assure me that we will bring this legislation up in a meaningful way within the next few weeks and debate it on the floor, I will pull the bill. That has been my position all along. And I communicated that to the Senator from West Virginia. I communicated that to other cosponsors of this legislation.

It is ridiculous, Mr. President, for us to find ourselves in a position where one small special interest group—albeit a political heavyweight like the trial bar—can end up by forcing us into this ridiculous position in which Senators are going to be voting against the very bill they have been cosponsoring and advocating for years and years and years. It is insane that the Senate should be driven into this position. Can the Senator assure me that we can take up this bill?

Mr. ROCKEFELLER. In the question of the Senator from Wisconsin lies the safety of his divisive approach to this. The Senator knows full well, as does the Senator from Missouri who talked with the majority leader——

Mr. KASTEN. Yesterday.

Mr. ROCKEFELLER. Yesterday, and in fairly curt terms that the majority leader is not in a position to be able to guarantee that. The Senator from Wisconsin understands perfectly well from the position of the floor, the fact of the two conventions, the number of weeks remaining, that a guarantee of a vote indicates that, for example, the junior Senator from South Carolina would choose not to filibuster. The majority leader is not in a position to do that.

My point is twofold: One, in that the Senator has asked an impossible condition, and one which he knows cannot be met by me or by the majority leader, he then is certain of not having to drop his amendment, thus guaranteeing not only the failure of product liability which is endemic to the mood but also the failure of motor-voter.

Mr. KASTEN. Mr. President, let me just point out that we have a group of people saying they want fair and equal treatment and debate on motor-voter but they do not want fair and equal treatment and debate on product liability.

Mr. ROCKEFELLER. If the Senator will yield.

Mr. KASTEN. I understand certain people will——

Mr. HEFLIN. Parliamentary inquiry, Mr. President. Whose time is running?

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. I understand. Let us face it, there are very few votes here that are 100-to-nothing. There is a difference of opinion on motor-voter; there is a difference of opinion on product liability. Let us give each the same treatment. That is all I am asking. Motor-voter is before us. We had amendments, we voted cloture. Fine. Let us do the same thing with product liability.

I think the Senator will agree with me that the votes are about 70 to 72 votes in favor of product liability and probably about 30 to 28 votes against. We should not allow a small organized group of people to manipulate the Senate schedule so that we cannot even take it up for fair and equal debate. That is the point.

Mr. ROCKEFELLER. If the Senator will yield.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. The point of the Senator from Wisconsin——

The PRESIDING OFFICER. The Chair needs to be advised because of the time agreements, who is yielding time at this point?

Mr. ROCKEFELLER. The Senator from West Virginia wishes to speak if either of the managers will yield me time.

Mr. HEFLIN. I yield 1 minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROCKEFELLER. Mr. President, the Senator from Wisconsin knows perfectly well that he has set up a trap and he knows his conditions cannot be met, so he is able, therefore, to do what he truly wants which is to make a show, and I do not say that in a derogatory manner, but to make a stance on behalf of product liability.

The point of the Senator from West Virginia is the question has always been not whether or not there are enough votes on the floor, but can we get the bill to the floor. That has been my systematic, absolutely sincere approach throughout.

The way to get it to the floor is the precise opposite of what the Senator from Wisconsin and the Senator from Missouri are doing. In defending the motor-voter bill which would be pulled if the amendment of the Senator from Wisconsin were to succeed, it would be pulled, that creates the kind of situation which lessens the opportunity for this to come to the floor. Because of what I am doing on behalf of the majority leader and others, it creates more opportunity in the future. I know that, I believe that, and that is the course that I am following.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized, under the previous order, for a period of 4½ minutes.

Mr. EXON. Mr. President, I have been listening with keen interest to the remarks made by my friend and colleague from West Virginia. I wish to associate myself with those remarks.

I have been one who has long felt that we should address the matter of liability insurance. I still feel that way. When I have a chance to vote, I will vote for making a change in what I think is a wrong procedure with regard to product liability in a whole series of areas.

However, I will simply point out that had it not been, unfortunately, for the sickness of a Member or two of the U.S. Senate, we would have invoked cloture on this measure some time ago. That would have returned us to a germaneness situation to where the amendment being offered by those basically on that side of the aisle would not have been germane and we could get on with the business at hand.

I happen to feel that the motor-voter proposition is so important that it should not be laid aside by nongermane amendments, regardless of how strongly I feel about enacting some type of a restraint on liability insurance claims.

Therefore, Mr. President, as one who has generally stood for the position being offered by the people who are offering this amendment, it is clear to me and it should be clear to all that it has nothing whatsoever to do with regard to registration of voters.

It should not be considered in this context. I happen to feel—although the majority leader cannot give a commitment at this time—that this matter will come up, and certainly those on that side of the aisle, who happen to feel about product liability as does the Senator from Nebraska, know there are certainly going to be many, many other matters coming before the Senate, germane or otherwise, to which this amendment could be attached if we cannot get a straight up-or-down vote on it as we have been trying for some time.

To say that this matter is so important that it has to be attached to the motor-voter bill just does not parallel in the view of this Senator with reasoned or rational movement. Therefore, I will support the motion to table and continue to work for an up-or-down vote on some reasonable form of product liability, which I think will come to pass in the form of a vote sometime during this session.

I reserve the remainder of my time. I yield the floor.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HEFLIN. How much time do Senators HOLLINGS and I have?

The PRESIDING OFFICER. Seven minutes.

Mr HOLLINGS. I yield whatever time we have to the distinguished Senator from Alabama.

Mr. HEFLIN. If the Senator will give me 4 minutes.

Mr. HOLLINGS. Go right ahead.

The PRESIDING OFFICER. The Senator is yielded 4 minutes.

Mr. HEFLIN. Mr. President, it is interesting to hear that in 6 years this bill has not come up. Who is at fault? They are trying to say that the opponents of the product liability are at fault. All they had to do was to attempt to bring an amendment up on some sort of bill. They are the movers. I think the confusion on that is rather ironic.

There is an issue here of referral to the Judiciary Committee, where it ought to be. These are legal issues, rules of court, and certainly it ought to be referred to the Judiciary Committee. A vote to table should send a message that it should be referred to the Judiciary Committee.

I have talked to some of my business friends, particularly in Alabama. I said, "Have you compared the tort law in your State of Alabama with this bill?" And it really is a California bill. You have tort law in one State like Alabama and some Southern States and others at one extent and then you have maybe California and New York. So what they want to do is come together and somewhere in the middle have some federalized, so-called uniform bill. Most of the States, when they ever get to analyzing this, I think would have real questions.

I think back when I came to the Senate about 14 years ago. There was a big issue then on the question of whether or not we were going to take away from the States the right to consider injured parties. There were proposals for a Federal workman's compensation law. And the Republicans at that time were all hollering about States rights, federalism, the rights of the States to have the laws pertaining to tort and injured parties.

There was another bill pertaining to corporate directors, and there was a movement for consumer groups to have representation on corporate boards, labor to have representation on corporate boards. I heard a great deal about federalism.

Now here what do we see? We see an effort being made to really take away what rights the States have, and that is to be able to determine what remedies should be available for injured parties in that State.

Times change. I told a business friend of mine, I said, "Now, you are interested in this at this time. Have you ever seen a Federal cure that did not turn out to be a Federal plaque?" And he got to scratching his head a little bit. So times do change.

I want to point out one thing just to show how unfair this bill is. Senator John Tower met his death in an airplane accident. The National Transportation Safety Board——

The PRESIDING OFFICER. If the Senator will suspend for a moment, the 4 minutes allocated to him have expired.

The Senator from South Carolina.

Mr. HOLLINGS. I yield whatever time we have.

Mr. HEFLIN. I will try to finish very briefly.

The National Transportation Safety Board found that the cause of the crash that killed Senator Tower was in the design of a screw in a propeller, and that the FAA had approved that propeller and that design.

To point out the unfairness, certain recovery that could be allowed against the manufacturer of that propeller would be prohibited under this bill because the FAA had approved it. The statistics show that 50 percent of FAA approvals have to have recalls. That is just to show how this thing is written in such a manner as to be unfair.

I yield the remainder of the time back to Senator HOLLINGS.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, we really find ourselves in the most unusual position here, and I think the Senator from Alabama even would agree: It is ironic that the Senator is arguing right now for not a State-by-State but a Federal solution to voter registration, and on the same bill arguing against a uniform solution with regard to product liability.

Let me also point out to the Senator that if we could poll his manufacturers in Alabama, my best guess is that most of the goods manufactured in Alabama are in fact used and sold in other States. In Wisconsin, the figure is about 80 percent.

So my guess is it is the same in Alabama. If all goods made in Alabama were used in Alabama, then the Alabama manufacturers would be correct. But roughly 80 percent of the goods that are manufactured in Alabama are in fact used and sold and come into legal disputes in States like California and New York, which is why we need some kind of uniformity.

Mr. President, I yield 1 minute to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I thank my colleague for yielding time.

I just want to say it always amazes me to hear all the rationale people use to justify why they are going to vote on an issue like this when the fact is the majority party does not want to vote on the issue of product liability, which is a bill that could help America become more productive. We could stop some of the litigation going on in this country that is very expensive to our productive competitiveness throughout the world.

I might just say we have spent all kinds of time here on a tax increase bill that was postured for the Democrats against the President. We have spent all kinds of time here on a bill, weeks on this floor; it was finished yesterday by the sustaining of the President's veto on the taxpayer-supported financing of House and Senate races that would do nothing to help the competitiveness of this country, only to keep the Democratic majority in the position they now enjoy in Congress.

We debated for weeks a gun control bill so that Democrats could posture on it and play games with it.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SYMMS. Now, for Senators to say that they cannot have a vote on product liability when it is the first chance we have had in years to do it, when the leadership here clearly is opposed to product liability and legislation, even though the committee voted, they do not want the issue on the floor, and so this is the chance for Senators to vote on the issue, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMMS. They can either vote yes, they are for it, or no, they are opposed to it. But I do not think they should use as an example——

If I could have 10 seconds to close.

Mr. KASTEN. I am happy to yield the Senator the additional time he needs.

Mr. SYMMS. Since the Senator from Alabama, for whom I have great respect, did bring up the name of a great Senator who served here for many years, Senator Tower, and used that as an example of what might happen, I would just say for the record there is no amount of money in the world that will ever be able to pay back the memory of John Tower for the injustice that was done to him by a vote on the Senate floor that denied him the opportunity to be Secretary of Defense of this country.

Mr. KASTEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute and 40 seconds.

Mr. KASTEN. Is that all the time remaining on either side?

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute and a half. The Senator from Nebraska technically has 1 minute of the 4½ minutes allocated to him.

Mr. KASTEN. Mr. President, I think it is clear the situation we find ourselves in. I want to end as I began.

This is a sad situation. The Senator from West Virginia and I have been hearing the panels, have been working back and forth, staffers have worked together, to try to put together a moderate bill that can pass.

The Senator from West Virginia and I have been trying to put together some kind of a system in which it can come up for debate on the floor of the Senate. This is the closest that we have come.

We are going to be back. I hope that the next time we are back the Senator from West Virginia and I will be standing together, because that is as it should be, in favor of this legislation. Right now, basically because of the power of the trial bar, we are going to see people coming into the well of the Senate and voting against bills, against a piece of legislation that they themselves have cosponsored. They have been responding to their mail saying: "I am going to vote for this; I am a cosponsor of it; you are right, we need these reforms. Come on. Here we go."

And now they vote against it.

Why are the American people upset with Congress? I'll tell you. They see people voting against bills they themselves have cosponsored. And they know there's something seriously wrong with that. We are going to lose this vote but we will be back.

I am willing to pull this product liability bill and let motor-voter go. Motor-voter is not going to make any difference to Wisconsin, because we have same day registration. It is a shame that we could not have passed a product liability bill that would have made a big difference for the future of U.S. competitiveness.

I urge my colleagues to vote against the motion to table.

Mr. HOLLINGS. Mr. President, right to the point, we heard yesterday that product liability puts us out of business. You get this anecdotal nonsense that they do not make football helmets anymore in Missouri. We were told this by the distinguished Senator from that State. They make them up in Chicago, and all over. You will be watching them on TV. They are made by American manufacturers. We can rebutt all this anecdotal nonsense.

Literally hundreds and thousands of foreign industries are coming to invest in America—the British, the Germans, the Japanese. I have worked with them and encouraged them to a great extent. Never have they mentioned product liability. They are happy to come. They say why are the people upset? Some States have attempted this alleged reform, some of them reacting under the promise of reduced insurance premiums. Florida tried it, and the premiums went up.

All the consumer interest organizations are opposed to this measure, as is the American Bar Association, the American Public Health Association, the Association of State Chief Justices, the Association of State Attorneys General. The only crowd pushing this bogus reform is that pack of lawyers downtown here in Washington who have been paid to keep this thing going for 10 years, and they are about to run out of gas. That is the crowd that never has tried or developed or protected an injured party. They are up here as agents of influence to try to ram through.

Mr. SHELBY. Mr. President, I rise in opposition to the Kasten amendment. This amendment represents an unwise and unnecessary infringement upon the rights of the States, and an unwarranted trampling of the rights of individuals in favor of the interests of product manufacturers and sellers in this country.

The changes proposed in this amendment represent an unjustified and unprecedented usurpation of the States' authority to regulate the rights, responsibilities, health, and safety of their citizens. A fundamental principle of federalism requires that the States maintain their traditional responsibility to create and enforce tort laws to protect their citizens against injuries and compensate victims inured by defective products. Over the last 150 years, the States have developed effective product liability laws which balance the interests of manufacturers and users of products and place the cost of injury on the party in the best position to prevent injuries or bear compensation costs.

On the other hand, Congress has had little experience with the complexities of product liability law on a case-by-case basis. Federal product liability provisions will require that Federal law be amended constantly to handle unforeseen product liability problems. This is unlikely to occur because of the amount of time required to this type of legislation to move through the Congress. As a result, the inflexible rules of this amendment will deny equitable treatment to the people in America.

In contrast, the States adjudicate product liability questions on a case-by-case basis, thereby allowing careful experimentation and adjustment. As a result, the liability rules reflect economic and scientific changes in product manufacturing, as well as the needs of each States' citizens. The preemption of State law under this proposal amendment would be a radical and unprecedented action, and would create confusion rather than fulfilling its promise of uniformity, in this country.

The ostensible purpose of the proposed legislation is to bring uniformity and predictability to the State product liability system. However, in the years of hearings on this bill and its predecessors, law professors and jurists have consistently and repeatedly concluded that the legislation will not and cannot achieve this purpose. In fact, according to legal scholars and judges, confusion and protracted litigation are the probable results of this legislation. The Federal and State courts inevitably will interpret and apply the new liability rules in conflicting ways. Prof. Page Keeton of the University of Texas Law School, warned of such a result almost 10 years ago when he testified here in the Senate before a committee. He said:

> It is my judgment that this bill if passed will unsettle the law for 10 or 15 years, and each state would be interpreting the statute in its own way. Since the language used is susceptible of varying interpretations to concrete situations, it is inevitable that conflicts will arise in the various states over these interpretations.

I believe those words are good today as they were then. The same criticism applies to this amendment, which will act as an overlay on the existing State and territorial court systems as well as the Federal system under diversity jurisdiction. These rules will be applied in many different contexts and will inevitably be construed and applied differently. With each State interpreting the rules, even the uniformity that has been achieved to date in product liability State statutes will be destroyed, and the long process of unraveling new concepts will begin. Let me quote Harry L. Carrico, chief justice of the Supreme Court of Virginia, testifying on the identical predecessor to this amendment:

> * * * from our perspective, State supreme courts will no longer be final arbiters of tort laws of their States. Federal standards will make the Supreme Court of the United States the court of last resort for a new class of cases with mixed State and Federal questions largely outside its current jurisdiction. These cases, involving two distinct sets of Federal questions, will come from the 50 State supreme courts, as well as 12 Federal Courts of Appeals, to a Supreme Court that many legal scholars believe is overburdened and incapable of maintaining adequate uniformity in existing Federal law. Consequences for federalism as well as for uniformity and the future development of law, are therefore incalculable.

The complexity introduced to the system by the Kasten amendment is overwhelming. In addition to creating conflicting State court interpretations of the new standards, this amendment would force State courts to apply Federal law to the conduct of some parties, and State law to other parties' conduct in cases involving more than one cause of the accident. Therefore, the Kasten legislation would aggravate rather than resolve product liability problems, because it never would be clear how State courts would mesh the Federal and State rules.

To advocate the passage of this amendment is to ignore almost two centuries of product liability tort law, without any demonstration of need. Although proponents of this amendment have played around with the statistics, a pressing national need for reform in the area of product liability has not been demonstrated, nor has it been shown that the present system of State law is inadequate. Our current system of product liability tort law has satisfactorily served our needs for over 200 years, and should continue to offer protection to the individuals who have been wronged. I urge the Senate to defeat the Kasten amendment.

Mr. HARKIN. Mr. President, I oppose the amendment proposed by Senator KASTEN concerning product liability. Quite simply, this legislation is unnecessary, an imposition on the prerogatives of the States and harmful to the interests of consumers who have been severely injured by dangerous and defective products. I believe that the Senate has an obligation to fully consider these issues in the Judiciary Committee before taking precipitous action and causing irreversible harm to the rights of consumers.

Unfortunately, this issue has been clouded by misinformation and anecdotal evidence substituting for careful consideration of the facts. Proponents of this measure have fostered a number of myths, which have gained credibility through repetition. They say that punitive damages were being awarded too often and are having too great an impact on businesses. They say that our product liability system hurts American competitiveness. They say that there is a litigation explosion. And they say that the product liability system results in unnecessarily high liability insurance costs.

One of the sponsors of this bill said that punitive damages "are intended to be awarded in egregious cases, not every case." Well, they are not being awarded in every case—far from it. In an exhaustive survey of State and Federal tort cases decided in the 25 years between 1965 and 1990, only 355 cases were found in which punitive damages were awarded. One fourth of those cases concerned liability for asbestos. And another fourth were overturned on appeal.

My colleague from Iowa says that, despite their extreme infrequency, punitive damages are having a major impact on businesses, which settle claims out of court for fear of massive punitive awards. Is the contention that these businesses have an irrational fear that the company's blameless behavior will somehow result in a jury award of massive punitive damages? Or are these out-of-court settlements an example of the system working correctly, where a company acknowledges liability for an injury their product causes?

The evidence clearly indicates that punitive damages are not awarded routinely, and studies also show that punitive damage awards are closely correlated to actual damages. The system works, and it works well. Punitive damages are the most important factor in deterring injuries to consumers by defective products. This bill would, in effect, abandon injured consumers to the tender mercies of the manufacturers of the products that caused the injuries.

When the proponents of this legislation talk about the costs of product liability litigation on manufacturers, they seem to forget the victims. The Rand Corp. has documented that the total direct cost of accidental injuries, including product-related injuries, is over $175 billion per year. Only $7.7 billion of that was compensated through the tort system. The rest was paid by the victims or by society as a whole. In 1987, the Consumer Product Safety Commission reported 21,900 deaths and 30 million injuries associated with products.

Hospital emergency rooms admitted 9,632,128 patients with product related injuries in 1984. Yet Federal courts saw 10,745 product liability cases in 1984, and 13,595 such cases in 1986. Manufacturers are benefiting from the fact that most tortious injuries related to their products never come to court. The vast majority of grievances of all kinds never become cases—some studies indicate as few as 5 percent ever go to court.

I am particularly concerned about a provision that would exempt manufacturers from punitive liability for products that receive premarket approval by the Food and Drug Administration [FDA]. The FDA does not conduct independent investigations of drugs; its premarket approval is based on studies performed by the manufacturers. This provision would give manufacturers an incentive to focus their attention on performing studies that will achieve FDA approval, rather than substantively working to ensure the safety of their products. Manufacturers could produce studies that would secure FDA approval, without ascertaining the complete picture about a drug or device, even without withholding or misrepresenting evidence. This provision would remove an important deterrent from manufacturers of medical products.

As chair of the Labor, Health, and Human Services Appropriations Subcommittee, I am concerned that this provision will require much larger FDA funding levels. If FDA action will dispose of punitive damages claims, then their investigation will have to be far more detailed than they are presently, and perhaps require an independent investigation. I find it ironic that conservative Members who supposedly support reducing the responsibility of the Federal Government, and keeping power in the hands of the States, are pushing a proposal that would take power away from the States and put it in the hands of a Federal agency.

Another myth is that American competitiveness has been injured by product liability. Certainly, the fear of product liability suits have kept some new products from reaching the market. But one of the purposes of product liability law is to deter dangerous products from coming to market. Is it considered bad that our law deters potentially harmful products from being brought to market? Is it vital to our competitiveness as a nation that we prevent companies from being held liable for injuries their products cause?

A 1988 Rand Corp. study found that product liability represents only about 1 percent of manufacturers' costs. Another Rand study found no evidence that product liability hinders the international competitiveness of U.S. manufacturers.

Some supporters of this legislation say that the fact that manufacturers like Dow Chemical have much higher costs for product liability in the United States than in the rest of the world proves that our product liability laws are too strict. So whose product liability standards do they advocate? Should we adopt the tort standards of third world countries? After we ship American jobs to Mexico through a free trade agreement, are we going to import Mexican liability standards?

Another argument is that there is a litigation explosion. But this legislation does not address the real source of the explosion—businesses suing businesses. Torts represent less than 10 percent of most states' civil caseloads. And in fact, when you exclude asbestos-related suits, product liability suits have decreased by some 40 percent over the last 5 years. Victor Hugo said that, "An invasion of armies can be resisted, but not an idea whose time has come." Well, here is an idea whose time has not come—an idea which is not needed based on the objective data. We should resist it.

There is also the argument that product liability increases liability insurance costs. If that is the problem, this legislation is not the way to solve it. A representative of the American insurance industry said that a predecessor of this legislation "is likely to have little or no beneficial impact on the frequency and severity of product liability claims," and is "not likely to reduce insurance claim costs or improve the insurance market."

I have further concerns that this bill would alter workers' compensation subrogation standards without having been considered by the Committee on Labor and Human Resources, of which I am a member. Proponents of this legislation claim that they are the victims of delaying tactics, yet they are unwilling to properly refer this bill to committees of the Senate with experience and knowledge of the matters it concerns. The reason the committee system exists is to ensure legislation will receive proper scrutiny. The proponents of this bill have decided to dodge around the campaign system to avoid such scrutiny.

The effect of this legislation is to increase the cost and risk for people suing for serious injuries or deaths attributable to faulty and dangerous products. For instance, this legislation contains a provision designed to blackmail claimants into accepting a company's offer of settlement. If a claimant refuses a company's specific settlement offer, and receives a verdict after trial equal to or less than that offer, then the claimant is responsible for the company's attorneys' fees.

Imagine a person who is permanently disabled by a defective product, who reasonably believes that his injuries deserves to be compensated by an award of $250,000. And suppose the company responsible for the injury offers only $200,000 in compensation. The victim has a choice: Accept an offer that he believes is only 80 percent of the compensation he deserves, or refuse the offer and risk that a jury will return a judgment below the offered amount, which could reduce the award by a third or more. In other words, this plaintiff would have to choose between receiving $200,000, or risk getting a fraction of his actual damages.

Many claimants with serious, actionable injuries inflicted on them by faulty products will be deterred from seeking their full measure of damages from the responsible party by this provision. But that result is apparently the goal of the proponents of this legislation. Manufacturers may save money if this amendment is enacted, but that money will be coming out of the pockets of people who are seriously injured by faulty products, or out of all of our pockets, when injured people are unable to make it on their own as a result of their injuries. I think that the people responsible for injuries should pay their costs.

In a recent New Jersey case, Judge Lee Sarokin eloquently summed up the issue before us. Here is what he said:

> All too often in the choice between the physical health of consumers and the financial well-being of business, concealment is chosen over disclosure, sales over safety and money over morality. Who are these persons who knowingly and secretly decide to put the buying public at risk solely for the purpose of making profits and who believe that illness and death of consumers is an appropriate cost of their own prosperity?

That is what is at issue here. Those who would weaken the deterrence of our product liability laws must take responsibility for an increase in dangerously faulty products, and the additional deaths and injuries that will follow. I urge my colleagues not to act precipitously. This legislation is not needed and will injure the rights of consumers. We should send this legislation to the committees of the Senate that have responsibility for the issues it raises. We should table this amendment, to allow the Senate Judiciary Committee the opportunity to consider this legislation.

Mr. SANFORD. Mr. President, like a number of my colleagues on both sides of the aisle who support the National Voter Registration Act and the Product Liability Fairness Act, I rise with a sense of frustration that two important and necessary pieces of legislation are being linked together in a way that could kill both bills.

Eliminating roadblocks to voting for all Americans is the essence of our democracy. All of us express concern with low voter turnouts because we know that when "none of the above" wins, it jeopardizes our ability to govern effectively. We seek the input from our countrymen and women, ask them to participate in the governing process, and listen to what they say. All of us in this body are here by the popular choice of our citizens. Therefore, I regret that the so-called motor-voter bill has become a partisan issue.

I also regret that a bill which I support—indeed, have cosponsored—is being offered as an amendment to this important voter registration bill. It is not product liability reform that we are debating. Instead, product liability is being used as a procedural means to object to motor-voter without having to say so.

I've already received too many calls and letters from constituents who believe that because I support motor-voter, I've changed my mind on product liability reform. Nothing is further from the truth.

Because motor-voter and product liability reform have different supporters does not mean that each does not deserve a fair debate on their individual merits. I am an original cosponsor of the Product Liability Fairness Act. I know that its leading proponents have been working for years to get it before the Congress. I will continue to support it. But the National Voter Registration Act has also taken years to get here and now is the time to debate it on its merits. Both are important, for obviously different reasons, but they are unrelated and do not deserve joint consideration.

The supporters of product liability reform know that this vote is not on its merits and know that even if this amendment passed, it would not make product liability reform a part of the law.

Therefore, Mr. President, I will vote to table this amendment so that we can get to the real issue before us, the National Voter Registration Act. And when the Product Liability Fairness Act is brought before this body for a debate and vote on its substance, I will continue to support it.

Mr. DURENBERGER. Mr. President, I will cast a "no" vote on the motion to table the amendment offered by the distinguished Senator from Wisconsin [Mr. KASTEN]. In so voting, I do not mean to imply that I support every provision in the product liability reform bill or that I would vote in favor of this bill in its current form.

However, I believe that the Senate should have the opportunity for a full and fair debate on this legislation, including the opportunity to amend this bill. The sponsors have been waiting for years for this debate to take place. It is only fair that they have their day in the Senate.

Mr. President, the issue of overriding 50 State product liability laws represents a fundamental change in our country's tort system. It should not be taken lightly. At the same time, we are aware for fear of product liability lawsuits. Some measure of balance must be achieved to ensure that consumers are protected against unsafe products and manufacturers are not subjected to burdensome lawsuits.

I am willing to work with consumer and industry representatives to achieve a compromise that will satisfy the competing interests in this debate. I hope the motion to table is defeated so that we can finally begin this debate.

Mr. LEVIN. Mr. President, in light of the national and interrelated nature of the marketplace, there is some value in uniformity of laws affecting product liability. That value has to be weighed against the fact that throughout our Nation's history this has been an issue within the purview of the States.

However, we never even get to that weighing process here because the amendment before us does more than make the Nation's product liability law uniform. It establishes for all of the States some rules that only a minority—sometimes only a small minority—of the States follow. Any proposed Federal product liability reform should focus on the desirability of uniformity and not use the desire for uniformity as a vehicle for imposing a minority rule on a majority of the States.

Mr. SPECTER. Mr. President, I am voting to table Senator KASTEN's amendment adding the Product Liability Fairness Act, S. 640, to the motor-voter bill, S. 250, because I do not believe it is realistic to pass product liability legislation as an amendment to the motor-voter bill and I do not believe that it is appropriate to sidetrack the motor-voter bill in that manner.

As to the motor-voter bill itself, I believe it is entitled to serious consideration if the problems on potential voter fraud can be solved. I have had recent discussions with Senator WENDELL FORD, the principal sponsor of S. 250, with a view to amending the bill to contain appropriate safeguards against fraud.

While I understand the frustration in not being able to get S. 640 to the floor on its own, I do not believe it is realistic to get it passed as an amendment to S. 250. The Senate Judiciary Committee has not yet had an opportunity to review S. 640. When the product liability bill was in the Judiciary Committee in the last Congress, we worked through the issue and reported it out for floor action even though that was done without recommendation.

In the last Congress, I spent considerable time in discussions with two lawyers on each side of the product liability issue and found that there could be significant areas of agreement. I recently met with Mr. Ken Davis, director, Government relations, Rohm and Haas Co., together with other representatives of the Pennsylvania business community on the issue of product liability. As a result of that meeting, I am scheduling a meeting with representatives of both sides with a view to finding areas of agreement, which I believe is possible.

I am committed to investing time and effort to try to achieve reform in our product liability law. I do not believe it is realistic to enact such legislation in both Houses of Congress unless we do have a general consensus on the issues, although we will obviously never get a total agreement.

I am opposed to the parliamentary maneuvering for test votes for the score sheets by adding such product liability legislation to the motor-voter bill; but I am prepared to work to try to get a bill through the legislative process with an appropriate referral to the Senate Judiciary Committee and the kind of negotiation necessary to enact legislation on this important subject.

The PRESIDING OFFICER. The Chair informs Senators that the time has expired.

Under the previous order the Senator from West Virginia [Mr. ROCKEFELLER] is recognized for the purpose of making a motion.

Mr. ROCKEFELLER. Mr. President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the amendment of the Senator from Wisconsin.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—53

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—45

Bentsen
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kasten
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Riegle
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—2

Bond
Metzenbaum

So the motion to lay on the table the amendment (No. 1799) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I commend the Senator from Wisconsin for his tenacity and for his hard work on this issue.

I believe that this is a topic that does need to be addressed by the Congress in a very thoughtful and in a very thorough manner.

Had the vote on product liability been solely on the merits of the legislation, I would have voted to table since I strongly believe that this issue—which goes to the heart of our judicial system—should be reviewed by the Judiciary Committee. The Judiciary Committee has a duty to examine this issue thoroughly. I believe we should do that, and we should be prompt about it. I have the privilege of serving on that committee and have full faith in my committee colleagues. I know the committee would give this legislation fair and serious consideration and would act in a conscientious and timely manner.

But, Mr. President, that is not what we were about this morning. It is clear that this vote had nothing much to do with the merits of product liability legislation.

The vote to table the Kasten amendment was indeed a curious exercise in partisan politics. Cosponsors of the legislation were voting to kill their own bill. Why is that?

I do not know the precise motives of the cosponsors of this legislation who voted against their own bill. It is possible that they thought they were supporting the sacrosanct underlying legislation—the so-called motor-voter bill—which I call the auto-fraudo bill. It may be that they do not want a Republican, especially one who is up for reelection this year, to have his real chance to force a vote on the merits of a bill that is one of his top legislative priorities.

Whatever the motive, what could have been a vote on the merits became a purely partisan vote. Those who would have otherwise supported this legislation took the lead in voting to kill it.

Mr. President, I, too, have major concerns about the merits of enacting Federal product liability legislation. It may sound good, but I don't feel that it is. However, since the merits of the bill became secondary in a larger partisan struggle, as assistant Republican leader, I was part of the leadership to vote along with my Republican colleagues.

The PRESIDING OFFICER. The majority leaders is recognized.

RECESS UNTIL 2 P.M.

Mr. MITCHELL. Mr. President, following consultation with the Republican leader, in view of the events about to commence momentarily involving former President Gorbachev of the Soviet Union, I now ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate at 11:59 a.m., recessed until 2:01 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that we go into morning business until 2:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

TAX BREAKS FOR PHARMACEUTICAL COMPANIES

Mr. COHEN. Mr. President, today the chairman of the Aging Committee, Senator PRYOR, is releasing a GAO report that once again underscores the tremendous tax breaks that the pharmaceutical companies are reaping from operating in Puerto Rico. These huge tax subsidies are being given to drug companies at the direct expense of millions of Americans who have to pay skyrocketing costs for their prescription drugs.

The GAO report provides alarming evidence of the extent to which the American taxpayer is subsidizing the pharmaceutical industry through tax breaks while pharmaceutical companies are increasing their prices beyond the reach of average Americans, particularly senior citizens.

As my colleagues know, current tax law gives U.S. companies tax credits for doing business in Puerto Rico. While this tax provision was originally designed to spur the economy of Puerto Rico, the pharmaceutical industry has turned this tax provision on its head, and has used it to hoard huge profits at the expense of consumers who have nowhere else to go to obtain their life-sustaining medications.

GAO estimated, for example, that during the 1980's, the drug industry received a total tax savings of $8.5 billion through its operations in Puerto Rico, and was able to shield over $20 billion in revenue from Federal income taxes.

While the purpose of the section 936 tax credit is to spur the Puerto Rican economy, the pharmaceutical industry has found a way to elude this principle. The GAO study found, for example, that the drug industry is disproportionately benefiting from these tax credits, while creating relatively few jobs. In 1987, for example, the drug companies collected over half of all the tax benefits provided by section 936, but employed less than 20 percent of the Puerto Rican workers in all industries claiming the tax credit.

Further, the report demonstrates that major drug companies are collecting tax credits in amounts far above the costs of employing workers. Although the average salary paid to a drug company worker in Puerto Rico is $26,000 a year, the average tax savings claimed by these companies is over $70,000 per employee. In fact, two major drug companies even had tax savings of over $100,000 per employee—or four times the cost of hiring each worker.

Mr. President, this is no longer just a tax incentive to spur investment in Puerto Rico. It has become a major tax haven at the expense of the most vulnerable members of our society, and even worse, a tax incentive that rewards the spiraling escalation of drug prices. Because this tax credit is based on profits, the higher the drug companies' prices, the greater the amount of tax credits the drug companies can claim.

In short, our Federal tax policy says, "The Federal Government will pay you to increase your drug prices."

The public is hit again and again by the strategic moving of the drug company operations to Puerto Rico to take advantage of tax benefits. GAO found that 17 of the 21 most prescribed drugs in the United States, including critical medications for heart disease, epilepsy, diabetes, ulcers, and pain, are approved for manufacture in Puerto Rico. The public has helplessly watched the prices of these major drugs climb well beyond their financial reach.

Mr. President, the real tragedy is what lies behind the numbers and statistics, and the annual profit reports of the drug companies.

Last month, I held field hearings in my State of Maine on the effects of high drug prices on senior citizens, and the stories we heard were heartrending, to say the least.

Mrs. Lillian Trumble of Lisbon Falls, who is 79, testified that the $200 per month she and her husband spend on medications takes a major portion out of their limited monthly income from Social Security. Because of their drug expenses, she and her husband have had to depend on neighbors and friends to help pay for food and fuel to make ends meet.

We heard from George Roy of Biddeford who spent over $7,000 last year on prescription drugs. Since 1986, he has spent an astounding $48,000 on medications, and his wife now takes 48 pills daily. Mr. Roy summed it up well when he said, "I don't want to sell my house; I need a place to live. I hope that I can get some relief to help me, because we have to take these medications. * * * Right now, I am running out of money, and I need some help."

We heard from doctors, nurses, and pharmacists who told of patients who are not taking their medications properly, or who are going without drugs entirely because they simply cannot afford them. We heard about a terminally ill man who endures the pain of his illness because he is afraid to leave his family financially devastated due to the costs of his drugs.

More and more of our Nation's elderly and families are suffering from the high costs of prescription drugs, while the drug companies reap their excessive tax benefits.

We must act now to stop drug companies from taking advantage of the American public through excessively high drug prices. I have joined with Senator PRYOR in sponsoring legislation to curb the egregious profits these companies are collecting at the expense of the American consumer and taxpayer, and this GAO report provides strong evidence in support of our legislation.

I urge my colleagues to join Senator PRYOR and myself in supporting S. 2000, the Prescription Drug Cost Containment Act, to release consumers from the financial chokehold of the pharmaceutical industry.

Very simply, Mr. President, S. 2000 calls for a reduction in the section 936 tax credit, that is given to the pharmaceutical companies, if they continue to refuse to exercise any control over the ever-escalating costs of prescription drugs.

THE PRODUCT LIABILITY LEGISLATION

Mr. COHEN. Mr. President, if I might, I would like to turn for a moment to a discussion of the product liability legislation that was debated a short time ago.

When dealing with product liability law, we are really talking about the allocation of responsibility. Who is in the best position to bear the responsibility for injury when it takes place out in the marketplace? Historically, we have placed the burden upon those who have introduced the products into the marketplace.

Obviously you weigh the equities—injured consumers versus those in business that produce the products. The person or interest that best should bear that responsibility is the one who introduces the products.

I have heard a great deal about the evils of product liability in terms of awards, and I would like to take a few moments to explain my own position. I supported Senator KASTEN's effort to at least bring his amendment to a vote. I indicate for the record I would have voted against Senator KASTEN's amendment had it come to a vote, but I think he is entitled to have it considered. I hope it is referred to the Judiciary Committee and that we can have full and extensive hearings on the subject matter.

I would like to explain to some of my constituents why I have historically opposed the attempt to mandate a certain standard upon the States and preempt State law.

My own experience goes back many, many years. As early as 1965 or 1966, I can recall there was something like 80,000 people who were injured every year from lawn mowers because of the absence of any kind of protective device. These lawn mowers were simply picking up a paper clip, a piece of glass, a stone, and really accelerating it out at enormous rates of speed into the eyes, the head, knocking out teeth, causing even brain damage in some instances. And all it would take was a simple device to prevent that kind of projectile from being ejected from under the lawn mower. It took lawsuits to bring that kind of safety device about.

The same thing can be said of snow blowers. When they first came on the market, we had tremendous numbers of injuries from snow blowers, because of the absence of protective shields that did not cost a great deal to manufacture, and yet they were not manufactured.

I recall the days of Ralph Nader who individually took his case about the unsafe Corvair, "unsafe at any speed", to the public. As a result of his efforts, he did in fact help to bring about a safety consciousness on the part of the automobile manufacturing industry.

So I think it has had a very salutary impact upon the overwhelming majority of the American people, that we allow suits against manufacturers for defective products. And I could take a long period of time today to discuss a variety of other examples where this has had a positive impact upon safety in our country.

I just want to touch upon one of the facets that was not dealt with in the amendment from my colleague from Wisconsin, and that is the issue of contingent fees.

There is a very strong anti-lawyer sentiment, that is pervasive in this country, and as one who used to practice law, I can understand that. It is historic. It goes back certainly to the days of Shakespeare with his suggestion hanging all the lawyers, or Carl Sandberg's poem when he talked about hearing the snicker when the first hearse passed by with the bones of a barrister.

It is a common theme throughout literature that people have a healthy dislike for lawyers except their own when it comes time for them to bring a lawsuit to protect their interest.

Nonetheless, there is an all out assault waged over the notion of contingent fees. The contingent fee is the poor man and woman's key to the courthouse. Without the availability of contingent fees, the poor people of this country, the average person in this country, will never get to enter that temple of justice. It will be reserved for the wealthy only or the very poorest who have public interest groups or lawyers appointed for them. That is not a situation we want to encourage in this country.

So while everyone seems to be beating up on the legal community and contingent fees, that may be the only way that the average person in this country will ever have hope of achieving a sense of justice for a wrong that is done to him or her.

At the same time, I do not think anyone can say no reforms should be made. I hope the Judiciary Committee will listen to the arguments. I may, in fact, propose an amendment at some future time which would say the following or something to this effect:

We are hearing a great deal about economic projections, costs and benefits, and how much has been added to the costs of products and how much it costs to get product liability insurance. Perhaps we ought to consider an amendment that would mandate a sunset provision. For example, at the end of a 3- or 5-year period, any reform in the area of product liability law would be sunsetted unless we could show, let us say, a 20- or 25-percent reduction in insurance premiums across the board. That is something we ought to give serious consideration.

If, in fact, the product liability lawsuits are producing such extraordinary premiums, and if we reform the system, then it seems to me that the insurance industry cannot have it both ways. Business cannot have it both ways and keep prices high and say it is because of product liability. We have to see a corresponding reduction in the insurance premiums and also perhaps in the cost of products themselves. These are issues to be explored and debated.

Again, I did want to indicate for the RECORD that, while I did not support the motion to table the Kasten amendment, unless the amendment was substantially changed to take into consideration some of the factors I mentioned here this afternoon, I would have opposed it.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thought as long as we have a little bit of time, I would ask unanimous consent for 5 minutes in morning business so that I might talk about S. 250, the motor-voter bill.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. WELLSTONE. Thank you, Mr. President.

THE MOTOR-VOTER BILL

Mr. WELLSTONE. Mr. President, I thought that there might be some debate on this legislation at the moment. Since there is not, maybe I will just add to some discussion that we have already had on the floor.

Mr. President, I want to point out for those that are here or those that might be following the proceeding on the Senate floor that we are talking about a piece of legislation that would probably add about 65 million Americans onto the registration rolls that would be now registered to vote. Mr. President, that would raise the level of Americans who are registered to vote from 60 percent to 95 percent.

I suggest to you that in the aftermath of Los Angeles and all that we have witnessed and all that we have observed in our country and all the discussion that has taken place, there probably is not a more important piece of legislation, at least so far as citizen involvement is concerned, before the Senate.

Mr. President, the National Voter Registration Act, introduced by Senator FORD, from Kentucky, and Senator HATFIELD, from Oregon, is a piece of legislation that, first and foremost, would enfranchise youth. Fewer than 40 percent of 18- and 19-year-olds in our country today are registered to vote. And yet, who are the Americans, women and men, who suffer the most from our lack of commitment to education?

I met with a group of Close-Ups students from Minnesota this morning. When I asked them what issues they were concerned about, all of them talked about a lack of commitment to education.

I just simply want to say this national voter registration bill before the Senate is an important piece of legislation because the Government would play not a partisan but a nonpartisan, affirmative, positive role in reaching out and enabling young people to register to vote so that they can vote for their economic rights. It is far better when there is anger.

I think of the gathering, Mr. President—I am sure you have been at such gatherings in Connecticut—at an inner-city school in St. Paul in which a number of the students, African-American and Hispanic as well as white and, also, a real strong Asian population at the school, stood up and said—and it kind of broke my heart—that they do not have that much confidence or faith in "the system"—I have heard that before in my lifetime—and that they really are beginning to give up hope about what could be done.

I said to them that what my father would have said, who was a Jewish immigrant from what used to be the Soviet Union, that we have an unfair system, but it is not an unfair closed system. It is an unfair open system and we have the possibility, in a representative democracy, for people to register to vote. And this piece of legislation encourages citizens, young people especially, to do exactly what we all hope all Americans will do, which is to be able to register and vote and make this a better country.

Moreover, this National Voter Registration Act enfranchises disabled Americans. Many disabled Americans, given the Byzantine rules and regulations that exist from State to State, have a very difficult time registering to vote. Again, all too often you cannot register by postcard. You have to be able to go somewhere to register to vote. Quite often, it is a long drive. Quite often, you do not know where it is. We make it very difficult for people to register to vote.

Mr. President, in my State of Minnesota, we have same-day registration. People can vote election day. We have motor-voter. People can come in when they apply for their driver's license or they get an ID card, the registration form is right there. And we have agency-based registration. Social services agencies, in a scrupulously nonpartisan way, have voter registration material available and register people right there. And we have the highest voting participation in the United States of America.

I think it is the role of Government to encourage and to promote voter registration and voter turnout. I do not think there is a more important piece of legislation.

I have heard some people on the floor say, "What does voter registration have to do with economic problems in our country?" It has a lot to do with economic problems in our country, because the very people who are most affected by our willingness to pass public policy for jobs and health care and schools and education and neighborhoods and communities are the very people who, disproportionately, are not registered to vote; the very people who all too often in State, after State, after State we make it difficult for them to register and vote. There could not be a more important piece of legislation before the floor of the Senate.

Mr. President, let me also point out that this National Voter Registration Act enfranchises minorities. Again, if you look at the last Presidential election, barely 50 percent of the people voted, and if you look at that hole in the electorate and try to analyze what that hole is, you will find that disproportionate among those people who did not register and did not vote were people of color and low-income people.

Again, 85 percent of the people who are registered to vote turn out. The issue is not turnout. The issue is making sure that people are able to register and vote.

So, Mr. President, just to summarize, I am pleased that we are back on this bill, S. 250. I think it is an incredibly important piece of legislation. I certainly hope that we will respond to the economic pain in our country, that we will respond to the bread and butter economic issues, that we will do a lot on employment, we will do a lot on health care, that we will do a lot on housing, and we will do a lot in the subcommittee that you have so admirably chaired, we will do a lot in the area of beginning to nurture and support our children and our families.

But I think the way that we get there is to have a citizenry that is engaged, a citizenry that is enfranchised, a citizenry that is empowered; and to have women and men in our country, from the very young—I mean 18 years of age and older—to the very old, who say to themselves the way that we make the change in our country is we register to vote, we turn out at the voting booth, we vote for what we believe in and we make the United States a better Nation.

Mr. President, for now, until we get into a more engaged debate on this particular bill, I conclude my remarks.

SENATOR CHAFEE RECEIVES AWARD FROM LEAGUE OF WOMEN VOTERS

Mr. PELL. Mr. President, I rise today to recognize and congratulate my colleague from Rhode Island, Senator CHAFEE, on his receipt of the 1992 Leadership Award from the League of Women Voters—Education Fund. On Tuesday evening May 12, 1992, the league presented the award to Senator CHAFEE citing his "outstanding national leadership which fostered greater citizen participation in the democratic process." I have great respect for my friend and colleague from Rhode Island and congratulate him on this honor.

The League of Women Voters said Senator CHAFEE was selected for the award because of his many legislative contributions in health care, women's issues and the environment. Among the accomplishments the league cited were the leadership role Senator CHAFEE has taken to repeal the gag rule to ensure that poor women have access to family planning services, his efforts to assure that all Americans have access to affordable and quality health care, and his work to protect the global environment against ozone depletion.

Many of my colleagues are familiar with Senator CHAFEE'S deep dedication to these issues and I commend the League of Women Voters for recognizing his many achievements.

I was also delighted that my good friend and distinguished colleague from Kentucky, Senator FORD, received a Leadership Award from the League of Women Voters for his outstanding national leadership to encourage citizen participation in our political process. We are all familiar with Senator FORD'S role in the battle for campaign finance reform, and I am delighted that his untiring work has been given this recognition.

I know my colleagues join me in congratulating both Senator CHAFEE and Senator FORD.

DECLINE IN DOMESTIC OIL AND GAS INDUSTRY

Mr. JOHNSTON. Mr. President, I rise today to talk about the serious decline in our domestic oil and gas industry. A very bad situation for our country has now reached crisis proportions. Every day we are confronted with headlines such as "Drilling Outlook Dims," U.S. Crude Output During 1991 Was Lowest Since 1950," "More Bleak Reports From Oil Companies," "Hard Times: the Great Energy Bust."

Our oil and gas industry is in very serious trouble. Hundreds of people are being laid off. An economist at Louisiana State University estimates that 2,500 oil field workers in my State alone will lose their jobs this year.

Exploration budgets are being slashed. A total of 157 companies expect to spend $1.9 billion, or 10.7 percent, less this year on oil and gas drilling in the United States.

Opportunities for "Made in America" energy are being passed up, and the industry is being forced overseas. Major companies are expected to increase spending overseas by over 9 percent this year, to $11.8 billion, at the expense of domestic exploration and production. Similarly, independents are expected to spend about 4.2-percent less in the United States this year.

All of this bad news was brought home to me again yesterday by a disturbing development.

The Department of the Interior conducted an Outer Continental Shelf lease sale yesterday in the central Gulf of Mexico, offshore Louisiana. The results of that sale were disappointing to say the least. Out of 5,213 tracts offered for sale, only 151 actually received bids. Total bonus high bids were $56 million. This is the lowest amount bid in over 20 years.

The level of interest in yesterday's sale compares poorly with the sales conducted in recent years. Last year, for example, almost five times the amount of bonus high bids was received on a roughly comparable sale. In 1985, fewer tracts were offered, 4,531 in all, and $1.1 billion in bonus high bids was received. I will ask unanimous consent that a table with pertinent information regarding OCS lease sales in the central Gulf of Mexico be printed in the RECORD following my statement.

Mr. President, the climate in this country is not favorable to oil and gas development. Years of strife over the OCS leasing program have been devastating to efforts to produce on the OCS with the exception of only a few limited regions. Legislation pending before the House would drive the last nail in the coffin of the OCS Leasing Program in many areas. Current tax policies should be much more favorable in promoting domestic production.

The recession that has been plaguing our economy has perhaps hit the oil patch hardest of all. This adds up to one alarming result: The oil and gas industry is abandoning the United States.

This situation has grave implications for our national energy security. We must take action now to address this problem. The first step is for the Congress to enact comprehensive energy policy legislation. The Senate was successful in passing a balanced and responsible bill, S. 2166. I hope that the House of Representatives will act soon on energy legislation with equally constructive results.

I ask unanimous consent that the table to which I earlier referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON CENTRAL GULF OF MEXICO OCS SALES (1984–92)

Sale No.	Date	Tracts offered	Tracts bid on	Approx. total bonus-high bids
81	1984	6,502	529	$1,400,000,000
98	1985	4,531	444	1,100,000,000
104	1986	5,837	114	146,000,000
110	1987	5,881	313	290,000,000
113	1988	6,229	684	404,000,000
118	1989	5,970	591	397,000,000
123	1990	5,667	538	427,000,000
131	1991	5,420	464	260,000,000
139	1992	5,213	151	56,000,000

CONGRATULATIONS TO LISA VEHMAS

Mr. JOHNSTON. Mr. President, I rise today to extend my congratulations to Lisa Vehmas, a member of my staff, upon her graduation from Georgetown University Law Center. Graduating from law school is a milestone and a significant accomplishment. Undertaking the study of law at night while at the same time tirelessly performing the duties of a professional committee staff member warrants special recognition.

Lisa has served as a professional staff member on the Senate Committee on Energy and Natural Resources for the past 5 years, where she has handled mining and minerals issues. Her work at the committee has been exemplary. Lisa played an important role in passage of the Federal Onshore Oil and Gas Leasing Reform Act of 1987, amendments to the Geothermal Steam Act of 1970, amendments to the Surface Mining Control and Reclamation Act of 1977, and in the passage of several other bills which have become public law.

Lisa has also developed expertise in issues relating to trade, coordinating the committee's efforts last Congress with respect to the Canada Free-Trade Agreement and working this Congress on the North American Free-Trade Agreement. She has been assigned to issues relating to the reform of the Mining Law of 1872, which she has handled with skill. Her assistance on amendments relating to the Outer Continental Shelf Oil and Gas Leasing Program during Senate consideration of the National Energy Security Act of 1992 was invaluable.

Lisa has carried out her responsibilities at the committee with a high level of competence and professionalism. I am confident that a challenging and successful legal career lies ahead of her. I look forward to her continued good work on the committee staff.

Lisa's personal warmth and good humor have endeared her to her colleagues. We need her to continue in public service.

I hope she will take to heart the words of Winston Churchill at another hallmark occasion:

This not the end. It is not even the beginning of the end. But it is perhaps the end of the beginning.

TRIBUTE TO MARTHA SIMMS

Mr. HEFLIN. Mr. President, the University of Alabama Alumni Association in Madison County recently established an endowed scholarship fund to honor Alabama's first woman, Martha Holliman Simms. Described as being first in many areas, she is a Huntsville native and University of Alabama in Huntsville alumna who has served on the University of Alabama System Board of Trustees since 1979.

Martha Simms' record of firsts is indeed impressive: the first woman and the first UAH alumna to serve on the UA System Board of Trustees; the first chairman of the Madison County Democratic Women's Division; the first woman on the board of directors of the Birmingham branch of the Federal Reserve Bank of Atlanta; the first woman on the board of directors of the First National Bank of Alabama in Huntsville; the first woman on the board of directors of First Bank Group of Alabama, Inc.; the first president of the Arts Council, Inc.; and the first woman on the board of control of the Von Braun Civic Center, where she presently serves as chairperson.

Martha is the widow of Leroy A. Simms, longtime publisher of the Huntsville Times. She has two sons, Schuyler Harris Richardson III and James Holliman Richardson, both attorneys. She received a bachelor's degree from Randolph Macon Woman's College in 1948 and MAS degree from UAH in 1971.

Mr. President, Martha Simms has dedicated her life to advancing education, the arts, and her community. She was a prime instigator of the development of the Von Braun Civic Center. Local arts, historical and civic organizations benefiting from her involvement include the Huntsville Symphony Orchestra Guild, the Antiquarian Society, the Huntsville Historical Society, the Junior League of Huntsville, the Huntsville Museum of Art, the Alabama Historical Society, Huntsville Garden Club, and the Twickenham Town chapter of the Daughters of the American Revolution.

She has served on many boards, including the Marshall Space Flight Community Advisory Committee and Governor's Commission on the Status of Women, and has received numerous awards for her continuous service to the community and State. She has been cited twice by the Alabama Legislature.

I join the University of Alabama Alumni Association in commending Martha Simms for her outstanding contributions through the Martha Simms Scholarship Fund, which creates a perpetual investment vehicle that provides scholarships to students attending the University of Alabama.

VERDICT WAS FLIMSY EXCUSE FOR MAYHEM

Mr. HELMS. Mr. President, first a word about the man whose byline identifies him as James Jackson Kilpatrick. Nobody who knows him ever calls him James or Jim. Most of his friends call him Jack—or "Kilpo"—but, by whatever name, he is regarded by millions as a top-flight newspaperman. In my book he is the top newspaperman in America today.

I first met Jack Kilpatrick years ago when he was editor of the Richmond, VA, News Leader. I subscribed to his paper because I marveled at his talent as a writer and his enormous ability to analyze the issues of the day.

Jack not only loves the English language; he always insists upon good grammar, a quality which is so embarrassingly absent in the ranks of journalists today.

Obviously, Mr. President, I admire Jack Kilpatrick. I thoroughly enjoy his syndicated columns, not merely for what he says but how he says it. And I treasure him as a friend.

All of this came to mind when I read Jack Kilpatrick's column as published in Tuesday's Greensboro, NC, News & Record. Jack's analysis of the violence in Los Angeles is remarkably on target, at least in my own view of things. I decided that this column should be made a part of the CONGRESSIONAL RECORD.

Therefore, Mr. President, I ask unanimous consent that Mr. Kilpatrick's column, headed "Verdict Was a Flimsy Excuse for Mayhem," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Greensboro (NC) News & Record, May 12, 1992]

VERDICT WAS A FLIMSY EXCUSE FOR MAYHEM

(By James J. Kilpatrick)

The fires of Los Angeles are out. The last troops are leaving. Now the faultfinding begins anew. Liberal voices will be heard in one more chorus of the same old song. White society must bear the blame. We brought it on ourselves.

This is nonsense. Rubbish! I am sick to death of this drooling "compassion" that lacks every element of true compassion.

No one is responsible for this appalling spectacle but the blacks—and whites—who looted the stores, set the fires and killed with senseless abandon. Sociology be damned. Let the academics wail over the residual psychological consequences of 19-century slavery. This is hokum. Let us talk of grand larceny, arson and murder.

How are these crimes to be excused? They cannot be excused. They cannot be justified. If individual criminals can be identified from television tape, they ought to be rounded up and promptly put to trial.

It was the jury's verdict in the case of Rodney King that sparked the rioting. If the verdict had gone the other way—if the cops had been found guilty of assault—riot might have erupted out of jubilation rather than despair. The verdict was a flimsy excuse for a mob to hit the streets.

What about the verdict? Right or wrong? We have now heard from a hundred million second-guessers, none of whom had access to the evidence actually put before the California court. Did the state prove its case—prove it beyond a reasonable doubt? I have no idea. The jurors saw the famous TV tape, frame by frame. They gave the evidence the kind of scrutiny no one else has given it.

Out of that careful judicial process came the acquittal. This was no hung jury, irreconcilably split between conviction and acquittal. From the beginning of their deliberations, the jurors reportedly were of one mind. The evidence was not enough to overcome their reasonable doubts.

The American judicial process is not perfect. It is merely better than any other process yet devised. Yes, it is still flawed by racial bias. I am a reporter. Fifty years ago I was covering trials in Police Court and Hustings Court in Richmond, Va. Blacks were treated unconscionably then.

But during my years in Richmond I witnessed a tremendous change in the administration of justice. The worst abuses were eliminated. Every city in the South, to the best of my knowledge, has gone through the same experience. Beyond the South, courts function, for the most part, with an even hand.

Apologists for the black rioters complain that proportionately more blacks than whites are in jail. This is true. Why should this be so? The blunt answer is that blacks commit more crime, per capita, than whites. Yes, there are plenty of white robbers, muggers, skinheads, arsonists. No one excuses their conduct. They have no excuses either.

How can future outbreaks of mob violence be deterred? It may prove impossible to deter them. For the short haul, taxpayers in urban areas should prepare themselves to pay whatever is necessary to maintain order, for order is essential. Without order nothing can be accomplished. This will mean more police, more judges, more jails. So be it.

For the long haul—and it will be a very long haul—the community must rely upon black leadership. Legislators have yet to address themselves to the root causes of black crime; they do not yet understand that most programs of public welfare have served to make bad matters worse.

In my lifetime I have observed the disintegration of the black family and the black community. It never used to be this way. Most black children grew up with mothers and fathers who instilled in them the values of a Judeo-Christian ethic. Black ministers served effectively. Segregated schools were morally indefensible, but black teachers taught black children to be respectful of their elders.

The task of changing attitudes is immense. White society offers little help. What a sterling example has been set by Congress! What role models we provide! How can whites criticize black illegitimacy when white entertainers flaunt their own bastard offspring?

Our intellectual leaders condone pornography. Television screens resound with violence. Movies exploit sexual relations shorn of love. Without return to the old virtues, the lawless mobs of May will form again. Our social fabric rots.

S. 640, PRODUCT LIABILITY REFORM

Mr. BURNS. Mr. President, I wanted to make a few comments about the vote earlier today on Senator KASTEN's amendment which embodied S. 640, the Product Liability Fairness Act. I voted for this amendment and I am disappointed that it did not pass. I first want to thank Senator KASTEN for his leadership on this issue—no one has been more diligent in seeking reform than he.

I voted for the Kasten amendment primarily because I believe that the Congress needs to act now to remove some of the barriers to economic growth in this country. I gave a speech on the Senate floor last September outlining issues that I believe the Congress should address to get the economy growing again. One of the issues I named was product liability reform.

Well, the economy has rebound some on its own since then, but the need for Congress to take action has not diminished. In fact, the need to reform our product liability system becomes more urgent everyday. The current system drives up costs in nearly every sector of our economy, and does very little to improve quality or increase safety.

This is a competitiveness issue and a jobs issue. Currently, the typical American manufacturer faces product liability costs that are 20 to 50 times higher than its foreign competitors. This additional cost makes American companies less competitive; they lose market share to foreign competition, so they raise prices and lay off workers which in the aggregate spells recession. This is not just a big business issue either. It affects small businesses as much, if not more, than large ones. The 1,100-percent rise in the number of Federal product liability cases in the 1970's and 1980's has driven up the cost of liability insurance. The burden of this increased cost is proportionally much greater for small businesses. It can be a make-or-break issue for them.

This issue is most often presented as a consumer issue, Mr. President. "If you are for product liability reform," some say, you are against the consumer." Well, I disagree. Consumers don't benefit when the business community has to protect itself from runaway lawsuits—they pay for it. The additional costs are passed on to the consumer. The people who benefit the most from the current system are the lawyers. The General Accounting Office recently noted that more half of jury awards in product liability trials go to attorneys. Other studies say that 50 to 70 cents of each dollar a jury awards to an injured person goes to lawyers. This hardly seems like a system that benefits the consumer!

The Kasten amendment would have reformed the current system to make it more effective. We must protect people from careless manufacturers and defective products—the Kasten bill does not compromise that objective. It just insurers that we do so in a fashion that still allows American businesses to compete and grow in the global economy. I hope that the next time Congress is given the opportunity to reform our product liability system, we will do it.

THE TRUTH ABOUT ISRAEL'S TRANSFER OF AMERICAN TECHNOLOGY

Mr. McCAIN. Mr. President, Israel is a close ally and a proven friend. That does not mean that it is perfect, anymore than we are perfect. It does not mean that we agree on every issue, or that our relationship is free of tension. It does mean, however, that we have the obligation to Israel of avoiding false charges and accusations. It means we must never confuse real issues with false ones. It means that we must treat each other with honor and respect.

During the last few weeks, there was charge after charge that Israel has transferred classified or sensitive United States military technology to other nations. Then, suddenly, there was silence. The stigma was left that Israel was guilty of at least some of these charges in spite of the denials of its highest officials.

I have just read an article in the Washington Journalism Review that breaks this silence. I cannot comment on any of its content that touches on classified material, but I believe that it is vital reading for every member of this body, and I respectfully request that it be included in the RECORD.

In fact, I hope that all of Washington and our Nation's media will read this article. It is a warning of what can happen when leak and rumor substitute for truth. It is a warning of what happens when we rush to judgment without all the facts. Above all, it is warning of what can happen when we treat a friend and an ally carelessly and without regard to years of close cooperation and shared trust.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Journalism Review, May 13, 1992]

OFF TARGET

(By Steven Emerson)

In mid-March, an already tenuous relationship between Israel and the United States was rocked by a series of shocking news reports alleging that Israel had illegally sold vital U.S. technology to other countries. First came a story that Israel might have transferred a Patriot missile to China. Another article said that, among other illicit acts, Israel secretly sold U.S.-designed weapons systems to China and South Africa. But the most extravagant accusation was that Israel was planning to sell U.S. "stealth technology" to China.

Many of these charges were broadcast on television news shows and printed in newspapers throughout the United States. The allegations also generated an acrimonious debate between A.M. Rosenthal of the New York Times and syndicated columnists Rowland Evans and Robert Novak, who were making their own serious accusations against Israel.

When the smoke cleared, however, it turned out that some of the charges were patently false and others highly questionable. In their zeal to get a "good story," did veteran U.S. journalists fail to obtain corroborative evidence to substantiate such serious allegations?

On the morning of March 12 the Washington Times, a newspaper known for its access to intelligence reports, ran a front-page banner headline proclaiming "China may have Patriot from Israel." The article, written by Bill Gertz and Rowan Scarborough, reported that the "Bush administration is investigating intelligence reports that Israel secretly supplied a U.S. Patriot missile or its technology to China. . . ."

If true, it was an extraordinarily shocking revelation. Disputes between Israel and the United States are always hot news. But coming at a time of extremely strained U.S.-Israeli relations and only days before a U.S. visit by Defense Minister Moshe Arens, the Patriot story spread quickly around Washington. The true test of whether it would become a high-profile national issue would come several hours later at daily briefings at the White House, State Department and Pentagon.

As a rule, Bush administration officials have refused to comment on intelligence reports. Moreover, the administration has demonstrated an aversion to leaks based on unverified raw intelligence reports, as illustrated by its bitter denunciation of the FBI reports leaked to reporters regarding allegations against Supreme Court nominee Clarence Thomas.

But on March 12, the Bush administration seemed to go out of its way to confirm this leak. At the State Department, Defense Department and White House, officials carefully stated on the record that they would "not comment." yet ubiquitous but anonymous "senior officials," which included the briefers and top policymakers, made themselves available on "background" for reporters at daily briefings to "confirm" the existence of the allegations. For example, according to reporters present, Assistant Secretary of State Edward Djerejian vouched that the allegations were "serious." His comments, like those of his colleagues, guaranteed that the Washington Times story had legs.

In classic Washington cover-your-tracks style, however, Djerejian on March 17 publicly criticized leaks about alleged Israeli arms transfer. Before a congressional committee, Djerejian declared, "What is regrettable is there have been these irresponsible leaks by unnamed officials which have come into the press. . . . (When asked about his March 12 background comments, a spokeswoman for Djerejian said the State Department would not comment on "anything Secretary Djerejian may or may not have said on background.")

By the end of the day on March 12, the story was publicized worldwide. While Israeli officials unequivocally rejected the Patriot missile charges and claimed they were leaded before being investigated by the Bush administration or before Israel had a chance to respond, neither they nor the U.S. media were privy to the intelligence report that generated the allegation. And if they couldn't see the report, how could they respond to the charge? It was a Catch-22 situation typical of the intelligence world.

In retrospect, it became apparent that the Washington Times had exaggerated the allegations against Israel to include the charge that Israel had possibly transferred a complete Patriot missile to the Chinese. Bush administration officials said that the "intelligence report" received by the administration raised only the possibility that China had acquired Patriot technology from Israel, not the missile itself. Nevertheless, by elevating the allegation to including the transfer of hardware, the Times helped raise the story to another level. And because anything is possible in the intelligence world, the notion of a missile transfer could not be dismissed out of hand. The Washington Times' Scarborough said in an interview that his article was accurate. "I'm firmly convinced that the intelligence report mentioned the possibility that the Patriot itself had been transferred," he said. "We confirmed this through several sources in the administration."

The story also was fueled by the fact that Israel had developed an extraordinarily close relationship with China over previous years—much of it cloaked in secrecy—and that Israel officials had recently confirmed publicly that their government had sold Israeli weapons to China. If Israel had sold China weapons that did not use U.S. technology, that would be a different story and clearly not as compelling.

MORE ALLEGATIONS ABOUT ISRAEL

On March 13, the Israel-China story picked up steam when veteran investigative reporter Edward T. Pound of the Wall Street Journal published a front-page report in which senior U.S. officials alleged improper Israeli transfer of U.S. technology to China, Ethiopia, South Africa, and Chile. The result of a six-week investigation, the Journal story was extensively documented and included references to a classified draft of an upcoming report on technology transfer to Israel by State Department Inspector General (IG) Sherman Funk.

The Journal cited "American officials" who charged, among other things:

Israel sold the Python-3 air-to-air missile to China and possibly South Africa even though the Python-3 "is listed in intelligence reports as having a 'high degree' of U.S. technology and was adapted from the U.S. AIM-9L Sidewinder [air-to-air missile]." In turn, the story reported, the Chinese exported their own version of the Python-3, called the PL-8, to Iraq;

Israel sold U.S.-designed cluster bombs to Ethiopia;

Israel sold the Mapatz antitank missile, alleged to be a "close copy" of the U.S.-made TOW-2 missile, to South Africa and possibly China.

The article further reported that government officials "suggest Israel uses several schemes to transfer" U.S. technology, including repackaging American components in systems exported by Israel and "reverse-engineering"—disassembling U.S. weapons to appropriate their secret designs.

For journalists, Pound's story seemed to indirectly confirm the Washington Times story, even though the Journal didn't focus on the Patriot missile allegations, if only because it alleged that Israel was selling other advanced U.S. technology without permission. The Journal story was particularly damning because its description of purported Israeli deception and scheming made any charge of Israeli duplicity more credible.

Israel's response to the Journal story seemed equivocal. An Israeli government spokesperson said that the stories about alleged sales to China and other countries "are sensitive matters which are subject to negotiation" between Israel and the United States. Was that an implicit acceptance of the U.S. allegations, as some reporters believed and indeed wrote?

THE MURKY AREA OF TECH TRANSFER

The issue of a foreign nation reexporting U.S. parts in weapons it produces is not black and white. Indeed, the question of what is allowed under U.S.-imposed export restrictions is often the subject of intense and complicated negotiations. It can be a bit like determining whether a Honda produced in the United States is foreign or American-made. Or like determining the ownership, if any, of intellectual property. What happens if there is cooperative development of technology? Can one country lay claim to the entire weapons system when both countries participate in its development?

In recent years, flaps have developed over interpretations of reexport and technology-transfer rules with Brazil, Germany, Great Britain, Japan, Singapore, Sweden, Switzerland and Thailand. During the past five years, more than a dozen reports by the General Accounting Office, the investigative arm of Congress, and congressional committees focused on disagreements over reexport and allegations of transfer of U.S. technology. Yet none generated nearly as much attention or uncritical publicity as the State Department's IG report dealing with Israel.

The fact that journalists had paid relatively scant attention to previous disputes over technology transfer did not make the charges against Israel any less newsworthy. Although U.S. officials did not inspect Israeli military systems, Pound concluded in this Wall Street Journal article that "the intelligence reports have been so prevasive as to leave no doubt in the intelligence community that Israel has repeatedly engaged in diversion schemes."

Yet contrary to the portrayal of an intelligence community holding a monolithic view on alleged Israeli diversion, a series of interviews with officials in the Defense Department, State Department and CIA leaves no doubt that there are major and bitter disagreements about whether the intelligence reports about Israel were as conclusive as some claimed. For example, a senior Defense Department official who examined both the classified and unclassified versions of the IG report, as well as the raw intelligence reports collected by Funk to assemble his study, said firmly that the "IG abjectly misrepresents the intent and bottom line of the documents upon which his report was based." And a former government official who had access to the raw intelligence charged that the IG report was politicized. "The IG report," he said, "was a dumping ground for anyone who wanted to get their digs in on Israel."

Pound cannot be faulted for accurately reporting what various intelligence officials had told him and what had been confirmed by government documents. Yet the debate about Israel in the intelligence community often parallels the debate about U.S. Middle East policy. Officials collect, interpret and even generate "intelligence" designed to promote their views. Were the sources interviewed for this story simply providing the opposite of what Pound's sources told him?

Perhaps. But in reporting on the IG document, the unclassified version of which was released April 1, journalists largely overlooked evidence that raised doubts about the accuracy of the IG's conclusions. Moreover, the media generally disregarded the same independent Israeli military analysts who are quoted extensively when they criticize Israeli policies. This time, these Israeli analysts rejected the technology-transfer charges as entirely unfounded and a "smear" against Israel.

Ze'ev Schiff, the veteran defense correspondent for Ha'aretz, an independent Israeli daily newspaper, said he was "shocked by the American media's acceptance of the IG report without checking it out. I checked it out in great detail and I can tell you that it is inaccurate and false. This is not the way we work here. When I got a piece of information from [Prime Minister Yitzhak] Shamir that no settlements were built, I found out that it was bullshit and wrote that the Americans were right [in their criticism of Shamir]. But on the charges of Israeli tech transfer, I can tell you that American reporters simply shot from the hip."

In an interview, Pound said he repeatedly tried to get Israel's response to the allegations but that Israeli officials refused to talk to him. He said he called the Israeli Embassy in Washington "many days before the story ran" and even offered to go over "specific [weapons] systems" to no avail. "Anyone who has dealt with me on this story . . . will tell you that I have tried to get their side," he said. "I'm not responsible for them if they don't care to give me their side."

Although no Israeli officials would speak on the record about Pound, they admitted they decided not to cooperate with the Journal reporter. "Why should we legitimize his story?" asked an Israeli diplomat. Another official said that Israel decided to avoid a "pissing match with the United States." We can't win," he added, "no matter what."

A PYTHON IS NOT A SIDEWINDER

One of the few American reporters to delve into the issue beyond merely restating charges along with Israeli denials was Jackson Diehl of the Washington Post. In a March 18 story, Diehl reported from Jerusalem that "as Israeli sources explain it, the dispute over technology is, in fact, a tangled and technical one that reflects the degree to which the military establishments of the two countries became meshed in recent years." Diehl's point lay at the heart of the issue: Israel and the United States have been involved in joint research and weapons development for the past 25 years. Some of the research is so intertwined, according to U.S. and Israeli defense officials, that it is impossible to determine the exact nature of its parentage.

Another factor, which most reporters missed, is that because of the huge decline in international arms sales, the United States and Israel are now beginning to compete in an increasingly desperate search for arms buyers. What better way to undercut Israeli competition than to assert U.S. parentage of technology?

As for accusations that Israel had exported Python-3 missiles with U.S. technology, Diehl reported that "Israeli officials...[point] out that the Python-3 missile built by Israel's state-owned Rafael factory differs substantially in its dimensions, weight warhead and other features from the U.S. Sidewinder AIM-9L missile." Furthermore, Diehl reported, the United States and Israel collaborated for many years on air-to-air missiles, resulting in each country's separate development of them—for Israel, the Python, and for the United States, the Sidewinder. Diehl also reported that in order to avoid violating U.S. rules regarding use of U.S.-licensed components in Israeli-produced weapons. Israel manufactured two versions: one for domestic use with U.S. components and another for export made with clones from Israel or Europe.

Israeli military analyst Schiff said that not only is the Python technologically different from the AIM-9L Sidewinder, but that the first sale of Pythons to China occurred before Israel obtained the AIM-9L. Charging Israel with stealing missile technology, he said, is "like the U.S. going to the Japanese and telling them they cannot produce their cars because the U.S. was the first in the world to make cars."

Pound pointed out in an interview, however, that the United States turned down Israel's export license applications for the Python components because Israel refused to disclose its sources for non-U.S. hardware. "Israel maintains to the State Department that there are two Pythons: one used for export without U.S. components," he said. "But they won't tell the U.S. what's in them."

Israeli officials contend that they did not reveal their non-U.S. suppliers to the Bush administration because it had previously tried to block Israel from purchasing hardware from third parties.

As for the allegation that Israel sold cluster bombs to Ethiopia, the charge was an outdated one. According to classified Defense Department reports, Israel has not sold cluster bombs to Ethiopia in at least seven years. In fact, when Ethiopia demanded weapons during the past two years from Israel in exchange for releasing Ethiopian Jews, Israel adamantly refused, according to both Israeli and U.S. diplomats. Defense Department officials unequivocally state that the cluster bombs found in Ethopia's possession were provided by Chile's Cardoen Industries.

The Journal's Pound also failed to report that Israel's Mapatz antitank missile is directed by lasers while the American TOW is directed by cable, thus raising questions about the allegation that Israel transferred TOW technology to South Africa. And according to Israeli defense officials, the United States in recent years has requested in writing permission to acquire Mapatz missile technology.

In addition to the evidence supporting Israeli claims that it developed its own weapons systems, reporters missed another key element that would have demonstrated why the entire affair was much more gray than black and white. In recent years, the United States has exported weapons systems that have incorporated advanced Israeli technology to Arab countries such as Egypt, Jordan, Saudi Arabia and Kuwait. This hardware includes enhanced F-15 fuel tanks, helicopter altitude warning systems and F-16 avionic and structural improvements.

GUNNING FOR ISRAEL?

As happens so often in Washington journalism, the allegations of Israeli transfer of technology had provided a hook for other reports about Israeli wrongdoing. By this time, the invisible critical mass—the journalistic threshold that results in pack reporting—had been reached. Now it seemed as if almost any allegation related to the Israel-China nexus was fair game, regardless of its accuracy, as long as it could be pinned on anonymous "U.S. intelligence sources."

In a segment on ABC's "World News Tonight" on March 16, John McWethy reported that Israel had secretly transferred a laser-guided artillery shell called the Copperhead to China. But there was a serious problem with the story: It wasn't true. According to Defense Department and congressional officials, Israel has not purchased any Copperheads (whereas dozens were sold to Arab countries). A spokesman for "World News Tonight" said in an interview, "We stand by our report."

Meanwhile, some editorial writers presumed the error-filled reports were true instead of questioning the leaks of unverified intelligence or raising questions about the accuracy of the charges. For example, the March 20 lead editorial in the New York Times blasted Israel in unusually harsh rhetoric for the "alleged sale of Patriot technology" to China and for "installing U.S. components" in Israeli-exported weapons systems. The editorial said that "stern sanctions" should be imposed on Israel if the reports proved to be true. At the same time, Times columnists Leslie Gelb and A.M. Rosenthal questioned the truthfulness of the allegations and the political agenda behind the leaks.

Columnists Rowland Evans and Robert Novak reported yet another alleged Israeli technology transfer to China. In their March 16 column they charged that Israel, according to U.S. "officials" and a "diplomatic insider," had been secretly negotiating to sell China its STAR missile, which contains "priceless high technology used by the United States on the first day of the gulf war in a missile called the HAVE NAP." The Israelis, the columnists alleged, "obtained this technology from open-handed Uncle Sam under a written pledge not to sell it or give it to another country without U.S. approval."

The allegation that Israel was planning to send one of the U.S. military's most secret and vital weapons to China was nothing short of startling, and it came from columnists known for their inside access to senior Bush administration sources. In exchange for Israel's supply of illicit American technology, the columnists reported, Israel might be getting "space-launched satellite technology" from China.

New York Times columnist Rosenthal found problems with the Evans and Novak story. In his March 20 column, he reported that HAVE NAP, according to a U.S. Air Force official, was actually based on technology Israel had developed for its own air-to-ground missile called Popeye. The U.S. Air Force, Rosenthal wrote, "was so impressed by this missile that it bought it off the shelf from the Israelis" and it was now being co-produced by an Israeli company called Rafael and the U.S. firm Martin Marietta. In interviews, Air Force officials, Defense Department officers and congressional officials corroborated the fact that the HAVE NAP missile was developed by Israel.

In their March 25 column, Evans and Novak reiterated their claim that a "key part" of STAR missile technology was secretly American in origin. The columnists conceded that the STAR was made in Israel and patterned after the Israeli Popeye. Yet they claimed the United States had secretly added "stealth technology" to the Popeye, which Israel could steal and sell to China. Both the United States and Israel were aware of the stealth enhancement, the columnists said, but agreed never to disclose it: "The STAR missile's origin is in fact 'black,' that is clandestine, not to be publicly admitted by the United States or Israel."

Rosenthal responded immediately. In his March 27 column, he wrote that Evans and Novak had now shifted their allegation from the STAR being an Israeli rip-off of U.S. technology to the charge that the United States had enhanced the Israeli-made STAR with U.S. stealth technology. Rosenthal cited American specialists who derided the notion. "A missile is not a turkey that can be plumped up simply by sliding in more stuffing," Rosenthal wrote. (Officials at Martin Marietta, Rafael, the U.S. Air Force and the Pentagon said in interviews that Israeli-developed Popeye/HAVE NAP has never been enhanced with stealth technology.) Rosenthal also charged that Evans and Novak's allegation that the United States used HAVE NAP missiles against the Iraqis was also false, a fact confirmed by the Pentagon.

Days later, in their April 1 column, Evans and Novak responded again—and once again, they shifted their allegations. Citing a March 24 memorandum written by Henry Sokolski, an official in the Defense Department's Office of International Security Affairs, the columnists reported that the Israeli missile Popeye "does contain U.S. technology [and] uses advanced high-accuracy [U.S.] guidance systems." Thus Evans and Novak didn't repeat their allegation that the Popeye contained "stealth technology or that the STAR missile was derived from HAVE NAP. Instead they charged that Israel used other unidentified U.S. components and, again citing the Sokolski memo, said the HAVE NAP "may contain as much as '99 percent' U.S. technology." But they did concede that they had erred in reporting that the HAVE NAP missile had been used in the Persian Gulf War.

Defense Department and congressional sources have uniformly ridiculed the Sokolski memorandum as being inaccurate. One senior official called it "flat-wrong and designed to mislead policymakers." Sokolski could not be reached.

In an interview, Evans stood by the accuracy of the Sokolski memo and the other allegations he and Novak reported. Asked whether they still maintain that the STAR is derived from the HAVE NAP, Evans said, "Missile technology is very complicated. . . . In writing about these programs, there are black elements and it's very hard to be precise. Yes, I am told that the STAR incorporates U.S. technology and the STAR is the only missile we have ever written about involved in allegations of Israeli-Chinese negotiations."

Asked whether the two columnists also affirm their allegation that the HAVE NAP was equipped with stealth technology, Evans answered, "Yes, that's accurate. . . . If you want to be precise about this, you have to find out what is a stealthy characteristic, [such as] types of paint. I'm not a scientist; I know nothing about the technology involved in all this stuff. But that's what one intelligence source told us."

NO EVIDENCE

In early April the Israeli-Patriot-China story came to a conclusion. A special 17-member U.S. military inspection team had been dispatched to Israel—a development that had reinforced the credibility of the initial charges but which had originated at Israeli insistence—to investigate whether any of the Patriot missiles in Israel had been tampered with. On April 2, the State Department announced that the investigators found "no evidence that Israel had transferred a Patriot missile or Patriot missile technology" to China and that "the Israeli government has a clean bill of health on the Patriot issue."

The day before the United States exonerated Israel, State Department Inspector General Funk released an unclassified 69-page report alleging a "systematic and growing pattern of unauthorized transfer of sensitive United States items and technology'' by an unidentified country that was unambiguously Israel. In interviews with reporters, however, Funk revealed, according to David Hoffman's account in the Washington Post, that State Department ''auditors had never actually tracked any transfer of U.S. technology by Israel, but rather established that intelligence reports about such transfers were credible.''

In the end, journalists were left to report unverified allegations about possible technology transfers. Every day government officials receive scores of such intelligence reports, but often they consist of nothing more than an allegation by an informant, often with a political agenda, who reports it to a U.S. intelligence agent or diplomat. Most reports don't check out. Consider the famous 1981 report of a secret Libyan hit squad stalking President Reagan. The report, it turned out, was not true; the informant had misled U.S. officials.

The New York Times and the Washington Times acknowledged publishing tainted intelligence reports on Israeli weapons transfers and blamed their sources. On April 4, the New York Times tried to make amends for its premature editorial that had blasted Israel. Noting that Israel was found ''not guilty'' of the Patriot missile transfer charge, the Times editorialized that the ''U.S. officials who hurried to publicize the allegation before all the facts were in owe Israel an apology.

On April 13, the Washington Times published a lead editorial that also criticized government leakers for feeding the press false information. The editorial, which conceded that the paper had printed the original unsubstantiated report on the Patriot transfer, enumerated the charges and countercharges that had been reported subsequently in the Wall Street Journal and in the Evans and Novak-Rosenthal exchanges. ''The blame,'' the Washington Times concluded, ''lies not with the press, which is reporting what it finds out, but with whomever is doing the leaking of spurious accusations.''

The Washington paper also chastised the ''highest officials'' in the Bush administration for failing ''to say anything on Israel's behalf to counterbalance the feeding frenzy in the press that the [original] leak set off. They now owe Israel an apology for allowing the erroneous report to further undermine relations between the two countries.''

To be fair, perhaps the New York Times, the Washington Times—and much of the Fourth Estate—should apologize as well.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, parliamentary inquiry. Is it now in order to offer an amendment to the National Voter Registration Act?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair notifies the Senator from Alaska that morning business is now closed.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 250.

AMENDMENT NO. 1821

(Purpose: Substitute amendment)

Mr. STEVENS. Mr. President, I have an amendment at the desk to S. 250, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. DOLE, proposes an amendment numbered 1821.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Voter Registration Enhancement Act of 1992''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office;

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities;

(6) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters, which dilute the worth of qualified votes honestly cast; and

(7) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

TITLE I—VOTER REGISTRATION ENHANCEMENT

SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1992, 1993, and 1994, a total of $25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—(1) From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, including—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles;

(B) providing for designation of, and the carrying out of, voter registration activities at State-related and (upon agreement with nongovernmental entities) appropriate private-sector locations for voter registration for elections for Federal office; and

(C) providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State, including the use of change-of-address information supplied by the Postal Service.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections—

(i) in connection with applications for driver's licenses; and

(ii) if the State so elects, at voter registration centers located conveniently to prospective voter registration applicants;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

TITLE II—PUBLIC CORRUPTION

SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.".

(b) TECHNICAL AMENDMENTS.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by

striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

Mr. STEVENS. Mr. President, this is an amendment that is intended to be a substitute for S. 250. S. 250 has been presented as an innovative Federal leadership concept in dealing with voter registration.

I believe that an examination of the existing system throughout our country will demonstrate that the concept that we call motor-voter was developed by the States and is now being implemented in most States. Twenty-seven States, plus the District of Columbia, already provide citizens an opportunity to register to vote when applying for a driver's license. That means 28 of our jurisdictions already have this system. Legislation has been introduced and is now pending before the legislatures of 17 other States to establish the motor-voter concept and other agency registration systems. In other words, 44 States and the District of Columbia adopted the concepts included in S. 250 or have considered doing so in the legislatures in those States.

All of the State action has been without the costly Federal mandates contained in S. 250. It is not just a case that the Federal Government is behind the curve in providing the leadership for this system. I believe that what we need is a bill that simply indicates the support of the Federal Government for the ongoing policies that are being pursued by the individual States, and I further believe it is still the States' responsibility to determine the system for qualification for voting in this country, except for violations of the Voting Rights Act.

S. 250 goes beyond a restatement of the policies that have been pursued in these States, policies that they are already following and have been passed by their individual legislatures.

S. 250, in effect, meddles with those existing programs and drives up their costs for even those States that already have such a system. I do not think that the States can really afford this meddling by the Federal Government. The National Governors Association has told us that 35 States currently face billions of dollars in revenue shortfalls. Over the last 2 years, the individual States have raised taxes by $25 billion and they have cut their spending by nearly $8 billion.

Many of the problems that the States face now can be traced to mandates imposed by the Congress that were not funded. Unfunded mandates order States to do something the Federal Government wants them to do without giving them the money to do it, and that is exactly the approach of this bill, S. 250.

It is not just increased program spending that States will face with S. 250; it is the real threat of a host of lawsuits under Federal law that the States will face if this bill passes. My good friend from Kentucky has managed the bill and we have worked together on this bill in the Rules Committee. He knows what my feelings have been all the way along. The bill's proponents assume that States will register 95 percent of the eligible voting population of each State under this bill, but if they do not, the individual States will find themselves in Federal courts being sued by advocacy groups to mandate compliance with this bill.

The bill, for the first time, will give standing to sue in a Federal court to an aggrieved person. "Person" will include advocacy groups under the bill.

If the States do not achieve 95 percent registration, it is my feeling that advocacy groups will use the provisions of this bill to take the States to Federal court, and the courts are going to be jammed with lawsuits brought by these advocacy groups under this bill.

As I said, this is a first. States today can be sued under the voter registration violations only if there is some form of discrimination contrary to the Voting Rights Act. For the first time, this bill will provide for suits against the States under this concept of motor-voter but discrimination need not be a basis for those suits. It will be simply a failure to pursue the registration concepts under this motor-voter proposal.

I quoted this to the Senate before, and I want to reiterate it. This is the quote from one of the advocacy groups:

> The prudent approach, it seems to us, is to support passage of the Federal bill and then litigate if States fail to implement it.

I believe that passage of this bill means the Senate thinks that the key to increased voter turnout will ultimately lie with the Federal courts especially since those advocacy groups will have access to the Federal courts to enforce compliance under S. 250.

I really do not think this is the right approach for increased voter registration which, as I have said before on this floor, we all support. But imposing these new costs and liabilities on States are unjustified because this bill will just not do what it is introduced to achieve.

There is simply no evidence that the registration programs required by S. 250 will actually increase voter participation at the polls. The Congressional Research Service looked at what happened in those States which actually have already adopted motor-voter programs. In 7 of the 10 States with motor-voter participation, already the turnout actually dropped. For all 10 States, voter turnout went down by 2.68 percent. For the five States that have a more active form of motor-voter participation, somewhat similar to what is in this bill, by the way, the turnout in Presidential elections, for instance, dropped by 6.21 percent. For non-Presidential elections, those States experienced a small increase of one-half of 1 percent, following the adoption of this kind of registration.

My amendment is designed to make this whole approach flexible. It eliminates the automatic voter registration feature. Under the automatic registration feature, States would have to register everyone who applied for a driver's license, unless the person declined to be registered, in writing. The automatic registration is one of the reasons, States told the Rules Committee, that this bill would be so expensive. Eight States told us that S. 250 would cost them over $80 million in increased costs to run their elections.

My amendment will strike that automatic registration provision requirement and will be far less expensive. It will eliminate the problem of ineligible and duplicate registrations which the automatic registration concept would generate.

Under this amendment, which as I said is a substitute really, participating States agree to set up motor-voter programs and will receive Federal support to do so.

Under my amendment, unlike S. 250, the States would not be required to do anything more unless and until the Federal Government helps to fund it. There is no mandate unless the Congress comes up with the money to pay for the system.

My amendment will also eliminate S. 250's requirement for a nationwide mail registration. Mail registration mandated on a nationwide scale system just will not work. We have had example after example that the mail registration concept ends up with fraud. As I mentioned last week, a grand jury in West Virginia last June recommended that the State end its mail registration system. The prosecutor in that case said this: "One of the conclusions of this grand jury was that the mail-in registration system should be abolished as soon as the State legislature can take action." Actually, S. 250 would prohibit West Virginia from taking the action that has been recommended by its grand jury. This State action is supported by the person who prosecuted the violations under the law.

If we enact S. 250, ending or even modifying the mail registration system in West Virginia or anywhere else in the country that has such a system would be a violation of this new Federal law.

Under the amendment I have offered, West Virginia would be permitted to follow the grand jury's advice and clean up mail registration.

Another grand jury in New York said, "Mail registration has become the principal means of perpetrating voter fraud in Kings County, NY," and the former U.S. Representative Elizabeth Holtzman, then the district attorney, complained in an article that appeared in the New York Times how easy it is to vote illegally in New York. She called for the city to implement the grand jury recommendations there. And yet S. 250, this bill pending before us, would prohibit modifications to the mail registration system that was called for by the New York grand jury. The State would be forced to continue what has been called "the principal means of voter fraud" in that jurisdiction of New York.

Under my substitute amendment, the modifications called for by the New York grand jury would be permitted.

In both 1982 and 1986, in the Chicago mayoral elections, the U.S. attorney said that up to 200,000 fraudulent ballots were cast. If that was not bad enough news, the election officials from Illinois testified before our Rules Committee that the mail registration provisions of S. 250 would, in their words, "destroy the signature verification process already in existence in Chicago."

There was another special election down in Florida. The U.S. House of Representatives special election in Florida brought evidence that there was a significant number of aliens who had voted illegally.

The Immigration and Naturalization Service said that between 11 percent and 24 percent of the ballots they sampled were illegal because they had been cast by people who were not entitled to vote in this country, that are noncitizens.

One suggestion for combating this illegal alien voting in Florida was to ask for proof of citizenship when a person attempted to register. S. 250 would prohibit that. It would be unlawful for a person to be asked to produce evidence that he or she has a right to vote; for a person to be asked, who is suspected of being an illegal alien for proof of citizenship. That is one of the particular suggestions that was made in Florida after voter-fraud investigation.

The mail registration makes election fraud easier because it eliminates the need to find even a tombstone when ghosts are voting, Mr. President. In fact, mail registration allows the unscrupulous to do something that just is beyond reason to fathom. With mail registration, they do not even have to find a name of a person who was recently eligible to vote in order to vote illegally. They just register themselves knowing they are not legal to vote. I think that we ought to really permit States to require specific procedures that verify the right of a person to vote in mail registration.

This S. 250 goes beyond requiring mail registration. It specifically forbids State procedures that are designed to verify that a person registering by mail actually resides where they claim to reside or even one that would indicate that the registrant's signature is authentic.

Section 9(b)(3) of the bill specifically states that any mail registration form may not include any requirement for notarization or other formal authentication. States have the right—and indeed I think they have the responsibility—to ensure the integrity of their voter rolls. Yet S. 250 would erode the States' ability to secure the integrity of the ballot box that is so important to our national democracy.

The bill will also require public assistance offices to register to vote anyone applying for basic public assistance benefits unless they decline to be registered in writing. This automatic registration is the same requirement for the drivers' license offices, and it will be just as expensive. But requiring public assistance offices to engage in voter registration creates the perceptions that public assistance benefits are dependent upon political participation, and it is just one step further to say who they must vote for.

(Mr. ROBB assumed the chair.)

Mr. STEVENS. Some persons do not wish to register because in many jurisdictions that places them on the jury list; in others it gives them specific duties that people just do not want to take on.

A person should not be compelled to undertake public participation. I do not agree with those who don't want to participate. But it is our traditional notion of civil liberties that this view ought to be respected. Some people may not wish to reveal their party affiliation, particularly to public assistance workers. Such identity is necessary under many States' laws when a person registers. They have to state if they are a Democrat or a Republican. As a matter of fact, there is a big argument going on in my State right now that would require persons who register to vote to disclose their party affiliation.

I might say parenthetically that has not been the tradition in Alaska. Over 50 percent of Alaskan voters register as independents and do not choose to associate with either major political party.

Not only will this bill continue the appearance of improper links between basic public assistance benefits and registering to vote, but it will create opportunities for actual links to occur in that process which, as I said, I think is highly improper.

This bill will press nearly every public assistance office in the country into the process of registering voters when really we are hiring these people to assist those who need public assistance. It will greatly increase the chances of coercion by officials in charge of dispensing public assistance to those who are new voters.

I do not think the Congress should mix the requirement of public assistance and political participation, particularly since it involves those who are in great need as new members of our society.

During the campaign finance debate, speaker after speaker rose to condemn allegations that an employer had coerced an employee into making political contributions. These are very serious charges, and if proven true, they are in violation of current Federal law. But we are concerned about these accusations because they involve the exploitation of someone in an economically vulnerable position for crass political purposes and objectives. That is also one of my basic objections to S. 250.

My concerns are not theoretical. Last summer the St. Louis Post Dispatch reported allegations that public assistance workers routinely coerced benefit applicants into registering for specific parties and to support specific candidates. It is alleged that public assistance workers were even driving welfare applicants to the polls after they applied for their welfare assistance. Someone said it had been going on for many years.

To me that is a classic case of political manipulation of persons in an economically vulnerable position, and it is exactly the kind of political abuse that many Senators were denouncing just a few days ago during the campaign finance reform debate, as I said.

If the Senate will support this substitute, it will be voting to expand the opportunity to vote within a system of voluntary participation. If you vote for S. 250, in my judgment, it creates the opportunity for political abuse in every public assistance office in this Nation. It will mean that an increased potential for political manipulation of those in our society who are least able to protect themselves. It will become a Federal requirement that States that currently separate public assistance from voter registration will no longer be able to. I do not think that this is the right approach.

So my amendment eliminates the public benefits registration requirement.

It should not, in my judgment, be a matter of Federal law that the States must require those who come to seek public assistance register to vote unless they decline in writing to do so. It raises a lot of questions where there is a group of which we know many are illegal immigrants, but still entitled to some public assistance, to have them be forced to state in writing, no, I cannot register to vote because I am really not a citizen.

I think it puts a really double burden on this law to have the Congress mandate that those who dispense public assistance must require the applicant to register to vote unless they decline in writing to do so.

I think that probably is the worst provision in this bill.

Also this substitute I offered contains language to combat public corruption. it is strongly backed by the Department of Justice. It is one of the highest priorities for the Federal prosecutors. Many instances of local corruption are immune from Federal prosecutions. Federal prosecutors cannot reach a bribe of a local official because it may not involve interference with commerce or the use of the mails. As a result, it is extremely difficult for Federal prosecutors to take action, for instance, against a State judge who might be in the position of shaking down people who appear before him or her in a State court.

This is because such acts do not involve the use of mails or an effect on interstate commerce.

My amendment would enlarge the list of activities that could trigger Federal jurisdiction in the election process. The new list includes transmitting messages over interstate wires, transporting persons across State lines, and using any facility of interstate commerce such as the common fax machine.

My amendment would also permit prosecution in a Federal court regardless of whether Federal candidates are involved in the fraud or named on the ballot when the act of fraud occurred in the election process.

Current law requires that a Federal candidate be named on the ballot in order for a Federal prosecution of election fraud to succeed. Virtually all election fraud is undertaken for the purpose of influencing the outcome of local elections where the Federal candidates are not on the ballot.

My amendment would close that local election loophole and say to those participating in voter fraud that voter fraud is a national subject; it is a situation that demands the involvement of Federal prosecutors to assure that there is compliance with the concept and protections of our Constitution in local elections, also.

My amendment does this by permitting prosecutions for fraud in local elections if the local office for which the election is being held has control over Federal funds totaling $10,000 or more per year. In other words, if Federal funds are involved in that local jurisdiction, then we have a Federal interest in seeing to it that the elections are held lawfully. And that will extend to Federal prosecutors the right to pursue corruption and crime in connection with local elections.

The Senate, incidentally, voted for that provision in the antipublic-corruption language in connection with the crime bill and drug bill on several occasions, but it is not in S. 250.

My amendment would encourage States to continue to move to motor voter systems, and we support that concept of voluntary adoption by States of motor voter systems, if that will improve, in their judgment, voter participation and improve the controls against voter fraud, without imposing a great deal of Federal red tape, and without imposing new costs on the States, which the Federal Congress is not prepared to assume as far as the Federal budget is concerned.

I do believe that, if this substitute were adopted, we would have less voter fraud, we would have a sounder system, and we would encourage those States that have not gone to motor voter to go to it, to the extent they believe it will improve their system. But it is not a substitute that will bring about mandated expenses for State and local governments that will not be met by Federal funds following the mandate.

In closing, Mr. President, let me state to the Senate that I have been involved in opposing this for some time, primarily because of the opposition of my own State. Under both Democratic and Republican Governors, my State has opposed this concept. We are a State that has a great influx of people who come in to work for a very short period of time in the resource industries, and in the fishing industry, various jobs we have, including the tourist industry. People come in for 60, 90, 120 days a year, and they do drive motor vehicles. If they are to be there more than 30 days, they must obtain a driver's license in our State.

We do not use an automatic motor voter concept, because of the vast number of these people that come in, and because we do not want them to be registered to vote until they make up their mind to be permanent residents of our State. If they come in and want to register, they can do that. All they have to do is be there 30 days. The requirement is, if they are there more than 30 days, they have to get a driver's license. They can register to vote, if they want to become permanent residents. Most of them do not want to be. This bill would automatically register them.

My State has documented the cost of taking those people off of the rolls. We do not see any reason why the Federal Government should force a State like ours to incur the costs that this bill would require.

Again, I do not know if I have the list with me, but I put them in the RECORD in the Rules Committee. The former Democratic Governor opposed this bill. The current Independent Party Governor opposes this bill. The former Republican Governor opposed this bill. We do not know of any reason why States such as ours ought to be forced by the Federal Government to change our election laws. Nobody in our State is complaining about it. That is the situation for a sizable number of States.

One of those letters I have with me happens to be the letter of former Gov. Steve Cowper, who wrote to me on September 12, 1989. I ask unanimous consent that Gov. Cowper's letter be printed in the RECORD at this point to demonstrate the kind of viewpoint that I received, along with a letter sent on behalf of the current Governor from the Division of Elections on April 5, 1991.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
Juneau, September 12, 1989.

Hon. TED STEVENS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR TED: I appreciated your representation of Alaska's interests during the Senate Rules Committee hearings on S. 874, relating to "motor voter" registration.

I recognize that S. 874 focuses on registration for federal elections. However, like most jurisdictions, in Alaska, a single voter registration application qualifies voters for all elections, federal, state, and local. If the single application procedure is to be maintained, imposition of the arbitrary provisions of the federal legislation would extend far beyond federal elections and significantly infringe on the state's right to govern its own procedures for state and local elections.

Alaska already implements a statewide voter registration program which employs variations on many features suggested by the proposed legislation. These include our own "motor voter law," mailing registration procedures, widespread use of public agencies for distribution of registration materials, and nearly 3,000 appointed volunteer registrars who assist voters in registering.

The relevant state statutes governing voter registration programs were tailored specifically to meet the unique needs and desires of Alaska's vastly diversified population. The state's procedures will not necessarily be satisfied or improved by the legislation. For example, the proposed law assumes that most or all applications for driver's licenses are made in person. As you are aware, this is not the case in Alaska, where many applicants apply for or renew their licenses by mail. Another section of the legislation which would allow "mail-in" voter registration also appears defective because it has no attestation requirement. Alaska law already allows mail-in registration when witnessed by any two individuals over the age of 18 years. We believe that Alaska's attestation requirement does not impose a burden on voter registration, while at the same time it increases the registrant's awareness of the serious nature of the voting laws.

Additionally, the bill provides that a timely by-mail registration is one that is postmarked at least 30 days before an election. In Alaska, use of the postmark rather than a date of receipt has been found to be unreliable in verifying the timeliness of mailed registrations. The Alaska Division of Elections conducted a review of 1,800 absentee by-mail ballots and found that nearly 30 percent of them had no readable postmark. As a result, in response, Alaska law has recently been amended to provide that a timely by-mail registration must be received at least 30 days before an election. Prior to the amendment, the attestation date also served as alternative "proof" of timely registration when no postmark was evident. The proposed bill would impose an unreliable standard for determining timely registration, while at the same time removing the creditable alternative which the attestation provides.

In addition to my concern regarding federal intrusion into Alaska's voter registration laws, I am equally concerned about the financial burden that passage of S. 874 would impose upon the state. We have determined that the combined annual administrative costs for the Division of Elections and the Department of Public Safety, would come to about $412,000. As an illustration of the financial burden this would impose, our current operating budget for the Division of Elections, exclusive of costs directly associated with the conduct of primary and general elections, is $1,454,300. The costs associated with S. 874 would be equivalent to a 28.3 percent increase in the Division of Elections' current operating budget.

In reviewing the registration and population figures prior to each general election since 1978, Alaska has consistently experienced a registration rate well above the national average. According to the state's figures, the lowest registration rate during that time was approximately 78 percent, and in most election years, the rate hovered around the low to mid-80th percentile. Until S. 874 is amended in a way that clearly recognizes and maintains the state's rights to prescribe the manner in which registration programs are to be implemented, I encourage your continued opposition to this bill. Thanks for your consideration of this correspondence.

Sincerely,

STEVE COWPER,
Governor.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, AK.

To: Mr. John Katz, Special Counsel, State/Federal Relations, Office of the Governor.

From: Elizabeth A. Ziegler, Deputy Director, Division of Elections.

Date: April 5, 1991.

Re: National Voter Registration Act of 1991.

The Division of Elections has reviewed S. 250, establishing national voter registration procedures for Federal elections. The State of Alaska already implements a statewide voter registration program which includes by mail and registration is available at all motor vehicle licensing offices. Alaska also makes considerable use of public agencies as well as nearly 3,000 appointed volunteer registrars who assist voters in registering.

In its present form, the "motor voter" provisions would seriously preempt the present effective voter registration programs already implemented in Alaska. Additionally, legislation would be required to modify our laws regarding voter registration, the purging of inactive voters, current law about witnessing of by mail registrations, interagency participation in voter registration and various other aspects of election management.

The division is also concerned about the costs associated with implementation of this legislation. The Division of Elections and the Division of Motor Vehicles estimate that the costs may exceed $40,000. This is a huge impact to a state with only 307,000 registered voters.

Mr. STEVENS. This National Voter Registration Act is an anathema to a great many people who manage elections in small States. This substitute will say anybody that wants motor-voter, go out and adopt it, and it gives encouragement to do that. It creates additional Federal crimes that we tried to create on two separate occasions previously. It will help bring about an improvement in our election process. But it will not mandate States who do not want to adopt motor-voter to do so. I do not have this list, but some State legislatures have turned down motor-voter. Now we have the Federal Congress coming in and saying, "Sorry, boys and girls, you have to put it into your laws anyway."

I think those of us who really believe in States rights ought to stand up and shout more against this bill. It is a bill which is contrary to the system of federalization as I understand it. We should not be imposing upon States and local governments provisions to change their election laws, which have already been turned down in their own process of establishing their own election laws.

Incidentally, this amendment is offered on behalf of our distinguished minority leader and myself. We hope there will be support for this concept. It is, in my opinion, a benchmark kind of an amendment, because it shows that we are trying to work with the majority and improve this approach to motor-voter. But we do not want to support a mandated motor-voter concept from the Federal level.

Mr. President, I ask unanimous consent at this point to have printed in the RECORD the list that we prepared previously that sets forth the request we had from various states. It came to the minority in the Rules Committee from elections officers in individual States, asking that we oppose this bill on their behalf. I want the RECORD to show that it is not just Alaska, but a series of States asked that this law not be enacted. They do support the voluntary systems represented by my substitute.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Alaska, California, Florida, Illinois, Kansas, New York, New Jersey, Oklahoma, South Carolina, Virginia, Alabama, Minnesota, Missouri, and South Dakota.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I find myself somewhat uncomfortable, because the distinguished senior Senator from Alaska is my good friend. We have worked very closely as chairman and ranking member of the Rules Committee. And even though I will disagree on some aspects of his statement, and he will disagree with some aspects of mine, we are not going to be disagreeable.

Mr. President, what my good friend has attempted to do is instill fear into the people, if we have this piece of legislation—the fear of being sued. I am not a lawyer. Sometimes that is an advantage around this place, because you can use some common sense. But one time I had asked a lawyer a question. I said, "What do you think we ought to do about this point?" And he said, "Either way, and we will make a darned good case."

Well, that is what we have here. They are taking the other view and attempting, by legal language, legal threat, the cloud of litigation, to scare people into not being for this legislation. In fact, they want to go so far as to say to the States—and you talk about States rights—to interfere with local law and local elections, and have the big Government interfere with that, inject the Federal prosecutors into local elections.

Mr. President, if they are criticizing this bill for saying to the States under Federal elections you should have some uniformity, then their bill has gone much, much farther than ours. They say that Big Brother is going to be looking over your shoulder at every voting precinct in your State and they are going to be able to take you to Federal court for local elections.

I think, Mr. President, that my friend from Alaska has gone way too far. The fear of litigation, the fear of being sued, the fear of injecting the Federal Government into local elections is what is being attempted here.

I have never seen so much fear in legislation in my life. What is wrong with allowing the American people to participate in democracy in the easiest way we can find? I am not afraid of the people. But one of those on the other side said the other night, we are not for this bill because if this bill passes we will never be in the majority of the U.S. Senate again.

I want to tell you something: that increased my enthusiasm for this bill.

My good friend from Alaska says he picks out a couple of States that were reduced by 2 percent, 1 percent, or 3 percent, or something like that, after they put in the motor-voter. I do not know where he gets his figures, I guess you can find anything you want and stop there.

It reminds me of a little coffee shop in one of the communities I knew well at home. You go in at 10 o'clock, drink coffee with friends. When you hear the rumor you want to spread, you leave the coffee shop so you can go out and spread that rumor.

The voter turnout in 1986 versus 1990 in four States that started their motor-voter: in Maine, increases in voter participation of 13 percent; in North Carolina, increases of 20 percent in participation; in Minnesota, increases of 25 percent, 25 percent; and in the District of Columbia, 26 percent.

These are States and districts that have gone to motor-voter and their participation in selection of their leadership in their communities and States has increased from 13 to 26 percent across the board.

This does not sound like any downturn. You get interest in the political arena just like baseball. Right now I happen to be a Cincinnati Reds fan and a Cardinals fan. They are very close to my hometown, and every morning I look in the paper to see how they did the night before. The Reds lost to the Cardinals the last two games. I am not too particularly happy about that, but because I am a Cardinals fan it did not bother me too much.

The point I want to make, and I made this on several other occasions, is the closer we get to the division title, the closer we get to the World Series, the more interest we get. The more interest we get, lo and behold the World Series arrives and you do not have a ticket. That is the way it is with politics.

Right now people are not too interested in what is going to happen in November. Sure, they have some thoughts; sure, they read the paper, but they are not zeroing in on issues and the individuals. So their desires or thoughts of registering to vote are not quite as keen as they will be later on this year. Once they want a ticket to the World Series, which in this case is the ability to vote for the leadership of this country, they find out they are not registered to vote 30 days in advance. So they fail to get a ticket to the World Series and they fail to have the ability to vote, which ought to be a right.

Ninety percent of the American people eligible to vote have a driver's license. Ninety percent of the people are eligible then to vote, and so we have a great opportunity, Mr. President.

And then we talk about the right to sue. I am not a lawyer. Dad always said get a good lawyer and stick with him. But I understand the right to sue is not based on the failure of the bill to increase the turnout. Listen to that now. It is not on the failure of the bill to increase turnout. Rather it is based on the failure of the State to comply with the act. If they complied with the act, there is no suit involved.

This is the same, and I underscore "the same," as the Voting Rights Act. What is wrong with that? It is working pretty well for a long time. So it is the same right as the Voting Rights Act.

Now my good friend from Alaska says that nobody up there is for this bill in his State, Democrat Governors, Republican Governors, Independent Governors, whatever it might be. They do not have any problem, they do not want this bill. Here is an editorial from the Anchorage Daily News. It even has my name spelled right in it, and I like that. "Can the Federal Government encourage voter registration and participation through legislation? Yes." That is the Anchorage Daily News, "* * * by passing the so-called motor-voter bill sponsored by Senator WENDELL FORD from Kentucky." There are some people in his State for this bill.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. FORD. I am glad to yield.

Mr. STEVENS. That is a delightful paper owned by McClatchy forces down in California. They automatically run their editorial opinion from the McClatchy paper.

Mr. FORD. Only a few people know that, and I am just going by the Anchorage Daily News, whether they are owned by California or Kentucky.

Mr. STEVENS. The paper endorsed two or three Governors I mentioned, and they, all three opposed it?

Mr. FORD. Yes. The papers that endorsed your Governors are still for this piece of legislation.

Mr. STEVENS. That is the same. It is owned by an out-of-State owner.

The PRESIDING OFFICER. Senators will address their remarks through the Chair.

Mr. FORD. Since nobody else is around here we will get along all right.

Now, since the Anchorage Daily News, even though they may be owned by out-of-State group—I do not know of many States that have major papers now owned by out-of-State groups. You come to my State, and the two major papers are owned by somebody else. They report local thoughts and input. They do not write something the people at home are bitterly opposed to.

So here in Anchorage Daily News—and I would grant to my friend it may be owned by somebody else outside the State, it is not unusual—and its says that the motor-voter is stalled for too long, stalled for too long. "Senators should give every American a reasonable opportunity to register by letting this bill motor into law."

Then we hear the letter or the statement by Elizabeth Holtzman. You know, it is strange that you just pick out things in letters that sound good for your side and you do not read all of it. That is part of the game, I think. So let us play the rest of the game or, as one of our national commentators would say, let us hear the rest of the story.

There seems to be some question as to what exactly the New York grand jury decided after a completed investigation that my good friend pointed out, the investigation into voter fraud in Brooklyn, NY.

To try and clarify this point, I asked the former district attorney who convened that grand jury for her opinion on this bill, S. 250. In a letter dated June 20, 1991, Elizabeth Holtzman, now the comptroller of the city of New York, wrote to me about her opinion. She is the one that called the grand jury, and this is her opinion of the grand jury on the bill and its relationship to the grand jury she convened. I think that her comments are very enlightening.

Mr. President, I ask unanimous consent that her letter be printed in the RECORD, and for my colleagues on the other side of the aisle let me quote a few relevant passages from Mrs. Holtzman's letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE
CITY OF NEW YORK,
New York, NY, June 20, 1991.

Hon. WENDELL H. FORD,
Chair, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR SENATOR FORD: As a public official, I am writing to you to express my support for your efforts to expand the registration opportunities for millions of Americans. Like yourself, I am concerned when we see fewer and fewer citizens participating in the democratic process. That is why I support your efforts and those of Senator Hatfield in attempting to make registration procedures more convenient for citizens.

While I strongly believe that we as public officials should do all that we possibly can to make voter registration procedures convenient, we must also protect the integrity of the electoral process by protecting against the unscrupulous few who work to dilute it. During my tenure as Kings County District Attorney, a Brooklyn Grand Jury investigated fraud and illegality in certain primary elections in Kings County, New York. The Grand Jury's 1984 report documented deficiencies in the voter registration system and made recommendations for reform. The Grand Jury did not, as implied by the minority view included in the Committee Report accompanying S. 250 (at page 62), recommend repeal of the mail registration system.

The Grand Jury investigation revealed that a group of individuals over a fourteen year period, from 1968 to 1982, engaged in various fraudulent and illegal practices designed to influence the outcome of elections. These practices included the forgery of registration cards with the names of fictitious persons, the filing of these cards with the Board of Elections, the recruitment of people to cast multiple votes on behalf of specified candidates using these forged cards or the cards of deceased and other persons, and the forgery of voter registration cards after an election on behalf of the losing candidate in order to establish a basis for voiding the election.

Part of the Grand Jury's report did find that the advent of mail registration in New York made the creation of bogus registration cards even easier and less subject to detection. One of the major flaws of the system was that mail registration forms were distributed in bulk quantities with no identifying serial numbers. However, the Grand Jury also found many instances where forgeries were occurring within the Board of Election offices themselves. In fact, security was so lax in these offices, that the individuals engaged in the fraudulent activities were able to hide themselves in the ceiling of a rest room and accomplish their forgeries undetected after the close of business.

As a result of the Grand Jury's investigation, eleven recommendations were made. Of these eleven, two recommendations related to the registration procedure itself. The first was the recommendation of a study to evaluate various proposals and remedies to identify voters at the time of voting or registration, serializing and recording the serial numbers of all voter registration cards and insisting on greater accountability by organizations engaged in voter registration. The second recommendation called for a revision of the voter registration card affirmation to less legalistic language and printed in prominent boldface type so as to be easily noticed and to alert the applicant. The remaining nine recommendations related to security at the Board of Election offices.

The proposed National Voter Registration Act of 1991 would not preclude states from taking these and other steps to protect the integrity of the electoral process. In fact, the Act could strengthen anti-fraud efforts. For example, one particular provision of S. 250 that was recommended by the Brooklyn Grand Jury is the inclusion of an attestation clause which sets forth the eligibility requirements and requires the applicant's signature under penalty of perjury.

The other registration procedures of S. 250, the "motor-voter" and agency-based provisions, appear to address concerns regarding fraudulent voting, as well. Under these procedures, the voter registration application process is simultaneous with the application for a driver's license or public benefits. If the same stringent requirements are applied to a voter registration application as are applied to a driver's license application or a public assistance application, I am confident that the opportunities for fraud can be restricted. In addition, S. 250 includes numerous requirements for the administration of the voter rolls that I believe will keep the voter rolls clear of "deadwood."

I recognize that you have given considerable attention to the concerns of local officials. S. 250 is not only a strong voter registration bill, but also has strong anti-fraud provisions. Voter registration reform is long overdue and I fully support your efforts.

Sincerely,

ELIZABETH HOLTZMAN,
Comptroller.

Mr. FORD. Mr. President, now this is quoting from the letter. The Senator has a copy of it, I am sure. And if you want to look at the middle of the second paragraph.

"During my tenure as Kings County district attorney, a Brooklyn grand jury investigated fraud and illegality in certain primary elections in Kings County, New York. The grand jury's 1984 report"—8 years ago—"documented deficiencies in the voter registration system and made recommendations for reform. The grand jury did not, as implied by the minority view included in the committee report accompanying S. 250, at page 62, recommend repeal of the mail registration system."

Now there is a conflict in what the minority view on this bill was referred to her position and she contradicts the minority's view which she says that "The grand jury did not, as implied by the minority view included in the committee report accompanying S. 250 at page 62, recommend repeal of the mail registration system."

Mr. President, a couple more statements from her letter:

"As a result of the grand jury's investigation, 11 recommendations were made. Of these 11, 2 recommendations,"—only 2, now, Mr. President—"related to the registration procedure itself. The first was the recommendation of a study to evaluate various proposals and remedies to identify voters at the time of voting or registration, serializing and recording the serial numbers of all voter registration cards and insisting on greater accountability by organizations engaged in voter registration. The second recommendation called for a revision of the voter registration card affirmation to the less legalistic language"—there we get back to all this legalistic language and threat of suits and that sort of thing—"and printed in prominent boldface type so as to be easily noticed and to alert the applicant. The remaining 9 recommendations related to security at the Board of Election office."

All of us have been hearing about what the grand jury did in New York, and all their recommendations, only two of them, only two of them, and they were minor in my opinion based on New York and the remaining nine recommendations related to the security at the board of elections offices.

One other point she made. "The proposed National Voter Registration Act of 1991"—this bill we are on now, the one my good friend is attempting to substitute and wipe out what we are doing—"would not preclude"—and I underscore not—"not preclude States from taking these and other steps to protect the integrity of the electoral process. In fact, the act could strengthen antifraud efforts."

Now that is Elizabeth Holtzman's statement as it relates to this. Let me repeat that. "In fact, the act could strengthen antifraud efforts."

She also states in this letter, "The 'motor-voter' and agency-based provisions, appear to address concerns regarding fraudulent voting, as well. If the same stringent requirements are applied to a voter registration application as are applied to a driver's license application or a public assistance application"—here is what she says, after going through all this grand jury, she says—"I am confident that the opportunities for fraud can be restricted."

Now here is an individual that was referred to calling a grand jury, giving certain impetus as to what the grand jury did, and when you get down to the fact of it, it really is not that way at all.

And she winds up, the last sentence of her letter, "S. 250"—that is the voter registration bill we are talking about now—"is not only a strong"—and I underscore strong—"voter registration bill, but also has strong antifraud provisions. Voter registration reform is long overdue and I fully support your efforts.

"Sincerely Elizabeth Holtzman, Comptroller, City of New York."

Mr. President, I do not know how much clearer you can be than that letter. I do not know how much clearer you can be with the facts. I do not know how much clearer you could say from the State of New York, the city of New York, that this is good for us and it will help reduce fraud.

But, no, the substitute says we want to go down into the precincts of Brooklyn, we want to go down in the precincts of Roanoke, we want to down in the precincts of Louisville. We want to take over your State elections. We want to take over your local elections. What is States rights about that? You are going all the way where the Federal Government and its prosecutors will be looking over the shoulders of every local community race, every county race, every State race. It is about time we get the black suits, white shirts, and red ties out of our business locally.

So here we are saying, we do not want this. The States ought to have a right but we are going to inject the ability of the prosecutor, Federal prosecutor, Big Brother.

I think the Senators recognize the fact that they named their bill the National Voter Registration Enhancement Act. Well, what are you going to enhance? Are you going to enhance the Justice Department's ability to file suit? Sure, there will be more suits, be more problems. The taxpayers are going to pay for more surveillance, instead of local people picking up the tab and local people look after their own business.

Now, the Dole-Stevens proposal will not establish universal registration procedures, because it does not require the States to adopt any registration program. The States will have the option of adopting motor voter mail or agency registration. And the minority is opposed to S. 250 because they claim that there is not sufficient safeguards against fraud. They claim that the mail registration form should require notarizing or a witness.

He talked about West Virginia. Do you know what the grand jury was about over there? It was a notarizing. That was the problem in West Virginia. Go back and look at your facts. Go back and look at what the grand jury said. Look at what the charge was at the grand jury. I wish sometimes I was a lawyer. Maybe I could know a little more about how some of these things work. But I think I look at what is being argued here with the perspective of a nonlaywer, the general citizen out there, that is faced every day with doing right, stopping at stop signs, paying their taxes. And then when you get down to the facts, the facts are not quite the same as when you begin to paint with a broad brush.

So it is the notarizing of the ballots, I say to my good friend, that was the problem in West Virginia. More important, in this substitute their argument against S. 250 is that the list cleaning requirements of the bill are not sufficient to keep the names of ineligible people off the voting list.

If that is true of S. 250, then it is most equally true of their proposal, even more so. The only requirement of this proposal, as the substitute, is that list cleaning programs be uniform and not discriminatory.

I ask this simple question: How is a State to accomplish this? How is the State to accomplish it? There is absolutely no direction given as to how the State is going to do this. How can they meet that standard? Are you going to have 50 standards? Probably so.

More important, there is no safeguard to protect against the discriminatory list-cleaning methods that have resulted in millions of people being removed from the list of eligible voters. That is what this is all about. They just take you off the rolls. S. 250 says once you are registered, you are on until you move out of State or die.

This proposal would permit States to remove a person's name from the list of eligible voters simply on the failure of a person to vote. This substitute says if you are not able to vote this time, you do not get an absentee ballot but you are registered, and if you do not vote, they are going to take your name off the rolls. S. 250 does not do that. S. 250 does not do that. It says, once you are registered, you live there, or within the jurisdiction, you are not removed from the rolls.

A lot of things happen to prevent people from going to the polls. A lot of people get turned off by us politicians. They do not want to go vote for anybody so they just stay home. We have turned them off. So, if they stay home, they do not want to vote, that is their business.

But under this substitute, you come off the rolls; or I have the ability to take you off.

This is one of the most important features of S. 250. Our bill prohibits the name of an eligible voter from being removed from the list of eligible voters on the basis of failure to vote. Once registered, a person should remain on the list so long as he or she remains eligible to vote in that jurisdiction. Too many States use the failure of a person to vote as a means of removing names from the list.

I do not know how many people listening or watching have ever been on the committee to cleanse the registration list under the procedure of this substitute. I have seen it in several States. Groups sit around and say, "Old Wendell hasn't voted. Let's take him off." "But Wendell still lives down there at 223." "But he hasn't voted. Take him off. He doesn't vote right most of the time anyhow."

So I am gone. I am off the list. You have this group sitting around, you know, smoke-filled rooms—I do not mind smoke-filled, being from Kentucky—but they start jerking these names off because they did not vote last time. They still live there, still are eligible, still alive, still working, still paying taxes, still own a home—take his name off. It is not right. It is not right.

I understand why they want to take them off. It is fear, absolutely fear, with a capital F, that someday those people might participate in democracy. One of these days people might take this Government back. And when they take it back, we will act different. And, if we do not give them the opportunity to take it back, we are making the mistake.

I hear a lot, you know, about spending too much money, too much PAC money, too much sewer money—too much. Yet we do not want to let the people vote. We do not want to give them a major opportunity. I do not understand what fear is there, in letting the people participate in democracy.

Too many States use the failure of a person to vote as a means of removing their names. And this results in needless and costly reregistration.

Talk about cost? Why, this provision will cost more than anything else. We are injecting costs into this piece of legislation by the substitute. You have to pay a group to come around and cleanse the list. Then you mail them a letter. Then they do not get it, they do not come in, you jerk them off the list. They come in 60 days later and register. So you have to make out a new form. You have to put them in there; they have to sign it. You created a problem for that individual. He had to miss a ball game with his children. He had to do lots of things.

So the most costly item yet is cleansing the rolls, under this substitute.

The right to vote also includes the right not to vote. I think everybody will agree with that. The right to vote also includes the right not to vote. And if I decide not to vote in this election because I have been turned off, I should not be imposed upon to have my name jerked. Then I have to go back down and reregister. You have turned me off even further.

Under S. 250, they are registered. If they do not want to vote, we do not automatically take them off and cost your State and local government more money. If a person chooses not to vote in a particular election, for whatever reason—whether it is physical inability to get to the polls, a lot of things come up—for whatever reason, that does not mean that person is giving up his or her right to remain as a voter, an American citizen. Nevertheless, under this proposal, States would still be permitted to remove the name of a voter simply because he did not vote.

One of the most serious problems with this proposal is that it places the Federal function of coordinating the programs in the hands of the Attorney General. If the program is to ensure that the voter registration programs are to be administered in a nondiscriminatory, nonpartisan manner, it should be of concern to all of us that it would be in the control of a member of the executive branch. Think about that a little bit. Just think about that a little bit.

Mr. President, we have heard much about this proposal as a reasonable alternative to S. 250. One reason the minority argues that this alternative is better is because it addresses the cost issue. The cost issue? Why, injecting more costs in the substitute than anything it has done is an issue that makes this bill attractive to the States. S. 250 addresses this issue, providing a reduced postal rate, because the largest part of the cost of S. 250 is the required mailings. It also has a number of substantial cost savings.

What I do want to point out very clearly is this promise of money to the States is an empty promise, absolutely empty. Let us set the record straight. The Dole-Stevens proposal authorizes. It does not appropriate a penny. You say that is procedure. Let us not be fooled into thinking this proposal, that is the substitute, is going to solve the cost issue because it does not, it absolutely does not.

Mr. President, I have other concerns about this proposal. One of them is that in all this discussion of voter registration we have not heard much discussion of part II of the Dole-Stevens proposal which relates to public corruption. They have not said much about part II.

The sponsors of this amendment claim that this section on public corruption is needed to, and I quote, "beef up" State efforts to combat public corruption. But title II is going to do more than beef up these efforts. It is going to federalize the local election effort.

Let me just tell you why, and I will give you a couple of examples.

It would be a Federal crime, punishable by Federal imprisonment for up to 20 years, for a State or local official to file an election report required under State law—State law—that contains false material information or, unfortunately, by mistake omits material information.

Let me just repeat that for a minute so that my colleagues and friends will understand it. For example, it would be a Federal crime, punishable by imprisonment for up to 20 years, for a State or local official to file an election report required under a State law—not Federal law; S. 250 only applies to Federal elections. But we are really invading States rights. Oh, I hear beating the chests that States ought to be up in arms over S. 250 States rights.

We ought to be up in arms because we are invading States rights. Lord have mercy. What this substitute does, it injects the Federal Government into the local elections. I can see a school board election right now in some little county out here somewhere, and here is "Big Brother" looking over his shoulder saying, you get 20 years if you break a State law; we want to take you up to the Feds. Do you think you are going to get a lot of activity?

This would inhibit the States rights, their right to regulate the conduct of their own elections and that of elected

State and local officials. This section would severely jeopardize efforts of legitimate voter registration drives because it would make the procurement or submission of voter registrations that contain the false material information or omitted material information a Federal crime, up to 20 years.

We have some fine civic groups that are interested in getting people to vote. They take the forms, set up booths, work hard. People come by to register. What about your family? Your wife? Your mother? Your daughter? Your daughter-in-law? One of the women's clubs? And she gets this information and delivers it to the clerk's office. Somebody gave them the wrong information or they omitted something. The substitute that is being offered today by Dole-Stevens says that she is subject to a Federal crime and 20 years in the penitentiary, Federal penitentiary.

I just cannot understand why people want to do this. You are going to find an argument—I am not a lawyer—they are over there digging hard right now to find out how they are going to argue with this. But they will never have an argument that will be substantial that says they do not invade the local elections with Federal authority and State laws by Federal authorities. So we are going a little too far with this, Mr. President.

In drafting S. 250, we took great care to provide severe criminal penalties for any person, including public officials, who engage in any activity that would attempt to deprive the people of a fair and legitimate electoral process. However, we have taken even greater care to provide that such criminal prosecutions must be for knowing and willing violations.

Mr. President, the Dole-Stevens proposal, in my opinion and the opinion of a lot of others, would not enhance voter registration in this country.

It will not increase the pool of eligible voters. It will not protect the right to vote for millions of Americans. It will not protect against fraud and corruption. I urge my colleagues to be against it.

I do not know whether my friend from Alaska has ever dealt with what we call the county court clerk's office. The county court clerk's office in my State is the office that registers people to vote. And nearing the time of election, they have to put on a vast number of extra and costly employees to take the avalanche of people standing in line and those who are being brought in by political candidates, and so forth, to register. So that is a major additional expense to our county court clerks.

Under motor-voter, and we have sat down with clerks and looked at it. This is not anything I just came upon; it is something that I have been interested in for a long time. They say that the requests come in a steady stream because we are registered to get your license by months and, therefore, in January so many, February so many, March, April, May, June, and so forth. So it comes in a steady stream. They do not have to hire extra employees to handle it. So, therefore, their expense is minimal and they get credit for mailing.

So I think that we need to, and I hope we will, see the need to stay with S. 250. Twenty years ago this year—and the fine occupant of the chair, my good friend, the Senator from Virginia, who has been Governor of his State will understand what I am about to say—one of the hardest political pieces of legislation I ever had to move through the Kentucky Legislature was my concern for registering people in Kentucky and cleaning the rolls. Mr. President, we wiped the slate clean. Not a voter was on the list. We started anew. We computerized. I was told that this would be the worst political mistake of my career; in fact, it may never allow me to be elected to office again. But I was convinced that if we made the right kind of effort we could clean up our rolls, we would get people registered, and then we would feel better about those who were elected to office in my State because we had made this effort.

To make a long story short, we had more people registered to vote after that than before, so it proved that we could clean the rolls and we could do it and we did it inexpensively, less than 24 cents a name. And the first vote in the State, with about 3.4 million registered voters—statewide we had 53 questions, and they were all minor. And I kept my fingers crossed all day that first election, I say to you, Mr. President, that it would work.

So I hope that we can celebrate the 20th anniversary, that the country, though its legislative process in this great institution would say to Americans, we are not afraid of you participating in democracy. In fact, we want to provide you an easier way to be a participant. We want you to be excited about this election. We want you to be excited because you can go to the polls and exercise your right and help pick the leadership of this country. We do not want you to think we are fearful of you having an opportunity to vote.

And so if we can pass this legislation and have some excitement about this country and its future, it is through people participating in democracy at the ballot box.

And once we decide that, Mr. President, then for those problems we are facing today, I think we will have found a cure, because the people are much smarter than we give them credit for, apparently, here, and I am somewhat concerned that we will leave the image that we do not want them to have the opportunity to participate.

Mr. President, I know there will be others who want to speak, and I have probably spoken too long, but there are some things that cause me to perspire a little bit. This is one of them.

I yield the floor.

The PRESIDING OFFICER (Mr. FOWLER). The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, as my friend from Kentucky indicated, having served together as long as we have and as intimately as we have on this committee, it is odd to find us in disagreement on this floor because normally we are here as part of the Rules Committee to assist the management of the Senate and we do have a great deal of agreement about our respective jobs on the Rules Committee, and it does seem strange for us to be disagreeing.

But, for instance, I just sat here and listened to my friend from Kentucky say how the amendment, the substitute I have offered, will require purging of the lists, have people crossed off the voters' list if they have not voted.

Title I of the substitute has a voter registration enhancement, and in that portion of title I it provides for block grants that are available—and it is true all we can do is authorize now—to States if they match the amount for voter enhancement activities, and one of those is this, that they must include activities providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State, including the use of change-of-address information supplied by the Postal Service.

I have sat here and listened and thought about the purging requirement. It is not part of this substitute. I do not know if my friend from Kentucky has a bill that someone else has offered, but this bill does not have any such requirement for cleansing. Some States do require it.

But, again, I think we are going to have a little active participation, and I ask the indulgence of the Chair because at times we disagree, and when we do disagree we are very frank with one another, Mr. President, and I think that is the way it should be.

Mr. FORD. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. FORD. As I understand it, I say to the Senator, "Providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State, including the use of change-of-address information supplied by the Postal Service" does give them the right to eliminate names if they do not vote. I think that is just a yes or no answer.

Mr. STEVENS. Yes, it does.

Mr. FORD. That is all I was saying.

Mr. STEVENS. But, Mr. President, it does not require it. The States can do it now.

Mr. FORD. They are doing it now.

Mr. STEVENS. S. 250 may prohibit some of the activities the States are now pursuing to assure that their voter lists are right. But this substitute of mine does not mandate anything; it just authorizes the States to take and match Federal moneys and conduct procedures to make sure that their voter lists are up to date.

Now, my friend from Kentucky and others have indicated on the floor before that—of course, nearly all the voter lists in the country are computerized, right? Wrong. Only 21 States in this Union today have computerized voter lists. Let me repeat that, Mr. President. Only 21 of the 50 States have central computerized voter lists. This motor voter bill is going to require a State that does not have a computerized voter list, a central computerized system, to computerize awfully fast because I can tell you that most States do have computerized driver's license systems, but they do not have, as a matter of fact, only 21 have State central computerized systems.

When we look at the impact of this pending bill, if it is so good, if it is a bill that has such great support, why does it appear to be only supported by those people who are standing out in the Senate hall every time we have a vote? They are the lobbyists for change in the Federal system. But the people who represent the States—let me make sure if people understand that—the National Association of Motor Vehicle Administrators, that is, every administrator from every State; the National Governors' Association—mind you, now, that is not just my Governor; it is the whole National Governor's Association—oppose this bill. The National Association of Counties by vote, the counties of this country, oppose this bill. The National Association of Secretaries of State oppose this bill. The National Association of Towns and Townships oppose this bill. The National League of Cities oppose this bill.

Now, what are we doing on the floor? That is every association of every type of official in State and local government that administers elections. And what they are saying to us is: What are you doing?

Mr. FORD. Mr. President, will the Senator yield? Did he include the Secretary of State in Mississippi in his list? He happens to be very much for it, and he is head of the Secretaries of State.

Mr. STEVENS. He may be, Mr. President, but the national association he is a member of voted to oppose this bill, the National Association of Secretaries of State.

Now, my problem is, my friend asked this question: What is wrong with this bill? Well, why does not the Senate ask the National Association of Governors what is wrong with this bill? They voted against it. Why not ask the National Association of Motor Vehicle Administrators, the people who are trying to deal with those who want a driver's license? I wonder how long it has been since you went to get a driver's license and you stand in line and you are waiting to get a driver's license. You are not there to register to vote. You have taken time off from work trying to adjust your life and get a driver's license, get up to date so you can continue to have the right to drive a motor vehicle. And what are you going to do? You are going to be facing another desk now and the desk will say, "Here, go over there first and make sure you want to register to vote."

Now, there are 44 States that use motor vehicle offices to register voters—pardon me, 26 States have it; 44 have considered it. There are 26 States that actually do it, but they do it. Those States that want it can do it. We do not prohibit it. What are we doing here? What is wrong with the system now? What is wrong with the system that is supported by these associations that oppose this bill?

I do think my good friend has—he is good at one-upsmanship, Mr. President. He read an editorial from the Anchorage Daily News that supports this bill. And I read a lot of editorials from the Anchorage News. I do try to keep current with their point of view because they do try to bring to Alaska the point of view of their California owners as often as they can, and they are trying to change the attitudes of Alaskans, the traditional attitudes of Alaskan freedom that we have. This is a good example of it again. I would state for anyone who is interested, every Governor who has been in office since I have served in the Senate has opposed this system.

The Anchorage Daily News is not taking issue with me. It is taking issue with the past Democratic Governors, the past Republican Governors, and the current Independent Party Governor, that this is a bill that would do harm to our election system because it will increase our costs. I will go into that a little bit more, as I indicated before.

But, Mr. President, I am particularly concerned about my friend's reference to the public corruption provision. So I went back and got out the letter that we got from the Department of Justice with regard to this. I want to read from that letter. This is a letter that was sent to our committee on April 17, 1991, addressed to my distinguished friend from Kentucky, Senator FORD, as chairman of the committee.

On page 3 of that letter it says:

> Furthermore, the serious potential for fraud and corruption would be compounded by the current limitations in federal criminal law governing electoral crimes and other forms of public corruption. Existing federal jurisdiction, for example, does not reach fraudulent schemes not involving the use of the mails and where a federal candidate is not on the ballot. As discussed more fully in the attached memorandum, because of these limitations, the provisions of S. 250 would create a greatly increased risk of public corruption, particularly at the local election level where almost all electoral fraud now occurs. Among the most common voter fraud crimes, which we believe will be exacerbated by S. 250, are bribery of voters, stuffing ballot boxes, voter intimidation, and the casting of ballots in the names of deceased, incompetent or otherwise ineligible individuals. In order to increase the Department's jurisdiction to prosecute those who corrupt the electoral process, we have strongly supported enactment of the "Anti-Corruption Act," which passed the Senate in October 1989 as Title IV of S. 1711.

That provision which passed in the crime bill in October 1989, is the provision of our substitute. It is not something new. Incidentally, it is a provision which passed the Senate unanimously.

My good friend from Kentucky has really sort of put me in a strange position for having put it in this bill from the point of view of saying that the Senator from Alaska wants more Feds peering over the shoulders of those people who vote in local elections. That is not my desire. But it is my desire, if we are going to increase the use of motor voter and mail registration, to have greater Federal protection against increased corruption which may come from that type of activity.

I will be happy to place in the RECORD at this point the analysis of S. 250 as presented to us by the Department of Justice on that date. I ask unanimous consent it be printed in the RECORD so people can see where we got this corruption portion of the substitute I have offered, and why the Department of Justice feels so strongly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 17, 1992.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice regarding S. 250, the National Voter Registration Act of 1991. S. 250 would establish national voter registration procedures for presidential and congressional elections. Although the Department strongly endorses the bill's general goal of involving more Americans in the electoral process, we oppose enactment of this bill.

The bill would require all states, except those that have no voter registration requirements at all (i.e., North Dakota) or those with election day registration procedures, to employ three methods of registering voters for federal elections, and would specify in considerable detail what the states would have to do to implement each of the three methods. First, states would be required to include the option for voter registration as part of the process for applying for a motor vehicle driver's license ("motor-voter registration"). Second, states would be required to provide for voter registration by mail ("mail-in registration"). Third, states would be required to designate state-related, federal, and private sector locations to make registration applications, available and accept them for transmittal to the appropriate election officials ("satellite registration"). The bill would also severely restrict the grounds upon which voters' names could be removed from voting lists.

Absent any showing of a threat to the integrity of the electoral process resulting from the unjustified restriction of the opportunity for citizens to vote, or the discriminatory treatment of particular groups of citizens, the bill might well exceed the constitutional authority of Congress by involving the federal government in matters which the Constitution allows the states to regulate as they deem appropriate. Because it would mandate elaborate procedures without regard to local conditions or appropriate alternatives, the bill would represent a substantial and unnecessary imposition on the states. Moreover, because some of the registration techniques mandated by the bill are fraught with the potential for fraud if adequate verification methods are not used in light of local conditions, and because of the strict limitations on standard means of purging voting lists of stale names, the bill would present a serious potential for increased voting fraud and electoral corruption. Voter registration laws are one of the principal protections against election fraud, and any changes to registration requirements must take into account the potential for increased fraud resulting from the changes.

We are not convinced that the case for mandating uniform, nationwide registration procedures has been made. Eliminating barriers to registration will increase the pool of potential voters and make it possible for more citizens to vote, which is certainly an important goal. However, it is unclear to what extent the changes proposed by S. 250 would translate into grater voter turnout, because the empirical link between increased registration and increased voter turnout is undeveloped. Some of the most convincing explanations for shortcomings in registration and voter turnout appear to be poverty, lack of education, alienation, apathy, cynicism about the value of voting, and voter contentment.

We recognized that some historical registration requirements arose from a desire to disenfranchise blacks (and, as a byproduct, disenfranchised many less-advantaged whites). The well-documented historical record of that disenfranchisement and its effects, as well as the continued intentional application of discriminatory registration practices, led to enactment of the Voting Rights Act, which has proven effective in eliminating discriminatory voting practices and remains a powerful weapon in dismantling illegitimate barriers to voting. A similar record has not been developed in support of the national standards proposed in this bill, nor has there been a convincing showing that existing federal remedies are inadequate.

Moreover, many states are voluntarily adopting innovative registration practices, including variations of the three mandated by the bill. We understand that some form of motor-voter registration has worked well in a number of jurisdictions without any appreciable increased in fraud, that many areas are experimenting with various forms of satellite registration, and that mail-in registration is being used successfully in several jurisdictions. But these jurisdictions also use a variety of procedures to guard against fraud and maintain the integrity of the electoral process. In short, they are able to adapt and tailor the procedures to take into account local conditions that may make some practices more effective than others or may call for special measures to avoid fraud or for avoiding certain practices entirely. That essential flexibility to respond to local conditions would be forbidden by this bill.

S. 250 is substantially similar to S. 874 in the last Congress, which the Administration opposed. However, one key change in S. 250 is that it would exempt any state from the requirements of the bill if the state adopts an election day registration system. In view of the potentially costly and burdensome nature of the bill, this exception would effectively serve as an compelling incentive for states to adopt election-day registration, a change which could substantially impair efforts in many areas to verify voter eligibility, and thus would invite voting fraud and corruption of the election process.

Furthermore, the serious potential for fraud and corruption would be compounded by the current limitations in federal criminal law governing electoral crimes and other forms of public corruption. Existing federal jurisdiction, for example, does not reach fraudulent schemes not involving the use of the mails and where a federal candidate is not on the ballot. As discussed more fully in the attached memorandum, because of these limitations, the provisions of S. 250 would create a greatly increased risk of public corruption, particularly at the local election where most almost all electoral fraud now occurs. Among the most common voter fraud crimes, which we believe will be exacerbated by S. 250, are bribery of voters, stuffing ballot boxes, voter intimidation, and the casting of ballots in the names of deceased, incompetent or otherwise ineligible individuals. In order to increase the Department's jurisdiction to prosecute those who corrupt the electoral process, we have strongly supported enactment of the "Anti-Corruption Act," which passed the Senate in October 1989 as Title IV of S. 1711.

For these reasons, although we fully support the goal of facilitating voter registration, we strongly oppose S. 250, because its approach of mandating uniform procedures regardless of local circumstances is unwarranted, overly restrictive, and almost certain to invite increased fraud and corruption in the electoral process without providing the necessary jurisdictional tools to combat those crimes. The enclosed memorandum elaborates upon these concerns. In our view, should legislative action be considered, it would be far preferable to adopt a more flexible approach which (1) responds to these concerns by leaving the initiative to the states and (2) includes appropriate revisions to current criminal law. Both of those proposals are reflected in S. 3021, which was introduced by Senators Dole and Stevens in the last Congress. We would be pleased to work with the Committee on such an alternative to S. 250.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

DEPARTMENT OF JUSTICE ANALYSIS OF S. 250

I. SCOPE OF CONGRESS' AUTHORITY

At the outset, we note that S. 250 would unnecessarily intrude into areas of legitimate state discretion. Congress has only limited constitutional power over the conduct of elections, even elections for federal officials. Congressional power over presidential elections is described in Article II, section 1, clause 4 of the Constitution: "The Congress may determine the Time of Chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States." Congress has broader power to regulate elections for Senators and members of the house of Representatives: "The Times, Places, and Manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators." U.S. Const., Art. I, §4, cl. 1. Electors for Senators and Representatives in each state are to have the same qualifications as those of the most numerous branch of the state legislature. Art. I, §2; amend. XVIII. Although the Supreme Court has recognized that Congress has general power to regulate presidential elections to the extent necessary to prevent fraud and preserve the integrity of the electoral process,[1] Congress may not exercise this authority in a manner that "interfere[s] with the power of a state to appoint electors or the manner in which their appointment shall be made."[2] Thus, while Congress has some authority to preserve the integrity of the federal election process by taking steps to prevent fraud, it cannot encroach upon the exclusive power of the states to regulate the manner in which elections are conducted.

Although the precise scope of Congress' power over federal elections is uncertain,[3] we believe that there is a serious question of whether S. 250 may be defended as a permissible exercise of constitutional power. Congress does not have plenary authority to dictate the procedures which a state must employ in elections for federal officials. There is no suggestion that S. 250 is designed to prevent fraud and corruption. Nor is there any showing that this bill is necessary to eliminate any discriminatory practices. Accordingly, we question whether this bill is constitutional.

II. LIMITATIONS ON STATES' FLEXIBILITY TO TAILOR REGISTRATION PROCEDURES TO SUIT LOCAL CONDITIONS

Apart from the question of Congress' constitutional power, S. 250 would operate to deny the states their historic freedom to govern the electoral process. The flexibility which the Constitution generally gives the states recognizes that different cultural and demographic circumstances may call for different approaches in many areas, including voter registration. For example, registration procedures sufficient to prevent substantial fraud in a sparsely populated, mostly rural state may not be adequate for a more densely populated state which major metropolitan centers and large population inflows and outflows. Depriving the states of this flexibility to tailor their individual approaches to their own particular problems and circumstances—by imposing a single, uniform policy nationwide—forecloses the benefits that would otherwise come from diversity.

A. Practical impact on the States

In practical terms, S. 250 would impose two significant kinds of costs on the states, the first of which is that the mandated registration methods, inevitably would impose added costs on the states, which might be substantial in some cases. The bill would have the effect of dictating to the states how to uti-

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lize their resources, rather than leaving them flexibility. It would also make the provision of various services somewhat more expensive for the states and more complicated for the applicants (many of whom would have no need to register to vote).[4] The bill would not merely regulate state registration procedures but, by virtue of Sections 5 and 7, the conduct of other state functions (such as the issuance of motor vehicle driver's licenses, the provision of public assistance, unemployment compensation and related services) may be affected by the applicability of the Voting Rights Act,[5] though we do not view that as a significant burden. The elaborate procedures contained in Section 8 of the bill for verification and removal of names from the official voting lists also are more complicated and expensive than those presently used by most if not all states. While the bill does not (at least on its face) raise the special concerns we would have if it were to attempt to regulate registration procedures for elections of state officers generally, it most likely would coerce the states into following the same procedures for state elections as well.[6]

B. Potential for fraud and electoral corruption

The second cost of the bill is its impact on the integrity of the electoral process. This legislation would effectively eliminate many registration practices that are presently serving to deter electoral fraud. Voter registration laws are the main systemic safeguard against most common varieties of election fraud. Their preventative effect has been augmented by the fact that until now each State has been free (within the constraints of the civil rights laws) to tailor its procedures for establishing the eligibility of prospective voters to differing demographic circumstances.

The requirements of S. 250 would apply uniformly to all states except those that have no voter registration requirements at all (i.e., North Dakota) or those with election day registration procedures, requiring the states to adopt three specified methods for allowing individuals to apply to register to vote,[7] and severely limiting the grounds upon which voters' names could be removed from voting lists.

Motor-Voter Registration.—This method is relatively unobjectionable from a criminal law perspective. The Department's experience in prosecuting voting fraud cases suggests that combining the process of applying to register to vote with that of applying for a motor vehicle driver's license would have little adverse impact on the incidence of voting fraud.[8] Moreover, because there is some degree of overlap between the factors involved in a license application and those involved in a voter registration application, personnel who are already familiar with license application procedures should be relatively easy to train as voting registrars.

Mail-in Registration.—Registration by mail is much more susceptible to misuse because a would-be registrant never has to appear in person before a registrar for verification of identity and eligibility. The Department's experience with voting fraud cases to date has not conclusively shown whether registration by mail has a substantial impact on the incidence of voting fraud or not—we simply don't know. Most of the states which already have registration by mail also have in place a variety of procedures for independently confirming the information provided in voter registration applications. These verification procedures, though clearly not prefect,[9] at least help to minimize the opportunities for voting fraud.

By contrast, S. 250 would impose a sweeping requirement to allow mail-in registration while simultaneously limiting significantly the ability of the states to use a variety of techniques to verify the applicant's identity and eligibility. For this reason, S. 250's provision for registration by mail would entail a substantial and perhaps prohibitive risk of enchancing the opportunities for fraudulent registration and voting.

It is unclear the extent to which S. 250 would preclude confirmation procedures, except for the applicant's own attestation.[10] The provisions of Section 9, taken together with those in Section 8(a), might be read to require election registrars to accept at face value every application form that is tendered to them and enroll the applicant as long as the form is facially complete. Limiting the ability of election officials to perform routine identity verifications prior to enrollment would create a large potential for abuse.[11] Even under the best of circumstances, redressing fraudulent registrations through criminal prosecutions of the perpetrator (if he or she could be found) would not rectify the damage caused to the integrity of the election process. Moreover, as discussed below, the provisions of Section 8 would severely limit the ability of registrars to remove the names of voters that they know to be ineligible or fraudulent once they have been enrolled, thereby compounding the damage.

Satellite Registration.—The third method of voter registration provided in S. 250—application in person at various federal, state or private-sector locations where the public is served directly—also may be problematic in some circumstances. This provision would entrust the task of registering voters to individual government and private personnel who may lack training in and sensitivity to the unique factors involved in preventing voting fraud and establishing and maintaining accurate and up-to-date voter registration lists.

This approach also would risk various forms of intimidation of the public. In at least some circumstances, people seeking tax relief, public assistance benefits, building permits, etc. could easily be given the impression that they have to register, or register for a particular party, in order to please the administrator in whose hands the fate of their application rests. The Department's experience demonstrates that public officials sometimes abuse their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party.[12] S. 250 would increase substantially the opportunities for such intimidation and coercion of the public. While Section 5(a) of the bill would ostensibly require that personnel assisting applicants with the completion of their applications not display any political preference or party allegiance or seek to influence the applicant's political preference or party affiliation, we think it would be overly optimistic to expect that this prohibition will be sufficient to deter influence and intimidation.[13]

Restrictions on grounds for removal.—Another very significant potential for fraud is created by the provisions in Section 8, which severely restrict removing voters from the lists—at the request of the voter or in the event of the death, mental incapacitation, criminal conviction, or change in residence of the voter—are appropriate. But those grounds assume that registration officials receive some notice of the change in circumstances; they are not self-implementing.[14] Accordingly, registrars ordinarily rely as well upon a continued failure to vote—the passage of some minimum number of years, or the occurrence of some minimum number of elections—as a ground for removing stale names from the list. S. 250 would completely eliminate this ground for removing voters' names; Section 8(b) provides that a name could never be removed merely for failure to vote in a federal election—even if the failure to vote persisted over a period of decades. This provides the states far too little leeway to protect against voting fraud by periodically purging the voting rolls of those who have not voted in some time. It would be possible for a voter to remain on the list of eligible voters for an indefinite period after he or she has died, moved away, or otherwise ceased to be eligible to vote in the state in question.

The provisions in Section 8(d) regarding mail verification of changes in residence are inadequate to respond to this concern. In order to remove someone from the list of voters, the registrar first must have some information in order to "determine[ ] that registrant may have changed residence". Then, the voter must both fail to respond to a forwardable notice from the registrar[15] and fail to vote during the next two federal general elections. Voters who had moved could continue to maintain their place on the official lists either by returning the card (which may have been forwarded to them at their new address) and listing the old address, or simply by continuing to vote at the old location. At a minimum, voters who moved would have to be left on the official list until the bill's requirements were met. The bill does not allow the registrar to remove names from the official list even for voters who are known for a fact to have moved, unless the voter provides that information directly in writing or the registrar follows the two-step process just described, and that process requires that the name be left on the list for two general elections.

In our experience prosecuting voting fraud cases, the maintenance of names of official lists of eligible voters long after eligibility has ended is among the most significant factors contributing to ballot box stuffing and illegal "proxy" voting.[16] On the other hand, we recognize that various methods of purging voters from the rolls have been used in the past to deny the franchise to minority voters. Certainly, vigilance remains necessary to prohibit purging schemes from discriminatory excluding minority voters; that calls for vigorous enforcement of the Voting Rights Act of 1965.[17] In our view, in order to accommodate these varying concerns, we firmly believe that the choice of a specific waiting period should be left up to the individual states to make based on their own particular experience and circumstances, subject to the requirements of the Voting Rights Act.

III. ELECTION-DAY REGISTRATION

S. 250 contains a new provision which provides for an exemption from the requirements of the bill for any state which allows individuals to register at the polls on the date of a general election.[18] Although Section 4(b) is captioned as a "nonapplicability" provision, in light of the addition of paragraph (2), a more accurate heading would be "election-day registration."

As discussed above, S. 250 would impose substantial—and potentially costly—procedural requirements upon the states with respect to the manner in which they regulate and administer elections in general and the voting process in particular. Since this bill, like its predecessor S. 874 in the last Congress, offers no federal funding to assist the states with these new obligations, Section 4(b)(2) will most certainly be seen as an escape clause, effectively influencing most states, whether for policy, political, or practical reasons, to consider adopting "election-day registration" in order to avoid the costs and specific standards associated with the mandates of S. 250.

The Department, since 1977, has consistently and strongly opposed federal legislation to impose election-day registration in the States, based on our conviction that election-day registration would totally preclude meaningful verification of voter eligibility, and thus allow easy corruption of the election process by the unscrupulous. Of all the registration reforms which Congress has considered over recent years, from a law enforcement perspective this idea is by far the most troubling. Our objections to election-day registration rest on the following considerations:

Registering voters at the polls on election day totally eliminates the ability of election registrars to confirm a voter's identity, place of residence, citizenship status, felon status, and other material factors bearing on entitlement to the franchise.

Requiring voters who wish to register on election day to provide some form of identification before being permitted to vote does not respond to the fraud problem. Most commonly used identification documents can be easily faked. Thus, a single false identification can be used by the same voter to cast ballots under assumed names at numerous polling locations.

Merging into one simultaneous act both the registration process and the voting process dramatically increases the risk of voter-bribery, since corrupt political operatives interested in targeting prospective voters for payments will no longer be confined to the preexisting names on registration lists. This problem is exacerbated by the fact, as we have observed in prosecuting and supervising hundreds of vote-buying cases, that individuals who accept payment for their votes do not have a strong interest in candidates and issues, nor do they tend to see the act of voting as a civic duty. Thus, for a few dollars, they are easily manipulated into giving up their franchise.

The ballots of election-day registrants are liable to be tabulated before an irregularity can be ascertained. There is thus the realistic danger of irreversible damage to the integrity of the election, even in those instances where illegal registration and voting are later discovered.

Although election-day registration may work reasonably well in rural and sparsely populated states, it is extremely doubtful that it would be at all successful in many states with mobile and urbanized populations which have experienced significant levels of local and state governmental corruption.

IV. THE GOALS OF INCREASING VOTER PARTICIPATION WOULD BE BETTER SERVED BY A MORE FLEXIBLE APPROACH

The clear disadvantages of S. 250—both with respect to the restrictive, inflexible procedures it would impose on the states, and the greatly enhanced potential for election fraud—strongly counsel a rejection of that approach. S. 250 would unnecessarily limit the states while failing to provide the federal government with expanded criminal jurisdiction over election fraud.[19]

Certainly, the goal of increased voter participation, while maintaining the integrity of the electoral process, is an important and laudable one. Should Congress desire to enact legislation in this area, we believe that this goal would be much better served by permissive, rather than mandatory, legislation to encourage the states to adopt expanded registration procedures tailored to their specific needs. Such legislation should provide both funds and flexibility to the states, while at the same time providing federal prosecutors with stronger statutory tools to combat the serious and difficult problems of election fraud and public corruption.

This latter approach is reflected in another voter registration bill, introduced by Senators Dole and Stevens as S. 3021 in the 101st Congress. S. 3021 would make new registration procedures voluntary for the states, and provide discretionary grants to those states that chose to adopt some or all of the new procedures. S. 3021 would add a new anti-corruption statute (proposed 18 U.S.C. §225) to remedy the existing patchwork matrix of criminal laws which attempt to deal with frauds on the electoral process and other abuses of the public trust by public officials.[20] The purpose of this important feature of S. 3021's registration proposal is to maximize the federal jurisdictional bases through which federal prosecutors can prosecute corrupt government officials and vote thieves in federal court. S. 3021 also would place the administration of the new registration requirements more appropriately in the hands of the Attorney General, rather than the Federal Election Commission, as S. 250 would provide.

We continue to believe that any legislation which would propose a relaxation of voter-registration requirements should be linked to an increase in federal criminal jurisdiction over election fraud and public corruption, in order that federal prosecutors will be able to respond effectively to the concomitant increases in corruption and election crimes that will inevitably accompany any substantial relaxation of the registration process.

The need to augment existing federal criminal laws dealing with election fraud and governmental corruption has greatly intensified since the Supreme Court's decision in *McNally* v. *United States*, 483 U.S. 350 (1987). Under *McNally*, the federal mail fraud statute—long the main statutory vehicle to assert federal prosecutive jurisdiction over corruption at the local and state levels—no longer applies to corruption and election fraud schemes that do not entail a deprivation of property rights. The enactment by the Congress of 18 U.S.C. §1346 in 1988 did not remedy *McNally*'s negative impact on our ability to combat election fraud in non-federal elections. It is therefore a matter of some urgency to the Department that additional anti-corruption legislation, such as that contained in Title II of S. 3021 (101st Congress), be enacted. Under the present statutes relating to, for example, election fraud, the assertion of federal prosecutive jurisdiction over corrupt conduct depends more on whether the name of a federal candidate happens to be on the ballot than on the type of criminal conduct which took place. This is not conducive to an efficient and effective law enforcement response to the serious crimes of election fraud and governmental corruption.

V. CONCLUSION

For all of the foregoing reasons, the Department of Justice recommends against enactment of S. 250. Any federal legislation in this area should follow instead the kind of approach reflected in S. 3021 in the last Congress.

We recognize, of course, that voter registration requirements at times have been used as instruments of discrimination against minorities. Those abuses were instrumental in leading to passage of the Voting Rights Act, and that Act has done much to eliminate discriminatory registration requirements. We believe that discriminatory registration laws or procedures can be dealt with adequately under existing law. While continued vigilance and vigorous enforcement of the Voting Rights Act remain crucial, the current record simply does not support enactment of this sweeping federal mandate, which would deny the states the essential flexibility they require to preserve the integrity of the electoral process.

FOOTNOTES

[1] See *Burroughs* v. *United States*, 290 U.S. 534 (1934) (upholding a federal law imposing record keeping requirements on political committees that accept contributions or make expenditures for the purpose of influencing the election of presidential or vice presidential electors); *see also Buckley* v. *Valeo*, 424 U.S. 1, 13 (1976) (upholding a federal law regulating campaign contributions against a First Amendment challenge and observing in dicta that the constitutional power of Congress to regulate federal elections is "unquestioned").

[2] *Burroughs*, 290 U.S. at 544.

[3] The power of the states to establish certain qualifications for voting in the election of Senators, Representatives, and the President is limited by several constitutional amendments. See U.S. Const. amend. XV (race, color, or previous condition of servitude); amend. XIX (sex); amend. XXIV (poll taxes); amend. XXVI (age). In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Supreme Court upheld a provision of the Voting Rights Act Amendments of 1970 which lowered the minimum age of voters in federal elections from 21 to 18, but the justices could not agree at to the proper basis for the Act's constitutionality. Justice Black believed that Congress has broad authority to set qualifications for voters for electors for President and Vice President, *id.* at 119-24, but four other justices denied that Congress has such power, *id.* at 209-12 (Harlan, J.) and 287-92 (Stewart, J., with Burger, C.J. & Blackmun, J.), while three justices expressly refused to consider Congress' authority to set qualifications for voting in federal elections. Id. at 237 (Brennan, White & Marshall, JJ.). The Court split on whether the Act was supported by Congress' power under the Fourteenth Amendment to prohibit discrimination on the basis of age, compare id. at 135-44 (Douglas, J.) & 239-81 (Brennan, White, & Marshall, JJ.) with id. at 154-200 (Harlan, J.) and 293-96 (Stewart, J., with Burger, C.J. & Blackmun, J.). This issue, however, is not raised by S. 250.

[4] For example, state driver-licensing eligibility does not overlap completely with voter eligibility, requiring states to follow additional steps with respect to license applicants to determine the applicability of voter registration. Most drivers who periodically renew their licenses already would have registered to vote through the normal voter registration mechanisms, and would have no need of the motor-voter registration procedures, while a large number of first-time applicants for driver's licenses—including those under, the age of 18 and those who are not United States citizens—would not be eligible to register to vote even though they can obtain a drivers' license.

[5] Section 11(d) of the bill provides that nothing in the bill shall restrict the applicability of the Voting Rights Act. Sections 4(f)(4) and 203 of the Act state: "Whenever any State or political subdivision subject to the prohibition[s] of * * * this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language * * * 42 U.S.C. §§1973b(f)(4), 1973aa-la. Because of these provisions regarding voter registration forms and materials, the bill might have the effect of requiring the limited number of jurisdictions subject to the multilingual requirements of that Act to make bilingual voting materials available as part of an application for a driver's license or public assistance. Likewise, jurisdictions covered by the preclearance provisions under Section 5 of

the Act, 42 U.S.C. §1973c, might have to obtain preclearance of some changes with respect to driver's license registration or public assistance to the extent that they affect voter registration. Because of the limited number of jurisdictions involved and the ease with which the requirements of the Act may be met, we do not anticipate that these obligations would impose an undue burden.

[6] Because the bill ostensibly would apply only to registration for voting in federal elections, the states still would be free to employ a different set of procedures with regard to registration for voting in state elections. However, the prohibitive cost of maintaining two parallel sets of voter registration procedures likely would induce most states simply to conform their state registration procedures to federal standards, thereby economically coercing the states into abandoning their constitutional prerogative to determine the qualifications for voting in state elections.

Apart from the cost of maintaining two parallel sets of voter registration procedures and voter rolls, that approach could cause considerable confusion on the part of voters who may misunderstand the limited scope of the federal registration procedures and mistakenly believe that they are registered for all purposes.

[7] S. 250 does not directly impose registration on the day of election. However, the exclusion from the requirements of the bill for any state that has adopted election day registration will be a very strong incentive to adopt that approach. That approach, as discussed more fully below, would greatly impair the ability of the Department and the states to combat voting and election fraud.

[8] We note, however, the anomaly in Section 5(d) of the bill which provides that a person could request a change of address for motor vehicle license purposes without having the registrar informed of the move for voting purposes. That would seem to facilitate fraud by those who would continue to vote at the old address.

[9] We note that the security of many existing mail-in registration schemes used by the states is suspect because some of them rely almost entirely upon having registrars send out non-forwardable canvass letters to persons who register by mail rather than in person. Although the assumption presumably is that the United States Postal Service will return the letters with respect to individuals who do not actually live in the specified address, that is simply not the case. The Postal Service does not inquire whether the addressee of non-forwardable mail actually exists and lives at the address in question. As the Postal Service acknowledged at a November 1989 meeting of the Federal Election Commission's Advisory Committee on election Administration, the only circumstance in which non-forwardable mail will be returned is where the addressee 1) is a real person 2) who once resided at the specified address and 3) actually filed a change of address form with the Postal Service; in any other case, the mail will simply be delivered to the current resident at the address with no notice to the sender. Thus, even one of the key existing methods used by the states to prevent fraudulent or multiple registrations is flawed, and S. 250 would not permit even the use of that method.

Because the assumption underlying verification by mail is false, there may in fact be a great deal of fraudulent registration by mail that simply has gone undetected. The only reported case in which registration by mail has been used fraudulently is *United States* v. *Cianciulli*, 482 F. Supp. 585 (E.D. Pa. 1979), and there the fraud was discovered only as a fortuitous byproduct of an investigation into matters unrelated to voter registration.

[10] Section 9(b)(2) of the bill would require mail voter registration application forms to include an attestation by the applicant, under penalty of perjury, that he or she meets all eligibility requirements, but would not permit notarization or any other form of formal authentication.

We also note that the bill requires the "signature of the applicant" on the registration application form. We are concerned that this language could prevent persons who are unable to write their names from registering in accordance with these provisions.

[11] Moreover, although Section 6(c)(1) permits the states to require that new voters who have registered by mail must vote in person at their first election, the following paragraph creates an exception for persons who are eligible to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or "any other law." This last condition, freely permitting absentee voting, would substantially eviscerate the safeguard of a first-time-in-person requirement. By definition, every voter must vote in person unless authorized by law to vote by absentee ballot.

[12] See e.g., United States District Court, Northern District of Illinois, Eastern Division, *Report of the Special January 1982 Grand Jury*.

[13] After all, existing felony laws (e.g., 42 U.S.C. §1973i (c) and (e), and 18 U.S.C. §§594 and 597) have never been wholly successful in deterring coercive or fraudulent registration and voting practices where political and social conditions are conducive to such practices. We know of no reason to expect that additional laws prohibiting intimidation and coercion would be any more successful.

[14] Registration officials are unlikely to find out when a registered voter has changed his or her voting residence if the voter hasn't bothered to inform them. Similarly, registrars would need to receive notice of deaths or convictions before removing voters' names on those grounds.

[15] The fact that the notice must be forwardable would mean that the registrar often would not receive notice of a change in address. Under existing Postal Service procedures, if a valid change of address order was on file, the forwardable notice would have been sent on to the addressee without any notice to the registrar that the addressee had moved from the specified address. On the other hand, if no change of address order had been filed, or if the person had never lived at the address at all (and used a false address to register previously), then the letter would simply be delivered to the address, again without any notice to the registrar of that fact.

[16] See, e.q., *United States* v. *Gordon*, 817 F.2d 1538 (11th Cir. 1987); *United States* v. *Howard*, 774 F.2d 838 (7th Cir. 1985); *United States* v. *Olinger*, 759 F.2d 1293 (7th Cir. 1985); *Ingber* v. *Enzor*, 664 F. Supp. 814 (S.D.N.Y. 1987). See also United States District Court, Northern District of Illinois, Eastern Division, *Report of the Special January 1982 Grand Jury*.

[17] We note that the bill's purging procedures would not apply in any event to persons registered by federal examiners under the provisions of the Voting Rights Act. Section 6 of the Voting Rights Act, 42 U.S.C. §1973d, permits Federal examiners to register voters in certain circumstances. Such federal registration lists have been compiled in Alabama, Louisiana, Mississippi, Georgia, and South Carolina. Under Sections 7(d)(2) and 9 of the Voting Rights Act, 42 U.S.C. §§1973e(d)(2) and 1973g, federally listed voters can only be removed from the state's list of eligible voters with the approval of the Office of Personnel Management after a challenge heard by an OPM hearing officer in accordance with OPM regulations, 45 C.F.R. Part 801.

[18] Section 4(b)(2) provides that the bill "does not apply to a State in which * * * all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office."

[19] S. 250 would also require that federal prosecutors provide state election officials with comprehensive information about felony convictions secured within their districts. Section 8(f). This is an unreasonable burden on federal prosecutors insofar as the information would already be part of the public record.

[20] The Department's proposed anti-corruption statute was set forth as Title II of S. 3021. This same language passed the Senate during the 101st Congress, as Title IV of the President's national drug-control legislation, S. 1711, in October 1989.

Mr. FORD. Mr. President, I am a little bit confused. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. FORD. Is the Senator saying to us or to me that the Senator's suggestion is that the States can go voluntarily to motor-voter, but does not the Senator's piece of legislation say that the so-called corruption by State officials under State laws is permanent?

Mr. STEVENS. I agree.

Mr. FORD. Then even though a State does not take motor-voter, the Senator's substitute would make the Feds involvement in the local races permanent?

Mr. STEVENS. Mr. President, I have tried to make it plain to my friend from Kentucky that the provision in this bill is the provision that was passed by the Senate before to extend Federal jurisdiction to such corruption in local elections. Yes. That is true.

Mr. FORD. I do not agree. I did not agree with it when it passed the other time.

Mr. STEVENS. We all voted for it.

Mr. FORD. Unanimous consent is a lot of things at night.

Mr. STEVENS. That was the crime bill. That was not unanimous consent. That was a record vote, Mr. President. I hope the Chair will indulge us. I know that we do get out of order. We will try to be orderly. We go back many years. And I understand my friend is trying to correct me. He believes I am wrong. I believe I am right.

This is a provision that passed the Senate. I have included it at the request of the Department of Justice specifically because those were their comments to us, to the Rules Committee, in connection with this bill, S. 250. I have done so.

I think the Senate should vote once again to extend the Federal jurisdiction for corruption to local crimes where there is a substantial Federal reason for being involved in such crimes that affect the voting process, and not be limited as we are now.

Does my friend want to discuss that? I want his point of view.

Mr. FORD. If the Senator will yield to me, Mr. President, we have talked to each other about as long as we need to talk to each other. Would the Senator consider agreeing to a time certain to vote, say 5 o'clock, or something like that?

Mr. STEVENS. Mr. President, I would be pleased to ask. I am not entitled by right, as my friend is, to one of those two seats. I will inquire of those that are entitled to see if we can now enter into such agreement. I will be pleased to consider it.

Mr. FORD. Will the Senator do that?

Mr. STEVENS. We will do that.

Mr. FORD. We need to know. I have some colleagues and you have some colleagues who are interested in a time certain. I would like to do that as soon as we could.

Mr. STEVENS. Mr. President, my trusted friend, who is also the assistant to the distinguished minority leader, has gone to consult.

Mr. FORD. I thank the Chair. As soon as we know, we would like to vote at a time certain.

Mr. STEVENS. I hope more people understand what they are going to vote on. I am getting tired of them, Mr. President—we get another one of those, political vote after political vote after political vote. I think somehow or other we ought to start listening to people out there who give us comments without regard to politics.

This is the National Governors Association, if my memory 0 is correct.

There is a majority of Democrats in that association. They oppose this bill. The National Association of Counties, with an overwhelming majority of Democratic members, oppose this bill. We are about ready to have another one of those political votes; oh, hum here comes another amendment offered by the minority, so let us just vote this thing down.

I am getting a little tired of that. I hope people will listen to this. This is a very serious amendment. It will authorize States to continue to do what they have done. It will authorize appropriations from the Federal Treasury to assist more to achieve that goal. It will authorize assistance, for instance, to computerize those voters lists. They should be computerized.

But I want to comment a little bit about the reference that my friend made concerning the former Brooklyn district attorney, Elizabeth Holtzman. I mentioned her name. A lady has a right to change her mind. There is no question about that. But I have the release made in her name on September 5, 1984, where she announced the grand jury report disclosing systematic voting fraud in Brooklyn. It pertained to the registration process. She said, quoting from her statement:

> It is imperative that immediate changes in procedures be made. Otherwise, there is the danger that serious fraud could occur in connection with the upcoming election.

This, as I said was back in 1984. She specifically referred to the grand jury 11 recommendations to correct the problem of fraud in registration and voting, and one of the statements she said says this:

> The Governor and the State legislature should study the problems of fraud in registration and voting identified in the report, and take appropriate legislative and administrative actions. The grand jury suggested examining such changes as requiring identification from voters at the time of registration. * * *

That is the reason I mentioned that letter of hers in the New York Times. There is no question that this bill, S. 250—which she now opposes according to the letter my friend has read a portion of—would prohibit a State requiring identification from voters at the time of registration, requiring witnesses, as our State does, to have notarization of a registration that comes from out of the State.

I do not know what the Federal Government is doing trying to change my State laws. They have worked for us. I do not have any complaints. This Senator from Alaska is saying why do you want the Federal Government to change those State laws? That is what this bill amounts to. This bill amounts to changing the laws of a series of States concerning existing State registration procedures and specifically requiring authentication of signatures on voter registration cards, as one of the specific recommendations of the grand jury in New York.

As I say, they have a right to change a position on such a thing. There is no question in my mind that my good friend has that letter. I seriously question leaving out the recommendation of the grand jury. Ms. Holtzman just announced the grand jury's recommendation. Why should Federal law now change the right of West Virginia to listen to its grand jury, of Illinois to listen to its grand jury, and of New York to listen to its grand jury? Voter fraud has been a serious problem in many States, and grand juries have spent a lot of time trying to figure out what to do. They make recommendations, and here comes a bill that says, whatever you do, you cannot require authentication of signatures on mail registration. That is wrong. It should not be in here.

My friend from Kentucky has talked about the voter turnout. As I said, I have the CRS report to the Congress on voter registration and turnout in States with mail and motor voter registration systems, February 23, 1990.

I did not do this. It is not a Republican plot. It is the Library of Congress giving us a study of this kind of a system. I want to read this to make sure that the Senate understands what I summarized before.

This is from page 18 of the CRS report that I have just mentioned:

> While the evidence of an increase in voter registration after the introduction of the motor-voter registration system is somewhat mixed, the data appeared clear with respect to voter turnout rates after the adoption of motor-voter registration.

That is what I said. I am talking about the voter turnout now.

Table 4 below shows that of the 10 States adopting motor-voter registration systems prior to the 1988 Presidential elections, 8 States displayed declines in the percentage of voting age population voting in Presidential elections, declines between 3.4 and 7.8 percentage points after adoption of motor-voter registrations during the period 1948 to 1988.

That is a 40-year period. During that period, these States had adopted that. Two States, North Carolina and Vermont, showed small increases in the percentage of vote of persons turning out to vote after adoption of motor-voter registration.

Mr. President, I ask unanimous consent that we have printed in the RECORD at this point the table that was mentioned from the CRS report, page 19, which shows that turnout decline.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 4.—Percentage Turnout of Voting Age Population (VAP) in States With Motor-Voter Registration Before and After Adoption of Motor-Voter Registration: 1948–1988

Name of State	Presidential					Non-Presidential				
	Before adoption		After adoption		Difference	Before adoption		After adoption		Difference
	Percent turnout of VAP	Number of elections	Percent turnout of VAP	Number of elections		Percent turnout of VAP	Number of elections	Percent turnout of VAP	Number of elections	
Arizona	49.69	9	46.29	2	−3.40	38.75	9	36.51	1	−2.24
Colorado	62.99	10	56.90	1	−6.09	50.02	9	45.44	1	−4.58
Iowa	67.79	10	60.00	1	−7.79	[1] 48.04	10			
Michigan	64.50	7	58.76	4	−5.74	49.85	7	42.83	3	−6.02
Minnesota	73.30	10	67.23	1	−6.07	[1] 51.14	10			
Nevada	50.92	10	45.42	1	−5.50	[1] 42.62	10			
North Carolina	45.07	9	45.34	2	.27	28.30	9	33.59	1	5.29
Ohio	62.95	9	57.99	2	−4.96	48.92	9	45.89	1	−3.03
Vermont	63.13	10	65.57	1	2.44	47.90	9	52.66	1	4.76
Washington	65.38	9	58.01	2	−7.37	49.15	9	40.87	1	−8.28
All States	61.92	93	56.14	17	−5.78	45.07	61	42.55	9	−2.52
All States without Michigan	61.43	86	54.64	13	−6.79	43.81	54	41.36	6	−2.45
Five active States	64.59	46	57.45	9	−7.14	47.95	25	43.26	5	−4.69
Five active States without Michigan	64.65	39	54.42	5	−10.23	45.03	18	40.95	2	−4.08

[1] Excluded from calculation of "All States" totals due to lack of elections "Before" or "After" adoption.

Mr. STEVENS. For non-Presidential elections, midterm elections, only two States, North Carolina and Vermont showed increases in voter turnout for the period from 1948 to 1988, after the adoption of new voter registration procedures. These increases were somewhat larger, and the decreases somewhat smaller than in Presidential elections.

Under those circumstances, again, I come back to my friend's comment. What is wrong with S. 250? Well, what is right about it? I think the Senate ought to ask that. Is this not just another bill we should put back where it came from? Name me a national organization associated with actually handling voting procedures—National Association of Governors; National Association of Secretaries of States, and all that I have read before, such as National Association of Towns and Townships; National League of Cities; National Association of Motor Vehicle Administrators; all of those would be affected by this, their associations came and opposed this legislation.

I tried to summarize that in the minority views that we issued at the time this bill was reported out of our committee.

Let me interrupt here.

I am authorized to state that if the Senator wishes an up-or-down vote on this at 5 o'clock, we are prepared to agree.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. I understand the Senator would like to have an up-or-down vote. That suits me fine, because if I move to table, I get no Republican votes. I am perfectly willing to give the Senator an up-or-down vote.

Mr. President, I ask unanimous consent that the vote on the pending substitute occur at 5 p.m., and that no amendment to the pending substitute be in order, and that the time between then and now be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, may I inquire before I consent to that? Is there time left for the two leaders under their leader time?

Mr. FORD. Mr. President, I believe that in the unanimous-consent agreement last night, their time was reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. The leaders can use their own time, and we can divide the time of 35 minutes between us; is that correct?

Mr. FORD. The Senator is correct.

Mr. STEVENS. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. It is not set precisely at 5, so that it will prevent them from using it?

Mr. FORD. No.

Mr. STEVENS. If the leaders wish to use their time, the vote will actually take place upon the expiration of our time and such leader time as they may wish to use.

Mr. FORD. The Senator is correct.

The PRESIDING OFFICER. Before the Chair rules, I think the Senator from Alaska is correct. If the vote is set for 5 o'clock, and the two leaders have not used their time, they would be entitled to that time. So that if they did come and seek to use their time, the vote could come after 5 o'clock.

Mr. FORD. The Chair is correct, and I agree.

The PRESIDING OFFICER. The Chair stands corrected.

Mr. STEVENS. I think that should be the understanding. They should be entitled to use their time before a vote in any event, Mr. President.

Let me go back to what I was talking about, which is the problems that we discussed in the minority report on this bill. I yield myself 10 minutes. I wish to save time in case anybody else wishes to come and speak.

The primary objection of these national organizations related to the unfunded mandates in S. 250, and I want to make sure that we understand that there are portions of these national associations that would support the motor-voter concept; but they join together in opposing the unfunded mandates of S. 250, imposing additional costs on the States at this time, when they do not have that ability to finance it.

As we pointed out, and as I mentioned before, let me read some of these estimates that were brought to us. My statement estimated it would cost $400,000 to comply this year. California was an independent estimate by Los Angeles County of $4.5 million with a total cost for California of $20 million; Florida, $6.4 million; Illinois, $30.4 million; Kansas, $500,000 million; New York, $450,000 million; New Jersey, $20.3 million; Oklahoma, $1.3 million; South Carolina, $2.8 million; Virginia, $5 million; Alabama, Minnesota, Missouri, and South Dakota, also expressed concern over the impact of the requirements. We do not have the actual costing from all States.

But, clearly, the major portion of their opposition comes from the States and the counties, I think, justifiable opposition to the Federal Congress telling them to change their laws, to mandate how they will be changed to mandate additional costs, which include, for instance, computerization of all those who are not computerized.

And then saying "But you absorb the cost. We are going to mandate it." It is another one of these national mandate concepts. I do believe there is no question that it is a valid objection to this bill, and I would hope that the Senate would recognize it as such.

I really would like to see more people listen to those who are actually handling these elections throughout our country.

I have discussed at length the problems of the grand jury.

Let me go back to just one more thing, Mr. President, and that relates to the overall question of whether the procedures of S. 250, which are mandatory, should be adopted by the Senate.

There is today a growing trend to try and register more people to vote. I support that trend. I remember when the League of Women Voters had their meetings in my living room in Anchorage and we were trying at the time, working with my wife, to increase voter turnout, increase voter registration.

I think it is a desire of all those who believe so strongly in our democratic process that we should demonstrate our belief in our system and our love of our country by having more people participate in our voting process. It does take a lot of work to assure that. We have gone into all forms of registration concepts—at supermarkets, at all sorts of State and Federal agencies on a voluntary basis.

This would be the first time that we mandated the registration of anyone who seeks a driver's license, and anyone who is given public assistance by a State or county, we would mandate the registration of the person to vote.

I have spoken at length about the mandate for those people who seek assistance from public agencies. I do not know how to express any more forcefully my feelings about that. I think it is just wrong. There is no other word for it. But it is just wrong. If a person is in a position in this country where he or she is forced to seek public assistance, I think we should do everything we can to accommodate meeting their needs. I certainly do not believe we should impose upon that person requirements such as this bill to have to state in writing whether that person should register to vote. That to me is just plain wrong. It also opens the avenues, as I said, to election fraud which ought to be considered by Members of the Senate.

I will close by going back to the Department of Justice's position on this bill. That is a report that came to us from the Office of Legislative Affairs. It traced the history of innovative procedures throughout our country—and let me quote that, Mr. President. The report said:

> Moreover, many States are voluntarily adopting innovative registration practices, including variations of the three mandated by the bill.
>
> We understand that some form of motor voter registration has worked well in a number of jurisdictions without fully appreciable increase in cost, that many areas are experimenting with various forms of satellite registration and mail-in registration which are being used successfully in several jurisdictions. But these jurisdictions also use a variety of procedures to guard against fraud and maintain the integrity of the election process.

Let me emphasize that.

> But these jurisdictions use a variety of procedures to guard against fraud and maintain the integrity of the election process.

In short, they are able to adapt and tailor the procedures to take into account local conditions that may make some practices more effective than others or may call for special measures to avoid fraud or for avoiding certain practices entirely. That essential flexibility to respond to local conditions would be forbidden by this bill.

There it is. That is the guts of it, Mr. President. This bill has no flexibility for a State. It will not let Alaska take into account the special circumstances of a very small population in a very large area that is inundated by visitors, workers, people who come to our State for over 30 days, many times the size of our own population. They must get drivers' licenses, and this bill will result in registering many of them.

I just cannot understand why we cannot have the flexibility that is needed to respond. I remember so well one of the witnesses that came in from New York City, downtown New York City, and asked for this. I do not know why in the world anyone needs an automobile in downtown New York City. It is hard to get around there in any event.

But what is this going to do to increase voter registration in New York City? It will give an avenue of corruption to the major megalopolis centers of this country that to me are unimaginable. As I said before, at least in States that won't mail registration, a person wanting to commit voter fraud had to find a graveyard to register someone or find someone who left the jurisdiction.

Under this bill, all they have to do is invent a name. They do not have to have anyone witness the name, do not have to have anyone verify the person who is eligible to vote. All you need do is just go in and get a driver's license. How many driver's licenses could you get?

You remember the Social Security queens of Illinois. We are going to have a driver's license king of New York. How many places can you get a driver's license in New York, and what about these States, 29 of them, that do not have a computerized driver's license system? How long would it take a State to find out if a group decides to register fraudulently in their State through the simple process of getting drivers' licenses in false names?

I think this bill just ought to go back into the can. It ought to be covered up and forgotten about. Everybody that is associated with the election process that tries to make it work today opposes this bill, and no one seems to want to listen.

This substitute gives the Senate a chance to go on record. The people who are listening, to the National Association of Motor Vehicle Administrators, the National Association of Counties, the National Association of Governors, the National Association of Secretaries of State, the National Association of Towns and Townships, and the National League of Cities are going to vote for our substitute. That is the bill those people want.

It says if you want to pursue motor-voter or other innovative registration techniques, there is matching money available from the Federal Government, but it is voluntary, and you can adopt it as you wish. And there is nothing in this substitute that says you cannot require verification of signatures, that prohibits notarization of registration from out of State. Nothing in this bill will prevent a State from following the recommendations of grand juries like those from West Virginia, Illinois, and New York. And I say it is a bill that ought to pass if we are going to pass flying in this area. Actually, as a practical matter, you really do not need anything. The States have done pretty well without it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, here we go with this scare tactic again, just trying to scare everyone. He talked about elected officials. We are not talking about elected officials here. We are talking about people. We are talking about giving the citizens an opportunity to vote. You hear about an extra desk and where you get your driver's license. It is all in one form if they want to, and they do not have to register to vote. All they have to do is say no. There is nothing mandatory in this at all. All they have to do is decline it. It is right there and they do not have to vote.

So that does not make it mandatory to vote. That is one of the issues they are trying to tell the Senate, that this bill, S. 250, does. That is just absolutely not correct, not correct.

It is just not mandatory at all. You hear the CRS report. Well, the opponents point to the CRS study—they claim that in the States the motor-voter program was adopted, turnout declined, did not increase. It should be noted, however, that the CRS study was flawed in a number of respects.

First, the CRS report included States with motor-voter programs which had not yet been implemented. The Senator knows that. Everybody knows that. But yet they are not told. Four of the ten States referred to by my good friend from Alaska in a CRS study—Washington, Vermont, North Carolina, and Iowa—did not, in fact, have an operating motor vehicle program at the time of the 1988 election when this study was conducted.

Second, the CRS report did not distinguish between new applicants and renewals. Some State's motor-voter programs are limited to new drivers' license applications, and we say in this bill they can set up their own procedure. Other States limit the program to license renewals; not the new ones. This allowed two biases to affect the study.

First, the applicant only programs, which have much less impact on registration levels, since it is obvious that far fewer people apply for licenses than renew them every 4 years.

Second, those applying for a license are overwhelmingly younger than those who renew them, and younger people vote less. In short, these biases led to an underestimation of the potential impact of S. 250 on registration and voting levels.

Third, the CRS study did not distinguish between in-person and mail drivers' license renewal.

Finally, a motor-voter program needs to be fully operational for 4 years, or a full drivers' license renewal cycle, in order to test its impact on registration voting. And the States that I set out a few moments ago headup the 26 percent.

The Senator talked about computerization. That is just not true. It is just not right to stand here on the floor and say they have to computerize. There is nothing in this bill that says computerize. The New York grand jury did not call for the repeal of mail registration. First-time voter in this bill, at someone's insistence, is that if you register by mail you have to appear in person the first time you vote. How do you check a man's signature or a woman's signature? Why, you just look at the driver's license. The driver's license has a picture on it, has a signature on it. That is verification. It is one of the best ever devised.

Cost. Oh, you just scare everybody with legal cases, being fined, sent to prison. Then, if that does not work, you say it is going to cost too much money. We have a cost estimate. The usual means is through CBO. CBO did a thorough analysis in contacting several States and the CBO study showed substantial cost savings by S. 250.

Computerization is not required, as you would hear this afternoon. The District of Columbia has motor-voter without computerization and adopted a program at a cost of less than 6 cents a form.

The bill does not mandate registration. It mandates the opportunity to register to vote. You can decline to vote or register. It is very simple to do. If you have the right to vote, as I said awhile ago, you have the right not to vote. S. 250 permits flexibility for States to design a program that will make sure that only eligible voters will be registered. States are not required to give notice to an applicant about the disposition of an application. Many States use this as a means of checking voter registration fraud.

I hope we will not be intimidated by elected officials. This is for the citizen and not for an elected official. I do not personally care whether that elected official has to work a little harder to register people so they can participate in democracy. That does not bother me at all. But it proves that when you go down and watch and look and see the county court clerk in registration, they find it smoother and easier because you get your drivers in months, not an avalanche of people coming in right at the end and you have to have additional help at greater cost.

So, Mr. President, I hope we would understand that there is a difference of opinion here.

When you read Elizabeth Holtzman's letter to us describing the grand jury, only two of those grand jury recommendations had something to do with registration. Nine were the security of the ballots. That did not seem like there were a lot of problems. And she says, in reviewing S. 250 and in looking at it very closely, that it has the provisions to prevent fraud, and she supports it very much.

Now, the secretary of state of Mississippi is the national president of the secretaries of state. I have a letter from him—do you want to put that in the RECORD?—saying that they have mail registration; got it first time. No fraud. He likes the motor-voter; got the legislation. He serves as the national president of Secretaries of State.

A lot of secretaries of state have come and testified—Washington, Oregon—right there by my distinguished friend. It is the right way to go. It works. Does not cost any more money. People have an opportunity to vote if they want to. All they have to do is decline it.

I do not see what the fear is here. But I want to make one thing clear, that if we accept this substitute—and I hope we do not—it will say to the States that your State and local voting laws will now be under the scrutiny of the Justice Department and you are subject to a Federal trial and 20 years in jail if you submit an application or information that is not accurate, does not contain all the information, or is false.

Now, my friend from Alaska asks what is wrong with setting up a table at a shopping center and let people register to vote? The only thing wrong with that, if his bill is passed, is that your wife, daughter, husband, or brother, or whoever it might be, that is there helping to register, and a man or a woman gives false information, either intentionally or not, is subject to the intervention of the Justice Department—a criminal charge, with up to 20 years in prison; Federal prison, even if we pass this as a voluntary situation.

So, Mr. President, we are getting in awfully deep here. I hope my colleagues would see the intent of this substitute, the intent of taking people off the rolls if they did not vote; if they did not vote in the last election, they are automatically taken off the rolls. He says it does not mandate it, but it can be done. That is the procedure now, and that is what we are trying to prevent.

I would hope that my colleagues would join with me.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Kentucky has 5½ minutes remaining.

Mr. FORD. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, former Governor Cowper estimated that the motor-voter concept would cost the State of Alaska $400,000 totally to implement, even though we currently have a concept of registering voters when they seek a driver's license if they wish to go through the procedure there.

I oppose this bill primarily because of the cost that it will impose on States, as I said. I have in my hand an October 1991, article from the Associated Press from my State. It is an announcement that the division of motor vehicles will cut back on office hours and, because personnel costs have gone up, they are $400,000 short of being able to fund all of their employees. So they had to cut 14 positions. That is under existing concepts. A report this year shows that just to comply in this year alone, it will cost another $400,000 for the State of Alaska, meaning another 14 employees could be out of a job.

I started off by listing the number of States that have a deficit right now that are eliminating employees under existing law. This bill, S. 250, is going to put more people out of work. The system is working. It is not broke. It does not have to be fixed now. If it does, the legislatures of the individual States can do it as they have in the past. But to impose on my State another $400,000 when we have already had to lay off 14 people because we do not have the money to pay them under existing law, to me, is another Federal intrusion into our lives complicating the business of trying to run a small State.

Why do we have to do this? The States have not asked us to do this. Some individuals have, but there is no demand from the States to have a Federal law mandating the creation of this kind of a system. Again, all you need to do, when the vote comes at 5 o'clock, is go outside this door and you will see about the 20 people in the country who want it. They are all going to be standing outside there, talking to Senators as they come in here to make sure we understand that their pressure groups want this bill. But not the people who were elected by the counties, by the States, and those people who enforce the laws, those people who administer the laws.

I just think the people who work for my State division of motor vehicles ought to understand, when they lose their jobs as a result of this bill, if it should become law, that it was not something that we sought. And it certainly is a wrong bill at the wrong time. It is just, as I keep saying, wrong.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Iowa [Mr. GRASSLEY] be added as a cosponsor, and that this bill then become the Dole-Grassley-Stevens amendment to S. 250.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I feel a little bit sorry for Alaska—I hate to say this—in some respects. In other respects, I do not. It is the only State that pays their residents money every year. I think last year it was about $900 per resident of Alaska that the State paid. I do not know how much it would have meant if they kept a dollar back. It would probably have taken care of their highway department. They get 95 percent on interstate roads, and the rest of the States just get 90. I understand why we treat them differently. I would be——

Mr. STEVENS. Mr. President, let us discuss that a little bit.

Mr. FORD. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FORD. And I am going to keep it for a minute or two, anyhow.

Mr. STEVENS. I still have a little time so I will get mine.

Mr. FORD. And I will have some after that.

But what we are getting here is a lot of poor mouth and a lot of fear, no trust. They do not trust. They say everybody is going to be fraudulent. Boy, it is going to be worse—mass fraud, mass fraud.

That is not true. You have to trust in the American people, and you have to give them an opportunity. You talk about these elected officials who do not want to do any more. I always found any business can have its budget reduced 10 percent and not miss a lick. Maybe we can increase our effort 10 percent here and not miss a lick.

But when you look at the District of Columbia that does not have a computerized registration operation, they do it manually, it is only 6 cents per application and they increased the registrations and increased their voter participation by 26 percent. It seems to me it is a pretty good law. It works pretty well. So I hope my colleagues will understand where we are.

I reserve the remainder of my time.

Mr. STEVENS. If my friend will stay there, Mr. President, I yield myself about 3 minutes.

Alaska is a unique State, and I am very proud to represent it. One of the things in our Constitution is that the State owns subsurface resources, and when income is earned from those subsurface resources, 25 percent of it is put into a permanent fund to carry over to the day when those resources may be depleted.

The income from that fund, 50 percent of that income, goes to accrete the fund. The other 50 percent is distributed among the individual members. This is the income from the fund, not the income from the resources, and it is only 25 percent of the money from the resources that goes into this special fund. The State legislature can spend 75 percent of the income from the resources, but one-half of the income from the deposits in the fund get distributed to the individual Alaskans.

I am happy my friend raised it because the Senate ought to be interested in the fact that that is taxable income, and, therefore, the Federal Government gets at least 28 percent of that which is distributed to individuals. If it was all spent by the State legislature, the Federal Treasury would get nothing.

But we decided that the people of the State as a whole should have some discretion in how the income earned by that fund is spent. And the major beneficiaries of that dividend that we distribute every year are, in fact, the residents of rural Alaska that have an average of eight children per family. It is one of the most unusual ways to distribute State income to assist those people who live in rural areas that I think has been devised in our country. I am very proud of it, by the way, I would say to my friend from Kentucky. I had something to do with the origination of that system. It has worked, and it continues to work. The day may come where our income has dropped down to where it can no longer be sustained, but at present I still say it is one of the most unusual forms of allowing the people of a State to determine how money earned by the State is spent, rather than have it all be spent by the State legislature.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Kentucky has 3 minutes remaining.

Mr. FORD. Mr. President, I yield 2 minutes to the distinguished Senator from Minnesota [Mr. WELLSTONE].

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. I thank the Senator from Kentucky.

Mr. President, I have had a chance to speak on the floor several times about this piece of legislation introduced by the Senator from Kentucky [Mr. FORD] and also Senator HATFIELD, from Oregon.

In many ways this piece of legislation is an extension of the 1965 Voting Rights Act, but it is a Voting Rights Act for all the citizens in this country. This is really a good-government bill. I mean, this is a piece of legislation that translates into probably about 65 million more Americans being able to register. Once again, we have arcane rules and regulations around the country. We have something that is universal. This is an effort on the part of the Federal Government to enact some public policy that will enable citizens to register and be able to vote.

Mr. President, as opposed to talking about the Voter Registration Act, you could simply talk about this as a prodemocracy act. We are at a point in time in our country where I think the message we want to send out from Washington, DC, to people all across the Nation is, if you have anger, if you think things should be changed, if you are hurting, if you want to see different public policies—then the beauty of our country is it is a democracy. And we want to emphasize and we want to nurture and we want to support people being able to register and vote.

For the life of me I cannot understand why there is such resistance to this piece of legislation. This is a good-government bill. This is a piece of legislation that is prodemocracy. It expands participation. It expands civilian involvement. And the best thing, I want to say to the Senator from Kentucky, is that it encourages people to get involved in our political process. There could not be a more important piece of legislation for us to pass. I certainly speak against the substitute amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining before the Senator votes.

Mr. FORD. Mr. President, that 1 minute and then we go to the vote? I think the Senator from Minnesota closed out very well.

I yield the remainder of my time. We can go to the vote.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, is leader's time reserved?

The PRESIDING OFFICER. The leader is correct.

Mr. DOLE. If I may take just a brief part of that.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I want to indicate my support for the Stevens-Dole-Grassley substitute.

The fact of the matter is, Mr. President, that no matter how noble the ideas advanced in the motor-voter bill, the States simply cannot afford it.

Eight States, including my State of Kansas, estimated that the total cost of complying with this bill's requirements would be $80 million. The total cost for all 50 States would obviously be much higher.

We have a law here in Congress now, Mr. President, where if someone proposed a new program, they also have to find the money for it. I think that same provision ought to apply to this bill.

I ask my friends on the other side of the aisle, how would you like the States to pay for your legislation? Do you want them to cut their education budgets? How about their child nutrition programs? Or maybe we should just tell them to raise their State taxes, and pass the costs along to the taxpayers.

So it seems to me for all the reasons stated earlier by the distinguished Senator from Alaska, it is no wonder that the National Association of Counties, the National Governors Association, and the National League of Cities have all called for the Democrats' motor-voter bill to be sent to the repair shop.

Instead of forcing something on the States, Mr. President, why do we not lend them a helping hand?

And that is just what the Stevens-Dole substitute would do, by providing grants to States to help them set up motor-voter programs.

As Senator STEVENS pointed out—the States, as they so often do, have beaten us to the punch.

Fully 27 States and the District of Columbia already provide citizens an opportunity to register to vote when applying for their driver's licenses. Seventeen other States are currently studying similar legislation.

Instead of allowing the States to determine what works best for them, as well as to determine what they can afford, my Democrat friends cannot resist the temptation to mandate a "one size fits all" requirement—a requirement which many cash-strapped States simply cannot afford.

Mr. President, our substitute is more flexible, costs far less, beefs up Federal and State efforts to combat election fraud and public corruption, and—most importantly—our substitute will be signed into law by the President.

And that is the bottom line. We have played this game before. The Democrat bill will probably pass the Senate. The President will veto it. And the veto will be sustained and that will take care of it for the remainder of the year. And absolutely nothing will have been accomplished.

Why do we not do something different for a change? Why do we not actually pass a bill that will be signed into law?

But as we saw with campaign finance reform, the majority party would rather play political games, than have meaningful reform signed into law.

The PRESIDING OFFICER (Mr. LAUTENBERG). The question is on agreeing to the substitute amendment offered by the Senator from Alaska.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON], the Senator from Iowa [Mr. HARKIN], the Senator from Rhode Island [Mr. PELL], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I also announce that the Senator from Ohio [Mr. METZENBAUM] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "no."

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—37

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Rudman
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—57

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—6

Craig
Cranston
Harkin
Metzenbaum
Pell
Wirth

So the amendment (No. 1821) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, this was an important amendment. And there are a number of other important amendments to the bill that I understand Senators intend to offer. I encourage any Senator who has an amendment and who intends to offer it to do so.

We would like to proceed and make as much progress on this measure as we can. As all Senators know by practice of recent years and by recent correspondence from me, Thursday is our evenings on which there are likely to be evening sessions, and if we are able to make further progress on this bill, I believe it is important for the Senate to do.

I have just spoken briefly with the distinguished Republican leader. He has advised me that he wishes to consult with some of his colleagues before advising me of their intentions with respect to further amendments to the bill.

I indicated of course that I would be prepared to await that consultation and look forward to hearing from the distinguished Republican leader in the near future following which I will have a further announcement to make.

In the meantime, any Senator who has an amendment to the bill who wishes to have it considered is free to do so at this time.

So I expect as of now at least that there will be further amendments and further votes, and I hope further progress on this bill this evening.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see the floor managers. If there is not going to be an amendment, I would like to speak briefly on another subject.

Mr. FORD. Mr. President, I say to my friend from Massachusetts, on this side I have no amendments. And under the circumstances with the minority leader discussing the possibilities with his members, we await his consultation with the leader. We are perfectly willing to take up any amendments they want. But, as of now, I know of no amendments to be offered. I would like to move this bill on as far as we can.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my remarks be printed at an appropriate place in the RECORD not to interfere with the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY TIME-SENSITIVE ASSISTANCE FOR AMERICAN YOUTH

Mr. KENNEDY. Mr. President, on behalf of Senator HATCH and myself, I submit an amendment to H.R. 5132, the urban emergency supplemental appropriations bill approved by the House of Representatives earlier this afternoon.

Our amendment will add $1.45 billion for time-sensitive job, education, and community programs that can make a difference for the Nation's cities this summer.

The funds made available by the amendment will be allocated to four specific programs: $700 million for summer jobs; $250 million for summer Head Start for young children and their families; $250 million for expanded chapter 1 education programs for disadvantaged students in the public schools; and $250 million for the Justice Department's innovative Weed and Seed Program to help reduce crime and establish basic services in communities.

I commend Senator HATCH for his leadership and assistance in developing this bipartisan approach. Our hope is that this measure will go to the President before Congress adjourns next week for the Memorial Day recess.

In addition, we intend to work together to see that an effective additional response is undertaken by Congress in follow-on legislation to deal with the longer run aspects of our urban crisis.

In the wake of the tragedy in Los Angeles, we are all well aware of the crisis of discrimination and despair that is festering in so many of our cities.

The riots and their ripples sent across the country demonstrate how far we still have to go to deal effectively with these challenges. The prejudice, the poverty, and the hopelessness that still blight our land must not be permitted to continue.

Congress and the administration are now working together, exploring a range of worthwhile ideas for emergency action to provide funds to meet the most urgent needs of the cities for this summer in areas such as jobs, schools, community development, food and shelter, and aid to law enforcement.

The kind of action we are talking about would be only a small part of the total Federal budget—but it can be a large downpayment on the future of America. If we have the will, we can certainly find the wallet.

On social issues, the immediate emphasis should be on doing more in programs where actions by Federal, State, and local governments can make an immediate difference.

One such program is summer jobs for youth. Two other excellent examples are allowing the Head Start programs for young children and their families to remain open this summer, and expanding the summer chapter 1 program for disadvantaged students in the public schools.

Programs like these deserve increased funding now.

Tragically, our cities are heating up, at the very time when many Head Start and chapter 1 programs are shutting down, and when the summer jobs program is severely underfunded in cities across America. It is a measure of the decade of neglect, of our failure to meet the needs of so many of today's youth in our cities, that only half as many will be able to participate in the summer jobs programs this year as a decade ago.

Time is of the essence, because our ability to utilize these programs effectively this summer is time-sensitive.

Ninety-five percent of Head Start activities for 3-, 4-, and 5-year-olds and their families will close down between this week and the end of the first week in June—leaving facilities empty for the summer, and cutting off valuable lifelines of support for many of the neediest children and families in the Nation's inner cities.

Children risk losing the gains achieved in the school year, and their parents are left without the social support systems offered by the program. Thirty-six percent of the teachers in Head Start are the mothers or the fathers of the children, so the program is an important source of jobs for disadvantaged parents.

The chapter 1 public school programs offers the same time-sensitive opportunity for action. In virtually every school district, the schools close in the second or third week in June. Many urban districts, however, run worthwhile summer programs for disadvantaged pupils from ages 6 to 18, involving them in both work and school activities.

Local education agencies need several weeks of lead time to rehire teachers and expand these important and successful summer school programs. The task can be accomplished—but only if Congress provides funds now, in mid-May, not next month, in June.

Similarly, the Federal summer jobs program addresses inner-city youth unemployment rates of 50 percent.

The program starts the week after schools close. The Department of Labor says that June 5 is the drop-dead date, after which Federal funds can no longer be distributed effectively to the States and then to cities and rural communities.

Summer job funding dropped precipitously in the 1980's. The current appropriation for this summer is less than half what it should be.

Enabling hands-on programs like these to function effectively through the summer should be our highest urban priority. They are capable of engaging children and families in their communities and providing a meaningful downpayment on hope for a better future.

In law enforcement, the Justice Department's Weed and Seed Program is designed to weed inner cities of crime and seed new economic and social projects. It is an innovative idea. The Bush administration deserves credit for the concept. And it deserves a substantial increase in funding.

The recent violence that has torn the fabric of our society will not be easily healed. For a decade and longer, we have ignored the warning signs. Extreme wealth and poverty cannot permanently coexist in any society, and certainly not in our democracy.

We are all in the same boat. If one end sinks, the other end, for a moment, points to the sky and then sinks to the bottom, too.

It is small comfort to the few who are well off that they seem in recent years to be rising toward the sky.

Mr. President in addition to the amendment I have just submitted, I have introduced S. 2728 on the same subject, and would now ask unanimous consent that the text of the bill be inserted in the RECORD along with accompanying attachments.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED AMENDMENT TO H.R. 5132

(Purpose: To make emergency supplemental appropriations to provide emergency short term assistance for American cities and meet the urgent needs for the fiscal year ending September 30, 1992, and for other purposes)

Strike the sentence beginning "This Act may be cited" and insert the following:

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

HUMAN DEVELOPMENT SERVICES—HEAD START

For an additional amount to carry out the Head Start Act, $250,000,000, which shall remain available until expended, and which shall be made available to Head Start agencies operating Head Start programs on the date of the enactment of this Act, for the purposes of assisting the agencies to provide, during the summer months, Head Start services, including services through family literacy projects: *Provided*, That no part of any amount appropriated under this Act or any other provision of Federal law shall be used to enforce the limitation specified in section 640(b) of such Act with respect to such amount: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED—CHAPTER 1

For an additional amount of $250,000,000, to remain available until expended, to carry out programs and projects in each of the 50 States during the summer months that meet the special educational needs of educationally deprived children identified in accordance with section 1014 of the Elementary and Secondary Education Act of 1965, including programs and projects related to arts and drama, academic subjects, literacy, recreation, conflict management, and dropout prevention: *Provided*, That such amount shall be expended by first reserving for each State $500,000 of such amount to carry out such programs and projects, and by allocating the remainder of such amount in accordance with section 1005 of such Act: *Provided further*, That—

(1) a sum equal to not less than 60 percent of the amount each State receives under this heading shall be made available to carry out such programs and projects through local educational agencies, as defined in section 1471(12) of such Act, that—

(A) serve the largest central city, as defined by the Director of the Bureau of the Census, in a State; or

(B)(i) enroll more than 25,000 students; and (ii) serve such a city that has a population of not less than 125,000 and is within a metropolitan statistical area, as defined by the Bureau of the Census; and

(2) the remaining amount each State receives under this heading shall be made available to carry out such programs and projects through local educational agencies, as defined in section 1471(12) of such Act, that—

(A) have a lower per pupil expenditure than the average per pupil expenditure within the State; and

(B) have a higher percentage of children in poverty than the State average percentage of children in poverty,

except that the sum described in paragraph (1) may be altered if the chief State school officer and the State board of education agree to such alteration and publish the reasons and the objective criteria used to determine, that other such local educational agencies have a greater need: *Provided further*, That each local educational agency receiving funds under this heading shall make whatever arrangements are necessary to ensure that students in private, nonprofit elementary and secondary schools are eligible to participate in programs and projects assisted under this heading: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMPLOYMENT AND TRAINING SERVICES—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

For an additional amount to carry out part B of title II of the Job Training Partnership Act, $700,000,000, which shall remain available until expended: *Provided*, That such amount shall be expended by—

(1) first allocating the amount so that—

(A) 50 percent of the amount shall be allotted on the basis of the relative number of economically disadvantaged adults, as defined in accordance with section 4(8) of such Act, within each State, as compared to the total number of such economically disadvantaged adults in all States;

(B) 25 percent shall be allotted on the basis of the relative concentration of such economically disadvantaged adults within each State as compared to the total concentration of such economically disadvantaged adults in all States; and

(C) 25 percent shall be allotted on the basis of the relative number of unemployed individuals, as defined in accordance with section 4(25) of such Act, who reside in each State as compared to the total number of such unemployed individuals in all States; and

(2) adjusting the sums so allocated—

(A) to ensure that each State with a teenage youth unemployment rate above the 1991 average teenage youth unemployment rate, as calculated by the Bureau of Labor Standards, shall receive not less than the State would have received if such amount had been allotted in accordance with section 201(b) of such Act; and

(B) by reducing the sums received by States not described in subparagraph (A) on a pro rata basis: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION WEED AND SEED

For an additional amount to carry out the demonstration program carried out in fiscal year 1992 by the Department of Justice and other entities of the Federal Government and known as "Operation Weed and Seed", $250,000,000, which shall remain available until expended and which is appropriated to entities of the Federal Government that carried out such program in fiscal year 1992, in the same proportion as amounts were obligated to carry out such program in fiscal year 1992: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1992, for Disaster Assistance To Meet Urgent Needs Because of Calamities such as Those Which Occurred in Los Angeles and Chicago".

S. 2728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Short Term Assistance for American Youth Act of 1992".

SEC. 2. NONAPPLICABILITY OF BUDGET ACT.

Congress hereby designates the sums described in this Act as emergency requirements for all purposes of the Balance Budget and Emergency Deficit Control Act of 1985.

SEC. 3. GENERAL APPROPRIATION AUTHORITY.

The sums described in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes. Such sums shall remain available until expended.

SEC. 4. HUMAN DEVELOPMENT SERVICES/HEAD START.

For an additional amount to carry out the Head Start Act, $250,000,000, which shall be made available to Head Start agencies operating Head Start programs on the date of the enactment of this Act, for the purposes of assisting the agencies to provide, during the summer months, Head Start services, including services through family literacy projects: *Provided*, That no part of any amount appropriated under this Act or any other provision of Federal law shall be used to enforce the limitation specified in section 640(b) of such Act with respect to such amount.

SEC. 5. COMPENSATORY EDUCATION FOR THE DISADVANTAGED/CHAPTER 1.

For an additional amount of $250,000,000, to carry our programs and projects in each of the 50 States during the summer months that meet the special educational needs of educationally deprived children identified in accordance with section 1014 of the Elementary and Secondary Education Act of 1965, including programs and projects related to arts and drama, academic subjects, literacy, recreation, conflict management, and dropout prevention: *Provided*, That such amount shall be expended by first reserving for each State $500,000 of such amount to carry out such paragraphs and projects, and by allocating the remainder of such amount in accordance with section 1005 of such Act: *Provided further*, That—

(1) a sum equal to not less than 60 percent of the amount each State receives under this heading shall be made available to carry out such programs and projects through local educational agencies, as defined in section 1471(12) of such Act, that—

(A) serve the largest central city, as defined by the Director of the Bureau of the Census, in a State; or

(B)(i) enroll more than 25,000 students; and

(ii) serve such a city that has a population of not less than 125,000 and is within a metropolitan statistical area, as defined by the Bureau of the Census; and

(2) the remaining amount each State receives under this heading shall be made available to carry out such programs and projects through local educational agencies, as defined in section 1471(12) of such Act, that—

(A) have a lower per pupil expenditure than the average per pupil expenditure within the State; and

(B) have a higher percentage of children in poverty than the State average percentage of children in poverty,

except that the sum described in paragraph (1) may be altered if the chief State school officer and the State board of education agree to such alteration and publish the reasons and the objective criteria used to determine, that other such local educational agencies have a greater need: *Provided further*, That each local educational agency receiving funds under this heading shall make whatever arrangements are necessary to ensure that students in private, non-profit elementary and secondary schools are eligible to participate in programs and projects assisted under this heading.

SEC. 6. EMPLOYMENT AND TRAINING SERVICES/ SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.

For an additional amount to carry out part B of title II of the Job Training Partnership Act, $700,000,000: *Provided*, That such amount shall be expended by—

(1) first allocating the amount so that—

(A) 50 percent of the amount shall be allotted on the basis of the relative number of economically disadvantaged adults, as defined in accordance with section 4(8) of such Act, within each State, as compared to the total number of such economically disadvantaged adults in all States.

(B) 25 percent shall be allotted on the basis of the relative concentration of such economically disadvantaged adults within each State as compared to the total concentration of such economically disadvantaged adults in all States; and

(C) 25 percent shall be allotted on the basis of the relative number of unemployed individuals, as defined in accordance with section 4(25) of such Act, who reside in each State as compared to the total number of such unemployed individuals in all States; and

(2) adjusting the sums so allocated—

(A) to ensure that each State with a teenage youth unemployment rate above the 1991 average teenage youth unemployment rate, as calculated by the Bureau of Labor Standards, shall receive not less than the State would have received if such amount had been allotted in accordance with section 201(b) of such Act; and

(B) by reducing the sums received by States not described in subparagraph (A) on a pro rata basis.

SEC. 7. OPERATION WEED AND SEED.

For an additional amount to carry out the demonstration program carried out in fiscal year 1992 by the Department of Justice and other entities of the Federal Government and known as "Operations Weed and Seed", $250,000,000, which is appropriated to entities of the Federal Government that carried out such program in fiscal year 1992, in the same proportion as amounts were obligated to carry out such program in fiscal year 1992.

KENNEDY-HATCH TIME-SENSITIVE INVESTMENTS FOR YOUTH FY 92 SUPPLEMENTAL APPROPRIATION

1. SUMMER HEAD START—$250 MILLION

Age Group: 3-5 years.

Additional Youth Served: 200,000.

Time-Sensitive Factor: 95% of Head Start Programs close between this week and the end of the first week in June. (See attached chart for city-by-city specifics).

Rationale: Most Head Start programs close down for the summer, leaving empty facilities in the summer months. This leaves the children vulnerable to losing the gains they have achieved over the school year and their parents without the social supports provided by the program. In addition, 36% of the teachers in the program are the parents of the children—representing an important job source for disadvantaged parents.

2. CHAPTER I SUMMER PROGRAM—$250 MILLION

Age Group: 6-18 years.

Additional Youth Served: 550,000.

Time-Sensitive Factor: Virtually every school district closes the second or third week in June. (See attached chart on school closure dates in major cities.) The local education agencies need several weeks lead time to rehire teachers and expand summer programs.

Rationale: Many urban districts run promising programs for disadvantaged students enabling them to retain academic growth achieved during the school year. Chapter I funds would make it possible for cities to expand these programs, engaging students both in work and school.

3. SUMMER YOUTH—$700 MILLION

Age Group: 14-19 years.

Additional Youth Served: 500,000.

Time-Sensitive Factor: Summer Jobs programs start the week after public schools close. The Department of Labor says that June 5 is the "drop-dead date" after which it would not be feasible to get the funds out to the states, and, in turn, to the cities and rural communities.

Rationale: Summer job opportunities have dropped dramatically in the 1980's, with a current appropriation that is less than the 75% of the 1981 appropriation in nominal dollars. With the cost of inflation, we are currently serving only half as many young people—about 530,000 annually—as a decade ago.

This program directly addresses our inner-city youth unemployment rates of 50%.

4. WEED AND SEED—$250 MILLION

Operation Weed and Seed is a comprehensive, multi-agency approach to combatting violent crime, drug use and gang activity in high-crime neighborhoods. The goal is to "weed out" crime from targeted neighborhoods and then to "seed" the targeted sites with a wide range of existing and new crime and drug prevention programs, as well as human service agency resources. Weed and Seed is a component of the President's package responding to the Los Angeles riots.

HEAD START SUMMER DEMAND

City	No. of school year kids	No. of summer program kids	Summer service potential	Program closing date	Latest notification date
Boston	2,100	(1)	2,100	June 12	June 12

HEAD START SUMMER DEMAND—Continued

City	No. of school year kids	No. of summer program kids	Summer service potential	Program closing date	Latest notification date
Dallas	1,982	120	500	June 5	May 18
Miami	+3,885	480	+3,885	May 28	May 22
New Orleans	1,800	1,800	+2,100	July 20	July 14
District of Columbia	406	94	406	June 19	June 12
Los Angeles (program 1)	1,331	(1)	1,331	May 26	May 25
Los Angeles (program 2)	220	(1)	220	June 15	June 1
Detroit (program 1)	1,225	(1)	1,225	May 29	May 18
Detroit (program 2)	6,000	(1)	3,500	June 15	June 14
Chicago (program 1)	12,000	(1)	6,000–9,000	June 15	June 10
Chicago (program 2)	2,300	(1)	2,300	May 21	May 21

[1] No program.

Comments: "With high summer unemployment Head Start is needed desperately."—Chicago. "Tremendous need for full-day full-year Head Start."—Chicago. "Summer programs long overdue."—Los Angeles.

SCHOOL CLOSING DATES

Detroit, June 12.
Atlanta, June 15.
Baltimore, June 15.
Boston, June 25.
Ft. Lauderdale, June 12.
Dallas, May 29.
Denver, June 4.
San Diego, June 10.
San Francisco, June 11.
Jacksonville, June 4.
Seattle, June 11.
New York City, June 26.
Tucson, June 12.
Toledo, June 12.
Washington, DC, June 19.

CHILDREN'S DEFENSE FUND,
Washington, DC, May 14, 1992.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND HATCH: The Children's Defense Fund strongly supports your efforts to enable low-income preschool and school-age children as well as teenagers to have constructive summer experiences this summer. An immediate infusion of new funds for Head Start, Chapter I, and Summer Youth programs will allow local communities to begin to provide sorely needed new services.

Currently, fewer than five percent of Head Start programs operate during the summer months. In our conversations this week with Head Start programs across the country, they indicated that they are eager to open their doors to help children, their parents, and their communities. Children will be able to build on the gains that they have made during the year and have a safe haven to spend the summer. Parents who rely on the extra support that Head Start offers will receive a special boost this summer. Finally, jobs will be available for not only teachers and classroom aides but also cooks, bus drivers, and the many others that make a Head Start program work well.

We also look forward to the positive experiences that school-age children will have in programs supported by Chapter I during the long and often empty summer months and the job experiences that so many of our teenagers desperately need. These are dollars well-invested in our children's—and our nation's—future.

Sincerely,

MARIAN WRIGHT EDELMAN,
President.

Mr. HATCH. Mr. President, the Senator from Massachusetts and I do not always agree, but today, I am pleased to join him in sponsoring an amendment to the so-called Los Angeles emergency supplemental appropriations bill that would address one of the root causes for the recent violence in that city and in other parts of our country.

I believe that, if we are to learn tolerance for those of other races, creeds, and nationalities, we must reach our Nation's children. They are clearly our future.

An educated citizenry does not resort to destruction and violence. They instigate change through the institutions of a democracy. We must reach children through education.

A citizenry that has a stake in our economic institutions does not burn them down. We must reach teenagers with job opportunities.

Mr. President, the amendment we are proposing will increase the number of children and teenagers that can be served this summer in three existing Federal programs: Head Start, chapter 1, and JTPA summer youth employment. We have estimated that by increasing the appropriations for these programs, an additional 1½ million children and youth can be learning and earning this summer.

Additionally, this amendment appropriates $250 million for the President's Weed and Seed Program, which is designated to help revitalize American neighborhoods through comprehensive and coordinated efforts in the areas of housing, health services, education, job training, law enforcement, and community development.

Mr. President, the efficacy of this approach is threefold. First, no new programs are no new bureaucracies are created. These funds are going directly to where they are needed.

Second, under this amendment, every State would receive additional assistance from these programs. We recognize that even while the news media was focused on Los Angeles, other cities in other States face similar problems. Even in Utah, we are trying to provide constructive alternatives to membership in youth gangs.

Third, this amendment does not preclude consideration and support of other elements of the President's proposals for urban and economic development. I believe these proposals, such as enterprise zones and ownership in public housing, are past due. In addition to supporting programs which have made substantial positive impacts, like Head Start and JTPA, we ought not to neglect good ideas that can work in the future. President has offered a program that Congress ought to debate and pass.

Mr. President, I compliment the distinguished Senator from Massachusetts, once again, for trying to do what really needs to be done. The four programs here, all of which are good, solid programs; all of which, I think, should be supported by Republicans as well as Democrats.

When we see what happened in Los Angeles, and what is about to happen in other cities in this country, because of the despair, futility, and difficulties of people living in large urban and inner city areas, it seems to me this is the least we should do at this particular time.

As a conservative, I think we need to do more in these cities, especially with programs that we know have better than a reasonable chance of being highly successful. I have to say that the summer Head Start program is among the better programs in the Federal Government. We are going to add $250 million for summer Head Start. It is time-sensitive, because 95 percent of all Head Start programs are going to close beginning this weekend. This is a very good program that will help a lot of these children—at least 200,000 more in the inner city—at a time when they may need the help more than at any other time in our country's history.

We add another $250 million to the Chapter 1 summer program. While the Head Start program will take care of 200,000 children between the ages of 3 and 5 years of age, the Chapter 1 summer program will help children between 6 and 18. We are hoping that we can serve 550,000 youths through this program.

Almost every school district in the country is going to close within the next few weeks. We want to provide kids with constructive activities and learning opportunities during the summer. Many school districts, in these very difficult areas, run these types of Chapter 1 programs for disadvantaged students, which, of course, will help these students to grow academically.

I do not know of anyone who would not admit that the summer program under Chapter 1 has been one of our most successful programs.

Then we add $700 million to the JTPA summer youth employment program for young people between the ages of 14 and 19 years of age. We are hoping that approximately 500,000 additional youths will be served at a time when they need it the most.

As I have said, the public schools are closing for the summer, and as of June 5, it will be almost impossible to get funds to the States to be able to do this program, and especially to the cities and rural communities where these young people live.

It is critical that we do this, it seems to me, at this time. And we might have a very difficult time in the future, caused by some of these young people who do not have enough to do and do not have enough supervision.

Finally, I think that the Senator from Massachusetts was very gracious in his comments giving the Bush administration credit for the Weed and Seed Program, which has a great deal of merit. That program is a comprehensive, multiagency approach to help alleviate violent crime, drug use, gang activity, or gang warfare in these inner cities; and certainly in high crime neighborhoods we want to weed out these types of destructive activities in our society. We would put $250 million into that. I believe we will get unlimited benefits from this additional money in the Weed and Seed Program. All told, it is about $1.5 billion. If you consider our budget as $1.5 trillion or more, this is a very small percentage of the budget. But these funds and these four programs may do more with that $1.5 billion than tens-of-billions of dollars in some of the other programs that do not teach—that do not invest in these kids' potential.

I hope we can get this up, get it resolved, and get it passed quickly enough to do some good this summer. Hopefully this will be a start toward more progress in the future. I look forward to working in these areas with Senator KENNEDY, as we have in the past, in the best interest of our country as a whole, and certainly our inner cities and our very desperate crime-ridden areas.

Mr. President, I am pleased that my colleague from Massachusetts and I were able to work out this amendment, and I urge all Senators to support it when the time comes for the Senate to act on this appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague and friend from Utah. As our Members know, the principal programs for which we provide supplemental funding, Head Start programs as well as Chapter 1 and the JTPA programs, are in our committee. We also propose funding for the Weed and Seed Program.

I ask my colleague from Utah, does he not agree with me that, first of all, there is a time sensitivity to these particular programs? I hope that we will persaude the membership to approve this amendment by next week prior to the Memorial Day recess. If not, you can effectively say that these kinds of programs, in the cities this summer, will not take place. So I am asking, does he not believe that a key element of this whole effort is: First, the time sensitiveness of this. And, second, would he not agree with me that this program is really targeted on young people, on the children, in these areas?

I think you will find, even reviewing Los Angeles and the other instances of violence, that you rarely, if ever, find children involved either in the Head Start Program the Chapter 1 program or the summer youth program who are involved in any of the disruption or their parents involved in the disruption.

Would he not agree that our effort is really a rescue effort to those individuals who live in the inner cities and who want to be a part of the whole process of bringing some stability and hope in those communities? Would he not agree with me that the truth is this is time-sensitive and the direction is toward the children? No matter what side of the aisle you are on, recognize that it is really the children and the young people who are going to be key in terms of the cities' future and the Nation's future.

Mr. HATCH. Mr. President, I certainly do agree with my colleague from Massachusetts. This is a very time-sensitive proposal. I do not think we can pick four more beneficial programs for our young people who are the most vulnerable in our society. If we do this now, we may be able to help prevent some of these disasters that have occurred in the past, including the Los Angeles disaster recently.

I do not think we can sit back here and blame all of the people living in the Los Angeles area for what happened there. While I do not think we can justify the criminal actions that occurred there, we can perhaps understand it. Certainly there is no excuse for what happened. But, on the other hand, there are a lot of people who really are downtrodden, who really feel vulnerable and abused and left alone and who really do not know where to turn. Sometimes, in frustration, they participate in some of these activities out of despair. We want to alleviate that. We want to help our young people along at this time in their lives. We do not want our children and youth to believe no one cares.

I just have to say this as one who is strongly pro-life. We just had a major hearing on the freedom-of-choice bill yesterday. I am strongly pro-life. I really believe that abortion should be allowed only in cases when the life of the mother is at risk, or rape, or incest. I do believe even those who believe in the right of choice taper off after you start getting beyond those three.

But you know one thing that bothers me about many people in the pro-life cause is that they want these children to be born, but sometimes they are not willing to do anything about helping them after they are born. I think it is pretty pitiful if we as a society have laws that encourage the birth of children and yet do nothing to help children or families and just stand by while the society itself tears them apart from within.

This particular legislation is not only time-sensitive so programs can be underway this summer, because these funds will do a lot of good across this country for hundreds of thousands of young people, but also the time is crucial if we want to make some headway at this particular time in our society against some of the things that were typified and exemplified by the Los Angeles riots.

I have to say that I agree with my colleague from Massachusetts. This is not just another liberal throw-money-at-it amendment. These programs make human capital investments in our children and youth.

I, for one, have to admit that I wish we had more money for these four programs. I wish we could ask for more money. I wish we could do more for Head Start and these other youth programs, and I wish we could do more to the Weed and Seed Program. It is a great idea and one that may help us with these gang problems, drug problems, and inner city drug problems at a time we have to have them.

I compliment again the Senator from Massachusetts and tell him what a privilege it is when we can agree to work together and to try to bring both sides together to resolve some of these terrible, terrible problems confronting our Nation's cities and States.

This is the appropriate time to do it. If we do not do it now, if we do not do these few minimal things now, then we will lose a lot of these kids this summer, and I think it would be tragic if we lose any of them. We will lose some anyway, but we will save a lot of kids and help a lot of kids down the right path if we will just do this simple legislative enactment before the end of this month so that these funds can be utilized in the best possible way before this summer is over.

Again, I am happy and honored to participate as a principal cosponsor in this measure.

Mr. KENNEDY. Mr. President, I again thank the Senator from Utah. As pointed out in our statement, we will be affecting over 1.5 million children in this country with this program, 1.5 million children, and it will be thousands of jobs for the parents of the Head Start children who will be in that program.

So, as the Senator from Utah has pointed out, these programs have been evaluated, they have been examined, they have been reviewed. There has been bi-partisan support for them. We debated, at other times, funding levels on them, and we are constantly interested in how they can be perfected and strengthened. We have strengthened the Head Start Program and are constantly trying to do more. We have just strengthened the JTPA Program. We will be reviewing the Chapter 1 Program. But there is no question that these programs have been effective and are really the lifeline for virtually millions of families in this country, and, if we do not do this, we are turning off the light for millions of families.

I am enormously grateful to the Senator from Utah for his strong help and support. He is a supporter of these programs.

I think our principal differences have been on the level of funding for them. We have worked together to try to make these programs effective, and now we are working together to try to reach out to many families who are experiencing hopelessness, despair and a sense of real rejection, to demonstrate that we can deal with the problems of the cities. We are going to be sensitive, first of all, to children in these communities and then move beyond and find ways to create jobs in partnership with the private sector.

I thank my colleague.

AVOIDING THE PROLIFERATION OF NUCLEAR ACCIDENTS IN THE FORMER SOVIET UNION AND THE BALTIC STATES

Mr. PRESSLER. Mr. President, outmoded nuclear reactors built around the world by the former Soviet Union and its satellites pose a potentially grave threat to the environment. Compared to reactor safety in this country, problems with Soviet-designed reactors pale to insignificance. No system on Earth has damaged the environment as extensively as Soviet communism.

On July 24, 1991, the Senate approved my amendment to condition assistance to the Soviet Union on radical structural change, including a commitment by the Soviet leadership to begin the rehabilitation of unsafe nuclear reactors. It also required the termination of technology exports that could assist in the production of any VVERS nuclear reactors, including the one in Cienfuegos, Cuba.

The concerns that prompted my amendment are even more timely today. They should be considered as we consider the proposed assistance package to Russia and the other independent states of the former Soviet Union.

I applaud the efforts of President Bush to address serious environmental issues in his assistance package for the states of the former Soviet Union. S. 2532, as introduced, has broadened authority to include research to improve nuclear plant safety in the former Soviet Union. I encourage retention of this section in the final legislation.

Mr. President, I also support the President's proposal to promote investments by United States companies in the energy field in the former Soviet Union. There are unique opportunities for the United States business community to play a significant role in modernization of the energy sector of the former Soviet Union and Eastern Europe.

However, at present, the U.S. Government is prohibited from exporting nuclear energy technology by what I consider an outdated provision of law. U.S. companies can be competitive in the field of environmental safety and cleanup. However, they are prohibited by section 510 of the Foreign Operations Appropriations Act from receiving any U.S. assistance, including feasibility studies and safety surveys that will provide information U.S. companies need for potential export of nuclear equipment or safe technology.

Mr. President, if the United States does not provide the technology the Germans, the Japanese, or the French will be more than willing to do so. For example, I recently learned from officials from Belarus that Japan has done much of the study of the effect of Chernobyl in Belarus. They found that one-quarter of Belarus is so badly contaminated that people, with children most affected, live with radioactivity levels 10 times higher than normal.

The Japanese could see a use for their medicines, their medical know-how and their nuclear reactor safety equipment in the future. They were prepared to make an initial investment.

The United States is in danger of being left out once again of another potential market. Congress should delete this counterproductive prohibition as soon as possible.

Mr. President, the release of iodine and radiation on March 25, 1992, from the nuclear reactor at Sosnovy Bor, west of St. Petersburg, was frightening. Unfortunately it should come as no surprise. Unsafe RMBK-type reactors, identical to the Chernobyl model and other unsafe VVERS-type reactors, often are operated beyond their designed life expectancy. Dozens of them are located throughout the former Soviet Union and Eastern Europe.

Shockingly, Mr. President, completion of two Soviet-made VVERS-type reactors is on schedule at Cienfuegos, Cuba. Any one of these reactors has the potential to unleash a nuclear catastrophe worse than the 1986 Chernobyl tragedy in Ukraine.

We should be looking closely at what is happening in Cuba, because this could affect the United States, especially Florida and other adjacent States.

Another leak of radioactive materials may be far more menacing than the threat of nuclear weapons proliferation. No one can be certain how widespread the effects of the March accident were or whether the problem has been rectified. The Estonian Government, quite justifiably, has called for greater disclosure of the actual amount of radiation emitted and also for the closure of the Sosnovy Bor reactor.

The incident at Sosnovy Bor was only one in a chain of recent accidents and near accidents. People in Lithuania, Ukraine, and Russia live in constant dread of another nuclear meltdown. Mr. President, they have every reason to be terrified.

On October 11, 1991, a fire swept through the Chernobyl reactor station. One of the three reactors was shut down several times, but the other two remain operational. Radiation may or may not have been released. In February of this year, the nuclear reactor in Ignalina, Lithuania, was shut down several times for safety reasons. In all, atomic energy officials report almost 300 temporary shutdowns across the former Soviet Union last year for safety reasons.

These reactors were built without concern for safety by the Soviet Communist regime and its allies in Eastern Europe. They do not have containment structures that have helped prevent accidents in the West and which are standard in our country.

These near disasters have prompted technicians and scientists to leave their jobs and move their families as far away as possible from the health risks associated with these plants. As the technicians who patched these reactors over the years leave, the risks increase that a nuclear disaster will occur. Other technicians have complained that the reactors lack the spare parts and fuel needed for safe use.

Even though they are faced with such grave risks, new governments cannot afford to close down the reactors which supply most of their energy. In Eastern Europe and the Baltic States, the only alternatives are oil or coal, bought at world market prices they cannot afford. These carry their own associated environmental risks.

I ask unanimous consent that two articles from the Washington Post and one from We, a Russian-American newspaper, explaining the difficult predicament of the Eastern European nations, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. In 1990, the United States and the Soviet Union signed an agreement on "scientific and technical cooperation in the field of peaceful uses of nuclear energy." This agreement authorizes the Department of Energy, the Nuclear Regulatory Commission, and other relevant agencies to cooperate in 12 specific areas with the former Soviet Union. It also provides for a bilateral meeting once a year.

But, Mr. President, dissolution of the Soviet Union has made this agreement an anachronism. In my view, the administration should renegotiate this agreement with each of the new states of the former Soviet Union. Priority should be given to those states with unsafe nuclear reactors on their territory.

I urge President Bush to negotiate agreements on peaceful uses of nuclear energy with Estonia, Latvia, and Lithuania. These agreements could form the basis of bilateral working groups that would undertake comprehensive studies of the hazards associated with these reactors. These bilateral working groups should meet on a continuing basis.

I also advocate greater cooperation between various United States Government agencies and the International Atomic Energy Agency to provide technical assistance in the field of energy to the Baltic States and other countries of the former Soviet Union.

The Department of Energy, the Nuclear Regulatory Commission, the State Department, the National Security Council, and the Environmental Protection Agency are involved individually in various aspects of providing this technical assistance. They should coordinate their efforts in order to achieve a comprehensive approach to these real environmental concerns.

I also urge the inclusion of the Trade and Development Program [TDP] in these multiagency and other efforts. Over the last few years, the TDP has taken important steps in the areas of energy and the environment, with a view toward bringing U.S. companies and products to the nations of Eastern Europe. Working step by step with the U.S. private sector in areas where the United States can be competitive but has been prohibited in the area of nuclear energy, I have joined several of my colleagues in requesting that the U.S. Congress Office of Technology Assessment [OTA] undertake a study examining the potential benefits and risks of transferring U.S. energy technology to those countries. I am pleased to report that OTA will prepare a report on this topic and ask unanimous consent that the letter requesting and explaining the study be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PRESSLER. Mr. President, the people of the former Soviet Union also face a myriad of nonnuclear environmental terrors. High levels of toxicity in the water supply, increases in diseases such as typhoid, cholera/ and dysentery, substantial increases in deaths related to cancer, and high infant mortality represent only part of the legacy of Soviet mismanagement. U.S. technology and medical expertise could and should play a role in addressing these public health and environmental concerns.

Mr. President, the steps I have outlined should not require additional appropriations. Following these recommendations potentially can save the lives of millions of people. These actions are also real ways to cement long-term, favorable relations with former Communist states. It is important for the United States to assume an active, effective leadership role on these environmental issues in the former U.S.S.R.

EXHIBIT 1

[From the Washington Post, Mar. 8, 1992]

DECREPIT NUCLEAR PLANT PUTS BULGARIA IN BIND

SOFIA, BULGARIA.—The highest-paid civil servants in the bleak new world of democratic Bulgaria are not judges or ministers or even the president. They are nuclear power plant operators.

As of this winter, senior technicians at Bulgaria's Kozloduy power station—described by the International Atomic Energy Agency as "far and away the worst" it has ever inspected—were given a tenfold salary increase. They now make between $800 and $1,000 a month, big money in a country where the average monthly wage is $54 and more than twice the pay of Bulgaria's president.

The raise is meant to stop operators from moving away from a plant that they say is dangerous. It is part of a crash program to create a "safety culture" at a Soviet-designed nuclear facility that has had at least 31 fires in the last five years. For the first time in the agency's history, the IAEA recommended last year that Bulgaria shut down the four oldest reactors at the plant on the Danube River.

Bulgaria's predicament has echoes elsewhere in Eastern Europe, where power alternatives are few, money is short, and aging nuclear plants of Soviet design do not come close to meeting Western safety standards.

Czechoslovakia has two reactors of the same model as Kozloduy. That country also has rejected West European demands to shut them down. The Prague government, after first saying it would phase out the plants, has since said it cannot afford the alternatives, with new reactors being too expensive and coal-fired plants too polluting.

Instead, Czechoslovakia is launching a short-term crash program, to be completed this summer, and a medium-term overhaul, to be completed over three years, that will cost an estimated $200 million. The Prague plan is to keep the Soviet-style reactors running until 2005.

Czechoslovakia has well-trained nuclear operators, according to the IAEA, and the agency says the planned upgrade there should substantially reduce the risk of a nuclear accident.

In the former Soviet Union too, four Kozloduy-style reactors—which are particularly dangerous because they lack containment structures and could have a core meltdown if the main coolant pipe were cut—are better maintained and present less of an accident risk than in Bulgaria, according to a recent IAEA inspection report.

At the Bulgarian plant, besides a lack of accident-containment structures, inferior monitoring instruments and limited emergency core-cooling capacity, the agency found the reactors to be dirty and cluttered with rusted junk. It also cited exceedingly lax safety practices. Wiring to emergency equipment, for instance, was hung over sharp metal corners.

One foreign inspector fell through a hole in a ladder at the plant and badly bruised his leg. His Bulgarian guide told him, according to an IAEA report, "that others had fallen through that hole."

The Bulgarian government reluctantly responded in December to the shutdown request by turning off two of the four reactors. The shutdown means that Bulgarians are spending their second consecutive winter with regular power outages. For days on end, the whole country endures two hours on, two hours off.

Pointing to what they warn will be "social chaos," Bulgaria politicians and power officials are categorically refusing to shut down the other two troublesome reactors. By doing so, they have garnered headlines in Austria, France and Germany about "Europe's Chernobyl," a reference to the reactor in Ukraine that ruptured in 1986, causing the world's worst nuclear disaster.

Perhaps to a higher degree than any country in the world, Bulgaria depends on a single nuclear plant for its electricity, having few other sources of energy, such as oil, coal or hydroelectric generation. Russia pulled the plug in December on subsidized electricity, and Ukraine has stopped sending coal for thermal power plants. Nor does Bulgaria, an impoverished Balkan nation that stopped paying interest two years ago on its $12 billion foreign debt, have the money to pay for a major overhaul of Kozloduy.

"There is no way out. We have 8.5 million people who depend on nuclear for more than 40 percent of their electricity. If we want to live for the next five years, we have to live with nuclear power," said Yanko Yanev, a nuclear physicist who became Bulgaria's chief of nuclear safety six months ago.

"Bulgaria's safety culture, as of last year, was far and away the worst of those we have reviewed," said David Kyd, director of public information for the Vienna-based IAEA.

Nuclear-power specialists emphasize, however, that while the maintenance and safety problems at Kozloduy are extremely serious, the four oldest and most unsafe reactors at Kozloduy are of a significantly different and inherently safer design than the graphite-based reactor that ruptured at Chernobyl.

Kyd said that, fortunately, the old reactors in Bulgaria were built with substantial room for operator error. "They are extremely forgiving, with small amounts of fuel and large amounts of water," he said.

But why did Bulgaria's nuclear program, to a degree unmatched in Eastern Europe, spawn a facility that appalls nuclear power experts?

According to Yanev, Bulgaria's new nuclear czar and an outspoken scientist who is trying to radically change safety standards at Kozloduy, the problem was twofold.

"For 17 years there was an attitude in the government that I would call pro-, pro-, proproduction. If there was a safety problem, if some system did not pass a test, nobody would shut anything down and the plant would continue to produce. Everything was secret," said Yanev.

After the palace coup that toppled longtime dictator Todor Zhivkov in November 1989, a post-Communist pall descended on the nuclear power plant, Yanev said.

"It was economically and psychologically demoralizing for these operators, many of whom are highly trained people. They were making 10 times less money than taxi drivers in Sofia," he said.

"In the old system, these people would not have been allowed to quit. * * * But last year good people, experts that you cannot substitute for, started to leave the plant. They complained, "Why the hell should I put up with all of this for nothing?" Yanev said.

Large salary increases this winter have stanched the leakage of expertise from Kozloduy, according to Yanev, who said that recently there has been a "backflow" of job applications from several engineers who quit last year.

Safety specialists at the IAEA, the World Association of Nuclear Operators and the U.S. Nuclear Regulatory Commission have noted that safety standards and management practices at the Kozloduy have improved sharply in recent months.

For the first time in Bulgarian history, at Yanev's insistence, reactors are being brought out of service whenever they fail to meet routine safety checks.

Still, Bulgaria needs money that it does not have to upgrade instrumentation and safety equipment at all six reactors at Kozloduy. According to Yanev, about $100 million is needed

Thus far, the European Community has granted about $13 million for a six-month emergency program. Another $8 million has been made available for foreign purchases of electricity.

But Kyd, of the IAEA, noted that even as Western nations complain about the danger of an accident at Kozloduy, they are unwilling to come up with the money necessary to allay their own fears. Kyd said there is more interest in giving jobs to unemployed Russian physicists than in solving power-plant problems.

Bomb-making scientists "get politicians excited," Kyd, said. "But if you tell them that Bulgaria has a nuclear plant that has to be patched up, they will send in a team of experts. Bulgaria is deluged with experts. But there is no money."

[From the Washington Post, Apr. 27, 1992]

CHERNOBYL'S SHAMELESS LIES; EX-ENGINEER DENOUNCES OFFICIAL HISTORY

(By Michael Dobbs)

For the last six years, Anatoly Stepanovich Dyatlov has been haunted by the memory of nuclear catastrophe.

Dyatlov, tall, thin and looking older than his 62 years, was the engineer in charge of reactor No. 4 at the Chernobyl nuclear power plant when it exploded six years ago yesterday. In the eyes of the Soviet justice system, he personally bears much of the responsibility for the world's worst nuclear disaster. Soon after the catastrophe, he was found guilty of criminal negligence and sentenced to 10 years in prison.

According to the official version of events, Dyatlov violated the most elementary safety precautions on the night of April 26, 1986. Anxious to complete a scientific experiment that had been ordered by Moscow, he bullied his subordinates into taking unnecessary risks. His incompetence—combined with mistakes by other Chernobyl employees—led directly to the destruction of the reactor and the spewing of radioactive particles across a wide area of Europe.

Seated in the living room of his apartment in Kiev, 18 months after his early release from prison as part of a general amnesty for Chernobyl officials, Dyatlov tells a quite different story from the official version. He said he and other Chernobyl operators were made scapegoats for the designers of a dangerously unstable reactor. In his view, blame for the disaster rests entirely with the leaders of the Soviet scientific establishment and their political patrons.

"I found myself confronted with a lie, a huge lie that was repeated over and over again by the leaders of our state and simple technicians alike. These shameless lies shattered me," said Dyatlov. "I don't have the slightest doubt that the designers of the reactor figured out the real cause of the accident right away but then did everything to push the guilt onto the operators."

The details of that night—especially the moments before and after the first explosion at 1:24 a.m.—are ingrained in Dyatlov's mind. He drew a diagram showing who was standing where in the control room when a sudden power surge caused a huge increase in steam pressure in the reactor, leading to a series of explosions.

Of the dozen or so people in the control room, five died agonizing deaths from radiation burns in the days, immediately after the disaster. Dyatlov himself received a potentially fatal dose of radiation and is now a permanent invalid, finding it difficult to walk more than a few steps without exhausting himself.

Measured by the amount of contamination it produced, the Chernobyl explosion was equivalent to more than 10 of the atomic bombs dropped on Hiroshima. According to the Ukrainian health ministry, 6,000 to 8,000 people have already died as a result of being exposed to heightened radiation. Hundreds of thousands of people living in northern Ukraine and southern Belarus have been evacuated from their homes.

As he told his story, the former deputy chief engineer of the Chernobyl plant smoked one cigarette after another, as if oblivious to further health hazards. At the same time, however, Dyatlov obsessively picked pieces of dust off the table, a habit acquired by many Chernobyl evacuees struggling against the presence of decaying radioactive isotopes. He paused frequently to cough or collect his thoughts.

"If I had known then what I know now about what kind of monster this reactor was, I would never have gone to work at Chernobyl. And not only me. Nobody would have worked there," he said.

The immediate chain of events that led to the Chernobyl explosion began with a routine experiment. Dyatlov and his superiors wanted to see whether the reactor could operate under electricity generated by its own turbines. The purpose of the experiment was to produce a backup source of electricity to keep the reactor going in the event of a general power failure.

Several safety features that could have interfered with the test—including the emergency water cooling system—were deliberately switched off. Soviet nuclear safety officials accused Dyatlov and other operators of failing to take a number of other precautions that would have prevented the fatal power surge.

To this day, Dyatlov insists that he did everything right. Flatly contradicting the official account, he says that the atmosphere in the control room was completely normal right up until the destruction of the reactor. No one felt the slightest sense of impending danger. The explosion occurred as the reactor was in the process of being closed down following completion of the experiment.

Dyatlov's first thought was that a gas tank must have exploded on the roof. The blast destroyed the ceiling of the control room, bringing piles of plaster down onto the machines below. Instrument panels flickered wildly. "Everyone to the reserve switchboard," screamed Dyatlov, referring to a second control room just down the corridor for use in an emergency.

Seconds later, he countermanded his own order. Computer readouts showed that the turbine pressure was zero, meaning that steam from the reactor was no longer turning the turbines. Pressure in the water channels was also zero, meaning that cool water was no longer being pumped through the reactor. Most alarming of all, the panel showed that the power in the reactor was increasing wildly when it should have been decreasing.

"I thought my eyes were coming out of my sockets. There was no way to explain it," recalled Dyatlov. "It was clear that this was not a normal accident, but something much more terrible. It was a catastrophe."

In Chernobyl-type reactors, the nuclear reaction is controlled by the lowering of dozens of neutron-absorbing rods into the reactor core. Unfortunately, the rods were designed in such a way that the absorbent part is in the middle. When the tip of the rods entered the core, they displaced water, producing a small but significant surge of power. Combined with a number of other circumstances, this surge of power was sufficient to trigger the explosion.

Exactly what happened in the Chernobyl control room may never be known. Several of the key actors, including the shift foreman, died shortly afterwards. Other people in the room were absorbed in their own tasks. Dyatlov may or may not be telling the entire truth about events leading up to the explosion. But it seems clear that neither he nor anyone else considered the possibility that a device that was meant to close down the reactor would have the opposite effect.

It has since been established that the reactor exploded before the control rods could fully descend into the core. But the operators did not know that at the time. Their first reaction was to try to lower them by gravity. Nothing happened. Dyatlov then ordered two young trainees to the reactor hall to pull the rods down manually. It was a decision he now bitterly regrets.

"When they ran out into the corridor, I realized it was a stupid thing to do. If the rods had not come down by electricity or gravity, there would be no way of getting them down manually. I rushed after them, but they had disappeared," he said.

The two trainees, Viktor Proskuryakov and Aleksandr Kudyavtsev, both received lethal doses of radiation and died agonizing deaths. When they reached the devastated reactor, wearing no protective clothing, they found no trace of the control rods. By the time they returned, their entire bodies were covered with a brown nuclear tan.

Dyatlov, meanwhile, decided to inspect the turbine hall below the other side of the control room. He was greeted by a scene of unimaginable devastation. Flames were leaping up through huge holes in the ceiling. Water was spurting in different directions, spilling over the machinery. There was a constant clicking sound from short circuits. Great chunks of roofing had fallen onto the floor, puncturing oil tubes that immediately exploded into flames.

From above, Dyatlov could see people rushing around helplessly with fire extinguishers. Professional firefighters were later summoned from the nearby towns of Pripyat and Chernobyl, and even Kiev. Showing tremendous heroism, they managed to get the fire under control by dawn, but at terrible cost. That first night, 27 firemen were hospitalized with horrifying burns.

The air was thick with radioactive dust, which created a burning sensation in the chest and lungs and a tightening of the skin. The figures on the radiation measurement instruments flickered off the scale. More powerful instruments were locked up in the safe, on the assumption that they would never be needed. Protective clothing was nowhere to be found.

Realizing there was nothing to do in the control room, Dyatlov took a walk around the damaged reactor. He recalled coming across Anatoly Kurguz, a worker from the reactor hall, whose face was covered with blisters hanging down like pieces of dead flesh. Two entire walls of the reactor hall were missing. It was during this walk that Dyatlov received the greater part of his own potentially lethal dose of 550 rad.

By 4 a.m., Dyatlov had had enough. He grabbed three computer printouts from the control room and took them to Viktor Bryukhanov, the director of the Chernobyl plant. Bryukhanov later reported to Moscow that the reactor was still intact, a myth that persisted for many hours and caused a fatal delay in the evacuation of the plant and the surrounding area.

"I don't know how he reached that conclusion. He did not ask me if the reactor was destroyed—and I felt too nauseated to say anything. There was nothing left of my insides by that time," said Dyatlov.

Unlike the operators of the Chernobyl plant, six of whom were sent to prison for their part in the disaster, the designers of the reactor were never punished. The principal designer, Anatoly Aleksandrov, a past president of the Soviet Academy of Sciences, still refuses to concede that there was anything wrong with his reactor.

Communist Party leaders who covered up the scale of the disaster and lied about the number of casualties also have escaped punishment. A week after the catastrophe, Kiev residents were ordered to attend a May Day parade in the center of the city to show the world that everything was normal, even though the wind was blowing directly from Chernobyl.

Documents published last week by the now independent newspaper Izvestia show that party leaders from Mikhail Gorbachev down concealed the danger to the civilian population from Chernobyl. Soviet leaders effectively denied medical care to tens of thousands of people living in contaminated areas by secretly decreeing a 10-fold increase in the amount of radiation considered safe. They also permitted meat and milk from the contaminated area to be mixed with produce from other regions.

"What happened after Chernobyl was what always happens in these cases. The investigation was carried out by the very people who were responsible for the faulty design of the reactor," said Dyatlov. "If they had admitted that the reactor had been the cause of the accident, then the West would have demanded the closing down of all other reactors of the same type. That would have dealt a blow to the whole of Soviet industry."

Western experts were at first inclined to accept the Soviet explanation that operator error was chiefly responsible for the Chernobyl disaster. But a recent report by the International Atomic Energy Agency in Vienna pinned most of the blame on a series of fundamental flaws in reactor design.

Since the Chernobyl disaster, some of these flaws have been corrected. The design of the control rods has been improved so that they can no longer cause a sudden power surge as they did at Chernobyl. But dozens of other problems remain, and the 15 other Chernobyl-type reactors still fall far short of Western safety standards.

Last month, a Chernobyl-type reactor near St. Petersburg was temporarily shut down following a leak of radiactive gases. A sticky valve shut off cooling water in one of 1,661 pressurized fuel tubes that run through the graphite core of the reactor. Dyatlov fears that a multiple tube failure could lead to a disaster on a similar scale to Chernobyl.

"The statistics show that a multiple tube failure is highly improbable. But the people who are telling us this are the same people who lied about Chernobyl. So why should we believe them?" he asked.

[From We, April 1992]

NUCLEAR DANGER IN REPUBLICS

(By John P. Wallach)

WASHINGTON.—The U.S. official in charge of regulating America's nuclear energy industry warns that more incidents such as the one March 24 at St. Petersburg—and even like the one in 1986 at Chernobyl—can be expected unless 16 unsafe reactors in Russia, Ukraine and Lithuania are shutdown.

"The 16 Chernobyl-type reactors (11 in Russia, 3 in Ukraine and 2 in Lithuania) are collectively an enormous hazard and should be shut down because they are by far the most vulnerable reactors in the world," said Dr. Ivan Selin, the chairman of the U.S. Nuclear Regulatory Commission (NRC).

Selin told We/Mbi in an exclusive interview that the two reactors in Lithuania, which are the newest version of the RBMK graphite-moderated reactors, "do not pose as big a fire hazard."

But, he said, "they are still basically unsound. They are not of the oldest technology, but the Soviets kept building the basic RBMK technology (which relies primarily on graphite rather than water as a moderator), and it is not only outmoded but dangerous."

The NRC chief also said the threat of an accident at one of the three remaining Chernobyl reactors is "at least half as great" as it was in 1986 before the first meltdown there. He said the Chernobyl site also remains a "huge fire hazard."

Selin joins both Otto Lambsdorff, head of Germany's Free Democratic Party, and the German Society for Reactor Safety in calling for a shutdown of the 16 RBMKs, or High-Power Channel Reactors.

Even before the minor leak at St. Petersburg that allowed the escape of a small amount of radioactive gas, Lambsdorff noted that several of the RBMK reactors were near metropolitan centers, such as St. Petersburg and Kiev, and can be a "mere 50 miles, as the wind blows," from Western Europe. He added prophetically: "They can explode any day."

Heinz-Peter Butz, the spokesman for the Cologne-based Society for Reactor Safety, told Business Week: "The fact that all Soviet reactors are unsafe is without doubt. But the RBMK reactors are the worst."

The RBMK reactors, which account for 16 of the 41 Soviet-built reactors and produce 40 percent of all nuclear-generated electricity in the Commonwealth, were constructed during the Cold War at a time when safety wasn't the prime consideration, Selin said.

The Kremlin, he pointed out, wanted breeder reactors that could generate huge quantities of electrical power while also being able to produce plutonium for nuclear weapons. Selin acknowledged that efforts have been made to repair some of the basic design flaws.

"But nothing has basically changed at Chernobyl," Selin said. With three reactors still operating there, "they could have another big accident there tomorrow or next year," adding that "sooner or later something has to be done about the reactor that blew up."

The NRC chief, who visited Chernobyl and the sites of the other reactors last fall, said the one that caused the explosion on April 26, 1986, "still has a highly radioactive core which will leak into the ground and cause the ground water to be highly radioactive for decades to come."

Selin said he is particularly worried because the 16 RBMK reactors "share the same fundamentally unstable physics which are unique to the Chernobyl-type reactors. They have only a rudimentary safety system, plus they have a basic instability called positive reactivity."

He explained that "in any other reactor, if the reaction starts to run away; in other words, if the reaction starts to produce more heat than you want, the heat reduces the efficiency of the reaction and the reaction tends to slow down."

"In the Chernobyl-type reactors, there is a fundamentally different design—the hotter it gets, the more efficient the reaction gets and therefore it gets even hotter and runs away, causing a meltdown like the one at Chernobyl," he said.

Asked about the Canadian reactor CANDU, which Russian sources said also has the same design flaw but doesn't have instability problems, Selin said: "CANDU is a completely different reactor. It relies on heavy water as a moderator, not graphite."

"It's not the same technology at all."

Russian sources also insisted that modifications have been made at the Chernobyl reactors and that the security systems have been changed, thus reducing the danger.

Selin said these safety steps do not go far enough. "The proper statement is that all 16 still have positive reactivity, some worse than others, and none of them have Western-standard emergency systems for containment. They do not meet international standards of safety."

Selin said there are a number of short-term steps that can reduce the danger, but the measures would help only "marginally." He said he would help implement the measures if requested to do so and acknowledged that it cannot be done overnight.

"They should close the plants. In order to close them, however, somebody's going to have to do something about alternative sources of energy. The price of electricity should be raised so there's more conservation and therefore less demand," he said.

Conceding that would take most of the next decade, he said the "midterm, 10-year objective" should be "short-term safety support coupled with economic and energy reform so the dependency on these reactors can be overcome."

Selin said "there are certain things we could help them with, including fire safety and installing better computers and simulators so that the operators can be better trained."

He also volunteered U.S. help in making "technical improvements to the control rods, the devices that actually control the reaction so that they could react much more quickly in case the system tended to run away."

As far as fire safety is concerned, Selin said the NRC could help in "making sure all cable is shielded; that hot spots are insulated and that certain construction is redone," particularly the replacing of tar roofs where the main turbines are situated.

"But the main thing they need is money," Selin said. Nuclear power companies such as Siemens and Asea Brown Boveri recently called for the closing of RBMK plants and for the creation of a $7.5 billion western fund to refit other reactors in Russia.

"The trick," said Selin, "is to be able to afford them (the nuclear reactors) at a lower power level so that they have more margin and they're not pushing the envelope."

Selin also disclosed that Armenian officials, in an effort to secure their energy independence from Azerbaijan, recently asked the U.S. government for help in restarting two dormant reactors—even though they are in a seismic zone prone to earthquakes.

Asked about Russian assertions that it will take a long time to get the two reactors restarted, plus cost a lot of money, Selin said: "The Armenian officials have told us they are well preserved and they may not take too long to start, a year or two at most."

Selin said the Bush administration is receptive to the Armenian request because it is sympathetic to Armenia's plight in the wake of Azerbaijan's cutting off its energy supplies. "It's hard to argue with them," Selin said.

"Their alternatives are so dismal they are willing to take the risks of a reactor accident because they have no prospects (as Azerbaijan does) of getting natural gas or importing electricity from Turkey."

[From We, April 1992]

RUSSIA GETS A SCARE AT ST. PETERSBURG

(By Alexander Anichkin)

MOSCOW.—Vladimir Asmolov, one of the leading Russian authorities on atomic energy safety, is afraid the next reactor accident in Russia will be worse than the one March 24 near St. Petersburg.

"The scenario of the recent Leningrad accident was foreseen by our specialists," he said. "But it is not possible to say this about hundreds of other possible scenarios."

According to Asmolov, RBMK reactors "conform neither to current Russian safety regulations, nor to international ones."

Moreover, the shortcomings are, as a rule, failures to comply with the 1982 regulations made in the relatively lax pre-Chernobyl era.

Standards have become much tougher since then.

As a technical specialist, Asmolov agrees with United States Nuclear Regulatory Commission chairman Ivan Selin that all RBMK-type nuclear energy stations should be closed, although he disagrees with Selin's evaluation of the effectiveness of increased safety measures that have been phased into effect.

"There are two possible options for dealing with RBMK reactors," he says.

"One: You can continue to use them at 100 percent capacity, or two: You can phase them out."

Phasing the plans out would include an individual approach, as each station is different from all the rest.

Technical experts, he says, presented government authorities with all the information necessary for the choice of one of the two options. What remains to be made is a political decision in which it will be necessary to weigh the risk of a nuclear accident with the risk of a social explosion due to a large decrease, in some areas by almost 50 percent, in the production of electricity.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 9, 1992.

Dr. JOHN H. GIBBONS,
Office of Technology Assessment, Washington, DC.

DEAR DR. GIBBONS: We are writing to request that the Office of Technology Assessment undertake a study of energy production and use in Eastern Europe and the former Soviet Union, examining the potential benefits and risks of transferring U.S. energy technology to these countries.

In our view, such transfers could prove valuable in several respects. First, energy technology assistance could support economic and political reforms in Eastern Europe and the former Soviet Union. Limitations on energy services can significantly constrain economic growth. Appropriate energy technology assistance could enhance prospects for such growth. Moreover, many of these countries are, to varying degrees, dependent on energy supplies from Russia. Increasing these countries' efficiency in energy production and use would increase their freedom of action in political and economic decisions.

Second, Eastern Europe and the states of the former Soviet Union present a potentially large market for U.S. energy technology. A study which links technological needs in this area with technologies the United States can supply would provide a useful basis for designing U.S. assistance strategies and may prove useful to companies themselves. Related impacts on U.S. exports and jobs should also be studied.

Third, energy technology assistance could reduce environmental impacts associated with energy use and production. The devastating human and economic consequences of poorly designed, constructed, and operated energy supply systems have already been well documented.

Finally, transfer of technology could help improve safety in these countries by reducing their reliance on existing nuclear facilities which most experts agree are outmoded and dangerous.

We request the OTA to undertake a study of these issues and such other related issues which, in consultation with the Committee staff, the OTA believes is relevant to this request. For further information, please have your staff contact Steve Polansky, Dave Hafemeister, or Michael Hathaway on the Committee's staff.

Sincerely,

Claiborne Pell, Chairman, Joseph R. Biden, Jr., Chairman, Subcommittee on European Affairs; Jesse Helms, Ranking Member, Larry Pressler, Ranking Member, Subcommittee on European Affairs.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent to proceed as though in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFRONTING THE GLOBAL WARMING THEORY DIRECTLY

Mr. SYMMS. Mr. President, as you know, the United States is preparing to go to Rio de Janeiro in a few short weeks for the much-touted "Earth summit." The taxpayers, of course, will be asked to fund this effort. I am not just talking about the trip, Mr. President, but I am also talking about the results of any agreement that may be signed in Rio. The taxpayers will fund the trip, but that will be peanuts compared with what may come of an agreement that could impose enormous costs on the working men and women of the United States of America.

I understand that the world's industrial nations reached a compromise in New York last week on a treaty that is aimed at reducing the threat of global warming—that is if there actually is a threat—but the negotiators, thank heavens—and I think President Bush deserves the credit for this—stopped short of setting "targets and timetables." The treaty does, however, include a general commitment to national plans to limit carbon dioxide and other "greenhouse" gases.

The new treaty language, Mr. President, requires governments to submit national plans within 6 months of the treaty signing—showing how they will keep year 2000 CO_2 and associated greenhouse emissions down to 1990 levels. I submit that any attempt to stabilize U.S. emissions of CO_2 will have an adverse impact on our domestic economy. In fact, our distinguished colleague from Tennessee, Senator GORE, was on the floor the other day, saying that we will have to keep our growth rate at no more than a 2-percent level between now and the year 2000 in order to achieve those goals.

This is devastating to low-income and middle-income American people who need more jobs and more opportunity with a growing economy.

Monday, there was an op-ed piece in the Washington Times. I want to quote briefly from Peter Samuel's good article. He said some things somewhat more critical of the President, maybe, than were deserved. But I think he was right on target regarding what the results would be once the President announced that he would go to Rio.

Of course, what happened, as we saw, the President's critics who were criticizing him for hesitating about going to Rio immediately came to the Senate floor and started criticizing the President because he was going to Rio but he was not going to sign a far-reaching-enough treaty.

Let me quote briefly from some of the things Peter Samuel said. He made the point in this whole global warming question that we need to be discussing some fundamental principles. What we need is a "fearless discussion of science and data." To that end, we need to point out the following facts.

This is the way it is, Mr. President.

The overwhelming factor in climate change is the intensity of the Sun which varies with Sun spot cycles. There is a myraid of evidence, by looking at core drillings of the glaciers, that there have been climate changes throughout time, as long as this Earth has existed. There have been some climate changes over a gradual period of time: It has gotten colder and warmer, cycle after cycle.

The enhanced greenhouse effect theory is just a theory that performed poorly in explaining past climate change and is therefore likely to perform as badly in predicting the future. Our best science cannot predict what the weather will be next week, much less 10 years from now.

Mr. President, I might just mention the fact to my colleagues, when they hear the scare tactics and the fear mongers screaming about global warming and the threat that it is, thank God we have a greenhouse effect on planet Earth or it would be 212 degrees Fahrenheit today as we stand here with the Sun shining on us. And tonight it would be 212 degrees below zero when the Sun is on the other side of the Earth. So without the greenhouse effect, this would not be a very habitable place.

Another point that Mr. Samuel made was that stabilization of the global climate is probably beyond humankind's power to achieve because climates have always changed. And, also, it happens not because of what people do, but because of physical events on the planet Earth, or on the Sun. Earthquakes, volcanoes, and Sun spots are changes that impact the Earth's climate.

Another fact, Mr. President, that has been in much dispute, is that warming is no more likely to occur over the next 100 years than cooling because we are near the end of an interglacial period.

It was only a few short years ago I was in the other body as a member of the House Agriculture Committee. We heard testimony after testimony from some of the same people who today are scaring the public about global warming, who were then saying we are going to have the glacial caps extend down in the Northern Hemisphere of this Earth, we will not be able to produce the grain to sustain life for us, and we are going to have massive starvation by the early part of the next century because of global cooling, not global warming. The same people were making those charges. They can scare people about it becoming too cold, and then they can turn around and scare them about it becoming too hot.

Humankind has proven its adaptability to climate change in the past and it can adapt to it in the future so long as it does not succumb to hysteria and antiscience in matters of public policy and allow the economy and technology to be bound up by bureaucratic planning based on fear and emotion instead of facts, reality and sound science.

Mr. President, in almost—and I emphasize almost—every case, environmental problems are best solved by those closest to the problem; by the people who are most affected, by the people who have to provide the resources, by the people who have to provide the resources, by the people who understand the problem. We simply do not understand global warming. The scientific community does not agree that a problem even exists. They do not even agree that there is a problem.

The scientific community does not agree that there is a problem, and here we are elevating the problem to global proportions. This is a perfect example of the pitfalls of trying to conduct public policy before the sound science has been perfected and developed.

I agree with Mr. Samuel, again, when he said that we need to cite the majority of scientists who dismiss the catastrophic theory of greenhouse effects. We need to give prominence to the views of distinguished scientists who have always opposed it, including Richard Lindzen, who, by the way, testified last week before the Energy and Natural Resources Committee; Robert Balling, William Nierenberg, Fred Singer, Fred Seitz, Patrick Michaels, and Sherwood Idso. We also need to note a growing number of new skeptics among the top scientists, and we need to draw attention to the enormous cost of carbon suppression and the bad precedent it would set.

Mr. President, one thing the United States has a lot of is coal. Some of the countries who have been pushing for rigid requirements imposed on carbon production have little or no coal and a vastly inefficient industry. And, so, they do not give up as much because they are moving rapidly into nuclear power, which is much cleaner than the burning of the carbon fuels.

What happens is, with the United States being a country that has one of the biggest supplies of low sulfur, inexpensive coal in the world, we would give up a lot where some of our competitors would not, giving them a competitive advantage.

Mr. President, I would like to make another point. The United States is spending $1.4 billion on global climate research this year. That is as much as all other nations of the world will spend—$1.4 billion. And it takes us back to the taxpayers. They will send a delegation to Rio. They are generously funding global climate research. They have funded all the U.S. preparation leading up to the summit. And I am asking for a full accounting of that cost and an accounting of what it will cost to get involved in any treaties.

I have long held the view that a robust economy is what protects our environment. The wealthier people are, the more they can afford to take care of the environment around them. Just look around the world and ask yourself which countries have made the most environmental progress. They are the countries with the strongest economies where citizens can own property and expect private property rights to be protected.

As we move forward in debate I hope we take a long, hard look at the potential impacts CO_2 emission stabilization will have—not only on our economy but on the standard of living of every American. Because that is who we are going to depend on to pick up the tab.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMMS. I ask unanimous consent to proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, the way this has been spun by the media, the cost of the Rio summit in terms of the climate change agreement, has not been discussed in the establishment media. Unfortunately, the major thrust that the media has talked about is the failure of the United States to be in front of the parade to sign a treaty that includes targets and timetables. And our friends and allies in Western Europe and Japan and particularly those in Europe, thought they could be irresponsible on this one, that they would get a free ride because "Uncle Sam is going to hold this thing up. Uncle Sam will not go along with this." They can say they are all for it and posture themselves at home with the nonscientific hysteria that is so popular in the establishment media. They will posture themselves so they will look good to their constituencies, and in the meantime the United States will bail them out of this anyway. So, to a degree, I think the President deserves some credit that he has not agreed, and his negotiators have not agreed, to something that is totally irresponsible.

But I would just make the point that we are rapidly heading down a path that leads us to agreeing to restrictions on CO_2 emissions. That could be devastating to the economy of the United States; devastating, Mr. President. And we will pay a very high price for it, and our constituents will pay a high price for it.

It is the first time I can recall in history that people are beginning to say that a lower standard of living is somehow a better thing for people. And somehow that is going to help the environment.

That is not the case. What is needed are more incentives, more trade, more economic growth, more development, more entrepreneurial capitalism, so new and better designs can be developed, so we can develop the new machines of tomorrow that will burn cleaner, will be more efficient, will help people have a better standard of living.

And here we are coming to the end of an era of the cold war starting into a new century where we have an opportunity to see the standard of living of all people in the world come up and, lo and behold, the gloom and doomers, the sky is falling, the "Chicken Littles" are telling us we have this terrible travesty happening, global warming is going to destroy the planet so we have to accept a lower standard of living when quite the opposite is true. We need to be increasing our economic growth, increasing opportunities for people to be entrepreneurs, scientists, technicians, designers, Mr. President, so a clean environment can be achieved through better design. The solution to pollution is design and simplicity; better, simpler ways to do things.

Mr. President, I hope that the U.S. negotiators will be extremely cautious about anything that we sign. I hope we will be extremely careful in what we do, and I think we should focus on two things and then I will close, Mr. President. I see my time has expired.

Costs and science. What is all this going to cost the working men and women of this country, and what is the scientific data that we are basing it on? What is the scientific evidence of the people making these judgments? What are the scientists really saying about what is happening? Is humankind responsible for all this? Or is it truly natural phenomena that happened throughout the course of time? Let science speak, and let's make sure Americans know the cost of our actions.

Mr. President, I ask unanimous consent to print the Peter Samuel article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 11, 1992]

THROWING IN THE TOWEL ON WARMING?

(By Peter Samuel)

The Bush administration has caved on global warming. It has agreed to sign a climate change treaty that includes a general commitment to national plans to limit carbon dioxide and other "greenhouse" gases. The face-saver for the United States is that the commitment is not to be spelled out as legally binding, though most observers think it will carry enormous political weight and build a momentum for subsequent U.S. entanglement in anti-carbon fuels taxes, controls and planning.

As negotiations opened at the latest U.N. Intergovernmental Negotiating Committee (INC) meeting, chairman Jean Ripert produced new draft treaty language that he told reporters is acceptable to the United States. American officials have not confirmed this publicly, but they have privately.

The new treaty language (which U.N. negotiators agreed to on Saturday) requires governments to submit "national plans" within six months of the treaty signing showing how they will keep year 2000 CO_2 and associated greenhouse emissions down to 1990 levels. The new draft treaty states that this stabilization at 1990 levels by 2000 would be "an appropriate signal" to developing countries of serious intent. There are no formal commitments beyond stabilization at 1990 levels.

The Congress' most powerful environmentalist, Tennessee's Democratic Sen. Albert Gore, has been devoting himself full-time the past few weeks to engineering a U.S. backdown, and he has received major support from Environmental Protection Agency (EPA) Administrator William Reilly. National Security Adviser Brent Scowcroft and White House Chief of Staff Sam Skinner also have urged the "compromise."

Mr. Bush has let it be known he wants to go to the Rio Earth Summit with a "good" climate treaty to sign. So the cave.

Of course, Mr. Gore is not cheering the administration. Any murmur of approval from his camp would jeopardize the fragile compromise by stirring up sleepy conservatives. In any case, Mr. Gore is already peddling off to the left to try and drag the administration further his way.

Mr. Gore says (The Washington Post, May 3) the compromise treaty language "leaves many goals unmet" and lambastes it as "clouded by confusing and dense language and without any specific targets and timetables for action." He says the United States "has pulled every other nation back to craft an agreement far short of what could have been accomplished."

Lectures Mr. Gore: "A treaty without specific targets and timetables is a hollow promise. There is no assurance it will be kept and no promise of future benefit."

There is, of course, no assurance any treaty however written will be kept, and arguably no future benefit in any kind of CO_2 suppressing plan. There is more Gore fulmination about Bush administration "intransigence," "stubborness," and the like.

The whole sad affair is a case study in the pitfalls of trying to conduct public policy without full and open discussion of fundamental principles and a fearless discussion of science and data. The Bush administration, like many limpwristed, so-called conservatives before it, has never been prepared to speak frankly about the humbug of global warning and the greenhouse effect. They could have said:

The overwhelming factor in climate change is the intensity of the sun, which varies with sunspot cycles.

The enhanced greenhouse effect theory is just a theory that has performed lamentably in explaining past climate change and is therefore likely to perform as badly in predicting the future.

Stabilization of the global climate is probably beyond mankind's power to achieve because climates have always changed, but it is also unnecessary.

Warming is no more likely over the next hundred years than cooling because we are near the end of an interglacial period.

Warming and carbon dioxide increase are both likely to be a net benefit to mankind and other life on the planet and are to be desired, not combated.

Mankind has proven its adaptability to climate change in the past and can adapt to it in the future so long as it does not succumb to hysteria and anti-science in matters of public policy and allow the economy and technology to be bound up by bureaucratic planning.

They could have:

Cited the majority of scientists who dismiss the catastrophe theory of greenhouse effects.

Given prominence to the views of distinguished scientists who have always opposed it, including Richard Lindzen, Robert Balling, William Nierenberg, Fred Seitz, Patrick Michaels, Fred Singer, Sherwood Idso and others.

Noted the growing number of new skeptics among top scientists.

Drawn attention to the enormous costs of carbon suppression and the bad precedent it would set.

Instead, the Bush administration has mumbled on defensively about "scientific uncertainties" and the like. By not confronting the global warming theory directly, where it is highly vulnerable, it has placed itself in the position of fighting backward, uphill and without a fraction of the firepower that is potentially available.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I inquire as to whether or not we are in morning business?

The PRESIDING OFFICER. The Senate is not in morning business.

Mr. DODD. Mr. President, I ask unanimous consent that I may proceed for 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO WILBUR MILLS

Mr. DODD. Mr. President, I take this opportunity this afternoon to express my sorrow at the recent death of a former colleague of ours who I had the privilege of serving with in the House of Representatives for one term. My first term in the House of Representatives was Wilbur Mills' last term in the House of Representatives. He had served in that body for 38 years and achieved a remarkable—truly remarkable—and historical record.

Many who served with him, of course, recall his tenure as the chairman of the Ways and Means Committee. It was in my first term and his last term, Mr. President, that we also watched with a great deal of tragedy the problem of alcoholism, and alcoholism as it has gripped the lives of millions of people in this country and throughout the globe, hit Wilbur Mills.

So what was otherwise a remarkable and distinguished career that covered everything from welfare reform to Medicare, some of the major issues of the day that Wilbur Mills played such a pivotal and critical role in are forgotten by most, and what most people remember are the personal tragedies that marked his final years in Congress.

Frankly, Mr. President, most of the obituaries about Wilbur Mills chose to focus only on those tragedies. What they failed to mention was that after Wilbur Mills left the Congress, for the next 17 years he dedicated himself very privately to Alcoholics Anonymous, very directly in the greater metropolitan area of Washington. During those years, he literally visited every single State in the United States and spent hundreds and hundreds of hours working individually with people who suffered from that disease. But that seems to have been forgotten and no mention was made of that public service, if you will.

As I say, I did not get to know him terribly well. I was a very junior Member of the House, but I invited him to come to Connecticut, and he spoke to our State commission on alcohol abuse and did a remarkable job in front of a packed house of some 750 people talking about the problem, personally, how people can change in their lives, what difference they could make in their communities by becoming involved in this issue.

Unfortunately, literally none of that was mentioned in any of the articles that I read about Wilbur Mills. They did mention, of course, some of his contributions as a Member of the House on some of those issues. But I would be less than honest with you, Mr. President, if I did not tell you how annoying it was, to put it mildly, to read the lead paragraphs that only talked about the tragedy in his life, not about the significant accomplishments that occurred for 38 years before that and for the personal involvement for 17 years later.

Wilbur Mills was a remarkable human being. Some may remember him for his legislative accomplishments. Most will remember him I suspect, for the human tragedy that occurred. I will remember him as a wonderful individual with a remarkable soul, a great deal of courage and a wonderful friend. America lost a great leader.

I thank you, Mr. President.

Mr. SYMMS. Mr. President, I would like to compliment my friend from Connecticut for those remarks. I had the privilege of being in the House for 4 years with Wilbur Mills, and I had the same experience. I recall that in a conversation I was having with the famous H.R. Gross from Iowa one day on the House floor, I said, "H.R., who do you think the best Congressmen are that you have seen here in your 2 decades-plus?" This was in his last term. He retired one term prior to that when Mr. Mills retired. He said hands down, one of the all-time greatest Congressman who ever lived was Wilbur Mills from Arkansas.

And this was coming from a conservative Republican—because of his ability to bring legislation to the floor and have total control of what he was bringing to the floor and have a total understanding of how it would impact the lives of the American people.

The Senator from Connecticut pointed out to our colleagues that he was truly a talented, gifted, capable legislator, and a great American, as a Member of the House as well as these last 17 years. I have seen him on several occasions since, and he always was doing what he could do to make this country a better place.

I share the Senator's views, and I thank him for bringing this to the attention of our colleagues.

My sympathy is extended to his family. I want them to know there are many here who are former Members in the House who knew Wilbur Mills and were blessed with the opportunity to work with him during those years.

I yield the floor.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, as the distinguished majority leader announced earlier, he was working with the Republican leader in order to hopefully have some amendments on this bill and we could move very quickly to final passage, I hope that is true. There are no amendments on our side that will be offered. The only amendments that we are waiting on now are those from the Republican side.

It appears to me that it is time that we move on with this bill. If it is true the President is going to veto it, whatever is put on it is going to be vetoed also. So why do we not just go ahead and have the germane amendments and have an up-or-down vote?

I am somewhat frustrated by the lack of interest in passing legislation and moving on to something on our agenda so we can do what is necessary for the American people.

Mr. President, seeing no other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, in private consultations in the last few moments the distinguished Republican leader has advised me that it is the intention of the Republican Senators to offer as an amendment to the voter registration bill a Republican crime bill, identical to the Republican crime bill which was offered as an amendment to the Telephone Privacy Act previously under consideration by the Senate last week.

The posture on that bill was that the Republican crime bill was offered as a first-degree amendment, the comprehensive crime bill which is now contained in the conference report on the crime bill was offered as a second-degree amendment, and then we went to the conference report. That was the subject of a filibuster by Republican Senators, and we have voted on that I believe twice previously and been unable yet to obtain the 60 votes necessary to terminate the filibuster.

With respect to the voter registration legislation it is obvious that we regard that as an important bill to be enacted and our Republican colleagues regard that as a bill to which they vigorously object and are seeking to prevent final action by the Senate on it.

We have previously failed to obtain cloture on that measure and entered a motion to reconsider that vote. Therefore, I have advised the distinguished Republican leader since they are going to offer the crime bill as an amendment to the voter registration bill in an effort to defeat the voter registration bill we might as well get to the crime bill by returning to the Telephone Privacy Act in which the crime amendment is already pending. And then I will at an early and appropriate time exercise my right under the motion to reconsider the cloture vote on the voter registration bill, and then we will see if at some early time, not this evening or tomorrow, we will be able to get cloture on the voter registration bill and be able to proceed to final action on that.

So that for now I believe the most appropriate course of action which I have discussed with the distinguished Republican leader, the chairman of the Judiciary Committee, and others, will be to return to the Telephone Privacy Act and then to move to the conference report on the omnibus crime control bill.

TELEPHONE PRIVACY ACT OF 1991

Mr. MITCHELL. Mr. President, I now call for the regular order with respect to S. 652, the Telephone Privacy Act.

The PRESIDING OFFICER. The immediate regular order is S. 652, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 652) to protect the privacy of telephone users by amending section 3121 of Title 18, United States Code.

The Senate resumed consideration of the bill.

Pending:

(1) Gramm Amendment No. 1795, to restore the enforceable Federal death penalty, to curb the abuse of habeas corpus, to reform the exclusionary firearms.

(2) Kohl (for Biden) Amendment No. 1796 (to Amendment No. 1795), in the nature of a substitute.

OMNIBUS CRIME CONTROL ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I now ask that the Chair lay before the Senate the conference report on the Omnibus Crime Control Act.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3371) to control and prevent crime, having met, after full and free conference, have agreed to recommend and do recommend to their repective houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to consideration of the conference report?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I move to proceed to the consideration of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The Senate proceeded to consider the conference report.

Mr. MITCHELL. Mr. President, the measure before us now, the omnibus crime control conference report, is a very important and comprehensive effort to control crime in our society. It has been approved by the House of Representatives. A majority of the Senate is on record as favoring the bill. However, a filibuster by Republican Senators has previously prevented Senate action on the bill; that is, although a majority of the House has voted for it and a majority of Senators are on record for it, under the Senate rules a minority of Senators can prevent final action on the bill. We have had, I believe, two previous cloture votes on the bill. In both cases, more than 51 but less than 60 Senators have voted for it. So now we are back on that measure.

I hope that our colleagues would reconsider, particularly in the light of the events in Los Angeles to which important parts of this bill address themselves—the police academy provisions, the gang control provisions, the drug control provisions, and a number of others which I know the distinguished chairman of the Judiciary Committee will lay out in detail during any discussion of the bill provide important assistance. Most significantly, the bill provides substantial resources to local police, the officers around the country who we believe can contribute to improve public safety throughout our country with the kind of assistance which this bill offers.

I hope very much that the filibuster, which has so far successfully thwarted action on this bill, conducted by our Republican Senate colleagues, will be concluded and they will permit the will of the majority to express itself in a final vote on this bill.

Accordingly, Mr. President, I now yield to the distinguished chairman of the Judiciary Committee.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, from a quote attributed to Yogi Berra, "This is deja vu all over again."

I wonder how many times I am going to get the opportunity to stand here and make a case that the police departments of America desperately need help; that the citizens of this country desperately need assistance in the fight against crime; and that the reluctance of a minority—within the rules I might add; I cast no aspersions—the reluctance of the minority of our colleagues in the Senate to allow us to respond to what everyone is suggesting is needed, I am wondering when and if they will ever relent.

It seems to me particularly sad that in light of what happened in Los Angeles, in light of the clear demonstration for the need for this legislation—which to the best of my knowledge all of the police organizations in this country have supported, do support, and continue to support with increasing vehemence—that we are put in this position.

Now, again, I must give credit to my Republican friends. They have been able to, since November, prevent us from voting on this bill which they know if it is voted on will be sent down to the President of the United States immediately.

I respect the intelligence but most of all the ingenuity of my friend from Texas, Senator GRAMM, in providing so many interesting obstacles to getting a crime bill or this crime bill. And I think that everyone in this Chamber would agree that the fundamental stumbling block regarding the adoption of this conference report relates to the Brady amendment.

Now we will hear from my friend from Texas about habeas corpus. We will hear from my friend from Texas about a lot of other things. And he always says whatever he has to say well, succinctly and forcefully. But he is always saying the same thing. He will try to tell us that this is a pro-criminal bill, this is a pro-crime bill; this is a bill the effect of which would let criminals and convicted felons off of death row. And he will be joined by other equally articulate and forceful spokespersons who share his view making that same kind of statement.

I guess the expectation or hope on the part of my friend from Texas is that if he says it long enough people might start to believe it. But in order to believe what we have heard, assuming there is nothing new we are going to hear—and I do not mean that as a criticism of my friend. He is not going to hear anything new from me, and doubt that I am going to hear anything new from him because we have debated this and debated this and debated this and debated this and debated this and we have reinforced in the mind of the American public that all we do is debate and debate this.

We are very much engaged in the notion of proving to the American public how we are such a deliberative body. We are so deliberate, we are tripping over our own tracks in the sand because we have done it so many times.

But I guess what the hope is on the part of my Republican friends who will not allow us to pass a crime bill that could become law within the next 24 hours—or the President could veto it—I expect what they hope is that somehow the fact that they say this is not a tough crime bill enough times will mute the anger, the cries, the pleas, the assertions of the police departments of this country who say please let us have this bill.

The chiefs of police organizations, the Fraternal Order of Police, over half a million police officers represented by the established, longstanding, well-respected police organizations of America representing over a half a million police on the street, the folks getting shot at, the folks getting killed, the folks who are out there everyday, day in and day out, they are saying please—please help us help you.

But my friends, because I think they are—they are obviously committed to the position—my friends are saying no. They are offering us an alternative, another bill, another bill that coincidentally contains all of the things they said for September, October, November, December, January, February, and March they were against. They now figured out it does not make a lot of sense to be against a lot of this stuff, or at least it does not make a lot of sense to be on the wrong side of history or, to put it more bluntly, on the wrong side of what the police officers of this country and the American people think is important to have.

So they come along and take the original bill that passed out of here and the guts of the conference report, except they leave out one little thing. Remember, now, they are only interested in habeas—not only—habeas corpus is the big stumbling block. But guess what they leave out, the Brady bill.

What an oversight. How did that happen? They left it out. They somehow forgot to put that piece in the bill.

But it is not about guns. This is not about guns. Listen to them. They will tell you. "This is not about guns. It has nothing to do with that. This is about habeas corpus." No problem.

I do not know. It kind of defies reason, does it not? Keep in mind, I came along here 2 years ago and said we have to help the cops. But what we have to do is we have to have a police court. It is not my original idea, it is an idea of Senators like SPECTER and BINGAMAN and a number of Democrats and Republicans—both sides. I put it in the so-called BIDEN bill.

They came along and said look, we need more help for targeted areas that are becoming literally disaster areas because of drugs and crime. We need more help to deal with violence in America. They did not like those things before. They were against them all. It would cost too much money, among other things.

We fooled around and debated this ad nauseum. Finally, kicking and screaming, we went out of here last year, got it passed through the Senate. It got to the conference. My friends, again totally within their rights, totally within the rules, thought we have it all worked out.

This is my assessment. They might have a different one but I think the facts will bear out my position.

They said look, we are so close to adjourning that even if Biden gets this bill into conference he cannot get a conference report because, you know the theory around here, if you wait until the very end with only 2 days, 10 days, 12 days left in the session, anybody can stop anything. And who is going to get through a 400, 500—how many pages was the report—480-page bill through conference with less than a couple of days to go in the Congress last year?

Guess what? We got it through. Oh, my goodness. We got it through. Now they had to go to plan B—plan C. Plan C was, OK, they got it through, but now we have to vote on the conference report. We did not think we would have to do this, but conference reports you cannot amend. You cannot go through all the malarkey again.

We all know where all the votes are on every one of these issues. I have been dealing with this issue so long I am tired of it. We know where every vote is. I will make a bet—well, I will not bet. But I will predict for you. In every issue you can name for me, I can come within two votes of exactly how it is going to turn out. Because I am so smart? Because I am clairvoyant? No. Because we voted 2, 3, 4, 5, 6, 7—10 times on the same issue.

But when we got to the conference report, all of a sudden plan C was required. And they had to show their colors, in the sense that they had to come clean. What happened? Every major newspaper in America said: "Republicans kill crime bill." Because now it is in the open. Now they could not say, well, we just want to perfect point A, or point B, or point C, and we think that habeas corpus should relate to this amendment and this and that. After all that stuff they can confuse anybody, even the lawyers. And lawyers make a profession out of confusing people. And I am a lawyer.

They had to come straight up, for it or against it. Do you want to do something the cops want or do you not want to do it? And they had to stand here and filibuster. I said this is all about guns. They said, no, this is not about guns; this is about habeas corpus; this is about whether or not coerced confessions can be treated according to the Supreme Court case of—guess what? We have some really honest people in this body.

STEVE SYMMS came before us and said—this is guns. Make no mistake. We are getting no bill because this has guns—the Brady bill.

Guess what? The cat was out of the bag. So I guess because even the conservative press in America figured this out and could not write anymore, "Democrats, Soft on Crime," they had to write, "Tough crime bill defeated because of the gunners' filibuster."

OK. That went on. The politics was played on that issue over there for a while and that went through. We went out of session in November, so everything was sort of quiescent. Then we got back here and, guess what, it had not gone away, the issue. Because Americans are still being killed. Tens of thousands of people are being needlessly brutalized. Tens of thousands of women are being raped. So it did not go away, Mr. President. It is still here. Guess what? Crime did not leave.

The President wants to make us think the drug epidemic is all over. He declared that war is won. But, guess what? The American people know it is not safe to walk out of this Chamber to their automobile in this town or any town in America.

So what happened next? Plan D. We are losing this political battle here. It is not working like it used to. We used to say Democrats bad on crime. The public would go boing—"Right. That fits."

Guess what? The police in America are saying we like this. We need this.

So plan D comes along. Plan D is—"Hey, wait a minute now, this whole thing ain't working the way we used to make it work. They found out it is about guns. That is No. 1. And, No. 2, they found out the police like it and want it. No. 3, they realize the Democrats are for something that makes sense. What are we going to do?"

Good idea they came up with. That is plan D. Plan D is—and I never underestimate the intelligence or the innovative capacity of my friends on either side of this aisle. One of them says: "Got an idea. We are going to have a new Republican crime bill."

Keep in mind, in 1991—I will not bore the Chamber with it now—but in 1991, there were a half a dozen major initiatives in my crime bill, and then in the conference report that they argued against, including the administration saying we are against them. Do we have that list? I will just sort of tick them off. I will not go through them all.

Twelve new crime fighting programs, 12 programs included the Gramm-Thurmond bill; State and local law enforcement funding—Justice Department said we are against that, another $1 billion. Federal law enforcement aid; title X, they are opposed to that. Police corps, they were opposed to that. Law enforcement scholarships, they are opposed to that. Boot camps for State prisoners; increased funding for Federal prisons; violent youth antigang measures like we need in LA now; rural drug control help; rural law enforcement training; Drug Emergency Area Act; and so on. There are others. But, again, my friend from Texas and others went to plan D, and plan D was: Let us take all those things we said we were against and be for them now.

Something must have happened at Christmastime. I do not know, maybe over Christmas Santa Claus left a package saying, "Hey, fellas, this is good stuff." Whatever it was, I do not know. But after 2 years of fighting this, we get a Republican crime bill, and guess what it has in it, Mr. President? It has the original Biden bill, by and large. That is plan D. Now all the things they fought for 2 years against they say they are for. And they stand there and say the administration is for them, too. Good. Good.

But guess what was left out. Guns. Is that not kind of funny? The President says he is for the Brady bill. The Senate overwhelmingly voted for the Brady bill. Most of the Republicans say they are now for the Brady bill. They come along and adopt things that have been anathema to them for years that I have been pushing, and they drop it in their bill in the Santa Claus conversion. But they do not drop in their bill the provision that most of them say they are for and say, "This has nothing to do with guns." I guess what they mean by "nothing to do with guns" is they want nothing to do with anything that has anything to do with guns. So that is out.

I may be off. There may be a plan—I gave you a plan A, B, C, and D as I see it. I am just one man. I may be wrong about that. But in the law, there is a term of art and it relates to some criminal statutes and civil rights statutes. It is used sometimes. It is called "pattern and practice." There is a pattern and a practice that even I can see. Maybe the pattern is not A, B, C, D as I outlined it, but there is a pattern. The pattern here is resist, resist, resist until you must stop resisting and then give a little more. But one thing do not do: Do not do anything to make the NRA mad. Praise God, do not do that. The pattern at a minimum is what you call dragging your feet. If you look real close on this rug, there are rug burns all the way down here where people have been dragging their feet to the well.

Again, I may be wrong about plan A, B, C, and D and I am confident there is an F—A, B, C, D, E, F, G, H, I. There are a whole bunch of other plans down there, but they all add up to one thing, Mr. President. My distinguished friend from Texas and others are extremely adroit at making sure that nothing passes and becomes law that has anything to do with guns.

Let us talk about habeas corpus. They say they like their habeas corpus better than the one in the bill, and they do. They say habeas corpus does not matter to us. All those people who are shooting us are the people who are out of jail, not the people who are in jail. All the people who file habeas corpus petitions are people in jail. Nobody has been shot on the street by a person filing a habeas corpus petition. Nobody has been raped by somebody filing a habeas corpus petition at the time. That may be why they are in jail, because they shot somebody; it may be why they are in jail, because they raped somebody. But that is not why you should be fearful of going to your car. So we are going to hear about habeas corpus.

Let us assume they are right. They are wrong, but let us assume they are right on habeas corpus on the merits. Let us assume, instead of a significant limitation we placed on habeas corpus that is in the bill before us right now, the conference report, let us assume it should be even more stringent. Fine. Good. There are the votes in this body to have the more stringent form. I am willing to compromise more on habeas corpus. You cannot get the compromise on the House side and in the conference.

How many bills do you know, Mr. President, that are as significant, as large, as long, and as important as this crime bill that someone would stand like the little Dutch boy with his thumb in the dike to keep from passing for essentially a year because of a difference in habeas corpus that relates to how much we limited it. If my friends think that is the big issue, let us pass this bill and immediately introduce a bill on habeas corpus to further amend it. For Lord's sake, do not let everything else go down the drain.

But, Mr. President, I am fearful that it is not habeas corpus. It is guns and politics—guns and politics.

So here we are once again with the possibility—because I am an eternal optimist—with a possibility that there may be a filibuster. Maybe my friend from Texas is going to stand up and say, "You know, this conference report is a turkey, let us vote." Maybe he is going to surprise me and do that. He has surprised me a lot of times. Maybe he will, in which case we will not have a filibuster and we will have a vote. But if he does not do that, my friend from Idaho, who has been the most straightforward guy—he just left, he was here, I am sorry—Senator SYMMS has been straightforward on this all along, if he says, "Come on, let us go vote on this," then there is no filibuster. Otherwise, I think what you might see is a filibuster.

Let us take one more point. Let us assume, for the sake of discussion, that the Republican bill, which is now the bulk of the original bill I introduced and is in the conference report, let us assume that it is a better bill and let us assume it is a better bill because it does not have the Brady amendment in it, for the sake of argument.

Let us assume it is a better bill because it has a different habeas corpus in it. And let us assume it is a better bill because it deals with a few other things that are better, that are different.

Now, Mr. President, I have heard a number of people, Democrat and Republican, come to this floor over the last—how long ago was the Los Angeles riot? How many days?—whatever number of days it is since that riot, standing on the floor talking about urgency, emergency, absolute necessity to move quickly, dire needs, et cetera, et cetera.

But let us assume the Republican bill is a better bill.

Well, the chances, Mr. President, of that passing now, going to the House of Representatives, being debated all over again with all the amendments that will be attached to it, all the debate that will ensue because it is an amendable piece of legislation, then going to a conference, which for the benefit of our constituents means to the extent it is different than what we passed, then the Members of the House of Representatives and the Members of the Senate sit down and work out their differences, getting a conference report and coming back here to the Senate and the House and being voted on, all by November, let alone by June, is remote. And the chances of my friend from Texas, my friend from Idaho, and others preventing us from being able to add the Brady bill to whatever they have I think is remote; we have the votes to do that.

So where do we end up, Mr. President? We end up with a bill that has the Brady bill in it, the very thing that my friend from Idaho has said he is not going to let pass here anyway, and we are back to square one.

Where are the police? The police are left where they are now, without sufficient support.

Where is the effort on juvenile gangs in America? Right where it is now, and there is not an American in this country that does not know our efforts are inadequate.

Where are the tougher laws on the death penalty? Exactly where they are now. Nonexistent at the Federal level. This has 53 death penalties in it, this conference report we can vote on in the next 10 minutes if we were allowed to.

So where are we, Mr. President? We are just back to confirming in the American people what they already believe about us, that this is all a charade in an election year.

Now, I want to make it clear there are a number of my Republican friends who support the Brady bill. There are some Democrats who do not support the Brady bill. So this is not a blanket indictment on Brady, which is really, by the way, the Mitchell-Dole compromise but everybody knows it as the Brady bill.

But ultimately, Mr. President, we end up in the same spot, and that is there is a sufficient number of Senators in this body who, under the color of other arguments, will be able to successfully, if they conclude they wish to do it, stop America from having a crime bill because of their fervent—and I respect them for it—fervent and, how can I say it? They believe intellectually and emotionally that it would be terrible to have a waiting period to buy a handgun. And I believe they believe it. It is not a game with them; they believe it.

That belief is going to stand in the way of us having a crime bill. They are going to say you either take the crime bill the way we want it, which is with no guns and a change in habeas corpus and other things, or no crime bill at all, notwithstanding the fact that the overwhelming majority of Americans, the overwhelming majority of Democrats, the majority of Republicans all think it is an important provision to have in the law now, and that we have debated it as a Nation and we have voted on it in this body, in both Houses.

Well, anyway, there is a lot to say, but much of what I am saying will be repetitious of what I have said over and over again. It boils down to one simple thing. My friend from Texas and those who share his view, are they going to let us vote or not. I respect them if they conclude they do not want to let us vote. But let them tell us we cannot vote. We can debate this some more if we want to debate it. But as my friend from Texas said to me before we got on this bill a few moments ago, there is not much to debate. He thinks the bill is a turkey, or whatever phrase he used, and he will tell us about that. He has made his view known repeatedly here. I have made my view known.

So I do not know how much there is to debate that has not already been debated, but I am delighted to yield the floor to my friend from Texas so he can make his case against the conference report, and maybe we can get on with, at some point, resolving that we will vote on something relating to crime.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, our dear colleague from Delaware has given two speeches, a strawman speech, which he presented very effectively, and then a knock-the-strawman-down speech, which I thought he also delivered very effectively.

Mr. BIDEN. I thank the Senator.

Mr. GRAMM. As I listened to his speech though, there is one thing I agreed with, and that is that this is a charade. As I look at the fact that the American people are outraged about partisan gridlock in America, I think it is clear that they are right, that American Government is not working, that we are not addressing the problems that face the American people, that even on an issue to the American people that seems so clear-cut, so noncontroversial as crime and punishment, partisan gridlock absolutely prevents us from responding to the will of the American people.

Now, Mr. President, let me first try to define, because we have gone far afield in this strawman speech, why we are here, why we are on the conference report, then I want to go back and talk about the issue and to talk about what this Senator is trying to do, and then to basically plead with my colleagues to address this issue.

First, let me go back to the beginning. It was 1,057 days ago today that the President sent to the Congress a very strong anticrime bill—1,057 days ago. As of today, we have had action in both Houses of Congress. We have gone to conference to work out the differences between the two bills. The House has passed by a vote of 205 to 203 this conference report that is now before the Senate.

The President has said that he will veto this bill. Not one Member of the Senate, no person in America that has followed this debate has any doubt about the fact that the President will veto this conference report. Every Member of the Senate knows it. Every Member of the House knows it. And we are on this bill not in an effort to legislate but, remarkably, we are on this conference report in an effort to block legislation.

Now, how did we get here? Senator THURMOND, Senator DOLE, myself, and others put together a true, tough anticrime bill. But first there was the President's bill. We brought it to the floor of the Senate. We debated it. We adopted a crime bill in the Senate which was very close to what the President said he could sign. We went to conference. Many of the provisions that were strong in the bill were stripped out, and as a result now we have a bill that everybody knows is strictly a partisan shell that the President will veto.

Let me talk about this bill which is before us. First of all, 31 State attorneys general, 16 Republicans and 15 Democrats, wrote the President urging him to veto any bill that contained the provisions on habeas corpus that are in this bill.

Let me read to you a part of a resolution that was adopted by the National Association of Attorneys General. It was adopted overwhelmingly, and what this resolution did was urge President Bush to veto the conference report because it adopts provisions that—this is their resolution, adopted by a bipartisan Democrat and Republican group of attorneys general—here is their resolution: This bill adopts provisions that "weaken existing law" and "broaden the range of circumstances in which the convictions of criminals will be reversed."

The National District Attorneys Association wrote that the conference report "Does far more to advance the interests of convicted criminals than it does to protect the law-abiding citizens."

Mr. President, this is not President Bush talking. This is not the Senator from Texas talking. This is the District Attorneys Association which passed a resolution overwhelmingly and which stated that this bill which is before us, which the President has sworn to veto, "Does far more to advance the interests of convicted criminals than it does to protect the law-abiding citizens."

They go on to say "In fact the passage of this bill is tantamount to handing the jailhouse keys to thousands of convicted State and Federal prisoners." They then go on to urge the Senate to "reject this poor excuse for a crime bill."

Mr. President, this is not me talking. This is not the President talking. This is the District Attorneys of the United States of America who rank among the chief prosecuting and law enforcement officials of their States. What they say is that the conference report before us strengthens criminals' rights, weakens the rights of those who are law-abiding citizens, and in essence, as they say, is tantamount to handing the jailhouse keys to thousands of convicted State and Federal prisoners.

Mr. President, why are we on this conference report when it is clear that this conference report is going to be vetoed by the President, when it is clear that we are not going to allow it to pass the Senate? Why is it back up? Why are we debating it again? The reason we are debating it again is because there are Members of the Senate who are trying to bring up a crime bill that can be signed by the President, a crime bill that will grab criminals by the throat, a crime bill that will protect law-abiding citizens.

What happened to make this conference report a sham and a fraud which the District Attorneys Association, in a resolution approved overwhelmingly, say is like giving the keys to the prisoners, to convicts. What happened?

We passed a pretty good bill in the Senate. Let me tell you what happened. On the floor of the Senate, when we considered the President's crime bill and we ultimately adopted the bill in the Senate, I sent an amendment to the desk asking for 10 years in prison without parole for selling drugs to a minor, or using a minor in drug trafficking. That provision was adopted on a voice vote in the U.S. Senate. It provided life imprisonment without parole for a second offense.

What we said in the Senate in the strongest possible terms was if you sell drugs to a child, no matter who your daddy is, no matter how society has done you wrong, if we apprehend you and convict you in the Federal system, you are going to prison for 10 years. You are going to serve every single day. And if you do it again, you are never going to have an opportunity to do it a third time. That was adopted overwhelmingly in the Senate. But what happened when we went to conference in a totally partisan conference and a final bill came out? That provision was dropped.

Here in the Senate, we adopted a provision that said if you carry a firearm and during the carriage of that firearm you commit a violent crime or a drug felony while that firearm is within your possession or your reach, and you are convicted of having possessed that firearm—independent of the crime, you are going to prison for 10 years. You are going to serve every day. If you discharge that firearm with intent to do bodily harm, you are going to get 20 years in prison. If you kill somebody, you are going to prison for life without parole, and in aggravated cases you could be put to death. That is what the Senate said. The Senate adopted those amendments. And it adopted them overwhelmingly.

But what happened in this conference? The conference report was determined on a totally partisan basis. When the final bill was written, without the support of a single Republican in the House and Senate, that provision, 10 years in prison for possessing a firearm during the commission of a violent crime or a drug felony, 20 years for discharging it, a death penalty for killing somebody, was dropped.

We had in the original bill adopted in the Senate the three-time loser rule. I am confident that at least 99 percent of the American people support this provision. The others that do not are afraid they may have it used against them. It says if you commit any combination of violent crimes or drug felonies, and you are convicted the third time, you get life imprisonment without parole. We adopted it right here on the floor of the U.S. Senate. We were for it. But what happened? When we went to conference with the House on a totally partisan basis, that provision was dropped.

In fact, Mr. President, 71 different provisions related to protecting the law-abiding citizens of America that were adopted in either the House or the Senate were dropped in conference. In fact, you can go through the bill, and take the House bill or the Senate bill, and whatever was the toughest provision was dropped. And in some cases, the same or similar provisions that were adopted by the House and the Senate were dropped.

Let me just give you some examples. Let me just take one: Preservation of harmless error doctrine. That was a provision in law that was not changed here in the Senate. That was based on a judgment that said if there was a harmless technical error, some police officer dashes in, arrests some drug thug, in the panic of the moment makes some technical error, was not intention, was not harmful to the overall prosecution of the case or to the defense, it was simply a mistake—that we do not throw the conviction out.

But what happens here? The conference bill automatically requires the reversal of a criminal conviction based on erroneous admission of incriminating statements by defendants, even if the independent evidence of guilt is overwhelming and it appears beyond a reasonable doubt that the error would not have affected the outcome of the trial.

Mr. President, who is for that? Nobody is for it that is willing to stand up and vote for it. But while we are trying to impugn the motives of the people who are against the bill that the district attorneys in a resolution say weakens existing law, broadens the range of circumstances in which convicted criminals will end up on the streets, nobody wants to stand up and say they are for this provision. But why was the provision adopted here in the Senate dropped in conference? It was dropped because there are still many in Congress who blame society and not the criminal for crime. That is why it was dropped.

Let me give you some other examples. We have in the bill adopted in the Senate provisions related to broadening prosecution as adults for juvenile gang leaders.

That was a provision that was not very controversial when we debated it in the Senate. It was adopted in our bill. But when the conference report came out, it, along with 70 other grab-the-criminals-by-the-throat provisions, was dropped, provisions relating to HIV testing and penalty enhancement for sex offense cases. We debated here on the floor of the Senate, and we adopted provisions that required testing for AIDS on people who commit sex crimes, and enhanced penalties for those who do so knowing that they have AIDS.

But, guess what? We adopted it, we were for it. But when the bill went to conference late at night in some little smoke-filled room, somehow that provision was dropped.

Mandatory restitution requiring criminals who have resources to pay people whom they committed crimes against, we were for it. America is for it. Everybody wants it.

But guess what? We adopted it, we voted for it, but when they went into conference back in a little room somewhere, this provision died.

Domestic violent crime programs, victim's right to an impartial jury, safeguards, on and on and on, provisions that we were for, that we adopted, life imprisonment for incorrigible violent drug offenders, the list goes on and on, dealing with illegal aliens, mandatory deportation of illegal aliens who commit serious offenses.

Mr. President, what happened to these 71 provisions?

Well, what happened to them is they were dropped. What happened to them is we ended up with a bill that came out of conference on a strict party line vote that 16 Republican and 15 Democratic attorneys general urged the President to veto. They say it weakens existing law. The district attorneys, the prosecutors say it does more to advance the interest of convicted criminals than it does to protect law-abiding citizens. In fact, independent of the resolution, independent of the letters sent by 31 State attorneys general, 12 Democratic district attorneys felt so strongly about it that they wrote individual letters to the President urging him to veto this bill that hamstrings efforts to combat crime.

Mr. President, that is the nature of the conference report that is before us.

Let me say something about the money. Our dear colleague has talked about money. One of the things you can always count on our colleagues to do is to talk about money when people are trying to talk about substance—trying to substitute money for ideas.

Let me tell you, when it comes to building prisons and fighting crime and hiring law enforcement officials, our colleagues talk a lot better game than they deliver. I remind my colleagues that we have almost consistently underfunded the President's request for FBI, DEA, and prison construction. When it comes to providing money in appropriations bills, we have almost consistently underfunded the President's requests for DEA, FBI, and other law enforcement activities.

What the conference report before us does is it authorizes a lot of money. It says: We hereby authorize—if some day we ever have the money and volition to spend it—the spending of money. Not one penny is actually provided by this bill.

Our colleague gets upset when, in trying to get a consensus, we have been willing, in our bill, to add the same authorization and, in fact, have increased authorized money for prison construction. But I do not want people to be able to accuse me of what, in essence, I am accusing my colleague of, and that is making a meaningless promise. These are authorizations. It is when you appropriate money that you are shooting with real bullets. Authorizing is wishful thinking. That is saying we would like to do it. What is meaningful is appropriating money. This bill does not provide one nickel.

Mr. President, let me talk about guns. I do not believe in gun control, that is true. I do not believe in it. I do not believe that gun control works. I believe the way to deal with the problem is to grab by the throat people who abuse guns. That is why I want 10 years in prison for carrying a firearm during the commission of a violent crime. That is why I want 20 years for discharging it. That is why I want the death penalty for people who use a gun to kill people.

We have, all over the country, gun control measures. The District of Columbia has the most stringent gun control measures in America and, yet, virtually every night, we have a half-dozen people murdered with guns. The problem in the District of Columbia is that we do not have strict minimum mandatory sentencing. We do not have a death penalty. People are killing people, and they are not receiving the effective punishment that would deter it from happening. That is our problem.

But I know gun control is going to be debated. I also know where the votes are on the floor. What I am saying is, let us bring up a real bill that the President can sign. Is our objective only to pass bills that the President has to veto? Is that the sum and substance of this greatest deliberative body on the face of the Earth? Is that what we are here to do? Why are we wasting all of this time on something that 203 Members of the House have already voted against? It takes 146 Members to sustain a veto.

The President has sworn to veto the bill. Why are we even debating this bill? I will tell you why. Because, in frustration, a half-dozen Members of the Senate got together and said, "Look. Let us break this gridlock. Let us take Democratic provisions, let us take Republican provisions that were adopted in either the House or the Senate so we know that there is a broad base of support for them."

So we went back and looked at the Senate bill that we adopted, a bill that I voted for.

Mr. BIDEN. Will the Senator yield for a question?

Mr. GRAMM. I would be happy to.

Mr. BIDEN. Why did you not include the Brady bill then?

Mr. GRAMM. I am glad you asked. That is the next item.

Mr. BIDEN. One other question. Maybe you can answer this as well. Why do you not let us vote on this, let the President veto the bill, and then we are done with it?

Mr. GRAMM. OK. Let me go ahead and explain, and I will get to the Brady bill, and I will talk about this provision.

What we did in trying to break this partisan gridlock is we took the Senate bill and we took the House bill, one adopted by the Senate, the other adopted by the House, and we took the strongest anticrime provisions of both bills, and we put them together and introduced a new bill. And then we announced that once a week, until we had passed a crime bill that the President could sign, we were going to introduce this bipartisan measure that contained provisions adopted either by the House or the Senate.

The reason that we are on this conference report tonight, the reason that we have already voted on it a couple of times before, is that either I or the senior Senator from South Carolina have sent this composite tough crime bill to the desk and asked for its consideration as an amendment. And every time we have done that, the majority, using its rights, using the power of prior recognition of the majority leader, perfectly within the rules of the Senate, has used its ability to call up the conference report to kill that effort.

In fact, the conference report was called up because, on another bill, this amendment had been offered and was subject to debate. The conference report is a way of preventing our composite, tough crime bill from being debated.

Let me talk about the gun provision. I do not need to come to the floor of the Senate to say that guns are controversial, that the gun issue is controversial. Now, we have voted on gun issues many times. We have a pretty good idea where everybody is on the issue. And it really goes back to I believe a deep philosophical difference.

I do not believe gun controls work. Many of our colleagues do. I do not impugn their motive in believing it. I just look at the world we live in. I look at the fact that we have over 100 million firearms. I look at the fact that in the riots in Los Angeles when the criminals all appeared to be armed or were breaking in places and stealing guns but law-abiding citizens faced a waiting period of 2 weeks when they tried to go out and buy a gun to defend themselves.

The point is that we all know that when we present our crime bill the Senate is going to work its will on guns. So since most of the people that are for our bill believe in criminal control and not gun control, what we did was we wrote a crime bill knowing that the first amendment that will be dealt with will have to do with guns. We will vote on numerous gun amendments, we know that the Senate will work its will on the floor on our proposal, know it will be amended many times.

Do I think it is a better bill getting tough on criminals rather than law-abiding citizens who own guns? Yes, I think it is better. But do I think that the Senator from Delaware or the Senator from Maine or somebody else is going to offer a gun control amendment? Yes, I do. I know they are going to offer an amendment. Maybe it is going to be adopted—maybe it is not—depending on where the votes are.

As I like to tell my colleagues whenever we talk about this issue, my mother lives alone and if criminals are thinking about breaking into her house they not only have to worry about the police or the sheriff, they have to worry about the fact that my 80-year-old mother has a little gun, and that she is liable to sentence them to a sentence that no judge can ever bring them back from.

In my opinion, she has a right to have that gun. My mother is a law-abiding citizen. She has a right to go out and buy that gun.

I take our second amendment rights seriously. There are other people who want to restrict them. That is what the process is about. That is what we decide. But that is why guns are not in here. Our bill is a crime bill, but nobody doubts for a second that Congress, ultimately the Senate now, will work its will on our bill.

Why are we not just letting this bill pass? First of all, this bill is brought up for no other reason than to stop us from having our bill considered. I am opposed to this conference report. I have no doubt that about 45 Members of the Senate will vote against it. The President will sustain the veto. I do not know why we have to go through that.

I just want to ask my colleagues to give us an opportunity to pass a real crime bill. I know our colleague from Delaware is working with some Members on my side, working with the Attorney General, seeing if they can work a bill out. I do not know of any other way to put pressure on both sides to work a bill out than to bring this amendment up every week. I want a crime bill. I know every provision of the crime bill will not be a provision that I like. But, Mr. President, I cannot support and cannot fail to use my powers as an individual Senator to stop from passing a bill which the prosecuting attorneys of the United States—that is of the individual States—say strengthens criminals' rights and weakens the rights of ordinary citizens, of law-abiding citizens.

So, basically, this is where we are, and I will summarize and try to be brief, if anybody else wants to speak on this subject. Basically where we are is this: The President sent to the Congress 1,000—let me be sure I have it right now because obviously it changes every day. The President sent to the Senate over 1,050 days ago a crime bill. It was a tough crime bill. We adopted a very tough crime bill in the Senate. The House adopted a pretty tough crime bill. But when we went to conference on a totally partisan basis, most of the tough provisions, 71 of them that were adopted in the House or Senate, were dropped: 10 years in prison without parole for selling drugs to a minor, dropped; life imprisonment for second offense, dropped; 10 years in prison for possessing a firearm during the commission of a violent crime, dropped; 20 years for discharging the firearm, dropped; mandatory life in prison for killing somebody with a firearm during the commission of a violent crime or drug felony, dropped; the death penalty in aggravated cases, dropped.

Mr. President, provision after provision after provision that was aimed at strengthening law enforcement was dropped. But what did we end up with? We ended up with a bill that overturns some 20 Supreme Court decisions that have strengthened law enforcement. We ended up with a bill that, in the language of the National Association of Attorneys General, the association made up of the attorneys general of the various States, we ended up with a bill which they say in their resolution "weakens existing law, that broadens the range of circumstances in which the conviction of criminals will be reversed."

Despite a good bill passing the Senate and a pretty good bill passing the House, we end up with a bill that our district attorneys say:

> Does far more to advance the interest of convicted criminals than it does to protect the law-abiding citizens. In fact, the passage of this bill is tantamount to handing the jail keys to thousands of convicted State and Federal prisoners. Reject this poor excuse for a crime bill.

Mr. President, that is not the President of the United States talking. That is not George Bush. That is not the Senator from Texas. That is a resolution by the National District Attorneys Association; 16 Republican State attorneys general and 15 Democrats wrote the President urging him to veto this conference report.

Mr. President, that is where we are. So what is our objective? Is our objective to pass a bill the President cannot sign? Is our objective to try to embarrass the President by forcing him to veto a bill which all informed segments of the world know is a bad bill, so that we can have Members of the Senate and the House Members of the opposition party stand up and say, "The President is against passing a crime bill; the President is for the criminals"?

Mr. President, we all know that this is not a good bill. We all know we are capable of passing a better bill. Are there stumbling blocks? Do we differ on issues? Will there be a big fight about gun control? Yes. But that is no excuse for not trying to pass a crime bill which the President can sign.

So, what is my objective here tonight? My objective here tonight is to stop a bill from passing that Democrats and Republicans in key law enforcement and prosecution positions all over America are opposed to, a bill that 203 Members of the House voted against, a bill the President has said that he will veto, a bill that we know will be vetoed and we know both Houses of Congress will sustain the veto.

I have tried now on several occasions to get the Senate to look at provisions that have already been passed by the Senate or already passed by the House, to begin the debate anew, and each time that I have tried to get consideration of a real crime bill, a crime bill that will in fact be signed by the President, a crime bill where the legitimate differences that exist will be worked out, every time I try to do that up comes this conference report being dug up like some dead animal to prevent the Senate from dealing with this issue.

So all I can say is this: This is Thursday evening. My dear colleague from Delaware and I are here.

But I want to deal with this issue. I hope my colleague from Delaware knows or believes that I am serious and that I want to pass a crime bill. This bill that we have before us, this conference report, is never going to become the law of the land and we all know it.

I want to get on with debating the real issue. I did not know any other way to do it other than to take the strongest provisions of the House, the strongest provisions of the Senate bill—many of those provisions were offered by Democrats, many were offered by Republicans. My objective is to begin the debate not on a bill the President has to veto but on a bill that the President will sign. That is what this debate is about. We have an opportunity to deal with gun control, and I do not doubt that there will be many amendments offered, there will be many votes cast, and I am not so foolish as to believe that prudence and wisdom will prevail in all cases.

But I want a tough crime bill. I want people that are trying to sell drugs to my children put in jail, and I want minimum mandatory sentences. I think the time has come to act. That is why I raise this amendment.

And I just want to say finally to my colleagues—and I know people are weary at the end of a long day—this is not going to go away. I am going to offer this amendment once a week until either this Congress ends or until we pass a bill that the President can sign.

I do not ask the bill be my bill. I do not ask it to be a bill that I agree with every item. I do not ask it to be a bill that the President agrees with every item in it. But I am not going to stop bringing up this crime issue until ultimately we pass a bill the President can sign. I understand what our colleagues are doing here, and I know there are many on the other side who want to work out something on this issue. But we are not going to solve this problem by sending the President a bill that we know he is going to veto and that deep in our hearts I think most Members know he ought to veto.

Mr. ADAMS. Will the Senator from Texas yield?

Mr. GRAMM. I am happy to yield.

Mr. ADAMS. The Senator indicated there were just the two of you on the floor. There are some others of us on the floor.

Mr. GRAMM. May the RECORD show the distinguished Senator from Washington has come on the floor and his presence is greatly appreciated.

Mr. ADAMS. I have been watching this for some time. I just have to make this statement. I know that the distinguished Senator from Texas is a professor of economics and a very good one and knows these things very well. I am a former U.S. attorney. I have had to ask for the death penalty in the shooting of three police officers in the Greenwood bank robbery. I have had to prosecute druggies where we were trying eight and nine cases because we were short of people. I have had to go out on the streets of Washington, DC, because I am chairman of the District of Columbia Subcommittee on Appropriations, to see what is out there. I have had to fire guns at the FBI. So I just wanted the Senator to know that there are some of us who are in favor of this bill who have had considerable experience on the streets and have had considerable experience in the courtroom with criminal cases.

This is not a perfect bill. The Senator's bill is not a perfect bill either. But to allow what happened in Los Angeles to go forward and not pass this conference report is one of the most horrifying things that those of us in law enforcement or who have been in law enforcement can think of.

And I want to say this to the Senator from Texas as a reason. You know the first thing that the Crips and the Bloods, which are the two big gangs there, hit. They hit those assault weapons stores, and they were cleaning out those stores, and those weapons went out on the street, and now we have got the Bureau of Alcohol, Tobacco and Firearms out trying to find them.

I want to compliment Senator BIDEN for his patience and for trying to put this bill together. I just hope that the Senator from Texas will allow us to pass this bill. It would help us on the streets of Washington, DC, where our homicide rate is incredible and where our assault weapon rate is just terrifying. And that is not because the District of Columbia has a crime or a gun bill. You are shipping those guns in from every State in the Union that does not have a gun control bill.

That is the point of the bill. It is to stop interstate shipment. I just thought that the Senator ought to know—and I am very found of the Senator from Texas on a personal basis—but I just though he ought to know there are others of us here besides the chairman of the Judiciary Committee who have been involved in law enforcement—I have tried a lot of criminal cases and afterward I had defended some cases—that feel that we should take this step forward.

I also want to close by just saying this in response to the Senator, that we took the drug money that came to the District of Columbia and we sent it down there. We authorized 1,000 new policemen. We authorized new prosecutors. We authorized a new jail. We went to the President and said, "Hire as many more Federal prosecutors as you need." We hired eight new judges. We did all these things. We have mandatory sentences here also. And, as I told you, I have had to ask for the death penalty, so that is not a hangup with me either. Our crime rate here and our random shooting rate and our killing of innocent citizens has gone up since we did that. So I plead with the Senator from Texas and his colleagues to allow us to move forward with this, and another day will come when he can go forward with his bill.

Yes, I have had habeas corpus cases where I had to go down to the court of appeals as many as three times a month to handle those cases. But, please, let us move ahead and let us move ahead with voter registration.

The Senator is kind to have allowed me to speak and I would be happy to answer any questions.

Mr. GRAMM. I thank our dear colleague for his intervention.

I would just like to say this. The President is committed to vetoing this crime bill and he is committed to vetoing it in part because 31 State attorneys general, 16 Republicans, and 15 Democrats wrote him urging him to veto it. They say that this bill weakens law enforcement. The U.S. Attorney General is adamantly opposed to it. And I know and every Member of this body knows that this bill is never going to become law.

Our objective is to pass a bill that is a crime bill. The Constitution requires that either the President sign the bill or that two-thirds of the Members of the House and Senate override his veto. The President is not going to sign this bill. That veto is not going to be overriden. And he should veto this bill, and we should sustain the veto, and we will.

So I urge my colleagues to help me pass a real crime bill that can be signed, that will become law, that will address these problems and that, in fact, has a death penalty for the District of Columbia, something that I have fought for here for a long time.

So let me yield the floor. I appreciate everybody's patience. I am eager to debate the crime issue on a real bill that the President can sign. I am willing to sit down with any of our colleagues, Democrats or Republicans, to try to work out a compromise. What I have offered is not my bill but a compilation of the strongest provisions adopted by the House and the Senate. The conference report before us consists of the weakest provisions of the two bills and it overturns 20 Supreme Court decisions which strengthen the hand of law enforcement, which is why so many people oppose this bill.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be brief because I see my friend from Iowa wishes to speak, and I am anxious to hear what he has to say.

Let me just say a few thing based on what my friend from Texas just said. First of all, tell your mom she has nothing to fear in terms of her gun because, as you know and I know, nothing in this bill would have anything to do with her gun—zero, nothing. That was a very skillful way to drop mom in, and I appreciate that.

Mr. GRAMM. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. GRAMM. I do not think my mother ever would give up her gun willingly.

Mr. BIDEN. No one is going to ask your mom to give up her gun.

I will paraphrase something someone once said about my friend from Texas. He said, there are two things you have to know about him. One is that he is smarter than you; two, he is real tough. It was not exactly that quote.

But he once again, shows he is a very skillful debater. He dropped in mom like we are going to take mom's gun. I imagine everybody said, "God, don't take mom's gun."

Well, mom gets to keep her gun. This has nothing to do with mom's gun. All we are saying is if you want to go buy a pistol, if you want to go buy a gun, we want to find out whether you are a felon. Mom is not a felon. Mom can buy that gun and the gun mom already has, nobody has to even check out with mom. Mom gets to keep that gun. Mom can spin it, mom can shoot it, mom can swallow it, mom can get mad at her son and say she is going to buy another one. Anything mom wants to do she can do with that gun.

The Senator from Texas talked about strawmen. That is what we call a red herring. It has nothing to do with anything, but he is a skilled debater. I can see when he said "My mom's gun, and she is 80 years old," the folks up there said gee, you are not going to take mom's gun, are you? That would be awful.

This has nothing to do with mom's gun.

Mrs. Gramm, if you are listening, everybody here has great respect for you and your son—and your gun, and your gun is safe, nobody is going to do anything with it.

My friend stands here and sounds so incredibly reasonable. He said he does not want his bill. He is not insisting on the President's bill. He just wants a bill everybody is for.

The last time I looked, we had a majority of the Members of the House—a majority. Kind of a funny thing. He says 203 people voted against it. But a majority voted for it. There are 435 persons over there. More than 303 voted for it.

Where I come from, democracy says a majority rules.

Again, my friend from Texas, he says he does not want the President's bill. He just will not take any bill the President does not want.

Where I come from that is called a non sequitur. He says, A, the President's bill I am not insisting on. So far so good. He is reasonable.

Then he goes over and says, but I will not be for any bill the President is not for. Good. Got that one. That just clicks right in. That is openminded.

I do not want a bill the majority of the House voted for. I do not want a bill a majority of the Senate voted for. But I want to be reasonable. I am a democrat with a small "d"; I believe in democracy. I do not want to be unreasonable. I do not want what a majority of the Senate wants. I do not want what a majority of the House wants. I want what a majority of George Bush wants.

Sometimes we do not know what George Bush wants. I know that comes as a shock to some people but sometimes we are not sure.

But that is reasonable, is it not? The majority rule. It is like that old joke about the Lincoln Cabinet. I am paraphrasing. I do not know it exactly. The joke goes, there are 6 yeas and 1 nay, and the nays have it. The President has it.

I thought there was a Congress. I thought, funny notion I had, that if a majority of people at the other end of that Hall, called the House of Representatives, and if a majority of people in here, say they want a bill, that is a majority. This is democracy.

Now, the Senator from Texas has the right to thwart the will of the majority. No problem. But I ask my friend from Texas, let us call it for what it is in true Texas fashion. This is an attempt—which he has a right to do—to thwart the will of the majority. That is OK. But do not tell me this is an effort just to get something the majority wants, if the definition of the majority is whatever the President says it is.

Second, or third, we talked about mom's gun. We got that straightened away.

I hope we at least remember our math here and remember what majorities are. It means more for than against. You know? That is a majority. We got a majority here. We got a majority there. "There" being down the hall. I am looking at the House of Representatives. I can see from here the door that enters their Chamber.

I hope we have our math and our definitions straight. All right? One, mom gets to keep her gun. Nothing in this bill has anything to do with it. Two, a majority is a majority is a majority. If one more votes for—or against—than votes against—or for, the one that has the one more vote—and we got more than one more vote—that team wins. Democracy.

Now we have a little caveat here, and it makes sense. There are reasons sometimes to thwart the will of the majority. And the Senator has a right to make that case. But do not be so disingenuous. Stand up here and say I am standing up as a Senator from Texas to thwart the will of the majority because I think the majority is making a mistake. That would be honest. That would be straightforward and that is his right.

I hope we got that second point straightened away.

Now the third point. My friend says everybody knows this does not mean anything because the President is going to veto it. And we are just wasting our time.

There is one easy way for the Senator to get rid of this conference report and not have it come back and haunt him, as he talks about it haunting—I do not know if he used the word "haunt"—but keep coming back and getting in his way, this stumbling block to do what right and justice calls for, as he suggests. There is an easy way. Let us pass it.

If he is so sure the President will veto it, let the President veto it. And if he is so sure there are no votes to override it, we will have a vote and not override it. Then we are finished with it. It is out of the way. Then we start from scratch.

But do you ever ask yourself why will he not let us do that? Well, one of three things. There may be other reasons.

One is that he is wrong about the President vetoing it. I have been here 20 years, from Richard Nixon, God bless his soul, through President Bush. And I acknowledge there is some wistful thinking in that phrase "through George Bush." But nonetheless, "through George Bush."

And guess what, Mr. President. I have heard on a number of times Presidents say, "I will veto this bill," and they never vetoed it. Because wisdom comes to them in the midst of the night.

Maybe it will not come. My experience has been, Presidents do not always veto what they say they are going to veto. Maybe he will veto this. I do not know. But, guess what, we can solve the problem of the Senator from Texas—click—like that. We can pass it tonight. He can veto it tonight if he wants to stay up late. Or he can veto it tomorrow morning when he gets up at 5 or 6 or 9, whatever. And then I will bet you I can talk the majority leader and the Speaker of the House into having an override vote quickly. I bet you I can do that.

Then we are finished with this. And then we are back. We can then be on the Senator's bill.

Again, why do you think he will not let us do that? We are going to waste too much time? We will waste less time if we go that route than if we continue this ridiculous charade of him continuing to pop this silly bill up all the time, that he has. That could be one reason but it is not very substantial.

A second reason, maybe he is wrong about the President. Maybe the President will not veto it. Maybe that is what he is worried about. I do not know.

The third possible reason: The President will veto it but maybe in this atmosphere, where everyone knows what is in this bill is needed by police today, in the atmosphere of the aftermath of Los Angeles, maybe there are enough votes to override the veto. That could be a third reason he will not let us do that.

Or there could be a fourth reason. I realize—this is highly unlikely—but it could be politics. What do you mean by that, Joe?

Maybe the President does not want to have to look at the police officers of this country and say, guess what, folks, I vetoed your bill. Maybe he does not want to have to do that. Maybe he does not want to have to come clean.

I do not know what the reason is. But I cannot think of any other. What other possible reason could there be? Maybe something, but I cannot think of it, and believe me, I have been thinking of this for a long, long time. This has occupied an awful lot of my waking hours, trying to get a tougher crime bill passed.

So, third point: Why will he not let us settle this if he wants it settled? He can do it quickly. He can do it tonight. The President can veto tomorrow. Early next week we can fail to override the veto if he is right, and we can be right back on this bill. All done. Granted, the folks who are visiting Washington at 9:30 at night will not get to sit in the Gallery and hear us wax not so eloquently. That will be a loss, but I cannot think of any other loss that would occur.

So we took care of mom's gun, No. 1.

No. 2, we learned how to count again about majorities. We got that part straight, I think. Anybody who does not understand that one raise your hand. And now we took care of the fact that he could get everything he says he wants if he will let us vote now without any fear of this bad bill he is worried about passing.

Let us go to point four. Point four is the attorneys general. What does he say, 14 Democrats and 16 Republicans, whatever the number is. My friend from Texas said—let me find the quote here, I am paraphrasing: That every informed—I want to make sure I get this straight and do not misrepresent his position—every imformed person says this is not a good crime bill.

I understand when we stay in this body long enough, we begin to think we are the only informed people. My mother has an expression: Everybody is crazy except thee and thy, and thee is a little nuts.

I have a mom, too. And it could be that some people get infected in this Chamber into thinking that what they think is the only thing that anyone could reasonably think.

But there are 600,000 police officers out there; 600,000 of them. There are how many attorneys general did my friend quote? He quotes 31 attorneys general. By the way, most of whom stand for election, most of whom want to be Senators, Congresspersons, Governors, judges, some of whom, like Mr. Morganthau, the district attorney in New York who just wants to be what he is, he is great at it and spends his whole life doing it. There are a lot of people like that.

I know it comes as a strange notion to people who may listen to this on C-SPAN and anyone in the Gallery but occasionally have you not heard the speech that goes like this: I was attorney general of my State and I think it is important for me to now be Congressperson, Senator, Lieutenant Governor, or Governor, or judge because of my experience. I bet you have heard that speech in your State once or twice. There is nothing wrong with it. It is legitimate, but they are politicians. Politicians. Just like we all are.

There are 600,000 police officers and 31 attorneys general. Let me read to you what the 600,000 police officers say.

The Fraternal Order of Police representing hundreds of thousands of people said: "We call on the Congress to adopt and for the President to sign this bill"—the one we are debating at this moment. "It is the toughest anticrime legislation to emerge from the Congress in recent memory and it should become law."

The National Association of Police Organizations, not politicians like us and attorneys general, police who walk out on the street with a gun strapped to their side to protect my mother, Senator GRAMM'S mother, and all Americans. They make mistakes, but what did they say? Let me quote from the National Association of Police Organizations, not elected officials, not politicians. They said:

"We believe that the bill's positive response to the need for overall improvement in law enforcement far overshadows any possible disagreement over any individual provisions. As a significant body of law enforcement officers who risk life and limb daily to protect the American public, we urge you"—the Congress, the Senate, Senator GRAMM—"we urge you to enact this badly needed anticrime legislation immediately."

Not 31 attorneys general; 600,000 police officers.

Let me read on, if I may, Mr. President. The International Association of Chiefs of Police, what do they say about this? "The provisions in the conference report will benefit the public at large as well as those who are charged to protect them. We support the conference report."

The National Sheriffs Association: "After reviewing the content of the recent compromise reached by House and Senate conferees, the sheriffs of this Nation wish to go on record as supporting the 1991 crime bill"—the conference report that has been filibustered by Mr. GRAMM and others. "This bill is the toughest anticrime legislation to surface in many years. We are convinced it should become law."

Not 31 attorneys general. Brilliant women and men all, honest, decent citizens who, by and large, their most dangerous undertaking is similar to ours: Worrying about a paper cut as we go through our memorandums. Not like the 600,000 police, 600,000 who on a daily basis when they kiss their husbands and wives goodbye in the morning or in the evening, as they do the night shift, wonder as they pull someone over for a routine traffic ticket or have to respond to a domestic quarrel whether or not they will get their brains blown out. That is what they say. Not 31 attorneys general. Fine people. Are you telling me that they know better what the police officer needs on the street than 600,000 police? The gall of them.

Police Executive Research Forum: "The crime bill provisions that mandate waiting periods between the purchase and receipt of a handgun and support for State and local law enforcement agencies are signs to law enforcement that Congress is ready to help police do their jobs. The crime bill will advance law enforcement's commitment to protecting our Nation's citizens." The Police Executive Research Forum supports passage of this legislation.

These are the men and women about whom one of my colleagues said when we debated this last time, the last time they kept us from voting on this, "Well, they have been bought off." I believe that was the exact quote—"bought off." The police have been bought off. That is why they support this. That is not Senator GRAMM. That is what one of our colleagues said. They have been bought off. Great. That is nice. That is real good.

These are people who are not elected officials; these are people who are underpaid; these are people who get shot.

I was supposed to be at this very moment speaking before a police organization tonight as their keynote speaker, a police organization that is in place to honor the people among them who have been shot dead, the people who literally do not know if they are going to come home at night or after the night shift, who have been bought off. That is why they are for the position I am proposing. That is what we are told. They have been bought off. Happy days. They have been bought off. But 31 attorneys general, they say this is a bad bill.

The National Union of Police Associations: "We recognize the real need for enactment of the conference committee version of the crime legislation and support it fully"—f-u-l-l-y.

The National Organization of Black Law Enforcement Executives: "The National Organization of Black Law Enforcement Executives is grateful to you and your colleagues for recognizing the necessity to propose the crime bill." NOBLEE"—which is the acronym for this organization—"an organization representing 2,500 law enforcement executives who in turn represent the populations of most major urban cities in our Nation is pleased to endorse" this bill.

No, we are told 31 attorneys general, not district attorneys, in the Nation, 31 attorneys general are opposed to this. They say it is procriminal, or whatever they said. They say it does more harm than good, whatever they said, and they know better, God bless them and their elitist attitudes, than 600,000 police officers.

I might add that the President, as is his wont and right, the Attorney General, as is his wont and right, have taken the leaders of each—I think each one—but I cannot swear every one, but they have taken the leaders of these major police organizations and invited them to the White House, invited them to private meetings with the President, to the best of my knowledge—I know several at least—invited them to talk with the Attorney General, for the President to use all his persuasive ability to get them to change their mind and be against this.

And guess what? They have not relented.

Now, let us ask ourselves, why is that? Is it because they feel greater loyalty to the Senator from Delaware than the President of the United States? Is it because these mostly conservative police officer organizations are all Democrats? They endorsed a Republican President last time, most of them. They stood in their uniforms, God bless them, with the President, shoulder to shoulder, endorsing him. They have, over the last 20 years essentially been very, very close to, and supportive of, most Republican initiatives on crime.

Is it all of a sudden that the Senator from Delaware showed up and they said, "Ah, he is such a wonderful man. We are going to be for this bill just because we like him better than we like the President; we are going to be for this conference report because the Senator from Delaware knows better than the President; or we are going to be for this report because the Senator from Delaware can do more for us than the President of the United States of America?" Preposterous. Preposterous.

Then, why is it, therefore, down the line, they have resisted the significant pressure which the President has the right to impose on them to change their mind? Why do you think that is?

Again, I do not want to set up straw men. Let us just go through little logical syllogisms. Let us set up the very logical, coherent way what could be the answer.

One is they like the Senator from Delaware more. I wish that were true. That would be wonderful. I would be flattered.

The Senator, from a State that has less than a million people, has more clout than the President of the United States. That could be the second reason.

The Senator from Delaware, when he spoke to them, individually, cast a spell upon them that the President could not break. Possible. If I did it, I would like to remember how I did it because I sure could use it with my sons and daughters.

Or maybe is it that the police organizations whose every instinct is to support the Chief Executive Officer of this Nation are saying, "Mr. President, we love you but you are wrong. We need this." Is that not maybe a more logical reason why they would say to an insignificant Senator from a small State that we support your legislation?

Maybe they just believe it, very strongly. Maybe they are doing this in spite of every other instinct in their body to be supportive of the President.

These are among the most patriotic women and men in America. They support their national leader. They endorsed him last time. Granted, they endorsed me, too, but I am a Senator, not the President.

I kind of have a feeling, Mr. President, it is because they believe in it.

And what is the only rationale offered as to why this is a weak crime bill? Thirty-one attorneys general say it is because they do not like the habeas corpus provision.

I would be willing, if we could, if Ross Perot were President—an interesting thought. If Ross Perot were President, he would put in place his electronic, what was it he is talking about? Something called electronic town meetings.

I guess that means I could say, OK, Mr. President, I want this to go out to the voters right now: Who do you believe, 31 attorneys general or 600,000 cops, as to whether or not this is a strong crime bill?

Thirty-one attorneys general say this is a terrible crime bill, and the Senator from Texas says everybody knows that it is not good on crime, and one of our other colleagues says that the cops have been bought off. That is your one choice over here.

Your other choice is 600,000 cops represented by the following organizations say we need this badly.

Paraphrasing, this is the toughest crime bill to come out of the Congress. I am ready to put that Ross Perot electronic vote right now, right this second. No way we would know, but I would be willing to bet everything, every college loan I have, that 10 to 1 the American people would believe the police officers.

We use a lot of expressions around here: straw men, red herrings. There is another one, weak reed. My friend from Texas is clinging to the weakest of reeds. So now, Mr. President, let us go back and review here. OK? First, Senator **GRAMM**'s mother's gun is safe. Took care of that. Second, we learned how to count. If there is one more for something than against it, that is a majority. And what the President says is a majority does not make it a majority, no matter how wonderful he is.

Third, my friend said we cannot let you have a vote on this even though the President will veto it, even though the veto would not be overridden and even though we could rid ourselves of this thing the next day or so, we are not going to let you do that. That is the third one.

I raise the question: Why will he not let us do that? Maybe the President will not veto. Maybe if he vetoes we will override it. Or maybe it is just politics.

The fourth one, this is a bad bill because the attorneys general do not like it; it is weak on crime.

Let me read one last one. This is dated March 12, 1992. The statement by Dewey Stokes that I sent out to my colleagues. Dewey Stokes is the president of the Fraternal Organization of Police, the largest police organization in America.

> To say, as some have done, that the conference report on the crime bill is either a step backward or is soft on criminals is prima facie ridiculous to anyone who actually bothers to read the legislation. The conference report includes many provisions which benefit law enforcement in a variety of ways, and in some cases are drastic improvements over even what President Bush initially proposed.

Let us look at the fifth thing that my good friend raised here. He said, well, beyond all of these things which I hope we have demonstrated make no sense at all, we hope, he said, we believe, he said, that this bill is weak. It is weak because it left out—and he listed four things. Let me tell you what is in the bill, and I will let you decide whether or not this is weak. Let me get down here to the compendium of things that are in the bill.

One, the death penalty. It provides 54 death penalty offenses. Weak as can be, you know. We do everything but hang people for jaywalking in this bill. That is weak stuff. It provides the death penalty for killing Federal law enforcement officers, and killing the State officer in the course of cooperative legislation, with Federal agencies.

Los Angeles. Right now because these guys who held up the crime bill, any law enforcement officer, or any National Guardsmen, when they were there, if, God forbid, they got shot and killed, it is not a Federal offense. It is not something for which the death penalty is available.

They say they want to be tough. As the Brady bill—we heard this—I will get to in a minute—which I heard a very imaginative reasoning as to why it was not included, you know. State and local law enforcement authorizes $1 billion to local officials to fight crime, authorizing $3 billion to put more police on the streets; weak. That is kind of weak, you know.

Penalties for drug and violent crime provides 56 new criminal offenses and increases penalties for drug trafficking, firearms offenses, violent crimes, imposes mandatory prison sentences for 12 serious crimes, including selling drugs to minors, possession of guns by convicted criminals, dealing drugs in a drug-free zone—many more than the administration bill and the bill that these guys introduced. He said he does not like this bill because it does not have mandatory sentencing in it. Fascinating.

Gang violence, launches a major new antigang initiative including expanded juvenile courts. Right now what are you reading about in the paper? They cannot get these folks to court, the ones they arrest. If this bill had been passed, that would not be the problem.

Creates new Federal offense for gang-related drug trafficking and violent crimes; provides death penalty for drive-by shootings. Weak as can be. I admit, man, that is real weak stuff.

Increases Federal aid for the victims of crime. Somebody who is victimized and hurt, allows them to recover damages and get money for their injuries, to put themselves back together. Grants crime victims the right to speak out at the sentencing process to say, "Judge, you are about to sentence this fellow or woman, let me tell you what he did. I want to speak out." Weak, weak, weak.

Bars attempts by the Office of Management and Budget to use the crime victims fund, which they try to do now, so the money goes to the victims of crime. Weak, soft stuff.

Provides $50 million in aid to rural law enforcement agencies. I am sure my friend from Texas has done it. If not, he should ride through the rural parts of Texas and they will tell him how many people in fact are victims of crime in rural America and why they need help in rural America; crime is up more than it is in urban America. The list goes on.

That is a weak crime bill? I have only listed about a third of the provisions in the crime bill.

Point number six: My friend from Texas takes an incredible amount of liberty when he says by the way, you know, the reason we have to do my bill, his bill, he says and not this one that is before us we could vote on immediately, he turns around and he says because we got to act quickly. Then he says, quite honestly I know of numerous amendments, I know it will only be a beginning. I know that the gun provisions will be added.

What I wanted to ask him is did he tell me if we add the gun provisions to his bill that there will not be a filibuster? I would like him to come on the floor and guarantee to me if we pass this bill with the gun provisions in it we will get a vote, guarantee me there is a vote.

If he were on the floor, I would at this moment ask unanimous consent that we guarantee a vote on his crime bill with the gun provision in it. Is that what he is telling me? No. He knows he cannot do that. So what is he telling us? Again, let us be logical here. He says we have to move on his crime bill; notwithstanding we have one right in front of us that passed both Houses already, we have to move on his crime bill that is going to require extensive amendment, that is going to have guns added to it, in all probability. And that is then going to be filibustered, putting us right back where we are now, because he has hurt the dispatch in this process. Ludicrous. Ludicrous.

I know he is probably back there in that room, and I hope he is listening, because I am anxious to hear the answer to some of these arguments. It could be that I am wrong. I have been wrong many times in my life. But how does he get it faster? You know he cannot do it. You know he cannot do it. You know he cannot do it. You know he cannot do it. I know he cannot do it. So, guess what? Maybe it is mildly disingenuous, because I know how smart my friend is. He is a brilliant guy. Unless he knows something I do not know. Maybe he has Senator SYMMS and all of the other people on his side to say: It is OK, PHIL GRAMM, you lose the vote on guns, and we will still be for you. You lose the vote on guns, and we promise you we will vote on a crime bill.

There is a lovely young lady sitting in the gallery who looks to be 6 or 7 years old. I bet she can understand what I am saying. I bet she can figure this out.

What are the other insightful reasons why my friend from Texas says he will not let us vote on this bill, and why should we go to something else? Well, he says, ultimately, that he included in his bill all those provisions which were the toughest on both sides. He admits he left out guns, but I guess that is not tough, trying to keep guns out of the hands of convicted felons. It probably is kind of a wimpish thing, one of those things that only wackos would want to do, because good-thinking people would let felons have those guns, let them buy them, and not bother to check whether they are felons.

Let us assume he is right about that. What does he say? He says, well, the reason why we should go the route of his bill is because it is more what the President would want. Well, we had a vote on what the President wanted. We voted on what the President wanted. What did the President want? He wanted a bill that no one else wanted. The majority of this place, including some Republicans, said, "Hey, Mr. President, that bill is no good, we do not want it." The year before the President introduced a bill, they said, "Mr. President, we do not want it." Almost every amendment I came to the floor with and introduced, Republicans voted for. They added them to the President's bill, saying, "Mr. President, your bill is not so hot."

So, again, let us follow the reasoning here, follow the bouncing ball. The Senator says: First, my bill is more like the President's bill; second, the American people in the Senate and the Congress want the President's bill; third, we voted against the President's bill, because we thought it was too weak; fourth, the Congress rejected and adopted all the tougher amendments that Biden and others offered; fifth, we should vote for this, because it is like the President's bill.

Did you follow that ball? Am I missing something? What else did my friend from Texas say? One of the things he said was that it is "time to get tough," and the way he is going to do this is he started counting days. He said that to me and to all of us, and he started to count down. He said the President introduced his crime bill—this is the last thing I will bother to say in the Senate, because I do not think anything else warrants responding to. He said, OK, let us take a look at this. He said that the President sent us a tough crime bill 1,051 days ago. This tough crime bill—remember, follow this little bouncing ball. Are you with me? That is the same bill the Senate said, "Mr. President, it is not tough enough; we do not like it, and we like the things that Biden and the Democrats and some Republicans are adding to it. It is not good enough, Mr. President."

Anyway, back to the point. One thousand fifty-one days ago, the President sent a bill—parenthetically, that no one liked, and now we are back—and the Senate has not acted on it. Not true. We acted on it. We said, by a vote of 56 to 40, "We do not like your weak crime bill, Mr. President, It is too weak. We do not like it."

Let me give you some real live statistics. It has been 169 days since my friend from Texas and the Republicans started to filibuster this bill. One hundred sixty-nine days ago, they started their filibuster to prevent the police of this country from having the tough crime bill that the police—over 600,000 of them—say they want. What has happened in that 169 days?

I want to resist doing what some Members occassionally on the other side do on this crime issue. I want to make it clear that what I am about to say does not mean if the conference report passed, none of what I am about to say will happen. Let us look at the figures and play their silly little game.

One hundred sixty-nine days ago, a concerted effort was started by the Republican Party to keep us from voting for a crime bill that all of the police officer agencies want. What has happened in that 169-day period? Let me tell you. In the last 169 days, there have been 11,587 Americans murdered. One hundred sixty-nine days ago, the filibuster began, and the tally now is 11,587 Americans murdered. My friend wants to play this silly little game. Let us get some real numbers in here that matter to people, not to the President and his political agenda.

One hundred and sixty-nine days ago there were 48,802 fewer women in America raped. Put another way, in 169 days—the last 169 days—48,802 American women have been raped; over 48,000 since this filibuster began.

One hundred and sixty-nine days ago, my friends exercised their senatorial and constitutional right to filibuster this conference report, and what has happened is that 318,871 Americans have been robbed, not burglarized, robbed; someone confronting them with a gun, a knife, or greater physical force and taking their belongings and sometimes their lives.

This ridiculous filibuster, in the last 169 days, got underway because somebody does not like the Brady bill.

In the last 169 days since the Republican Party in the Senate has filibustered this bill, 501,966 people have been the victims of aggravated assault. I bet there is not a person sitting in the gallery, I bet there are few people watching this on C-SPAN that do not know an individual, or of an individual, who has either been murdered, raped, robbed, or assaulted in the last 169 days.

If you want to compare numbers, 151 days since the President sent us a latin america crime bill that we rejected as being too weak. Or, 169 days of this sustained filibuster, that in that same time period 11,587 people murdered, 48,802 women raped, 318,871 people have been robbed and 581,966 Americans have been assaulted. Shame on you.

Shame, shame, shame.

The total of 881,236 violent crimes have been committed in America in the last 169 days and you are going to tell me that had we passed this bill providing for 3 billion dollars' worth of aid to local law enforcement, $1 billion for drug control, money for controlling gangs, building more jails, more death penalty, more programs, that we would not have at least saved one woman from being raped; prevented, because we had thousands of additional police in the street, one person from being murdered, prevented 500 people from being robbed, been able to prevent 1,000 people from being assaulted.

Is that what you are going to tell me? That if we gave the police what they have been asking for for the past 169 days that at least some more Americans would not be alive, that at least some more Americans would have been able to avoid being the victims of robbery, at least some Americans would not have been spared the agony of a violent crime?

Shame, shame, shame.

And by the way, I did not make these numbers up. These numbers come from the FBI, 1991, estimated total. They are not Joseph Biden's numbers.

Shame.

So you want to do this silly little game of comparing. Let us compare. We have offended the President for 1,051 days because hundreds of days ago we said, "Mr. President, God bless you, we love you; you do not know what you are talking about on crime. We do not like your crime bill, we are against it, it is not tough enough."

Compare that to the 169-day filibuster which has prevented the police officers of this country from adding to their forces, putting more police on the beat, providing them with greater protection, giving them greater ability once they lock somebody up to be sure they stay in jail, because they built more jails, give them more Federal offenses so they could, in fact, take people into Federal court as well as State court, give them 353 additional death penalties.

Let us compare, compare, compare.

So, Mr. President, I am delighted to continue to debate my friend from Texas. I am delighted to respond to any of his arguments. I hope I have responded to his 6 arguments that he has made today, tonight, none of which hold any water in my humble opinion.

I may be mistaken, but I challenge him to come and assail the logic of my position, tell me where I am wrong. Tell me why what I have said about the six points he raised is not true. Lay it out for me logically and for the American people to understand.

That is called debate. That is called deliberative debate in a deliberative body. We have debated this enough.

I see the majority leader is on the floor. It is presumptuous of me, but I respectfully make a recommendation to the leadership of this body: let us force this thing to a vote. Let us tell the American people if another 169 days go by where we do not give the American police departments of this Nation the added help they want, that there will be another 42,000 women raped, that there will be another 11,000 Americans murdered, that there will be another 319,000 people robbed, that there will be another half a million Americans the victims of aggravated assault, that there will be another 881,000 Americans the victims of violent crime. And I challenge them to tell me if this had been the law, how those numbers would be decreased? How would that be?

It is because, I say to my friends from Maine and Kentucky who are on the floor, because 31 attorneys general say habeas corpus, the writ of habeas corpus has not been constraining sufficiently. That is why we should do nothing, that is why we should let this languish, that is why we should not give the police officers of this country who have been begging, screaming, hollering, getting angry about, as I am, not getting help. They want help, folks.

But 31 attorneys general and probably somewhere around 31 Members of this Senate say the cops are wrong, they are wrong, they do not need this to fight crime, they do not need this to cut down the murder rate, they do not need to cut down the robbery rate, they do not need to cut down the rape rate. They do not need this. What they need is a tougher habeas corpus provision.

Well, Mr. President, there is an easy way, and I am sure I am continuing to belabor the point with the Senate, they have heard me say this many times. But there is an easy way to end this debate. Let us vote. Let us vote. Let us decide by a majority whether or not we want this bill, and let the President exercise his constitutional responsibility and veto the bill or sign the bill, and let us get on with business because that will end this debate. It will end it. It will end it on this bill.

I thank my colleagues for listening and I am delighted that that occurred.

One of my friends just said I woke him up, that he was sleeping. I do not know who said that to me but someone did. I hope maybe I can wake up the President, who I think is sleeping on this issue, who has the worst record of any President in the history of the United States in terms of what has happened to his watch with regard to crime in America. I hope I have wakened the 31 attorneys general. I know the 600,000 police are awake. I know they are awake. I hope I have awakened some little segment of America to understand that the arguments that are used against this bill are specious.

The arguments that have not been used are real and they are: First, it has guns in it; second, they are exercising their minority rights to keep the majority will from going forward which they have a right to do; and third, they do not like the provisions, one provision in the bill, the habeas corpus provision. They are the reasons why this is not going forward, why the filibuster is on. These are none of the reasons that have been put forward to date, in my opinion.

I thank my colleagues for listening and I yield the floor.

The PRESIDING OFFICER. The majority leader.

NATIONAL VOTER REGISTRATION ACT

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 250, the national voter registration bill; that the following amendments on the list that I will read be the only amendments in order to this bill; that they must be relevant to the committee substitute; that each amendment be subject to a time limitation of 30 minutes, equally divided and controlled in the usual form; and that there be 1 hour remaining on the bill equally divided and controlled between Senators Ford and Stevens or their designees.

The list of amendments is as follows: an amendment by Senator McCain regarding no registration at any social services office; an amendment by Senator McCain to postpone the enactment date until 1994; an amendment by Senator Gramm of Texas regarding use of State offices; an amendment by Senator Gramm of Texas regarding Federal vote fraud, an amendment by Senator Graham of Florida regarding registration and the correct polling place; an amendment by Senator Simpson regarding a driver's license pilot program; an amendment by Senator Simpson regarding the registration of illegal aliens; an amendment by Senator Specter regarding voter fraud; an amendment by Senator McConnell regarding public corruption and election fraud; an amendment by Senator McConnell regarding a sunset provision; and an amendment by Senator Nickles regarding the economic cost to cities and States.

I further ask unanimous consent that the Senate return to consideration of this bill on Thursday, May 19, at 10 a.m.; that the listed amendments must be offered prior to 8 p.m. on Tuesday, May 19, and that following the disposition of the listed amendments or at 8 p.m. on Tuesday, May 19, whichever comes earlier, the Senate vote on or in relation to any amendments then pending without any intervening action or debate; that the bill, as amended, be read for the third time; and that the bill then be temporarily set aside until Wednesday, May 20, at 10 a.m.; at which time the Senate proceed, without any intervening action or debate, to vote on final passage of the bill.

I further ask unanimous consent that no call for the regular order serve to displace this bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That at 10 a.m. on Tuesday, May 19, 1992, the Senate resume consideration of S. 250, the National Voter Registration Bill, and that the following amendments be the only amendments in order to the bill, that they must be relevant to the committee substitute, that each amendment be subject to a time limitation of 30 minutes, to be equally divided and controlled in the usual form, and that there be one hour remaining on the bill, equally divided and controlled between the Senator from Kentucky (Mr. Ford) and the Senator from Alaska (Mr. Stevens), or their designees:

McCain: No registration at any social services office.

McCain: Postpone enactment date until 1994.

Gramm: Use of State offices.

Gramm: Federal vote fraud.

Graham: Relative to registration and the correct polling place.

Simpson: Driver's license pilot program.

Simpson: Registration of illegal aliens.

Specter: Voter fraud.

McConnell: Public corruption/election fraud.

McConnell: Sunset provision.

Nickles: Economic cost to cities and States.

Ordered further, That the listed amendments must be offered prior to 8 p.m. Tuesday, May 19, 1992, and that following the disposition of the listed amendments or at 8 p.m., whichever comes earlier, the Senate vote on, or in relation to, any amendments then pending without any intervening action or debate, and that the bill, as amended, be read for the third time.

Ordered further, That the bill then be temporarily set aside until Wednesday, May 20, 1992, at 10 a.m., at which time the Senate proceed, without any intervening action or debate, to vote on final passage of the bill.

Ordered further, That no call for the regular order displace the bill.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, this agreement has been reached following several hours of lengthy and painstaking negotiations and I thank all of our colleagues who participated in those negotiations, and most especially my colleagues, the distinguished Republican leader, the distinguished Senator from Kentucky, the manager of the bill, and the distinguished junior Senator from Kentucky, the Republican manager of the bill. This will permit us to complete action on this measure by next Wednesday morning.

Mr. President, it will also enable me to announce that there will be no further rollcall votes this evening. The Senate will be in session only in a pro forma session tomorrow and will not be in session on Monday. So the Senate will return to session at 10 a.m. on next Tuesday. There will be votes throughout the day as there are the listed amendments, 11 in number, which will be taken up on that day. Under the order, if the amendment is not offered by 8 p.m. on Tuesday, the amendment will no longer be in order and then we will complete action with final passage of the bill at a final vote on the bill on Wednesday morning at 10 a.m.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that we proceed in morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRODUCT LIABILITY

Mr. MACK. Mr. President, I wholeheartedly support the amendment on product and aviation liability reform.

Under our current product liability system, a few Americans may win huge awards, but all Americans are eventually the losers. Let me be clear: My decision to cosponsor this legislation is not an attempt to minimize the suffering experienced by a person tragically injured by a defective product. Indeed, I am satisfied that this legislation is not to the detriment of a plaintiff in a legitimate products liability suit.

My goal today is to address the other side of products liability law: American businesses, big and small, that must pass their skyrocketing insurance costs onto American consumers in order to survive. The Department of Commerce found that American producers must pay 20 to 50 percent more for liability insurance than their overseas competitors. American businesses will be unable to compete in the international market on an even playing field with businesses from countries free of product liability laws that promote runaway costs. Consumers lose, too. Often, promising projects remain on the drawing board because businesses are afraid to be innovative. For example, an eagerly awaited AIDS vaccine remains untested and unavailable because of the potential liability inherent in its use. Are we willing to let the legal system cripple our country's fight to stop this deadly virus?

This amendment would provide a uniform system for addressing product liability issues. Businesses can make a living in any environment, but they have to know the rules of that environment. Currently, each State has different laws and policies on product liability actions. The legal issues are especially complicated when multiple States have an interest in the litigation. This amendment would clarify law and policy on a nationwide level, protecting businesses from having an obscure law sprung on them in some remote forum.

Mr. President, a number of my constituents have expressed an urgent need for product and aviation liability reforms. I strongly recommend that we adopt this amendment, and I urge my colleagues to vote accordingly.

COMMENDING THE WORKERS OF HAMILTON STANDARD FOR THE RETRIEVAL OF THE INTELSAT-6 SATELLITE

Mr. DODD. Mr. President, last night the Nation was treated to a remarkable display of human ingenuity and technological capability. The dramatic rescue of a wayward communications satellite was a fine moment in our Nation's space exploration history.

Twice before the astronauts had attempted to rescue this satellite, Mr. President, and twice before they had failed. But the third time was the charm. The astronauts laid aside their well-laid plans—and their $7 million, specially designed capture bar—and simply reached out and grabbed hold. With the memorable words, "Houston, I think we've got a satellite," the mission was complete.

Mr. President, this remarkable event was made possible by the spacesuits designed and provided by Hamilton Standard, a Connecticut-based subsidiary of the United Technologies Corp. These spacesuits, known formally as extravehicular mobility units, were the most advanced of their kind. They allowed the astronauts to remain outside their vehicle for more than 8 hours, a record length of time. And when the astronauts discarded the game plan and chose to use their hands instead, they knew they would be safely protected by five layers of material.

But Hamilton Standard's contribution to this rescue went far beyond any typical contractual arrangement. For the last few days, Mr. President, a team of workers from Hamilton Standard had worked around the clock to assist NASA in this heroic effort. This support team worked hand in hand with mission control, constantly checking everything from oxygen level to battery power, and giving regular advice to NASA as the mission proceeded. Now that is a company that stands by its product.

Finally, Mr. President, when the Intelsat-6 satellite was lifted toward its correct destination, it was an engine made by Pratt & Whitney—another United Technologies subsidiary—that provided the power.

Today every supporter of our country's space program discovered yet another reason to believe in American ingenuity. And every Hamilton Standard worker—indeed, every member of the United Technologies family—has a new reason to be proud. I am honored to recognize these workers on this special day.

A GREAT SPEECH BY A GREAT MAN

Mr. CRANSTON. Mr. President, earlier today Members of Congress heard a great speech by a great man, Mikhail Gorbachev. I ask unanimous consent the remarks delivered by the former President of the Soviet Union, along with the fine introductory speeches given by the bipartisan leadership of the Senate and the House appear in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY FORMER SOVIET PRESIDENT MIKHAIL GORBACHEV TO CONGRESS, THE CAPITOL, STATUARY HALL, MAY 14, 1992

Speaker of the House of Representatives Thomas Foley: It is my guess that to everyone in this room today, Mikhail Gorbachev is the best known of all foreign personalities, and this at a time when he is no longer in public office and when so many dizzying events on the world scene have conspired to push other names, other personalities on our daily consciousness.

I believe there is a simple reason for this high recognition, and may I say high affection. It is because many Americans first began to hope for true world peace, for an end to the Cold War, against all previous experience, despite years of frustration and superpower standoff, when they understood that Mikhail Gorbachev genuinely saw disarmament and the end of U.S.-Soviet tensions as the only solution to his country's economic and social problems and those of the rest of the international community.

For the first time in my memory, Americans found they could believe in a Soviet leader who wanted peace because he cared for the future of his people. Former President Ronald Reagan was a man the average American trusted to protect this country from foreign threats. President Reagan had appropriated what he told people was an old Russian proverb, when negotiating with Soviet leaders. He said, trust but verify.

When Ronald Reagan, President Reagan, who had once called the Soviet Union the evil empire, found that he could verify what Mikhail Gorbachev said, Mikhail Gorbachev did, it was clear that there was a different Soviet leader, who was a Soviet leader with whom America could work.

And then, of course, President Gorbachev displayed a rapport for the man in the street, for the person in the street, that many in this room who are in public life still envy. He captured our affections with his impromptu forays into crowds of Americans on the streets of this capital and other cities during his visits to this country.

It was therefore with great apprehension for President Gorbachev's safety and the safety of his family that many Americans watched and waited during those anxious hours of the August '91 attempted coup. The swift flow of events that followed brought an end to the Soviet Union, a dissolution that President Gorbachev had not wanted to see. Yet it was his commitment to the welfare of the people of the Soviet Union that ensured a peaceful and orderly transition to the 12 new independent states of the Commonwealth of Independent States.

The peoples of those new nations owe Mikhail Gorbachev thanks for the peaceful relations that have ensued with the United States and its allies. So too does the entire international community. So too does the United States of America.

But it is American gratitude, American appreciation, most of all, American welcome that brings us together today. It is therefore a high honor and a personal privilege to welcome a great leader and in my view, a hero of world peace, Mikhail Gorbachev, to the Capitol of the United States of America.

I would now ask the distinguished Republican leader of the Senate, Senator Dole, to give a word of welcome.

Senator ROBERT DOLE: Thank you. I appreciate that applause very much. (Laughter)

We've informed Mr. Gorbachev it's sort of a bipartisan welcome, and I'm certainly honored as the Republican leader to be here today.

Certainly as we all know, President Gorbachev played a crucial role at a very historic moment in world history. No doubt about it—his vision and his leadership and courage set into motion events which have exploded into experiments in democracy and free enterprise throughout the former Soviet Union.

But now he's turned his remarkable talent and drive to new endeavors, most notably an international foundation for social, economic, and political research, aimed at an important part of helping the fledgling democracies survive and flourish.

And as we all know, these are historic times for all of us. Whether the fledgling democracies of Europe and Asia succeed will have an enormous impact on the security and well-being not only on the people of that part of the world, but of the entire globe.

And of course, we in America have a great stake in the outcome of the great adventure unfolding in Russia and the other republics. If free markets and democracy flourish in Russia, free trade and increased business opportunities will flourish in the United States. If a stable, secure Russia moves to reduce conventional nuclear armaments, America's security will be greatly enhanced and our defense budget can be reduced.

Finally, as Russia and the other republics act to safeguard environmental hazards, the quality of life for all will be safeguarded. This interdependence—these shared stakes in the political, military and economic well-being of Russia and the other republics, make it imperative for the United States to lend a hand.

And as you know, all of the leaders here this afternoon pledge to President Bush their support to craft an aid package in advance of President Yeltsin's visit here in June. And I'm pleased that the Senate Foreign Relations Committee has acted, but most importantly today, it's my honor to help welcome President Gorbachev, Mrs. Gorbachev and to hear his views on what's happening and what's unfolding in the former Soviet Union. (Applause)

Rep. DICK GEPHARDT: Mr. President, Statuary Hall, which once served as the chamber of the House of Representatives, is now devoted to history and is often the scene of gatherings which make history, as it is today. The leader most identified with this room is John Quincy Adams, who served as president of the United States from 1825 to 1829. He was elected president by members of the House in this chamber and then returned in 1831 as the only former president to serve in the House after his presidency. During his 17 years as congressman, he became known as "Old Man Eloquent" for his speeches to abolish slavery.

When we think of this great American leader, we think not just of the offices he held, but of his lifetime of outstanding accomplishments. For him, the presidency was not enough. Before serving in elective office, he was perhaps America's most accomplished diplomat of his day. Adams was no stranger to your country, Mr. President. He first traveled there in 1781 when the newly independent United States wanted Russian support.

Again, in 1809 Adams went to St. Petersburg after Russia's recognition of the United States when he sought to establish a political alliance and open up new trade opportunities.

And so I think it's appropriate that we welcome you today in this historic place, someone who left his country's presidency, unforgettably for me on Christmas day, and who continues to render such inspired and extraordinary service to his citizens and to the world.

Your presence here comes when a new political alliance, a new trade relationship and a new bonding between our peoples is taking hold. And you are the pioneer and the entrepreneur who made so much of this possible today.

Adams would, I think, deeply approve of the fact that your voice and your ideas are about to fill this chamber, and that his work in bringing Russia and the United States together continues two centuries later. It is in this spirit, in this historic place, that we are all honored to welcome you back to the Congress of the United States. (Applause)

Rep. ROBERT H. MICHEL (House minority leader): Mr. President, in April of 1985, I had the honor of being the first American legislator—among the first—to meet with you when you became Soviet Communist Party General Secretary. Speaker "Tip" O'Neill and I, along with two of our House colleagues, spent three hours and 45 minutes with you in your Kremlin office. We had what the diplomats like to call a full and frank exchange of views in plain English and in plain Russian. That means we openly talked about our disagreements.

Mr. President, we owe it to history and to ourselves never to forget the profound differences that existed between our two systems at that time. We can appreciate how far we have come only if we remember why we stood opposed for so many decades.

And when I returned to the United States after our visit, I was asked "What kind of a man is this new Soviet leader?" My notes from that period reminded me that I said: Gorbachev is a younger-than-usual Soviet leader, obviously very articulate, knowledgeable and self-confident. He can laugh, he can crack a joke, he was very much in control of himself.

Believe me, Mr. President, there are many Americans running for elective office this year who would welcome such an analysis. (Laughter)

Seven years have now passed since we first met. A revolution has transformed the former U.S.S.R. and Eastern Europe, a revolution of hope and of freedom carried out by the people. It was the people, after all, who were on the side of history all the time.

Mr. President, the statute above the doorway leading to the Great Rotunda depicts Clio, the muse of history, writing of human triumphs and follies as she rides in time's winged chariot. Your place in her book, Mr. President, is definitely assured. And now it is the turn of the people you once led to create their own place in the history of our time.

They've chosen democracy. It's a difficult path. Leaders in a democracy do not always have the right answers, something all of those in this room clearly understand and can attest to. But democracy gives us the means by which answers can be sought in freedom—and that's no small thing.

We welcome you at this time when your countrymen and their neighbors begin the difficult task of building democracy. We look forward to hear what you have to say about their future, and the future of the world you yourself did so much to change. (Applause)

Senator GEORGE MITCHELL (majority leader): Mr. President, you have gained the respect and the admiration of the American people. For seven years you advocated policies in many respects strikingly different from those the world had come to expect from Soviet leaders. "Perestroika" and "glasnost" became household words in America. You pushed for and signed the INF Treaty and made strategic disarmament a major goal and a realistic possibility. You set in motion the events that led the nations of Eastern Europe to find their freedom and determine their own future. You prompted a profound yet peaceful transformation of your own nation and those around you.

Your actions began a process of change that has in a short time redefined international politics.

Rarely can it be said of an individual that he has fundamentally changed the course of history. There is no doubt that you have done so.

In the often random and unpredictable ways of human history, from time to time one person emerges as the symbol and the vehicle of change, the vessel into which millions pour their hopes and aspirations. You weren't always right and events didn't always take the course you preferred.

But history's ultimate judgment will be that you opened the gates through which freedom flowed. (Applause)

It is therefore fitting that you join us today here in the United States Capitol, the building which we proudly believe to be the pre-eminent symbol of freedom in the world.

Mr. President, we welcome you, we look forward to hearing from you.

Ladies and gentlemen, President Gorbachev. (Sustained applause)

Mikhail Gorbachev (through interpreter): Mr. Speaker, Senator Mitchell, Mr. Michel, Senator Dole, Mr. Gephardt, Ladies and Gentlemen:

I am very conscious of the honor of being invited to speak before your distinguished body. I will take this occasion to share with you some of my thinking on problems which, as I see it, are important for both of us.

First let me say the following. It seems to me that, in discussing the changes which have occurred, especially in the past few years, although we recognize their magnitude and importance, we do not yet fully appreciate that we already live in a different world.

Our consciousness, even when focusing on major changes, in many respects continues to move along well-trodden paths, filtering new realities through the sieve of traditional values and concepts.

This is also true of those who carry the burden of political decisions. Perhaps for that reason these decisions are often, to say the least, inadequate and bear the stamp of earlier approaches, creating obstacles to a subsequent positive unfolding of change. This is encountered in both foreign and domestic policy.

Hence the pressing need to think in a new way. Sometimes the expression, New Thinking, is taken merely as an invitation to a new foreign policy. I interpret it in a much broader sense. To have a truly new policy one must evaluate the changing realities correctly. And this, in turn, demands an often painful break with previous conclusions, evaluations, sympathies, and antipathies. If this is not done, there will inevitably be miscalculations and abrupt changes of policy, which are always dangerous.

I felt a great sense of satisfaction in reading the speeches of President Bush in the Rose Garden, on April 21, and of Secretary of State Baker in Chicago, April 22. I realize that they were rethinking the course of world events, in these genuinely changed circumstances, in a truly new way and on a truly large scale. Although I cannot accept everything they say about "American leadership," I was very impressed by their interpretation of U.S. interests, including economic, and of national security as closely linked to support for democracy in Russia and the other states of the former USSR.

Another theme I would like to mention is the problem of national interests in an international world. This seems to me exceptionally important, today.

There is no point trying to demonstrate that states will now neglect their national interest in favor of something else, or even less that they will reject national interest altogether. National interest still dominates the formulation of foreign policy and its implementation. But at the same time, we must take into consideration the new processes in the world.

These are: interdependence, the integration and unity of the world, and the fact that challenges are global in scale.

They dictate the need for other priorities, as part of a true policy based on realities.

But such a policy must be premised on the idea that the very content of national interest itself has changed. This is a point I would particularly stress. Indeed, can the interest of any country, even more, a great power, be considered as given once and for all and absolutely unchanging? One recalls what the ancient Greeks stated in this connection. It is good that today, at the beginning of a new era and a time of fundamental change in both Europe and the world, the idea is becoming increasingly accepted that the very system of national priorities and mechanisms of their implementation, are also undergoing alteration.

Politicians also bear responsibility for ensuring that nations have a correct understanding of their interests—their vital interests. We know from our own experience how we could be carried away, for instance, by the ideologically rooted conviction that the Soviet Union had a vital interest in maintaining a military presence in some country of equatorial Africa. I think that the United States has had equivalent "experience" of this sort.

The national priority is the supreme interest of the state, the nation, and the peoples comprising it. It is neither easily ascertained nor precisely defined. But to confuse it with the momentary or selfish demands of some domestic group or class, even a very influential one, is dangerous, whether the demands originate in the economy, the military-industrial complex, or in some political party.

President Bush and I on several occasions had very far-ranging discussions on this point. We tried to find our way in the very delicate problem of what sorts of relations between our countries correspond to the genuine national interests of both one and the other side, as well as of both together—meaning, also those of the international community. These musings were not without their impact on our policies vis-a-vis one another. They yielded very definite results. Naturally, I would hope that this not be lost to the interrelationship between the American and Russian leadership.

In general terms, I would say the following about the international priorities of a sensible contemporary foreign policy corresponding to the common interests of all. These must include:

The continuing improvement of international relations;

Unifying our efforts to remove threats to the environment in which we live;

Cooperation to assure energy and food supplies;

Interaction in the disarmament process;

The promotion of democratic transformation and protection for human rights.

My trip around the United States has shown how much interest is manifested by the most varied groups in American society with respect to everything occurring in our country, especially in Russia.

The CIS is more of a formal structure in the sense that the countries emerging through the breakup of the USSR must seek some sort of formula for integration. Otherwise, most of them will not only have extreme difficulty emerging from the crisis in isolation, but thereafter they will find themselves on the margin of global processes.

At present, however, the situation is confused. The United States has to deal with a number of different states on the territory of the former USSR.

It is also obvious that among these states the Russian Federation comes first in the system of foreign-policy priorities. I do not say this because I am a citizen of that state but rather because of certain indisputable facts which must be taken into consideration. Russia is legally recognized as the successor state to the USSR; it has taken the latter's seat in the United Nations Security Council. Russia is a major nuclear power. And even the sharp reduction in its defense does not relegate it to the sidelines. Even in its altered form, Russia remains territorially the largest country in the world. It has a population of 150 million people. It possesses enormous natural resources, a highly skilled labor force, a gigantic, even if antiquated, industrial potential, and outstanding scientific personnel in many areas.

Today the Russian Federation is in severe difficulty. But foreign policy, after all, should be directed not only at today, but also at tomorrow. Russia tomorrow—and that day will come—will be a large and flourishing state whose impact on the world will be on a scale with its mighty potential.

In the relations between our countries much will depend upon the steps which are taken today. And judging by what I have learned from the recent statements of your President and Secretary of State on this very theme, such understanding does exist. Therefore I would like to tell you how I envisage these relations.

After 1985 major positive shifts occurred in the relations between the USSR and the USA. Today we must not forget what was gained during those years and, indeed, we must develop them further.

In general terms, I repeat, this necessity is understood, and statements to this effect have been made on both sides. But, as is well known, statements are not enough. The real obstacles come to the surface when something concrete is attempted. As the proverb states: "the devil hides in the details." For instance, much very exacting work must be done to analyze and confirm a number of agreements which were made with the Soviet Union.

Take, for example, the series of agreements on disarmament. The obligations assumed by the Soviet Union must be carried out by all the states members of the CIS, without any exceptions.

This applies especially to nuclear weapons. But the problem is different today from what it was when these particular agreements were concluded. The nature of the nuclear threat has altered in principle. Now the major danger is not that there will an exchange of nuclear strikes by global opponents, but rather that control over these weapons will be lost.

The reduction in the accumulated potential must continue. That much is clear. The ultimate goal remains a nuclear-free world, but prior to that moment, and it may be a long time coming, supplementary non-proliferation guarantees will be needed.

For many years world public opinion has been concerned that countries which are not signatories to the non-proliferation treaty may be working to develop nuclear weapons. Anxiety on this score has intensified since the collapse of the Soviet Union. The world breathed a sigh of relief when agreement was reached to concentrate all Soviet tactical nuclear weapons on Russian territory and to establish a centralized mechanism of command and control over strategic weapons.

But the increasingly tense relationship among the "nuclear" republics has given rise to some uncertainty as to whether the agreement will be carried out. I think that the United States and Russia should jointly keep this problem under control until there is a full guarantee that it has once and for all been removed from the agenda.

The world press has recently written a great deal about the threat of an unravelling of nuclear technology through emigration by Soviet scientists and other specialists in this area. I must say that what has been written on this subject is full of exaggerations. There has not yet been any mass exodus of our nuclear and rocket specialists, and those who do leave generally head for countries like the USA, England, France, etc. where nuclear technology is already on a high level. But there is indeed a potential danger of such emigration if only because the press campaign, so to speak, tells those who are hunting for nuclear weapons what address to write to.

I welcome the measures undertaken by the USA and Russia, and also the initiative of President Mitterand, to prevent such a turn of events. Even so, I cannot conceal my feeling that the measures proposed are inadequate. Large scale international research programs must be developed immediately which could provide work for most of the physicists who will be losing their jobs, including both Russians and Americans.

Up until now I have been calling Russia the successor state to the Soviet Union, but this is only one side of the coin. The Russian Federation has been recognized as a new state with its own specific national geopolitical and economic interests, foreign-policy priorities, and problems.

Also in the defense sphere, Russia will have to solve its new national security problem. It has the right to count on understanding from America and NATO.

One problem which is assuming an acute and, at times, dramatic character in Russia is that of ethnic enclaves which, thanks to the breakup of the formerly unified state organism, are being violently separated from their accustomed Motherland and now find themselves on the other side of a national boundary. This is true, first and foremost, of Russians, but also of other nationalities which are organically connected with Russian culture, the Russian language, and the Russian way of life.

The situation is aggravated by the paroxysms of extreme nationalism which have here and there generated direct discrimination against minorities. Sometimes this is carried to a point which resembles apartheid.

In this situation any incautious step by anyone, however well intentioned, can be misinterpreted and used in a way which is contrary to what was anticipated. And, of course, any actions which contradict extraterritorial principles of human rights should be called by their true name. Assistance here by the US, the UN, or the European Community would be no less significant than the West's humanitarian food assistance.

We must also realize that no Russian government can ignore discrimination against a Russian-speaking population, especially when this leads to armed clashes and the creation of hundreds of thousands of refugees. If the democrats cannot resolve their problem, it will be resolved by totalitarian nationalists. It can hardly be in the interests of the United States not to consider this circumstance in its relations with Russia and the other states of the CIS.

The related, but broader, issue of European instability must also be considered. The United States has its obligations in Europe and cannot just turn its back on them. For Russia, European stability is an absolutely vital issue which affects it directly. In this way, life itself obliges us to take common actions. We must move more rapidly to create a system of European conciliation, arbitration, and, if need be, even measures of compulsion to prevent or to end conflicts. In this connection I fully support the proposal to set up a sort of European Security Council endowed with broad powers. I think such a step would be fully in the interests of the United States as well.

Russia in its European policy can never ignore the danger of becoming isolated from Central and Western Europe. Such a tendency can already be seen in outline. On Russia's western boundaries a chain of countries has emerged which can either become a bridge or a wall between Russia and the rest of Europe. Both Russia's geographic interests and the needs of Russian democracy demand rapprochement with these countries. Isolating Russia, and squeezing it off into the East, is in the interests neither of the United States nor of Western Europe.

The Russian Federation must still work out some new type of relationship with the former Central Asian republics. In our country and in the West there is today much speculation about the growing danger from a politicized Moslem fundamentalism. I consider this to be exaggerated. In any case, history, economic interdependence, and many psychological, cultural, and political factors reflecting a century of closeness between the peoples of Central Asia and Russia, suggest that the effect of liberation from the "shackles of imperialism" will inevitably die down and that rapprochement on a new basis will then take place on a voluntary and natural basis. But for this to happen there must be a policy which has been thought through in all its details, especially on the part of Russia itself. Here a substantial role may be allotted to the relations, based upon contemporary democratic principles, of the United States and the other major Western powers with the countries of Central Asia. What Washington has already undertaken along these lines seems to me to be acceptable.

It is obvious that the interests of the USA and the Russian Federation in this area are close.

The area of contact of these interests includes problems of global security, of regional policy in the Middle East, in the Asia-Pacific Region, and also in Latin America and Africa. I discussed this matter some days ago in New York.

In conclusion, you will doubtless have noted that the basic thrust of my speech favors a partnership of equal rights and equal benefits between the United States and Russia. Of course, I realize that some in the United States feel that your interests are better served by a weak and dismembered Russia, one which has been reduced to a secondary position in world affairs. I will not polemicize with this viewpoint but would just like to formulate what seem to me two important propositions.

The first: is it sensible to put an insoluble task at the center of one's policy? After all, Russia cannot be permanently kept, so to speak, "offside" in world politics. Any such attempt would be hopeless. All they could do would be to harm Russian democracy and maybe scuttle it for good.

The second proposition: can the United States really get along without a good and rather reliable partner in its highly moral and intelligent foreign policy? Russia can become such a partner. There is no difference of view today between it and the United States on the basic problems of human existence. Geopolitically it is not in opposition to the United States. Nor is it a competitor. It has no real interest in that and it lacks any immediate motivation. In any case, the "superpower era" will presumably fade further and further into the past.

And if these considerations are true, it is in the American interest to extend genuine support to the reforms in Russia. Today they are in their most difficult stage, and we have not yet gone through the worst of the crisis.

The people are courageously bearing up under their burdens because they do not want a return to the past. But in the very near future we must pass through even more severe trials and make some difficult decisions. This is connected, first and foremost, with the liberalization of energy prices.

I would ask the members of both chambers of Congress, when the decision is taken on the Administration's proposal to support reforms in my country, to bear in mind how much is staked on this card. I hope that Congress will follow its best traditions of bipartisanship and responsibility. This is a historical moment and a historical opportunity. We cannot afford to miss it.

It would not be superfluous to recall that even in the worst of times the Russians, and other peoples of my country, never felt hostility toward the American people. When Russia emerges from the present severe crisis, the national memory will forever remain cognizant of the magnanimity displayed by Americans at this moment of difficulty. This has happened before, more than once especially at the end of the war with fascism. Of course, those feelings were at the time rapidly suppressed and swept away by the new wave of Stalinist moral, and even physical, terror. That could never happen again today.

All this leads me to state that the prospects are very good for rapprochement and cooperation between a democratic Russia and America. And I am sincerely happy that in this chamber there are so many people ready to apply themselves to this task.

Let us act together!

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON DEVELOPMENTS CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 238

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 13, 1991, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through March 31, 1992. My last report dated November 13, 1991, covered events through September 30, 1991.

1. The Iranian Transactions Regulations ("ITRs"), 31 CFR Part 560, were amended on December 3, 1991, to further interpret the documentary requirements for obtaining a license to import Iranian-origin carpets from third world countries, and to permit the importation of certain household and personal effects by persons arriving in the United States. A copy of these amendments is attached to this report. Except for minor clerical changes, the Iranian Assets Control Regulations ("IACRs"), 31 CFR Part 535, have not been amended since my last report.

2. The Office of Foreign Assets Control ("FAC") of the Department of the Treasury continues to process applications for import licenses under the ITRs. However, the December 3, 1991, amendments to the ITRs have resulted in a substantial reduction in the number of license applications received relating to the importation of nonfungible Iranian-origin goods, principally carpets, claimed to have been located outside of Iran prior to the imposition of the embargo. Those amendments have also made specific licenses unnecessary for most Iranian-origin goods permitted entry as duty-free household goods and personal effects by persons returning to the United States.

During the reporting period, the Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, mostly carpets, for violation of the import prohibitions of the ITRs. FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Numerous additional forfeiture and civil penalty actions are under review.

FAC worked closely with the Customs Service during the reporting period to further develop procedures to expeditiously dispose of cases involving the seizure of noncommercial importations of nonfungible Iranian goods by certain first-time importers. The opportunity for immediate re-exportation of such goods, under Customs supervision and upon payment of a mitigated forfeiture amount, has been made available in a greater number of cases to reduce the total cost of the violation to those importers.

3. The Iran-United States Claims Tribunal ("the Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 7 awards, for a total of 528 awards. Of that total, 357 have been awards in favor of American claimants: 217 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 140 were decisions adjudicated on the merits. The Tribunal has issued 34 decisions dismissing claims on the merits and 80 decisions dismissing claims for jurisdictional reasons. Of the 57 remaining awards, 3 approved the withdrawal of cases and 54 were in favor of Iranian claimants. As of March 31, 1992, payments on awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,045,284,993.99.

As of March 31, 1992, the Security Account has fallen below the required balance of $500 million 34 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The last transfer of interest occurred on November 27, 1991, and resulted in a transfer of $26.6 million from the interest account to the Security Account. The aggregate amount that has been transferred from the interest account to the Security Account is $859,472,986.47. As noted in my last report, Iran has also replenished the Security Account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC.

The Security Account was also increased on December 3, 1991, by an $18 million payment from the United States that was a part of the settlement of case B/1 (Claim 4). This payment brought the balance of the Security Account up to the required $500 million for the first time since June 1990. As of March 31, 1992, the total amount in the Security Account was $500,334,516.76, and the total amount in the interest account was $8,322,610.75.

4. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000.00 or more. Since the last report, six large claims have been decided, including two claims that were settled by the parties. Approximately 85 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 89 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being resolved, sometimes with sizable damage awards to the U.S. claimant. Since September 30, 1991, U.S. claimants have been awarded over $4 million by the Tribunal.

5. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals against Iran for less than $250,000.00, the Foreign Claims Settlement Commission ("FCSC") has begun its review of 3,112 claims. The FCSC has issued decisions in 460 claims, for total awards of over $8 million. The FCSC expects to complete its adjudication of the remaining claims by September 1993.

6. In coordination with concerned Government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. Since the last report, the United States Government has settled one case with Iran, resulting in a payment to Iran of $278,000,000. As noted above, $18 million of this payment was deposited into the Security Account for replenishment purposes. The Department of State also represented the United States before the Tribunal in a case filed by an Iranian national.

7. As anticipated in my last report, after a final determination that there were no longer any bank syndicates pursuing claims against Dollar Account No. 1 at the Federal Reserve Bank of New York, appropriate steps were taken to close the account. On February 19, 1992, the remaining balance in the dollar account, $134, 128.56, was transferred to Bank Markazi. On March 12, 1992, the United States and Iran filed a joint submission to the Tribunal requesting termination of Case No. A/15 (I:G), the case brought by Iran involving the syndicate claims.

8. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals, and presents an unusual challenge to the national security and foreign policy of the United States. The IACRs issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the ITRs issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1992.*

LIFELONG LEARNING ACT OF 1992—MESSAGE FROM THE PRESIDENT—PM 239

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Lifelong Learning Act of 1992." Also transmitted is a section-by-section analysis.

This legislation would provide to all Americans, including working men and women and the unemployed, access to grant and loan help throughout their lives that is not now available. This additional help would make it possible for more Americans to further their education and increase their job skills and productivity.

Enactment of this legislation would help move America forward in achieving National Education Goal Five: "Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship."

This legislation would:

—*Extend eligibility for Pell Grants and the three Guaranteed Student Loan (GSL) programs to students studying less than half-time.* Providing grant and loan assistance to individuals taking as little as one course at a time offers American men and women the flexibility they need to improve their employment skills while recognizing their commitments to jobs and families. This program would extend loan eligibility to individuals who are enrolled in non-degree granting education and training programs and who are taking only one course at a time. These individuals have a legitimate need for skill enhancement and training that is not being met under existing loan programs. For example, a working mother in a low-wage job could receive financial assistance for courses that would qualify her for better paying, high-skilled jobs.

—*Extend new opportunities for education and training to all U.S. citizens.* Additional student loan eligibility would be available for full- or part-time students. The Student Loan Marketing Association (Sallie Mae) would be authorized to originate up to $25,000 in loans, in addition to current GSL loan limits, through the Lifelong Learning Line of Credit for those borrowers who want the option of repaying loans on a basis tied to their actual income. The concept of basing student loan repayment on a borrower's future earnings has long been attractive to the Administration and to many in the Congress. However, a program of this type presents unique and complex design issues that demand careful analysis and structuring. This Act would call upon Sallies Mae, a leader in student loan administration, to offer $100 million per year in loans and to work with Secretary of Education to devise actuarially and fiscally sound loan options that would be widely available.

—*Explore the use of high-quality education and training programs offered by non-school based providers.* The Secretaries of Education and Labor would be authorized to develop regulations under which students attending programs offered by nontraditional types of providers could be eligible for the Lifelong Learning Line of Credit. Community-based organizations, public or private agencies, and private employers are some examples of the types of providers that might participate. These providers could participate only if the high quality of the programs could be ensured and if these funds do not replace funds already being spent for this training.

I believe that all Americans should have an opportunity to pursue education and training throughout their lives. I look forward to working with the Congress on this legislation and welcome your recommendations on how this legislation can best secure this opportunity for all Americans.

I urge the Congress to give the Lifelong Learning Act of 1992 prompt and favorable consideration.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1992*.

MESSAGES FROM THE HOUSE

At 2:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 111— A concurrent resolution authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds.

The message further announced that pursuant to section 203(b)(D) of Public Law 102-166, the minority leader appoints Ms. Lynne O'Shea of Chicago, IL, from private life, to serve as a member of the Glass Ceiling Commission on the part of the House.

The message also announced that pursuant to section 1081(c)(1)(E) of Public Law 102-240, the minority leader appoints Mr. Francis X. Lilly of Washington, DC, from private life, to serve as a member of the Commission to Promote Investment in America's Infrastructure on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 452. An act to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes;

S. 749. An act to rename and expand the boundaries of the Mound City Group National Monument in Ohio;

S. 838. An act to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act and for other purposes;

S. 1182. An act to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes; and

H.J. Res. 388. A joint resolution designating the month of May 1992, as "National Foster Care Month."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3217. A communication from the Assistant Adminstrator of the Environmental Protection Agency, transmitting, the annual report on the total number of applications for conditional registration and, with respect to those approved, the Administrator's findings in each case, the conditions imposed and any modification of such conditions in each case, together with the quantities of such pesticides produced; to the Committee on Agriculture, Nutrition and Forestry.

EC-3218. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-3219. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on foreign government and individual contributions to the Department of Defense as of September 30, 1991; to the Committee on Armed Services.

EC-3220. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice that the Department of Commerce is imposing new foreign policy export controls on certain equipment and technologies that are being transferred from the State Department's United States Munitions List to the Department of Commerce's Control List; to the Committee on Banking, Housing and Urban Affairs.

EC-3221. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice that the Department of Commerce is expanding foreign policy export controls on supercomputers; to the Committee on Banking, Housing and Urban Affairs.

EC-3222. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the semiannual report of the Office of Inspector General at the National Endowment for the Humanities; to the Committee on Governmental Affairs.

EC-3223. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Interior to transfer certain lands in the Shenandoah National Park to the Secretary of the Treasury for use as a United States Customs Service Canine Enforcement Training Center, and for other purposes; to the Committee on Energy and Natural Resources.

EC-3224. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3225. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3226. A communication from the Adminstrator of the General Services Adminstration, transmitting, pursuant to law, a report of building project survey and copies of prospectuses; to the Committee on Environment and Public Works.

EC-3227. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the nondisclosure of Safeguards Information for the quarter ending March 31, 1992; to the Committee on Environment and Public Works.

EC-3228. A communication from the Assistant Secretary of State (Legal Adviser for Treaty Affairs), transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period prior to May 7, 1992; to the Committee on Foreign Relations.

EC-3229. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the semiannual report of the Inspector General of the International Trade Commission for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3230. A communication from the Secretary of the United States Postal Rate Commission, transmitting, pursuant to law, a report on the final rule of the Domestic Mail Classification Schedule; to the Committee on Governmental Affairs.

EC-3231. A communication from the Acting Chief Financial Officer, Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report on the necessary documentation to alter an existing Privacy Act system of records entitled "Commerce/Census-3"; to the Committee on Governmental Affairs.

EC-3232. A communication from the Assistant Secretary of the Interior, transmitting, a draft of proposed legislation to reauthorize Titles I and III of the Tribally Controlled Community College Assistance Act of 1978, as amended (25 U.S.C. 1801, et seq.), and for other purposes; to the Select Committee on Indian Affairs.

EC-3233. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report of the Department of State for calendar year 1991; to the Committee on the Judiciary.

EC-3234. A communication from the Director, Office of Policy and Communication, Department of Justice, transmitting, pursuant to law, the annual report of the Department of Justice under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3235. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal years 1993, 1994, and 1995; to the Committee on the Judiciary.

EC-3236. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend provisions of title 35, United States Code, regarding the late payment of patent maintenance fees and the membership on the Board of Patent Appeals and Interferences in the Patent and Trademark Office; to the Committee on the Judiciary.

EC-3237. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults for calendar year 1991; to the Committee on Labor and Human Resources.

EC-3238. A communication from the Deputy Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program for fiscal year 1991; to the Committee on Armed Services.

EC-3239. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, notification that the Supersonic Low Altitude Target program has breached its unit cost threshold by more than 15 percent; to the Committee on Armed Services.

EC-3240. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of the establishment of a new United States Strategic Command and changes to the missions of certain other commands; to the Committee on Armed Services.

EC-3241. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the anticipated impact of termination of the funding by the Department of Defense for the activities and operations of the National Board for the Promotion of Rifle Practice; to the Committee on Armed Services.

EC-3242. A communication from the Deputy Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice that the performance of a Rockwell B-1B Full Scale Development contract will continue for a period exceeding ten years; to the Committee on Armed Services.

EC-3243. A communication from the Secretary of Defense, transmitting a draft of proposed legislation to provide for effective acquisition, maintenance, and operation of sealift for the Armed Forces, and for other purposes; to the Committee on Armed Services; to the Comittee on Armed Services.

EC-3244. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to enhance the ability of the Army's Civilian Markmanship Program to provide training in the use of rifled arms to American youth; to the Committee on Armed Services.

EC-3245. A communication from the Assistant Secretary of Commerce (Administration), transmitting, pursuant to law, notice of a proposed reorganization of the National Technical Information Service; to the Committee on Commerce, Science, and Transportation.

EC-3246. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3247. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report entitled "Mormon Island Auxiliary Dam, Safety of Dams Modification Report"; to the Committee on Energy and Natural Resources.

EC-3248. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on published articles relating to environmental issues for individual geographic locations; to the Committee on Environment and Public Works.

EC-3249. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the final report on activities and programs under section 319 of the Clean Water Act entitled "Managing Nonpoint Source Pollution"; to the Committee on Environment and Public Works.

EC-3250. A communication from the Senior Attorney of the Environmental Protection Agency, transmitting, pursuant to law, the final rule promulgated by the Environmental Protection Agency on Lender Liability; to the Committee on Environment and Public Works.

EC-3251. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, a report entitled "Skilled Nursing Facilities Prospective Payment Demonstration: Report on Research Findings"; to the Committee on Finance.

EC-3252. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to increase the availability, portability, and affordability of health insurance, especially health insurance for small employers, by prohibiting discriminatory practices and promoting broad risk pooling among health insurers, and for other purposes; to the Committee on Finance.

EC-3253. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Department of Housing and Urban Development during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3254. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia for water and sewer services; to the Committee on Governmental Affairs.

EC-3255. A communication from the Vice Chairman and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, a copy of the Balance Sheet of the Company as of December 31, 1991; to the Committee on Governmental Affairs.

EC-3256. A communication from the President of the Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, a statement of receipts and expenditures of the Company for calendar year 1991; to the Committee on Governmental Affairs.

EC-3257. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, a report on the adjustment of the compensation schedule of the Administration; to the Committee on Governmental Affairs.

EC-3258. A communication from the Chairman of the Thrift Depositor Protection Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Board during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3259. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Commission during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3260. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Board during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3261. A communication from the Deputy Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Office during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3262. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Commission during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3263. A communication from the Staff Director of the United States Commission on Civil Rights, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Commission during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3264. A communication from the Executive Director of NeighborWorks, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3265. A communication from the Chairperson of the Martin Luther King, Jr. Federal Holiday Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Commission during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3266. A communication from the Chairman of the National Commission on Migrant Education, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Commission during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3267. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize employees, who received lump-sum annual leave payments when moving between nonappropriated fund and civil service employees, the option to keep such payments in lieu of required leave transfer; to the Committee on Governmental Affairs.

EC-3268. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, recommendations relative to legislation that would grant Federal recognition to Indian groups; to the Select Committee on Indian Affairs.

EC-3269. A communication from the President of the Institute of American Indian Arts, transmitting, pursuant to law, the annual report of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development; to the Committee on the Judiciary.

EC-3270. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department of Transportation under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3271. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the annual report of the Academy and Institute for calendar year 1991; to the Committee on the Judiciary.

EC-3272. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to implement and authorize Weed and Seed activities, and for other purposes; to the Committee on the Judiciary.

EC-3273. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to consolidate the accounts used to fund the housing loan programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Jerome H. Powell, of New York, to be an Under Secretary of the Treasury; and

John Cunningham Dugan, of the District of Columbia, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Buster C. Glosson, xxx-xx-xxxx United States Air Force.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN (for himself, Mr. NUNN, and Mr. LEAHY):

S. 2711. A bill to ensure the fair treatment of members of the Selected Reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces; to the Committee on Armed Services.

By Mr. ROTH:

S. 2712. A bill to establish a National Economic Council within the Executive Office of the President; to the Committee on Governmental Affairs.

By Mr. HARKIN:

S. 2713. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow medicare administrative funding to increase and thereby combat waste, fraud, and abuse, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, pursuant to the order of August 4, 1977, with instructions that of one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SANFORD:

S. 2714. A bill to amend the Internal Revenue Code of 1986 to assist in the recruitment and retention of mathematics and science teachers, to provide matching funds for the promotion of mathematics or science secondary schools, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. DECONCINI):

S. 2715. A bill to require the Secretary of Veterans Affairs to carry out demonstration projects to determine the feasibility and desirability of installing telephones in Department of Veterans Affairs health-care facilities for use by patients of such facilities; to the Committee on Veterans Affairs.

By Mr. AKAKA:

S. 2716. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on Johnston Atoll, an unincorporated territory of the United States, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JOHNSTON (by request):

S. 2717. A bill to provide for increases in authorization ceilings for land acquisition and development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2718. A bill to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; to the Committee on Energy and Natural Resources.

By Mr. PRYOR:

S. 2719. A bill to require the United States Trade Representative to take action authorized under section 301 of the Trade Act of 1974 against certain foreign countries in retaliation for the imposition by such countries of a ban on the importation of rice and rice products of the United States, and for other purposes; to the Committee on Finance.

S. 2720. A bill to suspend until January 1, 1995, the duty on Tetrabromocyclooctane; to the Committee on Finance.

S. 2721. A bill to suspend until January 1, 1995, the duty on N,N'-Ethylenebis(5,6-dibromo-2,3-norbornanedicarboximide); to the Committee on Finance.

S. 2722. A bill to suspend until January 1, 1995, the duty on 1,2-Dibromo-4-(1,2-dibromoethyl)cyclohexane; to the Committee on Finance.

By Mr. JOHNSTON (by request):

S. 2723. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 2724. A bill to restore the value of the Section 29 credit and to make the credit permanent; to the Committee on Finance.

By Mr. CRAIG:

S. 2725. A bill to authorize extension of time limitations for a FERC-issued license; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (by request):

S. 2726. A bill to implement and authorize Weed and Seed activities, and for other purposes; to the Committee on the Judiciary.

By Mr. MACK:

S. 2727. A bill to provide for the revitalization of small business concerns, promote job growth, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 2728. A bill to make emergency supplemental appropriations to provide emergency short term assistance for American youth and meet the urgent needs for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mr. SARBANES:

S. 2729. A bill to amend the provisions of chapter 35 of title 5, United States Code, to assist Federal employees who were separated from service as a result of a reduction in force in finding new employment, and for other purposes; to the Committee on Governmental Affairs.

S. 2730. A bill to amend title 10, United States Code, to permit certain personnel who are involuntarily separated from the Armed Forces to enroll temporarily in health benefits plans of the Federal Employee Health Benefits Program; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself and Mr. CHAFEE):

S. 2731. A bill to amend the Internal Revenue Code of 1986 to make deduction for health insurance costs of self-employed individuals permanent, and to provide for a phased-in increase in the deductible amount of health insurance costs from 25 to 100 percent; to the Committee on Finance.

By Mr. DOLE (for himself and Mr. CHAFEE):

S. 2732. A bill to increase the availability, portability, and affordability of health insurance, especially health insurance for small employers, by prohibiting discriminatory practices and promoting broad risk pooling among health insurers, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. CHAFEE, Mr. STEVENS, Mr. HEFLIN, Mr. AKAKA, Mr. D'AMATO, Mr. KASTEN, Mr. KOHL, Mr. LAUTENBERG, Mr. SEYMOUR, and Mr. SPECTER):

S.J. Res. 304. A joint resolution designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. DIXON, Mr. ADAMS, Mr. BIDEN, Mr. BRADLEY, Mr. BURDICK, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DURENBERGER, Mr. HEFLIN, Mr. JEFFORDS, Mr. KASTEN, Mr. KERRY, Mr. LIEBERMAN, Mr. LEVIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. RIEGLE, Mr. SARBANES, Mr. SPECTER, and Mr. ROTH):

S.J. Res. 305. A joint resolution to designate October 1992 as "Polish American Heritage Month"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 306. A joint resolution designating October 1992 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GARN (for himself, Mr. GLENN, Mr. HOLLINGS, Mr. GORE, and Mr. DOLE):

S. Res. 296. A resolution to commend and congratulate the crew of the National Aeronautics and Space Administration STS–49 mission for their magnificent rescue of the INTELSAT VI satellite and a memorable maiden voyage of the Space Shuttle Endeavour; considered and agreed to.

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 297. A resolution to authorize testimony and document production by and representation of employee of the Senate in United States v. Charles E. Hughes, Sr; considered and agreed to.

By Mr. COCHRAN:

S. Con. Res. 119. A concurrent resolution to state the finding of Congress that the Amendment to the Constitution of the United States relating to compensation for Members of Congress has been duly ratified, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. NUNN, and Mr. LEAHY):

S. 2711. A bill to ensure fair treatment of members of the selected Reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces; to the Committee on Armed Services.

NATIONAL GUARD AND RESERVE PERSONNEL TRANSITION BENEFITS ACT

Mr. GLENN. Mr. President, on April 8, 1992, the Subcommittee on Manpower and Personnel of the Committee on Armed Services, a subcommittee that I Chair conducted a hearing on the substantial strength and force structure cuts in the National Guard and Reserve that have been proposed by the administration. Specifically, the Department of Defense [DOD] wants to reduce the strength and force structure of the National Guard and Reserve components by 16 percent by the end of fiscal year 1993. This is not a small number of people. In all, at least 185,000 people, National Guard and reservists, would have to come out of the selected Reserve if the proposed reductions are approved by the Congress, and that assumes that no new people are brought into the selected Reserve during this time.

Mr. President, setting aside the question of the validity of the reductions that the administration wants to make—and the case for these reductions has yet to be made—I was dismayed to learn at our hearing that DOD had done nothing to provide for the orderly and fair transition of the guardsmen and reservists who would be affected by its proposed reductions. I want to read extracts of the testimony we received from Mr. Stephen M. Duncan, the Assistant Secretary of Defense for Reserve Affairs, to underscore this particular point.

Senator GLENN. "Is there a DOD plan to provide transition benefits to Guard and Reserve personnel that separate because of strength reductions you proposed?

Mr. DUNCAN. "We don't have a plan in place, but we are working * * *."

Senator GLENN. "What would you do with a drilling reservist who was enrolled in the Reserve G.I. bill whose unit was being deactivated? What happens to him?"

Mr. DUNCAN. I don't know. * * * I just don't have a sense for it yet."

Senator GLENN. "How about the same fellow who has 15 years of service for Reserve retirement who is unable to affiliate with another unit? You don't have an answer for that yet?"

Mr. DUNCAN. "I don't have an answer, but * * *."

Senator NUNN. "I think it may be a good thing we didn't go along with what the Secretary of Defense proposed last year because, obviously, you were not equipped to deal with it."

Mr. DUNCAN. "In what sense, Senator?"

Senator NUNN. "Well in the sense that a year later, we still don't have a plan of transition for people who are going to be hurt. * * *"

Mr. DUNCAN. Well, but the reason we don't know who is going to be hurt is because answering the question of which units will be cut does not answer that question. One then has to find out to what extent will we be successful in the future in helping the individuals in those units find another Reserve home. I can't answer that until we—"

Senator NUNN. "But that doesn't preclude you from having a plan for those who don't get replaced, but there is no plan for that either."

Senator GLENN. "Do you have any standard replacement rules?" That's the question. * * *

Mr. DUNCAN. "Well, there has been no DOD directive, Senator, but we have some planning principles * * * and now we are working to develop a plan."

Senator GLENN. "Well, I think that should be a very high priority for you because the hurt is out there right now. The people are worrying about where they are going to go right this very moment."

Mr. DUNCAN: "Well, of course, I understand that, and that is why we are working so hard to come up with a—"

Senator GLENN: "Do you have any idea when you can have that done, just guidelines on transfers?"

Mr. DUNCAN: "No, but believe me, I have at least as much interest as the committee in making sure it happens faster rather than slower."

Senator GLENN: "Yes, I know, but I'm just trying to speak on behalf of the people that are out there. Can they expect some guidance on how they will be dealt with within 30 days or 6 months or a year from now? Can you give us—"

Mr. DUNCAN: "Well, I can assure you it is not going to take a year."

Mr. President, it is very clear from these questions and answers that our men and women in our National Guard and Reserve units are left out in the cold right now and that DOD is, at best, in a scramble mode as far as providing adequately for the people who would have to leave the selected Reserve under the reductions proposed by DOD.

Given this state of affairs, I have worked with Senator NUNN to develop a legislative proposal that I am introducing today, the National Guard and Reserve Personnel Transition Benefits Act of 1992, to ensure one thing, and that is to ensure the fair treatment of guardsmen and reservists who will be affected by the Defense build down, and to provide authorities to facilitate the management of the selected Reserve personnel inventory as DOD restructures the National Guard and Reserve components.

I want to take a few moments to describe the features of our proposal.

Before I do that let me say that this is a companion piece to what we did last year in dealing fairly with the All-Volunteer Forces, most of them thinking they had a career and now they are told they do not. We are reducing force levels by 100,000 a year. We put together a package that would deal fairly with those people, fairly underlined 6 times, fairly. That is what we are talking about. Now we are trying to do the same thing for guardsmen and reservists who put their faith in the Government, contributed to our buildup all these years as part of our total force, went to the gulf, conducted themselves admirably there and now are told, "Even though you depend on this as a second income, even though you are going to school under the reserve GI bill waiver, thank you and good bye," and that is it. What we are doing with this benefits package is trying to deal fairly with these people. Let me take a few moments to describe the features of our proposal.

ESTABLISHMENT OF RESERVE FORCE REDUCTION TRANSITION PERIOD

The provisions of our proposal would apply to personnel in the selected Reserve, those who are called up to active duty from time to time, the selected Reserve, in fiscal year 1992 through the end of fiscal year 1995. This package is sunsetted; it does not go into the indefinite future. All of the authorities provided are therefore temporary, and are provided for the purpose of aiding the transition of selected reservists who must leave the selected Reserve because of the downsizing of the National Guard and Reserve components during this period.

REQUIREMENT FOR A TRANSITION PLAN

This has some history behind it. Our proposal would prohibit the deactivation of any selected Reserve unit or the involuntary separation of a selected reservist—except for personnel being separated because of adverse personnel actions—during the transition period until the Secretary of Defense has promulgated and submitted to the Congress regulations that implement the provisions of our proposal. This particular provision would ensure that selected Reserve personnel are provided a uniform, fair safety net of benefits if they must leave the selected Reserve because of the National Guard and Reserve component downsizing during the transition period.

We put this in because the Pentagon did not operate in a timely fashion on some of the provisions that we provided for the active duty component of the All Volunteer Force. People thought that they were going to have certain benefits, that certain things were going to happen. The regulations were not promulgated promptly, creating some real problems. What we are doing now is saying that DOD cannot go ahead and separate these people until DOD puts this plan into effect. In other words, we want to deal fairly with people and not have these benefits delayed for whatever reason by the Pentagon.

This provision would also require DOD to prescribe uniform procedures for the recruitment, the reassignment, the retraining, and the separation and retirement of personnel consistent with the needs of the selected Reserve, and with equal consideration for the fair treatment of personnel, using that word again "fair" treatment of personnel.

AUTHORITY FOR EARLY RETIREMENT

Our proposal would allow selected reservists who have 20 years of credit for Reserve retirement and who are in a selected Reserve unit to apply for reassignment from the selected Reserve to the Retired Reserve in order to draw an immediate, reduced retirement annuity.

Under current rules, selected reservists who have completed at least 20 years of service creditable for Reserve retirement are eligible to draw their reserve retirement annuity at age 60, only then. This rule tends to entice selected reservists to remain in the selected Reserve well after they accumulate 20 years of credit for reserve retirement. Consequently, there is a relatively rich supply of these individuals in the selected Reserve. Our provision would provide an incentive for some of these people to voluntarily leave the selected Reserve and reduce the pressure on involuntary removals as the Reserve components build down.

The reduced retirement annuity under this provision would be calculated using the same reduction formula currently authorized for the early retirement of Federal civilian personnel under section 8339 of title 5 of the United States Code. This reduction formula would reduce the retirement annuity normally due at age 60 by 1 percent per year for each year the individual is under age 60, and an additional 2 percent per year for each year the individual is under age 55.

For example, a noncommissioned officer in the E-7 grade who has 20 years of credit for Reserve retirement would receive $550 per month in retired pay at age 60. Under this provision, assuming that the NCO is in the selected Reserve, is 50 years of age, and is approved for early retirement, the NCO would have his or her monthly annuity reduced by 15 percent, and draw it immediately. Therefore, the NCO would receive $468 per month and draw the reduced amount for 10 years more than he would if he or she had to wait until age 60.

Our proposal would also allow selected reservists who have at least 15 years but less than 20 years of credit for Reserve retirement to apply for assignment from the selected Reserve to the Retired Reserve. Such personnel would be eligible for Reserve retirement pay at age 60 based on the number of years of Reserve retirement credit they have accrued. For example, a noncommissioned officer in the E-7 grade who had 20 years of credit for Reserve retirement would receive $550 per month at age 60. Under this provision, the same NCO with 15 years of service for reserve retirement would draw $413 per month at age 60. As in the selected Reserve population with 20 years of service for Reserve retirement, there is a rich supply of personnel with 15 to 20 years of credit for Reserve retirement.

Both of these retirement provisions—an immediate annuity for those with over 20 years, and the 15-year retirement authority—will aid the National Guard and Reserve components in encouraging the voluntary retirement of selected reservists who become surplus to requirements, and facilitate the realignment of personnel among remaining billets as Guard and Reserve units are down sized to maintain a better balance between youth and experience. And it is fair, I once again repeat that term.

AUTHORITY FOR SEPARATION PAY

Our proposal would authorize the payment of separation pay to selected reservists who have 6 but less than 15 years of service and who are being involuntarily released from the selected Reserve because their units are being deactivated during the transition period. The separation pay authorized would parallel the separation pay being paid to active personnel who are being separated, and be equal to 15 percent of 2 months of basic pay multiplied by the number of points accrued for Reserve retirement divided by 60.

This may sound a little complicated, but basically it puts the calculation back on the same formula of 2.5 percent per year as the regular establishment has had for a long time.

Such a formula would yield a lump-sum separation payment for a typical reservist with 10 years of service or 6 months of drill pay. For example, an officer with 10 years of service in the grade of O-4, would receive about $3,400. An enlisted person with 10 years of service in the E-6, would receive about $1,700.

I mentioned earlier the Reserve GI bill assistance. Our proposal would allow selected reservists who must leave the selected Reserve because of the National Guard and Reserve downsizing during the transition period to continue to receive Reserve GI bill educational assistance.

Under current rules, a selected reservist must agree to complete 6 years of selected Reserve service in order to be eligible for 36 months of Reserve GI bill assistance, $170 per month.

Our provision would authorize selected reservists who have completed two-thirds of the required service—in other words, 4 years out of that 6—to be eligible for the full 36 months of Reserve GI bill assistance. Those who have completed at least one-half of the required service would be eligible for 27 months of assistance, and those who have completed at least one-third of the required service would be eligible for 18 months of assistance. Once again, I think this is only fair.

CONTINUED COMMISSARY AND EXCHANGE PRIVILEGES

Our proposal contains a provision that would authorize selected reservists who must leave the selected reserve because of the National Guard and Reserve downsizing during the transition period to continue to retain their eligibility to use military commissary and exchange shopping facilities for 1 year following the date they leave the selected Reserve.

EXTENSION OF SERVICE GROUP LIFE INSURANCE

Finally, our proposal would provide for the continued coverage of selected reservists who must leave the selected Reserve because of the National Guard and Reserve downsizing during the transition period under the Service Group Life Insurance Program at no cost to the individual.

Mr. President, that summarizes the provisions in our proposal. If enacted, we expect that the only provisions in our proposal that would result in costs to the Department of Defense would be the provision that authorizes an immediate payment of retired pay for personnel who have 20 or more years of service, the provision that authorizes involuntary separation pay, and the provision that would provide for continued service group life insurance coverage. I have asked the Congressional Budget Office to estimate the cost of our proposal. I believe that the cost estimate will be sensitive to the Guard and Reserve strength cuts that the Congress ultimately approves. By my rough calculations, I believe the net cost of our proposal over the entire 4-2 year transition period could range between $100 to $200 million at most. We hope the CBO can get those figures for us promptly so that we can quote a more accurate figure and ascertain the cost of this proposal.

Mr. President, I believe the proposal I have just outlined fills a void that I mentioned earlier. Quite frankly, I am disappointed that DOD dragged its heels in proposing a transition package along these lines. DOD proposes immediate Guard and Reserve cuts yet the package that they have told us that they are thinking about is not there. I am disappointed that DOD has dragged its heels in proposing a package.

DOD's attitude tells me that the Pentagon puts guardsmen and reservists in a second class category, and that is very unfortunate. I hope this proposal serves at least as a wake up call to the Pentagon that our guardsmen and reservists are people too and deserve to be treated with dignity and fairness. So I challenge the Pentagon to evaluate this proposal and work with us to do right by the people who will be affected by the Guard and Reserve build down over the transition period.

Mr. President, I urge my colleagues to join us in sponsoring and enacting our proposal, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reserve Personnel Transition Benefits Act of 1992".

SEC. 2. FORCE REDUCTION TRANSITION PERIOD DEFINED.

In this Act, the term "force reduction transition period" means the period beginning on October 1, 1991, and ending on September 30, 1995.

SEC. 3. MEMBER OF SELECTED RESERVE DEFINED.

In this Act, the term "member of the Selected Reserve" means—

(1) a member of a unit in the Selected Reserve of the Ready Reserve; and

(2) a Reserve designated pursuant to section 268(b) of title 10, United States Code.

TITLE I—PERSONNEL PROTECTIONS TRANSITION PLAN

SEC. 101. RESTRICTION ON RESERVE FORCE REDUCTION.

(a) IN GENERAL.—During the force reduction transition period, no unit in the Selected Reserve of the Ready Reserve of the Armed Forces may be deactivated and no member of the Selected Reserve may be involuntarily separated from the Armed Forces, involuntarily reassigned to a unit or position not in the Selected Reserve, or otherwise involuntarily given a status not in the Selected Reserve before the Secretary of Defense has promulgated, implemented, and transmitted to the Committees on Armed Services of the Senate and the House of Representatives regulations that govern the treatment of members of the Selected Reserve assigned to such units and members of the Selected Reserve that are being subjected to such actions.

(b) SAVINGS PROVISION.—Subsection (a) shall not apply to actions completed before the date of the enactment of this Act.

SEC. 102. TRANSITION PLAN REQUIREMENTS.

(a) PURPOSE OF PLAN.—The purpose of the regulations referred to in section 101 shall be to ensure that the members of the Selected Reserve are treated with fairness, with respect for their service to their country, and with attention to the adverse personal consequences of Selected Reserve unit deactivations and other involuntary changes in their status as members of the Selected Reserve.

(b) SCOPE OF PLAN.—The regulations shall include—

(1) such provisions as are necessary to implement the provisions of this Act and the amendments made by this Act; and

(2) such other policies and procedures for the recruitment of personnel for the Selected Reserve of the Ready Reserve, and for the reassignment, retraining, separation, and retirement of members of the Selected Reserve, as are appropriate for satisfying the needs of the Selected Reserve together with the purpose set out in subsection (a).

(c) MINIMUM REQUIREMENTS FOR PLAN.—The regulations promulgated under this title shall include the following:

(1) The giving of a priority to personnel referred to in section 101 for reassignment to Selected Reserve units not being deactivated.

(2) The giving of a priority to such personnel for transfer among the reserve components of the Armed Forces in order to facilitate reassignment to such units.

(3) A requirement that the Secretaries of the military departments take diligent actions to ensure that members of the reserve components of the Armed Forces are informed in easily understandable terms of the rights and benefits conferred upon such personnel by this Act, by the amendments made by this Act, and by such regulations.

(4) Such other protections, preferences, and benefits as the Secretary of Defense considers appropriate.

(d) UNIFORM APPLICABILITY.—The regulations shall apply uniformly to the Army, Navy, Air Force, and Marine Corps.

SEC. 103. INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.

The protections, preferences, and benefits provided for in regulations prescribed pursuant to this title do not apply with respect to personnel who are separated or transferred under adverse conditions, as characterized by the Secretary of the military department concerned.

TITLE II—RETIRED PAY

SEC. 201. FORCE REDUCTION PERIOD RETIREMENTS.

(a) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—(1) Chapter 67 of title 10, United States Code, is amended by inserting after section 1331 the following new section:

"§ 1331a. Temporary special retirement authority

"(a) IMMEDIATE RETIREMENT WITH 20 YEARS OF SERVICE.—Except as provided in section 1331(c) of this title, the Secretary concerned may grant a person under the age of 60 years, upon the application of such person, immediate reduced retired pay computed under sections 1401 and 1413 of this title if—

"(1) as of October 1, 1991, that person has performed at least 20 years of service computed under section 1332 of this title or after that date and before October 1, 1995, he completes 20 years of service computed under that section;

"(2) the person is a member of the Selected Reserve;

"(3) the person satisfies the requirements of paragraphs (3) and (4) of section 1331(a) of this title; and

"(4) the person applies for the immediate reduced retired pay within one year after the later of—

"(A) the date of the enactment of the National Guard and Reserve Personnel Transition Benefits Act of 1992; or

"(B) the date on which the person satisfies the applicable years-of-service requirement in paragraph (1).

"(b) RETIREMENT WITH 15 YEARS OF SERVICE.—Except as provided in section 1331(c) of this title, the Secretary concerned may grant a person, upon the application of such person, retired pay computed under section 1401 of this title if—

"(1) as of October 1, 1991, that person has performed at least 15 years of service computed under section 1332 of this title or after that date and before October 1, 1995, he completes 15 years of service computed under that section;

"(2) the person is a member of the Selected Reserve;

"(3) the person satisfies the requirements of paragraphs (1), (3), and (4) of section 1331(a) of this title; and

"(4) within one year after the later of the date referred to in subsection (a)(4)(A) or the date on which the person satisfies the applicable years-of-service requirement in paragraph (1), the person—

"(A) applies for retired pay; or

"(B) requests transfer to an inactive status list authorized under section 1335 of this title.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary concerned may limit the applicability of subsection (a) or (b) to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 102(a) of the National Guard and Reserve Personnel Transition Benefits Act of 1992.

"(d) DATE OF ENTITLEMENT.—Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under subsection (a) or (b) shall be the date on which the requirements of that subsection have been completed.

"(e) MEMBER OF SELECTED RESERVE DEFINED.—In this section, the term 'member of the Selected Reserve' means—

"(1) a member of a unit in the Selected Reserve of the Ready Reserve; and

"(2) a Reserve designated pursuant to section 268(b) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1331 the following new item:

"1331a. Temporary special retirement authority.".

(b) COMPUTATION OF EARLY RETIREMENT RETIRED PAY.—The item relating to formula 3 in the table in section 1401(a) of such title is amended by inserting "1331a" below "1331" in the second column.

(c) COMPUTATION OF REDUCED RETIRED PAY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Reduced retired pay for certain chapter 67 retirees

"The retired pay computed under section 1401 of this title for a person authorized such retired pay under section 1331a(a) of this title shall be reduced by 1/12 of 1 percent for each full month not in excess of 60 months, and 5/12 of 1 percent for each full month in excess of 60 months, that such person is under 60 years of age on the effective date of the commencement of the payment of retired pay to that person.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1412 the following new item:

"1413. Reduced retired pay for certain chapter 67 retirees.".

SEC. 202. CONFORMING AMENDMENTS.

(a) YEARS OF SERVICE.—(1) Section 1332(a) of title 10, United States Code, is amended by inserting "or 1331a" after "section 1331".

(2) Section 1338(a) of such title is amended by inserting "or 1331a (a)(1) or (b)(1)" after "section 1331(a)(1)".

(3) Section 1405(a)(3) of such title is amended by inserting "or 1331a" after "section 1331".

(b) RETIRED PAY BASE.—(1) The table in section 1406(b) of such title is amended in the second item under the heading "For a member entitled to retired pay under section:" by inserting "1331a" below "1331".

(2) Subsections (c)(1) and (d)(1) of section 1407 of such title are each amended by inserting "or 1331a" after "section 1331".

(c) DEATH BENEFITS.—Section 1483(f)(2) of such title is amended by inserting "or 1331a" after "section 1331".

(d) APPOINTMENTS TO SERVICE ACADEMIES.—Sections 4342(b)(1)(B), 6954(b)(1)(B), and 9342(b)(1)(B) of such title are each amended by inserting "or 1331a" after "section 1331".

TITLE III—ADDITIONAL BENEFITS

SEC. 301. SEPARATION PAY.

(a) ELIGIBILITY.—A member of the Selected Reserve who, after completing at least 6 years of service computed under section 1332 of title 10, United States Code, and before completing 15 years of service computed under that section, is involuntarily separated from the Armed Forces during the force reduction transition period is entitled to separation pay.

(b) AMOUNT OF SEPARATION PAY.—The amount of separation pay which may be paid to a person under this section is 15 percent of the product of—

(1) the years of service credited to him under section 1333 of title 10, United States Code; and

(2) 62 times the daily equivalent of the monthly basic pay to which he was entitled at the time of his separation from the Armed Forces.

(c) RELATIONSHIP TO OTHER SERVICE-RELATED PAY.—Subsections (g) and (h) of section 1174 of title 10, United States Code, shall apply to separation pay under this section.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.

SEC. 302. CONTINUING ELIGIBILITY FOR MONTGOMERY G.I. BILL EDUCATIONAL ASSISTANCE.

(a) TITLE 10 PROGRAM.—Notwithstanding sections 2131(c)(2) and 2134(2) of title 10, United States Code, and subject to section 3695 of title 38, United States Code, a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period may be provided educational assistance in accordance with the other provisions of chapter 106 of title 10, United States Code, for the following maximum number of months:

(1) In the case of a person who has completed 4 or more years of the service in the Selected Reserve agreed to under section 2132(a) of title 10, United States Code, for 36 months (or the equivalent in part-time educational assistance).

(2) In the case of a person who has completed at least 3, and less than 4, years of such service, for 27 months (or the equivalent in part-time educational assistance).

(3) In the case of a person who has completed at least 2, and less than 3, years of such service, for 18 months (or the equivalent in part-time educational assistance).

(b) TITLE 38 PROGRAM.—Notwithstanding section 3013(e) of title 38, United States Code, and subject to section 3695 of such title, a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period may be provided educational assistance in accordance with the other provisions of chapter 30 of title 38, United States Code, for the following maximum number of months:

(1) In the case of a person who has completed 4 or more years of the service required by section 3012(a) of title 10, United States Code, for 36 months (or the equivalent in part-time educational assistance).

(2) In the case of a person who has completed at least 3, and less than 4, years of such service, for 27 months (or the equivalent in part-time educational assistance).

(3) In the case of a person who has completed at least 2, and less than 3, years of such service, for 18 months (or the equivalent in part-time educational assistance).

(c) SAVINGS PROVISIONS.—(1)(A) If a person receiving educational assistance under a provision of law referred to in subsection (a) or (b) is enrolled in an educational institution regularly operated on the quarter or semester system and the period of such person's entitlement under such provision of law would, under paragraph (2) or (3) of such subsection, expire during a quarter or semester, such period shall be extended to the end of such quarter or semester.

(B) If a person receiving educational assistance under a provision of law referred to in subsection (a) or (b) is enrolled in an educational institution not regularly operated on the quarter or semester system and the period of such person's entitlement under such provision of law would, under paragraph (2) or (3) of such subsection, expire after a major portion of the course is completed, such period shall be extended to the end of the course or for 12 weeks, whichever is the lesser period of extension.

(2) A person referred to in subsection (a) or (b) who, before involuntarily ceasing to be a member of the Selected Reserve, receives educational assistance under a provision of law referred to in that subsection for a number of months in excess of the maximum number authorized by that subsection may not be required to reimburse the United States the amount of the excessive educational assistance.

(d) REFUND OF CONTRIBUTIONS.—(1) A person whose entitlement to educational assistance under chapter 30 of title 38, United States Code, is reduced below 36 months (or the equivalent in part-time educational assistance) by this section shall be entitled to a refund of the amount equal to the excess, if any, of—

(A) the total amount by which the basic pay of that person has been reduced under section 3012(c), 3018(c), or 3018A(b) of title 38, United States Code, over

(B) the amount equal to $1,200 times the percent determined by dividing—

(i) the maximum number of months for which that person may be provided full-time educational assistance under chapter 30 of such title pursuant to this section, by

(ii) 36.

A refund amount computed under this paragraph that is not a multiple of $1 shall be rounded up to the nearest even dollar amount.

(2) The Secretary of the military department who administered the payment of the reduced basic pay to a person entitled to a refund under paragraph (1) shall make the refund payment required by that paragraph out of funds available to the Secretary for the pay of active duty personnel of the armed force under the jurisdiction of that Secretary.

SEC. 303. COMMISSARY AND EXCHANGE PRIVILEGES.

The Secretary of Defense shall prescribe regulations to authorize a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period to continue to use commissary and exchange stores in the same manner as a member of the Selected Reserve for a period of one year after the later of—

(1) the date on which that person ceases to be a member of the Selected Reserve; or

(2) the date of the enactment of this Act.

SEC. 304. TEMPORARY CONTINUATION OF SERVICEMEN'S GROUP LIFE INSURANCE.

(a) CONTINUED COVERAGE.—For the purposes of section 1968(a) of title 38, United States Code, the 120-day period of coverage provided for under paragraph (4) of such section shall be extended to a 365-day period of coverage in the case of a former member of the Selected Reserve referred to in subsection (b).

(b) ELIGIBILITY.—Subsection (a) applies to a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period and is ready, willing, and able to perform the training described in section 1965(5)(B) of title 38, United States Code.

(c) PAYMENT OF PREMIUMS.—The total amount of the cost attributable to insuring a person under this section shall be paid from any funds available to the Department of Defense for the pay of reserve component personnel that the Secretary of Defense determines appropriate.

(d) IMPLEMENTATION.—The Secretary of Veterans Affairs shall take any contracting and other actions that are necessary to ensure that the provisions of this section are implemented promptly.

SEC. 305. APPLICABILITY AND TERMINATION OF BENEFITS.

(a) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may limit the applicability of a benefit provided under this title to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 102(a).

(b) INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.—The provisions of this title do not apply with respect to personnel who cease to be members of the Selected Reserve under adverse conditions, as characterized by the Secretary of the military department concerned.

(c) TERMINATION OF BENEFITS.—The eligibility of a member of a reserve component of the Armed Forces (after having involuntarily ceased to be a member of the Selected Reserve) to receive benefits and privileges under this title terminates upon the involuntary separation of such member from the Armed Forces under adverse conditions, as characterized by the Secretary of the military department concerned.

Mr. NUNN. Mr. President, I join Senator GLENN in sponsoring the legislative proposal that we have developed—the National Guard and Reserve Personnel Transition Benefits Act of 1992. We intend for this to be a companion piece to the comprehensive package of transition and conversion programs that we are currently working on.

Like Senator GLENN, I was very disappointed to learn at our Manpower Subcommittee hearing on April 8, 1992, that the Department of Defense [DOD] had done nothing to provide for the transition of the more than 258,100 drilling reservists who would lose their positions as a result of the reductions it proposes by the end of fiscal year 1995. The proposed reduction is front loaded so that over 70 percent, or 185,000, of the proposed reduction would occur over the next 2 years, and there are no transition benefits for anyone.

While I do not endorse the size and pace of the Guard and Reserve reductions that the Pentagon proposes, because I think they go too far too fast, I believe some of the reductions may be justified. We haven't settled on a number yet; however, I believe it would be irresponsible for any substantial reduction to be made before DOD has in place a program for the transition of the people who would be displaced by such a reduction. Common decency with regard to how we treat people who have served their country dictates this.

At the same time, I believe DOD has not really thought through how it should realign its Reserve personnel inventory so that the smaller force it proposes will contain the proper balance of age and experience, and grade and skills. Nor has DOD thought through how it can best use those military personnel who are leaving our Active Forces who have the recency of experience and skills that can be applied in strengthening our Reserve Forces.

For example, when I questioned the Assistant Secretary of Defense for Reserve Affairs about this at the April 8 Manpower Subcommittee meeting, he responded by saying: "There are a lot of questions we don't have the answers to yet, but I am meeting, even as soon as the next few days, with the military departments and the Reserve chiefs to identify precisely these kinds of things that may be problems so we can start trying to anticipate how we react to them." He further stated: "I just simply do not know the individual personnel impact of those unit reductions, but we are scrambling to find out."

So I believe it is fair to say that the Pentagon on the one hand wants us to approve large cuts in the Guard and Reserve, and on the other hand has no plan or proposal for taking care of the over 258,100 people whose positions would be cut out by the end of fiscal year 1995. I don't see how we could in good conscience approve the Pentagon's proposal under these circumstances.

Aside for the matter of personnel impacts, there is the matter of whether or not the proposed cuts themselves are justified. Quite frankly, I do not know of any methodology that we could rely on at this point to validate the Pentagon's proposal. We were in the same boat last year when the Pentagon proposed similar large cuts, which we rejected.

At the same time, we mandated in the National Defense Authorization Act for Fiscal Years 1992 and 1993 last year, a study of the Active/Reserve mix of our military services to be conducted by an independent federally funded research and development corporation. That study is due to us February 15 next year.

At our April 8 hearing, the study director, Dr. Bernard Rostker of the RAND Corp., briefed us on the status of the study. I was very encouraged by the approach being taken in the study, and if Dr. Rostker succeeds in providing us with alternative Active/Reserve Force mixes to consider, we will be in a much stronger position to deal with this issue on a comprehensive, total force basis.

In this regard, to the question as to whether or not he knew of any methodology we could use now to evaluate effectively the Guard and Reserve cuts proposed by the Pentagon, Dr. Rostker responded: "Not that we are aware of."

He further testified that with regard to the methodology the study group has developed that:

> We have been active in exposing the methodology to all interested parties to get the feedback to make sure that we are approaching the problem in the right way, and now we are in a systematic way trying to fill in the gaps with numbers that we can defend and that are the very best estimates of what the underlying structure is and the type of mobilization system that really will be out there.

I think we are all looking for this kind of analysis in order to be able to make informed judgments. For example, the Senate National Guard caucus sent a letter to the Armed Services Committee signed by 54 Senators that underscores this point, and I ask unanimous consent that the letter be included in the RECORD at the end of my statement. Quoting from the letter:

> The Caucus recognizes that the Armed Services Committee has continued to take the lead in attempting to further define the impact of recent changes, both in threat and force structure requirements, and we support your efforts. The provision in the National Defense Authorization Act for Fiscal Years 1992 and 1993 directing the Secretary of Defense to submit to Congress a report containing an independent assessment of a wide range of alternatives on the structure and mix of active and reserve forces for the mid-to-late 1990's is a positive step in the right direction.

Mr. President, it is clear that we are dealing with two problems here. The first involves the fair treatment of guardsmen and reservists. The second involves the validity of the Guard and Reserve cuts proposed by the Pentagon.

It is also clear that we can do something right now about the first problem—the fair treatment of guardsmen and reservists. That is what the proposal that Senator GLENN and I are introducing today addresses.

Our proposal, which Senator GLENN has spelled out in greater detail; would:

Prohibit the involuntary separation of selected reservists until DOD prescribes regulations which implement the provisions of our proposal, and which provide uniform rules for the reassignment and priority placement of affected Guard and Reserve personnel to ensure a proper balance of age and experience and grade and skill in remaining units;

Authorize the voluntary early retirement of selected reservists with 15 years of service;

Authorize the immediate receipt of a reduced retirement annuity for selected reservists who have over 20 years of service so they would not have to wait until age 60 to receive their full retirement annuity;

Authorize selected reservists who have 6 years but less then 15 years of service and who are being involuntarily released from the selected Reserve because their units are being deactivated to be paid a separation pay equal to 15 percent of 2 months of basic pay multiplied by the number of reserve points accrued by the member divided by 360—about 6 months of drill pay for a typical member with 10 years of service;

Authorize selected reservists who have at least 2 years of service and who are being separated because of Guard and Reserve strength reductions to continue to receive Reserve GI bill educational assistance;

Authorize selected reservists who are being separated because of Guard and Reserve strength reductions 1 year of cost-free coverage under the service group life insurance plan; and

Authorize selected reservists who are being separated because of Guard and Reserve strength reductions 1 year of continued eligibility to shop in military commissaries and exchanges.

Mr. President, these authorities would be temporary and cover only the period of the defense builddown. As Senator GLENN indicated, the costs associated with the provision for the immediate receipt of a reduced retirement annuity for personnel who have over 20 years service, the provision for involuntary separation pay, and the provision that authorizes continued service group life insurance coverage may be largely offset by savings that would result from a reduction in the senior element of the selected Reserve inventory. We do not have the numbers yet, and have asked the Congressional Budget Office to give us an estimate.

With regard to the second problem that I spoke about—the validity of the Guard and Reserve reductions proposed by the Pentagon, I do not know of an immediate solution. We will be addressing this as we proceed to our markup. Given the situation I have described, I see no urgency to making any substantial cuts that may have an irreversible effect on force structure and force mix decisions we may wish to make after we receive the mandated study from the Pentagon early next year.

Mr. President, I urge my colleagues to join Senator GLENN and I in cosponsoring and enacting the Guard and Reserve personnel transition legislation we propose.

U.S. SENATE,
Washington, DC, April 8, 1992.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NUNN: In the short three-year history of the National Guard Caucus, dramatic changes have taken place throughout the world. Several of those changes, such as the disintegration of the Warsaw Pact and the dissolution of the Soviet Union, have had an immediate and far-reaching impact on our Nation's defense strategy and military force requirements. In addition, the continuing slow economic recovery in this country and the growing federal deficit have also affected the support for our military and led to a wide range of demands for swift and deep reductions in the defense budget.

These dramatic changes have reinforced the position of the National Guard Caucus as first defined in mid-1989. At that time, the Caucus questioned the benefits, in cost-effectiveness and combat-effectiveness of reducing the Guard and Reserve while overall requirements and mix of Active, Guard and Reserve forces were under review. The Caucus belief that the Total Force Policy had made the Guard and Reserve essential and capable participants in any limited or regional conflict has been proven beyond a doubt in Desert Shield/Desert Storm.

The Caucus recognizes that the Armed Services Committee has continued to take the lead in attempting to further define the impact of recent changes, both in threat and force structure requirements, and we support your efforts. The provision in the National Defense Authorization Act for Fiscal Years 1992 and 1993 directing the Secretary of Defense to submit to Congress a report containing an independent assessment of a wide range of alternatives on the structure and mix of active and reserve forces for the mid-to-late 1990s is a positive step in that direction.

Because of the uncertainties in both the projected threat and defense requirements to meet an undefined threat, the Caucus continues to support the FY 1993 strength levels contained in the 1992 Defense Authorization Act. We believe the changing threat and decreasing defense budgets will lead to even greater reliance on the National Guard and Reserve. While reductions are inevitable, stability is the backbone of the effectiveness of the reserve forces and cuts should only be made when firm and more permanent decisions are possible. The Caucus does not believe we have reached that point.

We commend the Armed Services Committee for its efforts in defining long range defense requirements and we encourage you to maintain the interim level of Guard and Reserve forces in FY 1993 as approved in the 1992 Defense Authorization Act.

Sincerely.

Kit Bond, Robert C. Byrd, John Seymour, J. Bennett Johnston, Bob Kerry, Patrick Leahy, Mitch McConnell, Conrad Burns, Don Riegle,

Wendell Ford, Strom Thurmond, Jake Garn, James Exon, Fritz Hollings, Quentin Burdick, David L. Boren, Joe Biden, Chris Dodd,

David Pryor, Tom Daschle, Jay Rockefeller, Terry Sanford, Kent Conrad, Dennis DeConcini, Steve Symms, Al D'Amato, Wyche Fowler, Jr., Bob Packwood, Bob Graham, Don Nickles,

Richard Shelby, Barbara A. Mikulski, Bob Kasten, Jim Jeffords, Daniel K. Akaka, Arlen Specter, Larry E. Craig, Dale Bumpers, Alan J. Dixon, Thad Cochran, John Breaux, Paul Wellstone,

Tom Harkin, Chuck Grassley, Larry Pressler, Frank R. Lautenberg, Mark Hatfield, Herb Kohl, Richard H. Bryan, Clairborne Pell, Howell Heflin, Frank H. Murkowski, Bill Bradley, Max Baucus.

By Mr. ROTH:

S. 2712. A bill establish a National Economic Council within the Executive Office of the President; to the Committee on Governmental Affairs.

NATIONAL ECONOMIC COUNCIL ACT OF 1992

Mr. ROTH. Mr. President, I rise today to introduce legislation to establish a National Economic Council within the Executive Office of the President which would be comparable to the President's National Security Council.

The No. 1 issue facing our Nation is the creation of new jobs. The role of the Federal Government in providing for an economic environment that stimulates growth requires the consideration of many different, complex policy considerations.

A National Economic Council, with the President at its helm, should be established to coordinate these policies.

No one in this Chamber can dispute the fact that domestic and international economic competitiveness are essential elements of our national security. America's leadership in the world can be attributed in large measure to the success of our Nation's economic vitality. Yet, that success, and our Nation's security, is being challenged by international economic competition. To be successful, national policies to meet the challenge of competitiveness must be given the same coordinated high level attention as our national security policy.

That is what this legislation will accomplish. The ability of American businesses to compete, within our borders and internationally, is fundamental to the Nation's economic prosperity and security. Exports account for more than 10 percent of our country's gross domestic product and represent an increasingly significant role in enhancing job opportunities for American workers. At the same time, international competitors throughout the world are gaining in markets and products that should be natural extensions of our industries and services.

As we enter the postcold war period, our Nation's ability to compete internationally is in need of constant and high level attention by our Nation's policy makers. One of the fundamental lessons of the cold war is that a strong military nation can not achieve national security without economic security. Military power alone is insufficient. Our Nation's economy, built on free market principles, has demonstrated the long lasting vitality of our market-based system. Now is the time to expand our markets and reap the benefits of international commerce.

However, unless more attention is dedicated to competitiveness policies, our Nation could lose this grand opportunity.

Shortly after World War II, the Congress and the President recognized the need to establish the National Security Council as the President's coordinating body to confront the most pressing issue of the day—national security in the aftermath of the war. As we enter the postcold war period, Congress and the President should once again join together to establish a coordinating body to confront the most pressing issue of today—America's competitiveness in the postcold war period, a period when a nation's position in the world is not simply a measure of its military might but rather its economic potency.

The President's National Security Council has played a vital and constant role in the successful development and coordination of America's national security policy since the creation of the Council in 1948. We need to replicate that vitality with regard to domestic and international economic policy. In order to remain a strong economic force in the increasingly competitive environment of international markets, America needs a coordinated economic strategy which will allow our Nation to be on an equal basis with foreign competitors.

I believe the President must have available a permanent council of experts and advisors with whom he has direct access to coordinate the complex components of the President's economic policy. A coordinated economic strategy to increase our Nation's competitiveness involves a complex set of policy formulations, including trade, tax, monetary, budget, education, labor, environmental, science and technology, and regulatory policies. All of these policies impact our Nation's ability to compete and it is vital that each be considered as within the context of our competitive position. The President understands this. In fact, the President recently reorganized the White House and established the Policy Coordinating Group to smooth executive branch consideration of domestic policy.

While the President's reorganization is clearly a step in the right direction, we should put into statute a National Economic Council to develop and coordinate economic policy. While some may argue that this will intrude upon the President's discretion in organizing the White House, no one will argue that the National Security Advisor has played an insignificant role in the development of foreign policy.

A permanent National Economic Council should be established as a comparable office. Each President will ultimately decide what issues to focus on, and what staff to rely on in implementing his program. The National Economic Council will make permanent a framework for coordinating domestic policy in the way that national security has been successfully coordinated.

This is particularly vital as international trade and competitiveness emerge as essential elements of our economic and national security. Such a council would bring focus and coordination to domestic and international economic issues at the highest level of government.

Under this legislation, the Council would advise the President with respect to the integration of domestic and international policies relating to the economy and competitiveness and enable the Government to operate more effectively in these matters. The Council would formulate, and at the direction of the President, implement a coordinated economic strategy which will provide the economic environment necessary for our Nation to be on an equal basis with foreign competitors. In addition, the Council would be responsible for assessing the ability of the United States to compete internationally, and the risks of a failure to meet this challenge.

Former President Richard Nixon, in his book "Seize the Moment: The Renewal of America," calls for the creation of a National Economic Council and writes:

> In our embassies abroad and our bureaucracies at home, economic issues must receive the same priority attention as political and military issues. Today they seldom get it. In Japan, government is an ally—and some say even an instrument—of business. Too often in America, government is an opponent of business. This does not mean that we should adopt a national industrial policy under which unqualified bureaucrats would dictate business decisions.

Nor does it mean that we should subsidize American industry to even the score with Japan or other industrialized powers. But it does mean that we must take steps to ensure that we have a coherent strategy to prevail in the global economic competition and that U.S. multinational corporations are enabled to compete on a fair and equal basis with their foreign rivals.

President Nixon makes a very strong case for the need to highlight and coordinate comprehensive international economic strategy in the same way that the President considers national security issues.

Both involve areas vital to our national security and prosperity and require high level attention by the President and his policy advisors.

On April 7, I introduced S. 2531, legislation to establish a Commission on Federal Government Reform to examine executive and legislative branch organization and structure. In order for our Nation to become more competitive, Government must be more responsive and efficient. Unlike past reorganization efforts, this Commission would have significant powers, with its recommendations going into effect unless rejected by either the President or Congress.

While the Commission is comprehensive long-term reform, the National Economic Council is part of a package of reforms I believe is necessary to make our Nation more competitive.

The No. 1 challenge facing us is our ability to compete internationally. This is more than a question of breaking down trade barriers, and requires a comprehensive economic strategy. Such a strategy demands the sustained attention at the highest levels of the Federal Government. With the creation of the Policy Coordinating Group, President Bush moved a step in the right direction.

But this legislation raises the stature of that group to the equivalent of the National Security Council, and given the critical nature of the challenge confronting us, I believe a statutory backing of this council is required.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the bill discussed in my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Economic Council Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that:

(1) Domestic and international economic policy are essential elements of our national security. America's leadership in the world can be attributed in large measure to the success of our nation's economic vitality. That success, and our nation's security, is being challenged by the growth in international economic competition.

(2) One of the fundamental lessons of the Cold War period is that a strong military nation can not achieve national security without economic vitality.

(3) The ability of the United States to compete internationally is central to the nation's economic prosperity and security. Exports now account for more than ten percent of our nation's gross domestic product and are a growing percentage of our nation's output. Increased exports are fundamental to facilitating job creation and economic growth.

(4) As we enter the post-Cold War period with an increased focus on a nation's ability to compete in world markets, America's ability to produce exports and be competitive is in need of constant and high level attention by our nation's policy makers.

(5) The President's National Security Council has played a vital and constant role in the successful development and coordination of America's national security policy since the creation of the Council in 1947.

(6) To be successful, policies to meet the challenges of international competitiveness must be given the same coordinated high level attention as our successful national security policy. In order to remain a strong economic force in the increasingly competitive global economy, America needs a coordinated economic strategy which will allow our country to be on a competitive basis with other nations, taking into account the free market system which has been the hallmark of our economic system.

(7) The President must have available a permanent council of experts and advisors which have direct access to the President and can coordinate the complex components of the President's economic policy to facilitate exports and job creation.

(8) An organization equivalent to the National Security Council should be established within the Executive Office of the President to develop and coordinate economic policy as trade and global competition emerge as essential elements of our national security. The National Economic Council should bring focus and coordination to domestic and international economic policies at the highest level of government and should be recognized as the President's organization for developing and coordinating these policies.

SEC. 3. ESTABLISHMENT OF THE NATIONAL ECONOMIC COUNCIL.

(a) There is established a council to be known as the National Economic Council (hereinafter in this Act referred to as the "Council").

(b) The President of the United States shall preside over meetings of the Council: Provided, that in his absence he may designate a member of the Council to preside.

(c) The Council shall be composed of—

(1) the President;

(2) the Vice President;

(3) the United States Trade Representative;

(4) the Secretary of Commerce;

(5) the Secretary of Treasury;

(6) the Director of the Office of Science and Technology Policy;

(7) the Director of the Office of Management and Budget;

(8) the Chairman of the Council of Economic Advisors; and

(9) any other individual as the President may direct.

(d) The Council shall have a staff to be headed by the National Economic Advisor who shall be appointed by the President. The National Economic Advisor is authorized, subject to the civil-service law and chapter 51 and subchapter III of chapter 53 of Title 5, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

SEC. 4. FUNCTIONS OF THE NATIONAL ECONOMIC COUNCIL.

(a) The function of the Council shall be to advise the President with respect to the integration of domestic and international policies relating to the economy and international competitiveness so as to enable the Federal government to operate more effectively in matters involving our nation's ability to compete in the global economy.

(b) In addition to performing such other functions as the president may direct, the Council shall—

(1) formulate and implement a coordinated economic strategy which will provide the

economic environment necessary for our country to be on a competitive basis with other nations;

(2) assess the ability of the United States to compete internationally, and the risks of a failure to meet this challenge, for the purpose of making recommendations to the President in connection therewith;

(3) consider policies and matters of common interest of the departments and agencies of the Government concerned with the economy and international competitiveness, and to make recommendations to the President in connection therewith; and

(4) define a set of guidelines for government interaction with the market, taking into account the free market system which has been the hallmark of our national economy.

(c) The functions of the council under this Act shall be performed—

(1) subject to the direction of the President; and

(2) for the purpose of effectively coordinating the policies and functions of the Federal departments and agencies relating to the economy and international competitiveness.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require.

By Mr. HARKIN:

S. 2713. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow Medicare administrative funding to increase and thereby combat waste, fraud, and abuse, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

MEDICARE PROGRAM PROTECTION ACT

Mr. HARKIN. Mr. President, I am introducing the Medicare Protection Act of 1992. This legislation, if enacted, would protect the Medicare Program from billions of dollrs now lost to overpayment, fraud, and abuse. This legislation, if adopted, would save an estimated $2 billion in its first year of operation.

Mr. President, this is an issue that I have been following for sometime in my capacity as chairman of the Labor, Health and Human Services and Education Subcommittee. The very first hearing I held as chairman of the Subcommittee in February 1989 was on this issue.

As the Members know, the Medicare Program is managed by 64 different contracts awarded by the Health Care Financing Administration. These contracts are funded by an appropriation which in 1992 totaled $1.7 billion. Included within this line item for Medicare contractors is an amount of $324 million made available for audit activities. Even though these audit activities save $13 for every dollar spent, the administration has never funded this audit activity at an appropriate level. This is because the need to process claims and make payments on time has always taken priority. In these times of fiscal stress this fact of life has held down funding for the audit activity.

In the spring of 1989 I had discussions with Senator SASSER, chairman of the Senate Budget Committee and with Richard Darman, Director of the Office of Management and Budget. In these discussions I tried to reach agreement on excusing funds spent on audit activities in the Medicare Program from budget ceilings. The precedent for doing that was included in previous omnibus budget reconciliation bills when the Finance Committee was given credit for directing increased appropriations for this audit activity. So in other words, the Finance Committee received spending relief by directing discretionary spending to be made by transfers from the trust fund to the audit activities of Medicare. This relief had been given to the Finance Committee. Chairman SASSER and OMB Director Dick Darman, while sympathetic to my arguments, were unable to provide my Appropriations Subcommittee with similar relief.

Mr. President, in the Budget Enforcement Act of 1990, another precedent for what I am now proposing was adopted into law. Included in that act was authority for the IRS to spend up to specified amounts in each of 5 years on audit activities without these additional appropriations being scored against budget ceilings. The logic of this provision is that these additional expenditures will produce collections or revenues for the government well in excess of the actual amount spent. The logic of this provision is that to unnecessarily inhibit spending on these audit activities is counter production to our efforts to reduce the deficit.

Mr. President, the bill I am introducing today is based on exactly the same logic that supports increased funding for IRS audit activity.

The Medicare Protection Act of 1992 will encourage, for each year, starting with fiscal year 1992, through fiscal year 1995, audit activities of the Medicare contractors appropriation to be set at a level of 11.6 percent over the previous year's level. This increased amount over the freeze level would not count against the budget ceilings. These increases in audit activity will permit substantial savings each year.

It is my view that these audit activities should at least keep up with the increased growth rate in claims if we are to have adequate protection for taxpayer dollars. The 11.6 percent allowable growth is included in the legislation as it represents the 10 year historical average of growth in Medicare claims workload.

Mr. President, the Medicare Program Protection Act of 1992, if enacted, would save approximately $2 billion in the first full year of implementation and additional billions for each year through fiscal year 1995. I ask unanimous consent that the text of the bill be printed in the RECORD.

Their being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Medicare Program Protection Act of 1992"

SEC. 2. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end the following:

"(G) MEDICARE ADMINISTRATIVE COSTS.—To the extent that appropriations are enacted that provide additional new budget authority (as compared with a base level of $1,457,000,000 for new budget authority) for the administration of the medicare program by fiscal intermediaries and carriers pursuant to sections 1816 and 1842(a) of title XVIII of the Social Security Act, the adjustment for that year shall be that amount, but shall not exceed—

"(i) for fiscal year 1992, $157,000,000 in new budget authority and $157,000,000 in outlays;

"(ii) for fiscal year 1993, $187,000,000 in new budget authority and $187,000,000 in outlays;

"(iii) for fiscal year 1994, $209,000,000 in new budget authority and $209,000,000 in outlays; and

"(iv) for fiscal year 1995, $223,000,000 in new budget authority and $233,000,000 in outlays; and the prior year outlays resulting from these appropriations of budget authority and additional adjustments equal to the sum of the adjustments that were allowable in the preceding fiscal years under this subparagraph.".

SEC. 3. CONFORMING AMENDMENT.

Section 606(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "251(b)(2)(G)," after "251(b)(2)(D),"

By Mr. SANFORD:

S. 2714. A bill to amend the Internal Revenue Code of 1986 to assist in the recruitment and retention of mathematics and science teachers, to provide matching funds for the promotion of mathematics or science secondary schools, and for other purposes; to the Committee on Finance.

MATHEMATICS AND SCIENCE TEACHER REQUIREMENT AND RETENTION ACT

Mr. SANFORD. Mr. President, remaining economically competitive in the world economy demands an education system that can produce top-quality math and science specialists. Furthermore, in today's job markets, where technological skills are becoming increasingly important, it is imperative that every American student receives an adequate education in mathematics and the natural sciences. Our Nation's graduate schools—the world's best—won't be able to train the highest caliber engineers, scientists, and mathematicians unless our high schools give our students the basic education they need in these subjects.

Yet, sadly, math and science education in many primary and secondary education systems is not what it should be. In a recent study by the Educational Testing Service, American 13-year-olds performed at or near the bottom on an international mathematics and science assessment. In another ETS study, fewer than half of all American high school seniors demonstrated a solid grasp of decimals, percents, fractions, or simple algebra. Only 5 percent showed an understanding of geometry or advanced algebra—subject matter that is a necessary preparation for the study of advanced mathematics at the postsecondary level.

These statistics bode ill for the future. It is estimated that 10 years from now the United States will need a million more chemists, physicists, biologists, and engineers than it will graduate. The number of American college students majoring in math and science is shrinking. At the high school level, as many as half of all math and science teachers are not trained to teach their subjects, and schools often have difficulties filling vacancies in these positions. The education community has handled teacher shortages in such subjects as physics, mathematics, chemistry, and computer science by reducing requirements for entry into the profession, so that nearly one-third of all high school students take math or science courses from instructors who have little or no specialized training in that subject matter.

I am introducing legislation today that will offer help to our children and their teachers. Provisions in my bill seek to motivate qualified educators and professionals to teach math and science in our public elementary and secondary schools. The legislation also encourages States to place special emphasis on math and science education by creating schools for students with a particular aptitude for these subjects.

The Mathematics and Science Teacher Recruitment and Retention Act offers a $1,000-a-year Federal tax credit to any teacher with at least 5 years' teaching experience who takes 6 college credits of science and/or math courses. The bill also provides for a Federal income tax deduction for education expenses incurred by qualified professionals in math and science who take courses leading to teacher certification. We should be doing all we can to encourage experts in these fields to share their knowledge with our young people, and my legislation promotes that goal.

These provisions in the bill will help eliminate the shortage of math and science teachers by encouraging experienced teachers to receive training in these subjects and by helping professionals in the math and science fields to make a career change to teaching. The bill also encourages current math and science teachers to enhance their teaching skills by taking advanced training in their areas of interest.

In addition to increasing the supply of math and science teachers, my bill also provides matching funds for special schools of math and science. North Carolina some 16 years ago created a high school for science and mathematics, a residential school drawing promising students from across the State. The results have been outstanding. We are creating scientists for the future. The faculty attracted to this kind of school is superb. Leaders from other States have toured this institution with great envy. The bill I am introducing today is designed to encourage the development of these kinds of specialized schools across the country, by offering modest planning grants which must be matched three to one by States with an interest in such a school.

Our work force will be equipped to handle the high-tech jobs of the future only if American students receive an adequate education in our Nation's elementary and secondary schools. I believe this bill represents an innovative and effective new way to protect our future, to ensure that our children get the education they deserve and that our country continues to lead the world in technological innovation into the 21st century.

By Mr. SPECTER (for himself and Mr. DECONCINI):

S. 2715. A bill to require the Secretary of Veterans Affairs to carry out demonstration projects to determine the feasibility and desirability of installing telephones in Department of Veterans Affairs health-care facilities for use by patients of such facilities; to the Committee on Veterans' Affairs.

TELEPHONES FOR PATIENT USE IN DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE FACILITIES

Mr. SPECTER. Mr. President, I am pleased to introduce a bill today to authorize the Department of Veterans Affairs to establish two demonstration projects to assess the feasibility of installing telephones in patient rooms throughout the VA's health care system. This bill is intended to implement the recommendations of a General Accounting Office report, dated July 31, 1991, which concluded, in summary, that telephone service should be provided in VA patients' rooms in order to ease the burdens on VA nursing staff and to enhance the quality of care provided to VA patients.

Mr. President, VA operates the largest health care system in the United States. For the most part, VA medical centers—unlike almost all private sector hospitals today—do not have telephones in patients' rooms. As a result, VA patients place outgoing phone calls at pay telephones in hospital corridors or on carts which are wheeled to the patient's bedside by nursing staff. Incoming calls to VA patients are generally routed to the nursing staff in the patient's ward, necessitating that nursing staff take a telephone handset to the patient's bedside so that he or she may receive the call.

According to the GAO, assisting patients in making telephone calls is a primary nonclinical task which adversely affects nurse productivity. In short, Mr. President, VA nursing professionals spend entirely too much of their valuable time assisting patients in making and receiving telephone calls. One analysis cited in the GAO report, for example, estimated that VA's Boise, ID hospital—a relatively small VA facility—expended 1600 hours per year in nurse time in providing telephone-related services to patients before donated telephones were installed in patient rooms in 1986. In my view, receiving and forwarding patient calls is not the most productive use of professional nursing staff time—not in these times of nurse shortages generally and VA reports of difficulties in recruiting and retaining nurses.

The solution, of course, is for VA hospitals to do what almost all private sector hospitals have done: VA should install telephones in patient rooms for patient use. As we approach the 21st century, telephone service cannot be characterized as a frivolity or a luxury. Today, ready access to telephone service is a therapeutic necessity which should not be denied to the Nation's hospitalized veterans.

As I have stated, Mr. President, the GAO has concluded that VA's current system for patient telephone access distracts nurses from their professional duties, and is, therefore, counterproductive from the standpoint of efficient utilization of VA resources. The extent, however, to which the inefficiency of misdirected nurse time would be offset by the direct costs of installing and maintaining telephone systems in VA hospitals is not yet known. Further, while the GAO notes that systems are currently in use in private sector hospitals which allows for the direct billing of local and/or long distance fees to patients, such billing structures may not be fully adaptable to VA's unique patient populations. In addition, the full range of technical options for costing out patient telephone services are not yet fully known. Nor have all the potential policies and procedures for providing such services to physically disabled veterans, including those who are blind or hearing impaired, been fully identified. These issues, I believe, need to be explored further before VA will be prepared to procure telephones for all of its health care facilities.

This bill directs the VA to establish demonstration projects at two VA medical centers—Philadelphia and Tucson—where these and related issues may be explored. These two medical centers are appropriate demonstration project sites since both are tertiary care facilities which offer a wide range of special medical programs, including post traumatic stress disorder inpatient treatment programs and hospital-based home care services. Further, Tucson will be the site of VA's newest blind rehabilitation center. Armed with data generated by these two demonstration projects, the VA—and the Veterans' Affairs Committees and the Congress as a whole—will be in a position to determine how to proceed toward the installation of telephone service in patient rooms throughout the VA's health care system.

To summarize, this bill directs VA to set up two demonstration projects, and requires that VA report, not later than September 30, 1994, on the costs of—and the savings attributable to—demonstration project telephone installations. The bill also requires VA to report on the extent to which therapeutic advantage is gained from ready access to telephones by VA patients, including disabled VA patients. These are important first steps for VA to take now so that it may be in a position to meet my ultimate objective: Telephone installations throughout VA's hospital and nursing home system by 1996. I urge my colleagues to support this important measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEMONSTRATION PROJECTS TO EVALUATE TELEPHONES FOR PATIENT USE AT DEPARTMENT HEALTH-CARE FACILITIES.

(a) DEMONSTRATION PROJECTS.—In accordance with this section, the Secretary of Veterans Affairs shall carry out demonstration projects to evaluate the feasibility and desirability of—

(1) the installation of telephones in Department of Veterans Affairs health-care facilities; and

(2) the use of such telephones by the patients of such health-care facilities.

(b) DEMONSTRATION FACILITIES.—The Secretary shall carry out a demonstration project under this section at the following Department health-care facilities:

(1) Philadelphia Department of Veterans Affairs Medical Center, Philadelphia, Pennsylvania.

(2) Tucson Department of Veterans Affairs Medical Center, Tucson, Arizona.

(c) PROJECT ACTIVITIES.—(1) In carrying out a demonstration project under this section at a facility referred to in subsection (b), the Secretary shall—

(A) install and maintain telephones of an appropriate number and type (as determined by the Secretary) in patient rooms of the facility; and

(B) subject to paragraph (2), provide for the use of such telephones by patients who are assigned to such rooms while receiving care at the facility.

(2) The Secretary shall ensure that patients who use telephones pursuant to paragraph (1)(B) shall bear financial responsibility for the cost of any long-distance telephone calls made during such use.

(d) PROJECT EVALUATION.—In evaluating the feasibility and desirability of the installation and use of the telephones referred to in subsection (c), the Secretary shall determine—

(1) the cost to each health-care facility referred to in subsection (b) of the installation, use, and maintenance of such telephones, including—

(A) the cost to the facility of such installation, use, and maintenance;

(B) the amount of any savings which accrue to the facility by reason of such installation and use (including the amount of any savings that result from a decrease in the amount of assistance in using telephones that the staff of the facility would otherwise provide to patients); and

(C) any costs that result from the necessity of providing special telephones or other special equipment to facilitate the use of telephones by disabled veterans (including veterans who are receiving long term psychiatric care or nursing care or who are blind or hearing impaired); and

(2) the impact of the use of such telephones on the therapeutic course of veterans who receive care at the facility, including the veterans referred to in paragraph (1)(C).

(e) REPORT.—Not later than September 30, 1994, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing—

(1) the determinations of the Secretary under subsection (d);

(2) an assessment by the Secretary of the feasibility and desirability of providing telephones for patients in other health-care facilities of the Department; and

(3) any additional information and recommendations with respect to the provision and use of patient telephones at Department health-care facilities as the Secretary considers appropriate.

Mr. DECONCINI. Mr. President, VA medical centers do not, and historically have not, provided bedside telephones for the use of patients. VA patients consequently must receive incoming calls and place outgoing calls from pay phones in hospital corridors or mobile phones which are brought to them. Bedridden patients lacking access to mobile phones may require help in reaching corridor phones. Where mobile phones are available, the patient must wait for someone to bring it. In either case, the consequent inconvenience to both patient and nurse—not to mention the additional burden of dependency demanded of patients who can't even make a simple telephone call by themselves—is unwarranted and very costly.

This bill, which I am pleased to cosponsor with Senator SPECTER, would establish two demonstration projects. These projects would explore how the human inefficiencies of the current system would be offset by the costs of installing and maintaining bedside phones in VA hospitals.

Ready access to telephones can ease the social isolation often felt by bedridden patients who are away from home and family. Such access can thus potentially provide a therapeutic benefit to long-term patients. This humanitarian aspect of the problem will also be addressed, as the VA would be required to report on any therapeutic advantage gained from ready access to telephones by VA patients.

Mr. President, I again thank my friend from Pennsylvania, the ranking member of the Committee on Veterans' Affairs, Senator SPECTER, for his leadership on this issue and so many other issues of importance to our Nation's veterans. I am very pleased to be an original cosponsor of this important legislation and urge all other Members to support this cost effective and compassionate legislation.

By Mr. AKAKA:

S. 2716. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on Johnston Atoll, an unincorporated territory of the United States, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL LABOR RELATIONS ACT AMENDMENT

Mr. AKAKA. Mr. President, today I am introducing legislation to require the National Labor Relations Board to exercise jurisdiction over civilian employees working on Johnston Atoll.

Johnston Atoll, an unincorporated territory of the United States, is used by the Department of the Army and the Defense Nuclear Agency as a storage, incineration, and disposal site for chemical weapons. The atoll, located 171 miles southwest of the State of Hawaii, employs over 1,250 civilian and military employees to safely dispose of these lethal chemical weapons.

Over 400 of these workers are employed by a private firm under a cost reimbursement contract with the Department of the Army to maintain and operate the Johnston Atoll Chemical Agent Disposal System [JACADS] on the island. JACADS is a Government-owned, contractor-operated facility. Handling toxic and radioactive materials and running a high-temperature incinerator, the employees work in a potentially dangerous environment day in and day out. Such hazardous duty is essential, however, if the United States is to destroy its arsenal of chemical weapons and reduce the international threat posed by these armaments by the 1997 deadline, set by Federal law and international agreement.

Yet, the highly skilled workers on Johnston Atoll are deprived of the rights afforded all other American workers. They are denied the ability to organize as a recognized collective under the National Labor Relations Act.

In a 1991 ruling, written by the San Francisco NLRB Regional Director, the Board denied a petition for recognition filed by 185 full-time and regular part-time operations and maintenance employees on the atoll, despite an acknowledgement by the Board of its statutory jurisdiction. The NLRB found that the employer engaged in commerce within the meaning of the National Labor Relations Act, and that the unit petitioning did qualify for collective bargaining purposes. Further, in its Decision and Order (Case 37–RC–3053), the Board notes the fact that Federal statute lists the atoll as an unincorporated territory within the judicial district of Hawaii and finds no evidence that Congress intended to exclude Johnston Atoll from NLRB jurisdiction.

The Board denied the employer's claim that it lacked statutory authority to assert jurisdiction over employers on Johnston Atoll who satisfy the Board's jurisdictional standards. The Board also determined that the employer in question did satisfy NLRB standards. Yet, the Board declined to assert jurisdiction because "such an assertion would not effectuate the purposes and policies of the Act."

The NLRB cited a 1973 decision (Facilities Management Corporation, 202 NLRB 1144), declining jurisdiction over Wake Island, as the closest applicable precedent. The author of the Johnston Atoll case identifies four factors as the basis for both decisions: the lack of local permanent residents, remoteness of location, difficulty of access, and the almost exclusive control of an island by the military as an installation.

Yet, the NLRB determined that if it were to exercise its discretion to assert jurisdiction, it would be appropriate to assert this jurisdiction over the contractor/employer since "the employer rather than the Federal Government controls the labor relations and terms and conditions of employment of the unit employees."

Examining the decision, and the Federal court and NLRB precedents supporting the petitioners claim, I am amazed at the conclusion, based on one prior case, that the assertion of jurisdiction over Johnston Atoll would not effectuate the purposes of the act.

Regardless of the merits or shortcomings of the Facilities Management Corp. case, the circumstances extant on Wake Island are distinguishable from the situation on Johnston Atoll. Johnston Atoll is not as distant as Wake Island from the United States, and it is regularly serviced by commercial air and shipping services. In addition, technological and communication advances between 1973 and 1992 permit our geographically distant territories and possessions linkage and integration to the U.S. mainland.

In recent years, the NLRB has taken jurisdiction in Micronesia, which has commonwealth status, and Midway Island. If the 1973 precedent cited did not preclude the assertion of jurisdiction in these cases, its primacy in this instance is extremely questionable.

Mr. President, allow me to review the findings in this case preceding the dismissal of the representation petition: the hearing officer found Congress did not intend to exclude Johnston Atoll from coverage under the act, the NLRB clearly has statutory authority to assert jurisdiction in this case, the employer involved satisfied the Board's jurisdictional standards, and the employee's unit is appropriate for collective-bargaining purposes.

Despite these findings supporting the merit and validity of the petition, the NLRB declined jurisdiction. In doing so, it has effectively denied American workers on Johnston Atoll the constitutional rights and protections afforded to every other citizen. The result of this decision is clear—the employees on Johnston Atoll are victims of geography. In spite of the fact that many of these workers have been employed on the atoll for years, some as many as 20 years, they are denied the right to organize and bargain with their employer solely because they work on an island installation under military regulation and governance. With no State or local agencies to appeal to, they have been denied the only vehicle available to voice their concerns and redress this grievance.

I question the logic of the conclusion that asserting jurisdiction will not effectuate the purposes and policies of the act. The hearing officer writes that he was "constrained to conclude under existing precedent" that the Board should dismiss the JACADS workers' petition and decline to assert jurisdiction.

The legislation I am introducing today removes this constraint upon the National Labor Relations Board, directs the Board to assert its rightful and federally mandated jurisdiction over Johnston Atoll, and extend equitable treatment to the employees on the atoll. I urge my colleagues to join me in providing simple fairness to every American worker, irrespective of how far they work from the shores of the continental United States.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JURISDICTION OF NATIONAL LABOR RELATIONS BOARD.

Paragraph (1) of section 14(c) of the National Labor Relations Act (29 U.S.C. 164(c)(1)) is amended by inserting before the period the following: ": *Provided further*, That the Board shall not decline to assert jurisdiction over a labor dispute which occurs on Johnston Atoll, an unincorporated territory of the United States".

By Mr. JOHNSTON (by request):

S. 2717. A bill to provide for increases in authorization ceilings for land acquisition and development in certain units of the National Park System, for operation of the volunteers in the Parks Program, and for other purposes; to the Committee on Energy and Natural Resources.

INCREASES IN AUTHORIZATION CEILINGS FOR LAND ACQUISITION

Mr. JOHNSTON. Mr. President, pursuant to an Executive Communication referred to the Committee on Energy and Natural Resources, at the request of the Department of the Interior, I send to the desk a bill "That section 108 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), is further amended by striking "1992" and inserting in lieu thereof "1997"."

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 1. ACQUISITION CEILING INCREASES.

The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

(a) Channel Islands National Park, California: section 208 of the Act of March 15, 1980 (94 Stat. 77; 16 U.S.C. 410ff–7), is amended by striking out "$30,000,000" and inserting in lieu thereof "$37,815,438";

(b) Santa Monica Mountains, California: section 507(r) of the National Parks and Recreation Act of 1978, as amended (16 U.S.C. 460kk(r)), is amended by inserting after the first sentence the following: "In addition to the sums appropriated for acquisition of lands and interests in lands prior to October 1, 1992, there is authorized to be appropriated for such purposes $14,000,000 for fiscal year 1993."

SEC. 2. DEVELOPMENT CEILING INCREASES.

The limitations on appropriations for development of units of the National Park System contained in the following Acts are amended as follows:

(a) Chesapeake and Ohio Canal National Historical Park, Maryland and District of Columbia: section 8(b) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–6(b)) is amended by striking out "$17,000,000:, inserting in lieu thereof "$18,835,000.", and deleting the remainder of the section;

(b) Cuyahoga Valley National Recreation Area, Ohio: section 6(b) of the Act of December 27, 1974, as amended (16 U.S.C. 450ff–5(b)), is amended by striking out "$13,000,000" and inserting in lieu thereof "$40,517,000";

(c) John D. Rockefeller, Jr., Memorial Parkway, Wyoming: section 4 of the Act of August 25, 1972 (86 Stat. 620), is amended by striking out "$3,092,000" and inserting in lieu thereof "$6,608,000";

(d) Klondike Gold Rush National Historical Park, Alaska and Washington: section 4 of the Act of June 30, 1976 (90 Stat. 719; 16 U.S.C. 410bb–3), is amended by striking out "$5,885,000" and inserting in lieu thereof "$6,158,000";

(e) Lyndon B. Johnson National Historical Park, Texas: section 3 of the Act of December 2, 1969 (83 Stat. 279), as amended (16 U.S.C. 410kk–2), is amended by striking out "$4,100,000" and inserting in lieu thereof "$4,917,000"; and

(f) Martin Luther King, Jr., National Historic Site, Georgia: section 6 of the Act of October 10, 1980 (94 Stat. 1842), is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,195,000".

SEC. 3. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000".

DEPARTMENT OF THE INTERIOR,
Washington, DC, March 18, 1992.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill, "To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund."

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

The enclosed draft bill would extend through fiscal 1997 the period in which $150,000,000 per year is authorized to be included in the Historic Preservation Fund from Outer Continental Shelf Lands Act revenues. Under the National Historic Preservation Act, such revenues are included in the Fund through fiscal 1992. Monies in the Fund are available for appropriation for matching grants to the National Trust for Historic Preservation, the States, and Indian Tribes.

The Fund was last extended by the Act of October 9, 1987 (101 Stat. 800), to authorize revenues to be included in the Fund from fiscal years 1987 through 1992. In fiscal years 1987 through 1991, a total of $126,121,504 was appropriated from the Fund, and for fiscal year 1992, the President's budget requested, and the Congress appropriated, an additional $35,931,000.

Although the enclosed legislation would authorize $150 million in appropriations annually for five fiscal years, the actual amounts recommended will be set forth in annual Administration budget requests. Our recommendation that the Fund be reauthorized is not a commitment, in advance, to future budget requests in specific amounts.

Enactment of this legislation would have no "Pay-as-you-go" implications under the Budget Enforcement Act, since it would provide for neither direct spending nor increased revenues.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

JENNIFER A. SALISBURY,
Deputy Assistant Secretary.

By Mr. JOHNSTON (by request):

S. 2718. A bill to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; to the Committee on Energy and Natural Resources.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENT

Mr. JOHNSTON. Mr. President, at the request of the Department of the Interior, I send to the desk a bill "To provide for increases in authorization ceilings for land acquisition and development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes."

I ask unanimous consent that the bill and the communication which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 108 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), is further amended by striking "1992" and inserting in lieu thereof "1997".

DEPARTMENT OF THE INTERIOR,
Washington, DC, March 30, 1992.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "To provide for increases in authorization ceilings for land acquisition and development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes."

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

The President's budget estimate for fiscal year 1993 for the National Park Service includes funds for land acquisition at two units of the National Park System, and for development at six units, which exceed the statutory limitation on authorization for appropriations for these purposes.

In addition, the budget estimate for the Volunteers in the Parks Program for fiscal year 1993 exceeds the statutory authorization for appropriation ceiling for this program.

The enclosed draft bill would amend the enabling Act of each of the eight specific units of the National Park System, and the Volunteers in the Parks Act of 1969, to increase the ceiling of the authorization for appropriation by an amount sufficient to accommodate the President's budget estimate.

It should be noted that this Department submitted legislation in the First Session of the 102d Congress to accommodate increases in the fiscal 1992 budget for Channel Islands National Park and Cuyahoga Valley National Recreation Area. The enclosed draft bill would also increase ceilings for these two areas, but by different amounts. Since it represents authorization for appropriations through fiscal 1992 and current Administration budgetary policy, the enclosed bill should be viewed as superseding the proposed legislation submitted earlier, insofar as those two park areas are concerned.

Enclosed is a chart showing the existing statutory ceiling on authorization for appropriations for each of the areas and programs concerned, and the amounts appropriated through fiscal year 1992, the fiscal year 1993 request, and the new authorization for appropriations established under this draft legislation.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

JENNIFER A. SALISBURY,
Acting Assistant Secretary.

NATIONAL PARK SERVICE OMNIBUS STATUTORY CEILING INCREASES—FISCAL YEAR 1993

[Amounts in dollars]

	Existing ceiling	Appropriation through fiscal year 1992	Fiscal year 1993 request	New ceiling
Land acquisition:				
Channel Islands National Park, CA	30,000,000	33,790,438	4,025,000	37,815,438
Santa Monica Mountains National Recreation Area, CA	125,000,000	128,953,709	14,000,000	142,953,709
Development:				
Chesapeake and Ohio Canal National Historical Park, MD-DC	17,000,000	18,035,000	800,000	18,835,000
Cuyahoga Valley National Recreation Area, OH	13,000,000	37,997,000	2,520,000	40,517,000
John D. Rockefeller, Jr., Memorial Parkway, WV	3,092,000	5,174,000	1,434,000	6,608,000
Klondike Gold Rush National Historical Park, AK-WA	5,885,000	5,227,000	931,000	6,158,000
Lyndon B. Johnson National Historical Park, TX	4,100,000	3,917,000	1,000,000	4,917,000
Martin Luther King, Jr., National Historic Site, GA	1,000,000	955,000	2,240,000	3,195,000
Volunteers in parks: Annual authorization	1,000,000	1,234,000	1,750,000	1,750,000

By Mr. PRYOR:

S. 2719. A bill to require the United States Trade Representative to take action authorized under section 301 of the Trade Act of 1974 against certain foreign countries in retaliation for the imposition by such countries of a ban on the importation of rice and rice products of the United States, and for other purposes; to the Committee on Finance.

AUTHORIZATION OF ACTION AGAINST CERTAIN FOREIGN COUNTRIES IN RETALIATION FOR BANS ON RICE AND RICE PRODUCTS

Mr. PRYOR. Mr. President, I rise today to offer a bill which would require the administration to commence proceedings that will force the Governments of Japan, Taiwan, and South Korea to end unjust and illegal bans on rice imports. This ban is an insult to American rice farmers, international trade negotiations, and the universal rules of fair play. The legislation I am introducing would require the U.S. Trade Representative to file a complaint under section 301 of the Trade Act of 1974 against Japan, Taiwan, and South Korea, all of whom maintain bans on the import of rice from the United States and other exporting countries.

The affront by these three nations warrants a strong reaction by the Bush administration. As a matter of principle and an expression of determination this administration should, in my opinion, have already taken such steps. Indeed, the authority to initiate these proceedings rests with the executive branch of government, yet we have reached a point where we should not wait any longer for the Bush administration to make up its mind.

As Japanese, Taiwanese, and South Korean electronics, automobiles and other products continue arriving in our Nation, American rice farmers have attempted to cope with a less than satisfactory price for their commodity and continuing increase for the cost of production. As U.S. agriculture has received tremendous budget reductions in its programs it as become clear that access to markets abroad is critical. This access is vital not only for the financial viability of our farmers, but for the creditability of these countries and their roles in the GATT. The administration is not only guilty of foot dragging on this act of fairness; it will likely oppose my bill. The administration will claim this legislation interferes with the negotiating process currently underway in GATT, but in truth, this is not interference. This would not enact proceedings until after the GATT negotiations are complete. Some will ask us to wait until the negotiations are over, but Mr. President, we have been waiting for 5 years. The Japanese track record in this area doesn't give Arkansas farmers much reason for hope: Earlier this year, the government of Japan refused to include rice on a list of tariff reduction offers that were submitted to the GATT. This is only the latest action that demonstrates the Japanese are not serious about participating in the current multilateral effort to reform world trade. Japan has continued to block progress in the Uruguay round by insisting that it be allowed to maintain its GATT illegal rice policy, which includes subsidies to their rice producers that are eight to ten times the world market price.

This bill will allow negotiations to continue until March 1, 1993, the last day when trade legislation can be submitted to Congress under the fast track legislation. If the United States is not successful in securing access to the rice markets in Japan, Taiwan, and South Korea by then, a period of over 9 months from today, the Trade Representative would be required to take retaliatory action under the two options provided under section 301(c) of the Trade Act of 1974. These include either suspending existing trade concessions or imposing duties, tariffs or other restrictions on products imported from those countries. It is my hope that this type of action will not be required to secure access to the rice markets in these countries. It is instead, my strong belief that this legislation will act as an incentive in promoting an early and fair agreement on market access.

Economic success for the three nations this bill is directed toward has been greatly assisted by the presence of open markets abroad, including the United States. We have done more than our share as a nation in showing patience with this outdated and unnecessary practice. It is time for a firm, fair and contemporary approach to this ongoing problem. If Japan, Taiwan, and South Korea are not prepared to reform and acknowledge the sound reason in lifting their rice bans, then let them face this bill as the alternative.

I urge my colleagues to join me in supporting this bill.

By Mr. JOHNSTON (by request):

S. 2723. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION ACT OF 1972 AMENDMENTS

Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Chairman of the Pennsylvania Avenue Development Corporation, I sent to the desk a bill "To amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes".

Mr. President, this draft legislation was submitted and recommended by the Chairman of the Pennsylvania Avenue Development Corporation, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, 40 U.S.C. 871, as amended) is amended to delete all that follows "1992", an insert in lieu thereof the following: "$2,686,000 for fiscal year 1993 and such sums as may be necessary for fiscal year 1994 and 1995.".

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION,
Washington, DC, March 12, 1992.

The PRESIDENT of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: There is enclosed with this letter a draft bill for consideration of the Congress.

Additional legislative authorization is required to support the budget for the Pennsylvania Avenue Development Corporation's salaries and expenses account as presented in the President's Budget for FY 1993. Authorization is also needed for Fiscal Year 1994 and 1995.

The Office of Management and Budget has advised us that there is no objection from the standpoint of the administration's program to the submission of this draft legislation to the Congress, and that its enactment would be in accord with the President's program.

Thank you.

Sincerely yours,
RICHARD A. HAUSER,
Chairman.

By Mr. SHELBY:

S. 2724. A bill to restore the value of the Section 29 credit and to make the credit permanent; to the Committee on Finance.

NONCONVENTIONAL FUELS ACT

• Mr. SHELBY. Mr. President, I rise today to introduce the Nonconventional Fuels Act of 1992. The amendments in this legislation are virtually important to the future development of nonconventional fuel sources.

The Nonconventional Fuels Act would restore the usefulness of the section 29 credit. This credit was created by the Crude Oil Windfall Profit Tax Act of 1980. However, its value was diminished by the passage of the Tax Reform Act of 1986. The imposition of the alternative minimum tax created by that legislation has greatly reduced the incentive to produce nonconventional fuels.

Without relief from the alternative minimum tax, the production of nonconventional fuels could come to an end. While the initial cost of nonconventional wells is similar to that of conventional wells, the long-term operating costs of a nonconventional well can be so much as 400 percent more than the cost of a conventional well.

Certainly the war in the Persian Gulf demonstrated the need to develop and maintain domestic energy sources. The Clean Air Act Amendments of 1991 and the National Energy Security Act of 1992 affirm the importance of natural gas in meeting the Nation's energy needs in an environmentally sound manner. However, while the Federal Government encourages the production of nonconventional fuels in these important bills, it discourages production with the alternative minimum tax.

The Nonconventional Fuels Act of 1992 restores the usefulness of the section 29 credit in three important ways: First, this measure would reduce the required tentative minimum tax by 50 percent, effectively reducing the alternative minimum tax to 10 percent. Second, this legislation permits producers to carry forward credits earned, even if they do not make money in a given year. Finally, the Nonconventional Fuels Act would make the section 29 credit permanent, allowing producers to plan for long-term development of the nonconventional fuels industry.

The Nonconventional Fuels Act of 1992 is critical to our country's environment and our future energy security.•

By Mr. CRAIG:

S. 2725. A bill to authorize extension of time limitations for a FERC-issued license; to the Committee on Energy and Natural Resources.

EXTENSION OF TIME ON AN FERC-ISSUED LICENSE

• Mr. CRAIG. Mr. President, I am today introducing legislation to authorize the Federal Energy Regulatory Commission to extend for up to 6 years the date for the commencement of construction of the Arrowrock Dam hydroelectric project, FERC Project No. 4652. This legislation would authorize FERC to extend that date through a single order, or a series of orders, for up to 6 years.

This 56-megawatt hydroelectric project is located at an existing Bureau of Reclamation dam in the State of Idaho. The dam was completed in 1915.

On March 27, 1989, the FERC issued a license for the Arrowrock project. Before doing so, the applicant had to prove to the satisfaction of the FERC that it would comply with all applicable environmental laws and regulations.

Under the Federal Power Act, a licensee has 2 years to commence construction, with the right to extend that commencement of construction date once for 2 extra years. The licensee filed for and received its 2-year extension. Under the terms of the Federal Power Act the FERC is powerless to further authorize an extension of the commencement of construction date, regardless of how meritorious such extension might be. Thus, without this legislation the license will expire on March 26, 1993, and this environmentally benign project located at an existing dam may not come to pass.

It is important to note that no new water impoundments will be created as part of this hydroelectric project. It is a retrofit of an existing dam and impoundment with power generating equipment. Irrigation and flood control releases from the existing Arrowrock reservoir will be used to generate electricity. The hydroelectric project is incidental to the operation of the reservoir.

No significant environmental impacts will occur from the project. State and Federal agencies, such as the Idaho Fish and Game, the Idaho Department of Parks, the U.S. Forest Service, the U.S. Bureau of Reclamation, and the U.S. Corps of Engineers have reviewed the project in detail. All environmental concerns have already been fully addressed through the FERC licensing process.

The licensee is committed to construct the project, having made or committed to make expenditures already in excess of $500,000 to obtain the license. It would be a shame if, after such an expenditure of moneys, the project lost its license.

Mr. President, it is for these reasons that I am introducing this legislation and I hope that it will be acted on expeditiously by the committee of jurisdiction, the Committee on Energy and Natural Resources.•

By Mr. BIDEN (for himself and Mr. THURMOND) (by request):

S. 2726. A bill to implement and authorize weed and seed activities and for other purposes; to the Committee on the Judiciary.

WEED AND SEED IMPLEMENTATION ACT OF 1992

Mr. THURMOND. Mr. President, I am pleased to join my distinguished colleague and chairman of the Judiciary Committee, Senator BIDEN, in introducing this important measure. The Weed and Seed Implementation Act of 1992 authorizes the necessary appropriations for the expanded Weed and Seed Program for fiscal year 1993 and succeeding fiscal years. It also includes various other proposals pertaining to the implementation of the Weed and Seed Program.

Despite its success as a demonstration project, some are still unfamiliar with what weed and seed actually is. Weed and seed is a comprehensive, multiagency approach to combating violent crime, drug use, and gang activity in high-crime neighborhoods. Simply, the objective is to weed out the crime for targeted areas and then seed these communities with a variety of social programs to keep crime from returning. In these days of tight fiscal budgets, weed and seed appropriately coordinates resources and services to ensure that limited dollars are spent effectively.

This legislation substantially expands the Weed and Seed Program. In particular, the bill authorizes $500 million in 1993 for the weed and seed effort. This legislation will foster further cooperation between the Federal agencies which will result in a coordinated social service and community assistance effort for those targeted areas. A majority of this additional funding will go to areas designated by the Secretary of Housing and Urban Development.

Mr. President, this legislation recognizes that only by combining tough law enforcement with economic and moral revitalization of high-crime areas will we be able to clean up these communities. The previous failures of social programs which simply threw money at the problem can no longer be tolerated. Congress must support administration efforts to coordinate our social programs and integrate them with law enforcement. As Attorney General Barr recently stated;

> The challenge for the 1990's is to deploy and focus both our law enforcement assets and our social resources—at the same time, at the same place, and in the same mutually reinforcing way.

This legislation furthers this important objective.

For these reasons, I urge my colleagues to support the proposal.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weed and Seed Implementation Act of 1992".

SEC. 2. WEED AND SEED PROGRAM IMPLEMENTATION.

(a) IN GENERAL.—To implement Weed and Seed activities throughout the United States, the Attorney General with the cooperation of the Secretaries of Labor, Education, Health and Human Services, Transportation, Agriculture and Housing and Urban Development, and the Director of the Office of National Drug Control Policy shall encourage implementation of the weed and seed strategy by providing local communities with technical assistance and related information to coordinate existing public and private neighborhood revitalization program.

(b) COORDINATED FEDERAL FINANCIAL ASSISTANCE.—(1) The Attorney General shall enter into Weed and Seed agreements with State or local governments or private, nonprofit entities to promote neighborhood revitalization through a coordinated effort for the use of Federal funds made available under laws administered by the Departments of Justice, Labor, Education, Health and Human Services, Transportation, Agriculture and Housing and Urban Development.

(2) Weed and Seed agreements under paragraph (1) of this subsection shall meet the requirements set forth in section 3 of this Act and shall include specific and measurable goals, as well as timetables for achieving those goals.

(c) PROGRAM PARTICIPATION.—In entering into Weed and Seed agreements under subsection (b) of this section, the Attorney General shall solicit Weed and Seed plans from State or local governments or private, nonprofit entities to revitalize neighborhoods using programs administered by, and grants approved by, the appropriate Federal agency listed in subsection (a) of this section.

(d) REGULATIONS.—The Attorney General, in consultation with the heads of the Federal agencies listed in subsection (a) of this section, may promulgate such regulations as may be necessary to implement the Weed and Seed program.

(e) WEED AND SEED PLAN REVIEW AND APPROVAL.—(1) The Attorney General shall review and, if all applicable requirements are met, approve Weed and Seed plans.

(2) In reviewing and approving Weed and Seed plans, the Attorney General shall consult with the heads of the Federal agencies listed in subsection (a) of this section and may consult with such other agency heads as the Attorney General deems appropriate.

(3) Each agency head shall be responsible for approval of the parts of the plan that are within the agency's responsibility.

(f) If the Attorney General, in consultation with the heads of the Federal agencies listed in subsection (a) of this section, determines that a State or local government or a private, nonprofit entity is not in substantial compliance with the terms and provisions of an approved Weed and Seed plan, the Attorney General may revoke the approval of that Weed and Seed plan.

SEC. 3. WEED AND SEED PLAN CONTENTS

(a) IN GENERAL.—Weed and Seed plans shall demonstrate that any Federal funds requested are part of an integrated and comprehensive plan for the use of Federal, State, local, and private sector resources to accomplish specific and measurable goals for neighborhood revitalization in accordance with stated timetables.

(b) Federal Funds Supplemental.—Any Federal funds proposed for use in a Weed and Seed plan shall supplement, and not supplant, State and local funds or private sector funds from other sources already in use for activities comparable to those included in a Weed and Seed plan.

(c) Submission of Applications.—(1) One comprehensive Weed and Seed application shall be submitted for a targeted neighborhood to receive approval as a Weed and Seed site.

(2) A Weed and Seed plan application shall—

(A) target a geographically defined and compact neighborhood with documented drug, gang, or violent crime problems;

(B) identify Federal, State, and local resources for the targeted community that will be dedicated to the Weed and Seed effort;

(C) demonstrate a strong commitment of community groups in the targeted community for the Weed and Seed effort;

(D) identify private sector resources, including corporate contributions and individual commitments, to be included in the Weed and Seed effort; and

(E) demonstrate a balanced, comprehensive plan, which addresses removing violent offenders from the neighborhood streets, supports drug and crime prevention, and includes other proposals for neighborhood revitalization through strategies to create jobs and other economic opportunities.

SEC. 4. WEED AND SEED COUNCIL.

(a) ESTABLISHMENT.—The Attorney General shall establish and chair a "Weed and Seed Council".

(b) MEMBERSHIP.—(1) In addition to the Attorney General, members of the Weed and Seed Council shall include the Secretaries of Labor, Education, Health and Human Services, Agriculture, Transportation, Treasury, and Housing and Urban Development, and the Director of the Office of National Drug Control Policy.

(2) The Attorney General may designate such other members of the Weed and Seed Council as he deems appropriate.

(c) DUTIES OF THE WEED AND SEED COUNCIL.—Each member of the Weed and Seed Council shall work closely with the Attorney General to—

(1) review the Weed and Seed plans submitted for the Attorney General's approval and advise the Attorney General thereon;

(2) coordinate funding under any program referred to in section 5 of this Act that is administered by a member of the Weed and Seed Council, as appropriate, to implement an approved Weed and Seed plan;

(3) coordinate technical assistance to public agencies and community organizations; and

(4) coordinate available services.

(d) PROGRAM EVALUATION.—No later than five years after the date of enactment of this Act, the Weed and Seed Council shall prepare and submit to the President a report containing a formal, independent evaluation of the impact of Weed and Seed programs in designated communities.

SEC. 5. WEED AND SEED RESOURCES.

(a) NEW RESOURCES.—(1) For the fiscal year ending September 30, 1993, there are authorized to be appropriated to the Attorney General $30,000,000 to fund intergovernmental agreements, including cooperative agreements and contracts, with State and local law enforcement agencies or other entities engaged in Weed and Seed plans approved pursuant to section 2 of this Act.

(2) For implementing Weed and Seed plans approved pursuant to section 2 of this Act, there are authorized to be appropriated to the Secretary of Education for the fiscal year ending September 30, 1993, $56,000,000, to become available on July 1, 1993 and remain available through September 30, 1994, to be used for program purposes authorized by section 1005 and part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Drug-free Schools and Communities Act, the Adult Education Act, the Talent Search and Upward Bound programs of title IV, part A, subpart 4 of the Higher Education Act of 1965, and for after hours use of school buildings: *Provided*, That $46,400,000 of these funds shall be used to fund approved plans submitted by areas designated Enterprise Zones in accord with the Enterprise Zone-Jobs Creation Act of 1992, if such Act is enacted by July 1, 1993: *Provided further*, That if such legislation is not enacted, or if it is enacted and if the zones so designated do not submit plans pursuant to section 2, or if the funding needs for educational services in the approved plans do not require the full amount of funds provided herein, the remaining funds shall be transferred to and merged with the following accounts, to be available for the purposes, as follows:

(A) in the Compensatory education for the disadvantaged account, up to $35,000,000 shall be added to funds otherwise available for section 1005 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, and $5,000,000 shall be added to funds otherwise available for part B (Even Start) of said Act;

(B) in the School improvement programs account, up to $1,000,000 shall be added to funds otherwise available for part D of title V of the Elementary and Secondary Education Act of 1965;

(C) in the Vocational and adult education account, up to $3,400,000 shall be added to funds otherwise available for Adult Education Act State grants; and

(D) in the Higher education account, up to $2,000,000 shall be added to funds otherwise available for Special programs for the disadvantaged.

(b) EXISTING RESOURCES.—(1) Of the amounts authorized to be appropriated for the Department of Housing and Urban Development for the fiscal year ending September 30, 1993, not to exceed $90,000,000 shall be for implementing Weed and Seed plans approved under section 2 of this Act, as follows:

(A) in the "Community development grants" account, not to exceed $44,000,000;

(B) in the "Annual contributions for assisted housing" account, for modernization of existing public housing projects, as authorized by Section 14 of the United States Housing Act of 1937, as amended, not to exceed $20,000,000; and for the housing voucher program, as authorized by section 8(o) of such Act, not to exceed $20,000,000; and

(C) in the "Drug elimination grants for low-income housing" account, from funds available to public housing agencies for use in eliminating drug-related crime in public housing projects, not to exceed $6,000,000.

(2) Of the amounts authorized to be appropriated for the Department of Labor and the Department of Health and Human Services for the fiscal year ending September 30, 1993, not to exceed $224,800,000 shall be for implementing Weed and Seed plans approved under section 2 of this Act, as follows:

(A) in the "Alcohol, drug abuse, mental health" account, not to exceed $93,800,000 for drug abuse treatment and prevention;

(B) in the "Health resources and services" account, not to exceed $35,000,000 for community and migrant health centers;

(C) in the "ACF service programs" account, not to exceed $54,000,000 for Head Start;

(D) in the "Training and employment services" account, not to exceed $24,000,000 from funds available for part A of title II of the Job Training Partnership Act; not to exceed $4,000,000 available for part B of title II of such Act; not to exceed $5,000,000 from funds available for youth demonstration projects; and

(E) in the "Community service employment for older Americans" account not to exceed $9,000,000 from funds available to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations.

(3) Of the amounts authorized to be appropriated for the fiscal year ending September 30, 1993, for the Special Supplemental Food Program for Women, Infants and Children (WIC), not to exceed $5,200,000 shall be set aside for further allocation to approved Weed and Seed sites to permit all eligible persons to receive WIC benefits in these location service areas. The Secretary shall develop a method of equitable allocation of available funds, based on the needs of the Weed an Seed sites, that maximizes access of persons who are eligible under existing local and State WIC eligibility criteria and who are located in Weed and Seed service areas. Any funds unused or remaining after such allocation shall be available for allocation to all States under the WIC Funding formula prescribed by existing law and regulations.

(4) Of the contract authority made available by Public Law 102–240 for the fiscal year ending September 30, 1993, to carry out sections 3, 9, and 26 of the Federal Transit Act, and of the amounts authorized to be appropriated for the fiscal year ending September 30, 1993, to carry out section 3, 9, and 26 of the Federal Transit Act, a total not to exceed $1,000,000 shall be for implementing Weed and Seed plans approved under section 2 of this Act.

(C) PERMANENT AUTHORIZATION.—Of the appropriations which are hereafter authorized for the programs described in subsections (a) and (b) of this section for fiscal years ending after September 30, 1993, such sums as may be necessary are authorized to be made available to implement Weed and Seed plans approved under section 2 of this Act.

(d) RELATIONSHIP TO NATIONAL DRUG CONTROL STRATEGY.—Drug-related funds authorized to be appropriated by this section shall be consistent with the goals, objectives, and priorities of the National Drug Control Strategy, developed under 21 U.S.C. 1504.

SEC. 6. RELATIONSHIP TO ENTERPRISE ZONES.

(a) AREAS DESIGNATED AS ENTERPRISE ZONES.—(1) For the fiscal year ending September 30, 1993, and for each succeeding fiscal year, of the funds authorized to carry out Weed and Seed plans, an amount not to exceed $400,000,000 is authorized for Weed and

Seed plans only in areas that have been designated as enterprise zones in accordance with the Enterprise Zones-Job Creation Act of 1992, if that Act has been enacted by July 1, 1993.

(2) If the Enterprise Zones-Job Creation Act of 1992 has not been enacted by July 1, 1993, the authorized amounts are available under whatever authority otherwise exists.

(b) AREAS NOT DESIGNATED AS ENTERPRISE ZONES.—For the fiscal year ending September 30, 1993, and for each succeeding fiscal year, of the funds that are authorized to carry out Weed and Seed plans, an amount not to exceed $100,000,000 is authorized only for Weed and Seed plans in areas not included in subsection (a)(1) of this section.

SEC. 7. WAIVERS.

(a) IN GENERAL.—(1) In carrying out Weed and Seed activities under this Act, the Secretaries of Education, Labor, Health and Human Services, Transportation, Housing and Urban Development and Agriculture may waive any regulation or provisions of law, with the Exception of the laws listed in paragraph (3) of this subsection, under such Secretary's jurisdiction that—

(A) restricts the distribution of funds; or

(B) is otherwise inconsistent with the requirements of the agreements entered into under section 2 of this Act.

(2) A waiver under paragraph (1) of this subsection may not alter or otherwise affect the eligibility of a person for the programs or services provided under the Weed and Seed plans approved under section 2 of this Act.

(3) No waiver may be granted under this section of any law respecting public or individual health or safety, civil rights, environmental protection, law relations, occupational health or safety, or any other law that the Attorney General shall by regulation determine.

(b) PUBLICATION OF WAIVER.—Notice of any waiver granted under subsection (a) of this section shall be published in the Federal Register.

SEC. 8. REPORT TO THE PRESIDENT.

The Attorney General, in consultation with the Secretaries of Education, Labor, Health and Human Services, Transportation, Agriculture and Housing and Urban Development, and the Director of the Office of National Drug Control Policy, shall report to the President describing the activities of the Weed and Seed program and the expenditure of funds in accordance with this Act at such times as the President may require.

By Mr. MACK:

S. 2727. A bill to provide for the revitalization of small business concerns, promote job growth, and for other purposes; to the Committee on Finance.

SMALL BUSINESS REVITALIZATION AND JOB GROWTH ACT OF 1992

Mr. MACK. Mr. President, today I am introducing the Small Business Revitalization and Job Growth Act of 1992. It is my hope that this legislation will help bring to this body's attention the importance of America's small business community and their invaluable contribution to our continued economic viability. I look forward to working with my colleagues to develop this legislation and to explore new and innovative ways to encourage the growth of this vital sector of our economy.

By Mr. SARBANES:

S. 2729. A bill to amend the provisions of chapter 35 of title 5, United States Code, to assist Federal employees who were separated from service as a result of a reduction in force in finding new Federal employment, and for other purposes; to the Committee on Governmental Affairs.

S. 2730. A bill to amend title 10, United States Code, to permit certain personnel who are involuntarily separated from the Armed Forces to enroll temporarily in health benefits plans of the Federal Employee Health Benefits Program; to the Committee on Governmental Affairs.

ASSISTANCE FOR WORKERS AFFECTED BY THE DEFENSE CUTBACKS

• Mr. SARBANES. Mr. President, today I am introducing two bills to assist Federal workers and members of the Armed Services who are being adversely affected by defense cutbacks.

The first bill would help former Federal workers, who have lost their jobs due to a reduction in force, find employment elsewhere in the Federal Government. The legislation would require agencies to give priority to laid-off civil servants when filling vacancies.

The Office of Personnel Management [OPM] encourages agencies to do all that they can to avoid reductions in force [RIF's]. When reductions in employment are required, agencies turn first to hiring freezes and implementation of an early retirement system. However, it is clear that major reductions, such as those now occurring in the Department of Defense, will require many RIF's. In fact, a recent Office of Technology Assessment report indicates that as many as 25,000 civilians will lose their jobs during each of the next few years. While there are obviously differing views on how large our defense cutbacks should be, every scenario under consideration includes the loss of thousands of military and civilian jobs.

There are already a number of programs in place to assist employees who are fired due to a reduction in force. Each agency, including the Department of Defense, administers a Priority Placement Program. Such programs assist career employees who have received a RIF notice in finding a similar job elsewhere in the same agency. These programs have historically placed as many as 50 percent of employees but, more recently, have been less successful. Given the projections, it is unlikely that the Department of Defense will be able to place many RIF'd workers through its Priority Placement Program since there will be far fewer vacancies throughout the Department.

Career employees who have been notified that they will be RIF'd also qualify for an Interagency Placement Program run by OPM. A similar effort, the Displaced Employee Program [DEP], is designed to assist employees after they have actually been RIF'd. In both cases, employees voluntarily join a data base that identifies their occupational and geographic preferences. When Federal agencies are trying to fill a vacancy, OPM forwards information about potential candidates from the two programs. Agencies are supposed to give priority to considering these candidates but often skirt that guideline.

I understand that there have been many examples where agencies have used alternative methods, such as the outstanding scholars program, to fill vacancies and avoid hiring displaced workers. However, according to recent GAO testimony, these placement programs are not working effectively. Speaking before the House Subcommittee on Human Resources, GAO noted that:

> Agencies have options other than hiring a DEP registrant or objecting to the registrant's qualifications. Although blocked from hiring competitively, agencies may leave vacancies unfilled, or fill them noncompetitively through merit promotion, transfer, or reinstatement.

Yet another placement program is the Defense Outplacement Referral System, which assists Department of Defense employees in finding both government and private sector positions.

Mr. President, all of these programs are well-intentioned and I am confident that OPM has tried to make them work. However, the bottom line is that RIF'd workers often have problems finding another Federal job. I understand that some Federal managers even avoid hiring RIF'd workers because of a belief that they are tainted or perhaps not up to par with other potential applicants.

It is my view that Congress should mandate that Federal agencies give top priority to rehiring the workers RIF'd by the Defense Department and other departments. It is the least we can do to assist these workers, many of whom find themselves facing unemployment and the related financial problems after 10 or even 20 years of hard work for the citizens of this Nation.

At this time, Mr. President, I want to emphasize that my bill would assist only those workers who have consistently received good performance appraisals. This legislation does not give any special preference to an employee who has received an unsatisfactory appraisal. I also want to point out that my bill in no way affects the preference given to veterans in Federal hiring.

The second bill I am introducing would ensure that military personnel who lose their jobs have health insurance coverage. Currently, separated military personnel retain their CHAMPUS benefits at no cost for either 60 or 120 days, depending upon their length of service. Following that, they are able to join a USVIP plan, operated by a private insurer under a contract with the Department of Defense.

Coverage under the USVIP plan runs for 3-month periods. I understand that renewal is not automatic and some former members of the armed services may be forced out of the plan. At the same time, the maximum amount of time that an individual or family can stay in USVIP is four three-month periods or one year. After that, they are on their own.

In a tough economy like we are currently experiencing, one year may not be enough time to find a new job. My bill would allow former members of the armed services to purchase up to 18 months of coverage in any of the Federal employee health benefit plans. An individual or family would be able to choose whichever plan was best suited to their expected health needs and budget situation.

The bill I am introducing would also eliminate the need for a separate administrative system for these veterans and military families. Instead, they would have access to the wide variety of coverage and plans now available to civilian workers who lose their positions.

Mr. President, in developing these proposals I have worked closely with my Maryland colleague, Representative STENY HOYER. Congressman HOYER is working to enact companion proposals in that body.

As a member of the Democratic Task Force on Defense Conversion and a cochair of the Federal Government Service Task Force, I recognize that we in the Congress must act and must act soon to help each American who will be adversely impacted by lower defense spending. In the weeks since I started working on these two bills, other Members of the House and Senate have introduced their own measures to assist military and civilian employees who are losing their jobs. It is my view that the Congress should move swiftly to examine not only my proposals but all that have been introduced in an concerted effort to enact the best possible package as soon as possible.

Mr. President, we cannot forget how devastating it is to lose a job. Whether you're a young former Marine and find yourself without adequate health insurance or a longtime civilian engineer at the Defense Department and lose your family's sole income source, it hurts. My legislation would provide needed assistance and I urge my colleagues to join me in pushing for timely consideration and enactment.●

By Mr. DOLE (for himself and Mr. CHAFEE):

S. 2731. A bill to amend the Internal Revenue Code of 1986 to make the deduction for health insurance costs of self-employed individuals permanent, and to provide for a phased-in increase in the deductible amount of health insurance costs from 25 to 100 percent; to the Committee on Finance.

S. 2732. A bill to increase the availability, portability, and affordability of health insurance, especially health insurance for small employers, by prohibiting discriminatory practices and promoting broad risk pooling among health insurers, and for other purposes; to the Committee on Finance.

HEALTH BENEFITS FOR SELF-EMPLOYED INDIVIDUALS ACT AND HEALTH INSURANCE MARKET REFORM ACT

Mr. DOLE. Mr. President, one of the most critical issues facing the country today is the need for reform of our health care delivery system. But while we all agree on the need, we have been guilty of simply giving lipservice to our concerns. It is the hope of this Senator that the situation is about to change.

Today, joined by my distinguished colleague from Rhode Island, Senator CHAFEE, who also serves as the chairman of the Republican Health Care Task Force, the Senator from Kansas is introducing two of the President's proposals related to health care reform. The first provides for raising the allowable deduction for health insurance premiums for the self employed to 100 percent. The second bill contains the administration's small market reform legislation.

Both of these bills are similar, if not identical, to bills or portions of bills introduced by both Republicans and Democrats. There is, in fact, little in dispute with respect to the goals we hope to obtain in the passage of these bills, that is, increased access to affordable health insurance which translates into increased access to care. One would think we could agree on the details and move these bills this year. But unfortunately it appears election year politics may prevent even this limited progress from being made. There are those who want to hold out for everything—and who may ultimately get nothing. I, for one, hope that won't be the case.

We introduce these bills today, so that the administration will have the opportunity to have their views known as we begin the debate on health care reform. These do not represent their entire plan, but rather two initial components—with more to follow. And while we may not agree on every detail, they deserve to be heard.

The distinguished chairman of the Finance Committee, my good friend Senator BENTSEN, has taken a strong stand in support of the need for health care reform. His own bill reflects views similar to my own with respect to small market reform and I am sure, that given the chance, we could all come to agreement.

I am pleased the administration has put forward its own proposal and hope the opportunity to make at least some limited progress, is given to us.

Mr. President, I ask that the text of the bills and the accompanying materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Benefits for Self-Employed Individuals Act of 1992".

SEC. 2. PERMANENT EXTENSION AND INCREASE IN HEALTH INSURANCE DEDUCTION FOR SELF-EMPLOYED.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to—

"(A) 25 percent in the case of taxable years beginning on or before December 31, 1993,

"(B) 50 percent in the case of taxable years beginning on or after January 1, 1994, and on or before December 31, 1995, and

"(C) 100 percent in the case of taxable years beginning on or after January 1, 1996, "of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents."

(b) PERMANENT DEDUCTION.—Section 162(l) of such Code is amended by striking paragraph (6) thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

THE SECRETARY OF THE TREASURY,
Washington, May 5, 1992.

Hon. DAN QUAYLE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On February 6, the Administration published the "President's Comprehensive Health Reform Program." The document provides extensive detail on the President's plan for reforming the health care system, including provisions addressing: market reforms, universal access to affordable health care, cost containment, administrative cost reforms, improved consumer information and containment, and substantial reform of the Medicaid program. Today I am transmitting the "Health Benefits for Self-Employed Individuals Act of 1992," which implements the President's proposal to extend the current twenty five-percent deductibility of health insurance premiums for the self-employed, and to raise the allowable deduction to one hundred percent of the premium costs.

The Department estimates that this legislation will reduce federal revenue by the following amounts:

Fiscal Year

[In millions of dollars]

	Total
	Total
1992	−58
1993	−246
1994	−544
1995	−885
1996	−1,292
1997	−2,022
1992–97	−5,047

These costs must be offset under the Budget Enforcement Act of 1990. The President's Budget includes $5.5 billion in mandatory outlay reduction proposals for fiscal year 1993 and over $68.4 billion in mandatory savings proposals for fiscal years 1992–1997. Any of these mandatory outlay reduction proposals would be acceptable to the Administration as an offset. More specifically, however, the Administration would propose to finance this legislation by adopting reforms to: (a) place the Medicare hospital update on a calendar year basis and (b) reform payment of laboratory services by lowering the cap from 88% to 76% of the median, updated to reflect market factors. The mandatory outlay savings from these two proposals in each of the next five years exceed the costs of our proposal to expand the health insurance deduction for the self-employed. These proposals were included in the "Medicare Budget Amendment of 1992," transmitted to Congress by Secretary Sullivan on February 21, 1992.

Thank you for your consideration. We look forward to working with the Congress on this legislation.

Sincerely,

NICHOLAS F. BRADY.

S. 2732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Insurance Market Reform Act of 1992".

SEC. 2. IMPROVED ACCESS TO AFFORDABLE HEALTH INSURANCE.

The Social Security Act is amended by adding at the end the following new title:

"TITLE XXI—REQUIREMENTS CONCERNING HEALTH INSURANCE

"PART A—GENERAL PROVISIONS

"TABLE OF CONTENTS

"SEC. 2101. The table of contents of this title is as follows:

"TITLE XXI—REQUIREMENTS CONCERNING HEALTH INSURANCE

"PART A—GENERAL PROVISIONS

"Sec. 2101. Table of contents.
"Sec. 2102. Purposes.
"Sec. 2103. Establishment of health insurance requirements.
"In general.
"(b) Establishment and implementation of requirements.
"(1) Role of NAIC.
"(2) Federal and State regulations.
"(3) State responsibilities.
"(A) In general.
"(B) Effect on other laws.
"(4) Federal responsibilities.
"(5) Waiver authority.
"(6) Oversight of State programs.
"(A) Reports required.
"(B) Periodic reviews.
"(C) Finding of noncompliance.
"Sec. 2104. Noncompliance with Federal implementation of part B or C.
"Sec. 2105. Definitions.
"(1) Coordinated care plan.
"(2) Eligible employee.
"(3) Employee welfare benefit plan; plan sponsor.
"(4) Employer
"(5) Employer-based health insurance.
"(6) Health insurance network (HIN).
"(7) Health insurance plan.
"(8) Health maintenance organization (HMO).
"(9) Insurer.
"(10) Multiple employer welfare arrangement (MEWA).
"(11) NAIC.
"(12) Participating provider.
"(13) Provider.
"(14) Small employer.
"(15) State.
"(16) Utilization review; utilization review program.
"Sec. 2106. Effective date of parts A, B, and C.
"(a) In general.
"(b) Exception for existing coverage.

"PART B—REQUIREMENTS APPLICABLE TO HEALTH INSURANCE FOR SMALL EMPLOYERS AND OTHERS

"Sec. 2111. Registration with Secretary and States.
"Sec. 2112. Requirement to make health insurance plans available to small employers.
"(a) General requirement.
"(b) Exceptions.
"(1) HINs and MEWAs.
"(2) HMOs and other coordinated care plans.
"(3) Assigned risks.
"(4) Insurer requirement of minimum participation.
"(5) Termination for cause.
"(6) Withdrawal from market.
"(c) Requirements concerning renewal of expiring plan.
"Sec. 2113. Guaranteed eligibility of employees of small employers.
"(a) General requirement.
"(1) With respect to insurers.
"(2) With respect to employers.
"(b) Exceptions.
"(1) HMOs and other coordinated care plans.
"(2) Assigned risks.
"(3) Individuals seeking late enrollment.
"(A) In general.
"(B) Exceptions.
"(4) Waiting period for pre-existing condition.
"(5) Termination for fraud.
"Sec. 2114. Basic health insurance plan for small employers.
"Sec. 2115. Interim requirements for risk pooling and premium rates.
"(a) General requirement.
"(b) Interim risk pooling.
"(1) Alternative mechanisms.
"(2) Funding.
"(3) Federal assumption of risk prohibited.
"(c) Interim limits on variations in premium rates.
"(1) Definitions.
"(A) Base premium rate.
"(B) Block of business.
"(2) Limit on variation of premium rates among blocks of business.
"(3) Limit on variation of premium rates within a block of business.
"(4) Limit on variation in premium in creases.
"(d) Requirements concerning rate-setting methodology.
"(1) Consistent application of rating factors.
"(2) Limit on transfer of employers between blocks of business.
"(3) Full disclosure of ratings factors.
"(4) Actuarial certification.
"(e) Effective period.
"(1) Beginning and termination date.
"(2) Phase-out.
"(f) Waiver authority.
"Sec. 2116. Health Risk pooling.
"(a) Requirements for State health risk pooling system.
"(b) Effective date and phase-in.
"(c) Definitions.
"(1) Demographic class.
"(2) Health risk differential.
"(3) High-risk individual.
"(4) Low-risk individual.
"Sec. 2117. Continuation coverage for certain students.
"(a) Requirement with respect to educational institutions.
"(b) Requirement with respect to insurers.

"PART C—REQUIREMENTS APPLICABLE TO ALL EMPLOYMENT-BASED HEALTH INSURANCE

"Sec. 2131. Prohibition of denial of coverage based on health status.
"(a) General rule.
"(b) Exception with respect to assigned risks.
"Sec. 2132. Limitation on exclusions of preexisting conditions.
"(a) General rule.
"(b) Exceptions.
"(1) Limited exclusion permitted.
"(2) No exclusion for pregnancy or for infant under age 1.
"(3) Crediting of previous coverage.
"(A) In general.
"(B) Treatment of lapsed prior coverage.
"(C) Disclosure of coverage.

"PART D—PREEMPTION OF CERTAIN STATE LAWS RELATING TO HEALTH INSURANCE

"Sec. 2141. Requirements concerning coverage.
"Sec. 2142. Requirements creating barriers to managed care.
"(1) Restriction on payment amount or method.
"(2) Restrictions on provider participation limits.
"(3) Restrictions on incentives to use participating providers.
"(4) Restrictions on utilization review.
"Sec. 2143. Effective date.

"PART E—CERTIFICATION OF HEALTH INSURANCE NETWORKS (HINS)

"Sec. 2151. Conditions of certification.
"(a) In general.
"(b) Organization and membership.
"(c) Use of insurers to provide coverage to members.
"(d) Market share.
"(e) Fiduciary responsibilities.
"Sec. 2152. Certification process.
"(a) Application.
"(b) Certification.
"(c) Reports and recertification.
"(1) In general.
"(2) Special rule for provisional HINs.
"(d) Revocation of certification.
"Sec. 2153. Application of insurer rules.
"(a) In general.
"(b) Effect of noncompliance with insurer rule.
"Sec. 2154. Exemption from State premium taxes.
"(a) In general.
"(b) Exception.
"Sec. 2155. Effective date.

"PURPOSES

"SEC. 2102. The purposes of this title are to increase the availability, portability, and affordability of health insurance, particularly to small employers and their employees and dependents, by seeking to ensure, among other things, that—

"(1) affordable health insurance is available to individuals and groups in every State, and premiums do not vary substantially on the basis of health status or claims experience,

"(2) States regulating health insurance do not place an undue burden on small employers, and

"(3) insurers, providers, purchasers and consumers are encouraged to contain costs of health care and health insurance.

"ESTABLISHMENT OF HEALTH INSURANCE REQUIREMENTS

"SEC. 2103. (a) IN GENERAL.—The provisions of this title shall apply to health insurance plans offered in any State, and to insurers offering such plans.

"(b) ESTABLISHMENT AND IMPLEMENTATION OF REQUIREMENTS.—(1) Role of NAIC.—The Secretary shall request the NAIC, by three months after the enactment of this section, to recommend model standards for compliance with the requirements of parts B and C.

"(2) FEDERAL AND STATE REGULATIONS.—

"(A) FEDERAL REGULATIONS.—The Secretary shall publish proposed and final regulations implementing this section. These regulations shall be based on the NAIC model standards, if made available by the NAIC pursuant to paragraph (1) on a timely basis, with such revisions as the Secretary finds necessary. The final regulations shall become effective as of the date specified in section 2106.

"(B) STATE PROGRAM.—The Secretary shall determine, with respect to each State, whether the State has established regulatory requirements and enforcement authority adequate to ensure compliance by insurers and health insurance plans with the requirements of parts B and C. A State regulatory program may establish standards more stringent than those required under this title, if the Secretary finds that they are not inconsistent with the purposes of this title.

"(3) STATE RESPONSIBILITIES.—

"(A) IN GENERAL.——A State program approved by the Secretary pursuant to subparagraph (2)(B) shall take effect, in lieu of the Federal regulations under paragraph (2)(A), as of the date specified in section 2106—

"(i) for purposes of part B, with respect to all insurers and health insurance plans subject to the provisions of that part, and

"(ii) for purposes of part C, with respect to all insurers and health insurance plans subject to the provisions of that part other than employee welfare benefit plans which are not multiple employer welfare arrangements (MEWAs).

"(B) EFFECT ON OTHER LAWS.—State laws or regulations under a State program approved by the Secretary pursuant to subparagraph (2)(B) shall apply as provided in subparagraph (A), notwithstanding section 514(a) of the Employee Retirement Income Security Act of 1974 or any other provision of law.

"(4) FEDERAL RESPONSIBILITIES.—The Secretary shall implement a program pursuant to paragraph (2)(A)—

"(A) for purposes of part C, in consultation with the Secretary of Labor, in all States with respect to those insurers and health insurance plans not subject to State regulation pursuant to paragraph (3)(A)(ii), and

"(B) for purposes of parts B and C (but subject to the provisions of paragraph (5)(C)), with respect to all insurers and health insurance plans in each State which does not have a program approved by the Secretary pursuant to paragraph (2)(B).

"(5) WAIVER AUTHORITY.—The Secretary may waive, with respect to a State or with respect to all States, any provision of this title, title XVIII, or title XIX, to such extent and for such period as he finds likely to promote the purposes or facilitate the administration of this title.

"(6) OVERSIGHT OF STATE PROGRAMS.—

(A) REPORTS REQUIRED.—The Secretary shall not find that a State program meets the requirements of this title unless it provides for submission to the Secretary, one year after the effective date specified in section 2106 and biennially thereafter, a report on the implementation and enforcement of such regulatory program.

"(B) PERIODIC REVIEWS.—The Secretary shall periodically review State programs in effect under paragraph (3) to determine whether they meet the requirements under this title.

"(C) FINDING OF NONCOMPLIANCE.—The Secretary, before finding that a State program under paragraph (3) fails to meet requirements under this title, shall notify the State of a preliminary finding of noncompliance, afford it an opportunity to correct deficiencies (which shall not be less than 30 days, and may be such longer period as the Secretary finds appropriate in the circumstances), and provide notice of a final determination of noncompliance to the State and to insurers in the State.

"NONCOMPLIANCE WITH FEDERAL IMPLEMENTATION OF PART B OR C

"SEC. 2104. For provisions imposing an excise tax with respect to noncompliance with Federal implementation of part B or C, see section 5000A of the Internal Revenue Code of 1986, as added by section 4 of the Health Insurance Market Reform Act of 1992.

"DEFINITIONS

"SEC. 2105. For purposes of this title—

"(1) COORDINATED CARE PLAN.—The term 'coordinated care plan' means a health insurance plan that provides for the financing and delivery of health care services to individuals enrolled in such plan through—

"(A) arrangements, with participating providers selected pursuant to explicit standards, to furnish health care items and services,

"(B) organizational arrangements for ongoing quality assurance and utilization review programs, and

"(C) financial incentives for enrollees to use the participating providers and procedures provided for the plan.

"(2) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer. For purposes of this definition, the term 'employee' includes an individual who is an employer.

"(3) EMPLOYEE WELFARE BENEFIT PLAN; PLAN SPONSOR.—The term 'employee welfare benefit plan' and 'plan sponsor' have the meanings given those terms in sections 3(1) and 3(16)(B), respectively, of the Employee Retirement Income Security Act of 1974.

"(4) EMPLOYER.—The term 'employer' means any person acting as an employer, or in the interest of an employer, in relation to a health insurance plan, and includes a group or association of employers (including a health insurance network (HIN) and a multiple employer welfare arrangement (MEWA)) acting for an employer in such capacity.

"(5) EMPLOYMENT-BASED HEALTH INSURANCE.—The term 'employment-based health insurance' means group health insurance (including self-insurance by an employer or other entity) obtained through any arrangement connected with the employment (including self-employment) of some or all of the individuals eligible for coverage, including insurance offered to an employer, a group of employers, a labor or trade union or other employees' association, a professional association, or an entity (including a HIN or a MEWA) acting in the interest of any such person or group for the purpose of obtaining health insurance.

"(6) HEALTH INSURANCE NETWORK (HIN).—The term 'health insurance network' (HIN) means an entity certified by the Secretary pursuant to part E.

"(7) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means any contract or arrangement under which an insurer bears all or part of the cost or risk of providing health care items and services, including a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract (including any self-insured health insurance plan), but does not include—

"(A) coverage only for accident, dental, vision, disability, or long term care, medicare supplemental health insurance, or any combination thereof,

"(B) coverage issued as a supplement to liability insurance,

"(C) (except for purposes of part D) workers' compensation or similar insurance, or

"(D) automobile medical-payment insurance.

"(8) HEALTH MAINTENANCE ORGANIZATION (HMO).—The term 'health maintenance organization' includes entities meeting the definition of a health maintenance organization under section 1301(a) of the Public Health Service Act, or of an eligible organization under section 1876 of this Act, or recognized as a health maintenance organization under State law.

"(9) INSURER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'insurer' means any person (as defined in section 3(9) of the Employee Retirement Income Security Act of 1974), including a HMO and a MEWA, that offers an individual or group health insurance plan under which such person is at risk for all or part of the cost of benefits under the plan, and includes any agent of such person.

"(B) EXCEPTION.—For purposes of part B, the term 'insurer' does not include an employee welfare benefit plan (other than a MEWA) which is offered to more than 50 eligible employees, or which is one of a group of employee welfare benefit plans (other than MEWAs) offered by a single plan sponsor to a group totaling more than 50 eligible employees, or the plan sponsor of such a plan.

"(10) MULTIPLE EMPLOYER WELFARE ARRANGEMENT (MEWA).—The term 'multiple employer welfare arrangement' (MEWA) has the meaning given that term in section 3(40) of the Employee Retirement Income Security Act of 1974.

"(11) NAIC.—The term 'NAIC' means the National Association of Insurance Commissioners.

"(12) PARTICIPATING PROVIDER.—The term 'participating provider' means a provider that has entered into an agreement with an insurer or another provider to provide health care items or services to patients enrolled in a specified health insurance plan.

"(13) PROVIDER.—The term 'provider' means a physician, hospital, pharmacy, laboratory, or other person licensed or otherwise authorized under applicable State laws to furnish health care items or services.

"(14) SMALL EMPLOYER.—The term 'small employer' means, with respect to a calendar year, an employer that normally employs more than one but less than 51 eligible employees on a typical business day.

"(15) STATE.—The term 'State' means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(16)(A) UTILIZATION REVIEW.—The term 'utilization review' means review of the medical necessity, appropriateness, and quality of health care items and services.

"(B) UTILIZATION REVIEW PROGRAM.—The term 'utilization review program' means a system of utilization review, which may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

"EFFECTIVE DATE OF PARTS A, B, AND C

"SEC. 2106. (a) IN GENERAL.—Except as otherwise specifically provided, the requirements under this title shall apply with respect to health insurance plans offered, issued, or renewed in a State—

"(1) on or after January 1, 1994, or, if later,

"(2) in the case of a State whose legislature does not meet in 1993 in a session which may consider legislation necessary to establish the regulatory program described in paragraph (2)(A), the first day of the first calendar quarter beginning after the close of the first session of the State legislature (or, if the State has a two-year legislative session, the close of the first year of such session) beginning on or after January 1, 1994.

"(b) EXCEPTION FOR EXISTING COVERAGE.—In the case of a health insurance plan in effect in a State before the effective date specified in subsection (a), the provisions of section 2115(c) (concerning variation of premiums among and within blocks of business, and rate of premium increases) shall not apply to a renewal of such plan before the date two years after such effective date.

"PART B—REQUIREMENTS APPLICABLE TO SMALL EMPLOYER HEALTH INSURANCE

"REGISTRATION WITH SECRETARY AND STATES

"SEC. 2111. Each insurer shall register with the Secretary, and with the State commissioner or superintendent of insurance for each State in which it issues or offers any health insurance plan to a small employer.

"REQUIREMENT TO MAKE HEALTH INSURANCE PLANS AVAILABLE TO SMALL EMPLOYERS

"SEC. 2112. (a) GENERAL REQUIREMENT.—Except as provided in subsection (b), each insurer offering a health insurance plan to any small employer in a State (or to any small employer in a local service area within the State, in the case of an insurer licensed to offer, or customarily offering, health insurance only within such area)—

"(1) shall make such plan available to every small employer in the State (or, as applicable, in the local service area),

"(2) in the case of a State electing the option under section 2114, shall make available to every small employer in the State (or, as applicable, in the local service area) a basic insurance plan in accordance with the provisions of State law and of such section 2114, and

"(3) shall not cancel or refuse to renew any such plan made available to a small employer.

"(b) EXCEPTIONS.—(1) HINs and MEWAs.—A HIN or a MEWA shall make health insurance plans available only to its members, and shall not be required to offer a basic insurance plan pursuant to section 2114.

"(2) HMOS AND OTHER COORDINATED CARE PLANS.—A HMO offering a health insurance plan (or any insurer offering a coordinated care plan) to small employers—

"(A) may limit the employers that may apply for coverage to those with eligible employees or dependents residing in the service area of the plan, and

"(B) may deny coverage to employers described in subparagraph (A) if it demonstrates that—

"(i) it will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations under current agreements, and

"(ii) it is applying this clause uniformly to all employers without regard to the health status, claims experience, or duration of coverage of those employers or their employees.

"(3) ASSIGNED RISKS.—An insurer may decline to provide coverage under a health insurance plan to a small employer in a State, or to an individual eligible for enrollment in a health insurance plan offered to that small employer, to the extent permitted under a program in the State in accordance with section 2115(b)(1)(B).

"(4) INSURER REQUIREMENT OF MINIMUM PARTICIPATION.—An insurer may condition issuance, continuation, or renewal of a small employer health insurance plan on the enrollment of a minimum percentage of those of the employer's eligible employees who are not otherwise covered under a health insurance plan, provided that any such condition—

"(A) is imposed uniformly on all employers of comparable size, and

"(B) is consistent with the purpose of this part to ensure the availability of health insurance to small employers.

"(5) TERMINATION FOR CAUSE.—An insurer may cancel or refuse to renew a small employer health insurance plan—

"(A) for nonpayment of premiums,

"(B) for fraud or other misrepresentation by the insured small employer, or

"(C) for substantial noncompliance with plan provisions.

"(6) WITHDRAWAL FROM MARKET.—An insurer may cancel or refuse to renew a small employer health insurance plan in a State, after affording at least 180 days of prior notice of such termination to the State, the Secretary, and to each covered small employer, if the insurer is ceasing to provide any small employer health insurance plan in the State (or, in the case of a HMO or other coordinated care plan, in the service area of the plan). An insurer that terminates a small employer health insurance plan for this reason may not offer any health insurance plan to any small employer in such State or service area earlier than 5 years after the effective date of such termination

"(c) REQUIREMENTS CONCERNING RENEWAL OF EXPIRING PLAN—An insurer providing a health insurance plan to a small employer shall provide notice to such employer, at least 60 days before the date of expiration of the plan, of the terms for renewal of the plan. Such notice shall include an explanation of the extent to which any increase in premiums is due to actual or expected claims experience of the individuals covered under the employer's health insurance plan contract.

"GUARANTEED ELIGIBILITY OF EMPLOYEES OF SMALL EMPLOYERS

"SEC. 2113. (a) GENERAL REQUIREMENT.—

(1) WITH RESPECT TO INSURERS.—Except as provided in subsection (b), each health insurance plan offered to a small employer shall accept for enrollment, on the same terms as any other enrollee, every individual for whom application is made for enrollment on a timely basis and who is—

"(A) (in the case of an individual plan) such employer's eligible employee, or

"(B) (in the case of a family plan) such employer's eligible employee, or such employee's spouse, or such employee's dependent child (whether or not residing with the eligible employee) who is under 19 years of age or, if older, is under 25 years of age and a full-time student.

"(2) WITH RESPECT TO EMPLOYERS.—A small employer may not use criteria related to health status or claims experience to determine eligibility for, benefits under, or terms of health insurance made available to individual employees or dependents.

"(b) EXCEPTIONS.—

(1) HMOS AND OTHER COORDINATED CARE PLANS.—A health insurance plan offered by a HMO (or a coordinated care plan offered by any insurer) to a small employer may limit the individuals who may be enrolled under the plan to those who reside in the service area of the plan.

"(2) ASSIGNED RISKS.—An insurer may decline to provide coverage under a health insurance plan to an individual eligible for enrollment in a health insurance plan offered to a small employer, to the extent permitted under a program in the State in accordance with section 2115(b)(1)(B).

"(3) INDIVIDUALS SEEKING LATE ENROLLMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an insurer shall not be required to enroll an individual in a health insurance plan, if the insurer—

"(i) provides an initial enrollment period of at least 30 days, and

"(ii) provides at least annually an open season of at least 30 days during which any eligible individual may enroll, and the individual failed to enroll during such period.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), an insurer shall be required to enroll—

"(i) INDIVIDUAL LOSING OTHER EMPLOYER COVERAGE.—An individual who—

"(I) declined enrollment during the initial enrollment period on the basis of coverage under another health insurance plan,

"(II) lost such other coverage involuntarily (including by moving out of the service area of a health insurance plan), and

"(III) applies for enrollment within 60 days after termination of such other coverage, and

"(ii) COVERAGE REQUIRED BY COURT OF ADMINISTRATIVE ORDER.—A spouse or minor child of an employee, if such coverage is required by a judicial or administrative order and application for such coverage is made within 60 days after issuance of such order (or, if later, within 60 days after such spouse, or the custodial parent of such minor child, knows or should have known of the availability of such coverage).

"(4) WAITING PERIOD FOR PRE-EXISTING CONDITION.—An insurer may limit coverage with respect to a pre-existing condition to the extent permitted under section 2132.

"(5) TERMINATION FOR FRAUD.—An insurer may cancel or refuse to renew the coverage of an individual under a small employer health insurance plan for fraud or other misrepresentation by or on behalf of such individual covered under the plan.

"BASIC HEALTH INSURANCE PLAN FOR SMALL EMPLOYERS

"SEC. 2114. A State may define a basic benefit plan under State law, and may require insurers (other than HINs and MEWAs) offering health insurance plans to small employers in the State to offer such basic benefit plans to all small employers. The characteristics of a basic benefit plan (including coverage limits and premium and other cost sharing requirements) shall be subject to review and approval by the Secretary for the purpose of ensuring that the plan is affordable by small employers.

"INTERIM REQUIREMENTS FOR RISK POOLING AND PREMIUM RATES

"SEC. 2115. (a) GENERAL REQUIREMENT.—A program established with respect to a State under section 2103 shall require all insurers offering health insurance plans to small employers, during the period specified in subsection (e)—

"(1) to participate in a mechanism meeting the requirements of this section designed to pool among all such insurers the risk of high costs presented by any of the individuals covered under such health insurance plans, and

"(2) to comply with the requirements of this section designed to limit the variations among and increases in premium rates for such health insurance plans.

"(b) Interim Risk Pooling.—

"(1) Alternative mechanisms.—A program with respect to a State under section 2103(b)(3) may use, as the interim risk pooling mechanism required under this section—

"(A) a reinsurance program that—

"(i) requires an insurer offering a health insurance plan to any small employer in the State to offer the same plan to all other small employers in the State,

"(ii) requires the participation of all such insurers in a small employer reinsurance program, and requires contributions to a reinsurance fund under a formula that ensures payment of a total amount of contributions adequate to insure the solvency of the fund, and

"(iii) entitles all such insurers to receive payments from the reinsurance fund under a formula designed to allocate among all such insurers the excess costs of coverage for those individuals whose claims substantially exceed actuarially established amounts, or

"(B) an assigned risk program that requires any insurer offering a health insurance plan to a small employer in the State to participate in a program for assigning high-risk small employers, or individuals insured under plans offered to small employers, among all such insurers.

"(2) Funding.—The interim risk pooling mechanism with respect to a State shall include requirements for mandatory contributions by insurers offering health insurance plans to small employers in the State to the extent necessary to ensure the financial solvency of the interim risk pooling program.

"(3) Federal assumption of risk prohibited.—No Federal entity shall be at risk, as a guarantor of the solvency of a reinsurance fund or otherwise, for all or any part of the cost of health insurance plans subject to the risk pooling mechanism adopted, pursuant to this section, with respect to such plans in any State.

"(c) Interim Limits on Variations in Premium Rates.—

(1) Definitions.—For purposes of this section—

"(A) Base premium rate.—The term 'base premium rate' means, with respect to health insurance plans with the same or similar coverage offered in a rating period to a group of small employers within a block of business whose insured populations have similar demographic characteristics (including age, Sex, geographic location, and any other appropriate characteristic approved by the Secretary), the lowest per capita premium rate which could be charged to any employer in the group under the methodology used by the insurer.

11(B) Block of business.—(i) The term 'block of business' means, with respect to an insurer—

"(I) all small employers covered by a health insurance plan issued by the insurer (or all small employers other than those included in distinct groups under clause (ii), or

"(II) as provided in clause (ii), a distinct group of small employers, or

"(III) as provided in clause (iii), a subdivision of a group identified under subclause (I) or clause (ii).

"(ii) An insurer may treat a distinct group of small employers as a block of business if all of the insurer's health insurance plans issued to such group either—

"(I) are marketed and sold through individuals an organizations that do not participate in the marketing or sale of plans of the insurer to members of other distinct groups,

"(II) have been acquired from another insurer as a distinct group, or

"(III) are provided through a HIN or MEWA or another association with membership of not less than 100 small employers formed for purposes of obtaining health insurance or for any other business-related purpose.

"(iii)(I) Subject to subclause (II), an insurer may divide each group described under clause (i) or under subclause (I), (II), or (III) of clause (ii) into up to three blocks of business as appropriate to reflect differences among health insurance plans (other than differences in plan benefits) that are expected to produce substantial variations in health costs.

"(II) An insurer may not group small employers covered by health insurance plans issued by the insurer into a total of more than six blocks of business.

"(2) Limit on variation of premium rates among blocks of business.—For any rating period, no base premium rate for any small employer block of business of an insurer may exceed the equivalent base premium rate for any other block of business of the insurer by more than 20 percent.

"(3) Limit on variation of premium rate within a block of business.—The highest premium rate for a specific health insurance plan that an insurer charges (or could charge) any small employer in a block of business for a rating period shall not exceed the base premium rate for such plan by more than—

"(A) 50 percent for a rating period (or portion thereof) ending before January 1, 1997, and

"(B) 35 percent for a rating period (or portion thereof) beginning on or after January 1, 1997.

"(4) Limit on variation in premium increases.—the percentage increase in the premium rate charged to a small employer for a new rating period (determined on an annual basis) may not exceed the sum of the percentage change in the base premium rate plus 5 percentage points.

"(d) Requirements Concerning Rate-Setting Methodology.—

(1) Consistent application of rating factors.—In establishing premium rates for health insurance plans offered to small employers—

"(A) an insurer shall apply rating factors consistently to all small employers,

"(B) no insurer may use as a rating factor a geographic area that is smaller than the smaller of (i) a county or (ii) an area for which the first three digits of the postal zip code are identical.

"(2) Limit on transfer of employers between blocks of business.—An insurer may not transfer a small employer from one block of business to another unless—

"(A) the employer consents to the transfer, and

"(B) the insurer makes the same offer of transfer to all other employers in the same block of business, without regard to demographic characteristics, claims experience, health status, or duration of coverage since issue.

"(3) Full disclosure of rating practices.—At the time an insurer shall fully disclose to the employer its rating practices for small employer health plans, including rating practices for different industries, populations, and benefit designs.

"(4) Actuarial certification.—Each insurer shall file annually with the State insurance commissioner or equivalent official for each State in which it offers health insurance plans to small employers, and with the Secretary, a statement by a member of the American Academy of Actuaries (or such other individual as the commissioner or the Secretary may permit) that, based upon an examination by the individual which includes a review of the appropriate records and of the actuarial assumptions of the insurer and methods used by the insurer in establishing premium rates for small employer health insurance plans—

"(A) the insurer is in compliance with the applicable provisions of this section, and

"(B) the rating methods are actuarially sound. Each insurer shall retain a copy of such statement for examination at its principal place of business.

"(e) Effective Period.—

"(1) Beginning and termination dates.—The provisions of this section shall become effective with respect to a State on the date specified in section 2106, and shall cease to apply with respect to that State as of the date specified in section 2116(b)(2).

"(2) Phase-out.—During the four-year period preceding the latter date specified in paragraph (1), the provisions of this section shall be phased out with respect to each State as specified by the Secretary.

"(f) Waiver authority.—The Secretary may waive any or all of the requirements of this section with respect to a State, in order to permit the use of an alternative mechanism to achieve one or both of the purposes specified in subsection (a), if he finds that such alternative mechanism is consistent with the purposes of this title, as specified in section 2102, and (in the case of an alternative risk pooling mechanism) makes adequate provision for the solvency of such mechanism.

"HEALTH RISK POOLING

"Sec. 2116. (a) Requirements for State Health Risk Pooling System.—A program under this part in a State—

"(1) shall require each insurer that provides employment-based health insurance to small employers in the State to participate in a system for health risk pooling,

"(2) shall directly administer the system, or provide for its administration by a private non-profit entity whose directors are chosen by the chief executive officer of the State,

"(3) shall, subject to paragraph (7), require that each participant in the system pay into a common fund, for each below average risk individual eligible for health care benefits from that participant, a percentage (to be the same for all participants) of the health risk differential for that individual,

"(4) shall, subject to paragraph (7), provide that each participant in the system receive from the common fund, for each above average risk individual eligible for health care benefits from that participant, the percentage (determined for purposes of paragraph (3)) of the health risk differential for that individual,

"(5) may provide that participants in the system receive additional payments for individuals whose costs exceed a particular threshold (which may vary by health risk category), and may require additional contributions to offset these additional payments, "(6) shall provide for a method of measuring the health risk differential of individuals that meets the requirements of sections 3(c) of the Health Insurance Market Reform Act of 1992, and

"(7) may provide for appropriate incentives to encourage continuous coverage of individuals and groups.

"(b) EFFECTIVE DATE AND PHASE-IN.—(1)(A) The provisions of subsection (a) apply in a State as of the beginning of the fourth year period that begins after the effective date under section 2106(a).

"(B) The Secretary may uniformly postpone the effective dates specified in subparagraph (A) if he finds that this postponement would be appropriate.

"(2) As of the beginning of the fifth year period that begins after the date applicable in a State under paragraph (1), the percentage under paragraphs (3) and (4) of subsection (a) shall be 100 percent.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEMOGRAPHIC CLASS.—The term 'demographic class' means a class of individuals with certain characteristics in common (that shall include age and may include sex, geographic location, and such other demographic factors as may be approved by the Secretary, but may not include characteristics related to claims experience, health status, occupation, or to duration of health care coverage).

"(2) HEALTH RISK DIFFERENTIAL.—The term 'health risk differential' means the difference between the expected costs of a specified set of health care benefits for an individual and the average expected costs of that set for all individuals within that individual's demographic class.

"(3) ABOVE AVERAGE RISK INDIVIDUAL.—The term 'above average risk individual' means an individual whose health risk differential is positive.

"(4) BELOW AVERAGE RISK INDIVIDUAL.—The term 'below average risk individual' means an individual whose health risk differential is negative.

"CONTINUATION COVERAGE FOR CERTAIN STUDENTS

"SEC. 2117. (a) REQUIREMENT WITH RESPECT TO EDUCATIONAL INSTITUTION.—An institution of higher education in a State that offers coverage to its students under a health insurance plan shall continue to make such coverage available, to each student who leaves the institution, for not less than six months thereafter. The institution may require individuals enrolled in such continuation coverage to pay all costs to the institution of such coverage.

"(b) REQUIREMENT WITH RESPECT TO INSURERS.—An insurer offering group health insurance covering students of an institution specified in subsection (a) shall offer under such group insurance continuation coverage as described in subsection (a).

"PART C—REQUIREMENTS APPLICABLE TO ALL EMPLOYMENT-BASED HEALTH INSURANCE

"PROHIBITION OF DENIAL OF COVERAGE BASED ON HEALTH STATUS

"SEC. 2131. (a) GENERAL RULE.—Except as provided in subsection (b), in insurer may not refuse to offer, refuse to renew, cancel, or condition the coverage under any employment-based health insurance plan on the basis of the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of one or more individuals.

"(b) EXCEPTION WITH RESPECT TO ASSIGNED RISKS.—In the case of small employer health insurance, an insurer may decline to provide employment-based health insurance to an individual or entity to the extent permitted under a program in the State in accordance with section 2115(b)(1)(B).

"LIMITATION ON EXCLUSIONS OF PRE-EXISTING CONDITIONS

"SEC. 2132. (a) GENERAL RULE.—Except as provided in subsection (b), no employment-based health insurance plan may impose (or permit or require the insured entity to impose), through a waiting period for coverage or similar requirement, a limitation or exclusion of benefits for an individual on the basis of a condition of the individual pre-existing the date of the application for coverage of the individual.

"(b) EXCEPTIONS.—

(1) LIMITED EXCLUSION PERMITTED.—Subject to paragraphs (2) and (3), a limitation or exclusion, for a period of not more than six months from the date of application for coverage, may be imposed with respect to a condition diagnosed or treated within three months preceding such date.

"(2) NO EXCLUSION FOR PREGNANCY OR FOR INFANT UNDER AGE.—No limitation or exclusion may be imposed with respect to pregnancy, or on a child under one year of age.

"(3) CREDITING OF PREVIOUS COVERAGE.—

(A) IN GENERAL.—In the case of an individual who had health insurance under title XVIII or XIX or a health insurance plan (including an individual who lost such coverage less than 60 days prior to the date of application (or less than 180 days prior to such date, in the case of an individual who lost such coverage as a result of loss of employment with respect to which the individual was entitled to receive payments under the State unemployment compensation program) prior to the date of application)—

"(i) if such prior health insurance included coverage relating to treatment of the condition, no exclusion may be imposed, and

"(ii) if such prior health insurance limited or excluded coverage for the condition, the period of limitation or exclusion permitted pursuant to paragraph (1) shall be reduced by one month for each month such prior insurance was in effect.

"(B) TREATMENT OF LAPSED PRIOR COVERAGE.—For purposes of this paragraph, prior health insurance coverage of an individual that lapsed as of a date preceding the date of application to an insurer for alternative health insurance coverage by not more than—

"(i) 180 days, in the case of coverage that ceased as a result of involuntary loss of employment with respect to which the individual received unemployment compensation, or

"(ii) 60 days, in any other case, shall be treated as continuous prior health insurance coverage for purposes of this paragraph.

"(C) DISCLOSURE OF COVERAGE.—An insurer that has provided health insurance benefits to an individual during a period of previous coverage described in subparagraph (A) shall be required to disclose, upon request by such individual (or another person legally authorized to act on behalf of such individual), information with respect to such coverage needed by an insurer offering employment-based health insurance for the purpose of complying with this paragraph.

"PART D—PREEMPTION OF CERTAIN STATE LAWS RELATING TO HEALTH INSURANCE

"REQUIREMENTS CONCERNING COVERAGE

"SEC. 2141. Except to the extent that such a provision is specifically permitted under this title (or permitted by the Secretary based on a determination of consistency with the purposes of this title), no effect shall be given to any provision of State law that requires the offering, as part of any health insurance plan, of any services, category of care, or services of any class or type of provider.

"REQUIREMENTS CREATING BARRIERS TO MANAGED CARE

"SEC. 2142. No effect shall be given to any provision of State law described below:

"(1) RESTRICTION ON PAYMENT AMOUNT OR METHOD.—Any law that restricts the flexibility of any private entity to negotiate the amount or terms of payment to a provider of health care items or services.

"(2) RESTRICTIONS ON PROVIDER PARTICIPATION LIMITS.—Any law that prohibits or limits restrictions by an insurer or its agent on the location, number, type, or professional qualifications of providers participating in a health insurance plan.

"(3) RESTRICTIONS ON INCENTIVES FOR CONSUMERS TO USE PARTICIPATING PROVIDERS.—Any law that prohibits or limits provisions in a health insurance plan relating to coverage for non-emergency services—

"(A) restricting coverage to services provided or authorized by a participating provider,

"(B) requiring that services be authorized by a primary care physician selected by the enrollee from a list of available participating providers, or

"(C) providing financial incentives for enrollees to use the services of participating providers.

"(4) RESTRICTIONS ON UTILIZATION REVIEW.—Any law that—

"(A) prohibits or limits utilization review of any or all treatments or conditions,

"(B) prohibits, limits, or directs the use of particular procedures or criteria by a utilization review program,

"(C) requires disclosure of the criteria used under a utilization review program,

"(D) requires that utilization review be conducted by a resident of the State in which the health care services under review are provided, or by an individual licensed in such State,

"(E) defines utilization review as the practice of medicine or another health care profession, or requires that utilization review be conducted by a physician with the same board certified or other specialty as the physician providing or ordering the services subject to review (but the State may impose such a requirement with respect to any appeal from such a review),

"(F) restricts the amount of payment that may be made to a utilization review program, or requires payment to providers for their costs of responding to requests by a utilization review program,

"(g) establishes restrictions or requirements with respect to the location or hours of operation of utilization review, so long as preadmission approval and other utilization review requirements are inapplicable to emergency services furnished during hours when the utilization review program is not in operation,

"(H) restricts access by a utilization review program to medical information or personnel required to conduct utilization review, or

"(I) restricts limitations on coverage or benefits to persons enrolled under a health insurance plan who fail to cooperate with utilization review procedures required under such plan.

"(5) OTHER RESTRICTIONS ON UTILIZATION REVIEW OR COORDINATED CARE.—Any other restriction on utilization review that the Secretary finds inconsistent with the purposes of this title.

"EFFECTIVE DATE

"SEC. 2143. The provisions of this part shall become effective upon enactment.

"PART E—CERTIFICATION OF HEALTH INSURANCE NETWORKS (HIN'S)

"CONDITIONS OF CERTIFICATION

"SEC. 2151. (a) IN GENERAL.—An entity meeting the requirements of this part shall be entitled to certification by the Secretary as a health insurance network (HIN).

"(b) ORGANIZATION AND MEMBERSHIP.—An entity meeting the requirements of this part—

"(1) shall be organized as a membership organization with a board of directors elected by the members;

"(2) shall have a membership that includes small employers (but also include other members) with an affinity based on one or more of—

"(A) geographic location, or

(B) a common trade, profession, industry, or other business- or community-related characteristic recognized by the Secretary,

so long as membership criteria are applied uniformly, and do not have the effect of excluding groups or individuals presenting a risk of high cost;

"(3) shall not deny membership to any small employer that shares the affinity used as a membership criterion, and

"(4) may restrict membership to employers in a single State, within a single State or multi-State local area, or in specified States.

"(c) NEGOTIATIONS AND ARRANGEMENTS WITH INSURERS AND PROVIDERS.—An entity meeting the requirements of this part—

"(1) shall arrange for the purchase of health insurance by its members through negotiations with insurers, and shall bear no financial risk associated with the provision of health care.

"(2) shall only negotiate or arrange for provision to its members of health insurance offered by insurers meeting all applications requirements of Federal and State law in each State in which the insurer offers such insurance, and

"(3) may engage in negotiations and enter into arrangements with providers of health care services with respect to matter such as payment rates and selective provider contracts, for the purpose of obtaining favorable health insurance rates for its members.

"(d) MARKET SHARE.—(1) IN GENERAL.—An entity meeting the requirements of this part shall demonstrate to the satisfaction of the Secretary that it is (or reasonably expects to be) arranging for health insurance on behalf of a sufficient number of individuals to enable it to negotiate for coverage at favorable rates.

"(2) SHOWING REQUIRED.—The Secretary shall find that an entity—

"(A) meets the requirements of this subsection if it demonstrates that it represents a group of small employers that has a significant share of the health insurance market in a State, a group of States, or a local area (including a multi-State metropolitan area), or meets such other standard as the Secretary may establish, or

"(B) provisionally meets the requirements of this subsection, if it cannot make the showing required under subparagraph (A), but can demonstrate that the current and projected numbers of members, and of their employees and dependents, support a reasonable expectation that it will be able to make such showing not later than three years after the date of certification.

Standards established by the Secretary under this paragraph may vary depending on whether the market area encompasses more than one State, a single State, or a local area.

"(e) FIDUCIARY RESPONSIBILITIES.—An entity meeting the requirements of this part—

"(1) shall comply with the fiduciary responsibility provisions of part 4 of title I of the Employee Retirement Income Security Act of 1974 as if it were an employee welfare benefit plan, and

"(2) shall provide to its members, before the members are enrolled under a health insurance plan offered by the entity, information on the benefits under the plan (including a summary of the plan and the applicable premium rates and cost-sharing requirements), and such other matters as the Secretary may require.

"CERTIFICATION PROCESS

"SEC. 2152. (a) APPLICATION.—An entity meeting the requirements of this part may apply to the Secretary for certification under this section as a HIN. Such application shall be in such form and submitted in such manner as the Secretary may require.

"(b) CERTIFICATION.—The Secretary shall certify as a HIN an entity meeting the requirements of section 2151 that submits an application in accordance with subsection (a). If the Secretary fails to make a determination, within 180 days after receipt of an application under subsection (a), and of all information necessary to the Secretary's determination under this subsection, that the entity does not meet the requirements of this part, the entity shall be deemed to be certified under this section.

"(c) REPORTS AND RECERTIFICATION.—(1) IN GENERAL.—A certification of an entity under this section shall be valid for a period of three years, and may be renewed upon application by the entity. The application for recertification shall be accompanied by a report demonstrating the entity's continued compliance with the conditions for certification. The entity shall be deemed to be recertified under this section unless the Secretary, within 90 days after receipt of such application and report, notifies the entity of the basis for denial of recertification.

"(2) SPECIAL RULE FOR PROVISIONAL HINS.—An entity described in section 2151(d)(2)(B) shall not be entitled to recertification unless it demonstrates satisfactory progress toward meeting the applicable standard of paragraph (1) or (2) of such subsection (d), and may not be recertified for a period beginning more than six years after the date of initial certification.

"(d) REVOCATION OF CERTIFICATION.—If the Secretary determines at any time that an entity certified as an HIN is no longer in compliance with the requirements of this part, the Secretary, after affording notice to the entity and to each member, and affording the entity the opportunity for a hearing, shall revoke the entity's certification under this part.

"APPLICATION OF INSURER RULES

"SEC. 2153. (a) IN GENERAL.—Except as otherwise provided, for purposes of application of the requirements of parts B and C, a HIN certified under this part shall be considered to be an insurer, and a health insurance plan offered by or through such a HIN shall be considered to be a health insurance plan offered by an insurer.

"(b) EFFECT OF NONCOMPLIANCE WITH INSURER RULE.—Noncompliance of a HIN, or of a health insurance plan offered by or through a HIN, with applicable requirements of parts B and C, in addition to being subject to any sanction imposed under this title or any other provision of law, shall be a basis for revocation of certification or denial of recertification under this part.

"LIMITED APPLICATION OF STATE LAWS

"SEC. 2154. (a) IN GENERAL.—Except as otherwise provided in subsection (b) or section 2103(b)(3)(B), in the case of a HIN certified under this part, no provision of State or local law inapplicable to an employee welfare benefit plan (other than a MEWA) under section 514(a) of the Employee Retirement Income Security Act of 1974 shall apply with respect to a HIN certified under this part, or with respect to any health insurance plan provided through the HIN, including any provision of State law imposing a tax or assessment on premiums paid under such a plan.

"(b) EXCEPTION.—Subsection (a) shall not apply to a premium tax or other assessment to the extent that the uses of revenues from such assessment are limited to—

"(1) financing (and administering) a fund specifically designated to insure against the insolvency of insurers, and

"(2) funding (and administering) an insurance pool specifically designated to provide for health insurance coverage of above average risk individuals in the State.

"EFFECTIVE DATE

"SEC. 2155. The provisions of this part shall become effective January 1, 1993.".

SEC. 3. HEALTH RISK POOLING DEMONSTRATIONS.

(a) GRANTS.—The Secretary of Health and Human Services may make grants to as many as four States for the establishment of health risk pooling demonstrations.

(b) MODEL HEALTH RISK POOLING SYSTEM.—The Secretary may develop model health risk pooling systems that meet the requirements of section 2116 of the Social Security Act.

(c) HEALTH RISK MEASUREMENT METHODS.—The Secretary shall develop methods for measuring the health risk differential of individuals. The methods shall rely on diagnosis or other health related information that is predictive of individual health care needs, and may rely upon information routinely collected in the process of making payments under group health insurance. The methods may provide for such random, sample audits of records as may be necessary to verify the accuracy of measurements.

(d) REQUIREMENTS FOR STATE HEALTH RISK POOLING SYSTEM.—A State that receives a grant under this section shall meet the requirements of section 2116 of the Social Security Act (except that the system for health risk pooling may, with the approval of the Secretary, apply to only part of the State).

(e) APPROVAL BY SECRETARY.—The Secretary may approve an application for a grant under this section only if the Secretary finds that the proposed health risk pooling system is likely to achieve the goal of maximizing consumer choice while minimizing the selection of individuals based on individual health status.

(f) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary may waive the applicability of some or all of the provisions of section 2115 of the Social Security Act for a State conducting a demonstration under this section.

(g) EVALUATION.—The Secretary shall evaluate demonstrations that are supported by grants under this section.

(h) APPROPRIATION AUTHORIZATIONS.—To carry out this section there are authorized to be appropriated $20,000,000 for each of the fiscal years 1994 through 1996.

SEC. 4. FAILURE TO SATISFY CERTAIN HEALTH PLAN REQUIREMENTS.

(a) In General.—Chapter 47 of the Internal Revenue Code of 1986 (relating to taxes on group health plans) is amended by adding at the end thereof the following new section:

"SEC. 5000A. FAILURE TO SATISFY CERTAIN HEALTH PLAN REQUIREMENTS.

"(a) General Rule.—There is hereby imposed on any insurer subject to Federal regulation pursuant to section 2103(b)(4) of the Social Security Act—

"(1) a tax on any failure to comply with a requirement under part C of title XXI of such Act, and

"(2) a tax on any failure to comply with a requirement under part B of title XXI of such Act.

The Secretary of Health and Human Services shall determine whether any person meets the requirements of such parts.

"(b) Amount of Tax.—

"(1) Plan sponsors that fail to comply with part C.—In the case of an insurer that is a plan sponsor of an employee welfare benefit plan (other than a MEWA), the amount of tax imposed by subsection (a)(1) for a taxable year in which such plan fails to comply with a requirement under part C of title XXI of the Social Security Act shall be equal to $1,000 for each eligible employee covered by such plan at any time during such taxable year.

"(2) Other insurers that fail to comply with part C.—In the case of any insurer (other than an insurer described in paragraph (1)) that fails to comply with all requirements of part C of title XXI of the Social Security Act with respect to all employment-based health insurance plans in any State, the amount of tax imposed by subsection (a)(1) for the taxable year in which such failure occurs shall be equal to $1,000 for each insured in such State covered by such plans at any time during such taxable year.

"(3) Insurers that fail to comply with part B.—In the case of any insurer that fails to comply with all the requirements of part B of title XXI of the Social Security Act with respect to all health insurance plans for small employers in any State, the amount of tax imposed by subsection (a)(2) for a taxable year in which such failure occurs shall be equal to $1,000 for each insured in such State covered by such plans at any time during such taxable year.

"(4) Persons receiving dependent coverage.—For purposes of paragraphs (2) and (3), all persons receiving the same family coverage are treated as one insured.

"(c) Controlled Groups.—

"(1) Plan sponsors.—In the case of an insurer described in subsection (b)(1), for purposes of this section all persons that are treated as part of the same employer (within the meaning of section 414) as the insurer shall be treated as the same person.

"(2) Other insurers.—In the case of an insurer described in subsections (b)(2) or (b)(3), for purposes of this section—

"(A) Controlled group of corporations.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) Partnerships, proprietorships, etc., which are under common control.—Under regulations prescribed by the Secretary, all trades or businesses (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(d) Limitations on Tax.—

"(1) Tax not to apply where failure not discovered exercising reasonable diligence.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the person liable for tax did not know, and by exercising reasonable diligence would not have known, that such failure existed.

"(2) Tax not to apply to failures corrected within 30 days.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date the person liable for the tax knew, or by exercising reasonable diligence would have known, that such failure existed.

"(3) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(e) Definitions.—For purposes of this section, the terms 'eligible employee', 'employee welfare benefit plan', 'employment-based health insurance', 'insurer', 'health insurance plan', 'multiple employer welfare arrangement (MEWA)', 'plan sponsor', 'small employer', and 'State' have the meanings given to such terms by section 2105 of the Social Security Act."

(b) Nondeductibility of Tax.—Paragraph (6) of section 275(a) of such Code (relating to nondeductibility of certain taxes) is amended by inserting "47," after "46,".

(c) Clerical Amendments.—The table of sections for such chapter 47 is amended by adding at the end thereof the following new item:

"Sec. 5000A. Failure to satisfy certain health plan requirements."

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 1994.

The Secretary of Health and
Human Services,
Washington, DC, May 8, 1992.

The Hon. Dan Quayle,
President of the Senate,
Washington, DC.

Dear Mr. President: On February 6th, the Administration released the "President's Comprehensive Health Reform Program." The document provides extensive detail on the President's plans for reforming the health care system, including the Administration's approach to health insurance market reform, expanded access to affordable health care, cost containment, and substantial reform of the Medicaid program.

Today, I am transmitting the "Health Insurance Market Reform Act of 1992," which implements the President's proposal to reform the health insurance market to make coverage more secure, available, and less costly for millions of Americans. In particular, the bill will expand the availability of more affordable health insurance products to all workers, but particularly to those who are employed by small businesses.

This proposal has four major components: All Americans will benefit from the increased availability of health insurance, regardless of health status. Coverage will be renewable and preexisting condition limits will be eliminated for those who maintain coverage. Workers can change jobs without fearing they will be denied insurance coverage based on their health status.

Coverage for individuals and small businesses, which otherwise would face excessively costly insurance because of their health status, will be more affordable through broad risk pooling. Insurers will participate in broad pooling arrangements to spread health risks evenly across insurers and thereby allow insurers to charge uniform premiums for the sick and the healthy. On an interim basis, pending phased implementation of this new system, insurers will be subject to limits on their ability to vary premiums because of non-demographic characteristics.

Group purchasing of health insurance by small employers will enable small employers to have the same cost advantage and market power enjoyed by larger employers. They can pool their purchasing power through Health Insurance Networks (HINs).

Health plans will have increased flexibility to control costs; they will be protected from mandated benefit and anticoordinated care laws that drive up costs and hinder designing cost-effective benefits tailored to individual and family needs.

Section 4 of the "Health Insurance Market Reform Act of 1992" could result in increased receipts to the Federal Government. Therefore, the bill is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget estimates that the pay-as-you-go effect of this bill would be less than $500,000 annually.

We are advised by the Office of Management and Budget that there is no objection to the submission of the draft bill to Congress, and that its enactment would be in accord with the program of the President.

We urge the prompt enactment of the "Health Insurance Market Reform Act of 1992."

Sincerely,

Louis W. Sullivan, M.D.

The Secretary of Health and
Human Services,
Washington, DC, May 8, 1992.

Hon. Thomas S. Foley,
Speaker of the House of Representatives,
Washington, DC.

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LOUIS W. SULLIVAN, M.D.

SECTION-BY-SECTION SUMMARY OF THE HEALTH INSURANCE MARKET REFORM ACT OF 1992

Sec. 2. Improved access to affordable health insurance.

Section 2 of the bill would add to the Social Security Act a new title XXI, entitled "REQUIREMENTS CONCERNING HEALTH INSURANCE", with the following provisions:

PART A—GENERAL PROVISIONS

Table of Contents

Section 2101 provides a table of contents for the title.

Purposes

Section 2102 states that the purposes of this title are to increase the availability, portability, and affordability of health insurance, particularly to small employers and their employees and dependents, by seeking to ensure, among other things, that—

(1) Affordable health insurance is available to individuals and groups, and premiums do not vary substantially, regardless of health status or claims experience,

(2) States regulating health insurance do not place an undue burden on small employers, and

(3) Insurers, providers, purchasers, and consumers are encouraged to contain costs of health care and health insurance.

Establishment of Health Insurance Requirements

In general

Section 2103(a) would make the provisions of title XXI applicable to health insurance plans offered in any State, and to insurers offering such plans.

Establishment and implementation of requirements

Section 2103(b) would provide for the establishment of Federal and State regulatory programs implementing the requirements of parts B and C. The Secretary of Health and Human Services ("the Secretary") would be required to request that the National Association of Insurance Commissioners (NAIC) recommend model standards by three months after enactment of the bill. Using these model standards, with revisions as necessary, the Secretary would publish implementing regulations. The Secretary would also determine whether each State had established a regulatory program adequate to ensure compliance with the provisions of parts B and C, and would periodically review State programs for continuing compliance. State programs could be more stringent than parts B and C if the Secretary found them consistent with the purposes of title XXI.

Health insurance offered, issued, or renewed in a State on or after the applicable effective date specified in section 2106 would be subject to the provisions of parts B and C. In the case of a State with an approved regulatory program, the State would enforce—

(1) The provisions of part B (concerning the small employer market) with respect to *all* insurers (including those otherwise exempt from State regulation pursuant to the Employee Retirement Income Security Act of 1974 (ERISA)), and

(2) The provisions of part C (concerning all employment-based insurance) with respect to all insurers other than self-insured employment-based plans, offered by a single employer or other plan sponsor to more than 51 eligible employees, which were exempt from State regulation pursuant to ERISA (hereinafter "self-insured single sponsor plans").

The Secretary would enforce—

(1) In all States, the provisions of part C with respect to self-insured single sponsor plans, and

(2) In States without an approved regulatory program, all provisions of parts B and C.

(The Secretary of Labor will shortly be sending to the Congress, as a companion bill to this legislative proposal, a bill amending provisions of ERISA with respect to MEWAs and related matters. That bill will clarify that some plans, such as certain franchise arrangements and affiliated groups of employers, are to be treated as single sponsor plans for purposes of ERISA and, by extension, of this new title XXI.)

The Secretary could waive, with respect to a State or with respect to all States, any provision of this title, or of Medicare or Medicaid, to the extent and for the period he found likely to promote the purposes or facilitate the administration of title XXI.

Noncompliance With Federal Implementation of Part B or C

Section 2104 would contain a cross-reference to a new section in the Internal Revenue Code of 1986 (added by section 4 of this draft bill), that would impose an excise tax for noncompliance with the requirements of part B or C when implemented by the Secretary.

Definitions

Section 2105 defines terms used in title XXI, as follows:

(1) "Coordinated care plan" means a health insurance plan that provides for the financing and delivery of health care services to enrollees through arrangements with participating providers, arrangements for ongoing quality assurance and utilization review, and financial incentives for enrollees to use services of participating providers.

(2) "Eligible employee" means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer. For purposes of this definition, the term "employee" includes the employer.

(3) "Employee welfare benefit plan" and "plan sponsor" have the meanings given those terms in sections 3(1) and 3(16)(B) of ERISA.

(4) "Employer" means any person acting as an employer, or in the interest of an employer, in relation to a health insurance plan, and includes a health insurance network (HIN), a multiple employer welfare arrangement (MEWA), or other group or association of employers acting for an employer in such capacity.

(5) "Employment-based health insurance" means group health insurance (including self-insurance) obtained through any arrangement connected with the employment (including self-employment) of the individuals eligible for coverage.

(6) "Health insurance network" (HIN) means an entity certified by the Secretary under part E.

(7) "Health insurance plan" means any contract or arrangement under which an insurer bears all or part of the cost or risk of providing health care items and services, including a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract (including any self-insured health insurance plan). The term does not include insurance limited to accident, dental, vision, disability, long term care, medicare supplemental insurance, or any combination thereof; coverage supplementing liability insurance; or medical coverage under automobile insurance. Except for purposes of part D (providing for preemption of certain State laws), the term does not include workers' compensation.

(8) "Health maintenance organization" (HMO) includes entities meeting the definition of a HMO under the Public Health Service Act, or the corresponding definition for purposes of Medicare, or recognized as a HMO under State law.

(9) "Insurer" means any person (as defined in ERISA), including a HMO and a MEWA, that offers an individual or group health insurance plan under which such person is at risk for the cost of benefits under the plan, except that the term does not include, for purposes of part B, a self-insured single sponsor plan.

(10) "Multiple employer welfare arrangement" (MEWA) has the meaning given that term in section 3(40) of ERISA.

(11) "NAIC" means the National Association of Insurance Commissioners.

(12) "Participating provider" means a provider that has entered into an agreement with an insurer or another provider to provide health care items or services to patients enrolled in a specified health insurance plan.

(13) "Provider" means a physician, hospital, pharmacy, laboratory, or other person licensed or otherwise authorized under applicable State laws to furnish health care items or services.

(14) "Small employer" means, with respect to a calendar year, an employer that nor-

mally employs more than one but less than 51 eligible employees on a typical business day.

(15) "State" means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(16) "Utilization review" means review of the medical necessity, appropriateness, and quality of health care items and services. "Utilization review program" means a system of utilization review, which may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

Effective Date of Parts A, B, and C

In general

Section 2106(a) would make the requirements of parts A, B, and C generally effective with respect to health insurance plans offered, issued, or renewed in a State on or after January 1, 1994 (or such later date necessary to allow for enactment of State legislation).

Exception for existing coverage

Under section 2106(b), certain provisions of section 2115 (concerning variations in premium rates among and within blocks of business, and the rate of premium increases) would not apply, until two years after the general effective date, to a renewal of a health insurance plan that was in effect on that date.

PART B—REQUIREMENTS APPLICABLE TO SMALL EMPLOYER HEALTH INSURANCE

Registration With Secretary and States

Section 2111 would require each insurer to register with the Secretary and with the commissioner or superintendent of insurance for each State in which it issues or offers any health insurance plan to a small employer.

Requirement to Make Health Insurance Plans Available to Small Employers

General requirement

Section 2112(a) would require (subject to exceptions below) that any insurer offering a health insurance plan to any small employer in a State (or to any small employer in a local service area within the State, in the case of an insurer offering health insurance only within such area) (1) make such plan available to every small employer in the State or local service area, (2) make available to every small employer a basic insurance plan (where one is specified under State law), and (3) not cancel or refuse to renew any small employer health insurance plan.

Exceptions

Section 2112(b) would establish the following exceptions to the general requirement:

(1) a HIN or MEWA could make health insurance plans available only to its members, and could not be required to offer a State's basic insurance plan;

(2) A HMO or other coordinated care plan could limit availability to applicants in its geographic service area, and could deny coverage upon demonstration that it lacked the capacity to provide services and that its exclusionary rule was applied uniformly to all employers without regard to health status, claims experience, or duration of coverage;

(3) An insurer could decline coverage of an individual or small employer to the extent permitted under a State-assigned risk program;

(4) An insurer could condition availability on enrollment of a minimum percentage of a small employer's eligible employees, if the condition was imposed uniformly and was consistent with the goal of ensuring availability of health insurance to small employers;

(5) An insurer could cancel or refuse to renew coverage for nonpayment of premium, fraud or other misrepresentation, or substantial noncompliance with plan provisions, and

(6) An insurer could cancel or refuse to renew coverage if it was ceasing to provide any small employer health insurance in the State (or service area, in the case of a HMO or other coordinated care plan), but it could not then reenter the small employer market in that State for five years.

Requirements concerning renewal of expiring plan

Section 2112(c) would require an insurer providing small employer health insurance to notify the employer, at least 60 days prior to expiration, of the terms for renewal, and the extent to which any premium increase was based on actual or expected claims experience of covered individuals.

Guaranteed Eligibility of Employees of Small Employers

General Requirement

Section 2113(a) would require (subject to exceptions below) that each health insurance plan offered to any small employer in a State accept for enrollment, on the same terms as any other enrollee, every eligible employee and (in the case of a family plan) such employee's spouse and any dependent child who is under age 19 or, if older, under age 25 and a full-time student.

A small employer that made health insurance available to employees could not use criteria related to health status or claims experience to determine eligibility for, benefits under, or terms of such health insurance for individual employees.

Exceptions

Section 2113(b) would establish the following exceptions to the general requirement:

(1) a HMO or other coordinated care plan could limit availability to applicants in its geographic service area,

(2) an insurer could decline coverage of an individual to the extent permitted under a State assigned risk program;

(3) an insurer that provided an initial enrollment period and an annual open season of at least 30 days each would generally not be required to enroll an individual who failed to enroll during such periods, but would be required to enroll such an individual who—

(A) had declined because of coverage under another health insurance plan, lost such other coverage involuntarily, and applied for coverage within 60 days after such involuntary termination, or

(B) was a spouse or minor child of an eligible employee, if such coverage was required by court or administrative order and application for coverage was made within 60 days after such order (or, if later, within 60 days after the spouse, or the custodial parent or guardian of the minor child, knew or should have known of the availability of coverage);

(4) an insurer could limit coverage with respect to a pre-existing condition to the extent permitted under section 2131; and

(5) an insurer could cancel or refuse to renew coverage of an individual for fraud or other misrepresentation by or on behalf of that individual.

Basic Health Insurance Plan for Small Employers

Section 2114 would permit a State to define a basic benefit plan, and to require that it be offered to all small employers in the State by insurers (other than HINs or MEWAs) offering any health insurance plans to any small employers in the State. The plan would be subject to review and approval by the Secretary to ensure that the plan was affordable by small employers.

Interim Requirements for Risk Pooling and Premium Rates

General Requirement

Section 2115(a) would require that the regulatory program with respect to a State require all insurers offering health insurance plans to small employers, during the period specified in subsection (e), (1) to participate in an interim risk pooling mechanism, and (2) to comply with requirements designed to limit variations among and increases in premium rates for such health insurance plans.

Interim risk pooling

Section 2115(b) would permit the interim risk pooling mechanism to be either a reinsurance program or an assigned risk program. The provisions for funding such a mechanism would have to include provisions for mandatory contributions by insurers to the extent necessary to ensure its financial solvency. No Federal entity could be at risk, as a guarantor of the solvency of a reinsurance fund or otherwise, for any part of the cost of health insurance plans subject to interim risk pooling.

Interim limits on variations in premium rates

Definitions

Section 2115(c)(1) would define terms used in this section, as follows:

(A) "Base premium rate" would mean, with respect to health insurance plans with the same or similar coverage offered in a rating period to a group of small employers within the same block of business whose insured populations had similar demographic characteristics (including age, sex, geographic location, and any other appropriate characteristic approved by the Secretary as a rating factor), the lowest per capita premium rate which could be charged to any employer in the group under the methodology used by the insurer.

(B) "Block of business" would mean all small employers covered by a health insurance plan issued by an insurer, or, at the insurer's option, a distinct group of such employers, or a subdivision of one of the preceding groups. An insurer could treat as a distinct group all small employers whose health insurance plans (1) were sold through individuals and organizations that do not participate in marketing of the insurer's plans to other groups, (2) were acquired from another insurer as a distinct group, or (3) were provided through HIN, MEWA, or other association, with at least 100 small employer members, formed for any business- or community-related purpose. An insurer could subdivide each block described above into up to three blocks of business, but could not divide its small employer business into a total of more than six blocks.

Limit on variation of premium rates among blocks of business

Section 2115(c)(2) would provide that, for any rating period, no base premium rate for any small employer block of business could exceed the equivalent rate for any other block of the insurer by more than 20 percent.

Limit on variation of premium rates within a block of business

Section 2115(c)(3) would provide that the highest premium rate for a specific health insurance plan that an insurer can charge any small employer in a block of business for a rating period could not exceed the corresponding base premium rate by more than (1) 50 percent, for a period ending before January 1, 1997, and (2) 35 percent, for a period thereafter.

Limit on variation in premium increases

Section 2115(c)(4) would limit annual percentage increases in the premium rate charged to a small employer to the sum of the percentage charge in the base premium rate plus 5 percent.

Requirements concerning rate-setting methodology

Consistent application of rating factors

Section 2115(d)(1) would require that (1) an insurer apply rating factors consistently to all small employers, and (2) a geographic area smaller than the smaller of a county or the first three digits of a postal zip code not be used as a rating factor.

Limit on transfer of employers between blocks of business

Section 2115(d)(2) would prohibit transfer of a small employer from one block of business to another unless (1) the employer consented to the transfer and (2) the same offer was made to all other employers in the block, without regard to demographic characteristics, claims experience, health status, or duration of coverage since issue.

Full disclosure of rating practices

Section 2115(d)(3) would require an insurer, at the time it offered a health insurance plan to a small employer, to fully disclose its rating practices for small employer health plans, including rating practices for different industries, populations, and benefit designs.

Actuarial certification

Section 2115(d)(4) would require each insurer to file annually with each appropriate State insurance commissioner and with the Secretary a statement by a member of the American Academy of Actuaries (or other individual acceptable to the commissioner or the Secretary) that the insurer was in compliance with this section, and its rating methods were actuarially sound.

Effective period

Section 2115(e) would provide that, with respect to each State, (1) the provisions of this section would become effective on the date specified in section 2106, and cease to apply as of the date specified in section 2116(b)(2), and (2) during the four-year period preceding the latter date, the provisions of this section would be phased out as specified by the Secretary.

Waiver authority

Section 2115(f) would authorize the Secretary to waive requirements of this section with respect to a State, in order to permit the use of alternative mechanisms to achieve its purposes, if he found that the alternative was consistent with the purposes of title XXI and (in the case of a risk pooling mechanism) made adequate provision for its solvency.

Health Risk Pooling

Section 2116 would establish the requirements for the permanent health risk pool system in a State.

Requirements for State health risk pooling system

Section 2116(a) would require all insurers covering small employers in a State to participate in the system. An insurer would pay into the pool for below average risk individuals (those whose expected health care costs were lower than those of other individuals of similar age and other permissible categories), and would receive funds from the pool for above average risk individuals. Additional special payments could be made for outlier cases whose costs exceeded a particular threshold. The system would be administered by the State or by a non-profit board appointed by the State's governor.

Effective date and Phase-in

Section 2116(b) would provide that these provisions would take effect after the preceding provisions of this title had been in effect for three years (unless the Secretary found that it would be appropriate to postpone the effective date). At first the amounts to be paid to (or received from) the pool could be based on a percentage of the expected health care cost differentials, but after four years the full differentials would be the basis.

Definitions

Section 2116(c) would define the terms "demographic class", "health risk differential", "above average risk individual", and "below average risk individual", for purposes of this section.

Continuation Coverage for Certain Students

Section 2117 would require each institution of higher education that offers coverage to its students under a health insurance plan, and insurers providing such coverage to the institution, to continue to make such coverage available for six months after a student left the institution. The institution could require its former students to pay all costs of such continuation coverage.

PART C—REQUIREMENTS APPLICABLE TO ALL EMPLOYMENT-BASED HEALTH INSURANCE

Prohibition of Denial of Coverage Based on Health Status

Section 2131 would provide that, except to the extent permitted under an assigned risk program in a State pursuant to section 2115(b)(1)(B), an insurer could not refuse to offer, refuse to renew, cancel, or condition the coverage under any employment-based health insurance plan on the basis of the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of one or more individuals.

Limitation on Exclusions of Pre-Existing Conditions

General rule

Section 2132(a) would provide that, except to the extent permitted by subsection (b), no employment-based health insurance plan could impose (or permit or require an insured entity to impose) a limitation or exclusion of benefits for an individual on the basis of a condition of the individual pre-existing the date of the application for coverage of the individual.

Exceptions

Section 2132(b) would permit limitation or exclusion, for not more than six months from the date of application, with respect to a condition diagnosed or treated within three months preceding that date. However, no limitation or exclusion could be imposed with respect to pregnancy, or on a child under one year of age.

If an individual previously had health insurance under Medicare or Medicaid or a health insurance plan—

(1) if such prior insurance included coverage relating to treatment of the condition, no further exclusion could be imposed under the new health insurance plan, and

(2) if such prior insurance excluded coverage for the condition, the period of limitation or exclusion permitted under the new health insurance plan would be reduced by one month for each month such prior insurance was in effect.

For purposes of this provision, an individual who had lost prior health insurance would be treated as if no break in coverage had occurred, if the period from the loss of coverage to the date of application for new coverage did not exceed—

(1) 180 days, if coverage had ceased as a result of involuntary loss of employment with respect to which the individual had received unemployment compensation, or

(2) 60 days, in any other case.

Insurers that provided such prior coverage would be required to disclose, upon request by or on behalf of an insured individual, information needed by an insurer in order to comply with this requirement.

PART D—PREEMPTION OF CERTAIN STATE LAWS RELATING TO HEALTH INSURANCE

Requirements Concerning Coverage

Section 2141 would provide that, except to the extent specifically permitted under title XXI (or permitted by the Secretary based on a determination of consistency with title XXI), no effect could be given to any provision of State law requiring the offering, as part of any health insurance plan, of any services, category of care, or services of any class or type of provider.

Requirements Creating Barriers to Managed Care

Section 2142 would provide that no effect could be given to any provision of State law that—

(1) restricted the flexibility of any private entity to negotiate the amount or terms of payment to a provider of health care items or services,

(2) prohibited or limited restrictions by an insurer or its agent on the location, number, type, or professional qualifications of providers participating in a health insurance plan,

(3) prohibited or limited provisions in a health insurance plan (other than for emergency services) (A) restricting coverage to services provided or authorized by a participating provider, (B) requiring that services be authorized by a participating primary care physician, or (C) giving enrollees financial incentives to use only participating providers,

(4) created specified barriers to use of utilization review, including—

(A) restrictions on utilization review of any or all treatments or conditions,

(B) restrictions on the use of particular procedures or criteria,

(C) requirements to disclose criteria used,

(D) requirements that reviewers be residents of or licensed by the State,

(E) requirements that reviewers have certain specialties,

(F) restrictions on the amount of payment that could be made to a utilization review program, or requirements to pay providers their costs of responding to utilization review requests,

(G) dictating the location or hours of operation of utilization review (subject to an exception for emergency treatment),

(H) restricting reviewers' access to medical information or personnel, or

(I) restricting coverage limitations with respect to enrollees failing to cooperate with utilization review.

(5) Any other restriction on utilization review that the Secretary finds inconsistent with the purposes of this title.

Effective Date

Section 2143 provides that the provisions of part D would become effective upon enactment.

PART E—CERTIFICATION OF HEALTH INSURANCE NETWORKS (HINS)

Conditions of Certification

In general

Section 2151(a) would provide that an entity meeting the requirements of part E would be entitled to certification by the Secretary as a health insurance network (HIN).

Organization and membership

Section 2151(b) would require that a HIN be a membership organization with an elected board of directors; include small employers (although it may also include other members) with an affinity based on geographic location or a common trade, profession, industry, or other business- or community-related characteristic recognized by the Secretary, and not deny membership to any small employer that shares the affinity used as a membership criterion; and apply membership criteria uniformly, and not use criteria which would exclude groups or individuals presenting a risk of high cost. A HIN could restrict membership to employers in a single State, within a single State or multi-State local area, or in specified States.

Negotiations and arrangements with insurers and providers

Section 2151(c) would require that a HIN arrange for the purchase of insurance rather than provide it directly and bear no financial risk associated with the provision of health care, and that it deal only with insurers meeting all applicable requirements of Federal and State law in each State in which they offer such insurance. A HIN could also engage in negotiations and enter into arrangements with providers of health care services with respect to matters such as payment rates and selective provider contracts, for the purpose of obtaining favorable health insurance rates for its members.

Market share

Section 2151(d) would require that a HIN demonstrate to the Secretary's satisfaction that it was (or reasonably expected to be) representing a sufficient number of individuals to enable it to negotiate for coverage at favorable rates. This requirement would be met if the entity could show—

(1) that it represented a group of small employers with a significant share of the health insurance market in a State, a group of States, or a local area (including a multi-State metropolitan area), or met such other standard as the Secretary might establish, or

(2) in the case of an entity unable to make such a showing, that the current and projected numbers of members, and of their employees and dependents, supported a reasonable expectation that it would be able to make such showing by three years after certification.

Standards established by the Secretary for this purpose could vary depending on whether the market area encompassed more than one State, a single State, or a local area.

Fiduciary responsibilities

Section 2151(e) would require a HIN (1) to comply with the fiduciary responsibility provisions applicable to employee welfare benefit plans under part 4 of title I of ERISA, and (2) to provide to its members, before enrolling them under a health insurance plan, information on plan benefits, premium rates, cost-sharing requirements, and such other matters as the Secretary required.

Certification Process

Application

Section 2152(a) would entitle an entity meeting the requirements of part may E apply to the Secretary for certification as a HIN.

Certification

Section 2152(b) would require the Secretary to certify as a HIN an entity meeting the requirements of section 2151 that made application in accordance with subsection (a). If the Secretary failed to make a determination of noncompliance within 180 days after receipt of an application and necessary supporting information, the entity would be deemed to be certified under this section.

Reports and recertification

Section 2152(c) would provide that certification of a HIN would be valid for three years. It could be renewed upon application accompanied by a report demonstrating the entity's continued compliance with the conditions for certification. The entity would be deemed recertified unless the Secretary notified the entity, within 90 days, of the basis for denial of recertification. An entity certified on the basis of expectations of growth to a sufficient size could not be recertified unless it demonstrated satisfactory progress toward this goal, and could not be recertified for a period beginning more than six years after the date of initial certification

Revocation of certification

Section 2152(d) would require the Secretary, if he determined at any time that a certified entity no longer met the requirements of part E, to revoke the entity's certification after affording notice to the entity and to each member, and affording the entity the opportunity for a hearing.

Application of Insurer Rules

Section 2153 would provide that, for purposes of parts B and C, an entity certified as a HIN would be considered to be an insurer, and a health insurance plan offered by or through such a HIN would be considered to be a health insurance plan offered by an insurer. Noncompliance of such a HIN or health insurance plan with parts B and C would be a basis for revocation or denial of recertification.

Limited Application of State Laws

Section 2154 would generally exempt HINs, their members, and insurers with whom they dealt on their members' behalf, from regulation under States laws (other than laws implementing title XXI) to the same extent a self-insured single sponsor plans would be exempt under ERISA. The sole exception would be State laws imposing premium taxes or other assessments on health insurance plans provided through HINs, to the extent that revenues from such taxes or assessments would be used to finance (or administer) a fund specifically designated to insure against the insolvency of insurers, or to fund (or administer) an insurance pool specifically designated to provide for health insurance coverage of above average risk individuals in the State.

Effective date

Section 2155 would make the provisions of part E effective January 1, 1993.

Health Risk Pooling Demonstrations

Section 3 would permit the Secretary to fund health risk pooling demonstrations in as many as four States. The Secretary could develop model health risk pooling systems, and would develop methods for measuring the difference between the expected health care costs of particular individuals (based on diagnosis or other predictors of individual health care needs) and the expected health care costs of other individuals in the same demographic group (such as age and sex). A State could receive funding under this section only if its system met the requirements of proposed section 2116 of the Social Security Act (in section 2 of this bill). The Secretary would have to find that the State's proposed system was likely to achieve the goal of maximizing consumer choice while minimizing the selection of individuals based on individual health status. Appropriations of $20 million for each of the fiscal years 1994 through 1996 would be authorized.

Failure to Satisfy Certain Health Plan Requirements

Section 4 would provide that any insurer subject to Federal regulation pursuant to section 2103 is subject to an excise tax on any failure to comply with a requirement under part C of title XXI of the Social Security Act (as added by the bill), and an excise tax on any failure to comply with a requirement under part B of such title. The excise tax imposed on self insurers with a plan that fails to comply with part C would be $1,000 for each person covered by the insurer under plans subject to part C in the State in which the violation occurs. The tax on insurers that fail to comply with part B would be $1,000 for each person covered by the insurer under plans subject to part B in the State in which the violation occurs.

The excise tax would generally not apply if the violation could not have been discovered through the exercise of reasonable diligence or if the violation were corrected within 30 days after it is discovered. In addition, the Secretary would be given authority (to be exercised in consultation with the Secretary of Health and Human Services) to waive the tax if the violation were due to reasonable cause and not willful neglect to the extent payment of the tax would be excessive relative to the failure involved.

Mr. CHAFEE. Mr. President, I am pleased to join the distinguished Republican leader in introducing two pieces of health care reform legislation on behalf of the administration. The first addresses the issues of small market insurance reform and health insurance purchasing groups. The second provides for 100 percent tax deductibility of health insurance costs for the self-employed.

While many of us have been focusing on significant health care reform for years, it is only recently that a widespread consensus has developed on the need for change, setting the stage for real action. In all levels of society, the message is clear: Despite the fact that we spend a greater percentage of our gross national product [GNP] on health care than any other country, there are approximately 37 million uninsured Americans; those who are insured are finding it increasingly difficult to pay for their coverage; and the resources of businesses and government alike are being consumed at an ever increasing rate by health care costs.

One might think, given this impetus, that we at the Federal level might be able to enact meaningful legislation in this area. Unfortunately, to this date, that has not been the case. Rather, all concerned parties have managed to turn health care reform into an election year political issue, thus producing a great deal of righteous rhetoric and finger pointing, but very little in the way of action.

Throughout this debate, I have argued that if both parties will concentrate on the extraordinary similarities that exist among the principal health reform proposals—submitted by the President, by the Senate Republican Health Care Task Force, which I have chaired for the past 2 years, by the Senate Democratic leadership, and by Senator BENTSEN, chairman of the Senate Finance Committee—we could enact significant legislation this calendar year which would slow the rate of growth in health care expenditures and increase overall access to health care.

I am delighted to say that recent events indicate that we are finally moving in that direction. Not long ago, the Republican leader and I met with the distinguished majority leader, Senator MITCHELL, and I was heartened by his desire to focus upon the vast common ground we all share rather than the differences among the various proposals. And by sending up these two bills, the President has improved the outlook for action.

While I do not agree with every single aspect of the President's proposals, as leader of the Republican Health Care Task Force, I believe it is extremely important to have the administration's ideas on the table as we begin our discussions.

Mr. President, it is clear that reforming our health care system is the most critical challenge facing our Nation in this decade. Our economic prosperity and our ability to control Federal spending hinge on whether we can solve the health care puzzle. But this will never be accomplished without bipartisan cooperation. I applaud the President for submitting his proposals and wholeheartedly welcome him aboard. Perhaps with everyone's participation and commitment to action, we will achieve something in which we can all take satisfaction.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. CHAFEE, Mr. STEVENS, Mr. HEFLIN, Mr. AKAKA, Mr. D'AMATO, Mr. KASTEN, Mr. KOHL, Mr. LAUTENBERG, Mr. SEYMOUR, and Mr. SPECTER):

S.J. Res. 304. A joint resolution designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week"; to the Committee on the Judiciary.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

• Mr. ROTH. Mr. President, I am pleased to introduce today, along with my colleague from Delaware, Senator BIDEN, a joint resolution to designate January 3, 1993 through January 9, 1993, as "National Law Enforcement Training Week."

The law enforcement personel of the Nation, at all levels, deserve and must have the best available training for their increasingly difficult jobs. We all know that the mission of those dedicated to training our law enforcement personnel is becoming increasingly important. Not only is crime on the rise, but the criminal of today is more violent and more sophisticated than ever before.

Law enforcement training is necessary to protect the lives of the people who are on the front lines of our country's fight against crime. At the same time, effective law enforcement training gives law enforcement personnel the skills necessary to better protect our citizens. Our communities deserve the best-trained law enforcement personnel that we can put into the field.

"National Law Enforcement Training Week" recognizes the efforts and contributions of those persons dedicated to assuring that the law enforcement personnel of this country are trained to win the fight against crime and to protect our citizens.

I urge my colleagues to show their support by cosponsoring National Law Enforcement Training Week.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution and ordered to be printed in the RECORD, as follows:

S.J. RES. 304

Whereas law enforcement training and the sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and the sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training to the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 3, 1993, through January 9, 1993, is designated as "National Law Enforcement Training Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of all citizens, particularly the youth of this Nation, of the importance of law enforcement training and related disciplines.•

By Mr. SIMON (for himself, Mr. DIXON, Mr. ADAMS, Mr. BIDEN, Mr. BRADLEY, Mr. BURDICK, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DURENBERGER, Mr. HEFLIN, Mr. JEFFORDS, Mr. KASTEN, Mr. KERRY, Mr. LIEBERMAN, Mr. LEVIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. RIEGLE, Mr. SARBANES, Mr. SPECTER, and Mr. ROTH):

S.J. Res. 305. Joint resolution to designate October 1992 as "Polish-American Heritage Month"; to the Committee on the Judiciary.

POLISH-AMERICAN HERITAGE MONTH

• Mr. SIMON. Mr. President, today I am introducing a joint resolution to designate October 1992 as Polish-American Heritage Month, along with 23 of my colleagues. This resolution, as it has in the past, honors our Polish-Americans and celebrates the close ties between the United States and Poland.

Polish-Americans have been in the United States since the first settlement at Jamestown and now are a crucial piece of the American mosaic. Polish-Americans have always been noted for their hard work, academic achievement, and close family ties. This resolution recognizes the special achievements of all Polish-Americans.

As this joint resolution acknowledges the contributions of Polish-Americans to the United States, it also commemorates the country from which these valued immigrants came from. After many years of foreign domination, two world wars and the cold war, Poland is a phoenix rising from the ashes. Poland was the first Warsaw Pact country to hold free democratic elections and the first Communist country to move boldly ahead with democratic reforms. As Poles forge a new future in an unfamiliar and sometimes unstable world, the assistance we and other nations are extending will help all members of the world community. It will take years for Poland to overcome the destruction that communism left in their country, but if there is any group of people who can make something from nothing, it is the people of Poland.

By designating October 1992 as Polish-American Heritage Month, we in Congress show our appreciation to all Polish-Americans and assure the people of Poland of our continued support.

Mr. President, I ask unanimous consent that the joint resolution on Polish-American Heritage Month be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 305

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Koschiuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas, the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President Lech Walesa in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-eighth anniversary this year and is celebrating October 1992 as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1992 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.•

By Mr. D'AMATO:

S.J. Res. 306. A joint resolution designating October 1992, as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

• Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution proclaiming the month of October, 1992, as "Italian-American Heritage and Culture Month."

I can think of no better month to pay tribute to the people of this proud heritage than October. It was on October 12, 1492, that an Italian first set foot on this continent, the great explorer, Christopher Columbus. He discovered the New World and opened the door for worldwide immigration to this country. It was the famous Italian navigator, Amerigo Vespucci, that our Nation was named for.

Italians have also made countless contributions in every field of human endeavor. In the field of music, they have hailed such masters as Puccini, Verdi, Vivaldi, and Scarlatti; the literary world is blessed with the works of Dante; and the art world has the awe-inspiring works of Michaelangelo, Leonardo da Vinci, and Giotto. In the field of science, it was Marconi who made modern radio communications possible.

We can also take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our country and lives. New Yorkers will never forget Fiorello LaGuardia, who was the beloved mayor of New York City for 11 years. In 1986, Antonin Scalia was confirmed as an Associate Justice of the U.S. Supreme Court. Also, Enrico Fermi was the winner of the 1938 Nobel Prize for Physics. In the world of sports, we will never forget the immortal Joe DiMaggio.

As the grandson of Italian immigrants, I am proud of my heritage and cultural background. America is truly a melting pot of cultures and that is what makes our country so unique and great. For all of these reasons I urge my colleagues to support this resolution.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 306

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas Italian-Americans make up one of the largest ethnic groups in the United States;

Whereas in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas 1992 is the quintcentennial commemoration of the historic voyage of Christopher Columbus to the Americas;

Whereas the phrase in the Declaration of Independence "All men are created equal," was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved Mayor of New York City, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the Breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Guiseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1992 special attention will be directed at National, State, and local programs that promote Italian heritage and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that October 1992 is designated as "Italian-American Heritage and Culture Month," the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.•

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CRANSTON, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 199

At the request of Mr. GLENN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 1851

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1851, a bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States.

S. 1931

At the request of Mr. STEVENS, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 1931, a bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

S. 2009

At the request of Mr. PACKWOOD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2009, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 2027

At the request of Mr. CHAFEE, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2027, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare program.

S. 2113

At the request of Mr. SMITH, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S.

2113, a bill to restore the second amendment rights of all Americans.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Florida [Mr. GRAHAM], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2374

At the request of Mr. SEYMOUR, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2374, a bill to amend the Child Nutrition Act of 1966 to establish a breastfeeding promotion program.

S. 2389

At the request of Mr. BRADLEY, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on tamoxifen citrate.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2656

At the request of Mr. FORD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2660

At the request of Mr. WOFFORD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2660, a bill to amend the Agriculture Trade Act of 1978 to make modifications in the Market Promotion Program.

S. 2670

At the request of Mr. SANFORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 2670, a bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action.

S. 2699

At the request of Mr. DOLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2699, a bill to extend the period for which unemployment benefits are payable under title I of the emergency Unemployment Compensation Act of 1991, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Delaware [Mr. ROTH], the Senator from Nebraska [Mr. EXON], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 292

At the request of Mr. SMITH, the names of the Senator from Indiana [Mr. COATS], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Concurrent Resolution 118, a concurrent resolution declaring the ratification of the twenty-seventh article of amendment to the Constitution of the United States.

SENATE CONCURRENT RESOLUTION 119—STATING THE FINDING OF CONGRESS ON RATIFICATION OF THE CONSTITUTIONAL AMENDMENT RELATIVE TO CONGRESSIONAL PAY

Mr. COCHRAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 119

Resolved by the Senate (the House of Representatives concurring), That the Congress finds that—

(1) the Amendment to the Constitution of the United States, proposed by the Congress in the resolution of September 25, 1789 (1 Stat. 97) (relating to the prohibition to vary the compensation of Members of Congress until an intervening election of representatives) has been duly ratified;

(2) the Archivist of the United States has stated that he shall cause such Amendment to be published with his certificate as a part of the Constitution of the United States in accordance with section 106b of title 1, United States Code; and

(3) the Congress shall enact all laws relating to compensation of Members of Congress in accordance with such Amendment.

SENATE RESOLUTION 296—RELATING TO THE RESCUE OF THE INTELSAT VI SATELLITE

Mr. GARN (for himself, Mr. GLENN, Mr. HOLLINGS, Mr. GORE, and Mr. DOLE) submitted the following resolution; which was considered and agreed to as follows:

S. RES. 296

Whereas the crew of the Space Shuttle Endeavour has successfully completed its assignment to rendezvous, capture, and deploy the stranded INTELSAT VI telecommunications satellite;

Whereas the successful capture of the INTELSAT VI satellite represents the first simultaneous spacewalk by 3 astronauts in the history of manned space flight and is the 100th spacewalk in the history of both the United States and Soviet space programs;

Whereas the capture of the INTELSAT VI satellite involved both the longest spacewalk in the history of the United States space program and the first time 3 such spacewalks have been conducted on a single shuttle flight;

Whereas, in overcoming the initial malfunction of the capture device, the crew of the Endeavour, and the mission support teams, quickly conceived and designed an alternative strategy to secure the INTELSAT VI satellite utilizing Space Station Freedom structural components, which were readily deployed to serve as a base enabling the 3 astronauts to capture the satellite;

Whereas this mission brilliantly demonstrates the unique ability of astronauts to perform complex and challenging tasks in space with resourcefulness, ingenuity, and flexibility far beyond the capabilities of machines and other robotic devices; and

Whereas this flight of the Space Shuttle Endeavour is its maiden voyage as the latest addition to the National Aeronautics and Space Administration's orbiter fleet which was fully funded in 1986, and was built and delivered as initially scheduled, under its estimated cost: Now, therefore, be it

Resolved, That—

(1) the Senate commends and congratulates the crew of the Space Shuttle Endeavour for their magnificient rescue of the INTELSAT VI satellite and for making the maiden voyage of this orbiter so memorable and successful; and

(2) the Secretary of the Senate is directed to deliver certified copies of this resolution to Daniel Goldin, Administrator of the National Aeronautics and Space Administration and to Daniel C. Brandenstein, Commander of the Space Shuttle Endeavour STS-49 mission crew.

SENATE RESOLUTION 297—AUTHORIZING TESTIMONY AND PRODUCTION OF DOCUMENTS BY AND REPRESENTATION OF AN EMPLOYEE OF THE SENATE

Mr. FORD (for Mr. Mitchell, for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 297

Whereas, in the case of *United States* v. *Charles E. Hughes, Sr.*, No. 3-91-00194, pending in the United States District Court for the Middle District of Tennessee, the United States Attorney has caused a subpoena for testimony and documents production at trial to be served upon Shannon Langlois, an employee of the Senate on the staff of Senator J. Bennett Johnston;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rules XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shannon Langlois is authorized to testify and to produce documents in *United States* v. *Charles E. Hughes, Sr.*, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is authorized to represent Shannon Langlois in connection with her testimony in *United States* v. *Charles E. Hughes, Sr.*

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT

SPECTER AMENDMENT NOS. 1818 AND 1819

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to amendment No. 1813 proposed by Mr. Specter to the reported amendment (in the nature of a substitute) to the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

Amendment No. 1818

In lieu of the matter proposed to be inserted, insert the following:

(2) require that—

(A) the appropriate State election official shall send notice to each applicant of the disposition of the application, which notice—

(i) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(ii) if the State election official determines that the applicant has not properly completed the application or is not legally qualified to register, shall indicate that the application has been rejected and state the reason for rejection;

(B) a notice of acceptance of an application shall be sent by first class mail to the applicant's address as it appears on the application and shall be marked "do not forward, address correction requested"; and

(C)(i) if the United States Postal Service returns a notice marked "undeliverable" or otherwise to that effect, the State election official shall mail to the applicant a notification letter stating that failure by the applicant to respond to the letter within 10 business days after the date of the notification letter shall cause the applicant's application to be rejected; and

(ii) the notification letter shall be sent by first class mail, marked "please forward", to the address reflected in the application, with a copy, marked "please forward", sent to the applicant's forwarding address if that address is provided to the State election official by the United States Postal Service;

Amendment No. 1819

Strike the matter proposed to be inserted and insert the following:

(2) require that—

(A) the appropriate State election official shall send notice by registered mail, return receipt requested, delivery limited to applicant, to each applicant of the disposition of the application, which notice—

(i) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(ii) if the State election official determines that the applicant has not properly completed the application or is not legally qualified to register, shall indicate that the application has been rejected and state the reason for rejection; and

(B) if a notice of acceptance of an application is returned as undelivered or as unclaimed after it is mailed, the State election official shall reject the application;

SPECTER AMENDMENT NO. 1820

(Ordered to lie on the table.)

Mr. SPECTER submitted amendment intended to be proposed by him to the reported amendment (in the nature of a substitute) to the bill S. 250, supra, as follows:

On page 28, line 7, strike "5" and insert "20".

STEVENS (AND OTHERS) AMENDMENT NO. 1821

Mr. STEVENS (for himself, Mr. Dole and Mr. Grassley) proposed an amendment to the reported amendment (in the nature of a substitute) to the bill S. 250, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office;

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities;

(6) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters, which dilute the worth of qualified votes honestly cast; and

(7) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) Purposes.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

TITLE I—VOTER REGISTRATION ENHANCEMENT

SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1992, 1993, and 1994, a total of $25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—(1) From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, including—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles;

(B) providing for designation of, and the carrying out of, voter registration activities at State-related and (upon agreement with nongovernmental entities) appropriate private-sector locations for voter registration for elections for Federal office; and

(C) providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State, including the use of change-of-address information supplied by the Postal Service.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections—

(i) in connection with applications for driver's licenses; and

(ii) if the State so elects, at voter registration centers located conveniently to prospective voter registration applicants;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

TITLE II—PUBLIC CORRUPTION

SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.".

(b) TECHNICAL AMENDMENTS.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

GRAMM AMENDMENT NOS. 1822 AND 1823

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed to the bill S. 250, supra, as follows:

AMENDMENT NO. 1822

At the end of the amendment, add the following:

DIVISION B—CRIME CONTROL ACT OF 1992

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Crime Control Act of 1992".

(b) TABLE OF CONTENTS.—The following is the table of contents for this division:

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short title.
Sec. 102. Death penalty procedures.
Sec. 103. Conforming amendment relating to destruction of aircraft or aircraft facilities.
Sec. 104. Conforming amendment relating to espionage.
Sec. 105. Conforming amendment relating to transporting explosives.
Sec. 106. Conforming amendment relating to malicious destruction of Federal property by explosives.
Sec. 107. Conforming amendment relating to malicious destruction of interstate property by explosives.
Sec. 108. Conforming amendment relating to murder.
Sec. 109. Conforming amendment relating to killing official guests or internationally protected persons.
Sec. 110. Murder by Federal prisoner.
Sec. 111. Conforming amendment relating to kidnapping.
Sec. 112. Conforming amendment relating to hostage taking.
Sec. 113. Conforming amendment relating to mailability of injurious articles.
Sec. 114. Conforming amendment relating to presidential assassination.
Sec. 115. Conforming amendment relating to murder for hire.
Sec. 116. Conforming amendment relating to violent crimes in aid of racketeering activity.
Sec. 117. Conforming amendment relating to wrecking trains.
Sec. 118. Conforming amendment relating to bank robbery.
Sec. 119. Conforming amendment relating to terrorist acts.
Sec. 120. Conforming amendment relating to aircraft hijacking.
Sec. 121. Conforming amendment to Controlled Substances Act.
Sec. 122. Conforming amendment relating to genocide.
Sec. 123. Protection of court officers and jurors.
Sec. 124. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 125. Death penalty for murder of Federal law enforcement officers.
Sec. 126. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
Sec. 127. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 128. Amendment to Federal Aviation Act.
Sec. 129. Offenses of violence against maritime navigation or fixed platforms.
Sec. 130. Torture.
Sec. 131. Weapons of mass destruction.
Sec. 132. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 133. Death penalty for civil rights murders.
Sec. 134. Death penalty for murder of Federal witnesses.
Sec. 135. Drive-by shootings.
Sec. 136. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 137. Death penalty for rape and child molestation murders.
Sec. 138. Protection of jurors and witnesses in capital cases.
Sec. 139. Inapplicability to Uniform Code of Military Justice.
Sec. 140. Death penalty for causing death in the sexual exploitation of children.
Sec. 141. Murder by escaped prisoners.
Sec. 142. Death penalty for murders in the District of Columbia.

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

Sec. 201. Short title.
Sec. 202. Period of limitation.
Sec. 203. Appeal.
Sec. 204. Amendment of Federal Rules of Appellate Procedure.
Sec. 205. Section 2254 amendments.
Sec. 206. Section 2255 amendments.

Subtitle B—Death Penalty Litigation Procedures

Sec. 211. Short title for subtitle B.
Sec. 212. Death penalty litigation procedures.

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

Sec. 221. Funding for death penalty prosecutions.

TITLE III—EXCLUSIONARY RULE

Sec. 301. Admissibility of certain evidence.

TITLE IV—FIREARMS AND RELATED AMENDMENTS

Sec. 401. Increased mandatory minimum sentences for criminals using firearms.
Sec. 402. Increased penalty for second offense of using an explosive to commit a felony.
Sec. 403. Smuggling firearms in aid of drug trafficking.
Sec. 404. Prohibition against theft of firearms or explosives.
Sec. 405. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 406. Summary destruction of explosives subject to forfeiture.
Sec. 407. Elimination of outmoded language relating to parole.
Sec. 408. Enhanced penalties for use of a firearm in the commission of counterfeiting or forgery.
Sec. 409. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
Sec. 410. Receipt of firearms by nonresident.
Sec. 411. Prohibition against conspiracy to violate Federal firearms or explosives laws.
Sec. 412. Prohibition against theft of firearms or explosives from licensee.
Sec. 413. Prohibition against disposing of explosives to prohibited persons.
Sec. 414. Increased penalty for interstate gun trafficking.
Sec. 415. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.

Sec. 416. Possession of explosives by felons and others.
Sec. 417. Possession of an explosive during the commission of a felony.
Sec. 418. Disposition of forfeited firearms.
Sec. 419. Definition of serious drug offense.
Sec. 420. Definition of burglary under the armed career criminal statute.

TITLE V—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children To Distribute Drugs Near Schools and Playgrounds

Sec. 501. Strengthened Federal penalties.

Subtitle B—Antigang Provisions

Sec. 511. Grant program.
Sec. 512. Conforming repealer and amendments.
Sec. 513. Criminal street gangs.

Subtitle C—Juvenile Penalties

Sec. 521. Treatment of violent juveniles as adults.
Sec. 522. Serious drug offenses by juveniles as armed career criminal act predicates.
Sec. 523. Certainty of punishment for young offenders.

Subtitle D—Other Provisions

Sec. 531. Bindover system for certain violent juveniles.
Sec. 532. Gang investigation coordination and information collection.
Sec. 533. Clarification of requirement that any prior record of a juvenile be produced before the commencement of juvenile proceedings.

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

Sec. 601. Terrorism civil remedy.
Sec. 602. Providing material support to terrorists.
Sec. 603. Forfeiture of assets used to support terrorists.
Sec. 604. Alien witness cooperation.
Sec. 605. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
Sec. 606. Assimilated crimes in extended territorial sea.
Sec. 607. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 608. Penalties for international terrorist acts.
Sec. 609. Authorization of appropriations.
Sec. 610. Enhanced penalties for certain offenses.
Sec. 611. Sentencing guidelines increase for terrorist crimes.
Sec. 612. Extension of the statute of limitations for certain terrorism offenses.
Sec. 613. International parental kidnapping.
Sec. 614. State court programs regarding interstate and international parental child abduction.
Sec. 615. Foreign murder of United States nationals.
Sec. 616. Extradition.
Sec. 617. Gambling devices on United States ships.
Sec. 618. FBI access to telephone subscriber information.

TITLE VII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

Sec. 701. Definition of sexual act for victims below 16 years of age.
Sec. 702. Increased penalties for recidivist sex offenders.
Sec. 703. Restitution for victims of sex offenses.
Sec. 704. HIV testing and penalty enhancement in sexual abuse cases.
Sec. 705. Payment of cost of HIV testing for victim.

Subtitle B—Victims' Rights

Sec. 711. Restitution amendments.
Sec. 712. Victim's right of allocution in sentencing.
Sec. 713. Right of the victim to an impartial jury.
Sec. 714. Mandatory restitution and other provisions.

Subtitle C—Crime Victims Fund

Sec. 721. Crime victims fund.
Sec. 722. Percentage change in crime victim compensation formula.
Sec. 723. Administrative costs for crime victim compensation.
Sec. 724. Relationship of crime victim compensation to certain Federal programs.
Sec. 725. Use of unspent section 1403 money.
Sec. 726. Underserved victims.
Sec. 727. Grants for demonstration projects.
Sec. 728. Administrative costs for crime victim assistance.
Sec. 729. Change of due date for required report.
Sec. 730. Maintenance of effort.
Sec. 731. Delayed effective date for certain provisions.

Subtitle D—National Child Protection Act

Sec. 741. Short title.
Sec. 742. Findings and purposes.
Sec. 743. Definitions.
Sec. 744. Reporting by the States.
Sec. 745. Background checks.
Sec. 746. Funding for improvement of child abuse crime information.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

Sec. 751. Short title.
Sec. 752. Establishment of program.
Sec. 753. State compliance.

Subtitle F—Domestic Violence

Sec. 761. Domestic violence grants.
Sec. 762. Report on battered women's syndrome.

Subtitle G—Other Provisions

Sec. 771. Inducement of minor to commit an offense.
Sec. 772. Disclosure of records of arrests by campus police.
Sec. 773. National baseline study on campus sexual assault.
Sec. 774. Sense of Congress concerning child custody and visitation rights.

TITLE VIII—EQUAL JUSTICE ACT

Sec. 801. Short title.
Sec. 802. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
Sec. 803. General safeguards against racial prejudice or bias in the tribunal.
Sec. 804. Federal capital cases.
Sec. 805. Extension of protection of civil rights statutes.

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

Sec. 901. Short title.
Sec. 902. Grants to State and local agencies.
Sec. 903. Continuation of Federal-State funding formula.
Sec. 904. Grants for multi-jurisdictional drug task forces.

Subtitle B—Retired Public Safety Officer Death Benefit

Sec. 911. Retired public safety officer death benefit.

Subtitle C—Study on Police Officers' Rights

Sec. 921. Study on police officers' rights.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

Sec. 931. Short title.
Sec. 932. Purposes.
Sec. 933. Establishment of Office of the Police Corps and Law Enforcement Education.
Sec. 934. Designation of lead agency and submission of State plan.

Subchapter A—Police Corps Program

Sec. 935. Definitions.
Sec. 936. Scholarship assistance.
Sec. 937. Selection of participants.
Sec. 938. Police corps training.
Sec. 939. Service obligation.
Sec. 940. State plan requirements.
Sec. 941. Authorization of appropriations.

Subchapter B—Law Enforcement Scholarship Program

Sec. 942. Short title.
Sec. 943. Definitions.
Sec. 944. Allotment.
Sec. 945. Program established.
Sec. 946. Scholarships.
Sec. 947. Eligibility.
Sec. 948. State application.
Sec. 949. Local application.
Sec. 950. Scholarship agreement.
Sec. 951. Authorization of appropriations.

Subchapter C—Reports

Sec. 952. Reports to Congress.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

Sec. 961. Short title.
Sec. 962. Cop-on-the-beat grants.

Subtitle E—Rural Crime Prevention Strategy

Sec. 971. Findings.
Sec. 972. Strategy to address rural crime.
Sec. 973. National Institute of Justice national assessment.
Sec. 974. Pilot programs.
Sec. 975. Funding.

Subtitle F—National Commission to Support Law Enforcement

Sec. 981. Short title.
Sec. 982. Findings.
Sec. 983. Establishment of commission.
Sec. 984. Duties.
Sec. 985. Membership.
Sec. 986. Experts and consultants.
Sec. 987. Powers of commission.
Sec. 988. Report.
Sec. 989. Termination.
Sec. 989A. Repeals.

Subtitle G—Other Provisions

Sec. 991. Missing Alzheimer's disease patient alert program.
Sec. 992. Authorization of appropriations for Bureau of Justice Assistance discretionary grants.
Sec. 993. Law enforcement family support.
Sec. 994. Mandatory literacy program.
Sec. 995. Trauma centers and crime-related violence.
Sec. 996. Study and assessment of alcohol use and treatment.
Sec. 997. Notice of release of prisoners.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

Sec. 1001. Drug testing of Federal offenders on post-conviction release.
Sec. 1002. Drug testing in State criminal justice systems.

Subtitle B—Precursor Chemicals

Sec. 1011. Short title.

Sec. 1012. Definition amendments.
Sec. 1013. Registration requirement.
Sec. 1014. Reporting of listed chemical manufacturing.
Sec. 1015. Reports by brokers and traders; criminal penalties.
Sec. 1016. Exemption authority; additional penalties.
Sec. 1017. Amendments to list I.
Sec. 1018. Elimination of regular supplier status and creation of regular importer status.
Sec. 1019. Administrative inspections and authority.
Sec. 1020. Threshold amounts.
Sec. 1021. Management of listed chemicals.
Sec. 1022. Attorney General access to the National Practitioner Data Bank.
Sec. 1023. Regulations and effective date.

Subtitle C—Interdiction

Sec. 1031. Sanctions for failure to land or to bring to.
Sec. 1032. FAA revocation authority.
Sec. 1033. Coast Guard air interdiction authority.
Sec. 1034. Coast Guard civil penalty provisions.
Sec. 1035. Customs orders.
Sec. 1036. Customs civil penalty provisions.
Sec. 1037. Information exchange and assistance.
Sec. 1038. Assistance to foreign governments and international organizations.
Sec. 1039. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.

Subtitle D—Rural Drug Crime

Sec. 1051. Rural drug enforcement task forces.
Sec. 1052. Cross-designation of Federal officers.
Sec. 1053. Rural drug enforcement training.
Sec. 1054. Authorization of appropriations for rural law enforcement agencies.
Sec. 1055. Rural substance abuse treatment and education grants.
Sec. 1056. Clearinghouse program.

Subtitle E—Grant Programs

Sec. 1061. Drug emergency areas.
Sec. 1062. Department of Justice community substance abuse prevention.
Sec. 1063. Grants for substance abuse treatment.
Sec. 1064. Drug testing upon arrest.

Subtitle F—Other Provisions

Sec. 1071. Strengthened Federal penalties relating to crystalline methamphetamine.
Sec. 1072. Advertisements of controlled substances.
Sec. 1073. Increased penalties for distribution of controlled substances at truck stops and rest areas.
Sec. 1074. Enhancement of penalties for drug trafficking in prisons.
Sec. 1075. Seizure of vehicles with concealed compartments.
Sec. 1076. Closing of loophole for illegal importation of small drug quantities.
Sec. 1077. Undercover operations—churning.
Sec. 1078. Drug paraphernalia amendment.
Sec. 1079. Conforming amendments concerning marijuana.
Sec. 1080. Conforming amendment adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles.
Sec. 1081. Clarification of narcotic or other dangerous drugs under RICO.
Sec. 1082. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
Sec. 1083. Elimination of outmoded language relating to parole.
Sec. 1084. Conforming amendment to provision punishing a second offense of distributing drugs to a minor.
Sec. 1085. Life imprisonment without release for criminals convicted a third time.
Sec. 1086. Longer prison sentences for those who sell illegal drugs to minors or for use of minors in drug trafficking activities.
Sec. 1087. Drug paraphernalia.
Sec. 1088. Mandatory penalties for illegal drug use in Federal prisons.
Sec. 1089. Drug distribution to pregnant women.
Sec. 1090. Drugged or drunk driving child protection.
Sec. 1091. Penalties for drug dealing in public housing authority facilities.
Sec. 1092. Eviction from places maintained for manufacturing, distributing, or using controlled substances.
Sec. 1093. Increased penalties for drug dealing in "drug-free" zones.
Sec. 1094. Anabolic steroids penalties.
Sec. 1095. Program to provide public awareness of the provisions of law that condition portions of a State's Federal highway funding on the State's enactment of legislation requiring the revocation of the driver's licenses of convicted drug abusers.
Sec. 1096. Drug abuse resistance education programs.
Sec. 1097. Misuse of the words "Drug Enforcement Administration" or the initials "DEA".

TITLE XI—PUBLIC CORRUPTION

Sec. 1101. Short title.
Sec. 1102. Public corruption.
Sec. 1103. Interstate commerce.
Sec. 1104. Narcotics-related public corruption.

TITLE XII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

Sec. 1201. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
Sec. 1202. Increase in maximum penalty for assault.
Sec. 1203. Increased maximum penalty for manslaughter.
Sec. 1204. Violent felonies against the elderly.
Sec. 1205. Increased penalty for Travel Act violations.
Sec. 1206. Increased penalty for conspiracy to commit murder for hire.

Subtitle B—Civil Rights Offenses

Sec. 1211. Increased maximum penalties for civil rights violations.

Subtitle C—White Collar and Property Crimes

Sec. 1221. Receipt of proceeds of a postal robbery.
Sec. 1222. Receipt of proceeds of extortion or kidnapping.
Sec. 1223. Conforming addition to obstruction of civil investigative demand statute.
Sec. 1224. Conforming addition of predicate offenses to financial institutions rewards statute.
Sec. 1225. Definition of savings and loan association in bank robbery statute.
Sec. 1226. Conforming definition of "1 year period" in 18 U.S.C. 1516.
Sec. 1227. Professional and amateur sports protection.
Sec. 1228. Criminal sanctions for violation of software copyright.
Sec. 1229. Financial institutions fraud.
Sec. 1230. Wiretaps.
Sec. 1231. Thefts of major art works.
Sec. 1232. Military medals and decorations.
Sec. 1233. Motor Vehicle Theft Prevention Act.
Sec. 1234. Knowledge requirement for stolen or counterfeit property.
Sec. 1235. Mail fraud.
Sec. 1236. Fraud and related activity in connection with access devices.
Sec. 1237. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
Sec. 1238. Increased penalties for trafficking in counterfeit goods and services.
Sec. 1239. Computer Abuse Amendments Act of 1992.
Sec. 1239A. Notification of law enforcement officers of discoveries of controlled substances or large amounts of cash in weapons screening.

Subtitle D—Sentencing and Procedure

Sec. 1241. Imposition of sentence.
Sec. 1242. Technical amendment to mandatory conditions of probation.
Sec. 1243. Revocation of probation.
Sec. 1244. Supervised release after imprisonment.
Sec. 1245. Authorization of probation for petty offenses in certain cases.
Sec. 1246. Trial by a magistrate in petty offense cases.
Sec. 1247. Conforming authority for magistrates to revoke supervised release in addition to probation in misdemeanor cases in which the magistrate imposed sentence.
Sec. 1248. Availability of supervised release for juvenile offenders.
Sec. 1249. Immunity.
Sec. 1250. Extended service of members of the Sentencing Commission.

Subtitle E—Immigration-Related Offenses

Sec. 1251. Exploitation of aliens.
Sec. 1252. Criminal alien identification and removal fund.
Sec. 1253. Aliens convicted of felony drunk driving.

Subtitle F—United States Marshals

Sec. 1261. Short title.
Sec. 1262. Establishment and purpose of association.
Sec. 1263. Board of directors of the association.
Sec. 1264. Membership.
Sec. 1265. Rights and obligations of the association.
Sec. 1266. Administrative services and support.
Sec. 1267. Volunteer status.
Sec. 1268. Restrictions.
Sec. 1269. Audits, report requirements, and petition of Attorney General for equitable relief.
Sec. 1270. Liability of the United States.
Sec. 1271. Nondiscrimination.

Sec. 1272. Acquisition of assets and liabilities of existing association.
Sec. 1273. Amendment and repeal.

Subtitle G—Other Provisions

Sec. 1281. Optional venue for espionage and related offenses.
Sec. 1282. Definition of livestock.
Sec. 1283. Court to be held at Lancaster.
Sec. 1284. Authorization of funds for construction of a United States Attorney's Office in Philadelphia, Pennsylvania.
Sec. 1285. Award of attorney's fees for employees of Department of Justice.
Sec. 1286. Required reporting by criminal court clerks.
Sec. 1287. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds and report to Congress on administrative expenses.
Sec. 1288. DNA identification.
Sec. 1289. Safe schools.

TITLE XIII—TECHNICAL CORRECTIONS

Sec. 1301. Amendments relating to Federal financial assistance for law enforcement.
Sec. 1302. General title 18 corrections.
Sec. 1303. Corrections of erroneous cross references and misdesignations.
Sec. 1304. Obsolete provisions in title 18.
Sec. 1305. Correction of drafting error in the Foreign Corrupt Practices Act.
Sec. 1306. Elimination of redundant penalty.
Sec. 1307. Corrections of misspellings and grammatical errors.

TITLE XIV—FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 1401. Short title.
Sec. 1402. Authorization of appropriations for Federal law enforcement agencies.

TITLE XV—FEDERAL PRISONS

Sec. 1501. Authorization of appropriations for new prison construction.

TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1992".

SEC. 102. DEATH PENALTY PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c) if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President;

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

"(6) any other offense for which a sentence of death is provided if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339A (use of weapons of mass destruction), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section

902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in section 921), against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with sections 1 and 2 of title 3; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591 (3), (4), or (5), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm (as defined in section 921) to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided. The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591 (2) or (6), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591 (3), (4), or (5), an aggravating factor required to be considered under section 3592(d) is found to exist,

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) AFFIRMANCE.—If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

it shall affirm the sentence.

"(2) REMAND.—In a case in which the sentence is not affirmed under paragraph (1), the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) STATEMENT OF REASONS.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q) (4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q) (4), (5), (6), (7), (8), (9), and (10)).

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation.

Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet the standards prescribed in the 2 preceding sentences, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 3600. Application in Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by adding after the item relating to chapter 227 the following new item:

"228. Death penalty procedures .... 3591.".

SEC. 103. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 104. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by striking the period at the end and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 that the offense directly concerned—

"(1) nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(2) war plans;

"(3) communications intelligence or cryptographic information;

"(4) sources or methods of intelligence or counterintelligence operations; or

"(5) any other major weapons system or major element of defense strategy.".

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 106. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 107. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 108. CONFORMING AMENDMENT RELATING TO MURDER.

Section 1111(b) of title 18, United States Code, is amended to read as follows:

"(b) Within the special maritime and territorial jurisdiction of the United States—

"(1) whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; and

"(2) whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life".

SEC. 109. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18, United States Code, is amended by striking the comma after "title" and all that follows through "years".

SEC. 110. MURDER BY FEDERAL PRISONER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) DEFINITIONS.—For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least 15 years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 111. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 112. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 113. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 114. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Section 1751(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

SEC. 115. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

SEC. 116. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both, and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 117. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The penultimate paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 118. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

SEC. 119. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Section 2332(a)(1) of title 18, United States Code, as redesignated by section 601(b)(2), is amended to read as follows:

"(1) if the killing is murder as defined in section 1111(a), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 120. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473) is amended by striking subsection (c).

SEC. 121. CONFORMING AMENDMENT TO CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) (1), (2), and (3), and (r).

SEC. 122. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 and imprisonment for life" and inserting "death or imprisonment for life and a fine of not more than $1,000,000".

SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "commissioner" each place it appears and inserting "magistrate judge"; and

(B) by striking "fined not more than $5,000 or imprisoned not more than five years, or both" and inserting "punished as provided in subsection (b)"; and

(3) by adding at the end the following new subsection:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 124. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by striking "be punished as provided under sections 1111 and 1112 of this title, except that" and inserting ", in the case of murder (as defined in section 1111), be punished by death or imprisonment for life, and, in the case of manslaughter (as defined in section 1112), be punished as provided in section 1112, and".

SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS ASSISTING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by inserting ", or any State or local law enforcement officer while assisting, or on account of his or her assistance of, any Federal officer or employee covered by this section in the performance of duties," after "other statutory authority".

SEC. 127. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at the airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 128. AMENDMENT TO FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 129. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 2280. Violence against maritime navigation

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of an offense described in paragraph (1), (2), (3), (4), (5), or (6); or

"(8) attempts to commit any act prohibited under paragraph (1), (2), (3), (4), (5), (6), or (7),

shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to commit any act prohibited under subsection (a) (2), (3), or (5), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) DELIVERY OF PROBABLE OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he or she has on board the ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action the master should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his or her intention to deliver such person and the reason therefor. If the master delivers such person, the master shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—As used in this section—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship that has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.

"§ 2281. Violence against maritime fixed platforms

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance that is likely to destroy the fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or attempted commission of an offense described in paragraph (1), (2), (3), or (4); or

"(6) attempts to do anything prohibited under paragraphs (1), (2), (3), (4), or (5);

shall be fined under this title, imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to do anything prohibited under subsection (a) (2) or (3), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) DEFINITIONS.—As used in this section—

"(1) 'continental shelf' means the seabed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date on which the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date on which the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 130. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§ 2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"§ 2340A. Torture

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§ 2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 131. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in the amendment made by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as amended by section 601(b), is amended by adding at the end the following new section:

"§ 2339A. Use of weapons of mass destruction

"(a) OFFENSE.—Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—As used in this section—

"(1) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(A) a destructive device (as defined in section 921);

"(B) poison gas;

"(C) a weapon involving a disease organism; and

"(D) a weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(c), is amended by adding at the end the following new item:

"2339A. Use of weapons of mass destruction.".

SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (a), by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder (as defined in section 1111(a)), be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113.".

SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

SEC. 135. DRIVE-BY SHOOTINGS.

(a) OFFENSE.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 931. Drive-by shootings

"(a) OFFENSE.—Whoever knowingly discharges a firearm at a person—

"(1) in the course of or in furtherance of drug trafficking activity; or

"(2) from a motor vehicle,

shall be punished by imprisonment for not more than 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) DEFINITION.—As used in this section, the term 'drug trafficking activity' means a drug trafficking crime (as defined in section 929(a)(2)), or a pattern or series of acts involving one or more drug trafficking crimes.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

"931. Drive-by shootings.".

SEC. 136. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) Whoever, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.".

SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item relating to section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 138. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by striking the period and inserting: ", except that the list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person.".

SEC. 139. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

SEC. 140. DEATH PENALTY FOR CAUSING DEATH IN THE SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following new sentence: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 141. MURDER BY ESCAPED PRISONERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, as amended by section 110, is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) OFFENSE.—A person who, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another person, shall be punished as provided in sections 1111 and 1112.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 142. DEATH PENALTY FOR MURDERS IN THE DISTRICT OF COLUMBIA.

Title 18 of the United States Code is amended—

(a) by adding the following new section at the end of chapter 51:

"§ 1118. Capital punishment for murders in the District of Columbia

"(a) OFFENSE.—It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or to cause the death of a person through the intentional infliction of serious bodily injury.

"(b) FEDERAL JURISDICTION.—There is a federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the District of Columbia.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d)-(l).

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors—

"(1) KILLING IN FURTHERANCE OF DRUG TRAFFICKING.—The defendant engaged in the conduct resulting in death in the course of or in furtherance of drug trafficking activity.

"(2) KILLING IN THE COURSE OF OTHER SERIOUS VIOLENT CRIMES.—The defendant engaged in the conduct resulting in death in the course of committing or attempting to commit an offense involving robbery, burglary, sexual abuse, kidnaping, or arson.

"(3) MULTIPLE KILLINGS OR ENDANGERMENT OF OTHERS.—The defendant committed more than one offense under this section, or in committing the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(4) INVOLVEMENT OF FIREARM.—During and in relation to the commission of the offense, the defendant used or possessed a firearm as defined in section 921 of this title.

"(5) PREVIOUS CONVICTION OF VIOLENT FELONY.—The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year that involved the use or attempted or threatened use of force against a person or that involved sexual abuse.

"(6) KILLING WHILE INCARCERATED OR UNDER SUPERVISION.—The defendant at the time of the offense was confined in or had escaped from a jail, prison, or other correctional or detention facility, was on pre-trial release, or was on probation, parole, supervised release, or other post-conviction conditional release.

"(7) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(8) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(9) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for receiving, or in the expectation of receiving or obtaining, anything of pecuniary value.

"(10) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) KILLING OF PUBLIC SERVANT.—The defendant committed the offense against a public servant—

"(i) while such public servant was engaged in the performance of his or her official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

"(13) KILLING TO INTERFERE WITH OR RETALIATE AGAINST WITNESS.—The defendant committed the offense in order to prevent or inhibit any person from testifying or providing information concerning an offense, or to retaliate against any person for testifying or providing such information.

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, the attorney for the government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to 'the jury' in this section, where applicable, shall be understood as referring to the judge.

"(h) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument, the defendant shall be permitted to reply, and the government shall then be permitted to reply in rebuttal.

"(i) FINDINGS OF AGGRAVATING AND MITIGATING FACTORS.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) FINDING CONCERNING A SENTENCE OF DEATH.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(m) REVIEW OF A SENTENCE OF DEATH.—

"(1) The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated within an appeal of the judgment of conviction and shall have priority over all noncapital matters in the court of appeals.

"(2) The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for review.

"(3) In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor described in subsection (e) remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) IMPLEMENTATION OF SENTENCE OF DEATH.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of a State designated by the court. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) SPECIAL BAR TO EXECUTION.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION IN EXECUTION.—No employee of any State department of corrections, the United States Marshals Service, or the Federal Bureau of Prisons, and no person providing services to that department, service, or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) APPOINTMENT OF COUNSEL FOR INDIGENT CAPITAL DEFENDANTS.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under subsections (q)-(r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least three years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) Claims of Ineffectiveness of Counsel in Collateral Proceedings.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) Time For Collateral Attack on Death Sentence.—A motion under section 2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(v) Stay of Execution.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(w) Finality of the Decision on Review.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) Definitions.—For purposes of this section—

"(1) 'State' has the meaning given in section 513 of this title, including the District of Columbia;

"(2) 'Offense', as used in paragraphs (2), (5), and (13) of subsection (e), and in paragraph (5) of this subsection, means an offense under the law of the District of Columbia, another State, or the United States;

"(3) 'Drug trafficking activity' means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes;

"(4) 'Robbery' means obtaining the property of another by force or threat of force;

"(5) 'Burglary' means entering or remaining in a building or structure in violation of the law of the District of Columbia, another State, or the United States, with the intent to commit an offense in the building or structure;

"(6) 'Sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States;

"(7) 'Arson' means damaging or destroying a building or structure through the use of fire or explosives;

"(8) 'Kidnapping' means seizing, confining, or abducting a person, or transporting a person without his or her consent;

"(9) 'Pre-trial release', 'probation', 'parole', 'supervised release', and 'other post-conviction conditional release', as used in subsection (e)(6), mean any such release, imposed in relation to a charge or conviction for an offense under the law of the District of Columbia, another State, or the United States; and

"(10) 'Public servant' means an employee, agent, officer, or official of the District of Columbia, another State, or the United States, or an employee, agent, officer, or official of a foreign government who is within the scope of section 1116 of this title.

"(y) When an offense is charged under this section, the government may join any charge under the District of Columbia Code that arises from the same incident."; and

"(b) by adding the following at the end of the table of sections for chapter 51:

"1118. Capital punishment for murders in the District of Columbia.".

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1992".

SEC. 202. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 203. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 204. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"*Rule 22. Habeas corpus and section 2255 proceedings*

"(*a*) *Application for an Original Writ of Habeas Corpus.*—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(*b*) *Necessity of Certificate of Probable Cause for Appeal.*—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate or probable cause is not required.".

SEC. 205. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(5) by adding at the end the following new subsection:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

SEC. 206. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second paragraph and the penultimate paragraph; and

(2) by adding at the end the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

Subtitle B—Death Penalty Litigation Procedures

SEC. 211. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1992".

SEC. 212. DEATH PENALTY LITIGATION PROCEDURES.

(a) Addition of Chapter to Title 28, United States Code.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Application to state unitary review procedures.
"2262. Limitation periods for determining petitions.
"2263. Rule of construction.

"§2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) Application of Chapter.—This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) Establishment of Appointment Mechanism.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Offer of Counsel.—Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing 1 or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) Previous Representation.—No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) No Ground for Relief.—The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Stay.—Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) Expiration of Stay.—A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) Limitation on Further Stay.—If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§2258. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 60 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) REVIEW OF RECORD; HEARING.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) ADJUDICATION.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

"§2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§2261. Application to State unitary review procedure

"(a) IN GENERAL.—For purposes of this section, the term 'unitary review procedure' means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) OFFER OF COUNSEL.—A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) APPLICATION OF OTHER SECTIONS.—Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

"§2262. Limitation periods for determining petitions

"(a) IN GENERAL.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

"(1) A Federal district court shall determine such a petition or motion within 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of the application unless a responsive pleading is required, in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) APPLICATION OF SECTION.—The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the redetermination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

"(c) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

"(d) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

"(e) REPORT.—The Administrative Office of the United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

"§2263. Rule of construction

"This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2256.".

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

SEC. 221. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after section 511 the following new section:

"FUNDING FOR DEATH PENALTY PROSECUTIONS

"SEC. 511A. Notwithstanding any other provision of this part, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

TITLE III—EXCLUSIONARY RULE

SEC. 301. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following new section:

"§3509. Admissibility of evidence obtained by search or seizure

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence that is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 223 of title 28, United States Code, is amended by adding at the end the following new item:

"3509. Admissibility of evidence obtained by search or seizure.".

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—

"(i) knowingly uses, carries, or otherwise possesses a firearm, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 10 years;

"(ii) discharges a firearm with intent to injure another person, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years; or

"(iii) knowingly uses, carries, or otherwise possesses a firearm that is a machinegun or destructive device, or that is equipped with a firearm silencer or firearm muffler, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 30 years.

"(B)(i) In the case of a second conviction under this subsection, a person shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years for a violation of subparagraph (A)(i), to imprisonment for 30 years for a violation of subparagraph (A)(ii), and life imprisonment for a violation of subparagraph (A)(iii).

"(ii) In the case of a third or subsequent conviction under this subsection, or a conviction for a violation of subparagraph (A)(ii) that results in the death of another person, a person shall be sentenced to life imprisonment.

"(C) Notwithstanding any other law, a term of imprisonment under this subsection shall run concurrently with any other term of imprisonment imposed for the underlying crime.

"(D) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if the person has a firearm readily available at the scene of the crime during the commission of the crime.".

SEC. 402. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking "ten" and inserting "20".

SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 136, is amended by adding at the end the following new subsection:

"(j) Whoever, with the intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3) of this section),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 404. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 403, is amended by adding at the end the following new subsection:

"(k) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

SEC. 405. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B) by striking "(a)(6),"; and

(2) in paragraph (2) by inserting "(a)(6)," after "subsection".

SEC. 406. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 407. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."; and

(2) in subsection (e)(1) by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

SEC. 408. ENHANCED PENALTIES FOR USE OF A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, as amended by section 401, is amended in subparagraph (A) by inserting "or during and in relation to any felony punishable under chapter 25" after "United States,".

SEC. 409. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) ONE PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsections (e)(2) (A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than 5 years" before the period.

(b) TWO PRIOR CONVICTIONS.—Section 924 of title 18, United States Code, as amended by section 404, is amended by adding at the end the following new subsection:

"(l)(1) Notwithstanding subsection (a)(2), any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) with respect to the conviction under section 922(g).".

SEC. 410. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C) by striking "and";

(2) in paragraph (8)(C) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 411. PROHIBITION AGAINST CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 409(b), is amended by adding at the end the following new subsection:

"(m) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 404(b), is amended by adding at the end the following new subsection:

"(l) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 412. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 411(a), is amended by adding at the end the following new subsection:

"(n) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 411(b), is amended by adding at the end the following new subsection:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

SEC. 413. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 414. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 412(a), is amended by adding at the end the following new subsection:

"(o) Whoever, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 415. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 416. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 417. POSSESSION OF AN EXPLOSIVE DURING THE COMMISSION OF A FELONY.

Section 844(h) of title 18, United States Code, is amended—

(1) by striking "carries an explosive during" and inserting "uses, carries, or otherwise possesses an explosive during"; and

(2) by striking "used or carried" and inserting "used, carried, or possessed".

SEC. 418. DISPOSITION OF FORFEITED FIREARMS.

Subsection 5872(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

"(1) the Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

"(2) if the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machinegun or firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel or rare or because of its association with some historical figure, period, or event, the Secretary may sell the firearm, after public notice, at public sale to a dealer licensed under chapter 44 of title 18, United States Code;

"(3) if the firearm has not been disposed or pursuant to paragraph (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, who shall destroy or provide for the destruction of such firearm; and

"(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 419. DEFINITION OF SERIOUS DRUG OFFENSE.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by adding "or" at the end of clause (ii); and

(3) by adding at the end the following new clause:

"(iii) an offense under State law that, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) as that Act provided at the time of the offense, would have been punishable by a maximum term of 10 years or more;".

SEC. 420. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the term 'burglary' means a crime that—

"(i) consists of entering or remaining surreptitiously within a building that is the property of another person with intent to engage in conduct constituting a Federal or State offense; and

"(ii) is punishable by a term of imprisonment exceeding 1 year.".

TITLE V—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

SEC. 501. STRENGTHENED FEDERAL PENALTIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

Subtitle B—Antigang Provisions

SEC. 511. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs"; and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PARTICULAR PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(10) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"(c) USE OF FUNDS.—Of the funds made available to each State under this section in any fiscal year, 50 percent shall be used for juvenile drug supply reduction programs and 50 percent shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) PURPOSE.—(1) The purpose of this section is to—

"(A) provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs;

"(B) replicate and demonstrate such programs to serve as national, regional, or local models that could be used, in whole or in part, by other public and private juvenile justice programs; and

"(C) provide technical assistance and training to public or private organizations to implement similar programs.

"(2) In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 20 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) PURPOSE.—The purpose of this section is to—

"(1) provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime-, drug-, and alcohol-related challenges faced by juveniles residing at or near ports of entry into the United States and in other international border communities, including rural localities;

"(2) replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) provide technical assistance and training to public and private organizations to implement similar programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles residing at or near ports of entry into the United States or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 5 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 234. There are authorized to be appropriated $100,000,000 for fiscal year 1992 and such sums as are necessary for fiscal year 1993 to carry out this subpart.

"ALLOCATION OF FUNDS

"SEC. 235. Of the amounts appropriated for this subpart for any fiscal year, the amount remaining after setting aside the amounts required to be reserved to carry out sections 232 and 233 shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"SEC. 236. (a) IN GENERAL.—Each State applying for a grant under section 231 and each public or private entity applying for grants under section 232 or 233 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) REGULATIONS.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.

"(c) COORDINATION OF ASSISTANCE.—Each application described in subsection (a) shall include a detailed description of how the funds received under this subpart will be coordinated with assistance provided under subpart I of this part and part C of this title and assistance provided by the Bureau of Justice Assistance under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Programs (42 U.S.C. 3750 et seq.).

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State governments under sections 505 and 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755 and 3758) relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

SEC. 512. CONFORMING REPEALER AND AMENDMENTS.

(a) REPEAL OF PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

SEC. 513. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.
"521. Criminal street gangs.

"§ 521. Criminal street gangs

"(a) ENHANCED PENALTY.—Whoever, under the circumstances described in subsection (c), commits an offense described in subsection (b), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. A sentence of imprisonment imposed under this subsection shall run consecutively to any other sentence that is imposed.

"(b) OFFENSES.—The offenses referred to in subsection (a) are—

"(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(2) a Federal felony crime of violence;

"(3) a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.); and

"(4) a conspiracy to commit an offense described in paragraph (1), (2), or (3).

"(c) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

"(1) that the offense described in subsection (b) was committed by a member of, on behalf of, or in association with a criminal street gang; and

"(2) within 5 years prior to the date of the offense, the offender had been convicted of—

"(A) an offense described in subsection (b);

"(B) a State offense that—

"(i) involves a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(ii) is a crime of violence for which the maximum penalty is more than 1 year's imprisonment;

"(C) a Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'criminal street gang' means a group, club, organization, or association of 5 or more persons—

"(A) whose members engage, or have engaged within the past 5 years, in a continuing series of any of the offenses described in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent felony or controlled substances felony.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs .... 521".

Subtitle C—Juvenile Penalties

SEC. 521. TREATMENT OF VIOLENT JUVENILES AS ADULTS.

(a) DESIGNATION OF UNDESIGNATED PARAGRAPHS.—Section 5032 of title 18, United States Code, is amended by designating the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh undesignated paragraphs as subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(b) JURISDICTION OVER CERTAIN FIREARMS OFFENSES.—Section 5032(a) of title 18, United States Code, as designated by subsection (a), is amended by striking "922(p)" and inserting "924 (b), (g), or (h)".

(c) ADULT STATUS OF JUVENILES WHO COMMIT FIREARMS OFFENSES.—Section 5032(d) of title 18, United States Code, as designated by subsection (a), is amended to read as follows:

"(d)(1) Except as provided in paragraphs (2) and (3), a juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless the juvenile has requested in writing upon advice of counsel to be proceeded against as an adult.

"(2) With respect to a juvenile 15 years and older alleged to have committed an act after his or her 15th birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 924 (b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, that such a transfer would be in the interest of justice.

"(3) A juvenile who is alleged to have committed an act after his or her 16th birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), and (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.".

(d) FACTORS FOR TRANSFERRING A JUVENILE TO ADULT STATUS.—Section 5032(e) of title 18, United States Code, as designated by subsection (a), is amended—

(1) by inserting "(1)" before "Evidence";

(2) by striking "intellectual development and psychological maturity;" and inserting "level of intellectual development and maturity; and";

(3) by inserting ", such as rehabilitation and substance abuse treatment," after "past treatment efforts";

(4) by striking "; the availability of programs designed to treat the juvenile's behavioral problems"; and

(5) by adding at the end the following new paragraph:

"(2) In considering the nature of the offense, as required by this subsection, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such factors, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of such factors shall not preclude a transfer to adult status.".

SEC. 522. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

(a) ACT OF JUVENILE DELINQUENCY.—Section 924(e)(2)(A) of title 18, United States Code, as amended by section 422, is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking "and" at the end of clause (iii) and inserting "or"; and

(3) by adding at the end the following new clause:

"(iv) any act of juvenile delinquency that, if it were committed by an adult, would be punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)); and".

(b) SERIOUS DRUG OFFENSE.—Section 924(e)(2)(C) of title 18, United States Code, is amended by adding "or serious drug offense" after "violent felony".

SEC. 523. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following new part:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1602. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of title I—

"(1) shall prepare the application required under section 1602; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1603. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1601(b) for young offenders.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1604. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1602(b).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 1601 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

"SEC. 1605. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated for this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders in the State bears to the number of young offenders in all the participating States.

"(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified under section 1601 the portion of those funds that bears the same ratio to the aggregate amount of those funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified under section 1601.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for the fiscal year will not be used by the State or that a State is not eligible to receive funds under section 1601, the Director shall award such funds to units of local government in the State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1606. EVALUATION.

"(a) In General.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) Distribution.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) Administrative Costs.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"Part P—Alternative Punishments for Young Offenders

"Sec. 1601. Grant authorization.
"Sec. 1602. State applications.
"Sec. 1603. Review of State applications.
"Sec. 1604. Local applications.
"Sec. 1605. Allocation and distribution of funds.
"Sec. 1606. Evaluation.

"Part Q—Transition; Effective Date; Repealer

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

(c) Definition.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) The term 'young offender' means an individual 28 years of age or younger.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1054(a), is amended by adding at the end the following new paragraph:

"(10) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part P.".

Subtitle D—Other Provisions

SEC. 531. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code.".

SEC. 532. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) Coordination.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) Data Collection.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) Report.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by July 1, 1993.

(d) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1992 such sums as are necessary to carry out this section.

SEC. 533. CLARIFICATION OF REQUIREMENT THAT ANY PRIOR RECORD OF A JUVENILE BE PRODUCED BEFORE THE COMMENCEMENT OF JUVENILE PROCEEDINGS.

Section 5032(j) of title 18, United States Code, as designated by section 521(a), is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 until".

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

SEC. 601. TERRORISM CIVIL REMEDY.

(a) Reinstatement of Law.—The amendments made by section 132 of the Military Construction Appropriations Act, 1991 (104 Stat. 2250), are repealed effective as of April 10, 1991.

(b) Terrorism.—Chapter 113A of title 18, United States Code, as amended by subsection (a), is amended—

(1) in section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) as section 2332 and amending the heading for section 2332, as redesignated, to read as follows:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332, as redesignated by paragraph (2), the following new section:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin;

"(2) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or "(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act; and

"(4) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property."; and

(4) by inserting after section 2332, as redesignated, the following new sections:

"§ 2333. Civil remedies

"(a) Action and Jurisdiction.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

"(b) Estoppel Under United States Law.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 902 (i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i), (k), (l), (n), and (r)) shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) Estoppel Under Foreign Law.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) General Venue.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) Special Maritime or Territorial Jurisdiction.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, any civil action under section 2333 against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) Service on Witnesses.—A witness in a civil action brought under section 2333 may be served in any other district where the defendant resides, is found, or has an agent.

"(d) Convenience of the Forum.—The district court shall not dismiss any action brought under section 2333 on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy that is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) In General.—Subject to subsection (b), a suit for recovery of damages under section 2333 shall not be maintained unless commenced within 4 years from the date the cause of action occurred.

"(b) Calculation of Period.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of the defendant's whereabouts, shall not be counted for the purposes of the period of limitation prescribed by subsection (a).

"§ 2336. Other limitations

"(a) Acts of War.—No action shall be maintained under section 2333 for injury or loss by reason of an act of war.

"(b) Limitation on Discovery.If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the attorney for the Government may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any objections raised by the Government in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

"(c) Stay of Action for Civil Remedies.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

"(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

"§ 2337. Suits against Government officials

"No action shall be maintained under section 2333 against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within the officer's or employee's official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within the officer's or employee's official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.".

(c) Technical Amendments.—(1) The chapter analysis for chapter 113A of title 18, United States Code is amended to read as follows:

"Chapter 113A—Terrorism

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(2) The item relating to chapter 113A in the part analysis for part 1 of title 18, United States Code, is amended to read as follows:

"113A. Terrorism .... 2331".

(d) Effective Date.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

SEC. 602. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) Offense.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2339. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or to facilitate the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.".

(b) Technical Amendment.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists.".

SEC. 603. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

(a) Civil Forfeiture.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any property, real or personal—

"(i) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(ii) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

(b) Criminal Forfeiture.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) Any property, real or personal—

"(A) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(B) constituting or derived from the gross profits or other proceeds obtained from, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).''.

SEC. 604. ALIEN WITNESS COOPERATION.

(a) AMENDMENT OF CHAPTER 224 OF TITLE 18.—Chapter 224 of title 18, United States Code, is amended—

(1) by redesignating section 3528 as section 3529; and

(2) by inserting after section 3527 the following new section:

"§ 3528. Aliens; waiver of admission requirements

"(a) IN GENERAL.—Upon authorizing protection to any alien under this chapter, the United States shall provide the alien with appropriate immigration visas and allow the alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) ALIEN WITH FELONY CONVICTIONS.—Notwithstanding any other provision of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of 2 years. Upon a showing that the alien is still being provided protection, or that protection remains available to the alien in accordance with this chapter, or that the alien is still cooperating with the Government and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be granted to an alien who would be excluded because of felony convictions unless the Attorney General determines, pursuant to regulations which shall be prescribed by the Attorney General, that granting permanent residence status to the alien is necessary in the interests of justice and comports with safety of the community.

"(c) LIMIT ON NUMBER OF ALIENS.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed 200 persons in any fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.

"(d) DEFINITIONS.—As used in this section, the terms 'alien' and 'United States' have the meanings stated in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 224 of title 18, United States Code, is amended by striking the item relating to section 3528 and inserting the following:

"3528. Aliens; waiver of admission requirements.
"3529. Definition.''.

SEC. 605. TERRITORIAL SEA EXTENDING TO 12 MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 606. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code is amended—

(1) in subsection (a), by inserting after "title" the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, territory, possession, or district"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of the State, territory, possession, or district within which it would lie if the boundaries of the State, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.''.

SEC. 607. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code, is amended by inserting at the end the following new paragraph:

"(8) Any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.''.

SEC. 608. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2332 of title 18, United States Code, as redesignated by section 601(a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting "20"; and

(B) in paragraph (3) by striking "three" and inserting "10"; and

(2) in subsection (c) by striking "five" and inserting "10".

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in each of the fiscal years 1992, 1993, and 1994, in addition to any other amounts specified in appropriations Acts, for counterterrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco, and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000; and

(7) for grants to State and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

SEC. 610. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) INTERNATIONAL ECONOMIC EMERGENCY POWERS ACT.—(1) Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(2) Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1541 OF TITLE 18.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "5 years".

(c) CHAPTER 75 OF TITLE 18.—Sections 1542, 1543, 1544, and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(d) SECTION 1545 OF TITLE 18.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "10 years".

SEC. 611. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than 3 levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 612. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32, 36, 112, 351, 1116, 1203, 1361, 1751, 2280, 2281, 2332, 2339A, or 2340A of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l), and (n)), unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses.''.

SEC. 613. INTERNATIONAL PARENTAL KIDNAPPING.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1204. International parental kidnapping

"(a) OFFENSE.—Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping.".

SEC. 614. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

SEC. 615. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 141(a), is amended by adding at the end the following new section:

"§ 1120. Foreign murder of United States nationals

"(a) OFFENSE.—Whoever kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(b) APPROVAL OF PROSECUTION.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) CRITERIA FOR APPROVAL.—No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) ASSISTANCE FROM OTHER AGENCIES.—In the course of the enforcement of this section and notwithstanding any other law, the Attorney General may request assistance from any Federal, State, local, or foreign agency, including the Army, Navy, and Air Force.

"(e) DEFINITION.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1120".

(2) The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 141(b), is amended by adding at the end the following new item:

"1120. Foreign murder of United States nationals.".

SEC. 616. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The provisions of this chapter"; and

(2) by adding at the end the following new subsections:

"(b) SURRENDER WITHOUT REGARD TO EXISTENCE OF EXTRADITION TREATY.—This chapter shall be construed to permit, in the exercise of comity, the surrender of persons who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies in writing that—

"(1) evidence has been presented by the foreign government that indicates that, if the offenses had been committed in the United States, they would constitute crimes of violence (as defined under section 16); and

"(2) the offenses charged are not of a political nature.

"(c) DEFINITION.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 617. GAMBLING DEVICES ON UNITED STATES SHIPS.

Section 5 of the Act of January 2, 1951 (commonly known as the "Johnson Act") (15 U.S.C. 1175), is amended—

(1) by inserting "(a) IN GENERAL.—" before "It shall be unlawful"; and

(2) by adding at the end the following new subsection:

"(b) APPLICATION OF SUBSECTION (a).—

"(1) EXCEPTION.—Except as provided in paragraph (2), subsection (a) does not apply to the repair, transportation, use, or possession of a gambling device on a vessel documented under chapter 121 of title 46, United States Code, when the vessel is on a voyage—

"(A) on the high seas; or

"(B) on waters that are within the admiralty and maritime jurisdiction of the United States but out of the jurisdiction of any State.

"(2) VOYAGES AND SEGMENTS BEGINNING AND ENDING IN THE SAME STATE OR POSSESSION.—The exception stated in paragraph (1) does not apply to the repair, transportation, possession, or use of a gambling device on a vessel that is on a voyage or segment of a voyage—

"(A) that begins and ends in the same State or possession of the United States,

"(B) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country,

if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute that prohibits such repair, transportation, possession, or use.".

SEC. 618. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—

"(1) NAME, ADDRESS, AND LENGTH OF SERVICE ONLY.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, and length of service of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of the provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section) under circumstances giving reason to believe that the communication concerned international terrorism (as defined in that section) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.

"(2) NAME, ADDRESS, LENGTH OF SERVICE, AND TOLL BILLING RECORDS.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, length of service, and toll billing records of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section).".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

TITLE VII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

SEC. 701. DEFINITION OF SEXUAL ACT FOR VICTIMS BELOW 16 YEARS OF AGE.

Section 2246(2) of title 18, United States Code, as redesignated by section 137(a)(1), is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or to arouse or gratify the sexual desire of, any person;".

SEC. 702. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) PENALTY.—Chapter 109A of title 18, United States Code, as amended by section 137(a), is amended—

(1) by redesignating section 2246 as section 2247; and

(2) by inserting after section 2245 the following new section:

"§ 2246. Penalties for subsequent offenses

"Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513) for conduct proscribed by this chapter has become final is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 137(b), is amended by striking the item relating to section 2246 and inserting the following:

"2246. Penalties for subsequent offenses.
"2247. Definitions for chapter.".

SEC. 703. RESTITUTION FOR VICTIMS OF SEX OFFENSES.

Section 3663(b)(2) of title 18, United States Code, is amended by inserting "or an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim".

SEC. 704. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, as amended by section 702(a), is amended—

(1) by redesignating section 2247 as section 2248; and

(2) by inserting after section 2246 the following new section:

"§ 2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) TESTING AT TIME OF PRE-TRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed 6 months and 12 months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as is feasible. The person shall not be released from custody until the test is performed.

"(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed 6 months and 12 months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend the sentencing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that the offender was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 702(b), is amended by striking the item relating to section 2247 and inserting the following:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.
"2248. Definitions for chapter.".

SEC. 705. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by inserting before the period at the end "and the cost of up to 2 tests of the victim for the human immunodeficiency virus during the 12 months following the assault".

Subtitle B—Victims' Rights

SEC. 711. RESTITUTION AMENDMENTS.

Section 3663(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

(b) SUSPENSION OF FEDERAL BENEFITS.—Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) For purposes of this subsection—

"(A) the term 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

"(B) the term 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 712. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1) by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before ", or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code; and

"(2) 'victim' means an individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian if the victim is below the age of 18 years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.".

SEC. 713. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges".

SEC. 714. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (h), and (i), as redesignated by section 711(b)(1);

(6) by redesignating subsection (g), as added by section 711(b)(2), as subsection (d); and

(7) by adding at the end the following new subsections:

"(e)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(f) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(g) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(h)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(i) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(j) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(k) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(l) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive restitution, in the same manner as a judgment in a civil action.

"(m) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

Subtitle C—Crime Victims Fund

SEC. 721. CRIME VICTIMS FUND.

(a) ELIMINATION OF FUND CEILINGS AND SUNSET PROVISION.—Section 1402 (c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is repealed.

(b) ALLOCATIONS.—

(1) GENERALLY.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended to read as follows:

"(2) The Fund shall be available as follows:

"(A) Of the total deposited in the Fund during a particular fiscal year—

"(i) the first $10,000,000 shall be available for grants under section 1404A;

"(ii) the next sums deposited, up to the reserved portion (as described in subparagraph (C)), shall be made available to the judicial branch for administrative costs to carry out the functions of that branch under sections 3611 and 3612 of title 18, United States Code; and

"(iii) of the sums remaining after the allocations under clauses (i) and (ii)—

"(I) 4 percent shall be available for grants under section 1404(c)(1); and

"(II) 96 percent shall be available in equal amounts for grants under sections 1403 and 1404(a).

"(B) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000.

"(C) The reserved portion referred to in subparagraph (A) is $6,200,000 in each of fiscal years 1992 through 1995 and $3,000,000 in each fiscal year thereafter.".

(2) CONFORMING CROSS-REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(iv)" and inserting "(i)".

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Except as provided in paragraph (2), any" and inserting "Any";

(B) by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years";

(C) by striking "which year" and inserting "which period"; and

(D) by striking "the general fund of the Treasury" and inserting "the Fund"; and

(2) by striking paragraph (2).

SEC. 722. PERCENTAGE CHANGE IN CRIME VICTIM COMPENSATION FORMULA.

Section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "40 percent" and inserting "45 percent".

SEC. 723. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The last sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) The Director may permit not more than 5 percent of a grant made under this section to be used for the administration of the crime victim compensation program receiving the grant.".

SEC. 724. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 725. USE OF UNSPENT SECTION 1403 MONEY.

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose,"; and

(2) by adding at the end the following: "The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.".

SEC. 726. UNDERSERVED VICTIMS.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following new paragraph:

"(6) In making the certification required by paragraph (2)(B), the chief executive shall give particular attention to children who are victims of violent street crime.".

SEC. 727. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 728. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(A)), as amended by section 726, is amended—

(1) in paragraph (1) by inserting ", except as provided in paragraph (7)" after "programs"; and

(2) by adding at the end the following new paragraph:

"(7) The Director may permit not more than 5 percent of sums provided under this subsection to be used by the chief executive of each State for the administration of such sums.".

SEC. 729. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended—

(1) by striking "December 31, 1990" and inserting "May 31, 1993"; and

(2) by striking "December 31" the second place it appears and inserting "May 31".

SEC. 730. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 731. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.

Sections 721(b), 722, 723, and 728, and the amendments made by those sections, shall take effect with respect to the first fiscal year that begins after the date of enactment of this Act for which the Director certifies that there are sufficient sums in the Victim Assistance Fund and the Victims Compensation Fund, as of the end of the previous fiscal year, to make the allocations required under such sections and amendments without reducing the then current funding levels of programs supported by such Funds.

Subtitle D—National Child Protection Act

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1992".

SEC. 742. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) more than 2,500,000 reports of suspected child abuse and neglect are made each year, and increases have occurred in recent years in the abuse of children by persons who have previously committed crimes of child abuse or other serious crimes;

(2) although the great majority of child care providers are caring and dedicated professionals, child abusers and others who harm or prey on children frequently seek employment in or volunteer for positions that give them access to children;

(3) nearly 6,000,000 children received day care in 1990, and this total is growing rapidly to an estimated 8,000,000 children by 1995;

(4) exposure to child abusers and others who harm or prey on children is harmful to the physical and emotional well-being of children;

(5) there is no reliable, centralized national source through which child care organizations may obtain the benefit of a nationwide criminal background check on persons who provide or seek to provide child care;

(6) some States maintain automated criminal background files and provide criminal history information to child care organizations on persons who provide or seek to provide child care; and

(7) because State and national criminal justice databases are inadequate to permit effective national background checks, persons convicted of crimes of child abuse or other serious crimes may gain employment at a child care organization.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 743. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, legal residence address, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system of information and identification relating to convicted and accused child abuse offenders that is maintained by the Attorney General under this subtitle;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 744. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized agency of a State shall report child abuse crime information to the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS TO THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis to the national criminal background check system;

(B) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this subtitle; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of child abuse crime case dispositions in computerized criminal history files for all child abuse crime cases in which there has been an entry of activity within the last 5 years; and

(B) continue to maintain such a system.

(c) EXCHANGE OF INFORMATION.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 743, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 745. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice recordkeeping systems and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) at a minimum, state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this subtitle;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care, on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge;

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this subtitle, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this subtitle and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) REGULATIONS.—(1) The Attorney General shall by regulation prescribe such other measures as may be required to carry out the purposes of this subtitle, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 746. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 744 of the National Child Protection Act of 1992 with the Attorney General for the purpose of implementing the National Child Protection Act of 1992.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history records in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 744 of this Act.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

SEC. 751. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 752. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months' imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 753. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

Subtitle F—Domestic Violence

SEC. 761. DOMESTIC VIOLENCE GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 523(a), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"Part Q—Domestic Violence Intervention

"SEC. 1701. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance may make grants to 10 States for the purpose of assisting States in implementing a civil and criminal response to domestic violence.

"SEC. 1702. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to encourage increased prosecutions for domestic violence crimes;

"(2) to report more accurately the incidences of domestic violence;

"(3) to facilitate arrests and aggressive prosecution policies;

"(4) to provide legal advocacy services for victims of domestic violence; and

"(5) to improve the knowledge of health professionals regarding domestic violence and facilitate cooperation between health professionals, social service providers, and law enforcement personnel to better assist victims of domestic violence.

"SEC. 1703. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 1702;

"(2) a description of the programs already in place to combat domestic violence;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information, if available, in such form and containing such information that the Director may require regarding domestic violence within that State.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the domestic violence problem within the State targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the State to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill those gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce domestic violence.

"SEC. 1704. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) STATE MAXIMUM.—No State shall receive more than $2,500,000 under this part for any fiscal year.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 1703(c).

"SEC. 1705. AWARD OF GRANTS.

"The Director shall consider the following factors in awarding grants to States and shall give preference to States that have—

"(1) a law or policy that requires the arrest of a person who police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated a civil protection order;

"(2) a law or policy that discourages dual arrests;

"(3) laws or statewide prosecution policies that authorize and encourage prosecutors to pursue domestic violence cases in which a criminal case can be proved, including proceeding without the active involvement of the victim if necessary;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only 1 spouse has sought a restraining or protective order;

"(B) require any history of abuse against a child or against a parent to be considered when making child custody determinations; and

"(C) require judicial training on domestic violence and related civil and criminal court issues;

"(5) policies that provide for the coordination of court and legal victim advocacy services; and

"(6) policies that make existing remedies to domestic violence easily available to victims of domestic violence, including elimination of court fees and the provision of simple court forms.

"SEC. 1706. REPORTS.

"(a) REPORT TO DIRECTOR.—Each State that receives funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 1703(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 1703(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 1707. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'domestic violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

"(A) results or threatens to result in physical injury; and

"(B) is committed by an individual against another individual (including an elderly individual) to whom the individual is or was related by blood or marriage or otherwise legally related or with whom the individual is or was lawfully residing.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 523(b), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—DOMESTIC VIOLENCE INTERVENTION

"Sec. 1701. Grant authorization.
"Sec. 1702. Use of funds.
"Sec. 1703. Applications.
"Sec. 1704. Allocation of funds; limitations on grants.
"Sec. 1705. Award of grants.
"Sec. 1706. Reports.
"Sec. 1707. Definitions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 523(d), is amended by adding at the end the following new paragraph:

"(11) There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out projects under part Q.".

SEC. 762. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of battered women's syndrome and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

Subtitle G—Other Provisions

SEC. 771. INDUCEMENT OF MINOR TO COMMIT AN OFFENSE.

(a) FINDINGS.—The Congress finds that—

(1) children are our most important and yet most fragile human resource;

(2) too many young people are induced or forced into performing criminal acts by adults;

(3) the greatest effort must be taken to eliminate crime in our neighborhoods and our schools;

(4) an equal resolve must be taken to punish individuals who attempt to use America's youth as pawns in their criminal enterprises; and

(5) adequate penalties can be implemented to eradicate the exploitation of minors to commit offenses.

(b) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 21. Inducement of minor to commit an offense

"(a) IN GENERAL.—Except to the extent that a greater minimum sentence is provided by other law, a person 18 years of age or older who, in any voluntary manner, solicits, counsels, encourages, commands, intimidates, or procures any minor with the intent that the minor shall commit an offense against the United States shall be imprisoned not less than 3 and not more than 10 years, to be served consecutively with any other sentences that are imposed.

"(b) LIMITATION.—In the case of an offense under subsection (a) involving a minor who is 16 years of age or older at the time of the offense, subsection (a) shall apply only when the offender is at least 5 years older than the minor at the time the offense is committed.

"(c) SENTENCING.—In imposing a sentence under subsection (a), the court shall consider as a circumstance in aggravation the severity of the offense sought by the adult.

"(d) DEFINITION.—For the purposes of this section the term 'minor' means a person less than 18 years of age.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Inducement of minor to commit an offense.".

SEC. 772. DISCLOSURE OF RECORDS OF ARRESTS BY CAMPUS POLICE.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 773. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Education, shall, by contract with an appropriate entity with expertise in college campus security, provide for a national baseline study to research the effectiveness of campus sexual assault policies for institutions of postsecondary education.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of sexual assault occurring on college and university campuses, and to whom the allegations are reported (including campus authorities, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to campus authorities which are reported to criminal authorities;

(3) the percentage of campus sexual assault allegations compared to noncampus sexual assault allegations which result in eventual criminal prosecution;

(4) State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of campus policies and practices in protecting the legal rights and interests of sexual assault victims and the accused, including consideration of—

(A) practices that might discourage the reporting of sexual assaults to local criminal authorities, or result in any form of obstruction of justice, and thus undermine the public interest in prosecuting perpetrators of sexual assault; and

(B) the ability of campus disciplinary hearings to properly address allegations of sexual assault;

(6) whether colleges and universities take adequate measures to ensure that victims are free of unwanted contact with alleged assailants;

(7) the grounds on which colleges and universities are sued in civil court regarding sexual assaults, the resolution of these cases, and measures that can be taken to prevent future lawsuits;

(8) the ways in which colleges and universities respond to allegations of sexual assault, including an assessment of which programs work the best;

(9) recommendations to redress concerns raised in the report; and

(10) any other issues or questions the Attorney General, with the concurrence of the Secretary of Education, deems to be appropriate to the study.

(c) REPORT.—The Secretary of Education shall review the results of the research required by this section and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate by September 1, 1995, coordinating that report with the report and dissemination required under section 485(f)(4) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(4)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 for the contract required by subsection (a).

SEC. 774. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE VIII—EQUAL JUSTICE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Equal Justice Act".

SEC. 802. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this title—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 513 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 803. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 804. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

SEC. 805. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in", and by striking "such inhabitant" and inserting "such person".

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1992".

SEC. 902. GRANTS TO STATE AND LOCAL AGENCIES.

Section 1001(a)(5) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 903. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1991" and inserting "1992".

SEC. 904. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by striking "No" and inserting "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

Subtitle B—Retired Public Safety Officer Death Benefit

SEC. 911. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in subsection (a) by inserting "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency" after "line of duty";

(2) in subsection (b) by inserting "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency" after "line of duty"; and

(3) in subsections (c), (i), and (j) by inserting "or a retired public safety officer" after "public safety officer" each place it appears.

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a–1) is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by striking "and" after paragraph (6);

(2) by inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following new paragraph:

"(8) 'retired public safety officer' means a former public safety officer who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of enactment of this Act.

(f) IRWIN RUTMAN PROGRAM.—Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by inserting before section 1201 the following new section:

"NAME OF PROGRAM

"SEC. 1200. The program established under this part shall be known as the 'Irwin Rutman Retired Safety Officer's Benefit Program'.".

Subtitle C—Study on Police Officers' Rights

SEC. 921. STUDY ON POLICE OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

SEC. 931. SHORT TITLE.

This chapter may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 932. PURPOSES.

The purposes of this chapter are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 933. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subchapter A and the Law Enforcement Scholarship program established in subchapter B and shall have authority to promulgate regulations to implement this subtitle.

SEC. 934. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subchapter A or the Law Enforcement Scholarship program under subchapter B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this chapter;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subchapter A, meet the requirements of section 940; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subchapter B, meet the requirements of section 948.

Subchapter A—Police Corps Program

SEC. 935. DEFINITIONS.

For the purposes of this subchapter—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 937;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 940.

SEC. 936. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to pay educational expenses incurred while in attendance at an institution of higher education—

(1) in a course of education leading to the award of a baccalaureate degree, including attendance at such an institution that does not itself award such a degree if the courses taken there are acceptable for credit toward a degree at an institution that does award such a degree, and including, in the discretion of the Director, such expenses incurred prior to enrollment in the Police Corps program; and

(2) for graduate and professional study.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 938, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 938; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (C) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or dependent child's gross income shall not include any amount paid as scholarship assistance under this section or as a stipend under section 938.

(g) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(h) DEFINITION.—For the purposes of this section, the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 937. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to the State Police Corps plan, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 939, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 939, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subchapter that there shall be no more than 20,000 partici-

pants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education—

(A) as a full-time student in an undergraduate program leading to the award of a baccalaureate degree; or

(B) for purposes of taking a graduate or professional course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 938. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subchapter.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 940 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 939. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 938 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

SEC. 940. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 937;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since July 10, 1991; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 941. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

Subchapter B—Law Enforcement Scholarship Program

SEC. 942. SHORT TITLE.

This subchapter may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 943. DEFINITIONS.

As used in this subchapter—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 944. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 951, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this chapter in the State compared to the shortage of law enforcement personnel and the need for assistance under this subchapter in all States.

SEC. 945. PROGRAM ESTABLISHED.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—Each State receiving an allotment pursuant to section 944 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) EMPLOYMENT.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State receiving an allotment under section 944 the Federal share of the cost of the activities described in the application submitted pursuant to section 948.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subchapter shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 944 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subchapter.

(d) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subchapter and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subchapter.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 944 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 944 shall ensure that each scholarship recipient under this subchapter be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this subchapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 946. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this chapter shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subchapter may use such scholarship for educational expenses at any institution of higher education.

SEC. 947. ELIGIBILITY.

(a) SCHOLARSHIPS.—An individual shall be eligible to receive a scholarship under this subchapter if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subchapter.

SEC. 948. STATE APPLICATION.

Each State desiring an allotment under section 944 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subchapter is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subchapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subchapter and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subchapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subchapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 949. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual who desires a scholarship or employment under this subchapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) PRIORITY.—In awarding scholarships and providing student employment under this subchapter, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 950. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual who receives a scholarship under this subchapter shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this chapter in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this chapter may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subchapter.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

SEC. 951. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subchapter.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 945(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 945(a)(1)(B) and (2).

Subchapter C—Reports

SEC. 952. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subchapter A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subchapter B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subchapter B; and

(5) describe the progress of the programs authorized by this chapter and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subchapter B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

SEC. 961. SHORT TITLE.

This chapter may be cited as "The Cop-on-the-Beat Act of 1992".

SEC. 962. COP-ON-THE-BEAT GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 761(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"SEC. 1801. GRANT AUTHORIZATION.

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities that have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in the community.

"SEC. 1802. APPLICATION.

"(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In an application under paragraph (1), a single office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1801;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1802(c).

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1804. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1802(c).

"(2) COMMUNITY-WIDE RESPONSE.—Evidence of the ability to coordinate community-wide response to crime.

"(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 1805. REPORTS.

"(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1802(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients; and

"(2) an evaluation of projects established under this part.

"SEC. 1806. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 761(b), is amended by striking the matter relating to part R and inserting the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"Sec. 1801. Grant authorization.
"Sec. 1802. Application.
"Sec. 1803. Allocation of funds; limitation on grants.
"Sec. 1804. Award of grants.
"Sec. 1805. Reports.
"Sec. 1806. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 761(c), is amended by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated $150,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out projects under part R.".

Subtitle E—Rural Crime Prevention Strategy

SEC. 971. FINDINGS.

The Congress makes the following findings:

(1) The traditional supportive roles of the family, church, school, and community have declined in importance as a positive social factor influencing the prevention and control of crime in rural areas. As a result in recent years rural areas have experienced a marked increase in crime rates. This increase is taking its toll on rural law enforcement practitioners who are already encumbered by numerous characteristics that are unique to their rural circumstances.

(2) Compounding the increase in crime rates, rural police unlike their urban counterparts, are likely to encounter a multitude of nontraditional police tasks such as fire and railroad emergencies, search and rescue missions, animal control problems, livestock theft, wildlife enforcement, illegal distilleries, illegal crop farming and drug manufacturing, rural drug trafficking, and toxic dumping.

(3) These problems are further exacerbated by the rural officer's distinct disadvantage with respect to the lack of adequate training to manage these varied assignments, the low degree of specialization of job tasks, unique job stress factors, and inadequate data resources. Inadequate rural crime statistics and data analysis capabilities further frustrate the rural police organization's ability to cope with the nature, extent, and trends of rural crime.

(4) Rural law enforcement agencies are at a critical juncture, and strategic planning and action are imperative. The Domestic Chemical Action Group convened by the National Institute of Justice in October 1990 has recommended that rural police receive training in various safety issues related to the identification, investigation, and seizure of illicit drug and chemical laboratories located in rural areas. Without such specialized training officials will face a high probability of explosions endangering police personnel and the community. National Institute of Justice sponsored research of environmental crime in major urban areas, including Los Angeles, has revealed the lack of police training in the identification, investigation, and clean-up of toxic and hazardous waste areas. It can be said with certainty that this recognized need for hazardous materials training is equally critical for rural police organizations.

SEC. 972. STRATEGY TO ADDRESS RURAL CRIME.

The purpose of this subtitle is to address the growing problems of rural crime in a systematic and effective manner with a program of practical and focused research, development, and dissemination designed to assist States and units of local government in rural areas throughout the country in implementing specific programs and strategies which offer a high probability of improving the functioning of their criminal justice systems.

SEC. 973. NATIONAL INSTITUTE OF JUSTICE NATIONAL ASSESSMENT.

(a) IN GENERAL.—The Director of the National Institute of Justice (referred to in this subtitle as the "Director") shall conduct a national assessment of the nature and extent of rural crime in the United States, the needs of law enforcement and criminal justice professionals in rural States and communities, and promising strategies to respond effectively to those challenges, including—

(1) the problem of clandestine drug laboratories; changing patterns in their location and operation; safety and liability issues for both law enforcement officers and the community in the identification, investigation, seizure, and clean-up of clandestine laboratories;

(2) other environmental crimes, such as the dumping of hazardous and toxic wastes; the pollution of streams, rivers, and ground water; and access of rural communities to the expertise necessary to successfully identify, investigate, and prosecute such crimes;

(3) the cultivation of illegal crops, such as marijuana, including changing patterns in location and techniques for identification, investigation, and destruction;

(4) the problems of drug and alcohol abuse in rural communities, including law enforcement and criminal justice response and access to treatment services;

(5) the problems of family violence and child abuse, including law enforcement and criminal justice response and access to services for victims of such crimes;

(6) the problems of juvenile delinquency and vandalism as they affect rural communities;

(7) the access of law enforcement and criminal justice professionals in rural communities to the services of crime laboratories, the Automated Fingerprint Identification System, and other technological support;

(8) the access of law enforcement and criminal justice professionals in rural communities to professional training and development and the identification of models for the delivery of such training; and

(9) the special problems of drug abuse in jurisdictions with populations of 50,000 or less.

(b) FINAL REPORT.—The Director shall submit the national assessment to the President and Congress not later than 12 months after the date of enactment of this Act.

(c) DISSEMINATION OF REPORT.—Based on the results of the national assessment and analysis of successful and promising strategies in these areas, the Director shall disseminate the results not only through reports, publications, and clearinghouse services, but also through programs of training and technical assistance, designed to address the realities and challenges of rural law enforcement.

SEC. 974. PILOT PROGRAMS.

(a) IN GENERAL.—The Director may make grants to local law enforcement agencies for pilot programs and field tests of particularly promising strategies and models, which could then serve as the basis for demonstration and education programs under the Bureau of Justice Assistance Discretionary Grant Program.

(b) TYPES OF PROGRAMS.—Pilot programs funded under this section may include—

(1) programs to develop and demonstrate new or improved approaches or techniques for rural criminal justice systems;

(2) programs of training and technical assistance to meet the needs of rural law enforcement and criminal justice professionals including safety;

(3) a rural initiative to study and improve the response to traffic safety problems and drug interdiction;

(4) an ongoing program to assist law enforcement professionals in dealing with the hazards of clandestine drug laboratories;

(5) victim assistance information to assist departments in beginning and maintaining strong programs to assist victims and witnesses of crime;

(6) emergency preparedness information for community groups concerned about disaster preparedness on the family and community level; and

(7) a program targeted at communities of less than 50,000 stressing the need for production of public safety through extensive partnership efforts between law enforcement, other local government agencies, businesses, schools, community and social organizations, and citizens.

SEC. 975. FUNDING.

There are authorized to be appropriated $5,000,000 to carry out the national assessment and pilot programs required by this subtitle.

Subtitle F—National Commission to Support Law Enforcement

SEC. 981. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act.".

SEC. 982. FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 983. ESTABLISHMENT OF COMMISSION.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

SEC. 984. DUTIES.

(a) IN GENERAL.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 985. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from among national law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) One shall be appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the Minority Leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the Majority Leader and the Minority Leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) The Comptroller General of the United States, who shall serve as the chairperson of the Commission.

(b) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 986. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 987. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this subtitle, hold hearings, sit and act at the time and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this subtitle. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 988. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 989. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 988.

SEC. 989A. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (42 U.S.C. 3721 note) and section 211(B) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (42 U.S.C. 3721 note; 104 Stat. 2122) are repealed.

Subtitle G—Other Provisions

SEC. 991. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, aggressive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 992. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF JUSTICE ASSISTANCE DISCRETIONARY GRANTS.

Section 1001(a)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(6)), as amended by section 1054, is amended to read as follows:

"(7) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 993. LAW ENFORCEMENT FAMILY SUPPORT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(a), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following new part:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency that receives a grant under this part shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency that receives a grant under this part shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) A report under paragraph (1) shall contain—

"(A) a description of the types of projects developed or improved through funds received under this part;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) a statement of the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(b), is amended by striking the matter relating to part S and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 962(c), is amended by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out part S, of which not more than 20 percent may be used to accomplish the duties of the Director under section 1901, including administrative costs, research, and training programs.".

SEC. 994. MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration or systemwide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) Compliance Grants.—(1) The Attorney General shall make grants to State correctional agencies that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) Definition.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) Life Skills Training Grants.—(1) The Attorney General may make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 995. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

(a) Amendment of Public Health Service Act.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) In General.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) Minimum Qualifications of Centers.—

"(1) Significant incidence of treating penetration wounds.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) Participation in trauma care system operating under certain professional guidelines.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) Application.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) Limitation on Duration of Support.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) Limitation on Amount of Grant.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

"(d) Consultation.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

(b) Technical Amendments.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "Regarding Parts A and B" after "Provisions";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

SEC. 996. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State; and

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 997. NOTICE OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1)—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime (as defined in section 924(c)(2)); or

"(B) a crime of violence (as defined in section 924(c)(3)).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

(b) APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.—In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

SEC. 1001. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).".

(2) The chapter analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2) by striking "and";

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition for any individual defendant, if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant. A defendant who tests positive may be detained pending verification of a drug test result.".

(2) DRUG TESTING FOR SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 3563(a)(4), the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(3) DRUG TESTING IN CONNECTION WITH PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4), the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(c) REVOCATION OF PAROLE.—Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,".

SEC. 1002. DRUG TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) is amended by adding at the end the following new section:

"DRUG TESTING PROGRAMS

"SEC. 523. (a) PROGRAM REQUIRED.—It is a condition of eligibility for funding under this part that a State formulate and implement a drug testing program for targeted classes of persons confined in, or subject to supervision in, the criminal justice systems of the State. Such a program must meet criteria specified in regulations promulgated by the Attorney General under subsection (b). Notwithstanding the preceding sentence, no State shall be required to expend an amount for drug testing pursuant to this section in excess of 10 percent of the minimum amount that the State is eligible to receive under subpart 1.

"(b) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate regulations to implement this section to ensure reliability and accuracy of drug testing programs. The regulations shall include such other guidelines for drug testing programs in State criminal justice systems as the Attorney General determines are appropriate, and shall include provisions by which a State may apply to the Attorney General for a waiver of the requirements imposed by this section, on grounds that compliance would impose excessive financial or other burdens on such State or would otherwise be impracticable or contrary to State policy.

"(c) EFFECTIVE DATE.—This section shall take effect with respect to any State at a time specified by the Attorney General, but not earlier than the promulgation of the regulations required under subsection (b).".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 522 the following new item:

"Sec. 523. Drug testing programs.".

Subtitle B—Precursor Chemicals

SEC. 1011. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1992".

SEC. 1012. DEFINITION AMENDMENTS.

(a) REFERENCES TO LISTED CHEMICALS IN SECTION 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and inserting "list I chemical" and by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting "list II

chemical'' and by striking ''that is used as a solvent, reagent or catalyst'' and inserting '', which is not a list I chemical, that is used''; and

(4) in paragraph (40) by striking the phrase ''listed precursor chemical or a listed essential chemical'' and inserting ''list I chemical or a list II chemical'' both places it appears.

(b) References to Listed Chemicals in Section 310.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking ''precursor chemical'' and inserting ''list I chemical'';

(2) in subsection (a)(1)(B) by striking ''an essential chemical'' and inserting ''a list II chemical''; and

(3) in subsection (c)(2)(D) by striking ''precursor chemical'' and inserting ''chemical control''.

(c) Other Amendments to Section 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting '', its esters,'' before ''and'' in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting ''or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine'';

(3) in paragraph (39)(A) by striking ''or exportation'' and inserting '', exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,'';

(4) in paragraph (39)(A)(iii) by inserting ''or any category of transaction for a specific listed chemical or chemicals'' after ''transaction'';

(5) in paragraph (39)(A)(iv) by striking the semicolon and inserting ''unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;'';

(6) in paragraph (39)(A)(v) by striking the semicolon and inserting ''which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;''; and

(7) by adding at the end the following new paragraph:

''(42) The terms 'broker' and 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing together a buyer and a seller, or a buyer or seller and a transporter.''.

SEC. 1013. REGISTRATION REQUIREMENT.

(a) Rules and Regulations.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting ''and to the registration and control of regulated persons and of regulated transactions.''.

(b) Persons Required To Register.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting ''or list I chemical'' after ''controlled substance'' each place it appears;

(2) in subsection (b) by inserting ''or list I chemicals'' after ''controlled substances'' and by inserting ''or chemicals'' after ''such substances'';

(3) in subsection (c) by inserting ''or list I chemicals'' after ''controlled substance'' each place it appears; and

(4) in subsection (e) by inserting ''or list I chemicals'' after ''controlled substances''.

(c) Registration Requirements in Controlled Substances Act.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

''(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that the registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

''(1) Maintenance of effective controls against diversion of listed chemicals into other than legitimate channels.

''(2) Compliance with applicable Federal, State and local law.

''(3) Prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law.

''(4) Past experience in the manufacture and distribution of chemicals.

''(5) Such other factors as may be relevant to and consistent with the public health and safety.''.

(d) Denial, Revocation, or Suspension of Registration.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting ''or a list I chemical'' after ''controlled substance'' each place it appears and by inserting ''or list I chemicals'' after ''controlled substances'';

(2) in subsection (b) by inserting ''or list I chemical'' after ''controlled substance'';

(3) in subsection (f) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears; and

(4) in subsection (g) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears and by inserting ''or list I chemical'' after ''controlled substance'' each place it appears.

(e) Registration Requirements in Controlled Substances Import and Export Act.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by striking ''(c) The'' and inserting ''(c)(1) The''; and

(B) by adding at the end the following new paragraph:

''(2) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in section 303(h) shall be considered.'';

(2) in subsection (d)—

(A) in paragraph (3) by inserting ''or list I chemical or chemicals,'' after ''substances,''; and

(B) in paragraph (6) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears;

(3) in subsection (e) by striking ''and 307'' and inserting '', 827, and 310''; and

(4) in subsections (f), (g), and (h) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears.

(f) Prohibited Acts C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking ''or'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(9) in the case of a person who is a regulated person, to distribute, import, or export a list I chemical without the registration required by this title.''.

SEC. 1014. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking ''(b) Each regulated person'' and inserting ''(b)(1) Each regulated person'';

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking ''paragraph (1)'' each place it appears and inserting ''subparagraph (A)'';

(4) by striking ''paragraph (2)'' and inserting ''subparagraph (B)'';

(5) by striking ''paragraph (3)'' and inserting ''subparagraph (C)''; and

(6) by adding at the end the following new paragraph:

''(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person.''.

SEC. 1015. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) Notification, Reporting, Recordkeeping, and Other Requirements.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

''(d) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and by title II.''.

(b) Penalties.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

''(d) Penalty for Importation or Exportation.—Any person who knowingly or intentionally—

''(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title;

''(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

''(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title; or

''(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 10 years, or both.".

SEC. 1016. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) ADVANCE NOTICE.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 1015(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day advance notice requirement of subsection (a) apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as regular customers if the Attorney General finds that the action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day advance notice requirement for exports of specific listed chemicals to specified countries if the Attorney General determines that the advance notice is not required for effective chemical control. If the advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day advance notice requirement for the importation of specific listed chemicals if the Attorney General determines that the requirement is not necessary for effective chemical control. If the advance notice requirement is waived, importers of such listed chemicals shall be required to submit either reports of individual importations or periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 1015(b), is amended by—

(1) striking "or" at the end of paragraph (3);

(2) striking the comma at the end of paragraph (4) and inserting "; or"; and

(3) by adding after paragraph (4) the following new paragraph:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d) (1) or (2) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported,".

SEC. 1017. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P), (Q), (R), (S), (T), (V), (X), and (Y) as subparagraphs (O), (P), (Q), (R), (S), (T), (U), and (X), respectively;

(3) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane."; and

(4) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)".

SEC. 1018. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer";

(2) in subsection (b)(2)—

(A) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(B) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 1019. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where a person registered under section 303 (or exempt from such registration under section 302(d) or by regulation of the Attorney General) or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such an activity are maintained.".

SEC. 1020. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 1012, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1021. MANAGEMENT OF LISTED CHEMICALS.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less than 5 years, or less than 10 years in the case of a willful violation.

"(4) The court may order that all or a portion of the earnings from work performed by a convicted offender in prison be withheld for payment of costs assessed under paragraph (2).

"(c) SHARING OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) AMENDMENT OF TITLE 11, UNITED STATES CODE.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

SEC. 1022. ATTORNEY GENERAL ACCESS TO THE NATIONAL PRACTITIONER DATA BANK.

Part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) is amended by adding at the end the following new section:

"SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTORNEY GENERAL.

"Information respecting physicians or other licensed health care practitioners reported to the Secretary (or to the agency designated under section 424(b)) under this part or section 1921 of the Social Security Act (42 U.S.C. 1396r–2) shall be provided to the Attorney General. The Secretary shall—

"(1) transmit to the Attorney General such information as the Attorney General may designate or request to assist the Drug Enforcement Administration in the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) and other laws enforced by the Drug Enforcement Administration; and

"(2) transmit such information related to health care providers as the Attorney General may designate or request to assist the Federal Bureau of Investigation in the enforcement of title 18, the Act entitled 'An Act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China', approved March 3, 1915 (21 U.S.C. 201 et seq.), and chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).".

SEC. 1023. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the enactment of this Act, issue regulations necessary to carry out this subtitle.

(b) Effective Date.—The amendments made by this subtitle shall become effective on the date that is 120 days after the date of enactment of this Act.

Subtitle C—Interdiction

SEC. 1031. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO.

(a) Offense.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2237. Order to land or bring to

"(a) Definitions.—For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation where the nation of registry has consented or waived objection to the enforcement of United States law by the United States;

"(2) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state;

"(3) the term 'Federal law enforcement officer' has the meaning stated in section 115; and

"(4) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings stated in the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

"(b) Failure To Land Aircraft.—(1) It is unlawful for the pilot, operator, or person in charge of an aircraft that has crossed the border of the United States or an aircraft subject to the jurisdiction of the United States that is being operated outside the United States to refuse to obey the order to land made by an authorized Federal law enforcement officer who is enforcing—

"(A) the laws of the United States relating to controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(B) chapter 27 or section 1956 or 1957 of this title.

"(2) The Administrator of the Federal Aviation Administration and the Commissioner of Customs, after consultation with the Attorney General, shall prescribe regulations governing the means by which an order to land may be communicated by Federal law enforcement officers to the pilot, operator, or person in charge of an aircraft.

"(c) Failure To Bring Vessel To.—It is unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States to fail to bring the vessel to on being ordered to do so by a Federal law enforcement officer authorized to issue such an order.

"(d) Rule of Construction.—This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other law that the Customs Service enforces or administers or the authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(e) Consent or Waiver of Objection.—Consent or waiver of objection by a foreign nation to the enforcement by the United States of its laws under this section may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

"(f) Penalty.—A person who intentionally violates this section shall be fined under this title, imprisoned not more than 3 years, or both.

"(g) Forfeiture.—Any vessel or aircraft that is used in a violation of this section may be seized and forfeited. The law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred or alleged to have been incurred under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. Any vessel or aircraft that is used in a violation of this section is also liable in rem for any fine or civil penalty imposed under this section.

"(h) Delegation of Authority.—The Secretary of the Treasury and the Secretary of Transportation may delegate Federal law enforcement officer seizure and forfeiture responsibilities under this section to other law enforcement officers.".

(b) Technical Amendment.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land or to bring to.".

SEC. 1032. FAA REVOCATION AUTHORITY.

(a) Immediate Revocation of Registration.—Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by adding at the end the following new paragraph:

"(3)(A) The registration of the aircraft shall be immediately revoked upon the failure of the operator of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft as provided in section 2237 of title 18, United States Code. The Administrator shall notify forthwith the owner of the aircraft that the owner of the aircraft no longer holds United States registration for the aircraft.

"(B) The Administrator shall establish procedures for the owner of the aircraft to show cause—

"(i) why the registration was not revoked, as a matter of law, by operation of subparagraph (A); or

"(ii) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subparagraph (A), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subparagraph (A).".

(b) Revocation of Airman Certificate.—Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(e)) is amended by adding at the end the following new subsection:

"(d)(1) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

"(A) the person, while acting as the operator of an aircraft, failed to follow the order of a law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code; and

"(B) the person knew or had reason to know that the person had been ordered to land the aircraft.

"(2) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, paragraph (1) shall not apply.

"(3) Subsection (c)(3) shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.".

SEC. 1033. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) Air Interdiction Authority.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States over the high seas and waters over which the United States has jurisdiction. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18.".

(b) Technical Amendment.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

"96. Air interdiction authority.".

SEC. 1034. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) Civil Penalty.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 667. Civil penalty for failure to comply with a lawful boarding or order to land

"(a) Intentional Failure To Comply.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who intentionally fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $25,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(b) Negligent Failure To Comply.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who negligently fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $5,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(c) Liability In Rem.—A vessel or aircraft used in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable in rem for a civil penalty assessed under this section.".

(b) Technical Amendment.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"667. Civil penalty for failure to comply with a lawful boarding or order to land.".

SEC. 1035. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes—

"(1) with respect to a vehicle, any location in a foreign country at which United States Customs Officers are permitted to conduct inspections, examinations, or searches; and

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act or regulations issued thereunder or section 2237 of title 18, United States Code, any location outside the United States, including a foreign country location at which United States Customs Officers are permitted to conduct inspections, examinations, or searches.".

SEC. 1036. CUSTOMS CIVIL PENALTY PROVISIONS.

The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by inserting after section 590 the following new section:

"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND OR TO BRING TO.

"(a) INTENTIONAL FAILURE TO COMPLY.—The pilot or operator of an aircraft who intentionally fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $25,000, which may be assessed by the appropriate customs officer.

"(b) NEGLIGENT FAILURE TO COMPLY.—The pilot or operator of an aircraft who negligently fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $5,000, which may be assessed by the appropriate customs officer.".

SEC. 1037. INFORMATION EXCHANGE AND ASSISTANCE.

Section 142 of title 14, United States Code, is amended—

(1) by inserting "(a) EXCHANGE OF INFORMATION.—" before "The";

(2) in subsection (a), as designated by paragraph (1)—

(A) by inserting "and international organizations" after "with foreign governments"; and

(B) by inserting "maritime law enforcement, maritime environmental protection, and" after "matters dealing with"; and

(3) by adding at the end the following new subsection:

"(b) USE OF PERSONNEL AND FACILITIES.—The Coast Guard may, when so requested by the Secretary of State, use its personnel and facilities to assist any foreign government or international organization to perform any activity for which such personnel and facilities are especially qualified.".

SEC. 1038. ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 149 of title 14, United States Code is amended to read as follows:

"§ 149. Assistance to foreign governments and international organizations

"(a) IN GENERAL.—The President may, upon application from the foreign governments or international organizations concerned, and whenever in the President's discretion the public interest renders such a course advisable, utilize officers and enlisted members of the Coast Guard to assist foreign governments or international organizations in matters concerning which the Coast Guard may be of assistance.

"(b) DETAIL OF PERSONNEL.—(1) Utilization of members may include the detail of such members.

"(2) Arrangements may be made by the Secretary with countries to which such officers and enlisted members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions.

"(3) While detailed under this subsection, officers and enlisted members of the Coast Guard shall receive the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for all service while so detailed, as if serving with the Coast Guard.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by amending the item relating to section 149 to read as follows:

"149. Assistance to foreign governments and international organizations.".

SEC. 1039. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

Subtitle D—Rural Drug Crime

SEC. 1051. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1052. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1051(b)(5) with jurisdiction to enforce the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this subtitle.

SEC. 1053. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 in each of the fiscal years 1992, 1993, and 1994 to carry out subsection (a).

SEC. 1054. AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) by redesignating paragraph (6), relating to part N of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as paragraph (8) and removing it to follow paragraph (7), relating to part M of that title I; and

(2) by redesignating paragraph (7), relating to part O of that title, as paragraph (9) and amending the paragraph to read as follows:

"(9) There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O.".

(b) AMENDMENT OF BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(a)(2)(A)) is amended by striking "$100,000" and inserting "$250,000".

SEC. 1055. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) REQUIREMENTS.—To receive a grant under this section, a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetrpolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) DURATION.—Grants awarded under subsection (a) shall be for a period of not to exceed 3 years, except that the Director may establish a procedure for the renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1056. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle E—Grant Programs

SEC. 1061. DRUG EMERGENCY AREAS.

Section 1005(c) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(c)) is amended by striking subsection (c) and inserting the following new subsection:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) If a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare the State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or by any other law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, to protect property and public health, and to promote safety.

"(2) PROCEDURE FOR DECLARATION.—(A) A request for a declaration by the President designating an area to be a drug emergency area shall be made in writing by the Governor of a State or the chief executive officer of a local government and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) A request under subparagraph (A) shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that Federal assistance is necessary for an effective response to save lives, protect property and public health, and promote safety.

"(C) The President shall not limit declarations under this subsection to highly populated centers of drug trafficking, drug use or drug-related violence, but shall consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor or chief executive officer shall—

"(i) take appropriate responsive action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State or local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (quantitative goals, where possible) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review a request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving the application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President may make grants to State or local governments of up to $50,000,000 in the aggregate for any single major drug-related emergency.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year, except that the President, on application of a Governor of a State or chief executive officer of a local government, and, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) A State or local government that receives Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as are necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of the assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, 1994, 1995, and 1996 $300,000,000 to carry out this subsection.".

SEC. 1062. DEPARTMENT OF JUSTICE COMMUNITY SUBSTANCE ABUSE PREVENTION.

(a) COMMUNITY PARTNERSHIPS.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that includes—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) Community Participation.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) Application.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such an application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan described in subsection (b)(5) and to report on the plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) Priority.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) Review.—(1) Each coalition that receives Federal funds under this section shall submit an annual report to the Attorney General and the appropriate State agency that evaluates the effectiveness of the plan described in subsection (b)(5) and contains such additional information as the Attorney General or the appropriate State agency may prescribe.

"(2)(A) The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(B) The review described in subparagraph (A) shall—

"(i) evaluate the grant program established in this section to determine its effectiveness;

"(ii) implement necessary changes to the program that can be done by the Attorney General; and

"(iii) recommend any statutory changes that are necessary.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new item:

"Subpart 4—Community Coalition on Substance Abuse".

SEC. 1063. GRANTS FOR SUBSTANCE ABUSE TREATMENT.

(a) Residential Substance Abuse Treatment for Prisoners.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following new part:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) In General.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency.

"(b) Drug Testing Requirement.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) Eligibility for Preference With After Care Component.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) State Office.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 2002; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Bureau shall make a grant under section 2001 to carry out the projects described in the application submitted under section 2002 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—Each application submitted under section 2002 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) Allocation.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(b), is amended by striking the matter relating to part T and inserting the following:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 523(c), is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(25) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 993(c), is amended by adding at the end the following new paragraph:

"(14) There are authorized to be appropriated $100,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1064. DRUG TESTING UPON ARREST.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following new part:

"PART U—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 2101. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 2102. STATE APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) CENTRAL OFFICE.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2103. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2102(c).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested in the application.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in the State bears to the number of individuals arrested in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in the State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award the funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102 for the fiscal year for which the projects receive assistance under this part.

"(d) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 2105. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year in which funds are received under this part regarding the effectiveness of the drug testing project.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(b), is amended by striking the matter relating to part U and inserting the following:

"PART U—DRUG TESTING FOR INDIVIDUALS ARRESTED

"Sec. 2101. Grant authorization.
"Sec. 2102. State applications.
"Sec. 2103. Local applications.
"Sec. 2104. Allocation and distribution of funds.
"Sec. 2105. Report.

"PART V—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1063(d), is amended by adding at the end the following new paragraph:

"(15) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out projects under part U.".

Subtitle F—Other Provisions

SEC. 1071. STRENGTHENED FEDERAL PENALTIES RELATING TO CRYSTALLINE METHAMPHETAMINE.

(a) LARGE AMOUNT.—The first sentence of section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 25 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

(b) SMALLER AMOUNT.—The first sentence of section 401(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is amended as follows:

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

SEC. 1072. ADVERTISEMENTS OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publication, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, but does not include material that—

"(1) merely advocates the use of a similar material or advocates a position or practice; and

"(2) does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 1073. INCREASED PENALTIES FOR DISTRIBUTION OF CONTROLLED SUBSTANCES AT TRUCK STOPS AND REST AREAS.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) punishable—

"(1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 1 year.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of—

"(A) a term of imprisonment of not less than 3 years and not more than life imprisonment; or

"(B) a term of imprisonment of up to 3 times that authorized by section 401(b) for a first offense, or a fine up to 3 times that authorized by section 401(b) for a first offense, or both; and

"(2) at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) Probation shall not be granted in the case of a sentence imposed under subsection (b).

"(d) For purposes of this section—

"(1) the term 'safety rest area' has the meaning stated in part 752 of title 23, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) with the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(6))) operating in commerce (as defined in section 12019(3) of that Act (49 U.S.C. App. 2716(3)) and located adjacent to or within 2,500 feet of a highway on the National System of Interstate and Defense Highways or the Federal-aid primary system.".

(b) TECHNICAL AMENDMENTS.—(1) Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(2) The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by inserting after the item relating to section 408 the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING COMMISSION GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (a), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) 2 levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(d) IMPLEMENTATION OF SUBSECTION (c).—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (c) so as to achieve a comparable result.

(e) OFFENSES THAT COULD BE SUBJECT TO MULTIPLE ENHANCEMENTS.—The guidelines referred to in subsection (d), as promulgated or amended under that subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to that subsection is subject to not more than 1 such enhancement.

SEC. 1074. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791(c) of title 18, United States Code, is amended—

(1) in subsection (c) by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A) by inserting "or a controlled substance in Schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C)" after "a firearm or destructive device";

(3) in subsection (d)(1)(B) by inserting "marijuana or a controlled substance in Schedule III, other than a controlled substance referred to in subparagraph (C)," before "ammunition,";

(4) in subsection (d)(1)(C) by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,"; and

(5) in subsection (d)(1)(D) by inserting "(A), (B), or" before "(C)".

SEC. 1075. SEIZURE OF VEHICLES WITH CONCEALED COMPARTMENTS.

(a) HEADING FOR SECTION 3.—The Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended by inserting the following new heading for section 3:

"SEIZURE AND FORFEITURE OF VESSELS, VEHICLES AND OTHER CONVEYANCES".

(b) AMENDMENT OF SECTION 3.—Section 3 of the Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended—

(1) by striking "(a) Whenever" and inserting "(a) VESSELS, VEHICLES, AND OTHER CONVEYANCES SUBJECT TO SEIZURE AND FORFEITURE.—Whenever";

(2) by striking "(b) Every" and inserting "(b) VESSELS, VEHICLES AND OTHER CONVEYANCES, DEFINED.—Every";

(3) in subsections (a) and (b) by inserting ", vehicle, or other conveyance" after "vessel" each place it appears; and

(4) by amending subsection (c) to read as follows:

"(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a vessel, vehicle, or other conveyance is being, has been, or is being attempting to be employed in smuggling or to be employed to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, that a vessel has become subject to pursuit under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or is a hovering vessel, or that a vessel fails at any place within the customs waters of the United States or within a customs-enforcement area to display lights as required by law; and

"(2) in the case of a vehicle or other conveyance, that a vehicle or other conveyance has any compartment or equipment that is built or fitted out for smuggling.".

SEC. 1076. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1077. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (26 U.S.C. 7608 note) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 1078. DRUG PARAPHERNALIA AMENDMENT.

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding at the end the following new subsection:

"(g) CIVIL ENFORCEMENT.—The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. The court in which such action is brought shall determine the existence of any violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1079. CONFORMING AMENDMENTS CONCERNING MARIJUANA.

(a) LESS THAN 50 KILOGRAMS.—(1) Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking "less than 50 kilograms of marihuana" and inserting "less than 50 kilograms of a mixture or substance containing a detectable amount of marihuana".

(2) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "with respect to less than 50 kilograms of marihuana" and inserting "with respect to less than 50 kilograms of a mixture or substance

containing a detectable amount of marihuana".

(b) 100 OR MORE PLANTS.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "except in the case of 100 or more marihuana plants" and inserting "except in the case of 50 or more marihuana plants".

SEC. 1080. CONFORMING AMENDMENT ADDING CERTAIN DRUG OFFENSES AS REQUIRING FINGERPRINTING AND RECORDS FOR RECIDIVIST JUVENILES.

Subsections (d) and (f) of section 5038 of title 18, United States Code, are amended by striking "or an offense described in section 841, 952(a), 955, or 959, of title 21," and inserting "or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, or 960(b) (1), (2), and (3)).".

SEC. 1081. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

SEC. 1082. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) SECTION 401(b)(1) (B), (C), AND (D) OF THE CONTROLLED SUBSTANCES ACT.—Subparagraphs (B), (C), and (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) SECTION 1010(b) (1), (2), AND (3) OF THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Paragraphs (1), (2), and (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(c) SECTION 1012(b) OF THE CONTROLLED IMPORT AND EXPORT ACT.—Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony drug offense have become final".

(d) SECTION 401(b)(1)(A) OF THE CONTROLLED SUBSTANCES ACT.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For the purposes of this subparagraph, the term 'felony drug offense' means".

(e) SECTION 102 OF THE CONTROLLED SUBSTANCES ACT.—Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by section 1012(c)(7), is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than 1 year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1083. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) SECTION 401(b)(1) OF THE CONTROLLED SUBSTANCES ACT.—Subparagraphs (A) and (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are amended by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.".

(b) SECTION 1010(b) OF THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Paragraphs (1) and (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) are amended by striking "No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.".

(c) SECTION 419(d) OF THE CONTROLLED SUBSTANCES ACT.—Section 419(d) of the Controlled Substances Act (21 U.S.C. 860(c)), as redesignated by section 501(1), is amended by striking "An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.".

(d) SECTION 420(e) OF THE CONTROLLED SUBSTANCES ACT.—Section 420(e) of the Controlled Substances Act (21 U.S.C. 861(a)) is amended by striking "An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 until the individual has served the mandatory term of imprisonment as enhanced by this section.".

SEC. 1084. CONFORMING AMENDMENT TO PROVISION PUNISHING A SECOND OFFENSE OF DISTRIBUTING DRUGS TO A MINOR.

Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking "one year" and inserting "3 years".

SEC. 1085. LIFE IMPRISONMENT WITHOUT RELEASE FOR CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 or a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SEC. 1086. LONGER PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR FOR USE OF MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (b) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (c) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

SEC. 1087. DRUG PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended to read as follows:

"(d) The term 'drug paraphernalia' means any equipment, product, or material of any kind that is intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, weighing, testing, analyzing, packaging, repackaging, storing, containing, planting, propagating, cultivating, growing, harvesting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this title, including—

"(1) kits designed for use or intended for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

"(2) kits designed for use or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

"(3) isomerization devices designed or intended for use in increasing the potency of any species of plant that is a controlled substance;

"(4) testing equipment designed or intended for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances;

"(5) scales and balances designed for use in weighing or measuring controlled substances;

"(6) containers and other objects designed or intended for use in storing or concealing controlled substances;

"(7) hypodermic syringes, needles, and other objects designed or intended for use in parenterally injecting controlled substances into the human body; and

"(8) objects intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, crack cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as—

"(A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

"(B) water pipes;

"(C) carburetion tubes and devices;

"(D) smoking and carburetion masks;

"(E) roach clips (that is, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand);

"(F) miniature spoons with level capacities of one-tenth cubic centimeter or less;

"(G) champer pipes;

"(H) carburetor pipes;

"(I) electric pipes;

"(J) air-driven pipes;

"(K) chillums;

"(L) bongs;

"(M) ice pipes or chillers;

"(N) wired or extra-width cigarette papers; and

"(O) cocaine freebase kits.".

SEC. 1088. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph.

SEC. 1089. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Subsections (a) and (b) of section 418 of the Controlled Substances Act (21 U.S.C. 859 (a) and (b)) are amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age".

SEC. 1090. DRUGGED OR DRUNK DRIVING CHILD PROTECTION.

(a) APPLICATION OF STATE LAW IN AREAS WITHIN FEDERAL JURISDICTION.—Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, commonwealth, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

(b) COMMON CARRIERS.—Section 342 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following new subsection:

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age.".

SEC. 1091. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1092. EVICTION FROM PLACES MAINTAINED FOR MANUFACTURING, DISTRIBUTING, OR USING CONTROLLED SUBSTANCES.

Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking place. The court in which such action is brought shall determine the existence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief including injunctions and evictions as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1093. INCREASED PENALTIES FOR DRUG DEALING IN "DRUG-FREE" ZONES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "one year" and inserting "3 years"; and

(2) in subsection (b) by striking "three years" each place it appears and inserting "5 years".

SEC. 1094. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) Whoever, being a physical trainer or adviser to a person, attempts to persuade or induce the person to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, imprisoned not more than 2 years (or if the person attempted to be persuaded or induced was less than 18 years of age at the time of the offense, 5 years), or both.

"(2) As used in this subsection, the term 'physical trainer or adviser' means a professional or amateur coach, manager, trainer, instructor, or other such person who provides athletic or physical instruction, training, advice, assistance, or any other such service to any person.".

SEC. 1095. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISIONS OF LAW THAT CONDITION PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101-516 (104 Stat. 2184) and section 104(a)(3) of title 23, United States Code, which shall notify the Governors and State Representatives of the requirements of those sections.

SEC. 1096. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Section 5122(c) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192(c)) is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

SEC. 1097. MISUSE OF THE WORDS "DRUG ENFORCEMENT ADMINISTRATION" OR THE INITIALS "DEA".

Section 709 of title 18, United States Code, is amended by inserting the following new paragraph before the paragraph beginning "Shall be punished":

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration,".

TITLE XI—PUBLIC CORRUPTION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 1102. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 1103. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 1104. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) Offense by Person Other Than a Public Official.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) Circumstances in Which Offense Occurs.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) Definitions.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) Technical Amendments.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

TITLE XII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

SEC. 1201. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) Robbery and Burglary.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) Kidnapping.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) Smuggling.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) Malicious Mischief.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 1202. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) Certain Officers and Employees.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title, imprisoned not more than 1 year, or both, and in all other cases," after "shall"; and

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) Foreign Officials, Official Guests, and Internationally Protected Persons.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) Maritime and Territorial Jurisdiction.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "10"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "6".

(d) Congress, Cabinet, or Supreme Court.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) President and President's Staff.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," each place it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 1203. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "6".

SEC. 1204. VIOLENT FELONIES AGAINST THE ELDERLY.

(a) Offense.—Subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new section:

"§3587. Mandatory sentence for felony against individual of age 65 or over

"(a) Penalty.—Upon any plea of guilty or nolo contendere or verdict or finding of guilty of a defendant of a crime of violence under this title, if any victim of the crime is an individual who had attained age 65 on or before the date that the offense was committed, the court shall sentence the defendant to imprisonment—

"(1) for a term of not less than one-half of the maximum term of imprisonment provided for the crime under this title, in the case of a first offense to which this section applies; and

"(2) for a term of not less than three-fourths of the maximum term of imprisonment provided for the crime under this title, in the case of a second or subsequent offense to which this section applies.

"(b) Terms of Punishment.—Notwithstanding any other law, with respect to a sentence imposed under subsection (a)—

"(1) the court shall not give the defendant a probationary sentence;

"(2) the sentence shall be served consecutively to any other sentence imposed under this title; and

"(3) the court shall reject any plea agreement that would result in the imposition of a term of imprisonment less than that which would have been imposed under subsection (a) in connection with any charged offense.

"(c) Definitions.—As used in this section—

"(1) the term 'crime of violence' means—

"(A) a felony that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) a felony that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

"(2) the term 'victim' means an individual against whom an offense has been or is being committed.".

(b) Technical Amendments.—(1) The subchapter analysis for subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

"3587. Mandatory sentence for felony against individual of age 65 or over.".

(2)(A) Rule 32(c) of the Federal Rules of Criminal Procedure is amended—

(i) by adding at the end of the first paragraph in paragraph (1) (after "record.") the following new sentence: "Neither the defendant nor the court may waive a presentence investigation and report unless there is in the record information sufficient for the court to determine whether a mandatory sentence must be imposed pursuant to title 18, United States Code, section 3581."; and

(ii) in paragraph (2)(D) by inserting "and information relating to whether any victim of the offense had attained age 65 on the date that the offense was committed" after "offense".

(B) Rule 11(e)(1) of the Federal Rules of Criminal Procedure is amended by striking "*In General.*—The" and inserting "*In General.*—Except as provided in title 18, United States Code, section 3581, the".

SEC. 1205. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both" and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

SEC. 1206. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

Subtitle B—Civil Rights Offenses

SEC. 1211. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results"; and

(3) by inserting "and may be fined under this title, or both" before the period.

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "not more more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(4) by inserting "and may be fined under this title, or both" before the period.

(c) FEDERALLY PROTECTED ACTIVITIES.—The first sentence of section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(5) by inserting "and may be fined under this title, or both" before the period.

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) by striking "not more than $1,000," and inserting "under title 18, United States Code,";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(3) by striking "not more than $10,000," and inserting "under title 18, United States Code,";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under title 18, United States Code, or imprisoned"; and

(6) by inserting ", or both" after "life".

Subtitle C—White Collar and Property Crimes

SEC. 1221. RECEIPT OF PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) ROBBERY.—Whoever"; and

(2) by adding at the end the following new subsection:

"(b) RECEIPT OF PROCEEDS.—Whoever receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 1222. RECEIPT OF PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receipt of proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property that was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the chapter analysis, by adding at the end the following new item:

"880. Receipt of proceeds of extortion.".

(b) KIDNAPPING.—Section 1202 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) VIOLATION OF SECTION 1201.—Whoever"; and

(2) by adding at the end the following new subsections:

"(b) VIOLATION OF STATE LAW.—Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) DEFINITION.—For purposes of this section, the term 'State' has the meaning stated in section 245(d).".

SEC. 1223. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code, or" before "the Antitrust Civil Process Act".

SEC. 1224. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 1225. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'savings and loan association' means—

"(1) any Federal saving association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation; and

"(2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.".

SEC. 1226. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666.".

SEC. 1227. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A);

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4));

"(3) the term 'person' has the meaning given that term in section 1 of title 1;

"(4) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which 1 or more professional athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A); and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It is unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact; or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on 1 or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on 1 or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of the violation.

"§ 3704. Applicability

"(a) EXCEPTIONS.—Section 3702 does not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme actually was conducted by that State or other governmental entity prior to August 31, 1990;

"(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity if—

"(A) the scheme is authorized by law; and

"(B) a scheme described in section 3702 (other than parimutuel animal racing or jai alai) actually was conducted in that State or other governmental entity during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of the State or other governmental entity; or

"(3) parimutuel animal racing or jai alai.

"(b) INDIAN LANDS.—Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) TECHNICAL AMENDMENTS.—The part analysis for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001";

and

(2) by adding at the end the following new item:

"178. Professional and Amateur Sports Protection .... 3701".

SEC. 1228. CRIMINAL SANCTIONS FOR VIOLATION OF SOFTWARE COPYRIGHT.

(a) CRIMINAL INFRINGEMENT.—Section 2319(b)(1) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); or"; and

(4) in subparagraph (D), as redesignated by paragraph (2)—

(A) by striking "or" after "recording,"; and

(B) by inserting ", or a computer program" before the semicolon.

(b) PENALTIES.—Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A) by striking "or" after the semicolon;

(2) in subparagraph (B) by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 49 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) DEFINITIONS.—Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the term 'computer program' has the meaning stated in section 101 of title 17, United States Code.".

SEC. 1229. FINANCIAL INSTITUTIONS FRAUD.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 19(a)(2)(A)(i)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(2)(A)(i)(I)) is amended by striking "or 1956" and inserting "1517, 1956, or 1957".

(b) FEDERAL CREDIT UNION ACT.—Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

(c) CRIME CONTROL ACT OF 1990.—Section 2546 of the Crime Control Act of 1990 (28 U.S.C. 522 note; 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

SEC. 1230. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by adding "or" at the end of paragraph (d); and

(3) by inserting after paragraph (d) the following new paragraph:

"(e) intentionally uses, discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511 (b) and (c), 2511(e), 2516, and 2518, knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, having obtained or received the information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 1231. THEFTS OF MAJOR ART WORKS.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 668. Theft of a major art work

"(a) THEFT FROM MUSEUM.—Whoever steals or obtains by fraud any object of cultural heritage held in a museum commits a class C felony.

"(b) EXHIBITION OR STORAGE BY MUSEUM.—A museum that exhibits to the public or holds in storage any stolen object of cultural heritage knowing that such object is stolen commits a class C felony.

"(c) LIMITATIONS.—Notwithstanding section 3282, the statute of limitations for an offense under this section is 20 years.

"(d) FORFEITURE.—The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'museum' means an organized and permanent institution, essentially educational or aesthetic in purpose with professional staff, that owns and utilizes tangible objects, cares for them, and exhibits them to the public during a regularly scheduled period; and

"(2) the term 'stolen object of cultural heritage' means a stolen object that is—

"(A) registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry; and

"(B) reported to law enforcement authorities as having been stolen.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of a major art work.".

SEC. 1232. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking "not more than $250" and inserting "under this title"; and

(2) by adding at the end "For the purposes of this section, the term 'sells' includes trades, barters, or exchanges for anything of value.".

SEC. 1233. MOTOR VEHICLE THEFT PREVENTION ACT.

(a) SHORT TITLE.—This section may be cited as the "Motor Vehicle Theft Prevention Act".

(b) MOTOR VEHICLE THEFT PREVENTION PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 160. Motor vehicle theft prevention program

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with States and localities, a national voluntary motor vehicle theft prevention program (in this section referred to as the 'program') under which—

"(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

"(A) states that the vehicle is not normally operated under certain specified conditions; and

"(B) agrees to—

"(i) display program decals or devices on the owner's vehicle; and

"(ii) permit law enforcement officials in any State or locality to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions;

"(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner; and

"(3) Federal law enforcement officials are authorized to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

"(b) UNIFORM DECAL OR DEVICE DESIGNS.—

"(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

"(2) TYPE OF DESIGN.—The uniform design shall—

"(A) be highly visible; and

"(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

"(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

"(1) clearly state that participation in the program is voluntary;

"(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

"(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

"(4) include any additional information that the Attorney General may reasonably require.

"(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may include—

"(A) the operation of the vehicle during certain hours of the day; or

"(B) the operation of the vehicle under other circumstances or by such a person that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner or with the consent of the owner.

"(2) MORE THAN 1 SET OF CONDITIONS.—The Attorney General may establish more than 1 set of conditions under which participating motor vehicles may be stopped. If more than 1 set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

"(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

"(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

"(e) MOTOR VEHICLES FOR HIRE.—

"(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

"(2) TYPE OF NOTICE.—The notice required by this subsection shall—

"(A) be in writing;

"(B) be in a prominent format to be determined by the Attorney General; and

"(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

"(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

"(f) PARTICIPATING STATE OR LOCALITY.—A State or locality may participate in the program by filing an agreement to comply with the terms and conditions of the program with the Attorney General.

"(g) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality shall agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program and with the conditions under which motor vehicles may be stopped under the program.

"(h) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"160. Motor vehicle theft prevention program.".

(c) ALTERATION OR REMOVAL OF MOTOR VEHICLE IDENTIFICATION NUMBERS.—

(1) BASIC OFFENSE.—Section 511(a) of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 shall be fined not more than $10,000, imprisoned not more than 5 years, or both.".

(2) EXCEPTED PERSONS.—Section 511(b)(2) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 if that person is the owner of the motor vehicle or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or the owner's authorized agent;

"(ii) State or local law; or

"(iii) regulations promulgated by the Attorney General to implement section 160 of title 23.".

(3) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For purposes of subsection (a), the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to section 160 of title 23 for the purpose of obstructing its visibility.".

(4) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(A) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 511 the following new section:

"§ 511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, without authorization under section 160 of title 23 shall be fined not more than $5,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to section 160 of title 23.".

(B) TECHNICAL AMENDMENT.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item for section 511 the following new item:

"511A. Unauthorized application of theft prevention decal or device.".

SEC. 1234. KNOWLEDGE REQUIREMENT FOR STOLEN OR COUNTERFEIT PROPERTY.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 771(b), is amended by adding at the end the following new section:

"§ 22. Stolen or counterfeit nature of property for certain crimes defined

"(a) ESTABLISHMENT OF ELEMENT OF OFFENSE.—Wherever in this title it is an element of an offense that any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and that the defendant knew that the property was of such character, the element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) DEFINITION.—For purposes of this section, the term 'official representation' means a representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 771(c), is amended by adding at the end thereof the following new item:

"22. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 1235. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 1236. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly, and with intent to defraud, effects transactions, with 1 or more access devices issued to another person, to receive anything of value aggregating $1,000 or more during any 1-year period;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 1237. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) OFFENSES.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a) FALSE STATEMENT OR REPORT.—(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully overvalues any land, property or security—

"(A) in connection with reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person; and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b) MISUSE OF MONEY.—(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined under this title, imprisoned not more than 1 year, or both.

"(c) FALSE ENTRY OF FACT.—(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business; or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, insurance regulatory official or agency, or agent or examiner appointed by such official or agency to examine the affairs of such person,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years.

"(d) INFLUENCING, OBSTRUCTING, OR IMPEDING ADMINISTRATION OF LAW.—Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined under this title, imprisoned not more than 10 years, or both.

"(e) ENGAGING IN INSURANCE BUSINESS AFTER CONVICTION.—(1)(A) A person who has been convicted of an offense under this section, or of a felony involving dishonesty or a breach of trust, who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if the person has the written consent of an insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance; or

"(B) the reinsuring of risks underwritten by insurance companies,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who are or who act as officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia or any territory or possession of the United States;

"(B) commerce between any point in a State and any point outside the State;

"(C) commerce between points within a State through any place outside the State; and

"(D) all other commerce over which the United States has jurisdiction;

"(3) the term 'insurer' means—

"(A) a business that is organized as an insurance company under the laws of a State, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to supervision by the insurance official or agency of a State; or

"(B) a receiver or similar official or any liquidating agent for such a company, in his or her capacity as such,

and includes any person who is or acts as an officer, director, agent, or employee of that business; and

"(4) the term 'State' includes a State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"§ 1034. Civil penalties and injunctions for violations of section 1033

"(a) CIVIL PENALTY.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation that the person received or offered for the prohibited conduct, whichever amount is greater. If the offense contributed to the insolvency of an insurer that has been placed under the control of a State insurance regulatory agency or official, such penalty shall be remitted to the regulatory official of the insurer's State of domicile for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person.

"(b) INJUNCTION.—If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy that is available by law to the United States or any other person.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293(1) of title 18, United States Code, is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person of the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033.".

SEC. 1238. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000, imprisoned not more than 10 years"; and

(B) by striking "not more than $1,000,000" and inserting "not more than $5,000,000"; and

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000, imprisoned not more than 20 years"; and

(B) by striking "not more than $5,000,000" and inserting "not more than $15,000,000".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services).".

SEC. 1239. COMPUTER ABUSE AMENDMENTS ACT OF 1992.

(a) SHORT TITLE.—This section may be cited as the "Computer Abuse Amendments Act of 1992".

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of or in a manner affecting a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of or in a manner affecting a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a fine under this title, imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(g) A person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless the action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, as amended by subsection (d), is amended by adding at the end the following new subsection:

"(h) The Attorney General shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning prosecutions under subsection (a)(5).".

(f) DEFINITION.—Section 1030(e)(1) of title 18 United States Code, is amended by striking ", but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device".

(g) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

SEC. 1239A. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE AMOUNTS OF CASH IN WEAPONS SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations requiring employees and agents described in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers—

"(1) a controlled substance the possession of which may be a violation of Federal or State law; or

"(2) an amount of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

Subtitle D—Sentencing and Procedure

SEC. 1241. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 1242. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 1243. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 1244. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d) by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place it appears and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm (as defined in section 921) in violation of Federal law or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

SEC. 1245. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) PETTY OFFENSES.—Subsection (a)(3) does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 1246. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403.".

SEC. 1247. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: "A magistrate who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.".

SEC. 1248. AVAILABILITY OF SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in the second sentence by striking "place him on probation, or commit him to official detention" and inserting "place the juvenile on probation, or commit the juvenile to official detention (including the possibility of a term of supervised release)";

(2) by redesignating subsection (d) as subsection (e); and

(3) by adding after subsection (c) the following new subsection:

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than 18 years old, beyond the earlier of—

"(A) the date on which the juvenile becomes 21 years old; or

"(B) the maximum term that would be authorized by section 3583(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between 18 and 21 years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond 5 years; or

"(B) in any other case beyond the lesser of—

"(i) 3 years; or

"(ii) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult.".

SEC. 1249. IMMUNITY.

Section 6003(b) of title 18, United States Code, is amended—

(1) by striking "or" before "Deputy Assistant Attorney General" and inserting a comma; and

(2) by inserting "or one other officer or employee of the Criminal Division designated by the Attorney General" after "Deputy Assistant Attorney General,".

SEC. 1250. EXTENDED SERVICE OF MEMBERS OF THE SENTENCING COMMISSION.

Section 992(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Subject to paragraph (2)—

"(A) no voting member of the Commission may serve more than 2 full terms; and

"(B) a voting member appointed to fill a vacancy that occurs before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of that term.

"(2) A voting member of the Commission whose term has expired may continue to serve until the earlier of—

"(A) the date on which a successor has taken office; or

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.".

Subtitle E—Immigration-Related Offenses

SEC. 1251. EXPLOITATION OF ALIENS.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 1234(a), is amended by adding at the end the following new section:

"§ 23. Exploitation of aliens

"(a) INDUCEMENT OF ALIENS.—A person who is 18 years of age or older who voluntarily solicits, counsels, encourages, commands, intimidates, or procures any alien with the intent that the alien commit an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(b) COMMISSION OF CRIME BY ALIEN.—An alien who is induced by another person to commit and subsequently commits an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(c) CONSIDERATIONS.—In imposing a fine under subsection (a) or (b), the court shall consider the severity of the offense sought or committed by the offender as a circumstance in aggravation.

"(d) ENFORCEMENT.—(1) A proceeding for assessment of a civil fine under subsection (a) or (b) may be brought by the Attorney General in a civil action before a United States district court.

"(2) A person affected by a final order under this subsection may, not later than 45 days after the date on which the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 1234(b), is amended by adding at the end the following new item:

"23. Exploitation of aliens.".

SEC. 1252. CRIMINAL ALIEN IDENTIFICATION AND REMOVAL FUND.

(a) ESTABLISHMENT.—(1) There is established in the Treasury of the United States the Criminal Alien Identification and Removal Fund (referred to as the "Fund").

(2) All fines collected pursuant to section 1251 shall be covered into the Fund and shall be used for the purposes of this section.

(b) DISTRIBUTION OF MONIES IN THE FUND.—(1) Ninety percent of the monies covered into the Fund in any fiscal year may be used by the Attorney General—

(A) to assist the Immigration and Naturalization Service to identify, investigate, apprehend, detain, and deport aliens who have committed an aggravated felony; and

(B) to fund any of the 20 additional immigration judge positions authorized by section 512 of the Immigration Act of 1990 (104 Stat. 5052) that have not been funded.

(2) Ten percent of the monies covered into the Fund in any fiscal year may be distributed in the form of grants to the States by the Attorney General for the purposes of—

(A) assisting the States in implementing section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)); and

(B) modifying a plan described in section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)) to identify aliens—

(i) as they are processed for admission into State prisons; and

(ii) when they enter probation programs.

(c) TECHNICAL AMENDMENT.—Section 280(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1330) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 1253. ALIENS CONVICTED OF FELONY DRUNK DRIVING.

Section 241(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)) is amended—

(1) by redesignating clause (iv) as clause (v);

(2) by inserting after clause (iii) the following new clause:

"(iv) DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An alien who is convicted of operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance arising in connection with a fatal traffic accident or traffic accident resulting in serious bodily injury to an innocent party is deportable."; and

(3) in clause (v), as redesignated by paragraph (1), by striking "and (iii)" and inserting "(iii), and (iv)".

Subtitle F—United States Marshals

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "United States Marshals Association Establishment Act".

SEC. 1262. ESTABLISHMENT AND PURPOSE OF ASSOCIATION.

(a) ESTABLISHMENT.—There is established the United States Marshals Association (referred to in this subtitle as the "Association"). The Association is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Association are—

(1) to elevate and strengthen public knowledge of law enforcement in general, and the United States Marshals Service in particular;

(2) to promote the exchange of information among private and public institutions and individuals about law enforcement and justice systems issues;

(3) to organize symposia, studies, and research in carrying out paragraphs (1) and (2);

(4) to study the history of law enforcement;

(5) to produce, sell, and distribute educational materials on law enforcement and justice systems issues;

(6) to accept and administer private gifts or property for the benefit of, or in connection with, the activities and services of the United States Marshals Service; and

(7) to promote law enforcement.

SEC. 1263. BOARD OF DIRECTORS OF THE ASSOCIATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Association shall have a governing Board of Directors (referred to in this subtitle as the "Board"), which shall consist of not less than 3 nor more than 20 members, each of whom shall be a United States citizen and be knowledgeable or experienced in law enforcement matters. The Director of the United States Marshals Service shall be a nonvoting member of the Board, ex officio. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(b) Appointment and Terms.—

(1) Initial appointment.—The members of the Board first appointed shall be appointed by the United States Marshals Association, a nonprofit corporation in existence before the enactment of this Act, which is organized under the laws of the State of Virginia.

(2) Subsequent appointment.—The members of the Board appointed after the appointment of Directors under paragraph (1) shall be appointed in the manner provided in the bylaws of the Association.

(3) Advice of director.—A member of the Board may be appointed with the advice of the Director of the United States Marshals Service (referred to in this subtitle as the "Director").

(4) Terms.—The members of the Board shall be appointed for terms of 4 years. A vacancy on the Board shall be filled in the manner in which the original appointment was made. No person may serve for more than 2 consecutive terms as a member of the Board.

(c) Chair.—The chair of the Board shall be elected by the Board from its members to a 2-year term.

(d) Quorum.—A majority of the membership of the Board shall constitute a quorum for the transaction of business.

(e) Meetings.—The Board shall meet at the call of the chair at least twice each year. If a member of the Board misses 3 consecutive regularly scheduled meetings, the member may be removed from the Board as provided in the bylaws of the Association, and that vacancy may be filled in accordance with subsection (b).

(f) Reimbursement of Expenses.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Association.

(g) General Powers.—(1) The Board may complete the organization of the Association by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Association and the provisions of this subtitle; and

(C) carrying out such other actions as may be necessary to carry out this subtitle.

(2) The following limitations apply with respect to the appointment of officers and employees of the Association:

(A) Officers and employees may not be appointed until the Association has sufficient funds to pay them for their services. Officers and employees of the Association shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the maximum rate of pay payable under section 5376 of title 5, United States Code, for a position classified above grade GS-15 of the General Schedule.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board, who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to law enforcement.

(h) Advisory Council.—The chair of the Board may appoint an Advisory Council of up to 15 members to advise the Association on its activities under this subtitle. Members of the advisory council have no vote in matters before the Association.

SEC. 1264. MEMBERSHIP.

(a) Eligibility.—Eligibility for membership in the Association shall be limited to persons and organizations demonstrating support of the stated purpose, goals, and functions of the Association. Categories of membership shall be as follows:

(1) Regular member, which shall be limited to individuals actively or formerly employed in the United States Marshals Service.

(2) Associate member, which shall be limited to individuals who are qualified by training or experience in Federal, State, local, or foreign law enforcement.

(3) Honorary member, which shall be limited to individuals who have an outstanding record of service in the public or private sector.

(4) Corporate member, which shall be limited to nongovernmental public, private, or nonprofit organizations which support the purposes of the United States Marshals Association.

(5) Sponsoring member, which shall be limited to Federal or State government entities.

(b) Application.—Persons may apply or be nominated for membership in the Association. Any such application shall be made in writing on the form provided by the Association.

(c) Sponsorship.—Applicants or nominees for membership in any category except that of sponsoring member must be proposed by a regular member. Acceptance of applicants or nominees for membership shall be determined by a majority vote of the Board.

(d) Dues for Members.—Membership dues shall be established by the Board. Dues must accompany a prospective member's application. No dues shall be required in the case of honorary members or sponsoring members.

(e) Voting.—A member may vote in matters for which the vote of the Association is required, and may serve on the Board.

(f) Suspension or Expulsion of Members.—A member of the Association may be suspended or expelled for nonpayment of dues in arrears for at least 60 days, for good cause, or for other reasons by a vote of two-thirds of the Board in accordance with procedures prescribed in Robert's Rules of Order. No member who has been suspended or expelled from the Association may be readmitted to membership for a period of 1 year, and readmission thereafter shall require the consent of two-thirds of the Board.

SEC. 1265. RIGHTS AND OBLIGATIONS OF THE ASSOCIATION.

(a) In General.—The Association—

(1) shall have perpetual existence;

(2) may conduct business throughout the States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Virginia or such other place as may be determined by the Board; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Association.

(b) Service of Process.—Service of process on the agent required under subsection (a)(4) or the mailing of process to the business address of the agent shall constitute service on the Association.

(c) Seal.—The Association may use the seal, insignia, or badge of the United States Marshals Service, and other materials unique to the United States Marshals Service, only with the express written permission of the Director.

(d) Powers.—To carry out its purposes under section 1262, the Association shall have, in addition to the powers otherwise given it under this subtitle, the usual powers of a corporation acting as a trustee in the State of Virginia or wherever else the Association is incorporated. The Association shall have the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Association.

(e) Acceptance of Gifts.—A gift, devise, or bequest may be accepted by the Association even though it is encumbered, restricted, or subject to the beneficial interests of private persons if any current or future interest therein is for the benefit of the Association.

SEC. 1266. ADMINISTRATIVE SERVICES AND SUPPORT.

The Director may provide personnel, facilities, and other administrative services to the Association, including reimbursement of expenses under section 1262, not to exceed the then current Federal Government per diem rates, until the date that is 5 years after the date of the enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 1267. VOLUNTEER STATUS.

The Director may, notwithstanding section 1342 of title 31, United States Code, accept voluntary services of the Association in the performance of the functions of the Association under this subtitle.

SEC. 1268. RESTRICTIONS.

(a) Financial Interests.—No part of the income or assets of the Association shall inure to any member or officer of the Association or member of the Board or be distributed to any such person. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers or the Association or reimbursement for actual necessary expenses in amounts approved by the Board.

(b) Prohibition on Loans.—The Association shall not make any loan to any member of the Board or to any officer or employee of the Association.

(c) Prohibition on Stock.—The Association shall have no power to issue any shares of stock or to declare or pay any dividends.

SEC. 1269. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) Audits.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Association shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Association shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during the year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN ASSOCIATION ACTS OR FAILURES TO ACT.—If the Association—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 1262(b); or

(2) refuses, fails, or neglects to discharge its obligations under this subtitle, or threatens to do so,

the Attorney General of the United States may petition the appropriate court for such equitable relief as may be necessary or appropriate.

SEC. 1270. LIABILITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Association, nor shall the full faith and credit of the United States extend to any obligation of the Association.

SEC. 1271. NONDISCRIMINATION.

(a) EMPLOYMENT PRACTICES.—Notwithstanding section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) or section 101(5)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(5)(B)), the Association and any agent of the Association shall be considered to be an employer for purposes of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 if the Association is engaged in an industry affecting commerce and meets the minimum employee requirements set forth in those Acts.

(b) MEMBERSHIP PRACTICES.—

(1) PROHIBITED PRACTICES.—It shall be unlawful for the Association, on the basis of the race, color, religion, sex, national origin, age, or disability of an individual, to—

(A) fail or refuse to accept the individual into membership;

(B) expel the individual from membership;

(C) suspend the membership of the individual; or

(D) discriminate against the individual with respect to any of the benefits or obligations of membership.

(2) ENFORCEMENT.—

(A) RIGHT OF ACTION.—Any person may bring a civil action to enforce paragraph (1) in any appropriate United States district court. Any such action may be dismissed for just cause.

(B) INJUNCTIVE RELIEF.—In any civil action brought under this paragraph, the court may grant as relief any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

SEC. 1272. ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING ASSOCIATION.

The Association may acquire the assets of the United States Marshals Association, a nonprofit organization organized under the laws of the State of Virginia before the enactment of this Act.

SEC. 1273. AMENDMENT AND REPEAL.

The Congress expressly reserves the right to repeal or amend this subtitle at any time.

Subtitle G—Other Provisions

SEC. 1281. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4 (b) or (c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) and (c)),

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 211 of title 18, United States Code, is amended by inserting after the item relating to section 3238 the following new item:

"3239. Optional venue for espionage and related offense.".

SEC. 1282. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, and the carcasses thereof;".

SEC. 1283. COURT TO BE HELD AT LANCASTER.

Section 118(a) of title 28, United States Code, is amended by inserting "Lancaster," before "Reading".

SEC. 1284. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEY'S OFFICE IN PHILADELPHIA, PENNSYLVANIA.

(a) AUTHORIZATION.—There is authorized to be appropriated $35,000,000, to remain available until expended, to plan, acquire a site for, design, construct, build out, equip, and prepare for use an office building to house the United States Attorney's Office in Philadelphia, Pennsylvania, notwithstanding any other law.

(b) SITE SELECTION.—The site of the office building constructed pursuant to subsection (a) shall be at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center and shall be approved by the Attorney General after notification submitted to the Congress as required by law.

SEC. 1285. AWARD OF ATTORNEY'S FEES FOR EMPLOYEES OF DEPARTMENT OF JUSTICE.

Section 519 of title 28, United States Code, is amended—

(1) by striking "Except" and inserting "(a) IN GENERAL.—Except"; and

(2) by adding at the end the following new subsection:

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such an inquiry, the Attorney General shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 1286. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of this section—

(1) the term "criminal offense" means—

(A) any Federal criminal offense involving a controlled substance;

(B) racketeering;

(C) money laundering; and

(D) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs;

(2) the term "money laundering" means an offense under section 1956 or 1957 of title 18, United States Code; and

(3) the term "racketeering" means an offense under section 1951, 1952, or 1955 of title 18, United States Code.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney,

for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary to implement this section within 90 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective on the date that is 60 days after the date of the promulgation of regulations under subsection (d).

SEC. 1287. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS AND REPORT TO CONGRESS ON ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) REPORT TO CONGRESS.—Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ", which report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under paragraph (7)(B)."; and

(3) by adding at the end the following new subparagraph:

"(D) a report for the fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1288. DNA IDENTIFICATION.

(a) FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)), as amended by section 531, is amended—

(A) by striking "and" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(23) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (referred to in this title as 'DNA') for identification purposes.".

(2) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

"(B) DNA samples obtained by and DNA analyses performed at the laboratory will be made available only—

"(i) to criminal justice agencies, for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992.".

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

(b) QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—

(1) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(B) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(C) The standards described in subparagraphs (A) and (B) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(D) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(2) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under paragraph (1) shall be considered to be an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date that is 5 years after the date on which initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(A) DNA identification records of persons convicted of crimes;

(B) analyses of DNA samples recovered from crime scenes; and

(C) analyses of DNA samples recovered from unidentified human remains.

(2) CONTENTS.—The index established under paragraph (1) shall include only information on DNA identification records and DNA analyses that are—

(A) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

(B) prepared by laboratories and DNA analysts that undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992; and

(C) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(i) to criminal justice agencies, for law enforcement identification purposes;

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) FAILURE TO MEET REQUIREMENTS.—The exchange of records authorized by this subsection is subject to cancellation if the quality control and privacy requirements described in paragraph (2) are not met.

(d) FEDERAL BUREAU OF INVESTIGATION.—

(1) PROFICIENCY TESTING REQUIREMENTS.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b). Not later than 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this subparagraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(B) For each of the 5 years following the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate an annual report on the results of each of the tests described in subparagraph (A).

(2) PRIVACY PROTECTION STANDARDS.—(A) Except as provided in subparagraph (B), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(i) to criminal justice agencies for law enforcement identification purposes; or

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged.

(B) If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) CRIMINAL PENALTIES.—(A) Whoever—

(i) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(ii) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than $100,000.

(B) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsections (b), (c), and (d).

SEC. 1289. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

"PART V—SAFE SCHOOLS ASSISTANCE

"SEC. 2201. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2202. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2203. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2202;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within the schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce crime problems.

"SEC. 2204. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2203(c).

"SEC. 2205. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2203(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2203(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 2206. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2203(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part, which report shall contain—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 2203(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 2207. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(b), is amended by striking the matter relating to part V and inserting the following:*ERR08*

"PART V—SAFE SCHOOLS ASSISTANCE

"Sec. 2201. Grant authorization.
"Sec. 2202. Use of funds.
"Sec. 2203. Applications.
"Sec. 2204. Allocation of funds; limitations on grants.
"Sec. 2205. Award of grants.
"Sec. 2206. Reports.
"Sec. 2207. Definitions.

"PART W—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".*ERR08*

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1064(c), is amended by adding at the end the following new paragraph:

"(16) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part V.".

TITLE XIII—TECHNICAL CORRECTIONS

SEC. 1301. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) TESTING OF CERTAIN SEX OFFENDERS FOR HUMAN IMMUNE DEFICIENCY VIRUS.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a(b)) is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "subsection (a) (1) and (2)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "section 515(a) (1) or (3)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)), as amended by section 902, is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M.," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(3)) is amended by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) (42 U.S.C. 3796b(3)) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) (42 U.S.C. 3722(c)(2)(E)) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) (42 U.S.C. 3732(c)) by striking the period at the end and inserting a semicolon;

(3) in section 602(a)(1) (42 U.S.C. 3769a(a)(1)) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) (42 U.S.C. 3769b(a)(6)) by striking "605" and inserting "606";

(5) in section 605 (42 U.S.C. 3769c) by striking "this section" and inserting "this part";

(6) in section 606(b) (42 U.S.C. 3769d(b)) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b) (42 U.S.C. 3782(b))—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) (42 U.S.C. 3783(b)) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) (42 U.S.C. 3785(b)) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 (42 U.S.C. 3789) by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) (42 U.S.C. 3789d(c)(2)(H)) by striking "805" and inserting "804";

(12) in section 811(e) (42 U.S.C. 3789f(e)) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) (42 U.S.C. 3791(a)(3)) by striking "and," and inserting ", and"; and

(14) in section 1001(c) (42 U.S.C. 3793(c)) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 1302. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031 of title 18, United States Code, is amended—

(1) by redesignating subsection (g), as added by Public Law 101-123, as subsection (h) and removing it to the end of the section; and

(2) in subsection (h), as redesignated by paragraph (1), by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293(1) of title 18, United States Code, is amended by striking "1008,".

(f) PART I PART ANALYSIS.—The item relating to chapter 33 in the part analysis for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

SEC. 1303. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) CONTRABAND IN PRISON.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) REQUIREMENTS FOR GOVERNMENTAL ACCESS.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) PROGRAMS RECEIVING FEDERAL FUNDS.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) OFFENDERS WITH MENTAL DISEASE OR DEFECT.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "section 4241(e), 4243(f), 4244(e), 4245(e), or 4246(e),".

(f) CONTINUING CRIMINAL ENTERPRISES.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) SENTENCING COMMISSION.—Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) FIREARMS.—Section 924(e)(2)(A)(i) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96-350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(i) ERRONEOUS CITATION IN CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 (104 Stat. 4908) is amended, effective as of the date of enactment of that Act, by striking "951(c)(1)" and inserting "951(c)(2)".

SEC. 1304. OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and by striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analyses for chapters 105 and 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking subsections (f) and (g) that were enacted by Public Law 100-690 (102 Stat. 4488);

(15) in section 3113 by striking the third paragraph; and

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939".

SEC. 1305. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(a)(3)) is amended by striking "issuer" and inserting "domestic concern".

SEC. 1306. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 1307. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking the quotation marks; and

(B) in subsection (d) by striking "provider for" and inserting "provider of"; and

(4) in section 3731, in the second undesignated paragraph, by striking "order of a district courts" and inserting "order of a district court".

TITLE XIV—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1992".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated $345,500,000 for fiscal year 1992 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include—

(A) not to exceed $45,000,000 to hire, equip, and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of State and local overtime, equipment, and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip, and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations.

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train, and equip no fewer than 500 full-time equivalent Border Patrol officer positions.

(B) $20,000,000 to hire, train, and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses.

(5) For the United States Marshals Service, $10,000,000.

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip, and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs.

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel, and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title.

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

TITLE XV—FEDERAL PRISONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS FOR NEW PRISON CONSTRUCTION.

There is authorized to be appropriated for fiscal year 1993 to the buildings and facilities account, Federal Prison System, Department of Justice, $500,000,000 for the planning of, acquisition of sites for, and the construction of new penal and correctional facilities, such appropriations to be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for that fiscal year.

AMENDMENT NO. 1823

At the end of the amendment, add the following:

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Not withstanding any other provision of this Act, each State shall designate as voter registration agencies—

(A) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designed under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an applicant made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR CO-OPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days, after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or

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NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on issues pertaining to the refining sector of the petroleum industry.

The hearing will take place on Thursday, May 28, 1992, at 9:30 a.m. at the Laramie County Community College, 1400 East College Drive, Cheyenne, WY.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at 202/224-4820.

Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on sea level rise resulting from global climate change, and its consequences for the Pacific Islands. The hearing will take place on Tuesday, May 26, 1992, at the Keoni Auditorium, the East-West Center, Honolulu, HI, beginning at 9 a.m.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Black.

For further information, please contact Leslie Black of the committee staff at 202/224-9607.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, May 14, at 9:30 a.m. for a hearing on S. 2624, reauthorization of the Emergency Food and Shelter National Board Program and the Interagency Council on the Homeless.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, May 14, at 2 p.m. for a nominations hearing on the following nominees: Stephanie Duncan-Peters; Ann O'Regan Keary; Judith E. Retchin; and William M. Jackson, to be associate judges of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 14, 1992, at 10 a.m. to hold a hearing on the nomination of Michael Boudin, to be U.S. circuit judge for the First Circuit, Morris S. Arnold, to be U.S. circuit judge for the Eighth Circuit, Jerome B. Simandle, to be U.S. district judge for the District of New Jersey and Richard G. Kopf, to be U.S. district judge for the District of Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, May 14, 1992, at 9:30 a.m. to conduct a hearing on urban affairs, the recent violence in Los Angeles and the crisis facing urban America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 14, 1992, at 2 p.m. on pending transactions under Exon-Florio amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 14, 1992, at 2 p.m. on nomination of Arthur J. Rothkopf of the District of Columbia to be Deputy Secretary of Transportation and Michael James Toohey of Virginia to be Assistant Secretary of Transportation and Gen. Thomas C. Richards to be Administrator of the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 14, 1992, at 10 a.m., for a hearing on S. 2491, Endangered Species Employment Transition Assistance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 14, 1992, to receive testimony on S. 2607, a bill to authorize regional integrated resource planning by registered holding companies and State regulatory commissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., May 14, 1992, to receive testimony on S. 1624, to amend the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and for other purposes; and S. 2321, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION AND INFRASTRUCTURE

Mr. FORD. Mr. President, I ask that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, May 14, beginning at 10 a.m., to conduct a hearing on the Judicial Space and Facilities Management Act of 1992 (substitute) and GSA Oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Thursday, May 14, 1992, at 2:30 p.m., in open session, to receive testimony on the impact of the defense build-down on the ability of the United States industrial and technology base to meet national security requirements, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on Thursday, May 14, 1992, beginning at 2 p.m., in 485 Russell Senate Office Building, to consider for report to the Senate a substitute bill to S. 1687, the Indian Tribal Government Waste Management Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Government Contracting and Paperwork Reduction be authorized to meet during the session of the Senate on Thursday, May 14, 1992, at 10 a.m. The subcommittee will hold a hearing on the Small Business Competitiveness Demonstration Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, May 14, at 9 a.m. and to continue at 2 p.m. with a hearing on oversight of BCCI and cooperation under the plea agreements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 14, at 2 p.m. to hold a hearing on U.S. assistance to the new independent states.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 14, 1992, at 1:30 p.m. to conduct a hearing on reauthorization of the Export-Import Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 14, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 14, 1992, at 9:30 a.m., in open session, to consider the nominations of the Honorable G. Kim Wincup to be Assistant Secretary of the Air Force for Acquisition; Gen. George L. Butler, USAF, to be reappointed to the grade of general, and to be commander in chief, U.S. Strategic Command; Lt. Gen. Charles A. Horner, USAF, to be general, and to be commander in chief, North American Aerospace Defense Command, commander in chief, U.S. Space Command, commander, Air Force Space Command, and Department of Defense manager for Space Transportation System Contingency Support Operations; and Rear Adm. (lower half) John M. McConnell, USN, to be vice admiral, and to be Director, National Security Agency/Chief, Central Security Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 14, 1992, at 10 a.m. to consider a bill to make the former Soviet Republics eligible for trade benefits under the Generalized System of Preferences Program and to hear and consider the nominations of Jerome Powell to be Under Secretary for Finance and John C. Dugan to be Assistant Secretary for Domestic Finance of the Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 2964—INCINERATION OF LETHAL CHEMICAL AGENTS AT ABERDEEN PROVING GROUND, MD

• Ms. MIKULSKI. Mr. President, I ask that the text of S. 2694 be inserted in the RECORD.

The text of S. 2694 is as follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION RELATING TO INCINERATION OF CHEMICAL AGENTS AT ABERDEEN PROVING GROUND, MARYLAND

(a) LIMITATION OF CONTRACTING ACTIONS.—The Secretary of the Army may not solicit a bid or proposal for the construction of an incinerator of lethal chemical agents at Aberdeen Proving Ground, Maryland—

(1) until—

(A) the Administrator of the Environmental Protection Agency—

(i) has monitored the incineration of mustard gas on Johnston Island in the Pacific Ocean continuously for a period considered by the Administrator as sufficient to evaluate fully whether the emissions resulting from such incineration meet the applicable environmental standards; and

(ii) has made such a determination; and

(B) the National Academy of Sciences has issued the report on alternative chemical demilitarization technologies; and

(2) unless the conditions in subsection (b) are met.

(b) CONDITIONS FOR PROCEEDING.—The Secretary may proceed with the solicitation of a bid or proposal referred to in subsection (a) if—

(1) the Administrator of the Environmental Protection Agency, after having monitored the emissions referred to in paragraph (1)(A) of that subsection in accordance with that paragraph, determines that the emissions meet the applicable environmental standards; or

(2) the Committee on Alternative Chemical Demilitarization Technologies of the National Academy of Sciences has determined, and stated in the report on alternative chemical demilitarization technologies, that there is no viable alternative to incineration as a technology for disposing of lethal chemical agents.

(c) CONDITIONS REQUIRING TERMINATION OF INCINERATION PROGRAM.—The Secretary shall terminate the development of an incinerator for the disposal of lethal chemical agents at Aberdeen Proving Ground, Maryland, if—

(1) the Administrator of the Environmental Protection Agency, after having monitored the emissions referred to in paragraph (1)(A) of subsection (a) in accordance with that paragraph, determines that the emissions do not meet the applicable environmental standards; and

(2) the Committee on Alternative Chemical Demilitarization Technologies of the National Academy of Sciences determines, and states in the report on alternative chemical demilitarization technologies, that there is at least one technology for use in the disposal of such agents that is a viable alternative to incineration of such agents.

(d) DEFINITIONS.—In this section:

(1) The term "applicable environmental standards" means—

(A) the standards for emissions from incinerators of hazardous waste prescribed in section 264.343 of title 40 of the Code of Federal Regulations; and

(B) any other applicable standard, requirement, criteria, or limitation that relates to emissions from incinerators of hazardous waste under—

(i) any Federal environmental law or regulation, including the Clean Air Act (42 U.S.C. 7401 et seq.), subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), or the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); or

(ii) any State environmental law.

(2) The term "report on alternative chemical demilitarization technologies" means the report on the independent study of alternative chemical demilitarization technologies conducted by the Committee on Alternative Chemical Demilitarization Technologies of the National Academy of Sciences pursuant to the letter of the Assistant Deputy for Chemical Demilitarization, Office of the Assistant Secretary of the Army for Installations, Logistics and Environment, to the Executive Director of the National Research Council, dated November 8, 1991.•

VINTON L. HILL TRIBUTE

• Mr. ROTH. Mr. President, the future belongs to those who are willing to work for it. This single truth has been at the foundation of our Nation's blessed past, and if we are to endure the challenges before us, it must be at our foundation tomorrow. We are strong as a Nation because our predecessors worked to make us strong. Their examples of service and responsibility not only reached out to care and provide for others, but to serve as lasting examples of what can be done when we forget ourselves and go to work.

As President Richard von Weizäcker, of the Federal Republic of Germany, told us last week—April 30:

> There are convincing examples given by American citizens which are admired in Germany. Time and again when traveling in (America) we come across a pursuit of happi-

> ness that is not confined to satisfying selfish desires and amassing material riches. It embraces neighborly support, social engagement, and public responsibility. The term "charity begins at home" includes the readiness to give help instead of calling for higher authority or legislation. Your communities are full of private initiative and life. (And it) is this sense of personal dedication that will help us to stand up to the epochal changes and challenges of our time.

Mr. President, today I want to bring to the attention of my colleagues—and frankly to the attention of all Americans—one such example. His name is Vinton L. Hill, a man from New Castle County, DE, who worked for more than 30 years as a part of our Nation's proud railroad heritage. Vinton Hill started working for the Pennsylvania Railroad back in 1958—at the tender age of 20—and what is remarkable, Mr. President, is that in 34 years of service he was absent only 1 day, only 1 day in 34 years of employment.

In the community, Vinton and his wonderful wife, Kathy, demonstrated an equal determination to serve. They raised a family—two boys who are now successful professionals; they were actively involved in the schools, little leagues, and other community organizations, especially those that served the elderly and infirm. Indeed, it might be said, that Vinton and Kathy gave back more than they ever cared to receive.

At the moment, Vinton is waging a courageous battle for his health. Once again, his example is an inspiration to those who know him. I am proud to announce that Amtrak has created a national award in the name of Vinton L. Hill to annually honor Amtrak employees who achieve perfect attendance on the job. The Vinton L. Hill Award will be one that not only serves as an incentive for excellence, but one that will sustain his inspiring legacy and dedicated example for decades to come.

I add my sincere congratulations to Vinton and Kathy Hill, and I am proud of the opportunity I have to recognize this quiet example of personal dedication to the values that have built—and that will continue to sustain—America.•

COSPONSORSHIP OF S. 2384

• Mr. **GLENN.** Mr. President, I rise today to talk about trash. Specifically, garbage. Or, as some are disposed to call it, solid waste. But no matter the name, garbage is still garbage and it currently threatens both the safety and health of our environment and our citizens.

We all remember the infamous garbage-barge incident during the summer of 1987. We had a good chuckle as the barge spent a hapless 162 days at sea trying to find somewhere to dump its garbage. The story even took on an international significance when the poor barge traveled down to Belize in an attempt to dispose of its cargo.

But this really is not a laughing matter. The garbage-barge incident served as a vivid illustration of the solid waste disposal problem in our country. Now, it is nearly 5 years later and the situation has gotten worse.

And this enormous problem boils down to: Where are we going to continue to put all the garbage Americans throw out? Well, it seems to be in places like my home State of Ohio, whether we like it or not.

In 1990 alone, Ohio received 1.8 million tons of imported waste. According to the Ohio Environmental Protection Agency [OEPA], if Ohio continues to take in garbage at this rate, all its landfills could be filled by the year 2000.

One can visualize a type of domino effect: As more States like Ohio are forced to accept outside garbage, they will be less able to dispose of their own garbage and, inevitably, will be forced to send their garbage elsewhere for disposal. The new recipient States will have to then safely dispose of not only their own solid waste but the waste of other States, as well.

What happens when the landfills of these new recipient States reach their capacity? Where will it, or can it, end? Are we prepared to leave our future generations with mounds of garbage and no place to put it? I, for one, think it is time to begin addressing this serious problem so that our children, and their children, will not be confronted by environmental horrors due to our neglect.

That is why I rise today to cosponsor S. 2384 which will help us avert this potentially disastrous scenario I outlined above. S. 2384 would give States and localities the authority to regulate out-of-State waste. But we can also do more.

Today I am also calling on the General Accounting Office [GAO] to begin evaluating the management, transportation, and disposal of solid waste. If we are going to get a handle on this problem, we need long-range solutions. The study I am asking for today will give us the necessary overview of the waste situation so that we can effectively implement long-term solutions.

Mr. President, let me give you a little history on what my State has done about this problem. In 1988, Ohio enacted a comprehensive solid waste management law. Since enactment of that legislation, 34 of the 48 solid waste districts in Ohio have submitted waste management plans to the U.S. Environmental Protection Agency [EPA]. The State has also set the admirable goal of reducing and recycling 25 percent of its waste by June 1994.

These numbers clearly indicate that Ohio is taking significant steps toward resolving its own waste crisis. However, the rapidly dwindling landfill capacity in Ohio is threatened further by the vast quantities of waste hauled from out-of-State, primarily from the east coast.

As I pointed out before, Ohio received 1.8 million tons of imported waste in 1990. This type of influx has forced Ohio's back up against the wall. Out of 88 counties, 28 have no landfills and 35 have landfills with 5 years or less capacity remaining.

How can we expect a State such as Ohio to implement its own environmental objectives while having to deal with thousands of tons of imported trash? Requiring my State and others to handle their own solid waste problems as well as other States' problems is neither fair nor possible.

As it stands, States that are successful in implementing environmentally conscious ways of dealing with waste are punished. But there also are not any incentives for States to develop these types of plans, as long as their garbage can be shipped elsewhere.

S. 2384 will help remedy this unequitable situation. The bill gives States and localities the authority to refuse solid waste transported from other States. It is important to note, though, that this authority is linked to a State's ability to demonstrate the planning and siting of environmentally sound capacity within its own borders.

So the bill does not give States a free ride. States must prove that they care about protecting our environment and citizens. Only then, can they benefit under this law.

But, simply banning out-of-States waste is definitely not a substitute for long-term and comprehensive solid waste management plans. The authority to reject imported trash is a crucial piece of the overall puzzle of how to deal with garbage in an environmentally responsible manner.

Another crucial piece in this puzzle is an overall evaluation of where we stand now and where are we headed on this issue. Today, I am asking the GAO to undertake just such an evaluation.

Specifically, we need to know what sort of options exist for Federal and State governments to deal with transporting and disposing of all this waste. What sort of inter- and intrastate methods work? Will regional compacts work? That is an open question because as Ohioans know all too well, we have experienced some problems in getting the Low-Level Radioactive Waste Compacts off to a fair and effective start.

Another issue I want the GAO to tackle is whether certain communities, from a racial and/or economic class perspective, have been subject, for whatever reasons, to having a disproportionate share of solid waste landfills. And, if so, have there been any adverse effects as a result?

In addition, although I would not want to put this question to every citizen in Ohio, I am going to be asking GAO to examine how much garbage is generated by the Federal Government.

Where does it go, what are the disposal costs, and can we be doing a better job, from both an economic and environmental angle?

Finally, the GAO needs to look at the U.S. EPA and its role. Have the EPA's programs been successful? Are the States receiving enough guidance and coordination?

We owe it to future generations not to simply act in the short term, or just sweep all this garbage under the rug. Yet, until we have the answers to some important questions, we will not be able to create effective long-term solutions to this problem.

America is in trouble. Garbage is piling up across this country and right now we are losing the ability to deal with it. Our environment is too fragile for us to continue to ignore the ever-increasing piles.

S. 2384 is a very big step in the right direction. So is getting a comprehensive evaluation of what more needs to be done. I urge my colleagues to also support this legislation.

Mr. President, I would ask that my request letter to GAO be printed in the RECORD following my remarks.

The letter follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, May 14, 1992.

Hon. CHARLES A. BOWSHER,
Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: One of the major problems this nation faces in the coming years is having sufficient capacity for the safe disposal of municipal solid waste. A growing number of cities, towns, and municipalities are dangerously close to exhausting present landfill capacities, without new disposal sites ready to come on line. Some communities are already finding it necessary to transport their solid waste, at substantial cost and at some risk to public health and safety, to other landfills within or outside of the State. This has led to tensions between the residents of areas with available landfills and those communities, particularly out-of-State, which are dependent on access to these landfills.

I know that you are aware that Congress is beginning to grapple with some of these matters in the context of reauthorization of the Resource Conservation and Recovery Act (RCRA). However, much long-range planning must be done to ensure that our solid waste management regime is safe, fair, and effective. As Chairman of the Senate Committee on Governmental Affairs, I would like you to examine several issues on this front, relating to overall government management and intergovernmental relations, over which this Committee has jurisdiction:

(1) What are the most practical and prudent options facing the Federal and State governments, alone and collectively, for the safe disposal of municipal solid waste, including the use of inter- and intra-state shipments and regional compacts?

(2) Have certain communities, from a racial and/or economic class perspective, borne a disproportionate share of solid waste landfill sites, and what adverse effects, if any, have these communities experienced as a result? Are there fair and sufficient opportunities for public input in siting decisions, and are health and safety issues adequately addressed?

(3) To what extent is solid waste being shipped across the border from Canada, where tipping fees are higher, to northern U.S. landfills, and is the regulation and control of these shipments sufficient?

(4) How useful are state waste management plans in addressing state and local waste problems? How useful has EPA's guidance been to states in providing outreach, education, and technical assistance relating to the management and control of non-hazardous waste?

I am also interested in a couple other related issue areas, which could be addressed in these or subsequent reports. For instance, I would like to know whether private, onsite, incinerators, which can be used for both solid and hazardous waste, provide the same level of protection as commercial incinerators. In addition, I am interested in how effectively EPA has implemented its 1981 requirement for hazardous waste land disposal facilities to install adequate groundwater monitoring systems.

I recognize that the scope of this request is broad and its focus and priorities might change as your work progresses. Therefore, I would like to be kept abreast with periodic briefings as your work proceeds. Should you have any questions, please do not hesitate to contact me or Brian Dettelbach (224–4751) of the Committee staff, or Susan Carnohan (224–3353) of the personal staff.

Thank you for your prompt attention and consideration.

Sincerely,

JOHN GLENN,
Chairman.•

THE AMERICAN BANKRUPTCY INSTITUTE

• Mr. GRASSLEY. Mr. President, hardly a day passes without news of a new major bankruptcy filing, or a story related to the rising tide of bankruptcy cases. During calendar year 1992, we expect more than 1 million individuals and businesses will seek protection from creditors under the bankruptcy code.

The Senator from Alabama, Mr. HEFLIN and I have introduced legislation, S. 1985, to make some needed changes in the bankruptcy law. This bill was reported by the Senate Judiciary Committee and will hopefully soon be considered by the full Senate. It is the product of a consensus effort led by the chairman of the Subcommittee on Courts, and was developed after a series of hearings last year. The first title of the bill calls for the creation of a National Bankruptcy Review Commission, to thoroughly study the existing framework and to make technical recommendations on changes in the law.

One of the premier organizations for the study of bankruptcy law and policy is the American Bankruptcy Institute [ABI]. The ABI is celebrating its 10th anniversary this year. Over the years, the ABI has assisted our subcommittee in identifying the issues that need further study. We on the Judiciary Committee are especially grateful for their thoughtful and nonbiased input.

Tomorrow, May 15, begins the annual spring meeting of the ABI here in Washington. More than 300 insolvency professionals will gather for a comprehensive program of current trends in the law. I note specifically on the ABI's program, a closing luncheon address on Monday by the Chief Justice. This event will also mark the occasion for the presentation of the ABI's Second Annual Congressional Service Award. The first recipient of the award last year was our colleague from Arizona, Senator DECONCINI. This year the award is being presented to the ranking member of the House Committee on the Judiciary, Representative HAMILTON FISH of New York.

I congratulate Representative FISH on this award in recognition of his service to sound bankruptcy policy, and salute the ABI on its decade of service to the study of bankruptcy.•

COSPONSORSHIP OF S. 2407

• Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 2407, a bill to amend the Board for International Broadcasting Act of 1973.

As democracy prevails throughout the Eastern bloc and the former Soviet Union, dictatorships continue to rule Asia, specifically Vietnam, Laos, North Korea, and the People's Republic of China. These governments continue to exert total control over their populations through a tight grip on information.

Radio Free Europe is an outstanding example of how open channels of communication can lead to revolutionized ways of thinking, as shown by its role in the fall of communism in the Eastern bloc and the lands formerly known as the Soviet Union.

Let us not underestimate the aggressive nature and repressive policies of Vietnam, Laos, North Korea, and the People's Republic of China. The Vietnamese and Laotian leaderships have retreated to hardline Communist Party politics. Social repression has not abated in Vietnam. The Pathet Lao in Laos have reaffirmed their commitment to the Socialist path, remaining steadfast in their antidemocratic attitudes, while continuing to deprive their people of the most basic human rights.

The People's Republic of China imprisoned Catholic Bishop Fan because he refused to accept the Catholic Patriotic Association. He died a broken man, a victim of the harsh and tyrannical Chinese system. China has also imprisoned students and intellectuals, for short terms as well as for life, for among other things, their participation in the Tiananmen Square protests. Moreover, China has actively cooperated in a number of areas with the terrorist states of Syria and Iraq. It is not satisfied with abusing its own people, but China seeks to export the means by which to terrorize others.

The evidence shows that these governments have no plans to follow the examples of the Eastern bloc and the former Soviet Union in flowing with the prevailing tide of democracy. As the leading proponent of democracy in the world, the United States should not allow the Asian people to be deprived of information and ideas which could ultimately lead to global cooperation and international understanding.

Therefore, I strongly urge my colleagues to support this bill and help work toward true freedom for the people of Asia.•

AIDS UPDATE

• Mr. CRANSTON. Mr. President, according to the Centers for Disease Control, as of March 31, 1992, 218,301 Americans have been diagnosed with AIDS; 139,269 Americans have died from AIDS; and 79,039 Americans are currently living with AIDS.

POLITICAL COURAGE: IT SAVES LIVES

Sharon Pratt Kelly, Mayor of the District of Columbia, has mounted an attack against the spread of AIDS that is as bold as it is realistic. She proposes to distribute condoms in city high schools, prisons, and jails. She also endorses a trial project to give clean hypodermic needs to drug addicts.

Mayor Kelly's action is based upon the deadly mathematics of AIDS. By the mid-1990's the number of AIDS cases in the District will likely reach 10,000, nearly triple last year's 3,500 cases. The biggest increase will be among heterosexuals who use illegal intravenous drugs, and their sex partners.

The city's teenagers, too, are increasingly vulnerable to AIDS and other sexually transmitted diseases. Studies have shown that over three-quarters of D.C. teenagers are sexually active by the 10th grade, with two-thirds of teenage boys having had four partners or more by then. Many do not use condoms.

Overall, the rate of new HIV infections in the District of Columbia is the highest in the Nation.

Along with many others, Mayor Kelly believes that the most successful protection against AIDS is sexual abstinence. This has been a cornerstone of her anti-AIDS message since the start of her term. But the Mayor is a realist. She knows that moral preachments, however valid or warranted, are demonstrably insufficient to stem the AIDS epidemic. Along with public health officials and a majority of D.C.'s City Council, Mayor Kelly has looked at the facts about the spread of AIDS in the District. Consequently, she has proposed drastic, necessary actions.

Many have called Mayor Kelly's action politically risky, and it may be, if the measure of politics is solely what happens in the polls or at the ballot box. But her courage in discerning what needs to be done to save lives evidences a personal definition of politics that includes leadership and a clean responsibility to tell people the truth about how AIDS is spread, especially those most at risk.•

COSPONSORING "POLISH-AMERICAN HERITAGE MONTH"

• Mr. D'AMATO. Mr. President, I rise today to cosponsor a resolution designating October 1992 as Polish-American Heritage Month. This legislation recognizes the substantial contributions of Polish-Americans to this country and the world.

Polish-Americans have played an important role in the cultural development of American society. As a land of immigrants, America owes much to the ethnic groups which helped forge this Nation. The 6 million Polish-Americans and their ancestors who came here before them, have steered this country in numerous areas. Polish-Americans participate in the fields of science, education, entertainment, sports, and the arts. Individuals like Josef Hofman, a famous pianist and cofounder of the Curtis Institute in Philadelphia, and Jan Paderewski, a respected statesman and composer, have made great contributions to the growth of this country.

Throughout their history, Poles have espoused democracy but were subjected to tyranny imposed by others. As communism began to wither, Poland became the first of the Eastern bloc countries to establish democratic institutions.

We should honor the perseverance of the Polish people who throughout their history had to fight for their freedom. Now that Poland is free, let us celebrate the stubborn persistence of the Poles who refused to bow to tyranny.

I urge my colleagues to cosponsor this resolution.•

ACADEMY OF THE SACRED HEART, NEW ORLEANS, LA

• Mr. BREAUX. Mr. President, I rise today to recognize a very talented group of students who have taken an active interest in our American system of government. Students from the Academy of the Sacred Heart in New Orleans recently placed second in the National Competition on the Bicentennial of the Constitution and the Bill of Rights. Having won the State competition, these 28 students earned the privilege of representing Louisiana on the national level. They rose to the challenge and brought home second place honors for their great State of Louisiana.

These bright students possess impressive knowledge of our American system of government, exhibited by their strong showing at this competition. They recognize that it is very important for the citizens of our country to get involved in the system and remain informed of the important issues of our day. In fact, this is the only way in which any democracy can flourish. I applaud the students at Sacred Heart in New Orleans for the interest and zeal with which they tackled this competition.

The team members include: Kim Adams, Katherine Anderson, Erica Andrews, Alice Babst, Julie Brewer, Catherine Brown, Stephanie Casey, Keegan Chopin, Caroline Christy, Nicole Constantin, Kate Crassons, Megan Derbes, Jenny Foley, Dottie Gibbons, Madeline Gorman, Colleen Guste, Aubrey Hardwick, Michelle Kehoe, Diane Killeen, Kristin Klees, Camey Liberto, Simone Mollere, Robyn Neitzschman, Aija Ozols, Katie Ratte', Sara Schmidt, Deme Tsatsoulis, and Nina Wessel.

They deserve to be commended for their dedication and commitment to their educational goals. I know I share the pride of their friends and families in their impressive achievement. These students have represented Louisiana well, and I thank them for their hard work.•

THE 50TH ANNIVERSARY OF REV. LEOPOLD V. PROZNY

• Mr. D'AMATO. Mr. President, I rise today to recognize an outstanding clergyman, Father Leopold V. Prozny of Rome, NY who is celebrating his 50th anniversary of his ordination to the Roman Catholic Priesthood.

Father Prozny was born in Rome, NY on February 9, 1917, son of John and Frances Muszynski Prozny. His early education was received in the public schools and the Transfiguration School of Rome, NY. Later, Father graduated from Rome Free Academy High School. He earned his bachelor of arts degree from St. John Kanty Prepatory School in Erie, PA, and received his religious training at St. Bernard's Seminary in Rochester, NY.

Father Leopold Prozny was ordained at the Cathedral of the Immaculate Conception, Syracuse, NY on June 6, 1942 by the late Most Reverend Walter A. Forey, Bishop of Syracuse. Father Prozny's first assignment was at St. Stanislaus Church in Utica and then at St. Mary's Church in New York Mills, NY. It was here that Father Prozny became very active with the Boy Scouts and traveled with a group of Scouts to California by train for an unforgettable experience.

From 1958 to 1973 Father Prozny was pastor of St. Casimir's Church in Endicott, NY. In September 1973 Father Prozny was assigned to Holy Trinity Parish in Utica with much experience behind him, ready to serve the people of his new parish. He demonstrated a particular adeptness at maintaining a delicate balance between the old and the new.

Father Prozny has returned to some of the traditional Polish customs, particularly around Eastertime. One custom that Father Prozny has brought to Holy Trinity is having the tomb of Christ at the Main Altar, with St. Michael's Lancers standing vigil on Good Friday through Easter Sunday Resurrection Mass.

Father Leo is vice chaplain of the national organization, the Polish Roman Catholic Union of American and also serves as vice president of the Polish American Congress for the Central and Northern Districts of New York State.

Rev. Leo Prozny has had a long distinguished career in the priesthood. I commend him for his 50 years of faithful service to the people of God and wish him many more years of health and happiness.•

DEVELOPMENTS IN RETAIL GASOLINE MARKET

• Mr. SIMON. Mr. President, on May 6, my distinguished colleague from Arizona, Senator DECONCINI, presided over a hearing of the Judiciary Committee's Subcommittee on Antitrust, Monopolies, and Business Practices that focused on developments in the retail gasoline market. At that hearing, independent service station dealers, petroleum marketers, convenience store operators, and others told the subcommittee that price inversions in the marketplace had devastated their businesses. They also testified that absent some action by Congress, the major refiners would be successful in driving these independents out of business, thus lessening competition in the retail gasoline market and raising consumer prices. That view was also echoed by a consumer representative.

A price inversion is an action by refiners which renders irrelevant the marketing efficiencies of smaller independent competitors. The clearest example of a price inversion is when a refiner charges a wholesale customer a higher per gallon price for gasoline than the same refiner charges you or me for fuel at a corner station in the same geographic area as the wholesale customer.

Why do these situations occur? The refiners blame the inversions which we all heard about in 1990 and 1991 on the invasion of Kuwait by Iraq and the subsequent war. I am more than a little skeptical of this explanation. While the invasion and war certainly created turmoil in the oil markets, why would it have caused refiners to charge wholesale customers more than retail motorists?

Even if we accept the war theory, how does this explain the price inversions that are occurring today? The war has been over for more than a year. Crude oil prices are stable.

Why would a price inversion occur in a market such as this? Witness after witness gave the subcommittee example after example of price inversions still occurring. One witness, Mr. L.W. Locke of Enfield, NC, said that on the very day he was testifying before Congress, one of his suppliers was selling unleaded, regular gasoline at a station it operates at $1.029, while it charged him $1.047 at the wholesale terminal.

Mr. Locke's testimony cited other examples of inversions:

In February 1992, a marketer in Mobile, AL, said his supplier was selling gasoline at its own retail outlets 2.9 cents below the delivered price into a jobber-owned service station;

An Indiana marketer said his supplier charged him 0.2 cents per gallon more for diesel fuel than the same refiner was retailing diesel fuel at one of its own direct outlets;

In Rhode Island a refiner was offering gasoline to motorists 1 to 2 cents below the wholesale marketer's buying price in the same area.

Mr. Steve Sheetz, a convenience store operator in Altoona, PA, cited several other instances.

As recently as April 1992, a refiner-operated retail outlet in Ohio was offering regular unleaded at 91.9 cents per gallon, while the price to the independent wholesaler was 97.15 cents per gallon—a 5 cents per gallon difference.

Also in April, another integrated oil company was charging its independent wholesalers in South Carolina 96.9 cents per gallon, while selling directly to motorists at its refiner-operated station at 3 cents per gallon less, 93.9 cents per gallon.

Mr. Deane Stewart, a constituent of mine, testified that in the last 2 years, the Illinois Petroleum Marketers Association has experienced a loss of one-sixth of their independent marketer members. He cited the practice of refiners selling to motorists at their direct-operated stations at lower prices than they charge their wholesale customers as a key contributing factor to many of the small-business failures in the marketing segment. Clearly the wholesaler cannot afford to transport product and pay for his other necessary business costs while paying more for the product at wholesale than a motorist does at a refiner-operated retail station down the street.

And, just yesterday, I received a letter from a constituent of mine in Macomb, IL. He gave me another example of the price inversions which continue to occur. In late April 1992, a branded retail outlet was selling gasoline at almost 9 cents per gallon below cost, when taxes and transportation costs are included.

Mr. President, it is time for the Senate to act. There are three different proposals being considered by the subcommittee. Our challenge in the weeks ahead is to forge a broad compromise which will allow us to get something enacted this year.

Until that time, it is my intention not to let this issue go unnoticed. I intend to take to the Senate floor every week to give a report of the latest examples of price inversions in the petroleum market.•

REV. JOSEPH A. MARTIN 25TH ANNIVERSARY

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Rev. Joseph A. Martin on the occasion of his silver jubilee. Father Joe Martin is dearly loved by the people of Westchester, NY, with good reason; Father Joe has given 25 years of his life and himself to the service of his people as confessor, counselor, educator, director of vocations, and director of the parish mission. I want to take this opportunity to congratulate and thank Father Joe for his years of dedicated service to the people of New York.

I am proud to stand here today to pay tribute to Father Joe Martin, who personifies the very best of America. He was born to Joseph and Constance Martin on October 6, 1932, in Peekskill, NY. He attended Assumption Elementary School; Peekskill High School; Iona, St. Philip Neri, and Dunwoodie Schools. He was ordained to the priesthood on May 27, 1976, and was stationed at the Church of St. Patrick in Yorktown Heights until January 1975 when he was appointed counsel of conciliation. In the fall of 1977 Father Joe became director of vocations of the archdiocese. Five years later Father Joe found himself back at Dunwoodie as spiritual director at the seminary. In 1988 Father Joe became director of the parish mission team and was reappointed in 1991 for another 3 years.

To speak of the Rev. Joseph Martin as a mere chronology of appointments and job descriptions is not to speak of Father Joe at all. Father Joe is a highly respected and deeply loved priest, who has many abilities, talents, interests, gifts, and attributes, including a fabulous sense of humor. Father Martin is also a great athlete; from basketball and baseball, to skiing, running, tennis, golf, and big game fishing, Father Joe Martin is always on the move.

He has frequently been seen to sport his favorite apparel, his Peekskill parka from L.L. Bean; unless, of course, it's Christmastime, when Father Joe is known to sport his Frosty the Snowman boxers and his corduroy slacks with reindeer on them.

His manner may exude humor always, but Father Joe has a very serious message: You're not loved because you are beautiful, you are beautiful because you are loved. Father Joe is a popcorn chomping, Bermuda hopping, impossible dreamer; but he is also a uniquely talented priest who has been given immense ecclesiastical trust.

Father Joe has spent his life serving others. He has been of service to the people of God for 25 years now. Joe Martin is a great guy and a super priest and it gives me immense pleasure to salute him today. I ask my colleagues in the Senate to join me today in congratulating Father Joseph Martin on 25 years of life given freely to the service of others. Joe, we wish you many more years of health, happiness, and humor.•

HAMILTON STANDARD'S SPACESUITS USED IN RESCUE

• Mr. LIEBERMAN. Mr. President, today is not only a proud day for the American space program, it is a proud day for the men and women of Hamilton Standard in Connecticut. They are the ones who made the spacesuits worn by the astronauts who captured the Intelsat satellite yesterday and prepared it for launch today into its proper orbit. It was the most daring and dramatic rescue in space ever, and I am proud that a Connecticut company and its workers played a role in this historic event.

In the midst of a long recession, American technology and even the American work ethic have been under attack, here at home, and from our competitors overseas. This outer space rescue also helps rescue America's prestige, and reputation for hard work, innovation, and determination. The quality of work that Americans are capable of producing is evidenced in the spacesuits that enabled the three brave astronauts to venture from the *Endeavor* during this mission. Those suits worked, as they have in the past, magnificently.

Too often we only seem to pay attention to news that's bad. This is one story that the world paid attention to, and it is good news all the way. The mission of the *Endeavor* lived up to its name, which means "to strive, to reach for something." The astronauts reached, quite literally, for something, and their reach did not exceed their grasp. We have all been uplifted by their otherworldy performance.

I salute our astronauts, NASA, and the men and women at Hamilton Standard for a job well done.•

INTERNATIONAL CONVENTION OF THE POLISH SINGERS' ALLIANCE OF AMERICA

• Mr. RIEGLE. Mr. President, I rise to announce that the State of Michigan will host the 43d International Convention of the Polish Singers' Alliance of America from May 21 through May 24, 1992.

Since its founding on May 13, 1989, the Polish Singers' Alliance has sponsored a gathering and competition of Polish choral groups every 3 years. This year, the event is hosted by the District IV Association which is based in Hamtramck, MI. Six choruses of this organization will welcome 38 other groups from Michigan, Illinois, New York, New Jersey, Connecticut, Indiana, Ohio, Wisconsin, Pennsylvania, Arizona, and Ontario, Canada. Together, some 1,000 voices will join together in a tribute to the historical achievements of Polish musical tradition.

The assembly will host numerous activities including the exciting choral competition, itself. In past gatherings of the Polish Singers' Alliance, choruses from Michigan and around the country have demonstrated their talents by performing a diverse selection of the rich genre of Polish classical, religious, folk, and modern music.

The International Convention of the Polish Singers' Alliance not only celebrates Polish musical traditions, but it also makes a very important statement about the history of the Polish people. For many generations, especially in the last century, the Polish nation has faced enormous difficulties and tragedies. During these times, music has always been a symbol of the strength of the Polish people. All of the choruses are worthy of congratulations for their efforts to preserve their ancestral inheritance.

Thanks to the strong faith and determination of the Polish people, a new era for that country has begun only recently. The singers participating in the convention certainly appreciate the traditional Polish proverb which proclaims: "He who sings, prays twice." The entire convention can rejoice in this reality.

On behalf of the people of the State of Michigan, I welcome all of the participants of the convention to our State. May their stay be one filled with creativity, health, and happiness. As they enter into the second century of their existence, may the Polish Singers' Alliance be an inspiration to succeeding generations to keep all they have worked for alive. Zycze wszystkim wszystkiego najlepszego. Sto lat.•

RETIREMENT OF RABBI STANLEY M. KESSLER

• Mr. DODD. Mr. President, I rise to pay tribute to Rabbi Stanley M. Kessler, an eminent religious, intellectual, and humanitarian leader in Connecticut, on the occasion of his retirement in June after 38 years as rabbi of the Beth El Temple of West Hartford. He will fulfill the remainder of his life tenure with that temple as rabbi emeritus.

Born and raised in Pennsylvania, a young Rabbi Kessler flew 18 missions over Europe while serving in the Air Force during World War II. After the war, Kessler's course embraced the positive potential of humanity for moral development and the ingenuity of peace. He entered the Jewish Theological Seminary, where he was ordained as rabbi, in 1951. After continued studies at the seminary, he earned a master of Hebrew literature degree and a doctorate of divinity. His love of knowledge has proven a strong rudder throughout his professional life, leading him to graduate work at Columbia University and the Hebrew University of Jerusalem and, later, a teaching position in the religion department of Trinity College in Hartford.

Rabbi Kessler's commitment to fostering cross-cultural communication and broadening human understanding has characterized much of the last four decades of his career; indeed, his life has been emblematic of practicing what he preaches. He joined the legendary "freedom riders" during the civil rights movement of the 1960's and participated in protests in Birmingham and Selma, AL. He has traveled to Israel 27 times since 1949, becoming a virtual emissary of good will between that country and ours. He has visited Jewish communities throughout the Soviet Union, the Far East, India, South Africa, South America, and the Middle East. His various travels have informed his insight and global perspective, which he has shared from the pulpit, the classroom, and the newspaper column, as an international correspondent for the Hartford Courant.

Sitting on various boards and commissions through the years, all unified by a common optimistic agenda for change, Rabbi Kessler has blended the sacred and the secular in his relationship with the institutions of civilization. Lending his moral training and acuity to the dialog of policymakers and common people worldwide, Rabbi Kessler has succeeded, in ways beyond our capacity to measure, to make this world a better place and to encourage us to risk our proud differences for peace and broader understanding.

As it is written in the Book of Mihnah, "The world stands upon three things: on justice, on truth, on peace." Rabbi Stanley Kessler has labored hard to keep the world standing. For his great contributions, his enlightened mind and heart, and his friendship, I am ever thankful, and wish him greater rewards in the coming years.•

NEWAYGO COUNTY, MI, PRIDE GROUP NATIONAL RUNNER-UPS

• Mr. RIEGLE. Mr. President, I rise today to honor 24 of our Nation's finest high school students. The students are members of the Newaygo County, MI PRIDE—Parents' Resource Institute for Drug Education—group and have dedicated themselves to spreading a strong antidrug message to their peers.

Before approximately 2,000 people at the recent 1992 PRIDE World Drug Conference in Houston, TX, Newaygo County's PRIDE group became national runner-ups for their death skit presentation. The play centers on a classmate who has died as a result of drinking and driving. The student asks God for a second chance in life but is rejected. As classmates pass by the casket of their deceased friend, the group's emotional antidrug message is unforgettably conveyed to the audience.

Founded in 1989, Newaygo County's PRIDE group has performed before more than 25,000 students at schools throughout the State of Michigan. To have achieved such high national distinction in such a short timespan is a remarkable achievement, and one that is a true testament to the students' hard work and commitment. I commend their dedication.

Students participating in Newaygo County's PRIDE group for 1991–92 come from the high schools in Fremont, Grant, Hesperia, Newaygo, and White Cloud. This includes the following: Jennie Anderson, Heather Buchanan, Jenny Bullis, Stacey Fischer, Jesse DeKuiper, Mitzi DeKuiper, Amanda Hall, Misty Haught, Matt Hendrie, Roger Hunt, Mandy Kandler, Shaina Kiester, Jeremy Kuhns, Kevin Koenigsknecht, Bethany Lanning, Natasha Lantz, Linda Lemmons, Todd Myers, Renee Nordin, Jolene Norris, Dana Ransom, Chad Swinehart, Kim Van Single, and Sarah Welsh.

The group's success is also attributable to the hundreds of volunteer hours put forth by dedicated adults. Jay DeWispelaere, Don Terrill, Newaygo County Sheriff Roger Altena, Kathy Bullis, Peggy Mercer, and student advisers Brenda Bacon and Jennifer Elworthy are to be congratulated for their efforts and commitment to Newaygo County PRIDE.•

REMEMBER THE VICTIMS OF AIDS

• Mr. WOFFORD. Mr. President, I would like to take this opportunity to remind my colleagues that this Sunday marks the ninth International AIDS Candlelight Memorial. I particularly want to salute the organizers of the memorial events to be held in Pennsylvania.

Organizers of these events have worked long and hard to honor the memories of those we have lost to AIDS. Our society has slowly come to the understanding that this illness can affect anyone. Although no truly accurate statistics exist, some estimates indicate that over 125,000 individuals in the United States may have already died from AIDS.

I know that many of my colleagues share a commitment to many of the principles enumerated by the groups involved in these remembrance ceremonies. We must pledge ourselves to continue to aggressively research the disease and its possible treatments and cures. While increased medical research is an important component to curing individuals infected with AIDS, it is not the only answer. We must also pledge ourselves to continued educational efforts by government, schools, religious leaders, communities, and families to help us curb the spread of AIDS.

Each life we lose to AIDS costs us not just in dollars but robs us as well of the vitality and spirit that AIDS victims brought to their communities. We must not simply remember these persons, we must mobilize for action, to involve ourselves in the fight against this disease. That is why I, as a longtime advocate of voluntary community and national service, am so pleased to note that organizers of these events are using them as opportunities to enlist memorial service participants in this continued struggle. Once again I salute those involved every day in this struggle and ask my colleagues to remember the many thousands who have died of AIDS.•

THE NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT

• Mr. HATFIELD. Mr. President, many in this body have followed the efforts of the Environment and Public Works Committee as it seeks to craft legislation to reauthorize the Resource Conservation and Recovery Act. I want to encourage my colleagues on that committee in their efforts. Passage of effective RCRA legislation is the most important step this body can take toward addressing the growing solid waste crisis facing this country.

Mr. President, I rise briefly this afternoon to highlight for my colleagues a very important vote which took place in the Environment and Public Works Committee. The committee voted on an amendment offered by Senator JEFFORDS that would have included a national beverage container deposit provision in RCRA. While the measure failed by three votes, I see much to be encouraged about and will continue to press for adoption of this effective recycling program.

There appeared to be some confusion on the part of committee members regarding the Commerce Committee's interest in this legislation, which is drafted as an amendment to RCRA and logically belongs on that vehicle. Several members of the Environment Committee apparently voted against the amendment on deposits because they believed that the Commerce Committee intends to take action on the proposal.

However, for the past 10 years, we have politely and patiently requested a hearing in the Commerce Committee on this issue. We have been turned away each year. No hearings have been forthcoming. Hearings would show the undeniable value of beverage container deposits, something opponents of this legislation seek to avoid at all costs.

But opponents have not silenced the three favorable studies conducted by the General Accounting Office. Nor have they silenced a host of other studies published by cities, research groups, and universities. Nor have they silenced the record of success achieved in the States that have deposit systems in place. This record should come across loud and clear anyone skeptical about the effectiveness and value of this proposal.

This proposal belongs on RCRA. RCRA is the leading Federal recycling statute. Any recycling legislation passed by this body that omits the deposits on beverage containers looks like an empty vessel.

I agree with the sentiments of my good friend, Senator JEFFORDS: It is a sad commentary when this body cannot pass environmental legislation that is proven to work and that has the support of the vast majority of Americans. Today, nine States, including Oregon, lead the way with deposits on beverage containers—nine States which the GAO concluded are doing the vast majority of recycling in this country.

Much lamenting occurs on this floor about the low recycling rate we are now achieving. We currently recycle an embarrassing 13 percent of our garbage. Other than offering a goal of reaching a 25-percent recycling rate by the year 2000, I see very little leadership at the Federal level in the area of recycling policy.

Unlike many proposals, a national deposit system would provide tangible benefits the moment it goes into effect. This program alone would increase this Nation's overall recycling rate from 13 to over 17 percent, bringing us one-third of the way to our goal of a 25-percent nationwide recycling rate.

I continue to be dismayed that those in the beverage industry turn up their nose at this 4-percent increase and defend the status quo. But can those of us in Congress afford to take such an arrogant attitude? I do not believe so. To date, the efforts of deposit States translate into an energy savings of over 3.5 billion gallons of oil worth $2.3 billion. If enacted on a nationwide basis, a deposit system would save the equivalent of 4 million gallons each day.

We have a garbage crisis, an energy crisis, and litter continues to be a blight on our roadsides and beaches. Day after day, States with deposit laws prove that such a system works quite effectively on each of these problems. And if there is one thing we need around here it is programs that work.

As a former Governor, I believe that the best legislative ideas are those that evolve at the State level. We are on firm ground when we use the States as laboratories and learn from their experiences. There is no better argument in favor of deposits than to simply point to the experience of deposit States.

Those in the beverage industry have spent millions in States across the country to defeat this proposal. Many will recall the $2.3 million the beverage industry spent to defeat a local referendum on beverage container deposits in Washington, DC a few years ago. Outspending the supporters of deposits is an industry goal and they have done so, often at a rate of 10 to 1.

Well, good ideas do not die quite so easily. The head-in-the-sand industry rhetoric will not retrieve the more than 60 billion beverage containers that will be discarded this year, resulting in an energy loss equivalent to nearly 4 billion gallons of gasoline.

Life without a national deposit system is a luxury we can no longer afford. This is solid environmental legislation with a proven record of success. I want my colleagues to know that I intend to press this issue at every opportunity.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly spring meeting during the 2d session of the 102d Congress, to be held in Banff, AB, Canada May 14-18, 1992:

The Senator from Alabama [Mr. HEFLIN], chairman; and

The Senator from Hawaii [Mr. AKAKA].

AUTHORIZATION FOR TESTIMONY AND DOCUMENT PRODUCTION BY AND REPRESENTATION OF EMPLOYEE OF THE SENATE

Mr. FORD. Mr. President, on behalf of Senator MITCHELL and the distinguished Republican leader Mr. DOLE, I send to the desk a resolution to authorize a Senate employee to testify and produce documents and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 297) to authorize testimony and document production by and representation of employee of the Senate in United States v. Charles E. Hughes, Sr.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the U.S. attorney for the Middle District of Tennessee is prosecuting an assault weapon case in federal district court titled United States versus Charles E. Hughes, Sr. The defendant, a resident of Louisiana, furnished materials to Senator JOHNSTON's office in support of his request that the office assist him regarding his allegations of unfair treatment. The Senator's staff forwarded these materials to the Department of Justice, on the understanding that this was in accordance with the constituent's wishes, in order that the allegations could be appropriately reviewed. The U.S. attorney believes that portions of these materials are relevant to the trial of this case and is seeking production of the office's original records and testimony about the facts of their delivery.

It is understood by the U.S. attorney that internal Senate documents and confidential records pertaining to casework performed for the constituent in other areas will not be sought in connection with this matter. This resolution would authorize production of, and testimony about, the original materials that the defendant provided, which were forwarded to the Justice Department. The resolution would also authorize representation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 297), with its preamble, reads as follows:

S. RES. 297

Whereas, in the case of United States v. Charles E. Hughes, Sr., No. 3-91-00194, pending in the United States District Court for the Middle District of Tennessee, the United States Attorney has caused a subpoena for testimony and document production at trial to be served upon Shannon Langlois, an employe of the Senate on the staff of Senator J. Bennett Johnston;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shannon Langlois is authorized to testify and to produce documents in United States v. Charles E. Hughes, Sr., except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Shannon Langlois in connection with her testimony in United States v. Charles E. Hughes, Sr.

APPROPRIATED FUNDS FOR THE MISSISSIPPI SIOUX INDIANS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration Calendar No. 455, S. 2342, a bill relating to the Mississippi Sioux Indians; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; and that any statements relating to this measure appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2342) to amend the act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes," approved October 25, 1972 (86 Stat. 1168 et seq.) was deemed read the third time, and passed; as follows:

S. 2342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO ACT OF OCTOBER 25, 1972.

The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new sections:

"SEC. 306. AUTHORITY TO BRING ACTION.

"Notwithstanding any other provision of law, any action of the Sisseton-Wahpeton Sioux Tribe of South Dakota, the Devils Lake Sioux Tribe of North Dakota, or the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes of Montana filed in the United States District Court for the District of Montana to contest the constitutionality or validity under law of this Act shall not be barred by any statute of limitations, lapse of time, or bar of laches, if the complaint is filed no later than April 1, 1993. Exclusive original jurisdiction over any such action filed on or before such date is hereby vested in the United States District Court for the District of Montana. Nothing in this section or section 307 shall be construed as an inference of liability on the part of the United States.

"SEC. 307. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to settle any action that may be brought pursuant to section 306 of this Act.".

CONGRATULATING THE CREW OF THE SPACE SHUTTLE "ENDEAVOUR"

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 296, a resolution to congratulate the crew of the space shuttle *Endeavour* for the success of their mission, submitted earlier today by Senator GARN; that the resolution be agreed to and the motion to reconsider laid upon the table; further that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

Mr. GARN. Mr. President, I thank my colleague for offering this, and the

Senate agreeing to it. I will be very brief.

I would simply like to say how proud I was of the *Endeavour* astronauts yesterday. There have only been six missions that have participated in the either repair or trying to save satellites. The third such mission was the one that I participated in, in 1985.

So I watched with particular interest, last night, the skill of those crew members, particularly Dan Brandenstein. I do not think most people realize what skill it takes to rendezvous at 17,500 miles an hour with a 9,500-pound satellite.

I also recall—I think it is appropriate that Senator **FORD** is on the floor because he and I were members of the same class of 1974. And in February of 1975, as new members of the then full Senate Space Authorization Committee, we toured NASA's facilities, met General Leonov and the Russian crew of *Soyuz* and the *Apollo-Soyuz* mission.

So he, too, has been involved in the space program for a number of years.

This was such a spectacular mission yesterday, showing the ability of human beings to be smarter than computers and robots, and their ingenuity being able to solve a problem.

I am pleased the Senate has seen fit to pass this resolution commending them for their superior work, and I thank the distinguished Senator from Kentucky.

Mr. FORD. I thank my friend, also.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 296

Whereas the crew of the Space Shuttle *Endeavour* has successfully completed its assignment to rendezvous, capture, and deploy the stranded INTELSAT VI telecommunications satellite;

Whereas the successful capture of the INTELSAT VI satellite represents the first simultaneous spacewalk by 3 astronauts in the history of manned space flight and is the 100th spacewalk in the history of both the United States and Soviet space programs;

Whereas the capture of the INTELAST VI satellite involved both the largest spacewalk in the history of the United States space program and the first time 3 such spacewalks have been conducted on a single shuttle flight;

Whereas in overcoming the initial malfunction of the capture device, the crew of the *Endeavour*, and the mission support teams, quickly conceived and designed an alternative strategy to secure the INTELSAT VI satellite utilizing Space Station Freedom structural components, which were readily deployed to serve as a base enabling the 3 astronauts to capture the satellite;

Whereas this mission brilliantly demonstrates the unique ability of astronauts to perform complex and challenging tasks in space with resourcefulness, ingenuity, and flexibility far beyond the capabilities of machines and other robotic devices; and

Whereas this flight of the Space Shuttle *Endeavour* is it maiden voyage as the latest addition to the National Aeronautics and Space Administration's orbiter fleet which was fully funded in 1986, and was built and delivered as initially scheduled, under its estimated cost: Now, therefore, be it

Resolved, That—

(1) the Senate commends and congratulates the crew of the Space Shuttle Endeavour for their magnificent rescue of the INTELSAT VI satellite and for making the maiden voyage of this orbiter so memorable and successful; and

(2) the Secretary of the Senate is directed to deliver certified copies of this resolution to Daniel Goldin, Administrator of the National Aeronautics and Space Administration and to Daniel C. Brandenstein, Commander of the Space Shuttle Endeavour STS-49 mission crew.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that on the Friday, May 15, from 10 a.m. to 12 noon, the Committee on Banking and the Committee on Environment and Public Works may file reported legislative calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MAY 15 AND MAY 19, 1992

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Friday, May 15, that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m., Tuesday, May 19; that on Tuesday, following the prayer, the Journal of proceedings be deemed approved to date; and following the time for the two leaders, there be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each; with Senator **GORTON** recognized for up to 10 minutes; further that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the regular party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:32 p.m., recessed until Friday, May 15, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1992:*ERR08*

DEPARTMENT OF STATE

JOSEPH CHARLES WILSON IV, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

U.S. INSTITUTE OF PEACE

THOMAS E. HARVEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 1993, VICE JOHN NORTON MOORE, RESIGNED.

STATE JUSTICE INSTITUTE

JOHN F. DAFFRON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1994. (REAPPOINTMENT)

DEPARTMENT OF STATE

DONALD HERMAN ALEXANDER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

JOYCE A. DOYLE, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 1998. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

FIGHTING FOR RAPE VICTIMS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize my dear friend, Gail Abarbanel, and to share with my colleagues an interview published in the Los Angeles Times. Gail's commitment to women and children who have been sexually abused is clear. She has been a pioneer in this area; both the Santa Monica Rape Treatment Center [SMRTC] and Stuart House, a program for sexually abused children, are used as models to establish similar programs around the country.

Q&A—FIGHTING FOR RAPE VICTIMS

Gail Abarbanel, director of the Santa Monica Rape Treatment Center.

Claim to Fame: Founded center that combines medical treatment with psychological counseling for rape victims. Since its inception in 1974, the center, based at Santa Monica Hospital, has spearheaded a variety of studies and programs.

Background: Abarbanel, 47, earned her undergraduate degree at UCLA and a master's in social work at USC. In 1974, she became the first social worker at Santa Monica Hospital, where she pioneered the concept of counseling rape victims in a hospital. In 1988, she founded Stuart House to treat sexually abused children.

(Interviewer: Staff writer Petula Dvorak.)

Q: How did you get so involved in the issue of rape?

A: It was one of the first issues I became interested in when I started working at Santa Monica Hospital. It was really by chance—it was at that point in history when people were starting to pay more attention to rape.

Within the first month I saw two women who had been raped, who had come here after receiving very bad treatment at other places. I was really affected by their experiences. One victim was a young woman who took a walk on the beach on a Sunday afternoon and was brutally raped by a stranger. She was filled with humiliation.

She had a lot of fears about her family finding out because she felt there was a stigma attached to being a rape victim and she felt that they would blame her. Seven days after the rape, she felt no way out other than making a suicide attempt and she actually came to Santa Monica Hospital in the emergency department having slashed her wrist.

That really had a profound impact on me and I realized there was no place for her to go, there was no special place for rape victims. So that led to the Rape Treatment Center.

Q: What services does the Rape Treatment Center provide?

A: What's unique about the Rape Treatment Center is it provides all of the services victims need in one facility—all the medical, psychological and legal services the victims need. It saves victims from the stress and the trauma of having to go to different locations and different agencies.

We provide 24-hour emergency medical care and the evidentiary examination for the victim. We also provide long-term professional counseling services. We provide legal assistance and advocacy. We provide accompaniment services—we accompany victims during the medical exam, during police reporting and to the courts. And then we also have extensive education and prevention programs.

We have a large school-based prevention program that reaches about 6,000 teen-agers each year in the public schools. It's a three-day program that Rape Center instructors teach in high school classes for 10th-graders, because teen-agers are more vulnerable to rape than any other age group.

We have a national campus rape campaign that we've developed because we were seeing a lot of victims from college campuses. We produced a film, "Campus Rape," that's being used in every state in the country on college campuses. We also wrote a book, "Sexual Assault on Campus—What Colleges Can Do," that's being used across the country to change policy and procedures on college campuses so that they're more responsive.

Q: What have been some of the center's principal innovations?

A: The center in the mid-'70s pioneered a model for hospital-based treatment of sexual assault victims, and that model has been adopted all over the country at hospitals and other agencies that provide services for rape victims. We incorporated psychological considerations into the medical response; up until that time rape was really not recognized to be a psychological emergency as well as a medical-care issue.

Q: What kinds of cases do you handle? Is there such a thing as a typical rape?

A. We see victims of all ages—small children to the oldest victim we had last year, who was 92. They come from every neighborhood, every walk of life, every socioeconomic and ethnic group. They really reflect the reality of rape in this community and in this society. It can happen to anyone.

We see a mixture of stranger rapes and acquaintance rapes. We see victims who come here immediately following a rape, and we also see victims who were raped a long time ago. We see women who were raped months ago, sometimes as many as 50 years ago, who never told anyone when it happened.

The other thing that's striking is that rape happens in every possible kind of situation. A lot of stranger rapes happen in the victim's own home—there are break-ins in the middle of the night. They also happen in parking lots in broad daylight. Sometimes women are kidnaped off the street. They happen in situations that we're all in and places that we all go.

Q: Is there anything in the Westside that's particularly conducive to creating an atmosphere were a rape can occur?

A: I don't think so, but I think in any community there may be locations or situations in which rapes are going to occur.

This is a big beach community so there's always an increase in rape and other violent crimes in summer. A lot of people come to the beach on very hot nights, take a walk on the beach, and they can be attacked under those circumstances.

We also have a large tourist and vulnerable population, especially in summer. And we have several large college campuses—college students are in the highest-risk group for rape.

We have a large homeless population, and many homeless victims. The myth is that homeless people are committing these crimes, but we actually see more homeless people who are victims. We have had a lot of cases with women who are living on the streets with children who are raped in front of their kids, or cases in which the children are also sexually assaulted.

Q: When homeless people go to the police or to someone else for help, are they believed?

A: Yes, but I think the tragedy is that these people have no alternative but to return to the street and to the circumstances in which they remain vulnerable.

Q: Do your victims come from all over Los Angeles?

A: The Rape Treatment Center has no geographic restrictions or limitations on services, so we get victims from all over Los Angeles County. More come from the Western region of Los Angeles County, but because of the unique services we provide they come from far away as well.

Q: Where does the money come from?

A: All the center's services are supported by the community. We receive some donations that come into the hospital, as well as private donations through our own fundraising efforts. We have a broad base of community support, and that enables us to provide services for free, so there's no obstacle to getting help if you're a rape victim.

Q: Do you counsel only women?

A: Yes.

Q: What would you tell a victim?

A: I don't know if I could answer that in a simple way. One issue that some victims come here struggling with is a decision about reporting the rape. Our belief has always been that it's important to report rapes because that's the only way that we're going to be able to stop this violence.

But we also believe that each victim has to make her own decision. We encourage it and we provide the support that helps victims go through that process, but we don't coerce them.

I think that there is more willingness now than there was 10 years ago to report these assaults, but there are very different reporting patterns in stranger and acquaintance rapes.

Q: When did acquaintance rape come into the forefront and become acknowledged as a problem?

A: The center started dealing with acquaintance rape in the late '70s. We began to publicize the issue because we felt there was so much misunderstanding about it.

I think acquaintance rape is the most misunderstood and one of the most prevalent forms of criminal violence in this country. It certainly is the most common form of rape. If you look at police statistics, stranger rape is more prevalent, but in reality acquaintance rape happens far more often. It's just underreported, for understandable reasons.

Q: How have the headline cases—the Mike Tyson and the [William] Kennedy Smith trials—affected public perceptions and the atmosphere here at the center?

A: They have opened up public dialogue about acquaintance rapes. I think that's a positive outcome because it has been a very hidden crime. Until it is out in the open and dealt with we're not going to stop it or solve it.

Q: Are lawsuits becoming a more popular venue for rape victims?.

A: Over the last five to 10 years we've seen an increase in civil suits, mainly lawsuits in which the victim sues a third party for some form of negligence that may have resulted in her being raped. There has been, I think, an increase in using lawsuits against landlords dealing with security issues, against colleges and sometimes lawsuits filed against the offender himself.

Q: How about the legal system? Is the victim still on trial when she goes to court?

A: In a lot of rape cases still, the victim is on trial, and the outcome depends more on how the jury views the victim's behavior than how they evaluate the conduct of the defendant.

People have a lot of misconceptions about rape and those end up influencing decisions jurors make. There are behaviors that are very typical and very common in rape victims that historically have been misinterpreted and used to discredit victims. The most common ones are non-resistance and the absence of physical injuries.

The reality is that in a lot of cases the violence is threatened, not actually inflicted. You can have a gun at your head or a knife at your throat and it doesn't leave a mark. You're still terrorized and you're psychologically traumatized.

But rape trauma doesn't show on the outside and so a lot of people disbelieve the victim—she doesn't have any bruises or broken bones to prove she was in a violent assault.

One of the main concerns I have now is that hospitals are increasingly unwilling to provide treatment for rape victims, and are starting to turn victims away. Many physicians do not want to be involved in a rape investigation, or they don't receive adequate reimbursement, and it's difficult for them to deal with victims who have been through that kind of trauma.

It's primarily a problem in Los Angeles County. Other counties throughout California seem to be more responsive. We're looking at legislation to change this, to increase physicians' reimbursements, and we're putting on a major seminar in June for emergency room personnel to teach them to deal with rape victims.

Q. Should women ever by held responsible for being raped?

A. Never. One of the biggest problems we have with acquaintance rape is that in many cases people don't see it as real rape. They view it as less violent and less damaging.

That's a misconception because acquaintance rape is the same crime as stranger rape—the only difference is the relationship between the victim and the offender. But there is much more of a tendency to blame the victim in an acquaintance rape. That's one of the reasons the victims are less willing to report it.

Another difference is the circumstances in which these crimes occur. A stranger rape is likely to involve a lethal weapon, a gun or a knife used to threaten the victim. In acquaintance rape, usually the force and coercion that are used are just physical—the victim is physically held down or pinned down or forced to submit.

The other really significant difference is that a lot of times people look at acquaintance rape situations in retrospect—which is how we always view them in the courtroom—and conclude that the victim used poor judgment, or should have sensed danger sooner, or should have gotten herself out of the situation or shouldn't have gotten herself into the situation.

I think that we make certain assumptions about people we know, people who go to our schools, people who our friends fixed us up on a date with, people who have a certain status in our society, and we assume those people are safe. We don't expect criminal violence from those kinds of people.

So the case is not just that the victim was careless or reckless, it's just that she trusted the person and really she had no reason not to. A lot of times society blames the victim and also the victim blames herself.

One of the after-effects, one of the strong feelings the victims have after an acquaintance rape is that somehow their judgment failed them and they blame themselves. They feel that somehow they should have foreseen that this person was dangerous when the reality is that often there isn't a signal or a cue before this happens.

Q: Why do men rape?

A: We know a lot more about rapists than we used to. There are many different kinds of sex offenders, and there are differences in the nature of the attack depending on the kind of rapist committing the crime.

The rapes that tend to get the most publicity are the most violent ones, committed by what we call anger rapists or sadistic rapists.

But the most prevalent rapes are the ones that get the least publicity in the media. They are what we call power rapes, where the goal of the offender isn't to physically brutalize the victim, it's to dominate her and have a conquest. Those are the kind of rapes we see on college campuses, among teenagers.

Q. On a societal level, what can be done to prevent rape?

A. Prevention starts with being informed and being educated. As long as we continue to blame the victim we're never going to solve this problem. When a rape occurs, we ask the wrong questions. In these recent highly publicized cases, people were asking, "Why did she go to his house at 2 in the morning?"

In other cases they may ask, "Why did she have a drink?" and so forth. What we should really be asking is, "Why did the offender invite her to his house at two in the morning? Why did he buy her drinks?" We need to focus on the people committing these crimes.

Q. What do you, personally, bring to the Rape Treatment Center?

A. A strong sense of justice, I think, and maybe an ability to take what we learned from victims and translate it into social action and programs and reforms that have created an environment in which victims receive better treatment.

Q. Are you angry?

A. I'm not angry. I'm not a person who's driven by anger. But I have a strong sense of justice and I have always felt that if the public knew what I know and what we see in the cases that come here, things would change.

I have tried to take what we know and what we've learned and bring it to the public's attention. We had a lot of support for the changes we've advocated, whether it's been changing the California rape law, or developing Stuart House for child rape victims because they were suffering so much discrimination and bad treatment.

I feel like I'm giving victims a voice through the actions I take, and empowering them to be part of changing the process.

TRIBUTE TO EMANUEL CATSOULES

HON. JAMES A. TRAFICANT, JR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. TRAFICANT. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Emanuel Catsoules of my 17th Congressional District of Ohio.

I am honored to offer Mr. Catsoules my congratulations and thanks for serving the Youngstown City schools as superintendent. Since 1962, Mr. Catsoules has dedicated his energies to improving education for youth in Youngstown.

Starting in 1962 as a teacher at his high school alma mater, Rayen, Mr. Catsoules soon emerged as principal in 1971. However, his contributions to society were yet to begin.

He expanded his horizons to the city level where he was elected city councilman in 1968 and served there through 1975 and again in 1976–77. He also became a part of the Buckeye Association of School Administrators, the Ruben McMillen Library, and the Eastern Orthodox Men's Society, among others.

The pinnacle of Mr. Catsoules' career came in 1978 when he became the superintendent of the Youngtown city schools. In this position, Mr. Catsoules demonstrated outstanding leadership and dedication. I know that his performance was exemplary in times of trouble and innovative at all other times.

Mr. Speaker, I take my hat off to Mr. Catsoules as he retires from his position as superintendent.

FALSEHOOD ABOUT REAGAN "CUTS" GOES UNCHALLENGED TOO OFTEN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. BEREUTER. Mr. Speaker, I commend to my colleagues the following editorial which appeared in the Omaha World-Herald on May 12, 1992:

FALSEHOOD ABOUT REAGAN "CUTS" GOES UNCHALLENGED TOO OFTEN

A recent panel discussion at the University of Missouri illustrates why it is hard for the public to get an accurate understanding of inner-city poverty.

An old falsehood is the reason understanding is sometimes difficult. The falsehood has been repeated so often that it has become the truth in the minds of some people. It was repeated again during the Missouri panel discussion.

One member of the panel was Charles Sampson, associate dean of the university's graduate school. A news story about the panel, which appeared in a newspaper trade publication, said he criticized journalists for remaining silent during the presidency of Ronald Reagan. Under Reagan, he alleged, the federal government cut its spending on social programs by 64 percent.

The dean said the cutbacks were largely responsible for racial tensions and other ills of society.

Someone on the panel should have challenged him. The story gave no indication, however, that anyone considered his statements even a little outlandish.

Such too often is the case. The falsehood about slashed social spending has been presented as the truth, accepted as the truth and absorbed into a general misimpression about the problems of the inner cities.

Spending on those programs didn't decrease 64 percent during the Reagan years. It didn't decrease at all. According to the Congressional Budget Office, it rose. From 1981 to 1988, spending on social programs rose 18 percent faster than the rate of inflation.

Not every individual program grew. Some were cut or phased out because they didn't work, or because the money could be spent more effectively in other ways. Other programs, however, grew more than enough to offset any cuts. Spending on Head Start, a popular and effective program for kids, rose 12 percent faster than inflation. Medicaid spending, which pays for health care for welfare recipients, was up 40 percent. The amount spent on leased public housing outpaced inflation by 136 percent.

Furthermore, spending for social programs continued to increase after George Bush succeeded Reagan in the White House.

A few days ago, the White House asked for figures to help evaluate the charge that federal stinginess was to blame for the Los Angeles riots. The Congressional Budget Office confirmed that spending on benefits for poor people has increased $70 billion, a total of 80 percent, during the three years that Bush has been in office.

Perhaps the nation needs a debate over how the vast amounts that are spent on the poor could be more effectively targeted. Perhaps it is time to determine whether health care is soaking up too much of the money, whether more should be diverted into housing, job training or assistance to parents.

But that's a separate debate. The debate that too many people seem to want to have now, unfortunately, starts with a false premise. They have swallowed the notion that programs for the poor have been gutted and that the first order of business should be restoring lost financing.

How does the notion stay alive? The report of Dean Sampson's comments varied so sharply from reality that we telephoned him to see whether he had been misquoted.

The information had come from a book. He mentioned the title and the name of the author. Then he mentioned the date of publication—1982, the first full year of the Reagan presidency.

He had taken a description of a Reagan administration proposal, much of which was subsequently rejected by Congress, and presented it as though it were an after-the-fact report. He not only said that the cuts had occurred but went on to blame them for racial tension and other social problems.

It's no wonder that the general public sometimes has trouble getting an accurate picture. When academic leaders have trouble with the facts, and journalists don't challenge them, the chances of a straight story getting out are often slim, indeed.

LA PROGRESIVA ALUMNI CELEBRATES LATIN MUSIC

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to have the opportunity to acknowledge the alumni of La Progresiva School for their production and presentation of Acuarela Musical de las Americas—The Americas' Musical Festival.

This musical festival complete with songs and dances of Hispanic origin will celebrate ethnic and cultural diversity. The Argentine tango, the Brazilian bolero, as well as Spanish, Cuban, Mexican, and Venezuelan art and folklore will be performed during this festive exhibition.

Lourdes Montaner will be the Master of Ceremonies during the presentation with performances by international artists Rene Touzet, Armando Terron, Martica Ruiz, Vivian Tobio, and Armando Pico.

The proceeds of this event will go to fund scholarships, summer camp, the Presbyterian Home for the Elderly, and other programs of La Progresiva Alumni Association.

This celebration, Acuarela Musical de las Americas, is a celebration of heritage and tradition. The students and alumni of La Progresiva are proud of their roots and their culture, and they are eager to contribute and take part in their historical background.

Mr. Speaker, I would like to congratulate the members of this organization and Dr. Rolando Gomez-Gil for their commitment and dedication to the people of our community. I commend them for their hard work and their loyalty to the young students of La Progresiva.

SALUTE TO NANCY BENDER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. GALLEGLY. Mr. Speaker, I am pleased to rise today to honor a good friend and an outstanding leader of her community as she marks 10 years of service as executive director of the Simi Valley Chamber of Commerce.

During her decade of service, Nancy Bender has played a major role in building the business community of Simi Valley. I'd like to take a few moments to list some of her many accomplishments:

The Simi Valley Chamber was accredited by the U.S. Chamber of Commerce.

She created a strong working relationship between city leaders and the business community.

She has worked with local and State agencies to promote and attract clean industry and commercial businesses to Simi Valley.

She established the governmental review council to help the chamber act on proposed legislation in a timely manner and to provide strong leadership and direction on legislative and local issues.

She created the transportation management association to help companies comply with the State's tough antismog laws.

She created the Leadership Simi Valley program.

And under her leadership, the Simi Valley Chamber was named one of the 10 best chambers in cities of fewer than 200,000 people in the entire Nation.

I have been privileged to know and work with Nancy for many years, including serving together on the Simi Valley City Council. She is truly a special person, and I ask my colleagues to join me in saluting her for her many accomplishments.

H.R. 5132, A HELPING HAND IS ALL THEY NEED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. ANDERSON. Mr. Speaker, 2 weeks ago the city of Los Angeles was ravaged by the worst civil strife our country has ever known. The headlines are staggering: 59 people dead and an estimated $700 million in damage. These are numbers so large that they cannot be captured by a few minutes of TV news. Only by walking through the area can one grasp the despair and destruction caused by the riots. We must come to grips with what this tragic event meant to ordinary people. Some lost everything they owned, everything they had worked for, everything they had hoped would support their family in the years to come. Some had worked all their lives to get to where they were, only to lose everything in one brief explosion of blind fury.

In this time of true disaster, our Nation has come together to help these people in need. One day after a request from Governor Pete Wilson, the President declared the county of Los Angeles a Federal disaster area. The very next day the disaster field office opened to coordinate the recovery effort. Since that time, seven fully staffed disaster assistance offices have opened throughout the L.A. county area, and the first check is already in the mail. Over 4,000 people have registered for State and Federal assistance in the past week in these offices, and I am sure that number will continue to grow. There remains one problem. The damage caused by the L.A. riots far exceeds the amount of Federal money available to provide relief for those in need. For this reason Congress has taken quick action in bringing a bill to the floor, H.R. 5132, to assure that those who were hurt in these disasters will be helped.

H.R. 5132, the dire emergency supplemental appropriations for disaster relief, "provides the funds to cover the estimated disaster costs for the L.A. County riots. Specifically, it would appropriate $495 million in emergency funds for Small Business Administration [SBA] disaster loans and Federal Emergency Management Agency [FEMA] disaster assistance.

This bill is not a partisan issue, it is not a regional issue. It is an effort by the Federal Government to lend a helping hand to those ravaged by disasters.

The SBA Disaster Assistance Loan Program is a productive, financially prudent program that helps people help themselves. Through the SBA, the Federal Government provides low interest loans to cover uninsured losses from a disaster. These loans provide the seed money for the eventual rebuilding of devastated communities. With these loans, individuals are able to go back to their neighborhoods to reopen businesses and rebuild houses. This money will turn gutted buildings into thriving stores, devastated neighborhoods into livable communities. It will bring back the jobs to our damaged city. The Government and the taxpayers reap substantial benefits by providing seed money to rebuild communities. People get back on their feet, get off public assistance, and eventually return to productive, taxpaying employment.

The bill also provides $300 million to FEMA for disaster assistance grants for those people who lost property in the riot, but do not qualify for SBA loans. Through no fault of their own the people least able to cope with an economic loss were severely hurt by the riots. FEMA provides a modest grant to help them get back on their feet.

By stepping in now, the Federal Government assures that communities ravaged by disasters return as vibrant, productive assets to our State and Nation. The people in my city have been through so much in the last few weeks, H.R. 5132 will help them on the road toward recovery.

CLAUD A. MORRISON CONCLUDES 21 YEARS OF SERVICE ON TUSCALOOSA CITY BOARD OF EDUCATION

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HARRIS. Mr. Speaker, a long-time community leader and friend, Claud Morrison, is retiring from the the Tuscaloosa city board of education after 21 years. His active membership in all aspects of the board and particularly his participation on the financial and building committees have contributed to the growth and strength of our community's public education system.

As a native Alabamaian and graduate of the University of Alabama, Claud has been a public accountant in Tuscaloosa since 1951. As someone who takes his citizenship seriously, Claud has been involved in many community, civic, and religious organizations. His commitment to hard work is not unknown to those of us in Tuscaloosa. Besides his successful CPA practice, Claud has devoted his talents to memberships on the Tuscaloosa Park and Recreation Board, the Tuscaloosa Exchange Club, the Dollar-Hide Hunting Club, and serving as a deacon at the First Baptist Church.

Although Claud has earned a reputation for lending his support to many worthwhile causes in the Tuscaloosa community, he has never forgotten the importance of his family. He and his wife, Sue, have two married sons and share in the enjoyment of being grandparents to 6 grandchildren.

I join with the Tuscaloosa business community and private sector in expressing our gratitude to Claud Morrison for his wise and thoughtful leadership as a member of the board of education. His conviction that a strong public education foundation builds a stronger America is a legacy that we should all try to emulate.

TRIBUTE TO ALEX VELASQUEZ

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Alex Velasquez, of Central Falls, as this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for Central Falls High School in Central Falls, RI.

This award is presented to the student, chosen by Central Falls High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Alex Velasquez has more than fulfilled this criteria. He is an A level student and a member of the Academic Decathlon Team. He is also active in extracurricular activities. He is a member of the football, baseball, and basketball teams, and has participated in model legislature. He is also a member of the student council and the drama club.

I commend Alex Velasquez for his outstanding achievements and wish him all the best in his future endeavors.

THE CONGRESSIONAL REFORM MOST NEEDED

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. JACOBS. Mr. Speaker, the following is this year's winning essay in our annual contest to determine who will be the congressional intern for the 10th District of Indiana. It was written by Rob King of Indianapolis.

THE CONGRESSIONAL REFORM MOST NEEDED

The recent surge in popular dissatisfaction with Congress, exacerbated by the checking abuses at the House Bank, has put the subject of Congressional reform on the minds of our country's lawmakers once again. Some of the current suggestions being bandied about in revisionist minded circles (aside from an overhaul of the House Bank) deal with term limitations, negative campaigning, gerrymandering, and the improvement of voter participation. While all of these subjects necessitate legislative attention, the most needed Congressional reform lies in the arena of campaign finance.

In the heavily regulated presidential elections, public funds account for a substantial portion of a candidate's financing. Additionally, candidates for executive office are subject to expenditure limits. Congressional elections however, are privately financed with candidates subject to no spending limits. Obviously, with this latter system, the danger exists of electing a candidate on the basis of his larger campaign coffer, instead of his platform.

Thus, the absence of spending limits for Congressional campaigns often metamorphoses these races into wars of money, rather than ideology. Quite simply, more money in today's political milieu means more media exposure. Media exposure translates into voter recognition, an essential prerequisite to winning a Congressional election. Hence, without money, a candidate's electoral prospects are doomed.

Confronted with this reality, candidates often find themselves taking money from political action committees (PACs). Much of the current debate over campaign finance reform hinges on the role PACs play in elections. PACs are established by unions, corporations, and trade associations, as well as ideological and issue oriented groups. Because PACs have access to large reservoirs of cash, relationships between them and political candidates invariably result. Unfortunately, these relationships frequently allow PACs undue influence in Congress, as is manifested by the recent Keating Five scandal. Writes Inside Congress reporter Chuck Alston in his February 2, article, "The Keating Five scandal has exposed how campaign contributions can govern behavior in Congress."

Our present campaign finance system also needs revamping because it favors incumbents. This is imputable to the fact that incumbents receive the bulk of PAC money. PACs like to reward Congressmen who have supported their policies in the past and who will continue to do so in the future. By filling an incumbent's campaign coffer, a PAC ensures continued representation in Congress. Thus, an incumbent can easily marshal the financial resources necessary for his Congressional campaign through his PAC connections. His opponent, conversely, is left facing the daunting challenge of fund raising without PAC assistance. Compounding this inequity is the greater visibility incumbents have, which enables them to raise individual donations much more easily than their opponents.

As a result of these pecuniary advantages enjoyed by incumbents, challengers are unable to compete. In the 1990 elections, incumbent U.S. Senators raised four dollars to every one raised by their opponents. Even more astonishingly, U.S. Representatives running for reelection were able to raise twelve dollars for every one raised by their opponents.

At issue here is whether this Congressional electoral process, with its heavy reliance on money appropriated by PACs, undermines the basic democratic principles of equal access to public office for all citizens and equal opportunity for all segments of society to be heard by those making public policy. Realistically, under the present system, money has become the primary factor in gaining both voter and legislative attention. Clearly, this is wrong. Thinking of this problem, I am reminded of what Dr. Martin Luther King Jr. once said: "A man should be judged not by the color of his skin, but by the content of his character." Similarly, as citizens of this great land, we should judge our elected officials, not by the largess of the campaign coffers, but by the contents of their character and the value of their messages. Only when we do this will America truly realize its democratic potential.

NUTRITION SCREENING RESEARCH ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mrs. LLOYD. Mr. Speaker, today I am introducing legislation, the Nutrition Screening Research Act, to attack the devastating problem of malnutrition among older adults. I am joined in sponsoring this bill by two distinguished advocates for the elderly: Representative RON WYDEN and Representative TOM DOWNEY. This legislation has been introduced in the Senate by Senators ADAMS and BINGAMAN.

Mr. Speaker, a recent study conducted by Peter D. Hart Research Associates found that 40 percent of older patients in acute care and long-term care facilities are malnourished. The cost of malnutrition in human suffering and additional medical services is simply unacceptable to me. We must do the research now so that we can determine the most effective ways to prevent malnutrition in the future.

The Nutrition Screening Research Act will authorize research to be conducted by the Secretary of Health and Human Services through the National Institute on Aging. There will be two 3-year studies conducted. The first will determine the efficacy and cost effectiveness of nutrition screening and intervention activities. This study will shed some light on how such screening can affect the health and quality of life of older Americans, and whether we can reduce unnecessary institutionalization with proper nutrition screening and by providing needed nutrition.

The second study addresses the issue of malnutriton. This study will provide Congress with a true reading of the extent that older individuals are malnourished in our society. It will focus on persons in hospitals and long-term care facilities, as well as persons living independently. The study will also assess the need for nutrition screening and intervention programs.

There is a related nutrition issue that I would like to mention. There are thousands of nutrition providers across this Nation serving the elderly under the Older Americans Act, who are extremely anxious and disturbed that the Senate has not passed this year's Older Americans Act reauthorization. It is unfair for service providers and the elderly to live with such uncertainty regarding their reimbursement levels and the number of meals they will be able to provide. I hope that we can get this critical legislation passed and signed into law immediately.

Mr. Speaker, I ask unanimous consent to have a short description of the Nutrition Research Screening Act, and a list of organizations that support the bill placed in the RECORD at this time, and I ask that my colleagues join me in supporting this bill.

SECTION-BY-SECTION ANALYSIS OF THE NUTRITION SCREENING RESEARCH ACT

Section 1. (Short Title) entitles the bill, the Nutrition Screening Research Act.

Section 2. (Findings and Purposes) presents findings related to malnutrition in the elderly. These findings indicate that malnutrition is pervasive in the older population and that a national study of nutrition screening and interventions could provide the basis for institutionalizing these activities.

Presents the purposes of the legislation: to provide for research to determine the efficacy and cost-effectiveness of nutrition screening and intervention activities in older people and to determine the extent of malnutrition in the elderly.

Section 3. (Research) calls for two studies. One study is to determine the efficacy and cost effectiveness of nutrition screening and intervention activities. This three-year study is to be conducted by the Secretary of Health and Human Services, acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the extent possible, working in cooperation with the National Nutrition Monitoring System.

The study will determine if nutrition screening and intervention activities for older individuals result in changes in health or quality of life for those individuals or in reductions in federally subsidized home or institutional care. It also will determine if a multidisciplinary nutritional approach is effective in addressing the nutritional needs of older individuals and if reimbursement for nutrition screening and interventions is a cost-effective means of improving the health status of older people.

The populations in the study include older people who are: (1) living independently, including those receiving family support or home and community-based services and those who do not have additional services and support; (2) hospitalized, including individuals admitted from home and from institutions; and, (3) institutionalized.

The second study, the Malnutrition Study, is a three-year study to be conducted by the Secretary of Health and Human Services, acting through the National Institute on Aging. it will determine the extent of malnutrition in older people in hospitals and long-term care facilities and in older individuals who are living independently.

A report of the findings of the studies shall be submitted by the Secretary of Health and Human Services to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives. This report also will include a determination regarding the institutionalization of a nutrition screening and intervention program. The rationale for the determination also is to be presented.

An Advisory Panel is to be established by the Secretary, acting through the Director of the National Institute on Aging, to oversee the design, implementation and evaluation of the studies. The members are to be appointed for the life of the panel from organizations including, but not limited to, the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, and the American Academy of Family Physicians.

Compensation for panel members who are not federal government employees is specified. Panel members also are to receive travel expenses related to panel business.

The panel may request that the head of any federal agency assign, without reimbursement, any agency personnel to assist the panel in carrying out its duties.

The panel shall terminate 3 years after the date of enactment of this legislation.

Section 4. (Authorization of Appropriations) authorizes such sums as necessary to carry out this legislation to be appropriated and not less than $3 million for each of the fiscal years 1993 through 1995.

MEMBER ORGANIZATIONS OF THE NUTRITION SCREENING INITIATIVE SUPPORTING THE NUTRITION SCREENING RESEARCH ACT

Alliance for Aging Research.

American Association of Homes for the Aging.

American Association of Retired Persons.

American College of Health Care Administrators.

American Geriatrics Society.

American Health Care Association.

American Hospital Association.

American Medical Association.

American Medical Directors Association.

American Nurses' Association, Inc.

American Society for Clinical Nutrition, Inc.

American Society for Geriatric Dentistry.

American Society for Parenteral and Enteral Nutrition.

American Society of Consultant Pharmacists.

Gerontological Society of America.

Joint Commission on Accreditation of Healthcare Organizations.

National Association of Directors of Nursing Administration in Long Term Care.

National Association of Meal Programs.

National Association of Nutrition & Aging Services Programs.

National Association of State Units on Aging.

National or Home Care.

National Gerontological Nurses Association.

National Hispanic Council on Aging, Inc.

National League of Nursing.

Older Women's League.

The Catholic Health Association.

The National Caucus and Center on Black Aged, Inc.

GANG-FREE SCHOOLS AND COMMUNITIES ACT OF 1992

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. KILDEE. Mr. Speaker, together with Mr. MARTINEZ, the chairman of the Subcommittee on Human Resources, Mr. FORD of Michigan, the chairman of the Committee on Education and Labor, Mr. FAWELL, the ranking Republican of the Subcommittee on Human Resources, Mrs. LOWEY of New York, and Mr. DE LUGO, I am introducing the Gang-Free Schools and Communities Act of 1992.

This bill authorizes $25 million to enable the Office of Juvenile Justice and Delinquency Prevention [OJJDP] to makes grants directly to local school districts, other local public and private agencies, institutions, and organizations to support a broad variety of juvenile gang prevention and intervention programs. In making grants, the Administrator of OJJDP is required to give priority consideration to applicants which: First, are submitted by or substantially involve local school districts; second, are broadly supported in their communities; third, substantially involve the families of youth who are or may become gang members; and fourth are based on the incidence and severity of gang related crime in their respective communities.

We are all aware of the serious problems faced by large cities like Los Angeles where gang related killings rose from 317 in 1987 to 619 in 1990. But smaller cities have also seen a substantial growth in crimes committed by members of juvenile gangs. Thirty years ago, there was evidence of street gang activity in only 23 cities. By contrast, recent research found evidence of street gang operations in 187 cities.

The Gang-Free Schools and Communities Act is designed to complement and expand existing Federal, State, and local efforts to address a difficult and increasingly serious problem. To date, the principal Federal responses have been law enforcement measures. During the last year, the Department of Justice, through the Office of Justice Programs, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, and Firearms, substantially increased its intelligence and enforcement efforts.

While law enforcement is doing its job by cracking down on illegal gang activities, we must also ensure that local communities, through their public and private agencies and organizations, have other resources to cooperate and do their part. The causes and problems associated with gangs are complex and require comprehensive solutions.

As former chairman of the Subcommittee on Human Resources and the current chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, I am very aware that youth who are or may become gang members are frequently educationally disadvantaged and that older adolescents may need access to education instruction outside of the regular school classroom. These educational services, when coordinated with social and mental health services available through community-based youth services organizations and other public agencies, can become powerful gang prevention/intervention tools. Youth who are, or may become, gang members must have access to these kinds of comprehensive services if we want them to participate in lawful, constructive activities and to make safe and healthy decisions about their futures.

TRIBUTE TO DR. ROBERT H. RINES, PRESIDENT OF FRANKLIN PIERCE LAW CENTER

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Dr. Robert H. Rines and his tenure as founder and president of Franklin Pierce Law Center in Concord, NH. Dr. Rines has been a leader in the field of patent and intellectual property law, both nationally and internationally. As an intellectual property lawyer, he has represented many inventors in the successful commercialization of their inventions.

In 1973, Dr. Rines founded Franklin Pierce Law Center as an institution designed to make legal education more relevant to the needs of the public and private sectors in dealing with technological advances in a changing world. As part of that mission, he has specialized in the training of attorneys in the field of science and relationship to the law through the Academy of Applied Science and the Germeshausen Center for the law of innovation and entrepreneurship.

Born in Boston, Dr. Rines received a B.S. in physics from MIT in 1942 and a J.D. from Georgetown in 1947 after serving in the Army in World War II. A registered professional engineer, he has also received a Ph.D. from Chiao Tung University and an honorary L.L.D. from the New England School of Law. Dr. Rines' leadership in the field of science, technology and the law, and his leadership in helping to develop patents and inventions in electronics and sonar, have been recognized widely over the years.

Mr. Speaker, I rise today to salute Dr. Rines and his accomplishments as a lawyer, scientist and educator.

WINNEBAGO DDU WINS PUBLIC SERVICE AWARD

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. BEREUTER. Mr. Speaker, this Member is pleased to congratulate the drug dependency unit [DDU] in the Winnebago Indian Health Service Hospital on receiving the very prestigious 1992 Public Service Excellence Award in the Federal category. The Winnebago Hospital is located in Nebraska's First Congressional District.

This Member is well aware of the long list of accomplishments of the drug dependency program at the Winnebago Hospital, which will be referred to as the Winnebago DDU. This program serves both the Winnebago and Omaha Tribes in addition to many other native Americans from throughout the Nation.

The drug dependency service unit employs 7 people and is a 12-bed facility that serves approximately 100 people a year. Mr. Robert Hallowell has been the director of the drug dependency service unit for 5 years.

The DDU has an amazingly high success rate when compared with other programs that treat native Americans. It is reported that it has a 50-percent success rate in treating alcohol and substance abuse while non-Indian treatment programs serving Indian people have a zero- to 5-percent success rate. Not only is the DDU the first adult in-patient substance abuse program in the Indian Health Service system, it also has the highest success rate of programs assisting native Americans.

The Winnebago and Omaha Tribes created this unit to help stem an extraordinarily serious problem in Indian country. The tragic results of alcoholism and substance abuse can be seen throughout the United States, and especially among Indian people. the Winnebago DDU has developed an innovative treatment program for native Americans that deserves to be considered elsewhere.

The DDU provides several special treatment programs for native Americans that other Indian Health Service chemical treatment centers do not have. For example, the Winnebago DDU routinely treats native Americans for diabetes and alcoholism within the same program. In addition, there is a special effort to treat pregnant women for alcoholism in order to combat fetal alcohol syndrome and fetal alcohol effect. In addition, there is an integral program to fight domestic violence—to provide treatment both to the perpetrator and the victim.

The DDU is unique among Indian Health Service substance abuse units in that it is located in a hospital. This allows for comprehensive service to respond to the complex needs of the clients. Since the DDU is operated within the hospital, a wide range of services can be provided that clinics alone cannot provide.

This Member is not surprised that the Winnebago DDU received this award. Their hard work, caring spirit, and perseverance in the midst of adversity have served very will the native Americans of Nebraska and other States.

SALUTE TO MANAGEMENT WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. GALLEGLY. Mr. Speaker, I am pleased to recognize the men and women who keep the wheels of industry and commerce moving in our great Nation as we observe Management Week in America.

Management Week is sponsored every year by the National Management Association, an organization dedicated to making our managers even more productive through professional development. The group believes there is no substitute for attaining the highest level of professionalism in each of the many fields of management—a credo, by the way, that we could all learn from.

Since its inception in 1978, Management Week in America has grown in recognition and activities each succeeding year. Every year, leaders of our country proclaim the first week in June as a time to recognize the profession of management and to appreciate the contribution and dedication that millions of managers offer in support of our free enterprise system.

In addition, Mr. Speaker, I'd like to pay special recognition to the Rockwell Valley chapter of the NMA. The chapter is a nonprofit organization of roughly 1,100 members from Rockwell International's Rocketdyne, Science Center, and Digital Communications Divisions. Its members work in several portions of my 21st District, including Canoga Park, Westlake Village, Thousand Oaks, Santa Susana, and Newbury Park.

Mr. Speaker, I ask my colleagues to join me in honoring Management Week in America, June 1–6.

TRIBUTE TO LEE-ANN HEVEY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Lee-Ann Hevey, of Pawtucket, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Shea High School in Pawtucket, RI.

This award is presented to the student, chosen by Shea High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Lee-Ann Hevey has more than fulfilled this criteria. She is a member of the National and Rhode Island Societies. She is also active in extra-curricular activities. She is a member of the swim team, the volleyball team and a writer for the yearbook. She is a Presidential Fitness Award Winner and participated in Project Close-Up.

I commend Lee-Ann Hevey for her outstanding achievements and wish her all the best in her future endeavors.

IN HONOR OF DR. ERNST KATZ

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. LEVINE of California. Mr. Speaker, today I rise to honor Dr. Ernst Katz, founder and conductor of the Junior Philharmonic Orchestra [JPO] of California for his 55 years of dedicated service on the podium. This makes the Junior Philharmonic the only 55-year-old orchestra with its original conductor and also the oldest young people's symphony in the West. He will be honored on May 27, 1992, at the Scottish Rite Auditorium in Los Angeles.

While Dr. Katz has been a leader in numerous projects relating to music, his work has never lost the focus of young people. His projects show his dedication to his orchestra's motto: "Give Youth a Chance To Be Heard." Since January 22, 1937, the date Dr. Katz founded the JPO, this devoted American has volunteered to provide musical training, education, and a musical library at no charge to thousands of our youth. He has done so without government subsidy. Under his direction, the Junior Philharmonic is completely noncommercial and does not ask for contributions, while volunteering hundreds of performances raising millions of dollars for many recognized charities.

The story of the JPO also relates an important part of their history with a close affiliation to most of Hollywood's motion picture, television, and radio personalities. Upon being founded, the Junior Philharmonic created the celebrity "Battle of Batons" featuring Hollywood's biggest names conducting the JPO in competition. The most humorous event is crowned each year with the awarding of the coveted Golden Baton. Hundreds of performers have participated in the "Battle" including their most recent winner, "Weird Al" Yankovick. Others who have conducted the JPO include Jack Benny, Chevy Chase, Henry Fonda, Jayne Mansfield, Cesar Romero, Yakov Smirnoff, and many others.

Dr. Katz has provided teenagers from all backgrounds with musical training, and more importantly, guidance and motivation to become productive member so four society. The many thousands who participate in the JPO do so at a most impressionable young age when drugs and other less wholesome lifestyles clamor for their attention. He takes a personal interest in all youth, providing the guidance and attention that this often sorely missing at home and at school. As an outspoken critic of drug use, he firmly believes that the best deterrent to the drug problem is participation in a musical aggregation; for 55 years he has provided that opportunity.

It is an honor to bring to the attention of my colleagues in the House of Representatives the significant achievements of this remarkable man. I ask that you join me in expressing praise and gratitude for his work with young people and the community, and to wish Dr. Katz good health and many years of continued contributions to our community and our Nation.

TRIBUTE TO J. PHILLIP RICHLEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to J. Phillip Richley, a man who has served the people of the Mahoning Valley for over 30 years. J. Phillip Richley will now receive, among his many other awards, the 1992 Distinguished Citizen Award presented by the Alumni Association of the Youngstown State University.

Born in Roccanova, Italy, J. Phillip Richley's family came to the Town of Niles, OH, in my 17th Congressional District. After graduating from Niles McKinley High School in 1954, J. Phillip Richley attended Youngstown State University. He also graduated from the U.S. Navy Quartermaster School and the U.S. Naval Academy Prep School.

Mr. Richley's career mirrors a Horatio Alger story from the past. An immigrant's son, J. Phillip Richley began his rise to the ranks of mayor in 1950 when he started as a surveyor for the city of Youngstown. In 1971, Governor John J. Gilligan appointed J. Phillip Richley the director of the Ohio Department of Transportation. Then in 1978, the people of Youngstown elected J. Phillip Richley to be mayor of Youngstown, at a time when the city boomed with people and steel mills.

Aside his civic duties, J. Phillips Richley serves in several boards and councils. He devotes much of his time to economic development and transportation planning. While director of transportation he was responsible for the administration of planning, design, construction, operation, and maintenance of 18,000 miles of the State and Federal highway system in Ohio.

Currently, J. Phillip Richley is the vice president of Development for the Cafaro Co. His responsibilities include administration and management of the planning, design and financing of regional shopping malls and centers throughout the United States.

Mr. Speaker, I am sure that I join his wife Josephine and his children, Phyllis and John in congratulating J. Phillip on receiving this coveted award from the Youngstown State University Alumni Association.

NASA ASTRONAUTS "ENDEAVOUR" TO PERSEVERE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. ANDERSON. Mr. Speaker, yesterday the entire world witnessed human ingenuity, courage, and skill of the highest caliber. At 5:15 p.m. astronauts Pierre Thuot, Richard Hieb, and Thomas Akers stepped into space to implement an emergency satellite rescue plan that they helped conceive. I would like to pay tribute to the crew of *Endeavour* and all those who contributed to this successful rescue effort. This mission marks the first time in history that three humans have ever space walked simultaneously. Their mission was to snare and secure the runaway Intelsat, a state-of-the-art communications satellite which had eluded two previous capture attempts. This third and final attempt did not rely on a $7 million high-technology grappling hook, but rather on the gloved hands of the astronauts themselves. These brave men placed themselves in great danger and exhibited supreme control and coordination as they gingerly held the massive satellite in place. Four and one-half painstaking hours later, Intelsat was safety attached to the *Endeavour's* robot arm, and the necessary repairs where underway.

Such creative problem solving accomplished in the most extreme environment of space represents the best of the human spirit. Just a couple of weeks ago, we voted to continue manned missions into space through our support of the space station, which will serve as the centerpiece of our manned space program. This latest rescue operation is sure to provide invaluable practical experience for our future excursions into space, and once again illustrates the importance of manned space flight. I applaud the remarkable efforts of the *Endeavour* team, and wish them good luck and God's speed as they complete their mission and return home.

RECOGNIZING THE ACHIEVEMENTS OF THE EMPIRE STATESMEN

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HORTON. Mr. Speaker, I rise today to recognize the tremendous accomplishments and continuing achievement of the World Champion Empire Statesmen of Rochester, NY.

The Empire Statesmen, New York's senior drum and bugle corps, is a 110-member corps celebrating its 10th anniversary. The Statesmen are directed by Mr. Vincent Bruni, who I am pleased to have known for many years. Mr. Bruni, an internationally acclaimed choreographer, has guided the Statesmen through their first decade, a time that has seen the group grow from a mere idea into a world champion corps.

Under Mr. Bruni's direction, the corps has received many accolades. Some of the corps accomplishments include performing at Rich Stadium for the Buffalo Bills, in Toronto for the Blue Jays, and opening and leading the 1986 Mardi Gras parade in New Orleans. The Statesmen have also performed charity concerts in the Greater Rochester area for the families of children with cancer.

Recently, the Statesmen captured the 1991 Drug Corps Associates World Championships, which were held last September in Scranton, PA. This championship performance resulted in the Statesmen being invited to perform at the final game of the European Soccer Championships in Goteberg, Sweden this June. The Statesmen are the only American unit selected to participate in the World Cup festivities, and they have also been asked to continuously promote the 1994 World Cup Soccer Championships to be held in the United States.

Mr. Speaker, we in upstate New York are extremely proud to call the Empire Statesmen our own. I congratulate them on their outstanding achievement and wish them the best of luck in Sweden.

SELF-EMPLOYED TAX DEDUCTION FOR HEALTH INSURANCE COSTS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. WILLIAMS. Mr. Speaker, today I am introducing legislation that would provide equity for farmers and ranchers along with all other self-employed taxpayers by giving them 100-percent deductibility of health insurance costs which would be retroactive to December 31, 1991.

The current 25-percent health insurance cost tax deduction has been extended twice. It is high time that we make the tax deduction permanent and expand the deduction to 100 percent of health insurance costs. This puts sole proprietors on the same level as their competitors who are organized as C corporations and are able to take advantage of full deductibility of these same health costs.

The cost of health care and health insurance premiums has escalated over the last decade. In 1990, the United States spent $666 billion on health care. The private sector paid roughly $380 billion or 58 percent of national health expenditures. Meanwhile, the farmers and ranchers all over the country have had some tough economic times. In Montana the 1980's were accompanied by drought and increased Federal regulations. Montana alone has over 20,000 farm and ranch families that would benefit from this legislation.

My bill, along with providing an even playing field for sole proprietorships, gives them the incentive to furnish employer-provided health insurance for their employees. With some 30 million folks who are uninsured in this country that is a worthwhile goal all by itself.

I urge my colleagues to join me in this effort to provide equitable tax treatment and an incentive to ensure adequate health coverage by cosponsoring this bill. We ought to be encouraging self-employed taxpayers to provide sufficient health care coverage for themselves, their families, and employees.

JOEL STEPHAN ANTES—UTAH WINNER OF THE "VOICE OF DEMOCRACY" ESSAY CONTEST

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HANSEN. Mr. Speaker, each year, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct its "Voice of Democracy" broadcast scriptwriting contest.

This program allows students all across the country to express their views on vital national issues and to develop their writing skills. Out of the 147,000 students who participated this year, only 22 were chosen as finalists. Each finalist will share $76,000 in scholarships from the VFW to help in furthering their education.

I am proud, Mr. Speaker, to note that one of these 22 students was 16-year-old Joel Stephan Antes, from Layton High School in Layton, UT.

His essay, on the theme of "Meeting America's Challenge," follows:

MEETING AMERICA'S CHALLENGE

My Challenge is just ahead. The strange rows of old world houses flit by to the steady pounding of my feet on the cobblestones. The straggling line of runners turn the last corner and two things loom ahead, the great gate of the stadium and the sweat soaked number across the back of the one runner between me and the gold medal. As we pass into the shade of the tunnel a gate opens in my heart, the burden of twenty six miles falls from me, my muscles leap and I shoot past my staggering opponent and into the blinding sun and deafening roar of 120 thousand spectators. I surge around the track toward the finish line and turn the great bend into the sun. The roar grows deafening. I raise my arms to break the ribbon * * *

Splat. A wall of muddy slush covers me, the bright head lights of a car swerve past with a honk and a jeer to disappear into small red tail lights in the drizzle of the early morning dark. I've been jerked back to the reality of my before-school run, the cold dark of my home town in dingy late winter. But even as I dodge the rotting snow banks and splash the edges of the black-water slush pools the vision of Olympic gold begins once again to grow in my mind. My burning determination to meet that distant challenge brings strength to my muscles, and resolve to my heart.

America, too, holds a challenge in its heart. A distant prize, a time when all men can be free at last, a dream of life, liberty and happiness for all. The inalienable rights of men are like rare and distant gold medals to a runner. Only by providing them to all these people will we be "Meeting America's Challenge".

Our nation faces many obstacles, even as a runner must face the morning cold and aching muscles. But obstacles can be over come on the way to victory with America's challenge to inspire us. Our nation is not perfect, there is a lot of flab, soft spots, our lungs are clouded. I will speak directly to four obstacles that stand between America and its challenge.

First crime. It is like a cancer in the tissue of our society. Our national body is addicted to the poison of drugs and the crime and killing they bring. "The Unesco Courier" reports a robbery every fifty five seconds, an aggravated assault every forty nine, a murder every twenty four minutes.

A second obstacle between America and its challenge, is like poor nutrition to a marathoner. It is poverty. The United States is the world's richest nation yet over thirty million people live below the poverty level. People in poverty while many live in an excess that allows us to waste so much.

This waste ties directly to a third weakness. The destruction of our environment. In its study of "Our Dying Planet" Time magazine reveals Americans as wealthy wasters. Six percent of the world's population we consume fifty percent of the resources used each year. And we squander these treasures. There are thousands of landfills, open sores filling faster than we can cut new ones. Each year Americans cast aside 220 million tires, 1.6 billion ballpoint pens, 2 billion razors, and 16 billion disposable diapers: 22 and a half billion pounds of waste a year. Filled with trash we can not meet the challenge.

Finally, like any athlete Americans face problems of the mind. Here our nation's education system fails. The refusal to support education has led not to cutting fat, but the arteries of learning. Student scores and skills crumble in a world where success in education does not mean excellence it means survival.

In the early morning cold it's no good to lie in the warm covers and make excuses. I refuse to consider the idea I will not win olympic gold. To meet that challenge I throw myself into the task. America must demand discipline. Flaws must not become excuses. Overcoming them will give us strength. The challenge lies ahead. Our inalienable rights, our government of, by and for the people, our day when all men will be free at last. These dreams of America's founders, these words of Lincoln and King are more than platitudes they embody the golden challenge that we must strive to meet. As we dodge the icy puddles and face the cold drizzle in the dark let's keep our eyes on these golden dreams, on meeting America's challenge.

TRIBUTE TO STUART ROSE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. TRAFICANT. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Stuart Rose, the owner of Rex Radio and Television, Inc., who is the recipient of the Spirit of Life Award given by the City of Hope Medical Center.

Noted for his outstanding business accomplishments, Mr. Rose is honored this year as an outstanding community leader and exemplary mark on the radio and television industry.

Mr. Rose is not only an accomplished businessman, but also a supporter of several worthy organizations including the Humane Society, the Jewish Federation of Greater Dayton, and the Dayton Natural History Museum.

Mr. Speaker, I congratulate Mr. Rose for all he has contributed to the people and community that surround him.

IN HONOR OF MARVIN LENDER

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Ms. DELAURO. Mr. Speaker, this week people from all over Connecticut will come together to pay tribute to a unique individual who has made outstanding contributions to his community at the local, national, and international levels. I join Marvin Lender's many friends and colleagues in recognizing his tremendous achievements.

In addition to his extremely successful business career, Marvin Lender has always been a leader in helping others. As he retires from his successful term as national chairman of the United Jewish Appeal, he is completing just one more chapter in a long series of achievements that have made a difference in many lives worldwide. He has encouraged others to give to those less fortunate than themselves and led by his own example, generously dedicating his time and talents to helping those most in need. Within the United Jewish Appeal, he has served in many capacities, from helping Soviet and Ethiopian Jews emigrate to Israel to raising money for local charities. His efforts have improved the lives of Jews in the United States, Israel, and all over the world.

Mr. Lender's leadership has also extended beyond the Jewish community, touching the lives of many throughout the New Haven area. He has lent his vision and expertise to Yale New Haven Hospital as well as the New Haven Chapter of the Juvenile Diabetes Foundation. As cochairman of the New Haven Holocaust and Prejudice Reduction Program, he helps to educate schoolchildren in order to diminish racial and ethnic tensions in our community.

In every way, Marvin Lender has been an outstanding citizen and a role model to us all. All of us in Connecticut owe him our gratitude and deep admiration. We are truly proud of him. I am confident that he will continue to lend his enormous talents and commitment to our community in the years to come.

JAMES MYERS CHOSEN AS ALABAMA'S STATE SMALL BUSINESS PERSON OF THE YEAR

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HARRIS. Mr. Speaker, I rise today to congratulate Mr. James N. Myers, president of Jim Myers Drug, Inc., in Tuscaloosa, AL, on being chosen the 1992 State Small Business Person of the Year. This week is America's 29th Annual Small Business Week, a time to recognize our Nation's small business men and women and their accomplishments. On May 12, I attended a luncheon here in Washington honoring Mr. Myers and other State small business persons.

Jim Myers has been serving the public for years through his business and community service. By providing quality products and care, he has come to exemplify success for small business people as they continue to help build America's future.

I would like to commend Mr. Myers for his loyalty and contributions to Tuscaloosa, and again, congratulate him on being selected Alabama's Small Business Person of the Year.

NATIONAL POLICE WEEK

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. SCHUMER. Mr. Speaker, in recognition of National Police Week, and the National Peace Officers' Memorial Service held today, May 15, we pay respects to the brave men and women in law enforcement who lost their lives in the performance of their duties. Last year, we lost 118 of our gallant officers.

Every year, the names of these men and women who gave their lives in service to their country are enshrined in the National Law Enforcement Officers Memorial in Washington, DC. This memorial already includes the names of more than 12,500 Federal, State, and local law enforcement officers killed in the line of duty since the existence of organized police in our country. When you begin to consider the number of living victims—wives, husbands, children, families—one can begin to understand the level of anguish felt across the country for those who make this ultimate sacrifice.

As we somberly remember those law enforcement officers who gave their lives, we must recommit ourselves to protecting the hundreds of thousands of brave officers who daily make enormous sacrifices in performing vital service to these United States.

IN RECOGNITION OF KURDISH HUMAN RIGHTS AND THE UPCOMING ELECTIONS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. BILBRAY. Mr. Speaker, I rise before you today to appraise the Members of this House about the dire situation that continues to rage in the Kurdish occupied areas of the northern Iraq.

There continues to be nearly a million refugees stranded in the peaks of the treacherous Iraqi/Turkish border with the very real fear that death is what they face if they return to their homes. It is only the continued presence of the United Nations and overflights by our American planes, that has kept the Iraqi Army at bay and allowed these people a slight measure of security and safety.

However, a deadline is looming. Next month the United Nations mandate in that area will expire and what will follow will surely be a genocide of the Kurdish people. Saddam Hussein has had no qualms about expressing his disdain for the Kurdish people through gassing the town of Habladja and the continued slaughter of innocent women and children.

Yet, we now have the opportunity to bring to the Bush administrations notice an historic event. This Sunday, May 17, the Kurdish people will take an historic step toward expressing their desire to be part of the democratic community by holding parliamentary and presidential elections. In this way, they hope to provide the world with concise proof that what we have is a freedom-loving people who want the same guarantees of freedom and security that the rest of the democratic world shares.

At this time, a delegation of congressional staff members, foreign affairs specialists and human rights activists have departed for Turkey in order to travel into the Kurdish areas and observe these elections. Led by the former two-time Governor of Nevada and current editor of the Las Vegas Sun Mike O'Callahan, this delegation will report back to myself and other Members of Congress about the continued plight of these people and the need to afford them continued security.

Currently I have introduced legislation before the Congress, with the cosponsorship of Chairman DANTE FASCELL, LEE HAMILTON, and STEPHEN SOLARZ, that will express the sense of Congress that the United Nations presence should be extended and that this conflict should be resolved once and for all in order to afford these people the security that they deserve. I urge my colleagues to support House Concurrent Resolution 299 and call for its immediate enactment.

I would also like to submit for the RECORD today's article from the New York Times which covers the upcoming election so that my fellow members will be aware of the historic events occurring in the region. I urge them not only to read this article but to make the choice to support an end to the violence perpetrated against these people.

[From the New York Times, May 13, 1992]

IRAQI KURDS PREPARE FOR FIRST FREE ELECTIONS

(By Leslie Weaver)

Erbil, Iraq, May 12.—With campaign, rallies, parades, slogans and speeches, Kurds in northern Iraq are gearing up for their first free elections outside of Iraqi control.

"This election is the first historical chance for the Kurdish people to determine their future," said Jalal Talabani, one of the Kurds' two main party leaders, together with Massoud Barzani.

The two are offering different visions of the future: autonomy through direct negotiations with Baghdad, favored by Mr. Barzani, or a more independent self-rule within Iraq, with any negotiations with Baghdad conducted through the United Nations.

With Iraqi rule loosened when Western coalition forces established a security zone in northern Iraq after the Kurds' failed uprising last spring, about a million Kurds are expected to vote on Sunday, election officials said.

They will vote for one of seven party lists from which a roughly 100-member legislative assembly will be drawn proportionally.

The voters will also choose one of four candidates, including Mr. Barzani and Mr. Talabani, as Kurdish leader, though ultimate power will rest with the assembly, they said.

The prospect that the elections could further weaken Iraq's grip on the region has raised fears that Baghdad, which recently strengthened its forces along the Kurdish front, may try to disrupt the polls through military action or sabotage, Kurdish officials said.

Campaigning has been most intense in this sprawling city of some 800,000 on the southern fringe of the Kurdish-controlled zone, where senior officials in the two main parties say a local victory could spell victory overall.

Both claim to hold majority support in the city, where residents say the parties' stands on future relations with Baghdad is the key issue.

Mr. Barzani, head of the Kurdistan Democratic Party led for years by his father, the late tribal and guerrilla leader Mustafa Barzani, has said he favors reaching an automony agreement with Baghdad because he does not believe any other solution would win the support of neighboring countries or the West.

Mr. Talabani, veteran leader of the Patriotic Union of Kurdistan, has said that Baghdad has lost credibility in past autonomy talks.

He said he favors self-determination for the Kurds within a democratic Iraq that would grant the Kurds more self-rule than simple autonomy, and has said that any future talks should be carried out through the United Nations.

Many residents said they believed the elections, particularly for the assembly, were too close to call. They said Mr. Barzani's party was generally believed to have the widest overall support. But they said many Kurds were also expected to vote for Mr. Talabani's party because they fear that under autonomy, Iraq might use the return of its civil administration, withdrawn from the Kurdish area last fall, to restore its grip on the area.

Kurdish officials are struggling to insure fair elections, with polling places to be supervised by representatives of all seven parties as well as international observers.

After two incidents between supporters of rival parties in the last few weeks erupted in gunfire, leaders of all parties have called on supporters to calm campaign rivalry and have publicly pledged to abide by the results.

RULE OF LAW PROGRAM IN CENTRAL AND EASTERN EUROPE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues correspondence I had with the Department of State concerning the Rule of Law Program in Central and Eastern Europe. I wrote to the Department of State on February 21, 1992 on this topic, and on May 4, 1992, I received a reply, to which a summary list of U.S. Rule of Law Assistance Programs for Central and Eastern Europe attached. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, February 21, 1992.

The Hon. LAWRENCE EAGLEBURGER,
Deputy Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write with respect to the Rule of Law program in Central and Eastern Europe. The purpose of this letter is to obtain your assessment of the speed, quality, and effectiveness of program implementation, and your plans for a similar program in the former Soviet Union.

First, I would like your overall evaluation of the Rule of Law in Central and Eastern Europe. It is my understanding that USIA has taken the lead on program implementation, under the combined policy oversight direction of USIA and the Human Rights Bureau of the Department of State.

What were the successes and problems in program implementation during FY 1990 and 1991?

What changes do you propose in the management of the FY 1992 Rule of Law program and how will those changes improve the speed, quality and effectiveness of program implementation?

Who will monitor and organize the program in the field?

Second, I would like to know about the role of non-governmental organizations in the Rule of Law program.

What role do you see for NGO's in this program?

How specifically does this program benefit from the participation of a number of agencies and organizations, both inside and outside the U.S. government?

What is your assessment of the work done to date by the American Bar Association, the NGO which has worked on implementation of the Rule of Law program?

Do you foresee a continuing role for the ABA and other non-governmental organizations in the Rule of Law program?

Do you plan to set aside a specific share of Rule of Law funding for proposals and participation by non-governmental organizations?

Finally, I would like to inquire about the SEED model for Rule of Law programs in the former Soviet Union.

Do you seek to replicate the same structures and program in the former Soviet Union?

Is the replication of existing SEED program structures, and participation by the same or similar non-governmental organizations, the quickest and most effective way to begin Rule of Law programs in the former Soviet Union?

How precisely will you monitor and implement a program in the former Soviet Union?

I appreciate your attention to this letter and look forward to your reply.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 4, 1992.

The Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your February 21 letter to Deputy Secretary Eagleburger inquiring about the Rule of Law program for Central and Eastern Europe and the Commonwealth of Independent States. I regret our delay in responding.

You ask first for our overall evaluation of the Rule of Law Program for Central and Eastern Europe. We believe that the program has been extremely successful. I am enclosing by way of background a summary list of programs that have been funded in FY 1991 under the Rule of Law Program. A few of our achievements with the FY 1991 allocation include:

Providing long-term consultants as advisers to aid individuals involved in legal reforms in Hungary, Romania, and Slovakia;

Conducting an intensive week-long judicial seminar in Romania that was so successful that the Romanians requested that it be made an annual tradition;

In limited cases as appropriate, conducting thorough needs assessments to ensure a thoughtful approach to future assistance efforts; and

Providing focused shorter-term consultants to provide advice on particular subjects under consideration by Central and Eastern European governments, such as judicial restructuring, parliamentary oversight of security forces, and civil control of the military.

For FY 1992, we have enhanced the interagency group that oversees the program. In the field, programs will be carried out, as they have in the past, by USIS officers under the direction of the Public Affairs Officer, and, ultimately, the Ambassador.

You also ask about the role of nongovernmental organizations in the rule of law program and particularly about the work of the American Bar Association Central and Eastern European Law Initiative [ABA CEELI]. We believe that the CEELI project has provided valuable services to Central and Eastern European legal reforms in the course of its assistance program funded by the $400,000 grant it received from the National Endowment from Democracy in FY 1990. The Agency for International Development is in the process of making a grant award to the ABA CEELI of nearly $280,000 to carry out assistance activities in the rule of law area in order to permit CEELI to carry on its successful assistance activities, and additional funding for the ABA is contemplated in the future.

We also contemplate that a portion of the FY 1992 Rule of Law funds administered at USIA will also be made available as grants to private organizations prepared to contribute to program goals in the rule of law area. We will also continue, as we have in the past, to encourage coordination and collaboration among a variety of governmental agencies and organizations such as the Department of Justice, the Federal Judicial Center, the Administrative Conference of the United States. These agencies all have a substantial amount of expertise and resources to contribute to the problems faced by Central and Eastern European governments in effecting legal reform.

The allocation of funding under the Rule of Law program is still under discussion, but as a general matter, the amount of funds expended on grants to outside organizations will be determined in large part by the caliber of the grant applications received. In addition, because of the importance of Central and Eastern European legal reforms to the American foreign policy agenda, we believe that when U.S. Government funds are supporting an effort to provide basic assistance to a foreign government related to the shaping of a Constitution or the design and implementation of basic laws establishing a legal system, it is imperative that the U.S. Government be involved on a cooperative basis.

Finally, you ask about program plans for rule of law assistance to the Commonwealth of Independent States. Final decisions have yet to be made on the ultimate size and programming of our assistance activities in this area.

Thus far, $250,000 has been made available to the State Department Bureau of Human Rights and Humanitarian Affairs to continue and expand on a series of rule of law programs that it had initiated in the past. We expect that these will include: (1) regular involvement of U.S. judges in continuing education programs of the Legal Academy of the Russian Ministry of Justice (formerly a part of the Soviet Ministry of Justice); (2) a similar judicial cooperation effort with the Ukrainian Government, and, (3) an intensive three— or four-week summer seminar in Washington D.C. for legal system officials from throughout the CIS. In fact, a group of U.S. judges has recently returned from a three-week program at the Russian Legal Academy earlier this month.

In addition, USIA is conducting a number of rule of law activities out of its base program budget. These include work with the Administrative Conference of the United States on a program in Moscow and Kiev to provide information and assistance in the administrative law area. USIA will also be supporting assistance for the Russian Constitutional Court.

Beyond current funding, we contemplate that substantial additional funding will be made available for rule of law activities. We anticipate that both governmental and nongovernmental organizations (such as the ABA CEELI project) will receive considerable resources to expand current efforts.

Policy direction for rule of law assistance to the Commonwealth of Independent States is provided by the Bureau of Human Rights and Humanitarian Affairs, as is the case for the Central and Eastern European assistance program. Implementation in Washington and in the field reflects cooperative relations between the State Department and other agencies, including A.I.D., USIA, the Department of Justice, and the Federal Judicial Center. Evaluations will also be done as required by A.I.D. standards.

I hope this information is useful to you. Please feel free to let me know if additional information would be helpful.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

U.S. RULE OF LAW ASSISTANCE PROGRAMS FOR CENTRAL AND EASTERN EUROPE, FISCAL YEAR 1991–92

A. REGIONAL PROGRAMS

Interagency Steering Committee on Rule of Law Programs

The Human Rights Bureau of Human Rights and Humanitarian Affairs of the State Department and the U.S. Information Agency [USIA] Programs Bureau co-chair an Interagency Steering Committee on Rule of Law Programs that administers USIA assistance in the rule of law area for Central and Eastern Europe. The overall funding levels for FY 1991 and FY 1992 respectively under this program were $1.1 million (of which $350,000 was set aside for the Baltics), and $1 million. Country-specific programs described below were funded with FY 1991 Rule of Law Program funds administered by the Working Group.

American Bar Association

The United States has provided funding to the Central and East European Law Initiative [CEELI] of the American Bar Association to support assistance activities in the rule of law area throughout the region. A list of ABA CEELI activities to date is available.

George Washington University LLM Program

George Washington University has provided tuition waivers for six Central and Eastern European lawyers (three from Czechoslovakia, two from Romania, and one from Hungary) attending a year-long master of laws program at the University during the 1991–1992 academic year. USG grant funds are being used to cover travel to and from the U.S. and housing and living expenses while the students attend the program.

B. ALBANIA

Analysis and Advice on Criminal Justice System

A U.S. District Court judge, Robert Sweet, visited Albania for 3 weeks in November-December 1991 to advise Albanian officials on judicial reform and to assess legal system needs. Follow-up is planned now that elections have been held.

C. BALTICS

Council of Europe-Estonia Conference

Two U.S. judges participated in a seminar sponsored by the Council of Europe in conjunction with the Estonian Ministry of Justice. Roughly two-thirds of the judges in Estonia attended. The U.S. delegation also spent a week in discussions with Estonian legal system officials and officials and students of the University of Tartu Law School.

Baltic Judicial Visit

Nine judges, three each from Lithuania, Latvia, and Estonia, visited the U.S. in February-March 1992 for a four-week international visitor program to study the U.S. legal system.

Additional programs are under development.

D. BULGARIA

Long Term Legal Consultant

The United States is in the process of offering an Assistant U.S. Attorney as a legal consultant for six months to the Ministry of Justice on criminal procedure law (among other subjects) as requested by the Minister of Justice.

Administrative Law

A delegation from the Administrative Conference of the United States visited Bulgaria to explore the need for assistance in administrative law issues. Follow up is contemplated this summer, possibly to include a two-month stay by a Bulgarian-speaking State Department attorney experienced in administrative law.

Civil Oversight of the Military

A former General Counsel of the U.S. Department of Defense spent a week in Sofia in February 1992 working with the Ministry of Defense on reform legislation establishing civilian control of the military.

E. CZECH AND SLOVAK FEDERAL REPUBLIC

Needs Assessment

At the request of the Embassy, a needs assessment was conducted in September 1991 to develop a comprehensive strategy for legal assistance. Implementation of the report's recommendations is currently under discussion by the Interagency Steering Committee on Rule of Law Programs.

Slovak Legal Consultant

An Assistant U.S. Attorney, Adam Schiff, is spending six months in Bratislava working with several Slovakian Ministries to provide assistance on criminal justice reform.

(Also see regional programs: George Washington University.)

F. HUNGARY

Long-Term Legal Consultant

Colombia University Law School (Professor George Fletcher) has received a grant to advise the Hungarian Ministry of Justice on legal reforms. The grant is supporting the placement of an on-site attorney, Henry Baker, as an advisor to the Ministry.

Long-Term Legal Consultant to the General Prosecutor and Interior Ministry

An Assistant U.S. Attorney, John McEnany, is spending six months in Hungary providing advice on criminal justice reform efforts.

Advice on Drafting of Labor Codes

The Chief Deputy Administrative Law Judge of the National Labor Relations Board, David Davidson, has been identified to provide technical legal assistance to the Hungarian Ministry of Labor on matters of labor legislation and law.

(Also see regional programs: George Washington University.)

G. POLAND

Future Programs

The Interagency Steering Committee on Rule of Law Programs is considering program possibilities.

H. ROMANIA

Needs Assessment

A U.S. delegation in April 1991 led by former U.S. Ambassador to Romania Harry Barnes assessed the state of Romanian legal reforms, provided advice on several issues, and identified specific future needs and assistance projects.

Technical Assistance Materials

A large volume of materials describing particular areas of U.S. laws has been provided to specific Romanian officials who requested information on U.S. treatment of these subjects (e.g., government regulation of citizen demonstrations, oversight of intelligence, slander and libel law, among others).

Judicial Seminar

A week-long judicial seminar was held in Poiana Brasov, Romania in August 1991. Six U.S. judges and 60 Romanian judges and prosecutors addressed various topics dealing with the independence of the judiciary, judicial reform, and responsibility. The conference was featured on Romanian television, and papers presented at the conference are expected to be published in a Romanian legal journal.

Advice on Parliamentary Oversight of Security Organizations

Responding to a request from the chairman of the Parliamentary Committee on National Defense and Public Order, a U.S. expert in intelligence oversight and former Department of Justice official spent a week in Romania in December 1991 advising members of Parliament on effective means of establishing oversight.

Long-Term Legal Consultant

An Oregon state judge and an attorney employed by the Oregon State Attorney General's Office are spending six months as legal consultants in Romania. Based in the Institute on Juridical Sciences of the Romanian Academy, they are working with the Ministry of Justice, the Office of the General Prosecutor, and other officials on various aspects of legal reform.

Judicial/Prosecutorial Seminar

At the request of Romanian officials, a seminar for judges and prosecutors is being planned for Bucharest in summer 1992 as a follow-up to the August 1991 judicial seminar. In connection with the upcoming program, mini-seminars would be conducted at other locations in Romania. Two to three U.S. judges and two U.S. prosecutors would participate. It is hoped that one of these U.S. prosecutors, experienced in forensic investigation, can arrive in Romania several weeks before the seminar and stay several weeks afterwards to provide additional advice to the General Prosecutor's Office.

Magistrate School

Assistance to the newly-formed Romanian magistrate's training school is underway in a number of forms. Both U.S. legal consultants and two ABA legal liaisons are lecturing at the school, and provision of additional resources (including books, faculty, and intangible support) is being contemplated, in conjunction with the ABA CEELI project.

CONGRESSMEN KILDEE PAYS TRIBUTE TO YOUTH IN GOVERNMENT WEEK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. KILDEE. Mr. Speaker, it is an honor to rise before you today to recognize an effort promoting educational and academic interest among the young people of Pontiac, MI, the "Youth In Government Project". Founded over 3 years ago by two dynamic community leaders, Rev. Douglas Jones and former Mayor Walter Moore, the project continues to make great strides toward achieving educational equity and parity for the citizens of Pontiac.

Each school involved in the project selects 13 students. One of these students will be selected to compete for the position of "Mayor For A Day". The mayor is elected by a panel of judges based on a brief speech prepared by each contestant. The top speaker is selected to be mayor and the runners up fill the positions of city council, president pro tem or serve as head of a department. The program is designed to give each participant a working knowledge of municipal government structure.

Last night, the Pontiac Youth In Government project held a banquet for the students, parents, public officials, and the officers and staff of Welcome Missionary Baptist Church at 7 p.m. at the Main Event, in the Pontiac Silverdome. This banquet culminated the activities for the 3d Annual Youth In Government Week. The 1992 Youth Mayor For A Day addressed the banquet with an award winning speech.

The Pontiac Youth In Government project is dedicated to the full development of our Nation's most valuable resource, our youth. The project represents a continuous partnership between Welcome Missionary Baptist Church, the city of Pontiac and the Pontiac Board of Education. The Pontiac Youth In Government project has demonstrated to the Nation that great achievements may be accomplished when a community works together toward a common goal.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in paying tribute to the Pontiac Youth In Government project. Their unyielding commitment to the development of their city's youth should serve as a model for the entire Nation.

BILL TO PROMOTE SELF-DETERMINATION FOR EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HALL of Ohio. Mr. Speaker, today I am introducing legislation to promote self-determination for the people of East Timor and to terminate United States assistance to Indonesia. I am pleased that the gentleman from New York [Mr. DOWNEY], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Rhode Island [Mr. MACHTLEY], and the gentleman from Massachusetts [Mr. FRANK] are joining me as original cosponsors.

On December 7, 1975, Indonesian military forces invaded the former Portuguese colony of East Timor. The territory was made the 27th Province of Indonesia in 1976. The Washington Post termed this action "integration without choice," and observed in an editorial on May 23, 1976: "Timor's absorption has been a depressing example of international double standards."

At least tens of thousands of East Timorese—most experts say between 100,000 and 200,000—out of a population of nearly 700,000, died in the fighting, famine, and disease that followed Indonesia's invasion and occupation of East Timor. Most of these deaths occurred outside of the world's view, with Indonesia effectively closing and controlling all access to the territory. A bloodstained "khaki curtain" was draped over East Timor.

Like the Iraqi invasion of Kuwait in 1990, the Indonesian invasion of East Timor in 1975 was condemned as a violation of international law. The United Nations General Assembly passed Resolution 3485 and a Security Council passed Resolution 384, both of which deployed the Indonesian military intervention in East Timor, called upon the Government of Indonesia to withdraw without delay its armed forces from East Timor, and reiterated the right of the people of East Timor to self-determination. In adopting Resolution 3485, the United Nations General Assembly stated that it: "Calls upon all States to respect the inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to determine their future political status in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples."

As the Indonesian occupation continued into 1976, the United Nations Security Council passed Resolution 389, which again called for the withdrawal of Indonesian military forces from East Timor and which reaffirmed "the inalienable right of its people to self-determination." This resolution further declared that "all efforts should be made to create conditions that will enable the people of East Timor to exercise freely their right to self-determination."

Despite the revulsion of the world community to the illegal annexation of East Timor by Indonesia, Indonesia continues to occupy East Timor in contravention of international law and global opinion expressed through the United Nations. In the years since the invasion of East Timor, international human rights groups have continued to report widespread and ongoing violations of basic human rights. Visitors from the outside world who have managed to get into Indonesia-occupied East Timor have consistently noted a climate of fear and repression. As an editorial of The Christian Science Monitor of April 28, 1992, summarized it: "For 16 years Indonesia has kept East Timor in a state of perpetual repression. There is no self-government, press, unions, student, or professional groups. The few reporters daring to venture into Timor tell of police stations and torture chambers spread throughout the capital, Dili."

From time-to-time, specific details of Indonesian atrocities have come to world attention, but no such incident had the impact of the massacre of unarmed Timorese at Dili's Santa Cruz cemetery by Indonesian military forces on November 12, 1991. At least 75 to 100 civilians were killed, with many more injured. The precise number of casualties may never be determined.

Other massacres and other atrocities have occurred in East Timor since 1975. But this incident was different: it was videotaped by an outsider who succeeded in smuggling the tape out of the militarized territory. In addition, two American reporters, Allan Nairn and Amy Goodman, were savagely beaten and nearly killed by the Indonesian soldiers who perpetrated the massacre. They survived to become witnesses to the world of the tragedy of East Timor.

The wake of the Santa Cruz massacre in Dili, the House and the Senate each passed resolutions condemning the killings, asking for justice, and urging the monitoring of human rights conditions in East Timor. Throughout the years since the invasion, large numbers of Representatives and Senators have cosigned numerous letters and resolutions about human rights violations in East Timor. In essence, these initiatives have urged the United States and other concerned nations to encourage the Indonesian Government to stop the killing in East Timor, respect basic human rights, and allow increased access to East Timor by international human rights groups and journalists.

Until today, these congressional efforts have not directly addressed the question of self-determination for the people of East Timor. However, the convergence of the November massacre and current international realities have sparked congressional interest in the issue of self-determination.

With the ending of the cold war, the revitalization of the United Nations, and the international trend to recognize long-postponed nationalistic aspirations, the question of self-determination for East Timor can now be put upon the table. At the core of the human rights violations in East Timor is a fundamental injustice: The Timorese have never been granted the chance to determine their own future.

It is insufficient to beg the Indonesians repeatedly to treat the Timorese with basic human decency. This is like condoning slavery, but asking the slave driver to spare the whip. Attention instead must be focused on getting the Indonesians to withdraw from East Timor and to allow the Timorese to participate in a referendum on self-determination.

Unfortunately, the Indonesians have not responded positively to appeals to allow the people of East Timor to vote on their own status. The Government of Indonesia has claimed that the question of self-determination was settled in 1976. The position of the United States has been to recognize the de facto incorporation of East Timor into Indonesia, without acknowledging that a valid act of self-determination occurred.

Since human rights violations by Indonesian forces in East Timor continue, and since Indonesia has failed to respect the United Nations declarations calling for the withdrawal of its troops from East Timor and self-determination for the Timorese, greater international pressure must be brought to bear on Indonesia. Following the November massacre, Canada and Denmark suspended aid to Indonesia, and the Netherlands recently severed its aid to Indonesia, including its chairing of the Inter-Governmental Group on Indonesia.

When Iraq invaded Kuwait, the United States spearheaded the international effort to impose sanctions against the Saddam Hussein government. It was clear there could no longer be "business as usual" with a government acting in blatant violation of international law. Similarly, there should be no "business as usual" with Indonesia as long as it perpetuates its illegal annexation of East Timor. Outdated cold war geopolitical considerations have no place in a new world order based upon respect for international law and the rights of peoples to determine their own destinies.

The bill my colleagues and I are introducing today terminates United States bilateral assistance to Indonesia upon the date of enactment. It further suspends generalized system of preference benefits for Indonesian products and requires the Secretary of the Treasury to instruct the United States representative at the World Bank to oppose any loan or other utilization of Bank funds for Indonesia.

Estimated fiscal year 1992 military and economic aid for Indonesia is about $58 million. In addition, commercial arms deliveries under the Arms Export Control Act are expected to total $42.9 million in fiscal 1992, and foreign military sales agreements should add another $10 million.

Under the generalized system of preferences [GSP], the President can extend duty-free treatment to some or all of the exports of a developing nation. In 1990, total United States imports of GSP products from Indonesia totaled about $562 million, of which about $216 million was in the form of GSP free imports and $346 million was in the form of GSP dutiable imports. The 1991 United States trade deficit with Indonesia was $1.3 billion, with United States imports from Indonesia of $3.2 billion and United States export to Indonesia of $1.9 billion.

Up until this year, Indonesia has received considerable financial assistance from governments and international organizations that have participated in the Inter-Governmental Group on Indonesia [IGGI], whose members have included: Australia, Austria, Belgium, Canada, France, Germany, Indonesia, Italy, Japan, the Netherlands, New Zealand, Spain, Switzerland, the United Kingdom, and the United States. Multilateral representation has included: the World Bank, the International Monetary Fund, the Asian Development Bank, and the U.N. Development Program. At the June 1991 meeting of the IGGI, Indonesia's international donor community pledged a total of $4.75 billion, made up of $1.89 billion in bilateral aid and $2.86 billion in multilateral aid. The IGGI mechanism essentially was dissolved with the discontinuation of aid to Indonesia from the Netherlands. A World Bank effort is underway to create the Consultative Group on Indonesia [CGI] to replace the IGGI. World Bank loans approved in fiscal year 1991 for Indonesia totaled $1.6 billion.

The termination of bilateral aid, the suspension of multilateral assistance, and the denial of trade preferences would remain in effect until the President certifies to Congress that: (1) Indonesia is permitting immediate and unrestricted access to East Timor for international human rights organizations and international organizations; (2) international human rights organizations report that Indonesian Government forces or other military or paramilitary forces under the control of the Government of Indonesia have ended all forms of inhumane treatment, including torture; (3) Indonesia is in compliance with United Nations General Assembly Resolution 3485 and United Nations Security Council Resolutions 384 and 389; and (4) Indonesia allows a United Nations supervised referendum on self-determination for the people of East Timor.

This is strong legislation, but a strong response is long overdue to Indonesia's aggression, repression, and terror in East Timor. At a time when every U.S. foreign aid dollar is undergoing rigorous scrutiny, why should the taxpayers provide aid to a nation which has seized and subjugated its neighbor? The Congress can both save money and stand for principle in terminating aid to Indonesia.

I would urge my colleagues to join with me in cosponsoring this bill, the full text of which follows:

H.R. 5176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) In violation of international law, Indonesia invaded East Timor in December 1975, and forcefully annexed the territory in July 1976.

(2) Indonesian sovereignty over East Timor has never been recognized by the United Nations.

(3) The United Nations General Assembly adopted Resolution 3485 in 1975 and the United Nations Security Council adopted Resolution 384 in 1975 and Resolution 389 in 1976, each of which called upon the government of Indonesia to withdraw without delay its armed forces from East Timor and which reiterated the right of the people of East Timor to self-determination in accordance with General Assembly Resolution 1514(XV).

(4) United Nations General Assembly Resolution 37/30 of November 1982 requested the Secretary-General to initiate consultations with all parties directly involved in the situation in East Timor in order to achieve a comprehensive settlement of the issue.

(5) Tens of thousands of East Timorese, out of a population of nearly 700,000, died in the fighting, famine, and disease that followed Indonesia's invasion and occupation of East Timor.

(6) Throughout the years of Indonesia's occupation of East Timor, international human rights organizations have reported evidence of human rights violations, including killings, torture, arbitrary arrest, and repression of freedom of expression.

(7) Indonesia's forceful suppression of basic human rights in East Timor was brought to world attention on November 12, 1991, when Indonesian military forces opened fire on unarmed Timorese civilians in Dili, killing 75 to 100 people and injuring many more.

(8) International human rights organizations report intense repression in East Timor in the period since the massacre of November 12, 1991.

(9) In section 359 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, the Congress called for an end to all forms of human rights violations in East Timor and for an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

(10) Indonesian military forces remain in East Timor in contravention of resolutions adopted by the United Nations General Assembly and Security Council, and the Government of Indonesia has failed to initiate an internationally recognized process for self-determination for East Timor.

SEC. 2. TERMINATION OF FOREIGN ASSISTANCE FOR INDONESIA.

(a) Termination of Foreign Assistance for Indonesia.—United States assistance to Indonesia shall be suspended on the date of the enactment of this Act until the President determines and certifies to the Congress that—

(1) Indonesia is permitting immediate and unrestricted access to East Timor for international human rights organizations and international organizations;

(2) international human rights organizations report that Indonesian government forces or other military or paramilitary forces under the control of the Government of Indonesia have ended all forms of inhumane treatment, including torture;

(3) Indonesia is in compliance with United Nations General Assembly Resolution 3485 and United Nations Security Council Resolutions 384 and 389; and

(4) Indonesia allows a United Nations supervised referendum on self-determination for the people of East Timor.

(b) Definition.—

(1) For the purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

(2) Such term includes—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(B) assistance under the Arms Export Control Act;

(C) sales under title I or title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(E) financing under the Export-Import Bank Act of 1945; and

(F) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence.

(3) Such term does not include—

(A) assistance which involves the donation of food or medicine;

(B) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

(C) assistance for refugees; and

(D) assistance made available for termination costs arising from the requirements of this section.

SEC. 3. SUSPENSION OF MULTILATERAL ASSISTANCE

Until the President makes the determination and certification pursuant to section 2(a), the Secretary of the Treasury shall instruct the United States executive directors of the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Development Association to oppose any loan or other utilization of the fund of their respective institutions to or for Indonesia.

SEC. 4. DENIAL OF TRADE PREFERENCES.

Nothwithstanding any other provision of law, until the President makes the determination and certification pursuant to section 2(a), the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) shall not apply with respect to the products of Indonesia.

THE VIOLENCE IN KARABAKH MUST END

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. SWETT. Mr. Speaker, I rise today in solidarity with the Armenian people, and especially those brave Armenians besieged in the struggling region of Karabakh. I am filled with sorrow to think of the violence being directed at these innocent people, and the suffering they are enduring.

Today, these victims of aggression are, in many cases, without electricity, food, fuel, and water, even medical supplies are in dangerously short supply.

Over 180,000 people are suffering right now from these and other consequences of the anarchy and violence raging in Karabakh. In the meantime, the world's only superpower stands by and watches.

Where is this New World Order? Is Karabakh destined to be forgotten? Where is our foreign policy President? And finally, where are we? Are we ready to commit ourselves to end this ongoing atrocity? Are we ready to end the nightmare of women and children trapped by the constant shelling?

The United States need not sit on the sidelines and watch the horror unfold. We can and will make a difference. I know that my colleagues do not feel powerless. Together we can ensure that President Bush can garner an international commitment to end this horror.

Mr. Speaker, we are not naive. We all know that the divisions in Karabakh will take time to resolve themselves, just as our own internal divisions will take time to resolve themselves. But, as the proverb says, "the journey of a thousand miles begins with a single step."

That first step is the immediate cessation of violence. This is our bottom line. We call on Azerbaijan to immediately cease shelling Karabakh and to lift the blockade without delay. We also call for U.N. peacekeepers to be sent to Karabakh to prevent further violence.

Violence sometimes seems an easy path to take when faced with intractable issues. But it is the wrong path. The road to peace can be a harder path to tread, but its rewards are many, and they will withstand the test of time.

Mr. Speaker, I urge my colleagues to join me in working to live up to the challenge of paving the way for peace and stability in this region.

May God bless the Armenian nation.

REGULATORY REFORM NEEDED TO HELP SMALL BUSINESSES

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. EWING. Mr. Speaker, this morning Representative RIGGS offered an amendment to the Small Business Credit Crunch Relief Act stating that the Congress supports the President's moratorium on regulations. Had that amendment not been ruled nongermane by the chairman, I would have been in strong support.

There are few issues which are more important to American businesses and to the strength of our economy than Federal overregulation, which is driving small business persons out of business and crippling economic expansion. Stopping the avalanche of Federal mandates must be a top priority for Congress and the President.

I have been a strong supporter of the President's 90-day moratorium on regulations and his work on regulatory reform. I have introduced a separate resolution calling on him to extend the moratorium for a full year. Eighty-five of my colleagues from both sides of the aisle have cosponsored that resolution, and I encourage each of them to support the amendment before us. While we would have liked to see the President extend the moratorium for a year, we are pleased that he has extended it through August.

Since this week is Small Business Week, I think it is important that we draw attention to issues facing small businesses, and a top concern is excessive Federal regulation. Because they have fewer resources to spend, small business bears the heaviest burden of Federal mandates. Small business closings and bankruptcies are up sharply in the last few years, and Federal regulation is partly to blame.

Too often the Federal Government does not consider the impact of Federal regulations on small businesses. In fact, many Federal regulations have little or no clear benefit, yet cost businesses millions or billions of dollars in compliance costs. And those costs are passed on to consumers.

Not only do Federal agencies fail to adequately consider the impact of their rules on small businesses, but sometimes it seems that these bureaucrats don't care about the fact that their mandates are driving businesses into the ground and therefore destroying jobs. In 1980, the Regulatory Flexibility Act [RFA] was passed to require agencies to analyze the impact of regulations on small businesses and offer alternative solutions to costly mandates. The House Republican Research Committee Task Force on Small Business recently held a hearing on the implementation of the RFA. It as exceedingly clear at that hearing that Federal regulators have circumvented or simply ignored important provisions of the RFA and the efforts of the Small Business Administration to implement the RFA.

If the Regulatory Flexibility Act were properly implemented and appropriately strengthened we would go a long way toward easing the regulatory burdens on small businesses. This should be a priority matter for Congress. However, it is also important that regulatory agencies begin to respect the spirit of the RFA.

The level of Federal regulation has increased dramatically in recent years. The pages in the Federal Register numbered over 67,000 last year, an increase of 26 percent over 1990. The Federal Government employs over 122,000 Federal regulators in over 50 different agencies. These bureaucrats are working on nearly 5,000 new regulations. This regulating machine costs taxpayers about $11 billion per year.

The National Chamber Foundation recently released a report which estimates the economic cost at about $400 billion every year. This translates to a cost of over $4,000 for every American household.

These costs, while they don't show up in the Federal budget, are a tremendous drain on our economy. Dollars spent to meet Federal mandates are dollars not spent on new plants or equipment. They are dollars not spent on creating new capital or creating new jobs. Because the cost of regulations are passed on to consumers by way of higher prices, Federal regulation means that each American has less disposable income.

One of the most frustrating things for small businesses is the required paperwork. At least 5 billion man-hours are expended every year in meeting the Federal paperwork burden. Time spent filling out forms is time not spent creating a product or providing a service. I know there are many small businesses which have hired people just to do the paperwork mandated by the Government.

The President's moratorium has helped get our economy moving again and I commend him for his actions. Dozens of new regulations have been put on hold, and it has been estimated that the moratorium has saved the economy as much as $20 billion so far. I applaud the President's extension for the moratorium through August.

We must scale back the level of Federal regulation and reform the regulatory process. Our goal must be to make the regulatory process responsible and fair to those who are required to meet Federal mandates. We must look at how regulations will affect businesses and take that into account. Our Federal regulators should work with small businesses, instead of working against them, to find ways to achieve the goals of regulations without crippling business. I believe that small businesses want to work with agencies to achieve mutually acceptable rules.

Federal regulations stifle small business entrepreneurship, drain scarce resources, crippled productivity, and inhibit economic expansion and job creation.

I would have strongly supported the amendment offered by Mr. RIGGS if it had not been ruled to be nongermane. I commend Mr. RIGGS for his efforts.

CHELSEA LANTOS-SWETT: A FUTURE PULITZER PRIZE WINNER FOR POETRY?

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. SOLARZ. Mr. Speaker, the timeworn cliche instructs us to take time to "smell the roses." For Members of Congress, wrapped up as we are in our unbelievably hectic schedules at home and in Washington, it is easy for us to overlook some of the small but special details which round out our lives.

Sadly, in the crazy pace of Congress, we often sacrifice the time we spend with, and the attention we pay to, our families. And the people who need us the most, our children and our grandchildren, sometimes receive the shortest shrift of all.

For this reason, I was delighted to come across a wonderful poem that was written by Chelsea Lantos-Swett, a third-grader, who is the daughter of DICK SWETT, and granddaughter of TOM LANTOS. Our colleagues have a great deal to be proud of in Chelsea, who is clearly destined for literary greatness. I hope the Members of this House will enjoy Chelsea's work as much as I did, and I hope her poem inspires all of us to contemplate the achievements of those who are dear to us.

MOTHER EARTH'S TURN

(By Chelsea Lantos-Swett)

Swirling snow, most unexpected,
Winter's over, March is here.
Mother Earth is now corrected?
Now we get our frozen tear?

Snow that winter could not bring,
How it spirals down so fast.
What happened to the fresh new Spring?
Are we frozen in the past?

Caught in blasts of icy sleet,
Captured in a blank white world,
Walking on a frozen street
Watching little leaves go curl.

Oh how I wish to have a flower,
Have one bluebird passing by,
Spot spring from her daisy tower
And push away the winter sky!

THE RIOTS IN L.A.: A RESPONSE

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. THOMAS of Georgia. Mr. Speaker, there is much despair and anger in the wake of the racial violence that has shaken the Nation in recent days. But as we stir the cooling ashes of Los Angeles and other cities, we can find the early glimmer of hope that something good may yet come from this tragedy.

We have seen Americans of all colors—black, white, and brown—rally to peacefully express their commitment against racism. I sense a determination in the hearts of good men and women everywhere to take a stand, and chart a new course.

Also, in the pulpits of America, our ministers have raised their voices to give guidance to people of faith.

One of those voices recently was the Rev. Michael Bledsoe of the Riverside Baptist Church in Washington. This is a biracial church whose parishioners come from throughout the United States.

Mr. Speaker, I insert Pastor Bledsoe's remarks delivered on May 3, 1992, in the RECORD at this point:

THE RIOTS IN L.A.: A RESPONSE

(By Pastor Michael Bledsoe)

One year ago, our President, our congress and our military led our nation into the desert sands of Saudi Arabia. The declared goal was the freeing of the Kuwaiti people from the tyranny of the Iraqi dictator, Saddam Hussein. Now, one year later, our President has sent troops into Los Angeles, not for the liberation of a people, but for the shoring up and defense of the status quo.

The events of this past week are heart rending and even maddening. Surely we can concur with the President that the brutal murder of people and the wanton destruction of property should end. But the Church of Jesus Christ pleads for something more: we ask that the same energy, commitment and resources pledged to a war far from our shores be expended upon the emancipation of our own people within our own cities. I am, like many clergy, confounded by our nation's seeming ability to create Marshall Plans for other nations, but when it comes to the economic and social well-being of minorities in our own country, somehow the energy dissipates. Like you, I am appalled by the murder of people who were innocent and simply in the wrong place at the wrong time. But I am equally appalled by a continued neglect of our inner cities and the racism which fuels much of that neglect.

Twenty-six years ago, the National Committee of Negro Churchmen, issued a statement on "Black Power." That statement noted something our President and Congress are apparently unable to grasp: "powerlessness breeds a race of beggars. We are faced now with a situation where conscienceless power meet powerless conscience, threatening the very foundation of our nation." That statement is, unfortunately, as accurate today as it was on July 31, 1966.

All of us know that the travesty of the inane verdicts handed down in the Rodney King beating case was and is simply the fuse. We are faced not only with the travesty of this particular case, but with racist injustice which continues to trap and enslave men, women and children. Yes, violence is wrong and it begets violence, but we as the Church must plead with our leaders to understand that you cannot, lest you be a hypocrit, denounce violence by the powerless while at the same time withholding condemnation of that violence which denies a people their past and a future.

We have our work and mission set out before us. Our particular church, Riverside Baptist Church, must reawaken to its historic purpose and mission, that we proclaim the Gospel of Christ knowing but one law, the love of God and the love of humanity. Were it not for such a Gospel, were it not for the power of Christ to break asunder the inhuman chains of racism and violence, we would be despairing indeed. But alas, we do have a hope greater than that which would crush us. Together let us in these coming days speak with courage, live in compassion and work passionately for justice. For Martin Luther King, Jr. has warned us "Either we will live together as brothers and sisters or we will perish together as fools."

DESPERATE PLIGHT OF THE ETHNIC ALBANIANS IN KOSOVA AND OTHER AREAS OF THE FORMER YUGOSLAV FEDERATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. LANTOS. Mr. Speaker, Slobodan Milosevic, the last Communist dictator in Europe, continues to shock and horrify the civilized world as he directs his wanton campaign against the successor states of Yugoslavia.

Milosevic's wrath has caused incalculable human suffering. The Communist Serbian effort to dominate the freedom-seeking Republics of Croatia, Slovenia, Bosnia-Herzegovia, Macedonia, and Kosova will continue until we in the United States take steadfast and decisive steps to stamp it out.

The violent means through which Serbian Communists seek to dominate the region were on display for all to see 12 years ago when, after the death of Tito, they opened a campaign of terror against the Albanians in the autonomous Republic of Kosova.

The efforts to isolate and vilify Albanians in Kosova were as revolting as they were comprehensive. The Communists in Belgrade purged the Kosovar Communists, closed the parliament in Kosova and persecuted its freely and fairly elected members, placed restrictions on the use of Albanian language and symbols, and ultimately imposed martial law on Kosova.

The dire situation in the former Yugoslavia requires that uncompromising attention be paid to the plight of Albanians in Kosova. As an historic whipping boy to the Communist Serbians, the ethnic Albanian population in Kosova is particularly vulnerable in these volatile times.

Dr. Ivo Banac, a professor of history and master of Pierson College at Yale University, has written an excellent paper on the serious plight of Albanians in Kosova, entitled, "Position Paper on the Question of Kosova and the Status of Albanians in the Successor States of Yugoslavia."

Dr. Banac's work highlights the importance of Congress' vigilance with respect to the situation in the former Yugoslavia. There is a clear need for aggressive action against the Serbian Communists who continue their brutal and deadly assault against the citizens of the freedom-seeking republics of the disintegrated Yugoslavia. I ask that his paper be placed in today's RECORD and I urge my colleagues to give it the thoughtful attention it deserves.

POSITION PAPER ON THE QUESTION OF KOSOVA AND THE STATUS OF ALBANIANS IN THE SUCCESSOR STATES OF YUGOSLAVIA

The Autonomous Province of Kosova (Kosovo in Serbia), a federal unit in disintegrating Yugoslavia, has been an Albanian majority area for several centuries. According to the official Yugoslav censuses, which were always biased against minority nationalities, Albanians constituted 65.7 percent of Kosova's population in 1921 and 77.4 percent in 1981. In fact, they now constitute as much as 90 percent of Kosova's population. In addition, Albanians constitute a fifth of the population of Macedonia, and are an absolute majority in western Macedonia. They also have significant enclaves in eastern Montenegro (Ulqin/Ulcinj, Plavë/Plav, Tivar/Bar, Titograd) and southern Serbia (Bujanovac, Presevo).

The large concentrations of Albanians in former Yugoslavia are a result of an unjust settlement of the Balkan wars of 1912–1913. The powers that arbitrated the disposition of these territories, which were ruled by the Ottoman Empire from the fourteenth century, were guided more by expediency than by the wishes of the local people. They favored Serbia and Montenegro over the weak and newly independent Albanian state. The situation did not change with the establishment of Yugoslavia (1918), in which Serbia dominated and pursued a policy of denationalization and expulsion of Albanians, nor with the Communist revolution in Yugoslavia (1941–1945), which brought Albanians still more repression.

The Communist regime of Marshal Tito, however, from the beginning recognized the autonomy of Kosova within the Serbian republic. This was originally no more than a token measure that could hardly obscure the subordinate position of Albanians in Yugoslavia. In 1974, as Tito increasingly reacted against his rivals in Serbian Communist establishment, he promulgated a new constitution that granted considerable self-rule to the six Yugoslav republics, but also to the two autonomous provinces—Kosovo and Vojvodina, whose status was enhanced to virtually the level of a federal republic. Henceforth, Kosovar Albanians participated in power-sharing. They increasingly were represented in various federal agencies from which they were hitherto excluded. One of their representatives—Sinan Hasani—even served as the President of Yugoslavia in 1986.

The position of Albanians started deteriorating after Tito's death in 1980. Serbian Communists opened a campaign against the autonomy of Kosova and systematically inflamed Serbian public opinion against the alleged Albanian "irredentism." The Belgrade authorities vilified the Albanians and portrayed them as extremists who were predisposed to mayhem. In the process, the Serbian Communist leadership purged the majority of Kosovar Communists, started placing restrictions on the use of Albanian language and symbols, and ultimately imposed martial law on Kosova. The worst excesses took place after 1987, when Slobodan Milosevic, the most extreme among Serbia's Communist leaders, became the head of Serbia's Communist Party.

Under Milosevic, Albanians have been subjected to terror and threat of extinction. He closed their schools, fired their professionals, banned their press and institutions, imposed the arbitrary rule by members of a tiny and privileged Serbian minority, and carried out a series of electoral farces that have been boycotted by Albanians. It is not an exaggeration to say that apartheid, though moribund in South Africa, is alive and well in Kosova. Nowhere else in former Yugoslavia—nowhere else in Eastern Europe—are human and national rights abused with such ferocity as in Milosevic-ruled Kosova. In 1989, after subverting the provisions of the constitution. Milosevic forced changes in the constitution of Serbia and Yugoslavia, abolished the autonomy of Kosova and Vojvodina, and proceeded to govern Kosova by fiat. After the Kosovar assembly held out against Milosevic's misrule, he arbitrarily dismissed it. He has systematically ignored and thwarted all popular measures by Kosovar Albanians to reassert their self-rule. In fact, the legally-constituted assembly of Kosova still functions, though underground. It claims the allegiance of most Kosovars.

Milosevic's arbitrary rule in Kosova was the direct source of the subsequent dissolution of Yugoslavia. Other federal units, notably Slovenia and Croatia, saw the terror against Kosova as the Milosevic model for the whole of Yugoslavia. It would therefore be doubly unjust should the emancipation of Croatia, Slovenia and the other ex-Yugoslav republics leave Kosova under Milosevic's martial law. This means that the United States should support not only the independence of Slovenia, Croatia, Bosnia-Hercegovina, and Macedonia, but also the independence of Kosova. The United States should not only support the restoration of human legal rights of Kosova, but promote an internationally-supervised referendum on the status of Kosova. Let the Kosovars decide by themselves on their future course.

The Albanians of Kosova seek no revenge and are willing to guarantee the individual and group rights of the Serbian minority. Moreover, there should be legal guarantees of access to any Serbian monastery or other such . . . (indecipherable) . . . yearn for the freedom of travel, mutual access, and unity—which were denied to them since 1913. For the moment, however, the relations between Kosova and Albania can best be accomplished by promoting European-wide integrations. Nevertheless, in order to alleviate Serbian fears on this score, the Albanians of Kosova should be willing to entertain no arrangements with Albania without the agreement of Kosova's Serbian community. This can be the most important Albanian contribution to the restoration of democracy in Serbia, which, together with Montenegro, remains the last Communist-governed country in Europe.

The failure of the Bush-Baker foreign policy is especially evident in the case of Kosova. Most of the administration's efforts during the last three years consisted of feeble protests about the violation of human rights in Kosova. In fact, despite an occasional expression of displeasure, the administration's principal worry was not to offend Milosevic. Unfortunately, the policy of appeasement was no more successful in the case of Milosevic than in the case of any other despot. Moreover, had Milosevic been stopped in Kosova in 1987, Slovenia, Croatia, and now Bosnia-Hercegovina, would have been spared the holocaust of war and destruction. In this case, too, the essence of the Bush-Baker foreign policy is the maintenance of status quo.

HARRY H. COHEN POST NO. 723 JEWISH WAR VETERANS HELPS THE POOR OVER PASSOVER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Harry H. Cohen Post No. 703 of the Jewish War Veterans of the United States of America under the leadership of Cmdr. Ruth Sondak. This post, recognized both at the State and national level for its community service, is located in my congressional district. Whenever I have visited the post I have come away impressed by the dedication and energy of its members. This post has been recognized by the State of Florida for its hospital support program and by the national Jewish War Veterans organizations for their support of the Boy Scouts.

This past Passover the members of the Harry H. Cohen Post collected and distributed food for the less fortunate. The details of that activity are recounted by post members as follows:

The Harry H. Cohen Post #723 of the Jewish War Veterans of USA delivered Passover Baskets to the needy of Dade County, Florida, on Sunday, April 12th. The Jewish War Veterans of USA has 43 posts in Florida and over 300 nationwide, each of which has its own special facet of activities that are community related.

Ruth Sondak, Commander of Post #723, organized and coordinated the program in which several community groups participated with the Post. The Post members began collecting money in February setting a goal of 36 baskets, each to contain chicken, eggs, gifilte fish with horse-radish, borscht, fresh fruit and vegetables, grape juice, matzos, etc., enough food for a family of four for two Seders with enough left over for the rest of the week. The food was purchased from local merchants. Cmdr. Sondak contacted Dir. Gail Weisberg, Community Council of Jewish Elderly, and Remee Bomzer, Jewish Family Services, for names of the recipients, among whom were 18 Russian emigres in the U.S. less than four months. All were families with children, several were veterans families. Individuals on last year's list were put on the Nutrition Program of the Federation and received lesser baskets from them. On Sunday, April 12th, the day of delivery, 5 members of the Shomrim Society of South Florida (Shomrim means Guardian), policemen and firemen arrived at the Surfside Community Center to work with Post members preparing the baskets. The policemen: Ken Goodman, Frances Miller, Herb Schoenfeld, David Waksman and his daughter, Danielle, and Sam Rothstein, and Post members: Max Akst, Norton Banner, Abe Garfinkel.

Leo Goldstein, Ben Levine, Murry Ollin, laughed and joked as they worked together. Then the policemen in groups of two began delivering the baskets to Homestead, to South Beach, to North Shore, to North Miami Beach. Each time they returned for another "load" they wore broad smiles because of the happy responses of the recipients.

Cmdr. Sondak thanked all who participated in this program: "It gave us all a good feeling of accomplishment for a deed well done, knowing that we contributed something to those less fortunate than we, and knowing that they would enjoy this holiday of renewal, redemption and freedom with us.

Mr. Speaker, I commend the members of the Harry H. Cohen Post No. 703 of the Jewish War Veterans of the United States of America and their commander Ruth Sondak. I wish them many more years of such community service.

INDIAN GAMING AND THE STATES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my on-going series this year, I am providing for the consideration of my colleagues an article entitled "The Real Truth About Indian Gaming and the States" in the March 1992 edition of State Legislatures. The article describes Federal law with regard to Indian gaming and summarizes Connecticut's experience.

THE REAL TRUTH ABOUT INDIAN GAMING AND THE STATES

(By Henry C. Cashen and John C. Dill)

Will large-scale Indian-run gambling casinos soon dot the landscape of dozens of states?

Construction of a full-blown casino by the Pequot Indians in Connecticut has raised that very possibility.

Most reports have described the issue in simplistic terms: If a state allows gambling activity in any form, then an Indian tribe within the boundaries of that state must be allowed to conduct a commercialized version of that game.

This view does not accurately reflect the federal law. A careful analysis of the 1988 Indian Gaming Regulatory Act shows that the Connecticut situation need not be replicated in other states, provided they do not make the same mistake that Connecticut made in dealing with the Pequots.

Indians have a long tradition of gambling among themselves, but the use of reservation lands for large-scale commercial gaming designed to attract non-Indian players is a relatively new phenomenon. In 1979, the Seminole tribe of Florida started a highstakes bingo game on their land. Florida challenged this activity in the lower federal courts and lost. In ruling for the tribe, the courts used what has come to be known as the "criminal-prohibitory/civil-regulatory" test. In brief, the test holds that if state law criminally prohibits a form of gambling, then the tribes within the state may not engage in that activity. If, on the other hand, state law civilly regulates a form of gambling, then the tribes within the state may engage in that gaming free of any state control. Florida, like most states, allows bingo for some charitable purposes, and therefore, under this judicial test, the Seminole high-stakes bingo game was given a green light.

Under this theory and its subsequent reaffirmation in other courts, Indian bingo exploded in the 1980s. A recent Los Angeles Times article estimated gross revenues from tribal games growing from $255 million in 1987 to $1 billion in 1991, involving 150 of the nation's 278 reservations.

Such unfettered activity within the boundaries of the states quickly raised tension levels between the tribes and a number of state law enforcement officials. Most states feared that the growth of such "regulation-free" enclaves within their borders would act as a magnet for crime and corruption.

Control of gambling has traditionally been vested with the states. While some may argue that a uniform federal law providing for one set of gaming regulations would be an improvement over 50 different gaming laws, few observers—other than the tribes and their promoters that stood to benefit from the games—supported the further "Balkanization of gaming regulations.

Moreover, the bingo games conducted on Indian lands were aimed almost exclusively at attracting the non-Indian residents of the state. The decision by any state to approve high-stakes gaming for their citizens is highly controversial, and if approved, the games are usually strictly regulated. Suddenly, many jurisdictions that never anticipated or wanted high-stakes bingo gaming within their borders found themselves face to face with this reality. States questioned why one set of rules should apply to citizens standing on state property, but the rules were ignored if those same citizens stepped over the line onto "Indian lands."

At the same time, many tribes and their congressional supporters were also expressing concern about the conduct of these games. In some cases, the non-Indian "promoters" actually running the games were skimming off huge sums of money, leaving the tribes with little or no profits. There were also some documented incidents of corruption and bribery infecting the games.

In 1985, the first congressional hearing on this issue was conducted by the U.S. House Interior Committee, chaired by Congressman Mo Udall of Arizona. At that time, Chairman Udall recommended the establishment of a "national commission" to control and regulate gaming on Indian lands. A similar approach was also suggested by Arizona Senator Dennis DeConcini.

The concept of such a national commission did not address the fundamental tension between the states and the tribes. If adopted, it would have allowed the unchecked expansion of gaming into more exotic forms such as horse and dog racing, casino gambling and slot machines, all of which would have been, in theory, regulated by one federal entity located in Washington. This initial "solution" to the problem of unrestricted gaming on Indian lands served as a wake-up call for the states and organized gaming interests.

For the next three years, the battle over regulation of gaming on Indian lands raged behind the scenes in Congress. Like most hard-fought battles, it was about power, control, compromise and, yes, economics. In early 1987, the issue of Indian gaming finally reached the Supreme Court when it took up the *California vs. Cabazon* bingo case and decided in favor of the tribe. In reaffirming the "criminal-prohibitory/civil-regulatory" test, the court nevertheless indicated that if Congress chose to limit the rights of the tribes, it could do so by legislative means. In 1988, Congress did precisely that, passing the Indian Gaming Regulatory Act of 1988 (IGRA), which was signed into law by President Reagan.

Like most compromises, IGRA has something for everyone to hate. Indian sovereignty is limited in the context of gambling; states don't have carte blanche authority to control gaming on Indian lands within their borders; and the organized gaming interests have agreed to look to the states to protect them from unfair competition from tribal games.

The law sets up three categories of Indian games. Class I games include low-level games played only by tribal members, i.e., true "Indian gambling." Appropriately, those games remain solely within the control of the tribe. The other two categories address the real public policy issue of gambling on Indian lands by non-Indians. Class II games include bingo, certain card games and video displays of those games. Class II games are controlled by both the tribe and the newly formed federal Indian Gaming Commission. Class III games constitute everything else—pari-mutuel horse and dog racing, jai-alai, casinos and slot machines. Tribes are not allowed to engage in such gaming without an agreement with the state.

In the case of both Class II and Class III games, the now familiar "criminal-prohibitory/civil-regulatory" test is the starting point to determine what games, if any, may occur on Indian lands. Since most states continue to allow bingo for some purpose, Indian-run high stakes bingo games have been allowed to grow and flourish without state control under IGRA. This consequence was intended by the congressional framers of the act since Indian bingo games had already proliferated and it was viewed as politically impossible to close down such operations.

Most of the controversy surrounding IGRA centered on so-called Class III gaming—the complicated games of pari-mutuel wagering, casinos and slots—the very issues that Connecticut grappled with in its discussions with the Pequot tribe. For these games, Congress set up a system of negotiations between the states and the tribes. Unless the negotiations concluded successfully and were adopted in the form of a tribal-state "compact," the tribe was prohibited from engaging in such activity. This prohibition protected states from a unilateral decision by a tribe to begin sophisticated gaming within the state's borders.

At the same time, Congress was also concerned about the states simply stonewalling the Indians. To balance these two competing interests, Congress constructed a complicated framework of time limits and tests to determine if the states are negotiating in "good faith." Contrary to reports surrounding the Connecticut-Pequot negotiations, Congress neither mandated nor assumed that all such negotiations would lead to a tribal-state compact, but Congress did insist that a "good faith" effort be made to reach such a settlement. It appears that Connecticut did not carefully analyze its rights and responsibilities under the law in dealing with the Pequot tribe.

Only those who participated in the discussion between Connecticut and the Pequots know all the twists and turns of those ill-fated negotiations. Nevertheless, it is clear from published reports that Connecticut made several major mistakes. First, when approached by the Pequots, the state refused to sit down and discuss with the tribe their interest in starting a commercial casino, which was based on the existence of limited, low-stakes "Las Vegas Night" gaming laws in the state. These laws met the "criminal-prohibitory/civil-regulatory" test, and the state therefore had the legal responsibility to negotiate with the tribe, which it apparently ignored. After waiting the legislatively mandated six-month period, the tribe went to federal court, and using provisions of IGRA, obtained a court order forcing the state to the table.

Second, it appears that the state failed to fully analyze its rights under IGRA. The law is less than perfect, but it does allow the states to raise a number of issues including the application of state or tribal laws directly related to gaming, operating and licensing standards, and other subjects relevant to gaming in general. The accompanying legislative history makes it clear that "licensing standard" could include agreements on hours of operation, wager and pot limits, types of wagering and the size of the facility. The law also makes it clear that the states can raise such issues as public interest and public safety, the adverse effect on other gaming enterprises and criminality issues.

Because Connecticut refused to negotiate when first approached by the tribe, the court-mandated negotiations were legislatively fast-tracked to conclude within 60 days. IGRA provides that if no agreement is reached within that period, the issue is sent to a court-appointed mediator who considers the "last best offers" from both the tribe and the state. The mediator's choice is then submitted to the state for approval. If the state rejects that choice, the secretary of the interior is asked to prescribe procedures to allow the tribe to engage in Class III gaming.

These provisions were written into IGRA in the hope, of course, that they would never be used. Careful reading of the law should convince any state that it would be in its best interests to avoid handing over the decision to a mediator or the secretary of interior. At the least, if no agreement can be reached, it is assumed that a state will produce a "last best offer" that represents its strongest position for review by the mediator, the secretary and the courts.

Only those Connecticut state negotiators present at the table know precisely what was said or done during those 60 days, but the public record is clear on several subsequent developments. The state and the tribe did not reach an agreement within the allotted time. Most mysteriously, the "last best offer" from Connecticut acquiesced to full-blown high-stakes casino gaming, instead of taking the position that any gaming enterprise conducted on Indian lands be in line with the more modest "Las Vegas Night" state statute. Finally, after the mediator chose the state proposal, the state then rejected its own scheme, thus sending the decision to the secretary of the interior.

In short, it appears Connecticut has no one to blame but itself for its current casino problem. The subsequent efforts of newly elected Governor Lowell Weicker and others to solve it by repealing the state's "Las Vegas Night" statute were rejected by the legislature. On May 31, 1991, Secretary of Interior Lujan approved the state's own plan with minor modifications, and construction is now under way on the Pequot casino.

The spread of high-stakes gaming on Indian lands may well occur in other states, but it is not inevitable. States can approach negotiations with their tribes in a different manner, and insist that the debate more carefully balance the rights of all parties. At the same time, the 1988 Indian Gaming Regulatory Act could be amended to take some of the uncertainties out of the negotiating process between tribes and states. When IGRA was debated, the organized gaming interests argued without success that some legislative limitations be written into the act to avoid low-stakes, state-sanctioned gaming ever being used as an excuse to bootstrap creation of high-stakes Indian gambling enclaves. Such a position was derided as unnecessary and "discriminatory" by the Indians and their congressional supporters.

Perhaps the Connecticut experience will send some of those individuals back to the drawing boards to ensure a more level playing field for all interests.

DEMOCRATIC ELECTIONS IN KURDISTAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. LEVINE of California. Mr. Speaker, this Sunday, May 17, the Kurdish minority of northern Iraq will be holding elections to choose a national legislative assembly. This is an important event for the population of Kurdistan and the entire international community.

The Kurds of Iraq have suffered immensely as a result of the Bush administration's failed Iraq policy. It is estimated that 200,000 Kurds have been murdered by Saddam Hussein's military forces. Hundreds of thousands more have been uprooted and live in the inhospitable terrain of northern Iraq where food and shelter are scarce. And amidst this despair, Saddam's regime continues to attack Kurdish villages throughout Iraq.

Despite these hardships, the Kurdish people have not given up hope for a better life. Carrying out democratic elections that will create democratic institutions is a manifestation of these desires. Additionally, free and fair democratic elections in Kurdistan would also set an important example for democracy in Iraq and the Persian Gulf region.

Mr. Speaker, the Kurdish people are suffering great hardships at the hands of Saddam Hussein and an international community that has shown little inclination to help. On May 17, the Kurds will take measures to help themselves. The U.S. Government and the international community should pay close attention to the elections in Kurdistan and encourage its neighbors to pursue a similar democratic course.

THE 50TH ANNIVERSARY OF JOE AND BEULAH POTTER

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. DE LUGO. Mr. Speaker, two of the most wonderful people I know, Joe and Beulah Potter, celebrated their 50th wedding anniversary on May 10, 1992.

Few in our Virgin Islands are so beloved; the esteem in which they are held is an honor they have earned through two lifetimes of genuine concern and deep loyalty for family, friends, and community.

As highly respected and dearly held as we hold them as individuals, as a couple Joe and Beulah are truly unsurpassed. By bringing out the best in each other they bring forth the best in themselves. The strong and vibrant family they have nurtured is proof positive of the triumph of love, generosity, and understanding.

Today, I place in the RECORD an article that appeared recently in the Virgin Islands Daily News titled, "50 Years of Love," that well illustrates the personalities and the accomplishments of Joe and Beulah Potter.

[From the Virgin Islands Daily News, May 11, 1992]

50 YEARS OF LOVE

(By Athniel J. Thomas)

In these days, when even 20th anniversaries are growing scarce, Joe and Beulah Potter are celebrating their 50th year of marriage.

When asked for the secret of their long marriage, Joe Potter said, "If I knew, I'd write a book and be rich."

The Potters, who moved to the Virgin Islands from Harlem, N.Y., in 1967, credit their joyous years together to love, respect, trust, communications and the Bible.

"Corinthians I, in the New Testament, is all about love," the Potters said they slowly begin to reveal their secrets.

"We resolved our problems before the night's end because we laugh a lot and never forgot how to play."

The young Harlem couple first heard about the Virgin Islands from Joe Potter's mother, who spoke strongly of the promise the islands had in the 1940s. But with German warships cruising New York harbors, they delayed the visit.

After the death of his mother in the mid 1960s, the Potters decided to "visit the islands of her youth."

"We visited some friends and family in the islands in 1966, and we liked what we saw so much we came back to stay in February 1967."

Now, with their four kids and fond memories, the Potters say they have no regrets.

Beulah Potter worked for the federal government, which provided them with a house in Red Hook while they had a house built in Estate Tutu.

Joe Potter wanted to raise a family of all boys in that Tutu home, and he already had the names picked out: Joe Jr., Leslie, Jeffrey and Tommye.

But Joe Jr. was the only boy, much to the chagrin of the couple's three daughters.

"We didn't like the names at first," Tommye Alicia James said, "but we began to appreciate the uniqueness as we got older."

James said her parents taught their children to enjoy life and be responsible, lessons they still adhere to now.

"I remember when I was 12, I had to contribute a portion of my babysitting earnings to the household," James said.

"I couldn't understand then, but I'm still thanking him for that lesson."

The Potters also preached giving back to the community what they gained from it, and give back they did.

Joe Potter has served as president of the St. Thomas-St. John USO Council, board member of V.I. Special Olympics committee, Community Foundation of the V.I., American Cancer Society of St. Thomas, Caribbean Support Network on AIDS; Member of Rotary Club II, former president of the United Way.

Beulah Potter is a past president of League of Women Voters, assistant national representative for Retired Federal Employees, minister's assistant at the Lutheran Church of the Reformation and president of the Friends of Channel 12.

Joe Potter wrote a weekly sports column for The Daily News. He also hosted "Good Sports" at WBNB-TV on St. Thomas, but his wife started at the TV station first, hosting "The Julia Show," which modeled fashions from Marshall's Department Store.

While at WBNB, Joe Potter recruited V.I. students on the mainland to intern at the station. In 1989, he retired as the station's general manager.

Now he distributes flags from his home in Tutu.

The Potters expressed a yearning for good local talent in all areas of communication, especially in the rejuvenation of WBNB, which has not reopened since it was destroyed by Hurricane Hugo.

"Technology is constantly developing, and we cannot let the V.I. fall further behind," Joe Potter said.

And he said he hopes the next book about the Virgin Islands will be written with the unique, colorful vocabulary of a Virgin Islander.

The Potter family will hold a reunion this summer with 12 grandchildren, including Joe Nathan Potter III, and three great grandsons.

With 50 anniversaries behind them, the Potters' motto for the next 50 is, "If it ain't broke, don't fix it."

BRING BACK FROHNMAYER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. KOSTMAYER. Mr. Speaker, the acting chair of the National Endowment for the Arts, Anne Imelda Radice, has set a course for the endowment which will as our colleague from Iowa, Mr. GRANDY once said, give its music the quality of Muzak and its literature the quality of the Congressional Record.

While the gentleman from Iowa was not speaking of Ms. Radice at the time, but rather of the Helms amendment, I think his admonition that "art becomes house paint" when the Government determines the content is equally valid. Ms. Radice is more subtle than Senator HELMS, but possibly more dangerous.

Ms. Radice says she'll veto art and other projects that deal with difficult subject matter.

When considering the artistic merit of proposals to fund the visual arts, paintings, photography, drama, music, dance, and literature she will give equal weight to the concerns of the taxpayers, and the concerns of Congress.

I wonder if she'll hire a pollster before funding a sculptor or, like Ross Perot, establish enormous town meetings in which voters from across the country could, using their telephones, render the Nation's collective judgment on Jasper Johns, Joyce Carol Oates or even Ricardo Mutti.

How crazy.

What Ms. Radice is providing is, again in the words of Mr. GRANDY:

> A hunting license to go after every single sculptor, or painter, or photographer whose work they find patently offensive.

The National Endowment for the Arts should encourage and sustain the creative process, the creative impulses of America's artists, especially, Mr. Speaker, those whose work may not, in fact, appeal to the popular or commercial standards so cherished by Ms. Radice.

It is the process, not the content, the NEA should fund.

There is no advance guarantee that a work of art will meet some common denominator of public or congressional taste.

In fact, demanding such a guarantee would only ensure a Nation in which elevator music, the Congressional Record and house paint would pass for officially sanctioned art.

One would think, Mr. Speaker, that the chair of the NEA could figure out these things for herself.

But what can the Nation expect, Mr. Speaker, from an administration that in a single breath blames the Los Angeles riots on over funded 1960's social programs and tells us the solution is tax breaks for business?

TRIBUTE TO KARL NEID

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. VENTO. Mr. Speaker, today I rise to pay tribute to my special friend, St. Paul City Councilman Karl Neid, who passed away in his sleep, at age 43 on Friday, May 8, 1992. I know I join many others in paying tribute to this special person who has spent his life working on behalf of others. His love of life and hard work has served and will continue to serve as an example for all who strive in public service. Karl Neid brought his sincerity and kindness to the people of Minnesota and has left a warm impression on all who knew him.

Karl seemed a tireless man who would arrange numerous meetings after normal work hours in the evening just to ensure that he met with all who sought to visit him. Just last week I met with Karl, one of his many nightly meetings, and we talked about new ways to continue to outreach into the community in which we both grew up—our beloved east side of St. Paul. Karl did not wait until an election year to reach out to people; he was in the neighborhoods and on the doorstep year round. He wanted to constantly understand what was on the minds and concerns of people in his community and elsewhere in Minnesota.

I have worked with Karl throughout the years on numerous projects, the Phalen Park restoration, neighborhood housing services on the bluff, and numerous political campaigns where he served as a volunteer. Karl had held nearly every office that existed in the Minnesota DFL political party. He had high respect and expectations for our party and his volunteer efforts were a labor of love in the political world. Karl volunteered at the Vento corn feed and organized the corn huskers—and he poured energy and dedication into this effort. Karl was a labor activist, a State DFL party chair, a church activist and a stellar volunteer in many, many campaigns and community efforts. He never turned away a request or let anyone down when they needed his help.

I join hundreds of Karl Neid's friends and family members in remembering Karl Neid and his lifetime of dedicated service. Karl Neid was the epitome of St. Paul's east side and was a true friend citywide to all of our community. In the political sphere, where you have a lot of temporary alliances, his constant reassurance was especially appreciated. My heartfelt thanks and recognition of his accomplishments and friendship and sincere sorrow at Karl Neid's passing.

I enter into the Record the editorial from the Pioneer Press from May 12, 1992, reflecting on the life of Karl Neid, a dear friend and inspiration.

KARL NEID—MODEL CITIZEN LOST

Karl Neid's strengths as one of the newest members of the St. Paul City Council were his unselfishness, his humility, his affection for the city and his East Side ward, his enthusiasm, his tirelessness and—most of all—his eagerness to offer a helping hand. His unexpected death at age 43 last Friday deprives St. Paul of both a model citizen and political figure whose highest calling was to enhance the image of the East Side as a place to live and work.

THE PRESIDENT'S REGULATORY MORATORIUM AND ECONOMIC GROWTH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. CRANE. Mr. Speaker, it is my understanding that the amendment the gentleman from California [Mr. RIGGS] had hoped to offer to H.R. 4111 was not made in order. This amendment would have commended the President for his 120-day extension of the moratorium on the issuing of new regulations. I believe it would have been most appropriate for Congress to go on record in support of the President in this matter and I regret that we were not afforded this opportunity.

Earlier this year, the Ways and Means Committee, on which I serve, spent a great deal of time discussing ways to foster economic growth and create jobs through changes in the Tax Code. Despite the fact that we were unable to reach agreement on this issue, the President took other action, in the form of a 90-day regulatory moratorium, to provide economic relief for businesses in every region of the country. Each year, regulations cost our industries an estimated $400 to $500 billion. Moreover, the resulting higher prices for goods cost the average American household $4,000 to $5,000 annually. An example of this strangulation by regulation is the 1990 Clean Air Act, which required the Environmental Protection Agency to issue nearly 200 new regulations at an estimated expense to industry of $34 billion and created 684 million man-hours of paperwork over 5 years.

Since the President's regulatory moratorium went into effect, the unemployment rate dropped for the first time in a year and many people believe that the economy has begun to grow. I believe it would have been foolhardy for the President to let his moratorium expire in April and allow the Government to renew its vigor for issuing regulations. As a cosponsor of legislation urging the President to extend his moratorium for 1 year, I was pleased that he took the initiative in extending it for 120 days. I believe that this is an important step toward facilitating the Nation's economic recovery and regret that my colleagues were not able to consider the Riggs amendment and commend the President for his action.

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Ms. OAKAR. Mr. Speaker, it is with great pleasure that I join my colleague, Mr. BURTON of Indiana, in introducing the resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week."

While this is the fifth year we are honoring the good work of visiting nurse associations all across America, the VNA tradition dates back to the 1800's when thousands of Americans lacked the resources to secure medical care or even basic necessities—such as milk for their infants—that was so vital to improving the quality of life in our growing Nation. Visiting nurse associations began to spring up across the United States with the mission of providing basic nursing care to all who needed it.

These early pioneers were guided by a spirit of caring and compassion that still emanates from the over 420 visiting nurse associations operating in rural and urban areas across the United States. As a matter of fact, the Department of Health and Human Services estimates that VNA's are providing home health care and support services to more than 1.5 million men, women, and children—all regardless of the patient's ability to pay. In my own community, the 200 colon and rectal cancer patients who receive visits from VNA enterostomal therapists each month are just a small example of the thousands of people that the visiting nurse association in my hometown of Cleveland touches each year with their compassionate spirit.

Mr. Speaker, as a Member who had the privilege of serving on the Pepper Commission, I know well the crisis facing our citizens not only in affordability of access to health care, but with respect to long-term care. At a time when our Nation's health care costs are skyrocketing—and those with the greatest need of home care are increasingly those who can least afford it—visiting nurse associations are to be commended for providing a full range of health care and support services to patients in the comfort of their own home regardless of their ability to pay. As a unique health care delivery option, visiting nurse associations across America are nonprofit, community-based organizations that are committed to providing quality health care services to all people. In addition to providing medical care, VNA's offer social services; physical, speech, and occupational therapy; nutritional counseling; and meals-on-wheels programs. They also operate wellness clinics, hospices, and adult day care centers.

Today's VNA's are also at the forefront of bringing new and complex treatments into the home care setting, ensuring that health care is more accessible and more affordable. Supported in their efforts by legions of volunteers who commit selflessly of their time and resources, visiting nurse associations enable Americans to receive the health care services they need to recover, or die quietly—with dignity—in the familiar surrounding of their own homes.

By naming the week beginning February 14, 1993, "National Visiting Nurse Associations Week," we pay tribute to the thousands of hard-working, committed professionals and volunteers who carry on the tradition of service that visiting nurse associations have supplied our Nation for well over 100 years. We extol the modern day samaritans of visiting nurse associations so they may receive the appreciation and recognition they so justly deserve.

FLEXIBILITY FOR EDUCATIONAL EFFECTIVENESS ACT OF 1992

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. KILDEE. Mr. Speaker, I am introducing the Flexibility for Educational Effectiveness Act of 1992.

This bill establishes a new Federal Committee on Services to Children which is authorized to grant waivers of certain statutory and regulatory requirements in Federal education, nutrition, and training programs in 300 schools nationwide. This will enable these schools to combine these various program funds, sidestep cumbersome requirements, and experiment with innovative, comprehensive approaches to meeting the multiple educational needs of disadvantaged children.

Mr. Speaker, the Congress has traditionally identified unmet educational needs of groups of students and enacted categorical programs to address those specific needs. Each of these laws has specific eligibility, programmatic, and administrative requirements designed to ensure that intended recipients are actually served, that the authorized services are actually provided, and that the Congress and Federal agencies are apprised of the results. Many of these laws also include, for very good reasons, requirements designed to mandate or prohibit certain actions by Federal, State, or local agencies.

In recent years, we have observed dramatic increases in the numbers of disadvantaged children due to increases in the numbers of immigrants, children living in poverty, and dysfunctional families. Additionally, a disadvantaged child eligible for one program is usually also eligible for several other programs. In many cases, attempts to address multiple educational needs of a single child in separate programs results in discontinuity of services and the child may lose the benefit of some of the regular classroom instruction. It is time to explore the effectiveness of other ways of serving disadvantaged children and this bill provides a carefully structured opportunity to do so. Schools and school districts will select categories of programs to be combined with the Chapter 1 (Education for the Disadvantaged) Program for preschool, elementary, and/or secondary school flexibility projects. They are permitted to waive a broad range of requirements except for those pertaining to civil rights and privacy protections, antidiscrimination, comparability of services, maintenance of effort, supplement not supplant, participation of private students, and parental participation.

This bill provides a bottom-up process for selecting the requirements to be waived. School districts apply to the States on behalf of schools. States waive applicable State requirements and apply to a new Federal Committee on Services to Children, composed of the Secretaries of Education, Agriculture, Labor, and Health and Human Services, for authority to waive Federal requirements.

Finally, the bill contains requirements that States and local school districts make concerted efforts to coordinate the provision of education with health, mental health, substance abuse prevention and treatment, and social services and provides an application priority for those who do.

Mr. Speaker, this is an important bill. It will enable 300 schools to take available resources and attempt to make them work more efficiently and effectively for disadvantaged children. At the same time, it also provides for important linkages between programs like Chapter 1, Head Start, and National School Lunch.

MORTGAGE REFINANCING REFORM ACT OF 1992

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. TORRES. Mr. Speaker, today I am introducing legislation to address a problem that thousands of Americans are presently facing.

Because of reductions in the prime rate many Americans are refinancing their mortgages.

Unforunately, during this refinancing boom there has been a corresponding boom in the number of problems individuals are experiencing with lenders.

It is estimated that over 1.4 million households refinanced their mortgages in the past year and another 3 million new refinances are anticipated this year.

As chairman of the House Banking Subcommittee on Consumer Affairs and Coinage, I have received numerous complaints in this area.

The problem is that consumers currently are not protected by disclosure laws that cover first-time home loans.

Existing law does not provide the consumer with timely information regarding the closing costs on a refinancing. For example, some consumers reach the closing stage of the loan process, only to find that they are paying more points or higher attorney fees than those which had been previously quoted.

The consumer may be faced with processing fees, warehousing fees, underwriting fees, and tax service fees that were previously undisclosed.

My bill, the Mortgage Refinancing Reform Act of 1992, will address this lack of consumer protection and require disclosure of the annual percentage rate 3 days before settlement on a mortgage refinancing. The bill will also require disclousre of closing costs and any fees that are part of settlement.

According to consumer experts and some mortgage industry executives, the practical effect of—the lack of disclosure—is to allow unscrupulous leaders or brokers to lure refinancers to their application windows with low rate quotes and verbal estimates of credit fees at application only to disclose higher fees in the truth-in-lending form at the settlement table.

In a recent newspaper article, an executive of a major national mortgage firm, requesting anonymity, was reported as saying that he had seen the harm the refinancing loophole can cause consumers firsthand.

In one case, he said, a mortgage broker had made a verbal estimate to a borrower that loan fees would total about $1,500.

The broker did not provide a written truth-in-lending disclosure estimate at application, according to the executive, "because he knew he didn't have to under the Federal law."

I am pleased that Senator ROTH has already introduced and passed legislation in the Senate to address this problem.

Lastly, a method by which unearned interest is calculated when refinancing or prepaying loans must be eliminated.

Most lenders are fair and use the actuarial method to compute unearned interest. However, in some cases lenders use an inaccurate shorthand method called the Rule of 78's to compute unearned interest, which award the lender with a greater level of interest paid early in the loan term. This shorthand method leaves the consumer shortchanged.

In effect, if the lender uses the Rule of 78, the consumer winds up paying off the loan and interest on money they did not end up using.

Sixteen states have already passed laws to prohibit the use of the Rule of 78's. Federal credit unions are prohibited from using the Rule of 78's.

In this day and age of computers and calculators, there is no excuse to use this antiquated accounting method to compute interest owed in a refinancing or prepayment.

The consumer mortgage refinancing legislation I am introducing today will prohibit the use of the Rule of 78's for calculating unearned interest.

I ask my colleagues to join me in supporting this legislation by signing on as a cosponsor. The Subcommittee on Consumer Affairs and Coinage will be holding a hearing on this issue on May 19, 1990.

A TRIBUTE TO EUCARIO BERMUDEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, recently the Colombian community in Miami honored Eucario Bermudez for his 35 years of continuous service on the radio. The vice president of the Colombian-American Chamber of Commerce and the director of news of Radio Klaridad, Mr. Bermudez started his professional career as a radio announcer in the beautiful city of Manizales, in his native Colombia. His talent and dedication to his work proved fruitful and he was soon promoted from his position as announcer to director of the station "Nuevo Mundo." Later, Mr. Bermudez was further promoted to general director of CARACOL, one of the most respected radio chains in Colombia.

For many years, Eucario Bermudez was the director of the broadcast of the Reinado Nacional de Belleza of Cartagena (The National Beauty Pageant). He was also master of ceremonies of the first color TV broadcast in Colombia and was host and producer of TV programs which were quite popular, such as "Contamos Contigo," "Tierra Colombiana" y "Noticiero TV Hoy." He quickly earned the respect of his colleagues and was elected president of the Colombian Association of Broadcasters.

In the 1980's Mr. Bermudez, an excellent Colombian broadcaster, came to Miami. He pioneered many radio programs that highlighted the many beneficial aspects and progress of his native land. He continues to work as a Miami correspondent to the various radio stations in Colombia and is a member of the Association of Hispanic Journalists in Florida and the United States. He was appointed director of Radio Klaridad, which is a well respected radio station in Miami.

In his hope to give back to this Nation that welcomed him warmly, Eucario Bermudez has dedicated himself to make stronger the ties which hold together this beautiful Colombian community in the United States.

For his work, his commitment and dedication, Mr. Bermudez was acknowledged by the community that he serves. On Saturday, May 2, a large group of civic leaders as well as cultural and professional groups who work daily with all Hispanics in our area gave a much deserved banquet honoring this very special representative of Colombia.

A TRIBUTE TO GREENVILLE ELEMENTARY SCHOOL AND ITS YOUNG INVENTORS PROGRAM

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. SWETT. Mr. Speaker, I rise today to recognize and applaud the fine work being done by the faculty, staff, and students of the Greenville Elementary School in Greenville, NH. In particular, they are to be commended for the Young Inventors Program which they have implemented.

This program, initiated by educators like Linda Farrington, provides children in their formative years with the fundamentals of practical problem-solving through proper planning and hands-on experimentation. Critical thinking skills, which are essential in every facet of life, are being developed in children as early as first grade, and are evidenced by the ability of these young students to identify problems and to seek out practical solutions to them.

A sterling example of the effectiveness of this program was the recent invention of Brian Winslow, a first grader at Greenville Elementary. He recognized that this schoolmate, Emmalee Coponon, was not able to handle her lunch tray because of interference from the walker which she must use for mobility. Through design and experiment, Brian created a device which attaches to the walker and allows Emmalee the freedom to be self-sufficient when getting her lunch. This single example illustrates not only the worth of the program from an inventive standpoint, but also how children develop compassionate interpersonal skills which they will use throughout their lives.

The Greenville Young Inventors Program is indicative of the kind of programs which public and private schools should adopt in order to spark the spirit of inventiveness and discovery in children. It is only through the fostering of such programs that today's youth will become leaders who are prepared to face and conquer the challenges of tomorrow.

Mr. Speaker, I ask my colleagues to join me in commending the outstanding accomplishments of the faculty, staff, and students of Greenville Elementary School and their exemplary Young Inventors Program.

NATIONAL ENERGY POLICY

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. ANDREWS of Texas. Mr. Speaker, you would think that we would have learned our lesson. Yet little more than a year after our victory in the Persian Gulf, the United States still has not enacted a long-term energy policy capable of enhancing national energy security and promoting economic growth. Refusing to manage our energy usage and domestic production wisely over the past 10 years has left us—as Saddam Hussein demonstrated—at the mercy of foreign oil cartels, despots and uncontrollable events in the Middle East. A continued laxity in energy policy will only increase that vulnerability.

What the United States needs as it heads into the next century is a truly integrated and comprehensive energy strategy. We must insist on increasing our use of domestic alternative and renewable fuels, demand aggressive efficiency and conservation standards, and prudently exploit our traditional domestic energy resources.

The erosion of our domestic energy sector is frightening. The industry has lost more than

317,000 jobs in just 10 years. The number of operating drilling rigs is at its lowest level in recorded history and domestic production continues to plummet. We produced only 7.3 million barrels per day in 1990—the lowest level in almost 30 years. Yet our appetite for oil continues to escalate with imports accounting for nearly 50 percent of our oil consumption, up from just 32 percent in 1985.

Meanwhile, American companies are increasingly searching for exploration and production opportunities overseas. A mass exodus overseas of domestic capital could potentially jeopardize the ability of the energy sector to rebound domestically even if economic conditions at home were to change.

During the Committee on Ways and Means markup of H.R. 776, the Comprehensive National Energy Policy Act, we achieved three vital goals: First, the establishment of tax incentives for the purchase of vehicles using clean-burning alternative fuels; second, an end to onerous alternative minimum tax restrictions on independent oil and gas producers; and third, the lifting of a hidden $15 billion tax on the oil and gas industry and consumers to fill the strategic petroleum reserve. Each of these victories should mean more domestic drilling for oil and gas, more jobs, and a stronger energy policy for America.

Tax incentives for alternative fuels has been one of my top priorities since 1988. Inclusion of this provision represents the culmination of years of working with the energy industry, the automotive industry, and the environmental community to determine how best to give the most efficient economic incentive to gain the greatest environmental benefit at the lowest cost. The result is a deduction for consumers who buy vehicles using clean fuels such as natural gas, methanol, ethanol, and electricity, as well as refueling stations for those vehicles.

This deduction should fit well with the requirements of the Clean Air Act that many fleet-owners convert to alternative fuel use. By providing a deduction for those who comply, this tax initiative will ease the economic burden on those committed to a clean environment. For many communities, this kind of tax incentive is crucial to improve our air quality. Houston is one of the most air polluted cities in America with much of the pollution caused by tailpipe emissions. Alternative fuels in our big cities are imperative if we are to make real and lasting progress.

Independent oil and gas producers have been hamstrung by the alternative minimum tax [AMT] since it was created in the Tax Reform Act of 1986. Created as a backstop to guarantee that all taxpayers pay a certain amount of tax, the AMT has unintentionally punished independents who typically are more willing to take risks on the sort of drilling that leads to significant new discoveries.

The AMT was never meant to substitute for the normal rules of taxation, but many independents have been paying the tax every year since it was enacted. This situation totally ignores the economic situation of the industry and partially as a result, the drilling rig count, the number of working seismic crews, and related economic activity are all at the lowest level in recorded history. The committee adopted an amendment offered by my colleague and fellow Houstonian BILL ARCHER to remedy this inequity and provide AMT relief for independent oil and gas producers.

Finally, the committee agreed to my amendment to eliminate a mandatory in-kind contribution to the strategic petroleum reserve [SPR]. By requiring all oil importers and purchasers of domestic crude to contribute a percentage of imports or purchases to the SPR, this provision would have amounted to a $15 billion tax on the oil and gas industry and consumers. While filling the SPR is an admirable goal and one that could benefit us all, it would be fairer to finance such a plan with a straightforward appropriation of general revenues.

After too much neglect, inconsistency, and lack of direction, this Nation must unite in promoting an aggressive and innovative energy policy for our future. Decisions that we make in this Congress will affect our Nation's energy future for decades to come and those decisions should be made now.

While what we recently accomplished in the Committee on Ways and Means counts as a good success for a national energy policy, more needs to be done. By continuing to work with the energy industry, the environmental community, and public policymakers we can build a consensus to enhance energy security, promote economic growth, and protect the environment in a free market, economically efficient manner.

CONNIE SHORB

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. GOODLING. Mr. Speaker, I would like to commend to my colleagues the exploits of my constituent and friend Connie Hirschman Shorb. To honor her, Connie Shorb Day will be celebrated with a mixed doubles golf tournament at the Country Club of York in Pennsylvania on Sunday, May 17, 1992.

Connie Shorb has distinguished herself as a great amateur golf champion in the Commonwealth of Pennsylvania and throughout the country. Ms. Shorb competed in her first club championship at the Country Club of York when she was 16 years of age, too young to use the ladies locker room. Through she did not win that first club tournament, she went on to be the Country Club of York Champion for 26 straight years from 1965 to 1990. She continues to remind today's younger women's players that the course was significantly longer when she began winning the club championships. Connie Shorb's skill led her to 20 York County Championships as well. This feat, though great, may have been even greater had she competed each year throughout this span.

Connie's exploits extended throughout the State when she became the Central Pennsylvania Champion in 1968 and again in 1969. Her level of play continued to improve as she faced better competition. She earned the title of Pennsylvania State Champion in 1968, 1972, and 1974, in addition to being runner-up several times before.

Connie Shorb competed in such national tournaments as the Doherty, Amateur of America, and Trans Mississippi Championships. She competed in her first USGA Women's Amateur Championship in 1969. During the late 1980's, Ms. Shorb competed in the USGA Women's Mid-Amateur Championship. Connie Shorb played with the best women golfers in the world in the USGA Women's Open Championship five times, her first at the Cascades course in Hot Springs, VA in 1967.

As she is being honored this weekend, her community has recognized her achievements in the past. She has received many honors, including: Sportsman of the Year in 1970; Distinguished Achievement Award, York Chamber of Commerce; York County Sports Hall of Fame, 1981; York County Jr. Golf Sports Hall of Fame, 1982; and the York Daily Record Athlete of the Decade for the 1980's.

Connie Shorb's accomplishments during the late 1960's alone would have made her deserving of Connie Shorb Day which is being celebrated. Connie Shorb has maintained a high level of playing excellence for a period of 25 years. As many of my colleagues know, golf is a sport of incredible skill and patience. To be able to maintain this level of physical skill and mental fortitude over such a period of time is a remarkable feat indeed.

It is my pleasure to share with my colleagues the truly noteworthy accomplishments of Connie Shorb in the world of amateur golf.

TRIBUTE TO LETTIE GAY CARSON

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. FISH. Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring the memory of a very special lady, and personal friend, who touched the lives of all of those around her—Lettie Gay Carson.

Lettie passed away recently at the age of 91. She was known in Dutchess County, NY as one of the founders of the Mid-Hudson Library System and as the leading advocate to save the Harlem Railroad Line in the eastern part of the county.

She was born in 1901 in Pike County, IL. She graduated from the University of Illinois, trained as a nutritionist and moved to New York in the early 1920's where she was director of the New York Herald Tribune's Home Institute from 1927 to 1933. She later worked as an editor and writer for Parents Magazine.

In 1959, Lettie led the planning committee to create the Mid-Hudson Library System, an organization of public libraries offering services systemwide to people in Dutchess, Columbia, Ulster, Greene, and Putnam counties. Prior to her initiative, library services in parts of these counties were meager or nonexistent.

As founder and president of the Harlem Valley Transportation Association [HTVA], she delayed the shutdown of rail service, NYC to Millerton, by nearly a decade and was responsible for keeping the tracks to Wassaic for continued freight service. The HTVA successfully sued Penn Central in a case that had national implications. A Federal district judge ruled that railroad service couldn't be stopped without rail operators first showing that abandonment would not harm the surrounding human environment.

Diminutive in size, Lettie's spirit was indomitable. She was hard-working and an avid collector of facts and information. As a former journalist, she knew how effectively to use the press. Her persistence and careful recitation of facts kept reporters following her causes. She pushed hard to hold public bodies accountable, to see that money was well spent and that meetings were open to everyone.

After moving to Pennsylvania in 1980, she carried on her crusade, fighting to save rail transportation in her suburban Philadelphia community and creating an Alliance for Public Transportation.

The legacy Lettie Carson leaves us is that, yes through persistence and determination, one person can and does make a difference.

Mr. Speaker, people's lives don't just stop when they do. The good they do goes on—in the events they set in motion and in the example they set for others. At a time when there are too few role models for our young people, the shining example set by Lettie Carson continues to inspire those she left behind.

IGA: DOING BUSINESS IN JAPAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MICHEL. Mr. Speaker, some time ago I brought to the attention of our colleagues the success of the Caterpillar Co. in Japan. I said at the time that this success shows Americans can complete and thrive in a tough economic arena. Today, I'd like to bring to your attention another success story of a similar kind.

In my congressional district, I am fortunate to have 17 members of the Independent Grocers Alliance [IGA]. This organization was formed in the United States in 1926. Its mission then was to find ways in which independent grocers could better serve consumers through cooperation. IGA started with a few small independent stores. Today, this alliance has grown into the largest voluntary food group, with aggregate sales of more than $16.2 billion annually through its global alliance of 3,750 supermarkets, ranking IGA sixth in the world and third in North America in food industry sales. IGA stores are located in the 48 contiguous States in the United States, Japan, Canada, Australia, and Papua, New Guinea.

In 1987, independent food retailers from Japan began to join the IGA. This process transformed IGA into the International Grocers Alliance.

These businessmen work together for the common benefit of their consumers without regard for international barriers. Their objectives are to serve their customers better than anyone else. This is a classic example of the free market system at work to build bridges of friendship in the highest tradition of international cooperation.

To any who seek a model for teamwork between the two most powerful economic giants in the world today, I recommend to you the spirit of IGA. The marketing image of IGA is based on hometown proud. This commitment to excellence is as applicable in Osaka as it is in Oklahoma or Illinois.

CONGRESSMAN KILDEE HONORS FLINT CENTRAL HIGH ALUMNI AND GRADUATES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to the outstanding graduates, both past and present, of Flint Central High School. These graduates will be recognized at the 1st Annual Flint Central High School Alumni Association awards ceremony on May 14, 1992, at 7 p.m., at the Grand Blanc Country Club.

Flint Central High will always hold a special place in my heart. I taught history, Latin and English there for 8 wonderful years. Many of my former students remain active as alumni. It is indeed a pleasure to see Central High School's long record of academic excellence continue with the present graduating class.

Being awarded the Flint Central alumni scholarship is not the end, but the beginning, of a life-long commitment to academic excellence. It is my hope that each 1992 scholarship recipient will be recognized, in later years, as an outstanding graduate. The winners of this year's $500 Flint Central alumni scholarship are Benjamin Bigelow, Spaci Gatica, James Godley, Timothy MacDonald, and Dayne Walling.

These fine young men and women will join the revered ranks of alumni who have received regional and national recognition for their outstanding achievements in their fields. The individuals honored at this year's banquet are a true testament to this remarkable legacy: Paul L. Brady, the Nation's first black Federal administrative law judge; Lloyd Brazil, deceased, one of the first seven inductees into the Greater Flint area sports hall of fame; Maurie B. Cossman, former sports writer and editor for the Flint Journal; Romain Johnston, winner of three Emmy awards and nationally renowned art director; and Margaret L.A. MacVicar, deceased, former dean of undergraduate education at Massachusetts Institute of Technology and founder of its undergraduate research opportunities program.

Mr. Speaker, it is an honor and a privilege for me to ask you and my fellow Members of Congress to join me in paying tribute to the outstanding graduates and alumni of Flint Central High School. Their achievements serve as a model for all Americans.

TRIBUTE TO JEAN K. SPEES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. DELLUMS. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the fine work of one of my constituents, Ms. Jean K. Spees, who is retiring after a long and superlative career as a teacher and leader in the community.

Jean K. Spees will retire as director of Linda Beach Preschool at the end of this year after a 22-year career. Past and present parents and friends will gather to honor her at a reception on May 16, 1992.

Jean has balanced a long career of public service as a hospital clinical dietician, journalist, early childhood specialist, parent, and active community volunteer.

Jean is a graduate of Oregon State University where she majored in hospital dietetics and early childhood education. She graduated Phi Beta Kappa, was editor of the women's page of the college newspaper, and was a member of the Mortar Board.

Her career began as a dietician, first at St. Luke's hospital in Boise, ID, and then as chief dietician at Columbia Hospital for Women in Washington, DC. Following a family move and the arrival of her second son, Jean began working part time as a reporter for the Charleston, WV Gazette, and the Petersburg, WV News.

After another move, this time to Oakland, CA in 1959, and the arrival of two more children, Jean attended Merritt College to complete the requirements necessary for receiving her early childhood teaching credential. She then became director of Linda Beach Preschool, serving both Oakland and Piedmont children.

During her 22 years at Linda Beach, she has helped more than 800 children prepare for their life at school—learing to share, listen, learn and ultimately, grow into successful students and youths. At the same time she has taught parenting and served as a role model for many young parents learning to cope with careers and young children.

Jean has a long career of public service: president of Joaquin Miller PTA; co-president of Montera Junior High PTA; co-founder and long time board member of the national educational film and video festival, co-founder and early participant in the Oakland tours program; a member of the first class of the Oakland Museum's history documents program; Girl Scout leader, member of the Foundation Board of Lincoln Child Center, and co-president of the East Bay cotillion.

She has also been a member of the landmarks preservation advisory board since 1980 and has assisted her husband, Oakland City Councilmember Richard Spees, in many public appearances.

In addition to all of her achievements, Jean and her husband have raised four children: Richard, Jr, an attorney in Washington, DC; John, a vice president with the Bank of America in San Francisco; Kathryn, a teacher in Kona, HI, and Patricia, the executive vice-president and chief of operating officer of St. Jude's Hospital in Fullerton. Jean is also an active grandmother to her three grandsons.

Mr. Speaker, I am pleased to share the work of this fine constituent with my colleagues and I wish her the very best in her retirement.

THE SPORTS STANDARDS ACT OF 1992

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. EDWARDS of California. Mr. Speaker, today I am introducing legislation which addresses a narrow but important problem faced by sports organizations in the United States.

The goal of the Sports Standards Act of 1992 is to promote the administration of amateur sports by protecting qualifying sports organizations from needless litigation over the setting of equipment standards and rules of competition.

In addition to promoting their sports, amateur sports organizations often adopt official rules of competition, which frequently include equipment standards. No one would argue against an organizing body setting the standards of competition for its sport. After all, competition is meaningless unless it is based on a consistent set of rules.

Setting rules often requires an amateur sports organization to consult with other national and international organizations. Unfortunately, it is this consultation which has landed amateur sports organizations in court, defending against charges of participating in unlawful conspiracies in restraint of trade.

Manufacturers of nonconforming equipment regularly file suit against amateur sports organizations, which must then spend enormous sums to defend their legitimate actions in court. To cite just one example, the U.S. Golf Association has had to defend itself against golf shoe and golf club manufacturers who produced equipment which did not meet the USGA's standards.

This is an unfair burden on organizations which set rules solely to preserve the integrity of their sport, not to keep manufacturers out of a particular market. Moreover, the threat of these suits discourages the consultation necessary to maintain uniform competitive conditions both here and abroad.

My bill would simply clarify that a non-profit amateur sports organizations, which functions as the rule-making body for the sport is exempt for liability for actions taken in good faith pursuant to consultations concerning rules and equipment standards for national and international competition. Specifically, the bill would recognize the right of such organizations to engage in consultations with similarly situated bodies in the United States and overseas.

The bill's protection would extend only to not-for-profit corporations which have as their purpose the advancement of amateur athletic competition. It would not affect the liability of any for-profit corporation for any action that may be in violation of the law. Nor would it protect not-for-profit organizations from other independent claims, such as product liability claims.

Mr. Speaker, athletic competition requires that someone make the rules of play. Amateur sports organizations are formed in large part to perform that function. However, those who serve on these organizations cannot be free to adopt proper rules with the constant threat of antitrust litigation hanging over their heads. The Sports Standards Act would remove that threat and let these organizations go about the business of promoting and organizing amateur competition.

CONGRESSMAN FISH TO BE HONORED BY AMERICAN BANKRUPTCY INSTITUTE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MOORHEAD. Mr. Speaker, the American Bankruptcy Institute is an organization that makes a major contribution to national understanding of bankruptcy-related issues. Its membership of approximately 3,500 includes lawyers, trustees, accountants, bankers, and others with a professional interest in bankruptcy. Congress often relies on ABI witnesses to present informed and dispassionate testimony on proposals for bankruptcy law reform. ABI newsletters and studies provide thoughtful analysis and commentary on a variety of bankruptcy-related subjects. This year, as the American Bankruptcy Institute celebrates its 10th anniversary, we reflect on its many accomplishments and look forward to its helpful input in the the years ahead.

During the May 15–18 time period, that ABI holds its annual spring meeting in Washington—with sessions on a range of bankruptcy topics. The closing event will include the presentation of the Second Annual Congressional Service Award. Our colleague, Congressman HAMILTON FISH, Jr., the ranking minority member of the Committee on the Judiciary, will receive this special recognition.

I am delighted to commend the American Bankruptcy Institute on its selection of the gentleman from New York. Congressman FISH has been deeply involved in the development and passage of many bankruptcy law changes and has been at the forefront of bankruptcy reform efforts for many years. Today, at a time of increased national focus on the bankruptcy system, he challenges the Congress to devote increased attention to improving our bankruptcy laws.

The Members of this body congratulate Congressman FISH on a well deserved award and express our appreciation to ABI for its commitment to public service.

SOCIAL SECURITY PAYMENTS SUBSIDIZE JUNKIES

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MURPHY. Mr. Speaker, I rise today to alert the Congress to the sad fact that the Social Security Administration in currently ladling out millions of dollars in disability payments to alcoholics and drug addicts who claim that they are unable to work because of the addiction. It's true, and it's part of current law.

The payment was authorized under a 1974 law that permits alcoholics and drug addicts to be classified as disabled, making them eligible for SSI payments even if they've never worked or paid into the Social Security fund. The maximum disability payment now authorized is $442 a month plus any supplementary State benefits, which vary according to need.

SSI payments are not made to the addicts directly. Checks go to a supposedly responsible third party who is expected to provide funds to the addict as required. Spokesman for the Social Security Administration readily concede that it is not easy to find really responsible third parties.

When this program was brought to my attention by a constituent of mine, Mr. Anthony Purcell, Sr., of Greensburg, PA, I was shocked and astounded. As a public servant, I know that part of my responsibility is looking out for those citizens overcome by life's difficulties. The Government should always be responsible to the electorate, and we must always be here to help victims of disease, drugs and crime. But, inherent in that mission to help, however, is an enormous accountability to spend the tax dollars of Americans in the wisest and most judicious manner possible. In this case, we are missing both of these goals.

Throwing good money at a serious problem like drug and alcohol abuse is not a solution. I support funding for programs to help these trouble citizens, but only when there is thorough and scrupulous accounting of all the funds. Continuing these payments does nothing more than fund a vicious cycle of destructive and painful substance abuse.

When so many deserving sections of society are crying out for scarce public funds from the Federal Government we should be ashamed to waste money in useless programs like this. I call on the Social Security Program to remember that accountability is the soundest foundation of all aid programs. Please remedy this mess.

END FRIVOLOUS USE OF THE RECORD

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MILLER of California. Mr. Speaker, today I am, seemingly contradictorily, inserting this extension of remarks to achieve a cost-saving House reform; an end to the frivolous and costly use of special orders and extensions of remarks.

I am grateful to the 22 colleagues who are joining me in introducing this resolution today.

Every day, extensions and special orders consume many pages in the CONGRESSIONAL RECORD, pages that cost in excess of $2 million a year to print. And that does not include the costs of mailing a dubiously swollen RECORD to thousands of recipients.

Nor does the $2 million represent the cost in tens of thousands of hours of staff time that is spent researching and writing these tomes, staff time that could, and should, instead be spent on addressing the many urgent issues that are before the Congress and the Nation. But my resolution would limit their use to legislative and policy questions that are before the

House, including explanations of legislation Members are introducing, comments on bills before the House, and the actions of other branches of government. These are appropriate.

The credibility of the Congress is not enhanced when millions of viewers tune in C-SPAN and see a lone Member pontificating on some irrelevant issue before an empty Chamber. Constituents ask me, and I am sure ask you, "Why aren't you people spending your time addressing real issues instead of giving speeches to empty Chambers?" The fact is they are right: We ought to spend more time legislating and less time speechifying. And approval of my resolution will send that message loud and clear.

I realize that there are Boy and Girl Scout troops, art exhibitions, 50-year anniversary celebrants, and Kiwanis/Lions/Rotary/Moose People of the Year who will not be honored in the Extensions of Remarks if this rule change passes. I think the Republic can survive the loss. I think every one of those Americans would rather have us, and our staffs, working on the urgent national business rather than penning congratulatory missives for the RECORD.

I realize that the savings aren't enormous, just $2 or $3 million a year. But considering that amount represents many times the lifetime tax payments of nearly every one of our constituents, I think we can agree forgoing these traditions is appropriate. I am hopeful that the House will adopt this overdue change and demonstrate that we are going to devote ourselves to serious public business in the future.

TRIBUTE TO JIM MILLER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a special individual, Mr. Jim Miller, from Midland, MI. Jim is being honored tonight as the recipient of the 1992 Association for Retarded Citizens/Michigan Citizenship Award.

Jim has been a good friend, giving unselfishly of his time to benefit organizations throughout the county. His involvement with the League of Woman Voters Program helped to increase voting among those with disabilities, as well as helping them to become more active in our democratic process. He is currently serving on the regional interagency coordinating committee "Get out the Vote" steering committee, in addition to being an active member in the People First Organization.

Jim's continual commitment and dedication to the betterment of the community, also allowed him to be honored earlier this year with the Midland County Association Retarded Citizens Citizenship award.

Jim's activities display a positive union between government and its local citizens working together, hand in hand, to impact a difference in the daily lives of their community residents.

Mr. Speaker, Jim Miller is truly a remarkable individual. I know that you will join with me in congratulating Jim on receiving this truly outstanding award and wishing him success in future endeavors.

JACK CAPPS HONORED

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. ERDREICH. Mr. Speaker, I take this time to thank one of Alabama's most outstanding citizens, Mr. Jack Capps. This 64-year-old volunteer is working to return what was labeled "Alabama's dirtiest lake," Bayview Lake, to its original natural beauty.

Years ago, Jack came to my office with nothing more than just a dream. I was glad to help. Together, we brought the plight of this lake to the attention of the USX Corp., the Resource Conservation and Development Council, the city of Birmingham, and Jefferson County. With their help, we were able to work with the Bayview Lake Cleanup Association to help turn this dream into reality. Today, the duckweed that once filled Bayview Lake has been replaced by hundreds of fish, and the trash that once lined its shores is slowly disappearing. But Jack Capps didn't stop there, he continues to work to raise money and donates his time and efforts to rid this lake of trash and debris.

Jack Capps was recently hospitalized with a prolonged illness and can no longer walk through the beauty he worked so hard to preserve. But Jack has left a legacy, hundreds of volunteers committed to the same ideals he stands for, preserving America's natural resources for all to enjoy, and for that, Jack, Alabama thanks you.

Mr. Speaker, it was said at a recent testimonial honoring Jack that he is what America is all about; I wholeheartedly agree. We all look forward to the future, inspired by Jack Capps' strength and good works.

TRIBUTE TO LUCIEN D. TRUHILL UPON HIS RETIREMENT

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. COX of California. Mr. Speaker, it is an honor to rise and pay tribute to one of Orange County's truly outstanding citizens, Mr. Lucien D. Truhill. Mr. Truhill, president and chief executive officer of the Orange County Chamber of Commerce, has announced his retirement effective May 15, 1992, after 30 years of service to the chamber and the people of Orange County. As Mr. Truhill begins a new phase of his life with this announcement, his tremendous contributions to his community, his State, and his country will not be forgotten.

When Mr. Truhill became president of the chamber in 1962, the chamber had fewer than 200 members and an annual budget of approximately $18,000. Today, the chamber boasts almost 1,700 members and an annual operating budget of more than $1,000,000. Under the leadership of Mr. Truhill, the Orange County Chamber of Commerce has received national recognition from local, State, and Federal agencies and has participated actively in every facet of Orange County's growth.

Under Lucien Truhill's leadership, accomplishments during the last 30 years have been many for the chamber and for Orange County. Mr. Truhill worked on the original plans for the county's developing highway and freeway system, as well as the planning and implementation of the Orange County Transit District and the subsequent bus system. He was involved from the start with the Santa Ana River Flood Control Project, which has recently been awarded full funding in the Federal budget.

Mr. Truhill has also participated in numerous other noteworthy endeavors. He has been a member of the American Economic Development Council since 1961. He was an executive committee member of the regional advisory council for the Southern California Association of Governments as well as chairman of the Economic Development Corporation of Orange County. Mr. Truhill also served as chairman of the Orange County Metro Alliance of Business, where he received a Presidential citation for his work.

Mr. Truhill has been an active member of numerous charities and other organizations. In fact, Mr. Truhill is currently serving as a director of Goodwill Industries, Inc., in Orange County.

Mr. Speaker, it is clear that Mr. Truhill's contributions over the years characterize the American spirit of hard work and dedication. I know that Mr. Truhill will continue to give of himself throughout his retirement both to his community and to his country. It is with great pleasure that I bring Lucien Truhill's accomplishments to the attention of the Congress of the United States and the American people, and offer my thanks to him on the eve of his retirement for his years of service.

TRIBUTE TO LISA THOMAS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. McEWEN. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a remarkable young eighth-grader from Wellston, OH. On May 1, Lisa Thomas was honored in the Rotunda of the Capitol by the U.S. Holocaust Memorial Council for her essay "The Final Solution", which was judged the best of approximately 4,000 contest entries.

Encouraged by her English teacher to enter this contest, with the theme of "What Lessons Can Be Learned from The Holocaust", Lisa decided to research and write about a topic she said she knew little about and wanted to better understand. She read numerous books and articles, including "The Hiding Place," written by the famous Auschwitz survivor Corrie Ten Boom, who was imprisoned for helping Jews during the war.

Lisa worked on her entry for months, and after many revisions, wrote her essay, in dialogue form, which places Adolf Hitler on trial.

God, as the judge, sentences Hitler to a prison camp exactly like the camps in which millions of Jews suffered.

Watching the trial are many spectators persecuted under Hitler. One character named Anna Marie asks God about the suffering experienced during the Holocaust. God answers, "A lesson child. A lesson for all men, everywhere, a lesson to never underestimate the capacity of man for evil, once he forgets God or refuses to acknowledge anything or anyone higher."

Mr. Speaker, that is a lesson that should be remembered by all. We honor the sacrifices of those persecuted by never forgetting. And, I would like to congratulate Lisa for her award, as well as thank her for helping us to remember.

THE U.S. HEALTH CRISIS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday May 14, 1992

Mr. MOODY. Mr. Speaker, I know that we all hear stories from home about people who are falling through the abundant cracks of the current U.S. health care system. I have recently become acquainted with a woman who's story I would like to share with my colleagues. Georgia Fitzwilliams is working to unite the voices of people in Wisconsin who are crying out for health care reform.

Ms. Fitzwilliam's new granddaughter, Maggie, was born with a liver condition called biliary atresia. Without a liver transplant—which is 85 percent effective—she will die.

Maggie's parents have health insurance and thought they were fully covered until Maggie's illness was diagnosed. Then they learned that the HMO to which they belong, and pay a $350 monthly premium, does not cover treatment for this particular disease.

Maggie needs the transplant to live, so the Fitzwilliams began investigating other payment alternatives. Before their daughter could even be placed on the list for organ transplants they needed to come up with $130,000. There was no question that a highly successful treatment existed, but the treatment was off-limits without enormous financial resources.

Maggie is lucky. The family discovered the Katie Beckett Program—a State program for disabled children that will pay for the transplant. However, had Maggie been an adult in the same situation, she would not have qualified.

Led by Maggie's grandmother Georgia Fitzwilliams, the family made their story public. As Georgia said. "If they said she was terminal—take her home and hug her, she has 6 months to live—that's one thing. But they're saying its $130,000 up front. I know we're going to find the money—we'll find the way to get it. But what about all the families who can't? If my granddaughter dies or doesn't die, this needs to be done."

Georgia has taken this debate even further. She has requested that people write to tell her their stories of trying to obtain health care in today's system. To date, she has received more than 200 letters telling stories similar to that of her family's. Many of the letters include contributions, but she is sending the money back. What she wants is for people to come forward and agree with her that change is needed. Such change may not be easy, but she is convinced that Americans are ready to make the necessary choices to move the debate forward.

Her granddaughter's illness has propelled Georgia Fitzwilliams to the front of the health care reform debate in Wisconsin. She adds a much needed element. Her family thought they were fine. I'm sure they complained about paying too much for health insurance like we all do, but they thought these costs would secure them from financial ruin in the case of a serious illness. Instead, they were left out in the cold—left without insurance for their daughter's illness, without $130,000 just to pursue treatment—the actual cost of such treatment will soar much higher.

I agree with Georgia Fitzwilliams. It is unconscionable that we withhold medically proven treatment from individuals based on their ability to pay. It is happening across the United States. The 200-plus stories collected in Wisconsin are only a microcosm of the crisis.

What is most maddening is that we, as a country, have the ability to repair this wrong. If we gather the political will to pass a single payer health care system in the United States, stories like Maggie's will be only historical ancedotes.

In the House of Representatives, we now have 70 cosponsors of H.R. 1300, the Universal Health Care Act. I urge my colleagues to talk to their constituents, hear their stories, and join us in pursuing a health care system for our country that will provide universal access, ensure cost containment, maintain patient choice, and cost less money as a Nation than we spend today.

As Members of Congress who are elected to represent our constituents, it is imperative that each of us become involved in the debate for health care reform. Once you look at all the facts and statistics, the clear winner for America is H.R. 1300, the Universal Health Care Act.

TRIBUTE TO VICTORIA CONGREGATIONAL CHURCH OF JAMAICA, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Victoria Congregational Church of Jamaica, NY. The congregation of this church will be celebrating 75 years of service to God, and to the local community on Sunday, June 7.

This church was founded in 1917 by the Reverend Egbert C. Macklin, and services were held in a small, borrowed building, that some said should have been condemned. For years the youth group of the church held 5-cent ham suppers to raise money for a new building that would be more worthy of the religious services to be performed there.

On Sunday, March 18, 1923, Reverend Macklin was joined by some of the most distinguished preachers of the time, including Dr. Fosdick, Dr. Jefferson, Dr. S. Parks Cadman, and dedicated the present building to the service of God. The cost was $51,000, a staggering amount for those times. Most of these funds had been raised through youth group suppers.

Since those times, the members of the congregation of this church have done much to benefit the Jamaica community. They have volunteered in areas such as health and hospital services, aided in the formation of a local family court, and developed the Adult Center of Jamaica to care for the elderly of the community, and have participated in many other charitable activities.

Mr. Speaker, I ask all of our colleagues in the House to rise and join me in honoring Reverend Macklin and the generous and caring congregation of the Victoria Congregational Church of Jamaica, NY, on the occasion of their 75th anniversary of service to God and to the local community.

H.R. 1747, THE INDIAN ECONOMIC DEVELOPMENT ACT

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. RHODES. Mr. Speaker, as we consider legislation to help urban communities struggling to combat poverty and violence, let us not forget the hardest hit communities in our country—Indian reservations. Native American tribes are dealing with some of the harshest economic conditions in our country. Unemployment and poverty are rampant on reservations across the country. In Arizona, 43 percent of the native Americans are unemployed and seeking work. On some reservations, the unemployment rate is over 70 percent, according to the Bureau of Indian Affairs.

Indian tribes across the United States have tried to provide money and jobs to their communities through the revenues generated by bingo and other gaming activities. These tribes are trying to become more self-reliant and are improving the programs and services they provide to their communities.

Yesterday, special agents from the Federal Bureau of Investigation seized about 700 video gambling machines during early-morning raids at five Arizona Indian reservations. An 8-hour standoff between FBI agent and Indians ensued during one of the raids at the Fort McDowell Indian Reservation which is about 20 miles northeast of Phoenix. Indians blocked the agents from taking the machines from the reservation. Thankfully, cooler heads prevailed and violence was avoided. A temporary agreement negotiated by Governor Fife Symington was reached between the U.S. attorney's office and the tribe.

Congress must provide alternative economic stimulation for the tribes. Both Congressmen BYRON DORGAN and I have sponsored legislation to extend the enterprise zone concept and program to Indian tribes and Indian reservations. Enterprise zones and the accompanying tax incentives will bring prospects for new jobs in Indian communities.

THE SMALL BUSINESS COST ESTIMATE ACT OF 1992

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. IRELAND. Mr. Speaker, in honor of Small Business Week and the hardworking men and women of the small business community, I am pleased to introduce, with Mrs. Meyers of Kansas, Ms. Molinari, Mr. Fields, Mr. Ramstad, Mr. Lipinski, Mr. Oxley, Mr. Moorhead, Mr. Burton of Indiana, Mr. Martin, and Mr. Lightfoot, the Small Business Cost Estimate Act of 1992.

This bill requires the Congressional Budget Office to prepare an estimate of the costs imposed on small businesses by any significant bill or resolution reported out of any committee, except Appropriations. This estimate will be appended to the bill for the information of the Members during consideration on the floor.

The purpose of the Small Business Cost Estimate Act is simple—to give Members of Congress an idea of the effect we have on small business on almost every occasion we pass legislation. We have to stop legislating in a vacuum, and this bill will allow some fresh outside air into our deliberations.

I see this bill as the legislative equivalent of the Regulatory Flexibility Act of 1980. That bill requires all Federal agencies to estimate the impact on small business when they promulgate new regulation and consider if there are alternatives. Furthermore, on April 29, 1992 President Bush ordered the heads of all Departments and Agencies to begin determining the costs and benefits of proposed legislation and furnishing that information to Congress and the people. I want Congress to start doing the same thing. How many bills have we passed here with the best of intentions but with little or no thought to their real impact on the people we serve, and how often have we ever seen real alternatives?

At a recent hearing I heard several hours of testimony from the small business community on the impact of Government regulation. Calling this testimony "horror stories" would be indulging in understatement. To the men and women who are trying to make the American dream come true, our actions are a nightmare. Every year the Federal Register publishes over 50,000 pages of new regulations from 1,400 Federal agencies and commissions. We often rail about Government regulation but I don't think we realize or want to acknowledge how much of it derives solely from our actions.

The Small Business Cost Estimate Act will help us take stock of our actions. It will give us the information we need to make informed decisions that will achieve our goals and retain our economic competitiveness. I urge all my colleagues to join me, Mrs. Meyers of Kansas, Ms. Molinari, and Messrs. Fields, Ramstad, Lipinski, Oxley, Moorhead, Burton of Indiana, Martin, and Lightfoot in supporting the Small Business Cost Estimate Act and making Congress a more responsive institution.

H.R. 5177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Cost Estimate Act of 1992".

SEC. 2. CONGRESSIONAL BUDGET OFFICE COST ANALYSIS.

(A) CBO Analysis.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by inserting after section 403 the following new section:

"SMALL BUSINESS COST ANALYSIS BY CONGRESSIONAL BUDGET OFFICE

"Sec. 404. (a) The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

"(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate

"(2) an estimate of the cost which would be incurred by small businesses in carrying out or complying with any significant bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate; and

"(3) a comparison of the estimates of costs described in paragraphs (1) and (2) with any available estimates of costs made by such committee or by an Federal agency.

The estimates, comparison, and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

"(b) For purposes of subsection (a)(2), the term 'small business' has the same meaning as the term 'small-business concern' in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(c) For purposes of subsection (a)(2), the term 'signifcant bill or resolution' is defined as any bill or resolution which in the judgment of the Director of the Congressional Budget Office is likely to result in an average annual cost to a small business of $1,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular industry segment.".

(b) Conforming Amendment.—The table of contents set forth in section 2(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 404 the following new item:

"Sec. 404. Small business cost analysis by Congressional Budget Office.".

THE SUCCESSFUL CAPTURE OF THE INTELSAT SATELLITE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. HALL of Texas. Mr. Speaker, I wish to congratulate the crew of the space shuttle *Endeavour* on their successful capture and repair of the Intelsat communications satellite. This event marks another significant step forward in learning how to work in space, and serves as an important reminder that the Nation has a civil space program of which we all can be proud.

This satellite rescue shows how the manned and unmanned parts of the space program can effectively complement—not compete—with each other. Without the shuttle and the capability for astronauts to conduct spacewalks, the Intelsat satellite would have been stuck in a useless orbit with no hope of recovery, and its capacity of 120,000 voice circuits and four television channels would have been wasted.

It was the presence of humans, with their ability to adapt to new situations, and figure out alternative approaches, that made the difference. Intelsat was not designed to be recovered or repaired by astronauts, and no one knew whether it could be done. However, careful planning and execution by dedicated NASA and contractor personnel, along with the willingness to rise to a challenge, led to the success we observed last night.

Mr. Speaker, we have learned a great deal from this mission, as we have from each of the shuttle flights. The lessons we have learned will be put to good use as we plan for the assembly and operation of space station *Freedom*.

Moreover, we can look ahead to the day when the space station is operational and humans are busy working in the shirtsleeve environment of sophisticated life science and materials science laboratories on orbit, as well as performing useful work outside the station. As I look further ahead, I can envision the repair of satellites on the space station—descendents of the Intelsat satellite so successfully repaired last night.

That is what the space station *Freedom* program is all about. Freedom will be a permanent outpost where we will learn to live and work in space. But it will also be a place where cutting edge research is performed that holds the promise of benefiting all Americans back here on Earth. For example, I have no doubt that we will learn much from biomedical research conducted in space that will help us better understand and even treat terrestrial diseases and medical conditions. In addition, I believe that we are going to be learning a great deal about the fundamental properties of materials by studying their behavior in the absence of gravity, and I would not be surprised if that knowledge does not eventually lead to new materials that could have far-reaching economic benefits.

Mr. Speaker, I think that the successful capture and repair of the Intelsat satellite is a highly visible symbol of the ways in which our Nation's space program benefits Americans. We often forget how much the space program has changed our lives for the better over the last 30 years. Communications satellites such as Intelsat allow us to communicate all over the world almost instantaneously. The artificial joints that have become such a godsend for our veterans and senior citizens are made possible by the chrome cobalt and titanium alloy metals developed by NASA. Many of the diagnostic tools and medical telemetry devices in use in our hospitals today are spinoffs from technology in use in the space program. In many, many ways we benefit from our activities in space. As we applaud the achievement of our astronauts in rescuing the Intelsat satellite, I hope we keep in mind these other gains that have resulted from NASA's efforts.

CONGRATULATIONS TO PRESIDENT LEE OF THE REPUBLIC OF CHINA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. SMITH of Florida. Mr. Speaker, much has been written and said about the economic growth and political advances made by the Republic of China during the last few years. Taiwan's achievements are respected throughout the world. Much of the credit is due to the country's evolving political leadership.

The Republic of China is led by Cornell-educated Dr. Lee Teng-hui, who was elected Taiwan's eight President on May 20, 1990. His running mate was Vice-President Li Yuan-zu, a European-educated jurist who has been in charge of Taiwan's constitutional reform task force. Other governmental leaders include Justice Minister Premier Hau Pei-tsun and Yale-educated Foreign Minister Frederick Chien. While Premier Hau has worked to maintain stability and respect for the law at home, Minister Chien wisely exerts the ROC's presence abroad, having recently established new diplomatic offices throughout the former U.S.S.R. and upgraded substantive ties with other nations in Asia and Central America.

Together, Taiwan's leaders have continued to bring their people economic progress and an improved political climate. The result is today's Republic of China, a young, dynamic nation, a model for the developing world. Mr. Speaker, I extend my congratulations to its President, Dr. Lee Teng-hui, on the occasion of his second anniversary in office.

ARMENIAN ATROCITIES

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. MORAN. Mr. Speaker, I rise today to lead my voice to the memory of those 1.5 million Armenians massacred during and immediately after World War I in one of this century's cruelest atrocities.

On April 24, 1915, over 200 Armenian intellectual leaders were arrested in Constantinople and other centers of Armenian life in the Ottoman Empire. These Armenians were taken from their homes and executed. With one fell swoop, the leadership of Armenia was destroyed and the flame of the Armenian culture extinguished.

In the months following the execution, Turkey began a program of rounding up Armenian religious, intellectual, and political leaders and deporting them to Anatolia where they were systematically executed. In the months following, over 250,000 Armenian soldiers serving in the Ottoman army were disarmed and placed in forced labor battalions. Those that did not succumb to the ravages of famine, disease, and exhaustion were executed by the Ottoman army.

The Armenian civilians remaining, the women, seniors, and children left behind, were deported from their cities and towns. The men and older boys were separated from the groups, never again to be seen, and those remaining were forced on death marches into the desert of Syria. In all, over 1.5 million Armenians were massacred during the 7 years of genocide and more than 500,000 exiled from their homeland in the Ottoman Empire.

History tells us that those who do not study the past are doomed to repeat its mistakes. Nowhere in modern history is this lesson more poignant than in the case of the Armenian genocide. While we closed our eyes and let the painful memory of this atrocity slip from our collective memory, Adolf Hitler remembered the effectiveness of this systematic destruction of the Armenian people and rested secure in the belief that the Western Powers would not intervene in his Holocaust.

Let us not again forget the atrocities of the past.

THE NUTRITION SCREENING RESEARCH ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. DOWNEY. Mr. Speaker, today, my colleague, Representative MARILYN LLOYD of Tennessee, is introducing the Nutrition Screening Research Act and I am pleased to join her as an original cosponsor. This bill is an important step toward improving the health of older Americans.

For the past two decades, we have recognized the fact that good nutrition is the basis for maintaining healthy and independent older individuals in our communities. The Older Americans Act's congregate and home delivered meals programs have become the first contact that many elderly people have with the wide range of services aimed at improving the quality of their lives. However, in recent years it has become increasingly clear that there are many senior citizens who are nutritionally at risk who are not being reached by existing programs. The Nutrition Screening Research Act is a response to that problem.

The act, which has also been introduced as S. 2351 in the other body by Senators ADAMS and BINGAMAN, authorizes the Secretary of Health and Human Services to carry out a 3-year study of the extent of malnutrition among the elderly and of the efficacy and cost-effectiveness of nutrition screening for the elderly. This study is to be carried out by the National Institute on Aging in collaboration with the Agency for Health Care Policy and Research.

The results of this study should help us to understand the relationship between nutritional status and the need for institutional care for an individual. Recent research shows that about 40 percent of elderly patients in acute care or long-term care facilities are malnourished. If we can help more individuals stay out of nursing homes by the relatively simple step of supplementing their nutritional resources, then surely we ought to take those steps which will help to identify those most at risk.

Next week, as chairman of the Select Aging Committee's Subcommittee on Human Services, I will hold a hearing entitled "Hunger and Nutrition: The Challenge to Older Americans' Health", as part of the celebration of National Senior Nutrition Week. The purpose of the hearing is to measure existing nutrition programs against the need for those programs and to learn of ways in which we can reach those individuals not now being served, but who desperately need nutritional support.

The Subcommittee on Human Services has emphasized health promotion and disease prevention activities and programs. It is clear from earlier hearings that we need to do more to help people stay well and not just treat them when they become ill. I am very encouraged by the fact that simple, low-technology routine exercise and sound nutrition programs have the potential to help so many older people live a healthy and independent life.

Mr. Speaker, the National Association of Nutrition and Aging Services Programs and other professional organizations working with older Americans support this legislation. I should point out that this provision has been incorporated in the authorization for the National Institutes of Health in the other body. Once again, I commend Representative LLOYD for her initiative in introducing the Nutrition Screening Research Act and I urge my colleagues to support this bill.

STOP UNFAIR FOREIGN SUBSIDIES

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. CALLAHAN. Mr. Speaker, as a cochairman of the Forestry 2000 Task Force, I want to express my grave concerns about rumors that the administration is about to concede to the Canadian's on the softwood lumber issue.

Mr. Speaker, I, and I am sure the other 125 members of the congressional task force, am hoping these rumors are not true.

As we all know, Canada has subsidized its lumber industry at the expense of the United States industry for years. In fact, in 1986 the Department of Commerce conducted an investigation of Canadian softwood lumber products, and found that the Canadian Government was indeed subsidizing this industry.

Consequently, Canadian lumber captured one-third of the United States market. More than 600 United States mills were forced to close and tens of thousands of American workers lost their jobs due in large part to Canada's practices. Meanwhile, Canadian producers opened 85 new softwood mills.

To remedy the situation, Canada and the United States signed a memorandum of understanding. Under the agreement, Canada imposed a 15 percent charge on softwood lumber headed for the United States to offset its Government subsidies. This action leveled the playing field and allowed competitive U.S. mills to compete with unfairly subsidized foreign manufacturers.

Then last fall, Canada announced it was withdrawing from the 1986 agreement. In March, the Commerce Department issued a preliminary decision that a subsidy exists on Canadian lumber and that a countervailing duty is required to offset the subsidy.

Mr. Speaker, the rumor I am hearing is that the administration is expected to issue its final decision this month, possibly as early as tomorrow, and that thanks to the Canadians' full court press, the administration is going to side with our neighbors to the north.

Mr. Speaker, the timber industry in this country is already in dire straits. Environmental laws, such as the Endangered Species Act, have greatly reduced its access to this country's timber supply. Now if the administration allows subsidized Canadian lumber to flood our markets, I am afraid it will spell disaster for the industry and the tens of thousands of American workers it employs.

Mr. Speaker, I urge the administration to give careful consideration to the needs and concerns of Americans. Let's stop unfair foreign subsidies once and for all.

TRIBUTE TO THE SPACE SHUTTLE "ENDEAVOUR"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1992

Mr. BROWN. Mr. Speaker, I rise to offer my heartiest congratulations to the crew of the space shuttle *Endeavour* and the team of NASA and contractor personnel who assisted them for their success in retrieving the Intelsat 6 spacecraft and attaching it to the rocket motor that will propel it from its current useless orbit into one located 22,000 miles above the surface of the Earth.

Once again, astronauts have vividly demonstrated the tremendous value of having people living and working in space. If this mission had been attempted in an automated mode without people present on the scene, it is clear that it would have been a dismal failure.

It was the availability of humans on the scene, with their inherent ingenuity, flexibility, and adaptability, that was able to transform failure into success. This is a lesson that we have been taught again and again in the history of the space program. Many times in the past, hardware or procedures have failed to work after reaching orbit. These have ranged from scientific experiments and data recorders onboard the orbiter, to the main communications antenna on the gamma ray observatory. In each case, the experiment or the entire mission would have been a total failure if it were not for the presence of crew members who could deal with problems, on the spot, and turn failure into success.

Computers and machines simply cannot be programmed or constructed to be so flexible.

The lessons that we have learned in this mission will be of great value as we move into the era of building and operating the space station. Through missions such as the current one, we are learning a great deal about the capabilities and the limits of people working in space. We are also learning about how very massive payloads react when they are handled by a crewman or a robotic arm that is being operated by a crewman.

Mr. Speaker, I take great comfort in knowing that when space station *Freedom* is being assembled that crews of very highly trained astronauts will be on location to deal with any problems that might arise. The space station is simply too valuable an asset to depend on automated machines to put it together. If things always worked in space as planned and tested on the ground, this would be OK. But, we have learned again and again that this simply is not the case.

Mr. Speaker, I believe that this mission also tells us that we should probably adopt a policy of placing a grappling fixture on all spacecraft that are launched into orbit. Such a fixture does not add much weight to a spacecraft, but it significantly improves the ability of space shuttle crews to provide aid to the spacecraft, should the need arise.

Finally, Mr. Speaker, this mission also represents another important first. It is the first flight of the orbiter *Endeavour*. The flawless performance of this orbiter on its maiden voyage is another tribute to the excellent workmanship of the people who comprise the U.S. aerospace industry.

Mr. Speaker, our astronauts, NASA employees, and aerospace industry workers have once again made us proud to be Americans.

SENATE—*Friday, May 15, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 9:30 a.m. on Tuesday, May 19, 1992.

RECESS UNTIL 9:30 A.M., TUESDAY, MAY 19, 1992

Thereupon, at 10 o'clock and 35 seconds a.m., the Senate recessed, under the order of Thursday, May 14, 1992, until Tuesday, May 19, 1992, at 9:30 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.